

## THE RULE OF LAW AND CRIMINALITY IN THE REPUBLIC OF KOSOVO

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**Abstract:** The principle of the state of law is undoubtedly one of the most important and essential principles for any state and democratic society. Its fullest realisation in everyday life is the best guarantee for the development of democracy as well as recognition and enforcement of citizens' fundamental rights and freedoms. To this end, the general principles of the rule of law today occupy a special place and are fixed explicitly in contemporary constitutions and democratic legislation. However, it should be borne in mind that the existence of the constitutional and legal framework is only a necessary premise for the rule of law. Equally important is the functioning of various control mechanisms for the implementation of constitutional and legal norms, and especially, the creation of a new mentality among both public officials and citizens expressed in the awareness to the needs for the implementation of these norms and in the reaction with legal and democratic means against their violation by anyone.

The Balkan Peninsula represents great strategic importance, not only for the surrounding states but also for the criminal groups that interact in this region. Many Balkan states have been through and currently are in deep democratic transition and it is difficult to break away from their historical past. Although many law enforcement agencies in this region stand out for their professionalism, the impact of consecutive wars presents decisive factors for the triumph or failure of law enforcement institutions against various crimes in this European area. The last war was waged in Kosovo, which ceased in June 1999, has a significant importance in the increase of criminality in Kosovo. After 1999, due to poorly controlled borders, lack of legislation, creation of a new police, and the establishment of the justice system, many criminal groups from the field of narco-criminality took advantage of this situation by creating organized criminal networks for the purpose of trafficking narcotic substances and psychotropic substances from the country of origin, transiting through Kosovo, and continuing towards the country of destination which was in Western Europe. The current internal processes that Kosovo is facing are economic and social development, which are still far from regional and European development structures, which as a result of poverty and lack of perspective, for a significant part of Kosovan society, are resulting with a high crime rate. The geostrategic position of the Republic of Kosovo in the Balkans, as well as the created post-war conditions, enables various criminal groups to carry out organised crime activities. High levels of unemployment and poverty, high levels of corruption in state institutions, and lack of free movement outside Kosovo contribute to creating appropriate conditions for the development of criminality in general and organised crime in particular. In support of various analyses conducted during the research, is the author has noticed that the Republic of Kosovo, compared to EU countries, has a lower level of criminality, while compared to countries in the region where the criminality level is higher.

**Keywords:** the rule of law; criminality; criminality factors; organised crime; criminality fighting

**DOI:** 10.14712/23366478.2023.33

## 1. INTRODUCTION

The concept of the state of law is quite complex and multidimensional. It includes in itself the set of legal-political principles that ensure the rule of law in society. The rule of law implies the superiority of the law over citizens and the state itself, as its authors.<sup>1</sup>

In the broad sense with the rule of law, respectively, we understand the establishment of all the bodies of power, as well as any bearer of public authorizations and of every individual under the constitution and law, respectively subordinate to the legal order.<sup>2</sup> The concept of the rule of law, in this sense, with the development of the state itself, has later evolved and gained wider content.<sup>3</sup> Thus, in contemporary jurisprudence, the term “state of law”, in the most general sense, means “the state in which the functioning and manifestation of state power has legal forms, which define the boundaries of the action of the state power”. Criminality is defined from legal, sociological, and criminological views.

According to the *Criminological definition*, criminality represents the group of all actions that endanger or damage the basic human values (protected by law).<sup>4</sup> Basic human values can be individual (human life, physical or bodily integrity, freedom, wealth, security, etc.), or collective-shared values (social regulation, national security, legal system, economic system, etc.). Criminality affects the formation of criteria for the evaluation of good society and bad society, so it is a large industry and unites different parts of the population, thus contributing to the effectiveness of social life, and at the same time, it is a warning that there is something good in society, wicked, and evil, and warns that there is something in society that harms and hinders social organization.<sup>5</sup>

