A Comprehensive Exploration of Criminal Complexities and Homicides; A Case Study of Kosovo's Criminal Code

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The conceptualization of crime within modern criminal law lacks a universally accepted characterization due to the diverse spectrum of behaviors subject to criminalization. Moral definitions posit an intrinsic quality shared by all criminal acts, initially seeking it in the acts themselves but later recognizing public wrongs as constituting violations of community rights. A captivating exploration of serial murderers reveals their rarity despite widespread public fear. The study of serial murderers encounters challenges due to their low occurrence rate, necessitating a nuanced approach to uncover shared qualities, motivations, and psychological compositions. Delving into the history of serial homicide, a clear definition emerges: an individual qualifies as a serial murderer when involved in three or more instances separated by a 'cooling period.' The recognition and definition of serial killers have evolved over time, influenced by researchers and popular media, culminating in the formal introduction of the term in 1981. Despite its recent terminology, the presence of serial killers dates back centuries. Transitioning to the exploration of homicides in Kosovo, the Criminal Code explicitly categorizes criminal killings, recognizing three types: normal murders, privileged murders, and qualified murders. The code addresses aggravated murders involving unique circumstances, emphasizing the intentional taking of a human life. The study underlines the importance of distinguishing various murder types and provides insights into factors contributing to this detrimental occurrence. The proposed device for addressing the overwhelming workload in the crime investigation unit involves augmenting officer numbers and restructuring the pillar. This includes creating new departments, setting standards, and adopting contemporary information technology. The study emphasizes active resistance and prevention of criminal acts, cooperation with legal authorities, and expedited forensic procedures in homicide investigations. Findings contribute to the scientific exploration of criminology, offering a foundation for subsequent studies and a nuanced understanding of the phenomenology of homicides.

Keywords: Criminal Acts, Criminal Code, Privileged Murders, Legal Authorities.

Introduction:

Defining crime within modern criminal law lacks a simple and universally accepted characterization, reflecting the extensive and diverse spectrum of behaviors subject to criminalization by the contemporary state. It is widely acknowledged that crime is a legal construct, meaning that actions are deemed criminal primarily due to the existence of laws declaring them as such. This becomes the foundational aspect of any definition of crime [1][2]

Modern interpretations of crime generally fall into two principal categories: moral and procedural. Moral definitions assert that there is (or should be) an intrinsic quality shared by all acts criminalized by the state. Initially, this quality was sought in the acts themselves, positing that all crimes were essentially moral wrongs or "mala in se," with the law merely acknowledging

this inherent wrongdoing. However, this approach had limitations, as it could encompass actions that appeared morally neutral (often termed "mala prohibita"), such as speeding or neglecting to register a child's birth, which was criminalized by statute. An alternative argument suggests that crimes are defined as such because criminal law recognizes them as public wrongs, constituting violations of rights or duties owed to the entire community. In this view, the wrongdoing is perceived as a breach of the duty owed to the community to uphold the law [3]. This definition encompasses a broader array of offenses while acknowledging the sociological reality that many acts are criminal solely by virtue of being legally declared as such. The strength of this definition lies not only in describing the object of criminalization but also in articulating the principles that should delineate the appropriate scope of criminal law [4][5].

Studying serial murderers, although unsettling, proves to be a captivating endeavor. The phenomenon of serial murder, while universally terrifying, is remarkably rare. Estimates suggest that in the United States, there are between 35 to 100 active serial killers annually, with an estimated victim count ranging from 120 to 180. Despite these relatively modest figures, there is a pervasive perception of serial murder as a burgeoning epidemic in the United States. Arguments against this notion highlight the absence of concrete evidence supporting an increase in the number of active serial killers. Nonetheless, the names of infamous individuals such as Ted Bundy, "The Campus Killer," and Aileen Wuornos, "Damsel of Death," linger in the public consciousness, leaving an enduring impact even years after their crimes occurred [6].

The public's fascination with figures like [7] can be justified through various lenses, stemming from a general interest in the lives and crimes of serial murderers. Whether driven by fear or a sense of thrill, numerous movies, books, television shows, and documentaries have been produced in an attempt to comprehend how individuals can commit such reprehensible acts. Researchers strive to scrutinize serial killers and their motives, encountering challenges primarily due to the low occurrence rate of serial murder, making empirical studies inherently difficult. While serial murderers exhibit unique methods of killing, their shared qualities, motivations, and psychological compositions provide insights into understanding and explaining their behaviors [8][9].

