

Discussion on Legal Issues of Network Virtual Property from the Perspective of Inheritance Law

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Abstract: In the Internet era, many types of network virtual property have emerged. However, China's "Inheritance Law" can not clearly stipulate the inheritance content of network virtual property, resulting in many inheritance problems of network virtual property. In this regard, according to the connotation and characteristics of network virtual property, this paper analyzes the legal inheritance value of network virtual property from the perspective of inheritance law from the dimensions of social value, spiritual value, practical value, demand value and economic value of network virtual property, and discusses the legal practice of network virtual property from the perspective of inheritance law from the dimensions of lack of legislation of network virtual property in the system of inheritance law and difficulty in evaluation of network virtual property, It also puts forward the legal practice path of network virtual property from the perspective of inheritance law.

1. Introduction

Network virtual property is a new form of property generated under the integration of information technology and network technology. It relies on cyberspace and measures the overall situation of individual assets in the form of property. Network virtual property contains its own unique property inheritance value, including economic value, spiritual value and social development value, which determines the inheritance rights and interests of network virtual property. It is a part of individual private property. It should be included in the inheritance law to protect, distribute and inherit network virtual property from the perspective of laws and regulations. However, from the current inheritance law of our country, there is no clear definition of network virtual property, which leads to the problem of diversity in the inheritance of network virtual property. Therefore, from the perspective of the inheritance law, we should explore the boundaries and values of laws and regulations of network virtual property, clarify the unique inheritance value of network virtual property, and improve the system of laws and regulations of the inheritance law, so as to promote the good and scientific inheritance of individual network virtual property, and highlight the responsibilities and obligations of laws and regulations to protect network virtual property.

2. Overview of Network Virtual Property

Defining the concept of "property" from the legal level is changing with the development and

change of the times, and expanding information with the development of the times, covering virtual property and physical property. Especially in the Internet era, the generation of network virtual property has become the main content of property protection and inheritance in China's inheritance law. Network virtual property is a form of property existing in the network platform, covering a wide range, including qq COINS, game coins, wechat assets, Alipay assets, etc. it is a part of individual property as a whole and has certain inheritance benefits ^[1]. It should be included in the inheritance law, and its status in the individual property system should be clarified through laws and regulations, so as to realize a good inheritance mode of network virtual property. From the perspective of inheritance law, network virtual property presents its own unique development characteristics. A clear understanding of the characteristics of network virtual property can be better incorporated into the system of inheritance law to realize the targeted protection of individual owned property.

First, the virtual and dependent characteristics of network virtual property. Most of the traditional property can be seen and touched, including intangible assets and tangible assets, which are attached to a certain space and things, and can be perceived by people using their limbs and senses. The most prominent feature of network virtual property is virtuality, which can not be touched and perceived by limbs. In the application of network virtual property, it needs to be implemented with the help of network platform. If separated from the network platform, the network virtual property can not be controlled, which will make the network virtual property lose its unique value. In the network virtual property, its virtual characteristics and attachment characteristics are integrated. They promote each other, highlighting the particularity of the network virtual property ^[2].

The second is the material and independent characteristics of network virtual property. Some scholars believe that network virtual property relies on cyberspace and platform and does not have materiality. The author believes that network virtual property has its own unique material and independent characteristics. It depends on the network platform and occupies a certain network space and resources. It is a continuation mode of physical space information. For example, most of the network virtual property is presented in the form of words and pictures, which occupy the resources of cyberspace, and these information exist in cyberspace in an independent form.

Third, the value turbulence characteristics of network virtual property. Network virtual property exists in the network platform, and its property value will change due to the influence of multiple elements. For example, once there are problems such as network security risks, some originally valuable network virtual properties will lose their original value in an instant.

Fourth, the scope of network virtual property is uncertain. Network virtual property is presented in the network platform in the form of pictures and words, which can be presented and used in multiple carriers. At the same time, with the rapid development of information technology, the carrier of network virtual property is also expanding, highlighting its unique application and practical value.

3. Legal Inheritance Value of Network Virtual Property from the Perspective of Inheritance Law

3.1 Economic Value of Network Virtual Property

Work virtual property has been popularized and applied in the Internet era. For example, network users use network virtual property to operate their own online stores and invest a large amount of network virtual property in them. At the same time, the use of virtual goods and equipment also corresponds to the economic circulation of the network. Although the network virtual property has a certain virtuality, it has a certain economic value in social development. The network virtual property can be used for corresponding trading, so as to improve the value of individual wealth.

