

## Legal Analysis Of The Validity Of Electronic Documents And Signatures As Evidence In Legal Proceedings In Indonesia

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**Abstract:** *This study aims to analyze the validity and evidentiary value of electronic documents and signatures in legal proceedings in Indonesia following the enactment of Law No. 1 of 2024 on Electronic Information and Transactions. This study uses a normative legal research method with a legislative and conceptual approach. The research population consists of legal norms and legal doctrines related to electronic evidence, while the research sample includes Law Number 1 of 2024, Government Regulation Number 71 of 2019, HIR, RBg, as well as relevant court decisions and scientific literature. The research instrument is a literature study of primary and secondary legal materials analyzed qualitatively using deductive reasoning. The results show that electronic documents and signatures are normatively recognized as valid evidence. However, in judicial practice, their evidentiary value is still relative because they are generally positioned as private deeds and are highly dependent on the judge's assessment. This study concludes that although regulations have provided a strong legal basis, strengthening technical regulations and increasing the understanding of law enforcement officials is still necessary to ensure legal certainty in electronic evidence.*

**Keywords:** *Electronic Documents, Electronic Signatures, Evidence, Legal Evidence*

### INTRODUCTION

The development of information technology has fundamentally changed the way people conduct legal relationships, particularly in the use of electronic documents and signatures. The digitization of legal transactions promotes efficiency and speed, but at the same time raises legal issues in the legal evidence system. Electronic documents, which were previously unknown in procedural law, are now part of judicial practice. Experts emphasize that electronic evidence is an extension of the documentary evidence recognized by Indonesian procedural law (Makarim, 2014). Therefore, the existence of electronic documents requires a strong and clear legal basis. Without legal certainty, the use of electronic documents has the potential to cause disputes. This condition makes the juridical study of electronic evidence increasingly relevant.



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In response to these developments, Indonesia has updated its information technology regulations through Law Number 1 of 2024 concerning the Second Amendment to the Law on Electronic Information and Transactions. This law reaffirms that electronic information and electronic documents are valid legal evidence. The strengthening of electronic evidence norms is intended to ensure legal certainty in digital transactions. However, research shows that normative recognition is not always followed by uniform understanding at the level of judicial practice (Nazran et al., 2022). This raises the potential for inconsistency in the acceptance of electronic evidence. Therefore, academic studies are needed to bridge norms and practices.

The validity of electronic documents is not only determined by their digital form, but also by the electronic system that guarantees their authenticity and integrity. In evidence, electronic documents must meet the elements of authenticity, integrity, and availability in order to be accepted by judges. Sukmasari et al., (2024) emphasize that electronic evidence has formal and material properties that must be proven cumulatively. If these requirements are not met, the strength of the evidence may be questioned. This shows that electronic evidence requires adequate technical and legal understanding. Thus, the validity of electronic documents is a crucial issue in modern evidence law.

In addition to electronic documents, electronic signatures play a central role in ensuring the validity of digital legal actions. Electronic signatures serve as a means of authenticating the identity and consent of the parties. Research by Kusumahpraja, (2022) states that the probative value of electronic signatures depends on their type, specifically whether they are certified or not. In judicial practice, electronic signatures are generally positioned as private deeds. This has an impact on their probative value, which is not automatically perfect. Therefore, analysis of the validity of electronic signatures is very important.

Several studies show that even though electronic signatures are legally recognized, their implementation still faces obstacles. Khusniyah & Widayati, (2021) found that electronic signatures cannot yet be equated with authentic deeds in civil procedure law. This condition means that the burden of proof remains with the party submitting electronic evidence. Differences in

perception among law enforcement officials further increase the risk of legal uncertainty. As a result, parties to electronic transactions have not yet obtained optimal legal protection. This indicates the need for more in-depth legal studies.

In the context of legal protection, the use of electronic documents and signatures is closely related to the rights and obligations of the parties. Users of electronic signatures must obtain guarantees of legal certainty and security as consumers of electronic systems (Rusli et al., 2024). Without certainty regarding the validity of evidence, trust in electronic transactions may decline. Therefore, electronic evidence regulations must be able to provide balanced legal protection. This protection is not only preventive but also repressive in dispute resolution. This reinforces the urgency of academic studies in this field.

The development of electronic evidence law in Indonesia is also influenced by the dynamics of international law. Many countries have adopted international standards such as the UNCITRAL Model Law and eIDAS Regulation. However, research shows that the harmonization of Indonesian national regulations with international standards still faces challenges (Wulandari, 2025). Inconsistencies between information technology law and public office law, such as notary law, still often occur. This has implications for the evidentiary strength of electronic documents in cross-sector transactions. Therefore, a comprehensive legal analysis is urgently needed.

