Ulul Albab: Jurnal Studi dan Penelitian Hukum Islam
ISSN: 2697-6176 (e) & ISSN: 2597-6168 (p)
Vol. 9, No. 2, April 2026
https://doi.org/10.30659/jua.v9i2.51899

Digital Assets and Islamic Inheritance Law: Reinterpreting the Concept of *Māl* through *Maqāṣid al-Sharīʿah*

Bunga Desyana Pratami[1*], Yos Johan Utama[2], Ana Silviana[3], Imaro Sidqi[4], Iqbal Kamalludin[5]

[1,2,3] *Universitas Diponegoro, Semarang, Indonesia*
[4]*KU Leuven, Beligium*
[5]*Universitas Islam Negeri Abddurrahman Wahid, Pekalongan, Indonesia*

*(Corresponding author) e-mail: bunga.desyana.p@uingusdur.ac.id

Abstract

Purpose - The rapid development of the digital economy has engendered new forms of wealth that challenge classical concepts of ownership within Islamic law, particularly in the context of inheritance law. Digital assets—such as cryptocurrency, non-fungible tokens (NFTs), and economically valuable digital accounts—present significant legal questions regarding their status as inheritable property, especially given their intangible nature and reliance on technological systems. In practice, many digital assets become inaccessible following the owner's death, often due to the loss of passwords or private keys. This situation creates a disparity between classical legal doctrines and contemporary realities. This study aims to analyse the legal status of digital assets within Islamic inheritance law through a reinterpretation of the concept of wealth (*māl*) employing an objective of the Islamic law (*maqāṣid al-sharīʿah*) approach.

Methodology/approach - This research employs a normative juridical methodology, utilising both conceptual and *maqāṣid*-based approaches. It is conducted through a comprehensive literature review of classical Islamic jurisprudence (*fiqh*) texts and *maqāṣid* theory, supplemented by an analysis of contemporary practices concerning digital asset.

Findings - Although some classical scholars—particularly within the *Ḥanafī* school—emphasised the material aspect of *māl*, the majority of scholars recognise lawful economic value and benefit (*manfaʿah mubāḥah*) as the primary criteria for determining property status. From this perspective, digital assets qualify as *māl* because they possess economic value, can be owned, and are transferable. Furthermore, the framework of *maqāṣid al-sharīʿah*, particularly the principles of protection of wealth (*ḥifẓ al-māl*) and protection of lineage (*ḥifẓ al-nasl*), provides a robust normative basis for recognising digital assets as inheritable property. Therefore, the reinterpretation of *māl* through a *maqāṣid* approach facilitates the integration of digital assets into Islamic inheritance law in both a normative and contextual manner.

Conclusion - This study concludes by advocating the establishment of legal and technical mechanisms designed to protect the rights of heirs in the digital age, thereby minimising the disparity between doctrinal principles and practical application.

Keywords: Digital Assets; Islamic Inheritance Law; *Māl*; *Maqāṣid al-Sharīʿah*.

Paper type: Conceptual paper.

Article info:

Received	: 13 January 2026	Accepted	: 15 April 2026
Received in revised from	: 27 February 2026	Published	: 30 April 2026

Declaration of Conflicting Interests: The author declares that there are no potential conflicts of interest regarding the research, authorship, and/or publication of this article.

Introduction

The rapid development of digital technology over the past two decades has fundamentally transformed the modalities of wealth creation, storage, and transfer. The global transition towards a digital economic ecosystem has not only introduced novel forms of transactions but has also generated new categories of ownership, commonly referred to as digital assets.[1] These assets encompass cryptocurrencies, non-fungible tokens (NFTs), monetised social media accounts, and various forms of virtual ownership stored within cloud-based systems. This phenomenon illustrates that the contemporary concept of wealth is no longer confined to physical property; rather, it increasingly includes digital forms of ownership that possess tangible economic value within modern economic frameworks.[2]

Such developments inevitably raise significant legal implications, particularly in the field of inheritance law.[3] Traditional inheritance systems across various legal traditions, including Islamic law, were historically formulated within societies where wealth was primarily understood as tangible and material property. In contrast, digital assets possess distinctive characteristics: they are intangible, depend on electronic infrastructures for their existence, and are often controlled through digital credentials such as passwords or private cryptographic keys.[4] These unique features introduce new legal challenges regarding how digital assets should be treated within inheritance systems, especially within Islamic law, which operates through its own normative principles and doctrinal frameworks.[5]

Within the framework of Islamic law, the issue of digital assets is intrinsically connected to the classical concept of wealth (*māl*) as the object of ownership (*milkiyyah*) and inheritance (*irth*). Classical jurists extensively discussed the definition of *māl* in foundational works of *fiqh*. For instance, in *Badāʿi al-Ṣanāʿi fī Tartībi al-Sharāʿi*, al-Kasani defines *māl* as something desired by human nature and capable of being stored for future use (*mā yamīlu ilayhi al-ṭabʿa wa yumkinu iddikhāruhu lil al-waqt al-ḥājah*), thereby emphasising its tangible and preservable character.[6] Similarly, Ibn Qudamah, in *al-Mughnī*, describes *māl* as that which has lawful benefit (*manfaʿah al-mubāḥah*) and can be possessed, thus introducing a functional dimension beyond mere physicality. Meanwhile, al-Zuḥayli, synthesising earlier juristic views in *al-Fiqh al-Islāmi wa Adillatuhu*, explains that the majority of jurists (*jumhūr*) recognise *māl* as anything that possesses value (*qīmah*) and whose benefit is legally acknowledged, regardless of whether it is tangible or intangible.

---

[1] Tjhong Sendrawan et al., "Optimizing the Role of Notaries in Digital Property Inheritance: A Comparative Legal Analysis," *Indonesia Law Review* 15, no. 2 (2025): 91, https://doi.org/10.15742/ilrev.v15n2.3.

[2] Tendri Hardiyansyah, Benyy Djaja, and Maman Sudirman, "Transforming Inheritance Law in the Digital Era: Challenges, Opportunities, and Adaptive Strategies for Indonesia," *Jurnal Al-Hakim: Jurnal Ilmiah Mahasiswa, Studi Syariah, Hukum Dan Filantropi* 6, no. 2 (2024): 245, https://doi.org/10.22515/jurnalalhakim.v6i2.10174.

[3] Mohd Ali Mohd Yusuf, Khiral Anuar Daud, and Noorsafuan Che Noh, "Inheritance Distribution in Islam: Between Legal Provisions and Dynamics of Its Implementation," *International Journal of Research and Innovation in Social Science* 8 (2025): 3720, https://doi.org/10.47772/IJRISS.2024.8120309.

[4] Tauratiya et al., "Maqāṣid Al-Sharīʻ Ah and Copyright Protection: A Critical Examination of Copyright Regulation in Indonesia," *Asy Syar'Iyyah: Jurnal Ilmu Syari'Ah Dan Perbankan Islam* 10, no. 2 (2025): 178, https://doi.org/10.32923/zdsgrc57.

[5] Amir Sahidin and Muhammad Alif Rahmadi, "The Implementation of Maqāṣid Al-Sharī'Ah in Shaykh Yusuf Al-Qardhawi's Fiqh Al-Aqalliyat," *Jurnal Hukum Islam* 19, no. 2 (2021): 190, https://doi.org/10.28918/jhi.v19i2.4724.

[6] M. Yazid Afandi and Nadia Rahma, "Circular Economy and Maqasid Al-Shari'ah: A Conceptual Framework for Islamic Economic Reform," *Global Review of Islamic Economics and Business* 13, no. 2 (2025): 128, https://doi.org/10.14421/grieb.2025.132-03.

These classical formulations reveal a fundamental juristic debate concerning whether the essence of *māl* lies in its material substance or in its recognised utility and economic value. While the Hanafi school traditionally inclined toward a more material conception, other schools, particularly the Maliki, Shafiʿi, and Hanbali traditions, adopted a broader understanding that accommodates non-physical benefits (*manāfiʿ*) as legally cognisable property.[7] This doctrinal diversity becomes highly significant when the classical concept of *māl* is confronted with contemporary forms of digital ownership, which lack physical substance yet clearly fulfil the criteria of value, utility, and transferability. Therefore, revisiting these classical debates provides a critical foundation for assessing whether digital assets may be legitimately classified as *māl* within Islamic inheritance law.

As digital technology becomes increasingly integrated into economic activities, a growing body of scholarly work has begun to examine the legal implications of digital assets for inheritance systems.[8] Several studies indicate that digital assets, such as cryptocurrencies and NFTs, exhibit economic characteristics that enable them to function as legitimate forms of wealth. Nevertheless, the inheritance of such assets often encounters significant technical and legal challenges, including issues related to digital access, data security, and the absence of clear regulatory frameworks within many legal systems, as well as within contemporary Islamic legal discourse.

