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Legal Problems of Inheritance Clauses for Cryptocurrency Digital Assets in Indonesia

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Abstract
Purpose: The study examines the legal uncertainty surrounding cryptocurrency inheritance in Indonesia due to the absence of specific regulations and different interpretations among Islamic legal authorities.
Research Methodology: This research uses a normative juridical method with a qualitative approach through a literature review. The study analyzes Qur'anic inheritance verses, contemporary Islamic jurisprudence, and Indonesian legal regulations related to digital assets. Secondary data were obtained from academic literature, journal articles, and institutional opinions issued by the Majelis Ulama Indonesia (MUI), Nahdlatul Ulama (NU), and Muhammadiyah.
Results: MUI and Muhammadiyah generally prohibit cryptocurrencies for gharar and maisir reasons, while some NU forums allow them conditionally. The findings show that cryptocurrencies can qualify as inherited property only if they meet the principles of Islamic law and recognized ownership requirements.
Conclusions: Cryptocurrencies cannot be automatically treated as inherited property under Islamic law because their legal status depends on compliance with sharia and the absence of a comprehensive legal framework for digital inheritance in Indonesia.
Limitations: This study is limited to normative legal analysis and does not include empirical data regarding inheritance disputes involving cryptocurrency.
Contributions: The study proposes a normative legal framework for cryptocurrency inheritance by integrating Islamic heritage principles, Indonesian digital asset regulation, and institutional fatwas, and provides a theoretical basis for future legal reforms.

Keywords: *Cryptocurrency, Digital Assets, Islamic Inheritance Law, Ulama Fatwas*

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1. Introduction

Islamic inheritance law (faraid) regulates the division of the deceased's inheritance among the rightful heirs based on the provisions stipulated in the Qur'an. As one of the fundamental branches of Islamic family law, inheritance law aims to ensure justice, legal certainty, and orderly transfer of property after death (Shihab, 2007). In terminology, inheritance law regulates the transfer and distribution of the estate of a deceased person to the heirs who are legally entitled in accordance with the principles of Islamic law (Rofiq, 2000).

Fiqh al-Mawarith establishes the principles that govern inheritance rights, categories of heirs, and proportional distribution of inheritance based on the provisions of the Qur'an, especially Surah An-Nisa verses 7, 11, 12, and 176. While these principles provide a comprehensive framework for conventional inheritance, they do not explicitly address the emergence of digital assets such as cryptocurrencies. In Indonesia, neither the Compilation of Islamic Law nor national laws specifically govern the inheritance of cryptocurrencies, thus creating legal uncertainty regarding the transfer of digital assets after the death of the owner.

The interpretation of the Qur'anic verses on inheritance, contemporary Islamic jurisprudence, and Indonesian legal regulations is essential to develop an inheritance system that remains consistent with Sharia principles while addressing the challenges posed by digital assets. This study aims to examine the legal status of cryptocurrencies as an object of inheritance in Indonesian Islamic law by addressing existing regulatory gaps and different institutional interpretations. In contrast to previous studies that primarily addressed cryptocurrencies as a financial or investment instrument, this study provides a normative legal analysis that integrates the principles of Islamic heritage, Indonesian legal regulation, and the perspectives of major Islamic institutions. The findings are expected to contribute to the development of Islamic heritage law and provide a normative reference for the regulation of digital asset inheritance in Indonesia in the future.

2. Literature Review

Previous research that provides analysis of this study includes several studies on digital asset inheritance. Huda and Amin (2025) in their article “Digital Assets as Inheritance Objects” explain that cryptocurrency in the Indonesian legal system is not recognized as a legal means of payment. However, it has obtained legal legitimacy as a digital commodity that can be traded through futures market mechanisms regulated by the Commodity Futures Trading Supervisory Agency. From a civil law perspective, crypto assets have economic value and therefore have the potential to become objects of inheritance, although the absence of specific regulations governing digital asset inheritance creates legal uncertainty regarding the transfer of ownership rights after the owner's death.

Second, the journal written by Rachmawan and Hidayah (2025) in their study “Legal Certainty and Protection of Heirs' Rights over Digital Assets: Reconstruction of Islamic Inheritance Law in the Digitalization Era” discuss the rapid development of technology that has produced various forms of digital ownership such as cryptocurrencies, social media accounts, NFTs, and other virtual assets. The existence of these assets raises new problems in Islamic inheritance law in Indonesia, particularly related to legal standing, inheritance mechanisms, and the protection and security of assets after the owner's death. Luthfi, Hasan, and Jalaluddin (2024) in their research *“Challenges and Regulations in Digital Asset Inheritance: A Comparative Study of Positive Law and Islamic Law”* explain that the development of digital assets such as cryptocurrencies, electronic wallets, and NFTs has significantly influenced people's transaction patterns and social interactions. However, the inheritance mechanism for these digital assets still faces various obstacles due to the lack of clear regulations in both positive law and Islamic law. These studies have consistently recognized the emergence of digital assets as a new legal issue in inheritance law. However, the studies mainly focus on the civil legal status of digital assets, legal protections for heirs, and regulatory challenges. Limited attention has been paid to examining the legacy of cryptocurrencies from the perspective of Islamic heritage law by integrating the principles of the inheritance of the Qur'an with Indonesian legal regulations.

