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A Literature Review on the Legal Nature of Virtual Currencies in China

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Abstract
With the development of blockchain technology, virtual currencies have become deeply embedded in economic life and criminal activities, making their legal status a prerequisite and fundamental issue for the application of law in cases involving virtual currencies. Domestic academia has engaged in intense debate on this topic, resulting in an academic landscape characterized by the coexistence of diverse viewpoints. Focusing on the core issue of the legal nature of virtual currency, research has found that, at the regulatory level in China, virtual currency is denied the status of legal tender; at the theoretical level, there is a fundamental divergence between the affirmative and negative views regarding the classification of virtual currency, with the affirmative view further subdivided into the property rights theory, the creditor's rights theory, and the new property rights theory; judicial practice, meanwhile, oscillates between "property crimes" and "computer crimes," with a prominent phenomenon of inconsistent rulings in similar cases. The literature indicates that the property value of virtual currency has been widely recognized, but its positioning within the existing legal framework remains fraught with tension. Future research should, while respecting regulatory policies, provide more definitive theoretical frameworks to ensure comprehensive protection of rights and interests related to virtual currency.

Keywords: virtual currency; legal attributes; property; affirmative theory; negative theory

1 Introduction

With the iterative convergence of digitalization and intelligent technologies, a profound digital transformation is unfolding globally, and the legal regulation of virtual currencies has gradually become a hot topic of sustained attention in both legal theory and practice.Cryptocurrencies, represented by Bitcoin and Ethereum, have gradually transcended the established boundaries of traditional financial systems and legal frameworks due to their technical characteristics—such as anonymity, statelessness, and cross-border liquidity—evolving from a purely technological phenomenon into a common tool in economic and financial crimes.In recent years, cases involving the use of virtual currencies—such as fundraising fraud, illegal absorption of public deposits, organizing and leading pyramid schemes, and money laundering—have shown a rising trend. Against this backdrop, clarifying the legal nature of virtual currencies has become a prerequisite and fundamental issue for the application of law in cases involving virtual currencies.This issue is preliminary because, without a clear legal characterization, the application of criminal charges and adjudication rules lack a clear logical starting point; it is fundamental because differing interpretations will directly lead to variations in conviction and sentencing. Consequently, research on the legal characterization of virtual currencies has expanded from theoreti-

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cal exploration to an urgent challenge in judicial practice.

From a theoretical perspective, the legal nature of virtual currency has become a focal point of ongoing academic debate, stemming from the intertwining and conflicting nature of its multiple attributes. At the regulatory level, China's relevant policy documents explicitly deny virtual currency the status of legal tender and classify related business activities as illegal financial activities. However, there is significant controversy over whether this negative assessment implies that virtual currency lacks property attributes under criminal law or lacks rights attribution under civil law.In the broader regulatory sphere, the academic community has yet to reach a consensus on whether virtual currencies can constitute the subject matter of property crimes; in the judicial domain, the theories of property rights, creditor's rights, and new types of property rights each offer differing perspectives on the attribution of rights to virtual currencies. These theoretical divergences are directly reflected in judicial practice, leading to inconsistent rulings in similar cases.

The aforementioned disputes at both the theoretical and practical levels reflect the complexity of the legal nature of virtual currencies. On the one hand, financial regulatory policies emphasize risk prevention and control, adopting a strict prohibition against virtual currency-related business activities; on the other hand, the real economic interests embodied by virtual currencies make it difficult to completely exclude them from the scope of legal protection. How to provide comprehensive legal protection for rights and interests related to virtual currencies while respecting regulatory policies has become a critical challenge facing both academia and the legal profession.

