

# The Law of Gender Justice in Digital Inheritance Distribution: A Fiqh Perspective on Crypto Assets and Non-Fungible Tokens in Dubai

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## Abstract

**Introduction:** The rapid development of digital technology has introduced new challenges in the practice of inheritance distribution, particularly concerning digital assets such as cryptocurrency and NFTs.

**Purposes of the Research:** This study aims to explore gender justice in the distribution of digital inheritance, focusing on the Islamic fiqh perspective toward cryptocurrency and NFTs assets in Dubai.

**Methods of the Research:** Using a qualitative approach, the research analyzes fiqh texts, existing regulations, and real-life cases related to digital inheritance. Data were collected through document analysis, case studies, and expert interviews involving Islamic scholars and digital asset practitioners in Dubai.

**Results of the Research:** The findings reveal that digital inheritance, characterized by unique properties such as anonymity and the need for secure access, presents significant challenges in ensuring fair distribution, especially for women. The study highlights cultural and technological barriers that limit women's access to digital inheritance, despite their growing economic contributions. The novelty of this research lies in proposing a contemporary fiqh framework that integrates traditional Islamic principles with modern technological solutions such as blockchain, aiming to ensure transparency and fairness in inheritance distribution. By addressing the gender gap in digital inheritance, this research contributes to the development of equitable and practical fiqh guidelines for Muslim communities in the digital era.

**Keywords:** The Law of Gender Justice; Digital Inheritance; Islamic Fiqh; Cryptocurrency; NFTs.

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## INTRODUCTION

The development of digital technology has transformed the global economic and financial landscape, including in the Middle East. Dubai has emerged as one of the leading nations in this transformation through the extensive adoption of blockchain technology and digital assets, such as cryptocurrency (crypto) and Non-Fungible Tokens (NFTs). Strategic policies like the Dubai Blockchain Strategy have positioned Dubai as a hub of digital innovation in the Middle East, where crypto and NFTs are legally recognized as valid assets.<sup>1</sup>

This phenomenon demonstrates that wealth is no longer confined to physical forms such as land and property but extends to the digital realm. However, this advancement poses new challenges in the application of Islamic law, particularly in inheritance distribution,

<sup>1</sup> Anisah Razali and Noornajihan Ja'afar, "Tinjauan Buku Fiqh Jenayah Orang Kelainan Upaya," *Journal of Quran Sunnah Education & Special Needs* 6, no. 1 (2022): 121-25, <https://doi.org/10.33102/jqss.vol6no1.154>.

necessitating the adaptation of fiqh (Islamic jurisprudence) to the unique characteristics of digital assets.<sup>2</sup> Inheritance distribution is strictly regulated based on the Qur'an and Hadith, which allocate a larger share to men compared to women due to the greater financial responsibilities placed upon men. However, the intangible nature of digital assets, such as crypto and NFTs, introduces new complexities.<sup>3</sup> These assets can only be accessed using private keys or passwords, often known only to the owner. If the owner passes away without leaving access information, these assets risk being permanently lost. This condition complicates the inheritance process, especially for female heirs who, in many cases, face limited access to technological information. This challenge is further exacerbated by the male dominance in the ownership and management of digital assets in the Middle East, including Dubai.<sup>4</sup>

Digital assets in the Middle East are no longer just a trend but have become primary investment instruments, especially among the younger generation. Data shows that more than 30% of crypto investors in the Middle East are based in Dubai, making it one of the largest markets for digital assets in the region.<sup>5</sup> However, the ownership of these assets is still dominated by men, influenced by cultural factors and social norms that limit women's active participation in technology-based financial management. Although Dubai has made progress in empowering women, the gender gap in access to technology remains a tangible barrier. In the context of digital inheritance,<sup>6</sup> this gap risks exacerbating injustice, especially when women lack knowledge or access to the digital assets being inherited.

