

The Ambivalence of the Nemo Plus Juris Principle in the Validity of Land Transactions in the Digital Verification System

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DOI:

<https://doi.org/10.47134/jcl.v3i3.1.5854>

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Received: 26/05/2026

Accepted: 01/07/2026

Published: 01/07/2026



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Abstract: *The digitalization of land administration has driven fundamental changes in how the validity of land rights transactions is understood and applied in legal practice. The implementation of electronic certificates, database integration, and digital verification mechanisms has strengthened public reliance on the registration system as a source of administrative legitimacy. This development has given rise to normative ambivalence regarding the principle of nemo plus juris, which classically asserts that a person cannot transfer rights beyond what they own. When system data becomes the primary reference for verification, tension arises between the substantive truth of ownership and the administrative validity based on digital registration. This study aims to analyze the paradigm shift in the validity of land transactions in the digital era and formulate a conceptual reconstruction that balances the protection of original owners with the need to maintain legal certainty and transaction stability. The method employed is normative legal research with a limited statutory, conceptual, and comparative approach, through an analysis of the Basic Agrarian Law, Government Regulations on Land Registration, electronic certificate regulations, and electronic system provisions. The results reveal a dualism in validity between substantive and systemic aspects, which has the potential to create legal uncertainty if not clearly regulated. Reliance on digital systems broadens the meaning of legal legitimacy, but also presents the risk of systemic error and an incompletely defined distribution of responsibility. Reconstruction of the validity model*

is necessary through a reinterpretation of the nemo plus juris principle that adapts to technology, the establishment of digital verification-based due diligence standards, and the development of a legal protection model based on risk allocation. This approach is expected to strike a balance between the efficiency of digitalization and the protection of substantive ownership rights in the modern land system.

Keywords: *nemo plus juris; land digitalization; transaction validity; electronic certificates; reliance-based registry*

Introduction

Digital transformation has brought significant changes to land administration governance in various countries, including Indonesia (Susmana, 2025). The use of electronic certificates, land database integration, and digital verification mechanisms is beginning to replace the manual processes that have been the dominant practice (Susilowati, 2024). This digitalization is expected to increase the efficiency of public services, accelerate administrative processes, and reduce the potential for irregularities arising from direct

human interaction (Aurelia et al., 2025). Digital systems also enable faster access to information for stakeholders, particularly in transactions and land title status verification (Ahoen, 2025). These changes present significant opportunities as well as new challenges related to legal certainty, data accuracy, and the protection of individual rights (Hidayah et al., 2024).

Changes in land transaction verification methods are one tangible impact of digitalization. Practices that previously relied on physical document inspections, manual checks at land offices, and direct interactions with authorized officials are now shifting toward reliance on digital systems (Auliani & Rosiah, 2025). Data stored in a system is considered the primary source of information that forms the basis for legal decision-making by the parties. Reliance on digital systems creates a new paradigm that positions technology as a mediator of trust in legal transactions (Marella, 2024). This situation raises questions about the extent to which digital data can be considered a representation of legal truth. Reliance on electronic systems also opens up discussion about the limits of the parties' liability in the event of data errors.

The principle of *nemo plus juris ad alium transferre potest quam ipse habet* is a classic principle that has long been a foundation of property law and land law (Haryanti et al., 2023). This principle asserts that a person cannot transfer rights beyond those they themselves possess (Qasim et al., 2025). The validity of a transfer of rights is always closely linked to the legal status of the transferor, so the validity of the transaction depends on legally valid ownership. This principle serves to maintain the integrity of the legal system by ensuring that ownership rights cannot be transferred arbitrarily (Putri & Wahyuddin, 2025). Recognition of *nemo plus juris* also relates to the protection of original owners who have priority rights over land objects. The existence of this principle creates normative standards that have long been used as references in resolving land disputes (Yanto & Prianto, 2018).

The development of digital systems raises the potential for conflict between the substantive truth of ownership and administrative legitimacy derived from system data (Meiliawati, 2024). Electronic registration systems often convey the impression of finality because the available information is readily accessible and considered official (Jagadhita, 2025). When a discrepancy arises between digital data and the reality of ownership, questions arise as to which should be prioritized in determining legal validity. This tension becomes even more complex when transactions have already taken place and involve good-faith third parties. The use of technology as a new source of legitimacy can shift traditional perceptions of ownership. This situation demands a critical analysis of the relationship between legal facts and their digital representations.

