
Digital Inheritance And Islamic Legal Reform: Recognizing Monetized Digital Assets As Inheritable Property

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Abstract

The digital era has significantly transformed the social, cultural, and economic landscape, including inheritance. A new phenomenon has emerged: digital inheritance in the form of digital inheritance. When a person who owns digital assets dies, the rights to the income from those digital assets become part of the digital inheritance that can be passed on to their heirs. The distribution of inheritance in the digital era has given rise to new disputes in the context of inheritance law. This study aims to analyze the reality of the development of digital assets in Indonesia, the distribution of Islamic inheritance assets, the urgency of establishing the law on the distribution of digital inheritance assets, and an analysis of the method for determining the law on the distribution of digital inheritance assets according to Islamic law. This study is a qualitative study with a normative approach combined with netnography (virtual ethnography) with virtual data sources through digital platforms. Data were collected through observations on relevant digital platforms, including social media and other online platforms used by the Indonesian Muslim community. The results of this study indicate that the reality of digital assets in Indonesia has given rise to digital assets with high economic value, equivalent to conventional assets. The principle of Islamic inheritance distribution through farā'id provisions does not differentiate between types of assets, so that valuable and legally owned digital assets are included in tirkah, which must be distributed to heirs after fulfilling sharia obligations. The urgency of establishing digital inheritance law is in line with maqāṣid al-syarī'ah in maintaining assets, descendants, and family order. The method of determining digital inheritance law is carried out through contemporary ijihad with the qiyās approach, maṣlahah mursalah, and maqāṣid al-syarī'ah, so that the distribution follows farā'id with a management mechanism that adapts to the character of digital assets.

Keywords: Monetized Digital Assets; Qiyās; Islamic Inheritance Law

Abstrak

Era digital telah mengubah lanskap sosial, budaya, dan ekonomi secara signifikan, termasuk dalam hal warisan. Saat ini, muncul fenomena baru, yaitu warisan digital berupa harta waris digital. Ketika seseorang yang memiliki aset digital meninggal dunia, hak atas pendapatan aset digital

tersebut menjadi bagian dari harta waris digital yang dapat diturunkan kepada ahli warisnya. Pembagian warisan di era digital menimbulkan sengketa baru dalam konteks hukum waris. Penelitian ini bertujuan untuk menganalisis realitas perkembangan harta digital di Indonesia, pembagian harta waris Islam, urgensi penetapan hukum harta waris digital, dan analisis metode penetapan hukum pembagian harta waris digital menurut hukum Islam. Penelitian ini merupakan penelitian kualitatif dengan pendekatan normatif yang dipadukan dengan metode netnografi (etnografi virtual) dengan sumber data virtual melalui platform digital. Data dikumpulkan melalui observasi pada platform-platform digital yang relevan, termasuk media sosial dan platform online lainnya yang digunakan oleh masyarakat Muslim Indonesia. Hasil penelitian ini menunjukkan bahwa realitas harta digital di Indonesia telah melahirkan aset digital bernilai ekonomi tinggi setara dengan harta konvensional. Prinsip pembagian waris Islam melalui ketentuan *farā'id* tidak membedakan jenis harta, sehingga aset digital yang bernilai dan dimiliki secara sah termasuk *tirkah* yang wajib dibagikan kepada ahli waris setelah dipenuhi kewajiban *syar'i*. Urgensi penetapan hukum waris digital sejalan dengan *maqāsid al-syarī'ah* dalam menjaga harta, keturunan, dan ketertiban keluarga. Metode penetapan hukum waris digital dilakukan melalui ijtihad kontemporer dengan pendekatan *qiyās*, *maṣlaḥah mursalah*, dan *maqāsid al-syarī'ah*, sehingga pembagiannya mengikuti *farā'id* dengan mekanisme pengelolaan yang menyesuaikan karakter aset digital.

Kata Kunci: Aset Digital Termonetisasi; Qiyās; Hukum Waris Islam

Introduction

The digital era has significantly transformed the global economic and social systems, including in matters concerning the ownership and inheritance of property.¹ Digital transformation has led to the emergence of new forms of intangible wealth, such as social media assets, cryptocurrencies, and digital income. In Indonesia, the phenomenon of digital inheritance has begun to attract attention as more individuals generate income through digital platforms such as YouTube and TikTok.² When a content creator passes away, active accounts often continue to generate revenue through YouTube AdSense and TikTok. This situation frequently gives rise to disputes regarding who is entitled to the income generated after the account owner's death.³ Therefore, this research is built on the *Maslahah Mursalah* framework and the theory of Distributive Justice to provide a normative basis for recognizing digital assets as objects of

¹ Tendri Hardiyansyah, Benyy Djaja, dan Maman Sudirman, "Transforming Inheritance Law in the Digital Era: Challenges, Opportunities, and Adaptive Strategies for Indonesia," *Jurnal Al-Hakim: Jurnal Ilmiah Mahasiswa, Studi Syariah, Hukum dan Filantropi* 2, no. 2 (2024): 243–52, <https://doi.org/10.22515/jurnalalhakim.v6i2.10174>.

² Gema Bangsawan, "Kebijakan Akselerasi Transformasi Digital di Indonesia: Peluang dan Tantangan untuk Pengembangan Ekonomi Kreatif," *Jurnal Studi Kebijakan Publik* 2, no. 1 (2023): 27–40, <https://doi.org/10.21787/jskp.2.2023.27-40>.

³ Muhammad Raihan Amu Institut Agama Islam Negeri Manado et al., "Menjembatani Teknologi dan Syariah: Tinjauan Hukum Islam atas Monetisasi YouTube AdSense," *Journal of Islamic Economics Law* 4, no. 1 (2024): 54–72.

inheritance. In contrast to commutative justice, which is oriented towards equal exchange, distributive justice provides space for recognizing intangible contributions, including the economic value generated from digital activities, so that the distribution of digital assets to heirs can be carried out proportionally, fairly, and in accordance with the objectives of Islamic law in realizing the benefit.⁴

Several developed countries, such as the United States⁵, Germany, and Australia⁶ have demonstrated that digital assets are legally recognized within the context of inheritance law. These countries have established regulatory frameworks that facilitate access to and distribution of digital assets following the death of the owner. In Muslim-majority countries such as Malaysia⁷ through the “Islamic Digital Inheritance Framework” initiative, and Dubai⁸ in the United Arab Emirates through the DIFC, discussions and implementation concerning digital asset inheritance have also begun to emerge. Nevertheless, in Indonesia, digital inheritance assets remain unregulated by law. Therefore, Indonesia needs to draw lessons from the best practices of other countries in order to establish a comprehensive legal framework aligned with the principles of justice. The formulation of similar policies may be integrated into the national inheritance law system through revisions to the Compilation of Islamic Law (KHI) concerning the forms of sharia-based digital inheritance assets. Accordingly, such legal reformulation is essential to ensure legal certainty, protect the rights of heirs, and uphold the principles of social justice within Indonesian Islamic law. The Compilation of Islamic Law reinforces this concept by establishing the marriage certificate as the sole valid proof of a marriage. Therefore, inheritance distribution must clearly establish the origin of the marriage upon the death of one of the parties.⁹

Previous studies have highlighted the importance of regulating digital assets from an Islamic perspective. Wahab et al. (2024) proposed an Islamic estate planning framework for digital assets

⁴ Imam Sucipto, Didin Komarudin, dan Ofa Ch Pudin, “Kedudukan Harta Bersama Dalam Kewarisan Islam (Studi Komparatif Pemikiran Ulama Klasik dan Praktik Hukum Keluarga di Indonesia),” *Jurnal Al-Ihkam* 18. no. 1 (2026): 70–85. <https://doi.org/10.20414/alihkam>

⁵ Aleksei Volos, “Digitalization of Society and Objects of Hereditary Succession in Germany,” *Legal Issues in the Digital Age* 3, no. 3 (2022): 68–85, <https://doi.org/10.17323/2713-2749.2022.3.68.85>.

