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International Conference is the 8th international interdisciplinary peer reviewed conference which publishes works of the scientists as well as practitioners in the area where UBT is active in Education, Research and Development. The UBT aims to implement an integrated strategy to establish itself as an internationally competitive, research-intensive institution, committed to the transfer of knowledge and the provision of a world-class education to the most talented students from all backgrounds. It is delivering different courses in science, management and technology. This year we celebrate the 18th Years Anniversary. The main perspective of the conference is to connect scientists and practitioners from different disciplines in the same place and make them be aware of the recent advancements in different research fields, and provide them with a unique forum to share their experiences. It is also the place to support the new academic staff for doing research and publish their work in international standard level. This conference consists of sub conferences in different fields: - Management, Business and Economics - Humanities and Social Sciences (Law, Political Sciences, Media and Communications) - Computer Science and Information Systems - Mechatronics, Robotics, Energy and Systems Engineering - Architecture, Integrated Design, Spatial Planning, Civil Engineering and Infrastructure - Life Sciences and Technologies (Medicine, Nursing, Pharmaceutical Sciences, Psychology, Dentistry, and Food Science).- Art Disciplines (Integrated Design, Music, Fashion, and Art).

This conference is the major scientific event of the UBT. It is organizing annually and always in cooperation with the partner universities from the region and Europe. In this case as partner universities are: University of Tirana – Faculty of Economics, University of Korca. As professional partners in this conference are: Kosova Association for Control, Automation and Systems Engineering (KA – CASE), Kosova Association for Modeling and Simulation (KA – SIM), Quality Kosova, Kosova Association for Management. This conference is sponsored by EUROSIM - The European Association of Simulation. We have to thank all Authors, partners, sponsors and also the conference organizing team making this event a real international scientific event. This year we have more application, participants and publication than last year.

Congratulations!

Edmond Hajrizi,

Rector of UBT and Chair of IC - BTI 2019
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Legal Equivalence as an EU Membership Process

Altin Maliqi

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Abstract. European Union law is now based on the legal system of each country. It derives from the constitutions of the member states and is accompanied by primary legislation consisting of: Union Treaties as general principles of law, EU International Agreements, and secondary EU legislation made up of legislative acts, non-legislative and other acts, also accompanied by general principles of law and conventions between member states, which are currently the guide of European law, to assist, consult and assist states in the process of integration. This makes the EU a legal reality in two different ways: the EU is created by law and the EU is a law-based community. In the light of these meanings, this paper has provided an insight into the necessity of regulating or adapting the legal systems and, in general, the law in each of the aspiring states. By legal equivalence under the Copenhagen criteria, for many years, as a primary condition for membership, all countries under the SAAs have been rigorously subjected to the process facing these countries, and consequently with adjustment and adjustment reforms of many areas and sectors of a country's life. Under this caliber of actions more than two decades has passed also in our Region, part of which is Albania, for which the paper explains in some particular aspects the process.

Keywords: Legal Equivalence, Laws, Bylaws, European Legislation.

Introduction

The EU and its legal system is already the key governing policy performance and strategies of a large-scale economic activity, a system that has focused on respect for human rights and fundamental freedoms and in the respect of these freedoms is working on its expansion with other countries aspiring to join this big family. In the first issue of this paper a legal and scientific analysis is made of the importance of EU laws, which not only serve as the perfect regulator of the Union, but also serve as a condition for non-member countries to equate or until the Euro currency is equivalent to or placed in their internal legal systems. Looking at it as a single central institution, it is evident not only the form of decision-making that expresses the will of all European citizens, but also the way this community implements them. In addition to this activity aimed at a united Europe, other non-member states are also working to meet the requirements which in their integration policies are completely reforming their internal legal system. The second issue of this paper provides a detailed analysis of EU law-making sources and their forms of implementation by member states, but also treats them in a similar perspective to EU law as a basic source for EU legislation followed by countries aspiring to join the EU, in the process of their legal harmonization and justice systems. The third issue of this paper provides an analytical overview of the journey that Albania has begun and is continuing to meet the legal criteria towards full legal harmonization, as well as a series of reforms aimed at the rule of law and for every aspect of the country's life to function
like the European Union model. Finally, this paper ends with conclusions about the analysis of
the three main issues.

The EU as a Creature of Law and a Law-Based Community

Given previous efforts to unite Europe, the concept of "the EU as a creature of law and a law-
based community" is a completely new thing to the EU and what distinguishes it. Unification
between member states does not work by force or submission but simply by the help of the law.
EU law is set to achieve what union designers failed to do for centuries even through wars.
Already by unification, equivalence, unity can be achieved based on freely made decisions, as
well as long-term. The EU is pursuing its goal of creating a unity among states that rests on
fundamental values such as freedom and equality, protected and transformed into reality by
law. This is the basic outline of the Treaties that created the European Union.\footnote{1}
In order to achieve the purpose of its creation, the EU is not just a creature of law but it pursues
its objectives entirely by law. The EU is currently a law-based community. The common
economic and social life of the peoples of the Member States is governed not by threat and
force but by Union law.
This form of leadership is the basis of the institutional system it has created and through which
the EU works. EU law defines the decision-making procedure of the Union institutions and
regulates the relations between them, as an activity that takes place in parallel with, and also
comes from, the activity of states in their institutional developments.
The EU, with its policies, aims and goals for its unique functioning, provides institutions with
tools in the form of: regulations, directives and decisions, with a view to bringing into force the
legal instruments binding on Member States and their citizens. The main aim of the EU is to
make individuals the main focus of the Union. The Rule of Law has a direct impact on the daily
lives of individuals, increasingly, which makes the Union function as a single state. The Union,
by means of the established legal order, grants rights and imposes obligations on citizens, so
that, as citizens of their State and of the Union, they are governed by a hierarchy of legal orders,
parallel to their domestic law.\footnote{2}
As the aim of any legal order is to guarantee legal protection for its citizens, the EU legal order
also provides for an independent legal protection system for the purpose of seeking assistance
and enforcing Union law.
Currently, with the enlargement of European Union membership to the point where its major
goal is fulfilled, Union law is increasingly defining the relationship between the EU and the
Member States. Within the institutions of the Union, Member States shall take all appropriate
measures to ensure fulfillment of the obligations arising out of the Treaties or by any specific
action of the institutions of the Union. Based on the fulfillment of the agreements, they should
facilitate the fulfillment of EU tasks. For any damage that might be caused by a violation of
Union law, Member States are liable to EU citizens for the obligation of civic equality already
established by the Union.

\footnote{1} “History of European Integration”, Desmond Dinan, BTI0030, Tirana Times, ISBN
9789995637642, 2009.
\footnote{2} “The United States of Europe, A Eurotopia?”, Freddy Heineken (1992) Amsterdam, The
Resources for Process Development for the Legal Equivalence of an Aspirant State

As the first source for a country aspiring to EU membership is Union law consisting of the EU Founding Treaties, with the various annexes and protocols attached, as well as subsequent additions and changes according to the areas where the aspiring country has more necessity. All the procedures followed by the states are based on the EU Founding Treaties and the instruments amending or supplementing them, the most prominent being the Maastricht, Amsterdam, Nice and Lisbon Treaties, as well as the various Accession Treaties which contain the basic provisions on EU objectives, its organization and mode of operation (modus operandi), as well as parts of EU economic law.

All of these resources constitute the framework of establishment for the functioning of the EU; they are reflected in the interests of the Union, where through legislative and administrative laws by the Union institutions serve as the basis for the legal adaptation of the aspirant countries. The Treaties therefore serve as the primary source of legal harmonization through the resources of the European Union, which, being legal instruments created directly by Member States, are legally regarded as "the Union's Primary Law".

Also, following the sources of legal regulation in various fields and sectors such as the secondary source of union law serve the EU legal instruments themselves. The laws created by Union instruments are called secondary legislation, or a second important source of EU law that serves as a guide to legal regulation. All laws issued by EU institutions contain:

**Legislative Acts** are legal acts adopted by regular procedure or special legislative procedure under Article 289 TFEU.

**Implementing Acts** are an exception to the principle that all measures necessary for the implementation of EU legally binding acts are taken by Member States in accordance with their national provisions. However, the European Parliament and the Council shall draw up timely rules and general principles concerning the Member States' control mechanisms for the implementation of the powers of the Council. Where uniform conditions are required for the implementation of EU legally binding acts, this is done by means of appropriate implementing acts, which are usually adopted by the Commission and, in exceptional cases, adopted by the Council under Article 291 TFEU.

**Delegated Acts** are non-legislative acts with general and binding application to supplement or amend certain non-essential elements of a legislative act. The objectives, content, scope and duration of the delegation of powers are clearly defined in the legislative act in question. A delegated act may enter into force only if it has not been opposed by the European Parliament or the Council, within the period provided for by legislative act under Article 290 TFEU.

**Other Legal Acts** that may be used by Union institutions to give non-binding measures and declarations, or which regulate the internal functioning of the EU or its institutions, such as agreements or arrangements between institutions or internal functioning rules, in accordance with Article 288 TFEU.

All these acts also provide for Union institutions to issue non-binding declarations. As binding legal acts, they include general and abstract legal provisions on the one hand and specific and individual measures on the other.

Another very important source to pursue in legal equivalence is the EU International Agreements; they are considered as the third source of Union law and have to do with the role...
of the EU at the international level. From the position of one of the world leaders, Europe is not only limited to managing its own internal affairs but also dealing with economic, social and political relations with the outside world. Therefore, in international law, the EU concludes agreements with non-member states labeled as third countries and with other international organizations. The EU's International Agreements are diverse, ranging from treaties on enhanced trade cooperation or in the industrial, technical and social fields, to trade agreements on specific products.

Concerning the meaning and importance of EU international agreements, there are three types of agreements between the EU and non-member states:

1. **Association Agreements** which go beyond simple commercial policy regulation and include close economic co-operation and extensive EU financial assistance to the State concerned under Article 217 TFEU. Within this agreement there are three different types of association agreement:
   a. Agreements holding special links between certain Member States and non-member States.
   b. Agreements as preparation for EU membership or the establishment of the Customs Union.
   c. Agreement on the European Economic Area (EEA).

2. Cooperation agreements, which are not as comprehensive as other association agreements, as they only, aim at intensive economic cooperation.

3. Trade agreements are mainly agreements that the Union has a considerable number of, with individual countries not members, with group countries or with international trade organizations, such as customs duties and trade policy, etc.

Also, as a fourth source, which is considered the "sources of unwritten law", the European legislation also serves the general principles of law, the legal experience, the agreements between the Member States, and the EU remedies.

### Albania and Its Journey to Legal Equivalence

Based on the four fundamental freedoms upon which the EU was conceived, created, expanded and functioning, immediately after the signing of the SAA, Albania was individually but also similar to other countries subject to its legal equivalence, as a condition for fulfillment, along the long road to membership. Everything was oriented according to the chapters of the SAA, imposing intervention and the creation of new laws aligned with those of the EU. Initially work was done on legal harmonization in those sectors regulating the Free Movement of Goods, where a number of laws and bylaws related to this freedom were adopted under EU assistance. The government's work continued with the legal regulatory framework pertaining to **Freedom of Movement for Workers**. The free movement of workers is one of the four fundamental freedoms enjoyed by citizens of the European Union and a special right within the freedom of movement of persons. The principle of free movement dates back to the founding of the EU. It was originally intended to open up the European labor market to mobile workers and their families, and today it is available to all EU citizens. Albania also kept the human rights and

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5 https://library.fes.de/pdf-files/bueros/albanien/13147.pdf
freedoms in focus, working to guarantee the free movement of citizens as one of the most important achievements for Albanian citizens.6

In addition, for reforms and achievement of standards under the SAA, work was done to regulate the Right of Establishment and Freedom to Provide Services, which included a range of services and sectors under the Services Directive. Work has been and is being done on standardization in the postal service sector, various commercial and intellectual offerings. The Free Movement of Capital was another sector where it worked to harmonize the banking legislation and the circulation of securities. The development of the common market, which also led to the complete liberalization of the free movement of capital, led the Albanian government to draft a series of laws that pave the way for smuggling and the circulation of dirty money, where money laundering laws were drafted.

Another area where legal and standard improvements were made under the EU directive was Public Procurement. Public procurement is a process by which local or central public institutions provide a variety of different services from third parties, such as road construction, facility maintenance, purchasing of equipment or machinery, etc., which provide the state with purchasing of services by the private sector through Public Procurement. Even in the field of business law, a complete harmonization of legislation was achieved by increasing the online transparency of private entities’ commercial activity in accordance with the rules and laws which not only were subject to equivalence but also drafted numerous other laws and bylaws, which give way flow of companies and investments.7

Much attention has been paid by the legislature to Intellectual Property Law as Intellectual Property is an intangible property related to creative work such as inventions, artistic or literary works, painting and graphic art, or trademarks which are symbols, names and images used in the field of commerce. Since Intellectual Property has many properties similar to real property, as such, intellectual property is a good that can be sold, bought, licensed, exchanged, etc., like any other property. Also, the owner of the intellectual property has the right to prohibit unauthorized actions in relation to his property. In this context, there were established in an institutional structure and functioning fully the legal basis, in accordance with European rules and standards, the institutions of the line of Copyright and Industrial Property Law, with the respective laws and bylaws. Competition Policies and relevant laws were created in accordance with the appropriate institutional structures to give complete freedom of trade, which was followed by the legal regulation of Financial Services under the relevant European Directive.

And so, for over 10 years, the Albanian government and legislature have been working and are in the process of fully amending, updating, unifying and issuing new legal acts within the membership criteria as well as meeting the legal criteria and reforms initiated for supplementation in accordance with the stages of the reverse process. Among the areas and sectors that followed the above mentioned sectors are: Information Society and Media, Agriculture and Rural Development, Food Safety, Veterinary and Phytosanitary Policy, Fisheries, Transport Policy, Energy, Economic and Monetary Policy, Taxation, Social Policy and Employment, Statistics, Enterprise and Industrial Policy, Trans-European Networks, Regional Policies and Coordination of Structural Instruments.8

Also, the Judiciary and Fundamental Rights, Justice, Freedom and Security have for several years received the attention of the government and international structures which are pursuing with great interest the reforms in the rule of law and justice, as one of the main conditions for advancing the integration process with the opening stage of membership negotiations.

Science and Research, Education and Culture are now two areas where supplementing legislation with subsidiary legislation is still underway, with already concrete results both at different educational levels and with regard to culture as a sector with a directly impact in tourism. 

Not less important have been the legal equivalence of sectors such as: Environment and Climate Change, Consumer and Health Protection, Customs Union, Financial Control, Financial and Budgetary Provisions, which have been accompanied by legal compliance with EU Directives, for each sector separately. External relations, foreign policy, security and defense are currently important both in the context of integration and in the context of current regional policies. In these sectors, the Albanian government policy has shown a very important position in the region supported by a legal platform that gives it freedom to implement international policies and relations with other countries in the region and beyond.

