

**TRANSITIVITY IN TELEPHONE CONVERSATION IN
A BRIBERY CASE IN INDONESIA : A FORENSIC LINGUISTIC STUDY**

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ABSTRAK

Penelitian ini adalah sebuah kajian linguistik atas percakapan telepon dalam bahasa Indonesia pada kasus korupsi yang terjadi baru-baru ini, khususnya sebuah kasus penyuapan. Pendekatan linguistik pragmatis dan sistemik fungsional digunakan sebagai metode untuk mengungkapkan fakta-fakta yang ditemukan pada kasus penyuapan sebagai suatu jenis kasus hukum dalam studi Linguistik Forensik. Percakapan telepon dari dua jenis penyuapan dikumpulkan sebagai data penelitian ini. Data dianalisis secara semantis, pragmatis, dan sintaktis. Ditemukan bahwa para pelaku menggunakan beberapa kode tertentu untuk berkomunikasi. Mereka juga menggunakan cara tertentu untuk menyampaikan tindak tutur lokusi untuk mendapatkan ilokusi untuk mencapai efek perlokusi yang mereka inginkan. Banyak proses materi muncul pada transkrip percakapan telepon para pelaku (koruptor) yang menunjukkan tindakan yang mereka lakukan. Proses materi yang muncul dalam percakapan menunjukkan gejala bahwa permintaan langsung dilakukan oleh pihak yang lebih kuat kepada interlocutor untuk mempersiapkan bahan-bahan.

Kata kunci : linguistik forensik, semantik, pragmatik, sintaksis, percakapan telepon, penyuapan

ABSTRACT

This study applies linguistics to investigate telephone conversations on a recent corruption case, to be specific, a bribery, in Indonesia. A pragmatic and systemic functional Linguistic approach was used as the method to reveal the facts on a bribery as a type of legal case in forensic linguistic study. The telephone conversations on two different types of bribery were collected as the data of this research. The data were analyzed semantically, pragmatically, and syntactically. It was found that the perpetrators used some particular codes to communicate. They also used a certain way to convey locutions to get the illocution to achieve the effect of the perlocution they wanted. Many material processes appeared in the transcripts of the telephone conversations of the actors (corruptors) which show the actions performed by the actors. The material process that appears in the conversation suggests a direct request from the more powerful to prepare materials to the interlocutor.

Keywords : forensic linguistic, semantics, pragmatics, syntax, telephone conversation, bribery

INTRODUCTION

Language may describe the character of a person. The oracle can be attributed to the extent of one's educational knowledge and insight into the man. Similarly, by their pronunciation and intonation their nation or ethnic of origin can be deduced. From the use of language, we may conclude the group to which they belong, whether from the educated or uneducated group or their social status, etc. Furthermore, we may also know if the language user tells the truth or not.

Based on linguistic facts, forensic linguistics will entail obtaining truth and honesty. Forensic linguistics can predict who was speaking and what its purpose was. They can be seen from the data of the language that emerge from the language users either spoken or written. Admittedly forensic linguistics is widely used in relation to law and justice. However, it does not mean that forensic linguistics cannot be used in the development of science, technology, and society (STS).

Forensic linguistics can play a role in the development of STS. To investigate the characteristics of prosody that become the features of the linguistic form of tones, pressures, including the mimic and gestures, forensic linguistics requires analytical tools produced by the development of science, technology, and society. One of the products of science, technology, and society is spectrograph used to analyze the color of the sound. Furthermore many problem solving processes require the use of information technology such as computer digital forensics, mobile phones, and tablets to uncover the truth. All of these are closely related to the development of science, technology, and society.

Besides the use of science and technology that can assist the work of forensic linguistics to examine particular linguistic prosody such as tones, pressures, intonation and pronunciation, forensic linguistics may also employ other methods of analysis such as semantics, pragmatics, and syntax. Several

researches on forensic linguistics have been done to investigate some social problems such as criminality. The most common investigation on crime using forensic linguistics is corruption. Momeni (2011) examined bribery in Iran pragmatically. In different research, Momeni (2012) studied fraud and judicial system in the same country using pragmatic analysis as the forensic linguistics approach.

