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Court interpreters' role in upholding the principle of language in legal proceedings: Kazakhstan case

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Abstract. The demographic shifts in Kazakhstan impact legal proceedings, with a growing number of participants who lack proficiency in the language of court proceedings. This highlights the importance of employing court interpreters. The purpose of the article was to reveal the importance of this specialist in the process of considering a case and providing citizens with the right to justice. The following methods were used in the study: analysis, synthesis, comparison, legal doctrinal, comparative, abstraction. As a result, a number of problems were revealed regarding the implementation of professional activities by a court translator in the Republic of Kazakhstan. The study conducted a comparative analysis of court interpreters in Kazakhstan and foreign jurisdictions, highlighting commonalities and differences in their legal status, authority, and qualifications. In addition, as a result of the study, statistical indicators were presented describing the number of cases considered by the courts of the Republic of Kazakhstan with the

participation of foreign citizens. The study yielded recommendations for establishing a centralized database of court interpreters in Kazakhstan and refining candidate requirements, especially concerning education levels. These insights can inform the development of training programs and certification processes for translators in the country.

Keywords: court interpreter; certification; right to defence; insufficient knowledge; professional training.

1. Introduction

The democratic foundations and legal status of the Republic of Kazakhstan (RK) began its development at the end of the twentieth century, in particular, in connection with the collapse of the Union of Soviet Socialist Republics. The adoption of the Constitution had a significant impact on the formation of sovereignty and the formation of legal mechanisms in the state of the Republic of Kazakhstan (1995), which accordingly is the main law. Based on the provisions set out in this document, system-forming functions and social institutions are implemented. Thus, the legal system has experienced development, as evidenced by the large number of laws, regulations, instructions and other forms of legal documents (Li et al., 2020). The official language in the Republic of Kazakhstan is the Kazakh language, which is on a par with Russian. The multiculturalism of RK is due to its historical past, as well as its geographical location. Accordingly, RK is located at the crossroads of cultures between East and West, and therefore has dozens of cultures and languages. The wide spread of the Russian language was influenced by the length of the border with Russia, as well as the presence in RK of various ethnic diasporas who are its speakers (Ng, 2023).

The features described above determine the relevance of the issue of people using their native language in legal proceedings. This is explained by the fact that RK is a democratic state, therefore one of its tasks is the effective implementation of the principles of respect, honour, and dignity of citizens, ensuring their right to a fair trial and protection. In addition, the relevance of this issue is due to demographic processes and emigration of persons, as a result of which the number of participants in the judicial process who do not speak or

have insufficient knowledge of the language increases (O’Nyangeri et al., 2022; Langroiva Pereira and Lobo Marchioni, 2021; Hale et al., 2023). It should be noted that the principle of the language of legal proceedings is considered not only in legal doctrine, but also in sociological and linguistic ones. This is due to the fact that this issue requires in-depth and systematic study based on fundamentals from different fields of knowledge. Differences in the approaches of researchers to the implementation of the principle of the language of legal proceedings are due to different cultural, historical, and legal foundations for their development (Zhao and Dong, 2023; Jiang, 2021).

In particular, M. Abaykyzy (2020), Y.B. Akhmetov and M.K. Zhurunova (2022) studied the Western European experience of the language of legal proceedings. That is why they are proponents of the approach that consists in the formation of clear and strict requirements for court translators, including their mandatory certification. They believe that in RK, it is necessary to determine the qualification levels of such specialists, as well as create appropriate conditions for their professional training and certification. In turn, O.Kh. Smailov and S.Sh. Abdeldinov (2020) and A. Mendybekova (2021) also analysed the features of involving an interpreter in the judicial process. They came to the conclusion that this is a prerequisite for the future development of the judicial system of RK, as well as increasing the level of protection of citizens’ rights in it. In support of this position, researchers pointed out that in this issue a special place is occupied by the social-historical factors of the development of the state, which accordingly require the use in legal proceedings of a language native to the local population. B.M. Nurgaliev et al. (2020) pointed out that issues of the language of legal proceedings in Kazakhstan began to be articulated quite recently.