Islamic fiqh governing inheritance has a clear structure for managing traditional assets like property, cash, and gold. However, the unique characteristics of digital assets demand new interpretations in fiqh. The anonymity and intangible nature of crypto and NFTs make them difficult to identify and divide. Moreover, the absence of specific regulations in traditional fiqh regarding digital assets creates a legal void requiring contemporary solutions.<sup>7</sup> This challenge is compounded by a lack of technological understanding among heirs, particularly women, which can lead to the loss of high-value assets if not properly managed.<sup>8</sup> Therefore, a new approach in fiqh is needed, one that not only accommodates the unique nature of digital assets but also ensures gender justice in inheritance distribution.

The issue of gender justice is becoming increasingly relevant in the distribution of digital inheritance.<sup>9</sup> Traditionally, Islamic inheritance law provides a larger share to men due to their financial responsibilities within the family. However, in the modern context, women in Dubai have played significant roles in the digital economy, both as business actors and

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<sup>2</sup> Tutik Nurul Janah and Siti Nur Ami'in, "Fiqh Sosial Paradigm for Understanding Universal Values of Pancasila," *Santri: Journal of Pesantren and Fiqh Sosial* 4, no. 1 (2023): 83–100, <https://doi.org/10.35878/santri.v4i1.810>.

<sup>3</sup> Adib Rifqi Setiawan, *Mencapai Literasi Finansial Melalui Pembelajaran Fiqh Mu'āmalāt Berbasis Kitab Kuning* (Center for Open Science, 2020), <https://doi.org/10.35542/osf.io/n9fbc>.

<sup>4</sup> Khabib Solihin and Siti Asiyah, "Views of Fiqh Sosial on Cooperation in the Construction of Inter-Religious Houses of Worship," *Santri: Journal of Pesantren and Fiqh Sosial* 2, no. 1 (2021): 49–64, <https://doi.org/10.35878/santri.v2i1.280>.

<sup>5</sup> Adib Rifqi Setiawan, *Instrumen Penilaian Literasi Finansial Melalui Pembelajaran Fiqh Mu'āmalāt* (Center for Open Science, 2022), <https://doi.org/10.31237/osf.io/yuja3>.

<sup>6</sup> Shahidra Abdul Khalil and Nor Fahimah Mohd Razif (Author), "Pembelajaran Dan Penilaian Menggunakan E-Portfolio: Kajian Terhadap Penerimaan Pelajar Fiqh Al-Jinayat Dan Fiqh Al-Muamalat Learning and Assessment Using E-Portfolio: A Study on Students Acceptance in the Courses of Fiqh Al-Jinayat and Fiqh Al-Muamalat," *Journal of Islamic Education* 8, no. 2022 (2022): 13–24, <https://doi.org/10.22452/jier.vol8no2022.2>.

<sup>7</sup> Alfi Nur Hidayati, Dita Natasha Irviana, and Isnaini Wardatun Nafi'ah, "Marriage of Transgender Men and Women from the Perspective of Fiqh Munakahat," *NALAR FIQH: Jurnal Hukum Islam* 14, no. 2 (2024), <https://doi.org/10.30631/nf.v14i2.1307>.

<sup>8</sup> Rafika Dwi Rahmah MZ, Suyadi, and Zahrul Mufrodi, "Development of Learning Materials on Fiqh of Alcohol and Khamr in Islamic and Science Perspective," *International Journal of Science and Society* 2, no. 4 (2020): 363–74, <https://doi.org/10.54783/ijssoc.v2i4.222>.

<sup>9</sup> Mohyeddine HAJJAR, "Fiqh' et 'Taṣawwuf,'" *Les Enjeux de l'écriture Mystique*, 2020, 83–94, <https://doi.org/10.17184/eac.3661>.

investors. Unfortunately, in many cases, women still face limited access to technology and information about the digital assets owned by their families. This further reinforces gender inequality in inheritance distribution. This disparity not only violates the principles of justice in sharia but also contradicts the spirit of women's empowerment being promoted in Dubai.

As a digital technology hub, Dubai holds a significant responsibility in addressing these challenges. With its status as a progressive nation in adopting blockchain technology,<sup>10</sup> Dubai can pioneer the development of sharia regulations relevant to the digital era. These regulations are not only essential for ensuring fairness in inheritance distribution but also for protecting women's rights to access digital assets. Moreover, this initiative can serve as a reference for other Muslim countries facing similar challenges in integrating modern technology with Islamic law.