The increase of corruption cases in Indonesia recently is an interesting case to study. To investigate such crime, pragmatic, semantic, and syntactic approaches are used in this forensic linguistic study.

Research Questions

Basically the research issue of this study is to explore the role of the forensic linguistic analysis to uncover the truth based on the facts presented through languages. This study attempted to investigate the same crime, bribery, in Indonesia by taking advantage of the typescript of telephone conversations between two persons as the bribe giver and the receiver. Therefore, the initial problem is what kind of language facts that emerged in the conversations.

Research Objectives

To obtain the truth through an analysis of linguistic facts requires a science field called forensic linguistics. How forensic linguistics plays a role in uncovering the truth and what proper product of technology used in forensic linguistics become the basic principle of the purpose of this study. Basically, the aim of the study is to obtain the use of the linguistic model of forensic analysis to uncover the truth through language elements, both verbal and nonverbal.

Scope of Research Study

The aspect to be examined is the study of the language function as a means of communication for humans as the cultured social beings. Based on the connection, it is necessary to study the means of analysis in forensic linguistics. Its scopes consist of (a)

structure of language: words, sentences, meaning, and discourse, (b) semantic and pragmatic aspects of language usage related to the meaning of the utterance and situations which affects the speech meaning, and (c) syntactic structure of the sentences.

Research Methods

The research method used is descriptive analysis with talk discourse of corruptors as the data source. After being collected, a variety of data were then marked and grouped. Subsequently those linguistic facts are analyzed based on the study of the theory that has been referred to become a tool of analysis. In the end, the results of the analysis comprise conclusions and some suggestions that may be proposed.

THEORETICAL FRAMEWORK

Forensic Linguistics

Forensic linguistics is a branch of applied linguistics which is closely related to legal issues. The word 'applied' in applied linguistics is different in meaning with 'applied' in other disciplines such as in the field of chemistry. In applied chemistry, theories underlying chemistry is used as a starting point to be used or applied to all practices of chemistry processes, whereas in linguistics the meaning of 'applied' tends to show the use of theories or linguistic knowledge as a measurement to analyze the use of a language in a particular social sphere.

'Forensic' is a legal term (its place of origin) taken from the Latin 'forensis'. It means a science that is used to assist the enforcement of justice through the application of the science or discipline. Tiersma and Solan (2003:213) stated that "*Forensic linguistics is an interdisciplinary course originated from linguistics and law which has developed in America and Europe since 1997*". Associated with the science of linguistics, it can generally be said that forensic linguistics is an applicable and interdisciplinary knowledge linking language, crime and law (Olsson, 2008: 3).

In forensic linguistics, language is used as an 'evidence' for a criminal offense similar to a fingerprint that can be studied and analyzed to obtain a truth. The 'evidence' to be analyzed in a forensic linguistic study is in the form of speech events (speech act). Chaer (2004: 47) explains that speech act is a linguistic interaction activity in one or more forms of utterances between two parties; the speaker and the listener, with one conversation topic, and at a certain time, place and situation. Furthermore Dell Hymes (in Chaer, 2004: 48), a well-known sociolinguistics expert, said that a speech act must meet eight components, they are:

1. Setting and Scene. Setting relates to the time and place or when and where a speech act takes place and the scene refers to the situation of the setting or psychological situation of the conversation. Different time, place and circumstances of utterances can cause variations in the use of different languages.
2. Participants. Participants are parties involved in a speech act such as speaker and listener, sayer and hearer, or sender and receiver.
3. Ends refer to the intent and purpose of a speech act which are taken from the context of the sentences used in the speech act.
4. Act Sequences. Act sequence illustrates the form and content of speech with regard to what words and how these words used in the speech act as well as how the relationship between those words and topic of the conversation.
5. Key. Key refers to the tone of voice, how the utterances are expressed whether happily, seriously, angrily, shortly, arrogantly or mockingly, and it can also regard the body language and gestures.
6. Instrumentalities. Instrumentalities are the form of the expressed. It could be expressed in the form of spoken or written, direct or indirect, by telegraph or telephone. It also includes dialect and the way of writing.

