

Research Article

The Use of Electronic Means in Litigation

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Abstract: In recent years, the utilisation of electronic technologies has undergone considerable and transformative growth across multiple domains of daily life. This evolution has extended to the sphere of litigation and evidentiary procedures, prompting the enactment of legal frameworks designed to regulate the employment of electronic tools in judicial contexts, with provisions ensuring the protection and security of individuals engaging with such technologies. Accordingly, this study seeks to examine the use of electronic resources within legal proceedings and to elucidate their significance as evidentiary instruments, with particular attention to the principle of functional equivalence and the assessment of the probative weight of electronic documents. The findings indicate that the Jordanian legislature has made substantial progress in adapting to technological advancements, recognising that the increasing integration of digital tools into all areas of human activity is a prominent and ongoing trend, particularly within litigation and evidence management. By enacting legislation that governs the application of electronic methods in judicial processes, the legislature has responded effectively to these developments. Moreover, by incorporating the principle of functional equivalence, which accords electronic records the same status as traditional written documents, the law ensures their protection, reliability, and facilitates the validation of transactions conducted electronically. Finally, the research provides several recommendations which, from the perspective of the researchers, could enhance the utilisation and effectiveness of these electronic resources in legal contexts.

Keywords: Electronic Means, Principle of Functional Equivalence, Electronic Evidence, and Electronic Documents.

1. Introduction

The current period is characterised by the pervasive influence of digital technologies, which have markedly transformed the legal domain, giving rise to increasing reliance on digital evidence and related tools in the administration of justice [1]. Electronic media encompasses emails, social media posts, audio-visual materials, and electronic documents, all of which have become indispensable components of contemporary judicial processes [2]. The growing dependence on these resources has significantly impacted court proceedings, particularly in civil matters, where digital evidence has contributed to reducing both the time and effort required for case resolution [3]. Consequently, it is imperative to respond promptly to technological innovations and integrate electronic tools into litigation processes [4]. The deployment of electronic instruments is regulated to address critical challenges associated with the collection, verification, and adjudication of evidence, thereby enhancing efficiency and streamlining litigation procedures [5]. In this context, the Jordanian legislature introduced amendments to the Code of Civil Procedure through Law No. 31 of 2017, authorising the utilisation of electronic resources in court proceedings, including judicial notifications [6]. Furthermore, the enactment of the Electronic Transactions Law, alongside supporting regulations, has established a legal framework to govern electronic procedures in evidentiary matters [7].

Nevertheless, infrastructural technological changes have influenced the application of evidence in both civil and criminal contexts. Evidence serves to establish factual information, which in turn informs judicial decision-making [1]. The direct integration of electronic methods into judicial procedures, particularly in relation to notifications and evidentiary submissions, necessitates thorough analysis to determine their legal and practical significance [2]. This assessment draws on the examination of pertinent legal provisions, supported by rulings from the Court of Cassation. Despite the widespread adoption and importance of electronic tools in legal proceedings, the introduction of digital evidence and electronic records raises concerns regarding the fairness, validity, and reliability of judicial processes [3]. The legal sector continues to rely on traditional practices that often lack formal mechanisms for

authentication and verification [4]. Courts face challenges in ensuring the credibility of digital evidence while safeguarding individual privacy [2].

This study examines the factors driving the integration of electronic mechanisms into legal systems and the practical challenges associated with their use. Among the issues addressed are the determination of which electronic methods are legally recognised for notifications and whether such methods possess the same evidentiary weight as conventional practices in accordance with the principle of functional equivalence [1]. Additional considerations concern whether the implementation of electronic tools necessitates procedures distinct from traditional practices. Accordingly, the adoption of electronic methods in litigation raises several key questions:

1. Which electronic tools are legally recognized for judicial notification?
2. What is the principle of functional equivalence?
3. Do electronic tools carry evidentiary value equivalent to that of conventional methods under the principle of functional equivalence?
4. Has the judiciary applied the principle of equivalence between electronic and paper-based documents?
5. What procedures govern the use of electronic tools?
6. What is the probative force of electronic evidence?