The urgency of this research lies in the importance of developing contemporary fiqh that addresses the challenges of the digital era. Digital assets such as crypto and NFTs hold significant financial value, and losing access to them can harm heirs, both male and female.<sup>11</sup> Additionally, the gender gap in the management and distribution of digital assets risks worsening social injustice, especially in countries still grappling with cultural challenges in empowering women. By focusing on the issue of gender justice, this research aims to provide practical and theoretical guidance for Muslim communities in the Middle East,<sup>12</sup> particularly in Dubai, to manage digital inheritance in accordance with sharia principles.

## METHODS OF THE RESEARCH

This study adopts a qualitative approach to explore gender justice in the distribution of digital inheritance in Dubai based on fiqh perspectives on crypto assets and NFTs. This approach is chosen for its ability to deeply investigate phenomena, including the views of Islamic scholars, technology experts, and the experiences of female heirs. Additionally, a normative approach is employed to analyze sharia texts and regulations in Dubai related to digital assets. Data is collected through document studies and case studies. The document study includes an analysis of classical and contemporary fiqh texts, fatwas issued by Islamic scholars, and relevant government regulations. Case studies are applied to real-life cases in Dubai to identify challenges and solutions in the distribution of digital inheritance. Data analysis is conducted using content, comparative, and contextual analysis. Content analysis helps identify key themes in documents and interviews, such as fiqh provisions on digital assets and gender disparities. Comparative analysis examines the differences between classical and contemporary fiqh perspectives and compares Dubai's practices with those of other countries. Contextual analysis links the findings to Dubai's social, cultural, and technological conditions, particularly regarding women's access to digital assets. The research is conducted in Dubai, with subjects including Islamic scholars, sharia law experts, blockchain practitioners, and female heirs. This study aims to produce relevant contemporary fiqh guidelines, policy recommendations, and strategies to ensure gender justice in the distribution of digital inheritance.

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<sup>10</sup> Tutik Nurul Janah and Umdah El Baroroh, "Pluralism in the Fiqh Sosial's Perspective," *Santri: Journal of Pesantren and Fiqh Sosial* 2, no. 1 (2021): 17–34, <https://doi.org/10.35878/santri.v2i1.277>.

<sup>11</sup> Mahmoud Haggag, *Fiqh Und Hermeneutik Im Klassischen Islam* (Peter Lang Verlag, 2024), <https://doi.org/10.3726/b22139>.

<sup>12</sup> Choirur Rois et al., "Recontextualization of Fiqh Al-Siyāsah from the Perspective of Fiqh Al-Hāḍarah in Realizing World Peace," *Journal of Islamic Thought and Civilization* 14, no. 1 (2024): 335–51, <https://doi.org/10.32350/jitc.141.20>.

## RESULTS AND DISCUSSION

### A. Implementation of Digital Inheritance Distribution in Dubai

The Dubai government has integrated Sharia law into its modern legal system to regulate the distribution of digital inheritance. Digital assets are categorized and managed through Sharia courts based on their type and economic value.<sup>13</sup> Asset owners have the ability to create digital wills in accordance with Islamic principles.

#### 1. Registration of Digital Assets

The registration of digital assets in Dubai marks a significant step in adapting the legal system to accommodate the digital era while integrating Sharia law principles into the management of digital inheritance. As part of the UAE's commitment to digital transformation, Dubai has developed government online platforms for registering digital assets,<sup>14</sup> including social media accounts, cryptocurrency wallets, and digital copyrights. This facilitates the management of these assets after the owner's death.

