

CORRUPTION AND FRAUD AS FORMS OF ECONOMIC CRIME AND AS AN IMPEDIMENT TO ECONOMIC DEVELOPMENT IN KOSOVO

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ABSTRACT

Besides the criminal acts against the economy that pose an obstacle to the economic development of Kosovo, there are other forms among through which economic crimes appear such as: offenses of corruption and fraud to which they are not immune either countries with rapid economic development, even less Kosovo, state with fragile democracy and rule of law. Corruption as a criminal offense is incriminated in Kosovo criminal legislation, Penal Code in power since 2013. This form of criminality appears through some offenses such as: acquisition the duty", "fraud on duty" and offenses "unreasonable accepting and providing gifts". These offenses are incriminated in the group of offenses against official corruption and offenses against official duty. Corruption as a phenomenon has its origins from ancient times, it has been constantly developed and perfected throughout history and it is present in large part in present days also. Pronounced characteristic of the appearance of corruption and fraud are especially in transition countries such as Kosovo. This phenomenon is present in all segments of the local and central government. In practice there are a very few persons, which have been convicted for these type categories of offenses. Obstacle to the development of the country besides the corruption, undoubtedly represent offenses of fraud, foreseen in the group of offenses against the property. These acts are expressed through criminal offenses: blackmail, usury, fraud and scams related subventions from the European Community funds. In practice, a large group of offenses against the economy are committed through fraud such as: "Causing false bankruptcy", "fraud in bankruptcy proceedings", "fraud on creditors or debtors damage," fraud on the exchange of securities "etc. My determination in this paper is to analyze this issue and legal criminal defense that Kosovo criminal legislation has given, to the citizens and economy, causes and their appearance, detection and treatment of these offenses, and the penalties. There is no doubt that this group of criminal acts, cause loss of public revenue, bring damage to the national and international economy, create illegal material benefits, seriously impair the development and democracy, create informal economy, harming legal competition, raises prices and as a result of all this create suitable environment for organized crime. Finally, in this paper i will analyze the measures and penalties that Kosovo's criminal legislation provides for perpetrators of these offenses.

Keywords: Corruption, fraud, criminal law, criminal offenses, economic crimes.