Conclusions

Through these analyzes that were done above in this paper, we come to the following conclusions:

- As to the companion process with the integration of non-member states into the Union, the unification of legislation with the acquis is a very important and necessary process that puts the governments of non-member countries in strong political positions and various reforms in the face of resources of European legislation and in order to fulfill and meet the criteria and standards of EU membership.
- During this phase on the part of the Albanian state, it has been noted that the whole process of legal changes has generally been consistently followed by the legislature and other auxiliary structures and assistance structures to this end for this purpose. With the exception of some legal packages or even Justice Reform, it can be said in this scientific analysis that there have been and are policy challenges in complementing the legal framework by opposition political factions, which has not only hindered but also damaged the integrity of the integration process.
- Particular attention should be paid in this process to both the political culture of the aspirant country and the popular will to undergo these fundamental changes in the laws of the country. Scientific indicators link this indicator to the electoral culture and political expression of the community.
- As in many countries in the region, it is also observed in Albania that these legal changes require reciprocity in respect of the various bilateral, regional, multilateral relations, etc., which implements precisely these legal regulators that give development not only to EU integration of these countries, but also the implementation and strict adherence to the four freedoms on which it was founded and is expanding EU.
- The necessity of community laws serves to make nations aware of and adapt to social, cultural, economic, legal European rules, etc., which gives much-needed meaning to the people of non-member states, that of the European Citizen. So it paves the way for a possible and rapid European union.
References

5. The Albanian Government is implementing an action plan to reduce the informal economy. As result, 5,678 active enterprises were registered for the first time in the statistical business register in 2015. Most of them are not new entities for 2015.
CRIMINAL LAW CONVENTION ON CORRUPTION AND ITS RELATION TO THE CRIMINAL CODE OF REPUBLIC OF KOSOVO

Bejtush Gashi, Adrianit Ibrahimi
Faculty of Public Safety, Police Inspectorate of Kosovo

Abstract. Corruption is a global concern today and Kosovo is no exception. Consequences of corruption are evident in every sphere of society including the environmental damage that can be caused through corruption! As a matter fact, successful combat against corruption is a crucial condition that has to be met for every legal and a democratic state. For the Republic of Kosovo this means first of all establishing a consistent legal framework based on the general principals of the European Law.

Aim of this research is to prove that in order to have a more successful combat against corruption, Kosovo has to take all measures that are foreseen from the Criminal Law Convention on Corruption, even though Kosovo has not signed this convention yet. With other words this paper does compare the domestic criminal offenses on corruption of the Criminal Code of Kosovo with the incriminations of the Criminal Law Convention on Corruption.

After the war, Kosovo was found in chaotic situation especially its justice system. Therefore this paper includes also a historical review on corruption in Kosovo. Nevertheless the main attention of the paper is about the relation between the Criminal Law Convention on Corruption and the Criminal Code of Kosovo.

Key words: Corruption, Criminal Law Convention against Corruption, Criminal Code of Kosovo.

Table of abbreviations

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
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<tbody>
<tr>
<td>CCRK</td>
<td>Criminal Code of Republic of Kosovo</td>
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<tr>
<td>CoE</td>
<td>Council of Europe</td>
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<td>CM</td>
<td>European Ministers of Justice</td>
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<td>GMC</td>
<td>Multidisciplinary Group on Corruption</td>
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<td>CDPC</td>
<td>European Committee on Crime Problems</td>
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<td>CDCJ</td>
<td>European Committee on Legal Co-operation</td>
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<tr>
<td>GRECO</td>
<td>Group of States Against Corruption</td>
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Criminal Law Convention against Corruption: Historical Circumstances

The history of Corruption on the European Continent has a reference to the Napoleon - French Criminal Code of the year 1810' which firstly presented some criminal penalties for combating corruption in public life. Since that time, states' interest in combating corruption more efficiently has grown steadily. Thus attention to corruption is thought to have peaked in the 1990s by the 1994s, when the European Ministers of Justice (further on as "the CM") held the 19th conference in the city of Valletta (Malta). It found that corruption presents a very serious threat to democracy, human rights, economy as well as other fundamental values of any society. Consequently, the fight against corruption had to go beyond the traditional and individual approaches of states that existed until then as the fight against corruption is expand beyond the borders of states. As a result of this conference GMC was established which would be under responsibility of CDPC and CDCJ. The aim of this group would be to investigate all appropriate measures, including the legal basis in force, against corruption, in order to create an international action plan for combating this phenomenon. The GMC in March 1995 drafted the “Anti-Corruption Action Plan” which was adopted by the CM at the end of 1996. Otherwise this ambitious document can be considered as the first concrete step towards the approval of the Criminal Law Convention on Corruption.

On November 6, 1997, the CM in the session no. 101 adopted the “20 Guiding Principles for the Fight against Corruption”. These “Principles” were intended for the harmonization of national legislation in the field of the fight against corruption. This would give advantage, winning a battle in the anti-corruption war this way bringing closer the states policies in this field. Further on May 5, 1998, the CM in its session no. 102 through resolution no. (98) 7 approved the creation of “Group of States against Corruption” (GRECO). This body aimed in monitoring and observation the implementation of the Anti-Corruption Guidelines and the implementation of the Anti-Corruption Action Plan. In other words, the GRECO has been a support mechanism to increase the dynamics and efficiency of the fight against corruption.

As a result of all these developments, in February 1998 the GMC finalized the first draft of the Convention against Corruption. Whereas in November of the same year, the CM in session no. 103 adopted the Criminal Law Convention on Corruption and authorized the publication of “a

9 CDPC and CDCJ are agencies of Council of Europe. For further information for CDPC see (https://www.coe.int/en/web/cdpc/home) and for CDCJ see (https://www.coe.int/en/web/cdcj/home) [07.11.2019].
The Purpose, scope and content of convention

The Convention's explanatory report states that the international fight against corruption today faces at least two (2) major challenges. The first deals the definition of a universally accepted unique definition regardless of the differences that may exist between domestic law. The second concerns international legal cooperation, which is often not only hostage to bureaucratic obstacles but also to political interference. Considering this, that the scope of the convention is quite wide, reflecting the great discrepancy that may exist between states in the fight against corruption. One of the main aims of the convention is through the establishment of basic principles regarding the material and formal issues of corruption to advance towards an universal definition of corruption as well as towards effective international cooperation against corruption. Referring to the objectives of this research, the focus is mainly on the measures that have to be taken internally (Chapter II of the Convention). In this regard, the convention has defined some forms of corruption such as: active and passive corruption of public officers, active and passive corruption in the private sector, corruption of foreign public officers, exercise influence, etc. The convention defines two main elements for any form of corruption: a) The obligation that state, through appropriate measures incriminates the action provided for by the domestic legislation. (almost every article of chapter of the convention begins by defining "each Party shall adopt such legislative or other necessary measures in order to designate it as a criminal offense"); b) Necessary elements that must include for that certain incrimination (criminal offense). (The Convention also sets out the necessary elements that contains an incrimination). For example, the convention under Article 7 defines active corruption in the private sector as follows: "Each Party shall adopt such legislative or other measures as may be necessary to designate it as a criminal offense under the domestic law, when intentionally, during the economic activity (business), promise, direct or indirect provision or reception, any advantage not attributable to any person who directs or works in any position, in private sector entities, for himself or for others to act or don't in contradiction of their duties".

It can be said that the convention has left to the states a lot of discretionary space. This is only because of the relevant form of corruption, the convention only conditions the general elements that necessarily need to incorporate in case of incrimination of certain action at the internal level. While other specific elements such as guilty, the perpetrator, then qualifying and privileged form or other eventual elements, the state itself determines them.

The Convention also foresees three forms of corruption (active corruption, exercising influence and money laundering) for which legal persons must be held responsible under domestic law.

15 Explanatory Report to the Criminal Law Convention on Corruption, cit., pg. 6.
16 Ibid., pg. 6.
For these forms, states are not required to define criminal penalties but may also define
monetary measures (fines) that must be effective, proportionate and serve as coercive form.
Whereas Articles 20 to 23 of the Convention mainly refer to measures that States should take
not to incriminate certain forms of corruption but to protect and prosecute violations of those
offenses. Thus, Article 20 provides for the creation of specialized authorities to combat
corruption within states. These authorities as such must be professional, independent and
operate in accordance with the principles set out by the Convention.

**The Relation of Convention with the Constitution of Republic of Kosovo.**

Kosovo is not among signatory states of the Criminal Law Convention on Corruption.\(^{17}\) From
this point of view firstly Republic of Kosovo has no legal obligation to implement this
Convention. However, the Constitution of Republic of Kosovo states that "the Republic of
Kosovo respects international law". Also the Constitution of Republic of Kosovo defines that
“The Republic of Kosovo participates in international cooperation for the promotion and
protection of the right for Peace, security and other human rights”\(^ {19}\). These provisions are quite extensive in terms of interpretation. While this is characteristic of
almost all the provisions provided the Constitution of Republic of Kosovo due to its nature, it is
quite difficult to determine what that means by respecting international law! The international
cooperation issue remains a similar uncertainty. However, it should be emphasized that the
constitution is the highest legal act in the Republic of Kosovo.

Consequently laws and other legal acts (including the CCRK) must be in accordance with it.\(^ {20}\)
Considering the legal superiority of the Constitution of the Rep of Kosovo and its
aforementioned stipulations that the Republic of Kosovo should respect international law and
participate in international cooperation, we can conclude that the Criminal Code of the Republic of
Kosovo should be in accordance with the Criminal Convention on Corruption. Certainly,
such an interpretation of the provisions of the Constitution of the Rep. of Kosovo concerning
the relationship between the CCRK and the Convention is merely a logical and deliberate
interpretation.\(^ {21}\). In other words, eventual conflicts between the CCRK and the Convention
cannot be interpreted as constitutional violations. Thus, these eventual collisions cannot be used
as a basis for accusing or not accusing people, as this would be a flagrant violation of the

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\(^{17}\) Council of Europe, Official Web Site, List of States, signatory of the Convention on


\(^{19}\) Ibid., article 17 paragraph 2.

\(^{20}\) Ibid., article 16 paragraph 1.

\(^{21}\) The logical deliberate and interpretation in the present case starts from the fact that the RKS
is determined for Euro-Atlantic integration. This is confirmed, among other things, in the
preamble to the CRK which states “With the goal of Rep of Kosovo to integrate in Euro-
Atlantic processes” Of course, the harmonization of the CCRK with the Convention is an
indispensable obligation to achieve these integrative goals and to fight corruption,
particularly.
principle of legality. Another situation would be if the RKS had signed and ratified the Convention. Certainly then Article 19 of the CCRK would apply where it stipulates that international agreements ratified by the RKS apply directly and take precedence over the laws in force.22 Therefore, while the RKS is not a signatory to the Convention, in order to combat corruption and in accordance with international standards and for the purpose of harmonizing domestic and European legislation within the framework of goals for Euro-Atlantic integration, it remains to be concluded that the CCRK should be in harmony with the Convention but, eventual collisions are neither constitutionally sanctioned nor international law.

The Relation of Convention with the Criminal Code of Republic of Kosovo

On April 16, 2019, the new Criminal Code of the Republic of Kosovo entered into force. This code, like the previous one, mainly deals with corruption offenses within the chapter “Official corruption and offenses against official duty”. Regarding the relation of the Convention with the Criminal Code of Republic of Kosovo, we can generally say that the new Criminal Code is in line with the principles set forth by the Convention and from this point of view constitutes an advance from the previous Criminal Code. Thus, example Articles 2 and 3 that criminalize active corruption and passive corruption of public officers are in line with Articles 421 and 422 of the Criminal Code which determine the criminal offenses of bribery.

Further, Articles 7 and 8 of the Convention determines that states should criminalize active and passive corruption in the private sector. On the other hand, the Kosovo legislator has defined the criminal offenses through Articles 309 and 310 of the new Criminal Code. “Accepting bribery in the private sector” and “giving bribery in the private sector”. We consider that this innovation in criminal legislation is not only fully in line with the convention but also was necessary for a more effective fight against corruption in Kosovo”.

One of the other measures that states must take according to the Convention is the establishment of special authorities who are capable and independent in fighting (efficient) against corruption. Since the war ended in Kosovo, several authorities were established in the name of fighting corruption. Today we can count: The Agency against Corruption, Special Task Force for Anti-Corruption, National Anti-Corruption Coordinator, National Anti-Corruption Council, Special Prosecution Office for the Rep. of Kosovo, etc.

However, in the case of Kosovo there is a conviction that the large number of anti-corruption agencies turned out not to be the best solution! Referring to Transparency International’s Corruption Perceptions Report for 2018, Kosovo ranks 93rd out of 180 most corrupted countries in the world.

So we consider it necessary to start dealing with the qualitative aspect rather than the quantitative one! In other words, those anti-corruption agencies that have no relevance in the fight against corruption should stop functioning to give space to those who will develop the fight against corruption efficiently and in accordance with the international standards. In any case, the effective fight against corruption can only take place when incrimination and incriminating policies are in full compliance with the Criminal Law Convention on Corruption.

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Conclusion

Corruption as a form of criminality today has managed to attract the attention of many international organizations including the CoE. This is argued by the fact that while the consequences of corruption damage the states values, then fighting corruption is not enough to be done only within the respective sovereignty but to move to the international domain.

However, when it comes to fighting corruption in European law, the Convention is certainly the most serious initiative in this area. This is not only because of the relatively large number that has signed it (50 states) but also because of the principles it has managed to consolidate in the name of efficiently combating corruption. Although the Convention failed to draft a unique definition of corruption, it failed to take a major step towards harmonizing the internal rights of states amongst themselves and consolidated serious international mechanisms to combat corruption such as the GRECO.

From the perspective of the RKS, it should be noted that even close to 20 years after the war, the perception of corruption is very high. This is also confirmed by the most credible international organizations such as “Transparency International” thus placing Kosovo for 2018 in 93rd place among the 180 most corrupted countries in the world. So according to this organization there is a perception that in 2018 only 87 countries in the world were more corrupted than Kosovo.

On the other hand, the state and society of Kosovo are determined on their path to Euro-Atlantic integration. However, in order to achieve these goals, it is necessary, among other things, to fight against corruption in Kosovo. It is therefore necessary for RKS to fully implement the European standards that the Convention has consolidated.

Although the criminal prosecution of perpetrators of corruption and the competent institutions in their prosecution do not fall within the scope of the CCRK, the research also highlights this aspect. In particular, the Convention in Article 20 stipulates that a state with internal legislative measures should establish a professional, independent and efficient authority to combat corruption. It has been identified that the RKS has failed to implement this measure effectively. This is due to the fact that a large number of institutions have been established in the name of combating corruption, but the results have left much to be desired!

As explained above in this research paper, the RKS is not a signatory of the Convention. Thus, eventual collisions between it and the CCRK cannot be interpreted as a violation of international law or as a violation of Kosovo's Constitution. However, based on the research done and the findings, we consider that these recommendations should be taken seriously when amending the CCRK or issuing a new CCRK:

- In accordance with Article 20 of the Convention, establish or designate one of the existing authorities as a professional, independent and effective authority for combating corruption in Kosovo. At the same time, other unnecessary authorities shall stop functioning because of the confusion they have created on their efficiency (inefficiency).

Take all necessary measures such as the training of competent officers or the engagement of outside experts, with the aim fully implementation of Articles 309 and 310 of the Criminal Code of Rep. of Kosovo, as incrimination's of corruption for the first time in Kosovo in the private sector.

To seriously consider all legal and political means for adherence of Convention in RKS, in the name of international co-operation toward combating corruption in general and in fighting corruption particularly in RKS.

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Protection of privacy and banking secrecy in Swiss banking

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Abstract. Despite being one of the most developed and regulated countries in the world, Switzerland is also considered to be the leading financial center in the world. Everyone agrees with the fact that banking is one of the most recognizable activities in Switzerland, and also places it among the most important international financial centers with a long tradition, stretching back to medieval times.

Swiss banking is a synonym for a banking system in which the principle of secrecy in banking is widely used. Banking secrecy as an established practice is based on the fact that customer data is kept secret for all third parties, whether private or public authorities. Banking secrecy as an institution is based on the fact that every client of the bank has the right to confidentiality of information and data when dealing with the bank, and that confidentiality excludes the ability of the third party to obtain information from the bank. Bank secrecy is an extension of the concept of banking discretion, which implies the professional obligation of bankers to keep clients' personal and financial information strictly confidential.

Banking secrecy in Switzerland, although it has changed its role over the years, especially in tax matters, still exists as an obligation for all Swiss banks. The Swiss banks, as well as the Swiss tax authorities, no longer have the right to refuse to provide (submit) property data of the taxpayer, referring to bank secrecy.

