# A Legal Analysis of the Challenges and Enforcement Mechanisms of Electronic Evidence in the Iranian Judicial System

**1. Alireza Poor Mollaei: Department of Law, Ki.C., Islamic Azad University, Kish Island, Iran.**
**2. Amirhamzeh Salarzaei*: Full Professor, Department of Jurisprudence and Fundamentals of Islamic Law, University of Sistan and Baluchestan, Zahedan, Iran.**
**3. Saeidsharafoddin Tabatabaei: Department of Jurisprudence and Law, Zah.C., Islamic Azad University, Zahedan, Iran.**

*Correspondence: Amir_hsalar@theo.usb.ac.ir

**Abstract**

The legal analysis of the challenges and enforcement mechanisms of electronic evidence in the Iranian judicial system reveals that with the expansion of digital technologies, electronic evidence has emerged as a modern tool in judicial proceedings. Despite advantages such as speed, accuracy, and ease of storage, electronic evidence faces challenges including authentication, data security, linguistic differences, and the large volume of information. In the Iranian judicial system, although laws such as the Electronic Commerce Act (2003) and the Computer Crimes Act (2009) have facilitated the recognition of electronic evidence, the enforcement of such evidence remains ambiguous due to insufficient technical and legal infrastructures. This study emphasizes the necessity of enacting comprehensive legislation, establishing appropriate technical infrastructures, and training judges and legal practitioners to effectively utilize electronic evidence, thereby fully safeguarding the rights of litigants and achieving fair trials.

**Keywords:** electronic evidence, Iranian judicial system, legal challenges, enforcement mechanisms, electronic litigation, evidence authentication, data security, Electronic Commerce Act, Computer Crimes Act, fair trial.

Received: 12 August 2024
Revised: 01 September 2024
Accepted: 18 October 2024
Published: 26 October 2024



**Citation**: Poor Mollaei, A., Salarzaei, A., & Tabatabaei, S. (2024). A Legal Analysis of the Challenges and Enforcement Mechanisms of Electronic Evidence in the Iranian Judicial System. *Legal Studies in Digital Age*, 3(4), 175-183.

## 1. Introduction

The main mission of the judiciary is to resolve disputes, and to achieve this goal, in addition to substantive laws, procedural rules are required. Unlike substantive laws, procedural law undergoes changes according to the exigencies of time, place, and new technologies. The Code of Civil Procedure enacted in 2000, due to its inefficiency, needs to be revised in order to reduce litigation costs and delays. These efforts have manifested in the form of the Case Management System and the simplification of judicial procedures (Bahrami, 2013).

Simplification of procedures is carried out both legally and materially. Material simplification, through the use of electronic technologies, has transformed the traditional litigation system. The Criminal Procedure Code of 2013 and the Military Crimes Procedure Code have taken significant steps towards the electronicization of proceedings. Moreover, the Regulation on the Use of Computer Systems was enacted in 2016 (Shams, 2019).

Electronic litigation is expanding, but a comprehensive law in this field has not yet been enacted. Many stages of litigation are conducted electronically; however, challenges remain in safeguarding the rights of litigants. The right to petition, guaranteed by the Constitution, must also be preserved in electronic litigation. Electronic systems must be designed based on legal rights, not merely technology. Although electronicization of proceedings is advancing rapidly, some outdated regulations have been abandoned without appropriate replacements. This may lead to violations of procedural principles and litigants' rights (Abhari et al., 2020; Esmaeili & Pourghahramani, 2019; Friedman, 2007).

Litigants have no choice between electronic and traditional litigation. In contrast, in some countries like France, electronic litigation is optional and conducted with the consent of the parties. The primary goal of litigation is to achieve justice. Therefore, procedural formalities must be regulated in line with procedural principles, even if conducted electronically. Information technology has brought major transformations to the traditional evidentiary system (Linan de Belfon, 2011).

Today, electronic evidence is recognized as valid evidence in legal proceedings. Iran's Electronic Commerce Act has recognized electronic evidence as a new type of proof in litigation (Mohseni & Beheshtipour, 2021).

