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Integration of civil law instruments into the mechanisms of criminal proceedings for the effective protection of the victim's property interests

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Abstract: The purpose of this study is to systematize models for integrating civil law instruments into criminal proceedings and to substantiate directions for enhancing the effectiveness of protecting victims' property interests. The research employs comparative legal and systemic analysis of national regulations, as well as a generalization of the case law of the European Court of Human Rights (ECtHR), which serves as a benchmark for assessing the effectiveness of property rights protection in the context of criminal proceedings. The methodological framework also includes legal diagnostics of structural risks that reduce the practical effectiveness of compensation, restitution, and interim protection measures. The study identifies three generalized procedural models for the integration of property claims: integrated, partially integrated and formalized (fragmented). It demonstrates that under the formalized model, the property outcome is frequently detached from the criminal process, thereby reducing the timeliness and effectiveness of protection. The study confirms that enforcement remains a critical weak point, often neutralizing the property result even after the formal conclusion of criminal proceedings, while procedural fragmentation and delayed interim protection further weaken the practical accessibility of remedies. The scientific novelty of this research lies in systematizing the models for integrating civil law instruments into criminal proceedings and comparing them with ECtHR standards on effective property protection, which made it possible to identify typical structural risks of inefficiency associated with fragmented procedural design. Its practical significance consists in substantiating directions for improving the procedural integration of compensation, interim property measures and restitution mechanisms in order to ensure real and timely protection of victims' property interests, including stronger procedural concentration of property-related issues within criminal proceedings, the timely use of interim measures, and better coordination between adjudication and enforcement.

Keywords: Victim, Property Interests, Civil Lawsuit, Securing the Claim, Restitution, Procedural Efficiency, Criminal Liability

1. Introduction

Between 2021 and 2025, the protection of victims' property interests in criminal proceedings acquired renewed significance in light of increasing demands for procedural effectiveness and the broader Europeanization of criminal justice. Scholarly and practical debates have progressively shifted away from the formal enumeration of victims' rights toward assessing whether criminal proceedings are capable of ensuring the actual restoration of violated property interests through civil law instruments. Traditionally, such instruments were regarded as auxiliary to criminal prosecution. In practice, however, this approach has often resulted in fragmented procedural mechanisms, the postponement of property-related issues to later stages, and diminished enforceability of compensation and restitution decisions. This situation defines the central problem addressed in the article: in many legal systems, the formal recognition of victims' property rights within criminal proceedings does not guarantee their timely, coherent, and enforceable protection. Although individual aspects of this issue have been examined in contemporary research, they have largely been addressed separately. Hryniewicz-Lach,⁶ analyzing extended confiscation under EU law, demonstrated the predominance of criminal policy objectives over the compensatory interests of

⁶ HRYNIEWICZ-LACH, E. "Expanding confiscation and its dimensions in EU criminal law", *European Journal of Crime, Criminal Law and Criminal Justice*, v. 31, n. (3-4), p. 243-267, 2023. <https://doi.org/10.1163/15718174-bja10046>

victims. Galijot and Brizić Bahun⁷ explored the enforcement of property claims in criminal proceedings, noting that even where interim measures were available, they were not consistently embedded within a coherent procedural framework capable of delivering an effective property outcome. Beyond the European context, Amriyanto et al.⁸ and Ali et al.,⁹ adopting a victim-centered perspective, identified regulatory fragmentation and procedural inconsistency as obstacles to the effective realization of compensation and restitution. Antonsdóttir and Laugerud,¹⁰ examining the Norwegian model, demonstrated that even specialized victim representation does not automatically ensure the integration of property interests into the structural core of criminal proceedings. Collectively, these studies reveal a conceptual gap: there remains a lack of a systematic and comparative explanation of how civil law instruments, such as compensation, security of property claims, and restitution, should be integrated into criminal proceedings and what legal consequences arise when such integration is omitted or remains formal. This gap defines the research question: what legal consequences follow from the omission or insufficient integration of civil law instruments into criminal proceedings for the effective protection of the victim's property interests, and which procedural models are capable of minimizing these risks? The study moves beyond fragmented descriptions of individual remedies and explains, within a comparative and doctrinal framework, how compensation, securing of claims, and restitution should function as interconnected elements of an effective procedural mechanism. The scientific novelty of the article consists in the systematization of procedural models for the integration of civil law instruments into criminal proceedings, in the comparative explanation of their structural differences, and in the identification of typical risks of inefficiency that prevent the transformation of formally recognized rights into practical and enforceable property protection.

The standards developed by the European Court of Human Rights (ECtHR) provide a decisive external benchmark in this context. In its judgments from 2021 to 2025, the ECtHR consistently emphasized that the effectiveness of criminal proceedings is not limited to holding perpetrators accountable but also encompasses the state's obligation to ensure practical and effective protection of victims' property rights. Accordingly, the present article employs ECtHR jurisprudence as a criterion for assessing whether the integration of civil law instruments into criminal proceedings is genuine and effective. Within this analytical framework, risk is understood as the probability that procedural design, fragmentation of legal remedies, insufficient security measures, or enforcement deficiencies will prevent the victim from obtaining a real and timely property outcome.

The study pursues the following objectives: (1) to determine the general theoretical and legal framework within which civil law instruments operate in criminal proceedings and to define the research problem and its doctrinal relevance; (2) to analyze comparative normative mechanisms for integrating civil law

⁷ GALIJOT, M.; BRIZIĆ BAHUN, V. "Osiguranje imovinskopravnog zahtjeva", *Zbornik Pravnog fakulteta Sveučilišta u Rijeci*, v. 43, n. 3, p. 791–808, 2022. <https://doi.org/10.30925/zpfsr.43.3.13>

⁸ AMRIYANTO, A.; ALTING, H.; BAKHTIAR, H. S.; PUTRA, G. P. "Breaking the cycle: Reforming Indonesia's justice system to prioritize victim-centered solutions", *Jurnal Dinamika Hukum*, v. 24, n. 3, p. 416–447, 2024. <https://doi.org/10.20884/1.jdh.2024.24.3.15577>

⁹ ALI, M.; MULIYONO, A.; SANJAYA, W.; WIBOWO, A. "Compensation and restitution for victims of crime in Indonesia: Regulatory flaws, judicial response, and proposed solution", *Cogent Social Sciences*, v. 8, n. 1, 2069910, 2022. <https://doi.org/10.1080/23311886.2022.2069910>

¹⁰ ANTONSDÓTTIR, H. F.; LAUGERUD, S. "The Norwegian victim lawyer in a Nordic context: Professional boundaries, legal hierarchies and purification processes", *International Criminology*, v. 4, p. 79–92, 2024. <https://doi.org/10.1007/s43576-024-00117-5>

instruments into criminal proceedings (compensation, security measures, and restitution); (3) to synthesize international standards and ECtHR case law as benchmarks for evaluating the effectiveness of property protection in the context of criminal proceedings; (4) to identify typical causes of inefficiency in the integration of these instruments and to outline directions for improving regulation and practice.

Accordingly, the general objective of the study is to systematize models for integrating civil law instruments into criminal proceedings and to determine which of them ensure the most effective protection of victims' property interests. The specific objectives consist in clarifying the normative structure of such integration, comparing the relevant legal mechanisms across selected jurisdictions, identifying the risks of procedural inefficiency, and substantiating directions for improving legal regulation and practice.

The practical significance of the study lies in its potential to enhance the effective use of civil law instruments within criminal proceedings, improve procedural mechanisms for protecting victims' property interests, and strengthen the restorative dimension of criminal justice.

2. Literature review

Between 2021 and 2025, research on the protection of victims' property interests within criminal proceedings primarily focused on two areas: the use of civil-law mechanisms in criminal justice and the effectiveness of victim compensation. However, the integration of civil claims as a procedural element in criminal proceedings has been addressed in a fragmented manner. Trinchera's comparative analysis is central to this debate.¹¹ In his comparative study of American civil forfeiture and Italian preventive forfeiture, the study demonstrated the active role of civil procedures in achieving criminal policy objectives, especially the seizure of assets linked to criminal activities. Trinchera highlighted, however, that these civil mechanisms were often applied without adequate integration of victims' interests into the broader criminal process. Similarly, Sakellarakis¹² examined asset seizure and confiscation reforms in the EU, noting efficiency gains alongside a limited focus on compensation and the procedural role of victims.

