Journal of International Islamic Law, Human Right and Public Policy
(JISHUP Journal) | ISSN (e): 3031-2280
Website https://jishup.org/index.php/ojs/index | Volume 1 No. 1 (2023)

PROVING BRIBERY AGREEMENTS IN CORRUPTION CASES IN JAMBI CITY

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Received: 02/03/2023 | **Revised:** 08/03/2023 | **Accepted:** 25/03/2023 | **Published:** 30/03/2023

Abstract

Bribery proceedings require an evidentiary assessment of the relationship between a gift or promise, the parties involved, and the exercise of public office. Difficulties arise when communications are indirect, payments pass through intermediaries, or the alleged arrangement is inferred from circumstances. This article examines the legal framework for proving bribery agreements in corruption cases within the institutional setting of Jambi City. It employs normative legal research using statutory and conceptual approaches, supported by constitutional jurisprudence and scholarship available through 2023. The analysis distinguishes an agreement as a factual explanation of a corrupt transaction from criminal conspiracy under Article 15 of the Corruption Eradication Law. It also demonstrates that a bilateral agreement cannot be imposed as an additional element of every bribery offence. Evidentiary assessment must follow the particular provision charged and connect the relevant conduct, purpose, knowledge, and official function. Witness testimony, financial records, electronic communications, and official documents should be evaluated together while preserving their distinct evidentiary roles. The article proposes a structured framework for evaluating allegations in Jambi City. Reliable adjudication requires lawful evidence acquisition, authentication, individual attribution, and explicit reasoning about competing explanations.

Keywords: Bribery; Corruption; Criminal; Electronic evidence; Jambi City

INTRODUCTION

Bribery undermines the integrity of public decision-making by connecting private benefits with the exercise of official functions. Its legal significance extends beyond the movement of money because a prohibited promise may also fall within the relevant offence. In criminal proceedings, the central task is therefore to establish the legally relevant relationship between the benefit, the parties, and the official conduct concerned. A transfer of funds may provide important evidence, but its existence does not independently explain its purpose. Conversely, the absence of a completed payment does not necessarily exclude criminal responsibility where the applicable provision also prohibits promising a benefit.

The expression “bribery agreement” requires particular care. In ordinary discussion, it may describe an arrangement through which a benefit is exchanged for favourable official treatment. In legal analysis, however, an agreement must not be treated as an identical statutory requirement across all bribery provisions. Indonesian corruption legislation distinguishes giving, promising, receiving, inducement, reward, and benefits connected with official authority. Each formulation directs the prosecution towards different factual propositions. The proper inquiry begins with the offence charged and then determines what communications, conduct, and mental elements must be proved under that provision.

Under the framework applicable in 2023, Law No. 31 of 1999, as amended by Law No. 20 of 2001, provides the principal corruption offences. Article 5 addresses specified acts of giving or promising and the corresponding receipt, while Articles 11 and 12 contain distinct formulations concerning recipients. These provisions cannot be reduced to a universal requirement that both parties expressly negotiate and accept a complete exchange. A court must assess the conduct and state of mind required by the selected provision, rather than importing the requirements of a different offence into its analysis (Republic of Indonesia, 1999, 2001). Evidentiary difficulties become more pronounced when participants communicate through intermediaries or use indirect language. Messages may refer to a payment without naming its purpose, while an intermediary may claim to speak for an official without having

authority to do so. Financial transfers may be divided among several accounts, and official decisions may occur before or after the alleged benefit. These circumstances call for a connected reconstruction of events. Nevertheless, a coherent narrative must remain distinguishable from a legally sufficient case. The evidence must establish the required propositions rather than merely create an impression of suspicious association.

Jambi City provides the institutional setting for this analysis, particularly in relation to the work of investigators, prosecutors, defence counsel, and courts handling corruption proceedings. The geographical focus requires precision because Jambi City and Jambi Province are different administrative units. A provincial corruption case heard by a court located in the city cannot automatically be described as corruption committed by the municipal government. This article therefore develops a framework for institutional application in Jambi City without treating provincial allegations or the location of a courtroom as proof of a municipal pattern of bribery.

