



# Dualism of Authority in Digital Account Inheritance Monetisation Between Sharia and Technology: An Islamic Inheritance Law Approach Based on Maslahah Mursalah

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## ABSTRACT

The rise of digital technology has created novel forms of wealth, exemplified by monetized accounts such as those on YouTube, TikTok, AdSense blogs, and online marketplaces that generate passive income. This study investigates the legal status of such digital monetization assets within the framework of Islamic inheritance law, assessing their classification as inheritable wealth based on economic value, utility, and transferability. Employing a normative juridical method with a qualitative Maslahah Mursalah approach, the research analyzes conflicts between Sharia-based inheritance rights and the restrictive ownership policies of digital platforms. Findings indicate that while platforms often control account access, the associated economic benefits constitute legitimate inheritance. The principle of Maslahah Mursalah is applied to prioritize communal benefit, ensuring income continuity for heirs, preventing familial disputes, and safeguarding economic rights. The study proposes a Syariah-Technology authority reconstruction model, which emphasizes the inheritance of benefit rights, the appointment of a digital executor, and the synchronization of payment systems. This model seeks to harmonize Islamic legal principles with existing platform regulations. Consequently, the research provides a jurisprudential foundation for inheriting digital assets and offers practical solutions to the legal and technical challenges posed by the digital economy.

Keywords: Digital Inheritance, Monetized Accounts, Duality of Authority, Islamic Inheritance Law, Maslahah Mursalah.

## 1. INTRODUCTION

The development of digital technology in the contemporary era has given rise to a new form of ownership that is unknown in classical fiqh literature, namely monetised digital accounts, for example, revenue-generating YouTube accounts, TikTok Shop Seller Centres, Instagram Business accounts, marketplace stores, and advertising platform accounts such as Google AdSense. These digital assets can generate recurring income and, in many cases, their value exceeds that of traditionally inherited physical assets. This phenomenon raises new issues in the field of Islamic inheritance law, as neither positive law nor classical Islamic law has explicitly regulated the management and distribution of digital assets (Wedy, 2025).

In a number of countries, various laws have been enacted that give fiduciaries the right to access the digital assets of a deceased person. For example, in the United States, many states have adopted the Revised Uniform Fiduciary Access to Digital Assets Act (RUFADAA). This regulation gives guardians or personal representatives the authority to access and manage the digital assets and electronic communications of the deceased (Heriyanto et al., 2024). In many situations, digital assets are not yet considered part of an estate, meaning that heirs may lose their rights to these assets. With the implementation of regulations governing the inheritance of digital assets, heirs' rights can be legally protected, and the distribution process can be conducted in a more fair and transparent manner (Luthfi et al., 2024). However, to date, Indonesia has yet to enact specific regulations that comprehensively govern the inheritance of digital assets (Heriyanto et al., 2024).

In the perspective of Islamic inheritance law, the basic principle of inheritance stipulates that all inherited assets that have value and can be legally owned are included in the category of al-māl and must be inherited by the heirs (Huda & Amin, 2025). Hanafi and Maliki scholars agree that something is categorised as property if it can be utilised and has economic value, even if it is not physical in nature. This is in line with contemporary fiqh views which state that property also includes non-physical benefits and rights, including digital assets (Pamungkas, 2022). However, reality shows that the inheritance of monetised digital accounts is not as straightforward as the inheritance of physical property, as digital accounts exist within the ecosystem of platform authorities. Account monetisation is the process of generating money from content created on the platform (Efendi et al., 2023). Digital companies such as Google (YouTube), Meta, TikTok, and other monetisation applications set Terms of Service (ToS) stating that accounts cannot be transferred, access is only for registered owners, and third parties, including heirs, are prohibited from taking over accounts. In a number of cases, violations of these ToS have resulted in accounts being blocked or deactivated, thereby halting all potential income. This situation creates a conflict between the Sharia authority to inherit the deceased's assets and the platform's authority to regulate access to and ownership of digital accounts.

From a Sharia perspective, heirs have full rights to the deceased's assets, both ownership rights (milk) and utilisation rights (ḥaq al-intifā'). The distribution of assets is carried out in accordance with the provisions of faraidh and adjusted to the portion or amount of assets that are the rights of each heir (Darajat, 1995). All valuable assets, including digital income, must be distributed to heirs in accordance with the provisions of faraidh. However, from the platform's perspective, digital accounts are not objects of full ownership, but rather limited access licences that cannot be legally inherited (Gunawan et al., 2022). This phenomenon has not been widely discussed in classical fiqh because digital assets were unknown at that time. Contemporary literature is also limited, and most of it only focuses on the question of 'are digital assets considered property?' without touching on the problem of technological platform authority. This void requires a new theoretical approach.

Meanwhile, from the perspective of maqāṣid al-syarī'ah, the principle of ḥifẓ al-māl (protection of property) is highly relevant in the context of digital inheritance, because without proper regulation, inheritance rights could be lost or not implemented fairly. To bridge the dualism of authority between the sharia rights of heirs and the technological control of platforms, the principle of Maslahah Mursalah offers a solution framework: it can be used as a basis for formulating fair and functional digital inheritance policies or mechanisms in the modern era. This study aims to analyse the intersection between Islamic inheritance authority and platform digital control mechanisms, as well as to formulate Maslahah Mursalah-based solutions that can harmonise sharia interests and technological realities. With this approach, it is hoped that both theoretical and practical contributions can be made to the development of contemporary Islamic inheritance law that is adaptive to digital developments.

