

Criminal Asset Seizure, Asset Recovery, and Insolvency Proceedings: A Systematic Literature Review of Legal Conflicts, Creditor Protection, and Institutional Coordination

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Keywords:	ABSTRACT
Criminal Asset Seizure; Asset Recovery; Confiscation; Forfeiture; Insolvency Proceedings; Creditor Protection PRISMA 2020.	This systematic literature review examines how recent legal scholarship conceptualizes criminal asset seizure, asset recovery, confiscation, forfeiture, and property conflicts arising in insolvency proceedings. The review applies the PRISMA 2020 reporting framework and a doctrinal-thematic synthesis to analyze Scopus-indexed, open-access journal articles published between 2020 and 2025. The Scopus search identified 97 records. After applying eligibility criteria for open-access status, journal source type, English language, and publication year, 60 records remained. Title, abstract, and keyword screening retained 40 articles, while full-text eligibility assessment resulted in 29 studies being included in the final analysis. The findings demonstrate that asset recovery is a multistage legal process encompassing asset tracing, provisional seizure or freezing, confiscation or forfeiture, asset management, and the return or distribution of recovered assets. The review further finds that state asset recovery powers are justified by the public interest, deterrence, victim restitution, and recovery of state losses but are constrained by the principles of legality, due process, proportionality, legal certainty, property rights, and the protection of bona fide third parties. The primary contribution of this review is a Doctrinal Coordination Model that integrates criminal asset recovery, insolvency administration, creditor protection, and institutional coordination into a unified framework for resolving conflicts involving assets subject to multiple legal regimes.

INTRODUCTION

Criminal asset seizure and asset recovery have become central instruments in contemporary anti-corruption, anti-money laundering, environmental crime, and public finance enforcement. Recent legal scholarship demonstrates that imprisonment alone is insufficient when criminal conduct generates economic gain, causes ecological harm, or results in financial losses to the state (Christian et al., 2025; Ghondohi et al., 2025; Kartika et al., 2024; Nugroho et al., 2025; Rukmono et al., 2024). Modern asset recovery regimes therefore seek to identify, trace, secure, confiscate, manage, and return assets connected to criminal activity or unlawful enrichment (Christian et al., 2025; Ghondohi et al., 2025; Rose, 2024). This development has expanded the roles of courts, prosecutors, supervisory bodies, asset management agencies, and other public institutions in recovering assets or their equivalent value and restoring public interests (Christian et al., 2025; Rukmono et al., 2024; Saputra & Fauzan, 2025).

At the same time, asset recovery becomes legally complex when the same assets are subject to multiple legal regimes. Criminal law prioritizes seizure, confiscation, forfeiture, preservation of evidence, deterrence, and restitution, whereas bankruptcy and insolvency law prioritize collective asset administration and distribution to creditors (Ariyanto & Ali, 2024; Mulyono, 2025; Nuriskia & Novaliansyah, 2021; Suryanti et al., 2025). This overlap generates doctrinal tension because property may simultaneously constitute evidence, proceeds of crime subject to recovery, collateral, property of the bankruptcy estate, or the subject of third-party ownership claims (Ariyanto & Ali, 2024; Mulyono, 2025; Suryanti et al., 2025; Živanović, 2025). The problem is particularly significant in jurisdictions where regulatory frameworks do not clearly establish the priority between criminal confiscation or forfeiture proceedings and insolvency administration (Ariyanto & Ali, 2024; Maulidah et al., 2025).

The literature also demonstrates that asset recovery increasingly involves emerging regulatory challenges. Non-conviction-based confiscation, unexplained wealth mechanisms, cryptocurrencies and other crypto-assets, environmental crime, and proposed asset confiscation legislation have expanded the scope of asset recovery beyond conventional corruption cases (Dewi et al., 2025; Hardiyo et al., 2025; Maulidah et al., 2025; Nahor, 2025; Wicaksono et al., 2025). These developments intensify the need for adequate legal safeguards because expansive recovery powers may interfere with the property rights and legitimate interests of creditors, lawful owners, spouses, children, and other bona fide third parties (Sulistiani, 2024; Zuhri et al., 2024/2025; Živanović, 2025). Therefore, asset recovery should not be analyzed merely as a law enforcement mechanism but as a multiregime legal process requiring appropriate normative safeguards and effective institutional coordination.

Despite the growing body of literature, existing studies remain fragmented across doctrinal, comparative, criminal justice, insolvency, environmental, and regulatory reform perspectives. Some studies focus on corruption and the recovery of state financial losses (Kartika et al., 2024; Nugroho et al., 2025; Rukmono et al., 2024; Sianturi, 2025), whereas others examine asset forfeiture and confiscation (Dewi et al., 2025; Mandailing, 2025; Maulidah et al., 2025; Nahor, 2025; Syarafi & Syahbandir, 2025; Wicaksono et al., 2025), and a smaller body of scholarship addresses bankruptcy and creditor protection (Ariyanto & Ali, 2024; Mulyono, 2025; Nuriskia & Novaliansyah, 2021; Suryanti et al., 2025). This fragmentation limits the development of a comprehensive understanding of how criminal asset recovery, insolvency administration, and third-party protection should interact when competing claims arise over the same assets.

