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# THE NEXUS BETWEEN ASSET RECOVERY AND CORRUPTION PERCEPTIONS INDEX: JAPAN'S EXPERIENCE AND IMPLICATIONS FOR UZBEKISTAN

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**Abstract.** *The relationship between criminal asset recovery and a ranking of a country in the Corruption Perceptions Index is studied in this paper. The legal framework and experience of Japan and Uzbekistan from 2022 to 2024 are compared. Therefore, the research focuses on anti-corruption policies, institutional capacities and the legal instruments available to trace, freeze, confiscate and recover illicit assets as required by the United Nations Convention Against Corruption. Methodologically, the study combines the benchmarking analyse, international legal documents and practice analyse, also, comparative legal research methods. Japan, with its higher CPI rating compared to Uzbekistan, is attributed to a stronger rule of law, a centralised Financial Intelligence Unit (JAFIC), and victim compensation schemes. Uzbekistan is exhibiting positive reform trends since 2016, which include working with UNODC and its restitution agreement with Switzerland. However, the challenges remain due to the lack of specialised asset recovery body (FIU), fragmented legal framework on illicit asset recovery and the urgent need to expand international cooperation in this field. Taking this into account, recommendations to improve Uzbekistan's asset recovery system and make them transparent are offered in the study. This article can be useful for both the law-making process and teaching and studying asset recovery and the broad country analysis frameworks.*

**Keywords:** *Corruption Perceptions Index, asset recovery, UNCAC, non-conviction-based confiscation, financial intelligence, JAFIC, international cooperation, restitution*

## AKTIVLARNI QAYTARISH VA KORRUPSIYANI IDROK QILISH INDEKSI O'RTASIDAGI BOG'LIQLIK: YAPONIYA TAJRIBASI HAMDA O'ZBEKISTONDA QO'LLASH IMKONIYATI

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**Annotatsiya.** *Ushbu maqolada noqonuniy aktivlarni qaytarish va mamlakatning Korrupsiyani idrok qilish indeksi (CPI) o'rtasidagi bog'liqlik tadqiq qilingan. Unda Yaponiya va O'zbekistonning 2022–2024-yillardagi huquqiy asoslari va tajribalari taqqoslangan. Shu bois tadqiqot Birlashgan Millatlar Tashkilotining Korrupsiyaga qarshi konvensiyasi talablariga muvofiq noqonuniy aktivlarni*

kuzatish, muzlatish, musodara qilish va qaytarish uchun mavjud bo'lgan korrupsiyaga qarshi kurashish siyosati, institutsional salohiyat va huquqiy vositalarga qaratilgan. Metodologik jihatdan tadqiqot qiyosiy tahlil, xalqaro huquqiy hujjatlar va amaliyot tahlili, shuningdek, qiyosiy-huquqiy tadqiqot usullarini birlashtiradi. O'zbekistonga nisbatan yuqori Korrupsiyani qabul qilish indeksi ko'rsatkichiga ega Yaponiya bu yutuq'iga kuchli qonun ustuvorligi, markazlashtirilgan Moliyaviy razvedka idorasi (JAFIC) mavjudligi va jabrlanuvchilarga kompensatsiya to'lash tizimlari tufayli erishgan. O'zbekistonda 2016-yildan buyon ijobiy islohotlar tendensiyasi kuzatilmoqda, jumladan, BMTning Narkotiklar va jinoyatchilik bo'yicha boshqarmasi bilan hamkorlik qilinmoqda hamda Shveysariya bilan restitutsiya bitimi tuzilgan. Biroq aktivlarni qaytarish bo'yicha ixtisoslashgan organning (moliyaviy razvedka idorasi) yo'qligi, noqonuniy aktivlarni qaytarish bo'yicha huquqiy bazaning tarqoqligi va ushbu sohada xalqaro hamkorlikni kengaytirishga bo'lgan o'tkir ehtiyoj kabi muammolar saqlanib qolmoqda. Shularni inobatga olgan holda, ushbu tadqiqotda O'zbekistonning aktivlarni qaytarish tizimini takomillashtirish va uning shaffofligini oshirish bo'yicha tavsiyalar berilgan. Ushbu maqola qonun ijodkorligi jarayoni uchun ham, aktivlarni qaytarishni o'qitish va o'rganish hamda mamlakatni tahlil qilishning keng qamrovli tizimlari uchun ham foydali bo'lishi mumkin.

