



doi 10.35905/diktum.v24i1.14748

ARTICLE

Evidentiary Strength of Electronic Evidence in Civil Disputes within the Framework of *Bayyinah*: A Case Study of Decision No. 22/PDT.G/2021/PN DGL

Aurell Valentdava Wahyudi *1, Atik Winanti²

Abstract

Background: The advancement of information technology in the digital era has introduced new dimensions to legal proceedings, particularly through the emergence of electronic evidence. This includes screenshots of digital conversations, electronically produced documents, and other forms of digital records. These new evidentiary types have begun to play a significant role in civil litigation, including inheritance disputes.

Purpose: This study examines the judicial assessment of electronic evidence in inheritance disputes through a case study of Decision No. 22/PDT.G/2021/PN DGL at the Donggala District Court. The research aims to analyze how electronic communications, particularly WhatsApp chats, are evaluated as valid proof under Indonesian civil procedural law and their relevance to the Islamic legal concept of *Bayyinah*.

Methods: Using a normative juridical approach with statute and case analysis, the study reviews primary legal sources, including the Civil Code, the Herziene Indonesisch Reglement (HIR), and the Electronic Information and Transactions (EIT) Law, complemented by secondary literature

Results: The findings reveal that the court recognized electronic evidence as valid proof when it met formal requirements (printing, stamping, and verification) and material requirements (relevance and uncontested authenticity). The Defendants' electronic submissions were deemed legally sufficient to prove the transfer of property during the decedent's lifetime, whereas the Plaintiff's evidence was rejected for lack of probative value.

Implication: The study highlights the need for clearer judicial guidelines, enhanced digital forensic literacy among judges, and legal reforms such as digital notarization and certified e-filing systems to strengthen evidentiary reliability in line with Sharia principles.

Originality: The novelty of this research lies in its integration of electronic evidence within the framework of Islamic procedural law, interpreting digital communications as a modern manifestation of *Bay'inah*.

***1Correspondence**

Aurell Valentdava Wahyudi,
Universitas Pembangunan
Nasional Veteran Jakarta,
Indonesia. Email:

2110611226@mahasiswa.upnvj.ac.id

²Universitas Pembangunan
Nasional Veteran Jakarta,
Indonesia.

Keywords:

Electronic Evidence, Inheritance
Dispute, Civil Litigation, *Bayyinah*

INTRODUCTION

The rapid advancement of information technology in the digital era has significantly influenced various aspects of human life, including the legal system. One of the most prominent legal developments is the emergence of electronic evidence as a new form of proof in civil litigation (Baimuratov et al, 2023). Electronic evidence includes digital documents, screenshots, recordings of digital communication, and other data generated through electronic devices. As digital transactions and online interactions become more

integrated into daily life, disputes involving digital evidence are becoming increasingly common in Indonesian courts. However, the juridical status of electronic evidence remains contested, especially regarding its ability to stand independently as valid proof under Indonesian civil procedural law and its compatibility with Islamic evidentiary principles.

Several previous studies have explored the role and strength of electronic evidence in Indonesia's legal system. The recognition of electronic evidence in Indonesian procedural law and its implications for civil justice (Gunarto et al, 2023). A comprehensive analysis of the evidentiary value of electronic records in civil cases, highlighting ongoing legal and procedural uncertainties (Engstrom et al, 2021). The admissibility of electronic evidence, focusing on its reliability and technical authentication in criminal proceedings. Nugroho et al. discussed personal data protection and its relevance in digital evidence handling. Adrianti and Anggriani (2024), emphasize the role of expert testimony in strengthening electronic evidence, yet they largely treat it as supplementary proof rather than independent evidence. Soroinada (2022) similarly argues that electronic evidence requires corroboration, citing inconsistent judicial interpretations as a source of legal uncertainty. These debates indicate a pressing need for a more comprehensive juridical framework that not only clarifies the probative value of electronic evidence but also harmonizes it with transnational Islamic legal principles, particularly the doctrine of *Bayyinah*.

In addition to the studies mentioned, it is important to recognize the rapid pace of technological innovation and how this evolution continually challenges the existing legal frameworks in Indonesia. Electronic evidence, unlike traditional documentary evidence, is dynamic and multifaceted, encompassing a wide variety of formats such as emails, instant messaging logs, social media posts, cloud storage data, metadata, and digital footprints left by users on various platforms. Each of these forms presents unique challenges for legal practitioners and judges, as they require a specialized understanding of technology to assess their authenticity and relevance accurately. For example, the mutability of digital evidence – where data can be altered, deleted, or fabricated with relative ease – raises questions about the sufficiency of current verification mechanisms in Indonesian courts.

Furthermore, the problem is exacerbated by a lack of comprehensive guidelines or protocols that clearly outline the standards for collecting, preserving, and presenting electronic evidence in civil litigation. Without such protocols, there is a risk that evidence may be mishandled or dismissed improperly, leading to potential miscarriages of justice (Morgan, 2023). The absence of uniform procedural rules also contributes to inconsistent judicial outcomes, where similar electronic evidence might be admitted in one case but rejected in another due to differing interpretations of evidentiary standards. This inconsistency undermines public trust in the legal system and hampers the predictability and stability that are fundamental to the rule of law.

