

# A Critical Review of Foreign Language Interpreter Practices in Indonesian Courts

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## Abstract

This paper presents a critical investigation into the use of foreign language interpreters in Indonesian courts by integrating insights from applied linguistics and legal scholarship. The primary goal is to assess current translation practices, identify the systemic barriers to accuracy, and propose actionable strategies for reform. Using the Critical Literature Review (CLR) approach, the study draws from scholarly sources indexed in Scopus, GARUDA, and Google Scholar, focusing on literature published between 2015 and 2025. The review identifies a number of recurring issues, including the overreliance on unaccredited ad hoc interpreters, recurring errors in rendering legal terminology, and undue influence from courtroom actors, all of which undermine interpreter neutrality. These problems often result in significant legal ramifications such as nullified legal documents, flawed judicial decisions, and the infringement of defendants' rights. Additionally, the absence of standardized interpreter training and certification, combined with uneven policy implementation across regions, further complicates the situation. In response, the study recommends solutions such as realistic courtroom simulations for interpreter training, the adoption of digital tools like bilingual legal term databases, and interdisciplinary cooperation to formulate inclusive and rights-focused translation standards. Policy-level interventions are also suggested, including the revision of Supreme Court Circular No. 3/2023 and the incorporation of globally recognized best practices. While offering important contributions, the study also notes limitations, particularly in terms of regional representativeness and the underexplored role of AI in legal translation. Ultimately, the findings reinforce the importance of bridging linguistic expertise and legal frameworks to strengthen translation quality and promote equitable access to justice in Indonesia's legal system.

## 1. Introduction

Foreign language translation in Indonesian courts represents a critical intersection between applied linguistics and legal studies. In the context of globalization, legal cases involving foreign parties or foreign-language documents are becoming increasingly common, demanding accurate translation to ensure procedural justice (Aziz et al., 2023; Susilo & Rafi, 2024). However, the current state of translation practices in Indonesian courts continues to face fundamental challenges, such as the reliance on uncertified ad hoc interpreters, mistranslations of legal terminology, and the absence of standardized procedures (Ana et al., 2024; Tampubolon, 2024). For instance, a case study in Bali revealed that non-professional interpreters frequently performed literal word-for-word translations, overlooked critical legal nuances, and even became entangled in conflicts of interest (Ana et al., 2024).

From a legal perspective, inaccurate translations may lead to serious consequences, including contract annulments or unjust verdicts (Tanaya & Nugroho, 2019; Ilhamsyah et al., 2025). Applied linguistics, meanwhile, highlights the pragmatic and sociolinguistic complexities of legal translation, including cultural gaps and the hierarchical structure of meaning (Widiantari, 2023; Stevani et al., 2025). Bridging these two disciplines is crucial not only for critically assessing existing practices but also for proposing evidence-based reforms.

Previous studies have identified several key gaps in the research on legal translation in Indonesia. First, much of the literature emphasizes normative aspects—such as the legal obligation to appoint sworn translators under the Indonesian Code of Criminal Procedure—rather than empirical assessments of translation practices on the ground (Susilo & Rafi, 2024). Second, the available research tends to be fragmented: some studies focus on foreign-language contracts (Tanaya & Nugroho, 2019), while others examine courtroom interpreting (Ana et al., 2024), often without a coherent analytical framework. Third,

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the standards for translator competence remain vague. For example, while Supreme Court Circular No. 3/2023 mandates official translations for foreign documents, there is still no systematic policy for training and certification of legal translators (Ilhamsyah et al., 2025; Stevani et al., 2025).

This study responds to those gaps by integrating perspectives from both applied linguistics—such as pragmatic error analysis and PACTE translation competence theory—and legal studies, including the principles of fair trial and legal certainty. Such an interdisciplinary approach is essential for two main reasons: (1) it enables a comprehensive mapping of the issues, including the consequences of translation errors on court decisions (Aziz et al., 2023); and (2) it supports the formulation of policy recommendations grounded in empirical data, such as court-simulation-based training programs (Stevani et al., 2025) or the adoption of international standards (Hale, 2015).