**Kalit so'zlar:** CPI, aktivlarni qaytarish, BMTning Korrupsiyaga qarshi konvensiyasi, sud hukmisiz musodara qilish, moliyaviy razvedka, JAFIC, xalqaro hamkorlik, restitutsiya

## ВЗАИМОСВЯЗЬ МЕЖДУ ВОЗВРАТОМ АКТИВОВ И ИНДЕКСОМ ВОСПРИЯТИЯ КОРРУПЦИИ: ОПЫТ ЯПОНИИ И ПЕРСПЕКТИВЫ ПРИМЕНЕНИЯ ДЛЯ УЗБЕКИСТАНА

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**Аннотация.** В статье исследуется взаимосвязь между возвратом преступных активов и позицией государства в Индексе восприятия коррупции. Проведено сравнительное исследование правовой базы и практики Японии и Узбекистана за период 2022–2024 годов. Основное внимание уделено антикоррупционной политике, институциональному потенциалу, а также правовым инструментам выявления, отслеживания, замораживания, конфискации и возврата незаконно приобретённых активов в соответствии с Конвенцией ООН против коррупции. С методологической точки зрения исследование сочетает бенчмаркинг-анализ, анализ международно-правовых документов и практики, а также сравнительно-правовой метод. Более высокий показатель Японии в Индексе восприятия коррупции по сравнению с Узбекистаном обусловлен более высоким уровнем верховенства права, наличием централизованного подразделения финансовой разведки (JAFIC), а также механизмами компенсации потерпевшим. Узбекистан с 2016 года демонстрирует позитивную динамику реформ, включая сотрудничество с UNODC и заключение соглашения о реституции со Швейцарией. Вместе с тем сохраняются проблемы, связанные с отсутствием специализированного органа по возврату активов (FIU – подразделения финансовой разведки), фрагментарностью правового регулирования в данной сфере и необходимостью расширения международного сотрудничества. С учётом выявленных проблем в статье предложены рекомендации, направленные на совершенствование системы возврата активов в Узбекистане и повышение её прозрачности. Результаты исследования могут быть использованы в нормотворческой деятельности, а также в образовательном процессе при изучении вопросов возврата активов и странового анализа.

**Ключевые слова:** Индекс восприятия коррупции, возврат активов, Конвенция ООН против коррупции (UNCAC), конфискация без обвинительного приговора, финансовая разведка, JAFIC, международное сотрудничество, реституция

## Introduction

Corruption is one of the largest problems facing the world today (United Nations Office on Drugs and Crime, 2004; World Bank, 1997). Not only does corruption damage national economies, but it can erode the rule of law, negatively impact the investment climate, and undermine the faith of the public in government institutions (International Monetary Fund, 2018). In addition, modern technologies advance and, at the same time, create a threat by using different e-currencies (Kolenko, 2023) of increasing the number of corruption cases worldwide.

One of the primary tools used to measure corruption is the Corruption Perceptions Index (CPI), which is produced annually by Transparency International (2023a) and is widely regarded as one of the most authoritative international measures of the extent of corruption in the public sector (Charron, 2016; Ko & Samajdar, 2010).

Asset recovery as part of the criminal justice process is also seen as an effective means of combating corruption and is one of the key pillars of the United Nations Convention Against Corruption (UNCAC) (United Nations Office on Drugs and Crime, 2004). In addition to being a key mechanism for recovering assets illicitly acquired through corruption, asset recovery occupies a central position in contemporary international anti-corruption strategies (Sotiropoulou et al., 2020; Ivory, 2014).

This study views asset recovery as not only a technical and legal instrument to combat corruption, but also as a means of providing an enforcement signal that will help to influence how corruption is viewed by experts and business operators (those that are covered in the CPI survey). The basic premise of this concept is straightforward: when a government credibly identifies, freezes, confiscates, and returns illicit assets, it increases the anticipated costs of engaging in corrupt behaviour and decreases

the appeal of engaging in such behaviour over time. As a result, this will have a negative effect on real corruption practices and external evaluations of the quality of governance.

There are three theoretical foundations upon which this study relies: deterrence theory, institutional (principal-agent) theory, and perception and measurement theory. Deterrence theory assumes that illegal activity will decrease when there is an increased probability of detection and/or increased penalties (Freedman, 2026). In terms of asset recovery, the rationale behind this theory is that confiscation and recovery reduce the “profit” component of corruption. Even if a bribe is paid, the payment will not provide a secure benefit if the assets received can be identified and confiscated. The classical model portrays crime as a rational decision-making process based on the expected punishment (Freedman & Owens, 2016). Consequently, credible enforcement mechanisms can alter incentives and behaviours, and asset recovery strengthens deterrence because it targets the proceeds of corruption and not just the individual committing the act.

