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Enforcement Seizure of Cryptocurrency Using Bitcoin as an Example

1. Introduction

Cryptocurrencies, including bitcoin and other types of virtual currency, should be classified as virtual assets[1], and their increasingly widespread use in social life raises the question of which provisions of civil procedural law should apply to the seizure of such assets. In principle, due to the wording of Article 140 of the Civil Code, it is not possible to speak of ownership rights to cryptocurrencies, but cryptocurrencies are undoubtedly traded: they are transferable as a result of a legal transaction, exchangeable for other goods, including tangible assets, and can also be used to settle liabilities. Cryptocurrencies, therefore, like other virtual assets, are transferable property rights and, as a rule, constitute relative subjective rights. This raises the problem of the seizure of virtual money and cryptocurrencies in court enforcement proceedings. Despite the fact that virtual currencies have been in circulation for a long time, no separate provisions on the judicial enforcement of virtual assets have been introduced into the Code of Civil Procedure. As a result, it is necessary to consider which of the currently applicable legal regulations apply to the

[1] The definition of virtual assets is presented in O. Nowicki, *Zajęcie prawa do korzystania z domeny internetowej i prawa do strony internetowej*, PPE 2024, No. 4, pp. 114–115.

enforcement of cryptocurrencies. This study will be limited to an analysis of the seizure of cryptocurrencies (virtual currencies) in the form of bitcoin, which has so far been the subject of only a cursory analysis in the literature. Moreover, previous analyses of the possibility of enforcement against a cryptocurrency using the example of bitcoin have become outdated with the introduction of the legal definition of a virtual currency. As J. Kiszka rightly points out, every cryptocurrency is a virtual currency, but not every virtual currency is a cryptocurrency, as there may be virtual currencies that do not use blockchain technology[2] and related cryptographic methods to record transactions[3], whereas bitcoin meets the conditions for being considered a virtual currency, which also changes the view of its legal nature, as will be discussed in this paper.

The subject matter covered by the title of the article requires, first of all, a technical and legal explanation of the concepts of virtual currency, cryptoasset, cryptocurrency, and bitcoin. This is important in view of the possibility of applying the relevant regulations concerning enforcement, including seizure, to these components.

2. Discussion of the concepts

2.1 Virtual currency

Virtual currency has a statutory definition set out in Article 2(2)(26) of the Act of March 1, 2018, on counteracting money laundering and terrorist financing (hereinafter: the Anti-Money Laundering Act)[4], according to which a virtual currency is understood as a digital representation of value that is not:

a) a legal tender issued by the National Bank of Poland, foreign central banks or other public administration bodies;

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[2] Literally, blockchain refers to a chain of blocks of information. It is a technology used to store and transmit information about transactions made on the Internet.

[3] J. Kiszka, *Obrót walutami wirtualnymi – regulacja zasad i problemy opodatkowania,* at: https://isp-modzelewski.pl/serwis/obrot-walutami-wirtualnymi-regulacja-zasad-i-problemy-opodatkowania/ (accessed on February 18, 2025).

[4] I.e. Journal of Laws of 2025, item 644; hereinafter: the Anti-Money Laundering Act. The Act entered into force on July 13, 2018. It is also worth quoting the definition proposed by the European Banking Authority, which recognizes that virtual "currencies" are a digital representation of value, not issued by a central bank or public authority, not necessarily linked to the currency of a specific country, but recognized by natural and legal persons as a means of payment. They can be transferred, stored, or traded electronically (see https://nbp.pl/uwazaj-na-kryptowaluty; accessed on October 12, 2025).

b) an international unit of account established by an international organization and accepted by individual countries belonging to or cooperating with that organization;
c) electronic money within the meaning of the Act of August 19, 2011, on payment services;
d) a financial instrument within the meaning of the Act of July 29, 2005, on trading in financial instruments;
e) a bill of exchange or check

– and is convertible in economic transactions into legal tender and accepted as a medium of exchange, and may also be stored or transferred electronically or traded electronically[5]. This definition is based on a negative list indicating what does not meet the conditions for recognition as a virtual currency. Until the entry into force of the Anti-Money Laundering Act, cryptocurrencies, including bitcoin, were not classified as virtual currencies or other financial instruments, but the trading and mining (production) of cryptocurrencies were considered permissible, and thus they were considered to be tradable[6].

2.2 Cryptoasset

The situation of this concept changed after the introduction of the legal definition of cryptoassets in Article 3(1)(5) of Regulation (EU) 2023/1114 of May 31, 2023, on markets in cryptoassets and amending Regulations (EU) No. 1093/2010 and (EU) No. 1095/2010 and Directives 2013/36/EU and (EU) 2019/1937[7]. According to this provision, a cryptoasset means a digital representation of value or rights that can be transferred and stored electronically using

[5] This definition is also referred to in Article 5a(33a) of the Act of July 26, 1991, on personal income tax (i.e. Journal of Laws of 2022, item 2647, as amended).

[6] These issues were explained by the Minister of Finance on the basis of an analysis of the provisions of the Act of July 27, 2002 – Foreign Exchange Law, the Act of September 12, 2002, on Electronic Payment Instruments, the Act of July 19, 2011, on Payment Services, the Act of July 29, 2005, on Trading in Financial Instruments – see the letter from the Minister of Finance to the Marshal of the Senate of June 28, 2013, ref. FN/FN-7/0602/WOS/4-3/2013/RD-67616/2013.

[7] Official Journal of the European Union L 150 of 2023, p. 40, as amended. The material scope of the Regulation does not cover, inter alia, decentralized cryptocurrency exchanges, digital art and collectibles (NFT crypto-assets with unique characteristics), or activities treating crypto-assets as financial instruments.

distributed ledger technology or similar technology[8]. From the moment the Regulation entered into force, cryptocurrency was considered a type of cryptoasset. The aforementioned interpretation of a cryptoasset has been expressly adopted by the Act of 7 November 2025 on the Crypto-Asset Market[9], which aims to align Polish law with the provisions of European Union regulations[10].

2.3 Cryptocurrency

The very concept of cryptocurrency[11] has not been explicitly defined in Polish legislation[12], and the definition of virtual currency is insufficient to fully

[8] The Regulation distinguishes three categories of crypto-assets: asset-referenced tokens (ART), e-money tokens (EMT), and crypto-assets other than asset-referenced tokens or e-money tokens. Recitals 2, 3, and 41 of the Regulation also refer to the definition of cryptoasset. Pursuant to Recital 41, it also applies to algorithmic stable cryptocurrencies (so-called stablecoins), that aim to maintain a stable value in relation to an official currency, or in relation to one or several assets, via protocols, that provide for the increase or decrease in the supply of such crypto-assets in response to changes in demand. Examples of stablecoins include USDT (Tether), USDC (USD Coin), DAI, and PYUSD (PayPal USD).

