



Analysis of Civil Evidence Principles in The Ownership of Non-Fungible Token Assets

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ABSTRACT

This research aims analysis of the civil evidentiary principle, ownership of Non-Fungible Token assets can be proven through documents showing transfers from the previous owner to the current owner, as well as other evidence supporting the validity of the transaction. However, because NFT technology is still new and not fully legally recognized, further analysis is still needed to determine the appropriate mode of proof in this context. This study uses a normative method with a statutory approach (statute approach), as well as an analytical approach (analytical approach). The results of this study are to determine the principle of audi et alteram partem, the principle of ius curia novit, the principle of nemo testis indoneus in propria causa, the principle of ne ultra petita, the principle of de gustibus, non est disputandum, the principle of nemo plus juris transferre potest quam ipse habet on non-asset ownership Fungible Tokens. The principle of audi et alteram partem, which ensures that all parties have the right to be heard, upholds fairness in NFT ownership disputes by guaranteeing that each side has an opportunity to present their case.

INTRODUCTION

Proving is the process of showing or providing valid and legitimate evidence to confirm the truth of a claim or statement. In law, the evidentiary process is used to determine the truth or validity of a claim or claim in a judicial process. The evidence received can be in the form of witnesses, documents or other relevant and accountable data. The law of evidence is part of the procedural law which regulates how to collect, present and evaluate evidence in court proceedings. The law of proof determines who is responsible for proving a claim, what types of evidence can be admissible, and how that evidence is to be treated in court proceedings. The aim is to ensure that only valid and valid evidence is recognized in the judicial process and only decisions based on valid evidence are accepted (Maulana, M. A. dan Nurcahyani, N. 2023). In general, in the judicial process, the party filing a claim must prove the claim and the party being sued must be able to prove the defense he submitted. However, in different legal systems, there can be differences in how the evidentiary process is carried out. Juridical proof and scientific proof have several differences in the way they work and their goals. Juridical proof is the process of proving in the judicial process that follows the applicable legal rules. The aim is to ensure that only valid and valid evidence is recognized in the judicial process and only decisions based on valid evidence are accepted. Juridical proof can use various types of evidence such as witnesses, documents, and other physical evidence. However, juridical evidence must meet certain requirements such as accountability, identification and examination, and accountability (Gibson 2021).

While scientific proof is a proof process that follows valid and valid scientific methods. The aim is to reach scientifically justifiable conclusions. Scientific proof uses methods such as testing, observation, and data analysis that can be tested again. Scientific evidence prioritizes facts that can be accounted for and can be tested again, and can be accounted for. In general, the main difference between juridical proof and scientific proof is in the rules used in the process of proof and the ultimate goal to be achieved. Juridical proof follows the applicable legal rules, while scientific evidence follows valid and legitimate scientific methods (Maulana 2023). The location of the law of proof in the legal system can vary depending on the legal system used. In the common law legal system, the location of the law of proof lies with the party making the claim or claim, who must prove the claim. Meanwhile, in the civil law system, the location of the evidentiary law rests with the judge or jury, who is responsible for collecting and evaluating the evidence submitted by both parties (Maulana, M. A., dan Multazam, M. T. 2023).

In general, the location of the evidentiary law can be seen from the legal system used. In a legal system based on common law, the location of the law of evidence is on the party filing the claim. In a legal system based on civil law, the location of the law of evidence rests with the judge or jury. However, the location of the law of proof may vary in different legal systems (Maulana, M. A. 2023). In a legal system based on Sollen and Sein, the location of the evidentiary law can be seen from two aspects, namely the social aspect (Sollen) and the incidental or factual aspect (Sein). The Sollen aspect refers to the applicable legal rules, which

determine who must prove a claim or claim. In a legal system based on Sollen and Sein, the location of the law of proof can be seen from the applicable legal rules, which can determine who must prove a claim or demand.

While the Sein Aspect refers to the facts that exist in an incident or event. In this case, the location of the law of proof can be seen from the existing facts, which can be used to determine the truth of a claim or demand. In general, in a legal system based on Sollen und Sein, the location of the evidentiary law can be seen from two aspects, namely the social aspect (Sollen) and the incidental or factual aspect (Sein). The social aspect refers to the applicable legal rules, while the event or factual aspect refers to the facts that exist in an event or event (Siahaan, Rafianti, dan Haffas 2023).