Challenges associated with electronic evidence include susceptibility to forgery, lack of trust in information systems, and the need for technical experts to verify the validity of such evidence. The use of electronic evidence in courts requires technical and legal infrastructures to ensure its credibility and reliability. Electronic litigation, as a novel approach, has moved away from traditional models and facilitates the litigation process through electronic platforms. The necessity of electronic litigation to reduce costs, save time, and achieve fair trials is increasingly felt (Mohajeri, 1999).

Citizens expect judicial services to be provided swiftly and easily with minimal physical presence. Electronic litigation can respond to this need. Iran's laws regarding electronic litigation are nascent and insufficient. Attention to the deficiencies and practical limitations of this system is essential. The challenges of electronic litigation include guaranteeing litigants' rights, upholding the principles of fair trial, and maintaining neutrality. Material simplification must be conducted in a way that ensures the rights of the parties, particularly the weaker party, and prevents technological harms (Mo'azen Zadegan & Roosta, 2017).

The aim of this study is to examine the challenges and enforcement mechanisms of electronic evidence, the legal foundations of electronic litigation, and its adherence to fundamental principles of litigation within the Iranian legal system.

## 2. Methodology

The research method is descriptive-analytical, and the data collection method is library-based. Initially, searches were conducted in databases and websites such as the Iranian Research Institute for Information Science and Technology, the Noor Computer Research Center (Noormags), Tebyan, Magiran, and the Tehran Municipality website, followed by visits to digital libraries (National Library) and certain university libraries. Based on the chosen topic and prior research, legal books and articles have been predominantly utilized to assist the researcher.

In this study, the library-documentary method was employed, along with the use of internet resources and academic books and articles relevant to the subject.

The data collection tool was note-taking, which is a common method in humanities theses. The method of data analysis consisted of careful study, analysis, and categorization of written books, articles, and computer networks related to the thesis topic; subsequently, the notes were organized and classified into chapters.

## 3. Theoretical Framework

Any electronic data, software, or hardware that can provide valuable information for the purpose of proving a claim, mounting a defense, discovering a crime, or forming judicial reasoning is considered electronic evidence. Such information, which may not exist in paper documents, can play a significant role in the process of criminal prosecution or litigation and, considering the development of electronic technologies, particularly information and communication technologies, is regarded

as an important tool of legal science. In other words, highly important information about individuals and businesses is created, stored, processed, and exchanged electronically, which can significantly contribute to the litigation or criminal prosecution processes. Electronic versions can offer valuable information not present in paper-based records. As companies and individuals have increasingly relied on their computer systems, the attention of lawyers and law enforcement authorities has been drawn to the valuable reservoirs of information maintained within these systems. These actors have become seriously committed to discovering and presenting electronic data in all their cases. Today, computer technology has brought about a major revolution in the way information is managed and businesses are operated (Shams, 2019).

Information about important businesses is rapidly being created, stored, and communicated electronically. No longer is crucial information, relevant to civil litigation or criminal prosecution, merely registered in paper files or commercial records; rather, it is stored and archived within computer systems or in machine-readable formats. As individuals and companies have increased their reliance on computer systems, investigators and attorneys have recognized the value of these electronic information reservoirs. These electronic archives have increasingly been referenced for the discovery and prosecution of various types of claims (Abhari et al., 2020).

## 4. The Importance of Electronic Evidence

Given the expansion of computer technology in information management and the increased use of computer systems instead of paper files, valuable stores of information are created in computer systems, making their discovery and use particularly significant. For several decades, courts in developed countries have been utilizing such evidence. The discovery of electronic evidence is also referred to as the discovery of electronic media. In various recent cases in developed countries—including cases of sexual harassment, unauthorized publication, fraud, proof of the relationship between victim and suspect in murder cases, proof of theft of commercial and trade secrets, and the discovery of evidence for other criminal acts—electronic evidence has been employed. There are numerous pieces of information found in electronic evidence that cannot be located elsewhere. There are many confirmed materials that were never printed. It is not uncommon for critical electronic evidence to exist without the knowledge of the defendant or accused, or for them to be unaware of its deletion or storage (Nobakht, 2014).

For instance, while working with many types of software, log files are generated that record various types of information without the user's knowledge. Similarly, one might assume that deleting an electronic message or email would eliminate all traces of it, whereas copies may exist elsewhere on the network. Electronic evidence is not limited to computers; it encompasses all electronically retrievable information from devices such as mobile phones, fax machines, pagers, voicemail systems, emails, and more. Overall, it can be said that the flourishing age of the digital world is advancing rapidly, and some believe that whether one wishes to or not, they must accompany this movement, as globalization cannot be denied.