2 The Prerequisites and Boundaries of Policy Regulation

Discussions regarding the legal nature of virtual currencies cannot be separated from the practical context of China's regulatory policies. China's regulatory stance toward virtual currencies has undergone a gradual evolution from risk warnings and activity restrictions to comprehensive governance. This progression spans from the 2013 "Notice on Preventing Bitcoin Risks," the 2017 "Announcement on Preventing Risks Associated with Token Issuance and Financing," and the 2021 "Announcement on Preventing Risks Associated with Virtual Currency Trading and Speculation"the "Notice on Further Preventing and Addressing Risks Associated with Virtual Currency Trading and Speculation," and the "Notice by the National Development and Reform Commission and Other Departments on Rectifying Virtual Currency Mining Activities," and finally to the "Notice on Further Preventing and Addressing Risks Associated with Virtual Currencies and Related Activities" (hereinafter referred to as the 2026 "Notice") jointly issued by the People's Bank of China and eight other departments on February 6, 2026, China's stance on risk identification, characterization, and governance regarding virtual currency-related business activities has become increasingly clear.The 2026 "Notice" further emphasizes that virtual currencies do not possess the same legal status as fiat currency, and that business activities related to virtual currencies constitute illegal financial activities. Although the aforementioned series of regulatory documents primarily focus on financial supervision and risk prevention and control, they also profoundly influence the determination of the nature of virtual currency-related conduct and the application of criminal charges in judicial practice.

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The regulatory authorities' stance denying the "monetary status" of virtual currencies is relatively clear and consistent, and the academic community has offered numerous interpretations on this matter. Different scholars present divergent perspectives and emphases in their analysis of this issue. First, some scholars approach the issue from the normative implications of the regulatory policies themselves, emphasizing their significance as a prerequisite for legal application. Professor Liu Yanhong adopts this perspective, noting that virtual currencies do not possess the same status or function as legal tender in China; this determination constitutes a prerequisite that must be resolved when assessing acts involving virtual currencies. Second, other scholars focus on the regulatory characterization of specific types of virtual currencies, emphasizing the analysis of their fundamental differences from legal tender.Scholar Tang Shiya, starting from the core characteristics of currency, emphasizes that stablecoins lack fundamental monetary attributes such as legal tender status and unitary nature, and therefore cannot be classified as currency. Third, some scholars, while acknowledging the regulatory stance, further assess the substantive impact of virtual currencies on the financial order. Scholars such as Deng Jianpeng argue that the credit foundation of virtual currencies like stablecoins is relatively weak and insufficient to undermine the status of sovereign currencies; therefore, it should be made clear that they are not equivalent to legal tender.

Although the perspectives of the aforementioned scholars differ, they have reached a basic consensus on the fundamental judgment that virtual currencies do not possess the status of legal tender. However, the regulatory authorities' denial of their monetary status does not directly address the question of whether virtual currencies possess property attributes; this judgment constitutes the premise and boundary for subsequent disputes regarding their legal attributes at the regulatory level.

3 Disagreements Regarding Legal Attributes at the Regulatory Level

Regarding whether virtual currencies constitute property in the legal sense, the academic community has engaged in ongoing debates from regulatory perspectives such as criminal and civil law, resulting in a fundamental divergence between the affirmative and negative positions. Building on this, the affirmative position has further given rise to deeper disputes regarding the attribution of rights to virtual currencies within the civil law system, specifically the theories of property rights, creditor's rights, and new types of property rights.

3.1 The Affirmative View: Virtual Currency Constitutes Property in the Legal Sense

The affirmative view asserts that virtual currency possesses property attributes and should be protected by law. Numerous scholars have provided arguments for this position from various perspectives.

First, some scholars have systematically elaborated on the basis for determining that virtual currency constitutes property by starting from the criteria for identifying property under criminal law. Professor Zhang Mingkai proposes that the identification of property under criminal law should be centered on the core criteria of manageability, transferability, and value. He argues that virtual currency holders exercise exclusive control over the property through private keys, can transfer it between different parties, and that it possesses both use value and exchange value, thereby meeting the basic characteristics of property.Accordingly, rec-

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ognizing virtual assets as property makes it reasonable to classify the act of illegally obtaining them as a property crime. Some scholars further support this argument from the perspective of economic value. Yu Jian points out that acquiring virtual currency often requires payment of monetary consideration and investment in equipment costs, and it can be transferred, exchanged, and liquidated in specific markets. It carries real economic benefits and possesses distinct use value and exchange value, meeting the characteristics of property-based data.

