

Court Interpreting in Indonesia: An Interdisciplinary Critical Review of Linguistic Accuracy and Legal Integrity in Foreign-Language Judicial Proceedings

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Abstract

The increasing involvement of foreign-language speakers and documents in Indonesian court proceedings has brought renewed attention to the role of court interpreting within the administration of justice. In judicial settings, interpreting does not merely facilitate communication but actively shapes how facts are constructed, understood, and evaluated by legal actors. This article presents an interdisciplinary Critical Literature Review that examines court interpreting practices in Indonesia by foregrounding the relationship between linguistic accuracy and legal integrity in foreign-language judicial proceedings. Focusing on Indonesia-focused primary studies, the review synthesizes findings from applied linguistics and legal scholarship to identify recurring issues in courtroom interpreting, including the procedural status of translated documents, the practical limits of verbatim accuracy, institutional constraints faced by interpreters, and divergent judicial approaches to language compliance. The analysis demonstrates that linguistic accuracy functions as a procedural and epistemic condition rather than a purely technical concern, with direct implications for evidentiary assessment and procedural fairness. At the same time, the review reveals a persistent gap between the epistemic responsibility borne by court interpreters and the limited regulatory and institutional frameworks governing their role in Indonesian courts. The article argues that strengthening legal integrity in foreign-language cases requires clearer standards for courtroom interpreting, improved institutional support, and sustained interdisciplinary engagement between linguists and legal practitioners to ensure that language mediation effectively safeguards due process in Indonesia's increasingly multilingual judicial landscape.

1. Introduction

The increasing presence of foreign-language speakers, documents, and transnational legal relations in Indonesian courts has intensified the role of court interpreting in contemporary judicial practice. In proceedings involving non-Indonesian languages, interpretation and translation function not merely as communicative tools but as mechanisms through which legal facts, arguments, and evidence become intelligible and legally actionable within the courtroom. In this context, language mediation operates at the intersection of communication and normativity, shaping how judicial authority is exercised and how legal knowledge is constructed.

From an applied linguistics perspective, court interpreting is commonly associated with the principle of access to justice, particularly for defendants, witnesses, or litigants who do not command the language of the court. However, research in interpreting studies has long cautioned against reducing courtroom interpreting to a neutral conduit of words. Accuracy in legal interpreting encompasses not only lexical correspondence but also the rendering of pragmatic intent, institutional meaning, and legally salient nuances under conditions of interactional pressure and asymmetrical power relations (Murtaya & Triyono, 2018). As such, interpreting accuracy is better understood as a situated and context-dependent achievement rather than a purely technical equivalence.

Within legal scholarship, language occupies a distinct normative position. Indonesian judicial practice increasingly treats language compliance particularly the use of Indonesian and the availability of certified translations as a procedural requirement with tangible legal consequences. Judicial decisions demonstrate that untranslated or inadequately translated documents may be excluded from evidentiary consideration

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or affect the legal standing of contractual and procedural claims (Adjie, 2021; Aziz et al., 2023). In these cases, translation does not merely facilitate understanding but determines whether information may enter the legal reasoning process at all. Language thus functions as a gatekeeping mechanism through which facts acquire legal relevance.

Despite this centrality, scholarly engagement with court interpreting in Indonesia remains analytically fragmented. Linguistic studies tend to focus on interpreter strategies, accuracy, and interactional challenges within courtroom discourse, often without sustained engagement with their legal implications (Murtaya & Triyono, 2018; Hulu & Ambalegin, 2024). Conversely, legal analyses typically approach language requirements from a doctrinal standpoint, emphasizing statutory interpretation and judicial outcomes while paying limited attention to the practical realities of linguistic mediation in courtroom settings (Adjie, 2021; Pratiwi, 2025). As a result, the relationship between linguistic accuracy and legal integrity has not been sufficiently examined through an integrated interdisciplinary lens.

This fragmentation has important consequences. When linguistic practices are examined in isolation from legal norms, the epistemic role of interpreters in shaping judicial knowledge remains under-theorized. Conversely, when legal compliance is assessed without attention to the conditions under which interpretation is performed, courts risk imposing formal requirements that overlook structural constraints faced by interpreters, potentially undermining procedural fairness. International scholarship on courtroom interpreting has highlighted similar tensions, noting that inadequate institutional support and unclear role expectations may compromise both accuracy and due process, particularly in multilingual judicial settings. These insights, however, have rarely been systematically connected to Indonesia's specific legal and institutional context.

