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Protecting Creditors' Rights Through Criminal Law In Cases Of Intentional Insolvency: Challenges And Prospects For Legal Reform

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ABSTRACT

Intentional insolvency creates a distinctive problem at the intersection of criminal justice and collective debt enforcement: conduct that diminishes the debtor's estate may simultaneously violate the interests of individual creditors, impair the integrity of insolvency proceedings, and undermine confidence in commercial transactions. This article examines the normative justification and institutional design of criminal-law protection for creditors in Uzbekistan, with particular attention to Article 181[1] of the Criminal Code and its relationship with the Law on Insolvency. Employing doctrinal, systematic and functional comparative methods, it evaluates the protected legal interests, the relationship between intentional misconduct and financial distress, the evidentiary relevance of creditor loss, and the boundaries between criminal punishment and civil insolvency remedies. Comparative reference is made to German bankruptcy offences, United States bankruptcy fraud legislation, and the UNCITRAL Legislative Guide on Insolvency Law. The article argues that effective protection requires more than expanding criminal prohibitions: a coherent model must combine a clearly defined offence, reliable methods of establishing causal harm, safeguards for legitimate business decisions, preservation of the insolvency estate, and structured cooperation between investigators and insolvency practitioners. It proposes a creditor-centred framework for legislative clarification and enforcement, while preserving the principle that commercial failure alone cannot establish criminal guilt. The analysis is normative rather than empirical and does not purport to report unverified conviction or loss statistics.

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Insolvency law addresses the collective consequences of a debtor's inability to satisfy obligations. Criminal law, by contrast, attributes personal blame to conduct that meets a precisely defined statutory prohibition. Their intersection is especially sensitive where a person deliberately produces or aggravates a debtor's inability to pay and creditors consequently suffer substantial loss. An adequate legal response must distinguish the ordinary distributional consequences of commercial failure from the additional wrong committed when assets, information, or decision-making powers are intentionally manipulated against

creditors. The distinction is not merely terminological: it determines whether public punishment is justified, which persons may be held liable, and how private claims can be preserved within criminal proceedings [1], [2].

The Uzbek legal framework provides a particularly relevant setting for this inquiry. Article 181¹ of the Criminal Code addresses intentional insolvency and identifies categories of potential offenders, intentional creation or aggravation of insolvency, relevant personal or third-party interests, and large damage to creditors. The 2024 legislative amendments extended the treatment of insolvency-related misconduct in response to the recognition of insolvency involving individuals and individual entrepreneurs. The legal significance of these developments cannot be assessed solely by examining the offence in isolation: the insolvency regime also defines the creditor's position, the administration of debtor property, and the procedures through which losses may be determined and recovered [1], [3], [4].

The research question is therefore not whether all harmful insolvency outcomes should be criminalized. Rather, it is how criminal-law protection can respond proportionately to deliberate conduct that impairs the collective creditor interest without converting unsuccessful enterprise management into a presumption of guilt. The article advances three propositions. First, creditor protection is both an individual and a collective legal interest. Second, causation and harm should be assessed through a counterfactual reconstruction of the debtor's financial position, not through the existence of an unpaid debt alone. Third, enforcement reform must coordinate asset preservation and criminal investigation with the autonomy of insolvency proceedings [2], [5].

This contribution differs from work concentrating principally on the legal qualification and detection indicators of intentional insolvency. Its analytical centre is the normative architecture of creditor protection: which creditor interests are protected, what kinds of harm justify penal intervention, and how remedies and procedural institutions should interact. Comparative material is used to test these questions rather than to present foreign law as an automatically transferable model.

Creditors do not form a homogeneous category. Secured creditors, employees, public authorities, commercial suppliers, financial institutions and unsecured consumers may occupy different positions in an insolvency distribution. Nevertheless, all have a legitimate interest in truthful financial information, preservation of the estate, lawful ordering of priorities, and avoidance of transactions that improperly shift losses to outsiders. The collective character of insolvency proceedings means that a transfer harming the estate may injure creditors even where the immediate recipient is another creditor. This feature complicates criminal-law analysis because individual payment default does not necessarily represent the legally relevant injury [2], [5].

