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POST DIPLOMATIC-MASTER STUDIES

THEME:

**SOME MANIFESTATION FORMS OF ORGANIZED CRIME IN BALKAN
WITH SPECIAL EMPHASIS IN KOSOVO**

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INTRODUCTION

The object and purpose of the paper

With this paper I pretend to introduce more realistically several forms of manifestation of organized crime in some Balkan countries with special emphasis on Kosovo. This paper presents a detailed analysis of study materials: the historical part, definitions, the concept and meaning of organized crime, the reasons for the display of the organized crime phenomena, some criminal forms most commonly used by organized criminal groups should be addressed, some of the areas are presented - Balkan countries in which some form of organized crime are manifested, sources of national and international legislation are presented through which criminal activities are sanctioned particularly those of the organized crime and finally a conclusion is drawn that organized crime is not only national or regional risk but is a global threat and to fight this negative phenomenon necessary is a willingness and commitment throughout society (national and international).

Organized crime is a serious threat to democracy, rule of law, legality, rights and freedoms of human, justice and honesty, this activity increases the level of uncertainty and despair, slows or prevents the economic development of society and brings vulnerable consequences for a given society, this activity undermines the state legal system, distorts social justice, fair competition that occurs in the free market based on supply and demand, and inhibits the development of society in moral grounds.

In the late twentieth century the level of criminal activity in the world has quietly increased. This is a serious concern for humanity, especially with increasing levels of serious crime - organized crime.

Criminal law not only as a science but as practice has an important role in detecting and combating organized crime, but criminal law is not a sufficient and efficient tool (instrument) in achieving its objective of which is the discovery and combating organized crime, but it should be noted that this scientific discipline requires new solutions *de legelata* and *de legeferenda*, so criminal laws of each country are considered as the main source of law, Plato and later Karl Marx point out the importance of criminal law and regarded it as the highest source of morality of a society, it follows that the criminal law is not only the tool of combating organized crime, but also considered as the highest source of morality of a society.

The purpose of this paper is that through the study of materials to reflect the state of organized crime in the Balkan with special emphasis on Kosovo, dealing with this phenomenon and the presentation of an analysis on criminality and organized crime.

In this paper, addressing and analyzing data from the literature used, I tend to concisely present some of the most common forms of organized crime, the elements and characteristics that they bear on each other.

From the study of used literature for the compilation of this work, I aim to introduce the risks and consequences caused by organized crime in the Balkan, presenting organized crime with the expansion, strengthening and its promoting presented as a threat not only to national or regional character but we can conclude that the risk is global character.

I also tend to highlight the growth of international cooperation and general social commitment in the fight against organized crime, so that this war is not only institutional but to be a general social struggle because only in this way the actions of the authorities in tracking, monitoring, detecting and combating this destructive phenomenon for the society and the state will produce reasonable results.

Objectives

The main objective of this paper is to present a theoretical, analytical and concrete overview of the manifestation of organized crime in the Balkan with special emphasis on Kosovo.

The main objectives of this paper - theme are:

Introduction of an overview related to the organized crime in Balkan.

Public awareness related to the risks and consequences of this phenomenon.

This paper - theme will serve as a source of data - characteristics for some forms of organized crime for generations.

Questions and basic assumptions

Balkan from its geographical position is considered a connection point between East and West, therefore so many historic and political developments that have taken place in these areas have been the focus of world attention, especially after frequent armed conflicts of this region have made a suitable space for organized criminal groups and the development of their criminal activities, in particular organized crime.

A part of the Balkan countries are integrated into the European Union, while the rest of the states are in the process of integration, but the existence of a high level of organized crime in these countries not only slows down the process of integration of these countries, but also is a threat to neighboring countries which are already integrated into the European Union, so as requirements - duties that these Balkan countries must meet to integrate into the European Union is that in addition to achieving a certain level of economic development, reforms in the judicial system is also the undertake of all necessary measures and presentation of results in fighting organized crime.

Treatment of the phenomenon of organized crime provides answers to some questions:

- What is organized crime?
- How is organized crime present in society?
- What are the forms of organized crime?
- The organizational structure of criminal organizations
- What are the consequences of organized crime in society?
- What is the current state of organized crime, trends and developments?

During the drafting of this paper some hypotheses are raised on the subject of study, this is done in function of answering theoretical questions about the issue that is addressed in this theme.

