

Unfair Access to Justice for Non-Indonesian Speakers

Eni Candra Tampubolon

*Urban and Social Studies, College of Design and Social Context, RMIT
University
124 La Trobe St, Melbourne, Victoria, Australia 3000
s3178735@student.rmit.edu.au*

Submitted: 2024-09-25 | Reviewed: 2024-10-28 | Revised: 2024-11-21 | Accepted: 2024-11-25

How to cite: Tampubolon, Eni Candra, et al. "Unfair Access to Justice for Non-Indonesian Speakers." *Dialogia Iuridica*, Vol. 16, No. 1, 2024, pp. 112-141.

DOI:
<https://doi.org/10.28932/di.v16i1.10039>

ABSTRACT

Legal interpreter assistance has a direct impact on the outcomes of legal cases. This paper examines the availability of legal interpreters in Bali as one of the two provinces in Indonesia with the highest demand for legal interpreters and its impact on non-Indonesian speakers. This paper adopts a qualitative research method and draws data from collaborative research conducted between RMIT University and the University of Warmadewa, Bali. It draws data from legal practitioners in Bali with experience working with interpreters. The data was obtained through interviews using semi-structured questions in Indonesian. Subsequently, the responses were translated into English, and the emerging themes were analysed using both inductive and deductive processes. Data collected reveals a concerning shortage of legal interpreters in Bali and a notable disparity between the availability of English-speaking interpreters versus non-English languages. It also exposes the practice of using English-Indonesian language pair interpreters for non-English-speaking individuals due to the unavailability of interpreters in certain languages. This practice negatively impacts fair access to justice in Bali and at the same time increases the potential for future appeals.

Keywords: Access to Justice; Interpreter Storage; Legal Interpreting

I. INTRODUCTION

Law No. 24 of 2009, also known as the Language Law stipulates that Indonesian is the official language to be used in official events including in any legal proceedings. Article 25 of the Indonesian Presidential Regulation No 63 of 2019 dictates that Indonesian language is the language of public administration services within governmental institutions. This means non-Indonesian speakers need interpreters when navigating the judicial system in Indonesia.

Bali is one of the two provinces in Indonesia that recorded the most court cases involving non-Indonesian-speaking foreigners¹ with most cases involving narcotics and family law, such as divorce cases, tort, petitions and determination². This means Bali requires a large number of legal interpreters on a regular basis. The Bali Provincial Prosecutor Office managed cases involving 65 foreigners in the first semester of 2022 alone,³ the Bali regional police recorded 867 road offences involving foreigners from 4 March to 30 April 2023,⁴ and the Badung Religious Court managed cases involving 55 foreign nationals in 2023. These were citizens of Australia, England, France, Japan, Netherlands, Austria, Russia, Czech, New Zealand, Germany, America, Canada, Singapore, Pakistan, Turkey, South Korea and Finland. Despite the need for interpreters, recently conducted research has revealed the limited availability in Indonesia.⁵

The international community has long acknowledged the discrepancy between the demand for legal interpreters and its supply⁶ and the slow response from domestic courts

¹ I Wayan Ana. "The Challenge of the Interpreter in Interpreting Non-Native English Speakers: A Case Study-Eit Case at Court of Gianyar-Bali." *English Language and Literature International Conference (ELLiC) Proceedings*, vol. 2, 2018, pp. 502-09.

² I Wayan Ana, et al. "Dilemmatic Role of Legal Interpreters in Assisting Foreigners in Legal Setting." *International Linguistics Research*, vol. 5, no. 2, 2022, pp. p23-p23, doi:<https://doi.org/10.30560/ilr.v5n2p23>.

³ A.Mahendro. "Kejati Bali Eksekusi 65 Wna Berperkar Tindak Pidana Selama Semester I 2023." 2023. Accessed 15 March 2024.

⁴ H. N. Saputra "867 Wna Terlibat Pelanggaran Lalu Lintas Di Bali." 2023.

⁵ Ana, I Wayan et al. "Legal Interpreters' Performance from Users' View: A Case Study in Bali." *WICSTH 2022: Proceedings of the 2nd Warmadewa International Conference on Science, Technology and Humanity*, 2023, p. 108, <http://dx.doi.org/10.4108/eai.28-10-2022.2328239>.

⁶ Ludmila Stern and Xin Liu. "See You in Court: How Do Australian Institutions Train Legal Interpreters?" *The interpreter and translator trainer*, vol. 13, no. 4, 2019, pp. 361-89.

in general is well recorded in different global contexts⁷. The need for legal interpreters varies in each country. In Australia or the United Kingdom for example,^{8 9} such need stems directly from the migration waves both countries have experienced over several decades. In Indonesia on the other hand, the need stems from the many non-Indonesian speaking expatriates living in Indonesia in addition to the millions of visitors and tourists the country absorbs every year as recorded by the Indonesian Bureau of Statistics or *Badan Pusat Statistik* (BPS)¹⁰ (see Table 1.1), and Bali accounts for most of those visitors (see Table 1.2).

Table 1.1. Number of foreign visitors to Indonesia from 2016 to 2024 (BPS).

Year	2016	2017	2018	2019	2020	2021	2022	2023	2024 (April)
Total	11.519. 275	14.039. 799	15.810. 305	15.810. 305	15.810. 305	15.810. 305	15.810. 305	15.810. 305	15.810. 305

Source: Indonesian Bureau of Statistics or *Badan Pusat Statistik* (BPS)

Table 1.2. Number of foreign visitors to Bali from 2016 to 2024 (BPS).

Year	2016	2017	2018	2019	2020	2021	2022	2023	2024 (April)
Total	4.927. 937	5.697. 739	6.070. 473	6.275. 210	1.069. 473	51	2.155. 747	5.273. 258	1.847. 735

Source: Indonesian Bureau of Statistics or *Badan Pusat Statistik* (BPS)

⁷ Ludmila Stern. "Legal Interpreting in Domestic and International Courts." *The Routledge Handbook of Language and Superdiversity*, Routledge, 2018, pp. 396-410.

⁸ Ana Aliverti and Rachel Seoighe. "Lost in Translation? Examining the Role of Court Interpreters in Cases Involving Foreign National Defendants in England and Wales." *New criminal law review*, vol. 20, no. 1, 2017, pp. 130-56, doi:10.1525/nclr.2017.20.1.130.

⁹ Uldis Ozolins. "Factors That Determine the Provision of Public Service Interpreting: Comparative Perspectives on Government Motivation and Language Service Implementation." *The Journal of specialised translation*, vol. 14, no. 1, 2010, pp. 194-215.

¹⁰ Badan Pusat Statistik. "Jumlah Perjalanan Wisatawan Nasional (Perjalanan), 2024." *Badan Pusat Statistik*, Jakarta, 2024, <https://www.bps.go.id/id/statistics-table/2/MjE5NSMy/jumlah-perjalanan-wisatawan-nasional.html>

Current research shows a gap in the literature about legal interpreting in Bali in particular and in Indonesia in general. Legal interpreting as defined in this paper is an umbrella term which includes not only court interpreting but also the interpreting activity that happens in broader legal settings such as police interviews, client-lawyer interviews, depositions, and mediations. This paper aims to identify current issues and challenges faced by legal interpreting in Indonesia and provide recommendations based on the gaps identified, in the hope of increasing quality standards and user experience. This paper will discuss the importance of legal interpreters in assisting parties navigating a legal case. It will also discuss the current practice of hiring an interpreter for a case in Bali based on the interviews conducted with police officers, prosecutors and lawyers, and issues and challenges in the field as identified by the interviewees. The paper will conclude with recommendations for addressing the aforementioned issues and challenges.

This paper adopts a qualitative research method and draws data from collaborative research conducted between RMIT University and the University of Warmadewa, Bali. The author was a member of the research conducted from 2022 to 2023 aimed at ascertaining legal interpreters' performance from users' points of view. While the main findings were published in 2023¹¹ and 2024¹² respectively, this paper focuses on certain data from the same research.

The collaborative research involves 14 purposely selected legal interpreting users in Bali namely, four (4) lawyers, four (4) police officers and six (6) prosecutors. This paper, however, will only discuss one of the findings which is based on responses collected from two (2) lawyers, three (3) police officers and four (4) prosecutors. These participants have previously engaged legal interpreters in Bali with experience ranging from 7 months to 34 years (see Table 1.3). All participants reported engaging interpreters on a regular basis except for prosecutor 2 (see Table 1.4).

