

The Paradox of Equivalence: Challenges in Translating Indonesian Criminal Law Documents for Chinese-Speaking Defendants

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ABSTRACT

The increasing number of multilingual criminal proceedings has highlighted the importance of accurate legal translation in safeguarding procedural fairness for foreign defendants. In Indonesia, Chinese-speaking defendants rely heavily on translated *Berita Acara Pemeriksaan* (Police Examination Reports, BAP), making conceptual equivalence essential for ensuring accurate legal communication throughout criminal investigations. This study examines the equivalence of Indonesian–Mandarin translations of BAP documents by integrating Legal Translation Theory, Dynamic Equivalence, and Forensic Linguistics. A convergent parallel mixed-methods design was employed, combining comparative analysis of a bilingual corpus with questionnaire data collected from legal practitioners, including judges, prosecutors, defence lawyers, and court interpreters. The analysis identified three major sources of translation non-equivalence: legal terminology embedded in different legal systems, syntactic restructuring that altered procedural relationships, and semantic shifts affecting the interpretation of institutional concepts. These translation problems indicate that lexical correspondence alone is insufficient for preserving legal meaning across Indonesian and Chinese criminal justice systems. The findings demonstrate that legal translation should be evaluated according to conceptual and functional equivalence rather than literal linguistic similarity. This study contributes to legal translation and forensic linguistics by providing an interdisciplinary framework for assessing translation quality in criminal procedural documents and offers practical implications for improving legal interpreter training and multilingual judicial communication.

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1. Introduction

Globalisation and the increasing mobility of people, capital, and business activities have brought an increasing number of foreign nationals into domestic criminal justice systems. In such contexts, language is not merely a medium of communication but an important condition for the meaningful exercise of procedural rights. For defendants who do not sufficiently understand the language of the proceedings, difficulties in accessing legal information may affect their participation in the criminal

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process. The problem becomes particularly complex when criminal investigation documents are translated across languages and legal systems, because the translator must mediate not only linguistic expressions but also the legal concepts and institutional functions embedded in those expressions. In Indonesia, one important document produced during criminal investigation is the *Berita Acara Pemeriksaan* (BAP), or Police Examination Report. When a BAP is translated into Mandarin for a Chinese-speaking defendant, the central challenge is therefore not simply whether Indonesian expressions have been rendered accurately in Mandarin, but whether the translation continues to represent the legal meaning and procedural function of the source document in a form accessible to the recipient.

This challenge is grounded in longstanding concerns within legal translation scholarship, where legal meaning is closely connected to the legal system in which a concept operates (Šarčević, 1997). Legal translation consequently involves more than linguistic transfer; it requires mediation between different languages, cultures, and, most importantly, legal systems (Cao, 2025). The difficulty becomes particularly evident when a legal concept or term has no direct counterpart in the target legal system. Graziadei (2025) argues that legal translators must reconcile legal concepts and terminologies that often lack direct equivalents across languages while attempting to preserve the authenticity and functionality of the translated text. Peruzzo (2022) further distinguishes translation equivalence from terminological equivalence: the former concerns relationships between source- and target-language units or texts, whereas the latter concerns relationships between terms and the concepts embedded within particular conceptual systems. These perspectives indicate that linguistic correspondence cannot automatically be taken as evidence of conceptual or legal equivalence. A target-language expression may appear appropriate at the lexical level while referring to a different legal concept or performing a different institutional function.

The issue is also situated within forensic and legal linguistics, a field concerned with language in legal processes, including legal documents, police and court language, professional legal interpreting and translation, and language-based disadvantage in legal processes (Gibbons, 2003; Wright & Picornell, 2024). From this perspective, the translation of a criminal investigation document is not an isolated linguistic activity but part of the broader mediation of legal procedures and meanings. Although existing scholarship provides an important basis for understanding language mediation in legal contexts, the intersection between linguistic correspondence, legal-conceptual meaning, and institutional function remains insufficiently examined in Indonesian–Mandarin criminal investigation document translation. This issue is particularly important for the BAP because different Mandarin expressions used to represent the same Indonesian document may offer more than alternative wording; they may construct different understandings of the document’s legal identity and procedural role.

The concept of equivalence provides a further theoretical dimension to this problem. Nida (1964) and Nida and Taber (1969) distinguish formal correspondence from dynamic equivalence, with the latter placing greater emphasis on the response and comprehension of the target-language receptor. Although originally developed in the context of Bible translation, this receptor-oriented perspective is relevant to multilingual legal communication because a translated legal document must be sufficiently accessible to its intended recipient. Yet communicative accessibility creates a particular tension in legal translation. A target expression may be natural, comprehensible, and communicatively effective while failing to preserve the legal concept or institutional function associated with the source expression. In other words, being understandable does not necessarily mean being legally equivalent. This tension becomes especially significant when a legal document crosses not only linguistic boundaries but also the boundaries between different legal systems.

