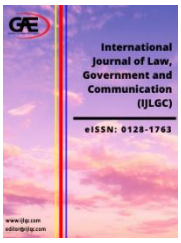
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ISLAMIC ESTATE ADMINISTRATION IN THE DIGITAL AGE: THE NEED FOR AN INTEGRITY-BASED GOVERNANCE FRAMEWORK FOR CRYPTO ASSETS IN MALAYSIA

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Abstract:

The emergence of crypto assets as form of digital wealth challenges conventional estate administration by introducing decentralized technologies and cryptographic assess mechanisms that complicate ownership verification, custodial access, fiduciary accountability, and beneficiary protection after death. This conceptual paper examines the need for integrity-based governance framework for Islamic estate administration of crypto assets in Malaysia. Moving beyond the debates on the Shariah status of crypto assets as *mal (*wealth), this study explores how digital wealth can be administered transparently, securely, and responsibly after the owner's death. This study adopted socio-legal research, and the finding identified five interrelated governance challenges; assets identification and ownership verification; private key management; fiduciary accountability and asset mismanagement; custodial responsibility and Digital Assets Exchange governance; and regulatory and institutional fragmentation. In response, the study proposes conceptual integrity-based governance framework comprised of six interconnected dimensions: (i) shariah governance; (ii) legal and regulatory governance; (iii) fiduciary accountability; (iv) custodial integrity and access management; (v) digital security and cyber governance and (vi) beneficiary protection and estate distribution. This study contributes a conceptual structure that extends the discourse

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beyond the Shariah recognition of crypto assets as *mal* towards the integrity-based governance of shariah-recognized digital wealth after death. Future study is suggested to validate this conceptual framework.

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Keyword:

Crypto Assets; Digital Inheritance; Digital Wealth; Islamic Estate Administration; Integrity Governance; Shariah Governance



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Introduction

The transformation of the global financial landscape through digital technology has significantly altered the nature of wealth ownership and asset management. The rapid expansion of crypto assets ownership demonstrates the growing significance of digital wealth within contemporary society. Globally, crypto assets ownership has increase, with approximately 562 million individuals reported to own crypto assets in 2024 (Triple A Technologies Inc., 2024) and Malaysia also has experienced increased participation in digital asset investment reflecting a growing integration of crypto assets into individual portfolios (Oppotus, 2024). As Muslim individual may also participate in such digital asset's ownership, the question on the estate administration especially of its distribution after the owners' death become increasingly relevant.

Previous studies on crypto assets within the Islamic context has focused on issues concerning Shariah classification, permissibility and whether crypto assets satisfy the concept of *mal* (wealth) under Islamic jurisprudence (Rosele et al., 2022; Wahab et al., 2023). These discussions have contributed significantly to understanding the legal and religious status of crypto assets. However, once crypto assets are recognized as a form of wealth, a more fundamental governance question emerges; how should such digital assets be responsibly administered and transferred to rightful beneficiaries following the death of the owner?

The administration of crypto assets after the death presents unique governance challenges because ownership and access are technologically interconnected. While conventional assets may be identified through institutional records and accessed through established legal procedures, crypto assets require possession of private keys, recovery credentials, or access through custodial platforms (Carlson et al., 2021; Katuk et al., 2023). Without proper estate

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planning and governance mechanisms, the inheritance rights may become unenforceable due to inaccessibility and unavailability of private keys, e-wallets or due to restrictive platform policies (Carlson et al., 2021; Katuk et al., 2023).

From an Islamic estate administration perspective, these challenges raise significant concerns relating to *amanah* (trust), accountability and the preservation of wealth (*hifz mal*). Estate administrators are entrusted with the responsibility of protecting and distributing the deceased's wealth according to legal and Shariah principles. However, the decentralized characteristics of crypto assets also creates new risks involving unauthorized transfers, concealment of assets, fiduciary misconduct, and unequal access to digital information among the beneficiaries (Beyer, 2019; Paulger, 2022). Hence, effective governance mechanisms are necessary to ensure that technological characteristics do not hinder and neglect the ethical and legal obligations underlying Islamic estate administration.

