

Regulating Malicious Destruction of Online Game Accounts: Legal Difficulties and Countermeasures

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Abstract: With the vigorous development of the online gaming industry, frequent incidents of Malicious Destruction of Game Accounts (MDGA) have emerged as a severe issue, infringing upon players' legitimate rights, disrupting gaming ecosystems, and compromising cybersecurity. These acts, including unauthorized account hacking, virtual asset theft, and deliberate in-game sabotage, not only cause significant financial and emotional harm to players but also undermine the fairness and stability of online gaming environments. Despite the growing prevalence of MDGA, current legal frameworks face substantial regulatory challenges in defining, prosecuting, and penalizing such conduct due to the ambiguous legal status of virtual property and jurisdictional complexities in cross-border cases. This paper employs theoretical analysis and case study methodologies to examine the conceptual boundaries, jurisprudential controversies, and governance challenges associated with MDGA. By clarifying the legal attributes of virtual property in online games, improving the legal characterization of MDGA, and establishing a mechanism for assessing the value of virtual property and evidence collection, this study aims to bridge existing regulatory gaps. Furthermore, it explores collaborative governance models involving game developers, law enforcement, and policymakers.

1 INTRODUCTION

In recent years, the online gaming industry has burgeoned. According to statistics, the global online game market size has reached the trillion level, with hundreds of millions of players taking the plunge. Game accounts, equipment, etc., as virtual property carrying the player's time investment, money, and emotional support, their economic value and emotional significance are increasingly prominent. However, along with the prosperity of the industry comes an increase in Malicious Destruction of Game Accounts. This behavior mostly stems from malicious jealousy, emotional disputes, conflicts on behalf of the practice, or other improper motives, seriously infringing on the legitimate rights and interests of players, destabilizing the balance of gaming ecosystems, thereby negatively affecting the broader cyberspace environment.

The protection of virtual property in online games has become a global issue, compelling many countries to pioneer effective legal institutional frameworks. In recent years, Chinese scholars have actively explored the protection of virtual property in online games, but there are still many gaps and

deficiencies in China's current legal system for the protection of virtual property in online games. While the Civil Code of the People's Republic of China recognizes virtual property as objects of civil rights, there is a lack of clear provisions on the specific connotations, attributes of the rights, and ways of protection. And most of the discussions on the protection of virtual property originated from the perspective of civil law, and there are fewer of them in China's criminal law. Consequently, the legal regulation of Malicious Destruction of Game Accounts confronts many challenges, which lead to great difficulties in the identification and handling of Malicious Destruction of Game Accounts in judicial practice and make it difficult to effectively curb the occurrence of such acts.

This paper aims to analyze the deficiencies of the existing legal regulation, develop prescriptive methodologies for the regulation of Malicious Destruction of Game Accounts (MDGA), and ultimately put forward the countermeasures on the properties of virtual property in online games, the legal recognition of Malicious Destruction of Game Accounts (MDGA), and the mechanism of assessing the value of virtual property and obtaining evidence.

These proposals seek to protect the legitimate rights and interests of game players while cultivating a salutary cyberspace environment.

2 CONCEPT AND TYPOLOGY OF “MALICIOUS DESTRUCTION OF GAME ACCOUNTS (MDGA)” IN ONLINE GAMES

2.1 Concept of Malicious Destruction of Game Accounts (MDGA)

Malicious Destruction of Game Accounts refers to the behavior of a perpetrator who destroys or deletes valuable game equipment, props, or other virtual property in another person's game account, resulting in the inability of another person's online game account to be used normally or the value of the account being depreciated.

The central feature of Malicious Destruction of Game Accounts is destructiveness. Unlike hack, which aims to pursue economic benefits and illegally possess other people's accounts, Malicious Destruction of Game Accounts (MDGA) aims at the direct deletion or obliteration of virtual property in the account to render game accounts irremediably valueless. Compared with the use of plug-ins to illegally obtain game advantages and undermine the fairness of the game, MDGA deliberately targets the virtual property in the victimized player's account. Consequently, MDGA exhibits distinctive behavioral markers and legal attributes.

