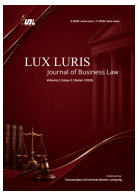
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Reconstructing the Notary's Role as a Digital Executor in Indonesian Inheritance Law

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Abstract

The rapid advancement of digital technology has generated digital assets, such as cryptocurrencies and online accounts, which have become an integral part of individual wealth. However, the Indonesian inheritance system, primarily based on the Civil Code (*Burgerlijk Wetboek*), has yet to accommodate digital assets as inheritable objects with clear transfer mechanisms. Consequently, this creates legal uncertainty and factual accessibility barriers for heirs. This study aims to propose a reconstruction of the Notary's role as a *Digital Executor* to ensure legal certainty in managing digital assets post-mortem. This research employs a normative juridical method with statutory and comparative legal approaches. The findings indicate that while the Law on Notary Positions (UUJN) provides formal authority, Notaries currently lack technical instruments for the verification and storage of digital asset credentials. This study suggests that the Notary's role should be reconstructed by integrating *Cyber Notary* principles and *smart contract* technology into authentic deeds as a secure mechanism for inheritance execution. This measure is essential to ensure the protection of heirs' rights and to provide legal certainty for digital assets within the Indonesian inheritance system.

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INTRODUCTION

The rapid advancement of information technology in the era of the Fourth Industrial Revolution and Society 5.0 has triggered fundamental changes in the paradigm of asset ownership and societal interaction in Indonesia (Hardiyansyah et al., n.d.) Modern society is increasingly dependent on diverse digital assets, such as cryptocurrencies, NFTs, commercially valuable social media accounts, and various cloud-stored intellectual properties, which have substantially shifted the traditional concepts of property rights. While these assets possess significant economic value and are capable of being owned, their intangible and decentralized nature distinguishes them sharply from conventional physical assets defined in the civil law tradition. Although digital assets can be traded as commodities on futures exchanges, the existing Indonesian inheritance legal system, primarily based on the colonial-era Civil Code (*Burgerlijk Wetboek*) and supplemented by Islamic Law (KHI), has not provided explicit recognition or a comprehensive framework for digital assets as inheritable property (Sendrawan et al., 2025)

Consequently, this legal gap has led to a profound *legal vacuum*, triggering prolonged disputes among heirs who struggle to claim their inheritance. The primary obstacle lies in the absence of factual access mechanisms; assets are often shielded by robust encryption, *private keys*, and platform-specific *Terms of Service* (ToS) that do not contemplate universal succession, leaving heirs unable to effectively exercise their rights. This misalignment between outdated legal norms and digital realities creates a significant protection gap, wherein the principle of *saisine* (automatic inheritance) fails to translate from a *de jure* legal right into a *de facto* ability to possess or manage digital wealth. Furthermore, the

complexity of digital inheritance is exacerbated by the *post-mortem privacy paradox*, which highlights the tension between the deceased's right to *post-mortem privacy* and the heirs' interests in property, where current regulations remain largely silent on how to balance these competing rights appropriately(Amin, 2025)

In this complex legal environment, Notaries as public officials vested with the authority to authenticate wills under the Law on Notary Positions (UUJN) currently occupy a precarious and dilemmatic position. While Notaries are charged with ensuring legal certainty, they currently lack the necessary technical instruments, digital authentication protocols, and secure storage solutions (*digital vault*) required to function as an effective *Digital Executor*. Without the ability to securely manage access credentials, the Notary's role is relegated to mere nominal authentication, failing to provide the substantive protection required for high-risk digital assets. Furthermore, the emergence of *blockchain* technology and *smart contracts* offers a potential paradigm shift, where automation could replace the limitations of physical, manual execution. Therefore, a systematic legal reconstruction is required to integrate the Notary's role with digital technologies such as *Cyber Notary* and *smart contracts* to ensure that heirs' rights are protected substantively, not just formally. Given the identified gaps and the urgent need for legal reform, the problem formulations in this research are: (1) What is the legal status of digital assets as objects of inheritance within the Indonesian positive law framework? (2) How can the Notary's role be reconstructed as a *Digital Executor* through the integration of *Cyber Notary* and *smart contract* technologies to ensure legal certainty for heirs?