The UNCITRAL Legislative Guide identifies a balance among timely responses to financial distress, the interests of creditors and other stakeholders, and wider public interests. Its discussion of directors' obligations in the period approaching insolvency highlights incentives to minimize loss and avoid conduct that worsens financial distress. These recommendations are not a criminal code and should not be mistaken for directly applicable offences. Their importance lies in demonstrating that the protection of creditors depends on early governance duties and functioning civil remedies, not solely on ex post punishment [5], [6].

The Law of Uzbekistan on Insolvency establishes a procedural framework through which claims, debtor property, rehabilitation and liquidation are addressed. In interpreting Article 181¹, these procedures supply relevant financial and legal context, but do not displace the independent requirements of criminal liability. An insolvency judgment, a liquidation deficit or an administrator's adverse assessment may provide evidence; none should be treated as automatic proof of intent, causation or criminal harm [1], [3].

Article 181¹ is situated within the criminal-law response to economic misconduct. The current formulation, as reflected in the official legal database, addresses deliberate creation or aggravation of insolvency by specified persons for their own benefit or that of others, with large damage to creditors as a consequence. Its construction links a culpable decision, a deterioration in solvency and a creditor-facing outcome. The provision is therefore more demanding than a rule punishing insolvency status as such [1].

Two interests are intertwined. The immediate protected interest is the ability of creditors to pursue lawful satisfaction of their claims against a debtor whose assets have not been deliberately depleted. A further institutional interest is confidence in the orderly functioning of credit and insolvency mechanisms. Treating the latter as a free-standing justification for punishment, however, would risk diluting the statutory harm requirement. A sound interpretation should anchor liability in demonstrable injury to creditors while acknowledging the broader systemic rationale for intervention.

The normative distinction between false insolvency, concealment of insolvency and intentional insolvency also matters. False representations about financial condition, deliberate concealment of an existing condition, and conduct that actually causes or increases inability to pay are analytically different. They may overlap in factual circumstances, but their legal characterization should depend on the acts and consequences established for each offence, not on the prosecutor's preference for a more serious label [1], [4].

German criminal law contains a structured set of insolvency-related offences. Section 283 of the Criminal Code addresses, among other things, removal or concealment of assets, certain uneconomic transactions and specified bookkeeping-related conduct under legally defined financial conditions; related provisions address serious cases, bookkeeping and creditor preferences. The German approach shows the potential value of identifying concrete forms of asset-endangering conduct. Yet its distinct statutory triggers, fault rules and procedural conditions prevent simple transplantation into Uzbek law [7].

United States federal law takes a different route. Under 18 U.S.C. § 157, bankruptcy fraud focuses on a scheme to defraud connected with filing a petition, filing documents or making specified representations in relation to bankruptcy proceedings. It therefore protects the integrity of a particular legal process through defined fraudulent acts, rather than creating a general prohibition of all deliberate business decisions leading to insolvency. The contrast helps separate fraud against a proceeding from intentional deterioration of the debtor's financial position [8].

Comparative analysis should identify functional equivalents rather than translate statutory labels literally. A jurisdiction may use criminal prohibitions, director liability, avoidance of suspect transactions and procedural disclosure duties to achieve overlapping protective outcomes. Consequently, a proposal for Uzbekistan must first identify the deficiency to be remedied and then determine whether the solution belongs in the Criminal Code, insolvency legislation, evidentiary practice or institutional coordination [5], [7], [8].

This study applies doctrinal legal analysis to the elements and objectives of Article 181[1] and systematic interpretation to its relationship with insolvency procedures and creditor remedies. A functional comparative method examines how selected foreign systems address the protection of creditors when debtor property is diverted or bankruptcy procedures are abused. Normative evaluation uses legality, culpability, proportionality, equality of creditors and effectiveness of remedies as criteria. The inquiry relies on primary legislation and institutional guidance, including the Uzbek Criminal Code, the Law on Insolvency, the 2024 amendment notice, the German Criminal Code, the United States Code and UNCITRAL materials [1]–[8].

The research does not use a dataset of criminal cases, conviction rates or financial losses. Accordingly, its conclusions concern doctrinal coherence and proposed institutional design rather than measured enforcement outcomes. Illustrative transaction patterns discussed below are hypothetical analytical examples, not accounts of actual judicial decisions. This limitation is important because a credible reform agenda should distinguish verifiable legal texts from empirical claims requiring official judicial and statistical records.

