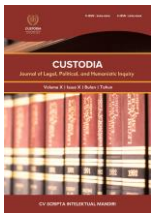

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Evidentiary Value of Photocopies of Documents as Evidence in Civil Cases: A Case Study of Decision No. 525/Pdt.G/2018/PA.Lpk

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Abstract

This study examines the evidentiary value of photocopied documents that cannot be matched with their originals in civil proceedings and evaluates the judicial reasoning applied in Decision No. 525/Pdt.G/2018/PA.Lpk. A normative legal method was employed using statutory and case approaches, supported by primary, secondary, and tertiary legal materials analyzed qualitatively through a descriptive-analytical framework. The findings indicate that photocopies lacking original documents do not independently possess perfect evidentiary force because their authenticity and correspondence cannot be directly verified. Their evidentiary value, however, is not automatically eliminated when other lawful evidence can corroborate the contents, explain the absence of the originals, and establish consistency with the disputed facts. In the examined case, the court rejected the plaintiff's claim because the photocopied documents and testimonial evidence did not provide sufficient, mutually reinforcing proof of the asserted legal relationship. The analysis also shows that judicial assessment should distinguish admissibility from probative weight and expressly identify whether evidentiary weakness arises from authenticity, relevance, insufficient corroboration, or failure to satisfy the burden of proof. A structured reliability-based approach is therefore necessary to promote consistency, transparency, and legal certainty in assessing reproduced documentary evidence in Indonesian civil procedure while preserving safeguards against unreliable or manipulated copies.

Keywords: *Civil Procedure, Documentary Evidence, Evidentiary Value, Judicial Assessment, Photocopied Documents.*

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INTRODUCTION

Civil adjudication depends heavily on the capacity of evidentiary rules to distinguish reliable proof from materials that merely reproduce or refer to an asserted fact without sufficiently establishing its authenticity. Documentary evidence occupies a particularly important position because private rights, contractual relationships, inheritance claims, and other civil interests are frequently evidenced through written instruments whose legal force must be assessed by the court. Indonesian civil procedure recognizes written evidence as one of the principal forms of proof, while its evidentiary weight remains dependent on the legal characteristics, authenticity, and relationship of the document to the disputed fact (Harahap, 2017). The increasing use of reproductions, scanned documents, and other non-original forms of documentary information has complicated the traditional distinction between original writings and copies presented during litigation. Contemporary civil procedure increasingly encounters evidence whose informational content may be relevant even when its physical form differs from the traditional documentary model (Ontanu, 2022). Photocopies therefore raise a specific evidentiary problem because they may faithfully reproduce the contents of an original document while lacking the same immediate basis for verification associated with the original instrument. The legal treatment of photocopies consequently affects not only technical rules of admissibility but also the ability of parties to prove civil rights when original documents are unavailable, disputed, lost, or otherwise incapable of being produced.

Recent scholarship shows that the legal evaluation of documentary reproductions cannot be separated from broader developments in the treatment of non-conventional evidence in civil proceedings. Comparative analysis of electronic and documentary evidence demonstrates that differences in form do not necessarily eliminate evidentiary relevance, although courts must distinguish

questions of admissibility, authenticity, and probative weight when evaluating each item (Bustamante Rúa & Galvis Lugo, 2021). Indonesian legal scholarship similarly recognizes that documentary evidence must be assessed according to its capacity to establish disputed legal facts rather than through an undifferentiated assumption that every written item possesses identical evidentiary strength (Juanda, 2016). Developments concerning electronic evidence further indicate that procedural law increasingly accommodates evidentiary materials whose reliability must be established through verification mechanisms rather than through physical originality alone. The legal transition toward technologically mediated evidence has encouraged courts to reconsider traditional evidentiary categories while preserving safeguards against manipulation and unreliability. Studies of electronic evidence in Indonesian civil procedure have emphasized that technological forms of proof require legal recognition accompanied by standards capable of ensuring authenticity and evidentiary integrity (Soroinda & Nasution, 2022). This body of scholarship establishes a broader state of the art in which evidentiary assessment increasingly focuses on reliability, verifiability, and relationship to the disputed fact rather than relying exclusively on the physical form in which information is presented.

A more specific problem arises where photocopies of written documents cannot be matched directly with the originals but are nevertheless submitted to prove material facts in a civil dispute. Indonesian jurisprudential development has shown that photocopies are not uniformly devoid of evidentiary value merely because the original document is unavailable, particularly where their contents are supported by other evidence capable of confirming the relevant facts (Sari, 2019). Recent analysis of Supreme Court jurisprudence also indicates that the legal position of photocopy evidence has developed through judicial interpretation rather than through a single rigid rule applicable to every evidentiary situation (Rahmat et al., 2025). These developments reveal a tension between formal evidentiary caution, which protects proceedings from unverified documentary reproductions, and substantive assessment, which considers whether the contents of the photocopy can be reliably connected to the disputed legal event. Existing studies provide important explanations of the general status of photocopies, yet they do not fully resolve how judges should reason when a photocopy is materially relevant but the original document cannot be produced in a particular case. The unresolved issue concerns not merely whether a photocopy may enter the evidentiary process, but how its probative weight should be constructed in relation to corroboration, authenticity, relevance, and the factual circumstances explaining the absence of the original. This gap becomes especially significant when rejection of the photocopy substantially affects a party's ability to establish inheritance, ownership, contractual, or other civil rights. Decision No. 525/Pdt.G/2018/PA.Lpk therefore provides a specific juridical setting for examining how that evidentiary tension operates within actual judicial reasoning.