## 5. Principles, Rules, and Conditions Governing the Proof of Electronic Evidence in the Iranian Legal System

Documents, whether paper or electronic, are considered evidentiary tools used to preserve evidence and are, in fact, regarded as evidence. What grants validity to a contract or any other document is the permanence and stability of its content and the accurate attribution to its issuer.

Nevertheless, as electronic documents are a relatively new phenomenon, doubts have sometimes been raised regarding their status as documents and their probative value. Even assuming that electronic documents are granted the same status as traditional documents, questions about their evidentiary strength have been posed. These two issues are addressed in sequence:

### *5.1. The Fundamental Evidentiary Capacity of Electronic Documents in Electronic Litigation*

One of the prominent issues regarding computers and the internet in law is the evidentiary capacity of electronic data when disputes arise and cases are brought before the courts. This issue is referred to as "electronic evidence." The core question is whether these can be treated as legitimate evidence and, if so, what kind of probative value they possess within the traditional framework of evidence law. The manner of invoking such evidence and their evidentiary value are significant topics in modern law, necessitating a study of these new types of evidence and a comparison with traditional forms (Vahdati et al., 2020).

In other words, contemporary legal scholars have increasingly focused on determining the position of electronic evidence within the traditional system of evidence law and how such evidence can be cited during the judicial process. To find an accurate answer, it is first necessary to define "judicial evidence" or, more precisely, the general concept of evidence in proof law so as to evaluate whether electronic documents fall under this definition.

### *5.2. The Concept of Indication and Evidence from the Perspective of the Traditional System of Evidence Law*

"Indication" (Arabic: dalalat) is derived from the Arabic verb "dalla" (to guide, to direct) and means guidance or direction (Heydarinejad, 2017). "Evidence" (dalil) is also an Arabic word, meaning guide or pointer. Four meanings have been attributed to it: guide, leader, route, and cause—used for proving an issue.

Regarding the technical concept of "indication," numerous definitions close to its linguistic meaning exist. From the viewpoint of logic, "indication" is a condition in which knowledge of one thing leads to knowledge of another. The first thing causing the indication is called the "sign" (dall), and the second thing, to which the mind is guided, is called the "indicated" (madloul).

The relationship that connects the sign to the indicated is divided into three categories: rational, natural, and conventional indication. Rational indication refers to a relationship between the sign and the indicated that is inherent or logical. Natural indication pertains to a naturally existing relationship, such as crying indicating sadness. Conventional indication refers to an association established through agreement or custom (Moein, 1997).

In the legal system, the logical concept of indication and its types are fully applicable to judicial evidence. For example, the indications in testimonial evidence such as confession, witness testimony, and oath, as well as legal presumptions, fall under conventional indication and are determined by the judge according to legislated rules. In contrast, judicial presumptions are based on rational indications and are discerned by the judge, while some, such as indications from blood type or genetic characteristics, are natural.

Furthermore, regarding the legal definition of evidence, while the Civil Code of Iran does not provide a specific definition, Article 194 of the Code of Civil Procedure defines evidence as "whatever the litigants use to prove or defend a claim."

However, criticisms have been made of this definition, arguing that it is neither restrictive nor comprehensive. It is not restrictive because the term "thing" is overly broad and ambiguous, allowing for the inclusion of various items not traditionally considered evidence. In reality, electronic evidence can be defined as any electronic data, software, or hardware capable of providing valuable information for proving a claim, discovering a crime, or forming judicial reasoning.

Even though electronic evidence, in the context of proof law, pertains primarily to substantive matters rather than legal rulings, the definition is also not comprehensive. According to the legal definition, evidence is only used in proving or defending claims; however, evidence serves to establish rights and can be significant even outside the context of disputes and litigation.

Thus, due to the flaws in the legislator's definition, finding a comprehensive and restrictive definition of judicial evidence seems necessary. To address these shortcomings, legal scholars have made efforts to offer a more complete definition. One such definition states that "evidence is a matter indicating the existence of a fact that causes a right," and therefore, the purpose of proof evidence in litigation is to establish factual elements of a right and not merely legal rulings (Karimi, 2007).