Based on the general social circumstances, accompanied by the consequences of the war, optimal conditions were created in Kosovo for the rise and development of criminality. Relying on an extremely large number of data and scientific research, the disturbing fact can be concluded that criminality in Kosovo has taken massive proportions, and has spread to all pores of life. There is a perception, but also facts, and ascertainment of many international mechanisms that in Kosovo operates a strong structure of organized crime which controls not only the most profitable businesses, but also the vital structures of the state. These ugly social phenomena, in addition to hindering economic development, building the rule of law, and advancing Kosovo towards Euro-Atlantic structures, have a strong negative impact on certain segments of the people, especially the youth, in the loss of hope for a better future and in strengthening the feelings of distrust towards state structures.<sup>6</sup>

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<sup>1</sup> ZAGANJORI, X. *Demokracia dhe Shteti i së Drejtës* [Democracy and State of Law]. Tirana: Shtëpia Botuese “Luarasi”, 2002, pp. 70–72.

<sup>2</sup> ROBAJ, A. *Demokracia parlamentare dhe shteti i së drejtës në Republikën e Shqipërisë* [Parliamentary democracy and the state of law in the Republic of Albania]. Prishtina: FAMA College, 2007, pp. 169–170.

<sup>3</sup> SALIU, K. *E drejta kushtetuese I* [Constitutional Law I]. Prishtina: University of Prishtina, 2004, p. 106.

<sup>4</sup> HALILI, R. *Kriminologjia* [Criminology]. Prishtina: University of Prishtina, 2011, p. 224.

<sup>5</sup> *Ibid.*, p. 222.

<sup>6</sup> ROBAJ, *c. d.*, pp. 57–59.

## 2. MATERIAL AND METHODS OF WORK

Among basic questions raised by every student intending to deal with research of a specific phenomenon, respectively feature in social sciences, is whether successfully proven that the results of a research (study) will serve the respective environment and science as well. The research process, pertaining its nature, represents an extraordinary complicated development, which shall be led by specific and very particular procedures, aiming to achieve a scientific and sustainable fact. In this aspect, my study is vital, sustainable, and rigorous in its concept.

Taking into consideration the fact that the quality of research is one of the fundamental purposes of every researcher, with this scientific paper I have strived to preserve the quality of research as a basic goal for the achievement of a scientific truth. The study is prepared applying various contemporary scientific methods such as: legal methods which are based on various scientific and professional sources, including university literature, papers and scientific articles, official data from institutional sources, pertaining the state of law, meaning of criminality, factors of criminality, level of criminality, and classification of criminality. A qualitative method is used, which is based on statistical data obtained from official bodies, both locally and internationally, in regards to level of criminality and classification of criminality. The quantitative method is applied, which is based on official statistics in regards to criminality and level of criminality. Furthermore, the comparative method is used, which is based on official records, both local and international, to ascertain the level of criminality and its classification in various countries of Western Balkans. With an empiric method applied in this study, through charts and graphs, with official figures displays the criminality, level, and its classification, in various countries of the Western Balkans.

## 3. DISCUSSION

### 3.1 THE RULE OF LAW AND CRIMINALITY

The state of law is considered as the means by which the system of democratic values penetrates into legal mechanisms. If it ceases to be a state of human rights, it becomes a state of injustice, despite the presence of the hierarchy of norms and related procedures, because such a state contradicts the system of values that created it.<sup>7</sup>

The principle of the rule of law in contemporary democratic countries is of multiple importances. It means the system in which state power, in particular the executive and administrative power, is limited to its own legal norms, in which way it guarantees the non-violation of fundamental human and citizen rights and freedoms.<sup>8</sup> Americans obey the law, not only because it is in their own interest, but because it may be changed if harmful. A law is observed because it is a self-imposed evil in the first place, and an

<sup>7</sup> BURDEAU, G. *Droit constitutionnel et institutions politiques*. Paris: Librairie générale de droit et jurisprudence, 1963, p. 328.