The practical urgency of this issue is strengthened by the increasing diversity of documentary forms used in contemporary litigation and by the growing institutional acceptance of evidence that is not presented exclusively in conventional original-paper form. Research concerning electronic evidence shows that procedural systems continue to encounter obstacles in reconciling technological developments with evidentiary standards originally designed for traditional written documents (Adinda et al., 2026). Studies of electronic proof in civil litigation likewise emphasize that legal characterization and judicial assessment must address authenticity, procedural reliability, and the evidentiary relationship between digital information and the fact sought to be proven (Zilnyk & Khymynets, 2023). Although photocopies differ technically from electronic records, both raise a comparable juridical question concerning whether reproduction or transformation of information necessarily diminishes its capacity to function as proof. An excessively formal approach may exclude relevant material despite the existence of corroborative circumstances, while an excessively permissive approach may weaken safeguards against fabricated or altered documents. Courts must therefore distinguish between the question of whether a reproduced document may be considered and the separate question of how much evidentiary weight it deserves after authenticity and consistency with other evidence have been evaluated. The absence of a sufficiently articulated distinction between admissibility and probative value may produce inconsistent judicial treatment of photocopies across civil proceedings. Clarifying this distinction is necessary to support legal certainty without reducing judicial evidentiary assessment to mechanical dependence on the physical availability of an original document.

The present research is positioned within the intersection of traditional documentary evidence, judicial evaluation of reproduced documents, and the broader transformation of civil evidentiary law. Scholarship on electronic evidence in divorce proceedings demonstrates that the expansion of

evidentiary forms requires procedural adaptation while maintaining legal standards governing authenticity and judicial evaluation (Sukmasari et al., 2024). Developments in civil procedure also indicate that normalization of technologically mediated evidence depends on integrating new evidentiary forms into familiar legal principles rather than abandoning established safeguards of reliability and fairness (Ontanu, 2022). The research gap lies in the limited case-specific analysis of how Indonesian courts determine the evidentiary value of photocopies when the originals are unavailable and the reproduced documents are directly connected with material facts underlying a civil claim. The novelty of the present analysis consists in examining Decision No. 525/Pdt.G/2018/PA.Lpk as a concrete judicial application of the distinction between documentary form, authenticity, corroboration, and probative weight rather than treating photocopy evidence only as an abstract doctrinal category. This approach permits examination of whether rejection of photocopied documents resulted from a legally justified assessment of evidentiary reliability or from an overly formal dependence on the absence of original documents. The analysis also places judicial reasoning within the broader development of civil evidentiary law, where reliability and verifiability increasingly interact with traditional requirements governing documentary proof. The resulting inquiry distinguishes the unresolved doctrinal problem concerning the legal weight of photocopies from the specific contribution offered by a decision-based analysis of how those evidentiary principles are applied in adjudication.

This research aims to analyze the evidentiary value of photocopies of documents in civil proceedings through a focused examination of Decision No. 525/Pdt.G/2018/PA.Lpk. It specifically evaluates the legal basis used to accept, reject, or limit the probative value of photocopied documents when the original documents are not produced before the court. The analysis is directed toward determining how authenticity, relevance, corroboration, and the availability of original documents influence judicial assessment of documentary reproductions. Particular attention is given to the relationship between formal evidentiary requirements and the judicial responsibility to evaluate whether submitted evidence can reliably establish the legal facts asserted by the parties. The study further seeks to clarify whether photocopies should be treated as automatically deficient evidence or as materials whose evidentiary value may depend on the circumstances and supporting proof presented during the proceedings. Its theoretical contribution lies in refining the distinction between admissibility and probative weight within Indonesian civil evidence law, while its practical contribution concerns the formulation of a more consistent basis for judicial assessment of photocopied documents. The analysis is expected to contribute to greater predictability in civil adjudication by connecting documentary form, evidentiary reliability, and judicial reasoning within a coherent framework of proof.

RESEARCH METHODS

A normative legal design was employed to examine the legal status and evidentiary value of photocopied documents in civil proceedings (Marzuki, 2008). A statutory approach was used to examine the Indonesian Civil Code, HIR, RBg, and other legal provisions governing documentary evidence and the burden of proof in civil cases. A case approach was applied by placing Decision No. 525/Pdt.G/2018/PA.Lpk as the principal unit of analysis for assessing how photocopied documents were treated when the corresponding originals were not produced before the court. The analysis of documentary evidence was grounded in civil procedural rules concerning written evidence, judicial evaluation, and the legal consequences attached to different forms of proof (Harahap, 2017). Primary legal materials consisted of legislation and the judicial decision examined in the research, while secondary materials comprised books, journal articles, and previous studies relevant to civil evidence and documentary proof. Previous scholarship concerning photocopies and their evidentiary position in civil litigation was used to support the doctrinal analysis of reproduced documents that could not be matched with their originals (Sari, 2019). Tertiary materials were limited to supporting legal reference sources used to clarify concepts and terminology required for the normative analysis.

