Journal of Law, Islamic Law, Governance, and Global Justice (JLIGGJ)
Vol. 1, No. 3 (2026)



THE DYNAMICS OF ISLAMIC INHERITANCE LAW IN DIGITAL ASSET MANAGEMENT: CHALLENGES OF OWNERSHIP, INHERITANCE, AND LEGAL CERTAINTY

Anwar Mustopa

Universitas Islam Negeri Sjech Djamil Djambek Bukittinggi

Corresponding Author: mustopaharahapharahap@gmail.com

ABSTRACT

This study examines the dynamics of Islamic inheritance law in digital asset management, focusing on the recognition of ownership, inheritance mechanisms, and legal certainty. Employing a qualitative approach through library research and normative juridical analysis, the study integrates statutory, conceptual, and comparative legal approaches to examine Islamic jurisprudential principles and contemporary digital asset regulations. Data were analyzed using qualitative content analysis and comparative normative interpretation. The findings reveal that cryptocurrencies, non-fungible tokens (NFTs), digital wallets, and other intangible assets may qualify as inheritable property under Islamic law when they satisfy requirements concerning lawful ownership, economic value, permissible benefits, and transferability. However, digital inheritance presents significant challenges involving ownership verification, private-key accessibility, asset valuation, technological security, and Sharia-compliant distribution. Furthermore, regulatory limitations and insufficient institutional coordination create uncertainty regarding the protection of heirs' rights. This study proposes an Integrated Islamic Digital Inheritance Framework that encompasses asset classification, ownership verification, secure access, inheritance distribution, and institutional legal protection. The framework emphasizes *maqāṣid al-sharīʿah*, particularly wealth preservation (*ḥifẓ al-māl*), justice, and harm prevention. The study concludes that integrating Islamic inheritance principles with technological governance and regulatory harmonization can strengthen legal certainty, protect legitimate heirs, and support equitable digital estate management in contemporary society.

Keywords: Islamic Inheritance Law; Digital Assets; Digital Inheritance; Ownership Rights; Maqāṣid al-Sharīʿah; Legal Certainty

A. INTRODUCTION

The rapid development of digital technology has fundamentally transformed the concepts of ownership, wealth management, and asset distribution in contemporary society. Advancements in blockchain technology, cryptocurrencies, non-fungible tokens (NFTs), electronic wallets, and digital platforms have introduced new forms of wealth that may lack physical characteristics but possess economic value and legally recognizable ownership interests. This transformation has expanded the traditional understanding of property from tangible objects to intangible assets whose existence, control, and transferability depend on technological infrastructure. These developments create significant legal challenges

when digital asset owners pass away, particularly regarding ownership recognition, asset identification, transfer mechanisms, and the protection of beneficiaries' rights. Abd Wahab et al. (2024) explain that the emergence of crypto assets has generated new requirements for inheritance and estate planning because digital assets possess technological characteristics that distinguish them from conventional property. Similarly, Vaquer (2026) emphasizes that blockchain-based assets present challenges to property and inheritance law, particularly because effective control frequently depends on access to private cryptographic keys. These conditions demonstrate that the transformation of digital wealth is not merely an economic or technological phenomenon but also a legal development requiring adaptive inheritance frameworks capable of ensuring fairness, legal certainty, and the protection of heirs' rights.

Within the framework of Islamic law, the emergence of digital assets raises important questions concerning the applicability of traditional concepts of property (*māl*), ownership (*milkiyyah*), and inherited estates (*tirkah*). Islamic inheritance law, commonly referred to as *fiqh al-mawārīth*, governs the transfer of property rights from deceased individuals to legally entitled heirs according to established Sharia principles. Its normative foundations are derived primarily from the Qur'an, particularly Surah An-Nisa verses 7, 11, 12, and 176, which establish inheritance entitlements and the distribution of estates among eligible beneficiaries. However, the increasing diversity of digital wealth creates uncertainty regarding whether virtual assets qualify as legally recognized property under Islamic jurisprudence and whether they meet the requirements for inclusion in an inherited estate. Muntazar et al. (2026) explain that digital assets, including NFTs and metaverse property, can be examined through a reconstruction of the Islamic concept of *māl*, particularly by considering recognized economic value (*al-taqawwum*), permissible benefits (*al-manfaʿah*), and the capacity for effective possession or control. Their findings suggest that cryptographic ownership mechanisms may constitute contemporary forms of asset control relevant to Islamic property law. Nevertheless, recognizing digital assets as inheritable property requires careful consideration of lawful ownership, Sharia compliance, and the legal and practical transferability of associated rights. Accordingly, the development of digital assets necessitates a contextual interpretation of Islamic inheritance law while maintaining the fundamental principles governing legitimate ownership and inheritance distribution.

