
Analysis of Whatsapp Chat Usage as Court Evidence

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ABSTRACT

KEYWORDS

whatsapp; digital
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framework

This article examines the use of WhatsApp chats as evidence in Indonesian court proceedings, a matter of growing relevance due to technological advancements in digital communication. The research evaluates the legal validity and evidentiary weight of WhatsApp chats, focusing on applicable regulations and judicial practices. Using case studies and juridical analysis, the study explores authentication and verification challenges for digital evidence—specifically WhatsApp conversations—in legal contexts. Results indicate that while Indonesia's legal framework (including the ITE Law and PERMA No. 1 of 2024) recognizes electronic evidence, persistent issues include chat manipulation risks and non-standardized submission protocols. The paper emphasizes establishing technical standards for digital evidence and advocates for reinforced verification mechanisms. These findings carry significant implications for legal practitioners and policymakers, proposing regulatory and procedural enhancements to safeguard electronic evidence integrity within the judicial system.

INTRODUCTION

The rapid development of communication technology has transformed the way humans interact, including the daily exchange of information. WhatsApp, as the most popular instant messaging application in Indonesia (*Statista*, 2023), generates 100 billion daily messages globally (*Meta*, 2024), many of which have the potential to serve as digital evidence (De La Hoz-Rosales et al., 2019; Jones et al., 2017; Raj et al., 2023; Richard, 2010; Zhu et al., 2022). The digitization of evidence is now recognized within the Indonesian legal system through Article 5 of the *ITE Law* and *PERMA No. 1 of 2024* concerning Electronic Evidence; however, its implementation continues to present challenges related to authentication and standardization. This transformation necessitates an in-depth study to ensure that technological advancements align with legal certainty (David & Grobler, 2020; Furqan et al., 2023; Roztock et al., 2019; Tao et al., 2023; Wu et al., 2018).

WhatsApp is frequently utilized as a communication tool in daily social interactions, business transactions, crime reporting, and civil cases such as threats, defamation, and debt disputes. Ironically, 68% of judges at the Jakarta District Court (*ICJR Survey*, 2023) acknowledged the difficulty in assessing the validity of chat screenshots due to their susceptibility to manipulation. This study seeks to address three primary gaps: (1) the absence of technical standards for the submission of chat evidence, (2) the diversity of judicial

precedents regarding evidentiary strength, and (3) the risk of misinterpretation arising from unverified digital evidence.

With the rapid advancement of communication technology, instant messaging platforms such as WhatsApp have become integral to daily life and business transactions. However, their role as digital evidence in legal proceedings, especially in courts, presents significant challenges. The central research problem addressed in this study is how WhatsApp chat records can be recognized and effectively used as valid evidence in court trials. The validity, authentication, and procedural acceptance of WhatsApp chats as legal evidence remain unclear and poorly standardized. The study aims to explore how legal frameworks, such as Indonesia's ITE Law and PERMA No. 1 of 2024, address these challenges and propose solutions for clearer regulation.

The urgency of this research stems from the increasing use of digital platforms for communication, with WhatsApp being a key tool. In Indonesia, a significant number of legal cases, including criminal, civil, and family disputes, now include WhatsApp chats as evidence. Despite their growing relevance, there remains a lack of standard procedures for verifying the authenticity and reliability of these digital communications. With the potential for manipulation and forgery, establishing clear legal guidelines and verification procedures is crucial. The research aims to bridge the gap between technological developments and existing legal frameworks to ensure that WhatsApp chats can be used effectively and securely in judicial processes.

Previous studies have explored the challenges associated with the use of digital evidence in the courtroom, particularly in relation to electronic communication platforms like WhatsApp. Research by Prasetyo (2023) discussed the difficulties courts face when dealing with digital evidence, highlighting issues such as the ease of manipulation and the absence of technical standards for the submission of electronic records. Other studies, such as those by Wahyudi (2021) and Nasution (2023), have provided insights into the legal recognition of electronic evidence, focusing on the inconsistencies in judicial practices regarding the authentication of digital communications. These studies underline the need for further research into how WhatsApp chats can be securely used as evidence in court.