Second, other scholars have developed their arguments by distinguishing between the two categories of "monetary status" and "property attributes." Professor Liu Yanhong emphasizes that the fact that virtual currency does not possess the legal status of legal tender does not necessarily mean it is not protected by law; there is no logical necessity between the two such that "the absence of the former necessarily implies the absence of the latter."She presents her argument from four perspectives: First, whether something is protected by law and whether it possesses legal property attributes are distinct categories; for instance, although illicit substances like drugs are prohibited from circulation, they are still protected under criminal law. Second, virtual currency possesses significant economic value, aligning with the core characteristics of property. Third, relevant judicial interpretations have indirectly established its property attributes, such as treating virtual currency as a tool for money laundering or conducting price appraisals. Fourth, judicial precedents have established their property attributes, such as the conviction of a Bitcoin robbery case under the charge of robbery.In line with this, scholars Hu Yunteng and Zhou Weiming also point out from the perspective of "asset" attributes that, although China's normative documents deny the legal tender status of crypto-assets, they do not deny their financial functions and characterize them as a type of "asset." They argue that rigidly denying their status as "property" is neither necessary nor conducive to the reasonable regulation and utilization of such crypto-assets as virtual currencies.

Third, some scholars provide support for the property attributes of virtual currencies from the perspective of normative basis. Scholar Zhao Binghao points out that Article 127 of the Civil Code stipulates provisions regarding online virtual property. Although this article is merely a reference clause and does not explicitly define its rights attributes, it has reserved normative space for China to incorporate virtual currencies into the protection system for virtual property. Relevant judicial interpretations and normative documents have also incorporated virtual currency into the frameworks for price appraisal, calculation of amounts, and identification of money laundering tools when handling cases involving telecommunications and internet fraud, cross-border gambling, and other offenses, treating it as a property-based object.

Overall, the affirmative view provides a relatively systematic argument for the property attributes of virtual currency from multiple dimensions, including the criteria for identifying property under criminal law, the distinction between the status of currency and property attributes, and the support from normative bases. However, even on the premise that virtual currency possesses property attributes, there remain significant internal disagreements within the affirmative view regarding exactly which type of right it should be classified under in the field of civil law; this is precisely the core issue to be discussed in the following sections.

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3.2 The Negative View: Virtual Currency Does Not Constitute Property in the Legal Sense

In contrast to the affirmative view, some scholars adopt a negative or reserved stance regarding the property attributes of virtual currency from various perspectives. Although these views have not become the mainstream in academia, the questions and reflections they raise hold certain reference value for comprehensively understanding the complexity of virtual currency's legal attributes.A review of existing literature reveals that the arguments of the negative view can generally be categorized into three dimensions: first, a fundamental denial that virtual currency possesses property value; second, a questioning of its practical applicability as property from the perspective of value certainty; and third, an assertion that it should be classified as data based on its technical attributes.

First, fundamentally denying that virtual currency possesses property value. Professor Hou Guoyun argues that virtual property consists of images displayed on a computer screen during the operation of online game software; it is not a product of labor, lacks intrinsic value, and therefore does not constitute property. He further argues that virtual property possesses characteristics such as visual nature, limited scope, temporary nature, and volatility: visual nature refers to the fact that in-game equipment is not a physical object but merely a visual representation; limited scope refers to the fact that it can only be manifested through online media and cannot enter the real world; temporary nature refers to the fact that its value disappears once the game loses its novelty; and volatility refers to the lack of stability in its value.Based on the above analysis, he advocates strictly confining virtual property to the virtual world and prohibiting its exchange for real property, arguing that such transactions would disrupt financial order and trigger inflation. He further suggests establishing a "crime of virtual-real transactions" to regulate such activities.

Second, scholars such as Zhou Mingchuan raise objections from the perspective of value certainty. They argue that the price volatility and subjectivity of virtual currencies make it difficult for them to meet the objective economic value required of property.He points out that virtual currencies such as Bitcoin lack the backing of state credit; their prices are entirely determined by market supply and demand, are highly volatile and difficult to predict, and the price of the same virtual currency may vary significantly across different trading platforms and at different points in time. This instability of value makes it difficult to establish an objective, universally recognized valuation mechanism for virtual currencies, thereby failing to meet the basic requirement of certainty regarding property value under criminal law.