Other recent studies highlight that the emergence of digital assets presents new challenges for Islamic inheritance law because classical Islamic jurisprudence (*fiqh*) concepts did not explicitly address forms of ownership existing purely in digital environments.[9] As a result, a normative gap has emerged in determining the legal status of digital assets as inheritable property. Some scholars therefore emphasise the need to reinterpret foundational concepts within Islamic law—particularly the concept of *māl*—so that Islamic legal reasoning can accommodate the realities of the digital economy while remaining consistent with the underlying principles of Islamic law.[10]

Furthermore, contemporary discussions on digital inheritance emphasise that the issue extends beyond technical questions of property transfer; it also concerns the protection of heirs' rights and the establishment of legal certainty in the management of digital wealth. In practice, many digital assets become inaccessible after the death of their owners due to the absence of inheritance mechanisms or the loss of digital access credentials, such as private keys or account passwords.[11] This situation illustrates the necessity for inheritance law to adapt to technological developments so that the rights of heirs remain protected in the digital era.

---

[7] Jamrud Qomaruz Zaman et al., "The Influence of Positivism and Empirism in The Enforcement of Islamic Inheritance Law in Indonesia," *Substantive Justice International Journal of Law* 7, no. 1 (2024): 879, https://doi.org/10.56087/substantivejustice.v7i1.267.

[8] H Islami and C S Kurniawan, "MUI's Fatwa as Non-State Economic Regulation: Maqasid Al-Shari'ah and the Political Economy of Productive-Asset Zakat in Indonesia," *Islamic Law and Social Issues in Society*, 2026, 901, https://doi.org/10.64929/ilsiis.v2i1.46.

[9] O S Oyesanya, "Reimagining Nigerian Educational Reform in the Digital Age: Integrating Maqāṣid Al-Sharī'ah for Ethical and Sustainable Development," *Journal of Science and Information Technology*, 2025, 450, https://journals.tasued.edu.ng/index.php/josit/article/view/185.

[10] Ahmad Bin Abdul Rahman and Jasni Bin Sulong, "Exploring the Significance of Intangible Assets in Islamic Finance: A Systematic Literature Review," *International Journal of Academic Research in Economics and Management Sciences* 14, no. 4 (2025): 180, https://doi.org/10.6007/ijarems/v14-i4/26985.

[11] Mohamed Aslam Akbar, "Towards an Interpretation of Cryptocurrency As a Commodity From Maqasid Al-Shari'Ah Perspective," *International Journal of Islamic Economics and Finance Research* 5, no. 2 December (2022): 276, https://doi.org/10.53840/ijiefer90.

From the perspective of Islamic legal theory, responses to such developments can be approached through the framework of *maqāṣid al-sharīʿah*. This framework emphasises that the ultimate objectives of Islamic law are to promote human welfare and prevent harm, including the protection of property (*ḥifẓ al-māl*) and the preservation of family welfare. Through a *maqāṣid*-based approach, classical legal concepts can be reinterpreted contextually in order to remain responsive to evolving social and technological realities; consequently, this framework provides a significant theoretical foundation for evaluating the legal status of digital assets within Islamic inheritance law.

Although a number of studies have examined digital assets within the context of Islamic law, most existing research primarily focuses on regulatory issues or on specific financial instruments, such as cryptocurrency. Studies that comprehensively explore the relationship between the classical concept of *māl* and the phenomenon of digital assets through the analytical framework of *maqāṣid al-sharīʿah* remain relatively limited; yet such conceptual analysis is crucial for determining whether digital assets can legitimately be categorised as property within Islamic law and, consequently, whether they can function as objects of inheritance.

Against this background, this article seeks to analyse the position of digital assets within Islamic inheritance law through a reinterpretation of the concept of *māl* using the framework of *maqāṣid al-sharīʿah*. This study is significant both theoretically and practically. From a theoretical perspective, it addresses a conceptual gap in Islamic legal scholarship concerning the classification of intangible digital assets within the classical doctrine of property; from a practical perspective, it responds to the increasing presence of digital wealth in contemporary society, which raises urgent questions regarding legal certainty and the protection of heirs' rights.

This article also contributes to the development of Islamic legal thought by offering a *maqāṣid*-based reinterpretation of *māl* that integrates classical juristic principles with contemporary economic realities. Specifically, this study aims to address three central questions: (1) how the concept of *māl* is understood within classical Islamic jurisprudence as the basis for determining inheritable property; (2) to what extent digital assets can be categorised as *māl* within Islamic legal doctrine; and (3) how the *maqāṣid al-sharīʿah* framework can guide the reinterpretation of this concept in order to accommodate the realities of digital ownership in contemporary inheritance practices.

Methodology

This study employs a normative legal research approach, utilising a conceptual and *maqāṣid*-based analytical framework.[12] Rather than examining empirical data, it focuses on legal doctrines and theoretical constructions within Islamic jurisprudence, particularly the concept of *māl* as a foundational category of property. In this context, digital assets are not treated as primary empirical objects; instead, they are approached as contemporary phenomena through which the conceptual boundaries of *māl* within Islamic legal theory can be tested and reinterpreted.

The primary sources of this study consist of classical *fiqh* literature and foundational works on *maqāṣid al-sharīʿah*, including *al-Muwāfaqat* by Abu Ishaq al-Shātibi,[13] *Maqāṣid al-Sharīʿah al-Islāmiyyah* by Muhammad al-Tahir Ibn Ashūr ,[14] and contemporary developments

[12] Peter Mahmud Marzuki, *Penelitian Hukum*, 16th ed. (Surabaya: Kencana, 2016).

[13] Abū Ishāq al- Syaṭibī, *Al-Muwafaqat Fi Uṣūl Al-Syari'ah*, vol. 3 (Kairo: Dār al-Fikr al-Arabi, n.d.), 38.

[14] Muhammad al-Tahir Ibn Ashur, *Treatise on Maqasid Al-Shariah*, *Book* (Iiit, 2006), 17.

articulated in *Maqasid al-Shariah as Philosophy of Islamic Law.*[15] These works are employed to construct a methodological bridge between classical legal theory and contemporary legal challenges. In addition, secondary sources include selected academic literature on digital assets, Islamic inheritance law, and modern legal interpretations of intangible property.

Data collection is conducted through a systematic literature study of authoritative sources, with priority given to classical juristic texts and primary *maqāṣid* literature. The analysis adopts a conceptual approach to examine the doctrinal elements of *māl*, combined with a *maqāṣid*-based approach to evaluate its relevance in contemporary contexts.

Methodologically, this study conceptualises *māl* within the *maqāṣid* framework through a three-step analytical process. First, it reconstructs the classical definition and criteria of *māl* as developed in *fiqh* literature, including its elements of value (*qīmah*), lawful utility (*manfaʿah al-mubāḥah*), and ownership (*milkiyyah*).[16] Second, these elements are re-evaluated through the *maqāṣid* perspective—particularly the objective of protecting wealth (*ḥifẓ al-māl*)—as formulated by al-Shaṭibī and further developed by Ibn Ashūr. Third, the study applies this reconstructed framework to digital assets in order to assess whether such assets fulfil the essential criteria of *māl* and can therefore be recognised as inheritable property within Islamic law.

Through this integrative approach, the study not only analyses classical legal doctrines but also demonstrates how *maqāṣid al-sharīʿah* functions as a methodological tool for adapting Islamic legal concepts to evolving socio-economic realities, particularly in the context of digital ownership.

From tangible property to digital wealth (*māl*): the emergence of digital assets

The concept of wealth (*māl*) has undergone significant transformation throughout human history. In earlier economic systems, wealth was predominantly associated with tangible forms of property, such as land, livestock, precious metals, and other material goods that could be physically possessed and transferred. These forms of property constituted the primary economic resources of societies; accordingly, they became the central focus of legal doctrines governing ownership, trade, and inheritance. Consequently, most classical legal systems—including Islamic law—developed their doctrines of property within socio-economic contexts in which wealth was largely material and physically observable.

Within the framework of Islamic jurisprudence, the notion of property is primarily expressed through the concept of *māl*. Classical jurists discussed *māl* extensively in foundational works of Islamic jurisprudence. In the Hanafi tradition, as reflected in *Bada'i al-Ṣanāʿi fī Tartīb al-Sharāʿi*, ʿāla al-Dīn al-Kasani defines *māl* as that which is desired by human nature and can be stored for future use (*mā yamīlu ilayhi al-ṭabʿa wa yumkinu iddikhāruhu*), thereby emphasising its tangible and preservable nature. This definition indicates that the Hanafi school traditionally associate's property with physical existence and with the capacity to be possessed and stored.[17]

However, this materially oriented approach was not uniformly adopted across all

---

[15] Jasser Auda, *Maqasid Al-Shariah as Philosophy of Islamic Law: A Systems Approach* (London: International Institute of Islamic Thought, 2008), 36.

[16] M A Magfur, "Classical Fiqh, State Authority, and Digital Governance: Islamic Legal Discourse on Cyber Law in Malaysia," *Asy-Syir'ah: Jurnal Ilmu Syari'ah Dan Hukum*, 2025, 233, https://doi.org/10.14421/ajish.v59i2.1666.

