

IDENTIFICATION OF SOME CAUSES AND FACTORS THAT ENCOURAGE CORRUPTION IN THE REPUBLIC OF KOSOVO AND THE IMPACT ON THE STABILITY OF THE COUNTRY

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Abstract

The purpose of this paper is to identify some of the root causes and factors from which corruption emanates in the Republic of Kosovo. So, the basic hypothesis that is attempted to prove through this research is related to **a better understanding of the causes and factors that urge corruption in the Republic of Kosovo, a recognition that would make war against it much more successful in this country.**

Starting from the basic hypothesis of this paper, the legal basis in force for combating corruption in Kosovo is first presented. This is done to clarify how the term corruption in Kosovo is really understood. Certainly, in this part of the research, a study of the Criminal Code of Kosovo has been conducted, through which criminal offenses of corruption and official duty have been incriminated.

It should be noted that the taxation count of all causes of corruption in Kosovo for practical reasons is not possible. Therefore, only a few of the main causes are presented in this paper. This is done inter alia with the help of a survey conducted for 3 days (December 26-28, 2017), in which participants were 93 citizens of RKS. Although the sample of this survey is relative, we consider that it is sufficient to gain an insight not only of the causes of corruption but also of the perception of the level of corruption in different areas. The findings of the survey, which are presented in detail in the paper, are further analyzed and interpreted according to the circumstances and the context. Otherwise, all the causes identified in this research are grouped into two main groups: external factors (not directly related to perpetrator of criminal offenses) and internal factors (which are directly related to the perpetrator of criminal offenses).

The work methodology has been different in the different stages of the work. To achieve the desired results in this research, a mixed method was used, which includes both quantitative and comparative methods. The quantitative method collects the data obtained through the questionnaires, while the comparative method is used to compare and analyze the results.

Key words: Corruption, Causes, Republic of Kosovo, Stability.

Abbreviations

AKA	Anti-Corruption Agency
EULEX	European Union Rule of Law Mission in Kosovo
KJI	Kosovo Justice Institute
CCK	Criminal Code of the Republic of Kosovo
CPCK	Criminal Procedure Code of the Republic of Kosovo
KIPRED	Kosovar Institute for Policy Research and Development
KCL	Kosovo's Criminal Law of 1977
UN	United Nations
KP	Kosovo Police
SRSG	The Special Representative of the Secretary-General of the United Nations
RKS	The Republic of Kosovo
UNMIK	United Nations Interim Administration Mission in Kosovo

Introduction

Like plants that grow through their roots embedded in the earth, likewise criminality has its "roots" from which it emanates and evolves constantly. Therefore, it is said that for the successful fight of criminality it is necessary to first identify its "roots", hence the causes and factors from which it originates.

Based on the Transparency International "Corruption Perception Index for 2018", Kosovo is ranked no. 93 of 180 where the survey has been conducted.¹ *Summa summarum*, in order to have a more efficient fight against corruption in Kosovo, the causes and factors of corruption must be evidenced, since only then a successful policy can be built for its fight. Unless the "roots" of corruption in Kosovo are known, the chances of achieving the desired results in this field will be very small.

Given this, we consider that a research on the etiology of corruption offenses in Kosovo is very necessary. Consequently, the purpose of this paper is precisely to identify some of the root causes and factors of corruption in the Republic of Kosovo. So, the basic hypothesis that is attempted to prove through this research is that **through the recognition of causes and factors of corruption in the Republic of Kosovo, the fight against it in this country will be much more successful.**

Starting from the basic hypothesis of this paper, the legal basis in force for combating corruption in Kosovo is first presented. This is done precisely in order to clarify what we really mean by the term corruption in Kosovo. Certainly, in this part of the research, a study of the Criminal Code of Kosovo has been conducted through which criminal offenses of corruption and official duty have been incriminated.

The paper continues with the research of some important historical aspects of corruption in RKS. Therefore, only historical aspects of corruption are not studied in general, but the chronology of the legal basis for combating corruption in Kosovo as well as the mechanisms used in this context during different periods are also studied.

¹ Transparency International, Official Web, "Corruption perception index 2018". Link: <https://www.transparency.org/cpi2018> [last access: 20.02.2019].