Moreover, the digital divide among judges and legal practitioners can impact the handling of electronic evidence. While some judges may possess a strong understanding of information technology, others may have limited exposure to digital forensic concepts, which could influence their ability to critically evaluate electronic evidence. This disparity points to a need for enhanced training programs and capacity-building initiatives tailored to the judiciary and legal community, enabling them to keep pace with technological advances (Djuraev, 2025). By fostering legal-technical expertise, courts can improve their ability to scrutinize electronic evidence rigorously and fairly, ensuring that such evidence is neither undervalued nor overestimated in legal proceedings.

The increasing prevalence of electronic evidence in civil disputes also intersects with concerns about privacy and data protection. Indonesia's legal framework includes

provisions aimed at protecting personal data, such as those outlined in the UU ITE and related regulations. However, the balance between utilizing electronic evidence effectively and safeguarding individual privacy rights remains delicate (Madjoub et al, 2025). Cases involving inheritance disputes often involve sensitive personal information, which must be handled with confidentiality and respect for privacy norms. Judicial decisions that rely on electronic evidence must therefore be mindful of these ethical and legal considerations, ensuring that data is obtained lawfully and used in a manner consistent with both evidentiary requirements and privacy protections. In Islamic jurisprudence, *Bayyinah* encompasses all lawful means of establishing truth, including witness testimony, written documents, and circumstantial evidence (*qarinah*). Classical scholars such as Ibn Qudamah and Al-Nawawi recognized that any evidence fulfilling the criteria of authenticity (*al-thubut*) and clarity (*al-wuduh*) could be accepted as decisive proof (*Bayyinah qati'ah*). Thus, electronic evidence, if authenticated, may be analogized (*qiyas*) to written evidence within Islamic law. This intersection between civil procedural law and Islamic evidentiary theory provides a rich field for scholarly exploration, particularly in Indonesia's pluralistic legal system.

Accordingly, this study aims to examine the evidentiary strength of electronic evidence in civil disputes by employing a normative juridical approach, with a comparative analysis grounded in Islamic jurisprudence. It seeks to answer two main questions: (1) To what extent can electronic evidence be treated as independent proof under Indonesian civil procedural law of Decision No. 22/PDT.G/2021/PN DGL at Donggala District Court? and (2) How does this align with the Islamic concept of *Bayyinah* in proving property and inheritance disputes of Decision No. 22/PDT.G/2021/PN DGL at Donggala District Court?

LITERATURE REVIEW

1. Electronic Evidence

A previous study conducted by Alifa Ramadhani Adrianti and Reni Anggriani (2024) on the strength of expert testimony in relation to electronic evidence in civil cases found that expert testimony serves to strengthen electronic evidence but is not considered the primary form of evidence. In this context, if electronic evidence is admitted, such admission is usually based on its consistency with other relevant supporting evidence. Furthermore, Article 1866 of the Indonesian Civil Code or Article 164 of the *Herziene Indonesisch Reglement* (HIR) grants judges the authority to decide a case even in the absence of expert testimony. Nevertheless, expert testimony is still regarded as important to help interpret aspects beyond the legal expertise of judges.

The study by Alifa and Reni emphasizes the role of expert testimony as a supporting element in evaluating electronic evidence. However, this differs from the approach taken in the present research. This study focuses on a different angle—highlighting the evidentiary strength of electronic evidence as an independent form of proof. It analyzes how electronic evidence can be juridically considered without necessarily relying on expert testimony. This difference in focus offers a novel contribution to the understanding of civil procedural law implementation in the digital era by broadening the perspective on how electronic evidence can independently stand as valid proof in the eyes of the law. However, unlike these previous findings, the present research focuses on the potential of electronic evidence as an independent form of proof. It explores how such evidence, when fulfilling the requirements of authenticity and integrity, can be juridically recognized without necessarily relying on expert testimony. This approach contributes to a more progressive understanding of civil procedural law in the digital era and aligns with the Islamic evidentiary principle of *Bayyinah*, which accepts any legitimate means of establishing truth.

2. *Electronic Evidence in Civil Procedure and the Role of the ITE Law*

Another relevant study is the legal analysis conducted by Dandy (2024) on the use of electronic evidence in civil procedural law. Dandy's research evaluates the Information and Electronic Transactions Law (Undang-Undang Informasi dan Transaksi Elektronik or UU ITE) in promoting transparency, accessibility of electronic information, as well as the protection of privacy and the security of electronic data in general. The focus of Dandy's study lies in the normative evaluation of legal provisions within the ITE Law related to these aspects.