From the perspective of inheritance law, in the process of using network virtual property, the purchased goods and goods have certain inheritance value. For example, the equipment purchased by game players in online games, once purchased, belongs to individual private property, which can be inherited and transferred, and shows its unique economic value in social and economic development. At the same time, in the network era, the application of network virtual property also enhances the achievements of social and economic development ^[3]. For example, the use of network virtual property for online shopping can realize the circulation of economic values, enhance the level of the national economy, and reflect the practical significance of network virtual property in the control and application of individual property.

3.2 Spiritual Value of Network Virtual Property

In the Internet era, network users integrate into a software platform through the form of registered account, carry out their own social and entertainment activities relying on the software platform, upload photos and share individual mood information on the platform, and form a certain emotion for the network account over time. It can be said that only individuals should record their own good life. Both network platform and space can help them realize it, so that individuals can review this information regularly. In this process, the network virtual property in the network platform is also popular. For example, wechat can not only socialize, entertain and share feelings, but also circulate online virtual property. Through people's use of the network platform, people are used to the use of network virtual property, and give people spiritual support based on the amount of network virtual property in the platform. At present, with the development of network technology, the application of network virtual property has become the main trend. People are good at using network virtual property to pay, so as to obtain their own products and goods. From the perspective of the inheritance law, the information provided by the network platform and the network virtual property give individual spiritual support, highlighting the spiritual pleasure value of the network virtual property.

3.3 Social Value of Network Virtual Property

Network virtual property exists in cyberspace and platform. With the application function of network technology, the circulation of network virtual property is carried out to meet the needs of individual social life. At present, network virtual property can replace the previous property value, carry out the circulation of goods and meet the needs of people's daily life. For example, people use online virtual property for online shopping, such as buying clothes and dishes they need to meet the shopping requirements of people's daily life, so as to highlight the social value of online virtual property. From the perspective of the inheritance law, the social value of network virtual property highlights the value of its practice and integration in the inheritance law. Therefore, we should integrate network virtual property into the inheritance law, protect network virtual property with the dimension of the inheritance law, enhance the legitimate protection rights and interests of network virtual property itself, and enhance people's awareness of the protection of network virtual property, Promote the good use of network virtual property in social development ^[4].

3.4 Practical Value of Network Virtual Property

In the process of modern technology development, network virtual property has the value of social practice and can replace the traditional property information for monetary exchange. In particular, the development of e-commerce industry promotes the further application of network virtual property, promotes the circulation of network virtual property in the social and economic

development system, and enhances the unique practical value of network virtual property. It can be seen that the value of network virtual property in social practice also highlights the necessity and urgency of bringing network virtual property into the system of inheritance law, so as to improve the protection strength and achievements of network virtual property in inheritance law. Therefore, from the perspective of inheritance law, we should clarify the subject status and definition of network virtual property, broaden the scope of property protection in the system of inheritance law according to the needs of the development of the times, and improve the mechanism and security system of inheritance law according to the characteristics of network virtual property and the practice mode of network virtual property, so as to promote the application of network virtual property in social development, Enhance the significance of the application of network virtual property.

4. Legal Practice of Network Virtual Property from the Perspective of Inheritance Law

4.1 Lack of Legislation on Network Virtual Property in the System of Inheritance Law

In China's "Inheritance Law", it clearly stipulates the terms of individual property inheritance, stipulates the first and second order of legal heirs according to the content of individual property, and so on, so as to solve the problem of individual property distribution and inheritance at this stage. Most of the information related to the inheritance of individual property in the inheritance law is the property of real objects, and there is a certain lack of information on the definition of network virtual property. Network virtual property is a new property ownership model generated under the development of network technology in recent years. At the level of inheritance law, the definition of these information is too little, and the relevant elements of inheritance are not clear, so there are some problems in the inheritance of network virtual property. At the same time, the inheritance form of network virtual property is also more complex, including a wide range of information, including substantive network virtual property and network virtual property in the level of game equipment. The definition of these inheritance information is difficult and involves a wide range of fields, which affects the integration of network virtual property into the system of the inheritance law and highlights the problem of poor protection of network virtual property in the inheritance law.