It should be noted that the taxation count of all causes of corruption in Kosovo for practical reasons is not possible. Therefore, only a few of the main causes are presented in this paper. This is done inter alia with the help of a survey conducted for 3 days (December 26-28, 2017), in which participants were 93 citizens of RKS. Although the sample of this survey is relatively small, we consider that it is sufficient to gain an insight not only of the causes of corruption but also of the perception of the level of corruption in different areas.

Of course, the findings of the survey, which are presented in detail in the paper, are further analyzed and interpreted according to the circumstances and the context, so we consider that the findings are interesting but also very scientifically stable.

Otherwise, all the causes identified in this research are systematized into two main groups. On the one hand, external factors are mentioned that are not directly related to the perpetrator, while on the other hand, the internal factors that are directly related to the perpetrator are presented. In other words, exogenous (external) etiology, as well as the endogenous (internal) etiology of corruption, has been studied in Kosovo. Therefore, we consider that this paper has well summed up some of the main causes of corruption in Kosovo.

The methodology of the work has been different in the different stages of the work, and the methods which we have used mostly are: survey method, comparative method, historical method, normative method, dogmatic method, case study method, etc. In this way, the research was crowned not only with interesting findings for readers but also with relevant recommendations for state institutions, elaborated at the end of the paper.

2. Criminal Offenses of Corruption under the Criminal Code of the Republic of Kosovo

On January 1, 2013, the Criminal Code of Republic of Kosovo no. 04 / L-082 has entered into force.² Although the CCK does not provide any definition of corruption, corruption offenses are deployed under Chapter XXXIV "Official Corruption and Offenses against Officials". In essence, the offenses of this chapter refer to the official duty and official persons. Consequently, a primary protected object (in a formal sense) is the lawful, fair and conscientious exercise of official duty and authorizations.³ However, a non-corrupt administration is a prerequisite for a democratic state, a state of law and a citizens' welfare. Therefore, it can also be said that a

² Gazeta Zyrtare e Republikës së Kosovës nr. 19/2012, *Kodi Penal i Republikës së Kosovës nr. 04/L-082*, Prishtinë, 2012. See: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2834> [17.12.2017].

³ Ismet Salihu & Hilmi Zhitija & Fejzullah Hasani, *Komentari i Kodit Penal të Republikës së Kosovës*, Botimi I, Prishtinë, 2014, faqe 1204. See: <http://jus.igjk.rks-gov.net/485/1/Komentari%20-%20Kodi%20Penal%20i%20Kosoves.pdf> [16.12.2017].

protected object (in a material sense) is the general interest of the society to have a legitimate, just and conscientious administration.⁴

Some of the most criminal offenses in this chapter are: **Abuse of official position or authority, Misuse of official information, Conflict of interest, Acquiring on duty, Fraud in office, Taking bribe, Giving bribes, Giving bribes to public official foreigners, Influencing influence, Unlawful issuance of court decisions, etc.**⁵

One of the basic features of the criminal offenses of this chapter is that in the largest number of cases, the perpetrator is the official person.⁶ However, in addition to official persons, corruption offenses may be committed by other persons who, for certain periods, exercise a certain public function (commissioners at polling stations, observers at polling stations, etc.).⁷

The next feature is that corruption offenses can only be committed intentionally. This results from the nature of these criminal offenses, which are most often the case of voluntary and unconscious conduct during the exercise of official duty, often in order to benefit from a certain benefit. The exception is the criminal offense of detecting official secrets, for which criminal liability is also prescribed for carelessness.⁸

The lawmaker in the case of incriminating corruption, places special emphasis on corruption in the field of procurement and public auctions. This is because for many of the criminal offenses of corruption, the CPCK also defines the qualified form that is usually carried out when the relevant criminal offense is committed in the field of procurement, public auction or in a certain amount of money (e.g.: 5000 Euro, 15000 Euro or 50000 Euro).⁹

The next feature of corruption offenses established with the CPCK is that the act of committing usually consists in misuse, abuse, use of official position or authority by an official person in contravention of the law in order to achieve a certain benefit for himself or for the other person.

Thus e.g. the offense of "misuse of official position or authority" under Article 422 of the CPCK is realized when: "An official person who, *using his official duty or authority, exceeds his powers or does not fulfill his official duties* in order to take any benefit for himself or for the other person or to cause harm to another person or to seriously violate the rights of another person. "Another example could be the criminal offense of "misuse of official information" which according to Article 423 of the CPCK is carried out when "an official who *misuses official information* in order to obtain for himself or for another person any advantage that he or she does not belong".

