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FACULTY OF LAW

DEPARTMENT: PENAL LAW

MASTER STUDIES

THEME:

CRIMES AGAINST THE BODY - FORENSIC ASPECT

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INTRODUCTION

The research and study of the master thesis entitled “Crimes against the body-forensic aspect” has numerous reasons, but in brief points will be presented only some of them. Considering the fact that the crimes against the body are the most serious ones of which is seriously threatened the most important value of society- the human life, because of the multiple consequences that crimes cause, in criminal legislations of different countries, including Kosovo, are provided severe penalties, wherein for this offense are provided long-term imprisonment penalties. Due to more serious complications for the society that crimes cause against the body, they are studied but we should also study them further and the reasons that lead to crimes, therefore this has been one of the reasons of the research and treatment of these crimes against the body, wherein Kosovo, especially after the last century conflict, crimes and injuries have become a frequent and inevitable occurrence. Causes and reasons of the submission of crimes are numerous and different, but the most essential ones to be deliberated in this theme are socio-economic and other circumstances in which the Kosovar society lives. Here are also counted other influential factors, which are general factors of criminality. Therefore, although repression represents the main form of combating the criminality in general, but physical injuries as well, in criminal-law and criminological literature, there is a perception that the combat of criminality including the crimes against the body it can be achieved successfully through prevention, respectively through the elimination of factors, which influence in the submission of this type of criminality. One of the reasons of the research of this theme is giving the answer to the question: which are the reasons of crimes? where the answer to this question may help the legal authorities in combating and preventing this dangerous and harmful occurrence in the territory of Kosovo. The purpose of the research of this theme is also the recognition of many other issues dealing with crimes in the territory of the Republic of Kosovo but wider as well. Precisely, these have been some of the main reasons that pushed me in the research of the theme in question “Crimes against the body-forensic aspect”.

Among the methods used during the research work, scientific research, are used different and the most advanced methods as: the historical method, legal method, comparative method, method of studying individual cases, statistical method etc. Thus through historical method, it has been possible the recognition, study and research of the crimes against the body, in different periods of development of human society, including the periods from the primitive community until nowadays. Also through this method it has been possible the recognition and study of crimes in the customary Albanian right. Thus through the legal method we have elaborated many aspects of crime, under the provisions of the criminal legislation of the Republic of Kosovo. We have presented important data through the method of study of individual cases, by judicial practice in Kosovo. At the same time during the drafting of this paper, we have used the statistical method, and particularly the method of correlation, average and percentage etc. Exploitation of statistical methods has enabled us collection, forwarding and rendering of the data which have to do with

many phenomenological and etiological aspects and data associated with the situation, progress and structure of their perpetrators. In particular, it is worth mentioning that during the scientific-research work, for the collection of literature and other resources, we have found full understanding in institutions and libraries in Kosovo and beyond. In the end, acknowledgments for those who have supported and helped me with their advices and suggestions, during the study and research of this scientific-research paper.