## 6. Application of the Definition of Evidence to Electronic Documents

The concept of an "electronic document" is influenced by modern electronic technologies. The distinctive feature of an electronic document, or more accurately electronic evidence, lies in its operation through the use of electrical or electronic power. Following the advent of electricity and electronic technologies, new forms of evidence emerged, such as the telephone, fax, videotapes, and audio recordings. In recent years, a new technology, namely the Internet, has developed, profoundly impacting human life and expanding its influence daily. This domain, too, requires regulation, and the evidence created to prove electronic matters, as well as evidence existing in electronic form, must be governed by a specific legal framework. The first category of evidence can be referred to as traditional electronic evidence or electronic evidence in the general sense, while

the second category can be termed modern electronic evidence or electronic evidence in the specific sense. Our emphasis here is mainly on modern electronic evidence, particularly computer-based evidence utilized in cyberspace.

Although these have been recognized in common practice as evidence, the question remains whether the legal definition of judicial evidence is applicable to their nature.

As previously mentioned, evidence in legal terms is a matter that indicates the existence of a fact that gives rise to a right. Indeed, electronic evidence serves as a factual means of proving a right, and in the Iranian legal system, such evidence can at least be regarded as a presumption. Nonetheless, there is no doubt that such evidence can be cited in court as judicial evidence. Electronic software or hardware, as external circumstances, may be invoked in judicial proceedings, especially criminal ones, and can form indications and presumptions like any other external matter. Consequently, such evidence is accepted as proof without necessitating any special study distinct from other presumptions. However, according to the recently enacted Electronic Commerce Act, such evidence will have probative value if it leads the judge to knowledge (Dezhpasand, 2003).

## 7. Conditions for the Admissibility of Electronic Evidence in Civil Litigation within the Iranian Legal System

Article 51 of the Computer Crimes Act stipulates that all provisions contained in Chapters Two and Three apply not only to computer crimes but also to other crimes wherein electronic evidence is cited. Furthermore, the Note to Article 52 specifies that: "In cases where specific procedural rules for the investigation of computer crimes are not provided in Part Two of this Act, the provisions of the Criminal Procedure Code shall apply." In light of these articles, it seems that all types of electronic evidence can also be used in traditional disputes and are not limited solely to cybercrimes. Moreover, cyber disputes are not independent of traditional evidence and, in many instances, when the Computer Crimes Act is silent, the Criminal Procedure Code must be referenced.

Clause (h) of Article 2 of the Electronic Commerce Act enumerates the attributes required for a reliable information system: 1) Reasonable protection against misuse and intrusion; 2) A reasonable level of accessibility and correct operation; 3) Reasonable configuration and organization proportionate to the importance of its operations; and 4) Compliance with secure practices. Article 10 of the same Act, regarding the conditions for a reliable electronic signature, requires that: (a) It must be uniquely attributable to the signer; (b) It must identify the signer of the data message; (c) It must be created by means under the exclusive control of the signer; and (d) It must be linked to the data message in such a manner that any alteration is detectable. Article 13 further provides that "generally, the evidential value of data messages is determined with regard to the reliability of the security methods employed, depending on the subject and purpose of the communication."

Upon examining these provisions, it appears that the legislator has emphasized two primary conditions for invoking electronic documents: the possibility of attribution and the preservation of the integrity and non-repudiation of data. Although the law explicitly refers to reliable electronic signatures, trusted data messages, and ordinary data messages, this does not negate the evidentiary value of other forms of electronic data. Article 14 of the Electronic Commerce Act confirms this.

Articles 6 and 7 of the same Act equate data messages and electronic signatures with traditional writings and signatures. Article 12 underscores the principle of accepting electronic documents: "Documents and evidence for proving a claim may be in the form of data messages, and no court or government office may reject the evidential value of a data message merely because of its form or manner of presentation." Articles 14 and 15 address the probative value of trusted evidence (Zarkalam, 2003).

For the admissibility of such evidence in court, it must first be classified into one of the traditional categories of evidence recognized by law to benefit from that category's probative value. The only applicable category for electronic evidence is "writings," owing to the nature of data messages. All information recorded electronically is considered data messages, whether oral or written. Legally, as previously mentioned, a data message substitutes for a writing, and the law recognizes any writing invoked for proving a claim as a document. Hence, in the traditional system of evidence, electronic evidence holds the probative value of a document (Karimi, 2007).