Secondly, institutional theory (also known as principal-agent theory) portrays corruption as an issue of information asymmetry and lack of oversight (Teixeira & Spinelli, 2024). Agents (government officials) can exploit their authority to commit acts of corruption if monitoring of their actions is weak and/or accountability is lacking (Urinboyev & Svensson, 2024; Urinboyev & Svensson, 2013). Viewed in this way, asset recovery serves as a mechanism to increase accountability and reduce discretion by linking illicit wealth to legally enforceable consequences.

Institutional scholars also point out that corruption is not simply the result of “bad people,” but rather is a function of systems – rules, oversight bodies, enforcement

capabilities, and the courts. The research conducted by Rose-Ackerman and Palifka (2016) is plausible in this regard. They argue that successful anti-corruption strategies rely on credible enforcement mechanisms and the design of institutions, not merely formal laws. Klitgaard's (1998) well-known heuristic formula for understanding corruption (corruption = monopoly + discretion - accountability) is also consistent with this view; asset recovery enhances the "accountability" component by increasing the difficulty of enjoying illicit enrichment.

Finally, perception and measurement theory explain why there is a linkage between reforms and CPI scores. Research on these theoretical links is supported by empirical data. Cheromoi & Sebagala (2025) describe how Uganda's very low CPI rankings have made it difficult for Uganda to engage effectively with foreign asset recovery organizations; they emphasize that if Uganda does not demonstrate some improvement in its governance and public financial management practices, foreign countries will be unwilling to return frozen assets. Alwehaib (2025) provides a similar analysis in terms of how moderate CPI scores and unclear laws created "legal insulation" for illicit assets recovered through asset recovery programs in Kuwait, ultimately prolonging or impeding recovery efforts. Bala (2025), which examined Nigeria's experiences with asset recovery, further illustrates the same phenomenon. The author suggests that Nigeria's persistent, very low CPI rankings have damaged its reputation among the global community of asset recoverers. This has increased the length of time necessary for recovery efforts to resolve through protracted litigation and decreased the willingness of foreign governments to cooperate with Nigeria's efforts to recover assets or provide assurances regarding the integrity of repatriated assets.

However, there are papers doubting

this theory. The literature suggests that perception-based indicators (such as those used in CPI surveys) can be affected by media attention, scandals, elite discourse, and the visibility of reforms. Donchev and Ujhelyi (2014) argue that corruption indices frequently reflect broad perceptions of a country and may not accurately reflect actual corruption levels. Similarly, Charron (2016) describes gaps between experiences and perceptions. Therefore, asset recovery can have an indirect effect on CPI through two channels: by reducing the actual occurrence of corruption (through deterrence and institutional reform) and by influencing external assessments of corruption through visibly enforced reforms, transparency, and credible institutions.

Corruption negatively impacts investment and economic growth (Mauro, 1995) and, therefore, the trajectory of economic development (Bardhan, 1997). Therefore, there are several stakeholders who use CPI in their decision-making regarding investments, loans, etc. As such, reputation matters. As the credibility of rule-of-law institutions improves due to asset recovery reform, perceptions of these institutions will begin to improve prior to the completion of deep structural changes. In addition, this framework does warn of a short-term paradox in that a more vigorous enforcement process may cause an increase in the amount of publicity related to identified corruption cases, potentially causing a worsening of perceptions of corruption in the short run, even though the institutions themselves are improving. This study provides a comparative legal analysis of the anti-corruption systems, CPI ratings, and mechanisms for recovering criminal assets in Japan and Uzbekistan during the period of 2022–2024. While Japan is a well-established democratic state with a high CPI rating (Transparency International, 2023a), Uzbekistan has exhibited significant

improvements in its anti-corruption efforts since implementing widespread reforms in 2016.

## **Methods**

### *Research Design*

The qualitative comparative design of the study offers a glimpse of whether and how asset recovery frameworks affect the CPI. The study uses a comparative legal-institutional design to study Japan and Uzbekistan during 2022–2024. The aim, therefore, is not to demonstrate statistical causality but to analyze how cross-national variation in legal frameworks and enforcement capacity may affect enforcement credibility in a perception-based measurement world.

### *Case Selection*

Japan and Uzbekistan were selected using a most-different systems logic. Japan represents a mature, high-performing anti-corruption system with consistently high CPI scores. Uzbekistan represents a reform-oriented transitional system that has experienced measurable CPI fluctuations in recent years. This contrast enables structured comparison across divergent governance contexts while maintaining a common analytical focus on asset recovery mechanisms.

### *Data Sources*

The analysis relies on publicly available sources, including CPI datasets and methodological documents (Transparency International, 2024); National legislation governing asset recovery; FATF and EAG mutual evaluation reports; OECD and UNODC reports; and Official institutional statistics and academic literature. All statistical figures (CPI scores, conviction data, suspicious transaction reports) are used descriptively.