Against this background, this article presents an interdisciplinary Critical Literature Review (CLR) of court interpreting in Indonesia. Drawing primarily on Indonesia-focused empirical and doctrinal studies, the review examines how linguistic accuracy intersects with legal integrity in judicial proceedings involving foreign languages. The analysis is context-specific and does not seek to generalize its findings beyond the Indonesian judicial setting, but rather aims to illuminate structural and institutional patterns that shape court interpreting practices within this particular context. Specifically, the article seeks to (1) identify recurring issues in courtroom interpreting practices, (2) analyze the legal implications of interpretive decisions for evidentiary assessment and procedural fairness, and (3) assess the adequacy of existing institutional and regulatory frameworks governing court interpreting. By synthesizing insights from applied linguistics and legal scholarship, this review contributes to a more coherent understanding of court interpreting as a core component of legal integrity in Indonesia's increasingly multilingual judicial landscape.

2. Method

This study adopts an interdisciplinary Critical Literature Review (CLR) to examine court interpreting practices in Indonesia, with particular attention to the intersection between linguistic accuracy and legal integrity in foreign-language judicial proceedings. Consistent with the view that a literature review constitutes a research method rather than a preliminary or descriptive exercise, prior scholarship is treated as analytical data that are systematically examined, compared, and critically synthesized to generate reflective insights (Cahyono, 2019; Snyder, 2019; Grant & Booth, 2009). This approach is particularly appropriate given that court interpreting operates at the intersection of applied linguistics and legal studies, where linguistic practices, institutional arrangements, and legal norms are closely intertwined. Unlike systematic review methodologies that emphasize exhaustive coverage and procedural standardization, a critical literature review enables deeper engagement with conceptual tensions, interpretive assumptions, and structural gaps within an interdisciplinary body of literature, aligning with the analytical aims of this study (Snyder, 2019; Xiao & Watson, 2017).

The data for this review consist primarily of Indonesia-focused primary literature that directly addresses court interpreting and the use of foreign languages in judicial contexts. These sources include empirical studies on courtroom interpreting practices, analyses of interpreters' professional experiences, and doctrinal legal studies examining judicial decisions and evidentiary rules related to language and translation. Conceptual insights from broader scholarship on courtroom interpreting, legal translation, procedural fairness, and legal integrity are used selectively to frame the analysis, while the core findings and discussion remain grounded in primary studies that engage substantively with Indonesian judicial practice.

Relevant literature was identified through searches conducted in academic databases and indexing platforms, including Scopus, GARUDA, and Google Scholar, using search terms in both English and Indonesian such as "court interpreting," "legal translation," "foreign language in court," "penerjemah pengadilan," and "penerjemahan hukum." The search primarily targeted publications from the last ten

years to ensure relevance to contemporary judicial practices and regulatory developments, with earlier works included selectively when they offered substantial analytical or conceptual value. Literature selection was carried out in multiple stages, beginning with title and abstract screening and followed by full-text analysis. The inclusion criteria guiding this selection process—summarized explicitly in Table 1 below—focused on topical relevance, contextual alignment with Indonesian courts, analytical contribution to issues of linguistic accuracy and legal integrity, and publication in English or Indonesian. Given the critical nature of the review, literature was selected purposively rather than exhaustively, prioritizing studies with high analytical relevance and explicit engagement with courtroom interpreting practices (Cahyono, 2019; Snyder, 2019; Grant & Booth, 2009).

The selected literature was analyzed using critical thematic analysis, through which recurring themes related to interpreter decision-making, institutional constraints, evidentiary consequences, and judicial reasoning involving foreign-language materials were identified and examined. This thematic approach follows established qualitative analytic principles that emphasize systematic coding, theme development, and interpretive transparency (Braun & Clarke, 2006). These themes were interpreted through an interdisciplinary lens that connects linguistic concerns such as accuracy, pragmatic equivalence, and interpreter agency with legal principles including procedural fairness, due process, and evidentiary validity. The trustworthiness of the analysis was supported through source triangulation across empirical linguistic studies, doctrinal legal analyses, and selectively applied conceptual scholarship, with the analytical procedures documented to enhance transparency and reduce interpretive bias (Cahyono, 2019).