During the development of the theme and the case study we have the results by which derive several hypotheses:

- Hypothesis 1: Factors and conditions that affect the presence of organized crime mainly factors of economic and political aspect, these factors and circumstances have influenced the presence of the earliest activities of organized crime and the constant development until today.
- Hypothesis 2: Organized crime seriously threatens and hinders the development of democracy, the development of state and law, promotion of human rights and freedoms, security and economic development of countries.
- Hypothesis 3: Despite the increase of international cooperation and harmonization of national legislation with international legislation, creation of structures – specialized mechanisms in preventing and combating organized crime, results that knowing about the organized crime with national character and particularly of international character of the organized crime is still limited and not satisfactory.

The importance of the paper

The importance of completing this work-theme I think is great because it presents information, data, knowledge and experiences of the Balkan countries on certain forms of organized crime as a negative phenomena and harmful to any society, this paper will help students of Faculty of Law to get acquainted with some forms of organized crime and allow them to make realistic assessments of the resources used by various authors in this paper.

Studying organized crime in general means to facilitate yourself and others a more dimensional look ranging from: structure, trends, volume and dynamics of criminal illegal activities.

The study of this issue is of particular importance and theoretical interest because through this study the chance of recognizing the essential elements of criminal activities is possible and also problems faced by societies and the establishment of a base of particular importance that will serve upcoming generations.

Methodology

During the drafting of this paper some work methods are applied, the paper is mainly based on scientific material, articles, reports, studies, strategies and projects related to organized crime in Balkan.

- Drafting this paper – theme some research methods are applied: historical method, analytical method, descriptive method and comparative method.
- The historical method is used to introduce the first manifestation forms of organized crime and development.
- Analytical method is based mainly on the analysis of legal provisions and regional and international agreements that regulate the prevention and combating of organized crime.
- Descriptive method is used to identify the current state of organized crime, describing in detail some of the forms of organized crime.
- The comparative method is used to compare practices in different countries in combating organized crime, this method is also used to explain the need to prevent and combat organized crime in Balkan.

Expected results

From this work are expected the following results:

- Presentation of the essential characteristics of organized crime forms
- Awareness of the form and structure of the organization of criminal groups
- Awareness of national and international legislation to combat organized crime
- Awareness of the forms of cooperation of specialized institutions and authorized in combating negative phenomena in society

Structure of the subject

The paper -theme is divided into three chapters within each chapter in accordance with the applied methodology there are subchapters and special titles.

In the first chapter I presented: the meaning and characteristics of organized crime, the characteristics of organized crime, specific elements of organized crime and the typical categories and features of organized crime.

Presented in chapter II: organized crime in Eastern European countries - Balkan: Some forms of organized crime in Croatia: 1.trafficking of drugs, 2. trafficking of human 3.smuggling of persons4.money laundering. Some forms of organized crime in Bosnia and Herzegovina: 1.trafficking of drugs, 2. trafficking of human, 3.money laundering. Some forms of organized

crime in Montenegro: 1.trafficking of drugs, 2. trafficking of arms and ammunition, 3. retail works of art and national cultures. Some forms of organized crime in Serbia: 1.trafficking of drugs, 2.trafficking of human beings, 3. smuggling of goods. Some legal forms of organized crime in Macedonia: 1. drug trafficking, 2.trafficking of human beings, 3. illegal migration, and 4. money laundering. Some forms of organized crime in Albania: 1. Drug trafficking, 2. Trafficking of human beings, 3. Illegal immigration, 4. money laundering and 5. Corruption.

Presented in chapter III: organized crime and its combating in Kosovo, the characteristics of organized crime in Kosovo, organized crime under the penal legislation in Kosovo, some forms of manifestation of organized crime in Kosovo: 1.trafficking of human beings, 2. drug trafficking, 3. smuggling of legal goods, 4. money laundering, 5. counterfeit money and 6. racketeering.

At the end of the paper presented are conclusion and bibliography.

CONCLUSION

Organized crime is considered a phenomenon as old as human society itself. Organized crime today is presented as one of the most pressing problems of modern society. The way that it spreads, forms, structure, volume and dynamics are much to be concerned. Characteristics of organized crime differ from country to country, depending on the structure of organized groups such as the development of the country, traditions, customs, types of the most common crimes etc.