⁶ Andrew Reeves et al., “Digital Inheritance: Australian User Preferences and Future Solutions to Protect Posthumous User Data,” *IFIP Advances in Information and Communication Technology* 722 IFIP (2025): 213–27, https://doi.org/10.1007/978-3-031-72563-0_15.

⁷ Muhammad Amrullah Drs Nasrul et al., “An Overview of the Inheritance Legal System in Malaysia and Indonesia: Issues Faced by Both Countries,” *Journal of Shariah Law Research* 6, no. 2 (2021): 181–200.

⁸ Umi Khusnul Khotimah, “The Law of Gender Justice in Digital Inheritance Distribution: A Fiqh Perspective on Crypto Assets and Non-Fungible Tokens in Dubai,” *Sasi* 31, no. 2 (2025): 130, <https://doi.org/10.47268/sasi.v31i2.2929>.

⁹ Saufan Hadana et al., “Problematika Pencantuman Status Perkawinan ‘Belum Tercatat’ dalam Kartu Keluarga,” *Jurnal Al-Ihkam* 18 no. 1 (2026): 26–46. <https://doi.org/10.20414/alihkam>

such as cryptocurrencies in Malaysia.¹⁰ Meanwhile, Abd Rahman (2021) emphasized the necessity of redefining the concept of property within Islamic inheritance jurisprudence in order to encompass digital assets (USIM JMIFR).¹¹ In Indonesia, research conducted by Rahmawati (2023) identified a legal vacuum concerning the distribution of digital assets after death, particularly due to the absence of both religious fatwas and positive legal regulations governing such matters.¹² However, no previous study has specifically examined digital asset income as a form of digital inheritance within the context of Muslim society in Indonesia. Therefore, this research seeks to fill the existing gap in the literature through an empirical and normative analysis of the practices of Muslim communities within the digital sphere.

The distribution of digital inheritance assets in Indonesia has not yet been explicitly regulated under the prevailing laws and regulations. The absence of positive legal norms governing digital assets as objects of inheritance creates legal uncertainty for society, particularly for Muslims who wish to distribute property in accordance with Sharia principles. Consequently, when disputes arise concerning digital assets left behind by deceased owners, such matters are generally resolved solely through family agreements without clear legal guidelines. This condition demonstrates the existence of a legal vacuum that necessitates integration between Islamic law, national positive law, and digital technology policies. Therefore, conceptual and normative efforts are required to develop a legal framework for digital inheritance that is consistent with the principles of *maqāṣid al-sharī'ah* as well as the characteristics of the Indonesian legal system. The recognition and regulation of digital assets as objects of inheritance not only aims to ensure legal certainty and prevent disputes between heirs, but also an effort to realize the main objectives of Islamic law (*Maqāṣid al-Syarī'ah*). In this context, a clear determination of the status of digital assets before the inheritance distribution process takes place reflects the implementation of the protection function of assets (*ḥifẓ al-māl*) through securing ownership rights and fair distribution, as well as protecting the continuity of life (*ḥifẓ al-nafs*) by ensuring the fulfillment of the economic rights of the heirs who are entitled to receive them.¹³

¹⁰ Norazlina Abd Wahab et al., “a Proposed Framework of Islamic Inheritance and Estate Planning of Digital Assets: the Malaysian Case of Crypto Assets,” *ISRA International Journal of Islamic Finance* 16, no. 2 (2024): 45–64, <https://doi.org/10.55188/ijif.v16i2.713>.

¹¹ Siti Nurhidayah Md Tahir et al., “Digital Assets from Islamic Perspective (2019-2024),” *The Journal of Muamalat and Islamic Finance Research* 22, no. 1 (2025): 85–101, <https://doi.org/10.33102/jmifr.635>.

¹² Saila Salsabila, “Digital Inheritance and Legal Vacuums: Implications For Legal Certainty In Indonesia,” *Proceeding ICILF 2025 International Conference on “Inclusive Legal Futures : Islamic Perspectives, 2025*, 398–415.

¹³ Imam Sucipto, Didin Komarudin, dan Ofa Ch Pudin, “Kedudukan Harta Bersama Dalam Kewarisan Islam (Studi Komparatif Pemikiran Ulama Klasik dan Praktik Hukum Keluarga di Indonesia),” *Jurnal Al-Ihkam* 18, no. 1 (2026): 70–85. <https://doi.org/10.20414/alihkam>

Methodology

This study employed a qualitative research design with a juridical-normative approach integrated with netnography (virtual ethnography). This combined approach was chosen to examine digital heritage not only from the perspective of Islamic legal norms but also from the perspective of social realities and practices emerging in the digital environment. This research is descriptive-analytical, aiming to provide an in-depth understanding of the legal status of monetized digital assets and their potential recognition as inheritance under Islamic law.

Normative data was collected through a literature review of primary and secondary legal sources, including the Quran, Hadith, Ijma', Qiyas, classical and contemporary fiqh literature, the Compilation of Islamic Law (KHI), and regulations related to digital assets and inheritance. Meanwhile, netnographic data was collected through non-participatory observation of publicly accessible digital platforms, including YouTube, Facebook, X (formerly Twitter), online discussion forums, and digital creator communities. This observation focused on discussions, user interactions, and public responses regarding digital assets, content monetization, digital ownership, and the transfer of digital accounts after death. Data collection was conducted over a period of several months, until mid-2026. The selected data consisted of posts, comments, discussion threads, and digital narratives directly relevant to issues of digital ownership, inheritance, and economic rights related to digital assets.

Data analysis was conducted in three stages. First, a normative analysis was conducted by identifying and interpreting Islamic legal principles relevant to property rights, inheritance, and the concept of *māl mutaqaawam*. Second, the netnographic data was coded, broken down, and analyzed thematically to identify recurring social patterns, perceptions, and practices regarding digital inheritance. Third, both datasets were examined through a socio-legal analytical framework, where empirical findings from the digital realm were compared with Islamic legal principles to assess the extent to which monetized digital assets can be recognized as inheritance. This integrative approach allows this study to formulate contemporary Islamic legal arguments grounded in normative doctrine and evolving social realities.

