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PROTECTION OF THE RIGHTS OF HEIRS TO THE DIGITAL ASSETS OF THE DECEASED IN THE INDONESIAN CIVIL INHERITANCE SYSTEM WITH A COMPARATIVE APPROACH TO RUFADAA

Aprilianto Mardiansyah[1*], Mahfud Fahrazi[2], Trinas Dewi Hariyana[3]
[123]Faculty of Law, Universitas Islam Kadiri
E-mail: amarghazalan@student.uniska-kediri.ac.id

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Abstract

The development of the digital economy has given rise to a new form of wealth in the form of digital assets that challenge the classic paradigm of civil inheritance law, which is based on physical possession. This study aims to analyze the position of digital assets in the Indonesian civil inheritance law system and formulate an effective and adaptive legal protection model for heirs. This research is a normative legal study using a legislative, conceptual, and comparative legal approach. The results of the study show that through a systematic interpretation of Articles 499, 830, and 833 of the Civil Code, digital assets can be classified as intangible property rights that are included in the estate as long as they meet the criteria of economic rights (vermogensrechten). However, legal protection is still declarative due to the separation between legal ownership and technical control by digital platform operators. Therefore, this study formulates an integrative protection model that includes normative legitimacy, restrictions on inheritance objects, mechanisms for settling digital passiva, and administrative supervision of electronic system operators. This model is expected to bridge inheritance law norms with the technical realities of the digital ecosystem in a proportional and operational manner.

Keywords: digital assets; civil inheritance law; vermogensrechten; legal protection of heirs; mandatory rules

INTRODUCTION

The development of information and communication technology has fundamentally transformed the ways in which wealth is owned, managed, and transferred. Within the framework of classical private law, wealth has traditionally been understood as consisting of tangible assets such as land, buildings, and movable property that can be physically controlled and concretely identified. The legal regimes governing property law and inheritance law were constructed on this assumption. However, contemporary social and economic realities reveal a significant shift: a substantial portion of individual wealth now exists in the form of digital assets, the existence of which is entirely dependent on electronic systems (Aprilianti, 2024). Digital assets encompass a wide range of economic rights and interests, including cryptocurrency holdings, electronic wallets, online trading accounts, digital content monetization rights, cloud-based storage, and subscription services that generate continuing financial consequences. These assets are no longer peripheral in nature; rather, they have become an integral component of an individual's wealth structure. In many instances, their economic value even surpasses that of conventional assets.Conversely, digital assets may also give rise to ongoing financial obligations that persist beyond the death of their owner, such as outstanding digital service fees or account-based payment facilities that continue to accrue liabilities (Luthfi et al., 2024).

This transformation challenges the paradigm of classical private law, which is grounded in physical control and conventional property structures. Normatively, Article 499 of the Indonesian Civil Code (Kitab Undang-Undang Hukum Perdata) provides that "objects" encompass all goods and all rights that may be subject to ownership rights (Badrulzaman & SH, 2022). This formulation conceptually opens the possibility for the recognition of intangible rights as legal objects. In the context of inheritance law, Article 830 of the Indonesian Civil Code stipulates that succession occurs by reason of death, while Article 833 paragraph (1) of the Indonesian Civil Code affirms that, by operation of law, heirs acquire all property, rights, and receivables of the deceased (Thahir & Mu'nimah, 2024). This norm reflects the principle of the universality of the estate boedel waris, which operates ipso jure and is imperative in nature (Mohammad NurHadi, 2025).

Nevertheless, the Indonesian Civil Code, drafted in the nineteenth century, did not contemplate the construction of digital wealth as it has evolved today. Although its provisions are general and open-ended in character, they do not provide explicit regulation concerning the classification, access, or management mechanisms of digital assets following death. Consequently, the normative recognition of the transfer of inheritance rights does not automatically ensure the effective realization of heirs' rights in practice (Heriyanto Heriyanto et al., 2024). The issue becomes more complex when heirs are confronted with digital platform providers. In practice, access to the deceased's accounts is frequently restricted or denied on the grounds of privacy protection or pursuant to the applicable terms of service (Lestari, 2025). Whereas the principle of freedom of contract under Article 1338 of the Indonesian Civil Code is not absolute and is limited by Article 1337 of the same Code, which prohibits causes that are contrary to law and public order. This tension reveals a normative conflict between the principle of the universality of succession, the dominance of private digital contractual arrangements, and the principle of personal data protection (Ali & Salikin, 2025).

