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THEME:

DRUG SMUGGLING IN THE REGION OF GJAKOVA, 2010 – 2014

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INTRODUCTION

IMPORTANCE AND SCOPE OF STUDY

Issues covered are intended to provide a more complete framework of the process of the evolution of criminal law in relation with drug offenses. Through a cognitive analysis is aimed to reach the potential implications that lead to problems associated with this process. I have chosen to address this topic, precisely for the uniqueness and characteristics that it displays constantly. Knowing these characteristics and finding solutions to existing problems, they are important to the effectiveness of criminal law in its entirety and for the future protection of citizens against drugs.

Field of study: analysis of the phenomenon of "smuggling of narcotics" will be extended in criminal law field, which is a quite complicated branch of law. Previous studies in this area suggest that more needs to be done before determining and finding the best solution and then be judged and codification of generalizing rules. So, the field of study will cover theoretical and descriptive analysis of the decision-making process in the field of criminal law, as an area that provides a comprehensive framework for analyzing such issues.

PURPOSE AND SCIENTIFIC TASK

Scientific task of this paper lies on the recognition of the potential implications of national legislation on the crime of "smuggling of narcotics" and the main issues arising as a result thereof. Their recognition will enable us depth analysis and solutions to provide citizens of the Republic of Kosovo security, peace and prosperity, in order to improve the quality of life and faith in local and central government bodies.

The purpose of the study is to introduce criminal legislation and specifications that can promote its evolution in relation to the offense of "smuggling of narcotics" and provide some suggestions and recommendations arising from it. It aims to provide a set of theoretical and practical "tools" of knowledge that can be useful with a view to explore the different meanings of legislation and to reflect on the practice of their implementation in the area of the influence of these offenses. Also, this paper aims to analyze and provide a conceptual framework of the Institute of Criminal Law on crimes related to the smuggling of drugs because the treatment of this work has special theoretical and practical significance for the great impact it has on society.

OBJECTIVES AND HYPOTHESIS

The objectives of this study aim to:

- To provide complete knowledge on the development, evolution, legal, key terminology and issues of criminal law in relation to the offenses of smuggling of narcotics;
- To give knowledge about the applicable legal and institutional framework of the development of Criminal Law in relation to the offenses of smuggling narcotics into our country;
- To give knowledge on the distribution of this phenomenon in our society, with special emphasis in the region of Gjakova during the period 2010-2014;
- To provide some recommendations to develop criminal legislation and preventive actions of responsible institutions for a more effective fight.

These objectives aim to improve all aspects of criminal law relating to this work, in order to safeguard the welfare of citizens, increasing their confidence in governance structures, enhancing the efficiency of the preventive and corrective bodies in committing such acts and preservation of legality within the territory of the Republic of Kosovo (RK). The main research question of this topic is: "How can the state reduce the spread of criminal acts of narcotics trafficking?" To answer this question, we will first analyze the extent to which the international and national legislation is developed to combat these criminal acts to minimize their negative effects on society and the strengthening of the state.

Hypotheses:

- The Evolution of Criminal Law regarding the protection of society from smuggling narcotics offenses in RK has been delayed and is associated with numerous problems;
- In RK, the development of criminal law relating to the protection of "smuggling of narcotics" has been slow, confusing and associated with numerous problems;
- RK has taken important steps in the fight against "smuggling of narcotics" in terms of adopting a modern legislation in accordance with developments of international law, but also with specific developments of our society;
- Work in Gjakova's institutions in detecting, investigating and punishing the perpetrators of smuggling narcotics has been quite effective;
- Despite steps taken to fix the field of criminal law relating to the protection of society from criminal acts of smuggling narcotics, much remains to be done.

PREVIOUS STUDIES AND SUBJECT NOVELTIES

This theme will be based on the realization of a theoretical research reinforced by statistics and by inserting an interpretation and my own contribution. Choosing the argument coincides with vested interests in the region of Gjakova and the purpose of this study cycle. This argument was chosen to be handled precisely for the importance it has as a social phenomenon. Previous studies make generalizations about the phenomenon, but in-depth analyses in relation to the offenses by considering them individually are very rare. Even a complete treatment of legislation is limited, strategies for prevention and education.