[17] Muhammad Qaisar and Mushtaq Ahmad, "Badā'iʿ Al-Ṣanā'iʿ Fī Tartīb Al-Sharā'iʿ: Its Preeminence and Distinctive Authority among Classical Ḥanafī Jurisprudential Texts," *AL-HAYAT Research Journal (AHRJ)* 3, no. 1 (2025): 86, https://doi.org/https://doi.org/10.5281/.

schools of Islamic law. In the Maliki, Shafiʿi, and Hanbali traditions, the concept of *māl* was understood more broadly.[18] Ibn Qudamah, in *al-Mughnī*, explains that property is defined by its lawful utility (*manfaʿah al-mubāḥah*) and its capacity for ownership, indicating that the value and benefit of an asset are more significant than its physical form. Similarly, juristic discussions in Shafiʿi and Maliki literature recognise that anything possessing economic value and lawful benefit may be classified as *māl*, even when it is not strictly tangible.[19]

This broader understanding is further reflected in the classical distinction between *māl mutaqawwim* and non-legally valuable property *māl ghayr mutaqawwim*. As elaborated in various *fiqh* works, including *al-Fiqh al-Islāmi wa Adillatuhu*, *māl mutaqawwim* refers to property that is legally recognised as valuable and permissible for use under Islamic law,[20] whereas *māl ghayra mutaqawwim* denotes objects that lack such legal recognition. This classification demonstrates that Islamic law evaluates property not solely on the basis of its material form but also in light of its legitimacy and economic value within the framework of lawful transactions.

Moreover, classical jurists acknowledged non-material forms of property, particularly in discussions concerning usufruct (*manāfiʿ*) and rights-based benefits. These discussions indicate that the concept of *māl* in Islamic jurisprudence is not strictly confined to physical objects; rather, it may extend to intangible interests insofar as they generate recognised economic benefit. Such doctrinal flexibility provides an important foundation for understanding how Islamic legal thought can respond to evolving forms of wealth in contemporary contexts.

The emergence of intellectual property rights in contemporary legal discourse further illustrates the adaptability of property concepts within Islamic jurisprudence. Several modern scholars argue that intellectual property, although intangible, fulfils the essential characteristics of *māl* because it possesses economic value and can be legally transferred. This recognition provides an important precedent for understanding how Islamic law might respond to the emergence of digital assets.

The transformation of wealth has accelerated significantly with the expansion of the digital economy. The rise of the internet, blockchain technology, and digital financial systems has fundamentally altered how economic value is created and exchanged.[21] Digital platforms have enabled the emergence of new economic assets that exist entirely within digital infrastructures, yet they carry substantial financial value.

One of the most prominent examples of such assets is cryptocurrency, which operates through decentralised blockchain networks.[22] Cryptocurrencies represent digital units of value that can be transferred between users without the involvement of centralised financial institutions; despite their lack of physical form, they are widely traded and recognised as valuable economic assets within global financial markets.

In addition to cryptocurrencies, the development of non-fungible tokens (NFTs) has

---

[18] Wahbah al Zuhaili, *Al-Fiqh Al-Islamī Wa Adillatuhu*, 8th ed. (Dimasyq: Dar al-Fikr, 1985), 89.

[19] Ibn Qudamah and Abdullah bin Muhammad, *Al-Mughnī*, *Dar A'lim Al-Kutub*, 1997, 27.

[20] Muhamad Syarif Hidayatulloh and Muhammad Malik Nahar, "Digital Zakat as a Social Innovation: UTAUT and Maqasid Analysis for Strengthening the Islamic Financial System," *El -Hekam* 10, no. 2 (2025): 264, https://doi.org/10.31958/jeh.v10i2.16409.

[21] Achmad Yasin and Arifah Billah, "Blockchain-Based Digital Transaction Security System: Perspective of Imam Al-Shāṭibi's Maqāṣid Al-Sharī'ah Concept," *Al-Muamalat: Jurnal Ekonomi Syariah*, 2024, 368, https://doi.org/10.15575/am.v11i2.34379.

[22] Sri Wahdini, "Reconstruction of Islamic Economic Law within the Modern Economic System: Between Normativity and Practice," *El-Kahfi | Journal of Islamic Economics* 6, no. 01 (2025): 235, https://doi.org/10.58958/elkahfi.v6i01.579.

further expanded the landscape of digital property.[23] NFTs function as unique digital certificates stored on blockchain networks that verify ownership of digital content, such as artwork, music, or other virtual assets. These tokens illustrate how ownership can be established and verified within purely digital environments.

The emergence of digital platforms has also generated new forms of economic value associated with online accounts. Social media accounts, digital content channels, and online marketplaces often generate substantial income through advertising, subscription models, or digital services; in many cases, these digital accounts represent valuable economic assets that may continue to generate revenue even after the death of their owners.[24]

From a legal perspective, digital assets exhibit several distinctive characteristics that differentiate them from traditional forms of property. First, they are inherently intangible and exist primarily within electronic networks. Second, ownership is often controlled through digital authentication mechanisms, such as private keys, passwords, or cryptographic verification systems.[25] Third, the transfer of digital assets frequently occurs through decentralised technological infrastructures.

These characteristics give rise to complex legal questions concerning ownership, transferability, and inheritance. Because access to digital assets is often controlled through private digital credentials, the loss of such credentials may result in the permanent loss of access to valuable property; consequently, this issue has generated growing concern among legal scholars regarding the need to develop mechanisms for managing digital inheritance.[26]

Recent legal scholarship increasingly acknowledges that digital assets represent a new category of property within modern legal systems. Several studies argue that digital assets possess the core characteristics traditionally associated with property, including exclusivity of control, transferability, and economic value; accordingly, these assets may be regarded as legitimate forms of wealth despite their intangible nature.

The recognition of digital assets as property has already begun to influence contemporary legal frameworks in various jurisdictions. Some countries have introduced regulatory frameworks addressing digital assets, particularly in relation to financial regulation and digital finance; however, the implications of digital assets for inheritance law remain an evolving area of legal scholarship.[27]

Within Islamic legal discourse, the emergence of digital assets presents an important theoretical challenge. Classical jurisprudence did not anticipate the existence of assets that are entirely digital and decentralised; as a result, contemporary scholars must evaluate whether such assets fulfil the criteria of *māl* within the framework of Islamic law.

Several contemporary scholars argue that digital assets satisfy the fundamental

[23] Hisam Ahyani et al., "Fraud in the Digital Space: A Comparative Study of Jinayah Fiqh and Indonesian Criminal Law," *Jurnal Hukum Islam* 23, no. 1 (2025): 232, https://doi.org/10.28918/jhi.v23i1.02.

[24] Imaro Sidqi, Siti Maymanatun Nisa, and Hening Sukma Daini, "Development of Artificial Intelligence in the Dispute Resolution of Religious Courts," *Jurnal Hukum Islam* 21, no. 1 (2023): 322, https://doi.org/10.28918/jhi_v21i1_04.

[25] Najhan Muhamad Ibrahim et al, "Evaluating Cryptocurrencies Through the Lens of Islamic Finance Based on Maqasid," *Journal of Information Systems and Digital Technologies,* 6, no. 2 (2024): 338, https://doi.org/10.31436/jisdt.v6i2.504.

[26] Akhmad Jalaludin, "From Patrilineal to Bilateral: A New Balance of Islamic Inheritance Law in Indonesia's Religious Court," *Al-Hukama': The Indonesian Journal of Islamic Family Law* 14, no. 2 (2024): 129.

[27] Ubaidillah Mansur, Dede Nurohman, and Ahmad Muhtadi Anshor, "Revitalizing Financial Freedom to Achieve a Sustainable Economy Based on Maqashid Al-Shariah in Hifz Al-Mal," *Al-Mustashfa: Jurnal Penelitian Hukum Ekonomi Syariah* 9, no. 2 (2024): 129, https://doi.org/10.24235/jm.v9i2.18582.

characteristics of *māl*, as they possess measurable economic value and are widely recognised as valuable assets in economic transactions. In addition, digital assets can be owned, transferred, and exchanged in ways similar to traditional forms of property, and these characteristics strengthen the argument that they may fall within the conceptual scope of property in Islamic law.

The economic significance of digital assets further reinforces this argument. The global market capitalisation of cryptocurrencies alone has reached hundreds of billions of dollars, indicating that digital assets have become an integral component of modern financial systems.[28] Such economic significance cannot be ignored within contemporary legal discussions concerning property and inheritance.[29]

Table 1. Comparative characteristics of tangible property and digital assets

Aspect	Tangible property	Digital assets
Form	Physical objects	Intangible digital units
Ownership	Physical possession	Cryptographic access
Transfer	Physical or legal transfer	Blockchain or digital transfer
Examples	Land, gold, livestock	Cryptocurrency, NFT, digital accounts

Source: Author's analysis based on classical *fiqh* literature and *maqāṣid al-sharīʿah*.

