

COURT INTERPRETING AT DENPASAR COURT

Ida Ayu Made Puspani¹

Ni Luh Sutjiati Beratha², Ida Bagus Putra Yadnya², I Wayan Pastika²

¹School of Postgraduate Studies, Udayana University

²Department of Linguistics, Faculty of Letters, Udayana University

E-mail: puspani2000@yahoo.com

ABSTRACT

This is a research on interpreting (oral translation) on a criminal case of drug user in the court proceedings at Denpasar Court. The study of the interpreting is concerned with two-ways rendition from Indonesian into English and vice-versa. The study is related to: (1) the description of modes of interpreting applied by the interpreter, (2) the application of translation strategies: shift, addition and deletion of information, (3) factors that underlie the application of the strategies, and (4) the impact of the application of those strategies towards the quality of the interpreting.

The methodology applied in this study is qualitative based on eclectic theories (translation, syntax, semantics and pragmatics). The utilization of the theories is in accordance with the type of the data analyzed in regard to the translation phenomena as an applied study and its complexity.

The interpreting at court applied the consecutive and simultaneous modes. The strategy of shift was applied when there were differences in structure between the source and the target languages. Addition of information was used when the interpreter emphasized the message of the source language in the target language. The deletion of information applied if the context in the target language has been covered, and it was not necessary for the interpreter to interpret the same thing because the message of the source language was pragmatically implied in the target language.

The factors which underlie the application of the interpreting strategies in court interpreting were communication factor and the differences in the language systems between the source and the target languages. The impact of the use of the strategies towards the quality of the interpreting happened when the interpretation of the source language message into the message of the target language and the message in the source language was not completely render into the target language.

The novelties of the research are: (1) relevance theory and its four maxims of communication can be applied to analyse equivalence of meaning of SL message rendered into the TL message Sperber and Wilson (1995), (2) the application of consecutive mode of interpreting can render more accurate rendition compared to the simultaneous mode, (3) the interpreter applied the

strategies of shift, addition and deletion of information in the process of interpreting in court proceedings, and (4) some mistakes were found in the interpretation of Indonesian legal terms into English such as: *KUHAP* (was not translated), *BAP* (was translated into brief), *sita* (was translated into seize), and *ayat* (was not translated). The translation of those terms should be: Indonesian Criminal Code, the minutes of investigation, confiscate, and paragraph.

Key words: *interpreting, consecutive, simultaneous, and strategy.*

1. Introduction

Interpreting as oral translation needs to focus more on the competencies and the situation of communication mediated by the interpreter in conducting the rendition. This type of translation is carried out in limited lapse of time from the utterances of the SL to rendition in TL. The study discusses the interpretation of the court proceedings (communication among the court personnel and the defendant) which is mediated by the interpreter. The success of the communication between the foreign defendant with English speaking background and the court personnel depends on the interpretation of the interpreter. In regard to the background, there are four problems discussed in this research:

- (1) What interpreting modes were applied by the interpreter at Denpasar Court?
- (2) Why did the interpreter apply the strategies of shift, addition and deletion of information in interpreting at Denpasar Court?
- (3) What were the factors underlie those strategies?
- (4) What were the impacts of the application of those strategies towards the quality of the interpretation and what kind of mistakes occur during the interpreting?

This research aims at investigating interpreting texts which occurred in court proceeding at Denpasar Court Bali which was particularly conducted on the proceedings involving a drug user as a case study. The aims of the study of interpreting on drug user case are: (1) to describe the modes of interpreting in the court proceedings at Denpasar Court, (2) to find out the reasons of the application of the strategies of shift, addition and deletion of information, (3) to discover and analyse the factors which underlie the application of strategies of shift, addition

and deletion of information and (4) to analyse the impacts of the application of the strategies of shift, addition and deletion of information towards the quality of the interpretation and also to describe the mistakes which occurred during the interpreting.

2. Concept and Theoretical Framework

2.1 Concept

2.1.1 Concepts of Interpreting

Pochhacker (2004: 11) states that interpreting is a form of translation in which a first and final rendition in another language is produced on the basis of one time presentation of an utterance in a source language. This means that the interpreter has to render the utterance of the SL message at almost the same time as he/she listens to the SL utterances into the TL utterances. The interpreters rely on their cognitive processing of the representation of the message in order to be able to render it to the TL.