Recent studies also examined the practical implementation of victim compensation. Soleto Muñoz et al.¹³ analyzed the compensation mechanisms in five EU countries, concluding that systemic inefficiencies arose from procedural complexity, delayed timelines and a lack of coherence between criminal and civil procedures. In line with this, O'Driscoll¹⁴ explored state compensation systems for victims of violent crimes, stressing that formalized compensation schemes often failed to offer real protection unless integrated into the criminal process. Johansen¹⁵

¹¹ TRINCHERA, T. "Fighting crime in non-criminal proceedings: A comparative study of American civil forfeiture and Italian preventive confiscation", *The American Journal of Comparative Law*, v. 73, n. 3, p. 579–625, 2025. <https://doi.org/10.1093/ajcl/avaf027>

¹² SAKELLARAKI, A. "EU asset recovery and confiscation regime – Quo vadis? A first assessment of the Commission's proposal to further harmonise the EU asset recovery and confiscation laws. A step in the right direction?", *New Journal of European Criminal Law*, v. 13, n. 4, p. 478–501, 2022. <https://doi.org/10.1177/20322844221139577>

¹³ SOLETO MUÑOZ, H.; ELBERS, N. A.; AKKERMANS, A.; TAMARIT, J.; ARANTEGUI, L.; LEPRI, G. L.; CHIRICO, D.; LĂCE, I. "Ineffectiveness of the right to compensation for victims of sexual violence: A comparison between five EU member states", *International Criminology*, v. 4, n. 1, p. 93–107, 2024. <https://doi.org/10.1007/s43576-024-00118-4>

¹⁴ O'DRISCOLL, L. "Towards a rights-based approach: Victims of violent crime, state-funded compensation and the European Union", *New Journal of European Criminal Law*, v. 14, n. 3, p. 303–326, 2023. <https://doi.org/10.1177/20322844231171497>

¹⁵ JOHANSEN, L. V. "Legislation and institutional practices concerning compensation for victims of rape in Denmark", *International Journal of Law, Crime and Justice*, v. 81, 100742, 2025. <https://doi.org/10.1016/j.ijlcj.2025.100742>

studied the specific context of rape victims in Denmark, highlighting that compensation mechanisms primarily operated outside criminal proceedings, creating additional procedural hurdles for victims. Hryniewicz-Lach¹⁶ focused on asset confiscation reform, viewing it as a tool for enhancing law enforcement effectiveness, but did not explore its compensatory potential in depth.

Arantegui-Arràez and Tamarit-Sumalla¹⁷ examined the Spanish model of private prosecution, emphasizing the potential of this system to activate the victim's role but also warning of the risks of procedural inequality and fragmented defense. Desterbeck¹⁸ explored the effectiveness of compensation in crimes against the EU's financial interests, underscoring the importance of early procedural security for property claims. However, this analysis did not consider how civil claims might be systematically integrated into criminal proceedings. Similarly, the study by Soleto Muñoz et al.¹⁹ demonstrated that the low effectiveness of compensation mechanisms in EU member states stemmed not from a lack of legal grounds, but from procedural complexity, delayed implementation, and the insufficient integration of civil law instruments into criminal proceedings, including interim measures and mechanisms capable of ensuring enforceable property outcomes.

Taken together, these studies show that victim compensation, confiscation and procedural participation have been examined separately, while the systematic integration of civil-law instruments into criminal proceedings remains insufficiently explained. The existing literature has not yet developed a coherent comparative explanation of the procedural models through which compensation, security of claims, and restitution are embedded into criminal proceedings, nor has it sufficiently clarified the legal consequences of fragmented or merely formal integration of these instruments. This gap defines the basis for the present study, which develops a coherent framework for integrating civil-law mechanisms into the criminal process and strengthening the timely protection of victims' property rights. Against this background, the article develops a comparative and doctrinally oriented analytical framework that systematizes the main models of integration and explains their implications for the practical enforceability of victims' property claims.

3. Methodology

The study was conducted in three stages to identify models for integrating civil law instruments into criminal proceedings and assessing their capacity to ensure real and timely protection of victims' property interests through compensation, security of claims, and restitution or return of property. The methodological design combined systemic, comparative legal, and procedural-oriented approaches, as well as inductive and deductive reasoning used to move from general doctrinal and Convention-based standards to specific procedural constructions and, conversely, from identified national solutions and judicial approaches to broader comparative generalizations. The selection of jurisdictions, namely Ukraine, Poland, Germany

¹⁶ HRYNIEWICZ-LACH, E. "Improving asset confiscation: in the quest for effective and just solutions", *ERA Forum*, v. 25, p. 231–247, 2024. <https://doi.org/10.1007/s12027-024-00806-8>

¹⁷ ARANTEGUI-ARRÀEZ, L.; TAMARIT-SUMALLA, J. M. "The Spanish model of private prosecution: Identifying risks and opportunities through empirical research on sex crimes", *International Criminology*, v. 4, n. 1, p. 44–54, 2024. <https://doi.org/10.1007/s43576-024-00114-8>

¹⁸ DESTERBECK, F. "Towards more efficient compensation for damage caused by PIF offences: Explanatory remarks on the rules on compensation and confiscation in the EPPO Regulation", *Eucrim – European Law Forum: Prevention. Investigation. Prosecution*, v. 18, n. 4, p. 355–360, 2023. <https://doi.org/10.30709/eucrim-2023-020>

¹⁹ SOLETO MUÑOZ, H.; ELBERS, N. A.; AKKERMANS, A.; TAMARIT, J.; ARANTEGUI, L.; LEPRI, G. L.; CHIRICO, D.; LÁCE, I. "Ineffectiveness of the right to compensation for victims of sexual violence: A comparison between five EU member states". 2024. *Ibid.*

and France was based on two principal criteria: comparability of legal tradition and representativeness of different procedural models for integrating victims' property claims into criminal proceedings. All selected states belong to the continental (civil law) tradition of criminal procedure, ensuring structural comparability. Ukraine was designed as the primary system of analysis. Poland was chosen as a comparative EU reference point with institutional and doctrinal proximity to Ukraine. Germany and France were included as established legal systems characterized by a high degree of procedural formalization and distinct approaches to embedding property claims within criminal proceedings.

This selection made it possible to compare varying levels of procedural integration and to evaluate how different legal constructions influence the effectiveness of protecting victims' property interests.

At the first stage, a comparative analysis of normative mechanisms for the integration of civil law instruments in criminal proceedings was carried out based on six national codes: Criminal Procedure Code of Ukraine,²⁰ Civil Code of Ukraine,²¹ Civil Procedure Code of Ukraine,²² Code of Criminal Procedure–Kodeks postępowania karnego,²³ StPO–German Code of Criminal Procedure²⁴ and Code de procédure pénale.²⁵ The analysis covered the procedure for filing and considering property claims in criminal proceedings (civil claim/compensation), procedural mechanisms for securing such claims and their connection with the reality of recovery, as well as procedures for returning property to the victim/restitution consequences within criminal proceedings. The analysis focused on the codified location of the relevant provisions, the procedural stage at which the victim could activate the corresponding mechanism, the degree of its linkage to the criminal case, and the existence of institutional or procedural conditions affecting enforceability.

At the second stage, international standards and judicial practice were analyzed as criteria for assessing the effectiveness of victims' property protection in criminal proceedings. The normative basis of this stage comprised the European Convention on Human Rights,²⁶ the First Protocol to the European Convention on Human Rights,²⁷ Recommendation CM/Rec,²⁸ Directive 2012/29/EU²⁹ and Regulation (EU)

²⁰ Verkhovna Rada of Ukraine, Criminal Procedure Code of Ukraine (Law No. 4651-VI). Legislation of Ukraine Database, 2012, April 13. Available at: <https://zakon.rada.gov.ua/laws/show/4651-17#Text> (accessed on 20 January 2026).

²¹ Verkhovna Rada of Ukraine, Civil Code of Ukraine (Law No. 435-IV). Legislation of Ukraine Database, 2003, January 16. Available at: <https://zakon.rada.gov.ua/laws/show/435-15#Text> (accessed on 20 January 2026).

²² Verkhovna Rada of Ukraine, Civil Procedure Code of Ukraine (Law No. 1618-IV). Legislation of Ukraine Database, 2004, March 18. Available at: <https://zakon.rada.gov.ua/laws/show/1618-15#Text> (accessed on 20 January 2026).