Another important aspect of digital assets is their capacity to generate continuous economic value. Digital platforms enable individuals to create content, develop intellectual property, and participate in decentralised financial systems that yield long-term financial returns; thus, these economic dynamics illustrate that digital asset function as productive resources within the modern economy.

The recognition of digital assets as forms of wealth also aligns with the broader objectives of Islamic economic principles, which emphasise the protection and circulation of property within society. By acknowledging new forms of economic value, Islamic legal reasoning can maintain its relevance in addressing contemporary economic realities.

Simultaneously, the emergence of digital assets underscores the necessity for a systematic reinterpretation of classical legal concepts. While the concept of *māl* provides a foundational framework for understanding property within Islamic law, its application to digital forms of wealth necessitates careful doctrinal analysis; moreover, such reinterpretation must remain faithful to the principles of Islamic law while addressing the complexities of modern economic structures.

This reinterpretation becomes particularly crucial in the context of inheritance law. If digital assets are recognised as legitimate forms of wealth, they must also be incorporated into the mechanisms governing the transfer of property after death;[30] otherwise, valuable economic assets may remain inaccessible to heirs, potentially undermining the objectives of justice and

[28] Ahmad Rehan, "The Existence of Crypto from the Perspective of Islamic Fiqh: A Legal Analysis of the Sale and Purchase of Digital Assets," *Al-Fiqh: Journal of Contemporary Islamic Law* 1, no. 1 (2025): 269, https://doi.org/10.61987/fiqh.v1i1.000.

[29] F Nurulita et al., "Sacred Law in Secular Systems: Shariawiz and Digital Inheritance Fiqh among Muslim Minorities in the United States," *Asy-Syir'ah: Jurnal Ilmu Syari'ah Dan Hukum* 59, no. 2 (2025): 762, https://doi.org/10.14421/ajish.v59i2.1642.

[30] Mansur et al., "Reconstructing Fiqh Muamalah for the Digital Age : A Framework for Shariah-Tech Integration," *Journal of Islamic Economics Studies and Practices* 4, no. 2 (2025): 590, https://doi.org/10.54180/jiesp.2025.4.2.150-159.

family welfare within Islamic law.

The emergence of digital assets therefore represents not merely a technological phenomenon but also a significant development in the evolution of legal concepts of property. Islamic law, with its rich juristic tradition and flexible interpretative methodologies, possesses the intellectual resources necessary to address these developments.

Understanding the transformation from tangible property to digital wealth thus becomes an essential step in evaluating how Islamic inheritance law should respond to the realities of the digital economy. By examining the juristic foundations of property alongside contemporary economic developments, scholars can develop more comprehensive frameworks for addressing digital assets within Islamic legal thought.

To complement the doctrinal analysis, it is important to observe how digital assets function in contemporary economic practices. In recent years, digital assets such as cryptocurrencies, non-fungible tokens (NFTs), and monetised digital platforms have become significant sources of wealth. For instance, cryptocurrencies like Bitcoin are actively traded and held as investment assets with measurable market value, whereas NFTs represent ownership of digital content that can be bought and sold in global marketplaces. Furthermore, digital platforms—such as YouTube channels, online businesses, and social media accounts—often generate continuous income streams and may constitute substantial economic assets.

However, practical issues arise when these assets are confronted with inheritance situations. In many cases, digital assets become inaccessible upon the death of the owner due to the absence of password access, private keys, or clear legal mechanisms for transfer; indeed, reports of lost cryptocurrency wallets—resulting in permanently inaccessible wealth—illustrate how digital assets can effectively disappear from legal circulation despite their significant economic value. This phenomenon highlights a critical gap between the classical legal conception of property and the realities of digital ownership, thereby reinforcing the need to reassess the concept of *māl* within the framework of Islamic law.

Ultimately, the emergence of digital assets demonstrates that the concept of wealth is dynamic and continually shaped by technological and economic transformations. Recognising this dynamic nature allows Islamic legal scholarship to remain responsive to new forms of property while preserving the ethical and normative foundations of Islamic law.

Reinterpreting digital assets through the *maqāṣid al-sharīʿah* framework

The rapid development of digital technology has fundamentally transformed the structure of modern economic systems. Digital assets, such as cryptocurrencies, non-fungible tokens (NFTs), and various forms of virtual ownership, have emerged as significant components of contemporary wealth. These developments raise complex legal and ethical questions within Islamic jurisprudence (*fiqh*), particularly regarding how such assets should be evaluated in relation to the objectives of Islamic law; in this regard, the framework of *maqāṣid al-sharīʿah* provides an important analytical tool, as it focuses on the broader purposes and values underlying Islamic legal norms.

The theory of *maqāṣid al-sharīʿah* represents one of the most significant methodological developments in Islamic legal thought. Classical scholars such as Abū Ishaq al-Shatībi emphasised that the ultimate purpose of Islamic law is to achieve human welfare (*maṣlaḥah*) and to prevent harm (*mafsadah*). This perspective shifts the focus of legal reasoning from purely textual interpretation toward a deeper understanding of the objectives that the law seeks to realise; as a result, *maqāṣid* theory provides a dynamic framework that allows Islamic law to respond to changing social and economic realities.[31]

Within this framework, scholars generally identify five fundamental objectives known as the five essential objectives of Islamic law (*al-ḍarūriyyāt al-khams*): the protection of religion (*ḥifẓ al-dīn*), life (*ḥifẓ al-nafs*), intellect (*ḥifẓ al-ʿaql*), lineage (*ḥifẓ al-nasl*), and property (*ḥifẓ al-māl*). These objectives form the normative foundation for evaluating legal policies and economic activities in Islamic societies, since each represents a fundamental human interest that must be safeguarded in order to ensure social stability and justice.[32]

In the context of digital assets, these objectives acquire renewed relevance. The principle of *ḥifẓ al-māl*, in particular, provides a strong normative basis for recognising digital assets—such as cryptocurrencies, NFTs, and monetised digital accounts—as legitimate forms of wealth, given their clear economic value and transferability. At the same time, the objective of *ḥifẓ al-nasl* becomes crucial in the context of inheritance, as the inability to access or transfer digital assets after death may result in economic loss for heirs.[33] Furthermore, issues related to fraud, cybercrime, and speculative practices in digital markets intersect with broader *maqāṣid* concerns, thereby requiring legal frameworks that ensure both the protection and ethical management of digital wealth.[34] Thus, the *maqāṣid al-sharīʿah* framework not only provides a general philosophical foundation but also serves as a practical evaluative tool for assessing the legal status and implications of digital assets within contemporary Islamic law.

Among these objectives, the protection of property occupies a particularly important position in economic and commercial law. Islamic legal tradition has long recognised that the preservation of wealth is essential for maintaining social welfare and economic stability; consequently, many legal rules concerning ownership, trade, and inheritance are designed to ensure that property rights are protected and that wealth is distributed fairly within society.[35]

The principle of *ḥifẓ al-māl* also emphasises that wealth should not only be protected but should also be managed in ways that promote collective prosperity. Islamic economic principles encourage lawful economic activity, discourage unjust enrichment, and promote the equitable distribution of resources; from this perspective, property rights are closely linked to broader ethical responsibilities within the economic system.

The emergence of digital assets therefore raises important questions regarding whether such forms of wealth can fall within the scope of property protected by *ḥifẓ al-māl*. Although digital assets differ significantly from traditional forms of property, they share several essential characteristics associated with wealth, including economic value, ownership, and transferability.[36] These characteristics suggest that digital assets may be evaluated within the framework of property protection in Islamic law.

---

[31] Jasser Auda, *Maqasid Al-Shari'ah As Philosophy of Muslim Law* (London: the International Institute of : International Institute of Islamic Thought, 2008), 28.

[32] Syaṭibī, *Al-Muwafaqat Fi Uṣūl Al-Syari'ah*, 3:53.

[33] Lutfiana Mayasari et al., "Inheritance Rights of Inactive Digital Accounts: Qiyās-Based Legal Protection," *Al-Hukama* 13, no. 2 (2023): 127, https://doi.org/10.15642/alhukama.2023.13.2.253-275.

[34] I Kamalludin et al., "Designing a Digital Trust Fund for the Justice for Sexual Violence Victims Based on Islamic Criminal Law," *Jurnal Hukum Islam* 23, no. 2 (2025): 321, https://doi.org/10.28918/jhi.v23i2.04.

[35] Iqbal Kamalludin and Bunga Desyana Pratami, "Artificial Intelligence and Divorce Law: Problems and Challenges of Divorceify for Indonesia's Legal Future," *Al-Hukama* 14, no. 1 (2024): 229, https://doi.org/10.15642/alhukama.2024.14.1.111-141.

[36] Syahidah Rahmah and M. Frotza Alifi Aidil Adha, "Maqaṣid Al-Shari'Ah in the Era of Digitalization: Examining Cryptocurrency in the Framework of Hifẓ Al-Māl As a Means of Financial Sustainability," *Proceeding of The International Seminar on Business, Economics, Social Science and Technology (ISBEST)* 5, no. 1 (2025): 439, https://doi.org/10.33830/isbest.v5i1.7942.

