LEGAL MEASURES FOR THE PREVENTION OF CORRUPTION IN THE PUBLIC SPHERE: KOSOVO CASE

Abstract

This study will treat legal measures for the prevention of corruption in the public sphere. Nowadays, criminal offenses of corruption have become a very dangerous phenomenon for the stability and security of societies, undermining the institutions and values of democracy, ethical values and justice and jeopardizing essential development and the rule of law.

Knowing that these criminal offenses carry a high social risk and are conducted with a high professionalism of the people who carry the state power, greater focus should be placed on prevention. Naturally criminal sanctions against criminal offenses of corruption have their positive punishing and preventive effect, but these measures are the last resort that the state should use.

The state of Kosovo, in the effort to prevent corruption, in legal aspects has set an advanced legislation and in compliance with international acts and comparable to the developed countries.

Keywords: Corruption, prevention, fighting, crime, legislation

1. General Reviews

Criminal offenses of corruption are among crimes with a very large consequence for society. Through these illegal actions, all the juridical benefits into the core of each society are affected, creating a state of general social insecurity and structural disfunction of the state apparatus. Acts of corruption, in addition to severe consequences that display, they bring into doubt the public's confidence in state institutions, by producing irreversible consequences for the rule of law, democracy or the market economy as well.

So, the great concern is the seriousness of the problems and risks arising from the corruption for the stability and security of societies, undermining the institutions and values of democracy, ethical values and justice as well as jeopardizing essential development and the rule of law. The relations between the corruption and other forms

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of crime, in particular organized crime and economic crime, including money laundering, has mobilized countries in the fight against this destructive phenomenon\textsuperscript{144}.

Criminal Code of Kosovo, has rated the criminal offences of corruptive nature, in its 34 chapter, which as a chapter has named them as “\textit{Official corruption and criminal offences against official duty}”, where these criminal offenses are included: Misuse of official position or authority; Misuse of official information; Conflict of interest; Misappropriation in office; Fraud in office; Unauthorized use of property; Taking bribes; Giving bribes; Bribery of Foreign Public Official; Exercise of influence; Issuing unlawful judicial decisions; Disclosing official secrets; Falsification of official documents; Collection and disbursement; Unlawful appropriation of property during the raid or execution of judicial decisions and Failure to report or falsely reporting property, income, gifts, other material benefits or financial obligations.

Because of the high social danger posed by the phenomenon of corruption, criminal offences of this nature inevitably fall into the category of crimes more difficult to prove. Difficulties that accompany the process of verification for these acts, except the high level of professionalism are characterized by such elements, which usually involved people who carry the high state power and are empowered through legal authority, or even the power and installed factual impact.

Efforts in the fight against corruption require the general social mobilization, by engaging the whole social intelligence, starting from the family, schools, other educational institutions, different social groups, organizing various campaigns, maximum engagement of the state apparatus, starting with the police, social institutions and other institutional framework to prevent and combat corruption.

As a general principle, prevention is more effective than repressive measures, and this is particularly efficient in criminal offences of the corruptive nature, since it is difficult to detect and prosecute the perpetrator after the committed action. Unlike for example the crimes of violence, criminal offences with elements of corruption do not leave readily identifiable traces as spots of blood or corpses. In many cases, perpetrators employ people who will hide tracks and will use technology to hide their corruptive activities and the income that derives from them\textsuperscript{145}. On corruption you will not find any injured parties e.g. as individuals whose individual rights were violated, who might have suffered any damages to their moral or physical integrity. Since there are no victims to come forward to the execution authorities of the law and file a complaint, to have cooperative witnesses, eyewitnesses or other evidence relevant to the trial process, but even if so, they will use different methods in order that the evidence never gets to the prosecutor's office, or in the courtroom so it could be used as evidence in one or more trials for corruptive actions.

\textsuperscript{144} The United Nations Convention against Corruption, adopted by the UN on 31 October 2003.

\textsuperscript{145} Haruhiko Ukawa, \textit{Preventing corruption: Effective administrative & criminal justice measures.} (Article), pg. 7.
Naturally criminal sanctions against criminal offenses of corruption have their positive effect, punitive and preventive, but these are the last resort actions that the state uses.146

**2. Prevention, an important tool in the fight against corruption**

Criminal offences of corruption differ from other criminal offences, as they are always committed intentionally and deliberately. Knowing that these acts are committed by persons who have authority and state power, also require maximum commitment in fighting or eliminating as much as possible the opportunities to start or complete such actions. Prevention is the best fight to stop these illegal actions.

