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Policy Recommendations for the Use of Translators to Ensure Legal Certainty in Immigration Administrative Actions at the Special Class I Immigration Office of TPI Semarang

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ABSTRACT

This study aims to analyze the implementation of interpreter usage in Immigration Administrative Actions (TAK) at the Class I Special Immigration Office for Immigration Checkpoints (TPI) in Semarang and to formulate an ideal legal policy that integrates the provisions of the Minister of Law Regulation Number 4 of 2025 concerning the requirements and procedures for the appointment, reporting, dismissal, extension, and supervision of sworn interpreters with TAK procedures as stipulated in the Minister of Immigration and Correctional Affairs Regulation Number 2 of 2025 concerning Immigration Supervision and Immigration Administrative Actions. The study employs a socio-legal (juridical-empirical) approach using qualitative methods, including interviews, observations, and an analysis of relevant legislation such as Law Number 6 of 2011 on Immigration (as amended by Law Number 63 of 2024), Law Number 8 of 1981 on Criminal Procedure Law, and Law Number 12 of 2005 on the Ratification of the International Covenant on Civil and Political Rights. The analysis utilizes Lawrence M. Friedman's Legal System Theory encompassing legal substance, legal structure, and legal culture as well as Gustav Radbruch's fundamental legal values: legal certainty, justice, and utility. The findings indicate that the Class I Special Immigration Office TPI Semarang has adopted a progressive practice by mandating the use of sworn interpreters during the examination of foreign nationals who do not understand Indonesian. However, implementation still faces normative and structural weaknesses; Article 66 of the Minister of Immigration and Correctional Affairs Regulation Number 2 of 2025 is discretionary in nature and lacks detailed provisions regarding interpreter competence, appointment mechanisms, independence, supervision, and accountability, alongside the absence of standardized internal Standard Operating Procedures (SOPs). Consequently, this study recommends the drafting of internal SOPs regarding interpreter usage and the development of a database of competent, verified interpreters through collaboration with relevant institutions. This effort is expected to strengthen legal certainty, procedural fairness, and accountability in the implementation of TAK.

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Introduction

As a state governed by the rule of law, Indonesia upholds the supremacy of law as a fundamental principle across all aspects of national and state life (Asshiddiqie, 2009). In the realm of immigration, this principle is reflected in the state's efforts to regulate the movement of people entering and leaving Indonesian territory and to monitor the presence of foreign nationals in order to safeguard national sovereignty (Ramos, 2022). In the practice of immigration law enforcement specifically regarding Immigration Administrative Actions (TAK) issues frequently arise when the foreign national under examination does not understand the Indonesian language. This presents practical challenges in guaranteeing the foreign national's procedural rights, such as the right to understand the allegations, provide a statement, and comprehend documents related to the legal proceedings (Wulandari & Wiraguna, 2025).

From a legal standpoint, the right to an interpreter is guaranteed under several instruments, such as Law Number 8 of 1981 concerning Criminal Procedure Law (KUHAP), which grants suspects, defendants, or witnesses who do not understand Indonesian the right to interpreter assistance (Article 177 of the KUHAP). A similar guarantee exists in the International Covenant on Civil and Political Rights (ICCPR), ratified via Law Number 12 of 2005. However, in the immigration context, Regulation of the Minister of Immigration and Correctional Affairs Number 2 of 2025 merely employs the phrase "may be accompanied by an interpreter" in Article 66; consequently, it fails to provide legal certainty regarding the specific situations, mechanisms, or interpreter competency standards applicable to Administrative Immigration Action (TAK) proceedings. Meanwhile, although Regulation of the Minister of Law and Human Rights Number 4 of 2025 does regulate the profession of sworn interpreters, its provisions are general in nature and do not yet accommodate the technical requirements and strict time constraints inherent in immigration administrative processes.

Empirical evidence indicates that the lack of technical regulations regarding interpreters in immigration enforcement operations (TAK) often leads field officers to rely on internal contact lists and personal experience when selecting interpreters. Inconsistencies in service quality frequently arise due to the absence of mechanisms for the appointment, verification, and performance evaluation of interpreters (Amrullah, 2025). This situation creates the potential for legal uncertainty and disparate treatment of foreign nationals across various immigration offices (Mario & Sulistyawan, 2019). Furthermore, field practices reveal that sworn interpreters do not necessarily grasp technical immigration terminology, increasing the risk of translation errors that could impact administrative decisions (Fransiska, Lubis, & Mono, 2020).