7. Norm of Interaction and Interpretation. It contains the rules on how to interact such as the way to ask questions, the way to object or to interrupt which all deal with the interpretation of the utterance of the speaker.
8. Genres are varieties of delivering a speech act that can be in the type of narrative, prayer, proverbs, poetry, and so on.

The application of the method of language or linguistics in forensic linguistics serves to assist the resolution of problems in law enforcement. The function gives an understanding that forensic linguistics is an application of a science (linguistics) in which theories can be used to analyze the linguistic evidence either spoken or written.

"Applications of forensic linguistics include voice identification, interpretation of meaning expressed in laws and legal writings, analysis of discourse in legal settings, interpretation of intended meaning in spoken and written statements (e.g., confessions), authorship identification, the language of the law (e.g., plain language), analysis of courtroom language used by the trial of participants (i.e., judges, lawyers, and witnesses), trademark law, and interpretation and translating when more than one language must be used in a legal context." (McMenamin, *Forensic Linguistics: Advances in Forensic Stylistics*. CRC Press, 2002)

McMenamin (2002) pointed out that the application of language in linguistic forensics involves the identification of sound (phonetic), the interpretation of meaning in official and legal writings, discourse analysis, interpretation of the spoken and written statements (e.g. in recognition), the identification posts, the statutory language, the language analysis of the trial, and interpretation and translation when more than one language is used in a legal context.

In this condition the linguists are needed to provide or to analyze the linguistic evidence in the form of components for the

sake of civil and criminal investigations. Based on the above theory, forensic linguists could conduct some observations in various areas such as the study of memory (how people remember the language), the study of phonetics (how a person expresses their language through tone, color and sound pressure) and the study of language itself such as conversation analysis, discourse analysis, grammar theory, cognitive linguistics, speech act theory, and many others.

Phonetic

An analysis can be performed phonetically when the linguistic evidence in a criminal offense is in the form of sound recordings (audio). According to Olsson, forensic phonetics is the use of phonetic technique, especially in the analysis of the sounds that applied to criminal investigation (2008:156). This technique includes sound technical comparison, naive voice recognition, transcriptions of spoken language including the disputed speech transcription, voice signal enhancement and authentication records. Since the phonetic relates very closely to how the sound is produced by the human vocal organs, we need a sophisticated technology that can be used to measure the tone, color and sound pressure accurately. Thanks to scientific advances, currently such tools are already available and known by the name spectrograph.

The written linguistic evidence or a transcript of a conversation will be analyzed through linguistic theories involving syntactic knowledge to analyze how the text is built based on the structure of the language, pragmatic knowledge to analyze the current context of language used, and semantics to analyze the meaning behind the words used.

Semantics and Pragmatics

Semantics is the study of the meaning of a word, phrase or sentence (Yule, 2010). According to Leech (1989:13) pragmatics is the study of meaning in relation to the situation of an utterance. In line with Leech,

Kridalaksana (1993: 177) states that pragmatics is the science which investigates speech acts, context of speech acts and meanings contained in these speech acts. Pragmatics deals with speech acts or verbal performances that occur in a particular situation or context. Context is all aspects related to the physical and social environment of a speech. The social context of a discourse is determined by variable factors such as the speaker and listener, their social roles, their personal or professional relationship, topic, purpose, time and place, and much more. Leech (1989:13) defines context as a knowledge background of speech owned equally by both the speaker and the hearer and it helps the hearer to interpret the meaning of utterances. Thus, the context may refer to the utterances in the previous and following main utterances and to the circumstances relating to the habits, customs, and culture of the participants. Context can also refer to the physical, mental, as well as the knowledge that is in the minds of speakers and listeners.

Semantics and Pragmatics have an important role in forensic linguistics because speakers, addressees and the authors do not always reveal their purpose through the words directly (to the point). Many of them convey their 'message' discreetly. Therefore, the semantic and pragmatic analysis help the listener and the reader to determine the interpretation of the expression of the speaker's intended meaning or the intended meaning of the author. In a speech act there are three events that take place at the same time, namely:

1. Locutionary (act) is speech acts that express something in the sense of "say" or speech acts in the form of sentences that are meaningful and understandable. For example, "the teacher said to me that I help".
2. Illocutionary (act) is speech acts that are usually identified with the explicit performative sentences. Illocutionary act usually has something to do with giving permission, saying thank you, asking to do something, offering and promising. For example, The teacher told me to get going soon".
3. Perlocutionary (act) is speech acts related to the presence of another person in connection with a greeting gesture and non-linguistic behavior of the other person. For example, when a doctor said (to a patient) "your cancer may have reached end-stage", then the patient will panic or be sad. What the doctor said is a perlocutionary act.