This study sets out several key objectives. First, it aims to critically examine the current practices of foreign language translation in Indonesian courts through the combined lens of applied linguistics and legal theory. Second, it seeks to identify systemic factors—such as regulatory gaps, interpreter competence, and budgetary constraints—that significantly impede translation accuracy. Based on these insights, the study further aims to develop recommendations for improving the fairness and reliability of legal translation standards, ultimately supporting a more transparent and responsive judicial process. The initial hypothesis suggests that unprofessional interpreting, weak oversight, and the lack of a unified standard are major contributors to semantic distortions in legal proceedings. These distortions may, in turn, hinder public access to justice, as documented by Ana et al. (2024) and Tampubolon (2024). This claim is further supported by concrete cases such as contract cancellations due to translation errors (Tanaya & Nugroho, 2019), and reports of biased interpretations by ad hoc interpreters (Widiantari, 2023).

## 2. Method

This study adopts a Critical Literature Review (CLR) approach to conduct an in-depth analysis of foreign language interpreter practices in Indonesian courts. CLR was chosen for its ability not only to synthesize existing empirical findings but also to critically evaluate the contributions, quality, and relevance of the literature while identifying research gaps within this interdisciplinary topic that bridges applied linguistics and legal studies (Hart, 1998). Unlike systematic reviews, which tend to be descriptive, CLR enables the development of a comprehensive understanding while formulating evidence-based critical arguments (Snyder, 2019).

The literature search was conducted using three main databases: Scopus, GARUDA, and Google Scholar. Scopus was used to access reputable international publications, while GARUDA and Google Scholar helped capture the local Indonesian context. The search involved keyword variations in both English—such as “court interpreter,” “legal translation,” “foreign language in court,” and “judicial interpreter”—and Bahasa Indonesia, including “penerjemah pengadilan,” “penerjemah hukum,” “bahasa asing di persidangan,” and “juru bahasa tersumpah.” This keyword combination was designed to capture diverse aspects of the topic, ranging from the technical dimensions of translation to its legal implications. The search was limited to publications from 2015 to 2025 to ensure the relevance of findings to current developments.

The literature selection process was carried out systematically to ensure both the quality and relevance of the sources. The first stage involved initial screening based on titles and abstracts, during which irrelevant works were excluded. The second stage consisted of full-text evaluation, where the remaining sources were examined in greater depth to assess their alignment with pre-established inclusion criteria. These criteria included topic relevance, research method, year of publication, and language. The process was designed to be transparent and well-documented to minimize selection bias.

**Table 1.** Selection Criteria

Criteria	Inclusion	Exclusion
Topic	The practice of foreign language interpreters in court	Translation outside of legal/court contexts
Method	All research methods except pure reviews	Article in the form of a pure review
Year of Publications	2015–2025	Outside the specified year range
Language	English or Indonesian	Languages other than English or Indonesian

The selected literature was then analyzed thematically to identify patterns and major findings. First, practical challenges in court translation were examined, including the use of uncertified ad hoc interpreters and the mistranslation of technical legal terminology (Ana et al., 2024). Second, the legal implications of translation inaccuracies—such as contract annulments or unjust court rulings (Tanaya & Nugroho, 2019)—were explored to understand their impact on the justice system. Third, policy recommendations, including the need for simulation-based interpreter training and certification systems (Stevani et al., 2025), were evaluated as potential solutions. This analysis also drew on interdisciplinary perspectives, including theories from forensic linguistics (Widiantari, 2023) and the legal principle of fair trial as codified in Indonesian criminal procedure (Susilo & Rafi, 2024), to deepen the interpretation of findings.

The validity of this study is maintained through source triangulation, combining both high-impact international journals and locally grounded studies, as well as through a transparent and traceable selection process. Nonetheless, this study acknowledges certain limitations—most notably the dominance of case studies from regions such as Bali and Jakarta, which may not fully reflect the diversity of court translation practices across Indonesia. Despite this, the findings provide a valuable foundation for understanding the complexities surrounding foreign language interpretation within the Indonesian legal system.

