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THE IMPACT OF DIGITAL ASSETS ON TRADITIONAL CONCEPT OF PROPERTY LAW

***Abstract**:*

The emergence of digital assets necessitates a redefinition of the traditional concept of property rights. Since digital assets exist solely in virtual form, they do not fit within the traditional definition of an "object" in property law, thereby raising numerous questions related to acquisition, possession, and the protection of property rights. The absence of a clear legislative framework and imprecise terminology generate legal uncertainty, while the dynamic development of blockchain technology and decentralized financial instruments further emphasizes the need to adapt existing legal institutions to new forms of digital assets. This paper analyzes the legal nature of digital assets and their relationship to contemporary property law categories, aiming to highlight the necessity of redefining the concept of ownership in the digital context in order to preserve legal certainty and ensure adequate protection for market participants.

Keywords: *digital assets, property law, proprety rights, blockchain, legal regulation*

INTRODUCTION

With the advent of the Fourth Industrial Revolution[1] and the accelerated development of information technologies, society has entered the digital age, in which it is nearly impossible to imagine life without technological achievements. The development of digital technologies has profoundly transformed social flows and economic relations, while simultaneously opening a wide array of complex legal issues. One of these concerns relates to digital assets, which over the past decades have become an indispensable element of contemporary economic and legal discourse. Technological innovations bring forth new legal, ethical, and security challenges, particularly regarding the protection of digital asset holders' rights, market regulation, and the assurance of transparency in transactions carried out on digital platforms. Precisely because legal frameworks are unable to keep pace with the introduction and expansion of these technologies on the market, a climate of legal uncertainty is created.

1 The Fourth Industrial Revolution has led to the merging of different technologies and the erasure of boundaries between the physical, biological, and digital spheres, which is why this technological wave is often referred to as the Second IT Revolution; for more on this topic see: Jovanović G. B. (2019). Četvrta industrijska revolucija: Ključne karakteristike i efekti na nacionalnu ekonomiju [Fourth Industrial Revolution: Key characteristics and effects on national economy]. University of Belgrade, Faculty of Economics. ISBN 978-99955-45-29-1

Digital assets, understood as a digital record of value that can be bought, sold, transferred, or used as a means of exchange and investment, have developed at a dynamic pace, particularly since the appearance of the first decentralized cryptocurrency Bitcoin, in 2009. The value and scope of digital assets on the global market are growing exponentially, with crypto-assets occupying a central position, thereby further underscoring the importance of their legal regulation. Nevertheless, despite the adoption of the Law on Digital Assets in Serbia[2], many issues remain insufficiently defined, generating legal uncertainty and impeding the establishment of stable frameworks for the protection of owners, market transparency, and security of legal transactions.

THE CONCEPT OF DIGITAL ASSETS

The concept of digital assets, regulated by the Law on Digital Assets (hereinafter: "the Law") from 2020, is defined as a digital record of value that can be bought, sold, transferred, or used as a means of exchange and investment, whereby a digital currency is not a currency that constitutes legal tender or any other financial asset regulated by a special law. Thus, the statutory definition of digital assets is broadly framed, such that if a doubt arises as to whether a certain form of property constitutes a digital asset, the answer will most likely be affirmative. "A digital record represents any record of a digital nature that can be software-based, hardware-based, or a combination of both. For this reason, it is clear that not every digital record can be treated as a digital asset. The legislator has determined that it must be a digital record that possesses value, thereby normatively distinguishing this concept from other forms of digital records."[3]

The very need for regulating the field of digital assets in the Republic of Serbia arose as a result of the process of digitalization and the growth of the cryptocurrency market. The Law, as the first legal act in the field of digital assets in Serbia, represents a major step toward strengthening the competitiveness of the Serbian economy in the global market and reflects the necessity and tendencies of development of this branch of the economy. By adopting the Law, Serbia has shown that it keeps pace with the development of information technologies, innovations, and changes in the digital world.[4] The subject of regulation is the issuance of digital assets and secondary trading in digital assets, the provision of services related to digital assets, pledge and fiduciary rights on digital assets, as well as the jurisdiction of the Securities Commission and the National Bank of Serbia. Thus, "the Law prescribes divided jurisdiction of supervisory authorities: the National Bank of Serbia and the Securities Commission, depending on the type of digital asset in question."[5]

Digital assets, also known as virtual assets, encompass various forms of digital values and are divided into virtual currencies and digital tokens. Virtual currencies represent a type of digital asset that is neither issued nor guaranteed by a central bank or another public authority, is not necessarily tied to legal tender, and does not have the legal status of money

2 Law on Digital Assets ("Official Gazette of RS", No. 153/2020).

3 Mirković, P. (2023). Digitalna imovina – legislativni pristup regulisanju novog imovinskopravnog instituta (*Digital Assets – A Legislative Approach to the Regulation of a New Property Law Institute*). Pravo – teorija i praksa, p. 22.