²³ Kodeks postępowania karnego [Code of Criminal Procedure], "Tekst ujednolicony (unified text) as of 22 October 2025", Sejm of the Republic of Poland, 2025. Available at: <https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=wdu19970890555> (accessed on 20 January 2026).

²⁴ Federal Ministry of Justice and Consumer & Protection Federal Office of Justice (Germany), German Code of Criminal Procedure (Strafprozessordnung – StPO), 2025. Available at: https://www.gesetze-im-internet.de/englisch_stpo/ (accessed on 20 January 2026).

²⁵ Code de procédure pénale [Criminal Procedure Code], Légifrance, 2026. Available at: https://www.legifrance.gouv.fr/codes/texte_lc/LEGITEXT000006071154/ (accessed on 7 June 2026).

²⁶ Council of Europe, European Convention on Human Rights (as amended) (European Treaty Series No. 005). European Court of Human Rights, 1950, November 4. Available at: https://www.echr.coe.int/documents/d/echr/convention_ENG (accessed on 20 January 2026).

²⁷ Council of Europe, Protocol to the European Convention on Human Rights (First Protocol). Legislation of Ukraine Database, 1952, March 20. Available at: https://zakon.rada.gov.ua/laws/show/994_535#Text (accessed on 20 January 2026).

2018/1805.³⁰ Judicial practice was selected from the HUDOC database for the period 2021–2025 using the keywords “victim”, “property rights”, “Article 1 of Protocol No. 1”, “criminal proceedings” followed by screening. The analysis included judgments containing a sufficiently detailed legal assessment of the availability, accessibility, and practical effectiveness of national mechanisms of compensation, restitution, return of property, or related protective measures in connection with criminal proceedings. Particular attention was given to judgments engaging Article 1 of Protocol No. 1 in conjunction with the procedural guarantees of Articles 6 and 13 of the Convention. Judgments were excluded where the property aspect was only incidental, where the effectiveness of remedies was not substantively assessed, or where the reasoning was too limited to support comparative legal analysis. For each selected judgment, the following elements were recorded: the name of the case, the year of the judgment, the application number, the relevant factual background, the legal issue concerning the protection of the victim’s property interests, and the Court’s reasoning regarding the effectiveness of the available remedies.

At the third stage, legal diagnostics identified typical causes of inefficiency in the integration of civil-law instruments into criminal proceedings, including procedural delays, fragmentation of mechanisms, duplication of proceedings, and enforcement deficiencies. The identified national models were then systematically compared with the standards derived from the case law of the European Court of Human Rights. To ensure methodological accuracy in comparing the conditions under which these instruments were applied during the period 2021–2025, official national reports and statistical surveys were used. From these sources, aggregated indicators were extracted, including the number of registered criminal proceedings or cases, the intensity of judicial workload, and, where available, the average duration of case consideration within the respective jurisdictions. These quantitative parameters were used to contextualize the functioning of civil law instruments within broader procedural environments and to assess their practical effectiveness in light of ECtHR standards, rather than as an autonomous empirical basis for statistical inference. This stage also made it possible to identify recurrent procedural risks, understood as structural conditions under which formally available remedies were likely to become untimely, fragmented, or practically unenforceable. The information base at this stage included the Unified State Register of Court

²⁸ Council of Europe, Recommendation CM/Rec(2023)2 of the Committee of Ministers to member States on rights, services and support for victims of crime (CM/Rec(2023)2), 2023, March 15. Available at: https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=0900001680aa8264 (accessed on 20 January 2026).

²⁹ European Parliament Council of the European Union, Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime (2012/29/EU), Official Journal of the European Union, L315, p. 57–73, 2012, October 25. Available at: <https://eur-lex.europa.eu/eli/dir/2012/29/oj/eng> (accessed on 20 January 2026).

³⁰ European Parliament Council of the European Union, Regulation (EU) 2018/1805 on the mutual recognition of freezing orders and confiscation orders (recast) (Regulation (EU) 2018/1805), Official Journal of the European Union, L303, p. 1–17, 2018, November 14. Available at: <https://eur-lex.europa.eu/eli/reg/2018/1805/oj> (accessed on 20 January 2026).

Decisions of Ukraine,³¹ Baza statystyczna – Opracowania wieloletnie,³² Criminal prosecution by the courts in 2021³³ and Les chiffres clés de la Justice 2025.³⁴

3.1. Methods

The study employed systematic and comparative legal methods, along with a dogmatic approach to interpreting key legal categories (“victim”, “civil claim”, “compensation for damages”, “securing a claim”, “restitution/return of property”, “procedural efficiency”), as well as elements of inductive and deductive reasoning used to connect general doctrinal propositions and Convention-based standards with the comparative analysis of specific procedural mechanisms. In addition, the method of legal diagnostics was applied to identify regulatory and procedural dysfunctions that undermine the effective protection of victims’ property rights, including procedural fragmentation, insufficient security of claims, duplication of proceedings, delays in obtaining compensation or restitution, and enforcement-related deficiencies.

3.2. Sampling

The study’s normative framework comprised 11 legal instruments: 6 national codes and 5 international legal acts: the European Convention on Human Rights,³⁵ the First Protocol to the European Convention on Human Rights,³⁶ Recommendation CM/Rec,³⁷ Directive 2012/29/EU³⁸ and Regulation (EU) 2018/1805.³⁹ The case-law sample included 30 judgments of the European Court of Human Rights⁴⁰ relevant to assessing the effectiveness of compensation and restitution (return of property) to victims within criminal proceedings.. The sample was formed on the basis of substantive relevance to the research question and included only those judgments in which the Court addressed the availability, effectiveness, or enforceability of

³¹ Court decisions database of Ukraine, YouControl (criminal proceedings, including cases related to the protection of property interests), 2025. Available at: <https://reyestr.court.gov.ua/> (accessed on 20 January 2026).

³² Ministerstwo Sprawiedliwości, Opracowania wieloletnie [Long-term statistical reports], 2025. Available at: <https://isws.ms.gov.pl/pl/baza-statystyczna/opracowania-wieloletnie/-statystyczna/opracowania-wieloletnie/> (accessed on 20 January 2026).

³³ Statistisches Bundesamt (Destatis), Criminal prosecution by the courts in 2021: Convictions by final judgment down 5.3% (Press Release No. 501), 2022, November 30. Available at: https://www.destatis.de/EN/Press/2022/11/PE22_501_24311.html (accessed on 20 January 2026).

³⁴ Ministère de la Justice, Les chiffres clés de la Justice 2025, 2025, December 18. Available at: <https://www.justice.gouv.fr/documentation/etudes-et-statistiques/chiffres-cles-justice-2025> (accessed on 20 January 2026).

³⁵ Council of Europe, European Convention on Human Rights (as amended) (European Treaty Series No. 005). European Court of Human Rights. 1950. Ibid.

³⁶ Council of Europe, Protocol to the European Convention on Human Rights (First Protocol). Legislation of Ukraine Database. 1952. Ibid.

³⁷ Council of Europe, Recommendation CM/Rec(2023)2 of the Committee of Ministers to member States on rights, services and support for victims of crime (CM/Rec(2023)2). 2023. Ibid.

³⁸ European Parliament Council of the European Union, Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime (2012/29/EU)”. 2012. Ibid.

³⁹ European Parliament Council of the European Union, Regulation (EU) 2018/1805 on the mutual recognition of freezing orders and confiscation orders (recast) (Regulation (EU) 2018/1805)”. 2018. Ibid.

⁴⁰ European Court of Human Rights, HUDOC – ECHR case-law database, 2021–2025. Available at: <https://hudoc.echr.coe.int/> (accessed on 20 January 2026).

remedies directly affecting the victim's property interests in connection with criminal proceedings.

3.3. Tools

The information base of the study was the official resources of hudoc.echr.coe.int, zakon.rada.gov.ua, legifrance.gouv.fr, gesetze-im-internet.de and isap.sejm.gov.pl, which ensured the verifiability and reproducibility of the selection of regulatory sources and judicial practice. In addition, the study relied on official national statistical and analytical materials used to contextualize the functioning of the examined legal mechanisms within the procedural environments of the selected jurisdictions.

