

"Normative Convergence and Divergence: A Comparison of Digital Cyberbullying Evidence Laws between Indonesia and Singapore in the Digital Era"

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Abstract : *This research examines the validity of digital evidence in cyberbullying cases through a comparative normative legal study between Indonesia and Singapore. Cyberbullying, as a troubling form of cyber violence, leaves a significant digital footprint, making it key evidence in legal proceedings. This study aims to compare the legal frameworks, validity standards, and verification methods for digital proof related to cyberbullying in the two countries, as well as their legal implications for ensuring legal certainty and protecting victims. The research method used is normative law, by analyzing laws and regulations such as the KUHAP and ITE Law in Indonesia, and the Evidence Act in Singapore, along with related jurisprudence and legal doctrine. The results show significant differences in the legal framework of digital evidence. Singapore, with its Evidence Act, has a more explicit and structured legal framework that emphasizes the reliability of digital evidence, providing higher legal certainty. Indonesia, while recognizing digital evidence through the interpretation of "Surat" in KUHAP and the ITE Law, has a more general and flexible legal norm, with potential challenges in verification and legal certainty. This research concludes that Singapore's more advanced legal framework can serve as a reference supports the advancement of Indonesia's legislation pertaining to digital evidence, especially in light of efficiently addressing cyberbullying. This research contributes to the.*

Keywords : *Cyberbullying, Digital Proof, Validity of Evidence*

Abstrak : *This study analyzes the validity of digital evidence in cyberbullying cases through a comparative study of normative law between Indonesia and Singapore. Cyberbullying, as a disturbing form of cyber violence, leaves a significant digital footprint, making it key evidence in legal proceedings. In order to determine the legal consequences for victim protection and legal certainty, this study will evaluate the legal framework, validity criteria, and verification techniques of digital evidence of cyberbullying in the two nations. The methodology of the study used is normative law, by analyzing laws and regulations such as the Criminal Procedure Code and the ITE Law in Indonesia, as well as the Evidence Act in Singapore, along with related jurisprudence and legal doctrine. The results of the study show significant differences in the legal framework of digital evidence. Singapore, with its Evidence Act, has a more explicit and structured legal framework that emphasizes the reliability of digital evidence, providing higher legal certainty. Indonesia, although recognizing digital evidence through the interpretation of "Surat" More comprehensive and flexible legal standards, with possible difficulties in verification and legal certainty, are found in the ITE Law and the Criminal Procedure Code. The findings of this study indicate that Singapore's more developed legal system*



may be used as a model for Indonesia's development of digital evidence legislation, especially when it comes to effectively addressing *cyberbullying*. This research contributes to the development of cyber law and criminal procedure, and provides practical insights for law enforcement and policymakers in addressing the challenges of *cyberbullying crimes* in the digital age.

Keywords : *Cyberbullying, Digital Evidence, Validity of Evidence*

I. INTRODUCTION

In the information age dominated by digital technology, social interactions have undergone a fundamental transformation. Cyberspace, initially viewed as a vehicle for connectivity and information exchange, has now also become a new arena for various forms of antisocial behavior, including cyberbullying. The phenomenon of cyberbullying has emerged as a serious global problem, transcending geographical and cultural boundaries. Its impact on victims, especially children and adolescents, is significant, encompassing psychological and emotional disorders, as well as detrimental social impacts.

Facing the increasing wave of cyberbullying, law enforcement is a crucial instrument to provide protection to victims and create a deterrent effect for perpetrators. However, the unique characteristics of cyberbullying that occur in the digital media realm pose their own challenges in the evidentiary process. Unlike conventional (bullying that occurs in person, cyberbullying creates a unique digital trail, including screenshots of conversations, chat logs, social media posts, electronic messages, and various other digital data that can have a significant impact on victims, both psychologically and in other detrimental ways. This digital evidence is central to efforts to prove the occurrence of cyberbullying and identify perpetrators who perpetrate it.¹

In the context of criminal law, fundamental questions arise regarding the validity of digital evidence. Can screenshots, chat logs, and other types of digital evidence be recognized and accepted as admissible proof in a court of law? How are the norms of validity regulated by the legal system verification methods, and probative value of digital evidence in cyberbullying cases? These issues are becoming increasingly relevant and urgent to address, along with the increasing volume of cyberbullying cases and the need to ensure effective law enforcement in the digital age.

