



Court Interpreting and Access to Justice for Foreign Defendants in Bali

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Abstract

Background: Despite extensive international research on court interpreting, little empirical evidence exists regarding its practical implementation and user-centered evaluation in Indonesian courts, particularly in cases involving foreign defendants.

Objective: This study evaluates the performance and challenges of court interpreters in supporting foreign defendants' access to justice in Bali.

Methods: This research employs a descriptive quantitative design with complementary qualitative interpretation of findings. Data were collected through structured interviews and Likert-scale evaluations involving 16 participants (four defendants, four prosecutors, four lawyers, and four interpreters).

Results: The findings show notable disparities in interpreter evaluations across stakeholder groups: defendants rated interpreter performance moderately (3.375/5), while prosecutors provided a significantly higher assessment (4.557/5). Defendants reported limited interpreter availability during early police examinations and concerns regarding neutrality, whereas interpreters identified legal terminology and rapid information processing as key challenges.

Conclusion: This study contributes empirically to access-to-justice scholarship by demonstrating how stakeholder perceptions reveal structural inconsistencies in interpreter provision within Indonesian courts. Strengthening standardized certification, specialized legal training, and early-stage interpreter deployment is essential to enhance procedural fairness for foreign defendants.

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INTRODUCTION

Bali's booming tourism industry brings a growing number of foreign nationals. The explosion of foreign tourists visiting Bali, Indonesia, has significantly contributed to the economic growth of Bali specifically, and Indonesia more broadly. According to data from the Bali Provincial Tourism Office, Bali recorded more than 5.2 million international tourist arrivals in 2019, and the number has steadily recovered post-pandemic, reaching approximately 5.3 million visitors in 2023. This significant influx of foreign nationals inevitably increases cross-border interactions, mobility, and exposure to local legal frameworks. As the number of foreign visitors rises, so does the probability of legal disputes, criminal allegations, immigration violations, and regulatory non-compliance involving non-Indonesian speakers. Consequently, the growing volume of foreign-related legal cases places greater pressure on the Indonesian judicial system.

In addition to providing multiplier economic benefits, the tourism sector also has the potential to cause some latent and massive negative social impacts (Widodo et al., 2023). Beyond its economic contribution, the rapid growth of international tourism in Bali has also produced significant social and cultural transformations. Increased cross-cultural interaction has intensified patterns of social integration, lifestyle adaptation, and shifts in local norms and behavioral expectations. While such exchanges enrich cultural diversity, they may also generate friction arising from differing legal awareness, social values, and regulatory compliance standards. Misunderstandings related to local customs, immigration regulations, traffic laws, or criminal provisions have contributed to a growing number of legal encounters involving foreign nationals. In this context, legal disputes are not merely individual incidents but reflections of broader socio-cultural interaction within a globalized tourism environment. Consequently, the expansion of tourism indirectly increases the demand for accurate legal communication mechanisms, including qualified court interpreters capable of mediating linguistic and cultural differences within judicial proceedings.

This trend appears to coincide with a rise in legal cases involving non-Indonesian speakers, highlighting significant challenges within the legal system. As Indonesia continues to attract foreign residents and tourists, effective communication in legal contexts becomes paramount (Hunter-Adams & Rother, 2017). The increasing involvement of foreigners in legal proceedings in Bali underscores the urgent need for accurate and effective interpreting services within the Indonesian justice system, where Indonesian is the official language. As more non-Indonesian speakers navigate legal challenges, the potential for misunderstandings and miscommunication rises significantly (Ngarambe & Ruvebana, 2023). This situation not only affects the fairness of legal outcomes but also highlights the importance of providing qualified interpreters who can bridge the linguistic gap (Bestué & Vargas-Urpí, 2023; Monteoliva-García, 2020; Sakowicz & Zieliński, 2024; Xia & Meiyi, 2024).

Ensuring all parties fully understand the legal processes and their rights is essential for maintaining justice and upholding the rule of law in a diverse and multicultural context like Bali. Court interpreters ensure fair trials for non-Indonesian speakers within the Indonesian legal system (Michalska-Guzik, 2023; Ngarambe & Ruvebana, 2023). As the country becomes more diverse, the presence of non-Indonesian speakers in legal proceedings is increasingly common, necessitating the role of interpreters to facilitate communication between the court and these individuals (Gabarró-López & Mesch, 2020; Linder et al., 2023; Monteoliva-García, 2020; Pöchhacker, 2022; Wang & McLaughlin, 2023; Xia & Meiyi, 2024; Zendedel et al., 2018). The importance of qualified court interpreters in safeguarding justice has been well documented in comparative legal studies. Empirical research demonstrates that inadequate interpretation can materially affect judicial outcomes. Berk-Seligson, for example, found that subtle shifts in translated testimony such as omissions, hedging, or alterations in tone may influence judges' and jurors' perceptions of credibility. Similarly, Angermeyer (2024) reports that inaccurate interpretation in criminal proceedings has, in some cases, contributed to misunderstandings of defendants' statements, leading to procedural disadvantages. In multilingual courtrooms, even minor linguistic inaccuracies may alter the perceived intent, coherence, or reliability of testimony.

However, accurate and effective court interpreter services are inadequate, creating significant barriers for non-Indonesian-speaking defendants within the legal system. Despite the critical role that interpreters play in facilitating communication, many courts struggle to provide qualified professionals who possess both linguistic proficiency and a deep understanding of legal terminology (Nouri, 2016). Inadequate skill among court interpreters negatively impacts foreign defendants' understanding of legal proceedings, leading to profound ramifications for their ability to navigate the judicial system. When interpreters lack the necessary training or familiarity with legal terminology, the resulting inaccuracies can distort crucial information, leaving defendants confused about their rights and the implications of their charges. This skill gap hinders effective communication and fosters an environment where defendants may inadvertently make detrimental decisions based on misinterpreted information. Consequently, the integrity of the judicial process is compromised, as these individuals cannot advocate for themselves or fully comprehend the proceedings, ultimately jeopardizing the fairness and equity of legal outcomes. The pressing need for enhanced training and standards in court interpretation is thus paramount to safeguarding the rights of non-Indonesian-speaking defendants in Bali, Indonesia.

