



ALTERNATIVE APPROACHES TO THE RECOVERY OF PROPERTY DAMAGE RESULTING FROM CRIMINAL OFFENSES: A COMPARATIVE LEGAL ANALYSIS

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Abstract

This scientific article examines alternative mechanisms to traditional judicial procedures for recovering property damage caused by criminal offenses, namely restitution, reparation, compensation, and mediation. The study explores the criminal-law and civil-law nature of property damage and highlights the role of alternative mechanisms in restoring victims' rights. Within the framework of restorative justice theory, a comparative legal analysis is conducted to assess the effectiveness of these institutions. The article also reviews the experience of foreign jurisdictions, including European and Anglo-Saxon legal systems, identifying their advantages and limitations. The findings support the conclusion that a комплекс, differentiated application of alternative recovery methods contributes to more effective protection of victims' rights and promotes restorative justice principles.

Keywords: Crime, property damage, restitution, reparation, compensation, mediation, restorative justice, victims' rights

Introduction

Аннотация

В данной научной статье анализируются альтернативные по отношению к традиционным судебным механизмам способы возмещения имущественного вреда, причинённого преступлением, такие как реституция, репарация, компенсация и медиация. В работе раскрывается



уголовно-правовая и гражданско-правовая природа имущественного вреда, а также значение альтернативных механизмов в восстановлении прав потерпевших. В рамках концепции восстановительного правосудия проводится сравнительно-правовой анализ эффективности указанных институтов. Особое внимание уделяется опыту зарубежных государств, включая страны Европы и англосаксонской правовой системы, с выявлением их преимуществ и ограничений. По итогам исследования обосновывается вывод о целесообразности комплексного и дифференцированного применения альтернативных способов возмещения имущественного вреда в целях повышения уровня защиты прав потерпевших.

Ключевые слова: преступление, имущественный вред, реституция, репарация, компенсация, медиация, восстановительное правосудие, права потерпевших.

Annotatsiya

Mazkur ilmiy maqolada jinoyat natijasida yetkazilgan mulkiy ziyonni undirishning an'anaviy sud mexanizmlariga muqobil bo'lgan usullari — restitutsiya, reparatsiya, kompensatsiya va mediatsiyaning nazariy-huquqiy asoslari hamda amaliy qo'llanish xususiyatlari tahlil qilinadi. Tadqiqotda mulkiy ziyon tushunchasining jinoyat-huquqiy va fuqaroviy-huquqiy tabiati, jabrlanuvchi huquqlarini tiklashda muqobil mexanizmlarning o'rni va ahamiyati ochib beriladi. Shuningdek, restorativ adliya konsepsiyasi doirasida ushbu institutlarning samaradorligi solishtirma-huquqiy metod asosida yoritiladi. Chet davlatlar, jumladan Yevropa va anglo-saks huquq tizimlari tajribasi o'rganilib, ularning afzalliklari va cheklovlari ilmiy nuqtayi nazardan baholanadi. Tadqiqot natijasida mulkiy ziyonni undirishda muqobil usullarni kompleks va differensial qo'llash jabrlanuvchi manfaatlarini samaraliroq himoya qilishga xizmat qilishi asoslab beriladi.

Kalit so'zlar: jinoyat, mulkiy ziyon, restitutsiya, reparatsiya, kompensatsiya, mediatsiya, restorativ adliya, jabrlanuvchi huquqlari.



The issue of property damage caused by criminal offenses constitutes one of the most significant and complex institutions within criminal-law relations. As a result of the commission of a crime, not only the interests of the state but, first and foremost, the property rights and lawful interests of the victim are adversely affected. Therefore, contemporary criminal policy increasingly recognizes that combating crime should not be limited solely to punishment, but must also involve the development of effective and practical mechanisms for compensating the damage caused.

According to the traditional approach, the issue of compensation for property damage has generally been resolved within the framework of a court judgment, through civil claims or compulsory enforcement mechanisms. However, practical experience demonstrates that such an approach does not always ensure the full and timely restoration of victims' rights. The prolonged duration of judicial proceedings, the offender's inability to pay, or the complete failure to identify the offender significantly reduce the effectiveness of property damage recovery. As a result, victims are often compelled to bear the consequences of the crime themselves.