In terms of proving civil law, recently there has been an increase in users buying and selling NFT assets. Data from cryptoslam shows that the total number of NFT users worldwide as of October 2020 was 1.25 million. In 2021, the value of NFT transactions will reach USD 25 billion (Rp 357.5 trillion), even though the number of buyers is only 265,927. The world's most expensive NFT project in 2023 has emerged. However, in terms of proving ownership, several problems arise in the process of proving ownership of NFT assets, including: Transaction validity: Because NFT assets can be easily copied and duplicated, it is difficult to ensure the validity of a sale and purchase transaction of NFT assets (Hapsari, Aprinisa, dan Putri 2023a). Copyright protection: NFT assets for sale are often digital artwork or other media that are protected by copyright. Without a clear mechanism for claiming and protecting copyright, it will be difficult to prove ownership of NFT assets in the form of works of art. Technological limitations: The blockchain technology used in NFT assets is still in its infancy, so there are limitations in terms of security and transparency (Yulia, Duana, dan Herlina 2022).

Unclear regulation: Regulation of NFT assets is still unclear and varies in different countries, so it may be difficult to regulate and monitor the buying and selling transactions of NFT assets. Legal aspect: Several countries have not recognized the legality of NFT assets, so proving ownership of NFT assets can be difficult in the context of applicable law (Hapsari, Aprinisa, dan Putri 2023b). Consumer protection: Several fraudulent or fraudulent cases in NFT transactions have been reported. And most interestingly a man in Singapore has won a court order to prevent the sale of non-fungible tokens (NFT), making it the first case of its kind in Asia and globally. In China, courts have recognized NFTs as property, while Nike has filed a lawsuit against StockX in federal court over the unauthorized sale of NFTs, which does not rule out the possibility in Indonesia.

And the method used in this study is a normative method with a statutory approach (statute approach) and an analytical approach (analytical approach). The statutory approach (statute approach) is used to evaluate the applicable legal rules in proving ownership of NFT assets. This is done by analyzing the laws and regulations in force in countries that regulate NFT assets and how these rules are used in proving ownership of NFT assets. Meanwhile, an analytical approach is used to evaluate the factual context of proving ownership of NFT assets. This is done by analyzing how the evidence received

in NFT transactions is used in proving ownership of NFT assets. That is why, further analysis is still needed to determine the appropriate way of proof in this context and to take the necessary actions to overcome the problems that arise in proving ownership of NFT assets. Therefore, the authors agree to discuss the legal principles of proving ownership of NFT assets. Research results are useful for users of NFT assets and can provide legal certainty, and also understand aspects of being proven (*quaderat demostrandum*) and what does not need to be proven.

THEORETICAL REVIEW

In the book *Teori Hukum Pembuktian (Pidana dan Perdata)*, Munir Fuady explains that the law of evidence must determine who bears the burden of proof. This is crucial because the party responsible for proving a claim influences the outcome of a legal process in court. In civil procedure, evidence aims to establish formal truth (*formeel waarheid*), which is based on legal formalities, giving authentic documents perfect and binding evidentiary power. In civil law, the judge plays a vital role in evaluating and accepting the evidence presented. The judge's duty is to assess the strength and validity of the evidence provided by the disputing parties. In the context of researching civil evidence principles in NFT ownership, theories of legal certainty, legal justice, and legal utility offer relevant perspectives. However, the theory of ****legal certainty**** appears to be the most fitting for this analysis. Refers to the principle that laws should be clear, stable, and predictable, allowing individuals to understand and comply with rules without confusion. In the realm of NFT ownership, legal certainty is crucial because:

NFT ownership involves digital rights that need to be legally recognized and protected. For NFT transactions and ownership claims to be valid and enforceable, there must be legal clarity regarding these rights. Without legal certainty, NFT owners and related parties may face difficulties in asserting their rights or resolving disputes that arise. Legal certainty also safeguards third parties involved in NFT transactions. For instance, if NFT ownership is not clearly regulated, buyers or investors may risk acquiring assets that are not legitimately owned or facing legal issues in the future. Legal certainty ensures that all parties operate under the same rules, thereby minimizing the risk of conflicts. In the rapidly evolving digital world, stability and predictability in the law help maintain trust in the NFT market. With legal certainty, all participants in the NFT ecosystem can plan and operate with confidence that the applicable legal rules will not change dramatically without proper notice or consideration.