Several previous studies have examined the development of digital technology from the perspective of Islamic law and its implications for modern legal systems. Research conducted by Rustamovna and Abdumalikovna (2025) analyzes the issue of digital asset inheritance from both Islamic law and modern legal perspectives. The study shows that the emergence of virtual assets such as cryptocurrencies presents various legal challenges, including the unclear status of ownership, conflicts with digital platform policies, and difficulties for heirs in accessing the assets due to security mechanisms such as private keys. Furthermore, research by Hafiz, Napisah, Jalili, Armasito, and Solihu (2025) discusses cryptocurrency investment from the perspective of Islamic law by highlighting the elements of *gharar* (uncertainty), *maysir* (speculation), and the absence of underlying assets, which lead to differing scholarly opinions regarding the permissibility of cryptocurrencies. Meanwhile, Rahardjo, Anddromeda, Kurniawati, and Havidz (2025) examine gold-backed cryptocurrencies within the Islamic financial system and demonstrate that digital assets may serve as instruments for investment diversification in modern financial markets. Although these studies discuss cryptocurrencies from the perspective of Islamic finance, investment, and digital asset regulation, they primarily focus on the transaction capabilities of cryptocurrencies rather than their legal consequences in Islamic inheritance law. As a result, the theoretical relationship between cryptocurrencies as digital assets and the principles of fiqh al-mawarith is still not sufficiently explored.

Other studies also indicate that the development of modern technology necessitates new forms of *ijtihad* within Islamic law. Arikewuyo (2025) explains that technological developments, such as forensic science, can influence various aspects of Islamic law, including inheritance law, thereby requiring renewed juristic reasoning to address emerging societal phenomena. Sugianto, Fawaid, Baharun, and Yarun (2025) discuss the dynamics of Islamic inheritance law within the social context of Indonesian society and show that inheritance practices are often influenced by the interaction between Islamic law and customary traditions. Wahyuni, Suwindia, Bahri, and Musawwamah (2025) also demonstrate the negotiation between customary law and Islamic law in the practical implementation of inheritance distribution in society. In addition, Andarwati, Yuniarti, Jatmiko, Putra, Swalaganata, and Andriono (2025) examine the development of Islamic financial technology and show that digital innovations such as fintech and AI-based systems bring new challenges related to Sharia compliance within the digital economic ecosystem. These studies show that technological developments require a sustained interpretation of the law in Islamic law. However, the studies do not specifically address the inheritance of cryptocurrencies within the Indonesian legal framework or examine the different institutional fatwas that affect its legal status as an inheritable property.

Based on the discussion above, the existing studies have mostly examined cryptocurrencies from the perspective of Islamic finance, digital asset regulation, or common inheritance law. However, no previous study has comprehensively analyzed the legacy of cryptocurrencies by integrating the principles of Islamic heritage, Indonesian legal regulations, and legal differences of opinion from major Islamic institutions such as MUI, NU, and Muhammadiyah. Therefore, this study fills in these theoretical gaps by proposing a normative legal analysis of the legacy of cryptocurrencies in the context of Indonesian law.

3. Research Methodology

This research uses a qualitative type of research with a *library research approach*. Literature research was chosen because the main object of study of this research is in the form of normative texts, especially Qur'anic verses about inheritance, books of interpretation, as well as Islamic legal literature and positive legal regulations related to digital assets. The approach used in this study is a thematic interpretation approach *(tafsir maudhu'i),* which is by collecting and studying the verses of the Qur'an related to inheritance law, then systematically analyzed to find the basic principles of inheritance that are relevant to the phenomenon of digital assets. This approach is combined with a juridical-normative approach, in order to analyze the compatibility between the concept of inheritance in Islam and the regulation of digital assets in Indonesian positive law.

The data sources in this study consist of primary data and secondary data. Primary legal materials consist of the Qur'an, especially Surah An-Nisa verses 7, 11, 12, and 176; Compilation of Islamic Law (KHI); Law Number 1 of 2024 concerning Information and Electronic Transactions; Law Number 27 of 2022 concerning Personal Data Protection; and official legal opinions issued by the MUI, NU, and Muhammadiyah regarding cryptocurrencies. The secondary data is in the form of scientific journals, books, results of previous research, fatwas of religious institutions, and other supporting literature that is relevant to the research topic. The data collection technique is carried out through documentation studies, namely by examining and inventorying written sources related to the interpretation of inheritance verses and digital assets. The data that has been collected is then analyzed using a descriptive-analytical analysis method, by systematically deconstructing the data, interpreting the meaning of inheritance verses, and relating it to the contemporary legal reality regarding the inheritance of digital assets.

Legal material was selected based on three criteria: (1) its direct relevance to Islamic heritage law and cryptocurrency regulation; (2) its legal authority in the Indonesian Islamic and national legal system; and (3) its contribution to the contemporary scientific debate on the legacy of digital assets. The analysis was carried out in three stages. First, relevant legal materials are identified and classified according to Islamic law sources and Indonesian legislation. Second, the legal material is interpreted using a normative juridical approach supported by the thematic interpretation (*tafsir maudhu'i*) of the Qur'anic verses about inheritance. Third, the findings were systematically compared to evaluate the suitability between Islamic heritage principles and the existing legal framework governing digital assets in Indonesia.

