

# *Organized Crime as an Influential Factor in Political Processes - Case Study of North Kosovo*

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## **Abstract**

Safety is a constitutional category in State Law, which requires state agencies and institutions to fulfill this obligation to the citizens for whom safety is a fundamental right which is inalienable. The extent to which is possible today to meet this constitutional obligation to the citizens and at what level of quality is a relative issue considering the fact that challenging safety factors are increasing continuously and safety is becoming more unstable.

Thus increasingly we are witnesses of an imposed state, from, the challenging factors for safety where the organized crime which is one of the fundamental factors for safety. It is manifested as an important and influential factor, that dictates the rhythm and determines the physiognomy of the political life in state and region wide.

As a real reflection and contextual overview of this issue we take into consideration the situation in northern Kosovo, which both in the legal, political and security aspect shows a complex and specific whole where the organized crime is manifested as a strong link between local and political power- symbiosis concerned as crime - local political structure dictates the rhythm, dynamics, volume of state agreements between R. Kosovo and Serbia on the issue of a final solution of the unsolved issues between them.

Analyzed from the security point of view and criminology perspective, organized crime attempts, responds towards conservation of the "existing situation" where the state of Kosovo authorities in our concrete case did not have access, nor have they been able to exercise jurisdiction in the territory of Kosovo, recognized internationally as a state by more than ninety countries.

**Key words:** safety, organized crime, the State Law

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## **Introduction**

Organized crime has its own construction specifics, operational and manifest; thereby exists also in facing with it, and preventing and fighting it.

The question is whether we will succeed in the case of analyzing the structures and forms of known groups of organized crime to share those characteristics and weaknesses which will help us in defining the organized crime and the prevention of new groups.

Organized crime with its forms, is a very dynamic and complex phenomenon, so these specifications and this complexity enables the corruption.

"Organized crime today poses the greatest threat to human civilization, destroys and violates the fundamental rights and freedom, and it is presented as immanent threat to the functioning and development of socio-political system, and thus creating and adding insecurity of the individual and society in general and endangering national security."<sup>1</sup>

It is realistic assumption that it would be difficult or even impossible for organized crime to be developed without corruption. Economic changes in society dictate changing activities of organized crime. Structures of organized crime are visible and essence of this form of criminality is not to "feel" it, it is to notice it. Organized crime and corruption in Kosovo are not unnoticed; seen, and not unnoticed. However, processed, investigated and judged very little, since the first "saves" the second, specifically the corruption enables the non-processing of the organized crime, while non processing and prosecuting criminal corruptive acts enables retaliation and other similar effects and "super corruption." Kosovo as it is known, possesses sufficient legal infrastructure of the Criminal Code, Criminal Procedure Code, anti-corruption law and appropriate institutional mechanisms, such as the anti-corruption Agency.

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<sup>1</sup> Mirza Smaiq, *Organized Crime in Bosnia and Herzegovina*, Sarajevo, Faculty of Political Sciences-University of Sarajevo, p. 101.

However, as mentioned earlier, the retrieved results, in this plan are not satisfying and not enough. Further, organized crime, operates with a large number of groups operating within the structure of this type of criminality and this way they fit in conform the requirements of the new district and thus the organized crime "does not have a scene in the forensic-criminal state" and it is specifically this characteristic that makes it difficult to prove it, respectively it is an argument and an evidence.

### *Scientific theoretical definition of organized crime*

Noting that organized crime is a problem for the whole international community, then it is necessary to state why, at the last moment, society accepted the risk that organized crime poses for society.

This conclusion is confirmed by the increasing number of conferences and meetings on this phenomenon. According to the opinion of some experts in the world, who are recognized as writers and professionals in this field, existing structures in society have shown indifference to the identification of this problem because it seemed that the problem cannot be resolved quickly. Organized crime today is increasing more in the international dimension. Some of the authors of this field qualify the international crime as a new modality of the organized crime. Korajliq N. thus defines this phenomenon as: "international organized crime means organized criminal groups operating in one state while their actions as needed can extend even to neighboring states. Transnational organized crime means crime groups that have organizer (or organizers) in one state but due to the size of criminal activity they operate in other countries too. Multinational organized crime means unites criminal groups of the particular states in a way that their activity takes place in the largest number of states."<sup>2</sup>

One of the most subtle and most complex problems is the activity of organized crime in the sphere of economy and terrorism, which

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<sup>2</sup> Nedžad Korajlic & Driton Muharremi, *Criminology*, Prishtinë, Riinvest Institute, 2009, p. 396,397.

seriously oppose and undermine national security and economy by criminalizing it in certain sectors and areas. This phenomenon is evident in many countries, but in particular it finds suitable ground and hurts more fragile states with a relative economic stagnation, countries in transition and countries with socio-political problems including unstable countries as it is the case of our northern Kosovo. Organized crime and its leaders in the Northern Kosovo led criminal activities by not respecting the State Law and other rules and authorities of the Republic of Kosovo. Leaders of the organized crime in Northern Kosovo constitute heterogeneous structure where Albanians, Bosnians, Serbs and others cooperate with each other for economic profits and material interest, and these represent the main factors and liaison elements of this structure. They generally become rich by avoiding tax as an obligation to the state of Kosovo and by committing other illegal acts. Thus these criminal structures are imposed as a constant factor in the overall state in this part of Kosovo.