The article addresses three questions: how the legal significance of a bribery agreement should be understood; how different forms of evidence can establish the relationship between a benefit and official conduct; and how evidentiary safeguards can guide case assessment in Jambi City. Its contribution lies in connecting offence classification with a structured examination of communications, financial movements, and individual involvement. The discussion also separates proof of a bribery arrangement from the specific offence of criminal conspiracy, thereby avoiding confusion between a factual description and a distinct basis of criminal liability.

LITERATURE REVIEW

Bribery, Gifts, and the Connection with Public Office

Ginting et al. (2023) examine bribery and gratuities through a legal pluralism perspective, highlighting the difficulties created by differing understandings of gifts and social obligations. Their discussion is relevant because participants may describe a transfer as appreciation, assistance, or customary giving. Such descriptions require examination within the applicable legal framework. Cultural terminology cannot determine the outcome by itself, just as the label “gift” cannot establish that a transaction was lawful. The assessment must consider the recipient’s position, the purpose and circumstances of the benefit, and the requirements of the provision charged.

The distinction between bribery and gratification also affects the evidentiary inquiry. Articles 12B and 12C establish a specific framework whose requirements should not be substituted for those of Article 5 or other bribery provisions. A prosecution alleging an inducement to act contrary to official duties must explain that allegation through the relevant evidence. It cannot avoid the inquiry merely by describing every unexplained receipt as gratification. Likewise, a defence based on the absence of express bargaining does not automatically resolve the different questions arising under a provision concerning receipt connected with official authority.

Electronic Evidence and Evidentiary Reliability

Supardi (2021) discusses electronic evidence in corruption proceedings and emphasises integrity, competent handling, continuity of custody, and compliance with legal requirements. These concerns are particularly relevant to allegations involving messaging applications, electronic banking, or recorded conversations. Digital material may reveal information unavailable through conventional documents, but its apparent clarity does not guarantee authenticity. A message attributed to a defendant requires an evidentiary basis connecting the account, device, or communication to that person. Its interpretation must also account for surrounding exchanges and the circumstances in which it was created or obtained.

Reliability and legal admissibility remain separate questions. Material may appear technically authentic while raising concerns about the legality of its acquisition. Conversely, lawfully obtained material may be incomplete or ambiguous. Article 26A of the amended Corruption Eradication Law and the electronic evidence framework applicable in 2023 must therefore be considered alongside Constitutional Court Decision No. 20/PUU-XIV/2016. That decision requires attention to the legal basis for obtaining and using electronic material in law enforcement. It should not be replaced by the assumption that every recording or screenshot has the same procedural status.

Intermediaries, Influence, and Individual Responsibility

Fadhil et al. (2022) examine trading in influence and its relationship with existing corruption provisions. Their discussion assists in identifying a recurring conceptual problem: a person’s access to officials may be confused with the legal authority or knowledge of the official concerned. An intermediary may facilitate a prohibited transaction, exaggerate personal influence, or act without the knowledge of the alleged recipient. These possibilities demand separate examination. Criminal responsibility should follow the established conduct and applicable offence rather than the intermediary’s unsupported claim that an official agreed to a particular arrangement.

Together, these perspectives support an evidentiary approach based on precise classification, reliable attribution, and contextual interpretation. Social relationships explain why parties interacted, electronic records may

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illuminate what they communicated, and financial documents may show what occurred afterwards. None of these sources should be treated as conclusive outside its proper scope. The contribution of the present article is to organise them around legally defined propositions while keeping criminal conspiracy analytically separate from the underlying bribery allegation.

METHOD

This study employs normative legal research using statutory and conceptual approaches. Its temporal scope is limited to the legal framework applicable through 31 December 2023. Primary materials include the Corruption Eradication Law and its amendment, Law No. 8 of 1981 on Criminal Procedure, and Law No. 11 of 2008 on Electronic Information and Transactions as amended by Law No. 19 of 2016. Constitutional Court Decisions Nos. 20/PUU-XIV/2016 and 21/PUU-XIV/2016 are examined for their relevance to electronic evidence and criminal conspiracy, respectively.

Secondary materials consist of academic publications concerning bribery, gratuities, electronic evidence, and intermediaries. They are used to identify analytical problems and support interpretation, while statutory provisions and binding constitutional interpretation retain their distinct legal authority. The analysis first identifies the elements of the relevant offence, then examines the evidentiary contribution of each source, and finally considers whether the combined evidence supports the required legal findings. This sequence prevents a factual suspicion from determining the offence before its statutory requirements have been examined.