4. Results and Discussions

4.1 Definition of Cryptocurrency

Cryptocurrency is a form of digital currency that uses a cryptographic system to secure transactions and control the creation of new units. Conceptually, cryptocurrencies do not have a physical form and are not issued by a central authority such as a central bank, but rather run through a decentralized network based on blockchain technology (Chan, Hong, Utomo, & Zagoto, 2025). Basically, cryptocurrencies can be understood as a series of digital codes that can be transferred electronically and used as a medium of exchange or digital assets (Erwanto & Santoso, 2024). In addition, cryptocurrencies also have the characteristics of transparency, security, and transaction fee efficiency that make them an alternative in the modern financial system (Juli & Isfenti, 2021). Nevertheless, from a legal perspective in Indonesia, cryptocurrencies are not yet recognized as legal tender and are more categorized as digital assets or commodities (Rilda & Ramadhan, 2025).

The main concept of cryptocurrency lies in blockchain technology that allows for a decentralized transaction recording system without involving a third party. This technology works as a digital ledger that records all transactions transparently and immutably, thus increasing user security and trust (Chan et al., 2025). Cryptocurrencies also carry the principle of peer-to-peer, where transactions can be made directly between users without the intermediary of financial institutions (Salsabila, Gultom, & Sudaryat, 2023). In addition, the value of cryptocurrencies is determined by market mechanisms, i.e. demand and supply, so they do not depend on a country's monetary policy (Juli & Isfenti, 2021). This concept makes cryptocurrencies an innovation in the digital financial system that gives individuals greater freedom and control over their assets (Chan et al., 2025).

In terms of impact, cryptocurrencies have a significant influence on the modern economic and financial system. On the one hand, cryptocurrencies are able to improve transaction efficiency, lower costs, and expand access to digital financial services (Jonanda, Rizal, & Al Naufal, 2025). In addition, cryptocurrencies also open up exciting new investment opportunities for people, including the younger generation. But on the other hand, there are various risks such as high price volatility, potential abuse, and regulatory uncertainty that can cause losses for users (Ekawati, 2024). Another impact is the emergence of legal and policy challenges, especially related to consumer protection and legal certainty in cryptocurrency transactions in Indonesia (Purnama, 2022). Therefore, comprehensive regulations and public education are needed so that the use of cryptocurrencies can run optimally and safely (Chan et al., 2025).

Cryptocurrency can be defined as a digital or virtual asset that functions as a medium of exchange and investment, utilizing cryptographic technology to secure transactions and control the creation of new units. It operates on decentralized systems, typically based on blockchain technology, which eliminates the need for central authorities such as governments or financial (Vianus & Haryono, 2026). In addition, cryptocurrency exists only in digital form and has no physical representation, distinguishing it from conventional money. Its peer-to-peer mechanism enables direct transactions between users, increasing efficiency and reducing reliance on intermediaries. Overall, cryptocurrency represents an innovation in financial technology that combines security, transparency, and decentralization within modern economic systems (Riniawati, Fatoni, & Badina, 2025). From the perspective of Islamic inheritance law, the economic value of cryptocurrencies alone is not enough to make them an inheritance (*al-mal*). Its eligibility also depends on whether it meets the requirements for legal ownership (*milk tam*), legal certainty, transferability, and compliance with Islamic law. Therefore, determining the inheritance status of cryptocurrencies requires legal analysis beyond their technological characteristics.

4.2 The Provisions of the Law of Inheritance in the Qur'an and the Interpretation of Contemporary Scholars

The discussion of inheritance law in Islam is one of the important aspects in the study of family law, because it is directly related to the regulation of the distribution of a person's inheritance after death and maintaining social justice within the family. The Qur'an as the main source of Islamic teachings has established clear and detailed provisions regarding inheritance, thus providing definite guidelines for the ummah in dividing inheritance. This provision not only covers who is entitled to be heirs, but also establishes the proportions of the distribution that must be complied with. Verses that regulate inheritance in the Qur'an include the following (Kemenag, 2019):

لِلرِّجَالِ نَصِيْبٌ مِّمَّا تَرَكَ الْوَالِدٰنِ وَالْاَقْرَبُوْنَۖ وَلِلنِّسَاۤءِ نَصِيْبٌ مِّمَّا تَرَكَ الْوَالِدٰنِ وَالْاَقْرَبُوْنَ مِمَّا قَلَّ مِنْهُ اَوْ كَثُرَ ۗ نَصِيْبًا مَّفْرُوْضًا ۝٧

Meaning: men get the right to share the inheritance of their parents and relatives and women also have the right to share (also) of the inheritance of their parents and relatives, both small and many, according to the share that has been determined.

Surah An-Nisa' verse 7 emphasizes that both men and women have the right to legally receive a share of the inheritance of their parents or relatives. This provision is a major change from the practice of ignorant society which only gives inheritance to men who are considered strong, capable of fighting, and protecting the tribe, so that women and children often do not get inheritance rights at all. Through this verse, Islam presents the concept of justice in the distribution of family property by establishing legal recognition of women's rights in economic aspects. This verse also emphasizes that the distribution of inheritance is not the result of human agreement or engineering, but a direct provision from Allah that is certain and must be followed. Although the Qur'anic verses on inheritance do not explicitly govern digital assets, the principles underlying the provisions emphasize that inheritable property must be legally recognized and transferable assets. As a result, the legal status of a cryptocurrency depends on whether it meets these substantive requirements, not just whether it has economic value.

