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**Гулямов Саид Саидахарович,  
Рустамбеков Исламбек Рустамбекович**  
ТДЮУ, Халқаро хусусий ҳуқуқ кафедраси,  
Ўзбекистон Республикаси, Тошкент ш., 100047,  
Сайилгоҳ кўчаси, 35. Тел: 233-66-36

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**Akramov Akmaljon Anvarjon ugli**

Tashkent State University of Law  
Senior lecturer of the Department of International  
Private Law

## ISSUES OF IMPROVING EXISTING LEGAL PRACTICES AND LEGISLATIVE NORMS IN DEVELOPED COUNTRIES RELATED TO DIGITAL INHERITANCE

**Annotatsiya.** Raqamli aktivlar va onlayn mavjudlikning o'sishi merosni tartibga solish sohasida jiddiy huquqiy muammolarni keltirib chiqardi. Raqamli meros bugungi kunda qonun chiqaruvchilar diqqatini talab qiluvchi muhim masalaga aylangan bo'lib, shaxs vafotidan keyin raqamli aktivlarning to'g'ri tarzda uzatilishi va boshqarilishini ta'minlash zarurati tug'ilmoqda. Ushbu maqola rivojlangan davlatlardagi raqamli merosning shakllanib borayotgan huquqiy manzarasini o'rganib, amaldagi qonunchilik asoslarini tahlil qiladi, mavjud kamchiliklarni aniqlaydi va ularni takomillashtirish bo'yicha tavsiyalar beradi. AQSh, Yevropa Ittifoqi va Yaponiya kabi yurisdiksiyalardagi eng yaxshi tajribalar va tartibga solish tendensiyalarini o'rganish orqali ushbu tadqiqot raqamli meros bilan bog'liq muammolar va ularning mumkin bo'lgan yechimlariga batafsil yondashadi. Tadqiqot natijalari raqamli merosbu tartibga solish murakkabligini hisobga olgan holda, aniq qonuniy qoidalar, standartlashtirilgan yondashuvlar va mustahkam huquqiy mexanizmlarning zarurligini ta'kidlaydi.

**Kalit so'zlar:** Raqamli meros, huquqiy asoslar, qonunchilik me'yorlari, raqamli aktivlar, meros rejalashtirish, maxfiylik qonunlari, tartibga solish muammolari, raqamli meros huquqi, kriptovalyuta merosi.

**Abstract.** The rise of digital assets and online presence has created significant legal challenges in estate planning. Digital inheritance is now a critical issue requiring legislative attention to ensure the proper transfer and management of digital assets after an individual's death. This paper explores the evolving legal landscape of digital inheritance in developed countries, analyzing current legislative frameworks, identifying gaps, and proposing improvements. By examining best practices and regulatory trends in jurisdictions such as the United States, the European Union, and Japan, this study provides an in-depth analysis of the challenges and potential solutions related to digital inheritance. The research highlights the importance of clear legislative provisions, standardized approaches, and enhanced legal mechanisms to address the growing complexity of digital estate planning.

**Keywords:** Digital inheritance, legal frameworks, legislative norms, digital assets, estate planning, privacy laws, regulatory challenges, digital legacy, cryptocurrency inheritance.

**Аннотация.** Рост цифровых активов и онлайн-присутствия создал значительные правовые вызовы в сфере планирования наследства. Цифровое наследство в настоящее время является критически

важной проблемой, требующей законодательного регулирования для обеспечения надлежащей передачи и управления цифровыми активами после смерти человека. В данной статье рассматривается развивающаяся правовая среда цифрового наследства в развитых странах, анализируются действующие законодательные нормы, выявляются пробелы и предлагаются пути их совершенствования. Изучая лучшие практики и нормативные тенденции в таких юрисдикциях, как США, Европейский Союз и Япония, данное исследование предлагает углубленный анализ проблем и потенциальных решений в области цифрового наследства. В работе подчеркивается важность четких законодательных положений, стандартизированных подходов и усовершенствованных правовых механизмов для решения растущей сложности цифрового планирования наследства.