Efforts toward legal reform have begun to emerge through Law Number 27 of 2022 concerning Personal Data Protection (Undang-Undang Perlindungan Data Pribadi). In particular, Article 57 paragraph (1) of the statute opens the possibility for the exercise of a data subject's rights by his or her heirs (K. N. Wijaya & Nakita, 2021). However, this provision remains normative in character and does not yet provide an operational mechanism capable of bridging the legal legitimacy of heirs with the technical control exercised by Electronic System Operators (Penyelenggara Sistem Elektronik/PSE).On the other hand, the Law on Electronic Information and Transactions (Undang-Undang Informasi dan Transaksi Elektronik) and Government Regulation Number 71 of 2019 do impose obligations upon PSEs to administer electronic systems in a reliable and accountable manner. Nevertheless, these regulations do not specifically govern the post-mortem management of digital assets (Lusiana, 2022). A number of prior studies in Indonesia have examined digital assets as part of the inheritance estate. However, most of these analyses remain confined to the normative recognition that digital assets may be qualified as inheritable objects insofar as they possess economic value. These studies have not yet comprehensively formulated prescriptive and operational legal protection mechanisms capable of addressing the gap between the legal legitimacy of heirs and the technical control exercised by digital platforms. Moreover, the dimension of digital liabilities as a component of the inheritance estate has not received adequate scholarly attention. (Mairul, 2025).

In a comparative context, several countries have developed specific legal frameworks governing the inheritance of digital assets, inter alia through the Revised Uniform Fiduciary Access to Digital Assets Act (RUFADAA) in the United States. This regulation illustrates how the law may provide fiduciary access mechanisms to a deceased person's digital assets. Nevertheless, differences in legal systems necessitate caution in directly adopting such a model into the civil law system of Indonesia (Sehati, 2022). Against this background, there is an urgent need to systematically examine the legal status of digital assets within the Indonesian civil inheritance law system and to formulate a model of legal protection capable of bridging the norms of inheritance law, personal data protection, and the governance of electronic systems. The central issue is no longer confined to the question of whether digital assets are inheritable; rather, it concerns how to design effective and adaptive legal mechanisms to ensure that the rights of heirs can be meaningfully realized within the digital ecosystem. This study aims to analyze the legal status of digital assets within the framework of Indonesian civil inheritance law and to formulate a prescriptive model of legal protection through a normative juridical approach complemented by comparative analysis. The contribution of this research is expected to be not only theoretical, in terms of advancing the development of inheritance law doctrine, but also practical, serving as a reference for policymakers in responding to the transformation of wealth in the digital era.

LITERATURE REVIEW

Basic Concepts of Inheritance Law and Objects of Inheritance in the Civil Law System

Inheritance law within the Indonesian civil law system governs the transfer of the rights and obligations of a deceased person to those entitled thereto, whether by operation of law or by virtue of the testator's expressed intent (Mohammad NurHadi, 2025). From a juridical perspective, the event of death gives rise to legal consequences in the form of the opening of the inheritance (openvallen van de nalatenschap), as affirmed in Article 830 of the Indonesian Civil Code (Kitab Undang-Undang Hukum Perdata). (Sukresna, 2024). From that moment onward, a transfer of the entirety of the deceased's proprietary legal relationships to the heirs takes place. Doctrinally, an inheritance is understood as a *universitas juris*, namely the entirety of rights and obligations that are susceptible to pecuniary valuation and that collectively constitute a single, unified estate (Aprilia et al., 2025).

This concept affirms that the inheritance estate (*boedel waris*) consists not only of assets but also of liabilities in the form of the deceased's debts and obligations. This principle is expressly articulated in Article 833 paragraph (1) of the Indonesian Civil Code, which provides that all heirs, by operation of law, automatically acquire ownership of all property, all rights, and all receivables of the deceased (Syarifah, 2024). Such transfer operates *ipso jure* and is imperative in nature; accordingly, it does not depend upon the consent of any third party (Aliyah Marsanti, 2025).