Although this verse does not specify the amount of each heir's share of inheritance, it is an important basis before the rules are explained in more detail in Surah An-Nisa' verses 11, 12, and 176. Therefore, this verse is seen as the starting point of social reform in the Islamic inheritance system, because it elevates the position of women and children by providing economic rights that have never been recognized in society before. In his tafsir work Tafsir al-Mishbah, M. Quraish Shihab explained that this verse clearly states that every man and woman, both adults and children, has the right to inherit from their parents or relatives in accordance with the provisions that have been regulated in the Qur'an. He also added that the verse serves as an introduction or opening for further discussion of the laws of inheritance (mawarits) in the Qur'an (Shihab, 2002). The verse that regulates the next inheritance is surah An-Nisa' verse 11:

يُوْصِيْكُمُ اللّٰهُ فِيْٓ اَوْلَادِكُمْ لِلذَّكَرِ مِثْلُ حَظِّ الْاُنْثَيَيْنِۚ فَاِنْ كُنَّ نِسَاۤءً فَوْقَ اثْنَتَيْنِ فَلَهُنَّ ثُلُثَا مَا تَرَكَۚ وَاِنْ كَانَتْ وَاحِدَةً فَلَهَا النِّصْفُۗ وَلِاَبَوَيْهِ لِكُلِّ
وَاحِدٍ مِّنْهُمَا السُّدُسُ مِمَّا تَرَكَ اِنْ كَانَ لَهٗ وَلَدٌۚ فَاِنْ لَّمْ يَكُنْ لَّهٗ وَلَدٌ وَّوَرِثَهٗٓ اَبَوٰهُ فَلِاُمِّهِ الثُّلُثُۚ فَاِنْ كَانَ لَهٗٓ اِخْوَةٌ فَلِاُمِّهِ السُّدُسُ مِنْۢ بَعْدِ وَصِيَّةٍ
يُّوْصِيْ بِهَآ اَوْ دَيْنٍۗ اٰبَاۤؤُكُمْ وَاَبْنَاۤؤُكُمْۚ لَا تَدْرُوْنَ اَيُّهُمْ اَقْرَبُ لَكُمْ نَفْعًاۗ فَرِيْضَةً مِّنَ اللّٰهِۗ اِنَّ اللّٰهَ كَانَ عَلِيْمًا حَكِيْمًا

Surah An-Nisa' verse 11 contains the basic provisions of inheritance distribution in Islam, especially regarding the share for children and both parents of inheritance. The point of this verse is that boys get a double share of girls, not as a form of injustice, but because of greater economic responsibility in the family. This verse also stipulates that the father and mother each get 1/6 share if the heir has children, while if the heir has no children, the mother gets 1/3 of the share, and the rest is given to the father. In addition, this paragraph emphasizes that the distribution of inheritance must be carried out after paying off debts and executing the heir's will, so that the heir's rights and obligations are fulfilled first. In short, this verse establishes the principles of justice, order, and legal certainty in the distribution of inheritance, while protecting the rights of women and parents in the Islamic inheritance system.

M. Quraish Shihab in verse fragments **لِلذَّكَرِ مِثْلُ حَظِّ الْاُنْثَيَيْنِۚ** argues that this verse emphasizes special attention to the inheritance portion received by girls. This can be seen from the way the Qur'an makes the share of girls as a benchmark in determining the share of boys, which shows that women's rights in inheritance have been recognized first. According to her, the use of the redaction indicates a fundamental change in the inheritance system during the period of jahiliyah, where women previously did not have the right to receive inheritance (Shihab, 2002):

وَلَكُمْ نِصْفُ مَا تَرَكَ اَزْوَاجُكُمْ اِنْ لَّمْ يَكُنْ لَّهُنَّ وَلَدٌۚ فَاِنْ كَانَ لَهُنَّ وَلَدٌ فَلَكُمُ الرُّبُعُ مِمَّا تَرَكْنَ مِنْۢ بَعْدِ وَصِيَّةٍ يُّوْصِيْنَ بِهَآ اَوْ دَيْنٍۗ وَلَهُنَّ الرُّبُعُ
مِمَّا تَرَكْتُمْ اِنْ لَّمْ يَكُنْ لَّكُمْ وَلَدٌۚ فَاِنْ كَانَ لَكُمْ وَلَدٌ فَلَهُنَّ الثُّمُنُ مِمَّا تَرَكْتُمْ مِّنْۢ بَعْدِ وَصِيَّةٍ تُوْصُوْنَ بِهَآ اَوْ دَيْنٍۗ وَاِنْ كَانَ رَجُلٌ يُّوْرَثُ كَلٰلَةً اَوِ
امْرَاَةٌ وَّلَهٗٓ اَخٌ اَوْ اُخْتٌ فَلِكُلِّ وَاحِدٍ مِّنْهُمَا السُّدُسُۚ فَاِنْ كَانُوْٓا اَكْثَرَ مِنْ ذٰلِكَ فَهُمْ شُرَكَاۤءُ فِى الثُّلُثِ مِنْۢ بَعْدِ وَصِيَّةٍ يُّوْصٰى بِهَآ اَوْ دَيْنٍۙ غَيْرَ
مُضَاۤرٍّۚ وَصِيَّةً مِّنَ اللّٰهِۗ وَاللّٰهُ عَلِيْمٌ حَلِيْمٌۗ

Surah An-Nisa' verse 12 explains the provisions for the distribution of inheritance for married couples and siblings, and emphasizes the order of priority for the distribution of inheritance. The essence of this verse is that the husband gets 1/2 of the share if the wife has no children, and 1/4 of the share if the wife has children; While the wife gets 1/4 share if the husband has no children, and 1/8 if the husband has children. This verse also stipulates that siblings are entitled to 1/6 share if they are alone, and 1/3 share jointly if they are two or more, provided that the heir does not have children or fathers. In addition, this paragraph emphasizes that the distribution of inheritance takes effect after the payment of debts and the execution of the heir's will, so that the obligations to the deceased are fulfilled first before the property is distributed. In summary, this verse regulates the clarity of the inheritance rights of spouses and siblings, and affirms the principles of justice, order, and priority in the distribution of inheritance according to Islamic law.