### *Method of Analysis*

The study proceeds in three stages: (1) descriptive analysis of CPI methodology and recent trends (2022–2024); (2) comparative examination of confiscation regimes,

including conviction-based mechanisms, provisional measures, cross-border cooperation, and asset management tools; (3) assessment of institutional capacity, including FIUs, investigative specialization, reporting systems, and enforcement outputs.

### *Limitations*

The CPI is treated as a perception-based indicator rather than a direct measure of corruption incidence. The study does not conduct econometric modelling or causal testing. Instead, it evaluates whether variations in asset recovery design and institutional credibility plausibly influence perception dynamics.

## **Results**

### *Corruption Perceptions Index (CPI): Theoretical and Methodological Foundations Definition of CPI and Measurement Methodology*

Since 1995, Transparency International has published the Corruption Perceptions Index (CPI) annually (Transparency International, 2025). The CPI ranks 180 countries and territories based on perceived levels of public sector corruption, reporting results on a 0-100 scale where 0 indicates a country is perceived as highly corrupt and 100 as very clean.

Methodologically, the CPI is a composite index that aggregates data from multiple independent sources, drawing primarily on assessments by country experts and businesspeople (Transparency International, 2024). TI assigns a CPI score only when at least three sources provide data for a given country, and the country's score is calculated as the average of the available rescaled source scores (Transparency International, 2024). As a perceptions-based indicator, the CPI does not measure recorded corruption offenses or court statistics; rather, it reflects assessed risk and perceived prevalence of public sector corruption, and it is therefore subject to the standard limitations of perceptual measures. Despite limitations

(Andersson & Heywood, 2009; Heywood & Rose, 2014), the use of perceptual indicators can be useful for measuring governance risk and tracking long-term changes in transparency and accountability, particularly in situations where corruption is unreported or difficult to measure directly (Transparency International, 2023).

The CPI aggregates assessments from multiple sources that capture perceptions of public sector corruption. While the CPI itself does not measure specific corruption typologies directly, many of its underlying sources include items related to bribery risks, misuse of public funds, and the effectiveness of public institutions. First, many CPI source instruments examine the degree to which public officials expect to receive and/or require bribes to complete routine administrative actions (permits, licenses, and public services). The focus is placed on the frequency of such transactions and whether they are accepted as “normal” costs of conducting business by public officials (Antibribery Guidance, 2025). Additionally, the degree to which such transactional exchange is institutionalized into bureaucratic interactions is studied.

Second, CPI underlying source instruments examine corruption vulnerabilities in the public contracting process, specifically in those situations where discretionary authority and large-scale public expenditures exist (Transparency International, 2024). Such examinations include issues related to bid rigging, favouritism in contract specification, tailoring of contract specifications to pre-determined vendors, lack of transparent evaluation criteria, and collusive activity amongst potential bidders. Additionally, it analyses issues related to the integrity of contract execution, i.e., overcharging, poor delivery, and inadequate oversight, as well as the potential for corruption to migrate

from the contract awarding process to contract implementation.

Fourth, the CPI captures perceptions of public sector corruption primarily from businesspeople and country experts, based on a set of independent data sources (Transparency International, 2024). Additionally, underlying assessments often include perceptions about the effectiveness of the government’s internal control systems and the external auditing system, as well as other forms of accountability that help prevent and detect these types of government corruption.

Fifth, CPI sources often assess the extent to which a country’s formal legal framework translates into effective limits in practice; CPI sources include evaluations of the adequacy of both substantive and procedural aspects of anti-corruption legal frameworks, including the independence and capability of investigative and prosecutorial institutions (Transparency International, 2024), the existence of meaningful sanctions for misconduct, and whether there is effective regulation of conflicts of interest and whether the judicial process supports the timely resolution of high-profile cases without political interference.

Six, CPI instruments data also capture views about the effectiveness of law enforcement institutions and their ability to carry out their duties; these views relate to the extent to which these institutions can enforce the law fairly and consistently and whether their actions serve to deter corruption among all segments of society (Transparency International, 2024). These dimensions of the CPI include evaluations of the operational independence of police and prosecutors, the reliability of court systems, whether the application of the law is free from undue influence, and the degree to which the same standards are applied equally to all members of society regardless

of their wealth, status, or political affiliation.

### *The CPI's Importance in International Legal and Policy Contexts*

The CPI results are widely used by various stakeholders to assess the potential risk associated with conducting business in a particular jurisdiction. The most common applications of CPI data are found in four main categories:

CPI scores are used in assessing the risk of lending to sovereign governments, which may lead to increased uncertainty regarding the government's ability to enforce contracts and maintain fiscal discipline due to the possibility of widespread corruption (Panizza, 2017). The CPI results are typically used in conjunction with other macro-economic variables to provide a more comprehensive assessment of the creditworthiness of the borrower country (Gande & Parsley, 2010).