The risk of data errors is a crucial issue in digital verification systems. Errors can occur due to technical glitches, inaccurate data input, or manipulation by irresponsible parties (Chic & Bilqisthi, 2024). Such errors have the potential to cause significant legal losses, especially if transactions have been conducted based on erroneous data. The question of who is responsible for system errors is a complex issue, as it involves state institutions, system administrators, and all parties involved in transactions. Data security and protecting information integrity are crucial elements in maintaining public trust in digital systems

(Pratama et al., 2024). These risks are also related to the need for clear correction and remediation mechanisms.

The need to review classical principles of land law arises with the acceleration of digitalization. Traditional principles designed for manual administrative environments may face challenges when applied to information technology-based systems. Digitalization introduces a new logic focused on efficiency, automation, and data integration (Atiyah et al., 2025). Legal principles previously considered stable need to be reevaluated to remain relevant to social and technological changes. This reinterpretation process does not mean eliminating classical values, but rather attempting to adapt their application to new realities. This effort requires a theoretical approach that considers legal, technological, and rights protection aspects.

Nemo plus juris has a philosophy closely related to the concepts of ownership and legitimacy in property law. This principle is rooted in the idea that ownership rights have limits that cannot be exceeded by parties without legitimate legal authority (Hapsari & Hafidz, 2017). Its primary function is to maintain the stability of legal relationships and prevent legally flawed transfers of rights. The existence of this principle provides a basis for courts in assessing the validity of a transaction (Yakob, 2025). This philosophical value also reflects the law's efforts to protect substantive justice. This principle remains relevant in various modern legal systems despite facing challenges from technological developments.

The role of *nemo plus juris* in maintaining the validity of transfers of rights is crucial because this principle ties every transaction to the legitimacy of the source of rights. The transfer of land rights depends not only on the agreement of the parties but also on the legal status of the transferor. The validity of transactions based on this principle helps prevent prolonged ownership conflicts. Protecting legitimate owners is the primary goal of implementing this principle. The land law system utilizes this principle as a tool to maintain consistency and fairness. The relationship between this principle and the registration mechanism is an interesting aspect to further study.

The land publication system in Indonesia is often understood as a negative publication containing positive elements. Certificates are considered strong evidence, but they are not absolute because they can still be challenged if there are legal flaws (Lestario & Erlina, 2022). This model positions registration as an important administrative tool, yet still allows for the correction of errors. A comparison with the Torrens system provides additional perspective on how other countries manage trust in land registration. The Torrens system tends to provide higher certainty in registration data through the principle of indefeasibility (Utami & Cahyono, 2024). These differing characteristics create space for discussion regarding the direction of development of the Indonesian land system.

Reliance theory becomes relevant when digital registration systems begin to be viewed as a primary source of legal trust. This concept focuses on protecting parties who act based on reasonable reliance on available official information. Good-faith buyers are often the primary subject of discussions about reliance, particularly when there is a conflict between system data and the reality of ownership. The shift in legitimacy from the fact of ownership to system data creates a significant paradigm shift. Legal certainty in the digital era depends not only on legal norms but also on the reliability of the technology used (Santoso &

Purwaningsih, 2024). This discourse opens up space for analysis regarding the balance between protecting the original owner and transaction stability.

The digitalization of the land system is also related to technology-based governance transformation. The use of electronic certificates and digital verification enables cross-institutional data integration and increased administrative transparency (Mujiburohman, 2025). Technology presents opportunities to strengthen accountability while reducing bureaucratic red tape. Normative challenges arise when the legal system must adapt to changes in more automated and integrated working methods. Issues of cybersecurity, personal data protection, and legal liability are central to this discussion. Digitalization not only transforms technical mechanisms but also influences how the law is understood and applied in everyday practice.

Methodology

This research employs a normative legal research method that focuses on the analysis of legal norms, legal principles, and doctrinal constructions related to the validity of land transactions in a digital verification system. The approach employed includes a statute approach through a study of Law Number 5 of 1960 concerning Basic Agrarian Regulations, Government Regulation Number 24 of 1997 concerning Land Registration, Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 1 of 2021 concerning Electronic Certificates, and regulations related to electronic systems such as Law Number 11 of 2008 concerning Electronic Information and Transactions and its amendments. The research also employs a conceptual approach to examine the *nemo plus juris* principle, reliance theory, and the concept of good faith in modern land law, as well as a limited comparative approach to understand the development of digital registration in other legal systems. Primary, secondary, and tertiary legal materials are analyzed using systematic interpretation techniques and legal reasoning to formulate a conceptual reconstruction of a transaction validity model that is able to balance legal certainty with protection of substantive ownership in the digital era.

