

The Law of Inheritance of Monetized YouTube Channels in Indonesia: An Exploration of Legal Theory and Crowdfunding Theory

Zaky Ramadhan¹, Syabbul Bachri², Dwi Fidhayanti³

^{1,2}Fakultas Syariah, Universitas Islam Negeri Maulana Malik Ibrahim Malang,
Indonesia

³ Academy of Islamic Studies, University of Malaya, Malaysia

E-mail : zakyramaddan286@gmail.com¹, syabbulb@uin-malang.ac.id²,
23087176@siswa.um.edu.my³.

Abstract

YouTube has become a form of non-physical inheritable asset, as it carries economic value and can be transferred through inheritance. This study examines the division and management of royalties from monetized YouTube channels for heirs under Indonesian positive law. It also analyzes the technical distribution and management of royalties according to crowdfunding theory. This research adopts a normative juridical approach, drawing on legislative and conceptual frameworks. Primary legal materials include Law No. 28 of 2014 on Copyright and the Compilation of Islamic Law. The study's findings reveal that: 1) Under copyright law, royalty management for monetized YouTube channels containing musical content can be conducted through a collective management institution, while there is currently no specific institution managing video content royalties for heirs. The Compilation of Islamic Law suggests an amicable settlement as an alternative resolution if Articles 176-182 and 185 cannot be applied. 2) Crowdfunding can be applied by consolidating the shares or portions of each heir within a single monetized YouTube channel, managed by one heir as the content creator. Royalties earned from the channel are then distributed to each heir based on the share percentages established in Articles 176-182 of the Compilation of Islamic Law.

Keywords: *Crowdfunding, Positive Law, Inheritance, YouTube.*

Abstrak

Youtube menjadi objek waris potensial yang sering kali terlupakan karena mekanisme pembagian royaltinya masih abstrak dan cukup jarang dikaji. Penelitian ini bertujuan untuk menelaah cara pembagian dan pengelolaan royalti akun Youtube monetisasi bagi ahli waris menurut hukum positif di Indonesia dan juga menganalisa teknis pembagian dan pengelolaan royalti akun Youtube monetisasi kepada ahli waris menurut teori crowdfunding. Jenis Penelitian yang digunakan adalah kualitatif yang bersifat yuridis normatif dan pendekatan perundang-undangan dan konseptual. Bahan hukum

primer berupa Undang-Undang Nomor 28 Tahun 2014 tentang Hak Cipta dan Kompilasi Hukum Islam. Hasil penelitian menunjukkan bahwa 1) Berdasarkan undang-undang hak cipta, pengelolaan royalti Akun Youtube Monetisasi yang berisi konten musik atau lagu bagi ahli waris dapat dilaksanakan melalui lembaga manajemen kolektif sedangkan terhadap konten berupa video, belum ada lembaga khusus yang mengelola royalti bagi ahli waris. Kompilasi Hukum Islam mengisyaratkan kesepakatan perdamaian sebagai alternatif penyelesaian jika ketentuan pasal 176-182 dan 185 tidak bisa diterapkan. 2) Crowdfunding dapat diterapkan dengan cara: modal berupa saham atau bagian masing-masing ahli waris yang terhimpun dalam satu akun youtube monetisasi dikelola oleh seorang ahli waris sebagai konten kreator. Royalti yang didapat dari akun tersebut akan dibagikan kepada masing-masing ahli waris menurut kadar bagian yang ditentukan dalam pasal 176-182 Kompilasi Hukum Islam.

Kata Kunci: Crowdfunding, Hukum Positif, Kewarisan, YouTube.

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Introduction

YouTube monetization can be an object of inheritance, as YouTube monetization is considered a digital asset.¹ From the perspective of Indonesian civil law, YouTube can be classified as a transferable intangible asset. Article 499 of the Indonesian Civil Code defines “assets” as all items and rights that can be owned as property.² The word “can” in this definition implies that the objects and rights considered legal assets must meet certain

¹ A.A. Akramov et al., “The Impact of Digitalization in Inheritance Law,” *Qubahan Academic Journal* 4, no. 3 (2024): 100–134, <https://doi.org/10.48161/qaj.v4n3a863>; P. Szwajdler, “Digital Assets and Inheritance Law: How to Create Fundamental Principles of Digital Succession System?,” *International Journal of Law and Information Technology* 31, no. 2 (2023): 144–68, <https://doi.org/10.1093/ijlit/eaad014>.

² Kitab Undang-Undang Hukum Perdata; terjemahan Soedharyo Soimin (Jakarta: Sinar Grafika, 2019), 155.

conditions,³ such as being under human control and having economic value.⁴ YouTube satisfies these criteria, as each user has a personal account under their control, with the potential to earn income from uploaded video content.⁵ YouTube content also holds copyright, an intellectual property right, making it an intangible asset⁶. YouTube qualifies as a movable asset due to its nature and as an intangible asset since it cannot be physically touched and results from creative thought.⁷

The combination of content produced by a YouTube account as a tangible asset, along with the associated rights of ownership and commercial value, renders a YouTube account a form of wealth that can be legally protected, transferred, and even inherited.⁸ This demonstrates that inherited assets are now expanding beyond physical, tangible items to include non-physical ones, such as YouTube accounts with economic value.⁹ Even if the original owner of a YouTube account has passed away, heirs can continue to use the account to upload new videos, as seen with the channels of Didi Kempot and Vanessa Angel.¹⁰

Globally, the inheritance of digital accounts, including YouTube, raises complex legal debates. In the United States, the *Ajemian v. Yahoo* case highlights how judicial systems can override service providers' strict privacy policies to allow heirs access to a deceased user's email account. In this instance, the court affirmed that the heirs had a legitimate right to retrieve the account's contents, despite Yahoo!'s firm stance on user

³ T.T.P. Asmara, L. Abubakar, and T. Handayani, "Digital Assets: The Idea of Indonesian Property Law Reform and Its Potential as a Collateral Object," *Hasanuddin Law Review* 5, no. 3 (2019): 278–88, <https://doi.org/10.20956/halrev.v3i3.1735>.

⁴ Sultan Pratama Beta, "Perbandingan Sistem Peralihan Hak Milik Menurut Kuhperdata Dan Uupa No. 5 Tahun 1960," *Lex Privatum* 7, no. 5 (2019): 89.

⁵ Sangeet Kumar, "The Algorithmic Dance: YouTube's Adpocalypse and the Gatekeeping of Cultural Content on Digital Platforms," *Internet Policy Review* 8, no. 2 (June 2019), <https://doi.org/10.14763/2019.2.1417>.

⁶ Khairil Fahmi, "Aspek Komersialisasi Kekayaan Intelektual Dalam Hukum Perikatan," *Jurnal Hukum Al-Hikmah: Media Komunikasi dan Informasi Hukum dan Masyarakat* 2, no. 3 (2021): 432–433.

⁷ Zaeni Mahmud, "Kedudukan Youtube dan Hasil Youtuber sebagai Harta Peninggalan menurut Hukum Kewarisan" (Masters thesis, Universitas Islam Negeri Sunan Kalijaga Yogyakarta, 2022).