2.2 Principal Typological Frameworks of Malicious Destruction of Game Accounts (MDGA)

Depending on means and motives, Malicious Destruction of Game Accounts can be categorized into the following main types:

Technical MDGA refers to individuals or groups with specialized technical abilities to take advantage of the security loopholes of the game platform through hacking techniques, malware, or other means to compromise accounts and effectuate destruction.

Social MDGA manifests when the perpetrator uses the trust established between the players through social interaction, by means of deception, coercion, and other means to gain account access for destructive purposes.

Transactional MDGA occurs when players suffer virtual property losses in the account due to malicious acts by third-party service providers (e.g., boosters) during commercial interactions.

3 LEGAL DIFFICULTIES IN REGULATING MALICIOUS DESTRUCTION OF GAME ACCOUNTS (MDGA)

3.1 Controversies Regarding the Legal Characterization of Virtual Property

Defining the legal attributes of virtual property is an important prerequisite for regulating Malicious Destruction of Game Accounts. Although Article 127 of China's Civil Code expressly incorporates virtual property in the scope of legal protection, it fails to provide a specific definition of its legal attributes. In judicial practice, it is difficult for adjudicators to directly determine that virtual property belongs to a certain type of right provided for in existing laws, resulting in inconsistent standards of legal application (Zhang Yin, 2024). Consequently, solutions to traditional issues—including property, contractual, and tort are difficult to apply in judicial practice. There is also controversy in international academia that remains divided on whether proprietary rights should be conferred upon end-users regarding purchased virtual items (PALKA, Przemyslaw, 2017).

One doctrinal perspective contends that virtual property should be characterized as an object of real rights, possessing the essential attributes of exclusivity, dispositional control, and economic value. Professor Mingkai Zhang has emphasized that virtual property demonstrably exhibits the tripartite characteristics definitive of legal assets: controllability, transferability, and valuability (Xiao Zhike, 2021). An alternative doctrinal position asserts that virtual property more appropriately constitutes an incident of obligatory rights, wherein the relationship between players and gaming service providers is fundamentally contractual. Virtual assets thereby manifest as the operative embodiment of such service agreements (Wang Huaxiu, 2024).

Within criminal law academia, there is ongoing debate over whether virtual property should be uniformly defined in civil and criminal law. Disagreement centers on whether virtual property constitutes 'property' under criminal law. The

affirmative view defines it as electronically stored assets with economic value. The opposing view classifies it as a financial interest distinct from intangible property recognized in criminal law (Ren Yuejin, 2021).

3.2 Challenges in Legal Characterization of Malicious Destruction of Game Accounts (MDGA)

If virtual property is deemed 'property' under criminal law, Malicious Destruction of Game Accounts may constitute intentional destruction of property under Article 275 of China's Criminal Code. For instance, in *China v. Chen* [2019] for intentional property destruction, the defendant obtained the victim's game credentials and extensively damaged in-game assets, including warships, gems, and similar assets. The court convicted and sentenced the defendant under Article 275 of the Criminal Code in August 2019 (Jiang Yunfei, Lu Lu, 2019). However, as no consensus exists on whether virtual property should be classified as criminal 'property', the practical application of this offense faces significant obstacles.

If virtual property is denied proprietary status and classified as electronic data, MDGA involving technical deletion or alteration of account data may satisfy elements of 'Computer Sabotage' under Article 286 of China's Criminal Code. However, the application remains contentious since this offense requires material impairment of computer system functionality—a threshold not met by mere deletion of virtual assets.

In transactional cases, courts circumvent virtual property characterization debates by focusing on contractual breaches by leveling service providers. Illustratively, in a 2023 Beijing Internet Court ruling against commercial boosters for malicious account destruction, the victim discovered premium characters dismantled and deleted post-service. The court imposed breach-of-contract liability on the service operator (Zuo Lin, 2023).