However, without a special request, no information will be provided to anyone. The provision of information will in principle be secured in court, on the basis of the citizen's rights under Swiss law, and thus banking secrecy will continue to protect banks' clients from illegitimate requests for information by third parties, except cases of criminal activity and inheritance.

Keywords: FADP, bank, offshore banking, privacy, bank secrecy, legal protection.

Introduction

Whenever Switzerland is mentioned, the thought leads us to a country in Central Europe that is characterized by clocks, chocolates, cheese, and in particular is synonymous with banking.

Switzerland is one of the most developed and regulated countries in the world, and also the leading financial center in the world. It is worth noting that it has less than 0.1 percent of the world's population, and on the other hand, its banks hold more than one-third of the total capital of natural persons worldwide, making it a major power in international banking. Switzerland is specific in its geographical location. It is interesting to note that it is not a member of the
European Union, the IMF, or the World Bank, and only became a member of the United Nations in the 21st century.

Banking is one of the most recognizable activities in Switzerland and also places it among the most important international financial centers with a long tradition, stretching back to medieval times. Swiss banking is the result of a development process that has been going on for more than seven centuries and is essentially a reflection of a mix of historical, political, religious and economic circumstances.

The two most important banks, UBS and Credit Suisse, are among the world's leading banks. All of these factors contribute to Switzerland being a leader in international offshore private banking as well as a leading financial hub.

Historical background

Banking has been present in Swiss cities since the 14th century. The increasingly intense development of banking in Switzerland is being manifested in the 18th century in Geneva, Basel, Zurich, Bern, Neuchâtel, by the banker-merchant families. Many of these families are engaged in the same business to this day, but at a far more advanced level than in any case in the past. It is characteristic of them that they were internationally oriented and increasingly relied on trade with distant countries rather than the domestic environment. When Switzerland embarked on the path of intense industrialization, it needed a new kind of monetary institution capable of meeting the needs of ever-increasing demand. It is for this reason that modern forms of banking development in Switzerland have been linked to the development of industry.

The first savings banks appeared in the first decade of the 19th century and were primarily focused on providing services to farmers, traders and craftsmen. Then came the canton banks, which first appeared in Bern. These banks were entrusted to stimulate economic development in certain cantons. By the middle of the 19th century, the existing system proved to be unable to meet the requirements for financing large entrepreneurial ventures.

It should be emphasized that the French influence in Switzerland was great in all segments of social life, with a particular emphasis on banking. As a result of this influence, credit and commercial banks began to be established following the "credit mobilier" model, which was able to collect smaller savings thanks to the attraction of the broader social strata of the population. This way of collecting deposits has strengthened the capital base for investing in the construction of the railway network and the expansion of industrial capacities. In this context, the second half of the 19th century marked the founding of the most famous Swiss banks, the so-called "Grossbanken".

But the developmental paths of Swiss banking have not always been rosy. Banking became a priority political issue during the 1960s. Due to high demand, Switzerland was hit by the first investment fever at that time and interest rates were slowly but surely rising. The "national banking" campaign resulted in the founding of canton banks during the seventies and eighties of the 19th century. It should be mentioned here that ZürcherKantonalbank, founded in 1870, today one of the leading canton banks in Switzerland. The period of 1905 was a turning point in the history of Swiss banking, since that year the Swiss Central Bank was established. The need for a central bank dates back to 1848, when Switzerland was constituted as the sole territory.
During the 20th century there was a re-affirmation of private banking through banking companies, in the form of private enterprises, that is, smaller and larger business partners that prevailed in the period when banking was first started. They continued to differ from other types of banking institutions because they operated in accordance with two basic rules: that their liabilities were secured by their owners' entire personal assets and did not function primarily as depository banks.

The 20th century has announced new challenges for Swiss banking. Typical for this period was the penetration of the Swiss financial market by foreign banks and various financial institutions. Financial companies began to emerge in the late 19th century, and their founders were the big banks, who were looking to find ways to facilitate the financing of modern industry. It is worth noting Bank für elektrische Unternehmen from Zürich, which was co-founded by Credit Suisse and Deutsche Bank in collaboration with the German electricity concern AEG.

The post-World War II period was characterized by a real boom in banking. It did not only refer to the volume of business, i.e. the balance sheet, but primarily to the development of various specialized financial institutions and various functional forms of banking. It should be noted that in 1910 there were 450 banks operating in Switzerland, while in the 1960s this number decreased significantly. However, the consolidation process did not stop there, but went on.

**Banking structure**

Although small in territory, Switzerland is still a giant in financial terms.

The banking system of Switzerland today consists of the following types of banks:

- cantonal banks;
- large banks;
- regional and savings banks;
- Raiffeisen Banks;
- banks with securities trading;
- other banking institutions;
- private bankers;
- foreign controlled banks;
- branches of foreign banks.

According to the Swiss National Bank data for 2018, there are approximately 248 banks operating in Switzerland, with a total balance of CHF 3 225 000 million, with a operating result of CHF 12 781 million, with fiduciary transactions amounting to CHF 160 039 million , securities in the form of savings deposits in the amount of CHF 5 849 280 million. The total number of full-time employees in the Swiss banking sector in 2018 was 107 388.
Data protection and banking secrecy

Undoubtedly the protection of privacy is a human right. In protecting the individual's right to privacy, Switzerland follows the standards and principles developed within the European Union. The Federal Act on Data Protection (19 June 1992) (FADP) and the Ordinance to the Federal Act on Data Protection (14 June 1993) (Ordinance) apply to the processing of personal data pertaining to natural persons and legal persons (data subjects) by either: (1) Natural or legal persons and (2) Federal bodies. The FADP was under revision to adapt to developments in the EU, in particular the EU General Data Protection Regulation (Regulation (EU) 2016/679) (GDPR) and the Data Protection Convention of the Council of Europe (ETS 108). On September 15, 2017, the Federal Council published the final draft and the dispatch to the Federal Parliament regarding the new FDPA. In the summer of 2018, the revision was split into two parts. The first part relates to the implementation of the EU Directive 2016/680 in the context of the Schengen/Dublin treaty and has no immediate impact on data subjects (as it is generally limited to the federal authorities' competencies in the context of administrative and judicial assistance in criminal matters). This part was passed by Parliament in September 2018 and is expected to come into force upon the end of the three-month referendum period on January 18, 2019. The second part is the actual comprehensive revision of the FDPA (based on the draft legislation of September 15, 2017). It will most likely be initially discussed in Parliament during the spring session 2019, and may be passed by Parliament in the autumn session of 2019, which will trigger the three-month referendum period. On this basis, the revised FDPA is expected to enter into force no sooner than the beginning of 2020.

The definition of the concept of privacy includes, in what is certainly an over simplification of the concept, includes all elements that contribute to the development and existence of the person as an individual. As one of those elements, the individual's financial life will be protected from unjustified interferences.
It could be said that privacy is an attribute that banking has insisted from its very beginning. Otherwise it is impossible to understand the way Italian bankers carried out their activities in the big and important cities of Europe. Later banking activities will maintain the reputation of privacy.

However, privacy, or banking secrecy, was not an absolute category that could be codified. It was a good business manners in banking, which in itself was a generally accepted as moral standard.

One of the first laws governing the banking system dates back to the early 18th century, namely 1713, when the parliament in Geneva adopted regulations stipulating the banker's obligation to keep a record of its clients and their transactions.

During the 20th century, Swiss banking gained international character, with foreigners becoming clients of Swiss banks. Although this trend was also present in the period before World War I, it did emerge in the period between the two world wars. It was the result of Switzerland's neutrality between the two world wars, and that military neutrality enabled its banking to be open to both warring parties.

The period between the two world wars is characterized by the development of Swiss banking, as a result of the advent of German and French banks. The Great Depression (1929-1933) brought to light Hitler's German ambitions, which insisted all German funds be concentrated in German banks. But the Swiss banks were an obstacle to achieving this goal. The 1930s are characterized by a number of economic and political developments.

Characteristically, the taxes in Europe were quite high, due to the need for funds for post-war reconstruction.

The French and German governments have made efforts to infiltrate the Swiss banks in order to discover the assets of their citizens deposited there. It should be mentioned the incident known as the "Paris affair" of October 27, 1932, when French police raided the offices of Basler Handelsbank because the bank ignored police requests to disclose the names of its French clients.

The reasons for this were numerous. News of the police investigation soon spread to France, Switzerland and other countries. The director and deputy head of Basler Handelsbank were arrested. This case is a precedent. Among the confiscated documentation was the most important discovery. It was the list of names of 2,000 French citizens who had opened accounts at Basler Handelsbank. The list contained information on the structure of French customers, their amounts, as well as information on how capital was transferred to Switzerland. The French authorities were convinced that Basler Handelsbank had enabled capital outflows from France, and thus tax evasion. The list included the names of members of parliament, former ministers, senior civil servants, bishops, military generals, big and small entrepreneurs, as well as many of the most prominent names in French society.

After the Second World War, the Banking Law was adopted, which incorporated banking secrecy provisions and remained in force for ten years. After the war, Switzerland's role as a financial center was strengthened. A key factor in achieving this goal was the Bank Secrecy Institute.

Swiss traditional neutrality, the international reputation of the Swiss financial center, easy accessibility in central Europe, lack of foreign exchange control and a strong Swiss franc have
made Switzerland a "popular haven". Switzerland has gained a reputation as a safe haven for money and capital because of its long-standing economic, political, legal and social stability.

Europe's political stabilization, the creation of the European economic space through the free movement of people, goods, capital, and the introduction of the euro, had a strong impact on Switzerland's traditional location advantage. Switzerland's banking position as a world leader in private banking is built on a macroeconomic and microeconomic basis. Unlike other countries, Switzerland maintains its financial stability through low public debt and a positive budget balance. The Swiss banking sector fully plays the distributive role of capital in the economy, supporting growth and job creation and thus becoming the most innovative and competitive country in the world.

The most important factors that have contributed to building the image and reputation of Swiss banking are:

- political stability due to the fact that Switzerland has been a military-neutral country for about 150 years;
- economic stability;
- the stability of the legal system;
- the high degree of independence of the Central Bank;
- strong and convertible currency;
- a stable banking system that includes professional services;
- the so-called bank secrecy.

Swiss banking is a synonym for a banking system in which the principle of secrecy in banking is widely used. Banking secrecy as an established practice is based on the fact that customer data is kept secret for all third parties, whether private or public authorities. Banking secrecy as an institution is based on the fact that every client of a bank has the right to confidentiality of information and data when dealing with the bank, and that confidentiality precludes the third party from being able to find out information from the bank. Banking secrecy is an extension of the concept of banking discretion, which implies the professional obligation of bankers to keep clients' personal and financial information strictly confidential. Banking secrecy means that this information is not available to anyone, because if disclosed, it could have a negative impact on customers. This information may relate to transaction-related information and to account-related information. Banking secrecy in Switzerland has a long tradition that goes back about three hundred years.

**Legal Framework of banking secrecy**

One of the first laws that regulated banking secrecy dates back to the beginning of the 18th century, namely 1713, when the Parliament in Geneva enacted provisions requiring bankers to keep a record of their clients and their transactions. They were forbidden to disclose this information to anyone other than the client except with the consent of the City Council. The right to privacy has been a trademark of Switzerland for centuries. As we have said, banking secrecy was created very early, in the 17th century, in order to protect French Huguenots who fled to Switzerland because of religious persecution by the Romans.

Swiss banking secrecy in modern times was created through the Swiss Banking Act of 1934, which led to the creation of well-known Swiss banks, such as the Swiss bank. When money is
deposited in Swiss bank accounts, bankers are required to keep this information strictly confidential. They are also not allowed to disclose whether a particular person has a bank account. If there is any doubt regarding illicit trade, illegal activities, insider trading, then there may be an exception from banking secrecy. Confidentiality in modern bank-client relationships is codified not only in banking laws but also in the Constitution of the Swiss Confederation.

Article 13 of the Swiss Constitution guarantees all citizens "the enjoyment of the right to respect for private and family life, including data relating to income and property". According to Article 47 of the Swiss Federal Act on Banks and Savings Banks (amended 2016) (Banking Act), which stipulates: “Anyone who is in any way involved in the banking sector is strictly prohibited from disclosing (disclosing) customer information.” Actually, Article 47 of the (Banking Act) is the primary law governing bank secrecy in Switzerland. Those disclosing customer data in violation of this provision face criminal penalties.

Similar criminal provisions exist in other Swiss financial market laws, in particular:

- Article 43 of the Swiss Federal Act on Stock Exchanges and Securities Trading. This imposes secrecy obligations on certain individuals and entities handling data received in connection with a stock exchange or securities dealer.
- Article 147 of the Swiss Federal Act on Financial Market Infrastructures and Market Conduct in Securities and Derivatives Trading. This obligates directors or officers, employees, agents, or liquidators of financial market infrastructures to not disclose confidential information. Financial market infrastructures include, for example, stock exchanges, multilateral trading facilities, central counterparties, central securities depositories, trade repositories, and payments systems.
- Article 148 of the Swiss Federal Act on Collective Investment Schemes. This imposes secrecy obligations on members of an executive or governing body, employees, agents, or liquidators of fund management companies.

Swiss banks also have a civil obligation to respect the confidentiality of customer data which arises out of:

- The civil right to personal privacy. Article 28 of the Swiss Civil Code recognizes individuals’ and companies’ right to privacy, including economic privacy and information on their banking relationships and the assets concerned.
- The contractual relationship between the customer and the bank. Under Article 398 of the Swiss Code of Obligations an agent is liable to the principal for the diligent and faithful performance of the business entrusted to him. This obligates a bank to keep customer data entrusted to it confidential.

It should be emphasized that in principle all countries have norms, rules and regulations that apply to banking secrecy and protect customer information that should not be disclosed by banks. But the difference from the other countries is that in Switzerland it is most pronounced. Bank secrecy encompasses all customer business relationships with banks. This includes all information, regardless they are a business or personal information, obtained in connection with business transactions or consultation with the client. According to the Banking Law only the client can authorize the bank to disclose information. Breach of banking secrecy, with or without intention, is strictly prohibited in Switzerland and accordingly, a Swiss banker who discloses customer information without his consent may be fined up to CHF 50,000. Double punishment applies. If indecency is caused by negligence, the maximum penalty is CHF 30,000. However, in today’s world, the principle of banking secrecy is not enforced indiscriminately. There are exceptions to the rules of confidentiality in several cases:
1. When the client himself voluntarily agrees. When a Swiss court receives a request from a foreign court to inspect the business account of a particular citizen, it will not automatically proceed with such request.
2. When is prescribed by Swiss law. A law was passed in 1998 requiring Swiss banks to report all suspicious transactions to the Money Laundering Office.
3. When the Swiss courts require it. They do it when it comes to:
   - Domestic civil and criminal cases, as well as the involvement of foreigners. Some crimes may be diverted from banking secrecy, so that justice can be done. These are: illicit trade, various illegal activities, money laundering, tax fraud, and more. However, in cases where the information is requested by foreign persons and institutions, the crime must be punishable in both countries for the data (information) to be disclosed;
   - Civil cases - Bank secrecy can be revoked in cases of divorce, inheritance, debt or bankruptcy (when a third party has claims from the client). However, in practice it is very difficult to remove banking secrecy, since it must be proven before a Swiss court that an account exists, and as we have already said, it is a very complex procedure in Switzerland. Banking secrecy in Switzerland is limited by specific provisions contained in Swiss Civil Code, as well as by several obligations under public law. These exemptions did not provide any help to insider trading investigators trying to circumvent banking secrecy. The problem is that insider trading is not a crime in Switzerland.
4. Bank secrecy may be lifted when the bank or firm is in bankruptcy.