[9] The Act on the Crypto-Asset Market was adopted by the Parliament of the Republic of Poland on 7 November 2025. The Act had not entered into force because of veto of the President of the Republic of Poland. The text adopted by the Parliament is available at https://orka.sejm.gov.pl/opinie10.nsf/nazwa/1424_u/$file/1424_u.pdf (accessed on 23 November, 2025).

[10] The Act on the Crypto-Asset Market is intended to implement Regulation (EU) 2023/1114 of the European Parliament and of the Council of 31 May 2023 on markets in crypto-assets and amending Regulations (EU) No 1093/2010 and (EU) No 1095/2010 and Directives 2013/36/EU and (EU) 2019/1937 (Official Journal of the European Union L 150 of 09.06.2023, p. 40; Official Journal of the European Union L 2023/2869 of 20 December, 2023; Official Journal of the European Union L 2024/90275 of 02 May 2024; and Official Journal of the European Union L 2024/90658 of 30 October, 2024), as well as Regulation (EU) 2023/1113 of the European Parliament and of the Council of 31 May 2023 on information accompanying transfers of funds and certain crypto-assets and amending Directive (EU) 2015/849 (Official Journal of the European Union L 150 of 09 June, 2023, p. 1).

[11] The name comes from a combination of cryptography and currency – from https://academy.binance.com/pl/start-here?utm_campaign=googleadsxacademy&utm_source=googleadwords_int&utm_medium=cpc&ref=HDYAHEES&gad_source=1&gclid=EAIaIQobChMI_7-8vte1hAMV_SwGAB1aCwTFEAAYAyAAEgI4X_D_BwE (accessed on 18 February, 2025).

[12] The National Bank of Poland (NBP) indicates that cryptocurrencies, virtual "currencies" and digital "currencies" are not "electronic money" within the meaning of the law. They are a digital representation of a value agreed upon by their users, which is not issued or guaranteed by any central bank in the world (e.g. the Polish zloty is issued by the National Bank of Poland). A virtual "currency" is used as an imitation of money if the two parties to the transaction so agree (see https://nbp.pl/uwazaj-na-kryptowaluty/ – accessed on October 12, 2025).

reflect its legal nature, especially since not every virtual currency will be a cryptocurrency[13]. Satoshi Nakamoto, the creator of Bitcoin, defines cryptocurrency as a distributed accounting system, independent of central banks, based on cryptography, storing information about holdings in contractual units, with holdings linked to individual nodes in the system ("wallets") in such a way that control over a given cryptocurrency wallet is held exclusively by the holder of the corresponding private key, and it is impossible to spend the same unit twice[14].

The concept of cryptocurrency is also explained on the websites of cryptocurrency exchanges. For example, the Binance exchange indicates that the name cryptocurrency refers to a decentralized digital currency that uses cryptography to ensure security, can operate independently of intermediaries such as banks or payment processing companies, and its decentralized nature facilitates peer-to-peer (P2P) transactions directly between individuals, whereby instead of physical wallets and bank accounts, people access their cryptocurrencies through unique crypto wallets or crypto exchanges[15]. The Plus500 exchange indicates that cryptocurrencies (Crypto) are virtual currencies that typically use a decentralized network and enable secure commercial transactions[16]. The ZondaCrypto exchange indicates that cryptocurrency is a virtual, digital asset that uses blockchain technology to record and store transactions[17].

In light of the above definitions of legal virtual currency and cryptocurrency as defined by cryptocurrency exchanges, cryptocurrency under civil

13 A detailed analysis of cryptocurrency as a virtual currency is provided by P. Budner in the article: *Zjawisko kryptowalut w prawie polskim*, Młody Jurysta 2021, No. 1, Journal of Students and Doctoral Students of the Faculty of Law and Administration of the Cardinal Stefan Wyszyński University, pp. 29–34.

14 See Satoshi Nakamoto: Bitcoin: A Peer-to-Peer Electronic Cash System at: https://bitcoin.org/bitcoin.pdf.

15 https://academy.binance.com/pl/articles/what-is-a-cryptocurrency (accessed: February 18, 2025).

16 https://www.plus500.com/pl-fr/trading/cryptocurrencies?id=134463&tags=g_sr%2B16450615089_cpi%2BPolandSearchDSA_cp%2B133461103385_agi%2BGeneral.DSA_agn%2B_ks%2Bdsa-19959388920_tid%2B_mt%2Bc_de%2Bg_nt%2B_ext%2B9067400_loc%2BUURL&ℵ&gad_source=1&gclid=EAIaIQobChMI9uTktNm1hAMVHjwGAB0BTwAHEAAYASAAEgJ39PD_BwE (accessed: 18.02.2025).

17 https://zondacrypto.com/pl/akademia/kryptowaluty-przewodnik-dla-poczatkujacych-czym-sa-kryptowaluty (accessed on 18 February, 2025).

law should be understood as property within the meaning of Article 44 of the Civil Code[18], which meets the following characteristics:

1. it is intangible, as it exists in the digital world and is based on a specific cryptographic code, and therefore is not a thing within the meaning of Article 45 of the Civil Code;
2. it is based on decentralized blockchain technology;
3. it is stored and transferable electronically;
4. it is economic in nature as a digital representation of value;
5. it can be used to redeem liabilities;
6. it is exchangeable for legal tender;
7. it is traded as a medium of exchange for other tangible and intangible goods;
8. it can be traded electronically.

Cryptocurrency is therefore a transferable property right[19] and, at the same time, a relative subjective right, as it is not subject to ownership rights under Article 140 of the Civil Code, since it is not a thing within the meaning of Article 45 of the Civil Code. Transactions using cryptocurrency involve the transfer of resources from one address to another and are confirmed by publication in the blockchain. The transfer of cryptocurrency resources requires the transaction to be signed with a private key. The recipient then uses the corresponding public key to verify the signature and confirm the transaction[20].

2.4 Bitcoin

Bitcoin (abbreviated as BTC or XBT) is a special type of cryptocurrency, but first, a general note should be made, as the term "bitcoin" has two meanings. Written with a lowercase letter, "bitcoin" refers to individual units of cryptocurrency,

[18] This was also confirmed by the Supreme Administrative Court in its judgment of March 6, 2018, II FSK 488/16, Legalis.

[19] Similarly, J. Dąbrowska, *Charakter prawny bitcoin*, Człowiek w Cyberprzestrzeni 2017, No. 1, p. 58 – quoted from P. Budner, *Zjawisko kryptowalut...*, p. 35. It is worth adding that, pursuant to Article 17(1)(11) and (1)(g) of the Personal Income Tax Act, income from the sale of virtual currency is also considered income from capital. This confirms the thesis that cryptocurrency, including bitcoin, is a transferable property right.