4. Results

A systematic and comparative analysis of the provisions of the Criminal Procedure Code of Ukraine,⁴¹ the Civil Code of Ukraine⁴² and the Civil Procedure Code of Ukraine⁴³ demonstrates that victims' property claims, in the form of civil claims, are procedurally admissible within criminal proceedings. However, in practice, such claims often remain subordinate to the primary objectives of criminal prosecution. Under these conditions, the effectiveness of the compensatory function depends on the stage of the proceedings, the initiative of the parties and the extent to which the property claim is integrated into the evidentiary process and supported by interim measures. This, in turn, directly affects the risks of procedural fragmentation and the subsequent transfer of the dispute to civil proceedings, where the victim is required to reinitiate procedural protection in a separate jurisdictional framework and to bear additional time and evidentiary burdens.

A comparison with the Polish Code of Criminal Procedure,⁴⁴ the German Code of Criminal Procedure⁴⁵ and the French Code de procédure pénale⁴⁶ reveals different models of integrating civil-law claims into criminal proceedings. In the German and French models, victims' property claims are structurally more closely embedded in the evidentiary process and trial within a single procedure, allowing compensation to be treated as an integral component of the procedural outcome rather than as an adjunct to criminal prosecution. This higher level of integration is manifested not only in the formal admissibility of the claim, but also in its stronger procedural linkage to the consideration of the criminal case, the concentration of evidentiary material within one proceeding, and a greater capacity to secure a practically enforceable outcome. The Polish model represents an intermediate approach: although property claims may be filed within criminal proceedings, in many instances priority effectively shifts to the criminal-law dimension, increasing the likelihood of separating the property component for consideration outside the criminal process or reducing it to a secondary procedural issue without autonomous practical effect for the victim.

The comparative findings confirm that a higher degree of procedural integration of civil-law claims within criminal proceedings reduces the risks of procedural

⁴¹ Verkhovna Rada of Ukraine, Criminal Procedure Code of Ukraine (Law No. 4651-VI). Legislation of Ukraine Database. 2012. Ibid.

⁴² Verkhovna Rada of Ukraine, Civil Code of Ukraine (Law No. 435-IV). Legislation of Ukraine Database. 2003. Ibid.

⁴³ Verkhovna Rada of Ukraine, Civil Procedure Code of Ukraine (Law No. 1618-IV). Legislation of Ukraine Database. 2004. Ibid.

⁴⁴ Kodeks postępowania karnego [Code of Criminal Procedure], "Tekst ujednolicony (unified text) as of 22 October 2025". 2025. Ibid.

⁴⁵ Federal Ministry of Justice and Consumer & Protection Federal Office of Justice (Germany), German Code of Criminal Procedure (Strafprozessordnung – StPO). 2025. Ibid.

⁴⁶ Code de procédure pénale [Criminal Procedure Code], Légifrance. 2026. Ibid.

fragmentation and strengthens the prospects for effective compensation. Conversely, formal admissibility without procedural priority correlates with delays and the need to pursue claims through separate civil proceedings, thereby weakening the timeliness, coherence, and enforceability of the protection of the victim's property interests. In this regard, the identified differences between the examined jurisdictions should be interpreted not merely as technical variations in legislative design, but as indicators of different levels of procedural capacity to transform a formally recognized claim into a real compensatory result. The systematized characteristics of the identified integration models and their key procedural features are presented in Table 1.

Table 1. Models of integration of victim's property claims into criminal proceedings (Ukraine, Poland, Germany, France).

Country	Model	Integration of property claims	Emphasis on interim measures	Emphasis on restitution or return of property	Key risk for the victim's property interest
Ukraine	Formalized (fragmented)	A property claim is admissible in criminal proceedings, but often has a secondary character and is prone to transfer to the civil track.	Effectiveness depends on timely party initiative; gaps reduce the reality of recovery.	The return of property is possible, but may be delayed due to fragmentation and procedural handling of material evidence.	Duplication of proceedings and transfer of compensation or enforcement outside criminal proceedings.
Poland	Partially integrated	A property claim is possible, but its procedural priority may shift; practice remains mixed.	Interim measures exist, but their actual priority may vary.	Return and restitution mechanisms exist; effectiveness depends on procedural management of the case.	Risk of delays; partial separation of the property block.
Germany	Integrated (compensatory-oriented)	The property claim is more closely embedded in the logic of the criminal procedure.	Security/property measures can be coordinated with the interest of the victim and future performance.	The return of property is resolved within the framework of the procedure with a clearer connection with the outcome of the case.	Main risk: complication or prolongation of proceedings due to the property component.
France	Integrated (compensatory-oriented)	The victim's property claim is strongly connected with the outcome of the criminal case.	Safeguards can enhance enforceability if applied early.	Restitution or return of property is addressed within a more holistic procedure, reducing fragmentation.	Main risk: procedural burden; overall lower risk of fragmentation.

Source: consolidated by the author on the basis of the Criminal Procedure Code of Ukraine,⁴⁷ Civil Procedure Code of Ukraine,⁴⁸ StPO–German Code of Criminal Procedure,⁴⁹ Code de procédure pénale,⁵⁰

⁴⁷ Verkhovna Rada of Ukraine, Criminal Procedure Code of Ukraine (Law No. 4651-VI). Legislation of Ukraine Database. 2012. Ibid.

⁴⁸ Verkhovna Rada of Ukraine, Civil Procedure Code of Ukraine (Law No. 1618-IV). Legislation of Ukraine Database. 2004. Ibid.

⁴⁹ Federal Ministry of Justice and Consumer & Protection Federal Office of Justice (Germany), German Code of Criminal Procedure (Strafprozessordnung – StPO). 2025. Ibid.

⁵⁰ Code de procédure pénale [Criminal Procedure Code], Légifrance. 2026. Ibid.

Code of Criminal Procedure–Kodeks postępowania karnego⁵¹ and the practice of the European Court of Human Rights⁵².

The data presented in Table 1 show that the degree of procedural integration directly affects the enforceability of victims' property claims. Under the integrated model, the property component is linked to evidence, adjudication and enforcement within one procedure. This structure supports timely compensation and reduces fragmentation. The partially integrated model creates unstable procedural priority for the property claim, which increases delay risks. The formalized model produces the widest gap between criminal liability and property restoration, because the victim may need to pursue compensation in separate civil proceedings.

A systematic and comparative analysis of 30 judgments of the European Court of Human Rights,⁵³ selected with particular reference to Article 1 of the First Protocol and the procedural dimensions of Articles 6 and 13 of the European Convention on Human Rights,⁵⁴ demonstrates the existence of relatively stable supranational criteria for assessing the effectiveness of protecting victims' property interests in the context of criminal proceedings. Across the sample, the Court generally identified problems arising not from the absence of civil-law mechanisms in domestic legislation, but from their practical ineffectiveness. The formal availability of an instrument (such as a civil claim, compensation mechanism, procedural avenue for the return of property) was not considered sufficient without genuine accessibility and predictability in its application. Notably, the Court's reasoning consistently emphasizes the removal of excessive procedural barriers and the prevention of situations in which the enforcement of a property claim effectively depends on the discretionary procedural position of the prosecuting authorities, the existence of parallel proceedings, or on the transfer of the dispute to separate civil proceedings. Such structural separation is viewed as a manifestation of procedural fragmentation and a reduction in the effectiveness of the remedy. In this respect, the ECtHR standard links procedural design with the practical capacity of the victim to obtain a real property outcome rather than a merely formal acknowledgment of entitlement. A second set of criteria identified in the analyzed case law concerns the substantive effectiveness of property protection, namely the reality of the compensatory or restitution outcome. Under Article 1 of the First Protocol, the Court assesses not only the existence of a procedural opportunity to claim or obtain a decision, but also the State's capacity to ensure timely and effective enforcement of the result. Accordingly, non-enforcement or excessive delay in the execution of an award of compensation or the return of property is treated as a factor that undermines the practical value of the remedy, irrespective of the formal completion of criminal proceedings. This means that the effectiveness test developed in the Court's practice extends beyond access to a legal mechanism and includes its enforceability, temporal adequacy, and practical connection with the victim's violated property interest.