¹¹ *Ibid*

¹² Ana, et al. "Legal Interpreters' View on the Feedback from Users: A Case Study in Bali." *International Journal of Social Science Humanity & Managemem Research*, vol. 3, 2024, pp. 38-48, doi:10.58806/ijsshmr.2024.v3i1n06.

Table 1.3. Participants Tenure in the Current Role.

Participants	Tenure in the current role
Lawyer 1	8 years
Lawyer 2	6 years
Police Officer 1	15 years
Police Officer 2	34 years
Police Officer 3	7 months
Prosecutor 1	14 years
Prosecutor 2	12 years
Prosecutor 3	1 year
Prosecutor 4	15 years

Source: created by the author based on interviews conducted with participants.

Table 1.4. Reported Frequency of Engaging Interpreters.

Participants	Reported Frequency of engaging legal interpreters
Lawyer 1	3 to 5 cases a month
Lawyer 2	very often (more than 50% of clients are foreigners)
Police Officer 1	4 to 5 times a week
Police Officer 2	4-5 a month
Police Officer 3	2-3 a month
Prosecutor 1	1 - 2 a month
Prosecutor 2	only twice so far
Prosecutor 3	a few times a week
Prosecutor 4	more than a few times

Source: created by the author based on interviews conducted with participants.

The author acknowledged that Indonesia has 718 local languages¹³ and they may need legal interpreters. However, this paper will not discussed legal interpreters in those

¹³Pamungkas, Sri. "Bahasa Indonesia dalam Berbagai Perspektif: Dilengkapi dengan Teori, Aplikasi, dan Analisis Penggunaan Bahasa Indonesia Saat Ini." *Andi Offset*, 2012, p. 10.

local languages. All interviews were conducted face-to-face using semi-structured questions by members of the joint research team at RMIT University and Warmadewa University, including the author of this paper. Questions were asked in English and Indonesian-speaking members of the research team served as interpreters to interpret responses from respondents back into English. All ethical requirements were obtained prior to conducting interviews. The English part of the audio recordings was transcribed and analysed using inductive and deductive processes. For ease of reading, data will be presented according to the 5 (five) tables collated.

II. DISCUSSION

2.1 Literature Review

2.1.1 The Importance of Legal Interpreters

The right to an interpreter in a legal proceeding is universally accepted¹⁴ and is now widely acknowledged as an integral aspect of ensuring equal access to justice.^{15 16} ¹⁷Therefore, failure to provide adequate access to an interpreter may be a justified ground for appeal.¹⁸ The international community refers to Article 14 (3) of the United Nations International Covenant on Civil and Political Rights (ICCPR) in 1966 as the legal principle for providing interpreters in legal proceedings. It states that:

“In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality: (a) To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him; (f) To have the free assistance of an interpreter if he cannot understand or speak the language used in court.”

Signatory countries of the Covenant generally supplemented it with several

¹⁴ *Ibid.*

¹⁵ Gustafsson, Kristina et al. "The Right to an Interpreter: A Guarantee of Legal Certainty and Equal Access to Public Services in Sweden?." *Just. Journal of Language Rights & Minorities, Revista de Drets Lingüístics i Minories*, Vol. 1, No. 1-2, 2022, pp. 165-192, DOI:10.7203/Just.1.24781.

¹⁶ Nakane, Ikuko and Makiko Mizuno. "Judgments on Court Interpreting in Japan: Ideologies and Practice." *International journal for the semiotics of law = Revue internationale de sémiotique juridique*, Vol. 32, No. 4, 2019, pp. 773-793, doi:10.1007/s11196-019-09642-3.

¹⁷ Lysenko, Olga A. and Oleg M. Barbakov. "A Review of Problems in Legal Interpreting." *Journal of advanced research in law and economics*, Vol. 7, No. 19, 2016, pp. 1103-1109, DOI: <https://doi.org/10.14505/jarle>.

¹⁸ Ng, Eva NS. *Common Law in an Uncommon Courtroom: Judicial Interpreting in Hong Kong*. John Benjamins Publishing Company, 2014.

provisions relevant to each country. For example, in Australia an interpreter must be present to ensure procedural fairness if a party or a witness is not sufficiently competent in English and failure to do so may result in a miscarriage of justice or an invalid decision;¹⁹ all member countries of the European Union guarantee the same rights to defendants, witnesses and victims;²⁰ and the United States considers interpreters essential to ensure the rights of defendants to due process.²¹

While accepting that the history of legal interpreting dates as far back as the history of the practice of the law itself,²² the development of the practice is fairly recent in numerous parts of the world. Australia for example relies on The Recommended National Standards for Working with Interpreters in Court and Tribunal (2017) which specifies that only NAATI (National Accreditation Authority for Translators and Interpreters) Certified Interpreters are allowed to take up such tasks. Indonesia on the other hand, supplemented the Covenant above with Article 177 paragraphs (1&2), Article 51 (a & b), and Article 53 (1) of Law No.8 of 1981 (often known as the Code of Criminal Procedure (the Code) which reads:

“Article 177: (1) If the defendant or witness does not understand Indonesian, the presiding judge appoints an interpreter who is sworn in or promises to translate everything that needs to be translated accurately; (2) If a person is not allowed to be a witness in a case, he is also not allowed to be an interpreter in that case.”

“Article 51: (a) The accused has the right to be clearly informed in a language he understands about what he is suspected of at the beginning of the examination; (b) The accused has the right to be clearly informed in a language he understands about what he is charged with.”

“Article 53: (1) In examinations at the investigation and court levels, the suspect or defendant has the right to receive assistance from an interpreter at any time as referred to in Article 177.”

¹⁹ Perry, Melissa. "Statements of Reasons: Issues of Legality and Best Practice." *Brief*, Vol. 48, No. 2, 2021, pp. 32-35, <https://search.informit.org/doi/10.3316/informit.700953764388678>.

²⁰ Hertog, Erik. "Directive 2010/64/EU of the European Parliament and of the Council on the Right to Interpretation and Translation in Criminal Proceedings: Transposition Strategies with Regard to Interpretation and Traduction." *Universitat de Valencia*, Vol. 7, No. 2, 2015, pp. 73 – 100, DOI: 10.6035/MonTI.2015.7.2.

²¹ Mikkelsen, Holly. "Evolving Views of the Court Interpreter's Role between Scylla and Charybdis." *University of Northern Colorado*, Vol. 76, No. 5, 2008, pp. 81-97, DOI: 10.1075/btl.76.05mik.

²² *Ibid.*

Additionally, Regulation of the Chief of Police No. 12 of 2009 concerning the Supervision and Control of Handling Criminal Cases within the Indonesian National Police further outlines the rights to an interpreter on Article 78 (1) and on Part 3 (k) of Treatment of Suspects/Detainees as follows:

“Article 78 (1) In the event that the person arrested does not understand or comprehend the language used by the officer, that person has the right to obtain an interpreter free of charge.”

“Part 3 (k) Detainees who do not fully understand the language used by the authorities responsible for their detention have the right to obtain information in a language they understand. If possible, an interpreter should be provided free of charge for subsequent court proceedings.”

Furthermore, Law No, Law Number 39 of 1999 on Human Rights also emphasise the right of individuals to understand proceedings in their language. These articles emphasise the importance of having an interpreter in the courtroom and any police or prosecutorial interrogations. They provide sufficient grounds to expect non-Indonesian speakers to have access to interpreters in their own languages when navigating the judicial system in Indonesia, including Bali.

2.1.2 Training and Certification Requirements for Legal Interpreters

Many scholars prescribed that the engagement of qualified and highly competent interpreters should be a requirement in legal settings²³ and a study by Hale confirmed that interpreters require more than bilingual competence. Other than the ability to interpret the content, Hale argues²⁴ that interpreters must have the ability to ethically manage the interaction, to coordinate turns between interlocutors, as well as managing challenging

²³ Hale, Sandra. "Specialist Legal Interpreters for a Fairer Justice System." *Routledge*, Vol. 1, No. 1 2019, pp. 47-64, doi: 10.4324/9781315098791-4.

²⁴ Hale, Sandra et al. "Interpreter Performance in Police Interviews. Differences between Trained Interpreters and Untrained Bilinguals." *The interpreter and translator trainer*, Vol. 13, No. 2, 2019, pp. 107-131, doi:10.1080/1750399X.2018.1541649.

situations without stepping out of the role of interpreters. Hale²⁵ ²⁶ also prescribed linguistic and discursive, contextual, interpreting and interactional as the four areas of competence to include in any assessment of legal interpreters. Interpreting in a courtroom as Dingfelder²⁷ puts it, is one of the most difficult types of interpreting, and interpreters themselves are generally expected to be skilled in not only simultaneous, and consecutive interpreting but also in summarization and sight translation.

