The Concept of Bargaining for Punishment in Resolving Corruption Cases Drived by Technological Developments

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Abstrak: *The development of information technology has provided new challenges in the fight against corruption, especially in terms of technology-based crimes that are difficult to detect. This research aims to analyze the application of the concept of bargaining for punishment in handling digital corruption cases and evaluate the challenges and benefits arising from its application. The method used in this research is a literature study and analysis of applicable legal concepts in the context of technology-based crimes. The results show that the application of this mechanism can accelerate the process of disclosing corruption cases involving technology, by offering incentives to reduce sentences to defendants who are willing to cooperate. However, the application of this concept also faces a number of challenges, such as the potential for abuse of the justice system, the complexity of obtaining valid evidence, and the need for regulatory updates and capacity building of law enforcement agencies. Overall, while bargaining for punishment offers great potential to accelerate the disclosure and recovery of state losses, its success relies heavily on the integrity of the legal system and strict oversight.*

Keywords : Bargaining for Punishment, Corruption Case Resolution, Technology and the Law

INTRODUCTION

The development of information technology, especially in the digital era, has provided new opportunities for corruptors to commit crimes in more complex and difficult-to-detect ways. According to data from Transparency International, in 2022 Indonesia still ranks 104th out of 180 countries in the Corruption Perception Index (CPI), with a score of 38 out of 100, indicating serious problems in eradicating corruption.[1] The use of sophisticated technology systems in the government and private sectors has created loopholes for abuse of power and concealment of traces of illegal transactions. An example is the use of electronic transactions in the digital financial system that can be easily manipulated without leaving clear physical evidence. According to a report from the Indonesian Financial Transaction Reports and Analysis Center (PPATK), during

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[1] Transparency International, "Indeks Persepsi Korupsi Indonesia 2022 Mengalami Penurunan Terburuk Sepanjang Sejarah Reformasi" https://transparansi.id/indeks-persepsi-korupsi-indonesia-2022-mengalami-penurunan-terburuk-sepanjang-sejarah-reformasi-2/ diakses pada 25 November 2024

the 2017-2021 period, there was a significant increase in suspicious transactions involving digital platforms, indicating a high potential risk in the financial sector.[2]

The e-government system, which is supposed to increase the efficiency of public administration, can actually be misused to divert public funds or manipulate data for personal or group interests. The 2020 BPKP (Financial and Development Supervisory Agency) report noted that more than 20% of corruption findings involving government procurement of goods and services occurred in projects using the e-procurement system, which utilizes information technology.[3] Technology-based applications are also often used to access sensitive information or to falsify documents that should be transparent and monitored.

The increasing number of corruption cases involving technology adds to the major challenges in the investigation and disclosure process. Corruption cases involving technology not only involve data manipulation that is difficult to trace, but also touch on the realm of cyber law which requires special expertise in digital forensics. In 2021, according to a report from the International Association of Cybercrime Prevention (IACP), more than 30% of cases reported in the framework of corruption crimes were related to cybercrime, showing how significant the relationship between corruption and digital technology is. Investigations into cybercrime require advanced technology and higher skills compared to conventional corruption investigations.[4] Evidence in digital form often requires a long and complicated process to obtain validity in court. In addition, the existence of a wide network connected through technology makes it difficult to reveal cases, because many perpetrators can operate anonymously or are outside the jurisdiction of the country concerned.

Corruption cases driven by technological developments require a new approach in handling them. Not only do law enforcement officers need to have expertise in the field of information technology, but also collaboration with various parties who have resources and expertise in this field. According to the Global Financial Integrity (GFI) report, around 3% of Indonesia's GDP (equivalent to more than USD 8 billion) is lost each year due to the transfer of illegal funds and corruption using technology.[5] Without reforms in the justice system that are able to keep pace with technological developments, eradicating corruption will become increasingly difficult, while the losses caused by this crime continue to grow and harm the state and society.