Electronic documents that do not meet the reliability requirements are treated as ordinary documents in terms of evidential value. Even if the technology used is insecure, the presumption of authenticity remains unless explicitly challenged by an opposing party. A judge cannot reject such documents solely due to insecure technology. Like ordinary documents, electronic documents are subject to denial and challenge, and perform the same functions as traditional documents. Therefore, it emerges

from these provisions that electronic evidence possesses the probative value attributed to traditional documents and benefits from the functional equivalence of a traditional document.

This means that the same procedures for lawful collection and preservation of evidence must be used to maintain the evidential value of electronic evidence — preserving it in its original form as discovered (Stanley, 2012).

Documenting evidence aims to demonstrate that the obtained evidence remains in its original state and has not been tampered with. For example, a screenshot obtained from a chatroom can serve to confirm an electronic conversation by demonstrating that no alterations were made. To meet the two essential conditions for invoking electronic evidence — attribution and the preservation of integrity — certain prerequisites must be met. The Iranian legislator has not overlooked these prerequisites and has addressed them explicitly or implicitly in various legal provisions.

Article 40 of the Computer Crimes Act specifies that data may be seized by methods such as printing, copying, photographing, disabling access through password changes or encryption, and seizing data carriers. The use of the term "such as" indicates that the listed methods are not exhaustive, and additional techniques like digital watermarking or biometric methods may also be used (Nouri, 2003).

Article 49 states that "to preserve the integrity, authenticity, and non-repudiation of collected electronic evidence, it must be maintained according to the relevant regulations." Clause (e) of Article 1 of the 2014 Regulation on the Admissibility of Electronic Evidence requires a secure chain of custody for data, ensuring traceability from origin to destination. Article 15 of this Regulation mandates that the protection order must be promptly and securely communicated to the responsible authority. Its Note specifies that the secure method must allow the future use of protected data during litigation.

Article 38 prescribes that seizure must take into account the type, importance, and role of the data or systems, using methods such as printing, disabling access, or physically sealing and seizing systems.

A review of these provisions shows that both the Computer Crimes Act and its implementing regulations explicitly address security strategies to maintain the integrity and authenticity of electronic evidence, underscoring the importance of these matters from the legislator’s perspective. Nevertheless, in practice, no substantial action has yet been taken toward securing information.

Clause (t) of Article 2 of the Electronic Commerce Act defines "secure procedure" as a process for verifying the accuracy of data messages’ registration and identifying any errors or alterations during their transmission, content handling, or storage. It mentions that secure procedures may use algorithms, codes, passwords, encryption, authentication methods, return receipts, or similar means.

Finally, Articles 652 and 656 of the 2013 Criminal Procedure Code (amended 2015) stress the use of reliable security measures to fulfill the two essential conditions for invoking electronic evidence: attribution and preservation of authenticity and non-repudiation.

Article 656 states: "To maintain the integrity, authenticity, and non-repudiation of information exchanged between citizens and judicial authorities, the Judiciary is obliged to implement reliable security measures for electronic signatures, identity verification, and authenticity verification."

## 8. Challenges Related to Filing a Claim

### *8.1. Bearing Additional Costs*

Electronic litigation in Iran requires payment of additional fees, such as those charged by Judicial Services Offices. Previously, these services were considered part of the government's responsibilities. With the advent of electronic litigation, litigants are forced to pay costs that were formerly covered by the state. This can lead to inequality in access to justice, especially for those with limited financial means. Additionally, distinguishing between financial and non-financial claims in the electronic system faces challenges, as there is no precise standard for such differentiation. This may result in the improper collection of fees from plaintiffs, and if the court later determines that the claim is non-financial, reimbursement of the paid fees may not be possible.

### *8.2. Limitations in Filing Complaint:*

In the electronic litigation system, the titles of claims are predefined and limited. This restriction prevents plaintiffs and attorneys from specifying their claims precisely according to their legal needs. Consequently, plaintiffs may be forced to choose the closest existing category and later request a "modification of claim" during the hearing. This practice could lead to the dismissal of the case or a judgment contrary to the plaintiff's intent. Moreover, the electronic system is designed not to accept incomplete complaints, while according to the Civil Procedure Code, courts are obligated to accept all complaints, even incomplete ones. These limitations could adversely affect the plaintiff's rights (Zandi, 2010).