This research is vital to promote fairness in legal proceedings, protect human rights, and improve the judicial system's overall functioning for all individuals in Bali, regardless of their language background. In a multicultural society like Bali, where many foreigners may not speak the local language, skilled court interpreters are essential for maintaining legal equity (Gómez, 2023; Hale et al., 2023; Ngarambe & Ruvebana, 2023; Xia & Meiyi, 2024). Understanding the proceedings is fundamental to ensuring that all defendants receive a fair trial regardless of their language proficiency. The right to a fair trial is a fundamental human right recognized globally (Lea, 2023; Michalska-Guzik, 2023; Mrčela & Vuletić, 2023; Rašić, 2023; Sakowicz & Zieliński, 2024). Researching the effectiveness of court interpreters addresses potential violations of this right, particularly for non-native speakers who may struggle to comprehend legal jargon without proper interpretation.

Bali is a popular tourist destination with a diverse population. Thus, understanding how cultural differences impact communication in legal settings can enhance interpreter training and improve the justice experience for foreign defendants. Publicly reported proceedings in Balinese district courts have included cases involving foreign nationals charged with immigration violations, narcotics offenses, traffic accidents, and public order disturbances, where interpretation was required during police examinations and trial hearings. In several of these cases, defense counsel have requested clarification or even replacement of interpreters, citing concerns about accuracy or comprehensibility, which illustrates how interpretation quality may affect defendants' understanding of charges and procedural rights. Although such instances do not necessarily indicate systemic deficiencies, they suggest that inadequate or unclear linguistic mediation can influence participation, credibility assessments, and perceptions of fairness in court. In the Balinese judicial context, where Indonesian serves as the sole official language of proceedings, the presence of professionally trained interpreters therefore appears closely associated with the protection of defendants' ability to engage meaningfully in legal processes and exercise their procedural rights. Professional interpretation can streamline legal proceedings, reducing misunderstandings that lead to delays or mistrials. Researching this area can identify best practices that enhance judicial efficiency and improve outcomes for all parties involved.

Despite the growing number of foreign-involved cases in Balinese courts, there has been no empirical study specifically examining the effectiveness of court interpreting practices in Bali. Existing research on court interpreting largely focuses on European, American, or other Asian jurisdictions, with limited attention to the Indonesian context. Moreover, there has been no systematic evaluation of interpreters' linguistic proficiency, legal competency, and professional neutrality within Balinese judicial proceedings. This absence of localized empirical evidence creates a significant research gap, particularly in understanding how interpreter performance may influence procedural fairness and access to justice for foreign defendants in Bali. This research examines the critical roles of court interpreters, including their responsibilities in interpreting legal terminology and conveying nuances of statements. It also documents the challenges foreign defendants encounter and the role of interpreters. The findings of this research recommend that improving language access in the legal system is crucial for upholding the principles of fairness and justice in Indonesia.

Given the increasing involvement of foreign nationals in legal proceedings in Bali and the limited empirical evidence regarding interpreter performance in this context, a fundamental question arises: to what extent do court interpreting practices in Balinese courts effectively support foreign defendants' meaningful participation and procedural fairness? Specifically, there remains uncertainty regarding the adequacy of interpreters' linguistic proficiency, legal knowledge, and professional neutrality in safeguarding access to justice within local judicial proceedings. Accordingly, this study aims to: (1) evaluate the perceived effectiveness of court interpreters in Balinese judicial settings; (2) examine the linguistic and legal competencies of interpreters involved in cases with foreign defendants; and (3) analyze how interpreter performance may influence defendants' participation and perceptions of procedural fairness. By addressing these objectives, this research seeks to provide empirical evidence on court interpreting practices in Bali and contribute to discussions on access to justice in multilingual legal environments.

LITERATURE REVIEW

The role of court interpreters is essential in guaranteeing equal access to justice for foreign defendants. As Mikkelsen observes, interpreters function not only as language mediators but also as cultural bridges who help defendants fully grasp the legal process. In the context of a fair trial, defendants have the right to understand the charges and the case brought against them, a principle protected under international human rights law, such as Article 14 of the International Covenant on Civil and Political Rights (ICCPR). For this reason, interpreters in court should not be seen as an optional service but as a key element of the right to a fair trial.

Research by Berk-Seligson shows that the quality of interpretation can significantly affect judicial outcomes. When legal terms are misinterpreted, defendants may misunderstand the legal implications of their case, which could influence vital decisions, such as whether to accept a plea bargain or go to trial. These findings highlight that both linguistic proficiency and legal expertise are critical for interpreters to ensure that foreign defendants have a fair opportunity within the justice system.

Kadrić and Kaindl also stress the importance of interpreters in reducing linguistic inequality in courtrooms. They argue that without skilled interpreters, foreign defendants are left in a vulnerable position, unable to fully take part in the trial process. In this sense, interpreters serve as facilitators of participation, which is a necessary condition for fairness in legal proceedings.

Much of the literature underlines the value of a user-centered perspective, which evaluates interpreter performance from the viewpoint of defendants as the main service users. This approach recognizes that interpreters are not only transferring language but also protecting the legal rights of foreign defendants. Wadensjö supports this argument through the concept of dialogic interpreting, where interpreters do more than repeat messages—they also negotiate meaning between participants. This is particularly important when legal terms have no direct equivalent in the target language, requiring interpreters to make interpretive choices that can carry significant legal weight.

Ng (2015) study in Hong Kong courts further illustrates this by showing that interpreters act as "gatekeepers" of access to the legal system. When they fail to bridge linguistic and cultural gaps, defendants face disadvantages that undermine the principle of equality of arms. This confirms that competent interpreters are indispensable for maintaining procedural justice.

Accuracy in interpretation is another decisive factor in safeguarding fair trials. Angermeyer (2024) points out that even small errors, such as omissions or additions, can change the meaning of statements and shape how judges and jurors interpret the evidence. Similarly, Gibbons and Turell explain that mistranslating legal terms can cause confusion in criminal trials. For instance, the distinction between assault and battery may not exist in other languages, leading to serious misunderstandings that could affect the verdict.