The purpose of this study is to thoroughly examine the reliability of digital evidence in cyberbullying cases through a comparative study of the law between Indonesia and Singapore. The selection of Indonesia and Singapore as objects of comparison is based on considerations of differences in legal systems and law enforcement approaches, but both face the same challenges of cyberbullying in the digital era. This study uses a normative legal method, which emphasizes the analysis and interpretation of applicable legal norms, including legislation, jurisprudence, legal doctrine, and legal precepts pertinent to the matter of cyberbullying and digital proof. The Criminal Procedure Code serves as the main legal foundation for evidence in criminal trials in Indonesia. Valid evidence, which includes witness and expert testimony,

¹ Andi Hamzah, *Indonesian Criminal Procedure Law* (Jakarta: Sinar Grafika, 2012). , 2012.

correspondence, hints, and the defendant's testimony, is governed by Article 184 of the KUHP. The letter category becomes significant when discussing digital evidence. Normatively, "Letter" is defined as "all kinds of writings that contain meaning, which can be used as evidence in criminal cases" in the KUHP's explanation of Article 184 paragraph (1) letter c. ²This interpretation has been progressively expanded by jurisprudence and legal doctrine to include electronic documents and digital information. If the logic of this expansion is that in the digital era, information is not only recorded in traditional paper form, but also in digital format. Screenshots, chat logs, and social media posts, as representations of written information in digital format, can normatively be considered to meet the definition of "Letter" in the KUHP.³

In Law Number 19 of 2016 about Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions (ITE Law), in addition to the Criminal Procedure Code, enhances the credibility of digital evidence. The ITE Law's Article 5 Point 1 expressly declares that "Electronic Information and/or Electronic Documents and/or printouts thereof constitute valid legal evidence." Normatively speaking, this article offers a solid legal foundation for the legitimacy of digital evidence, particularly in cyberbullying situations where electronic documents and/or information are frequently the primary piece of evidence. While the ITE Law and the Criminal Procedure Code offer a normative foundation for the legitimacy of digital evidence, Indonesian law does not yet have a specific law that specifically regulates digital evidence, including standards of validity, verification methods, and evidentiary strength. Existing legal norms are general and require further interpretation in their application to concrete cases of cyberbullying involving digital evidence.⁴

A common example in Indonesia is defamation cases involving social media, where screenshots of posts and chat logs are the primary evidence. The evidentiary challenges in Indonesian cases will focus on how the authenticity and integrity of the screenshots and chat logs are proven in court, and how judges evaluate the digital evidence's probative value in light of the Electronic Information and Transactions Law and the Criminal Procedure Code.

Singapore further examines its more modern and explicit legal framework for regulating digital evidence, particularly through the Evidence Act, which has been amended to accommodate electronic evidence. ⁵Section The term "document" is defined broadly under Section 3 of the Evidence Act to include any recorded content, including electronically stored information. Documentary evidence refers to evidence produced for the court's inspection. "Document" refers to any matter expressed, described, or somehow represented on any substance, material, thing, or article, including any matter embodied in a disc, tape, film, sound track, or other device whatsoever, using letters, figures, marks, symbols, or signals, by any means whatsoever, or by more than one of those means, intended to be used or which may be used for the purpose of recording that

² Republic.

³ Yuri, "District Court Decisions in Cybercrime and Cyberbullying Cases (For Jurisprudence Examples)," *nd*

⁴ R. Soesilo, *Criminal Acts and Efforts to Prove Them in Court*, (Bogor: Politeia, 1995).

⁵ Singapore, *Singapore Evidence Act*, 1997.

matter. This definition is normatively very inclusive and clearly includes all forms of digital information as "documents" that can be used as evidence.

As described in the example of an online harassment case under the Protection from Harassment Act (POHA), where WhatsApp chat logs, social media screenshots, and social media platform data were submitted as evidence, the Singapore case analysis will highlight how the Evidence Act, with its reliability certification and reliability assumption mechanisms, is applied in the digital evidence process, and how standards for the reliability of digital evidence influence court decisions.

Furthermore, Section 4 The admissibility of electronic records is expressly governed under the Evidence Act's Admissibility of Electronic Records section. The requirements that must be fulfilled for an electronic record to be accepted as evidence in a Singaporean court are outlined in this section. Compared to Indonesian law, these requirements are more organized and specific in terms of norms. The Evidence Act's Section 8: Proof relating to Electronic Record governs the method of proving electronic records. This section provides normative guidance on how the reliability of an electronic record can be proven, including through certification of reliability and assumption of reliability under certain conditions. The existence of these provisions normatively provides legal certainty and clear guidance for judges and litigants in the digital evidence process.⁶

Normatively, Singapore's Evidence Act offers a significantly more thorough and precise legal foundation for digital evidence than Indonesia's.⁷ This law explicitly recognizes and regulates the validity and methods of substantiating digital evidence, including in the context of cyberbullying cases involving electronic evidence such as screenshots and chat logs.