4 Trklja, R., Trklja, M., & Dašić, B. (2021). Nastanak i računovodstvena evidencija digitalne imovine (The Emergence and Accounting Records of Digital Assets). Ekonomski signali: poslovni magazin, p. 115.

5 Vićić Simić, M. (2022). Teritorijalna primena Zakona o digitalnoj imovini (Territorial Application of the Law on Digital Assets). Karanović & Partneri o.a.d.; University of Belgrade Faculty of Law, p. 94.

or currency.[6] Nevertheless, natural and legal persons accept them as a means of exchange, and they can be bought, sold, exchanged, transferred, and stored electronically. Digital tokens, on the other hand, designate any intangible property right which in digital form represents one or more other property rights, including the right of the token holder to be provided with certain services. "The legislator fails to define different types of tokens, thus leaving room for interpretation of their legal and tax treatment."[7] Digital tokens are NFTs (non-fungible tokens), which are based on blockchain technology and represent unique assets such as works of art, digital content, and media. Blockchain technology is considered one of the most secure technologies for data storage. "Blockchain technology is fast, public, inexpensive, simple to use, transparent, and programmable technology that enables instant transfer of information and/or financial resources from one part of the world to another. It represents a protocol that regulates the rules and regulations for the exchange of value. Blockchain technology can contain any type of information, and the connection between each block and the next is called a chain, as blocks are linked in a way that cannot be altered."[8]

Although in modern legal doctrine the term "virtual assets" is often used as a general designation for digital goods such as cryptocurrencies and tokens, some authors[9] express reservations about its use, considering it terminologically and substantively inadequate. Specifically, the term "virtual" in broader language use has the meaning of something unreal, imagined, or non-existent in the physical world, which may create a misleading impression that such assets lack real value or legal consequences. It is emphasized that digital assets, although they do not exist in physical form, nevertheless have economic value, can be owned, transferred, inherited, and are used in everyday legal and financial transactions.

A user of digital assets may be a natural person, entrepreneur, or legal entity that uses, has used, or intends to use a service related to digital assets by approaching a provider of such services for a specific service. On the other hand, a holder of digital assets is a broader concept encompassing both users of digital assets and persons who have acquired digital assets outside a business relationship with a service provider, i.e., outside transactions carried out through such providers. For example, a holder of digital assets may also be a person who acquired such assets through mining, i.e., by participating in the process of verifying transactions in information systems related to the specific digital asset.

6 The Concept of Virtual Currency in the Law on Digital Assets is Taken from the Law on the Prevention of Money Laundering and Terrorist Financing), "Official Gazette of RS", No. 113/2017, 91/2019, and 153/2020, and Directive (EU) 2018/843 of the European Parliament and of the Council of 30 May 2018 amending Directive (EU) 2015/849 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, and amending Directives 2009/138/EC and 2013/36/EU, OJ L 156, 19.6.2018.]

7 Milojević, G., & Varađanin, T. (2025). Digitalna imovina i savremeni izazovi (Digital Assets and Contemporary Challenges). In Union of Lawyers' Associations of Serbia (Ed.), XXVIII Conference: Budva Legal Days (Budva, Montenegro), p. 133.]

8 Ali, M., & Bagui, S. (2021). Introduction to NFTs: The future of digital collectibles. International Journal of Advanced Computer Science and Applications, 12(10). https://doi.org/10.14569/IJACSA.2021.0121007

9 See: Cvetković, M. (2023). Kripto kao predmet ugovorne obligacije prema Uredbi o tržištima kripto imovine (MICA) i Zakonu o digitalnoj imovini (Crypto as the Subject of Contractual Obligations under the Regulation on Markets in Crypto-assets (MICA) and the Law on Digital Assets). Collected Papers of the Faculty of Law in Niš, p. 164.

