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LEGAL ANALYSIS OF THE INHERITANCE OF SOCIAL MEDIA ACCOUNTS FROM THE PERSPECTIVE OF CIVIL INHERITANCE LAW

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ABSTRACT

The rapid development of information technology has given rise to various forms of digital assets, including social media accounts, which now hold significant economic and sentimental value for their owners. The absence of a clear legal framework in Indonesia creates ambiguity and legal issues upon the death of an account owner, particularly regarding the status of the account in an estate. This raises important questions regarding the rights and obligations of heirs to access or manage these digital assets. Therefore, this study aims to analyze and legally describe the status of social media accounts as objects of inheritance from the perspective of Civil Inheritance Law.

This research uses a normative legal research method (doctrinal legal research), namely by examining primary, secondary, and tertiary legal materials. The approaches used include a statute approach and a conceptual approach. Data were collected through literature review and analyzed descriptively and qualitatively.

The research results show that social media accounts can be categorized as digital assets with two aspects of rights: property rights (economic value) and moral rights (privacy and identity). Under Civil Inheritance Law (BW), social media accounts are considered intangible assets that can be part of an inheritance. However, inheritance is hampered by the platform's terms of service, which mostly prohibit the transfer of rights or require account closure upon the owner's death. Therefore, inheritance of social media accounts cannot be done automatically but must be subject to the platform's Terms of Service, leading to two main solutions: first, permanent account closure, or second, account conversion into a memorial account. To address this conflict, national regulations governing digital inheritance are recommended, as well as the importance of account owners creating a digital will or using the legacy contact feature provided by social media platforms.

Keywords: Civil Inheritance Law, Social Media Accounts, Digital Inheritance, Intangible Assets, Personal Data Protection.

A. Introduction

The development and advancement of information and communication technology have significantly transformed people's social lives. One of the products of the current digital revolution is social media. Therefore, the increasing use of social media in Indonesia has undoubtedly not only impacted communication but also other aspects, such as social interaction and socio-cultural change.[1]

When**sese**When an account owner dies, legal issues arise regarding the ownership and inheritance of the digital account. In Indonesian civil inheritance law, there are no clear regulations governing the ownership and transfer of digital assets, such as social media accounts, to heirs. This situation creates legal uncertainty and a practical dilemma, as not all social media platforms provide access or formal legal procedures for transferring accounts to heirs.

Digital assets, including social media accounts, are now starting to be categorized as part of*digital estate*or digital heritage. These assets can include login information, personal data, and intellectual property rights embedded in the account. Recent research shows that digital assets have diverse legal implications because they involve contractual agreements between users and platform providers. Furthermore, not all national laws recognize rights to digital accounts as part of these assets. This difference in approach creates conflicts between local legal norms and the terms of service of global digital companies.[2]

In practice, many heirs experience difficulties in accessing or managing their social media accounts due to limited national legal frameworks and the absence of clear legal mechanisms. Meanwhile, digital service providers tend to implement policies that*non-transferability*This prohibits the transfer of accounts to third parties, including heirs. This creates a legal vacuum that threatens legal clarity and guarantees for the parties involved. This underscores the need for a comprehensive legal review of the status of social media accounts in Indonesian civil inheritance law.[3]

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[1] We Are Social; Kepios, Digital 2024: Indonesia, 2024, https://datareportal.com/reports/digital-2024-indonesia.accessed May 17, 2025 at 9:20 WIB

[2] Kateryna Nekit, "Social Media Accounts as an Object of Virtual Property," Masaryk University Journal of Law and Technology 14, no. 2 (September 23, 2020): 201–226.

[3] VN Gavrilov, "Inheritance Of Social-Media And Email Accounts," European Proceedings of Social and Behavioral Sciences (2022).

Several jurisdictions abroad have taken progressive steps to address this issue. For example, in the United States, the enactment of the Revised Uniform Fiduciary Access to Digital Assets Act (RUFADAA) provides a legal basis for heirs or fiduciaries to legally access digital assets.[4]This law emphasizes the importance of clear consent from the account owner, through a digital will or from the existing management system in the account, comparative research on policies such as this is very important to define a digital civil inheritance policy in Indonesia.

From a legal perspective in Indonesia, Law Number 27 of 2022 concerning Personal Data Protection stipulates that personal data continues to receive legal protection even after the owner dies.[5]However, the law does not provide certainty or clarity regarding who and under what conditions can access the data, thus creating a mismatch between personal data protection and inheritance law, this opens up a gap of tension and dispute that must be bridged systematically and through a process through legislative and jurisprudential approaches.

The existence of content on social media accounts is also related to intellectual property law. According to Law Number 28 of 2014 concerning Copyright, copyright is an exclusive, inheritable right.[6]Therefore, digital social media content, such as writings, photos, and videos from social media accounts, should be included in inheritances, as these contents and accounts have value. However, there are no regulations regarding how access rights to social media accounts should be granted to heirs.

With the approach*socio-legal*It also allows for an understanding of how law and society are intertwined, particularly in this area. Social media platforms, such as Instagram, Facebook, or Google, do have internal policies, such as "legacy contact" or "inactive account manager" features. However, these policies are unilateral and do not always accommodate national inheritance law principles.[7]

Regarding Inheritance Law, it is also contained in QS An Nisa' Verse 7:

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

[4] National Conference et al., “Revised Uniform Fiduciary Access To Digital Assets Act (2015),” no. 2015 (2016).

[5] “Law of the Republic of Indonesia Number 27 of 2022 Concerning Personal Data Protection,” State Gazette of the Republic of Indonesia 2022 Number 213 (Jakarta: Government of the Republic of Indonesia, 2022).