### *8.3. Absence of an Appropriate Mechanism for Urgent Requests*

Urgent requests, such as for preliminary injunctions, require swift adjudication. However, in the electronic system, such requests must be submitted through Judicial Services Offices, a process that is time-consuming and inconsistent with the urgency these requests demand. This could lead to violations of litigants' rights, especially when immediate action is necessary.

## 9. Challenges Related to Service of Process

### *9.1. Method of Electronic Service and Difficulty of Actual Service*

Electronic service in Iran is conducted through user accounts in judicial systems. However, this method may not align with the concept of actual service envisioned by the Civil Procedure Code. For instance, delivery of judicial documents to a user's account is considered service, even if the individual is unaware of it. This situation can lead to violations of litigants' rights, particularly when actual service is essential.

### *9.2. Problems in Serving Individuals with Special Status*

Serving government employees and prisoners electronically presents challenges. For example, prisoners may lack access to mobile phones or the internet and thus remain unaware of the service of judicial documents. This could result in the loss of fundamental rights, such as the right to appeal (Vincent & Guinchard, 2003).

### *9.3. Problems with Electronic Service to Legal Entities*

Serving legal entities electronically also faces difficulties. Service is carried out through the account of the manager or legal representative, but these individuals may remain unaware of the served documents. This can result in violations of the rights of legal entities.

### *9.4. Difficulties with Electronic Publication of Notices*

In cases where service is carried out through public notice, the electronic system may not effectively disseminate the information. Many individuals may be unfamiliar with or lack access to electronic newspapers. This can lead to the infringement of litigants' rights.

## 10. Challenges Governing Electronic Litigation

### *10.1. Non-Compliance with Procedural Principles in Taking Statements from Litigants*

Electronic litigation may affect procedural principles such as the principle of contradiction and publicity. For example, in electronic hearings, litigants may not have direct interaction with the judge or opposing party, potentially leading to the violation of their rights.

### *10.2. Non-Compliance with Rules on Witness Testimony*

Taking witness testimony electronically may encounter challenges. For instance, the judge may not be able to directly observe the demeanor and emotions of the witness, which could impair the assessment of credibility and infringe upon litigants' rights (Gascon Inchausti, 2010).

### *10.3. How to Present Original Documents*

Presenting original documents in electronic litigation may pose difficulties. Litigants may not be able to physically present documents directly to the judge, which could compromise their rights.

Electronic litigation in Iran faces multiple challenges that may result in violations of litigants' rights and principles of fair trial. To improve this system, it is necessary to revise the laws and regulations governing electronic litigation and establish appropriate mechanisms to guarantee litigants' rights and uphold the principles of fair trial (Heydarinejad, 2017).

## 11. Conclusion

The findings of this study on electronic evidence and its legal foundations demonstrate that, in the virtual and electronic world, reliance solely on traditional evidence is insufficient for resolving contemporary issues. Electronic evidence, as a modern tool in litigation processes, possesses unique characteristics such as differences between electronic and printed versions, the ability for compressed storage, rapid duplication, and structures distinct from conventional documents. Nevertheless, in substantive terms, electronic evidence holds equivalent value to traditional documents and is admissible for proving claims. Challenges such as the large volume of data, the hidden nature of some information, and language differences are among the obstacles to the effective use of electronic evidence.

Electronic litigation faces challenges concerning fair trial principles and the protection of litigants' rights. These challenges include issues related to filing claims, electronic service of process, adjudication of claims, and adherence to procedural principles. On the other hand, electronic litigation offers advantages such as reducing collusion, saving time, and facilitating the transmission of records. However, it also imposes burdens on litigants, such as the need for specialized equipment like mobile phones and internet access, the imposition of additional costs, and limited access to urgent proceedings outside of business hours.