3.3 Valuation and Evidence Collection Challenges for Virtual Property in Online Games

Valuation and evidence collection constitute critical components in regulating MDGA. For virtual currency obtained through direct top-ups or items purchased with such currency, value may be determined by transaction prices or official game

pricing. However, assessing damage to player-cultivated assets remains problematic. Since gameplay generates no market value and MDGA yields no illicit profits, quantifying losses for time-invested equipment proves exceptionally challenging (Zuo Lin, 2023).

The digital and intangible nature of virtual property within online environments creates significant evidence collection challenges. Criminals who gain account access can delete or tamper with virtual property in the account at will, and all modifications recorded exclusively by the game company, which are inaccessible to ordinary players. This dynamism and uncertainty heighten judicial requirements for the authenticity and completeness of evidence in judicial practice, further exacerbating the difficulty of evidence collection.

4 REGULATORY COUNTERMEASURES FOR MALICIOUS DESTRUCTION OF GAME ACCOUNTS (MDGA)

4.1 Establishing Definitive Legal Characterization of Virtual Property in Online Games

From the development of China's civil law on the determination of the attributes of virtual property, it can be seen that the legislator's view of virtual property as an object of property rights has a positive tendency. Even if virtual property is regarded as data, its attribute of "property" cannot be denied. First, in order to obtain game equipment, characters, and other resources, players need to pay real currency or invest a lot of time and energy, which reflects the value of this part of the virtual goods. Second, virtual goods such as game equipment can provide practical functionality within virtual environments, which indicates that it has actual use value. Thirdly, players are indeed able to dispose of the virtual goods in their accounts, and even game operators cannot arbitrarily recover virtual property when players do not violate the rules of the game. Fourth, some virtual goods have exchange value, and players can buy, sell, and transfer these items according to their own wishes (Jiang Yunfei, Lu Lu, 2019). This reflects the fact that the substantive congruence between such virtual items and legally recognized property rights. In particular, the property rights of virtual property are being recognized in many foreign legal systems

(Susan H. Abramovitch, David L. Cummings, 2007). Consequently, this part of the virtual property can become the object of property crime, so as to provide a legal basis for the criminal regulation of Malicious Destruction of Game Accounts (MDGA).

Analyzing virtual property's legal attributes through a criminal law lens, the legal interest theory provides normative justification for its protection. From an individual legal interest perspective, virtual property embodies players' temporal, emotional, and financial investments, possessing demonstrable economic value. Assets acquired through equivalent exchange--virtual equipment, game currency, etc.--constitute property interests under criminal law. Regarding supra-individual legal interests, China's gaming market generated over CNY 300 billion in 2024 with >600 million users, establishing virtual property as a novel societal public interest in the digital economy (Game Publishing Committee, 2024).

4.2 Refining Legal Characterization of Malicious Destruction of Game Accounts (MDGA)

When MDGA destroys players' virtual property acquired with fiat or virtual currency, it unequivocally infringes upon legitimate property interests. Such damage is legally indistinguishable from the destruction of tangible assets, establishing MDGA as property crime. Article 275 of China's Criminal Code protects precisely the 'ownership of public and private property' (gong si cai wu suo you quan). Thus, property-rights-based protection should be prioritized for such destructive acts.

Simultaneously, the actor's subjective state must be scrutinized. Most MDGA constitutes intentional offenses, where perpetrators: (1) knowingly cause damage to virtual property, (2) with willful acceptance or active pursuit of harmful consequences. Such mens rea may be inferred from objective evidence, including professional capacity (e.g., commercial boosters), anomalous operational patterns (e.g., mass destruction of premium assets), and post-facto conduct (e.g., taunting via modified account identifiers).

4.3 Institutionalizing Valuation and Evidence Collection Mechanisms for Virtual Property

The persistent challenge in valuing virtual property lies in assets acquired freely, yet through substantial

time investment, whether accumulating in-game currency or obtaining resources via repeated gameplay grinding. Such accessibility must not negate their inherent worth. A value-linked threshold for criminal liability should be established, exemplified by setting the prosecutorial benchmark at CNY 5,000+ for intentionally destroyed virtual assets.