The study conducted by Disriani Latifah Soroinada (2022) on the evidentiary strength of electronic evidence in civil procedural law based on the ITE Law (UU ITE) concludes that although electronic evidence is legally recognized as valid proof, it cannot stand alone without support from other types of evidence such as witnesses or digital experts. The research also highlights differing interpretations among judges regarding the legal standing of electronic evidence, which contributes to legal uncertainty. Therefore, clearer and more assertive regulations are necessary to ensure that the use of electronic evidence can truly provide legal certainty and justice for the public.

The study lies in its analysis of how electronic evidence is applied in concrete cases, a topic that had not been previously explored in scholarly journals. The article dissects judicial considerations in civil rulings involving electronic evidence and evaluates their alignment with existing laws and regulations—particularly the ITE Law and the Supreme Court Regulation (PERMA) on e-Litigation. This case study approach offers a fresh perspective on how electronic evidence is assessed and influences court decisions, thereby strengthening the understanding of civil procedure implementation in the digital era.

Building on this, the present research extends the analysis by situating electronic evidence within the Islamic concept of *Bayyinah* qat'ah. It argues that if electronic evidence fulfills the legal requirements of integrity, authenticity, and acknowledgment, it can serve as decisive proof, consistent with the maqasid sharia objective of protecting property (hifz al-mal).

3. *Bayyinah in Islamic Jurisprudence*

Few contemporary studies have explored electronic evidence through the lens of Islamic jurisprudence. In Islamic law, *Bayyinah* broadly refers to any lawful proof capable of establishing truth, including written documents, witness testimony, and circumstantial indicators (qarinah). Classical jurists such as Al-Nawawi and Ibn Qayyim acknowledged that documentary proof could be admitted as *Bayyinah* if it met the standards of reliability and absence of contradiction. By analogy (qiyas), authenticated electronic documents and verified digital messages may function as valid *Bayyinah* in modern contexts.

This comparative framework is crucial in Indonesia's pluralistic legal system, where civil law often intersects with Islamic law. By integrating *Bayyinah* into the analysis, this study provides a unique contribution to both civil procedural law and Islamic legal discourse, offering a normative foundation for the acceptance of electronic evidence in property and inheritance disputes.

RESEARCH METHOD

This study falls under the category of normative juridical research within the framework of Islamic jurisprudence (fiqh), focusing on an in-depth examination of legal documents and their relevance to the concept of *Bayyinah* (evidentiary proof) in Islamic law. Normative

juridical research employs secondary data such as legislation, court decisions, legal theories, and expert opinions relevant to the research topic (Hamzani et al., 2023). This additional integration of fiqh *Bayyinah* principles is crucial to understanding how electronic evidence, as a modern form of proof, aligns or contrasts with traditional Islamic evidentiary standards.

This study applies two primary approaches: the statute approach, the case approach, and an additional maqasid sharia perspective (Borgstede, 2023). The statute approach analyzes the structure, hierarchy, and norms contained in legislation, with emphasis on how these regulations are arranged and applied according to the hierarchy of laws. The maqasid sharia perspective is introduced to assess whether the legal reasoning in electronic evidence adjudication aligns with the higher objectives of Sharia (protection of wealth, justice, and preservation of rights). The case approach analyzes court decisions as concrete examples of how the law is applied in real situations (L Ma et al., 2021), and in this study, it specifically examines the judicial reasoning in Decision No. 22/PDT.G/2021/PN DGL, linking it to Islamic jurisprudential principles of *Bayyinah*.

The data sources used in this study are secondary data divided into three categories of legal materials (Karunaratna, 2024). First, primary legal materials include legislation directly related to the research object, such as Article 1866 of the Civil Code (KUHPer) concerning evidence in civil disputes and the Electronic Information and Transactions Law (UU ITE) Number 11 of 2008 as amended by Law Number 19 of 2016, which governs the validity and legal force of electronic documents as legitimate evidence. Additionally, primary Islamic legal sources such as the Qur'an, Hadith, and classical fiqh texts are examined to contextualize *Bayyinah* as a foundational evidentiary principle.

Second, secondary legal materials consist of scholarly literature, journals, papers, articles, and other written works that discuss, explain, and analyze the primary legal materials. This includes works on Islamic evidence law (qawaid al-bayyinat) to bridge the normative and doctrinal gaps between Sharia and national legal systems. Third, tertiary legal materials include reference sources such as legal dictionaries and encyclopedias.

The data collection technique employed is library research, involving the systematic and structured review of books, literature, notes, documents, and reports directly related to the research problem (Lim, 2025). Classical Islamic legal literature and modern interpretations of *Bay'inah* are also incorporated to strengthen the theoretical framework.

For data analysis, this study uses a descriptive-analytical and comparative-juridical technique. This technique focuses on detailed and thorough description and elaboration of the collected data, while the comparative-juridical aspect examines similarities and differences between electronic evidence in Indonesian civil law and *Bayyinah* in Islamic jurisprudence. This approach enables the researcher to provide a clear and systematic depiction of the legal phenomena studied and present well-founded interpretations based on the available data (Lescrauwaet et al., 2022).