In Tafsir al-Mishbah, M. Quraish Shihab explains that the details of the division of inheritance in Q.S. An-Nisa' verse 11 are based on kinship relationships through lineage, while Q.S. An-Nisa' verse 12 regulates the division of inheritance that comes from the marriage relationship and closes with an explanation of the case of kalalah. He also added that in this context, the husband's inheritance rights take precedence over the wife's inheritance, because biologically it is the husband's genes that determine the sex of the child (Shihab, 2002). According to Wahbah al-Zuhaili, the provisions on kalalah have been clearly mentioned in the Qur'an. In the context of inheritance law, those who are entitled to receive inheritance from kalalah are brothers or sisters. Each received a share of 1/6, and if their number was more than one, then they together received 1/3 of the inheritance, which was divided equally without distinction between men and women (Zuhaili, 2013).

Based on these two verses, there are ten classes of male heirs that are explicitly mentioned in the Qur'an when there is no longer a living dzawil furudh there. They are: sons, grandsons from the male lineage downwards, fathers, grandfathers from the paternal line upwards, siblings, brothers or sisters, uncles on the father's side, uncles and their descendants, uncles and their descendants, uncles and their descendants, husbands, and men who have freed a slave. Furthermore, the group of heirs from the female side is five, including: daughters, granddaughters from the male lineage and below, mothers, grandmothers from the paternal and maternal lines and above, biological sisters, wives, and women who have freed a slave (Katsir, 1989).

يَسْتَفْتُوْنَكَۗ قُلِ اللّٰهُ يُفْتِيْكُمْ فِى الْكَلٰلَةِۗ اِنِ امْرُؤٌا هَلَكَ لَيْسَ لَهٗ وَلَدٌ وَّلَهٗٓ اُخْتٌ فَلَهَا نِصْفُ مَا تَرَكَۚ وَهُوَ يَرِثُهَآ اِنْ لَّمْ يَكُنْ لَّهَا وَلَدٌ ۚ فَاِنْ كَانَتَا اثْنَتَيْنِ
فَلَهُمَا الثُّلُثٰنِ مِمَّا تَرَكَۗ وَاِنْ كَانُوْٓا اِخْوَةً رِّجَالًا وَّنِسَاۤءً فَلِلذَّكَرِ مِثْلُ حَظِّ الْاُنْثَيَيْنِۗ يُبَيِّنُ اللّٰهُ لَكُمْ اَنْ تَضِلُّوْاۗ وَاللّٰهُ بِكُلِّ شَيْءٍ عَلِيْمٌ

Surah An-Nisa' verse 176 explains the provisions of inheritance in the case of kalalah, which is the situation when a person dies without leaving a child and father. The essence of this verse explains that if the heir has only one sibling (male or female), then the brother is entitled to 1/2 share if he is a woman, and if the heir has two or more siblings, then they get 2/3 share together, provided that the brother's share is twice that of the sister. This verse also emphasizes that the division is a decree of Allah that aims to bring clarity and justice to the ummah. In summary, this verse is the legal basis for the distribution of inheritance for relatives in the condition of kalalah, so that there is no confusion or dispute when the heir has no descendants or the father as the main heir.

M. Quraish Shihab argues that the term kalalah does not solely refer to a person who dies without leaving a child, but also includes a condition when the heir does not have a father. Although textually the verse only mentions the absence of children, according to him the meaning also includes the absence of a father as the direct heir (Shihab, 2002).

4.3 Legal Problems of Digital Asset Inheritance in Indonesia

Legal problems related to the inheritance of digital assets in Indonesia arise because the existing inheritance law system remains pluralistic and does not explicitly regulate digital assets as objects of inheritance. In principle, inheritance law governs the transfer of rights and obligations over the estate, including both tangible and intangible property, to heirs after the death of the decedent (Oktavia, Respationo, Erniyanti, Nofrial, & Tartib, 2023). However, technological developments have created new forms of intangible wealth, such as digital assets, whose legal status remains unclear within the current legal framework, even though inheritance in a broader sense can also include the transfer of knowledge, values, and non-physical assets through social processes (Kasmahidayat & Hasanuddin, 2022).

Furthermore, legal restrictions on certain types of ownership such as land rights demonstrate that not all rights can be freely inherited, creating analogous legal challenges for digital assets that often operate across jurisdictions (Asyha, Astuti, Subandi, Syarifudin, & Makbuloh, 2025). In addition, digital transformation introduces complexities related to control over data and technology, where power embedded in digital systems is not yet fully recognized as inheritable property under the law, leading to legal uncertainty in Indonesia. Digital assets are currently playing an increasingly significant role in people's lives. The recognition of the existence of digital assets in the Indonesian legal system can be seen in Law Number 1 of 2024 concerning the *Undang-Undang (Tahun 2008)* concerning Information and Electronic Transactions.

The regulation emphasizes that electronic information and documents are recognized as valid evidence and have legal force, so that digital entities are considered to have an existence in the national legal system *(Undang-Undang, Tahun 2008)*. In addition, *Undang-Undang No.27 (Tahun 2022)* about Personal Data Protection (PDP) also emphasizes that personal data is an object of legal protection inherent in individuals. Thus, digital accounts that contain a person's data and identity not only have economic value, but also personal value that must be maintained and protected, even after the account owner dies. The rapid development of digital technology has created various new types of assets known as digital assets, including social media accounts, crypto wallets, digital files, to online content that has economic and personal value. Although it brings a lot of convenience, this progress also poses new challenges in the legal field, especially regarding the application of inheritance law to digital assets in Indonesia.