This review is guided by four research questions. RQ1 examines how doctrinal studies define and distinguish the legal boundaries among asset recovery, asset tracing, and asset seizure. RQ2 examines the normative principles that justify or constrain state confiscation and asset forfeiture. RQ3 examines how normative scholarship balances public interests in asset recovery against the rights and legitimate interests of owners, creditors, and bona fide third parties. RQ4 identifies the regulatory gaps and legal weaknesses reported in recent doctrinal literature and examines the corresponding recommendations for legal and institutional reform.

Criminal Asset Seizure and Asset Recovery

Asset recovery refers to a broader legal process that includes the identification, tracing, securing, seizure or freezing, confiscation or forfeiture, management, and return or distribution of assets. In the reviewed corpus, recovery is discussed in relation to corruption, state financial loss, environmental crime, money laundering, unexplained wealth, and criminal evidence management (Christian et al., 2025; Dewi et al., 2025; Ghondohi et al., 2025; Kartika et al., 2024; Maulidah et al., 2025; Rukmono et al., 2024). Asset tracing is the investigative stage through which authorities or claimants locate assets and establish links to unlawful conduct, whereas asset seizure and freezing are provisional measures that restrict control before final adjudication (Christian et al., 2025; Hardiogo et al., 2025; Živanović, 2025). Confiscation and forfeiture represent stronger interventions because they may permanently deprive a person or entity of property rights (Dewi et al., 2025; Nahor, 2025; Syarafi & Syahbandir, 2025; Wicaksono et al., 2025).

The doctrinal literature emphasizes that asset recovery is not a purely technical process. It is grounded in public interest, deterrence, state-loss recovery, victim restoration, and prevention of illicit enrichment (Ghondohi et al., 2025; Kartika et al., 2024; Nugroho et al., 2025; Rukmono et al., 2024; Sianturi, 2025). However, recovery powers are also subject to normative constraints, especially legality, due process, proportionality, legal certainty, property rights, and protection of bona fide parties (Ariyanto & Ali, 2024; Dewi et al., 2025; Nahor, 2025; Rose, 2024; Živanović, 2025).

Insolvency Proceedings and Creditor Protection

Insolvency and bankruptcy proceedings organize debtor assets collectively and protect creditors from fragmented individual enforcement. The bankruptcy estate functions as the legal pool of assets that may be managed, liquidated, or reorganized for creditor distribution (Mulyono, 2025; Nuriskia & Novaliansyah, 2021; Suryanti et al., 2025). When assets are also subject to criminal seizure, the estate may be reduced or frozen, thereby affecting creditor recovery and the procedural role of curators or insolvency administrators (Ariyanto & Ali, 2024; Mulyono, 2025; Suryanti et al., 2025).

The creditor-protection dimension is especially relevant because criminal confiscation may be justified by public interest while creditors may have legitimate claims based on contractual, commercial, or statutory rights (Ariyanto & Ali, 2024; Mulyono, 2025; Suryanti et al., 2025). The problem is not simply whether the state or creditors should prevail, but whether the legal system provides clear priority rules, judicial review, standing for affected parties, and asset management procedures that preserve value (Ariyanto & Ali, 2024; Christian et al., 2025; Saputra & Fauzan, 2025; Suryanti et al., 2025).

Systematic Literature Review

A systematic literature review is a protocol-driven synthesis that identifies, screens, appraises, and integrates relevant evidence using transparent and replicable procedures (Snyder, 2019). PRISMA 2020 strengthens review reporting by requiring clear disclosure of information sources, search strategy, eligibility criteria, selection process, data extraction, synthesis method, results, limitations, and data availability (Page et al., 2021).

Although PRISMA was originally developed for systematic reviews with quantitative evidence, its transparency logic is also useful for doctrinal legal reviews when adapted to legal concepts, normative arguments, institutional analysis, and reform recommendations.

In this study, PRISMA 2020 is combined with doctrinal-thematic synthesis. The review does not estimate effect sizes because the corpus consists mainly of legal, normative, and policy-oriented articles. Instead, studies are coded according to legal concepts, normative principles, protected parties, legal conflicts, institutional actors, and reform recommendations. This approach allows the review to answer doctrinal research questions while preserving the transparency expected in international systematic review reporting (Booth et al., 2021; Page et al., 2021; Snyder, 2019).

METHOD

Review design and reporting framework

This study employed a systematic literature review and was conducted and reported in accordance with PRISMA 2020 (Page et al., 2021). The review included doctrinal, normative, comparative, legal policy, and socio-legal scholarship addressing asset recovery, asset seizure, confiscation, forfeiture, insolvency proceedings, creditor protection, third-party rights, and institutional coordination. The included studies were synthesized qualitatively to identify key legal concepts, principles, conflicts, and directions for legal and institutional reform.

Information source, temporal scope, and search date

All records were retrieved from Scopus because it provides broad coverage of peer-reviewed journals in law, social sciences, criminology, public administration, business, and related fields. The search covered publications from 2020 to 2025 and focused on English-language open-access journal articles. The Scopus search, screening, and full-text review were completed in June 2026. The open-access criterion was used to ensure that all full texts could be checked during eligibility assessment, while the 2020-2025 period was selected to capture recent debates on recovery, confiscation, insolvency conflicts, and regulatory reform.