The tension is illustrated by the translation of a BAP involving a Chinese national, Wang Xinyi, in which the Indonesian term *Berita Acara Pemeriksaan* is represented through Mandarin alternatives, including *shěnxùn jìlù* (审讯记录) and *diàochá bǐlù* (调查笔录). Rather than assuming in advance that one rendering is simply correct and the other incorrect, these alternatives provide a basis for examining what they linguistically signify, what legal concepts they activate, and what institutional functions they attribute to the source document. This raises the first question of how equivalence challenges emerge in the Indonesian–Mandarin translation of the BAP across linguistic, legal-conceptual, and institutional dimensions. It also raises a second, closely related question of how these equivalence challenges shape the representation and communicative accessibility of legal meaning for Chinese-speaking defendants.

These questions point to a gap between approaches that evaluate translation primarily in terms of linguistic or communicative correspondence and approaches that emphasise the system-bound nature of legal concepts. Existing scholarship has addressed legal-system differences, conceptual non-equivalence, terminology, legal language, and communicative accessibility, but these dimensions have rarely been brought together to examine how an apparently equivalent translation may simultaneously diverge from the legal-conceptual or institutional meaning of a criminal investigation document. This study conceptualises this tension as the paradox of equivalence: a condition in which apparent linguistic or communicative equivalence may coexist with a lack of legal-conceptual or institutional equivalence. Equivalence is therefore not treated as a binary condition of success or failure; rather, it may be achieved at one level while breaking down at another.

The study consequently contributes a multidimensional understanding of equivalence in Indonesian–Mandarin legal translation by bringing together linguistic form, communicative accessibility, legal-conceptual meaning, and institutional function. Its novelty lies not simply in examining a BAP or identifying differences between Mandarin renderings, but in demonstrating how these dimensions may converge or diverge when a criminal investigation document crosses linguistic and legal-system boundaries. By connecting legal translation scholarship with forensic and legal linguistics and using the receptor-oriented perspective of Dynamic Equivalence as a lens for communicative accessibility, the study highlights why a translation that appears understandable or linguistically appropriate may nevertheless produce a different representation of legal meaning.

2. Methods

2.1. Research Design

This study employed a convergent parallel mixed-methods design, in which qualitative and quantitative data were collected during the same research phase, analysed independently, and subsequently integrated to obtain a comprehensive understanding of translation equivalence in multilingual criminal proceedings (Creswell & Plano Clark, 2018). This design was selected because legal translation involves both textual analysis and professional perceptions that cannot be adequately explained using a single methodological approach.

The qualitative component focused on analysing the equivalence of legal terminology and discourse contained in bilingual criminal investigation documents, whereas the quantitative component examined legal practitioners' perceptions regarding translation quality and interpreter performance during criminal proceedings. Integrating these two datasets enabled methodological triangulation, thereby enhancing the credibility and trustworthiness of the findings (Creswell & Plano Clark, 2018). The research procedure consisted of three sequential stages: (1) data collection and ethical preparation; (2) translation quality assessment and questionnaire administration; and (3) qualitative and quantitative data analysis.

2.2. Data Sources

The qualitative dataset comprised a bilingual parallel corpus extracted from the criminal case files of a Chinese national defendant, Wang Xinyi, handled by the Jepara District Prosecutor's Office, Central Java, Indonesia. The corpus consisted of the original Indonesian Berita Acara Pemeriksaan (BAP) and its official Mandarin translation used throughout the criminal investigation and prosecution process. Each source-language segment was manually aligned with its corresponding Mandarin translation to facilitate comparative analysis.

The quantitative data were obtained through purposive sampling, a technique widely employed in qualitative and mixed-methods research to identify information-rich participants possessing relevant professional expertise (Palinkas et al., 2015; Patton, 2015). Participants included judges, public prosecutors, court interpreters, and defence lawyers who had practical experience handling multilingual criminal cases involving foreign defendants. Restricting participation to legal practitioners ensured that respondents possessed sufficient contextual knowledge to evaluate the quality and effectiveness of legal translation in criminal proceedings.

Prior to analysis, all documents underwent an anonymisation process to protect personal privacy and comply with research ethics. Names, identification numbers, residential addresses, and other personally identifiable information were removed or replaced with pseudonyms. Ethical approval was obtained from the relevant institutional authority before the commencement of data collection.

2.3. Research Instruments

Two complementary instruments were employed to address the research objectives.

1) Translation Quality Assessment (TQA)

The first instrument was a Translation Quality Assessment (TQA) matrix, developed based on principles of legal translation proposed by Šarčević (1997) and Cao (2007), together with Nida's concept of Dynamic Equivalence (Nida & Taber, 1969). The assessment focused on evaluating whether translated legal terminology preserved equivalent legal meaning within the target legal system rather than merely achieving lexical correspondence. Translation deviations were classified into four categories: (1) legal terminology errors; (2) semantic errors; (3) grammatical errors; and (4) cultural and legal-system equivalence errors. Each translation unit was analysed comparatively to determine whether conceptual meaning was maintained across the Indonesian and Mandarin legal systems.

2) Practitioner Questionnaire

The second instrument was a structured questionnaire employing a five-point Likert scale, a widely accepted approach for measuring attitudes and perceptions (Likert, 1932). The questionnaire consisted of two dimensions:

- a) perceived effectiveness of court interpreters during criminal proceedings; and
- b) perceived accuracy, clarity, and comprehensibility of translated legal documents.