This imperative character indicates that inheritance law is not purely private in nature; rather, it embodies a dimension of public order (*ordre public*), particularly in relation to the protection of heirs and the creditors of the estate (*boedel*) (Luthfi et al., 2024). Accordingly, when confronted with new forms of wealth, such as digital assets, the principle of the universality of succession remains the primary analytical point of departures (Aprilia et al., 2025). In this context, the concept of inheritable objects must be examined through Article 499 of the Indonesian Civil Code, which provides that objects comprise all goods and all rights that may be subject to ownership (Burgerlijk Wetboek, n.d.). This formulation does not confine the notion of objects to tangible goods; rather, it also encompasses rights insofar as they possess economic value and are capable of legal control. Property law doctrine emphasizes that the essence of an object lies in the possibility of exclusive control and its capacity to participate in legal circulation (*rechtsverkeer*), rather than merely in its physical existence (Hidayat & Ahmad, 2025). Accordingly, at the conceptual level, the Indonesian civil law system has already provided room for the recognition of intangible objects as part of the property law regime, insofar as they satisfy the qualification of rights possessing economic value.

Digital Assets as Civil Law Rights: Ownership, Control, and the Limits of Inheritability

In legal scholarship, digital assets are understood as resources of economic value whose existence depends on electronic systems and which may be controlled or monetized through digital technology (Yulida et al., 2024). Such assets include, inter alia, cryptocurrency holdings, electronic wallets, online trading accounts, content monetization rights, cloud-based storage, and subscription services that give rise to financial consequences (Sukresna, 2024). From a juridical perspective, digital assets possess a hybrid character. On the one hand, they bear economic value comparable to proprietary objects. On the other hand, their existence arises from a legal relationship of obligation between the user and the digital platform provider, governed by the applicable terms of service. Accordingly, the object of civil law is not the data as a technical entity, but rather the claim right (*vorderingsrecht*) or economically valuable right that emerges from such contractual relations (Duwalang & Yustiawan, 2025).

The recognition of an object as a "thing" within the meaning of property law is subject to the principle of specificity (*specialiteitsbeginsel*) and the principle of individuality (*beginsel van individualiteit*) (Ying, 2021). The principle of specificity requires that the object be determinable in a specific manner, whereas the principle of individuality demands that the object be clearly distinguishable within an estate (*boedel*). In the digital context, these principles are no longer interpreted in a purely physical sense, but rather in a functional one—namely, through the unique identity of an account, a cryptocurrency wallet address, or authentication mechanisms that establish exclusivity of control (Mudiparwanto, 2024). Civil law further distinguishes between ownership as a normative legal relationship (*eigendom/ownership*) and factual control (*possession* or *bezit*). In the context of digital assets, factual control does not reside directly with the holder of the right, but rather with the electronic systems operated and controlled by service providers (Qonita, 2025). This condition gives rise to a separation between legal legitimacy and technical control, which in contemporary scholarship is often conceptualized as a form of control exercised on behalf of another party..

Within inheritance doctrine, not all rights of the deceased are transmissible. A distinction is drawn between *vermogensrechten* (proprietary rights) and *persoonlijke rechten* (personal rights). Personal rights, which are inherently attached to the legal personality of the subject, in principle terminate upon death, whereas proprietary rights possessing objective economic value are capable of succession. In the context of digital assets, cryptocurrency balances, monetization rights, and financial claims against platforms fall within the category of *vermogensrechten*, while digital reputation or private communications are more appropriately classified as *persoonlijke rechten* (Afifah, 2025). This distinction is crucial to ensure that the principle of the universality of succession is not applied in an absolute manner that would disregard the protection of personality rights and privacy (Duwalang & Yustiawan, 2025).