In this context, many foreign states in recent years have begun to pay particular attention to alternative methods for recovering property damage caused by criminal offenses. These methods include restitution, reparation, compensation, and mediation. Unlike punishment-oriented approaches, these institutions are primarily aimed at restoring victims' interests, establishing social justice, and resolving legal conflicts through consensual means. They have developed within the framework of the restorative justice concept and reflect broader trends toward the humanization of criminal law.

Nevertheless, there is no unified approach in academic literature regarding the legal nature, scope of application, and effectiveness of alternative methods for recovering property damage. While some scholars regard these institutions as alternative forms of criminal liability, others interpret them mainly as civil-law mechanisms or instruments of social reconciliation. Moreover, the question of whether alternative methods may be applied to all categories of crimes remains a subject of scholarly debate.

The purpose of this scientific article is to conduct a theoretical and legal analysis of alternative methods for recovering property damage caused by criminal



offenses—namely restitution, reparation, compensation, and mediation—to identify their specific characteristics and differences, and to assess the possibilities of their application from a comparative legal perspective based on foreign experience. The results of the study are expected to contribute to improving law enforcement practice in the field of property damage compensation and to enhancing the effective protection of victims' rights.

In criminal law theory, the concept of property damage caused by a criminal offense is regarded as a multi-layered and complex legal category. It encompasses both actual damages inflicted on the victim's property, property rights, or economic interests as a result of the crime, as well as lost profits. In contemporary doctrine, property damage is not limited to purely economic loss but is also interpreted as an expression of the disruption of legal and social balance caused by criminal conduct [1].

According to the traditional criminal-law approach, property damage constitutes a consequence of a crime and, in certain offenses, serves as a mandatory element of the *corpus delicti*. Under this interpretation, property damage functions as an important criterion for determining the degree of social harmfulness of a crime. At the same time, within civil-law doctrine, property damage is assessed as a compensatory mechanism aimed at restoring the victim's violated property rights. The divergence between these two approaches gives rise to fundamental scholarly debates concerning the legal nature of the institution of property damage compensation [2].

Proponents of the civil-compensatory doctrine argue that issues related to property damage compensation should primarily be resolved within the scope of civil law, as the main focus of criminal proceedings is the determination of guilt. Although this approach allows for precise calculation of damage and ensures legal certainty, it is criticized for being insufficient from the perspective of the prompt and effective restoration of victims' rights [3]. Empirical studies indicate that lengthy court proceedings and weaknesses in enforcement mechanisms significantly limit the real protection of victims' interests.

By contrast, the punitive doctrine interprets property damage compensation as an integral part of criminal liability. Within this framework, restitution and reparation are regarded as economic measures imposed on the offender. However, a number of scholars emphasize that this tendency risks undermining the



compensatory nature of property damage recovery by transforming it into a form of “hidden punishment” [4]. This approach may be particularly ineffective in restoring victims’ interests when the offender lacks the financial capacity to pay. In recent years, academic literature has increasingly emphasized the restorative (victim-centered) doctrine. This approach conceptualizes crime not merely as an offense against the state, but as a disruption of relationships between individuals and society. According to restorative justice theory, genuine justice is achieved not through punishment alone, but through acknowledgment of the harm caused and efforts to repair it [5]. Within this framework, the victim is no longer a passive participant in legal proceedings, but an active subject in the process of restoring justice.

At the same time, the application of the restorative approach as an absolute model remains controversial. Scholarly research suggests that while restorative mechanisms are generally effective for minor and medium-severity crimes, their application to serious offenses may expose victims to additional psychological pressure [6]. Consequently, many authors argue for the necessity of applying doctrinal approaches to property damage compensation in a complex and differentiated manner.

