

THE CHALLENGE OF NEWBIE INTERPRETER AT ONLINE COURT

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Abstract

Pandemic cannot stop the legal process in Indonesia, not only for the local but also for the foreigner especially in Bali. In Denpasar, there were about 30-50 cases (civil cases and criminal cases) that must be done in court every day. Of those number, Five percent of them are foreigners who need an interpreter to assist them for the court proceeding. Thus, the need of new court interpreters increases. However, becoming a young interpreter for legal setting is not an easy task. Based on pre-research that has been done in one prison in Bali located in Karangasem regency, it showed that there were some problems occurred during interpreting process which made a young interpreter got mental attack and afraid to go back to court for the next trial. This study aimed to investigate problem of interpreting faced by newbie interpreter especially in online court (zoom meeting). This study examined a trial court in zoom meeting from Indonesia-English-Indonesia. Pochhaker's theory about interpreting was used in this research. Descriptive qualitative method was applied as method of this study. Data were collected through direct observation from Lapas Karangasem, Bali. The result showed that there are two major challenges faced by the interpreter namely Non-technical (Lack of English and Angry Defendant) and technical (Connection and Tools). All of them can be tackled by the interpreter and supported by the lawyer.

Keywords – *Interpreting, challenge, online, court, prison*

Introduction

Pandemic has severely hit tourism in Bali for some years. During this pandemic not many locals or international guests coming to visit. This situation has damaged the economy in Bal. Luckily, there are still foreigners living and having holiday in this island. Some of them are stuck in Bali because their country border is still closed and some of them already staying in Bali for many years. It can be seen from the activity in some restaurants at Kuta, Canggu, and Seminyak. Unfortunately, the number of foreigner or foreigner case is still high during pandemic. It showed there are about 2-3 new bule cases every month based on information from Distric Court prosecutor.

Most of foreigner case is criminal case for instance robbery, skimming, drugs, and forgery. The one that will be discussed in this research is forgery case. Forgery here means that someone forging a PCR (Real Time Polymerase Chain Reaction) test result. This kind of result

normally issued by hospital or clinic. However, in this case, the defendants have been cheated by someone who acting as a doctor that can do PCR test. As result, the defendants were arrested by police when they entering Bali because an officer found a discrepancy, PCR on the test result. After that, the officer crossed check the hospital who issued the PCR test result. Then, it was known that the hospital never issued that PCR test. Thus, the foreigners were arrested by police and waiting for court proceeding.

Meanwhile, pandemic has brought some good impacts as well as bad impacts. Vidyantari (2021) states that instructing and learning process are also changing during this pandemic. Instructors (educators, teachers, and guides) and understudies had to concentrate remotely by means of online media. Most of students or newbie interpreters still can learn remotely by internet such as video, podcast, or online lecturer. The bad impacts for some students they cannot get the real experience of facing real interpreting. This kind of situation triggers some problems for young interpreters especially who works in trial proceeding. Thus, the internet user during pandemic raised in every field such as school, office, business, and even in court proceeding. People started using application namely “Zoom Meeting” intensively during pandemic in order to communicate with other people. This kind of application allow people to do meeting remotely, conducting seminar, or the most interesting one is online court.

O'Hagan (2019) characterized it as a circumstance when the interpreter and the defendant were in better places. It means that remote interpreting can be done where the defendant and the interpreter are separated. The interpreter can be working from home or anywhere as long as there is internet connection while the defendant can be online from prison. Innovative help was expected to direct far off deciphering during pandemic. Presently there is a normalization for distant deciphering. It was only planned by AIIC (2020) a norm for Remote Simultaneous Interpreting (RSI) for this pandemic circumstance. Normally, a defendant who accused to be guilty heard his or her statement in district court by offline or directly meeting the Judges and Prosecutor in court room. Some court agendas are still conducted by offline especially for (civil case) because the party would not be so many. However, in (criminal case) there are more than 50 defendants waiting to get chance to be prosecuted per day. Thus, court proceeding must be established by online in light of guideline of the Supreme Court of the Republic of Indonesia number 4 of 2020 concerning electronic organization and preliminary of criminal cases in court.