Responses ranged from 1 (Strongly Disagree) to 5 (Strongly Agree).

To ensure content validity, the questionnaire was reviewed by experts in translation studies and criminal law before distribution. Internal consistency was evaluated using Cronbach's alpha, with reliability coefficients of 0.70 or above considered acceptable for social science research (Taber, 2018).

2.4. Data Analysis

The qualitative and quantitative datasets were analysed separately before being integrated during interpretation. The bilingual corpus was examined using comparative legal translation analysis, in which each Indonesian legal expression was compared with its Mandarin equivalent to identify shifts in legal terminology, semantic meaning, and procedural interpretation. The analysis was guided by Forensic Linguistics, which conceptualises legal language as institutional discourse whose linguistic features influence legal interpretation and judicial decision-making (Gibbons, 2003; Coulthard & Johnson, 2007). To evaluate translation quality quantitatively, the frequency of identified translation errors was first calculated before determining the overall translation accuracy using the following formula:

$$\text{Translation Accuracy (\%)} = \frac{\text{Accurate Translation Units}}{\text{Total Translation Units}} \times 100$$

The resulting percentages were interpreted according to the following criteria adapted from translation quality assessment studies:

Table 1. Translation Quality Assessment Studies

Translation Accuracy	Interpretation
86-100%	Highly Accurate
70-85%	Accurate
55-69%	Less Accurate
<55%	Inaccurate

Questionnaire responses were analysed using descriptive statistics, including frequencies, percentages, means, and standard deviations. Statistical analysis was conducted using IBM SPSS Statistics.

Finally, findings from both datasets were integrated using the interactive model proposed by Miles, Huberman, and Saldaña (2014), involving data condensation, data display, and conclusion drawing. This triangulation process enabled the quantitative findings regarding practitioners' perceptions to be interpreted alongside the qualitative evidence obtained from the bilingual corpus. The integrated analysis was subsequently interpreted through the theoretical perspectives of Dynamic Equivalence (Nida & Taber, 1969), legal translation theory (Šarčević, 1997; Cao, 2007), and Forensic Linguistics (Gibbons, 2003; Coulthard & Johnson, 2007) to explain how conceptual differences between Indonesian and Mandarin legal systems influence the translation of criminal procedural terminology.

3. Results and Discussion

The translation of legal documents, specifically the Police Examination Report (*Berita Acara Pemeriksaan*/BAP) at the investigation level, lies at the critical intersection of state legal sovereignty, forensic sociolinguistics, and the protection of constitutional human rights. The core objective of this study is to dissect the phenomenon conceptualized as The Paradox of Equivalence. In modern Legal Translation Studies (LTS), a legal text cannot be treated as a universal, value-free linguistic entity; rather, it is classified as a system-bound text. The BAP document in Indonesia is deeply rooted in the *Civil Law* (Continental European) tradition, which possesses its own unique historical trajectory, doctrines, and conceptual legal architecture.

Conversely, a foreign defendant from the People's Republic of China (PRC) inherently decodes and interprets any linguistic stimulus through the cognitive lens of *Socialist Law* with Chinese characteristics. This structural mismatch between *Civil Law* and *Socialist Law* breeds a profound gulf of conceptual asymmetry.

3.1. Data Cluster I: Conceptual Construction of Substantive Criminal Law (Elements of the Offense)

The paradox operates when a translator is caught in a dilemma between bureaucratic compliance and communicative accuracy. Under the high-pressure environment of an interrogation room or the rigid demands of police formalities, translators consistently pursue *formal equivalence* to achieve *textual security* for themselves. Choosing a linear, word-for-word translation makes the translator feel "safe" from accusations of manipulating, altering, or adding substance to the BAP evidence. However, this rigid literalism yields a destructive boomerang effect. Instead of upholding justice, it breeds a dangerous *false equivalence* (pseudo-equivalence). When an Indonesian legal lexeme is transferred literally into Chinese, the translator merely moves its external *linguistic shell*, while its legal spirit, context, and jurisdictional consequences are left behind in the Indonesian system. When the defendant reads this literal Chinese translation, they automatically decode the terminology using the legal schemas (*schema*) of their home country. This mechanism triggers three consecutive systemic impacts: *substantive semantic distortion*, *profound psychological disorientation*, and *the erosion of the defendant's constitutional rights*. To empirically demonstrate this phenomenon, the first clause from the research corpus involving a white-collar/economic crime context is presented below:

Table 2. Legal Text Corpus of Clause 1

Document Component	Legal Text Content
Source Language (SL - Indonesian)	"Tersangka mengakui bahwa ia menerima sejumlah uang dari pihak lain untuk mentransfer ke rekening luar negeri, namun ia tidak mengetahui bahwa uang tersebut berasal dari hasil tindak pidana."
Target Language (TL - Chinese)	“嫌疑人承认他从他人那里收到了部分资金并转入海外账户,但他不知道这些资金来自犯罪所得”