Crime prevention policy requires that the phenomenon of corruption is listed in the type of primary prevention, which requires improving the quality of life, rule of law, or even the respect for social institutions.

If we analyze for purposes of this paper, the phenomenon of corruption in Kosovo, we can observe that in addition to the overall strategy of crime prevention147, National Anti-Corruption Strategy 2013-2017 has been drafted. Successful implementation of the Strategy against Corruption has clearly determined which institutions can be held accountable for corruption in different areas, and different steps that institutions are responsible of undertaking in the context of the fight against corruption. Anti-Corruption Strategy and the Action Plan 2013-2017, are set in the context of the evolution of society in Kosovo, where the responsibility for preventing and fighting corruption does not belong equally to all.

However, every institution, sector or profession has its own tasks, while special responsibility lies in authorities of Law execution and prosecution as well as judicial authorities, a firm commitment and the performance of which is of crucial importance for success in the fight against corruption Kosovo. This, however, should not diminish the importance of prevention and education148.

Kosovo Anti-Corruption Strategy 2013-2017, is the first strategic document based on a thorough analysis and assessment of risk by the institutions themselves not only in perception or assessment by international actors. In order to be successful, implementation of the Strategy should be treated seriously and implies political will and financial commitment of the Government of Kosovo. For this effort matching funds may be required from the international community149.

The United Nations Convention Against Corruption, in its effort for efficiency, stipulates that “Each State Party shall, in accordance with the fundamental principles of its legal

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149 Ibid.
system, develop and implement or maintain effective, coordinated anti-corruption policies that promote the participation of society and reflect the principles of the rule of law, proper management of public affairs and public property, integrity, transparency and accountability. Each State Party shall endeavor to establish and promote effective practices aimed at the prevention of corruption. Each State Party shall endeavor to periodically evaluate relevant legal instruments and administrative measures with a view to determining their adequacy to prevent and fight corruption. States Parties shall, as appropriate and in accordance with the fundamental principles of their legal system, collaborate with each other and with relevant international and regional organizations in promoting and developing the measures referred to in this article. That collaboration may include participation in international programs and projects aimed at the prevention of corruption.”

3. Prevention of corruption in public administration

Public administration must necessarily be guided by the principles of professionalism, impartiality and merit. Societies with a new democracy like we are, have significant problems in creating an administration that entirely serves the public interest. Many interventions, change of political governance, nepotism, different connections and other business elements, directly violate institutional impartiality and independence. For purposes of better treatment of this part we will continue to treat corruption in public administration in matters affecting employment and promotion in public administration, the reward of state officials, prevention of conflict of interest in exercising public functions, declaration of gifts, conflict of interest after termination of the duty in exercising of public function and the declaration of assets, revenues and their origin.

3.1. Employment and promotion in public administration

Corruption in public administration starts from accepting of the official of the administration to carry out public and state works and is vested with authority and power of a public official. Usually, modern societies have created the maximum transparency in the recruitment of staff for public administration, as the source of all evil begins from this point. In many cases, staff recruitment for public administration is done by partisan, ideological, group, regional, sectarian, religious, national and other. Consequently, the administration by these actions brings hesitant objectivity and transparency in the performance of common administrative tasks. The possibility is not excluded that in order to take a position in public administration, the candidate would even bribe and corrupt officials responsible for recruitment.

150 Article 5, paragraph 1, 2, 3 and 4, of the United Nations Convention against Corruption.
151 According to the United Nations Convention Against Corruption, the notion “public official” is (i) any person holding a legislative, executive, administrative or judicial office of a State Party, whether appointed or elected, whether permanent or temporary, whether paid or unpaid, irrespective of that person’s seniority; (ii) any other person who performs a public function, including for a public agency or public enterprise, or provides a public service, as defined in the domestic law of the State Party and as applied in the pertinent area of law of that State Party.
According to the Law on Civil Servants of the Republic of Kosovo\textsuperscript{152}, “The Civil Service is composed of impartial, professional, accountable Civil Servants and reflects multiethnicity and gender equality,”\textsuperscript{153}. “Civil Servants are employed on the basis of merit upon passing the selection procedures as established by this law and specific sub-legal acts.”\textsuperscript{154}

Despite the law regulation of this matter, according to the Progress Report for Kosovo for the year of 2014 it is emphasized that: “With regard to public service and human resources management, political interference in public administration persists, both at central and local level. Further efforts are needed to fully implement relevant provisions on the prevention of corruption and promotion of integrity in the civil service, in particular by providing targeted training for civil servants. Secondary legislation to the laws on the civil service is still outstanding. Pending completion of the job classification catalogue, there have been further delays in implementing the laws on civil servants and on salaries of civil servants”\textsuperscript{155}.