Working as interpreter through online court might be challenging for those who just started career on interpreting. A few capacities required in interpreting are listening abilities, memory maintenance, and the capacity to catch messages of discourse; unknown dialect capability was not a deciding element in one's prosperity or disappointment in deciphering (Obler, 2015). By mastering those skills, the interpreter would not find any difficulties during online court proceeding. However, an interpreter is one profession which also got impact for this pandemic. Normally, the interpreter would be appearing in normal court by coming to the court room and meeting the people in real time. However, because pandemic the interpreter must come into online court which never has done before 2019. Interpreter has a great role since investigation at police station, investigation at prosecutor office and judicial process in the court. The interpreter help communication between law masters to the charged (Cao, 2007) as well as the other way around from the blamed to the law authorities. This has been expressed clearly under the Law No. 24 of 2009 on Flag, Language and State Symbol just as the National Anthem. Besides, there are some preparations as interpreter during this pandemic when dealing with online court. For instance, now the interpreter must have a negative result of PCR or Rapid test before joining the online court. Normally, it will be needed when the interpreter must

accompany a defendant in prison as a precaution action in order to avoid high spreading of virus.

This kind of situation could be seen as blessing or cursing for interpreters, especially who just stated career as interpreter. It could be blessing because newbie interpreter does not need to worry about virus since the interpreter only contact small group of people when doing online court. It very well may be reviling in light of the fact that there are such countless conceivable outcomes of specialized challenges during on the web court. Obler (2012) said that deciphering was an outrageous utilization of language. The decipherers or the interpreters were forced to use maximum capacity to listen someone speaking while in the same time they need to remember a message and reproduce it in target language in very limited time. In addition, Seligon (1990) expressed that an interpreter regularly experienced with the issues related with oral interpretation in the court zeroing in on the mediator and court staff: examiners, judges, denounced, legal advisors and witnesses.

Furthermore, this article would focus on revealing challenges of a newbie interpreter during online court by describing non-technical and technical problem that encounter by the interpreter during online court. The subject of study was a student from Universitas Mahasaraswati Denpasar especially from semester 7th. She has learned some interpreting subjects in order to support her basic understanding regarding interpreting. The purpose of this research to answer curiosity of newbie interpreter who wants to start career as interpreter in the future especially during pandemic situation.

Methods

Descriptive method was applied in this research in order to describe the challenges faced by the interpreter during online court when accompanying a defendant in a forgery case. The defendant main language is English and it will be translated into Indonesia or vice versa for the court members such as Judge, Prosecutor, Lawyer, and Witness. The data collection method was note taking during the process and interviewing the subject of study. Then, it was analyzed carefully to describe existing challenges during online court. After that it matched with the interview result of the interpreter during the online court.

This paper was centered around the difficulties of translator during on the web court meeting particularly in Forgery Case committed by foreigner. The information was taken from hearing for the assessment of the litigant. Since the litigant was not speaking Bahasa Indonesia, it was an obligatory for the respondent to be helped by interpreter. Without presence of interpreter the court may be delayed. Jacobson (2001) expressed that the interpreter should be introduced in the court of the space to guarantee that all member has great arrangement and convey well.

The role of interpreter is really significantly in the online court especially when the case involving foreigner Jacobson (2001 in Puspani, 2010, p. xiii) referenced that the interpreter should be dependent upon the four standards, as specified in the guidance for the Interpreters, specifically: (1) exactness and fulfillment, (2) unprejudiced nature, (3) privacy, and (4) irreconcilable circumstance. Those all principle must be done correctly during the online court in order to have a good interpreting result. Furthermore, an adjustment when doing interpreting can be done by the interpreter in order to tackle differences of legal system, terms, condition and language (English-Indo-English) without affecting core of message.