Thus, the concept of property damage caused by criminal offenses does not have a single, uniform legal interpretation, but has developed within various doctrinal paradigms. This circumstance provides a solid theoretical foundation for the scientific study of alternative methods for recovering property damage—restitution, reparation, compensation, and mediation.

For a long period, the issue of compensating property damage caused by criminal offenses was examined within the framework of a traditional punishment-oriented model of criminal justice. Under this model, crime was primarily regarded as an act committed against the interests of the state, while the victim’s property claims were considered secondary. As a result, compensation for property damage was most often resolved within the scope of a court judgment through the institution of civil claims [7].

Scholarly research demonstrates that traditional court-based recovery mechanisms do not always ensure the full and effective restoration of victims’ interests. The complexity and lengthy duration of judicial proceedings, as well as the inefficiency of enforcement mechanisms, significantly limit victims’ real



opportunities to obtain compensation [8]. This traditional approach becomes particularly ineffective in cases where the offender lacks the financial capacity to pay or remains unidentified.

Consequently, over recent decades, criminal-law policy has shown a gradual shift from punishment-based models toward alternative approaches focused on restoring victims' rights. In academic literature, this process is often described as a "victim-oriented shift" or a "restorative turn" [9]. Within this framework, addressing the consequences of crime is understood not solely as a matter of punishment, but as a process involving the compensation of damage and the restoration of disrupted social relations.

The theoretical foundation of alternative approaches lies in the concept of restorative justice. According to this concept, crime constitutes not merely a violation of legal norms, but a breakdown in relationships between the victim, the offender, and society. Accordingly, the process of compensating property damage should be organized with the victim's needs and interests placed at its center [10]. Empirical studies indicate that victims who participate in restorative mechanisms report significantly higher levels of satisfaction compared to those involved in traditional judicial proceedings [11].

However, alternative approaches are not regarded as absolute solutions. A number of studies note that the effectiveness of restorative and compensatory mechanisms depends on the nature of the crime, the condition of the victim, and the offender's socio-economic circumstances [12]. In particular, caution is expressed regarding the application of alternative mechanisms to serious and violent crimes, as such measures may expose victims to secondary victimization.

From this perspective, contemporary academic literature increasingly emphasizes not the opposition between traditional and alternative approaches, but rather their application within an integrated model. In such a model, punishment is retained as a means of protecting state interests, while alternative methods of property damage compensation are actively employed as mechanisms for the real restoration of victims' rights [13]. Scholarly assessments suggest that this comprehensive approach yields comparatively better outcomes in reducing the consequences of crime and enhancing public trust in the justice system.

Restitution represents one of the oldest and most widely applied alternative methods for compensating property damage caused by criminal offenses. Its core



purpose is to restore the victim, as far as possible, to the property position existing prior to the commission of the crime. In contemporary criminal-law doctrine, restitution is interpreted as the obligation imposed on the offender to compensate the damage caused either directly or through an equivalent form of payment [14]. The primary objective of this institution is not punishment, but the establishment of justice through the restoration of disrupted property relations.

Academic literature does not offer a unanimous view regarding the legal nature of restitution. Some authors assess restitution as a form of civil-law compensation integrated into criminal proceedings [15]. Other scholars regard it as an independent element of criminal liability, emphasizing that restitution constitutes a normative obligation aimed at restoring victims' rights rather than a supplementary punitive measure [16]. These opposing approaches hold significant theoretical importance in determining the place of restitution within the criminal justice system.

The main forms of restitution include: (a) the return of unlawfully obtained property; (b) monetary compensation for lost or damaged property; and (c) the transfer to the victim of income obtained as a result of the crime. Empirical research indicates that in-kind restitution is perceived by victims as the most just and satisfactory mechanism [17]. However, this form is effective only in cases where the property has been preserved and its return is technically feasible.

The impact of restitution on criminal-law consequences is also widely discussed in academic literature. In certain legal systems, restitution serves as a mitigating factor in sentencing when the offender voluntarily compensates the damage [18]. At the same time, the expansion of mandatory restitution mechanisms has been criticized for the risk of transforming restitution into a form of "hidden punishment" [19]. This concern is particularly relevant in situations where the offender lacks the financial capacity to pay, thereby weakening the genuine restorative function of restitution.