However, it is a fact difficult to dispute that despite the vital role interpreters fulfil in multilingual societies, in many countries, the field of translation and interpreting is not duly regulated and some countries have no regulations at all, and anyone speaking two languages can work in the field. Marc Orlando²⁸ states that because the status of the Translation profession is unregulated, nearly anyone can call him/herself a translator and the same may be observed in interpreting.²⁹ Due to this lack of regulations, and in some cases non-existent, many countries experience significant shortages in the supply of professional interpreters.³⁰ ³¹ Moreover, there are several reasons why many interpreters may be reluctant to venture into the legal interpreting field. Some have cited the many important attributes demanded of legal interpreters, such as the call for higher level education, linguistic competency, and legal competence³² not to mention technological competency.³³

Various countries in the world have developed their specific legal requirements or professions for legal interpreters. For example, the European Union issued Directive

²⁵ *Ibid.*

²⁶ Hale, Sandra. "The Need to Raise the Bar: Court Interpreters as Specialised Experts." *Judicial Review (Sydney, N.S.W.)*, Vol. 10, No. 2, 2011, pp. 237-258, <https://search.informit.org/doi/10.3316/agispt.20112165>.

²⁷ Stone, John Henry Dingfelder. *Court Interpreters and Fair Trials*. Springer, 2018.

²⁸ Orlando, Marc. *Training 21st Century Translators and Interpreters: At the Crossroads of Practice, Research and Pedagogy*. Vol. 21, Frank & Timme GmbH, 2016.

²⁹ Garcia, Erika Gonzalez. "Professional Development as a Vehicle on the Road Towards Professionalism. The Ausit Experience." *Intralinea*, Vol. 21, No. 21, 2019, pp. 1-10, <https://www.intralinea.org/archive/article/2347>.

³⁰ Hidayat, Rofiq. "Urgensi Penerjemah Di Pengadilan." *Hukum Online*, March 15, 2024, <https://www.hukumonline.com/berita/a/urgensi-penerjemah-di-pengadilan-lt4fb9de38ca946/>.

³¹ Jaeger, Fabienne N et al. "Barriers to and Solutions for Addressing Insufficient Professional Interpreter Use in Primary Healthcare." *BMC health services research*, Vol. 19, No. 1, 2019, pp. 1-11, DOI: 10.1186/s12913-019-4628-6.

³² Shlesinger, Miriam and Franz Pöchhacker. "Doing Justice to Court Interpreting." *John Benjamins Publishing*, 2010.

³³ Huashu, Wang and Zhang Jing. "A Study on Interpreters' Technical Competence in the Information Age." *Journal of Beijing International Studies University*, Vol. 37, No. 10, 2015, p. 25, DOI: 10.12002/j.bisu.353.

2010/64/EU³⁴ which highlights the rights to interpreters and member countries are allowed to develop their own specific provision regarding the application of this law. Australia for example, relies on *The Recommended National Standards for Working with Interpreters in Court and Tribunal (2017)*³⁵ which specifies that only NAATI (National Accreditation Authority for Translators and Interpreters) Certified Interpreters are allowed to take up such tasks. In practice, NAATI promotes education and training in interpreting and regularly hold certification assessments to produce qualified interpreters. The United States has specific requirements for legal interpreters, which vary depending on the case.³⁶ The federal court of the USA requires interpreters to have the Federal Court Interpreter Certification Examination (FCICE), and state-level certifications are obtained through the Consortium for Language Access in the Courts. It outlines the requirements for legal interpreting clearly in the *Guide to Judiciary Policy, United States Courts*.

The European Union Directive 2010/64/EU on the right to interpretation and translation in criminal proceedings was adopted on October 20, 2010. This directive establishes minimum EU-wide rules to ensure that suspected or accused persons who do not speak or understand the language of the criminal proceedings receive free interpretation and translation services. It covers various stages of the criminal process, including police questioning, meetings with lawyers, and court hearings. The directive also emphasizes the quality of interpretation and translation services to ensure fairness in the legal process.

In the case of Indonesia, as outlined above in Article 177 paragraphs (1&2), Article 51 (a & b), and Article 53 (1) of Law No.8 of 1981, there are no detailed criteria regarding the provision of legal interpreters, particularly in relation to training, certification, and other qualifications. Indeed, there is an urgency for an additional government and ministerial regulations to establish such details. Such clarification is essential to ensure fair proceedings in legal cases. Conversely, the Regulation of the Minister of Law and Human Rights concerning Terms and Procedures for Appointing,

³⁴ EU Directive 2010/64/EU. *On the Right to Interpretation and Translation in Criminal Proceedings*. Official Journal of the European Union, L 280, 26 October 2010, pp. 1-7.

³⁵ Judicial Council on Cultural Diversity. *The Recommended National Standards for Working with Interpreters in Court and Tribunals*. Judicial Commission of New South Wales, 2017.

³⁶ USC. Federal Court Interpreter Certification Examination, *United States Courts*, May 2, 2025, <https://www.uscourts.gov/services-forms/federal-court-interpreters/federal-court-interpreter-certification-examination>.

Reporting, and Dismissing Sworn Translators issued in 2016 and revised in 2019 indeed include a clause stating Himpunan Penerjemah Indonesia (HPI) or the Indonesian Professional Association of Translators and Interpreters is the professional association for the translation and interpreting profession; but at the same time specifically state that this regulation only apply to translators and not interpreters thus creating ambiguity. HPI itself is not formally acknowledge as a certification body, however it has conducted a few certification exams in a few languages in the last 20 years.³⁷

2.1.3 Impact of Legal Interpreter Shortage on Justice Seekers and the Judicial Systems

As a profession, interpreting is rife with inconsistencies of practice from one country to another; this includes the standards for what must be interpreted and what methods of interpreting to adopt as outlined by Mikkelson,³⁸ not to mention differing competency requirements throughout the world as outlined by Cooke,³⁹ Giambrun,⁴⁰ and Herraéz.⁴¹ These factors undoubtedly impact the difficulties in entering the profession.

With the current significant increase in demand for legal interpreters, many places in the world are reporting legal interpreter shortages and this shortage is adding unavoidable burdens to the judicial system. For example, despite a growing number of cases involving foreigners in Guangzhou, qualified court interpreters are lacking in number;⁴² South Australia recorded some Aboriginal people detained for longer due to the unavailability of interpreters;⁴³ Mexico's non-Spanish speaking indigenous

³⁷ Infotek HPI. "Rilis Pelaksanaan Tes Sertifikasi Nasional (TSN) Juru Bahasa Himpunan Penerjemah Indonesia (HPI) Tahun 2024." *Himpunan Penerjemah Indonesia (HPI)*, August 1, 2024, www.hpi.or.id/rilis-pelaksanaan-tsn-juru-bahasa-hpi-tahun-2024.

³⁸ *Ibid.*

³⁹ Cooke, Michael S. "Interpreter Ethics Versus Customary Law Quality and Compromise in Aboriginal." *The Critical Link 5: Quality in interpreting a shared responsibility*, Vol. 87, 2009, pp. 85 – 97, <https://doi.org/10.1075/btl.87.08coo>.

⁴⁰ Giambruno, Cynthia. "Assessing Legal Interpreter Quality through Testing and Certification: The Qualitas Project." *Universidad de Alicante*, 2014, Vol. 2, pp. 138 – 140, <https://doi.org/10.37536/FITISPos-II.2015.2.0.86>.

⁴¹ Herráez, Juan-Miguel Ortega et al. "Translating for Domestic Courts in Multicultural Regions: Issues and New Developments in Europe and the United States of America." *Legal Translation in Context: Professional Issues and Prospects*, Peter Lang, Vol. 4, No. 9, 2013, pp. 89-121, DOI: 10.3726/978-3-0353-0433-6.

⁴² Junfeng, Zhao and Chen Shan. "The Retrospection and Prospect of the Court Interpreting of China and the West [J]." *Chinese Science & Technology Translators Journal*, Vol. 3, 2008.