"Activities related to the creation of cryptocurrencies are not regulated by this law. Thus, the law regulates only the moment from the creation of the cryptocurrency onwards, i.e., its further legal life."[10] Mining, as a key mechanism for generating units of digital assets such as cryptocurrencies, is mentioned in the Law on Digital Assets only in Article 6, paragraph 2, and that in the context of exceptions to the application of the Law. According to this provision, mining is permitted, but at the moment of acquiring digital assets through mining, the provisions of this Law do not apply. However, the Law becomes applicable to persons who have acquired digital assets through mining if later, when disposing of such assets, they use the services of providers of services related to digital assets or perform transactions on the OTC (Over-the-counter) market.

Digital assets thus represent a broad and dynamic concept that encompasses various forms of virtual values, from currencies to tokens, while their legal nature remains a subject of theoretical debate and normative shaping.

DEVELOPMENT OF PROPERTY LAW IN SERBIA

The subject of property law in Serbia has had a dynamic and complex history, which has left a deep mark on its present regulation. "Even the most general overview of certain periods in the development of Serbian (Yugoslav) property law is sufficient to show that in this area there was no codification of civil law for a long period."[11] After the abolition of the Serbian Civil Code in 1946 and the loss of the constitutional basis for a unified civil code in Yugoslavia (1971), property law remained only partially and fragmentarily regulated, which led to numerous legal gaps and ambiguities, especially in areas such as possession, condominium ownership, building rights, and neighborhood rights. Since the formation of the State Union of Serbia and Montenegro in 2003, and especially after gaining independence, Serbia has had the opportunity to regulate this legal field independently, but the problem of incomplete and outdated regulation remains present.

Throughout history, there has been a tendency toward codification of property law, which has each time ended unsuccessfully. It is first necessary to recall the earlier unsuccessful attempt at codifying property law regulation in Serbia. The constitutional changes in the SFRY of 1963 and 1971 transferred legislative competence from the federal level to the republics, whereby fundamental property-law relations remained under federal jurisdiction, while other property-law relations were to be regulated by republican laws. The Federal Assembly in 1980 adopted the Law on Basic Property Law Relations, but Serbia never exercised its competence to adopt a comprehensive law in this field. As early as 1978, a draft Law on Ownership and Other Property Rights was prepared, later amended, which encompassed an almost complete codification of property law. The final version of the draft from 1989 was submitted to the Assembly of the Socialist Republic of Serbia, but it never passed through the legislative procedure, primarily due to the political and economic turmoil at the time and the impending dissolution of Yugoslavia.

This historical incompleteness and normative instability form the basis for the conclusion that property law has always been subject to change, and today, in the era of accelerated technological development, digitalization, and market transformation,

10 Op.cit., Milojević, G., & Varađanin, T. (2025), p. 134.

11 Cvetić, R. (2019). Stvarno pravo Srbije – kako dalje? (Property Law of Serbia – What Next?). Proceedings of the Faculty of Law in Novi Sad, 40(2), 239.

it is expected that the concept of ownership and its forms will necessarily be reshaped. Contemporary tendencies, such as the emergence of digital assets, virtual goods, and new models of use and disposal of resources, put traditional concepts of ownership to a serious test and once again confirm that property law is a living body of law that must adapt to the realities of its time.

"Property law in the objective sense is a set of general legal norms of civil law that regulate subjective rights and govern relations between people with regard to the appropriation of things in order to determine to whom the thing belongs."[12]

Property law in Serbia developed within complex legal and political circumstances, and the absence of unified codification still affects its consistent and comprehensive application. Despite attempts to systematize this field, both in the era of the SFRY and after independence, the legal framework has remained only partially developed, with numerous gaps that continue to undermine legal certainty. In this context, modern challenges, above all the emergence of digital assets, further complicate existing property law solutions.

THE IMPACT OF DIGITAL ASSETS ON THE CONCEPT OF PROPERTY LAW

In order to understand the impact of digital assets on the modern concept of ownership and property law relations in general, it is necessary first to grasp the origin and legal nature of digital assets. Cryptocurrencies and digital assets have emerged as one of the key drivers of transformation in modern financial systems. The appearance of Bitcoin in 2009 marked a turning point in the development of decentralized currencies, opening the way for the emergence of thousands of new cryptocurrencies and blockchain projects. However, their growth has also raised questions regarding their legal classification, regulatory oversight, and consequences for global economies.[13] Digital assets are today viewed as a specific form of assets, derived from the process of global digitalization, which requires that existing concepts of property and ownership law be reconsidered and adapted to new legal circumstances.