Table 1. Inclusion Criteria for Literature Selection

No.	Inclusion Criteria	Description
1	Topical focus	Studies explicitly addressing court interpreting or legal translation within judicial proceedings.
2	Contextual relevance	Literature focusing on Indonesian courts or presenting legal implications comparable to the Indonesian judicial context.
3	Analytical contribution	Empirical, analytical, or doctrinal studies engaging substantively with linguistic accuracy and/or legal integrity.
4	Language of publication	Articles published in English or Indonesian.

3. Findings

3.1. Court Interpreting as a Procedural Requirement in Judicial Proceedings

The reviewed literature consistently demonstrates that court interpreting and legal translation in Indonesian judicial proceedings are treated not merely as facilitative services, but as procedural prerequisites that determine whether information can be legally processed by the court. Several studies report that foreign-language documents lacking certified Indonesian translations are excluded from evidentiary consideration, regardless of their substantive relevance to the dispute (Aziz et al., 2023). In such cases, judges are institutionally constrained from engaging with the content of the evidence, indicating that linguistic mediation operates as a formal threshold for legal recognition.

Legal analyses further show that the consequences of linguistic non-compliance extend beyond evidentiary exclusion. In certain judicial decisions, deficiencies in language use or translation have been interpreted as grounds for questioning the validity of legal acts or contractual arrangements, even in the absence of explicit statutory sanctions (Adjie, 2021). Other decisions, however, adopt a more corrective approach, allowing translation deficiencies to be remedied without undermining substantive legal relations (Pratiwi, 2025). Taken together, these findings illustrate that language functions as a procedural filter whose legal effects vary depending on judicial interpretation.

3.2. Linguistic Accuracy in the Dynamics of Courtroom Interaction

Empirical studies focusing on courtroom interaction reveal that linguistic accuracy in oral interpretation is shaped by the dynamics of real-time judicial proceedings. Interpreters frequently operate under conditions of rapid questioning, extended witness testimony, unfamiliar accents, and asymmetrical power relations between legal professionals and non-native speakers (Murtaya & Triyono, 2018). Within these constraints, interpreters are reported to employ pragmatic strategies such as reformulation, summarization, and selective omission to preserve coherence and communicative intent.

Rather than reflecting individual negligence, these practices are documented as adaptive responses to situational demands. The literature indicates that interpreters often prioritize the conveyance of legally salient meaning over strict verbatim equivalence, particularly when faced with time pressure or limited opportunities for clarification (Murtaya & Triyono, 2018). These findings suggest that accuracy in courtroom interpreting is enacted through contextual judgment, shaped by interactional realities rather than abstract linguistic ideals.

3.3. Institutional Conditions and Structural Constraints on Interpreting Quality

Across the reviewed studies, institutional conditions emerge as a recurrent factor influencing the quality and consistency of courtroom interpreting. Interpreters are commonly reported to receive limited access to case files, minimal preparation time, and insufficient procedural guidance prior to hearings (Hulu & Ambalegin, 2024). These constraints are particularly consequential in legally complex cases, where terminological precision and contextual awareness are essential for accurate interpretation.

The literature further suggests that such structural limitations shift a disproportionate burden of responsibility onto individual interpreters. When inaccuracies occur, they are often attributed to interpreter competence, despite evidence that institutional arrangements significantly shape interpreting outcomes. This pattern highlights a gap between the epistemic responsibility assigned to court interpreters and the level of institutional support provided to them.

3.4. Normative Uncertainty in Judicial Approaches to Language Compliance

A further recurring theme concerns the inconsistency of judicial approaches to language and translation requirements. While some courts treat non-compliance with Indonesian language obligations as a basis for exclusion or invalidation, others permit remedial measures that preserve substantive justice (Adjie, 2021; Pratiwi, 2025). This divergence reflects the absence of uniform jurisprudential standards governing the legal consequences of linguistic non-compliance.