Search strategy

A single query was executed in Scopus by targeting titles, abstracts, and author keywords. The search terms combined the main recovery concepts with doctrinal and normative legal analysis terms. The search identified 97 records at the identification stage. The exact Scopus search string was:

TITLE-ABS-KEY (("asset recovery" OR "asset tracing" OR "asset seizure" OR "confiscation" OR "forfeiture") AND ("doctrinal analysis" OR "normative")) AND PUBYEAR > 2019 AND PUBYEAR < 2026 AND (LIMIT-TO (OA, "all")) AND (LIMIT-TO (DOCTYPE, "ar")) AND (LIMIT-TO (SRCTYPE, "j")) AND (LIMIT-TO (LANGUAGE, "English"))

Eligibility criteria (IC1-IC3)

Eligibility criteria were operationalized in three sequential stages:

IC1 - Database/bibliographic limits: articles had to be indexed in Scopus, written in English, published in open-access journals, classified as journal articles, and published between 2020 and 2025.

IC2 - Title, abstract, and keyword screening: records were retained when they explicitly discussed at least one relevant legal theme: asset recovery, asset tracing, asset seizure, confiscation, forfeiture, proceeds of crime, corruption recovery, criminal asset management, bankruptcy estate, creditor protection, third-party rights, or institutional coordination.

IC3 - Full-text eligibility: full texts were included when they provided extractable doctrinal, normative, comparative, legal policy, institutional, or socio-legal analysis relevant to one or more research questions. Articles were excluded when the focal terms appeared only incidentally, when the paper did not contain legal or regulatory analysis, or when the full text did not provide sufficient information for doctrinal coding.

Study selection workflow (PRISMA)

All Scopus results were exported and managed in a spreadsheet. The selection process followed the PRISMA flow used in this review. The initial Scopus search produced 97 records. Database-level limits retained 60 records. Title, abstract, and keyword screening excluded 20 records that did not sufficiently address the topic, leaving 40 records. Full-text eligibility assessment excluded 11 records due to limited relevance to the research questions. The final evidence base consisted of 29 studies included in doctrinal-thematic synthesis. Because the flowchart follows the search pathway used by the authors, no duplicate-removal stage is presented.