Based on this description, it can be concluded that although Law Number 1 of 2024 has provided a clearer legal basis for electronic documents and signatures, challenges in legal evidence still remain. The validity and probative value of electronic evidence require a deep normative and doctrinal understanding. Therefore, this research is important to legally analyze the validity of electronic documents and signatures as evidence in legal proceedings in Indonesia. This study is expected to contribute academically and practically to the development of national evidence law that is adaptive to technological advances.

## METHOD

This study uses normative legal research with a library research approach. Normative legal research focuses on the study of legal norms, legal principles, and doctrines that have developed in legal science. This approach was chosen because the issues studied relate to the validity of electronic documents and signatures as evidence according to legislation. The data used are secondary legal materials obtained through legal literature searches. Normative research is considered appropriate for analyzing the strength of electronic evidence within the framework of positive law. This method allows researchers to examine the compatibility between legal norms and modern concepts of evidence.

The approaches used in this study include the statute approach and the conceptual approach. The statute approach was conducted by examining Law Number 1 of 2024 concerning Electronic Information and Transactions and regulations related to evidence. Meanwhile, the conceptual approach was used to examine the concepts of electronic documents, electronic signatures, and their evidentiary value according to legal experts' doctrines. The analysis of legal materials was conducted qualitatively using deductive reasoning. The results of the analysis were systematically organized to answer the research questions. This method of analysis is commonly used in legal research related to electronic evidence.

## RESULT AND DISCUSSION

### The Validity of Electronic Documents as Evidence

Electronic documents have been normatively recognized as valid evidence in the Indonesian legal system. This recognition is a form of legal adaptation to developments in information technology that have changed the patterns of legal transactions and communication. In the study of legal evidence, electronic documents are understood as an extension of documentary evidence, which was previously only known in conventional written form. Makarim, (2014) states that electronic evidence is "best evidence" as long as it meets the legal and technical requirements specified by law. Thus, the validity of electronic documents is no longer questioned in terms of

form, but in terms of fulfilling the requirements of authenticity and reliability. This confirms that Indonesian evidence law has moved towards a more adaptive system.

The validity of electronic documents as evidence is not absolute, but conditional. Electronic documents must meet formal and material requirements in order to be accepted in the evidence process. Formal requirements relate to legal recognition of electronic documents as evidence, while material requirements relate to the substance and quality of the document. Electronic documents must guarantee the authenticity, integrity, and availability of data (Sukmasari et al., 2024). If one of these elements is not fulfilled, the electronic document may lose its evidentiary value. Therefore, electronic evidence requires stricter standards than conventional documents.

In civil procedure law, electronic documents are generally positioned as evidence in the form of private deeds. This means that their evidentiary value is not as perfect and binding as authentic deeds. Electronic documents only have evidentiary power as private deeds, so they still require additional recognition or proof in court (Khusniyah & Widayati, 2021). This position gives judges considerable discretion in assessing the evidentiary power of electronic documents. Thus, even if they are normatively valid, electronic documents are not necessarily decisive in proving a case.

In addition, the assessment of the validity of electronic documents is highly dependent on the capabilities of the electronic system used. The electronic system must be able to guarantee that the document has not been altered since it was first created. Electronic documents can only be accepted as evidence if they can be accessed, displayed, guaranteed to be complete, and legally accountable (Nazran et al., 2022). In judicial practice, this often requires expert testimony in the field of digital forensics. Thus, the verification of electronic documents is not only legal but also technical in nature.

The validity of electronic documents is also closely related to the level of legal trust in the electronic system used. Electronic documents supported by certified electronic signatures have a higher level of reliability than ordinary electronic documents (Bareta et al., 2023). Electronic certification serves as a guarantee of document identity and integrity. Therefore, the use of electronic documents without adequate certification system support has the potential to weaken

their evidentiary strength. This shows that the validity of electronic documents is greatly influenced by legal and technological infrastructure.

In the context of comparative law, several countries have given electronic documents a stronger position. However, research shows that Indonesia is still cautious in equating electronic documents with authentic documents. Regulatory limitations and suboptimal harmonization with international standards are factors that hinder the strengthening of the validity of electronic documents (Wulandari, 2025). This caution reflects efforts to maintain a balance between technological innovation and legal protection. However, on the other hand, it can also hinder legal certainty in electronic transactions.

