

**LEGISLATION AND POLICE ROLE IN FIGHTING AGAINST
HUMAN BEINGS TRAFFICKING IN KOSOVO****Vjollca Salihu¹****Abstract**

The role and forms of organization of police in all states is of a great importance for maintaining public order and to combat and prevent crime. Within this research paper is discussed the organization and role of the police in some countries, the organization and role of the police in Kosovo and police control institutions in Kosovo. In the last two decades in Kosovo trafficking in human beings has been very present and is quite disturbing not only criminal phenomenon related to law enforcement, but also due to the effects of social status, economic, cultural and political.

My study will focus on several aspects of combating human trafficking as: identification, investigation, assistance, referral, prosecution, etc., which are key to the success of the efforts of each country in the fight against trafficking that has gripped across the globe. This study also will focus on the issue of coverage of human trafficking as part of organized crime in Kosovo in terms of the structure of crimes and perpetrators, their detection and prevention of organized crime in general.

Key words: Trafficking, identification, law, role, Police

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ENTRY

Human trafficking is a crime that can occur within national borders, but often has international character after crime occurs abroad and it is the result of a combination of various criminal activities associated with each other. Human trafficking is a form of organized crime against which to orient state mechanisms have been created to combat this kind of crime. Another problem is presented in combating human beings trafficking is that it is currently difficult to identify criminal and punished groups, as the victims are afraid to talk to local police and to testify in court proceedings. In addition, law is often difficult to apply, even when applied results can be very shallow as requiring time to collect evidence and testimony in order to be able to prove, that the crime actually happened.

Kosovo legislation on human trafficking or "Trafficking in persons" defines as: recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of intimidation, robbery, fraud, the deceit, or abuse of power or position, the receiving or giving payments or benefits to achieve to achieve the consent of a person having control over another person, for the purpose of exploitation.

Organized crime has many forms, and one of them is trafficking. The importance of dealing with organized crime was needed without which there could be successfully

fighting this phenomenon. United Nations rightly foresaw human trafficking in the Organized Crime Convention and its additional protocols which were devoted to this issue.

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Role of the Police

Police plays a special role in all countries. states police in the Their duty is maintaining public order ,safety a protect freedom and human rights. Therefore our country has taken as a role model the experiences of the most professional and the most contemporary police in order to construct Kosovas' police in relation to the region.

Police state institution which was established to protect and serve the individual and the community, so it always is in law enforcement function within the territory in which it operates². Police increasingly under pressure to combat rising crime and threats to national

² Yzeiri, B., "Menaxhimi i Policisë", Tiranë, 2003, p. 13.

and international security, including those resulting from international terrorism. However, the police must always operate in accordance with local laws (such as constitutions, criminal codes and police laws). The Constitution is the highest legal act - the state with which to social adjustment, so the scope of the police is defined by the constitution and laws of the respective country.

Fighting crime means commitment, involvement and mutual cooperation of different subjects and social state. Here, however, of a great importance are specialized organs of state: police, courts, public prosecutors and bodies for the execution of criminal sanctions. Each of these bodies has certain duties and legal powers. Their coordinated activity of unique stance on the need for building strategy to fight against criminality are fundamental prerequisites successful resolution of the tasks laid before them³.

Police state body that cares about protecting society from crime, maintaining public order and security of the relevant legal order. Police primordial roots source from a very early history. The beginning of the creation of this segment of the state administration observed in the BC. The first modern police organization was established with "Metropolitan Police Act" of 1829 in London. This form of modern police organization is continuing with the formation of similar organizations in the US and Canada. The foundations of modern police are put in the second half of the century. 19, when this form of state power has begun to attributes of professional and specialized service. New research more police activity, as special sector of social control, show that police activity is being transformed more and more in terms of preventing criminal acts. The police attempted to prevent criminal acts can

³ Latifi, V., "Kriminalistika", Prshtinë, 2011, p. 27- 28.

occur in various forms of activity and inactivity, such as surveillance and ground patrols, conducting surveillance service, which is treated as a police prevention, control performance on the road, giving advice to to protect citizens from crime and many other forms of crime prevention. Among these preventive activities, noting in particular the need for operational preliminary work as a simple form of preventive policing, which is practiced in countries that are vulnerable to crime. The police are obliged to investigate these acts and those situations that are appropriate to report crimes, to identify criminal groups and take measures to capture them. This preventive work is necessary to prevent the organization, combat and treatment of all types of crime⁴.

Police Organization

There is a different organizational structure of police all over the world, but based on different researches it can be concluded that there are two forms of the organization. One is an autocratic form which determines the hierarchy, delegating tasks and responsibilities accurately, while the other form is democratic form, which has less hierarchy, is more liberal and flexible⁵. Police is organized in such a way as to enjoy public respect as professional upholders of the law and providing services to the public. Police organizational structure acts or functions under two levels of organization: Central level

⁴ Latifi, V., "Kriminalistika", Prishtinë, 2011, p. 28 - 30.

⁵ Yzeiri, B., "Menaxhimi i Policisë", Tiranë, 2003, p. 108

and at local level (local level also includes regional level. Police organization is made clear by the command system within the police. It should always be possible to conclude that in which superior is responsible for the acts or omissions of police personnel. Further on we will see the police organizational structures of various countries of the world and the region, such as p.sh:

Police Hungary is part of the Ministry of Internal Affairs, but characteristic of this state is that law enforcement is divided between the Ministry of Interior and Ministry of Finance, in the first part of the police service and border police, and the Ministry of Finance is established customs service and tax service. Police work in Hungary is organized into three levels: state level (headquarters), regional and local levels of functioning of the police⁶.