[20] L. Lantz, D. Cawrey, *Blockchain. Przewodnik po technologii łańcucha bloków. Kryptowaluty, inteligentne kontrakty i aplikacje rozproszone*, translated by M. Machnik, published by Helion S.A., Gliwice 2023, p. 38.

while "Bitcoin" with a capital letter refers to the protocol on which the decentralized network operates, connecting computers around the world to form a blockchain that stores a fully transparent record of all approved transactions made using bitcoins since the system began operating in early 2009[21]. The Bitcoin network uses public and private key cryptography[22] to conduct transactions and prove their authenticity, with private keys used to digitally sign Bitcoin transactions, proving that the owner of the Bitcoin address is also the owner of the bitcoin used and is authorized to use it. Public keys are used in Bitcoin solely to generate addresses, and an address is a compressed version of a public key, making it easier to read, while a Bitcoin address is a value that can be given publicly to anyone, usually when asking them to send bitcoins. In this way, it works similarly to an email address[23].

A blockchain address is a unique identifier for a user to send and receive assets, somewhat similar to a bank account when making a transfer. This address consists of a fixed number of alphanumeric characters generated from a pair: a public key and a private key. Transferring a bitcoin belonging to an authorized user involves proving ownership of the corresponding private key and sending the asset to another address with the correct digital signature. This is a simple operation usually performed using a cryptocurrency wallet, which is represented as sending a transaction involving smart contracts[24].

Bitcoin is therefore commonly considered to be a cryptocurrency that operates independently of banks and governments, based on peer-to-peer software and cryptography, introduced in 2009 by a person or group of people under the pseudonym Satoshi Nakamoto as a peer-to-peer electronic cash system, whereby the name Bitcoin also refers to the open-source node software (Bitcoin Core) that forms a peer-to-peer computer network (Bitcoin Network)[25]. Bitcoin as a unit of value is divisible, which means that it is possible to own

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21 See S. Barta, R.P. Murphy, *Zrozumieć Bitcoina. Techniczny i ekonomiczny przewodnik po kryptowalutach,* translated by R. Trąbski, Fijorr Publishing, 1st edition, Wrocław 2018, p. 21.

22 A private key is a random 256-bit number, represented in hexadecimal format.

23 L. Lantz, D. Cawrey, *Blockchain. Przewodnik* …, p. 36.

24 R. Łapać, *Jak bezpiecznie i bez pośpiechu wejść w świat kryptowalut*, 2023, p. 201.

25 See https://bitcoin.pl/manifest-satoshi-nakamoto (accessed: February 18, 2025).

a fractional amount of bitcoin, but not less than 0.00000001 bitcoin (1 bit)[26]. A bitcoin is divided into 100 million cryptocents called satoshi[27].

There are several positions in the doctrine on the legal status of bitcoin, which can also be applied to other cryptocurrencies.

K. Zacharzewski assumes that, in the light of civil law, bitcoin is a relative subjective right and, as a transferable property right, constitutes an asset within the meaning of Article 44 of the Civil Code, similar in nature to a dematerialized financial instrument and an identification mark confirming the obligation to perform with a function other than money as a measure of value, acquired primarily by so-called "miners". At the same time, the author points out that bitcoin, as a relative subjective right, cannot be the subject of ownership in the technical and legal sense and can only enter the property of the entitled person as a claim[28].

J. Kudła points out that bitcoin is not material in nature, therefore it is not a thing within the meaning of Article 45 of the Civil Code; it is an intangible asset and is the subject of sale, and thus has an economic nature. In view of the above, this author distinguishes the private key as the most important element of bitcoin, due to the fact that it allows for the disposal of bitcoin[29].

J. Szewczyk, on the other hand, focuses on the economic and digital aspects of bitcoin, but does not consider it to be an element of normative reality, only an element of the factual sphere, and thus indicates that it is not a thing or a material object, nor is it a right, but a good in itself, which may be the subject of certain rights, but does not constitute an asset[30].

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[26] Cf. S. Barta, R.P. Murphy, *Zrozumieć Bitcoina. Techniczny…*, p. 117.

[27] M. Grzybkowski, S. Bentyn, *Kryptowaluty*, Poznań 2018, p. 197.

[28] K. Zacharzewski, *Bitcoin jako przedmiot stosunków prawa prywatnego*, M.Prawn. 2014, No. 21, p. 1133. See also K. Zacharzewski, *Praktyczne znaczenie bitcoina na wybranych obszarach prawa prywatnego*, M.Prawn. 2015, No. 4, p. 187–195; K. Zacharzewski, *Obrót walutami cyfrowymi w reżimie obrotu instrumentami finansowymi*, PS 2017, No. 11–12, p. 140–152.

[29] J. Kudła, *Bitcoin i inne kryptowaluty (wirtualne mierniki wartości) jako przedmiot procesu i egzekucji*, PPC 2018, No. 3, pp. 18–19. The author points out that the sale of bitcoin is permitted by Article 555 of the Civil Code, applied directly or by analogy.

[30] J. Szewczyk, *O cywilnoprawnych aspektach bitcoina (cz.2)*, M.Prawn. 2018, No. 6, pp. 304–307.

The doctrine also includes statements according to which bitcoin is an independent object of performance and indirectly forms part of the assets of the bitcoin holder[31]. The assets of such an entity will include the ownership of the physical medium on which the private key is located or a claim against the hosting entity for reading and using the private key[32]. In the latter case, it is pointed out that, at the same time, the same bitcoins may (indirectly) become part of the assets of both the hosting provider and "their owner". In the case of the hosting provider, they will be stored on servers or data carriers to which it has the ownership rights. In the case of the economic owner, the bitcoins will become part of their assets through a claim[33]. It must be agreed that an attempt to construct a concept in which bitcoin would be an asset independent of the medium on which the private key is located would lead to contradictions in the legal system. In such a situation, it would be possible for one entity to be entitled to the bitcoins themselves and another entity to be entitled to the medium on which the private key is located, which would consequently prevent the holder from disposing of the bitcoins[34]. This key is necessary to use bitcoins. However, theoretically, such a situation cannot be ruled out.

The positions presented above should be considered partially outdated in light of the current legal situation. It is obvious that bitcoin is not traditional or digital (electronic) money[35], but is a cryptocurrency that has characteristics allowing it to be considered a virtual currency under the Anti-Money Laundering Act. Bitcoin is acceptable as a medium of exchange[36] and in economic practice is used to settle liabilities. Bitcoin is used in contracts as a means of payment and as an object of sale and exchange. Bitcoin is convertible into legal means of payment[37], including fiat money, electronic money, or other virtual

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[31] M. Michna, *Bitcoin jako przedmiot stosunków cywilnoprawnych*, Legalis, 2018, issue 1, Chapter III, p. 4.

[32] In the rest of this paper, this claim will be referred to as the right to cryptocurrency.

[33] M. Michna, *Bitcoin...*, p. 4.

