
THE ORGANIZED CRIME, AS THE BEGINNING AND GROWTH IN KOSOVO

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Abstract: Security is a constitutional category in the state of law, which obliges the state bodies and institutions to fulfill this obligation to citizens, for whom security is a fundamental and non-negotiable right. How much today it is possible to fulfill this constitutional obligation to citizens and at what level of quality is a relative issue, when it is known that challenging security factors are ever increasing and security is increasingly unsustainable.

Likewise, more and more we are witnessing the situation imposed by challenging security factors where organized crime one of these fundamental factors is manifested as an important and influential factor, which dictates the pace and determines the physiognomy of political life in state proportions regional etc. As a realistic reflection and contextual portrayal of this problematic, we consider the situation of the North of Kosovo, which in both the legal, political and security aspects represents a complex and specific set, where organized crime manifests itself as a powerful link between local political power, the symbiosis in question, local political crime, dictates the pace, dynamics, volume of interstate agreements of the Republic of Kosovo and Serbia regarding the issue of final settlement of unresolved issues between them.

Analyzed from the perspective of security and the criminal aspect, organized crime tends towards preservation of "existing situation", where the organs of the state of Kosovo in our concrete case have had no access, nor have they been able to exercise jurisdiction in the territory of the Republic of Kosovo, recognized as a state on the international level by more than ninety states.

Keywords: Security, organized crime, legal state, North of Kosovo, local structure

1. GENERAL OCCURRENCE OF ORGANIZED CRIME

Criminality has its own history. He is as old as the history of humanity himself. There are different periods of development of society when general and specific criminality undergoes decline and growth.

At the end of the twentieth century there was an increase in criminality around the world. This is a serious concern of mankind, and the worst crimes of organized crime have really occurred in the post-conflict societies that followed the break-up of Yugoslavia. The process of globalization in the second half of the twentieth century has brought considerable benefits to the peoples of the world, but has also brought a number of difficulties, including the rise of organized crime. Criminal law as a science and practice has an important role in detecting and combating organized crime. But this is not the only effective and sufficient means of achieving the objective, detecting and fighting organized crime.

Thus, criminal law is both science and practice that requires new de lege lata solutions, and de lege ferenda. The criminal law of each country as the main source of right and impartiality-such as Plato, and later Karl Marx, noted that it contained the highest source of the moral of a society.

It follows that criminal law is not the only means of combating organized crime, but still it remains the main one.

Organized crime has its own constructive, operative, manifestative features, and there are also specifics in dealing with it and in its prevention and combat. The question is whether we will succeed in the case of analyzing the structures and forms of so-known groups of organized crime to share those features and weaknesses that will help us in defining organized crime and preventing of new groups. With its own forms organized crime is a very dynamic and complex phenomenon, which makes these specifics and this complexity possible for corruption. "Organized crime today represents the greatest threat to human civilization, undermines and violates fundamental rights and human freedoms, and is presented as an imminent threat to the functioning and development of the political system of society, thus creating and increasing the uncertainty of the individual and society in general and endangering national security ".It is a real assumption that without corruption it would be very difficult or even impossible to develop organized crime. Changes in social economic life dictate changed activity of organized crime. Organized crime structures are multifaceted and the essence of this form of criminality is not to "feel", we observe. Organized crime and corruption in Kosovo are not unnoticed, multifaceted yes but not unnoticed. However, processed, investigated and tried very little because the first "saves" the second, namely the non-prosecution of organized crime enables corruption, whereas the prosecution and prosecution of corrupt acts enables revenge and other similar consequences "Super-corruption". As far as Kosovo is concerned, Kosovo has sufficient legal infrastructure: the

Criminal Code, the Criminal Procedure Code, the Anti-Corruption Law and the appropriate institutional mechanisms - the Anti-Corruption Agency.

1. ORGANIZED CRIME AND HIS MAJOR CHARACTERISTICS

A prerequisite for the impartiality and professionalism of criminal investigations for the body conducting criminal prosecutions of corruption is to be independent in the institutional, financial and political sense. According to all anti-corruption studies, the success of an anti-corruption campaign is measured by the "big fish" punishment, ie, a person with a certain hierarchical status⁴⁸⁶.