Digital assets are increasingly treated in contemporary doctrine and practice as a distinct leganature lies in the fact that they exist solely in digital form, without physical manifestation, but nevertheless possess economic value and are subject to legal transactions. In many jurisdictions, digital assets are only partially regulated[14], most often by regulating

12 Radulović, D. (2020). Stvarna prava (Property Rights). University Business Academy in Novi Sad, Faculty of Law for Commerce and Judiciary in Novi Sad, p. 4.

13 Fred, Tommy & Oluwaseun, Iseoluwa. (2025). The Legal Status of Digital Assets and Cryptocurrencies: Adaptive Regulatory Models, p. 1.

14 Although most first-world countries allow investment and trading in cryptocurrencies as a form of digital assets, in many countries distrust toward cryptocurrencies persists, and their circulation is explicitly prohibited. Except for the fact that most countries have regulated this field, in most cases there is no uniform approach to definition. For example, the United States has no unified approach regarding the legal nature of digital assets. The classification prevailing in their legislation shows that some tokens are considered securities (The Securities and Exchange Commission – SEC), while others are treated as commodities (Commodity Futures Trading Commission – CFTC). "The Securities and Exchange Commission (SEC) has become the key regulatory body in the US, introducing in 2019 a framework for the analysis of the 'investment contract' of digital assets in order to assist in determining which digital assets are considered securities." See more in: Briefing (September 2023). European Parliamentary Research Service, Non-EU countries' regulations on crypto-assets and their potential implications for the EU

cryptocurrencies and digital tokens, while broader questions of their legal nature remain unresolved. This uncertainty leads to insecurity concerning the protection of owners' rights, modes of acquisition and transfer, as well as the performance of obligations arising from digital transactions.l category, separated from the traditional concept of property. Their specific

For something to be considered an "object" (*res*) in the traditional sense, it is necessary to meet two cumulatively prescribed conditions: (1) physical. that it is a material part of nature under human control; and (2) legal, that a property right exists over it.

The traditional definition of things as tangible objects prevents digital assets from being classified within that category, since digital goods such as electronic documents, digital tokens, or social media profiles lack physical form. At the same time, it is difficult to subsume them entirely under subjective rights, as many digital contents do not constitute rights in the classical legal sense. The Digital Assets Act attempts to provide a definition of digital assets, but its scope is limited primarily to virtual tokens and applies solely within the framework of that statute, without a universal character. This raises the question of whether it is time to redefine and expand the traditional concept of property so as to encompass not only things and rights, but also digital goods as a third category. Such a reform would enable systematic regulation of digital property, either through amendments to existing property law provisions or through the adoption of a special statute precisely governing the status and protection of digital assets.

Regulatory authorities are currently confronted with the dual challenge of simultaneously encouraging technological development and innovation while ensuring adequate protection of the public interest. Financial stability, anti-money laundering policies, and consumer protection are only some of the areas requiring timely regulation. Depending on whether a digital asset serves as a means of payment, an investment vehicle, or an instrument for accessing specific benefits or rights, different legal regimes may apply. However, the legislator does not provide a clear and unambiguous distinction between virtual currencies and digital tokens. Further complexity is introduced by the possibility of hybrid forms of digital assets[15] which combine the characteristics of both categories. Additionally, where digital assets meet the criteria for financial instruments under the Capital Market Act[16] the relevant provisions of that statute are also applicable. All these factors create legal uncertainty in practice, as there is no coherent and consistent legal regime that uniformly regulates different forms of digital assets.

On the basis of the foregoing, it can be concluded that the emergence and development of digital assets represent one of the most significant challenges for the traditional concept of ownership and proprietary relations in general. Certain authors argue that digital assets, as a specific form of property, constitute one of the greatest challenges for contemporary property law.[17] Digital assets, as a new form of intangible property, call into question the classical legal definitions of things and rights, as well as the dichotomy of property into those two exclusive categories. Their legal nature and specificities require a change of approach, both in theoretical and in normative terms.

15 In such cases, the Act prescribes the application of rules governing virtual currencies

16 apital Market Act ("Official Gazette of RS", no. 129/2021

17 See: Jovanić, T. (2021). Kriptovalute kao novi izazov zaštite potrošača (Cryptocurrencies as a New Challenge to Consumer Protection). Belgrade: Faculty of Law, Union University.