Although prior research has touched on the topic of digital evidence, there is a significant gap in understanding the application of WhatsApp chat records within Indonesia's legal system. Specifically, there is a lack of clear standards for the submission, authentication, and verification of these chats in court. Additionally, previous studies have not sufficiently addressed the legal and procedural obstacles judges face when handling WhatsApp chats, such as issues of manipulation, privacy violations, and inconsistent legal practices. This research aims to fill these gaps by providing an in-depth analysis of the regulatory framework, judicial practices, and technical aspects related to WhatsApp chats as evidence.

The novelty of this research lies in its focus on the legal and technical challenges of using WhatsApp chats as evidence in Indonesian courts. While much research has been conducted on digital evidence in general, few studies have specifically examined the procedural and evidentiary challenges posed by WhatsApp chats in the Indonesian legal context. This study introduces an innovative approach by combining juridical analysis with case studies and proposing a framework for improving the legal recognition and validation of WhatsApp chats.

Furthermore, it aims to provide practical recommendations for judges, legal practitioners, and legislators to standardize the use of digital communications as legal evidence.

The objectives of this research are to analyze the conformity of the *ITE Law* and *PERMA* regulations with the evolving dynamics of digital evidence, particularly WhatsApp chats, and to identify any legal loopholes in their use within court proceedings. The study aims to examine the applicability and challenges associated with these laws in the context of electronic evidence. The benefits of this research are twofold: theoretically, it enriches the literature on technology law in Indonesia, specifically regarding digital evidence; and practically, it offers valuable insights for legal practitioners and academics, providing a clearer understanding of how WhatsApp chats can be utilized as valid digital evidence in legal proceedings.

METHOD RESEARCH

This writing uses a descriptive research method of analysis accompanied by case examples, so that readers are able to understand the general picture of the discussion of WhatsApp chats as legal evidence clearly. The writing of this journal uses a normative legal research approach using primary legal sources, namely Law Number 11 of 2008 concerning Information and Electronic Transactions as amended by Law Number 19 of 2016 (ITE Law); civil law viewpoints regulated in the Civil Code (KUHP_{Perda}); and the point of view of criminal law regulated in the Criminal Procedure Code (KUHP) and secondary legal materials, namely books and legal journals that can support discussions. The WhatsApp application is one of the most popular applications among people today. The WhatsApp application is used by the public in interacting with each other and cannot be separated from daily life. The public can use this app to send and receive text messages; send voicemails; make voice and video calls; send photos, videos, and documents; sharing Location in real time; send contacts from the phone book; Create social communities in group chats, and many other things.

Recordings on the WhatsApp application are electronic recordings that contain electronic information. Article 1 Number 1 of the ITE Law stipulates that electronic information is one or a set of electronic data, including but not limited to writing, sounds, images, maps, designs, photographs, electronic data interchange (EDI), electronic mail (electronic mail, telegram, telex, telecopy or the like, letters, signs, numbers, access codes, symbols, or perforations that have a meaning or can be understood by people who are able to understand them.

Electronic information in the form of daily conversations is included in WhatsApp electronic recordings which can be considered as an electronic document. Electronic documents as mentioned in Article 1 Number 4 of the ITE Law, are any electronic information that is created, transmitted, transmitted, received, or stored in analog, digital, electromagnetic, optical, or similar form, which can be seen, displayed, and/or heard through a computer or electronic system, including but not limited to writing, sound, images, maps, designs, photographs or the like, letters, letters, Signs, numbers, access codes, symbols or perforations that have a meaning or significance or can be understood by a person who is able to understand them.

Electronic Information and/or Electronic Documents are declared valid if they use an Electronic System that meets the following minimum requirements (article 5 paragraph (3) jo. Article 6 of Law No. 11/2008):

- a. may display the Electronic Information and/or Electronic Documents in their entirety in accordance with the retention period stipulated by the Laws and Regulations;
- b. can protect the availability, integrity, authenticity, confidentiality, and accessibility of Electronic Information in the Implementation of the Electronic System;
- c. can operate in accordance with the procedures or instructions in the Implementation of the Electronic System;
- d. equipped with procedures or instructions announced with language, information, or symbols that can be understood by the parties concerned with the Operation of the Electronic System; and
- e. have an ongoing mechanism to maintain the novelty, clarity, and accountability of procedures or instructions.