Based on the foregoing, it should be established that different approaches among scientists make it possible to expand the understanding of the role of the translator in the modern judicial process. In addition, differences in the positions of researchers suggest a contrast between characteristics and approaches to the implementation of the language of legal proceedings. Thus, the goal of the work was to study the role and place of the court interpreter in the judicial process in the Republic of Kazakhstan in the context of ensuring the principle of the language of legal proceedings. In addition, several tasks were formed:

- determine the essence of the principle of the language of legal proceedings, its characteristics and methods of implementation;
- consider statistical data on the number of people in need of interpreter services;
- to establish the main factors for increasing the dynamics of attracting court interpreters to RK;
- explore the experience of foreign countries;
- formulate recommendations for increasing the level of observance of citizens' rights to justice in the Republic of Kazakhstan, in the context of implementing the basics of the language of legal proceedings.

2. Materials and methods

In the study, the analysis method was used to express the meaning of the principle of the language of legal proceedings in a modern, legal and democratic country. Thus, this method was used to establish the essence of a court interpreter, his powers, and characteristics of his activities. The analysis was used both in studying the experience of RK and in analysing approaches in foreign countries. This method was necessary to identify the stages and prerequisites for the formation of the principle of legal proceedings, as well as the features of its implementation in court. Also, on its basis, statistical data on the number of court cases in the Republic of Kazakhstan for 2019–2022, the number of foreign participants, as well as persons who do not speak the language of legal proceedings were reviewed and studied. In addition, the analysis method was used to express the ratio of the number of cases for different types of offences and proceedings, to identify the most popular types of cases in which translators should be involved. The synthesis method was used to combine the characteristics of the activity of a court interpreter and the essence of the above-mentioned principle. This method allowed expressing the relationship between them, as well as describing their mutual influence.

The comparison method in the article was used to compare the experience of the Republic of Kazakhstan and the USA, Germany, Great Britain, Ireland and the Czech Republic. On its basis, common

and distinctive features in the approaches of these states were identified, and their effectiveness was also studied. The comparison was used to study the requirements for a candidate for court interpreters and determined their impact on the effectiveness of court proceedings. Thus, this method was used to reveal the main ways of implementing the principle of legal proceedings and highlighting among them the activities of a sworn translator.

The topic of the research lies in the legal plane, so the legal doctrinal method was also used in the work. Its involvement in the study was necessary for a qualitative study of the provisions of the main legal acts, both national and international, regulating the specifics of the activities of a court interpreter. So, on its basis, the Civil Procedure Code of the Republic of Kazakhstan (2015), Criminal Procedure Code of the Republic of Kazakhstan (2014), Regulatory Resolution of the Supreme Court of the Republic of Kazakhstan No. 13 “On certain issues of application of the principle of the language of legal proceedings” (2016), US Code §1827 – Interpreters in courts of the United States (1978), Constitution of the Republic of Kazakhstan (1995), Law of the Czechoslovak Socialist Republic No. 36/1967 “On experts and translators” (1967), Administrative Offences Code of the Republic of Kazakhstan (2001), Law of the Republic of Kazakhstan “On languages in the Republic of Kazakhstan” (1997), Universal Declaration of Human Rights (1948) were studied.

The comparative method in the article was used to express the advantages in the experience of foreign countries in implementing the language of legal proceedings and training court interpreters. Accordingly, on its basis, recommendations were formed to improve the efficiency of justice in the Republic of Kazakhstan. Also, the comparative method was used to study the stages of training of professional court interpreters and the requirements for their qualifications. The deduction method in the article was used to study the place of the principle of legal proceedings in the general judicial process. Based on general knowledge about the procedural aspects of the consideration of the case, the involvement of its participants and the study of the proceedings, the specific content of the above-mentioned principle of justice in the Republic of Kazakhstan was expressed. Thus, this method was used to express the relationship between compliance with the principle of legal proceedings and ensuring individuals the right to a fair trial and defence.

3. Results

The language of legal proceedings plays an important role in the process of realizing the right of citizens to protection and a fair trial. In accordance with the legislation of Kazakhstan, namely the provisions of the Civil Procedure Code of the Republic of Kazakhstan (2015) and the Criminal Procedure Code of the Republic of Kazakhstan (2014), the basic principles of the language of legal proceedings are defined, the observance of which is a necessary condition for ensuring the development of uniform judicial practice. In particular, the language of legal proceedings is expressed in the court's ruling and depends on the language in which the statement of claim was filed. It can be changed provided that both parties submit a written statement with such a request.