⁴ Ibid, page 1205.

⁵ Kodi Penal i Republikës së Kosovës, cited, articles 422-432.

⁶ Related to definition of "official person", see: Ibid, article 120, paragraph 2, points 1-3.

⁷ Komentar i Kodit Penal të Republikës së Kosovës , cited in, page 1206.

⁸ Ibid, page 1208.

⁹ Kodi Penal i RKS-së, cited, article 423 paragraphs 2-4, article 424 paragraph 2, article 425 paragraphs 2-3, article 426 paragraphs 2-3.

When talking about the act of committing as an element of criminal figure of criminal offenses of corruption, we must emphasize that the criminal offenses of *taking bribes* and *giving bribes* are among the most representative acts of corruption in general. The criminal offense of taking bribes under Article 428 of the CPCCK is realized when *"an official person who directly or indirectly seeks or receives any gift or other benefit for himself or for another person or who accepts a bid or a promise to gift or benefit so that the official person acts or does not act in accordance with his official duty."* So here we are dealing with the so-called active corruption of official persons, which consists in *the direct or indirect quest or acceptance* of any gift, benefit, offer or promise to oneself or the other. On the other hand, the criminal offense of bribery under Article 429 of the CPCCK is consumed when: *"anyone who, directly or indirectly, promises, offers or gives any gift or benefit to an official person so that that person acts or does not act in accordance with his official duty."* So we can conclude that this criminal offense also known as passive corruption is in fact complementary to the criminal offense of taking bribes. This is because while acts of committing bribery are search or acceptance, the offense of giving bribes is consumed when performing the actions of *promising, offering or direct or indirect awarding* of any gift or benefit to an official person for certain purposes.

It should be noted that not all criminal offenses of corruption are necessarily performed by official persons, respectively by persons who carry a position or perform a certain public service. Some forms of corruption can also be performed by ordinary people (not officials). Thus, apart from the criminal offenses of bribery and bribery of a foreign public official ¹⁰, the CPCCK in Article 431 also stipulates that the offense of *"exercising influence"* may be *"anyone who, directly or indirectly, either seeks or accepts any gift or other benefit for him/herself or another person or accepts a gift or a promise of gift or benefit in such a way as to exert an unfair influence on the decision-making of an official or a foreign public official regardless of whether the influence is exercised or whether the assumed influence leads to the intended outcome."*

Likewise, the criminal offense of *"unauthorized use of property"* according to the CPCCK can be performed principally by *"anyone who without authorization uses money, securities or other movable property entrusted to him in office or in general in the workplace or in which he/she has access due to his service or work ..."*.¹¹ However, unlike the exercise of influence, we can see that here the property used (unauthorized) is entrusted to the perpetrator due to his position or duty that he/she has or because of the work where he/she works.

3. Etiology of corruption in the Republic of Kosovo

Corruption is a fairly complex and dynamic phenomenon. It is presented in various shapes and sizes. Therefore, identifying and settling the causes of corruption is quite challenging! However,

¹⁰ Ibid, article 430.

¹¹ Ibid, article 427.

our research illuminates some of the major causes that may affect the appearance of this form of criminality in RKS.

For the purposes of this research, from 26.12.2017 until 28.12.2017 we conducted a survey in which 93 citizens of RKS participated. The poll during three days was conducted in the city of Prishtina. The reasons for choosing up Prishtina to conduct the survey were because Prishtina as the capital is the country not only where the main state institutions of RKS are located but also the place which during the working days is visited by citizens from all over Kosova who continuously keep in touch with the institutions in question.