## 2. LITERATURE REVIEW

### 2.1. Islamic Inheritance Law (*Faraidh*)

Islamic inheritance law stipulates that all of the deceased's assets must be distributed to the heirs in accordance with the provisions of faraidh. The basic principles include the right of ownership (milk) and the right of use (*ḥaq al-intifā'*) for the heirs. Hanafi and Maliki scholars agree that anything that has value and can be utilised, including non-physical items, can be categorised as property (*māl*) and must be inherited. In the modern context, this principle opens up the possibility of including digital assets as part of the estate.

### 2.2. Monetised Digital Assets

Monetised digital assets, such as YouTube, TikTok, Instagram Business, or Google AdSense accounts, are non-physical assets that have economic value and the potential for recurring income. However, the nature of this property differs from traditional property because it exists within a digital platform ecosystem that sets Terms of Service (ToS) which limit transfer of ownership rights. Therefore, even though digital accounts can be considered property under Sharia law, access and management are not entirely in the hands of the heirs.

### 2.3. Dual Authority: Sharia vs Technology

The phenomenon of digital account inheritance gives rise to a dualism of authority. From a Sharia perspective, heirs have full rights to inherited assets, including digital income. Conversely, digital platforms regulate access rights through licences and authentication mechanisms, which limit direct inheritance. This conflict creates a need for a legal framework that can harmonise inheritance rights and technological control.

### 2.4. The Principle of *Maslahah Mursalah*

*Maslahah Mursalah* is an Islamic legal principle that emphasises the preservation of benefit (*maṣlaḥah*) and the avoidance of harm (*mafsadah*) in situations where the law does not explicitly regulate it. In the context of digital account inheritance, *Maslahah Mursalah* is used to formulate fair and functional solutions, such as:

- 1) Drafting a digital will for the transfer of access rights and income.
- 2) Establishing a digital trustee as the temporary manager of digital assets.
- 3) Harmonising platform policies with Shariah principles so that inheritance rights are exercised without violating the Terms of Service.
- 4) Integration of Theoretical Framework

Based on the integration of the above concepts, this research theoretical framework emphasises that monetised digital accounts are assets that are valid under Sharia law and must be inherited, but access and management must be adjusted to platform controls. *Maslahah Mursalah* serves as the basis for formulating inheritance mechanisms that are fair, practical, and based on public interest, so that the rights of heirs are protected without causing legal conflicts with digital platforms.

## 3. RESEARCH METHODS

This study uses a normative juridical method with a qualitative *Maslahah Mursalah* approach. In this case, the normative method is an important point that characterises legal research in measuring the validity or accuracy of research results. Data was obtained through a literature study of Islamic legal sources, technology regulations, and digital platform documents related to monetisation accounts. The analysis was conducted by mapping the conflict of authority between inheritance rights according to Sharia law and digital platform control, then formulating solutions that prioritise benefit and reduce harm (*mafsadah*). The *Maslahah Mursalah* approach was used to assess digital accounts as assets that must be inherited and to determine fair inheritance mechanisms that are in harmony with platform rules, such as through digital wills, digital trustees, and regulatory harmonisation.

## 4. RESULTS AND DISCUSSION

### 4.1. The Status of Monetised Digital Assets in the Perspective of Islamic Inheritance Law

The development of digital technology has given rise to a new paradigm in understanding the concepts of ownership and wealth. Whereas in the past, assets were generally physical in nature, such as land, buildings, or movable assets, the digital era has seen the emergence of intangible assets. Digital assets are all forms and types that exist in a digital format and have exchange value and can be categorised as assets (Andarsyah, 2022). Examples include social media accounts, crypto assets, non-fungible tokens (NFTs), website domains, digital content, and accounts that generate monetisation from platforms such as YouTube, TikTok, Facebook, Instagram, AdSense blogs, and marketplaces. These digital assets have transformed the conventional paradigm of ownership from physical form to intangible digital form, yet they still hold exchange value and can even be traded on the global market (Wijaya et al., 2025). The focus of this research is on other monetised accounts that have real economic value and can generate passive income. With algorithmic mechanisms, content can continue to generate revenue even after the creator has passed away, so that monetised accounts act as productive assets in the conventional economy. The *fuqaha* define wealth in several different ways, but with the same substance. Among others:

- 1) *Hanafiyah*: Wealth is 'something that tends towards humans, can be stored and utilised.'
- 2) *Syafi'iyah*: Wealth is 'everything that has value (qimah) and can be utilised.'

- 3) *Malikiyah and Hanabilah*: Emphasise that wealth includes: tangible objects (*'ayn*), benefits/services (*manfa'ah*), valuable rights (*huqūq māliyah*).

Modern scholars, including Majma' al-Fiqh al-Islami (OIC), consider that intellectual property rights, digital data, broadcasting rights, copyright, royalties are *al-huqūq al-māliyah* (economic rights). If rights such as copyright can be inherited, then digital assets that generate income also have the same status. From this definition, it is clear that physical properties are not an absolute requirement for an object to be categorised as property. In the context of Islamic inheritance law, the categorisation of property is not limited to its physical form, but rather to its usefulness (*manfa'ah*) and economic value (*al-qimah al-māliyah*) (Rahmawati, 2024). In Islamic inheritance law, the requirements for tirkah are property or rights with clear ownership, economic value, liability, including the obligation to pay off the debts of the deceased, transferability to heirs.