The comparative review of the selected judgments indicates that the most vulnerable situations are those in which victims' property-related instruments are structurally detached from criminal prosecution and lack effective interim or enforcement safeguards. This separation ultimately creates a gap between the establishment of criminal liability and the restoration of the victim's violated property rights. From a comparative perspective, such situations reflect the highest level of procedural risk, because formally available remedies become fragmented,

⁵¹ Kodeks postępowania karnego [Code of Criminal Procedure], "Tekst ujednolicony (unified text) as of 22 October 2025". 2025. Ibid.

⁵² European Court of Human Rights, HUDOC – ECHR case-law database. 2021–2025. Ibid.

⁵³ Ibid.

⁵⁴ Council of Europe, European Convention on Human Rights (as amended) (European Treaty Series No. 005). European Court of Human Rights. 1950. Ibid.

delayed, or practically incapable of producing a compensatory result. The generalized criteria and standard effectiveness tests derived from the case law of the European Court of Human Rights, and consistent with Recommendation CM/Rec⁵⁵ and Directive 2012/29/EU,⁵⁶ are consolidated in Table 2.

Table 2. ECtHR standards on the effective protection of the property interests of the victim in connection with criminal proceedings.

Country	Typical risk 1 (Availability of the remedy)	Typical risk 2 (Enforceability)	Typical risk 3 (Fragmentation)	Typical risk 4 (Temporal adequacy)
Ukraine	The remedy is formally available within criminal proceedings, but its practical use often depends on the procedural stage and the initiative of the parties.	Enforceability is weakened where interim protection and execution are poorly coordinated.	There is a high risk that the property-related dispute will be displaced to separate civil proceedings.	Delays may significantly reduce the practical value of compensation or restitution.
Poland	The availability of the property-related remedy is less stable because procedural priority may shift during the case.	Enforceability depends to a considerable extent on the timely use of interim measures.	An intermediate level of fragmentation persists, since the property component may be considered separately or lose procedural priority.	Delays may occur where the property claim ceases to function as a procedurally significant part of the criminal case.
Germany	The property-related remedy is more predictably available due to its stronger incorporation into criminal procedure.	Enforceability is strengthened through the coordination of property measures with the procedural outcome.	The integrated structure reduces incentives for fragmentation and parallel litigation.	The main temporal risk arises from procedural complexity rather than from structural disconnection of the property claim.
France	The remedy is more procedurally certain because the victim's property claim is more closely connected with the criminal proceedings.	Enforceability is strengthened by the timely use of procedural safeguards.	The risk of fragmentation is lower where procedural concentration is maintained.	Temporal risks are linked mainly to procedural complexity, while concentration of the property component generally supports a more effective outcome.

Source: consolidated by the author based on the practice of the European Court of Human Rights,⁵⁷ European Convention on Human Rights,⁵⁸ First Protocol to the European Convention on Human Rights⁵⁹ and Recommendation CM/Rec⁶⁰.

⁵⁵ Council of Europe, Recommendation CM/Rec(2023)2 of the Committee of Ministers to member States on rights, services and support for victims of crime (CM/Rec(2023)2). 2023. Ibid.

⁵⁶ European Parliament Council of the European Union, Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime (2012/29/EU)". 2012. Ibid.

⁵⁷ European Court of Human Rights, HUDOC – ECHR case-law database. 2021–2025. Ibid.

⁵⁸ Council of Europe, European Convention on Human Rights (as amended) (European Treaty Series No. 005). European Court of Human Rights. 1950. Ibid.

⁵⁹ Council of Europe, Protocol to the European Convention on Human Rights (First Protocol). Legislation of Ukraine Database. 1952. Ibid.

The analysis presented in Table 2 demonstrates that the European Court of Human Rights evaluates the protection of victims' property interests on the basis of practical effectiveness, rather than the mere formal availability of procedural mechanisms. The procedural recognition of a property claim within criminal proceedings, whether in the form of a civil claim, compensation mechanism or restitution procedure, is insufficient if its implementation is delayed, unpredictable or encumbered by procedural barriers. In such circumstances, the remedy is rendered ineffective in substance.

A distinct and autonomous criterion concerns the enforceability of the property outcome. A judicial decision awarding compensation or ordering the return of property has practical value only if it is executed in a timely and effective manner. Delayed or illusory enforcement is regarded by the Court as undermining the very essence of property rights, regardless of the outcome of the criminal prosecution. Procedural fragmentation, where the victim is compelled to divide protection between multiple proceedings or to initiate separate civil litigation after the completion of the criminal process, is treated as an excessive procedural burden and a manifestation of institutional inconsistency in protection mechanisms. From a temporal perspective, prolonged criminal proceedings that fail to concentrate the resolution of property issues or to apply adequate interim measures effectively devalue the protection afforded. Overall, the Court's case law establishes a standard of integrated, timely and enforceable protection of victims' property rights in connection with criminal proceedings. Effectiveness is measured not by the declarative existence of legal instruments, but by their real accessibility, procedural concentration and enforceability.

the principal weakness in integrating civil-law instruments into criminal proceedings lies not in their formal absence, but in the gap between the admissibility of a property claim and its procedural controllability. In practice, this gap manifests itself in three recurring patterns. The first pattern is fragmentation of the property component: compensation claims or restitution issues are not consolidated within the criminal proceedings but are effectively dispersed across different procedural tracks. This increases the time and procedural costs borne by the victim and creates situations in which the establishment of criminal liability is not accompanied by the restoration of violated property rights. The second pattern is a temporal gap between criminal prosecution and the property outcome. Even where formal integration exists, compensation or restitution is often deferred to later stages, diminishing the practical value of protection, particularly where the property interest requires immediate procedural safeguards. The third pattern concerns the insufficiency of the security (interim) component. Where interim measures are not synchronized with the property claim or are applied belatedly, the enforceability of the property outcome is compromised, even if the proceedings conclude favorably. In such cases, the risks of non-enforcement are effectively shifted onto the victim.

A comparative perspective indicates that in systems with a higher degree of integration of property claims into criminal procedure, the property outcome is structurally embedded in the logic of proof and adjudication; compensation or restitution is conceptualized as part of a unified procedural result. Conversely, in models where the property component is treated as secondary or ancillary, separation tends to prevail. Victims are effectively required to pursue their property claims "in parallel with" or "subsequent to" the criminal process, thereby increasing fragmentation, delays and procedural exhaustion. The body of case law of the

⁶⁰ Council of Europe, Recommendation CM/Rec(2023)2 of the Committee of Ministers to member States on rights, services and support for victims of crime (CM/Rec(2023)2). 2023. Ibid.

European Court of Human Rights⁶¹ analyzed in this study confirms that the decisive criterion of effectiveness is not the mere existence of a civil-law instrument in national legislation, but its practical accessibility, concentration within criminal proceedings and the reality of enforcement. Structural deficiencies in the interaction between criminal and civil protection mechanisms can therefore be reduced to three interrelated categories: procedural fragmentation, temporal delay and a deficit in the security and enforcement chain. Together, these factors create a systemic gap between the formal recognition of victims' rights and their practical restoration, and this gap acquires the greatest intensity where the property component is procedurally detached from the core logic of criminal adjudication. The generalized logic of this gap is illustrated in Figure 1.

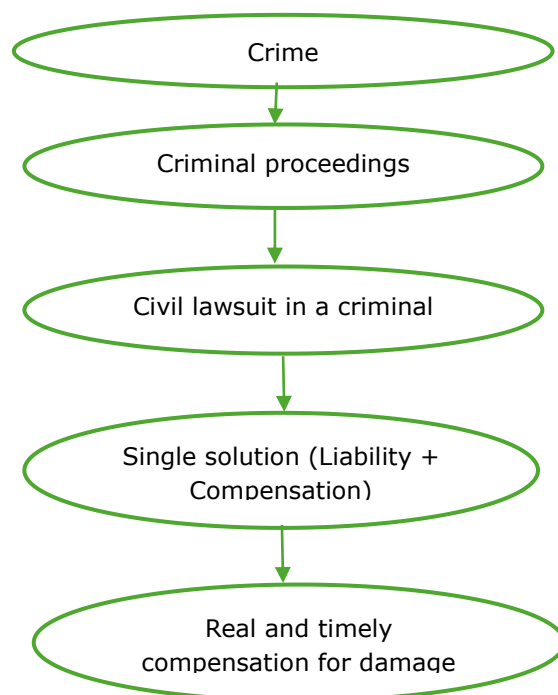


Figure 1. Interplay of criminal and civil proceedings in the mechanisms of compensation for damage. Source: consolidated by the author on the basis of the practice of the European Court of Human Rights,⁶² European Convention on Human Rights,⁶³ First Protocol to the European Convention on Human Rights,⁶⁴ Recommendation CM/Rec⁶⁵ 2 of the Committee of Ministers to member States on rights, services and support for victims of crime and Criminal Procedure Code of Ukraine⁶⁶.