These platforms are designed to ensure transparency and efficiency in inheritance settlements, with digital assets recorded in a secure database accessible only to authorized individuals and heirs in accordance with legal provisions.<sup>15</sup> The use of blockchain technology as the foundation of this registration system enhances data security and facilitates the verification and transfer of ownership of digital assets quickly and accurately, thanks to immutable timestamps on each entry. The role of digital notaries is also crucial in verifying documents such as digital wills and ensuring their validity under Sharia law before the execution of inheritance.<sup>16</sup> Collaboration with global technology companies strengthens the infrastructure for digital asset management and ensures that asset transfer processes comply with both the law and the asset owner's wishes. Additionally, the Dubai government educates the public on the importance of registering digital assets through regular public awareness campaigns, highlighting the process and significance of digital wills.

Through digital courts,<sup>17</sup> Dubai accelerates the resolution of digital inheritance disputes, leveraging technology to efficiently manage digital inheritance cases. This initiative not only strengthens the legal framework for inheritance in Dubai but also demonstrates the city's commitment to innovation and digital security, setting new standards in digital asset management that can serve as a model for other jurisdictions in the future.

#### 2. Blockchain Technology

Dubai leverages blockchain technology for the validation and tracking of digital assets. This technology enables the recording of ownership data, secures access, and ensures the distribution of assets in accordance with applicable laws, while providing data security and minimizing the risk of manipulation.

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<sup>13</sup> Holilur Rohman, "Integrasi Fiqh Dan Usul Fiqh Dalam Kasus Batas Umur Pernikahan," *AL-HUKAMA* 5, no. 1 (2024): 50–80, <https://doi.org/10.15642/al-hukama.2015.5.1.50-80>.

<sup>14</sup> Syaugi Seff, "The FIQH of Disaster: MUI's Response to the COVID-19 Pandemic in Indonesia (Study Application Legal Maxims of FIQH)," *SSRN Electronic Journal*, 2021, <https://doi.org/10.2139/ssrn.3978994>.

<sup>15</sup> Arif Chasannudin and Jamal Ma'mur Asmani, "Nationalist Pluralism in Fiqh Sosial: Ideas and Actions of KH. MA. Sahal Mahfudh," *Santri: Journal of Pesantren and Fiqh Sosial* 1, no. 2 (2020): 157–68, <https://doi.org/10.35878/santri.v1i2.244>.

<sup>16</sup> Putri Rizka Citaningati and Tri Alfianto, "Blue Economics in Islamic Economics Perspective: Fiqh Bi'ah Approach," *Journal of Islamic Economic Laws* 7, no. 2 (2024): 128–60, <https://doi.org/10.23917/jisel.v7i02.5200>.

<sup>17</sup> Hamdila Hasran et al., "Health Law in Islam (Study of Law About Organ Transplant According to Fiqh)," *MILRev : Metro Islamic Law Review* 1, no. 1 (2022): 147–63, <https://doi.org/10.32332/milrev.v1i1.6196>.



Dubai has strategically utilized blockchain technology to regulate and safeguard digital assets, positioning itself as a pioneer in the governmental adoption of this technology. The implementation of blockchain in Dubai focuses on validating and tracking digital assets, enabling a transparent and secure system for recording ownership.<sup>18</sup> This technology is critical for securing access, ensuring the lawful distribution of assets, and maintaining data integrity while mitigating the risk of manipulation.

Each transaction or change in ownership of digital assets is recorded in encrypted data blocks linked in chronological order. This creates a permanent record that is nearly impossible to alter without consensus within the network. In Dubai, this application not only strengthens the security of digital assets such as cryptocurrencies, copyright documents, and social media accounts but also facilitates the efficient settlement of digital inheritance in compliance with Sharia law.

The use of blockchain accelerates the verification and transfer of assets, reducing the need for intermediaries and cutting administrative costs. These advantages align seamlessly with Dubai's vision to become a smart city that operates efficiently with advanced technologies. This implementation also reflects Dubai's commitment to enhancing transparency in public management and ensuring that digital property rights can be inherited by heirs in a fair and fraud-free manner, free from administrative errors. Dubai's adoption of blockchain not only strengthens its digital security infrastructure but also establishes it as a global leader in technological innovation and digital asset management. This marks a significant step forward for Dubai in integrating this revolutionary technology into its legal and administrative systems, supporting the city's efforts to maintain its position as a global hub for digital trade and investment.