Table 3. Forensic-Legal Analysis Matrix of Clause 1

SL & TL Segment	Typological Code	Results of Deconstruction and Critical Discussion
"Tersangka"	LEX-LAW	The Paradox of Procedural Classification: Aligning "Tersangka" with “嫌疑人” (<i>xiányírén</i>) satisfies bilingual dictionaries but triggers a severe systemic paradox. In Indonesia’s <i>Kitab Undang-Undang Hukum Acara Pidana</i> (KUHP), a Suspect (<i>Tersangka</i>) is protected by strict pre-trial guarantees under the presumption of innocence, possessing an absolute right to remain silent and give statements freely without duress. Conversely, under the <i>PRC Criminal Procedure Law</i>, “嫌疑人” (<i>criminal suspect</i>) places the individual in a highly vulnerable position due to the heavily entrenched inquisitorial nature and confession-oriented culture of the Public Security Bureau (“公安局” / <i>Gōng’ānjú</i>). When the defendant reads their status as “嫌疑人”, it induces immediate psychological disorientation; they instinctively project the repressive legal landscape of their home country onto Indonesian investigators, assuming all avenues of defense are foreclosed, which silences their willingness to volunteer mitigating facts.
"untuk mentransfer... namun ia tidak mengetahui"	SYN-SHIFT	Chronological Syntactic Linearization: Indonesian legal prose utilizes a circular, multi-clause hypotactic structure ("bahwa ia...", "untuk...", "namun...") to bind the entire legal event into one entity. The translator executes a <i>structural shift</i> (<i>SYN-SHIFT</i>) by linearizing the sentence into a sequential chain of actions using the coordinative particle “并” (<i>bìng</i> / and then) to connect the physical acts (<i>actus reus</i>). This sequence is then cut by the adversative conjunction “但” (<i>dàn</i> / but) to isolate the mental element (<i>mens rea</i>). While this optimization makes the text flow naturally in Chinese, forensically, it flattens the nuanced hierarchy of causation. It blurs the sharp boundary separating the physical conduct from the exculpatory mental state, inadvertently weakening the structural defense of the accused.
"并转入... 但他不知道"		
"hasil tindak pidana"	SEM-BOUND	The Paradox of the High Criminal Threshold: This node represents the flashpoint of structural asymmetry. In Indonesian substantive law, <i>tindak pidana</i> is an elastic, universal term encompassing minor regulatory infractions (<i>overtredingen</i>) up to felonies (<i>misdrifven</i>). In absolute contrast, the <i>PRC Criminal Law</i> enforces a strict <i>Criminal Threshold Doctrine</i>; an act is only branded as a crime (“犯罪” / <i>fānzui</i>) if it exhibits grave social harm and massive financial damages, while minor breaches are handled via police administrative sanctions. Translating the phrase literally as “犯罪所得” causes severe semantic inflation. The defendant is led to believe they are being accused of a high-tier organized syndicate felony, whereas the underlying Indonesian offense may merely be a technical, sector-specific administrative violation of banking transfer regulations.
"犯罪所得"		

Based on the empirical framework mapped out in Tables 2 and 3, the manifestation of *The Paradox of Equivalence* can be unravelled through three distinct layers of forensic exposition:

3.1.1. Macro-Legal Exposition of Procedural Status (LEX-LAW)

At the lexical layer, the translator's decision to directly equate the Indonesian statutory term "Tersangka" with the Chinese “嫌疑人” (*xiányírén*) uncovers a severe breakdown in cross-jurisdictional conceptual mapping. While lexicographically identical, a comparative legal lens reveals that they carry diametric ideological weights. In Indonesia's KUHP, the state protects a suspect's pre-trial autonomy through an adversarial-leaning layer of protection. The suspect possesses an absolute right to remain silent, unhindered access to interactive legal counsel, and the right to provide information free from external pressure or intimidation. In contrast, within the architecture of the PRC criminal justice system, “嫌疑人” drags the subject into a state-centric, inquisitorial machinery dominated by a heavy confession

culture (*confession culture/ tèn bái cóng kuān*) by the Public Security Bureau (*Gōng'ānjú*). In their legal culture, a suspect bears a heavy psychological burden to admit guilt, and their pre-trial procedural protections are minimal.

This linguistic distortion cannot be separated from the institutional power asymmetry that characterizes the forensic environment of a police interrogation. As structuralized in John Gibbons' (2003) forensic linguistic framework, the language of the law enforcement space is inherently coercive. The translator does not operate in a vacuum; they are subject to the bureaucratic pressures of the state apparatus. The decision to translate *Tersangka* into 嫌疑人 is not merely an isolated semantic choice, but a manifestation of institutional compliance. The translator instinctively aligns their vocabulary with the dominant, punitive atmosphere of the interrogation room to project state authority, completely overlooking the fact that they are altering the legal status and constitutional boundaries of the human subject trapped within the text.

When the defendant encounters this term in the translated BAP, it creates a severe *cognitive dissonance*. The defendant transposes the repressive legal landscape of their home country onto the Indonesian investigators, inducing a state of systemic panic and extreme psychological disorientation. Believing that their fate is already sealed by an omnipotent state apparatus and that the room for defense is foreclosed, they succumb to a passive compliance. This systemic fear silences the defendant's courage to voice mitigating facts, even though Indonesian law widely opens the room for it. The formal equivalence is successful on paper, but functionally fails to protect the defendant's psychological rights.

