

Cryptocurrencies: a political and a fiscal analysis

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Abstract

It's very well known that in the beginning of 2009 Satoshi Nakamoto started the creation of the cryptocurrencies with the invention of the first non-official virtual currency, the Bitcoin – BTC and the production of the first 50 BTCs. This reality had caused a real revolution in the financial world what was demonstrated by the indicators that shows the existence of 2116 cryptocurrency. This contrasts with the fact that, in January, the Bank of Portugal just considered the exchange world rates level as the existence of 115 states official currencies. It's important to be aware that in the cryptocurrency the traded top of the ranking are: (i) bitcoin – with the penetration quote in that market 52,4%; (ii) XRP; (iii) ethereum; (iv) bitcoin cash and (v) EOS. Considering the cryptocurrency world daily transactions, it's possible to state that in 24 hours only, for instance between 02h50 - 24/01 and 02h50 25/01/2019, in cryptocurrency were negotiated the equivalent to the € 13.025.863.931. The cryptocurrency problems are faced in different levels, namely, the juridical nature, the interference to the nuclear context of the law within the States to generate, coin and control the emission of their own currency; the implications in the States Budgets, especially concerning the fiscal revenues to face the expenses; in the States relationships complications due the international commercial exchanges and consequent payment in currency types, as their conversion to the currency of the export State. If we revue the positions already assumed by different bank outbound currency institutions, those who are the currency controllers in multiple States, we face, for instance, positions in a total interdiction in the cryptocurrency utilization as a payment method; there are others that alert to the structural risks of the coins especially emitted; others assume these types of virtual currency as commodities, this means, there is a limbo due a reality and the integration in the national, regional and world market, obviously, ruled. So, it's urgent that States, through their internal legislations and their Taxation Authorities, decide and adopt their position concerning the taxation of these facts, with capacity to generate the receipt to their budgets, preserving the principles of the contributive capacity and the equality, without impose and demand to the owners of the incomes, wealth and patrimony in cryptocurrency the same participation in the expenses with the public purse, as they use to do with people who are in same circumstances, but that was made with the official currency. It's very well known that in the beginning of 2009 Satoshi Nakamoto started the creation of the cryptocurrencies with the invention of the first non-official virtual currency, the Bitcoin – BTC and the production of the first 50 BTCs. This reality had caused a real revolution in the financial world what was demonstrated by the indicators that shows the existence of 2116 cryptocurrency. This contrasts with the fact that, in January, the Bank of Portugal just considered the exchange world rates level as the existence of 115 states official currencies. It's important to be aware that in the cryptocurrency the traded top of the ranking are: (i) bitcoin – with the penetration quote in that market 52,4%; (ii) XRP; (iii) ethereum; (iv) bitcoin cash and (v) EOS. This study aims to achieve and present the analysis of the Fiscal State characteristic and its inherent privative function of issue currency, aiming ensure the pursuit of ensure their constitutional duties. So, the study includes the constitutionally and the validity of a competitive currency to achieve the analysis of their implication in the States Budgets by the issue currency without a national or international authority with competence recognized by the States.

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