<sup>8</sup> SALIU, c. d., p. 106.

evil of a transient duration in the second.<sup>9</sup> The principle of the state of law is undoubtedly one of the most important and essential principles for any state and democratic society.<sup>10</sup> Its fuller realization in everyday life is the best guarantee for the development of democracy and the recognition and enforcement of citizens' fundamental rights and freedoms.<sup>11</sup>

According to the material notion, a criminal offense is an act or behaviour of a person which damages or endangers the basic values of a person, society, and the legal system.<sup>12</sup> Based on the certain degree of damage or endangerment of social values of special importance, the criminal legislation determines the limit and the system of criminal sanctions that will be applied to the perpetrators of such offences.<sup>13</sup> In this way, the limits of criminal legal protection are determined.<sup>14</sup> However, endangering social values does not always constitute criminal behaviour. Thus, deviant behaviours of young people such as: dropping out of school, vandalism, smoking, loitering, etc., are not considered criminal offences.<sup>15</sup> The criminal legislation of Kosovo acquires the formal-material notion of a criminal offense, which stipulates that: "A criminal offense is an unlawful act which is defined by law as a criminal offense, the characteristics of which are defined by law and for which a criminal sanction or a measure of mandatory treatment is prescribed by the law."<sup>16</sup>

Governance and the rule of law, on the one hand, and sovereignty and territorial integrity, on the other, were the priorities of the West in 2008, with the aim of maintaining public order in Kosovo in order to solve the causes of its fragility, strengthen stability in the Balkans, and protect the internal security of EU.<sup>17</sup> In varying degrees, the region presents three of the five dangers identified by the European security strategy: regional conflicts, state failure, and organized crime.<sup>18</sup> Kosovo is still far from the structures of civil society. However, in Kosovo, the strenuous, long-lasting effort has been continued in building a true state of law. Finally, without improving the quality of institutions, laws, and strategies, one cannot create tangible results: governance is a system, and its weaknesses affect all the institutional and political spheres.<sup>19</sup>

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<sup>9</sup> TOCQUEVILLE, A. *Demokracia në Amerikë* [Democracy in America]. Tirana: Fondacioni Sopros & Kristalina, 2002, p. 88.

<sup>10</sup> ZAGANJORI, X. *Democracy and State of Law*. Tirana, 2002, p. 70.

<sup>11</sup> ROBAJ, c. d., p. 170.

<sup>12</sup> SALIHU, I. *E drejta Penale* [Criminal Law]. Prishtina: University of Prishtina, 2005, p. 180.

<sup>13</sup> *Ibid.*

<sup>14</sup> *Ibid.*, pp. 180–181; ABAZOVIĆ, M. – MURATBEGOVIĆ, E. – HALILOVIĆ, H. – BUDIMLIĆ, M. – BEĆIROVIĆ, E. *Politika e luftimit të kriminalitetit* [Criminality Fighting Policy]. Sarajevo, Prishtina: University of Sarajevo, University of Prishtina, 2006, p. 8; HENTIG, H. *Krimi në Shoqëritë Bashkëkohore* [Crime in Contemporary Societies]. Sarajevo, 1962, pp. 12–15.

<sup>15</sup> HALILI, c. d., p. 224; KRSTIĆ, D. *Psihološki rečnik* [Psychological Dictionary]. 2nd ed. Beograd: Savremena administracija, 1991, p. 94; MILUTINOVIĆ, M. *Kriminologjia* [Criminology]. Prishtina: ETMMK, 1982, p. 279.

<sup>16</sup> Criminal Code of the Republic of Kosovo, 2019, Article 7.

<sup>17</sup> CAPUSSELA, L. A. *Shtetndërtimi në Kosovë: demokracia, korrupsioni dhe BE-ja në Ballkan* [State building in Kosovo: democracy, corruption and the EU in the Balkans]. Prishtina: Koha, 2015, p. 158.

