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**The legal regulation of cryptocurrencies in a European and American comparative
perspective, with special regard to (criminal) sanctions**

Theses of the doctoral dissertation in English

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I. Summary of the Research Task

The aim of my research is to explore and analyze the legislative and legal-dogmatic developments in the regulation of cryptocurrencies within the European Union and the United States over the past decade. The focus of the study is the process of legal development, its practical and theoretical outcomes, and a comparative analysis of these results. Furthermore, my goal is to draw conclusions regarding the future directions of the legal treatment of cryptocurrencies based on the identified legislative trends and shifts in legal dogmatics, with particular attention to legal certainty, the predictability of regulation, and the potential to balance financial and technological innovation.

The technological advancements of recent years—especially the rise of blockchain-based financial instruments, including cryptocurrencies—have posed significant challenges to lawmakers around the world. While both the European Union and the United States have recognized the necessity of regulating crypto-assets, the two legal systems differ substantially in their approaches, structures, and legal-policy priorities.

The European Union's regulation is built upon efforts toward harmonization, aiming to manage crypto-assets within a coherent and unified framework across the entire internal market. The most significant step in this regard has been the adoption of the Markets in Crypto-Assets (MiCA) Regulation, which was finalized in 2023 and is expected to come fully into force between 2024 and 2025. The MiCA Regulation represents the first comprehensive European regulatory framework for crypto-assets, covering token issuers, crypto service providers, and stablecoins. Its objectives include enhancing investor protection, reducing the potential for market abuse, and encouraging innovation while maintaining the integrity of the financial system. Thus, the EU follows a more preventive and harmonizing approach to cryptocurrency regulation, mandating licensing requirements, transparency-based operations, and a range of prudential standards.

In contrast, the regulatory system of the United States is more fragmented and case-specific. The legal assessment of crypto-assets may vary at both federal and state levels, resulting in significant uncertainty for market participants. Various authorities—such as the Securities and Exchange Commission (SEC), the Commodity Futures Trading Commission (CFTC), the Internal Revenue Service (IRS), and the Office of the Comptroller of the Currency (OCC)—apply differing interpretations depending on whether the crypto-asset is considered a security, a commodity, or another type of asset. The SEC's regulatory practice receives the most

attention, particularly regarding whether a given token qualifies as a security under the Howey Test. The U.S. regulatory approach is more reactive in nature, dominated by case-by-case enforcement and precedent-based legal development, as opposed to the codified framework of the EU.

The American system's strength lies in its flexibility and rapid adaptability, but its disadvantages include unpredictability and legal uncertainty caused by overlapping regulations. Conversely, the EU model offers a transparent and unified legal environment that helps foster investor confidence, though it may also pose a disadvantage in that excessive regulation could hinder the rapid spread of innovation.

While the European Union applies a unified and proactive legislative approach to the legal regulation of crypto-assets, the United States continues to shape its legal stance on a case-by-case basis, through regulatory interpretations and judicial precedents. The differences between the two models significantly impact not only the operations of market participants but also the question of which region will become the global hub for blockchain technology and crypto-assets in the coming decade.

II. The criminal law dimension of the research

The legal regulation of cryptocurrencies has not only caused a significant shift in the world of financial services, but has also introduced new challenges for law enforcement within the field of criminal law. In the European Union, the United States, and Hungary alike, increasing attention is being paid to the prevention and sanctioning of abuses related to cryptocurrencies, particularly in connection with money laundering, terrorist financing, fraud, and the unauthorized provision of financial services.

In the European Union, criminal law enforcement is closely linked to the implementation of EU financial regulations. Service providers dealing with crypto-assets—such as crypto exchanges and wallet providers—fall under the scope of anti-money laundering (AML) regulations. The 5th and 6th AML Directives extended AML obligations to these providers, meaning they are required to perform customer due diligence (KYC), report suspicious transactions, and comply with transparency requirements. Failure to fulfill these obligations may result not only in

administrative sanctions but also in criminal liability, particularly when such failures facilitate money laundering or other criminal offenses. The European Public Prosecutor's Office (EPPO) and the European Anti-Fraud Office (OLAF) may also investigate such cases if the financial interests of the EU are affected.

In the United States, the prosecution of cryptocurrency-related crimes is coordinated by several federal authorities. Among the most active are the Department of Justice (DOJ), which conducts criminal proceedings in cases such as money laundering, fraud, or unauthorized financial activity. The Securities and Exchange Commission (SEC) and the Commodity Futures Trading Commission (CFTC) also have the authority to impose fines or initiate court proceedings if cryptocurrency trading violates securities or commodities laws. In some cases, the fines may exceed hundreds of millions of dollars, and corporate executives may be held personally criminally liable. A prominent example includes the proceedings against Ripple Labs and FTX, where regulatory bodies cooperated with criminal authorities, resulting in multiple indictments for fraud, conspiracy, and financial misconduct.

In Hungary, the regulation of cryptocurrencies is gradually evolving, but criminal sanctions can already be applied under the Criminal Code (Btk.). Offenses such as money laundering (Section 399 Btk.), breach of information systems or data (Section 423 Btk.), fraud (Section 373 Btk.), and other property-related crimes may be relevant in cases of cryptocurrency abuse. The Hungarian National Bank (MNB), as the financial supervisory authority, continuously monitors the activities of market participants related to cryptocurrencies. While crypto-assets are not currently classified as official financial instruments in Hungary, the MNB can issue warnings, publish statements, and initiate market surveillance proceedings in cases of unauthorized activity. In cases of legal violations, it may impose fines and initiate criminal proceedings if a suspicion of a criminal offense arises.