Syntax

Discourse is language units larger than sentences, such as narration and conversation. Discourse, spoken and written, can take many forms, especially in conversations related to specific social contexts. Syntactically, discourse analysis is performed in a forensic linguistic study to clarify the verification process in a legal case. As a means of syntactic analysis, researchers used transitivity explaining the processes contained in the clause.

Transitivity

Transitivity is a system that describes the experience as a kind of process that is associated with the participants and circumstance (Halliday, 1985:101). Transitivity relates to the selection of the process type and the role of participants, which is realized into reality experiences (Eggins, 2004:205). Transitivity as a representation clause involves processes, participants and circumstances, and focusing on processes that include: a material process, mental process, verbal process, relational process, behavior (behavioral) process and existential process.

Material process is a process of doing, involving four participants. They are actor, goal, beneficiary and cope. Mental process includes feeling, thinking, perceiving, and having emotional reaction to things with experiencer and phenomenon as its participants. Verbal process is a process of saying and has two participants; sayer and

recipient. In the process of being and becoming there are relational features. The process is divided into two: attributive with carrier and attribute as participants, and token and value for identification. Furthermore, the behavior (behavioral) process is a process of physiological and psychological behavior. And the last is an existential process (Halliday, 1985).

Forensic Linguistics in the Courts

When are the forensic linguists needed in a legal process? Commonly, there are three stages in a legal process; the investigative (intelligence) stage, trial stage, and appeal stage. A forensic linguist will be called when indications of language involvement in a criminal case are found.

"On some occasions the linguist is asked to provide investigative assistance or expert evidence for use in Court. Within the linguistics literature there has been considerable focus on the rules for admission of authorship identification evidence to criminal prosecutions, but the role of the linguist in providing evidence is broader than this. Much of the evidence provided by linguists does not involve authorship identification, and the assistance a linguist may offer is not restricted to only providing evidence for criminal prosecution. Investigative linguists can be considered that portion of forensic linguistics which provides advice and opinions for investigative and evidential purposes." (Coulhard et al: 2011)

Investigative or intelligence stage

This stage is an important part of a legal process in which the investigators attempted to collect all the information related to the crime. Typically, the demand for linguistic analysis originated from/in law enforcement departments or, in some countries, at the invitation of the investigating judge. An example of linguistic intelligence work is analyzing letters such as threatening letters or mobile phone texts or short message (sms) to provide information about a case.

Linguists are also asked to analyze a text that is considered as a suicide note.

At this stage of investigation, the police may require an opinion on the implementation of the investigations related to the questions asked. Here forensic linguists can participate in developing the interview and interrogation strategies. What the forensic linguists said about the truth as the result of the analysis may not always be evidence that can be accepted and used in the court. Thus, linguistic analysis is usually restricted only to the investigative stage.

Trial Stage

In this stage various linguistic analyses may be required, for instance the question of who wrote the text (if it was written) or who the speaker is in this record (when it was spoken), about the meaning and interpretation (does this word mean x, y, or something else), or if the text contains a threat. The investigation could be civil or criminal, and this will determine whether the 'evidence' can be accepted by the court. Typically, forensic linguists are needed before the case comes to court. Forensic linguistics reports as a result of their analysis will be submitted to the legal team and used as a principle to file a lawsuit or claim or defense in court, and therefore the linguists are responsible to the court rather than to the client.

Appeal Stage

When someone is not satisfied with the decision of the court, he/she will immediately launch an appeal. In some countries the appeal can be implemented if there are new evidences either new or from different perspective. At this stage linguists then are usually called to assist legal counsel.