### 3. The Role of Digital Notaries

Digital notaries have been introduced as part of the digital inheritance management system to document and verify wills related to digital assets. This role is crucial in ensuring that the distribution of digital assets aligns with the original owner's wishes and complies with applicable Sharia law.<sup>19</sup> The verification process conducted by digital notaries enables the swift and efficient validation of essential documents, ensuring that all instructions in the will are executed without deviation.

Digital notaries utilize advanced technology to manage and store documents digitally, providing both easy access and optimal data security. This includes the use of electronic signatures and data encryption to protect the integrity and confidentiality of the documents.<sup>20</sup> With this technology, digital notaries can mitigate risks such as loss, theft, or manipulation of physical documents, which are common challenges in traditional notary systems.

Digital notaries also expedite the inheritance settlement process, which is often time-consuming under conventional legal systems. By processing documents online,<sup>21</sup> courts and

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<sup>18</sup> Puji Lestari and Raodah Raodah, "Accessibility of Persons with Disabilities on the Review of Disability Fiqh," *Santri: Journal of Pesantren and Fiqh Sosial* 1, no. 2 (2020): 205–18, <https://doi.org/10.35878/santri.v1i2.242>.

<sup>19</sup> Zulzaidi Mahmod and Ahmad Hidayat Buang, "Penulisan Penghakiman Menurut Perspektif Fiqh Al-Qadā'dan Aplikasi Mahkamah Syariah Di Malaysia," *Jurnal Fiqh* 18, no. 2 (2021): 377–408, <https://doi.org/10.22452/fiqh.vol18no2.6>.

<sup>20</sup> Ariyanti Mustapha and Abdul Karim Ali, "Teori Evolutionism Dalam Epistemologi Usul Fiqh Dari Perspektif Barat [The Theory of Evolutionism in the Epistemology of Usul Fiqh From the Western Perspective]," *Jurnal Islam Dan Masyarakat Kontemporer* 23, no. 3 (2022): 1–13, <https://doi.org/10.37231/jimk.2022.23.3.692>.

<sup>21</sup> Ahmad Hidayat Buang, "Ulasan Buku: Fiqh of Contemporary Financial And Banking Transactions," *Jurnal Fiqh* 17, no. 2 (2020): 309–18, <https://doi.org/10.22452/fiqh.vol17no2.4>.

authorities can resolve inheritance claims more quickly, allowing heirs to access their rights in a shorter timeframe. This is particularly beneficial in cases involving digital assets, such as cryptocurrency or digital media assets, which often require timely management to preserve their value or avoid technical complications.

Dubai's adoption of digital notaries reflects its commitment to innovation and the integration of advanced technologies across all aspects of governance. This approach not only enhances efficiency in legal and administrative processes but also ensures adherence to Sharia principles, which underpin many aspects of life in the United Arab Emirates. It represents a significant step forward in harmonizing tradition with modernization while building public trust in the integrity of Dubai's legal system.

#### 4. Collaboration with Digital Service Providers

The Dubai government has taken strategic steps in regulating digital inheritance by collaborating with global technology companies such as Google, Apple, and Facebook. This collaboration aims to manage access to the digital accounts of deceased individuals, enabling families and heirs to retrieve this information in accordance with legal permissions. This partnership is vital in ensuring that digital data and assets can be passed down in an orderly manner and in alignment with the previous owner's wishes.

Dubai underscores the importance of ensuring secure and controlled access to digital information for continuity. This includes photos, documents, emails, and social media content, which often hold significant sentimental value for families and heirs. The integration between technology companies and Dubai's legal regulations ensures that access to this information is not abruptly terminated after a person's death while maintaining robust security and privacy measures.

This process adheres to strict security and privacy standards, with technology companies facilitating data transfers only after adequate legal verification and official requests from Dubai's authorities. This approach helps prevent misuse of personal data and safeguards the integrity of the information. Furthermore, with clear regulations in place,<sup>22</sup> the digital inheritance process becomes more transparent and reliable, simplifying the management of inherited digital assets for families and heirs.