3.1.2. Syntactic Modulation and the Dilution of Legal Causation (SYN-SHIFT)

The analytical challenge shifts to the grammatical configuration of the legal text. Indonesian legal prose in the SL is notoriously circular, stacking subordinate clauses to encapsulate an entire legal event within a single sentence ("bahwa ia...", "untuk...", "namun..."). This structure is engineered by investigators to chain a legal event holistically. Recognizing that transplanting this circular structure into Chinese would result in an unreadable syntactic mess, the translator ironed out the text into a linear timeline. The physical acts of receiving and moving money (*actus reus*) are bound tightly together by the coordinate particle “并” (*bìng* / and then).

Though grammatically flawless and natural in Chinese, this syntactic shift demands a heavy procedural tax. The original Indonesian complex sentence structure deliberately isolates the physical act from the subjective mental state through non-linear layering to stress the boundaries of guilt. By linearizing this relationship into a straightforward timeline, the subtle boundary between the physical action and the prerequisite *mens rea* (the state of not knowing) becomes blurred. It flattens the focus on the lack of intent, inadvertently weakening the structural causation that should have been the defendant's primary statutory shield against criminal liability.

3.1.3. The Clash of Criminal Threshold Doctrines (SEM-BOUND)

The epicenter of the paradox within this cluster is localized in the translation of "hasil tindak pidana" (proceeds of a criminal offense) into “犯罪所得” (*fànzuì suǒdé*). This represents a highly volatile semantic distortion that directly endangers the defendant. The Indonesian legal framework treats "tindak pidana" as a highly malleable, universal category for any statutory breach, ranging from minor administrative infractions to heavy felonies. The PRC legal doctrine, however, maintains an intensely rigid division between police-administered bureaucratic/administrative offenses and true judicial crimes. To qualify as a “犯罪” (*fànzuì*), an act must possess an exceptionally high degree of social danger (grave social harm) and cross a massive financial loss threshold. If it does not meet this bar, it is resolved outside criminal courts via police administrative channels.

Thus, when an Indonesian administrative or regulatory banking infraction is flatly translated into the heavyweight vocabulary of “犯罪所得”, the Chinese defendant misinterprets the charge as an accusation of participation in severe, high-level transnational organized crime (such as international money laundering or terrorism financing). This formal equivalence generates an artificial psychological shockwave. The defendant views themselves as pre-emptively branded as a "major criminal" before the trial even begins, entirely unaware that the Indonesian term operates on a far wider and more lenient spectrum. Literal fidelity, in this case, acts as an engine of substantive distortion of material truth.

3.2. Data Cluster II: Clauses Safeguarding Constitutional Linguistic Protections

The analysis of the second cluster scrutinizes how the very text meant to safeguard the defendant's language protection undergoes an institutional dilution (under-translation) for the sake of stylistic fluency in the target text, directly impacting the validity of procedural examinations.

Table 4. Legal Text Corpus of Clause 2

Document Component	Legal Text Content
Source Language (SL - Indonesian)	"Tersangka menyatakan bahwa ia tidak memahami seluruh isi dokumen Berita Acara Pemeriksaan karena tidak dikuasai Bahasa Indonesia secara memadai."
Target Language (TL - Chinese)	"嫌疑人表示他因为不熟悉印尼语而无法完全理解审问笔录的全部内容。"

Table 5. Forensic-Legal Analysis Matrix of Clause 2

SL & TL Segment	Typological Code	Results of Deconstruction and Critical Discussion
"Berita Acara Pemeriksaan"	LEX-LAW	Conceptual Distortion and Coercive Connotations: The translator renders the statutory acronym "BAP" as "审问笔录" (<i>shěnwèn bǐlù</i>). In Chinese forensic sociolinguistics, the lexeme "审问" (<i>shěnwèn</i>) carries aggressive overtones of a coercive, one-sided interrogation designed to extract a confession. This contradicts the philosophical foundation of the BAP under Indonesian law, which is an objective, neutral administrative record meant to record statements evenly, acting as a protective tool against state manipulation. This domestication generates a paradox: the defendant views the document as a "unilateral verdict" they must sign under duress, rather than an administrative transcript they are legally entitled to freely contest in court.
"karena tidak dikuasai... secara memadai"	SYN-SHIFT	The Structural Softening of Causal Subordination: The SL relies on a passive structural construction ("karena tidak dikuasai...") to center the linguistic deficiency as an objective structural barrier. However, the TL shifts this into an active personal attribute ("因为不熟悉" / <i>yīnwèi bù shúxī</i>), placing the focus on the defendant's subjective familiarity. This syntactic alteration flattens the linguistic emergency into a trivial matter of personal adaptation rather than an absolute institutional failure.
"因为不熟悉..." "tidak dikuasai... secara memadai"	SEM-BOUND	Reduction of Legal Urgency Degree (Under-translation): The original Indonesian phrasing explicitly invokes a state of <i>absolute linguistic incapacity</i> . The legal consequence of this condition is that the document becomes voidable if forced to be signed without a proper language bridge. The translator, however, minimizes this legal urgency by opting for "不熟悉" (<i>bù shúxī</i> / unfamiliar with or not fully accustomed to). "Unfamiliarity" implies a partial, minor lack of fluency rather than an absolute barrier. The post-translational effect is highly damaging: reviewing judges and prosecutors will review the written file and conclude that the language gap is minor, thereby justifying the denial of certified court interpretation at trial, gradually eroding the right to a <i>fair trial</i> .
"不熟悉"		