Contemporary studies link the effectiveness of restitution primarily to three factors: the offender's financial capacity, the efficiency of enforcement mechanisms, and the degree of the victim's participation in the process [20]. Where restitution is imposed merely as a formal obligation without effective enforcement, it acquires a declarative character from the victim's perspective. For



this reason, some authors emphasize the need to apply restitution in an integrated manner alongside mediation and consensual settlement mechanisms.

Thus, although restitution possesses significant normative and social potential as an alternative method of recovering property damage, its effectiveness is not automatic. Academic literature evaluates restitution as a mechanism that balances criminal liability and restorative justice. This circumstance further underscores the necessity of conducting a comparative analysis of restitution with other alternative methods—reparation, compensation, and mediation.

Reparation, as an alternative method of compensating property damage caused by criminal offenses, differs from restitution in its normative purpose and functional orientation. While restitution is primarily aimed at restoring the victim's individual property position, reparation is directed toward restoring broader social interests and collective justice disrupted by the crime. In contemporary criminal-law doctrine, reparation is interpreted not as an individual form of compensation, but rather as an institution grounded in the concept of social harm [21].

Academic literature does not provide a unified approach regarding the legal nature of reparation. Some researchers assess reparation as an independent form of criminal liability, viewing it as a mechanism through which the offender compensates society for the harm caused [22]. Other authors interpret reparation as a social restorative measure within the framework of restorative justice, emphasizing that its primary function is not punishment, but the restoration of social equilibrium disrupted by criminal conduct [23]. These opposing approaches are of significant theoretical importance in determining the place of reparation within the criminal justice system.

Forms of reparation are diverse and are determined by the type of crime, its degree of social harmfulness, and the nature of the affected interests. Empirical studies identify the main forms of reparation as: (a) the performance of compulsory work for the benefit of the community; (b) payments to the state or special funds; and (c) participation in projects aimed at restoring collective interests [24]. Although these forms may not involve direct payments to an individual victim, they contribute to reducing the social consequences of crime at a broader level.



The role of reparation in restoring social justice occupies a central place in academic discourse. Research indicates that the effectiveness of reparative measures largely depends on whether they are applied voluntarily or compulsorily [25]. Voluntary reparation tends to strengthen the offender's acknowledgment of responsibility and social reintegration, whereas compulsory reparation functions more as a normative coercive measure. Consequently, some authors emphasize the need to apply reparation in an integrated manner alongside restitution and mediation mechanisms.

At the same time, critical perspectives on the institution of reparation also exist. A number of studies question its fairness on the grounds that reparation does not directly compensate the individual victim's interests [26]. In particular, in cases where property damage is inflicted on a specific person, the exclusive application of community-oriented reparative measures may fail to provide sufficient satisfaction from the victim's perspective. For this reason, contemporary doctrine often treats reparation not as an independent mechanism, but as a component of a comprehensive restorative model.

Thus, reparation as an alternative method of recovering property damage caused by criminal offenses possesses a broad social orientation, extending beyond individual compensation to the restoration of societal interests. Academic literature recognizes the high social potential of reparation, while emphasizing that its effectiveness is fully realized only when applied in conjunction with other alternative mechanisms. This conclusion provides an important theoretical basis for the subsequent analysis of compensation and mediation institutions.

Compensation constitutes one of the alternative methods for recovering property damage caused by criminal offenses, distinguished by the fact that the damage is not compensated directly by the offender, but rather by the state or special public funds. In contemporary criminal-law doctrine, the institution of compensation is interpreted as a social guarantee mechanism aimed at protecting victims [27]. This approach differentiates compensation from classical restitution and reparation, linking it instead to the state's social responsibility.