As for persons who are participants in a court case, but do not speak or have insufficient knowledge of the language in which the court case is conducted, then they are given the right to use the services of a specialist, in particular a translator, free of charge. In view of this, a translation into that language must be added to those documents that were prepared in the language of the proceedings. In paragraph 2 of Regulatory Resolution of the Supreme Court of the Republic of Kazakhstan No. 13 (2016) it is determined that the implementation of the principle of the language of legal proceedings is a legal guarantee of ensuring the protection of the rights and freedoms of persons participating in the trial. Thus, in RK, the legal proceedings are carried out in the Kazakh language. At the same time, Russian is officially considered on a par with it, in accordance with the Law of the Republic of Kazakhstan "On languages in the Republic of Kazakhstan" (1997). In paragraph 2 p. 6 Regulatory Resolution of the Supreme Court of the Republic of Kazakhstan No. 13 (2016) stipulates that persons who cannot freely express their thoughts and give answers to questions, in oral and /or written speech, belong to the category of persons who do not speak or have insufficient knowledge of the language in which this court hearing is conducted.

Adhering to the fundamental principles of legal proceedings is vital to upholding the constitutional norms of the Republic of Kazakhstan. However, in practice, established procedural rules are often breached, and the language used in legal proceedings is no exception. To identify the current challenges faced by citizens in

exercising their right to judicial protection, particularly concerning language barriers, it is prudent to examine the judicial practices in Kazakhstan. It is worth noting that the judicial system in Kazakhstan comprises three tiers: the first instance, the appellate instance, and the cassation instance. The first includes district and equivalent courts, the second includes regional and equivalent courts, the highest judicial body of the Republic of Kazakhstan is the Supreme Court. To study the trend in the use of the language of legal proceedings, it is also advisable to take into account statistical data on the consideration of the number of civil, criminal, and administrative cases for 2019-2022 (Table 1).

Table 1. Statistical indicators of the language of legal proceedings in considered criminal, civil, and administrative cases in the Republic of Kazakhstan in 2019-2022.

No.	Title of cases	2019	2020	2021	2022
1	Civil cases (1 instance, appeal, cassation)	514,502	337,842	400,341	438,981
	Of these, for consideration of civil cases by courts of first instance	27,251	23,768	19,171	20,986
	Of these, considered in the state language	7,456	2,429	1,984	1,497
2	Criminal cases (1 instance, appeal, cassation)	230,710	156,549	149,367	151,987
3	Administrative Affairs	4,648,213	4,770,130	6,643,626	7,324,561

Source: compiled by the authors based on Legal Statistics (2023).

Table 1 reflects the ratio of all registered civil cases to the number of cases considered in the state language. As for criminal and administrative cases, in this case, it is impossible to make a comparison due to the lack of such information in the Legal Statistics database, as well as special records of the Republic of Kazakhstan. Based on the available data, it can be noted that the main language of legal proceedings in civil cases is Russian, while only 30 percent of

civil proceedings were heard in the state language. It is advisable to pay special attention to the administrative-territorial division of the Republic of Kazakhstan and consider the number of cases in the courts using the example of one of the regions, in particular, East Kazakhstan. At the moment, there are 17 regions in the Republic of Kazakhstan, as well as 3 cities of republican significance. In connection with changes in the number of regions, namely their increase from 14 to 17, district courts were reduced from 38 to 21 (Nurgaliev et al., 2020). Figure 1 shows the ratio of the total number of cases considered in the courts of the East Kazakhstan region and the number of proceedings in the state language.