To understand serial murderers, it is necessary to delve into the history of the crime. Before exploring the various reasons why serial killers commit their acts, a clear definition of serial homicide is essential. Most researchers agree that an individual qualifies as a serial murderer when there are "three or more instances that are considered separate, due to a 'cooling period'" [10]. This definition distinguishes serial homicide from other types of murder, such as terrorism or mass murder. Researchers [11] emphasize the importance of the emotional cooling-off or refractory period, describing it as the state where the murderer returns to their usual way of life between killings, with the duration varying for each offender, lasting days, weeks, months, or even years.

The recognition and definition of serial killers are often shaped by researchers and popular media, influenced by widespread publicity and stereotypical characteristics that have evolved over several decades. The terms "serial killer" and "serial murderer" were first coined in 1981 in response to what seemed to be a surge in criminals committing multiple murders in the United States [12]. However, the presence of serial killers in the U.S. dates back centuries, with individuals like [13], a notorious con artist and criminal, considered one of the country's first serial killers, active in the late 19th century, believed to have killed anywhere between 20 and 200 people before his capture in 1894. Researcher [14] notes that before the formal introduction of the term "serial murder" in 1981, such crimes were often categorized broadly under the definition of mass murder.

This dissertation delves into the topic of homicides, which have seen an increase in prevalence in recent years. Kosovo Criminal Code [15] explicitly categorizes criminal killings as a form of criminal offense, defining murder as the intentional taking of a human life. Extensive

studies on this detrimental occurrence traditionally depict murder as one of the most serious and destructive societal crimes. The research suggests that factors such as rivalries, blood feuds, acts of vengeance, and other low-motive elements play a role in this type of crime. Due to the gravity of taking a life, every murder is considered a severe criminal act, and the perpetrator violates the prohibitive standard [16].

Criminal law recognizes three types of murder: normal murders, often referred to as basic forms, privileged murders, and qualified murders, all-encompassing the intentional causing of another person's death. While murder typically involves the deliberate performance of an act, it can also result from inaction. Evaluations by numerous national and international organizations indicate that this condition is common and poses a problem for modern nations. To fully comprehend the devastating effects of crimes like murders, it is crucial to recognize that everyone, regardless of gender, has the potential to experience violence [17].

"Murders in Albania" highlights the uniqueness of murders among criminal acts, involving violent criminality, with a notable observation that victims often have somewhat poorer physical constitutions, such as women, children, and the elderly [18]. Criminology, a book detailing phenomenological and etiological components of criminality, and "The Law of Criminal Procedure I and II," which examines paracriminal and criminal procedural methods, contribute to understanding criminal offenses.

Republic of Kosova's Criminal Code [15] specifies that the crime must be committed at the scene of the crime, where the criminal carried out or was required to carry out their activities, and where the consequences transpired. The separation of the scene of the crime and its origin is common, except when different geographic locations are used to commit the offense. For instance, if explosives or long-barreled firearms are used, the victim and murderer may not be in close proximity during the crime, emphasizing that the terms "location" or "place" pertain exclusively to the crime scene. Academics employ a sociological lens to examine killings and suicides [19].

Methodology:

Research Design:

Utilized a multiple case study approach to investigate and compare the behaviors, motives, and characteristics of three serial killers. ii. Emphasized the goal of understanding the psychological, biological, and sociological factors influencing their criminal methods.

Data Collection:

Primary data will be gathered primarily through the examination of documents, aligning with [20] assertion that qualitative research yields substantial data in the form of media records, transcripts, and various documents. These documents encompass journals, articles, and books, forming a diverse and comprehensive dataset for analysis.

Literature Review and Data Sources:

Emphasized the use of peer-reviewed journals, scholarly articles, and media outlets as primary sources for the literature review and case studies. Acknowledged the limitations of the case study method, particularly its impact on external validity [21].

Theoretical Framework:

Discussed the application of various criminological theories to analyze each serial killer. This paper highlighted the importance of considering both nature and nurture influences in understanding the development of serial killers.

Data Analysis and Synthesis:

Systematically analyzed each case study, highlighting relevant criminological factors. The study synthesized findings across the three case studies to identify patterns, commonalities, and differences.

Conclusion and Implications:

Summarized the key findings from the multiple case study analysis. Discussed the implications of the study on understanding the nature and nurture influences on serial murderers.

Limitations and Future Research:

Acknowledged any limitations inherent in the case study design. Suggested potential avenues for future research, building on the insights gained from this study.