Source collection was conducted through library research by identifying, inventorying, classifying, and examining materials directly related to the evidentiary issues raised in the case. The analysis focused on the relationship between the formal status of photocopied documents, their probative value, the availability of original documents, and the judicial reasoning used to determine whether the evidence could support the asserted civil claim (Juanda, 2016). All materials were analyzed qualitatively through a descriptive-analytical method without empirical sampling, statistical testing, interviews, questionnaires, or other field-based procedures. The analytical process compared the

applicable evidentiary rules with relevant jurisprudential developments concerning photocopies and reproduced documentary evidence in civil proceedings (Rahmat et al., 2025). Particular attention was directed to the distinction between admissibility, authenticity, corroboration, and evidentiary weight so that the judicial treatment of the photocopied documents could be evaluated in a legally structured manner. The interpretation also considered the broader distinction between documentary form and probative reliability that has become increasingly significant in contemporary civil evidence analysis (Bustamante Rúa & Galvis Lugo, 2021). The resulting analysis was used to determine whether the reasoning in Decision No. 525/Pdt.G/2018/PA.Lpk was consistent with the applicable law of evidence and to clarify the legal position of photocopies when the original documents are unavailable.

RESULTS AND DISCUSSION

Evidentiary Status and Probative Value of Photocopied Documents in Civil Proceedings

Documentary evidence occupies a central position in Indonesian civil proceedings because many disputed private rights and legal relationships are established through written instruments rather than through direct observation by the court. Article 1866 of the Indonesian Civil Code places written evidence among the legally recognized means of proof together with witness testimony, presumptions, admissions, and oaths, creating a normative basis for judicial assessment of documentary materials. The evidentiary process requires the party asserting a right or legal event to present proof capable of establishing the factual foundation of the claim, while the judge evaluates whether the submitted materials possess sufficient legal force to support the requested relief (Harahap, 2017). Written evidence is not homogeneous because authentic deeds, private deeds, copies, reproductions, and ordinary written materials may carry different evidentiary consequences depending on their legal characteristics and method of verification. The distinction becomes particularly significant when a party submits a photocopy instead of the original document because reproduction preserves informational content while potentially reducing the immediacy with which authenticity can be established. Civil evidentiary doctrine consequently separates the physical existence of a document from the legal weight attributed to that document during adjudication (Juanda, 2016). Photocopies must accordingly be assessed through a combination of statutory rules, jurisprudential development, and judicial evaluation rather than through an automatic presumption that every reproduced document is either fully valid or entirely devoid of evidentiary value.

The Indonesian Civil Code provides a normative framework for assessing copies of written instruments, particularly through Articles 1888, 1889, and 1890, which distinguish the evidentiary position of original documents from reproductions derived from them. Article 1888 places substantial importance on the original instrument when written evidence is presented because the original provides the most direct basis for verifying the contents and authenticity of the document concerned. A photocopy ordinarily derives its evidentiary significance from its correspondence with the original rather than from an independent legal status equivalent to that of the source document. Harahap explains that a copy may acquire evidentiary significance when its conformity with the original can be established through presentation and comparison of the original document (Harahap, 2009). The requirement serves an evidentiary function by reducing the possibility that alterations, omissions, or inaccuracies introduced during reproduction will be treated as authentic representations of the underlying instrument. The legal problem becomes more complex when the original has been lost, damaged, destroyed, or otherwise cannot be presented, because strict insistence on physical comparison may prevent potentially relevant documentary information from being considered despite the existence of alternative means of verification.

Article 1889 of the Civil Code and the corresponding provisions of the RBg demonstrate that Indonesian evidentiary law does not treat every copy as having an identical legal status, since particular categories of copies may possess evidentiary significance depending on their origin and method of authentication. Certain copies may function as the beginning of written proof when they originate from legally recognizable documentary processes, although their weight may remain different from that of an original authentic instrument. This differentiation indicates that the legal system evaluates documentary reproductions according to reliability and connection with the original rather than relying exclusively on the generic label of "copy." Sari identifies a comparable development in judicial practice, where photocopies that cannot be directly compared with the original are not invariably excluded when their contents can be supported by other legally admissible evidence (Sari, 2019). The evidentiary

question should consequently distinguish whether the photocopy is being offered as complete written proof, as supporting evidence, or as one component of a broader evidentiary structure. A photocopy standing alone without verification may possess limited probative force, whereas a photocopy consistent with testimony, other documents, or circumstances established at trial may assume a different evidentiary position. Such differentiation reflects the principle that evidentiary weight concerns the capacity of an item to support proof of a disputed fact, while admissibility concerns whether the item can legitimately enter the judicial assessment process.

Jurisprudence has played an important role in clarifying the evidentiary treatment of photocopies because statutory provisions do not comprehensively regulate every factual situation in which an original document cannot be produced. Supreme Court Decision No. 701 K/Sip/1974 has been associated with the proposition that a photocopy may be considered when its correspondence with the original can be demonstrated through legally acceptable information or other supporting means (Mertokusumo, 2006). Later decisions developed the issue further by examining whether photocopies unsupported by originals could nevertheless contribute to proof when corroborated by independent evidence. Supreme Court Decisions No. 112 K/Pdt/1996 and No. 410 K/Pdt/2004 illustrate a more contextual assessment in which the absence of an original did not necessarily eliminate every possible evidentiary function of the photocopy. Rahmat et al. observe that Indonesian Supreme Court jurisprudence has progressively shaped the position of photocopy evidence by distinguishing circumstances in which copies lack sufficient reliability from situations in which corroboration provides an adequate basis for judicial consideration (Rahmat et al., 2025). Jurisprudential development consequently limits a mechanical equation between absence of an original and absolute absence of evidentiary value.