II. RESEARCH METHODS

This study uses a normative legal research method. This method was chosen because the main objective of the study is to analyze and compare the legal norms applicable in Indonesia and Singapore related to the validity of digital evidence in cyberbullying cases. This study does not aim to test empirical hypotheses or collect field data, but rather to understand and interpret legal rules and legal principles relevant to the issue under study. This research falls into the category of doctrinal legal research or library legal research. The focus of this study is on positive legal norms, legal doctrine, and jurisprudence relevant to the validity of digital evidence. A comparative law approach is used to analyze the differences and similarities between the legal frameworks in Indonesia and Singapore in regulating this issue.⁸ Secondary data sources that were used in this investigation include:

1. Primary Legal Materials:

○ Legislation:

⁶ Singapore.

⁷ Jeffrey Pinsler Sc, *Evidence And The Litigation Process*, (Singapore: Academy Publishing), 2018.

⁸ Soerjono Soekanto and Sri Madmuji, "Normative Legal Research: A Brief Review" (Jakarta: Rajawali Pers.), 2014.

- The Republic of Indonesia's Criminal Procedure Code (KUHP).
- The Republic of Indonesia's Law Number 19 of 2016 amends Law Number 11 of 2008 on Electronic Information and Transactions (ITE Law).
- Evidence Act (Chapter 97, 1997 Revised Edition), Singapore.
 - Protection from Harassment Act 2014 Singapore.
 - Protection from Online Falsehoods and Manipulation Act 2019, Singapore.
- **Jurisprudence:** Court decisions in Indonesia and Singapore that are relevant to digital evidence in cyberbullying cases or cybercrime cases in general (if available and relevant).

2. Secondary Legal Materials:

- **Legal Literature:**
 - Legal textbooks, monographs, and other scholarly works discussing criminal procedure law, law of evidence, cyber law, cyberbullying, and comparative Indonesian-Singaporean law.
 - Scientific legal journal articles relevant to the research topic, both from national and international journals.
 - Seminar papers, conference proceedings, and other relevant scientific publications.
- **Official Documents:**
 - Official documents from the government and related institutions in Indonesia and Singapore relating to cyberbullying, law enforcement, and digital evidence.
 - Research reports from relevant legal research institutions and government agencies.

Data Collection and Analysis Techniques

1. **Data Collection:** Primary and secondary legal data were collected through a literature review. The literature search was conducted through online law journal databases, physical libraries, and relevant online sources. For Singaporean legal materials, the search will focus on English-language legal sources.
2. **Data Analysis:** The collected data was analyzed qualitatively using normative legal analysis methods. The analysis stages include:
 - **Inventory and Identification of Legal Norms:** Identifying and inventorying relevant legal norms from laws and regulations in Indonesia and Singapore related to the validity of digital evidence.
 - **Interpretation of Legal Norms:** Interpreting the meaning and scope of these legal norms, ¹ including interpretation of ² the concept of "Letterin Singapore's Evidence Act's provisions pertaining to electronic evidence

and the Criminal Procedure Code

- **Legal Comparison:** Comparing legal norms in Indonesia and Singapore regarding the standards of validity, verification methods, and evidentiary value of digital evidence in cyberbullying cases.
- **Case Analysis (Illustrative):** Analyzes examples of cyberbullying cases in Indonesia and Singapore (represented in the description) to illustrate the application of legal norms and the challenges of digital evidence in judicial practice.
- **Synthesis and Formulation of Conclusions:** Synthesize the results of analysis and comparison to formulate conclusions and recommendations that are relevant to the research issue.

III. DISCUSSION

Legal Regulations for Digital Evidence in Cyberbullying Cases According to Positive Law in Indonesia.

1. According to the Criminal Procedure Code (KUHAP)

Bullying is the abuse or intimidation of others via the use of force, threats, or violence. A social or physical power imbalance may be involved in this conduct, which can develop into a habit. It might involve physical assault or coercion, verbal harassment or threats, and repeated attacks on a specific victim, sometimes motivated by factors such as sexual orientation, gender, race, religion, or cyberspace. Bullying may occur in every setting where people interact, including homes, companies, schools, and neighborhoods. According to Article 183, it is specifically stated that a court cannot sentence someone unless they are sure that a crime has been committed and that the defendant is guilty of it based on at least two reliable pieces of evidence."