Based on this discussion, it can be concluded that electronic documents are normatively valid as evidence in Indonesian law. However, this validity is conditional and highly dependent on the fulfillment of legal and technical requirements. Electronic documents are generally treated as private deeds with imperfect evidentiary power. Therefore, strengthening technical regulations and improving the understanding of law enforcement officials are important factors in optimizing electronic evidence. This analysis shows that the validity of electronic documents still needs to be strengthened from both a normative and implementative perspective.

### **The Validity of Electronic Signatures from a Legal Perspective**

Electronic signatures are legal instruments that serve to identify the signatory and indicate agreement with the contents of an electronic document. From a legal perspective, electronic signatures have an important position because they replace the function of conventional signatures in digital transactions. Electronic signatures are essentially a manifestation of the will of the parties expressed through an electronic system (Dewi & Santoso, 2022). Thus, the validity of an electronic signature is not determined by its physical form, but by its ability to guarantee the identity and integrity of the document. This is in line with the principle of freedom of contract in civil law. Therefore, electronic signatures are considered valid as long as they meet the legal requirements stipulated by law.

In the Indonesian legal system, the validity of electronic signatures is distinguished based on their type, namely certified and uncertified electronic signatures. Certified electronic signatures are supported by electronic certificates issued by Electronic Certification Providers. The difference in the types of electronic signatures has direct implications for their evidentiary value in court (Kusumahpraja, 2022). Certified electronic signatures have a higher level of reliability because they guarantee authentication and non-repudiation. Meanwhile, non-certified electronic signatures are more vulnerable to debates over their validity. This difference shows that the law treats them differently based on the level of security of the technology used.

From a legal perspective, electronic signatures are generally positioned as handwritten evidence. Although electronic signatures are legally valid, their evidentiary value cannot be equated with authentic deeds (Khusniyah & Widayati, 2021). As a result, judges still have broad discretion in assessing the validity and evidentiary value of electronic signatures. This is different from signatures on notarial deeds, which have perfect evidentiary value. Thus, the validity of electronic signatures is relative and contextual. The judge's assessment is a determining factor in judicial practice.

The validity of electronic signatures cannot be separated from the technical aspects of the electronic system used. Electronic signatures are only valid if they can be verified and legally accounted for (Nazran et al., 2022). This verification includes the system's ability to prove that the signature was actually made by the legitimate identity owner. In many cases, this proof requires the testimony of an information technology or digital forensics expert. Without such technical support, the validity of electronic signatures can be questioned. Therefore, the verification of electronic signatures is multidisciplinary in nature.

In the context of public office, particularly notary services, the validity of electronic signatures is still a matter of debate. The absence of specific regulations governing authentic deeds based on electronic signatures means that notarial deeds must still be signed physically (Girsang et al., 2024). This indicates that there are legal restrictions on the application of electronic signatures in certain areas. Nevertheless, electronic signatures remain valid for use in non-

authentic civil documents. This difference in regulation reflects legal caution in maintaining the authority of public officials.

From a legal protection perspective, the use of electronic signatures must guarantee security and certainty for the parties involved. Users of electronic signatures are entitled to legal protection as consumers of electronic systems (Rusli et al., 2024). This protection includes identity guarantees, data confidentiality, and dispute resolution mechanisms. Without adequate protection, electronic signatures have the potential to be misused. Therefore, the validity of electronic signatures must be accompanied by an effective monitoring and law enforcement system. This is important to maintain public trust in electronic transactions.

Based on the above description, it can be concluded that electronic signatures are legally valid as long as they meet the normative and technical requirements specified by law. However, their evidentiary strength varies depending on the type and mechanism of certification. Certified electronic signatures have stronger evidentiary value than regular electronic signatures. Nevertheless, electronic signatures are not yet fully equivalent to signatures on authentic deeds. Therefore, strengthening regulations and the understanding of law enforcement officials is key to optimizing the evidentiary value of electronic signatures in Indonesia.

## **Evidential Value of Documents and Electronic Signatures in Court**

The evidentiary value of electronic documents and signatures in Indonesian courts is rooted in the evidentiary system regulated in procedural law, specifically Article 164 of the HIR and Article 284 of the RBg. Law Number 1 of 2024 concerning Electronic Information and Transactions (ITE Law) emphasizes that electronic information, electronic documents, and their printouts are valid legal evidence. This regulation places electronic evidence as an extension of documentary evidence in procedural law. Theoretically, this extension aims to address the need for evidence in the digital age. This normative recognition still requires procedural law reconstruction to be in line with the values of justice and legal certainty (Gunarto et al., 2023). Thus, the probative value of electronic evidence is still developing gradually.