Organized crime is a quite dynamic concept that easily fits in society especially those permanent changes (political, economic, creation of new states, the transition from a centralized economy to a free market economy conditioned even with major changes in the laws of the Balkan states), so we can conclude that organized crime is a phenomenon that is present in all countries in the world and also more in multinational and international countries structured in heterogeneous and flexible way, that means it has penetrated all segments of society.

In preventing and combating different forms of organized crime measures, efficient tools and methods have been implemented, particularly in developed countries and high standard of organization. Important role also have the special police and tracking services, which are available with different specialized formations, database as a source of information and different data. Systematized criminal records, as well as various secret used measures (secret searches of premises or residences), in cases where allegedly found evidence and other data on organized crime and its perpetrators. Of course, that these actions are undertaken with the permission of the prosecutors and court.

We can conclude that organized crime is a threat of the highest degree that is done to the political, economic and national sustainability and national organizing of the country. This is the evaluation of the European Union Conference in London on 25.11.2002. From this conference there was the statement that Balkan is considered the gateway where drugs go, violence is applied and various forms of smuggling are carried out.

Numerous legal reforms oriented at preventing and combating negative phenomena arising from the international criminal law, the UN Convention "On international organized crime" (Palermo Convention), the United Nations Convention against Transnational Organized Crime (UNTOC) of 2003, European Convention "On corruption", all these reforms aim at preventing and combating organized crime, particularly money laundering and terrorism.

Recently in Europe and Balkan countries organizations are created, also new specialized structures in preventing and combating organized crime such as: Europol, Euro Just, etc. (Republic of Kosovo is not a member of these international institutions), who are mainly focused on the issue of implementation of international law, the establishment of close cooperation of specialized mechanisms of different countries and their training, also their creation of a base (data base) of information.

In Balkan states the activity of organized crime is carried out in various forms, such as drug trafficking offenses, human trafficking, smuggling of persons and different forms of economic crimes (corruption, tax evasion, counterfeit money, laundering money, illegal smuggling of wares (weapons, cigarettes, drugs, oil derivatives, etc.).

And various forms of economic crimes as illegal activities violate and causedamage to societies, especially countries that are developing, although in these countries the legislation is quite advanced and oriented in prevention of various forms of economic crimes as: tax evasion, money laundering, trade with legitimate wares etc. However, in the region there are many opportunities for the developing of other activities of economic crimes such as: smuggling of various types of wares (tobacco, weapons, fuel, explosives, works of art and culture, alcohol, precious metals etc.), counterfeit money, piracy, cyber crime, forgery of documents and creation of fictitious companies that are tools - basic instruments for tax avoidance and money laundering and are considered important factors that affect the citizens' confidence in economy market, in the justice system and state institutions.

Usually the organizers of these criminal acts have certain connection with certain segments of the state, since they are complicit in the commission of such activities.

Fighting organized crime generally is considered a challenge to the political system, security system, economic system, the justice system and other subsystems of the state because is proved that without the political national will there is no rule of law and sustainable security in a society - state.

Among the new forms of economic crime such as public procurement fraud, privatization and financial sector, are increasing and continue to affect public trust in the market economy and the criminal justice system.

Therefore, we can conclude that the fight against organized crime is a priority for the EU and the Balkan countries, especially countries that are in integrating processes and have the aspiration to join the EU. Noting that there are actions directed at preventing and combating this negative phenomenon (formations – specialized mechanisms are formed, association is established between these mechanisms of these countries, creation of data base etc.), while in terms of law in different countries a "revolution" is needed, starting with the issuance of new laws, amendments of existing laws, harmonization of national legislation with international acts with emphasis to organized crime, such as "Law on confiscation of property acquired illegally " and other legal acts oriented at combating organized crime. Despite the good efforts and numerous investments of the international community, the overall situation in the economy of the Balkan states is as very severe. Multiple interethnic tensions, unemployment remains high and the extent of this whole situation has enabled organized groups the gradual building of a very powerful criminal infrastructure, controlling not only the most profitable businesses, but also many vital state structures of some states.

In the end we can conclude that fighting crime in general and organized crime is a political challenge in particular is a challenge for the security system, the justice system and other subsystems in a state. However, it is being constantly proved that without political and national will and necessary political international agreement there can't be a legal country and stable safety.