Yi (2023) adds that the accuracy of interpreting in court is an integral element of procedural justice. Through his study of virtual courts in Australia, he found that most interpreters have an inadequate understanding of manner of speech, namely the way in which the original speech is delivered, such as tone, hesitation, and markers of politeness. Failure to faithfully reproduce this aspect can alter the judge's perception of the defendant, thereby directly impacting the verdict. This finding expands the argument about the accuracy of interpretation, which is not only linguistic in nature but also encompasses a pragmatic dimension that is equally important in the context of judicial human rights.

Barak (2021) extends this study to the context of immigration by examining lawyers' perceptions of interpreting practices in US immigration courts. His ethnographic study reveals that interpreting errors, inaccurate paraphrasing, and the limitations of remote communication technology collectively create an illusion of due process without substance. Researchers conclude that linguistic inequality in courtrooms is not merely technical in nature, but rather a structural mechanism that weakens the position of foreign defendants, particularly those who intersect multiple axes of inequality such as citizenship, ethnicity, and social class.

Taken together, these studies reinforce a user-centered approach that broadens our understanding of interpreters' roles. They are not merely channels of language transfer but essential facilitators of fair trial experiences for foreign defendants. Current scholarship makes clear that future research should continue to highlight defendants' perspectives to ensure that interpreting services meet the real needs of those who depend on them in court.

Underlying Theories

The central theoretical foundation of this research is the Access to Justice Theory. Initially introduced by Garth & Cappelletti (1978) and further elaborated in later scholarship (Liu, 2016), this theory underscores the principle that every individual must be granted equal opportunities to access legal institutions and receive a fair hearing. Justice, therefore, is not confined to the mere existence of courts or legal provisions, but also extends to the capacity of all participants including linguistic minorities and foreign defendants to actively engage in judicial processes in a meaningful way.

In multilingual courtroom environments, language barriers frequently emerge as the most critical hindrance to the realization of justice. Without competent interpreting services, defendants may struggle to comprehend charges, evidence, or the broader implications of judicial decisions. In this regard, interpreters cannot be viewed as peripheral actors in courtroom proceedings; instead, they are vital to ensuring that the principle of fairness is upheld. This perspective resonates with international human rights instruments, notably Article 14 of the International Covenant on Civil and Political Rights (ICCPR) and Article 6 of the European Convention on Human Rights (ECHR), both of which affirm the right to interpretation when necessary. Within this framework, court interpreters are positioned as indispensable agents in guaranteeing equality before the law.

To reinforce this framework, Role Theory offers valuable insights into how interpreters perform within judicial settings. This theory argues that individuals act according to expectations tied to their assigned roles in social systems. In the case of interpreters, expectations commonly involve neutrality, precision, and adherence to professional ethics. However, in courtroom practice, interpreters are often confronted with competing demands that require them to navigate between functioning as neutral conduits, supportive advocates, or even cultural mediators. Hale observes that interpreters frequently face tensions between judicial expectations of literal rendering and defendants' needs for clarification or simplification. Role Theory helps illuminate the strategies interpreters use to reconcile these conflicting demands, highlighting the dynamic nature of their role.

A further complementary perspective derives from Skopos Theory within translation studies. This framework posits that the communicative purpose or skopos of an interpretation dictates the strategies chosen by interpreters. In courtroom interpreting, the primary purpose is not strict literal equivalence but rather the facilitation of procedural justice and the safeguarding of defendants' rights to full comprehension. From this standpoint, interpreters may at times diverge from verbatim interpretation in favour of functional accuracy for example, by clarifying legal concepts that lack direct equivalents in the target language. Such adjustments are justified by the overarching purpose of judicial interpreting, namely ensuring that defendants can both understand and effectively participate in legal proceedings. Consequently, Skopos Theory strengthens the user-centred orientation of this study by emphasising communicative effectiveness in legal interpreting.

METHOD

This study employed a qualitative descriptive design. Although numerical ratings were collected, the research did not constitute quantitative research. Data were gathered through structured interviews with sixteen purposively selected participants four defendants, four prosecutors, four lawyers, and four interpreters and analysed using qualitative thematic analysis. No statistical tests were conducted, no standardised measurement scales were applied, and the findings were not intended for statistical generalisation. The numerical scores presented in the study functioned solely as descriptive indicators to support narrative interpretation. Accordingly, this research should be understood as a qualitative field study that explored stakeholder perceptions of court interpreting practices in Bali within a specific socio-legal context.

The primary instrument utilised in this study was a structured questionnaire designed for users of legal interpreter services, aimed at gathering comprehensive data regarding the experiences and perceptions of these users. Various equipment was employed for data collection, including audio recorders, stationery, notebooks, computers, and printers. In anticipation of potential scheduling conflicts, digital questionnaires were also developed using Google Forms and disseminated via WhatsApp, enabling respondents to participate conveniently despite their schedules.

The interviews were conducted in person at the respondents' locations during regular working hours, following prior arrangements. The interviewers were collaborators from RMIT University in Australia. Given that many interviewees had limited proficiency in English, a three-party system was implemented involving an interviewer, an interpreter, and the interviewee. The interpreters were researchers from Warmadewa University, proficient in both English and Indonesian. The interviewer posed questions in English, which the interpreter rendered into Indonesian for the interviewee; responses were then interpreted back into English. Following the interviews, the recorded conversations were transcribed to facilitate thorough analysis.

The data collected were aggregated and analysed as a complete dataset, initially classified according to the questions outlined in the questionnaire. Quantitative figures were subjected to qualitative analysis, integrating numerical trends with the underlying themes and narratives drawn from respondents' experiences. The findings were presented using both formal and informal techniques: formal methods included charts and visual representations illustrating interpreter performance across legal settings such as police stations, prosecutor offices, and courts, while informal methods presented the findings through descriptive narratives that contextualised the data and captured the nuances of respondents' experiences. Together, these approaches balanced quantitative rigour with qualitative richness, facilitating a holistic understanding of the research findings.

RESULTS AND DISCUSSION

Result

Law enforcement professionals, including police officers, prosecutors, and lawyers, are generally perceived to possess a strong command of English, both in written and spoken forms. While this assumption may hold for general English communication, it often fails to account for the complexities of specialized English, particularly legal English, frequently employed in judicial settings (El Ghazi & Bnini, 2019; Tsang & Programme, 2017).