The analysis will aim to give the reader a context of complex problems related to "smuggling of narcotics" offences and their impact on society. The period in which the study will focus is "2010-2014", referring to the criminality associated with this offence in Gjakova. But, the analysis will focus not only here, it will take into account the development of international law and the provisions in the legislation concerning the neighboring countries, to show the trend of this offense.

During the development of the topic will refer to previous studies about the issues addressed by trying to give a new contribution towards the previous publications. Analysis of previous studies will aim to identify what are the questions that raise these studies, with intention to define a goal of mine to bring innovation to the matters addressed. Previous studies note:

- Legislation which operates in the territory of Kosovo;
- Evaluation of the implementation of policies of public order and security;
- Statistical indicators of jurisprudence on "smuggling of narcotics" offences;
- Annual reports on the progress of RK in this regard;
- Analysis of international institutions and foreign authors on the current state of drug trafficking in our country;
- The role of Kosovo as a transit country, the production and consumption of narcotics in the region;
- Regarding the treatment of this offense, there is no direct works which analyze:
- Concept "smuggling of narcotics" and its components;
- Procedures for the prosecution and punishment;
- Illustration through statistics for a more complete context of this phenomenon;
- Prospects of the future of this crime as a phenomenon with social and legal impact

Of all the offenses, I chose to analyze "the smuggling of narcotics" for features and their complexity, as well as the significant impact that has on the lives and functioning of society. This paper will aim to provide an interpretation where to orient future studies and what are the prospects of this offense in Gjakova and Kosovo. The importance of this paper lies on the recognition of the potential implications of national legislation on criminal "smuggling of narcotics" and the main issues arising as a result thereof.

Updates that this topic aims are:

- To provide a different perspective from that treated so far for "smuggling of narcotics" offences;
- To analyze in detail the constituent elements of these offenses;
- To highlight the work carried out by institutions for the preservation of legality in Gjakova;
- To highlight tendencies of this criminal act;
- Identify what are the factors influencing the commission of "smuggling of narcotics" offences and the impact on our society;
- To give a prognosis for the future

METHODOLOGY

From the methodological point of view, it is attempting to achieve a type of research based mainly on the research method in literature and materials published by professionals at regional and international levels, and report correctly in order not to change or lose in any way reviewed materials. The paper is based on an extensive literature, where resources and materials are provided by the material collected and books recommended by the leader teacher from my colleagues, and also internet search.

The methodology used in preparing the thesis is based primarily on in-depth analysis of national legal acts that constitute criminal law. An in-depth analysis is carried out for Codes that define the main principles and purposes of the "smuggling of narcotics" offences, where the main emphasis is placed on national legislation and that of the region countries as well as the main problems that have emerged. The paper relies on the comparative approach, especially on issues related to the legislation operating in our region and the judicial statistics for the five year period 2010-2014 with emphasis on Gjakova, and address issues related to the main profiling analysis individuals who have committed the offenses and the work of institutions in Gjakova. These methods are combined along the theme and create a clear picture of the main problems related to "smuggling of narcotics" offences.

The theme addresses key issues related to criminal law related to narcotics, by a method of analysis that will enable readers to know better this area of law and its characteristics. Handling such a topic is not easy, it is very complex and as such, it is impossible to involve all aspects in a single presentation. I hope that from this analysis the reader can benefit as much and expand his knowledge, although modestly. Treatises begin precisely with a criminal justice and comparative overview and on "smuggling of narcotics" offences.

To make a more complete analysis of these variables, these instruments will be used:

- Review of literature on the subject from libraries or for sale;
- Consultation with monographs and articles from magazines;
- Research publications of national and international institutions;
- Integration of statistical data collected from official institutional sources and from reports of international institutions;
- Reference to the National Strategies and development in the annual reports;
- Consultation with the literature and data available online

Because the phenomenon of "drug trafficking" in our reality has emerged in different ways from close links with organized crime, the paper will aim to be a contribution in the field of criminal law through a comprehensive approach to the legal framework constitutional and international conventions and agreements, work which does not come with modest claims, but as a genuine legal study and research in this important area of criminal law.

STRUCTURE OF THE PAPER

Looking at the dynamics of the spread of criminal phenomenon "smuggling of narcotics", it is noted that in addition to the impacts on health and social terms, it had impact even in legal terms. Such problems of these offenses have attracted the attention of lawyers and policy makers, to fight and prevent all its forms in an organized manner. This topic will analyze numerous problems associated with the spread of offenses in the area of drugs, among which an important place is occupied by the production, trafficking, sale and use of narcotics.