The inheritance of digital assets involves not only conceptual questions of ownership but also technical and administrative difficulties associated with transferring property rights to legitimate heirs. Unlike conventional assets, which can generally be identified through physical possession or documentary evidence, digital assets are often stored within electronic systems protected by passwords, multifactor authentication, private keys, and platform-specific security mechanisms. These technological safeguards can prevent heirs from accessing inherited wealth even when their inheritance rights are legally established. Additional challenges include cryptocurrency price volatility, difficulties determining asset values at relevant dates, uncertainty regarding the transferability of digital licenses, and distinctions between ownership of digital property and contractual permission to use online accounts. Abd Wahab et al. (2024) demonstrate that effective cryptocurrency estate planning requires cooperation among asset

owners, inheritance planners, Sharia scholars, digital asset service providers, and regulatory authorities to protect beneficiaries' interests. Vaquer (2026) similarly highlights the potential discrepancy between legal inheritance entitlements and practical technological control over blockchain-based assets. From the perspective of Islamic inheritance law, such discrepancies may undermine the realization of distributive justice because legally recognized inheritance rights cannot always be implemented through existing technological mechanisms. Therefore, effective digital inheritance governance requires procedures that integrate legal entitlement, secure asset identification, technological accessibility, and Sharia-compliant distribution mechanisms.

In Indonesia, the inheritance of digital assets has become increasingly relevant as the national legal system continues to address the challenges created by technological changes in property ownership and financial transactions. Islamic inheritance rights are governed by Islamic legal principles and relevant national legal instruments, including the Compilation of Islamic Law (*Kompilasi Hukum Islam*), while digital assets are subject to various regulations concerning civil property rights, electronic transactions, personal data protection, and financial market governance. The interaction between these legal frameworks creates challenges in determining the relationship between asset ownership, inheritance entitlements, digital access rights, and the legal responsibilities of platform operators. Widijatmoko et al. (2026) identify several difficulties associated with digital asset inheritance under Indonesian civil law, particularly regarding proof of ownership, authentication of digital records, access to blockchain-based assets, and the evolving responsibilities of notaries. Their study suggests that conventional legal procedures may be insufficient to address the decentralized and pseudonymous characteristics of certain digital assets. Consequently, the primary issue is not necessarily the absence of inheritance principles but rather the lack of sufficiently developed operational mechanisms for applying existing legal rights to technologically complex assets. This situation highlights the need for regulatory clarification and institutional adaptation to ensure that digital inheritance procedures protect legitimate heirs, maintain asset security, and respect the privacy and legal interests of deceased individuals.

From an Islamic jurisprudential perspective, the challenges of digital inheritance can be addressed through contemporary *ijtihad* and the normative framework of *maqāṣid al-sharīʿah*. The objectives of Islamic law emphasize the promotion of public welfare (*maṣlaḥah*) and the prevention of harm (*mafsadah*), including the preservation of wealth (*ḥifẓ al-māl*) as an essential dimension of human well-being. In digital inheritance, this principle is relevant to maintaining legitimate property rights, preventing the permanent loss of digital wealth, protecting beneficiaries from unauthorized access, and ensuring equitable distribution according to Islamic inheritance requirements. Muntazar et al. (2026) identify several practical challenges in applying *farāʾiḍ* principles to digital assets, including lost wallet credentials, fluctuating asset values, indivisibility concerns, and possible inconsistencies between automated smart contract execution and Sharia inheritance rules. Their study considers the potential application of technological mechanisms, including fractional digital ownership and appropriately designed smart contracts, to facilitate inheritance distribution. Meanwhile, Abd Wahab et al. (2024) emphasize the importance of establishing structured

cryptocurrency inheritance planning mechanisms that align with Islamic legal objectives. These perspectives indicate that *maqāṣid al-sharīʿah* provides a relevant normative foundation for evaluating digital inheritance arrangements by connecting technological efficiency with the protection of property rights, legal accountability, and the welfare of legitimate heirs.