When establishing virtual property evidence mechanisms, adherence to authenticity, relevance, and admissibility requirements is imperative. For authenticity concerns—given virtual property's susceptibility to alteration and destruction—novel solutions like blockchain-based evidence preservation should be deployed. Illustratively, Hangzhou Internet Court's 2018 landmark ruling in an internet copyright infringement case pioneered judicial recognition of blockchain-authenticated electronic evidence (Lin Lin, 2018). Regarding relevance, a scientific proof standard system must be established. Technical methods should logically connect player actions to damages, such as forensic analysis of game operation logs. For admissibility, evidence collection must strictly comply with legal procedures, particularly concerning collector qualifications and method legitimacy. User information cannot be excessively captured in violation of the principle of minimum necessity, and forensics cannot be carried out in a way that destroys the integrity of the data.

It is suggested that the investigators should be divided into three levels: the technical level, the legal level, and the value level. At the technical level, the focus is on testing the integrity and authenticity of the data; at the legal level, the focus is on the legality of the investigators; and at the value level, the virtual property is valued according to professional standards.

5 CONCLUSIONS

Malicious Destruction of Game Accounts (MDGA) has seriously violated the legitimate rights and interests of players and constituted a threat to the normal order of the game and the security of the network environment. Although China's Civil Code recognizes the civil right object status of virtual property, there are still gaps in its specific connotation, right attributes, protection mode, and other key issues, so that there are substantial difficulties plaguing judicial determinations and the disposition of MDGA cases in practice. This paper puts forward some proposals on the basis of analyzing

the difficulties in legal regulation of Malicious Destruction of Game Accounts (MDGA), aiming to effectively curb the the vicious development of this behavior and substantively protect the legitimate rights and interests of players. It should be noted that the foregoing legal analysis derives exclusively from existing legal system and theoretical perspectives, lacking empirical judicial validation. Furthermore, while advancing a preliminary framework for virtual property valuation, how to operate and how to formulate assessment standards still need to be improved. With the continuous development of the gaming industry, the issues related to the protection of virtual property will grow increasingly complex. Therefore, it is hoped that lawmakers will continue to pay attention to the legal attributes of virtual property and improve the relevant laws and regulations, so that the virtual property of game players will be duly protected. Concurrently, gaming platforms should fulfill proactive custodial obligations by implementing robust safeguards, providing equitable and secure gaming environments, and deploying preventive measures to mitigate MDGA incidents.

Lin Lin, (2018). Hangzhou Internet Court Pioneers Judicial Recognition of Blockchain-Based Electronic Evidence. https://hznews.hangzhou.com.cn/jingji/content/2018-06/29/content_7027840_0.htm#:~:text=

REFERENCES

- Zhang Yin, (2024). Judicial Protection of Online Virtual Property: from Practice Exploration to Path Optimization. *Digital Law.*, (04): 132-146.
- PALKA, Przemyslaw, (2017). *Virtual property: towards a general theory*. Florence : European University Institute.
- Xiao Zhike, (2021). Virtual Property: Legal Attribute and Criminal Law Protection. *Journal of Shanghai University(Social Sciences Edition)*. 11(60).
- Wang Huaxiu, (2024). Research on the Legal Attributes of Network Virtual Property. *Social Science Front.* (07): 275-280.
- Ren Yuejin, (2021). Tong Weihua. Legal Benefit Clarification of the Theft of Online Virtual Property. *Social Sciences in Xinjiang*. (05): 107-118+163.
- Jiang Yunfei, Lu Lu, (2019). Open destruction of in-game assets constitutes intentional destruction of property. *Shanghai Legal Studies*. (20): 58-60.
- Zuo Lin, (2023). Commercial leveling service operators held liable for malicious MDGA, court-ordered compensation exceeding CNY 40,000. <https://baijiahao.baidu.com/s?id=1757876335452741522#:~:text=>
- Susan H. Abramovitch, David L. Cummings, (2007). "Virtual Property, Real Law: The Regulation of Property in Video Games" 6:2 CJLT.
- Game Publishing Committee, (2024). 2024 China Game Industry Report. China Audio-video and Digital Publishing Association.