The strategic collaboration between the Dubai government and major technology companies not only strengthens policies for managing digital assets but also positions Dubai as a global leader in digital legal innovation and inheritance management. This initiative demonstrates how technology and international cooperation can be leveraged to address complex legal challenges, ensuring that digital inheritance is managed fairly and in accordance with applicable legal norms.

#### 5. E-Government and Digital Inheritance Portal

The digital inheritance portal has been integrated with Dubai's e-Government system, making it easier for heirs to file claims on digital assets. This portal is designed to simplify the claims process by providing an online platform where heirs can upload required documents, such as death certificates and heir identification documents. This integration allows for the efficient and transparent management of digital assets, reducing the need for

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<sup>22</sup> Silsilu Durrotul Bahiyah, "Assessing the Istislahiah Method in Islamic Law: Study of The Utilization of Science in Ushul Fiqh in The Context of Indonesian Fiqh," *Indonesian Journal of Law and Islamic Law (IJLIL)* 6, no. 1 (2024): 1-13, <https://doi.org/10.35719/ijlil.v6i1.314>.

lengthy and complex administrative procedures often associated with traditional inheritance processes.

The portal provides heirs with easy access to track the status of their claims, view registered digital assets, and receive notifications about any updates related to their claims. These features are designed to ensure full transparency and minimize the potential for inheritance disputes, ensuring that assets are distributed in accordance with applicable laws and the original owner's wishes. Data security is guaranteed through advanced encryption technology and stringent security protocols, protecting the personal and sensitive information of heirs from unauthorized access.

This facilitation not only increases trust in the digital inheritance management system but also highlights Dubai's commitment to adopting advanced technological solutions to modernize and improve public services. The integration of the digital inheritance portal with Dubai's e-Government system represents a significant step forward in optimizing legal and administrative processes, positioning Dubai as a model for other cities in digital asset management and e-Governance.

## 6. Digital Court and Mediation Services

Dubai has launched digital court services specifically designed to address disputes related to digital inheritance. These courts leverage advanced technology to expedite the resolution of cases involving digital assets, ensuring that asset distribution is fair and in compliance with applicable laws. This initiative is part of Dubai's efforts to modernize its judicial system to better meet the demands of an increasingly digital era.

The digital courts are equipped with technological tools that allow for more efficient case handling. For example, the use of electronic databases to store legal documents and digital evidence enables real-time access and management of information. Additionally, these courts facilitate virtual hearings, reducing the need for physical attendance that often delays judicial proceedings. Through digital courts, Dubai aims to significantly shorten the time required to resolve inheritance disputes, reducing the process from months or even years to just a few weeks or days. This not only enhances efficiency in dispute resolution but also ensures fairness and adherence to legal principles, particularly Sharia law, which serves as the foundation for many inheritance cases in Dubai.

This service also reflects Dubai's commitment to integrating technology into all aspects of governance, including its judicial system. By launching digital courts for digital inheritance, Dubai sets a new benchmark for digital asset management and judiciary processes, providing a model for other cities worldwide to address legal challenges arising from technological advancements.

## B. Gender Justice in the Distribution of Digital Inheritance: A Fiqh Perspective on Crypto Assets and NFTs a Study in Dubai

Digital assets such as cryptocurrency and NFTs (Non-Fungible Tokens) have become part of the wealth that can be inherited. However, the distribution of such digital inheritance introduces new challenges from the perspective of fiqh, particularly regarding gender justice.<sup>23</sup> Islamic inheritance fiqh is founded on principles outlined in the Qur'an and

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<sup>23</sup> Anggriyani and Rachmad Risqy Kurniawan, *Endorsement Dalam Perspektif Fiqh Kontemporer* (Center For Open Science, 2023), <https://doi.org/10.31219/osf.io/524jc>.

Sunnah, as seen in Surah An-Nisa: 11-12, which states that "a male is entitled to twice the share of a female." This principle is often understood as a form of distributive justice that takes into account the economic responsibilities of men within the family.