In facing the new challenges posed by corruption involving technology, the application of the concept of bargaining for punishment in the criminal law system can be an effective solution to accelerate the process of revealing cases and recovering state losses. Bargaining for punishment is a legal mechanism that provides incentives for defendants to cooperate with authorities, by offering reduced sentences in exchange for information provided or assistance in uncovering larger

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[2] Pusat Pelaporan dan Analisis Transaksi Keuangan, *Penilaian Risiko Indonesia Terhadap Tindak Pidana Pencucian Uang Tahun 2021,* PPATK: Jakarta, Hlm. 76

[3] Indonesian Corruption Watch, *Satu Dekade Pengadaan Barang/Jasa di Indonesia,* Antikorupsi: Jakarta, Hlm. 54

[4] Ismail, M. (2023). Digital Policing; Studi Pemanfaatan Teknologi Dalam Pelaksanaan Tugas Intelijen Kepolisian untuk Mencegah Kejahatan Siber (Cybercrime). *Jurnal Ilmu Kepolisian*, *17*(3), 15-15.

[5] Sagala, M., Djamhari, E. A., Yuniawan, W., & Hanim, S. (2023). *Aliran Keuangan Gelap pada Sektor Perikanan dan Pertambangan Batu Bara serta Produk Turunannya di Indonesia*. Perkumpulan PRAKARSA.

criminal networks.[6] This concept has been applied in various international and national legal systems, such as in the United States through the plea bargaining system, which has proven successful in accelerating the judicial process and increasing the success rate in revealing major cases. In the context of digital corruption, the application of bargaining for punishment can encourage perpetrators to reveal the modus operandi or networks involved in cybercrime, which are often difficult to reveal without cooperation. The main objective of this mechanism is to increase the efficiency of the criminal justice system, reduce the time and costs required in resolving cases, and recover state losses caused by the crime.

The development of technology, despite providing many benefits, has created major challenges in law enforcement, especially in corruption cases involving the use of digital technology for illegal enrichment. One of the main challenges is the difficulty in tracking and exposing illegal transactions carried out through digital systems. Corruptors are now increasingly sophisticated in hiding their tracks, by utilizing technologies such as data encryption and transactions using digital currencies that are difficult to trace. A report from the Financial Transaction Reports and Analysis Center (PPATK) in 2020 showed a significant increase in suspicious transactions involving digital platforms, with almost 30% of reported transactions difficult to process due to the use of technology that hides the perpetrator's identity.[7] In addition, the use of global digital systems such as blockchain or international interbank transactions also makes it difficult for authorities to uncover the flow of funds related to corruption. However, technology also offers solutions to overcome these challenges. Digital forensics, for example, is now an increasingly important tool in uncovering evidence hidden in technological systems, such as digital traces left by electronic transactions.[8] This technology allows investigators to identify missing evidence, track transactions made through decentralized networks, and analyze hidden data, increasing the chances of uncovering previously difficult-to-solve corruption cases.

Corruption involving technology is now one of the biggest challenges in the criminal justice system, where perpetrators can take advantage of sophisticated technology to hide their tracks and enrich themselves illegally, are difficult to track, and involve more complex international networks. With the bargaining for punishment mechanism, where defendants are given incentives to reveal information related to larger crimes, the legal system is expected to be more effective and efficient in uncovering major cases involving technology. Given that the costs and time required to resolve corruption cases are very large, the application of this concept can speed up the judicial process, reduce the burden on the state budget, and increase the recovery of state losses incurred. In addition, investigations and prosecutions of crimes involving information technology require more sophisticated expertise and tools, where the application of bargaining for punishment can encourage perpetrators to collaborate with law enforcement officers, providing

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[6] Ghufron, N. (2015). WHISTLEBLOWER DALAM SISTEM PERADILAN PIDANA.

[7] Anggun, L. (2022). Perkembangan Kejahatan Tindak Pidana Pencucian Uang Dan Tindak Pidana Pendanaan Terorisme (TPPU Dan TPPT) Di Masa Pandemi Covid-19. *Technology and Economics Law Journal*, *1*(1), 5.

