

A Comparative Study of the Status of Electronic Evidence in the Proof of Claims in Imami Jurisprudence, Iranian Law, and French Law

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The present study was conducted with the aim of comparatively examining the status of electronic evidence in the proof of claims within three systems: Imami jurisprudence, Iranian law, and French law. This research is qualitative in nature and was carried out using a descriptive-analytical method with a comparative approach. Data were collected through the review of authoritative jurisprudential and legal sources as well as relevant legislation, and were analyzed using the content analysis technique. The findings indicate that in Imami jurisprudence, electronic evidence is admissible provided that its reliability and security against forgery and alteration are established, and it may lead to the judge's knowledge. In Iranian law, the Electronic Commerce Act (enacted in 2003) and the Regulation on the Admissibility of Electronic Evidence (enacted in 2013) have recognized electronic evidence and included it among the means of proof. In French law, the Act of March 13, 2000, by establishing equivalence between electronic and paper writings, introduced a fundamental transformation in the law of evidence, and Articles 1365 to 1367 of the French Civil Code now recognize the principle of equal probative value of these two forms. The results of the study demonstrate that all three legal systems have moved toward the acceptance of electronic evidence; however, French law, through explicit legislative provisions and a distinction between electronic evidence in juridical acts and juridical facts, offers a more coherent system. Iranian law, by drawing on the capacities of Imami jurisprudence and the experience of French law, can further develop its system of electronic evidence.

Keywords: *Electronic evidence, proof of claims, Imami jurisprudence, Iranian law, French law, Electronic Commerce Act, probative value.*

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1. Introduction

The expansion of information and communication technology in recent decades has created a profound transformation in all dimensions of human life. The field of law and adjudication has not been exempt from this transformation and has encountered a new phenomenon known as "electronic evidence." Electronic documents, text messages, emails, digital images, electronic contracts, and various other forms of data messages today constitute an important part of the

evidence submitted to judicial courts for proving claims. This transformation has raised fundamental questions concerning the validity, probative value, and status of such evidence in different legal systems.

The main question of the present study is: What is the status of electronic evidence in proving claims in Imami jurisprudence, Iranian law, and French law, and what differences and similarities exist among these three systems? The purpose of this comparative examination is to identify the capacities and shortcomings of each of these systems and to offer proposals for improving the



system of electronic evidence in Iranian law by drawing on comparative experiences and the rich capacities of Imami jurisprudence.

The significance of this study derives from the fact that Iranian law, despite positive steps taken in the Electronic Commerce Act and the Regulation on the Admissibility of Electronic Evidence, faces numerous practical and theoretical challenges in this field. On the other hand, Imami jurisprudence, as the principal source of Iranian law, possesses considerable capacities for providing theoretical support for the acceptance of electronic evidence. Moreover, French law, as one of the leading systems in this field, has offered valuable experience in regulating electronic evidence through reforms of the Civil Code in 2000 and 2016, which may serve as an inspiration for Iranian law.

An examination of the capacities of Imami jurisprudence in accepting electronic evidence shows that although, in classical jurisprudential texts, the means of proving claims are limited to confession, testimony, oath, qasamah, and the judge's knowledge, general jurisprudential rules may be used to legitimize modern forms of evidence. For example, the rule of "no harm" and the rule of "preventing disruption of the social order," which have been considered in Imami jurisprudence for ensuring legal security and preventing social harms, may provide an appropriate basis for accepting electronic evidence in contemporary proceedings (Robati et al., 2021). Likewise, the presumption of validity and the rule of apparent meaning, which emphasize the legal significance of outward indications in legal relationships, may serve as a basis for relying on electronic evidence in situations where access to reality through traditional means is not possible.

