Challenges in Determining the Law Applicable to Digital Assets in International Succession: With Emphasis on the Laws of Iran, the European Union, France, and the United States

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Abstract

The proliferation of digital assets, including cryptocurrencies, non-fungible tokens (NFTs), social media accounts, and cloud-stored data, has challenged traditional concepts of succession law. Classical succession rules, which are primarily designed for tangible property, lose much of their effectiveness when applied to the cross-border and intangible characteristics of digital assets. This article aims to propose a framework for resolving conflicts of laws in digital succession through a comparative approach. The study employs a descriptive-analytical method and comparatively examines the legal systems of Iran, the European Union, France, and the United States. The findings demonstrate that the mechanical application of a single law in this field is not feasible. By distinguishing the “right to inherit” from the “right of access,” the proposed six-layer framework establishes a balance among the heirs’ property rights, the deceased’s privacy, and platforms’ technical requirements. By presenting a legislative proposal for Iranian law, this article takes a step toward aligning succession rules with the exigencies of the digital age.

Keywords: international succession, conflict of laws, post-mortem privacy, digital assets, cryptocurrency, private international law, digital legacy.

Received: 15 May 2026
Revised: 18 August 2026
Accepted: 26 August 2026
Initial Publication: 27 August 2026
Final Publication: 01 September 2027

Citation: Rasoli Doghaheh, N., Almasi, N., & Boloori, P. (2027). Challenges in Determining the Law Applicable to Digital Assets in International Succession: With Emphasis on the Laws of Iran, the European Union, France, and the United States. *Legal Studies in Digital Age,* 6(5), 1-10.

1. Introduction

Over the past two decades, the world has witnessed an unprecedented transformation in the nature and manifestations of assets. Today, a significant proportion of individuals’ valuable assets takes the form of cryptocurrencies, digital wallets, revenue-generating social media accounts, cloud-stored data, and online communication tools. The global market value of digital assets has exceeded trillions of dollars (Mansel, 2022). In addition to their economic dimensions, non-financial digital data, such as family photographs, electronic correspondence, and intellectual works stored in personal accounts, have considerable emotional and ethical significance for surviving family members. Despite these developments, succession law in most legal systems continues to rest on traditional foundations established during the nineteenth and twentieth centuries—a framework that conceives of an estate as consisting of physical and tangible property with a determinate situs that is capable of physical delivery. Due to their virtual nature and contractual infrastructure, digital assets possess none of these physical characteristics (Hopkins, 2013). This gives rise to several fundamental questions. Where is the legal situs of a user account or cloud-stored data? If the holder of the private key to a cryptocurrency wallet dies, how should the estate legally and technically be transferred to the heirs? Are heirs entitled to access the deceased's private messages? The international transfer of digital inheritance is a relatively complex issue (Mansel, 2022). One of the most important concerns in the contemporary world is safeguarding intellectual property rights both in the physical environment and, particularly, in the digital sphere. Addressing intellectual property concerns requires the development of up-to-date blockchain-based solutions capable of transforming this area of intellectual property law into a secure and reliable domain. The complexity of the matter reaches its peak when an international element is involved. Consider a scenario in which an Iranian citizen residing in Germany dies while holding an account on a US platform and cryptocurrencies on an exchange established in Singapore. In such circumstances, several laws may potentially govern the legal relationship: Iranian law as the national law of the deceased, German law as the law of the deceased's residence, California law as the law governing the platform, Singaporean law as the law of the exchange's place of establishment, and the laws incorporated into the platforms' Terms of Service. Classical private international law, with its reliance on rigid connecting factors such as the "situs of the property" or the undifferentiated application of the "national law," is incapable of resolving these composite conflicts (Meltzer, 2021).

Digital assets encompass a broad range of economic and non-economic values, including cryptocurrencies, personal data, digital artworks, user accounts, and electronic correspondence, which are frequently stored and managed through cloud-based systems (Nasiri, 2020). The principal characteristics of these assets are their lack of a geographically centralized location and their dependence on private service providers. These characteristics create substantial uncertainty regarding the applicability of traditional rules for determining the situs of property and the law governing it (Meltzer, 2021).