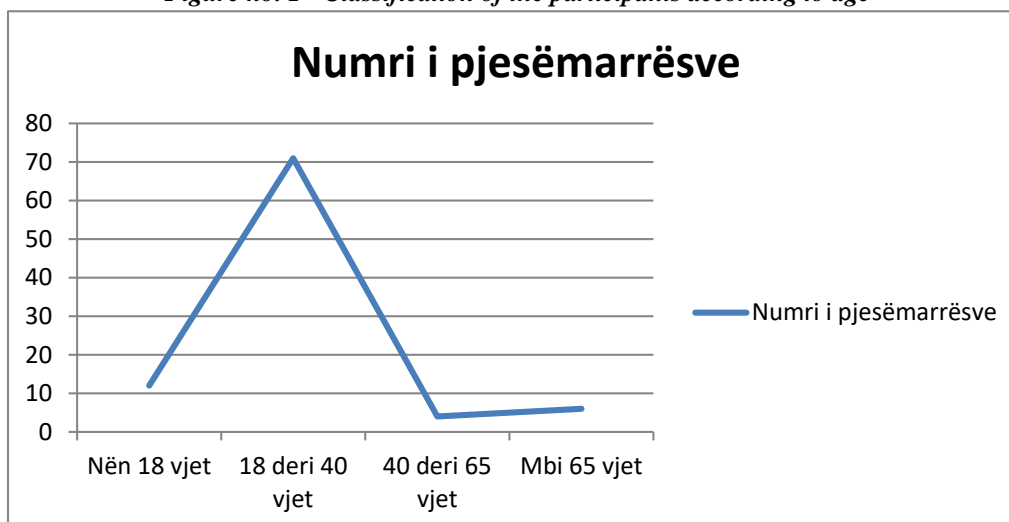
The survey, which is attached as an annex to this paper, contains five (5) questions and five (5) sub-questions regarding the causes of corruption in RKS. Under the assumption that the level of corruption is worrisome in the field of health, administration, the judiciary and the police, the survey was intended to identify criminogenic factors in these areas. Participants in the survey were persons of both genders. The following is a table of exact numbers of participants from both genders.

Table no. 1 – Classification of the participants according to gender

	No. of participants	Percentage
Male	50	53.7%
Female	43	46.35%
Total	93	100%

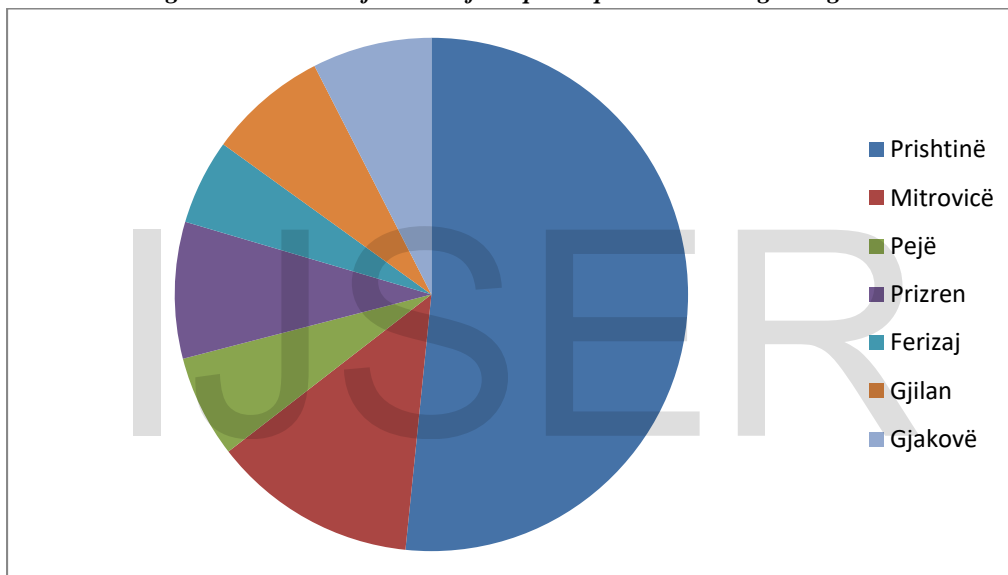
Otherwise, participants in the survey were of different ages. However, the largest number of interested participants were aged 18-40 years. See figure no. 1.

Figure no. 1 - Classification of the participants according to age



It is also worth noting that the survey participants were from different regions from all over Kosovo. However, participants from the capital (Prishtina) dominated. See fig. no. 2.

Figure nr. 2 - Classification of the participants according to regions



It is worth mentioning that before the survey starts, each participant is made aware that this survey serves exclusively for scientific research purposes. Therefore, their records are and will remain confidential. Consequently, they are asked to be honest in their responses, in order to achieve real and sustainable findings.