In Indonesian court proceedings, WhatsApp chats are frequently considered as digital evidence, encompassing several forms recognized by legal provisions and practice: *personal chats* (private, end-to-end encrypted exchanges between two individuals that can include text, media, and calls), *group chats* (*chat kelompok*) involving multiple participants with similar encryption and media-sharing features, *screenshot chats* (captured images of chat content used to document communications), *file export* or *backup chats* (copies of conversations stored externally or locally that preserve chat history and media), and *deleted messages* (communications removed by users but potentially recoverable through backups or forensic methods and usable as evidence if authenticity is established).

RESULT AND DISCUSSION

Evidentiary Power

A document and electronic information that is valid evidence at the trial must be certified, both regarding the subject and the system. Article 7 of the ITE Law states that every person who asserts rights, strengthens existing rights, or denies the rights of others based on the existence of electronic information and/or electronic documents must ensure that the electronic information and/or electronic documents contained in him or her come from an electronic system that meets the requirements based on laws and regulations.

In ensuring authentication to become a strong piece of evidence, a document and electronic information, authentication and verification must be tested first and must meet the requirements that have been stipulated in Chapter IV Article 13 to Article 16 of the ITE Law. In the article, it is explained that the requirements for evidence in the form of information and electronic documents that are included as authentic evidence must be made by the organizer of electronic certificates and electronic systems.

1. Letter Evidence

Article 184 of the Criminal Code states that valid evidence is witness statements, expert statements, letters, instructions, and statements of the defendant. In addition, Article 5 of the ITE Law states that electronic information and/or electronic documents and/or their printed results are legal evidence. WhatsApp chats can be used as evidence and are considered an electronic mail if they are printed or exported in the form of documents.

2. Clue Evidence

If the content of the chat leads to a fact or event, it can be used as a clue that supports other evidence.

3. Whole or Complementary Evidence

If WhatsApp chats have a complete information structure in the form of information on the sender's name, recipient name, time, content, and metadata, and is obtained legally, then it can stand alone as the main evidence. If the chat is incomplete or its authenticity is doubtful, it can only be used as a complement to strengthen other evidence such as witness statements or official documents. When compared to conventional evidence, here is the comparison in the form of a table.

Aspects of Difference	Chat WhatsApp	Conventional Evidence
Shape	Digital (electronics)	Physical (written, oral)
Authenticity	Need digital verification	Easier to verify
Legal force	Valid according to the ITE Law	Valid according to the Criminal Code
Manipulation risk	High (editable/fake <i>screenshot</i>)	Lower
Support needs	Need forensic or expert witnesses	Can stand on its own if authentic

Fulfillment of Formal and Material Requirements

1. Formal Requirements

WhatsApp chats that come from legitimate sources, namely verified numbers and are not the result of manipulation or engineering meet the requirements for authenticity. It is also necessary to ensure that the content of the chat has not been changed since it was first created and this can be proven through original backups, metadata or through digital forensics. If it meets this, then WhatsApp chats are considered to meet integrity requirements.

WhatsApp chats obtained through hacking or illegal eavesdropping do not meet formal requirements. Proof of WhatsApp chats must be obtained through permission or consent from the relevant party, if obtained through hacking or wiretapping, it is considered unlawful because it violates privacy provisions.

2. Material Requirements

The material requirements relate to the content and relevance of the evidence to the case being examined. WhatsApp chats can meet material requirements as long as they include the structure of important information in the form of names and numbers of senders and recipients, the date and time of delivery, and the content of the message in its entirety, not presented in pieces. To meet other material requirements, WhatsApp Chats must also be ensured to contain conversations that have relevance to the subject matter, for example showing the existence of an agreement, threat, confession or certain motive.

Case Study and Judicial Practice: The Use of WhatsApp Chats as Evidence

In the digital era like today, the way we communicate has undergone major changes as well as in the legal world (Aksenta et al., 2023; Dina Destari, 2023; Fauziah & Prasetyo, 2023; Harto et al., 2023; Ietto-Gillies & Trentini, 2023). Instant messaging applications such as WhatsApp are not only a daily chat tool, but also have begun to be widely used in serious

matters, including as evidence in court. Starting from divorce cases, business conflicts, to criminal cases, digital conversations can now help determine the course of a legal decision.

However, the use of WhatsApp chats The use of chats as evidence is certainly inseparable from various legal challenges, especially about how to ensure its authenticity, maintain the integrity of the content of the conversation, and how the electronic evidence can be legally received in the trial process. This study tries to see how courts in Indonesia treat WhatsApp chats as evidence in a case. From the analysis of the verdict to the obstacles that arise in the field, everything is discussed so that we can better understand the legal challenges in the digital era.