⁴³ Gage, Nicola. "Indigenous Interpreter Shortage 'Adding to High Incarceration Rates' for Aboriginal People: Some Aboriginal People Are Being Kept in Custody for Longer Than Required Because of a Lack of Interpreters in South Australia, Lawyers Representing Indigenous People Claim." ABC Premium News,

population found difficulty in contesting criminal charges imposed upon them due a shortage of interpreter and it also compounded the tragedy they experience when crossing the USA border;⁴⁴ Indonesia reported hearing delays due to the unavailability of interpreters^{45 46 47} and due to providing interpreters in the wrong language⁴⁸ Furthermore, a conviction may be overturned such as Gibson v Western Australia due to incompetent interpreting.⁴⁹

Research shows that the availability of interpreters directly impacts the outcomes of legal cases^{50 51 52} and may be considered a just ground for appeals both in Indonesia and elsewhere in the world. However, evidence suggests that many courts are willing to employ untrained bilinguals to act as interpreters; police act themselves as interpreters;⁵³ the South Korean police employ international students and expatriates amongst their

February 28, 2017, <https://www.prison-insider.com/en/articles/indigenous-interpreter-shortage-adding-to-high-incarceration-rates-for-aboriginal-people>.

⁴⁴ Becker, Katherine M. *Lack of Indigenous-Language Interpreters Compounds Border Tragedy*. The Seattle Times, 2022.

⁴⁵ Besinfo. "Tak Ada Penerjemah, Sidang Penyiraman Air Keras Hingga Tewas Di Cianjur Ditunda (No Interpreter, Trial of Dousing Acid to Death in Cianjur Postponed)." Besinfo, March 30, 2022, <https://besinfo.com/sidang-kasus-penyiraman-air-keras-kembali-digelar-pelaku-tidak-berniat-membunuh/>.

⁴⁶ Rahmatillah, Kartini. "Modulation in Translation Process." *Ethical Lingua: Journal of Language Teaching and Literature*, Vol. 4, No. 1, 2017, pp. 68-75, DOI: <https://doi.org/10.30605/ethicallingua.v4i1.334>.

⁴⁷ Rachmawati, Fitri and Farid Assifa. "Tak Ada Penerjemah, Sidang Pertama Dorfin Felix Ditunda (No Interpreter, First Hearing of Dorfin Felix Adjourned)." Kompas, March 15, 2024, <https://lipsus.kompas.com/pameranomotifnasiona2024/read/2019/02/21/20250891/tak-ada-penerjemah-sidang-pertama-dorfin-felix-ditunda>.

⁴⁸ Sultan, Suparman. "Gara-Gara Penerjemah "Enggak Nyambung" Dengan Terdakwa, Sidang Batal (Interpreter "Couldn't Communicate" with Defendant, Hearing Cancelled)." Kompas, March 7, 2014, <https://regional.kompas.com/read/2014/04/07/1905102/Gara-gara.Penerjemah.Enggak.Nyambung.dengan.Terdakwa.Sidang.Batal>.

⁴⁹ Tulich, Tamara et al. "Miscarriage of Justice in Western Australia: The Case of Gene Gibson." *Griffith Journal of Law & Human Dignity*, Vol. 5, No. 2, 2017, pp. 105 - 121, DOI: <https://doi.org/10.69970/gjlhd.v5i2.960>.

⁵⁰ Perry, Melissa. "Statements of Reasons: Issues of Legality and Best Practice." *Brief*, Vol. 48, No. 2, 2021, pp. 32-35, <https://search.informit.org/doi/10.3316/informit.700953764388678>.

⁵¹ Saputri, Ananda Ima. "International Legal Perspective on the Implementation of the Death Penalty Case Study of Mary Jane Fiesta Veloso." *The Digest: Journal of Jurisprudence and Legisprudence*, Vol. 1, No. 2, 2020, pp. 163-196, DOI:10.15294/digest.v1i2.48628.

⁵² Stern, Ludmilla. "Legal Interpreting in Domestic and International Courts." *The Routledge Handbook of Language and Superdiversity*, Routledge, 2018, pp. 396-410.

⁵³ Susan Berk-Seligson. *The Bilingual Courtroom: Court Interpreters in the Judicial Process*. University of Chicago Press, 2017.

interpreter pool,⁵⁴ and at times the right to interpreters is treated as a secondary right to fair trial in the US courts as reported by Julia Sherman.⁵⁵

2.2 Shortage of Legal Interpreters in Bali

All interview participants are legal interpreter service users with experience in the field ranging from 7 months to 34 years. All but one reported a high frequency of engagement with legal interpreters. Participants reported (see Table 4.1) that the Bali judicial system regularly manages many cases involving non-Indonesian-speaking foreigners. This includes victims, witnesses, or accused, and their cases are usually in relation to drugs, theft and robberies, and assaults.

Table 2.1. Brief Demographic Details of Interview Participants.

Occupation	Tenure in the current role	Frequency engaging interpreters	Type of cases managed with assistance from interpreters
Lawyer 1	8 years	3 to 5 cases a month	divorce, employment and business contracts (litigation and non-litigation cases)
Lawyer 2	6 years	very often, more than 50% of our clients are foreigners.	litigation and non-litigation cases)
Police Officer 1	15 years	4 to 5 times in a week	theft, pickpockets, motorbike theft
Police Officer 2	34 years	weekly	theft,

⁵⁴ Lee, Jieun. "A Case Study of Interpreter-Mediated Witness Statement: Police Interpreting in South Korea." *Police Practice and Research*, Vol. 18, No. 2, 2017, pp. 194-205, doi:10.1080/15614263.2016.1248840.

⁵⁵ Sherman, Julia. "The Right to an Interpreter under Customary International Law." *Columbia Human Rights Law Review*, Vol. 48, No. 3, 2016, p. 257, <http://dx.doi.org/10.2139/ssrn.2773013>.

Police Officer 3	7 months	2-3 a month	murders, thefts, robberies, assaults
Prosecutor 1	14 years	1 - 2 a month	drugs, theft
Prosecutor 2	12 years	only twice so far	drugs
Prosecutor 3	1 year	a few times a week	drugs, theft
Prosecutor 4	15 years	more than a few times	drugs, assault (bar brawls)

Source: created by the author based on interviews conducted with participants.

Participants mostly require English interpreters and prefer to employ their go-to interpreter or to consult a very short list of interpreters shared amongst colleagues. A 'go-to' interpreter means they only employ one interpreter for all cases, while a shared short-list means a list consisting of only a handful of interpreters. These preferred interpreters are referred to as 'certified interpreters' and they are employed due to their experience working within the legal system. They are described as good, professional interpreters capable of assisting them in managing their cases effectively. Despite no mention of certification or credentials in any of the statutes or regulations, respondents specifically say that they always strive to engage certified interpreters.

It should be noted that the common definition of certified or accredited interpreters^{56 57} is different from the 'certified interpreter' used by respondents. Some refers to formal certificate awarded in the Indonesian Translators' Qualification Exam or UKP administered by the Language Center of the University of Indonesia⁵⁸ and others refer to HPI interpreting examination certificate.

Both lawyers (see Table 4.2) rely heavily on one English interpreter for all cases. This law practice almost always uses one 'go-to' English interpreter, insisting that they always provide many concessions to their 'go-to' interpreter before attempting to engage

⁵⁶ Hlavac, Jim. "A Cross-National Overview of Translator and Interpreter Certification Procedures." *The international journal of translation and interpreting research*, Vol. 5, No. 1, 2013, pp. 32-65, doi:10.12807/ti.105201.2013.a02.

⁵⁷ Hlavac, Jim et al. "Translators' and Interpreters' Engagement with Professional Development in Australia: An Analysis of Key Factors." *The international journal of translation and interpreting research*, Vol. 16, No. 1, 2024, pp. 142-65, doi:10.12807/ti.116201.2024.a08.

⁵⁸ Dewi, Haru Deliana. "Ukp (Indonesian Translators' Qualification Exam) in Relation to Legal Translation Practice in Indonesia Its History, Roles, Debates and Challenges." *Paradigma: Jurnal Kajian Budaya*, Vol. 7, No. 1, 2017, p. 7, <https://doi.org/10.17510/paradigma.v7i1.141>.

another English interpreter. For example, both lawyers are willing to adjust their schedules to meet the interpreter's availability. They both argued that there are not many interpreters available in Bali, and their experience in using other interpreters was mostly unsatisfactory.

Table 2.2. Preferred Methods of Engaging Interpreters.