Thus, in the criminal procedure legislation of Indonesia, it is expressly stated that, besides being based on the element of the judge's conviction, proof with at least two valid pieces of evidence is necessary to support the element of guilt in criminal law to determine whether a person is truly proven to have committed a crime or not. In addition to the fact that cybercrime is increasingly being committed using sophisticated tools, it is also becoming increasingly challenging to identify the criminal in a timely and straightforward manner, given the numerous limitations of the legal tools used in criminal law enforcement. Law enforcement officials may not be prepared or even able (technologically illiterate) to look into the perpetrators of cyberbullying when the crime happens, or because the crime involves several perpetrators from a nation, each of which has its own legal sovereignty.

According to Article 184 of the Criminal Procedure Code, which states that evidence tools cannot be used as a basis for evidence if the crime committed in the context of "Cyber Crimes" clearly does not match (is not classified) the

formulation of evidence as desired according to the Criminal Procedure Code, the legal phenomenon in efforts to combat cyberbullying also appears to have obstacles, particularly when related to the evidentiary system under Indonesian criminal law. Therefore, it is important that the Criminal Procedure Code's evidentiary system and evidence tools be improved or modified to reflect the current legal reality, particularly with regard to cyberbullying.

One Expert testimony is one of the acceptable forms of evidence, as defined in Criminal Procedure Code Article 184, paragraph (1). Expert testimony needs to be given consideration because it was not considered evidence prior to the Criminal Procedure Code's implementation. The Criminal Procedure Code's Article 295 declares that evidence consists of⁹:

- a. Testimonies
- b. Letters
- c. Confession
- d. Signals

An expert's testimony also has a special nature, namely the dualism of its role in providing evidence. On the one hand, it functions as expert testimony; on the other hand, it can function as written evidence. under the Criminal Procedure Code, expert testimony is defined under Article 1, Point 28, and Article 186. Expert testimony is defined as information given by a person with specialized knowledge on issues required to elucidate a criminal case for examination purposes (Article 1, point 28). Furthermore, expert evidence is what an expert says in court, according to Article 186 of the Criminal Procedure Code. Therefore, according to the Criminal Procedure Code's Article 1, Point 28, and Article 186, expert testimony is¹⁰:

information from a person with specialized knowledge. The trial court is presented with the material. In the meanwhile, what does Article 120, paragraph (2) imply by specific expertise of the Criminal Procedure Code explains as information given by a person based on his/her best knowledge. Although these articles have explained the meaning of expert testimony, the true meaning of the term expert is still unclear. During the HIR period, expert testimony was not categorized as evidence in criminal proceedings. The HIR did not view expert testimony as valid evidence. But it was expert testimony that the judge could use as his/her own judgment, assuming the court thought the expert testimony was appropriate. Expert testimony is recognized as legitimate evidence under Article 184 of the Criminal Procedure Code.

This expert evidence may also have been provided during the examination by the investigator or public prosecutor at the time he accepted the post or employment,

⁹ Yahya Harapan, M, *Indonesian Criminal Procedure Law*, Sinar Grafika, Jakarta , 2005.

¹⁰Harapan, M. Yahya. *Indonesian Criminal Procedure Law*, Sinar Grafika, Jakarta 2005

according to the explanatory memorandum of Article 186 of the Criminal Procedure Code. If the public prosecutor or investigator does not provide it during the examination, it will be noted in the examination report. After taking an oath or making a vow in front of the court, he makes the remark. Therefore, during the preliminary examination of a criminal case, an expert's statement might be provided or before the court if the investigator, public prosecutor and judge require it can be implemented as well as possible in accordance with its objectives, then investigators and judges in certain circumstances can obtain assistance from people who have special expertise such as a doctor.

Thus, in Indonesian It is explicitly stated in criminal procedure law that, in addition to being based on the judge's conviction, proof of at least two pieces of valid evidence is required to support the element of guilt in criminal law. This is done to determine whether a person has been proven guilty of a crime using sophisticated tools, but it is extremely difficult to quickly and easily identify the perpetrator of the crime when the limitations are in place. This can be felt when the crime is committed by a number of perpetrators from different countries, each of which has its own legal sovereignty, or when the perpetrators are not prepared or even competent (technologically illiterate) to investigate the cyberbullying offenders.

According to Article 184 of the Criminal Procedure Code, which states that evidence tools cannot be used as a basis for evidence if the crime committed in the context of "Cyber Crimes" clearly does not match (is not classified) the formulation of evidence as desired according to the Criminal Procedure Code, the legal phenomenon in efforts to combat cyberbullying also appears to have obstacles, particularly when related to the evidentiary system under Indonesian criminal law. Therefore, it becomes sense that the Criminal Procedure Code's evidentiary system and evidence tools be revised or improved to reflect the evolving legal landscape, particularly with regard to cyberbullying.

