

The Position of Digital Assets as Inheritance Objects in the Indonesian Legal System and the Reconstruction of Their Transfer Mechanism to Heirs

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ABSTRACT

The development of digital technology has given rise to various forms of digital assets with economic value, but they have not yet been fully accommodated within the Indonesian inheritance law system. This research aims to analyze the position of digital assets as inheritance objects and to reconstruct the mechanism for their transfer to heirs. The research uses a normative juridical method with a legislative and conceptual approach through the examination of primary and secondary legal materials. The research results show that digital assets with economic value and transferable rights can, in principle, be part of the estate, but they need to be distinguished from personal data and access means. Reconstruction of the transfer mechanism includes inventorying, proof of ownership, verification of heirs, asset classification, access verification, and transfer. This research implies the need for an inheritance law update that is adaptive to the developments in digital technology.

INTRODUCTION

The development of information technology has changed the way humans acquire, store, manage, and utilize wealth. Wealth that was previously identified with tangible objects has now evolved into digital forms that hold economic value, such as crypto assets, non-fungible tokens (NFTs), income-generating digital accounts, digital works, rights to digital content, and various forms of wealth stored and managed through electronic systems. This development gives rise to new legal issues when the owner of digital assets passes away, as the existence of these assets can continue after the owner's death, while the legal mechanisms to determine their status, control, and transfer to heirs have not developed proportionally with technological advancements. Harbinja explains that digital assets need to be viewed not only from a technological perspective but also from the perspectives of property law, contract law, privacy, data protection, and inheritance law because the characteristics of each digital asset can determine whether the asset can be treated as an inheritable wealth object (Harbinja, 2023).

In the perspective of inheritance law, a person's death in principle has legal consequences for the wealth they leave behind. Inheritance law regulates the transfer of legal relationships related to the wealth of the deceased to the parties entitled to receive the inheritance. J. Satrio places inheritance law as part of property law related to the transfer of rights and obligations of a person after their death (Satrio, 1992). That principle can essentially serve as a basis for assessing the existence of digital assets as part of the inheritance. However, the nature of digital assets differs from conventional objects because control over them can depend on accounts, credentials, private keys, authentication systems, electronic contracts, or platform provider policies. The existence of economic value alone does not fully resolve the issue of inheritance because heirs must also have a legal basis and mechanisms that allow them to gain access and control over the asset.

The issue becomes even more complex because Indonesian law does not yet have specific and comprehensive regulations governing the inheritance of digital assets. The inheritance provisions in the Civil Code are built on the concept of wealth that developed long before the emergence of digital assets, so their application to digital wealth forms requires an interpretation of the concepts of objects, ownership, inheritance, and transfer of rights. Research on digital property in Indonesia also shows that the existing inheritance law does not provide adequate guidance on how to transfer digital assets after the owner's death (Sendrawan, Tjhong, Rosa Agustina, Edmon Makarim, Arman Nefi, 2025). This condition indicates normative issues, particularly regarding the status of digital assets as inheritance objects, the boundary between assets with economic value and personal data that cannot be inherited, and the relationship between the rights of heirs and the service terms set by digital platform providers.

The absence of such specific mechanisms can create practical issues for heirs. In certain digital assets, such as cryptocurrency, control over the asset is not only determined by proof of ownership but also by the ability to access the private key or other authentication means. Iqbal and Nazar's research show that

the inheritance of Bitcoin faces issues of identification, access, and distribution because Indonesian law has not specifically regulated the obligation to disclose access means to such assets after the owner's death (Nazar, 2025). Meanwhile, in the case of digital accounts and online platforms, the issue may shift to the contractual relationship between the account owner and the platform provider, including restrictions on third-party access after the account owner passes away. There is a difference between the right to inherit an asset and the ability to access and control that asset, which has not yet been fully bridged by Indonesian inheritance law.