Occupation	Methods of engaging interpreters
Lawyer 1	a go-to English interpreter
Lawyer 2	a go-to English interpreter
Police Officer 1	a very short list of interpreters and interpreting agency
Police Officer 2	a very short list of English interpreters
Police Officer 3	a very short list of English interpreters
Prosecutor 1	a personal go-to English interpreter; one male and one female
Prosecutor 2	a very short list of English interpreters
Prosecutor 3	a list of interpreters shared with colleagues
Prosecutor 4	a personal go-to English interpreter

Source: created by the author based on interviews conducted with participants.

Considering the significant demand in Bali (see Table 4.1), users invariably find it difficult to secure a legal interpreter using their usual methods. All participants reported that this means they must employ alternative interpreters who do not fit into their definition of certified interpreters (see Table 4.3). This include friends and family of the witness, suspect and victim, just any of their colleagues who happens to speak the language (this practice is mostly employed with English speakers), expatriates living in Bali who are fluent in the required language, an officer from the consulate general office or an embassy, as well as a tour guide from hotels or travel agencies. These ad hoc interpreters, to borrow a term defined by Uldis Ozolins, are non-professional interpreters and most often have no experience at all working as an interpreter, let alone working as an interpreter within the Indonesian legal system. These interpreters are usually not able to perform the highly demanding tasks of legal interpreters that are required of them, not to mention the ability to observe ethical requirements including maintaining neutrality, confidentiality to name just a few.

Table 2.3. Alternative Strategies.

Occupation	Alternative 1	Alternative 2	Alternative 3	Alternative 4
Lawyer 1	search the internet	use clients' friends and family members	hire someone from a different province, usually from Jakarta	contact their consulate general or embassy
Lawyer 2	ask an assistance from the embassy (who will send someone who speaks the language but not necessarily and interpreter)	contact a language education institution		
Police Officer 1	contact an interpreting agency	use local people who speak the language (café or restaurant owners)		
Police Officer 2	use an interpreter with no certification for a witness or a person reporting a crime	use an expatriate living in Bali	use tour guides from hotels or travel agencies	
Police Officer 3	use local people who speak the language (café or restaurant owners)	contact their consulate general in Bali or the Embassy in Jakarta (who will send someone who speaks the language but not necessarily an interpreter)	use a police officer in an emergency case.	
Prosecutor 1	ask a colleague who happens	allow a defendant, a	use an English interpreter for	

	to understand that language	witness, and any party to the case to bring their own interpreter to serve as interpreter for everyone in the courtroom	non-English speaker. For example, an English-Indonesian interpreter for a Russian speaker
Prosecutor 2			
Prosecutor 3	contact their embassy to request a certified interpreter if clients do not speak English	encourage non-English speaker to use English interpreters.	
Prosecutor 4	use court team members as interpreters	use other prosecutors as interpreters	use an English interpreter for non-English speaker. For example, Russian speakers.

Source: created by the author based on interviews conducted with participants.

Out of the alternative strategies (see Table 4.3), searching the internet is the less favoured strategy due to its time-consuming nature and difficulty in ascertaining the interpreting skills and experience working within the legal system. Lawyer 1 stated that the most trusted website to find an interpreter in Bali is the website of Himpunan Penerjemah Indonesia (HPI) or the Indonesian Professional Association of Translators and Interpreters. A review of the HPI website revealed that the shortage in Bali reflects the number of listed interpreters found on the website as shown in Figure 1.1 below. The figures listed here correspond to the total number of interpreters in the entire country, not just in Bali.

With at least 4 to 5 cases a week managed by Police Officer 1 alone (see Table 4.1), the availability of legal interpreters (see Figure 1.1⁵⁹) is considerably limited. It should be noted that most interpreters listed on the HPI website work outside of Bali,

⁵⁹ This table was created in 2022 when the interview was held. The current figure has slightly changed, but not enough to alter the assertion that there is a shortage of interpreters in Indonesia.

which highlights the difficulty in securing non-English interpreters. Furthermore, there are even less interpreters in Russian, Korean, Chinese, and Japanese in comparison to English interpreters, and most times, none were available for these languages.

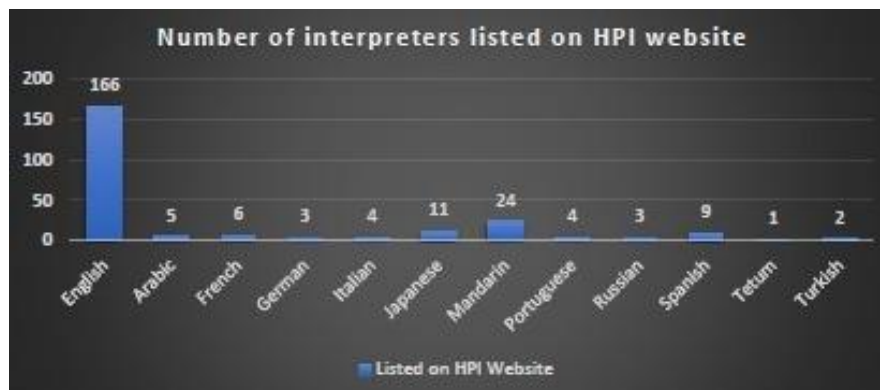


Figure 1. Number of interpreters listed on the HPI Website

2.3 Unfair Access to Justice for Non-Indonesian Speakers in Bali

Generally, legal interpreters are expected to have a high competency in meaning transfer, knowledge of the legal systems and others; however, the following table reveals many individuals taking up the tasks of legal interpreters in Bali do not meet these criteria. When police officers and prosecutors unable to find interpreters using their usual methods, they will usually place time efficiency above other factors. Furthermore, both lawyers reported that they usually source anyone who speaks the language from those working within the legal profession or at least someone with a background in law, not necessarily placing importance on their interpreting skills. Such practices mean legal practitioners in Bali often engage non-professional or ad hoc interpreters (see table 4.5), some of whom have no experience and/or interpreting skills at all. This arrangement may raise questions about whether or not they are meeting the fundamental purpose of having an interpreter to assist parties in a legal case, which is to ensure all parties are linguistically present.

Table 2.4. List of *ad hoc* Interpreters Used in Bali.

No	List of <i>ad hoc</i> interpreters used in Bali
1	Friends and family
2	Someone from the consulate in Bali or the embassy in Jakarta who speaks the language
3	Bali resident who speaks the language
4	An expatriate living in Bali, tour guides from hotels
5	A police officer
6	Fellow prosecutor
7	Court team members

Source: created by the author based on interviews conducted with participants.

Other than availability of interpreters, Bali suffers a shortage of non-English interpreters. In addition to English as the most commonly requested language pair, interpreters are also needed in Russian, Chinese, Korean, Italian, and German.

Prosecutor 4 revealed that other than employing *ad hoc* interpreters, they also employ an unconventional measure at times. Due to the scarcity of legal interpreters in those languages, they tend to ‘encourage’ non-English speaking parties to use English-Indonesian interpreters as it is easier to source them. Prosecutor 4 recalled requesting leniency from a judge to allow an English-Indonesian interpreter to assist a Russian native speaker due to lack of Russian-Indonesian interpreter. The chief judge in the case asked the Russian-speaker accused if they could speak some form of English, and upon obtaining their response the chief judge allowed the English-Indonesian interpreter to start interpreting. This practice was reportedly not an isolated incident and often happens when dealing with non-English speaking foreigners such as Russian, Chinese, Korean, Italian, and German.

Prosecutor 1, as affirmed by other prosecutors and police officers, shared this claim. Prosecutor 1 quoted saying:

“Sometimes in my experience, the Russians can speak Indonesian, but they do not want to explain it in Indonesian. ... when they have a legal case, they will not use Indonesian.”

Prosecutor 1 quoted further,

“When the judge asked the defendant, “Can you speak English?” They answered, “A little bit.” I then coordinated things with the judge because the fee for the interpreter came from the prosecutor. It’s very expensive to get a Russian interpreter...”

This practice is clearly not in the best legal interest of those non-Indonesian speaking parties. But when asked about the implication of such practice on the rights of justice seekers, prosecutor 4 cited that both Article 177 paragraph (1) and Article 51 paragraph (2) of the Code of Criminal Procedure only specify that an interpreter must take an oath or promises to accurately interpret everything that has to be interpreted and that it is in a language they understand, adding that Chief Judges of Bali Courts have the discretion to determine whether an interpreter is required and who qualifies as the legal interpreter. Similarly, Police 1 claimed that, legally speaking, nothing is stopping a police officer, a prosecutor, or a lawyer from using an English interpreter for their non-English speaking foreigners in the absence of other viable resources.