Table 1. Normative and Jurisprudential Framework for Photocopied Documentary Evidence

Legal Source	Principal Evidentiary Concern	Normative Meaning	Implication for Photocopied Documents
Article 1866 Civil Code	Classification of civil evidence	Written instruments constitute recognized civil evidence	Photocopies must be evaluated within the broader category of documentary evidence
Article 1888 Civil Code	Primacy of the original document	Original documents provide the principal basis for documentary verification	Comparison with the original strengthens authenticity and evidentiary force
Article 1889 Civil Code	Evidentiary position of copies	Certain copies may obtain limited or preliminary evidentiary significance	A copy is not automatically equivalent to an original
Article 302 RBg	Copies as documentary proof	Particular reproductions may function as beginning written evidence	Supporting evidence may be required to complete their probative value
Supreme Court Decision No. 701 K/Sip/1974	Correspondence between copy and original	Photocopies require legally reliable verification	Other lawful information may assist in establishing conformity
Supreme Court Decisions No. 112 K/Pdt/1996 and No. 410 K/Pdt/2004	Photocopies without originals	Corroboration may affect judicial acceptance	Absence of the original does not necessarily eliminate every evidentiary function

The framework summarized in Table 1 shows that originality, authenticity, admissibility, and probative weight are related but analytically distinct concepts that should not be collapsed into a single judicial inquiry. Originality concerns whether the document presented is the initial instrument from

which subsequent copies were produced, whereas authenticity concerns whether the document reliably represents the act or information attributed to its source. Admissibility addresses whether the evidence may legally be considered by the court, while probative weight concerns the degree of persuasive force assigned to that evidence after it enters judicial evaluation. Comparative scholarship on documentary and electronic evidence similarly emphasizes that the legal assessment of a document should distinguish the threshold question of admissibility from the subsequent evaluation of reliability and persuasive force (Bustamante Rúa & Galvis Lugo, 2021). This distinction is especially relevant to photocopies because a document may be admissible for consideration without automatically possessing the same evidentiary force as the original. Treating these concepts separately enables judges to recognize documentary relevance while maintaining safeguards against manipulation, inaccurate reproduction, or unsupported assertions concerning authenticity. The legal position of a photocopy is consequently better understood as conditional and evidentially graduated rather than absolutely valid or absolutely inadmissible.

The availability of corroborative evidence becomes particularly important when direct comparison between a photocopy and its original cannot be performed. Documentary evidence rarely operates in complete isolation because civil claims may also be supported by witness testimony, admissions, other documents, factual circumstances, or relationships among several items of evidence. A photocopy whose contents correspond consistently with independent and legally admissible evidence may possess greater persuasive value than a photocopy submitted without any external verification. Sari's analysis of Indonesian jurisprudence indicates that the absence of an original does not always prevent a photocopy from being considered when other evidence supports the truth and reliability of its contents (Sari, 2019). Corroboration does not automatically transform a photocopy into an original or confer perfect evidentiary force, but it may provide a rational basis for assigning the reproduction limited or supporting probative value. Judicial assessment must accordingly identify what fact the photocopy is intended to prove, whether that fact is material to the dispute, and whether other evidence independently supports the same proposition.

Technological developments in evidentiary practice further demonstrate why physical originality can no longer function as the only conceptual reference for evaluating documentary reliability. Electronic documents, digital records, and electronically reproduced information require courts to evaluate authenticity through methods that differ from conventional inspection of original paper documents. Contemporary research on civil procedure shows that evidentiary systems increasingly distinguish the medium in which information is stored from the legal assessment of whether that information is authentic, reliable, and capable of supporting a disputed fact (Ontanu, 2022). Indonesian scholarship concerning electronic evidence similarly recognizes that the extension of legally acceptable evidentiary forms requires clear mechanisms for assessing authenticity and integrity without abandoning fundamental principles of proof (Soroinda & Nasution, 2022). Photocopies remain different from electronic records in their technical characteristics, yet both categories demonstrate that reproduction does not necessarily eliminate informational relevance merely because the physical form differs from the source material. A rigid evidentiary approach that treats physical originality as the sole determinant of legal value may therefore fail to distinguish between unverifiable reproductions and copies whose reliability can be established through independent legal evidence. Judicial evaluation should remain anchored in statutory requirements while allowing sufficient analytical space to assess reliability through corroboration and the circumstances surrounding the absence of the original.

The probative value of photocopied documents should ultimately be determined through a structured assessment that preserves both evidentiary reliability and procedural fairness. Courts must first identify the legal fact for which the photocopy is submitted because relevance cannot be evaluated independently from the proposition that the party seeks to establish. The judge should then examine whether the original exists, whether its absence has been adequately explained, whether the photocopy can be authenticated through another legally acceptable mechanism, and whether other evidence corroborates its material contents. Rahmat et al. emphasize that the position of photocopies in Indonesian jurisprudence has developed through judicial consideration of these surrounding evidentiary circumstances rather than through an inflexible rule based exclusively on physical form (Rahmat et al., 2025). Such an approach does not diminish the traditional evidentiary preference for original documents because an original remains the strongest reference for verifying correspondence and authenticity. It instead recognizes that the absence of the original should affect the weight of a photocopy according to the particular evidentiary circumstances rather than automatically foreclosing every possibility of

judicial consideration. A legally coherent treatment of photocopies consequently requires judges to articulate whether rejection or acceptance is based on authenticity, lack of corroboration, irrelevance, insufficient probative weight, or another identifiable evidentiary deficiency.

