

ORIGINAL ARTICLE



The Implementation of Electronic Evidence Presentation in Civil Proceedings

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Abstract

As judicial systems increasingly adopt digital technologies, Indonesia's Supreme Court has introduced e-litigation to streamline court procedures, including the presentation of electronic evidence in civil cases. This study investigates how electronic evidence is implemented at the Banda Aceh District Court, based on Supreme Court Regulation No. 1 of 2019. The regulation requires parties to submit documentary evidence through an e-court system and permits the examination of witnesses or experts via teleconference. Although the implementation complies with legal provisions, it faces several challenges. These include a lack of detailed procedural guidance, leading to legal uncertainty, and practical issues such as unreliable internet connectivity and limited user familiarity with digital systems. In response, the court has undertaken efforts such as upgrading network infrastructure and conducting training programs. The study concludes by recommending clearer procedural standards and enhanced technological and human resource support to improve the effectiveness of electronic evidence presentation in civil proceedings.

1. Introduction

Computerized and digital systems have dominated numerous aspects of life, including the economic, health, and legal domains. This technological advancement has made it easier for society to utilize technology. The effects of current technological progress have significantly impacted Indonesia's judicial system, a venue where citizens can pursue justice [1].

The judiciary represents state authority in receiving, examining, deciding, and resolving cases to uphold law and justice. Justice seekers naturally desire to resolve cases expeditiously without prolonged proceedings, seeking legal certainty in their disputed matters [2]. The perceived complexity of administration often deters citizens from approaching courts. As a public service facility and state institutional instrument, courts must provide a space for justice based on the principle of utility. Dispute resolution through judicial channels is considered the optimal choice for addressing parties' needs, as courts offer resolution through simplified, expeditious, and cost-effective procedural mechanisms [3,4].

In response to the need for simplified, expeditious, and cost-effective dispute resolution, the Supreme Court (MA) issued Supreme Court Regulation No. 3 of 2018 concerning Electronic Case Administration in Courts, which was later refined into Supreme Court Regulation No. 1 of 2019 concerning Electronic Case Administration and Court Proceedings (Perma No. 1 of 2019) [5,6].

Evidence presentation constitutes a crucial phase in every case examination procedure, as it is during this stage that judges determine which claims of the plaintiff or denials of the defendant can be verified. According to Yahya Harahap, evidence presentation comprises provisions

containing guidelines and instructions regarding legally permissible methods to establish the guilt charged to the accused [7].

In Indonesian legal practice, there exists an evidence hearing procedure that can be conducted digitally through the Electronic Court (e-court) system [8]. Electronic court is unlike digital litigation or digital documentation [9]. The essence of e-court utilization is the importance of online proceedings without requiring disputing parties to be present in the courtroom [10,11].

In e-litigation, evidentiary hearings are conducted according to valid procedural law, as stipulated in Article 25 of Perma No. 1 of 2019 [12]. Valid procedural law refers to conventional court procedural law. The only minor distinction between conventional and electronic court proceedings lies in the examination of witnesses and/or experts, and parties must first upload written and documentary evidence through features provided by e-court [13].

This study is guided by three core research questions that arise directly from the practical and regulatory issues outlined in the introduction. These are: How is electronic evidence presented in civil proceedings at the Banda Aceh District Court? What challenges are encountered during its implementation? And what measures have been adopted to overcome these barriers? These questions are crucial for understanding the real-world application of Supreme Court Regulation No. 1 of 2019, particularly given the lack of procedural clarity, technical limitations, and digital literacy issues previously discussed. By addressing these questions, the study aims to assess the effectiveness of current practices while identifying actionable solutions for enhancing the use of electronic evidence in Indonesia's civil justice system.

2. Methods

This study employs empirical juridical research, focusing on how legal rules function in practice within the judicial system [14,15]. Using a qualitative approach, the research aims to generate descriptive analyses based on the real-world experiences of legal actors [16]. Data sources include both primary and secondary materials. Primary data were obtained through field research involving structured interviews with two judges of the Banda Aceh District Court, one complaint information staff member, and four advocates or e-court users. Secondary data consist of relevant legislation, judicial regulations, academic literature, and prior studies related to e-litigation and electronic evidence. Data collection techniques combined interviews and document analysis, with the findings examined through qualitative-descriptive analysis to interpret patterns and draw conclusions about the implementation of electronic evidence in civil court proceedings [17,18]. All participants provided informed consent prior to their interviews, and confidentiality was maintained throughout the study. Ethical approval for this research was obtained in accordance with institutional guidelines.