As reported in the literature, such normative uncertainty creates unpredictability for litigants, legal practitioners, and interpreters alike. The same linguistic deficiency may produce markedly different legal outcomes depending on judicial interpretation, underscoring the discretionary space within which language norms are applied in practice.

3.5. Court Interpreters as Contributors to Judicial Knowledge

Across both linguistic and legal studies, court interpreters are consistently positioned as actors whose decisions shape how information is transformed into judicial knowledge. Interpreters' linguistic choices influence the presentation of testimony, the framing of documentary evidence, and the accessibility of legal arguments to judges (Aziz et al., 2023; Murtaya & Triyono, 2018). Through these processes, interpreters participate—often implicitly—in the construction of legally relevant facts.

At the same time, the literature documents a persistent gap between the significance of this role and the limited regulatory and institutional frameworks governing court interpreting in Indonesia. As a result, interpreting practices frequently depend on individual discretion rather than standardized procedural safeguards, contributing to uneven outcomes across cases (Hulu & Ambalegin, 2024).

4. Discussion

4.1. Linguistic Accuracy and Legal Integrity in Judicial Proceedings

The findings of this review confirm that linguistic accuracy in court interpreting is inseparable from questions of legal integrity in Indonesian judicial proceedings. As demonstrated by studies on evidentiary admissibility, translation functions not merely as a communicative aid but as a procedural condition that determines whether information may be considered within judicial reasoning (Aziz et al., 2023). This observation resonates with broader scholarship in legal linguistics, which emphasizes that language mediates not only meaning but also legal validity within institutional settings (Hale & Napier, 2016). When translation requirements are not fulfilled, courts are institutionally constrained from engaging with substantive content, regardless of its probative value, thereby positioning linguistic mediation at the core of procedural legality.

From this perspective, legal integrity in foreign-language cases depends not only on substantive legal norms but also on the reliability and institutional recognition of linguistic mediation. Inconsistent or inadequately regulated interpreting practices may therefore undermine procedural fairness and the predictability of judicial outcomes, particularly in multilingual contexts (Berk-Seligson, 2002).

4.2. Accuracy beyond Verbatim Equivalence and Interpreter Agency

The reviewed literature challenges narrow conceptions of accuracy based solely on verbatim equivalence. Empirical studies of courtroom interaction indicate that interpreters routinely navigate communicative environments characterized by time pressure, complex questioning, and asymmetrical power relations (Murtaya & Triyono, 2018). In such conditions, strict word-for-word rendering may obscure legally salient meaning or pragmatic intent. Interpreting studies have long argued that courtroom interpreters inevitably exercise professional judgment in managing meaning, relevance, and coherence (Hale, 2004).

Interpreters' reliance on strategies such as reformulation and summarization reflects this interpretive agency rather than mere technical deviation. These practices position interpreters as active participants in the mediation of legal meaning, shaping how testimony and arguments are made intelligible to the court. While such agency is often necessary, it also raises normative questions regarding accountability and consistency, especially in legal systems where interpreters operate without clear procedural mandates or professional safeguards (Lee, 2009).

4.3. Institutional Constraints and Structural Responsibility

The findings further demonstrate that interpreting accuracy cannot be understood independently of institutional conditions. Limited access to case materials, insufficient preparation time, and unclear procedural guidance constrain interpreters' ability to perform their role effectively (Hulu & Ambalegin, 2024). Similar patterns have been observed in other jurisdictions, where inadequate institutional support has been shown to correlate with reduced interpreting quality and increased risk of procedural unfairness (Hale & Napier, 2016).

From a legal standpoint, this situation creates a structural imbalance in the allocation of responsibility. When inaccuracies occur, blame is often attributed to individual interpreters, despite evidence that institutional design plays a decisive role in shaping interpreting outcomes. Such individualization of responsibility risks obscuring systemic deficiencies and may undermine efforts to ensure equal treatment before the law, particularly for foreign-language speakers who depend most heavily on accurate interpretation (Berk-Seligson, 2002).

4.4. Judicial Inconsistencies, Normative Uncertainty, and Legal Certainty

A central issue emerging from the reviewed literature concerns the inconsistency of judicial approaches to language compliance and translation requirements in Indonesia. While some courts treat non-compliance with Indonesian language obligations as grounds for excluding evidence or invalidating legal acts, others allow corrective measures that preserve substantive justice (Adjie, 2021; Pratiwi, 2025). These divergent practices reflect unresolved tensions between formal legality and procedural fairness within the Indonesian judicial system.