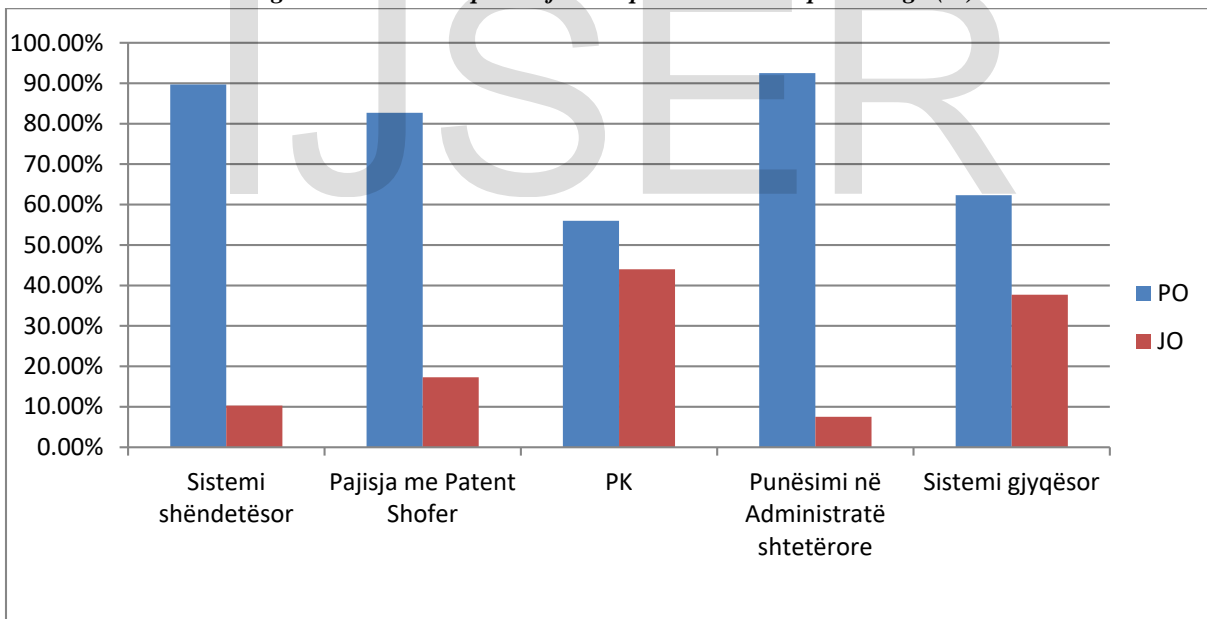
Of course, to identify the root causes of corruption in a particular area, we must first establish the degree of perceived corruption in the same field! On this basis, the survey is formulated in such a way that before asking about the causes of corruption, the participant's opinion on the existence or not of corruption is required. Of course, the formulation of the question has been made in such a way that it is understandable to all sections of society, regardless of their age or degree of education. As an example, the question of "Can you confirm your perception of the existence or

not of corruption in the public health system in RKS?" was raised to identify the extent of perception in the health field.

Instead, this question was asked: "Based on your personal experience or the cases you have seen in others, do you think that the medical staff at UCCK or MCFM will treat you better if you offer gifts for the service that you (or others) have asked? " Similarly, questions have been raised about the perception of corruption in the field of state administration, respectively, the process of obtaining a driver's license, then the KP, the procedures for employment in the administration, as well as the judicial system.¹² We consider that such formulations have been available to all participants, so the reliability in their responses is quite satisfactory.

Since for the purposes of research, priority was the etiology of corruption rather than its phenomenology, five (5) questions of the questionnaires on perceived corruption have had two options to answer: YES or NO.¹³ Thus, out of the 93 survey participants, corruption in the health system is 84 or 98.7%. Then corruption at the time of obtaining a driver's license is 77 or 82.7%, while in the case of employment 86 or 92.5%. According to the pollsters, the level of corruption is lower in KP (only 56%) and in the judicial system (only 62.3%). In figure no. 3 there are tabulated the results of perception of participants on corruption in the respective fields.

Figure no. 3 – Perception of Corruption in RKS in percentage (%)



So, we can see that the perception of corruption in RKS is high, especially in the healthcare system, in obtaining a driver's license, as well as in employment procedures. If we get an average of the survey results for the five (5) fields, we conclude that the perception of corruption in RKS

¹² For more details see Annex I – Survey of this paper, page 22.