In this study, legal certainty is closely related to the civil evidence principles discussed, such as *audi et alteram partem* (the right to be heard), *ne ultra petita* (limitations on judicial decisions), and *nemo plus juris transferre potest quam ipse habet******* (restrictions on the transfer of rights). All these principles aim to ensure that legal processes are conducted fairly and in accordance with established rules, thereby providing certainty for all parties involved. The theory of legal certainty provides a robust framework for analyzing how civil evidence principles apply to NFT ownership. By ensuring

that legal rules are clear, stable, and predictable, legal certainty facilitates better regulation and more efficient resolution of disputes in the NFT market. As a result, applying these principles within the context of NFTs will contribute to a more structured and reliable legal framework, which is essential for the fair and transparent development of the digital asset ecosystem.

The NFT (Non-Fungible Token) asset trading mechanism uses blockchain technology to record and secure transactions. The following is the process of buying and selling NFT assets in general NFT asset creation: NFT asset generators use special software to create assets that are unique and cannot be exchanged for any other asset. The asset will be recorded in the blockchain as a unique, irreplaceable token. Sale of NFT assets: Once NFT assets have been created, the asset creator can sell them to interested buyers. Buying and selling transactions are carried out on special platforms that provide a market for NFT assets. Payment: Buyers will make payments using cryptocurrency or other digital currency. Once payment is received, the NFT asset will be transferred from the asset maker to the buyer. Transaction records: Information about buying and selling transactions of NFT assets will be recorded in the blockchain, so that it can be used as proof of transaction validity.

Use of NFT assets: Once the NFT assets are received by the buyer, he can use them as he wishes, such as reselling, displaying in galleries, or using them as investment tools. It is important to remember that the process of buying and selling NFT Assets is still not fully recognized legally, so further analysis is still needed to determine the appropriate method of proof in this context. So that there is evidence that can be used to prove ownership of NFT assets including: Proof of transaction: such as purchase invoices, proof of payment, and transaction records showing that someone owns NFT assets. Proof of contract: such as a sale and purchase contract showing that someone has rights to the NFT assets. Digital evidence: such as proof of access or control showing that someone owns the NFT assets, such as proof of access to a private key or proof of ownership of a wallet. Witness evidence: such as witness testimony stating that someone owns or sells NFT assets.

Other evidence that can be accepted by applicable law, such as evidence from statements from the authorities or evidence from applicable regulations. However, keep in mind that the evidence used to prove ownership of NFT assets must comply with applicable regulations and must be accepted by an authorized party, such as a judge or jury. In terms of ownership of NFT assets, the quod probandum (which must be proven) is that someone owns the proposed NFT assets. This can be proven by showing the unique token of the owned NFT asset, and showing that the token has been transferred to the current owner through a transaction recorded in the blockchain.

Meanwhile, quod probatum (which has been proven) is evidence received by a judge or jury to support claims for ownership of NFT assets, such as proof of transactions recorded in the blockchain, proof of payment, and other documents that support ownership of NFT assets. Prima facie (basic assumptions) is not very relevant in terms of ownership of NFT assets, because NFT assets are very unique and cannot be replaced with other assets, so there are

no assumptions that are accepted as true without having to be proven. The burden of proof (burden of proof) in terms of ownership of NFT assets is usually on the party filing a claim for ownership of NFT assets, which must provide sufficient evidence to support the claim. However, in some cases, the burden of proof may also be on the party accused of not owning NFT assets who are submitted to prove that they do not own these assets.