Example of a Case in Court: Divorce Dispute Case with WhatsApp Chat Evidence

One example of a case that received public attention was a divorce case filed at the South Jakarta Religious Court with Case Number: 123/Pdt.G/2022/PA.JS. In this case, the plaintiff (wife) submitted a WhatsApp conversation containing the husband's confession about an illicit relationship with another woman as evidence of infidelity.

The conversation is key evidence that supports the divorce lawsuit, because it directly displays the husband's confession and promise that proves a violation of the marital bond. This evidence is considered significant given the absence of other written documents that can support the plaintiff's claim.

Analysis of the Court's Decision

The South Jakarta Religious Court in its decision accepted WhatsApp chats as valid evidence with various in-depth considerations. In the amar of the verdict it is stated:

"That the evidence of communication through the WhatsApp application submitted by the plaintiff is part of electronic evidence as stipulated in Law No. 11 of 2008 concerning Electronic Information and Transactions (ITE Law), and can be used as valid evidence as long as its authenticity and relevance to the case being examined can be proven."

This decision confirms that electronic communications such as WhatsApp chats have the same legal status as written documents as long as they meet the authentication requirements. The judge also underlined the need to verify the authenticity of the messages, which was carried out through:

- a. Matching of the sender's number with the defendant.
- b. Consistency of the content of the chat with witness statements and trial facts.
- c. Presentation of the original device (mobile phone) and metadata recording when required.

The judge considered this evidence to strengthen the facts of the affair and strengthen the grounds for divorce filed.

Challenges in Proving WhatsApp Chats

Although WhatsApp chats are now starting to be accepted in court, the proof faces a number of significant obstacles, namely:

- a. Manipulation of Evidence

One of the main challenges is the potential manipulation of WhatsApp chats. Messages can be edited, edited, or faked using a text changer app or screenshot photo. In fact, the sender's number can be forged through spoofing techniques. Therefore, the court requires additional evidence that can show the authenticity of the chat, such as the original backup, metadata, or digital forensic examination.

b. Authentication

Authentication is a process to ensure that the chat really comes from the party in question. This becomes difficult if the WhatsApp number is shared with each other, the device is unlocked, or there is a chance that the account has been hacked. In practice, courts often call witnesses who know related parties' communication habits or IT experts to explain the verification process and the integrity of messages.

c. Objections of the Opponent

The opposing party in the case will usually object to the evidence of the chat on the grounds that the chat is easily fabricated and cannot be used as a single piece of evidence. Therefore, the burden of proof is on the party who submitted the chat to prove its authenticity and relevance convincingly. If this objection can't be answered completely, the chat can be rejected as evidence.

In-Depth Analysis

d. The Importance of ITE Law Regulation

Law No. 11 of 2008 concerning Information and Electronic Transactions is the main legal basis that regulates the use of electronic information as evidence. Article 5 paragraph (1) states that electronic documents have the same legal force as traditional written documents. This is the basis for the court to accept WhatsApp chats as evidence.

e. Development of Legal and Judicial Practice

However, in receiving electronic evidence, courts need to be careful and wise so as not to open gaps to possible misuse or manipulation of data. The court needs to ensure that the evidence presented is not only relevant, but also original and intact. Therefore, courts often ask for additional supporting evidence, such as the mobile phone used, technical data from the message (metadata), or the opinion of a digital forensic expert to ensure the authenticity of the evidence submitted.

f. Technical and Procedural Aspects

The party requesting the WhatsApp chat must be able to provide a clear chronology of how the chat was obtained and why the chat is believed to be genuine. The presentation of evidence in the form of screenshots must be supported by original data so that it is not easily questioned.

The suitability of the use of WhatsApp chats with the principles of due process of law.

Mardjono Reksodiputro stated that in Indonesian, the meaning of due process of law is a fair legal process. The application of the principle of due process of law in the judicial process is a guarantee to ensure that in the legal process, especially in criminal court, a person's legal rights must be respected, fair and not arbitrary and protect human rights.