Fragmented and inconsistent legal regimes, such as the attempt of the Digital Assets Act to regulate only particular forms (e.g., virtual currencies and tokens), further contribute to legal uncertainty. The lack of a universal and comprehensive definition, as well as normative inconsistencies in the regulation of different forms of digital assets, impedes the protection of ownership rights and undermines legal certainty in transactions. A particularly pressing issue is the legal nature of digital assets, which varies according to their specific forms and functions whether they serve as a means of payment, investment, or access to a particular service. Yet, "a harmonious legal system, one without contradictions between legal norms, without legal gaps, and without uncertainties, represents an ideal which in practice has never existed anywhere."[18]

The importance of understanding the nature of digital assets lies primarily in their legal implications, which always depend on these general conceptual questions. One recurring issue is the question of which legal action should be used when a third party exerts possession over one's digital asset against the owner's will.[19] Typical disputes in the field of digital assets include:

- disputes not directly arising from trading digital assets on exchange platforms, but related to digital asset transactions, such as contractual disputes where cryptocurrencies are used as a means of payment (so-called "off-chain" disputes, i.e., disputes not generated on the blockchain itself but related to blockchain transactions);
- disputes involving the nullity of smart contracts or the performance of obligations arising from or related to them;
- claims for damages due to breach of contract, brought by investors against platforms for denial of access to trading, as well as claims by platforms against investors for failure to perform payment obligations;
- investor claims arising from misrepresentation of investment risks by platforms, the last two categories representing so-called "on-chain" disputes, i.e., those directly arising on the blockchain platform.[20]

One of the central questions in this context is the applicability of existing legal norms to the diverse forms of digital assets.

COMPARATIVE LEGAL SOLUTIONS

The dilemma concerning the legal nature of digital assets is not unique to Serbia, but represents a global challenge for other legal systems as well. For example, in the United States there is no uniform approach to the regulation of digital assets. According to the

18 Vukadinović, G. (2014). Principles of the Legal System. Collected Papers of the Faculty of Law, Novi Sad, 48(4), p. 27.

19 Milojević, G., & Tul, D. (2023). Pojam i pravna priroda digitalne imovine (The Concept and Legal Nature of Digital Assets). In XX International Conference "Lawyers' Days – Prof. Dr. Slavko Carić," Two Decades of Development of Legal Thought. Faculty of Law for Commerce and Judiciary, University of Business Academy in Novi Sad, p. 156.

20 Lazić, M., & Dragićević, S. (2023). Crypto-assets and Arbitration in Serbia (Kripto-imovina i arbitraža u Srbij). Proceedings of the Kopaonik School of Natural Law, p. 67.

decisions of regulatory authorities, cryptocurrencies are classified either as securities or as commodities, depending on their function. The Securities and Exchange Commission (SEC) established in 2019 a legal framework for the classification of digital assets under the concept of an "investment contract," yet legal uncertainties remain. For instance, Bitcoin is generally not considered a security, whereas the status of Ether is variable and subject to ongoing regulatory debate. On the other hand, the United States has introduced strict standards of investor protection on digital platforms. Regulatory bodies have, for example, imposed rigorous supervision over crypto-exchanges such as Binance and Kraken, which were required to pay multimillion-dollar fines due to irregularities, while the application Tornado Cash was sanctioned for enabling anonymous transactions that were misused for money laundering.[21] These examples highlight the complexity of balancing transparency with the protection of users' privacy, which remains one of the key challenges of contemporary digital asset regulation.

Switzerland, by contrast, is one of the countries with the most developed and precise regulatory framework in this field. The Swiss Financial Market Supervisory Authority (FINMA) classifies crypto-assets according to their purpose and function into three basic categories: payment tokens (cryptocurrencies), utility tokens, and asset tokens. Asset tokens are treated as securities, while utility tokens may fall under regulation if they possess investment characteristics. Switzerland addresses hybrid tokens in the following manner: "if certain tokens exhibit the characteristics of several categories, they are considered hybrid tokens, and their issuer may obtain authorization only once it has satisfied the conditions applicable to all categories into which the hybrid token falls. The least stringent requirements are imposed on issuers of payment tokens."[22] This approach of recognizing distinct forms of digital assets allows precise adaptation to market specificities and provides a useful example for other jurisdictions. In comparison with the Swiss model, the legal framework in the Republic of Serbia remains at the stage of normative formation, characterized by fragmentation and limited regulatory scope. While Switzerland, through the activities of its regulatory authority, establishes a clear and comprehensive classification of digital assets based on their function and legal nature, in Serbia the regulation remains partial and insufficiently aligned with technological realities.