Jambi City is the intended setting for applying the proposed framework. The study does not use interviews, unpublished investigation files, or a systematic sample of local judgments. It therefore does not report findings about conviction rates, recurring bribery methods, or the effectiveness of particular institutions in the city. The situations discussed below are analytical illustrations. Their purpose is to explain evidentiary reasoning, rather than attribute conduct to identifiable local officials or represent hypothetical events as established cases.

RESULTS AND DISCUSSION

Identifying What the Charged Provision Requires

An allegation concerning a bribery agreement must first be translated into the requirements of a particular offence. Article 5(1)(a), for example, concerns giving or promising something with the specified intention of inducing an official act or omission contrary to duty. Article 5(1)(b) concerns giving something because of, or in connection with, an official act or omission contrary to duty. These formulations direct attention to different relationships between the benefit and official conduct. A future inducement and a reward for conduct already performed should therefore not be analysed through an identical chronology.

Recipient offences also require careful differentiation. Article 11 addresses receipt of a gift or promise with knowledge or reasonable grounds for suspicion concerning its connection with official power or authority. Article 12(a) concerns receipt of a gift or promise intended to induce conduct contrary to official duty, accompanied by the specified knowledge or reasonable suspicion. Article 12(b) concerns receipt of a gift linked to contrary-to-duty conduct already performed. A court must explain how the established facts satisfy the particular formulation, including its mental element, rather than relying on a general statement that the parties had a corrupt relationship.

This classification affects the meaning of “agreement.” Communications showing reciprocal understanding may strongly support an allegation, but the prosecution should not be required to prove an additional civil-contract-like bargain where the criminal provision does not demand it. Nor must it invariably prove that the official eventually performed the desired act. The legal question is whether the conduct prohibited by the provision has been completed. Focusing exclusively on the success of the giver’s objective may overlook a prohibited promise, while focusing exclusively on a payment may obscure the purpose or knowledge that remains to be established.

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Table 1. Distinguishing the evidentiary focus of selected bribery provisions

Provision applicable in 2023	Principal conduct examined	Key evidentiary relationship
Article 5(1)(a)	Giving or promising with the specified inducement purpose	Connection between the benefit and intended contrary-to-duty official conduct
Article 5(1)(b)	Giving because of or in connection with contrary-to-duty official conduct	Relationship between the benefit and the relevant official act or omission
Article 5(2)	Receipt of the giving or promise referred to in Article 5(1)	Attribution of receipt and its relationship with the conduct specified in that provision
Article 11	Receipt connected with official power or authority	Receipt, official connection, and the statutory knowledge or reasonable-suspicion requirement
Article 12(a)	Receipt of a gift or promise intended as an inducement	Receipt and the specified mental element concerning contrary-to-duty conduct
Article 12(b)	Receipt of a gift linked to contrary-to-duty conduct already performed	Relationship between the gift, past conduct, and the specified mental element

Source: Author's analysis of Law No. 31 of 1999 as amended by Law No. 20 of 2001.

Separating Bribery Arrangements from Criminal Conspiracy

A bribery arrangement and criminal conspiracy under Article 15 are related concepts with different legal functions. The former may describe facts explaining the purpose of a gift or promise. The latter supplies a distinct basis of criminal liability whose requirements must be independently established. Constitutional Court Decision No. 21/PUU-XIV/2016 interprets the relevant conspiracy phrase through an agreement between two or more persons possessing the same legally relevant qualification to commit an offence. It also specifies the corruption provisions to which the interpreted phrase refers (Constitutional Court of the Republic of Indonesia, 2016b).

Consequently, evidence that a private giver communicated with a public official does not automatically establish Article 15 conspiracy. The court must examine the qualification required by the intended offence and the meaning of the constitutional interpretation. Equally, uncertainty concerning Article 15 does not by itself eliminate the possibility of liability under a substantive giving, promising, or receiving provision. These are separate legal inquiries. Their distinction prevents the prosecution from treating every interaction between a giver and recipient as conspiracy, while preserving examination of conduct that may satisfy a completed bribery offence.

The indictment should therefore identify whether the alleged agreement is being used to prove purpose or knowledge within a substantive offence, or whether conspiracy is itself charged. Judicial reasoning should maintain the same distinction. Without it, a judgment may describe a meeting of minds while failing to explain the legal requirements on which conviction rests. Precise classification improves the defence's ability to answer the allegation and enables review of whether the court applied the correct legal test.