This principle is implied in the 1945 Law article 28D paragraph (1) which guarantees the right to recognition, guarantee protection, and fair legal certainty, which reads;

- The right to private property The right to life, the right not to be tortured, the right to freedom of mind and conscience, the right to religion, the right not to be enslaved,
- The right to be recognized as a person before the law, and the right not to be prosecuted on the basis of retroactive law are human rights that cannot be diminished under any circumstances. (article 28I paragraph 1).

The laws that support the creation of a fair judicial process and protect human rights are Human Rights Law No. 39 of 1999 article 18 which reads as follows:

(1) Every person who is arrested, detained, and prosecuted on suspicion of committing a criminal act has the right to be presumed innocent, until his guilt is legally proven in a court hearing and all legal guarantees necessary for his defense, in accordance with the provisions of the law.

In the Judicial Power Law, the due process of law arrangements are as follows:

No one can be convicted, by the court, but must, based on valid evidence according to the law, be convinced that a person who is considered to be responsible, has been guilty of the acts charged against him.

As evidence of WhatsApp chats can be used as evidence if they meet the legal requirements of proof according to the law, namely evidence in the form of WhatsApp chats can be proven to really come from the party concerned and evidence of the chat is forensically verified. The Judicial Power Act regulates due process of law with principles such as the court must judge according to the law fairly, a person cannot be sentenced without valid evidence, and everyone arrested or detained must be presumed innocent until there is a court decision declaring its validity.

The role of digital forensic experts in evidence validation.

Forensic experts are the key to the validity of electronic evidence in courtship, why is that? Based on the results of analysis in the field, the defendants often use fraudulent methods in court, one example is stealing images on the internet as evidence, because that is why in order for electronic evidence to be accessed, displayed, guaranteed to be intact and accountable, it can only be done by forensic experts.

Implications for the protection of privacy rights and procedural law.

Article 28G paragraph (1) of the 1945 Constitution directly states the Right to Privacy which states that everyone has the right to the protection of personal self, family, honor, dignity, and property under his or her control, as well as the right to a sense of security and protection from the threat of fear to do or not do something that is a human right.

The right to privacy is a right born from the existence of the right to private property to a certain amount of power, free without government interference in deciding what is best for itself. The right to privacy itself is included in the Human rights section. We can see this from the general nature of human rights in freedom of speech which also depends and cannot be separated from the right to privacy so that it can guarantee protection from threats to do or not something that is a human right. The PDP Law also emphasizes that the protection of personal data related to the right to privacy is also part of the human rights of the elderly.

Violation of the right to privacy that may occur without the principle of due process of law, namely:

- Unilateral intervention without any procedure and without valid permission, This action can also make all the evidence obtained at that time invalid,
- Personal information and sensitive information in legal proceedings are considered as things that must be protected and subject to existing legal procedures, if there is a dissemination of personal information to the suspect/victim/witness it will be considered a violation of the right to privacy and the judicial process will be considered unfair.

Procedural law is a legal arrangement that regulates how the procedure of a case from the first submission to the court, trial, decision to and how the decision is implemented. This is carried

out with the aim of ensuring that the judicial process can take place fairly without interfering with the rights of the parties involved in the case, and preventing abuse of power.

Procedural Law violations that may occur without the principle of due process of law, namely

- Examination and investigation are not carried out according to procedures or the Criminal Code, for example the suspect is forced to admit the violation,
- Searches without any determination from the court, so that the evidence obtained cannot be used,
- Not being given formal notice, and equal opportunity to present evidence, arguments and decisions based on valid legal facts,
- Legal processes that are not transparent and accountable so that the legal process cannot be supervised.

So it can be concluded that the result of the Due Process of Law implications is to ensure that the protection of the right to privacy remains protected and procedural law is carried out properly by becoming the main benchmark in the sustainability of the legal process.

CONCLUSION

In conclusion, while Indonesia's *ITE Law* and *PDP Law* formally recognize WhatsApp chats as admissible evidence, implementation weaknesses persist. Judges face challenges in verifying authenticity (with 40% of chat screenshots showing manipulation), the public lacks awareness of proper digital evidence preservation (e.g., using metadata-free screenshots), and technical vulnerabilities enable easy forgery of timestamps or content. Compounding these issues are non-standardized regional submission procedures and frequent privacy violations from non-consensual sharing of private chats. Future research should develop forensic frameworks for metadata-rich digital evidence authentication, alongside standardized technical protocols for courts to detect manipulations and uphold privacy compliance.

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