

The Challenges in Dealing with Organized Crime and its Consequences in Modern Societies in Albania, Kosovo and Macedonia – the Balkan Peninsula

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Abstract

The profound changes within the Albanian society, including Albania, Kosovo and Macedonia, before and after they proclaimed independence (in exception of Albania), with the establishment of the parliamentary system resulted in mass spread social negative consequences such as crime, drugs, prostitution, child beggars on the street etc. As a result of these occurred circumstances emerged a substantial need for changes within the legal system in order to meet and achieve the European standards or behaviors and the need for adoption of many laws imported from abroad, but without actually reading the factual situation of the psycho-economic position of the citizens and the consequences of the peoples' occupations without proper compensation, as a remedy for the victims of war or peace in these countries. The sad truth is that the perpetrators not only weren't sanctioned, but these regions remained an untouched haven for further development of criminal activities, be it from the public state officials through property privatization or in the private field. The organized crime groups, almost in all cases, are perceived by the human mind as "Mafia" and it is a fact that this cannot be denied easily. The widely spread term "Mafia" is mostly known around the world to define criminal organizations. The Balkan Peninsula is highly involved in these illegal groups of organized crime whose practice of criminal activities is largely extended through the Balkan countries such as Kosovo, Albania, Macedonia, Serbia, Bosnia, Croatia, Montenegro, etc. Many factors contributed to these strategic countries to be part of these types of activities. In general, some of the countries have been affected more specifically, but in all of the abovementioned countries organized crime has affected all areas of life, leaving a black mark in the history of these states.

Keywords: Organized crime, mafia, crimes, challenges, criminal activities, smuggling, terrorism.

1. Introduction

The main focus throughout this scientific paper will be put on the challenges of the modern societies in regard to the organized crime of all forms and types. In particular, we will try to address the problems and challenges of this international phenomenon. Viewed as a concept, the organized crime is rather new, but as a criminal practice we can freely describe it as an old form of influencing societies, through which individuals or groups, at times helped by the officials, undertake criminal activities for profiting in a non legal way, or by breaking the law and the regulations. Organized crime as a negative activity spreads out of the state borders regardless if the countries or states are big, small, strong or fake, involving different political systems. This phenomenon is so strong that has infected all the fields in a society, such as state institutions, private sector and more. Several Balkan countries such as Albania, Macedonia and Kosovo are also affected by the organized crime in a political, economical or social aspect.

As a challenging topic it is very important to learn more and become aware about all the forms and activities classified as organized crime, and about the measures that should be undertaken to avoid or stop its influence within the societies. Activities such as human trafficking, smuggling drugs and narcotics, threatening, financial and economic crime, and other forms of crime make the life of the majority of people unbearable. Another aspect that will be touched in this paper is the fight against the organized crime. All efforts taken under this agenda include many agreements between states, regional initiatives, different conventions, protocols and resolution by international organizations and institutions and reforms within the

legal system. These make up just a piece of the struggle against the organized crime phenomenon. Among the common politicians and within the conscience of people of various backgrounds (ethnic and religious groups, different status and position into societies) this fight is lost¹.

Deep changes in the Albanian society and other Balkan countries before and after the fall of communism or socialism as a society system brought many challenges for the legal system such as corruption and other negative phenomena or criminal activities which we can define as organized crime. Maybe the early forms don't seem like real organized crime, for example those in western communities, but they had the same tendencies to become a similar social phenomenon – organized crime. The establishment of the democratic parliamentary system and other reforms bring with their self also some negative issues. As a result of the circumstances during this period emerged the need for changes and reforms in many fields of life. These were so strong that forced the states to speed up the process of reforms through social pressure, or pressure from the international community through different organizations or institutions. All these issues needed time to be dealt with in order to avoid the difficulties for implementing them. The process of adoption and approval for quite some time didn't reach the required level. Sometimes these reforms or the implementation or adoption processes were judged from the beginning to failure because of the nature and the characteristics of the Balkan countries and societies. Still, this doesn't mean that just by implementing the reforms one can achieve success in preventing or fighting the organized crime.