⁸ A. Chu et al., "Behind the Tube: Exploitative Monetization of Content on YouTube," 2022, 2171–88, <https://www.scopus.com/inward/record.uri?eid=2-s2.0-85125032153&partnerID=40&md5=b53cbf6f5462bd3d6c6928368ced7178>.

⁹ Ade Ahmad Fauzan, Deny Guntara, dan Muhammad Abas, "Peralihan Harta Waris oleh Seorang Ahli Waris tanpa Persetujuan Ahli Waris Lainnya (Studi Putusan Mahkamah Agung Nomor 218 K/Pdt/2020)," *UNES Law Review* 6, no. 1 (2023): 1046–1049.

¹⁰ "Didi Kempot Official Channel - YouTube," accessed December 5, 2023, <https://www.youtube.com/>; "Vanessa Angel TV - YouTube," accessed December 5, 2023, <https://www.youtube.com/>.

confidentiality.¹¹ Likewise, in Germany, the Federal Court of Justice held in the landmark case BGH III ZR 183/17 (July 12, 2018) that social media user agreements are inheritable under § 1922 of the BGB. Despite privacy and telecommunication secrecy arguments, heirs are entitled to passive (and later expanded to active) access similar to analog assets.¹² In Indonesia, legal regulation regarding digital asset inheritance remains limited. Monetized YouTube channels, as intangible movable property, theoretically fall under the inheritance law. However, there is no clear mechanism for distributing ongoing royalties to heirs after the original channel owner's death. This issue is exacerbated by the heirs' lack of technical understanding in managing digital assets, even when these assets continue to generate passive income.

Research on digital asset inheritance has significantly advanced our understanding of the legal and technical challenges that arise with the digitization of personal property. Akramov highlights the absence of clear legal mechanisms for managing digital estates in many jurisdictions,¹³ while Wahab proposes a Sharia-compliant inheritance framework tailored to Malaysia's context.¹⁴ Dondjio introduces a blockchain-based system to support secure and structured digital asset succession.¹⁵ Otero Crespo emphasizes the need for post-mortem data protection, especially in light of the tension between digital privacy and inheritance rights.¹⁶ At the same time, Szwajdler advocates for establishing consistent international legal principles to govern digital inheritance globally.¹⁷

¹¹ Mohammad Owais Farooqui, Bhavna Sharma, and Dhawal Gupta, "Herencia de Activos Digitales: Analizando El Concepto de Herencia Digital En Plataformas de Medios Sociales," *Novum Jus* 16, no. 3 (December 2022): 3, <https://doi.org/10.14718/NovumJus.2022.16.3.15>; Heriyanto Heriyanto, Yulius Efendi, and Teguh Wicaksono, *Perlindungan Hak Ahli Waris Terhadap Aset Digital Di Indonesia | Hukum Inovatif: Jurnal Ilmu Hukum Sosial Dan Humaniora*, July 26, 2024, <https://journal.lpkd.or.id/index.php/Humif/article/view/612?articlesBySimilarityPage=9>.

¹² "Germany: Federal Court of Justice Rules Digital Social Media Accounts Inheritable," web page, Library of Congress, Washington, D.C. 20540 USA, accessed June 18, 2025, <https://www.loc.gov/item/global-legal-monitor/2018-09-07/germany-federal-court-of-justice-rules-digital-social-media-accounts-inheritable/>.

¹³ Akmaljon A. Akramov et al., "The Impact of Digitalization in Inheritance Law," *Qubahan Academic Journal* 4, no. 3 (July 2024): 3, <https://doi.org/10.48161/qaj.v4n3a863>.

¹⁴ Norazlina Abd Wahab et al., "A Proposed Framework of Islamic Inheritance and Estate Planning of Digital Assets: The Malaysian Case of Crypto Assets," *ISRA International Journal of Islamic Finance* 16, no. 2 (June 2024): 2, <https://doi.org/10.55188/ijif.v16i2.713>.

¹⁵ Irene Dondjio and Andreas Kazamias, "A Blockchain Framework for Digital Asset Ownership and Transfer in Succession," March 30, 2024, https://doi.org/10.1007/978-3-031-56478-9_7.

¹⁶ Marta Otero Crespo, *Post-Mortem Data Protection and Succession in Digital Assets Under Spanish Law* (2024), https://doi.org/10.1007/978-3-031-41820-4_10.

¹⁷ Paweł Szwajdler, "Digital Assets and Inheritance Law: How to Create Fundamental Principles of Digital Succession System?," *International Journal of Law and Information Technology* 31, no. 2 (June 2023): 144–68, <https://doi.org/10.1093/ijlit/eaad014>.

In the context of endowing YouTube accounts, discussions have included whether YouTube can be used as a waqf (endowment) object, YouTube waqf from the perspective of *maqasid al-sharia* (objectives of sharia), and the views of positive and Islamic law on YouTube waqf, as well as YouTube as a productive waqf.¹⁸ In terms of zakat (almsgiving), research has covered whether income from YouTube can be subject to zakat, zakat on YouTube from the perspective of contemporary *fiqh*, YouTube zakat as an innovation within professional zakat, and the amount and mechanisms for zakat on YouTuber income.¹⁹ Research on YouTube concerning inheritance remains limited, primarily addressing the status of YouTube and YouTuber income as inheritances under Islamic and civil law.²⁰ However, these studies have not addressed the mechanisms for dividing royalties earned from YouTube accounts when inherited.²¹ Therefore, building on previous research, this study will conduct a more in-depth analysis of the mechanisms for dividing royalties from monetized YouTube accounts among heirs.

Unlike previous studies, this research examines positive law and employs crowdfunding theory as an analytical tool to identify an effective mechanism for inheritance distribution. This research is essential because the inheritance process for monetized YouTube accounts remains unclear, despite the significant number of YouTube users and the substantial income generated by many accounts. Furthermore, unlike money, buildings, or vehicles, YouTube accounts cannot be physically divided.

¹⁸ Afif Maulana Adikusuma, “Wakaf Akun Youtube (Telaah Yuridis Terhadap Akun Youtube Sebagai Potensi Baru Untuk Dimanfaatkan Menjadi Benda Wakaf: Pendekatan Normatif-Konseptual,” (Undergraduate thesis, Universitas Islam Negeri Walisongo Semarang, 2021); Muhammad Roy Purwanto et al., “The Perspective of Maqashid Al-Syari’ah Towards The Waqf Youtube Content In Millenial Era,” *KnE Social Sciences*, 2022, 43–49; Sayyidatul Ummah, “Youtube Channel as a Object Productive Waqf Perspective of Positive Indonesian Law and Islamic Law” (Undergraduate thesis, Universitas Islam Negeri Maulana Malik Ibrahim Malang, 2023); Ahmad Nur Ahsan, Didin Hafidhuddin, and Qurroh Ayuniyyah, “Analisis Channel Youtube Sebagai Wakaf Produktif,” *Al-Kharaj: Jurnal Ekonomi, Keuangan & Bisnis Syariah* 5, no. 4 (2023): 1879–903.