[8] Alawiyah, S., & Bakhtiar, H. S. (2025). Peranan Bukti Digital Forensik dalam Pembuktian Penganiayaan Berat Berencana Kasus Terdakwa Mario Dandy Satriyo Dkk Terhadap David Ozora. *Journal of Multidisciplinary Inquiry in Science, Technology and Educational Research*, *2*(1), 234-249.

important data that was previously difficult to access. Thus, this concept can create a justice system that is more adaptive and responsive to the ever-changing development of technology

METODOLOGI

This research method uses the Systematic Literature Review (SLR) approach, which is a qualitative method to collect and analyze relevant literature regarding the concept of bargaining for punishment in resolving corruption cases that are influenced by technological developments. The data collection procedure begins with determining the inclusion and exclusion criteria to select the articles to be analyzed. Relevant articles are those that address the topics of bargaining for punishment, corruption, and the influence of technological developments in the legal system, with a preference for articles published in the last ten years to ensure that the findings produced are current and relevant. The literature sources used include journal articles, books, theses, research reports, and legal documents related to the topic. The search process was conducted through databases such as Google Scholar, JSTOR, ScienceDirect, as well as other databases that have literature on law and technology. After the articles were collected, a systematic review process was conducted, which included selection of articles according to predetermined criteria, extraction of important data from each article, and thematic analysis of the selected literature. In the data analysis, a thematic approach was applied to identify the main themes that emerged in the existing literature, such as how technology can facilitate the process of negotiating punishment in corruption cases, as well as how the application of bargaining for punishment can affect the final outcome of corruption cases in the digital era. The results of this process are then synthesized to develop a comprehensive picture of the application of bargaining for punishment in the context of corruption, as well as to understand the influence of technology on the process. This literature synthesis is expected to provide a deeper understanding of the dynamics of law and technology in handling corruption cases.

RESULTS AND DISCUSSION
Application of the Bargaining for Punishment Concept in Technology-Based Corruption Case Resolution

The bargaining for punishment mechanism in the context of technology-based corruption presents a crucial yet challenging approach to law enforcement. This concept allows defendants involved in corruption crimes, especially those utilizing information technology, to obtain reduced sentences if they are willing to reveal important information or evidence that can accelerate the disclosure of larger corruption networks. Corruption that utilizes technological advances is often more difficult to track, with modus operandi involving complex electronic transactions, misuse of personal data, and embezzlement of funds through online platforms that are difficult for traditional law enforcement to detect.[9] For example, in cases where government officials or corporations use sophisticated technology systems to manipulate state budgets or steal data, defendants who have direct knowledge of the flows and systems used could be offered incentives in the form of reduced sentences if they are willing to expose the perpetrators' network and uncover the broader criminal scheme.

The application of bargaining for punishment in technology-based corruption cases is not without controversy. On the one hand, this mechanism can accelerate the process of disclosing and recovering increasingly large state losses due to digital-based crimes. On the other hand, this

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[9] Nurlette, F. V. (2023). *Konsep Pertanggungjawaban Pidana bagi Affiliator Binary Option Trading Kaitannya dengan Tindak Pidana Pencucian Uang* (Doctoral dissertation, Universitas Islam Indonesia).

concept can create ethical and legal dilemmas, because it provides incentives for defendants to betray colleagues or other parties in order to obtain a lighter sentence, which has the potential to lead to the abuse of this mechanism for personal gain. Furthermore, the success of this concept is highly dependent on the integrity of the justice system and transparency in the bargaining process, because without strict supervision, unfair or biased agreements can occur that are detrimental to the public interest.[10]

The implementation of bargaining for punishment has been implemented in developed countries, such as the United States and the United Kingdom, demonstrating its effectiveness in uncovering large-scale corruption crimes, especially those involving corporations and technology. However, in Indonesia, which is facing major challenges related to transparency and accountability in law enforcement, the implementation of this mechanism is still very vulnerable to potential manipulation and abuse by interested parties. As a country with a high level of corruption and a legal system that is still undergoing reform, Indonesia must be careful in adopting this approach.