Deconstructing the linguistic data from Tables 4 and 5 exposes a systematic softening of constitutional linguistic protections through two primary entry points:

3.2.1. Ideological Mutation of Institutional Terminology (LEX-LAW)

Translating the official institutional term "Berita Acara Pemeriksaan" (BAP) into "审问笔录" (*shěnwèn bǐlù*) triggers a profound culturally bound distortion. The characters "审问" evoke a historical, state-dominated trial model centered on guilt extraction within the collective memory of Chinese speakers. When the neutral administrative term "BAP" is squeezed into this mold, its systemic purpose within the Indonesian courtroom is erased. In its native jurisdiction, the BAP serves as a protective formal record to lock in the suspect's words so they cannot be altered or manipulated. It is designed to be an objective recording instrument. By domesticating this term into the vocabulary of Chinese police interrogations, the defendant experiences acute institutional anxiety. They operate under the false assumption that

amending or rejecting the contents of this “审问笔录” constitutes a dangerous defiance of law, forcing them into a state of submissive signing—even when the record contains critical factual errors made by investigators.

3.2.2. The Mitigation of Jurisdictional Language Urgency (SEM-BOUND)

The clause "karena tidak dikuasai Bahasa Indonesia secara memadai" (due to an inadequate mastery of the Indonesian language) constitutes an explicit invocation of absolute linguistic incapacity. In international human rights jurisprudence, this condition functions as a strict procedural bar: executing a binding legal document while under an absolute language deficit vitiates informed consent, rendering the transcript invalid because it fails to meet the requirement of free will.

However, to make the prose flow elegantly and naturally in Chinese, the translator softened this severe declaration into “因为不熟悉印尼语” (*yīnwèi bù shúxī yìnyǔ* / because he is unfamiliar with Indonesian). This is a textbook case of dangerous *under-translation*. "Unfamiliarity" implies a partial, non-fatal lack of fluency rather than an absolute barrier. The post-translation effect of this shift is deeply hazardous to the defendant's trajectory. Future prosecutors and judges reviewing the written file will naturally deduce that the defendant possesses a basic, functional grasp of Indonesian and that their language barrier is merely a minor inconvenience. The paradox of formal translation satisfies stylistic smoothness but completely dismantles the defendant's constitutional right to a certified, continuous court interpreter during trial, sacrificing their constitutional shield for the sake of beautiful prose on paper.

3.3. Quantitative Corpus Distribution and Quantitative Grounding

To rigorously substantiate the qualitative deconstruction of the legal texts across the sampled corpus, a quantitative macro-analysis was conducted to measure the empirical distribution of these errors. The structural categorization of the identified data anomalies (N=42) is systematically mapped in the statistical compilation below:

Table 6. Statistical Frequency of Translational Anomalies (N = 42)

Anomaly Code	Primary Operational Mechanism	Frequency (f)	Percentage (%)
LEX-LAW	Rigid Formal Equivalence of System-Bound Leksems	18	42.86%
SYN-SHIFT	Syntactic Linearization Flattening Causation Hierarchies	11	26.19%
SEM-BOUND	Under-translation & Cross-Jurisdictional Threshold Clashes	13	30.95%
Total	Empirical Corpus Anomalies	42	100.00%

The statistical dominance of *LEX-LAW* anomalies (42.86%) indicates a systematic institutional reliance on dictionary-level literalism over conceptual equivalence. This quantitative trend confirms the primary hypothesis: translators consistently sacrifice functional communicative equivalence on the altar of formal safety. This paradox is born out of institutional fear; legal translators feel highly vulnerable and fear that applying functional shifts will draw accusations of "tampering with state-vetted evidence." Consequently, this defensive posture leads to a chain of *false equivalences* that look safe to a monolingual investigator, but are broken within the target reader's mind.

3.4. Meta-Theoretical Synthesis: Suitability Assessment and Systemic Impact

Evaluating these findings through Vermeer's *Skopos Theory* demonstrates that the *skopos* (purpose) of a legal translation in a criminal proceeding must be the preservation of substantive justice and procedural equity. The empirical data compiled in Table 3.6 evaluates the legal suitability of these interventions.

Table 7. Holistic Evaluation Matrix of Legal Equivalence Suitability

Source	Term	Target	Applied	Evaluative	Transjudicial Impact on the Ratio
(SL)		Translation (TL)	Typological Strategy	Suitability Degree	Decidendi
Tersangka		嫌疑人	Rigid Formal Correspondence	Partially Suitable	Disrupts the presumption of innocence; causes defensive psychological paralysis and anxiety during interrogation.
Hasil Tindak Pidana		犯罪所得	Absolute Literal Translation	Unsuitable	Causes severe cognitive inflation of the offense scale due to conflicting <i>criminal thresholds</i> .
Berita Acara Pemeriksaan		审问笔录	Cultural Domestication	Unsuitable	Subverts an objective administrative transcript into a coercive, confession-driven document.
Tidak dikuasai secara memadai		不熟悉	Mitigating Modulation	Failed Equivalence	Minimizes absolute linguistic deficits; results in the systemic denial of certified court interpreters at trial.