CPI results are also used as a signal by investors considering the establishment of new operations in a particular jurisdiction, especially those who rely heavily on licenses, public contracting, or interactions with the government to operate (OECD, 2024). Investors will consider the CPI results to help estimate the transaction costs, compliance requirements, and the predictability of future regulatory decisions associated with doing business in each location.

CPI results shape a nation's reputation internationally and are frequently cited in country comparison reports, peer review processes, and dialogue with international organizations, which may impact how a country's reform efforts are viewed by its international counterparts (Transparency International, 2024). A country's reputation impacts the level of trust between nations, the level of cooperation between nations, and the willingness of counterpart institutions to participate in long-term cooperative agreements. Understanding this, Uzbekistan has considered CPI as one of the priority

international ratings and indices for the Republic of Uzbekistan according to the Resolution of the Senate of the Oliy Majlis of the Republic of Uzbekistan No. SQ-963-IV dated August 16, 2024.

CPI results are also used by national governments and reform agencies in evaluating the success of their integrity reform initiatives, establishing priorities, communicating reform agendas, and comparing their own reform successes relative to those of their regional or income-based peers (Smidova, 2020; Transparency International, 2023). While CPI results alone do not allow governments to identify specific legal shortcomings, they can indicate areas where additional integrity reforms, stronger enforcement capabilities and greater transparency are required and therefore support the development of an implementation agenda and monitoring.

In addition to its direct economic consequences, Transparency International points out the widespread societal implications of corruption. In fact, it indicates that over two-thirds of the world's population experiences problems associated with corruption as part of their daily lives (Transparency International, 2023a). On an overall basis, the global average score for corruption remains at a low of 43; and nearly all (148) of the world's countries have shown little or no progress in reducing corruption since 2012, which suggests that there are many structural barriers to achieving real progress in addressing corruption in most countries (Transparency International, 2023a).

### *CPI Trends in Japan and Uzbekistan (2022–2024)*

#### *Japan's CPI Scores and Key Developments*

Historically, Japan has achieved good performance against corruption; however, over the past three years there have been signs of a slight decline.

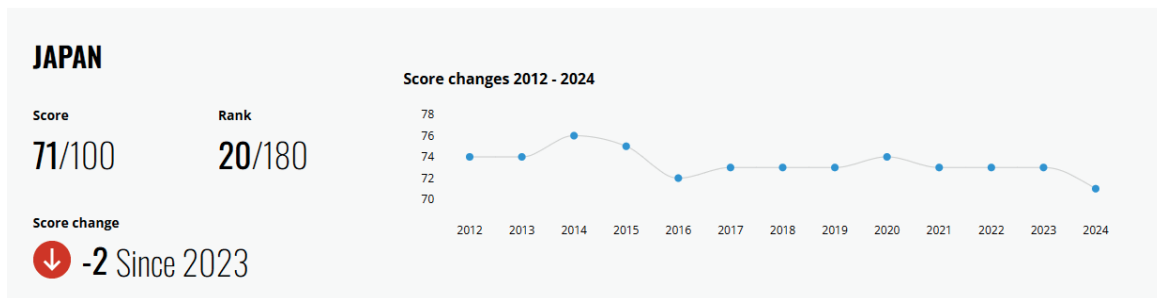


Figure. 1 (CPI ranking of Japan, <https://www.transparency.org/en/cpi>)

Although the decline in the scores does not appear to be substantial, such a trend indicates some underlying problems in the anti-corruption system (Wysong & Burney, 2025). Despite this, Japan is one of the most transparently governed states in the Asia-Pacific region. Japan, along with New Zealand (83 points) and Singapore (84 points), is among the top-performing Asian states in the CPI 2024. In terms of world rankings, Japan (71) ranks behind Denmark (90), Finland (88), and New Zealand (83) (Transparency International, 2025). Anti-corruption legislation in Japan is comprised of several central laws: The Criminal Code provides liability for bribery committed by public officials (Articles 197-198) (Antibribery Guidance, 2025). The Unfair Competition Prevention Act (UCPA)

established liability for bribery of foreign public officials (Antibribery Guidance, 2025). The Act on Punishment of Organized Crimes (Act on Punishment of Organized Crimes and Control of Crime Proceeds, 2020) provided for mechanisms for the seizure of property acquired through crime (UNAFEI, 2019; Act on Punishment of Organized Crimes and Control of Crime Proceeds, 2020). As part of its 2024 reform package, the Unfair Competition Prevention Act underwent significant changes, including those regarding greater penalties for crimes connected to corruption (Lexology, 2024).