3. Results and Discussion

3.1 The Implementation of Electronic Evidence Presentation in Civil Cases at the Banda Aceh District Court

The Banda Aceh District Court initiated e-court implementation in 2018, following Supreme Court Regulation No. 3 of 2018 concerning Electronic Case Administration in Courts, which was subsequently amended by Supreme Court Regulation No. 1 of 2019 concerning Electronic Case Administration in Courts, issued by the Supreme Court.

The evidence presentation phase is crucial in judicial decision-making during court proceedings. Electronic evidence presentation is conducted with the consent of all parties involved. This evidentiary process is vital for both judges and disputing parties, as it establishes the certainty of disputed events and verifies their actual occurrence. The implementation of electronic evidence presentation in civil cases is stipulated in Article 4 of Supreme Court Regulation No. 1 of 2019. To pursue material truth during e-litigation evidence presentation, plaintiffs and

defendants must obtain accurate and precise information to facilitate court proceedings.

The advent of e-litigation represents significant progress, offering convenience to all parties, particularly in electronic evidence presentation, which proves more effective and efficient than conventional methods. E-litigation offers several advantages, including cost-effectiveness, practicality, and expeditious processing, as parties are not required to attend multiple court sessions physically.

In electronic evidence presentation, parties must upload stamped documentary evidence to the Court Information System. To assess the validity of uploaded documentary evidence, a verification hearing is conducted in person to authenticate the original documents by requiring the disputing parties to appear before the court.

According to Supreme Court Regulation No. 1 of 2019, the electronic evidence presentation mechanism requires parties to upload preliminary evidence simultaneously with their complaint/response submissions. Following this initial upload, parties are scheduled for an in-person evidence verification hearing to validate previously uploaded evidence in the e-court service system.

Conducting in-person evidence hearings aligns with Article 25 of Supreme Court Regulation No. 1 of 2019, which stipulates that evidence hearings must comply with valid procedural law. During hearings, witness and/or expert examination can be conducted remotely through audiovisual communication media, enabling all parties to see, hear, and participate directly in proceedings. This arrangement requires agreement from both disputing parties, as regulated in Article 24 of Supreme Court Regulation No. 1 of 2019.

The fundamental principles of electronic and conventional evidence presentation remain identical, as electronic evidence presentation still adheres to valid civil procedural law, as specified in Article 25 of Supreme Court Regulation No. 1 of 2019. The key distinction lies in the requirement for parties to upload preliminary evidence simultaneously with their complaint/response submissions in electronic presentation. Another differentiating factor between electronic and conventional evidence presentation is the witness/expert examination process. In electronic evidence presentation, witness/expert examinations can be conducted electronically using audiovisual communication media, enabling all parties to participate in proceedings.

3.2 Obstacles in the Implementation of Electronic Evidence Presentation Phases at the Banda Aceh District Court

The obstacles encountered during the implementation of electronic evidence presentation phases in e-litigation at the Banda Aceh District Court can be categorized into legal and non-legal barriers:

3.2.1 Legas Barriers

Undefined Electronic Evidence Presentation Procedures, Supreme Court Regulation Number 1 of 2019 has not yet comprehensively detailed the electronic evidence presentation process. Article 25 merely states that the evidence presentation process must adhere to valid procedural law, referring to the procedures used in conventional court proceedings. The Supreme Court Decision Letter No. 129/KMA/SK/VIII/2019 concerning Technical Guidelines for Case Administration and Electronic Court Proceedings has established regulations regarding electronic evidence presentation, stipulating that parties must upload stamped documentary evidence to the Court Information System.

The preliminary evidence upload requirement, concurrent with the submission of complaints/responses, appears merely procedural, as parties are still required to attend

scheduled evidence verification hearings to authenticate previously uploaded evidence by presenting the original documents.

Users' reluctance to utilize electronic evidence presentation is particularly evident in relation to witness or expert examinations conducted electronically, where witnesses or experts cannot appear in person at the proceedings. This hesitation stems from the requirement that proposed witnesses or experts must be present at their nearest District Court to participate in electronic examination proceedings using the audiovisual communication facilities provided by that District Court where they provide their testimony.

3.2.2 Non-Legal Barriers

First non-legal barriers is internet connectivity, Internet connectivity is crucial for the utilization and implementation of e-court and e-litigation systems. Unstable internet connections disrupt both e-court usage and electronic court proceedings. While the Banda Aceh District Court has been equipped with adequate internet connectivity to conduct e-litigation, frequent connectivity instability issues continue to impede optimal e-litigation processes, particularly during witness and/or expert examinations. Communication through these media platforms becomes challenging when witnesses or experts are located in areas with unreliable internet connectivity. Furthermore, Advocates must utilize their own internet facilities when accessing e-court services, which sometimes suffer from instability, making it difficult for Users to access e-court and particularly the documents uploaded through the system.

