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RESEARCH ARTICLE

Transforming Inheritance Law in the Digital Era: Challenges, Opportunities, and Adaptive Strategies for Indonesia

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Abstract

The Fourth Industrial Revolution and Society 5.0 have introduced significant challenges to inheritance law in Indonesia, particularly with the emergence of digital assets that reshape concepts of ownership and inheritance. This research aims to explore the transformation of inheritance law in the digital era, identify challenges and opportunities, and formulate adaptive strategies. The study employs a qualitative approach with a normative and empirical juridical design, involving literature review, in-depth interviews, and focus group discussions. The findings reveal regulatory gaps in accommodating the inheritance of digital assets, complexities arising from the pluralism in inheritance law, and technical and security challenges in digital inheritance. On the other hand, blockchain technology and smart contracts present innovative opportunities. This research recommends a comprehensive revision of the existing legal framework, harmonization of legal pluralism, the adoption of technology within the inheritance system, enhanced digital literacy, and international cooperation to address cross-border issues. In conclusion, transforming inheritance law in the digital era requires a multidisciplinary approach that integrates legal, technological, and socio-cultural aspects to create a system that is adaptive yet grounded in Indonesia's local wisdom.

Keywords: Law of Digital Inheritance; Digital Assets; Law Transformation.

1. Introduction

The rapid advancement of technology in the era of the Industrial Revolution 4.0 and Society 5.0 has brought significant changes to various aspects of human life, including the field of law.¹ Inheritance law, traditionally focused on the transfer of wealth from a deceased person to their heirs, now faces new complexities arising from the digitalization of assets, cryptocurrencies, and other forms of digital property.² The Industrial Revolution 4.0,

¹ Mhd Yahya Nabillah Purba, "Revolusi Industri 4.0 : Peran Teknologi Dalam Eksistensi Penguasaan Bisnis dan Implementasinya" 9, no. 2 (2021): 91–98.

² Danggur Feliks, "Aset Kripto Sebagai Ojek Harta Waris Dalam Perspektif Hukum Positif Indonesia,"

characterized by the integration of cyber-physical systems, the Internet of Things (IoT), and artificial intelligence, has shifted paradigms of ownership and asset transfer.³ Meanwhile, the concept of Society 5.0, promoted by Japan, emphasizes the integration of virtual and physical spaces to create a human-centered society.⁴ These phenomena raise pressing questions about how inheritance law can adapt and remain relevant in regulating the inheritance of digital and virtual assets.

In Indonesia, inheritance law remains heavily influenced by legal pluralism, encompassing customary law, Islamic law, and Western civil law.⁵ While this diversity enriches the nation's cultural heritage, it also creates significant complexity in application, particularly when addressing new forms of assets emerging in the digital era.⁶ Therefore, a legal transformation is needed—one that accommodates technological advancements while preserving the cultural and religious values deeply rooted in Indonesian society. The Industrial Revolution 4.0, characterized by the integration of cyber-physical technology, the Internet of Things (IoT), and artificial intelligence, has fundamentally altered paradigms of ownership and asset transfer.⁷ Meanwhile, Japan's Society 5.0 concept emphasizes the integration of virtual and physical spaces to create a human-centered society.⁸ These phenomena raise new questions about how inheritance law can adapt to remain relevant in regulating the inheritance of digital and virtual assets. One major challenge for inheritance law in the digital era is addressing the unique nature of digital ownership. Digital assets, such as social media accounts, web domains, or non-fungible tokens (NFTs) of digital art, differ significantly from traditional physical assets.⁹ Ownership of digital assets is often tied to complex licensing agreements and service terms, which may restrict or even prohibit inheritance. This raises a fundamental question about what, if anything, can truly be inherited in the digital context.

Cryptocurrency, as a form of increasingly popular digital assets, presents unique challenges for inheritance law. Its decentralized and pseudo-anonymous nature makes it difficult to track and identify as part of an estate.¹⁰ Additionally, technical issues such as access

Khazanah Multidisplin 3, no. 2 (2022): 139–164.