Fairness in the distribution of property is one of the important indicators in various sectors, including in the principles of Maqasyid Syariah, namely the point of 'preserving property'. Monetised digital assets fulfil these elements, including, measurable economic value such as AdSense revenue, sponsors, affiliates. Technically transferable for instance via login, email address, or content manager role transfer. Financially assessable namely, based on traffic analysis, subscribers, income history. Included as inheritance specifically unredeemed revenue becomes the right of the heirs. Therefore, according to Islamic jurisprudence, monetised accounts are eligible to be designated as part of the estate, and digital accounts that generate income fulfil the elements of property (*al-māl*), namely: they can be owned, controlled, utilised, and have value (exchangeable for money), and are therefore eligible to be categorised as inherited property, even though this is not explicitly mentioned in classical texts. The process of inheriting monetised digital assets is summarized in table 1.

**Table 1. Digital Asset Inheritance Process Monetisation**

Stage	Activities/Processes	Explanation
1	Deceased Heir	Marking the start of the process of managing the estate and identifying digital assets.
2	Inventory of Digital Assets of the Deceased	Identifying all digital assets (YouTube, TikTok, Instagram, blogs, marketplaces, NFTs, AdSense, e-wallets, etc.).
3	Verification of Access Rights & Login Data	Checking whether passwords, emails, or 2FA can be accessed by the heirs.
4	Can Account Access be Granted?	Initial verification stage to determine the next steps.
5A (If Yes)	Verification of the Economic Value of Digital Assets	Calculating income value, traffic, AdSense balance, brand value, and potential revenue.
6A	Determination of Digital Assets as Tirkah	Establishing digital accounts as inheritance assets based on their benefits and economic value.
7A	Settlement of Heirs' Obligations	Settling debts, taxes, endorsement contracts, funeral expenses, and wills.
8A	Appointment of Heirs to Manage Assets	The family appoints an account manager based on agreement and capability.
9A	Distribution of Income in Accordance with Faraidh	Distribution of monthly income or account balances based on Islamic inheritance law.
10A	Sustainable Management of Digital Assets	Accounts remain active and are managed to generate income for the heirs.
5B (Jika Tidak)	Efforts to Restore Access through the Platform	Submitting an account recovery request to YouTube/Google/TikTok via identity verification or death certificate.
6B	Does the Platform Allow Transfers/Recovery?	Checking whether the platform grants access or rejects the request.
7B (If the Platform Rejects)	Transfer of Management through Fiqh Contracts	Using a wakalah agreement, manfa'ah grant, or role manager without violating the Terms of Service.
8B	Appointment of Managers & Distribution of Income	Continuing the distribution of proceeds even without transferring account ownership.

Although they have economic value, digital accounts are not legally owned by users in the contemporary sense. Platforms define accounts as: limited licences, non-exclusive, non-transferable, subject to Terms of Service. These conditions create tension between the concept of ownership according to Islamic law and the concept of ownership according to modern technology, giving rise to the issue of dualism of authority.

Platform policies also pose a challenge in resolving inheritance disputes related to monetised accounts. Each platform has different policies, as outlined in the following table 2.

**Table 2. Comparison Table of Digital Inheritance Policies on Major Platforms**

Platform	Account Transfer Policy	Monetisation Policy After Death	Inheritance Features	Main Obstacles
YouTube / Google AdSense	Cannot be transferred directly, but channel roles can be changed	Income continues as long as the channel is active	Google Inactive Account Manager	Requires access to the account owner's email
Facebook	Accounts can be made into 'Memorialised Accounts'	Not relevant (FB does not monetise directly, except for Creator Studio)	Legacy Contact available	Cannot transfer full ownership
Instagram	Does not allow account transfers at all	Creators do not have a direct monetisation system (except for brand deals)	Memorialisation only, no legacy contact	Cannot be officially inherited
TikTok	Does not allow account transfers	Creator Fund/ad monetisation continues if the account is active	No inheritance features	Lack of official access transfer feature
Blog + Google AdSense	AdSense follows email ownership	Monetisation continues based on traffic	Inactive Account Manager applies to Google	Dependence on a single email
Marketplace (Shopee, Tokopedia)	Accounts are tied to the owner's identity (KYC)	Store revenue can continue as long as the store is active	No inheritance features	KYC identity becomes an obstacle
NFT / Blockchain Wallet	Full ownership by the private key holder	Asset value remains with the owner until inherited	No built-in inheritance features	Loss of private key = permanent loss of assets

#### 4.2. Conflict of Authority between Sharia Law and Digital Platforms

Dualism of authority occurs when two legal systems (sharia and technology/platform law) provide different definitions of ownership and inheritance rights to an object. In the context of monetisation accounts, this dualism is even stronger due to the nature of digital assets being under global jurisdiction. The results of the study show the existence of dualism of authority. As explained in the following table 3.

