

# The Nature of Origin of New Criminal Occurrences in Gjakova Region: Cultural and Criminological “Intersection” in 1999-2009

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**Abstract**—The transition period of Kosovo society brought fundamental changes in all the spheres of organizing life. This was the period when also in the cultural tradition the biggest movement and an emerging from ‘isolation’ or from the ‘shell’ occurred. Transformation of the traditional and embracing of the modern began here. The same was experienced and is currently being experienced also by Gjakova and its surrounding which is historically renowned for its great tradition and culture.

The population of this region is actually facing a transition from the traditional system into the modern one and quite often with huge leaps.

These ‘movements’ or ‘evolutions’ of the society of this region, besides the numerous positive things it ‘harvested’, also brought things that do not at all correspond with their tradition as well as new criminal occurrences which in the past were not present in this area. Furthermore, some of the ‘new’ behaviors that are embraced from other ‘cultures’ and ‘civilizations’, and which are often exceeded, are quite perturbing. The security situation is also worrying, particularly following the appearance of some new criminal occurrences.

Therefore, with this research paper we will strive to analyze the new cultural “intersections” as well as the nature of the origin of some new very worrying criminal occurrences. We will present there also some factors inciting into these occurrences, which were confessed by the persons involved in these criminal occurrences and who come from this very region.

**Keywords**—Crime, culture, Gjakova region, occurrence.

## I. INTRODUCTION

**G**JAKOVA with its surrounding is located in the southwest of the Republic of Kosovo, in geographical position of 42.39° north and 20.43° east. It occupies the central part of Dukagjini plain and it has 586 km<sup>2</sup> in an altitude of 365 m and it consists of 88 inhabited areas.

Kosovo society has gone through many changes in the last decade of the last century and the beginning of this century. These changes are a result of the last war in Kosovo (1998-1999); including massive displacement of the population, enormous material damages and the beginning of a new history through a democratic organizing of the society which started in circumstances of a transition and was managed and governed by the international factor.

Changing of economic and social conditions, most recent technological changes in particular, in all domains of social life also impose a change in culture and tradition, be that in a

positive or a negative way and this is an unceasing process. Another change in culture and tradition may also come from the reaction of the state itself, or that of the society, through different measures [12]. This is exactly what Kosovo society and Gjakova region as well experienced after the war of 1999.

Such movements reflected significantly in this region, be that in the way of social organizing or in manifestation of criminal phenomena. The mentioned changes brought in a new perspective. There is now no more a society closed within the family or tribe circle where every individual had to perform tasks similar to the other one’s in order to contribute to family, tribe and society.

Based on the structural structuralism of A. Radcliffe-Brown, who maintained that *mankind societies are in a way like living organisms* [2], where the organs, by way of their functions, play their role in maintaining the process of living, it is necessary that the connections between individuals and groups function like a “body” [2], with the purpose of maintaining the balance of the society.

One of the factors that contribute in keeping the groups united as one common “body” for a social and societal stability is also the level of criminality present in the region. Criminality, being an occurrence harmful and dangerous to the society, has been the epicenter of many philosophers and scientists from time immemorial. Thus, with regard to this occurrence and its causes *it is started since the ancient times of ancient Greek philosophers* [7], there were older opinions though, to continue to the present date. Therefore, many opinions and theories have been presented to the date. One of the scholars that delved into this occurrence was also Jean-Jacques Rousseau who maintained that the causes of criminality and ways of impeding the same are contained within the conditions and social circumstances of perpetrators of criminal offences. According to him, a person is not born as such; instead, he is driven to engage in and perform criminal behavior by the society and social environment, socio-political circumstances and conditions [7].

This view corresponds also with the current reality in Gjakova region. Based on this reality, we currently have concrete criminal behavior and criminal activities, and which are as a result of social environment, social and political conditions and circumstances, such as: criminal offences of usurpation of other persons’ property, trafficking in human beings, commissioning Albanian women in off-the-limit bars, etc. The above-mentioned criminal offences are offences that were not present in the past neither in the tradition of the

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region nor in that of Gjakova, in particular; whereas at the present time those are the most common criminal offences which accordingly produce numerous social problems.