[6] “Law of the Republic of Indonesia Number 28 of 2014 Concerning Copyright” (Jakarta: Government of the Republic of Indonesia, 2014).

[7] Eleni Kosta, “Surviving Digital Death: A Legal Perspective,” Computer Law & Security Review 30, no. 6 (2014): 737–743.

It means :

"For men there is a right to a share of the inheritance of their parents and relatives, and for women there is a right to a share (also) from the inheritance of their parents and relatives, whether it is a little or a lot according to the portion that has been determined."

Therefore,From the various issues above, it is important to reconcile the law between societal and digital values and to develop a legal framework that clearly recognizes social media accounts as part of digital assets that can be inherited.

Thus, this study will analyze the status of social media accounts in the perspective of Indonesian civil inheritance law, using a normative and comparative approach. This study not only aims to clarify the legal position of social media accounts as inheritance objects, but also provides policy recommendations based on relevant legal studies and the latest global developments, so the author is interested in conducting research and writing a thesis with the title. "JURIDICAL ANALYSIS OF THE INHERITANCE OF SOCIAL MEDIA ACCOUNTS IN THE PERSPECTIVE OF CIVIL INHERITANCE LAW".

B. Research Methods

A study cannot be called research if it does not have a research method.[8] Research methods are one of the factors of a problem that will be discussed. The study was conducted using secondary data which was analyzed qualitatively using the Desk Research Method. The literature materials used in writing this research are several references originating from research results, studies, and reviews of several writings which are then summarized into a scientific paper.[9]

C. Discussion

1. The Position of Social Media Accounts as Objects of Inheritance from the Perspective of Civil Law in Indonesia

Regulations regarding inheritance law in Indonesia are currently highly varied and constantly evolving. This is due to the dynamic and pluralistic nature of Indonesian society. The types of inheritance law applicable in Indonesia are: Islamic inheritance law, Western

[8] Hanifah, I., Hariyanto, H., Ginting, L., Koto, I., & Syafriana, R. (2026). Legal Protection of Indonesia's Fisheries from Foreign Investment: A Social-State Approach. *Jurnal IUS Kajian Hukum dan Keadilan*, *14*(1).

[9] Simatupang, R. S. A., Hanifah, I., & Mansar, A. (2025). The Concept of Restitution as Legal Accountability in the Crime of Human Trafficking. Pena Justisia: Media Komunikasi dan Kajian Hukum, 24(1), 3554-3462.

inheritance law as outlined in the Civil Code (KUHPER), and customary inheritance law.[10]Inheritance law is defined as a set of regulations governing the rights and obligations of a person and their heirs. When someone dies, this has legal consequences, namely how the rights and obligations of the deceased are managed and continued. The settlement of the rights and obligations resulting from the legal event of death is regulated by Inheritance Law.[11]

The existing inheritance law in Indonesia is still not a unified law, as a result, the regulation of inheritance matters in Indonesia is still not uniform. The form and system of inheritance law are closely related to the form of society and the family system, while the family system in Indonesian society is based on the system of tracing the line of descent. The pluralistic inheritance law system in Indonesia is not only due to the diversity of customary family systems, but also because of the existence of three other legal systems, namely the Islamic inheritance law system which is based on and sourced from the holy book of the Qur'an and the Western Civil inheritance law which is a legacy of the Dutch East Indies era which is sourced from the Burgerlijk Wetboek (hereinafter referred to as the Civil Code) and the customary inheritance law system which is sourced from the customs or traditions that exist in society, which in the history of the law applies and is applied in Indonesia.[12]

One effort to renew the concept of objects is very visible in the formation of the Intellectual Property Rights Protection Law (IPR), which categorizes copyrights, patents, trademarks, trade secrets, and integrated circuit layout designs as objects. Furthermore, in its development, Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions created a new way of thinking about objects, where "information" was born as a concept of objects.[13]

With the advancement of technology, electronic-based information has emerged, known as electronic information. Article 1, number 1 of the ITE Law explicitly defines electronic information as follows:

“Electronic Information is one or a collection of electronic data, including but not limited to writing, sound, images, maps, designs, photographs, electronic data interchange (EDI), electronic mail, telegrams, telextelecopy or similar, letters, signs, numbers, Access

[10] Zulvyanita, F., & Handoko, W. (2023). “Efforts to Settlement Land Inheritance Distribution According to Customary Law Before a Notary”. Notarius, 16(2), 686-700.

[11] Khadapi, MA, Hamzani, AI, & Wildan, M. (2023). “Legal Review of Conflict Prevention in Inheritance Distribution According to Civil Law. Journal of Indonesian Islamic Studies (JSII), 1(1), 33-50.

[12]Ibid.,

[13]Ibid.,

Codes, symbols, or perforations that have been processed which have meaning or can be understood by people who are able to understand them."

The term "electronic information" can be equated with the term "digital assets," as both refer to collections of digital data stored on electronic media. This aligns with Abdul Salam's view that digital assets are essentially electronic information itself.[14]

One form of digital asset is YouTube and Instagram accounts. Analysis of whether YouTube and Instagram accounts can be categorized as objects is conducted through civil classification and a review of the definition of objects, both in Article 499 of the Civil Code, laws and regulations, and expert doctrine. Proof of the status of these YouTube and Instagram accounts is conducted by comparing the elements of the object with those of the YouTube and Instagram social media accounts.

