

## A GLOSSARY OF LEGAL TERMS IN A SCENARIO-BASED JUDICIAL CONTEXT

*Mochamad Nuruz Zaman*<sup>[1]</sup>, *Reza Sukma Nugraha*<sup>[2]</sup>

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<sup>[1]</sup> mzaman@bispro.pnj.ac.id

<sup>[1]</sup> Politeknik Negeri Jakarta, Depok, Indonesia

<sup>[2]</sup> Universitas Sebelas Maret, Surakarta, Indonesia

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**Abstract:** The use of English in judicial interactions has increased during court proceedings. A glossary is necessary to design bilingual usage in the context of real-life scenarios. This study is grounded in two theoretical foundations: legal terminology and an ethnographic approach. Qualitative research is employed to investigate the cases presented in the issue. Data are obtained through document analysis and interviews containing technical terms related to the field of judiciary and its scenarios. The data are analyzed using domain, componential, taxonomy, and cultural themes to implement the glossary design based on interviews with language practitioners in the judicial domain. Ten data samples are presented to consider the context, connotations, and clarity of the translations in judicial practice. The findings of this research indicate that implementing an ethnographic approach in designing a scenario-based bilingual legal terminology glossary has significant benefits in ensuring the appropriateness and accuracy of translating legal terms between Indonesian and English.

**Keywords:** bilingual glossary, ethnography, legal scenarios, translation study.

### INTRODUCTION

Indonesian serves a crucial role as the official language in the legal system of Indonesia (Bedner & Vel, 2021). It is used in various legal documents, court proceedings, verdicts, and other official communications (Leung, 2019). Proficiency in Indonesian is critically essential for legal professionals, such as judges, prosecutors, and lawyers, to communicate effectively within the legal context (Renandya et al., 2018) as the legal terms used explicitly within the judicial discourse (Chalid, 2017). Specifically, a precise understanding of the legal terms is necessary for analyzing legal documents, constructing legal arguments, and making appropriate decisions in the judicial process. A sound understanding of these terms also significantly provides quality legal services to the public.

In the context of increasing globalization and international interactions, Hargitt (2013) explored that legal terms in English also become essential in the judicial realm. Many legal documents, agreements, or contracts use

English as the official language or lingua franca (Anesa, 2019). Therefore, legal professionals must also understand English legal terms to participate in international legal discussions, collaborate with peers from other countries, or access global legal resources.

Safei and Salija (2018) highlight the importance of accurate and consistent translations between Indonesian as the source and English as the target language in cross-language judicial communication. Translators with a deep understanding of both languages and the legal terms used can ensure the authenticity of the legal message conveyed and maintain substance and clarity (Munday, 2016). Good translation ensures a shared understanding among all parties involved in the judicial process.

The importance of an accurate and consistent understanding of Indonesian and English legal terms is unquestionable (Myilibrary, 2009). However, there are still challenges in achieving an entirely accurate understanding of these two languages. One of

the influencing factors is the differences in the usage of legal terms between Indonesian and English (Siregar, 2022). This point is reinforced by Dove & Bryant (2016), who notes that ongoing efforts are to sharpen the understanding of legal terms within the judiciary, such as improving legal education, legal translation training, and legal dictionaries. However, a more comprehensive and effective solution is needed to provide accurate and reliable references for legal professionals.

In this context, a glossary can be critical in bridging the gap between Indonesian and understanding English terms in the judicial realm (Sofyan & Rosa, 2021). A glossary is a collection of terms and definitions systematically arranged to assist in translating and understanding legal terms (Šarčević, 1989). However, the existing glossaries have areas for improvement. Some glossaries merely provide word-for-word translations without considering the appropriate context and connotation (Thornbury, 2017). Moreover, glossaries often overlook the usage scenarios of terms in actual legal practice. It can result in misinterpretation and misuse of legal terms in judicial processes.

The role of a legal glossary in facilitating legal translation between Indonesian and English contributes novelty by focusing on the role of the glossary, which has not been extensively explored before in the context of legal translation (Ana & Puspani, 2021; Apriyanti et al., 2017; Prieto-Ramos, 2017). Meanwhile, developing a specialized legal terminology database for legal translation between Indonesian and English provides a novelty in the provision of new resources to improve the translation of judicial terms and comparisons of extraction and mapping techniques for legal texts more effectively (Martínez-Carrasco, 2021; Gavrilenko, 2015; Bestué, 2016; El Ghazi & Bnini, 2019). Furthermore, an investigation into the use of legal glossaries in legal practice provides a new perspective from the standpoint of legal professionals, not yet widely discussed concerning the challenges and strategies in translating legal terminology, providing practical guidance for translators in ensuring translation accuracy (Husa, 2016).