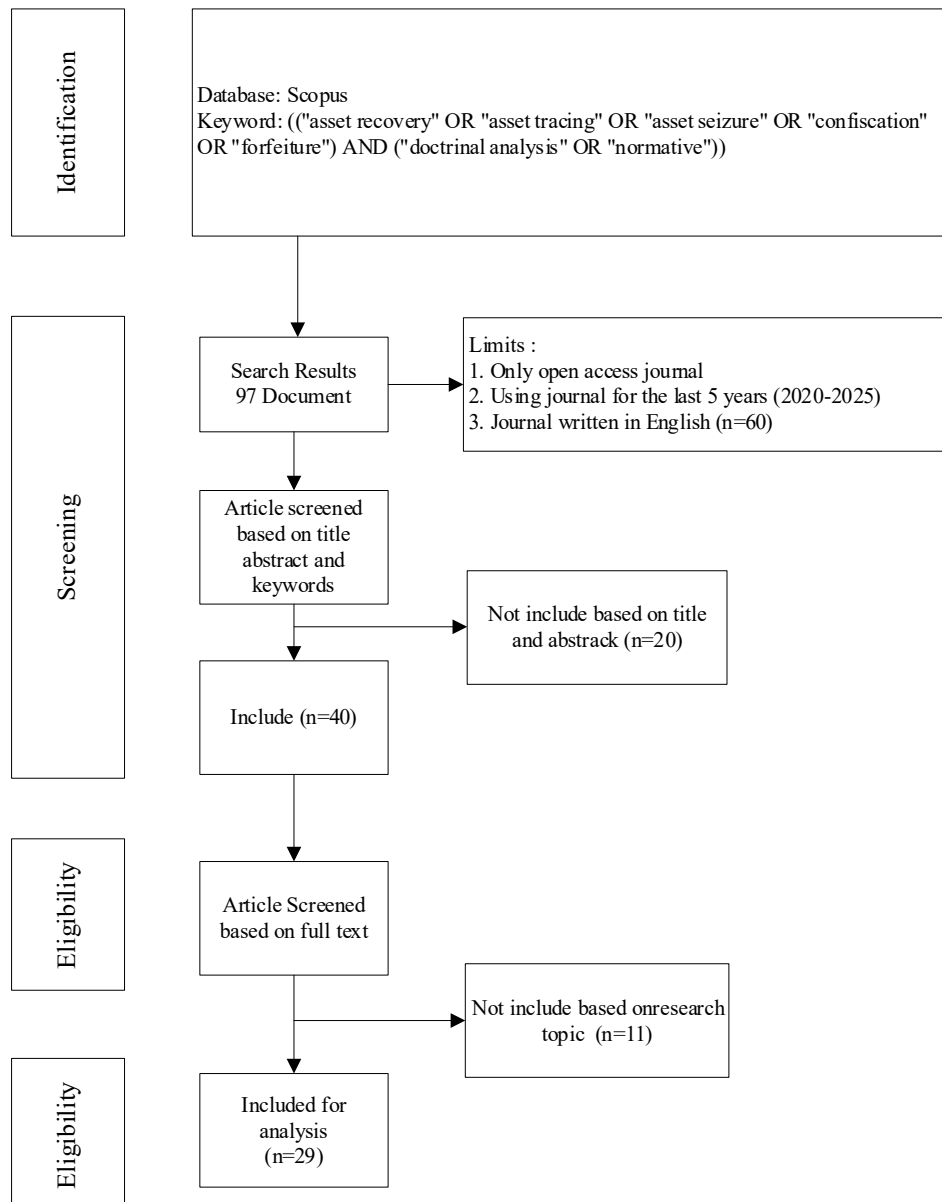


Figure 1. PRISMA Flowchart

Data extraction and coding

A structured extraction form was determined and applied to all included articles. For each study, the review captured author and year, article purpose, legal context, study design, key legal finding, relevant legal concepts, protected parties, institutional actors, and research question alignment. Extraction was performed by one reviewer and verified against the full-text corpus. Discrepancies in thematic coding were resolved through repeated checking of the article title, abstract, methods, findings, and doctrinal contribution until a stable coding decision was reached.

RESULTS AND DISCUSSION

Following the application of predefined inclusion criteria across identification, screening, and full-text eligibility stages, 29 journal articles met all requirements and were retained for synthesis. Table 1 provides a descriptive overview of the included studies. The table reports the author and year, purpose, method, main legal finding, and

RQ alignment. The table establishes the evidence base for the narrative and doctrinal synthesis that follows.

Table 1. Articles Extraction

No	Author	Purpose	Methods	Findings	Legal focus
1	Sagan & Yanauer (2025)	To examine church-State Relations in Ukraine: Current Legislative Initiatives Which Address Ideological Threats to Sovereignty in the context of Ukraine.	Doctrinal/legal policy analysis	Contextual support for normative limits on state intervention	RQ2/RQ4
2	Živanović (2025)	To examine illegal Evidence in Criminal Proceedings: Collecting of Evidence by Authorized Officials of Internal Affairs Bodies in the context of Serbia.	Theoretical, normative, and practical legal analysis	Shows the procedural boundary of state investigative powers	RQ2/RQ3
3	Nugroho et al. (2025)	To examine rethinking Subsidiary in Corruption Cases: Indonesian Experiences in the context of Indonesia.	Normative legal analysis	Supports reform of substitute punishment/recovery mechanisms	RQ2/RQ4
4	Rukmono et al. (2024)	To examine the Effectiveness of Recovering Losses on State Assets Policy in Dismissing Handling of Corruption in the context of Indonesia.	Normative legal and policy analysis	Explains state financial loss recovery as a policy objective	RQ2/RQ4
5	Dewi et al. (2025)	To examine asset Seizure Regulations Against Public Officials with Unexplained Wealth in the context of Indonesia, Philippines, Australia.	Comparative normative legal research	Clarifies asset seizure as non-conviction recovery tool	RQ1/RQ2 /RQ4
6	Ariyanto & Ali (2024)	To examine the Application of General and Criminal Confiscation Laws in Bankruptcy Cases in Indonesia and Australia in the context of Indonesia and Australia.	Normative comparative legal research	Core evidence on conflicts between criminal seizure and bankruptcy estate	RQ1/RQ3 /RQ4
7	Swardhana & Monteiro (2023)	To examine legal Policy of State Financial Losses Arrangement in a State-Owned Enterprise in the context of Indonesia and Timor-Leste.	Legal policy analysis	Links asset recovery to state finance and public accountability	RQ2/RQ4
8	Kartika et al. (2024)	To examine law Enforcement in the Recovery of State Funds from Corruption Crimes in the context of Indonesia.	Normative legal analysis	Supports the enforcement dimension of corruption asset recovery	RQ2/RQ4
9	Gulac et al. (2022)	To examine legal Liability for Corruption and Related Offenses in the Field of Land Relations in the context of Ukraine.	Comparative/legal analysis	Shows civil confiscation and regulatory gap issues	RQ2/RQ4
10	Suparno et al. (2024)	To examine a New Restorative Justice Paradigm in the Sociology of Islamic Law in Indonesia in the context of Indonesia.	Socio-legal/doctrinal analysis	Contextualizes recovery as restorative/legal settlement mechanism	RQ2/RQ3