Digital and virtual assets, despite their significant economic value, are not explicitly regulated in the Indonesian Civil Code, which largely focuses on physical property. These types of assets, including social media accounts, cryptocurrencies, and digital artwork such as NFTs (Non-Fungible Tokens), have distinct characteristics compared to physical items typically inherited. Social media accounts, for example, contain personal information and are linked to a person's digital identity, making them extremely difficult to inherit without their consent or direct access. Similarly, cryptocurrency stored in a digital wallet requires a private key known only to the owner, making it difficult to inherit if this information is not properly prepared before the testator's death. Digital artwork registered as NFTs also requires a more in-depth legal understanding of how copyright and ownership can be transferred to heirs.[15]

For example, many cases in Indonesia involve inheritance disputes related to social media accounts, where heirs attempt to access private accounts protected by passwords or other security mechanisms. The lack of clear regulations regarding access rights to these accounts, as well as the uncertainty regarding who has the right to manage or inherit them, has become an increasingly complex issue amidst the development of information technology. The same is true for cryptocurrency inheritances, where owners often leave no information regarding access to their digital wallets, resulting in the loss of value of these assets without the ability to inherit

[14]Mario Gunawan, N., Salam, A., & Hartiati, E. Op.,cit. page 11
[15]De Aprilia, D., Januardy, I., & Wulandari, VP Op.,cit. page 6

them.[16]Cases like these demonstrate the gaps in the civil law system that have not yet been able to meet the challenges of digital technology.

As described above, based on extensive interpretation, social media accounts are also considered inheritance under Civil Law. However, in its implementation, there are several obstacles to making social media a digital inheritance. This is because not all social media platforms contain clear regulations regarding the inheritance of their platforms. The main reason is that each social media platform is given the freedom to regulate this. Regulations regarding inheritance on social media can be included in the Terms of Service, Privacy Policy, and End User License Agreement, or other terms, adjusted to the social media platform's policies. One impact of this freedom is that not all social media platforms provide the opportunity to make their network accounts a digital inheritance. For example, Steam prohibits its users from giving their personal accounts to others, even as an inheritance.

However, some social media platforms offer the possibility of inheriting an account if the owner has passed away. For example, Facebook offers account owners two options: First, designating the deceased account as a memorialization account, meaning the account is used solely as a memorial to remember the deceased, without the ability to change its contents. Second, giving users the option to delete their Facebook account after death. In this case, Facebook allows users to make a choice before they die. This option also includes allowing users to determine a legacy contact if the account owner has passed away. In relation to Civil Law, this Facebook provision is known as a will. A will is a worldly message. In essence, a will contains not only messages but also assets entrusted to be used, according to the written instructions in the will.[17]

Unlike Facebook, Instagram currently only allows accounts to be memorialized after someone passes away. A memorial account remains in existence, but cannot be accessed or modified by anyone. Legacy settings are also available on the YouTube network, where a user can complete a form to request digital legacy status. However, the decision to recognize the legacy remains with the service provider, in this case YouTube.

The need for clearer regulations regarding the inheritance of digital and virtual assets is becoming increasingly urgent. Indonesian civil law, despite its long history, has not yet

[16]Ibid.,

[17]Yulida, D., Sahadewa, AAGAW, & Nugraha, X. (2024). The position of social media accounts as digital heritage from a civil law perspective in Indonesia. Kertha Wicaksana, 18(2), 52-61.

accommodated the changing times leading to the digitalization of social and economic life. Law No. 11 of 2008 concerning Electronic Information and Transactions (ITE), which was amended with the issuance of Law No. 1 of 2024 concerning the Second Amendment to the ITE Law, provides a basis for electronic transactions and personal data protection. However, this law focuses more on aspects of electronic transactions and cybercrime, rather than on the inheritance of digital assets. Meanwhile, Law No. 7 of 2011 concerning Currency provides regulations related to cryptocurrency, but does not include further provisions regarding the inheritance of cryptocurrency or other virtual assets.[18]

Clearer regulations regarding the inheritance of digital assets should address several important aspects, such as how to determine inheritance rights to digital assets, who has the right to access and manage those assets, and the mechanism for transferring rights to digital assets to heirs. For example, provisions should be in place that allow owners to determine who has the right to access their social media accounts or digital wallets after their death. This can be achieved through legal instruments such as wills or specific provisions in digital contracts, allowing account owners to determine who will manage their digital assets. Without clear regulations, inheritance disputes over digital assets involving social media accounts or cryptocurrency will become more frequent.[19]

In the context of the national legal system, the need for regulations explicitly governing the inheritance of digital assets, including social media accounts, is increasingly pressing as the economic and social value of these assets increases. Current provisions, such as the Civil Code and the Electronic Information and Transactions Law, do not provide legal clarity regarding the legal status of social media accounts as objects of inheritance. Yet, in practice, social media accounts often have real economic value, such as YouTube accounts that generate advertising revenue (monetization), Instagram accounts used for endorsements, or online business accounts with large follower bases.[20]

From a civil law perspective, for an object to be inherited, it must fulfill the elements of an "object" as defined in Article 499 of the Civil Code, namely anything that can be the object of ownership rights. By interpreting this article extensively, social media accounts can

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[18]DIKA, ANI (2024). ISLAMIC LEGAL ANALYSIS OF VIRTUAL CRYPTOCURRENCY BITCOIN AS AN INHERITANCE (A Study of Bitcoin in Indonesia) (Doctoral Dissertation, UIN Raden Intan Lampung).

[19] Heriyanto, H., Efendi, Y., & Wicaksono, T. (2024). Protection of heirs' rights to digital assets in Indonesia. Innovative Law: Journal of Social Law and Humanities, 1(2), 169-180.