³ Mardiana R et al., "Implementasi Transformasi Digital Dan Kecerdasan Buatan Sebagai Inovasi Untuk UMKM Pada Era Revolusi Industri 4.0," *Scientific Journal of Management and Entrepreneurship (JUMANAGE)* 3, no. 1 (January 31, 2024): 266–273, <https://ejournal.unama.ac.id/index.php/jumanage/article/view/1552>.

⁴ Moh. Hatta Alwi Hamu et al., *Are We Ready to Face Society 5.0?* (Kupang: Tangguh Denara Jaya, 2023).

⁵ Adelina Nasution, "PLURALISME HUKUM WARIS DI INDONESIA," *Al-Qadha* 5, no. 1 (July 1, 2019): 20–30, <https://journal.iainlangsa.ac.id/index.php/qadha/article/view/957>.

⁶ Tsania Rahma et al., "Intolerance in the Flow of Information in the Era of Globalization: How to Approach the Moral Values of Pancasila and the Constitution?," *Indonesian Journal of Pancasila and Global Constitutionalism* 1, no. 1 (January 31, 2022): 33–118, <https://journal.unnes.ac.id/sju/index.php/ijpgc/article/view/56878>.

⁷ R et al., "Implementasi Transformasi Digital Dan Kecerdasan Buatan Sebagai Inovasi Untuk UMKM Pada Era Revolusi Industri 4.0."

⁸ Juan Matheus and Ariawan Gunadi, "Pembentukan Lembaga Pengawas Perlindungan Data Pribadi Di Era Ekonomi Digital: Kajian Perbandingan Dengan KPPU," *JUSTISI* 10, no. 1 (2024): 20–35.

⁹ Risma Muhamad Ramdani, Ujang Sumarwan, and Irman Hermadi, "Analisis Faktor-Faktor Yang Berpengaruh Terhadap Sikap Pengguna Aset Digital Non-Fungible Token Berbasis Blockchain Pada Komunitas NFT Indonesia," *Journal of Management and Organization* 14, no. 3 (October 5, 2023): 268–286, <https://journal.ipb.ac.id/index.php/jmo/article/view/46793>.

¹⁰ Sisca Sisca and Andy Wijaya, "The Role of Green Innovation to Achieve Sustainable Business Performance of MSMEs in the Covid-19 Pandemic," *International Journal of Science, Technology & Management* 4, no. 1 (January 10, 2023): 228–232, <https://www.ijstm.inarah.co.id/index.php/ijstm/article/view/750>.

to wallets and private keys—if not properly managed—can result in the permanent loss of digital assets after the owner's death. The advancement of blockchain technology further introduces significant implications for inheritance law. For instance, smart contracts enable the creation of inheritance schemes that can be executed automatically without third-party intervention.¹¹ While this has the potential to redefine the roles of notaries and courts in the inheritance process, it also raises important questions about the legal validity and recognition of blockchain-based inheritance mechanisms.

On the other hand, advancements in technology are creating new opportunities for the management and execution of wills. Digital or electronic wills have begun to gain recognition in several developed countries.¹² However, in Indonesia, the validity of electronic wills remains a subject of debate, as the Civil Code (KUHP) still mandates wills to be in written form. This highlights a significant gap between technological developments and the existing legal framework. Additionally, the cross-border nature of digital assets introduces new complexities in international inheritance law. When digital assets are distributed across multiple jurisdictions, questions arise regarding which laws should apply and how potential legal conflicts can be resolved.¹³ This issue becomes increasingly relevant given the global nature of the internet and the digital economy.

Privacy and data security have become critical issues in the context of digital asset inheritance. Many digital assets contain sensitive personal information, making it essential for the inheritance process to prioritize data protection. This is particularly crucial in an era of increasingly stringent regulations, such as the General Data Protection Regulation (GDPR) in Europe and Indonesia's Personal Data Protection (PDP) Law.¹⁴ Balancing the rights of heirs to access digital assets with the obligation to protect the privacy of the deceased and third parties presents a significant challenge. Additionally, the transformation of inheritance laws in the digital era must account for society's varying levels of digital literacy. Generational gaps in understanding digital assets can lead to conflicts during the inheritance process.¹⁵ To address this, education and awareness programs on inheritance planning that include digital assets are vital for minimizing potential disputes in the future.