<sup>18</sup> *Ibid.*, p. 173.

<sup>19</sup> *Ibid.*, p. 158.

The fight against organized crime and corruption is a challenge in itself for the state of Kosovo, which has often been blamed for a lack of efficiency.

### 3.2 FACTORS OF CRIMINALITY

The aetiology of criminality analyses criminality which is presented as the cause of certain consequences and certain social conditions, in particular the personality of the perpetrator of the criminal offense, and their psychological and psychiatric characteristics which qualify them as a criminal. Based on the main problems and issues raised by the aetiology of criminality, we can definitely emphasize that it ranks as one of the most important branches of criminology. Based on exogenous (external) or social factors and endogenous (internal) or psychological factors, the correlation between them can be successfully argued in criminology. This is confirmed by the study of Rudolph Moos, who in a series of research has argued the importance of the social circle in which such behaviour takes place through the current impact of circumstances on the behaviour and experience of the social circumstances of both the individual and the group.<sup>20</sup>

#### 3.2.1 EXTERNAL FACTORS OF CRIMINALITY

From the research done by well-known experts in the criminal field, we can understand that external or exogenous criminogenic factors have a great influence. These factors directly affect the occurrence of criminal activities in society. Empirical criminological research on criminality shows that, in many countries of the world, external factors have a greater impact compared to many other factors. The large number of authors in this field, as external or exogenous factors of criminality emphasizes the socio-economic factors of the existing society, and in this context highlight the impact of the economic crisis that has gripped the world in general. Consequently, other crises such as unemployment, migration, poverty, etc., are direct factors on criminality. Dire social situations and unemployment is a situation which in the long run causes suitable ground for the rise of not only potential criminality, but also real-life criminality. A disorganized family presents a suitable environment for the rise of criminal culture and criminality, especially when the social-class roles of family members are lost, where children usually seek shelter and identity in the street structure, in the neighbourhood and in the relations of micro-groups.<sup>21</sup> In addition, drug addiction, alcoholism, prostitution, and a range of other social-pathological conditions can cause a higher rate of criminality. It is undeniable that many different reasons or circumstances can motivate a person to commit a crime which even experts in this field have not reached any general consensus on.<sup>22</sup>

#### 3.2.2 INTERNAL FACTORS OF CRIMINALITY

When talking about the subjective aetiology of criminality, related to delinquent behaviour, and in particular about murders, personal qualities must be

<sup>20</sup> MOOS, R. H. *Effects of the Social Climates of Correctional Institution*. California: University of California, 1960, pp. 50–70.

<sup>21</sup> SHABANI, A. – BUDIMLIĆ, M. *Kriminologija* [Criminology]. Sarajevo, Pristina, 2007, p. 107.

<sup>22</sup> UNICEF, 2006, 110/13.

taken into account, which means a departure from the normal psyche, because they too can appear in decisive circumstances as a factor of murder. In the criminological literature, the mentally ill are treated as special delinquents. As such, they are labelled as psychopaths, neurotics, psychoneurotic, schizophrenics, emotionally unstable persons, egocentric persons, etc.<sup>23</sup> These persons are presented as perpetrators of various criminal offenses, including the commission of murders.<sup>24</sup> Regardless of the fact that persons who are mentally ill are not subject to criminal liability when presented as perpetrators of murders or are subject to only a limited liability, knowledge of their actions and behaviour is of great importance in uncovering criminality in society, due to the fact that persons with mental disabilities can always pose a potential risk.