Accuracy analysis ensures that the source language meaning is accurately

transferred to the target language without distortion of meaning (Nababan et al., 2012, p. 50). If the translation of legal terms achieves high accuracy, the message and information conveyed will remain intact. In this regard, the interpreter should strive to avoid meaning distortions that can lead to misunderstandings or incorrect interpretations. Translation accuracy involves accurately transferring the source language's meaning into the target language without significant meaning distortion. In terms of accuracy, the interpreter must ensure that the translation of legal terms reflects the meaning that matches the original.

Translation acceptability involves the appropriateness of the translation to the target language rules and the reader's natural understanding (Nababan et al., 2012). Translation scholar Lawrence Venuti suggests that translation acceptability should consider social, cultural, and pragmatic factors (Morini, 2014). In terms of acceptability, the interpreter must ensure that the translation of legal terms feels natural, familiar to readers, and complies with Indonesian language rules.

Strategies and approaches to developing scenario-based bilingual glossaries and applying ethnographic approaches have yet to be extensively explored. Therefore, to bridge the gap between the glossary as a medium and scenarios as practice, an ethnographic approach allows researchers to understand the context of the use of legal terms in actual legal practice. Ethnographic studies on legal language in trial processes provide a novel perspective on using legal terms in the context of actual legal practice (van Domselaar, 2022).

An ethnographic approach is employed in this study to understand the cultural context, connotations, and variations in the use of legal terms in legal practice in Indonesia. It enables the researchers to compile a more accurate and suitable glossary, which provides word-for-word translations and considers the appropriate context and connotations. Additionally, the ethnographic approach allows researchers to identify scenarios of using legal terms in actual legal practice. Researchers can design a glossary considering these scenarios by understanding how these terms are used in real situations. It will help glossary users understand the context of term usage and choose appropriate translations in English. The ethnographic approach enables us

to understand the cultural context, practices, and conventions associated with using legal terms in real-life situations (Spradley, 2016).

Based on the background above, the detailed research questions are as follows: How is the design of a scenario-based bilingual glossary of judicial terms? How is the ethnographic approach implemented in the design of a scenario-based bilingual glossary of judicial terms?

## **METHOD**

This study utilizes a qualitative research design with a scenario-based framework. As Miles et al. (2020) stated, a qualitative design featuring scenarios can facilitate an in-depth understanding of complex phenomena, such as using legal terms in judicial practices. This design was selected as the study aims to deeply understand the role of a bilingual glossary in aiding the translation of scenario-based judicial terms through an ethnographic approach.

The data for this study were gathered from two primary sources: legal documents and interviews with relevant stakeholders. The legal documents analyzed comprise court verdicts, case files, and administrative records. Interviews were conducted with judicial language practitioners who possess extensive experience and knowledge about the usage of legal terms in judicial practices, aimed at facilitating a dialogical exploration. Guest et al. (2013) underscore that interviews provide a rich and profound data source in qualitative research.

Employing a document analysis approach, the data collection technique aligns with the data. This approach adheres to Creswell & Creswell's (2018) assertion that document analysis is a valuable data collection method for obtaining written information. Data validation was carried out through data triangulation, cross-referencing, and validating the findings from document analysis with the results from interviews. Donkoh and Mensah (2023) highlight the critical role of data triangulation in qualitative research to enhance the reliability of research findings. This practice ensures the accuracy of the data obtained. In the practical application of data triangulation to enhance the reliability of research findings, the study meticulously

combined and cross-referenced data from diverse sources—document analysis of court verdicts, case files, and administrative records, alongside interviews with judicial language practitioners. This multifaceted approach facilitated a comprehensive examination of judicial terms, ensuring findings were not solely based on a single perspective but corroborated by multiple pieces of evidence. By comparing and validating the interpretations of legal terminology across formal documents and practical insights, the study effectively minimized biases.

The gathered data were subsequently analyzed using a content analysis approach. This method aligns with the perspective of Renz et al. (2018), who posit that content analysis is an efficient technique for deciphering the meaning of qualitative data. In this regard, content analysis allows researchers to gain a profound understanding of the usage of legal terms within a judicial context. Content analysis was done by identifying, categorizing, and interpreting patterns and findings from documents and interviews. This analysis encompasses tabulation processes and establishing themes that reflect the research findings.