The first chapter deals with criminal justice and comparative overview on "smuggling of narcotics" within the international leading legal acts, in the legal framework adopted by the Republic of Kosovo in this field, as well as in the national legislation of some neighboring countries: Albania, Serbia, the former Yugoslav Republic of Macedonia and Montenegro.

The second chapter aims to highlight the importance of the studying of "smuggling of narcotics" offences, analyzing financial figures to give a concrete statement of the phenomenon in the reality which we live. Chronological overview will be given of the performance, development and volume of these offenses in Gjakova. Statistics will point us and profile the individuals who commit these crimes. Statistics will be treated to a five-year period 2010-2014. It will cast a glance at the factors influencing the emergence of this phenomenon and the future outlook for the municipality of Gjakova and the country in general.

The third chapter deals with the role of national legislation and strategies in the fight against "smuggling of narcotics". Also deal with the efforts of institutions in combating this phenomenon and take into account the forms of the performance and the consumption of the offense, the sanctions provided by the law and its qualifying circumstances.

Because the phenomenon of drug trafficking in our reality has emerged in different ways, this paper will aim to be a contribution in the field of criminal law through a comprehensive

approach to international conventions and agreements, legislation in neighboring countries, legal framework in our country and the jurisprudence in Gjakova.

CONCLUSIONS

At the end of this analysis, I will present some concluding thoughts and suggestions derived from the flow logic of this treatise, which answer the main question raised for the purpose of study: "How can the state reduce the spread of criminal offenses" trafficking with narcotics? "

> As regards the compliance of the Kosovo legislation with international legislation, we can say that legislation recently drafted, our legislator has taken into account and included in domestic law the international law, by adopting the provisions of the Conventions and adapting them to the national reality. Within the provisions of the UN Convention against illicit traffic in narcotic drugs and psychotropic substances, RK has adopted its national legislation and set up institutions in order to control legality. Our country has participated in a number of regional initiatives and cooperates with countries in the region and beyond for a more effective fight against this form of criminality. However, despite the steps made in the legislation field there is yet to improve. In this context, although changes were made to the New Criminal Code of RK, punishments for these offenses and other provisions for alternative sentences remain softer than other countries in the region.

The toughening of the sentence serves as a preventive measure to reduce crime in this area. Reducing of criminality is seen as indispensable because the offenses of trafficking in drugs are regarded as the most dangerous form of criminal activity with serious consequences for the image of our country in state-building processes and integration, in the democracy and security of the country, in economy, society and with a direct impact on the health of our citizens. Although EU legislation is not seen as a problem in the implementation of policies against narcotics so, Criminal Code and Law on narcotic and psychotropic substances are seen as sufficient, it is considered necessary that the provision of therapy with methadone for addicted patients to drugs regulated by a special law. Thus, our legislator should take steps in this direction because such a law would help drug users get rehabilitated. It is also necessary to undertake policies aimed at social integration of perpetrators of these crimes after undergoing punishment. Such policy would reduce the level of recidivism in the country and improve the livelihoods of these individuals avoiding from committing the crime again. However, the real challenge is the implementation of existing legislation as a result of institutional mechanisms.

The institutional mechanisms for efficient fight against crime associated with smuggling drugs leave much to be desired. Although it is envisaged the creation of a system for information collection, management and exchange of data, which will be established as an ongoing process of cooperation between the different organizations responsible for implementing the policies related to drugs, there is no central institution to manage such system. National Office for Drugs at the Ministry of Health has established a network of contact for issues related to drugs,

including the state administration system, local administration and provider and health system managers, but it is not enough. As noted by the European Commission, but also based on the experience of neighboring countries, Kosovo should establish a nationwide database of drug users and this will be realized through the establishment of National Contact Point. The creation of an observatory functional or a National Focal Point for narcotics, according to the model of FYROM will enable not only the collection, storage and exchange of information between our institutions, but would preserve cooperation with countries in the region and beyond.