Previous studies have investigated the relationship between digital assets and inheritance law through Islamic jurisprudential, technological, and civil law perspectives. Abd Wahab et al. (2024) propose a framework for Islamic inheritance and cryptocurrency estate planning in Malaysia by incorporating the perspectives of Sharia experts, legal practitioners, estate administrators, digital asset owners, and cryptocurrency service providers. Their research highlights the importance of institutional coordination and inheritance planning, although the practical effectiveness of the proposed framework requires further examination. Muntazar et al. (2026) investigate inheritance rights associated with metaverse property and reconstruct the Islamic concept of *māl* to explain the potential recognition of NFTs and other digital assets as inheritable property under specified jurisprudential conditions. From a civil law perspective, Vaquer (2026) examines the implications of blockchain-based digital property for testators, heirs, and forced heirs, emphasizing the relationship between legally recognized ownership and technical control through private cryptographic keys. Furthermore, Widijatmoko et al. (2026) analyze the evolving role of notaries in digital asset inheritance under Indonesian civil law, highlighting the importance of ownership verification, digital documentation, and secure asset management. Collectively, these studies demonstrate increasing scholarly attention to digital inheritance through the dimensions of property classification, estate planning, technological accessibility, and legal certainty. Nevertheless, a more comprehensive conceptual approach is needed to integrate these dimensions within Islamic inheritance jurisprudence and Indonesia's regulatory environment.

Despite the growing literature, several important research gaps remain. First, existing studies examining digital assets under Islamic inheritance law primarily emphasize their recognition as inheritable property, while the relationship between ownership validity, evidentiary requirements, technological accessibility, and actual distribution to heirs remains insufficiently integrated. Second, research on cryptocurrency estate planning has provided valuable procedural recommendations, but these mechanisms may not be directly applicable to all categories of digital assets because cryptocurrencies, NFTs, online accounts, digital intellectual property, and platform-based assets possess different legal and technological characteristics. Third, civil law studies addressing ownership verification and digital asset transfer do not necessarily incorporate the requirements of Islamic inheritance distribution (*farāʾiḍ*), Sharia-compliant property classification, and the protection of beneficiaries through *maqāṣid al-sharīʿah*. Fourth, the absence of comprehensive operational guidance on digital asset identification, access management, valuation, and distribution creates uncertainty in implementing inheritance rights. While Abd Wahab et al. (2024) and Muntazar et al. (2026) contribute to the conceptual development of Islamic digital inheritance, Vaquer (2026) and Widijatmoko et al. (2026) highlight challenges associated with property rights and legal certainty. Building upon these contributions, the novelty of this study lies in developing an integrated digital inheritance framework that connects

the Islamic concepts of māl, milkiyyah, and tirkah to ownership verification, secure asset access, inheritance distribution under farāʾiḍ, and legal certainty grounded in *maqāṣid al-sharīʿah***.** This framework seeks to bridge the normative foundations of Islamic inheritance law with the practical and regulatory requirements of managing digital wealth.

The urgency of this research stems from the growing need for inheritance systems that accommodate emerging forms of digital wealth while effectively protecting legitimate heirs. Without adequate legal and technological arrangements, digital assets may remain unidentified within deceased estates, become permanently inaccessible due to lost authentication credentials, or generate disputes concerning ownership, valuation, and transferability. From the perspective of Islamic law, these circumstances may obstruct the fulfillment of inheritance entitlements and undermine the principles of justice and wealth preservation that constitute essential objectives of the Sharia. Furthermore, uncertainty regarding heirs' authority to access digital accounts and electronic systems may create conflicts between inheritance rights, personal data protection, contractual restrictions, and platform governance requirements. Addressing these challenges requires an integrated legal approach that balances inheritance entitlements, legitimate ownership, technological security, and legal certainty. Accordingly, this study aims to analyze the legal status of digital assets as inheritable property under Islamic law, identify challenges in ownership and digital inheritance mechanisms, and formulate an integrative framework to strengthen legal certainty and protect heirs' rights, grounded in *maqāṣid al-sharīʿah***.** The study is expected to contribute theoretically to the development of contemporary *fiqh al-mawārīth* and practically to the formulation of legal and institutional recommendations for policymakers, religious courts, notaries, digital asset service providers, and Muslim communities. Ultimately, this research seeks to advance an Islamic digital inheritance system that is legally certain, technologically secure, ethically responsible, and consistent with the fundamental principles of justice and wealth preservation.

.

B. RESEARCH METHOD

This study employs a qualitative research approach using library research and normative juridical analysis to examine the dynamics of Islamic inheritance law in digital asset management, particularly the challenges of ownership, inheritance mechanisms, and legal certainty. The normative juridical approach is utilized to investigate the legal status of digital assets within Islamic jurisprudence and their relationship with Indonesia's regulatory framework. This research integrates three complementary approaches: the statutory approach (*statute approach*), the conceptual approach (*conceptual approach*), and the comparative legal approach (*comparative approach*). The statutory approach examines Indonesian legal provisions governing inheritance, electronic transactions, personal data protection, and digital asset ownership. The conceptual approach explores the Islamic jurisprudential principles of property (*māl*), ownership (*milkiyyah*), inheritance estates (*tirkah*), inheritance distribution (*farāʾiḍ*), and the objectives of Islamic law (*maqāṣid al-sharīʿah*). Meanwhile, the comparative approach evaluates the convergence and divergence between classical Islamic inheritance principles and contemporary legal frameworks governing digital assets. As emphasized by Choudhary (2024), selecting appropriate legal research methodologies is essential

for addressing complex legal issues through systematic normative and conceptual investigation. Accordingly, this approach provides a comprehensive foundation for analyzing the adaptability of Islamic inheritance law to emerging forms of digital wealth.