In Malaysia, the existing regulatory mechanisms are primarily focused on the ecosystem of crypto assets investment rather than their administration as inherited wealth. the regulatory more focus on regulation on crypto assets trading activities, market integrity, consumer protection, and anti-money laundering obligations which imposed to Digital Assets Exchange (DAX) (Securities Commission Malaysia, 2024). Similarly, the existing succession legislations in Malaysia including the Probate and Administration Act 1959, Trustee Act 1949, Small Estate (Distribution)(Amendment) Act 2022 were developed within conventional property framework and do not specifically address the digital assets such as crypto assets.

Therefore, this study shift the discourse from the question of whether crypto assets constitute Shariah-compliant wealth to the question of how such digital assets can be governed with integrity after death by identifying the governance challenges in their estate administration and proposing the conceptual and integrity-based governance framework for Islamic estate administration of crypto assets in Malaysia.

Crypto Assets as Emerging Digital Wealth in Islamic Estate Administration

The crypto assets are commonly recognized as the digital assets that rely on blockchain-based system where control over cryptographic keys serves as the primary mechanism for assessing and transferring value which different from conventional assets that are commonly recognized through physical possession, institutional records or legally recognized documentations (Nakamoto, 2008; Antonopoulos, 2017). The differences cause challenges in legal concept of ownership such as identifiable assets, possession, and centralized verification mechanisms (De Filippi & Wright, 2018; Werbach, 2019). From Islamic perspective, the increasing acceptance of crypto assets as a form of digital assets has generated extensive discussion concerning their constitution as *mal.* Contemporary Islamic scholars acknowledge crypto assets as form of intangible assets since they possess recognized economic value, lawful benefit, and social acceptance (*'urf*) (Rosele et al., 20220. This broader understanding of wealth has enabled the previous scholars to examine digital assets within the framework of Islamic commercial principles, particularly concerning to its ownership, transferability, and economic value (Wahab et al., 2023).

However, the recognition does not automatically resolve the practical challenges associated with their estate administration after death. Estate administration requires more than determining whether an asset constitutes as inheritable property. It requires effective

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mechanisms to identify, preserve, access, manage and distribute such assets to rightful beneficiaries. As mentioned earlier, unlike conventional assets that are usually supported by legal documents and records, crypto assets present unique challenges due to their decentralized characteristics which are reliance on private key and no intermediaries that are responsible for custody and transfer (Kharitonova, 2021; Katuk et al., 2023). Hence, the issue is not only merely concerning on the Shariah status itself, but the governance arrangement necessary to ensure this type of digital assets is administered responsibly, securely and in accordance with legal and ethical obligation (Carlson et al., 2021; Wahab et al., 2024).

The previous studies have primarily examined issues related to Shariah compliance, investment suitability, and regulatory legitimacy of crypto assets (Balarabe et al., 2025; Hafiz et al., 2025; UI Mansoor, 2025). Although these studies provide valuable insights into the relationship between blockchain technology and Islamic finance principles, however, they remain insufficient to support governance in their estate administration. This gap is significant because it indicates that the estate administration of crypto assets requires its own governance framework that address these post-death challenges while ensuring the Shariah compliance. In particular, the objective of *hifz mal,* under *Maqasid al-shariah* must be upheld to prevent loss, misuse, or unjust deprivation of inherited assets (Dusuki & Bouheraoua, 2011; Rosele et al., 2022).

Regulatory and Legal Challenges of Crypto Assets Estate Administration in Malaysia

The regulation of crypto assets in Malaysia has adopted cautious regulatory approach by establishing a legal framework focusing on marked supervision, investor protection, and financial integrity. The Securities Commission Malaysia (SC) regulates crypto assets as digital assets through Capital Markets and Services Act 2007 (CMSA) and Digital Assets Guidelines which establish requirements relation to DAX operators, governance standards, and security obligations (Securities Commission Malaysia, 2024). Meanwhile, Bank Negara Malaysia (BNM) (2018) has introduced regulatory measures addressing risks associated with digital assets particularly on an anti-money laundering and counter financing of terrorism. Although these regulatory developments indicate significant progress in recognizing digital assets activities in Malaysia, the existing legal framework provide limited guidance on what should be done to crypto assets in the event of death.