Findings and Discussion

1. The Reality of the Development of Digital Assets in Indonesia

The development of the digital economy in Indonesia has given rise to the phenomenon of digital assets, whereby income generated from digital platforms has evolved into highly valuable assets within the new economic ecosystem. These sources of digital wealth now function not only as active income derived from creative activities, but also as forms of digital property possessing

economic value and capable of being inherited. Based on reports from various credible media outlets such as Youtube and Tiktok, the earnings of Indonesian digital creators have reached extraordinary figures, comparable to the value of medium- to large-scale conventional businesses.¹⁴ This phenomenon demonstrates a shift in the economic structure of society from a traditional labor system toward a digital labor economy, in which creativity and algorithms have become the primary sources of wealth production. Consequently, income derived from digital channels is no longer merely personal revenue, but has also become part of an asset portfolio possessing legal value and capable of being categorized as inheritance property.¹⁵ Accordingly, the digital era has introduced a new paradigm within Islamic economic law, particularly concerning the management and inheritance of platform-based digital assets.

The monetization system on YouTube operates through the YouTube Partner Program (YPP), whereby creators earn revenue from advertisements displayed on their videos.¹⁶ Revenue is calculated based on the cost per mille (CPM) and cost per click (CPC) models, which depend on the number of views, audience location, and the type of advertisements displayed. In addition, YouTube provides supplementary income through features such as Super Chat, Channel Memberships, and YouTube Premium Revenue Share, enabling creators to receive a portion of subscription revenue from paid users. In Indonesia, the average CPM value ranges from approximately USD 0.5 to USD 3 per one thousand views, with variations depending on the content niche and audience engagement. Meanwhile, TikTok implements a monetization system through the TikTok Creator Fund and TikTok Pulse Revenue Share, whereby creators receive a share of advertising revenue based on engagement rates and video view counts.¹⁷ TikTok also offers additional monetization opportunities through brand partnerships, live gifts, and affiliate marketing. Both systems transform digital accounts into productive assets capable of continuously generating income even after the death of the account owner.¹⁸

One of the most prominent examples of digital economic success in Indonesia is RANS Entertainment, a channel owned by the celebrity couple Raffi Ahmad and Nagita Slavina. This

¹⁴ Hardiyansyah, Djaja, dan Sudirman, "Transforming Inheritance Law in the Digital Era: Challenges, Opportunities, and Adaptive Strategies for Indonesia."

¹⁵ Bangsawan, "Kebijakan Akselerasi Transformasi Digital di Indonesia: Peluang dan Tantangan untuk Pengembangan Ekonomi Kreatif."

¹⁶ Zaky Ramadhan, Syabbul Bachri, dan Dwi Fidhayanti, "The Law of Inheritance of Monetized YouTube Channels in Indonesia: An Exploration of Legal Theory and Crowdfunding Theory," *Istinbath: Jurnal Hukum* 22 (2025): 139–67.

¹⁷ Diana Novita, Pratiwi Pratiwi, dan Moch Maulana Anton, "TikTok Account Branding Technique for Monetization," *International Journal of Social Science* 3, no. 4 (2023): 515–18, <https://doi.org/10.53625/ijss.v3i4.7152>.

¹⁸ Mahmud Zaeni, "Kedudukan Youtube dan Hasil youtuber sebagai harta Peninggalan menurut hukum kewarisan," <https://digilib.uin-suka.ac.id/id/eprint/51910/>

YouTube channel has approximately 26.6 million subscribers, with total views exceeding 6.37 billion.¹⁹ The estimated monthly revenue of the channel ranges from USD 14,800 to USD 237,400, equivalent to approximately IDR 522 million to IDR 3.5 billion. Some reports have even suggested significantly higher earning potential, ranging from USD 5 million to USD 79.5 million per month, equivalent to approximately IDR 81 billion to IDR 1.2 trillion, depending on CPM rates and the number of views generated.²⁰ Such substantial earnings demonstrate that RANS Entertainment is not merely an entertainment channel, but also a productive digital economic entity with the potential to be inherited by the lawful heirs upon the death of its owners. Accordingly, a YouTube channel may be categorized as a digital asset possessing both legal and economic value, as it has a measurable market value and may be inherited in the same manner as other forms of tangible and intangible property.²¹

Another prominent figure who reflects the strength of the digital economy in Indonesia is Willie Salim, a young creator with an extraordinary cross-platform reach. His YouTube channel has approximately 39 million subscribers,²² while his TikTok account, @williesalim, has around 86, 9 million followers, making him one of the creators with the largest audiences in Southeast Asia.²³ His estimated earnings from YouTube range from approximately USD 45,000 to USD 714,000 per month, equivalent to around IDR 742 million to IDR 11.7 billion. In addition, each of his TikTok videos is estimated to generate between USD 6,790 and USD 16,975, or approximately IDR 111 million to IDR 279 million.²⁴ When total revenue across all platforms is calculated cumulatively, Willie Salim's earning potential is estimated to reach approximately IDR 3.3 billion per month, making him one of the highest-earning independent content creators in Indonesia. This success demonstrates that the profession of content creator has evolved into a legitimate form of

¹⁹ Dalam akun Youtube @Rans Entertainment https://youtube.com/@ransentertainment?si=CpwL_2whZWhRzU6U diakses 6 Juni 2026

²⁰ Budi Arista Romadhoni, "Terbongkar! Penghasilan YouTube Rans Entertainment Bikin Melongo, Sehari Kalahkan Harga Mobil Baru Fuji," *Suara.Com*, 2024, <https://doi.org/https://www.suara.com/otomotif/2024/07/30/122606/terbongkar-penghasilan-youtube-rans-entertainment-bikin-melongo-sehari-kalahkan-harga-mobil-baru-fuji>. Diakses pada 5 October 2025.

²¹ Dalam akun Youtube @Raamadaani <https://youtube.com/shorts/SloyHprFswU?si=eWgE57MBaIXvtfXV> diakses pada tanggal 6 Juni 2026.

²² Dalam akun Youtube @williesalim <https://youtube.com/@williesalim?si=FezjyNdqOkanSQld> diakses pada tanggal 6 Juni 2026

²³ Dalam Akun Tiktok @williesalim https://www.tiktok.com/@williesalim?_r=1&t=ZS-970QqUly82a diakses pada tanggal 6 Juni 2026.

²⁴ Melvina Tionardus and Tri Susanto Setiawan, "Sosok Willie Salim, Penghasilan hingga Ditegur Helmy Yahya soal Rendang 200 Kg Hilang di Palembang," *Kompas.com*, 2025, <https://doi.org/https://www.kompas.com/hype/read/2025/03/24/091438666/sosok-willie-salim-penghasilan-hingga-ditegur-helmy-yahya-soal-rendang-200>. Accessed on 5 October 2025.

digital economic enterprise and is increasingly recognized within the practice of Indonesia's online commercial ecosystem.