### 3.2.2. CPI Dynamics and Reforms in Uzbekistan

Reforms directed toward the reduction of corruption conducted in Uzbekistan from 2016 onward produced positive results.

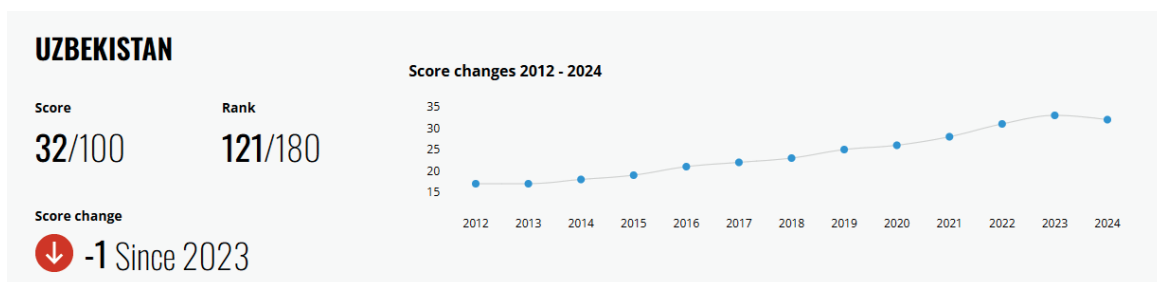


Figure. 2 (CPI ranking of Uzbekistan, <https://www.transparency.org/en/cpi>)

While the increase observed in 2023 was an important step forward, the decrease of one point registered in 2024 signifies the need to monitor the anti-corruption environment closely and identify potential

shortcomings (Transparency International, 2025). On the other hand, this was the first decline in the scores since 2012, and the general direction of the trend has been positive (Transparency International, 2025).

Experts from Transparency International identified several positive trends in Uzbekistan. These included the creation of an Anti-Corruption Agency in 2020, launching a national council system of anti-corruption, strengthening the internal control of the government, and adoption of digital solutions that can help prevent corruption risks (Transparency International, 2023b).

However, experts noted several current difficulties in Uzbekistan that relate to the quality of governance, transparency and the ability of state institutions to operate under pressure. These difficulties are associated with weak protection of the rule of law and contribute to the persistence of corruption (OECD, 2024).

Compared to the rest of Central Asia, Uzbekistan is positioned in the middle. Kazakhstan, for instance, scored 40 points and ranked 88th; Kyrgyzstan scored 25 points (146th); Tajikistan scored 19 points (164th); and Turkmenistan scored 17 points (165th) placing it at a significantly lower level than Uzbekistan in the regional context (Transparency International, 2025).

### **Discussion**

*Comparative analysis: the experience of Japan and Uzbekistan on Asset Recovery Issues  
Comparison of legislative framework*

Asset recovery is governed by a unique hybrid legal tradition in Japan. Japanese legislation contains provisions allowing the confiscation of equivalent value if the proceeds of corruption have been expended, hidden, or moved elsewhere; these provisions are very useful for reducing the incentive for criminals to rapidly spend their illegal profits, since they allow the state to recover value by means of assets that correspond to the benefit derived from the offense (OECD, 2012).

Japan has primarily a conviction-based confiscation framework; as there is no provision for either administrative or civil forfeiture, confiscation must occur through

judicial decision after a defendant has been convicted of the offense from which the confiscated property derives. The above-stated approach to non-conviction-based confiscation, while it may have some potential usefulness in situations where an offender cannot be convicted of an offense (e.g., if they are deceased, fled, or absent), is the exception rather than the rule in this country and could lead to potential cooperation gaps in those special instances (FATF, 2021; FATF, 2023).

Moreover, Japan has the advantage of having in place mechanisms for direct compensation of victims, which allows for framing confiscation not only as a sanction, but as a restorative measure (FATF, 2021). By establishing a connection between confiscated assets and compensatory outcomes, the system demonstrates that asset recovery is pursued not only in the name of public interest and corrective justice, but also to prevent asset recovery from being viewed as simply an extractive operation of a fiscal nature (Sotiropoulou et al., 2021; United Nations Office on Drugs and Crime, 2017). This may positively influence the perceived legitimacy of confiscation and the social reasoning supporting recovery operations. Furthermore, Japan makes use of preventive measures against organized crime, including measures specifically addressing yakuza-related assets (FATF, 2021). The measures against organized crime target the specific risk profile of organized criminal groups, which generally operate using complex organizational structures, cash-intensive practices, and intermediaries for the storage and transfer of proceeds and thus represent a complement to the post-conviction confiscation of proceeds by limiting the ability of organized crime to conserve and transfer ill-gotten assets.