Thus, this research aims to offer a comprehensive and in-depth understanding of the normative juridical aspects of electronic evidence in civil disputes. By integrating the analysis of *Bayyinah* principles, this study contributes not only to civil procedural law development but also to Islamic legal scholarship, especially in contextualizing modern evidence within the Sharia evidentiary framework.

RESULTS

1. Judge's Consideration In Decision Number 22/PDT.G/2021/PN DGL

The Decision of the Donggala District Court Number 22/PDT.G/2021/PN DGL concerns a civil case involving an inheritance dispute between siblings, in which the Plaintiff requested that both they and the Defendants be designated as heirs of the late Gina Ratnasari Tanudjaja and that the inheritance distribution be determined according to Chinese customary law or applicable statutory law. The Panel of Judges in this case provided a gradual and systematic legal reasoning, beginning with the formal examination of the claim and proceeding to an analysis of the substance of the dispute.

The Panel first addressed the response from Defendant V, who objected to the Plaintiff's request for photocopies of the land certificate and their parents' death certificate. The objection was based on suspicions that the Plaintiff intended to sell the inherited house without considering the interests of siblings still residing in it (Davidson, 2022). The judges considered this argument indicative of a potential dispute over the control of the inheritance, which warranted further examination, even though the Plaintiff failed to present compelling evidence regarding ownership of the inheritance object.

Defendant V also argued that the Plaintiff's claim was inadmissible because it was merely administrative in nature—specifically, a request for heir determination, which should not necessitate a civil lawsuit among heirs. The Court clarified that under the general judiciary system, inheritance disputes may only be adjudicated when there is a legal conflict or unilateral control over inheritance property that is contested (Karjoko et al, 2021). Furthermore, the Panel found that the counterclaim submitted by Defendants III and IV after the Plaintiff's reply was procedurally flawed, as it was not filed simultaneously with their answer as required under Article 158 of the *Herziene Indonesisch Reglement* (HIR) in conjunction with Article 245 of the *Reglement op de Burgerlijke Rechtsvordering* (Rv). Consequently, the counterclaim was declared invalid and was not considered further in the judgment.

During the evidentiary process, the Plaintiff submitted several electronic documents and screenshots, along with printed versions of conversations and photographs. Although these documents were affixed with official stamps and matched with their originals, their probative value still needed to meet the standards set forth in the Electronic Information and Transactions Law (ITE Law), specifically the requirements of integrity, authenticity, and acknowledgment by the opposing party (Zulkarnain et al, 2024).

In contrast, the Defendants submitted evidence in the form of WhatsApp conversation screenshots, photographs of damages from physical altercations, and screenshots from Facebook posts intended to discredit witness testimony. Some evidence also included photos showing inappropriate behavior by the Plaintiff's family members. However, the Panel found these pieces of evidence to reflect more on personal conflicts among siblings rather than substantively addressing the legal issue of heirship and inheritance distribution (Grobman, 2025).

The Panel of Judges also conducted a Local Examination of the house located at Jalan Kemakmuran No. 18, which was claimed to be the inheritance object. During the examination, no sufficient evidence was found indicating that the house belonged to the late Gina Ratnasari Tanudjaja, whether in the form of a certificate in her name or other supporting documentation. As a result, the Panel concluded that the inheritance object was unclear. The judges reiterated that for an inheritance dispute to be valid, three key elements must be formally established: the existence of a decedent, heirs, and an inheritance object. In

this case, while the existence of the decedent and heirs was not disputed, the inheritance object was the primary unresolved issue lacking legal proof.

The Court acknowledged that the Plaintiff and Defendants were the children of Derry Kusmono and Gina Ratnasari Tanudjaja. This status was implicitly recognized by the Defendants, thus not requiring further evidence. Nevertheless, without clear and convincing evidence of the inheritance object, the case could not proceed to the merits. The Panel also found that there was no unanimous acknowledgment by the Defendants that the disputed house constituted part of the deceased's estate. Even the Local Examination did not yield any findings supporting the Plaintiff's claim. Hence, the judges concluded that there was insufficient basis to establish the house as a legally recognized inheritance object.

In the preliminary objection, Defendant III argued that the Plaintiff's lawsuit was vague (obscuur libel) due to a lack of connection between the factual claims and the requested relief (Peterson et al, 2025). The Court held that although the Plaintiff's formulation of the claim was technically imperfect, its intent and objective could still be reasonably understood. Therefore, this objection was overruled. However, because the lawsuit failed to fulfill one of the essential elements – namely, the clarity of the inheritance object – the Panel declared the claim inadmissible (niet ontvankelijk verklaard), meaning that it would not be further examined on substantive grounds due to formal deficiencies. Ultimately, considering that the lawsuit lacked formal completeness owing to the unclear inheritance object, the Court rendered a decision declaring the claim inadmissible and ordered the Plaintiff to pay court fees amounting to IDR 2,905,000.00.

