

Article

Digital Legacy: Redefining Estate Law in the Age of Social Media and Virtual Assets

Joydeep Chowdhury

Department of Law, Faculty of Arts and Humanities, Sonargaon University (SU), Dhaka 147/I, Bangladesh

* Correspondence: joydeepchowdhury1511@gmail.com

Abstract: It is quite challenging to properly address the issues of digital assets and online identities by conventional estate rules in the era of digital technologies. Rising social media platforms, cryptocurrencies, non-fungible tokens (NFTs), and other virtual assets have made digital legacy complex. Current research highlights the constraints of existing estate laws for the administration of digital assets after death and the legal obstacles resulting from digital platform contractual limitations. The key challenges identified are assets classification, protection of privacy rights, and enforcement of policies on a wider scale. By comparing the global legal approaches and evolving trends in digital inheritance, a comprehensive framework including digital assets into estate planning has been proposed. A balanced legal framework ensuring fair distribution, protecting heirs' rights and building trust in the digital economy is the solution.

Keywords: digital legacy; estate law; digital assets; social media inheritance; virtual assets; legal reform

1. Introduction

Rapid expansion of digital platforms has created online identities and digital assets. A large population of people possesses cryptocurrency, non-fungible tokens (NFTs), digital art, and social media accounts. Traditional estate laws are unable to address these issues of digital legacy (Mali and Aswathy 2019). In conventional estate law, physical assets including but not limited to real estate, bank accounts, and personal property are transferred. Nowadays, people possess a variety of assets having financial, emotional and reputational value due to profiles on digital platforms. Existing legal systems poorly protect or cannot protect these assets¹ raising issues of digital inheritance for individuals and legal professionals.

Since digital assets are challenging to transfer after death, traditional estate law can't handle them. Contractual restrictions of many platforms prohibit inheritance of account ownership to successors.² Transnational nature of digital assets is also a big challenge as jurisdictional boundaries are blurred in the borderless domain of digital world. Absence of legal standards and practices exposes digital heirs to potential disputes and inequities (Razmetaeva et al. 2021).

The evolution of estate law has been historically centered on physical property ownership and succession. However, its transition into the digital age has revealed significant flaws, particularly concerning privacy, data protection, and cross-border inheritance. The current study bridges the gap between the somewhat stationary character of conventional estate law and the fast-changing digital domain. Theoretical and practical aspects of digital inheritance will help draft a fair legislative reform safeguarding the rights of digital heirs maintaining the integrity of the deceased's digital legacy (Saidakhrarovich et al. 2022). Analyzing current case studies, legislative instruments, and international legal methods will guide readers, legal practitioners, legislators, and estate planners for handling the complex digital inheritance. Given the transformation of personal assets' creation, management, and value, in the digital realm (Johnson 2024), this study is especially relevant in this digital era.

2. Digital Legacy

Digital legacy is the range of digital resources and online representations during a person's lifespan. Digital assets—financial, emotional, or reputational—are any material or electronic data

Citation: Joydeep Chowdhury. 2025. Digital Legacy: Redefining Estate Law in the Age of Social Media and Virtual Assets. *Legal Research & Analysis* 3(1), 51-56. <https://doi.org/10.69971/lra.3.1.2025.57>



Copyright: © 2025 by the authors. Submitted for possible open access publication under the terms and conditions of the Creative Commons Attribution (CC BY) license <https://creativecommons.org/licenses/by/4.0/>.

¹ UK Electronic Communications and Transactions Act, 2000. Available online: <https://www.legislation.gov.uk/ukpga/2000/7/contents> (accessed on 13 March 2025)

² UK Data Protection Act, 2018. Available online: <https://www.legislation.gov.uk/ukpga/2018/12/contents> (accessed on 13 March 2025)

having any worth. These assets encompass social media accounts, cryptocurrencies; non-fungible tokens (NFTs), digital art, blogs, emails, and allied online information (Mali and Aswathy 2019). Digital legacies catalyzed by rapid technological advancements and increasing reliance on digital platforms for personal, professional, and financial activities are the focus of researchers nowadays.

Digital legacy is a store of personal and private material that defines a major component of an individual's identity in the digital sphere and a mirror of one's online presence. Social media profiles include personal histories, while digital currencies and NFTs are financial indicators. Digital assets are intangible and often dispersed across multiple platforms, challenging traditional notions of asset management and inheritance.