Therefore, like in every society in transition, in Kosovo as well, the occurrence of criminality is highly dramatic and it must be paid due attention in its democratic progress. However, besides the police and juridical side of combating this occurrence, we are of the opinion that *the cultural analyses* of criminality may significantly help in basic understanding of its nature in Kosovo and subsequently, a more efficient frontal fight against it. So, criminality, being a negative social occurrence, cannot be successfully prevented if the causes and conditions of its appearance are not known, particularly if the factors that determine it are not studied and analyzed [14].

As well as Vasilika Hysi, relating to the factors which indicate in criminality, says: "By way of research, study, analyzing and etiological explanations, one may come to conclusions and find the essential factors which affect the appearance of criminality, as well as identify the adequate selection of means and methodologies in preventing and fighting the same." [10].

The tendency of development of criminality has lately changed compared to the past, by expanding in sizes which go beyond nature of the cultural, customary and heritage tradition which were traditionally present in Albanian realm, by establishing contact with the criminal networks of different natures within the country and abroad as well. Such a tableau is reflected in the social reality in Gjakova Region.

## II. IDENTIFYING AND ANALYSING THE ORIGIN OF NEW CRIMINAL OCCURRENCES VIEWED FROM THE ANTHROPOLOGICAL ASPECT OVER THE CULTURAL ELEMENTS

Culture refers to the entire way of living of members of a society [4].

The anthropology and history of Albanian people in Gjakova, as an autochthonous people and successors of Illyrians, presents a history of its own, which besides being vehement not only for itself but also for other peoples in the Balkans and in Europe, is also very glorious. This is supported also by the archaeological findings which prove "a thriving life in this region since the pre-historic time up to the medieval time [19].

According to Prof. Masar Rizvanolli, Gjakova has a rich tradition in education and culture, a tradition that began with the commencing of civic life in it [15].

Nevertheless, "*One must bear in mind that a culture is dynamic and subject to constant change, while in the meantime new or repeated pressure is exercised over it*" [11].

The fact that culture accompanies all humankind societies and is present in every person, is also stated by N. V. Falasku, according to whom: "We have always believed and written that culture belongs to entire mankind, regardless if during the course of centuries it prospered more in a specific area than in another one of our planet. It is the climatic, historic and political factors that change the direction of development of events as per geographical or cosmic changes, by changing the

direction of culture, sometimes quit furiously and sometimes gradually, with waves, to different paths or in different roads." [3].

Likewise, Albanian people of Gjakova and its surroundings, despite many challenges in history, managed to survive together with their tradition and culture. According to Prof. Shevqet Canhasi, Owing to this spiritual community based on kinship and tribe they managed to preserve intact from their occupiers their language, customs, tradition, costumes, their way of living and their Albanian songs and dances. In preserving of this folk culture in the line of freedom-seeking and liberation traditions, the Gjakova highlanders did neither spare their blood nor lives. Owing to these traditions, these areas were practically not occupied by the age-long occupiers [1].

However, the last changes brought in a new perspective. There is now no more that society closed within their family and tribal circle, where every individual had to perform tasks similar to those of the others in order to contribute to the family, tribe and society. But, this exact new perspective, besides the positive novelties, also brought in things which actually do not correspond with the age-long tradition of this area. Though we live in a society of plentiful economic and technological developments [9], a society of high-level civilization and culture, it has still not been achieved to explain as to why the criminal behavior has turned into a serious threat to the society – on the contrary, such developments have further brought new forms of crime.

Gjakova and its surrounding have experienced and are still experiencing such a thing. Thus, after the end of the war in 1999, like all over Kosovo, Gjakova also transitioned from one closed-type system to an open-type and democratic system. This transition was supported and monitored by the international factor, through different organizations which covered all the necessary domains for establishing, building and developing of life based on a democratic system.