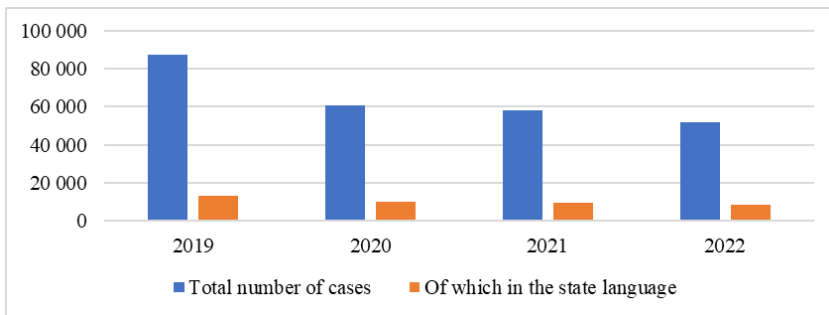


Figure 1. Statistical indicators of the language of legal proceedings in cases considered by the courts of the East Kazakhstan region in 2019-2022.

Source: compiled by the authors based on Legal Statistics (2023).

Examining the quantitative data regarding the language used in criminal, civil, and administrative cases heard in district and equivalent courts of the East Kazakhstan region between 2019 and 2022 reveals that only 11-15% of cases are conducted in the state language. This trend can be attributed to the region's high concentration of Russian-speaking residents, which surpasses that of other regions in Kazakhstan. Additionally, the observed statistics may reflect the limited proficiency in the state language among individuals involved in legal proceedings. According to the statistical data obtained, it can be established that the most common translation languages in legal proceedings in the Republic of Kazakhstan are: Kazakh, Russian, Uzbek, Chinese, English, Mongolian, Arabic, sign language. It is important to study the language in which the need most often arises during legal proceedings. This is necessary in order to

create a high-quality mechanism for increasing the level of skills and competence of court interpreters. Hence, it is advisable to suggest that the Committee on Legal Statistics implements supplementary criteria for gathering and analysing statistical data pertaining to criminal, civil, and administrative cases. This includes documenting instances requiring translation during legal proceedings and compiling information on instances where court interpreters are replaced, with a mandatory specification of the reasons. By doing so, it will enable the identification of the predominant language used in legal proceedings and the most frequently translated languages in cases.

The spread of the issue of the language of legal proceedings is also influenced by globalization processes, which provoke the emigration of persons to foreign countries. In this case, individuals may not know or have insufficient command of the language of a particular state. Despite this, a person must be provided with the right to judicial protection. This is provided for in the Universal Declaration of Human Rights, which enshrines the right of access to justice: “All people are equal before the law and have the right, without any right, to be tried in court” (Universal Declaration of Human Rights, 1948). The Constitution of the RK (1995) also spells out this rule, which allows a person who does not know the language of the country in which the trial is taking place to exercise the right to defence (clause 2 article 14). In addition, in the Criminal Procedure Code of the Republic of Kazakhstan (2014) (part. 2 article 21), and Civil Procedure Code of the Republic of Kazakhstan (2015) (P. 2 Article 13), Administrative Offences Code of the RK (2001) (Article 9) also enshrines this provision. Based on the foregoing, it can be established that the involvement of a translator in the judicial process represents not only a technical event, but also the implementation of constitutional guarantees of the rights of citizens. As a result of this, participants in the process can provide the court with reliable and accurate information both orally and in writing. To express the relevance of the issue of involving an interpreter in the judicial process, it is necessary to determine the number of cases in which foreigners were participants (Table 2).

Table 2. Information on criminal offences committed by foreign citizens and stateless persons.

No.	Country names	2019	2020	2021	2022
1	Commonwealth of Independent States member states	2592	1960	1654	1869
2	Of which:				
	Azerbaijan	69	79	26	56
	Armenia	13	10	12	12
	Belarus	6	14	10	14
	Kyrgyz Republic	282	246	199	178
	Moldova	6	2	-	10
	Russian Federation	743	559	517	756
	Tajikistan	143	83	88	85
	Turkmenistan	23	20	19	29
	Uzbekistan	1277	917	736	712
	Ukraine	24	21	23	14
	Number of criminal offences brought to court or resolved in the reporting period	3436	2963	2626	2593

Source: compiled by the authors based on Legal Statistics (2023).

