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Analysis and Strengthening of the Regulation of Digital Assets as Objects of Inheritance in Indonesian Inheritance Law

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The development of digital assets in Indonesia has shown significant growth, both in terms of the number of users and their economic value. Digital assets such as cryptocurrencies, NFTs, and digital accounts have become part of society's wealth and have the potential to become objects of inheritance. However, the Indonesian inheritance law system does not yet have explicit regulations regarding the status and inheritance mechanisms of digital assets, thus creating legal uncertainty and potentially hampering the protection of heirs' rights. This study aims to analyze the construction of regulations for digital assets as objects of inheritance in Indonesian inheritance law and examine the legal consequences of this lack of regulation on legal certainty and the protection of heirs' rights. The method used is normative legal research with a statutory, conceptual, and interdisciplinary approach through a literature review of primary, secondary, and tertiary legal materials analyzed qualitatively using systematic and grammatical interpretation methods. The results show that digital assets conceptually fulfill the elements of an inheritance object because they have economic value, can be owned, and can be transferred. However, Indonesian positive law does not yet provide clear regulations regarding the inheritance mechanism. This legal vacuum has resulted in legal uncertainty, potential disputes between heirs, difficulties in accessing digital assets, and weak legal protection for heirs. This study concludes that adaptive and comprehensive legal reforms are needed to accommodate the characteristics of digital assets within the Indonesian inheritance law system. These findings are expected to contribute to the development of contemporary inheritance law and serve as an academic basis for formulating legal policies related to the inheritance of digital assets in Indonesia.
Keywords: digital assets, cryptocurrency, inheritance law, legal certainty, protection of heirs

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1. Introduction

The development of digital assets in Indonesia not only shows an increase in the number of users but also demonstrates changes in people's wealth ownership patterns in the digital era. Several recent studies have shown that digital assets such as cryptocurrencies, NFTs, digital accounts, and blockchain-based assets have developed into new forms of wealth with high economic value and the potential to become objects of inheritance in the future.[1], [2]The Financial Services Authority (OJK) noted that the number of crypto asset users in Indonesia had reached approximately 22.91 million by 2024.[3]In fact, Indonesia ranks third in the 2024 Global Crypto Adoption Index, with approximately 22.8 million users and a transaction value of Rp 650.6 trillion.[4]. In the following year, the value of crypto asset transactions remained high, reaching around IDR 482.23 trillion throughout 2025.[5].

Based on these conditions, it can be said that digital assets have become a tangible part of society's wealth, possessing significant economic value and potentially becoming objects of inheritance in the future. However, this development has not been matched by adequate legal regulations within the Indonesian inheritance law system. To date, there are no explicit regulations governing digital assets as objects of inheritance, either in positive law or Islamic law, creating legal uncertainty for heirs.[6]The legal system's unpreparedness to respond to the development of digital assets also occurs in various developing countries, where digital inheritance regulations are still partial and have not been comprehensively integrated into the national inheritance law system.[7]This situation indicates an urgent need for legal reforms that are adaptive to developments in digital technology and the data-based economy.

Thus, the urgency of this research lies in the need to analyze the regulation of digital assets as objects of inheritance in Indonesian inheritance law. Without clear regulations, a gap will arise between the development of digital reality and the prevailing legal system, which could ultimately hinder legal certainty and the protection of heirs' rights.

This study aims to analyze the construction of digital assets as objects of inheritance within the current Indonesian inheritance law system. This analysis is aimed at understanding the form, scope, and position of digital assets within the applicable inheritance law framework. Furthermore, this study also aims to examine the legal consequences arising from the lack of clarity or legal certainty in the regulation of digital assets as objects of inheritance. These consequences are analyzed primarily in relation to aspects of legal certainty and protection of the rights of heirs. Based on the results of this analysis, this study aims to formulate efforts to strengthen the regulation of digital assets as objects of inheritance within Indonesian inheritance law. Based on the background, the problem formulation in this research can be determined as follows:

1. How is the construction of digital assets as objects of inheritance structured in the current Indonesian inheritance law system?
2. What are the legal consequences of the lack of regulation of digital assets as objects of inheritance for legal certainty and protection of heirs' rights?

To overcome these problems, it is necessary to analyze and confirm the regulation of digital assets in Indonesian inheritance law, as well as to identify the legal consequences of the absence of explicit regulations in order to provide an academic basis for the development of laws that guarantee legal certainty and protection of heirs' rights.