Results and Interpretation:

A diverse array of tools, ranging from firearms to substantial objects capable of causing fatal harm, are easily accessible for use in criminal activities, particularly homicides. Methods employed in causing harm include stabbing, drowning, using knives, injecting poisons, asphyxiation, and deploying explosives. The decision-making process leading to homicide is complex and influenced by factors such as the perpetrator's mental and physical state, along with subjective and objective considerations [22]. The criminal's rational choice of weapon considers elements like their experience, the duration and intensity of the conflict leading to murder, and the safest approach for executing the crime. Subjective factors, such as the victim's interpersonal relationships and the gender of the perpetrator, also impact the weapon of choice.

Instrumental in facilitating crimes are various tools, including firearms, sharp objects, explosives, pickaxes, hazardous substances, pharmaceuticals, modes of transportation, fastening tools, and additional items. Firearms are the most frequently used instruments in criminal activities, followed by poisons, blunt objects, and sharp weapons in second and third positions, respectively [23][24].

Considering crime victims, the term "murder victims" denotes the ruthless act of taking a person's life through violent means and instruments. Homicide, described as the senseless and intentional taking of life, is a significant factor contributing to violent fatalities, often referred to as "more violent," signifying "violent death."

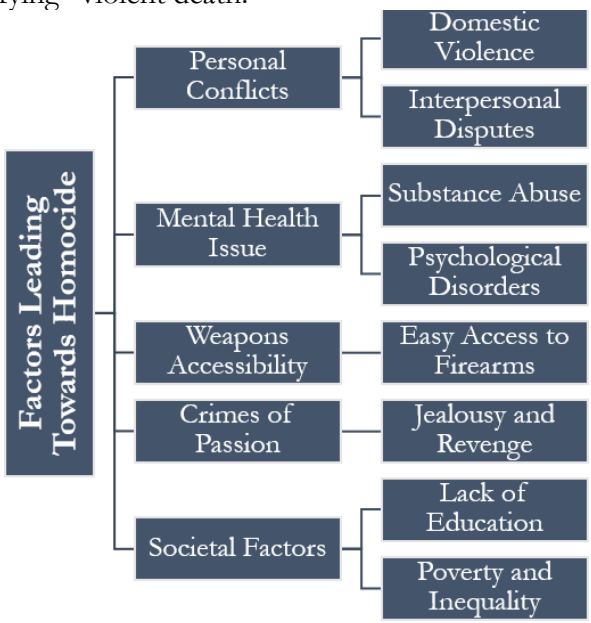

Figure 1: Several Possible Causes of Homicide.

Reasons for Fatal Violations:

Deaths resulting from violence can be attributed to a multitude of factors. Technical skills and methods, involving a level of expertise, may play a role in violent incidents. Asphyxia, a state induced by airway obstruction leading to breathing difficulties, is another potential cause. Malnutrition, stemming from inadequate food intake, is yet another contributor to fatal outcomes. Environmental elements such as wind, humidity, temperature, sun radiation, and various forms of radiation also have the potential to be implicated in violent deaths. The impact

of toxic compounds, categorized as chemical factors, is another avenue through which violence may occur. Microorganisms may also play a role in violent incidents [25]. Beyond conventional explanations, transcendent factors might contribute to the occurrence of violent deaths. The diverse methods used in committing murders underscore the importance of examining tools and techniques as a deterrent to criminal actions. In contemporary society, a wide array of violent methods is increasingly common, making it evident that the victims of these crimes are the unfortunate results of the violence prevalent in the modern world [26].

Homicides involve two distinct roles: active killers, who unlawfully take another person's life, and passive victims, the primary focus of this inquiry. Victims of crime experience injury or injustice, and the aftermath of a murder is a tragic loss—the murder victim. Legislation universally prohibits homicide, emphasizing its gravity as a criminal offense in every country. While our possession of evidence connects us to a homicide, we are not the actual perpetrators [27]. Homicide refers to the unlawful act of taking another person's life, a serious offense irrespective of the circumstances. In crime fiction, it is not uncommon for characters to embody both the roles of killer and victim, complicating the assignment of guilt to a singular individual. The narrative may even explore the intriguing prospect of portraying an individual as both the perpetrator and the victim, adding layers of complexity to the understanding of the crime.

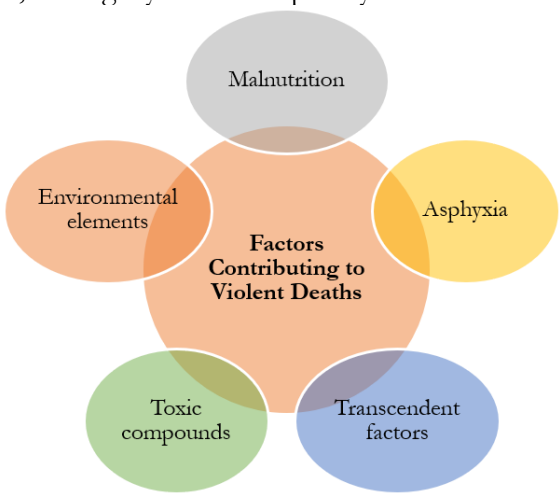

Figure 2: Various Factors That Contribute To Violent Deaths.