¹³ Despite this, the survey has left the opportunity to add additional thoughts beyond predefined options. A considerable number have used this opportunity.

is on average **76.60%**.¹⁴ Of course such a figure is quite disturbing despite the fact that it is just about perceiving of the participants in the survey. This is because if the comparison is made between this high level of perception and the low number of final judgments for corruption offenses in Kosovo, there is a doubt about a rather higher "dark" number.¹⁵

However, as it is shown in Figure no. 3, those participants who have claimed the existence of corruption in the relevant fields have different opinions on what causes can affect this phenomenon. If a participant in the survey thinks that corruption is evident in a certain area, in the corresponding question he/she has had 6 options to circle. Consequently, the first 5 options were a potential criminogenic corruption factor, while the 6th option was the opportunity to respond in writing to the respondent or to other potential factors that he/she thinks have an influence on corruption, or any of his thoughts free for the subject in question. So for example, question no. 5 which has been related to the perception of corruption in the judicial system, is also put under question 5.1. as follows: *"If your answer to the above question is " Yes ", what do you think is the reason that those officials accept gifts and create advantages even though this is not lawful? (circle one or more of the following options that you think are correct) "*. Further, the respondent had the following options: a) Insufficient salaries; b) Lack of efficient inspectors / supervisors; c) Lack of adequate legal sanctions; d) Citizens' habits and mentality; e) Lack of knowledge of the law; f) If you think there are other reasons, please write below. Below is tabulated the number of participants who think that the following causes may affect their high perception of corruption in RKS.

Table no. 2 –Causes of corruption in RKS

<i>Causes</i>	<i>HEALTH</i>	<i>GOVERNMENT</i>	<i>KP</i>	<i>EMPLOYMENT</i>	<i>JUDICIAL</i>
Insufficient salaries	32	25	40	18	19
Lack of efficient inspectors	41	55	26	55	41
Lack of adequate legal sanctions	30	32	16	29	28
Citizens' habits and mentality	36	32	22	29	24
Lack of knowledge of the law	10	8	7	9	7

¹⁴ It should be noted that the survey sample was only 93 participants. Consequently, this percentage has a magnitude of error (according to our finding) close to (+, -) 5%. But in any variant this figure remains very disturbing.

¹⁵ The low number of judgments can also be noted for the fact of the small number of indictments. As an example, during 2016, only 384 indictments have been filed for corruption offenses (mainly "small fish"), while over 60% have been withdrawn. For more see: Instituti i Kosovës për Drejtësi (1), "Deti i korrupsionit në Kosovë – Raport vjetor i monitorimit të trajtimit të rasteve të korrupsionit në sistemin e drejtësisë në Kosovë – 2016", Prishtinë, 2016, faqe 16 and 17. Link: <http://kli-ks.org/wp-content/uploads/2017/04/1.1.-Raporti-i-Korrupsionit-IKD-28.03.2017-Compressed.pdf> [29.12.2017].

What is noticeable is the fact that the greater the perceived corruption in one area, the more reasons are implicated in the participants' view. Thus, as an example, the perception of corruption in the KP is only 56% (see figure 3), whereas this is mainly due to insufficient salaries (40 out of 93 participants or 43%). Other causes can affect only considerably smaller dimensions, such as lack of legal knowledge (7 out of 93 participants or 7.5%), then lack of legal sanctions (16 participants or 17.2%), habits and mentality (22 participants or 23.6%), etc. Similarly, the situation is with corruption in the judicial system, with the only difference that according to the respondents the main cause is not salaries but the lack of efficient supervisors (41 out of 93 respondents or 44%) who control the work of judges and prosecutors. On the other hand, perception of corruption in health is very high (89.7%). While the lack of efficient inspectors (41 participants or 44%), habits and mentality (36 participants or 38.7%), insufficient salaries (32 participants or 34.4%) etc. are mentioned as the main possible reasons for this. Also, as potential causes here, the interviewers also mention nepotism and political influences. The situation is similar with government corruption or employment (see table 2).