The comparative jurisdictions were selected for contrast rather than representativeness: Uzbekistan provides the principal statutory problem, Germany illustrates conduct-specific bankruptcy offences, the United States illustrates procedure-linked bankruptcy fraud, and UNCITRAL supplies a non-binding international policy framework. The analysis does not assert that the selected systems have identical thresholds of liability or that any one model is categorically superior.

Criminal protection of creditors must be conceptualized as protection against deliberate impairment of legally enforceable recovery prospects, not a guarantee that every debt will be paid. The creditor assumes

some commercial risk when entering a transaction. Criminal law becomes relevant only where the offender's conduct satisfies the elements of a specific offence, including the requisite mental state and consequences. This distinction preserves the economic function of credit while preventing penal law from becoming a substitute for ordinary collection proceedings.

The collective dimension of the protected interest is crucial. Suppose a debtor has ten creditors and intentionally transfers its principal asset to an affiliated entity without adequate consideration. The immediate injury may be expressed as the loss of a realizable asset from the estate, while its eventual distributional effect falls differently on each creditor. The criminal-law assessment should not simply add the face values of all unpaid claims: such a calculation may confuse pre-existing insolvency with harm caused by the disputed transfer. Instead, the inquiry should identify the estate's position absent the transfer and compare the recoveries reasonably available under each scenario.

The protected creditor interest also includes procedural equality within the lawful priority structure. A concealed preferential transfer may disadvantage other creditors even if the total asset pool does not immediately appear smaller. However, equality must be understood in accordance with statutory priorities and valid security rights. Not every payment to one creditor is unlawful, and not every departure from equal economic recovery amounts to criminal wrongdoing. Any penal assessment must begin with the legal status of the transaction under the applicable insolvency and property rules [3], [5].

This creditor-centred approach provides an interpretive discipline: it asks investigators to specify whose protected interest was impaired, how the act changed the debtor's financial position, why the impairment was unlawful and what evidence supports the offender's mental state. It also prevents abstract invocations of "economic security" from replacing the elements set out by the legislature.

A company may become insolvent because of an abrupt decline in demand, currency fluctuations, a failed investment, loss of a major customer or unexpected supply interruption. Such developments can occur despite diligent management. The mere chronological sequence of a risky decision followed by insolvency therefore does not establish criminal causation. Criminal responsibility requires an individualized assessment of what the decision-maker knew, intended and did, in the context of information reasonably available at the relevant time.

The principle of legality requires an especially careful distinction between imprudent management and intentional depletion. Poor forecasting, excessive optimism and even negligence are not equivalent to deliberate creation or aggravation of insolvency. A court should examine contemporaneous board records, financial projections, communications with creditors, related-party relationships and the commercial rationale for disputed transactions. Subsequent losses may test the credibility of an explanation, but they cannot retrospectively convert a genuinely commercial judgment into proof of intent.

An illustrative contrast clarifies the issue. A manufacturer that invests in new equipment on the basis of documented orders may fail when demand unexpectedly collapses; that outcome alone is insufficient. By contrast, a controlling person who knowingly transfers productive equipment to a related company at a nominal price while liabilities remain with the debtor may have deliberately reduced the estate available for creditors. Even in the second scenario, a conviction would still require proof of each statutory element, including the relevant consequence and causal link [1].

The evaluation should remain symmetrical. Prosecutors should test exculpatory explanations, not merely collect evidence consistent with wrongdoing. For example, a transfer below market value may reflect an emergency sale to maintain operations, an encumbered asset, or a transaction that produces other measurable benefits. Expert assessment should disclose assumptions, valuation dates and competing scenarios. A legal system that ignores these possibilities may deter legitimate restructuring and early intervention when companies face distress [5], [6].

The requirement of large damage to creditors makes the measurement of loss a central question. A workable analytical framework should distinguish three figures: the debtor's overall unpaid liabilities, the deterioration of its net realizable estate attributable to the disputed acts, and the portion of creditor recovery that would have been available without those acts. These figures are not interchangeable. Outstanding

liabilities may arise long before the alleged offence, while an estate diminution may not translate one-for-one into creditor loss because of security, priorities and the costs of realization.

Causal analysis should start with a transaction-level reconstruction. Investigators should establish the debtor's financial position before the conduct, identify the assets or liabilities affected, trace the relevant economic value, and estimate the position that would probably have existed had the conduct not occurred. The counterfactual must be grounded in evidence, not an assumption that the enterprise would otherwise have remained solvent indefinitely. Where market decline and deliberate transfers jointly contribute to loss, the analysis should isolate the contribution of the alleged criminal conduct as far as the evidence permits.