Third, the "data theory" is advocated from the perspective of technical attributes. This view holds that virtual currencies are essentially electromagnetic records within computer information systems and do not possess the physical attributes of traditional property. Composed of code and algorithms, virtual currencies rely entirely on the technical architecture of blockchain networks for their existence and circulation; without a specific network environment and technical protocols, virtual currencies lose their meaning. Therefore, virtual currencies should be defined as data within computer information systems rather than property in the criminal law sense. This perspective is also reflected in judicial practice. When adjudicating cases involving virtual currencies, some courts have classified the act of unlawfully obtaining another person's virtual currency as the crime of unlawfully obtaining data from a computer information system, rather than theft or fraud; the legal rationale for this lies precisely in this argument.

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Overall, the "negationist" school challenges the property attributes of virtual currency from three perspectives: the existence of value, the certainty of value, and technical attributes. Although these views stand in opposition to the "affirmationist" school, the issues they raise—such as the volatility of virtual currency's value and its technological dependency—are equally worthy of attention and provide important reference points for a deeper understanding of the complexity of virtual currency's legal attributes.

3.3 Disputes Over Rights Attribution: The Property Rights Theory, the Creditor's Rights Theory, and the New Property Rights Theory

While acknowledging that virtual currencies possess property attributes, there is significant divergence within the academic community regarding the specific category of rights to which they should be classified under civil law. This issue not only concerns the precise positioning of virtual currencies within the legal system but also directly impacts the application of specific legal rules, such as restitution provisions, the validity of transactions, and the order of priority in bankruptcy proceedings. Scholars have developed three primary positions regarding the attribution of rights to virtual currencies: the property rights theory, the contractual rights theory, and the new property rights theory.

The property rights theory argues that virtual currencies can constitute the subject matter of property rights. Scholars who hold this view primarily base their arguments on the "theory of controllability." Zhao Lei points out that virtual currencies such as Bitcoin align with the "theory of controllability." The key to ownership and its transfer lies in whether the right holder can control and dispose of the object in question; whether the object is a tangible thing is not essential.The core argument is that the essence of an object of property rights lies not in its physical form, but in the extent to which it can be controlled by human agency. As long as the right holder can exercise exclusive control over the virtual currency through a private key, its status as a property right should be recognized. Scholar Shen Yi further argues through a process of elimination: because virtual currencies are issued in a decentralized manner and lack a specific issuing authority, they do not constitute a creditor's right;they can be used in any country, distinguishing them from intellectual property rights, which are subject to geographical and temporal restrictions; therefore, he argues for the property rights nature of virtual currency. He further points out that the fundamental distinction between property rights and contractual rights lies in their public nature versus their relativity, and the holder's control over the private key possesses absolute exclusivity—no one may infringe upon it—a characteristic that aligns more closely with property rights. However, the property rights theory also faces theoretical obstacles.China's Property Law adopts the principle of statutory property rights, and traditional objects of property rights are primarily tangible objects. Whether virtual currency meets the constitutive requirements of a "thing" remains to be further clarified by legislation or judicial interpretations. Furthermore, the decentralized nature of virtual currency means it lacks a physical medium, which creates a certain tension with the traditional concept that objects of property rights are centered on tangible objects.

The claim theory, on the other hand, holds that the rights enjoyed by virtual currency holders are essentially claims against specific entities.Scholar Li Min has systematically argued this perspective and further distinguished the legal attributes of different types of virtual currencies. She proposes that for private digital currencies with a clear issuing entity, such as stablecoins, the rights they represent are claims against the