2. According to the ITE Law

Cyberbullying in Indonesia is regulated in Article 27 of the ITE Law, but there are several actions that are included in cyberbullying, namely Flaming, Harassment, Impersonation, Outing (spreading other people's secrets), Trickery, Exclusion, and Cyberstalking. The ITE Law only contains elements of insults and threats, whereas other cyberbullying actions also often occur and are the initial steps of other crimes. The development Such social networking sites will facilitate the acts of those who engage in cyberbullying. Electronic documents and/or information that include defamatory or offensive language should be made available. The ITE Law does not clearly define cyberbullying as occurring when an individual knowingly and without authorization distributes, transmits, or makes accessible electronic information and/or documents. If electronic systems are used in accordance with the rules outlined in this law, electronic information and/or documents are deemed legitimate. However, as stated in Article 5 paragraph (4) of the ITE Law, provisions pertaining to

Electronic Information and/or Electronic Documents as mentioned in paragraph (1) do not apply to certain situations in which electronic evidence is not admissible :

1. letters that are required by law to be written;
2. letters and their supporting documentation that are required by law to be prepared in the form of a notarial deed or a deed created by the official who produced the deed.

letters that, in accordance with the law must be made in writing, such as in the preparation and execution of letters of marriage and dissolution of marriage, papers pertaining to ownership rights, agreements pertaining to immovable property transactions, letters that are legally required to be made in writing, and other papers that, in accordance with laws and regulations, need notary or other authorized official approval. If new electronic evidence makes use of an electronic system that conforms with Indonesian legislation, it may be deemed legitimate. If the information is guaranteed to be complete, accounted for, accessible, and able to be exhibited in a way that clarifies a situation, then electronic evidence may be legally binding. The individual providing electronic evidence needs to be able to demonstrate that the data he possesses originates from a reliable electronic system.

Article 5 Paragraph 1 of the ITE Law states that electronic information created through an electronic system that may be explained by information technology breakthroughs is admissible as evidence. More precisely, according to Article 6 of the ITE Law, all legal criteria that demand information be in written or original form—aside from those governed by Article 5 paragraph (4)—have been met if the electronic information can be guaranteed to be intact and can be accounted for, can be accessed, can be displayed so that it explains a situation.

Legal Arrangements for Digital Evidence in Cyberbullying Cases According to Singapore Law

1. According to the Evidence Act

As in the regulations in Singapore that structure evidence that can be accepted in court, all evidence must be admitted through one of a regulation's provisions, namely the Evidence Act (hereinafter referred to as EA). In fact, all common law concepts in Singapore that are not in accordance with the Evidence Act are revoked and/or no longer valid, as explained in Section 2 paragraph (2) of the EA. Then, what types of evidence can be accepted in the regulatory category in the EA? Starting from Evidence may be presented in any action or case about the presence or nonexistence of all facts in question as well as any additional facts that are subsequently determined to be pertinent, but not any other facts, according to Section 5 of the Evidence Act. In other words: (In any

lawsuit or action, evidence may be presented about the presence or nonexistence of all pertinent facts and those that are subsequently determined to be such, but not of any other facts.)”¹¹

In other words, it is explained in Section 3, paragraph 1 of the EA, which states that a "fact in issue" is any truth that, either alone or in conjunction with other facts, determines whether a right, duty, or handicap is asserted or rejected in a lawsuit or other legal procedure. As a result, "other facts" refers to circumstantial evidence that might be used to deduce the facts in question, but "facts in issue" can be defined as the main facts that demonstrate the existence or lack of culpability.

Based on the explanation above, if it is narrowed down to what is meant by relevant facts? As can be found in Sections 6 to 57 of the EA, which explain what the EA considers relevant and admissible facts. In other words, the acceptance included in the provisions of the EA is inclusive. As intended, the EA informs what evidence and/or facts are admissible (not what is unacceptable) and is included in the interpretation of Sections 6 to 57 as evidence in lawsuits or legal proceedings in court.