Valuation disputes are predictable. Inventory may have different book and liquidation values; receivables may be legally enforceable yet commercially doubtful; pledged assets may be unavailable to unsecured creditors; and group-company transactions may involve complex reciprocal obligations. Accordingly, forensic accountants should present ranges and explain sensitivity to assumptions where exact values cannot be established. The court retains responsibility for the legal conclusion, including whether the statutory damage threshold is met. Expert opinion should inform, not determine, guilt.

A particularly important safeguard is avoidance of double counting. If the same asset transfer is recorded as both a reduction of assets and a separate unpaid claim, simply adding the amounts would exaggerate the injury. Similarly, losses that creditors would have suffered because of an independent market shock should not automatically be attributed to the defendant. These constraints support a more defensible evidentiary standard and a more accurate assessment of the protected creditor interest.

Criminal proceedings and insolvency distribution also operate on different timelines. A criminal court may need to establish damage while the estate is still being recovered or contested. The relevant financial analysis should therefore disclose recoveries already made, pending avoidance claims and contingent assets, with mechanisms to prevent overlapping compensation. A later recovery may affect the outstanding loss and restitution without necessarily erasing the historical conduct or its original legal significance.

The wording of Article 181[1] makes subjective culpability indispensable. Intent should be inferred from a coherent body of circumstances, not from insolvency status or the defendant's managerial title. Potentially relevant evidence includes advance planning of asset transfers, concealed beneficial ownership, instructions to falsify records, repeated disregard of credible financial warnings and the absence of a plausible commercial rationale. Each circumstance is ambiguous in isolation; its probative force depends on timing, context and alternative explanations [1].

Personal interest or the interest of other persons should likewise be analyzed concretely. A related-party transaction may suggest a benefit, but corporate affiliation does not by itself prove unlawful motivation. The inquiry should identify the beneficiary, the economic advantage obtained, and the defendant's knowledge of the transaction's likely impact on creditors. A transparent restructuring within a group may be lawful; an undisclosed transfer intended to shield assets from collection may not be.

Attribution of conduct is difficult in complex organizations. Formal authority and actual decision-making power may diverge. A director may sign documents under instructions from a controlling owner, while a financial manager may possess operational control over accounts. Criminal law should not treat corporate office as a substitute for individual proof of conduct and fault. Evidence must identify who authorized, implemented, concealed or knowingly facilitated the harmful act, subject to the applicable statutory rules on perpetrators and participation.

Governance documentation is thus both an evidentiary resource and a preventive instrument. Minutes, risk assessments, independent valuations and records of creditor consultations may demonstrate that decisions were taken for legitimate restructuring purposes. Conversely, deliberate destruction of records may obstruct reconstruction and, where legally relevant, support an inference concerning concealment. Such inferences must remain rebuttable and consistent with the presumption of innocence.

An effective system must preserve the assets from which creditors may be paid. Criminal investigators may need to secure documentary and digital evidence, trace transferred property and prevent further dissipation. Insolvency administrators, meanwhile, require access to records and assets to maintain

operations, challenge suspect transactions and distribute recoveries. Uncoordinated seizure or prolonged restriction of assets can unintentionally reduce the estate and harm the very creditors whom the criminal case seeks to protect.

Institutional coordination should therefore be governed by explicit objectives and safeguards. Investigative measures should be proportionate, documented and designed to avoid unnecessary disruption of lawful rehabilitation or liquidation. Administrators should have channels for reporting suspected deliberate depletion, while investigators should receive legally authorized access to accounting and transaction data. Cooperation must respect confidentiality, procedural rights and judicial supervision.

Information-sharing protocols could specify the minimum documentary package for a referral: the debtor's financial statements, a chronology of disputed transactions, beneficial ownership information, preliminary valuation, the creditor claims register and an explanation of the suspected causal pathway. Such a package would not establish guilt; it would improve the quality and consistency of decisions about whether further investigation is warranted.

Creditors should receive clear information about the relationship between their insolvency claims and any claim for restitution or compensation arising from criminal proceedings. Procedural duplication can produce delay and inconsistent valuations. A coordinated model should track recoveries across proceedings and ensure that payment received through one route is properly accounted for in the other, without prejudicing valid priority rights or the defendant's procedural guarantees [3], [5].