It must be appreciated that Police officers and prosecutors in Bali are burdened with heavy caseloads, therefore they have no choice but seek to expedite the process of finalising their cases to avoid getting sanctions/fines if they fail to finalise a case within the allocated time frame. Prosecutor 6 cited Code of Criminal Procedure as one of the reasons behind this practice. Prosecutor 6, echoed Prosecutor 4 that a Chief Judge is within their discretionary rights to simply appoint an interpreter who can speak the same language as the defendant, the victim or the witness. Taking into account that confusion often happens, if a witness, an accused, or a victim informs the police officer or the prosecutor in charge that they speak English (despite only being able to speak very basic English), then those officers are technically within their rights to only provide an English-Indonesian interpreter and not spend more time and budget securing an interpreter in their languages (i.e. Russian, Korean, and Chinese).

Interpreters, much like court-appointed attorneys, provide aid to the justice system by ensuring defendants understand the proceeding and naturally assist in their defence and it goes to follow, according to Colin and Morris⁶⁰ that at times the success of a case

⁶⁰ Joan Colin and Ruth Morris, *Interpreters and the Legal Process*, Waterside Press, 2001.

depends on the availability of an interpreter and that interpreters should be provided by the legal system whenever necessary to assist the communication process at every single stage. The ICCPR Covenant signed by Indonesia as well as the Indonesian Criminal Code of Procedures represent the understanding that it is paramount to provide an interpreter to assist non-Indonesian speakers in accessing justice. The Honourable Len Roberts-Smith⁶¹ stated that lack of competency may amount to denying an accused person a fair trial the practice. Accordingly, encouraging non-English speakers to use English interpreters despite their poor comprehension of English may be considered a miscarriage of justice.

To date, there has been a number of claims of unfair access to justice due to inadequate legal interpreters made Indonesia and this practice may result in more similar claims. For example, Mary Jane Fiesta Veloso, a prisoner on death row for drug-related charges was provided an interpreter in a third language during her trial in Yogyakarta, Indonesia. Veloso claims she speaks Tagalog as her mother tongue and has limited English proficiency. She also claims that during her trial in 2011, her court-appointed interpreter was an unlicensed student who interpreted from Indonesian to English, and she also reported that the Police Investigation Report (Berita Acara Pemeriksaan or BAP) was signed without her being linguistically present.⁶² Similarly, a death row inmate, Raheem Agbaje Salami, also claimed to be another victim of unfair trial due to police failure in providing an interpreter during interrogation, and for broken interpretation in English during trial, while claiming he did not understand English well.⁶³ Yet another death row inmate, Rodrigo Gularte, claimed he was forced to sign a document that he did not understand without the assistance of a legal representative or an interpreter in Yogyakarta, Indonesia.⁶⁴

Prosecutor 4 (four) asserted that the strategy to encourage the use of an English interpreter is only used when everything else fails. While appreciating clarification from Prosecutor 4 (four) it is only employed as the a last resort and that a chief judge is within their right to allocate an English interpreter to a Russian native speaker - similar to Veloso

⁶¹ Smith, Len Roberts. "Forensic Interpreting: Trial and Error." *The Critical Link*, Vol. 87, No. 5, 2009, pp. 13-35, doi:10.1075/btl.87.03rob.

⁶² *Ibid.*

⁶³ Raka, Tengku. "Penerjemah, Terdakwa, Hukuman Mati: Para Penyambung Harapan (Interpreters, Defendants, Death Sentence: The Hope Givers)." Lembaga Bantuan Hukum Masyarakat (Community Legal Aid) https://lbhmasyarakat.org/penerjemah-terdakwa-hukuman-mati-para-penyambung-harapan/#_ftnref12, July 16, 2024.

⁶⁴ *Ibid.*

and Salami' cases - this may constitute failure to ensure a fair access to justice which comes with especially dire consequences for these death row inmates.

2.4 Additional Burdens on the Judicial Systems.

The legal interpreter shortage in Bali involves all branches of the judicial system, from the investigation to the prosecution, all the way to the court system and has thoroughly affected the implementation of the judicial system in Bali. As per information obtained from all participants, there is yet specific guidelines, initiatives, to regulate interpreter qualification in Bali except that they should be certified (if possible).

Prosecutor 4 recalled using a prosecutor-colleague as an interpreter in courts. Another time, he had to employ 1 (one) English interpreter for multiple court hearings in one day because they could not find other interpreters. The interpreter had to run from one courtroom to another throughout the day and the Office of the Prosecution had to ask permission from the chief, and ask for understanding from all parties involved because it delayed those hearings considerably.

Other than causing significant delays in proceedings, insisting of finding certified interpreters. means they must contact an interpreter from interstate, and they are invariably expensive. The Bali Police Department, the Office of the Public Prosecution and the Courts are not sufficiently funded to always source interpreters from other provinces when none is available in Bali. Consequently, they may delay a police interview or a court date to find an interpreter, however, they also cannot wait forever until an interpreter is available. While accepting that at times a party in a case is willing to bring their own interpreter, they cannot be forced to pay for their own interpreters. Even though employing ad hoc interpreters seems to be a solution, all police officers and prosecutors noted that ad hoc interpreters often slow down the investigation and the court proceedings due to their lack of legal knowledge as well as interpreting skills.

Consequently, while accepting that employing ad hoc interpreters may be an additoinal burden to the judicial system, Chief Judges in Bali Courts accept them at times while ensuring they take an oath before performing their duties to meet the basic requirement of Article 177 paragraph (1) of Law No.8 of 1981.

To date, Indonesia lacks regulations regarding minimum qualification for legal interpreters, despite the assumption by all interviewees that they should be certified

and/or has legal background. This gap in knowledge regarding training and certification may affect fair legal proceedings.

III. CONCLUSION

Data collected in Bali indicates a significant demand for legal interpreters in English and lesser demand for Russian, Korean, Chinese, and Japanese. Bali's shortage of interpreters means police officers, prosecutors and lawyers in Bali must resort to employing *ad hoc* or non-professional interpreters, or even forced to encourage non-English native speakers to use English Indonesian interpreters. Such practice may be considered an unfair access to justice and may result in future appeals in court convictions in Bali due to inadequate access to legal interpreters. To remedy the situation, the Indonesian judicial system may consider adopting similar guidelines for legal interpreters as those observed in Australia, the USA, or the European Union. Accordingly, it will be necessary to provide training to legal practitioners regarding legal interpreters in Bali.

BIBLIOGRAPHY

Books

- Becker, Katherine M. *Lack of Indigenous-Language Interpreters Compounds Border Tragedy*. The Seattle Times, 2022.
- Colin, Joan and Ruth Morris. *Interpreters and the Legal Process*. Waterside Press, 2001.
- Stone, John Henry Dingfelder. *Court Interpreters and Fair Trials*. Springer, 2018.
- Gonzalez, Roseann Dueñas et al. *Fundamentals of Court Interpretation : Theory, Policy, and Practice*. Second edition. ed., Carolina Academic Press, University of Arizona Agnese Haury Institute for Interpretation Series, 2012.
- Hale, Sandra and Jemina Napier. *Research Methods in Interpreting: A Practical Resource*. A&C Black, 2013.
- Magnusson, Eva and Jeanne Marecek. *Doing Interview-Based Qualitative Research: A Learner's Guide*. Cambridge University Press, 2015.
- Ng, Eva NS. *Common Law in an Uncommon Courtroom: Judicial Interpreting in Hong Kong*. John Benjamins Publishing Company, 2014.
- Orlando, Marc. *Training 21st Century Translators and Interpreters: At the Crossroads of Practice, Research and Pedagogy*. Vol. 21, Frank & Timme GmbH, 2016.

- Pamungkas, Sri. *Bahasa Indonesia dalam Berbagai Perspektif: Dilengkapi dengan Teori, Aplikasi, dan Analisis Penggunaan Bahasa Indonesia Saat Ini*. Andi Offset, 2012.
- Russell, Debra and Sandra Beatriz Hale. *Interpreting in Legal Settings*. Gallaudet University Press, 2008.
- Shlesinger, Miriam and Franz Pöchhacker. *Doing Justice to Court Interpreting*. John Benjamins Publishing, 2010.
- Stern, Ludmila. *Legal Interpreting in Domestic and International Courts*. The Routledge Handbook of Language and Superdiversity, Routledge, 2018.
- Zhao, Junfeng et al. *4 Probing into Court Interpreting Studies*. Global Insights into Public Service Interpreting: Theory, Practice and Training, 2021.