When dealing with cases involving foreign nationals, law enforcement officials often need interpreters to facilitate effective communication between themselves and the individuals involved. This necessity arises from the linguistic and cultural barriers that can impede the legal process. The experiences and perceptions of law enforcement personnel regarding various interpreters can differ significantly. Such variability is to be expected, as it is influenced by many factors, including the specific nature of the cases being handled, the cultural backgrounds of the foreign individuals, and the varying competencies and experiences of the interpreters themselves.

These differences can profoundly impact the effectiveness of communication during legal proceedings. For instance, an interpreter's familiarity with legal terminology and procedural norms can significantly enhance the clarity and accuracy of the information exchanged. Conversely, a lack of adequate linguistic competence or legal understanding on the part of the interpreter may lead to misunderstandings or misinterpretations, potentially compromising the integrity of the legal process.

Thus, it is crucial to recognize law enforcement officials' diverse experiences and impressions when working with interpreters, as these factors contribute to the overall efficacy of communication in legal contexts involving foreign defendants. Understanding this complexity is essential for improving interpreter services and ensuring justice is administered fairly and effectively across diverse cultural and linguistic landscapes.

The findings of the research are presented as follows.

Defendants

This section focuses on the experiences of defendants who received assistance from interpreters. It aims to explore how interpreter services impacted the defendants' interactions within the legal system. The specifics of these experiences are presented in Table 1, which illustrates key insights and findings related to the role of interpreters in facilitating communication and comprehension for the defendants. This focus allows for a nuanced understanding of the challenges and benefits faced by defendants in the context of legal proceedings, highlighting the critical importance of effective interpretation services in ensuring equitable access to justice.

Table 1: Interpreter's skill from Defendants' Experiences

Criteria of Assessment	Defendant 1	Defendant 2	Defendant 3	Defendant 4	Average Score
Linguistic Skills					
Native-like Proficiency	3	3	3	3	3
Knowledge and use of the broad range of vocabulary, legal terminology, jargon and cultural nuance	2	3	2	2	2.25
Speaking Skills					
Able to speak with proper pronunciation, diction and intonation	3	3	3	3	3
Ability to speak with a neutralized accent in all working languages	3	3	4	4	3.5
Listening Skills					
Ability to listen to and comprehend different rates of speech	3	4	4	4	3.75
Ability to listen to and comprehend various regional accents	3	4	3	3	3.25
Interpreting Skills					
Ability to process linguistic information quickly	3	4	3	3	3.25
Ability to convey meaning and preserve accuracy	3	4	4	3	3.5
Behavioural Skills					
Ability to practice and follow ethical standards	4	4	4	4	4
Ability to project self-confidence and self-awareness when interpreting	4	4	4	4	4
Average score	3.1	3.6	3.5	3.3	3.375
Note : 1: very poor, 2: poor, 3: fair, 4: very good, 5: very good					

Table 1 illustrates that the defendants were provided with interpreters to address communication gaps with law enforcement officials from the examination at the police level to the court level. However, these interpreters were only made available after the defendants had undergone initial questioning at the police station. The defendants preferred interpreter assistance from the outset of their arrest, as this would have mitigated misunderstandings during critical early interactions. Unfortunately, during the preliminary examination, they were not accompanied by interpreters; their presence was limited to subsequent investigations conducted by law enforcement officers.

The investigators themselves provided the interpreters utilized during these investigations. One interpreter appeared well-acquainted with the police and was frequently employed by them. While his English proficiency was adequate, there were instances where the defendants did not fully comprehend the nuances of the exchanges. Consequently, during the court trial, the defendants requested a change of interpreter through their legal counsel. The lawyers, prioritizing the interests of their clients, opted for professional and experienced interpreters to ensure accurate communication during the proceedings.

Moreover, the courtroom environment was open to the public, which included journalists, consular representatives, family members, and other observers. Given the gravity of the situation and the potential impact on the defendants' futures, the legal team was diligent in ensuring that no complications arose during the court proceedings.

Regarding the use of interpreters, the defendants reported experiencing difficulties in fully understanding the exchanges during police examinations. They noted a lack of information about the interpreters, including their identities, backgrounds, and the circumstances under which they were engaged. The interpreters seemed to serve primarily the investigators' interests, facilitating the case's progression rather than ensuring the defendants' comprehension.

In contrast, during the court trial, the interpreters appointed by the lawyers demonstrated a higher level of professionalism. They briefed the defendants before the proceedings, clarifying that they were independent and not affiliated with the judges, prosecutors, or any other party. They assured the defendants of their commitment to confidentiality regarding all information disclosed, emphasizing that their role was to facilitate the hearing process. As a result, the defendants felt more at ease and secure during the court proceedings, enabling them to communicate at a natural pace without the anxiety of relying on interpreters. This enhancement in interpreter quality significantly contributed to the defendants' confidence in navigating the legal process.

Based on the assessment results in Table 1, the evaluation score of 3.375 out of 5 assigned by the defendants to the interpreters assisting them in legal proceedings raises significant concerns regarding the efficacy and reliability of interpretation services in the judicial system. This analysis delves into the implications of this score, exploring its impact on defendants' rights, the quality of legal interpretation, and the broader implications for justice. A score of 3.375 occupies a midpoint on a conventional scale, suggesting that while the interpreters' performance was not perceived as wholly inadequate, it nonetheless fell short of expectations. This rating raises critical questions about the areas where interpreters may have underperformed. It is essential to contextualise this score within the framework of the defendants' experiences, as subjective perceptions can significantly influence such evaluations. Understanding the criteria upon which this score is based is crucial for a nuanced interpretation of its implications.

The right to effective legal counsel, including understanding the proceedings, is fundamental to ensuring a fair trial. The evaluation score indicates potential deficiencies in the interpretation process, which could hinder a defendant's ability to engage fully in their defence. If language barriers impede comprehension, the risk of miscommunication increases, potentially leading to unjust outcomes. This situation affects the defendants' immediate legal standing and raises broader ethical concerns about the integrity of the judicial process.