The most significant argument against bank secrecy and the one that is causing a lot of controversy is tax evasion. It is claimed that precisely because countries like Switzerland, which do not disclose information about their clients, allow residents of other countries to invest their money in Switzerland and thus avoid paying taxes. The reason for making these activities possible is that tax evasion in Switzerland is not considered a crime, unlike tax fraud. Swiss law distinguishes between tax fraud, which is considered a crime, and tax evasion, which is not considered a crime. This distinction is based on the concept in which the taxpayer self-declares and serves to preserve personal freedom. This legal treatment has strong roots in Swiss legal tradition and has been confirmed in a referendum. Cases of errors and omissions in filing a tax return are considered tax evasion, not a criminal offense, but are punishable up to several times from the reported amount.

In order to efficiently store customers' private data, each Swiss bank has introduced a specific information technology called the Personal Banking Account Network (PBAN). This network is an additional customer protection mechanism, which holds customer account data and is provided with three levels of security. The possibility of intrusion into the system and illegal data acquisition by third parties is minimized. In addition to the above security measures, a number of other network access restrictions have been introduced, both in Switzerland and abroad. Switzerland believes that banking secrecy does not protect those who work illegally, because Switzerland provides assistance to other countries in resolving financial fraud - mismanagement. The question arises whether the banking secrecy institute is an obstacle to the new conditions for the further development of the Swiss banks and whether in the future the so-called bank secrecy i.e. Swiss banking will disappear. To answer these questions, it is necessary to understand that within today's international banking, financial crime is greater, including "money laundering" than it has been in the past. This increased financial crime rate combined with the banking secrecy institute poses a threat to doing business. On the other hand, tax evasion as a motive to foreigners by opening accounts in Swiss banks makes banking secrecy a
potential danger and an obstacle to the overall business environment. It should be noted that Switzerland allows the filing of a private lawsuit against the bank in the event of disclosure of confidential customer account information. In addition to criminal sanctions, the injured client may also initiate litigation and sue the bank for damages.

Offshore personal banking has been under strong pressure in the past few years, both by supranational legislation and by individual state initiatives. However, Switzerland managed to prevent the outflow of capital. It should be emphasized that in 2009 Switzerland found itself under the scrutiny of the international public and in an internationally-legal disadvantage regarding what is considered the most significant feature of Swiss political-economic creation, banking secrecy. This conflict was between US tax law and the well-affirmed and well-protected principle of Swiss law. On the one hand, the US Justice Department demanded that UBS, as a global financial company based in Switzerland, publish the names of 52,000 US citizens suspected of having opened accounts in Switzerland in order to evade tax. On the other hand, Switzerland did not want to go against its 300-year-old proven practice of guaranteeing the confidentiality of its Swiss clients.

It should be emphasized that, compared to other European countries, Switzerland applies very low tax rates on income taxation, not only for legal entities but also for individuals. As regards the issue of interstate exchange of information, Switzerland has reserved Article 26 of the OECD Model Convention, thus providing tax authorities with the information only necessary for the proper application of the Convention, whilst retaining the right to withhold information which will help them in the proper application of domestic law. Exceptions are cases of information exchange with the US, German and Norwegian authorities, with which Switzerland has entered into tax agreements. The situation is similar in the provision of banking information, and only the information (data) for which it is expressly provided in the clauses of the signed tax agreements is exchanged.

As a result of the conclusion of new tax treaties and tax amnesty, the confidentiality of Swiss banking is becoming fragile. On 19 November 2014, Switzerland signed the Organization for Economic Cooperation and Development (OECD) Convention and joined ten other signatory countries. By signing the Convention, it accepted the obligation to exchange data (information) according to the single standard, to prevent tax evasion, with the approval of the period until 2018, until the implementation of these standards.

The two largest Swiss banks, Credit Suisse and UBS, have been charged for aiding US citizens in tax evasion cases. To preserve the reputation of a major financial center, as well as its intention to provide support in the fight against tax evasion, Switzerland has decided to sign the OECD Convention, along with 50 other countries. In this way, it has committed itself to provide all requested information of a particular country in case of tax evasion.

With the acceptance of the OECD Convention and the signing of the Agreement between Switzerland and the European Union, which is based on the principles of OECD/G20, Switzerland, as well as all other signatory countries to the Agreement, commits itself to and exchanges information on bank account holders, end-owners of companies and trusts. The global standard for data exchange is data exchange developed by the OECD and approved by the G20 (G20) member states. Under this system, banks are required to collect data on their clients and submit them to national tax authorities. The transfer of data is in encrypted form to the tax authorities of the country of origin of the client. These rules will apply uniformly to natural and legal persons, trusts and founds, and investment funds and insurance companies will also be required to report to banks.

With such steps, Switzerland has abandoned its traditional principles of banking secrecy. By adopting the Convention, the role of banking secrecy as one of the specifics of Swiss banking has been significantly diminished (there are even claims that with the signing of the Convention, as well as with agreements with the United States) banking secrecy exists only officially, while unofficially does not exist.
Conclusion

Banking secrecy in Switzerland has not disappeared, but it still exists as an obligation for all Swiss banks, and has only changed its role in tax matters. Swiss banks, as well as the Swiss tax authorities, no longer have the right to refuse to provide (submit) data on taxpayer property on the basis of bank secrecy. However, without a special request, no information will be provided to anyone. The provision of information will in principle be secured in court, on the basis of the citizen's rights under the Swiss law, and thus banking secrecy will continue to protect banks' clients from illegitimate requests for information by third parties, except cases of criminal activity and inheritance.

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Trial of young adults and sanctions against them

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The juvenile delinquency issue is also regulated by the Kosovo legislation, respectively with the Juvenile Justice Code. This Code, also addresses the issue of adjudication of young adults. To these category, a special and more favorable status is been recognized comparing to the older persons in criminal procedure conducted against them, because of their different personality features and their different reaction in specific situations. The possibility to pronounce lenient sanctions on the young adults is also well covered by other social sciences such as criminology, psychology, criminal law, criminal procedure law and it is claimed that the purpose of criminal sanctions in some of these cases will be better achieved with measures and lighter penalties. The real reason to analyze this topic lies in the fact that this category (major young persons, 18 to 21 years) is a more specific category, regulated by the JJC, but taking into account the criminal offenses and the nature of their commission, with perpetrators 18 to 21 years, there is already an attitude from the Supreme Court of Kosovo that in certain cases when it comes to particularly serious criminal offenses, the provisions of the Criminal Code of Kosovo should be pronounced rather than the measures and penalties for juveniles as provided by the Code of Juvenile Justice. This paper will analyze the juvenile delinquency, legal framework of the Republic of Kosovo, with particular emphasis on the category of young adults and sanctions against them, and conclusions are provided at the end of this paper.

Keywords: juvenile delinquency; young adults; Juvenile Justice Code; Criminal offenses, Law etc.

Introduction

The term delinquency (Deviation) derives from the Latin word “deliquare” which has a very broad meaning. This term generally means the repeated expressions, behaviors and actions of minors that conflict with the morals, habits, and laws of the environment in which they live. The juvenile criminality as illegal behavior represents a complicated phenomenon, which requires full knowledge of the causes and circumstances of its occurrence. Delinquency has always existed and has appeared somewhere less and somewhere more, depending on the changes in society and the environment in which young people have lived. Delinquent is a person who has exerted repeated deviant behavior, who commits criminal acts, thus violating applicable legal norms. This kind of (delinquent) behavior of young people does not appear immediately, but it starts to emerge in a mild way and asocial behavior begins with adolescence 11-14 years old. Today, in modern times we have a high percentage of juvenile involvement in criminality, and to a lesser extent, juvenile delinquency is a phenomenon in all countries, whether developed or underdeveloped. Juvenile participation in general criminality already accounts for 10% - up to 30% or more. Thus in France and Germany, juvenile participation in general criminality is over 30%. Many countries already regulated juvenile delinquency and criminality by juvenile specific laws and codes. Even our country, the Republic of Kosovo, has gone through several stages regarding the treatment of juvenile delinquency, adopting provisions that are approximate with other countries, regulating this issue with the Code of
Juvenile Justice, adopted on July 08, 20104. This code also addresses the category of young adults (18-21 years), which is also the focus of this paper.

**International Standards on Juvenile Justice**

The key international instruments for children’s rights are listed:

- UN Convention on the Rights of the Child;
- United Nations Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines);
- European Convention on Human Rights;
- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- The European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment;
- UN Convention on the Rights of the Child - General Comment No.12 (2009) on “The right of the child to be heard”;
- Council of Europe guidelines on child-friendly justice.
- International Covenant on Civil and Political Rights;
- Universal Declaration of Human Rights;

**Forms of Delinquency and Types of Crimes**

The ways of displaying social behaviors are as in juveniles, manifested by stubbornness, insults and swearing, batter, disobedience and impatience, theft, abandoning home, school drop-outs, etc. So if at this age no proper measures are taken to eliminate such behavior, they will steadily increase and the child will gradually assume the epithet of the “delinquent child”.6 Most juveniles are involved in criminality in the commission of these types of offenses: Offenses against property; Violence; Drug consumption and trafficking; Prostitution etc. “Juvenile gangs” - whose criminal activity is mainly associated with the use of high-level violence. “Political Terrorism” on national and religious grounds.

**The position of the juvenile during the history of mankind**

Human society during its historic development has emphasized various forms of treatment of minors. What you may notice throughout the developmental stages of society is that juveniles have received special treatment, considering that they have not yet reached biopsychic maturity. In Roman law, up to the age of 7 years, 7 years old... No criminal liability ... After 7 years of age, only exclusively applied. (Age 10 - unlimited criminal liability)... - mitigating circumstances. In the early Middle Ages - juvenile delinquency was considered accidental and unintentional, and the tendency was for juveniles to have no liability ... or for elderly/their caregivers to pay for damages caused by them.

Thus, old Chinese law recognized three stages of juvenile criminal liability: a) the juvenile under the age of seven was completely exempt from punishment; b) for minors 7-10 years old the proposal of pardon from the emperor was foreseen, and c) the minor who committed the criminal offense punished by death penalty faced fine only. In ancient Greece juvenile criminal offenses were treated as inflicted damages, and if children were convicted, they did so more to
satisfy the victim’s family demands rather than to have the child suffer for the offense.7

**Criminal liability of juveniles:** XVIII century; Cesario Becdaria - Applied “Discerminento”
institute - criterion for Punishment of minors - 12-14 years old... Criminal Code of Toscana...
1786 (The first code for the provision of juvenile sentences)

French Criminal Code... 1791 (special criminal law measures - when minors are supposed to
understand their actions). XX Century - Increasing number of special measures against
minors... Persons as of the age of 18 are considered adults... Following the introduction of
educational measures as special types of criminal sanctions targeting juvenile offenders, special
juvenile courts have emerged... First Court - Chicago... 1899

**Categorization**

Based on the Juvenile Justice Code, the categorization of juveniles by age is as follows: Child – a person who is under the age of eighteen (18) years. Minor - a person who is between the ages of fourteen (14) and eighteen (18) years. Young juvenile- a person who is between the ages of fourteen (14) years and sixteen (16) years. Adult juvenile- a person who is between the ages of sixteen (16) years and eighteen (18) years. Young adult- a person who is between the ages of eighteen (18) years and twenty-one (21) years.

In cases where persons of the age of 18 commit criminal offenses, they may be subject to all types of criminal sanctions provided for by criminal legislation, as when they turn 18 years of age, they are considered criminally liable.

However, based on scientific knowledge, there is a possibility that a person, even though he or she has reached the age of 18, may not reach the appropriate biopsychic and social development and maturity until the age of twenty-one. Consequently, persons between the ages of 18 and 21 in criminal law are called young adults, therefore this lead to the Juvenile Justice Code providing for criminal sanctions against juveniles of this age-range who have committed a crime.

In order to be able to impose juvenile criminal penalties against a young adult, Article 11 of the Juvenile Justice Code provided that such person at the time of trial had not reached the age of 21, and that the court taking into account the circumstances in which the offense has been committed, the expert’s opinion on the psychological development of the young adult and his or her best interest, and the judgment that these types of measures or punishments will achieve the purpose through imprisonment sentence. The imposition of a diversity measure, educational measure or juvenile punishment against persons who have committed the offense as young adults is optional. Consequently, the Juvenile Justice Code leaves it up to the court to decide, as the case may be, upon discretion, to impose a prison sentence or a measure of diversity, or an educational measure or imprisonment against the juvenile offender who has the capacity of a young adult. When adjudicating, the court must consider the severity and type of the offense, the circumstances in which the offense was committed, the level of psychological development of the young adult determined in the opinion of the relevant expert, the motives for the offense and all other subjective and objective circumstances justifying the imposition of the relevant measure or sentence.

However, there is a noticeable contradiction between the Juvenile Code and the Criminal Procedure Code, especially in cases involving young adult defendants (defendants between 18-21 years old). The Criminal Procedure Code indicates “[...] young adult maturity assessment [...]” without specifying how the assessment will be conducted and by whom.8

A juvenile perpetrator of a criminal offense is usually sentenced before turning 18 years of age. However, rare cases can occur when the person who has committed the crime at the minor age is sentenced to a criminal sanction after turning 18. Such a situation may arise because the
criminal offense was later discovered or because the juvenile offender during the criminal proceedings reached the age of 18. In such cases the question arises as to what kind of criminal sanction the court may sentence the adult person for the criminal offense committed while being a minor. This issue has been resolved in principle by the Juvenile Justice Code. Adult persons who have committed criminal offenses as minors, depending on whether they are minors under the age of 16 or have reached the age of 16, are subject to diversity measures, educational measures or punishments prescribed for minors (Article 9 and 10). The fact that the criminal offense has not been timely disclosed, or the criminal procedure has been delayed, must not harm the perpetrator, resulting in imposition of more severe criminal sanctions, provided for adult persons. Therefore, the court may not impose the criminal sanctions foreseen for adults against the adult offender who committed the crime as a minor.

An adult who has committed the offense between the age of 14 and 16, while a young juvenile, pursuant to paragraphs 1 and 2 of Article 9 of the Juvenile Justice Code may be tried for that offense only when the person has not reached the age of 21 and if the offense is punishable by imprisonment of more than 5 years.

In these cases, the courts have only limited options available to impose criminal sanctions on such persons. In fact, the court is likely to impose on such a person only one of the institutional educational measures. Which institutional educational measure the court will issue depends on the circumstances that characterize the case, the type and severity of the offense, the age of the juvenile, the level of psychological development, the character and inclinations of the juvenile, the motives for the offense, the environment and the circumstances of his life, the conduct of the offender and the purpose to be achieved by the imposition of an institutional educational measure. In cases when an adult is convicted of an offense committed as an adult juvenile, the Juvenile Justice Code does not impose any restrictions on the age. Therefore the person can be tried at any age, providing that the statutory limitation for prosecution did not pass. Consequently, pursuant to Article 10 of the Juvenile Justice Code, adult persons who have committed offenses between the ages of 16 and 18 may be imposed any of the diversity measures, educational measures and penalties for juveniles, even exceptionally imprisonment or suspended sentence if the conditions for their imposition are met. Diversity measure, educational measure, juvenile or prison sentence, suspended sentence will be imposed depending on the severity of the offense, the time elapsed since commission, the conduct of the offender, and the purpose to be achieved by the application of the measure or sentence.

When it comes to perpetrators up to the age of 18, it is known that the provisions of the JJC apply, but the problem is when the perpetrators are 18-21 who are otherwise known as adult perpetrators, the question arises as to which category of criminal procedure should be applied and which measures, penalties may be imposed on young adults as perpetrators?

Given the persistent dilemma, the Basic Court in Mitrovica requested legal opinion from the Supreme Court.

The legal opinion given by the Supreme Court states that: Against a young adult who has committed a criminal offense as a young adult, the procedure under the JJC may be applied if the court finds that the intention would be achieved by imposing imprisonment, or by imposing a measure or sentence, taking into account the circumstances under which the offense was committed, the expert’s opinion on the psychological development of the young adult and his best interest, otherwise the provisions of the CPCK shall apply in all respects.

