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A COMPARATIVE STUDY OF THE RECOGNITION AND DIVISION OF VIRTUAL PROPERTY AS JOINT MARITAL PROPERTY IN CHINA AND UZBEKISTAN

KHUDAYBERGANOV ELYORBEK
Chengdu University of Technology
E-mail: roybei660@gmail.com
ORCID: 0009-0009-0291-2007
Scientific ID: MXR-0826-0179
Scientific Supervisors: **Li Haimei, Zhao Yao**
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Abstract: The rapid digitalization of economic and social relations has generated forms of wealth that exist predominantly or exclusively in digital environments. Online accounts, digital commercial assets, game-related items, platform-based economic interests, and crypto-assets may possess substantial economic value and, consequently, may become relevant to matrimonial-property disputes. The central legal difficulty is that traditional rules governing marital property were primarily formulated for tangible assets and conventional property rights, whereas digital assets may combine economic value, contractual rights, personal interests, and technologically mediated control. This article examines the recognition and division of virtual property as joint marital property in China and Uzbekistan through a comparative analysis of statutory provisions and recent legal scholarship. The study focuses particularly on Article 127 and Article 1062 of the Civil Code of the People's Republic of China and Articles 23–28 of the Family Code and Article 81 of the Civil Code of the Republic of Uzbekistan. The analysis demonstrates that Chinese law provides an express statutory point of reference for the legal protection of online virtual property, whereas Uzbek law approaches the issue primarily through general rules governing property acquired during marriage and the broad category of civil-law objects. The study further establishes that the principal legal difficulties in both jurisdictions concern the classification of digital assets, determination of their marital character, proof of acquisition and control, valuation, and the selection of an appropriate method of division. On the basis of the comparative analysis, the article proposes a structured five-stage framework for judicial assessment of virtual property in matrimonial disputes and identifies directions for developing Uzbek legislation and judicial practice.
Keywords: virtual property, digital assets, crypto-assets, matrimonial property, joint marital property, divorce, China, Uzbekistan, digital evidence, property division.

1. INTRODUCTION

The digital transformation of economic relations has altered the traditional understanding of property. Economic value is increasingly embodied not only in physical objects, money, securities, and conventional claims, but also in digital assets existing within online platforms and technologically mediated environments. The expansion of digital commerce, online gaming, social-media monetization, platform economies, and blockchain-based transactions has consequently created new legal questions concerning the ownership, transfer, valuation, inheritance, and division of digital assets.

The problem becomes particularly complex in matrimonial-property disputes. In a conventional property dispute, the identification of the asset, its owner, acquisition date, acquisition price, and current value may often be established through contracts, registration records, bank

documents, or other traditional evidence. Digital assets may present a substantially different evidentiary structure. A platform account may be formally registered in one spouse's name while the economic value associated with the account was generated through the activities or financial resources of both spouses. Similarly, a crypto-asset may be controlled through a digital wallet or private key without appearing in a conventional property register.

Chinese legal scholarship has increasingly addressed precisely this problem. Xia Jianghao's 2024 study specifically examines the division of virtual property upon divorce and identifies operating-type virtual property, social-type virtual property, and object-type virtual property as important categories. The study also considers the relationship between property rights, marital cooperation, privacy protection, social trust, valuation, and the practical division of digital assets. [1, pp. 174–186]

Earlier Chinese scholarship likewise demonstrates that the concept of virtual property is legally heterogeneous. Lee Jeongpyo notes that Chinese legal theory has considered virtual property from the perspectives of property rights, claims, intellectual-property interests, and data assets. The study also identifies judicial treatment of game equipment, games, online accounts, and other online assets as evidence of the practical significance of the concept. [2, pp. 105–128]

The Chinese Civil Code provides an important statutory basis for this development. Article 127 expressly refers to the protection of data and online virtual property, while Article 1062 establishes categories of property acquired during marriage that are subject to the marital-property regime. [3] The combination of these provisions is particularly relevant to the question of whether a legally protected digital asset acquired during marriage may also constitute joint marital property.

The Uzbek legal framework approaches the issue differently. Article 23 of the Family Code establishes the general rule that property acquired by spouses during marriage constitutes their common joint property unless otherwise provided by law or a marriage contract. The provision covers income from employment, entrepreneurial and intellectual activity and extends to other property acquired during marriage. [4] Article 24 further establishes equal rights of spouses to possess, use, and dispose of common property, while Article 28 provides a general rule of equal shares when common property is divided, subject to statutory exceptions. [4]

The Civil Code of Uzbekistan also provides an important conceptual basis. Article 81 identifies civil-law objects as including things, property, property rights, works and services, intellectual-activity results, personal non-property rights, and other tangible and intangible benefits. [5] This broad formulation is potentially significant for digital assets because it does not restrict civil-law objects exclusively to physical things.