The relatively low score may reflect systemic issues within the provision of interpretation services. It prompts a critical examination of the training and qualifications of court interpreters. Effective legal interpretation requires more than mere linguistic fluency; it necessitates an understanding of legal terminology, procedural nuances, and cultural contexts. The score suggests that current training programmes may inadequately prepare interpreters for the complexities of courtroom interactions, thereby compromising the quality of service provided.

An analysis of the score must also consider the diverse backgrounds of defendants. Variations in individual experiences can significantly influence perceptions of interpreter effectiveness. For instance, defendants from different cultural backgrounds may have distinct expectations regarding communication styles and legal processes. Furthermore, the emotional and psychological pressures associated with legal proceedings can affect how defendants evaluate the interpretation they receive. Consequently, a comprehensive understanding of the score necessitates a consideration of these subjective factors.

Regarding the evaluation score, several recommendations emerged. First, a robust feedback mechanism should allow defendants to provide candid evaluations of interpreter performance. This system could inform ongoing training and professional development initiatives. Second, enhancing interpreter training programmes to include linguistic skills, cultural competence, and legal knowledge is imperative. Such improvements could elevate the standard of interpretation services and better support defendants in navigating the legal system.

Prosecutors

Among the four public prosecutors interviewed for this research, each reported having managed over ten cases involving foreign nationals. Their evaluations concerning the knowledge, skills, and abilities (KSA) of the interpreters they worked with are presented in Table 1. This collective experience underscores the prosecutors' familiarity with the complexities of handling cases that require legal interpretation, highlighting the critical role interpreters play in facilitating communication within the legal system. The insights these prosecutors provide reflect their direct interactions with interpreters and serve as valuable feedback for assessing the quality and effectiveness of interpreter services in legal contexts involving foreign defendants.

Table 2: Interpreter's Skill from Prosecutors' Experiences

Criteria of Assessment	Prosecutor 1	Prosecutor 2	Prosecutor 3	Prosecutor 4	Average Score
Linguistic Skills					
Native-like Proficiency	4	4	4	4	4
Knowledge and use of the broad range of vocabulary, legal terminology, jargon and cultural nuance	3	4	4	4	3.75
Speaking Skills					
Able to speak with proper pronunciation, diction and intonation	4	5	5	5	4.75
Ability to speak with a neutralized accent in all working languages	4	5	5	5	4.75
Listening Skills					
Ability to listen to and comprehend different rates of speech	4	5	5	5	4.75
Ability to listen to and comprehend various regional accents	4	5	5	5	4.75
Interpreting Skills					
Ability to process linguistic information quickly	4	5	5	5	4.75
Ability to convey meaning and preserve accuracy	3	5	5	5	4.5
Behavioural Skills					

Criteria of Assessment	Prosecutor	Prosecutor	Prosecutor	Prosecutor	Average Score
	1	2	3	4	
Ability to practice and follow ethical standards	5	5	5	5	5
Ability to project self-confidence and self-awareness when interpreting	4	5	5	5	4.75
Average score	3.9	4.8	4.8	4.8	4.557
Note : 1: very poor, 2: poor, 3: fair, 4: very good, 5: very good					

Public prosecutors receive case transfers from the initial investigators, typically the police, and therefore require interpreters during the court trial process. In selecting an interpreter, prosecutors first review the case documents and consider the interpreters previously employed by the police as a preliminary step. If the investigation involves Indonesian-English language pairs, prosecutors tend to take precautionary measures by contacting qualified or professional interpreters who are familiar with court procedures and have a track record of working effectively within the judicial system. This careful selection is motivated by the desire to minimize potential questions from the judge or objections from other law enforcement officials, as professional interpreters are well-versed in legal terminology and court interpreting techniques, thereby enhancing the overall efficiency of the trial process.

The names of interpreters listed in the case documents are initially considered for cases involving different language pairs. However, it is noteworthy that not many interpreters from the police force are willing to serve in court, as they may feel intimidated by the presence of multiple law enforcement officials. Consequently, prosecutors often face challenges in locating qualified or, ideally, professional interpreters for these cases. It is particularly evident in instances involving specific nationalities, such as skimming cases involving Ukrainian defendants, robbery cases involving Russian defendants, and drug-related offences involving Nigerian defendants. In such situations, public prosecutors may be compelled to rely on individuals who speak the relevant languages but lack the necessary skills, experience, and techniques in interpretation.

If a lawyer represents the defendant, securing an interpreter may shift to the legal counsel. However, in cases where no lawyer is present, or the government appoints the lawyers, public prosecutors must exert additional effort to find interpreters, often by reaching out to the consulate or embassy of the defendant. This highlights the complexities and challenges prosecutors face in ensuring effective communication during legal proceedings, mainly when dealing with foreign defendants and language barriers.

Several lawyers explained that the decision to request a change of interpreter was not arbitrary but based on specific concerns observed during proceedings. In some cases, interpreters appointed at the investigative stage paraphrased defendants' statements rather than rendering them verbatim, leading to partial omissions of details considered legally relevant. Lawyers also reported instances where complex legal terms, such as distinctions related to intent, degrees of liability, or procedural rights, were translated in overly simplified language, potentially altering their legal implications. Additionally, concerns were raised regarding perceived institutional alignment, particularly when interpreters appeared closely associated with investigators, which created doubts about neutrality. In courtroom settings, lawyers preferred professional interpreters who conducted pre-hearing briefings, clarified confidentiality, and demonstrated familiarity with legal terminology. These practical considerations motivated lawyers to replace interpreters in order to ensure accuracy, impartiality, and effective communication for their clients.

The prosecutors' evaluation of interpreters' knowledge, skills, and abilities, which yields an impressive average score of 4.557 out of 5, offers valuable insights into the effectiveness of interpreter services within the legal framework. This high score is a robust endorsement of interpreters' competencies, underscoring their essential role in the legal system. Moreover, this assessment affirms the current effectiveness of interpreter services and highlights areas for potential improvement, aiming to enhance the accuracy and efficiency of legal communication further. This positive assessment reflects a strong confidence in the interpreters' ability to

facilitate communication effectively during legal proceedings. Such a high score suggests that interpreters are adequately prepared to handle the complexities of legal language and the nuances of courtroom interactions.