[34] *Ibid.*

[35] The fundamental difference is that traditional (fiat) money and digital money have an issuer in the form of a central bank.

[36] See also J. Kudła, *Bitcoin* ..., pp. 17–19.

[37] Bitcoin can be exchanged for another cryptocurrency, goods, or money.

currencies, including cryptocurrencies. Bitcoin has a specific value and, pursuant to Article 358^1 § 2 of the Civil Code, a measure of value other than money, and therefore meets the condition that a digital representation of value can be stored or transferred electronically or can be traded electronically. Furthermore, bitcoin can be stored either on a computer or private medium or in the cloud (on a server) – in an account on a so-called cryptocurrency exchange[38], which will be discussed below. Bitcoin itself is a measure of value that can be used to pay for a thing or a right, transfer its ownership or possession (depending on the concept adopted), or sell it for a specific price, which is done by using a private key or transferring its content to a third party. Bitcoin is also divisible, i.e. it is possible to own a fractional part of a bitcoin, which corresponds to that part of the value of the bitcoin. Bitcoin is therefore an asset, as property, a relative subjective right, and a transferable property right, and may therefore be subject to seizure. Bitcoin does not constitute a property right under Article 140 of the Civil Code because it has no material substrate, but it is property within the meaning of Article 44 of the Civil Code and is an independent asset whose use depends on the possession of a private key, or more precisely, the medium (including a virtual one) on which that key is located.

2.5 Disposal and storage of bitcoin

The following are relevant for the analysis of the enforcement seizure of bitcoin: the mechanism of transactions in the Bitcoin network (blockchain) based on the use of private and public keys, and the issue of bitcoin storage.

As M. Michna rightly points out, completing a transaction requires the use of a private key, which is essentially a private (secret) password for authorizing transactions and confirming ownership of cryptocurrency[39]. Using this key, the bitcoin debtor authorizes the transaction – as a result, the appropriate amount of bitcoins is debited from the debtor's bitcoin account and credited to the recipient. This key takes the form of a file that can be stored either on a physical medium (hard drive, memory card, USB flash drive), in an application, or on a server

[38] This account is also called a bitcoin account.

[39] M. Michna, *Bitcoin…*, Legalis, 2018, 1st edition, Chapter III, p. 3.

specializing in storing Internet users' data (the so-called cloud), or possibly with the help of a cryptocurrency exchange. Alternatively, it can take the form of a string of alphanumeric characters written on a piece of paper or a metal plate. The use of the key is therefore a necessary condition for completing a transaction. Each unit of bitcoin, including fractions, owned by a given entity is therefore assigned a private key, which can be stored in a wallet. These wallets are divided into:

– so-called cold wallets, which refer to hardware (hardware wallets) on which private keys are stored offline and which offer the highest level of security – most often these are computers or specialized devices resembling portable hard drives, metal plates with the private key written on them, and paper wallets, which usually come down to a piece of paper; in other words, they are physical data carriers, both electronic and traditional[40];
– so-called hot wallets, which are online programs and applications, including mobile applications for phones or tablets (mobile wallets), computer programs (desktop wallets), and web browser extensions (browser wallets);
– non-custodial wallets managed directly by the private key holder;
– custodial wallets managed by a third party, e.g. a cryptocurrency exchange, which manages the private keys stored in the wallet of a given entity on its behalf.

Therefore, cryptocurrency, including bitcoin, is stored in a wallet, most often on a so-called cryptocurrency exchange, i.e. with the help of a third party conducting business activities providing services in the field of virtual currencies, on a private computer, or on another medium using appropriate IT software[41]. It should be emphasized that in the case of non-custodial wallets, both cold and hot, the cryptocurrency holder stores their private keys themselves and has full access to them and the ability to dispose of them.

[40] It cannot be ruled out that the holder or owner of the medium will be another entity. Such a situation will occur, for example, in the case of statutory marital community property or other types of joint ownership, where the joint property would include the medium on which the key is stored.

[41] The mechanism of the software is described, for example, on the website https://bitcoin.org/pl/jak-to-dziala. It consists of generating a private key for the account, used to authorize transactions and dispose of bitcoins stored in the account, and a public key, which is used to create a Bitcoin address and verify the account holder's signature.

A cryptocurrency exchange is essentially a website through which registered users can place offers to buy or sell cryptocurrencies for fiat currencies. An obligation arises between the cryptocurrency exchange and the bitcoin holder, under which the bitcoin holder is entitled to use the services of the entrepreneur, in particular to store data on servers (in a hosting account) and to read it, and the entity providing hosting services (hosting provider) is obliged to store the data, ensure its security, and refrain from using the stored data, whereby the service may be provided for a fee or free of charge. Exchanges are divided into fiat-crypto[42] and crypto-crypto[43], as well as centralized (CEX) and decentralized (DEX). Centralized exchanges are characterized by the fact that there is only one intermediary – the exchange owner – who stores all data and registers orders, enabling transactions between exchange users. In this case, exchange users deposit funds in the form of money or cryptocurrencies into their accounts, and all transactions take place through the exchange's internal system. Each user has their own public key, which allows them to be individualized and recognized. The essence of a centralized exchange is that the exchange owner stores the private keys to cryptocurrencies and disposes of them after receiving the appropriate instruction from the user. As indicated, who the owner of bitcoin is in the Bitcoin network at a given moment is determined by who controls the address where the bitcoins are located[44]. Accounts on such exchanges are similar to a bank account agreement, where the bank stores the account holder's funds, but the bank is the owner of the money, and the account holder can instruct the bank to carry out monetary settlements and has a claim against the bank for the payment of all or part of the funds. The nature of the agreement with a centralized exchange is similar to that of a bank account agreement, and therefore it is a bilateral, causal, consensual legal transaction and contains the characteristics of an irregular deposit agreement (Article 845 of the Civil Code), a contract of mandate (Article 734 of the Civil

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42 Exchanges that allow traditional currencies to be exchanged for cryptocurrencies and vice versa.

43 Exchanges that allow one cryptocurrency to be exchanged for another type of cryptocurrency.

44 Similarly, S. Barta, R.P. Murphy, *Zrozumieć Bitcoina. Techniczny…*, p. 69.

Code) and unnamed contracts for the provision of services (Article 750 of the Civil Code). Similar to a bank account, an agreement concluded with a cryptocurrency exchange creates a civil law relationship of an obligatory nature, which arises when the exchange accepts funds in fiat currency and cryptocurrency from the user for safekeeping under an obligation of restitution[45].

Without going into technical details, it should be noted that decentralized exchanges are characterized by the fact that transactions take place through the use of bitcoin holders' own wallets, on which private keys to their cryptocurrencies are stored, and the operation of such wallets is based on the blockchain system.

