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## A COMPARATIVE ANALYSIS OF INTERNATIONAL LEGAL NORMS REGARDING THE INHERITANCE OF DIGITAL PROPERTY

**Abstract.** The concept of digital property is becoming increasingly important in the legal system today. From social media accounts, cryptocurrencies, and crypto assets to digital libraries and intellectual property rights, this type of property is considered as legally significant objects. The problems associated with the inheritance of this property after a person's death and determining its primary owner have become an important issue in the legal sphere today. This article analyzes and examines the comparative legislation of a number of countries related to the recognition of digital objects as property and their inheritance. The fact that different jurisdictions, formed by different legal traditions and levels of technological infrastructure, have their own systems complicates the creation of a clear universal model. The article compares this issue from the point of view of theoretical and private legislation, and explains the concept of several digital properties.

**Keywords:** digital inheritance, digital assets, cross-border inheritance, cryptocurrency, intellectual property, digital wills, comparative legal analysis, international coordination, privacy rights.

**Аннотация.** На сегодняшний день концепция цифровой собственности приобретает все большее значение в правовой системе. Данный вид собственности, начиная от учетных записей в социальных сетях, криптовалют и криптоактивов до цифровых библиотек и прав интеллектуальной собственности, рассматриваются как юридически значимые объекты. Проблемы, связанные с наследованием этого имущества после смерти человека и определением его основного владельца, сегодня стали важной проблемой в юридической сфере. В данной статье проанализировано и изучено сравнительное законодательство ряда стран, связанное с признанием цифровых объектов собственностью и их наследованием. Тот факт, что разные юрисдикции, сформированные разными правовыми традициями и уровнями технологической инфраструктуры, имеют свои собственные системы, усложняет создание четкой универсальной модели. В статье данный вопрос сопоставляется с точки зрения теоретического и частного законодательства, а также поясняется понятие нескольких цифровых свойств.

**Ключевые слова:** цифровое наследство, цифровые активы, трансграничное наследство, криптовалюта, интеллектуальная собственность,

цифровые завещания, сравнительно-правовой анализ, международная координация, права на неприкосновенность частной жизни. Планирование наследства; Права на конфиденциальность; Правовые рамки

**Annotatsiya.** Bugungi kunda raqamli mulk tushunchasi huquq tizmida muhim ahamiyat kasb etib bormoqda. Ijtimoiy tarmoq akkauntlari va kriptovalyuta, kriptoaktivlardan tortib raqamli kutubxonalar va intellektual mulk huquqlarigacha bo'lgan ushbu aktivlar huquqiy nuqtai nazardan muhim obyekt sifatida qaralmoqda. Shaxs o'lganidan keyin ana shu mulklarni meros qilib qoldirish, ularning keying mulkdorini aniqlash bilan bog'liq muammolar bugungi kunda huquqning muhim muammosiga aylanib ulgurdi. Ushbu maqolada aynan raqamli mulklarni mulk deb toppish, ularni meros qilib qodirish bilan bog'liq bir necha davlatlarning qonunchiligi tahlil qilindi, qiyosiy jihatdan o'rganildi. Turli huquqiy an'analar, texnologik infratuzilma darajalari bilan shakllangan turli yurisdiksiyalalar o'ziga xos tizimga ega ekanligi, aniq ideal modelni yaratishni murakkablashtiradi. Maqolada ayan ushbu masala nazariy, aniq qonunchilik nuqtai nazaridan qiyosiy tahlil qilingan, bir necha raqamli mulklar tushunchasi tushuntirilgan.

**Kalit so'zlar:** Raqamli meros, raqamli aktivlar, transchegaraviy meros, kriptovalyuta, intellektual mulk, raqamli vasiyatnomalar, qiyosiy huquqiy tahlil, xalqaro muvofiqlashtirish, maxfiylik huquqlari.

**Introduction.** The proliferation of digital technology has altered not only how individuals communicate, express creativity, and accumulate wealth, but also how they conceive of ownership and inheritance.[1] In addition to traditional tangible assets, personal estates now encompass a broad spectrum of digital properties, from encrypted cryptocurrency wallets and monetized social media channels to large repositories of personal emails, photographs, and professionally produced digital art.[2] These intangible but often significant holdings can carry substantial monetary value while also serving as unique archives of personal identity and memory. For instance, the global cryptocurrency market reached multi-trillion-dollar valuations by the early 2020s, reflecting the substantial economic weight of these digital financial assets.