Normative uncertainty of this kind has significant implications for legal certainty. Predictability constitutes a core element of the rule of law, yet inconsistent judicial responses to similar linguistic deficiencies weaken the ability of litigants, legal practitioners, and interpreters to anticipate legal outcomes (Fuller, 1969). In the absence of clear jurisprudential standards, language requirements risk functioning as discretionary tools rather than principled procedural safeguards. This discretionary space may disproportionately disadvantage foreign-language users, who are often least equipped to navigate inconsistent interpretive expectations, thereby reinforcing structural inequalities within judicial processes (Ngarambe & Ruvebana, 2023).

At the same time, the persistence of such inconsistencies suggests that current regulatory and institutional frameworks provide insufficient guidance on how linguistic non-compliance should be assessed and remedied in practice. Without clearer procedural standards governing the legal consequences of translation deficiencies, courts remain reliant on individual judicial interpretation, generating uneven applications of language norms across cases. This condition underscores the need for policy-level clarification and institutional coordination to ensure that language requirements function as instruments of procedural fairness and legal certainty, rather than as sources of discretionary uncertainty within judicial decision-making.

4.5. Court Interpreters as Epistemic Actors in Judicial Knowledge Construction

Taken together, the findings position court interpreters as epistemic actors whose linguistic decisions actively shape judicial knowledge. Through their interpretive choices, interpreters influence how

testimony is framed, how documentary evidence is understood, and how legal arguments are accessed by judges (Aziz et al., 2023; Murtaya & Triyono, 2018). This role aligns with broader socio-legal scholarship that conceptualizes legal fact-finding as a communicative and interpretive process rather than a purely objective exercise (Berk-Seligson, 2002).

Despite this significance, regulatory and institutional frameworks governing court interpreting in Indonesia remain limited. The gap between the epistemic responsibility assigned to interpreters and the institutional support provided to them constitutes a structural vulnerability in judicial proceedings. Without clearer standards, professional recognition, and procedural integration, linguistic mediation risks becoming a site of legal uncertainty rather than a safeguard of procedural fairness.

5. Conclusion

This interdisciplinary Critical Literature Review has shown that court interpreting in Indonesian judicial proceedings constitutes a decisive interface between linguistic accuracy and legal integrity, rather than a merely technical or auxiliary function. Across the reviewed studies, translation and interpretation emerge as procedural conditions that shape evidentiary admissibility, judicial reasoning, and the realization of procedural fairness in foreign-language cases (Aziz et al., 2023; Adjie, 2021). In this sense, language mediation operates at the core of judicial practice, determining not only how information is conveyed but also whether it becomes legally actionable.

The review further demonstrates that linguistic accuracy in courtroom settings is inherently contextual and pragmatic, shaped by interactional pressures and institutional constraints rather than by verbatim equivalence alone (Murtaya & Triyono, 2018; Hulu & Ambalegin, 2024). At the same time, inconsistent judicial approaches to language compliance reveal unresolved normative tensions between formal legality and substantive justice, contributing to legal uncertainty in the treatment of foreign-language materials (Adjie, 2021; Pratiwi, 2025).

These findings carry clear policy implications. Strengthening the integrity of foreign-language judicial proceedings requires more coherent and consistent regulatory frameworks governing court interpreting, including clearer standards on interpreter roles, competence, and procedural integration within court processes. Institutional measures—such as structured access to case materials and adequate preparation time—are equally essential to align linguistic practice with the demands of due process. More broadly, the study underscores the importance of sustained interdisciplinary engagement between linguists, legal practitioners, and policymakers to ensure that language mediation functions as a safeguard, rather than a vulnerability, in Indonesia's increasingly multilingual judicial system.

Author Contributions

Muhammad Fariq Heemal Attruk: Conceptualization, Project administration, Writing - original draft, Writing - review & editing, Supervision, Methodology. **Muhamad Irwan:** Formal analysis, Validation, Investigation, Writing - review & editing. All authors contributed equally to the research design and manuscript preparation, and have read and approved the final manuscript.

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