In Hungary, the Financial Intelligence Unit (a division operating within the National Tax and Customs Administration, NAV) also plays a key role. It may receive reports from crypto service providers in cases of suspicious transactions. Although Hungary has not yet seen any high-profile criminal proceedings related to cryptocurrency abuse, legislative drafters and supervisory authorities are increasingly aligning with international trends.

Criminal sanctions related to cryptocurrencies are present across all jurisdictions, but the extent, nature, and practical implementation vary significantly. The European Union aims to ensure enforcement through legal harmonization and regulations, while the United States relies on intensive inter-agency cooperation and robust enforcement. Hungary, in line with EU frameworks, is gradually expanding its regulatory and punitive toolkit, while both the Hungarian National Bank (MNB) and NAV are actively monitoring and analyzing risks related to cryptocurrencies.

III. Research findings in the context of the Hungarian legal framework and the MiCA regulation

The MiCA (Markets in Crypto-Assets) Regulation has a significant impact on Hungary in terms of the legal regulation, supervision, and market development of crypto-assets—particularly cryptocurrencies. As the first comprehensive regulatory framework of the European Union specifically targeting the crypto-asset market, MiCA is directly applicable in Hungary without the need for separate national implementation, as it is an EU regulation. Consequently, Hungary's domestic legal order and supervisory practices will undergo substantial changes following the regulation's entry into force.

Currently, there is no comprehensive law in Hungary that specifically governs crypto-assets. Issues related to cryptocurrencies are handled under anti-money laundering, tax, and criminal law frameworks. Meanwhile, the crypto-asset market is developing dynamically and continues to attract more participants, service providers, and individual investors. In this context, the MiCA Regulation provides unprecedented legal certainty: it introduces clear definitions—such as those for crypto-assets, stablecoins, NFTs, service providers, and token issuers—and establishes uniform licensing, operational, and transparency requirements.

With the implementation of MiCA, the Hungarian National Bank (MNB) will become the primary supervisory authority for the crypto-asset market in Hungary. The MNB will be responsible for conducting licensing procedures, ensuring compliance with operational rules, and applying sanctions where necessary. This expanded role places significant responsibility on the MNB, which will need to strengthen its technical, professional, and legal capacities to

effectively oversee this new and innovative market. Although the MNB has previously monitored the crypto market, it has not had concrete regulatory or licensing authority in this area. MiCA changes this, making the central bank an active regulatory actor in Hungary's crypto sector.

The impact of MiCA is also highly significant for market participants. Hungarian crypto service providers—such as crypto exchanges, custodians, and token issuers—will benefit from a clear operational framework, and compliance will mean that their services are legally recognized and operable throughout the EU. Entities that have operated without authorization or in a legally uncertain environment will now face clear regulatory and compliance requirements. This may result in the market exit of less reliable, "gray zone" operators, while law-abiding and transparent Hungarian companies may gain strength and even a competitive advantage.

An important aspect is the strengthening of user and investor protection. One of MiCA's central goals is to provide consumers with greater transparency and safety when trading or investing in crypto-assets. The regulation mandates risk warnings, imposes disclosure obligations on service providers, and sets out clear liability rules, for example in cases where customer funds are lost or a provider violates legal requirements.

While MiCA does not directly affect tax regulation, it will have indirect implications for Hungarian tax policy. Thanks to the clearer definitions of crypto-assets, the Hungarian Tax Authority (NAV) will be able to treat crypto-based income more consistently and transparently, which may help create a more regulated and orderly taxation environment in the long run. Additionally, MiCA could foster the growth of financial innovations, blockchain-based developments, and fintech initiatives, which hold economic growth potential for Hungary.

The implementation of MiCA marks a milestone for Hungary in the legal regulation of cryptocurrencies and other crypto-assets. It introduces a unified and directly applicable framework that ensures legal certainty, predictability, and supervisory control, while also enhancing consumer protection and promoting economic innovation. Thus, Hungary can benefit from MiCA not only in terms of regulatory compliance but also by strengthening the long-term development of a competitive, transparent, and sustainable crypto-economy in the domestic market.

IV. List of publications on the topic

<https://jogaszvilag.hu/szakma/a-blokkanc-technologia-ujabb-termeke-az-nft-jogi-megitelese/>

A blokklánc-technológia újabb terméke, az NFT jogi megítélése, 2022. október 11.

<https://jogaszvilag.hu/szakma/altcoinok-tokenek-jogi-megitelese-a-ripple-vs-sec-ugy/>

Altcoinok, tokenek jogi megítélése: a Ripple vs. SEC ügy, 2023. szeptember 13.

<http://ugyeszeklapja.hu/?p=3891>

BALOGH László: A kriptovaluták és a blokklánc-technológia szabályozása az EU-ban és néhány más ország példáját bemutató. = Ügyészek Lapja. Szakmai érdekképviseleti folyóirat, 29. évf. 3/2022. 81-92. pp. A4/10576

<https://ugyeszeklapja.hu/?p=3930>

BALOGH László: Kriptovaluta, blokklánc-technológia, NFT – Szabályozás, adózás Magyarországon, a bitcoin polgári jogi megítélése = Ügyészek Lapja. Szakmai érdekképviseleti folyóirat, 29. évf. 4/2022.

<https://www.parlament.hu/documents/56469078/56470561/eutan2211.pdf/b01e25ce-62a1-6495-c7f5-0daad4897f1b?t=1669799411140>

Új folyóiratcikkek az Európai Unióról, válogatás az Országgyűlési Könyvtárba 2022. november

BALOGH László: A kriptovaluták és a blokklánc-technológia szabályozása az

EU-ban és néhány más ország példáját bemutató