Data collection is conducted through documentary analysis of primary and secondary legal materials obtained from authoritative Islamic legal sources, academic publications, and official regulatory documents. Primary Islamic legal sources include the Qur'an, Hadith, and classical jurisprudential literature addressing inheritance, property ownership, and the distribution of estates. Indonesian legal materials comprise the Compilation of Islamic Law (*Kompilasi Hukum Islam*), Law Number 11 of 2008 concerning Electronic Information and Transactions as amended by Law Number 1 of 2024, Law Number 27 of 2022 concerning Personal Data Protection, and Law Number 4 of 2023 concerning the Development and Strengthening of the Financial Sector. Secondary sources consist of peer-reviewed journal articles, scholarly books, and contemporary academic studies published primarily between 2024 and 2026, with priority given to publications indexed in Scopus. Literature searches are conducted using academic databases, including Scopus, ScienceDirect, SpringerLink, and Google Scholar, through combinations of keywords such as *Islamic inheritance law*, *digital assets*, *cryptocurrency inheritance*, *digital property rights*, *fiqh al-mawārīth*, *maqāṣid al-sharīʿah*, and *legal certainty*. Relevant studies are selected based on thematic relevance, methodological credibility, legal authority, and their contribution to understanding digital inheritance challenges. Abd Wahab et al. (2024) demonstrate the importance of examining cryptocurrency inheritance through an integrated legal, technological, and Sharia-based framework, supporting the relevance of interdisciplinary literature in the present study.

Data analysis employs qualitative content analysis, doctrinal legal interpretation, and comparative normative analysis to identify patterns, legal challenges, and opportunities for integrating Islamic inheritance principles with contemporary digital asset regulations. The analytical procedure consists of four stages: data identification, thematic classification, normative interpretation, and conceptual synthesis. Initially, relevant legal provisions, jurisprudential arguments, and scholarly findings are identified and organized according to the research objectives. Subsequently, the materials are classified into four major themes: the legal recognition of digital assets as inheritable property, ownership verification and technological accessibility, inheritance distribution under *farāʾiḍ*, and legal certainty in digital estate management. These themes are critically examined through Islamic jurisprudential principles and *maqāṣid al-sharīʿah*, particularly the preservation of wealth (*ḥifẓ al-māl*), justice, protection of beneficiaries' rights, and prevention of harm. Comparative normative analysis is then applied to evaluate the compatibility between Islamic inheritance doctrines and Indonesian legal provisions concerning digital assets. Theil (2025) emphasizes the importance of doctrinal legal interpretation in developing coherent legal arguments and clarifying the relationship between legal concepts and practical regulatory challenges. To strengthen analytical credibility, the study employs source triangulation by comparing authoritative Islamic jurisprudential texts, statutory provisions, and contemporary scholarly literature. Finally, the findings are synthesized to develop an *Integrated Islamic Digital Inheritance Framework* that connects legitimate

digital ownership, secure access, asset valuation, Sharia-compliant distribution, and legal certainty. As a normative library-based investigation, this study does not involve interviews, surveys, or empirical testing, and the proposed framework therefore requires further practical validation.

C. RESULTS AND DISCUSSION

The findings of this literature-based study reveal that the emergence of digital assets has significantly expanded the conceptual boundaries of property ownership and inheritance within contemporary Islamic jurisprudence. The normative analysis demonstrates that digital assets, including cryptocurrencies, non-fungible tokens (NFTs), digital investment holdings, electronic wallet balances, and certain forms of virtual property, may possess economic value and ownership characteristics relevant to the Islamic concepts of *māl* (property), *milkiyyah* (ownership), and *tirkah* (inherited estate). However, not all digital assets automatically qualify as inheritable property because their legal recognition depends on the legitimacy of ownership, permissible economic benefits, transferability, and compliance with Islamic legal principles. Muntazar et al. (2026) demonstrate that contemporary digital assets can be examined by reconstructing the classical concept of *māl*, particularly by considering recognized economic value, lawful utility, and effective control. Their research further indicates that digital property rights may be recognized within Islamic inheritance frameworks when the assets satisfy relevant jurisprudential requirements. Similarly, Vaquer (2026) argues that blockchain-based assets may constitute objects of property rights and that legally recognized digital wealth should be considered in succession arrangements. The synthesis of these findings establishes that the legal treatment of digital inheritance requires distinguishing economic ownership from mere technological access and contractual permissions. Consequently, Islamic inheritance law possesses conceptual resources to accommodate digital assets, although their inclusion in inherited estates must be assessed on a case-by-case basis based on their characteristics, ownership legitimacy, and legal transferability.