Figure 1 shows how a normatively guaranteed right to compensation may lose practical effect. At the initial stage, the criminal process concentrates evidence on damage, causation and the circumstances of the offence. If the property claim is not resolved within the same procedural framework, a gap emerges between the

⁶¹ European Court of Human Rights, HUDOC – ECHR case-law database. 2021–2025. Ibid.

⁶² European Court of Human Rights, HUDOC – ECHR case-law database. 2021–2025. Ibid.

⁶³ Council of Europe, European Convention on Human Rights (as amended) (European Treaty Series No. 005). European Court of Human Rights. 1950. Ibid.

⁶⁴ Council of Europe, Protocol to the European Convention on Human Rights (First Protocol). Legislation of Ukraine Database. 1952. Ibid.

⁶⁵ Council of Europe, Recommendation CM/Rec(2023)2 of the Committee of Ministers to member States on rights, services and support for victims of crime (CM/Rec(2023)2). 2023. Ibid.

⁶⁶ Verkhovna Rada of Ukraine, Criminal Procedure Code of Ukraine (Law No. 4651-VI). Legislation of Ukraine Database. 2012. Ibid.

facts established in the criminal case and the enforceable compensatory or restitutionary outcome.

The transfer of compensation or restitution to a separate procedural track, especially to civil proceedings, alters the victim's procedural position. Instead of participating in proceedings already initiated and conducted by the state, the victim must independently initiate and pursue a new process. This often requires renewed substantiation of the essential elements of the property claim. Such fragmentation increases time and procedural costs, reinforces barriers to access and reduces the practical attainability of compensation, thereby creating a risk of "illusory" property protection. From an international perspective, it is precisely this gap between the formal existence of a remedy and its real effectiveness that the European Court of Human Rights considers to be incompatible with the requirements of effective protection of property rights and the State's positive obligations, even where criminal prosecution has been formally completed. In this respect, the decisive issue is not whether a formal avenue of protection exists in domestic law, but whether the procedural design ensures a real, timely, and enforceable property outcome for the victim.

5. Discussion

The findings indicate that the integration of civil-law instruments into criminal proceedings remains fragmented, even in legal systems that formally proclaim a victim-oriented approach. This observation aligns with the conclusions of Holder et al.,⁶⁷ who identified a persistent gap between the declared empowerment of victims and their actual capacity to influence the course and outcomes of criminal proceedings. The limited procedural role of victims in partially integrated and formalized models identified in this study also corresponds with the findings of Holder and Englezos,⁶⁸ whose quantitative literature review demonstrated that victim participation is frequently reduced to symbolic presence without real compensatory impact. In the context of the present study, this means that the formal recognition of participatory status does not in itself eliminate the risk that the victim's property claim will remain procedurally secondary and practically ineffective.

The comparative analysis further showed that an emphasis on confiscation mechanisms within criminal prosecution does not automatically enhance the protection of victims' property interests. This conclusion is in line with Maugeri,⁶⁹ who highlighted structural challenges in the mutual recognition of seizure and confiscation orders within the EU, leaving compensation concerns at the periphery. Similarly, this critique is supported by Matt,⁷⁰ who emphasized the need to uphold fundamental principles of criminal law in asset recovery proceedings to prevent an imbalance between public interests and victims' rights. The present findings also confirm Hryniwicz-Lach's position,⁷¹ who observed that strengthening confiscation

⁶⁷ HOLDER, R. L.; ELBERS, N. A.; ANTONSDÓTTIR, A. R. "Guest Editors' Introduction: Victims' rights and participation in criminal justice", *International Criminology*, v. 4, p. 4-15, 2024. <https://doi.org/10.1007/s43576-024-00120-w>

⁶⁸ HOLDER, R. L.; ENGLEZOS, E. "Victim participation in criminal justice: A quantitative systematic and critical literature review", *International Review of Victimology*, v. 30, n. 1, p. 25-49, 2024. <https://doi.org/10.1177/02697580231151207>

⁶⁹ MAUGERI, A. M. Regulation (EU) 2018/1805: The principle of mutual recognition between freezing and confiscation orders and the Rome problem", *New Journal of European Criminal Law*, v. 15, n. 2, 2024. <https://doi.org/10.1177/20322844241239781>

⁷⁰ MATT, H. "Criminal law principles should be applied in all asset recovery cases throughout the EU", *New Journal of European Criminal Law*, v. 15, n. 4, 2024. <https://doi.org/10.1177/20322844241302289>

⁷¹ HRYNIEWICZ-LACH, E. "Improving asset confiscation: in the quest for effective and just solutions". 2024. *Ibid.*

mechanisms without parallel development of compensation procedures creates asymmetry in protection. Moreover, the procedural delays and repeated evidentiary burdens associated with property claims correspond to Hryniewicz-Lach.⁷² The above scholar noted that heightened evidentiary standards in extended confiscation cases may hinder victims' access to effective reparation. In this respect, the results of the present study show that confiscation and compensation cannot be treated as functionally equivalent procedural responses, since the expansion of one does not automatically ensure the effectiveness of the other.

Against this backdrop, Costa's⁷³ analysis of Directive 2024/1260 suggests that expanding the grounds for seizure and confiscation has the potential to reinforce property protection, yet leaves unresolved the procedural relationship between asset seizure and compensation for specific victims. A comparable proportionality concern was identified by Bikelis⁷⁴, who argued that extended confiscation regimes lacking clearly defined limits risk privileging the State's fiscal interests over individual rights. The present study's results are also consistent with Johansen's⁷⁵ empirical research in Denmark, which demonstrated that the practical effectiveness of victims' property protection depends less on the formal breadth of rights and more on the degree of procedural integration of civil-law mechanisms. In particular, this concerns the timely application of interim measures, the organization of compensation procedures as well as the coordination of restitution mechanisms with the progress of criminal proceedings. The comparative material examined in this article confirms that it is precisely this degree of procedural integration that determines whether a property claim remains declarative or acquires a real compensatory effect within the criminal process.

Comparative insights from non-European jurisdictions^{76,77} further confirm that the dominance of anti-money laundering and asset confiscation paradigms in criminal policy may marginalize the compensatory dimension. In this light, the present findings complement the observations of Hubanova et al.⁷⁸ and Melnyk et al.,⁷⁹ who noted the growing role of informational and managerial instruments in criminal policy without corresponding integration of mechanisms safeguarding

⁷² HRYNIEWICZ-LACH, E. "Expanding confiscation and its dimensions in EU criminal law". 2023. *Ibid.*

⁷³ COSTA, J. A. A. "The (new) Directive on the recovery and confiscation of assets: Analysis of the content and future challenges of Directive 2024/1260", *Revista de Estudios Europeos*, v. 85, p. 326–345, 2025. <https://doi.org/10.24197/ree.85.2025.326-345>

⁷⁴ BIKELIS, S. "Confiscation beyond the all-crime approach and the proportionality principle – A case of the Lithuanian illicit enrichment offence concept", *Laws*, v. 14, n. 1, 2024. <https://doi.org/10.3390/laws14010001>

⁷⁵ JOHANSEN, L. V. "Legislation and institutional practices concerning compensation for victims of rape in Denmark". 2025. *Ibid.*

⁷⁶ FUADI, G.; PUTRI, W. V.; RAHARJO, T. "Tinjauan Perampasan Aset dalam Tindak Pidana Pencucian Uang dari Perspektif Keadilan", *Jurnal Penegakan Hukum dan Keadilan*, v. 5, n. 1, p. 53–68, 2024. <https://doi.org/10.18196/jphk.v5i1.19163>

⁷⁷ HAMIN, Z.; ABDUL HAKIM, M. M.; KAMARUDDIN, S.; WAN ROSLI, W. R. "The legal framework of asset forfeiture for money laundering in the United Kingdom and Malaysia", *International Journal of Research and Innovation in Social Science*, v. IX, n. II, p. 4404–4414, 2025. <https://doi.org/10.47772/IJRISS.2025.9020345>

⁷⁸ HUBANOVA, T.; SHCHOKIN, R.; HUBANOV, O.; ANTONOV, V.; SLOBODIANIUK, P.; PODOLYAKA, S. "Information technologies in improving crime prevention mechanisms in the border regions of southern Ukraine", *Journal of Information Technology Management*, v. 13, n. (Special Issue: Role of ICT in Advancing Business and Management), p. 75–90, 2021. Available at: <https://sid.ir/paper/976923/en> (accessed on 20 January 2026).