Slovenian Police is organized into four levels. The first level of the Ministry of Internal Affairs, then General Directorate of Police, following the Regional and Police Stations. Slovenian Police is established with the aim of preserving the political system, democratic, constitutional legal state and protect the freedom and basic human rights. On the basis of this division into four levels of Slovenian police operation is clear that the police system in these countries is decentralized and transferred to lower levels⁷.

⁶ Masleša, R., "Policia dhe Shoqëria", Sarajevë, Prishtinë, 2008, faqe 275.

⁷ Masleša, R., "Policia dhe Shoqëria", Sarajevë, Prishtinë, 2008, faqe 271

Kosovo police and its activity in the prevention of human beings trafficking

Kosovo police organized at central and local level. Police General Directorate is centrally responsible for all of Kosovo. The local level include the Regional Police responsible for regions comprising specified municipalities, police stations that are responsible for local police in each municipality, and police substations that are responsible for local policing within specific areas of a municipality⁸. Kosovo police, as an organization with big expectations in terms of organization must constantly seek the way of further development in combating crime and other negative phenomena that concern Kosovo society, since even the police mission is to be in service of every citizen. Kosovo Police is the most important state that cares about protecting and securing order in Kosovo. The officers in the performance of their duties within the legal powers, perform important activities in the fight against crime by nature applied preventive measures, but also repressive measures. Measures of preventive character, applies when police monitor and patrol the terrain, when controls on the way, when did advise the citizens, to protect against crime, to respect the rules of conduct in society, to respect the legal norms applicable in place and must be in accordance with the highest international acts on respect for the freedoms and rights man. While character repressive measures applied, when the security

⁸ Ligji për Policinë, Nr. 03 / L-035, Neni 31, pika 1

situation is violated and when individuals or groups of people, their behavior prevented by the police, not prejudice, limit or violate the rights and freedoms of others.

After the war ended in 1999 became rather liberal western countries and the terms and conditions of market economy, free movement of people, high unemployment, created a favorable environment for the society dealing with different social problems⁹.

General police duties are set forth in the law no. 03 / L-035, which applies to Kosovo, which defines their duties are as follows:

- a) protect the life, safety and property of all persons;
- b) to protect the fundamental rights and freedoms of all persons;
- c) to prevent dangers to the public and to maintain public order and safety;
- d) to detect and prevent criminal acts;
- e) to investigate criminal acts;
- f) to provide surveillance and control for traffic safety;
- g) to provide surveillance and control of borders;
- h) to provide assistance during natural disasters and other emergencies; and
- i) to perform other duties prescribed by the law in force.¹⁰

⁹ Shishani, F., “ Roli i policisë në parandalimin e kriminalitetit ” , Prishtinë 2006, p. 124 – 128

¹⁰ Ligji për Policinë, Nr. 03 / L-035, Neni 31, pika 1.

International Police Cooperation

Often heard the term New World Order or New World Order, is what personifies this new world order and what are the "benefits" that brings and what extent affects the personal freedoms of the individual, it has very few clear . With the development of human society have developed various forms of criminality and this has led Police from various countries of the world to their co-operation among themselves in order to have easier to fight this worldwide phenomenon. International judicial cooperation in criminal field is in full compliance with national legislation and international conventions and cooperation of criminal justice authorities and police in other member veins has a special importance in the fight against crime. International Police Cooperation for research, monitoring, surveillance, identification, disclosure of criminals under these agreements police task lay ahead in meeting the requirements contained in conventions and agreements signed for exchange of secure communications, confidential, quick, its flexible between (national Central Bureau) with national bureaus and other countries with the General Secretariat of INTERPOL¹¹

International Police Cooperation has an unusually large role in combating criminality, where besides the United Nations in preventing and combating organized crime organizations operate various specialized institutions that develop their activities, among

¹¹ Latifi, V., "Kriminalistika", Prishtinë, 2011 , p. 27.

¹¹ Latifi, V., "Kriminalistika – Zbulimi dhe të provuarit e krimet", Prishtinë, 2006, p. 24- 25.

which are part : International Labour Organization, International Health Organization, the United Nations Organization for Education, Science and Culture, etc¹².

Conclusion

Development of criminality in today's society dictate the need for effective strategies and international cooperation in combating it. Despite the variety of factors that affect particular forms of criminality and in different countries, prevention and combating of crime requires a criminal policy oriented to all countries as well as cooperation between countries of the region and internationally. This policy is not static but respond to the needs arising in the prevention of criminality. European and international institutions charged with the development of democracy have developed and adapted standards in the field of criminal policy and crime prevention

The role of police in all states is of great importance in maintaining public order and safety and the protection of freedoms and human rights as an institution with specific importance in the legal system security structures of the states concerned, therefore, also in place taken as our model or basis for most contemporary experiences of police and most professional in the construction of the Kosovo police. The best indicator for this conclusion is the performance of the Kosovo Police in relation to the police of the states in the region

the main challenge of the Government but also other institutions in Kosovo law enforcement still remains strengthening and implementation of various laws and strategies in combating organized crime.

Recommendations

Kosovo Government should further invest in capacity building police, because the police have a key role in maintaining public peace and order in the country.

The main challenge of the Government but also other institutions in Kosovo law enforcement still remains strengthening and implementation of various laws and strategies to combat organized crime.

It must have a particular care the consequences that brings the organized crime especially by state mechanisms, institutional and social, being actively involved in the prevention and detection of all forms of organized crime

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