In Iranian criminal law, although Article 60 of the Islamic Penal Code enacted in 2013 limits evidentiary means to five categories, there are nevertheless capacities for using evidence obtained from modern technologies. Such evidence may include evolving forms of electronic technology, recorded sounds, images, and videos, which, compared with traditional evidence such as testimony, may have a stronger effect in forming the judge's inner conviction. Unfortunately, in recent decades, despite the increasing use of modern evidence in the legal systems of other countries, the Islamic legislator has failed to keep pace with developments in this field, and this has

generated fragmentation and inconsistency in judicial practice (Kazemi & Kakavand, 2022).

A comparative examination of French law shows that the Act of March 13, 2000, concerning the adaptation of the law of evidence to modern technologies, amended the French Civil Code in such a way that electronic documents were also accepted as evidence. In Iranian law, the Electronic Commerce Act enacted in 2003 was also an important step in this direction; however, challenges remain concerning the validity and effects of such documents in civil claims, and the study of the French experience and its subsequent developments can be instructive.

Recent studies in the field of economic jurisprudence also show that assessing the admissibility of electronic evidence in jurisprudence, with reference to Iran's Electronic Commerce Act, is an issue that can reach desirable conclusions through dynamic ijtihad and by relying on principles such as the practice of rational people and rational custom, which are accepted in Imami jurisprudence (Z. Moradi et al., 2021).

Research Background

A review of the research background shows that the subject of electronic evidence has been independently addressed by researchers in each of the three systems under examination.

In Imami jurisprudence, numerous sources have examined the means of proving claims. Prominent jurists such as Shaykh Ansari in *Al-Qada wa al-Shahadat*, Muhaqqiq Hilli in *Shara'i al-Islam*, and Najafi in *Jawahir al-Kalam* have discussed traditional means of proof in detail. In the contemporary period, studies have examined the compatibility of electronic evidence with these jurisprudential foundations. Moradi and colleagues, in an article entitled "Feasibility of the Validity of Electronic Evidence in Jurisprudence with a Look at Iran's Electronic Commerce Law," concluded that electronic documents, if security measures are observed, may be regarded as evidence for proving claims (M. Moradi et al., 2021).

In Iranian law, several statutes have addressed the issue of electronic evidence. The Electronic Commerce Act enacted in 2003 is the most important of these statutes and, in Articles 6 to 15, addresses the definition of data messages and their validity. The Regulation on the Admissibility of Electronic Evidence enacted in 2013 also specifies further details in this regard. Shahbazinia, in an

article entitled “Electronic Evidence in the System of Evidence for Proving Claims,” analyzed the legal challenges of such evidence. Ahmadi Lashki and colleagues, in an article entitled “Electronic Evidence to Prove Claims in Administrative and Civil Proceedings in Iran According to Imamiyyah,” examined the possibility of using electronic evidence in administrative proceedings (Ahmadi Lashki et al., 2023).

In French law, the Act of March 13, 2000, is considered a turning point in the acceptance of electronic evidence. By amending the Civil Code, this law recognized the equivalence of electronic and paper writings. Subsequently, Ordinance No. 2016-131 of February 10, 2016, rewrote and updated the provisions related to evidence. The educational resources of UNJF have analyzed these provisions in detail. French case law has also interpreted these provisions in numerous decisions, including the judgment of the Court of Cassation dated March 13, 2008 (Unjf, 2020).

The existing research gap is the absence of a study that, while examining the theoretical foundations of electronic evidence in Imami jurisprudence, comparatively analyzes them with Iranian and French law and identifies the capacities of each system for addressing the shortcomings of the others. The present article seeks to fill this gap.

Methodology

The present study is qualitative in nature and applied-developmental in purpose. The research method is descriptive-analytical with a comparative approach. The research population includes all authoritative sources in the three fields of Imami jurisprudence, Iranian law, and French law that are related to the means of proving claims and electronic evidence.