Kosovo Anti-Corruption Strategy for the period 2013-2017, has foreseen the following strategic objectives:

- Professional non-politicized public administration;
- Enabling discovery of irregularities in every public institution and offering protection in compliance with international standards;
- Implementation of codes of ethics in the public administration and the fight against nepotism;
- Providing special measures against corruption for health, education, taxes and sectors of environmental and spatial planning.

However, despite the attempts that by the means of legal norms to regulate all possible actions in order to prevent nepotism, the influence, but also to prevent corruption, of course that it is a great challenge to achieve the expected and encouraging results. General situation and such trend have radically challenged the normal functioning of the state administration and in general of the state apparatus. Time is needed to increase the level of general social awareness to prevent a negative trend in the failure towards nepotism, corruption, influence biased and un-transparent decisions. Reform should definitely include most segments where the challenges for establishing a professional management have been almost insurmountable.

### 3.2. The remuneration of state officials

One of the reasons that may send a state official to get corrupted, may also be the low salary that he takes for the work performed in a state institution. Many state officials,

\textsuperscript{152} Law No. 03/L-149 for the Civil Service of the Republic of Kosovo was approved on 13 May 2010. Whereas, it was proclaimed by the decree no. DL-022-2010, on 14.06.2010 by the President of the Republic of Kosovo.

\textsuperscript{153} Article 3, par. 1, Law on the Civil Service of the Republic of Kosovo.

\textsuperscript{154} Ibid, Article 3, par. 2.

\textsuperscript{155} Progress Report for Kosovo 2014, pg. 11.
agree to work even for a small salary, although the salary which is contracted for the performance of the assigned duties does not also cover the cost of his life, so he always seeks for alternative ways in order to reach his goal. Usually, positions that require working with parties are challenged to make concessions in exchange for various material favors and other benefits that contradict with the law. Misuse of official position and authority is not rare in our country. So far, many state officials have been convicted for such illegal acts, a number of those cases are still in a judicial procedure, while a great number of those cases still do not “feel the hand of the state” in order to be held accountable for their actions or inactions estimated as illegal.

The work of civil servants is compensated through the payroll system. Wages they receive are considered to be low. In 2014, the Government of Kosovo has decided to increase salaries for all civil servants by 25%. A salary increase of 25% for all civil servants without any assessment of the performance, presented as such on the brink of the general elections is a matter of concern. However, despite the increase of wages for the compensation of the work undertaken by the civil servants, the trend of acts of corruption still continues not to decrease. Salary increase must by all means be made on the basis of the principle of merit. In earlier periods of time, the state positions have not been attractive to many people who have mastered high professionalism and the same have been the aim of private organizations, ranging from banks, various corporations and other organizations which had the compensation system of wages arranged in a much more favorable way than the state organizations. Consequently, other candidates who possessed less professionalism have been offered to the state authorities.

If we raise the hypothesis that higher salaries for public servants prevent corruption, or greatly reduce, and decrease it, the arguments are the pros and cons. In this case it can be elaborated in three directions: a) the higher the salaries in the public sector reduce cases of a public official getting caught in corruptive activities; b) Low salaries in the public service, only attract disabled applicants or even the dishonest ones, which results in an inefficient, corrupted and nontransparent administration; c) When the governmental positions are paid worse than other comparable jobs, the moral corruption costs decrease.

Decision making institutions have to consider the salary issue as a good possibility to refrain the state officials from abusing with their position and corruptive acts. A good salary is certainly the biggest and best opportunity to prevent corruption. Many countries, prevention of public corruption have seen in the light of administrative reforms and its digitalization. Replacement or rotation of public officials from one position to another for a certain period of time is seen as a good opportunity so that public officials cannot create opportunities and then misuse or abuse their official duty. Digitization of administrative services is also seen as a good option to eliminate the

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156 Progress Report for Kosovo - 2014, pg. 11.
possibility of exercise and abuse of duty. Also, other reforms are recommended, for example the Auditor General during various audits.