4.2 It is Difficult to Evaluate the Value of Network Virtual Property

From the perspective of inheritance law, the inheritance of network virtual property is more difficult. Because the inheritance of network virtual property is defined according to its own spiritual and economic value, the economic, spiritual and practical values of network virtual property vary from person to person, and the existence of this problem affects the integration of network virtual property into the system of inheritance law. For example, game equipment and online stores in the online platform are valuable at the level of property owners, while others believe that these lack the value of inheritance, which affects the further implementation of the inheritance law in online virtual property. At the same time, the photos and documents shared by individuals in the network platform have no inheritance value for some people, and for some people, these are valuable inheritance property. If these network virtual properties can not be well defined by law, it is easy to explain economic disputes.

5. Legal Practice Path of Network Virtual Property from the Perspective of Inheritance Law

5.1 Clarify the Legal Status of Network Virtual Property

From the perspective of inheritance law, we should clarify the status of network virtual property and clarify the boundaries of network virtual property laws and regulations, so as to bring network virtual property into the system of inheritance law. First of all, according to the status of network virtual property in the development of the times and the value of individual property, we should pay attention to the protection of network virtual property, clarify the relevant matters of network virtual property from the dimension of inheritance law, and build the relevant legal regulation system of network virtual property inheritance law. Secondly, strengthen the publicity of the content of network virtual property in the inheritance law, enhance people's attention to network virtual property, and enable people to realize the scientific inheritance of network virtual property through the path of laws and regulations. Finally, in the specific network virtual property inheritance disputes, constantly improve the content of network virtual property inheritance in the inheritance law, make up for the lack of traditional network virtual property inheritance, so as to enhance the role of the inheritance law in protecting individual network virtual property.

5.2 Clarify the Subject of Network Virtual Property Inheritance

From the perspective of inheritance law, it is necessary to clarify the subject of inheritance in network virtual property. Firstly, according to the system of inheritance law, clarify the subject of network virtual property inheritance, including the content of sequential inheritance of network virtual property, define this content and clarify the subject of inheritance. Secondly, clarify the nature of network virtual property, build a professional network virtual property evaluation system, evaluate the network virtual property, and clarify the unique value of network virtual property, so as to carry out the scientific inheritance of network virtual property. For example: define the individual's own photos, equipment and payment values, so as to clarify the subject of network virtual property inheritance^[5]. Finally, clarify the scope of the inheritance subject of the network virtual property, and clarify the inheritance subject of the network virtual property in the form of the order of the network virtual property. For the subjects who do not have the inheritance of network virtual property, the functions that can be copied based on network virtual property, such as photos and knowledge, network virtual property can be copied, which should be protected by the relevant inheritance law according to the wishes of the heirs^[6].

5.3 Clarify the Way of Network Virtual Property Inheritance

From the perspective of inheritance law, it is important to clarify the methods of network virtual property inheritance. Individuals can carry out the practice mode of testamentary inheritance and legal inheritance according to their own network virtual property, and carry out the inheritance of relevant network virtual property according to the process of the inheritance law. For example, individuals integrate their own network virtual property in the form of testamentary succession, classify these network virtual property, and realize the inheritance of network virtual property in the path of laws and regulations. In testamentary succession, as long as it does not violate the provisions of laws and regulations, individuals can transfer network virtual property to multiple inheritors. At the same time, individuals carry out the mode of legal inheritance according to their own network virtual property, and carry out the sequential inheritance mode according to the network virtual property inheritance process of the inheritance law. For example: clarify the identity of individuals in the network platform and legally inherit their network virtual property. In addition,

according to the inheritance elements of network virtual property in the inheritance law, individuals transfer their network virtual property to others, so as to realize the inheritance mode of network virtual property.

5.4 Implement the Classified Inheritance Form of Network Virtual Property

The virtual inheritance of property should be implemented in the perspective of virtual inheritance of property. In the network platform, the network virtual property presents diversity. From the perspective of the inheritance law, for the inheritance of network virtual property, we should first clarify the unique value of network virtual property, so as to carry out targeted network virtual property inheritance. First of all, the inheritance of network virtual property such as q-coin and Baidu coupon counting, according to the unique economic value of these network virtual properties, through the relevant market auction and cash form, carry out targeted network virtual property inheritance. Secondly, the inheritance of online virtual property such as game equipment and Taobao high credit value stores should respect the wishes of heirs and carry out online virtual property inheritance in the form of negotiation and agreement. At the same time, it can also be realized in the form of sale.

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