This creates regulatory gaps within estate administration in Malaysia since the existing estate administration laws including the Probate and Administration Act 1959, Trustee Act 1949; and Small Estates (Distribution)(Amendment) Act 2022 were developed based on conventional concepts of property ownership where generally the estate can be identified through physical possession or legal documents and records. Moreover, digital assets like crypto assets depend heavily on digital credentials including private keys, e-wallet access, or custodial account policy. A personal representative may obtain probate or letter of administration, yet this remains unable for him to access the deceased's crypto assets if the digital credential is unavailable. Hence, this creates governance challenges where inheritance rights are legally recognized but technologically difficult to enforce (Kamis et al., 2023; Katuk et al., 2023).

The problem is further complicated when the transfer is subject to contractual policy of DAX operators (Kharitonova, 2021). Unlike the banks, which operates based on the established and same inheritance procedures regulated by government, DAX operators may adopt different contractual requirements regarding account access, disclosure and transfer following the death

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of the crypto assets' owner. Such variation may delay estate administration, create uncertainty for beneficiaries and fiduciaries, and complicate the lawful transmission of inherited crypto assets (Kharitonova, 2021). This highlights a gap from the absence of clear and consistent post-death procedures for crypto assets that can ensure integrity, accountability, and the lawful administration of crypto estates in Malaysia.

Integrity Governance as the Foundation for Digital Estate Administration

Previous studies highlight that digital governance remains fragmented as it continues to provide challenges to the legal authority, assets authentication, privacy protection and trust among stakeholders involved in post-mortem management (Chen, 2025, Chowdhury, 2025). Yamauchi et al., (2021) emphasize that effective digital legacy management requires structured systems that are capable of preserving, transferring, and controlling access to digital information. Their study on digital legacy management systems demonstrates that governance effectiveness depends not only on legal recognition but also on the reliability and design of the technology system managing digital assets. Without such infrastructure, digital assets may become fragmented across multiple platforms and increase the risk of loss of assets, unauthorized access, and administrative uncertainties.

Beyond technology infrastructure, integrity governance also requires attention to ethical responsibilities concerning the deceased's digital legacy. Post-mortem privacy represents a significant governance concern because digital assets such as crypto assets contain not only financial value but also personal information, communication, and sensitive information (Harbinja et al., 2024). Their study demonstrates that the individual value control over their digital assets and expect their privacy preferences to be respected after death, but their findings also reveal that the awareness regarding this concern is still limited (Harbinja et al., 2024). Hence, governance framework must move beyond facilitating access and incorporate mechanism that protects the privacy of the deceased.

Besides that, Brubakers et al. (2014) mentioned that post-mortem digital assets management involves complex responsibilities and potential conflicts between surviving family members, fiduciaries, and service providers. They suggest that digital estate administration must require responsible custodianship rather than merely transferring control of digital accounts. Since the succession law alone is insufficient to address the digital assets challenges, Chen (2025) proposes a layered governance model comprising statutory foundations, technical standards, platform implementation, and individual planning mechanisms. This approach illustrates that effective digital estate governance cannot stand alone with single regulatory solutions but requires cooperation between lawmakers, technology providers, and the users. Nevertheless, existing studies have not sufficiently examined integrity-based governance in the Islamic estate administration of crypto assets within the Malaysia context. Hence, there is need for new study on developing governance framework that integrates Shariah obligations, fiduciary accountability, technological security, institutional responsibility, and beneficiary protection within Malaysia context.

Methodology

To achieve the objectives of this study, a qualitative socio-legal approach was adopted in order to identify the governance gaps in Islamic estate administration of crypto assets in Malaysia and to propose a conceptual integrity-based governance framework. Library-based research

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has been conducted. Where Malaysian legal and regulatory materials, including the Probate and Administration Act 1959, Trustee Act 1949, Public Trust Corporation Act 1995, Small Estates (Distribution) Act 1955, and relevant digital asset regulations issued by the Securities Commission Malaysia and Bank Negara Malaysia; Shariah literature and institutional resolutions concerning digital assets and academic literature on crypto asset governance, digital inheritance, blockchain custody, fiduciary responsibility, and integrity governance had been analysed thematically to identify the key governance challenges related to estate administration of crypto assets. The identified dimensions subsequently informed the development of a conceptual of integrity-based governance framework for Islamic estate administration of crypto assets in Malaysia.