***Contemporary trends of organized crime and political life today, with special emphasis on Kosovo***

"Organized crime is presented as a parallel system to the state system and can determine how social structure which acts criminally outside the control of the public (opinion) and power. It contains a large number of criminals who operate in tier structures that associates us in enterprise organizing. Observe the internal rules of organization which are compulsory and more rigorous than the rules of legitimate power, whose main purpose is to control the organization and achieve greater profitability."<sup>3</sup>

The above mentioned definition illustrates the current real but sad situation in northern Kosovo where parallel criminal structures hijacked the will of many citizens and are dictating the pace in vital political processes for citizens of this area and for the future of Kosovo in general.

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<sup>3</sup> Borislav Petroviq & Bojan Dobovshek, *The Network of Organized Crime*, Sarajevo, Faculty of Law, University of Sarajevo, 2007 p. 70.

The boss of crime orchestrates political activities and the entire social life of this part of the state of Kosovo.

"One of the famous criminal fugitives had reached to corrupt prosecutors, police chiefs and other officials. This had made it possible for him to stand on top of crime power for many years. Veselinović Zvoknko had started to deal with humanitarian activities, similar to Al Capone, supplying fifty families with bread."<sup>4</sup>

Organized crime includes traditional areas of crime such as theft, drugs robberies, forced prostitution, etc. But drug trafficking takes the most important place in the entire criminal activity not only in Kosovo but even beyond. Parallel structures in northern Kosovo, conditionally said, have established their own state within the territory of Kosovo state.

"According to Interpol's evaluation, mafia in former communist countries of East, have established" states in the country "in those regions, and they are more are more endangering the state of democratic system in post-communist countries of the so-called Europe of East."<sup>5</sup>

According to what has been mentioned above it is evident that criminal structures in northern Kosovo have imposed political force within which economic interest is calculated and they present this will as a national sacrifice and modern patriotism through resistance and disobedience to the international factor by setting up barricades and other forms of obstruction of free movement, and thus fully preventing the power of state authority of Kosovo, a country and territory which is internationally recognized by a large number of important countries of the world. Trafficking of narcotics is one of the main activities of these criminal structures whereby the illegally earned money is being used to 'buy Serbian citizens' readiness' for immediate mobilization for political purposes whenever that the Boss and his cooperators consider. "Drug trafficking is one of the most common forms of organized crime. This type of crime concerns all countries of the world, especially USA and Europe. Countries of

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<sup>4</sup> Koha ditore, 28 April 2012

<sup>5</sup> Vesel Latifi, *Criminology*, Prishtina, University of Prishtina, 2004, p. 180.

Central and Eastern Europe face the rapid growth of cases of cultivation, trafficking and drug use. That what is evident today is the increasing of trafficking and use of hard drugs like heroin, cocaine. "6

### **Conclusion**

"In combating and preventing organized crime forms there are measures implemented, tools and efficient methods, especially in developed countries with a high standard of organization and personnel preparation. In this regard special services of police and fighting the organized crime also play an important role by collecting and maintaining information and other various data and judiciously criminal evidence. As measures or tools that are being used are secret raids of bars and apartments where allegedly the evidence has been found, and other data on organized crime and its perpetrators. Of course these actions are taken with the permission of prosecutors and courts under the given orders. As the extent and highly efficient method of organized crime is also considered preventing the money laundry business, which is maintained illegally through conducting various forms of organized crime.

This obstruction can be achieved by determining the origin of money, their blockade, confiscation or seizure by authorities. In this direction issuing legal provisions would be a great help in this field. "7

Finally, we can conclude that fighting crime in general and organized crime in particular represents a specific political challenge and a challenge for the security system; the system of Justice and other state subsystems. It has been increasingly proven that without national political will and necessary international political agreement, there is no rule of law and lasting security in one country.

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<sup>6</sup> Ibidem

<sup>7</sup> Rexhep Gashi, *Organized Crime*, Authorized Lectures, Faculty of Law, University of Prishtina, 2010.

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