Real land, cars, and tangible personal items—physical assets—have definite ownership records, a substantial presence, and their transfer processes is simple. Contrarily, digital assets are intangible subject to the terms of service enforced by digital platform companies.³ Unlike physical property, where ownership is usually absolute and legally acknowledged via conventional property rights, digital assets are controlled by complicated licensing agreements limiting the rights of the users. Hence, it's difficult to include digital assets into traditional estate planning systems.

Ownership of digital assets is impeded by contractual relationships that the user enters with service providers. Many digital platforms assert that users do not own their content outright; rather, they are granted a non-transferable license to access and use digital content.⁴ The rules and regulations of some social media platforms clearly exclude the account transfer on account holder death. In such cases, heirs may be deprived of inheriting digital assets in the same way as conventional physical or financial assets. This is challenging, especially where digital assets have great emotional or financial worth.

The fragmented digital assets—dispersed across several platforms and jurisdictions—make it difficult to determine the legal owner and access rights. Digital legacy of an individual exists on servers in several countries, each with its own legal framework (Razmetaeva et al. 2021) raising issues of jurisdictions, applicable laws, and the administration of digital asset rights. Digital legacy is based on law, technology, and human identity. It is necessary to review and change estate laws to fit the digital assets (Taherdoost 2023).

3. Estate Law in the Digital Age

Based on well-founded ideas of ownership and probate, traditional estate law helped manage the orderly transfer of tangible assets—land, personal property, and financial holdings. This law emerged from medieval practices governing the distribution of property upon death protecting family interests and ensuring social stability by defining property rights and succession (Birks 1982). With the industrial revolution followed by economic growth, estate law's covered financial instruments and intricate property configurations. However, these laws are for physical objects.

Conventional estate law does not consider the special legal position of digital assets, where ownership is more of a question of contractual responsibility than of property rights. Privacy issues complicate digital assets even more. From private chats to financial records, digital accounts often include sensitive personal information. The right to privacy of the dead must be weighed against the heirs' interests in estate management. Since traditional estate law does not guide on how personal data should be handled after death, the issue of postmortem privacy remains essentially unsolved. The General Data Protection Regulation (GDPR) in Europe and similar frameworks in other countries highlight the necessity of a strategy that protects the privacy of the dead while enabling the seamless transfer of digital assets.⁵

Data protection provides another layer of intricacy. Housed on servers in many countries, digital assets are subject to different legal rules. This might result in conflicting responsibilities between the executor of the estate and the digital service providers, who are constrained by local data protection rules limiting the exchange or movement of personal data (Razmetaeva et al. 2021). The impossibility of combining these rules within a cohesive legal framework emphasizes the inadequacy of conventional estate law in handling digital inheritance (Taherdoost 2023).

Blockchain technology is influencing estate management by secure, immutable records of asset ownership and transfer. Blockchain-based digital wills and smart contracts can automate the estate plans execution, ensuring transfer of digital assets according to the deceased's desires (Taherdoost 2023). Legislative proposals in various countries aim to include digital assets in the legal definition of property to bridge the gap (Johnson 2024).

4. Legal Challenges in Digital Inheritance

Ownership and Control of Digital Assets upon Death

Unlike tangible property, digital assets lack a universally recognized legal status. After death of an individual, the control and distribution of his digital estate is uncertain. Many digital platforms do not treat digital assets as property in the conventional sense. Instead, users are merely granted a limited, non-transferable license to access and use the content hosted on these platforms. Despite the emotional or financial value attached to a deceased person's digital presence, heirs have no legal recourse to claim these assets. If a user curates a portfolio of digital art or has considerable cryptocurrency, the platform's terms may stipulate that such assets cannot be inherited. This inherent discrepancy between user expectations and contractual reality challenges the notion of digital asset "ownership" after death, leaving a gap that current estate laws are not equipped to fill (Mali and Aswathy 2019).

Contractual Limitations Imposed by Digital Platforms

When individuals join social media networks or engage with online services, they agree to extensive terms of service (ToS) including clauses expressly prohibiting the transfer of account rights upon death. Such provisions protect the platforms' interests

³ Ibid,1.

⁴ Ibid,2.

