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## DIGITAL INHERITANCE: TRANSFER OF REAL RIGHTS ACCORDING TO THE PROCEDURE OF UNIVERSAL SUCCESSION

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### ABSTRACT

Digital inheritance, encompassing the transfer of digital assets after death, presents a multifaceted challenge in today's interconnected world. This article explores the concept of digital inheritance, focusing on the transfer of real rights through the procedure of universal succession. Beginning with an examination of the diverse nature of digital assets, the article navigates the legal landscape surrounding digital inheritance and the potential application of universal succession. Challenges and considerations in digital inheritance, including legal recognition, privacy concerns, technological complexity, and cross-border considerations, are addressed. The role of estate planning and technology in facilitating digital inheritance is also discussed. Through proactive collaboration between policymakers, legal experts, technology developers, and individuals, effective solutions can be developed to ensure the orderly transfer of digital assets in the digital age.

### KEYWORDS

Digital inheritance, Universal succession, Digital assets, Estate planning, Legal frameworks, Privacy, Technology, Cross-border considerations.

### INTRODUCTION

In the modern era, our lives are increasingly intertwined with digital technologies. From social media profiles to online banking accounts, our digital footprint continues to expand, raising important questions about what happens to our digital assets after we pass away. The concept of digital inheritance,

or the transfer of real rights in the digital realm, has emerged as a pressing issue in today's interconnected world. This article delves into the complexities of digital inheritance, focusing on the transfer of real rights through the procedure of universal succession. Digital inheritance encompasses a wide range of assets, including but not limited to, social media

accounts, email communications, cryptocurrencies, digital files, and intellectual property. These assets hold both sentimental and monetary value and must be carefully managed after an individual's demise. However, unlike tangible assets such as property or investments, digital assets often lack clear legal frameworks governing their inheritance. This legal ambiguity can complicate the transfer process and lead to disputes among heirs. One approach to addressing the complexities of digital inheritance is through the concept of universal succession. Universal succession is a legal principle that allows for the seamless transfer of assets and liabilities from a deceased individual to their heirs. Rooted in civil law traditions, universal succession offers a systematic framework for the transfer of real rights, ensuring continuity in the ownership of assets.

Traditionally, universal succession has been applied to tangible assets such as land, buildings, and personal possessions. However, in the digital age, its application extends to intangible assets, including digital property and online accounts. By applying the principles of universal succession to digital inheritance, individuals can designate heirs to receive their digital assets and ensure the orderly transfer of rights. One of the key challenges in implementing digital inheritance through universal succession is the recognition of digital assets as legitimate property. Unlike physical assets, digital assets exist in a virtual space, often governed by terms of service agreements and privacy policies. As a result, there is a lack of clarity regarding the legal status of digital assets and their transferability upon death. Moreover, the cross-border nature of digital assets further complicates the inheritance process. With individuals maintaining digital assets across multiple jurisdictions, questions arise regarding which legal jurisdiction governs the transfer of these assets. In the absence of clear international standards, navigating the complexities of cross-border digital inheritance can

be arduous and time-consuming. To address these challenges, lawmakers and legal scholars are increasingly advocating for the establishment of clear legal frameworks for digital inheritance. By recognizing digital assets as legitimate property and establishing procedures for their transfer through universal succession, governments can provide much-needed clarity and guidance to individuals and families. Furthermore, technological innovations such as blockchain technology offer potential solutions to the challenges of digital inheritance. Blockchain, a decentralized ledger system, provides a secure and transparent means of recording ownership rights and transactions. By leveraging blockchain technology, individuals can create immutable records of their digital assets and designate heirs with confidence, knowing that their wishes will be upheld.

**Understanding Digital Assets:** Before delving into the intricacies of digital inheritance and universal succession, it is essential to grasp the diverse nature of digital assets. Digital assets encompass a broad spectrum of items, ranging from sentimental mementos stored in email accounts to valuable cryptocurrencies held in digital wallets. These assets hold significant personal, emotional, and financial value, making their management after death a critical concern for individuals and their families.

### **Digital assets can be categorized into several distinct types:**

a. **Social Media Accounts:** Platforms such as Facebook, Twitter, and Instagram host vast amounts of personal data, including photos, videos, and messages. These accounts often serve as digital repositories of memories and connections, making them valuable assets to be passed on to heirs.

b. Email Communications: Email accounts contain a wealth of personal and professional correspondence, as well as important documents and records. Access to these accounts may be crucial for settling financial affairs and communicating with contacts after an individual's death.

c. Cryptocurrencies: With the rise of blockchain technology, cryptocurrencies like Bitcoin and Ethereum have emerged as valuable digital assets. These decentralized currencies are stored in digital wallets, which can only be accessed with private keys. Ensuring the secure transfer of cryptocurrencies to heirs is a complex and often challenging process.

d. Digital Files and Intellectual Property: Digital files, including photos, videos, music, and documents, constitute another significant category of digital assets. Additionally, individuals may possess intellectual property rights, such as patents, copyrights, and trademarks, which need to be managed and transferred in accordance with applicable laws.