Importantly, the Anti-Money Laundering Act, in Article 2(1)(12), defines, as one of the obligated institutions, entities conducting business activities providing services in the field of virtual currencies in the area of exchange between virtual currencies and means of payment, exchange between virtual currencies, intermediation in the exchange referred to in points a or b, and the maintenance of accounts referred to in paragraph 2(17)(e), i.e. an electronic collection of identification data enabling authorized persons to use virtual currency units, including the execution of exchange transactions[46]. These entities are subject to the obligation being entered in the relevant register. This regulation will apply to the cryptocurrency exchanges referred to above.

Given the nature of transactions carried out using bitcoin and the importance of possessing a private key, without which it is impossible to dispose of bitcoin, for the purposes of further analysis, it will be important to distinguish between the seizure of bitcoin deposited on a cryptocurrency exchange, where the private key is held by that exchange, and the seizure of bitcoin whose private key is held by the bitcoin holder in digital form (a key stored on a data carrier) or in the form of an object (a code stored on a metal plate or piece of paper).

45 J. Gołaczyński, *Komentarz do art. 725 KC* [in:] *Kodeks cywilny. Komentarz*, E. Gniewek, P. Machnikowski (eds.), 11th edition, Warsaw 2023, Legalis.

46 These entities are required to be entered in the relevant register in accordance with Chapter 11a of the Anti-Money Laundering Act. The register is published on the website https://www.slaskie.kas.gov.pl/c/document_library/get_file?uuid=73ffde9b-0123-4594-8a94-a4d458218386&groupId=3559133 (accessed on October 12, 2025) and includes both natural persons conducting business activity and commercial law companies.

3. Seizure procedure

Moving on to the analysis of the seizure of bitcoin as part of the enforcement of monetary claims, it should be noted that the prevailing view in legal doctrine is that the provisions on the enforcement of other property rights (Article 909 of the Code of Civil Procedure and subsequent articles) should be applied to the enforcement of bitcoin[47]. However, as noted earlier, the possibility of enforcement against other claims (Articles 895–908 of the Code of Civil Procedure) and even against remuneration for work (Articles 880–888 of the Code of Civil Procedure) cannot be ruled out. Regardless of whether bitcoin is considered a virtual currency, the possibility of applying provisions on enforcement against a bank account (Articles 889–893(3) of the Code of Civil Procedure) should be excluded, due to the fact that, currently, no bank or credit union maintains accounts dedicated to cryptocurrencies[48]. The possibility of applying the provisions on the enforcement of monetary claims in foreign currency should also be excluded, due to the content of Article 2(1)(10) of the Act of July 27, 2002 – Foreign Exchange Law[49]. This provision states that foreign currencies are monetary signs (banknotes and coins) that are legal tender outside the country, as well as those withdrawn from circulation but subject to exchange, and convertible settlement units used in international settlements, in particular the settlement unit of the International Monetary Fund (SDR). Bitcoin and other cryptocurrencies do not meet these conditions.

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[47] See, for example, J. Kudła, *Bitcoin …*, p. 23; M. Marcinkowska, *Egzekucja komornicza z kryptowalut*, PPH 2021, No. 6, p. 15.

[48] It should be noted that Alior Bank S.A. has recently introduced the possibility of concluding contracts for difference (CFDs) on Bitcoin and Ethereum, although this does not involve the purchase of the cryptocurrencies themselves (see https://www.aliorbank.pl/biuro-maklerskie/forex/kryptowaluty.html). Revolut, on the other hand, offers the possibility of buying and selling cryptocurrencies directly in the application, but does not provide individual wallets. Cryptocurrencies are stored in a virtual account that combines hot and cold wallets. This is where private cryptocurrency keys are stored (see https://help.revolut.com/pl-PL/help/wealth/cryptocurrencies/transferring-cryptocurrencies/do-i-have-an-individual-cryptocurrency-wallet/). At the moment, there is no typical bank account used for trading cryptocurrencies. However, in the future, if banks or credit unions operate cryptocurrency accounts used for storage and purchase, it would be reasonable to apply the provisions on enforcement from a bank account.

[49] I.e. Journal of Laws of 2024, item 1131, as amended.

Currently, the possibility of paying remuneration for work in the form of bitcoin cannot be ruled out, especially in view of its status as a virtual currency[50]. In such a case, enforcement will therefore concern unpaid remuneration for work or other benefits arising from the employment relationship. The method and procedure for seizing remuneration for work in bitcoin will be governed by the provisions of Article 880 et seq. of the Code of Civil Procedure concerning the seizure of remuneration for work paid in cash. The procedure for seizing remuneration for work has been described in the literature and is not in doubt, therefore it does not require further discussion in this study[51]. However, it is worth emphasizing that after the seizure of remuneration, the employer should transfer the bitcoin to the address indicated by the creditor or bailiff, i.e. the cryptocurrency wallet address.

Moving on to the main part of the discussion, two situations of enforcement against cryptocurrency (bitcoin) should be distinguished. The first will occur when the debtor stores the cryptocurrency in a custodial wallet, i.e. with an intermediary, e.g. on a cryptocurrency exchange, and the second when the cryptocurrency is stored directly by the debtor, i.e. using a non-custodial wallet, whether cold or hot.

In the first situation, the application of the provisions on enforcement of other claims (Articles 895–908 of the Code of Civil Procedure) is supported by the fact that the debtor (the holder of bitcoin) has a claim against the cryptocurrency exchange in the form of a cryptocurrency right[52]. Pursuant to Article

[50] The issue of payment of remuneration in bitcoins was described in detail by B. Tomanek, *Wypłata wynagrodzenia w wirtualnej walucie bitcoin*, Monitor Prawa Pracy 2017, No. 11, p. 582 et seq.

[51] R. Niski, *Zajęcie wynagrodzenia za pracę – wybrane zagadnienia*, PE 16(52), p. 72 et seq.; M. Liskowski, *Zakres przedmiotowy wynagrodzenia za pracę podlegającego zajęciu w sądowym postępowaniu egzekucyjnym*, Studia Iuridica Toruniensia, Vol. XXI, p. 220 et seq.

