Table of Contents

Agnies	zka Gryszczyńska	
Prefac	e	11
Ferenc	Sántha	
Chapt	er 1. Definition and Systematisation of Cybercrimes	27
1.1.	Introduction	27
1.2.	Single Definitions of Cybercrimes	29
1.3.	The Definitions Refer to Different Categories	
	of Relevant Crimes	30
1.3.1.	Dichotomies of Cybercrimes	31
1.3.2.	Trichotomies of Cybercrimes	31
1.4.	Definitions Based on the Systematisation	
	of Cybercrimes (Taxonomies of Cybercrimes)	34
1.5.	Overview: Cyber-Dependent Crimes in Hungarian	
	Criminal Law	38
1.5.1.	Article 423 of the HCC – Breach of an Information	
	System or Data	39
1.5.2.	• •	
	of Technical Measures for the Protection	
	of the Information System	41
1.5.3.	Article 422 of the HCC – Illegal Access to Data	42
1.5.4.	Article 375 of the HCC – Fraud Committed	
	by Means of an Information System	42
1.6.	Closing Remarks	43
	REFERENCES	44

Agniesz	zka Gryszczyńska	
Chapte	er 2. The Scope of Criminalisation of Cybercrime	
in Pola		47
2.1.	Introduction	47
2.2.	The Most Common Cyber Security Incidents	
	Occurring in Poland	49
2.3.	The Substantive Basis for the Criminalisation	
	of Cybercrime in Poland	55
2.3.1.	Introductory Remarks	55
2.3.2.	Cyber-Dependent Crimes in the Polish Criminal Law	59
2.3.3.	Cyber-Enabled Crimes in Polish Criminal Law	63
2.3.3.1.	Computer Fraud – Article 287 CC	63
2.3.3.2.	Fraud – Article 286 CC	65
2.3.3.3.	Identity Theft – Article 190a § 2 CC	67
2.4.	The New Regulation Concerning Abuse of Electronic	
	Communications	68
2.5.	The Scope of Criminalisation of Cybercrime in Poland	
	in Comparison to International Regulations	70
2.6.	Summary and Conclusions	72
	REFERENCES	74
Judit Ja	acsó	
Chapte	er 3. New Developments and Challenges in the Fight	
_	t Money Laundering by Means of Cybercrime –	
_	ds and Risks	79
3.1.	Introduction	79
3.2.	Anti-Money Laundering Regulation (AML) –	
	Historical Overview and International	
	Legal Framework	81
3.2.1.	Source and First Regulation of Money Laundering	81
3.2.2.	International Legal Framework	83
3.2.2.1.	United Nations Legal Framework	83
3.2.2.2.	Relevant Conventions of the Council of Europe	
	(Strasbourg Convention and Warsaw Convention)	84
3.2.2.3.	Universal Anti-Money Standards (FATF)	87
3.2.2.4.	Legal Framework of the European Union	88

3.3.	Methods and Stages of Money Laundering	
	in Cyberspace	89
3.3.1.	Stages of Money Laundering in Cyberspace	89
3.3.2.	Cash Couriers and the Money Mule Phenomenon	91
3.4.	Connection Between Money Laundering	
	and Cybercrime	94
3.4.1.	Basic Remarks about Cybercrime	94
3.4.2.	The Meaning of Cyber-Laundering	96
3.4.3.	AML Potential Risk of Virtual Currencies	
	and Crypto Assets	99
3.4.3.1.	Conceptual Clarification of Definitions	99
3.4.3.2.	Potential Risks Associated with Cryptocurrency	103
3.5.	Conclusion and Proposals	104
	REFERENCES	106
Judit Ja	ccsó	
Chapte	r 4. Preventive Means Against Cyber-Laundering	
in the I	European Union	111
4.1.	Introduction	111
4.2.	Global Standard (FATF Recommendations)	
	in Connection to VAs and VASPs	113
4.2.1.	Regulatory Development	113
4.2.2.	FATF Recommendation No. 15	
	and FATF Recommendation No. 16 (Travel Rule)	116
4.3.	Development of the AML Regulation	
	in the European Union	118
4.3.1.	Main Characteristics of the AML Regulation	
	Framework in the EU	118
4.3.2.	Requirement to Report Suspicious Transactions	
	and the Role of the Financial Intelligence Unit (FIU)	122
4.3.3.	The Fight Against Money Laundering	
	by Criminal Law	124
4.4.	New Developments in the European Union	125
4.4.1.	Action Plan of the European Commission 2020	
	and Legislative Package 2021	125