Victims of Homicide Crimes:

Various domains within the criminal justice sciences, including criminology, victimology, and forensics, extensively delve into the discussion of homicide victims. These scientific disciplines often center their focus on victim studies, each contributing unique perspectives. In the realm of forensics, a meticulous examination of homicide victims is conducted to definitively establish the cause of death, ruling out natural causes or unforeseen events. This process also aids in pinpointing the precise time of death and identifying the deceased in challenging scenarios, such as cases involving charred remains [28].

Criminalistics, as a subfield of criminal justice, concentrates closely on victims by scrutinizing and analyzing crime scenes. This involves recording the tools used, gathering evidence, and contributing to the swift identification of offenders. While criminology encompasses a broader spectrum than other scientific fields, it remains a key area of study for the analysis of homicide victims. The focus extends beyond the immediate crime scene to examine societal phenomena contributing to the incidence of deceased victims.

Victimology, as a specialized field within criminal justice research, offers a concentrated study of victims, particularly those who have experienced homicide. Factors such as age, gender, relationship to the offender, motives, location of the crime, tools employed, marital status, and

additional characteristics like timing, economic status, career, and criminal history are meticulously examined in victimological studies.

Additionally, certain scientific fields exclusively center on homicide. For instance, "Murder for Retaliation" delves into the illicit practice of revenge killing [29]. The Prishtina Primary Court's "1969" division handles homicide matters according to the penal code article 178, considering the specific legal frameworks and purposes of each state.

The Kosovo Criminal Code classifies homicides based on various criteria, including aggravated murders, which encompass situations such as taking a child's life, causing a pregnant woman's death, or deliberately ending the life of another person for various reasons. The code also addresses murders committed during severe psychological trauma, imposing penalties for offenses linked to inflicting severe mental shock through mistreatment or harsh insults.

Furthermore, the Kosovo Penal Code [15] distinguishes between ordinary murder, which carries a minimum five-year prison sentence, and aggravated murder, which involves homicides occurring in exceptionally challenging circumstances. Serious homicides are punishable by life imprisonment and a minimum of ten years in prison. The code also acknowledges murder committed during severe psychological trauma, providing a legal framework for addressing cases where individuals, under the influence of severe psychological trauma, deliberately take another person's life. The mens rea, or the mental state of intent, plays a crucial role in legal considerations related to these crimes.

Table 1: Methods and Tools Used in Homicides

Methods Used by Criminals	Tools and Instruments
Stabbing	Firearms
Drowning	Sharp objects
Using knives	Explosives
Injecting poisons	Pickaxes
Asphyxiation	Hazardous substances

Article 175 of the Kosovo Penal Code delineates the offense of manslaughter, prescribing a potential penalty for individuals facing a jail sentence ranging from six months to five years for causing another person's death due to negligence. This definition emphasizes that manslaughter is considered a less severe form of murder, contingent upon the circumstances surrounding the commission of the crime. In such instances, legal accountability for the killing hinges on negligence, whether intentional or inadvertent. Manslaughter refers to the act of causing another person's death, typically distinct from purposeful killing, and encompasses both intentional and unintentional instances [30].

Infanticide, as described in Article 176 of the Criminal Code of Kosovo, pertains to the intentional killing of a child by a woman during or immediately after childbirth, amid the challenges associated with the newborn's birth. The act is considered a privileged murder due to the highly unusual circumstances surrounding it, similar to killing someone undergoing severe mental distress. A mother intentionally killing her own child during or immediately after childbirth, while grappling with the physical and psychological effects of childbirth, may result in a prison term ranging from three months to years [31]. This criminal offense targets specifically the woman who willfully kills her child, even when the infant is born alive and viable. Accomplices implicated in the child's killing, intending to commit aggravated murder, are subject to legal consequences.

Table 2: Classification of Homicides in Kosovo

Types of Homicide	Penalties
Aggravated murders	Life imprisonment and a minimum of 10 years
Ordinary murder	Minimum 5-year prison sentence
Manslaughter	6 months to 5 years for causing death by negligence

Regarding suicide, Article 177 of the Criminal Code of Kosovo addresses the incitement or assistance of others in committing suicide, despite suicide and attempted suicide not being regarded as criminal acts in the nation. Inciting or aiding someone in committing suicide is punishable by a prison sentence ranging from one to ten years.

