VOLUME 1 | ISSUE 1 | OCTOBER 2026

International Journal of Justice

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ACADEMY OF JUSTICE OF THE REPUBLIC OF UZBEKISTAN

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CRIMINAL-LAW MEASURES AGAINST THE LEGALIZATION OF PROCEEDS OBTAINED THROUGH MISAPPROPRIATION OR EMBEZZLEMENT: QUALIFICATION, EVIDENCE AND ASSET RECOVERY

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Abstract. *This article examines the criminal-law qualification, evidentiary standards and asset-recovery consequences of laundering proceeds derived from misappropriation or embezzlement under the law of the Republic of Uzbekistan. The practical problem arises from the intersection of Article 167 and Article 243 of the Criminal Code and from the risk that ordinary disposal or consumption of unlawfully appropriated property may be confused with an autonomous laundering offence. The study applies doctrinal, systemic, comparative-legal and case-analysis methods to national legislation, interpretative guidance of the Supreme Court, FATF standards and the mutual evaluation of Uzbekistan. It argues that cumulative qualification is justified only where the prosecution proves the predicate offence, identifiable criminal proceeds, conduct legally separable from completion of the embezzlement, knowledge of the illicit origin, and an objectively verifiable function of concealment, disguise or legitimisation. Mere possession, direct consumption or a transfer inherent in the predicate offence should not automatically be treated as money laundering. The article proposes a five-element qualification test, a structured evidentiary model for parallel financial investigations, express regulation of self-laundering, differentiated liability under Article 243, value-based recovery and centralised management of restrained assets. These measures are intended to improve legal certainty, proportionality, protection of victims and the practical recovery of criminal property.*

Keywords: *money laundering; misappropriation; embezzlement; criminal qualification; self-laundering; financial investigation; confiscation; asset recovery; Uzbekistan.*

Introduction

Money laundering is not merely the physical movement of illicit funds. In criminal-law terms, it is a transformation of the legal and evidentiary appearance of property: the offender seeks to separate an asset from the offence that generated it and to make subsequent possession, use or transfer appear lawful. The breadth of this concept creates an unavoidable problem of delimitation. If every use of criminal proceeds is treated as laundering, the offence becomes an automatic extension of almost every acquisitive crime; if the definition is too narrow, sophisticated concealment through nominees, fictitious contracts and asset conversion escapes an adequate legal response. Modern scholarship therefore emphasises the need for a legally precise definition that balances effectiveness with the principles of legality and minimum necessary criminalization. [1, 73–94 pp.]

The Criminal Code of the Republic of Uzbekistan, approved by Law No. 2012-XII of 22 September 1994, defines misappropriation or embezzlement in Article 167 as the unlawful taking of another person's property entrusted to or placed under the control of the offender. Article 243 criminalises giving a lawful appearance to the origin of property obtained from criminal activity by transfer, conversion

or exchange, as well as concealing or disguising its true nature, source, location, disposition, movement, rights or ownership. The offence is punishable by imprisonment for five to ten years. The Law of the Republic of Uzbekistan No. 660-II of 26 August 2004 "On Combating Legalisation of Proceeds from Criminal Activity, Financing of Terrorism and Financing of Proliferation of Weapons of Mass Destruction" establishes the preventive and institutional framework for detecting suspicious operations, customer due diligence, internal control and the activity of the specially authorised state body. [2]

The Plenum of the Supreme Court of the Republic of Uzbekistan, in Resolution No. 1 of 11 February 2011 "On Certain Issues of Judicial Practice in Cases Concerning Legalisation of Proceeds from Criminal Activity", as amended by Resolution No. 23 of 10 June 2021, expressly identifies misappropriation or embezzlement as a predicate offence. It also recognises direct and indirect proceeds, income generated from proceeds, converted property, commingled property in the corresponding proportion, electronic money and crypto-assets. The Resolution explains that even one transaction may be sufficient and that the offence may be completed when criminal funds are used for payment, exchanged, transferred or placed into a fictitious transaction. At the same time, it requires courts to distinguish laundering from acquisition or transfer of criminal property where no appearance of lawful ownership is created. [3]

The purpose of this article is to formulate a coherent legal model for: (1) distinguishing disposal of embezzled property from an autonomous laundering act; (2) proving the criminal origin, laundering conduct and subjective element; and (3) aligning victim restitution with confiscation and recovery of remaining criminal assets. The central hypothesis is that cumulative qualification under Articles 167 and 243 is justified only when a post-predicate act has an independent concealment or legitimisation function that causes harm additional to the property harm completed by embezzlement.