Until now, there has been no regulation that explicitly regulates the mechanism of digital asset inheritance, thus creating legal uncertainty for heirs in terms of control, management, and utilization of assets left by heirs. Therefore, it is necessary to update and adjust the concept of inheritance law in order to be able to respond to the dynamics of the digital era in a more comprehensive and fair way. In the context of inheritance, there are two categories of inheritance, namely tangible property and intangible property. In addition, inheritance also has two characters, namely movable objects, which are movable objects, and immovable objects, which are non-movable objects. After the heir dies, all of the inheritance is then transferred to the heirs so that they have the right to control, enjoy, manage, or transfer it to other family members or third parties. Based on this explanation, it can be understood that heritage property and inheritance have a meaning that is not entirely the same (Amalia, Alfiyah, & Hami, 2024).

According to the views of jurists, property can be categorized into two elements, namely objects that are physically tangible and everything that is seen as having value, both by the entire society and by certain groups only. The valuation of a property can be seen from whether it can be traded or has an exchange rate from an economic point of view. On this basis, property is understood as a material object that has a monetary value. This definition expressly excludes elements that are *haq*, which are then placed in the realm of ownership, not as property itself (Thahir & Mu, 2024). In the view of *fiqh al-mawarits*, not every form of object or wealth can be an object of inheritance. A property can only be inherited if it meets certain criteria as stipulated in the sharia. The main condition is that the property must be classified as *al-māl al-mutaqawwim*, which is property that has a beneficial value according to Islamic law and is recognized for its existence in social life.

Included in this category include money, gold, silver, land, buildings, vehicles, and various valuable trading commodities. On the other hand, objects that are prohibited by sharia, such as liquor or carcasses, cannot be treated as inheritance because they do not have a valid value according to religious provisions. Therefore, cryptocurrencies can fulfill the material aspects of inheritance because they have measurable economic value. However, its qualification under Islamic inheritance law remains dependent on whether the cryptocurrency is considered a legitimate property *(al-mal al-mutaqawwim)* according to the applicable Sharia interpretation. This difference explains why institutional fatwas produce different legal conclusions regarding the legacy of cryptocurrencies.

Another important aspect is that the inheritance must first be cleared of all financial dependents that are still attached to the heir, including debt repayment and the fulfillment of a valid will. This provision is in line with the words of Allah in Surah An-Nisa' verse 11 which affirms that the distribution of inheritance is carried out after the fulfillment of the will made by him and after the payment of his debts. Thus, the process of distributing inheritance can only be carried out for net assets, namely assets that have completed all their obligations, so that the principle of justice is maintained for all parties who are entitled. By considering these aspects, it can be concluded that the property that can be inherited according to *fiqh al-mawarits* is a property that has value according to the sharia, is in the full control of the heir, is concrete and measurable, and is not burdened with any obligations. A proper understanding of these conditions is essential to ensure a fair distribution of inheritance in accordance with the provisions of Islamic law, while preventing disputes among heirs that often arise due to a lack of knowledge of inheritance rules in sharia (Muhibbussabry, 2020).

In the development of modern society, various forms of digital assets, including *cryptocurrencies*, are increasingly prevalent to own and use. In the realm of Islamic inheritance law, especially in Indonesia, it is important to understand how this type of property is positioned in the provisions of sharia. Digital assets can include *cryptocurrencies* such as Bitcoin, investment or trading accounts, to assets derived from online activities. Therefore, clarity is needed regarding the legal position of digital assets as an object of inheritance according to Islamic law. Based on the characteristics described earlier, digital goods or assets can be categorized as inherited assets because they meet the elements that require an object to be considered a property according to Islamic law. In the context of contemporary Islamic law, scholars still have different views on the legal position of digital assets. Some scholars argue that *cryptocurrency* and similar digital assets can be inherited because they have value and can be traded. However, some others reject its use as a currency or commodity if it does not have a clear underlying asset as the basis for its value. In addition, trading accounts and assets from online store activities can still be included as inheritance as long as their existence, value, and ownership can be legally proven (Ma'arif, Khamim, & Widyastuti, 2024).

The following are some of the views on the use of cryptocurrencies that are still a debate among scholars. In Indonesia, three main religious institutions, namely the Majelis Ulama Indonesia (MUI), Nahdlatul Ulama (NU), and Muhammadiyah, have issued their respective views on cryptocurrency laws in Islam :

4.3.1 Views of the Majelis Ulama Indonesia (MUI)
The Indonesian Ulema Council through DSN-MUI Fatwa No. 144 of 2021 stipulates that the use of cryptocurrencies as a means of transaction and investment instruments is punishable by haram. This determination is based on the existence of gharar and maisir elements due to a very high level of uncertainty and speculation. In addition, crypto assets are considered not to meet the criteria as a legal medium of exchange according to sharia because they have no intrinsic value and are not under the supervision of official authorities such as central banks. High prices are also considered to have the potential to cause significant losses to consumers, thus contrary to the principle of justice in Islam. However, the MUI opens an exception space if a crypto asset can meet sharia principles, for example, it has a clear underlying asset and is not used for prohibited activities. From an inheritance law perspective, this position implies that cryptocurrencies cannot be part of inheritance because assets prohibited under Sharia law cannot be transferred through inheritance. As a result, the heirs will not acquire inheritance rights over the cryptocurrency if the asset itself is deemed legally disallowed.