11	Mandailing (2025)	To examine analysis of Strengthening the Regulation on the Handling of Corruption Evidence and Asset Forfeiture in the context of Indonesia.	Normative legal analysis	Direct support on evidence, forfeiture, and state economic recovery	RQ1/RQ2 /RQ4
12	Ghondohi et al. (2025)	To examine asset Recovery from Mining Corruption: Rationality, Urgency, and Challenges for Environmental Restoration in the context of Indonesia/Kazakhstan.	Normative legal analysis	Extends recovery beyond state loss toward ecological restoration	RQ2/RQ3 /RQ4
13	Syarafi & Syahbandir (2025)	To examine confiscation of Corruption Asset in the Indonesian Legal System in the context of Aceh, Indonesia.	Criminal law study	Clarifies confiscation as recovery instrument in corruption cases	RQ1/RQ2
14	Sulistianingsih et al. (2025)	To examine illegal Logging and Endangered Animals: The Urgency of Establishing Independent Institutions in the context of Indonesia/Malaysia.	Normative environmental law analysis	Supports institutional coordination in environmental asset recovery	RQ4
15	Hardiogo et al. (2025)	To examine law and Digitalization: Cryptocurrency as Challenges towards Indonesia's Criminal Law in the context of Indonesia/South Korea.	Doctrinal/digital criminal law analysis	Identifies digital assets as emerging object of tracing and seizure	RQ1/RQ4
16	Wicaksono et al. (2025)	To examine non-Conviction-Based Confiscation as a Tool of Asset Forfeiture through Indonesia's Ecological Concept in the context of Indonesia.	Normative legal analysis	Connects NCB confiscation with ecological/public interest recovery	RQ1/RQ2 /RQ4
17	Mulyono (2025)	To examine optimising Bankruptcy Estate Recovery via Piercing the Corporate Veil: The Case of PT Sritex in the context of Indonesia.	Doctrinal corporate/insolvency law analysis	Core evidence for insolvency-sensitive estate recovery	RQ3/RQ4
18	Christian et al. (2025)	To examine optimizing Asset Recovery as a Legal Instrument in Environmental Crimes in the context of Indonesia/Pakistan.	Normative legal analysis	Supports agency-based recovery and strategic coordination	RQ2/RQ4
19	Sianturi (2025)	To examine optimizing the Recovery of Corrupt Assets from the Perspective of Economic Rights and Human Security in the context of Indonesia.	Normative/policy analysis	Frames asset recovery as public-rights and human-security instrument	RQ2/RQ3
20	Sulistiani (2024)	To examine recovery of Wakaf Assets Post Natural Disasters according to Islamic Law and Positive Law in the context of Indonesia.	Doctrinal Islamic/positive law analysis	Contextual support on asset recovery and protected property status	RQ3
21	Nahor (2025)	To examine the Asset Forfeiture Bill in the Perspective of Criminal Law Policy and the Rule of Law in the context of Indonesia.	Normative criminal law policy analysis	Direct evidence on legal reform and rule-of-law constraints	RQ2/RQ4
22	Zuhri et al. (2024/2025)	To examine the Confiscation of Husbands' Wealth as a Collateral for Post-Divorce Child Support	Doctrinal Islamic family law analysis	Contextual support on confiscation,	RQ3

		in the context of Indonesia/Malaysia.		property protection, and legitimate claimants	
23	Natio et al. (2025)	To examine the Crime of Importing Goods Prohibited under Trade Law in the context of Indonesia.	Normative criminal/trade law analysis	Contextual evidence on object-based enforcement in criminal trade law	RQ2/RQ4
24	Suryanti et al. (2025)	To examine the Status of Property Granted in the Provisions of Bankruptcy Law in Indonesia in the context of Indonesia.	Normative bankruptcy law analysis	Core support on property inclusion and creditor protection in bankruptcy	RQ3/RQ4
25	Maulidah et al. (2025)	To examine the Urgency of Enacting the Asset Confiscation Bill for the Eradication of Corruption and Money Laundering in the context of Indonesia.	Normative legal analysis	Direct evidence on legislative urgency and reform agenda	RQ2/RQ4
26	Rose (2024)	To examine the Progressive Development of International Law on the Return of Stolen Assets in the context of International/UNCAC.	International legal analysis	Provides international law basis for return of stolen assets	RQ1/RQ2 /RQ4
27	Nuriskia & Novaliansyah (2021)	To examine the Urgency of Regulations Revision Related to Filing Bankruptcy and Postponing Debt Payment Obligations in the context of Indonesia.	Normative juridical research	Supports insolvency procedure and regulatory reform context	RQ3/RQ4
28	Hailes (2023)	To examine from guano to green hydrogen: Food security and fertilizer disputes in international energy law in the context of International economic law.	International legal analysis	Contextual support on confiscation and state/property entitlement disputes	RQ2
29	Saputra & Fauzan (2025)	To examine the Authority of the Supervisory Board in the Supervision of the Corruption Eradication Commission in Indonesia in the context of Indonesia.	Normative legal approach	Supports institutional accountability and coordination analysis	RQ4

The 29 selected articles present a coherent but heterogeneous body of legal scholarship. The corpus is dominated by normative legal research, doctrinal analysis, comparative legal analysis, legal policy analysis, and socio-legal scholarship. Indonesia is the most frequent jurisdiction, but the evidence base also contains comparative and international perspectives, including discussions of Ukraine, Serbia, Australia, the Philippines, and international stolen asset return. The strongest thematic clusters concern asset recovery and state-loss recovery, confiscation and forfeiture, creditor and third-party protection, bankruptcy or insolvency conflicts, regulatory reform, and digital-asset uncertainty.