Materials and Methods

The research is doctrinal and applied. Its primary materials are Articles 167 and 243 of the Criminal Code, the 2004 AML Law, the Criminal Procedure Code rules on material evidence and confiscation, and Resolution No. 1 of the Plenum of the Supreme Court. The legislation was examined in its current form as of 28 July 2026. The study also uses the FATF Recommendations, as amended in October 2025, particularly Recommendations 3 and 4 on the money-laundering offence, confiscation and provisional measures, together with the 2022 Eurasian Group mutual evaluation of Uzbekistan and the 2023 follow-up report. [4]

Four methods were applied. First, the formal-doctrinal method was used to identify the objective and subjective elements of the two offences and the moment when each is completed. Second, the systemic method examined the interaction of substantive criminal law, criminal procedure, financial monitoring and civil-law transactions. Third, comparative and international-standard analysis assessed the national approach against FATF requirements and contemporary research on professional facilitators, evidence and asset recovery. Professional intermediaries are important because lawful business structures may create ostensible legitimacy, anonymity and insulation for criminal property. Fourth, a case-study method was used to reconstruct recurrent factual patterns reflected in the mutual evaluation of Uzbekistan, including the registration of vehicles

and apartments in the names of third parties and the use of fictitious legal arrangements. [5]

Results

3.1. The legal boundary between embezzlement and laundering

Embezzlement and laundering protect different immediate legal interests. Article 167 protects property relations and the integrity of entrusted control. The offence is completed when the entrusted property is intentionally and unlawfully converted to the offender's or another person's benefit, or dissipated contrary to the owner's interests. Article 243 protects the transparency and lawful functioning of property and financial circulation, as well as the state's capacity to identify criminal assets. Its additional wrong consists in obscuring the criminal source, control or ownership, or in creating a legally credible appearance of legitimate origin.

This distinction requires temporal and functional autonomy. A transaction that is the method by which the offender first obtains or finally converts the entrusted property may remain part of Article 167. For example, an accountant's unauthorised bank instruction transferring organisational funds directly to a controlled account may be the act completing embezzlement. The same transfer should not be counted a second time as laundering merely because money moved through the banking system. By contrast, a later fictitious loan agreement, purchase of real estate in a nominee's name, circular transfer through unrelated companies, fabricated service contract or conversion into another asset may constitute Article 243 where it is designed to alter the apparent source, owner or legal basis of control.

The decisive question is not whether criminal proceeds were used, but what legal and evidentiary function the act performed. The act must objectively make detection, tracing, seizure or proof of criminal ownership more difficult, or create documentation capable of explaining the property as lawfully acquired. This function may be inferred from the use of nominees, false consideration, sham debts, fragmented payments, unexplained corporate intermediaries, backdated documents, rapid conversion, cross-border routing, commingling with legitimate business revenue or deliberate inconsistency between formal and beneficial ownership.

3.2. Self-laundering and cumulative qualification

The 2022 mutual evaluation reports that most identified laundering cases in Uzbekistan involved self-laundering and did not involve complex schemes. Self-laundering occurs when the perpetrator of the predicate offence also performs the laundering conduct. International standards permit its criminalisation where fundamental domestic-law principles allow it. The national provisions do not expressly exclude the predicate offender from liability under Article 243, and practice reflects cumulative charges. Nevertheless, self-laundering creates a heightened risk of double assessment of the same conduct. [6]

Cumulative qualification is justified when two conditions are satisfied. First, embezzlement must already be complete, or at least the laundering act must be legally separable from the conduct constituting unlawful appropriation. Second, the later act must generate a distinct danger by obscuring source, ownership, location or movement, or by manufacturing a lawful legal basis. A perpetrator who simply keeps cash obtained by embezzlement has not necessarily laundered it. A perpetrator who arranges a false sale, deposits the funds as purported business revenue,

records them as repayment of a fictitious loan, or registers acquired assets to relatives for concealment performs an additional offence.

3.3. A five-element qualification test

A cumulative qualification under Articles 167 and 243 should be based on five elements. First, the prosecution must prove misappropriation or embezzlement and identify the property or value generated by it. Second, the alleged object of laundering must be linked directly or indirectly to that predicate offence, including converted property and the proportion of criminal value incorporated into commingled property. Third, the alleged laundering act must be subsequent to, or legally separable from, the conduct that completed the embezzlement. Fourth, the act must perform a laundering function by concealing or disguising the source, ownership, location or movement of the proceeds, or by creating a false lawful basis for possession, use or disposition. Fifth, the accused must know the criminal origin of the property and intentionally participate in the legitimising or concealing operation. Failure to establish any one of these elements should exclude cumulative qualification.

