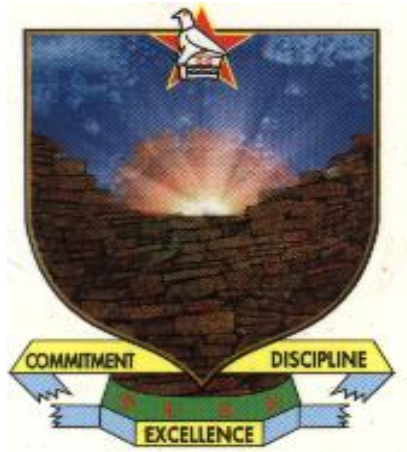


BINDURA UNIVERSITY OF SCIENCE EDUCATION

FACULTY OF COMMERCE

DEPARTMENT OF INTELLIGENCE AND SECURITY STUDIES



TOPIC

**THE EFFECTIVENESS OF ASSET FORFEITURE IN COMBATING
FINANCIAL CRIMES**

BY

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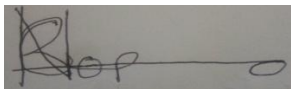
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ABSTRACT

The incidence of financial crimes has been on the rise globally, and Zimbabwe is no exception to this trend. In response, various legal and policy interventions have been implemented to suppress such offences, among them the mechanism of asset forfeiture. Nonetheless, the efficacy of these measures, particularly asset forfeiture, has not met the desired expectations. Despite a number of initiatives aimed at addressing financial crime, this research specifically examined the utility and suitability of asset forfeiture within the Zimbabwean legal and socio-economic context. The study aimed to identify the predominant forms of financial crime prevalent in Zimbabwe, to evaluate the effectiveness of asset forfeiture as a tool for combating such crimes, and to assess the challenges associated with the implementation of asset forfeiture regimes. The research reveals that corruption is the most prevalent financial crime in Zimbabwe, with a 93% prevalence rate which is mainly driven by fraud with an 87% prevalence, tax evasion with 78% prevalence and smuggling which is involved in nearly two-thirds of the financial crime incidents reported or perceived across various sectors.

A combination of stratified random sampling and convenience sampling methodologies was employed. Forty-eight officers in various institutions charged with asset forfeiture efforts in Zimbabwe were sampled and completed an online survey while twenty-two officers from the same institutions were interviewed. The research found that asset forfeiture is perceived to be 69% effective in combating financial crimes in Zimbabwe. This is driven by competence and experience of personnel involved in asset forfeiture which rated at 100%, high level of knowledge and understanding of asset forfeiture, which was rated 86%, well structured institutions which was rated 84% and capacity building which scored 86%. This suggests a moderate to high level of confidence in asset forfeiture as a legal and enforcement tool in the fight against economic and financial crimes. The adoption of asset forfeiture is not without challenges. Principal research findings showed that the biggest hurdle is political interference (98%), closely followed by corruption (94%), lack of resources (90%), and fear of victimization (70%) as the key factors militating against the optimal effectiveness of asset forfeiture measures. Furthermore, the extant legal framework was found to be misaligned with the practical exigencies of effective asset forfeiture, rendering it unfit for purpose.

To enhance the functionality and impact of asset forfeiture mechanisms in the fight against financial crime, it is imperative to increase fiscal allocations to relevant enforcement bodies, invest substantially in capacity-building initiatives, reform and harmonize the legal framework governing asset forfeiture, and foster political will and institutional integrity by ensuring an appropriate “tone from the top” that minimizes undue political influence. Without allocating adequate resources, decisively dealing with corruption, political interference, and fear of victimization as well as revamping the legal framework, effectiveness of asset forfeiture will thus remain evasive.

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CHAPTER I

INTRODUCTION

1.0 Introduction

Countries are bleeding from financial crimes that are causing loss of funds and assets of various magnitude. The financial crimes range from bribery and corruption, money laundering, tax evasion, to fraud, smuggling, and cyber-crime among many others. Unfortunately, Zimbabwe is no exception. Once acquired, the ill-gotten wealth is converted into various assets, locally and globally. Governments have been battling to contain the scourge and attempting to minimize the damage thereof. Among the measures authorities have been put in place include the setting up of specialized commissions and units to deal with specific crimes such as corruption, the way Zimbabwe has set-up the Zimbabwe Anti-Corruption Commission. In some instances, the law enforcement have invested in various skilled and also set-up various units in an effort to counter these crimes. While multiple measures have been put in place by various governments globally, focus is centred on asset forfeiture as a counter measure to these financial crimes.

1.1 Background of the study

Countries are bleeding and battling to mitigate financial crime. Actually, according to Dow Jones, financial crime is a low risk and high profit “illicit venture”. Financial crime is a very huge multi-trillion-dollar business for criminals, both individuals and entities alike. The United Nations Office on Drugs and Crime estimates that up to \$2 trillion of “ill gotten” funds are laundered through global financial networks every single year. This is a big figure considering that it represents between two (2) to five (5) percent of global Gross Domestic Product. Worryingly, the numbers are increasing year in, year out. Of the between two(2) and five (5) percent illicit funds laundered indicated earlier, approximately one (1) percent are intercepted globally. Numerous criminals exploit the complex nature of financial services, which renders detection and prevention very

difficult. More so, organized crime groups operating at an international level take full advantage of the differences that exist in national criminal legislations.

According to Dow Jones, financial crime is quite broad. It ranges from basic theft or fraud to enormous global schemes that are orchestrated and masterminded by organized criminal syndicates and gangs. The commission of financial crime can also be by single individuals. Generally, financial crime is taken to involve fraud, money laundering, terrorist financing, bribery and corruption, insider trading, and cybercrime. Granted, there are various ways and measures implemented by different to fight financial crimes. For example, China passed a law wherein people are sentenced to death when convicted on some corruption scandals. Li Jianping was found guilty on corruption, bribery, embezzlement, and involvement in organized crime and was sentenced to death in September 2022. Details on online Chinese publications highlight that Li Jianping spent the bulk of the “loot” on activities such as gambling, and purchasing luxury goods. Apart from the death sentence, which of course is deterrent in nature, there is no mention of the court’s position regarding the proceeds of crime he left behind. Could his family, kith and kin have benefitted from his (Li Jianping’s) corruption proceeds? To cater for these fears and to reduce the impact financial crimes, countries have adopted various strategies. Among these is creation of agencies that deal with specific financial crimes, for example, an anti-corruption body.

The creation of specific agencies has been adopted by various countries such as Nigeria. Nigeria does have an anti-corruption agency. The anti-corruption body embraces both post mortem as well as some proactive measures to deal with the scourge of corruption. The setting up of anti-corruption bodies which are meant to operate as watchdogs against some corrupt practices are viewed as effective, and proactive by some quarters. However, the creation of these anti-graft bodies has also been seriously discredited by some (Uthman 2017:108). Zimbabwe has also created the Zimbabwe Anti-Corruption Commission in terms of section 254 of the Constitution of Zimbabwe, 2013. This is just one of the ways countries are dealing with financial crimes, in this case, corruption.

Other ways that have been adopted include engagement and reliance on the work of professionals such as forensic accountants. For example, in Ghana, Forensic accountants are viewed as being in possession of the requisite training and skills that are so much needed to counter financial crimes (Ocansey, E. O. N. 2017:379).

Zimbabwe has also at times embraced this route. The Herald of 21 February 2011 reported that a forensic audit on the operations of Air Zimbabwe, a parastatal, had commenced, at the instigation of the Board of Directors of the parastatal.

Granted, only two measures have been discussed on steps some countries are taking to deal with financial crimes, that is establishment of bodies that are meant to counter specific financial crimes such as corruption as well as reliance on the work of forensic accountants and auditors. However, there are many more other ways with some jurisdictions putting in place legal instruments for asset forfeiture as a way of trying to effectively deal with financial crimes. What is asset forfeiture about? It is where a person loses ownership of money and or some assets (property) that were used in or where the money or property constitutes the proceeds of a crime. Some scholars are of the view that asset forfeiture is an effective way for governments to generate some revenues through criminal investigation and prosecution (Didwania, S. H. 2025:159).

The question that arises is where does Zimbabwe stand in terms of commission of financial crimes and how Zimbabwe has adopted asset forfeiture specifically, in the fight against these financial crimes? According to the Organized Crime Index, financial crimes are rampant in Zimbabwe, with these taking various shapes and forms, among them tax evasion which is conducted through over-pricing of imports, under-valuation of exports as well as embezzlement and misappropriation of company and public funds. Other factors that are exacerbating the commission of financial crime are violations of exchange control rules and regulations, underground banking, corruption, as well as political patronage that reinforces it at all levels. More so, Zimbabweans are oftenly convicted of credit card fraud, identity theft, and cyber-enabled fraud in other countries, rendering Zimbabwe a significant player in international fraud scams.

Asset forfeiture is being embraced as a way of curbing financial crime in Zimbabwe. Zimbabwe does have an Asset Forfeiture Unit that is under the National Prosecuting Authority. The Unit was established under Chapter 27A (4) of the National Prosecuting Authority Act and it plays a crucial role in combating financial crime by targeting the proceeds of criminal activity. Among its mandate are tracing, identification, recovery, seizure, or confiscation of proceeds of crime related to offences that are committed in Zimbabwe or elsewhere.

1.2 Statement of the problem

Scourge of financial crimes is real. Unfortunately, Zimbabwe is not an exception. Going by the February 2020 The Second Money Laundering and Terrorist Financing National Risk Assessment Key Findings report for Zimbabwe, The reports noted that the assessed value of threat proceeds of financial crimes for the period 2014 to 2018 is approximately US\$4.5 billion dollars. This translates to an annual average of about US\$900 million dollars per year. The annual figure was much higher in the last National Risk Assessment for Zimbabwe, standing at about US\$1.8 billion. While the amount financial crime proceeds “reduced” the figures remain too high and astounding. Going by media reports around the Chimombe-Mpofu Presidential Scheme fraud allegations, Henrieta Rushwaya attempted gold smuggling, as reported, among many others, the findings of the report appear to be in line with developments on the ground.

Sometime in 2024, speaking at a public event, Zimbabwe's Prosecutor General, who happens to be the former head of the Zimbabwe Anti-Corruption Commission (ZACC) was reported to have indicated that corruption alone is costing the country approximately US\$2 billion per year. Some might argue that perpetrators of financial crimes are being arrested and prosecuted the world over, in Zimbabwe included. Examples that come to mind include the 2020 case wherein Henrietta Rushwaya was fined US\$5000 for attempting to smuggle six (6) kilograms of gold valued US\$333000. In another case, Prisca Mupfumira who is a former Minister of Public Service, Labour and Social Welfare who was facing corruption related charges involving US\$90 million from National Social Security Authority (NSSA), was found not guilty and acquitted of the charges. Is arrest and prosecution of financial crime offenders yielding desired results? What other measures have financial, home affairs and national justice authorities attempted to invoke? Has forfeiture of assets/proceeds of crime been deterrent enough to discourage commission of financial crimes?

1.3 Purpose of the study

While there are various ways of combatting financial crime, this research seeks to unpack the usefulness and fitness of purpose of one of these ways, which is asset forfeiture, in the Zimbabwean context.

1.4 Research Objectives

- (i) To establish the main types of financial crimes in Zimbabwe.

- (ii) To determine the effectiveness of asset forfeiture in combating financial crime.
- (iii) To investigate the challenges that come with the adoption asset forfeiture as a mechanism for combating financial crimes.

1.5 Research Questions

- (i) What are the most prevalent financial crimes in Zimbabwe?
- (ii) How effective is asset forfeiture in combating financial crimes?
- (iii) What challenges are being encountered by regulatory authorities Zimbabwe for invoking asset forfeiture to counter financial crimes?

1.6 Significance of the study

The aim of this study is to undertake an assessment on how well asset forfeiture has performed to curb financial crimes in Zimbabwe, which, have been on the rise. Focussing on asset forfeiture is of essence since if successfully implemented, it acts as a disincentive to previous, current, and would-be offenders as they realize that the risk is not worth it. Compared with other measures such as imprisonment, if applied in isolation, offenders will take a gamble knowing that there is room of serving jail time but with a chance of serving the term and getting back to the community to enjoy the proceeds of crime.

The findings of this study will help Zimbabwean regulatory and law enforcement authorities to proactively adopt other preventative measures (with corrective elements as well) that will result in effective curtailment of the dominant financial crimes in Zimbabwe.

This study will also “push the frontiers of knowledge” by proffering new ideas and ways of implementing asset forfeiture to significantly reduce financial crimes in Zimbabwe . Existing literature, research and findings will also be consulted and borrowed from, as they apply to the Zimbabwean context.

One of the stakeholders that stands to benefit from asset forfeiture is the National Treasury: the Ministry of Finance, Economic Development and Investment Promotion. Disposal of confiscated assets earns revenue which Treasury can allocate for use in various initiatives and activities of government departments, agencies, and related expenses.

The community also stands to benefit from asset forfeiture. The resourcing of the relevant arms that deal with asset forfeiture is actually employment that would have been created. More so, asset forfeiture acts as a deterrent to commission of crime. This benefits the community through peace of mind and the sense of security that come with that.

1.7 Assumptions

- (i) It is assumed that all participants in the study have a similar adequate understanding of asset forfeiture and financial crimes generally, and in Zimbabwe in particular. This assumption is premised on the selection criteria used in recruiting participants.
- (ii) It is assumed that participants will positively contribute to the study by providing accurate and honest responses regarding effectiveness of asset forfeiture in fighting financial crimes in Zimbabwe . This assumption is based on the fact that the participants are involved in curbing financial crimes in one way or another and thus appreciates the significance of their input to this study as a way of attempting to better the process.

1.8 Delimitations of the study

- (i) The study is on the effectiveness of asset forfeiture in combating financial crimes in Harare, Zimbabwe.
- (ii) The data for this research is gathered from practitioners and personnels involved in managing financial crimes in Zimbabwe in one way or another, during the period 2020 to 2024.

1.9 Limitations

- (i) The work commitment by the researcher. At times the researcher had to take some days off work to concentrate on this research.
- (ii) The objectivity and accuracy of the responses given by sampled participants.
- (iii) Financial constraints. Research required some financial resources of some sort to be successful. The researcher relied on family savings to cater for financial requirements of this research.

- (iv) Challenges to meet required deadlines because of time constraints. The researcher resorted to working late into the night, working over weekends and holidays in order to meet various deadlines.
- (v) Accessing necessary information was also a challenge. The researcher had to rely on colleagues and referrals in various institutions to be granted access to information used in this research.

1.10 Chapter summary

This chapter looked at the background of the study, statement of the problem, purpose of the study, significance of the study, objectives of the study, assumptions, delimitations and limitations of the study.

CHAPTER II

LITERATURE REVIEW

2.0 Introduction

The previous chapter highlighted the background of financial crimes and asset forfeiture. The chapter considered these elements starting at the global level, to the continent, region, and lastly, specifically on Zimbabwe. Financial crimes are on the rise with some countries penalising offenders with death. For example, there have been numerous cases wherein China has sentenced public officials convicted for corruption charges with death penalty. Chapter I also covered the purpose of the study, the research objectives and research questions, the hypothesis, significance of the study, assumptions, delimitations as well as the limitations of the research.

This chapter presents a review of past literature. Relevant literature on asset forfeiture and financial crimes was reviewed and a comparative analysis undertaken with the Zimbabwean approach. Some case studies and examples of how other jurisdictions have applied asset forfeiture to disincentivize financial crimes have also been presented and analysed. This literature review seeks to search for strategies that Zimbabwe can employ to improve asset forfeiture as a tool for abating financial crimes. Likewise, recommendations on the path the Zimbabwean authorities and regulatory agencies can take will also be covered in this chapter. The conceptual and the theoretical frameworks are also part of this chapter.

2.1 Conceptual Framework

2.1.0 Asset Forfeiture

Curlewis, L. G. (2024:1) defined asset forfeiture as a legal process that enables authorities as well as victims of economic and or financial crimes to seize, realize and confiscate assets that have been acquired through criminal and or other illegal activities. UNODC notes that asset forfeiture and asset recovery are new ways used to curb money laundering. UNODC proposes that there be regional exchange of knowledge and

experience in order to significantly improve effectiveness of asset forfeiture. United Nation Convention Against Corruption (2003) regulates the existence of arrangements on matters concerning the search, and seizure of assets, proceeds as well as instruments of criminal acts between countries.

Sinuhaji, S. K. B., & Harahap, M. M. (2024:141) notes that there are three (3) types of asset forfeiture mechanisms namely criminal forfeiture also referred to as personam, civil asset forfeiture, and finally, administrative asset forfeiture.

2.1.1. Civil Asset Forfeiture

Civil forfeiture requires a standard of proof is much lower. In a civil forfeiture action, the government need not prove beyond reasonable doubt, rather, only a preponderance of the evidence that the asset(s) in question was/were used or otherwise obtained illegally, qualifies it for forfeiture. Proceedings of civil forfeiture are independent of criminal proceedings. Research has shown that approximately ninety (90) percent of civil forfeitures are not accompanied by some criminal charges. This could be intentional or as a result of insufficient admissible evidence to support and push for a criminal prosecution (Worrall 2008:7).

Worrall (2008:7) notes that civil forfeiture can occur via three mechanisms. Firstly, **summary forfeiture**. This occurs where asset(s) is/are summarily seized. Property/assets subject to summary forfeiture is typically contraband, such as illegal narcotics. Secondly, **administrative forfeiture**. Administrative forfeiture is usually commenced against property of a value provided in statute(s). Sometimes it is against cash of any value. Administrative proceedings are performed by the seizing agency. It is the government that initiates a forfeiture action. It is also the government that takes ownership of the property/asset(s) if no one contests the forfeiture. Generally, real property is not subjected to administrative forfeiture, even if it is valued at less than amount prescribed in the statutes. Thirdly and lastly, civil judicial forfeiture proceedings take place before a judge. It is like a trial.