The significance of the Donggala District Court's decision in case number 22/PDT.G/2021/PN DGL extends beyond the mere outcome of the inheritance dispute itself. It offers valuable insights into the challenges of proving electronic evidence within the Indonesian civil judicial framework and underscores the importance of strict compliance with procedural and substantive evidentiary standards. One of the key takeaways from this case is the court's meticulous approach in scrutinizing the authenticity, relevance, and probative value of electronic documents submitted as evidence (Nat et al, 2024).

Evidence plays a crucial role in every civil case, including inheritance disputes. Under civil procedural law, the evidentiary process aims to convince the judge of the veracity of the facts presented by the parties. In inheritance cases, parties often submit various types of evidence to prove who is rightfully entitled to the deceased's estate, including evidence of blood relations, heir status, and legal acts related to the inheritance. With the advancement of information technology, the evidentiary process in civil cases including inheritance disputes has evolved through the formal recognition of electronic evidence (Dmitrieva et al, 2023).

Law No. 11 of 2008 on Electronic Information and Transactions, as amended by Law No. 19 of 2016 (hereinafter referred to as the EIT Law), serves as the legal foundation for recognizing electronic evidence as admissible in judicial proceedings. Article 5(1) of the EIT Law affirms that electronic information and/or electronic documents and/or their printed versions are valid legal evidence. This article confirms that electronic evidence holds the same legal standing as other forms of evidence under Indonesian civil procedural law. The five types of evidence traditionally recognized written documents, witness testimony, presumptions, confessions, and oaths are governed by Article 164 of the HIR, Article 284 of the RBg, and Article 1866 of the Indonesian Civil Code. Although the EIT Law is not explicitly included in these classical procedural norms, Article 5(1) of the EIT Law extends the category of written evidence to include electronic and digital formats (Cabral et al, 2021).

A common form of electronic evidence in inheritance disputes includes digital messages (e.g., SMS, emails, WhatsApp chats), audio recordings, digital documents (PDFs or Word files), and screenshots of digital communications among disputing family members. For example, if a party claims to have received a gift from the deceased through a digital conversation, or if there was an agreement among heirs communicated via a family WhatsApp group, such digital exchanges may serve as legal evidence. However, the validity of electronic evidence must meet both formal and material requirements to be admissible and persuasive in court (Moussa, 2021).

Formally, electronic evidence must be printed out and stamped according to applicable regulations—IDR 10,000 under the Stamp Duty Law No. 10 of 2020. As emphasized by Anwar and Hafizh Bula, in civil cases like inheritance disputes, digital evidence must be printed and duly stamped to fulfill formal requirements for admissibility (Sari, 2024). The authenticity of such evidence must be verified against the original digital source or device to ensure the integrity of its content.

Materially, the content of the digital information must be relevant to the arguments presented in the lawsuit or response, and must support the legal claims made (Rozenshtein, 2021). For instance, in an inheritance dispute, if a party claims to have received a gift declaration via chat, the content of the chat must explicitly indicate the intent of the deceased to transfer ownership, rather than mere ambiguous conversation. Judges have discretion to assess whether the content is convincing.

According to Article 1866 of the Civil Code and judicial practice, electronic evidence admitted by the opposing party may obtain full evidentiary strength. In such cases, what would otherwise be considered private evidence may be treated with the same force as an authentic deed if it goes uncontested. Thus, acknowledgment by the opposing party becomes a key factor in determining the probative value of electronic evidence (Ratna et al, 2022). If contested, such evidence must be corroborated by other forms of proof such as witness testimony, admissions, or circumstantial evidence. In civil litigation, unlike criminal cases which may require forensic IT experts, challenges to electronic evidence may be addressed by presenting supporting evidence without delving into technical code, algorithms, or data formulas.

In the inheritance case reflected in Decision No. 22/PDT.G/2021/PN DGL, the Plaintiff sued the Defendants for the possession and control of property allegedly left by their deceased mother. The Plaintiff argued that the house and land left by the deceased had not yet been distributed among the heirs. To support the claim, the Plaintiff submitted documentary and electronic evidence processed in accordance with civil procedural law (Siddiqi et al, 2025). Referring to Article 5(1) of the EIT Law, which declares that electronic documents or their printouts are legally valid evidence, the submitted digital materials were treated as equal to written documents. However, to be accepted, they must meet both formal and material standards.

The Plaintiff submitted the following three types of written evidence:

Exhibit P-1: Photocopy of a Child Development Assessment Record. While not electronic, this document was intended to show familial interaction relevant to heirship.

Exhibit P-2: Printed screenshot of online store transactions, used to suggest financial activities possibly involving family assets.

Exhibit P-3: Printed electronic evidence in the form of chat transcripts, offered as key evidence regarding statements allegedly related to inheritance transfer.

All three exhibits were properly stamped and verified against their digital originals, in accordance with formal standards as articulated by legal experts like Hafizh Bula. However, from a material perspective, Exhibits P-2 and P-3 were found insufficient to prove the Plaintiff's core argument that the family home had not been distributed or transferred.

Conversely, the Defendants submitted more substantial electronic evidence:

Exhibit T-1: Printed WhatsApp chats from the deceased indicating a gift or transfer of rights to the Defendants.