German law illustrates the value of specifying conduct that threatens the debtor's estate, including removal or concealment of assets and particular economically destructive dealings under the conditions prescribed by Section 283. Its scheme can help lawmakers formulate more concrete descriptions of prohibited conduct. Nevertheless, the German provisions also demonstrate that detailed offence definitions require careful coordination with the insolvency condition and the relevant mental element. Importing isolated examples without the accompanying structure would create uncertainty [7].

The United States provision on bankruptcy fraud emphasizes fraudulent schemes linked to bankruptcy filings and representations. Its principal lesson for the present inquiry is the value of identifying a clearly bounded institutional harm: deception affecting a judicial bankruptcy process. Uzbekistan should not equate that federal offence with Article 181[1], which concerns the deliberate production or aggravation of insolvency and creditor damage. The two models address overlapping risks through different statutory architectures [1], [8].

UNCITRAL guidance supplies a broader institutional perspective. Its emphasis on timely responses to financial distress and directors' obligations suggests that criminal sanctions function best when supported by reliable financial reporting, credible restructuring mechanisms and civil remedies against harmful transactions. The comparative synthesis is therefore a layered model: insolvency law preserves and distributes value; civil liability and avoidance mechanisms repair wrongful depletion; criminal law addresses sufficiently culpable conduct that meets a clear statutory threshold [5], [6].

The comparative exercise also counsels restraint. Legal systems differ in the structure of their insolvency proceedings, corporate governance, enforcement institutions and evidentiary rules. Reform proposals should be tested against domestic procedural capacity and existing legal terminology. Effective creditor protection cannot be achieved by multiplying offences if administrators cannot trace assets or courts cannot reliably assess financial causation.

Criminal sanctions carry stigma and coercive consequences. Their use should therefore be reserved for conduct that the legislature has defined with adequate clarity and that warrants public condemnation beyond the remedies available in civil or insolvency law. The risk of overcriminalization is acute where entrepreneurial failure is socially visible and creditors experience serious loss. Public pressure for accountability must not replace proof of intentional conduct and statutory causation.

Proportionality operates at several levels. At the legislative level, the elements of the offence should differentiate deliberate creditor-harming conduct from ordinary non-payment. At the investigative level, searches, freezes and seizures should be justified by evidence and tailored to their protective purpose. At sentencing, courts should consider the degree of culpability, scale of harm, role of the offender, restitution

and other legally relevant circumstances rather than treating the insolvency deficit as the sole measure of seriousness.

Legal certainty is also important for legitimate restructuring. Directors facing distress should have incentives to preserve value, negotiate with creditors and document rational decisions. If any unsuccessful rescue attempt may be interpreted as intentional insolvency, management may delay intervention or choose premature liquidation. Clear statutory standards and reasoned evidentiary practice can protect creditors while reducing this chilling effect [5], [6].

First, consideration should be given to an interpretive clarification, or where necessary a carefully drafted legislative amendment, that explains the relationship among deliberate conduct, the creation or aggravation of insolvency, and large damage to creditors. The clarification should require a demonstrable causal contribution by the alleged act and should not treat the existence of unpaid liabilities as sufficient proof of creditor harm. Any reform must preserve the existing statutory threshold unless the legislature expressly changes it through ordinary lawmaking procedures.

Second, legislation or authoritative judicial guidance could identify non-exhaustive examples of potentially relevant conduct, such as intentional diversion of assets without equivalent consideration, deliberate assumption of fictitious liabilities, concealed transfers to related parties and purposeful destruction of economically significant records. Such examples should function as analytical illustrations, not presumptions of guilt. They should not expand liability beyond the enacted text by analogy.

Third, the relationship between Article 181[1] and adjacent offences should be clarified through an elements-based approach. Decision-makers should identify the specific act, required mental state and consequence associated with each provision. Where one course of conduct raises multiple offences, established rules governing concurrence and prohibition of double punishment should be applied. This would improve predictability without creating artificial gaps in protection [1], [4].

A unified forensic protocol should require a chronology of the debtor's financial condition, identification of each disputed transaction, assessment of the commercial justification, tracing of transferred value and a counterfactual estimate of recoverable assets. The protocol should distinguish accounting losses from realizable creditor losses, identify security interests and priorities, and explicitly address market-driven deterioration independent of the defendant's conduct.