Evaluating these linguistic disruptions through Vermeer's (1989) conceptual framework uncovers a fundamental violation of the Coherence Rule. In Skopos theory, a successful translation must satisfy two levels of coherence: *intralingual coherence* (the target text must make sense within the communicative context of the target reader) and *interlingual coherence* or the *fidelity rule* (there must be a logical relationship between the source and target texts). The empirical data proves that the translators in this corpus over-satisfied the *fidelity rule* by sticking to rigid, literal word-for-word replication. However, in doing so, they completely destroyed *intralingual coherence*. Because the resulting Chinese text relies on system-bound terms that activate incorrect Socialist Law schemas inside the defendant's mind, the text becomes structurally incoherent and highly deceptive to the target receiver. Therefore, from a teleological perspective, the translation fails its primary judicial *skopos*.

This synthesis highlights the systemic consequences of the paradox within the broader administration of justice. In Indonesian criminal procedure, the written BAP serves as the primary evidentiary foundation from which prosecutors structure the indictment and judges derive their judicial conviction (*keyakinan hakim*). When a BAP containing these uncorrected false equivalences enters the trial phase, the court operates under a presumption of procedural regularity—assuming that because the document is signed by a certified translator, full understanding has been achieved. The court lacks any built-in institutional mechanism to audit the semantic shifts within the Chinese text. Consequently, the distorted mapping of the defendant's *mens rea* formulated during police questioning is integrated directly into the judge's final reasoning (*ratio decidendi*). This transjudicial transmission locks in early translation errors, significantly increasing the risk of a catastrophic *miscarriage of justice* (*peradilan sesat*) for foreign defendants.

3.5. Theoretical Integration, Dialectical Comparison and Broad Implications

3.5.1. Alignment with Working Hypotheses and Core Models

The empirical findings presented in Tables 3.1 through 3.6 fully validate the primary working hypothesis: that the uncritical pursuit of absolute formal equivalence within structural investigation documents generates an institutional illusion of security while operationalizing a systemic failure in conceptual, psychological, and legal communication. When evaluated through Vermeer's (1989) *Skopos Theory*, the overriding *skopos* (teleological purpose) of a legal translation within the criminal justice apparatus must be the preservation of substantive justice and the guarantees of a fair trial. However, the data reveals a destructive conflict of sub-purposes. The translator's immediate, defensive *skopos*—driven by bureaucratic anxiety—is to secure direct textual correspondence to avoid

institutional cross-examination. This subverts the macro-*skopos* of the text. By prioritizing structural safety over communicative transparency, the translator violates the foundational principles of Šarčević's (1997) *system-bound text* paradigm, which states that a legal text can only achieve equivalent effects if it accounts for the ideological and historical frictions between the legal traditions involved (Civil Law vs. Socialist Law).

3.5.2. Dialectical Synthesis with Previous Studies

This study expands upon and alters the trajectories established in previous literature. While early foundational research in forensic linguistics (Gibbons, 2003; Coulthard & Johnson, 2007) heavily scrutinized the immediate micro-linguistic vulnerabilities of defendants during live, verbal cross-examinations, this study shifts the analytical focus onto the enduring written record (the BAP). Furthermore, this research challenges the conventional assumptions found in general translation studies within Indonesian legal scholarship (e.g., studies prioritizing Nida's formal equivalence in statutory texts). It aligns more closely with contemporary, high-impact international scholarship (such as Hale, 2004; Berk-Seligson, 2002) which warns that translators within law enforcement spaces frequently act as unintentional institutional filters. This study introduces a novel dimension to the discourse by proving that the *Paradox of Equivalence* does not merely stem from a lack of vocabulary or professional incompetence. Instead, it is actively generated by the structural asymmetry of the legal systems themselves—specifically the hidden doctrinal friction between Indonesia's elastic *tindak pidana* framework and China's rigid *Criminal Threshold Doctrine* (Article 13 PRC Criminal Law).

3.5.3. Implications in the Broadest Context Possible

The implications of this translational paradox extend far beyond local police administrative boundaries, projecting into the macro-arenas of international comparative law and global human rights enforcement:

- 1) Systemic Invalidation of Consent: At a constitutional level, when a foreign national signs a written document under the illusion of false equivalence (e.g., misinterpreting *BAP* as a unilateral confession record *shěnwèn bǐlù* or *hasil tindak pidana* as a high-tier financial felony *fānzui suǒdé*), the legal validity of that signature is deeply compromised. Under Article 14 of the International Covenant on Civil and Political Rights (ICCPR), procedural fairness is destroyed if a defendant's statements are secured via structural, linguistic coercion or systemic cognitive error.
- 2) Geopolitical and Consular Friction: On a geopolitical scale, as transnational economic transactions expand between Indonesia and China, the systemic mistranslation of white-collar and regulatory offenses within police files risks inflating ordinary administrative or corporate disputes into high-profile international criminal liabilities. This creates friction under the Vienna Convention on Consular Relations, as foreign missions are forced to intervene in cases where their citizens are trapped within linguistic illusions created by the state's judicial machinery.

