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**CRIMINAL OFFENCES OF AGGRAVATED THEFT FROM THE
POWERS OF SKENDERAJ MUNICIPAL COURT, DURING 2005-2010**

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INTRODUCTION

The subject review for this paper is the offences of aggravated theft, from the Powers of the Municipal Court of Skenderaj, during 2005-2010.

Interest in studying this problem adds to the fact that today in Kosovo, with special emphasis on the territory of the Municipal Court in Skenderaj, this type of crime is increasing.

Severe cases of theft have occurred in all periods, but after the war records of the Municipal Court in Skenderaj show that the number of these offenses has increased significantly.

Rationale for research and study of aggravated theft in the municipality of Skenderaj, is that the number of these offences is significantly increasing, compared with the past. Scientific institutions and state institutions did not that much, to ascertain the facts which have led to an increase in offenses of this kind in Kosovo, in this context the Municipality of Skenderaj. Therefore, the relevant institutions for the prevention and prosecution of perpetrators of such offences from 2005 to 2010, did not achieve any good results, always based on statistics, which we got from the judgments studied through this paper.

This paper mechanically consists of two parts. In the first part this offence will be defined in the theoretical and scientific aspect also the offence under the Criminal Code of Kosovo will be defined as well. What constitutes a criminal offence under the criminal code? It will be the definition of these offences under the Criminal Code of Kosovo, such as aggravated theft, predatory theft and robbery. Meanwhile, in the second part in an empirical method research findings will appear. For a more complete treatment of these works empirically other relevant methods were used such as: statistical methods, methods of studying individual cases, methods of sampling and survey or observation methods. Meanwhile, in the second part of the paper the number of offenses will be analyzed, incurred in the period from 2005 to 2010. There will be a detailed analysis of these offences, and will be a conclusion regarding the measures to be taken to prevent them.

Also, there will be analyzed the numerous factors that affect the performance of this offence, such as: difficult economic conditions, poverty, unemployment, low education level of perpetrators, etc. According to a report by the Center for Social Work in Skenderaj, the number of those who need help is big. Employees of the center have taken measures to provide social protection to the most vulnerable primary categories, such as households with orphans, those without parental care, abandoned and abused children and those who have met the criteria set for social assistance.

During this study we will try to answer these questions:

1. Will be discussed and elaborated, what are the factors that affect the performance of this offence?

2. The tools used for the execution of this offence?
3. What are the measures taken to prevent this crime?

This fact is confirmed in the research that we have done in the Municipal Court in Skenderaj, where I analyzed final judgments and most of the perpetrators of the crime, aggravated theft have been in poor economic condition.

Against this form of criminality, although relevant state institutions have adopted legal acts in order to impose adequate legal measures to perpetrators in conformity with international standards, however there has been no visible result.

In this regard, on the sixth of April 2004 of the Kosovo's Criminal Code and Code of Criminal Procedure and other laws entered into force.

Finally, from research findings and conclusions of this paper, I will make suggestions and concrete proposals towards finding solutions that the society can be more protected from this type of crime and in the success of rehabilitation and re-socialization of the perpetrators.

In conclusion, it is worth mentioning that during the study and research of the problem which is subject to the treatment of this paper, contemporary literature, relevant statistical data, powerful subjects of the offence, aggravated theft and other data that have to do with aggravated theft have been consulted and used.

CONCLUSION

Aggravated theft offence is an offence specified in XXIII chapter of the Criminal Code of Kosovo, which belongs to the group of offences against property.

This offense is provided in Article 253 of the Criminal Code of Kosovo, which exists when everyone, with the aim of stealing, penetrating force, acting rudely, exploiting the created situation as a result of fire, flood, earthquake, exploiting the inability of another person, shall be punished with imprisonment of six months to five years, unless any member of the group holds a weapon or dangerous thing, in order to attack, which is punishable by imprisonment of one to eight years. The offence of aggravated theft was committed in the territory of the Municipal Court in Skenderaj.

Skenderaj Municipal Court, during 2005-2010, had a wide range of criminal offences, in total 827 cases. Of these, 63 cases of aggravated theft, in particular, we had 110 perpetrators of this crime.

In our work it is clear that serious cases of theft have not had any major increase or decrease, but for all this period there were small changes from year to year.

The phenomenon of the offence of aggravated theft is a social phenomenon that occurs in certain circumstances. The causes that determine the appearance of this type of crime are multiple and different. They are mainly economic, social, education aspects etc.

During this study we have proved that tough conditions were a key factor to the execution of these offences. Of the 110 researched and searched perpetrators, 64 of them or 58.18% of the perpetrators have been in poor economic condition.

Therefore, we believe that improving living conditions in the future will be a very important factor for the decline of crime.

In our study we confirmed that about 63.63% of the perpetrators have only completed elementary education from the first grade to the eighth, so we think that raising the educational level of the layer of broad population, will certainly exert against this type criminality.

Educated and cultured men have a greater awareness and greater opportunity to foresee the harmful consequences that aggravated theft do, in order to gain illegal wealth.

In this paper, I considered the time, place and means of carrying out this crime. From 06 to 12 o'clock -21 cases, from 12 to 18 o'clock -8 cases, from 18 to 24 o'clock -21 cases, from 01 to 06 o'clock - 24 cases.

The place of the execution of offence was, such as: in the home 18 cases, 21 cases in shops, restaurants cafe had no case, 18 cases in the former social organizations, in schools 6 cases and jewelry shops had no case.

The means by which this offence was committed were, for example an ax-screwdriver 22 times, iron 7 cases, 3 cases with an ax, with the metal saw 14 cases, 1 case with a hammer and other tools.

Punitive policies towards the perpetrators of the offence of aggravated theft in the Municipal Court in Skenderaj, for the period that it has been researched and studied, was not so severe compared to the social dangerousness of the offence.

In addition, we will provide an overview of imprisonment, according to the length of the sentence, that the perpetrators are punished, where a total of 91prepetrators are sentenced.

For the length of prison sentences, the situation is as follows:

From 12 months to 18 months have been convicted.....01 or 1.58%, perpetrators.

From 6 months to 12 months have been convicted.....11 or 17.46%, perpetrators.

From 3 months to 6 months have been convicted.....38 or 60.31%, perpetrators.

From 2 months to 3 months have been convicted.....19 or 30.15%, perpetrators.

From 1 month to 2 months have been convicted.....22 or 34.92%, perpetrators.

Despite this punitive policy that is applied to the perpetrators of this crime, the public rarely considered these penalties as soft. We believe that not only with stiffer penalties we can prevent or reduce the execution of this offence, but besides that they do not take other measures to resolve the economic, social, cultural, which leads man to the execution of this offence.

Based on the study for aggravated theft in the territory of the Municipal Court in Skenderaj, for the six-year research period in 2005-2010, we concluded that this Court, in determining the length of the sentence, in most cases, takes into consideration mitigating circumstances, rather than the aggravating ones.

We think that in the future, the Municipal Court in Skenderaj should be more active in terms of the penalty, where the perpetrator of this crime should receive higher sentences; aggravating circumstances should be taken into account to a higher degree besides the mitigating ones that were taken into account in most cases.