3.4. Evidentiary model for proving laundering of embezzled proceeds

The evidentiary task has three layers: proving the predicate offence, tracing the proceeds, and proving the laundering function and mens rea. A conviction for the predicate offence is strong evidence but should not be treated as the only legally possible basis. The Supreme Court permits reliance on a conviction or, in specified circumstances, a procedural decision terminating the predicate case where the case materials establish the event and elements of that offence. This approach is consistent with the need to prosecute laundering even where the predicate offender is unavailable, deceased, immune or tried separately, but the criminal origin must still be established to the criminal standard of proof. [7]

For Article 167, the evidence should establish entrustment or lawful control, the scope of authority, the owner's rights, the unauthorised disposition and the offender's intent to convert or dissipate property. Relevant materials include employment and agency documents, inventory and accounting records, bank mandates, procurement files, electronic approvals, access logs, audit results, testimony and forensic accounting. The transaction chronology must identify the exact moment when lawful control became unlawful appropriation.

Proof of laundering cannot rest solely on the absence of lawful income. Resolution No. 1 states that unexplained wealth must be considered together with evidence of objective laundering acts. Accordingly, the evidence matrix should combine: (a) financial disparity; (b) transaction structure; (c) false or inconsistent documents; (d) nominee relationships and beneficial ownership; (e) concealment behaviour; (f) communications showing purpose or instructions; (g) professional or technical steps inconsistent with an innocent transaction; and (h) subsequent use of documents to justify ownership or source of funds. The probative force lies in convergence, not in any isolated indicator. [8]

A parallel financial investigation should begin at the opening of an embezzlement case, not after the predicate offence has been fully reconstructed. The 2022 mutual evaluation noted that Uzbekistan's law-enforcement bodies historically prioritised solving predicate offences and lacked a common practice of parallel financial investigations until 2021. Early investigation reduces dissipation risk and permits simultaneous identification of accounts, nominees, related entities, foreign links and

substitute property. It also assists prosecutors in deciding whether Article 243 is supported by an autonomous laundering act rather than added mechanically at the end of the investigation. [9, 67–84 pp.]

3.5. Asset restraint, restitution and confiscation

Uzbek law gives priority to compensation for material damage. Resolution No. 1 provides that property constituting the subject of laundering is confiscated after damage caused by the predicate offence has been compensated, while the lawful part of property must be returned to its owner. This victim-centred priority is justified in embezzlement cases because the proceeds are often identifiable property of a public body, company or individual. Restitution and confiscation, however, should not be treated as alternatives. Restitution restores the victim; confiscation deprives the offender of any residual profit, substitute value or income generated from the proceeds. [10]

The mutual evaluation found that confiscation in Uzbekistan was based solely on criminal-procedural mechanisms, that non-conviction-based confiscation was limited, and that the system concentrated on compensation of damage. It assessed effectiveness for money-laundering investigation/prosecution and confiscation as moderate, while identifying the need to strengthen parallel financial investigations and recovery of assets located abroad. The report also described a case in which approximately USD 8.5 million in budget funds were stolen and laundered through around 110 vehicles, 40 apartments and other real estate registered fictitiously to third persons. The pattern demonstrates why beneficial-ownership evidence, rapid restraint and management of numerous assets are central, not ancillary, to the criminal case. [11, 67–97 pp.]

A complete recovery regime should include property-based confiscation, value-based confiscation where direct proceeds are unavailable, confiscation of income and benefits, substitute-asset restraint, and carefully regulated non-conviction-based proceedings for death, flight, absence or other legally defined obstacles to conviction. Such mechanisms require notice, judicial review, proportionality, protection of bona fide third parties and a clear burden-of-proof framework. Centralised asset management is also necessary because vehicles, businesses and real estate can lose value or generate costs during lengthy proceedings. Comparative research identifies a specialised or centralised asset-recovery management framework as a practical factor in improving outcomes. [12, 421–441 pp.]

Discussion

4.1. Risks of overcriminalisation and under-enforcement

The present national framework contains both expansive and limiting propositions. The expansive proposition is that one transaction, including payment for goods, may complete laundering. The limiting proposition is that transfer of criminal property without giving an appearance of lawful ownership is not laundering. Judicial consistency depends on reconciling these propositions through the concept of function. A purchase made openly in the offender's own name for immediate consumption may merely use proceeds; a purchase documented as the nominee's lawful acquisition or as an investment funded by fabricated income may legitimise or conceal them. The legal form “purchase” is therefore not determinative. This functional reading is also

supported in Uzbekistan-focused doctrine. [13, 31–37 pp.]