The method of data collection is library-based and documentary. In the Imami jurisprudence section, major jurisprudential sources such as Jawahir al-Kalam, Shara’i al-Islam, Makasib, and works on adjudication and testimony were studied. In the Iranian law section, relevant statutes and regulations, including the Electronic Commerce Act enacted in 2003, the Civil Procedure Code, the Regulation on the Admissibility of Electronic Evidence enacted in 2013, and related judicial decisions were examined. In the French law section, the French Civil Code, especially Articles 1365 to 1367, the Act of March 13, 2000, case law, and legal doctrine were analyzed.

To analyze the data, the content analysis technique was used with a comparative approach. Accordingly, the foundations and status of electronic evidence in each system were first identified and classified; then, their points of convergence and divergence were extracted; and finally, they were evaluated based on criteria such as theoretical coherence, practical efficiency, and enforceability.

Findings and Discussion

2. The Status of Electronic Evidence in Imami Jurisprudence

Imami jurisprudence, as one of the richest sources of Islamic law, presents a coherent system for the means of proving claims. Traditional means of proof in jurisprudence include confession, testimony, qasamah, the judge’s knowledge, and oath. The fundamental question is whether electronic evidence can be placed within these forms of evidence or whether it has an independent nature.

2.1. Jurists’ Views on Electronic Evidence

Existing studies show that, from the perspective of Imami jurists, electronic evidence is admissible and valid if certain conditions are established. These conditions include:

Security against forgery and alteration: the electronic document or writing must have been kept in a reliable environment protected against unintended changes.

Attributability: the person to whom the document is attributed must be identifiable in a reliable manner.

Generation of knowledge for the judge: electronic evidence must be capable of producing knowledge for the judge or at least giving rise to relative assurance (Ahmadi Lashki et al., 2023).

2.2. The Jurisprudential Basis for Accepting Electronic Evidence

Jurists rely on several jurisprudential foundations for accepting electronic evidence:

The principle of permissibility: according to this principle, everything is permissible unless its prohibition is established. Therefore, the use of electronic evidence is permissible as long as there is no religious prohibition.

The practice of rational people: rational people rely on electronic documents in their social and commercial relations, and this practice has been approved by Sharia (M. Moradi et al., 2021).

The judge's knowledge: if electronic evidence produces knowledge for the judge, it may serve as the basis for decision-making. The judge's knowledge is regarded in Imami jurisprudence as one of the means of proving claims.

The rule of no harm and no hardship: this rule, which denotes the negation of harm and hardship in Islamic rulings, may provide a basis for accepting electronic evidence in situations where the use of traditional evidence would cause hardship or harm to the litigants. In the present era, when many transactions and communications are conducted electronically, non-acceptance of electronic evidence may cause harm and hardship to individuals (Robati et al., 2021).

The rule of preventing disruption of the social order: according to this rule, anything that causes disruption in the social and economic order of society is religiously prohibited. Given that a significant portion of commercial and social interactions today takes place through electronic tools, non-acceptance of electronic evidence in courts may lead to disruption of the social and economic order and weaken public trust in the judicial system.

The presumption of validity: this principle, which requires interpreting a Muslim's act as valid, may also apply to electronic evidence. This means that if an electronic document has been prepared under the necessary conditions, it is presumed valid and may be relied upon unless the contrary is proven (Z. Moradi et al., 2021).

Rational custom: the custom and practice of rational people in human societies has always been considered by Imami jurists. Today, rational people at the international level rely on electronic evidence and accept it in their relationships. This continuous and widespread rational custom may provide a strong basis for accepting electronic evidence in Imami jurisprudence, especially because no rejection or prohibition by Sharia has been established against this custom.

The confirmatory nature of transactional rulings: many jurists believe that rulings concerning transactions and social relations are confirmatory rather than foundational; that is, the Lawgiver has approved rational

methods that do not conflict with religious standards. Electronic evidence is also among these rational methods and, as long as it does not conflict with religious texts, is admissible (Kazemi & Kakavand, 2022).