2.1.2 Criminal Asset Forfeiture

Criminal forfeiture accompanies a criminal conviction. Criminal forfeiture is generally less prevalent compared to civil forfeiture. The reason is that the burden of proof / standard of proof that is required in criminal cases is much higher... proof beyond a

reasonable doubt. Criminal forfeiture becomes a sentencing option in instances where the statute used to convict the offender provides for forfeiture. In cases where a third party has an interest in the property or assets that are subject to forfeiture, ancillary hearings are usually held to ascertain the nature of the interest to allow for adjustments as deemed necessary (Worrall 2008:6). In persona asset forfeiture, which is also known as criminal forfeiture is very closely related to a person's criminalization. In this regard, asset confiscation is undertaken after it has been proven that there exists a criminal act. It is premised on a court decision that has permanent legal force, this becomes the basis for confiscating property from the defendant. This mechanism uses criminal Law (Sinuhaji, S. K. B., & Harahap, M. M. (2024:141).

2.2 Challenges of asset forfeiture

2.2.1 Challenges of asset forfeiture in foreign jurisdictions

There are numerous international organisations that are involved in asset recovery, corruption, formal and informal co-operation across frontiers. Some of these involvements and initiatives are of a regional nature while others are global with some being topic focused for instance on corruption. This bleeds co-ordination dilemmas with higher risks of overlap, and gaps in co-ordination. (FATF page 48)

2.2.1.1 Challenges of asset forfeiture: South Africa

Criminal asset forfeiture law is a key element of criminal law enforcement in South Africa. Various reasons are given as justification for including asset forfeiture as part of criminal law enforcement. Most importantly, law enforcement authorities and the courts seek to, not only to apprehend the offender and have him/her convicted, but also to displace the instruments of crime to avoid further circulation the offender or by other members of illegal network (V Basdeo 2014). The challenge though in South Africa is that certain legal provisions of criminal asset forfeiture are not aligned to or are inconsistent with key principles of both substantive and procedural law. Some of these are the presumption of innocence as well as the principle that a person can only be convicted for explicitly indicted as well as proven criminal offences (V Basdeo 2014).

2.2.1.2 Challenges of asset forfeiture: Namibia

In the case of *Shalli v The Attorney – General* (POCA 9/2011) [2013] the court found that ...civil forfeiture under chapter 6 violates the right to dignity which is protected by article 8 of the Namibian Constitution.

2.2.1.3 Challenges of asset forfeiture: Nigeria

The legal as well as the institutional framework for asset forfeiture in Nigeria is evolving. Although Nigeria has made provision for confiscation pursuant to a criminal conviction in various pieces of legislation such as the MLPA 2011 and the EFCC Act, going by the outcome of cases that have been handled by the EFCC, the institution has been quite effective in dealing with fraud cases involving ordinary citizens but performed dismally on cases involving Politically Exposed Persons (PEPs). This reflected by the fewer prosecutions and convictions in matters involving PEP. Majority of such cases are delayed with others struck out by the courts (Shehu, A. 2014:194).

To be able to recover proceeds of crime, there has to be evidence of the existence of assets. Therefore, for successful recovery of criminal proceeds, assets must be tracked not only to their final hiding place, but also that causality must be established between the asset/property and the criminal activity. This is a complex process that is both technical and time consuming. With Nigeria being a cash based society with limited investigative capacity, this poses a challenge. Stolen assets/property are usually layered using different accounts and corporate vehicles thus requiring special expertise as well as resources and cooperation between multiple intelligence and law enforcement agencies and authorities, as well as prosecutors for the identification and successful tracing of illicit assets. All key stakeholders, therefore, among them the Financial Intelligence Unit (FIU), law enforcement agencies and prosecutors need to fully cooperate and work together always. However, the challenge is that in most instances, different law enforcement agencies and authorities want to protect their “tuft”. These “tuft fights” are an impediment to effective prosecutions and confiscations (Shehu, A. 2014:194).

Another challenge is that although, most countries, including Nigeria, have legal frameworks in place for confiscation and forfeiture of criminal proceeds pursuant to criminal proceedings, the ways for recovering illicit proceeds by way of civil courts

have not been fully established within Nigeria's legal framework (Shehu, Abdullahi. (2014:194).

2.2.1.4 Challenges of asset forfeiture: China

China's legal system and requirements for asset forfeiture are very different from the legal system in most countries including that of the United States. Peterman N.A (2014) notes that faced with the need to confiscate money and other assets/property in China, investors have encountered a dilemma of the formality and relatively very undeveloped nature of the Chinese legal system, rendering it difficult, time consuming as well as costly for investors to pursue legal action to recover property/assets. Also, the way in which investments are structured has the net effect of constraining the investor's ability to recover property, assets and or money.

2.3 Types of financial Crime (s)

Picard, M. (2008:6) posits that financial crimes encompasses a combination of experts who work as a team with a shared purpose in mind, the purpose of making profits. Generally, from an economics and business standpoint, profit must be, at a minimum, be equal to the risk and should be easily convertible to, and in usable cash for when required.

Currently, there is not an internationally and universally accepted and agreed definition of financial crime (Ryder, 2011). However, financial crime is usually defined as crime committed against property that involves the unlawful conversion of property of another for own use and benefit. The International Monetary Fund (2001), defined financial crime as any non-violent crime that gives birth to a financial loss. The Financial Services and Markets Act 2000 (United Kingdom) provides that financial crime includes any offence that involves fraud and or dishonesty, misconduct in, or abuse of information relating to, financial market(s), or the handling the proceeds of criminal activity. Muminovic, H. (2024:6).also notes that fiscal crimes are also financial crime(s).

2.3.1 Bribery and Corruption

Corruption is listed as a special form of financial crime. Corruption significantly compromises the stability of well-functioning financial systems and it jeopardises the whole economy. Corruption is defined as the misuse of the public services for gaining private profit (Šoškić, 2004: 19). Corruption is a threat to core values of a democratic

society. Corruption undermines citizens' trust in public institutions, equality of people, and justice. (Dimovski and Stanojević, 2013: 93).

2.3.2 Money laundering

Money laundering is defined as the processing of proceeds of crime with a view to disguise their origin which is of illegal nature. Money laundering enables criminals to enjoy proceeds of crime without jeopardizing their source. (UNODC). Money laundering is defined differently by different authors however it just refers to a process that is illegal that is used to conceal the true origin of money that is acquired through some unlawful activities. The ill gotten money is thus converted to appear as if it emanated from a clean and legitimate source. These unlawful activities are multiple that they encompass among others drug trafficking, gambling, and corruption. (Vemuri, S. et-al 2023: 19).

Money laundering is also defined in the UN Vienna 1988 Convention Article 3.1 as the conversion or transfer of property with the knowledge that the property is derived from a criminal activity, for concealing or disguising the illicit origin of such property or of assisting any person who is involved in the offense(s) to escape the legal consequences of such actions.

Section 8 of the Money Laundering Proceeds of Crime Act defines money laundering offenses by saying anyone who converts or who transfers property;

- (a) That was acquired through some unlawful activity or who knows, believes or suspects that it is the proceeds of crime,
- (b) To conceal or disguise the illicit origin of the property, or of assisting anyone involved in committing a serious offence to evade the legal consequences of his/her acts or omission, commits an offense,
- (2) Anyone who disguises the actual nature, source, location, disposition, movement or ownership of or rights of the property, with knowledge or suspicion that the property is the proceeds of crime, commits an offense,
- (3) Anyone who acquires, uses or possesses property with knowledge or suspicion at the time of receiving that the property is proceeds of crime, commits an offense...

(4) Participating in, association with or conspiracy to commit, or attempting to commit, and to aid, to abet, to facilitate and counselling the commission of any of the listed above also commits an offense,

(5) Knowing, suspecting, intending or purpose required as elements of an offence listed above may be inferred from objective factual circumstances...

(7) ...proceeds of crime includes proceeds of an offences committed outside Zimbabwe ...

2.3.3 Fraud

The Association of Certified Fraud Examiners defined fraud as any activity that relies on deception for purposes of achieving a gain. Fraud only becomes a crime when there is knowledge that a misrepresentation of the truth has taken place. On the other hand, (Skalak, S. et-al (2015:1) notes that fraud involves the misuse of another person's expectation of fair treatment by other human beings. Fraud results in financial loss among other outcomes. Manurung and Hadian (2013:4) defined fraud as any act, expression, concealment or omission, calculated in order to deceive another aimed to gain own disadvantage, specifically, a concealment or misrepresentation with reference to some facts that are material to a transaction that is made with full knowledge of its falsity.

2.3.4 Smuggling

Smuggling is defined as the purposeful movement across borders in contravention to the existing relevant legal frameworks. Smuggling is fundamentally politically defined because the borders that used to make smuggling cross border trade as well as the laws that render it illegal are social and political constructs. This implies that the boundaries of smuggling are movable and embedded in the context of an activity more than in the activity itself.

Smuggling is typically trade that is anchored in the demand for certain products and the costs of their movement. Smuggling is segmented from legal trade through laws, which are deeply political and tied into processes of state formation, economic regulation and prohibition, and geopolitics and conflict. (Gallien, M. & Weigand, F. (2021:1).

2.3.5 Cyber crime

Cybercrime refers to crimes that are committed on the internet through the use of computers either a tool or a targeted victim. All cybercrimes involve the computer as well as the person who will be behind it as victims, although it just depends on which of the two is the main target. Therefore, the computer considered as either a target or tool (Aghatise, J. 2006).

Cyberattacks are on the rise in frequency as well as in impact. Cyber criminals are developing novel and ingenious methods to hack into the systems. Therefore, the IT security specialists should strive to be proactive and to embrace preventive approaches in bettering the security level of their systems. Since cyber security assaults are very sophisticated, the companies' reaction should consists of increased investments in information security solutions (Stanciu, Victoria & Tinca, Andrei. (2017). Page 611.

2.3.6 Tax evasion

There are various definitions of tax evasion. Tax evasion is defined by the United States' Internal Revenue Service as an intentional misrepresentation of material facts that is performed by the taxpayer with the specific purpose of evading a tax that is known or believed to be owed. James and Alley define tax evasion as an attempt to lessen tax liability through some illegal means'. Lewis (1982: 123) perceived tax evasion as 'any legal method of reducing one's tax bill' and tax evasion is 'illegal tax dodging' (Palil, M. et-al 2016). According to the 2019 National Risk Assessment Report for Zimbabwe, tax evasion is among the prevalent predicate offences that are being used for generating illegal proceeds. Among the key statutes being contravened are the Customs and Exercise Act, Gold Trade Act, and the Income Tax Act. Between 2014 and 2018 approximately 4.5 billion dollars was lost through tax evasion.

2.4 Relevance of Asset forfeiture

Asset forfeiture is of great importance as it prevents convicts from enjoying the proceeds of criminal acts (Sinuhaji, S. K. B., & Harahap, M. M. 2024:141). Hofmeyr, W. (2013) posits that asset forfeiture is an innovative way that helps fighting crime by means of civil litigation and notes that it has been very successful in combating crime and corruption in South Africa. Hofmeyr recommends a hybrid approach that combines conviction-based and non-conviction-based forfeiture for the most optimum results. He

further highlights the significance of the UK conviction-based model which is value-based not just the proceeds of crime.

2.5 Theoretical Framework

2.5.1 Rational Choice Theory

The rational choice theory is alternatively referred to as the choice theory or the rational action theory. This theory is meant for the comprehension as well as modelling social, economic, and individual behaviour. It is the main paradigm in the currently-dominant microeconomics school of thought. The Rational Choice Theory is central to modern political science and other fields like sociology, philosophy, among others. Becker (1976) recorded that this theory gained fame from the work of the 1992 Nobel Memorial Prize Laureate in Economics Science, Gary Becker, who happened to have been among the first people to apply rational actor models at a wider scale. stated the ess Ogu, M. (2013:90), in reference to the rational choice theory said that when faced with numerous courses of action, people often prefer to go by what they believe is more likely to lead to the attainment of the best overall outcome.

Rational behaviour is described as being that kind of behaviour that is ideal for specific goals to be the realized, in light of limitations prevailing in the circumstances. The main elements of rational choice explanations are given as individual preferences, constraints, and beliefs. Preferences pertain to the negative or positive or evaluations individuals attach to the probable outcomes of their actions. Preferences emanate from multiple sources among them culturally borne and spread tastes for food as well as other items relating to personal habits and commitments Wittek, R. (2013). Constraints, on the other hand, define and prescribe the limits to the set of feasible and possible actions. Wittek, R. (2013) define beliefs as perceived cause-effect relations that includes the perceived likelihood with which actions of an individual will actually result in various possible outcomes.

2.5.2 Rational Choice Theory: Strengths

Becker (1976) noted that the rational choice model is a unified framework that is useful for understanding all human behaviour". On the other hand, Rogowski (1997) notes that the model is the most rigorous... Hirshleifer (1985) describes the theory as being universal grammar of social science. Other merits of the rational choice theory are;

2.5.2.1 Generality. Every set of assumptions relating to each type of actor in a given circumstance, is aligned to the set of structural assumptions concerning the environmental setting in which the actor is operating in. In this context, a Zimbabwean with evidence of corrupt activities involving public officials will consider whether it would be worthwhile to approach the Zimbabwe Anti-Corruption Commission after looking at various factors such as chance of victimization and retaliation, availability of rewards, whether s/he will be legally protected among others.

2.5.2.2 Parsimony. Beliefs and Preferences are viewed as the only relevant variables for determining action. For example, based on some traditional or religious beliefs, a Zimbabwe Revenue Authority employee may refuse a bribe from smugglers based on their religious, moral, and ethical convictions.

2.5.2.3 Predictive. The decisiveness and effectiveness of rational choice theories is hinged on structural and individual actor's assumptions. The ZRP investigating officer proceeds compilation of documentation to take fraudsters to court because of their strong assumptions, based on available evidence, that the fraudsters are likely to be convicted.

2.5.3 Applicability of the Rational Choice Theory

Individuals are viewed by the rational choice approach as being rational, self-interested, self-calculating, and self-maximizing, hence, it thus becomes difficult for Zimbabwean to take part in collective action unless the public good is likely to lead ultimately to satisfaction of their own various interests.

The rational choice theory is a gaining popularity as a paradigm in political science and is applicable to various of areas in the discipline, especially, voting behaviour, criminology, policy formulation, and implementation, rule formation, among others.

Legislation: Most of the time, if not all of the time, bills and policy suggestions made by members of the legislative chamber are made with the aim of achieving some form of personal interests first, and maybe the interest of the public could follow. Individuals, in the first place, get appointed into legislatures offices to fulfil some form of personal interests as against the intention to serve the public. Thus, their mere appointment into the legislature is a drive to fulfil some personal interest; hence all other activities that follow as a legislator can be dismissed as rational (Ogu, M. 2013:95).

2.6 Opportunity theory

This theory is a commonly-used to analyze etiology of state crimes (Hosseini, G. & Javadi, H. 2023). The Opportunity theory emanated from the field of criminology, a scientific study of crime as well as criminals. The theory is a result of work of some sociologists and criminologists of the 1960s and 1970s. The proponents of this theory challenged the belief that existed then, that crime was caused by individuals' personality traits or social conditions. Rather, these scholars proffered an alternative view that crime is also highly dependent on opportunity. They then proposed that the immediate, tangible opportunities that individuals face in their daily lives can also contribute to their decisions to commit a crime.

Opportunity is a result of ineffective controls that gives room to an individual to commit fraud. In accounting, this is referred to as internal control weaknesses. The concept of perceived opportunity means that people are likely to take advantage of circumstances available to them. The nature of perceived opportunity can be likened to perceived pressure because the opportunity does not have to be real too. Opportunity is defined as the ability to override the fraud controls that have been put in place. Rae and Subramanian (2008) posit that opportunity is the ability and power to realize the weaknesses of the organizational system and seizing the advantage of it by making fraud possible.

2.6.1 Strengths of the Opportunity theory

The opportunity theory is premised on the notion of improving structures which will thus give the government (Zimbabwean government) incentive. The theory also focuses on increasing interior and exterior controls which are designed to minimize state's chances to commit (financial) crimes such as money laundering, corruption, fraud, smuggling, tax evasion as well as strengthening both domestic and international limitations which assists to prevent governments from commission of (financial) crimes. On this basis, some elements of the merits of the opportunity theory has informed some recommendations of this research outlined in Chapter 5 of this research.

2.6.2 Weaknesses of the Opportunity theory

Although the opportunity theory explains the occurrence of (financial) crimes to some extent, however, has failed to explain the various aspects of these (financial) crimes, thus creating the need for unified theories.

2.6.3 Applicability of the Opportunity theory

The theory provides some valuable insights concerning the causes of crime as well as crime prevention strategies. Through taking into consideration both the motivation as well as opportunities for crime, effective strategies for crime reduction can thus be developed. The opportunity theory is also relevant to the Zimbabwean context in as far combating financial crimes is concerned as it advocates for structural transformations as well as improvement of both internal and external controls by the governments and its agencies.

2.7 Empirical evidence

2.7.1 Types of fraud

Gottschalk, P., 2010. Categories of financial crime

The purpose of the paper is to present a structured method for categorizing financial crimes into primary and secondary classifications. Drawing on a review of existing literature, the authors identify four main categories of financial crime namely corruption, fraud, theft, and manipulation. The findings from the paper reveals a wide range of financial crime types and terminologies, which can be effectively grouped under the proposed main categories. As an exploratory study, this paper lays the groundwork for future research aimed at refining and enhancing the proposed classification system. By offering a clear classification of diverse criminal activities, the framework assists practitioners in conceptualizing crime in terms of overarching themes rather than isolated examples. The framework helps the public and broader society make sense of the complex and often confusing landscape of financial crime by presenting it through clearly defined categories. There has been ongoing confusion among researchers and practitioners when discussing specific instances of financial crime. This paper offers a structured framework to support consistent categorization and clearer communication.