Several regularities are evident across the corpus. First, asset recovery is consistently framed as a process rather than a single enforcement act. Second, confiscation and forfeiture are justified by public interest, deterrence, restitution, and state-loss recovery, but they remain constrained by legality, due process, proportionality, and legal certainty. Third, creditor protection and third-party rights become especially important when the same property is claimed by prosecutors, curators, owners, spouses, creditors, or other legitimate parties. Fourth, the literature repeatedly identifies weak institutional coordination as the major barrier to effective and fair recovery.

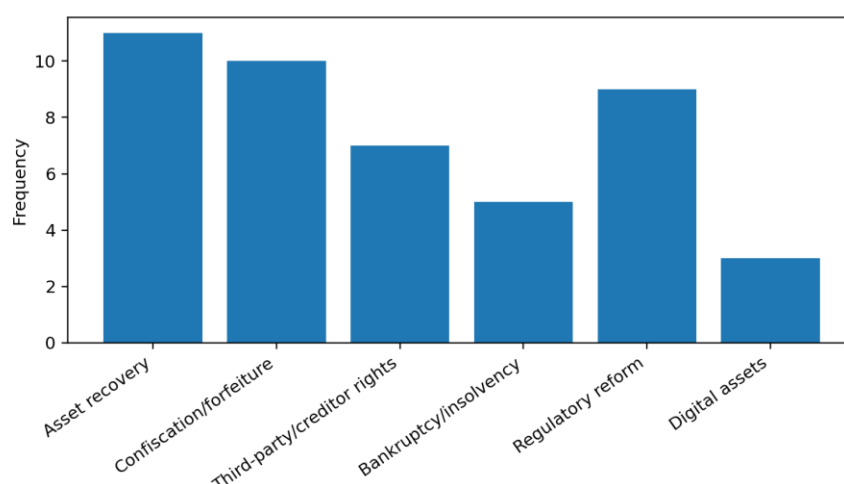


Figure 2. Doctrinal Theme Frequency

Figure 2 summarizes how often the included studies discuss the main doctrinal themes. Asset recovery and confiscation/forfeiture appear most frequently, followed by regulatory reform and third-party or creditor protection. Bankruptcy and insolvency conflicts appear less frequently but are central to the article because they reveal the practical collision between public recovery powers and collective creditor distribution. Digital assets appear in fewer studies, but they represent an emerging area that increases evidentiary, jurisdictional, and property-right uncertainty.

Table 2. Doctrinal Perspectives in the Included Studies

Doctrinal perspective	Authors
Doctrinal / normative legal analysis	Živanović; Nugroho et al.; Rukmono et al.; Dewi et al.; Ariyanto and Ali; Nahor; Maulidah et al.
Asset recovery and state-loss recovery doctrine	Rukmono et al.; Kartika et al.; Ghondohi et al.; Christian et al.; Sianturi; Rose
Confiscation, forfeiture, and non-conviction-based recovery	Dewi et al.; Mandailing; Syarafi and Syahbandir; Wicaksono et al.; Nahor; Maulidah et al.
Bankruptcy estate and creditor/property-right protection	Ariyanto and Ali; Mulyono; Suryanti et al.; Nuriskia and Novaliansyah
Institutional coordination and regulatory reform	Saputra and Fauzan; Christian et al.; Sulistianingsih et al.; Hardiogo et al.; Maulidah et al.

Across the included studies, doctrinal and normative legal analysis is not only used to describe positive law but also to evaluate the legitimacy and limits of state recovery powers. Asset recovery doctrine emphasizes public loss recovery, victim restoration, and

prevention of illicit enrichment (Christian et al., 2025; Ghondohi et al., 2025; Kartika et al., 2024; Rose, 2024; Rukmono et al., 2024). Confiscation and forfeiture studies focus on the legitimacy of depriving offenders of unlawful gains while maintaining rule-of-law safeguards (Dewi et al., 2025; Maulidah et al., 2025; Nahor, 2025; Syarafi & Syahbandir, 2025; Wicaksono et al., 2025). Bankruptcy and creditor-protection studies highlight the need to prevent criminal seizure from automatically displacing legitimate claims within the bankruptcy estate (Ariyanto & Ali, 2024; Mulyono, 2025; Nuriskia & Novaliansyah, 2021; Suryanti et al., 2025).

Asset recovery as a multi-stage legal process

Findings from the included studies show that asset recovery is best understood as a multi-stage legal process. The process begins with asset tracing, continues through seizure or freezing, and may end with confiscation, forfeiture, management, return, compensation, or distribution (Christian et al., 2025; Ghondohi et al., 2025; Rose, 2024). This distinction answers RQ1 by showing that asset tracing is investigative, asset seizure is provisional, confiscation and forfeiture are final deprivations, and asset recovery is the umbrella process that connects all stages. The distinction is essential because each stage carries different evidentiary thresholds, institutional actors, legal consequences, and risks for affected parties.