As a particularly dangerous form of crime manifestation organized crime is treated. It is characterized by several features, such as the permanent linkage of many persons in the conduct of criminal activities, the existence of an organizational structure with a hierarchy and powerful powers of the leader, the dominance of order, order, discipline, responsibility of members, imposed solidarity, preservation the secrecy of the action and the failure to discover the organization, the majority of the leadership towards the leader etc. Any non-compliance with these claims is punishable by brutal punishments, usually by physical liquidation of the person or member of the organization or group that violates these duties. Organized crime shows the ability to adapt rapidly to new conditions and circumstances, finding room for large profits. Organized criminal groups, creating great capital, exert a devastating impact on the institutions of power and the police and legal order itself in one country. This situation is difficult, especially in developing countries where criminal organizations penetrate into all the gaps of administrative, judicial, police and military power. In this way an unceasing link between organized crime and certain power lines emerges, which in the public creates the impression that organized crime is invincible⁴⁸⁷.

1.1. Why organized crime?

From the time when criminology was created as a scientific discipline, the position on the dichotomic structure of its scientific composition⁴⁸⁸.

It is called organized crime because professional delinquents plan and coordinate them in a particular way, in undertaking criminal activities and actions. For these purposes, they incorporate and utilize established groups, associations, and organizations or new associations which, as their official activity, have access to various transactions that are not forbidden in the formal view. Often, these groups, associations and organizations are legally listed and registered by announcing an allegedly exercising activity. However, in essence, their activity is engaging in criminal activity. These groups, associations and organizations are only registered for the face of the site, to have cover in front of the power authorities. Ndërsa aktiviteti i tyre i vërtetë është marrja me veprime kriminale. These groups and criminal associations, in some cases, do not hide their criminal and terrorist definition. They use violence, murder, coercion, corruption, terror, and intimidation to achieve their goals. Such groups and associations justify their actions with allegedly political activities, activities for the rights and freedoms of certain cultural, ethnic groups, etc. However, in essence, their activity is criminal despite trying to be camouflaged.⁴⁸⁹

1.2. Criminal organization

Criminal organizations have the chief, organs and members of the organization or association. Their mode of work and their activity is quite conspiratorial and relies on the principles of total secrecy, the submission and the harsh responsibility of members and activists to top bosses and leaders. Any omission, error, revelation, breaking, the rules of secrecy or the failure to execute duties and actions, is punishable. Permitting penetration into the structure of the organization, association or group by unauthorized persons, and especially police bodies, is usually punished with death, physical and unattractive liquidation of members or persons who have in any way attempted to infiltrate or in any way to trace criminal activities.

In these organizations and associations reigns: full submission, fear, violence and cruel torture to members who err or do not hear, in other words, dominates the "Law of Silence" or what is called the "Omerta" law and revenge law "Vendetta".

⁴⁸⁶ Prof. Dr. Vesel Latifi, Prof. dr. Neither. Dr. Agron Beka, "Murders, Organized Crime, Terrorism - Detection and Examinations", Prishtina 2013, pg. 83

⁴⁸⁷ <http://www.slideshare.net/doklina/kriminaliteti-i-organizuar-dhe-veqorite-e-tij-kryesore> last seen on 22.09.2015

⁴⁸⁸ Prof. Dr. Vesel Latifi, "Criminalistics - Detection and Evidence of Crime", Pristina 2011, pg. 15

⁴⁸⁹ Dr. Ragip Halili – Criminology, Pristina 2011, pg 142

1.3. Criminal organizations

Such criminal organizations have had and still have some places in the contemporary world. Traditional Sicilian organizations such as the "Sicilian mafia", "Camorra", "Ndrangheta", "Sacra Corona Unita", "Stida", "Koza Nostra" in the US, "Yakuza" in Japan, "Triadat" in China etc. Other criminal organizations also have in Spain "ETA", in Ireland "IRA", Narcissores in Latin America, Russia and other places in the contemporary world ⁴⁹⁰.

1.4. Criminal activities

1.4.1. Narco – traffic

Drug trafficking is a fundamental form of organized crime across Europe, and in particular in Southeast Europe with the well-known "Balkan Routes" used by Turkish organized crime groups for heroin trafficking, and today are used trafficking in all types of illicit drugs and within what is known as "drug trafficking" where charges are known as "cocktail loads" and include precursors, chemical and synthetic drugs.

Drug trafficking includes local organized and organized criminal groups that are composed of nationals of source or transit countries. However, states report extensively the close ties between local and non-local organized crime groups, both in the transportation and distribution of drugs, and in an expanded manner, including the involvement of drug traffickers in other illegal activities such as eg. in the trafficking of human beings.³

Albanian organized crime groups have become major suppliers of herbal cannabis (cultivating and trafficking) and are supporting the traffickers of Turkish heroin and Colombian cocaine, and are recently trying to fully enter cocaine trade, thus constituting one a growing threat to the EU⁴⁹¹.