Academic literature explains the emergence of compensation primarily by the limited effectiveness of traditional recovery mechanisms. Research demonstrates that in a significant number of criminal cases the offender is either unidentified or, even if identified, lacks sufficient financial capacity to compensate the



property damage caused [28]. In such situations, the protection of victims' interests may be ensured only through state-involved compensation mechanisms. Scholarly studies identify two main approaches to the legal nature of compensation. According to the first approach, compensation represents a form of social assistance provided by the state for damage caused by crime. Under this model, compensation does not replace the offender's liability, but serves as a guarantee aimed at ensuring a minimum level of protection for the victim [29]. The second approach links compensation to the state's positive obligations to secure victims' rights, interpreting it as an integral component of the human rights protection system [30].

The practical effectiveness of compensation mechanisms is widely discussed in academic literature. Empirical studies confirm that in Scandinavian and certain European countries, state compensation funds provide victims with prompt and relatively stable assistance [31]. At the same time, it is noted that compensation payments often fail to fully cover the actual damage suffered. As a result, compensation is more frequently assessed as a mechanism of minimum protection rather than full restitution.

Critical perspectives on the institution of compensation are also present in scholarly discourse. A number of articles emphasize that this mechanism may impose an additional financial burden on the state budget and may risk relegating the offender's personal responsibility to a secondary position [32]. Moreover, some researchers argue that the excessive expansion of compensation schemes may generate a form of "social insurance" effect with respect to criminality.

Nevertheless, contemporary doctrine does not regard compensation as a mechanism that excludes restitution and reparation, but rather as one that complements them. Studies emphasize that the most optimal model involves a comprehensive system in which the victim initially receives compensation from the state, followed by recovery from the offender through recourse mechanisms [33]. Such an approach ensures prompt protection for the victim while preserving the offender's personal responsibility.

In conclusion, compensation as an alternative method of recovering property damage caused by crime holds significant social and legal importance in protecting victims' rights. Academic literature recognizes the effectiveness of this institution, while emphasizing that its full restorative potential is realized only



when it is applied in conjunction with other alternative mechanisms. This provides a theoretical foundation for the subsequent analysis of the institution of mediation.

Mediation constitutes one of the alternative methods for recovering property damage caused by criminal offenses and is based on a consensual process conducted between the victim and the offender with the participation of a neutral mediator. The defining feature of this institution lies in resolving issues of property damage compensation not through coercive punitive mechanisms, but through mutual agreement and voluntary commitments of the parties [34]. For this reason, mediation is regarded as one of the most significant practical manifestations of the restorative approach in criminal-law relations.

Academic literature conceptualizes mediation as an approach that interprets crime not primarily as a conflict between the state and the offender, but as a disruption of balance among the interests of the victim, the offender, and society. From this perspective, addressing the consequences of crime requires consideration of the victim's material and moral needs, ensuring the offender's acknowledgment of responsibility, and preventing future offending as interconnected objectives [35]. Mediation has developed precisely as a mechanism designed to integrate these three elements.

Scholarly approaches to the legal nature of mediation differ. Some authors assess mediation as an alternative form of criminal procedure, regarding agreements reached through mediation as legal acts with procedural consequences [36]. Other researchers interpret mediation primarily as a social reconciliation mechanism, emphasizing that its principal function is not to replace punishment, but to restore social justice through acknowledgment and compensation of the harm caused [37]. This divergence holds considerable theoretical significance in defining the position of mediation within the legal system.

From the perspective of recovering property damage, the main advantage of mediation lies in ensuring the victim's active participation in the process. Studies indicate that mediation allows victims to directly express their position regarding the nature of the harm suffered, its impact on their lives, and the conditions of compensation [38]. This not only facilitates the development of flexible forms of property damage compensation, but also contributes to increasing the victim's subjective level of satisfaction.



At the same time, academic literature notes that the scope of mediation is limited. Most researchers emphasize that mediation is primarily suitable for minor and medium-severity crimes, particularly offenses involving property damage [39]. The application of mediation to serious crimes is approached with caution, as it may expose victims to additional psychological pressure or result in coerced consent by the offender.