Article 4. The JJC which has created dilemmas in practice states: The provisions of the present Code shall apply to any person charged with a criminal offence committed as a minor, regardless of his or her age at the time when proceedings are instituted (par. 1),

The provisions of the present Code shall apply to any person charged with a criminal offence committed as a young adult (par. 2).

Procedural provisions by the JJC may apply to this category of perpetrators’ (although the law did not use the expression ‘may’) if the court considers that the purpose would be achieved by imposing the measure or sentence, taking into account the circumstances in which the offense
was committed, the expert’s opinion regarding the psychological development of the adult and his best interest. Thus, the application of the provisions of the JJC to this category of perpetrators is a matter of discretion of the court and not a necessity, although unfortunately the legislator in the construction of Article 4, par.2. of the JJC has omitted the use of ‘may’, as previously provided by Article 3 of the Juvenile Criminal Law of Kosovo, which under paragraph 2 provides: When provided by this Law, the provisions of this Law shall apply to any person charged with a criminal offense as a young adult and the law provides for this in Article 10. The criminal law of SFRY 3 regulated these situations as follows: Special provisions pertaining to juvenile perpetrators of criminal offenses shall apply under the conditions provided for in the provisions of this section also to adult persons when adjudicated for criminal offenses committed by a juvenile, and exclusively to persons who have committed a criminal offense as young adults. JJC provides that in court proceedings conducted against a young adult who committed an offense as young adult, the court may impose a measure or punishment in accordance with Article 12, if it determines that the objective that would be achieved by imposing a term of imprisonment would also be achieved by imposing the measure or punishment, considering the circumstances in which the criminal offence was committed, the expert opinion in relation to the psychological development of the young adult and his or her best interest, and this wording clearly indicates that punishment under Article 40 of the CCK may also be sentenced. Then the article 41 of the CCK states that the sentence of life-long imprisonment cannot be imposed on a young adult, which leads to the conclusion that imprisonment may be imposed. All these facts stated above lead to the undisputed conclusion that the young adult, for the criminal offenses committed as a young adult, the provisions of the CPCK apply in principle, the application of the provisions of the JJC to this category of perpetrators is a discretionary matter of the court, not a must.12

The system of criminal sanctions against minors in French criminal legislation

In France, criminal penalties for juveniles are foreseen in the French Penal Code. Article 122-8 of this Code sets the age for criminal liability. The solutions provided in this article stipulate that a person under 10 years of age shall not be criminally liable, although stipulating that appropriate educational measures may be applied to them. This solution applies in principle to persons aged 10-13 years. Consequently, the issue of criminal sanctions on juveniles in France is regulated in more detail by the French Juvenile Justice Code. Under these two Codes, juveniles who commit offenses from the age of 13 to 16 years may be fined and may be remanded in custody as a measure of securing their presence in criminal proceedings. Juveniles aged 16-18 may also be sentenced to juvenile imprisonment. Notwithstanding the prescribed solution, the Codes in question make it clear that juveniles between the ages of 13 and 18 should be given priority in educational measures when imposing criminal sanctions. The competent court shall impose the sentence of imprisonment upon the juvenile when it finds that he is criminally liable and has committed a serious criminal offense, and in aggravating circumstances. In cases where the offense was committed in particularly mitigating circumstances, according to the French legislator, the sentence may be imposed at the half range of the provided punishment for the offense under trial. In imposing this sentence, the court shall take into account the age of the juvenile, psychological maturity, character and abilities, education, environment and life circumstances, the reasons and causes for the commission of the criminal offense, prior conduct, behavior after committing a criminal offense, etc.
As a result, among the solutions provided by the Criminal Code respectively the Juvenile Justice Code of France and those set out in the Juvenile Justice Code of Kosovo and the relevant legislation of the Republic of Albania, Macedonia, Serbia, Croatia, Afghanistan and Romania, there are obvious differences with regard to juvenile criminal sanctions. This Code does not foresee diversity measures at all; it does not foresee the measure of increased supervision by the other family, the educational measure of sending to the education institution. Also, this Code has not made a detailed provision of the criminal sanctions foreseen in its solutions.

The system of criminal sanctions against minors in Albanian criminal legislation

Criminal sanctions for juveniles in the Republic of Albania are currently stipulated in the Criminal Code of 1995. This Code provides that juvenile offenders may be subject to educational measures and imprisonment for juveniles. Consequently, within the framework of educational measures, the Criminal Code of the Republic of Albania, in point 1, paragraph 3 of Article 46 has provided for the possibility of imposing only one educational measure on juvenile perpetrators of criminal offenses, and the placement of a juvenile in an educational institution. According to the solution provided for in paragraph 1 of this article, educational measures may be imposed on juveniles in cases where they are excluded from punishment or who have no criminal liability due to their age. Indeed, under the provisions of this Code, minors who have not reached the age of 14 years cannot be prosecuted and punished for the crimes they have committed, regardless of their degree of social danger. However, juveniles who have not reached the age of 16 may not be prosecuted or convicted for criminal offenses.

The system of criminal sanctions against minors in Macedonian criminal legislation

Criminal sanctions on juveniles in the Republic of Macedonia are defined by the Law on Juvenile Rights which has addressed specific solutions, which present an exception to the solutions applied to adult offenders. According to this law, the following types of criminal sanctions may be imposed on juveniles: disciplinary measures, educational measures and punishments. The purpose of criminal sanctions against juveniles is to provide protection and assistance to juveniles.

Macedonian lawmakers have envisaged the possibility of imposing penalties on juvenile offenders (16-18 years old). The penalties that can be imposed on juveniles under Article 43 of the Law on Juvenile Rights are: imprisonment for juveniles, fine, driving ban and expulsion of foreigners from the country.

The juvenile imprisonment sentence may be imposed on juvenile adult offenders who have criminal liability, have committed a crime punishable by imprisonment of at least five years and have committed the offense in particularly serious circumstances, and when it is considered that imposition of educational measures would not be reasonable. The term of imprisonment for juveniles ranges from one to 10 years. When imposing imprisonment sentence against a juvenile, the court must consider all the aggravating and mitigating circumstances of the present case. The fine may be imposed only on the juvenile adult, who has criminal liability, who has committed the criminal offense for the purpose of gaining certain property interests, and when
committed a criminal offense punishable with imprisonment of at least 3 years. The fine shall be imposed on daily rates which may not be less than 1 and not more than 120 daily rates. The characteristic of this type of punishment is that if the juvenile does not pay the fine, the court will replace the fine with the community service work. In these cases, a daily fine is replaced by 3 hours of work, in which case the total number of hours of service work may not exceed 100 hours.

The system of criminal sanctions against minors in Serbian criminal legislation

Criminal sanctions on juveniles in the Republic of Serbia are defined by the Law on Juvenile Offenders and the Criminal Protection of Juveniles which has addressed specific solutions, which are an exception to the solutions applicable to adult offenders. According to this law, the following types of criminal sanctions may be imposed on juveniles: disciplinary measures, educational measures and punishments. The purpose of criminal sanctions against juveniles is to provide protection and assistance to juveniles. As a disciplinary measure that may be imposed on juvenile offenders, this Law provides for special reprimands and obligations. Serb lawmakers have envisaged the possibility of imposing penalties on juvenile offenders (16-18 years old). Thus, pursuant to Article 29 of the Law on Juvenile Offenders and the Criminal Legal Protection of Juveniles against Juveniles, imprisonment sentence may be imposed on juvenile. The juvenile imprisonment sentence may be imposed on adult juvenile offenders who have criminal liability, have committed a crime punishable by imprisonment of at least 5 years and have committed the offense in particularly serious circumstances, and when it is considered that imposition of educational measures would not be reasonable. The duration of imprisonment for juveniles ranges from 6 months to 10 years. When imposing imprisonment sentence against a juvenile, the court must consider all the aggravating and mitigating circumstances of the present case.

The system of criminal sanctions against minors in Croatian criminal legislation

Criminal sanctions against juveniles in the Republic of Croatia are set out in the Criminal Code, which also establishes criminal sanctions for adult persons. According to this Code, the following types of criminal sanctions may be imposed on juveniles: disciplinary measures, educational measures and punishments. The purpose of criminal sanctions against juveniles is to provide protection and assistance to juveniles. Croatian lawmakers have envisaged the possibility of imposing penalties on juvenile offenders (16-18 years old). The punishment that can be imposed on juveniles under Article 24 of the Criminal Code is the sentence of juvenile imprisonment. The juvenile imprisonment sentence may be imposed on adult juvenile offenders who have criminal liability, have committed a crime punishable by imprisonment of at least 5 years and have committed the offense in particularly serious circumstances, and when it is considered that imposition of educational measures would not be reasonable. The duration of imprisonment for juveniles ranges from 6 months to 10 years. When imposing imprisonment sentence against a juvenile, the court must Considerations all the aggravating and mitigating circumstances of the present case.
The system of criminal sanctions against minors in Afghani criminal legislation

In Afghanistan, criminal penalties for juveniles are foreseen in the Juvenile Code. This country has also established juvenile courts within each province. The Code regulates the specifics, while legal solutions that apply to adults also apply for juveniles for anything that was not regulated by this Code. Article 10 of this Code sets the age for criminal liability. The solutions provided in this article stipulate that a person under 12 years of age shall not be criminally liable, although stipulating concrete measures for persons of the age of 7-12.

Statistical data of the Kosovo Police during 2015, 2016, 2017 and 2018 show that the number of suspected persons, but also the criminal offenses involving juvenile adult offenders, is changing.

Thus the offenses committed by this category of delinquents are:

1. **Accidents** - the data show a decreasing number of persons involved in accidents from 2015 to 2018
   - 1500
   - 2015 - 827 1000
   - 2016 - 998 500
   - 2017 - 966 0
   - Accidents
   - 2018 - 817

2. **Disruption of public order** - data show decreasing number of persons involved in the commission of this criminal offense from 2015 to 2018.
   - 300
   - 2015 - 263
   - 2016 - 230
   - 2017 - 209 0
   - Disruption of public order
   - 2018 - 158

3. **Light bodily injury** - data show decreasing number of persons involved in the commission of this criminal offense from 2015 to 2018.
   - 0

4. **Unauthorized possession of narcotic drugs, psychotropic substances or analogues** - show increasing number of suspected persons in terms of involvement in such offenses.
   - 200
   - 100
   - 600
   - Light bodily injury
   - 2015 - 517 400
   - 2016 - 559 200
   - 2017 - 496
   - 2018 - 428
   - 400
   - 0
   - Unauthorized possession of narcotic drugs, psychotropic substances or analogues
   - 200
5. Theft - data show decreasing number of persons involved in the commission of this criminal offense from 2015 to 2018.

6. Destruction or damage to property - data show decreasing number of persons involved in the commission of this criminal offense from 2015 to 2018.

7. Unauthorized ownership, control or possession of weapons - data show decreasing number of persons involved in the commission of this criminal offense from 2015 to 2018.

8. Endangering public traffic - show increasing number of suspected persons in terms of involvement in such offenses.

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Endangering public traffic
Conclusions

• Given the very important and indispensable role of all actors in juvenile court proceedings, it is imperative that these professionals have in-depth knowledge of juvenile rights, international instruments providing for these rights and their application in practice
• Continuous professional development and strengthening of the capacities of the entities conducting juvenile proceedings. Judges, Prosecutors, Attorneys at Law and other professionals should specialize in juvenile justice.
• The criminal proceedings against juveniles should focus on preventing injury to the juvenile from adequate treatment as its primary goal. This should result in having the minor return to society, as a reintegrated and re-educated person.
• When initiating juvenile proceedings, the following question should be asked: What is the interest of the minor in the procedure? The best interest of the minor should always be considered;

References

21. Juvenile Justice Code, no. 03/L-193, 08 July 2010
22. Constitution of the Republic of Kosovo,
24. Universal Declaration of Human Rights;
27. International Covenant on Civil and Political Rights and its Protocols;
28. Convention on the Elimination of All Forms of Racial Discrimination;
29. Convention on the Elimination of All Forms of Discrimination Against Women;
30. Convention on the Rights of the Child;
31. Convention against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment;
The significance of the presence and the role of the Serbian intelligence service in northern Kosovo

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Abstract. Intelligence services include the most important institution of state society. Therefore, given that some intelligence services are operating in Kosovo, especially in the northern part of Kosovo, with a particular focus on the Serbian Intelligence Service, which we will study, analyze and research in this paper, focusing particularly on its presence and role in the north part of the Republic of Kosovo.

The research question we have raised here is: Which is the significance, presence and role of the Serbian Intelligence Service in northern Kosovo?

This research paper will address the various aspects of the Intelligence Service and its role in the north part of Kosovo in factual, political and legal terms. In addition, we will elaborate on the circumstances of developments in northern Kosovo before and after its declaration of independence, given that there were violent and subversive developments against the constitutional and social order. We will try to bring new insights into the significance and destabilizing role that Serbia has played with the activities of the Intelligence Service in northern Kosovo.

According to this, there is a hypothesis that in this paper we will try to prove it as correct or incorrect.

Hypothesis: The Serbian intelligence service with its presence played a significant destabilizing and dangerous role in northern Kosovo.

Keywords: Northern Kosovo, significance, presence, role, Serbian intelligence service, intelligence.

Introduction

Although Kosovo security institutions and bodies have developed and strengthened their personnel, structure and legal basis throughout Kosovo, according to experts, reports and media, before and after independence, there is still a network of Serbian intelligence services that operate in Kosovo and especially in its north. After the declaration of independence, security in Kosovo and its territory was seriously endangered, especially in the northern borders and in the four Serb-majority municipalities, where the northern border still remains porous. In this scientific research we will bring research findings and present as accurately as possible the actions, organization, structure and purpose of the Serbian Intelligence Service in the north after the declaration of independence, with particular emphasis on the political, legal and factual aspects. The first part will be the theoretical part, the second part will include findings based on field research such as electronic resources, citizen surveys, reports as well as interviews with political representatives and experts, as well as persons responsible for security in the north. The third part will be conclusions from this scientific paper. The paper will conclude with the
findings and general analysis of the institutions, respectively, the Serbian institution in destabilizing and sabotaging the constitutional order in Kosovo with subversive efforts. This paper will be based on the qualitative and quantitative method where we will research literature, reports, and official websites of international missions, newspapers and strategic plans related to the scope of paper, as well as interviews with experts in the field of security, politics and citizen surveys.

The notion and definition of intelligence services

Intelligence services, along with border forces, military forces, public security and justice bodies, shape a country's security system. Intelligence services have their own system, which comprises the entirety of the intelligence bodies of a state, built on the basis of the particular law of the relevant state. Usually at the top of this system's hierarchy is the National Security Council, which is usually chaired by the president of state and includes representatives (directors) of all security intelligence services. The National Security Council is the commission or committee that makes decisions and determines the country's security policies. On the basis of reports sent by the intelligence services providing guidance, for further workflow to empower and strengthen their activities, expand their range of roles, functions and coordinate actions with intelligence services. Intelligence services are also called organizations, agencies, directorates, institutes, etc., according to the relevant country they belong to, but the functions and duties are generally the same. Definition of intelligence services, means intelligence and counterintelligence activity and the organisms that develop it. The core mission of the intelligence services, as particular organs of the state apparatus, is to find and collect intelligence (secrets) about other states - the intelligence mission at the same time operates, focuses and works to protect the constitutional order and secrets of their state which means counterintelligence activity. The significance and role of the intelligence services in the state department is determined by a special law, in accordance with the nature and circumstances of the relevant government's internal and external policies. States always need important information to build their foreign policy, so they require intelligence from other states, their internal situation, and other problems, but there are also counterintelligence activities (information) for protection/defense. They will be the target of their policy towards a particular state or region or province. This information might be political, economic, military forces, technological, technical and scientific achievements, on inter-ethnic, social and religious problems, weapons potential and more. Intelligence services always aim to provide confidential information that is stored and protected as such by other countries because it is of vital importance. The counterintelligence activity of intelligence services is very important for the orientation of internal policies, because intelligence services have a significant role to play in their implementation. In modern times, the roles and importance of intelligence services have expanded in terms of their organization and function. They are now not only informative and defensive, but also operational bodies in institutions that are, directly or indirectly, missionaries in the pursuit of military goals. Intelligence services are an indispensable product of states. The phenomenon existed as the need of society to discover the unknowns of the world around them and in which they lived. Initially, intelligence services were based on the individual affinities of disorganized individuals to shape their knowledge and needs. With the development of the social system, they were organized and shaped. In the days of the kingdoms, they were concentrated in the hands of absolute monarchs, and to the present day, they have been transformed into modern services on the basis of a specialized organizational system, which relies on scientific and professional knowledge and their achievements, as an important part with a special role in the state apparatus. Thanks to this reorganization, they were transformed, decentralized on departments and directions, with specific and sensitive missions and tasks.
assigned by the state. It means the intelligence service is an organization or agency dedicated to tracking, finding, collecting and analyzing information, which is then processed in detail to assist the government in making state orientations and decisions.