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issuer to redeem the corresponding value in fiat currency or assets. This constitutes a typical creditor-debtor relationship—where the holder asserts a claim for redemption against the issuer, the issuer bears the obligation to redeem, and a relative legal relationship is formed between the two parties.For decentralized virtual currencies such as Bitcoin, they can be understood as contractual relationships arising from their code protocols. By acquiring the virtual currency, the holder implicitly agrees to the legal relationships preset by the protocol and has the right to hold and dispose of the virtual currency based on the preset rules; the objects of the rights holder's exercise of rights are the various transaction verification nodes within the virtual currency network.She further pointed out that this interpretation draws on the legal principles of securities—securities themselves are physical documents (chattels), but the rights they represent may be either contractual or proprietary; the same applies to virtual currencies, where their technical nature as electromagnetic records can be separated from the nature of the rights they represent. Her argument draws on the views of Japanese scholar Hiroto Michiguchi. Hiroto Michiguchi defines Bitcoin as "the right of a party to transfer a number of units of ownership recognized by others to other participants," and that this number of units of ownership is only valid under "recognition by others"; that is, this right does not have third-party effect and constitutes a creditor's right.He further points out that the object of a Bitcoin holder's claim is other participants in the network, rather than a specific debtor; however, the realization of this claim depends on the network's consensus mechanism and remains, in essence, a relative right. Scholar Cai Yingxin holds a similar view, arguing that, in terms of the nature of the right, the rights enjoyed by virtual currency holders are closer to claims in personam than to property rights. She pointed out that in scenarios such as the bankruptcy of an exchange, whether holders can assert a right of recovery fundamentally depends on whether virtual currency is classified as the object of a property right or a claim in personam, and the reasoning of the Japanese court in the MT.Gox case was precisely based on the position of the claim-in-personam theory.

The theory of a new type of property right argues that virtual currencies should be regarded as a distinct category of rights, separate from traditional property rights and contractual rights. Since the property rights theory is constrained by the principle of statutory property rights and the traditional theory that objects must have a physical form, and since the contractual rights theory struggles to fully explain the third-party effects of decentralized currencies, some scholars propose breaking free from existing frameworks of rights classification.Taiwanese scholar Chen Rongchuan suggests that, given the constraints of the principle of statutory property rights, it is inappropriate to apply property law provisions by analogy. Instead, virtual currency should first be recognized as the object of a property right, and only after thorough academic discussion and the establishment of basic conclusions should it be classified as a specific type of right or a new type of right be created.He further pointed out that the rise of virtual currencies reflects a profound transformation in the form of property in the digital economy era; rigidly adhering to the traditional dichotomy between property rights and contractual rights may fail to meet the developmental needs of new forms of property. Legislators should consider creating new types of rights, such as "virtual property rights," when the time is ripe. Scholar Yang Yueping also advocates treating virtual currencies as an independent type of property right, rather than forcibly classifying them under traditional property rights or contractual rights.He argues that virtual currency possesses both the outward dominion characteristic of property rights and the relativity characteristic of contractual rights: on the one hand, holders exercise exclusive control over virtual

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currency through private keys, which resembles property rights; on the other hand, the realization of these rights depends on network consensus mechanisms, which exhibits the relativity characteristic of contractual rights. This dual nature makes it difficult to fully classify it under any existing category; positioning it as an independent, new type of property right may be a more appropriate choice. Scholars Hu Yunting and Zhou Weiming have also proposed recommendations from a criminal law perspective. Given the multifaceted nature of virtual currencies, they suggest treating them as a special category of property to accommodate their constantly evolving characteristics.They point out that both the property rights theory and the contractual rights theory may have limitations when explaining certain types of crypto-assets. Rather than forcing them into traditional categories, it would be better to acknowledge their independent status as a new type of property. This would not only enhance the comprehensiveness of the theory but also contribute to the uniformity of judicial practice.

Overall, the property rights theory, the contractual rights theory, and the new property rights theory each reveal the legal attributes of virtual currencies within China's legal system from different perspectives. All three theories have their theoretical foundations, but each also has its interpretive limitations. The property rights theory emphasizes the disposability of virtual currencies but is constrained by the principle of statutory property rights and traditional property theory's requirement for "tangible objects";the debt theory provides a better explanation for virtual currencies with an issuing entity, but its interpretation of decentralized currencies is somewhat convoluted and fails to fully account for the exclusive effect of private key control; the new property rights theory attempts to break through traditional classification frameworks, reserving interpretive space for the uniqueness of virtual currencies, but it still lacks clear institutional design and a regulatory framework.