The objective of this study is to identify the legally recognised electronic methods for judicial notifications, evaluate their significance, and assess their evidentiary value in light of the principle of functional equivalence. This analysis is grounded in the relevant legal provisions and decisions of the Court of Cassation, with the aim of determining the extent to which these methods are applied in practice.

2. Literature Review

2.1 Definition of Electronic Judicial Notification

The concept of “notification” is defined as an official document that constitutes a foundational element of the litigation process, aimed at resolving disputes or conflicts in an equitable manner [8]. Judicial

notification refers to the procedure established by the court to uphold the principle of adversarial proceedings between opposing parties [4]. It represents an official communication issued by the judiciary directed at specific individuals or entities, intended to formally inform them of legal actions initiated against them [5]. One definition describes it as the official and lawful mechanism by which a party is made aware of a particular fact, thereby enabling them to examine it and respond accordingly [8]. In addition, electronic notification has emerged as a modern form of judicial communication, developed in response to technological advancements worldwide [9]. The adoption of electronic notifications is not intended to replace traditional notification methods but rather to facilitate the delivery process and reduce potential legal complications related to authentication [10]. Similarly, electronic judicial notification involves the transmission of official information through digital channels, providing parties with valid and reliable notice [11]. As a result, a substantial portion of legislation has incorporated electronic judicial notifications into litigation procedures, with the objective of conserving time, effort, and costs.

2.2 The Principle of Functional Equivalence

The digitisation of legal procedures has fundamentally transformed approaches to litigation, particularly in relation to procedural evidence. In recent years, courts have increasingly relied on electronic instruments, such as notifications, signatures, and digital documents, as the basis for evidentiary processes [12]. A central concern that has arisen pertains to the courts' utilisation of electronic channels to ensure the delivery of justice and the preservation of fairness [13]. The principle of functional equivalence, introduced by the United Nations Commission on International Trade Law (UNCITRAL), has been adopted by courts to validate the legal status and probative value of electronic tools. This principle dictates that electronic instruments must be treated as legally equivalent to traditional, paper-based methods [6]. The present study applies the concept of functional equivalence to examine the legality of electronic means as substitutes for conventional methods, and to assess how electronic notifications enhance procedural integrity and accessibility.

Electronic instruments, including notifications, signatures, and settlement agreements, are recognised as valid under this principle, provided that they conform to the requisite procedural formalities akin to those required for traditional documentation [11]. The rationale for this equivalence can be appreciated by considering the functions historically fulfilled by paper-based documents, whether handwritten or printed. These include verifying the free and valid consent of contracting parties, establishing rights, safeguarding minors and third parties, preventing forgery, and preserving public order [14]. Additional functions of traditional documents involve ensuring legibility, providing protection against forgery, enabling parties to retain identical copies, authenticating documents through signatures, and meeting the standards of authorities and courts [15].

Electronic instruments can fulfil these same functions while, in certain instances, offering enhanced confidentiality and trustworthiness, particularly regarding the identification of data sources and verification of content, provided that specific legal and technical requirements are satisfied [16]. In Jordan, the legislature has accorded electronic records, contracts, messages, and signatures the same evidentiary weight as traditional written documents and handwritten signatures through the Electronic Transactions Law [17]. This legislative framework embodies the principle of functional equivalence, under which an electronic signature is considered functionally equivalent to a handwritten signature, so long as it serves the same purpose. The adoption of this model strengthens fact-finding processes and enhances the reliability and credibility of contracting parties.

2.3 Digital Evidence

Electronic evidence has become a fundamental requirement within the judicial system, extending beyond mere collection to encompass the formal presentation of such evidence in court proceedings [9]. Digital evidence, including emails, social media communications, text messages, and electronic records, is increasingly considered reliable in legal contexts with respect to credibility and chronological accuracy. The adoption of electronic documents and records has become progressively prominent across a variety of courts [11]. Despite its growing significance, the authenticity and validity of electronic evidence continue to provoke debate. Presenting such evidence in both civil and criminal cases encounters multiple challenges [10]. Central among these is ensuring the reliability and credibility of electronic records, a matter that courts are actively attempting to resolve [18]. Technical obstacles, such as the limited availability of legal professionals proficient in managing

electronic evidence, exacerbate difficulties during presentation before judges and juries, highlighting gaps in procedural expertise [13]. Furthermore, the lack of standardised practices and adequate skills for interpreting electronic evidence contributes to inconsistencies across jurisdictions [15]. The integration of electronic evidence into litigation has therefore generated substantial concerns regarding legal standards, reflecting the broader replication of digital records and technologies within judicial processes [12].