Besides the good and positive things such introduction of new life circumstances also brought along the introduction of new phenomena in the field of criminality in this region. It even brought many occurrences and phenomena that never existed in the past in this region. On the other hand, those that were part of this society until now, continued further on but with more advanced modifications in the field of crime. Thus, the post-war period, except for advancing the previous occurrences it introduced criminal occurrences from the most recent technology to those that were never observed in the Albanian tradition and culture of this area.

With reference to these phenomena, we can hold the opinion that today Gjakova and its surrounding faces with: **traditional criminal (advanced) occurrences** and **new criminal occurrences**.

Within these criminal occurrences we distinguish: Murder (enigmatic) and Robberies and Theft in the Nature of Robbery, Illegal Usurpation of Property, Abduction and Kidnapping, Organized Crime, Intrusion into Computer Systems, Domestic Violence and Divorce, Narcotic Offences, Causing General Danger, Trafficking in Human Beings and

Prostitution, Games of Chance, Racketeering and Usury, Blackmail, Suicide and Attempted Suicide, etc.

All these offences are evident in the entire region of Gjakova and they are evidenced in the registers of the prosecution office and the law enforcement authorities. So, these are referred to the criminological map of this region.

TABLE I

STATISTICAL TABLE ON SOME OF CRIMINAL OCCURRENCES REPORTED FROM 1999 UNTIL 2012, AS PER REGIONAL DIVISION OF GJAKOVA AND ITS SURROUNDING

Offence	Gjakova	Hasi Region	Dushkaja Region	Rekae Keqe Region	Total
Murder	30	19	8	6	63
Attempted Murder	46	14	21	12	93
Suicide	30	8	12	5	55
Attempted Suicide					181
Domestic Violence	142	13	22	15	192
Robbery & Attempted Robbery	136	28	20	24	208
Causing General Danger	53	5	3	12	73+
Kidnapping	43	7	12	14	83
Rape & Offences against sexual integrity	33	3	4	3	43
Narcotics and Psychotropic substances	84	4	5	7	100
Trafficking in Human Beings	16	1	1	6	24
Missing Persons	125	15	15	17	172
Usurpation of Property	13		2	1	16
Intrusion into Computer System	4			1	5

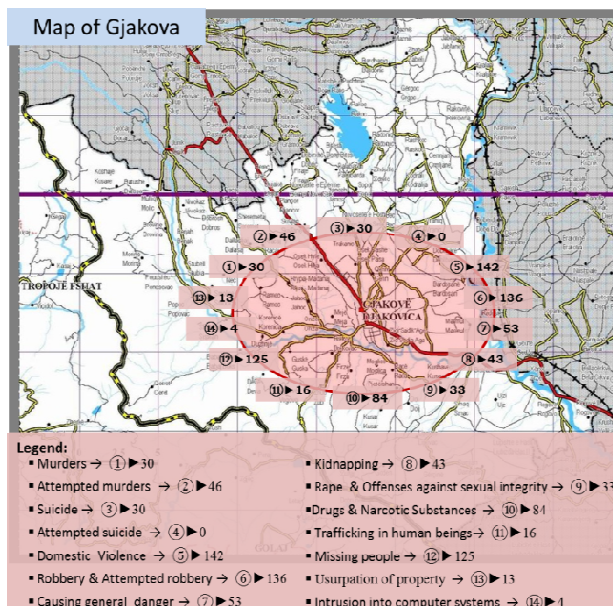


Fig. 2 Map of criminality in Gjakova and rural areas

What is the division into traditional advanced crimes and in new criminal occurrences?