The issue has recently received direct attention in Uzbek scholarship. Kamalkhodjaeva's 2026 study concludes that crypto-assets acquired during marriage may fall within the open-ended matrimonial-property framework and identifies three major regulatory difficulties: spousal consent in relation to irreversible blockchain transactions, valuation of volatile digital assets, and the evidentiary status of blockchain data in civil proceedings. [6, pp. 60–73]

However, the existence of a general legal basis should not be equated with the existence of a complete regulatory mechanism. The principal research problem is therefore not simply whether virtual property can theoretically constitute marital property, but under what legal conditions, through what evidence, according to what valuation methodology, and by which mechanism it should be divided between spouses.

The purpose of this study is to conduct a comparative legal analysis of the recognition and division of virtual property as joint marital property in China and Uzbekistan and, on that basis, formulate a structured approach applicable to Uzbek legal doctrine and judicial practice.

The study addresses the following research questions:

1. What legal characteristics distinguish virtual property capable of being treated as marital property?
2. How does Chinese legislation reconcile the recognition of online virtual property with the matrimonial-property regime?
3. To what extent can Uzbekistan's existing property and family-law provisions accommodate digital assets?
4. What evidentiary and valuation problems arise when virtual property is divided upon divorce?
5. What regulatory and doctrinal mechanisms could improve legal certainty in Uzbekistan?

2. MATERIALS AND METHODS

The research employs a formal-legal, comparative-legal, systemic-structural, doctrinal, and analytical approach.The formal-legal method is applied to the relevant provisions of the Civil Code of the People's Republic of China, the Family Code of the Republic of Uzbekistan, and the Civil Code of the Republic of Uzbekistan. Particular attention is given to the relationship between statutory definitions of property and the matrimonial-property regime.The comparative-legal method is used to identify similarities and differences between Chinese and Uzbek approaches in five areas: legal recognition, classification, acquisition, proof, and division of virtual property.

The doctrinal component of the research is based on recent academic literature dealing directly with virtual property and matrimonial property. The analysis includes Xia Jianghao's study of virtual-property division in Chinese divorce law [1], Lee Jeongpyo's study of online virtual property under Chinese civil law [2], and Kamalkhodjaeva's recent analysis of crypto-assets and joint matrimonial property under Uzbek law [6]. The study also incorporates comparative scholarship addressing digital assets and marital-property regimes more broadly. Majer's 2026 study, for example, examines whether existing matrimonial-property rules can accommodate digital assets and identifies management, proof, valuation, and division as central legal problems. [7, pp. 181–201]

The analytical method is used to distinguish four legally different questions that are often conflated in digital-property disputes:

- existence of the digital asset;
- control over the digital asset;
- economic entitlement to the asset;
- matrimonial character of the economic entitlement.

This distinction is essential. Technical control over an account or wallet does not necessarily answer the separate legal question of whether the economic value represented by that account or wallet forms part of the spouses' common property.The research is doctrinal rather than empirical. It does not claim that every court in China or Uzbekistan follows a uniform approach. Instead, it evaluates the normative capacity of the reviewed legal frameworks and identifies areas where statutory rules remain insufficiently specific.

3. RESULTS

3.1. Virtual Property as a Legally Heterogeneous Category

A fundamental finding of the study is that “virtual property” should not be treated as a single, uniform legal object.

The term may encompass assets or interests with materially different legal characteristics, including:

- online commercial accounts;
- monetized social-media accounts;

- game accounts and game items;
- digital content;
- domain-related economic interests;
- platform-based commercial interests;
- crypto-assets and other blockchain-based assets.

Chinese scholarship confirms this heterogeneity. Lee identifies several competing legal classifications of virtual property, including property rights, claims, intellectual-property interests, and data-related assets. [2, pp. 105–128] Xia similarly differentiates virtual property according to its function and legal characteristics, distinguishing operating, social, and object-oriented forms. [1, pp. 174–186]

This classification is directly relevant to matrimonial property because the legal mechanism appropriate for one category may be unsuitable for another.For example, a crypto-asset may be capable of transfer between wallets, while a social-media account may be inseparably connected to the identity and personal information of its holder. An online store may combine an economic business interest with customer relationships and platform-based contractual rights. Consequently, the legal question should not be framed simply as whether “the account” is marital property.

The more precise question is:

What legally protected economic interest exists in connection with the digital asset, who holds that interest, when was it acquired, and to what extent was it generated or acquired through marital resources or joint contribution?This approach avoids equating technical account ownership with matrimonial ownership.