In general, in terms of ownership of NFT assets, *quod probandum* (which must be proven) is that someone owns the proposed NFT assets, which can be proven by showing the unique token of the NFT assets and transactions recorded in the blockchain and *quod probatum* (which has been proven) is evidence received by a judge or jury to support claims for ownership of NFT assets, such as proof of transactions recorded on the blockchain, proof of payment, and other documents supporting ownership of NFT assets. The burden of proof is on the party claiming ownership of the NFT assets. However, in the context of this new ownership of NFT assets, further analysis is still needed because the current regulations are unclear and vary in different countries.

The mechanism for the burden of proof of ownership of NFT assets depends on the regulations in force in certain countries or regions. However, in general civil law, the burden of proof is borne by the party making the claim or charge. In the case of ownership of NFT assets, the party filing a claim or charge must prove that he or she has legal rights to the NFT assets. On the other hand, the accused party must prove that he does not own the rights to the alleged NFT assets. This burden of proof can be in the form of legal evidence, such as transaction evidence, contract evidence, digital evidence, witness evidence, or other evidence accepted by applicable law. In some cases, the accused party can prove that it has no rights to the NFT assets by showing that the NFT assets were legally purchased or obtained from another party that has legal rights to the assets.

In Indonesia, provisions regarding the burden of proof can be found in Article 217 of the Civil Code, which states that the burden of proof is borne by the party making the claim. This means that in the case of ownership of NFT assets, the claimant must prove that he or she has legal rights to the NFT assets. In addition, article 233 of the Civil Code states that in the event of an indictment or charge being filed, the accused party must prove that he does not have the rights to the alleged NFT assets. In addition, witness statements that are recognized by law, evidence from the authorities, or evidence from applicable regulations can also be used as evidence in proving ownership of NFT assets in Indonesia. However, currently NFT has not been regulated in Indonesian law, so there is a lack of clear evidence and legal protection mechanisms. Therefore, clear regulations and effective mechanisms are needed to ensure that the rights of all parties involved in NFT transactions are recognized and respected.

METHODOLOGY

This study employs a normative research methodology, integrating both a statutory and analytical approach to explore the principles of civil evidence in the context of Non-Fungible Token (NFT) ownership. The statutory approach

involves a thorough examination of existing legal statutes, regulations, and case law relevant to digital assets and NFTs. This approach ensures that the study is grounded in current legal frameworks and statutory provisions governing digital ownership and evidence.

For primary data, the research will incorporate a review of recent case law and legal precedents involving NFT disputes and ownership claims. This primary data is critical for understanding how courts are currently interpreting and applying civil evidence principles to NFTs. Secondary data will be gathered from scholarly articles, legal textbooks, and reports from industry experts on NFTs and digital asset management. This will provide a broader context and deeper insights into theoretical perspectives and emerging trends in the legal treatment of NFTs. Analytical techniques will involve a detailed comparison and interpretation of statutory provisions and case law, aiming to identify patterns, inconsistencies, and implications for NFT ownership. The analysis will focus on how civil evidence principles are applied in practice and how they influence the resolution of ownership disputes in the digital asset domain.

RESEARCH RESULTS

The research explores how ownership of Non-Fungible Tokens (NFTs) is proven using current legal standards. NFTs are unique digital assets tracked on the blockchain, and their creation, sale, and transfer involve specialized platforms and cryptocurrencies. To prove ownership, evidence such as transaction records, contracts, digital access, and witness testimonies is needed. In Indonesia, the Civil Code dictates that the burden of proof lies with the person claiming ownership. Analysis of the *audi et alteram partem* principle on nft asset ownership, The NFT (Non-Fungible Token) asset trading mechanism uses blockchain technology to record and secure transactions.

NFT trading involves several steps facilitated by blockchain technology. First, unique NFTs are created using specialized software and recorded on the blockchain as irreplaceable tokens. Once created, these NFTs are sold on dedicated platforms where buyers use cryptocurrency or digital currency to purchase them. After payment, the NFT is transferred to the buyer, and the transaction details are recorded on the blockchain, providing proof of the transaction. Buyers can then use their NFTs for various purposes, such as reselling, displaying in galleries, or investing. Despite these processes, the legal recognition of NFT transactions is still evolving, and more analysis is needed to establish effective methods for proving ownership.

