

ABSTRACT

Development and advancement of information technology are marked with the widespread use of interconnected network technological tools or the internet. Activity in cyber space is a virtual activity that have real impact despite the evidence is purely electronic appliance. The use of electronics as a form of development of science and technology becomes the philosophy of the establishment of the Law No. 11 Year 2008 on Information and Electronic Transactions (hereinafter referred to as UU ITE).

The issues will be lifted in this thesis are about: 1) Position, legal force and application of the use of electronic evidence regulated in UU ITE in civil cases; 2) the Judge perspectives of Kalianda District Court on electronic evidence submitted by the parties in civil cases; 3) the cause of difference reasons on Judge perspectives of Kalianda District Court and how the attitude of judge ought to dealing with electronic evidences submitted by the parties.

Writing of thesis is using normative-empirical approach and the research can be define as applied research. Source of data used in thesis are primary data and secondary data. Legal materials form of thesis consist of primary, secondary and tertiary legal materials.

The result of this research are 1) the tools evidence in the proving process of civil law in Indonesia is set up in *Herzine Indonesische Reglement (HIR)* and *Rechtreglement Voor de Buitengewesten (RBg)*. The electronic evidences as valid and recognized evidences are arranged by Article 5 paragraph (1) and (2) UU ITE. Those evidences are the extension of the evidences set out in the HIR and RBg. 2) Regarding to the Judge perspectives of Kalianda District Court in accepting electronic evidences submitted by the parties in a civil case there are any perspective difference. 3) The cause of the difference in perspective of the Judge because any differences of: a. perspective on the electronic evidences submission; b. perspectives on the parties who submitting the electronic evidences; c. perspective of the expert witnesses proposed by the parties. The difference of the perspective on electronic evidences presented by the parties at the trial can be solved by Judge by using extensive interpretation method, it means to interpret the electronic evidences regulated by UU ITE, because those are the extension of the HIR/RBg.

Suggestions to: 1) the judge and the parties are to increase knowledge and insights regarding electronic evidence in accordance to UU ITE, 2) the government and parliament are updating the Civil Code, HIR / RBg mainly on the evidence, 3) the judge if there is a difference in perspective against the submission of electronic evidence, it must find the way out by looking at the legal principles, doctrines and legal theories.

Keywords: Electronic evidences, Judge perspectives, extensive interpretation.