The second finding identifies substantial challenges in establishing ownership authenticity, securing technological access, and transferring digital assets to legitimate heirs. Unlike conventional property, digital assets frequently depend on cryptographic credentials, private keys, digital wallets, platform authentication systems, and electronic ownership records. These mechanisms create a distinction between the legal entitlement to inherit property and the practical ability to control or retrieve it. In blockchain-based systems, possession of a private key may provide operational control over an asset, while the absence of such credentials can prevent heirs from accessing inherited wealth despite having legally recognized inheritance rights. Vaquer (2026) identifies private-key control as a central difficulty in applying conventional inheritance rules to decentralized digital property. Likewise, Abd Wahab et al. (2024) emphasize that effective cryptocurrency estate planning requires coordination among asset owners, inheritance administrators, Sharia experts, digital asset service providers, and regulatory authorities. Their findings highlight the importance of identifying digital wealth before the owner's death and establishing reliable procedures for subsequent asset administration. The present analysis further identifies digital asset inventory, authentication records, access authorization, cybersecurity protection, and ownership verification as essential elements of digital inheritance management.

These challenges become particularly significant when assets are stored in decentralized wallets, where no intermediary possesses the technical authority to restore access. Therefore, the findings suggest that protecting inheritance rights requires integrating legal documentation with secure technological arrangements capable of preserving asset accessibility without compromising ownership security or personal information.

The third finding demonstrates that applying Islamic inheritance distribution principles (farāʾiḍ) to digital assets presents challenges related to valuation, divisibility, ownership transfer, and compliance with Sharia-based inheritance entitlements. Islamic inheritance law establishes specific distribution rules that determine the rights of eligible heirs after the fulfillment of relevant estate obligations, including funeral expenses, debts, and valid testamentary dispositions. Nevertheless, the characteristics of digital assets can complicate these procedures. Cryptocurrency values may fluctuate significantly, making the determination of estate value and the timing of distribution particularly important. Certain NFTs and unique digital properties may be indivisible in their original form, potentially requiring liquidation, consensual allocation, or alternative arrangements that preserve the legally established shares of heirs. Muntazar et al. (2026) identify the loss of digital wallet credentials, price volatility, and the technological characteristics of NFTs as important challenges in implementing Islamic inheritance distribution. Their study considers fractionalized digital ownership and Sharia-compliant smart contracts as potential mechanisms for facilitating estate distribution. However, automated technological distribution cannot independently determine the legitimacy of heirs, resolve disputed ownership claims, or establish the applicable inheritance shares without reliable legal information. The findings therefore indicate that technological mechanisms should support the implementation of *farāʾiḍ* rather than replace the jurisprudential processes through which inheritance entitlements are established. Accordingly, the effective distribution of digital estates requires verified asset valuation, identification of eligible heirs, clarification of estate obligations, and appropriate legal supervision to ensure compliance with Islamic inheritance principles.

The fourth finding reveals that legal certainty constitutes a fundamental requirement for the effective integration of digital assets into Islamic inheritance systems, particularly within Indonesia's evolving regulatory environment. The normative analysis identifies several areas requiring clearer legal and institutional arrangements, including the classification of digital assets as inherited property, evidentiary standards for proving ownership, authority to access deceased users' digital accounts, procedures for transferring assets, and mechanisms for resolving disputes among heirs. Existing Indonesian legal instruments, including the Compilation of Islamic Law, electronic transaction regulations, personal data protection legislation, and relevant financial sector provisions, offer important legal foundations but do not establish a single comprehensive procedure governing all categories of digital inheritance. Widijatmoko et al. (2026) identify limitations in Indonesian civil law concerning blockchain-based ownership verification, notarial authentication, and the transfer of digital assets following the owner's death. Their findings indicate that decentralized transactions and pseudonymous ownership structures create difficulties for conventional legal institutions. Meanwhile, Abd Wahab et al. (2024) demonstrate the importance of institutional coordination in

developing Islamic estate planning mechanisms for cryptocurrency assets. Based on a synthesis of these studies, the present research proposes an Integrated Islamic Digital Inheritance Framework comprising five interconnected dimensions: legal recognition of digital property, verified ownership documentation, secure access to assets, Sharia-compliant inheritance distribution, and institutional legal protection. This proposed framework represents a conceptual contribution derived from normative and comparative legal analysis rather than an empirically validated regulatory model.