⁷⁹ MELNYK, D. S.; PARFYLO, O. A.; BUTENKO, O. V.; TYKHONOVA, O. V.; ZAROSYLO, V. O. "Practice of the member states of the European Union in the field of anti-corruption regulation", *Journal of Financial Crime*, v. 29, n. 3, p. 853–863, 2022. Available at: <https://ideas.repec.org/a/eme/jfcpps/jfc-03-2021-0050.html> (accessed on 20 January 2026).

private property interests. The difficulties identified in enforcing compensation decisions also correlate with the conclusions of Lytvyn et al.,⁸⁰ emphasizing that the enforcement stage remains a critical link in ensuring effective protection of rights. Accordingly, the present study supports the view that the principal weakness of existing models lies not only in the admissibility of the remedy, but in the incomplete procedural chain connecting recognition of the claim, interim protection, adjudication, and enforcement.

Taken together, these approaches suggest that contemporary reforms in confiscation and compensation law have developed along parallel but insufficiently coordinated trajectories. In contrast to the substantial body of scholarship focused primarily on the efficiency of asset recovery, this study demonstrates that the absence of clear procedural integration of civil claims within criminal proceedings remains a central factor diminishing the practical value of such reforms for victims. From this perspective, three interrelated directions appear necessary for reducing the identified risks: strengthening the procedural concentration of property-related issues within criminal proceedings, ensuring the timely application of interim measures capable of preserving future enforcement, and minimizing the need for victims to reassert their claims in separate civil proceedings after the completion of criminal prosecution. Such measures do not eliminate all procedural difficulties, but they offer feasible strategies for reducing fragmentation, temporal loss, and enforcement deficits in the protection of victims' property interests.

5.1. Limitations

The study was limited to four jurisdictions (Ukraine, Poland, Germany, France) and did not encompass other legal systems, including the Scandinavian countries. The analysis focused primarily on normative regulation and the case law of the European Court of Human Rights, without conducting a separate content analysis of decisions issued by national courts of first instance and appellate courts. Empirical aspects of implementing compensation mechanisms, as well as regional differences in their practical application, were beyond the scope of the research. In addition, the study did not seek to produce an autonomous quantitative assessment of the effectiveness of compensation or restitution mechanisms, but used official statistical materials only as contextual indicators for comparing procedural environments. These limitations indicate the need for further research combining normative analysis with broader national case-law review and implementation-based empirical data.

5.2. Recommendations

Further research should expand the comparative framework to include additional jurisdictions, particularly those with distinct models of victim compensation and procedural integration. A systematic content analysis of national judicial practice at different court levels would allow for a more detailed assessment of how compensation mechanisms function in practice. Empirical studies addressing the enforcement stage, regional variations and institutional capacity would also enable a more comprehensive evaluation of the real effectiveness of victims' property protection in criminal proceedings. Particular attention in future research should be given to the relationship between interim measures, the concentration of property-related issues within criminal proceedings, and the practical enforceability

⁸⁰ LYTVYN, N.; ANDRUSHCHENKO, H.; ZOZULYA, Y. V.; NIKANOROVA, O. V.; RUSAL, L. M. "Enforcement of court decisions as a social guarantee of protection of citizens rights and freedoms", *Prawo i Więź*, v. 39, n. 1, p. 80–102, 2022. <https://doi.org/10.36128/prw.vi39.351>

of compensation and restitution, since these elements appear to determine whether the victim's property rights receive timely and effective protection.

6. Conclusions

The study established that the protection of victims' property interests in criminal proceedings depends on the procedural integration of civil-law instruments. Ukraine, Poland, Germany and France formally provide mechanisms for compensation and restitution. Their practical operation differs because property claims are not equally concentrated within the criminal process. Fragmentation, delayed interim measures and weak enforcement reduce the practical value of these remedies.

The comparison with ECtHR standards showed that formal availability of a remedy is insufficient without accessibility, timeliness, procedural concentration and enforceability. These criteria define whether compensation or restitution functions as a real property outcome rather than a declarative procedural possibility.

The scientific novelty of the study lies in the systematization of integration models and in the identification of three structural risks: procedural fragmentation, temporal delay and deficits in the security and enforcement chain. These risks intensify when the property component is detached from the core logic of criminal adjudication.

The practical significance of the results lies in their use for improving criminal procedural regulation. The most relevant directions are the stronger concentration of property claims within criminal proceedings, the timely application of interim measures, and the coordination of adjudication with enforcement. These changes would reduce the need to transfer property-related disputes to separate civil proceedings.

7. References

- Ali, M.; Mulyono, A.; Sanjaya, W.; Wibowo, A. "Compensation and restitution for victims of crime in Indonesia: Regulatory flaws, judicial response, and proposed solution", *Cogent Social Sciences*, v. 8, n. 1, 2069910, 2022. <https://doi.org/10.1080/23311886.2022.2069910>
- Amriyanto, A.; Alting, H.; Bakhtiar, H. S.; Putra, G. P. "Breaking the cycle: Reforming Indonesia's justice system to prioritize victim-centered solutions", *Jurnal Dinamika Hukum*, v. 24, n. 3, p. 416–447, 2024. <https://doi.org/10.20884/1.jdh.2024.24.3.15577>
- Antonsdóttir, H. F.; Laugerud, S. "The Norwegian victim lawyer in a Nordic context: Professional boundaries, legal hierarchies and purification processes", *International Criminology*, v. 4, p. 79–92, 2024. <https://doi.org/10.1007/s43576-024-00117-5>
- ARANTEGUI-ARRÁEZ, L.; TAMARIT-Sumalla, J. M. "The Spanish model of private prosecution: Identifying risks and opportunities through empirical research on sex crimes", *International Criminology*, v. 4, n. 1, p. 44–54, 2024. <https://doi.org/10.1007/s43576-024-00114-8>
- Bikelis, S. "Confiscation beyond the all-crime approach and the proportionality principle – A case of the Lithuanian illicit enrichment offence concept", *Laws*, v. 14, n. 1, 2024. <https://doi.org/10.3390/laws14010001>
- Code de procédure pénale [Criminal Procedure Code], Légifrance, 2026. Available at: https://www.legifrance.gouv.fr/codes/texte_lc/LEGITEXT000006071154/ (accessed on 7 June 2026).
- Costa, J. A. A. "The (new) Directive on the recovery and confiscation of assets: Analysis of the content and future challenges of Directive 2024/1260", *Revista de Estudios Europeos*, v. 85, p. 326–345, 2025. <https://doi.org/10.24197/ree.85.2025.326-345>
- Council of Europe, European Convention on Human Rights (as amended) (European Treaty Series No. 005). European Court of Human Rights, 1950, November 4. Available at: https://www.echr.coe.int/documents/d/echr/convention_ENG (accessed on 20 January 2026).