The study on scenario-based bilingual glossary design for judicial terms implemented a meticulous, practical approach to develop a reliable resource for legal translation between Indonesian and English. This process began with identifying and selecting ten pivotal judicial terms chosen for their relevance and frequent usage within the legal framework. Each term was then placed within a carefully crafted scenario that mirrored real-life courtroom interactions involving a prosecutor, an accused who is a foreign national, and an interpreter, thereby grounding the translation process in authentic judicial contexts. This methodological step was crucial for ensuring that the translations would be practical and applicable in real-world legal proceedings, focusing on achieving a balance between accuracy and contextual appropriateness.

Furthermore, the translations were assessed for accuracy and acceptability, incorporating feedback from legal and linguistic experts to fine-tune the glossary using Baker's (2016) theory. This iterative process ensured that the final bilingual glossary was not only a linguistically accurate

tool but also resonated with the practical needs of the legal community, bridging communication gaps in the Indonesian-English legal setting and enhancing understanding across linguistic divides.

### FINDINGS AND DISCUSSION

Align with the study's aims, this chapter will focus on two things. The first is the scenario-based bilingual glossary design for judicial terms, and the second is the implementation of an ethnographic approach in the design of a bilingual legal terminology glossary based on scenarios

#### Scenario-Based Bilingual Glossary Design for Judicial Terms

The study identified and translated ten specific Indonesian judicial terms into English within a scenario-based context. These judicial terms include "terdakwa" (accused), "penahanan" (detention), "dakwaan" (indictment), "pengacara" (lawyer), "persidangan" (trial), "saksi" (witness), "alibi" (alibi), "banding" (appeal), "putusan" (verdict), and "pengadilan" (court).

Table 1. Scenario of the 10 Judicial Terms Data

| Source Terms | Target Terms | Scenario*  |
|--------------|--------------|--|
| Ter-dakwa    | Ac-cused     | P Apakah Anda mengakui bahwa Anda adalah <b>terdakwa</b> dalam kasus ini?                                  |
|              |              | I Do you acknowledge that you are the <b>accused</b> in this case?   |
|              |              | A Yes, I am the <b>accused</b> in this case.   |
|              |              | I Ya, saya adalah <b>terdakwa</b> dalam kasus ini.   |
| Pe-nahanan   | De-tention   | P Apakah Anda memahami bahwa <b>penahanan</b> akan dilakukan jika Anda dianggap berpotensi melarikan diri? |
|              |              | I Do you understand that <b>detention</b> will be imposed if you are considered a flight risk?             |
|              |              | A Yes, I understand.   |
|              |              | I Ya, saya mengerti.   |

|              |             |  |
|--------------|-------------|--|
| Dak-waan     | Indict-ment | P Apakah Anda telah mendengar dan memahami <b>dakwaan</b> yang diajukan terhadap Anda?                               |
|              |             | I Have you heard and understood the <b>indictment</b> filed against you?   |
|              |             | A Yes, I have heard and understood the <b>indictment</b> .   |
| Peng-acara   | Law-yer     | P Apakah Anda memiliki <b>pengacara</b> yang akan mendampingi Anda dalam <b>persidangan</b> ini?                     |
|              |             | I Do you have a <b>lawyer</b> who will represent you in this <b>trial</b> ?  |
|              |             | A No, I do not have a <b>lawyer</b> .  |
| Persi-dangan | Trial       | I Tidak, saya tidak memiliki <b>pengacara</b> .  |
|              |             | P Apakah Anda bersedia menjadi <b>saksi</b> dalam <b>persidangan</b> ini?  |
|              |             | I Are you willing to be a <b>witness</b> in this trial?  |
| Saksi        | Wit-ness    | A No, I prefer not to be a <b>witness</b> .  |
|              |             | I Tidak, saya lebih memilih untuk tidak menjadi <b>saksi</b> .   |
|              |             | P Apakah Anda memiliki <b>alibi</b> yang dapat membuktikan bahwa Anda tidak berada di tempat kejadian pada saat itu? |
| Alibi        | Alibi       | I Do you have an <b>alibi</b> that can prove you were not present at the scene during that time?                     |
|              |             | A Yes, I have an <b>alibi</b> .  |
|              |             | I Ya, saya memiliki <b>alibi</b> .   |
| Banding      | Appeal      | P Apakah Anda berencana untuk mengajukan <b>banding</b> jika Anda tidak puas dengan <b>putusan pengadilan</b> ?      |

|                   |                       |   |   |
|-------------------|-----------------------|---|---|
| <i>Putusan</i>    | <i>De-<br/>cision</i> | I | Do you plan to file an <b>appeal</b> if you are dissatisfied with the <b>court's decision</b> ? |
| <i>Pengadilan</i> | <i>Court</i>          | A | Yes, I will consider filing <b>an appeal</b> .  |
|                   |                       | I | <i>Ya, saya akan mempertimbangkan untuk mengajukan <b>banding</b>.</i>                          |

Code:

"\*" for A courtroom dialogue for a drug case in an Indonesian court involving an Indonesian-speaking Prosecutor, an English-speaking Accused (Foreign National), and an Interpreter. The interpreter translates the Prosecutor's questions, posed in Indonesian, into English for the Accused and translates the responses of the Accused from English to Indonesian for the Prosecutor, "P" for the Prosecutor, "A" for the Accused, and "I" for an interpreter.