Digital Liabilities, Post-Mortem Privacy, and the Theoretical Framework of Digital Asset Succession

In addition to assets, the inheritance estate (*boedel waris*) also comprises liabilities in the form of the deceased's obligations. Within the digital economy, such obligations may arise in the form of service subscriptions, data storage fees, or account-based payment facilities. Digital liabilities essentially constitute civil obligations originating from contractual relationships and, in principle, form part of the inheritance estate (Mairul, 2025). Modern data protection law recognizes the concept of *post-mortem privacy*, namely the continued protection of certain aspects of privacy after the death of the legal subject. This doctrine affirms that not all digital content of the deceased may be treated as inheritable objects, notwithstanding the death of the testator. Accordingly, the principle of the universality of succession must be interpreted proportionally: the economic rights of heirs remain protected, while access to personal content may be restricted in order to safeguard human dignity and the interests of third parties (Duwalang & Yustiawan, 2025).

From the perspective of private international law, both inheritance law and personal data protection may be qualified as mandatory rules, in the sense that they cannot be entirely derogated from by choice-of-law clauses in private contracts. This principle becomes particularly relevant when the succession of digital assets confronts global platforms operating under foreign jurisdictions (Widiana Purnawan, 2025). Prior research by Mairul (2025) has generally focused on the recognition of digital assets as objects of inheritance. While making an important conceptual contribution, most of these studies remain confined to the normative level and have not yet articulated operational legal protection mechanisms capable of bridging the legal legitimacy of heirs with the technical control exercised by digital platforms. Furthermore, the dimension of digital liabilities as an integral component of the inheritance estate has not received sufficient scholarly attention (Mairul, 2025). Departing from this gap, the present study constructs an analytical framework that integrates inheritance law, property law, the law of obligations, and personal data protection into a systematic legal structure. Digital assets are conceptualized as intangible proprietary rights that, in principle, form part of the inheritance estate pursuant to Article 833 of the Indonesian Civil Code. However, their transmissibility is subject to important limitations, namely the distinction between *vermogensrechten* and *persoonlijke rechten*, the existence of digital liabilities, and the protection of post-mortem privacy (Sitaresmi & Ristawati, 2025).

METHOD

This study constitutes normative juridical research (*doctrinal legal research*) aimed at analyzing the adequacy of existing positive legal norms and formulating the legal construction that ought to be developed (*ius constituendum*) for the protection of digital asset succession (G. Wijaya, 2020). The approaches employed in this study include the statutory approach, the conceptual approach, and the comparative law approach. The statutory approach involves examining and harmonizing the provisions of the Indonesian Civil Code, particularly Articles 499, 830, and 833, with the Law on Electronic Information and Transactions as most recently amended by Law Number 1 of 2024 (UU No. 1 of 2024) and Law Number 27 of 2022 (UU No. 27 of 2022) on Personal Data Protection, in order to identify normative conflicts and gaps in legal mechanisms.

The conceptual approach is applied to reconstruct the legal position of digital assets from the perspectives of property law and the law of obligations, including the distinction between property rights and personal rights, as well as the separation between legal ownership (*ownership*) and technical control (*control*) (Lestari, 2025). The comparative law approach is conducted by examining the Revised Uniform Fiduciary Access to Digital Assets Act (RUFADAA) in the United States to extract operational principles relevant to the Indonesian legal system. Primary and secondary legal materials are analyzed qualitatively through systematic and teleological interpretation, as well as deductive reasoning, in order to develop a prescriptive and adaptive legal protection model for heirs with respect to digital assets.

RESULTS AND DISCUSSION

The Legal Status of Digital Assets and the Transfer of Rights within the Indonesian Civil Inheritance Law System

The development of the digital economy has given rise to new forms of wealth that are no longer physically based but instead rely on electronic systems. Within the framework of Indonesian civil law, digital assets cannot be understood merely as electronic information; rather, they must be positioned as intangible proprietary rights (*onstoffelijke vermogensrechten*) that possess objective economic value and can constitute part of the inheritance estate (Thahir & Mu'nimah, 2024).