4.3.2 Views of Nahdlatul Ulama (NU)
Through various Bahtsul Masail forums, NU has produced a number of non-uniform views on cryptocurrencies. In the decision of the Bahtsul Masail PWNU East Java on October 24, 2021, it was stated that crypto assets are included in the category of fictitious assets that are not legally traded because they do not meet the criteria for commodities in Islam, both in terms of visible physical existence and clear asset guarantees, so crypto trading is considered not allowed. In contrast, Bahtsul Masail PWNU DIY on November 21, 2021 assessed that cryptocurrency can be allowed both as a medium of exchange and as a commodity. This view is based on the assumption that crypto assets have benefits, can be transferred, and recognized by the transactant, without the discovery of gharar or maisir elements because price fluctuations are considered part of the market mechanism. PWNU DIY also encourages the government to tighten regulations related to crypto assets. Meanwhile, the Bahtsul Masail Islamic Law Firm (ILF) on June 19, 2021 views cryptocurrency as a form of wealth (mall) that can be exchanged as long as it does not contain elements of gharar. Given the differences of opinion regarding the level of uncertainty in crypto transactions, the law of its use is considered to depend on the situation surrounding it, so the public is encouraged to remain cautious and understand the risks involved. The conditional validity adopted by some NU forums creates different legal consequences. If cryptocurrency is considered a legitimate property, then it can become part of the deceased's estate and distributed according to the rules of ordinary Islamic inheritance after paying off debts and testamentary obligations.

4.3.3 Muhammadiyah's Views
The Tarjih and Tajdid Council of Muhammadiyah Central Government through the 01st edition of Suara Muhammadiyah Magazine in 2022 explained its views on cryptocurrency by elaborating it into two main aspects. First, regarding the use of crypto assets as an investment instrument, Muhammadiyah considers that this form of investment has a very high level of speculation (maisir) and shows unreasonable price fluctuations. In addition, cryptocurrencies are considered to contain elements of gharar because they are not backed by a clear underlying asset, while sharia prohibits

speculative practices and uncertain transactions. Second, regarding the function of cryptocurrencies as a medium of exchange, theoretically their use is permissible because it resembles a barter mechanism. However, Muhammadiyah emphasized that a currency must be recognized by the public and authorized by the competent authorities, such as the central bank. Considering that cryptocurrencies are not recognized by Bank Indonesia and do not have legal protection for their users, their use as a means of payment is considered problematic according to sharia. On this basis, Muhammadiyah concluded that cryptocurrency is not allowed either as a means of investment or as a medium of exchange. Therefore, the position of Muhammadiyah also affects the status of inheritance because assets that are considered not in accordance with Sharia principles cannot be automatically classified as inheritance property in Islamic law

In conclusion, three major Islamic institutions in Indonesia provide mixed assessments of the use of cryptocurrencies. MUI emphasized that haram crypto assets are used as a means of transactions and investments because they are considered to contain elements of uncertainty and speculation. NU shows a difference of opinion internally, where PWNU East Java rejects its use, while PWNU DIY allows it with certain conditions. Muhammadiyah stated that cryptocurrencies are not allowed because they are considered full of speculation, contain gharar, and do not have a position as an official medium of exchange. Given the absence of legal regulation, cryptocurrency inheritance clauses must explicitly identify the digital asset, wallet ownership, access mechanism, and authorized heirs. The clause can reduce legal uncertainty and facilitate the application of Islamic heritage principles while still complying with Indonesian law.

This difference of views encourages Muslims to be more careful in using these digital assets and choose the religious opinion that best suits their beliefs. In addition, the government is expected to present stricter regulations to provide certainty and protection for the public in dealing with the risks of crypto asset trading. In the current era, there are still often differences of views on the legal status of cryptocurrencies in Indonesia, it can be understood that the provisions for the inheritance of crypto assets according to Islamic law are highly dependent on the beliefs and views of the party who will inherit them. If someone adheres to a fatwa that prohibits cryptocurrencies, then the crypto asset cannot be inherited because it does not meet the requirements for the purity of the property that can be inherited. However, if one follows the opinion of scholars who allow the ownership of cryptocurrency as something halal, then the inheritance mechanism in Islam can be applied to determine the heirs and the distribution of these assets.

Digital Assets can be recognized as an object of inheritance in Islamic law in Indonesia as long as they meet certain criteria set by sharia. However, the final determination of the validity of digital assets as inheritance is often determined by the fatwa of religious institutions or the opinions of scholars who are used as references. Therefore, heirs need to consult with the competent authorities to ensure that digital asset management is carried out in accordance with the applicable legal provisions and get the right direction after the owner of the property dies. This step is also important to prevent disputes and ensure the protection of the rights of heirs based on sharia principles. If something has a balanced potential for benefits and harms and is difficult to determine by law, then according to the rules of fiqh, such actions should be avoided. In this context, staying away from things of a syubhat nature is more advisable than taking risks that can cause losses.

The inheritance of cryptocurrencies is part of the development of modern inheritance law that must adapt to the emergence of digital assets. In inheritance law, basically all inherited property, both tangible and intangible, can be inherited to the heir according to applicable regulations. Cryptocurrency as a digital asset has economic value and can be categorized as part of the heir's wealth even if it is not tangible physically (Wiyono, 2026). Therefore, conceptually, cryptocurrency can be used as an object of inheritance because it fulfills the element as a property that has value and can be owned. However, in practice, the inheritance of crypto assets faces obstacles due to the lack of explicit regulations in Indonesian inheritance law (De Aprilia, Januardy, & Wulandari, 2025).