⁵ European Union, General Data Protection Regulation 2016/679. <https://eur-lex.europa.eu/eli/reg/2016/679/oj/eng>

and ensure the integrity of the user experience but marginalize digital heirs. Several social media companies explicitly state that accounts are non-transferable, thus negating that digital content might form part of an estate.⁶ These contractual terms create a double bind; preserving the platform's control over user content and leaving a void in legal protection for the heirs of the deceased. The intersection of private contractual obligations and public legal expectations necessitates a reevaluation of existing norms to accommodate the digital heirs (Akramov et al. 2024).

Privacy Rights and the Public Nature of Digital Records

Digital assets frequently contain sensitive personal information. Online presence of this information makes it available for public scrutiny and commercial exploitation, creating a challenge for the deceased's posthumous privacy rights. General Data Protection Regulation (GDPR) in Europe protects personal data during a person's lifetime but is unclear in post-death issues.⁷

Significant following and the substantial commercial value of digital content of a digital influencer on various online platforms, makes it difficult in transferring control of her digital assets. The social media platforms maintained strict policies prohibiting any posthumous transfer of account access, forcing the estate to negotiate with the platform administrators. Similarly, an individual passes away leaving behind a sizable portfolio of digital currencies, but the keys to access these assets are stored exclusively in an online wallet governed by non-transferable access rights. Here, the heir's ability to inherit a potentially lucrative asset is undermined by contractual clauses embedded in the wallet's terms of service.

The ownership of digital assets upon death is complicated by the nature of digital licenses, while stringent contractual limitations imposed by digital platforms further obscure the legal rights of heirs. Privacy rights and the public availability of digital records create a grey regulatory area that defies easy resolution. Addressing these issues requires a rethinking of contractual and property law in the digital context (Jones 2023).

5. Global and Domestic Perspectives

United States

In the United States, digital inheritance is predominantly addressed at the state level. The Uniform Fiduciary Access to Digital Assets Act (UFADAA)⁸ was initially approved by the Uniform Law Commission (ULC) in 2014. Recognizing the need for refinements, the ULC introduced the Revised Uniform Fiduciary Access to Digital Assets Act (RUFADAA) in 2015, which provided a legal framework granting fiduciaries limited access to a decedent's digital estate. This was a significant step toward bridging the inherent limitations of non-transferable user agreements imposed by digital service providers. However, the decentralized nature of United States law, where individual states regulate estate planning, has led to inconsistencies in the adoption and enforcement of digital inheritance laws. As of today, while many states have enacted versions of RUFADAA, variations in implementation create legal uncertainty for executors and heirs (Davidson et al. 2016).

One of the fundamental challenges of digital inheritance in the United States is the conflict between state succession laws and federal data protection regulations, such as the Stored Communications Act (SCA)⁹ and the Computer Fraud and Abuse Act (CFAA).¹⁰ These federal laws were originally enacted to prevent unauthorized access to electronic communications but now inadvertently restrict fiduciaries from managing or accessing a decedent's digital assets. Service providers frequently cite these laws to deny access requests from estate administrators, even when the deceased people will explicitly grant such access. Consequently, this legal contradiction complicates estate administration and often results in prolonged litigation or asset loss (Mayasari et al. 2023).

Another pressing issue is the terms of service agreements imposed by major technology companies, which often override state inheritance laws. These agreements, set by platforms such as Google, Apple, and Facebook, dictate whether a deceased user's digital accounts can be accessed or transferred. In many cases, the default policy of these platforms is to restrict access, leading to the permanent loss of emails, social media content, and even digital financial holdings. While some companies now offer legacy planning tools—such as Google's Inactive Account Manager or Facebook's Legacy Contact feature—these measures are not standardized across all digital platforms. The inconsistency of these policies underscores the urgent need for a cohesive federal framework that ensures uniform protection and clarity for digital heirs (Agrawal 2022).

From a legal perspective, probate courts in the United States have also struggled with digital estate cases due to the lack of clear statutory guidance at the federal level. Unlike tangible assets, which can be easily identified and distributed under intestate succession laws, digital assets often require additional layers of authentication, verification, and legal approval before they can be accessed. Given their lack of technical knowledge or legal permission to access important digital documents, fiduciaries are burdened unnecessarily by this procedural complexity. Furthermore, complicating estate management are conflicts among heirs about ownership and access rights to sentimental digital assets include family pictures, personal blogs, or unpublished compositions (Wyczik 2024).