4.4.2.	Amendments of the IV. AML Directive to Prevent	
	Cyber-Laundering	127
4.5.	Summary and Conclusion	129
	REFERENCES	130
Ferenc	Sántha	
Chapt	er 5. Problems of Jurisdiction in Cybercrimes Cases	133
5.1.	Introduction	133
5.2.	The Concept of Jurisdiction	135
5.3.	The Principles of Jurisdiction	136
5.4.	Conflicts of Jurisdictions	141
5.5.	Conflicts of Jurisdiction and the Institutions	
	of International Cooperation in Criminal Matters	145
5.5.1.	The Detected Location of the Cyber-Attack	
	Is Hungary	146
5.5.2.	The Detected Location of the Cyber-Attack	
	Is a Member State of the European Union	148
5.5.3.	The Detected Location of the Cyber-Attack	
	Is a Third Country Outside the European Union	149
5.6.	Conclusion	150
	REFERENCES	151
Piotr I	Burczaniuk	
_	er 6. Pre-Trial Activities of Intelligence Service	
and La	aw Enforcement Agencies	153
6.1.	Introduction	153
6.2.	Impact of the Cybersecurity System on the Fight	
	Against Cybercrime	154
6.3.	Types and Scope of Law Enforcement Intelligence	
	Gathering Activities to Combat Cybercrime –	
	Current Status and Challenges	166
6.4.	International Information and Operational	
	Cooperation in the Fight Against Cybercrime	182
6.5.	Conclusions	188
	REFERENCES	189

Erika R	Róth	
Chapte	er 7. Application of Coercive Measures	
in Cyb	ercrime Cases	193
7.1.	Introduction	193
7.2.	General Rules for the Application	
	of Coercive Measures	195
7.3.	Coercive Measures Affecting Personal Liberty	196
7.4.	Coercive Measures Affecting Assets	197
7.4.1.	Search	197
7.4.2.	Body Search	200
7.4.3.	Seizure	200
7.4.3.1.	General Rules of Seizure	201
7.4.3.2.	Seizure of Electronic Data and Ordering	
	the Preservation of Electronic Data	202
7.4.3.3.	Ordering the Preservation of Electronic Data	206
7.4.4.	Sequestration	208
7.4.5.	Rendering Electronic Data Temporarily Inaccessible	209
7.5.	The Lege Ferenda Proposals	211
7.6.	Conclusion	212
	REFERENCES	213
Erika R	Róth	
Chapte	er 8. Particulars of Evidence in Cybercrime Cases	215
8.1.	Introduction	215
8.2.	General Rules of Evidence	216
8.3.	Means of Gathering Evidence	217
8.3.1.	Means of Evidence	218
8.3.2.	Evidentiary Acts	220
8.3.2.1.	Inspection	220
8.3.2.2.	On-Site Interrogation	221
8.3.2.3.	Reconstruction of a Criminal Offence	222
8.3.2.4.	Presentation for Identification	222
8.3.2.5.	Confrontation	222
8.3.3.	Obtaining the Evidence	223
8.4.	Particulars of Evidence Used in Cybercrime Cases	224

8.4.1.	Electronic Data as a Means of Evidence	226
8.4.2.	IT Expert in Criminal Proceedings	230
8.4.3.	Covert Methods Used for Obtaining Evidence	
	in Cybercrime Cases	231
8.5.	De Lege Ferenda Proposals	233
8.6.	Conclusion	234
	REFERENCES	235
Rafał	Wielki	
Chapt	er 9. Data Retention and Legal Problems	
of Inve	estigating Cybercrime	239
9.1.	Introduction	239
9.2.	Law on Data Retention in European Union	240
9.3.	Polish Approach to Data Retention	243
9.4.	Some Comments about the Future	246
9.5.	Conclusions	249
	REFERENCES	250
Rafał	Wielki	
	er 10. Crime Analysis Against the Challenges	
of Cyb	percrime	253
10.1.	Introduction	253
10.2.	Characteristics of Cybercrime	254
10.3.	Crime Analysis in Cybercrime Cases	264
10.4.	Techniques of Crime Analysis	270
10.5.	Conclusions	277
	REFERENCES	279