Discussion

The transformation of Islamic inheritance law in the digital era requires a critical reconsideration of how traditional Islamic jurisprudential concepts can accommodate new forms of intangible wealth without compromising established legal principles. Classical Islamic jurisprudence recognizes property by various criteria, including economic value, lawful benefit, ownership, and the possibility of legitimate control. However, the application of these criteria differs across jurisprudential schools, particularly regarding intangible rights and nonphysical property. Digital assets introduce additional complexity because their economic existence may be represented through decentralized technological systems rather than physical possession or conventional registration. Muntazar et al. (2026) demonstrate that digital property in the metaverse can be evaluated by reconstructing the Islamic concept of *māl*, thereby providing a conceptual foundation for considering NFTs and similar assets as potential objects of inheritance. This interpretation is compatible with the broader principle that legitimately owned and transferable economic interests may form part of an inherited estate. Vaquer (2026) similarly emphasizes that blockchain-based assets can possess the characteristics necessary for recognition as property within contemporary succession law. Nevertheless, digital asset classification must distinguish between transferable economic interests and personal contractual privileges, such as nontransferable subscriptions or platform accounts whose use is governed by specific service agreements. Moreover, the existence of market value does not automatically establish Sharia compliance because the asset's underlying economic activity, contractual structure, and permissible benefits must also be considered. Accordingly, the development of contemporary *fiqh al-mawārīth* should incorporate a differentiated legal classification of digital assets based on ownership legitimacy, economic value, lawful utility, and transferability. Such a classification would strengthen Islamic inheritance jurisprudence's ability to respond to technological developments while preserving its foundational requirements regarding legitimate property rights.

The relationship between digital ownership and access to technology represents another fundamental challenge in implementing Islamic inheritance principles. In conventional inheritance, the transfer of ownership is generally supported by recognized legal documents, estate administration, and institutional mechanisms that facilitate the delivery of inherited property. Digital assets, particularly cryptocurrencies managed through self-custodial wallets, introduce an additional technological dimension because control may depend entirely on possession of cryptographic credentials. This creates a situation in which heirs may legally inherit an asset but lack the technical capacity to access or transfer it. Vaquer (2026) identifies the centrality of private keys as a significant limitation of

conventional succession frameworks when applied to blockchain-based property. Similarly, Abd Wahab et al. (2024) highlight the importance of structured cryptocurrency estate planning involving relevant legal, technological, and Sharia stakeholders. From an Islamic jurisprudential perspective, this issue can be examined through the relationship between *milkiyyah* (legitimate ownership) and *qabḍ* (possession or effective control), recognizing that lawful ownership and the practical ability to exercise control are conceptually distinct. Therefore, a secure digital inheritance arrangement should include an authenticated inventory of digital assets, clearly documented estate administration instructions, legally authorized access arrangements, and reliable procedures for transferring control to the appropriate heirs. However, sensitive authentication information should not be unnecessarily disclosed in publicly accessible inheritance documents because such disclosure may expose estate assets to theft or unauthorized transfers. Instead, appropriate technical safeguards may include encrypted credential storage, secure recovery arrangements, or carefully structured custodial procedures, depending on the characteristics of the assets involved. Integrating these mechanisms with Islamic inheritance requirements would help realize heirs' property rights while reducing the risk of asset loss and unauthorized access.

The implementation of *farāʾiḍ* in digital asset inheritance further requires a systematic approach to asset valuation, estate obligations, and equitable distribution. Islamic inheritance law determines the entitlements of eligible heirs according to established legal rules, but the practical distribution depends on identifying the estate, settling relevant obligations, and determining distributable wealth. In digital environments, these requirements may become difficult to fulfill because certain assets are highly volatile, technically indivisible, or dependent on complex ownership arrangements. Muntazar et al. (2026) examine the potential use of fractionalized NFTs and smart contracts to facilitate the distribution of intangible digital wealth. Their proposed technological solutions illustrate how digital mechanisms may support inheritance administration, particularly where assets cannot easily be divided through conventional means. Nevertheless, technological divisibility must be distinguished from legal distributability because fractional ownership arrangements may introduce additional contractual, regulatory, and Sharia considerations. Automated smart contracts also present risks when inheritance entitlements change due to disputed family relationships, outstanding debts, previously undisclosed assets, or invalid testamentary instructions. Consequently, technological automation should only be implemented after the relevant legal entitlements have been established and verified by qualified authorities. The principle of *ḥifẓ al-māl*, as an essential objective of *maqāṣid al-sharīʿah*, supports efforts to preserve the economic value of inherited assets and prevent unnecessary losses during estate administration. Accordingly, the management of digital inheritance should employ transparent valuation procedures, documented asset inventories, legally recognized distribution methods, and adequate supervision of automated transfers. Where a physical or technical division is impracticable, alternative mechanisms, such as asset liquidation or agreed allocation, may be considered, provided they respect the legal entitlements of heirs and the applicable requirements of Islamic inheritance law.