### **3. Findings**

#### **3.1. Practical Challenges in Court Interpretation in Indonesia**

Empirical studies have identified several fundamental challenges in the practice of foreign language interpretation in Indonesian courts. First, the use of uncertified ad hoc interpreters remains widespread, particularly in regions with limited resources (Ana et al., 2024). These ad hoc interpreters—often comprising tour guides or defendants’ family members—frequently lack understanding of legal terminology and tend to translate literally, which risks significant distortion of meaning (Widiantari, 2023). Second, there is a clear gap in both linguistic and legal competence. Even certified interpreters often struggle to render technical legal terms such as “Exclusive Economic Zone” or ambiguous contractual phrases into accurate target-language equivalents (Stevani et al., 2025). Third, interpreters sometimes face external pressure from law enforcement officers or attorneys to adjust their translations, thereby compromising the neutrality of the judicial process (Susilo & Rafi, 2024).

#### **3.2. Legal Implications of Inaccurate Translation**

The legal consequences of inaccurate translation are not merely technical but have serious implications for procedural justice. For example, the Jakarta High Court ruled in the case of PT. Citra Abadi v. MDS that legal documents in a foreign language without an official sworn translation were deemed invalid and inadmissible as legal evidence (Aziz et al., 2023). Furthermore, SEMA No. 3/2023 warns of the potential for contract annulment when documents in foreign languages lack accurate translations, exposing both local and foreign parties to legal risk (Ilhamsyah et al., 2025). From a criminal justice perspective, inaccurate courtroom interpretation can lead to violations of defendants’ rights. In a study conducted in Bali, it was found that defendants who did not speak Indonesian were unable to comprehend the charges brought against them due to inadequate interpretation. As a result, many filed appeals—legal actions that could have been avoided had proper translation been provided in the first instance (Tampubolon, 2024). Thus, errors in legal translation—both of documents and oral proceedings—may produce significant legal ramifications and jeopardize the rights of the parties involved.

#### **3.3. Debates on Standards and Regulation**

The debate surrounding standards and regulation in legal translation in Indonesia continues to feature prominently in both academic and practical discourse. A clear divide exists regarding interpreter certification. On one side, scholars such as Ana et al. (2024) and Widiantari (2023) strongly advocate for mandatory certification systems to ensure professional accountability and translation accuracy. On the other side, empirical realities show that regional courts often resort to ad hoc interpreters due to budget constraints and human resource limitations, as noted in the findings of Susilo and Rafi (2024).

The literature also addresses Indonesia’s multilingual context, highlighting the need for more centralized oversight. Comparative studies by Jacometti (2020) and Botezatu (2016) suggest adapting models such as co-drafting or centralized revision mechanisms—commonly used in the European Union—to improve consistency and quality in multilingual legal systems. However, implementing such models in Indonesia poses substantial challenges, including bureaucratic complexity and extensive linguistic diversity, making standardization efforts particularly difficult. These tensions underscore an ongoing

struggle between the ideal of professionalized, regulated legal translation and the pragmatic limitations of the Indonesian judicial system, particularly in managing linguistic plurality.

### **3.4. Proposed Solutions and Recommendations**

In response to these challenges, recent studies have offered a range of solutions aimed at improving the quality of legal translation and interpretation in Indonesia. One widely supported recommendation is simulation-based training for interpreters (Stevani et al., 2025). These courtroom simulations allow interpreters to experience the pragmatic, emotional, and contextual pressures that often arise in real trial settings. In addition to training, the use of assistive technologies is also encouraged to reduce technical translation errors. Tools such as speech-to-text software and bilingual legal term databases—especially for Indonesian-English translation—have been proposed as mechanisms to increase accuracy and efficiency (Stevani et al., 2025).

A further strategic recommendation involves fostering interdisciplinary collaboration between legal translation specialists, forensic linguists, and legal practitioners. For example, combining forensic linguistic insights (Widiantari, 2023) with procedural principles such as Article 177 of the Indonesian Code of Criminal Procedure (KUHP) may lead to the development of standardized, rights-based guidelines for legal interpretation. Ultimately, improving legal translation requires an integrated strategy that combines hands-on training, advanced technologies, and collaborative policy design to ensure a fair, effective, and accountable justice system.