Inheritance distribution in Islam is based on clear legal foundations as prescribed in the Qur'an and Hadith. In the context of digital inheritance, such as cryptocurrency and NFT assets, these foundational principles remain relevant, even though the nature of these assets is relatively new. The following legal foundations serve as references: 1) Division of Inheritance in the Qur'an. Allah says in Surah An-Nisa (4:11):

يُوصِيكُمُ اللَّهُ فِي أَوْلَادِكُمْ لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثَيَيْنِ

Meaning: "Allah has ordained for you regarding (the division of inheritance for) your children: the share of a male is equal to the share of two females". This verse establishes that a male receives twice the share of a female, but the context is more about the economic responsibilities of men within the family, rather than gender discrimination. 2) Principle of Justice in Inheritance. Surah An-Nisa (4:135):

يَا أَيُّهَا الَّذِينَ آمَنُوا كُونُوا قَوَّامِينَ بِالْقِسْطِ شُهَدَاءَ لِلَّهِ وَلَوْ عَلَى أَنْفُسِكُمْ أَوِ الْوَالِدَيْنِ وَالْأَقْرَبِينَ

Meaning: O you who believe! Stand firmly for justice, as witnesses for Allah, even if it is against yourselves, your parents, or your close relatives. This verse emphasizes the importance of justice in all aspects, including the distribution of digital inheritance, ensuring that the heirs' needs are considered proportionally. 3) Agreement in the Distribution of Inheritance. In a hadith, Prophet Muhammad (peace be upon him) said:

الصُّلْحُ جَائِزٌ بَيْنَ الْمُسْلِمِينَ إِلَّا صُلْحًا حَرَّمَ حَلَالًا أَوْ أَحَلَّ حَرَامًا

Meaning: "Agreements are permissible among Muslims, except for agreements that legalize what is forbidden or forbid what is lawful. (Narrated by Abu Dawud and Tirmidhi)". This hadith serves as a foundation that the distribution of assets, including digital inheritance, can be carried out based on the agreement of the heirs to achieve a more contextual justice. 4) Management of Trust in Inheritance. Surah Al-Baqarah (2:282):

وَلَا تَكْتُمُوا الشَّهَادَةَ ۚ وَمَنْ يَكْتُمْهَا فَإِنَّهُ آثِمٌ قَلْبُهُ ۚ وَاللَّهُ بِمَا تَعْمَلُونَ عَلِيمٌ

Meaning: "Do not conceal testimony, and whoever conceals it, his heart is indeed sinful." This verse teaches the importance of transparency in inheritance management, including documenting digital assets such as cryptocurrencies and NFTs.

### C. Solutions in the Distribution of Digital Inheritance

Digital assets such as cryptocurrencies and NFTs represent a new form of wealth that must be recognized as *mal mutaqawwam*, which refers to assets deemed valuable under Shariah law and can be legitimately traded. In Islam, these assets must meet *halal* requirements, meaning they should not involve elements of *riba* (usury), *gharar* (uncertainty), or excessive speculation. Recognizing these assets is crucial to include them in the category of legitimate wealth for inheritance.<sup>24</sup> As part of an inheritance, digital assets

<sup>24</sup> Anies T Kuncoro and Muchamad Coirun Nizar, "The Epistemology of Fiqh-Science and Its Implementation in Contemporary Fiqh in Indonesia," *Advances in Economics, Business and Management Research*, 2021, <https://doi.org/10.2991/aebmr.k.210305.041>.



should be clearly identified, including their value and type, to facilitate the distribution process among heirs.

The distribution of digital inheritance refers to Surah An-Nisa (4:11), which stipulates that the share of a male is twice that of a female. This principle is applied by considering the financial responsibilities of men within the family. For example, if the value of digital assets such as cryptocurrency or NFTs is determined to be IDR 30 million, the male heir would receive IDR 20 million,<sup>25</sup> while the female heir would receive IDR 10 million. This division is based on the principle of distributive justice in Islam, aiming to ensure that the needs of all heirs are met according to their respective responsibilities. However, in certain circumstances, Islamic jurisprudence provides flexibility to adjust inheritance distribution through a fair agreement among heirs.