**Serbian intelligence service, BIA, structure and significance of its role in northern Kosovo**

As a successor to the UDB, and then to the RDB, BIA started operating as such in the summer of 2002. The Serbian Parliament adopted a law separating the State Security Service (serb. RDB - Resor Drzavne Bezbednosti - eng. Department of State Security) from the Ministry of Internal Affairs (MIA) and its transformation into a new, civilian controlled and designated agency as the Security and Information Agency (serb. BIA - Bezbednosno-Informativna Agencija).

This Law on the Security and Intelligence Agency and other sub-legal acts regulating the field of activity of the Agency entered into force through the National Assembly of the Republic of Serbia held on July 18, 2002 at an extraordinary session of the Fifth National Assembly where the law on the intelligence agency of the Republic of Serbia of 2002 was adopted. The Agency operates and performs its obligations in relation to the protection of the national security of the Republic of Serbia, with a view to detecting and preventing activities that threaten or disrupt the constitutional order of the Republic of Serbia. The task of this agency is also to track, detect, collect, process, analyze and classify secret security information that is important for the security of the Republic of Serbia, as well as to inform the competent state authorities regarding such data, as provided by article 2 of the law on BIA. The scope of BIA’s activities includes:

33. Counterintelligence activity; collecting, analyzing, processing and evaluating information on the activities of foreign intelligence services, individuals, groups and organizations in the territory of the Republic of Serbia acting against state security.

34. Intelligence activity where they should focus through activities carried out abroad and domestically on the collection, analysis, processing and evaluation of political, economic, security and military information of a foreign nature, political, military and economic associations and organizations that point to the goals and opportunities of hostile covert work directed against the national security of the Republic of Serbia.

35. Other security activities for the prevention of activities directed at the commission of organized crime, criminal offenses with elements inside and outside the borders of the State, against foreign terrorism, as well as serious offenses against humanity, international law and constitutional order.

The activity of Serbian intelligence services conducts its work in legal and illegal ways. This was a legal overview of the Serbian intelligence service even though the illegal activity of intelligence services in all countries of the world in their legislation has been qualified and criminalized by law as a criminal offense. Regarding the illegal activities of the Serbian intelligence service have long been known. The end of the war in Kosovo was considered to be the end of the wars in the former Yugoslav territory, where Kosovo was already in a very poor legal situation with a United Nations administration. The Serbian intelligence service, taking into account the opportunities and circumstances of Kosovo, immediately began using its own methods by engaging special teams to operate in parts of Kosovo, mainly in north parts populated by Serbs. The main target of these units was the ethnic cleansing of the northern territory so that in February 2000, in north of Mitrovica, thousands of Albanian citizens were
deported and dozens were killed. According to a report by the “UNMIK” - international administration in Kosovo, the units were coordinated by the Serbian intelligence service, including Serbian Police Chief Dragan Delibasic. After these cruel activities there were reactions from the contemporary civilized world. To accomplish its objective, the Serbian intelligence service changed its methods by applying the method of colonizing Albanian-inhabited neighborhoods through the acquisition of properties, in which collective buildings were built, which were donated to Serbs from all parts of the former Yugoslavia.

Table 1. The structure of the Serbian intelligence service with the Serbian Police in Kosovo (adapted, newspaper Koha, no. 4898).

The research report of the United Nations Mission in Kosovo (UNMIK) describes in detail a coordination of the Serbian Police with the intelligence agency BIA, through the offices of the secretariat of internal affairs (serb. SUP - Sekretarijat Unutrasnjih Poslova). The SUP that operated in Pristina is now based in Nis. The one that operated in Ferizaj is now based in Leskovac and so on. The SUP that operated in Pristina is now based in Nis. The one that operated in Ferizaj is located in Leskovac and so on. With an emphasis on the organizational chart presented, there is a description that deals with the Mitrovica region and the functioning of the SUP and is commanded in Kraljevo, Serbia, but due to circumstances in northern Kosovo there is also a facility there. Heads of offices and bodies are described in full names.

BIA has the same functional division as SUP. The BIA operating in Pristina reports to the SUP in Nis because it is responsible for Pristina. BIA agents operating in Ferizaj reports to SUP in Leskovac. BIA operating in Peja reports to SUP in Kragujevac, and so on. This clearly shows how a subversive activity is exercised by a state in another state that is not under its administration.

The report also mentions a special address of BIA in the north of Mitrovica, which is the café “VOZD” located in the city center.

This report concludes that there are three types of security services activities. Therefore, the Serbian police have been conducting regular police activities, illegally carrying weapons and explosives, as well as directed criminal activities of “war specialists and groups”.
This report assesses and qualifies members of the Serbian Police as executors of the murders. In order to achieve the desired goal since the end of the war in Kosovo, the Serbian government had invested a budget of more than one billion Euros and only in the Bosniak neighborhood (inhabited only by Albanians) north of Mitrovica, during the time period 2004 - 2010, more than 100 Albanian-owned homes in the north were purchased, where the demographic factor was radically reversed and changed for the benefit of the Serbs over a period of five years. The British prosecutor Maria Bamieh of the international mission during 2013 reported to EULEX (European Law Enforcement Mission in Kosovo) Chief of Justice S. Bonfigli that very sensitive intelligence had leaked from the mission and ended up in the Serbian Intelligence Information Agency (BIA).

According to security analysts, BIA still operates in Kosovo with an activity focused on Serb-populated settlements and on the protests being organized in Pristina, camouflaging among protesters. Serbia in Kosovo, according to some data, employs around 2000 agents and spies in the field, among them there are Albanians who extend their activity in political, economic, social life. The US and Germany had reacted to this through their officials, such as senior US official Philipe Gordon, who had asked the Serbian president to withdraw Serbian intelligence services from Kosovo.

In January 2015, according to some data and analysts, the Serbian intelligence service has been promoting, pushing and facilitating the mass migration of Kosovo Albanians. The significance of the role of Serbian intelligence service in weakening and destabilizing northern Kosovo.

The Serbian intelligence service has barricaded the streets of northern Kosovo. Serbian intelligence has led, coordinated and ordered all actions taken by Serbian parallel structures in northern Mitrovica. In this regard, it has also used the structures of the Serbian Police operating in the north to discover and gather information both on Albanians, organizations, Kosovo institutions, but also on international forces such as EULEX and KFOR, and other important personalities who have acted in Kosovo. The Serbian intelligence service also stood behind certain subversive actions against the legal and constitutional order of Kosovo, aiming to obstruct it. All of these data are based on this research paper with our research findings. According to the source, all actions of Serbia’s parallel structures against Kosovo and international institutions, EULEX - KFOR in the north, have been directed, commanded and ordered by Dejan Kompirovic, BIA chief for northern Kosovo.

“Kompirovic through BIA agents operating in northern Kosovo ordered actions such as placing barricades on the roads in northern Kosovo during 2011”. Kompirovic has an office on the third floor of the Police Station in the town of Kraljevo, in the neighboring Serbian state. “The BIA has directed, coordinated and ordered all actions taken by Serb parallel structures in northern Mitrovica and Kosovo, until the Brussels Agreement on the MUP incorporation into the Kosovo Police was reached, as they have acted illegally”. It is important to see the perception of the citizens' opinion about the Serbian intelligence service about the significance of its presence, the impact and the role that this intelligence service plays in the north of Kosovo. So according to this anonymous survey of different ages and professions with citizens of northern Mitrovica the questions asked were answered in different ways as you can see below in the table. So most of them responded with “yes” in question regarding presence of the Serbian intelligence service and its destabilizing role for peace and stability (security) in northern Kosovo".
Yes | No | I do not know | Destabilizing | Positive | Maybe
---|---|---|---|---|---
Have you heard of the Serbian Intelligence Service? 28 | 12 | | | | 70% 30%
Is the Serbian Intelligence Service present in the north? 28 | 11 | 1 | | | 70% 27.5% 2.5%
Did the Serbian Intelligence Service have an impact on the barricades in the north? 28 | 8 | 4 | | | 70% 20% 10%
What is the role of the Serbian Intelligence Service in your opinion? | | | | | 12 | 28 | 30% 70%
Does the presence of the Serbian Intelligence service jeopardizes peace and stability? 28 | 6 | 6 | | | 70% 15% 15%

**Table 2. The results of the survey questionnaire (January 2017)**

During our research, we have also conducted interviews with experts and persons who are in some form of knowledge of the security sector and in particular of the political and security circumstances in northern Kosovo. According to North Council Chairman Nazmi Ismajli, who represents the four most sensitive neighborhoods in northern Mitrovica, the Serbian intelligence service in the north had and has an impact on political and other social structures that have always aimed at destabilizing the security situation, because according to his opinion, it has always been impossible for citizens to organize barricades on their own, impede freedom of movement, impede the return and functioning of the institutions of the Republic of Kosovo in the north. Therefore, according to him, this intelligence service has had a destabilizing and threatening role for security in the north.

In this regard, international policy expert and at the same time deputy chairperson of the municipal assembly in northern Mitrovica, Emir Azemi, who graduated in the role of international security organizations, says that during the research on this topic, he found data in reports and other documents of the relevant field that the Serbian intelligence service operated in the north and had a destructive and destabilizing role in the north of the Republic.

On the other hand, the deputy commander of the Regional Police Directorate of North Mitrovica, Besim Hoti, during the interview spoke about the security situation, tensions and challenges during the extension of the institutions of the Republic of Kosovo, which have been manifested by radicalism or acts of violence.

Professor and security expert Avni Islami, for our interview, said “Coordinated and synchronized illegal actions in the north of Kosovo, failing all attempts by Kosovo institutions to extend their authority, as well as timely reporting and preventing any action by the authorities of our country is proof enough that without the operation of Serbian intelligence services it would not be possible for the illegal structures in the north to function. The role of
the Serbian intelligence service in northern Kosovo is to prevent Kosovo’s organizations and institutions from extending authority and jurisdiction in the north. Their objective is to obtain accurate information on any initiative and attempt, thus neutralizing them in any case and preventing the operation of the institutions of the state of Kosovo in the north of the country. Serbia’s intelligence services are interested in making Kosovo weak and unstable with fragile institutions, especially in the north. That part is the generator producing instability whenever Serbia needs it, whether for domestic consumption or for Kosovo-Serbia talks. This is made possible by the direction and coordination of Serbian intelligence services and the local political factor in the north. The Serbian intelligence service has been and remains active since the end of the 1999 war. This is made possible by the direction and coordination of Serbian intelligence services and the local political factor in the north. The Serbian intelligence service has been and remains active since the end of the 1999 war. The goal is to continuously intervene in all the pores of life in Kosovo, as a fragile Kosovo is wanted. I have said it once and will say again; the greatest danger for the Republic of Kosovo was and remains Serbia, which uses all the camouflaged means to destabilize our country and this is done through their intelligence services”.

The leaders of Serbian parties, Rada Trajkovic and Aleksandar Jablanovic, the latter leader of the Kosovo Serb Party, whose scope is mainly in the north of Kosovo, have declared to the media that they have been under tremendous pressure from Belgrade through criminal structures to neutralize them on the eve of Kosovo’s October 6, 2019 parliamentary elections. Although bilateral agreements have been reached between Serbia and Kosovo on the rehabilitation of parallel bodies of Serbian security structures, they are suspected of still playing a dual role under the guise of the Kosovo Police uniform. By order of the General Director of the Kosovo Police, six Serb Police Commanders were suspended for failing to comply with the orders of the Kosovo Police Central Command. The fact of their dual functions of receiving orders from the Serbian Police was acknowledged by the Minister of Internal Affairs of the Republic of Kosovo.

3. Pictures of Serbian institutions in northern Kosovo (September 15, 2019)

The pictures above show the presence of Serbian institutions in northern Mitrovica. Also, the cars with license plates of the parallel and fictitious municipality are clearly visible, when it is known that the territory is under the jurisdiction of Kosovo. With the mediation of the European Union, which was also a guarantor of implementation, an agreement was reached in Brussels on the abolition of these parallel institutions and rehabilitation in Kosovo institutions, but as seen above although this agreement was signed on April 19, 2013, it is not respected by the Serbian side.

Finally, we refer to intelligence services, where these services always find ways and methods of having access within and outside of the country in order to directly or indirectly influence the protection and promotion of political, strategic, economic, military and territorial interests. So, they choose neither the method nor the way in achieving the above-mentioned goals.
Conclusions

Conclusions drawn on the significance of the presence and role of the Serbian intelligence service based on the research question "what is the significance and role of intelligence information services in Kosovo", during this research paper, based on the findings through the research literature, electronic resources, field photos, through expert interviews and citizen surveys, we have been able to bring new insights into the significance of presence and the role of the Serbian intelligence service in the north.

Based on the hypothesis outlined above that the Serbian intelligence service has a destabilizing role in northern Kosovo, after repeated comparisons across many electronic sources, strategic documents, questionnaire sources and interviews, we conclude by confirming the hypothesis as correct. As key facts during this scientific paper we found that the Serbian intelligence service was and is very active in the various developments of political and security developments in the north because all these events according to the findings would not have been possible without a leadership, support and coordination by Serbian intelligence agencies. A clear proof was the post-independence developments where there were acts of violence and barricading for several years against the legal and constitutional order of Kosovo, where even today the bridge over the Iber River is closed for traffic. We think that during this scientific research paper we have highlighted the truth about the significance, presence and destructive and destabilizing role that the Serbian intelligence service had towards Kosovo with a particular emphasis on the north of the country.

Recommendations

Taking into account that the north of Kosovo with its constitution is an integral part of the Republic of Kosovo and the 2013 Brussels agreements on the dissolution of parallel security institutions, the country's institutions should take the following measures:

1. To identify the networks of agents and activities of the Serbian intelligence service.
2. To track and collect information on human resources capacity, logistics and economic capacity and to eliminate them.
3. To gather information on points of interest.
4. To prevent the effect of the criminal policies of the Serbian intelligence service through counterintelligence.
5. To present factual evidence to the international community on the significance of the presence and the destructive, destabilizing and threatening role of these structures.
6. To seek continuously from the international side as a guarantor for the implementation of the agreements reached in Brussels that these agreements are implemented.
7. In coordination with international organizations in Kosovo to dismantle and remove these intelligence structures from Kosovo.
References:

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7. http://ilirida.net/kosova-me-me-shume-agjente-nga-serbia-se-saxhiadiste
10. Newspaper, Koha Ditore, Nr. 4898, February 4, 2011, p.3

Interviews:

12. Interview with North Council Representative Nazmi Ismajli (North Council consists of representatives of Albanian neighborhoods in the north). The interview was conducted on September 5, 2019.
13. Interview with professor and security expert Mr.sc. Avni Islami. The interview was conducted via confirmed writing by e-mail on September 10, 2019.
14. Interview with international policy expert and at the same time deputy chairperson of the municipal assembly in north Mitrovica, Emir Azemi. The interview was conducted through audio recording on January 8, 2017.
15. Interview with the Deputy Commander of Regional Police Directorate of the North Mitrovica, interview conducted on January 7, 2017, through video recording.
16. Anonymous survey questionnaires with random residents in northern Mitrovica (10 random citizens were surveyed with a total of 40 questionnaires, including 4 neighborhoods inhabited by different communities).
TRAFFIC ACCIDENTS IN THE REPUBLIC OF KOSOVO FOR THE PERIOD 2014-2018

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Abstract. We are constantly informed of traffic accidents with fatal consequences, injuries and material damages, and thus people's lives are transformed into statistics, figures and graphs. We can conclude that fatalities on road traffic accidents reach a high level of serious consequences for family members, society and the state.

