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THEME:

**CRIME METHODS FOR
ORGANIZED CRIME DETECTION**

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INTRODUCTION

1. OVERVIEW OF TOPIC

Economic crime is listed amongst the most dangerous forms of crime in contemporary society. This type of crime is thought to be alarming by people all around the world. Economic crime, as a negative phenomenon is settling itself progressively deeper in our society. It is not surprising that in a developing country such as Kosovo, economic crime is very present. Kosovo just recently started rebuilding itself from the war, while on the process of building main state institutions it of course encountered major obstacles of different natures, like: the building of institutions that are required for normal functioning states, its financial status, and the challenge of solving other aspects of statehood and status. Malfunction of these state institutions, especially those of justice caused an anarchic-like situation, which enabled the infiltration of certain people within the main state institutions, whose duty was to have a crucial role on crime fighting.

The purpose of this project

The purpose of this research paper will focus on reflecting, analyzing and disintegrating the issues listed below:

- *Reflecting and enlightening the phenomenon of economic crime
- *Bodies and other legal means which fight or prevent economic crime
- *The influence economic crime has on state bodies
- *Consequences economic crime has on state bodies

Objectives

This scientific research treats the subject of organized crime from a juristic and scientific point of view. Also taking into account certain international experiences with organized crime, its etymology, characteristics, motives and other forms of committing felonies in Kosovo.

FREQUENTLY ASKED QUESTIONS/ HYPOTHESIS

General Hypothesis

Organized crime is especially dangerous for society and modern, eminent places of the modern world. This type of crime is especially evident in countries which are in development, the Republic of Kosovo included. The main characteristics of this type of crime is illegal profit as a motive, then violence, corruption and fear, as method in performing these penal acts.

Scamming with this type of economic crime brings in a staggering amount of money, and also creates purchasing power for groups or individual criminals. Economic crime has not only obstructed free market, but it has also damaged the democratic political structure and the political stability of countries.

Detailed Hypothesis

The truth is that organized crime is mostly concerned with making astonishing profit, but, as practice and multiple studies have shown us, under some layers it is also hidden the desire to control the economy, be it partially or as a whole. This control later also engulfing state institutions and bodies of law enforcement.

The fight against organized crime requires the organized, integrated and coordinated inclusion of the entire legal system.

The importance of this topic

Penal acts of organized crime have always been present, in every society, a fact that has sparked multiple discussions throughout history, mostly focused on ways to stop it. It has been estimated that it mostly blossoms in countries which are transitioning. In accordance to our study space and standards we have carefully included all arguments which are pro or against harsh sentencing in the field of organized crime. Seen from this angle, we also included multiple theories and points of view which recommend taking into account the psychology of humans which influence their decision-making skills. This, of course, is a very broad approach and leaves much room for discussions and studies that should focus on modern lifestyle, we have nonetheless, included some juristic points of view in this paper.

Methodology

- For the successful completion of this paper were used the researching methods and techniques listed below:

- The method of functional analysis (outer and inner), with which method was analyzes the influence of economic crime in our country, as well as the analysis of external factors, which have impact in this phenomenon because their identification is crucial in the successful prevention of economic crime.

- The method of comparative analysis within which will be made statistical analysis and focused comparisons. This method also helped identify many known cases of economic crime.

- The method of quality and quantity investigation access, which will help us arrive to desirable conclusions. This method is based on strategies, working groups' creations and other professional bodies which prevent and fight economic crime.

Expected results

- Relying on facts, I refer to the current growth of penal acts which are related with economic crime, I recommend to the Kosovo Judicial Council, Prosecutorial Council and the Police Force:

-Building capacity in Human Recourses

-Drafting of legislative framework in proportion with international acts in an attempt to be efficient in the fight against this phenomenon.

CONCLUSION

This type of crime is a major challenge in our country. To paint a clearer picture about the problem, I have generally analyzed from all points of view, taking into account correlating factors, and reaching the source out of which penal acts flow. In this way, I was able to provide alternatives and proper solutions to prevent and fight this type of crime. According to investigations and statistics from Prosecution, the Police and Judiciary the most dominant forms of economic crime in the Republic of Kosovo have been tax evasion, smuggling, corruption, money laundering, counterfeit money and consumer fraud.

We can conclude that organized crime has made advancements in its activities and the way they are performed. Many scholars have reached the conclusion that while ten years ago organized crime was acquainted with only a handful of countries in Europe, nowadays only a few countries can say that organized crime is not a problem for them.

Being aware that in order to fight organized crime it is necessary to study its causes and the reasons that lead to its appearance, in this thesis it is also mentioned that except for the general factors, there are also some very specific reasons as to why organized crime appears.

We are left to hope that this project will be useful for all interested parties in the phenomenon that organized crime is.

Judiciary in Kosovo keeps being damaged by structural weaknesses and organized crime.

There are statistics about the levels of corruption in Kosovo. Even though there exist mechanisms and strategies against corruption and organized crime, political willingness to support effective implementation remains very faint. The Anti-Corruption Agency has failed to carry out administrative investigations related to the discrepancies between the statements of assets public officials declared and their actual incomes. Up until now there have been no attempt to continue with these investigations, neither by the police nor the prosecutorial services.

⁷⁵ Dr. VeselLatifi: PolitikaKriminale, Prishtinë, 2008, fq. 237.

Sanction on corruption, as foreseen by the law is very mild, penalties are only of administrative nature, they should be changed to be viewed as criminal offense instead. This contributes to the lack of anti-corruption mechanisms which are supposed to hold officials accountable for their actions. This happens because administrative investigation and prosecution have not distinctly divided neither their responsibilities not mandates. Due to mild legal provisions and overlap in mandates, the involvement of political and administrative staff in corruption will always be doubtful.

Despite the fact that the rule of law remains a priority for Kosovo's European perspective, and the fight against corruption and organized crime are seen as the greatest weaknesses in an attempt to create and maintain an effective rule of law in Kosovo, authorities only invested 1.5 % of the budget on judiciary. This partition of budget is minimal compared to the 17% of the budget that was invested on infrastructure capital which is led by the Ministry of Transport and Communications, which is currently under investigation by EULEX for budget misuse.

Kosovo continues to lack legislation on witness protection and regional cooperation agreements on witnesses who are involved in cases of transnational corruption and organized crime. No confiscation of assets gained from criminal acts has happened, not even on high-level corruption cases which were investigated or prosecuted by the Kosovo institutions or the EULEX mission.

The Law on Courts has created conditions for profound structural reform of the judicial system, although the new court structure will begin to be implemented in 2013. The Kosovo Judicial Council has continuously worked in the management of judicial and prosecutorial services, considering that Kosovo's Prosecutorial Council has yet to start functioning.

To prevent acts of criminality in general and economic in particular, the relevant institutions should increase the number of prosecutors and judges, and also give greater control to the police. Furthermore, specialized troops should be prepared in order to fight and solve crimes of this type.