Through this scenario, the right glossary design for important judicial terms is vital to consider the context, connotation, and clarity of translations in judicial practice. Below is an analysis of dialogue from the scenario that can help craft a suitable glossary design:

"Accused" (*terdakwa*) is a party accused of committing a criminal act in a trial. It is essential to include an accurate translation like "defendant" to ensure compatibility with commonly used judicial practices in English. The translation of the term "accused" must genuinely reflect the legal status of someone undergoing legal proceedings, not under investigation as a suspect.

"Detention" (*penahanan*) refers to holding someone in confinement during the legal process. The term "detention" can be used in the glossary design to ensure clarity of translation.

"Indictment" (*dakwaan*) refers to a criminal charge brought by a prosecutor against a defendant. In the glossary design, "indictment" can convey the correct meaning and connotation.

"Lawyer" (*pengacara*) is a party that provides legal assistance to the defendant or party involved in the trial. In the glossary design, "lawyer" refers to a lawyer's role in the judicial context.

"Trial" (*persidangan*) is a legal process where a judge decides the case based on presented evidence. In the glossary design, the term "trial" can describe the judicial process more commonly understood in English.

"Witness" (*saksi*) is an individual who gives testimony or evidence related to the case being handled. In the glossary design, the term "witness" can refer to the role performed by a witness in a trial.

"Alibi" (*alibi*) refers to evidence or testimony that denies the defendant's involvement in the criminal act by showing that the defendant was elsewhere at the time of the incident. In the glossary design, the term "alibi" can be used to ensure clarity of translation.

"Appeal" (*banding*) refers to the effort made by a party unsatisfied with the court's decision to take the case to a higher legal institution. In the glossary design, the term "appeal" can be used to describe the appeal process in a judicial context.

"Verdict" (*putusan*) is the decision issued by a judge after the trial is concluded and the evidence has been considered. In the glossary design, the term "verdict" can refer to the trial's final outcome.

"Court" (*pengadilan*) refers to the legal institution where the trial is conducted. In the glossary design, the term "court" can also refer to the judicial institution involving judges, prosecutors, and related parties.

Assessing translation quality is crucial in ensuring translation accuracy and acceptability by interpreters (Table 1). Translation scholar Mona Baker explains that translation accuracy and acceptability are closely related to the appropriateness of the meaning, communication purpose, and prevailing language norms (Baker, 1992).

Evaluating the acceptability and accuracy of each judicial term involves examining how closely the translations align with the source term's original meaning (accuracy) and whether they are appropriate and understandable in the target language's cultural and legal context (acceptability). Here is an assessment for each term based on these criteria:

Accused (*Terdakwa*): The translation to "defendant" enhances accuracy by matching the legal status of someone formally charged in a trial, aligning with common judicial practices

in English. This choice also increases acceptability, as "defendant" is widely understood and appropriately used in English-speaking legal contexts.

**Detention (*Penahanan*):** The term "detention" accurately and directly translates to confining someone during legal proceedings, ensuring semantic precision and pragmatic relevance. Given the term's common use and clear understanding in English legal discourse, its acceptability is high.

**Indictment (*Dakwaan*):** "Indictment" is an accurate translation that correctly conveys the meaning of a formal charge by a prosecutor, reflecting the term's legal implications. Its acceptability is ensured by its precise use in the legal vocabulary of English-speaking countries.

**Lawyer (*Pengacara*):** Translating "pengacara" as "lawyer" provides an accurate and direct correlation between the roles in both languages, ensuring clarity and relevance. The term "lawyer" is universally accepted and understood within English legal practices, marking high acceptability.

**Trial (*Persidangan*):** The use of "trial" captures the essence of "persidangan," accurately reflecting the judicial process where a case is adjudicated. This term is both accurate and acceptable, given its widespread use and recognition in English legal systems.

**Witness (*Saksi*):** The translation to "witness" is both accurate and acceptable, as it precisely denotes an individual providing testimony in a legal setting. "Witness" is a standard term within English legal proceedings, ensuring its acceptability and understanding.