3.1. Exogenous Etiology of Corruption in the Republic of Kosovo

If we take into account the findings of the survey, we will have some insight into some of the causes that may impact on the occurrence of corruption in RKS. However, it should be emphasized that this form of criminality is quite dynamic and evolves in instances of time, place, social strata, power lines, areas of service (health, procurement, etc.) as well as in other instances depending on the circumstances. Hence, a number of authors explain the close link between corruption and organized crime as two similar forms of criminality. Consequently, combating corruption implies, among other things, knowledge of the field of organized crime and vice versa.

However, based on the findings of the survey we can conclude that the causes that can mostly affect corruption are *insufficient salaries, lack of regular and efficient inspections* in the relevant fields, habits and mentality of the citizens. Also, other potential causes include *nepotism, political influence, and the transparency of relevant institutions*. However, we will not find these findings simply as good, but in the following we will make a brief analysis of each one separately.

As can be seen from the findings of the survey, the largest number of causes are actually criminogenic external factors. This implies that the factors that can cause it, do not derive exclusively from the will of the perpetrator, but are a manifestation of general social circumstances in a given place and time, beyond the will of a subject that may even be the cause of corruption.¹⁶ So as an example when talking about the insufficient salaries of certain officials, we can conclude that corruption is actually the poverty, respectively, the low level of economic development and the well-being of citizens. Undoubtedly, this situation would improve with

¹⁶ Ragip Halili, *Ragip Halili*, Botimi VII, Prishtinë, 2011, faqe 241.

salary increases in certain sectors (such as the KP or health), but to achieve this, on the other hand, an overall economic development is required as well as poverty reduction in the country and growth of well-being. Similarly, the situation is when we talk about corruption on employment. Naturally, reducing unemployment in the country would reduce the intent of "gaining the job at all costs". This would further reduce the intent of gaining that workplace in a corrupt way. But when talking about corruption in employment, respondents think that the potential factor is the lack of efficient inspectors as well as the implementation of adequate legal sanctions.

This implies that, beyond poverty, the criminogenic factor in this area is the non-functioning of law and order. In other words, an independent and professional judicial system would be not only repression of corruption but also the best possible prevention. We have rarely heard of doubts about the impact of politics in general and on employment in particular.¹⁷ As usual, this is manifested in the form of a criminal act of exerting influence, but not only. However, we believe that with the strengthening of law and order, the impact of politics as a criminal factor of corruption would be noticeably fading.

Other external factors that can cause corruption include nepotism and lack of transparency. A significant number of respondents (16 out of 93) despite the lowest corruption perception rates for KP, consider that police officers do not impose adequate legal sanctions due to their links with offenders. Such a hypothesis can also be sustainable due to the fact that Kosovo is a small country with fewer residents, where almost every family has family or social ties with at least one policeman. However, as such, this hypothesis can not be proved by this research (because of the purposes of this paper), so it will remain only as such! But if it is stable, urgent measures should be taken, such as placing cameras in the street for traffic oversight and sending offense offenses by post to the respective suspect.

Further, the lack of transparency of certain institutions potentially can affect the appearance of certain forms of corruption. In particular, organizations dealing with government monitoring and judicial system at RKS express themselves as very concerned about this phenomenon. Of course, the lack of accountability and transparency create the prerequisites for committing corruption offenses. However, in our opinion here as a de facto cause is the efficient and effective functioning of law and order. Functioning of the latter implies an increase in transparency, which would also result in a reduction in corruption.

In transition countries, which have emerged from war as the case of Kosovo, as the criminological factor there are also listed the consequences of the war. This is also agreed by the author Misha Glenny, who in his artistic work "McMafia - Crime Without Borders" explains the rapid growth of criminality (including corruption) in Bulgaria after the collapse of communism.

¹⁷ See: Instituti i Kosovës për Drejtësi (2), "Prokuroria dhe Gjykata Speciale e Republikës së Kosovës", *Analizë e Politikave: Nr. 02/2017-IKD*, Prishtinë, 2017, faqet 8-10. Link: <http://kli-ks.org/wp-content/uploads/2017/08/1.-PSRK-IKD-EMBM-Final-29.08.2017-1.pdf> [30.12.2017].

Therefore, given the serious consequences of the recent war in Kosovo, we can conclude that it is also one of the external factors that can affect corruption even nearly 20 years after its end.