3.3. Prevention of the conflict of interest in exercising of public function

One of the important components in the wake of corruption prevention is the prevention of the exercise of conflict of interest in exercising public functions. The legal basis of this is the Law on Prevention of Conflict of Interest in exercising public functions. A senior official should perform his duty with integrity, impartiality, to protect the authority of the senior official as well as the institution and through his work increase citizens' trust in institutions. According to law, the conflict of interest is a condition of disagreement between public office and private interests by the senior official, when he has personal direct or indirect interests, personal or property, which affect, might affect or appear to affect the legality, transparency, objectivity and impartiality in the exercise of the public function.

The initiation of the procedure, to assess possible conflict of interest in the exercise of public function, can be performed according to ex officio by the Anti-Corruption Agency, with the initiative of a supervisor or supervisory body, at the request of the official himself, according to the report of any person or other anonymous reports. The agency has so far made a number of decisions where a conflict of interest was concluded on the occasion of the exercise of public functions and other interests. According to the statistics issued per year, 2009, the Anti-Corruption Agency, has recorded a total of 47 cases of potential conflict of interest. In 15 cases, written warning of existence of conflict of interest and requested the officials to confront with the facts, 27 cases, after suspected conflict of interest, and later reviewed by ACA, resulted with no elements of conflict of interest and were closed.

Nevertheless, it is a generally known fact that the current legal arrangements allow multiple opportunities to influence the actions of officials of state institutions. Individual independence in the exercise of the function of public officials, whether appointed or elected, whether permanent or temporary, whether paid or unpaid, irrespective of length of service, never produce institutional independence since the challenge is frequent and sometimes even unbearable. Remarks from the various reports on the functioning of administration in our country, identify a lot of errors and violations when applying and respecting legal Provisions related to prevention of corruption in public administration.

Considering the circumstances of the cases which occur in legal practice, it happens many times that the high levels of public positions, individuals who hold those positions fall in contradiction to legal principles established by legislation against conflicts of interest. For the purposes of this study, we will discuss a case study of one of the Deputy Prime Minister of Kosovo. According to the decision issued by the Anti-

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158 Article 7, par. 3 the Law on Prevention of Conflict of Interest in exercising public functions.
159 Ibid, Article 6.
Corruption Agency 01-4809 / 15 dated 17.12.2015 noting that B.S. with the public position of a deputy prime minister of the Government has registered a private business where he is listed as an authorized person, which according to legislation on the prevention of conflict of interest, presents an inconsistency in the exercise of public function. The same was warned about the found situation of legal incompatibility. Consequently, the public official has taken action by giving up private business as an authorized person, so as to not contradict with the law in force. Taking into account all the arguments presented by the public official that has avoided the potential situation of conflict of interest, the agency closed the case. This case presents a practical engagement by the mechanism for implementing practice of Law to prevent conflicts of interest.

3.4. Declaration of gifts

According to the legal basis in our country, public servant for the work he performs, cannot receive gifts. Excluding, gifts are permitted in protocol meetings between delegations, which is more regulated in diplomatic interstate context, as an element of strengthening of friendships, or closeness between state representatives. In case that the gift is forwarded in a specific manner and has fallen into hands of the gift recipient from the gift giver, gift receiver as a person that exercises a public authorizations immediately has to report it. Anti-Corruption Agency, according to the relevant law, has to take a decision for the case of the gift receipt and come to a conclusion if the gift is of a personal character or if it directly influences the work that the public servant performs.

Our country, unlike many countries, in principle does not allow acceptance of gifts to public officials regardless of the value that a gift carries, such a thing is not allowed. Whereas under specific circumstances, the acceptance of the gift must be declared in the institution where the gift receiver works and then to the Anti-Corruption Agency. Many states, however, allow acceptance of gifts of a certain material value, provided that gifts are extremely personal and will not affect the exercise of the position as a public official.

To name a few examples, the value of the gift should not exceed the sum of 10 dollars in Kazakhstan, 25 dollars in South Korea, Japan 50 dollars and 125 dollars in Malaysia.\(^{161}\)

3.5. Conflict of interest after termination of the duty in exercising of the public function

Many public officials during the exercise of their function in this position can influence individuals and different groups, by creating in this way an advantage for themselves or others. Usually, positions which are intended for political officials that take public positions, where in addition to the official appointed, there is also a team of people who

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\(^{161}\) Haruhiko Ukawa, op. cit., pg. 10.
come to the institution to carry out certain tasks. In such cases, most frequently the creation of opportunities is enabled as well as the favoring of various individuals and organizations, according to certain preferences to win and exercise any benefits that may derive from the public authority. Such an example could be the creation of a favor by awarding the commission of the road construction, to the company that is associated with a certain individual, or the creation of another opportunity.