Meanwhile, Meicy Villia, popularly known as Vilmei, also demonstrates significant growth in the digital economy among female content creators in Indonesia. Her YouTube channel has approximately 24.3 million subscribers,²⁵ with total views exceeding 10 billion, generating estimated monthly revenue ranging from USD 72,700 to USD 1.2 million, or approximately IDR 1.1 billion to IDR 18.7 billion.²⁶ On TikTok, her account @vilmeijuga has around 64.4 million followers, further expanding her earning potential through short-form video monetization, brand advertising, and sponsored challenges. The case of Vilmei illustrates that women also play a significant role in the transformation of the digital economy, where financial independence can be achieved through highly valuable digital creativity. Moreover, the income generated from these channels demonstrates that intangible assets, such as digital accounts, have acquired tangible economic value within the modern economic system.

The reality of these substantial earnings demonstrates that digital income has now become comparable to conventional economic assets such as land, gold, and financial investments. Therefore, within the context of Islamic inheritance law in Indonesia, income generated from digital channels should be regarded as part of digital inheritance assets that may be transferred to lawful heirs. The economic value produced by these creators highlights the urgent need for clear and comprehensive national regulations governing the inheritance of digital assets, including issues related to account ownership, royalty rights, and the distribution of income generated from the continued management of such accounts after the death of the account owner. By referring to the principle of justice embodied in Presidential Instruction Number 1 of 1991 concerning the Compilation of Islamic Law (*Kompilasi Hukum Islam*), digital assets may be expressly regulated and formally recognized as inheritable property.

2. Distribution of Inheritance under Islamic Law

The system for the distribution of inheritance under Islamic law in Indonesia is founded upon sharia principles derived from the Qur'an, Hadith, and *ijmā'* (scholarly consensus), and subsequently codified in the Compilation of Islamic Law (*Kompilasi Hukum Islam* or KHI), which was promulgated through Presidential Instruction Number 1 of 1991.²⁷ Islamic inheritance law

²⁵ Dalam akun youtube @Vilmei <https://youtube.com/@vilmei?si=KUbnGLaTR8CyK8md> diakses pada 6 Juni 2026

²⁶ Azkia Nurfajrina, "10 Youtuber Terkaya di Indonesia 2024, Ada yang Penghasilannya Capai Miliaran Baca artikel detikfinance, '10 Youtuber Terkaya di Indonesia 2024, Ada yang Penghasilannya Capai Miliaran' selengkapnya <https://finance.detik.com/berita-ekonomi-bisnis/d-7241862>," *Finance Detik.com*, 2024.

²⁷ Abdul Ghofur Anshori, "Sources and Legal Principles of Islamic Inheritance Dynamics in Indonesia," *Journal Equity of Law and Governance* 2, no. 2 (2022): 157–65, <https://doi.org/10.55637/elg.2.2.5767.157-165>.

emphasizes the principle of proportional justice by allocating specific shares to lawful heirs, including children, parents, husbands or wives, and siblings, as prescribed in Qur'an, Surah An-Nisa (4): 11–12.²⁸

QS. an-Nisa (4): 11

يُوصِيكُمُ اللَّهُ فِي أَوْلَادِكُمْ لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثِيَيْنِ فَإِنْ كُنَّ نِسَاءً فَوْقَ اثْنَتَيْنِ فَلَهُنَّ ثُلُثَا مَا تَرَكَ وَإِنْ كَانَتْ وَاحِدَةً فَلَهَا النِّصْفُ وَلِأَبَوَيْهِ لِكُلِّ وَاحِدٍ مِّنْهُمَا السُّدُسُ مِمَّا تَرَكَ إِنْ كَانَ لَهُ وَلَدٌ فَإِنْ لَمْ يَكُنْ لَهُ وَلَدٌ وَوَرِثَهُ أَبُوهُ فَلِلْمَوْلَةِ ثُلُثُ مَا تَرَكَ إِنْ كَانَ لَهُ إِخْوَةٌ فَلِلْمَوْلَةِ السُّدُسُ مِنْ بَعْدِ وَصِيَّةٍ يُوصِي بِهَا أَوْ دَيْنٍ آبَاؤُكُمْ وَأَبْنَاؤُكُمْ لَا تَدْرُونَ أَيُّهُمْ أَقْرَبُ لَكُمْ نَفَعًا فَرِيضَةٌ مِنَ اللَّهِ إِنَّ اللَّهَ كَانَ عَلِيمًا حَكِيمًا

“Allah commands you concerning the distribution of inheritance among your children: the share of a male shall be equal to that of two females. If there are only daughters, two or more, they shall receive two-thirds of the estate left by the deceased; if there is only one daughter, she shall receive one-half. For each of the deceased’s parents, one-sixth of the estate shall be allotted if the deceased left children. If the deceased left no children and the parents are the sole heirs, the mother shall receive one-third. If the deceased left siblings, the mother shall receive one-sixth, after the payment of any bequest he may have made and any debts. You do not know which of your parents or your children are nearest to you in benefit. This is an obligation ordained by Allah. Indeed, Allah is All-Knowing, All-Wise.”

According to the *asbāb al-nuzūl* (occasion of revelation) of this verse, as narrated in a hadith reported by Jabir ibn Abdullah and recorded by Musnad Ahmad, Sunan Abu Dawud, and Jami' at-Tirmidhi, the wife of Sa'd ibn Rabi' came to Muhammad and said: “O Messenger of Allah, these are the two daughters of Sa'd ibn Rabi'. He was martyred in the Battle of Uhud, and their paternal uncle took all of his property, leaving them with nothing. They will not be able to marry unless they possess property.” The Messenger of Allah replied, “Allah will decide concerning this matter.” Thereafter, the verse on inheritance was revealed. The Prophet then summoned the girls’ uncle and said, “Give two-thirds of Sa'd’s estate to his two daughters, give one-eighth to their mother, and take the remainder for yourself.” In this verse, Allah sets forth a mandatory injunction requiring legally accountable Muslims (*mukallaf*) to distribute inheritance to the children left behind by the deceased, whether male or female. Where the heirs consist of both sons and daughters, each son is entitled to a share equal to that of two daughters.²⁹

The wisdom behind the rule that a son receives a share equal to that of two daughters lies in the fact that he bears the financial responsibility of providing maintenance (*nafaqah*) for himself, his wife, and his children. In contrast, a woman is responsible only for her own personal needs, and after marriage her maintenance becomes the legal obligation of her husband. Accordingly, the larger share allocated to a male heir reflects the greater financial burdens imposed upon him under

²⁸ Muhammad Nur et al., “From Text to Context: The Role of Kyai in Shaping Modern Islamic Inheritance Law,” *Al-Manahij: Jurnal Kajian Hukum Islam* 19, no. 1 (2025): 31–50, <https://doi.org/10.24090/mnh.v19i1.9762>.

²⁹ Imam As-Suyuthi, *Lubāb Al-Nuqūl Fī Asbāb Al-Nuzūl* (Beirut: Dār al-Kutub al-‘Ilmiyyah, 2002), 49.