Critical perspectives on mediation also exist. Some authors highlight the risk of imbalance of power between the parties during mediation, particularly where the offender's economic or social advantage may hinder the full protection of the victim's interests [40]. Accordingly, contemporary approaches emphasize that mediation should be conducted on the basis of strict procedural safeguards and the principle of voluntariness.

In conclusion, mediation possesses high restorative potential as an alternative method for recovering property damage caused by crime, focusing on achieving agreement while placing the victim's interests at the center of the process. Academic literature demonstrates that the effectiveness of mediation is fully realized when it is applied in conjunction with other alternative mechanisms, such as restitution and compensation. In this sense, mediation constitutes an essential component of a comprehensive model for property damage compensation.

In European countries, the issue of compensating property damage caused by criminal offenses has become an integral component of criminal-law policy, with the institutions of restitution and reparation occupying a leading role. Within European legal traditions, a gradual transition is observed from punishment-oriented models toward approaches focused on restoring victims' rights. In this process, restitution and reparation are actively applied as mechanisms for reducing the consequences of crime and restoring social justice [41].

In German criminal law, restitution is regarded as an institution closely linked to criminal liability. Under the prevailing approach, the voluntary compensation of property damage by the offender constitutes an important mitigating factor in sentencing. Academic literature characterizes the German model as a system based on the principle of "individualization through compensation" [42]. This approach reinforces restitution not as a substitute for punishment, but as a legal mechanism serving to restore victims' interests.



Within the French criminal justice system, restitution and reparation are applied primarily within the framework of a restorative approach. Particularly in cases involving minor and medium-severity crimes, reparative measures based on agreements between victims and offenders are widely used. French scholars assess reparation as a means of restoring moral responsibility toward both society and the victim, emphasizing its role in promoting social integration [43]. In this context, reparation is often implemented through community service or payments to special funds.

In the Italian context, the institutions of restitution and reparation occupy a stable position as alternative measures within criminal proceedings. Academic literature notes that reparative mechanisms in Italy are particularly effective for juvenile offenders and individuals committing a crime for the first time [44]. This approach not only contributes to reducing recidivism, but also facilitates the restoration of victims' rights.

A common characteristic of European practice is that restitution and reparation are applied not as isolated institutions, but as integral components of the criminal-law measures system. Research indicates that the effectiveness of these institutions is determined less by whether they are applied compulsorily or voluntarily than by the degree to which they are adapted to the real needs of the victim [45]. Consequently, an individualized approach to the application of alternative measures occupies a central place in European legal practice.

At the same time, certain challenges are also identified in European practice. In particular, the fact that reparative measures do not provide direct material compensation to the victim may, in some cases, fail to fully satisfy the victim's interests [46]. This circumstance gives rise to the necessity of applying restitution and reparation in combination. From this perspective, the experience of European countries demonstrates that the comprehensive application of alternative methods is more effective.

In conclusion, the institutions of restitution and reparation in European countries have evolved as key mechanisms for compensating property damage caused by criminal offenses. Their legal nature reflects a combination of punitive and restorative elements, which not only ensures the effective protection of victims' rights but also contributes to the development of a more humane model of crime



control. This experience provides a foundation for comparative analysis with the Anglo-Saxon legal system in subsequent sections.

This scientific study has examined alternative methods to traditional judicial mechanisms for recovering property damage caused by criminal offenses—namely restitution, reparation, compensation, and mediation—from both theoretical-legal and comparative-legal perspectives. The analysis demonstrates that, in contemporary criminal-law policy, the issue of property damage compensation cannot be confined solely to the function of punishment, but instead requires a comprehensive approach aimed at the real restoration of victims' rights.

The findings confirm that the concept of property damage caused by crime possesses a complex and multi-layered legal nature. Although civil-compensatory, punitive, and restorative doctrines offer different interpretations of this institution, none of them is capable of fully resolving the issue of property damage compensation in isolation. Accordingly, the most scientifically grounded and effective approach lies not in opposing these doctrines, but in applying them in a complementary and integrated manner.