Finally, it is essential to recognize that the transformation of inheritance laws in the digital era is not solely about accommodating new technologies but also about preserving fundamental values such as justice, legal certainty, and social harmony. The key challenge lies in designing a legal inheritance system that is flexible enough to adapt to technological

¹¹ Andini Eka Budiyanto, "Analisis Yuridis Penggunaan Smart Contract Dalam Perspektif Asas Kebebasan Berkontrak," *JOURNAL OF STUDENT RESEARCH* 1, no. 1 (October 1, 2023): 815–827, <https://ejournal.kampusakademik.co.id/index.php/jssr/article/view/402>.

¹² Rizka Octa Pratiwi, "Perlindungan Hukum Bagi Penerima Wasiat Terhadap Notaris Yang Tidak Melaporkan Akta Wasiat Secara Elektronik," *Jurnal Cakrawala Hukum* 11, no. 3 (December 22, 2020): 333–340, <http://jurnal.unmer.ac.id/index.php/jch/article/view/4267>.

¹³ Jhos Franklin Kemit, Vanya Agatha H, and Kristoforus Laga Kleden, "Yurisdiksi Kejahatan Siber: Borderless," in *Seminar Nasional - Hukum Dan Pancasila "Penegakan Hukum Pada Tindak Pidana Transnasional"* (Surabaya: University 17 Agustus 1945 Surabaya, 2023), 55–70.

¹⁴ Matheus and Gunadi, "Pembentukan Lembaga Pengawas Perlindungan Data Pribadi Di Era Ekonomi Digital: Kajian Perbandingan Dengan KPPU"

¹⁵ Zahy Riswahyudha Ariyanto et al., "Kajian Fenomena Kesenjangan Generasi Dalam Konteks Kehidupan Kampus Menurut Perspektif Ilmu Komunikasi," *Journal of Social Sciences* 9, no. 2 (December 31, 2023): 193–208, <https://ejournal.undiksha.ac.id/index.php/JIIS/article/view/70980>.

advancements while maintaining the core principles and purposes of inheritance law.¹⁶ Considering the complexity and urgency of these issues, this research aims to deeply explore how Indonesia's inheritance laws can evolve to meet the demands of the Industrial Revolution 4.0 and Society 5.0. The analysis incorporates legal, technological, social, and cultural aspects to provide a comprehensive understanding and practical recommendations for updating inheritance laws in Indonesia.

Building on the previously outlined background, this research focuses on three key fundamental questions. First, it examines how the Industrial Revolution 4.0 and Society 5.0 influence the framework of asset ownership and inheritance in Indonesia. Second, it conducts a comprehensive analysis of the challenges and opportunities faced by Indonesia's inheritance laws in adapting to the rapidly evolving digital era. Lastly, it explores strategies for transforming inheritance laws to accommodate technological advancements while preserving Indonesia's deeply rooted cultural and religious values. By addressing these three questions, this study aims to provide a comprehensive understanding of the position of Indonesian inheritance law amidst the ongoing global technological transformations.

This study has three closely related primary objectives. First, it aims to thoroughly analyze the impact of the Industrial Revolution 4.0 and Society 5.0 on the framework of asset ownership and inheritance in Indonesia. This analysis will address paradigm shifts in ownership, the emergence of digital assets, and their implications for the inheritance process. Second, the study seeks to comprehensively identify the challenges and opportunities faced by Indonesian inheritance law in adapting to the digital era, encompassing legal, technological, social, and cultural aspects. Third, based on this analysis and identification, the research will develop a strategic framework for transforming inheritance law. This framework is intended to integrate technological advancements while preserving the cultural and religious values that underpin Indonesian society. By achieving these objectives, the study is expected to make a significant contribution to modernizing inheritance laws in Indonesia for the digital age.

This study is projected to provide significant benefits both theoretically and practically. Theoretically, it will enrich the body of literature on inheritance law within the context of the Industrial Revolution 4.0 and Society 5.0, addressing gaps in knowledge about the interaction between traditional inheritance law and the realities of the digital age. Furthermore, it will establish a solid conceptual foundation for developing adaptive inheritance law theories in response to technological advancements, paving the way for future research in this field.