CONCLUSION

Through this study and research of crimes against the body, in conclusion we note that crimes against the body, as negative occurrences which have followed the human society since its formation, in all stages of development of human society until nowadays, are one of the most serious crimes which appear in criminal systems of countries, especially the higher democratic countries, where arise further consequences as social, economic, political which attack and follow the victim, their perpetrators and the members of their families and social district in general. Crimes against the body as a phenomenon have their historical origins since the ancient times and unfortunately it still does exist. From the perspective and criminal law analysis of crimes against the body, we can conclude that these are the forms of the most serious criminality of every society. Crimes against the body oppositely from other criminal offences, are the most serious ones, where the object of the action which fully complies with consequences of the criminal offense, it is always the life of a person. In this paper we have concluded that during the investigated period, crimes against the body, as the most serious criminality, it is present significantly in the Republic of Kosovo, with a gradual decline tendency, in the last years, while according to the structure of crimes against the body in the Basic Court of Prishtina in greater measure are presented different physical crimes, injuries, circumstance which indicates a higher level of social risk, their offenders, whereas in a smaller measure are presented light crimes, with frequent participation of instant crimes of carelessness etc. While according to the place of performance, crimes against the body are performed in rural areas, also based on the place where crimes were performed, most of them were in the streets, in the house of the victim, in cafes and in environments of agricultural works. Then based on the time of crimes performance against the body, in our paper we have concluded that, spring, summer and autumn are the seasons where excessively were performed crimes against the body, while during the day intervals the number of major crimes were committed during the day time interval, so in the morning and afternoon. Means which are used mostly in committing crimes have been fiery weapons, sharp means etc. Important factors in the recognition and analysis of phenomenological crime features, in this paper we have concluded that the prevention and combat against the crime definitely cannot be successful without the knowledge and authentic study of these personal and social factors of perpetrators of the crime such as: the age, gender, profession, the level of education, recidivism and the national affiliation of the perpetrator of crimes. A high contribution in the prevention and successful combat against the crimes represents the knowledge and study of criminogenic factors with impact in their performance. The results of our research prove that among the general factors who have contributed in committing crimes during the research period were: the high population density, unemployment, the difficult socio-economic conditions etc. We have concluded that from the total number of crime perpetrators were unemployed, as well as the difficult social and economic conditions of perpetrators in general were extremely difficult and serious. In this research we also have discussed the knowledge and study of special crime factors, which influence directly in the presentation and existence of this type of crime where we can say that the groups of most frequent factors during this research period that have had an impact on the presentation of crimes were: disputes over property relations which were quite

frequent in the Republic of Kosovo, where as a result of this it appears that a significant number of the total number of crimes were committed because of these factors. Within this group of factors are part: disputes about division of property, disputes due to non-payment of debts and disputes about the right of easement. Thus we have concluded that in these cases the court should attempt to solve the case in the best way possible. But despite the small number of crimes from this reason we have concluded that the elimination of some conservative attitudes that unfortunately are still present in our country will contribute largely in the prevention of crimes against the body in the future.

From the research results of the paper it's worth mentioning that a greater number of crimes are committed between people who have certain relations with each other as villagers, relatives. There for we can state that as a wide measure of a preventive character would have been the awareness of citizens in general to understand each other, as well as the awareness for tolerance between people, that the conflicts and different disputes to be solved peacefully or institutionally, while respecting the laws of the country. The further general, social, economic, educational and cultural development of Kosovo will probably eliminate or at least will reduce to some extent. But since such general development requires a long period of time we consider that the organized undertaking of preventive measures in large extent and quicker will give positive results in reducing the number of crimes. An important role in combat and prevention of crimes it regards the criminal law, because of the penalization of crimes as very dangerous criminal offenses for the society will affect preventively in the awareness of citizens, to refrain from committing crimes. According to the social dangerousness of crimes against the body as well as the consequences that are caused, for this type of criminal offenses since ancient times until nowadays are planned and implemented severe punishment. In our scientific research, we have stated that in Kosovo, the punishment policies towards the perpetrators of crimes in general have been quite tough. In this paper we also have stated that during the research period regarding the application of penal sanctions towards perpetrators of crimes in Kosovo have been applied sentences with long prison, fines as a secondary sentence and the measure of mandatory psychological treatment and maintaining the health facility which is imposed along with the main sentence.

As a conclusion of scientific research, it must be noted that the courts in Kosovo should devote extraordinary attention to facts in the case of determining the extent and type of the sentence, this is best demonstrated by the fact that when determining the type of sentence, judges should be very careful in determining the sentence, and to not remain only as a taxation counting of sentences, and thus should be eliminated all the potential shortcomings during the preparation of the final judgment by the judge of the case where by this will be completed all that must be in full compliance with the deserved sentence and so will be disappeared the dilemmas of the parties for a non-fair and meritorious trial.