1.4.2. Human trafficking

Trafficking in human beings and the sexual exploitation of vulnerable individuals is largely a "underground crime", which explains the difficulty of accurately determining the extent of the problem associated with various elements of this organized crime force. Much of the law enforcement efforts focus only on the obvious elements of trafficking in human beings, bypassing a large part of the spontaneous and organizational structures behind them. Everywhere in Europe, it is often not known that many of the reports of criminal offenses, such as cases of rape, isolation or illegal imprisonment, serious bodily injury, or cases of robbery or theft, hide in themselves elements of organized trafficking in human beings. The situation is further complicated with regard to the identification of cases of trafficking in human beings, given that very often trafficked women are silent about traffickers involved in crime, as they try to protect families in their countries that are under the threat of groups of organized crime.

Trafficking in human beings often involves criminal organizations that use threat or use violence, use force, deception, lies, or other means. Trafficking involves several distinct but interrelated actions such as recruitment, transportation, placement or accommodation, and exploitation, which is not something that happens only once, but is carried out over a given period of time. Organized crime groups exploit, on the one hand, the opportunities offered by the market for sex services and free work (demand), and on the other hand, the vulnerable situation of women and children in many countries (bidding). Moreover, it is about high benefits while, despite changes in the relevant legislation, the risk of control and sanctions is low.

The trafficking business operates in this way:

1. Recruitment - Women respond to newspaper or internet job announcements for child carers, models, parka, dancers, waitresses, etc. They are recruited or encouraged by friends or relatives to take advantage of "employment opportunities in European countries"
2. Fraud with identification documents - transportation and identification documents are regulated by organized crime groups.
3. Debt Obligation - Identification documents are often dealt with at destination and women are faced with a major debt owed by traffickers to the transportation they need to settle through prostitution.
4. Violent Violence - Women are often subjected to violence. There are many reports of women held in isolation, beaten, raped, drugged in order to "break" them and force them to work. For this purpose their families are also threatened.
5. Continued use - Victims are sold or exchanged between criminal groups and different countries in order to ensure the existence of "fresh goods" in the market, to prevent disclosure and to disorientate the victim by removing any possibility for contacts that may help them to leave.

⁴⁹⁰ Ibid

⁴⁹¹ Report on the Situation CARPO, Strasbourg 2006 - Report on the Situation of Organized Crime and Economic Crime in South East Europe, Criminal Activities - Trafficking in Drugs, pg 22

Most trafficked persons comply with the so-called "Push & Pull Factors" that combine with the phenomenon of illegal immigration. Reasons for pushing people away from an area to go elsewhere are known as driving factors such as high unemployment, closed labor market for women and sex discrimination, poverty, lack of opportunities to improve quality of life, escape from violence, etc. Reasons for attracting people to a particular area are known as attracting factors, such as demand for workers in the sex industry, demand from wealthy consumers for commercial sex, better employment opportunities, higher salaries etc.⁴⁹².

The profile of the victims is clear, the victims are in most women and girls who are foreign to the country where they are used.

Trafficking in children can not be a cure for a negligent product of trafficking in human beings. It generates great benefits and as a result it is in the hands of organized criminals and is expanding dramatically. Crime designated as child trafficking means commercial sexual exploitation of children, including child pornography. But it also means other forms of exploitation of children forcing them to steal, beg, and also refers to children who work under forced labor. The children occupy a considerable number of victims. In some Southeast European countries, 50% of trafficked victims reported are under the age of 18 ie they are children. This number is expected to grow even further, as traffickers and their co-workers are focusing on ever-younger victims, partly because of the fear of HIV infection and AIDS.

Most of the recruits are made by persons of the same nationality with the victim and then the victim is trafficked to foreign markets.

Trafficking of cross-border victims as well as domestic trafficking of local victims in the service of a local and regional market, with increasing demand for sex services, continues to be a serious problem. After being trafficked internally, victims get a light "experience" and then they can be trafficked across the border. Internally trafficked victims are

considered as part of an old type of prostitution and still continue to be seen by the authorities of countries as a criminal phenomenon⁴⁹³.

This has its own consequences for victims and law enforcement. This may explain why in all Europe organized crime investigations related to trafficking in human beings are scarce.

1.5. Smuggling of persons

Emigration is a very complex topic either as a social issue or as a criminal problem.