3. Research Methodology

This study aims to investigate the electronic methods of judicial notification that are legally recognised, with a view to clarifying their legal definition and assessing their evidentiary value in light of the principle of functional equivalence. To achieve this aim, the research adopts an analytical and deductive approach, reviewing relevant legal materials to identify judicial rulings pertinent to the issues under examination. The focus is placed on applicable legal provisions, particularly those directly related to electronic judicial notifications, the principle of functional equivalence, the procedural application of electronic notifications, and their probative force.

4. Findings and Discussion

The results of this study primarily highlight the role and status of electronic judicial notifications, the application of the principle of functional equivalence, the procedures governing electronic notifications and their evidentiary significance, the admissibility of electronic credentials, and the probative weight of digital documents within legal proceedings.

4.1 Electronic Judicial Notification and Its Importance

Electronic notification constitutes a procedural element of litigation, serving to inform a party of legal proceedings initiated against them through the utilisation of electronic tools [7]. Courts have increasingly adopted these methods due to their accessibility and practical convenience. To fully understand the concept of electronic judicial notification, it is essential to define it, outline the modalities employed in its implementation, and examine its legal applicability. Accordingly, this paper begins by defining electronic judicial notification, followed by an analysis of its significance within the judicial process. The Jordanian legislature facilitated the use of electronic notification within the Code of Civil Procedure through Amending Law No. 31 of 2017. Article 2(5)(a) stipulates that the court may verify a party's address in order to issue the notification submitted by the opposing party, which may be accomplished using electronic means [7]. This provision indicates that not all electronic methods are deemed suitable for delivering notifications in court. To address this, Regulation No. 95 of 2018 was enacted, specifying the electronic methods that are legally permissible during civil judicial proceedings. According to Article 5(2) of the Jordanian Civil Procedure, the following provisions apply:

"A- The court may verify the correctness of the address provided to it by the litigant to inform the other litigant or witnesses against him using electronic means determined by a system issued for this purpose) In accordance with this article, the system for the use of electronic means in the Jordanian civil judicial procedures, No. 95 of 2018, was published in the Official Gazette No. (5600) No (5529) on 2/9/2018, and this system indicated the electronic judicial procedures as: (Procedures for recording cases and notification procedures"

Coupled with these provisions, the parties involved in a case are permitted to utilise electronic channels for the delivery of judicial documents. Article 3 of this regulation specifies the various electronic channels that may be employed in the process of electronic notification. These methods include: "1- E-mail, 2- Phone text messages, 3- The electronic account made in the lawyer, 4- any other method accepted by the Minister" [19]. In this context, the law defines the following methods as recognised means of electronic judicial notification:

Email: Email represents a transformative technology arising from the use of electronic networks, particularly the Internet. It enables the electronic transmission of messages, files, drawings, images, and other content between a sender and one or multiple recipients, using the recipient's email address as an alternative to their physical address [20].

SMS through Mobile Phones: Mobile devices offer a range of services including voice, video, SMS, multimedia messaging, and internet access. Regulation No. 95 of 2018 identifies SMS as a recognised method for electronic notification through mobile phones [21]. The Jordanian Court of Cassation has confirmed this in practice:

"Regarding the notification of the hearing for the appellant on 24/12/2019, during which the Court of Appeal ruled that the appellant

would be tried in absentia, it was established that he had been duly notified on 19/12/2019 via posting, in accordance with Article 9 of the Code of Civil Procedure, and additionally a brief notice was sent by SMS to the appellant's counsel, as reflected in the appeal petition. As this notification complied with the Code of Civil Procedure as amended by Law No. 31 of 2017, the trial in absentia was deemed lawful."

