

Ownership of Cryptoassets in Imami Jurisprudence and Iranian Law: An Analysis of Their Susceptibility to Ownership, Transfer, and Judicial Protection

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Abstract

The rapid expansion of cryptoassets has created significant legal and jurisprudential questions concerning their proprietary nature, transferability, and judicial protection. Cryptocurrencies, tokens, stablecoins, non-fungible tokens, and other blockchain-based assets have acquired substantial economic value and are increasingly used in investment, commercial exchange, online services, and virtual environments. Nevertheless, their intangible nature, decentralized structure, dependence on private keys, price volatility, and potential association with unlawful activities have produced uncertainty regarding their legal status in Iran. This article examines whether cryptoassets may be recognized as property under Imami jurisprudence and Iranian law and analyzes the legal consequences of such recognition. Using a doctrinal and analytical method, the study investigates the concept of property in Imami jurisprudence, the requirements of lawful economic value and rational benefit, and the capacity of intangible assets to form the subject of ownership. It argues that the absence of physical form does not, by itself, prevent cryptoassets from being classified as property. Where a cryptoasset has identifiable economic value, rational and lawful utility, social recognition, and the capacity for exclusive attribution and control, it may qualify as *māl* and be capable of private ownership. The article distinguishes between recognizing cryptoassets as proprietary assets and recognizing them as official legal tender. The study further finds that Iranian civil-law principles can support the classification of cryptoassets as movable intangible property capable of acquisition, transfer, donation, inheritance, and compensation. However, the legal validity of cryptoasset transactions depends on consent, capacity, definite subject matter, lawful purpose, and compliance with mandatory regulations. Technical control through a private key should not be treated as conclusive evidence of legal ownership, particularly in cases of hacking, fraud, coercion, or breach of trust. The article concludes that Iranian law requires clearer rules on electronic evidence, asset tracing, judicial seizure, restitution, inheritance, exchange obligations, and cross-border enforcement to provide effective protection for legitimate cryptoasset owners.

Keywords: Cryptoassets; Cryptocurrency; Digital Assets; Ownership; Imami Jurisprudence; Iranian Law; Blockchain; Private Key; Judicial Protection; Intangible Property

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1. Introduction

The development of digital technologies has created new forms of wealth that do not fit comfortably within the traditional categories of tangible property, contractual rights, money, securities, or intellectual property. Among the most significant of these developments are cryptoassets, including cryptocurrencies, utility tokens, investment tokens, stablecoins, non-fungible tokens, and other blockchain-based digital assets. These assets may be created, held, exchanged, pledged, inherited, and transferred through decentralized or centralized digital systems. Their economic importance has increased because they are used not only as speculative instruments but also as means of payment within particular networks, stores of value, investment vehicles, instruments for fundraising, and representations of rights in virtual environments. Blockchain technology enables the recording and verification of transactions through distributed ledgers, thereby allowing users to transfer certain forms of digital value without depending entirely on a central intermediary. De Filippi and Wright explain that blockchain systems alter conventional assumptions about legal enforcement because technological design can itself determine the conditions of access, transfer, and control over digital resources (De Filippi & Wright, 2018). This transformation raises fundamental questions for legal systems whose property rules were historically developed with physical objects, financial claims, and state-issued currency in mind.

The question of ownership is particularly important because a person's practical control over a cryptoasset does not automatically establish the legal existence of a proprietary right. A holder may control a private key and therefore be able to initiate transactions on a blockchain, yet that technical capacity may have been obtained through fraud, hacking, coercion, mistake, breach of trust, or unauthorized access. Conversely, a person may have a valid legal claim to a cryptoasset while lacking immediate technical access because a wallet provider, exchange, custodian, business partner, or family member controls the relevant private key. The distinction between technological control and legal ownership is therefore essential. Iranian civil law recognizes ownership as a legal relationship that grants a person the authority to use, enjoy, and dispose of property within the limits established by law. Katouzian emphasizes that ownership is not merely physical possession but a legally protected authority over property that permits the owner to exercise the powers associated with it (Katouzian, 2013). The emergence of cryptoassets requires an assessment of whether such assets can fall within the concept of property and, if so, how the legal powers of ownership should be identified and protected.

In Iranian law, the uncertainty surrounding cryptoassets is partly caused by the absence of a comprehensive and unified statutory framework specifically governing their proprietary status. Regulatory statements and administrative measures have addressed certain issues, such as cryptocurrency-related activities, mining, foreign exchange risks, financial supervision, and the use of digital currencies. However, these measures do not necessarily resolve the private-law question of whether a cryptoasset is capable of ownership, transfer, inheritance, seizure, restitution, or judicial protection. The circulars of the Central Bank of the Islamic Republic of Iran reflect the regulatory concern surrounding cryptocurrencies and indicate that monetary authorities have approached them cautiously, particularly in relation to their use in the formal financial system (Central Bank of the Islamic Republic of, 2017). Nevertheless, regulatory caution regarding the use of cryptoassets as money should not be treated automatically as a denial of their possible status as property. A legal system may refuse to recognize a private digital token as legal tender while still recognizing that it has exchange value and may form the subject of private rights and obligations.