Referring to a field research, on which occasion twelve citizens of all social categories were interviewed, as well as twelve convicted persons for being involved in new criminal occurrences, it results that: *“We really do have a concerning situation in the aspect of security because of introduction of new criminal occurrences, implying that nowadays also some of the crimes that were present in the past have become modernized now.”*

According to them, if we take for example the criminal offence of murder, it is known that such cases were present in the past as well, starting from the less aggravated to the most aggravated ones. Although there were cases that had never been shed light upon, the actual such offences are far more horrible and they do go beyond the Albanian tradition. The society of this territory is currently facing numerous enigmatic murders, murders committed while wearing masks and even murders committed in the presence of children, of the wife or even murders committed in public spaces endangering thus people regardless of their age of sex. According to field analyses and based on citizens themselves, most of the causes derive from dirty business or due to different affiliation, and rarely for vengeance or for property issues (even those currently involved for property issues are mainly for usurpation of other persons’ properties and not for their own ones).

Also, another worrisome new criminal offence for this region is the occurrence of masked and armed robberies. In the past there were known cases of robberies committed by “Outlaws” in the mountains, but there were never cases when armed and masked persons entered residences, bound hand and foot all members of the family and ill-treated them mercilessly and without any exemption until they found their

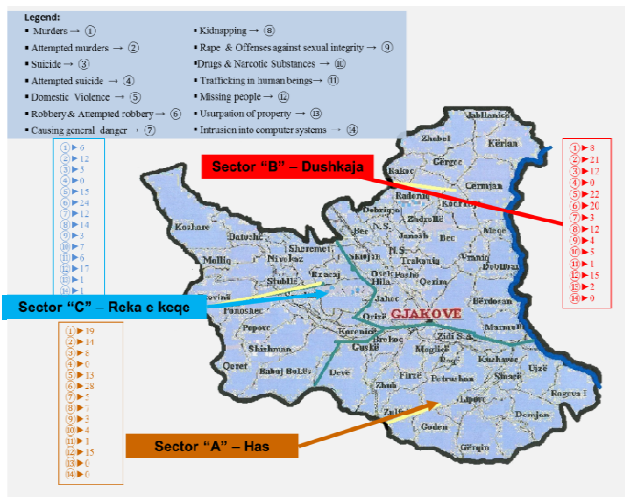


Fig. 1 Map of criminality in Gjakova and rural areas

“prey” and then fled from the scene leaving the victim tied up. Then, there is the occurrence of robbing of elderly persons and females in public area by managing to grab their purse, jewelry or other valuables. Even more perturbing are cases of “night robberies” when masked and armed persons block the roads and stop anyone moving in that direction by robbing any of their valuable belongings, regardless if there are elderly persons, women, pregnant women or children there. Those who confronted or did not comply with their “orders” were even shot at from firearms. This is proven by the statistics of cases registered with the police and prosecution office.

On the other hand, there appear completely new occurrences and many in number, such as domestic violence, trafficking in human beings having as victims even the girls from this territory, use of narcotic substances, causing general danger by setting aflame properties and all the way to attacks with explosive devices. Such cases are evident since the end of 1999 and onwards and in huge extent, without sparing and/or selecting the target and those around it.

Though all these are sanctioned by current laws in force, they actually remain concerning as they produce insecurity for the citizens and for his/her property.

Based on the previous practice, although there were no sufficient laws, public order was maintained based on customs and code (‘kanun’) norms, such things were not present in the society. According to persons who committed similar offences, “it was a problem in the past to commit any kind of crime, not only because of revenge but also because of the punishment of the society, for smearing and labeling of the family was much worse than serving today many years in prison”.

These circumstances must be treated with care with the best intent to develop the society in the same pace with the reality by being correct with what is requested. N.V. Falasku explains this very justly in her writing when she says: the concept of universality of culture is not to appropriate it as whole; preliminary opinions and bigotry often blur the mind by making us short-sighted and biased [3].

#### *A. Affecting and Encouraging Factors in Introduction of Socially Dangerous Occurrences*

Criminal factors are all those causes, conditions and circumstances that affect the appearance of criminality and various criminal behaviors in a society [8].