The structure of Uzbekistan's framework is more closely linked to criminal conviction as the primary path to confiscation (FATF,

2022). This close link between criminal conviction and confiscation offers a high degree of conceptual clarity, e.g., confiscation is possible only after the determination of criminal liability, but can lead to delays in recovery, especially in cases where assets are quickly converted, assigned to third parties or removed from the country during the investigative phase (United Nations Office on Drugs and Crime, 2017). The unavailability of non-conviction-based confiscation further restricts the number of legal options available. Since the non-conviction-based confiscation mechanism is still under consideration, the system has fewer effective mechanisms for cases where prosecution is not possible, for example, when the subject is out of reach of the jurisdiction, deceased or otherwise unprosecutable for procedural reasons (Greenberg et al., 2009; Spicer, 2024). This may result in a practical gap between identifying assets that are reasonably suspected of being related to illicit activity and the goal of confiscating them, particularly in transnational cases.

Problems also exist during the transitional period. When temporary measures are limited, the possibility that assets will be dissipated or reorganized during the proceedings will be increased, which will lower the eventual recovery rate and encourage early concealment of illicit assets (FATF, 2022). Even when seizures occur, the lack of a developed framework for managing business assets complicates the preservation of asset value; hence, operating companies can quickly lose their economic value without proper administration, professional management, and clear rules for preserving continuity so that even a successful prosecution may ultimately lead to minimal financial recovery (Bostwick et al., 2023). Finally, cross-border recovery is influenced by the difficulty of recognizing and enforcing foreign confiscation orders (especially in the NCB-confiscation cases).

If the procedures for recognizing orders are slow or legally burdensome, foreign-held assets may be effectively frozen without resulting in effective confiscation and return, which will lower the practical effectiveness of international cooperation in recovering assets (Helfer et al., 2023).

As a result, jurisdictions that possess stronger and more flexible confiscation tools, combined with effective safeguards and asset management, will tend to produce greater asset recovery outcomes and more robust enforcement credibility, which may contribute to an improvement in CPI perceptions over time.

#### *Institutional capacities*

The strengths of Japan include the existence of the centralized FIU via the Japan Financial Intelligence Unit (FIU - JAFIC) (FATF, 2021). One reason why an institutional design such as JAFIC has the potential to be so effective is because when there is only one national FIU; the government can have all reports standardized. When the reports are standardized, the quality of analysis will increase. In addition, the financial intelligence can be quickly turned into leadable information that can be used by investigators to investigate fraud.

In corruption and asset recovery cases, international information exchange is very important. Often, illegal money crosses borders within a short period of time. Therefore, frequent information exchange between countries will result in faster response times, improve the traceability of money, and will strengthen trust among the countries involved in information exchange, which will enable them to freeze money quicker and prevent it from disappearing (FATF, 2023). As such, Japan's system is reporting information to 100+ foreign FIUs (FATF, 2021).

Reports submitted annually to JAFIC regarding suspicious transactions totalled

800,000 + (FATF, 2021). The amount of such reports is just a number; therefore, the fact that they were submitted in no way means that the submission of these reports was effective. However, the submission of many reports indicates that the reporting mechanism is working and the breadth of coverage is being maintained. The key scientific aspect of them is “conversion,” i.e., how effectively are the reports analysed, prioritized, and turned into investigation and confiscation actions. If the conversion process is working, then they can be an excellent early warning system for the tracking of assets (Chaikin, 2009; Gowhor, 2023).

Japan introduced investigative units specializing in financial crimes (FATF, 2021). Specialist units are more effective because each unit specializes in certain types of crimes that require specific technical skills. Such examples would include, but not be limited to, financial asset valuations, corporate structures, digital evidence, and cross-border requests. In addition, a specialist unit can provide an organization with institutional knowledge and consistency of processes from one case to another, both of which enhance the quality of prosecutions and the likelihood of successful confiscations (Levi & Reuter, 2006).

A court conviction rate is high (99.8%) in Japan (Ramseyer & Rasmusen, 2001). Institutionally, this statistic represents a very effective prosecution system that can achieve convictions at a high level of success. From an enforcement standpoint, this may represent a credible threat to individuals who engage in corrupt activities because they know that if they are formally charged, there is a high likelihood that they will be convicted, and their assets will be confiscated. It is, however, important to note that conviction rates are not necessarily indicative of corruption levels themselves, but rather the strength of the prosecution pipeline from the initiation of a case to its conclusion (Johnson, 2012).