- Council of Europe, Protocol to the European Convention on Human Rights (First Protocol). Legislation of Ukraine Database, 1952, March 20. Available at: https://zakon.rada.gov.ua/laws/show/994_535#Text (accessed on 20 January 2026).
- Council of Europe, Recommendation CM/Rec(2023)2 of the Committee of Ministers to member States on rights, services and support for victims of crime (CM/Rec(2023)2), 2023, March 15. Available at: https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=0900001680aa8264 (accessed on 20 January 2026).
- Court decisions database of Ukraine, YouControl (criminal proceedings, including cases related to the protection of property interests), 2025. Available at: <https://reyestr.court.gov.ua/> (accessed on 20 January 2026).
- Desterbeck, F. "Towards more efficient compensation for damage caused by PIF offences: Explanatory remarks on the rules on compensation and confiscation in the EPPO Regulation", *Eucrim – European Law Forum: Prevention. Investigation. Prosecution*, v. 18, n. 4, p. 355–360, 2023. <https://doi.org/10.30709/eucrim-2023-020>
- European Court of Human Rights, HUDOC – ECHR case-law database, 2021–2025. Available at: <https://hudoc.echr.coe.int/> (accessed on 20 January 2026).
- European Parliament Council of the European Union, Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime (2012/29/EU)", *Official Journal of the European Union*, L315, p. 57–73, 2012, October 25. Available at: <https://eur-lex.europa.eu/eli/dir/2012/29/oj/eng> (accessed on 20 January 2026).
- European Parliament Council of the European Union, Regulation (EU) 2018/1805 on the mutual recognition of freezing orders and confiscation orders (recast) (Regulation (EU) 2018/1805)", *Official Journal of the European Union*, L303, p. 1–17, 2018, November 14. Available at: <https://eur-lex.europa.eu/eli/reg/2018/1805/oj> (accessed on 20 January 2026).
- Federal Ministry of Justice and Consumer & Protection Federal Office of Justice (Germany), German Code of Criminal Procedure (Strafprozessordnung – StPO), 2025. Available at: https://www.gesetze-im-internet.de/englisch_stpo/ (accessed on 20 January 2026).
- Fuadi, G.; Putri, W. V.; Raharjo, T. "Tinjauan Perampasan Aset dalam Tindak Pidana Pencucian Uang dari Perspektif Keadilan", *Jurnal Penegakan Hukum dan Keadilan*, v. 5, n. 1, p. 53–68, 2024. <https://doi.org/10.18196/jphk.v5i1.19163>
- Galijot, M.; BRIZIĆ Bahun, V. "Osiguranje imovinskopravnog zahtjeva", *Zbornik Pravnog fakulteta Sveučilišta u Rijeci*, v. 43, n. 3, p. 791–808, 2022. <https://doi.org/10.30925/zpfsr.43.3.13>
- Hamin, Z.; ABDUL HAKIM, M. M.; KAMARUDDIN, S.; WAN Rosli, W. R. "The legal framework of asset forfeiture for money laundering in the United Kingdom and Malaysia", *International Journal of Research and Innovation in Social Science*, v. IX, n. II, p. 4404–4414, 2025. <https://doi.org/10.47772/IJRISS.2025.9020345>
- Holder, R. L.; Elbers, N. A.; Antonsdóttir, A. R. "Guest Editors' Introduction: Victims' rights and participation in criminal justice", *International Criminology*, v. 4, p. 4–15, 2024. <https://doi.org/10.1007/s43576-024-00120-w>
- Holder, R. L.; Englezos, E. "Victim participation in criminal justice: A quantitative systematic and critical literature review", *International Review of Victimology*, v. 30, n. 1, p. 25–49, 2024. <https://doi.org/10.1177/02697580231151207>
- HRYNIEWICZ-Lach, E. "Expanding confiscation and its dimensions in EU criminal law", *European Journal of Crime, Criminal Law and Criminal Justice*, v. 31, n. (3–4), p. 243–267, 2023. <https://doi.org/10.1163/15718174-bja10046>
- HRYNIEWICZ-Lach, E. "Improving asset confiscation: in the quest for effective and just solutions", *ERA Forum*, v. 25, p. 231–247, 2024. <https://doi.org/10.1007/s12027-024-00806-8>
- Hubanova, T.; Shchokin, R.; Hubanov, O.; Antonov, V.; Slobodianiuk, P.; Podolyaka, S. "Information technologies in improving crime prevention mechanisms in the border regions of southern Ukraine", *Journal of Information Technology Management*, v. 13, n. (Special Issue: Role of ICT in Advancing Business and Management), p. 75–90, 2021. Available at: <https://sid.ir/paper/976923/en> (accessed on 20 January 2026).
- Johansen, L. V. "Legislation and institutional practices concerning compensation for victims of rape in Denmark", *International Journal of Law, Crime and Justice*, v. 81, 100742, 2025. <https://doi.org/10.1016/j.ijlcj.2025.100742>

- Kodeks postępowania karnego [Code of Criminal Procedure], "Tekst ujednolicony (unified text) as of 22 October 2025", Sejm of the Republic of Poland, 2025. Available at: <https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=wdu19970890555> (accessed on 20 January 2026).
- Lytvyn, N.; Andrushchenko, H.; Zozulya, Y. V.; Nikanorova, O. V.; Rusal, L. M. "Enforcement of court decisions as a social guarantee of protection of citizens rights and freedoms", *Prawo i Więź*, v. 39, n. 1, p. 80–102, 2022. <https://doi.org/10.36128/priw.vi39.351>
- Matt, H. "Criminal law principles should be applied in all asset recovery cases throughout the EU", *New Journal of European Criminal Law*, v. 15, n. 4, 2024. <https://doi.org/10.1177/20322844241302289>
- Maugeri, A. M. Regulation (EU) 2018/1805: The principle of mutual recognition between freezing and confiscation orders and the Rome problem", *New Journal of European Criminal Law*, v. 15, n. 2, 2024. <https://doi.org/10.1177/20322844241239781>
- Melnyk, D. S.; Parfyo, O. A.; Butenko, O. V.; Tykhonova, O. V.; Zarosylo, V. O. "Practice of the member states of the European Union in the field of anti-corruption regulation", *Journal of Financial Crime*, v. 29, n. 3, p. 853–863, 2022. Available at: <https://ideas.repec.org/a/eme/jfcpps/jfc-03-2021-0050.html> (accessed on 20 January 2026).
- Ministère de la Justice, Les chiffres clés de la Justice 2025, 2025, December 18. Available at: <https://www.justice.gouv.fr/documentation/etudes-et-statistiques/chiffres-cles-justice-2025> (accessed on 20 January 2026).
- Ministerstwo Sprawiedliwości, Opracowania wieloletnie [Long-term statistical reports], 2025. Available at: <https://isws.ms.gov.pl/pl/baza-statystyczna/opracowania-wieloletnie/-statystyczna/opracowania-wieloletnie/> (accessed on 20 January 2026).
- O'Driscoll, L. "Towards a rights-based approach: Victims of violent crime, state-funded compensation and the European Union", *New Journal of European Criminal Law*, v. 14, n. 3, p. 303–326, 2023. <https://doi.org/10.1177/20322844231171497>
- Sakellarakis, A. "EU asset recovery and confiscation regime – Quo vadis? A first assessment of the Commission's proposal to further harmonise the EU asset recovery and confiscation laws. A step in the right direction?", *New Journal of European Criminal Law*, v. 13, n. 4, p. 478–501, 2022. <https://doi.org/10.1177/20322844221139577>
- SOLETO Muñoz, H.; Elbers, N. A.; Akkermans, A.; Tamarit, J.; Arantegui, L.; Lepri, G. L.; Chirico, D.; Lăce, I. "Ineffectiveness of the right to compensation for victims of sexual violence: A comparison between five EU member states", *International Criminology*, v. 4, n. 1, p. 93–107, 2024. <https://doi.org/10.1007/s43576-024-00118-4>
- Statistisches Bundesamt (Destatis), Criminal prosecution by the courts in 2021: Convictions by final judgment down 5.3% (Press Release No. 501), 2022, November 30. Available at: https://www.destatis.de/EN/Press/2022/11/PE22_501_24311.html (accessed on 20 January 2026).
- Trinchera, T. "Fighting crime in non-criminal proceedings: A comparative study of American civil forfeiture and Italian preventive confiscation", *The American Journal of Comparative Law*, v. 73, n. 3, p. 579–625, 2025. <https://doi.org/10.1093/ajcl/avaf027>
- Verkhovna Rada of Ukraine, Civil Code of Ukraine (Law No. 435-IV). Legislation of Ukraine Database, 2003, January 16. Available at: <https://zakon.rada.gov.ua/laws/show/435-15#Text> (accessed on 20 January 2026).
- Verkhovna Rada of Ukraine, Civil Procedure Code of Ukraine (Law No. 1618-IV). Legislation of Ukraine Database, 2004, March 18. Available at: <https://zakon.rada.gov.ua/laws/show/1618-15#Text> (accessed on 20 January 2026).
- Verkhovna Rada of Ukraine, Criminal Procedure Code of Ukraine (Law No. 4651-VI). Legislation of Ukraine Database, 2012, April 13. Available at: <https://zakon.rada.gov.ua/laws/show/4651-17#Text> (accessed on 20 January 2026).