The phenomenon of criminality has its roots since the ancient times and it follows human society unceasingly. Depending on the evolution of the society the trend of crime develops. Various researchers have dealt with this issue. Initial explanations were parting and fragmentary; they were presented in paper researches but in full extent. According to Professor R. Halili, “German and Austrian authors specifically distinguish in this matter.” [6] Numerous and various opinions and theories were presented by renowned researchers of this field with regard to criminality since the ancient times and which continue to the present date. Different researchers provided differing definitions as well as approximate ones. This is also maintained by Professor I. Salihu, according to

whom: “although they agree in the general definition of phenomenology, there are certain differences amongst them” [18].

Among many scholars, J. Pinatel also provided his assessment on criminality and according to him the criminal phenomenology studies external forms of criminal behavior and the way of living of a delinquent [17]. While the author Milutinovič highlights that criminal phenomenology studies the forms of occurrence, structure, structural differences and the dynamics of criminality [16].

Based on the opinions and criminological literature, the opinion that only unstable social classes of poor economic status deal with criminality prevailed for a long period of time. However, this theory is dismissed as lately the highest social classes of have been involved in criminality. Hence, criminality knows no borders, neither in sex nor in age or economic status and classes. Nevertheless, the types of crime differ and that exactly in age, sex, class and personality.

Opinions and theories in relation to combating and preventing criminality have ‘moved’ along societal developments over history.

Thus, according to Professor A. Hajdari, “Resolving, fighting and prevention of criminality, as an occurrence harmful to the society, cannot be accomplished successfully without knowing the causes and conditions that determine its occurrence” [5].

One of the main measures in fighting criminal occurrences is identification of factors that prompt individuals in committing crimes. This is also presented by Kupçević-Mladenović R. who holds the opinion that “by way of etymological research, study, analyses and explanations one can come up with conclusions and to find the essential factors that influence the occurrence of criminality and also to come up with adequate solutions and methods in fighting and preventing crime” [13].

#### 1) Representation of Transcribed Interviews

Precisely referring to this opinion, i.e. the essential factors that influence the occurrence of criminality, with regard to the criminal occurrence in Gjakova region, in particular the new criminal occurrences which do not correspond with the tradition and culture of this territory, based on the field research conducted by way of semi-structured interviews with different persons, with officials and different managers, with religion headmen and intellectuals, as well as with persons of different ages and sexes who are convicted of crime, it results as following:

#### • Assessments Obtained from Interviewing Various Citizens

##### *In relation to premises of casinos and games of chance:*

“Yes, especially cases of games of chance, which are open at non-appropriate locations such as near the schools, at the city centre, near religious buildings, and adding to it the free entrance of young people without verifying their age, and who later not only lose their wealth, but they automatically also lose their families. There were also cases of persons who lived

with a social assistance of 70 Euros and on the very day they received this social assistance they lost it in gambling. Then, being unable to win back that money, they usually exercised violence in their families, their children and wife and even against their parents. It was unimaginable for us that a person would beat up his parents.”

Another person says, “In developed countries casinos are monitored and allowed for a certain category of rich people, whereas poor countries that are in a stage of transition as is the case with Kosovo, they only bring harm to our society.”

With regard to how much it can be won in games of chance, we have the following assessment: “I believe that games of chance are one of the worst elements that influence most the young persons, the new generations, to come to the problem... Anyone person who enters the premises of games of chance believes that he will win. When a person loses money in games of chance then it comes to scuffles, injuries, robberies and perhaps even murders. When a person loses his money he strives to take it back by all means. On top of that there is the issue of the family. Perhaps we may be mistaken, as there were no data in the past or we simply did not have any information that domestic violence existed.”

“When unemployment rate is high, by permitting these games crime is stimulated, because people assume that they can come to an amount of money through such games. There were such cases when people left their house as pawn – I will give/sell you the house until I get the money. He then loses the money, the house and his life through usury. These led to murders and suicides. There were cases when persons were shot dead because of debts. The state could have prevented these premises, at least not license them near the school buildings or other institutions, and not now 15 years later we suffer the consequences.”