¹⁹ Fitri Handari, “Analisis Zakat Profesi bagi Pelaku Bisnis Youtube (Youtuber) Perspektif Ekonomi Islam” (Undergraduate thesis, Universitas Jambi, 2022); Muhammad Fazlurrahman Syarif, Dewi Purwanti, dan Fahmiah Akilah, “The Perspective of Contemporary Scholars on the Zakat Payment of Youtube Google AdSense Income,” *Mazahibuna: Jurnal Perbandingan Mazhab* 4, no. 2 (2022): 132–51; Muhammad Sultan Mubarak dan Muhammad Taufiq Abadi, “Youtuber And Googlepreneur: Review of the Contemporary Fiqh of Zakah,” *Journal of Digital Marketing and Halal Industry* 2, no. 1 (10 Juli 2020): 81–88, <https://doi.org/10.21580/jdmhi.2020.2.1.5034>; Abdul Azis, “Zakat Penghasilan Dari Monetisasi Youtube (Menurut Pendapat Beberapa Ulama di Kota Banjarmasin)” (Undergraduate thesis, Universitas Islam Negeri Antasari Banjarmasin, 2023).

²⁰ Mahmud, “Kedudukan Youtube dan Hasil Youtuber sebagai Harta Peninggalan menurut Hukum Kewarisan”, v.

²¹ Mahmud, “Kedudukan Youtube dan Hasil Youtuber sebagai Harta Peninggalan menurut Hukum Kewarisan”, v.

The implications of this study are intended to contribute to academic knowledge and provide a potential solution for inheritance distribution if conflicts arise over the inheritance of monetized YouTube accounts.

This study aims to examine the methods for distributing and managing royalties from monetized YouTube accounts to heirs under Indonesia's positive law and analyze the technical aspects of royalty distribution and management according to crowdfunding theory.²² Crowdfunding theory is particularly relevant as a supporting tool for applying the existing provisions of the Compilation of Islamic Law and the Copyright Act to YouTube inheritance. This theory also closely resembles the Mayorat inheritance system, where inherited assets are not physically divided among heirs but are managed by one person who distributes the benefits to each beneficiary.²³ Therefore, applying this theory demonstrates that the Islamic inheritance system can assimilate with customary inheritance systems.²⁴

Research Methodology

This research employs a normative legal methodology with legislative and conceptual approaches. The legislative approach delves into regulations relevant to the legal issues surrounding the inheritance of YouTube accounts. The conceptual approach is applied to analyze the inheritance of monetized YouTube accounts under positive law, using crowdfunding theory as an analytical framework. The primary legal sources include Law No. 28 of 2014 on Copyright and Book II of the Compilation of Islamic Law on Inheritance. The analysis stage in this normative legal research consists of three steps: identifying legal facts, exploring and reviewing relevant legislation to develop a legal concept, and interpreting the legal facts and regulations.²⁵ Data is analyzed using

²² M. de Freitas Homrich, "Patronage of Content via Crowdfunding," 2020, 1413–31, <https://www.scopus.com/inward/record.uri?eid=2-s2.0-85080955214&partnerID=40&md5=5c6c3dfc55732cd42a226906d0559ff7>.

²³ Siska Lis Sulistiani, *Hukum Adat Di Indonesia* (Jakarta Timur: Sinar Grafika, 2021), 149–50; Sandiko Yudho Anggoro, Setiawan Bin Lahuri, and Muhammad Ridlo Zarkasyi, "Pembagian Waris Receptie Exit: Tinjauan Kritis Terhadap Pemikiran Hazairin," *Istinbath: Jurnal Hukum* 19, no. 02 (December 2022): 231, 02, <https://doi.org/10.32332/istinbath.v19i02.4698>.

²⁴ D. Klasiček, "Inheritance Law in the Twenty-First Century: New Circumstances and Challenges," in *European Union and Its Neighbours in a Globalized World* (2023), 10:235–51, https://doi.org/10.1007/978-3-031-40801-4_15.

²⁵ Muhaimin Muhaimin, *Metode Penelitian Hukum* (Mataram University Press, 2020), 70-71.

crowdfunding theory to clarify the mechanisms for distributing royalties from monetized YouTube accounts as part of the inheritance process.

Discussion

Process of Getting Money From a YouTube Channel

Monetization refers to the activity of selling paid content to generate revenue.²⁶ YouTubers earn income from YouTube when the monetization feature on their account is enabled. If monetization is not enabled, ads cannot be displayed on their uploaded videos, preventing them from earning money. There are four requirements to activate YouTube monetization. First, joining the YouTube Partner Program (YPP), having an AdSense account, setting the types of ads to be displayed in the videos, and meeting the minimum of 1,000 subscribers and 4,000 watch hours within a year.²⁷ For new accounts, YouTube's updated policy requires at least 500 subscribers, three uploaded videos, and a choice between 3,000 watch hours within a year or 3 million short video views within 90 days. Older accounts still follow the original policy of 1,000 subscribers and a choice between 4,000 watch hours within a year or 10 million video views within 90 days.²⁸

YouTube uses a Cost per Mille (CPM) model to reward YouTubers, calculating earnings based on every 1,000 views. CPM varies between YouTubers depending on factors such as location. On average, CPM ranges from USD 0.3 to USD 0.8. With an average CPM of USD 0.5, a YouTuber can earn IDR 6,750 for every 1,000 views (assuming an exchange rate of 1 USD = IDR 13,500). For example, a YouTube channel with 10 videos totaling 1 million views could earn IDR 6,750,000.²⁹

²⁶ Nadia Febriani dan Efi Fadilah, "Penerapan Model Monetisasi Content Creation Pada Vice Indonesia." *Jurnal Kajian Jurnalisme* 2, no. 2 (3 Januari 2019): 178, <https://doi.org/10.24198/jkj.v2i2.21360>.

²⁷ Jubilee Enterprise, *Kitab Youtuber* (Jakarta: Elex Media Komputindo, 2018), 103-104.

²⁸ Lely Maulida and Yudha Pratomo, "Aturan Terbaru, Punya 500 Subscriber Sudah Bisa Dapat Uang Dari YouTube," *Kompas. Com*, June 20, 2023, <https://tekno.kompas.com/read/2023/06/14/12300087/aturan-terbaru-punya-500-subscriber-sudah-bisa-dapat-uang-dari-youtube>.

²⁹ Enterprise, *Kitab Youtuber*, 20.