#### 4. CRIMINALITY RATE

The criminality rate in Kosovo as well as criminal offenses that have increased show that there are still problems of various natures. In recent years, there has been a general decrease in the level of crime, but the fact that there is an increase in some types of criminal offenses is worrying. Referring to the Kosovo Police statistical data for the period 2016–2021, it is noticed that there is an increase in the level of crime in the following areas: robberies, illegal occupation of immovable property, aggravated theft, serious bodily injury, causing general danger, attempted murder, and criminal offenses against public traffic safety.<sup>25</sup> Murders, as the most serious category of criminal offenses, in recent years, has marked a decline, but compared to the situation with the countries of the Western Balkans, the murders are more noticeable in Kosovo. The number of crimes detected in Kosovo is approximately 3000 per 100,000 inhabitants, which is significantly lower than the average of the 11 EU member states, but in relation to North Macedonia, the crime rate in Kosovo is approximately three times higher. Criminality in the Balkans and Europe, and in particular organized criminality, refers to organized crime groups originating in Albania, Bosnia and Herzegovina, Croatia, Kosovo, North Macedonia, Serbia, Montenegro, Bulgaria, and Romania. Organized crime in the Balkans has its roots in traditional clan structures.<sup>26</sup> Inherited elements in the clan structure provided the main support for what is considered in modern times “Balkan organized crime”.<sup>27</sup> Within the Balkan countries, organized crime groups infiltrated the new democratic institutions, further expanding their profit opportunities. The economic impact alone is shocking. It is estimated that global organized crime raises illegal profits of about 6 trillion USD in annual revenue, which accounts for 2–5% of

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<sup>23</sup> LOGA, S. *Psikopatologjia gjyqësore* [Forensic Psychopathology]. Prishtina: University of Prishtina, 2007, p. 149; SAHITI, E. *Psikopatologjia gjyqësore* [Forensic Psychopathology]. Prishtina, 2007, p. 56.

<sup>24</sup> WOOTON, B. *Social science and social pathology*. London: Allen and Unwin, 1959, pp. 239–240.

<sup>25</sup> EULEX. *Monitoring Report*. Prishtina, 2021.

<sup>26</sup> SEITI, A. *Faktorët e kriminalitetit në Shqipëri* [Factors of criminality in Albania]. *AGIR*. 2004, N° 19.

<sup>27</sup> VANGJELI, L. *Gjeografia e krimit shqiptar* [Geography of Albanian crime]. *Newspapers Panorama*. 8.11.2019.

the world GDP.<sup>28</sup> According to official police data, the criminality rate has dropped drastically since 2021.<sup>29</sup> Somewhat challenging however, is the high level of organized crime, human trafficking, and corruption.<sup>30</sup> International experts consider Kosovo as “a transit country for Afghan drugs destined for Europe”.<sup>31</sup>

## 5. CLASSIFICATION OF CRIMINALITY RATE

Referring to the Kosovo Police statistical data, we have classified the criminality rate according to the increased criminal offenses.

### 5.1 MURDERS

The factors and causes that sociologists count for the increase in the number of murders are: poverty, unemployment, economic crisis, property disputes, family conflicts, etc. During 2016, there were 55 murders in Kosovo, a number that continues to be high compared to recent years. However, according to the Kosovo Police report for 2021, the number of murders is lower compared to the same period of the previous year. The motives for serious crimes remain the same.

### 5.2 TRAFFICKING IN HUMAN BEINGS

The main forms of criminality in Kosovo are: trafficking in human beings, drug trafficking, money laundering, theft, murder, and domestic violence.<sup>32</sup> According to a credible official analysis by the Sector for the Trafficking in Human Beings, for 2021, a total of 95 criminal offenses were registered, 90 persons were charged, and 34 were arrested, 49 victims were trafficked, 14 of whom were children. Most of the perpetrators of these offences were of Albanian ethnicity (45).<sup>33</sup> Kosovo is considered as a transit country as well as a destination for trafficking in human beings, primarily due to its international military and civilian presence and due to its internal clientele. Similar to Bosnia and Herzegovina, the domestic clientele of sexual services is significant, reaching 90% of the clientele. However, according to the Kosovo Police official data, in recent years there has been a significant decrease in criminal offenses of trafficking in human beings. An interesting fact should be noted – the traffickers (recruiters) of human beings in Kosovo are 50% women and usually former victims of the sex industry.