Muminovic, H. 2024. Typologies of financial crime

Muminovic notes that financial crimes include a wide range of activities such as money laundering, tax evasion, various forms of fraud (for instance embezzlement, credit card fraud, securities fraud, insurance fraud, health care fraud, and pension fraud), stock

manipulation, bribery, corruption, insider trading, terrorist financing, and tax avoidance. Citing the FBI (2005), the paper asserts that investigative priorities include corporate fraud, health care fraud, mortgage fraud, identity theft, insurance fraud, and money laundering. Interpol notes that financial crime is often transnational due to the use of global networks like the internet. This connection between financial crime, cybercrime, and transnational crime results in serious harm to financial institutions and individuals worldwide. Financial crime tends to cross borders and rely on electronic networks for two key reasons: first, criminals aim to hide proceeds in locations where local law enforcement has limited jurisdiction or cooperation, making it harder to trace; second, digital transfers avoid customs checks, enabling rapid movement of illicit funds with minimal risk of detection. Online transactions are completed within seconds, leaving little time for authorities to intervene. According to Muminovic these features align with Castells' (2000) concept of an "information society" that is informational, global, and networked. For instance, in the case of remitting illicit money, financial data about the proceeds is transmitted to a third party across borders via digital networks.

Achim, M.V., et-al 2023. Financial Crime: A Literature Review

The paper notes that According to Global Financial Integrity (2020), illicit financial flows including trade misinvoicing, smuggling, and tax evasion totalled approximately USD 8.7 trillion globally over the period from 2008 to 2017. In terms of corruption, Transparency International (2021) reports that despite some progress, most countries continue to struggle with effectively addressing public sector corruption. The organization stresses the urgent need for governments to confront the corrupting influence of large sums of money in political party financing and its impact on political systems. Achim et al. (2021) found that Northern European countries such as Denmark, Finland, Sweden, and the Netherlands exhibit the lowest levels of corruption in the European Union, whereas Eastern European nations like Romania, Hungary, and Croatia face significantly higher levels. Regarding the economic cost of corruption, Lagarde (2016) estimates that around 2 percent of global GDP equivalent to USD 1.5 to 2 trillion is paid in bribes annually. Additionally, Medina and Schneider (2019) found that the shadow economy accounts for 19 percent of GDP in European countries, with the highest levels observed in Cyprus and Greece (25%), followed by Romania, Bulgaria, and Croatia (23%).

Jung, J. and Lee, J., 2017. Contemporary financial crime

The paper notes that some financial crimes occur in isolation, but many are interconnected with other financial or non-financial crimes. Jung, J. and Lee, J., 2017 notes that The Australian Crime Commission identifies key enablers of financial crime, including money laundering, cybercrime, identity theft, exploitation of business structures, and public sector corruption, each often criminal in itself and commonly facilitating broader organized crime. The paper defines Money laundering, as defined by FATF and the U.S. Treasury, as involving disguising the illegal origins of criminal proceeds, typically following a predicate crime, often financial in nature. The paper also notes that identity theft enables crimes like fraud and phishing by misusing personal information and also posits that exploitation of business structures involves using complex corporate networks, often across offshore jurisdictions, to hide true beneficiaries and commit crimes such as tax evasion and fraud. Jung, J. and Lee, J., 2017 found that public sector corruption enables access to sensitive information and resources, facilitating both financial and non-financial crimes, often leading to laundering and evasion. Lastly, the paper notes that financial crime is closely linked to cybercrime, as many such offenses exploit information and communication technologies, expanding their scope and impact. Cyber-enabled financial crimes include online fraud, phishing, and scams, while cybercrime also contributes to intellectual property violations and broader economic harm.

2.7.2 Effectiveness of Asset forfeiture mechanisms

Rukmono, B.S., Suwadi, P. and Islam, M.S., 2024. The Effectiveness of Recovering Losses on State Assets Policy in Dismissing Handling of Corruption.

The paper found that the recovery of state financial losses from corruption in Indonesia does not reduce the criminal liability of corrupt individuals. The purpose of the study was to assess the effectiveness of asset forfeiture in corruption cases in Indonesia through a comparative normative legal approach, focusing on Indonesia and Saudi Arabia. The findings reveal three key points. First, Indonesia's current legal framework for the collection and seizure of corruption-related assets requires reform to more effectively recover state financial losses. Second, the existing enforcement mechanisms need significant improvement, particularly in relation to asset recovery. Compared to

Saudi Arabia, where corrupt individuals may forfeit up to 70% of their wealth to the state, Indonesia's recovery process is notably less efficient. Third, Indonesia should adopt the paradigm of unexplained wealth in its asset seizure process. This approach enables authorities to confiscate assets that significantly exceed an individual's legitimate income, unless the person can prove, through reverse burden of proof, that the assets were lawfully obtained.

Wulandari, W., Suprayitno, W. and Kurniawan, K.D., 2023. Asset forfeiture of corruption proceeds using the Non-Conviction based Asset Forfeiture Method: A review of Human Rights.

The paper found that the concept of Non-Conviction Based Asset Forfeiture is an effective strategy to ensure crime does not become profitable, compelling perpetrators to consider future consequences. Non-Conviction Based Asset Forfeiture is seen as essential to Indonesia's legal framework, offering a more efficient means of recovering state assets lost to economic crimes. This approach is supported by Article 54(1)(c) of the UNCAC and aligns with asset confiscation principles in Article 73 of Law No. 39 of 1999 on Human Rights. In this context, the state is viewed as the victim, and the national interest justifies limiting property rights under Article 28G of the 1945 Constitution to facilitate asset recovery.

2.7.3 Challenges of adopting asset forfeiture

Mahmud, A., 2023. Dynamics of Problem of Asset Forfeiture of Corruption Proceeds and the Concept of Its Law Enforcement.

The paper notes that efforts to forfeit assets from corruption cases face several complex challenges, such as assets hidden abroad under banking secrecy laws, unpaid or partially paid restitution by defendants leading to imprisonment but not financial recovery and the transfer of assets to third parties through civil transactions, making them hard to trace. To address these issues, law enforcement follows a multi-phase approach. First, tracking and identifying assets and linking them to the corruption offense. Second, enforcing restitution by seizing assets if the defendant fails to pay, to avoid imprisonment without financial recovery. Third, executing court-validated asset seizures through state auctions, with proceeds going to the state treasury. This approach

can effectively help restore state losses if backed by integrity and professionalism among law enforcers.

Shehu, A.Y., 2014. Key legal issues and challenges in the recovery of the proceeds of crime: Lessons from Nigeria.

Shehu notes that Nigeria's legal and institutional framework for asset recovery is still in the process of development. While the Money Laundering (Prohibition) Act 2011 and the EFCC Act provide for asset confiscation following a criminal conviction, the effectiveness of the Economic and Financial Crimes Commission (EFCC) appears mixed. The EFCC has demonstrated success in prosecuting fraud cases involving ordinary citizens, but it has been less effective in cases involving Politically Exposed Persons (PEPs). Prosecutions and convictions in such cases are relatively rare, with many delayed or dismissed by the courts. A notable example is the widely known Halliburton bribery case, in which EFCC filed charges against Nigerian officials alleged to have received \$200 million in bribes from Halliburton, a U.S.-based energy company, in exchange for lucrative government contracts. Despite U.S. courts convicting Halliburton executives, a Federal High Court in Abuja struck out the Nigerian case, citing the EFCC's failure to prosecute it diligently. Similarly, a Federal Capital Territory High Court in Abuja dismissed fraud charges against Ndidi Elumelu, former Chair of the House Committee on Power, who was accused along with others of embezzling N5.2 billion allocated for rural electrification. The court ruled that the defendants had no case to answer.

2.8 Chapter summary

This chapter looked at the conceptual and theoretical framework of asset forfeiture. On the conceptual side, both civil and criminal asset forfeiture were looked at. On the theoretical framework the rational choice and opportunity theories were unpacked in relation to this research. This included their strengths and weaknesses as well as applicability in the Zimbabwean context. Types of financial crime, among them money laundering, corruption, tax evasion, fraud, cyber-crime and smuggling were also covered.

CHAPTER III

RESEARCH METHODOLOGY

3.0 Introduction

The previous chapter highlighted findings as well as recommendations of various scholars on asset forfeiture and financial crimes. Chapter two also looked at the Rational Choice theory, its strengths, its weaknesses, its applicability and non-applicability to matters of asset forfeiture where financial crimes would have been committed.

This chapter deals with the research design and the research methodology that was used to undertake this research study to provide answers to the research questions raised in chapter one. The chapter focuses on the aim and purpose of the research, research design, the research approach and research strategy, the population from which the sample was drawn, the manner in which the sample was drawn, the instruments that were used for data collection and the manner in which the data was analysed. This research on asset forfeiture and financial crime falls under social research. Neuman (2006) defined social research as a collection of methods, as well as methodologies that are systematically applied by researchers to produce scientifically based knowledge concerning the social world.

3.1 Purpose of research

The purpose of this research was to ascertain the level of effectiveness of asset forfeiture as a tool for managing financial crimes in Harare, Zimbabwe. There have been legislative enactments, the Money Laundering Proceeds of Crime Act to be specific, that detail the civil asset forfeiture process in Zimbabwe. This study thus appreciates the practicality and feasibility of the civil asset forfeiture in Zimbabwe but also made an attempt to proffer ways of improving it and considering the criminal asset forfeiture bit as well which is adopted by some countries including some in the SADC region.

Sharp (1982), posits that research can be carried out in order to solve problems and for purposes of providing explanations as to why certain things are the way are they are in

certain environments. Neuman (2006) divides social research into three (3) large groups that are dependent on what the researcher is aiming to achieve: exploring a new topic, describing a social phenomenon, or explaining why something occurs.

The adoption of asset forfeiture to curb financial crimes in Zimbabwe, as is the case globally, requires that the legal framework be aligned to this vision. The promulgation and amendment of laws on asset forfeiture have happened, authorities such as the Zimbabwe Republic Police have set up the Asset Forfeiture Unit, the Zimbabwe Anti-Corruption Commission is also very keen on the reliance of confiscation of property acquired from proceeds of corruption, however, that said, are these measures sufficient, are desired results coming through, what else can be done to improve the effectiveness of asset forfeiture in Zimbabwe? This research should be able to add value in this area of study.

3.2 Research Design

Bryman and Bell (2003) note that a research design is a plan of some research activities that are to be taken that determine the source(s) as well as the type of information that has to be selected on account of the research questions which attempt to establish relationships amongst variables.

Kothari (2004) noted that there are various types of research which can be carried out. However, this research was based on exploration because it sought to formulate a problem for a precise investigation to be developed. The focus in this research project was thus based on the discovery of ideas and insights (Neuman, 2006). Based on the purpose of this research, the idea is to discover the level of effectiveness of asset forfeiture in combating financial crimes in Zimbabwe.

Exploratory research was adopted in this research for various reasons including the fact that asset forfeiture is generally new in the Zimbabwean and probably Africa context, thus in light of limited information on the subject, exploratory research was preferred. Exploratory research also assists in pinpointing the most relevant variables to a research question thus laying groundwork for future quantitative studies, a merit that was found to be key and applicable to this research, not to mention other advantages in relation to its cost effectiveness, adaptability, and flexibility.

3.3 Research Approach

There are two methodological research approaches within social sciences, and these are quantitative and qualitative approaches (Holme and Solvang, 1991). The criteria of selecting between the two approaches should be based on the purpose and research questions of the study (Yin, 1994). However, in this research, both approaches were applied.

3.3.1 Quantitative Approach

Quantitative research is about measuring and expressing in quantity terms or amount involved. Quantitative research is useful for precise measurement, knowing trends, and or changes overtime. It explains phenomena through collection of numerical data that is then analysed by way of mathematically based methods. Quantitative research is structured as well as formal in nature (Creswell, 1990). This research study applied quantitative research through the use of primary data that was extracted from contributions as well as responses by police officers, ZIMRA officers, FIU officers, and Compliance Officers from financial institutions as well as officers from ZACC as indicated in chapter one.

Quantitative research has various advantages which include that the quantitative findings are most likely to be generalised to the whole population since it involves the larger sample which would have been selected at random meanings (Rahman 2016:106).

Among the shortcomings of quantitative research are the fact that it does not, or it fails to ascertain the deeper underlying explanations and meanings and that it does not, or it fails to account for the manner in which social reality is shaped and maintained. More so, quantitative research does have some tendencies of taking only a snapshot of a phenomenon meanings (Rahman 2016:106).

3.3.2 Qualitative research

Qualitative research was used through soft data, that is, words, impressions, and sentiments as opposed to hard data (figures) that is applicable in quantitative research. Qualitative research is about cases as well as contexts which best suit this research on

effectiveness of asset forfeiture in dealing with financial crimes (Neuman, 2006). Neuman further posit that qualitative research emphasizes the conducting of detailed examinations of cases that do arise in the natural flow of social life to present authentic interpretations that are sensitive to specific social-historical contexts.

The advantages of qualitative research include production of detailed description of the participants' feelings, experiences, and opinions as well as the interpretation of the meanings of their various actions (Rahman 2016:104). Some scholars also posit that qualitative research holistically does understand the human experience in specific settings and that qualitative research is able to understand the voices of participants, events, as well as meanings (Rahman 2016:104).

However, qualitative research also have its downside. Some of the weaknesses of qualitative research include that sometimes it does leave out some contextual sensitivities thereby focusing more on experiences and meanings. Also, the analyses take some time, and one can thus generalise the findings to the larger population in only a very limited way (Rahman 2016:104).

3.4 Research Strategy

Survey was chosen research strategy in this study. Anderson (1993) notes that surveys are useful for purposes of gauging the representativeness of individual views as well as experiences. Benefits using surveys for data collection were

3.4.1 Cost

Surveys were generally cheap for the researcher. Online and mobile surveys attract a small cost per respondent. Even in cases where incentives were given to respondents, the cost per response was usually much lower compared to the cost of administering a phone or paper survey. Cost effectiveness was key as the researcher also have family responsibilities and work commitments that compete for the same little resources available.

3.4.2 Extensive

Surveys help to provide a description of the characteristics of a large population. There is no other research method that has the ability to provide capability, which guarantees

a more accurate sample for gathering targeted results on which to draw conclusions and to make important decisions. Being extensive is beneficial to the users of the research output as the findings will be more accurate meaning that they can be relied upon. It also improves the quality of research which sets a good precedent and reputation for the researcher.

3.4.3 Flexibility

There are many ways to administer surveys among them online, by way of email, via social media, through paper surveys, telephone surveys, mobile surveys, as well as face-to-face interview surveys. Flexibility helped the researcher to be able to attend to other family, and work responsibilities without causing unnecessary delays and bottlenecks to the research.

3.4.4 Dependability

Because surveys can protect anonymity, this allows respondents to be more candid in their answers. To fetch accurate data, respondents need to be open and honest as possible in their responses. Safeguarding anonymity of respondents provided room for more honest and unambiguous responses compared to other types of research methodologies. This also benefits the research in other future researches as participants can take part without any fears of backlash or other consequences.

This research was based effectiveness of asset forfeiture in fighting financial crimes in Zimbabwe. Surveys however been attacked by some researchers for the following limitations:

- (i) Sometimes failing to make respondents to feel encouraged to provide accurate and honest answers. To counter this limitation, the researcher disclosed to respondents that the research information was going to be used for research purposes only.
- (ii) Sometimes respondents may not feel comfortable to provide answers that give a negative impression on themselves. The researcher desisted from capturing the respondents' names and other personal information details that

is central in keeping their identities protected so that respondents could feel comfortable with sharing facts and the truth without fear of backlash.

- (iii) Sometimes respondents might not be fully aware of the implications of their responses due to lack of memory on the subject, or even boredom. The researcher gave respondents enough time to allow them to dig into their files and archives and research as well if they found it necessary. This was done so that they could remain aware of their justifications and sources.
- (iv) It was found that surveys with closed-ended questions usually have a lower validity compared to other question types. The researcher thus adopted both open ended and closed-ended type of questions to improve validity.
- (v) Sometimes data errors arise due to lack of responses. To mitigate against this, the researcher relied on the services of the Chairperson of the Compliance Committee of the Banker's Association of Zimbabwe for coordination with the senior managers of various financial institutions and also used friends in the police force, ZIMRA, the FIU, and ZACC to circulate the online survey and encourage their colleagues to participate.

3.5 Survey Description

The study focused on authorities and regulators involved in asset forfeiture and managing financial crime such as FIU, ZACC, ZIMRA, ZRP, and Compliance officers in financial institutions in Zimbabwe. Zimbabwe's legislative framework provides for civil and criminal asset forfeiture, a case in point being the Money laundering Proceeds of Crime Act.

3.6 Population and sampling process

The focus for this study was on officers from FIU, ZACC, ZIMRA, ZRP, and Compliance officers in financial institutions in Zimbabwe as they are on way or the other involved in asset forfeiture and financial crimes. The population for the survey was four (4) officers from regulatory authorities such as FIU, IPEC, four (4) ZACC officers, twelve (12) police officers, fifteen (15) Compliance officers from financial institutions, and three (3) ZIMRA officials as indicated in the graph below.