Theoretically, this construction aligns with Hugo Grotius' theory of ownership (*eigendomsrecht*), which asserts that ownership does not depend on the physical form of an object, but rather on the exclusive control recognized and protected by law (Druwé, 2021). In the digital context, such exclusivity is realized through authentication systems, encryption, and access controls that functionally confer control to the account holder or the rights holder (Afifah, 2025). The normative basis can be traced to Article 499 of the Indonesian Civil Code, which provides that a "thing" (*benda*) comprises all goods and all rights that may be subject to ownership (Burgerlijk Wetboek, n.d.). This formulation opens the possibility that legal objects are not limited to tangible goods but also encompass rights, provided they possess economic value and can be legally controlled. However, such recognition must be tested against fundamental principles of property law, namely the *specialiteitsbeginsel* (principle of specificity), which requires that an object be determinable in a specific manner, and the *beginsel van individualiteit* (principle of individuality), which demands that an object be clearly distinguishable within an estate (*boedel*) (Afifah, 2025).

In the context of digital assets, specificity and individuality do not rely on physical substance, but rather on the unique identity of an account, a cryptocurrency wallet address, a private key, or a specific token, which functionally establish exclusivity of control (G. Wijaya, 2020). Thus, through a systematic and functional interpretative approach, digital assets can be qualified as legal objects within the meaning of Article 499 of the Indonesian Civil Code, provided that they constitute economically valuable rights that are enforceable. Nevertheless, digital assets possess a hybrid character. They resemble proprietary objects in that they have economic value, yet they arise from a legal relationship of obligation (*contractuele rechtsverhouding*) between the user and the digital service provider, as governed by the terms of service. Accordingly, from a juridical perspective, what is inheritable is not the "data" as a technical entity, but rather the *vorderingsrecht* (claim right) or economically valuable right against the service provider (Tambunan & Butarbutar, 2024).

Within the Indonesian civil inheritance law system, Article 830 of the Indonesian Civil Code stipulates that succession occurs by reason of death, while Article 833 paragraph (1) provides that all rights and obligations of the deceased pass *ipso jure* to the heirs (Burgerlijk Wetboek, n.d.). This provision reflects the principle of *universaliteit van de nalatenschap* (universality of the estate), whereby the transfer of rights upon death occurs automatically and does not require any specific act of conveyance (Widiana Purnawan, 2025). The character of this norm is mandatory (*dwingend recht*), particularly because it concerns the protection of heirs and the creditors of the estate (*boedel*) (Luthfi et al., 2024). Accordingly, the freedom of contract as stipulated in Article 1338 of the Indonesian Civil Code cannot be applied absolutely if it conflicts with inheritance law provisions. Article 1337 of the Civil Code affirms that causes contrary to law and public order (*ordre public*) are prohibited (Aprilia et al., 2025). In this context, clauses within the terms of service that absolutely negate the economic rights of heirs may conflict with the mandatory norms of inheritance law and, therefore, cannot be applied without limitation.

However, not all elements within a digital account can be qualified as inheritable objects. Doctrinally, a distinction must be made between *persoonlijke rechten* (personal rights) and *vermogensrechten* (proprietary rights) (Afifah, 2025). Personal rights that are intrinsically attached to an individual's identity—such as digital reputation, account verification status, or private communications—principally do not pass through inheritance. In contrast, rights possessing objective economic value, such as cryptocurrency balances, digital wallet funds, content monetization rights, and financial claims against platforms, form part of the inheritance estate (*boedel waris*) and transfer to the heirs pursuant to Article 833 of the Indonesian Civil Code (Afifah, 2025). Additional legal legitimacy for the exercise of rights by heirs can be found in Article 57 paragraph (1) of Law Number 27 of 2022 (UU No. 27 of 2022) on Personal Data Protection, which grants heirs the standing to exercise the rights of the data subject (Aprilianti, 2024). Although this provision does not explicitly regulate the inheritance of digital assets, it reinforces the principle that death does not extinguish all dimensions of rights that carry legal consequences.