**Table 3. Points of Conflict between Sharia Law and Technology in Digital Inheritance**

Field	Emerging conflicts	Impact on Heirs	Real Examples
Ownership	Sharia recognises assets; platforms do not.	Assets cannot be fully transferred.	YouTube accounts with millions of subscribers cannot be transferred.
Account access	Sharia grants full rights; platforms impose restrictions.	Heirs cannot access the account even if they have inheritance rights.	Google refuses login access requests even when the owner has passed away.
Revenue	Sharia mandates distribution; platforms do not regulate inheritance distribution.	Distribution of proceeds is difficult if the account is controlled by a third party.	TikTok royalties continue to be paid but cannot be officially transferred to heirs.
Legality	Focus on maqashid and maslahah; platforms focus on ToS.	Legal uncertainty and potential disputes.	Families fight over the management of monetised accounts.
Content sustainability	Benefits must be preserved; platforms can remove them.	Loss of assets even if they are of high value.	Channels are deleted due to minor violations by heirs who do not understand the rules.

Under Sharia law, heirs have full rights to the income and ownership of digital assets. However, digital platforms restrict access through their Terms of Service (ToS), which state that accounts are personal, non-transferable, and that third-party access, including by heirs, may be blocked. This conflict results in the potential for digital income to be halted or even lost if heirs attempt to access the account directly. This

phenomenon highlights the need for a new legal approach that accommodates technological realities without violating Sharia principles.

In classical fiqh concepts, ownership (*al-milk*) is absolute, exclusive, and comprehensive, including the right to use, utilise, transfer, and bequeath. The person who owns the property has complete control over it and can dispose of it as they see fit (Hakim, 2016). However, in the context of digital assets, such as YouTube, TikTok, Google AdSense, or Instagram accounts, ownership is determined by the Terms of Service (ToS) unilaterally drafted by the platform. The characteristics of digital account ownership according to the platform generally include:

- 1) Limited licence → a licence is permission granted by the holder of protected rights to be used by the recipient of those rights (Hakim, 2021). However, in this discussion, the licence is limited in nature, meaning that users do not have access to the platform or infrastructure, only limited access permission.
- 2) Non-transferable → Many Terms of Service stipulate that accounts may not be sold, inherited, or transferred without the platform's consent.
- 3) Revocable licence → The platform reserves the right to close or revoke access at any time, for example due to policy violations.
- 4) Not included in personal assets under positive digital law → Although they generate income, accounts are often not the absolute property of users.

Ownership characteristics also include rights surrounding personal data, whereby platforms are required to act as trustees in storing and controlling data in accordance with laws and regulations (for example, in Indonesia this is regulated in Government Regulation No. 80 of 2019) (Priliasari, 2023). This tension raises a contemporary fiqh question:

Can something that is not fully owned under platform law still be categorised as inheritance according to fiqh? Modern scholars have attempted to reconcile this dualism by distinguishing between ownership of the platform or account, which is not fully owned, and ownership of benefits (*manfa'ah*) and economic returns, which are owned by users. In fiqh, *al-milk al-naqis* (incomplete ownership) is nevertheless recognised, as illustrated by ownership of rental benefits of a house, *ijarah* services, rights to use land (*haqq al-intifā'*), and rights to ongoing royalties (Hamdani, 2018).

Thus, monetised accounts that generate income can be categorised as *al-ḥuqūq al-māliyah ghayr al-muḥaqqarah* (intangible economic rights), namely rights that confer value and benefits despite the absence of physical ownership. Accordingly, even though such accounts cannot be fully owned due to platform Terms of Service, their income streams, access credentials, and economic potential remain inheritable assets. In fiqh, this position is consistent with recognised categories of assets that continue to generate income, including gardens that bear fruit periodically, rental properties, scholarly works that produce royalties, and copyrights to artistic creations.

Digital monetisation accounts may further be analogised to the concept of *al-māl al-mustafād*, referring to wealth that generates sustainable income through an established system. This analogy reinforces the fiqh legitimacy of digital accounts as assets that possess the potential for sustainable profits, generate passive income, can be managed by heirs, and may be valued and transferred indirectly through the assignment of supporting assets such as brand ownership, email recovery rights, or content management authority. Although it fulfils the elements of inheritance in Islamic jurisprudence, there are several practical obstacles which compiled in table 4:

**Table 4. Implementational Constraints on the Inheritance of Monetised Digital Assets**

Obstacle Category	Problem Description	Case Study	Impact on the Inheritance Process
Technical Issues	Difficulties in accessing due to platform security mechanisms and technology.	- Password unknown to heirs - Two-factor authentication (2FA) linked to the heir's number/mobile phone - Registered recovery email cannot be accessed	Heirs cannot access the account, so income cannot be withdrawn or managed.