Received in Table 2 data indicates that the dynamics of the number of criminal cases is positive, since it decreases from 3436 to 2593. Most often, criminal cases were initiated against persons who are citizens of: Uzbekistan, Russia, Kyrgyzstan, Tajikistan. These results indicate that translators are most in demand for these citizens. Considering the lack of detailed statistics containing information on the involvement of translators in trials in which citizens of the above countries are participants, it is advisable to put forward a proposal on the need to introduce such data. As for the legal status of a court interpreter, it is enshrined in Art. 30 of the Criminal Procedure Code of the Republic of Kazakhstan (2014), according to which he belongs to the category of other persons participating in the process and is appointed as an inquiry officer, investigator, prosecutor, or court. Also, a mandatory condition is put forward for him, namely to be fluent in the language, knowledge of which is necessary for translation. Analysing the content of this norm, it should be noted that it needs to be amended, including in relation to the translator's proficiency in at

least two languages. This is explained by the fact that a claim is filed in one language and legal proceedings are conducted accordingly, and communication with the person using its services is conducted in another. If these two conditions are present, it will be possible to consider a court interpreter as having the necessary language competencies.

Responsibilities of the Judiciary the translator is also determined by the provisions of the Criminal Procedure Code of the Republic of Kazakhstan (2014), namely in part 4, paragraph 2b of Art. 81, according to which he must accurately and completely carry out the translation assigned to him, and his incompetence is a legal basis for disqualification from participation in the case. In addition, for refusal or evasion to appear or to perform their duties without good reason, a court interpreter may be subject to penalties, namely a monetary penalty. If the translation is incorrect, criminal liability may be imposed. Despite the procedure for involving a court interpreter in court proceedings provided for by law, the requirements for him and the responsibility in real life, the judicial system is characterized by a shortage of such persons. In this regard, in the courts of RK court secretaries, chief specialists and bailiffs perform the functions of an interpreter. This negatively affects the language of legal proceedings in RK, since the listed subjects do not belong to the category of professional translators and are not specialists in the field of linguistics. Based on this, in RK, there is no implementation of the principle of the language of legal proceedings, which is characterized by the lack of accurate and high-quality translation of testimonies of persons and various procedural documents during the trial.

The involvement of a professional translator may not always guarantee the protection of the rights of individuals who do not understand the language used in legal proceedings. For instance, in the judicial practices of the Republic of Kazakhstan, there have been cases where appeals were lodged against court decisions due to inadequate interpreter services. These cases involved proceedings conducted in Russian, a language not native to the defendant, who, in a specific instance, hailed from the People's Republic of China and lacked exposure to Russian through formal education in Kazakhstan's educational institutions. Such instances underscore the importance of ensuring linguistic accessibility and quality interpretation services to uphold the principles of fair trials and safeguard the rights of all parties involved. He knew the alphabet and fonts of Chinese, as well

as Arabic, but was Kazakh by nationality. He only spoke the Kazakh language orally, and therefore did not know or study the spelling of both the Kazakh and Russian languages. Despite the fact that the court attracted a court interpreter, he did not fully fulfil his duties, since the defendant's explanations, as well as the court's questions asked of the latter, were not translated. In addition, the translator only selectively translated the explanations for the defendant. Based on this, it can be established that the participation of a language specialist in the production was only formal. The appellate court came to the same conclusion and found that the defendant's right to apply the principle of the language of proceedings was violated.

Having examined the experience of RK in the context of involving an interpreter in the trial, it is advisable to pay attention to international approaches, namely the USA, Great Britain, Germany, Ireland and the Czech Republic. In particular, in America there is a special Federal Association of Court Interpreters, with the help of which rules for the activities of these entities and requirements for them have been developed, which differ depending on the specific state (Carter, 2021). In addition, there is a differentiation of translators into several categories. For example, in Article 57.001, Section A of the US Code, specifically Section 1827 titled "Interpreters in courts of the United States" (1978), the concept of a certified interpreter is defined. This term refers to a qualified individual who, in the course of their activities, adheres to the standards outlined in the criminal and civil procedural codes. Under Section B, there is certified sign language interpreter. The general requirements for a translator differ from the RK approaches. Specifically, the person must be at least 18 years of age and have a certificate of completion of a translator training course and an examination administered by the state court administrator or a special examination in legal translation. An important condition is the absence of charges of a crime or administrative violation, as well as a certificate of passing the examination of professional responsibility and taking the oath. Thus, the translator has special legal documents certifying his competence. Provided that a person does not meet the above requirements, he may be classified as a registered translator and belong to the register (for example, when taking a course for translators).