[20]Syafrida & Elva Nuraina. (2022). Indonesian Cyber Law: Analysis and Development. Jakarta: Kencana. p. 137.

be considered intangible objects that have economic value and whose ownership can be transferred through certain legal instruments. This means that social media accounts can be categorized as "objects" in the modern legal sense, which includes digital assets based on electronic information.[21]

However, the legal aspects of property rights in the Civil Code remain closed, as emphasized in the numerus clausus principle, which states that only property rights determined by law are recognized. Therefore, to make social media accounts legally valid objects of inheritance, a reinterpretation of property law is required through a jurisprudential approach and the creation of new regulations that adapt to developments in information technology. In this case, lawmakers can expand the scope of the definition of property in the Civil Code by including digital assets as part of the legal objects that can be inherited. The recognition of social media accounts as objects of inheritance also has implications for aspects of the agreement between users and platform providers. The legal relationship between users and platforms such as Facebook, Instagram, or YouTube is essentially a contractual relationship regulated in the Terms of Service (ToS) and Privacy Policy.[22]

In these agreements, most platforms stipulate that accounts are personal and non-transferable. This provision creates a legal barrier for heirs to acquire rights to the account, even if the heir has invested time and resources economically in developing the account. Therefore, within the framework of Indonesian civil law, it can be concluded that the status of social media accounts as objects of inheritance falls into a gray area, as there are no regulations that expressly recognize or prohibit the inheritance of digital assets. In such situations, the legal approach that can be used is to apply the principle of freedom of contract as stipulated in Article 1338 of the Civil Code, which grants parties the freedom to regulate matters not regulated by law, as long as they do not conflict with public order and morality. Thus, the heir can create a digital will or testament that expressly regulates the transfer of rights to their social media account to specific heirs.[23]

Furthermore, the establishment of new, comprehensive regulations is essential to provide legal certainty. These regulations should include provisions on: The definition and classification of digital assets as inheritable legal objects. Mechanisms for transferring digital

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[21]Ibid,
[22]Subekti. (2008). Principles of Civil Law. Jakarta: Intermasa. p. 60.
[23]Ibid,

ownership and access rights, including regulations on data security and privacy. Obligations for digital platform providers to provide post-mortem access for account management. Legal recognition of digital wills, both in written and certified digital forms. With clear and integrated regulations, the rights of heirs can be protected, and the economic value of digital assets can continue to be utilized legally and responsibly. Moving forward, harmonization of national law and international practices, such as the Revised Uniform Fiduciary Access to Digital Assets Act (RUFADAA), needs to be considered to ensure Indonesia has legal standards that are adaptive to developments in the digital era.[24]

2. Legal Analysis of the Inheritance of Social Media Accounts Based on Civil Law Provisions in Indonesia

From a property law perspective, digital assets can be categorized as intangible movable property due to their flexible nature and character. These assets easily follow the owner's wishes and can be quickly transferred via digital networks and the internet. Digital assets are stored on electronic devices or servers, and they can be transferred between digital wallets using a network connection. For example, Bitcoin can be transferred from cold storage to a mobile wallet as needed.[25]

Based on these characteristics, digital assets meet the criteria for objects within the context of property law. Their ability to be owned, stored, and transferred at the owner's discretion makes them relevant for further analysis as legal objects, particularly in the application of the fiduciary guarantee concept. This opens up opportunities for integrating digital assets into existing legal frameworks, while also presenting challenges in ensuring regulations that align with the unique nature of technology-based digital assets.[26]

Indonesia's pluralistic inheritance system applies two distinct written inheritance laws: the Civil Code (KUHPerdata) and the Compilation of Islamic Law (KHI). Each of these legal systems has distinct provisions regarding the objects of inheritance, the subjects of inheritance, and the inheritance mechanism:

a. An inheritance object is anything that can be passed from the testator to his or her heirs, namely property or wealth owned by a person and whose ownership can be transferred

[24]Anggraini, M. & Rachman, F. (2023). The Urgency of Digital Inheritance Regulation in Indonesian Civil Law. Lex Renaissance Journal, Vol. 7 No. 1: 44–46.
[25]Ibid.,
[26]Ibid.,

upon that person's death. Inheritance objects include various types of property, both physical and non-physical.

b. The subject of inheritance is anything that can be passed from the testator to his or her heirs upon the testator's death. Inheritance objects include inherited property, including movable and immovable property, including digital assets such as trading accounts and crypto assets, which are now recognized as part of inheritance under Indonesian law.[27]
c. Inheritance Mechanism is the process or procedure for transferring ownership rights to inherited assets from the heir to the heirs after the heir dies. In the context of Islamic law in Indonesia, this mechanism regulates how property, including digital property, is transferred to heirs in accordance with faraid provisions taken from the Koran and applicable positive law.[28]

These two inheritance laws do not specifically address digital inheritance. However, several articles can be used as a basis. For example, Article 832 of the Civil Code, which regulates inheritance rights and the general distribution of inheritance, can be used as a basis for including digital assets as part of the inheritance that can be passed on to heirs. The Compilation of Islamic Law (KHI) mentions Article 171 of the KHI, which regulates inheritance provisions, including the rights of heirs and the general distribution of inheritance. This article can be used as a basis for including digital assets as part of the inheritance that can be passed on to heirs.[29]Although these two inheritance laws do not detail digital inheritance, they can serve as a basis for addressing digital inheritance issues. Therefore, regulation of digital asset inheritance is crucial, as the rapid development of electronic technology makes legal regulation of this inheritance essential.