The high rating underscores the critical role interpreters play in ensuring the integrity of the judicial process, mainly when dealing with foreign defendants (Bestué & Vargas-Urpí, 2023; Wang & McLaughlin, 2023; Xia & Meiyi, 2024). Practical interpretation can significantly influence the clarity of communication, which is vital for fair legal representation and accurate understanding of legal proceedings. Prosecutors' positive evaluations may correlate with smoother court operations and reduced misunderstandings that could adversely affect case outcomes.

The relatively high score may also reflect consistency in the performance of the interpreters employed by the prosecutors. It suggests that the interpreters are not only skilled in language proficiency but also possess an understanding of legal terminology, procedures, and courtroom dynamics. Such familiarity is essential for minimizing potential disruptions during trials and ensuring all parties are on the same page.

Despite the high score, it is crucial to recognize that there remains a small margin for improvement. The score, while commendable, indicates that some aspects of interpreters' performance may still fall short of expectations. Identifying specific areas where interpreters could enhance their skills, such as increased training in legal terminology or understanding cultural nuances, could further improve their effectiveness and the overall legal process.

The positive evaluation is a basis for advocating for continued professional development and training for interpreters. Establishing standardized criteria for interpreter qualifications and ongoing education could help maintain high standards in interpreter services, benefiting both the legal professionals and the defendants they serve.

Lawyers

As essential participants in the legal system, lawyers must meet specific qualifications, particularly regarding their educational background in law. Among the four lawyers examined in this study, all possess formal legal education: two hold bachelor's degrees in law, while the other two have obtained master's degrees in law. Each of these lawyers brings a wealth of experience to their practice, handling diverse legal cases. In contrast to the previously discussed prosecutors, these lawyers engage in criminal and civil cases, thereby exhibiting a broader scope of practice within the legal field. This diversity in legal practice emphasizes lawyers' crucial role in ensuring the effective and equitable management of both types of cases within the legal system.

Furthermore, their experiences working with interpreters vary significantly, leading to differing perspectives on the knowledge, skills, and abilities (KSA) of these interpreters. This variation highlights the complexities inherent in legal practice and the importance of effective communication in the administration of justice. Their views on the interpreters' KSA can be seen in Table 3.

Table 3: Interpreter's Skill from Lawyers' Experiences

Criteria of Assessment	Lawyer 1	Lawyer 2	Lawyer 3	Lawyer 4	Average Score
Linguistic Skills:					
Native-like Proficiency	4	4	4	4	4
Knowledge and use of the broad range of vocabulary, legal terminology, jargon and cultural nuance	3	3	3	3	3
Speaking Skills:					
Able to speak with proper pronunciation, diction and intonation	4	4	4	4	4
Ability to speak with a neutralized accent in all working languages.	4	4	4	4	4
Listening Skills:					

Criteria of Assessment	Lawyer 1	Lawyer 2	Lawyer 3	Lawyer 4	Average Score
Ability to listen and to comprehend different rates of speech.	4	4	4	4	4
Ability to listen to and comprehend various regional accents.	4	4	4	4	4
Interpreting Skills					
Ability to process linguistic information quickly.	4	4	4	4	4
Ability to convey meaning and preserve Accuracy	4	4	4	4	4
Behavioural Skills:					
Ability to practice and follow ethical standards	4	4	4	4	4
Ability to project self-confidence and self-awareness when interpreting.	4	4	4	4	4
Average score	3,9	3,9	3,9	3,9	3,9
Note : 1: very poor, 2: poor, 3: fair, 4: very good, 5: very good					

Lawyers frequently employ interpreters in their professional services, reflecting a commitment to effective communication in diverse legal contexts. Like prosecutors, lawyers exercise discernment when selecting interpreters, prioritising those with expertise in specific language pairs, strong interpreting skills, and relevant experience. This careful selection process is critical given the wide range of cases they handle, which include complex matters such as electronic transaction crimes, homicide, divorce, torture, fraud, drug-related offences, and embezzlement.

When clients speak languages not readily accessible in Bali, lawyers often seek assistance from the client's consulate or embassy. Lawyers view the involvement of interpreters as essential and beneficial for bridging communication gaps. Even for lawyers fluent in English, the presence of an interpreter can enhance clarity, as legal English often diverges significantly from everyday English usage.

Based on their experiences, lawyers describe their collaborations with interpreters as highly productive and supportive. These partnerships effectively resolve issues related to terminology and communication barriers, ultimately facilitating a smoother legal process. This collaborative dynamic underscores the vital role interpreters play in ensuring that all parties fully understand the proceedings and can engage meaningfully within the legal framework.

The assessment of interpreters' knowledge, skills, and abilities by lawyers, resulting in an average score of 3.9 out of 5, provides valuable insights into the perceived effectiveness of interpreter services within the legal context. This score, which is relatively high but not perfect, suggests several vital points for analysis:

A score of 3.9 indicates that lawyers generally recognise and appreciate the competencies of interpreters. It reflects satisfaction with their performance in facilitating communication during legal proceedings. This acknowledgement is significant, as effective interpretation is crucial for ensuring all parties understand the legal processes involved, particularly in cases with foreign defendants. While a score of 3.9 is commendable, it also implies room for improvement. This score suggests that some aspects of the interpreters' knowledge or skills may not fully meet the expectations of lawyers. Identifying specific areas for enhancement such as legal terminology, cultural nuances, or the ability to handle complex legal scenarios could lead to better outcomes in future cases.

The perceived adequacy of interpreters can have direct implications for legal outcomes. Suppose lawyers feel that interpreters are not performing at an optimal level. In that case, it may affect their confidence in the communication process, potentially leading to misunderstandings or misinterpretations that could impact case results. Thus, the score highlights the importance of continuous professional development for interpreters to ensure they are equipped to meet the

demands of legal settings.

The score may also reflect variability in the experiences of different lawyers with interpreters. Factors such as the complexity of cases, the specific language pairs involved, and the nature of the interactions can all influence how lawyers evaluate interpreter performance. This variability underscores the need for a nuanced understanding of interpreter effectiveness across legal contexts.