	Files, content, or payment history are stored on closed servers.	- YouTube/AdSense income data cannot be downloaded - E-wallet transaction history lost	The economic value of the account cannot be determined or verified for inheritance assessment purposes.
Legal/Regulatory Constraints	There are no specific national regulations governing the inheritance of digital assets.	- The Electronic Information and Transactions Law does not regulate the inheritance of social media accounts - There are no provisions for digital inheritance in national civil law	There are legal doubts as to whether digital accounts can be legally considered as inheritance assets.
	The account status is 'non-transferable licence' according to the platform's Terms of Service.	- TikTok/Instagram prohibits account transfers - Many platforms have the right to delete accounts after a period of inactivity	Heirs cannot transfer or continue managing the account in accordance with platform regulations.
Administrative Obstacles	Difficulties in proving ownership and the economic value of the account.	- No official channel income documents - No evidence that the account was fully managed by the heir	This complicates the process of inheritance inventory and distribution of faraidh.
	Income has not been disbursed or remains in the platform balance.	- AdSense balance is on hold - Affiliate payments are pending a certain threshold	Assets cannot be taken or divided without additional administrative procedures.
Social and Psychological Barriers	Disputes among heirs regarding who is entitled to manage the account.	- Channel managed by family team, but only one person has access	Internal family conflicts, especially if the account has high economic value.
	Account content contains the deceased's private information (photos, conversations, archives).	- Social awkwardness in opening private files - Privacy violation concerns	Hinder the management process and give rise to ethical issues.
Platform Policy Constraints	Inheritance features are not yet available on most platforms.	- TikTok and Instagram do not have a 'legacy contact' feature like Facebook	The inheritance process depends on the company's internal policies, not on fiqh provisions.
	Differences in monetisation systems across platforms.	- Google AdSense can be inherited via the owner's email - Marketplace requires re-verification of identity (KYC)	Make the process of standardising digital inheritance difficult and varied.

### 4.3. The Maslahah Mursalah Approach in Digital Inheritance

To resolve the tension between Sharia principles and technological realities, this study uses Maslahah Mursalah as its main approach. This approach is relevant because it provides a legal framework for new cases that are not explicitly discussed in classical texts. Maslahah Mursalah is a benefit that is not explicitly mentioned by the text, but is in line with the general objectives of Sharia (maqasid al-syari'ah) (Sahlah et al., 2023). Imam al-Ghazali held that a public interest must align with the objectives of sharia, even if it conflicts with human objectives, because human interests are not always based on the will of the Sharia, but are often based on the desires of the flesh (Hidayatullah, 2018). In the context of digital inheritance, maslahah is used to strengthen the legitimacy of sharia law regarding the protection of digital assets and the rights of heirs. The basic principles of maslahah mursalah in digital asset inheritance include:

*Maslahah hājiyah* (important needs) refers to benefits that complement essential necessities by providing relief in order to maintain and preserve fundamental human needs. Monetised digital accounts function as sources of income and, in many cases, constitute the primary means of livelihood for a family. Following the death of the account holder, access to these accounts becomes an important need to prevent economic disruption for the heirs. Within the framework of *maslahah hājiyah*, the loss of access to an account entails the loss of regular income, a condition that may result in hardship for the heirs, while the preservation of a stable income forms part of *hifz al-māl* (the protection of wealth). On this basis, granting heirs access to digital assets constitutes a legitimate requirement under Sharia.

Furthermore, this position does not contradict the *naṣṣ*, as there are no Qur'anic verses or hadiths that prohibit the inheritance of non-physical assets, beneficial rights, economic rights, royalties, or other forms of financial rights. The universal principle of fiqh states: 'Any property that has value (*qīmah*) and can be owned can be inherited.' Inheritance is one way to acquire ownership rights, because property (rights) is one of the basic elements of property. Thus, monetised digital assets, although non-physical in nature, nevertheless fulfil the criteria of property according to contemporary scholarly texts and prevailing consensus.

From a *maslahah* perspective, the inheritance of digital assets generates broader and long-term benefits. These include preventing the loss of family income resulting from inaccessible accounts, avoiding disputes among heirs regarding managerial authority over such accounts, maintaining digital economic stability particularly in contexts where digital income constitutes a significant source of livelihood in modern society and preventing *mafsadah* (harm) arising from accounts being deleted by platforms due to prolonged inactivity. The benefits derived from recognising digital assets as inheritable property extend beyond individual heirs to encompass the wider socio-economic structure of the digital community.

Based on the aforementioned principles, this study formulates several solutions that are consistent with Sharia law while remaining aligned with the technical realities of contemporary digital platforms which summarized in table 5.