The legal boundaries among tracing, seizure, confiscation, and recovery also matter for insolvency conflicts. A bankruptcy estate may contain assets that are under investigation, temporarily frozen, or already subject to confiscation claims (Ariyanto & Ali, 2024; Mulyono, 2025; Suryanti et al., 2025). Without conceptual clarity, courts and institutions may treat these statuses as interchangeable, resulting in uncertainty for creditors, owners, and curators. The literature therefore supports a layered understanding of asset recovery that separates investigation, provisional control, final deprivation, and post-confiscation management.

Normative limits of state confiscation power

The answer to RQ2 shows that confiscation and forfeiture are normatively justified when they serve public interest, deter crime, recover state losses, restore victims, or prevent unlawful enrichment (Ghondohi et al., 2025; Kartika et al., 2024; Nugroho et al., 2025; Rukmono et al., 2024; Sianturi, 2025). These justifications are especially strong in corruption, money laundering, environmental crime, and unexplained wealth cases, where ordinary punishment does not necessarily restore the economic harm caused by crime (Dewi et al., 2025; Ghondohi et al., 2025; Maulidah et al., 2025; Nahor, 2025; Wicaksono et al., 2025). However, the same literature also emphasizes that recovery powers require limits because asset deprivation directly affects property rights and procedural fairness (Dewi et al., 2025; Nahor, 2025; Živanović, 2025).

Legality, due process, proportionality, legal certainty, and judicial review are the dominant normative safeguards. These principles prevent confiscation from becoming a purely administrative or punitive tool detached from legal accountability (Dewi et al., 2025; Nahor, 2025; Rose, 2024; Živanović, 2025). Non-conviction-based confiscation and unexplained wealth mechanisms require particular caution because they may expand state power beyond conventional conviction-based criminal procedure (Dewi et al.,

2025; Maulidah et al., 2025; Nahor, 2025; Wicaksono et al., 2025). Therefore, doctrinal scholarship supports state recovery but only when recovery mechanisms are embedded within rule-of-law safeguards.

Public interest, creditor protection, and third-party rights

The answer to RQ3 indicates that the relationship between public asset recovery and private rights is not a simple hierarchy. State recovery may serve crime deterrence and fiscal restoration, but creditors, bankruptcy estates, spouses, children, wakaf beneficiaries, and bona fide owners may also hold legitimate interests in the same assets (Ariyanto & Ali, 2024; Mulyono, 2025; Sulistiani, 2024; Suryanti et al., 2025; Zuhri et al., 2024/2025). The most direct conflict arises when criminal confiscation targets assets that could otherwise form part of the bankruptcy estate (Ariyanto & Ali, 2024; Mulyono, 2025; Suryanti et al., 2025). In such cases, criminal recovery may reduce the pool available for creditor distribution, while insolvency administration may complicate the state's ability to recover illicit gains.

The reviewed literature suggests several balancing mechanisms. These include judicial review, clear priority rules, third-party standing, creditor participation, legitimate-owner protection, transparent asset management, and coordination between prosecutors, courts, curators, and asset management institutions (Ariyanto & Ali, 2024; Christian et al., 2025; Saputra & Fauzan, 2025; Suryanti et al., 2025). Such mechanisms do not reject public recovery; rather, they ensure that recovery does not unfairly harm legitimate parties. This balance is crucial for maintaining both enforcement effectiveness and legal legitimacy.

Institutional coordination and regulatory gaps

The answer to RQ4 shows that the main gaps are fragmented legal regimes, unclear priority between criminal confiscation and insolvency administration, weak institutional coordination, incomplete asset management procedures, and uncertainty in digital or cross-border assets (Ariyanto & Ali, 2024; Christian et al., 2025; Hardiogo et al., 2025; Maulidah et al., 2025; Nahor, 2025; Saputra & Fauzan, 2025). Several studies call for clearer asset confiscation legislation, stronger asset management agencies, better coordination between law enforcement institutions, and reform of bankruptcy-related procedures (Christian et al., 2025; Maulidah et al., 2025; Nahor, 2025; Saputra & Fauzan, 2025). These gaps are not merely technical; they shape whether recovery produces fair and enforceable outcomes.

Institutional coordination is therefore the main practical condition for resolving multi-regime asset conflicts. Investigators, prosecutors, courts, curators, supervisory bodies, and asset management agencies need clear channels for information sharing, asset preservation, valuation, and distribution (Ariyanto & Ali, 2024; Christian et al., 2025; Saputra & Fauzan, 2025; Suryanti et al., 2025). Digital assets and cross-border recovery increase this need because asset location, ownership, and value may change rapidly (Hardiogo et al., 2025; Rose, 2024). The literature supports a coordination-oriented model that connects criminal recovery, insolvency administration, property-right protection, and institutional reform.

Research Model

Synthesis of the selected studies supports an integrative Doctrinal Coordination Model for Multi-Regime Asset Recovery Conflicts. The proposed research model is presented in Figure 3.