In terms of ownership of NFT assets, the *quod probandum* (which must be proven) is that someone owns the proposed NFT assets. This can be proven by showing the unique token of the owned NFT asset, and showing that the token has been transferred to the current owner through a transaction recorded in the blockchain. Meanwhile, *quod probatum* (which has been proven) is evidence received by a judge or jury to support claims for ownership of NFT assets, such as proof of transactions recorded in the blockchain, proof of payment, and other documents that support ownership of NFT assets. *Prima facie* (basic assumptions) is not very relevant in terms of ownership of NFT assets, because

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DISCUSSION

Analysis of the Audi Et Alteram Partem Principle on NFT Asset Ownership

Audi et alteram partem is a legal principle which states that every person who is to be subject to sanctions or charges must be examined and his opinion taken into account before a decision is made. In the context of NFT asset ownership, it is important to consider this principle in the process of proving NFT asset ownership, namely: The maker of the NFT asset must be examined and his opinion before the NFT asset is declared invalid and transferred to the buyer. Buyers of NFT assets must be examined and paid attention to their opinions before being declared invalid in an NFT asset purchase transaction. The party filing a claim for ownership of NFT assets must be examined and their opinion taken into account before a decision is made regarding ownership of NFT assets. The party accused of not owning NFT assets must be examined and their opinion taken into account before a decision is made regarding ownership of NFT assets.

The parties involved in NFT transactions must be examined and their opinions considered before a decision is made about the validity of the transaction. It is important to pay attention to the audi et alteram partem principle in the process of proving ownership of NFT assets to ensure that each party involved in an NFT transaction is examined and their opinion taken into account before a decision is made regarding ownership of NFT assets. In addition, the principle of audi et alteram partem is also important to consider in the process of proving ownership of NFT assets because it can ensure that the rights of each party involved in an NFT transaction are recognized and respected. This principle can also help to reduce the risk of injustice in the process of proving ownership of NFT assets. However, in practice, applying the audi et alteram partem principle in the process of proving ownership of NFT assets can be difficult because NFT transactions often occur online and between countries. Therefore, clear regulations and an effective mechanism are needed to ensure that the audi et alteram partem principle is observed in the process of proving ownership of NFT assets.

Analysis of the Ius Curia Novit Principle on NFT Asset Ownership. Ius curia novit is a legal principle which states that a judge or jury has the authority to know and interpret the applicable law in a case filed. In the context of NFT asset ownership, it is important to consider this principle in the process of proving NFT asset ownership, namely: The judge or jury must know and understand the blockchain technology used in NFT assets in order to be able to interpret the evidence received in NFT transactions. The judge or jury must know and understand the laws and regulations that apply to NFT transactions and how these rules are used in proving ownership of NFT assets. Judges or juries must know and understand the factual context of NFT transactions in order to be able to interpret the evidence received in NFT transactions and make fair and appropriate decisions in determining the ownership of NFT assets.

The judge or jury must know and understand the regulations that exist in NFT assets so that they can make decisions that are in accordance with the applicable law. The ius curia novit principle is very important to note in the process of proving ownership of NFT assets to ensure that judges or juries have sufficient knowledge and are competent in interpreting the evidence received in NFT transactions and making fair and appropriate decisions in determining ownership

of NFT assets. However, in practice, applying the *ius curia novit* principle in the process of proving ownership of NFT assets can be difficult because the judge or jury may not have sufficient knowledge of blockchain technology and the regulations applicable to NFT assets. Therefore, sufficient education and training is required for judges or jurors in this regard.

In addition, in practice, the principle of *ius curia novit* also means that a judge or jury may make a decision that is different from what is expected by the parties involved in an NFT transaction, because the judge or jury has the authority to know and interpret the applicable law according to the context. case filed. Therefore, flexibility is needed from the parties involved in NFT transactions to accept decisions made by judges or juries. Analysis of the Principle of *Nemo Testis Indoneus In Propria Causa* On NFT Ownership *Nemo testis indoneus in propria causa* is a legal principle which states that a person cannot be a witness in a case that concerns himself. In the context of NFT asset ownership, this principle is important to consider in the process of proving NFT asset ownership. The party selling NFT assets cannot be a witness in the process of proving the ownership of NFT assets submitted to the buyer. Parties submitting claims for ownership of NFT assets may not be witnesses in the process of proving ownership of NFT assets submitted to a judge or jury. A party accused of not owning NFT assets may not be a witness in the process of proving ownership of NFT assets submitted to a judge or jury. The principle of *nemo testis indoneus in propria causa* is important to note in the process of proving ownership of NFT assets to ensure that parties involved in NFT transactions cannot act as witnesses in cases involving themselves. This will ensure that proof of ownership of NFT assets is conducted fairly and objectively.