This development shows that the issue of digital assets cannot be resolved merely by stating that digital assets are part of the inheritance. A reconstruction of the transfer mechanism is needed to connect inheritance law provisions with the technical and legal characteristics of digital assets. This reconstruction must consider the classification of digital assets based on their legal nature, proof of ownership, asset inventory by the heir, designation of an authority to manage digital assets after death, heir verification mechanisms, access to assets, personal data protection, and procedures for transferring or liquidating assets if they cannot be physically divided. Fras emphasizes that digital inheritance presents its own set of challenges because conventional inheritance rules must confront the characteristics of digital assets and the legal relationships formed through technology and digital contracts (Fras, 2021).

Previous research has focused on the issues of digital asset inheritance, including the inheritance of digital accounts, cryptocurrency, virtual property, and access rights to online accounts. Asmara, Abubakar, and Handayani discuss digital assets in relation to the reform of Indonesian property law, while Mikk and Sein examine the heirs' right to access online accounts under Estonian law (Asmara, et al., 2020; Mikk, Tiina, 2018). Research by Katuk, Wahab, and Kamis also highlights the need for cryptocurrency estate planning because the technical nature of these assets can complicate the inheritance process if the owner passes away without leaving arrangements for access and management (Katuk, et al., 2023). However, these studies have not specifically integrated the issue of the status of digital assets as inheritance objects within the Indonesian legal system with the reconstruction of their transfer mechanisms to heirs in a comprehensive legal framework.

Based on these conditions, this research contributes to the development of Indonesian inheritance law by offering a framework that not only recognizes digital assets as part of the estate but also formulates a transfer mechanism that can provide legal certainty for heirs. The novelty of this research lies in the effort to connect the concepts of property law, inheritance law, electronic contract law, and personal data protection to form a mechanism for inheriting digital assets that can be more adaptively applied to technological developments. This approach is important because not all digital assets have the same legal character; some may have economic value and can be transferred, while others are closely related to personal data, access rights, or contractual relationships with platform providers. The inheritance mechanism must distinguish between rights to the asset, access rights to the asset, and personal data attached to the asset owner, so

that the transfer to heirs remains in line with the principles of legal certainty and protection of individual rights.

Based on the aforementioned description, this research aims to analyze the position of digital assets as inheritance objects within the Indonesian legal system and to formulate a reconstruction of the mechanism for their transfer to heirs that can provide legal certainty, protection of heirs' rights, and alignment with the characteristics of digital technology. This research is specifically directed to address the issue of how digital assets can be classified as inheritance objects within the Indonesian legal system and how the mechanism for transferring digital assets to heirs should be reconstructed to be legally valid, effective, and provide legal certainty.

LITERATURE REVIEW

Theory of Property Law and Ownership

The theory of property law and ownership is used to analyze the position of digital assets as objects of wealth within the Indonesian legal system. The main issue in placing digital assets as legal objects is whether a wealth that does not have a physical form but has economic value can be categorized as an object that can be owned and transferred. In Indonesian civil law, the concept of an object is not only related to something that has a physical form but also includes rights that can become the object of ownership.

The basis for the definition of an object is found in Article 499 of the Civil Code (KUHPerdata), which states: "According to the understanding of the law, what is called an object is every item and every right that can be controlled by ownership."

The provision indicates that objects of wealth in civil law are not solely limited to items with a physical form, but also encompass rights that can be controlled by ownership. The concept is relevant to digital assets because some forms of digital assets do not have a physical presence, but they have economic value and can be controlled and transferred. The legal status of digital assets needs to be analyzed based on the character of the rights attached to the asset, not just its digital form.

In digital assets, it is necessary to distinguish between the object of wealth, ownership rights, and means of access to the asset. In the case of crypto assets, for example, a person may have an economic interest in a certain asset, but technical control depends on authentication mechanisms such as a private key. This condition shows that legal ownership and technical control do not always align. Alvaro and Hadiati explain that the issue of private keys and access to wallets is one of the obstacles in the implementation of cryptocurrency inheritance because heirs may have a legal basis for the asset but face difficulties in accessing it (Alvaro, 2026).