The primary technical impediment to e-court operations remains the inconsistent internet connectivity experienced by users. Although the Banda Aceh District Court has implemented optimal internet infrastructure to support e-court operations, network connectivity remains a critical focus area. Internet connectivity represents a fundamental concern in implementing e-court services effectively.

Second is Human Resources also another significant barrier to electronic evidence presentation relates to human resources, specifically e-court service users. Despite e-court's intention to provide flexibility for justice seekers, many users lack understanding of e-court operational mechanisms. Additionally, users often demonstrate limited proficiency in internet usage, with many lacking even basic requirements such as email accounts due to insufficient digital literacy.

Currently, a significant number of users remain unfamiliar with operating electronic media and email systems, resulting in widespread absence of email accounts among potential users. In Aceh specifically, technological illiteracy remains prevalent, presenting a substantial obstacle to e-court implementation. This situation presents a significant challenge for the Banda Aceh District Court in terms of conducting more extensive public outreach regarding e-court services and their potential to facilitate access to justice.

3.3 Efforts Undertaken to Resolve Obstacles in Electronic Evidence Verification Procedures at the Banda Aceh District Court

Every emerging obstacle necessarily has corresponding efforts to resolve these challenges. Further explanation regarding the implemented measures to address existing obstacles are as follows:

First one is Internet Network Evaluation and Enhancement, Recognizing that a balanced internet network is crucial for operating e-court services, the Banda Aceh District Court continuously improves its facilities to optimally support e-court operations, particularly in enhancing internet connectivity. Currently, the Banda Aceh District Court utilizes Local Area Network (LAN) infrastructure, as LAN provides stable connectivity and remains resilient during adverse weather conditions. This implementation aims to support and enhance the Banda Aceh Court's performance and optimize e-court operations.

To address unstable internet connectivity issues, efforts are made to improve network stability by increasing the office Wi-Fi speed. Network speed is particularly crucial in today's digital era, ensuring attorneys can maximize their utilization of e-court services and prevent errors during document upload or storage within the e-court system.

Second one is Human Resource Quality Enhancement, E-litigation cannot function optimally without high-quality human resources. The Banda Aceh District Court continuously enhances human resource capabilities through training, education, and socialization programs to introduce and implement e-court and e-litigation services effectively, in accordance with Supreme Court Regulation No. 1 of 2019, while improving satisfaction levels for justice seekers at the Banda Aceh District Court.

Attorneys play an important role in improving human resource capacity by participating in e-court outreach and helping disseminate knowledge to the public. However, ensuring equal access to technological literacy remains a major challenge, especially in regions where internet penetration is low and digital trust is limited. While training programs and infrastructure upgrades are crucial steps, they alone may not address deeper concerns. Many users remain hesitant to fully engage with digital systems due to doubts about their reliability, fairness, and data security. These psychological and cultural barriers highlight the need for broader efforts to build public confidence in the digital judiciary.

Moreover, the success of e-court implementation cannot rely solely on technical improvements. It also requires legal and institutional reforms that address more fundamental gaps. As it stands, e-court operations are governed primarily by Supreme Court Regulation No. 1 of 2019. While this regulation provides a basic framework, it may not be sufficient to resolve complex issues such as the enforceability of electronic evidence, procedural fairness in remote hearings, and the rights of digitally disadvantaged parties. To ensure that the system is inclusive and trustworthy, comprehensive legislation is needed one that clarifies legal standards for digital procedures, establishes stronger accountability measures, and affirms the legitimacy of electronic judicial processes.

A more critical reflection on these structural and normative challenges is essential to understanding the real potential and limitations of e-court systems. Without addressing these foundational issues, technical improvements alone may fall short in achieving the goals of judicial efficiency, transparency, and equitable access to justice.

4. Conclusions

This study highlights the practical challenges and efforts surrounding the implementation of electronic evidence presentation in civil proceedings at the Banda Aceh District Court. The findings contribute to a broader understanding of how Indonesia's e-litigation system functions at the local level, shedding light on issues such as legal ambiguity, technical limitations, and human resource constraints. These insights are particularly relevant for judicial reform efforts aiming to modernize court processes. To improve system effectiveness, we recommend that the Supreme Court develop clearer procedural guidelines, enhance digital infrastructure across all regions, and invest in digital literacy programs for court users. Additionally, simplifying the verification process and providing consistent support for audiovisual examinations could reduce barriers to access and efficiency. While the study offers valuable qualitative insights, it is limited by its narrow geographic focus and small sample size. Future research should expand to other jurisdictions and consider mixed-method approaches to capture broader trends and measurable impacts of e-litigation implementation nationwide.

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