One of the major challenges in inheriting digital assets is the difficulty in identifying and verifying digital assets owned by the deceased. Unlike physical assets, which are clearly identifiable and easy to verify, digital assets are often hidden online and can be difficult to trace. Social media accounts, for example, are not always registered under the owner's real

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[27]Aristawati, AD, & Permana, MYG (2023). The Position of Trading Accounts as Objects of Inheritance According to the Perspective of Indonesian Law and Islamic Law. BUSTANUL FUQAHA: Journal of Islamic Law, 4(3), 378-395.

[28]Thahir, RZ, & Mu'minah, N. (2024). Inheritance Law for Digital Assets: An Islamic Legal Perspective in Indonesia. AL-BAY': Journal of Islamic Economic Law, 3(1), 39-55.

[29]Maiyori, C., Harianto, W., & Rizana, R. (2024). Legal Review of Heirs' Responsibilities According to the Compilation of Islamic Law and the Civil Code Regarding Inheritance in the Form of Debt in Indonesia. Multidisciplinary Scientific Work Journal (JURKIM), 4(1), 47-53.

name and may be locked with a password known only to the owner. Similarly, digital wallets for cryptocurrency require private keys accessible only to the owner, making it difficult for family members or heirs without access to this information to inherit the deceased's digital assets. In some cases, heirs may be unaware of the existence of certain digital assets, especially if the previous owner did not leave clear instructions regarding the asset's information.[30]

This problem is further exacerbated by the lack of clarity in existing regulations, as the Civil Code, which governs inheritance in Indonesia, does not yet clearly address how to inherit digital or virtual assets. Current civil law focuses more on physical property and does not yet address technological developments that have created new types of assets such as digital accounts, cryptocurrencies, or NFTs (Non-Fungible Tokens). Consequently, many heirs are forced to confront legal obstacles that existing provisions cannot overcome. In this regard, Law No. 1 of 2024 concerning the Second Amendment to Law No. 11 of 2008 concerning Electronic Information and Transactions (ITE) provides a broader legal basis for electronic transactions and personal data protection, but still does not provide clear guidance regarding the inheritance of digital assets. Similarly, although Law No. 7 of 2011 concerning Currency regulates cryptocurrency, the transfer of cryptocurrency rights through inheritance is not yet clearly regulated.[31]

Technical and security challenges also pose significant challenges in the inheritance process for digital assets. Many digital assets are protected by stringent security measures, such as passwords or two-factor authentication. While these measures are intended to protect the privacy and security of account holders, they also pose significant obstacles for heirs attempting to access these accounts after the owner's death.[32]For example, in the case of cryptocurrency, owners must possess the private key to access their digital wallet. If the owner does not leave behind this private key information, the digital assets cannot be accessed by heirs. Furthermore, another security concern is the potential for hacking or unauthorized access to digital accounts, which can add complexity to the inheritance process and increase the risk of data misuse.

[30]Ibid.,
[31]Ibid.,
[32] Budiyanto, D., & Mabruri, M. (2025, February). The Importance of Cybersecurity in the Digital Era: A Global Review and Conditions in Indonesia. In Proceedings of the National Seminar on Science and Technology "SainTek" (Vol. 2, No. 1, pp. 981-994).

In terms of making social media a digital legacy, updates are needed in the legal rules governing inheritance, including: First, long-term legal improvements. First; Changes contained in Law Number 5 of 1960 concerning Basic Agrarian Principles (UUPU), namely: Article 30 UUPA: Regulates land and property rights. It is necessary to consider including social media, digital data, and digital assets as part of 'property rights'. Furthermore, Article 35 UUPA, which regulates inheritance rights. It needs to be revised to explicitly include digital inheritance as part of inherited assets that can be passed down to heirs.[33]

For long-term legal improvements, existing laws can be revised. One relevant revision is the Civil Code, specifically Articles 830 and 856. These articles regulate inheritance and the distribution of inherited property. It is important to consider whether these articles also cover digital inheritance, and if not, to add specific provisions specifically addressing digital inheritance. Changes are also needed to Articles 992-1015 of the Civil Code, which regulate the distribution of inheritance assets among heirs. These should be revised to include digital inheritance as part of the inheritance assets that can be divided among heirs.

Inheritance law in the United States is based on a common law system that governs the transfer of a person's assets after death. Digital inheritance regulations in the United States are regulated by the Revised Uniform Fiduciary Access to Digital Assets Act (RUFADAA). This specifically addresses digital inheritance in several articles, but the core of the regulations are found in Sections 3 through 7, which regulate the rights of a fiduciary (inheritance manager) to access and manage the testator's digital assets after the testator's death or incapacity.

RUFADAA was established by the United States Uniform Law Commission with the aim of standardizing legal provisions for the states of the United States regarding inheritance issues regarding digital assets, especially regarding opening access to digital assets, so that it can be used as a guideline for courts and the public. Until 2023, it was recorded that 47 states in the United States had implemented RUFADAA.

Section 3 governs applicability, clarifying the scope of the act and the fiduciaries who have access to digital assets under Revised UFADAA, and carves out an exception for digital assets of an employer used by an employee during the ordinary course of business.[34]

[33] Devi Yulida, Anak Agung Gede Ananta Wijaya Sahadewa, and Xavier Nugraha. Op.,cit. page 60

[34] Revised Uniform Fiduciary Access To Digital Assets Act, page 6

This means that the Revised Uniform Fiduciary Access to Digital Assets Act (RUFADAA) Article 5: Provides that the terms of service governing online accounts apply to both the fiduciary and the user, and clarifies that the fiduciary cannot take any action that the user is not legally able to take.