The character also indicates that not all information or digital objects can be categorized as assets. Personal data, passwords, electronic communications, and authentication information must be distinguished from digital assets that have economic value. Nurima and Mairul explain that the diversity of digital asset forms necessitates an analysis of their status in inheritance law based on the character and legal relationship of each asset (Nurima, 2025). The theory of

property law and ownership is used to determine whether a digital asset can be classified as an object of wealth that can be owned and transferred within the Indonesian legal system.

Inheritance Law Theory

The inheritance law theory is used to analyze the legal consequences of the death of the owner of digital assets on the wealth they leave behind. Inheritance law essentially regulates the transfer of wealth from the testator to the heirs. This theory is used to determine whether the digital assets owned by a person at the time of their death can be part of the inheritance. The first basis regarding the opening of inheritance is found in Article 830 of the Civil Code, which states: "Inheritance only takes place upon death."

This provision emphasizes that death is a legal event that causes the opening of inheritance. In the case of digital assets, the death of the asset owner raises questions regarding the legal status of the asset and the party entitled to inherit it.

Article 832 paragraph (1) of the Civil Code states:

"According to the law, those entitled to be heirs are blood relatives, both legitimate under the law and those born out of wedlock, and the spouse who has lived the longest, according to the following regulations."

The provision determines the subjects who have the status of heirs according to the law. If digital assets can be classified as part of the estate, then these assets are fundamentally related to the rights of those who hold the position of heirs.

The most important provision in this research is Article 833 paragraph (1) of the Civil Code, which states: "Heirs, by law, automatically acquire ownership of all goods, all rights, and all debts of the deceased."

This provision serves as the main basis for analyzing the possibility of digital assets being transferred to heirs. The use of the phrase "all goods, all rights, and all debts" provides room to examine whether the economic rights attached to digital assets can be included in the wealth that legally transfers to the heirs.

The research question does not stop at whether digital assets have economic value, but also whether the rights to such assets are inheritable rights. Huda and Amin demonstrate that cryptocurrency has economic characteristics that allow it to be classified as an inheritable object, although its transfer mechanism still faces legal issues (Huda, 2025). In addition to the acquisition of rights, inheritance law also provides protection for heirs.

Article 834 paragraph (1) of the Civil Code states:

"Heirs have the right to file a lawsuit to obtain their inheritance against anyone who holds possession of the whole or part of the inheritance, whether with or without legal grounds, as well as against those who have deceitfully stopped their possession."

The provision is relevant to digital assets because the party who technically controls the account, wallet, or access to the asset may not necessarily be the party legally entitled to the asset. The theory of inheritance law is used to

analyze the transfer of rights over digital assets from the testator to the heirs, as well as the protection of the heirs' rights.

Theory of Legal Certainty

The theory of legal certainty is used to analyze whether Indonesian positive law has provided clarity regarding the status of digital assets and the mechanism for their transfer to heirs. Legal certainty in this research includes certainty regarding the legal status of digital assets, ownership, proof, entitled parties, access to assets, and the transfer procedure.

The issue of legal certainty arises because the provisions of the Civil Code regarding inheritance have regulated the transfer of property upon death, but have not yet provided a specific mechanism tailored to the characteristics of digital assets. There is a possibility that the general principles of inheritance can be applied to digital assets, but the execution of heirs' rights still faces technical and legal issues.

In proving, Article 5 paragraph (1) of Law Number 1 of 2024 on the Second Amendment to Law Number 11 of 2008 on Electronic Information and Transactions states: "Electronic Information and/or Electronic Documents and/or their printed results are valid legal evidence." (Indonesia, n.d.)

Article 5 paragraph (2) of the ITE Law states:

"Electronic Information and/or Electronic Documents and/or their printed results as referred to in paragraph (1) are an extension of valid evidence in accordance with the applicable Procedural Law in Indonesia." (Indonesia, n.d.)

The provision is relevant because, in the process of inheriting digital assets, proof of the relationship between the heir and the assets left behind is required. Evidence of electronic transactions, electronic documents, ownership records, or other electronic information can be part of the proof process as long as they comply with the applicable legal provisions.