Islamic law. Children and other lawful heirs are, in principle, entitled to inherit from the deceased, unless they are disqualified by specific legal impediments. These impediments include differences in religion between the deceased and the heir, the unlawful killing of the deceased by the prospective heir, slavery, and the special rule that the property of prophets is not subject to inheritance. These inheritance provisions constitute divine law and must be observed because they embody principles of justice and public benefit (*maṣlahah*) for humankind. Scholars of *uṣūl al-fiqh* explain that the legal rationale (*'illah*) underlying these inheritance rules is rooted in three principal aspects:³⁰

a. Financial Responsibility (*Nafaqah*)

In the Islamic social system, men bear greater financial obligations, including the payment of *mahr* (dower), the provision of maintenance for the family, and the responsibility to ensure economic protection. Therefore, the larger inheritance share allocated to male heirs is based on their legal responsibilities rather than constituting a privilege.

b. Public Benefit and Family Equilibrium (*Maṣlahah*)

The objective of this distribution is to preserve family balance and to ensure proportional justice within the family structure. By allocating inheritance according to each heir's respective obligations and responsibilities, Islamic law seeks to safeguard the welfare and financial stability of the household.

c. Divine Justice (*al-'adl al-tanwī'ī*)

The distribution of inheritance reflects a form of divine justice that emphasizes proportional fairness. This concept ensures that each heir receives a share corresponding to their legal duties and socio-economic responsibilities within the family.

QS. an-Nisa (4): 12

وَلَكُمْ نِصْفُ مَا تَرَكَ أَزْوَاجُكُمْ إِنْ لَمْ يَكُنْ لَهُنَّ وَلَدٌ فَإِنْ كَانَ لَهُنَّ وَلَدٌ فَلَكُمْ الرُّبْعُ مِمَّا تَرَكَنَّ مِنْ بَعْدِ وَصِيَّةٍ يُوصِينَ بِهَا أَوْ
دَيْنٍ وَلَهُنَّ الرُّبْعُ مِمَّا تَرَكَنَّ إِنْ لَمْ يَكُنْ لَكُمْ وَلَدٌ فَإِنْ كَانَ لَكُمْ وَلَدٌ فَلَهُنَّ الثُّمُنُ مِمَّا تَرَكَنَّ مِنْ بَعْدِ وَصِيَّةٍ تُوصُونَ بِهَا أَوْ دَيْنٍ
وَإِنْ كَانَ رَجُلٌ يُورَثُ كَلَّةً أَوْ امْرَأَةً وَوَلَهُ أَخٌ أَوْ أُخْتٌ فَلِكُلِّ وَاحِدٍ مِّنْهُمَا السُّدُسُ فَإِنْ كَانُوا أَكْثَرَ مِنْ ذَلِكَ فَهُمْ شُرَكَاءُ فِي الثُّلُثِ
مِنْ بَعْدِ وَصِيَّةٍ يُوصَى بِهَا أَوْ دَيْنٍ غَيْرِ مُضَارٍّ وَصِيَّةً مِنَ اللَّهِ وَاللَّهُ عَلِيمٌ حَلِيمٌ

“For you (husbands) is one-half of what your wives leave behind if they have no children. But if they have children, then you are entitled to one-quarter of what they leave, after the fulfillment of any bequest they may have made and after the payment of their debts. For them (wives) is one-quarter of what you leave behind if you have no children. But if you have children, then they are entitled to one-eighth of what you leave, after the fulfillment of any bequest you may have made and after the payment of your debts. If a man or woman dies leaving neither ascendants nor descendants, but leaves a maternal brother or maternal sister,

³⁰ Wahbah az-Zuhaili, *Fiqh Islam Wa Adillatuhu, Terjemahan* ((Jakarta: Gema Insani, 2005), 744-746.

then each of them shall receive one-sixth. However, if there are more than two, they shall share collectively in one-third, after the fulfillment of any bequest that may have been made and after the payment of debts, provided that no harm is caused to the heirs. This is an injunction from Allah, and Allah is All-Knowing, Most Forbearing.”

According to Jalal al-Din al-Suyuti in his work *Lubab al-Nuqul fi Asbab al-Nuzul*, this verse was revealed in connection with the case of Aws ibn Thabit al-Ansari, who passed away leaving behind his wife, Ummu Kahlah, and no children.³¹ The brothers of Aws took all of his property, while his wife received nothing because, during the pre-Islamic period (*Jāhiliyyah*), women were not recognized as heirs. Ummu Kahlah subsequently brought the matter before the Muhammad. In response, this verse was revealed to affirm that husbands and wives each possess inheritance rights in relation to one another, in accordance with the proportions prescribed by Islamic law. This *asbāb al-nuzūl* illustrates a fundamental transformation in legal thought, shifting from the patriarchal practices of the *Jāhiliyyah* era to a divinely ordained legal system that is both just and inclusive of women. The legal rationale (*‘illah*) underlying this verse may be understood through three principal dimensions:³²

a. Reciprocal Justice in Marital Rights and Obligations

This verse affirms that the relationship between husband and wife is not merely emotional and biological in nature, but also economic and legal. Each spouse possesses a legitimate right to inherit from the estate of the other, reflecting the principle of mutual rights and obligations within marriage.

b. Economic Responsibility

The husband bears the legal obligation to provide financial maintenance (*naḥāqah*) for the family. Accordingly, the inheritance share allocated to a husband may, in certain circumstances, be greater than that of the wife. This distinction does not signify superiority, but rather represents a proportional distribution based upon the respective social and economic responsibilities imposed by Islamic law.

c. The Principle of *al-Maṣlahah wa al-‘Adl* (Public Benefit and Justice)

Islamic inheritance law is designed to maintain a fair balance between rights and obligations. The allocation of inheritance shares seeks to promote public welfare (*maṣlahah*) and to ensure that each heir receives a portion corresponding to his or her legal responsibilities and social burdens.

³¹ Jalāl al-Dīn al-Suyūṭī, *Lubāb al-Nuqūl fī Asbāb al-Nuzūl* (Beirut: Dār al-Kutub al-‘Ilmiyyah, 2002), 52.

³² Lihat penjelasan mengenai *‘illat* pembagian waris suami-istri dalam: al-Qurṭubī, *al-Jāmi’ li Aḥkām al-Qur’ān*, Juz 5 (Beirut: Dār al-Kutub al-‘Ilmiyyah, 2003), 61–63

Classical Qur'anic commentators (*mufasssirūn*) explain that this verse establishes the principle of reciprocity between husband and wife. If in An-Nisa verse 11, Allah determines the inheritance rights of children in relation to their parents, then in verse 12 of the same surah, Allah establishes the inheritance rights of husbands and wives in relation to one another's estates. Accordingly, the Islamic law of inheritance is founded upon the principles of justice within family relationships and balance in the distribution of property.