**Ключевые слова:** Цифровое наследство, правовые рамки, законодательные нормы, цифровые активы, планирование наследства, законы о конфиденциальности, регуляторные вызовы, цифровое наследие, наследование криптовалют.

### Introduction

The increasing digitalization of financial and personal assets has introduced complex challenges to inheritance laws. Traditionally, estate planning has been focused on tangible assets such as real estate, financial investments and personal belongings. However, the proliferation of digital assets, including cryptocurrencies, cloud storage accounts, social media profiles, and digital intellectual property, has added a new dimension to inheritance laws. The legal framework surrounding digital inheritance is still evolving, with inconsistencies across jurisdictions creating difficulties for heirs and estate executors. This paper examines the current issues surrounding digital inheritance, highlights existing legal frameworks in developed countries, and proposes strategies for improving the regulation of digital assets in estate planning.

**The Concept of Digital Inheritance.** Digital inheritance refers to the process by which a deceased person's digital assets are managed and transferred to heirs or beneficiaries. These assets include:

**Financial Digital Assets:** Cryptocurrencies, online banking accounts, PayPal balances, and digital wallets.

**Social Media Accounts:** Facebook, Twitter, Instagram, LinkedIn, TikTok, and other platforms.

**Intellectual Property:** Digital copyrights, domain names, blogs, and digital books.

**Personal Data and Cloud Storage:** Google Drive, Dropbox, iCloud, and other online storage services.[1]

**Online Subscription Services:** Streaming accounts (Netflix, Spotify, Apple Music), online gaming accounts, and e-commerce platforms (Amazon, eBay, Alibaba).

Unlike traditional physical assets, digital assets are often governed by Terms of Service Agreements (TOSAs) rather than inheritance laws, making their posthumous management legally complex.

Despite the growing importance of digital inheritance, several challenges hinder its effective regulation: Most

developed countries do not have comprehensive legislation addressing digital inheritance. Instead, laws vary significantly across jurisdictions, making it difficult for heirs to claim digital assets internationally. For instance, while some jurisdictions have enacted laws permitting fiduciary access to digital assets, others have restrictive privacy laws that limit access.

**Privacy and Data Protection Laws.** Stringent privacy laws such as the General Data Protection Regulation (GDPR) in the European Union and the California Consumer Privacy Act (CCPA) in the United States create significant barriers for heirs seeking access to digital accounts. These regulations are designed to protect user privacy but do not always consider the inheritance of digital data.

**Terms of Service Agreements (TOSAs).** Digital service providers often impose restrictive TOSAs that prevent the transfer of digital accounts to heirs. Many platforms explicitly prohibit the sharing of login credentials, and in some cases, accounts are automatically deleted upon the death of the user.[2]

**Cryptocurrencies and Blockchain Complexity.** Cryptocurrencies such as Bitcoin and Ethereum present unique inheritance challenges due to their decentralized nature. Unlike traditional bank accounts, these assets are accessed through private keys, which, if lost, make the assets irrecoverable. Many existing legal frameworks lack mechanisms for ensuring the smooth transfer of cryptocurrency holdings to heirs.

**Comparative Analysis of Digital Inheritance Laws in Developed Countries.** The legal landscape of digital inheritance varies significantly across developed countries, reflecting differences in regulatory frameworks, privacy laws, and technological advancements. While some jurisdictions have established detailed laws addressing digital asset inheritance, others rely on general estate planning and data protection regulations, creating inconsistencies and legal uncertainties. This section examines the digital inheritance frameworks in key developed countries, highlighting their strengths, weaknesses, and potential areas for improvement.