Digital inheritance techniques in U.S. inheritance law, in the context of RUFADAA, involve several steps and legal considerations aimed at ensuring that digital assets can be inherited and properly managed upon the owner's death or incapacity. These techniques include:[35]

1. Digital Legacy Planning
2. Fiduciary Appointment
3. Fiduciary Access to Digital Assets
4. Obligations of Digital Service Providers
5. Digital Asset Management by Fiduciary
6. Privacy Protection
7. Dispute Resolution

An example of a digital account inheritance case in Indonesia that occurred is the Apple iCloud account inheritance case. This case began with a man who died leaving his iCloud account to his spouse. The account contained files, documents, emails, photos, videos, coupons, gift cards, and access to other e-commerce accounts. The applicant's spouse was unable to access the account because they lacked the password. Apple's request for access was denied unless a court order was issued. Ultimately, the court ruled that accounts such as iCloud, email accounts, social media accounts, and digital wallets were part of the estate. Therefore, the applicant, as the heir, was entitled to access the account, and Apple was required to grant access in accordance with the court's order. This case illustrates the conflict between inheritance rights and the protection of account holder privacy by digital service providers.

Essentially, the situation in these cases is the same: there are obstacles preventing the service provider from providing the account held by the testator as part of the inheritance. These obstacles arise from the service provider's desire to protect the account owner's privacy.

[35]Mohammad Nor Hadi, 2025, "Digital Inheritance Regulation: Study of Inheritance Law in Indonesia, Inheritance Law Revised Uniform Fiduciary Access to Digital Assets Act in the United States and Inheritance Law Burgerliches Gesetzbuch in Germany", Thesis, Bachelor Program, Family Law Study Program

Each service provider ensures the security of the account owner's privacy by regulating this in its service and privacy policies.

Even if not pursued through court proceedings, account inheritance is still possible. In this case, the actions that can be taken refer to the inheritance methods prepared by the testator, namely through gifts and wills. These inheritance methods allow the account owner to include the username and password of the account they wish to inherit in the gift or will. This is possible because it is difficult to recover the password using existing mechanisms, which would be difficult for both the heirs and creditors of the deceased testator. Therefore, to prevent such problems, as long as the digital asset holder has a will, it is permitted to include a unique access code. Including digital assets in a will has become a common choice for clients.[36]

In Indonesia, wills or gifts containing digital assets are virtually non-existent, or have not yet been implemented. In data searches, the private nature of wills or gifts makes it difficult to find examples of wills or gifts containing digital assets. However, the form of a will or gift itself is not specified. Therefore, it is certainly possible for the testator to include parts of their digital assets in a will or gift.

However, the main problem that arises is the inconsistency between the characteristics of classical property law in the Civil Code and the intangible and network-based digital reality. According to Article 503 of the Civil Code, objects are divided into tangible and intangible, but it does not include forms of objects that exist solely in the digital world. In this context, social media accounts can be included in the category of intangible objects that have economic value, because they can generate income from digital commercial activities such as endorsements or advertising revenue. Furthermore, when viewed from the perspective of inheritance law in the Civil Code, Article 830 of the Civil Code states that "inheritance only occurs due to death," and according to Article 832 of the Civil Code, the right to inherit only arises for those who are still alive at the time of the testator's death. This provision does not limit the types of assets that can be inherited only to tangible objects, so doctrinally there is no legal obstacle for digital assets, including social media accounts, to be included in the category of inherited assets, as long as ownership can be proven and have useful value.[37]

3. The Relevance of Inheritance Law Principles in Application to Inheritance Objects in the Form of Social Media Accounts

[36] Kharitonova, J.S. (2021). Digital assets and digital inheritance. Law & Digital Technologies, 1(1), 19-26.
[37] Ibid,

Essentially, the transfer of a person's assets to their heirs, known as inheritance, occurs after death. Therefore, the elements of inheritance have three requirements, including:

1. There are people who have died;
2. There are people who are still alive who will receive an inheritance when the testator dies;
3. There are a number of assets left by the heirs.

One of the important things to know before solving inheritance problems is determining the amount of inheritance. For this, the marital status of the testator must be seen, whether the testator was married (bound by marriage to another person) during his lifetime or not. If the testator dies and does not leave a wife or husband (not married), then all of his wealth is his own, so that it all becomes inheritance, while for people who are married (have a family), then the wealth in the family cannot be said to belong entirely to the wife or all to the husband. For this, it is necessary to first look at the legal regulations governing the family's wealth, or the law on marital property, namely whether the wealth is regulated based on the principle of unity of property (Civil Code) or regulated based on the principle of separation of property (Law Number 1 of 1971 concerning Marriage).[38]

The development of digital technology has transformed the concept of asset ownership, including inheritance. Digitalization has given rise to new forms of wealth, such as social media accounts, cryptocurrencies, and virtual assets, which require specific legal arrangements.[39]Regarding the rapid development of science and technology, it certainly has a great influence on new legal issues that are not found in Islamic legal sources or classical fiqh books.[40]

In inheritance law, several principles are known, including:[41]

1. The principle of "le mort saisit le vif" or known as the right of saisine.
2. Individual Principle
3. Bilateral Principle
4. Principle of Equality
5. Principle of Death

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[38]Ibid.,

[39] Bahram, M. (2025). Reorienting the Role of Law in Facing Technological Disruption: A Normative Study of Digital Regulation in Indonesia. Sinergi: Journal of Scientific Research, 2(3), 1691-1702.