The concept of *ash-shulh* (peaceful agreement) becomes an essential solution in inheritance distribution, particularly when special conditions affect the distribution proportions. For instance, if a female family member has significant economic responsibilities, the heirs may agree to allocate a larger share to her. Such agreements reflect not only fairness but also uphold the spirit of consultation (*shura*) and harmony in Islam. In modern contexts, this is also relevant when the value of digital assets fluctuates, requiring transparent discussions and agreements to prevent conflicts among heirs.

To ensure a smooth and fair distribution process for digital assets, transparent documentation is crucial. Blockchain technology or digital wallets can be used to securely and verifiably record ownership of digital assets.<sup>26</sup> This system enables all heirs to have equal access to information about the value and type of assets to be distributed. Through such technology, digital assets are not only clearly documented but are also protected from the possibility of being hidden or unfairly contested by certain parties. This aligns with Shariah principles that emphasize honesty and transparency in wealth management.

If technical challenges arise in the distribution of digital assets, such as heirs lacking understanding of the technology or mechanisms behind these assets, the family may appoint a mediator. This mediator could be a judge, an expert in Islamic economics, or another party knowledgeable in managing digital assets.<sup>27</sup> The mediator's role is to provide guidance in accordance with Islamic law, ensuring that the inheritance process does not deviate from Shariah. This step is crucial to maintain justice and prevent potential disputes that could damage family relationships.

The use of modern technology such as blockchain can be an effective solution for ensuring fairness in the distribution of digital inheritance. With blockchain, digital assets can be directly transferred to each heir's wallet in accordance with the portions determined by Shariah. This process not only avoids manual conflicts but also ensures that the distribution is accurate and efficient.<sup>28</sup> Blockchain technology records every transaction permanently and immutably, providing a guarantee of fairness for all parties.

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<sup>25</sup> Reza Fauzi Nazar and Mohammad Fahmi Abdul Hamid, "Tracking the Genealogical Reasoning Reconstruction of Nahdlatul Ulama (NU) Fiqh: From 'Social Fiqh' to 'Civilization Fiqh,'" *Tashwirul Afkar* 41, no. 2 (2022): 137–62, <https://doi.org/10.51716/ta.v41i2.74>.

<sup>26</sup> Mohamad Ehsan Seabri and Roshimah Shamsudin, "Manhaj Penulisan Hadith Dalam Fiqh Al-Sunnah Oleh Sayyid Sabiq," *Journal Of Hadith Studies*, 2022, 94–104, <https://doi.org/10.33102/johs.v7i2.207>.

<sup>27</sup> "An Overview of Budget Jurisprudence (Fiqh) to Eradicate the Corruption in Indonesia," *International Journal of Psychosocial Rehabilitation* 24, no. 4 (2020): 5271–80, <https://doi.org/10.37200/ijpr/v24i4/pr201625>.

<sup>28</sup> Khusnul Fikriyah, "Comparison of the Views of Classical Fiqh Ulama and Contemporary Fiqh Ulama on the Use of Zakat Maal for the Development of Educational and Da'wah Institutions," *Ziswaf: Jurnal Zakat Dan Wakaf* 8, no. 1 (2021): 34, <https://doi.org/10.21043/ziswaf.v8i1.10519>.

The distribution of valuable digital assets, such as cryptocurrencies and NFTs, Islamic inheritance law can still be implemented with approaches that align with Shariah principles.<sup>29</sup> Digital assets can be inherited by both males and females, referring to the Islamic inheritance principle of *lidz-dzakari mitslu hazhzil untsayayni* (the male receives twice the share of the female).<sup>30</sup> However, the flexibility of Shariah allows for more proportional agreements tailored to family needs, always prioritizing justice.

## CONCLUSION

Digital assets such as cryptocurrencies and NFTs can be inherited by both males and females, referring to the Islamic inheritance principle of *lidz-dzakari mitslu hazhzil untsayayni* (a male receives twice the share of a female). The flexibility of Shariah allows for a more proportional agreement based on the family's needs while still prioritizing justice. With technology and transparency, the distribution of digital assets can be carried out efficiently and in accordance with *fiqh* principles.

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