The institution of restitution has emerged as the most direct mechanism aimed at restoring, as far as possible, the victim's pre-offense property position. However, its effectiveness has been shown to depend directly on the offender's financial capacity and the efficiency of enforcement mechanisms. Reparation, by contrast, is oriented toward restoring social justice and collective interests rather than individual compensation, and is of particular importance within the framework of restorative justice. At the same time, the limited capacity of reparation to directly compensate the victim's individual interests necessitates its application in conjunction with other alternative methods.

The institution of compensation plays a significant role in protecting victims as a state-involved social guarantee mechanism, particularly in cases where the offender is unidentified or lacks the financial capacity to pay. Nevertheless, since compensation may not fully cover the actual damage suffered and may impose a burden on the state budget, it should not be regarded as an independent solution. Rather, it is most appropriately applied in conjunction with restitution and recourse mechanisms. Mediation, in turn, stands out as a consensual mechanism with high restorative potential, based on agreement between the victim and the



offender. Although research indicates that mediation enhances victims' satisfaction, its scope of application must be determined with caution, taking into account the nature of the crime and the condition of the victim.

An analysis of foreign experience, particularly that of European countries, demonstrates that alternative methods of recovering property damage yield the greatest effectiveness when applied in a comprehensive and differentiated manner. This experience shows that a balanced integration of punitive and restorative elements enables more effective protection of victims' rights.

In summary, alternative methods for recovering property damage caused by criminal offenses possess substantial theoretical and practical significance within the modern criminal justice system, as they contribute to the real restoration of victims' interests. The systematic and coordinated implementation of these institutions in law enforcement practice promotes the humanization of criminal-law policy and enhances public trust in the justice system.

The results of the theoretical-legal and comparative analysis conducted in this study make it possible to advance the following scientific and practical recommendations for improving alternative methods of recovering property damage caused by criminal offenses.

First, it is necessary to clearly delineate alternative methods of property damage compensation at the normative level. Within the current criminal-procedural approach, the concepts of restitution, reparation, compensation, and mediation are often applied in a generalized manner. Therefore, the legal nature of these institutions, their conditions of application, and their procedural consequences should be separately and systematically *закреплен* at the legislative level. This would ensure consistency and uniform interpretation in law enforcement practice. Second, restitution should be strengthened as a priority alternative mechanism. The results of the study indicate that restitution constitutes the most direct and effective means of restoring victims' property rights. Accordingly, in criminal cases involving property damage, restitution should, as far as possible, be applied as a primary measure, with recourse to other alternative methods only in cases where restitution is not feasible.

Third, reparation should be applied not as an individual mechanism, but as a component of a comprehensive restorative framework. In situations where reparation does not directly compensate the victim's property damage, it should



be combined with restitution or compensation. This approach enables the restoration of disrupted social relations while ensuring that the victim's interests are not overlooked.

Fourth, state compensation mechanisms should be developed on a recourse basis. In cases where the offender is unidentified or lacks the financial capacity to pay, the provision of compensation by the state is justified from the perspective of social justice. However, the state's right of recourse against the offender should be preserved, and compensation should not become a mechanism that extinguishes the offender's personal liability.

Fifth, mediation should be applied exclusively on the basis of voluntariness and procedural safeguards. Although mediation possesses high restorative potential, it is effective only where a genuine balance of power exists between the victim and the offender. Accordingly, the application of mediation should require the victim's informed and pressure-free consent as a mandatory condition.

Sixth, it is advisable to develop clear criteria for the differentiated application of alternative methods. Establishing specific guidelines based on the type of crime, its degree of social harmfulness, the amount of property damage caused, and the condition of the victim would reduce subjectivity in law enforcement practice.

Seventh, the role of the victim in the process should be strengthened. The effectiveness of alternative mechanisms largely depends on the victim's active participation. Therefore, victims' rights to express their views on the form and method of property damage compensation, to participate in negotiations regarding settlement terms, and to monitor the enforcement process should be further expanded and strengthened.

Overall, the implementation of these recommendations would enable the systematic, effective, and victim-oriented application of alternative methods for recovering property damage caused by criminal offenses, thereby contributing to the humanization of criminal-law policy.