For the normal and safe development of traffic, there must be the necessary infrastructure, and when it comes to infrastructure we do not mean only the roads, but any physical object and system that directly or indirectly provides services in the interest of the general public, implying also the legal infrastructure that was lacking especially after 1998 and which still continues to be incomplete.

The number of fatal accidents is disturbing. Based on the statistics, Pristina region leads with 31% of fatal accidents in comparison with other regions. In terms of the number of accidents with injuries, Pristina region leads with 34.4%, while in number of accidents with material damage, leads with 48.1% compared to other regions. Road traffic fatalities are tragic cases, and based on numerous statistics and analysis worldwide, every year millions of people lose their lives and suffer injuries (figures range from 1.2 up to 1.3 million people in the world every year).

Based on the statistics of the Kosovo Police, it is clear that they are doing a professional job, but during the analysis of statistics and the conversation (survey method) with persons who bear the burden of responsibility in this area, there is an immediate need for health and life insurance, because we have no analysis of how many injured people have remained paralyzed or with severe health problems.

This issue remains to be analyzed in other periods, but it has been noted as a defect of our institutions that need to plan ahead and take stricter measures to prevent road traffic accidents.

Keywords: Road traffic, accidents, road infrastructure.

Overall situation of the road network in Kosovo

Kosovo is in the center of Southeast Europe, respectively in the Western Balkans, with an area of 10,887 km² and 1,739,825 inhabitants. The length of the Kosovo road network is 8534.1 km of paved roads which are generally in good condition (some of which are still under construction or reconstruction), out of which 140 km are international highway roads, 630.4 km are national roads, 1294.7 km are regional roads, while 6571 km are local roads. The number of motor vehicles registered in Kosovo for the period “January - December 2018” is 348297, while the number of driver's licenses issued for this period is 659145. The number of motor vehicles in Kosovo does not include the unknown number (to us) of motor vehicles used by international organizations and temporary visitors.
Among complex factors that influence the increase of road safety are Kosovo Police, and more specifically, the Division of Road Traffic, which plays an important role in the development of various strategies, operational plans and projects on road accident prevention. By analyzing the number of traffic accidents in Kosovo during the period 2014 - 2018 and “January - December 2018”; it can be noticed that the total number of accidents during the period 2014-2016 has increased, while during the period 2016-2018 has been decreasing. In this paper, more attention has been paid to the period of the last two years 2017/2018. During 2018 there were 15741 accidents, out of which the number of fatal accidents is 100, with 129 dead people, followed by the number of accidents with injuries which is 6217 and with a number of 12359 injured, while the number of accidents the most material damage is 9424 accidents.

The number of fatalities caused by accidents, per 1 million inhabitants in Kosovo in 2010 was 100 fatalities, compared to the EU average of 63 fatalities, while the number of fatalities caused by accidents, for 1 million inhabitants in Kosovo for 2018 there were 74 fatalities, compared to the average of EU countries which for 2017 was 50 fatalities.

Whereas, if we look at the comparison of traffic accidents in Kosovo during the period “January - December 2017/2018”, it can be noticed that the total number of accidents for this time period decreased by 11.04%, out of which the number of accidents with fatalities has decreased by 18.03%, followed by the number of accidents with injuries decreased by 2.71%, while the number of accidents with material damages decreased by 15.73%.

Of the total number of road traffic accidents for the period “January - December 2018”, the most common causes are: 18.5% unsafe driving, 17% failure to maintain safety distance, 16.7% failure to adjust speed to road conditions, 6.6% unsafe engaging in traffic and 6.2% turning-reverse movement.

The road safety situation in the Republic of Kosovo has been examined by analyzing the number and type of road traffic accidents, the number of dead and injured persons per 10,000 vehicles, per 100,000 inhabitants, per 1,000,000 inhabitants and comparing the safety trend and accidents in EU countries.

This paper contains: (a) the analysis and assessment of road traffic accidents for the period “January - December 2018”; (b) particular emphasis was put on the analysis of accidents with fatal consequences for the period “January - December 2018”; (c) conclusions and recommendations.

In the analysis of accidents with fatal consequences for the period “January - December 2018”, following data are included:
(1) fatal accidents and deaths; (2) fatal accidents by type of participants - dead persons; (3) fatal accidents by road category (4) fatal accidents by accident type; (5) fatal accidents by weekdays; (6) fatal accidents by time intervals; (7) Causes (drivers) of fatal accidents; (8) deaths in fatal accidents by age group; (9) fatal accidents by driver age group; (10) drivers of motor vehicles with or without a driver's license as well as non-domestic driver's license in fatal accidents; (11) the age of the vehicles involved in the accidents; (12) fatal accidents by road features; (13) fatal accidents under climatic conditions; (14) ethnicity of persons killed in accidents; (15) the causes of fatal accidents by gender; (16) the sex of the dead persons in fatal accidents; (17) Causes of accidents by national or international license plates vehicles.

At the end we have the conclusions and recommendations regarding the main causes and contributors to road traffic accidents, which concrete steps must be taken by all relevant stakeholders involved in road safety to improve the road safety situation in Kosovo, in order to reduce the overall number of accidents and to increase of road traffic safety.

**General statistics of road traffic accidents during 2011-2018**

By analyzing the numbers of road traffic accidents in Kosovo during 2011-2018, we present the following data:
<table>
<thead>
<tr>
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<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Fatal accidents</td>
<td>130</td>
<td>116</td>
<td>104</td>
<td>111</td>
<td>117</td>
<td>99</td>
<td>122</td>
<td>100</td>
<td>Decrease</td>
</tr>
<tr>
<td>Dead persons</td>
<td>157</td>
<td>121</td>
<td>119</td>
<td>127</td>
<td>129</td>
<td>110</td>
<td>137</td>
<td>129</td>
<td>Decrease</td>
</tr>
<tr>
<td>Accidents with injuries</td>
<td>4490</td>
<td>4555</td>
<td>4960</td>
<td>4876</td>
<td>5275</td>
<td>6130</td>
<td>6390</td>
<td>6217</td>
<td>Increase</td>
</tr>
<tr>
<td>Injured persons</td>
<td>8321</td>
<td>8561</td>
<td>9817</td>
<td>9713</td>
<td>10671</td>
<td>12009</td>
<td>12645</td>
<td>12359</td>
<td>Increase</td>
</tr>
<tr>
<td>Accidents with material damage</td>
<td>1338</td>
<td>1404</td>
<td>1387</td>
<td>1033</td>
<td>1114</td>
<td>1231</td>
<td>1118</td>
<td>9424</td>
<td>Decrease</td>
</tr>
<tr>
<td>Accidents ‘hit and run’</td>
<td>930</td>
<td>1039</td>
<td>1012</td>
<td>980</td>
<td>1185</td>
<td>/</td>
<td>/</td>
<td>/</td>
<td>/</td>
</tr>
<tr>
<td>Total</td>
<td>18888</td>
<td>19754</td>
<td>19954</td>
<td>16300</td>
<td>17722</td>
<td>18541</td>
<td>17695</td>
<td>15741</td>
<td>Increase</td>
</tr>
</tbody>
</table>

Table 1: Road traffic accidents during 2011-2018, where number of accidents during 2011/2013 had an increase of 5.64%, then there is a decrease of cases, compared to 2014/2018, we have a decrease of 3.42%.

Chart 1: Road traffic accidents during 2011-2018
Chart 2: Fatal accidents and fatalities during 2011-2018

Chart 3: Accidents with injuries and injured persons during 2011-2018
The number of motor vehicles registered in Kosovo for the period “January - December 2015” is 308,191, in 2017 there were 334,457 registered motor vehicles, while the total number of motor vehicles registered during 2018 was 348,297, which is an increase of 40106 vehicles or 13.01%.

During 2014 there were 182 road traffic accidents per 10,000 motor vehicles, while as a result of these road traffic accidents, 4 dead and 355 injured persons were registered. During 2017 there were 194 road traffic accidents per 10,000 motor vehicles, while as a result of these road traffic accidents, 4 people were killed and 378 injured per 10,000 motor vehicles. Whereas during 2018 there were 181 road traffic accidents per 10,000 motor vehicles, whereas as a result of these road traffic accidents, 3.7 dead and 355 injured persons were registered per 10,000 motor vehicles.

During 2015, there were 310 traffic accidents per 100,000 inhabitants and as a result of these accidents, 7 dead and 613 injured were registered. Whereas during 2016 there were 358 road traffic accidents per 100,000 inhabitants, while as a result of these accidents, 6 dead and 690 injured were registered.

During 2017, there were 374 road traffic accidents per 100,000 inhabitants, while 7.8 people were killed and 726 injured as a result of these accidents. While in 2018 there were 363 traffic accidents per 100,000 inhabitants, and as a result of these accidents, 6.9 people were killed and 642 injured.
accidents per 100,000 inhabitants, while as a result of these accidents, 7.4 people were killed and 710 injured.

<table>
<thead>
<tr>
<th>No.</th>
<th>Title</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>Total accidents</td>
<td>4987</td>
<td>5392</td>
<td>6229</td>
<td>6512</td>
<td>6317</td>
</tr>
<tr>
<td>a.</td>
<td>Per 100,000 inhabitants</td>
<td>287</td>
<td>310</td>
<td>358</td>
<td>374</td>
<td>363</td>
</tr>
<tr>
<td>II</td>
<td>Dead persons</td>
<td>127</td>
<td>129</td>
<td>110</td>
<td>137</td>
<td>129</td>
</tr>
<tr>
<td>a.</td>
<td>Per 100,000 inhabitants</td>
<td>7</td>
<td>7</td>
<td>6</td>
<td>7.8</td>
<td>7.4</td>
</tr>
<tr>
<td>III</td>
<td>Injured persons</td>
<td>9713</td>
<td>10671</td>
<td>12009</td>
<td>12645</td>
<td>12359</td>
</tr>
<tr>
<td>a.</td>
<td>Per 100,000 inhabitants</td>
<td>558</td>
<td>613</td>
<td>690</td>
<td>726</td>
<td>710</td>
</tr>
</tbody>
</table>

Table 3: Road traffic accidents per 100,000 inhabitants for the period 2014-2018.

During 2015, the number of fatalities due to road traffic accidents per 1,000,000 inhabitants was 74 fatalities, whereas during 2016 was 63.

During 2017 the number of fatalities due to road traffic accidents per 1,000,000 inhabitants was 78 fatalities, whereas in 2018 was 74

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</thead>
<tbody>
<tr>
<td>0</td>
<td>152</td>
<td>120</td>
<td>152</td>
<td>178</td>
<td>138</td>
<td>133</td>
<td>176</td>
<td>178</td>
<td>157</td>
<td>157</td>
<td>133</td>
<td>127</td>
<td>129</td>
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<tr>
<td>2</td>
<td>76</td>
<td>75</td>
<td>95</td>
<td>89</td>
<td>103</td>
<td>80</td>
<td>102</td>
<td>101</td>
<td>91</td>
<td>69</td>
<td>68</td>
<td>75</td>
<td>74</td>
<td>63</td>
<td>78</td>
<td>74</td>
<td>74</td>
</tr>
</tbody>
</table>

Table 4: Number of fatalities from road traffic accidents per 1,000,000 inhabitants divided by years for the period 2002-2018

Road deaths per 1 million Banor
Chart 5: Road traffic accidents per 1,000,000 inhabitants divided by years for the period 2002-2018

<table>
<thead>
<tr>
<th></th>
<th>Road deaths</th>
<th>Inhabitants</th>
<th>Deaths per mln. inhabitants</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>2017</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NO</td>
<td>106</td>
<td>5,258,317</td>
<td>20</td>
</tr>
<tr>
<td>SE</td>
<td>253</td>
<td>9,995,153</td>
<td>25</td>
</tr>
<tr>
<td>UK</td>
<td>1,783</td>
<td>65,808,573</td>
<td>3</td>
</tr>
<tr>
<td>CH</td>
<td>230</td>
<td>8,419,550</td>
<td>27</td>
</tr>
<tr>
<td>DK*</td>
<td>183</td>
<td>5,748,769</td>
<td>32</td>
</tr>
<tr>
<td>IE*</td>
<td>157</td>
<td>4,784,383</td>
<td>33</td>
</tr>
<tr>
<td>NL**</td>
<td>613</td>
<td>17,081,500</td>
<td>7</td>
</tr>
<tr>
<td>EE</td>
<td>48</td>
<td>1,315,635</td>
<td>36</td>
</tr>
<tr>
<td>IL*</td>
<td>321</td>
<td>8,796,800</td>
<td>36</td>
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<tr>
<td>DE*</td>
<td>3,177</td>
<td>82,800,000</td>
<td>38</td>
</tr>
<tr>
<td>ES*</td>
<td>1,827</td>
<td>46,528,024</td>
<td>4</td>
</tr>
<tr>
<td>FI*</td>
<td>223</td>
<td>5,503,297</td>
<td>41</td>
</tr>
<tr>
<td>MT</td>
<td>19</td>
<td>460,297</td>
<td>41</td>
</tr>
<tr>
<td>LU</td>
<td>25</td>
<td>590,667</td>
<td>42</td>
</tr>
<tr>
<td>AT*</td>
<td>413</td>
<td>8,772,865</td>
<td>47</td>
</tr>
<tr>
<td>SI</td>
<td>104</td>
<td>2,065,895</td>
<td>50</td>
</tr>
<tr>
<td>SK</td>
<td>276</td>
<td>5,443,120</td>
<td>51</td>
</tr>
<tr>
<td>FR</td>
<td>3,448</td>
<td>65,018,096</td>
<td>6</td>
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<tr>
<td>CZ</td>
<td>577</td>
<td>10,578,820</td>
<td>0</td>
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<tr>
<td>BE*</td>
<td>620</td>
<td>11,322,088</td>
<td>8</td>
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<td>IT*</td>
<td>3,340</td>
<td>60,589,445</td>
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<tr>
<td>CY</td>
<td>53</td>
<td>854,802</td>
<td>62</td>
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<td><strong>2010</strong></td>
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<td></td>
<td>Road deaths</td>
<td>Inhabitants</td>
<td>Deaths per mln. inhabitants</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NO</td>
<td>210</td>
<td>4,858,199</td>
<td>43</td>
</tr>
<tr>
<td>SE</td>
<td>266</td>
<td>9,340,682</td>
<td>28</td>
</tr>
<tr>
<td>UK</td>
<td>1,905</td>
<td>62,510,197</td>
<td>30</td>
</tr>
<tr>
<td>CH</td>
<td>327</td>
<td>7,785,806</td>
<td>42</td>
</tr>
<tr>
<td>DK*</td>
<td>255</td>
<td>5,534,738</td>
<td>46</td>
</tr>
<tr>
<td>IE*</td>
<td>212</td>
<td>4,549,428</td>
<td>47</td>
</tr>
<tr>
<td>NL**</td>
<td>640</td>
<td>16,574,989</td>
<td>39</td>
</tr>
<tr>
<td>EE</td>
<td>79</td>
<td>1,333,290</td>
<td>59</td>
</tr>
<tr>
<td>IL*</td>
<td>352</td>
<td>7,695,100</td>
<td>46</td>
</tr>
<tr>
<td>DE*</td>
<td>3,651</td>
<td>81,802,257</td>
<td>45</td>
</tr>
<tr>
<td>ES*</td>
<td>2,478</td>
<td>46,486,619</td>
<td>53</td>
</tr>
<tr>
<td>FI*</td>
<td>272</td>
<td>5,351,427</td>
<td>51</td>
</tr>
<tr>
<td>MT</td>
<td>15</td>
<td>414,027</td>
<td>36</td>
</tr>
<tr>
<td>LU</td>
<td>32</td>
<td>502,066</td>
<td>64</td>
</tr>
<tr>
<td>AT*</td>
<td>552</td>
<td>8,375,290</td>
<td>66</td>
</tr>
<tr>
<td>SI</td>
<td>138</td>
<td>2,046,976</td>
<td>67</td>
</tr>
<tr>
<td>SK</td>
<td>353</td>
<td>5,390,410</td>
<td>65</td>
</tr>
<tr>
<td>FR</td>
<td>3,992</td>
<td>62,765,235</td>
<td>64</td>
</tr>
<tr>
<td>CZ</td>
<td>802</td>
<td>10,462,088</td>
<td>77</td>
</tr>
<tr>
<td>BE*</td>
<td>841</td>
<td>10,839,905</td>
<td>78</td>
</tr>
<tr>
<td>IT*</td>
<td>4,114</td>
<td>59,190,143</td>
<td>70</td>
</tr>
<tr>
<td>CY</td>
<td>60</td>
<td>819,140</td>
<td>73</td>
</tr>
</tbody>
</table>
Table 5: Comparison of road safety EU-Kosovo for 2010 and 2017