B. Balogová et al. (2021) reviewed the German experience in the context of training court interpreters. They noted that each federal district has different requirements for such specialists. They give an

example in the states of Hesse, in which it is mandatory for the translator to pass an exam, and in the state of North Rhine-Westphalia there is a similar procedure that takes place on the basis of the Chamber of Commerce and Industry (CCI). Despite the existing differences, researchers point out that what is common is the requirement that the candidate prove an adequate level of proficiency in language, personal, legal, and translation knowledge. They represent a certificate of passing a translator exam (can be based on CCI or a government agency), a resume, as well as a diploma of proficiency in a specific foreign language, letters of recommendation from previous places of work or internship, indicating existing experience. Researchers also point to the mandatory availability of certificates of no criminal record or debt. Thus, ensuring the activities of court interpreters has a number of common features with the US experience studied in this work. In addition, the system for assessing the level of professional qualifications and requirements for translators who may participate in legal proceedings is similar (Chornous and Dulskyi, 2024).

As for the UK experience, it is similar to the US in that it also has a number of requirements for court interpreters (Langroiva Pereira and Lobo Marchioni, 2021). For example, in addition to a linguistic proficiency exam, an interpreter must pass a test on public speaking, emotional stability, and communication (Runcieman, 2022). In addition, court interpreters must annually undergo mandatory advanced training in order to expand their knowledge and level of training. It is important to note that court interpreters in the UK take a specific terminology examination in accordance with the type of proceedings in which they are involved. This approach is highly effective, since it allows the translation to be not only accurate, but also legally correct. To obtain the status of a translator in Germany, it is necessary not only to obtain a special level of knowledge in a particular language, but also to have experience working in government agencies and take an oath (Ng, 2023). Regarding sworn translators, they possess their own seal and are authorized to independently certify written translations. In Germany, there exists a dedicated Judicial National Center responsible for organizing and conducting examinations for federal courts and translators. Translators may also have the opportunity to undergo internships within the courts. Similarly to the United States, Germany employs a system for classifying court interpreters, albeit for different reasons. In Germany,

the first level comprises specialists tasked with handling more complex duties, including translation and monitoring within the court. Second-level translators focus solely on translation, both oral and written, particularly for minor matters (Vandzhurak, 2024).

Unlike previous countries, in Ireland, as well as in the Republic of Kazakhstan, the qualifications of a court interpreter are not checked (Jannink, 2022). Thus, not all translators have special education in the field of translation. Despite this, there is a system for dividing court interpreters into levels such as basic, business, and premium. In Ireland, the cost of interpreter services varies based on the experience and qualifications of the translators. For instance, translators with at least 1 year of experience may charge one rate, while specialists with 2-3 years of experience may charge another rate. Interestingly, interpreters who have worked for 5-7 years, particularly in front of a large audience and cameras, may command higher fees due to their extensive experience and expertise.

On the other hand, the Czech Republic follows a different approach to translation services. They have a separate Law of the Czechoslovak Socialist Republic No. 36/1967 “On experts and translators” (1967), which regulates the translation procedure. In the Czech Republic, translations are carried out by sworn translators who are included in the register of experts and court translators. These sworn translators are authorized by the state and adhere to strict regulations, ensuring the accuracy and reliability of translations.

Transitioning from the discussion of interpreter services in Ireland to the translation procedure in the Czech Republic, it is evident that both countries have their own systems in place to regulate and oversee translation services. While Ireland focuses on varying rates based on experience, the Czech Republic emphasizes the use of sworn translators to ensure quality and accuracy in translations. This highlights the diverse approaches taken by different countries to address language interpretation and translation needs.

The Law of the Czechoslovak Socialist Republic No. 36/1967 “On experts and translators” was indeed amended and modified over time to adapt to changing legal and societal needs. While the initial law may have laid the foundation for the regulation of experts and translators, subsequent amendments likely addressed emerging issues, updated procedures, and incorporated advancements in translation technology and practices.