**United States.** The United States has taken a significant step toward regulating digital inheritance through the Revised Uniform Fiduciary Access to Digital Assets Act (RUFADAA). This law, adopted in most states, allows fiduciaries (such as executors or trustees) limited access to a deceased individual's digital assets, provided that specific conditions are met. RUFADAA requires explicit consent from the account holder, typically through a will or an online tool provided by digital service providers (e.g., Google's Inactive Account Manager).[3]

- Provides a legal pathway for fiduciaries to manage digital assets with prior consent.

- Encourages service providers to offer users digital legacy options.

- Implementation varies by state, leading to inconsistencies.

- Privacy laws such as the Stored Communications Act (SCA) may conflict with digital inheritance rights.

- Limited access to certain accounts if the user did not provide explicit consent before death.

**European Union.** In the European Union, digital inheritance is not explicitly addressed in a unified regulation. Instead, the General Data Protection Regulation (GDPR) plays a key role in defining access to personal data posthumously. However, GDPR does not provide clear guidelines for digital inheritance, leaving decisions to individual member states. Countries such as France and Germany have introduced national provisions governing digital inheritance.

- Strong data protection laws ensure security and privacy of digital assets.

- Some member states (e.g., Germany) recognize digital assets as inheritable property.

- France's landmark ruling (2016) allows heirs to request access to online accounts under certain conditions.

- Lack of a harmonized EU-wide regulation leads to legal fragmentation.

- GDPR's strict data protection rules may prevent access to digital assets by heirs.

- Many online service providers impose restrictions on data access after a user's death.[4]

**United Kingdom.** The UK does not have a specific law governing digital inheritance. Instead, digital assets are handled under traditional estate planning laws. The Law Society of England and Wales recommends that individuals include digital assets in their wills, but there is no statutory requirement for service providers to grant access to heirs.

- Recognizes digital assets as part of an estate.

- Encourages estate planning to include digital assets.

- No statutory mechanism compelling digital service providers to grant access to heirs.

- Service providers' Terms of Service Agreements (TOSAs) often override inheritance rights. [5]

- Lack of standardized procedures for accessing digital assets.

**Japan.** Japan has introduced guidelines for handling digital inheritance, but there is no comprehensive legal framework. The country's Civil Code does not explicitly address digital assets, and heirs often rely on negotiations with digital service providers to access a deceased individual's accounts.

- Financial institutions and some digital platforms provide legacy services for asset transfer.

- Increasing awareness of digital inheritance issues has led to discussions about legislative reforms.

- No specific law governing digital inheritance.

- Heirs often face difficulties accessing digital accounts due to strict privacy policies.

- Cryptocurrency inheritance remains highly problematic due to private key requirements. [6]

**Australia** currently lacks a national law on digital inheritance, relying instead on general estate laws. Some states, such as Victoria, have started to consider legislative solutions, but digital inheritance largely depends on whether the deceased left specific instructions.

- Recognizes digital assets as part of the estate under probate laws.

- Growing legal discussions on including digital inheritance in estate planning.

- No national law governing digital inheritance.

-Service providers often have policies that restrict access to heirs.

-No clear regulations on cryptocurrency inheritance.

Canada. Canada has yet to implement a nationwide law on digital inheritance. Some provinces, such as British Columbia, have discussed legislation similar to RUFADAA in the U.S., but no federal guidelines exist. The common law approach allows digital assets to be included in an estate if explicitly mentioned in a will. [7]

-Recognizes digital assets as part of an estate.

-Growing legal awareness of digital inheritance issues.

-No standardized legal framework.

-Heirs often face difficulties accessing digital accounts due to service provider restrictions.

Proposed Improvements to Legal Practices. To address the gaps in digital inheritance laws, the following recommendations should be considered:

- Governments should establish standardized digital inheritance laws across jurisdictions to ensure clarity and consistency.[8]

-Legislative amendments should balance privacy concerns with the need for inheritance rights, ensuring that heirs can access necessary digital information.

-Smart contracts and blockchain technology can be used to automate the transfer of digital assets upon death, ensuring secure and legally recognized inheritance mechanisms.

