

Digital Assets Regulation in Inheritance Law Reviewed from a Civil Law Perspective

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Abstract: The rapid development of science and technology, accelerated by globalization, has transformed social and economic interactions and generated new forms of property in the form of digital assets. This transformation raises fundamental questions for Indonesian inheritance law, which is still rooted in the Civil Code and was originally designed for tangible property. This article examines how Indonesian civil law conceptually positions digital assets as inheritance objects, and to what extent the existing framework can accommodate their specific characteristics. Using a normative juridical method with a descriptive-analytical approach, the study analyzes statutory provisions, doctrinal writings, and relevant literature on digital assets and inheritance law. The findings show that digital assets meet the requirements to be classified as intangible movable property and, in principle, can form part of the estate under the completeness of estate principle. However, there is a significant gap between heirs' legal rights to inherit digital assets and their practical ability to access and manage them, due to platform policies, technical access barriers, and a lack of specific regulations. The article argues for the development of comprehensive rules on digital asset inheritance, increased public awareness and digital legacy planning, and stronger cooperation between the state, legal institutions, and digital platforms to safeguard heirs' rights and ensure legal certainty in the digital era.

1. Introduction

Rapid advances in science and technology have brought profound changes to various aspects of human life. This transformation is also accelerated and supported by the wave of globalization. Simply put, globalization can be defined as the process by which an idea or concept from one country spreads and is offered to other countries for adoption, ultimately reaching a global consensus among nations worldwide. This globalization, in turn, has facilitated and accelerated the dissemination of information and communication among the global community. Now, information can be disseminated massively, transcending the barriers of space and time that were previously barriers. This has created an era where access to information is easier and faster than ever before.¹

¹ Yulida, D., Sahadewa, A. A. G. A. W., & Nugraha, X. "The position of social media accounts as digital inheritance in the perspective of Indonesian civil law." *Kertha Wicaksana: Sarana Komunikasi Dosen dan Mahasiswa*, 18(2), (2024): 52-61. <https://doi.org/10.22225/kw.18.2.2024.52-61>.

The rapid development of development, technology, and information has contributed significantly to human progress. In this digital era of interconnectedness, it is crucial for us as a society to be vigilant and familiar with regulations related to electronic information and transactions (ITE), as well as other similar regulations. The ever-evolving technological devices, applications, and business processes have created a platform for interactions between businesses, consumers, and society through electronic transactions and exchanges of goods, services, and information.

The invention of the internet has had a revolutionary impact on the development of global civilization. The internet has successfully connected the entire world, bridging distances and boundaries, while simultaneously facilitating access to information and communication. In the future, the internet is certain to continue to evolve rapidly, consistently having a significant impact on human life. Currently, we can observe how the internet has penetrated various sectors of life, from everyday activities such as social media use to more complex sectors such as economics and finance.² With technological advancements, investing in digital assets has become a familiar trend in Indonesia, attracting the interest of many investors.³

Development, as an inevitability in every civilization, should encompass various essential sectors, and one crucial area requiring serious attention is development in the legal sector. The essence of development itself, at its core, is a dynamic socio-cultural transformation. Ideally, this development process is managed in such a way that it becomes a self-sufficient mechanism, capable of moving and developing sustainably, highly dependent on the capacity of the individuals within it and the surrounding social structure.

The fundamental goal of development in the legal sector is to incorporate and implement a strong and integrated national legal system. This system must be firmly grounded in the noble values of Pancasila and the state constitution, the 1945 Constitution of the Republic of Indonesia. Therefore, the legal planning phase plays a vital role as an integral element in the overall legal development process. This planning is designed to responsively meet all the needs of society, nation, and state in every aspect of life, in order to achieve a just and orderly order.⁴

Based on the aforementioned background, the author is interested in addressing issues related to the Regulation of Digital Assets in Inheritance Law from a Civil Law Perspective. This paper aims to comprehensively analyze how civil law in Indonesia addresses the challenges and implications arising from the presence of digital assets in the context of inheritance law, as well as formulate recommendations to fill the existing legal gap. Several previous studies have examined digital assets and inheritance from different perspectives. Some authors focus on the recognition of cryptocurrencies and other digital assets as objects of property and their classification as intangible movable goods under civil law. Others highlight the coexistence of different inheritance regimes in Indonesia civil, Islamic, and customary and the need to adapt them to new, non physical forms of wealth.