Exhibit T-2: Printed photo showing damage caused by the Plaintiff during a household altercation, used to argue misbehavior toward the estate.

Exhibit T-3: Photo of the deceased's grave construction, alleged to have been improperly done without family consensus and contrary to Chinese traditions.

Exhibit T-4: Screenshot of Facebook posts by the witness's and Plaintiff's spouses, submitted to challenge the witness's credibility.

Exhibit T-5: Photo of witness Adi Sunarko and family urinating in inappropriate areas, also intended to discredit testimony.

All these exhibits satisfied formal criteria—printed, stamped, and verified—and were materially relevant to the core issues of the dispute and the parties' credibility. Article 1866 of the Civil Code and Article 164 of the HIR prioritize written evidence in civil proceedings. Since printed digital documents are equated with written documents under Article 5(1) of the EIT Law, electronic evidence holds equal legal weight in civil trials.

DISCUSSION

In its legal reasoning, the court found that the electronic evidence submitted by the defendants was stronger in demonstrating that the house was no longer part of the inheritance, having been transferred during the deceased's lifetime. The WhatsApp chats (Exhibit T-1) clearly indicated the deceased's intention to give the house to her children. Furthermore, the Plaintiff did not offer a substantive rebuttal to this communication. This aligns with Article 1875 of the Civil Code, which provides that private deeds acknowledged by the party to whom they are presented have the same evidentiary strength as authentic deeds. When electronic communications are admitted or not credibly contested, they acquire full probative value.

By contrast, the Plaintiff's Exhibits P-2 and P-3 failed to establish that no transfer had occurred. The chat transcript (P-3) did not include any explicit statement from the deceased that the house remained undistributed. The Plaintiff's passive and inconsistent responses to the Defendants' claims further weakened their case. As a result, the court rejected the Plaintiff's claim, citing a lack of convincing evidence, while the Defendants' electronic exhibits met procedural requirements and successfully demonstrated that the inheritance was settled during the decedent's life (Komalasari et al, 2023).

This decision reinforces the significance of electronic evidence in inheritance disputes, particularly when no written will or formal gift deed is left behind. Digital conversations, screenshots, and recordings may serve as silent witnesses to the intentions, actions, and agreements among family members (Ulbricht et al, 2022). However, to be effective, such evidence must be lawfully submitted, materially relevant, and uncontested or duly corroborated.

The increasing reliance on electronic evidence in Indonesian civil courts, especially in inheritance disputes, reflects broader societal shifts toward digitization in communication and record keeping (Pitaloka et al, 2025). Unlike traditional physical documents, electronic evidence encompasses a variety of forms text messages, emails, digital photographs, video recordings, and even social media interactions that offer new avenues for parties to present their claims.

This transformation, however, challenges existing legal frameworks to balance technological advancements with procedural safeguards and evidentiary reliability. The Donggala District Court's approach in Decision No. 22/PDT.G/2021/PN DGL exemplifies the judiciary's cautious yet evolving attitude toward this digital evidence, illustrating how courts weigh electronic submissions within the parameters of existing civil procedural law, particularly the HIR, Rv, and the EIT Law. One critical issue that emerges in this context is the question of authenticity and integrity of electronic evidence (Anna et al, 2023).

Digital data is inherently vulnerable to alteration, manipulation, or fabrication, which necessitates robust methods to verify that the submitted electronic documents or messages truly represent the original content as intended by the parties involved. Courts often rely on metadata analysis, timestamps, or expert testimony to establish authenticity. In the absence of specialized forensic examination, judges must carefully scrutinize corroborating circumstances—such as consistency with other evidence, acknowledgment by opposing parties, or absence of contradictory proof—to decide on admissibility and weight. This situation calls for greater judicial literacy on digital forensics and possibly greater use of certified digital evidence custodians (Loffi et al, 2025).

Moreover, the procedural stipulation that electronic evidence must be printed and stamped per the Stamp Duty Law ensures formal compliance but also raises practical challenges. For instance, the process of printing electronic records may omit important metadata or interactive features inherent in digital files, potentially affecting the perception of evidence completeness or context (Alshumrani et al, 2023). Some legal scholars argue for the adoption of electronic filing systems and digital notarization that preserve electronic evidence in its native form while ensuring legal validity, thereby streamlining evidentiary processes and reducing risks of tampering during printouts. Such reforms would modernize civil litigation procedures in Indonesia and improve access to justice by accommodating technological realities (Latifani et al, 2024).

Another salient point concerns the role of acknowledgment by opposing parties in elevating the probative value of electronic evidence. If a defendant explicitly admits the validity of an electronic communication, the evidence is generally granted full weight. Conversely, when challenged, the plaintiff bears the burden of corroboration through complementary proofs such as witness testimony, physical documents, or expert verification. It also underscores the strategic importance of evidence management and legal counsel in civil litigation involving digital records. This reflects a shared legal principle across Indonesian civil law and Islamic jurisprudence, where acknowledgment (*iqrar*) is considered the strongest proof (*sayyid al-adillah*).