A comparative analysis of the criminal laws of Albania and Kosovo, focusing on their similarities and differences, reveals distinctions in penalties for intentional murder. While Article 172 of the Kosovo Criminal Code mandates a minimum of five years imprisonment for causing the death of another person, Albania's Criminal Code, under Article 76, stipulates imprisonment ranging from ten to twenty years for premeditated homicide. The examination highlights a notable increase in homicides in Kosovo since the conclusion of the last conflict. Chapter XVI of the Kosova Criminal Code addresses offenses against life and body, covering various aspects related to homicide, including murder, manslaughter, aggravated murder, and offenses motivated by family relationships, among others. In contrast, the Criminal Code of Albania specifically defines intentional murder, as carrying a minimum of twenty years of imprisonment, reflecting distinctions between the legal frameworks of the two nations.

The crime investigation unit within the police force plays a crucial role in the examination and assessment of serious offenses, including homicides, aggravated homicides, sexual assaults, thefts, acts of terrorism, organized crime, drug trafficking, and people trafficking. The primary objective of this unit is to swiftly identify and apprehend individuals responsible for such criminal activities. However, the current workload has surpassed the capacity of this pillar, necessitating strategic enhancements.

To address this issue, this study proposes augmenting the number of officers and restructuring the pillar. This restructuring involves creating new departments, establishing standards and norms for officers, and incorporating contemporary information technology to enhance efficiency. The active resistance and prevention of these illicit occurrences are essential aspects of the battle against grave criminal crimes, with a focus on seeking, apprehending, and subjecting perpetrators to appropriate sanctions in collaboration with the prosecutor's office and the court.

In the realm of homicide investigations, the Department of Forensic Medicine must promptly initiate necessary legal procedures to expedite the completion of autopsies. The Prosecution and Judicial Institutions should persist in organizing training sessions for judges and prosecutors in criminal law, specifically addressing matters related to the fundamental right to life. The prosecutor's office is responsible for conducting meticulous, effective, and expeditious investigations within the legally prescribed timeframe.

The findings of this study can serve as a foundational basis for subsequent comprehensive scientific exploration, particularly contributing to the existing scientific literature in the field of criminology. Moreover, it outlines a strategy for conducting supplementary studies to gather fresh evidence related to the phenomenology of homicides, thereby enhancing our understanding of these criminal phenomena.

Conclusion:

In ensuring the identification of perpetrators of human rights violations, it is crucial for the police to operate with utmost efficiency. The specialized unit within the police force, known as the "pillar of crime," is tasked with investigating and evaluating severe offenses, including sexual assaults, thefts, acts of terrorism, organized crime, drug trafficking, and various forms of homicide, including cases of aggravated murder. However, this pillar faces a capacity deficit to sustain its existing workload. Consequently, I propose an increase in the number of officers and a restructuring of the pillar, involving the creation of new departments, the establishment of standards and norms for officers, and the promotion of contemporary information technology adoption.

The fundamental expression of this adverse phenomenon lies in the deployment of defense mechanisms or the active resistance and prevention of illicit occurrences in the battle against this detrimental phenomenon. As a result, individuals committing such grave criminal acts are actively pursued, identified, and subsequently penalized by authorities and institutions in collaboration with the prosecutor's office and the court. To expedite the completion of autopsies in homicide investigations, the Department of Forensic Medicine must promptly initiate necessary legal procedures. The prosecutor's office is legally obligated to conduct comprehensive, meticulous, efficient, and timely investigations. Continuing criminal justice education for judges and prosecutors from the Prosecution and the Judicial Institutions, specifically on matters related to the right to life, is imperative.

The study's findings could serve as a foundational basis for subsequent comprehensive scientific exploration, contributing to the existing scientific literature, particularly in the field of criminology. Moreover, it outlines a strategy for conducting supplementary studies to gather fresh evidence regarding the phenomenology of homicides.

In summary, the Prosecution and the Judicial Institution must persist in providing criminal law education, emphasizing topics related to the inalienable right to life. The prosecutor's office is obligated to conduct thorough, efficient, and prompt investigations within the legally stipulated timeline. The study's outcomes may form the basis for more in-depth scientific investigations, enriching the body of knowledge in the field of criminology. Additionally, it elucidates the approach for conducting follow-up research to acquire new data concerning the phenomenology of homicides.

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