METHOD

This research employs a normative-juridical methodological framework, situated within the tradition of legal dogmatics to address the critical regulatory lacuna regarding digital asset inheritance in Indonesia. The inquiry utilizes a triadic methodological approach: the *statute approach* to scrutinize current positive laws, specifically the Indonesian Civil Code (*Kitab Undang-Undang Hukum Perdata*), the Law on Notary Positions (UUJN), and the Electronic Information and Transactions (ITE) Law; the *conceptual approach* to anchor the analysis in Hans Kelsen's theory of legal certainty, Philippe Nonet and Philip Selznick's responsive law, and Satjipto Rahardjo's concept of substantive legal protection; and a *comparative approach* to contrast the Indonesian landscape with progressive international models, notably the United States' *Revised Uniform Fiduciary Access to Digital Assets Act* (RUFADAA) and relevant German jurisprudence. The primary legal materials consist of normative sources, including the Civil Code, Law No. 2 of 2014 concerning the Position of Notary, and relevant Supreme Court jurisprudence regarding succession disputes. Secondary materials encompass peer-reviewed literature indexed in SINTA, foundational legal treatises, and cross-jurisdictional empirical studies on digital estate planning. Data collection is conducted through exhaustive *library research*, involving the systematic classification, critical synthesis, and rigorous examination of doctrinal frameworks. Analysis is performed through a qualitative-descriptive and hermeneutical method, where legal norms are subjected to critical interpretation to conceptualize the Notary's role as a *Digital Executor*. This approach allows for a constructive legal analysis that bridges the gap between current formalist constraints and the technical requirements of the digital era, aiming to formulate a normative recommendation for legislative reform that ensures substantive justice.(Sujiati et al., 2024)

RESULTS AND DISCUSSION

The Legal Status of Digital Assets as Objects of Inheritance in Indonesia

In the contemporary Indonesian legal landscape, digital assets ranging from cryptocurrencies and Non-Fungible Tokens (NFTs) to commercial social media accounts have evolved into significant components of individual wealth (Mulyani et al., 2023), yet they suffer from a fundamental lack of formal classification within the *Burgerlijk Wetboek* (KUHPerdata) (Ali & Salikin, 2025) Conceptually, digital assets represent intangible objects that possess economic value and are capable of being owned, transferred, and utilized, thus conceptually fulfilling the criteria of property as established under Article 499 of the Civil Code (Luthfi et al., 2024) However, the classical interpretation of "goods" (*goederen*) in the Civil Code remains rigidly confined to tangible movable (*roerende zaken*) and immovable objects

(*onroerende zaken*), effectively creating a legal vacuum that excludes digital wealth from the traditional *nalatenschap* or estate (Aleaputra et al., 2025) From the perspective of Hans Kelsen's Theory of Legal Certainty, a legal system must provide clear, hierarchical, and consistent norms to function effectively; the current absence of explicit provisions for digital inheritance undermines this certainty, leaving heirs in a state of jurisdictional confusion regarding their rights to access assets locked by encryption or platform-specific *Terms of Service* (Achadiyat et al., n.d.)

Furthermore, while the Commodity Futures Trading Regulatory Agency (Bappebti) has moved toward recognizing crypto assets as commodities for trading, this remains an administrative status and does not automatically translate into the civil law recognition required for succession, thereby necessitating a comprehensive normative update This legal uncertainty is further complicated by the lack of clear procedures for heirs to overcome technical barriers such as private key recovery, which is essential to prevent the permanent loss of these assets Consequently, heirs are frequently confronted with a situation where they hold *de jure* rights to an inheritance but are denied *de facto* access, rendering their property rights nominal rather than substantive . This divergence indicates that the current inheritance framework is no longer compatible with the ontological reality of digital ownership, necessitating a normative shift that recognizes digital assets as a legitimate and distinct category of inheritable property. Moreover, the lack of digital literacy among the public often leads to the *post-mortem privacy paradox*, where users fail to plan for the digital afterlife, thereby exacerbating the difficulty of identifying and recovering these assets upon death.(Harbinja et al., 2024; Holt et al., 2026; Yong et al., 2024) Therefore, the absence of standardized protocols for the transfer of digital wealth not only violates the principles of distributive justice within the family but also risks the economic stability of the digital ecosystem (Hardiyansyah et al., n.d.).