A growing number of publications also discuss the emergence of digital inheritance issues such as the fate of social media accounts, crypto asset wallets, and other online platforms after the owner's death. Although these studies demonstrate that digital assets can no longer be ignored in

² Feliks, D. "Crypto assets as objects of inheritance in the perspective of Indonesian positive law." *Khazanah Multidisiplin*, 3(2). (2022). <https://doi.org/10.15575/kl.v3i2.18147>.

³ Katana, E., & Zubaedah, R. "The validity of crypto assets as joint property in marriage." *Locus: Jurnal Konsep Ilmu Hukum*, 4(3). (2024). <https://doi.org/10.56128/jkih.v4i3.362>.

⁴ Ramadhany, W. D. "Position of crypto assets as inheritance property in the perspective of civil law." *Lex Positivis*, 2(8). (2024). <https://jtamfh.ulm.ac.id/index.php/jtamfh/issue/view/11>.

inheritance law, they tend to concentrate either on the abstract legal status of digital assets or on specific religious or customary perspectives. They rarely analyze in detail the interaction between civil law concepts of property and inheritance, on the one hand, and the technical and contractual limitations imposed by digital platforms, on the other. As a result, there remains a gap regarding how Indonesian civil inheritance law can systematically accommodate digital assets as objects of inheritance while addressing the practical barriers that heirs face when trying to access and manage these assets.

In light of the foregoing, this article seeks to fill the gap by offering a focused civil law analysis of digital assets as objects of inheritance in Indonesia. It examines how the Civil Code's provisions on property and inheritance can be interpreted to cover digital assets, and it explores the discrepancy between heirs' de jure rights and their de facto ability to access digital assets in practice. The article also draws on comparative experiences, especially from jurisdictions that have started to regulate digital inheritance more explicitly, in order to formulate normative recommendations for the Indonesian context.

This study offers three main novelties. First, it systematically positions digital assets within the framework of Indonesian civil inheritance law by clarifying their status as intangible movable property and as part of the estate under the completeness of estate principle. Second, it identifies and analyzes the gap between the legal entitlement of heirs to digital assets and the practical limitations they encounter due to technical access constraints and platform policies. Third, it proposes a regulatory roadmap for digital asset inheritance that combines legal reform, standard setting for digital platforms, and the promotion of digital legacy planning in Indonesia. Accordingly, the objective of this research is to analyze the regulation of digital assets in inheritance law from a civil law perspective and to formulate recommendations for strengthening legal certainty and the protection of heirs' rights in the digital era.

2. Method

This study employs a normative juridical approach, relying primarily on library research and the analysis of secondary legal materials. It uses a combination of statute, conceptual, and comparative approaches. The statute approach is applied to examine the relevant provisions of the Indonesian Civil Code and other regulations governing property rights, inheritance, and electronic information and transactions. The conceptual approach is used to clarify key legal concepts such as "goods", "intangible movable property", and "digital inheritance" in light of doctrinal developments and scholarly opinions. The comparative approach is adopted to draw lessons from foreign regulatory models on digital inheritance, particularly those developed in the United States and the European Union.

Secondary legal materials were collected from legislation, court decisions where available, academic books, journal articles, and credible online sources published mainly within the last decade. These materials were analyzed using qualitative, descriptive-analytical techniques, by systematically interpreting the legal norms and doctrines and linking them to the practical issues surrounding digital assets in inheritance. The analysis aims not only to describe the current state of the law but also to develop normative arguments and prescriptive recommendations for improving the regulation of digital inheritance in Indonesia.⁵

⁵ Alfarisi, S. "Comparison of legal handling of narcotics abuse crimes through Indonesia's integrated assessment mechanism with Portugal's CDT." *Journal of Citizenship*, 4(1). (2025). <https://mail.hk-publishing.id/index.php/joc/issue/view/44>

3. Regulation of Digital Assets in Inheritance Law from a Civil Law Perspective

Previous research on digital inheritance in Indonesia has predominantly discussed the status of cryptocurrencies and other digital assets as objects of inheritance, the interaction between civil, Islamic, and customary inheritance systems, and the distribution of digital accounts such as social media and e-wallets after death. These studies generally agree that digital assets can form part of the estate and may be transferred to heirs, but they differ in how they classify such assets and in the extent to which they address technical and procedural barriers to access. While some authors focus on doctrinal analysis of “goods” and “property rights” under the Civil Code, others emphasize ethical and religious considerations or the practical experiences of legal practitioners.