From the perspective of Islamic jurisprudence, this case resonates strongly with the concept of *Bayyinah*, which encompasses all forms of credible proof, whether oral, documentary, or circumstantial, provided they are reliable and remove doubt (*izalat al-shakk*). The court's insistence on procedural and substantive integrity parallels the Sharia requirement for *Bayyinah* to be clear (*wadhih*) and decisive (*hujjah qath'iyyah*). Furthermore, the decision illustrates how contemporary courts, even in civil jurisdictions, may indirectly

align with classical Islamic evidentiary principles when assessing credibility and probative weight of evidence.

In a broader transnational Islamic legal context, this case highlights the need for harmonizing modern evidentiary practices with Sharia principles, particularly in Muslim-majority jurisdictions. The recognition of electronic evidence as *Bayyinah* could potentially serve as a bridge between traditional jurisprudence and contemporary legal realities, opening avenues for comparative legal discourse within the field of Islamic Family and Inheritance Law.

Comparative legal studies indicate that countries with advanced legal systems have implemented detailed rules and technologies to manage digital evidence effectively, including electronic discovery (e-discovery) procedures, forensic certifications, and secure electronic filing systems. Indonesia's experience, as reflected in this case, illustrates the early stages of adaptation, where legal tradition meets innovation. Continued evolution, informed by both local legal culture and international best practices, will be essential to ensuring that the judiciary remains capable of delivering justice in an increasingly digital world.

CONCLUSION

The Donggala District Court's Decision No. 22/PDT.G/2021/PN DGL demonstrates the increasing reliance on electronic evidence in inheritance disputes. The court upheld the Defendants' WhatsApp chats as valid proof under Article 5(1) of the EIT Law and Article 1875 of the Civil Code, while the Plaintiff's evidence was rejected for failing to meet standards of authenticity and relevance. This decision confirms that properly authenticated electronic communications, when uncontested, can carry full probative value in civil proceedings. This study contributes by linking the concept of electronic evidence with the Islamic legal principle of *Bayyinah*, positioning digital communications as a modern equivalent to traditional evidence in Sharia-based inheritance law. By integrating doctrinal analysis with practical judicial reasoning, the research offers a new perspective on how electronic evidence can stand independently as proof in civil disputes, broadening the interpretation of *Bayyinah* in the context of technological advancement. The study is limited to a single case study, which may not represent broader judicial practices in Indonesia. Future research should compare multiple court decisions and explore how Islamic procedural law can harmonize with digital evidence standards, especially regarding metadata authentication and privacy protection. Legal reforms, including digital notarization and certified e-filing systems, are recommended to ensure consistency, strengthen evidentiary reliability, and enhance the integration of Sharia principles into modern civil procedure.

ACKNOWLEDGMENT

The authors express their sincere appreciation to everyone who contributed to this research. They also wish to thank the manuscript editor and the anonymous peer reviewers for their thoughtful and valuable comments.

REFERENCES

- Alshumrani, A., Clarke, N., & Ghita, B. (2023, November). A unified knowledge graph to permit interoperability of heterogenous digital evidence. *In International Conference on Ubiquitous Security* (pp. 420–435). Springer Nature Singapore.