The issue also has an important jurisprudential dimension. In a legal order influenced by Imami jurisprudence, the recognition of new forms of property should be examined in light of concepts such as *māl*, lawful benefit, rational desirability, possession, custom, certainty, and the prohibition of unlawful gain. The central jurisprudential question is whether a cryptoasset, despite lacking physical form, can be regarded as *māl* because it possesses economic value and is desired by rational persons for lawful purposes. Imami jurisprudence has historically considered both material objects and certain intangible interests capable of financial value. The analysis cannot be limited to the physical nature of an asset because many modern forms of wealth, including debts, commercial rights, shares, and certain intellectual interests, derive their value from legal recognition, economic utility, social acceptance, and the possibility of exclusive control. Naserian and Farmanesh argue that the feasibility of recognizing digital assets as property in Iran should be assessed through both jurisprudential criteria and

modern legal requirements, rather than by assuming that the absence of physical embodiment prevents proprietary recognition (Naserian & Farmanesh, 2026).

Cryptoassets also raise concerns that are particularly relevant to Islamic jurisprudence and Iranian law. Their high volatility, speculative market behavior, potential use in money laundering, lack of a guaranteed issuer in some systems, and capacity for anonymous or pseudonymous transfer may give rise to objections based on uncertainty, gambling-like conduct, illegitimate gain, public harm, or violation of financial regulations. However, the existence of risk does not necessarily mean that the object of a transaction lacks property status. Many recognized forms of property may fluctuate in value, be used unlawfully, or be traded through risky transactions without losing their basic capacity to be owned. The more precise question is whether the cryptoasset itself has a lawful and rational benefit and whether a particular transaction involving it satisfies the legal and jurisprudential conditions of validity. Sadat-Tabatabaei, Amirabadi Farahani, and Shamshiri observe that objections based on uncertainty must be analyzed carefully in relation to the actual structure, information conditions, and risks of digital-asset transactions, rather than being assumed merely because the asset exists in a virtual environment (Sadat-Tabatabaei et al., 2026).

The lack of legal clarity has serious practical consequences. Individuals may lose access to substantial digital assets when private keys are stolen, when exchange accounts are suspended, when family members dispute inheritance rights, or when fraudulent transfers occur. Businesses may face uncertainty concerning the validity of cryptoasset payments, the accounting treatment of tokens, the enforceability of smart-contract arrangements, and the legal consequences of insolvency. Courts may encounter difficulty in determining whether a claimant seeks restitution of property, compensation for loss, enforcement of a contract, recognition of a debt, or protection against a computer crime. Mohseni identifies the legal challenges of digital assets in Iran as extending beyond regulation to questions of classification, ownership, transfer, evidence, liability, and judicial remedies (Mohseni, 2020). The response to these challenges must be based on a coherent understanding of the legal nature of cryptoassets rather than isolated administrative reactions to individual disputes.

This article examines the ownership of cryptoassets in Imami jurisprudence and Iranian law, with particular attention to their capacity to be owned, transferred, and protected through judicial mechanisms. The article seeks to determine whether cryptoassets can be regarded as property, whether they are capable of forming the object of valid transactions, how ownership may be acquired and transferred, and what remedies may be available where rights are violated. It also considers the difference between recognizing cryptoassets as proprietary objects and recognizing them as official currency or unrestricted financial instruments. This distinction is important because a legal system can regulate or restrict certain uses of cryptoassets while still protecting legitimate proprietary interests arising from them.

The research adopts a doctrinal and analytical approach. It examines relevant concepts of Imami jurisprudence, principles of Iranian civil law, the legal treatment of intangible assets, the role of electronic evidence, and the regulatory context of digital assets. Rezaei maintains that Iranian civil-law principles can provide a basis for recognizing ownership of digital assets where they possess identifiable economic value and are susceptible to legal control (Rezaei, 2021). The article accordingly proceeds from the premise that the legal analysis must consider not only the technical features of blockchain systems but also the normative foundations of property law, contractual freedom, public order, consumer protection, financial regulation, and judicial enforceability.

2. Conceptual and Jurisprudential Foundations of Cryptoasset Ownership

Cryptoassets are digital representations of value or rights that are generally recorded, transferred, or verified through cryptographic systems and distributed ledger technology. The term includes a wide variety of digital instruments that should not be treated as legally identical. Cryptocurrencies, such as Bitcoin-like assets, are typically designed to operate through decentralized networks and may be used as mediums of exchange, stores of value, or speculative investments. Stablecoins are intended to maintain a more predictable value by reference to currencies, commodities, or other assets, although their actual stability depends on the structure and reliability of the issuer or reserve arrangement. Utility tokens may provide access to particular services, platforms, or digital ecosystems. Investment tokens may represent financial interests, profit-sharing rights, or claims linked to an enterprise. Non-fungible tokens may signify unique digital items, certificates of authenticity, access

rights, or records associated with physical or virtual goods. The legal treatment of each category should depend on its functions, underlying rights, method of issuance, degree of exclusivity, and economic purpose.