Practically, the findings are expected to offer valuable recommendations for policymakers in formulating regulations related to inheritance law in the digital era. These recommendations will help bridge the gap between existing legal frameworks and the rapidly evolving technological landscape. Additionally, this research will serve as a useful guide for legal practitioners in handling inheritance cases involving digital and virtual assets, enabling them to navigate the complexities of digital-era inheritance laws.

Equally important, the study aims to raise public awareness about the importance of inheritance planning that includes digital and virtual assets, encouraging a more proactive approach to legacy planning in the digital age. By contributing both theoretically and practically, this research is expected to play a critical role in the development of responsive inheritance laws that address the challenges of the digital era while remaining grounded in

¹⁶ Sergio Felix Asalim, Sugianto Sugianto, and Setyabudhi Setyabudhi, "Ketidakseragaman Pewarisan Dalam Penerapan Hukum Waris Secara Nasional," *Aktivisme: Jurnal Ilmu Pendidikan, Politik dan Sosial Indonesia* 1, no. 3 (June 24, 2024): 301–309, <https://journal.appihi.or.id/index.php/Aktivisme/article/view/398>.

the local wisdom and religious values that underpin Indonesian society.¹⁷ The findings of this research are expected to have relevance not only in academic contexts but also in practical applications for legal practice and public policy. They aim to assist in preparing Indonesia's inheritance legal system to effectively address the challenges and seize the opportunities presented by the digital era.

2. Research methods

This study adopts a qualitative approach with a normative legal research design to explore the transformation of inheritance law in the era of the Industrial Revolution 4.0 and Society 5.0. The choice of a qualitative method reflects the need to deeply understand the complex interactions between inheritance law, digital technology, and the socio-cultural realities of Indonesian society. Data collection was conducted using several complementary methods. First, an extensive literature review was carried out to analyze legislation, legal literature, scholarly journals, and relevant research reports on inheritance law and digital technology. This included not only conventional legal literature but also recent publications on blockchain, digital assets, and the legal implications of emerging technologies. Second, in-depth interviews were conducted with legal experts in inheritance, technology practitioners, and policymakers to gain insights into the challenges and opportunities of transforming inheritance law in the digital era. Lastly, focus group discussions (FGDs) were organized, involving academics, notaries, and public representatives to gather diverse perspectives on the issue.

The data analysis was conducted using qualitative content analysis and a grounded theory approach. Qualitative content analysis was applied to textual data from bibliographic studies and focus group discussion (FGD) results to identify key themes and emerging patterns. The grounded theory approach was utilized to develop a conceptual framework for the transformation of inheritance laws in the digital age. The analysis process involved open, axial, and selective coding to organize the data and identify connections between concepts. To ensure the validity and reliability of the research, several strategies were implemented. Data source and method triangulation were employed to verify findings from multiple perspectives. Member checking was conducted by sharing the analysis results with key informants to obtain feedback and verification. Additionally, peer debriefing was carried out by involving independent researchers to review the research process and provide input on data interpretation.

Research ethics were a primary focus, particularly given the sensitive nature of topics such as inheritance and digital data privacy. Informed consent was obtained from all participants, and anonymity was strictly maintained when reporting the research findings. All data were securely stored with encryption to safeguard sensitive information. Within the context of Indonesia's legal pluralism, this approach enabled researchers to explore how customary and religious values intersect with emerging concepts of digital asset inheritance. Participatory observation was conducted to gain deeper insights into perceptions and practices related to inheritance in the digital age.

¹⁷ Alfa Rizky Voth and Mochammad Firmansyah Dwi Setiawan, "DINAMIKA HUKUM WARIS ADAT DI INDONESIA: KAJIAN TERHADAP PERUBAHAN SOSIAL, KULTURAL, DAN HUKUM," *SYARIAH : Jurnal Ilmu Hukum* 1, no. 2 (2023): 328–334.

Case studies from jurisdictions that have implemented regulations on digital inheritance, such as the United States and several European countries, are analyzed to draw lessons and identify potential adaptations for the Indonesian context. To address the technical complexities of digital assets and blockchain, a simulation of digital asset inheritance using blockchain technology has been conducted. This simulation aims to explore the technical and legal implications of the inheritance process within the framework of emerging technologies.