Table 1. Illustration YouTube Revenue Calculation and Distribution Based on
1,000,000 Views

Video	Number of Views	CPM (IDR per 1,000 Views)	Estimated Revenue (IDR)	55% for Content Creator (IDR)	45% for YouTube Platform (IDR)
Video 1	20,000	6,750	135,000	74,250	60,750
Video 2	150,000	6,750	1,012,500	556,875	455,625
Video 3	30,000	6,750	202,500	111,375	91,125
Video 4	800,000	6,750	5,400,000	2,970,000	2,430,000
Total	1,000,000		6,750,000	3,712,500	3,037,500

YouTube ad revenue is not immediately paid to YouTubers upon enabling monetization. Instead, all earnings are initially accumulated in a Google AdSense account and paid out once the balance reaches the minimum threshold of USD 100. YouTubers can select a payment method through their AdSense account. The earnings will be transferred directly to their account if they opt for a bank transfer. A monetized YouTube account can provide passive income, meaning income will keep flowing as long as videos continue to attract viewers.³⁰

The term Google AdSense was mentioned earlier. Google's acquisition of YouTube introduced the YouTube monetization program through AdSense. In simple terms, AdSense acts as an ad publisher. Advertisers place ads on Google through Google Ads, and Google provides platforms like YouTube along with its systems. Channel owners (YouTubers) create and manage video content on YouTube, and those who join YouTube AdSense attach ads to their videos. Consequently, ad revenue is shared between Google and YouTube. The typical revenue split for YouTube AdSense is 55:45, meaning the channel owner receives 55% of the ad revenue, while Google, through YouTube AdSense, retains 45%. This split is generally considered fair, with Google providing the platform and system, while channel owners supply the content through their videos.³¹

Crowdfunding Theory Overview

The term "crowdfunding" emerged in 2006, pioneered by digital experiment expert Michael Sullivan, who launched a videoblog portal called "fundavlog." This web-

³⁰ Jefferly Helianthusonfri, *Yuk Jadi Youtuber* (Jakarta: Gramedia, 2018), 140-141.

³¹ Su Rahman, *Buku Pintar Monetisasi Youtube* (Jakarta: Elex Media Komputindo, 2021), 70-73.

based, transparent funding platform aimed to support communal interests with contributions from the public. Crowdfunding's concept gained popularity and grew in the United States, and was eventually adopted in Indonesia around 2012.³² Crowdfunding is derived from the broader concept of crowdsourcing³³. While crowdsourcing gathers ideas, input, feedback, and solutions, crowdfunding aims to secure funds or financial support.³⁴

Several experts have defined crowdfunding, including Arolas and Guevara, who described it as "a way to fund specific projects, offering small businesses or entrepreneurs a path to success."³⁵ Belleflamme further defined crowdfunding as "an open call, primarily through the internet, to provide financial resources, either in the form of donations, exchange for a product, or other form of reward, to support the initiation of a particular goal." Dresner's definition aligns closely with Belleflamme's, describing crowdfunding as "the cooperative collaboration of individuals pooling their funds, usually online, to support initiatives by others or organizations." While the internet is a common medium, crowdfunding does not rely exclusively on it; as Gras pointed out, fundraising conducted offline before the internet shares concepts similar to online crowdfunding.³⁶ Thus, crowdfunding spans both online and offline channels. Crowdfunding has also evolved to include Sharia-compliant crowdfunding, which adheres to Islamic principles, such as justice, transparency, partnership, and avoidance of elements like gambling (maysir), excessive uncertainty (gharar), and interest (riba).³⁷

³² Auliarachmah Dwiparasayu, "Pengaruh Celebrity Endorser Terhadap Keputusan Donasi (Kampanye Melawan Dunia #NICURangers Pada Platform Crowdfunding Kitabisa.Com)" (Skripsi, Universitas Brawijaya, 2018), 19. <http://repository.ub.ac.id/id/eprint/13146/>.

³³ Dhyayi Warapsari, "Crowdfunding sebagai Bentuk Budaya Partisipatif pada Era Konvergensi Media: Kampanye#BersamaLawan Corona (Kitabisa.com)," *Avant Garde* 8, no. 1 (2020): 4, <https://doi.org/10.36080/ag.v8i1.985>.

³⁴ Safira Hasna, "Pengaruh Inovasi Crowdfunding terhadap Keputusan Berdonasi," *Digital Zone: Jurnal Teknologi Informasi Dan Komunikasi* 10, no. 2 (2019): 1466.

³⁵ Rahmawati Apriliani, Anju Ayunda, dan Sarrah Fitriani Fathurochman, "Kesadaran dan Persepsi Usaha Mikro dan Kecil terhadap Crowdfunding Syariah," *Amwaluna: Jurnal Ekonomi dan Keuangan Syariah* 3, no. 2 (2019): 270.

³⁶ de Freitas Homrich, "Patronage of Content via Crowdfunding."

³⁷ Rezky M., "Konsep Crowdfunding Syariah Berdasarkan Prinsip-Prinsip Perbankan Syariah" (Skripsi, IAIN Parepare, 2021).

In general, crowdfunding can be categorized into four types:

1. Equity Crowdfunding

This model is similar to stock ownership. Funds contributed represent equity or a share of ownership in a company, with contributors receiving financial returns in exchange.³⁸

2. Donation-based Crowdfunding

In this model, donors do not receive any rewards from the project. It is typically used for non-profit social activities, such as disaster relief, school construction, orphanages, and other charitable causes.³⁹

3. Reward-based Crowdfunding

While similar to equity crowdfunding, reward-based crowdfunding provides non-monetary rewards, such as services, rights, or specific products, rather than financial returns.⁴⁰

4. Lending/Debt Crowdfunding

This type resembles a traditional loan. The borrower repays the loan to the lender with interest over time.⁴¹

Using crowdfunding theory, the distribution of monetized YouTube account inheritance aligns with the Equity Crowdfunding model, where contributors (heirs) receive compensation in the form of income or royalties from the management of the deceased's monetized YouTube account.⁴²

³⁸ Tentya Aqila Fadia Haya, "Potensi Equity Crowdfunding bagi UKM" (Universitas Muhammadiyah Surabaya, 2023), 9.

³⁹ Muhammad Ridwan Effendi, Mohammad Narji, dan Yan Sofyan Andhana Saputra, "Pengembangan Aplikasi Penggalangan Dana Menggunakan Konsep Crowdfunding Berbasis Mobile pada Pesantren al-Qur'an Mafatih," *JSI (Jurnal sistem Informasi) Universitas Suryadarma* 8, no. 2 (2021): 66.

⁴⁰ Muslihati Muslihati, "Strategi Sosialisasi Wakaf Di Era Digital Melalui Platform Online dengan Konsep Crowdfunding Pada Lembaga Aksi Cepat Tanggap (ACT) Sulawesi Selatan," *At Tawazun: Jurnal Ekonomi Islam* 1, no. 3 (2021): 7.

⁴¹ Muhammad Iqbal Aulia Rafi, "Rancang Bangun Aplikasi Sistem Penggalangan Dana Berbasis Web dengan Menerapkan Konsep Crowdfunding pada Startup Peduly" (Skripsi, Universitas Dinamika, 2020), 7.