Regarding the current fight against narcotics smuggling offenses we can say that Kosovo has had limited progress. The number of investigations has increased, but the level of convictions remains low. Kosovo needs to increase the level of detection for being a place at the intersection of transportation routes used for trafficking. It is likely that its territory can be used for the commission of these offenses. The level of drug seizures has decreased and is among the lowest in the region. In recent years, Kosovo has started to address the challenges in this area, notably by increasing its capacity. However, Kosovo needs to take decisive action to treat drug trafficking beyond its borders. Although police have organized information campaigns, including distributing leaflets and talks in schools, the initiative must be accompanied by the establishment of specialized centers and activities organized by civil society, in order to help in the design and implementation of these policies, but also awareness of our society.

Seen as necessary is the realization of surveys on regional and national level in order to know more about the phenomenon and the characteristics it displays. In this context, surveys used can be borrowed in the EU and adopted in the context of our national representatives of government institutions, non-government institutions, treatment centers for drug addiction, university hospitals and institutes of public health centers, medical centers, international organizations, private centers, addiction treatment and other drugs and as well as FYROM acted. These types of surveys will provide a more complete statistical data concerning the availability of treatment programs, quality of services, the diversity of opportunities available, cooperation and exchange of information etc. While the design of the survey locally and nationally with young people in particular and the community in general, will provide data on socio-demographic characteristics, patterns of drug use by the respondents or their friends, the prices of drugs and their models purchase and perceived availability of drugs. These studies are necessary because there is a need to increase the level of knowledge and awareness about the harmful effects of drugs and to strengthen cross-sectional action at all levels in order to promote youth health. Such programs should focus on raising awareness and building a healthy lifestyle and should start in primary school.

Regarding the analysis of the occurrence of smuggling narcotics offenses in the region of Gjakova, we can say that this form of criminality is a major concern for the community. As noted by statistical analysis, the volume of offenses committed in Gjakova against those nationally it is in significant digits. But in such levels it is compared with the total number of people living in this municipality. Statistical analysis noted that this form of criminality occurs

mainly in the age group of 18-21 years, a fact that we should be concerned because young people constitute the most vulnerable and delicate. Even the commission of this crime by minors constitutes an element that should set in motion the responsible institutions in the Region to develop more effective prevention policy. Also, statistical data for Gjakova emphasized that the offense was committed by men and that it is not widespread among women. However, these data are very incomplete and deficient in information. They do not know us with an array of features such as educational level, social status, ethnicity, and on recidivism. Deficiency of these data does not allow us design effective and viable policies for the fight against this form of crime in our region. Full profiling of individuals who commit these offenses helps us in determining the target groups which should be given more attention.

In terms of detection, investigation and prosecution in the comparative period noted that year after year has decreased. This fact deals with the work of the institutions of law enforcement control in Gjakova. This statement is reinforced by statistics of closed cases and the status of individuals in the event; many of them remain in their investigation, without a final decision.

To improve the current state of the occurrence of the criminal offense of smuggling narcotic in Gjakova, I suggest as necessary:

- Statistical review and its enrichment through cooperation of institutions responsible for law enforcement through cooperation and coordination of work
- After identifying characteristics of individuals who have committed such offenses, research community is necessary through developing surveys to collect additional information on the territory of Gjakova
- With full information gathering and its processing, it is necessary to undertake information campaigns in cooperation with civil society in order to inform and raise awareness on a wider scale to our community on the consequences and seriousness of this form of criminality
- In parallel, the preventive actions to be undertaken of this offense
- Cooperation of Police, Court and Prosecutor for the final closure of recorded cases and punishment of offenders in accordance with the legislation in force
- Measures and policies for rehabilitation and re-integration of perpetrators of these criminal acts, regarded as a key element in the spread of these crimes

These elements are essential for an effective fight against this form of criminality and welfare of society. We can say that the hypotheses raised are verified. Only hypotheses about Gjakova's institutions work in detecting, investigating and punishing the perpetrators of the crime of smuggling of narcotics has been quite effective, there is not full proof. Despite the work done by institutions in Gjakova for protection of society from smuggling narcotics offenses, much remains to be done. Also, we can summarize that scientific tasks and scope of the study were achieved. Of course, this analysis does not include within it all the elements to discuss entirely an issue

that, however it marks milestones on which may arise proper studies and coordinated between institutions to achieve the goal of minimizing this phenomenon in our region and nationwide.