Although the Iranian legal system generally recognizes intangible property and its capacity to be owned, it has yet to establish a comprehensive and explicit framework governing the treatment of digital assets in succession proceedings. Consequently, these assets are primarily analyzed through the general rules of civil law and theories of ownership (Nasiri, 2020). Within this framework, the principle of the automatic transfer of the estate to the heirs is recognized; nevertheless, applying this principle to assets held in cloud environments and controlled by third parties encounters considerable legal and technical obstacles (Katouzian, 2019).

The issue becomes more complex when the deceased's digital assets are stored through cloud services operated by companies established in the United States, because these companies are subject to a particular legal regime that prioritizes the protection of personal data and privacy, even following the user's death (Edwards & Harbinja, 2016).

The research background indicates that the legal literature on digital inheritance has developed through three principal waves. The first wave emerged in the early 2010s and consisted of descriptive studies that raised foundational questions. From a comparative-law perspective, digital succession has attracted attention as an emerging issue in private law, revealing that different legal systems have adopted divergent approaches to the post-mortem transfer of digital assets (Hopkins, 2013). Due to their contractual and transnational nature, these circumstances play an important role in shaping conflicts of laws and may challenge domestic succession rules. Although Iranian law recognizes the principle of party autonomy in contractual relationships, this principle is limited by mandatory succession rules and public policy. Accordingly, agreements that result in the impairment of heirs' statutory rights remain highly questionable (Almasi, 2016). This approach conflicts with legal systems that give priority to users' contractual settings and data-protection policies.

Hopkins examined online accounts following a user's death, demonstrated the inadequacy of traditional succession rules, and proposed one of the earliest classifications of digital assets from the perspective of succession law (Hopkins, 2013). The second wave coincided with the formulation of the Revised Uniform Fiduciary Access to Digital Assets Act (RUFADAA) in the United States and the enactment of the General Data Protection Regulation (GDPR) in Europe. Edwards and Harbinja emphasized the conflict between succession and post-mortem privacy (Edwards & Harbinja, 2016). The third wave, which has emerged in recent years, has focused on the cross-border dimensions of digital succession and the resulting conflicts of laws; scholars such as Meltzer and Mansel have analyzed the choice-of-law rules applicable in this field (Mansel, 2022).

Specialized scholarship in the Iranian legal system remains at a very early stage. Although some researchers have evaluated Iranian civil succession law in the context of cyberspace, a clear research gap remains concerning the simultaneous integration of cross-border dimensions, namely conflicts of laws, the formulation of an operational multilayered model, and its adaptation to the jurisprudential and legal foundations of Iranian law (Nasiri, 2020). The importance of the present study is manifested at three distinct levels: first, at the theoretical level, it seeks to harmonize the jurisprudential and statutory rules of succession with modern intangible assets; second, at the practical level, it aims to resolve the impasses encountered when technology platforms refuse to provide heirs with access; and third, at the legislative level, it presents the Iranian legislature with an applicable and innovative model for addressing existing legal lacunae.

2. Materials and Methods

The present study was conducted using a descriptive-analytical method and a comparative approach. The study population comprised the four legal systems of Iran, the European Union, France, and the United States. These systems were selected according to three criteria: diversity of legal traditions, including civil-law and common-law systems; the existence of specific legislation concerning digital inheritance; and the potential for adaptation to Iranian law (Almasi, 2016). Data were collected through library and documentary research. The sources examined included domestic and international laws and regulations, legal books, reputable scholarly articles, and reports issued by international legislative institutions. The comparative criteria were: (1) the theoretical foundation of succession; (2) the classification of digital assets; (3) the connecting factor used to determine the law applicable to succession; (4) the role of the deceased's intentions in determining the disposition of digital assets; (5) post-mortem privacy and the heirs' right of access; and (6) the enforceability of platforms' contractual terms against succession rules. The analytical procedure involved first describing the fundamental concepts within each legal system, comparing the systems according to the six specified criteria, and ultimately applying the technique of legal reverse engineering to derive a conflict-of-laws model adapted to Iranian public policy and mandatory Islamic jurisprudential rules.