The global aspect of digital inheritance adds still another degree of difficulty. Many Americans save their digital assets on cloud servers housed in foreign countries, therefore exposing them to different legal systems. Because estate executors must negotiate with several countries with different data protection rules, this generates cross-border legal problems. The General Data Protection Regulation (GDPR) of the European Union, for instance, strictly controls data privacy and may thus preclude fiduciaries in

⁶ Facebook, Terms of Service, 2020. Available online: <https://www.facebook.com/terms> (accessed on 18 February 2025)

⁷ Ibid,5.

⁸ <https://www.uniformlaws.org/viewdocument/enactment-kit-68?CommunityKey=f7237fc4-74c2-4728-81c6-b39a91ecdf22&tab=librarydocuments>

⁹ <https://www.binnall.com/privacy-law/stored-communications-act/>

¹⁰ <https://www.nacdl.org/Landing/ComputerFraudandAbuseAct>

the United States from gaining access to online accounts of a deceased person should data be kept in Europe. This legal fragmentation emphasizes the need of global cooperation in creating harmonic rules on digital inheritance (Dondjio and Kazamias 2024).

Scholars and legislators call for a federal act harmonizing digital estate planning rules among all states in view of these difficulties. Establishing consistent rules for digital asset transferability, clarifying fiduciary rights, and resolving disputes between state and federal laws, needs a Federal Digital Estate Protection Act. Such legislation might also require that technology businesses guarantee adherence to state inheritance rules and offer uniform legacy planning tools. Without such a unified approach, the digital inheritance landscape in the United States will remain fragmented, leaving fiduciaries, heirs, and legal professionals struggling to manage the ever-growing complexity of digital estates (Juhász 2024).

While the introduction of the revised Uniform Fiduciary Access to Digital Assets Act¹¹ has been a progressive step, it remains insufficient in addressing the broader challenges of digital inheritance in the United States. The ongoing conflict between state laws, federal regulations, and corporate policies creates an environment of legal uncertainty, making estate administration increasingly difficult. A federal legal framework, combined with international cooperation, is essential to ensuring that digital assets are properly integrated into estate planning, protecting both the privacy of the deceased and the rights of their heirs (Szwajdler 2023).

European Union

The European Union relies on the General Data Protection Regulation (GDPR) as the primary legal framework governing data privacy; however, it does not explicitly regulate digital inheritance. The GDPR primarily focuses on protecting individuals' personal data and ensuring that data controllers process information lawfully, fairly, and transparently. Yet, it remains silent on the posthumous treatment of personal data, leaving a regulatory gap concerning whether and how digital assets should be transferred to heirs upon an individual's death (Szwajdler 2023).

This legal ambiguity has led to a fragmented approach across European Union member states. Some countries, such as France and Germany, have introduced legislative measures allowing heirs to claim access to certain digital assets, while others continue to rely on general succession laws that were originally designed for tangible property. France's Digital Republic Act (Loi pour une République numérique)¹², adopted in 2016, and explicitly grants individuals the right to determine the fate of their digital accounts after death.

Germany's Federal Court of Justice (Bundesgerichtshof) ruled in 2018 that digital assets, including social media accounts and emails, should be inheritable like physical property. The historic ruling resulted from a case in which the parents of a dead teen sought access to her Facebook page to better grasp the events leading up her death. The court ruled in favor of inheritance, emphasizing that digital communications should be treated similarly to letters and diaries in probate proceedings. This decision established a major precedent and strengthened the idea that digital legacies shouldn't be willfully withheld to heirs depending on terms of service agreements (Wyczik 2024).

While the European Union's eIDAS Regulation (Regulation (EU) No 910/2014)¹³ enables safe electronic transactions and digital identity identification, it does not directly handle inheritance problems. One important policy discussion is whether electronic signatures and digital identification should be included into estate planning so that people may name digital executors to handle their assets following death. The integration of eIDAS-based identity verification into digital estate planning could provide a standardized mechanism for verifying the rightful heirs and granting them controlled access to digital legacies (Dondjio and Kazamias 2024).