⁴² O. Fan-Osuala, "Impact of Subscription-Based Crowdfunding on Creators' Online Channels: Evidence from YouTube," paper presented at 25th Americas Conference on Information Systems, AMCIS 2019, 2019, <https://www.scopus.com/inward/record.uri?eid=2-s2.0-85084021507&partnerID=40&md5=a1ecd40f03eb5b9fc00ec75b1b45c8d9>.

Royalty Distribution and Management of Monetized YouTube Channels for Heirs Under Indonesian Positive Law

1. Review of Law No. 28 of 2014 on Copyright

Regulations regarding copyright have undergone several changes due to technological advancements and societal demands. Initially, copyright was regulated by Law No. 6 of 1982. Five years later, the provisions were amended by Law No. 7 of 1987. This was followed by further changes through Law No. 12 of 1997. In 2002, another amendment was made with Law No. 19 of 2002.⁴³ However, due to the difficulties in applying the provisions of Law No. 19 of 2002 in practice and the presence of several articles deemed inappropriate, ambiguous, and open to multiple interpretations, it was revised again with Law No. 28 of 2014.⁴⁴ The existence of Law No. 28 of 2014 fully replaces the previous copyright legislation.

Discussions regarding YouTube cannot be separated from copyright, as YouTube is one of the objects of copyright. Copyright is the right held by the Creator to reproduce or declare their creation, which automatically attaches upon the creation of a work without any reduction or limitation according to the applicable laws.⁴⁵ When related to YouTube, copyright automatically attaches to the videos created and uploaded on YouTube from the moment the work is realized. However, not all videos uploaded on YouTube possess copyright; only those that pass YouTube's originality verification qualify. One feature YouTube uses to identify original videos created by its creators, instead of re-uploaded content, is Content ID. When a video is re-uploaded by another YouTuber, it is immediately detected through Content ID. Videos identified by Content ID as belonging to others will face copyright infringement.⁴⁶

Several articles related to inheritance in Law No. 28 of 2014 include Articles 16, paragraph 2; 19; 96; 98; and 115. Article 16, paragraph 2 states that copyright objects can be transferred through various means, including grants, wills, inheritance, written agreements, waqf, or other means that do not violate legal provisions. The explanation

⁴³ Sophar Maru Hutagalung, *Hak Cipta: Kedudukan dan Perannya dalam Pembangunan* (Jakarta Timur: Sinar Grafika, 2022), 1-9.

⁴⁴ Abdul Gani Abdullah, "Laporan Tim Naskah Akademik Rancangan Undang-Undang Tentang Cipta (Perubahan UU No. 19 Tahun 2002)" (Kementerian Hukum dan HAM RI Badan Pembinaan Hukum Nasional, 2008), 27-28.

⁴⁵ Pasal 1 ayat 1 Undang-Undang Nomor 28 Tahun 2014 tentang Hak Cipta.

⁴⁶ Setyawan, *Rahasia Mendapat Dollar dari Youtube*. (Jakarta: Elex Media Komputindo, 2016), 162.

section of this article indicates that the "transfer" referred to in Article 16, paragraph 2 pertains to economic rights, not moral rights. Moral rights remain with the Creator. The article also states that the transfer may comprise either the whole or part of the economic rights derived from the copyright object.⁴⁷ Transfers regarding copyright objects, such as YouTube accounts, must be conducted clearly and in writing to serve as evidence in case of future disputes. Written transfers can be done through a notary to obtain stronger legal standing.

Article 19, paragraph 1 states that copyright will automatically belong to the heirs or legatees if there has been no prior announcement or communication from the deceased Creator.⁴⁸ Suppose the testator did not establish any other transfer of the monetized YouTube account during their lifetime, whether by will or otherwise, the economic rights that the heirs will benefit from are the total royalties from that account. According to paragraph 1, the announcement can occur via electronic or non-electronic means so that a creation may be known to others. Article 19, paragraph 2 continues the provisions in the previous paragraph, stating that if the acquisition of the rights occurs unlawfully, the provision in paragraph 1 regarding the transfer of copyright to the heirs does not apply.⁴⁹ The definition of unlawful acts can be found in Article 1365 of the Civil Code, which includes actions that violate applicable laws, involve fault, and cause damage that the offender must compensate.⁵⁰ Unlawful acts in this context may include manipulation in copyright transfer, copyright infringement, or actions that violate applicable regulations. Therefore, unlawful acts can become a barrier to copyright inheritance.

If a monetized YouTube account is managed not by a single person but by a team, the Creator is considered the person who leads, supervises, or designs the copyrighted work. Thus, if the deceased held the position of Creator, all copyrights associated with them can be inherited by their heirs. This aligns with the provisions in Articles 33 and 34 of Law No. 28 of 2014.⁵¹ Should there be losses suffered by the heirs in managing the monetized YouTube account as an inheritance and copyright object, economic damages may be claimed.⁵² Such losses may involve copyright infringement by someone using the

⁴⁷ Pasal 16 ayat 2 Undang-Undang Nomor 28 Tahun 2014 tentang Hak Cipta.

⁴⁸ Pasal 19 ayat 1 Undang-Undang Nomor 28 Tahun 2014 tentang Hak Cipta.

⁴⁹ Pasal 19 ayat 2 Undang-Undang Nomor 28 Tahun 2014 tentang Hak Cipta.

⁵⁰ Pasal 1365 Kitab Undang-Undang Hukum Perdata:

⁵¹ Pasal 33 dan 34 Undang-Undang Nomor 28 Tahun 2014 tentang Hak Cipta.

⁵² Pasal 96 ayat 1-3 Undang-Undang Nomor 28 Tahun 2014 tentang Hak Cipta.

deceased's account content without the heirs' permission. However, because the heirs' losses result from an unlawful act, under Article 96, paragraph 2, compensation must be included in the court's verdict on the copyright criminal case. The estimated payment period for compensation is no more than six months after the court's final ruling.

A Collective Management Institution (LMK) was established under Article 87 of Law No. 28 of 2014 to facilitate royalty management for copyrighted works. This institution is an intermediary between the Creator or their heirs and those who wish to utilize the Creator's work.⁵³ The Collective Management Institution, abbreviated as LMK, collects royalties or fees from copyright users, which are then gathered and distributed to the heirs. LMK is not a government institution but a private legal entity authorized to collect, gather, and distribute royalties after registering and meeting the requirements as a Collective Management Institution with the ministry. In addition to LMK, there is also the National Collective Management Institution, abbreviated as LMKN, which regulates and oversees LMKs in Indonesia.⁵⁴ The difference is that LMK is a private institution that directly collects and manages royalties for the Creator. At the same time, LMKN is a government auxiliary body with the same authority as LMK but with additional authority to regulate and set rates, differing from LMK.⁵⁵ To collect and manage creator royalties, creators must join and register with an LMK.⁵⁶

The existence of Collective Management Institutions (LMK) is highly beneficial for royalty management, especially when the Creator has passed away. Unfortunately, even though LMK is supported by copyright law, the type of copyright object most emphasized in legislation and practice is music or songs. Most provisions related to the National Collective Management Institution (LMKN) in the Copyright Law and Government Regulation No. 56 of 2021 focus on music as a copyright object. This emphasis results in a lack of clarity regarding LMK's role in managing video or cinematographic works, especially on the YouTube platform. Even if LMK collaborates with YouTube, the

⁵³ Pasal 87 ayat 1-4 Undang-Undang Nomor 28 Tahun 2014 tentang Hak Cipta.