Judicial Assessment of Photocopied Evidence in Decision No. 525/Pdt.G/2018/PA.Lpk

Judicial assessment of documentary evidence in civil proceedings must be situated within the procedural principle that the parties bear primary responsibility for presenting the factual and evidentiary basis of their respective claims and defenses. Although a civil judge does not independently search for evidence, the judge retains authority to direct the hearing, clarify relevant factual matters, and assess whether the evidence submitted possesses sufficient legal force to establish the disputed rights. This position reflects the distinction between the passive character of the judge regarding the initiation and scope of the dispute and the active judicial function exercised during evidentiary examination (Kamalia, 2021). The evidentiary process therefore requires the court to evaluate not merely whether a document has been formally submitted but whether its authenticity, relevance, and connection with the alleged legal event can be rationally established. Written evidence may carry substantial weight in civil litigation, yet its legal effect depends on the specific nature of the document and the extent to which the court can verify the reliability of its contents. The presence of a photocopy without the corresponding original creates a particular evidentiary problem because the reproduction may contain information relevant to the dispute while lacking the most direct means of establishing correspondence with the source document. Judicial reasoning must consequently explain whether the weakness lies in admissibility, authenticity, insufficiency of corroboration, or inadequate probative weight rather than treating every photocopy as evidentially identical.

The burden of proof provides the immediate procedural framework within which photocopied documents must be assessed. A party asserting a right or alleging a legal event bears responsibility for producing evidence capable of persuading the court that the asserted event legally occurred (Harahap, 2009). Failure to satisfy this burden does not necessarily mean that every item of evidence presented is legally inadmissible, because a claim may fail simply because the combined evidence does not reach the level required to establish the alleged facts. This distinction is important in cases involving photocopies, since a document may be considered by the court yet still receive insufficient weight to prove the relevant proposition. The judge must therefore evaluate the photocopy as part of the broader evidentiary record rather than in isolation from witness testimony, admissions, other documents, and procedural circumstances. A legally structured assessment should identify both the weakness of the individual photocopy and the extent to which that weakness is or is not cured by supporting evidence.

Decision No. 525/Pdt.G/2018/PA.Lpk illustrates this problem through several photocopied documents submitted by the plaintiff in support of the claim. Among the materials identified in the case were a photocopy of a marriage certificate, a photocopy of an identity card, a photocopy of a family card, and a photocopy of a birth-certificate excerpt. The marriage certificate presented an additional complication because the material was initially reproduced from another photocopy, while an original document was later shown in a condition described as damaged by age or natural causes. The remaining identity and family documents were not accompanied by their originals, thereby limiting the possibility of direct comparison during evidentiary examination. Documentary proof in such circumstances cannot be assessed only by counting the number of documents submitted, since evidentiary value depends upon authenticity, correspondence, and relevance to the legal facts in dispute (Juanda, 2016). The case therefore required the panel to determine whether the submitted photocopies could independently support the plaintiff's allegations or whether additional verification was necessary before the documents could be assigned meaningful probative weight. This factual configuration placed the reliability of reproduced documents at the center of the court's assessment rather than treating their mere physical submission as sufficient proof.

The panel's treatment of the photocopied marriage certificate demonstrates the difficulty of separating documentary relevance from documentary reliability. A marriage certificate may be materially important in an inheritance dispute because it can establish a legally relevant family relationship, yet its importance to the dispute does not automatically resolve questions concerning authenticity and evidentiary sufficiency. The condition of the original document later shown before the court complicated direct verification because physical deterioration may impair the court's ability to compare the reproduction with the source document in a reliable manner. Indonesian jurisprudence has

generally required careful examination where photocopies cannot be directly matched with the originals, while still recognizing that corroboration may affect their evidentiary value in particular circumstances (Sari, 2019). The decision to set aside the document must therefore be understood as an assessment of the adequacy of proof rather than as a universal rule that every damaged or unavailable original makes the photocopy legally nonexistent. A defensible judicial approach should specify whether rejection rests on inability to verify authenticity, inconsistency with other evidence, lack of relevance, or insufficiency of corroboration.

Table 2. Judicial Assessment of Photocopied Evidence in Decision No. 525/Pdt.G/2018/PA.Lpk

Evidence Submitted	Availability of Original	Judicial Treatment	Principal Evidentiary Problem	Relevant Analytical Standard
Photocopy of marriage certificate	Original later shown but physically damaged	Set aside	Reliability of correspondence and evidentiary relevance	Authenticity, comparison, corroboration
Photocopy of identity card	Original not produced	Rejected	Direct verification unavailable	Authenticity and probative weight
Photocopy of family card	Original not produced	Rejected	Documentary reliability not sufficiently established	Verification and corroboration
Photocopy of birth-certificate excerpt	Original not produced	Rejected	Lack of original documentary support	Authenticity and consistency
Witness testimony	Presented	Considered insufficient when combined with documentary proof	Corroborative strength inadequate	Consistency and cumulative evidentiary value
Combined evidentiary record	Examined by the panel	Considered insufficient to prove the claim	Burden of proof not satisfied	Article 238 RBg and judicial assessment

The pattern summarized in Table 2 indicates that the panel placed substantial weight on the absence or weakness of original-document verification when evaluating the plaintiff's written evidence. This approach is consistent with the traditional evidentiary preference for originals because originals provide the strongest basis for determining whether a reproduction accurately represents the contents of the source instrument. The table also shows, however, that the decisive issue was not simply the physical status of each photocopy but the relationship between those photocopies and the other evidence submitted during the proceedings. Judicial assessment of documentary evidence should consider whether several items mutually reinforce one another, because evidentiary weakness in one document may sometimes be mitigated by independent and consistent supporting proof (Rahmat et al., 2025). Where such corroboration is absent or legally insufficient, the photocopy may remain incapable of carrying the burden assigned to it even though it is materially related to the dispute. The case therefore demonstrates that the distinction between documentary admissibility and ultimate sufficiency becomes essential when a party relies on reproductions rather than originals. A court may acknowledge the existence of the photocopy as part of the evidentiary record while still determining that its probative force is inadequate to establish the alleged civil right.