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<sup>28</sup> HOXHA, J. Krimi i organizuar në Ballkan si një kërcënim serioz i sigurisë në Bashkimin Europian [Organized crime in the Balkans as a serious security threat to the European Union]. *Çështje të sigurisë* [Journal of Security Issues]. 2009, Nr. 14, p. 122.

<sup>29</sup> EULEX. *Rule of law in Independent Kosovo: report for Europe*. No. 204, 19 May 2021.

<sup>30</sup> International Crisis Group. *Interview*. Prishtina, January–April 2021.

<sup>31</sup> American State Department. *International Narcotics Control Strategy Report*. March 2021.

<sup>32</sup> Kosovo Police. *Trafficking and Prostitution Investigation Unit*. 2021.

<sup>33</sup> KELMENDI, A. Kosovo Prostitution Racket Flourishes. *IWPR's Balkan Crisis Report* [online]. 2001, No. 230, p. 28 [cit. 2022-12-28]. Available at: <https://iwpr.net/global-voices/kosovo-prostitution-racket-flourishes>.



### 5.3 TRAFFICKING IN NARCOTICS

Organized narcotics crime is one of the most prevalent criminal activities in the world today.

In Kosovo, international narco-criminality has not been as large as in various Western European countries, but in September 2003, the Kosovo Police seized over 600 kg of illegal marijuana, which is the largest amount of drugs ever seized in Kosovo. The state police who are responsible for the prevention and fight against narco-criminality work in close cooperation with the international security bodies (Europol, Interpol) and the DEA coordinate the work for the fight and prevention of drug trafficking.<sup>34</sup> In Kosovo, the fight against drug trafficking is organized at two different levels: 1. Directorate of Organized Crime, 2. Cross-Border Organized Crime Investigation, which deals with long-term investigations in close cooperation with Switzerland, France, Austria, Germany, Bulgaria, and Turkey. According to EUROPOL reports on organized crime, various Albanian criminal groups have managed to establish most of the control over the illegal drug market that takes place in several European countries. According to these data, about 70% of the heroin that entered Germany and Switzerland, passes through the Western Balkans and is brought by Albanian criminal groups.<sup>35</sup>

### 5.4 DOMESTIC VIOLENCE

At the 4th Beijing World Conference in September 1995, domestic violence was defined as a worldwide problem and should be treated as such. In the same conference it was concluded that: “*Violence against women is a violation of human rights, as well as an obstacle to achieving equality, development and peace.*”<sup>36</sup> The OSCE in their study of existing information on domestic violence in Kosovo, defined violence against women as “*violence exercised by an intimate partner and other family members and manifested through physical, sexual, psychological and economic violence.*”<sup>37</sup>

#### 5.4.1 VIOLENCE AGAINST WOMEN

Violence against women encompasses a wide variety of actions and behaviours, including verbal, physical, and sexual violence, but also restrictions on food, health care, or economic means, as well as other forms of violence that occur during a woman’s lifetime.<sup>38</sup> Women of all cultures experience violence, although some indicators such as poverty and lack of education are often accompanied by a high level of violence, violent experiences are also reported by women of all levels of education and socio-economic status.

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<sup>34</sup> BICAJ, K. *Droga, narkomania dhe kriminaliteti* [Drugs, drug addiction and criminality]. Prishtina: University Iliria, 2010, pp. 57–60.

<sup>35</sup> CARPO Regional Project. *Report on the state of organized crime and economic crime in Southeast Europe*. Strasbourg, August 2021.

<sup>36</sup> General assembly Resolution, 48/104, 1993.

<sup>37</sup> Mapping of existing information on domestic violence in Kosovo. 2021, p. 9.

<sup>38</sup> Kosovo Women’s Network (KWN). *Scientific Research*. 2021.