### **3.5. Research Gaps and Critical Reflections**

Research on legal translation in Indonesia continues to exhibit notable gaps, both in geographic scope and in policy evaluation. A key concern is the concentration of case studies in Java and Bali, particularly in urban centers such as Jakarta and Denpasar. This geographic bias may limit the generalizability of findings and obscure the realities of legal translation practices in underrepresented regions such as Papua or Sumatra (Ana et al., 2024; Tampubolon, 2024).

Another issue is the limited evaluation of policies that are often cited in academic literature—most notably, Law No. 24 of 2009 and Supreme Court Circular No. 3 of 2023. Despite their frequent mention, few studies have systematically assessed the actual effectiveness of these regulations in courtroom settings. Some have documented implementation in specific courts, but most remain descriptive and fail to examine broader legal consequences, including the inconsistencies between regulations that can generate legal uncertainty (Ilhamsyah et al., 2025).

Lastly, the role of emerging technologies in legal translation is underexplored in Indonesia. While artificial intelligence (AI) has not yet been widely adopted, international studies, such as by Al-Romany & Kadhim (2024), highlight both its potential and risks. Tools such as Natural Language Processing (NLP) and machine learning offer promising advancements in the accuracy and speed of legal translation. However, their implementation must be accompanied by robust oversight and clear regulatory standards to prevent harmful errors that could affect legal outcomes.

In sum, the research landscape continues to be shaped by limited geographic data, inadequate policy assessment, and a lack of innovation-focused inquiry. Addressing these gaps is essential to advancing fair and accurate legal translation practices in Indonesia.

The findings of this review confirm the complexity of translation practices in Indonesian courts and reinforce the urgent need to integrate both linguistic and legal perspectives. Policy recommendations must balance local realities with international standards, emphasizing the professional development of legal interpreters and the institutional accountability of judicial processes.

## **4. Discussion**

### **4.1. Trends and Patterns in Legal Translation Practices in Indonesia**

Recent empirical studies consistently highlight the dominance of ad hoc interpreters in Indonesian courts, particularly in regions facing resource limitations (Ana et al., 2024; Tampubolon, 2024). This phenomenon mirrors the findings of Hale (2015), who notes that in many common law jurisdictions, interpreters are often mischaracterized as mere “language technicians” rather than professionals equipped to handle the complexities of legal discourse. In the Indonesian context, this issue is compounded by the lack of financial support allocated for professional legal interpreting services (Widiantari, 2023), a challenge similarly reported in Malta (Mifsud, 2015).

A related policy debate centers around the tension between formal certification and urgent courtroom needs. While some scholars advocate for mandatory interpreter certification to safeguard the quality of legal translation (Stevani et al., 2025), in practice, many courts prioritize speed and convenience over

professional standards due to logistical constraints (Susilo & Rafi, 2024). This trade-off echoes Berk-Seligson's (2000) critique of untrained interpreters in U.S. courts, where inadequate linguistic assistance may compromise the integrity of judicial outcomes.

## 4.2. Strengths and Limitations of Existing Literature

The body of research on legal translation in Indonesia presents both valuable insights and notable gaps. On the one hand, studies by Ana et al. (2024) and Widiyanti (2023) provide detailed empirical evidence, illustrating both technical and ethical challenges encountered in courtroom interpretation. Their findings help clarify obstacles faced by interpreters and offer critical perspectives on the performance and integrity of legal translation in practice. The ethnographic approach employed by Berk-Seligson (2000) further enriches this discussion by unpacking the power dynamics between interpreters and judges, thus offering a robust theoretical lens for improving translation quality in judicial settings.