**Table 5. Formulation of Digital Asset Inheritance Solutions**

Solution	Description	Basic Principles	Benefits	Obstacles/Challenges
Wasiat Digital	The heir makes a will that gives legal rights to the beneficiary to manage the digital account in accordance with the platform's Terms of Service.	<i>Maslahah Hajiyah</i> : an important necessity for families to continue receiving income.	<ul style="list-style-type: none"> <li>- Guarantees the rights of heirs in accordance with Islamic inheritance law</li> <li>- Prevents disputes</li> <li>- Ensures continuity of income</li> </ul>	<ul style="list-style-type: none"> <li>- Need for education on digital wills</li> <li>- Risk of locked accounts if credentials are not stored securely</li> </ul>
Trustee Digital	Appointment of a third party (family member, notary, or professional institution) to temporarily manage the digital account until the distribution of inheritance is carried out.	<i>Maslahah Hajiyah &amp; Ta'wīl Maslahah</i> : maintaining benefits and preventing harm.	<ul style="list-style-type: none"> <li>- Income continues to flow</li> <li>- Reduces the risk of losing digital assets</li> <li>- Simplifies the distribution of inheritance</li> </ul>	<ul style="list-style-type: none"> <li>- Requires a high level of trust</li> <li>- Third-party management costs</li> <li>- Need for compliance with platform policies</li> </ul>
Regulatory Harmonisation	Formulation of guidelines or policies that integrate sharia principles with the platform's Terms of Service.	<i>Maslahah Tajribiyyah &amp; Maslahah Mursalah</i> : broader benefits for the digital community.	<ul style="list-style-type: none"> <li>- Legal protection of heirs' rights</li> <li>- Legal certainty for the platform</li> <li>- Reduces legal conflicts</li> </ul>	<ul style="list-style-type: none"> <li>- Requires coordination between regulators, religious scholars, and platforms</li> <li>- Legislation and standardisation processes take time</li> </ul>
Documentation of Access & Credentials	Safely store login details, passwords, and two-factor authentication for use by your beneficiaries.	<i>Maslahah Hajiyah</i> : securing access and preventing loss of benefits.	<ul style="list-style-type: none"> <li>- Prevents account loss</li> <li>- Ensures income distribution continues</li> </ul>	<ul style="list-style-type: none"> <li>- Digital security risks</li> <li>- Need for a secure and encrypted storage system</li> </ul>
Distribution of Income Based on Faraidh	Applying the distribution of monetisation proceeds in accordance with Islamic inheritance law even if the account is managed by heirs or trustees.	<i>Maslahah &amp; Justice ('Adālah)</i> : inheritance rights in accordance with Sharia law remain in effect.	<ul style="list-style-type: none"> <li>- Fair distribution according to religious texts</li> <li>- Prevents internal family disputes</li> </ul>	<ul style="list-style-type: none"> <li>- Need for regular income monitoring</li> <li>- Regulate distribution access transparently</li> </ul>

Based on the solution formulation table 5, it can be concluded that the *Maslahah Mursalah* approach provides a comprehensive framework for regulating the inheritance of monetised digital assets in a sharia-compliant and practical manner. Each solution formulated emphasises three main principles: justice (*adl*), benefit (*maslahah*), and practicability (*ta'bir*).

- 1) Digital wills have emerged as the most direct and straightforward solution to guarantee the rights of heirs, emphasising the need for planning during one's lifetime. This solution maintains income continuity, prevents disputes, and remains consistent with the platform's Terms of Service.
- 2) Digital trustees offer a temporary management mechanism by a trusted third party. This is relevant for accounts with significant economic value, ensuring that income continues to flow until the inheritance distribution process is complete. This solution also reduces the risk of loss of benefits due to technical access limitations by heirs.
- 3) Regulatory harmonisation emphasises the need for integration between Sharia principles and platform policies. With formal guidelines in place, the rights of heirs are legally protected, the platform remains compliant with its internal regulations, and potential legal conflicts can be minimised.
- 4) Documenting access & credentials is a crucial preventive measure. Secure storage of login and authentication information ensures that heirs can access digital accounts smoothly, so that economic benefits are not lost.
- 5) Income distribution, based on *Faraidh* ensures that the distribution of digital account monetisation remains in accordance with Islamic inheritance law. Even if the account is managed by a trustee or heir, the principle of fairness is upheld and the potential for internal family disputes can be minimised.

Overall, this table confirms that monetised digital assets can be treated as legitimate inheritance under Sharia law, provided that technical access and account control are adjusted in accordance with platform rules. The *Maslahah Mursalah* approach provides a flexible Sharia basis, enabling solutions that are fair, practical, and beneficial, while maintaining income continuity and preventing *mafsadah* (loss) for the heirs.

The *maslahah* approach produces legal solutions that have three main characteristics:

- 1) Fair → The rights of heirs are guaranteed in accordance with *faraidh* provisions, with the rights to benefits and potential income from accounts distributed proportionally.
- 2) Practical → The solution can be implemented without violating the platform's Terms of Service, enabling access and management without illegal transfer of ownership.
- 3) Beneficial (*Mujlib al-Maslahah*) → Maintains family income continuity, prevents accounts from automatic deletion, minimises potential disputes, and ensures the sustainability of the digital economy ecosystem.

The *Maslahah Mursalah* approach proves that the inheritance of monetised digital accounts is not only permissible, but also recommended to prevent harm and preserve the welfare of the family. Although the ownership structure of accounts is regulated by the platform, the benefits and income can still be inherited in accordance with Sharia law. The integration of Sharia and technology regulations through mechanisms such as digital wills, digital trustees, and policy harmonisation is a realistic and Sharia-compliant solution in facing the digital economy era.

#### **4.4. Reconstruction of Inheritance Authority: A Model of Sharia–Technology Integration**

This dualism poses a practical challenge: how can income that is lawful according to Sharia law still be received by heirs even though technical ownership of the account is restricted by the platform? To resolve this tension, it is necessary to reconstruct inheritance authority using a model that integrates Sharia law and technology, emphasising income rights rather than physical ownership of the account, as well as role-based management (digital executor) and payment system synchronisation. This approach seeks to harmonise Islamic legal principles with the technical realities of the platform, so that the rights of heirs remain protected without violating digital regulations. As stipulated in the following provisions in table 6.