3. Findings

3.1. The Concepts of Digital Assets and Digital Inheritance

A digital asset is any informational resource or electronic item of value that is created, stored, transferred, and controlled in digital form. The principal characteristics of these assets are the absence of a physical equivalent and their structural dependence on computer systems and communication networks (Hopkins, 2013). From legal and economic perspectives, these assets may be divided into three general categories: (1) assets with direct economic value, such as cryptocurrencies and non-fungible tokens; (2) assets with indirect economic value, such as commercial user accounts, revenue-generating websites, YouTube channels, and Instagram pages that generate financial value through advertising and user-created content; and (3) personal and sentimental assets without direct financial value, such as family photographs, electronic correspondence, private conversations, and cloud-stored documents (Harbinja, 2020). A distinction must be made between the "digital estate," which refers to the digital property and rights left by the deceased, and "digital inheritance," which refers to the process, rules, and legal transfer of that property to the heirs (Edwards & Harbinja, 2016).

3.2. The Islamic Jurisprudential Foundations of Digital Assets and Their Inheritance under Iranian Law

Under Imami jurisprudence, the criterion for recognizing an object as property is the existence of a lawful and rational benefit, together with a customary willingness to acquire it and pay consideration for it. In *Tahrir al-Wasilah*, Imam Khomeini defines property as follows: "Property means that which is capable of being owned and possesses value among reasonable persons" (Nasiri, 2020). Digital assets that currently possess commercial value according to market custom and for which reasonable persons are willing to pay, such as cryptocurrencies and internet domain names, therefore satisfy the criterion of property and are considered part of the deceased's estate (Nasiri, 2020). Under the Islamic jurisprudential principle that "people have authority over their property," owners may exercise proprietary powers over their assets during their lifetime and may determine their post-mortem disposition by making a will concerning up to one-third of their estate (Katouzian, 2019). This jurisprudential rule provides a strong foundation for recognizing a "digital will" under Iranian law. Moreover, the Islamic jurisprudential principle of *lā ḍarar wa lā ḍirār fī al-Islām*—there shall be neither harm nor reciprocation of harm in Islam—prevents digital service providers from relying on their unilateral contracts to deny heirs access to the deceased's property rights (Almasi, 2016).

4. A Comparative Examination of the Legal Systems

4.1. Iranian Law

Iranian law contains no specific legislation on digital inheritance. The succession provisions of the Civil Code, beginning with Article 861, focus exclusively on traditional conceptions of the estate. Article 967 of the Civil Code subjects the succession of foreign nationals to the law of their state of nationality but contains no rule governing data ownership or post-mortem digital privacy (Safaei & Emami, 2017). Articles 6 and 7 of the Civil Code similarly provide that matters of personal status, including succession, concerning Iranian nationals are governed by Iranian law wherever those nationals may reside (Safaei & Emami, 2017). In the absence of explicit legislation, Iranian judicial decisions concerning access to deceased users' accounts have been inconsistent. In practice, judges lack adequate legal mechanisms for compelling foreign platforms to cooperate.

4.2. The European Union

At the European Union level, Regulation (EU) No. 650/2012 on succession applies. It designates the law of the deceased's habitual residence at the time of death as the law applicable to succession, unless the deceased has expressly chosen the law of their nationality (Mansel, 2022). Although the Regulation provides for a single law to govern the entire estate, the lack of coordination between succession rules and the data-privacy provisions of the GDPR prevents the integrated resolution of digital-succession matters throughout Europe. Recital 27 of the GDPR excludes the data of deceased persons from its scope and leaves regulation of the matter to the Member States (Edwards & Harbinja, 2016).