⁵⁴ Pasal 89 ayat 1 Undang-Undang Nomor 28 Tahun 2014 tentang Hak Cipta.

⁵⁵ Muhammad Hafiz dkk., "Mekanisme Pengelolaan Hak Royalti Musik Oleh LMK & LMKN Ditinjau Dari Peraturan Pemerintah No 56 Tahun 2021 Tentang Pengelolaan Royalti Hak Cipta Lagu Dan/Atau Musik," *Padjadjaran Law Review* 9, no. 1 (2021): 11.

⁵⁶ Dionisius Hotman Sinurat, "Peran Lembaga Manajemen Kolektif Dalam Menghimpun Royalti Terhadap Kegiatan Cover Lagu Yang Diunggah Di Youtube" (Undergraduate Thesis, Universitas Lampung, 2023), <http://digilib.unila.ac.id/id/eprint/73698>.

targeted objects are limited to songs or music uploaded on the platform, rather than videos.

2. Review of the Compilation of Islamic Law, Book II on Inheritance

As of now, there are no specific statutory regulations regarding inheritance, so, in inheritance matters, Indonesian Islamic communities and judges in religious courts refer to the Compilation of Islamic Law.⁵⁷ There are at least three essential elements in the inheritance process: the deceased (testator), the inherited property, and the heirs. The testator's death must be confirmed either de facto, through sensory evidence, or de jure, through a court ruling.⁵⁸

Next is the inheritance, which focuses on the deceased's monetized YouTube account. According to Article 171(a) of the Compilation of Islamic Law, inheritance property must be transferable from the deceased to the heirs, meaning that ownership can be changed.⁵⁹ The heirs can change the name on the deceased's YouTube account if they have access to or login credentials. Thus, ensuring that the heirs can still access the deceased's monetized YouTube account is necessary. Access can be obtained through the deceased's smartphone or computer. Without these personal devices, heirs cannot access the YouTube Studio page unless they know the email address and password of the deceased. Access to YouTube Studio is crucial as it is the primary platform for YouTubers to manage their accounts and related matters. If access to the account cannot be obtained due to a lack of information left by the deceased, heirs may request access from YouTube. This request can be made by filling out a form on the Google support page (https://support.google.com/accounts/troubleshooter/6357590?visit_id=637182835440294824-4256508408&hl=en&rd=2#ts=6357586).⁶⁰ The form requires several key pieces of information, including the deceased's death certificate. YouTube will then process this request.

YouTube does not automatically grant requests for access to the accounts of deceased individuals, as specific considerations must be taken into account. There is a conflict of

⁵⁷ Muhammad Sjaiful et al., "Analisis Hukum Eksistensi Kompilasi Hukum Islam (KHI) Tentang Waris Dalam Pembagian Harta Warisan Di Indonesia," *Halu Oleo Legal Research* 4, no. 2 (2022): 342–55.

⁵⁸ Nana Lutfiana, "Analisis Yuridis terhadap Penolakan Penetapan Ahli Waris dalam Putusan Pengadilan Agama Nganjuk Nomor: 0030/Pdt.P/2016/PA.Ngi" (Undergraduate Thesis, Universitas Islam Negeri Sunan Ampel Surabaya, 2017), 29.

⁵⁹ Pasal 171 huruf a Kompilasi Hukum Islam (1991).

⁶⁰ Nicolas Mario Gunawan, "Pewarisan Akun Digital," *Lex Patrimonium* 1, no. 1 (2022): 4.

interest between the YouTube account and the heirs' rights, as well as the privacy and security of the account owner, which the service provider wishes to protect. If YouTube declines to provide access to the heirs, they may pursue a legal claim in court. Several cases from abroad illustrate heirs requesting access to digital accounts of deceased individuals through the legal system.

The first case is *Ajemian v.*, where the family sought access to the Yahoo account of a deceased soldier. Although this account held no economic value, it contained information regarding the assets owned by the deceased that the family could inherit. The second case is *LG Berlin 17.12.2015-20 o 172/5*, which involves inheriting a Facebook account with monetary and emotional value. The third case involves Antalya Regional Court's 6th Civil Chamber No. 20202/1149, concerning the inheritance of an Apple account, specifically iCloud. In this case, the iCloud account contained photos and was directly related to financial assets.

The common thread in these cases is the conflict between the service provider's desire to protect the privacy of the account owner and the heirs' right to access their inherited property, even if it exists in virtual form⁶¹. However, inheriting an account can often be accomplished without going through the court process. The most crucial aspect of inheriting an account is ensuring access to the deceased's account. Therefore, the deceased must prepare a will that includes the email, password, and permission for the heirs to use the monetized YouTube account.

Before the inheritance is distributed, the first obligation is to fulfill the rights and responsibilities of the deceased, such as funeral arrangements, settling debts, addressing any existing wills, and separating joint assets if the deceased was part of a marriage. Only after these obligations are met can the remaining assets be distributed as inheritance. This aligns with the provisions in the Compilation of Islamic Law, Article 175, regarding the obligations of heirs to the deceased, and Article 171, letter e, defining inheritance assets.⁶² As with general inheritance, heirs must meet specific requirements outlined in Articles 172-174 before distributing the assets. If all heirs are present during the distribution, according to Article 174, paragraph 2, the rightful heirs include children,

⁶¹ Gunawan, "Pewarisan Akun Digital," 9-10.

⁶² Pasal 171 dan 175 Kompilasi Hukum Islam (1991).

father, mother (by blood relation), and the widow or widower (from marriage).⁶³ This provision indirectly indicates the priority of heirs in receiving their inheritance shares.

The size of the portions that heirs must receive is regulated in Articles 176-182. However, when the inherited object is a monetized YouTube account, heirs may find dividing the assets according to their respective shares challenging. To address this issue, the Compilation of Islamic Law, Article 183, anticipates such problems through a peace agreement among the parties involved.⁶⁴ Even if the outcome of the peace agreement results in the account being assigned to one of the heirs along with the economic rights attached, this is permissible. This is allowed as long as each heir knows their share and agrees to assign the YouTube account and its royalties to a selected heir.