Article 238 RBg became significant in the court's reasoning because the panel concluded that the plaintiff had not established the allegations underlying the claim through sufficiently persuasive evidence. The application of that provision must be understood together with the broader structure of civil proof, under which a claimant who fails to substantiate material allegations bears the procedural consequence of having the claim rejected. The court considered both the documentary materials and the supporting witness evidence, yet determined that the combination did not provide an adequate basis for

accepting the plaintiff's asserted legal position. This reasoning reflects the principle that evidentiary evaluation is cumulative, since the court is required to consider the relationship among individual items rather than assigning legal consequences solely on the basis of their number (Harahap, 2017). A photocopy with limited independent value may still contribute to the evidentiary structure, but its contribution depends on whether other evidence strengthens its reliability and supports the same material proposition. The decision therefore illustrates how a failure of corroboration can transform several formally submitted materials into an evidentiary record that remains insufficient to satisfy the burden of proof.

The judicial function in evaluating these materials must also be measured against the requirement that every evidentiary conclusion be supported by transparent and legally intelligible reasoning. Judges possess a degree of evaluative freedom when determining the probative weight of evidence, but that freedom is not equivalent to unrestricted discretion because the assessment must remain grounded in procedural rules, established facts, and legal principles. Mertokusumo's conception of judicial evidentiary assessment emphasizes that the judge must connect the materials presented at trial with the legal norms governing proof rather than rely on subjective impressions detached from the procedural record (Mertokusumo, 2013). The reasoning in Decision No. 525/Pdt.G/2018/PA.Lpk therefore requires scrutiny not merely as to whether the panel accepted or rejected particular photocopies, but whether the reasons provided adequately explain the evidentiary deficiency attributed to each document. This requirement is especially important where an original cannot be produced for reasons beyond the litigant's control, because mechanical rejection could prevent relevant information from receiving any judicial consideration. A carefully reasoned decision should identify what alternative forms of verification were available, whether they were attempted, and why they were insufficient in the particular circumstances. Judicial transparency at this stage protects both evidentiary reliability and procedural fairness by ensuring that parties can understand the basis upon which their evidence was discounted.

The decision can also be compared with Supreme Court jurisprudence recognizing that photocopies not accompanied by originals may, in limited circumstances, acquire evidentiary significance when their contents are supported by other lawful and consistent evidence. This line of jurisprudence does not establish that every photocopy must be accepted, but it does demonstrate that absence of the original is not always an absolute bar to judicial consideration. Sari's analysis of Supreme Court decisions shows that corroboration may allow a photocopy to function as supporting evidence even where perfect documentary force cannot be attributed to it (Sari, 2019). The decisive inquiry therefore shifts from a binary question of original versus photocopy toward a more structured examination of authenticity, explanation for non-production, consistency, and corroborative support. Applied to Decision No. 525/Pdt.G/2018/PA.Lpk, this approach requires attention to whether the panel adequately examined the relationship between the disputed photocopies and the testimony or other materials submitted by the plaintiff. If the supporting evidence was insufficiently connected to the documents, rejection of the claim may remain legally defensible even though the photocopies themselves were materially relevant. The case consequently demonstrates that judicial consistency depends on explaining why corroboration did or did not reach the threshold necessary to overcome the evidentiary weakness created by the absence of the originals.

The broader legal significance of Decision No. 525/Pdt.G/2018/PA.Lpk lies in its illustration of the tension between procedural caution and substantive access to proof. Strict verification requirements protect the integrity of civil proceedings by reducing the risk that altered or unreliable reproductions will be treated as authentic documents. Excessive formalism, however, may create difficulty where an original has been lost, damaged, or cannot reasonably be produced even though the reproduced document is supported by other credible evidence. Contemporary developments in documentary and electronic evidence increasingly emphasize that evidentiary reliability should be assessed through verifiability, consistency, and integrity rather than by physical form alone (Bustamante Rúa & Galvis Lugo, 2021). The challenge for judicial reasoning is therefore to preserve the preference for original documents without converting that preference into an inflexible rule that excludes every reproduction regardless of surrounding evidentiary circumstances. Decision No. 525/Pdt.G/2018/PA.Lpk illustrates why a court should articulate the precise evidentiary weakness affecting each photocopy and explain how that weakness influences the cumulative assessment of the claim. A structured approach of this kind strengthens legal certainty because parties can distinguish

between rejection based on authenticity, insufficient corroboration, lack of relevance, and failure to satisfy the ultimate burden of proof.

Legal Standards for Admissibility, Corroboration, and Evidentiary Weight of Photocopies

A coherent legal assessment of photocopied documents requires a clear distinction between admissibility and probative weight because these concepts address different stages of judicial evaluation. Admissibility concerns whether a particular item may lawfully enter the evidentiary process, whereas probative weight concerns the degree of persuasive force that the judge may assign after examining its authenticity, relevance, and relationship to other evidence. Indonesian civil procedure does not expressly establish a universal rule that every photocopy lacking its original must automatically be excluded from judicial consideration, although the absence of the original significantly affects the ability to verify the reproduction. Jurisprudential development has instead produced a more differentiated approach in which the evidentiary position of a photocopy depends on whether its contents can be confirmed through legally acceptable supporting materials (Rahmat et al., 2025). Such differentiation prevents the evidentiary inquiry from ending merely because the document presented is a reproduction rather than the source instrument. The judge must determine whether the weakness caused by the absence of the original affects admissibility itself or only reduces the persuasive force ultimately attributed to the document. This analytical separation is essential for avoiding a formalistic approach that equates physical originality with absolute evidentiary validity.