However, these contributions are not without limitations. A significant concern is the geographic bias across many studies, which often focus on Jakarta and Bali, thereby neglecting the linguistic and procedural diversity found in regions such as Papua or Sumatra. This imbalance reflects similar criticisms raised by Durant and Leung (2017) in their analysis of multilingual systems in the EU, where regional variations are frequently overlooked. Another area lacking exploration is the integration of emerging technologies. Research on the application of artificial intelligence (AI) to support courtroom translation in Indonesia remains scarce. Yet, as demonstrated by Al-Romany and Kadhim (2024), AI-based tools like speech-to-text technologies offer both promising opportunities and critical risks that must be carefully considered within the legal domain.

## 4.3. Lessons from Global Contexts

International best practices provide valuable reference points for developing translation standards and training models in Indonesia. For instance, the European Union's Directive 2010/64/EU (Fingas, 2019) mandates formal certification and the creation of national registries of verified legal interpreters. Member states are also required to implement comprehensive systems for training, testing, and maintaining professional standards to ensure the accuracy and reliability of legal translation across jurisdictions.

By contrast, many Indonesian courts—especially outside major urban centers—still rely on ad hoc arrangements due to budgetary and personnel constraints (Susilo & Rafi, 2024). This reliance undermines consistency and compromises legal certainty. In terms of training, Australia provides a useful model through its collaborative approach. As Hale (2015) observes, legal interpreter training in Australia involves direct engagement with legal professionals, including judges, to cultivate a deeper understanding of courtroom communication and legal hierarchy. This model emphasizes realistic trial simulations, interactive instruction, and ethical-intercultural competence as part of the certification requirements set by NAATI. Such collaborative training fosters interpreters' ability to produce not only linguistically accurate translations but also contextually appropriate and legally defensible interpretations (Widodo, 2024).

## 4.4. Evidence-Based Recommendations

To improve the quality of legal translation in Indonesia, several strategic recommendations have emerged from recent studies. In terms of training, the adoption of the PACTE model (Stevani et al., 2025), which focuses on holistic competence development, has proven effective. When combined with terminology portfolio approaches (Altuwairesh & AlGhamedi, 2025), this model can significantly enhance translators' ability to handle complex legal terminology. These approaches encourage continuous self-reflection, structured glossary creation, and analytical precision, thus enabling sustained quality improvement.

From a regulatory standpoint, the refinement of Supreme Court Circular No. 3/2023 is essential. Lessons learned from legal cases involving foreign-language contract disputes (Tanaya & Nugroho, 2019) and references to international standards such as those in the EU (Fingas, 2019) should inform more adaptive policy frameworks. Well-calibrated regulations can strengthen legal certainty and mitigate ongoing interpretive disputes over document validity.

Equally important is institutional collaboration. The development of comprehensive translation guidelines requires coordinated input from the Supreme Court, professional translator associations (e.g., HPI or AICI), and academic institutions. Jacometti's (2020) recommendations on multilingual governance emphasize the need for unified technical standards tailored to national contexts. A cross-sectoral platform for standard-setting could help produce legal translation guidelines that are not only coherent and enforceable but also sensitive to Indonesia's linguistic and legal diversity.



## 5. Conclusion

This review concludes that the persistent use of uncertified ad hoc interpreters, gaps in linguistic and legal competencies, and inconsistent implementation of regulatory frameworks remain key challenges in the practice of legal translation in Indonesian courts. These issues compromise not only the accuracy of translated materials but also the fairness and reliability of legal proceedings. The study confirms the hypothesis that a lack of standardization, insufficient oversight, and limited interpreter training contribute significantly to meaning distortion and legal uncertainty. Integrating insights from applied linguistics and legal studies, this review highlights the urgent need for simulation-based interpreter training, mandatory certification, improved funding, and cross-sector collaboration. Future research should explore comparative certification models, examine non-English courtroom language contexts, and assess the ethical and procedural implications of AI-assisted legal translation. Strengthening policy implementation and ensuring inclusive language rights will be essential for a more equitable justice system in Indonesia.

## Author Contributions

**Muhammad Fariq Heemal Attruk:** Conceptualization, Project administration, Writing - original draft, Writing - review & editing, Supervision, Methodology. **Rizky Perdana Bayu Putra:** Formal analysis, Validation, Investigation, Writing - review & editing. **Tuti Handayani:** Data curation, Resources, Visualization, 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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