However, without agreement among the heirs, a lawsuit may be filed in court.⁶⁵ Additionally, a more family-oriented alternative may be sought to ensure that each heir's portion aligns with the provisions of Articles 176-182 of the Compilation of Islamic Law. An alternative approach is to implement a system to convert and divide the royalties from a monetized YouTube account, originally unified, into shares that reflect each heir's designated portion. This approach, which involves crowdfunding, will be discussed separately in its section

Not everyone is familiar with the laws of inheritance, especially Islamic inheritance law. Therefore, Article 187 recommends appointing individuals to facilitate the distribution of inheritance.⁶⁶ The deceased can make this appointment before death or by their heirs themselves. Initially, all property left by the deceased should be recorded as a collective inheritance, including both movable and immovable assets, such as the monetized YouTube account. For easier calculation, it is advisable that the recorded assets also be appraised or valued in monetary terms. After the inheritance assets are accounted for and any liabilities under Article 175, paragraph 1, letters a to c, have been settled, the remaining assets can be distributed among the rightful heirs.⁶⁷

Article 189 regulates inheritance objects, such as agricultural land, that can be used as productive inheritance.⁶⁸ However, productive inheritance in this article can also

⁶³ Pasal 174 ayat 2 Kompilasi Hukum Islam (1991).

⁶⁴ Pasal 183 Kompilasi Hukum Islam (1991).

⁶⁵ Pasal 188 Kompilasi Hukum Islam (1991).

⁶⁶ Pasal 187 ayat 1 huruf a Kompilasi Hukum Islam (1991).

⁶⁷ Pasal 187 ayat 1 huruf b dan ayat 2 Kompilasi Hukum Islam (1991).

⁶⁸ Pasal 189 Kompilasi Hukum Islam (1991).

be applied to other inheritance objects that can generate ongoing income, such as YouTube. The essence of productive inheritance is that the assets are not used merely for consumption but are managed and reinvested to generate more wealth.⁶⁹ If managed properly, YouTube can serve as a productive inheritance asset that benefits heirs over a long period.

Model for Distribution and Management of Royalties for Monetized YouTube Accounts to Heirs Based on Crowdfunding Theory

Crowdfunding is commonly used to build businesses or create projects, with funding sourced not only from producers or entrepreneurs but also from contributions by numerous individuals in small amounts.⁷⁰ Among various types of crowdfunding, equity crowdfunding is relevant to the inheritance of monetized YouTube accounts. This crowdfunding type differs from others in that profits are redistributed to the investors. Crowdfunding has long been popular globally, while it has only recently emerged in Indonesia. Several regulations in Indonesia, such as Financial Services Authority (OJK) Regulation No. 37/POJK04/2018 and No. 57/POJK04/2020, address crowdfunding practices.⁷¹ However, these regulations focus on equity crowdfunding for assets like stocks and bonds, not other objects like YouTube.

According to OJK regulations on equity crowdfunding, three parties are involved: the Organizer, the Publisher, and the Investor. The Organizer connects the Publisher, who needs capital, with the Investor, who provides the funds. The OJK sets strict criteria for the Organizer, such as Indonesian nationals or foreign nationals with a maximum of 49% ownership, obtaining OJK approval, among other requirements outlined in Regulation No. 57/POJK04/2020. The Organizer typically operates a website platform for equity crowdfunding.⁷²

As defined by the OJK, the Publisher refers to business entities like PTs (Limited Liability Companies), CVs (Limited Partnerships), and Firms that manage a business⁷³.

⁶⁹ Ahmad Rajafi, "Kewarisan Produktif (Meramu Makna Adil Melalui Waris Produktif)." *Al-Risalah* 16, no. 02 (2018): 305. <https://doi.org/10.30631/al-risalah.v16i02.313>.

⁷⁰ Mohammad Yunies Edward dkk., *Investasi: Crowdfunding Dan UKM Indonesia* (Yogyakarta: Deepublish, 2023), 47.

⁷¹ Fithriatus Shalihah dkk., *Equity Crowdfunding di Indonesia* (Yogyakarta: UAD Press, 2022), 5.

⁷² Shalihah dkk., *Equity Crowdfunding di Indonesia*, 105.

⁷³ Shalihah dkk., *Equity Crowdfunding di Indonesia*, 15.

In the context of a YouTube account inheritance, the Publisher is the person who creates and manages videos through the monetized YouTube account left as an inheritance. Investors provide funds to the Publisher in return for profits gained after successful management.⁷⁴ In this case, the investors would be the heirs themselves. The funds are not separate financial contributions but represent each heir's share of the monetized account's profits. Several elements apply crowdfunding concepts to inherited monetized YouTube accounts, including the content creator, capital, benefit value, an intermediary medium for managing capital (optional), and multiple investors contributing to capital allocation.

1. YouTube Content Creator

A YouTube content creator produces videos through activities such as data gathering, content research, and video creation to generate interesting content for a YouTube channel.⁷⁵ If the deceased created videos independently, they would automatically be the content creator and copyright holder. However, if a team produced the content, the team leader, who supervised and designed the video production, would hold this status. In the case of a monetized YouTube account inheritance, a content creator role may be passed on to an heir closest to the deceased based on the family's inheritance order.⁷⁶

The prioritized heirs for managing the YouTube account are children and parents, per the principle of distribution prioritizing family, as stated in Article 174, Paragraph 2 of the Compilation of Islamic Law.⁷⁷ Heirs with more distant relations, or those who are not heirs, are not advised to manage the YouTube account directly. Since the account may contain personal data and the privacy of the deceased, misuse of the account by unrelated individuals could risk reputational damage or other losses to the close family members.

2. Capital

In the inheritance of a monetized YouTube account, the primary capital is the YouTube account itself, which serves as the inherited asset. This account represents the individual share of each heir, all contained within a single asset. Though the asset is

⁷⁴ Shalihah dkk, *Equity Crowdfunding di Indonesia*, 16.

⁷⁵ Arif Hariyanto dan Aditya Putra, "Konten Kreator Youtube Sebagai Sumber Penghasilan (Telaah Kritis Hukum Ekonomi Syari'ah)," *Al-Hukmi : Jurnal Hukum Ekonomi Syariah dan Keluarga Islam* 3, no. 2 (2022): 250, <https://doi.org/10.35316/alhukmi.v3i2.2325>.

⁷⁶ Yasardin dkk., *Dinamika Hukum Kewarisan Islam terkait Pembagian Harta Warisan bagi Ahli Waris Beda Agama* (PUSLITBANG Hukum dan Peradilan Mahkamah Agung RI, 2016), 33-34.

⁷⁷ Pasal 174 ayat 2 Kompilasi Hukum Islam.

singular, its value is divided into portions corresponding to each heir's entitlement. Besides this primary capital, heirs may provide additional financial contributions for management purposes.

3. Value of Benefits

The benefit value in the inheritance of a monetized YouTube account refers to the royalties or monetary compensation derived from the uploaded content on the monetized account.

4. Intermediary Media for Capital Holding (Optional)

A crowdfunding website can serve as an intermediary for managing and redistributing profits. Such a platform can simplify the crowdfunding model's application. However, current crowdfunding sites are more commonly used for fundraising and investment purposes.

5. Multiple Capital Contributors

The individuals relevant to this inheritance model are the heirs themselves. If external parties contribute to the capital, it may complicate the asset's status, making it difficult to isolate the portion each heir should receive.