Legal certainty in digital inheritance also depends on the capacity of national legal institutions to reconcile Islamic inheritance requirements with

contemporary regulations governing electronic transactions, privacy, financial assets, and property rights. In Indonesia, the Compilation of Islamic Law provides an important normative foundation for the inheritance rights of Muslim families, while legislation concerning electronic information, personal data protection, and financial sector governance addresses different aspects of digital asset ownership and administration. However, the interaction among these legal instruments requires further clarification because inheritance entitlement, technological access, and platform obligations do not necessarily arise from the same legal relationship. Widijatmoko et al. (2026) identify significant challenges concerning the compatibility of decentralized blockchain systems with conventional civil law mechanisms for ownership verification, notarial authentication, and estate administration. Their analysis highlights the need to reconsider institutional procedures for documenting and transferring digital wealth. These concerns are also reflected in comparative scholarship examining the evolving functions of notaries in digital property inheritance (2025).

From the perspective of Islamic inheritance law, legal harmonization should clarify the evidentiary status of electronic ownership records, procedures for verifying legitimate heirs, safeguards for accessing deceased persons' digital property, and responsibilities of digital asset custodians and other relevant service providers. Furthermore, regulatory mechanisms should distinguish inheritable property rights from personal data and nontransferable account privileges, thereby preventing the assumption that every digital account automatically becomes accessible to heirs. Strengthening cooperation among religious courts, estate administrators, notaries, financial regulators, and digital asset service providers may contribute to more effective inheritance administration. However, the precise responsibilities of these institutions must remain consistent with their existing legal authority. Therefore, legal reform should prioritize procedural clarity, ownership verification, technological security, and accessible dispute resolution rather than relying exclusively on the expansion of conventional inheritance classifications.

Based on the preceding analysis, this study proposes an *Integrated Islamic Digital Inheritance Framework* as a conceptual model for harmonizing classical Islamic inheritance principles with contemporary digital asset management and Indonesian legal requirements. The framework consists of five interrelated stages. The first stage involves legal classification, through which digital assets are evaluated according to the Islamic concepts of *māl*, *milkiyyah*, lawful benefit, and transferability. The second stage concerns ownership verification, requiring reliable evidence that the assets legally belonged to the deceased and can legitimately form part of the inherited estate. The third stage involves secure accessibility, including appropriate technological arrangements for identifying, preserving, and retrieving digital assets without exposing sensitive information to unauthorized parties. The fourth stage addresses valuation and distribution through the application of *farāʾiḍ*, after relevant estate obligations have been determined and the rights of eligible heirs established. The fifth stage focuses on institutional legal certainty through documentary authentication, procedural supervision, regulatory coordination, and dispute resolution. This framework extends the Islamic cryptocurrency estate planning approach developed by Abd Wahab et al. (2024), incorporates the jurisprudential reconstruction of intangible digital property discussed by Muntazar et al. (2026), and responds to the ownership and succession challenges identified

by Vaquer (2026) and Widijatmoko et al. (2026). Its principal theoretical contribution lies in integrating the Islamic concepts of property, ownership, inheritance, and wealth preservation with the practical requirements of digital asset governance. From a policy perspective, the framework may inform the development of Sharia-compliant estate-planning guidelines, secure digital-asset documentation procedures, institutional verification standards, and regulatory recommendations to protect heirs' rights. Nevertheless, the proposed model remains conceptual because the present study relies on normative legal analysis and secondary literature. Its practical applicability should therefore be evaluated through subsequent empirical research involving Islamic inheritance scholars, religious courts, notaries, digital asset providers, and relevant regulatory institutions. Ultimately, the sustainable development of Islamic digital inheritance governance requires an approach that combines jurisprudential legitimacy, technological adaptability, legal certainty, and the protection of heirs' economic interests in accordance with *maqāṣid al-sharīʿah*.