Finding and Discussion

In view of the previously mentioned depiction, this research will talk about modes utilized by the interpreter when working on internet-based court and the difficulties experienced during deciphering as far as non-specialized and specialized issue that will be portrayed as follows:

1. The Modes of Interpreting

Hatim, 1997; Venuti, 2000 state that there are three modes of interpreting that can be applied by the interpreter in order to render a message from source language into target language which called as simultaneous interpreting, consecutive interpreting and liaison interpreting. Those modes of interpreting can be used interchangeably based on situation and condition. But, in case the interpreter only applied consecutive modes of interpreting. It can be seen from the way of interpreter rendering message during this online court. The interpreter spoke or rendering message only after someone has speaking (Judge, Prosecutor, Lawyer, Defendant) either form Bahasa Indonesia-English-Bahasa Indonesia or vice versa. It also can be seen from the pause during interpreting as found in the accompanying citation below:

Judge : “*Apa tujuan saudara ke Bali?*”
 Interpreter : “What was your purpose coming to Bali?”
 Defendant : “I came for holiday”
 Interpreter : “*Saya datang untuk berlibur*”

In the above quotation consecutive interpreting was by the interpreter to render the question from the judges “*Apa tujuan saudara ke Bali?*” was interpreted into “What was your purpose coming to Bali?”. The process of this mode is dominated by pausing in every statement or question. After someone has finished delivering question or answer, and the interpreting started to render the message as seen also when the interpreter rendering message from the defendant “I came for holiday” into “*Saya datang untuk berlibur*”. This mode of interpreting helped all the participants in online court has chance to speak and heard equally.

2. The Non-Technical Challenge Encountered by the Interpreter in Online Court

Based on the observation and interview, it was found that becoming an interpreter for the first time especially on online court is not an easy task. There are several non-technical challenges encountered by the interpreter:

a. Lack of English

Lacking of English vocabulary especially in legal terms could be a problem by the defendant as well as the interpreter. It can be seen that the defendant could not speak or English well, because English is not his mother language but he could understand English language a little bit. He spoke English and mixing with Russian.

Defendant : I was at that time don't know *yesli pis'mo poddel'noye*
 (If that letter is fake)
 Interpreter : Saat itu saya.....
 Defendant : You understand?
 Interpreter : Yes, said again
 Defendant : Russian interpreter! I am no English, no English!
Mne nuzhen russkiy perevodchik
 (I want Russian Interpreter)

In this situation, the defendant was requesting Russian Interpreter to the judges but at that time the online court is still on going. The judge could not grant the Russian interpreter at that moment because the defendant just complaining at that time. This moment caused the interpreter got mentally down, because she thought that he was not needed at that court. In addition, here the lawyer helped to clear the situation by directly speaking to the defendant in English. He tried to explain why the defendant could not get the Russian translator at that time and the consequence that might happen if they adjourned the court. Thus, the court proceeding could be continued with English translator.

b. Angry Defendant

The court was keep going event with English interpreter. However, after few minutes later the defendant got angry again because he could not understand what the interpreter said to him.

- Prosecutor : *Dari keterangan saudara sebelumnya, kalau saudara berangkat dari Lombok menuju ke Bali, apakah di Pelabuhan tersebut anda benar benar di test PCR atau hanya diberikan hasil PCR? Apakah ada saksi yang menyaksikan kejadian tersebut?*
- Interpreter : From your previous statement, if you departed from Lombok to Bali, did you really get the PCR test at that port or were you only given the PCR results? Were there any witnesses who witnessed the incident?
: You tested?
: You got result? You got certificate?
: Witness? Any witness?
- Defendant : No English! No understand! ***** (Speaking in Russian)

In this situation, the defendant dropped the mental of interpreter by shouting and raging after he could not understand the message from the interpreter. Here, the prosecutor chance to ask the defendant regarding the case. It has been fully translated by the interpreter into English. The interpreter also repeated the key words by saying “you tested? you got result? you get certificate? Witness? any witness? She has trying her best in order to help the defendant. It can be seen that the interpreter used repetition or simplification strategy to render the message from the prosecutor to the defendant. However, because the defendant could not get the point, he shouted in zoom meeting and it shocked the interpreter. Then the lawyer who spoke in English also try to calm the defendant. It can be said that the lawyer also could help the interpreter in this situation in order to give the interpreter time to recover from to mental shock.