The respondents were drawn from various institutions involved in asset forfeiture and combating financial crimes in Zimbabwe as depicted below;

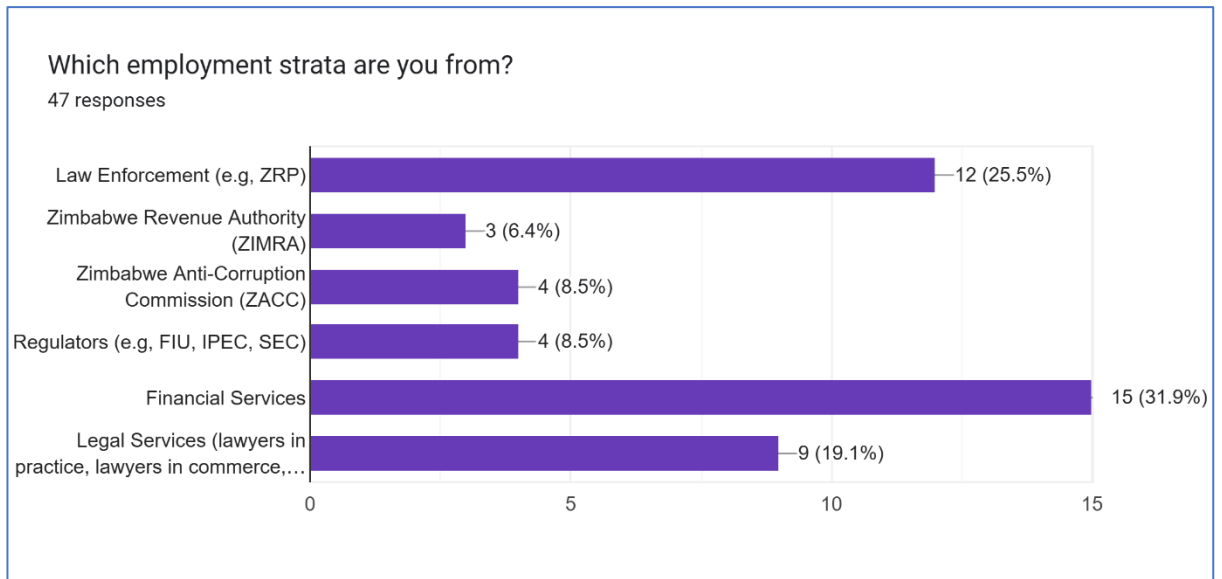


Fig 3. 1 Population of respondents

According to Levin (1987) population refers to all items chosen in a particular study while a sample is just a portion chosen from the population. Cooper et-al (1998) on the other hand defined a sample as a part of the target population, that is carefully selected to represent the population. A representative sample contains the characteristics of the population to the closest extent as possible. The selection a sample from the population is called sampling. There are two (2) main types of sampling techniques namely probability and the non-probability sampling. Probability sampling allows all items in the population to have an equal chance of being selected on a purely random basis from the population, the results are generalized to the population. Probability sampling is divided into four methods namely; systematic sampling, simple random sampling, stratified as well as cluster sampling. Non-probability sampling is alternatively known as judgmental sampling. Here, opinion and personal knowledge are relied on for identification of those items from the population that are to be included in the sample (Levin, 1987).

Convenience sampling technique was adopted to come up with the survey sample. There were six (6) clusters comprising of FIU officers, ZACC officers, Police officers, Compliance officers from financial institutions, Lawyers, and ZIMRA officials.

3.7 Analysis of Samples (Questionnaire)

Table 3. 1 Analysis of samples (Questionnaire)

Cluster	Number of officers
Regulators (officers) (4 of 40)	4
ZACC officers (4 of 40)	4
Police officers (12 of 40)	12
Compliance officers from financial institutions (15 of 40)	15
ZIMRA officials (3 of 40)	3
Lawyers (10 of 40)	10
Total	48

Table 3. 2 Analysis of Samples (Structured Interview)

Cluster	Number of officers
Regulators (officers) (2 of 22)	2
ZACC officers (2 of 22)	2
Police officers (8 of 22)	8
Compliance officers from financial institutions (6 of 22)	5
ZIMRA officials (4 of 22)	3
Total	22

3.8 Information and Data Collection

Information and data were collected through both primary and secondary research. Secondary data was sourced from available literature, websites, social media pages and other publicly available sources. Primary data was collected by way of online questionnaires.

3.9 Secondary research

Secondary data is generally known to be less expensive as it is already in existence but, however, in most cases, secondary data may not be suitable for the study at hand. Secondary data however provide a starting point for research. In this research, most secondary data used was collected from available literature as well as websites as shown

in Chapter 1 and other sources of literature reviewed in Chapter 2. Thus, primary data was collected from FIU officers, ZACC officers, police officers, Compliance officers from financial institutions, and ZIMRA officials. The information was current, relevant and reliable.

3.10 Primary research

Kotler and Armstrong (1996), asserts that where data required by the researcher does not exist, is outdated, incomplete, inaccurate, or unreliable, primary data must then be collected. In this study secondary data from websites, literature and other sources were not sufficient for the requirement of the present research as defined in Chapter 1.

3.11 Primary Data Collection Methods

3.11.1 Questionnaire

Questionnaires are the best way for reaching people who cannot give personal interviews or whose responses To save on time, the online questionnaires were designed and the link shared via emails or social media, or hand delivered where necessary. Through the use of online questionnaires, the researcher was able to reach respondents who were away on leave, abroad, and not physically present. The respondents were able to complete at their own given time and even in the comfort of their own homes or offices.

Among the key merits of using a questionnaire are that it required reasonable time to develop, it was relatively cost-effective, data collection was relatively easy and so was the analysis where

statistical methods were used. The researcher took a few hours to develop the questionnaire and did not require any meaningful finances except for data which was required for circulating the questionnaire via WhatsApp and email.

Other advantages were that questionnaires reached high audiences with high representativeness. More so, questionnaires were less, if at all, affected by the subjectivity of the researcher. The researcher thus managed to reach out many bankers through a click of a button enabled by existing Bankers Association of Zimbabwe Committee WhatsApp groups. The same applies to police officers who were reached

through work WhatsApp groups as well as Bindura University of Science Education Police and Security Studies students WhatsApp groups as well.

However, questionnaire also had their shortcomings. One of the demerits of questionnaires include the fact that reliability of data depended to a greater extent on the quality of answers as well as on the structure of the questionnaire. Some of respondents appeared to have done a tick box without fully applying their minds to the questionnaire. This was countered by also using interviews to complement the data collection process using questionnaires.

Also, the questionnaire did not capture emotions, behaviour as well as changes of emotions of respondents. The researcher thus did not tell how the respondents felt about the subject and the responses, something that was attainable when interviews for example, were used.

3.11.2 Interviews

Interviews are among the most widely used methods of data collection. They are a purposeful interaction wherein one person is able to obtain information from one or more individuals. Interviews are an art that is practiced in various situations with different degrees of satisfaction to both the interviewer and interviewee. They are a method of data collection where two or more people are involved in the exchange of information through a series of questions and answers. Interviews are essentially the oral, in-person administration of a questionnaire to each member of the sample. In this process, the interviewer can observe certain aspects of a person's behaviour, such as his manner of speaking, poise, tendency, among others (Sahoo 2022:3).

The researcher adopted a structured interview. A structured interview is alternatively referred to as a standardized interview. It involves the administration of an interview schedule by an interviewer. The researcher/ the interviewer asked a predetermined set of questions.

By adopting structured interviews, the researcher realized the following benefits therefrom;

It was easy to conduct the structured interviews as all interviews were asked certain predetermined questions. As a result, , desired data was collected without omitting anything. More so, since interviewees were asked similar questions, this provided uniform information, which thus assured the comparability of the data. Another advantage enjoyed was that fewer interviewing skills were required as compared to a situation whereby unstructured would have been used. interviewing because of listed questions. Due to the use of a predefined list of questions, this presented an opportunity to interviewer to remain unbiased.

The adoption of structured interviews also had its downside such as having to follow a rigid procedure, as the researcher only asked the pre-drafted questions. The researcher had no freedom to alter the questions or their sequence. Weaknesses of structured interviews was countered through the adoption of questionnaire which also has open ended questions wherein respondents were able to freely express their opinions and views unhindered.

3.12 Data Collection procedures

For the data collection that was undertaken through **questionnaires**, the researcher took the following steps;

- a) Designing the questionnaire itself. This included defining the research objectives clearly, choosing question types, for example open-ended, closed-ended (multiple choice, Likert scale, among others). The researcher also undertook a pilot test by running a small test to identify confusing and or biased questions.
- b) Selection of the sample. The researcher defined the population and identified the target respondents which are police officers, compliance officers of banks, ZIMRA officers, and FIU Officers. The researcher also chose the most appropriate sampling method. In this research a combination of Random, stratified, and random sampling was adopted. Firstly respondents have to fit in the four strata, police officers, FIU officers, Compliance officers, and ZIMRA officers, thereafter, random sampling was applied. The researcher also made a determination of the sample size on the basis of the purpose of the research.

- c) Administration of the questionnaire. In this case an online approach was adopted wherein a link on the online questionnaire was shared with respondents via email and WhatsApp.
- d) Collection of the research data. The researcher tracked responses, sent reminders, and ensured anonymity/confidentiality for safeguarding ethical standards to protect respondents.
- e) Checking and validating responses. The researcher reviewed questionnaires for completeness, and identified inconsistencies.
- f) The researcher also recorded and stored the data.

For the data collection that was undertaken through a **structured interview**, the researcher took the following steps;

- a) Definition of the research objectives.
- b) Designing of the interview schedule. The researcher developed a fixed set of closed-ended or specific open-ended questions and ensured that the questions were clear, unbiased, and logically ordered. The researcher also undertook a pretest of the questions to ensure they are understandable and yield relevant data.
- c) Sample selection. Just like with the questionnaire, the researcher used the same target population and a hybrid of stratified and random sampling. Sample size was also determined.
- d) The interviews were conducted. The researcher set the appointments and gained informed consent.
- e) The researcher recorded and stored the data manually and digitally.
- f) The researcher reviewed and cleaned the data converting the responses into a format suitable for statistical analysis.
- g) The researcher then analyzed the data.

3.13 Chapter summary

This chapter highlighted the research design and research methodology used in this study. The research design selected was a survey on regulatory authorities, law enforcement and compliance officers in the financial services sector. The research approach was generally more qualitative although with support of some quantitative data. The research instruments used were questionnaires and structured interviews. The

data collection procedures for both questionnaires and structured interviews were articulated. The next chapter will focus at data presentation, data analysis, and interpretation.

CHAPTER IV

DATA PRESENTATION, ANALYSIS, AND INTERPRETATION

4.0 Introduction

This chapter focuses on data presentation, analysis as well as dissection and discussion of the research findings. Graphs, pie charts and tables were used for the presentation of data. Data analysis and findings from officers and practitioners from institutions directly involved in asset forfeiture and managing financial crimes in Zimbabwe. The institutions in question include financial institutions (such as banks), law enforcement agencies (such as ZRP), Zimbabwe Anti-Corruption Commission, ZIMRA, and legal practitioners working in various sectors and capacities.

The researcher worked with membership of the Bankers Association of Zimbabwe (BAZ) Compliance Committee who circulated and the link to the online questionnaire. All institutions mentioned above had people who participated in the research. The respondents were of various levels and ranks, with varying work experience in asset forfeiture and financial crimes . The data from the questionnaires were statistically analyzed by the researcher. Face to face interviews were also done for a few of these respondents across all the institutions highlighted above.

4.1 Data Presentation and Analysis

The respondents were drawn from various institutions involved in asset forfeiture and combating financial crimes in Zimbabwe as depicted below;

4.2 Main financial crimes in Zimbabwe

There are various types of financial crimes. The research found that the main financial crimes in Zimbabwe are fraud, criminal abuse of office, identity theft, smuggling, electronic fraud, card cloning, tax evasion, embezzlement, corruption, and transfer pricing.

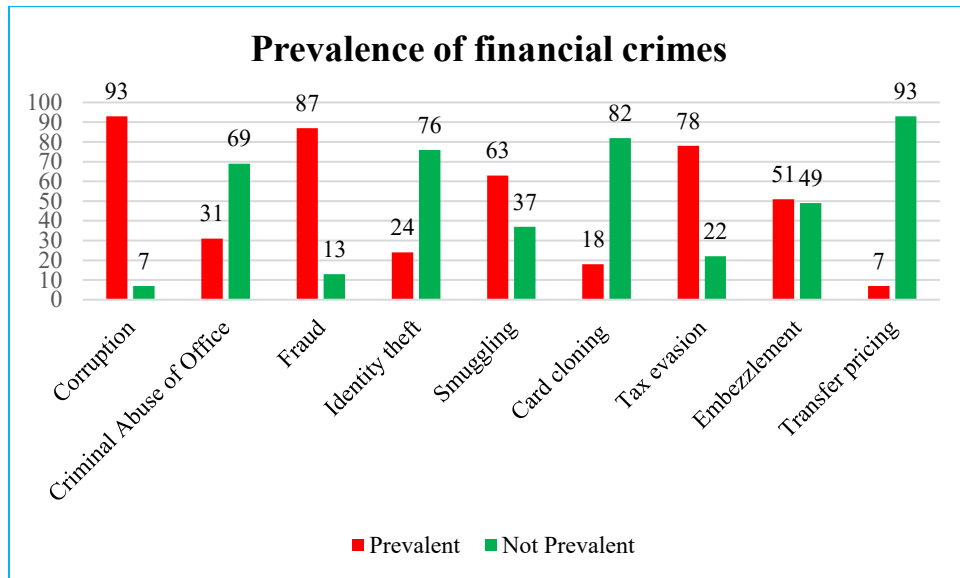


Fig 4. 1 Prevalence of financial crimes in Zimbabwe

Source: Primary data

4.2.1 Corruption

The research reveals that corruption is the most prevalent financial crime in Zimbabwe, with a reported prevalence of 93%. It ranks first in terms of frequency, making it the most common financial crime encountered in the study. A 93% prevalence rate indicates that corruption is nearly ubiquitous within Zimbabwe's financial crime landscape. Regarding the structured interview, 19 of the 22 interviewees, which translates to 91% also noted that corruption was rife in Zimbabwe. These findings aligns with widespread public concerns and international reports that consistently rank Zimbabwe poorly on corruption indices. The research findings thus point to lack of transparency, weak governance structures, low public sector accountability, as well as limited political will to enforce anti-corruption measures to have allowed corrupt practices to flourish within the Zimbabwean landscape. Institutionalized corruption is often perpetuated by inadequate checks and balances, patronage systems, and opaque procurement processes. In some cases, corruption becomes normalized as a means of

navigating inefficient bureaucracies, further embedding it into the social fabric. Law enforcement agencies such as ZRP and anti-corruption bodies such as ZACC may be under-resourced, politically compromised, or lack the independence to act effectively. Corruption undermines service delivery, discourages investment, distorts public resource allocation, and erodes citizen trust in public institutions. Corruption disproportionately affects the poor, fuels inequality, and hampers economic growth. Its top ranking among financial crimes reflects not only its frequency but also the ease with which it occurs in environments lacking transparency, effective law enforcement, or civic oversight. Corruption also signals a high tolerance or acceptance of corrupt practices as part of daily operations. Addressing corruption requires a multifaceted strategy which includes among others reforming procurement processes, strengthening institutions, protecting whistleblowers, enhancing judicial independence, as well as fostering a culture of integrity in both public and private sectors.

These research findings aligns with the Transparency International's 2024 Corruption Index which reported that Zimbabwe scored 21 out of a possible 100 and was ranked number 158 out of 180 countries thus indicating that Zimbabwe is perceived to have high levels of corruption. The high levels of corruption in Zimbabwe as reflected in these research findings are also a confirmation of Nyoni (2017:285) who asserted that the Zimbabwean economy is in doldrums to the extent that corruption has become the norm especially in the public sector. Nyoni argued that if a civil servant still is still going to work it is not because of salary but because of opportunities that are available to better his/her paltry income with corrupt acts using the organization's resources.

4.2.2 Fraud

The study reflects that fraud is a highly prevalent financial crime in Zimbabwe, with 87% of respondents or cases indicating its occurrence. An 87% prevalence indicates that fraud is not only widespread but deeply embedded within the financial crime landscape. Being ranked second in terms of commonness further highlights its regularity and seriousness. It points to fraud as a major threat to financial integrity in both the public and private sectors, potentially involving high-level insiders who misuse their positions of trust for personal gain. In Zimbabwe, longstanding challenges such as corruption, weak governance, limited oversight, and poor enforcement of financial regulations may contribute to the persistence and pervasiveness of fraud. Public sector

institutions such as ZIMRA, FIU, ZACC, parastatals, and even private organizations such as banks may lack the internal audit and compliance systems that are needed to detect and prevent such offenses. Although embezzlement ranks second, its prevalence is close to the top-ranked crime, indicating it is nearly as dominant. This calls for nearly equal prioritization in enforcement and policy response. The high rate of fraud demands urgent attention from regulatory bodies such as IPEC, SEC, RBZ, FIU, law enforcement agencies such as ZRP, and organizational leaders. Strengthening financial reporting systems, establishing whistleblower protections, and conducting regular independent audits could help curb this crime. In addition, digital tools and forensic accounting practices could improve early detection. This suggests systemic vulnerabilities in internal financial controls across institutions involved in asset forfeiture efforts in Zimbabwe, especially in environments where access to funds is poorly monitored or where accountability structures are weak. These findings are consistent with the view of Crowe Zimbabwe which noted in January that organizational fraud is a significant matter that is impacting on both the private and public sector. Fraud is a key problem in Zimbabwe that is negatively impacting both the economy and individuals. Common types of fraud prevalent in Zimbabwe include among others financial statement fraud, procurement fraud, insurance fraud, and forgery. Findings of this research are also consistent with Mawanza (2014) who posited that fraud at the work place has been greatly published in the Zimbabwean media where companies are significantly affected resulting with big hits on their bottom line.

On the other hand, results of the structured interview showed that 16 of the 22 interviewees, constituting 73% also noted fraud as prevalence. The implications are thus similar to those discussed above based on the online survey.

4.2.3 Tax evasion

The research indicates that tax evasion accounts for 78% of the reported or perceived financial crimes in Zimbabwe, making it the fourth most commonly occurring financial crime in the country. A 78% prevalence rate points to a significant presence of tax evasion across institutions. This suggests that tax evasion is a pervasive issue, especially in sectors where oversight mechanisms may be weak or compromised. Interestingly, while tax evasion has a high prevalence rate, it ranks third overall in terms of frequency.

This could indicate that although tax evasion cases are severe when they occur, other financial crimes such as fraud, corruption, or smuggling may happen more frequently. In Zimbabwe, where governance challenges and institutional weaknesses are frequently cited, the high prevalence of tax evasion may reflect inadequate financial controls, lack of transparency, and limited enforcement of accountability mechanisms, particularly in public offices as well as state-owned enterprises such as ZESA, ZERA, ZINARA, among others. These findings raise serious concerns about the integrity of financial management practices within organizations in Zimbabwe. It underscores the urgent need for stronger internal audit systems, enhanced regulatory oversight, as well as stricter enforcement of anti-corruption measures.