The United Nations Protocol on Immigration by the Earth, the Sea and the Air aims to prevent and combat the smuggling of persons. The latter has some resemblance to some aspects of trafficking in persons but there are also some changes. Firstly, smuggling of migrants, although often carried out in dangerous and degrading conditions, concerns immigrants who have agreed to be smuggled, ie cross the border illegally. Victim Trafficking in contrast to this concerns persons who have either disagreed with such a thing, or even if initially agreed, this loses meaning as a result of violence, fraud or abuse used by traffickers. Secondly, smuggling ends with the arrival of persons in the planned destination, while in the case of trafficking, victim exploitation continues from other places, which generates other illegal income for traffickers. Third, smuggling is always interstate, while trafficking may not be such⁴⁹⁴.

Globalization contributes to the significant increase in smuggling of persons and their trafficking, making smuggling of persons and trafficking in human beings as the main global business of organized crime groups. As is the case with trafficking, the main causes of smuggling are precisely the push factors that lead to forced displacement of people such as: natural disasters, war, ethnic and religious conflicts, political persecution, civil war and poverty, factors that impede immigrants to leave their country. Attractiveness factors, such as the need for free labor force, the stabilized economic situation and overall social security, some kind of relative development in the target countries, democratic governance systems, political and social stability, and more importantly the existence of diasporas or communities certain criteria constitute the criteria for choosing a destination country, which is often a developed country (an EU member state).

⁴⁹² Europol, Fact sheet on Trafficking in Human Beings , 2005 (www.europol.eu.int)

⁴⁹³ <http://www.slideshare.net/doklina/kriminaliteti-i-organizuar-dhe-veqorite-e-tij-kryesore> last seen on 22.09.2015

⁴⁹⁴ Situation Report CARPO Strasbourg 2006 - Report on the Situation of Organized Crime and Economic Crime in South East Europe, Criminal Activity - Smuggling of Persons pg 45

Compared to trafficking in human beings, smuggling of persons does not require much operational sophistication, given the less complex purposes of this criminal market. Medium-level groups are able to organize each trip, ranging from providing counterfeit identification documents to crossing international boundaries with illegal means or bribes, in conjunction with transport companies and travel agencies that are often linked smugglers or smugglers themselves. Unified law enforcement measures have led asylum seekers to move from the least dangerous forms of illegal immigration to the Mechlandian ways that are more expensive and more risky for children, women, and men involved in this action. High-level groups can provide logistical assistance to emigrants in the final destination country, usually relying on links to communities of the same ethnicity or nationality established in that country.

1.6. Money laundry

The fight against money laundering is one of the most effective ways to counter organized crime, since the common denominator of all serious crimes and organized crime is to extract profits. Security, integrity and stability of financial and credit institutions and confidence in the financial system as a whole can seriously be put at risk by the efforts of criminals and their co-workers to alter the origin of their incomes or to channel the legitimate money terrorist purposes. Revenue obtained illegally may be reinvested in criminal businesses or legitimate businesses, may be consumed or deleted. To prevent the capture and confiscation of crime products, they are cleansed so as not to be distinguished from legally acquired money. Money has been cleaned in many ways that are made even easier by electronic payment methods and banking transactions⁴⁹⁵.

Organized crime groups rely more and more on legitimate and commercial structures and in the conditions when boundaries between legitimate and illegal structures come to a standstill, money laundering constantly raises concerns about the penetration of illegal income into the lawful economy, by means of payment methods. It is known that money laundering usually relies on three stages⁴⁹⁶:

1. Allocation - the ways in which direct crime products are channeled into financial systems, mainly in the form of cash payments.

2. Layering - the circulation of funds through a chain of financial transactions to eradicate any kind of connection between the allocated capital and its criminal origin, typically through money transfer or money laundering. 6

3. Integration - Income investment, which has criminal origin in legal and economic transactions, typically occurs in real estate, objects of value, business capital, etc.

Criminality is a constant phenomenon, but also dynamic. Despite the fact that organized crime is a very complex phenomenon, as such it causes concerns around the world, great efforts have been made to make its definition in order to determine the notion of this phenomenon⁴⁹⁷.