Initially, heirs hold a family meeting to agree on who will manage the monetized YouTube account as an inherited asset. Ideally, this appointment respects the inheritance distribution order by lineage, prioritizing children or parents.⁷⁸ This agreement should specify the share each heir will receive and the operational costs and wages for the content creator. It is advisable to document this agreement in writing to serve as evidence in case of future disputes. Then, as capital contributors, all heirs entitled to inherit entrust the monetized YouTube account's management to one designated heir as the content creator. This individual will be responsible for managing the account and producing new videos. YouTube may pause account monetization if no new videos are uploaded within six months.⁷⁹ Therefore, it is essential for the content creator to continue producing new

⁷⁸ Pasal 172 ayat 2 Kompilasi Hukum Islam.

⁷⁹ "Penyebab Channel Youtube Saya Di Hentikan Padahal Awalnya Sudah Di Monetisasi ..Mohon Di Jawab Terim - Komunitas YouTube," accessed November 2, 2023, <https://support.google.com/youtube/thread/202389445/penyebab-channel-youtube-saya-di-hentikan-padaahal-awalnya-sudah-di-monetisasi-mohon-di-jawab-terim?hl=id>.

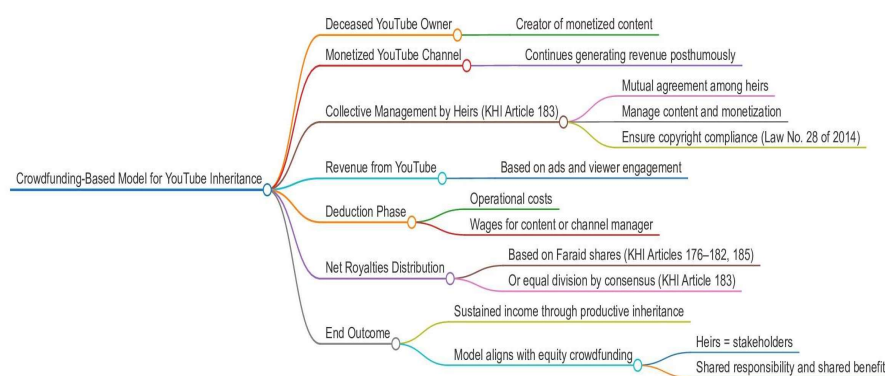
videos and to avoid copyright violations, ensuring that YouTube does not terminate the account's monetization.⁸⁰

If royalties are later generated from the monetized account, they are first divided between the content creator's wage and operational costs.⁸¹ After deducting the content creator's wages, the remaining royalties are distributed to each heir according to their entitled share as outlined in Articles 176-182 and 185 of the Compilation of Islamic Law. If heirs wish for equal distribution, they may reach a consensus, as permitted by Article 183, after each heir understands the share they are entitled to receive.

Moreover, compliance with Law No. 28 of 2014 ensures that copyright ownership, transferability, and usage rights related to the YouTube content are legally protected and do not infringe upon the rights of third parties. This includes safeguarding the moral and economic rights of the content creator (Articles 16 and 19) and regulating the inheritance and transfer of copyright under Articles 96, 98, and 115. Together, these legal provisions construct a framework that balances religious obligations, economic functionality, and legal protection in the inheritance of monetized digital assets

The following figure of a mind map illustrates a conceptual model for the distribution and management of royalties from a monetized YouTube account based on crowdfunding theory, particularly equity crowdfunding:

Figure 1. Crowdfunding-Based Distribution of Monetized YouTube Royalties to Heirs



Source: Processed by author using markmap.js.

⁸⁰ Matthew Dylag and Harrison Smith, "From Cryptocurrencies to Cryptocourts: Blockchain and the Financialization of Dispute Resolution Platforms," *Information, Communication & Society* 26, no. 2 (January 2023): 372–87, <https://doi.org/10.1080/1369118X.2021.1942958>.

⁸¹ Chu et al., "Behind the Tube: Exploitative Monetization of Content on YouTube."

Under this model, rather than immediately dividing a monetized YouTube account among heirs according to their *fara'id* (fixed share) portions, the account is preserved and managed as a productive asset (*māl nāmi*). By mutual agreement as permitted by Article 183 of the Compilation of Islamic Law, the heirs may establish a form of shared ownership or collective management entity. This entity would maintain the channel, produce or manage content if needed, and oversee monetization activities.⁸² After deducting operational costs and content maintenance expenses, net royalties are distributed to each heir proportionally to their original share or equally, depending on the agreed arrangement.

This approach is particularly relevant in cases where the deceased was a high-earning content creator and the channel continues to generate passive income from previous uploads.⁸³ The collective management structure reduces the risk of mismanagement, ensures accountability, and promotes sustainability—similar to how transparent, goal-oriented structures govern crowdfunding campaigns. Furthermore, this model aligns with Islamic ethical principles such as *maslahah* (public interest) and *‘adalah* (justice), by ensuring that the asset benefits all parties fairly and organized.⁸⁴

By integrating the principles of crowdfunding theory into Islamic inheritance practice, this model provides a practical solution to managing digital assets and addresses the regulatory gap in Indonesia’s legal system concerning posthumous digital asset governance. It promotes a transition from static inheritance toward dynamic wealth management, which is increasingly necessary in the digital age where value is stored in physical assets and platforms, content, and data streams. Moreover, it bridges the regulatory gap in Indonesian law by integrating positive legal norms (Copyright Law No. 28 of 2014) with modern asset management practices.

Conclusion

This study affirms that monetized YouTube accounts qualify as intangible assets with economic value that can, in principle, be inherited. However, the current legal framework in Indonesia lacks specific provisions regarding the management and distribution of income or royalties derived from such digital platforms after the owner’s death. The

⁸² Chu et al.

⁸³ A.A. Akramov et al., “The Impact of Digitalization in Inheritance Law.”

⁸⁴ Mohd Kamarul Khaidzir Saadan and Mohamad Haron, “TEORI MASLAHAH DALAM SISTEM PEWARISAN HARTA ORANG ISLAM,” *Journal of Muwafaqat* 1, no. 1 (April 2018): 1.

absence of legal certainty in this area creates practical challenges, especially for heirs lacking the digital literacy needed to access or sustain these assets. Through the integration of positive legal theory and crowdfunding theory within the framework of Islamic inheritance principles, this study proposes a conceptual model that frames YouTube accounts not only as distributable assets but also as productive inheritance, assets that can be managed collectively for ongoing benefit rather than divided.

The research findings align with the initial objective of exploring the legal foundation for digital inheritance and proposing a constructive solution grounded in national legal norms and Islamic jurisprudence. This model contributes to bridging the gap between traditional inheritance law and contemporary digital realities, emphasizing the importance of regulatory development in this field. The study introduces a novel intersection between technology and religious-based wealth management by recognizing YouTube as a potential waqf-like instrument. This approach enriches the academic discourse and provides a foundation for future regulatory policies on digital asset succession in Indonesia and beyond. However, this study is limited by its conceptual approach and lack of empirical data from case studies or legal practice. Future research should include empirical analysis of inheritance disputes involving digital assets, and explore how various digital platforms (not just YouTube) are regulated in different legal systems.

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