When compared with higher-ranked crimes such as fraud or corruption, tax evasion appears to involve fewer actors but potentially larger individual losses. This distinction is critical for designing targeted intervention strategies. On the basis on basis of the principle of proportionality, authorities are thus expected to channel more resources towards curbing tax evasion in Zimbabwe as the crime is rampant. The 2024 Zimbabwe National Risk Assessment shares similar views noting that US\$300 million had been lost through tax evasion making tax evasion one of the key predicate offences in Zimbabwe. This view was also shared by Maradze et-al (2021) who argued that tax evasion have been a key concern in Zimbabwe for years even well before Zimbabwe Revenue Authority was introduced in the 1990s. Maradze et-al (2021) further posit that studies conducted in Zimbabwe have shown that tax evasion is very widespread negatively affecting almost all sectors of the economy. He argues that tax evasion is made up of the informal sector where tax evasion ranged between 35 and 55 percent of the total revenue that was collected by the year 2010. Also, the customs of the nation, ZIMRA, was cited as another source and cause of tax evasion. Maradze et-al (2021) argue that this achieved through under-invoicing as well as under-valuing of custom duties at the port of entries. The drivers of this conduct within ZIMRA itself were noted as high scheduled tax rates, poor remuneration for the ZIMRA officers as well as lack of adequate incentives offered to customs personnel, especially those that work in remote border posts away from their families.

On the other hand, results of the structured interview showed that 91% (20 out of 22) interviewees felt that tax evasion was too widespread and cause for concern in

Zimbabwe. These findings align with the those derived from the online survey, therefore similar implications and conclusions can be drawn.

4.2.4 Smuggling

The research shows that smuggling has a 63% prevalence rate among financial crimes in Zimbabwe, yet it ranks fourth in terms of overall frequency. This prevalence indicates that smuggling is involved in nearly two-thirds of the financial crime incidents reported or perceived by the study sample, suggesting that it remains a significant concern across various sectors. While the 63% figure reflects a substantial presence of smuggling, its fourth-place ranking suggests that other crimes such as fraud, bribery, or money laundering are likely to occur more frequently or are more easily detected and reported. Outcomes from the structured interviewed showed that 15 of the 22 interviewees (68%) felt that smuggling was rampant in Zimbabwe. Smuggling often requires internal access and may take longer to uncover, meaning it may be underreported compared to more overt crimes.

In Zimbabwe, institutional weaknesses, limited oversight, and weak enforcement of accountability measures can make organizations particularly vulnerable to smuggling. However, due to its covert nature and the often high-ranking positions of those involved (such as Ministers, Deputy Ministers, Mayors, Chief Directors, Directors, and Managers among others) smuggling may be less likely to be reported or prosecuted, potentially explaining its lower ranking despite high prevalence. The findings highlight the need for strengthened internal controls, transparent accounting systems, and independent auditing in both the public and private sectors. Smuggling not only erodes financial resources but also undermines public trust in institutions involved in asset forfeiture efforts such as ZIMRA, ZACC, ZRP, banks, among others. The latest Zimbabwe National Risk Assessment (2024) made similar discoveries noting that smuggling was a key factor that is contributing towards Zimbabwe's overall money laundering risk. Mswazi (2021) also found that smuggling was on the rise in Zimbabwe asserting that since the collapse of the Zimbabwean economy during the last decades culminated into a commodity crunch which has forced many retailers based in Zimbabwe to import various goods for resale in flea markets and other areas. Mswazi argues that the Beitbridge border post has been the most affected by smuggling since unemployment levels in Zimbabwe have plummeted to close to 94%.

4.2.5 Embezzlement

Just over half of the respondents, constituting 51% of the respondents, were of the view that embezzlement was cause for concern in Zimbabwe. Embezzlement is therefore the fifth most common financial crime in Zimbabwe, based on the online survey, at the time of the research. On the other hand 59% (13 of 22) interviewees from the structured interviewed considered embezzlement menacing and pervasive in Zimbabwe. These figures indicates that half of the reported financial crime cases in the studied dataset involved embezzlement, suggesting a substantial burden on both public and private sector institutions. Interestingly, despite its high individual prevalence, embezzlement is only the fifth most common financial crime. This suggests that several other crimes, such as fraud, corruption, tax evasion, smuggling among others, though individually less prevalent, may occur more frequently in aggregate.

The significant prevalence of embezzlement indicates systemic weaknesses in financial oversight and internal controls within organizations in Zimbabwe. Its relatively lower ranking, however, may result in less prioritization by law enforcement such as ZRP, potentially allowing high-value internal theft to continue undetected. However, no scholar has noted embezzlement as being among the top financial crimes in Zimbabwe. The results are not far from the truth as embezzlement has generally been a central issue in Zimbabwe that is affecting both public and private institutions with several high-profile cases highlighting the pervasive nature of financial mismanagement and corruption in the country. Among these cases include the Prisca Mupfumira case who was arrested for allegedly embezzling US\$94 million from the National Social Security Authority. Other prominent embezzlement cases include the one for Obadiah Moyo a Former Minister of Health who was arrested and subsequently charged. He was accused of awarding \$60 million in contracts to Drax International LLC and Jaji Investments without following proper government procurement procedures. Also, in the year 2024, ZACC started an investigation into Mike Chimombe and Moses Mpofu over allegations of misappropriating funds from the \$87 million Presidential Goats Scheme. The case is currently in the courts. Another case is that of two City of Harare senior officials who, in August 2024, were sentenced to 9 years in prison in connection with an illegal land deal scandal.

4.2.6 Criminal Abuse of Office

The findings of the research indicated that the majority, constituting 69% of respondents felt that criminal abuse of office was not prevalent in Zimbabwe. The study indicates that criminal abuse of office is not prevalent in Zimbabwe, with 69% of respondents or sources reporting that they have not encountered this form of financial crime in their institutions or experiences. This suggests that criminal abuse of office is less frequently observed or reported compared to other financial crimes such as embezzlement, fraud, or bribery. It accounts for only 31% of the reported or perceived financial crime incidents in the study. Interestingly, results of the structured interviewed produced near similar results with 6 of the 22 interviewees, which is 27% indicating criminal abuse of office as prevalent and the remainder feeling otherwise.

Given that criminal abuse of office often involves individuals in positions of authority such as Ministers, Commissioners, Deputy Ministers among others, cases may go unreported due to fear of retaliation, political interference, and or institutional cover-ups. Unlike more tangible financial crimes, abuse of office can be more difficult to detect, especially when it's disguised as discretionary decision-making or policy implementation. The lack of strong legal definitions or ineffective enforcement mechanisms may also contribute to its low visibility in official records. While criminal abuse of office is statistically not prevalent, it remains a critical governance issue, especially in the context of public administration and political appointments in Zimbabwe. The low prevalence may reflect gaps in whistleblower protections, weak oversight institutions, or political dynamics that discourage transparency and accountability.

Compared to crimes like embezzlement or fraud, which are often more easily quantifiable and reported, criminal abuse of office tends to be opaquer and may therefore appear less prevalent, even though its impact on public trust and institutional integrity can be severe. These findings are in contrast with reports of Transparency International Zimbabwe's which noted that criminal abuse of office is a major problem in Zimbabwe with several cases involving public officials among them ministers, and judicial officers. Research findings appear to be consistent with some court findings where criminal abuse of office charges have been thrown away. For example, in the case of the State V Elton Mangoma where the accused was the Minister of Energy and

Power Development. In the main count he was being charged with criminal abuse of duty as a public officer in contravention of section 174(10)(a) of the Criminal Law (Codification and Reform) Act [Chapter 9:23] as read with section 174(2) of the Criminal Law (Codification and Reform) Act [Chapter 9:23]. The allegations were that between January 2011 and 12 January 2011, the accused had intentionally directed the Acting Chief Executive Officer of Petrotrade, one Griefshaw Revanewako, to purchase 5 million litres of diesel from Nooa Petroleum (Pty) Ltd a South African company, for the purpose of showing favour to Nooa Petroleum (Pty) Ltd...., the State failed to lead evidence on the criminal abuse charges. It appears therefore that several criminal abuse of office allegations have been alleged and popularized in the social media but have not been proven in the courts.

4.2.7 Identity theft

The study reveals that identity theft is the least common financial crime in Zimbabwe, with 76% of data sources indicating that it is not prevalent in their experience or institutional records. This implies that identity theft accounts for only 24% of financial crime cases, indicating its relatively rare occurrence when compared to other crimes such as fraud, embezzlement, and bribery. Similar results were drawn from the structured interview where 4 of the 22 interviewees (18%) indicated that identity theft was not rampant in Zimbabwe, as compared to other financial crimes such as corruption. The low prevalence of identity theft may be attributed to limited reliance on digital identity systems, low penetration of online financial services, or a general lack of widespread data integration in Zimbabwe's public and private sectors. In such an environment as ours, opportunities for digital identity fraud may be limited.

Unlike more traditional financial crimes such as corruption which usually exploit weak governance structures, identity theft is more closely associated with advanced digital infrastructures. Its low ranking suggests that Zimbabwe's financial crime landscape remains dominated by conventional forms of misconduct. While currently uncommon, identity theft poses a growing threat as Zimbabwe increases its adoption of electronic banking, digital ID systems, and e-government platforms. The potential for such crimes to escalate in the future underscores the need for early investment in cybersecurity and digital data protection frameworks. This finding presents an opportunity for policymakers and financial institutions to proactively strengthen cybersecurity

infrastructure before identity theft becomes widespread. Measures such as data protection laws, secure user authentication methods, and digital literacy campaigns will be crucial. Researchers have noted that identity theft is an emerging concern in Zimbabwe although comprehensive national statistics as well as detailed case studies are quite limited (Dzomira, 2014). Due to the rise in the adoption of digital financial services, mobile money platforms, as well as online banking services has birthed new opportunities for cybercriminals to exploit personal information. Identity theft might thus increase in the short to medium term.

4.2.8 Card cloning

The research reveals that card cloning is among the least prevalent financial crime in Zimbabwe, with 82% of participants indicating it is not commonly experienced or reported. This means that card cloning accounts for only 18% of observed or reported financial crime incidents, indicating its relatively rare occurrence compared to other financial crimes such as fraud, or tax evasion. On the structured interview, only 2 of the 22 interviewees (9%) viewed card cloning as among the main financial crimes in Zimbabwe. Several factors may contribute to the low prevalence of card cloning in Zimbabwe. Limited use of electronic payment systems, a lower volume of credit and debit card transactions, and relatively less penetration of sophisticated banking technologies could reduce opportunities for such crimes. Additionally, heightened awareness and improved security features in banking cards (such as EMV chips and PIN verification) may also deter cloning activities.

Unlike crimes such as embezzlement or corruption, which often exploit institutional weaknesses and internal access, card cloning is more technology-driven and may require infrastructure or cyber expertise that is not widespread in the local context. Although currently uncommon, card cloning poses a significant risk to consumer trust and the growth of digital finance. As Zimbabwe continues to digitize its financial systems, the potential for such crimes could rise, necessitating proactive cybersecurity policies and consumer education. While card cloning may not be a pressing issue now, financial institutions such banks, insurance companies, and micro finances institutions, and regulators such as RBZ, FIU, IPEC, SEC, among others must remain vigilant. Investment in fraud detection systems, regular updates to security protocols, and public awareness campaigns will be crucial as digital financial services expand. These research

findings align with 2024 Zimbabwe National Risk Assessment findings wherein card cloning was not among the key financial crimes facing this great country. The findings are also consistent with sentiments shared by The Zimbabwe Information and Communication Technologies (ZICT) which reported in 2018 that 154 cases of card cloning had been reported in that year alone. Going by the number of financial institutions, number of customers, number of banks, 154 can be viewed as reflecting a serious dilemma when compared to the prevalence of other financial crimes. This is despite the fact that the number likely underrepresents the actual scale of the problem, as many incidents are not reported. The Reserve Bank of Zimbabwe (RBZ) has acknowledged the rise in card cloning compared to previous years.

4.2.9 Transfer pricing

Standing on its own, transfer pricing was found as not prevalent. The study shows that transfer pricing is the least prevalent financial crime in Zimbabwe, with 93% of respondents or reported cases indicating that it is not commonly encountered. This suggests that only 7% of financial crime incidents involve transfer pricing, indicating its limited visibility or occurrence within the sampled data. From the structured interview, 21 of the 22 interviewees (96%) felt that transfer pricing was not prevalent in Zimbabwe. The low prevalence of transfer pricing may reflect several factors, including a lack of awareness or understanding of the practice among local institutions, limited multinational corporate presence, or weak detection and enforcement mechanisms within tax authorities such as ZIMRA.

Compared to more common financial crimes such as corruption, embezzlement, fraud, and tax evasion, transfer pricing appears to be underreported or under detected. This could be due to its technical nature, which often involves complex accounting practices used by multinational corporations to shift profits and reduce tax liabilities. Despite its low prevalence in the current findings, transfer pricing can result in significant revenue loss for governments. Its complexity and cross-border nature make it difficult to detect and regulate, potentially allowing substantial tax avoidance to go unnoticed. The findings may also point to a gap in the regulatory or tax enforcement capacity in Zimbabwe. Strengthening transfer pricing regulations and improving tax audit capacity may be necessary to address any potential abuse, especially as the economy becomes more integrated globally. The prevalence of transfer pricing in Zimbabwe is however

on a rising trend due to increased participation in international trade and the presence of multinational enterprises in various sectors such as agriculture, mining, manufacturing, and telecommunications. While exact quantitative data is quite limited, ZIMRA and financial experts have noted that transfer pricing as a significant tax avoidance risk.

4.3 Effectiveness of Asset Forfeiture in fighting financial crimes in Zimbabwe

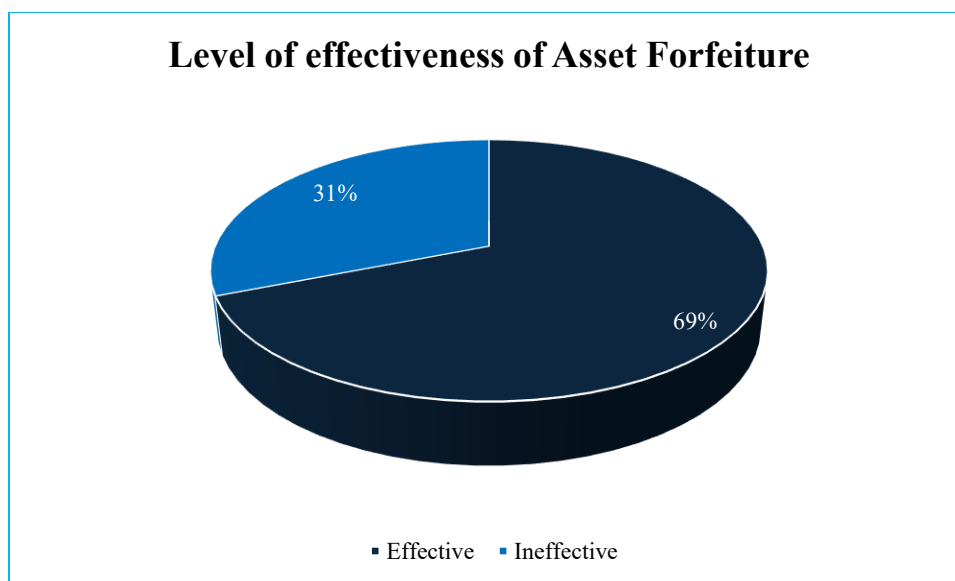


Fig 4. 2 Effectiveness of Asset Forfeiture in fighting financial crimes in Zimbabwe

Source: Primary data

The majority of respondents, 69%, were of the view that asset forfeiture measures were working well to reduce the commission of financial crimes in Zimbabwe. The study reveals that asset forfeiture is perceived to be 69% effective in combating financial crimes in Zimbabwe. This suggests a moderate to high level of confidence in asset forfeiture as a legal and enforcement tool in the fight against economic and financial crimes. A 69% effectiveness rating indicates that asset forfeiture mechanisms are playing a meaningful role in deterring, disrupting, and penalizing financial crimes. This suggests that authorities are increasingly leveraging legal frameworks to seize proceeds of crime and remove the financial incentives that drive corrupt and illicit practices. In Zimbabwe, asset forfeiture—both civil and criminal—is used to recover assets acquired through illicit means such as corruption, fraud, money laundering, and embezzlement. The reported level of effectiveness may reflect improvements in legal reforms, judicial

processes, and inter-agency cooperation, including efforts by the Zimbabwe Anti-Corruption Commission (ZACC), the National Prosecuting Authority (NPA), and law enforcement agencies. However, the finding also implies a 31% gap in effectiveness, which may be due to challenges such as weak implementation capacity, legal loopholes, lack of political will, asset concealment tactics, or delays in court proceedings. Additionally, recovered assets may not always be transparently managed or reinvested for public benefit, potentially undermining public trust. Asset forfeiture is not just about punishment—it serves as a deterrent and disrupts criminal networks by targeting their financial base. In contexts like Zimbabwe, where financial crimes are widespread, asset forfeiture can also act as a form of restorative justice, helping to recover misappropriated public funds. To enhance effectiveness, it is critical to strengthen legal frameworks, ensure judicial independence, promote international cooperation in asset tracing and recovery, and invest in financial intelligence and forensic investigation capacity. Public transparency in the management of forfeited assets can also boost confidence in the system.