[52] There is an agreement between the cryptocurrency exchange and its user, under which mutual rights and obligations of the parties arise. The framework conditions of the agreements are regulated by Articles 75 and 82 of Regulation (EU) 2023/1114 of the European Parliament and of the Council of May 31, 2023, on markets in cryptoassets and amending Regulations (EU) No. 1093/2010 and (EU) No. 1095/2010 and Directives 2013/36/EU and (EU) 2019/1937 (OJ EU L of 2023 No. 150, p. 40, as amended). In addition, Chapter 3 of this Regulation, i.e. Articles 75–82, imposes a number of obligations on cryptocurrency exchanges aimed at ensuring the protection of customers (cryptocurrency holders), including information obligations. As follows from Article 75(1), cryptoasset service providers

895 § 1 sentence 1 of the Code of Civil Procedure, enforcement is carried out by a bailiff of the court of general jurisdiction of the debtor, or, if there are no grounds for determining such jurisdiction, by a bailiff of the court of general jurisdiction of the person liable to the debtor. The provision of Article 895 § 1 sentence 2 of the Code of Civil Procedure does not apply in this case, as it is not possible to determine the location of the subject of the performance or right. Even if it were assumed that the place where the bitcoin is located is the seat of the cryptocurrency exchange, the provision of Article 895 § 1 sentence 1 in fine of the Code of Civil Procedure would still apply. The seizure itself should take place in accordance with Article 896 of the Code of Civil Procedure, and the entire amount payable to the debtor, including future claims, is subject to seizure. It is of great importance to notify the debtor that he is not allowed to receive any payment for his bitcoin or dispose of the seized claim and the security established for it (Article 896 § 1(1) of the Code of Civil Procedure) and to request the debtor of the claim (the cryptocurrency exchange) not to pay the benefit due from it to the debtor, but to submit it to the bailiff or to the deposit account of the Minister of Finance (Article 896 § 1 point 2 of the Code of Civil Procedure)[53]. Pursuant to Article 900 § 1 sentence 1 of the Civil Code, seizure is effected upon delivery of a summons to the debtor of the seized claim, whereby delivery should be made in writing to the address of

who provide the storage and administration of cryptoassets on behalf of customers shall enter into a contract with their customers to define their obligations and scope of liability, which shall include at least the following elements: a) the identity of the parties to the contract; b) the nature of the cryptoasset service provided and its description; c) the custody policy; d) the means of communication between the cryptoasset service provider and the client, including the client authentication system; e) a description of the security systems used by the cryptoasset service provider; f) fees, costs, and charges levied by the cryptoasset service provider; g) the applicable law. However, in accordance with Article 82(1), cryptoasset service providers who provide cryptoasset transfer services on behalf of clients shall enter into a contract with their clients to define their obligations and scope of liability, which shall include at least the following elements: a) the identity of the parties to the contract; b) a description of the terms and conditions of the transfer service; c) a description of the security systems used by the cryptoasset service provider; d) the fees charged by the cryptoasset service provider; e) the applicable law. Community law therefore imposes on entities involved in the storage and trading of cryptoassets essential provisions (*essentialia negotii*) that must be included in contracts concluded with clients.

[53] When seizing assets, the bailiff must summon the debtor to make the statements referred to in Article 886 § 2 points 1 and 2 of the Code of Civil Procedure.

the registered office of the entity operating the cryptocurrency exchange, i.e. the address of business activity of a natural person according to the data from the CEIDG register or the address of the registered office of a commercial law company. General regulations on the service of documents (Article 13 § 2 of the Code of Civil Procedure in conjunction with Article 131 et seq. of the Code of Civil Procedure) shall apply to notifications. The debtor of the claim (cryptocurrency exchange) should, within one week, submit a statement as to whether the debtor being enforced against is a user of the exchange and has funds in bitcoin and in what amount (Article 896 § 2 of the Code of Civil Procedure). If the answer is positive, the seizure shall be deemed effective, and the exchange shall transfer the funds to the Bitcoin address (account address on the cryptocurrency exchange or wallet) indicated by the creditor or bailiff, or the bailiff shall sell the seized bitcoin as a claim in accordance with Article 904^1 of the Code of Civil Procedure. It should be noted that the provision of Article 901 of the Code of Civil Procedure does not apply in this case due to the debtor's (bitcoin holder's) lack of a document confirming the claim.

In the second situation, i.e. storing bitcoin, or more precisely, a private key, in a non-custodial wallet, it seems most appropriate to conduct enforcement proceedings based on the provisions on enforcement of other property rights[54]. This statement is justified primarily because, following the introduction of the definition of virtual currency and the definition of cryptoasset into Polish law, the legal status of cryptocurrency in the form of bitcoin has changed under EU law, and doubts as to whether it can be classified as part of the debtor's assets have been dispelled. The legal nature of bitcoin, as described above, indicates that bitcoin is both a measure of value and property, is divisible, and is used to perform (redeem) obligations. Since bitcoin can be disposed of and used to pay for goods or rights, it should be considered that bitcoin constitutes another property right under the Civil Code. Moreover, the application of the provisions on enforcement of other property rights is also indicated by EU law, which regulates the storage and trading of cryptoassets, including bitcoin[55]. At the same time, these provisions are

[54] See also M. Marcinkowska, *Egzekucja…*, p. 15.
[55] Chapter 3 of Regulation (EU) 2023/1114 of May 31, 2023, on cryptoasset markets and amending Regulations (EU) No. 1093/2010 and (EU) No. 1095/2010 and Directives 2013/36/EU and (EU) 2019/1937.

the most universal, as they can be applied both to cryptocurrency stored on a physical and virtual medium, and in the case of its storage directly by the debtor or through an intermediary, e.g. a cryptocurrency exchange. The seizure of bitcoin should therefore take place on the basis of Article 909 et seq. of the Code of Civil Procedure[56]. The seizure of such a right by a bailiff takes place on the basis of Article 910 § 1 of the Code of Civil Procedure through:

- notifying the debtor that they are not allowed to dispose of, encumber or exercise the seized right, nor are they allowed to collect any benefits arising from the seized right;
- notifying the person who is bound by the seized right with an obligation towards the debtor of the nature of the enforced benefits, if the enforcement concerns the benefits referred to in Article 773 § 2^1 of the Code of Civil Procedure;
- notifying the person who is liable to the debtor under the seized right not to perform that obligation towards the debtor, but to pay the monetary benefits resulting from the right to the bailiff or to the deposit account of the Minister of Finance, and summoning that person to submit a statement within one week regarding whether other persons have claims to the seized right, whether and in which court or before which authority a case concerning the seized right is or was pending, as well as whether and for what claim the enforcement of the seized right is directed;
- summoning the person who is liable to the debtor under the seized right to pay, in the event of concurrent judicial and administrative enforcement, where the payment is insufficient to cover all the enforced claims, to the judicial or administrative enforcement authority which first seized the right, and if it is impossible to determine this priority – to the authority that made the seizure for the higher amount, or to the judicial enforcement authority – if the enforcement concerns the benefits referred to in Article 773 § 2^1 of the Code of Civil Procedure, and immediately notifying the competent enforcement authorities of the concurrence of enforcement, indicating the date of

[56] With regard to the bailiff's powers, Article 895 of the Code of Civil Procedure shall apply, as described above.

delivery of the notices of seizure made by those authorities and the amount of the receivables for which the seizures were made, and in the case referred to in Article 773 § 2[1] of the Code of Civil Procedure – also the nature of the enforced benefits.