3.2. Endogenous Etiology of Corruption in the Republic of Kosovo

The complexity of corruption as a criminal phenomenon beyond the external (objective) factors elaborated above, undoubtedly implies also internal (subjective) factors, depending on the personality of the perpetrator. Survey findings specifically enlighten *the habits and mentality of citizens* through corrupt ways to perform certain services.

It should be noted at the outset that corruption offenses are, as a rule, done intentionally and with specific intent, meaning that the purpose of the offense is to have a certain benefit, whether of any material benefit or of any advantage.¹⁸ In other words, committing a criminal offense is preceded by certain psychological manifestations within the perpetrator, which may consist, but not limited to, a certain motive, habits, and different abilities to evade the law (intelligence, knowledge on rights, etc.), character, mentality and so on. All of these factors and others can be causes that affect the perpetrator when committing the criminal offense of Corruption. However, as pointed out earlier in this paper, for the purposes of our research, of greater relevance are objective rather than subjective factors. This is because this paper commences from the hypothesis that objective factors can be positively influenced by appropriate tools and methods. Moreover, identifying and avoiding the root causes of corruption in RKS would be in favor of overcoming internal causes as well. Although the latter are related to concrete individuals, studies as well as concrete solutions are required.

However, respondents are convinced that one of the (internal) factors affecting corruption is *habits and mentality*. One such finding of the survey can be interpreted in a contextual way as citizens' conviction that corruption is not only the easiest but most efficient way of achieving certain goals, whether they are medical services, employment, obtaining a driver's license, deviating by law or the other. It should be added that *'habit'* as a term is quite similar to *wont*, until recently it was one of the causes of another form of criminality such as blood delinquents. Therefore, we can say that even in the case of corruption habits, respectively mentality can be potential criminogenic factors. But such a finding implies that corruption is a phenomenon that has been repeated repeatedly and frequently, since the term *"habit"* has this connotation. This brings us to the high perception of corruption, which at the same time is confirmed as found in the results of the survey. However, on the other hand, given the small number of final judgments on corruption and even less of what are known as "big fish" in terms of the gravity of the criminal offense, we come to the conclusion that in RKS *there is a high "dark" number of corruption*.

¹⁸ Ismet Salihu, *E drejta penale – Pjesa e posaçme*, Kolegji Fama – Fakulteti Juridik, Prishtinë, 2014, faqe 652.

4. Conclusion

Corruption as a form of criminality is quite complex because it is presented in different forms, in different fields and in different ways. Therefore, the reasons for its appearance are different and dynamic. The taxation of all these causes in absolute terms, of course, is not possible. In the light of this it is understandable that this paper has managed to count only some of the major causes of corruption in RKS, but not all of them. It should also be noted that the importance of this research consists in the fact that the identification and avoidance of causes of corruption is necessary for the prevention and effective combat of this form of criminality. Therefore, we hope that the findings highlighted in this paper are not only interesting to the readers but also the assistance to the competent institutions in their fight against corruption in RKS.

From this point of view, the main findings in this paper can be summarized as follows:

- Kosovo as a country that has had a war is still suffering its grave consequences, so Kosovo's path towards justice is still transitional;
- Since the end of the war in Kosovo, a large number of international actors have operated, including two international missions: UNMIK and EULEX;
- In spite of UNMIK and EULEX's rule-of-law mission, a number of corrupt affairs are suspected to have occurred precisely by their officials;
- In the name of combating corruption, a large number of specialized agencies have been established, but without specific competences. Despite this, their results in the fight against corruption left much to be desired;
- The survey, conducted on 26-28 December 2017, entitled "Causes of Corruption in Kosovo", attended by 93 citizens of both genders, different ages and all regions, was successful for the purposes of this research;
- Based on the findings of the survey, the main causes of corruption are: insufficient salaries, lack of regular and efficient inspections in the relevant fields, habits and mentality of citizens. Also, other potential causes include nepotism, political influence, the consequences of war and the transparency of institutions.

Based on these findings, in the course of the research as well as the current social circumstances in the Republic of Kosovo, as recommendations of this paper we emphasize that:

- The fight against corruption is not enough to be purely declarative, but it must be concrete and efficient, in line with contemporary standards.
- Particular attention should be paid to the rule of law and order, as the complete eradication of corruption is not possible, but the rule of law and order is the best prevention and repression in the sense of protecting society from corruption.

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