3. Urgency of Establishing Legal Regulations on Digital Inheritance Assets

The relevance of the scriptural sources on inheritance demonstrates that Islamic inheritance law is inherently adaptable to the development of new forms and instruments of wealth. The concept of *al-māl* (property) in Islamic jurisprudence is not limited to tangible physical objects, but encompasses anything that possesses utility, economic value, and can be lawfully owned and transferred. Digital transformation has given rise to new forms of wealth, including YouTube AdSense and TikTok revenue, cryptocurrency assets (digital wallets), Non-Fungible Tokens (NFTs), commercially valuable digital accounts, as well as digital royalties and content licenses. This reality necessitates a broader understanding of inheritable property so that Islamic inheritance law remains aligned with contemporary developments. A foundational legal maxim in Islamic jurisprudence, *al-'ibrah bi al-ma'ānī lā bi al-alfāz* (العبرة بالمعاني لا بالألفاظ), meaning “legal consideration is based on substance and meaning rather than terminology,” serves as an important methodological basis for recognizing digital assets as part of an inheritance estate. Under this principle, the legal status of an asset depends not on its form or designation, but on its substantive characteristics and economic value. Accordingly, where a digital asset satisfies the requirements of lawful ownership (*al-milk al-shar'ī*), possesses recognized economic value (*al-māl al-mutaqawwam*), and is capable of being transferred or inherited through legal mechanisms, it should, under Islamic law, be regarded as inheritable property. Its distribution must therefore follow the rules of *farā'id* as prescribed in the relevant *naṣṣ* (authoritative texts). Therefore, digital income that continues to accrue after the death of its owner should not remain without legal certainty. Rather, it must be treated as part of the deceased's estate and distributed to the lawful heirs in accordance with the provisions of Islamic law.

Within the context of Indonesian national law, although the Compilation of Islamic Law (*Kompilasi Hukum Islam* or KHI) does not explicitly refer to digital assets, its normative structure provides sufficient legal space to classify such assets as inheritable property.³³ Article 171(e) of the KHI defines inheritance as the property left by the deceased, consisting of both tangible assets

³³ Muhammad Hasan, “Construction of Modern Islamic Inheritance Law based on Ijtihad of the Judges at the Religious Court of Pontianak, West Kalimantan,” *Samarah* 7, no. 2 (2023): 650–68, <https://doi.org/10.22373/sjhc.v7i2.8852>.

and other rights that can be valued in monetary terms. This formulation is deliberately broad and does not restrict inheritance solely to physical assets. Accordingly, digital assets that possess measurable economic value fall within the scope of this definition.³⁴ The administration of an estate and the fulfillment of the heirs' legal rights prior to distribution require that all inheritable assets be properly identified and secured. In the case of digital assets, this process includes locating and obtaining the technical means necessary to access them, such as passwords, private keys, and platform authentication credentials. These elements must be identified and controlled before the estate can be distributed to the lawful heirs in accordance with applicable legal and Sharia principles.³⁵

The absence of explicit provisions concerning digital inheritance in Indonesian positive law, including the Compilation of Islamic Law (*Kompilasi Hukum Islam* or KHI), underscores the urgency of contemporary *ijtihad* capable of bridging technological developments with the foundational principles of Islamic law. So long as such interpretative efforts remain consistent with the objectives of the sharia (*maqāshid al-sharī'ah*), recognizing digital assets as objects of inheritance is not merely permissible, but constitutes a normative necessity to ensure that the law remains relevant and continues to provide legal certainty and justice for Muslim communities in the digital era.³⁶ Accordingly, within the framework of both Islamic law and Indonesian national law, digital income should be regarded as part of Islamic digital inheritance assets. Its distribution therefore requires a legal framework that is fair, comprehensive, and fully aligned with the principles of *maqāshid al-sharī'ah*, including the following aspects:³⁷

a. *Hifz al-dīn* (Protection of Religion)

Protecting religion means ensuring that Islamic law remains relevant in responding to social and technological developments.³⁸ The regulation of digital inheritance constitutes part of the application of sharia values in the digital era to ensure the fair distribution of property in accordance with Islamic legal principles. Through the establishment of digital inheritance regulations, Muslims are able to fulfill the command of Allah as set forth in Qur'an, Surah An-Nisa verses 11–12 concerning inheritance distribution, while minimizing disputes among heirs.

³⁴ Syabbul Bachri et al., "Contextualizing Islamic Inheritance Law in Indonesia: Addressing Negative Stigma," *Ulul Albab: Jurnal Studi dan Penelitian Hukum Islam* 7, no. 2 (2024): 170, <https://doi.org/10.30659/jua.v7i2.35041>.

³⁵ Anisa Ayu Dwi Lestari, "Digital Assets in the Perspective of Indonesian Inheritance Law: The Need for Norm Reformulation in the Cyber Era Anisa," *Indonesian Cyber Law Review* 2, no. 1 (2025): 12–21, <https://doi.org/arXiv:1011.1669v3>.

³⁶ Fuad Luthfi, Ahmadi Hasan, dan Jalaluddin Jalaluddin, "Tantangan Dan Regulasi Dalam Pewarisan Aset Digital: Studi Perbandingan Hukum Positif Dan Hukum Islam," *Indonesian Journal of Islamic Jurisprudence, Economic and Legal Theory* 2, no. 4 (2024): 2212–25, <https://doi.org/10.62976/ijjel.v2i4.823>.

³⁷ Muḥammad Ṭāhir ibn 'Āsyūr, *Maqāshid al-Sharī'ah al-Islāmiyyah* (Dār al-Nafā'is: Amman, 2001).

³⁸ Nur Saniah, Nawir Yuslem, dan Hasan Matsum, "Analysis of Maqāshid Sharī'a on Substitute Heir in Compilation of Islamic Law (KHI)," *Al-Adalah* 20, no. 1 (2023): 35–60, <https://doi.org/10.24042/adalah.v20i1.16062>.

Accordingly, the enactment of legal rules governing digital inheritance represents an implementation of *hifz al-dīn*, ensuring that sharia remains contextual and functional in the digital age.

b. *Hifz al-nafs* (Protection of Life)

Within the framework of *maqāṣid al-sharī'ah*, the protection of life includes efforts to create security, welfare, and peace of mind.³⁹ When a digital creator dies, uncertainty regarding entitlement to digital accounts and AdSense revenue may trigger family conflict and psychological distress. Regulations governing digital inheritance help prevent such uncertainty by clearly defining the rights of heirs to digital assets. In this way, *hifz al-nafs* is realized, as the law provides legal certainty and emotional stability in the settlement of digital estates.

c. *Hifz al-'aql* (Protection of Intellect)

Protecting intellect requires the use of rationality and sound knowledge in legal reasoning. The regulation of digital inheritance demands an understanding of technology, monetization systems, and digital asset management so that legal determinations are based on accurate and reliable information rather than speculation. This approach is consistent with the thought of Jasser Auda, who emphasizes that *maqāṣid al-sharī'ah* must remain adaptive to modern technological and informational realities.⁴⁰ By regulating access and distribution mechanisms on the basis of valid knowledge, Islamic law fulfills the objective of *hifz al-'aql* by preventing errors in legal reasoning.

d. *Hifz al-nasl* (Protection of Lineage)

This objective seeks to ensure the welfare and continuity of future generations.⁴¹ Substantial digital income may constitute an important economic resource for the descendants of the deceased. If left unregulated, digital assets may be lost or appropriated by third parties without authorization. Consequently, digital inheritance regulations serve as an instrument for protecting family interests by ensuring that economic benefits are transmitted fairly to lawful heirs. This also reflects the principle of *istidlāl maqāṣidī* (purpose-based legal reasoning) in safeguarding the long-term financial sustainability of the family.

e. *Hifz al-māl* (memelihara harta)

³⁹ Agung Kurniawan dan Hamsah Hudafi, "Konsep Maqashid Syariah Imam Asy-Syatibi Dalam Kitab Al-Muwafaqat," *al Mabsut* 15, no. 1 (2021): 29–38, <https://doi.org/10.56997/almabsut.v15i1.502>.