If the bitcoin (private key) is stored on a cryptocurrency exchange, the seizure is effective upon delivery of the notice to the entity operating the exchange (Article 910 § 2 sentence 1 of the Code of Civil Procedure), unless the notice of seizure has been delivered to the debtor earlier, in which case the effects of the seizure arise for the debtor upon delivery of the notice of seizure to the debtor (Article 910 § 2 sentence 2 of the Code of Civil Procedure). If the private key is stored on a private medium, the seizure is effective upon delivery of the notice to the debtor (Article 910 § 3 of the Code of Civil Procedure). Pursuant to Article 910 § 4 of the Code of Civil Procedure, the effects of seizure in relation to anyone who knew about the commencement of enforcement proceedings arise at the moment when they became aware of the commencement of enforcement proceedings, even if the notice of seizure was not delivered. The seizure gives the creditor the possibility to exercise all of the debtor's property rights arising from the seized right, necessary to satisfy the creditor through enforcement and to preserve the right (Article 910(2) § 1 of the Code of Civil Procedure). The creditor therefore becomes entitled to request the private code and obtains the possibility and right to use it to dispose of the bitcoin and transfer it to their bitcoin account or sell it, provided that its value is determined on the basis of Article 910(4) § 2 of the Code of Civil Procedure. The scope of the seizure is determined by Article 911(4) of the Code of Civil Procedure, according to which the seizure of a right also covers all claims and entitlements of the debtor arising from the seized right, even if they arose after the seizure, although in the case of bitcoin it is difficult to determine what these claims might be. The claim to which the debtor is entitled is a claim for payment, or more precisely, for the transfer of bitcoin to the creditor's designated cryptocurrency account (wallet) or exchange for fiat currency. The claim could theoretically be a demand for payment in bitcoin through the execution of a previous transaction, but due to the nature of the blockchain system and the execution of payments in real time, such a deferred payment is unlikely. For these reasons, in the case of bitcoin, this provision is more theoretical than practical.

A special situation arises when the private key is stored by the debtor on a USB flash drive or other physical digital media and this media remains in their possession. In such a case, the provisions on the enforcement of movable property, i.e. the provisions of Article 844 of the Code of Civil Procedure, should be applied[57]. As a rule, enforcement against movable property is carried out by the bailiff of the debtor's general jurisdiction, and if the debtor does not have a place of residence, registered office or branch in the territory of the Republic of Poland, the bailiff of the court in whose district the movable property is located is competent to carry out the enforcement. The creditor has the option of choosing another bailiff in accordance with Article 10(1) of the Act of March 22, 2018, on court bailiffs; however, after seizing the movable property, the selected bailiff shall notify the bailiff acting at the district court in whose district the movable property is located at the time of seizure, by sending a copy of the movable property seizure report (Article 844 § 3 of the Code of Civil Procedure).

Pursuant to Article 845 § 1 of the Code of Civil Procedure, the bailiff proceeds with the enforcement of movable property by seizing it. The bailiff seizes the property by entering it in the seizure report (Article 847 § 1 of the Code of Civil Procedure). The bailiff draws up a report on the seizure of movable property, the elements of which are specified in detail in Article 809 of the Code of Civil Procedure, Article 847 of the Code of Civil Procedure, and Article 853 § 1 of the Code of Civil Procedure. These provisions stipulate that the report should include the place and time of the action, the names and surnames of the parties and other persons participating in the action, a report

[57] A. Hrycaj points out that, as an intangible asset, bitcoin is not subject to enforcement against movable property, as it is not a thing (see A. Hrycaj, *Egzekucja z ruchomości*, Warsaw 2022, pp. 57–58), with which one must agree. However, this study omits aspects of the seizure of the medium on which the private key to bitcoin is stored, which is used to dispose of bitcoin. In this case, it is reasonable to consider the possibility of seizing the storage medium on which such a key is located – as movable property (e.g. a USB flash drive, external hard drive), as mentioned above.

on the course of the action, the entry of the movable property in the seizure report, an estimate of the seized movable property, conclusions and statements of those present, a mention of the reading of the report, the signatures of those present or a mention of the reason for the absence of a signature, and the bailiff's signature. The moment of seizure is the moment when the bailiff signs the seizure report in which the seized movable property is entered. It should be noted that it is mandatory to record the seizure of movable property using an image and sound recording device[58]. In the case under analysis, the bailiff should enter the brand, model, year of manufacture, and other parameters of the digital content carrier in the seizure report, and when estimating its value, determine the value of the seized bitcoin whose private key is stored on the carrier. It should be noted here that due to the value of one bitcoin (approx. PLN 421,328.71[59]), Article 853 § 4 in fine of the Code of Civil Procedure will almost always apply, which states that if the value of the seized movable property, as assessed by the bailiff, exceeds PLN 25,000, the bailiff shall call upon an expert to assess its value. If the bailiff knows the amount of bitcoin held by the debtor, he may request an expert to issue an opinion prior to the seizure and base the valuation of the movable property on that opinion. If, however, the amount of bitcoin held is not known to the bailiff, it may not be possible for the bailiff to estimate the value of the seized movable property during the seizure, or it may be necessary to call in an expert due to the provision of Article 853 § 4 in fine of the Code of Civil Procedure. In such a case, after the expert has prepared an opinion, the bailiff, pursuant to Article 853 § 5 of the Code of Civil Procedure, shall estimate the value of the seized movable property by way of a decision.

After completing the seizure of the movable property and drawing up the report, the bailiff, in accordance with the provisions of Article 847 § 1 sentence 2 of the Code of Civil Procedure, is obliged to deliver a copy of this report to the debtor and co-owners of the seized movable property and to the creditor, if he was not present at the seizure. A copy of the report is not delivered to

[58] Detailed regulations can be found in the Regulation of the Minister of Justice of December 14, 2018, on the recording of images and sound from the course of a court enforcement officer's activities (Journal of Laws 2018, item 2449).

[59] Data as of October 12, 2025.

a creditor present at the seizure. The bailiff places a mark on the seized movable property in the form of a digital content carrier, indicating the seizure (Article 854 of the Code of Civil Procedure). The effect of the seizure is not to deprive the debtor of the ownership of the seized movable property, but that any disposal of the movable property after its seizure has no effect on the further course of the proceedings, and enforcement proceedings against the seized movable property may be continued against the purchaser of the property, as provided for in Article 848 of the Code of Civil Procedure. At this point, it is worth noting that in the case of the seizure of a medium containing a Bitcoin private key, it is advisable to apply Article 855 § 1 sentence 2 of the Code of Civil Procedure and place the seized medium under the supervision of another person, who could be the creditor. Placing the medium under supervision would involve transferring possession of the item to the supervisor. The withdrawal of supervision pursuant to Article 855 § 1(1) of the Code of Civil Procedure takes place by way of a decision, the justification for which indicates the reasons for the withdrawal of supervision. Although Article 848 of the Civil Procedure Code protects the creditor, the debtor's disposal of the bitcoin would probably prevent further enforcement due to the inability to identify the buyer of the bitcoin. In this situation, there are clearly important reasons for revoking the debtor's custody, as failure to do so would allow the debtor to use the private code and dispose of the bitcoin, thereby nullifying the effects of the seizure and enforcement. However, the most optimal solution would be for the bailiff to take personal custody of the seized medium and store it in the bailiff's office (Article 855 § 1(4) of the Code of Civil Procedure), or to deposit it with the court (Article 855 § 2 of the Code of Civil Procedure). This is justified by the characteristics of such a medium, i.e. the possibility of uncontrolled use of the private key by an unauthorized entity or debtor in order to obtain benefits from the transfer of bitcoin so as to prevent enforcement, or even by the creditor in order to obtain benefits greater than the enforced claim.