The physical presence of litigants in hearings and the direct hearing of witnesses' testimony are fundamental rights that are not fully realized in electronic litigation. Countries like France, with more than two decades of experience in electronic litigation, have maintained it as optional and have avoided imposing it on litigants. Imposing electronic litigation without establishing necessary economic, cultural, social, and legal infrastructures can violate citizens' rights and impose unfair costs on them. To achieve fair electronic litigation, it is necessary to develop comprehensive and specific legislation, rather than relying on ineffective regulations or scattered legal provisions. These laws must ensure that no rights are violated and that no unlawful additional costs are imposed on individuals. Only by establishing proper infrastructures and addressing existing shortcomings can the transition to electronic litigation proceed while fully safeguarding litigants' rights.

## Authors' Contributions

Authors contributed equally to this article.

## Declaration

In order to correct and improve the academic writing of our paper, we have used the language model ChatGPT.

## Ethical Considerations

All procedures performed in this study were under the ethical standards.

## Acknowledgments

Authors thank all individuals who helped us do this study.

**Conflict of Interest**

The authors report no conflict of interest.

**Funding/Financial Support**

According to the authors, this article has no financial support.

**References**

Abhari, H., Sam, M., & Adeli Far, E. (2020). The Historical Evolution of Service and Electronic Litigation in Iran. *Medical History Journal*(Special Issue on the History of Islam and Iran), 190.

Bahrami, B. (2013). *Civil Procedure (Volume 1), 12th Edition*. Tehran: Negah-e Bineh.

Dezhpasand, F. (2003). E-commerce as a Tool for Reducing the Digital Divide. *Asr-e Ertebat Journal*(2), 302.

Esmaeili, A., & Pourghahramani, B. (2019). Challenges Facing Electronic Litigation in Iran. *Judicial Legal Perspectives Quarterly*(87), 53-54.

Friedman, R. D. (2007). Testimony by Remote Means. *Notarial Legal Monthly*(76), 122.

Gascon Inchausti, F. (2010). Electronic Service of Documents: National and International Aspects. Colloquium of the International Association of Procedural Law on Electronic Justice - Present and Future,

Heydarinejad, N. (2017). A Legal Review of Electronic Evidence in the Current System. *Qanun-Yar Journal*, *3*(3), 127.

Karimi, A. (2007). *Evidence in Civil Lawsuits*. Tehran: Mizan Publications.

Linan de Belfon, Z. (2011). *Electronic Commerce Law Along with Analysis of Iran's Electronic Commerce Act, 2nd Edition*. Tehran: Institute for Legal Studies and Research, Shahre Danesh.

Mo'azen Zadegan, H. A., & Roosta, N. (2017). Electronic Litigation in Confrontation with Cybercrimes: Challenges and Requirements. *Judiciary Legal Journal*, 178.

Moein, M. (1997). *Persian Dictionary (Volume 2)*. Tehran: Amir Kabir.

Mohajeri, A. (1999). *Priority Handling of Civil Cases (Volume 1), 1st Edition*. Tehran: Ketabkhaneh-ye Ganj-e Danesh.

Mohseni, H., & Beheshtipour, Z. (2021). Commitment of Electronic Litigation to Fundamental Principles of Trial: A Comparative View with French Law. *Comparative Law Research Journal*, *5*, 228.

Nobakht, Y. (2014). *A Glance at Civil Procedure, 1st Edition*. Tehran: Rad Noandish.

Nouri, M. A. (2003). *Electronic Commerce Law, 1st Edition*. Tehran: Ganj-e Danesh Publishing.

Shams, A. (2019). *Advanced Civil Procedure (Volume 2), 42nd Edition*. Tehran: Derak.

Stanley, P. (2012). *Law of Confidentiality, 1st Edition*. Tehran: Ketab-e Hamegan Publications.

Vahdati, M. H. T., Sarvaei, P., & Nourshargh, J. (2020). Reviewing Challenges and Resolving Conflicts in Regulations Related to Electronic Litigation in Iran's Legal System: A Comparative Perspective with French Law. *Comparative Research Quarterly of Islamic and Western Law*, *7*(4), 256.

Vincent, J., & Guinchard, S. (2003). *Civil Procedure, 27th Edition*. Paris: Dalloz.

Zandi, M. (2010). *Preliminary Investigations in Cybercrimes, 1st Edition*. Tehran: Jungle Publications.

Zarkalam, S. (2003). Electronic Signature and Its Place in the System of Evidence. *Modares Journal*, *7*, 13.