Comparison of road traffic accidents over the period January - December 2014-2018

From the analysis of the number of road traffic accidents in Kosovo during the period “January - December 2017/2018”, we present the following data:

<table>
<thead>
<tr>
<th>Region</th>
<th>2017</th>
<th>2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>HCU</td>
<td>365</td>
<td>365</td>
</tr>
<tr>
<td>Kosovo</td>
<td>402</td>
<td>402</td>
</tr>
<tr>
<td>Pristina</td>
<td>457</td>
<td>457</td>
</tr>
<tr>
<td>Gjilan</td>
<td>478</td>
<td>478</td>
</tr>
<tr>
<td>Ferizaj</td>
<td>4.5</td>
<td>4.5</td>
</tr>
</tbody>
</table>

Road accidents with fatalities/ Road accidents with injuries/ Road accidents with material damage categorized by regions and HCU

<table>
<thead>
<tr>
<th>Region</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kosovo</td>
<td>97</td>
<td>50</td>
<td>103</td>
<td>117</td>
<td>63</td>
</tr>
<tr>
<td>EU2</td>
<td>25,249,976,194,3</td>
<td>25,249,976,194,3</td>
<td>25,249,976,194,3</td>
<td>25,249,976,194,3</td>
<td>25,249,976,194,3</td>
</tr>
<tr>
<td>HCU</td>
<td>233</td>
<td>365</td>
<td>365</td>
<td>402</td>
<td>402</td>
</tr>
<tr>
<td>Pristina</td>
<td>743</td>
<td>815</td>
<td>815</td>
<td>815</td>
<td>815</td>
</tr>
<tr>
<td>Gjilan</td>
<td>128</td>
<td>138</td>
<td>138</td>
<td>141</td>
<td>141</td>
</tr>
<tr>
<td>Ferizaj</td>
<td>137</td>
<td>156</td>
<td>156</td>
<td>175</td>
<td>175</td>
</tr>
<tr>
<td>Year</td>
<td>2014</td>
<td>%</td>
<td>2015</td>
<td>%</td>
<td>2016</td>
</tr>
<tr>
<td>------</td>
<td>------</td>
<td>-----</td>
<td>------</td>
<td>-----</td>
<td>------</td>
</tr>
<tr>
<td>Highway</td>
<td>248</td>
<td>1.52</td>
<td>98</td>
<td>0.55</td>
<td>163</td>
</tr>
<tr>
<td>National road</td>
<td>393</td>
<td>24.1</td>
<td>4406</td>
<td>24.8</td>
<td>4357</td>
</tr>
<tr>
<td>Regional road</td>
<td>1321</td>
<td>8.10</td>
<td>1328</td>
<td>7.49</td>
<td>1323</td>
</tr>
<tr>
<td>City/Urban</td>
<td>920</td>
<td>56.4</td>
<td>1000</td>
<td>56.4</td>
<td>1050</td>
</tr>
<tr>
<td>Village/Rural</td>
<td>1279</td>
<td>7.84</td>
<td>1625</td>
<td>9.16</td>
<td>1892</td>
</tr>
<tr>
<td>Other</td>
<td>319</td>
<td>1.95</td>
<td>263</td>
<td>1.48</td>
<td>302</td>
</tr>
<tr>
<td>Total</td>
<td>1630</td>
<td>0</td>
<td>1772</td>
<td>2</td>
<td>1854</td>
</tr>
</tbody>
</table>

Table 6: Comparison of accidents for the period “January - December 2014/2018”

Overall statistics of road traffic accidents over the period “January - December 2014-2018”
Table 7. Road traffic accidents by road category for the period January - December 2014-2018

<table>
<thead>
<tr>
<th>Year</th>
<th>2015</th>
<th>%</th>
<th>2016</th>
<th>%</th>
<th>2017</th>
<th>%</th>
<th>2018</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monday</td>
<td>2849</td>
<td>16.07</td>
<td>3031</td>
<td>16.3</td>
<td>2696</td>
<td>15.2</td>
<td>2521</td>
<td>16</td>
</tr>
<tr>
<td>Tuesday</td>
<td>2615</td>
<td>14.75</td>
<td>2730</td>
<td>14.7</td>
<td>2607</td>
<td>14.7</td>
<td>2279</td>
<td>14.4</td>
</tr>
<tr>
<td>Wednesday</td>
<td>2596</td>
<td>14.64</td>
<td>2682</td>
<td>14.4</td>
<td>2662</td>
<td>15</td>
<td>2233</td>
<td>14.1</td>
</tr>
<tr>
<td>Thursday</td>
<td>2615</td>
<td>14.75</td>
<td>2705</td>
<td>14.5</td>
<td>2570</td>
<td>14.5</td>
<td>2301</td>
<td>14.6</td>
</tr>
<tr>
<td>Friday</td>
<td>2630</td>
<td>14.84</td>
<td>2832</td>
<td>15.2</td>
<td>2665</td>
<td>15</td>
<td>2465</td>
<td>15.6</td>
</tr>
<tr>
<td>Saturday</td>
<td>2394</td>
<td>13.50</td>
<td>2564</td>
<td>13.8</td>
<td>2496</td>
<td>14.1</td>
<td>2141</td>
<td>13.6</td>
</tr>
<tr>
<td>Sunday</td>
<td>2023</td>
<td>11.41</td>
<td>1997</td>
<td>10.7</td>
<td>1999</td>
<td>11.2</td>
<td>1801</td>
<td>11.4</td>
</tr>
<tr>
<td>Total</td>
<td>17722</td>
<td>18541</td>
<td>17695</td>
<td>15741</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Table 8: Road Traffic Accidents by weekdays for the period January - December 2015 - 2018

ANALYSIS OF THE FATAL ACCIDENTS OCCURRED DURING TIME PERIOD JANUARY - DECEMBER 2017/2018

From the analysis and comparison of the number of accidents in Kosovo over the time period January - December 2017/2018, we present the data for fatal accidents during this time period, as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>Fatal road accidents</th>
<th>Fatalities</th>
</tr>
</thead>
<tbody>
<tr>
<td>January-December 2017</td>
<td>122</td>
<td>137</td>
</tr>
<tr>
<td>January-December 2018</td>
<td>100</td>
<td>129</td>
</tr>
</tbody>
</table>

Table 11: Fatal accidents for the time period January - December 2017/2018
<table>
<thead>
<tr>
<th>Year</th>
<th>HCU</th>
<th>Prishtinë</th>
<th>Gjilan</th>
<th>Ferizaj</th>
<th>Pritren</th>
<th>Gjakovë</th>
<th>Pejë</th>
<th>Mitrovica South</th>
<th>Mitrovica North</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2017</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>2018</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>%</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>&quot;Out of 50 drivers:&quot;</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cyclists</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Drivers</td>
<td>4</td>
<td>4</td>
<td>1</td>
<td>1</td>
<td>3</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>Passengers</td>
<td>6</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>3</td>
<td>3</td>
<td>5</td>
</tr>
<tr>
<td>Total</td>
<td>14</td>
<td>6</td>
<td>5</td>
<td>3</td>
<td>1</td>
<td>9</td>
<td>12</td>
<td>12</td>
<td>12</td>
<td>14</td>
</tr>
</tbody>
</table>

Table 12: Fatal accidents by type of participants - victims in road accidents for the period January - December 2017/2018

<table>
<thead>
<tr>
<th>Road category</th>
<th>HCU</th>
<th>Prishtinë</th>
<th>Gjilan</th>
<th>Ferizaj</th>
<th>Pritren</th>
<th>Gjakovë</th>
<th>Pejë</th>
<th>Mitrovica South</th>
<th>Mitrovica North</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Year</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
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<tr>
<td>2017</td>
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<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>%</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>High way</td>
<td>6</td>
<td>3</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>6</td>
</tr>
<tr>
<td>National road</td>
<td>7</td>
<td>2</td>
<td>16</td>
<td>16</td>
<td>7</td>
<td>3</td>
<td>6</td>
<td>4</td>
<td>2</td>
<td>20</td>
</tr>
<tr>
<td>Regional road</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>3</td>
<td>0</td>
<td>2</td>
<td>2</td>
<td>0</td>
<td>1</td>
<td>4</td>
</tr>
<tr>
<td>City/Urban</td>
<td>0</td>
<td>0</td>
<td>7</td>
<td>6</td>
<td>1</td>
<td>2</td>
<td>2</td>
<td>0</td>
<td>4</td>
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</table>
### Table 13: Fatal accidents by road category for the time period January - December 2017/2018

<table>
<thead>
<tr>
<th>Type of accident</th>
<th>HCU</th>
<th>Prishtina</th>
<th>Gjilan</th>
<th>Prizren</th>
<th>Peja</th>
<th>Mitrovica South</th>
<th>Mitrovica North</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Car-Pedestrian</td>
<td>4</td>
<td>1</td>
<td>11</td>
<td>3</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>Truck-Pedestrian</td>
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<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Car-Bicycle</td>
<td>0</td>
<td>2</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Vehicle-Motorcycle</td>
<td>0</td>
<td>0</td>
<td>5</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Bus-Car</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Bus-Pedestrian</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Car-Car</td>
<td>1</td>
<td>1</td>
<td>7</td>
<td>3</td>
<td>3</td>
<td>1</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>Car-Truck</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Self-accident</td>
<td>3</td>
<td>2</td>
<td>9</td>
<td>7</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>8</td>
</tr>
<tr>
<td>Train-Car</td>
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<td>0</td>
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<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Car</td>
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<td>0</td>
<td>0</td>
<td>0</td>
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<td>0</td>
<td>0</td>
<td>0</td>
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</tbody>
</table>

Local

<table>
<thead>
<tr>
<th>Year</th>
<th>2017</th>
<th>2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Car-Pedestrian</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Truck-Pedestrian</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Car-Bicycle</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Truck-Motorcycle</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Bus-Car</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Bus-Pedestrian</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Car-Car</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Car-Truck</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Self-accident</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>Train-Car</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Car</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

Railway

<table>
<thead>
<tr>
<th>Year</th>
<th>2017</th>
<th>2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Car-Pedestrian</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Truck-Pedestrian</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Car-Bicycle</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Truck-Motorcycle</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Bus-Car</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Bus-Pedestrian</td>
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<td>0</td>
</tr>
<tr>
<td>Car-Car</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Car-Truck</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Self-accident</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>Train-Car</td>
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<td>0</td>
</tr>
<tr>
<td>Car</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>
Conclusions

Road traffic safety is a major challenge faced by almost all developed and developing countries. In this respect, Kosovo ranks at an average place in terms of number of accidents compared to road infrastructure, number of vehicles and population. Fatalities and injuries resulting from road traffic accidents are very serious given the continued increase of the number of vehicles in use in Kosovo. In order to invest in road safety in our country, society must always have an active participation and all relevant stakeholders must be accountable in fulfilling their obligations.

The average number of fatalities, per one million residents, as a result of accidents during the year 2017 for all EU countries was 50, while in Kosovo this number was 78. According to the statistics of the total number of road traffic accidents in Kosovo in 2018, the highest accident rate is as follows:

- 54.8% of road traffic accidents occurred in the city.
- 16% of road traffic accidents occurred on Monday.
- 31.9% of road traffic accidents occurred between time interval of 14:00 and 18:00 hours.
- 18.5% of road traffic accidents were caused by unsafe driving.

According to the statistics of the total number of road traffic accidents in Kosovo in 2018, the highest accident rate is as follows:

- 40% of road traffic accidents were caused by vehicle-pedestrian.
- 34% of road traffic accidents occurred on national roads.
- 27% of road traffic accidents by accident type were vehicle-pedestrian.
- 18% of fatal road traffic accidents occurred on Sunday.

Table 14: Fatal accidents by accident type for the time period January - December 2017/2018
In order to increase traffic safety, Kosovo institutions such as: Ministry of Internal Affairs, Kosovo Police, Ministry of Infrastructure, are inspecting the state of road infrastructure and identifying “black spots” where there were ongoing accidents. As it is known, the main factor of traffic accidents is the human factor, so in order to raise public awareness in the prevention of traffic accidents, different activities were conducted in television, magazines and schools. Organizing these activities is done in cooperation with central/local institutions, international mechanisms, NGOs and the media.

Based on the statistics of the Kosovo Police, it is clear that they are doing a professional job, but during the analysis of statistics and the conversation (survey method) with persons who bear the burden of responsibility in this area, there is an immediate need for health and life insurance, because we have no analysis of how many injured people have remained paralyzed or with severe health problems. This issue remains to be analyzed in other periods along with life and health insurance companies, but it has been noted as a defect of our institutions that need to plan ahead and take stricter measures to prevent road traffic accidents.

Road traffic safety is a major challenge faced by almost all developed and developing countries.

Recommendations

1. To take measures to increase road safety based on the Road Safety Strategy (approved by the Government of Kosovo in September 2015) and the Road Safety Action Plan.
2. To inspect the condition of roads, vertical and horizontal signaling, lighting and other road elements throughout the road network in the Republic of Kosovo, and to take into account the reports on the state of the road infrastructure drafted by Kosovo Police and according to the given recommendations to take concrete actions in providing road safety.
3. To conduct an audit of road safety projects, road safety inspection and identification, treatment and elimination of dangerous spots, in order to improve the road network in the Republic of Kosovo.
4. To consider deployment (as soon as possible) of digital equipment on national and local roads for monitoring, controlling and evidence of traffic offenses, which contribute to increasing overall safety, and in particular road traffic safety.
5. To pay greater attention to cooperation with the media, by informing road participants about the state of the road network, the flow of motor vehicles throughout the territory in the event of road congestion and deviation for various reasons, and in particular advising road participants in the implementation of relevant laws and restrictions imposed in order to avoid road traffic accidents.

6. To proceed with projects to raise awareness of all road traffic participants on road safety, by all stakeholders involved in road safety.

7. To deploy static radars on all regional roads and highways.

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