4.3. France: The 2016 Law for a Digital Republic

By enacting the Law for a Digital Republic (*Loi pour une République numérique*) on October 7, 2016, France established one of the most advanced legislative frameworks in this field (Perot, 2019). The law has two prominent features: (1) recognition of digital directives, under which users may register general or specific instructions regarding the retention, deletion, or transfer of their personal data after death; and (2) where no instructions have been registered, permission for heirs to take the measures required to administer and settle the digital estate, while prohibiting them from accessing the deceased's private messages and emails without the deceased's explicit authorization (Perot, 2019).

4.4. The United States and RUFADAA

Because succession law falls within state jurisdiction in the United States, the Uniform Law Commission introduced the Revised Uniform Fiduciary Access to Digital Assets Act (RUFADAA) in 2015, which has subsequently been adopted by most states (Meltzer, 2021). The Act establishes a three-tier order of priority: (1) first priority—the user's intentions as recorded through the platform's online tools, such as Google's Inactive Account Manager; (2) second priority—express instructions contained in the deceased's conventional will or formal power of attorney; and (3) third priority—where the user has remained silent at the preceding two levels, the platform's Terms of Service govern (Meltzer, 2021).

Table 1. Comparative Analysis of the Legal Systems Examined

Comparative criterion	Iranian law	European Union	France	United States
Specific legislation	None	None	2016 Law for a Digital Republic	RUFADAA 2015
Connecting factor for determining the applicable law	National law of the deceased (Safaei & Emami, 2017)	Habitual residence of the deceased (Mansel, 2022)	Habitual residence of the deceased (Perot, 2019)	Place where the will is registered and executed (Meltzer, 2021)
Role of the deceased's intentions	Recognition of testamentary dispositions up to one-third of the estate (Katouzian, 2019)	Limited to choosing the law applicable to succession (Mansel, 2022)	Recognition of digital directives (Perot, 2019)	Absolute priority of online tools (Meltzer, 2021)
Distinction concerning private content	None	Left to the Member States (Edwards & Harbinja, 2016)	Explicit distinction and denial of heirs' access (Perot, 2019)	The deceased's explicit consent is required
Status of platform terms	Restricted by public policy (Almasi, 2016)	Subject to the national law of the relevant Member State	Invalid where they deprive heirs of their rights	Enforceable where the deceased remained silent (Meltzer, 2021)

4.5. Challenges Concerning Ownership and Its Transfer under Digital-Asset Contracts

Ownership is defined as a bundle of rights that encompasses not only the entitlement to exercise particular rights during one's lifetime but also the power to transfer them after death. The US Supreme Court regards the power of post-mortem transfer as one of the most fundamental components of the bundle of rights conventionally described as ownership. A careful examination of digital-asset contracts reveals that their underlying assumption is that account holders possess proprietary rights in these assets, although such rights may be modified or qualified by contractual terms. On the basis of existing property rights, these contracts determine and regulate the conditions governing ownership of the assets. Email and social media service agreements consistently protect users' proprietary interests in the content they create, upload, or store. These agreements therefore assume that a proprietary interest exists in the contents of such accounts. In short, "what belongs to you remains yours" (Hopkins, 2013).