[40]Sa'adah, SLA (2012). Transformation from Classical Jurisprudence to Contemporary Jurisprudence: An Offer to Discover Islamic Law through the Double Movement Method. Jurnal Falasifa, 3(1), 135-150.

[41]Djaja S. Meliala, 2018, Inheritance Law according to the Civil Code, Bandung: Nuansa Aulia, page 3.

The principles of civil inheritance law are the basic rules that guide the interpretation, application, and resolution of disputes in the distribution of inheritance. The emergence of digital assets, including social media accounts, forces a reexamination of the relationship between traditional inheritance law principles and the specific nature of digital assets: intangible, often bound by contracts (terms of service), and possessing diverse privacy dimensions and economic value. Most contemporary studies assert that without normative adjustments, the application of traditional principles to social media accounts will result in uncertainty and practical inconsistency.[42]

The principle of legal certainty requires clear norms so that related parties (heirs, executors of wills, service providers) can predict the legal consequences. Regarding digital assets, ambiguity arises from three sources: (1) the Civil Code does not explicitly mention digital assets; (2) platform contracts (TOS) often limit or exclude transfers; (3) proof of ownership/technical access is not always available. Therefore, the implementation of the principle of legal certainty requires harmonization between national civil law and platform contractual rules or the creation of special rules (e.g., fiduciary access mechanisms). Indonesian legal literature recommends norm reform (additional definitions of digital assets and transfer rules) to ensure legal certainty for heirs.[43]

Issues with social media accounts include: how to assess the economic value of accounts (e.g., monetized accounts, endorsements), whether accounts are part of joint assets (dowry/joint assets), and how to include personal accounts (memories, personal messages) in inheritance quantification. To fulfill the principle of distributive justice, a valuation method and criteria for including digital assets in inheritance inventories are required; several Indonesian researchers have outlined initial methods for valuing digital assets and including them in inheritance lists. The principle of distributive justice in inheritance law emphasizes fair distribution according to inheritance provisions (legitimate shares, wills).[44]

The principle of protection of proprietary rights affirms the protection of legal rights over the deceased's assets. If a social media account is recognized as part of the estate

[42] Heriyanto, H., Efendi, Y., & Wicaksono, T. Op.,cit.page 5

[43] Sendrawan, T., Agustina, R., Makarim, E., Nefi, A., & Ipfelkofer, JRIS (2025). Optimizing the Role of Notaries in Digital Property Inheritance: A Comparative Legal Analysis. Indonesian Law Review, 15(2), 2.

[44]Januar Syandi Farizki, 2025, "The Urgency of Inheritance Law Regarding NFT (Non-Fungible Token) Digital Assets in Indonesia", Thesis, Undergraduate Program, Law Study Program, Pancasakti University, Tegal, Tegal, page 12

(intangible property rights), then the heirs' right to control or utilize the account must be recognized as long as it does not conflict with other laws (e.g., personal data protection) and contractual clauses. However, practice demonstrates a conflict between the recognition of proprietary rights and the provisions of the Terms of Service (TOS) that state that the account is non-transferable or require special post-mortem procedures (memorialization). Therefore, the protection of proprietary rights in the context of digital accounts requires a procedural mechanism (court order, fiduciary authority) so that the property rights recognized in civil law can be effectively accessed.[45]

From the perspective of public interest and privacy protection, inheriting social media accounts cannot be done freely. Although heirs have the right to inherit the estate, full access to social media accounts can violate the privacy of third parties who interact with the testator online. Therefore, legal regulations governing the inheritance of digital assets must balance the rights of heirs with the principles of personal data protection as stipulated in Law Number 27 of 2022 concerning Personal Data Protection.[46]

The principles of civil inheritance law remain relevant as a basic normative framework for handling the inheritance of social media accounts; however, their practical relevance depends on normative adjustments and technical mechanisms. Conceptually, the principles of legal certainty, distributive justice, protection of property rights, freedom of will, and administrative efficiency can all be operationalized for social media accounts if they are accompanied by: (a) legal recognition of digital assets; (b) clear fiduciary access rules or court procedures; (c) valuation mechanisms; and (d) balanced privacy protection. Recent literature in Indonesia consistently recommends normative reforms and administrative guidelines to effectively realize this relevance.[47]

Beyond these normative and technical aspects, it is important to examine the relevance of inheritance law principles to the development of the digital ownership doctrine, which is beginning to be adopted in several countries. For example, jurisdictions like the United States, through the Revised Uniform Fiduciary Access to Digital Assets Act (RUFADAA), have provided a legal basis for heirs or executors of wills to access the digital assets of a deceased

[45]Ibid.,

[46] Yolanda, MK, Paramitha, CL, & Putra, MRS (2024). Exploring digital assets inheritance: A comparative study of transnational legal frameworks and practices. AURELIA: Indonesian Journal of Research and Community Service, 4(1), 942-951.