However, the recognition of electronic information as evidence does not automatically resolve the issue of digital asset inheritance. Heirs still require a clear mechanism regarding how to prove their position, gain access to the assets, and transfer rights. Nurima and Mairul demonstrate that the absence of specific regulations regarding the inheritance of digital assets can create uncertainty for heirs, especially when the assets are within a system that has its own access mechanisms and service terms (Nurima, 2025).

There is a difference between the certainty regarding the existence of inheritance rights and the certainty regarding the mechanism for the execution of those rights. Article 833 of the Civil Code can provide a basis for the acquisition of rights by heirs, but it has not yet specifically determined how heirs can access digital assets whose control depends on electronic systems, accounts, wallets, private keys, or platform providers.

Based on the explanation above, the theory of legal certainty is used to formulate the need for reconstructing the mechanism for transferring digital assets to heirs, so that the rights legally obtained can be effectively implemented and provide legal protection to the heirs.

METHODOLOGY

This research uses a normative legal research method with a statutory approach and a conceptual approach. The statutory approach is used to analyze legal provisions related to the position and inheritance of digital assets, particularly the Civil Code (KUHPPerdata), Law Number 1 of 2024 on the Second Amendment to Law Number 11 of 2008 on Electronic Information and Transactions, as well as other relevant regulations. The conceptual approach is used to examine the concepts of digital assets, ownership, inheritance law, and legal certainty in relation to the transfer of digital assets to heirs. The legal materials used consist of:

1. Primary legal materials, in the form of legislation;
2. Secondary legal materials, in the form of books, scientific journals, and relevant research findings; and
3. Tertiary legal materials. In the form of legal dictionaries and other supporting sources.

The collection of legal materials is conducted through library research, then analyzed qualitatively-prescriptively by linking the applicable legal norms with the issue of the status of digital assets as inheritance objects. The analysis is then used to formulate a reconstruction of the mechanism for the transfer of digital assets to heirs that can provide certainty and legal protection within the Indonesian legal system.

RESEARCH RESULT

The Position of Digital Assets as Inheritance Objects in the Indonesian Legal System

Based on research findings from legislation, legal literature, and previous studies, it has been found that digital assets with economic value and containing rights that can be owned or transferred have a basis for being classified as part of a person's wealth that can be inherited. However, Indonesian positive law has not yet provided a classification and specific mechanism that comprehensively regulates all types of digital assets in inheritance law.

The first finding shows that the status of digital assets can be analyzed through the concept of objects in civil law. Article 499 of the Civil Code states: "According to the understanding of the law, what is called property is every item and every right that can be controlled by ownership."

The provision indicates that the concept of property is not limited to objects with a physical form, but also includes rights that can be controlled by ownership. Based on these findings, the intangible nature of digital assets does not in itself eliminate the possibility of classifying them as objects of wealth. The second finding shows that digital assets with the character of economic rights can be linked to inheritance law. Article 830 of the Civil Code states that:

"Inheritance only takes place upon death." Meanwhile, Article 833 paragraph (1) of the Civil Code stipulates that heirs acquire ownership of all property, all rights, and all debts of the deceased by law.

The third finding shows that not all digital objects can be equated as inheritance assets. Digital assets need to be distinguished based on their legal characteristics. Cryptocurrency, NFTs, economic rights over digital works, or

digital accounts that generate income have different characteristics compared to personal data, electronic messages, passwords, and private keys. Therefore, the object of inheritance is the economic rights or interests attached to digital assets, not the entire digital information related to the deceased.

The fourth finding shows a gap between inheritance rights and technical control over digital assets. Heirs can obtain rights based on inheritance law provisions, but may not necessarily be able to access the assets because control of digital assets can depend on accounts, wallets, private keys, authentication, or platform provider policies. This issue is primarily found in cryptocurrencies stored through personal control mechanisms (Nazar, 2025).

The initial research findings indicate that digital assets with economic value and inheritable rights can be classified as part of the estate based on the applicable property law and inheritance law. However, there are currently no specific regulations that provide a comprehensive classification and inheritance mechanism.