Findings

Five Key Governance Challenges in Islamic Estate Administration of Crypto Assets in Malaysia

The thematic analysis reveals that there are five interrelated governance challenges in the Islamic estate administration of crypto assets in Malaysia: (i) assets identification and ownership verification; (ii) private key management and access control; (iii) fiduciary accountability and asset mismanagement; (iv) custodial responsibility and DAX operator governance; and (v) regulatory and institutional fragmentation.

First: Assets Identification and Ownership Verification Challenges

The first challenge is the identification and verification of crypto assets belonging to the deceased after the death. Unlike conventional assets such as land, bank accounts, and registered securities, crypto assets are not necessarily recorded within centralized institutional databases. Instead, ownership is associated with blockchain address and access credentials which may remain unknown to the family members or estate administrators unless appropriate disclosure mechanisms are established (Carlson et al., 2021; Katuk et al., 2023). Moreover, the existing estate administration framework in Malaysia are based on conventional ownership where the estates can be presented or identified through formal and legal documents or institutional records. Unlike crypto assets, the decentralized nature creates uncertainty regarding the obligations of assets disclosure, method of verification and the responsibility of administrators in locating such digital assets (Kamis et al., 2023; Zul Kepli & Bustami, 2021).

This issue can create integrity concern because effective estate administration depends on transparency and accurate identification of the deceased's estate. The absence of proper digital estate disclosure mechanisms such as for crypto assets may result in incomplete estate inventories, exclusion of rightful beneficiaries and potential of permanent loss of wealth. From Islamic perspective, such circumstances cause conflict with the objective of *hifz mal* which requires wealth to be preserved and transferred responsibly according to Shariah principles (Rosele et al., 2022). Therefore, governance mechanisms addressing crypto assets estate administration must incorporate digital asset identification, disclosure obligation, and secure documentation practices to ensure that crypto assets are appropriately included within the deceased estate during the process of estate administration.

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Second: Private Key Management and Access Control Integrity

The second challenge identified is private key management and access control due to disconnect between legal authority and technological access. Crypto assets differ fundamentally from conventional assets because control over the assets depend primarily on possession of private key, seed phrases, or other cryptographic authentication mechanisms (Carlson et al., 2021; Di Nicola et al., 2020). Although personal representatives may obtain legal authorization through probate or letter of administration, such authorization does not automatically enable immediate access to deceased's crypto assets where the deceased has failed to provide access credentials or recovery arrangements. Consequently, crypto assets may become permanently inaccessible despite the existence of valid legal documents to authorize the personal representative to administer the estate (Paulger, 2022; Singh et al., 2022). This demonstrates a critical gap between the legal authorization and the technological ability to access and control the crypto assets and highlights the need for governance mechanisms that reconcile the administrations right with secure access and recovery procedures. This is in line with the finding by Karitonova (2021) who viewed that legal recognition alone is insufficient without corresponding technological access mechanisms.

Third: Fiduciary Accountability and Risk of Asset Mismanagement

The third challenge is concern on fiduciary accountability in the management of crypto assets after the death of the owner. The decentralized and irreversible nature of crypto assets transactions had created risks related to concealment, unauthorized transfers, and misuse of fiduciary authority (Katuk el al., 2023; Beyer, 2019). The crypto assets can be transferred directly between the parties without intermediary verification. This also can increase the possibility of misconduct particularly where the executors or technologically skilled beneficiaries possess greater knowledge regarding crypto assets rather than other heirs (Paulger, 2022). These can raise an issue of transparency in transactions which will create additional difficulties in determining the breach of trust. The blockchain transaction may provide traceability at the technical level, but tracing does not necessarily resolve legal issues related to ownership, authority, and fiduciary responsibility (Abad et al., 2025; Gungor, 2026). These challenges closely related to the principle of *amanah* (trust) in Islam. Where individuals entrusted with managing estate are required to act with honesty, fairness and responsibility. Hence, the governance mechanisms for estate administration of crypto assets must establish clear obligation for executors, administrators, heirs, custodians to prevent misuse of estate and protect the beneficiaries' interests.