Table 4. 3 Degree of effectiveness of components of asset forfeiture in fighting financial crime

Question	A	SA	D	SD	Total
Personnel involved in asset forfeiture efforts comprehends and have adequate knowledge on asset forfeiture	15%	79%	4%	2%	100%
Institutions involved in asset forfeiture well structured	73%	11%	7%	9%	100%
Personnel involved in asset forfeiture efforts is competent and experienced	19%	81%	0%	0%	100%
There is adequate capacity building on asset forfeiture in Zimbabwe	17%	69%	11%	4%	100%
The legal framework for asset forfeiture fit for purpose	7%	8%	9%	76%	100%

Key A-Agree SA-Strongly Agree D-Disagree SD-Strongly Disagree

Source: Primary data

4.3.1 Competency and Experience of personnel

An overwhelming 81% of respondents strongly agreed that the personnel (ZRP, ZACC, ZIMRA, IPEC, RBZ, FIU, lawyers, bank officers among others) involved in asset forfeiture processes in Zimbabwe are competent and experienced. The remaining 19%

agreed, while notably, there were no respondents who disagreed or strongly disagreed. On the structured interviews, 19 of 22 interviewees (86%) viewed the personnel involved in asset forfeiture efforts as highly skilled, competent, and experienced. This unanimity suggests a high level of confidence in the qualifications, skills, and practical experience of the individuals tasked with executing asset forfeiture in Zimbabwe. Such a result indicates that human resource capacity, in various institutions involved in asset forfeiture efforts such as ZIMRA, ZRP, ZACC, banks, regulators such as RBZ, FIU and SEC, is not a major constraint in the implementation of asset forfeiture efforts in Zimbabwe.

The complete absence of negative responses reinforces the perception that law enforcement officials, prosecutors, financial investigators, and related personnel possess the technical competence needed to investigate, prosecute, and recover illicit assets effectively. These results are particularly important given that the effectiveness of asset forfeiture depends not only on legal tools, but on the ability of practitioners to apply them rigorously. With competence seemingly not in doubt, attention may need to shift toward addressing systemic or procedural challenges by the relevant authorities in Zimbabwe. Given the strong endorsement of personnel competence, policymakers might focus more on improving coordination among agencies, upgrading legal frameworks, and ensuring the independence and protection of professionals involved in asset recovery. These efforts could help translate professional capacity into tangible results.

Personnel charged with asset forfeiture efforts in Zimbabwe are competent and experienced enough to cause full effectiveness of asset forfeiture aspirations in Zimbabwe. This means that personnel (ZIMRA, ZACC, ZRP, lawyers, bankers, among other) possess the requisite skills, knowledge, and abilities that a worker possesses and that they are able to apply these in performance of their jobs effectively. This also includes technical skills for example of using specific machinery or software, some soft skills such as communication, teamwork, problem-solving, certifications or qualifications in the form of necessary licenses, degrees, training, as well as the fact that they have the correct understanding of procedures, regulations, or standards involved in the roles and responsibilities that help the success of asset forfeiture efforts. Therefore, there are competent and experienced personnel entrusted with asset forfeiture measures

such that the failure of asset forfeiture to draw desired results in fighting financial crimes in Zimbabwe can not be blamed on the human capital and skill base entrusted with responsibilities of deterring criminal activity by depriving offenders of the proceeds and instrumentalities of crime. To improve effectiveness of asset forfeiture in Zimbabwe therefore, authorities need to improve more on other factors and areas while, at the minimum ensuring that the competent and experienced personnel are retained and efforts to further capacity new joiners in firmly in place.

4.3.2 Knowledge & Comprehension

The majority of respondents expressed strong confidence in the competence and experience of personnel involved in asset forfeiture in Zimbabwe. Specifically, 79% strongly agreed, and 15% agreed that those tasked with asset forfeiture operations are qualified and capable. In contrast, a small minority constituting 4% of respondents disagreed and 2% strongly disagreed, indicated some level of concern regarding personnel capability . These results suggest that there is generally high confidence in the skill and expertise of individuals involved in asset forfeiture in Zimbabwe, such as investigators, lawyers, prosecutors, tax officials, customs experts, compliance officers, and financial analysts. The 94% overall agreement (79% strongly agree + 15% agree) indicates that professional capacity is perceived as a strength within Zimbabwe's asset forfeiture regime.

On the structured interviews, 16 of the 22 interviewees, constituting 73% also felt that people entrusted with asset forfeiture matters across the board are knowledgeable and understands the concept. However, the presence of a dissenting minority (6%) who either disagreed or strongly disagreed points to the possibility of gaps in personnel performance or capacity in certain institutions or regions. These respondents may have encountered inconsistencies in training quality, technical proficiency, or practical experience. Their views warrant further exploration to identify whether the issue is localized, systemic, or due to resource disparities across agencies involved in asset forfeiture efforts in Zimbabwe. The strong endorsement of personnel capacity provides a solid foundation upon which to build more effective asset forfeiture outcomes. To address the concerns raised by a small percentage of respondents, targeted training, improved oversight, and regular skills assessments may help ensure consistency in performance across all relevant institutions.

The fact that, based on research findings, personnel involved in asset forfeiture are knowledgeable and understands the concept means that have adequate appreciation of the Zimbabwean laws and statutes that govern asset forfeiture, criminal forfeiture which happens as part of a criminal prosecution, where assets are taken after a conviction, civil forfeiture which allows the government to seize property suspected of being connected to a crime, even without charging the owner, as well as administrative forfeiture which is handled by law enforcement agencies without judicial involvement (for uncontested seizures). The key laws on asset forfeiture in Zimbabwe are the Money Laundering and Proceeds of Crime Act [Chapter 9:24], National Prosecuting Authority Act [Chapter 7:20], Criminal Matters (Mutual Assistance) Act [Chapter 9:23], Customs and Excise Act [Chapter 23:02], and the Exchange Control Act [Chapter 22:05]. More so, knowledge and comprehension of asset forfeiture entails a thorough appreciation of the steps that are involved in identifying, seizing, and forfeiting assets, which include investigation and identification of illicit assets, filing and documentation procedures, notice requirements to owners and third parties, judicial review or hearings, and disposition or management of seized property.

Based on these findings, personnel charged with discharging asset forfeiture responsibilities in various institutions involved are fully knowledgeable and adequately understands the concept of asset forfeiture. This means that if the level of effectiveness of asset forfeiture is to be improved, attention has to be paid elsewhere not further improving the knowledge and understanding of personnel.

4.3.3 Capacity building

The research findings indicate a generally positive perception regarding capacity building for asset forfeiture in Zimbabwe. A significant majority, 69%, strongly agreed that there is adequate capacity building in this area, while 17% agreed. In contrast, only 11% disagreed and 4% strongly disagreed. This distribution suggests that most stakeholders view the current efforts in capacity building such as training for law enforcement, investigators, prosecutors, and financial intelligence units, bank officials, lawyers, ZACC officers, ZIMRA personnel among others as satisfactory or even robust. The combined 86% agreement implies confidence in the human and institutional capacity to operationalize asset forfeiture mechanisms. This confidence in capacity

building contrasts with the overwhelmingly negative perception of the legal framework, where 85% expressed dissatisfaction. On the structured interviews, 86% (19 of 22) interviewees were pleased with capacity building efforts to date. Both sets of results could suggest that while human and institutional capacity is being strengthened, it may not be supported by a legal structure that enables effective implementation. Strong capacity building is a critical pillar in any effective asset forfeiture regime, as it ensures that personnel can apply complex legal and financial investigative tools. The positive response here is encouraging, as it lays a foundation for future improvements especially if matched with reforms in the legal and policy framework. This aligns with FATF Recommendation 30, which emphasizes the need for competent authorities such as the FIU to be adequately resourced and trained. Zimbabwe's progress in this area may reflect efforts to comply with international standards on financial crime. Nonetheless, the 15% of respondents who expressed disagreement should not be overlooked. Their concerns may point to uneven distribution of capacity across different institutions or geographical regions, or possibly to gaps in ongoing training and support. Further qualitative research could help uncover these nuances. To build on this positive perception, policymakers should ensure continuous professional development, harmonized inter-agency training, and investment in technological tools that support asset tracing and recovery. Monitoring and evaluation frameworks should also be strengthened to assess the actual impact of capacity building initiatives on successful asset forfeiture outcomes.

Capacity building in the context of asset forfeiture and this research entails training and skills development. In this regard, expertise of key personnel is built including that law enforcement officers (for instance., ZRP, investigators), prosecutors and judges, Financial Intelligence Unit (FIU) staff, Customs and border officials, among others focussing on understanding national and international asset forfeiture laws, techniques for asset tracing and financial investigations, drafting and enforcing forfeiture applications, among others. Capacity building also involve institutional strengthening by enhancing the ability of institutions to manage asset forfeiture processes efficiently, establishing and or expanding Asset Forfeiture Units, improving inter-agency coordination (for example., ZRP, ZACC, FIU, NPA), developing standard operating procedures and case management systems, as well as investing in tools for data analysis, asset tracking, and evidence storage.

Capacity building also take the form of legal and policy framework support through helping to align laws and policies with international best practices, reviewing and reforming existing laws to enable civil and non-conviction-based forfeiture, drafting regulations or guidelines for asset seizure, management, and disposal, and ensuring protections for due process and property rights. It also encompasses interagency and cross-border cooperation, fostering collaboration among national and international bodies, sharing intelligence and best practices across agencies, and participating in joint investigations or task forces, as well as engaging in mutual legal assistance and asset recovery cooperation with other countries (especially for cross-border cases). Capacity building on asset forfeiture also covers public awareness and stakeholder engagement, promoting understanding and support for asset forfeiture measures, educating the public on the purpose and process of asset recovery, engaging civil society and media to promote transparency, and supporting victims' access to recovered assets.

Research findings therefore show that capacity building on asset forfeiture is not cause for concern. This is further buttressed by findings on the competency and experience of personnel, that personnel are highly competent and experienced, as well as the high level of knowledge and understanding of asset forfeiture. Again this implies that any lack of effectiveness on asset forfeiture measures can not be attributed to skills gaps but other factors. However, at the minimum, existing standard should be maintained on capacity building while the real cause of suppressed results is investigated, of course outside capacity building efforts.

4.3.4 Structure of institutions

The study found that 11% of respondents strongly agreed and 73% agreed that institutions involved in asset forfeiture efforts in Zimbabwe are well-structured. In contrast, 9% strongly disagreed and 7% disagreed, indicating that while most respondents view the institutional setup positively, a minority hold critical views. The results suggest that a majority (84%) believe that Zimbabwe has established an institutional framework that is, at least on paper, appropriately designed to support asset forfeiture efforts. This includes specialized units, designated roles, and possibly inter-agency arrangements that are aligned with best practices. The results of the structured interview also showed that 91% (20 of 22) interviewees vied institutions charged with

asset forfeiture in Zimbabwe as well structured. A well-structured institution typically implies clear mandates, defined roles and responsibilities, appropriate reporting lines, and inter-agency coordination mechanisms. Respondents' agreement, in both the online survey and structured interview, may reflect the presence of entities like the Zimbabwe Anti-Corruption Commission (ZACC), Financial Intelligence Unit (FIU), National Prosecuting Authority (NPA), and law enforcement units tasked with asset recovery. However, the 16% who disagreed or strongly disagreed suggest that institutional design is not uniformly perceived as effective in practice. Their concerns may relate to fragmentation, overlapping mandates, bureaucratic inefficiencies, and or lack of coordination between key players in the forfeiture process. This generally positive perception contrasts with more critical views on other issues such as political interference (98% agreement it is a hindrance) and corruption (94%). This contrast implies that while institutions involved in asset forfeiture efforts may be well-structured in form, their effectiveness can still be undermined by governance issues, lack of independence, or operational constraints. These findings suggest that Zimbabwe has a foundational institutional framework in place for effective asset forfeiture. The priority now should be strengthening operational independence, streamlining inter-agency collaboration, and ensuring that structures are matched by resourcing, accountability, and political will.

Structure of institutions involved in asset forfeiture include variables such as having clearly defined mandates and legal authority. Each institution involved will be having a legal basis for its operations (for example), established by statute or regulation), a clearly defined role in the asset forfeiture process (such as investigation, prosecution, asset management), and having no overlaps or conflicts in mandates between agencies. More so, it entails that there are specialized and dedicated units within institutions with specific focus areas such as Asset Forfeiture Unit (AFU) in the National Prosecuting Authority (NPA), Financial Intelligence Unit (FIU) for financial tracing and analysis, Asset Management Office to handle seized property, and ZACC or anti-corruption units with clear referral and coordination pathways, among others. It also includes international linkages such as being connected to regional and global networks (for example, FATF, Egmont Group), frameworks for mutual legal assistance and cross-border asset recovery, as well as extradition and cooperation treaties relevant to asset seizure abroad.

Research findings does not show concerning weaknesses on the structure of institutions that are responsible for asset forfeiture efforts. These institutions include ZACC, ZIMRA, ZRP among others. Deductively, authorities should look elsewhere if the level of effectiveness of asset forfeiture is to be significantly improved from the current and existing performances.

4.3.5 Legal framework

A significant majority of respondents, 76%, strongly disagreed that the current legal framework is fit for purpose, while a further 9% disagreed. In contrast, only 8% strongly agreed and 7% agreed. This distribution of responses highlights a severe lack of confidence in the current legal structures governing asset forfeiture in Zimbabwe. The fact that 85% of respondents express disagreement, 76% of them strongly, suggests systemic issues, whether in the form of outdated legislation, weak enforcement mechanisms, judicial bottlenecks, or insufficient alignment with international standards. On the structured interviews, only 14% (3 of the 22) interviews were fine with the legal framework in its current shape and form. These results combined, contrast sharply with Zimbabwe's stated commitments under regional frameworks such as the SADC Protocol Against Corruption and the FATF recommendations. The lack of alignment between policy ambition and operational confidence could hinder the effectiveness of asset forfeiture as a tool in combating financial crime.

The findings underscore the urgent need for legal and institutional reforms in Zimbabwe involving all institutions among them RBZ, FIU, IPEC, SEC, ZACC, ZRP, and ZIMRA. Low confidence in the framework may weaken inter-agency cooperation, limit public support, and embolden offenders. For asset forfeiture to be an effective deterrent and recovery mechanism, the legal framework must be viewed as robust, transparent, and enforceable. Further research could explore the specific weaknesses perceived in the current legal regime, whether procedural delays, lack of clarity in the burden of proof, or weak protections against abuse. These insights can inform targeted legislative reviews and capacity-building initiatives.

Legal framework in relation to asset forfeiture include the legal basis for forfeiture laws that authorize the state to confiscate assets linked to crime. These may include, as earlier discussed, criminal forfeiture and civil (non-conviction-based) forfeiture. It also covers the definition of forfeitable assets, types of assets that can be seized, proceeds of crime (such as drug money), instrumentalities of crime (for instance, a car used in smuggling), and unexplained wealth or disproportionate assets. It also encompasses procedural rules on how assets are identified, traced, frozen, and forfeited, parties with the authority to apply for forfeiture orders, the rights of the asset owner (such as., notice, right to contest), among others. Legal framework also includes judicial oversight through forfeiture actions that are reviewed by courts to ensure legality and fairness, due process safeguards such as right to be heard, right to legal representation, and appeal mechanisms. It also includes management and disposal of forfeited assets, among other things.

Research findings are therefore indicating that if authorities really want to see an improvement on the level of effectiveness of asset forfeiture efforts in Zimbabwe, one thing they need to put their act on and seriously improve is the legal framework. The legal framework need a proper re-look so that loopholes are plugged. If this is done thoroughly, according to research findings, the level of effectiveness of asset forfeiture efforts will be improved in a significant way.

4.4 Challenges of adopting Asset Forfeiture in Zimbabwe

Zimbabwe is putting effort for the adoption and full implementation of an asset forfeiture mechanism in Zimbabwe. However, this has proven to be both essential and complex. While some notable progress has been registered, several structural, legal, and political challenges continue to hinder its effectiveness and credibility.

Table 4. 1 Challenges of adopting Asset Forfeiture as a tool of fighting financial crimes in Zimbabwe

No	Nature of the challenge	SA	A	D	SD	Total
1	Lack of resources is a challenge hindering asset forfeiture efforts	71%	29%	0%	0%	100%
2	Corruption cripples asset forfeiture measures	83%	11%	6%	0%	100%
3	Political interference suffocates asset forfeiture mechanisms to curb financial crimes	95%	3%	2%	0%	100%
4	Fear of victimisation is retrogressive when it comes to asset forfeiture	61%	9%	27%	3%	100%
5	The asset forfeiture legal framework is defective	76%	11%	10%	3%	100%
6	Existing mutual legal assistance mechanisms are ineffective	5%	22%	68%	7%	100%
7	There are data and information sharing challenges when adopting asset forfeiture as a tool of fighting financial crimes	13%	31%	51%	5%	100%

Key SA-Strongly Agree A-Agree D-Disagree SD-Strongly Disagree

Source: Primary data

4.4.1 Lack of resources

The study found unanimous agreement among respondents that a lack of resources is hindering asset forfeiture efforts in the fight against financial crime in Zimbabwe. Of those surveyed, 71% strongly agreed and 29% agreed with this view. Notably, no respondents disagreed or strongly disagreed. This finding points to a consensus that resource constraints are a major operational barrier in Zimbabwe's asset forfeiture regime. The fact that 100% of respondents view this as a challenge, most of them strongly, highlights that even where there is professional competence and legal intent, actual enforcement may be significantly limited by inadequate resources.

The term resources includes financial, technical, and logistical support such as inadequate funding for investigative units such as ZRP and prosecution services, lack of specialized tools for tracing and recovering assets, inadequate staffing and or lack of access to continuous professional development, limited inter-agency coordination platforms and or secure data-sharing systems, as well as poor infrastructure for storing

or managing seized assets among others. This unanimous concern over resource limitations stands in contrast to the generally positive perception of personnel competence and capacity building found elsewhere in the study. This suggests that Zimbabwe possesses human capital capable of carrying out effective asset forfeiture but lacks the material and institutional resources to support those professionals adequately. This finding underscores the urgent need for greater investment in the operational infrastructure of asset forfeiture systems in Zimbabwe. Strengthening budgets, providing modern investigative technologies, and ensuring well-resourced inter-agency cooperation mechanisms should be prioritized. Without these, even the most well-trained personnel may be hamstrung in their efforts. More so, securing donor funding as well as regional technical support through partnerships with institutions such as the African Development Bank, Afrexim Bank, UNODC, or FATF technical assistance programs could be a pragmatic step toward bridging the resource gap.