Recent research in Islamic finance has increasingly examined digital assets through the lens of *maqāṣid al-sharīʿah*.[37] Scholars argue that the *maqāṣid* approach is particularly suitable for analysing new financial technologies because it emphasises the ethical and social consequences of economic activities rather than focusing solely on their formal structures.[38] Through this perspective, emerging technologies can be assessed according to whether they promote or undermine the broader objectives of Islamic law.

Cryptocurrency represents one of the most widely discussed examples of digital assets in contemporary Islamic scholarship.[39] Some scholars have raised concerns regarding the speculative nature of cryptocurrency markets, arguing that excessive volatility may introduce elements of uncertainty (*gharār*) that conflict with Islamic financial principles. Nevertheless, other scholars maintain that the technology itself does not inherently violate Islamic law and may, if properly regulated, offer significant economic benefits.

From a *maqāṣid* perspective, the evaluation of cryptocurrency and other digital assets should therefore focus on their overall social impact. If such assets facilitate economic innovation, enhance financial inclusion, and create new opportunities for lawful economic activity, they may contribute positively to the objective of preserving wealth; conversely, if they primarily generate speculative behaviour or financial instability, they may conflict with the objectives of Islamic law.[40]

Another important aspect of digital assets is their role in expanding access to financial systems. Blockchain technology has enabled decentralised financial platforms that allow individuals to participate in economic transactions without relying on traditional banking institutions. For many communities, particularly in developing regions, such technologies may provide new opportunities for economic participation and financial empowerment.[41]

From the perspective of *maqāṣid al-sharīʿah*, financial inclusion is closely related to the broader goal of promoting social welfare. Economic systems that enable individuals to participate more effectively in financial activities contribute to the realisation of justice and equitable economic development; consequently, digital financial technologies may support the objectives of Islamic law when they enhance access to economic resources.

However, digital assets also present certain risks that must be carefully evaluated. The anonymity associated with some blockchain systems may facilitate illicit financial activities, such as money laundering or fraud, and these risks raise important concerns regarding the protection of property and the prevention of economic harm within Islamic legal frameworks.

The *maqāṣid* approach requires balancing these potential benefits and risks through the

---

[37] Mohammad Qutaiba and Mohd Owais, "Exploring the Importance and Presence of Maqāsid Al-Sharī'ah in Islamic Banking Products and Services," *Talaa : Journal of Islamic Finance*, 2024, 922, https://doi.org/10.54045/talaa.v4i2.767.

[38] K A Maspul and A M Akrem, *Maqasid Markets: Islamic Finance, Global Trust, and Sustainable Reform* (books.google.com, 2026), 481, https://books.google.com/books?hl=en&lr=&id=Z-WzEQAAQBAJ&oi=fnd&pg=PA21&dq=digital+assets+digital+economy+islamic+inheritance+law+māl+maqāṣid+%22al+sharī+ah%22&ots=y2hfpVMt8g&sig=qtFi-cOsLEQLFxRlPy1Msd38uuU.

[39] N F Poga et al., "Reformulating Islamic Inheritance Law for Social Media Accounts as Digital Assets: An Empirical Study in Parepare, Indonesia," *Kalosara: Family Law Review* 6, no. 1 (2026): 112, https://ejournal.iainkendari.ac.id/index.php/kalosara/article/view/14030.

[40] Marrisa Andinarianti and Bakhrul Huda, "Utilising Maqāṣid Al-Sharīʿah into Cryptocurrency Structure: A Halal and Stable Digital Finance Model," *Journal of Islamic Business and Economics (JIBEC)* 1, no. 1 (2025): 307, https://doi.org/10.15642/jibec.2025.1.1.1-13.

[41] Djumadi et al., "Critical Review of Murābaḥah Financing in Contemporary Islamic Banking: A Maqāṣid Al-Sharī'ah Perspective," *MILRev: Metro Islamic Law Review* 4, no. 2 (2025): 348, https://doi.org/10.32332/milrev.v4i2.11087.

principle of *maṣlaḥah*. Legal scholars must therefore assess whether the overall impact of digital assets promotes public welfare or instead creates significant harm.[42] This evaluative process reflects the flexible nature of Islamic legal reasoning, which seeks to align legal judgments with the broader goals of justice and social welfare.

In this context, the reinterpretation of property concepts becomes particularly significant. Classical Islamic jurisprudence developed its legal doctrines in economic environments dominated by physical forms of property, whereas digital assets challenge these assumptions by introducing forms of wealth that exist entirely within virtual environments yet possess substantial economic value.

Despite their intangible nature, digital assets share several functional characteristics with traditional property. They can be owned, transferred, traded, and accumulated as economic resources; moreover, many digital assets are protected by cryptographic technologies that ensure secure ownership and transaction verification. These features suggest that digital assets may fulfil the essential criteria of property recognised in Islamic law.

The reinterpretation of property concepts through the *maqāṣid* framework therefore allows Islamic jurisprudence to adapt to technological developments without abandoning its normative foundations. Rather than focusing exclusively on the physical form of property, the *maqāṣid* approach emphasises the economic and social functions that property serves within society.

This perspective aligns with broader trends in contemporary Islamic legal scholarship, which increasingly emphasise the importance of contextual interpretation. Scholars argue that Islamic law must remain responsive to new social and technological realities while maintaining its commitment to ethical principles and justice; accordingly, the *maqāṣid* framework provides a methodological foundation for achieving this balance.

Applying this framework to digital assets suggests that such assets may legitimately be recognised as forms of wealth if they contribute to economic welfare and comply with the ethical principles of Islamic law. The recognition of digital assets as legitimate property would also support the objective of protecting wealth by ensuring that valuable resources remain within the lawful economic system.

This recognition becomes particularly important in the context of inheritance law. If digital assets represent significant components of an individual's wealth, excluding them from inheritance frameworks could undermine the objective of preserving family welfare; indeed, Islamic inheritance law aims to ensure that wealth is distributed fairly among heirs and that family members are protected after the death of the property owner.

The *maqāṣid* approach therefore provides a normative basis for incorporating digital assets into contemporary inheritance systems.[43] By recognising the economic value of digital assets and evaluating their role within broader social welfare objectives, Islamic legal scholarship can develop more comprehensive frameworks for regulating digital wealth.[44]

The following table illustrates how the *maqāṣid* framework can be applied to evaluate

---

[42] Haryati Haryati, Heri Junaidi, and Abdul Mughits, "Wealth and Its Acquisition in the Metaverse from the Perspective of Islamic Economic Law," *Az-Zarqa': Jurnal Hukum Bisnis Islam* 16, no. 2 (2025): 499, https://doi.org/10.14421/az-zarqa.v16.i2.4024.

[43] Saheed Abdullahi Busari et al., "Maqasid Al-Shariah-Based Strategies for Enhancing Digital Adoption Among B40 Muslim Entrepreneurs," *Journal of Islamic Finance* (journals.iium.edu.my, 2025), 372, https://journals.iium.edu.my/iiibf-journal/index.php/jif/article/view/1036.

[44] Haryati, Junaidi, and Mughits, "Wealth and Its Acquisition in the Metaverse from the Perspective of Islamic Economic Law," 219.

digital assets within Islamic legal reasoning.

Table 2. Application of *maqāṣid al-sharīʿah* to digital assets

Maqāṣid principle	**Legal objective**	**Relevance to digital assets**
Ḥifẓ al-Māl	Protection of wealth	Recognition of digital assets as legitimate property right
Ḥifẓ al-Nasl	Protection of family welfare	Ensuring the inheritance of digital assets
Ḥifẓ al-ʿAql	Protection of rational economic behaviour	Regulation of speculative financial practices
Maṣlaḥah	Promotion of public welfare	Promoting advantageous financial technologies
Prevention of Mafsadah	Avoidance of harm	Regulating fraud, money laundering, and financial risks

Source: Author's conceptual framework based on classical *maqāṣid al-sharīʿah* theory.

The application of *maqāṣid* principles to digital assets underscores the adaptability of Islamic legal thought. Rather than rejecting technological innovation outright, Islamic jurisprudence possesses the intellectual resources necessary to assess new economic phenomena within a coherent ethical framework; indeed, this adaptability has historically enabled Islamic law to maintain its relevance across diverse economic and social contexts.

Ultimately, the reinterpretation of digital assets through the lens of *maqāṣid al-sharīʿah* demonstrates that Islamic legal theory can effectively address the challenges posed by the digital economy. By focusing on the broader objectives of justice, welfare, and the protection of property, Islamic law can reformulate principled approaches to the regulation of emerging forms of wealth in the contemporary world.