The fundamental problem lies in the separation between legal ownership and technical control. Normatively, heirs acquire legitimate ownership pursuant to Article 833 of the Indonesian Civil Code. However, factually, control resides with the Electronic System Operator (PSE). Within the property law framework, the platform may be positioned as a *bezitter voor een ander* (possessor on behalf of another), meaning a party that exercises control over an object without holding ownership rights(Mairul, 2025). This lack of synchronization indicates that normative recognition does not automatically guarantee the effective protection of legal rights. Thus, it can be concluded that the legal status of digital assets within the Indonesian civil inheritance law system is that of intangible proprietary rights arising from obligations and possessing objective economic value. Inheritance objects are limited to the *vermogensrechten* aspects, while personal aspects remain subject to privacy protection constraints. The transfer of rights occurs *ipso jure* pursuant to Article 833 of the Indonesian Civil Code; however,

the effective exercise of these rights requires operational mechanisms capable of bridging the gap between legal ownership and technical control (Duwalang & Yustiawan, 2025).

Legal Protection Model for the Inheritance of Digital Assets: Juridical–Technical Synchronization and the Formulation of *Ius Constituendum*

As previously emphasized, digital assets within the Indonesian civil law system are positioned as intangible proprietary rights (*onstoffelijke vermogensrechten*) that arise from a legal relationship of obligation (*contractuele rechtsverhouding*) and possess objective economic value (Maulana & Irawati, 2025). Through a systematic interpretation of Article 499 of the Indonesian Civil Code and the application of Articles 830 and 833 paragraph (1), such economically valuable rights transfer *ipso jure* to the heirs in accordance with the principle of *universaliteit van de nalatenschap* (the universality of the estate) (Thahir & Mu'nimah, 2024). Nevertheless, such normative recognition does not automatically ensure effective legal protection in practice. The main issue lies in the separation between legal ownership (*ownership*) and technical control (*control*). Heirs acquire legal legitimacy pursuant to Article 833 of the Indonesian Civil Code, whereas factual access to accounts and electronic systems remains under the control of the Electronic System Operator (PSE) (Aprilia et al., 2025). From the property law perspective, a digital platform may be positioned as a *bezitter voor een ander* (possessor on behalf of another), meaning a party that exercises control over an object without holding ownership rights. It is this structural gap that generates the need for a legal protection model that goes beyond normative recognition and also provides operational mechanisms (Badrulzaman & SH, 2022).

The legal protection model formulated in this study is evaluated according to two main parameters: effectiveness and adaptability. Effectiveness is understood as the ability of the legal mechanism to enable heirs to realize their economic rights over digital assets without engaging in illegal access or violating electronic systems (Aprilianti, 2024). Adaptability refers to the model's capacity to function within cross-jurisdictional environments, under the dominance of global terms of service, and within personal data protection regimes, without compromising the character of Indonesian inheritance law as a mandatory norm (*dwingend recht*) (Aprilia et al., 2025). Normatively, Indonesian positive law has provided a relevant foundation. Article 833 of the Indonesian Civil Code grants legitimacy for the automatic transfer of rights. Article 1337 limits clauses that are contrary to law and public order (*ordre public*), while Article 1338 affirms contractual freedom within the bounds of good faith. Additionally, Article 57 paragraph (1) of Law Number 27 of 2022 on Personal Data Protection (UU PDP) confers standing upon heirs to exercise the rights of the data subject (*Undang-Undang (UU) Nomor 27 Tahun 2022 Tentang Pelindungan Data Pribadi*, 2022). In addition, Article 15 of Law Number 11 of 2008, as amended by Law Number 19 of 2016 on Electronic Information and Transactions (UU ITE), requires Electronic System Operators (PSE) to operate electronic systems in a reliable and accountable manner.