Despite these valuable contributions, the existing literature still leaves several important issues underexplored. First, there is no comprehensive examination of digital assets as intangible movable objects under the Indonesian Civil Code that connects their conceptual classification with concrete forms of digital wealth such as cryptocurrencies, NFTs, online trading accounts, and cloud-based content. Second, the gap between legal recognition and practical access – particularly the impact of platform terms of service, privacy policies, and security protocols on heirs’ ability to control digital assets – has not been sufficiently scrutinized. Third, proposals for regulatory reform remain fragmented, often focusing on one type of asset or one legal system only, without outlining an integrated model suited to Indonesia’s pluralistic inheritance framework. This article aims to fill these gaps by providing a more systematic doctrinal analysis and by formulating a holistic regulatory model for digital inheritance.

Digital assets, such as cryptocurrencies, NFTs, and online accounts, challenge traditional civil law inheritance frameworks by blurring lines between tangible property and intangible rights. From a civil law perspective rooted in systems like the Dutch *Burgerlijk Wetboek* (BW) or Indonesia’s adaptation these assets qualify as inheritable objects under principles of *volledigheid van de nalatenschap* (completeness of estate) if they hold economic value and transferable ownership.⁶

The development of the digital era has had a significant impact on various aspects of people’s lives, including civil law. The emergence of various digital platforms and electronic transactions presents new challenges in civil law enforcement. One major challenge is the rapid pace of technological development, as digital technology continues to develop rapidly, requiring civil law to be continually updated to keep pace with these changes. Furthermore, the diversity of existing digital platforms, each with its own distinct regulations and guidelines, makes civil law enforcement increasingly complex. Electronic transactions also have unique characteristics, such as crossing national borders and being anonymous, which complicate tracking and prosecution of violations. Furthermore, the lack of digital literacy among the public means that many individuals lack an understanding of civil law aspects related to electronic transactions, increasing the risk of becoming victims of fraud or other legal violations.⁷

Digital assets can be defined as any form of ownership or value that exists in digital format. This category of assets encompasses electronically stored data and information, spanning a broad spectrum of forms such as digital documents, photos, videos, audio files, databases, cryptocurren-

⁶ Nur Ali, Adang Djumhur Salikin, and Kosim Kosim, “The Urgency of Harmonizing Civil Inheritance Law with Digital Assets in the Indonesian Legal System,” *Jurnal Akta* 12, no. 4. (2025). <https://dx.doi.org/10.30659/akta.v12i4.47286>.

⁷ Nurchindy Septrindero, S., & haris sanjaya, umar, “Tanggung Gugat Orang Tua Terhadap Harta Anak Dalam Kedudukannya Sebagai Kekuasaan Orang Tua.” *Widya Yuridika: Jurnal Hukum*, 9(1), (2026): 155–168. <https://doi.org/10.31328/wy.v9i1.7175>.

cies, digital intellectual property rights, and various other forms. These digital assets are typically stored and managed through electronic devices or digital platforms, such as personal computers, smartphones, or online servers. Meanwhile, digital inheritance refers to the rights, ownership, or value transferred or passed on to heirs after the original owner's death. This concept encompasses all aspects related to digital assets owned or created by an individual during their lifetime. Digital inheritance can be financial, such as cryptocurrency balances or other digital investments, or emotional, with sentimental value, such as personal messages, photo collections, or digital creative content created by the testator.⁸

The inheritance of digital assets is clearly closely linked to general inheritance law. However, as previously discussed, the process of transferring these digital assets cannot simply occur. Significant obstacles arise from the specific digital asset system, where only the owner has access rights. Furthermore, the terms and conditions of service providers often complicate or even prevent inheritance. Due to these obstacles, transferring a person's digital assets to their heirs after death becomes quite difficult. This is especially true when the testator dies without leaving a clear will or without providing access to designated heirs. This lack of planning can create significant complexities for heirs in claiming or managing the digital assets that are rightfully theirs.⁹ Within the framework of civil law, the inheritance process can only occur and be legally recognized upon death. This is a fundamental principle explicitly affirmed in the Civil Code. The phenomenon of inheritance itself is an integral and very common part of social life. Due to its universal and fundamental nature, the mechanism for transferring this wealth is specifically regulated in a branch of law known as inheritance law. Legal experts have formulated various definitions to describe the essence of inheritance law, including:

According to Soepomo, inheritance law can be understood as a set of rules governing the process of passing on and transferring assets, both tangible and intangible, from previous generations to their descendants or heirs. This definition emphasizes the continuity of ownership between generations. Adriaan Pitlo offers a more detailed perspective, defining inheritance law as a collection of regulations relating to a person's wealth that is transferred upon death. These rules govern how the testator's assets are transferred, as well as the implications of such transfers for the heirs and any third parties involved. Pitlo highlights the impact of this transfer of assets on various legal relationships. Meanwhile, Wirjono Prodjodikoro argues that inheritance law is a field of law that specifically regulates the rights and obligations regarding a person's assets upon death, and how these rights and obligations are then transferred to other surviving individuals.

Based on the structure of the Civil Code, inheritance law in Indonesia is technically grouped into family law, which is contained in Book One of the Civil Code concerning Persons. However, the implementation of inheritance law cannot be separated from its relationship with Book Two (concerning Objects), Book Three (concerning Contracts), and Book Four (concerning Evidence and Expiration) in the Civil Code, demonstrating the interconnected nature of the civil law system. The Civil Code regulates two main methods for obtaining inheritance: first, based on statutory provisions, and second, based on a will. Regarding inheritance based on law, Article 832 of the

⁸ Syarifah, M. D. "Dynamics of Inheritance Law in the Digital Age: Challenges and Solutions: *Dinamika Hukum Waris Dalam Era Digital: Tantangan Dan Solusi.*" *Nawala Patra Biksa*, 1(1), (2024): 26–38. <https://doi.org/10.33859/npb.v1i1.535>.

⁹ Sukresna, S. D., & Djumardin. "Digital Assets Inheritance in Indonesian and United States Positive Law." *Scientific Journal*, University of Mataram. (2024).

Civil Code clearly states that those entitled to receive inheritance are blood relatives, whether born from a legal marriage or out of wedlock recognized by law, as well as the husband or wife who has survived the longest of the testator. Meanwhile, the mechanism of inheritance through a will has been regulated in detail in Article 899 of the Civil Code, which gives the testator the flexibility to determine the distribution of his inheritance himself, albeit with certain limitations.¹⁰

Within the framework of the Civil Code, inheritance law is defined as a set of provisions governing the process of transferring valuable assets from a deceased person to another party, known as the heir. It can be concluded that this area of law is an integral part of Property Law. Furthermore, inheritance law can also be interpreted as a collection of rules that specifically discuss the transfer of inherited wealth from a deceased individual to his or her heirs, including determining the portion to be received by each party. In other words, inheritance law functions as a regulation governing the rights and obligations related to the transfer of assets upon death to another party who has the status of heir and is still alive.

Interestingly, despite being the main foundation, the Civil Code does not provide an explicit definition of inheritance law in any specific article. However, the essence of inheritance law can be captured from Article 830 of the Civil Code, which essentially states that inheritance will only be valid and occur at the time of death. This means that the distribution of inherited assets to heirs can only be carried out after the testator is declared dead (Civil Code, Article 830). Furthermore, the Civil Code also expressly states that individuals entitled to receive a portion or rights from the testator's assets are those who are still alive at the time the inheritance is distributed, as stipulated in Article 836 of the Civil Code. Inheritance, within the framework of the Civil Code, is specifically regulated in several key articles. One of these is Article 832 of the Civil Code, which determines who is entitled to be an heir. The article states: "According to the law, those who have the right to be heirs are blood relatives, both legal and illegitimate, and the husband or wife who has survived the longest, all according to the regulations stated below. In the event that neither blood relatives nor the longest surviving husband or wife exist, then all the deceased's inheritance becomes the property of the state, which is obliged to pay off all debts, provided the value of the inheritance is sufficient for that."

From these provisions, it can be understood that an individual or individuals are designated as heirs by law (*ab intestato*) directly by law. Furthermore, the Civil Code also classifies inheritance into four categories. Interestingly, it is also possible for someone who is not a blood heir to receive an inheritance. This occurs due to certain legal acts performed by the deceased, such as recognizing a child born out of wedlock or making a will (testament).