The technical structure of cryptoassets is relevant but not conclusive in determining their legal nature. Blockchain networks commonly record transactions through distributed ledgers that are maintained across numerous nodes. A transaction is usually authorized by the use of a private cryptographic key, while the recipient's wallet address becomes associated with the transferred units on the ledger. The holder of the private key may have practical power to initiate a transfer, but the key itself should not be confused with the asset in its legal sense. The key is an instrument of access and control. It resembles a credential, password, or means of disposition, whereas the proprietary interest concerns the value or right represented within the relevant blockchain system. De Filippi and Wright note that blockchain architecture can create a powerful form of *de facto* control because the system recognizes an authorized transaction without independently evaluating the legal legitimacy of the person initiating it (De Filippi & Wright, 2018). This feature makes it necessary for the law to preserve a distinction between blockchain validation and lawful ownership.

In Imami jurisprudence, the concept of *māl* plays a central role in determining whether something may be owned, exchanged, inherited, compensated for, or made the subject of contractual obligations. Although scholars have offered different formulations, property generally involves something that rational persons desire and preserve because it has utility, economic value, or benefit. The property need not always be corporeal. What matters is whether it has recognized value, whether people reasonably seek to acquire it, and whether it can serve a lawful purpose. The concept of *māl* is therefore capable of development in response to changing economic conditions and social customs. A thing that had no financial value in one historical period may acquire value in another period because of technological developments, social recognition, scarcity, or new forms of utility.

Custom has particular importance in this process. Social and commercial practice can reveal whether rational persons regard a certain interest as economically valuable and suitable for exchange. The role of custom does not mean that every socially popular or technologically novel item automatically qualifies as lawful property. Rather, custom assists in identifying whether a thing has acquired stable and recognizable economic value. In modern economies, various intangible assets are widely accepted as objects of wealth despite lacking physical form. Corporate shares, receivables, trademarks, electronic account balances, subscription rights, and certain forms of digital content may all have market value and legal significance. Naserian and Farmanesh state that the recognition of digital assets as property can be justified where the asset is economically valuable, capable of exclusive attribution, and not inherently contrary to legal or Sharia principles (Naserian & Farmanesh, 2026). Cryptoassets may therefore satisfy the basic concept of *māl* if they have real exchange value, are sought by rational persons, and are capable of lawful use.

The lack of physical form does not, by itself, prevent a cryptoasset from being classified as property. A physical object may be possessed through direct physical control, but intangible property is controlled through legal entitlement, contractual rights, electronic access, records, or exclusive powers granted by a legal system. Cryptoassets combine elements of both technological and legal control. The blockchain record provides a public or semi-public history of transactions, while private-key control supplies the practical ability to transfer units associated with a particular address. The asset may be intangible, but it is neither purely imaginary nor without economic reality. Its holder may sell it, exchange it, contribute it to a business arrangement, donate it, or use it to access services. In this sense, the absence of a physical object does not eliminate the possibility of proprietary control.

The economic value of cryptoassets is often contested because their market price may be highly volatile and, in many cases, is not supported by a state guarantee or tangible backing. Yet volatility should not be equated with the absence of value. Shares, commodities, foreign currencies, rare collectibles, and intellectual-property rights may also experience substantial changes in price. The relevant issue is whether the asset is valued in actual transactions and whether that value arises from an identifiable basis, such as scarcity, utility, network participation, expected future use, contractual rights, or market demand. Rezaei argues that the proprietary analysis of digital assets should focus on their financial value and capacity for allocation to particular persons rather than on the physical characteristics traditionally associated with property (Rezaei, 2021). Where a cryptoasset can be attributed to a person, transferred through recognized mechanisms, and exchanged for other forms of value, it has significant features of property.

A further jurisprudential issue concerns possession and control. Traditional possession often involves physical custody, but the law recognizes that possession can also exist through intermediaries, documents, accounts, legal authority, or constructive control. In the case of cryptoassets, possession may be direct where an individual controls the relevant private key or self-custody wallet. It may be indirect where an exchange, broker, or custodian holds the asset on behalf of a client. It may also be shared or subject to contractual limitations where multiple parties control a multi-signature wallet or where a token is held as collateral. The legal system should therefore avoid adopting an overly simple rule that treats the person with technical key control as the owner in every circumstance. A thief may control a key; an agent may control a key on behalf of another; and a custodian may hold digital assets without acquiring beneficial ownership.

The concern about uncertainty is one of the most significant jurisprudential objections to cryptoasset transactions. Some cryptoasset markets are characterized by rapid price fluctuations, incomplete information, manipulation, fraudulent offerings, and speculative behavior. Such features can increase the risk of *gharar* and may render particular agreements defective when the subject matter, price, delivery, ownership, or essential terms are unknown or deceptive. However, an uncertainty-based objection should be directed at the actual transaction rather than applied categorically to all cryptoassets. A purchase made through deception, without adequate disclosure, or with an indeterminate subject matter may be invalid or actionable. By contrast, a transaction involving a clearly identified cryptoasset, a known quantity, an agreed price, and a transparent transfer mechanism may not contain the same level of impermissible uncertainty. Sadat-Tabatabaei, Amirabadi Farahani, and Shamshiri stress that digital-asset transactions should be assessed according to the degree and character of uncertainty involved, especially where technological systems may provide traceable records and defined conditions of exchange (Sadat-Tabatabaei et al., 2026).