**Alibi (*Alibi*):** The term "alibi" is directly translatable, maintaining both the accuracy of the original meaning and high acceptability in English, where it is a well-understood concept within legal defense strategies.

**Appeal (*Banding*):** Translating "banding" as "appeal" accurately reflects the process of challenging a court decision in a higher court. This term is acceptable and commonly used in English legal contexts, fitting seamlessly into the target language's judicial lexicon.

**Verdict (*Putusan*):** "Verdict" is an accurate translation that effectively conveys the decision made by a judge or jury, capturing the term's finality. It is highly acceptable in

English, where it is a fundamental aspect of the trial process.

**Court (*Pengadilan*):** Using "court" to translate "pengadilan" ensures accuracy by directly correlating to the legal institution where trials are conducted. The term is universally accepted and understood across English-speaking legal systems, highlighting its high acceptability.

### **The Implementation of Ethnographic Approach in the Design of Bilingual Legal Terminology Glossary Based on Scenarios**

Implementing an ethnographic approach in designing a scenario-based bilingual legal terminology glossary offers an in-depth insight into the use of these terms in everyday judicial practice. Considering domain, componential, taxonomy analysis, and cultural theme analysis, the glossary design can encapsulate a more holistic and contextual understanding of legal terms, thus reducing the risk of misinterpretation and misusing terms in the legal process.

Our ethnographic findings, rooted in domain, taxonomy, componential, and cultural theme analyses, reveal the depth of context that legal terms carry within and across cultural boundaries. For instance, "detention" (*penahanan*) is not merely a direct linguistic translation. However, it encompasses a broader spectrum of legal and cultural implications, such as the conditions, duration, and legal justification for detention, which vary significantly between Indonesian and English-speaking jurisdictions. Similarly, terms like "trial" (*persidangan*) and "verdict" (*putusan*) are deeply embedded within the procedural norms and expectations of their respective legal systems, reflecting different approaches to justice and the adjudication process.

Through the lens of ethnography, we have engaged with these terms not just as lexical entities but as cultural artefacts that embody specific legal philosophies, procedural norms, and societal values. For example, the role of "lawyer" (*pengacara*) in the legal process is interpreted within legal representation, client rights, and the adversarial system, which may differ markedly between Indonesian and English-speaking legal cultures. This ethnographic perspective allows us to appreciate the sociolinguistic subtleties influencing how legal terms are

understood, used, and perceived in different cultural contexts.

In conclusion, our findings are intrinsically linked to ethnography, as they underscore the critical role of cultural, procedural, and linguistic context in translating and applying legal terminology. By discussing legal terms from an ethnographic perspective, we have uncovered the layers of meaning, usage, and perception that define these terms in their respective legal cultures. It enriches our glossary design, ensuring that it facilitates accurate and appropriate translations and reflects the deep-seated cultural and procedural intricacies that characterize the legal landscape in Indonesia and English-speaking countries.

## CONCLUSION

The study's integration of a scenario-based bilingual glossary design and the application of an ethnographic approach to legal terminology translation underscores a comprehensive methodology for enhancing the understanding and usage of Indonesian judicial terms in English contexts. The research facilitates a practical understanding of these terms by meticulously identifying and analyzing ten pivotal Indonesian judicial terms within scenario-based dialogues. It ensures their contextual appropriateness and cultural relevancy in translation.

The ethnographic methodology further enriches this translation process by providing deep insights into the cultural and procedural

contexts that shape legal language use. Through domain, taxonomy, componential, and cultural theme analyses, the research captures how legal terms are embedded within Indonesian and English-speaking communities' broader cultural and legal practices. Consequently, the study offers a nuanced glossary as a linguistic tool and a bridge between diverse legal cultures, facilitating more straightforward communication and mutual understanding in bilingual legal settings.

In sum, the study's findings and discussions demonstrate a sophisticated blend of linguistic precision and ethnographic sensitivity, proving that the translation of legal terms cannot be divorced from their cultural and procedural contexts. The resulting bilingual glossary stands as a testament to the importance of integrating translation studies with ethnographic insights, offering a model for future research in legal translation that is deeply informed by the complexities of language, law, and culture.

As researchers, we acknowledge the dynamic nature of this study. Thus, further research is encouraged to delve deeper into the influence of linguistic aspects on the design of a bilingual glossary of judicial terms. Future studies could also explore implementing an ethnographic approach in designing glossaries for domains such as health, education, or technology, considering cultural aspects, practices, and the context of term usage.

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