2. CHARACTERISTICS OF ORGANIZED CRIME IN KOSOVO

2.1. The Birth of Organized Crime in Kosovo

The last Kosovo was affected by the wars in former Yugoslavia in the 1990s, and faced a number of problems and challenges of post-war reconstruction and transition. Despite all-round efforts of the International Community, investments in large sums of money, goodwill and human resources, the overall economic situation in Kosovo is estimated to be extremely severe. So far no marked economic development has been noted, while unemployment remains at the highest level in the region and Europe. In these general social circumstances, accompanied by the consequences of the war, the optimal conditions for the emergence and development of organized crime in Kosovo were created. Thus, in the first postwar years, the gradual construction of a very powerful criminal infrastructure in this part of Europe had begun. According to many scientific parameters, with great certainty it can be noted the worrying fact that organized criminality and corruption in Kosovo have received mass proportions and are spreading in all pores of life. This finding is in line with the impressions expressed in the opinion that in Kosovo operates a powerful organized crime structure that controls not only the most profitable businesses but also some vital state

⁴⁹⁵ <http://www.slideshare.net/doklina/kriminaliteti-i-organizuar-dhe-veqorite-e-tij-kryesore> last seen on 22.09.2015

⁴⁹⁶ <http://www.slideshare.net/doklina/kriminaliteti-i-organizuar-dhe-veqorite-e-tij-kryesore> last seen on 22.09.2015

⁴⁹⁷ Prof. Dr. Agron Beka, "Organized Crime in Urban Planning and Movement of Immovable Property", Pristina 2015, pg. 25, 27

structures. In this regard, there are also rare reports of different media in our country regarding the affairs of politicians and various state officials or their links to organized crime⁴⁹⁸.

2.1. Forms of Organized Crime in Kosovo

Organized crime in Kosovo differs with organized crime in other neighboring countries. The forms of organized crime and organized crime in Kosovo can be characterized as follows:

1. Aggression - Unlike other places in Kosovo, criminal groups always aim at full control over the region in which they operate.
2. Typical Application of Violence - Albanian criminal groups are violent, have no reluctance to use weapons during negotiation efforts, and have no reluctance to use weapons during negotiation or resolution efforts, compared to other groups that initially favor talks then arms, Albanians first use weapons as a means of compulsion for the opponent in case of negotiating a solution to the problem.
3. Family ties - in Kosovo the organization of criminal groups is mainly based on different family, tribal, regional, ethnic ties.
4. Strongly constructed hierarchical structure - members of various criminal groups in Kosovo are usually subjected to orders received by hierarchical rank built mainly by violence. This means that criminal groups operating in Kosovo in the absolute number of cases are organized vertically.
5. Collaboration with different criminal groups and organizations - various criminal groups in Kosovo maintain contact and cooperate in various forms with the largest number of criminal groups from Albania, Macedonia, Serbia, Turkey, Bosnia and Herzegovina, Bulgaria, Montenegro and Croatia. They have also managed to establish contacts with certain Italian and American mafia clans named La Cosa Nostra.
6. Links to different state structures - another characteristic feature of organized crime in Kosovo is their connection to various state and political structures⁴⁹⁹.

3. CONCLUSIONS

- Criminality has its own history. He is as old as the history of humanity himself. There are different periods of development of society when general and specific criminality undergoes decline and growth.
- At the end of the twentieth century there was an increase in criminality around the world. This is a serious concern of mankind, and the worst crimes of organized crime have really occurred in the post-conflict societies that followed the break-up of Yugoslavia.
- The process of globalization in the second half of the twentieth century has brought considerable benefits to the peoples of the world, but has also brought a number of difficulties, including the rise of organized crime. Criminal law as a science and practice has an important role in detecting and combating organized crime. But this is not the only effective and sufficient means of achieving the objective, detecting and fighting organized crime.
- It follows that criminal law is not the only means of combating organized crime, but still it remains the main one.
- Organized crime has its own constructive, operative, manifestative features, and there are also specifics in dealing with it and in its prevention and combat. The question is whether we will succeed in the case of analyzing the structures and forms of so-known groups of organized crime to share those features and weaknesses that will help us in defining organized crime and preventing of new groups. With its own forms organized crime is a very dynamic and complex phenomenon, which makes these specifics and this complexity possible for corruption.
- It is a real assumption that without corruption it would be very difficult or even impossible to develop organized crime. Changes in social economic life dictate changed activity of organized crime. Organized crime structures are multifaceted and the essence of this form of criminality is not to "feel", we observe. Organized crime and corruption in Kosovo are not unnoticed, multifaceted yes but not unnoticed. However, processed, investigated and tried very little because the first "saves" the second, namely the non-prosecution of organized crime enables corruption, whereas the prosecution and prosecution of corrupt acts enables revenge and other similar consequences "Super-corruption". As far as Kosovo is concerned, Kosovo has sufficient legal infrastructure: the Criminal Code, the Criminal Procedure Code, the Anti-Corruption Law and the appropriate institutional mechanisms - the Anti-Corruption Agency.

⁴⁹⁸ <http://www.slideshare.net/doklina/kriminaliteti-i-organizuar-dhe-veqorite-e-tij-kryesore> last seen on 22.09.2015

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