Lack of resources is reflected in institutions involved in asset forfeiture efforts in various ways and degrees such as inadequate human resources meaning that there is too few trained investigators, prosecutors, or asset managers, and overworked personnel leading to backlogs and low-quality investigations, among others. It also entails lack of technical tools and equipment, no access to modern software for financial tracking, data analysis, or case management, lack of secure storage for seized items among others, poor infrastructure reflected in lack of dedicated offices or facilities for the Asset Forfeiture Unit, inadequate transportation or field equipment for seizures, and lack of facilities to preserve or maintain assets during court proceedings, leading to depreciation or theft, as well as limited operational budgets that is reflected in not enough funding to investigate and trace assets locally or abroad, hire experts (valuers, auditors, translators, among others) among others.

Based on research findings, if the authorities are seeking a significant improvement on asset forfeiture in Zimbabwe, they should avail the necessary resources in the right quantities. While the personnel is skilled, competent, experienced, and knowledgeable, do we have them in right numbers. Other resources such as the right systems and technology, tools of the trade, vehicles, the conditions of service of the personnel, modern infrastructure among other all require attention. These resources are required throughout the value chain of the asset forfeiture process, across all institutions that

involved. If this is done, again, a significant improvement on the level of effectiveness of asset forfeiture will be realized, according to research findings.

4.4.2 Corruption

The study revealed that a substantial majority of respondents, 83% strongly agreed that corruption is hindering the effectiveness of asset forfeiture efforts in combating financial crime in Zimbabwe. An additional 11% agreed, while 6% disagreed. Notably, no respondents strongly disagreed. This overwhelming agreement totalling 94% suggests that corruption is widely perceived as a critical barrier to the success of asset forfeiture initiatives. It indicates that despite existing legal provisions and operational structures, corrupt practices are undermining the integrity, fairness, and effectiveness of the forfeiture process.

Corruption may manifest at various stages of the asset forfeiture process such as bribery of officials to prevent seizure or to recover frozen assets, selective or politically motivated enforcement, interference in investigations by powerful individuals, law enforcement or judicial personnel, collusion between offenders, and weak internal controls and lack of transparency in handling seized assets. This perception of widespread corruption contrasts with other positive findings in the study, such as high confidence in the competence of asset forfeiture personnel and strong agreement that capacity building efforts are adequate. This suggests that while the technical and professional foundations may be strong, systemic corruption can still erode the legitimacy and impact of asset forfeiture as a deterrent and recovery mechanism. The findings point to the need for reforms that go beyond training or legal tools. Tackling corruption will require institutional strengthening (RBZ, FIU, SEC, IPEC, ZIMRA, ZACC, ZRP), greater transparency and accountability in forfeiture proceedings, independent oversight mechanisms, and perhaps even legislative safeguards to prevent abuse or manipulation of asset forfeiture processes.

Corruption can be described as the abuse of entrusted power for private or personal gain. It takes place when individuals in positions of authority use their influence or office to obtain benefits for themselves or others in a way that violates laws, ethical standards, and or institutional rules. The key elements of corruption are entrusted power wherein the person involved holds a position of authority or responsibility, abuse where

that power is used improperly or in a dishonest manner, and private gain where the person seeks a benefit, financial, political, or otherwise that is not lawful or deserved. Corruption erodes trust in public institutions, it leads to inefficient service delivery, it undermines rule of law and justice, corruption discourages investment and economic development, corruption increases poverty and inequality and it protects or empowers criminal networks.

Based on research findings, corruption is heavily weighing down the level of effectiveness of asset forfeiture efforts in Zimbabwe. This implies that as long as corruption is not effectively and decisively dealt with, asset forfeiture will not achieve optimum results. Authorities are thus required to prioritize decisively dealing with a significant reduction of corruption or its eradication, if at all this is possible. Due to lack of resources as discussed above, personnel involved in asset forfeiture are living in adjunct poverty with salaries below poverty datum line. Resultantly, some of these personnel are pushed into illicit conduct such as corruption which then significantly reduces effectiveness of asset forfeiture. If at all level of effectiveness is to be significantly improved, corruption needs to be dealt with.

4.4.3 Political interference

The study found that an overwhelming 95% of respondents strongly agreed that political interference is a significant hindrance to asset forfeiture efforts in combating financial crime in Zimbabwe. An additional 3% agreed, while 2% disagreed. No respondents strongly disagreed. This data reflects an almost unanimous perception among respondents that asset forfeiture efforts are compromised by political influence. With 98% in agreement and 95% strongly so, this is the most decisive response recorded in the study. It suggests that asset forfeiture in Zimbabwe is not perceived as operating independently of political power, which undermines the credibility and effectiveness of the entire regime.

Political interference may take various forms among them protection of politically connected individuals from investigation or prosecution, selective targeting of political opponents under the guise of anti-corruption, influence over judicial decisions in forfeiture cases, delays or obstruction in asset recovery linked to high-level individuals, and undue pressure on law enforcement agencies to act, or not act, on specific cases.

These findings echo similar concerns about corruption (as noted by 94% agreement in a separate question), reinforcing the idea that asset forfeiture is perceived not just as a legal or administrative tool, but one vulnerable to abuse and manipulation. This perception exists despite high levels of confidence in the competence of personnel and capacity building, highlighting that systemic governance issues, rather than technical capacity, are the main barrier to effectiveness.

Political interference significantly undermines the rule of law and public trust in anti-corruption institutions such as ZACC. When asset forfeiture is perceived as politically motivated or manipulated, it weakens its deterrent effect, discredits genuine enforcement efforts, and discourages cooperation from both domestic and international partners. For Zimbabwe to build a credible and effective asset forfeiture system, insulating it from political influence is paramount. This finding underscores the urgent need for stronger checks and balances, institutional independence of asset forfeiture units, judicial oversight, transparent processes for seizure, forfeiture, and asset management, clear guidelines separating political processes from law enforcement functions and legal protections for law enforcement and prosecutors from political pressure.

Political interference in asset forfeiture as well as in the context of this research is the improper influence or involvement of political actors for example government officials, politicians, or ruling party members, in processes of identifying, seizing, managing, or returning assets linked to crime or corruption. It takes various forms among them obstructing investigations or seizures, and politicians using their power to block or delay investigations into certain individuals or entities. It can also be through selective enforcement where asset forfeiture laws are applied unevenly or are used aggressively against political opponents while ignoring or shielding allies, despite similar evidence. It can also be through undue influence on prosecutors or judges. Political leaders may attempt to influence court decisions or pressure prosecutors to drop cases, file weak charges, or avoid pursuing asset recovery altogether. Also, interference can be through misuse of recovered assets where these assets are diverted for political gain such as being used to fund campaigns, reward loyalists, or enrich officials instead of being returned to the public or victims. Political interference can happen through interfering with institutional autonomy where politicians interfere with how institutions like the

Asset Forfeiture Unit (AFU), ZACC, ZIMRA, or the FIU operate. This can be through controlling appointments, budgets, or case selection. Political interference undermines the independence, fairness, and effectiveness of asset forfeiture efforts, and often serves to protect political allies or punish opponents.

Based on research findings, the level of effectiveness of asset forfeiture is being impeded by lack of resources, corruption, and political interference. Use of political power to influence outcomes has been noted as a serious problem. Authorities, the Presidency to be precise, need to set the right tone at the top, to ensure that there is not interference by political heavy weights to subvert asset forfeiture procedures and findings. If political interference is not addressed therefore, the level of effectiveness of asset forfeiture will never be at its best, according to research findings.

4.4.4 Fear of victimisation

The study found that 61% of respondents strongly agreed that fear of victimization is a significant hindrance to asset forfeiture efforts in fighting financial crime in Zimbabwe. An additional 9% agreed, while 27% disagreed and 3% strongly disagreed. These results indicate that a substantial majority, 70%, believe that fear of victimization plays a role in undermining the effectiveness of asset forfeiture. However, the 30% who disagreed or strongly disagreed suggest that perceptions on this issue are more divided than on other barriers such as political interference or corruption.

Fear of victimization may include concerns about harassment or intimidation of law enforcement officials, retaliation against whistleblowers or investigators, prosecutors, or judges involved in asset forfeiture cases, political or criminal retribution against individuals pursuing high-profile cases, as well as damage to professional careers or reputations for acting against powerful figures. Unlike other findings in this study, such as political interference (98% agreement) or corruption (94% agreement), the responses regarding fear of victimization show greater variation. This may suggest that fear is more context-dependent, with some officials or stakeholders experiencing it directly, while others, perhaps shielded by institutional position or working in lower-risk environments, do not perceive it as a significant factor. Fear of victimization can lead to institutional paralysis, reluctance to investigate powerful individuals by law enforcement such as the ZRP, and a chilling effect on whistleblowing and inter-agency

cooperation. Where such fear exists, even the most well-intentioned officials may avoid pursuing high-value or politically sensitive cases. As such, it represents a serious threat to the impartial application of asset forfeiture laws. The presence of fear, real or perceived, reflects underlying weaknesses in the rule of law and personal protection systems for public servants. Addressing this requires the establishment of secure reporting mechanisms, legal protections for officials and whistleblowers, and visible consequences for intimidation or interference.

In the context of this research, victimization may take the form of concern(s) or perception(s), whether real or anticipated, that individuals involved in investigating, prosecuting, or supporting asset forfeiture processes may suffer retaliation, harassment, or harm as a result of their actions. This sort of fear can greatly undermine the effectiveness of asset forfeiture efforts by discouraging reporting, cooperation, or aggressive pursuit of illicit assets. For Law Enforcement (ZRP), Prosecutors, or Judges, this may take the form of fear of being targeted, transferred, demoted, or dismissed for pursuing politically sensitive or high-profile cases, threats of physical harm, intimidation, or smear campaigns against them or their families, pressure to drop cases, and avoid certain individuals, or handle files leniently among others. In the eyes of some whistleblowers and or witnesses it will be fear of being exposed, harassed, or attacked for reporting illicit assets or cooperating with investigations, and risk of losing employment, being blacklisted, or facing legal threats.

Fear of victimization, just like political interference, lack of resources, and corruption is also impeding the success/level of effectiveness of asset forfeiture. Therefore, to realise a noticeable improvement on asset forfeiture, fear of victimization need to be eliminated. This again requires the intervention of higher authorities such as Ministers, the Presidency. More so, other arms of government should do their work without interference, for example the judiciary. If fear of victimization is not addressed decisively, improving the level of effectiveness of asset forfeiture will remain a dream, according to research findings.

4.4.5 Defective legal framework

The study revealed that a significant majority, 76% of respondents, strongly agreed that a defective legal framework is hindering asset forfeiture efforts in the fight against

financial crime in Zimbabwe. A further 11% agreed, while 10% disagreed and 3% strongly disagreed. With 87% of respondents in agreement, there is a strong consensus that the current legal framework governing asset forfeiture in Zimbabwe is inadequate. This suggests that the legislation may be outdated, inconsistent, or insufficiently aligned with practical enforcement needs and international standards.

A defective legal framework in this context refers to insufficient procedural safeguards for transparency and due process, ambiguities or loopholes in asset forfeiture laws, high evidentiary thresholds that hinder prosecutions, inconsistencies between criminal and civil forfeiture provisions, weak enforcement mechanisms or limited prosecutorial powers, and lack of alignment with international standards, such as the FATF Recommendations. The perception of a defective legal framework contrasts with findings that suggest respondents view personnel as competent and capacity building as adequate. This implies that the core challenge lies not in human capital, but in the laws themselves, further reinforcing the need for legislative and institutional reforms. While a minority of respondents (13%) disagreed, this may reflect institutional differences in how the law is applied or understood.

A defective legal framework for asset forfeiture is one where the laws, regulations, and or procedures governing asset forfeiture are inadequate, unclear, inconsistent, or ineffective, and thus resulting in failure to support fair, timely, and successful recovery of assets linked to crime. The defect can be through gaps or loopholes in the laws, ambiguous or poorly drafted provisions, weak due process protections, lack of supporting regulations and or procedures, poor institutional coordination or overlap, inadequate provisions for international cooperation, and absence of a framework for asset management and disposal, among others.

As discussed earlier, level of effectiveness of asset forfeiture can not be bettered with the legal framework in its current shape and form because it is defective. To cause meaningful improvement on asset forfeiture in Zimbabwe, the legal framework require a revamp and be aligned with international best practice among other measures.

4.4.6 Ineffective mutual legal assistance mechanisms

This finding presents a notable contrast to many of the others in the research. It shows low concern about mutual legal assistance being a hindrance. The study found that a minority of respondents believe that ineffective mutual legal assistance mechanisms are hindering asset forfeiture efforts in Zimbabwe. Only 5% strongly agreed and 22% agreed, while the majority of 68% disagreed and 7% strongly disagreed. These findings suggest that mutual legal assistance is not widely perceived as a major barrier to asset forfeiture in Zimbabwe. With 75% of respondents expressing disagreement, there appears to be general confidence in the country's ability to cooperate with international partners in matters related to asset recovery. This could be due to several factors such as that Zimbabwe may not heavily rely on cross-border cooperation in its asset forfeiture cases, especially if most targets and assets are domestic. Existing bilateral or regional arrangements may not be functioning adequately for current needs also. The respondents may not have been directly involved in international cooperation cases and thus less aware of practical mutual legal assistance challenges. While the concern is low overall, it should not be dismissed. However, 27% of respondents did express concern (5% strongly agreed, 22% agreed), suggesting that for a subset of respondents, perhaps those working in transnational cases, mutual legal assistance mechanisms may still present challenges. These might include delays in receiving cooperation, limited capacity in partner jurisdictions, or bureaucratic hurdles in initiating requests. While mutual legal assistance may not currently be a major impediment, the growing globalization of financial crime means that cross-border cooperation will become increasingly critical. Proactive investment in strengthening mutual legal assistance frameworks, especially with key financial centers, will help future-proof Zimbabwe's asset recovery capabilities.

Research findings show that while some stakeholders were of the view that the level of effectiveness of asset forfeiture was partly attributable to ineffective mutual legal assistance mechanisms, the real issue lies elsewhere. Therefore, even if the mutual legal assistance is addressed fully today, based on research findings, the effectiveness of asset forfeiture is not expected to improve significantly. Authorities should thus prioritize other areas to significantly better asset forfeiture, not mutual legal assistance. These areas include availing adequate resources, dealing with corruption, political interference, and fear of victimization.

4.4.7 Data and information sharing challenges

The study found that 13% of respondents strongly agreed and 31% agreed that challenges in data and information sharing are hindering asset forfeiture efforts in fighting financial crime in Zimbabwe. On the other hand, 51% disagreed and 5% strongly disagreed, suggesting mixed perceptions on the severity of this issue. These findings indicate that data and information sharing is not perceived as a major systemic barrier by the majority of respondents. With 56% expressing disagreement, there appears to be some level of confidence in existing inter-agency coordination or data-sharing mechanisms. However, the 44% who acknowledged it as a challenge suggest that the issue is still significant for a substantial portion of stakeholders.

Data and information sharing challenges may also stem from poor interoperability between law enforcement such as the ZRP, FIU, judiciary, and regulatory bodies such as RBZ, FIU, IPEC, SEC, or a lack of formal protocols for secure and timely information exchange. Compared to other issues like political interference (98% agreement) and defective legal frameworks (87%), data and information sharing is perceived as a less pressing concern. This may indicate that while operational inefficiencies exist, they are not considered the primary reason for weak asset forfeiture outcomes. Although not identified as a critical obstacle, data-sharing limitations can still reduce the speed and effectiveness of asset tracing and case building. Addressing even moderate concerns in this area could enhance inter-agency coordination, reduce investigative delays, and improve the efficiency of asset forfeiture processes.

Research findings show that data and information sharing challenges cannot be the main reason why asset forfeiture is failing to produce desired in Zimbabwe. This means that while they are necessary, their contribution to a failing asset forfeiture system is minimal. Therefore, to significantly improve asset forfeiture, authorities need to prioritize other areas, not data and information sharing per se. This is also may be due to the fact that most of asset forfeiture efforts in Zimbabwe are on parties resident in Zimbabwe.

4.4.8 Other challenges

Other challenges noted are that in most cases the forfeiture fails to be effective because more often than not the accused manages to hide their assets by registering them in other people's names insufficient information to effect successful prosecution, judicial

capture, poor implementation of government policies and poor evidence were attributable to the ineffectiveness of asset forfeiture measures that are in place. Some respondents noted that wilful blindness engulfing the asset forfeiture ecosystem in dealing with cases which involves politically exposed persons and their associates and lack of political will as being part of the problem. Also highlighted were international and cross-border challenges with difficulties in tracing and recovering assets located outside Zimbabwe being a notable hurdle. It was also noted that there are limited international treaties or agreements facilitating asset recovery across borders.

Non-committal by the authorities and bodies and selected application of the law were also noted as challenges with lawmakers being implicated as being involved in financial crimes hence the difficult in ensuring that asset forfeiture is fully implemented as it would negatively impact them. Lack of consistent lifestyle audits on especially company executives was also noted as a stumbling block asset forfeiture efforts. Others attributed ineffectiveness of asset forfeiture efforts to a process called layering in money laundering wherein assets are registered in the names of obscure characters thus making it difficult to trace assets that belong to culprits.