However, the transition to a digital environment has outpaced the adaptation of legal principles designed for more conventional, tangible estates.[4] traditional inheritance doctrines, forged in eras when property was almost exclusively physical, often fail to address the complexities of digital assets. The variability and invisibility of these resources, combined with platform-specific contracts and encryption technologies, produce uncertainties for heirs, executors, and legal professionals. While long-standing inheritance frameworks depend on clear rules of property succession, digital property frequently exists in a realm governed by terms-of-service

agreements and privacy statutes that differ dramatically from one jurisdiction to another.[5]

**Research problem.** A fundamental challenge stems from the absence of coherent and widely accepted international norms that address the inheritance of digital assets. Consider the divergence between u.s. jurisdictions that have adopted the revised uniform fiduciary access to digital assets act (rufadaa) to guide fiduciary access to digital estates and the european union's stringent data protection standards under the general data protection regulation (gdpr). These examples highlight an international patchwork of rules, often leaving heirs uncertain about whether and how they can legally access a deceased relative's accounts or holdings.[6] Service providers frequently prioritize user confidentiality and platform control, sometimes resisting disclosure despite local inheritance laws. As a result, digital property can slip through legal cracks, inaccessible to rightful heirs and undermining the very purpose of inheritance law. Cross-border disputes further complicate matters, as servers, accounts, and digital assets may be hosted in multiple jurisdictions, each with distinct rules. This fragmentation underscores the need for international dialogue and consistent standards. [7]

**Research objectives.** This study pursues three primary objectives. First, it examines and compares existing legal frameworks for digital inheritance in selected jurisdictions—specifically, the United States, the european union, china, india, and japan—to elucidate the current global landscape.[8] Second, it identifies pressing challenges and sources of ambiguity, including definitional complexities, the interplay between privacy and access, and the legally binding nature of platform terms of service. Third, it proposes recommendations to harmonize these fragmented norms at an international level, potentially under the auspices of organizations like the hague conference on private international law (hcch). By doing so, the study hopes to guide the evolution of more equitable, predictable, and adaptable legal standards for digital inheritance.

**Methods.** Comparative legal analysis the research adopts a comparative legal analysis, drawing upon diverse legal traditions and practices. The jurisdictions under review—such as the u.s., where states have implemented rufadaa, and the eu, shaped by gdpr—offer meaningful contrasts. China's proactive legislative approach, india's reliance on traditional inheritance statutes, and japan's emphasis on privacy each contribute valuable perspectives to the analysis.[9]

By examining national laws, judicial precedents, and administrative practices, the study aims to distill the principles and factors influencing digital inheritance. This analysis captures the divergences and convergences arising from distinct legal traditions, cultural backgrounds, and levels of technological penetration.

**Framework for analysis** to structure the comparison, digital property is categorized into three types:

Personal digital assets: social media profiles, email

archives, and cloud-stored photographs and documents.

Financial digital assets: Cryptocurrencies, online banking accounts, and investment portfolios held in digital form.

Intellectual digital assets: e-books, music and film libraries, and digital artistic works subject to copyright or intellectual property protections.

These asset categories are assessed through four dimensions:

1.Legislative provisions: clarity, scope, and adaptability of statutory and regulatory frameworks.

2.Judicial interpretations: courts' willingness to recognize digital assets as inheritable and to reconcile conflicting norms.

3.Privacy concerns: the impact of strong data protection laws like gdpr on the willingness or ability of heirs to access digital property.

4.Access mechanisms: the influence of platform terms-of-service, encryption technologies, and procedural requirements on actual asset transfer.

**Data sources.** Primary sources include national statutes (e.g., rufadaa), international instruments (e.g., hcch conventions), and key judicial decisions.[10] secondary sources consist of peer-reviewed journal articles, policy reports from legal institutions, and scholarly commentaries providing theoretical and critical insights. Taken together, these materials ground the analysis in both authoritative legal texts and broader academic discourse.