Result and Discussion

Paradigm Shift in Transaction Validity in Digital Verification Systems

The paradigm shift in land transaction validity is inextricably linked to the evolution of land rights verification mechanisms, from manual to digital systems. Traditional verification processes relied on physical document inspections, checking land certificates at land offices, and direct interaction with authorized officials such as Land Deed Officials (PPAT) and National Land Agency (BPN) officers. This model prioritized human due diligence as a key element in ensuring transaction validity. Advances in information technology have provided electronic systems that enable rapid data verification through integration with national databases. This change accelerates administrative processes and provides easier access for parties involved in land transactions. The regulatory framework related to land digitalization can be seen in Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the BPN Number 1 of 2021 concerning Electronic Certificates, which paves the way for digital-based administrative transformation.

This evolution has impacted the way parties conduct due diligence before conducting transactions. Prudential standards, which previously prioritized physical inspections and direct clarification, are now shifting toward verification through official electronic systems. Digital data is considered more practical because it can be accessed in real time and has strong administrative legitimacy. Reliance on this system changes the parties' expectations regarding how the validity of a right is assessed. The use of technology also influences the role of Land Deed Officials (PPAT) as the party that ensures the conformity between legal data and legal facts. Provisions regarding the obligation to exercise due care in drafting deeds still refer to Article 37 paragraph (1) of Government Regulation Number 24 of 1997 concerning Land Registration, which stipulates that the transfer of rights must be evidenced by a deed prepared by a PPAT.

Reliance on digital data as a source of legal legitimacy is growing stronger with the development of electronic service systems by the government. Information available in land databases is often perceived as a reliable representation of legal status by the public. Digital registration systems create the perception that recorded data is highly accurate because it originates from official authorities. This trust facilitates transactions, but also carries consequences when there is a discrepancy between digital data and the actual situation. System-based administrative legitimacy can influence the interpretation of the validity of a transfer of rights. This change is closely related to Article 19 of Law Number 5 of 1960 concerning Basic Agrarian Regulations, which mandates the implementation of land registration to ensure legal certainty.

Strengthening the position of digital data as a basis for validity also relates to the principle of certificates as strong evidence. Article 32, paragraph (1) of Government Regulation Number 24 of 1997 states that certificates are strong evidence regarding physical and legal data as long as they align with the data listed in the land register. Electronic systems expand the meaning of this administration because information is no longer limited to physical documents. Digitization accelerates the validation process without eliminating the fundamental principles of registration. Dependence on the system can shift orientation from substantive examinations to data-based administrative examinations. This raises discussions about the limits of the evidentiary power of digital data in transactions.

The risk of over-reliance on electronic registration is an issue that requires attention. Excessive reliance can reduce the parties' prudence if they perceive system data as the absolute truth. Input errors, technical disruptions, or unsynchronized data updates can have serious legal consequences. Digital systems remain dependent on quality data management and technological security. Regulations concerning the implementation of electronic systems, including Law Number 11 of 2008 concerning Electronic Information and Transactions, as amended by Law Number 19 of 2016, stipulate the obligation of electronic system operators to maintain the reliability and security of information. This provision is relevant in assessing legal liability when digital data is used as the basis for transactions.

Conflicts between substantive truth and administrative validity arise when data recorded in the system does not reflect actual ownership. Such situations can arise from unrecorded disputes, administrative errors, or data manipulation. The principle of *nemo plus*

juris requires that only the rightful owner can transfer rights, while digital systems can display information that does not necessarily fully reflect the legal reality. This tension creates a dilemma for parties who rely on official data to conduct transactions. Articles 23, 32, and 38 of the UUPA emphasize the importance of registration as a means of proving rights, but they do not rule out the possibility of legal flaws. The discrepancy between ownership facts and administrative data creates ambiguity in assessing validity.

The ambiguity of a transaction's legal status becomes even more complex when a third party has acquired rights based on data available in the system. Certificates, as strong evidence, can provide certain protections, especially if the party acquiring the rights acts in good faith. Article 32, paragraph (2) of Government Regulation Number 24 of 1997 provides protection for certificate holders who acquire rights legally and in good faith after a certain period of time. Digital systems can accelerate this situation because transactions occur more quickly than traditional mechanisms. The conflict between the interests of the original owner and legal certainty for third parties becomes increasingly relevant. Discussions regarding transaction validity no longer merely focus on formal aspects but also consider the aspect of trust in the system.