A clear research gap exists due to the scarcity of studies specifically addressing the integration of regulations governing sworn translators and the technical requirements of immigration-related administrative proceedings (TAK). Previous research has tended to focus on protecting the rights of the accused in criminal proceedings (Wulandari & Wiraguna, 2025; United Nations, 1966) or has examined translators from a purely linguistic perspective without highlighting the specific needs within the immigration context (Ardi, 2009; Dam & Schjoldager, 1994). Meanwhile, there is a distinct lack of in-depth analysis regarding the discrepancy between normative regulations and actual implementation in immigration administrative processes, as well as the need to strengthen policies concerning the use of sworn translators in TAK.

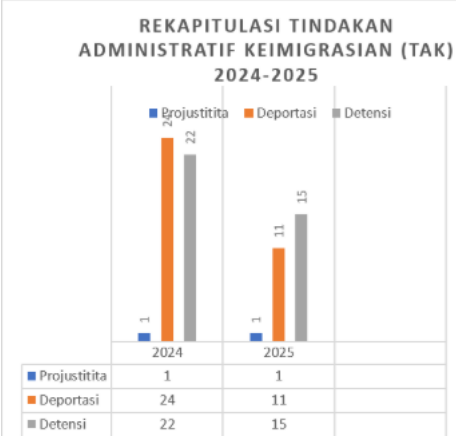
The novelty of this research lies in its interdisciplinary approach, combining empirical-juridical analysis with Lawrence M. Friedman's Legal System Theory (Friedman, 1975). The

study systematically identifies regulatory challenges and requirements regarding the use of interpreters in Administrative Immigration Action (TAK) proceedings, based on three key pillars: legal substance, legal structure, and legal culture. Furthermore, the research proposes policy measures specifically the formulation of internal Standard Operating Procedures (SOPs) and the development of a database of verified interpreters as concrete solutions to bridge the gap between legal norms and actual practice. Thus, this research makes a tangible contribution to strengthening legal protection and procedural justice for foreign nationals, while providing practical guidelines for immigration officers in the implementation of TAK.

Based on the systematic explanation above, this study is expected to make theoretical and practical contributions to the development of immigration law in Indonesia specifically regarding the strengthening of policies on the use of interpreters to ensure legal certainty, fairness, and accountability in the implementation of Administrative Immigration Measures.

As an empirical illustration, the following is a summary of Administrative Immigration Actions (TAK) at the Class I Special Immigration Office for Immigration Checkpoints (TPI) in Semarang during 2024–2025, highlighting the crucial role of interpreters in the examination process for foreign nationals who do not understand Indonesian:

Table 1 Recapitulation of Immigration Administrative Actions of the Special Class I Immigration Office of TPI Semarang in 2024–2025.



Sumber: Data primer Kantor Imigrasi Kelas I Khusus TPI Semarang, diolah peneliti (2026).

Based on these problems, this study focuses on the implementation of the use of sworn translators in Immigration Administrative Actions at the Special Class I Immigration Office of TPI Semarang and the influence of incompleteness of legal substance on the structure and culture of the law in its implementation. This study aims to analyze the implementation of the use of sworn translators in immigration law enforcement, identify the weaknesses of the regulation regarding the use of translators in TAK based on Lawrence M. Friedman's Legal System Theory, and formulate policy recommendations that can create procedural certainty, uniformity of implementation, independence, and accountability of translators in immigration law enforcement.

Method

This study uses a normative-empirical approach (*socio-legal research*) with qualitative methods to analyze the suitability between legal provisions and the practice of using translators in Immigration Administrative Actions (TAK) at the Special Class I Immigration Office of TPI Semarang. The research data consists of primary and secondary data. Primary

data was obtained through semi-structured interviews, observations, and documentation of parties who had knowledge and involvement in the immigration enforcement process and the use of translators, while secondary data was obtained through literature studies in the form of relevant laws and regulations, books, scientific journals, and previous research. A qualitative approach is used to gain an in-depth understanding of the practices, experiences, and problems of using translators in the law enforcement process (Sugiyono, 2019).

The data were analyzed qualitatively-descriptive-analytically using the interactive model of Miles et al. (2020) which included data condensation, data presentation, and conclusion drawing and verification. Empirical data is compared with the provisions in Law Number 6 of 2011 concerning Immigration as amended by Law Number 63 of 2024, Regulation of the Minister of Immigration and Corrections Number 2 of 2025, and Regulation of the Minister of Law Number 4 of 2025 to identify normative and implementive gaps. Furthermore, the findings were analyzed using Lawrence M. Friedman's Legal System Theory which includes the substance, structure, and culture of law (Friedman, 1975). The validity of the data is carried out through triangulation of sources and techniques by comparing the results of interviews, observations, and documentation to produce credible findings and become the basis for the formulation of policy recommendations for the use of translators in TAK.