**Results.** Overview of legal norms by jurisdiction in the United States, the implementation of rufadaa in numerous states provides fiduciaries with structured pathways to access digital assets, provided the deceased has granted explicit permission. Nevertheless, lingering inconsistencies persist due to variations in state adoptions and technology companies' reliance on the federal stored communications act to refuse disclosures.

By contrast, the european union's focus on privacy under gdpr often restricts fiduciary access to digital accounts, demanding balancing acts between data protection mandates and inheritance entitlements.[11] some eu states, such as germany, have recognized broader inheritance rights, allowing heirs to step into the deceased's contractual positions. While others continue to navigate the interplay between national inheritance rules and eu-level privacy directives.

China's civil code explicitly acknowledges digital assets as inheritable property, and courts have supported heirs' claims to social media and payment service accounts. India, lacking dedicated digital inheritance laws, relies on general inheritance statutes, resulting in unpredictable outcomes when families seek access to email or cryptocurrency accounts. Japan's judicial approach emphasizes caution, often requiring court orders and explicit testamentary directions to override strong posthumous privacy norms.

Key challenges identified recurring challenges include ambiguous definitions of "digital assets," with some

jurisdictions treating them as conventional property and others adopting more restrictive interpretations.<sup>[12]</sup> privacy laws, especially in the eu, frequently clash with heirs' claims, forcing courts and legislatures to negotiate complex ethical terrain. Service providers' tos agreements often position digital accounts as licenses rather than ownership interests, granting platforms significant leverage to deny access. Cross-border disputes further complicate matters, as multiple jurisdictions' rules may apply simultaneously to a single digital estate.

Emerging trends despite obstacles, several constructive trends are emerging. The development of "digital wills" and estate planning tools tailored to online assets is increasingly common, granting individuals greater control over their digital legacies. Courts and legislatures are showing more openness to recognizing cryptocurrencies and nfts as legitimate inheritances. Over time, as awareness grows, it is likely that more jurisdictions will legislate specifically for digital inheritance, providing greater clarity and consistency.

Discussion. Comparative insight the cross-jurisdictional comparison reveals both convergence and divergence. A shared recognition that digital assets can form part of an estate is becoming more evident worldwide. yet, stark differences persist in how accessible these assets are to heirs, how privacy concerns are balanced against inheritance rights, and how effectively service provider contracts align or conflict with statutory requirements.<sup>[13]</sup> these differences often reflect broader cultural values—for example, japan's respect for privacy and dignity in death, or the u.s. emphasis on personal autonomy and testamentary freedom.

Challenges of harmonization. Harmonizing these divergent norms is difficult. Privacy laws, particularly in the eu, impose constraints that may be at odds with approaches like rufadaa. Cross-border issues complicate matters, as digital assets, accounts, and servers often transcend national borders, making it unclear which country's laws apply. Institutional reluctance among technology companies and the absence of a unified global regulatory body also hinder progress.

Recommendations. This study recommends fostering international dialogue under an institution like the hcch, which could facilitate the negotiation of guiding principles or conventions aimed at resolving conflicts of law and ensuring that privacy and inheritance rights can co-exist. Model laws, drafted through international collaboration, could provide consistent definitions, clarify fiduciary access protocols, and integrate provisions for digital wills. Alongside legal reforms, educational outreach is crucial, encouraging individuals to proactively plan their digital estates and specify their posthumous preferences in legally enforceable documents. Such initiatives could reduce uncertainty, preempt conflicts, and simplify the settlement of digital estates.

Conclusion. This comparative analysis illuminates the fractured international legal landscape governing digital inheritance. Although all jurisdictions acknowledge the

increasing significance of digital property, the absence of coherent norms creates confusion, conflict, and inefficiency. Fundamental issues—such as reconciling privacy with fiduciary access, determining the applicability of terms of service, and resolving cross-border jurisdictional disputes—underscore the need for collective action and creative policymaking. As technological innovation continues to redefine the boundaries of ownership and memory, establishing fair, predictable, and adaptable legal frameworks for digital inheritance becomes increasingly urgent. Collaborative efforts, guided by international organizations and supported by educational campaigns, can help align global standards. Ongoing research, policy experimentation, and stakeholder engagement remain vital, ensuring that legal systems remain responsive to evolving technologies, respect cultural nuances, and safeguard the rights of both testators and heirs in the digital era.

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