#### *5.4.2 VIOLENCE AGAINST CHILDREN, ELDERLY, AND MEN*

Violence against women negatively affects millions of children each year, and is often accompanied by various forms of (verbal, physical, emotional, and psychological) violence which destroys not only lives and families, but entire communities. Most men, in addition to violence against their wives, often use violence against their children, and this phenomenon has negative consequences for the entire surrounding community. The state of Kosovo has no official data regarding violence against children; as such cases are treated and categorized as domestic violence.

The elderly, who are considered to be persons of over 65 years of age, often happen to be targets of abuse in various forms. Several forms of violence against the elderly have been identified, among which the most characteristic are: physical violence, negligence, economic violence, and psychological violence. Also, in this case, Kosovo does not have official data categorized as violence against the elderly, but this form of violence is defined as domestic violence, or as ad-hoc cases.

There are different forms of violence against men, but its prevalence and level are almost negligible compared to violence against women, and other family members. Among the most common forms in this case are the psychological due to the fact that physical violence requires greater physical strength, while economic violence against men is rarely encountered, as in our country, the household economy is usually run by men. Violence against men in Kosovo is not categorized as special violence, but is treated as domestic violence.

#### *5.5.1 THEFT*

A very disturbing phenomenon in Kosovo is that criminal offenses of theft have increased year-by-year. From the Kosovo Police official data (Graph below) it can be seen that the trend since 2016 has been increasing with a slight decrease in 2021, but this has not come as a result of the successful combating of these criminal offenses, but as a result of a considerable number of unresolved cases by the courts, relating to criminal offenses against property.

It is estimated that socio-economic factors and the year-by-year decrease in solving these criminal offenses have influenced the increasing tendency of this group of criminal offenses.

#### *5.6 FINANCIAL CRIMINALITY*

Research to date has found that Kosovo is known for forms of financial criminality where companies, or individuals are perpetrators of these crimes, such as: the creation of fictitious companies in the country and abroad, in order to conceal tax; manipulation of bills of exchange and other securities; smuggling of various goods; avoiding taxes and customs, for instance illegal import of petroleum products, tobacco, alcohol, etc.; fictitious regulation of tenders and favouring of different companies due to provisions, etc.

#### *5.6.1 MONEY LAUNDERING*

Money laundering generally refers to an action, or a series of actions, that are undertaken to hide the source of illicit funds that the individual wants to spend or

invest. Post-war Kosovo has become a territory where it is suspected that large-scale money laundering is taking place, resulting from criminal transactions of organized crime groups and associations, inside and outside Kosovo. We prove this suspicion and findings with these hitherto unknown phenomena and occurrences such as: the construction of residential buildings and business facilities (construction industry), luxury homes, hotels, shopping malls, businesses, within a short time by anonymous persons, in which facilities are made large investments of money, the origin of which is not known, and this is not even officially controlled.<sup>39</sup> According to the Kosovo Police official statistics, there are a large number of financial crime cases investigated by the police, but the value of money confiscated from 2018–2020 was symbolic, i.e., over 3 million euro. Even during the current period, the amount of confiscated money and seized property is symbolic, as the Kosovo judiciary has been assessed by international mechanisms (EU, US Department, etc.) as corrupt and incapable of fighting corruption and organized crime.

#### 5.6.2 CONSUMER FRAUD

Consumer fraud in our country is one of the most expressed forms of financial criminality. This type of crime is committed in all countries of the world as it is in Kosovo. Erasmus Desiderius of Rotterdam noticed this phenomenon from an early age, therefore he rightly stated that *“he who gives poison to someone else will be punished as a poisoner, but he who constantly poisons with poor Wine and bad oil many citizens, will never answer”*.<sup>40</sup> The most common forms of consumer fraud are related to the quality of food items, the sale of expired medicaments and medicines, the production of items with pesticides and carcinogenic substances, the granting of loans under unfavourable conditions, sale of goods without warranties, etc.<sup>41</sup>