Toward a *maqāṣid*-based framework for digital inheritance

The emergence of digital assets has fundamentally reshaped contemporary understandings of wealth and ownership. As discussed in previous sections, digital assets—ranging from cryptocurrencies and non-fungible tokens (NFTs) to monetised digital accounts—have become integral components of modern economic life.[45] Individuals increasingly accumulate significant value through digital platforms, online businesses, and blockchain-based financial systems; consequently, these assets may constitute a substantial portion of a person's estate at the time of death. The presence of such assets inevitably raises questions regarding their treatment within Islamic inheritance law.

Inheritance occupies a central position in Islamic legal tradition. The Qurʾan provides detailed provisions governing the distribution of a deceased person's estate among heirs, reflecting the importance of justice, balance, and family welfare in the Islamic legal order. These rules were designed to prevent the concentration of wealth and to ensure that family members are adequately supported after the death of the property owner; in this sense, inheritance law represents one of the most concrete manifestations of the objective of

[45] Rafique Adi Putra Mohd Nasir, "Crypto Asset Taxonomy and Classification: Foundation for Shari'ah Screening Framework," *SSRN Electronic Journal*, 2025, 729, https://doi.org/10.2139/ssrn.5760422.

protecting property (*ḥifẓ al-māl*) and safeguarding family welfare (*ḥifẓ al-nasl*).[46]

The rise of digital assets introduces new complexities to this well-established system. Unlike traditional property, such as land or physical currency, digital assets exist within technological infrastructures that rely on passwords, encryption systems, and decentralised networks. Access to these assets often depends on specific digital credentials known only to the owner; if these credentials are lost after death, the assets may become permanently inaccessible, even though they continue to exist within the digital system.

This technological characteristic creates a serious challenge for inheritance administration. In many cases, heirs may not even be aware of the existence of digital assets owned by the deceased, and even when they are aware, the technical barriers involved in accessing those assets may prevent them from exercising their legal rights. Consequently, valuable wealth may remain effectively lost despite the existence of inheritance rules designed to distribute it.

Such circumstances highlight the necessity of re-examining how Islamic inheritance law conceptualises property in the context of digital economies. The traditional framework assumes that wealth can be identified, valued, and transferred through established legal procedures; however, digital assets challenge these assumptions by introducing forms of wealth that are decentralised, intangible, and technologically mediated.

Despite these differences, digital assets share several essential characteristics with conventional forms of property. They possess measurable economic value, can be owned and controlled by individuals, and are transferable through digital transactions; accordingly, these features strongly suggest that digital assets can be understood within the broader legal concept of *māl* in Islamic jurisprudence.

From a legal standpoint, the concept of *māl* does not require property to possess a physical form; rather, what matters is whether the asset holds recognised economic value and can be lawfully utilised. Digital assets clearly meet these criteria in contemporary economic systems. Cryptocurrencies, for example, can be exchanged for goods and services, stored as investments, and transferred across global financial networks.[47]

The recognition of digital assets as *māl*, therefore, provides a crucial step toward integrating them into Islamic inheritance law. Once an asset is classified as legitimate property, it becomes subject to the broader legal principles governing ownership, transactions, and inheritance; this conceptual recognition forms the foundation for developing a coherent framework for digital inheritance within Islamic jurisprudence.

However, the process of legal adaptation cannot rely solely on doctrinal classification. Islamic law has historically addressed new social developments through interpretive methodologies that consider the broader purposes of the *sharīʿah*, and among these methodologies, the theory of *maqāṣid al-sharīʿah* plays a particularly important role.

The *maqāṣid* framework emphasises that Islamic law ultimately seeks to achieve human welfare and prevent harm. By focusing on the objectives of the law rather than merely its formal structures, this approach enables jurists to evaluate new phenomena in light of their broader social consequences; in the context of digital assets, the *maqāṣid* perspective

[46] Sylviah Sylviah, "The Theory of Change in Law: Al-Syatibi's Philosophy of Law," *Al-Bayyinah* 6, no. 1 (June 6, 2022): 109–17, https://doi.org/10.35673/al-bayyinah.v6i1.2605; Syaṭibī, *Al-Muwafaqat Fi Uṣūl Al-Syari'ah*, 3:26.

[47] Muhammad Abdullah Dewaya, "Innovation in Islamic Finance: Integrating Blockchain with Maqāṣid Al Sharīʿah & Ḥifẓ Al Māl," *Journal of Emerging Economies and Islamic Research*, 2025, 268, https://doi.org/10.24191/jeeir.v13i1.3852.

encourages scholars to examine how these assets affect economic welfare, family stability, and social justice.

One of the central objectives relevant to digital inheritance is the protection of wealth. Islamic legal tradition places great importance on safeguarding property rights and ensuring that wealth remains within lawful economic circulation.[48] This objective is directly related to the institution of inheritance, which functions as a mechanism for transferring wealth from one generation to the next.

If digital assets represent legitimate forms of wealth, excluding them from inheritance frameworks would undermine the objective of protecting property. Valuable economic resources would effectively disappear from the legal system simply because they exist in digital form, and such an outcome would contradict the spirit of Islamic legal principles that aim to preserve and distribute wealth fairly.

Another relevant objective is the protection of family welfare. Islamic inheritance law is designed not merely as a technical mechanism for transferring property but also as a social institution that ensures family members receive their rightful shares; by distributing wealth among heirs, the system helps maintain economic stability within families and prevents hardship after the death of the property owner.

In the digital era, this objective becomes particularly significant. Many individuals generate substantial income through online platforms, digital entrepreneurship, and blockchain-based financial activities; if these assets cannot be accessed by heirs, the families of deceased individuals may suffer financial losses that Islamic inheritance law was intended to prevent.

The *maqāṣid* perspective, therefore, provides strong normative support for recognising digital assets as inheritable property. By acknowledging the economic reality of digital wealth and ensuring its lawful transfer to heirs, Islamic legal reasoning can preserve both property rights and family welfare.

At the same time, the *maqāṣid* framework encourages careful consideration of potential risks associated with digital assets.[49] Certain forms of digital finance may involve speculative behaviour or regulatory uncertainty, and Islamic scholars must therefore evaluate whether particular digital assets align with ethical principles such as fairness, transparency, and economic stability.

Balancing these considerations requires an approach that distinguishes between the technological form of an asset and its ethical implications. Digital technology itself is not inherently problematic within Islamic law; rather, its evaluation depends on how the technology is used and on whether it contributes to the broader objectives of the Islamic law.

The following conceptual framework illustrates how digital inheritance can be evaluated through the *maqāṣid* perspective.

[48] Ulfah Alfiyah Darajat, "Wealth Distribution Inequality and Social Justice in Islamic Economics: An Evaluation of the Role of Zakat, Waqf, and Islamic Philanthropic Instruments in the Digital Economy Era in Indonesia," *Journal of Social Science and Economics* 4, no. 2 (2025): 358, https://doi.org/10.37812/josse.v4i2.2037.

[49] Ibrahim et al, "Evaluating Cryptocurrencies Through the Lens of Islamic Finance Based on Maqasid," 225.

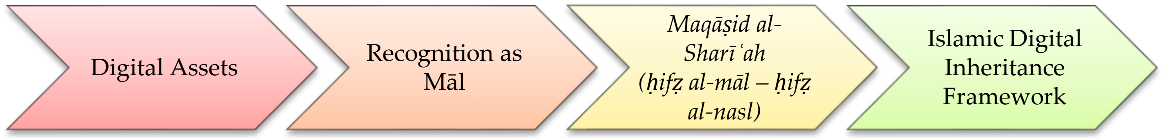

Figure 1. *Maqāṣid* framework for digital inheritance
Source: Author's conceptual framework developed through analysis of classical *fiqh* and *maqāṣid al-sharīʿah* in the context of digital assets.

This framework posits that the initial step involves recognising digital assets as legitimate forms of property. Upon establishing such recognition, the *maqāṣid* principles can guide the formulation of legal mechanisms that ensure these assets can be transferred fairly and securely to heirs.[50]

The practical implementation of this framework may necessitate the development of digital estate planning mechanisms. Individuals could document their digital assets and provide secure instructions regarding access credentials for their heirs; in this manner, the loss of digital wealth may be mitigated while respecting privacy and security concerns.

Legal institutions may also assume a pivotal role in facilitating digital inheritance. Courts, financial regulators, and Islamic legal authorities could formulate guidelines that address the technical challenges associated with digital assets, which might encompass procedures for verifying ownership, transferring digital accounts, and safeguarding the rights of heirs.

Another critical consideration is public awareness. Many individuals remain oblivious to the significance of managing digital assets as part of their estate planning; hence, educational initiatives could promote the recording of digital holdings and the preparation of appropriate legal documentation to ensure seamless inheritance processes.

The development of a *maqāṣid*-based framework for digital inheritance thus necessitates collaboration among legal scholars, policymakers, and technological experts. The Islamic legal tradition has historically demonstrated remarkable adaptability in responding to new economic realities, and by applying its interpretive methodologies to digital assets, it can sustain this tradition in the digital age.