To ensure the effectiveness of bargaining for punishment in digital corruption cases, the implementation of this mechanism requires not only strict regulatory updates, but also sharper and more transparent supervision. Without both, this concept is at risk of being misused, so that its main goal, namely eradicating corruption, can be distorted into a mere tool to reduce the punishment for perpetrators who are willing to cooperate. Technology-based corruption, with hidden electronic transactions and digital traces that are difficult to trace, requires a more sophisticated and adaptive approach.[11] In this context, bargaining for punishment can be an effective tool to speed up investigations, reduce costs and time, and open up access to evidence that was previously almost impossible for traditional law enforcement. By providing incentives in the form of reduced sentences, defendants involved in these crimes can be motivated to reveal important information that can identify the main actors or reveal hidden cash flows in decentralized digital transactions. For example, according to the Financial and Development Supervisory Agency (BPKP), the digital corruption sector in Indonesia in 2022 has caused state losses estimated at IDR 7.9 trillion, a figure that illustrates how great the threat posed by technology-based crimes is.[12] However, without strict supervision and regulatory updates, the use of bargaining for punishment has the potential to become a shortcut for those who want to manipulate the system for personal gain, without considering the long-term impact on the true eradication of corruption.

Technology plays a key role in supporting the implementation of bargaining for punishment in digital corruption cases, especially through the use of digital forensics and data analysis. With the ability to identify and recover evidence hidden in digital systems, technology allows law enforcement to access information that was previously difficult to reach, such as traces of electronic transactions that are encrypted or spread across multiple platforms. For example, the

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[10] Setiadi, H. E., & SH, M. (2017). *Sistem Peradilan Pidana Terpadu dan Sistem Penegakan Hukum di Indonesia*. Prenada Media.

[11] Zakaria, A. P. (2024). Penyidikan Tppu Narkotika Terhadap Perusahaan Yang Di Buat Oleh Tersangka Narkotika. *Jurnal Hukum dan Kebijakan Publik*, *6*(3).

[12] Ramadhana, K., Tamara, S., Aulia, Y., & Antikorupsi, M. (2022). *Studi konflik kepentingan anggota legislatif terkait bisnis sumber daya alam*.

use of digital forensics technology has proven effective in uncovering illegal transactions in the banking sector, such as in the corruption case involving Bank Century, where digital forensics helped uncover the flow of funds that were difficult to detect. According to data from the National Cyber and Crypto Agency (BSSN), more than 3,000 cyber attacks in Indonesia in 2023 were related to attempts to take over sensitive data and illegal transactions, underscoring the need for technology in verifying and uncovering digital-based crimes.[13] With the help of this technology, bargaining for punishment can run more effectively, speed up investigations, and ensure that relevant evidence is revealed to restore state losses.

The application of bargaining for punishment in dealing with digital corruption has great potential to accelerate law enforcement, but also raises a number of challenges that need to be addressed carefully. One of the biggest challenges is ensuring that this approach is not only used as a means to provide leniency to defendants, but actually functions to effectively uncover and eradicate technology-based corruption crimes. The current justice system, with its often slow and overlapping bureaucracy, may have difficulty in integrating this mechanism optimally without clear regulations and strict supervision.[14] Without it, bargaining for punishment has the potential to be abused, allowing perpetrators to obtain light sentences in exchange for information that is not entirely valuable or even misleading. In the context of digital corruption, where electronic traces are often hidden behind layers of encryption and transactions are spread across multiple platforms, the success of this concept depends heavily on the ability of law enforcement to utilize digital forensics and data analysis technologies that can uncover evidence that has previously been difficult to access. However, without comprehensive regulatory reforms and increased capacity of legal institutions, the implementation of bargaining for punishment could be a short-term achievement that does not result in broader structural changes in eradicating digital corruption in Indonesia.