Reconstruction of the Mechanism for the Transfer of Digital Assets to Heirs

The results of the research on positive law indicate that Indonesia does not yet have a specific and comprehensive mechanism for the transfer of digital assets to heirs. Inheritance law provisions have provided a basis for the transfer of rights upon death, but have not yet regulated the technical stages regarding identification, proof, verification, access, and transfer of digital assets.

Research findings indicate that there is a gap between the acquisition of inheritance rights and the execution of rights over digital assets. Based on Article 833 paragraph (1) of the Civil Code, heirs acquire the right to the deceased's property by law. However, with digital assets, the acquisition of rights is not always accompanied by the ability to access or control the assets.

Research shows that this issue primarily arises with assets that require specific authentication mechanisms, such as private keys, wallets, passwords, or platform verification systems. This condition creates a new problem because heirs may have legal rights but technically lack the means to control the asset (Nazar, 2025).

The research findings also reveal that electronic information can be used to help prove the legal relationship between the heir and the digital assets. Article 5 paragraph (1) of Law Number 1 of 2024 stipulates that electronic information, electronic documents, and their printed results are valid legal evidence (Indonesia, n.d.).

Based on these findings, the transfer mechanism needs to be reconstructed through the stages of asset identification, inventory, proof of ownership, heir verification, asset classification, access verification, and the transfer or distribution of assets to the heirs.

The results of the second study indicate that reconstructing the transfer mechanism is necessary to bridge the legally obtained inheritance rights with the heirs' ability to acquire and legitimately control digital assets.

DISCUSSION

The Position of Digital Assets as Inheritance Objects in the Indonesian Legal System

The research results regarding the position of digital assets as inheritance objects need to be analyzed first through the concept of property law. Article 499 of the Civil Code provides a broad definition of property as it includes "every item and every right" that can be controlled by ownership rights. According to Salim H.S., property law fundamentally regulates the legal relationship between legal subjects and objects that can become the subject of rights, including rights that have economic value (H.S, 2021).

Based on that construction, the absence of a physical form cannot be the sole reason to exclude digital assets from the concept of wealth. What is more important is whether there are rights or economic interests that can be controlled and transferred. This is in line with the development of digital asset law, which shows that cryptocurrencies have economic value and can be the subject of transactions, even though their existence is only in the digital system (Ma'arif, Bagus Salis, Moh. Khamim, 2024).

The status of digital assets must be linked to inheritance law. Article 830 of the Civil Code stipulates that inheritance occurs upon death. When the owner of digital assets passes away, the legal relationship attached to those assets must be determined whether they are part of the inheritance or constitute personal rights.

The most relevant provision is Article 833 paragraph (1) of the Civil Code, which states:

"Heirs, by law, automatically acquire ownership of all the deceased's property, rights, and debts."

According to Bachrudin, inheritance law essentially regulates the transfer of a person's wealth after their death to the party entitled to receive it (Bachrudin, 2021). If this concept is applied to the development of digital assets, then the economic rights attached to digital assets can follow the principle of inheritance as long as those rights are not personal and can be transferred.

However, according to the author, the application of Article 833 of the Civil Code cannot be done with the approach of "everything in a digital account is an inheritance." Such an approach is too broad because a digital account can contain various types of information. It may contain economically valuable assets as well as personal data, private communications, or information subject to its own legal protection. Classification is necessary:

Table 1. Classification of Digital Assets and Their Status in Inheritance
According to Indonesian Law

Type of Digital Asset/Object	Position in Inheritance
Crypto assets	Potential to become an inheritance object
NFT with economic value	Potential to become an inheritance object
Economic rights to digital works	Can be inherited according to the nature of the rights

Revenue-generating accounts	Need to examine economic rights and contractual agreements
Personal data	Does not automatically become an inheritance object
Personal messages	Does not automatically become an inheritance object
Password	Not a wealth object, but a means of access
Private key	Means of control or access to assets

The classification is necessary so that inheritance law can adapt to technological developments without compromising the protection of the heir's data and personal rights.