Expert reports should state valuation dates, source documents, uncertainty ranges and alternative scenarios. Investigators and courts should be able to reproduce the principal calculations. Where recovery proceedings are ongoing, reports should distinguish historical loss, present outstanding loss and expected contingent recovery. These requirements would not dictate a particular verdict; they would improve transparency and reduce inconsistent treatment of similar facts.

The resulting evidence model can be summarized as a five-part sequence: identification of the legally relevant act; reconstruction of the pre-act financial position; tracing of economic effects; assessment of creditor-facing loss against a justified counterfactual; and independent evaluation of intent and statutory thresholds. None of these steps should be skipped merely because the debtor has been declared insolvent.

Procedural reform should strengthen coordination between insolvency administrators, competent investigative authorities and courts. A standardized referral mechanism could provide an initial evidence checklist, contact points, rules for secure data exchange and procedures for reconciling asset preservation with ongoing administration. Judicial oversight should remain available when investigative measures affect assets needed for lawful restructuring or distributions.

Asset recovery should be treated as an independent practical objective alongside punishment. Avoidance actions, recovery of transferred property and enforceable compensation orders can directly improve creditor outcomes. The legal system should prevent duplicate recovery while ensuring that criminal proceedings do not unintentionally obstruct collective distribution. The interests of secured and unsecured creditors must be assessed within the lawful priority system, not through ad hoc preferences generated by a criminal investigation.

Finally, judicial and professional training should emphasize the distinction between a financial indicator and proof of a statutory element. Case-based training can use anonymized or hypothetical balance

sheets, related-party transactions and competing valuation assumptions. Public reporting should eventually distinguish the number of referrals, investigations, prosecutions, convictions and amounts actually recovered; until official data are available, such figures should not be represented as established empirical findings.

As a policy proposal rather than a quotation of current law, the following interpretive principle is recommended: "For the purposes of assessing intentional insolvency, creditor damage shall be determined by reference to the demonstrable deterioration of the debtor's capacity to satisfy legally enforceable claims caused by the intentional conduct, taking account of the debtor's pre-existing financial condition and legally relevant recoveries." The precise legislative location and wording would require compatibility review with the Criminal Code, insolvency legislation and procedural law.

Implementation should proceed in stages. Initially, a joint methodological guideline could standardize documentary requirements and forensic questions. Next, anonymized case reviews could identify recurring interpretive conflicts and measure whether proposed methods improve consistency. Only after this evaluation should legislators consider textual amendments to Article 181¹ or related provisions. This sequence respects the possibility that some deficiencies arise from practice rather than statutory language.

A reform programme should be evaluated by indicators tied to creditor protection, including time required to secure relevant assets, consistency of valuation methodology, proportion of recoverable property preserved, and procedural safeguards observed. These are proposed evaluation metrics, not reported results. The broader objective is a system in which deliberate wrongdoing is punished on a sound evidentiary basis and legitimate financial rehabilitation remains possible.

The criminal-law protection of creditors in cases of intentional insolvency is justified not by financial failure alone but by culpable conduct that deliberately impairs the debtor's capacity to satisfy lawful claims and meets the statutory conditions of criminal liability. In Uzbekistan, Article 181¹ provides the central legal framework for addressing this problem. Its practical effectiveness depends on coherent interpretation of intentional conduct, causal deterioration, creditor damage and the roles of persons exercising control over debtor assets [1].

The analysis demonstrates that a creditor-centred approach must distinguish pre-existing debt from harm attributable to a particular act, individual recovery expectations from the collective insolvency estate, and fraudulent depletion from legitimate entrepreneurial risk. German law and United States bankruptcy fraud legislation illustrate different ways of defining insolvency-related wrongdoing, while UNCITRAL guidance underscores the complementary importance of directors' obligations, early intervention and functioning insolvency institutions [5]–[8].

The principal recommendations are to clarify the legal relationship between deliberate conduct and creditor damage, introduce transparent forensic reconstruction of loss, improve coordination between criminal investigation and insolvency administration, preserve effective recovery mechanisms, and maintain strong safeguards against treating insolvency as evidence of guilt. These measures would advance creditor protection without undermining legal certainty, proportionality or legitimate restructuring. Further empirical research using verified Uzbek judicial decisions and official statistics is necessary to test the implementation and practical effects of the proposed reforms.

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