Other jurisprudential capacities: examination of the capacities of Imami jurisprudence shows that rules such as "voluntary assumption of risk," "causation," and "respect for a Muslim's property" may also be used to justify the acceptance of electronic evidence. Moreover, in Imami jurisprudence, anything that creates rational assurance and confidence may be regarded as valid, and electronic evidence, if it possesses the necessary conditions, may create such assurance for customary understanding.

2.3. Jurisprudential Challenges of Electronic Evidence

Some jurists have expressed concern about the possibility of forgery and fraud in electronic documents. However, a more precise examination shows that paper documents are not immune from this vulnerability either, and in both cases, the implementation of security measures can prevent forgery. Therefore, electronic documents are not inherently inferior to paper documents, and both must be evaluated according to the same criterion (M. Moradi et al., 2021).

In addition, the practical experience of courts has shown that forgery of paper documents, due to advances in reproduction and printing technologies, can be carried out far more easily and at lower cost, whereas forgery of electronic documents issued through encryption technologies and digital signatures requires advanced technical knowledge and access to private keys, which sharply reduces the possibility of forgery (Robati et al., 2021).

From a jurisprudential perspective, the criterion for the validity of a document is the confidence and assurance that exist regarding its issuance by the issuer. In Imami jurisprudence, anything that creates confidence for rational custom is regarded as valid. Today, with the development of digital authentication technologies, electronic documents in many cases enjoy greater reliability than paper documents, because tracing, recording changes, and authenticating the issuer can be performed in them with greater precision (Kazemi & Kakavand, 2022).

The Iranian legislator, in Article 12 of the Electronic Commerce Act enacted in 2003, has adopted a similar

approach by recognizing secure data messages that use appropriate security methods as having probative value. Under this article, a data message is considered secure when, throughout the period of communication, it has been maintained and preserved, its integrity can be verified, and the issuer can be identified and exclusively attributed through reliable security methods (Ahmadi Lashki et al., 2023).

In comparative law, Article 1366 of the French Civil Code also adopts the functional equivalence approach between paper and electronic documents by providing that electronic writing has the same probative value as paper writing, provided that the person from whom it originates can be duly identified and that it is created and preserved under conditions that guarantee its integrity. This approach shows that, in advanced legal systems, concern about forgery is not treated as a reason for rejecting electronic documents; rather, the focus is placed on establishing security mechanisms to prevent it (Unjf, 2020).

Therefore, the main issue lies not in any substantive difference between paper and electronic documents, but in the existence or absence of reliable security measures for preserving their authenticity and integrity. Modern technologies such as distributed ledger technology, namely blockchain, and smart contracts have made it possible to create electronic documents with the highest level of security and immutability, which may even be more protected against forgery than official paper documents (Z. Moradi et al., 2021).

3. The Status of Electronic Evidence in Iranian Law

Iranian law has taken important steps toward recognizing electronic evidence. The most important of these steps are the enactment of the Electronic Commerce Act in 2003 and the Regulation on the Admissibility of Electronic Evidence in 2013.

3.1. The Electronic Commerce Act of 2003

Iran's Electronic Commerce Act was drafted with inspiration from the UNCITRAL Model Law on Electronic Commerce. The key provisions of this Act concerning electronic evidence are as follows:

Article 6 defines a "data message" as any representation of information generated, sent, received, or stored by electronic means.

Article 12 defines secure data messages and specifies their conditions.

Article 13 recognizes secure data messages as valid and having probative value.

Article 14 also regards ordinary data messages as valid if certain conditions exist.

Article 15 allows the judge, in the presence of circumstantial evidence and presumptions, to give effect to an ordinary data message as well.

The Electronic Commerce Act distinguishes between ordinary data messages and secure data messages and attributes greater probative value to the latter. A secure data message is a data message that uses a secure method guaranteeing its attribution to the sender and its protection against alteration (Alidoosti Shahraki et al., 2024).