In civil procedural law, electronic documents are generally treated as private deeds. This means that their evidentiary power is free and not as binding as authentic deeds. Electronic documents have the same evidentiary power as written letters, as long as they meet the requirements of accessibility, integrity, and accountability (Adhan et al., 2022). However, exceptions apply to documents that, according to the law, must be made in the form of a notarial deed. This confirms the existence of normative limitations in the equalization of electronic evidentiary value. Therefore, judges remain central actors in assessing the weight of evidence.

The probative value of electronic signatures is greatly influenced by the existence of electronic certificates. Government Regulation No. 71 of 2019 concerning the Implementation of Electronic Systems and Transactions (PP PSTE), which is still in force, regulates the reliability requirements for electronic systems and electronic signatures. Electronic signatures that meet the requirements of authentication and verification have valid evidentiary value in civil cases (Iswari & Rudy, 2023). Electronic certification provides identity assurance and non-repudiation for the parties. Thus, certified electronic signatures tend to be more convincing to judges. Conversely, uncertified electronic signatures are more easily disputed.

In court practice, the probative value of electronic evidence is also determined by the fulfillment of material and procedural requirements. Electronic evidence must be obtained lawfully and presented through a reliable electronic system. Evidence obtained unlawfully may be disregarded by the judge (Bangsa & Zarani, 2023). This principle is in line with the due process of law in evidence. Therefore, the strength of electronic evidence depends not only on the substance of the evidence, but also on the legality of the process of obtaining it. This shows that electronic evidence is both procedural and substantive in nature.

In the context of criminal evidence, electronic documents and signatures also play a significant role. Law No. 1 of 2024 on ITE functions as *lex specialis* to the Criminal Procedure Code in cases related to cybercrime. Electronic evidence plays an important role in the search for material truth, but it must still be tested through a valid evidence mechanism (Aryanto & Sudarto, 2025). In practice, judges often require the support of digital forensic experts to assess the validity

of evidence. This reinforces the technical nature of electronic evidence. Thus, the strength of electronic evidence in criminal cases is highly contextual.

In addition, the use of electronic evidence in judicial practice also faces authentication challenges. Wulandari, (2025) in her study on electronic medical records, states that electronic evidence does not have binding evidentiary power, but rather free evidentiary value that depends on the judge's belief. This condition reflects the judiciary's cautious approach to digital evidence. The challenges of data manipulation and digital forgery are the main reasons. Therefore, technical verification mechanisms are very important. Without adequate verification, the probative value of electronic evidence can be weakened.

From a comparative and legal system strengthening perspective, in some countries, electronic signatures have been fully accepted as strong evidence in court (Primadani et al., 2023). Indonesia still applies a gradual approach by placing electronic evidence as valid but not always decisive evidence. However, Law Number 1 of 2024 has strengthened the legal foundation of electronic evidence compared to the previous regime. With the harmonization of procedural law and the enhancement of the technical capacity of law enforcement officials, electronic documents and signatures have the potential to have more optimal evidentiary strength in the future.

## CONCLUSION

Based on the results and discussion outlined above, it can be concluded that electronic documents and electronic signatures have been normatively recognized as valid evidence in the Indonesian legal system. This recognition has gained a stronger legal basis through Law No. 1 of 2024 concerning Electronic Information and Transactions, which confirms the expansion of evidence in procedural law. Electronic documents are positioned as valid documentary evidence as long as they meet formal and material requirements, particularly those related to authenticity, integrity, and accessibility. However, in court proceedings, electronic documents are generally still treated as private deeds, meaning that their evidentiary value is discretionary and not completely binding. The same applies to electronic signatures, where their probative value is greatly

influenced by the type of electronic signature used, especially whether it is supported by a valid electronic certificate. Thus, although normatively valid, the probative value of electronic documents and signatures still depends heavily on the judge's assessment and the fulfillment of technical and procedural aspects.

This study shows that the evidentiary value of electronic documents and signatures in court is contextual and multidimensional. In addition to being subject to the provisions of the ITE Law, electronic evidence must also be in accordance with applicable procedural laws, such as the HIR, RBg, and other implementing regulations, including Government Regulations on the Implementation of Electronic Systems and Transactions. In practice, electronic evidence often requires the support of other evidence, such as digital forensic expert testimony, to convince judges of its validity and reliability. The fragmentation of regulations, particularly in the field of public office such as notary, shows that regulatory harmonization is still a work in progress for lawmakers. Therefore, it is necessary to strengthen technical regulations, increase the capacity of law enforcement officials, and harmonize procedural law with technological developments so that electronic documents and signatures are not only normatively valid but also have effective evidentiary power in ensuring legal certainty and justice in Indonesia.

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