The possibility that cryptoassets may be used for unlawful purposes also does not necessarily remove their capacity to constitute property. Money, computers, mobile phones, and vehicles may be used for crimes, yet their misuse does not negate their status as property. The correct legal response is to distinguish between the object itself and the unlawful conduct associated with it. Cryptoassets acquired through fraud, ransomware, money laundering, sanctions evasion, or unauthorized access may be subject to seizure, confiscation, restitution, or criminal sanctions. The existence of these risks supports the need for regulatory oversight, identity-verification systems, anti-money-laundering controls, and judicial remedies. It does not logically establish that every cryptoasset is devoid of lawful benefit. Khojandi Jezi, Parvin, and Mirzadeh Kouhshahi describe digital assets as presenting both opportunities and regulatory challenges, requiring public-law responses that balance innovation, financial security, and the protection of legal interests (Khojandi Jezi et al., 2025).

The jurisprudential assessment must also distinguish between a cryptoasset's general capacity for ownership and the legitimacy of particular methods of acquisition. Mining may raise questions concerning the use of electricity, public resources, licensing requirements, and compliance with government regulations. Token issuance may raise questions concerning deception, unjust enrichment, and the sale of rights that do not genuinely exist. Trading may involve unlawful conduct if it becomes equivalent to gambling, fraud, manipulation, or prohibited financial activity. These issues are significant, but they concern the conditions of lawful acquisition and transaction. If a cryptoasset is acquired through a valid, transparent, and lawful process, its digital nature should not be a decisive obstacle to recognition as property.

Accordingly, Imami jurisprudence can support a conditional recognition of cryptoassets as *māl*. The decisive conditions are that the asset possess rational and lawful benefit, have recognizable economic value, be capable of attribution and control, and not be inherently linked to unlawful activity. Such recognition should not be understood as unconditional approval of every cryptoasset project or every form of trading. It merely establishes that a digital asset can, in principle, enter the domain of property rights and be assessed under ordinary jurisprudential and legal rules concerning ownership, contracts, liability, inheritance, and unlawful appropriation.

3. Cryptoassets as Objects of Ownership and Transfer under Iranian Law

Iranian civil law provides a framework that can accommodate the recognition of cryptoassets as property, even though the Civil Code was enacted long before the emergence of blockchain technology. The legal concept of property is not limited solely to physical things. Civil-law analysis recognizes that rights and interests with economic value may be subject to ownership, transfer, succession, and legal protection. The classification of property as movable or immovable is important because it affects

rules relating to transfer, registration, jurisdiction, security interests, and enforcement. Cryptoassets cannot reasonably be treated as immovable property because they lack a fixed physical location and do not have a permanent connection to land. They are more appropriately considered movable intangible assets whose value may be transferred electronically and attributed to identifiable persons.

Katouzian explains that the legal concept of property is shaped by its economic function and by the ability of the law to allocate benefits and powers to individuals (Katouzian, 2013). This approach is especially useful for cryptoassets. A cryptoasset may not be tangible, but it can be held for investment, exchanged for currency or goods, transferred to another person, inherited by heirs, or used as collateral if legal rules permit. It may also be the subject of loss, damage, fraud, and unjust enrichment. These characteristics support its classification as an economic asset rather than a mere item of information. The fact that a blockchain record exists in a distributed network does not mean that no one can possess legal rights in relation to it. Rather, legal rights may concern the exclusive or preferential entitlement to the value represented by a particular address, token, or account.

Iranian law distinguishes the recognition of a private right from the recognition of official monetary status. A cryptocurrency may not be recognized as legal tender and may not be entitled to compulsory acceptance in the payment of debts, taxes, or public obligations. The authority to issue national money and regulate the monetary system belongs to the state and its competent institutions. The Central Bank's cautious approach to cryptocurrencies indicates that private digital currencies should not be equated automatically with the national currency or treated as unrestricted official means of payment (Central Bank of the Islamic Republic of, 2017). However, the absence of legal-tender status does not prevent a cryptoasset from being owned as a commodity, investment asset, contractual subject matter, or form of private wealth. Foreign currencies, precious metals, commercial instruments, and certain digital rights may have proprietary value without functioning as national legal tender.

The acquisition of ownership over cryptoassets may occur through several legal mechanisms. The most common is purchase through a digital-asset exchange or direct transaction between parties. In such cases, ownership depends on the validity of the underlying agreement, the authority of the transferor, the identification of the asset, the agreement on price or consideration, and the effective transfer of control or entitlement. A purchaser who acquires cryptoassets through a valid contract and receives them in a wallet or account may obtain a proprietary interest, subject to any applicable regulatory restrictions. The use of electronic platforms does not prevent the formation of a valid contract. Iranian law recognizes the importance of consent, intention, capacity, definite subject matter, and lawful purpose. Safaei and Emami explain that contractual validity depends on the satisfaction of substantive legal requirements, regardless of whether the agreement is made through traditional written documents or more modern forms of communication (Safaei & Emami, 2019).