**Table 6. Reconstruction of Inheritance Authority with a Model of Sharia and Technology Integration**

Aspect	Sharia	Technology	Integration
Asset Ownership	Heirs automatically acquire rights to all assets and benefits.	The platform does not recognise heirs as account owners; accounts are non-exclusive licences.	Ownership is focused on benefits/income, not the account itself. Heirs receive income, not full control over the account.
Account Access	Heirs have the right to manage the assets left behind.	Access depends on the platform's Terms of Service; account transfers are not fully permitted.	Appointment of a Digital Executor (e.g. digital trustee) tasked with managing the account for the benefit of the heirs, in accordance with Sharia law and platform policy.
Income	These are divided according to Islamic inheritance law, proportionally among the heirs.	The platform allows earnings to be directed to specific accounts (bank or digital wallet).	Payment account synchronisation, so that monetisation proceeds are automatically distributed according to faraidh shares without violating the ToS.
Sustainability	It is recommended that productive assets remain beneficial after death.	Account continuity depends on platform policy (e.g. inactivity, automatic deletion).	Post-death management through a third party (trustee, digital notary, or management institution) to ensure the account continues to generate benefits.

The principle of authority reconstruction focuses on several aspects, including:

- 1) Focus on benefits, not technical ownership → Sharia emphasises that inheritance rights are based on the economic benefits left by the deceased, while the platform limits account ownership. Thus, the reconstruction focuses on al-manfaa'ah (income) as the object of legal inheritance.
- 2) Appointment of a Digital Executor → To manage accounts in accordance with Sharia law and platform provisions, heirs can appoint a trusted party as a digital executor. This role is similar to wakalah in fiqh: a third party acts on behalf of the heirs to ensure that income continues to flow, accounts are managed securely, and income is distributed according to faraidh.
- 3) Payment System Synchronisation → Modern digital platforms allow monetisation to be directed to specific accounts. This integration allows account income to be transferred directly to heirs or trustees, so that inheritance rights are exercised without violating the ToS.
- 4) Digital Asset Sustainability Management → To keep assets productive, post-mortem management is required, including:
  - a. routine content management,
  - b. preventing accounts from being deleted due to inactivity,
  - c. monitoring income to ensure sharia-compliant distribution.
- 5) Sharia–Technology Harmonisation → This reconstruction becomes an integrative model:
  - a. Safeguarding the rights of heirs in accordance with Islamic law,
  - b. Respecting the technical limitations and mechanisms of the platform,
  - c. Ensuring maslahah (economic benefit) and preventing mafsadah (harm).

The integration model offers several advantages. First, it is Sharia-compliant, as each heir receives their entitlement in accordance with *farā'id*, even though technical ownership of the account itself is not transferred. Second, it is technologically practical, since it does not violate platform Terms of Service while continuing to utilise monetisation mechanisms and automated payment systems. Third, the model is beneficial and sustainable, as it preserves digital income streams, minimises the risk of digital asset loss, and reduces the potential for disputes among heirs. Finally, it is relevant to contemporary fiqh, as it provides practical solutions to digital asset inheritance issues that are not explicitly addressed in classical jurisprudence, while also offering guidance for notaries and regulators.

## 5. CONCLUSIONS

Based on the results of research and discussion, it can be concluded that monetised digital assets, although not physically tangible, can be categorised as inheritance according to Islamic inheritance law. Digital accounts that generate income, such as YouTube, TikTok, Google AdSense, marketplaces, or NFTs, have measurable economic value, can be utilised, and their benefits can be transferred to heirs, thus fulfilling the elements of inheritable assets. However, the practice of inheriting digital assets faces challenges in the form of dualism of authority between Sharia principles and digital platform rules. According to Sharia, heirs have full rights to the benefits and income of digital assets, while platforms limit ownership and access to accounts through their Terms of Service, making the transfer of ownership technically impossible. The Maslahah Mursalah approach has proven relevant in resolving this conflict. Based on the principle of benefit, access to and management of digital assets by heirs is permitted to maintain income continuity, prevent loss of benefits, and protect Sharia inheritance rights. Furthermore, the Sharia-Technology authority reconstruction model, which emphasises income rights and the appointment of a digital executor, provides an integrative solution.

Through this mechanism, digital income continues to be received by heirs without violating platform regulations, and the continuity of accounts as productive assets is maintained. Technical, legal, administrative, and platform policy constraints are additional challenges that need to be anticipated, but this does not diminish the sharia legitimacy of monetised digital asset inheritance. Overall, the inheritance of monetised digital assets is sharia-compliant, provided that technical and regulatory mechanisms are properly observed so that the rights of heirs are protected and assets remain productive after the testator's death. Based on these conclusions, it is recommended that the deceased make digital inheritance plans during their lifetime, including creating a digital will and documenting account access, passwords, and two-factor authentication, so that heirs can manage digital assets safely and legally in accordance with Sharia and platform regulations. The appointment of a digital executor or trustee is also important, especially for accounts with significant economic value, so that income continues to flow and distribution in accordance with faraidh law can be carried out. In addition, harmonisation between sharia principles and platform policies needs to be developed through formal guidelines or regulations, so that the rights of heirs are legally protected without violating the Terms of Service. Payment system management and digital content sustainability should also be carried out carefully so that income can still be received by heirs, and digital assets are not lost due to inactivity or deletion by the platform. Finally, educating and raising awareness among families and the digital community about digital inheritance rights, maslahah principles, and digital asset management is important to minimise internal disputes and maintain socio-economic welfare in the digital economy era. By implementing these measures, the inheritance of monetised digital assets can be carried out fairly, practically, and beneficially, in accordance with contemporary Sharia principles.