(Undang-Undang Nomor 19 Tahun 2016 Tentang Informasi Dan Transaksi Elektronik, 2017). Meanwhile, Government Regulation Number 71 of 2019 emphasizes the obligation of Electronic System Operators (PSE) to comply with Indonesian law insofar as their operations give rise to legal consequences within the territory of Indonesia (Peraturan Pemerintah Republik Indonesia Nomor 71 Tahun 2019 Tentang Penyelenggaraan Sistem Dan Transaksi Elektronik, 2020). Nevertheless, there is no provision that explicitly regulates the procedure for claiming digital inheritance from Electronic System Operators (PSE). Consequently, legal protection for the inheritance of digital assets under Indonesian positive law remains largely declarative and is not yet fully operational (Suparman, 2022). For an operational comparison, the Revised Uniform Fiduciary Access to Digital Assets Act (RUFADAA) in the United States provides an explicit mechanism that designates the fiduciary or executor as the party authorized to access a decedent's digital assets, following a prioritized framework that considers the user's intent, written will, and default statutory provisions (Tohadi, 2026). RUFADAA also draws a clear distinction between account information and the content of communications, thereby ensuring the protection of privacy. The regulation demonstrates that the recognition of heirs' rights to digital assets can be operationally structured without granting absolute access to all personal data (NurHadi, 2025). Indonesia does not need to adopt RUFADAA institutionally, considering the differences in the structure of the legal system (NurHadi, 2025). However, the operational principles, particularly the distinction between rights of economic value and communication content and the affirmation of the legitimacy of the authorities, can be absorbed into the national legal framework.
Perbandingan tersebut dapat dirumuskan sebagai berikut:

Tabel 1 Perbandingan RUFADAA dengan Indonesia (Usulan)

Analysis Aspect	Amerika Serikat (RUFADAA)	Indonesia (Positive Law & Proposed Model)
Legal basis	Revised Uniform Fiduciary Access to Digital Assets Act	Articles 499, 830, 833 of the Indonesian Civil Code; Article 57 of the PDP Law
Principles of Inheritance	The priority system of user will to will to default rule	Transfer by law (ipso jure) according to Article 833 of the Indonesian Civil Code
Authorized Subject	Fiduciary / executor	Heir; supported by notarial evidence
ToS Position	The Platform is subject to statutory provisions	Freedom of contract is limited by Articles 1337 and 1338 of the Indonesian Civil Code
Scope of Access	Catalog or communication content	Limited to vermogensrechten
Enforcement Mechanisms	Statutory obligations	UU ITE and PP 71/2019; administrative strengthening (ius constituendum)
Operational Certainty	Tall	Limited; strengthened through integrative models

Based on the entirety of the normative and comparative analysis, the legal protection model for the inheritance of digital assets within the Indonesian system is formulated integratively around six interrelated elements, namely:

(1) the normative legitimacy of the transfer of economic rights is affirmed through Article 833 of the Indonesian Civil Code as a mandatory norm within the domain of public order, reinforced by Article 57 paragraph (1) of the Personal Data Protection Law (UU PDP) as the basis for heirs to exercise these rights.
(2) the inheritance objects are explicitly limited to *vermogensrechten* (economically valuable rights) and do not include *persoonlijke rechten* (personal rights), thereby maintaining a balance with the principle of privacy protection.
(3) the model addresses the settlement of digital liabilities as part of the inheritance estate (*nalatenschap*) through a mechanism of digital cleansing, which entails the termination of digital obligations or services that burden the heirs. In this context, notaries may play a role by issuing deeds closing digital obligations based on their general authority to create authentic deeds.
(4) the effectiveness of the model is supported by administrative supervision pursuant to Article 15 of the UU ITE and Government Regulation Number 71 of 2019, which provide a legal basis for monitoring the compliance of Electronic System Operators (PSE) with Indonesian law.

With this configuration, the legal protection model for the inheritance of digital assets not only addresses normative legitimacy but also provides mechanisms for evidentiary verification, access limitation, liability settlement, and administrative supervision within a single, systematic, and adaptive framework. This model bridges the gap between legal ownership and technical control without exceeding the boundaries of applicable positive law. Based on the findings and discussion, it can be affirmed that digital assets within the Indonesian civil inheritance law system are positioned as intangible proprietary rights with economic value, which transfer *ipso jure* to the heirs pursuant to Article 833 of the Indonesian Civil Code. A functional reinterpretation of Article 499 of the Civil Code, through the lenses of the principles of specificity and individuality, allows digital assets to be classified as legal objects, provided that what is inherited constitutes economically valuable rights rather than personal rights (Duwalang & Yustiawan, 2025).