2. Literature Review and Problem Statement

Research on digital assets as objects of inheritance shows that assets such as cryptocurrencies, NFTs, and digital accounts are intangible assets that have economic value and can conceptually be inherited.[8]From the perspective of civil law and Islamic law, digital assets have met the qualifications as property, but there are no explicit regulations in Indonesian inheritance law, thus creating legal uncertainty.[9]. In addition, technical constraints such as private key access and encryption systems also hamper the process of inheriting digital assets in practice.[10], [11].

Previous research has generally been descriptive and limited to recognizing the status of digital assets without comprehensively examining the regulatory structure and legal consequences of legal vacuums. This study offers advantages through an analysis that integrates both aspects simultaneously with an interdisciplinary approach: law, technology, and the digital economy. Its novelty lies in the simultaneous analysis of the legal structure and legal consequences of legal vacuums, with a focus on legal certainty and the protection of heirs' rights.

3. Method

The method used in this research is a normative legal research method aimed at analyzing the regulation of digital assets as objects of inheritance in Indonesian inheritance law. The activities carried out include a review of the construction of applicable inheritance legal regulations, both in the Civil Code, Islamic law, and customary law, as well as identifying legal vacuums related to the regulation of digital assets. Furthermore, this research also analyzes the legal consequences of the absence of such regulations on legal certainty and the protection of heirs' rights by utilizing conceptual, legislative, and interdisciplinary approaches (information technology and the digital economy).

This research process was conducted through several stages: first, collecting primary, secondary, and tertiary legal materials through literature review; second, classifying and systematizing the legal materials; third, analyzing the construction of digital asset regulations in Indonesian inheritance law; and finally, analyzing the legal consequences of the normative gap. The analysis was conducted qualitatively using legal interpretation methods (systematic and grammatical interpretation) to gain a comprehensive understanding.

4. Results and Discussion

Findings

The results of this study yield two main interrelated findings that explain the problematic inheritance of digital assets in the Indonesian inheritance law system. First, normatively, digital assets possess characteristics that allow them to be qualified as objects of inheritance because they fulfill the elements of assets with economic value, can be controlled, and in principle can be transferred. However, the construction of their regulations within the Indonesian positive legal system has not yet been explicitly established, so their existence can only be interpreted through an analogous approach to general provisions regarding inherited objects and assets. This condition indicates a gap between the development of digital assets and the development of national inheritance law norms.

Second, the absence of specific regulations regarding the inheritance of digital assets has significant legal consequences for legal certainty and the protection of heirs' rights. This regulatory vacuum not only creates uncertainty regarding the legal status of digital assets but also creates obstacles in the process of identification, access, verification of ownership, and transfer of rights to heirs. In practice, this issue is further complicated by the fact that many digital assets are controlled by electronic platforms, which are subject to private policies and contractual mechanisms that do not always align with national inheritance law principles.

These findings demonstrate that the issue of digital asset inheritance is not solely a matter of technological development, but rather a legal construct that requires an adaptive regulatory response. Therefore, legal policy reformulation is needed that can integrate digital technology developments into the Indonesian inheritance law system to ensure legal certainty, protection of heirs' rights, and effective wealth distribution in the digital economy era.

Construction of Digital Asset Arrangements as Objects of Inheritance in Indonesian Inheritance Law.

The regulation of inheritance objects in Indonesian law is still fundamentally based on the classical conception of objects as anything that can be owned and has economic value. In this context, inheritance law does not limit assets to tangible objects but also encompasses rights with economic value. Therefore, conceptually, there is room to include new forms of wealth within the category of inherited assets. The development of digital technology has given rise to digital assets as a new form of wealth with significant economic value, such as cryptocurrencies, digital accounts, and electronic platform-based assets.[9], [10]Digital assets also have different characteristics from conventional assets because they rely on electronic systems and digital access mechanisms.

Conceptually, digital assets meet the requirements for legal objects because they can be owned, have economic value, and, under certain conditions, can be transferred. In fact, several studies have stated that crypto assets have been recognized as legitimate commodities in the Indonesian legal system, opening up the possibility of qualifying them as objects of inheritance.[8], [12]However, the main problem lies not in conceptual recognition, but rather in the lack of explicit normative regulations governing the inheritance mechanism for digital assets. Indonesian positive law, both the Civil Code and the Compilation of Islamic Law, does not provide clear provisions regarding the status and procedures for the transfer of digital assets in the context of inheritance. This situation indicates a legal vacuum that has the potential to create uncertainty in practice.

Furthermore, the technical characteristics of digital assets pose unique challenges not found with conventional assets. Access to digital assets often relies on private keys, passwords, or specific, personal authentication systems. This situation prevents heirs from always being able to control digital assets, even if they legally have the right to them.[13]The legal relationship between users and digital platforms is also often regulated through electronic contracts that are personal in nature and not automatically transferable.[14]Thus, it can be asserted that the current structure of digital asset regulations in Indonesian inheritance law remains implicit and unable to address the existing complexities. Argumentatively, this situation indicates that Indonesian inheritance law is still in the adaptation phase to developments in digital technology.