Courts have not yet comprehensively addressed the enforceability of terms prohibiting or restricting the transfer of digital assets. Under general principles of contract law, however, courts are unlikely to question digital-asset agreements. For a digital contract to be validly concluded, its terms must be brought reasonably to the user's attention, and the user must indicate assent to the service agreement. When users create an account or register for an online service, the service provider ordinarily requires them to indicate their agreement to the Terms of Service by selecting a designated option or clicking the relevant button. If users do not perform this action, they cannot proceed with creating the account or obtaining the service. Courts generally regard this procedure as valid and enforceable, on the ground that the contractual terms have been brought reasonably to the user's attention and that users manifest assent by confirming or selecting the relevant option. It remains uncertain whether, by using email services, users waive the right to transfer those services upon death because of contractual restrictions. Even when users are aware that they are waiving such a right, it is unclear whether the market offers a genuine opportunity to select another company that permits the post-mortem transfer of digital assets. The absence of an alternative option undermines account holders' effective control over their digital assets. A court might nevertheless invalidate a digital-asset agreement because of defects in contract formation or in the processes of offer and acceptance. Even if private contracts between service providers and users are valid, terms denying the inheritability of these assets should be declared invalid on public-policy grounds. Contract law nevertheless does not offer the most appropriate solution for managing an individual's online identity after death. The diverse conditions and ambiguous language employed by different online service providers, together with those companies' ability to amend their terms at their own discretion, impose substantial costs on ordinary users seeking to understand and comply with varying Terms of Service. Online service agreements that restrict users' ability to determine the future administration of their accounts pose a threat to the industry's potential growth. Such restrictions also encourage users to seek creative solutions elsewhere. Despite the general enforceability of Terms of Service, several scholars have questioned their validity because such contracts are lengthy and rarely read. Analysts have also argued against enforcing service agreements because their excessive length discourages individuals from reading them. Empirical evidence indicates that users seldom read these agreements and confirms the widespread perception that many users accept them without prior examination. Mutual assent may therefore be difficult to establish in lengthy clickwrap agreements that are rarely read (Hopkins, 2013).

5. Discussion

5.1. The Crisis of Traditional Connecting Factors for Determining the Applicable Law

Classical private international law uses two categories of connecting factors to determine the law applicable to succession: (1) the law of the deceased's domicile or nationality, representing a personal connecting factor; and (2) the law of the situs of the property, representing an objective connecting factor. Both criteria encounter difficulties in the digital environment. First, digital assets have no physical situs. The servers on which data are stored may be distributed across several countries, while assets existing on decentralized networks, such as blockchains, may be impossible to locate geographically (Meltzer, 2021). Second, treating access to an account entirely as a matter of personal status governed by the deceased's national law creates another difficulty: international platforms established in other jurisdictions cannot reasonably be expected to comply with the national laws of all their users worldwide (Mansel, 2022).

5.2. Characterization and Renvoi

"Characterization" refers to the process of identifying the legal category to which a legal relationship belongs. If an Iranian court characterizes the heirs' claim for access to a user account as a matter of property and succession law, it will regard Iranian law as applicable under Article 7 of the Civil Code. If, however, a foreign platform characterizes the matter as one of contract law, it will contend that the Terms of Service and the law governing them, such as California law, must apply. This divergence in characterization generates a serious conflict of laws. Renvoi similarly creates an impasse where the deceased's national law refers the matter to the law of the situs of the property, because the situs of a digital asset cannot be determined with certainty (Safaei & Emami, 2017).

5.3. The Conflict Between the Right to Inherit and the Right of Access

One of the principal findings of this study is the distinction between two legal concepts: the "right to inherit," understood as the proprietary entitlement acquired by heirs under succession law in relation to the financial value of the deceased's estate; and the "right of access," understood as the technical and legal authority to enter the user's system and view or download the deceased's data. Even if succession law recognizes the heirs as the owners of the deceased's bitcoins or revenue-generating page, their property rights will remain ineffective without the service platform's technical cooperation and the granting of access credentials, such as a password or administrative dashboard (Harbinja, 2020).

5.4. The Role of Platforms' Terms of Service

Large technology platforms, including Google, Meta, Apple, and Microsoft, ordinarily specify in the contractual terms accepted by users during registration that an account is personal and non-transferable and that, upon the user's death, the right of access terminates and the account may be deleted (Hopkins, 2013). Under Article 975 of the Iranian Civil Code, private agreements or foreign laws that conflict with Iranian public policy or public morals are unenforceable before Iranian courts (Almasi, 2016). The complete deprivation of heirs' property rights in the deceased's valuable digital assets through platforms' contractual terms clearly conflicts with Iran's mandatory succession rules and economic public policy.