D. CONCLUSION

This study concludes that the development of digital assets has introduced significant challenges to the application of Islamic inheritance law, particularly concerning property ownership, inheritance distribution, technological accessibility, and legal certainty. The emergence of cryptocurrencies, non-fungible tokens (NFTs), digital wallets, and other forms of intangible wealth requires a contextual reinterpretation of classical Islamic jurisprudential concepts, including *māl* (property), *milkiyyah* (ownership), and *tirkah* (inherited estate). The findings indicate that digital assets may qualify as inheritable property under Islamic law provided they possess legitimate economic value, lawful benefits, recognizable ownership rights, and legal transferability. However, the implementation of inheritance rights faces substantial obstacles, including difficulties in verifying digital ownership, recovering private keys, determining asset values, and distributing technically indivisible assets in accordance with *farāʾiḍ*. Furthermore, Indonesia's existing legal framework provides important foundations for inheritance and digital property regulation but requires greater procedural clarity and institutional coordination to address the distinctive characteristics of digital wealth. These challenges demonstrate that the effective protection of heirs' rights depends not only on the normative recognition of digital assets but also on the availability of secure technological mechanisms and legally enforceable inheritance procedures.

The principal contribution of this study lies in the development of an *Integrated Islamic Digital Inheritance Framework* that connects five essential dimensions: digital asset classification, ownership verification, secure technological accessibility, Sharia-compliant inheritance distribution, and institutional legal protection. This framework integrates classical Islamic inheritance principles with contemporary digital asset governance while emphasizing *maqāṣid al-sharīʿah*, particularly the preservation of wealth (*ḥifẓ al-māl*), justice, and the prevention of harm. Theoretically, the findings contribute to the advancement of contemporary *fiqh al-mawārīth* by extending traditional Islamic property and inheritance concepts to emerging forms of digital wealth. In practice, the study highlights the importance of developing Sharia-compliant digital estate-

planning procedures, strengthening ownership documentation, establishing secure asset-recovery mechanisms, and improving coordination among religious courts, notaries, digital asset service providers, and regulatory authorities. Nevertheless, because this research employs normative juridical analysis and library research, the proposed framework remains conceptual and requires further empirical validation. Future research should investigate its applicability across different digital asset categories, Islamic jurisprudential schools, and national regulatory systems. Ultimately, the transformation of Islamic inheritance law must balance jurisprudential legitimacy, technological innovation, and legal certainty to ensure the equitable and sustainable protection of heirs' rights in an increasingly digital society.

E. REFERENCES

Abd Wahab, N., Katuk, N., Hussain, M. A., Zainol, Z., Maamor, S., & Kamis, N. S. (2024). A proposed framework of Islamic inheritance and estate planning of digital assets: The Malaysian case of crypto assets. *ISRA International Journal of Islamic Finance, 16*(2), 45–64. https://doi.org/10.55188/ijif.v16i2.713

Muntazar, A., Syafruddin, S., Bariyah, O. N., & Larhzizer, F. (2026). Techno-Sharia in the age of intangible assets: Digital inheritance of metaverse property. *Asy-Syir'ah: Jurnal Ilmu Syari'ah dan Hukum, 60*(1), 62–87. https://doi.org/10.14421/ajish.v60i1.1674

Vaquer, A. (2026). Digital property? Implications for testators, heirs and forced heirs. *European Property Law Journal, 15*(3), 317–332. https://doi.org/10.1515/eplj-2026-0013

Widijatmoko, M. J., Nurchayatie, L., Rusli, R. K., & Şensöz, A. (2026). The evolving role of notaries in digital asset inheritance under Indonesian civil law. *Trunojoyo Law Review, 8*(2), 447–467. https://doi.org/10.21107/tlr.v8i2.33490

Republic of Indonesia. (1991). *Presidential Instruction Number 1 of 1991 concerning the Dissemination of the Compilation of Islamic Law*.

Republic of Indonesia. (2008). *Law Number 11 of 2008 concerning Electronic Information and Transactions*.

Republic of Indonesia. (2022). *Law Number 27 of 2022 concerning Personal Data Protection*.

Republic of Indonesia. (2023). *Law Number 4 of 2023 concerning the Development and Strengthening of the Financial Sector*.

Republic of Indonesia. (2024). *Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 concerning Electronic Information and Transactions*.

Choudhary, K. (2024). Which method should I select for my legal research – doctrinal, empirical, multi-method or something else? *Teisė, 132*, 135–144. https://doi.org/10.15388/Teise.2024.132.10

Theil, S. (2025). Carefully tailored: Doctrinal methods and empirical contributions. *Oxford Journal of Legal Studies, 45*(4), 1047–1075. https://doi.org/10.1093/ojls/gqaf029

Sendrawan, T., Agustina, R., Makarim, E., Nefi, A., & Ipfelkofer, J. R. I. S. (2025). Optimizing the role of notaries in digital property inheritance: A comparative legal analysis. *Indonesia Law Review, 15*(2), 43–64. https://doi.org/10.15742/ilrev.v15n2.3