*The Following is Assessed in Relation to Night Premises/Bordellos:*

“Yes, there have been such cases when for a certain period of time the person cohabited with a woman and afterwards he continued his life with his wife. There were cases when he drove the wife on the verge of suicide.”

“During the conversation and consultation with these women, we find out that there are many factors that impact these cases. There are cases when they attempt to hide the fact that their husbands gamble, deal with prostitution or are consumers of narcotic substances. Working with these persons indicates that people are still not ready to discuss on such cases. They hide them and this indicates that another period of time must go by before people are ready to discuss openly on such issues.”

“Yes, we’ve had cases when the wife was forced in an inhumane manner to pay up her husband’s debt.” A case of this kind is totally new to our society.

“Hence, casinos and bordellos remain to be the bearers or contaminators of our society and tradition”. “What happens in casinos and in brothels, based on what I’ve heard from masses, is unacceptable in our society. Our daughters and sisters will follow the fate of those “guest” girls and it is

absolutely not good. These groups that have come to or were founded in our country are bearers of criminal activities such as: use of narcotics, trafficking in human beings, trafficking of weapons, etc.”

“This is one of the factors that have had its impact also in the offence of murder and in trafficking in human beings, which was never in our tradition. The vast majority of those females were brought in by force. Their personal documents and other papers were taken away from them and they were compelled to live a violent life.”

Curiosity is also one of the reasons. Many young people simply out of curiosity say “let us also try this psychoactive substance”.

*As an Important Factor is Also the Advanced Level of Technology, among Them We Have the Following Assessment:*

“In many cases using internet results with negative effects because children, of very young ages too, are subjected to no parental control and let alone to have some restrictions. Consequently, this leads to the misuse of access to internet, access to various videos or even chats with negative results for the families of girls and boys. Yet, the worst is that these families have not treated those cases. We have also had cases when a young girl even reached the verge of suicide.

“One cannot watch TV freely with his family. There are all kinds of inappropriateness. The moral and honour lost after this war.”

#### • Interviews with Assessments of Convicted Persons

With regard to the factors coercing into criminal activity in Gjakova region, we have also obtained some assessments from sentenced persons that is exactly from persons who actually committed criminal activities. According to them, among the stimulating factors are: premises of games of chance, casinos, bordellos, shortcomings of law and court sentences, lack of rehabilitation institutions as well as serving of sentences without any categorization of offences committed (doing time in the same space with recidivists and persons serving long time punishments). Some of their assessments are:

“It’s normal, you lose money in a casino, then you destroy your family by visiting bordellos, you simply ruin them. You even take the pension of old people and spend it in such premises. When this category of people runs out of money as they spend them in different bars, they also turn to committing robberies in order to make money, though in an illegal manner. There are cases when men, influenced by women working in those brothels, divorce their wives and marry that woman. He leaves and destroys his family.”

“..... We organize everything over the phone. Initially we consume drugs; afterwards we also go into stealing and robbing. We frequent casinos. .... We also gamble in betting shops and when we lose, we demand money. If they don’t have any, we put on masks, take our weapons and we go and rob them.”

“People do everything now for money. There are night premises where murder, scuffling and explosions occur, but

abroad, the state resolves these issues and takes thing in its hands. It is not like that here. They ought to eradicate them here. Games of luck? What kind of luck is it to rob each other in betting shops? The state authorities must have the power to check them and have them under control.”

“The driving factors are the games of chance, where upon losing money I am forced to rob in order to make money to play again.”

“Opening night premises (brothels), games of chance, casinos, drive people to commit criminal offences – even those that are outside the traditions of this area.”

“The state itself is a stimulating factor because it allowed the opening of casinos, night premises, betting shops, etc. which enables people, especially the young ones, to get into criminality by exposing them to possibilities to allegedly come easier to great financial means, and which are more often than not used for dirty purpose and after we lose them we must get them in any possible way, even in a violent and dangerous manner.”