In addition, the principle of *nemo testis indoneus in propria causa* is also important to note in the process of proving ownership of NFT assets because it can ensure that the evidence received in NFT transactions is independent and reliable evidence. This will help to reduce the risk of unfairness in the process of proving ownership of NFT assets. However, in practice, applying the principle of *nemo testis indoneus in propria causa* in the process of proving ownership of NFT assets can be difficult because NFT transactions often occur online and between countries. Therefore, clear regulations and an effective mechanism are needed to ensure that the principle of *nemo testis indoneus in propria causa* is considered in the process of proving ownership of NFT assets.

Analysis of the *Ne Ultra Petita* Principle on NFT Ownership. *Ne ultra petita* is a legal principle which states that a person may not ask for more than is desired or stated in an application or claim. In the context of NFT asset ownership, this principle is important to consider in the process of proving NFT asset ownership. Parties claiming ownership of NFT assets must only request ownership of NFT assets that are actually owned and may not request more than that. The party accused of not owning NFT assets must only be penalized for NFT assets that are truly not owned and may not be subject to further sanctions than that. Parties selling NFT assets must only sell NFT assets they really own and may not sell NFT assets they don't own. That's the principle *ultra petita* is important to pay attention to in the process of proving ownership of NFT assets because it can

ensure that the demands filed or sanctions imposed are only to the extent that they are in accordance with the actual conditions. This will help reduce the risk of injustice in the process of proving ownership of NFT assets and ensure that the rights of all parties involved in NFT transactions are recognized and respected. However, in practice, applying the *ne ultra petita* principle in the process of proving ownership of NFT assets can be difficult because NFT transactions often occur online and between countries. Therefore, clear regulations and an effective mechanism are needed to ensure that the *ne ultra petita* principle is observed in the process of proving ownership of NFT assets.

Apart from that, it is also important to pay attention to the *ne ultra petita* principle in the process of proving ownership of NFT assets because it can help to avoid legal conflicts that may occur due to demands or sanctions that do not match the actual conditions. This principle can also ensure that the process of proving ownership of NFT assets remains efficient and does not take up too much time. However, to apply the *ne ultra petita* principle in the process of proving ownership of NFT assets, careful analysis and a good understanding of the laws and regulations that apply to NFT transactions are required. Analyses *Asas De Gustibus Est Disputandum Pada Kepemilikan NFT*. The principle "*de gustibus non est disputandum*" is the principle that there is no debate about tastes. In the context of NFT asset ownership, this principle can be applied in several ways: NFT asset ownership cannot be determined by personal taste. Ownership of NFT assets must be determined based on existing facts and evidence. In the process of proving ownership of NFT assets, the judge or jury must ignore personal preference and only decide based on the evidence available. In buying and selling NFT assets, the parties involved must ignore personal tastes and only make transactions based on facts and evidence.

The principle of "*de gustibus non est disputandum*" is important to note in the process of proving ownership of NFT assets because it can ensure that the proof is done objectively and is not influenced by personal preference. This will help reduce the risk of injustice in the process of proving ownership of NFT assets and ensure that the rights of all parties involved in NFT transactions are recognized and respected. In practice, however, applying this principle can be difficult because NFT transactions often occur online and between countries. Therefore, clear regulations and effective mechanisms are needed to ensure that this principle is observed in the process of proving ownership of NFT assets. In addition, this principle is also important to note in buying and selling NFT assets because it can ensure that transactions are carried out based on existing facts and evidence, not influenced by personal preferences. This will ensure that NFT transactions are carried out fairly and in accordance with applicable regulations. In practice, however, applying this principle can be difficult because NFT transactions often occur online and between countries. Therefore, clear regulations and effective mechanisms are needed to ensure that this principle is observed in buying and selling transactions of NFT assets.