3.2. Chinese Law: Recognition of Online Virtual Property

China represents an important model because the Civil Code expressly refers to online virtual property.Article 127 of the Civil Code establishes legal protection concerning data and online virtual property where relevant legal provisions apply. [3] The provision is significant because it demonstrates legislative recognition that digital or virtual interests can constitute legally relevant objects of protection.At the same time, Article 127 should not be interpreted as establishing an exhaustive legal regime for all digital assets. It does not itself specify a comprehensive definition of virtual property, valuation methodology, or matrimonial division procedure. The legal status of a particular digital asset must therefore be determined by reference to its nature and the relevant legal rules.Article 1062 provides the second component of the analysis. It identifies property acquired during marriage within specified categories as jointly owned by spouses. [3] Accordingly, the Chinese legal framework may be understood as consisting of two connected but distinct levels:

Level 1 — Legal recognition**:** the digital interest may receive legal protection as online virtual property.

Level 2 — Matrimonial characterization: the economic interest may constitute joint marital property if it falls within the statutory matrimonial-property regime.

This distinction is important because recognition as virtual property does not automatically establish joint marital ownership.For example, an online account acquired before marriage may possess legal protection as a digital asset but remain separate property. Conversely, a digital commercial interest acquired during marriage through marital resources may potentially enter the community-property regime even if the platform account is registered solely in one spouse's name.Chinese scholarship therefore supports a fact-sensitive approach rather than an automatic equation between digital status and matrimonial status. Xia's analysis specifically emphasizes marital cooperation and the particular characteristics of different forms of virtual property when considering division upon divorce. [1, pp. 174–186]

3.3. Uzbekistan: General Property Rules and Digital Assets

The Uzbek approach is structurally different.

Article 23 of the Family Code provides that property acquired by spouses during marriage is common joint property unless otherwise established by law or a marriage contract. It expressly encompasses income from employment, entrepreneurship, intellectual activity, pensions, benefits, other payments, and other property acquired during marriage. [4]Article 24 establishes equal rights of spouses to possess, use, and dispose of common property. [4] Article 28 establishes equality of shares as the general principle when common property is divided, while permitting statutory exceptions in specified circumstances. [4]The Civil Code complements this framework. Article 81 defines civil-law objects broadly and expressly includes property rights and other tangible and intangible benefits. [5]

These provisions provide a doctrinal basis for addressing at least some digital assets under existing law. Nevertheless, caution is required. The statutory breadth of Article 81 does not mean that every digital object automatically constitutes property capable of division. The legal analysis must first determine whether the relevant digital interest constitutes a legally recognized economic interest and whether it is transferable or otherwise capable of valuation.The distinction is particularly important for accounts containing personal information. An account may have commercial value without the entire account—including personal communications and identity-related information—being capable of being treated as a divisible marital asset.The most defensible approach under the current Uzbek framework is therefore to identify the economic right or property interest embedded in the digital arrangement rather than mechanically treating the entire digital account as an item of comon property.

3.4. The Temporal and Economic Connection with Marriage

The central matrimonial-property question in both jurisdictions is the relationship between the asset and the marriage.

Three factors are especially important:

First, acquisition date.

An asset acquired before marriage generally raises a different legal question from an asset acquired during marriage.

Second, source of acquisition.

The fact that a digital asset was acquired during marriage does not eliminate the need to examine statutory exceptions or contractual arrangements.

Third, contribution.

The contribution may be financial, entrepreneurial, technological, organizational, or otherwise legally relevant depending on the applicable legal framework.

In Uzbekistan, Article 23 expressly includes income derived from labor, entrepreneurship, and intellectual activity within the common-property regime. [4] This is particularly relevant to digital businesses because an online enterprise may generate income through one spouse's technical activity while relying upon common household resources and the other spouse's contribution.Therefore, a purely formal approach based on account registration would be inadequate. The proper analysis should examine the economic origin of the asset and the circumstances under which its value was created.

3.5. Economic Value and Personality Interests

Digital assets frequently combine economic and personal dimensions.

A social-media account may contain:

- monetizable content;
- advertising revenue;
- commercial relationships;
- personal correspondence;
- photographs;
- identifying information.

An online store may contain:

- customer relationships;
- commercial goodwill;
- contractual rights;
- transaction histories;
- personal data.

Consequently, division of the digital asset cannot always be equated with physical division.

Xia's analysis emphasizes the relevance of privacy, personality interests, social trust, and the specific nature of virtual property when determining how digital assets should be divided after divorce. [1, pp. 174–186]

This suggests an important legal distinction:

the economic component may be divisible even where the personal component is not.For example, if a monetized account has measurable economic value but contains inseparable personal information, the court may need to determine the economic value attributable to the marital-property regime rather than order unrestricted transfer of the entire account.