Reconstruction of the Notary's Role as a Digital Executor through Cyber Notary and Smart Contract Integration

The adaptation of the Notary's function in the digital era is no longer a discretionary improvement but a structural necessity to achieve substantive justice for all heirs). Under the Law on Notary Positions (UUJN), Notaries are recognized as custodians of public trust, yet they currently lack the technical capability to manage assets protected by private keys or digital encryption, leaving a void in legal service provision for digital estates . Applying the Theory of Responsive Law by Nonet and Selznick, the legal framework must evolve beyond rigid colonial-era formalities to address the technological realities of Society 5.0, where legal actors are required to mediate between human intent and machine-executable code. (Darmayanti et al., 2021) This study proposes the institutionalization of the *Digital Executor* role, wherein Notaries serve as legal fiduciaries tasked with managing a secure *digital vault* a repository for testamentary credentials and access instructions ensuring that sensitive data is preserved and transferred according to the testator's intent (Holt et al., 2026). Furthermore, by integrating *smart contract* technology a self-executing code on the blockchain into the authentic deed, the Notary can automate the distribution of digital assets upon a verified death event, effectively resolving the problem of inaccessible *private keys* that often leads to the permanent loss of wealth.

This model aligns with Satjipto Rahardjo's Theory of Legal Protection, which posits that law should exist for human welfare; here, the Notary functions as an agent of substantive justice who ensures that digital rights are not rendered nominal but remain accessible to heirs in accordance with the testator's last will and testament, regardless of the technological medium. By shifting toward this model, the Indonesian legal system can successfully reconcile the traditional protective role of the Notary with the innovative potentials of blockchain technology, thereby securing property rights in an increasingly virtual economy. The incorporation of *Cyber Notary* principles will also facilitate cross-border enforcement, allowing Indonesian Notaries to interface more effectively with global digital service providers that currently demand court-ordered access Furthermore, the use of *smart contracts* as a procedural tool within the authentic deed acts as a preventative measure against the *post-mortem privacy paradox*, as users are forced to define their privacy boundaries and access permissions clearly within the legal record during their lifetime (Harbinja et al., 2026)This reconstructive effort is supported by modern legal literature arguing that digital assets should be treated as legitimate objects of succession, thus requiring an automated, secure, and legally recognized management framework (Ali & Salikin,

2025). Ultimately, such a reconstruction does not merely update the Notary's technical tools but redefines the fundamental relationship between legal actors, technological infrastructure, and the protection of the digital identity of individuals in the eyes of the law

CONCLUSION

Based on the normative-juridical analysis conducted, it can be concluded that the legal status of digital assets within the Indonesian inheritance framework currently suffers from a significant *legal vacuum*, as the Civil Code (KUHPerdata) does not explicitly accommodate the intangible and unique nature of digital assets as inheritable objects, thereby leaving heirs without effective access or legal certainty. Although these assets hold significant economic value, the lack of explicit normative regulation results in a disparity where heirs may possess *de jure* rights under the principle of *saisine* but remain unable to exercise *de facto* control due to technical barriers, such as inaccessible encryption keys and restrictive global platform policies Furthermore, the reconstruction of the Notary's role as a *Digital Executor*, integrated with *Cyber Notary* frameworks and automated *smart contract* execution, constitutes a crucial solution to bridge the gap between traditional succession norms and the technological requirements of Society 5.0, thereby ensuring that heirs' rights are substantively protected rather than rendered nominal.

In light of these findings, several strategic recommendations are proposed to enhance the Indonesian inheritance legal system. First, the legislature must undertake a comprehensive normative reform of the Civil Code and the Law on Notary Positions (UUJN) to explicitly recognize digital assets as inheritable property and formalize the Notary's authority as a *Digital Executor* or fiduciary with the legal mandate to manage digital vaults .Second, the Indonesian Notary Association (INI) should develop standardized technical guidelines for the secure authentication and storage of digital credentials within authentic deeds, ensuring that Notaries can perform these duties in compliance with high cybersecurity standards. Third, it is essential to foster digital legal literacy among the public to mitigate the *post-mortem privacy paradox* and encourage proactive digital estate planning, thereby preventing the permanent loss of valuable digital wealth (Harbinja et al., 2024). Finally, the government should initiate international collaboration to harmonize laws regarding cross-border digital asset succession, ensuring that national legal frameworks can effectively interface with global digital platforms to guarantee that the rights and wishes of testators are upheld globally

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