The Electronic Account Established in the Case of the Lawyers: In accordance with Article 6 of Regulation No. 95 of 2018, the Ministry of Justice is required to provide every lawyer with an electronic account on its portal. This account is designated for the filing of lawsuits, enforcement applications, pleadings, evidence lists, and other communications between the court and litigants. It stipulates:

"The Ministry provides each lawyer with an electronic account on its electronic portal, which is approved for the purposes of registering judicial and executive cases, requests, depositing regulations, list of evidence, other communications, judicial and executive papers."

Moreover, Article 5(e) of the regulation authorises the Ministry of Justice and the courts to utilise the information provided by lawyers to conduct civil judicial proceedings through electronic means. This provision implies that notifications sent by the court to a lawyer's electronic account are legally binding, as notification constitutes a recognised judicial process under Article 2 of the regulation [22].

Any Electronic Means that the Minister of Justice Approves: This clause indicates that Article 7(a) does not limit the methods of electronic notification. The Minister of Justice retains the authority to approve additional electronic means for delivering notifications to the courts in accordance with legal requirements.

Accordingly, the Jordanian legislature permits judicial notifications via the specified electronic channels under Article 7(a) of the Code of Civil Procedure, as amended by Law No. 31 of 2017. In its interpretation, the Court of Cassation ruled:

"Regarding the first ground, which alleged that the Court of Appeal failed to provide adequate notice to the appellant's counsel for the 30/11/2021 hearing, it is established that electronic notification was duly issued on 15/11/2021. Despite the notification, the counsel did not attend the hearing and offered no valid justification; consequently, the trial in absentia was deemed lawful, and this ground is not upheld" [23].

4.1.1 The Importance of Electronic Notification

The rapid transformations occurring across various facets of life necessitate corresponding adaptations in legal frameworks. Consequently, the law must align with advances in communications and information technology, leveraging the benefits offered by contemporary methods. As technological innovations accelerate, the frequency of disputes among individuals increases, while traditional litigation procedures remain slow. This situation underscores the need for tools characterised by efficiency and precision in dispute resolution. Such a requirement has prompted the incorporation of advanced communication technologies in judicial notifications, enabling the exploitation of their unique advantages to address many of the limitations inherent in conventional methods [8]. Accordingly, these developments have significantly influenced the speed and timeliness of notifications. The advantages of electronic notification can be summarised as follows:

The Astounding Speed of Electronic Communication Techniques: Modern electronic communication methods are distinguished by their rapidity, reduced effort, and cost efficiency. Given that judicial notification is a cornerstone of judicial processes, the utilisation of such tools in notifications and evidentiary procedures has become indispensable in court proceedings [7]. This innovation contributes to the reduction of case durations, which are frequently extended due to the inefficiencies of traditional notification methods.

Cost Saving: The volume of work handled by courts and the extensive number of notifications required through traditional methods necessitate significant human resources. This generates substantial financial burdens, including travel expenses for delivering notifications and the remuneration of personnel involved in these tasks [8]. Transitioning from conventional to electronic notifications alleviates these pressures, resulting in a notable decrease in operational costs.

Privacy: Modern technology ensures the confidentiality of transmitted information, allowing access only to the sender and the designated recipient. This aspect is particularly critical in judicial notifications, which may involve sensitive documents that must remain confidential. Advanced technological methods safeguard this privacy, preventing third-party access to notification content [24]. In contrast, traditional notification methods frequently pose risks to privacy, creating potential for inadvertent disclosure of personal information.

4.2 The Principle of Functional Equivalence

The information revolution has generated significant technological

advancements, particularly in the realms of electronic writing, digital instruments, and electronic signatures. As a result, traditional legal norms concerning evidence, especially those related to written documentation, have proven insufficient to address the challenges posed by rapid technological change. In response, the United Nations Commission on International Trade Law (UNCITRAL) introduced the Model Law on Electronic Commerce in 1996, designed to overcome the limitations imposed by national regulations that mandated written forms for electronic transactions [25]. This Model Law expanded the concept of writing and signatures to accommodate computer-based technologies. This approach, known as the principle of functional equivalence, assesses the objectives and functions typically associated with paper-based systems and seeks to replicate them through electronic commerce technologies. "Jordanian Evidence Law 2001" states:

"Evidence consists of confessions, witness statements, and real evidence. Real evidence may be omitted..." [26].