5.5. Data Protection and Post-Mortem Privacy

One of the principal reasons advanced by platforms for refusing heirs access is the need to protect the privacy of both the deceased and third parties who communicated with them. Within the European Union, Recital 27 of the GDPR excludes deceased persons' data from the Regulation's scope and leaves the matter to the Member States (Edwards & Harbinja, 2016). Although Iran's Electronic Commerce Act of 2003 contains general provisions concerning data privacy, it is silent on the status of personal data following an individual's death and the heirs' right to access such data (Nasiri, 2020).

5.6. The Proposed Six-Layer Model for Iranian Law

To resolve conflict-of-laws issues coherently while respecting privacy requirements and protecting heirs' property rights, this study proposes a "six-layer model" based on legal reverse engineering and the principles derived from the legal systems examined, particularly RUFADAA's three-tier priority structure and the distinction concerning private content under French law. When confronted with a digital-succession case, the judge or competent authority should apply the following stages hierarchically.

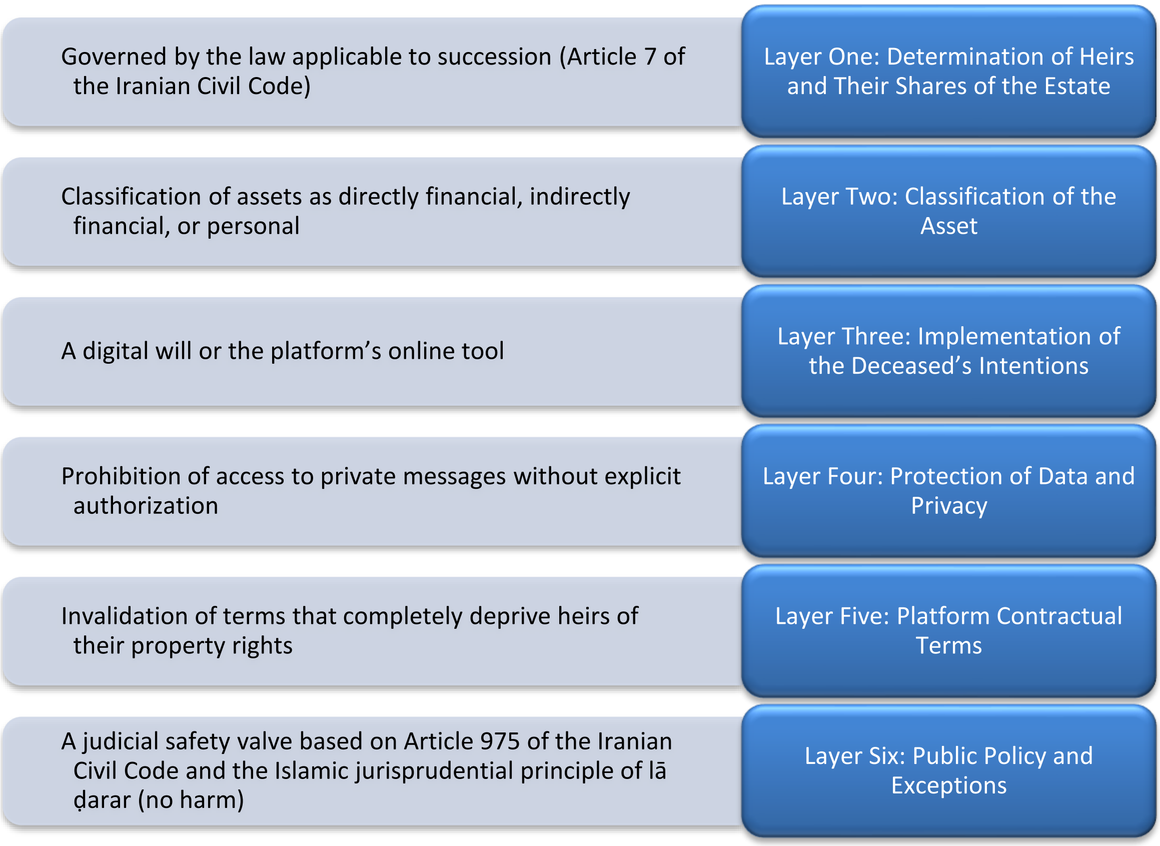

Figure 1. The Six-Layer Model

- **Layer One—Determination of heirs and their shares of the estate:** This layer does not alter the traditional succession rules. The identification of heirs and determination of their respective shares remain governed by the deceased's national law under Article 7 of the Civil Code (Safaei & Emami, 2017).
- **Layer Two—Classification of the asset:** The judge must classify the digital asset. If it is an asset with direct financial value, such as cryptocurrency, it enters the estate directly. If it is personal or sentimental, such as personal correspondence, only a conditional right of access may be granted (Harbinja, 2020).
- **Layer Three—Implementation of the deceased's intentions:** If a digital will exists or the deceased used a platform tool, the deceased's intentions take precedence, provided that the disposition does not exceed one-third of the estate and does not conflict with mandatory rules. This layer is derived from RUFADAA's priority structure, which accords absolute priority to the user's online tool (Meltzer, 2021).
- **Layer Four—Data and privacy protection:** Access to the deceased's private communications, including messages and emails, is prohibited without the deceased's explicit consent, except where a court orders access to the extent strictly necessary to settle the deceased's financial affairs. This layer is influenced by the differentiated approach adopted under French law (Perot, 2019).

- **Layer Five—Platforms' contractual terms:** Platform contracts must not extinguish the financial right of inheritance. Contractual clauses preventing the transfer of assets with economic value are contrary to mandatory succession rules and must be treated as invalid (Almasi, 2016).