4 The Reflection of Theoretical Controversies in Judicial Practice

Theoretical discussions must ultimately be grounded in practice. As mentioned earlier, the legal status of virtual currencies—as an emerging phenomenon—remains undefined within the existing legal system, leading to divergent judicial stances in practice. Existing judicial rulings reveal significant variations in how different courts characterize the legal nature of virtual currencies.An empirical analysis of judicial documents related to stablecoins conducted by some scholars reveals that courts primarily hold three views regarding the nature of stablecoins: the "property theory" accounts for 80%, the "non-property theory" for 15%, and the "data theory" for 4%. These figures indicate that while the property theory dominates judicial rulings, the non-property and data theories still account for a significant proportion, reflecting divergent stances among judicial authorities regarding the classification of virtual currencies.

In the realm of civil adjudication, while the property status of virtual currencies is generally recognized, the reasoning behind judicial rulings still exhibits a certain degree of inconsistency. In Civil Judgment No. (2019) Zhe 0192 Min Chu 1626, the Hangzhou Internet Court ruled that Bitcoin possesses property attributes and should be protected by law. The court's reasoning emphasized that Bitcoin possesses value, scarcity, and controllability, thereby meeting the constitutive requirements of virtual property. However, different courts' understanding of stablecoins often oscillates between classifying them as monetary versus

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non-monetary property, lawful versus unlawful assets, or foreign exchange versus settlement instruments. Additionally, some civil judgments have refused to accept cases involving stablecoin disputes on the grounds that such transactions are suspected of being illegal, making it difficult for related disputes to enter the judicial process. In this regard, some scholars have pointed out that the inconsistent legal characterization of stablecoins in civil cases creates obstacles for subsequent judicial determinations regarding the validity of related contracts.

The divergence of positions in the realm of criminal adjudication is even more complex, with the core controversy lying in whether the act of illegally obtaining another person's virtual currency should be classified as a property crime or a computer crime. Both approaches are reflected in practice and have each developed relatively systematic judicial reasoning.

Judgments supporting the property crime approach typically argue from the perspective that virtual currency possesses property value. In the Chen et al. fraud case, the court explicitly recognized that virtual currency constitutes "property" under criminal law. The reasoning in that judgment noted: First, although virtual currency does not possess the legal status of legal tender, "it cannot be denied that virtual currency possesses property interests, and it falls under the category of property that criminal law should protect";Second, the court drew an analogy based on the provisions of the "Opinions on Several Issues Concerning the Application of Law in the Trial of Criminal Cases Involving Robbery and Snatching," noting that even if prohibited items themselves are not protected by law, acts of infringement targeting such items may still constitute property crimes. By the same token, although virtual currency does not possess the legal status of legal tender, acts of fraud targeting virtual currency should also constitute the crime of fraud. Professor Liu Yanhong takes a positive stance on this judicial position. She points out that if one views virtual currency as data rather than property, the act of obtaining another person's virtual currency through illegal means could only be prosecuted as the crime of illegally obtaining data from a computer information system, which carries a maximum statutory sentence of seven years. In contrast, prosecution under the crime of fraud could result in a fixed-term imprisonment of ten years or more; recognizing its property attributes is more consistent with the principle of proportionality between crime, culpability, and punishment.

Judgments supporting the computer crime approach base their reasoning on the technical attributes of virtual currency. In the case of Chen Mourui regarding the illegal acquisition of computer information system data, the court explicitly held that game currency constitutes virtual property; however, from the perspective of the game operator, it does not qualify as "public or private property" under criminal law but rather as computer information system data.The judgment developed its reasoning along three dimensions: First, the value of game currency is determined by the issuing entity rather than by market transactions, and it cannot serve as a conventional medium of exchange in market economic activities; Second, the act of stealing game currency does not deprive the game operator of its possession; given the characteristics of game currency—which can be mass-produced and regenerated—the operator can fully resort to self-help measures such as account suspension;Third, if game currency were treated as property, it would be difficult to objectively and fairly assess its value; prosecuting such acts as theft would often result in disproportionately severe sentencing, which violates the principle of proportionality between crime, culpability, and punishment.

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This line of reasoning resonates with the "negation theory," which holds that virtual currency is essentially an electromagnetic record within a computer information system and lacks the physical attributes of traditional property; therefore, it is more appropriate to define it as data within a computer information system.