Challenges and Benefits of Bargaining for Punishment in Digital Corruption Law Enforcement

Law enforcement against digital corruption faces very complex challenges, especially in terms of tracking and exposing transactions carried out through advanced technology. Technologies such as data encryption, cryptocurrency transactions, and the use of global digital systems have provided opportunities for corruptors to hide their tracks, making investigations much more difficult and time-consuming. According to a 2022 report by Transparency International, around 30% of financial transactions related to corruption in Indonesia involve technology that makes it difficult to track, such as the use of crypto wallets or other decentralized digital platforms.[15] The use of encryption methods, for example, allows perpetrators to hide transaction details and their identities, making the evidence in digital corruption cases often

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[13] Tempo.com, "BSSN: 361 Juta Serangan Siber ke Indonesia" https://www.tempo.co/ekonomi/bssn-361-juta-serangan-siber-ke-indonesia-120095 diakses pada 25 November 2024

[14] Napitupulu, D. R. W. (2010). *KPK in Action*. PT Niaga Swadaya.

[15] Tarmizi, R. (2024). Bab 3 Blockchain Dan Keamanan Finansial. *Manajemen Keuangan Di Era Digital*, 27.

inaccessible without highly specialized skills and tools.[16] This makes matters worse, because although technology provides many benefits for economic development and public administration, the same technology also opens up loopholes for more hidden and difficult to uncover corrupt practices.

On the other hand, despite the great challenges in tracking and exposing digital transactions, the application of the concept of bargaining for punishment in resolving digital corruption cases actually offers significant potential to increase the effectiveness of law enforcement. By providing incentives in the form of reduced sentences to perpetrators who are willing to cooperate and reveal larger corruption networks, this concept can accelerate the disclosure of cases that are usually very complex and take a long time. Through this collaboration, perpetrators who benefit from reduced sentences can provide important evidence, which was previously difficult to obtain, and accelerate the recovery of state losses. According to data from the Financial Transaction Reports and Analysis Center (PPATK), in 2021 more than 20% of suspicious transactions were found to be carried out through digital platforms that could not be easily traced without the involvement of the perpetrators.[17] Although the implementation of bargaining for punishment (BFP) offers significant potential to accelerate the resolution of digital corruption cases, the main challenge that remains is the process of collecting legitimate and accountable evidence in court. Corruption involving technology often hides its traces through transactions hidden in sophisticated digital systems, making evidence difficult to access without special skills and tools. This is a major obstacle in law enforcement efforts, especially when the evidence is fragmented or encrypted, making it difficult to trace.

Compiling valid evidence in digital corruption cases is a major challenge because the evidence is often scattered across different digital platforms and difficult to access without special skills.[18] Digital transactions, especially those involving cryptocurrencies or blockchain-based platforms, are often designed to hide the perpetrators' tracks in very sophisticated ways. In addition, much of the evidence is fragmented in decentralized systems or hidden through data encryption, making investigations difficult. For example, transactions made on platforms such as Bitcoin or Ethereum can be traced in the form of a digital footprint, but the perpetrator's true identity is not always clear, given the high level of anonymity. A 2021 report by Kaspersky Lab stated that around 40% of suspicious transactions involved cryptocurrencies, which are difficult to trace through traditional banking channels.[19] Therefore, legitimate evidence collection requires

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[16] Sulastri, M., Claudia, T. C., & Safira, W. C. (2023). Optimalisasi Metode Digital Forensik Sebagai Upaya Pengembalian Aset Negara Hasil Tindak Pidana Korupsi Dalam Bentuk Bitcoin. *Padjadjaran Law Review*, *11*(1), 1-12.

[17] Nurhalimah, S., Monica, T. H., Graciella, B. A., Hutabarat, B. K. S., Nathalia, B., Qurnia, N., & Yudistira, M. A. (2024). Analisis Swot Peranan Ppatk Dalam Melakukan Analisis Transaksi Keuangan Yang Mencurigakan Dan Studi Kasus. *Journal of Social and Economics Research*, *6*(1), 1913-1930.