In broader terms, the recognition of digital assets within Islamic inheritance law embodies a more extensive principle: the concept of wealth evolves alongside human economic activity. Islamic jurisprudence, guided by the objectives of the Islamic law, possesses the intellectual tools necessary to respond to these transformations while upholding its commitment to justice, welfare, and ethical economic practice.

Conclusion

This study demonstrates that the emergence of digital assets fundamentally challenges the classical conception of wealth (*māl*) within Islamic inheritance law, particularly its traditional association with materiality. By reconstructing the concept of *māl* through the analytical framework of *maqāṣid al-sharīʿah*, the research establishes that economic value (*qīmah*), lawful utility (*manfaʿah al-mubāḥah*), and transferability—rather than physical form—constitute the essential criteria of property in Islamic jurisprudence. From this perspective,

[50] Abdullahi Busari et al., "Maqasid Al-Shariah-Based Strategies for Enhancing Digital Adoption Among B40 Muslim Entrepreneurs."

digital assets qualify as legitimate forms of *māl* and, consequently, as inheritable property. More significantly, the study advances a *maqāṣid*-based reconceptualisation of property by positioning the protection of wealth (*ḥifẓ al-māl*) and the protection of family welfare (*ḥifẓ al-nasl*) not merely as justificatory principles but as normative drivers for legal adaptation in the digital era; in doing so, it shifts the discourse from a static doctrinal debate toward a purposive and future-oriented legal methodology. The article thus contributes to Islamic legal theory by demonstrating that the elasticity of *māl* is not incidental but is embedded within the teleological structure of Islamic law.

At a practical level, the findings highlight a critical regulatory and technical gap in the governance of digital inheritance, particularly with respect to accessibility, authentication, and the post-mortem transfer of digital assets. Addressing this gap requires the integration of legal doctrine with technological mechanisms, including digital estate planning systems and institutional regulatory frameworks capable of safeguarding the rights of heirs; accordingly, such integration becomes essential for ensuring effective inheritance processes. In essence, this study argues that incorporating digital assets into Islamic inheritance law is not merely a matter of legal accommodation but a necessary evolution to preserve coherence between *sharīʿah* principles and contemporary economic realities. By grounding this transformation in the *maqāṣid* paradigm, Islamic law is able to maintain both its normative integrity and its functional relevance in the face of rapid technological change.

References

Abdul Rahman, Ahmad Bin, and Jasni Bin Sulong. "Exploring the Significance of Intangible Assets in Islamic Finance: A Systematic Literature Review." *International Journal of Academic Research in Economics and Management Sciences* 14, no. 4 (2025). https://doi.org/10.6007/ijarems/v14-i4/26985.

Abdullahi Busari, Saheed, Rahaiza Rokis, Mohd Fuad Sawari, Noor Azizah, Bt Mohamadali, Muhammad Amanullah, Abdul Hamid, and Abusulayman Kulliyyah. "Maqasid Al-Shariah-Based Strategies for Enhancing Digital Adoption Among B40 Muslim Entrepreneurs." *Journal of Islamic Finance*. journals.iium.edu.my, 2025. https://journals.iium.edu.my/iiibf-journal/index.php/jif/article/view/1036.

Afandi, M. Yazid, and Nadia Rahma. "Circular Economy and Maqasid Al-Shari'ah: A Conceptual Framework for Islamic Economic Reform." *Global Review of Islamic Economics and Business* 13, no. 2 (2025): 135–51. https://doi.org/10.14421/grieb.2025.132-03.

Ahyani, Hisam, Parhan, Muhtolib, Ahmad Berizi, Nurhasana, and Nurul Ilyana Muhd Adnan. "Fraud in the Digital Space: A Comparative Study of Jinayah Fiqh and Indonesian Criminal Law." *Jurnal Hukum Islam* 23, no. 1 (2025): 37–72. https://doi.org/10.28918/jhi.v23i1.02.

Akbar, Mohamed Aslam. "Towards an Interpretation of Cryptocurrency As a Commodity From Maqasid Al-Shari'Ah Perspective." *International Journal of Islamic Economics and Finance Research* 5, no. 2 December (2022): 99–112. https://doi.org/10.53840/ijiefer90.

Andinarianti, Marrisa, and Bakhrul Huda. "Utilising Maqāṣid Al-Sharīʿah into Cryptocurrency Structure: A Halal and Stable Digital Finance Model." *Journal of Islamic Business and Economics (JIBEC)* 1, no. 1 (2025): 2025. https://doi.org/10.15642/jibec.2025.1.1.1-13.

Auda, Jasser. *Maqasid Al-Shari'ah As Philosophy of Muslim Law*. London: the International Institute of : International Institute of Islamic Thought, 2008.

———. *Maqasid Al-Shariah as Philosophy of Islamic Law: A Systems Approach*. London:

International Institute of Islamic Thought, 2008.

Dewaya, Muhammad Abdullah. "Innovation in Islamic Finance: Integrating Blockchain with Maqāṣid Al Sharīʿah & Ḥifẓ Al Māl." *Journal of Emerging Economies and Islamic Research*, 2025, 3852. https://doi.org/10.24191/jeeir.v13i1.3852.

Djumadi, Hamida, Kamiruddin, Arzal Syah, and Mujahidin. "Critical Review of Murābaḥah Financing in Contemporary Islamic Banking: A Maqāṣid Al-Sharī'ah Perspective." *MILRev: Metro Islamic Law Review* 4, no. 2 (2025): 1152–88. https://doi.org/10.32332/milrev.v4i2.11087.

Hardiyansyah, Tendri, Benyy Djaja, and Maman Sudirman. "Transforming Inheritance Law in the Digital Era: Challenges, Opportunities, and Adaptive Strategies for Indonesia." *Jurnal Al-Hakim: Jurnal Ilmiah Mahasiswa, Studi Syariah, Hukum Dan Filantropi* 6, no. 2 (2024): 243–52. https://doi.org/10.22515/jurnalalhakim.v6i2.10174.

Haryati, Haryati, Heri Junaidi, and Abdul Mughits. "Wealth and Its Acquisition in the Metaverse from the Perspective of Islamic Economic Law." *Az-Zarqa': Jurnal Hukum Bisnis Islam* 16, no. 2 (2025): 152–77. https://doi.org/10.14421/az-zarqa.v16.i2.4024.

Hidayatulloh, Muhamad Syarif, and Muhammad Malik Nahar. "Digital Zakat as a Social Innovation: UTAUT and Maqasid Analysis for Strengthening the Islamic Financial System." *El -Hekam* 10, no. 2 (2025): 186–204. https://doi.org/10.31958/jeh.v10i2.16409.

Ibn Ashur, Muhammad al-Tahir. *Treatise on Maqasid Al-Shariah*. *Book*. Iiit, 2006.

Ibrahim et al, Najhan Muhamad. "Evaluating Cryptocurrencies Through the Lens of Islamic Finance Based on Maqasid." *Journal of Information Systems and Digital Technologies,* 6, no. 2 (2024): 22–37. https://doi.org/10.31436/jisdt.v6i2.504.

Islami, H, and C S Kurniawan. "MUI's Fatwa as Non-State Economic Regulation: Maqasid Al-Shari'ah and the Political Economy of Productive-Asset Zakat in Indonesia." *Islamic Law and Social Issues in Society*, 2026. https://doi.org/10.64929/ilsiis.v2i1.46.

Jalaludin, Akhmad. "From Patrilineal to Bilateral: A New Balance of Islamic Inheritance Law in Indonesia's Religious Court." *Al-Hukama': The Indonesian Journal of Islamic Family Law* 14, no. 2 (2024): 201–31.

Kamalludin, I, A Purwanti, R B Sularto, and V Berezniak. "Designing a Digital Trust Fund for the Justice for Sexual Violence Victims Based on Islamic Criminal Law." *Jurnal Hukum Islam* 23, no. 2 (2025). https://doi.org/10.28918/jhi.v23i2.04.

Kamalludin, Iqbal, and Bunga Desyana Pratami. "Artificial Intelligence and Divorce Law: Problems and Challenges of Divorceify for Indonesia's Legal Future." *Al-Hukama* 14, no. 1 (2024): 111–41. https://doi.org/10.15642/alhukama.2024.14.1.111-141.

Magfur, M A. "Classical Fiqh, State Authority, and Digital Governance: Islamic Legal Discourse on Cyber Law in Malaysia." *Asy-Syir'ah: Jurnal Ilmu Syari'ah Dan Hukum*, 2025. https://doi.org/10.14421/ajish.v59i2.1666.

Mansur, Fahmi Assulthoni, Fathiyatun Nikmah, and Fitria Nur Masithoh. "Reconstructing Fiqh Muamalah for the Digital Age : A Framework for Shariah-Tech Integration." *Journal of Islamic Economics Studies and Practices* 4, no. 2 (2025): 150–59. https://doi.org/10.54180/jiesp.2025.4.2.150-159.