⁴⁰ Jasser Auda, *Maqāṣid al-Sharī'ah as Philosophy of Islamic Law: A Systems Approach* (The International Institute of Islamic Thought: Herndon, VA, 2008).

⁴¹ Achmad Beadie Busyroel Basyar, "Perlindungan Nasab Dalam Teori Maqashid Syariah," *MAQASHID Jurnal Hukum Islam* 3, no. 1 (2020): 1–16, <https://doi.org/10.35897/maqashid.v3i1.286>.

Islam places great emphasis on preserving and distributing wealth fairly so that property does not become a source of social injustice or harm.⁴² Digital assets fall within the category of *māl* because they possess real economic value and are capable of being inherited. Ignoring such assets would undermine the principle of *ḥifẓ al-māl*, as property that should benefit the rightful heirs would instead be lost. Therefore, national regulations governing digital inheritance represent a practical implementation of the objectives of the sharia by ensuring that digital assets remain productive, beneficial, and legally recognized as part of the inheritance estate.

Based on the analysis of *maqāṣid al-sharī‘ah*, it can be concluded that the enactment and implementation of regulations governing the distribution of digital inheritance assets in Indonesia would generate substantial *maṣlahah* (public benefit), both from the perspective of Islamic law and national law. This benefit is clearly reflected in the protection of the rights of lawful heirs to receive their legitimate shares of the digital assets left by the deceased. Accordingly, the existence of regulations on digital inheritance should not be regarded merely as a technical response to technological advancement, but rather as part of a strategic effort to preserve and promote the public interest. In the absence of clear legal provisions, digital assets are vulnerable to loss, misuse by unauthorized parties, and family disputes arising from uncertainty regarding ownership rights and management mechanisms. Such conditions may obstruct the inheritance process and result in injustice among heirs. Therefore, the establishment of a legal framework governing digital inheritance is not only necessary but also urgent in order to prevent *mafsadāt* (harm) and to realize *maṣlahah*, in accordance with the Islamic legal maxim *dar’ al-mafāsīd wa jalb al-maṣāliḥ* (دَرْءُ الْمَفَاسِدِ وَجَلْبُ الْمَصَالِحِ), meaning “preventing harm and securing benefits.” The regulation of digital inheritance is thus not merely an administrative requirement; it constitutes a concrete manifestation of preserving the benefit and economic value of digital assets so that they may be recognized as part of the estate left upon the death of the owner. Through such legal reform, the system of Islamic inheritance law in Indonesia will become more responsive and adaptive to ongoing social and technological changes.

4. Analysis of Methods for Determining the Distribution of Digital Inheritance Assets from the Perspective of Islamic Law

Along with the rapid development of the digital economy through platforms such as YouTube, TikTok, and other social media, new legal issues arise when the owner of an income-

⁴² Syahrul Sidiq, “Maqashid Syariah & Tantangan Modernitas: Sebuah Telaah Pemikiran Jasser Auda,” *in Right* 7, no. 1 (2017): 140–61.

generating account passes away. In practice, the distribution of digital inheritance has already taken place within Indonesian society, despite the absence of formal regulation under national law and the fact that the Religious Courts have not yet issued explicit judicial decisions on this matter. In most cases, digital inheritance is distributed through family deliberation (*musyawarah*) based on a general understanding of Islamic inheritance law. Digital income is treated as part of the deceased's estate and is subsequently allocated among the lawful heirs according to agreements that refer to the principles of *farā'id*. In many instances, the digital account continues to be managed by one family member, such as the surviving spouse or the eldest child, while the revenue generated is distributed periodically to the other heirs. This practice demonstrates that society has already recognized digital assets as valuable property that is suitable for inheritance, although such recognition remains social rather than formally grounded in statutory law. The phenomenon of digital inheritance requires a clear legal assessment under Islamic law because neither the Qur'an nor the Sunnah explicitly regulates the distribution of digital assets. From the perspective of Islamic jurisprudence, this issue falls within the category of *al-masā'il al-jadīdah* (new legal issues), which must be examined through contemporary *ijtihād*. The principal methods of contemporary *ijtihād* relevant to determining the distribution of digital inheritance assets include the following:

a. Legal Determination of the Distribution of Digital Inheritance Assets

The first step in determining the applicable law is to assess the legal nature of digital assets themselves. In Islamic jurisprudence, a prominent contemporary scholar explains that the definition of property (*māl*) is not limited to tangible physical forms, but encompasses anything that possesses economic value, may be lawfully owned, and provides benefits recognized by the sharia. Wahbah al-Zuhayli in his authoritative work *Al-Fiqh al-Islami wa Adillatuhu*, affirms that property (*al-māl*) includes anything that has beneficial value (*naf'ah*) and may constitute the subject matter of transactions under Islamic law (*mu'āmalāt*).⁴³ Based on this principle, digital assets that generate income and possess economic value constitute property that may be inherited. The determination of digital assets as inheritable property represents a form of *taḥqīq al-manā'at*, namely the process of identifying and applying the effective legal cause (*'illah*) through rational and contextual analysis. Accordingly, income derived from digital platforms, whether already received or continuing to accrue after the death of the account owner, falls within the category of *tirkah* (the estate left by the deceased). This view is reinforced by the legal maxim that the substance of a ruling is determined by the underlying reality and benefit of the matter (*al-ḥukm yudraku bi ma'nāhu lā bi ṣīghatihi*)⁴⁴, meaning that legal recognition depends on the essential nature and

⁴³ Wahbah az-Zuhaili, *Fiqh Islam wa Adillatuhu, terjemahan*.