Lestari's research shows that the development of digital assets in Indonesia requires a reformulation of norms because conventional inheritance law has not explicitly regulated the relationship between digital assets, heirs, beneficiaries, and platform providers (Lestari, 2025). Meanwhile, the research by Iqbal and Nazar shows that in the case of Bitcoin, the most significant issue is not only the status of the asset as wealth but also the mechanisms of access and control after the owner passes away (Nazar, 2025).

The position of digital assets as objects of inheritance can be conceptually accepted through an expanded interpretation of property rights, but classification of the types of digital assets is necessary to determine which can truly be inherited.

According to the researcher, digital assets that have economic value and contain rights that can be controlled and transferred can, in principle, be classified as part of the inheritance based on the construction of Article 499 and Article 833 of the Civil Code. However, that position cannot be automatically applied to all digital objects because there are differences between assets that have economic value, personal rights, personal data, and technical means to access an asset. The researcher argues that the most appropriate approach is the asset-based legal character approach, which involves first determining what rights are attached to the digital object, whether those rights have economic value, whether they can be transferred, and whether they are not inherently personal to the heir. With this approach, crypto assets, economically valuable NFTs, and economic rights over digital works can be considered as inheritance objects, whereas personal data, personal messages, passwords, and private keys cannot be treated as inheritance objects in the same sense. This construction simultaneously shows that the main issue of digital inheritance law is not merely whether digital assets can be inherited or not, but rather how to determine the boundary between inherited wealth rights and the information and access means inherent to the heir.

Reconstruction of the Mechanism for the Transfer of Digital Assets to Heirs

The absence of a specific mechanism in Indonesian law indicates that the regulation of digital asset inheritance cannot rely solely on Article 833 of the Civil Code. The provision indeed provides a basis for the acquisition of rights by heirs, but it has not yet addressed the issue of how these rights are exercised over objects that are within an electronic system.

According to Szwajdler, the development of digital succession requires principles that can connect inheritance law with the technical characteristics of digital assets, including the relationship between the testator, heirs, and digital service providers (Szwajdler, 2023). This issue has become increasingly relevant in Indonesia because the rise in the use of digital assets has created a new form of wealth that can retain its value even after the owner passes away.

1. Identification and Inventory

The first stage in the reconstructed mechanism is the identification and inventory of digital assets. Heirs need to have a list of the digital assets owned, including the type of asset, platform, storage location, and information required to prove its existence.

Research by De Aprilia, Januardy, and Wulandari shows that the development of digital inheritance creates the need to develop legal mechanisms capable of identifying digital assets left by the deceased (De Aprilia, Desti, Ivans Januardy, 2025). Inventorying becomes the initial stage to prevent digital assets from being unknown or untraceable by heirs.

2. Proof of Ownership

The second stage is proving the legal relationship between the heir and the digital asset. Article 5 paragraph (1) of Law Number 1 of 2024 states: "Electronic Information and/or Electronic Documents and/or their printed results are valid legal evidence."

With this provision, electronic evidence can be used to support the proof of ownership or the legal relationship of the heir with the asset. However, the proof must still consider the authenticity and relevance of the evidence to the heir.

3. Verification of Heirs

The third stage is the verification of heirs. Verification is necessary to ensure that assets are not given to parties without legal grounds. Article 832 of the Civil Code determines the parties who have the status of heirs according to the law. In practice, verification can use documents that show the inheritance relationship according to the applicable law. This stage also serves as a form of protection for the platform provider because the transfer of assets is carried out based on a clear legal basis.

4. Asset Classification

The fourth stage is the classification of digital assets based on their legal and economic characteristics. Cryptocurrency, NFTs, economic rights over digital works, income-generating accounts, and other forms of digital assets must be distinguished from personal data or personal information. According to Ma'arif, Khamim, and Widyastuti, crypto assets have an economic character that differs from ordinary digital data, so their legal treatment must be distinguished based on the character of the object (Ma'arif, Bagus Salis, Moh. Khamim, 2024). This classification determines whether the asset can be directly transferred, must be sold first, or requires a specific mechanism.