In relation to the influence of the night premises, we have the assessment of one of the owners of such premises in Gjakova region. The same owner was convicted for criminal activity:

“I believe that the night premise have brought a lot of problems in many spheres, especially in family, then in losing property all the way to violent physical problems. They even influenced to have also Kosovar young girls, even under age 16, be involved in such activities. The state that permits such premises to operate indirectly enables stimulation of citizens to deal with criminal businesses.”

“By permitting some businesses that were not present in the tradition of this area, the state has incited many others and me to engage in criminality, only to gain its benefits as soon as possible and also to use them in dirty businesses.”

“Technology has also played its part, such as various uncontrolled programs, films of various cultures and customs, then use of telephones and social networks enable us to create friendships with others and to organize criminal activities which even the law enforcement authorities find difficult to control.”

“It is simply the curiosity to try it out. Friends can also have an impact, it is one step further but I was driven in by curiosity.”

### III. CONCLUSION

Referring to the field research conducted with all classes and categories of citizens, we come to the following conclusions:

Transformation of society from the close-type traditional system into an open-type and democratic system, lead and supervised by the international factor which consisted of the vast majority of world countries, accordingly with a plenty of cultures and traditions, inevitably used the moment of opening of Kosovo Albanian society and it had an impact in the culture and traditions of this area, among which also in Gjakova region. This is further more stressed by inflow of some civilized cultures, where different international missions

accredited here, brought also parts of cultures and traditions from their countries.

Also, the possibility of different people and groups to move around, as well as the mass displacement of population during and after the last war, were influenced by other cultures. During this time some types of businesses started which had not been before in this area, such as: games of chance, casinos, brothels, etc. all these with the approval of ‘governing authorities’ of the time.

This transitional period, besides the positive developments that were evident, was not spared by the trend of criminality. During this time trends of criminal activities occurred in Gjakova which never existed in this area in the past.

Based on this, we also have there the driving factors which influenced and are influencing in creating a not so safe situation for the citizens, especially the recent ‘anomalies’ such as: murders committed by masked persons or contracted murders, abductions and kidnappings, robberies, illegal usurpation of property, trafficking in human beings, prostitution, narcotics, domestic violence, games of chance, suicides, etc.

Therefore, the ‘interception’ of flow-in of different cultures were used also for criminal activity and it was exactly these businesses that contributed and still contribute in the occurrence of new criminal activities that are dangerous for those persons themselves and they are also costly for the society. Certain individuals and groups from abroad and from within the country managed to get the best advantage of this situation. The results in the field show that some of the key factors in creating of such a criminal situation in this region are:

Games of chance and casinos which offer services to clients that do not meet the age or economic criteria, when due to losing material means, the persons are forced to engage into criminal activities such as: robberies, usury, which often end up with destroying of the family all the way to murder. This is confirmed by the number of cases reported with the law enforcement authorities.

‘Night’ premises (bordellos) where besides the enormous expenses we also have the destroying of families by adding to the number of divorces and leaving of children without due care. This also resulted with a new occurrence when certain individuals decided to cohabit with the women that served in those premises or they even married them and thus divorcing their wives and leaving their children.

Judiciary and not merit-based sentences for the perpetrators, as most of the time there are recidivists that have ‘visited’ prisons more than ten times and they still failed to re-socialize. Lenient sentences and quite often incorrect ones did not succeed in the purpose of education. Most of the times, establishing contacts while serving the sentence result with “professionalism” of the perpetrators. There they also created ‘friendship’ for such operations. On the other hand, there are also cases when perpetrators were never convicted for appropriation of other persons’ property, but only for the committed offence and the property was never returned to the victim, except for the cases when the suspect was caught in

fragrance.

Finally, the a forementioned factors must be analysed, be that by the community itself or by the local and central state authorities, in order to have them as soon as possible under control and have them operate based on the international standards and parameters. Also, the judiciary and correctional services must change their strategy in realizing the preventive and educational measures and not use the same in having them become more professional.

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