The basic principles of inheritance according to the Civil Code are as follows: a) Transfer of Assets After Death: Inherited assets can only be transferred to the rightful heirs after the death of the testator. This is an absolute requirement as stipulated in Article 830 of the Civil Code; b) Blood Relationship or Marital Ties: The existence of a blood relationship between the testator and the heir is the primary basis for inheritance, except for the testator's spouse. In this case, the spouse is entitled to inherit provided the marriage bond is still valid at the time of the testator's death. If the

¹⁰ Santoso, A., & Sari, D. P. "Aspek hukum perdata mengenai pembagian warisan berdasarkan surat wasiat menurut KUHPerdara (Studi putusan nomor 447/Pdt.G/2019/PN.Mdn) [Civil law aspects of inheritance distribution based on wills according to the Civil Code (Study of decision number 447/Pdt.G/2019/PN.Mdn)]." *Causa: Jurnal Hukum dan Kewarganegaraan*, 9(2), (2024): 11-20. <https://doi.org/10.3783/causa.v9i2.8216>.

marriage has ended (for example due to divorce) before the testator dies, then they are no longer included as heirs (Civil Code, Article 832).

Based on these principles, those entitled to inherit the testator's assets are those who are directly related by blood or individuals who have been legally appointed heirs through specific legal acts performed by the testator.¹¹ Furthermore, from the perspective of the Civil Code (KUHPerdata), inheritance itself is understood as all property, assets, rights, and obligations, both tangible and intangible, with monetary value, to be transferred from a deceased testator to his or her heirs, regardless of gender. This emphasizes that inheritance encompasses all wealth and financial liabilities of the testator.¹²

In a study conducted by Daffa, it is explained that the recognition of digital currency in Indonesia is an inevitable response to the rapid pace of development. This transformation not only brings technological advancements but also triggers the need for regulatory changes and raises various new legal issues, including the highly relevant issue of digital inheritance. Responding to this phenomenon, Daffa argues that all elements of society, particularly within the context of the three inheritance systems in force in Indonesia (Civil Inheritance Law, Islamic Inheritance Law, and Customary Inheritance Law), are required to adapt to fundamental changes in inherited objects. Inherited assets are no longer limited to physical possessions; they are now more diverse and can no longer be ignored.

Furthermore, Daffa highlighted the relevance of Article 913 of the Civil Code, which establishes the concept of absolute share or *legitieme portie*. This article constitutes a crucial limitation on the rights of the heir to determine the fate of his inheritance. This means that although an heir has the freedom to manage and distribute his assets during his lifetime, he remains bound by a moral and legal obligation to ensure a fair distribution to his lineal heirs in accordance with statutory provisions. This limitation, while limiting the testator's freedom, is fundamentally aimed at maintaining justice and legal certainty throughout the inheritance distribution process, ensuring that the essential rights of the heirs remain protected.¹³

The increasing variety of forms of asset ownership in the modern era presents significant challenges for the classification and characteristics of inheritance in the Indonesian legal system. As revealed by Aksin, the complexity in determining inheritance continues to increase along with the emergence of various types of assets that have not been explicitly regulated in applicable laws and regulations. Today, the characteristics of inheritance are no longer only about conventional physical assets such as land, buildings, or other movable objects. Now, he also ventures into various forms of non-physical assets that have no less significant economic value. Among the most crucial issues in modern inheritance is the distribution of digital assets. The advent of various digital assets, social media accounts, and other virtual possessions has clearly created new complexities in the inheritance process. The problems that arise include technical aspects such as access to digital

¹¹ Akbar, N. N. *Crypto Assets As Inheritance: A Positive and Islamic Legal Perspective*. (Unpublished Thesis). Ponorogo State Islamic Institute, Ponorogo. (2022).

¹² Suhartono, D. A. F., Azizah, N. N., & Wibisono, C. S. "Inheritance system according to civil law." *Journal of Law, Politics and Social Sciences*, 1(3). (2022). <https://garuda.kemdiktisaintek.go.id/author/view/8307849>.