The status of buyers in good faith is a central issue in the digital ecosystem. Pre-existing prudential standards need to be adapted to the characteristics of the technology used. Buyers who have verified through official systems may feel they have fulfilled their legal obligations. The assessment of good faith depends not only on subjective intentions but also on objective actions taken before the transaction. Land laws and general principles of civil law provide scope to protect parties acting in good faith, including through the interpretation of Article 1338 of the Civil Code concerning the binding force of agreements. The digital environment encourages a redefinition of prudential standards relevant to technology.

Reinterpreting the concept of good faith in the digital era is crucial because technology is changing the way parties obtain information. Reliance on official systems can be considered a form of rational prudence if those systems are legitimized by the state. Assessments of good faith need to consider whether the buyer has used reasonably available means of verification. This change demands a flexible legal approach without neglecting the fundamental principle of protecting property rights. Land law needs to balance the protection of the original owner with the need to maintain transaction stability. The discourse on good faith in digital transactions is closely related to developments in modern administrative practices.

The digital transformation has ultimately created a paradigm shift in assessing the validity of land transactions. Validity is no longer determined solely by substantive ownership but also by administrative legitimacy reflected in electronic systems. This change has implications for the role of the *nemo plus juris* principle and standards of legal protection for parties. Existing regulations still need to be continuously adjusted to address technological challenges and maintain a balance between legal certainty and justice. Digital systems open up opportunities for increased efficiency while simultaneously presenting new risks that require clear regulation. This new paradigm demands a legal approach that

adapts to technological dynamics without losing sight of the fundamental principles of land law.

The Ambivalence of *Nemo plus juris* and the Reconstruction of Validity Models

The tension between the principles of *nemo plus juris* and reliance-based registry has become increasingly apparent with the development of digital verification systems in land administration. *Nemo plus juris* has traditionally been understood as a principle that asserts that a person cannot transfer rights beyond what they possess, so that the validity of transactions is always rooted in substantive ownership. Digital registration systems introduce a new mechanism that encourages the public to trust administrative data as the primary source of legitimacy. Reliance on this system has the potential to shift the emphasis from verifying actual ownership to trusting electronically recorded information. This shift raises fundamental questions about whether *nemo plus juris* can still be maintained as an absolute principle. This discourse is also related to the shift in the legal paradigm that positions technology as a mediator of legitimacy.

The transformation of the meaning of ownership is one implication of digital registration. Ownership, previously viewed as a substantive relationship between legal subjects and land objects, now also relies on digital representations stored in the system. Electronic data serves not merely as an administrative tool but is beginning to be understood as a symbol of legal legitimacy. This change can impact how judges, practitioners, and the public assess the validity of a transfer of rights. The use of electronic certificates, as stipulated in Regulation of the Minister of ATR/Head of the National Land Agency Number 1 of 2021, demonstrates the direction of this transformation. Ownership is no longer solely determined by physical documents or factual control, but also by the integrity of data recorded in digital systems.

The risk of systemic errors is a crucial issue affecting the stability of digital registration systems. Errors can occur due to technical disruptions, programming errors, asynchronous data updates, or cybersecurity breaches. Digital systems are often assumed to be more accurate than manual processes, but technology still has limitations that can impact transaction validity. Systemic errors have far-reaching consequences because they can affect large amounts of data simultaneously. This situation raises the question of who should bear responsibility when system errors result in legal losses for the public. Regulations regarding the implementation of electronic systems in Law Number 11 of 2008 concerning Electronic Information and Transactions and its amendments provide an initial framework for understanding this responsibility.

The distribution of responsibility between the state, system operators, and individuals is becoming increasingly complex in the digital ecosystem. The state acts as both a public service provider and a guarantor of legal certainty through the land registration system. System operators have technical responsibility for maintaining data security, integrity, and reliability. Individuals using the system also have an obligation to act with due care in utilizing the available information. The interaction between these three parties creates a web of responsibilities that is not always easily separated. Regulations regarding state

responsibility can be linked to the principles of public service and citizen protection, as reflected in Law Number 25 of 2009 concerning Public Services.