3. Discussion

3.1 Transformation Draft Ownership and Digital Assets

This study reveals that the Industrial Revolution 4.0 and Society 5.0 have fundamentally transformed the concept of ownership and the nature of assets that can be inherited. Digital and virtual assets, which were not previously recognized in traditional inheritance laws, have now become vital components of modern estates. Examples of such assets include cryptocurrencies, non-fungible tokens (NFTs), web domains, and in-game digital assets, all of which introduce new legal and practical challenges in the context of inheritance.¹⁸ The study highlights the unique characteristics of digital assets—such as their intangible nature and frequent dependence on user licenses—which present distinct obstacles in inheritance processes. For instance, cryptocurrency ownership relies on private keys, and if these keys are not properly passed on, access to the asset can be permanently lost. These findings emphasize the importance of estate planning that addresses the technical aspects of digital assets to ensure their secure and effective transfer to heirs.¹⁹

3.2 Gaps of Regulation and Legal Pluralism

An analysis of the existing legal framework reveals a significant regulatory gap in addressing the inheritance of digital assets. The Indonesian Civil Code (KUHPer), one of the primary sources of inheritance law in Indonesia, lacks specific provisions for digital asset inheritance, creating legal uncertainty in handling such cases. The pluralistic nature of inheritance law in Indonesia—which includes customary law, Islamic law, and Western civil law—further complicates the adaptation of digital inheritance regulations. This study finds that each legal system approaches digital assets differently, potentially leading to conflicts in their application. For example, under Islamic inheritance law, the concept of inheritable property (*tirkah*) requires reinterpretation to include digital assets.²⁰

¹⁸ Sisca and Wijaya, "The Role of Green Innovation to Achieve Sustainable Business Performance of MSMEs in the Covid-19 Pandemic."

¹⁹ Risma Muhamad Ramdani et al., "Analisis Faktor-Faktor Yang Berpengaruh Terhadap Sikap Pengguna Aset Digital Non-Fungible Token Berbasis Blockchain Pada Komunitas NFT Indonesia Analysis of Factors Influencing Attitudes of Blockchain-Based Non-Fungible Token Digital Asset Users in the Indonesian NFT Community" 14, no. 3 (2023): 268–286.

²⁰ A Syaiful et al., "Feature Selection Using Simulated Annealing with Optimal Neighborhood Approach," *Journal of Physics: Conference Series* 1752, no. 1 (February 1, 2021): 012030, <https://iopscience.iop.org/article/10.1088/1742-6596/1752/1/012030>.

Table 1. Comparison Inheritance Law Approach to Digital Assets in Indonesia

Legal System	Approach Towards Digital Assets	Main Challenges
Customary law	Varies between communities; some do not yet recognize digital assets.	Harmonizing with customary values, particularly regarding ownership and exchange frameworks.
Islamic Law	Requires reinterpretation of property (wealth) as a permanent legacy in an absolute sense.	Determining the value and halal-haram status of digital assets, especially concerning speculative and usurious activities.
Western Civil Law	Lacks specific provisions in the Civil Code addressing digital assets.	Adapting laws related to movable and immovable objects to account for the unique and irreplaceable nature of digital assets.

This study identifies several technical and security challenges in the inheritance of digital assets. One major issue is gaining access to digital assets after the owner's death. Many digital platforms lack clear mechanisms for inheritance, and their service agreements often restrict the transfer of account ownership.²¹ This can lead to the loss of valuable digital assets, whether financial or sentimental. Data security and privacy also emerge as critical concerns, as the process of inheriting digital assets has the potential to expose personal information of both the deceased and the heirs to third parties. The research highlights that existing data protection regulations, such as Indonesia's Personal Data Protection (PDP) Law, do not fully address the complexities of digital inheritance. Therefore, a careful balance is needed between the rights of heirs to access digital assets and the obligation to protect privacy.