Reconstructing the Relationship Between Communication and Payment

Communications can reveal a request, a promise, a proposed amount, or an instruction concerning delivery. Their value depends on attribution and context. A message sent from a particular account does not automatically establish that the accused authored it, while an isolated phrase may carry several meanings. Investigators should examine surrounding exchanges, relevant dates, access to the account, and the relationship between the message and subsequent events. Where coded expressions are alleged, their meaning should be supported by contextual evidence rather than assigned solely because investigators already suspect corruption.

Financial records answer a different question. They may establish that money moved between accounts, identify an amount, or show a sequence of withdrawals and deposits. Their contribution to proving a bribery arrangement depends on connecting that movement with the legally relevant purpose or knowledge. A payment close to an official decision may be significant, but temporal proximity does not independently establish the relationship. The inquiry should examine the stated explanation, supporting records, previous transactions, and communications associated with the transfer.

These sources become stronger when they support complementary propositions. An authenticated communication may identify a payment instruction, a bank record may establish its implementation, and official documents may clarify the decision being discussed. However, repetition of the same allegation across several

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records is not equivalent to independent confirmation. A financial report summarising a witness's assertion does not necessarily add a new factual foundation to that assertion. The court should explain how each source contributes to the conclusion and where the evidence remains dependent on a single account.

Evaluating Witness Testimony and Intermediary Accounts

Witness testimony may explain conversations, delivery arrangements, and the purpose attributed to a payment. Its assessment should distinguish what the witness personally observed from what was inferred or learned from others. The court must also consider consistency, opportunity to know, and the relationship between the testimony and other evidence. Under the criminal procedure framework applicable in 2023, Article 185 contains safeguards concerning witness evidence, including the insufficiency of a single witness's testimony standing alone. The inquiry therefore requires more than counting the number of people who repeat an allegation (Republic of Indonesia, 1981).

An intermediary's account raises additional questions of attribution. A person may testify that an official requested money, but the evidence must clarify how that information was obtained and whether the intermediary accurately represented the official's position. Relevant material may include direct communications, acknowledged instructions, delivery records, or conduct demonstrating knowledge of the arrangement. Where the intermediary acted independently, the legal assessment of that person may differ from the assessment of the alleged recipient. Liability cannot be extended solely through an assertion that someone was acting "on behalf of" an official.

Statements from persons implicated in the same events require equally careful evaluation. Such individuals may possess important knowledge, while also having interests relevant to credibility. Their involvement does not automatically make their account false or conclusive. The court should identify which details are independently supported, address material inconsistencies, and explain the weight assigned to the testimony. This reasoning is particularly important where the alleged agreement was oral and the principal evidence comes from participants offering different accounts of the same conversation.

Authenticating Electronic Material and Examining Lawful Acquisition

Article 26A expands the sources from which petunjuk, or evidentiary indications, may be obtained in corruption proceedings. Its operation should be understood alongside the electronic evidence provisions applicable in 2023. A screenshot, extracted conversation, or recording must be evaluated according to its source, completeness, integrity, and legal acquisition. The prosecution should establish how the material was obtained and preserved, while the defence must have a meaningful opportunity to challenge its attribution and interpretation. Technical appearance cannot replace that evidentiary foundation (Republic of Indonesia, 2001, 2008, 2016).

Constitutional Court Decision No. 20/PUU-XIV/2016 makes the legal basis of electronic evidence acquisition particularly important. Its conditional interpretation must be considered when examining how material was obtained for law enforcement, including issues associated with interception or recording. A careful analysis distinguishes seized stored communications from intercepted communications and privately created recordings before determining the applicable requirements. It would be inaccurate either to assume that all digital material is automatically admissible or to declare every privately originating digital record unusable without examining its legal and factual circumstances (Constitutional Court of the Republic of Indonesia, 2016a).

Technical examination can assist with identifying alteration, recovering surrounding data, and explaining inconsistencies, but expert evidence has its own limits. An expert may establish that a file was preserved consistently or that a device contained particular information. The expert does not thereby determine that the legal elements of bribery have been satisfied. That conclusion remains a judicial task requiring assessment of the complete evidentiary record. Keeping technical findings separate from legal conclusions allows forensic expertise to support adjudication without displacing the court's responsibility.