3.6. Valuation of Virtual Property

Valuation represents one of the most significant unresolved questions.

The difficulty is particularly pronounced where the asset does not have a stable market price. Digital assets may fluctuate in value, derive value from user engagement, or depend on platform-specific conditions.Majer's comparative study identifies valuation, management, proof, and division as central challenges in applying traditional matrimonial-property rules to digital assets. [7, pp. 181–201]

Kamalkhodjaeva similarly identifies the absence of sufficiently developed valuation rules for volatile crypto-assets in Uzbekistan as a major legal gap. [6, pp. 60–73]

For judicial purposes, valuation should therefore answer four questions:

1. What is the asset?
2. What was its economic value at the legally relevant date?
3. What proportion of that value belongs to the matrimonial property regime?
4. How should the value be converted into an amount payable to the other spouse?

The relevant valuation date must also be determined consistently. In volatile markets, valuation at different dates may produce substantially different results. A predictable legal framework should therefore establish either a statutory valuation date or a judicial methodology for determining the appropriate date.

3.7. Digital Evidence and Proof

Digital matrimonial-property disputes require a broader evidentiary framework than traditional property disputes.

The court may need evidence concerning:

- account ownership;
- account control;

- transaction history;
- acquisition date;
- source of funds;
- blockchain transactions;
- platform records;
- payment records;
- market value;
- transfer restrictions.

These evidentiary questions should be analytically separated.

Question	Evidence potentially relevant
Does the asset exist?	Platform records, blockchain records, account information
Who controls it?	Account credentials, wallet records, platform registration
When was it acquired?	Transaction history, payment records, blockchain timstamp
What was its source?	Bank statements, payment records, employment/business income
What is its value?	Market data, transaction history, expert valuation
Is it transferable?	Platform terms, technical restrictions, applicable law

Kamalkhodjaeva identifies the evidentiary status of blockchain data as one of the unresolved issues in the Uzbek matrimonial-property context. [6, pp. 60–73]

A blockchain record may establish that a transaction occurred, but it may not by itself establish whether the funds used were marital or separate property. Similarly, a bank statement may establish the source of funds but not necessarily prove current ownership or control of a digital wallet.

The evidentiary model should therefore be cumulative rather than source-exclusive.

4. DISCUSSION

4.1. Comparative Legal Findings

The comparative analysis produces the following principal distinctions:

Legal issue	China	Uzbekistan
Express reference to online virtual property	Civil Code Art. 127	No equivalent express provision identified
Matrimonial-property foundation	Civil Code Art. 1062 and related provisions	Family Code Art. 23
General concept of civil-law objects	Civil Code framework	Civil Code Art. 81
Equal rights in common property	Provided by matrimonial-property rules	Family Code Art. 24
General equality of shares	Provided subject to applicable rules	Family Code Art. 28
Specialized matrimonial regime for all virtual assets	Not established as a comprehensive regime	Not established as a comprehensive regime
Detailed universal valuation rules	Not identified in reviewed provisions	Not identified in reviewed provisions
Specific comprehensive evidentiary regime for digital matrimonial assets	Not identified	Not identified

The comparison reveals that the two systems are not fundamentally opposed. Both possess general legal mechanisms through which economically valuable digital interests may potentially enter matrimonial-property analysis.

The principal difference lies in legislative explicitness. Chinese legislation contains an express reference to online virtual property, whereas Uzbek law reaches digital assets principally through general concepts of property, property rights, and common marital property.

4.2. Proposed Legal Test for Virtual Property in Matrimonial Disputes

On the basis of the comparative analysis, the following five-stage test is proposed.

Stage 1. Identification of the Digital Asset

The court should identify precisely what is being claimed: a crypto-asset, an online commercial interest, a monetized account, a game asset, digital content, or another economic interest.

Stage 2. Determination of Legal Character

The court should determine whether the relevant object constitutes property, a property right, a contractual claim, an intellectual-property interest, or another legally protected economic interest.

Stage 3. Determination of Matrimonial Connection

The court should establish when and how the interest was acquired and whether it arose through marital income, common funds, joint economic activity, or another legally relevant basis.

Stage 4. Exclusion of Separate Property

The court should determine whether the asset falls within a statutory or contractual category of separate property.

Stage 5. Valuation and Division

Only after the preceding questions have been answered should the court determine the value attributable to the matrimonial-property regime and select the appropriate method of division.

This sequence prevents a common analytical error: beginning with valuation before establishing what legal interest is actually being valued.