These amendments could have been introduced to enhance the qualifications and standards for sworn translators, expand the scope of their responsibilities, or address any gaps or shortcomings identified in the original legislation. Additionally, changes in language usage, legal terminology, and international standards may have necessitated revisions to ensure that the law remained relevant and effective. In order to obtain the right to make translations in legal proceedings, a person must:

- be a citizen of the Czech Republic or have a residence permit in the country;
- have a certificate of no criminal record;
- have special professional education;
- work in the field of translation for more than 5 years.

Separately, it should be noted that a professional court translator must have a higher legal education, and in the absence of it, take a special law course for translators at the Faculty of Law. Similar to the United States, the Czech Republic has a Chamber of Court Interpreters, which is responsible for conducting courses for future interpreters and current professionals.

From the analysis above, it becomes evident that the involvement of translators in judicial proceedings plays a crucial role. However, the examined practices in Kazakhstan and other nations reveal disparities in the standards and training procedures for such professionals. Nevertheless, across all jurisdictions, the fundamental principle of conducting legal proceedings in a comprehensible language remains intact, ensuring individuals' right to access justice, regardless of their proficiency in the language of the court.

4. Discussion

A number of studies in legal doctrine are devoted to the problem of the language of legal proceedings and the involvement of court interpreters. Moreover, its relevance is only increasing, which leads to the need to develop approaches to the implementation of the right to justice in the context of political society and mass emigration of persons. R. Yi (2022) noted that in order to implement high-quality translation during the trial of a case, it is necessary to involve

exclusively certified specialists. He points out that court interpreters must undergo not only certification, but also systematic courses to improve their professional qualifications. In his opinion, issues arising during legal proceedings are of high value for its participants, including foreigners, and therefore it is extremely important that the translation is correct and accurate. In this regard, the researcher considers it necessary to create a unified database of specialists, which will be constantly updated and contain information about the qualifications of specific court interpreters. The disclosed position has common features with the results of the study, since the work also mentioned registers of translators, in the context of studying foreign experience.

In turn, G.S. Zhamankaraeva and A.I. Sabirov (2023) paid attention to the problems of translation when considering cases in which ethnic Kazakhs are participants. They noted that these persons are moving from neighbouring countries to Kazakhstan, of which they are natives. Their main difficulties arise due to their absolute ignorance of both the Russian and Kazakh languages. Sometimes representatives of this group of citizens can speak the Kazakh language, but only orally. The researchers believes that this is due to the existence of three types of Kazakh alphabet, Cyrillic, Latin and ancient Kazakh, which has its origins in China. Based on this, ethnic Kazakhs are deprived of the opportunity to take the most necessary actions, including during the trial. They analysed statistical demographic data, on the basis of which she determined that as of January 1, 2023, there were 7,901 ethnic Kazakhs in the Republic of Kazakhstan, who accordingly received the status of Kandas. Despite this, most of them face the problem of not knowing the Russian language. As for the legal process, Kandas cannot file a lawsuit or other procedural document due to the lack of patronymic and surname, since for former citizens of the People's Republic of China they are abbreviated. Thus, the judicial interpreter is necessary for these persons not only to provide interpretation, but also to prepare documents necessary for the court. This conclusion coincides with the results of this article, which also examined the example of providing interpreter services to an ethnic Kazakh. Accordingly, the general position is that a person must be provided with a court interpreter, even if he speaks oral Kazakh.

Unlike previous researchers, A. Branchadell (2021) and A.J. Runcieman (2022) analysed the features of the spread of the problem

of implementing the principle of the language of legal proceedings at a general, international level. Authors suggests that this phenomenon is shaped by the ongoing rise of transnational crime and the accompanying influx of migrants. He argues that this issue extends beyond Kazakhstan to impact European nations as well. The statistical data he studied indicates that about 20% of crimes are committed by foreign citizens or stateless persons. He believes that this is due to the crisis and changes in the state of socio-economic life of citizens from Central Asian and African countries. Such large flows of people are not always controlled by government authorities, since many migrants enter the country illegally.