A newbie interpreter who just started interpreting has less mental defense is really fragile if encountering angry defendant. From those two major problems, the interpreter could not focus rendering message because she felt that she has failed bridging communication between the defendant and participant in online court. Many times, the lawyer help the interpreter to render the message from all parties (Judge, Prosecutor, and Defendant). The lawyer was really helpful in this time because the lawyer could cover and assisting the defendant until the end of the court.

3. The Technical Challenge Encountered by the Interpreter in Online Court

Based on observation in the prison, there were several problems or challenges occurring in online court:

a. Connection

This might be a major problem face by the interpreter during online court. There was a moment when suddenly the connection was interrupted. It was happened many times and it distracted the focus if the interpreter.

- | | |
|-------------|--|
| Prosecutor | : <i>Coba ditanyakan PCR test? Kemudian</i>
<i>Ada Tidak?</i>
(Please ask PCR test? Then..... there is... or no) |
| Interpreter | : <i>Mohon ijin, bisa diulang pak? Suaranya tidak terdengar</i>
(Please, can you repeat sir? Your voice is not heard) |
| Prosecutor | : <i>Harga PCRnya berapa dia bayar?</i>
(How much did he pay for the PCR?) |

In this situation, the interpreter could get the meaning that has been delivered by the prosecutor because the zoom video was freezing. Suddenly it was audible then inaudible again. Thus, the online court took so long at that time than offline court. The ability to hear the message completely crucial. When the interpreter could not get the message clearly, she tried to ask back the speaker (prosecutor). It was done by the interpreter in order to help the communication between the prosecutor and the defendant. Thus, having a good connection is a must in order to make the online court be more effective and efficient.

b. Tools

Having online court is dealing with a good tool that can support the process of online court. There are several tools needed during online court such as webcam, microphone, and speaker. At that moment, the speaker was too low. It has been adjusted into full volume. However, the sound was still low. The interpreter tried to move her chair and close her head into speaker in order to got a good sound. This kind of situation is not proper for the interpreter, because she could not work normally.

In addition, microphone is also important for online court. Microphone will help the interpreter to speak clearly for all audience in online court. However, the microphone was not that good. The audience in court (Judges) kept asking the interpreter to speak louder event the interpreter already spoke loud enough in prison. Thus, it is better to have external microphone in order to have best quality for the voice.

Having hard times during first online court did not stop the interpreter to finish her job. Finally, the court can be done in 45 minutes and it would be continued by listening charge from the prosecutor for next week.

Conclusions

In light of the discussion above, it very well may be inferred that the interpreter experienced different difficulties, for example, Non-technical (Lack of English and Angry Defendant) and technical (Connection and Tools). From those challenges, all of them can be tackled by the interpreter and supported by the lawyer. During online court, the defendant, the lawyer, and the interpreter would be sitting in front of one computer. Thus, both of them (interpreter and lawyer) can work together in order to make the court smoothly. Applying language or

communication strategies would be very good in order to be able to interpret message from Indonesia-English-Indonesia. For the newbie interpreter is no needed to worry about all challenges in online court, because the interpreter will be sitting close to the lawyer who can help or assist the interpreter if there is any problem.

Bibliography

- Cao, D. (2007). *Translating Law*. (S. Bassnett& E. Gentzler, Eds.).Clevedon: Multilingual Matters Ltd.
- Hatim, Basil (1997). *The Translator as Communicator*. Routledge: New York.
- Obler, L. K. (2012). Conference interpreting as extreme language use. *The International Journal of Bilingualism: Cross-Disciplinary, Cross-Linguistic Studies of Language Behavior*, 16(2), 177-182. doi:10.1177/1367006911403199
- O'Hagan, M. (2019). *The Routledge Handbook of Translation and Technology*. New York: Routledge.
- Puspani, I.A. Made. (2010). *Penerjemahan Lisan di Pengadilan Negeri Denpasar*. Dissertation. Denpasar: Study Program of Linguistics, Graduate, Udayana University.
- Seligon, S. B. (1990). *The Bilingual Court Room*. Chicago: University Press.
- Vidyantari. R. (2021). *Online Interpreting Learning During Pandemic from Students' Perspective*: University of Indonesia, Depok, Indonesia.