2.1.2 Modes of Interpreting

There are four modes of interpreting in accordance with the way how the interpretation is conducted: (a) consecutive, (b) simultaneous, (b) whispering, and (d) relay interpreting. Consecutive interpreting is conducted when the utterances of the SL in the form of short utterances and there is a pause from the speaker of the SL and then the interpreter carries out his/her rendition. Simultaneous interpreting is conducted when the interpretation is carried out at almost the same time as the utterances uttered by the speaker and there is no pause between the utterances of the speaker and the rendition of the interpreter. Whispering interpreting is conducted to one or more participants in a conference in which these participants do not have the knowledge of the language used by the speaker so an interpreter sits beside them renders it in a whispering manner the speech of the speaker into their language. Relay interpreting is conducted in a large scale of conference for example the speaker speech is in language A and the first interpreter renders it into language B, then the other interpreters who work for other clients behind the screen interpret the first rendition into each language of

the other interpreters operate in. This study investigates two modes of interpreting in court proceeding i.e.: consecutive and simultaneous.

2.2 Theoretical Framework

The theory applied in this study is an eclectic theory due to the complexity of the interpreting phenomena in analysing the equivalence of SL and TL message in the process of interpreting. The foundation of theory is translation which deals with the theory of interpreting proposed by Pochhaker (2004), translation strategy (Nida in McGuire, 1985:30), translation shift (Catford in Venuti, 2000); syntax (Alwi, et. al.,1998:345 and Foley and Van Valin, 1984: 149), semantics (Frawley, 1992:17-35), and pragmatics (relevance theory by Sperber and Wilson,1995)

2.2.1 Interpreting Strategy

The translation strategy applied by the interpreter in court proceedings are: shift, addition and deletion of information. The application of each strategy depends on the condition of the utterances uttered by the participants of communication within the process of the proceedings.

2.2.2 Maxims of Communication

Relevance theory proposed by Sperber and Wilson (1995) states that there are four types of maxims in order to figure out a communication to reach success in transferring the message from the speaker to the hearer. These maxims are: (1) maxim of quality which is related to expectation with respect to informativeness, (2) maxim of quantity which deals with the effort to give well-founded of information, (3) maxim of relevance which is related to relevant contribution, and (4) maxim of manner which is related to clarity. They also identify translation as language in use in interpretative way to achieve complete interpretative resemblance towards the source text message with the rendition or reproduction of all its communicative clues and give all the cognitive effects at the same relative processing cost.

3. Discussion

Based on the problems mentioned previously, the analysis of this study can be described as the follows:

3.1 Interpreting Modes at Denpasar Court

The modes of interpreting applied by the interpreter during the interpreting at the court are consecutive and simultaneous. The consecutive mode is applied when the participant in the communication uttered short utterances in the form of questions and the respond from the participants in the proceeding between the judge and the defendant and pauses occurred. When the utterances uttered by the participants of the communication in the proceedings consist of long stretches of utterances without any pauses; the interpreter applied simultaneous mode.

3.2 Interpreting Strategies

There are three strategies applied by the interpreter on the interpretation of the court proceedings. First, addition of information strategy which is often applied in the process of interpreting criminal court proceedings. The application of this strategy is only to emphasize the equivalence in the target language and to fulfil the acceptable contexts in the target language. Second, deletion of information strategy is sometimes applied in interpreting when the context in the target language is entailed, the interpreter does not have to interpret the same matter, as pragmatically what has been implied in the source language has been covered in the target language. Third, shift strategy in interpreting the criminal court proceeding often happened, due to the complexity of the utterances and the lapse of time needed to render the rendition of the SL message into the TL.

3.3 Factors which Underlie the Application of the Interpreting Strategies (Shift, Addition, and Deletion of Information)

There are some factors that underlie the application of those strategies: (a) shift strategy occurred due to the different structure between the source and the target language, (b) the strategy of the addition of information occurred when the interpreter emphasized the meaning of the message of the source language in the target language, and (c) the strategy of deletion of information occurred when the message of the source language rendered into the target language had covered the implied meaning in the target language.

3.4 The Impact of the Application of the Strategies towards the Interpreting Quality

The application of the strategies has impact on the quality of the interpretation; when the strategy applied to the interpretation can cover the rendition of the meaning of the source language message to the closest meaning of target language message, the rendition is considered to be accurate and acceptable. If the rendition of the meaning of the source language message into the meaning of the target language does not cover the meaning of the message of the source language as what it was intended and some meaning of the message do not appear in the target language then this type of rendition has low quality.

4. Novelties

There are four new findings discovered in the interpreting process in the court proceedings:

- (1) Relevance theory and its four maxims of communication can be applied to analyse equivalence of meaning of SL message rendered into the TL message (Sperber and Wilson, 1995).
- (2) The application of consecutive mode of interpreting can render more accurate rendition compared to the simultaneous one.
- (3) The interpreter applied the strategies of shift, addition and deletion of information in the process of interpreting in court proceedings.
- (4) Some mistakes were found in the interpretation of Indonesian law terms into English.