Authenticity constitutes the next element because a photocopy can contribute meaningfully to proof only when the court possesses a rational basis for believing that it accurately reproduces the source document. Direct comparison with the original remains the clearest means of establishing correspondence, which explains the traditional evidentiary preference for original documentary instruments in civil proceedings. Where the original is unavailable, however, the inquiry should extend to the reasons for its absence and to alternative mechanisms capable of supporting the authenticity of the reproduction. Sari explains that Indonesian jurisprudence has allowed photocopies to acquire evidentiary significance when other lawful evidence sufficiently confirms the relevant contents, even though the reproduction cannot independently possess the same force as an original document (Sari, 2019). Corroboration may arise from other written instruments, witness testimony, admissions, or factual circumstances that consistently support the same legal proposition. Authenticity should consequently be treated as a matter requiring verification rather than as a presumption automatically defeated by the absence of the physical original.

Corroborative evidence performs a particularly important function when direct authentication is impossible because it allows the court to evaluate whether the information contained in a photocopy corresponds with independently established facts. The existence of supporting evidence does not automatically elevate the photocopy to perfect documentary proof, but it may substantially increase its persuasive relevance within the cumulative evidentiary record. Civil adjudication requires the judge to assess how separate items of evidence relate to one another rather than determine each item's significance in complete isolation (Harahap, 2017). A photocopy consistent with witness testimony, another authenticated document, and undisputed factual circumstances may therefore deserve a different evidentiary assessment from a photocopy contradicted by the remainder of the record. The strength of corroboration should also depend on whether the supporting material independently establishes the relevant fact or merely repeats information originating from the same unverified source. This distinction protects the court from circular verification in which several derivative documents appear mutually supportive even though all ultimately depend upon a single unauthenticated instrument. A legally sound assessment must consequently identify both the existence and the independent quality of corroborative evidence.

Relevance must likewise remain separate from authenticity because a document may be genuine yet have little connection with the disputed fact, while a materially relevant photocopy may still require further verification before it can support the claim. Decision No. 525/Pdt.G/2018/PA.Lpk demonstrates this distinction because documents relating to marital and familial status were potentially material to the asserted inheritance relationship, but their evidentiary significance depended on whether their contents could be sufficiently verified. The court's task was therefore not merely to identify the subject matter of the documents but to determine whether they reliably established the legal facts for which they were submitted. Juanda emphasizes that the strength of documentary evidence in civil

proceedings depends upon its legal quality and capacity to support the facts forming the basis of the parties' claims (Juanda, 2016). A relevant photocopy should not receive persuasive weight merely because the fact it concerns is important, just as an authentic document should not influence the judgment if it is unrelated to the issue requiring proof. Judicial reasoning should expressly distinguish these two inquiries so that the reasons for accepting or discounting the photocopy remain transparent.

Table 3. Analytical Standards for Assessing Photocopied Documents in Civil Proceedings

Assessment Element	Core Judicial Question	Stronger Evidentiary Position	Weaker Evidentiary Position
Admissibility	May the photocopy legally be considered?	No procedural prohibition and material relation to the dispute	Legally irrelevant or procedurally excluded
Authenticity	Can the photocopy be reliably connected to its source?	Original available or alternative verification exists	No original and no reliable verification
Relevance	Does the document relate to a disputed material fact?	Direct connection with the claim or defense	Peripheral or unrelated information
Corroboration	Is the content independently supported?	Consistent witnesses, documents, admissions, or other lawful evidence	Photocopy stands alone
Explanation for absence of original	Is non-production reasonably accounted for?	Loss, damage, or other circumstances supported by evidence	No explanation for non-production
Consistency	Does the photocopy correspond with the evidentiary record?	Consistent with independent evidence	Contradicted by other evidence
Probative weight	How persuasive is the photocopy after evaluation?	Sufficiently verified and corroborated	Unverified and unsupported
Judicial reasoning	Has the court explained the assessment?	Clear reasons identifying evidentiary strengths and weaknesses	Mechanical acceptance or rejection based solely on form

The standards summarized in Table 3 support a graduated model of evidentiary evaluation rather than a binary classification in which photocopies are either fully equivalent to originals or entirely worthless. Such a model recognizes that documentary evidence may occupy different levels of persuasive force depending on the quality of authentication, corroboration, relevance, and consistency established at trial. Comparative analysis of documentary and electronic evidence also supports separating the physical form of evidence from the subsequent judicial assessment of its reliability and weight (Bustamante Rúa & Galvis Lugo, 2021). This approach is compatible with the preference for original documents because originals remain the strongest means of direct verification without becoming the sole conceivable route to establishing authenticity. Where an original is unavailable for a credible reason, the court can examine alternative evidentiary indicators while assigning a correspondingly cautious level of weight to the photocopy. A graduated assessment therefore protects evidentiary integrity without depriving the court of relevant information capable of being independently verified. The resulting standard requires judges to articulate why a particular reproduction receives no weight, limited weight, or sufficient supporting weight within the complete evidentiary record.