[18] Awaka, M. Q., & Alhadiansyah, A. (2023). Utilization of Digital Forensics in Proving the Crime of Disseminating Indecent Videos Through Facebook Social Media in the Legal Area of West Kalimantan Police. *Jurnal Hukum Sehasen*, *9*(2), 455-470.

[19] VOI, "Laporan Terbaru, Tahun 2021 Aksi Pencucian Uang Lewat Kripto Makin Marak" https://voi.id/teknologi/128462/laporan-terbaru-tahun-2021-aksi-pencucian-uang-lewat-kripto-makin-marak diakses pada 25 November 2024

more advanced digital forensic techniques, which require not only sophisticated tools, but also in-depth expertise in how the system works.

The difficulty in obtaining legitimate evidence is enormous, but digital forensics technology offers great potential to overcome these obstacles. Tools such as data analysis software, lost file recovery, and tracing digital footprints through networked devices can provide access to information hidden in digital transactions, even when key evidence has been deleted or encrypted. Digital forensics allows investigators to uncover distorted or hidden transactions and link them to a larger network of criminals. However, its effectiveness is highly dependent on the expertise and technology available. In many cases, the main obstacles lie in the limited resources available to law enforcement agencies, as well as the need for specialized training to understand and properly operate these forensic tools.[20] Thus, although forensic technology can be a very useful tool in uncovering digital corruption crimes, its implementation requires collaboration between various parties and full support from the government to ensure adequate resource readiness.

The application of the concept of brgaining for punishment in digital corruption cases offers great potential to accelerate the disclosure of wider corruption networks, especially in dealing with crimes shrouded in sophisticated technology. By providing incentives in the form of reduced sentences, bargaining for punishment seeks to turn perpetrators into sources of information that can uncover corruption practices that have previously been difficult to reach, especially when electronic transactions or cryptocurrencies are used to hide their tracks. However, although bargaining for punishment provides a shortcut to uncovering more parties involved, this approach risks creating an imbalance between efficiency and justice. Cooperation from perpetrators, which has the potential to reduce the burden of proof, can raise doubts about the validity of the information provided, especially when the incentive of reduced sentences is more attractive than the accuracy of the facts revealed.

Although bargaining for punishment can increase efficiency and speed up the resolution of cases, this approach opens up loopholes for abuse of the justice system. Reliance on the testimony of perpetrators who hope to get a lighter sentence can give rise to situations where the truth is twisted or information is manipulated for the benefit of certain parties. This increasingly leads to integrity issues in the legal system, where the legal process that should uphold justice can be distorted by pragmatic calculations to achieve quick results. Therefore, although bargaining for punishment offers advantages in handling increasingly complex digital corruption cases, its implementation requires strict supervision and clear enforcement of rules so as not to sacrifice the principle of justice for the sake of efficiency alone.

CONCLUSIONS

The application of the concept of bargaining for punishment in resolving technology-based corruption cases offers the potential to accelerate the disclosure of crimes involving sophisticated technology, but also presents various challenges and risks. Although this mechanism can

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[20] Chrismonita, V. N., Dewi, D. A. S., Suharso, S., & Budiharto, B. (2020). Efektivitas Permendagri Nomor 7 Tahun 2019 tentang Pelayanan Administrasi Kependudukan Secara Daring (Studi di Disdukcapil Kota Magelang dalam Rangka Mewujudkan Good Governance). *Borobudur Law Review*, *2*(2), 64-89.

accelerate the recovery of state losses by exposing a wider corruption network, its success is highly dependent on the integrity of the justice system and strict supervision. Without adequate controls, this concept is at risk of being misused by interested parties to manipulate results or gain personal gain. In Indonesia, which is struggling with the challenges of transparency and accountability in law enforcement, the application of bargaining for punishment must be carried out carefully, given the high potential for manipulation. Therefore, to ensure its effectiveness in dealing with digital corruption, it is important for the state to strengthen regulations, increase supervision, and ensure transparency in every step, to ensure that the main objective of eradicating corruption is not distorted.

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