Private Dispute

Forensic linguists also help to resolve many personal cases. It means that the linguists are personally requested either by individuals or institutions. Samples of such cases are to identify the author of blackmail, the

investigation of plagiarism for school or university, or they work on behalf of the students accused of plagiarism. Sometimes report from the linguists can affect the client's decision to take the next steps.

Corruption

World Bank (1997) gives a straightforward definition on corruption —*the abuse of public office for private gain*. Public office is abused for private gain when an official accepts, solicits, or extorts a bribe. It is also abused when private agents actively offer bribes to circumvent public policies and processes for competitive advantage and profit. Public office can also be abused for personal benefit even if no bribery occurs, through patronage and nepotism, the theft of state assets, or the diversion of state revenues. Bribes are one of the main tools of corruption. They can be used by private parties to "buy" many things provided by central or local governments, or officials may seek bribes in supplying those things.

DISCUSSION

Conversation Analysis Approach using transitivity

Conversation between Akil Mochtar and Chairun Nisa

The first conversation is a talk concerning the bribes disputes regarding elections in Gunung Mas, between Akil Mochtar, Former Chairman of the Constitutional Court and Chairun Nisa, Golkar politicians. In this case, Akil allegedly accepted bribes from Hambit Bintih, Gunung Mas incumbent regent through Chairun Nisa. Through transitivity analysis it is found that there are some actors involved and mentioned in the conversation, such as Akil, I (Chairun Nisa), he (Hambit Bintih), and *ibu/mrs* (Charun Nisa). The actors are involved in the processes of mental, materials, and Verbal.

The process that frequently appeared in the transcripts of the conversations is material process showing the actions performed by the actor. Those material processes show activities which refer to the bribes as in the example below.

[4a] Nisa:, *sy mau minta bantu nih. untk (untuk) gunung mas.*

<u>Pak Akil,</u> (Mr) Akil	<u>Sy</u> (I) <i>Actor</i>	<u>mau minta bantu nih</u> (want to) (ask for) (help) (here) <i>Material Process</i>	<u>untk (untuk) gunung mas.</u> (for) (mountain) (gold) <i>Goal</i>
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In the above sentence, the material process attaches to one actor and one goal. The actor refers to 'I' (Chairun Nisa) who have recourse to Akil Mochtar about Gunung Mas

problem which is represented as a goal in the sentence.

Indications of bribes were also seen in the following sentences.

[4b] Akil: *Ya pokoknya siapkan 3 ton deh emasnya ya,*

<u>Ya pokoknya</u> (well) (essentially)	<u>Siapkan</u> (get ready) <i>Material Process</i>	<u>3 ton deh emasnya ya</u> (3 tons) (...) (the gold) (OK) <i>Goal</i>
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The Process of material that appears in this sentence shows a direct request from Akil Mochtar to prepare a number of gold to his interlocutor. This request shows abuse of power committed by Akil Mochtar which

incidentally is not allowed to ask for or accept anything from anyone during his tenure as Chairman of the Constitutional Court.

The conversation between Fathanah and Lutfi

The second conversation is between Fathanah and Lutfi on money of U.S. \$ 40 thousand which they receive in relation to cases of imported meat that ensnare them. The result of analysis shows that there are two

actors involved in the conversation, i.e. Lutfi ('ana') and Fathanah ('ente'). Both of these actors are often attached to material process and goals indicating the amount of money they are talking about as in the example below.

[4c] *Mau dibawa ke mana nganter ini yang empat puluh ribu dollar?*

<u>Mau dibawa kemana</u>	<u>nganter</u>	<u>ini yang empat puluh ribu dollar ?</u>
(want) (bring) (where)	(deliver)	(this) (which) (forty) (thousand) (dollar)
<i>Circumstance</i>	<i>Material Process</i>	<i>Goal</i>

The sentence above were expressed by Fathanah to Lutfi in a telephone conversation. In this sentence Fathanah mentioned U.S. \$ 40 thousand to Lutfi. It indicates that both of them understand about the money. The material

process 'deliver' indicates that Fathanah will give the money to Lutfi.

In other words, there are also indications of the existence of tax charging as shown in the following sentences.