Such favors create the possibility of public officials to directly enjoy a privilege of the business, individual, organization, or by someone else for the favor which he has performed by exercising his duties. In most of the cases, the creation of favors as such, requires a return favor as well before the end of the position which he enjoys exercising. Being aware of the attention a public official has had during the period of exercising the public position, it may happen that the return favor is required after the completion of the public position. Such cases may be situations where a public servant gets employed in a company during his mandate that has gained a commitment for conducting of some public tasks in the same institution where he has served; or if he is a politician, during his election campaign there might be a business that finances his election campaign, or other favors as well.

The United Nations Convention against corruption in “Preventing conflicts of interest by imposing restrictions, as appropriate and for a reasonable period of time, on the professional activities of former public officials or on the employment of public officials by the private sector after their resignation or retirement, where such activities or employment relate directly to the functions held or supervised by those public officials during their tenure.”

In accordance to the above request, our legislation states: “Senior official, whose public function is terminated, has no right within one (1) year to be employed or appointed to managing positions or to be involved in the control of public or private enterprises, if his/her duties during the last two (2) years before the termination of public functions, have been directly connected to monitoring or controlling business activities of those enterprises.” The regulation in normative aspect in this manner, is foreseen as a convenient legal measure for the setting of some preventive obstacles in an eventual conflict of interest.

Many countries, in the context of preventing conflicts of interest, have different arrangements. States such as China and Hong Kong after completing assignments as public servants, for the next two years for any additional commitment, even if it is employment in a business, or similar, requires prior consent of the government, to allow such a thing, in order to avoid conflicts of interest. This also applies to people who retire and who previously have had duties as public servants.

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162 Article 12, paragraph 2, point e), United Nations Convention against Corruption.
163 Article 17, Law on prevention of the Conflict of Interest.
164 Haruhiko Ukawa, op. cit., page 7.
3.6. Declaration of assets, revenues and their origin

“In order to fight corruption, each State Party shall promote, inter alia, integrity, honesty and responsibility among its public officials, in accordance with the fundamental principles of its legal system. In particular, each State Party shall endeavor to apply, within its own institutional and legal systems, codes or standards of conduct for the correct, honorable and proper performance of public functions”\textsuperscript{165}.

Another important way to control and prevent corruption, is also seen the disclosure of assets, revenues and their origin. In terms of law in Kosovo this part is well regulated. The applicable law in Kosovo, defines the obligations of higher public officials to declare property, income and the origin\textsuperscript{166}. Public declaration of assets is seen as an opportunity to refrain public officials from indulging in corruptive actions and be seen in the eye by the public for the property which they have had at the beginning of the engagement in the position, during the engagement and afterwards. So it is a good opportunity to observe the mobility of their wealth.

According to the law “Data pertaining to the declaration of property of senior public officials include: name, last name, function, name of institution, address of institution, appointment date, date when declaration form has been submitted, functions and other activities exercised by public official besides the public function, real estate and its types, surface, origin, its prejudged value, ownership, shares in commercial enterprises or any other institution, valuable letters, cash money, financial obligations of public officials towards natural and legal persons as well as annual revenues. All these data shall be published in the web page of the Agency within sixty (60) days from the date of expiry for declaration of property by senior public officials”\textsuperscript{167}.

Based on the publicly presented analysis, the declaration of assets in this way, is also seen as an opportunity to legitimize all the property acquired illegally, since there is no independent body to investigate the origin and the way of acquisition of this property. From the analysis of some decisions\textsuperscript{168}, which are issued for not declaring of the wealth, we can see that a big number of the officials have not done the declaration of their wealth, and they have received legal sanctions for that reason, although very low.