4. Conclusion

4.1. Comprehensive Summary of Key Findings

This study has systematically deconstructed the operational mechanics of the *Paradox of Equivalence* within the Indonesian-Chinese translations of Police Examination Reports (*Berita Acara Pemeriksaan* / BAP), satisfying the foundational research inquiries established in the background of this study. The empirical investigation confirms that the uncritical deployment of formal, word-for-word translation within pre-trial investigative transcripts creates a dangerous illusion of objective accuracy while operationalizing a systemic fracture in legal and psychological communication. The specific analytical findings across the three operational coding dimensions are synthesized as follows:

- 1) Lexico-Legal Equivalence Boundaries (LEX-LAW)

Transferring system-bound statutory terms like *Tersangkainto* 嫌疑人 (*xiányírén*) and *BAP* into 审问笔录 (*shěnwèn bǐlù*) incorporates the coercive, confession-driven cultural schemas of the PRC justice system into a neutral Indonesian administrative record. This structural mismatch

triggers severe cognitive dissonance and psychological paralysis in foreign defendants, silencing their willingness to volunteer mitigating facts due to an institutional power asymmetry.

2) Syntactic-Structural Shifts (SYN-SHIFT)

The structural linearization of complex, non-linear hypotactic legal prose in the source text into a sequential timeline using coordinate particles like 并 (*bìng*) flatly dilutes the nuanced hierarchy of causation. This syntactic alteration blurs the sharp boundary separating physical conduct (*actus reus*) from the exculpatory mental state (*mens rea*), inadvertently weakening the structural defense of the accused.

3) Semanto-Contextual Boundness (SEM-BOUND)

Translating the elastic Indonesian term *hasil tindak pidana* into the heavyweight Chinese vocabulary of 犯罪所得 (*fānzui suǒdé*) triggers severe semantic inflation due to conflicting national criminal thresholds. Furthermore, downplaying an absolute lack of language mastery (*tidak dikuasai secara memadai*) into mere unfamiliarity (不熟悉 / *bù shúxī*) structurally minimizes the legal urgency of the language barrier, leading directly to the systemic denial of certified court interpreters at trial.

Ultimately, because the written BAP serves as the primary evidentiary foundation for subsequent trial phases, these uncorrected errors are transmitted directly into the judicial reasoning (*ratio decidendi*), heavily compromising the presumption of innocence and exponentially increasing the risk of a catastrophic miscarriage of justice (*peradilan sesat*).

4.2. Theoretical and Practical Contributions

This research makes distinct, high-impact contributions to the cross-disciplinary fields of Forensic Linguistics, Comparative Law, and Legal Translation Studies (LTS):

1) Theoretical Re-Conceptualization of Legal Equivalence

This study advances Susan Šarčević's *system-bound text* paradigm by moving beyond general notions of untranslatability. It introduces a precise framework for analyzing the hidden doctrinal frictions that occur when a Continental European *Civil Law* architecture (Indonesia) collides with a *Socialist Law* paradigm with Chinese characteristics (PRC). It proves that the *Paradox of Equivalence* is actively generated by systemic structural asymmetries rather than simple vocabulary gaps.

2) Methodological Innovation in Forensic Texts

By implementing a three-tiered forensic coding taxonomy underpinned by quantitative macro-corpus statistics (N=42), this paper bridges the gap between qualitative textual analysis and rigorous empirical validation. It shifts the emphasis of forensic linguistic scholarship from ephemeral verbal courtroom interactions to the enduring, high-stakes written pre-trial record.

3) Institutional and Policy Implications

Practically, this study serves as a critical diagnostic tool for judicial administrators and policy-makers. It uncovers the defensive, risk-averse behavior of legal translators who sacrifice communicative transparency for immediate textual safety. These insights provide a clear framework for reforming legal interpreter certification programs, establishing mandatory bi-jurisdictional training, and designing post-translation semantic audits to safeguard the constitutional right to a fair trial for foreign nationals.

4.3. Limitations and Perspectives for Further Studies

While this study provides a comprehensive critique of Indonesian-Chinese written BAPs within white-collar crime investigations, it introduces specific parameters that warrant expanded scholarly inquiry:

a) Cross-Jurisdictional Comparative Corpus Studies

Future research should expand the corpus to include translations involving *Common Law* jurisdictions (e.g., English-speaking foreign nationals). This would isolate how Anglo-American legal schemas (such as the right to counsel under the Miranda warning) interact with the Indonesian *Civil Law* framework compared to the *Socialist Law* dynamics identified here.

- b) Real-Time Ethnographic and Verbal Auditing
There is an urgent empirical need for real-time video and audio recording analysis of live interrogations. Investigating the live, spoken adjustments made by interpreters before they commit condensed text to the final written BAP would expose the immediate behavioral factors and institutional pressures that drive structural under-translation.
- c) The Proliferation of Automated Judicial Technology
Investigative priority must be given to studying the cognitive and systemic impacts of incorporating Large Language Models (LLMs) and neural machine translation engines within law enforcement agencies. Future scholarship should evaluate whether automated translation software mitigates these system-bound asymmetries or embeds them deeper into the state's judicial machinery.

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