Observatoire ARGA

Infrastructure intermediaries and “facilitators” in the crypto ecosystem:

boundaries of responsibility, new risks, and the transformation of law enforcement

Author:

Sergei Khrabrykh — President of ARGA, PhD

Organization: Observatoire ARGA – Sanctions and Compliance Unit

Mailing address: 21 route de l’Aviation, 12 C, 64600 Anglet, FRANCE

Contacts: info@argaobservatory.org, +33 7 58 49 62 27

Website: www.argaobservatory.org

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Table of Contents

Abstract

This report analyzes the role of infrastructure intermediaries ("facilitators") in the cryptocurrency ecosystem and their increasing responsibility amid tightening international regulation. It examines categories of technical, operational, and compliance intermediaries through whom effective control over digital assets is exercised, as well as the legal and political-economic consequences of expanding the concept of facilitation. Particular attention is given to the shift in law enforcement focus from end users to infrastructure nodes and the associated risks for the market, human rights, and innovation.

Introduction

As cryptocurrency infrastructure becomes more complex, law enforcement increasingly shifts its focus away from end users or formal organizers of crimes toward infrastructure intermediaries — entities that provide technical, operational, or regulatory support to the functioning of the ecosystem.

These intermediaries do not always directly participate in unlawful activities, yet effective control over digital asset flows passes through them.

The concept of "facilitator" in contemporary practice

In the crypto context, "facilitators" increasingly include:

- developers of protocols and smart contracts;
- operators of interfaces and frontends;
- providers of bridges and liquidity aggregators;
- stablecoin issuers;
- custodial and non-custodial services;
- compliance and analytics providers.

The expansion of this concept reflects regulators' efforts to cover the ecosystem's control points.

Shifting responsibility from the user to the infrastructure

The traditional law enforcement model assumes liability for the person directly committing the unlawful act. In the crypto sphere, this logic is transforming:

- the end user becomes difficult to reach;
- the infrastructure remains relatively stable;

- intermediaries acquire the characteristics of “pressure points.”

As a result, responsibility is increasingly placed on those who enable operations to occur.

Infrastructure nodes as points of coercion

Law enforcement concentrates on nodes capable of:

- blocking access;
- freezing assets;
- disabling interfaces;
- transferring data to regulators.

Even in decentralized architectures, such nodes persist and become targets of legal pressure.

Private decisions with public consequences

Infrastructure intermediaries make decisions that:

- affect users’ rights;
- influence access to funds;
- determine the outcome of disputes.

At the same time, these decisions:

- are not always based on judicial acts;
- are made within private policies;
- are not accompanied by procedural safeguards.

This creates a regime of private law enforcement.

Expansion of the concept of facilitation

In international practice, there is a tendency toward broad interpretation of facilitation, whereby:

- technical assistance is equated with complicity;
- neutral infrastructure is viewed as part of a scheme;
- failure to take active preventive measures is interpreted as fault.

Such an approach blurs the boundary between innovation and liability.

Risks for developers and operators

For infrastructure participants, this means:

- increased criminal and administrative risks;
- uncertainty of legal status;
- the need for retrospective assessment of their actions;
- exposure to sanctions pressure.

Even bona fide activities may be reinterpreted negatively.

Impact on innovation and technological development

Tightening liability for infrastructure intermediaries:

- reduces willingness to experiment;
- encourages anonymization of developers;
- leads to migration of projects to less transparent jurisdictions.

This creates a paradox: efforts to combat risks strengthen shadow practices.

Political and economic context of pressure on intermediaries

Pressure on infrastructure intermediaries often reflects:

- states' interests in capital control;
- sanctions and geopolitical priorities;
- the desire to redistribute economic power.

Law enforcement acquires a strategic dimension.

International practice and recurring models

Analysis of international cases shows similar patterns:

- selection of an infrastructure "node" as the target;

- public demonstration of measures;
- absence of a systemic solution to the problem.

The effect is demonstrative rather than preventive.

Risks for users

Users become hostages to intermediaries' decisions:

- blocks without explanation;
- loss of access to assets;
- inability to appeal.

Responsibility shifts upward, but consequences fall downward.

Institutional limits of the current approach

Expanding infrastructure liability:

- does not eliminate root causes of crimes;
- does not ensure protection of victims;
- undermines trust in the ecosystem.

There is a lack of balance between control and rights.

Alternative models of responsibility

Possible directions include:

- differentiation of roles and functions;
- clear safe harbour mechanisms;
- procedural safeguards for intermediaries;
- linking liability to actual control.

Without this, regulation will remain repressive.

Conclusions

Infrastructure intermediaries have become the central focus of modern crypto law enforcement. The expansion of the "facilitator" concept reflects institutional adaptation to a decentralized environment but simultaneously creates new risks for rights, innovation, and market stability.

Recommendations

- Clear definition of the boundaries of responsibility for infrastructure intermediaries.
- Development of international "safe harbour" standards.
- Ensuring procedural safeguards in infrastructure-related blocks.
- Taking into account the political and economic context of pressure on intermediaries.
- Balancing control, innovation, and human rights.

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