¹³ Thahir, R. Z., & Mu'minah, N. "Hukum waris terhadap harta benda digital perspektif hukum Islam di Indonesia [Inheritance law of digital assets from the perspective of Islamic law in Indonesia]." *Al-Bay': Jurnal Hukum Ekonomi Islam*, 3(1), (2024): 39-55. <https://doi.org/10.32505/albay.v3i1.10987>.

assets, ownership transfer mechanisms, and no less challenging is the determination of asset values which are often very volatile.¹⁴

The Indonesian Civil Code, also known as the Burgerlijk Wetboek (BW), whose legal roots stem from the Continental European system, embodies the fundamental concept of property rights in Indonesia. Continental European legal systems recognize the numerus clause principle in property ownership. This principle implies that property law in Indonesia prohibits the creation or ownership of new property rights beyond those explicitly stipulated in law. Consequently, the Civil Code cannot readily accommodate new types of property, including digital assets, unless specifically regulated by law.

However, J. Satrio argues that legal experts in Indonesia have a more flexible interpretation of several provisions of property law. According to him, modern progress allows for the expansion of the provisions of property law in the Civil Code. This opens up space to accommodate new forms of assets that were previously unimaginable. The position of virtual land in Indonesian property law can be analyzed by referring to Article 499 of the Civil Code, which explains that “goods are every object and right that has the potential to become an object of ownership.” Defining “goods” itself has two approaches. Subekti narrowly defines goods as something that can only be seen, but he also offers a broader definition, namely anything that can be owned or owned by someone. The findings show that cryptocurrencies meet the criteria to be classified as movable and intangible objects, in accordance with Articles 503 and 504 of the Civil Code. Nevertheless, a significant gap was identified between the legal rights of heirs (*de jure*) and their practical ability to access assets (*de facto*), due to the lack of uniform technical regulations.¹⁵

In line with Subekti’s view, Sri Soedewi Masjchoen Sofwan distinguishes between tangible objects, something perceptible by the five human senses, and intangible objects. These intangible objects are entities that cannot be detected by the five senses, but they represent certain rights that can be attributed to ownership. Furthermore, objects also possess important characteristics, namely the ability to transfer ownership and possess economic value. The transfer of an object automatically results in the transfer of the inherent property rights and all accompanying legal consequences. Based on the description above, several essential elements that qualify an object as an object are: a) Its ability to be attributed to ownership; b) Its nature, which can be tangible or intangible; c) Its potential to be transferred; and d) The existence of inherent economic value.¹⁶

Within the Indonesian civil law framework, regulations regarding digital assets are conceptually treated as objects that can be controlled and owned. This aligns with Article 499 of the Civil Code, which categorizes digital assets as objects of individual property rights, with the prerequisite of valid proof of ownership. Furthermore, Articles 503 and 504 of the Civil Code also strengthen the position of digital assets as intangible movable objects. The implication is clear: based on these

¹⁴ Amanda, U. “Kedudukan Hukum Para Pihak Dalam Pewarisan Menurut Sistem Hukum Perdata Indonesia,” *Paraduta: Jurnal Ekonomi dan Ilmu-Ilmu Sosial*, 3(1), (2025): 21–28. <https://doi.org/10.56630/paraduta.v3i1.854>.

¹⁵ Raharningtyas Marditia, Putri Purbasari, and Rafi Radithya Nazhif Kuncoro. “Developing a Regulatory Model for Digital Inheritance of Cryptocurrency Assets: The Indonesian Legal Perspective: Pengembangan Model Regulasi Untuk Pewarisan Digital Aset Kripto: Perspektif Hukum Indonesia”. *Perspektif Hukum*, 25 (2), (2025): 226–57. <https://doi.org/10.30649/ph.v25i2.437>.

¹⁶ Bali, S. P. P. “Object rights and the validity of virtual land object agreements in the metaverse reviewed based on the Indonesian Civil Code.” *Amandemen: Indonesian Journal of Defense, Politics and Law*, 1(3), (2024): 175–187. <https://doi.org/10.62383/amandemen.v1i3.282>.

provisions, digital assets can be classified as inherited property that can be an object of inheritance under the general civil law system.¹⁷

To address the various obstacles in digital asset inheritance, several strategies can be implemented simultaneously. First, updating legal regulations specifically governing digital asset inheritance is essential. These new regulations should provide clear guidance on how heirs can access and manage digital assets, while establishing mechanisms for resolving potential disputes. Second, increasing digital literacy and public awareness of the urgency of digital legacy planning is crucial. This can be achieved through educational and outreach campaigns that focus on the importance of preparing a digital legacy and utilizing available legacy planning services. Third, close collaboration between the government, legal institutions, and digital service providers needs to be strengthened.