3.2. The Regulation on the Admissibility of Electronic Evidence of 2013

This regulation, approved in 2013, specifies further details concerning electronic evidence. Article 47 of this regulation expressly states that data messages are not limited to electronic devices and include various forms such as image and audio files, Telegram, and optical devices (Ahmadi Lashki et al., 2023).

3.3. Challenges in Iranian Law

Despite significant progress, Iranian law faces several challenges in the field of electronic evidence:

Lack of distinction between general and technical criteria: in the Electronic Commerce Act, the general criteria for establishing the authenticity of a document, which must be assessed by the judge, are not distinguished from technical criteria, which must be examined by information technology experts (Alidoosti Shahraki et al., 2024).

Deficiencies in procedural rules: the civil and criminal procedure laws have not addressed electronic evidence sufficiently, and judicial practice is not uniform.

Lack of mechanisms for collecting electronic evidence: unlike French law, which has made provisions for the collection of electronic evidence by judicial officers, this issue has received less attention in Iranian law.

4. The Status of Electronic Evidence in French Law

French law is one of the most advanced legal systems in the field of electronic evidence. The transformation of this system began with the Act of March 13, 2000, and was completed through Ordinance No. 2016-131 of February 10, 2016.

4.1. *The Act of March 13, 2000*

The Act of March 13, 2000, entitled “the Act Adapting the Law of Evidence to Information Technologies and Relating to Electronic Signatures,” is considered a turning point in French law. By establishing functional equivalence between electronic and paper writings, this law created a fundamental transformation in the law of evidence (Unjf).

4.2. *Provisions of the French Civil Code*

Articles 1365 to 1367 of the French Civil Code, rewritten by Ordinance No. 2016-131, constitute the main framework of electronic evidence:

Article 1365: “Writing consists of a sequence of letters, characters, figures, or any other signs or symbols endowed with intelligible meaning, regardless of their medium and methods of transmission” (Unjf, 2020).

Article 1366: “Electronic writing has the same probative value as paper writing, provided that the person from whom it originates can be duly identified and that it is created and preserved under conditions that guarantee its integrity” (Unjf, 2020).

Article 1367 defines electronic signature and specifies its conditions. According to this article, “an electronic signature consists of the use of a reliable identification process that guarantees its link with the writing to which it is attached. The reliability of this process is presumed until proven otherwise” (Unjf, 2020).

4.3. *The Distinction Between Juridical Acts and Juridical Facts*

French law distinguishes between two types of legal situations:

Juridical acts: for proving juridical acts, such as contracts, whose value exceeds 1,500 euros, writing is required. This writing may be electronic and must comply with legal conditions. The rules concerning the indication of the amount in words and figures and the plurality of

originals have also been adapted to electronic contracts (Unjf). The French Court of Cassation emphasized in its judgment of March 13, 2008, that the requirement of handwritten wording can also be fulfilled electronically through reliable identification processes (Unjf, 2020).

Juridical facts: for proving juridical facts, such as a harmful act, evidence may be submitted by any means. Therefore, emails, text messages, images, and audio recordings may be submitted as evidence, provided that they have been collected lawfully and have not infringed privacy or professional secrecy (Unjf, 2020).

4.4. *Lawful Collection of Evidence*

French law places particular emphasis on the lawful collection of evidence. Evidence obtained through fraud, violence, or theft is not admissible. For example, GPS tracking devices and spyware are not considered lawful evidence. Likewise, every person must be informed and give consent before a conversation, whether by telephone, video, or in person, is recorded (Unjf, 2020).

4.5. *The Role of Judicial Officers*

In French law, judicial commissioners may draw up official reports concerning the status of web pages or other electronic evidence. Because these reports observe legal formalities and are prepared by a neutral officer, they enjoy high evidentiary value. The French Court of Cassation has emphasized that a judicial commissioner must ensure the correctness of his or her technical actions; otherwise, the report will be invalid (Unjf, 2020).