Journals

- Aliverti, Ana and Rachel Seoighe. "Lost in Translation: Examining the Role of Court Interpreters in Cases Involving Foreign National Defendants in England and Wales." *New criminal law review*, Vol. 20, No. 1, 2017, pp. 130-156, doi:10.1525/nclr.2017.20.1.130.
- Ana, I Wayan et al. "Legal Interpreters' View on the Feedback from Users: A Case Study in Bali." *International Journal of Social Science Humanity & Management Research*, Vol. 3, No. 6, 2024, pp. 38-48, doi:10.58806/ijsshmr.2024.v3i1n06.
- Ana, I Wayan et al. "Legal Interpreters' Performance from Users' View: A Case Study in Bali." WICSTH 2022: Proceedings of the 2nd Warmadewa International Conference on Science, Technology and Humanity, 2023, p. 108, <http://dx.doi.org/10.4108/eai.28-10-2022.2328239>.
- Ana, I Wayan. "The Challenge of the Interpreter in Interpreting Non-Native English Speakers: A Case Study-Eit Case at Court of Gianyar–Bali." *English Language and Literature International Conference (ELLiC) Proceedings*, Vol. 2, 2018, pp. 502-509, <https://jurnal.unimus.ac.id/index.php/ELLIC/article/view/3580>.
- Ana, Wayan et al. "Dilemmatic Role of Legal Interpreters in Assisting Foreigners in Legal Setting." *International Linguistics Research*, Vol. 5, No. 2, 2022, pp. 38- 48, doi:<https://doi.org/10.30560/ilr.v5n2p23>.

- Cooke, Michael S. "Interpreter Ethics Versus Customary Law Quality and Compromise in Aboriginal." *The Critical Link 5: Quality in interpreting a shared responsibility*, Vol. 87, 2009, pp. 85 – 97, <https://doi.org/10.1075/btl.87.08coo>.
- Dewi, Haru Deliana. "Ukp (Indonesian Translators' Qualification Exam) in Relation to Legal Translation Practice in Indonesia Its History, Roles, Debates and Challenges." *Paradigma: Jurnal Kajian Budaya*, Vol. 7, No. 1, 2017, p. 7, <https://doi.org/10.17510/paradigma.v7i1.141>.
- Eloisa, Monteoliva-Garcia. "The Last Ten Years of Legal Interpreting Research (2008-2017). A Review of Research in the Eld of Legal Interpreting." *Language and Law*, Vol. 5, No. 1, 2018, pp. 38 - 61, <https://ojs.letras.up.pt/index.php/LLLD/article/view/4546>.
- Garcia, Erika Gonzalez. "Professional Development as a Vehicle on the Road Towards Professionalism. The Ausit Experience." *Intralinea*, Vol. 21, No. 21, 2019, pp. 1-10, <https://www.intralinea.org/archive/article/2347>.
- Giambruno, Cynthia. "Assessing Legal Interpreter Quality through Testing and Certification: The Qualitas Project." *Universidad de Alicante*, 2014, Vol. 2, pp. 138 – 140, <https://doi.org/10.37536/FITISPos-IJ.2015.2.0.86>.
- Gustafsson, Kristina et al. "The Right to an Interpreter: A Guarantee of Legal Certainty and Equal Access to Public Services in Sweden?." *Just. Journal of Language Rights & Minorities, Revista de Drets Lingüístics i Minories*, Vol. 1, No. 1-2, 2022, pp. 165-192, DOI:10.7203/Just.1.24781.
- Hertog, Erik. "EU Directive 2010/64/EU on the Right to Interpretation and Translation in Criminal Proceedings." *Official Journal of the European Union*, L 280, 2010, pp. 1-7.
- Hale, Sandra et al. "Interpreter Performance in Police Interviews. Differences between Trained Interpreters and Untrained Bilinguals." *The interpreter and translator trainer*, Vol. 13, No. 2, 2019, pp. 107-131, doi:10.1080/1750399X.2018.1541649.
- Hale, Sandra. "Controversies over the Role of the Court Interpreter." *Benjamins Translation Library*, Vol. 76, No. 5 2008, pp. 99-121, <https://doi.org/10.1075/btl.76.06hal>.
- Hale, Sandra. "Specialist Legal Interpreters for a Fairer Justice System." *Routledge*, Vol. 1, No. 1 2019, pp. 47-64, doi: 10.4324/9781315098791-4.

- Hale, Sandra. "The Need to Raise the Bar : Court Interpreters as Specialised Experts." *Judicial review (Sydney, N.S.W.)*, Vol. 10, No. 2, 2011, pp. 237-258, <https://search.informit.org/doi/10.3316/ielapa.201104332>.
- Hayes, Alejandra and Sandra Hale. "Appeals on Incompetent Interpreting." *Journal of Judicial Administration*, Vol. 20, No. 2, 2010, pp. 119-130, <https://search.informit.org/doi/10.3316/agispt.20111819>.
- Herráez, Juan-Miguel Ortega et al. "Translating for Domestic Courts in Multicultural Regions: Issues and New Developments in Europe and the United States of America." *Legal Translation in Context: Professional Issues and Prospects*, Peter Lang, Vol. 4, No. 9, 2013, pp. 89-121, DOI: 10.3726/978-3-0353-0433-6.
- Herráez, Ortega et al. "Interpreting in Police Settings in Spain." *Valero Garcés, Carmen & Anne Martin (eds.)*, Vol. 76, No. 7, 2008, pp. 123-146, <https://doi.org/10.1075/btl.76.07her>.
- Hertog, Erik. "Community Interpreting." *Handbook of Translation Studies*, Vol. 1, No. 1, 2010, pp. 49-54, <https://doi.org/10.1075/hts.1.comm3>.
- Hertog, Erik. "Directive 2010/64/EU of the European Parliament and of the Council on the Right to Interpretation and Translation in Criminal Proceedings: Transposition Strategies with Regard to Interpretation and Traduction." *Universitat de Valencia*, Vol. 7, No. 2, 2015, pp. 73 – 100, DOI: 10.6035/MonTI.2015.7.2.
- Hlavac, Jim et al. "Translators' and Interpreters' Engagement with Professional Development in Australia: An Analysis of Key Factors." *The international journal of translation and interpreting research*, Vol. 16, No. 1, 2024, pp. 142-165, doi:10.12807/ti.116201.2024.a08.
- Hlavac, Jim. "A Cross-National Overview of Translator and Interpreter Certification Procedures." *The international journal of translation and interpreting research*, Vol. 5, No. 1, 2013, pp. 32-65, doi:10.12807/ti.105201.2013.a02.
- Huashu, Wang and Zhang Jing. "A Study on Interpreters' Technical Competence in the Information Age." *Journal of Beijing International Studies University*, Vol. 37, No. 10, 2015, p. 25, DOI: 10.12002/j.bisu.353.
- Jaeger, Fabienne N et al. "Barriers to and Solutions for Addressing Insufficient Professional Interpreter Use in Primary Healthcare." *BMC health services research*, Vol. 19, No. 1, 2019, pp. 1-11, DOI: 10.1186/s12913-019-4628-6.