The lack of a cohesive European Union digital inheritance directive creates uncertainty not only for heirs but also for estate planners, legal professionals, and digital platform providers. The European Data Protection Board (EDPB), which oversees GDPR implementation, has yet to issue concrete guidelines on posthumous data rights. As a result, service providers such as Google, Apple, and Facebook continue to enforce their own terms of service, often refusing to grant heirs access to digital accounts without a court order. This inconsistency highlights the need for a comprehensive European Union legislative framework that can balance data protection principles with inheritance rights while maintaining legal certainty for both individuals and businesses (Juhász 2024).

Increasing reliance on cryptocurrencies and decentralized finance (DeFi) platforms presents unique challenges for European digital inheritance law. Unlike traditional bank accounts, which can be easily traced and managed through financial institutions, digital wallets and blockchain-based assets are often accessible only through private keys held by the owner. If these keys are lost or inaccessible, the assets may become permanently unrecoverable. This has led to calls for smart contract-based inheritance solutions, where digital wills and automated asset transfers can be programmed within blockchain networks, ensuring that heirs receive their rightful inheritance without requiring intervention from centralized authorities (Szwajdler 2023).

While the General Data Protection Regulation provides a foundational legal structure for privacy rights in the European Union, its silence on digital inheritance has led to fragmented national approaches. Countries such as France and Germany have taken proactive steps to incorporate digital asset succession into their legal frameworks, but a harmonized European Union directive remains absent. Given the transnational nature of digital assets, legal conflicts between European Union laws, foreign data protection regimes, and digital platform policies continue to create barriers for heirs. The need for comprehensive European Union legislation addressing digital inheritance has never been more pressing; especially as emerging technologies like blockchain and decentralized finance redefine asset ownership in the digital era (Davidson et al. 2016).

India

In India, digital inheritance is in its early stages. Traditionally, Indian succession law has focused on tangible assets such as land, buildings, and personal property, leaving digital assets—ranging from cryptocurrencies and non-fungible tokens to digital art

¹¹ <https://www.uniformlaws.org/committees/community-home?CommunityKey=f7237fc4-74c2-4728-81c6-b39a91ecd22>

¹² <https://www.fieldfisher.com/en/services/privacy-security-and-information/privacy-security-and-information-law-blog/france-adopts-digital-republic-law>

¹³ <https://eur-lex.europa.eu/eli/reg/2014/910/oj/eng>

and online accounts—in a legal grey area. Although the existing legal framework has long provided mechanisms for the orderly transfer of physical assets, it has not kept pace with the rapid evolution of digital technology and the emergence of valuable electronic assets.

These assets are frequently stored on servers that may be in multiple jurisdictions, which complicates the application of domestic laws and raises questions about cross-border legal enforcement. In this context, the interplay between privacy rights, contractual limitations, and property rights becomes even more intricate. The Information Technology Act of 2000¹⁴, for example, offers limited provisions regarding digital data, but it does not extend to the comprehensive management of digital estates, leaving a substantial gap in legal protection for digital heirs (Mayasari et al. 2023).

The importance of this issue is underscored by the growing economic value of digital assets in India. As more individuals accumulate digital wealth, whether through investments in digital currencies or the creation of online content, the absence of clear legal guidelines may result in disputes, mismanagement of assets, or even the loss of significant financial and sentimental value. Scholars argue that without legislative intervention, the current legal framework will continue to be inadequate for addressing the challenges posed by digital inheritance, thereby undermining the broader objectives of justice and equitable distribution of assets after death (Wyczik 2024).

Bangladesh

For Bangladesh, digital inheritance is important given the country's twin legal heritages of common law and Islamic jurisprudence. This patchwork of laws means that Bangladeshi succession laws have historically been framed in terms of the transfer of tangible, delineated property, such as land and deposits and tangible property, and those digital assets, from cryptos to social media accounts, lies outside the law's ambit. The explanation for the current statutory framework lies in the historical journey of the legal system whereas the British colonizers brought their legal tenets which were later modified to include Islamic principles which had their specific rules of inheritance and succession.