Fourth: Custodial Integrity and Digital Assets Exchanges (DAX) Operators Responsibilities

The fourth challenges are regarding the responsibility of custodian and DAX providers in facilitating post-death access and transfer of crypto assets after owner passed away. While custodial services may enhance security and reduce individual responsibility for private key management, they also may create administrative barriers after the death of the crypto assets' owner. Previous studies indicate that the digital assets platform often rely on contractual terms or policy governing the digital account access, transfer procedure, and disclosure of information in the event of the death of the owner (Kharitonova, 2021; Klasicek & Vucemilovic, 2019). Consequently, such contractual terms will hinder or restrict third party access even when the beneficiaries or estate administrators possess legitimate inheritance rights

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Kharitonova, 2021; Klasicek & Vucemilovic, 2019). Furthermore, in Malaysia, the existing regulations imposed on DAX remains primarily focused on market integrity, and anti-money laundering obligations rather than inheritance and post-death administration (Ismail Nawang & Abdul Ghanis; Securities Commission Malaysia, 2024). This creates governance gap between digital assets regulation and estate administration. Hence, the integrity-based governance requires stronger coordination between DAX operators, estate administrators, regulators, and Shariah authorities to ensure the custodial arrangement fully supports inheritance law in Malaysia.

Fifth: The Fragmentation in Malaysian Estate Administration Legal Framework

The final challenge identified is the fragmentation of Malaysian legal and regulatory framework governing estate administration of digital assets. The existing legal framework governing estate administration in Malaysia are including the Probate and Administration Act 1959, Trustee Act 1949, Public Trust Corporation Act 1995 and Small Estates (Distribution) (Amendment) Act 2022 were developed with limited consideration of decentralized digital assets such as crypto assets (Kamis et al., 2023; Nasrul et al., 2023). Although Malaysia has introduced regulatory frameworks governing digital assets, these primarily addresses on activities conducted during the lifetime of the asset's owner (Ismail Nawang & Abdul Ghani, 2021). Consequently, when involves with the post-death, particularly concerning the valuation of volatile value of crypto assets and determination of appropriate administrative bodies responsible for administration of crypto estate. For instance, the value of crypto assets may fluctuate significantly and affect whether the estate falls within the monetary jurisdiction of different administrative bodies, either Amanah Raya Berhad, the Small Estate Distribution Division, or the Civil High Court (Mohd Alam Shah et al., 2022; Nasrul et al., 2023). This fragmentation creates coordination gap between estate administration law and digital assets regulation which potentially resulting in uncertainty, delay, and inconsistent administration of crypto estates.

Besides, in Malaysia, although Shariah Advisory Council of the Securities Commission Malaysia (SAC SC) had issued shariah resolution recognizing that the crypto assets constitute as *mal* according to Shariah, question concerning the Shariah disputes on crypto assets as estate of Muslims falls within the State Syariah Courts, subject to the relevant enactments and fatwas. This creates an additional layer on institutional complexity because Shariah position on crypto assets may differ across states. For example, the Perlis State Fatwa Committee has recognized only one type of crypto assets which is Bitcoin (Mufti Department of Perlis, 2018), while Perak, Sarawak and Selangor Fatwa Board issued their fatwa by permitted crypto assets in general to be transacted with prescribed parameters (Mufti Department of Perak, 2021; Selangor Mufti Department, 2021; Majlis Islam Sarawak, 2021). In contrast, Kelantan Fatwa Committee prohibited on transaction of crypto assets and the other states remain in cautious position due to concerns relating to speculative behavior of crypto assets (Mufti Department of Kelantan, 2018). In view of these situations, the integrity governance requires harmonization between Shariah interpretation on crypto assets, legal mechanisms, and technological reality.