- **Layer Six—Public policy and exceptions:** An Iranian court may reject any foreign law or contractual term imposed by an international platform that disregards the fundamental rights of the family and heirs, relying on Article 975 of the Civil Code and the Islamic jurisprudential principle of *lā ḍarar* (Almasi, 2016).

6. Testing the Proposed Model

Cryptocurrency scenario: Assume that Mr. A, an Iranian national residing in Germany, dies intestate. His assets include two bitcoins held on an online exchange established in Singapore. His heirs—his wife and two children—reside in Iran. Relying on Singaporean law and its Terms of Service, the exchange freezes the account and refuses to transfer the cryptocurrencies. Under the six-layer model, Layer One determines the heirs and their respective shares according to Iranian law. Layer Two classifies bitcoin as an asset with direct economic value. Layer Three, given the absence of a will, and Layer Four, given the absence of personal content, create no impediment. Layer Five invalidates any contractual term under which the exchange would confiscate the assets. Layer Six authorizes the Iranian court to issue an order compelling the exchange to transfer the assets.

Social media account scenario: Assume that Ms. B dies in Tehran. She owns an Instagram page with 200,000 followers through which she earns monthly advertising revenue. Meta disables the account following the user's death. Her heirs seek access to the account to continue its economic activities. Under the six-layer model, Layer One identifies the heirs according to the Iranian Civil Code. Layer Two classifies the commercial account as an asset with indirect economic value that is also intertwined with personal rights. Layer Three, in the absence of a will, and Layer Four, which prohibits access to private direct messages, apply. Layer Five renders the platform's non-transferability term ineffective in relation to the account's financial dimension but valid in relation to personal information. Layer Six requires the court to grant the heirs administrative access to the account without giving them access to previously exchanged private direct messages.

7. Recommendations

7.1. Legislative Recommendation

To adapt and ensure the implementation of the six-layer model, it is recommended that the following single-article legislation be enacted either as an addition to the Iranian Civil Code following the provisions on wills or as an amendment to the Electronic Commerce Act:

7.2. "Single Article—Digital Asset Management and Succession Act

1. A deceased person's digital assets possessing direct or indirect customary and economic value shall be treated as property and shall be subject to the general succession rules established by the Civil Code. In international relationships, the determination of the heirs and their respective shares of the estate shall be governed by the deceased's national law.