4.3. Appropriate Methods of Division

Three principal methods may be distinguished.

4.3.1. Direct Division

Direct division may be appropriate where the digital asset is technically divisible and transferable without destroying its economic function.

4.3.2. Allocation to One Spouse with Monetary Compensation

This method may be preferable where the asset has an indivisible operational or personal structure. One spouse retains control of the asset while compensating the other spouse for the corresponding economic share.

This approach may be particularly relevant to online stores, monetized accounts, and other digital businesses.

4.3.3. Sale and Distribution of Proceeds

Where legally and technically permissible, the asset may be transferred or sold and the resulting proceeds divided according to the applicable matrimonial-property rules.

This method is less suitable where platform rules prohibit transfer or where the asset contains inseparable personality interests.

4.4. Platform Rules and Matrimonial Rights

Digital-property disputes may involve three different legal relationships:

1. spouse–spouse relationship;
2. spouse–platform relationship;

3.platform–account relationship.
These relationships should not be conflated.
A court may determine that a spouse has an economic interest in the value generated by an account even though the platform recognizes only one individual as the account holder.
Therefore:
Technical control over a digital account and matrimonial entitlement to its economic value are legally distinct questions.This distinction is especially important where platform terms restrict assignment or transfer.
4.5. Proposed Directions for Uzbek Legal Development
The comparative analysis supports several possible directions for future Uzbek legislation and judicial practice.
First, legislation could clarify the treatment of digital assets within the general matrimonial-property regime.
Second, judicial guidance could establish criteria for distinguishing the economic component of a digital account from personal and privacy-related components.
Third, procedural rules could provide clearer standards concerning blockchain records, platform records, digital-wallet information, and electronic transaction histories.
Fourth, valuation standards should be developed for highly volatile digital assets.
Fifth, courts should be provided with mechanisms for obtaining relevant information from digital platforms while protecting personal data and confidential information.
These proposals do not require the creation of an entirely separate family-law regime for every form of digital asset. A technologically neutral framework based on existing matrimonial-property principles may be more adaptable, provided that legislation and judicial practice clarify the specific evidentiary and valuation problems created by digitalization.

5. CONCLUSION

The development of digital economies has transformed the factual environment in which matrimonial-property rules operate. Virtual property can possess substantial economic value, yet its legal characteristics differ considerably from those of traditional tangible property.
The comparative analysis of China and Uzbekistan demonstrates that both jurisdictions possess legal principles capable of addressing at least certain forms of virtual property within matrimonial-property disputes. China's Civil Code provides an explicit statutory reference to online virtual property through Article 127, while Article 1062 provides the principal matrimonial-property framework for property acquired during marriage. [3] Uzbekistan does not contain an equivalent express provision specifically devoted to online virtual property, but Articles 23–28 of the Family Code, together with Article 81 of the Civil Code, provide a sufficiently broad legal framework for examining economically valuable digital interests. [4; 5]
The principal conclusion is that the legal classification of a digital asset should not depend solely upon the technical form of the asset or the name under which an account is registered. The decisive inquiry should concern the nature of the underlying economic interest, the time and circumstances of its acquisition, its relationship to marital resources, and the existence or absence of separate-property grounds.
The research also demonstrates that four issues require particular attention: classification, proof, valuation, and division. These problems are interrelated. A court cannot reliably value an asset without first identifying the relevant economic interest; it cannot determine the matrimonial share without establishing the source and timing of acquisition; and it cannot order an appropriate form of division without considering the asset's technical, contractual, and personal characteristics.

The Chinese experience demonstrates the importance of expressly recognizing digital assets within the legal system, while the Uzbek framework demonstrates the potential adaptability of general property concepts. Recent Uzbek scholarship further confirms that crypto-assets raise specific questions concerning spousal consent, valuation, and digital evidence. [6, pp. 60–73]

Accordingly, the most appropriate future development is not necessarily the creation of an entirely separate legal regime for every category of virtual property. A more sustainable approach would combine the existing principle of common marital property with clearer rules concerning digital-property identification, evidentiary standards, valuation, and division.

The proposed five-stage legal test—identification, legal characterization, matrimonial connection, exclusion of separate property, and valuation/division—may provide a useful doctrinal framework for courts and legislators. Its practical value lies in separating questions that are frequently merged in digital-property disputes.

For Uzbekistan, the development of such an approach would strengthen legal certainty without undermining the existing principles of equality of spouses and common ownership of property acquired during marriage. It would also allow family law to respond to technological developments while preserving the fundamental legal distinction between economic value, personal identity, contractual control, and matrimonial entitlement.

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