## 6. CONCLUSIONS AND RECOMMENDATIONS

The principle of the state of law is undoubtedly one of the most important and essential principles for any democratic state and society. Its most complete realization in everyday life is the best guarantee for the development of democracy and for the recognition and implementation of the basic rights and freedoms of citizens. In this sense, its legality and its full implementation are the backbone of the state of law. The Republic of Kosovo, despite improvements in the field of rule of law and crime prevention, continues to face many challenges. Low socio-economic indicators illustrate the country's development contradictions, which have generated not only economic and social problems, but also problems related to crime and the dangers posed to citizens in

<sup>39</sup> DRAGUSHA, M. Penalizimi i krimeve financiare në Kosovë – korniza ligjore dhe praktika [Penalisation of financial crimes in Kosovo – legal framework and practice]. *Avokatura* [online]. 2010, Nr. 10, p. 29 [cit. 2022-12-28]. Available at: [http://musa-dragusha.com/wp-content/uploads/punime\\_autoriale/inkriminimi\\_ligjor.pdf](http://musa-dragusha.com/wp-content/uploads/punime_autoriale/inkriminimi_ligjor.pdf).

<sup>40</sup> SINGER, M. – VUKADIN, I. – MRAOVIĆ, I. *Kriminologija* [Criminology]. 3rd rev. ed. Zagreb: Globus, Manualia Universitatis studiorum Zagradiensis, 2002, pp. 550–555.

<sup>41</sup> Law on Consumer Protection. 2018, Articles 9–10.

the field of human safety and security of their property. The current situation in Kosovo shows that in recent years there has been a general decline in crime rates, however, the fact that some types of criminal offenses have increased is worrying. Referring to the statistical data, it is found that there is an increase in the level of crime in the following areas: robberies, misappropriation of immovable property, aggravated theft, serious injury, and minor bodily injury, causing general danger, attempted murder, and criminal offenses against public traffic safety. Also, according to statistical data, the phenomenon of suicide appears as a worrying phenomenon for the Kosovar society.

However, according to the Kosovo Law Institute (KLI), the outbreak of the COVID-19 pandemic has also affected the trends of criminality. KLI findings show that during the pandemic period (March–December 2020) in Kosovo, the number of aggravated murders increased, while murders in general increased by 53.33% compared to 2019. There was also an increase in criminal acts of harassment by 6.06% compared to 2019. Also, criminal acts of domestic violence compared to the period of 2020, in 2021 marked a significant increase by 15.75%. The abovementioned official data prove the increase in criminality in some categories of criminal offenses, despite the fact that there is a decrease of criminality in Kosovo. During the research for this scientific paper, and based on the empirical data of the paper and the studies of various authors, we came to the conclusion that the causes of criminality in Kosovo are different, but the following should be singled out: the fragility of the democratic transition and the state of law; high unemployment rate; poverty at extreme levels; endemic corruption; politicized and corrupt judiciary controlled by the executive power; etc. Based on the causes of criminality in Kosovo and its continuous growth, especially the criminal offenses of organized crime and corruption, grounded on the research for the paper and the empirical data, we come to the conclusion that the fight against criminality in general, and in Kosovo in particular, can only be done if the following standards are met: economic development of the country; reduction of unemployment to single digits; independent, apolitical, and efficient judiciary; law enforcement authorities fighting against criminality to be professional and equipped with the latest technology; and the application of legality without exception and social distinction.

From the analysis of statistical data, we can conclude that the fight against criminality is a priority and reference point of the governing program of every government of Kosovo. However, the efforts of a society to fight criminality are never sufficient and much less excessive.

The Republic of Kosovo, in its efforts to build the state of law, faces many challenges, such as: full exercise of state sovereignty; the fight against organized crime and corruption; termination of political influence in public enterprises and state agencies, and termination of political influence in the justice system.

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