Uzbekistan is making positive steps towards the creation of an effective asset recovery system. Uzbekistan has an effective Know-Your-Customer (KYC) and financial monitoring system (OECD, 2024). Having designated monitoring is a good base upon which to build a national asset recovery system (Sotiropoulou et al., 2021).

The country is also expanding international cooperation (FATF, 2022). Because a significant portion of high-value corruption proceeds are exported out of the country, developing international cooperative relationships, learning about MLA procedures, and improving responses will eventually reduce delays in tracing/freezing assets abroad. Over time, increased cooperation could be one of the largest factors contributing to increasing recovery rates (Stephenson et al., 2011).

The Anti-Corruption Agency (2020) was created. While it is not an FIU (the Department on Combating Economic Crimes under the Prosecutor General's Office of the Republic of Uzbekistan is considered as the FIU), this agency is responsible for coordinating efforts, developing policy, and pushing implementation throughout sectors (OECD, 2024).

In 2024 in the country, 7,354 persons were convicted (Anti-Corruption Agency of the Republic of Uzbekistan, 2024). Conviction figures demonstrate that law enforcement activity is occurring at a high level and that many cases have been completed. However, from a research perspective, the follow-up questions regarding the relationship between conviction figures and asset recovery outcomes are: what percentage of cases involve asset tracing, freezing, confiscation, and return? How much value is ultimately preserved/recovered? Linking conviction statistics to recovery outcomes is essential for assessing institutional effectiveness in asset recovery-not merely criminal prosecution (Kruisbergen et al., 2016; Levi et al., 2018; Nelen, 2004).

The institutional comparison presented here supports the hypothesis that enhanced financial intelligence capacity, specialized investigative structures, and the exchange of information across borders will increase the probability of successfully tracing and promptly freezing assets, thereby creating the conditions for confiscation and eventual return. In summary, while legal rules are required to facilitate asset recovery, the institutional capacity of the state to implement those rules will determine whether those rules produce tangible results.

### Conclusion

Japan and Uzbekistan CPI scores (71 and 32 respectively) demonstrate how differently the two countries have developed their institutions of governance for developing anti-corruption measures, and thus, the level of the institutional development is reflected in this significant difference. As a developed democracy, Japan has had long-standing experience in combating corruption and a well-developed Rule of Law. In contrast, although Uzbekistan has made significant strides in recent years due to the implementation of wide-ranging reforms initiated by President Mirziyoyev since 2016, it still has some way to go before it reaches a similar level of institutional development that Japan enjoys.

Uzbekistan and Japan both follow the principles of the UNCAC Convention, and both are making consistent efforts to combat corruption. The experience of Japan in confiscating assets and recovering them could be a valuable lesson to Uzbekistan in implementing such systems; in addition, Uzbekistan could learn from Japan's specialized investigative agencies and financial intelligence system.

Recommendations for Uzbekistan in the legislative field:

1. Establishment of the NCB-confiscation: This will enable confiscation in certain limited circumstances in which

a criminal conviction is impossible (for example, when the suspect is outside of the country, deceased, or unknown), while maintaining a strong role of the courts and maintaining clear protections.

2. Development of an asset management system: Uzbekistan requires clear rules and a separate organizational unit to register, store, and manage seized assets in such a manner that they are preserved during prolonged judicial processes.

3. Creation of a compensation mechanism for victims: a portion of the assets recovered may be allocated to compensate victims in a transparent manner, subject to clear qualification criteria and independent monitoring.

In the institutional field:

4. Strengthening the capacities of financial intelligence: This includes improved access to databases, enhanced analytical tools, staff training, and quicker communication and cooperation with banks and other reporting entities.

5. Development of specialized investigative units: The creation of separate units for the investigation of financial crimes and tracing of assets will significantly improve the quality of the cases being investigated, reduce the length of time required to complete investigations, and enhance recovery rates.

6. Improvement of the compliance system within state bodies: regular compliance officer reviews, risk assessments, review of conflicts of interest, and creation of clear internal reporting channels should become standard procedure, rather than mere forms.

In the field of international cooperation:

7. Increased engagement in regional and global networks facilitates the location of foreign assets and increases confidence among partners.

8. Enhanced strategic cooperation with Japan: Joint training, exchange of best

practices (e.g. JAFIC-style analysis), and technical assistance may provide practical means of improving asset tracing and confiscation activities.

Transparency and public oversight:

9. Creation of an open database on asset recovery: Making public information about the assets seized, confiscated and returned (subject to lawful restrictions) fosters

trust and minimizes the risks of further misappropriation of assets.

10. Further elaboration of a plan for increasing CPI indicator values: the emphasis should be placed on quantifiable measures, such as rule of law, transparency of government procurements, effectiveness of enforcement, and actual responsibility, so that the reforms generate visible results in practice.

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