2. Substantial knowledge about the organized crime

Crime and criminality are studied through the subject of Criminalistics and other disciplines of Penal Law, Procedural Penal Law, criminology, penology and others. The notion Criminology was for the first time used by the French anthropologist Paul Topinard in his book "Anthropology" in 1879.²

Firstly, crime as a social phenomenon was studied by philosophers who tried to explain it as a part of other problems in the societies. Later, this was done by anthropologist, psychologist, and sociologist, academics of Law and of other sciences who contributed for a better understanding of this phenomenon. Analyzing and comparing all the given knowledge about crime and its forms from a different perspective, we could say that there are a couple of issues and aspects which are similar on one hand and different on the other hand when we use scientific approaches. If we simply analyze a crime – an offense from the different perspectives (Penal or Procedural, Criminalistics or Criminology, Psychology or Sociology) we can define this phenomenon in many ways and in different forms. From this position we can view crime from different sciences as well as from the viewpoint of a personality as a subject with the influences to the definition or notion of the problem.³ Criminology from the wider point of view is the science that covers crime. However, the study about crime was infiltrated into many other sciences and fields of researches and has directly influenced the creation of many other types, forms and parts of social sciences. Criminology studies and analyzes perpetrators of criminal acts, crime prevention, sociology of Law, social processes and the causes of crime. This is the reason why many academics dealing with this problem, prioritize in this way: crime as a single phenomenon, offender, victims, the relation of victims and offenders, criminality as a phenomena where the focus is the reaction of the individuals towards the society vs. crime and criminality. Looking forward, this issue has influenced the societies to make many criminalists deal with different perspectives, methods and actions of this phenomenon.

3. The notion "organized crime" and its impact to the society

As a notion, the organized crime has had huge influence and impact to societies around the world. This perception is especially current now because all the fields in the societies are touched by this phenomenon. So, looking at it from this perspective, the organized crime has its roots from earlier times, but in this form it is very current nowadays as well. In many different parts of the world organized crimes is defined by the academic and legal circles in various ways. Even in

¹ Bashkim Selmani „Organized crime and international terrorism” - pp.27-32. First Private University – FON, Skopje, 2009.

² Bashkim Dr. Selmani „Criminology and Penology” pp.15-19.,FAMA College - Prishtina, 2014.

³ The notion "Criminology" comes from two ancient words: Crimem = Crime (Latin language) and Logos = Science (antic Greek).

the Balkans the term organized crime derives from the new era, mainly its impact and influence take over after the breakup of Yugoslavia where different groups through different activities, during and after the war, used the moment of high sensitivity through their activities mostly known as "black activities" (anti lawful activities) to gain material benefits through various victimization within the society. Different international organizations that raised the voice and the sensibility to fight or prevent organized crime as a phenomenon which "drains" the societies around the world organized many workshops, seminars and conferences in many countries in order to raise the awareness of people about the "evil" ready to grasp all the states, regardless of their size or power. Activities taken in this direction cover also advising on regular cooperation about the fight against crime, about reforms on the judicial system, Laws etc.

4. Organized crime during different historical timeframes in society

One of the wider definitions about organized crime is that "crime is carried out by more than one person during certain periods and used professional skills and knowledge of the law, businesses and other fields to practice it for using threats, force, bribes, blackmail, extortion or influencing through political or economic means".¹ Often these groups, associations or organizations are presented as legally registered entities by specifying their field of alleged work. However in reality their activity is involved in criminal (out of law) activities and their line of work is used only as a veil before the authorities. Groups that deal with organized crime often do not hide the fact of being defined as criminal and terrorist groups. To further understand the concept of the activities of these groups that exercise an legal allegedly activity, while on the other hand using violence, murder, coercion, corruption, intimidation and terror for the realization of their goals. Such groups and associations justify their activities through their alleged activities of political nature, activities for the rights and freedoms of certain cultural groups, ethnic groups etc. However, the essence of their activity is criminal with the tendency to camouflage or hide the same.²