Interpreters

Table 4 assesses the difficulties interpreters encounter across various Knowledge, Skills, and Abilities (KSA) criteria. The scores, ranging from 1 (very easy) to 5 (very difficult), provide insight into the perceived challenges faced by four interpreters in their professional roles. This analysis will evaluate the data in the context of linguistic, speaking, listening, interpreting, and behavioural skills.

Table 4: Level of KSA Difficulties for Interpreters

Criteria of Assessment	Interpreter 1	Interpreter 2	Interpreter 3	Interpreter 4	Average Score
Linguistic Skills:					
Native-like Proficiency	3	3	3	3	3,00
Knowledge and use of the broad range of vocabulary, legal terminology, jargon and cultural nuance	4	4	4	4	4,00
Speaking Skills:					
Able to speak with proper pronunciation, diction and intonation	2	3	3	3	2,75
Ability to speak with a neutralized accent in all working languages.	3	3	3	3	3,00
Listening Skills:					
Ability to listen and comprehend different rate of speech.	2	3	3	3	2,75
Ability to listen to and comprehend various regional accent.	3	2	2	2	2,25
Interpreting Skills:					
Ability to process linguistic information quickly.	3	3	3	3	3,00
Ability to convey meaning and preserve Accuracy	2	3	2	3	2,50
Behavioral Skills:					
Ability to practice and follow ethical standards	2	2	2	2	2,00
Ability to project self-confidence and self-awareness when interpreting.	2	2	2	2	2,00
Average score	2,5	2,8	2,7	2,7	2,675
Note : 1: very easy, 2: easy, 3: fair, 4: difficult, 5: very difficult					

Linguistic Skills

A. Native-like Proficiency

All interpreters scored themselves a consistent 3, indicating a fair level of proficiency that suggests they are competent but may not possess the fluency of a native speaker. This uniformity in scoring highlights a shared perception of their linguistic capabilities, which may be a crucial factor in their effectiveness in nuanced communication.

B. Knowledge and Use of Vocabulary

The score of 4 across the board reflects a significant challenge in mastering a broad range of vocabulary, including legal terminology and cultural nuances. It indicates that while interpreters may understand the necessary lexicon, they recognize the complexity involved in fully grasping and utilizing it in context.

Speaking Skills

A. Pronunciation, Diction, and Intonation

With an average score of 2.75, interpreters generally feel that speaking with proper pronunciation and diction is relatively manageable but not without challenges. This suggests that while they are competent in their speaking abilities, there is still room for improvement.

B. Neutralized Accent

A consistent score of 3 indicates that achieving a neutral accent across all working languages is perceived as a moderate challenge. It reflects the importance of accent neutrality in interpretation, which is crucial for ensuring clarity and reducing misunderstandings in cross-cultural communication.

Listening Skills

A. Comprehension of Different Speech Rates

The average score of 2.75 suggests that interpreters find it relatively easy to comprehend varying speech rates. This skill is essential for court interpretation, indicating a solid foundation in listening comprehension.

B. Understanding Regional Accents

The lower average score of 2.25 reveals that interpreters face notable difficulties comprehending various regional accents. It highlights a critical area for improvement, as understanding diverse accents is vital for accurate interpretation and can significantly impact the quality of communication in legal settings.

Interpreting Skills

A. Processing Linguistic Information Quickly

With a score of 3, interpreters report a fair level of difficulty in processing linguistic information swiftly. This suggests that while they are capable, the fast-paced interpreting can present challenges that require further refinement of their skills.

B. Conveying Meaning and Preserving Accuracy

The average score of 2.5 indicates moderate difficulty in accurately conveying meaning, which is a crucial skill for interpreters, as misrenderings can have severe consequences in legal contexts. The data suggest a need for ongoing training in this area to enhance performance.

Behavioral Skills

A. Adherence to Ethical Standards

An average score of 2 reflects that interpreters find it relatively easy to practise ethical standards. It is reassuring, as ethical behaviour is fundamental to the integrity of interpreting services.

B. Projecting Confidence and Self-Awareness

The uniform score of 2 indicates that while interpreters generally feel capable of projecting confidence, underlying challenges may affect their self-assurance in high-pressure scenarios.

Discussion

This study reveals perceptual differences among stakeholder groups regarding court interpreter performance in Balinese judicial proceedings. While prosecutors reported high levels of satisfaction, defendants expressed more moderate evaluations and raised concerns about interpreter availability and neutrality, particularly at the early investigative stage. These disparities indicate that interpreter effectiveness may be experienced differently depending on institutional position within the legal process.

From the perspective of Access to Justice Theory, meaningful participation in legal proceedings requires not only the formal presence of interpreters but also timely and impartial linguistic assistance. The absence of interpreters during initial police examinations, as reported by defendants, may limit their ability to fully understand accusations and procedural rights. Access to justice, therefore, must be understood as substantive participation rather than procedural formality.

The findings also reflect tensions explained by Role Theory. Interpreters are expected to remain neutral and accurate; however, when they are perceived as closely associated with investigators, defendants may question their independence. This perception does not automatically indicate professional misconduct but highlights how institutional alignment can influence trust and confidence in interpretation services. Such dynamics demonstrate that interpreter neutrality must be both practised and visibly maintained.

Furthermore, interpreters' reported difficulties with specialised legal terminology and rapid information processing align with previous scholarship emphasising the complexity of courtroom discourse. Legal language involves technical vocabulary, procedural expressions, and culturally embedded meanings that require more than general bilingual proficiency. The results therefore reinforce the need for specialised legal training and standardised professional development for court interpreters.

The divergence in evaluation scores among defendants, prosecutors, and lawyers suggests structural inconsistencies in interpreter provision. While courtroom interpretation appears relatively organised, early-stage investigations may lack systematic standards. Strengthening certification systems, ensuring interpreter deployment from the initial stage of legal proceedings, and implementing feedback mechanisms could enhance procedural fairness and public trust in multilingual judicial settings.