Results And Discussion

The results of the study show that the use of translators in Immigration Administrative Actions (TAK) at the Special Class I Immigration Office of TPI Semarang has been carried out by prioritizing sworn translators. Based on interviews with the Head of Immigration Intelligence and Enforcement, the Head of the Enforcement Section, and BAP officers, the use of translators is considered important to ensure that Foreigners understand the inspection process and to maintain the accuracy of the Examination Minutes (BAP). However, the implementation has not been supported by technical regulations that regulate in detail the appointment mechanism, special competencies in the field of immigration, independence, supervision, and accountability of translators. This condition causes officers to still rely on internal contact lists and experience in determining the translator used.

The findings of the study also show that the availability of sworn translators who have competence in the field of immigration law is still limited. The process of obtaining a translator can take about 1–3 business days, while the TAK examination has a certain time limit. In addition, verification of translator competence is still carried out informally through certificate checks and officers' assessments of the understanding of immigration terms. In the implementation of BAP, the translator assists the examination process from start to finish, translates questions and answers orally, and signs the BAP as a form of accountability for the translation results. However, there is no formal mechanism to evaluate the quality of translations in the event of errors.

Table 2 Analysis of Normative Weaknesses of Article 66 of Permenipas 2/2025

No.	Weak Aspects	Juridical Consequences	Findings in the Field
1.	Phrase "should" (optional)	No legal obligation	Kanim Semarang requires sworn translators without a strong legal basis
2.	Not setting competency criteria	No quality standards	Informal verification in Semarang

3.	Not setting up the appointment mechanism	Unclear procedure	Appointment via personal contact
4.	Not regulating independence	Potential *conflict of interest*	The translator was accompanied by a BAP officer during the implementation of the BAP
5.	Not setting up supervision	No accountability	No performance evaluation system
6.	Not regulating accountability	Legal risks are unclear	Who is responsible if the BAP is wrong?

Source: Primary data processed by researchers, 2026.

Table 2 shows that the main problem in the use of translators stems from the incomplete normative arrangements. The phrase "may" in Article 66 provides room for interpretation so that the obligation to use a translator does not have a firm basis. In addition, the absence of provisions regarding competence, appointment, independence, supervision, and accountability causes the implementation in the field to still depend on the policies and initiatives of each officer.

The results of the study further showed that institutional factors also influenced the implementation of the use of translators. Kanim Semarang has a budget and access to translators and shows a relatively high commitment of the leadership, but does not have a national SOP or formal coordination mechanism with agencies that foster the profession of sworn translators. This condition causes the process of appointment and supervision of translators to be not standardized. On the other hand, the internal legal culture of Kanim Semarang tends to be progressive because officers strive to prioritize the quality of examination and legal certainty for foreigners despite the limitations of regulations.

The findings of the study show that the main problem with the use of translators in TAK is not only related to the availability of resources, but also to the incompleteness of legal substance. Article 66 of Permenimipas Number 2 of 2025 has not provided comprehensive regulations regarding the position of translators in the examination process. The use of the word "may" creates room for interpretation because it does not explicitly require immigration officials to provide interpreters when foreigners do not understand Bahasa Indonesia. In Friedman's perspective, the substance of the law is one of the main elements of the legal system that serves as a guideline for the authorities in carrying out the law. When the substance of the law does not provide clear guidelines, the implementation of the law has the potential to result in different practices (Friedman, 1975).

This condition is even more visible when compared to the Criminal Code which provides stricter regulations regarding the rights to interpreters. Article 53 paragraph (1) of the Criminal Procedure Code gives the right to the suspect or defendant to get an interpreter, while Article 177 paragraph (1) regulates the obligation to use an interpreter if the defendant or witness does not understand Indonesian. Although TAK is administrative in nature, the

consequences can be serious, including deportation. Therefore, the need for translators in the TAK remains related to the principles of protection of rights and procedural justice. These findings show the need for harmonization between the regulation of translators in procedural law and the characteristics of immigration inspections.

In addition to the issue of norms, there is a gap between Permenkum Number 4 of 2025 regarding sworn translators and practical needs in the TAK process. Translator certification basically provides a basis for professional competence, but does not specifically guarantee mastery of immigration law terminology. The results of the interviews show that the officers still find certain immigration terms difficult to translate accurately into foreign languages. This is important because translation errors in the BAP can affect the understanding of foreigners of the examination and potentially affect the administrative decision-making process.

The gap can be seen in the weakness of the institutional structure in the implementation of the use of translators. Formal coordination between the Ministry of Immigration and Corrections and the Ministry of Law has not been carried out in an integrated manner, while a database of translators that can be used by immigration offices nationwide is also not yet available. This condition caused Kanim Semarang to develop its own mechanism based on the experience and network of the officers. In Friedman's theory, the structure of law includes institutions and apparatus that enforce the law. Therefore, a good legal substance will not run optimally if it is not supported by an institutional structure that has adequate capacity and coordination (Friedman, 1975).