Developments in electronic evidence reinforce the need for a reliability-based approach because contemporary civil proceedings increasingly involve records whose evidentiary authenticity cannot be evaluated solely through inspection of an original paper instrument. Electronic documents require courts to examine integrity, attribution, preservation, and verification mechanisms that differ from conventional comparison between an original and a photocopy. Research on electronic evidence in civil procedure indicates that procedural systems are progressively adapting traditional evidentiary

principles to forms of information whose authenticity depends on technological and contextual verification rather than physical originality alone (Adinda et al., 2026). Indonesian scholarship similarly recognizes that electronic evidence expands the categories of information capable of participating in civil proof while preserving the need for legally reliable methods of authentication (Soroinda & Nasution, 2022). Photocopies and electronic records are not identical forms of evidence, yet both demonstrate why reproduction or transformation of information cannot logically be treated as equivalent to evidentiary invalidity. The broader development of evidence law therefore supports closer attention to reliability, traceability, and corroboration as components of judicial assessment.

Judicial discretion remains necessary within this framework, but it must operate through legally reasoned criteria rather than unrestricted subjective judgment. *Vrije bewijswaardering* allows judges to assess the weight of evidence whose probative force is not conclusively predetermined by law, yet that evaluative authority must remain connected to applicable rules and the factual record of the proceedings (Mertokusumo, 2013). In photocopy disputes, a judge should explain whether the decisive weakness concerns inability to establish authenticity, absence of corroboration, contradictions with other evidence, unexplained non-production of the original, or insufficient relevance to the disputed legal event. Such reasoning is particularly important because different photocopies may deserve different treatment even within the same proceeding, depending on their source, purpose, and relationship to the remaining evidence. Mechanical rejection of every photocopy risks obscuring these differences, whereas indiscriminate acceptance would weaken safeguards against inaccurate or manipulated reproductions. The judicial obligation is therefore to identify the evidentiary deficiency with sufficient precision to permit evaluation of whether the conclusion follows from the governing rules of proof. Transparent reasoning also improves consistency among decisions by allowing later courts to compare the factual and juridical considerations that justified different evidentiary outcomes.

Applied to Decision No. 525/Pdt.G/2018/PA.Lpk, the more appropriate analytical question is not whether photocopies without originals are universally valid or invalid, but whether the specific reproductions submitted by the plaintiff were sufficiently authenticated and corroborated to establish the material facts underlying the claim. The rejection of the claim can remain legally justified where the combined documentary and testimonial evidence failed to provide a reliable basis for proving the asserted family and inheritance relationships, even if some photocopies possessed factual relevance. At the same time, jurisprudence concerning photocopied documents indicates that non-production of an original should not automatically foreclose consideration where independent evidence credibly confirms the content of the copy (Rahmat et al., 2025). Decision-making should consequently proceed through a sequence of inquiries addressing relevance, source verification, explanation for absence of the original, independent corroboration, internal consistency, and cumulative probative force. Such a structured test reconciles the traditional preference for original documents with jurisprudential developments allowing limited reliance on reproducible documentary information. It also provides a clearer distinction between evidence that may be considered but receives little weight and evidence that must be excluded because its authenticity cannot be established through any legally acceptable method. A reliability-based standard of this kind offers a more coherent basis for future civil cases involving photocopies while preserving both procedural certainty and judicial caution.

CONCLUSION

The evidentiary value of photocopied documents in civil proceedings cannot be determined solely from their physical form, because their legal force depends on authenticity, correspondence with the original, relevance to the disputed facts, and support from other lawful evidence. Article 1888 of the Civil Code establishes the importance of the original document as the principal basis for verifying the accuracy and authenticity of a reproduced instrument. A photocopy that cannot be compared with its original does not independently possess the same evidentiary force as the original and may receive limited or no probative weight when no reliable verification is available. The absence of the original, however, does not automatically eliminate every possible evidentiary function of a photocopy when its contents can be independently corroborated through other documents, witness testimony, admissions, or legally relevant circumstances. Indonesian jurisprudential development therefore supports a differentiated approach that separates admissibility from probative weight and allows the court to evaluate the reliability of each photocopy according to the surrounding evidentiary record. Such an approach preserves the traditional preference for original documents while avoiding an excessively

formalistic rule that would exclude every reproduced document regardless of its authenticity and corroborative support. Photocopied evidence should consequently be assessed through a structured inquiry into verification, relevance, corroboration, consistency, and the reasons explaining the absence of the original document.

Decision No. 525/Pdt.G/2018/PA.Lpk demonstrates the practical application of these principles because the plaintiff relied on several photocopied documents whose originals were either unavailable, not produced, or insufficiently capable of supporting direct verification. The court considered the documentary materials together with the testimonial evidence and concluded that the combined evidentiary record was insufficient to establish the factual allegations forming the basis of the claim. The rejection of the plaintiff's claim can therefore be understood not merely as a consequence of presenting photocopies, but as a result of the failure to establish adequate authenticity, corroboration, and cumulative probative strength. Judicial assessment in similar cases should expressly distinguish whether a photocopy is rejected because it is inadmissible, insufficiently authenticated, unsupported by corroborating evidence, irrelevant to the disputed fact, or simply incapable of satisfying the ultimate burden of proof. This distinction is necessary to ensure that judicial reasoning remains transparent and consistent with the principles governing documentary evidence in civil procedure. A more structured evidentiary approach also provides greater legal certainty by allowing parties to understand what additional verification or supporting proof is required when original documents cannot be produced. The case therefore confirms that the legal value of photocopies should be determined through reasoned judicial assessment based on reliability and evidentiary support rather than through an automatic equation between the absence of an original document and the complete absence of evidentiary value.

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