4.2. Legislative and interpretative improvements

First, Article 243 should be differentiated by seriousness. At present, the article establishes a single imprisonment range of five to ten years and no statutory value threshold. The Supreme Court directs courts to use the Criminal Code's concepts of significant, large and especially large amounts when individualising punishment. This judicial solution cannot fully replace a legislative structure. A basic offence should cover laundering without aggravating circumstances and permit proportionate alternatives where appropriate; aggravated parts should address large or especially large value, repetition, organised groups, abuse of official or professional position, cross-border structures, virtual assets and the use of legal persons or nominees.

Second, the law or authoritative guidance should expressly regulate self-laundering. A proposed rule is: the perpetrator of the predicate offence is liable for laundering only for acts committed after or independently from obtaining the proceeds, where those acts are directed at concealing or disguising criminal origin, ownership, location or movement, or at creating a false lawful basis for possession, use or disposition. Mere acquisition, possession, consumption or transfer inherent in completion of the predicate offence should not constitute a separate offence.

Third, the charging standard should require transaction particularisation. An indictment under Article 243 should identify: the predicate offence; the specific proceeds or traced value; each alleged laundering act; the date and counterparties; the alleged concealment or legitimisation mechanism; the accused's knowledge and purpose; and the asset-recovery measure sought. This would improve the defendant's right to know the accusation and enable the court to test whether the same facts are being counted twice.

Fourth, criminal procedure should institutionalise parallel financial investigation. A written financial-investigation plan should be mandatory for serious embezzlement involving public funds, official position, organised groups, large or especially large amounts, cross-border payments or legal persons. The plan should allocate responsibility for bank and registry requests, beneficial-ownership analysis, digital evidence, foreign cooperation, restraint deadlines, valuation and asset management. Research on laundering techniques indicates that offenders choose methods according to accessibility, perceived risk, profitability and technical capacity; investigation plans should therefore be typology-sensitive rather than uniform. [14]

Fifth, legislation should expand value-based and non-conviction-based confiscation in accordance with the revised FATF asset-recovery standards, while preserving judicial safeguards. The purpose is not to lower criminal proof for conviction but to prevent an offender from defeating recovery by converting, transferring, consuming or locating the property abroad. Where direct proceeds cannot be found, a court should be able to order confiscation of equivalent value from the convicted person's assets. Non-conviction-based proceedings should be available only in defined situations and should provide effective notice, an opportunity to contest, reasoned judicial decisions and protection for bona fide owners. [15]

4.3. Practical application of the proposed model

Consider four simplified situations. In the first, a cashier withdraws entrusted cash and uses it for ordinary daily expenses. Article 167 may be complete, but absent a transaction designed to conceal or legitimise origin, Article 243 should not be automatic. In the second, the cashier deposits the cash into a controlled company's account as fictitious sales revenue and later withdraws it as dividends. The accounting entry and corporate payment provide an apparent lawful source; cumulative qualification is justified. In the third, an official transfers budget funds to a sham contractor under a fabricated performance certificate. If the transfer is the mechanism by which the funds are first embezzled, it may be part of Article 167; subsequent circular transfers, nominee purchases or false loans can constitute Article 243. In the fourth, a relative receives an apartment registered in his or her name. Liability depends on proof that the relative knew the criminal origin and knowingly participated in concealment; kinship and formal ownership alone are insufficient.

Conclusion and Practical Proposals

The relationship between misappropriation or embezzlement and laundering cannot be resolved by the mechanical proposition that any transaction with criminal proceeds constitutes Article 243. Article 167 is directed at unlawful conversion of entrusted property; Article 243 addresses a subsequent or autonomous transformation of the apparent source, ownership, location, movement or legal basis of the proceeds. The correct boundary is therefore based on temporal separability and the objective function of concealment, disguise or legitimisation.

The study confirms that a single operation may constitute laundering, including self-laundering, but only when all five elements are proven: a predicate offence, identifiable proceeds, autonomous post-predicate conduct, a legitimising or concealing function, and knowledge and intent. Absence of lawful income is corroborative, not self-sufficient. Proof should be organised through a transaction chronology and an evidence matrix integrating entrustment records, financial tracing, beneficial ownership, false documents, communications, digital evidence and forensic accounting.