5. Conclusion and Recommendation

5.1 Conclusion

Based on the data analyses which were compiled from the transcription of the court interpreting on the session of a criminal case on the drug user proceedings, some conclusion can be drawn out:

The modes of interpreting (consecutive and simultaneous) were interchangeably applied. The consecutive mode was applied when the utterances from the speaker were short and there was a pause among the participants of communication such as: in question and answer at the beginning of the

proceeding, the witnesses' examination, the defendant examination and at the closing of a proceeding session. Simultaneous mode of interpreting was applied on the reading of the defendant exception by the lawyer, the respond of the prosecutor to the defendant's exception, the reading of the accusation of the prosecutor towards the defendant, the reading of the defence of the defendant by the lawyer and the reading of the verdict from judge to the defendant.

The application of the interpreting strategies applied by the interpreter was due to the different system of the languages and the short lapses where the interpreter should be ready with his interpretation in the target text, so shift in text level was unavoidable when the interpreter applied simultaneous mode of interpreting. The speaker simultaneously uttered his/her utterances therefore the interpreter only interpreted the gist of the speaker's utterances in the TL.

There are three factors which underlie the application of shift, addition and deletion of information strategies in interpreting process. First, the application of shift is applied due to the simultaneous utterances uttered during the reading of the exception, the accusation from the prosecutor, the reading of the exception of the defendant by the lawyer, and the reading of judge decision towards the defendant so the interpreter had to apply the simultaneous mode of interpreting hence, rendering the gist of the utterances of the speaker. In these situations the interpreter applied shift strategy to cover the meaning of the SL into the TL. Second, the application of addition of information was applied in order to emphasize the equivalence of meaning in the TL. Third, the factor which underlies the application of deletion of information strategy was caused by the message in the TL had been covered in the rendition done by the interpreter so there is part of the SL is not interpreted in the TL but the meaning was already implied in the TL.

The application of strategy of interpreting in court might have impacts on the message of the SL which was rendered into the TL. When the application of shift strategy in text level caused shift of meaning of the SL in the TL, this could distort the communication among the participants. The application of addition and

deletion of information emphasizes the gist of the message of SL which was rendered into the TL.

5.2 Recommendations

The research on interpreting in court can be used as a parameter to measure the quality of an interpreter deployed in court. Some countries like Australia and USA have accreditation for translators and interpreters; NAATI (National Accreditation Authority for Translators and Interpreters) and NAJIT (National Association of Judiciary Interpreters and Translators). All interpreters and translators in those countries should follow the accreditation if they want to practice as professionals. The existence of the accreditation for translators and interpreters can facilitate communication mediated by interpreter either in courts or conferences.

In order to ensure the quality of interpreter and translator who are deployed in courts or conferences the Indonesian Government (particularly Secretariat of Home Affairs and the Ministry of Human Rights and Law) should stipulate law on accreditation of translators and interpreters in Indonesia. This proposal can be applied in Indonesia and give protection for the skill holds by the interpreters or translators in defining their quality and services. Meanwhile, the existence of *HPI* (Indonesian Translator Organisation) is only an association and sworn translators (translators who are sworn to take the job as translators) which is conducted by University of Indonesia. Recommendation for the interpreters either those deployed in the courts or conferences to prepare gloss-words (in bilinguals) related to legal terms or the topics in which they will carry out in the rendition so it can ease their task in interpreting.

ACKNOWLEDGEMENT

The completion of this dissertation is due to the active involvement of many parties. Therefore the writer would like to thank and highly appreciate Prof. Dr. Ni Luh Sutjiati Beratha, M.A.; Prof. Dr. Drs. Ida Bagus Putra Yadnya, M.A.; Prof Dr. I Wayan Pastika, M.S.; as the Supervisor, Co-supervisor I and Co-supervisor II, for their supervision and guidance during the completion of this dissertation.

My appreciation is also extended to all the teaching staff and the Board of Examiners of the Doctorate Program in Linguistics of the School of Postgraduate Studies of Udayana University i.e.: Prof. Drs. I Ketut Artawa, M.A, Ph.D, Prof. Dr. I Gusti Made Sutjaja, M.A, Prof .Drs Made Suastra, Ph.D, Prof. Dr. Aron Meko Mbeté, Prof. Dr. Ni Nyoman Padmadewi, M.A who have given criticism and input for the improvement of this dissertation.

At last the writer would also like to thank the administrative staff and all the parties who have helped the accomplishment of her study at the Doctorate Program in Linguistics, School of Postgraduate Studies of Udayana University, Denpasar.