**The Legal Landscape of Digital Inheritance:** Despite the growing importance of digital assets in our lives, the legal landscape surrounding their inheritance remains murky and fragmented. Traditional estate planning tools, such as wills and trusts, may not adequately address the complexities of digital inheritance, leaving individuals vulnerable to legal and practical challenges. One of the primary obstacles to effective digital inheritance is the lack of clear legal frameworks governing the transfer of digital assets. In many jurisdictions, existing laws were crafted long before the advent of the internet and digital technologies, leaving significant gaps in their applicability to digital inheritance. Moreover, the terms of service agreements and privacy policies governing digital platforms often dictate what happens to a user's

account and data after their death. These agreements may vary widely between platforms and can restrict heirs' access to or control over digital assets, creating additional hurdles for digital inheritance. In response to these challenges, lawmakers and legal scholars around the world are advocating for the development of comprehensive legal frameworks for digital inheritance. These frameworks aim to clarify the legal status of digital assets, establish procedures for their transfer, and ensure the protection of individuals' rights and privacy.

**Universal Succession in the Digital Age:** Universal succession, rooted in civil law traditions, offers a systematic framework for the transfer of assets and liabilities from a deceased individual to their heirs. Historically applied to tangible assets such as land and personal property, universal succession is increasingly relevant in the context of digital inheritance. At its core, universal succession operates on the principle of continuity, ensuring that the rights and obligations of the deceased are seamlessly transferred to their heirs. By designating heirs and specifying the distribution of assets in advance, individuals can facilitate the orderly transfer of their estate, including digital assets, through universal succession. In the digital age, the application of universal succession to digital inheritance presents both opportunities and challenges. On the one hand, universal succession provides a well-established legal framework for the transfer of digital assets, offering clarity and predictability to individuals and families. On the other hand, the intangible and decentralized nature of many digital assets complicates the application of universal succession. Unlike tangible assets, which can be easily identified and transferred, digital assets may exist across multiple platforms and jurisdictions, requiring careful coordination and documentation to ensure their orderly transfer.

Challenges and Considerations in Digital Inheritance: Despite the potential benefits of universal succession in facilitating digital inheritance, several challenges and considerations must be addressed to ensure its effectiveness:

a. Legal Recognition: Digital assets must be legally recognized as legitimate property, subject to the same rights and obligations as tangible assets. Achieving legal recognition for digital assets requires amendments to existing laws and regulations, as well as international cooperation to harmonize legal standards across jurisdictions.

b. Privacy and Data Protection: The transfer of digital assets must be conducted in compliance with applicable privacy and data protection laws. Individuals must have confidence that their personal information will be handled securely and responsibly, both during their lifetime and after their death.

c. Technological Complexity: The decentralized and rapidly evolving nature of digital technologies presents technical challenges to the transfer of digital assets. Solutions such as blockchain technology offer potential avenues for securely recording ownership rights and facilitating transactions but require widespread adoption and interoperability to be effective.

d. Cross-Border Considerations: With digital assets often spanning multiple jurisdictions, the transfer of these assets may be subject to conflicting laws and regulations. Clear guidelines and mechanisms for resolving cross-border disputes are essential to ensure the orderly transfer of digital assets through universal succession.

The Role of Estate Planning and Technology: Effective digital inheritance requires proactive estate planning and the utilization of appropriate technological

solutions. Individuals should incorporate digital assets into their estate planning documents, such as wills and trusts, and designate heirs to receive these assets upon their death.

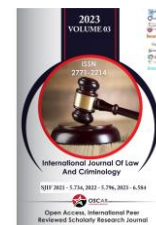
## CONCLUSION

In conclusion, digital inheritance presents complex challenges in the modern era, as individuals increasingly rely on digital technologies to manage their lives and assets. By applying the principles of universal succession to digital inheritance, we can establish clear legal frameworks and procedures for the transfer of digital assets, ensuring the protection of individuals' rights and facilitating the orderly distribution of their estate. However, addressing the legal, technical, and practical challenges of digital inheritance requires collaboration between policymakers, legal experts, technology developers, and individuals themselves. By navigating these challenges thoughtfully and proactively, we can ensure that digital inheritance is managed effectively and responsibly in the digital age.

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