5. Traditional methods of detection and investigation of the criminal acts as criminal phenomena

During the development of human society means and traditional ways of detecting and investigating of homicides and murders have continuously evolved. The rapid industrial development of countries has brought sophisticated instruments and methods for detection and investigation of this criminal phenomenon that has already been reinforced with collective acts on one side and with terrorist motives of various groups on the other side. In this context the special role, of great and undisputable importance play the forensic sciences as a multidisciplinary science in combination with the other three constituent components as: tactics, techniques and methodic. All three components of forensic sciences helps the sciences of Law to explore, detect, investigate and determine the criminal acts from the simple to the complex forms such as terrorism.³ Murder as a criminal act against the integrity of life of humanity with all its circumstances of behaviors, has historically had its roots in the first forms of societies. Ways of committing crimes - murders were most various and are committed to action or inaction, ending with the death of a person. Worst ways of homicides are described as: cruel and cunning killings with profitable purposes, feud, revenge, low labor, etc. Otherwise, murders are committed with instrument - tools such as rifles, pistols, guns, knives, ropes, metal and wooden rods, axes, chemical poison and psychological intimidation, etc.⁴ With the act of murder we understand "the unlawful act or omission, depriving another person of his life, both intentionally or negligently. The object of the murder, in whatever form presented, may just be the life of another man. Murder in the broad sense of the word means extinction of human life, and from the perspective of criminal law means unlawful termination of human life through different action⁵. The consequence of the offense of murder is the death of any person, while death is the termination of the overall body function, the structure and function of the body and soul. From the legal standpoint, death is cessation of functions of the whole human body. The right of life is guaranteed by major

¹ Bashkim Dr. Selmani, „Organized crime and Terrorism“, Skopje, p.2, 2009.

² Ragip Dr. Halili, "Criminology", pp 142, Prishtina 2011.

³ Crime investigation ruled by methods and techniques for securing, finding and fixing – intervening to the proves and elements of the homicides.

⁴ Crime investigation tactics explore different forms of the ways to the homicide or other crime acts. Also deal with the motives, circumstances, behaviors and other issue to the victims and criminals. Crime investigation methodic deal with the each homicide ore crime acts separately or thought different methods used before (leassons learn).

⁵ Ismet Dr. Salihu: Vepre e cituar, 2009, faq. 104.

international acts such as: "The Convention for the Protection of Human Rights and Fundamental Freedoms of the Council of Europe," "The Universal Declaration of Human Rights of the United Nations", "International Covenant on Civil and Political Rights" etc.. This fundamental right is guaranteed and protected by the actual Constitution and the fundamental laws of all states.¹

6. Criminal activities in different fields of the society

Organized crime since the first forms we know had different influence and indicated different occasion within the societies. The reasons for this phenomenon to occur are of political, social or economic nature, being a threat to the general security, and not only of national or state nature, but also internationally. Types and forms of such activities include drug trafficking and smuggling which is one of the most influential and powerful crime in Europe and around the world. The Balkan route is used as one of the primary routes for exercising this activity from all continents or world regions. States approach to this issue is that they must cooperate together in the spirit of fighting together or preventing the influence of narcotics and drug trafficking and smugglings. They cooperate through sharing information and data about the connections between national and international groups. The same policy is also used for illegal trafficking with the humans or migrants.²

The Albanian organized crime through its groups mostly deals with narcotics and drug trafficking, especially cannabis, with different groups mostly from the Western Europe countries, but also from the USA. They also are engaged in prostitution or trafficking with the humans, but not as much as with narcotics. In the following we will discuss more on these aspects.

7. Challenges of the organized crime and the Balkan societies

The Balkan region is hugely touched by many forms and types of criminal activities that we can characterize as organized crimes. Groups from all around the Balkan are engaged in criminal activities and organized crime from countries such as Albania, Macedonia, Kosovo, Serbia, Montenegro, Bosnia and Herzegovina, and Croatia etc.). They cooperate together, they deal or share common businesses or activities. Many factors had influenced all the states and regions in being touched and victimized by the activities of organized crime. To most of the leadership of these countries the fight against corruption and organized crime becomes not only the election motto, but a state strategy more or less influenced by the condition or reforms in their path to Euro – Atlantic integration. Organized crime for the region was and continues to be one of the biggest issues for states authorities, but also for the international community and international organizations. For many years the Balkan was the arena of conflicts and wars. The problems of the past across states and nations were reflected to many open issues and rise of the antagonisms between them. All those activities directly or indirectly help the rise and expansion of the organized crime within the new independent states. Many local leaders, politicians, criminals used successfully the opportunities during the lack of states, lack of institutions, lack of rule of law and failed states to enhance their criminal activities in individual or organized forms.