Considering its relation to cyberbullying cases, which leave distinctive digital traces, such as screenshots of conversations, chat logs, social media posts, electronic messages, and various other digital data that can have a significant impact on victims, both psychologically and through other detrimental actions. This digital evidence is central to efforts to prove the occurrence of cyberbullying and identify the perpetrators who do it. Digital evidence in cyberbullying cases reviewed from the EA is definitively related to Section 3 of the 1990 revised edition of the EA, which reads:

“Documentary evidence is evidence presented for the court's review, and a document is any matter expressed, described, or represented in any way on any substance, material, thing, or article, including any matter embodied in a disc, tape, film, sound track, or other device whatsoever, by means of letters, figures, marks, symbols, or signals, by any means whatsoever, or by more than one of those means, intended to be used or which may be used for the purpose of recording that matter.)

However, it has undergone another revision in 2020, which incorporates all amendments up to and including December 1, 2021, and comes into effect on December 31, 2021. which is more specific regarding documents that can be used as evidence in courts and lawsuits in Singapore, as follows:

“Along with a written document, "document" also refers to (a) any map, plan, graph, or drawing; (b) any photograph; (c) any label, marking, or other writing that is attached to it in any way; (d) any disc, tape, soundtrack, or other device that contains sounds or other data (that are not visual images) that can be reproduced (with or without the use of additional equipment); and (f) any paper or other material that contains marks, impressions, figures, letters, symbols, or perforations that have meaning for those who are qualified to interpret them;¹²

¹¹ Singapore, *Section 5, Evidence Act 1893, (Revised Edition)*, 2020.

¹² Singapore.

The justification together with a written document can be interpreted to mean that digital evidence, as included in the point above, in this case digital evidence such as text messages, social media posts, images, videos, screenshots, chat logs, and other evidence can be accepted in court as stipulated in Section 5 EA.

Furthermore, it is strengthened by the regulation of "electronic records " in Section 3, paragraph According to Section 1 of the EA, a "electronic record" is any document created, sent, received, or stored in an information system or transferred between information systems using electronic, magnetic, optical, or other methods. Where digital evidence, including chat logs, social media, and screenshots of interactions posts, electronic messages, and various other digital data that can have a major impact on victims, both psychologically and other detrimental actions, have been included in the definition of 'documents' and the definition of 'electronic records' to be used as evidence in court and/or litigation, as stated in Section 3 Paragraph 1 of the Evidence Act. The significance of electronic (digital) evidence in the Evidence Act of Singapore in relation to cyberbullying cases allows the court to consider electronic evidence as admissible evidence. As Section 6 EA explains, Facts that are part of the same transaction are relevant. If a series of messages or social media posts is part of a continuous cyberbullying campaign, whether All of those postings and communications can be deemed significant whether they were transacted at the same time and location or at various periods and locations. In the event where the circumstances pertaining to a cyberbullying case under Section 7 EA clarify that the facts pertaining to the opportunity, cause, or impact of the facts at issue and/or at issue are relevant. If evidence of problems between the perpetrator and the victim determines the motive of cyberbullying, such as psychological or emotional evidence of cyberbullying on the victim, it becomes relevant to determine the damages according to the rules of this Section.

Furthermore, in Section 11, if the defendant claims never to have communicated with the victim online in a cyberbullying case, screenshots of conversations between the perpetrator and the victim can refute this claim. The regulation explains that facts that are not otherwise relevant are relevant if they (a) contradict any relevant or fact in dispute; or (b) render the presence or non-existence of any relevant or fact in dispute extremely likely or unlikely, either alone or in conjunction with other facts. If an unimportant fact in this situation contradicts other facts or makes the presence of another truth extremely likely or unlikely, it becomes relevant. This is because many perpetrators do not admit their mistakes and try to cover them up with irrelevant facts.

In the case of the existence of conditions or feelings experienced by victims of cyberbullying when asked for information that shows a change from the condition before the cyberbullying occurred, that is quite significant, both psychologically and mentally. This can be linked to Section 14 EA states that when the existence of a particular state of mind, body, or bodily feeling is in question or pertinent, facts demonstrating the existence of such states—such as intention, knowledge, good faith, negligence, rashness, ill will, or goodwill toward any specific person—are relevant. According to the explanation, that if evidence of the victim's state of mind, body, or feelings indicates harm to the case, this evidence is admissible in court. For example, in cyberbullying cases, evidence that the victim suffered emotional distress or anxiety as a

result of the cyberbullying may be relevant. These articles allow courts to consider electronic evidence relevant to various aspects of a cyberbullying case, including the identity of the perpetrator, the content of the messages, the impact on the victim, and the context of the incident.