The impact of the UN approach, alongside its endorsement of the principle of functional equivalence, is evident within Jordanian legislation. The 1997 Securities Law permitted the admissibility of various forms of evidence in securities-related cases, including electronic data generated by computers. Subsequently, Jordan enacted the Electronic Transactions Law No. 85 of 2001 to formally recognise electronic means as valid evidence [27]. This law was later amended to align with evolving practices in electronic transactions, resulting in the revision of the Electronic Transactions Law to No. 15 in 2015. Through the Electronic Transactions Law, the Jordanian legislature has accorded electronic records, contracts, messages, and signatures the same evidentiary weight as traditional written documents and handwritten signatures. This establishes the principle of functional equivalence, whereby an electronic signature is considered functionally equivalent to a handwritten signature, provided it serves the same purpose. This framework enhances the utilisation of evidence and ensures the credibility of parties engaged in contractual arrangements [27].

4.2.1 Conditions for Applying the Principle

There are several requirements for the application of the principle of functional equivalence:

Electronic Writing: An electronic record requires a form of writing, which may consist of symbols, shapes, or characters representing words and ideas. This writing must be stored in electronic media, accessible and reproducible through computer systems or other technologies, regardless of their complexity or form. Consequently, while electronic writing differs from traditional writing in medium, it fulfils the same function of conveying meaning [28].

Electronic Record: This refers to the medium used to create, transmit, or preserve the written record, which may be electrical, magnetic, optical, electromagnetic, or employ any similar technology capable of carrying the written content. Such methods have also facilitated financial transactions [29].

Electronic Signature: A document lacking a signature is often considered questionable and cannot serve as standalone evidence. Signatures confer legal authenticity and validity to a document. An electronic signature is defined as data used to identify the signatory and indicate their consent to the contents of the document [30].

Integrity and Immutability: The admissibility of electronic records as evidence for legal transactions relies on preserving the records in a manner that prevents tampering. The record must retain its original form as created, transmitted, or received [31].

4.3 Procedures of Electronic Notification and Its Evidentiary Value

Given that the Jordanian legislature has authorised notifications via electronic means, specified the permissible methods, and established the corresponding regulatory framework, it is necessary to examine the legal procedures required to ensure a valid notification. The legal effects of a notification are realised only when these procedures are correctly observed. Additionally, it is important to assess the evidentiary value of employing such methods to ensure the protection of the rights of all parties involved.

4.3.1 Legal Procedures of Electronic Judicial Notification

The utilisation of contemporary electronic communication methods necessitates careful technical planning and oversight, including the provision of appropriate tools, clarification of their operational mechanisms, and verification of their effectiveness in achieving intended objectives. When these tools are employed in court proceedings or for any form of judicial notification, their use must comply with legal requirements. Article 4(a) of the Regulation on the Use of Electronic

Means permits the electronic registration of lawsuits and applications, payment of fees, notifications, and exchange of pleadings, as follows:

- Submission of the statement of claim along with all supporting attachments electronically.
- Notification by the court to the claimant regarding the acceptance of the registration.
- Following service of the statement of claim and its attachments to the defendant, the parties exchange pleadings electronically [32].

Article 5(a) of the Regulation on the Use of Electronic Means in Judicial Procedures stipulates that every lawyer must submit a statement to the Bar Association containing personal and professional details. This statement must include the lawyer's name, home and office addresses, telephone numbers, and email addresses, and must indicate an obligation to notify the Bar of any future changes. Articles 6 and 18 of the regulation provide all lawyers with access to an electronic account on the Ministry of Justice portal [22]. This account serves for the submission of lawsuits, enforcement applications, pleadings, evidence lists, and other judicial communications.