\textsuperscript{165} Article 8, paragraph 1 and 2, United Nations Convention against Corruption.
\textsuperscript{166} Law no. 04/l-050 on declaration, background and control of the wealth of the high public officials and declaration, background and control of the gifts for all official persons.
\textsuperscript{167} Ibid, Article 13.
\textsuperscript{168} Resolution on the case R.I.No. 2128/13, dt. 22.11.2013, Basic Court Ferizaj – Branch Kaçanik, Division for offences.
4. A practical decision with which a prevention of conflict of interest by the Anti-Corruption Agency was performed

REPUBLIC OF KOSOVO
ANTI-CORRUPTION AGENCY

According to the article 11 (paragraph 1.1.), article 5 (paragraph 1, point 1.5), article 18 (paragraph 10 and 11) of the Law no.03/L-159 on Anti - Corruption Agency as well as article 19 (paragraph 11) of the Regulation no. 01/2014 of the work of the Anti-Corruption Agency, the Director of the Anti - Corruption Agency on 17.12.2015, imposed the following:

DECISION

I. The case no. AKK-03-02-2948/18 for the high official Mr. B.S. Deputy Prime Minister of the Republic of Kosovo is closed, because the high public official has avoided the potential situation of conflict of interest.

II. The case can be reopened at any time when new circumstances are presented.

Reasoning

I. In the case of reviewing on conflict of interest by protocol no. AKK-03-02-2949/15, which treated the high official Mr. B.S., Deputy Prime Minister of Kosovo.

During the process for the identification of the suspected cases for a possible conflict of interest the case for the high official Mr. B.S. Deputy Prime Minister of Kosovo, during the checking procedure it was noticed that the high official has registered a private business and is presented as the authorized person which according to the Law on prevention of the Conflict of Interest in Exercising of the Public Function No. 04/L-051, represents a conflict of interest and inconsistency in performing the public function, therefore Anti-Corruption Agency has notified the high official with the first letter that the procedure of review of the possible situation of a conflict of interest and that he has the right within 15 to get notified with the facts the Agency possesses.

Following this letter, Mr. B.S. contacted with officials of ACA to get information regarding the letter sent to his address, and then after this communication, we organized a meeting with Mr. B.S., where the facts and evidence were presented regarding the situation that has to do with conflict of interest.

The high official Mr. B.S. Deputy Prime Minister of Kosovo agreed with the situation, but has pledged that within the legal deadline to make changes and will act according to Law in force in order to prevent potential conflict of interest, since on this issue he was not previously notified.
On 12.10.2015, we received the official document from ARBK, proving that Mr. B.S. ceased to be as an authorized person in business.

We estimate that after the action taken by the official in question, by making the required changes, leaving as a person authorized in his private business, new circumstances have occurred and the situation of potential conflict of interest and incompatibility in the exercise of public function has been avoided, therefore it was decided as in the provision of this decision.

II. In support of the article 18 (paragraph 11) Law no. 03 / L-159, Anti - Corruption Agency, the Agency can reopen the case at any time if new circumstances arise.

Hasan Preteni
Director of the Anti - Corruption Agency

The decision is sent to:
- The high public official
- The director of DPK
- MR. / Mrs. (contact official)
- MR. / Mrs. (contact official)

5. Closure

1. Corruption is one of the most dangerous criminal phenomenon in modern times. Connections between corruption and other forms of crime, in particular organized crime and economic crime, including money laundering, has mobilized countries in the fight against this destructive phenomenon. The major concern is the seriousness of the problems and risks arising from corruption to the stability and security of societies, undermining the institutions and values of democracy, ethical values and justice and jeopardizing essential development and the rule of law. Public bodies through legal acts are adding their efforts to achieve effective results in relation to corruption.

2. Efforts in the fight against corruption require a general mobilization of society, by engaging the whole social intelligence, starting from the family, schools, other educational institutions, different social groups, organizing various campaigns, the maximum commitment of the state apparatus, starting with police, other social institutions and other institutional framework to prevent and combat corruption.

3. Criminal offences of corruption differ from other criminal offenses, as they are always committed intentionally and deliberately. Knowing that these acts are committed by persons, who have authority and state power, it also requires maximum commitment in fighting respectively eliminating the
biggest number possible of the opportunities to start or complete such actions. Prevention is the best fight to stop these illegal actions.

4. Public administration must be guided by the principles of professionalism, impartiality and merit. New democratic societies have significant problems in creating an administration that serves the public interest entirely. Many interventions, the change of political governance, nepotism, different relations to business elements and others, directly impair the institutional independence and impartiality.

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10. Law no. 04/l-050 on declaration, background and control of the wealth of the high public officials and declaration, background and control of the gifts for all official persons.
11. Resolution of the case R.I.No. 2128/13, date 22.11.2013, Basic Court Ferizaj – Branch Kaçanik, Division for Offences.