The following practical proposals are advanced: (1) add differentiated basic and aggravated forms to Article 243; (2) expressly define the conditions of self-laundering and exclude conduct inseparable from completion of the predicate offence; (3) require detailed specification of each laundering transaction in the charge and judgment; (4) make parallel financial investigation mandatory in serious embezzlement cases; (5) expand value-based and narrowly regulated non-conviction-based confiscation with judicial safeguards; (6) preserve priority restitution to victims while confiscating residual criminal benefit; (7) establish centralised management and an electronic register of restrained and recovered assets; and (8) publish anonymised judicial decisions and outcome-based statistics on tracing, restraint, restitution, confiscation and foreign asset recovery,

References

1. Korejo, M.S., Rajamanickam, R., and Md Said, M.H., "The Concept of Money Laundering: A Quest for Legal Definition," Journal of Money Laundering Control 24, no. 4 (2021): 725–736; Levi, M., "Evaluating the Control of Money Laundering and Its Underlying Offences," Asian Journal of Criminology 15, no. 4 (2020): 301–320; Verhage, A., "Great

Expectations but Little Evidence," International Journal of Sociology and Social Policy 37, no. 7/8 (2017): 477–490; Pol, R.F., "Anti-Money Laundering: The World's Least Effective Policy Experiment?" Policy Design and Practice 3, no. 1 (2020): 73–94.

2. Criminal Code of the Republic of Uzbekistan, 22 September 1994, Arts. 167 and 243; Law of the Republic of Uzbekistan No. 660-II of 26 August 2004 "On Countering the Legalization of Proceeds from Criminal Activities, the Financing of Terrorism and the Financing of the Proliferation of Weapons of Mass Destruction".

3. Resolution of the Plenum of the Supreme Court of the Republic of Uzbekistan No. 1 of 11 February 2011 "On Certain Issues of Judicial Practice in Cases Concerning Legalization of Proceeds Obtained from Criminal Activity", as amended.

4. Criminal Code of the Republic of Uzbekistan, Arts. 167 and 243; Criminal Procedure Code of the Republic of Uzbekistan; FATF, The FATF Recommendations, as amended October 2025, Recommendations 3 and 4; EAG, Mutual Evaluation Report of the Republic of Uzbekistan, 2022; EAG, Follow-Up Report of the Republic of Uzbekistan, 2023.

5. Lord, N.J., Campbell, L.J., and van Wingerde, K., "Other People's Dirty Money: Professional Intermediaries, Market Dynamics and the Finances of White-Collar, Corporate and Organised Crimes," British Journal of Criminology 59, no. 5 (2019): 1217–1236.

6. EAG, Mutual Evaluation Report of the Republic of Uzbekistan, 2022, sections concerning Immediate Outcome 7 and self-laundering; FATF, The FATF Recommendations, Recommendation 3 and its Interpretive Note.

7. Resolution of the Plenum of the Supreme Court of the Republic of Uzbekistan No. 1 of 11 February 2011, provisions concerning proof of the predicate criminal origin of property.

8. Ibid., guidance concerning unexplained wealth and the need to assess it together with objective laundering conduct.

9. Fitzpatrick, D., "A Think Piece on Intelligence, Investigation and Prosecution," Journal of Financial Crime 24, no. 3 (2017): 449–460; EAG, Mutual Evaluation Report of the Republic of Uzbekistan, 2022, pp. 67–84.

10. Resolution of the Plenum of the Supreme Court of the Republic of Uzbekistan No. 1 of 11 February 2011, provisions on compensation of damage, return of lawful property and confiscation of the object of legalization.

11. EAG, Mutual Evaluation Report of the Republic of Uzbekistan, 2022, pp. 67–97, including the assessment of Immediate Outcomes 7 and 8 and the case involving vehicles, apartments and other property registered to third persons.

12. Brun, J.-P. et al., Asset Recovery Handbook: A Guide for Practitioners, 2nd ed. (World Bank, 2021); Sittlington, S., and Harvey, J., "Prevention of Money Laundering and the Role of Asset Recovery," Crime, Law and Social Change 70, no. 4 (2018): 421–441; FATF, Asset Recovery Guidance and Best Practices, 2025.

13. Fazilov, F.M., "Comprehension of the General Concept of Legalization of Revenue from Criminal Activities: The Case of the Republic of Uzbekistan," Universum: Economics and Law, no. 9(96) (2022): 31–37.

14. Tiwari, M., Ferrill, J., Gepp, A., and Kumar, K., "Factors Influencing the Choice of Technique to Launder Funds: The APPT Framework," Journal of Economic Criminology 1 (2023): 100006.

15. FATF, The FATF Recommendations, Recommendation 4 and its Interpretive Note, as amended October 2025; FATF, Asset Recovery Guidance and Best Practices, 2025.