Mansur, Ubaidillah, Dede Nurohman, and Ahmad Muhtadi Anshor. "Revitalizing Financial Freedom to Achieve a Sustainable Economy Based on Maqashid Al-Shariah in Hifz Al-Mal." *Al-Mustashfa: Jurnal Penelitian Hukum Ekonomi Syariah* 9, no. 2 (2024): 286. https://doi.org/10.24235/jm.v9i2.18582.

Marzuki, Peter Mahmud. *Penelitian Hukum*. 16th ed. Surabaya: Kencana, 2016.

Maspul, K A, and A M Akrem. *Maqasid Markets: Islamic Finance, Global Trust, and Sustainable*

Reform. books.google.com, 2026. https://books.google.com/books?hl=en&lr=&id=Z-WzEQAAQBAJ&oi=fnd&pg=PA21&dq=digital+assets+digital+economy+islamic+inheritance+law+māl+maqāṣid+%22al+sharī+ah%22&ots=y2hfpVMt8g&sig=qtFi-cOsLEQLFxRlPy1Msd38uuU.

Mayasari, Lutfiana, Nur Triyono, Ulfa Wulan Agustina, and Beta Pujangga Mukti. "Inheritance Rights of Inactive Digital Accounts: Qiyās-Based Legal Protection." *Al-Hukama* 13, no. 2 (2023): 253–75. https://doi.org/10.15642/alhukama.2023.13.2.253-275.

Mohd Nasir, Rafique Adi Putra. "Crypto Asset Taxonomy and Classification: Foundation for Shari'ah Screening Framework." *SSRN Electronic Journal*, 2025. https://doi.org/10.2139/ssrn.5760422.

Nurulita, F, N Melikiati, M A Al Farisi, and Muhammad Alfian. "Sacred Law in Secular Systems: Shariawiz and Digital Inheritance Fiqh among Muslim Minorities in the United States." *Asy-Syir'ah: Jurnal Ilmu Syari'ah Dan Hukum* 59, no. 2 (2025). https://doi.org/10.14421/ajish.v59i2.1642.

Oyesanya, O S. "Reimagining Nigerian Educational Reform in the Digital Age: Integrating Maqāṣid Al-Sharīʻah for Ethical and Sustainable Development." *Journal of Science and Information Technology*, 2025. https://journals.tasued.edu.ng/index.php/josit/article/view/185.

Poga, N F, I Mutmainnah, Nur Mizwary Mustamin, Nurdalia Bate, and Rahmawati Rahmawati. "Reformulating Islamic Inheritance Law for Social Media Accounts as Digital Assets: An Empirical Study in Parepare, Indonesia." *Kalosara: Family Law Review* 6, no. 1 (2026). https://ejournal.iainkendari.ac.id/index.php/kalosara/article/view/14030.

Qaisar, Muhammad, and Mushtaq Ahmad. "Badā'iʿ Al-Ṣanā'iʿ Fī Tartīb Al-Sharā'iʿ: Its Preeminence and Distinctive Authority among Classical Ḥanafī Jurisprudential Texts." *AL-HAYAT Research Journal (AHRJ)* 3, no. 1 (2025): 86–99. https://doi.org/https://doi.org/10.5281/.

Qudamah, Ibn, and Abdullah bin Muhammad. *Al-Mughnī*. *Dar A'lim Al-Kutub*, 1997.

Qutaiba, Mohammad, and Mohd Owais. "Exploring the Importance and Presence of Maqāsid Al-Sharī'ah in Islamic Banking Products and Services." *Talaa : Journal of Islamic Finance*, 2024. https://doi.org/10.54045/talaa.v4i2.767.

Rahmah, Syahidah, and M. Frotza Alifi Aidil Adha. "Maqaṣid Al-Shari'Ah in the Era of Digitalization: Examining Cryptocurrency in the Framework of Hifẓ Al-Māl As a Means of Financial Sustainability." *Proceeding of The International Seminar on Business, Economics, Social Science and Technology (ISBEST)* 5, no. 1 (2025): 167–73. https://doi.org/10.33830/isbest.v5i1.7942.

Rehan, Ahmad. "The Existence of Crypto from the Perspective of Islamic Fiqh: A Legal Analysis of the Sale and Purchase of Digital Assets." *Al-Fiqh: Journal of Contemporary Islamic Law* 1, no. 1 (2025): 1–10. https://doi.org/10.61987/fiqh.v1i1.000.

Sahidin, Amir, and Muhammad Alif Rahmadi. "The Implementation of Maqāṣid Al-Sharīʻ Ah in Shaykh Yusuf Al-Qardhawi's Fiqh Al-Aqalliyat." *Jurnal Hukum Islam* 19, no. 2 (2021): 295–312. https://doi.org/10.28918/jhi.v19i2.4724.

Sendrawan, Tjhong, Rosa Agustina, Edmon Makarim, Arman Nefi, and Josephine Rus Indra Sapti Ipfelkofer. "Optimizing the Role of Notaries in Digital Property Inheritance: A Comparative Legal Analysis." *Indonesia Law Review* 15, no. 2 (2025): 2. https://doi.org/10.15742/ilrev.v15n2.3.

Sidqi, Imaro, Siti Maymanatun Nisa, and Hening Sukma Daini. "Development of Artificial Intelligence in the Dispute Resolution of Religious Courts." *Jurnal Hukum Islam* 21, no. 1

(2023): 83–112. https://doi.org/10.28918/jhi_v21i1_04.
Syaṭibī, Abū Ishāq al-. *Al-Muwafaqat Fi Uṣūl Al-Syari'ah*. Vol. 3. Kairo: Dār al-Fikr al-Arabi, n.d.
Sylviah, Sylviah. "The Theory of Change in Law: Al-Syatibi's Philosophy of Law." *Al-Bayyinah* 6, no. 1 (June 6, 2022): 109–17. https://doi.org/10.35673/al-bayyinah.v6i1.2605.
Tauratiya, Rahmat Danni, Furziah, and Hasmaryadi. "Maqāṣid Al-Sharī'Ah and Copyright Protection: A Critical Examination of Copyright Regulation in Indonesia." *Asy Syar'Iyyah: Jurnal Ilmu Syari'Ah Dan Perbankan Islam* 10, no. 2 (2025): 110–34. https://doi.org/10.32923/zdsgrc57.
Ulfah Alfiyah Darajat. "Wealth Distribution Inequality and Social Justice in Islamic Economics: An Evaluation of the Role of Zakat, Waqf, and Islamic Philanthropic Instruments in the Digital Economy Era in Indonesia." *Journal of Social Science and Economics* 4, no. 2 (2025): 152–65. https://doi.org/10.37812/josse.v4i2.2037.
Wahdini, Sri. "Reconstruction of Islamic Economic Law within the Modern Economic System: Between Normativity and Practice." *El-Kahfi | Journal of Islamic Economics* 6, no. 01 (2025): 235–47. https://doi.org/10.58958/elkahfi.v6i01.579.
Yasin, Achmad, and Arifah Billah. "Blockchain-Based Digital Transaction Security System: Perspective of Imam Al-Shāṭibi's Maqāṣid Al-Sharī'ah Concept." *Al-Muamalat: Jurnal Ekonomi Syariah*, 2024. https://doi.org/10.15575/am.v11i2.34379.
Yusuf, Mohd Ali Mohd, Khiral Anuar Daud, and Noorsafuan Che Noh. "Inheritance Distribution in Islam: Between Legal Provisions and Dynamics of Its Implementation." *International Journal of Research and Innovation in Social Science* 8 (2025): 3719–26. https://doi.org/10.47772/IJRISS.2024.8120309.
Zaman, Jamrud Qomaruz, Achmad Khudori Sholeh, Fadil Fadil, Nor Salam, and Aina Sofea Binti Ros Azman. "The Influence of Positivism and Empirism in The Enforcement of Islamic Inheritance Law in Indonesia." *Substantive Justice International Journal of Law* 7, no. 1 (2024): 48. https://doi.org/10.56087/substantivejustice.v7i1.267.
Zuhaili, Wahbah al. *Al-Fiqh Al-Islamī Wa Adillatuhu*. 8th ed. Dimasyq: Dar al-Fikr, 1985.

Acknowledgement:
The author wishes to express sincere gratitude to all individuals and organisations that have contributed to the completion of this research. Special acknowledgment is extended to academic colleagues and reviewers, whose valuable insights and constructive feedback have significantly enhanced the quality of this article.
Funding:
The author wishes to express sincere gratitude for the financial support for publication provided by the Indonesia Endowment Fund for Education (LPDP) through the Indonesia International Islamic Education Scholarship (BIB) Programme, administered by the Ministry of Religious Affairs of the Republic of Indonesia. This support was instrumental in enabling the completion and dissemination of this research. The author also extends appreciation to academic supervisors and colleagues for their insightful guidance and constructive feedback throughout the research process. Furthermore, gratitude is conveyed to institutional partners and research communities for facilitating access to resources and scholarly discussions that significantly contributed to the depth and quality of this study.