Cryptoassets may also be acquired through mining, staking, validation rewards, airdrops, gifts, inheritance, judicial settlement, or compensation for damages. Each method requires separate legal analysis. Mining may create an original basis for acquisition when a person lawfully participates in the validation process and receives newly issued digital units under the rules of the relevant network. Yet mining activity may be regulated because of its electricity consumption, equipment use, licensing conditions, and economic consequences. Regulatory non-compliance may expose the miner to administrative or criminal consequences, but the precise effect on ownership should be determined according to the governing rules and the nature of the violation. A blanket conclusion that every illegally mined unit is legally incapable of ownership would be too broad. The more appropriate approach is to distinguish between the proprietary existence of the asset and the legal consequences of conducting mining without required authorization.

A gift of cryptoassets may be valid if the donor has ownership and legal capacity, intends to transfer the asset gratuitously, and completes a legally effective form of delivery. Delivery in the digital context may occur by transferring the asset to a wallet controlled by the recipient or by transferring contractual control over a custodial account. The requirements of donation should be adapted to the character of intangible property. Emami notes that the legal effects of ownership and transfer depend upon the realization of the conditions that demonstrate the transferor's authority and the recipient's acquisition of the relevant right (Emami, 2006). In a cryptoasset transaction, the transfer may be evidenced by a blockchain record, an exchange ledger, a written agreement, communications between the parties, or a combination of these materials.

Inheritance is another important area. A cryptoasset held by a deceased person should generally form part of the estate if it has financial value and is lawfully owned. The fact that a wallet is protected by a private key creates practical difficulties, especially where the deceased did not disclose recovery phrases, passwords, account credentials, or custodial arrangements. However, such practical difficulty should not eliminate the heirs' legal rights. The estate may have a claim against custodial exchanges, business partners, wallet providers, or persons who hold relevant access information. Where no technical access can be recovered, the estate may face a loss analogous to the loss of a valuable document or inaccessible account, but the legal characterization of the asset remains relevant for the allocation of rights and liabilities among heirs and third parties.

The transfer of cryptoassets must be analyzed at two levels: the contractual level and the technological level. At the contractual level, the parties agree on the sale, exchange, donation, assignment, or other disposition of the asset. At the technological level, the blockchain transaction or account update implements the transfer by changing the address or account through which the asset can be controlled. These two levels may correspond, but they are not identical. A blockchain transaction may be technologically valid while legally defective if it results from theft, fraud, mistake, lack of capacity, or breach of fiduciary duty. Conversely, a legally valid sale agreement may exist before the actual blockchain transfer occurs. De Filippi and Wright emphasize that code-based execution can facilitate transactions but does not eliminate the need for legal principles concerning consent, mistake, fraud, remedies, and responsibility (De Filippi & Wright, 2018).

Private keys have considerable evidentiary and practical importance, but they should not be treated as conclusive proof of title in all circumstances. Possession of a key may establish a presumption of control, similar to the possession of a physical object or the holding of access credentials to an account. Yet that presumption may be rebutted by evidence that the key was stolen, obtained through deception, held by an agent, or used without authorization. Rezaei argues that ownership of digital assets should be determined by legal entitlement and not merely by technological access (Rezaei, 2021). This distinction is necessary to protect victims of hacking and to prevent the legal system from validating every blockchain transaction solely because it was cryptographically authorized.

A valid cryptoasset transaction requires that the subject matter be sufficiently definite. The parties should identify the type of cryptoasset, quantity, applicable blockchain network, wallet address or custodial account, price or consideration, transaction fees where relevant, and any conditions governing delivery. If the parties agree to transfer "some cryptocurrency" without identifying its kind, amount, or price, uncertainty may undermine enforceability. If they agree to transfer a specified number of units of a known cryptoasset at an agreed price, the subject matter is more definite. The same principle applies to tokens associated with particular rights. A buyer should be informed whether a token represents ownership, a contractual claim, access to a service, voting power, profit participation, or merely a collectible digital item. Mohseni observes that the legal challenges of digital assets become more acute when the contractual rights represented by a token are unclear or inadequately disclosed (Mohseni, 2020).

The lawfulness of purpose is also essential. A contract involving cryptoassets should not be enforced where it is designed to facilitate fraud, money laundering, prohibited financing, sanctions evasion, deceptive investment practices, or other unlawful activities. Likewise, a transaction may be challenged where it is based on misrepresentation, market manipulation, insider misconduct, or the sale of nonexistent tokens. The legal system must protect legitimate private transactions while denying protection to arrangements that violate public order or mandatory legal rules. Asadi's discussion of digital assets in international economic law demonstrates that digital currencies increasingly raise issues concerning sanctions, cross-border regulation, and dispute settlement (Asadi, 2025). These considerations are relevant in Iran because cryptoasset transactions often have international dimensions and may involve foreign platforms, foreign currencies, or parties located outside the jurisdiction.