The main reason cryptocurrencies can be inherited is because of their nature as a digital asset that has economic value and is recognized as a commodity in the Indonesian legal system. Crypto assets are seen as assets that can be transferred to their ownership, including through an inheritance mechanism after the owner dies (Sari, Mandiana, & Paula, 2024). In addition, in inheritance law, the principle of automatic transfer of rights to heirs still applies to all inherited assets, including digital assets such as cryptocurrencies (Wiyono, 2026). However, the decentralized nature of cryptocurrencies based on a high security system (blockchain) is a challenge in the inheritance process. If access to crypto assets is not known to the heirs, then the asset practically cannot be inherited even though it is legally an inheritance.

In terms of law and practice, cryptocurrency inheritance poses a variety of new implications and problems. One of the impacts is the emergence of access difficulties for heirs due to security systems such as private keys and anonymity of ownership (Amalia et al., 2024). In addition, the lack of clarity on regulations regarding digital assets in Indonesian inheritance law causes potential disputes and legal uncertainty. From the perspective of Islamic law, cryptocurrencies are also still debated because they contain elements of uncertainty (gharar) and speculation that can affect the validity of the object of inheritance (Hamin, 2020). Therefore, regulatory updates are needed that are able to accommodate the development of digital assets so that the inheritance of cryptocurrencies can be carried out clearly, fairly, and provide legal certainty for the heirs (Ulya & Pambudi, 2024).

5. Conclusions

5.1 Conclusion

This study concludes that the legal status of cryptocurrency in Indonesia from a sharia perspective remains a subject of debate among Islamic scholars and religious institutions. The Majelis Ulama Indonesia (MUI) clearly prohibits the use of cryptocurrency as a transaction and investment instrument because it is considered to contain elements of uncertainty (gharar), speculation (maisir), and does not meet the criteria of a sharia-compliant medium of exchange. Nahdlatul Ulama (NU) presents diverse views: some scholars reject cryptocurrency because it lacks clear physical form and stable value, while others allow its use under certain conditions, such as the presence of clear benefits, transparent transactions, and adequate regulations. Muhammadiyah also considers cryptocurrency inappropriate as a medium of exchange or investment due to its speculative nature, the absence of underlying assets, and the lack of recognition as an official payment instrument in Indonesia. In the context of inheritance, cryptocurrency may be categorized as inheritable property when it is considered to meet the criteria of al-mal according to scholars who permit it. However, for those who follow the prohibition fatwas, such assets cannot be recognized as inheritance.

The main legal argument of this study is that the inheritance of cryptocurrencies should not be determined solely on the basis of their economic value. Instead, his legal status depends on whether he meets the requirements of Islamic law on inheritance (al-mal al-mutaqawwim), including legal ownership, compliance with sharia, and legal certainty. Therefore, cryptocurrencies cannot be automatically classified as inherited property under Indonesian Islamic law. This study contributes to the development of contemporary Islamic inheritance law by integrating the principles of Qur'anic inheritance, Indonesian digital asset regulation, and institutional fatwas into a single normative legal framework for analyzing cryptocurrency inheritance. These findings suggest that Indonesia needs a comprehensive legal framework governing cryptocurrency inheritance. The framework should clarify the legal status of cryptocurrencies as inherited property, establish procedures for the transfer of digital assets after death, and ensure consistency between national regulations and the principles of Islamic law.

5.2 Research Limitations

This study is limited to a normative analysis of religious fatwas and institutional perspectives regarding cryptocurrency in Indonesia. It does not include empirical data related to the practical management of crypto assets in inheritance cases. In addition, the study focuses only on the views of major Islamic organizations in Indonesia, so other scholarly opinions or international perspectives are not fully explored.

5.3 Suggestions and Directions for Future Research

The study's findings have several practical implications. For lawmakers, regulatory reforms are needed to establish legal certainty regarding the inheritance of cryptocurrencies, including legal recognition of digital assets, inheritance procedures, and digital ownership transfer mechanisms. For Islamic legal institutions, clearer practical guidelines are needed to reduce differences in legal interpretations regarding the inheritance of cryptocurrencies. For cryptocurrency owners, digital inheritance planning, including documentation of wallet ownership and access credentials, should be encouraged to facilitate inheritance distribution and protect the rights of beneficiaries.

Future research is recommended to conduct empirical studies on how digital assets, particularly cryptocurrencies, are managed in real inheritance cases. Further studies may also compare the perspectives of Islamic scholars in different countries or explore the development of regulatory frameworks governing digital assets. Expanding interdisciplinary approaches, such as combining Islamic law, financial technology, and regulatory studies, will help provide a more comprehensive understanding of digital inheritance in the modern era. Future studies should also examine judicial practice and comparative regulations concerning cryptocurrency inheritance in jurisdictions that have begun recognising digital estate planning.

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Author Contributions

AMJF initiated the research idea, first legal analysis, designed the study, and led the entire research process. AFF, MK, and SM contributed to the development of concepts, literature reviews, and legal references. MWY contributes to the refinement of research concepts, continuous legal analysis, manuscript editing, and critical revision of articles. All authors discuss the results, contribute to the final version of the manuscript, and approve the manuscript for publication.

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