Overall, this study contributes context-specific empirical evidence from Bali to broader access-to-justice scholarship. It demonstrates that interpreter effectiveness cannot be assessed solely through institutional satisfaction but must also incorporate the lived experiences of defendants as primary users of interpretation services.

Comparative Analysis of Stakeholder Perceptions

The findings demonstrate a clear disparity in perception among the three stakeholder groups regarding interpreter performance. Prosecutors expressed the highest level of satisfaction (4.557/5), lawyers reported moderate-to-high satisfaction (3.9/5), while defendants provided the lowest evaluation (3.375/5). This divergence suggests that interpreter effectiveness is experienced differently depending on institutional position and functional interests within the judicial process.

From an institutional perspective, prosecutors may prioritise procedural efficiency, clarity of case progression, and courtroom order. Their high level of satisfaction likely reflects interpreters' ability to facilitate smooth hearings and maintain effective communication during trial proceedings. In contrast, defendants evaluate interpreters from the standpoint of personal comprehension, trust, and perceived neutrality. Their more critical assessment appears closely related to concerns about interpreter availability at the investigative stage and doubts regarding institutional alignment.

Lawyers occupy an intermediary position. While generally satisfied with interpreter competence, they remain attentive to accuracy and legal precision, particularly in complex cases. Their evaluation suggests pragmatic acceptance: interpreters are considered helpful, yet still require improvement in legal terminology and consistency.

This perceptual gap is significant. It indicates that interpreter services may function adequately from an institutional viewpoint but may not fully satisfy the experiential and rights-based expectations of defendants. From an access-to-justice perspective, the defendant's perception carries normative weight, as they are the primary rights-holders in criminal proceedings. Therefore, evaluating interpreter effectiveness should not rely solely on institutional satisfaction but must incorporate user-centred assessment to ensure substantive procedural fairness.

Theoretical Reflection and Conceptual Elaboration

1. Access to Justice Theory: linguistic barriers and meaningful participation

Within Access to Justice Theory, language access is not merely a procedural formality but a condition for meaningful participation and equality before the law (Liu, 2016). In this study, the defendants' comparatively lower score (3.375/5) and their narratives about the absence of interpreters during early police examination indicate a persistent linguistic barrier at critical stages of the process. This pattern suggests that interpreter provision may be more stable at the trial stage than during investigation, which potentially weakens defendants' ability to understand charges, exercise procedural rights, and communicate consistently. In other words, the defendant score can be interpreted as an access-to-justice signal: the system may be operational, yet still uneven in ensuring comprehension at the moment when legal consequences begin to accumulate.

2. Role Theory: neutrality expectations and role conflict

Role Theory explains how interpreters operate under competing expectations. The defendants' concerns about interpreter neutrality especially when interpreters were provided by investigators and perceived as closely aligned with police reflect a role tension between being an "impartial conduit" and being embedded in an institutional workflow. At the same time, interpreters' self-reported challenges (e.g., vocabulary and legal terminology difficulty and rapid processing demands) indicate the practical pressures that can intensify role strain in high-stakes settings. This combination supports a role-conflict interpretation: interpreters may be expected to maintain strict neutrality and precision, while the institutional environment and pace of proceedings implicitly push them toward efficiency-oriented mediation. The lawyers' mid-range score (3.9/5) further fits this explanation lawyers tend to tolerate functional mediation when it supports case clarity, but remain sensitive to accuracy, legal nuance, and ethical positioning.

3. Skopos Theory: functional clarity versus literal equivalence

From a *Skopos* perspective, courtroom interpreting should be evaluated based on whether the communicative purpose ensuring comprehension and procedural fairness is achieved. Several accounts in this study imply that interpreters sometimes need to move beyond literal equivalence to secure understanding (e.g., pre-hearing briefings by lawyer-appointed interpreters, clarifying confidentiality and independence, or simplifying legal terms for defendants). These practices can be framed as functional accuracy: strategic adjustments for clarity that support the "purpose" of legal communication rather than word-for-word rendering. However, the defendants' critical perceptions indicate that such functional strategies were not consistently available at earlier stages, or were not perceived as trustworthy when interpreters appeared institutionally aligned. This highlights that Skopos-oriented clarity gains legitimacy only when neutrality and transparency are visible to the primary users (defendants).

4. Synthesis: why perceptions diverge across groups

The divergence in stakeholder ratings prosecutors highest (4.557/5), lawyers moderate (3.9/5), defendants lowest (3.375/5) can be conceptually explained by how each group defines "effective interpreting." Prosecutors may evaluate effectiveness through procedural flow and courtroom efficiency, while defendants evaluate it through comprehension, trust, and perceived neutrality as rights-holders in criminal proceedings. Lawyers occupy an intermediary position because they assess both functional communication and legal precision. This synthesis reinforces the value of a user-centred evaluation: institutional satisfaction alone may overestimate service effectiveness if it does not capture defendants' comprehension and participation.

CONCLUSION

This study examined the role of court interpreters in supporting fair trials for foreign defendants in Bali. The findings indicate that interpreter services are generally present and considered helpful; however, perceptions differ across stakeholder groups. Prosecutors reported high satisfaction, lawyers expressed moderate approval, and defendants were more critical, particularly regarding interpreter availability and perceived neutrality during early investigative stages. These differences suggest that interpreter effectiveness is experienced differently depending on institutional position and expectations within the legal process.

The results also show that language access is not merely about having an interpreter in court, but about ensuring meaningful understanding, trust, and participation from the earliest stage of proceedings. While interpreters face practical challenges such as mastering legal terminology and processing information quickly, strengthening professional training, early-stage deployment, and clearer procedural standards would help enhance fairness and consistency. Ultimately, improving interpreter services is essential to safeguarding the rights of foreign defendants and promoting equal access to justice in multilingual legal settings.

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AUTHOR CONTRIBUTION STATEMENT

I Wayan Ana conceptualized the research idea and theoretical framework based on Access to Justice Theory, Role Theory, and Skopos Theory; designed the research methodology; developed the research instruments; conducted field data collection including structured interviews; supervised the transcription and data aggregation process; performed data analysis; interpreted the findings; and prepared the complete manuscript. The author confirms sole responsibility for the study's design, execution, analysis, and final manuscript preparation.

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