5. Comparative Analysis

A comparison of the three legal systems in the field of electronic evidence shows that each has adopted different approaches to the acceptance and validation of such evidence.

Regarding the basis for accepting electronic evidence, Imami jurisprudence rests on the practice of rational people, the judge’s knowledge, and the principle of permissibility. The judge’s knowledge is recognized in Imami jurisprudence as one of the valid means of proving claims, and jurists such as Shaykh Tusi in Al-Khilaf have emphasized the probative authority of the judge’s knowledge in absolute terms (Tusi, 1987). Relying on the Quranic verse “O David, We have made you a vicegerent on earth, so judge between people in truth,” he maintains

that anyone who judges according to his knowledge has judged according to justice and equity. Similarly, Seyed Morteza, in *Al-Intisar*, holds that the Imam and the ruler appointed by the Imam may, without exception, judge in all rights and punishments on the basis of their own knowledge (Seyed Morteza, 1995). This means that, from a jurisprudential perspective, anything that rational people rely on in their social relations and that produces knowledge for the judge is admissible as long as there is no religious prohibition. By contrast, Iranian law finds the basis for acceptance in the Electronic Commerce Act enacted in 2003 and the Regulation on the Admissibility of Electronic Evidence enacted in 2013, and these laws determine the framework for accepting electronic evidence (Shahbazinia, 2010). French law, however, with the adoption of the Act of March 13, 2000, and the inclusion of Articles 1365 to 1367 in the Civil Code, has established the basis for accepting electronic evidence in a systematic manner within the level of civil legislation (Unjf, 2020).

With regard to the principal conditions for acceptance, Imami jurisprudence emphasizes reliability, security against forgery, reliable attribution, and the creation of knowledge for the judge. Research shows that electronic documents, if security measures are observed, may be regarded as evidence for proving claims (M. Moradi et al., 2021). Iranian law, by distinguishing between ordinary data messages and secure data messages, regards verification of the authenticity of the electronic document as the principal condition. Under Article 12 of the Electronic Commerce Act, a secure data message is one that uses a secure method guaranteeing its attribution to the sender and its protection against alteration (Alidoosti Shahraki et al., 2024). French law, however, identifies three main conditions for acceptance: identification of the issuer, guarantee of the document's integrity, and lawful collection of evidence (Unjf, 2020).

The probative value of electronic evidence differs significantly across these three systems. In Imami jurisprudence, electronic evidence is regarded as equivalent to paper documents if the necessary conditions are established. Iranian law has adopted a dual approach: secure data messages enjoy full validity, while ordinary data messages acquire probative value through judicial assessment and evaluation. Comparative studies show that although the probative

value of electronic evidence has not been expressly stated in Iranian and French statutes in identical terms, the legislatures of both countries have attributed a value comparable to traditional evidence to electronic evidence (Pourali & Bagheri, 2020). French law, however, by accepting the principle of functional equivalence, has recognized complete equality between electronic and paper writings (Unjf, 2020).

Concerning the distinction between juridical acts and juridical facts, Imami jurisprudence takes this distinction into account implicitly and in light of the conditions for proving claims. In jurisprudence, the proof of claims is subject to general rules, and the type of claim, whether a right of God or a right of people, may affect the method of proof (Muhaqqiq Damad, 2021). Iranian law has paid less attention to this distinction, whereas French law, by explicitly and systematically distinguishing between juridical acts, which require writing, and juridical facts, which may be proven by any means, has adopted a precise and practical approach (Unjf, 2020).