Conceptual Integrity-based Framework for Estate Administration of Crypto Assets in Malaysia

In view of the above key governance challenges that have been identified, it is revealed that the central governance problem lies in the absence of integrated mechanism in estate

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administration that connected between assets identification, technological access, fiduciary accountability, custodial responsibility and institutional coordination throughout the post-death administration process. Failure at any stage may result in loss, unauthorized access, mismanagement, delay, and inequitable transmission of crypto assets to the heirs or rightful beneficiaries. The principles of *amanah, mas'uliyyah, 'adl* and *hifz mal* should become the foundation to address these challenges. Hence, these finding support the need to develop an integrity-based governance framework that integrates legal, technology, fiduciary, institutional and Shariah consideration throughout the estate administration process to ensure that crypto assets not only merely recognized as inheritable assets but must responsibly be preserved and transmitted to rightful beneficiaries.

Accordingly, this study proposes the conceptual framework that premised on integrity as the overarching governance principle comprises six interconnected governance dimensions which are (i) shariah governance, (ii) legal and regulatory governance, (iii) fiduciary accountability, (iv) custodial integrity and access management, (v) digital security and cyber governance, and (vi) beneficiary protection and estate distribution as suggested Table 1.

Table 1: Components in Proposed Conceptual Integrity-based Framework for Estate Administration of Crypto Assets

Framework Component	Description
Shariah Governance	Ensures that the identification, administration, preservation, and distribution of crypto assets comply with *faraid*, *amanah*, *hifz al-mal*, *'adl*, and other relevant Shariah principles.
Legal and Regulatory Governance	Establishes legal recognition, jurisdictional clarity, authority to administer crypto assets, applicable inheritance procedures, and coordination between relevant legal and regulatory frameworks.
Fiduciary Accountability	Defines the duties, responsibilities, transparency requirements, reporting obligations, and accountability standards applicable to executors, administrators, custodians, and other persons entrusted with estate assets.
Custodial Integrity and Access Management	Provides governance for private-key management, digital wallet access, recovery mechanisms, post-mortem access, asset transfer, and custodial arrangements to ensure that lawful access is achieved without compromising asset security.
Digital Security and Cyber Governance	Incorporates authentication, cybersecurity, transaction controls, blockchain traceability, data protection, and other technological safeguards against unauthorised access, loss, fraud, and asset misappropriation.
Beneficiary Protection and Estate Distribution	Safeguards beneficiaries' rights by ensuring accurate asset identification, transparent valuation, equitable and Shariah-compliant distribution, protection against wrongful exclusion, and timely transmission of inherited crypto assets.

Source: (Authors, 2026)

The above six dimensions are interconnected rather than standalone. Shariah governance provides the crucial foundation; legal and regulatory governance establishes the authority and procedural framework, fiduciary accountability governs the conduct of those entrusted with the crypto estate, custodial integrity and access management connect legal entitlement with technological control; digital security and cyber governance protects the crypto estate and information throughout the process of estate administration and beneficiary protection and

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estate distribution represent the ultimate protection of inheritance rights. Together these dimensions respond directly to the governance challenges identified in crypto estate administration in Malaysia.

The effectiveness of the six dimensions depends on institutional coordination across the crypto asset and estate administration ecosystem. The framework therefore envisages coordinated roles for the Securities Commission Malaysia, Bank Negara Malaysia where relevant, Amanah Raya Berhad, the Department of Director General of Lands and Mines (JKPTG), DAX providers, estate administrators, legal practitioners, and Shariah authorities. Such coordination is necessary to address the fragmentation between digital asset regulation, succession administration, custodial practices, and Shariah governance.

Conclusion

The proposed framework does not seek to replace existing estate administration laws, digital asset regulations, or Shariah principles. Rather, it provides a conceptual governance structure that connects these existing requirements and addresses their intersection in the context of crypto asset inheritance. Its principal contribution lies in demonstrating how the six governance dimensions can collectively operationalise integrity across the lifecycle of post-death crypto asset administration in Malaysia. The framework seeks to address the governance gap arising from the decentralised nature of crypto assets and the complexity of their administration within the Malaysian Islamic estate administration context. Future empirical studies involving regulators, Digital Asset Exchange (DAX) operators, estate administrators, legal practitioners, cybersecurity experts, and Shariah scholars are recommended to validate, refine, and operationalise the proposed framework.

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