Electronic evidence under the Evidence Act in Singapore is used to prove the authenticity and integrity of evidence of relevant facts in question and is admissible in Singapore courts. Section 63 of the EA regulates the proof of document content. The document content must be supported by either primary or secondary data. The paper itself serves as primary evidence (Section 64). Certified copies, mechanical copies, and oral testimony are examples of secondary evidence of the document's content (Section 65).¹³ In cyberbullying cases for electronic evidence, primary evidence may be the device where the cyberbullying messages are stored, while secondary evidence may be screenshots or transcripts of those messages. Electronic evidence often requires digital forensic expertise to ensure its authenticity and integrity.

On the other hand, Section 67A of the Evidence Act also regulates the proof of papers in specific situations. If a statement in a document is admissible in evidence in any proceedings under section 32(1), it may be proven by producing the document itself or, if the document is no longer in existence, by producing a copy of the document or a material portion of it that has been authenticated by the court in a way that has been approved.”¹⁴ This article allows the court to accept copies of electronic documents as evidence without requiring primary evidence, provided that the copy is accompanied by a certificate stating ensure the original is faithfully reproduced in the copy. Additionally, the Evidence Act expressly governs the evidence of numerous and complex pieces of evidence in cases of electronic evidence (cyberbullying) to be provided to the court as regulated in Section 68A, as in paragraph 1, which reads that;

- a. Evidence may be provided electronically or through other media in the form of charts, summaries, or other explanatory materials if the court determines that:
- b. the materials would likely help the court understand other evidence that is relevant and admissible under the provisions of this Act or any other written law; and the evidence that must be provided by any party is so extensive or complicated that the court deems it convenient to evaluate the evidence by referring to such materials.

Based on the above articles, it regulates how electronic evidence must be proven in court. Primary evidence is preferred, but secondary evidence, such as screenshots, can be accepted if primary evidence is not available. In terms of the reliability and authenticity of an electronic document related to EA regulations, One of the primary obstacles to using electronic evidence as proof is ensuring its reliability and authenticity. Electronic evidence is vulnerable to manipulation or change. Therefore, the court needs to consider factors such as **Data Integrity**: Has the data been changed since it was created or sent? **Chain of Custody**: How is the data collected, stored, and processed? **Authentication**: Does the evidence actually come from the claimed source? To ensure the reliability and authenticity

¹³ Section 65, Evidence Act 1893, (2020 Revised Edition)

¹⁴ Section 67A, Evidence Act 1893, (2020 Revised Edition)

of electronic evidence, digital forensic experts are often needed to conduct analysis and provide testimony in court.

Furthermore, regarding the presumption regarding electronic documents in cyberbullying cases, the EA regulates several presumptions for determining the reliability of electronic evidence (electronic records) for admissibility in court. As stated in Section 116A,

Paragraph (1) When a device or process is one that, when used properly, typically produces or accurately communicates an electronic record, the court is to presume that in producing or communicating that electronic record on the occasion in question, the device or process produced or accurately communicated the electronic record, unless evidence is presented that casts doubt on the presumption.

Ayat (2) If it can be proven that an electronic record was created, recorded, or stored in the regular course of business by someone who was not a party to the agreement, the court will presume that the record is authentic unless evidence to the contrary is presented proceedings on the occasion in question and who did not generate, record or store it under the control of the party seeking to introduce the electronic record.

Ayat (3) In cases where an electronic record was created, recorded, or stored by a party that has a conflicting interest with the party attempting to present the evidence, the court is expected to assume that the record is authentic with regard to authentication issues arising from its creation, recording, or storage, unless evidence to the contrary is presented. **Dan Ayat (6)** Unless there is proof to the contrary, the court will assume that an electronic record faithfully reproduces a document that was recorded or saved from a document prepared in accordance with an authorized method.¹⁵

In the sense based on the above rules interpreting the Presumption regarding electronic records that in every legal process, it is assumed that electronic records generated by computers are carried out securely. The court must assume that the digital signature affixed to the electronic record is affixed by an authorized person. The court must presume that certificates signed by a foreign certification authority are valid and issued by a recognized authority, unless proven otherwise. This implies that this Article establishes a framework for determining the reliability and authenticity of electronic records, which is important in cyberbullying cases where digital evidence can be easily manipulated¹⁶.

Cyberbullying case study, Screenshot Evidence: A cyberbullying victim submitted a screenshot of an offensive message received on social media. To prove the admissibility of the screenshot, the victim needed to provide evidence that: 1) The screenshot was an accurate representation of the original message (section 64). 2) The victim received the message from the perpetrator (section 62). 3) The message was relevant to the facts in issue (i.e., it showed cyberbullying) (section 5). The perpetrator could challenge the

¹⁵ Section 116A, Evidence Act 1893, (2020 Revised Edition)

¹⁶ Rr.Dijan Widijowati 2024, A Comparative Study Of Principle Of Guilt In The Provision Of Indonesian And English Criminal Law, Jurnal Krtha Bhayangkara Vol 18 No 3, Hal 11

admissibility of the screenshot by arguing that it had been manipulated or that the victim misidentified the sender.