The analysis results show that digital assets conceptually fulfill the requirements for being a legal object that can be inherited because they have economic value, can be controlled, and can become part of the testator's wealth. However, the Indonesian inheritance law system has not yet developed a normative structure that explicitly accommodates the existence of digital assets as part of the inheritance. The Civil Code still relies on the concept of conventional objects, while sectoral regulations in the field of electronics and digital transactions have not provided a solid foundation for the inheritance mechanism for digital-based assets. This condition shows a lack of synchronization between the development of modern forms of wealth and the national inheritance legal framework, so that the current regulatory construction is still fragmentary and relies on analogical interpretation.

Legal Consequences of the Lack of Regulation of Digital Assets as Objects of Inheritance.

The lack of regulations regarding digital assets as objects of inheritance has serious legal consequences, particularly in terms of legal certainty. Unclear norms leave the determination of the status of digital assets as part of an inheritance dependent on interpretation. This has the potential to lead to differing interpretations among interested parties. In practice, this situation demonstrates that the legal system has not provided adequate certainty in addressing the development of digital assets. Consequently, the potential for disputes over inheritance distribution is increasing.

This uncertainty increases the potential for disputes among heirs. In practice, not all heirs are aware of the existence of their digital assets. Even if they are aware of them, they don't always have access to control them.[6], [15]Furthermore, the lack of a clear legal mechanism complicates the identification and distribution of digital assets during inheritance. This situation demonstrates a gap between legal norms and the realities of evolving technology.

From a legal protection perspective, this situation is detrimental to heirs because their right to receive a share of the inheritance cannot be optimally fulfilled. Inaccessible digital assets have the potential to be permanently lost, thus eliminating the economic value that should be inherited.[8]The legal vacuum also opens up opportunities for abuse by certain parties. Digital service providers hold a dominant position because they control the system and access to digital assets.[14]. Argumentatively, this condition demonstrates the weakness of legal protection for heirs in the context of digital assets.

More broadly, this situation reflects a legal lag in responding to developments in digital technology. Inheritance law, which tends to be static, has not been able to keep pace with the dynamics of rapidly evolving and complex digital assets. In my analysis, this problem is not only related to a lack of norms, but also to the limitations of the legal paradigm in understanding the transformation of wealth forms in the digital era.

This regulatory gap has significant legal consequences for legal certainty and the protection of heirs' rights. The absence of explicit norms leads to ambiguity regarding identification procedures, ownership verification, access to digital accounts or wallets, and the mechanism for transferring rights after the testator's death. Consequently, the inheritance process often relies on the internal policies of digital platform providers, which may not necessarily align with Indonesian inheritance law. This situation has the potential to lead to disputes between heirs, the loss of the economic value of assets, and even the thwarting of heirs' access to legitimate inheritances. Legally, this situation demonstrates that the normative gap has created legal uncertainty that contradicts the principles of legal protection and legal certainty in the national legal system.

5. Conclusion

Based on the research results, it can be emphasized that digital assets conceptually meet the criteria as objects of inheritance because they have economic value, can be owned, and under certain conditions can be transferred. Therefore, this finding is in line with the development of the concept of objects in modern law which is no longer limited to tangible objects, but also includes digital-based rights and interests. However, this study shows a gap between conceptual construction and normative regulations in Indonesian inheritance law, where positive laws such as the Civil Code and the Compilation of Islamic Law have not explicitly accommodated digital assets, resulting in a legal vacuum that impacts uncertainty and potential disputes in practice. This finding strengthens and develops previous research by emphasizing that the main problem lies not in the recognition of digital assets as property, but rather in the absence of legal mechanisms governing their access, identification, and transfer to heirs. Interpretatively, this phenomenon shows a gap between technological developments and legal adaptations that result in weak protection of heirs' rights. At the same time, it provides a scientific contribution in broadening the understanding of the concept of objects in law and a methodological contribution through an interdisciplinary normative approach that integrates legal, technological, and digital economic perspectives, thus having important significance for the development of contemporary inheritance law studies and cyber law. Therefore, this research has practical implications in the form of the urgency of adaptive and comprehensive legal reform to guarantee legal certainty and protection of heirs' rights, while also showing the potential for broad benefits as a basis for formulating legal policies in the field of digital inheritance, but still has limitations in the normative approach that is not yet supported by empirical data, so that further research is recommended to integrate empirical and comparative approaches to strengthen, expand, and refine the findings that have been obtained.

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