Table 3 Analysis of Legal Structure (Institutional)

No.	Structural Aspects	Current Conditions	Disadvantages
1.	Coordination of the Ministry of Finance-Ministry of Law	No formal mechanism	No unified supervision
2.	National Translator Database	Not available	Non-standardized designation
3.	SOP for Appointment of Translator	None	Procedure is not uniform
4.	Surveillance System	Informal	No accountability
5.	Translator Budget	Uneven	Disparity between kanim

Source: Primary data processed by researchers, 2026.

Table 3 shows that structural problems are mainly seen in the absence of an institutional mechanism that connects the needs of Kanim with the translator coaching system. As a result, the appointment, verification, and supervision process is still carried out internally and does not have uniform standards. This condition can cause differences in the quality of service between immigration offices because the success of using translators is highly dependent on the capacity and network of each office.

In the aspect of legal culture, Kanim Semarang shows a positive tendency through the commitment of officers to use sworn translators even though normative provisions have not yet expressly provided obligations. This attitude shows the existence of *an internal legal culture*

that is oriented towards the quality of examination, justice, and legal certainty. Friedman explained that the culture of law has an important role in determining how the law is actually carried out in society. Thus, the initiative of officers in Kanim Semarang is a factor that helps overcome the limitations of the substance and legal structure, although it is not enough to create uniformity nationally (Friedman, 1975).

However, reliance on internal legal culture also has limitations. When the implementation of the law is too dependent on individual interpretation and commitment, there may be differences in treatment between one immigration office and another. This can create uncertainty for Foreigners about whether they will get a competent, independent, and accountable translator. Thus, a progressive legal culture needs to be strengthened through a clear legal substance and institutional structure so that good practices in Kanim Semarang do not only depend on internal policies.

The relationship between the substance, structure, and culture of the law ultimately has a direct effect on the legal certainty in the TAK process. Incomplete substance causes structures to not have uniform guidelines, while structural limitations cause legal culture to develop differently based on the capacity of each office. The findings show that improving the use of translators is not enough to simply increase the number of translators, but must be done systematically through strengthening regulations, institutions, and legal culture.

Table 4 The Impact of Legal System Weaknesses on Legal Certainty

No.	Elements of the Legal System	Disadvantages	Impact on Legal Certainty
1.	Legal Substance	Article 66 is facultative, no technical rules	No clear legal obligation
2.	Legal Structure	Poor coordination, uneven capacity	Implementation is not uniform
3.	Legal Culture	Differences between kanim	Unfair treatment of OA

Source: Primary data processed by researchers, 2026.

Table 4 shows that the three elements of the legal system affect each other. The weakness of the legal substance is the starting point for the emergence of procedural ambiguity, then strengthened by structural weaknesses in the form of inadequate coordination and SOPs. Although the legal culture of Kanim Semarang is relatively progressive, this condition has not been able to completely eliminate uncertainty because it has not been supported by nationally applicable standards. Therefore, the ideal policy is to establish a national regulation or SOP that expressly regulates the obligation to use translators when foreigners do not understand the Indonesian language, immigration competency criteria, appointment mechanisms, independence, supervision, and accountability of translators. The policy will simultaneously strengthen the substance, structure, and culture of the law so that the use of translators in the TAK can provide better protection for the rights of Foreigners while providing certainty for immigration officers.

Conclusion

This study directly addresses the objective of analyzing the implementation of interpreter usage in Administrative Immigration Actions (TAK) at the Class I Special Immigration Office (TPI) in Semarang, as well as formulating an ideal legal policy regarding the integration of regulations for sworn interpreters within the TAK process.

Empirical findings indicate that the Class I Special Immigration Office (TPI) in Semarang has implemented the use of sworn interpreters during the examination of foreign nationals who do not understand Indonesian. However, this implementation still faces several obstacles, primarily due to normative and structural weaknesses. The provisions in Article 66 of the Regulation of the Minister of Immigration and Correctional Affairs (Permenimipas) Number 2 of 2025 are discretionary in nature and do not yet provide detailed regulations regarding interpreter competence, appointment mechanisms, independence, supervision, and accountability. Furthermore, the absence of standardized internal Standard Operating Procedures (SOPs) means that field implementation relies heavily on the discretion and initiative of individual officers.

Based on these findings, the recommended policy is the formulation of internal SOPs regarding the use of interpreters in TAK, featuring clear regulations on competence standards, appointment mechanisms, independence, supervision, and interpreter accountability. Additionally, developing a database of competent and verified interpreters through inter-agency cooperation is essential to strengthen the protection of foreign nationals' rights and provide legal certainty for immigration officers in the performance of their duties.

Thus, this study underscores the importance of strengthening regulations and the governance of sworn interpreters within the TAK process to ensure legal certainty, procedural fairness, and accountability in immigration law enforcement.

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