Dualism of validity arises when substantive validity and systemic validity are not aligned. Substantive validity refers to legitimate ownership under material law, while systemic validity relates to administrative legitimacy based on registration data. Conflicts can arise when system data declares one party as the owner, but legal reality indicates otherwise. This situation creates ambiguity, complicating the assessment of who has the right to land. Article 32, paragraph (1) of Government Regulation Number 24 of 1997 provides strong standing for certificates as evidence, but does not preclude the possibility of disputes if legal defects are discovered. This dualism demonstrates that the registration system is not always identical to substantive truth.

The impact of the dualism of validity on legal certainty is significant. Legal certainty requires stability and predictability in transactions, while protection of substantive ownership demands justice for the rightful owner. When these two values conflict, the law must prioritize or find a proportional balance. Reliance on digital systems can improve transaction efficiency, but the risk of errors can undermine public trust if not addressed through clear mechanisms. Courts play a crucial role in interpreting the relationship between administrative data and legal facts. Consistent judicial decisions can help establish more stable standards of interpretation.

Conceptual reconstruction of the validity of land transactions is an unavoidable necessity. The principle of *nemo plus juris* remains relevant as a safeguard of substantive justice, but its application needs to be adapted to digital realities. New interpretive models can integrate protection of original owners with recognition of reasonable reliance on the registration system. This approach does not aim to eliminate classical principles, but rather to develop more adaptive interpretations. Land law can utilize a hybrid approach that combines traditional principles and modern technological mechanisms. Such reconstruction requires in-depth normative analysis and regulatory strengthening.

Harmonizing the protection of original owners and the stability of digital transactions is the primary goal of reconstructing the validity model. Original owners have rights protected by national agrarian law, as reflected in Law Number 5 of 1960 concerning Basic Agrarian Regulations. Transaction stability is also crucial for maintaining market confidence and stimulating economic activity. The legal system needs to create mechanisms that can protect both interests equally. Regulations regarding the protection of buyers in good faith are a crucial element in this harmonization process. Legal interpretations that are too heavy-handed on one side have the potential to create new injustices.

Strengthening good faith standards in digital transactions can be one reconstruction strategy. Buyers who have verified themselves through official systems should receive protection if they act reasonably and without malice. The assessment of good faith must consider technological developments and available access to information. Realistic prudential standards must be formulated to provide clear guidance for parties in conducting transactions. The general principles of agreements in Article 1338 of the Civil Code can provide a basis for understanding the importance of trust and certainty in legal

relationships. Integration of civil law principles and land law can strengthen legal protection.

The development of digital technology is ultimately pushing land law toward a new, more flexible paradigm. The ambivalence between *nemo plus juris* and reliance-based registries is not simply a conflict of norms, but a reflection of changes in how society understands legal legitimacy. Digital systems open up opportunities to increase efficiency and transparency, but also demand mature regulatory preparedness and legal interpretation. Reconstructing the validity model requires a balanced consideration of certainty, justice, and utility. An adaptive approach can help maintain the relevance of land law amidst rapid technological change. Dialogue between classical legal theory and digital innovation is key to building a more responsive and sustainable system.

Conclusion

The digital transformation of the land system has prompted a reinterpretation of the *nemo plus juris* principle, previously understood as an absolute principle for the validity of transfers of rights. Digital verification systems have created a situation in which electronic data-based administrative legitimacy has gained a stronger position, so that transaction validity is no longer solely assessed based on substantive ownership. Reliance on digital registration systems has given rise to normative ambivalence, as the law must balance protection of original owners with the need to maintain transaction stability and public trust in the system. This ambivalence is evident in the dualism between substantive validity and systemic validity, both of which have a legitimate basis. The land law paradigm has shifted from a model focused on manual verification to an approach that integrates technology as a source of legal trust, requiring adjustments to the interpretation of classical principles without losing their fundamental value.

Strengthening regulations for land digitalization is a strategic step to ensure that technological transformation aligns with the principles of legal protection and legal certainty. Digital verification standards need to be clearly formulated as part of due diligence to provide parties with objective parameters for assessing prudence before entering into transactions. Regulations also need to establish liability mechanisms in the event of system errors, including risk distribution between the state as the organizer, the technology operator, and the system user. A legal protection model based on risk allocation can help reduce uncertainty by providing clarity regarding who should bear the consequences of data errors or system disruptions. This approach is expected to strike a balance between substantive ownership protection and the need for efficiency and stability in the digital land transaction ecosystem.

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