2. The heirs' or estate administrator's right to access the deceased's digital assets shall be exercised according to the following order of priority:

(a) Where the deceased, during their lifetime, determined how their data should be accessed or deleted through a platform's online tools or through a formal or holographic will constituting a digital will, their intentions shall be effective and shall take precedence over the heirs' rights.

(b) Where the deceased left no instructions, the heirs shall be entitled to access only digital assets possessing direct or indirect economic value.

(c) Access to the content of the deceased's private communications, including messages, emails, and personal cloud files, shall be prohibited in the absence of the deceased's prior and explicit consent, unless access is ordered by a court of competent jurisdiction and is strictly necessary to establish financial rights or settle the deceased's debts.

3. Any contractual term imposed by a domestic or foreign digital service provider that generally deprives the heirs of the financial rights arising from the deceased's digital assets shall be deemed contrary to public policy and shall be invalid and without legal effect before Iranian courts.

4. Domestic digital service providers shall, within no more than one month after receiving a certificate of inheritance and a judicial order, transfer the relevant assets or grant administrative access to the heirs or their legal representative. Failure to comply with this provision shall result in civil liability for damages and the disciplinary sanctions prescribed by law.

5. The implementing regulations for this Act, including technical identity-verification requirements, procedures for registering valid digital wills, and standards for separating private content from inheritable assets, shall be prepared by the Ministry of Justice in cooperation with the Ministry of Information and Communications Technology within six months of the Act's enactment and shall be submitted to the Council of Ministers for approval."**

7.3. Implementing Recommendation

To facilitate the implementation of this legislation, a national digital-will registration system should be established in cooperation with the State Organization for Registration of Deeds and Properties. Through this system, users could register their digital wills using a valid electronic signature, thereby facilitating heirs' access following the user's death.

8. Recommendation for Future Research

Future studies could examine the technical dimensions of developing blockchain-based smart wills through smart contracts, the enforcement of domestic judicial decisions against foreign platforms without a representative office in Iran, and the capacity of Islamic jurisprudence to support the development of new legal institutions in this field.

9. Conclusion

The rapid pace of technological change has created a crisis of effectiveness for traditional private international law in addressing intangible and transnational assets. This article demonstrated that exclusive reliance on conventional connecting factors, such as the national law or the situs of the property, produces legal and technical impasses in digital succession. A comparative examination of the approaches adopted in the United States through RUFADAA and in France through the Law for a Digital Republic showed that both legal systems have sought to balance heirs' financial interests against the deceased's privacy by distinguishing between the "financial right to inherit" and the "right of access to data." In the Iranian legal system, although digital assets may be recognized under Islamic jurisprudence as "property" and therefore fall within the scope of the principles of ownership and succession, the absence of explicit regulation obstructs the effective enforcement of heirs' rights against digital platforms. The six-layer model developed in this article provides Iranian courts with a practical solution through a flexible and hierarchical structure centered on the deceased's intentions and public policy. The principal contributions of the study are: (1) identifying the crisis affecting traditional connecting factors when applied to digital assets; (2) proposing a six-layer conflict-of-laws model founded on the distinction between the right to inherit and the right of access; and (3) presenting a concrete and operational legislative proposal for the Iranian legal system. The principal limitations of the study arise from the lack of extensive judicial precedent in Iran and the absence of statistical data concerning digital-succession disputes. Furthermore, the technical aspects of enforcing Iranian judicial decisions against foreign platforms require additional research. Ultimately, incorporating the proposed single-article legislation into the national legal framework would constitute a vital step toward adapting Iranian law to the requirements of the digital age and addressing the lacunae arising from conflicts of laws.

Ethical Considerations

All procedures performed in this study were under the ethical standards.

Acknowledgments

Authors thank all who helped us through this study.

Conflict of Interest

The authors report no conflict of interest.

Funding/Financial Support

According to the authors, this article has no financial support.

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