Bangladesh's common law legacy has long underlined the orderly movement of assets under well-defined probate and property rights. However, these ideas were founded in an era when tangible assets predominated and were enforceable through established legal systems and property documents. Conversely, Islamic law, which influences personal law for many people significantly, has a different set of inheritance rules based on religious belief. Islamic succession rules are detailed in their prescriptions for the distribution of a deceased person's estate among heirs, yet they do not contemplate digital assets at all, since these modern forms of property did not exist when the principles were originally formulated (Khan 2010)

This dual legal system creates inherent tensions when addressing digital inheritance. Common law approach, with its emphasis on codified statutes and judicial precedents, struggles to integrate intangible digital assets that are governed by complex licensing agreements and transnational data flows. Islamic jurisprudence, with its fixed shares and rigid allocation rules, offers little flexibility to accommodate the fluid and rapidly evolving nature of digital assets. The absence of explicit legal provisions for digital assets in either legal tradition leaves a significant gap in the regulatory framework, making it difficult to determine rightful ownership, valuation, and the method of transfer for digital legacies. This gap not only affects legal certainty but also creates practical challenges for executors and heirs who must navigate a system that was never designed to manage electronic or virtual property (Whish and Bailey 2015)

Furthermore, the absence of dedicated digital inheritance legislation in Bangladesh means that disputes over digital assets often fall to general contract law or are left unaddressed, resulting in a fragmented legal landscape. In practice, this has led to situations where heirs might be unable to access valuable digital assets, such as online financial accounts or intellectual property stored in digital form, simply because the contractual terms of service of the respective digital platforms preclude transferability. The resulting legal vacuum undermines both the economic value of digital assets and the personal, emotional, or reputational interests associated with them. This scenario is particularly troubling in an era where digital assets can represent significant portions of an individual's wealth and legacy, and where digital identity itself has become an essential aspect of personal and professional life (Bajpai 2018).

The need for reform is underscored by the rapid digital transformation occurring globally. In many jurisdictions, lawmakers are increasingly recognizing the importance of adapting traditional legal frameworks to the digital age. For instance, reforms such as the Revised Uniform Fiduciary Access to Digital Assets Act in the United States is an attempt to codify digital inheritance issues, offering a blueprint that could inform legal reforms in Bangladesh.¹⁵ Yet, given the country's unique dual legal heritage, any proposed reform must be carefully calibrated to align with both the common law principles that dominate commercial and property transactions and the established tenets of Islamic inheritance law that govern personal and family matters.

6. Proposing a New Legal Framework

Firstly, there is a need for unequivocal asset classification. Digital assets should be defined to facilitate proper valuation and transfer. Clear definitions will reduce disputes and ensure that heirs understand their rights when managing these assets (Jones 2023). Secondly, enhanced protection of privacy and data rights should be ensured. Digital estates often contain sensitive personal data, making it crucial to extend existing data protection regimes—such as the GDPR—into post-mortem contexts. This extension should protect the decedent's privacy while allowing heirs legitimate access to necessary digital information.¹⁶ Thirdly, cross-jurisdictional issues inherent in the digital world should be addressed. An effective framework can promote international cooperation and harmonize legal procedures, ensuring that conflicting national laws do not impede the transfer of digital legacies (Szwajdlar 2023).

¹⁴ <https://cleartax.in/s/it-act-2000>

¹⁵ United Nations Conference on Trade and Development, *Competition Policy and Economic Development: A Global Perspective* (New York: United Nations Conference on Trade and Development, 2016), 128–130

¹⁶ European Union, Regulation (EU) 2016/679 (GDPR)

Digital platforms should disclose their post-mortem asset management policies so that estate plans explicitly address digital assets. Legislators can incentivize the development of standardized digital estate planning tools and establish clear statutory guidelines that reconcile contractual limitations with inheritance rights.¹⁷ The role of digital trustees or custodians should be formalized to manage digital estates, navigating complex platform policies, and ensuring compliance with both privacy standards and cross-border legal requirements. The digital trustees will safeguard digital assets providing a much-needed point of accountability in an increasingly digitized asset landscape (Wyczik 2024). By enacting these reforms and recognizing the emerging role of digital trustees, lawmakers can ensure that digital heirs are properly protected, and that the deceased's digital legacy is managed in a manner befitting today's technological era.