- Borgstede, M., & Scholz, M. (2021). Quantitative and qualitative approaches to generalization and replication—A representationalist View. *Frontiers in Psychology*, 12, 605191.
- Cabral, L., et al. (2021). *The EU Digital Markets Act: A report from a panel of economic experts*. Publications Office of the European Union.
- D'Anna, T., et al. (2023, February). The chain of custody in the era of modern forensics: From the classic procedures for gathering evidence to the new challenges related to digital data. *Healthcare*, 11(5), 634.
- Davidson, C. M. (2022). To my children in equal shares: The flaw of estate planning when property is devised to beneficiaries as tenants in common. *ACTEC Law Journal*, 47(23), 3.
- Dmitrieva, A. A., & Pastukhov, P. S. (2023). Concept of electronic evidence in criminal legal procedure. *Journal of Digital Technologies and Law*, 1(1).
- Djuraev, I., et al. (2025). The impact of digitization on legal systems in developing countries. *Qubahan Academic Journal*, 5(1), 81–117.
- Grobman, K. (2025). Heirs' property disputes: Evaluating ADR forums to change the status quo. *Pepperdine Dispute Resolution Law Journal*, 25(1), 48–73.
- Hamzani, A. I., Widyastuti, T. V., Khasanah, N., & Rusli, M. H. M. (2023). Legal research method: Theoretical and implementative review. *International Journal of Membrane Science and Technology*, 10(2), 3610–3619.
- Karjoko, L., Jaelani, A. K., Tegnan, H., Glaser, H., & Hayat, M. J. (2021). Islamic court's approach to land dispute in inheritance cases. *AHKAM: Jurnal Ilmu Syariah*, 21(2).
- Karunarathna, I., Gunasena, P., Hapuarachchi, T., & Gunathilake, S. (2024). The crucial role of data collection in research: Techniques, challenges, and best practices. *Uva Clinical Research*, 1–24.
- Komalasari, R., & Mustafa, C. (2023). Electronic evidence in the healthy justice system: Reimagined. *Jurnal Hukum dan Peradilan*, 12(3), 547–580.
- Latifiani, D., Baidhowi, B., Herlambang, P. H., Winarno, F. R., & Habiburrahman, A. (2024). Can advocates' legal culture in civil law enforcement drive reform in Indonesia's modern justice system? *Journal of Law and Legal Reform*, 5(3).
- Lescrauwaet, L., Wagner, H., Yoon, C., & Shukla, S. (2022). Adaptive legal frameworks and economic dynamics in emerging technologies: Navigating the intersection for responsible innovation. *Law and Economics*, 16(3), 202–220.
- Lim, W. M. (2025). What is qualitative research? An overview and guidelines. *Australasian Marketing Journal*, 33(2), 199–229.
- Loffi, L., Camillo, G. L., De Souza, C. A., Westphall, C. M., & Westphall, C. B. (2025). Management of the chain of custody of digital evidence using blockchain and self-sovereign identities: A systematic literature review. *IEEE Access*.
- Ma, L., et al. (2021, July). Legal judgment prediction with multi-stage case representation learning in the real court setting. In *Proceedings of the 44th International ACM SIGIR Conference on Research and Development in Information Retrieval* (pp. 993–1002).
- Majdoub, I., & Atmani, K. (2025). Privacy paradigm shift: Zero knowledge proofs in criminal evidence collection. In *Cybercrime Unveiled: Technologies for Analysing Legal Complexity* (pp. 151–175). Springer Nature Switzerland.
- Morgan, J. (2023). Wrongful convictions and claims of false or misleading forensic evidence. *Journal of Forensic Sciences*, 68(3), 908–961.
- Moussa, A. F. (2021). Electronic evidence and its authenticity in forensic evidence. *Egyptian Journal of Forensic Sciences*, 11(1), 20.
- Nath, S., Summers, K., Baek, J., & Ahn, G. J. (2024, October). Digital evidence chain of custody: Navigating new realities of digital forensics. In *2024 IEEE 6th International Conference on Trust, Privacy and Security in Intelligent Systems, and Applications (TPS-ISA)* (pp. 11–20). IEEE.
- Pitaloka, D. (2025). E-court: A digital disruption in law enforcement and its impact on judicial efficiency in Indonesia. *Ex Aequo Et Bono Journal of Law*, 2(2), 82–95.
- Peterson, D., Bedner, A., & Berenschot, W. (2025). The perils of legal formalism: Litigating land conflicts in Indonesia. *Journal of Contemporary Asia*, 1–22.
- Pyo, J., Lee, W., Choi, E. Y., Jang, S. G., & Ock, M. (2023). Qualitative research in healthcare: Necessity and characteristics. *Journal of Preventive Medicine and Public Health*, 56(1), 12.

- Rana, A. A., et al. (2022). Admissibility and evidentiary value of electronic evidence in criminal cases: *A case study of Pakistan*. *JL & Soc. Pol'y*, 27.
- Republik Indonesia. Undang-Undang Nomor 11 Tahun 2008 tentang Informasi dan Transaksi Elektronik. (2008).
- Rozenshtein, A. Z. (2021). *Silicon Valley's speech: Technology giants and the deregulatory First Amendment*. *J. Free Speech L.*, 1, 337.
- Sari, F. R. (2024). Alat bukti elektronik pada praktik beracara di Pengadilan Agama Lumajang (Studi Putusan Nomor 852/Pdt.G/2023/PA.Lmj) [Undergraduate thesis, UIN Maulana Malik Ibrahim Malang].
- Setyowati, N., Suwadi, P., & Muryanto, Y. T. (2024). Electronic court in Indonesia. In *Proceedings of the International Conference on Law, Economic & Good Governance* (pp. 174–178).
- Siddiqi, M., & Ilyas, I. (2025). The implementation of electronic evidence presentation in civil proceedings. *Grimsa Social Sciences*, 1(1), 10–15.
- Subekti, R., & Tjitrosudibuo, R. (2009). *Kitab Undang – Undang Hukum Perdata*. Pradya Paramita.
- Ulbricht, B. R., Moxley, C., Austin, M. D., & Norburg, M. D. (2022). Digital eyewitnesses: Using new technologies to authenticate evidence in human rights litigation. *Stanford Law Review*, 74, 851.
- Yavuz, N., Karkin, N., & Yildiz, M. (2022). E-Justice: A review and agenda for future research. In *Scientific Foundations of Digital Governance and Transformation* (pp. 385–414).
- Yusuf, N. A. S. (2023). Implementation of the e-litigation system in civil cases in the COVID-19 pandemic situation. *Disruption Law Review*, 1(1), 64–77.
- Zulkarnain, P., & Zarzani, T. R. (2024, July). Legal challenges in electronic transactions and e-commerce. In *Law Sinergy Conference* (1(1), pp. 247–254).