A.J. Runcieman (2022) noted that the main reason for migration is to find a job, in turn, employers are interested in obtaining cheap labor from such persons. As a result, they hide their stay in the country and at the same time are exempt from making mandatory payments to the state budget. The researcher believes that even in this case, the implementation of the speech of legal proceedings is of no small importance. This is because by providing these individuals with interpreters and accompanying them during the trial, they can be legally prosecuted. At the same time, he points out the difficulties that may arise during the implementation of the principle of legal proceedings due to the limited number of court interpreters and their level of competence. The results obtained have common features with the conclusions of this study, since they reveal the factors that justify the feasibility of training qualified translators for the implementation of justice. In addition, the position is the same regarding the role of the translator, which is not formal, but influences the reduction of crime in society and bringing the perpetrators to justice.

Unlike previous researchers, E. Tiselius (2022) and T. Jannink (2022) analysed the features of maintaining registers of court interpreters in different member countries of the European Union (EU). E. Tiselius (2022) noted that the status of a translator is clearly defined by legal norms, as well as established requirements that candidates must meet. The researcher points out that all court interpreters in EU member countries must undergo special preliminary training. For example, she cites Estonia, where sworn translators must not only have a certificate of proficiency in a foreign language, but also a diploma of higher legal education. Moreover, every year court translators pass an exam on language proficiency, as well as skills in

translating legal texts and terms. Thus, an important component in the process of training translators is not only language knowledge, but also questions of jurisprudence. She notes that a sworn translator in Estonia has the right to certify not only his own translation, but also that of other specialists. In addition, they can confirm the accuracy of copies made from foreign documents. According to T. Jannink (2022), court interpreters in Estonia are required to maintain a record of their professional activities. The rigorous training standards for these specialists are evidenced by the certification examination conducted by the Estonian Ministry of Justice, which comprises three stages encompassing legal and linguistic components, along with an interview. These findings align with the earlier results and share common characteristics regarding the development of a structured training program for court interpreters. Estonia's approach resonates with methodologies employed in other countries discussed in the article. The collective consensus underscores the necessity for comprehensive and ongoing training of professionals, as well as the establishment of a centralized registry for sworn translators.

Based on the above, it can be established that the role of a court interpreter makes it difficult to prepare for the exercise of his powers. In the disclosed approaches, various tools for assessing the level of competence of a court interpreter were studied. It is advisable to use the results obtained based on the analysis of international experience in RK, in particular, to create a unified register of court interpreters, who must have a certain level of knowledge and have title documents.

5. Conclusions

Based on the research conducted, it can be established that at the moment in the Republic of Kazakhstan there is no mechanism for special training of sworn translators, as in other countries. The work proved that the role of the translator in the judicial process is quite high, since his activities make it possible to provide a separate category of persons (who do not speak the language of legal proceedings) with the right to justice. At the same time, the study examined the consequences of poor-quality translation, as well as the

involvement of unqualified court interpreters, which as a result contributes to the violation of the rights and freedoms of the participants in the case.

During the study, various legal acts regulating the activities of court interpreters both in the Republic of Kazakhstan and foreign countries were studied. As a result, it was established that in the Republic of Kazakhstan, the powers of full-time court interpreters include the provision of oral and written translation for participants in need of a court case. The analysed statistical data indicate that in RK quite often parties to judicial proceedings are persons who do not speak the language of legal proceedings, therefore the development of the institute of professional court translators is an important component of compliance with democratic principles in society. To this end, the work proposed introducing a unified register of court interpreters, determining the required level of competence, which should be certified by a certificate, and also increasing the number of court interpreters.

As for foreign experience, it is characterized by the presence of high requirements for sworn translators. Accordingly, candidates must have a higher professional education (some put forward a mandatory requirement of knowledge of jurisprudence), pass an exam, undergo certification and take an oath. This approach differs from RK, since it involves a special mechanism for training translators in the context of implementing the principle of legal proceedings. Based on this, in future scientific works, it is advisable to consider the issue of forming a system of licensing and certification of court interpreters in the Republic of Kazakhstan.

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Rita Adilmuratova: conceptualization, methodology, writing-original draft preparation.

Kairat Alembayev: software, validation, writing-reviewing, and editing.

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Yuliya Gavrilova: software, validation, writing-reviewing, and editing.

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