The goal is to formulate policies that not only facilitate heirs' access to digital assets but also ensure the protection of the privacy of their personal data. With clear and comprehensive regulations, coupled with increased public awareness of digital estate planning, it is hoped that heirs' rights to digital assets will be optimally protected. This will not only prevent the loss or misuse of digital assets but will also provide legal certainty for heirs in managing them. As a first step, Indonesia can learn valuable lessons from the experiences of other countries that have already adopted regulations regarding digital asset inheritance, such as the United States with its Revised Uniform Fiduciary Access to Digital Assets Act (RUFADAA), and the European Union, which is currently formulating unified regulations at the regional level.¹⁸

Comparative insights from foreign jurisdictions further underline the need for a specific regulatory framework on digital inheritance. In the United States, the Revised Uniform Fiduciary Access to Digital Assets Act (RUFADAA) provides a structured mechanism for fiduciaries – such as executors or administrators of estates – to access and manage the digital assets of a deceased person, while at the same time respecting privacy and data protection rules. RUFADAA distinguishes between the content of communications and other types of digital assets, and it requires service providers to disclose certain information to duly authorized fiduciaries under clear legal conditions. This model illustrates how access rights, procedural safeguards, and the responsibilities of digital platforms can be balanced within a coherent statutory scheme.

Similarly, within the European Union, the growing recognition of digital inheritance has prompted discussions on how general data protection and consumer protection frameworks should apply after death. Although there is no uniform EU-wide legislation specifically devoted to digital inheritance, several Member States have begun to regulate post-mortem access to digital accounts and data, often by empowering heirs to request disclosure under certain conditions or by allowing users to set their own preferences in advance. These comparative experiences show that digital inheritance is not merely a technical or contractual issue, but a broader matter of fundamental rights, legal certainty, and the continuity of private legal relationships. They also offer useful reference points for Indonesia in designing its own regulatory approach to digital assets within the civil law tradition.

¹⁷ Wijaya, K. A., Dewi, K. A. P., & Dewi, C. I. D. L. "Legal status of digital assets as property from an Indonesian law perspective." *RIO Law Journal*, 6(2). (2025). <https://doi.org/10.36355/rlj.v6i2.1796>.

¹⁸ Heriyanto, H., Efendi, Y., & Wicaksono, T. "Protection of heirs' rights to digital assets in Indonesia. *Hukum Inovatif: Journal of Social and Humanities Law*, 1(2), (2024): 169-180. <https://doi.org/10.62383/humif.v1i2.612>.

4. Conclusion

This study has shown that, within the framework of Indonesian civil law, digital assets can be conceptually and legally classified as intangible movable objects that form part of the deceased's estate, provided that they possess economic value, can be owned and transferred, and are supported by adequate proof of ownership. By interpreting key provisions of the Civil Code on goods and property rights in light of technological developments, digital assets such as cryptocurrencies, NFTs, online trading accounts, and other forms of digital wealth may be regarded as inheritable objects.

At the same time, the research has revealed a significant gap between the heirs' de jure rights to digital assets and their de facto ability to access and control those assets. This gap arises from the technical architecture of digital platforms, the confidentiality of access credentials, and platform terms of service that often restrict or even prohibit the transfer of accounts and data after death. As a result, the legal recognition of digital assets as part of the estate does not automatically translate into effective enjoyment of heirs' rights, thereby undermining legal certainty and potentially causing economic losses.

To bridge this gap, the article proposes the development of a specific regulatory framework on digital inheritance in Indonesia. Such a framework should, at a minimum, clarify the status of digital assets as inheritable property, establish clear procedures for heirs and fiduciaries to request access from service providers, set conditions and safeguards for the disclosure of digital content, and delineate the rights and obligations of all parties involved. In addition, public policy should promote digital literacy and encourage individuals to plan their digital legacy through wills or other instruments that explicitly identify their digital assets and designate authorized beneficiaries.

The findings of this study contribute to the development of Indonesian inheritance law by offering a systematic doctrinal basis for classifying digital assets under the Civil Code and by outlining the main elements of a regulatory roadmap tailored to the Indonesian context. Future research could further enrich this discussion by incorporating empirical studies on the practices of notaries, courts, and digital platforms, as well as more detailed comparative analyses with jurisdictions that have already enacted comprehensive digital inheritance legislation.

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