The legal treatment of exchanges and custodial platforms is particularly important. Where a user deposits cryptoassets with an exchange, the legal relationship may be characterized as custody, agency, deposit, investment management, loan, or a hybrid contractual arrangement, depending on the platform's terms and actual conduct. If the exchange pools customer assets, uses them for its own benefit, or fails to maintain segregation, disputes may arise regarding whether users retain proprietary claims to specific assets or merely hold contractual claims against the platform. Clear contractual terms and regulatory standards are necessary to determine these issues. Khojandi Jezi, Parvin, and Mirzadeh Kouhshahi stress the importance of public-law regulation in addressing the risks created by digital assets, including consumer vulnerability, financial instability, and institutional accountability (Khojandi Jezi et al., 2025).

Overall, Iranian civil-law principles can support the recognition of cryptoassets as movable intangible property capable of ownership and transfer. This recognition should be qualified by legal requirements concerning lawful acquisition, contractual validity, regulatory compliance, consumer protection, public order, and proof. Such an approach avoids two extremes: treating cryptoassets as legally invisible because they are digital, and treating every blockchain transaction as legally unquestionable because it is technologically irreversible. The law should recognize that cryptoassets can be objects of private rights while preserving the authority of the state to regulate financial markets, combat crime, and protect the public.

4. Judicial Protection, Proof, and Remedies in Cryptoasset Disputes

The recognition of cryptoassets as property has limited practical value unless owners can obtain judicial protection when their rights are violated. The growth of cryptoasset markets has created numerous forms of disputes. A person may be deceived into transferring assets to a fraudulent wallet; an exchange may deny a customer access to an account; a hacker may obtain private keys through phishing or malware; a business partner may misappropriate assets held in a joint wallet; an heir may be denied access to the deceased's digital estate; or a seller may receive payment but fail to transfer the promised tokens. In each of these cases, courts must decide whether the claimant has a proprietary claim, a contractual claim, a tort claim, a restitutionary claim, or a claim arising from computer crime. The legal classification affects the burden of proof, available remedies, jurisdiction, limitation periods, and enforcement procedures.

The first challenge concerns proof of ownership. In conventional property disputes, ownership may be established through title documents, possession, registration records, contracts, invoices, witnesses, or other evidence. Cryptoasset disputes require a more complex evidentiary analysis because the blockchain records addresses and transactions but usually does not display the real-world identity of the holder. A blockchain address may show that certain units were transferred from one address to another at a particular time, but it does not itself reveal whether the person controlling the address was the legal owner, an agent, a thief, a custodian, or a person acting under coercion. Therefore, blockchain data should be treated as important technical evidence but not necessarily as complete legal proof of title.

Evidence of ownership may include the original purchase record, exchange-account documentation, payment receipts, bank-transfer records, wallet creation data, transaction histories, electronic communications, private-key custody records, tax declarations, business accounts, agreements with counterparties, and expert reports. Where a claimant alleges theft or unauthorized access, forensic examination may be required to identify whether the wallet was compromised, whether credentials were obtained through phishing, whether malware was used, or whether funds passed through known exchange accounts. De Filippi and Wright explain that blockchain systems can provide traceability through immutable transaction records, although the effectiveness of legal investigation depends on the ability to connect on-chain activity with real-world identities and institutions (De Filippi & Wright, 2018). This is especially significant where stolen assets move through multiple wallet addresses before reaching an exchange or being converted into fiat currency.

Electronic evidence should receive appropriate legal recognition. Digital records, platform logs, email exchanges, text messages, screenshots, cryptographic signatures, and blockchain analytics may all assist in establishing facts. However, courts must assess their authenticity, integrity, relevance, and reliability. Screenshots alone may be easily manipulated and should ordinarily be corroborated by more reliable evidence, such as platform records, certified downloads, device examinations, bank records, or expert analysis. A transaction identifier recorded on a blockchain may be highly reliable as proof that a transfer occurred, but the legal implications of that transfer depend on the surrounding circumstances. Mohseni notes that the absence of detailed legal rules for digital assets can make evidentiary evaluation difficult, particularly where technological data must be interpreted by judges and legal practitioners who may not possess specialized expertise (Mohseni, 2020).

Private-key control is particularly problematic. In a self-custody arrangement, a person who possesses a private key can generally transfer the associated cryptoassets without needing the approval of an intermediary. This provides autonomy but also creates risk. If the private key is lost, the owner may lose practical access permanently. If the key is stolen, the thief may transfer the assets rapidly to other addresses. If the owner shares the key with another person, disputes may arise concerning authority, consent, and beneficial ownership. Courts should avoid presuming that the current key holder is necessarily the lawful owner. Instead, they should apply ordinary legal principles concerning possession, agency, trust, fraud, and unjust

enrichment. Rezaei's analysis supports the view that digital ownership must be determined through legal evidence of entitlement, even where technological control is held by another person (Rezaei, 2021).