[4d] *Ngak..nggak yang yang yang dulu kan potong pajak dua puluh lima persen.*

<u>Ngak..nggak</u>	<u>yang yang yang dulu kan</u>	<u>potong</u>	<u>pajak dua puluh lima persen.</u>
(no) (no)	(the) (the) (the) (previous) (isn't it)	(cut)	(tax) (twenty five) (percent)
<i>Circumstance</i>		<i>Material Process</i>	<i>Goal</i>

The sentence above indicates the existence of tax in their transaction. The circumstance in the sentence indicates that the activities of the tax cuts had been conducted before so that it can be inferred such activities are planned activities.

to ask for help ... for (for) Gunung Mas ") spoken by Chairun Nisa to Akil Mochtar is a locution that is interpreted by Akil Mochtar as a 'demand'. On the basis of these locutions, Akil then also provided a 'demand' as the effect of its perlocution. In this context, Akil asked '3 tons of gold as the substitution of IDR 3 billion. It may drive to different perlocution effects. Akil may refuse the "requests" submitted by Chairun Nisa . However, Akil took the chance by, in turn, 'request'ing something to Chairun Nisa. The perlocutionary effects conducted by Akil indicate the practice of buying and selling things performed by the Chairman of Constitutional Court.

Conversation Analysis Using Semantics and Pragmatics Approach

The conversation between Akil Mochtar and Chairun Nisa

Pragmatically, sentences pronounced (locutions) cannot be separated from the intent and purpose of the sentences (illocutionaries) as well as the effects of the sentences pronounced against listeners (perlocutionaries). In connection with the first conversation, a conversation between Akil Mochtar and Chairun Nisa, the sentence ("Pak Akil, I want

The conversation between Fathanah and Lutfi

The conversations conducted between Fathanah and Lutfi are about money delivery which indicates that both of them were

involved in a transaction taking in the money. However, the source of the money is unknown. The sentence of "Where are you taking these forty thousand dollars?" uttered by Fathanah is a locution interpreted as a question. Lutfi as the listener responded the question with the expression "wait...wait... forty thousand?" and it signals the confusion of Lutfi that the amount of money in the transaction was not in accordance with his estimate. The perlocutionary effect is shown by the sentence "Yes two hundred and fifty have been transferred to him, who he is. Two hundred and fifty million by transfers. Then ...".

Based on the conversation it can be seen that both of them are aware of the money that will be delivered. However, Lutfi thought that the money to be delivered was two hundred and fifty millions and not U.S. \$ 40 thousands. From these conversations it can also be seen the relationship between Fathanah acting as " a messenger" who delivered the money and Lutfi acting as the person who asked for the money.

CONCLUSION

Forensic linguistics is a field that involves various branches of applied linguistics in the field of law to get at the truth. Linguistic analysis is used to express the fact of law occurring in criminal events which involve spoken and written language evidence. To obtain the data clearly and actually, development of technology is needed. Data of spoken evidence is not only obtained by sophisticated technology such as a telephone listening devices, but can also be analyzed by a specific instrument called spectrograph to measure the tone, color and sound pressure with high accuracy so that the tool can assist the analysis process of the phonetic recording of telephone conversations.

Semantically, it was found in the telephone conversations that the actors used codes to conceal the true meaning, so that it can be interpreted as a way to trick the other party. Pragmatic analysis shows that the perpetrator uses a certain way to convey

locutions to get the illocution to achieve the perlocutionary effect of what he wanted.

Syntactically, by using the transitivity approach that includes several types of processes including the mental process, material process, and verbal process, it is found that many material processes appear in the transcripts of the telephone conversations of the actors (corruptors) which show the actions performed by the actors. The material process that appears in the conversation suggests a direct request from the more powerful to prepare materials to the interlocutor.

RECOMMENDATIONS

To obtain maximum validity of the analysis of forensic linguistics requires advanced equipment and technology that will help researchers in getting data accurately as well as doing the analyses properly. The provision of proper equipment or technology in a tapping process will generate actual and clear phonetic data. Furthermore, a tool for analyzing data of voice such as spectrograph needs to be provided to obtain an accurate analysis.

The use of linguistic analysis such as discourse analysis needs to be developed to get the valid and measurable interpretations and conclusions. The more comprehensive analysis is done, then the conclusion will be more valid.

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