8. The fight against organized crime

The end of the cold war resulted in many changes within the societies and the relations between them. The rise of the interstate conflicts, clashes, disputes, fake economies, absence of the security, challenges such as transnational terrorisms, WMD and small arms proliferations, opened the door for many individuals and criminal groups to spread their activities not only within the state borders, but also abroad. These situations were also present in Balkan states. The breakup of former Yugoslavia, conflicts, clashes, tensions such as in Albania in 1997 made all the states from the region to be victims of the activities of organized crimes. This situation was also helped by the economic problems faced by the majority of people in these regions. So this situation on the ground was a heaven, as I stated earlier, for individuals (criminals, authorities, even NGO's and so on), as well as groups with same interests (which became rich for a short period of time) to improve all their relations, knowledge and resources to the main intent – great social, political and economic

¹ Ismet Elezi: *Vepra e ciftuar*, Tiranë, 1995.

²Annual Report about organized crime and organized economic crime in South-East Europe, crime activities – drugs and narcotic traffic, pp.22.

positions in the societies of the Balkan region. Processes of integration and enlargement of the states from Eastern, Central and Southeast Europe into NATO and EU was one of the ways to fight against organized crime. From 2004 ten new European states became members of the Frontex – European Agency for border management. Many existing treaties have been advanced and many new have been approved whose primary responsibility is to find ways for improving measures for the fight against organized crime. Establishment of many initiatives through declarations, resolutions, agreements and other ways opens and helps the domestic, regional and international authorities to achieve success in the path of freeing the societies from the organized crime. Many international organizations and institutions such as UN and European Commission have been involved in preparations of conventions and protocols for confrontation with this phenomenon. All these steps are more or less general, but what needs about to be done about the states in the Balkans is more and beyond cooperation in order to find best tools and ways from success stories of the fight against organized crime.

9. Conclusions

In this scientific topic titled: „ challenges and consequences of organized crime in contemporary society" was found that organized crime remains one of the most problematic issues of the modern society and every state of Balkans. Challenges and consequences that have gripped modern society is such as computer crime, financial mismanagement, laundering of money, different trafficking and smuggling have roots in transnational and interstates. In this group of types of organized crime maybe for the moment one of the mostly influenced is a cyber crime, which even international organizations and institutions put in their highly agenda and priorities as a one of the permanent and undiscovered crime. So for many reasons we can share opinion that this kind of organized crime deserves more attention on the context of dealing and fighting that. Almost every day we faced with the issues of stolen data, identities, classified information, and deterioration of company or institutions software's, who's makes a lot of troubles according to the daily works with many consequences for peoples but also for societies and Role of Law.

At the other hand we had concluded that Balkan from the past was one of the strategic point or region not only for the interests of great powers and the states into region but also very important for the individuals with organized crime agenda or criminal groups. So for this perception is not guilty only the process of transformations of the societies (conflicts, war and so) from the past but also the geopolitics and geostrategic position of the Balkan Peninsula as a tie between East – West, North – South and crossroads for civilizations, religions and ideologies.

Organized crime in Balkan and their states becomes from many reasons as a consequences of developments all around the world. Globalization as a process brings with themselves also many forms that in one way or other they and against law and society order. Many analyst share the opinion that organized crimes and criminals all around the world becomes from the Balkan region. Yes, in one hand they deals with the facts that many data, information's and new in western European countries and USA are covered by the crimes done by Balkan locals. But historically if we have into considerations that Italy remain to be cradle of the organized crimes and western societies the place where mostly of the sophisticated types and forms of organized crimes had established, we can see that Balkan use to be only corridor or waiting room for players but the big bosses are those individuals and groups from the west who are orders. So it's doesn't matter from witch Balkans countries criminals and organized groups becomes they are so homogeny on the way of easy benefits economically, financially, politically and so.

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