Civil remedies should be adapted to the characteristics of cryptoassets. Where stolen or wrongfully transferred assets can be identified and traced, the owner should be able to seek restitution or return of the specific asset. The possibility of restitution is especially strong where the assets remain in an identifiable wallet or custodial account. If the assets have been mixed, exchanged, or transferred to a good-faith third party, the remedy may become more complicated. The court may need to order payment of equivalent value, compensation for damages, or disgorgement of unjust enrichment. The valuation date is also important because cryptoassets may change dramatically in price. A claimant may argue that compensation should reflect the value at the time of judgment, while a defendant may argue for the value at the time of loss. The appropriate solution should depend on the nature of the wrongful conduct, the claimant's actual loss, foreseeability, mitigation, and the purpose of the remedy.

In contractual disputes, the claimant may seek specific performance where a seller has failed to transfer agreed cryptoassets. Specific performance may be suitable where the asset is unique, difficult to obtain, or materially different from a simple monetary payment. This may be particularly relevant for non-fungible tokens, rare tokens, or assets connected to specific rights in a digital ecosystem. In other cases, damages may be the more practical remedy. If a buyer paid for a cryptoasset but the seller never transferred it, the buyer may seek return of the payment, compensation for market loss, or delivery of equivalent units. The availability of these remedies depends on establishing a valid contract, breach, causation, and damages. Safaei and Emami emphasize that contractual obligations are enforceable where the parties have validly expressed consent and the subject matter and legal consequences of the agreement are sufficiently clear (Safaei & Emami, 2019).

Interim measures are essential because cryptoassets can be transferred almost instantly across borders. If a claimant waits until the conclusion of lengthy litigation, the assets may disappear through multiple wallets, decentralized exchanges, privacy tools, or foreign platforms. Courts should therefore be able to issue preservation orders, asset-freezing measures, orders directed to domestic exchanges, and evidence-preservation orders where there is a credible risk of dissipation. Such measures must be implemented with due regard for procedural fairness, the rights of third parties, and the risk of mistakenly freezing legitimate assets. The existence of a blockchain record may assist the claimant in identifying relevant wallet addresses, but coordination with exchanges and financial institutions may be necessary to prevent further transfers.

Criminal law may also provide protection where cryptoassets are obtained through deception, unauthorized access, unlawful interception of data, identity theft, extortion, or fraudulent schemes. Hacking, phishing, fake investment platforms, ransomware, and unauthorized wallet transfers may fall within the general principles governing computer crimes, fraud, theft-like appropriation, and unlawful access. The technical novelty of cryptoassets should not create a legal vacuum in which serious misconduct becomes immune from criminal accountability. At the same time, criminal liability requires proof of the relevant mental element and unlawful conduct. A market loss arising from ordinary investment risk should not be treated as fraud merely because the asset declined in value. The legal system must distinguish fraudulent misrepresentation from commercial disappointment and distinguish unauthorized appropriation from a genuine contractual dispute.

Digital violence and online misconduct may also affect cryptoasset holders where social networks, messaging platforms, and online communities are used to threaten, deceive, defame, blackmail, or manipulate victims. Sayah Alborzi's analysis of legal responses to digital violence highlights the broader need for legal mechanisms capable of addressing harms committed through online communication systems (Sayah Alborzi, 2025). In the cryptoasset context, this concern is relevant to phishing campaigns, investment scams, extortion involving private data, impersonation of exchanges, and coordinated manipulation of users through social-media platforms. Effective protection requires attention not only to the final transfer of assets but also to the digital conduct that induces or enables the transfer.

Jurisdiction presents another major obstacle. A cryptoasset may be held by a person in Iran, stored through a wallet application developed abroad, traded on an exchange registered in another country, and transferred across a decentralized network maintained by nodes worldwide. The location of the asset is therefore difficult to define. Traditional jurisdictional concepts based on the physical location of property may be inadequate. Courts may need to consider the domicile of the claimant or defendant, the location of the exchange or custodian, the place where the harmful act occurred, the location of the relevant bank account, the governing law chosen by the parties, and the place where the economic injury was suffered. Akbari

identifies jurisdictional conflicts as a central issue in disputes involving digital assets, particularly where cryptocurrencies and tokens are connected to foreign investment and cross-border transactions (Akbari, 2025). Iranian legal development in this area should provide clearer criteria for identifying competent courts and applicable law.

Foreign platforms create additional enforcement difficulties. Even when an Iranian court recognizes a claimant's right, it may be difficult to obtain compliance from an exchange or custodian located abroad. International cooperation, contractual choice-of-forum clauses, platform terms of service, and the availability of domestic intermediaries may all affect the practical outcome. Where assets are held on a domestic exchange, judicial orders may be implemented more effectively. This supports the development of clear standards for domestic service providers, including customer identification, segregation of customer assets, record retention, reporting obligations, cybersecurity duties, complaint mechanisms, and cooperation with lawful court orders.

Iranian courts will increasingly require technological expertise. Judges should not be expected to become blockchain engineers, but they should understand basic concepts such as public and private keys, wallet addresses, transaction hashes, blockchain confirmations, custodial and non-custodial storage, token standards, and the distinction between on-chain and off-chain records. Courts should have access to qualified experts capable of tracing transactions, assessing whether a wallet is connected to a particular platform, evaluating the reliability of evidence, and estimating the value of assets. Naserian and Farmanesh underline that recognizing digital assets within the legal system requires doctrinal adaptation as well as institutional capacity to apply legal principles to technological realities (Naserian & Farmanesh, 2026).