Second, Chat Log Evidence, where a victim of cyberbullying submits chat logs from an online platform. To prove the admissibility of the chat logs, the victim needs to provide evidence that: The chat logs are authentic and unaltered (Sections 64 and 67A). The chat logs contain communications between the victim and the perpetrator (Section 62). The contents of the chat logs indicate cyberbullying (Section 5). Digital forensic experts can be called to testify about the authenticity and integrity of the chat logs. Third, evidence of social media posts. A victim of cyberbullying submits a social media post made by the perpetrator. To prove the admissibility of the social media post, the victim needs to provide evidence that the perpetrator created the post (Section 69). The post is cyberbullying and directed at the victim (Section 5). The post causes emotional distress to the victim (Section 7). The victim can provide evidence that the perpetrator has a social media account and that the post was visible to others.

2. Protection from Harassment Act 2014 Singapore.

Comparison	Indonesia	Singapore
Main Legal Basis	Criminal Procedure Code (the concept of "Letter" is expanded), ITE Law	Evidence Act (a modern special law on evidence, explicitly regulating electronic evidence)
Recognition of Digital Evidence	Implicit through the interpretation of the "Letter"	Explicit comprehensive in Evidence Act, a broad definition of "document", Sections 4 & 8 specifically address electronic evidence
Details of Digital Evidence Rules	Lack of detail, subject to interpretation and jurisprudence	Very detailed and structured, with specific provisions on the validity, verification methods, and assumptions about the reliability of electronic evidence.
Focus on Validity Standards	Relevance, Materiality, Authenticity	Relevance, Materiality
Reliability	-	Certification process and reliability assumptions
Legal Certainty of Digital Evidence	Lower, because the legal norms are general and depend on interpretation.	Higher, because the legal norms are explicit, detailed, and provide clear guidance.

Legal Implications of Digital Evidence Between Indonesia and Singapore.

- **Legal Certainty:** Singapore's legal framework for digital evidence provides greater legal certainty than Indonesia's. The Evidence Act regulates the validity and admissibility of digital evidence, reducing room for interpretation and potential uncertainty in the judicial process. In Indonesia, despite the use and interpretation of digital evidence from a legal standpoint include largely dependent on court practice and jurisprudence, which can lead to variation and uncertainty.
- **Evidential Effectiveness:** With clearer standards of validity and more structured verification methods, Singapore's digital evidence system is normatively more effective. The certification mechanism and presumption of reliability in the Evidence Act can simplify the evidentiary process for parties submitting valid and reliable digital evidence. In Indonesia, proving the authenticity and integrity of digital evidence may be more challenging and time-consuming, as it relies on witness and expert testimony without the same explicit normative guidance as in Singapore.
- **Cyberbullying Victim Protection:** Singapore's stronger legal framework for digital evidence has the potential to provide more effective protection for cyberbullying victims. Ease of submission and proof of valid digital evidence can increase the chances of successful prosecution and conviction of cyberbullying perpetrators, thereby providing justice for victims and a deterrent effect for perpetrators. In Indonesia, challenges in digital evidence can be an obstacle to cyberbullying law enforcement, potentially reducing the effectiveness of legal protection for victims.

IV. CONCLUSION

A comparison of normative law between Indonesia and Singapore reveals significant differences in the laws governing digital evidence, especially in light of cyberbullying cases. Singapore has a more advanced, explicit, and structured legal framework through the Evidence Act, which specifically regulates the validity and admissibility of electronic evidence. In contrast, Indonesia relies on a broad interpretation of the Criminal Procedure Code's "Letter" concept, the widespread acceptance of electronic evidence in the Electronic Information and Transactions Law (UU ITE), with legal norms that are less detailed and subject to interpretation.

Normatively, Singapore's legal framework provides greater legal certainty and potentially greater evidentiary effectiveness in cyberbullying cases involving digital evidence. Indonesia needs to continue developing and strengthening its digital evidence legal framework, perhaps by considering adopting principles and best practices from other jurisdictions such as Singapore, to improve cyberbullying law enforcement and victim protection in the digital age. Empirical research on the implementation of these norms in judicial practice in both countries would also offer a more thorough comprehension of the efficacy of digital evidence laws in addressing cyberbullying.

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