7. Conclusions

Digital assets, from cryptocurrencies and NFTs to social media accounts and cloud-stored content, have highlighted the inability of traditional estate law to deal such issues. Existing inheritance frameworks, designed for tangible property, lack the legal mechanisms to govern digital wealth effectively. Key challenges include ownership ambiguities, restrictive contractual terms imposed by digital platforms, and jurisdictional conflicts arising from the intangible and borderless nature of digital estates. Digital assets risk being lost, inaccessible to heirs, or entangled in disputes in the absence of laws. Legal practitioners must educate clients on securing access to their digital legacies through estate planning,¹⁸ while digital platforms should establish standardized policies allowing users to designate beneficiaries for seamless asset transfer. Absence of international legal uniformity complicates enforcement, while corporate terms of service override inheritance rights. Balancing posthumous privacy with heirs' rights to access digital estate remains a legal and ethical dilemma. Future research should explore blockchain-based solutions, such as smart contracts for automated asset transfer and AI-driven digital estate management. Legal systems must evolve to ensure fair asset distribution and uphold the civil rights of both the deceased and their heirs.

References

- Agrawal, Kartik .2022. Legality of NFTS, Web 3.0, cryptocurrency & metaverse. *SSRN*. <https://ssrn.com/abstract=4452934>
- Akramov A., Akmaljon, Nilufar Kh. Rakhmonkulova, Odilbek T. Khazratkulov, Elnora E. Inamdjanova, Diyora I. Imamalieva, Shakhzoda R. Tuychieva, Sayidkomil B. Ibodullaev, Azamat E. Ergashev, Shokhrukh Khamidov, Nodira R. Rustamova. 2024. The Impact of Digitalization in Inheritance Law. *Qubahan Academic Journal* 4:100-134. <https://doi.org/10.48161/qaj.v4n3a863>.
- Birks, Peter. 1982. *An Introduction to the Law of Restitution*. Oxford University Press, London: UK.
- Davidson, Sinclair, De Filippi Primavera, Potts Jason 2016. Economics of blockchain. *SSRN*. <https://ssrn.com/abstract=2744751>
- Dondjio, Irene, Kazamias Andreas. 2024. *A Blockchain Framework for Digital Asset Ownership and Transfer in Succession*. In: Papadaki, Maria, Themistocleous Marinos, Al Marri, Khalid Al Zarouni Marwan. (Eds.) *Information Systems. EMCIS 2023*. Springer, Cham. https://doi.org/10.1007/978-3-031-56478-9_7
- Juhász, Ágnes. 2024. Inheriting digital assets – a glimpse into the future. *Juridical Tribune – Review of Comparative and International Law* 14: 547-563.
- Mali, Prashant G, Aswathy Prakash. 2019. Death in the era of perpetual digital afterlife: digital assets, posthumous legacy, ownership and its legal implications. *National Law School Journal* 15:124-141. <https://repository.nls.ac.in/nlsj/vol15/iss1/8>
- Mayasari, Lutfiana Dwi, Nur Triyono, Wulan Agustina, Beta Pujangga Mukti. 2023. Inheritance rights of inactive digital accounts: qiyās-based legal protection. *Al Hukama: The Indonesian Journal of Islamic Family Law* 13:1-26. <https://doi.org/10.15642/alhukama.2023.13.2.253-275>
- Razmetaeva, Yulia, Hanna Ponomarova, Iryna Bylya-Sabadash..2021. Jurisdictional issues in the digital age cuestiones jurisdiccionales en la era digital. *Revista de Derecho* 10 : 167-183. <https://doi.org/10.31207/ih.v10i1.240>
- Saidakhrarovich, Gulyamov Said, Akmaljon Anvarjon ugli Akramov, Gayrat Bolibek ugli Eshbayev.2022. Digitalization in inheritance law. *World Bulletin of Management and Law* 10 :18-30.
- Szwajdler, Paweł. 2023. Digital assets and inheritance law: How to create fundamental principles of digital succession system? *International Journal of Law and Information Technology* 31: 144–168. <https://doi.org/10.1093/ijlit/eaad014>
- Taherdoost, Hamed. 2023. Smart contracts in blockchain technology: a critical review. *Information* 14: 117. <https://doi.org/10.3390/info14020117>
- Whish, Richard, Bailey David. 2015. *Competition Law*. Oxford: Oxford University Press, London: UK.

¹⁷ National Conference of Commissioners on Uniform State Laws, Uniform Fiduciary Access to Digital Assets Act (2015)

¹⁸ Uniform Law Commission, *Revised Uniform Fiduciary Access to Digital Assets Act* (2015)