4.4 Evidentiary Value of Electronic Documents

For an electronic document to possess full evidentiary force and be regarded as equivalent to paper-based or conventional written documents, it must satisfy a set of conditions outlined in the Jordanian Electronic Transactions Law and the UNCITRAL Model Law, as discussed previously. When these requirements are fulfilled, electronic documents are accorded the same evidential weight as traditional written records [33]. The issuance of official documents must be carried out by an authorised official acting within their official capacity and in accordance with prescribed procedures. Electronic formal documents attain the status of official records with binding evidentiary value when proper technical and procedural safeguards are observed and all stipulated conditions are met. This presumption of authenticity can be challenged only by presenting evidence of invalidity or by allegations of forgery. The probative value, within certain jurisdictions, is not restricted to the original official electronic documents but extends to certified paper copies derived from them [20]. To qualify as an official electronic document, it must be associated with a certified electronic signature. An electronic signature can be certified through a digital certificate issued by an authorised certification authority in accordance with legal requirements. The legislation specifies the entities authorised to issue such certificates and defines the conditions for their issuance [30].

4.4.1 Evidentiary Value of Electronic Judicial Notification

Judicial messages are generally regarded as official communications. Consequently, notifications issued by a duly authorised public official constitute binding evidence for all concerned parties, unless legal proof demonstrates that they have been altered, in accordance with Article (7/1) of the Jordanian Evidence Law. Under the Jordanian Code of Civil Procedure No. 24 of 1988, as amended, the legal effects of a notification arise upon the recipient signing the notification form, refusing to sign it, or when the notification form is completed in accordance with statutory requirements [34]. Article (15) provides:

"Failure to observe the time limits, procedures, or conditions of notification as provided by law and regulations shall render the notification void."

While this highlights the factual importance of traditional notifications, it raises questions regarding the legal weight of electronic judicial notifications. Are they afforded the same evidentiary strength as required by the Code of Civil Procedure? Article (7/d) of Regulation No. 95 of 2018 on the Utilization of Electronic Means in Civil Judicial Procedures stipulates that electronic notifications conducted in compliance with this regulation carry the same legal effect as their traditional equivalents under the Code of Civil Procedure. Nevertheless, the regulation also states that the party requesting electronic notification must submit the original paper copies of the electronically filed documents to the court during the first hearing following the electronic procedure. According to Article (4), failure to do so results in nullity. Accordingly, the evidentiary value of electronic notifications remains provisional; it attains finality and becomes binding only upon submission of the original documents at the subsequent hearing, and is invalidated if this does not occur [35]. A further issue concerns whether the provisions of the Electronic Transactions Law No. 15 of 2015 apply to judicial notifications conducted electronically. Initially, electronic notification could be interpreted as a "transaction" under Article (2) of the law, which states:

"Wherever they appear in this law, the following terms and expressions shall have the meanings assigned thereto hereunder unless the context indicates otherwise" [36].

Article (2) further clarifies that electronic transactions are defined

as:

"Transactions executed by electronic means."

However, Article (3/b/6) of the Electronic Transactions Law explicitly excludes judicial pleadings, notices, and court decisions from its scope. This exception reflects the need to prevent unwarranted delays or procedural complications in litigation, as formal requirements such as notarisation, authentication, and digital certification may conflict with the efficiency required in judicial proceedings. Additionally, the regulation delegates to the Code of Civil Procedure the determination of the moment at which an electronic notification is legally recognised [22; 36]. Finally, the regulation allows any interested party to challenge the validity of an electronic notification made in violation of the relevant rules, as provided in Article 7/c of Regulation No. 95 of 2018. It is important to note that issues related to notifications cannot be treated as matters of public order and therefore are not subject to ex officio review by the court. In one case, the Jordanian Court of Cassation stated:

"Since the issue of the implicit recognition of the notification is not related to the order within the community, the Court of Appeal made the right decision not to evaluate the validity of the notification on its own, but leave this responsibility to the Court of First Instance" [37].

4.5 The Probative Force of Digital Documents in Evidence

Under the Electronic Transactions Law, the Jordanian legislator has equated data stored in electronic media with that maintained in traditional paper formats. Nevertheless, the legislator has not explicitly outlined procedures for contesting electronic documents, opting instead to define their evidentiary significance and general provisions. The Court of Cassation endorsed this interpretation, stating:

"The above-mentioned agreement, as it was sent via email, has the same probative force as any traditional document according to Article 13/3/c of the Evidence Law. Thus, the Court of Appeal made the conclusion relying on legally valid evidence that is available in the case file and is sufficient to support the decision."