Nevertheless, such normative recognition does not automatically ensure the effective protection of legal rights due to the separation between legal ownership and the technical control exercised by digital platforms. Therefore, legal protection for the inheritance of digital assets requires an integrative model that synergizes the Indonesian Civil Code (KUHPerdata), the Electronic Information and Transactions Law (UU ITE), the Personal Data Protection Law (UU PDP), the Notary Law (UU Jabatan Notaris), and mechanisms for state administrative supervision. From the perspective of private international law, Indonesian inheritance law, as a set of mandatory norms, has the capacity to limit the applicability of contractual clauses that conflict with public order(Kheista Kendelif et al., 2024). Thus, legal protection for the inheritance of digital assets in Indonesia can only be realized through a normative and institutional reconstruction that integrates civil law, technology, and regulatory sovereignty into a single coherent, proportional, and operational framework.

CONCLUSION

Based on the entirety of the normative and comparative analysis in this study, several key conclusions can be drawn. First, digital assets within the Indonesian civil law system are positioned as intangible proprietary rights arising from obligations and possessing objective economic value. Through a systematic interpretation of Article 499 of the Indonesian Civil Code, the concept of a "thing" (*benda*) is not limited to tangible objects but also encompasses rights that can be subject to ownership. In the context of inheritance, Articles 830 and 833 paragraph (1) of the Civil Code affirm that all rights and obligations of the deceased transfer *ipso jure* to the heirs in accordance with the principle of the universality of the estate (*universalitas boedel waris*). However, the objects of inheritance are limited to *vermogensrechten* (economically valuable rights) and do not include *persoonlijke rechten* (personal rights) that are intrinsically attached to the personality of the deceased. Second, although normative recognition of digital asset inheritance can be derived from the existing legal system, legal protection in practice still faces structural obstacles. These obstacles arise from the separation between legal ownership (*ownership*) and technical control (*control*), whereby factual access to digital assets resides with digital platform operators. This condition creates the risk that heirs' rights to digital assets remain merely declarative without effective enforcement mechanisms.

Third, legal protection for the inheritance of digital assets must be understood comprehensively as the settlement of all of the deceased's digital legal relationships, encompassing both assets and liabilities. Account-based obligations, such as digital service subscriptions or online payment facilities, form part of the inheritance estate (*boedel waris*) and must be lawfully resolved to prevent ongoing burdens on the heirs. Fourth, to address the gap between inheritance law norms and the technical control of digital platforms, this study formulates a prescriptive and adaptive legal protection model through the integration of inheritance law, personal data protection, and electronic system governance. This model encompasses: normative legitimacy of the transfer of rights under Article 833 of the Indonesian Civil Code and Article 57 of the Personal Data Protection Law; restriction of inheritance objects to economically valuable rights; strengthened evidentiary mechanisms through authentic notarial deeds; mechanisms for the settlement of digital liabilities; and administrative supervision of electronic system operators. From the perspective of private international law, Indonesian inheritance law is positioned as a set of mandatory rules capable of limiting the enforceability of contractual clauses insofar as they concern public interests and produce legal effects within Indonesian territory. Thus, this study emphasizes that legal protection for the inheritance of digital assets in Indonesia cannot stop at normative recognition alone; it requires an institutional reconstruction capable of ensuring the effective, proportional, and privacy-aligned realization of heirs' rights..

Suggestion

Based on these conclusions, several normative and institutional recommendations can be proposed as follows. First, there is a need to formulate implementing regulations that specifically govern the post-mortem management of digital assets as a reinforcement of the inheritance law regime and personal data protection. Such regulations should establish procedures for digital inheritance claims, standards of proof, and the obligations of electronic system operators in responding to legitimate requests from heirs. Second, digital sector supervisory authorities should be granted a clear mandate to ensure platform operators' compliance with national law, including with respect to the exercise of inheritance rights over digital assets. Such oversight should be accompanied by effective administrative enforcement instruments so that legal norms do not remain merely declarative. Third, further research should develop empirical approaches to examine the responses and compliance levels of digital platform operators regarding digital inheritance claims in Indonesia, thereby supporting the development of normative doctrine with concrete practical data. Through these measures, the development of Indonesian civil inheritance law in the digital era is expected to establish a legal protection system that is responsive to the transformation of modern wealth while upholding legal certainty, privacy protection, and fairness for all relevant parties.

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