- Junfeng, Zhao and Chen Shan. "The Retrospection and Prospect of the Court Interpreting of China and the West [J]." *Chinese Science & Technology Translators Journal*, vol. 3, 2008.
- Lee, Jieun. "A Case Study of Interpreter-Mediated Witness Statement: Police Interpreting in South Korea." *Police Practice and Research*, Vol. 18, No. 2, 2017, pp. 194-205, doi:10.1080/15614263.2016.1248840.
- Lysenko, Olga A. and Oleg M. Barbakov. "A Review of Problems in Legal Interpreting." *Journal of advanced research in law and economics*, Vol. 7, No. 19, 2016, pp. 1103-1109, DOI: <https://doi.org/10.14505/jarle>.
- Mikkelson, Holy. "Evolving Views of the Court Interpreter's Role between Scylla and Charybdis." *University of Northern Colorado*, Vol. 76, No. 5, 2008, pp. 81-97, DOI: 10.1075/btl.76.05mik.
- Nakane, Ikuko and Makiko Mizuno. "Judgments on Court Interpreting in Japan: Ideologies and Practice." *International journal for the semiotics of law = Revue internationale de sémiotique juridique*, Vol. 32, No. 4, 2019, pp. 773-793, doi:10.1007/s11196-019-09642-3.
- Orlando, Marc. "Training and Educating Interpreter and Translator Trainers as Practitioners-Researchers-Teachers." *The interpreter and translator trainer*, Vol. 13, No. 3, 2019, pp. 216-232, doi:10.1080/1750399X.2019.1656407.
- Ozolins, Uldis. "Factors That Determine the Provision of Public Service Interpreting: Comparative Perspectives on Government Motivation and Language Service Implementation." *The Journal of specialised translation*, Vol. 14, No. 1, 2010, pp. 194-215, http://www.jostrans.org/issue14/art_ozolins.php.
- Perry, Melissa. "Statements of Reasons: Issues of Legality and Best Practice." *Brief*, Vol. 48, No. 2, 2021, pp. 32-35, <https://search.informit.org/doi/10.3316/informit.700953764388678>.
- Rahmatillah, Kartini. "Modulation in Translation Process." *Ethical Lingua: Journal of Language Teaching and Literature*, Vol. 4, No. 1, 2017, pp. 68-75, DOI: <https://doi.org/10.30605/ethicallingua.v4i1.334>.
- Saputri, Ananda Ima. "International Legal Perspective on the Implementation of the Death Penalty Case Study of Mary Jane Fiesta Veloso." *The Digest: Journal of*

Jurisprudence and Legisprudence, Vol. 1, No. 2, 2020, pp. 163-196, DOI:10.15294/digest.v1i2.48628.

Sherman, Julia. "The Right to an Interpreter under Customary International Law." *Columbia Human Rights Law Review*, Vol. 48, No. 3, 2016, p. 257, <http://dx.doi.org/10.2139/ssrn.2773013>.

Smith, Len Roberts. "Forensic Interpreting: Trial and Error." *The Critical Link*, Vol. 87, No. 5, 2009, pp. 13-35, doi:10.1075/btl.87.03rob.

Stern, Ludmila. "What Can Domestic Courts Learn from International Courts and Tribunals About Good Practice in Interpreting?: From the Australian War Crimes Prosecutions to the International Criminal Court." *T & I Review*, Vol. 2, 2012, pp. 7 – 30.

Stern, Ludmilla and Xin Liu. "See You in Court: How Do Australian Institutions Train Legal Interpreters?." *The interpreter and translator trainer*, Vol. 13, No. 4, 2019, pp. 361-389, <https://doi.org/10.1080/1750399X.2019.1611012>.

Tulich, Tamara et al. "Miscarriage of Justice in Western Australia: The Case of Gene Gibson." *Griffith Journal of Law & Human Dignity*, Vol. 5, No. 2, 2017, pp. 105 - 121, DOI: <https://doi.org/10.69970/gjlhd.v5i2.960>.

Wallace, Melissa. "Competency-Based Education and Assessment: A Proposal for Us Court Interpreter Certification." *Quality Assurance and Assessment Practices in Translation and Interpreting*, IGI Global, 2019, pp. 112-132, DOI: 10.4018/978-1-5225-5225-3.ch005.

Thesis

Lai, Miranda. *Police Cognitive Interviews Conducted through Interpreters — an Experimental Study of the Inherent Conflicts in Interlingual Operations*. RMIT University, Georgina Heydon, 2016.

Law and Regulations

Republik Indonesia. Undang-Undang Nomor 8 Tahun 1981 tentang Hukum Acara Pidana.

Republik Indonesia. Undang-Undang Nomor 39 Tahun 1999 tentang Hak Asasi Manusia.

Republik Indonesia. Undang-Undang Nomor 24 Tahun 2009 tentang Bendera, Bahasa, dan Lambang Negara serta Lagu Kebangsaan.

Indonesia, The President of the Republic of Indonesia. "Presidential Regulation No. 63." 2019.

Republik Indonesia, Kepolisian Negara Republik Indonesia. Peraturan Kapolri No. 12 Tahun 2009 tentang Pengawasan dan Pengendalian Penanganan Perkara Pidana di Lingkungan Kepolisian Negara RI.

"The Recommended National Standards for Working with Interpreters in Court and Tribunal." 2017.

United States Courts. Guide to Judiciary Policy.

Online Resources

Badan Pusat Statistik. "Jumlah Perjalanan Wisatawan Nasional (Perjalanan), 2024." Badan Pusat Statistik, 2024, <https://www.bps.go.id/id/statistics-table/2/MjE5NSMy/jumlah-perjalanan-wisatawan-nasional.html>.

Besinfo. "Tak Ada Penerjemah, Sidang Penyiraman Air Keras Hingga Tewas Di Cianjur Ditunda (No Interpreter, Trial of Dousing Acid to Death in Cianjur Postponed)." *Besinfo*, March 30, 2022, <https://besinfo.com/sidang-kasus-penyiraman-air-keras-kembali-digelar-pelaku-tidak-berniat-membunuh/>.

USC. Federal Court Interpreter Certification Examination, *United States Courts*, May 2, 2025, <https://www.uscourts.gov/services-forms/federal-court-interpreters/federal-court-interpreter-certification-examination>.

Gage, Nicola. "Indigenous Interpreter Shortage 'Adding to High Incarceration Rates' for Aboriginal People: Some Aboriginal People Are Being Kept in Custody for Longer Than Required Because of a Lack of Interpreters in South Australia, Lawyers Representing Indigenous People Claim." *ABC Premium News*, February 28, 2017, <https://www.prison-insider.com/en/articles/indigenous-interpreter-shortage-adding-to-high-incarceration-rates-for-aboriginal-people>.

Hidayat, Rofiq. "Urgensi Penerjemah Di Pengadilan." *Hukum Online*, March 15, 2024, <https://www.hukumonline.com/berita/a/urgensi-penerjemah-di-pengadilan-1t4fb9de38ca946/>.

Infotek HPI. "Rilis Pelaksanaan Tes Sertifikasi Nasional (TSN) Juru Bahasa Himpunan Penerjemah Indonesia (HPI) Tahun 2024." *Himpunan Penerjemah Indonesia (HPI)*, www.hpi.or.id/rilis-pelaksanaan-tsn-juru-bahasa-hpi-tahun-2024.

Mahendro, A. "Kejati Bali Eksekusi 65 Wna Berperkara Tindak Pidana Selama Semester I 2023." *Detik Bali*, March 15, 2024, <https://www.detik.com/bali/hukum-dan-kriminal/d-6835799/kejati-bali-eksekusi-65-wna-berperkara-tindak-pidana-selama-semester-i-2023>.

Rachmawati, Fitri and Farid Assifa. "Tak Ada Penerjemah, Sidang Pertama Dorfin Felix Ditunda (No Interpreter, First Hearing of Dorfin Felix Adjourned)." *Kompas*, March 15, 2024, <https://lipsus.kompas.com/pameranotomotifnasiona2024/read/2019/02/21/20250891/tak-ada-penerjemah-sidang-pertama-dorfin-felix-ditunda>.

Raka, Tengku. "Penerjemah, Terdakwa, Hukuman Mati: Para Penyambung Harapan (Interpreters, Defendants, Death Sentence: The Hope Givers)." *Lembaga Bantuan Hukum Masyarakat (Community Legal Aid)* https://lbhmasyarakat.org/penerjemah-terdakwa-hukuman-mati-para-penyambung-harapan/#_ftnref12, July 16, 2024.

Judicial Commission. "Recommended National Standards for Working with Interpreters in Courts and Tribunals." *Judicial Council on Cultural Diversity*, August 22, 2017, https://www.judcom.nsw.gov.au/publications/benchbks/judicial_officers/national_standards_for_interpreters_in_courts.html.

Saputra, H. N. "867 Wna Terlibat Pelanggaran Lalu Lintas Di Bali." *Bali Bisnis*, March 15, 2024, <https://bali.bisnis.com/read/20230509/537/1654302/867-wna-terlibat-pelanggaran-lalu-lintas-di-bali>.

Sultan, Suparman. "Gara-Gara Penerjemah "Enggak Nyambung" Dengan Terdakwa, Sidang Batal (Interpreter "Couldn't Communicate" with Defendant, Hearing Cancelled)." *Kompas*, March 7, 2014, <https://regional.kompas.com/read/2014/04/07/1905102/Gara-gara.Penerjemah.Enggak.Nyambung.dengan.Terdakwa.Sidang.Batal>.