Digital Estate Planning Awareness: Public education initiatives should be launched to encourage individuals to include digital assets in their estate planning through legal instruments such as digital wills and legacy tools provided by online platforms.[9]

Collaboration with Technology Companies: Lawmakers should work with digital service providers to create user-friendly solutions for digital asset management and inheritance.

The future of digital inheritance regulation will likely witness significant transformations driven by technological advancements, evolving legal frameworks, and increased awareness of digital estate planning. As digital assets continue to expand in both value and complexity, governments, legal institutions, and technology companies must collaborate to create a seamless, secure, and legally enforceable mechanism for digital inheritance. Several key developments are anticipated in the coming years.

Standardization of Digital Inheritance Laws. One of the most pressing issues in digital inheritance today is the lack of uniform legislation across jurisdictions. Future legal frameworks must establish international standards for digital estate planning, similar to existing conventions governing traditional inheritance. International bodies such as the United Nations Commission on International Trade Law and the Hague Conference on Private International Law could play a crucial role in harmonizing legal norms related to digital inheritance, ensuring that digital assets can be managed and transferred seamlessly across borders.

The use of artificial intelligence and automation in estate planning is expected to grow. AI-driven legal advisors could assist individuals in managing their digital assets, generating personalized wills, and ensuring compliance with evolving regulations. Automated digital estate plan-

ning tools could integrate directly with digital platforms, allowing users to designate heirs for their assets and set conditions for access upon their passing.[10]

Smart Contracts and Blockchain Solutions. Blockchain technology and smart contracts offer a promising future for digital inheritance. By leveraging decentralized and immutable ledger technology, smart contracts could automatically execute digital asset transfers upon verification of a user's death. This could eliminate the need for intermediaries such as courts or notaries and enhance the security and efficiency of digital estate execution. Blockchain-based solutions could also provide an incorruptible record of inheritance agreements, reducing disputes and unauthorized access.

Evolving Role of Technology Companies. As digital service providers play a crucial role in asset management, companies such as Google, Apple, Facebook, and cryptocurrency exchanges will need to develop more user-friendly digital inheritance tools. Features such as pre-designated digital heirs, posthumous account management options, and secure data transfer mechanisms could become standard practices. Tech firms may also face increased regulatory obligations to ensure that digital inheritance solutions comply with privacy and estate laws.

Strengthening Privacy and Security Measures. One of the significant challenges in digital inheritance is balancing privacy rights with accessibility for heirs. Future regulations must address concerns regarding unauthorized access to digital accounts while ensuring that rightful beneficiaries can claim digital assets. The adoption of biometric authentication, digital identity verification, and secure key management solutions will likely enhance both security and accessibility in digital inheritance.[11]

Legislative Adaptations to Emerging Technologies. As technology evolves, new forms of digital assets, such as non-fungible tokens, decentralized finance assets, and virtual real estate, will require tailored inheritance laws. Legislators will need to continuously adapt regulations to accommodate emerging digital property rights and ensure that heirs can legally inherit, transfer, and manage novel digital assets.

Digital Legacy and Ethical Considerations. Beyond legal and technological advancements, future digital inheritance frameworks must address ethical concerns surrounding digital legacies. Questions regarding the long-term preservation of personal data, digital identities, and posthumous online presence will require interdisciplinary discussions involving legal experts, ethicists, and technology developers. Ensuring that digital inheritance respects the deceased's wishes while protecting the rights of heirs and beneficiaries will remain a crucial consideration.

### Conclusion.

Digital inheritance represents a complex intersection of estate law, privacy rights, and technological advancements. While some developed countries have made progress, significant gaps remain. Addressing these issues requires a coordinated effort from lawmakers, digital service providers, and legal practitioners to ensure that digital assets are effectively protected and passed on to rightful heirs. Future legislative reforms should focus on creating clear, accessible, and enforceable digital inheritance regu-



lations that balance privacy concerns with inheritance rights.

#### Foydalanilgan adabiyotlar ro'yxati

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