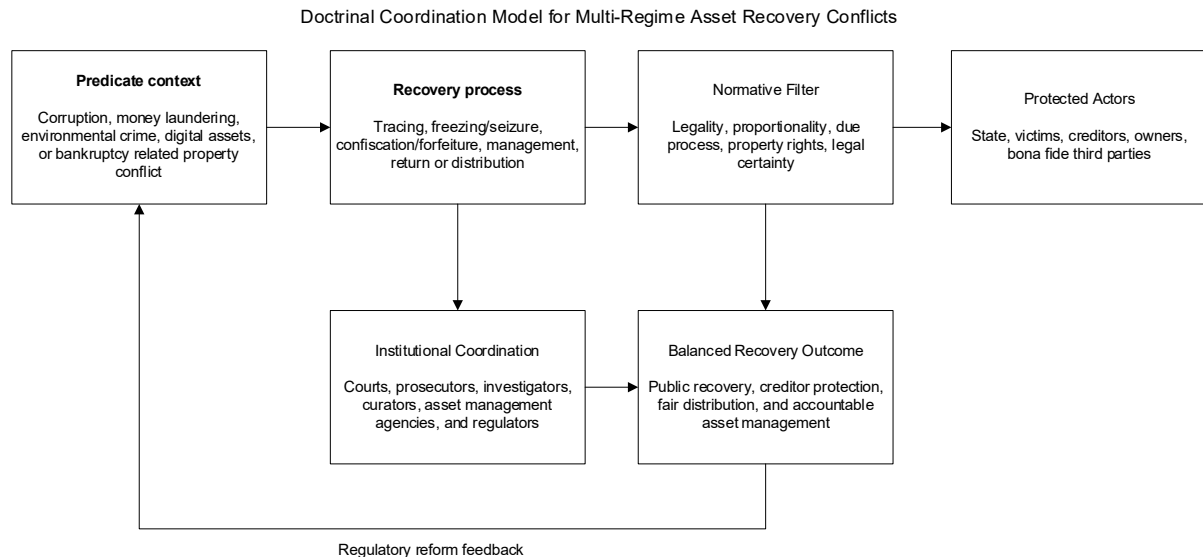


Figure 3. Research Model

The model places criminal asset recovery, insolvency administration, creditor protection, and institutional coordination within one doctrinal architecture. The model begins with a predicate context, such as corruption, money laundering, environmental crime, or unlawful enrichment. Assets are then traced, seized or frozen, and potentially confiscated or forfeited. Before the recovery outcome is accepted, the model applies a normative filter consisting of legality, due process, proportionality, legal certainty, and protection of bona fide parties. The model then requires institutional coordination between courts, prosecutors, curators, supervisory authorities, and asset agencies. A balanced outcome is achieved when public recovery objectives are met without unjustifiably displacing legitimate creditor or third-party rights.

The model is useful for future doctrinal, comparative, and empirical legal research. It can be used to test whether national regimes provide clear priority rules between criminal confiscation and insolvency administration, whether creditors have meaningful procedural standing, whether asset management institutions preserve asset value, and whether digital assets can be traced and recovered without violating procedural rights. The model also provides a policy framework for reforming asset confiscation bills, bankruptcy rules, and institutional coordination mechanisms.

CONCLUSION

This systematic review synthesized 29 Scopus-indexed, open-access journal articles and found that criminal asset seizure, asset recovery, and insolvency proceedings should be analyzed as intersecting legal regimes rather than as isolated doctrines. Asset recovery is a multistage process encompassing asset tracing, provisional seizure or freezing,

confiscation or forfeiture, asset management, and the return or distribution of recovered assets. Confiscation and forfeiture are justified by the public interest, deterrence, restitution, environmental restoration, and the recovery of state losses, but these measures must remain subject to the principles of legality, due process, proportionality, legal certainty, property rights, and the protection of bona fide third parties. The most significant doctrinal conflict arises when public asset recovery claims overlap with the administration of the bankruptcy estate and the protection of creditors.

From a policy perspective, the review recommends establishing clear priority rules governing the interaction between criminal seizure and bankruptcy administration, strengthening coordination among prosecutors, courts, insolvency practitioners, supervisory bodies, and asset management agencies, and developing more detailed procedures to protect creditors and bona fide third parties. Asset management institutions should also be strengthened to preserve the value of seized or confiscated property, while digital asset recovery requires specific rules governing classification, tracing, custody, valuation, and cross-border cooperation. Future research should conduct comparative analyses across jurisdictions, evaluate the proposed Doctrinal Coordination Model through case law analysis, and examine how asset recovery frameworks can effectively balance enforcement objectives with the protection of individual and creditor rights in insolvency-related conflicts.

This review has several limitations. It was limited to Scopus-indexed, English-language, open-access journal articles published between 2020 and 2025. These eligibility criteria facilitated transparent selection and full-text assessment but may have excluded relevant non-English-language, subscription-based, and book-based legal scholarship. The review also employed a doctrinal-thematic synthesis rather than a meta-analysis because the included studies did not provide comparable quantitative effect sizes. Future research should expand database coverage, incorporate case law datasets, and compare doctrinal findings with empirical evidence from courts, insolvency practitioners, and asset management institutions.

AUTHORS CONTRIBUTIONS

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COMPETING INTERESTS

The authors declare that they have no competing interests.

DATA AVAILABILITY STATEMENT

The data used in this study are available upon reasonable request. The PRISMA checklist, extraction matrix, and dataset associated with this study can be provided by the corresponding author or uploaded to an open repository before journal submission.

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