Testing Competing Explanations

A persuasive bribery allegation should address materially plausible explanations for the transaction. A defendant may describe the transfer as debt repayment, commercial payment, assistance, or an unsolicited gift. Those explanations should be tested against the evidence rather than accepted or rejected through labels. A claimed loan may be examined through its origin, documentation, repayment history, and consistency with the parties' communications. A claimed commercial payment may require examination of the underlying service, invoice, and relationship between the amount and the work allegedly performed.

The timing and content of an explanation may assist evaluation, but the defendant's inability to produce a satisfactory narrative cannot independently replace the prosecution's burden. Any special statutory burden must be

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identified and applied within its proper scope. In particular, the specific framework governing gratification should not become a general presumption that every unexplained payment proves an agreed bribe. The court must return to the elements charged and determine whether the lawful evidence supports the necessary findings.

Table 2. Testing inferences concerning an alleged bribery arrangement

Observed circumstance	Possible relevance to the allegation	Matter requiring further examination
Payment shortly before an official decision	May support an alleged inducement	Purpose, supporting communications, and alternative transactional basis
Payment after an official act	May support an alleged reward	Relationship with the past act and the requirements of the charged provision
Repeated private meetings	May establish opportunities for communication	Meeting content and connection with the alleged benefit
Ambiguous or coded messages	May conceal an arrangement	Authorship, complete context, and independently supported meaning
Delivery through an intermediary	May connect the parties indirectly	Instructions, knowledge, receipt, and whether the intermediary acted independently
Claim of repayment or commercial consideration	May provide a competing explanation	Underlying documents, transaction history, actual performance, and consistency

Source: Author's proposed evidentiary framework. These illustrations do not represent findings against particular persons in Jambi City.

Applying the Framework in Jambi City

For institutional application in Jambi City, case assessment should begin with a clear statement of the allegation and the relevant offence. Investigators and prosecutors should identify the benefit or promise, the legally relevant recipient, the official function, and the purpose or knowledge requiring proof. They should then connect each proposition with its supporting material and identify unresolved gaps. This approach helps prevent a suspicious payment from becoming the basis for an accusation before its legal significance has been adequately examined.

The next step is to construct a chronology linking communications, transactions, and official conduct. Chronology can clarify whether the allegation concerns inducement, reward, or another office-related receipt, but it should not be treated as conclusive proof of causation or purpose. The assessment must remain individualised where several officials or intermediaries are involved. Evidence concerning one participant's knowledge does not automatically establish another's, and organisational membership does not substitute for proof of legally relevant involvement.

Finally, judicial reasoning should make the inferential process visible. Under Article 183 of the Criminal Procedure Code applicable in 2023, conviction requires at least two lawful items of evidence together with judicial conviction that the offence occurred and the defendant committed it. This standard is not a mechanical instruction to collect two documents. The court must explain their legal status, evidentiary contribution, and relationship with the elements charged. A reasoned judgment should also address material defence arguments and distinguish established facts from unresolved suspicion.

The framework's value for Jambi City lies in improving the transparency of analysis rather than claiming a particular outcome in advance. Its practical effectiveness would require empirical examination of verified judgments, trial records, and evidence-handling practices. Future research could evaluate whether local decisions consistently distinguish giving offences, receiving offences, and conspiracy, and whether they explain the role of electronic and financial material. Such a study would build on the present normative analysis while supplying the local evidence necessary for conclusions about judicial practice.

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CONCLUSION

Proof of a bribery agreement requires a precise connection between the alleged benefit or promise, the persons involved, and the official function concerned. Under the legal framework applicable in 2023, a bilateral bargain cannot be added as a universal element of every bribery offence. Giving, promising, receiving, inducement, reward, and office-related benefits must be assessed according to their respective statutory formulations. An alleged arrangement must also be distinguished from criminal conspiracy under Article 15 and its constitutional interpretation. For institutional application in Jambi City, communications, financial records, witness testimony, and official documents should be evaluated through individual attribution, lawful acquisition, authentication, and explicit testing of competing explanations. Conviction depends on the required lawful evidence and reasoned judicial conviction, rather than the mere existence of suspicious contact or a transfer of money. Empirical research using verified local case records remains necessary to assess how consistently these requirements are applied in practice.

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