A particularly notable case is El Salvador, the first country in the world to officially recognize Bitcoin as legal tender. The 2021 legislation allows Bitcoin to operate in parallel with the United States dollar as an official currency, thereby integrating digital assets directly into the national financial system.

For the harmonization of the legal regime of digital assets, the establishment of an adequate international regulatory framework is of paramount importance, taking into account the global nature of these assets and the transnational character of the transactions conducted through them. In its early stages, digital assets faced an absence of regulatory mechanisms, which was partly justified by their experimental status and limited market scope. Many states adopted the so-called "wait and see" approach, a strategy of observation and regulatory restraint aimed at avoiding premature or inadequate legislative solutions. While this approach may offer advantages such as avoiding legal errors and maintaining

21 See: Nikolić, L. (2025). Fundamental Problems of the Legal Regulation of Digital Assets – Examples from the US, EU and Serbia (Osnovni problemi pravnog regulisanja digitalne imovine - primeri u SAD, EU i Srbij). Collected Papers of the Faculty of Law, University of Niš.

22 T. Galović, A. Šestanović, Regulatory Framework of Crypto-assets in the Republic of Croatia and Comparative Experiences of Selected States (Regulatorno uređenje kriptoimovine u Republici Hrvatskoj i komparativna iskustva odabranih država), 2024, p. 97.

flexibility, it also entails serious risks: legal uncertainty, insufficient protection of market participants, and potentially slowing innovation. Confronted with the challenges of classifying digital assets, regulators worldwide increasingly apply a functional approach, focusing on the economic purpose and use of a given asset rather than on its legal form alone. Although numerous international initiatives exist to guide regulatory policy, a global consensus on the legal nature and classification of digital assets has not yet been achieved. Consequently, states continue to develop divergent models, balancing the need to protect markets with the need to encourage technological innovation, thereby further contributing to legal diversity and normative inconsistency at the global level.

CONCLUSION

Digital assets pose a serious challenge to the existing legal framework, particularly in the field of property law. The traditional concept of property, which relies on a binary division between things and rights, fails to encompass the complexity and specificity of digital goods. Their intangible nature, functional diversity, and the emergence of hybrid forms that combine characteristics of different legal categories all demand a thorough reconsideration of the existing regulatory framework. Of particular importance is a clear determination of the legal nature of digital assets, as this directly affects the legal remedies available in cases of infringement of proprietary rights, the methods of regulation and taxation, as well as the possibilities of using digital assets as means of payment or investment. The current framework, relying on instruments such as the Digital Assets Act and the Capital Market Act, lacks coherence, resulting in legal uncertainty in practice. For these reasons, there is an increasing need to expand the traditional concept of property so as to include digital goods as a third, independent category, separate from things and rights. Such an approach would create conditions for the systematic and comprehensive regulation of digital assets, whether through amendments to existing property law provisions or through the adoption of a special statute that would clearly define the status, protection, and legal consequences associated with digital assets. Without such a reform, there is a significant risk that legal practice will lag behind technological development, thereby undermining legal certainty, hindering investment, and reducing confidence in digital markets.

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UTICAJ DIGITALNE IMOVINE NA TRADICIONALNI KONCEPT STVARNIH PRAVA

Apstrakt:

Pojavom digitalne imovine dolazi do potrebe za redefinisanjem tradicionalnog koncepta prava svojine. Budući da digitalna imovina egzistira isključivo u virtuelnom obliku, ona se ne uklapa u klasičnu definiciju stvari u stvarnopravnom smislu, čime se otvaraju brojna pitanja u vezi sa sticanjem, državinom i zaštitom svojinskih prava. Odsustvo jasnog zakonodavnog okvira i nedovoljno precizna terminologija generišu pravnu nesigurnost, dok dinamičan razvoj blockchain tehnologije i decentralizovanih finansijskih instrumenata dodatno naglašava potrebu za prilagođavanjem postojećih pravnih instituta novim oblicima digitalne imovine. Predmet ovog rada jeste analiza pravne prirode digitalne imovine i njenog odnosa prema savremenim svojinskopravnim kategorijama, sa ciljem da se ukaže na nužnost redefinisanja pojma svojine u digitalnom kontekstu radi očuvanja pravne sigurnosti i adekvatne zaštite učesnika na tržištu

Ključne reči: *digitalna imovina, pravo svojine,*

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