[47]*Ibid.,*

person. This regulation demonstrates recognition of the principle of "le mort saisit le vif" in the digital context, where the rights and obligations of an account owner are automatically transferred to the heirs, while maintaining the limits of privacy protection and the public interest.[48]

In Indonesia, there are no explicit regulations governing the transfer or inheritance of social media accounts. However, general principles in the Civil Code and the principles of inheritance law can still serve as an interpretative basis. For example, the principle of equality can be applied in determining the order in which heirs have the right to access digital assets, while the principle of bilaterality ensures that digital inheritance rights are not limited to either the paternal or maternal line, but equally distributed across both. Furthermore, the principle of freedom of testation is also highly relevant in the context of digital assets. Heirs should be given the freedom to determine how their social media accounts will be treated after death—whether to be deleted, transferred, or memorialized. Therefore, the Indonesian legal system can accommodate a "digital will," a legal document that explicitly contains instructions for the management of digital assets after death. Implementing this digital will will strengthen the principle of legal certainty and avoid disputes between heirs.[49]

From a sociological legal perspective, the application of inheritance principles to digital assets must also consider the cultural and social values of Indonesian society. Social media accounts not only have economic value, but also emotional and symbolic value, such as family memories or personal track records. Therefore, the formation of legal norms governing the inheritance of digital assets must be multidimensional, combining civil law approaches, personal data protection law, and prevailing social ethics. Therefore, the relevance of inheritance law principles in dealing with the development of inherited objects in the form of social media accounts requires a reinterpretation and actualization of norms in accordance with technological dynamics. Future legal reforms should include: Adding provisions to the Civil Code or derivative regulations that define digital assets as part of inheritable assets.[50]

From the perspective of legal reform theory, the emergence of digital inheritance requires a reconstruction of classical inheritance law principles to align with the development of a digital society. Principles such as "le mort saisit le vif" remain relevant, but need to be

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[48]Kurniawan, R. (2024). Legal Certainty in the Inheritance of Virtual Assets in Indonesia. Indonesian Journal of Legislation. Vol. 21 No. 1. pp. 55–67.

[49]Ibid,

[50]*Ibid,*

reinterpreted to accommodate digital mechanisms that do not automatically allow for the transfer of accounts or data. Therefore, these principles must be complemented by new legal instruments such as fiduciary access permits, digital court orders, or authentication mechanisms through electronic notaries (cyber notaries).[51]

In the long term, establishing a comprehensive digital inheritance legal system will provide significant benefits, both in terms of legal certainty, administrative efficiency, and protection of heirs' rights. The state can facilitate the creation of a national digital inheritance database integrated with the population system, so that digital assets are no longer scattered and cause future disputes. This legal update will also demonstrate that Indonesian inheritance law principles are dynamic and adaptive to changing times, rather than static or outdated.[52]

In addition to legal norm reforms, strengthening institutional capacity is also a crucial factor in the implementation of digital inheritance law. Institutions such as notaries, religious courts, and civil administration institutions need clear authority and operational guidelines for handling digital asset inheritance cases. Notaries, for example, can play a role in digitally recording wills or testaments through a blockchain-based system to ensure the authenticity and security of legal documents. This way, the principles of legal certainty and property rights protection can be implemented more effectively in the digital realm.

From the perspective of integrated legal theory, updating digital inheritance norms must consider three main dimensions: the normative dimension (formal legal rules), the empirical dimension (social and cultural practices), and the philosophical dimension (values of justice and humanity). This approach ensures that the laws created are not only adaptive to technology but also responsive to the humanitarian values entrenched in Indonesian society. Comparatively, several countries in Southeast Asia have begun formulating provisions on digital inheritance. For example, Singapore, through its Digital Legacy Planning Guide, has encouraged individuals to manage their digital assets from an early age, while Malaysia is developing a digital asset management policy within its Estate Planning Framework. These steps can serve as a reference for Indonesia in developing a digital inheritance law model that is contextual, progressive, and in line with Pancasila values. By adopting similar policies,

[51]Gunawan, T. (2023). The Role of Notaries in the Validation of Digital Wills (Cyber Notary) in Indonesia. Indonesian Notary Journal, Vol. 6 No. 2, pp. 55–68.

[52]Ibid,

Indonesia will not only keep pace with global developments but also demonstrate its readiness to face the era of digital transformation with sovereignty and justice.[53]

D. Conclusion

Based on the results of previous research and discussions, the following conclusions can be drawn Social media accounts can be categorized as digital assets with legal and economic value, conceptually allowing them to be inherited. However, the legal status of these accounts depends on the state's formal recognition of digital assets as intangible property. In practice, the inheritance of social media accounts still depends on the policies of each platform (e.g., the Terms of Service of Facebook, Instagram, and YouTube), which are generally non-transferable. Therefore, national legal recognition of digital accounts as inherited assets still requires a clear normative basis.

Under the provisions of the Civil Code (KUHPerdata), inheritance encompasses all rights and obligations that can be valued in money (Articles 830–875 of the Civil Code). Therefore, social media accounts can be categorized as inherited assets if they have economic value or property rights inherent in their owners. However, due to the lack of specific regulations, inheriting social media accounts in Indonesia still faces legal and administrative challenges, such as conflicts between heirs' ownership rights and data privacy provisions in Law Number 27 of 2022 concerning Personal Data Protection.

The principles of inheritance law applicable in the Indonesian Civil Code, such as legal certainty, distributive justice, protection of property rights, and freedom of will, remain relevant in regulating the inheritance of digital assets, including social media accounts. However, their application requires adaptation to the context of information technology. The principle of distributive justice demands that all forms of property, including digital assets, be fairly inherited by heirs. Meanwhile, the principle of legal certainty requires explicit written regulations to avoid ambiguity in interpretation between agencies. The application of the principle of property rights protection also needs to be expanded to cyberspace, as ownership of data, content, and digital accounts constitutes personal expression and intellectual property. Therefore, inheritance law reform is needed to take into account the digital dimension as part of modern inheritance. The inheritance of social media accounts in the future should not only

[53]Ibid,

be viewed from a civil law perspective, but also encompass aspects of cyber law, digital ethics, and user privacy rights.

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