5. Verification and Granting Access

The fifth stage is the most distinctive part of digital inheritance, which is granting access to the heirs. At this stage, a distinction must be made between

the right to the asset and the right to access the asset. Heirs do not have to obtain all of the deceased's personal data just because they acquire rights to digital assets. In the case of crypto assets, for example, access must be granted with consideration for the security of the wallet and private key. Iqbal and Nazar show that the issue of access is one of the main obstacles in inheriting Bitcoin in Indonesia (Nazar, 2025).

6. Transfer or Distribution

The final stage is the transfer or distribution of digital assets to the heirs. If the asset can be directly transferred, it can be moved to the heirs according to their rightful share. If the asset cannot be divided directly, it can be liquidated or sold first so that its economic value can be distributed to the heirs. Rajib, Surya Atmaja, and Zahrani found that the indivisibility characteristic of certain digital assets can cause problems when there are multiple heirs, thus requiring a distribution mechanism that takes into account the nature of the asset.

According to researchers, the mechanism for transferring digital assets to heirs cannot be adequately accomplished by applying conventional inheritance distribution mechanisms, because the nature of digital assets presents specific issues related to access, authentication, asset characteristics, and contractual relationships with platform providers. The transfer of digital assets needs to be carried out through structured stages, starting from the identification and inventory of assets, proof of ownership, verification of the heir's position, classification of asset types, verification of access means, to the transfer or distribution to the heirs. According to the researcher, this mechanism is necessary to bridge the gap between the rights of heirs obtained under the law and the heirs' ability to physically control the inherited object. The reconstruction of the digital asset transfer mechanism is not intended to create a separate inheritance law, but to adapt the existing inheritance mechanisms to the characteristics of digital objects, thereby creating legal certainty, protection for heirs, and maintaining the security and personal rights of the testator.

CONCLUSIONS AND RECOMMENDATIONS

Conclusions

1. Based on the research and discussion results, it can be concluded that digital assets with economic value and containing rights that can be controlled and transferred can, in principle, be classified as part of the inheritance in the Indonesian legal system. This can be constructed based on Article 499, Article 830, and Article 833 of the Indonesian Civil Code. However, not all digital objects can be treated as inheritable objects, so a classification is needed between assets that have economic value, personal rights, personal data, and access means to the assets.
2. The reconstruction of the mechanism for transferring digital assets to heirs is necessary because Indonesian law has not yet regulated specific procedures regarding the inheritance of digital assets. The proposed mechanism includes identification and inventory of assets, proof of ownership, verification of heirs, asset classification, access verification, and transfer or distribution to heirs. The reconstruction is necessary to bridge the legally obtained inheritance rights with the heirs' ability to actually control the digital assets,

while also providing legal certainty and protection for the heir's personal rights.

Recommendations

1. The government needs to establish or develop specific regulations regarding digital assets in Indonesian inheritance law, particularly concerning the classification of digital assets, proof of ownership, heir verification procedures, and mechanisms for transferring digital assets after the owner's death. These regulations also need to distinguish between asset rights, access rights, and personal data to ensure that the inheritance process does not violate individual rights.
2. Digital platform providers and digital asset service providers need to offer a digital inheritance mechanism that allows the transfer of assets to heirs based on proof of death and valid inheritance documents. For the public, digital inheritance planning is necessary through asset inventory and secure access information management so that digital assets do not get lost or become inaccessible to heirs after the owner's death.

ADVANCED RESEARCH

This research still has limitations because it focuses on a normative legal approach and has not empirically examined the management practices and transfer of digital assets after the owner's death. Subsequent research can develop the study through an empirical approach by involving notaries, heirs, digital platform providers, and digital asset trading organizers to identify the obstacles in implementing the digital asset inheritance mechanism. Future research can more specifically examine the inheritance mechanisms of crypto assets, NFTs, digital accounts, and economic rights over digital works by comparing them with digital inheritance regulations in other countries, so that a more comprehensive regulatory model can be formulated in line with the legal developments in Indonesia.