Notably, some courts have proposed a third judicial approach that transcends the aforementioned dichotomy. In the Liao Mouwu et al. theft case, the court simultaneously found the defendants guilty of both theft and the crime of illegally obtaining data from a computer information system in its reasoning.The judgment noted that although USDT tokens are presented in the form of data, they possess the inherent value, exclusive possession, and tradability of property and should therefore be recognized as "public or private property" as defined in Chapter 5 of the Criminal Law on Crimes Against Property; simultaneously, as data composed of binary code combinations, USDT tokens constitute the object of the crime of illegally obtaining data from a computer information system.Accordingly, the court determined that the defendant's actions constituted both the crime of theft and the crime of illegally obtaining data from a computer information system, constituting a case of "imaginary concurrence" under criminal law, and that the defendant should be convicted and punished in accordance with the provision carrying the heavier penalty. In an analysis of the Tian Moumou case, scholar Yang Jing argued that virtual currency is data from a computer information system but also possesses a certain property value, and that such currency can be regarded as a special type of property.The defendant's actions simultaneously violated the crimes of illegally obtaining data from a computer information system and theft, constituting a case of imaginary concurrence, for which the more severe penalty should be imposed. This approach to handling such concurrence attempts to strike a balance between two adjudicative paths, acknowledging the technical attributes of virtual currency while also taking into account its property value, thereby providing a new perspective for judicial practice.

Overall, virtual currencies increasingly exhibit a composite nature where technical, financial, and property attributes are intertwined, and this complexity has led to divergent positions in judicial practice. The judicial determination of their legal attributes has yet to establish stable and unified adjudication rules, and there is an urgent need to properly address the balance between "compliance with regulatory rules" and "protection of victims." The proposal of compromise approaches, such as the concept of imaginary concurrence of offenses, offers a new perspective for resolving this dilemma.

5 Conclusion and Outlook

The above analysis reveals that research on the legal nature of virtual currencies in China has formed a well-structured theoretical framework characterized by diverse perspectives. A review of existing literature indicates that the academic community has reached a basic consensus on several issues: First, virtual currencies do not hold the status of legal tender in China, and related financial activities should be subject to strict regulation; this constitutes the premise and boundary for discussing their legal nature;Second, virtual currencies possess manageability, transferability, and value, and they embody real economic interests; thus, they meet the fundamental conditions to qualify as property in the legal sense; Third, regarding acts that infringe upon another's virtual currency, completely denying their property attributes may lead to loopholes in punishment and a mismatch between crime and punishment; therefore, the issue of their legal protection should be treated with caution.

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At the same time, existing research still contains several points of divergence where a unified consensus has yet to be reached. At the overarching regulatory level, how to provide comprehensive legal protection for rights related to virtual currencies while respecting financial regulatory policies remains a theoretical challenge requiring further exploration. At the level of private law subcategories, scholars hold differing views on whether virtual currencies should be classified under property rights or contractual rights, or whether they should be regarded as a new type of property right distinct from traditional categories, and no consensus has yet been reached.In light of these divergences, some scholars have pointed out that virtual currencies should not be characterized with a "one-size-fits-all" approach, but rather through a typological research framework, such as distinguishing them via "principles of stratification and classification."

Looking ahead, research on the legal attributes of virtual currencies can be deepened in the following directions. First, the clarification of their composite legal attributes requires further advancement. Virtual currencies possess technical, financial, and property attributes simultaneously. This composite nature, characterized by the intertwining of multiple attributes, makes it difficult to simply categorize them under existing legal concepts. Future research must acknowledge this complexity and explore legal characterization schemes that accommodate its multifaceted dimensions—neither overlooking its property value due to its technical attributes nor neglecting its technical characteristics due to its property value. Second, the development of improved protection mechanisms requires further exploration. While adhering to the stance of financial regulatory policy, providing comprehensive legal protection for rights and interests related to virtual currencies involves ensuring unimpeded civil remedies, determining appropriate standards for criminal sanctions, and coordinating administrative oversight with judicial adjudication. A comprehensive protection framework—spanning from the recognition of rights and the regulation of conduct to the pathways for redress—requires joint exploration by both theory and practice. Only through sustained efforts in these areas can a dynamic balance between financial risk prevention and the protection of legitimate rights and interests be achieved in the emerging field of virtual currencies.

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