## 6. REFERENCES

- Andarsyah, R. (2022). Impelementasi Metode First in First Out (Fifo) Pada Aplikasi Jual Beli Asset Digital Berbasis Android. *Jurnal Teknik Informatika*, 14(1), 7–12. <https://ejurnal.ulbi.ac.id/index.php/informatika/article/view/1768>
- Darajat, Z. (1995). Ilmu Fiqh, vol. I. *Yogyakarta: Dana Bhakti Wakaf*.
- Efendi, A., Suryaman, A., Hapsari, F. A., Suwigtyo, R., & Prasetyo, S. (2023). Strategi Membranding Akun Tiktok Untuk Monetasi. *Jurnal Minfo Polgan*, 12(2), 2592–2596. <https://doi.org/10.33395/jmp.v12i2.13323>
- Gunawan, N. M., Salam, A., & Hartiati, E. (2022). Pewarisan Akun Digital. *Lex Patrimonium*, 1(1), 10–11. <https://scholarhub.ui.ac.id/lexpatri/vol1/iss1/11>
- Hakim, D. A. (2021). Perjanjian Lisensi Sebagai Bentuk Pengalihan Hak Kekayaan Intelektual. *Yurisprudentia: Jurnal Hukum Ekonomi*, 7(1), 17–34. <https://doi.org/10.24952/yurisprudentia.v7i1.3798>
- Hakim, I. N. (2016). Pemikiran Ushul Fiqih Ibnu Qudamah: Kajian Atas Beberapa Masalah Fiqih Dalam Kitab Al-Kafi Fi Fiqh Al-Imam Ahmad Bin Hanbal. *Al-Istinbath: Jurnal Hukum Islam*, 1(1), 83–102. <https://doi.org/10.29240/jhi.v1i1.76>
- Hamdani, L. (2018). Prinsip-Prinsip Kepemilikan Harta Dalam Islam. *El-Mujtama: Jurnal Pengabdian Masyarakat*, 1(2), 115–129. <https://doi.org/10.47467/elmal.v1i1.282>

- Heriyanto, H., Efendi, Y., & Wicaksono, T. (2024). Perlindungan hak ahli waris terhadap aset digital di Indonesia. *Hukum Inovatif: Jurnal Ilmu Hukum Sosial Dan Humaniora*, 1(2), 169–180. <https://doi.org/10.62383/humif.v1i2.612>
- Hidayatullah, S. (2018). Masalah Mursalah Menurut Al-Ghazali. *Al-Mizan: Jurnal Hukum Dan Ekonomi Islam*, 2(1), 115–163. <https://doi.org/10.33511/almizan.v2n1.115-163>
- Huda, A., & Amin, M. M. (2025). Aset Digital Sebagai Objek Waris: Telaah Yuridis Dan Fikih Terhadap Cryptocurrency Di Indonesia. *USRATUNA: Jurnal Hukum Keluarga Islam*, 8(2), 34–50. <https://doi.org/10.65356/usratuna.v8i2.740>
- Luthfi, F., Hasan, A., & Jalaluddin, J. (2024). Tantangan Dan Regulasi Dalam Pewarisan Aset Digital: Studi Perbandingan Hukum Positif Dan Hukum Islam. *Indonesian Journal of Islamic Jurisprudence, Economic and Legal Theory*, 2(4), 2212–2225. <https://doi.org/10.62976/ijjel.v2i4.823>
- Pamungkas, R. W. (2022). Perspectives on the Sharia-Compliant Accounting Practices in Indonesia. *Cashflow: Current Advanced Research on Sharia Finance and Economic Worldwide*, 2(1), 24–34. <https://doi.org/10.55047/cashflow.v2i1.383>
- Priliasari, E. (2023). Perlindungan data pribadi konsumen dalam transaksi e-commerce. *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional*, 12(2). <https://doi.org/10.33331/rechtsvinding.v12i2.1285>
- Rahmawati, L. (2024). Aturan Kewajiban Pembagian Tirkah Menurut Konsep Fiqih Prioritas atau Fiqh Al-Awlawiyyat. *EKOMA: Jurnal Ekonomi, Manajemen, Akuntansi*, 3(4), 850–861. <https://doi.org/10.56799/ekoma.v3i4.3365>
- Sahlah, S., Suhendra, A., Fariduddin, E. I., & Lasmana, N. (2023). Penetapan Hukum Islam dengan Pendekatan Mashlahah Mursalah melalui Teori Maqashid Al-Syari'ah. *Jurnal Kajian Hukum Islam*, 8(2), 1–11. <https://journal.stisnutangerang.ac.id/index.php/hikamuna/article/view/23>
- Wedy, A. (2025). Refleksi Maqashid Syariah dalam Penyelesaian Sengketa Waris Digital: Menjawab Tantangan Hukum Keluarga Islam di Era Teknologi. *Litaskunu: Jurnal Hukum Keluarga Islam*, 1(1), 1–11. <https://ejournal.stainsumenep.ac.id/index.php/litaskunu/article/view/46>
- Wijaya, K. A., Dewi, K. A. P., & Dewi, C. I. D. L. (2025). Status Hukum Aset Digital sebagai Barang Milik dalam Perspektif Hukum Indonesia. *Rio Law Jurnal*, 6(2), 846–858. <https://doi.org/10.36355/rlj.v6i2.1796>