4. Summary

The increasingly widespread use of cryptoassets in economic transactions requires a definition of the legal nature of these assets. In the absence of procedural provisions directly relating to virtual assets, and in the absence of comprehensive regulation of the cryptocurrency market[60], solutions should be sought in the current law. It is worth noting the proposals submitted to the Minister of Finance by the National Council of Bailiffs[61] as part of its comments on the draft law on the cryptoasset market. As a rule, the position of the National Council of Bailiffs should be approved, namely that under the current legal framework there are no provisions that would allow for the enforcement of cryptoassets, similar to the regulations provided for the enforcement of financial instruments or documents incorporating specific property rights, and that it is necessary to introduce such provisions without delay. Some cryptoassets may, of course, be considered financial instruments, in particular if they are of an investment nature (e.g. equity tokens entitling the holder to profit, tokens relating to virtual artworks), in which case the provisions on the seizure of financial instruments may apply. However, it should be noted that it cannot be considered that the exclusive feature of cryptocurrencies is their investment nature, which can also be attributed to fiat currencies. Cryptocurrencies are primarily a measure of value and a means of payment, which is why there are currently ways to enforce cryptocurrencies under applicable law, although this is difficult due to the inability to easily determine whether the debtor holds such property rights.

[60] The government's draft bill on the cryptoasset market was submitted to the Parliament on June 26, 2025 (print No. 1424), but it does not provide for the introduction of regulations concerning the enforcement of cryptoassets or cryptocurrencies. The final text of the Act adopted by the Sejm on 7 November 2025 and submitted for signature to the President likewise does not provide for the introduction of specific regulations concerning enforcement against any crypto-assets. The proposed Act only proposed new exemptions from enforcement, extending the provisions of Article 829 of the Code of Civil Procedure. See also footnote nb 9.

[61] See the letter from the KRK dated August 26, 2024, ref. KRK/VIII/704/24. In this letter, the KRK presented a draft of specific provisions that should be introduced into the Code of Civil Procedure in order to enable the effective enforcement of cryptoassets and the taking of appropriate measures by the bailiff to determine the existence of such assets in the debtor's estate and the possibility of searching the debtor's premises and the debtor's storage devices on which means of access to the debtor's cryptoassets may be stored.

Comparing the provisions on various methods of enforcement provided for in the Code of Civil Procedure, in the context of the concepts of cryptocurrency and bitcoin under substantive law, the application of a given method of enforcement depends on how the debtor stores their private key. If the debtor (cryptocurrency holder) uses the services of an intermediary, e.g. a cryptocurrency exchange, and maintains a dedicated account or custodial wallet on such an exchange, it will be reasonable to apply the provisions on the enforcement of other claims, given that the debtor has a claim against the cryptocurrency exchange. In the case of non-custodial wallets, the provisions on enforcement against other property rights will be most widely applicable. This is justified by the recognition of cryptocurrency (Bitcoin) as a property right, and the universality of the provision of Article 909 of the Code of Civil Procedure allows for enforcement against cryptocurrency despite the lack of explicit regulation. At the same time, this enforcement corresponds to the needs of practice, regardless of whether the cryptocurrency is held directly by the debtor in a so-called cold wallet or a so-called hot wallet. However, in a situation where the debtor being enforced against stores Bitcoin keys on physical data carriers, i.e. a USB flash drive, a hard drive, or as a record of characters on a piece of paper or metal plate, the provisions on enforcement against movable property will apply. In the future, the application of provisions on enforcement against bank accounts and remuneration for work will also not be excluded.

Taking into account the specific conditions of storage and the nature of cryptocurrency, as well as the difficulties in effectively enforcing cryptoassets as such, regulations directly referring to this type of virtual property should be introduced. The introduction of regulations corresponding to today's economic needs is possible, as evidenced by the increasingly widespread interference in the rights and obligations of participants in electronic trading, an example of which is the attempt to regulate the cryptoasset market through EU law.

ABSTRACT **Enforcement Seizure of Cryptocurrency Using Bitcoin as an Example**

This article is devoted to the issue of cryptocurrency seizure, using Bitcoin as an example. First, the article analyzes the legal nature of virtual currencies, cryptocurrencies, and Bitcoin, taking into account their technical aspects and their disposability. Particular attention is paid to the methods of storing cryptocurrency, which have a direct impact on the legal regulations that can be applied in the area of enforcement. Next, the possibilities of enforcing bitcoin on the basis of the applicable regulations, including the provisions on the enforcement of claims (Articles 895 to 908(1) of the Code of Civil Procedure) and other property rights (Articles 909 to 912 of the Code of Civil Procedure).

Keywords: virtual currency, cryptoasset, cryptocurrency, blockchain, bitcoin, seizure, judicial enforcement, judicial enforcement proceedings, property law, virtual assets, digital assets

STRESZCZENIE **Zajęcie egzekucyjne kryptowaluty na przykładzie bitcoina**

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Niniejszy artykuł poświęcony jest problematyce zajęcia kryptowaluty na przykładzie bitcoina. W pierwszej kolejności w artykule przeprowadzono analizę charakteru prawnego walut wirtualnych, kryptowalut i bitcoina z uwzględnieniem ich aspektów technicznych i ich rozporządzalności. Szczególną uwagę położono na sposoby przechowywania kryptowaluty, które rzutują bezpośrednio na możliwe do zastosowania regulacje prawne w zakresie egzekucji. Następnie przeanalizowano możliwości prowadzenia egzekucji z bitcoina na podstawie obowiązujących uregulowań, w tym przepisów o egzekucji z wierzytelności (art. 895 k.p.c. do art. 908^1 k.p.c.) oraz innych praw majątkowych (art. 909 k.p.c. do art. 912 k.p.c.).

Słowa kluczowe: *waluta wirtualna, krytpoaktywo, kryptowaluta, blockchain, bitcoin, zajęcie, egzekucja sądowa, sądowe postępowanie egzekucyjne, prawo majątkowe, wirtualne składniki majątkowe, cyfrowe składniki majątkowe*

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