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REFERENCES

- Alvaro, M. dan M. H. (2026). Crypto Assets in Indonesian Inheritance Law: Balancing Ownership Rights and Access Challenges. *Jurnal Ilmu Hukum Kyadiren*, 8(1), 338-350.
- Asmara, Teguh Tresna Puja, Lastuti Abubakar, dan T. Handayani. (2020). Digital Assets: The Idea of Indonesian Property Law Reform and Its Potential as

- a Collateral Object. *Hasanuddin Law Review*, 5(3), 278–288.
- Bachrudin. (2021). *Kupas Tuntas Hukum Waris KUHPperdata*. Kanisius.
- De Aprilia, Desti, Ivans Januardy, dan V. P. Wulandari. (2025). The Development of Inheritance Law in the Indonesian Civil Law System: An Analysis of Digital Inheritance and Digital Assets. *Innovative: Journal of Social Science Research*, 5(4).
- Fras, M. (2021). Succession of Digital Goods: A Comparative Legal Study. *Review of European and Comparative Law*, 47(4), 67–81.
- Harbinja, E. (2023). *Digital Death, Digital Assets and Post-Mortem Privacy*. Edinburgh University Press.
- H.S, S. (2021). *Pengantar Hukum Perdata Tertulis (BW)*. Sinar Grafika.
- Huda, A. dan M. M. A. (2025). Aset Digital sebagai Objek Waris: Telaah Yuridis dan Fikih terhadap Cryptocurrency di Indonesia. *USRATUNA: Jurnal Hukum Keluarga Islam*, 8(2), 34–50.
- Indonesia, R. (n.d.). *Undang-Undang Nomor 1 Tahun 2024 tentang Perubahan Kedua atas Undang-Undang Nomor 11 Tahun 2008 tentang Informasi dan Transaksi Elektronik. Lembaran Negara Republik Indonesia Tahun 2024 Nomor 1, Tambahan Lembaran Negara Republik Indonesia Nomor 6905*.
- Katuk, Norliza, Norazlina Abd Wahab, dan N. S. Kamis. (2023). Cryptocurrency Estate Planning: The Challenges, Suggested Solutions and Malaysia's Future Directions. *Digital Policy, Regulation and Governance*, 25(4), 325–350.
- Lestari, A. A. D. (2025). Digital Assets in the Perspective of Indonesian Inheritance Law: The Need for Norm Reformulation in the Cyber Era. *Indonesian Cyber Law Review*, 2(1).
- Ma'arif, Bagus Salis, Moh. Khamim, dan T. V. Widyastuti. (2024). *Aset Kripto dalam Hukum Waris Indonesia*. Penerbit NEM.
- Mikk, Tiina, dan K. S. (2018). Digital Inheritance: Heirs' Right to Claim Access to Online Accounts under Estonian Law. *Juridica International*, 27(1), 117–128.
- Nazar, I. dan J. (2025). Bitcoin Inheritance Mechanism as an Intangible Ownership Asset Under Civil Law in Indonesia: Mekanisme Pewarisan Bitcoin Sebagai Aset Kepemilikan Tidak Berwujud Berdasarkan Hukum Perdata di Indonesia. *UIR Law Review*, 9(2).
- Nurima, N. dan M. (2025). Kedudukan Aset Digital dalam Kewarisan Perspektif Hukum Perdata. *Journal of Indonesian Comparative of Syari'ah Law*, 8(3), 811–826.
- Satrio, J. (1992). *Hukum Waris*. Alumni.
- Sendrawan, Tjhong, Rosa Agustina, Edmon Makarim, Arman Nefi, dan J. R. I. S. I. (2025). Optimizing the Role of Notaries in Digital Property Inheritance: A Comparative Legal Analysis. *Indonesia Law Review*, 15(2).
- Szwajdler, P. (2023). Digital Assets and Inheritance Law: How to Create Fundamental Principles of Digital Succession System? *International Journal of Law and Information Technology*, 31(2), 144–168.