A coherent system of judicial protection should therefore contain several elements: recognition of cryptoassets as protectable intangible property; evidentiary rules for blockchain data and electronic records; civil remedies for restitution, damages, and specific performance; criminal responses to hacking and fraud; interim protective measures; specialized expertise; and clear rules for exchanges and custodial service providers. Such a system would protect legitimate owners without disregarding regulatory concerns. It would also reduce uncertainty for courts, investors, businesses, heirs, and service providers who need to know whether digital wealth can receive the same basic legal protection afforded to other valuable assets.

5. Conclusion

Cryptoassets have become an important form of digital wealth and can no longer be regarded as legally insignificant merely because they lack physical form. Their use in investment, exchange, online services, tokenized rights, virtual environments, and cross-border transactions has created an urgent need for a coherent legal analysis of ownership. The central conclusion of this article is that cryptoassets may, in principle, be recognized as property in Imami jurisprudence and Iranian law when they possess rational and lawful benefit, identifiable economic value, social acceptance, and the capacity to be attributed to and controlled by particular persons.

The concept of property should not be confined to tangible objects. Modern economic life includes numerous intangible assets that are capable of ownership, transfer, inheritance, valuation, and judicial protection. Cryptoassets share these essential characteristics. They may be allocated to specific users, exchanged for value, transferred through technical systems, and used for lawful economic purposes. Their digital nature creates new evidentiary and enforcement challenges, but it does not eliminate their proprietary character.

Recognition of cryptoassets as property should remain distinct from recognition of cryptocurrencies as official legal tender. The state may retain full authority to regulate currency, financial markets, mining, exchanges, taxation, consumer protection, and anti-money-laundering obligations. Restrictions on the use of cryptoassets within the monetary system do not necessarily mean that legitimate holders have no property rights in them. A balanced legal approach should preserve regulatory authority while protecting private rights arising from lawful ownership and transactions.

The jurisprudential analysis shows that concerns about uncertainty, speculation, illegitimate use, and price volatility should not result in an absolute rejection of all cryptoassets. These concerns are relevant to the validity and lawfulness of particular transactions. A transaction involving deception, gambling-like speculation, unlawful purpose, indeterminate subject matter, or fraudulent conduct may be invalid or subject to legal sanction. However, a clearly identified cryptoasset with recognized value may be the object of a lawful transaction where the parties have capacity, consent, knowledge of the subject matter, and a lawful purpose.

Iranian civil-law principles are capable of supporting the classification of cryptoassets as movable intangible property. Such a classification permits the application of general rules concerning ownership, contracts, gifts, inheritance, agency, restitution, liability, and damages. It also permits courts to distinguish between legal ownership and mere technical control. Possession of a private key may create strong practical evidence of control, but it should not be treated as conclusive proof of ownership. A person who obtained access through theft, fraud, coercion, or breach of trust should not acquire lawful title merely because the blockchain recognizes a transaction as technically valid.

The transfer of cryptoassets should be understood as involving both a legal agreement and a technical act. A blockchain transaction may implement a transfer, but the legal validity of that transfer depends on the parties' consent, authority, contractual capacity, and compliance with legal requirements. Courts should therefore be able to examine the surrounding circumstances of a transaction and provide remedies where an asset has been transferred without lawful authorization. The technical irreversibility of many blockchain transactions should not prevent legal recognition of restitution, compensation, or responsibility.

Judicial protection is essential for the meaningful recognition of cryptoasset ownership. Courts should be able to receive blockchain records, exchange data, digital communications, expert reports, and other electronic evidence. They should also be able to issue preservation orders where there is a serious risk that assets will be rapidly transferred or concealed. Civil remedies should include restitution of identifiable assets, delivery of equivalent value where restitution is impossible, damages for unlawful loss, and specific performance where appropriate. Criminal protection should address hacking, phishing, fraudulent platforms, unauthorized access, identity theft, extortion, and other digital conduct used to misappropriate cryptoassets.

The greatest practical difficulties will arise in relation to anonymity, cross-border transactions, foreign exchanges, lost private keys, valuation, and enforcement. These issues require legislative clarification and institutional preparation. Iran would benefit from legal rules that expressly recognize cryptoassets as intangible movable property, establish procedures for the seizure and preservation of digital assets, regulate custodial providers and exchanges, define standards for electronic and blockchain evidence, and provide guidance on inheritance and insolvency. Judicial training and access to qualified technical experts are equally necessary.

A sound legal framework should neither romanticize cryptoassets as inherently transformative nor dismiss them as incapable of legal recognition. It should treat them as technologically novel but legally assessable assets. By relying on the principles of lawful benefit, economic value, contractual validity, property protection, and public order, Iranian law can develop a framework that supports innovation while safeguarding owners, consumers, creditors, heirs, and the wider public.

Ethical Considerations

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

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Conflict of Interest

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