According to *Asas*, no one can transfer more rights than he has. The principle of "*nemo plus juris transferre potest quam ipse habet*" is a principle which states that a person cannot transfer rights greater than the rights he has. In the

context of NFT asset ownership, this principle is important to consider in the process of proving NFT asset ownership. The party selling the NFT assets must have legal rights to the NFT assets being sold and may not transfer rights to NFT assets it does not own. The party buying the NFT assets must ensure that the selling party has legal rights to the NFT assets purchased and must not receive rights to the NFT assets that are not valid. The party filing a claim for ownership of NFT assets must have legal rights to the proposed NFT assets and may not transfer rights to NFT assets they do not own. The principle of "nemo plus juris transferre potest quam ipse habet" is important to note in the process of proving ownership of NFT assets because it can ensure that rights to NFT assets can only be transferred by parties who have legal rights to these assets. This will help reduce the risk of injustice in the process of proving ownership of NFT assets and ensure that the rights of all parties involved in NFT transactions are recognized and respected. In practice, however, applying this principle can be difficult because NFT transactions often occur online and between countries. Therefore, clear regulations and effective mechanisms are needed to ensure that this principle is observed in the process of proving ownership of NFT assets.

In addition, this principle is also important to note in buying and selling NFT assets because it can ensure that transactions are carried out based on legal rights owned by the seller and the rights received by the buyer are in accordance with the rights they have. This will ensure that NFT transactions are carried out fairly and in accordance with applicable regulations. In practice, however, applying this principle can be difficult because NFT transactions often occur online and between countries. Therefore, clear regulations and effective mechanisms are needed to ensure that this principle is observed in buying and selling transactions of NFT assets. In terms of proving ownership of NFT assets, this principle is very important because it can ensure that the party filing a claim or the party being accused must prove ownership of NFT assets that they really own, and may not transfer rights to NFT assets that they do not own. This principle can help reduce the risk of injustice in the process of proving ownership of NFT assets and ensure that the rights of all parties involved in NFT transactions are recognized and respected.

CONCLUSIONS AND RECOMMENDATIONS

This study elucidates several foundational principles of civil evidence as they pertain to the ownership of Non-Fungible Tokens (NFTs). The principle of audi et alteram partem, which ensures that all parties have the right to be heard, upholds fairness in NFT ownership disputes by guaranteeing that each side has an opportunity to present their case. The principle of ius curia novit asserts that courts are expected to know and apply the law correctly, emphasizing the need for judicial expertise in navigating the legal complexities surrounding NFTs. The principle of nemo testis in propria causa calls for impartiality by stipulating that no one should act as a witness in their own case, thereby promoting objectivity in evaluating NFT ownership claims. Meanwhile, the principle of ne ultra petita restricts courts from granting more than what is requested by the parties, ensuring that judicial decisions remain within the scope of the issues raised.

Additionally, the principle of *de gustibus non est disputandum* recognizes the subjective nature of personal tastes and opinions, acknowledging that these do not influence legal ownership determinations in the context of NFTs. Finally, the principle of *nemo plus juris transferre potest quam ipse habet* confirms that individuals can only transfer rights they actually possess, which is crucial for validating NFT transactions and ownership transfers. Together, these principles form a comprehensive framework for adjudicating NFT ownership disputes, balancing fairness, legal precision, and individual rights in the digital age.

ADVANCED RESEARCH

This study, while offering significant insights into the application of civil evidence principles to Non-Fungible Token (NFT) ownership, does acknowledge certain limitations. One limitation is the evolving nature of NFT technology and legal frameworks, which means that the conclusions drawn may need to be reassessed as new developments occur. Additionally, the study primarily relies on existing statutory laws and case law, potentially overlooking emerging regulations or precedents that could impact NFT ownership. To address these gaps, further research could focus on the impact of recent technological advancements and regulatory changes on NFT ownership. Comparative studies involving different jurisdictions could also provide a broader understanding of how various legal systems handle NFT disputes. Exploring empirical data from NFT transactions and legal cases could enhance the study's applicability and relevance.

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