3.3 Opportunities for Innovation: Smart Contracts and Digital Wills

Amid the existing challenges, this study also identifies opportunities for innovation that can drive the transformation of inheritance laws in the digital era. Blockchain technology and smart contracts hold significant potential to revolutionize the inheritance process. Smart contracts, for instance, can automate the execution of wills, minimize disputes, and ensure a more efficient distribution of assets.²² The concept of digital wills or electronic wills is also gaining attention globally. While several developed countries have started to recognize the validity of electronic wills, in Indonesia, this remains a topic of debate due to the formal requirements outlined in the Civil Code.²³ This study finds that the adoption of electronic wills can enhance accessibility and efficiency in inheritance planning, particularly for younger generations who are more accustomed to digital technology.

3.4 Gaps Generation and Digital Literacy

²¹ Andini Eka Budiyanto, "Analisis Yuridis Penggunaan Smart Contract Dalam Perspektif Asas Kebebasan Berkontrak"

²² Ibid.

²³ Pratiwi, "Perlindungan Hukum Bagi Penerima Wasiat Terhadap Notaris Yang Tidak Melaporkan Akta Wasiat Secara Elektronik."

One of the key findings of this study is the significant generational gap in understanding digital assets. Younger generations tend to be more familiar with the concept of digital assets and often hold larger digital asset portfolios. In contrast, older generations, including many legal practitioners and policymakers, frequently lack sufficient knowledge about the complexities of digital assets.²⁴ This gap has the potential to create conflicts during the inheritance process and hinder the adaptation of inheritance laws to the realities of the digital age. The study emphasizes the critical need for educational initiatives and digital literacy programs, not only for the general public but also for legal professionals and policymakers, to bridge this knowledge divide.

3.5 Cross - Border Implications

The digital era has blurred jurisdictional boundaries in the ownership and inheritance of assets. Digital assets are often distributed across multiple platforms and jurisdictions, creating significant complexity in determining the applicable laws. This study finds that cross-border inheritance cases involving digital assets are on the rise, yet the current international legal framework does not fully address this emerging issue. A harmonized international legal approach is urgently needed to manage cross-border challenges in digital inheritance. While some regional efforts, such as those in the European Union, have begun addressing this issue, greater global collaboration and substantial efforts are required to establish an effective framework.

4. Conclusion

This study highlights the urgent and complex need for the transformation of inheritance laws in the context of the Industrial Revolution 4.0 and Society 5.0. The emergence of digital assets has shifted paradigms of ownership and inheritance, presenting new challenges for Indonesia's inheritance law system. The country's legal pluralism further complicates the adaptation of digital inheritance frameworks, as each legal system adopts a distinct approach to managing digital assets. A significant regulatory gap has been identified, particularly in addressing the unique characteristics of digital assets such as cryptocurrencies and non-fungible tokens (NFTs). Technical and security challenges, including posthumous access and privacy protection, demand innovative solutions. Meanwhile, blockchain technology and smart contracts offer opportunities to enhance the efficiency and transparency of inheritance processes. Additionally, generational gaps in understanding digital assets, coupled with the cross-border implications of their ownership, underscore the urgency of a comprehensive transformation of inheritance laws. This research concludes that a multidisciplinary approach—integrating legal, technological, and socio-cultural aspects—is essential to developing an adaptive legal framework for inheritance in the digital era. Such a framework must also remain grounded in Indonesia's local wisdom and cultural values.

This study recommends a comprehensive revision of the Civil Code and related regulations to integrate provisions for digital assets, including clear definitions and specific

²⁴ Mochamad Soelton et al., "Multidimensional Factors That Influence the Turnover Intention to Practice Segregation Psychological Contract, Burnout and Job Insecurity," *Jurnal Ilmiah Manajemen dan Bisnis* 7, no. 2 (2024): 174–188.

guidelines for their inheritance. It also advocates for the development of specialized regulations to harmonize Indonesia's diverse inheritance law systems—civil law, customary law, and Islamic law—within the context of digital inheritance. The adoption of blockchain technology and smart contracts should be encouraged to enhance the national inheritance system, supported by the necessary infrastructure and regulatory frameworks. Additionally, a robust digital literacy program should be implemented to educate various societal groups, including legal practitioners, notaries, and policymakers. Finally, the establishment of a cross-ministry task force is essential to address cross-border digital inheritance issues and actively participate in international forums to promote the global harmonization of digital inheritance laws.

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