The mechanisms for collecting electronic evidence also differ across these three systems. In Imami jurisprudence, the mechanisms are mainly based on traditional evidence and customary methods of collecting proof. In Iranian law, the collection of evidence is largely left to the parties to the dispute (Ahmadi Lashki et al., 2023). French law, however, by recognizing the role of judicial commissioners and specialized cyber police services, has provided institutional and official mechanisms for collecting electronic evidence. These officers may draw up reports concerning web pages or other electronic evidence, which, because of the observance of legal formalities and the neutrality of the person preparing them, enjoy high validity (Unjf, 2020). The challenges of each of these systems are also noteworthy. Imami jurisprudence faces concerns about forgery and the need for continuous adaptation to new technologies. Iranian law struggles with the lack of distinction between general and technical criteria for verifying authenticity and with gaps in procedural laws (Alidoosti Shahraki et al., 2024). French law also faces technical complexities and the high costs of official collection of electronic evidence.

It is noteworthy that Imami jurisprudence, through its emphasis on reliability and the creation of knowledge, has high theoretical capacity for supporting electronic evidence. This capacity can provide a strong theoretical

basis for developing the system of electronic evidence in Iranian law. Iranian law has taken positive legislative steps inspired by the UNCITRAL Model Law, but it faces challenges in implementation and in the drafting of procedural rules that require attention and reform. French law, through a systematic approach and a precise distinction between juridical acts and juridical facts, offers an efficient model that can be highly useful for addressing the gaps in Iranian law and drawing on the capacities of Imami jurisprudence.

6. Conclusion

The comparative examination of the status of electronic evidence in proving claims in Imami jurisprudence, Iranian law, and French law shows that each of these systems has its own capacities and challenges.

Imami jurisprudence, by relying on strong foundations such as the practice of rational people, the judge's knowledge, and the principle of permissibility, has high theoretical capacity for accepting electronic evidence. The jurisprudential emphasis on reliability, security against forgery, and the creation of knowledge for the judge provides criteria that can serve as a basis for evaluating electronic evidence in the Iranian legal system.

Iranian law, through the enactment of the Electronic Commerce Act and the Regulation on the Admissibility of Electronic Evidence, has taken important steps toward recognizing such evidence. The distinction between ordinary and secure data messages is an acceptable approach. However, multiple challenges, including the lack of distinction between general and technical criteria for verifying authenticity, gaps in procedural laws, and the absence of appropriate mechanisms for collecting electronic evidence, have reduced the efficiency of this system.

French law, through the principle of functional equivalence between electronic and paper writings, the distinction between juridical acts and juridical facts, emphasis on the lawful collection of evidence, and recognition of the role of judicial officers in collecting electronic evidence, has presented a coherent and efficient system. The French experience shows that it is possible to remain faithful to legal traditions while adapting to modern technologies.

Based on the findings of this study, the following proposals are offered for improving the system of electronic evidence in Iranian law:

1. Reforming the Electronic Commerce Act: the general criteria for verifying authenticity, which are assessed by the judge, should be expressly distinguished from technical criteria, which are examined by information technology experts, while also drawing on international standards.
2. Drafting special procedural rules for electronic evidence: civil and criminal procedure laws should include specific provisions for the collection, preservation, and submission of electronic evidence.
3. Establishing official mechanisms for collecting electronic evidence: inspired by the role of judicial commissioners in French law, similar institutions should be established in Iran for the official collection of electronic evidence.
4. Developing the capacities of Imami jurisprudence: by relying on jurisprudential foundations such as the judge's knowledge and the practice of rational people, strong theoretical foundations should be developed to support electronic evidence.
5. Training judges and experts: specialized training courses should be organized to familiarize judges, lawyers, and experts with the technical and legal aspects of electronic evidence.
6. Harmonizing related laws: provisions concerning electronic evidence in different laws, including electronic commerce, civil procedure, criminal procedure, and administrative proceedings, should be harmonized with one another.

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.

Transparency Statement

Data are available for research purposes upon reasonable request to the corresponding author.

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Declaration of Interest

The authors report no conflict of interest.

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Ethical Considerations

In this research, ethical standards including obtaining informed consent, ensuring privacy and confidentiality were observed.

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