4.5 Other findings: Structured Interviews

4.5.1 Comprehension of Asset Forfeiture

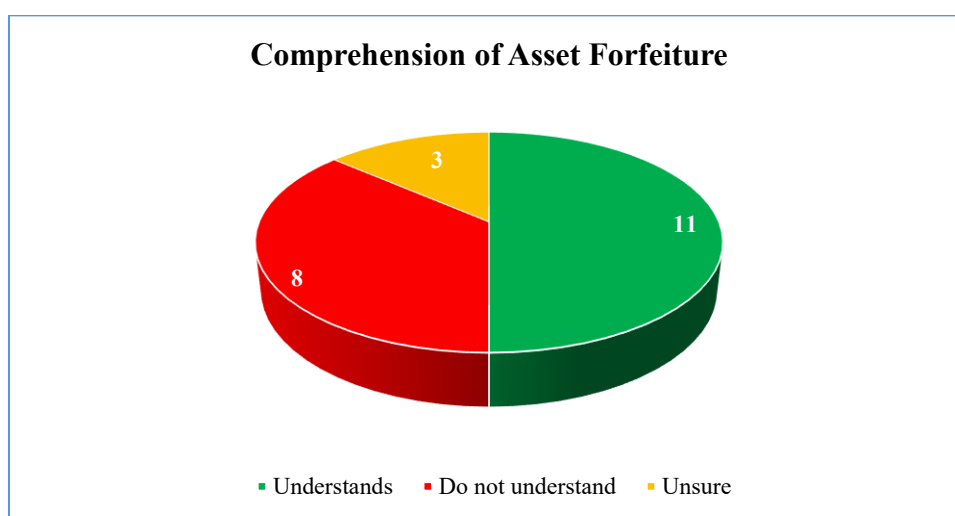


Fig 4. 4 Comprehension of Asset Forfeiture (Structured Interviews)

Source: Structured Interviews

50% of respondents indicated that they understood asset forfeiture and its role in fighting financial crimes. Understanding asset forfeiture is of essence to individuals that are entrusted with managing and or executing these effort such as law enforcement officers, prosecutors, financial investigators, compliance officers, and government officials since their actions and or non-actions carry significant legal, financial, ethical, and societal implications. 36.4% of respondents noted that they did not comprehend asset forfeiture and what it seeks to accomplish while 13.6% of respondents were not so sure if they understood asset forfeiture or not.

4.6 Chapter summary

The research found that the main financial crimes in Zimbabwe are fraud, criminal abuse of office, identity theft, smuggling, electronic fraud, card cloning, tax evasion, embezzlement, corruption, and transfer pricing. However, there prevalence varies. Corruption, fraud, and tax evasion were found to be among the top financial crimes in Zimbabwe. The asset forfeiture measures that have been put in place by authorities are generally effective with the institutions viewed to be fit for purpose and well structured. However, there gaps in the legal framework, corruption related challenges as well as political interference among the key challenges hampering the effectiveness of asset forfeiture measures and mechanisms.

CHAPTER V

SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

5.0 Introduction

This chapter presents the general conclusions and recommendations drawn from research results presented in Chapter four. Areas of further research will also be considered. This research was centred on three objectives namely determining the main financial crimes in Zimbabwe, investigating the effectiveness of asset forfeiture efforts as a mechanism of combating financial crimes as well as identification of the challenges that are being faced in Zimbabwe in an effort to derive the best results through the adoption of asset forfeiture efforts.

5.1 Summary

This research used the Rational Choice theory and the Opportunity theory to help unpack variables that can influence decisions and behaviours of stakeholders that are involved in fighting financial crimes in Zimbabwe particularly through the use of asset forfeiture as one of many possible routes. The research sought to assess if the asset forfeiture efforts have been yielding desired results. The target population for the online survey was twelve (12) law enforcement agents, three (3) ZIMRA Officers, four (4) ZACC Officers, four (4) Regulators, fifteen (15) working in financial institutions, and ten (10) Lawyers involved in fighting financial crimes and or asset forfeiture in Zimbabwe. A brief interview was also used wherein the population was two (2) Regulators, two (2) ZACC Officers, eight (8) Police Officers, five (5) working in the financial services sector, and three (3) ZIMRA Officers. Online questionnaires and interviews were employed for purposes of data collection. The online questionnaires were designed to check for reliability and consistency and to effectively address the research objectives. The interviews were meant to complement the online questionnaire by neutralizing some its weaknesses.

5.2 Summary of the major findings

The study was guided by the following objectives;

- (i) To establish the main types of financial crimes in Zimbabwe.
- (ii) To determine the effectiveness of asset forfeiture in combating financial crime.
- (iii) To investigate the challenges that come with the adoption asset forfeiture as a mechanism for combating financial crimes.

The following were the key findings from the research:

Common financial crimes in Zimbabwe

The most prevalent financial crimes in Zimbabwe, according to the findings of this research are corruption, fraud (including electronic fraud), criminal abuse of office, identity theft, card cloning, tax evasion, smuggling, embezzlement, and transfer pricing.

Effectiveness of asset forfeiture in combating financial crimes in Zimbabwe

The finding that 69% of respondents believe asset forfeiture is effective reflects growing recognition of its role as a deterrent and enforcement mechanism in the fight against financial crime in Zimbabwe. It suggests that, at least in some sectors, asset forfeiture is being implemented with visible results or public impact. However, the fact that nearly a third of respondents are not convinced of its effectiveness underscores the presence of structural, legal, or operational limitations—such as political interference, corruption, or legal loopholes—highlighted in other parts of the study. These mixed perceptions point to the need for continued reforms and capacity strengthening to ensure that asset forfeiture can deliver consistent and credible outcomes.

Challenges hindering asset forfeiture efforts

Some of the problems that are limiting the success of asset forfeiture in Zimbabwe, according to the findings of this research include lack of resources, corruption, political interference and corruption within law enforcement agents and the criminal justice system, fear of victimization, a legal framework that is not fit for purpose, insufficient information to effect successful prosecution, some legal issues around the concept of asset forfeiture, and the fact that some of the perpetrators are aligned to political heavy weights. Other challenges include judicial capture and corruption in the law enforcement and judicial services processes, mutual legal assistance not working to

perfection, poor implementation and lack of clear lack of appropriate structures within institutions that deal with financial crimes.

Some respondents were of the view that asset forfeiture has not been successful as it should have been due to lack of human resources with the qualities and qualifications to fight financial crimes while others attributed the ineffectiveness to lack of funding and other necessary resources to fight financial crimes. Some respondents felt that evidence collection is poor hence the low conviction rate. Others were of the view that there are generally few money laundering cases or investigations in Zimbabwe.

Other challenges that were noted in this research regarding the effectiveness of asset forfeiture in fighting financial crimes in Zimbabwe is that the financial crimes are mainly committed by people in high political offices and those in charge of investigations are appointed by the same people who commit the crime. Some respondents noted that besides the gaps in legislation, the court processes are lengthy. Some respondents noted that wilful blindness engulfing the asset forfeiture ecosystem in dealing with cases which involves politically exposed persons and their associates and lack of political will as being part of the problem.

Among the challenges that were highlighted by respondents is the issue of lack of training and lack of public awareness campaigns and the fact that criminals involved have strong political affiliations hence their assets do not get confiscated. Some respondents noted that difficulty in proving money laundering, terrorism financing and other predicate offences like bribery, fraud and corruption for the purposes of conviction was inhibiting asset forfeiture efforts. Data and information sharing gaps as well as limited cooperation and information sharing between agencies such as the police, financial intelligence units, and customs authorities was noted as a challenge. Also highlighted were international and cross-border challenges with difficulties in tracing and recovering assets located outside Zimbabwe being a notable hurdle. It was also noted that there are limited international treaties or agreements facilitating asset recovery across borders. Non-committal by the authorities and bodies and selected application of the law were also noted as challenges with lawmakers being implicated as being involved in financial crimes hence the difficulty in ensuring that asset forfeiture is fully implemented as it would negatively impact them. Lack of consistent lifestyle

audits on especially company executives was also noted as a stumbling block asset forfeiture efforts. Others attributed ineffectiveness of asset forfeiture efforts to a process called layering in money laundering wherein assets are registered in the names of obscure characters thus making it difficult to trace assets that belong to culprits.

5.3 Conclusion

Common financial crimes in Zimbabwe

Zimbabwe is faced with financial crimes of different types among them corruption, money laundering, smuggling, tax evasion, fraud, dealing in precious minerals, card cloning, transfer pricing, identity theft among many others. Corruption, money laundering, fraud, smuggling, and tax evasion were more common in terms of findings of this research.

Effectiveness of asset forfeiture in combating financial crimes in Zimbabwe

The majority of respondents (69%) perceive asset forfeiture efforts in Zimbabwe as effective in combating financial crime. This indicates a relatively strong level of confidence in the use of asset forfeiture as a legal and enforcement tool. However, the finding also implies that 31% of respondents either view the efforts as ineffective or are unsure, suggesting that while progress has been made, significant challenges remain that may limit the full impact of asset forfeiture in practice. The conclusion is that asset forfeiture is not working at optimum level and therefore require improvement. The conclusion is premised on poor showing on the legal framework front, high levels of corruption, political interference, lack of resources, and fear of victimization among other drawbacks.

Challenges hindering asset forfeiture efforts

The research findings Zimbabwe's asset forfeiture efforts in combating financial crime are significantly undermined by a range of systemic challenges. The most prominent barriers identified include political interference (98% agreement), corruption (94%), a defective legal framework (87%), and lack of resources (100%). These factors collectively erode the credibility, consistency, and impact of asset forfeiture initiatives. Additionally, fear of victimization (70%) further discourages active enforcement, while operational constraints such as poor data and information sharing (44%) and ineffective mutual legal assistance mechanisms (27%) limit both domestic and international

coordination. Addressing these issues through legal reform, institutional safeguards, enhanced resourcing, and improved inter-agency collaboration is essential to strengthening Zimbabwe's asset recovery framework and restoring public confidence in the fight against financial crime.

Based on research findings therefore, the key challenges impeding on the effectiveness of asset forfeiture are lack of resources, corruption, political interference as well as fear of victimization. If these variables are adequately attended to by the authorities, it is highly expected that the asset forfeiture will produce optimal results.

5.4 Recommendations

- **Elimination of political interference**

There must never be political interference in asset forfeiture to enhance effectiveness. Political interference is resulting in interference with investigations and court processes thus resulting in selective application of the law. The Presidency should decisively intervene to curtail this practice which, to a large extent, based on the findings of this research, is orchestrating ineffectiveness in asset forfeiture efforts. There is also need for transparency and fairness when dealing with cases that include asset forfeiture.

- **Allocation of adequate funding and other resources**

It is proposed that Treasury also prioritizes efforts to fight financial crimes through asset forfeiture and related measures. This includes adequately capacitating all institutions involved in fighting financial crimes through asset forfeiture (among other measures). These include, among others, ZRP, ZIMRA, and ZACC.

- **Capacity building on financial crimes and asset forfeiture**

There is need to increase advocacy as well as training and awareness initiatives towards financial crimes and or asset forfeiture in Zimbabwe. This includes joint training and capacity-building efforts to develop multidisciplinary task forces and conduct regular cross-agency training on asset tracing, financial investigations, and case management.

- **Streamlining the legal framework**

The legal framework needs to be fit for purpose. It must be consistent with current global, regional, and local best practice. The legal framework require constant updating and measures to quickly sniff gaps so that corrective measures can be taken in good time.

- **Inter-agency cooperation and capacitation of all authorities and agencies**

To counter challenges related to mutual assistance, it is proposed that there be inter-agency cooperation. Commission of financial crimes is a global problem and people are now living in a global village. A Zimbabwean citizen lives in Germany with assets and bank accounts in Switzerland, South Africa among others. Proceeds of crime can be transferred cross-border with a click of button thus significance of inter-agency cooperation.

- **Enhance International Cooperation**

Zimbabwe need to sign and implement bilateral and multilateral treaties focused on asset recovery and mutual legal assistance.

- **Leverage Technology and Data Management**

Zimbabwean authorities need to invest in databases and information systems to facilitate asset tracing and case management.

- **Centralized Asset Recovery Office (ARO)**

There is need for Zimbabwe to establish a centralised Asset Recovery Office (ARO) that is mandated, dedicated, and well-resourced to coordinate investigations, manage seized assets, and liaise with international counterparts.

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ASSET FORFEITURE & FINANCIAL CRIMES IN ZIMBABWE

APPENDIX 1: QUESTIONNAIRE

Instructions

1. Do not write your name on the questionnaire.
2. Indicate your responses by ticking the respective answer box and filling the relevant spaces provided.

-
1. Which employment strata are you from? If you choose other, please provide a short comment.

	Police Services
	Zimbabwe Revenue Authority (ZIMRA)
	Zimbabwe Anti-Corruption Commission
	Financial Intelligence Unit (FIU)
	Financial services
	Police Services

Comment.....

2. What is your job level? If you choose other, please provide a short comment.
For Police Officers, please ignore this and refer to (3) below;

	Clerk
	Officer
	Manager
	Executive
	Other

Comment.....

3. Kindly indicate your rank (for police services personnel only)

Rank	Indicate here
Constable	
Sergeant	
Assistant Inspector	
Inspector	
Chief Inspector	
Superintendent	
Chief Superintendent	
Assistant Commissioner	
Other	

4. How long have you been dealing with financial crimes and or asset forfeiture?

	0-5 years
	6-10 years
	11-15 years
	16-20 years
	20+ years

5. What is the highest level qualification that you currently hold?

Highest level of education	Indicate here
O level	
A level	
Diploma	
Higher National Diploma	
Undergraduate	
Masters	
Doctorate	
Other	

Comment.....

6. Have you ever attended any asset forfeiture specific seminar, workshop, and or training in the past 24 months?

Option	Indicate here
Yes	
No	

7. Have you attended any financial crime seminar, workshop, and or training in the past 6 months?

Option	Indicate here
Yes	
No	

8. Do you understand the role that Asset Forfeiture plays as a deterrent to commission of financial crimes in Zimbabwe?

Option	Indicate here
Yes	
No	
Maybe	
Can not say	

9. Money laundering is one of the financial crimes affecting both developing and developed countries. Please name any other financial crimes that are common in Zimbabwe

- (i).....
- (ii).....
- (iii).....

10. Zimbabwe is adopting various strategies to fight financial crimes. How would you rate the success/effectiveness of Asset Forfeiture as a method of combating financial crimes in Zimbabwe?

Question	A	SA	D	SD	Total
Personnel involved in asset forfeiture efforts comprehends and have adequate knowledge on asset forfeiture					
Institutions involved in asset forfeiture well structured					
Personnel involved in asset forfeiture efforts is competent and experienced					
There is adequate capacity building on asset forfeiture in Zimbabwe					
The legal framework for asset forfeiture fit for purpose					

11. How would you rate challenges that are being faced in Zimbabwe in the attempt of improving effectiveness of Asset Forfeiture in fighting financial crimes?

No	Nature of the challenge	SA	A	D	SD	Total
1	Lack of resources is a challenge hindering asset forfeiture efforts					
2	Corruption cripples asset forfeiture measures					
3	Political interference suffocates asset forfeiture mechanisms to curb financial crimes					
4	Fear of victimisation is retrogressive when it comes to asset forfeiture					
5	The asset forfeiture legal framework is defective					
6	Existing mutual legal assistance mechanisms are ineffective					
7	There are data and information sharing challenges when adopting asset forfeiture as a tool of fighting financial crimes					

12. Do you think your organization is appropriately structured to deal with financial crimes and or help asset forfeiture to be highly effective?

	Yes
	No
	Maybe

13. What recommendations do you proffer to regulatory authorities, law enforcement, and or the government and or its agencies, if any, to improve effectiveness of Asset Forfeiture in Zimbabwe?

- (i).....
- (ii).....
- (iii).....

END

ASSET FORFEITURE & FINANCIAL CRIMES IN ZIMBABWE

APPENDIX 2: INTERVIEW GUIDE

1. Please indicate the strata you are from?

Employment	Indicate here
Police Services	
Zimbabwe Revenue Authority (ZIMRA)	
Zimbabwe Anti-Corruption Commission	
Financial Intelligence Unit (FIU)	
Financial services	

2. Kindly indicate your years of experience dealing with financial crimes and or asset forfeiture?

Years of experience	Indicate here
0-5 years	
6-10 years	
11-15 years	
16-20years	
Over 20 years	

3. What is the highest level qualification that you currently hold?

Highest level of education	Indicate here
O level	
A level	
Diploma	
Higher National Diploma	
Undergraduate	
Masters	
Doctorate	
Other	

If you selected other, specify below

-
4. Please indicate your job level below, for police officer please refer to 4(b)

Job level	Indicate here
Clerk	
Officer	
Manager	
Executive	

- 4(b) Kindly indicate your rank (*for police services personnel only*)

Rank	Indicate here
Constable	
Sergeant	
Assistant Inspector	
Inspector	
Chief Inspector	
Superintendent	
Chief Superintendent	
Assistant Commissioner	
Other	

If you selected other, specify below

-
5. Do you understand the role that Asset Forfeiture plays as a deterrent to commission of financial crimes in Zimbabwe?

Option	Indicate here
Yes	
No	
Maybe	
Can not say	

6. Money laundering is one of the financial crimes affecting both developing and developed countries. Please name any other financial crimes that are common in Zimbabwe

(i).....

(ii).....

(iii).....

7. Zimbabwe is adopting various strategies to fight financial crimes. How would you rate the success/effectiveness of Asset Forfeiture as a method of combating financial crimes in Zimbabwe?

Question	A	SA	D	SD	Total
Personnel involved in asset forfeiture efforts comprehends and have adequate knowledge on asset forfeiture					
Institutions involved in asset forfeiture well structured					
Personnel involved in asset forfeiture efforts is competent and experienced					
There is adequate capacity building on asset forfeiture in Zimbabwe					
The legal framework for asset forfeiture fit for purpose					

8. How would you rate the challenges that are being faced in Zimbabwe in the attempt of improving effectiveness of Asset Forfeiture in fighting financial crimes?

No.	Nature of the challenge	Strongly Agree	Agree	Disagree
1	Lack of resources			
2	Corruption			
3	Political interference			
4	Fear of victimisation			
5	Defective legal framework			
6	Ineffective mutual legal assistance mechanisms			
7	Data and information sharing challenges			

9. What recommendations do you proffer to regulatory authorities, law enforcement, and or the government and or its agencies, if any, to improve effectiveness of Asset Forfeiture in Zimbabwe?

(i).....

(ii).....

(iii).....

END

PLAGIARISM REPORT