Similarly, the updated Evidence Law, under Article (13), reinforces this principle by confirming that electronic documents, electronic records, and certified or signed computer outputs are legally valid and are granted the same evidentiary weight as traditional documents, except where it is demonstrated that the documents were unauthorised or were obtained improperly. Additionally, according to the Electronic Transactions Law, the evidential value of electronic signatures and records depends on their certification through verification procedures that are approved, validated, or contractually agreed upon by the parties involved. This ensures that the electronic record remains intact and unaltered from the moment of creation or transmission. In practical terms, this requires implementing security measures to maintain record integrity, which may include encryption, cryptographic keys, password protection, and other technical safeguards [38]. Regarding electronic signatures, Article 10 of the Electronic Transactions Law grants them legal recognition for electronic records and messages as substitutes for handwritten signatures on paper documents [36]. The article stipulates:

Where the law is such that the validity of a signature is required for a legal act, and the absence of such a signature invalidates such a legal act, the validity of an electronically signed document is satisfied by an electronic signature attached to an electronic document.

Whether there is a reliable way of determining the signatory and of proving his or her assent to the contents of electronic document that bears the signature shall be the basis of the confirmation of the legitimacy and assigning an electronic signature to its proper owner on the condition that it is not contrary to the surrounding circumstances of the transaction such as the agreement of the two parties to use such a method.

In this regard, "Law No. 15 of 2015 Electronic Transactions Law" of Jordan also states:

"Unless the initiator and the addressee agreed otherwise, the dispatch of the information message shall occur when it enters an information system outside the control of the initiator, the person, or the electronic intermediary that sent the message on behalf of the initiator" [36].

5. Conclusion

The Jordanian legislature has integrated modern technological tools into litigation processes, enabling judicial notifications to be carried out electronically and recognising electronic documents as equivalent to paper-based records under specified conditions. The findings of this research indicate that the Jordanian legislative body has adapted to advancements in electronic communications by enacting laws that regulate their use within court proceedings. However, the legislature did not deem all electronic methods suitable for judicial notification, instead specifying those that are legally permissible, thereby establishing a clear framework of acceptable electronic notification methods. Furthermore,

the legislature adopted the principle of functional equivalence, granting electronic writing the same legal status as traditional writing. Consequently, electronic documents are afforded probative value comparable to that of conventional written instruments.

6. Recommendations

- Equip courts with the necessary technical infrastructure to efficiently manage electronic litigation processes.
- Extend the application of electronic means across all stages of litigation, including the exchange of pleadings and judicial records among the involved parties.
- Provide comprehensive training and resources to members of the judiciary to ensure effective utilization of electronic tools, thereby preventing a lack of technical knowledge from hindering the exercise of judicial rights.
- Enhance awareness and training regarding the evidential value of electronic practices and computer-generated materials.

7. Research Implications

This study incorporates significant implications for both theory and practice. For instance, the research examines the application of electronic means from the perspective of Jordanian law, with particular focus on the principle of functional equivalence, which asserts that electronic writing holds the same legal weight as traditional writing. This perspective underscores the importance of maintaining privacy and ensuring the security of documents transmitted electronically. Consequently, the findings contribute substantially to the body of literature on electronic justice. Simultaneously, the study is expected to encourage courts to adopt electronic tools for delivering notifications to the relevant parties, thereby reducing both time and financial costs. Additionally, the research enhances public understanding of the significance of electronic evidence within litigation processes. As a result, policymakers may be motivated to develop alternative policies on electronic notifications that safeguard the privacy and security of all parties involved.

8. Limitations and Future Research Directions

Despite providing a comprehensive analysis of electronic notifications, this study is subject to certain limitations. For instance, the research relied on secondary data to evaluate the use of electronic means in litigation and to determine their evidentiary significance, which restricted the depth of analysis. Furthermore, the scope of the study is confined by the focus on Jordanian legislation, which addresses this matter exclusively. To overcome these limitations, future research should incorporate the collection of primary data to gain a more nuanced understanding of the subject. Additionally, consideration of other relevant legal frameworks could broaden the analysis and enhance the overall findings of subsequent studies.

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