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## Some features of organized crime in Kosovo

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**Abstract.** Organized crime is considered a serious threat to national and international security. Organized crime in Kosovo is one of the most present and serious forms of criminality. As such it is an evident occurrence especially in states that are in the phase of general transition. This type of crime is appearing more and more every day in new forms of criminal activities, especially in the period of globalization when such activities have advanced and been perfected as a result of technical-technological development. Despite the fact that Kosovo has its vision and interest to prevent and fight organized crime, in Kosovo this type of criminal activity is presented in various forms, such as corruption, drug trafficking, money laundering in real estate and construction, trafficking in human beings, smuggling of migrants, trafficking in weapons and ammunition, etc. Kosovo is not immune from this type of criminality, which is more and more present in all spheres of life and which heavily attacks the legal, economic, political and social order of the state of Kosovo

**Keywords.** Crime, criminality, money laundering, sanctions, prevention, punishment, corruption, smuggling, narcotics, real estate

### 1. Introduction

Organized crime is a form of manifestation of criminality, and among its most special forms. It is characterized by several features, such as the permanent connection with many people in carrying out criminal activities, the existence of an organizational structure with hierarchy and strong leadership of the leader, the dominance of order, discipline, responsibility of members, imposed solidarity, preservation the secrecy of the action and the non-disclosure of the organization, the disobedience to the leader, etc. [1]. Some authors, criminologists and penalists during their research have identified the most distinctive features and specifics of organized crime and various criminal organizations which are characterized by some features such as:

- permanent connection with many persons in the committing of criminal activities;
- the existence of an organization structure with hierarchy and strong leadership power;
- regular dominance, order, discipline, responsibility, responsibility of members;
- imported solidarity, maintaining the secrecy of the action and non-implementation of the organization, non-betrayal of the leader;
- the international character of their activity.

It is called organized crime because professional criminals, when undertaking criminal activities and actions, plan and coordinate them in a special way [2].

## **2. General knowledge of organized crime**

Organized crime is a very negative occurrence for a society which has been infiltrated in many pores of human society [3]. When we talk about organized crime, we find that many authors have given different definitions of organized crime, which highlight its characteristics, which distinguish it from other forms of criminality. Today, organized crime has crossed national borders and has taken on the dimensions of an international crime, with far-reaching consequences for society generally.

The notion of organized crime was first used in New York in 1896, during an organization of the Association for the Prevention of Crime, which clearly defined the issue of gambling, prostitution, trafficking and narcotics as well as alcohol. These phenomena were quite present in this period of time in the USA and in many other countries. During this period it should be emphasized that organized crime was identified with the mafia as a form of criminal organization [4].

Regarding the definition of the notion, organized crime, according to the legal document of the European Commission (1995/1996), which is related to the criminal protection of financial interests of the European Union, the criminal offense is participation in criminal organizations which aims causing damage to the financial interests of the European Union [5].

The United Nations Organization (UN) has issued international conventions in order to determine the relevant elements for defining the notion of organized criminal group and the selection of legal measures to prevent and combat this criminal occurrence. Thus, according to the United Nations Convention against international organized crime of 2000, the term "Organized Criminal Group" means a group that is structured, consisting of three or more persons, with a vertical hierarchy, which is formed for the committing of certain criminal offenses, which has a continuity of its temporal existence, which cooperates both nationally and internationally with other criminal groups, in order to directly or indirectly benefit from material or financial gain.

As for the definition of the notion organized crime, there are difficulties in defining the concept of this notion and its attributes.

There are many academic and political debates on this issue among criminologists and penalists today, whether organized crime should mean a whole range of criminal activities or related to persons involved in crimes.

Organized crime is a negative and dangerous occurrence, which has been infiltrated almost in all segments of human society. This form of criminality manifests some distinctive features from other forms of criminality. Thus, for example, some categories (forms) of organized crime behavior are not characteristic of other forms of criminal groups. These categories of organized crime behaviors, which are typical of this form of criminality, are:

- Supply with illegal services;
- Illegal supply of goods;
- Conspiracy;
- Infiltration into legitimate business;
- Obligation;
- Corruption.

The provision of illegal services is considered one of the main activities of organized crime organizations. These services include:

- Money laundering (through various illegal activities, such as investing in real estate turnover and construction of commercial, collective and individual facilities);
- Gambling activities (especially casinos and various lotteries), which actions are illegal;

- Rocket protection, as a form of obligation through which members of organized crime groups allegedly provide "protection" to business owners to exercise their economic activity;
- Borrowing (usury), as a form of illegal borrowing of money, with high interest rates and money of dubious origin;
- Prostitution, as a broad organized form, etc.

In most cases, the money earned from these organized crime activities are in the function of achieving the organizational goals of organized crime organizations [6].

### **3. Some of features of organized crime in Kosovo**

Some of the most typical features of this form of criminality that have affected the occurrence of organized crime in Kosovo are:

- The transition of Kosovar society in terms of political, legal, economic and social, which transition is unfortunately lasting two decades, after the war in Kosovo;
- A fragile system of the entire justice system, with particular judicial and prosecutorial emphasis;
- Unsatisfactory level of the education system in Kosovo, ranging from the lowest level to the highest;
- An unsatisfactory criminal policy against perpetrators of organized crime with organized crime elements;
- Lack of trust in the institutions of the justice system;
- Insufficient professional experience of some officials - judges, prosecutors, police officers, etc., who are active part of the justice system in Kosovo;
- Non-liberalization of visas as a form of increasing the economic crisis and the impossibility of the depart of capable young people in the European labor market;
- The aggravated political, economic and social situation that Kosovo is going through in recent years and the problems and actual difficulties of extending sovereignty throughout its territory;
- High unemployment, especially of young people, and loss of hope for the realization of this right as a result of the lack of meritocracy in most Kosovar state, public and private institutions;
- Much greater deterioration of the economic crisis as a result of the presence of COVID 19 pandemic, which has resulted in the bankruptcy and closure of many businesses in Kosovo;
- Individual and collective crises related to the essential moral values of a democratic society;
- Political crises caused by some political parties and such negative reflections on the occasion of the change of governments by attacking civil servants, in addition to political staff from these changes;
- Presence of the phenomenon of corruption in many segments of Kosovo society, with special emphasis on its presence in the public procurement system and in some institutions of the justice system;
- Lack of will in a category of officials involved in the justice system in Kosovo for the effective and fair implementation of the law and accountability to perpetrators of criminal offenses with elements of organized crime;

- Migration and import of criminal experiences and connections established abroad with certain groups in Kosovo;
- Use of technology and developed tools of communication from criminal networks, especially in the field of IT;
- Support from different criminal groups members of the same family, relatives and community in the Diaspora, etc. [7].

All these criminal features of organized crime in the field of urbanism and real estate circulation confirm our finding that we are dealing with a special and at the same time dangerous form of crime for the whole society [8].

#### **4. Prevention and combating of organized crime in Kosovo**

Organized crime as a form of criminality is quite widespread, and there is almost no current socio-economic system that has not been attacked by this type of crime. To prevent and combat this criminal occurrence, Kosovo as a state has created and implements legal and legislative mechanisms. Some of the measures for the prevention and fight against organized crime in Kosovo are:

- State institutions should invest more in the implementation of applicable laws and in the overall strengthening of the justice system;
- Raising and strengthening the political will to support the institutions of the justice system to fight organized crime;
- Strengthening the rule of law, with all its state mechanisms in order to prevent and fight organized crime;
- Permanent training of officials with new forms of organized crime at the national and international level;
- The enactment of the law on private detectives, as an auxiliary form for the prevention of some forms of organized crime and the close cooperation of private detectives (licensed) with the Kosovo Police and other competent structures of the justice system in Kosovo;
- Development and advancement of investigative journalism in the field of organized crime prevention;
- Prevention and fight against corruption in certain segments of the justice system in Kosovo;
- Investing in advanced technical-technological tools in order to prevent organized crime.
- Kosovo's membership in Interpol and other international organizations in order to achieve closer cooperation between institutions that fight crime at the national and international level, etc.

Regarding the measures for fighting organized crime in Kosovo, many measures, programs and strategies have been issued and approved. Kosovo has also approved the UN Convention against Transnational Crime. Also, Kosovo has issued the Criminal Code of the Republic of Kosovo which sanctioned organized crime as one of the most serious forms of crime.

This is provided in Chapter XXIV, "Organized Crime", where Article 283 provides for the criminal offense "Participation or organization of an organized criminal group", where in paragraph 1 it is provided that: Anyone who intentionally and knowingly of the purpose and general activity of the organized criminal group or the purpose of the group to commit one or more criminal offenses which are punishable by a maximum sentence of at least four (4) years or more actively participates in the criminal activities of knowing that such participation will contribute to the realization of the group's criminal activities, is punishable by a fine of up to

two hundred and fifty thousand (250,000) Euros and imprisonment of at least seven (7) years. Whereas, paragraph 2 stipulates that: Whoever organizes, establishes, supervises, manages or directs the activities of an organized criminal group, is punishable by a fine of up to five hundred thousand (500,000) Euros and imprisonment of at least ten (10) years.

Also, paragraph 3 has sanctioned that when the activities of the organized criminal group provided in paragraph 1 or 2 of this article result in death, the perpetrator is punished with a fine of up to five hundred thousand (500,000) Euros and imprisonment of at least ten (10) years or life imprisonment, while with paragraph 4 provides that the Court may commute the sentence of a member of an organized criminal group who, before the organized criminal group has committed a criminal offense, reports to the police or prosecutor the existence, formation and provides information on the organized criminal group in sufficient details to enable the arrest or prosecution of such a group.

It should be noted that when it comes to organized crime, the incrimination of the offense is definitely required: Money Laundering (Article 6 of the UN Convention against Transnational Criminality) and the Obstruction of Justice (Article 23 of the Convention). In order to prevent and fight organized crime in Kosovo, the State Strategy against Organizational Crime and the Action Plan for the period 2018-2022 have been drafted, which has found a satisfactory applicability in the entire justice system in Kosovo [10].

Therefore, it is necessary that the measures for combating organized crime at the national level be toughened against the perpetrators of organized crime with elements of organized crime, with special emphasis on the criminal offenses of drug trafficking, money laundering, trafficking in human beings, cyber-crime, smuggling of weapons and ammunition, etc., but also to the measure of sequestration and confiscation of all goods obtained from the commission of criminal offenses with elements of organized crime and in a judicial-criminal procedure as short as possible.

## **5. Conclusion**

Combating and preventing organized crime remain a major challenge for our country and beyond. In the first place, political will, actions and well-organized actions are needed in order to prevent and combat this type of crime, not denying the specialization of special structures in three segments: police, prosecutor and judiciary.

When we talk about the prosecutor and the judiciary, its importance and the trust created by the citizen seem to fade. Procrastination of procedures and the large number of unresolved cases seem to have caused citizens not to believe much in the justice system in Kosovo.

The benefits of organized crime make it possible for them to massively corrupt state administration officials, whose salaries are low - suitable for corrupting such officials.

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