⁴⁴ Wahbah Al-Zuhayli, *Uṣūl al-Fiqh al-Islāmī*, Jilid 2 (Damaskus: Dar al-Fikr, 1986).

utility of an asset rather than on its formal designation. Consequently, digital wealth cannot be disregarded merely because it lacks a tangible physical form.

b. Provisions Governing the Distribution of Digital Inheritance Assets

The next step is to determine the legal provisions governing the distribution of digital inheritance assets. The fundamental principles of Islamic inheritance law are established in definitive (*qaṭ'ī*) terms through the *farā'id* verses of the Qur'an, particularly in Surah An-Nisa verses 11–12 and 176, which regulate the allocation of inheritance shares to specified heirs. These principles do not distinguish between categories of property; rather, they are based upon kinship relationships and the fixed rules of *farā'id*. Accordingly, digital assets must be distributed in accordance with the general rules of Islamic inheritance. The estate is to be divided according to the shares prescribed by the sharia after the settlement of prior obligations, including outstanding debts, valid bequests (*waṣīyyah*), and funeral expenses. In practice, legal questions arise concerning the management of digital accounts that continue to generate economic benefits, such as an active YouTube channel that produces revenue after the owner's death. Proper administration of digital inheritance and the fulfillment of the heirs' rights before distribution are essential to ensure that digital assets requiring technical access, such as passwords, private keys, and platform authentication credentials, are identified and secured before the digital estate is formally distributed among the lawful heirs.⁴⁵

In determining the legal provisions governing the distribution of digital inheritance assets, *ijtihad* may be undertaken through several methodologies of Islamic law, including the following:

a. *Qiyās* (Analogical Reasoning)

Qiyās may be applied by analogizing digital accounts to other forms of productive property, such as shops or agricultural estates, which generate continuing benefits and have long been recognized in Islamic jurisprudence as part of an inheritable estate. Abu Ishaq al-Shatibi explains that *qiyās* serves as a legal instrument for extending established rulings to new cases that share the same effective legal cause (*'illah*). In this context, the common *'illah* is the continuity of economic benefit and measurable financial value.

b. *Maṣlahah Mursalah* (Consideration of Unrestricted Public Interest)

In addition to *qiyās*, the doctrine of *maṣlahah mursalah* provides an important basis for *ijtihad* concerning digital inheritance. In legal terminology, *maṣlahah mursalah* refers to considerations of public welfare that are not explicitly regulated by the revealed texts (*naṣṣ*), yet remain fully consistent with the objectives of the sharia (*maqāṣid al-sharī'ah*). In the absence of normative regulation, valuable digital assets may be lost or become a source of

⁴⁵ Anisa Ayu Dwi Lestari, "Digital Assets in the Perspective of Indonesian Inheritance Law: The Need for Norm Reformulation in the Cyber Era Anisa."

disputes among heirs. Establishing fair distribution mechanisms and transparent management procedures can prevent such conflicts and ensure that these assets are preserved, in accordance with the sharia objective of protecting property (*hifz al-māl*).⁴⁶

c. *Maqāṣid al-Sharī'ah* (Objectives of Islamic Law)

The *maqāṣid al-sharī'ah* approach affirms that Islamic law must respond to social developments, including the transformation of the modern digital economy. Within this framework, regulating the distribution of digital inheritance constitutes an implementation of the sharia objectives of protecting property, preserving family harmony following the death of the deceased, and ensuring that economic benefits continue to be enjoyed by the lawful heirs.

Based on these methodologies, it can be concluded that digital inheritance assets form a legitimate part of the estate under Islamic law. Their distribution follows the rules of *farā'id* in the same manner as other inheritance assets, without distinguishing between conventional and digital property. The management of digital accounts may be entrusted to one of the heirs acting as a representative or administrator, provided that the resulting income is distributed fairly in accordance with each heir's prescribed share. This contemporary *ijtihād* does not alter the fundamental principles of Islamic inheritance law; rather, it extends their application so that Islamic law remains relevant, responsive, and capable of addressing the legal challenges of the modern digital era.

Although many contemporary Muslim jurists tend to recognize monetized digital assets as *māl mutaqaawam* because they possess economic value, can be owned, transferred, and generate financial benefits, this position is not universally accepted. Some contemporary scholars argue that not all digital assets automatically qualify as inheritable property. Their argument is based on the fact that ownership of many digital accounts and platforms is often governed by licensing agreements rather than full proprietary rights. In this view, social media accounts, cloud storage, or monetized digital platforms may constitute contractual rights (*ḥaqq*) granted by service providers rather than independently owned assets (*māl*) that can be freely transferred through inheritance. Consequently, the inheritability of digital assets depends on the nature of ownership, transferability, and the contractual terms governing the asset. This debate demonstrates that the classification of digital assets as *māl mutaqaawam* remains an evolving issue within contemporary Islamic legal discourse and therefore requires further *ijtihād* to determine its legal status in light of changing technological realities.

⁴⁶ Imam Syafi'i dan Tutik Hamidah, "Masalah Controvers As Sources, Methods and Objectives (Comparative Analysis Study of the Four Madhab)," *Al-'Adalah: Jurnal Syariah dan Hukum Islam* 7, no. 1 (2022): 19–38, <https://doi.org/10.31538/adlh.v7i1.1642>.

Conclusion

The development of the digital economy in Indonesia has given rise to new forms of wealth in the form of digital assets possessing substantial and sustainable economic value. Revenue generated from platforms such as YouTube, TikTok, and other social media is no longer merely active income; rather, it has become a productive asset capable of continuing to generate economic benefits even after the death of its owner. In social practice, such digital assets have already been treated as part of family wealth and are, in fact, distributed to lawful heirs, despite the absence of explicit regulation in Indonesian positive law and the lack of formal decisions by the Religious Courts (*Pengadilan Agama*). This reality reflects a transformation in the structure of wealth within society toward a digitally based economy that requires an appropriate legal response.

From the perspective of Islamic inheritance law, the principles governing the distribution of inheritance have been clearly established through the Qur'an and the Sunnah, particularly in the *farā'id* verses that allocate shares to heirs on the basis of blood relationships and marriage. These provisions do not distinguish between categories of property. Accordingly, digital assets are, in principle, treated in the same manner as conventional assets. So long as an asset possesses economic value and is lawfully owned by the deceased, it forms part of the *tirkah* (estate) and must be distributed to the lawful heirs after the fulfillment of sharia obligations such as the payment of debts and the execution of valid bequests. Therefore, digital income and digital assets may be incorporated into the Islamic inheritance system without altering its fundamental legal structure.

The urgency of establishing legal rules governing digital inheritance arises from the potential *mafsadāt* (harm) that may result if such assets are left without legal certainty. The absence of regulation creates the risk of asset loss, misuse by unauthorized parties, and disputes among heirs. Conversely, the recognition and regulation of digital inheritance are fully consistent with the objectives of the sharia (*maqāsid al-sharī'ah*), particularly regarding the protection of property, the welfare of descendants, and the preservation of family harmony, while ensuring that Islamic law remains relevant amid social and technological change. Within the framework of Indonesian national law, the Compilation of Islamic Law (*Kompilasi Hukum Islam*) provides sufficient normative space to recognize digital assets as inheritable property.

The legal determination of the distribution of digital inheritance assets may be undertaken through contemporary *ijtihād* by identifying the legal cause (*'illah*) of property, namely recognized economic benefit and lawful ownership. Digital assets may be analogized through *qiyās* to other forms of productive property recognized in classical Islamic jurisprudence, and the doctrines of *maṣlahah mursalah* and *maqāsid al-sharī'ah* further support this conclusion. Accordingly, the distribution of digital inheritance assets should follow the rules of *farā'id*, while the mechanisms for managing such assets may be adapted to their unique digital characteristics so that Islamic law remains responsive, equitable, and relevant in the digital age.

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