



**Phenomenological Approach of Robbery
with Special Overview in the Basic Court in
Gjilan- Branch in Vitia during the Period
2013-2017**

Albana Aliu¹

Abstract: For the purpose of describing, studying, analyzing the features of the manifestation of crime or phenomenology that is otherwise known as a study of external symptoms affecting internal events related to robbery, we will look through reviewing and analyzing the volume, the dynamics and structure of this type of criminality, the time, the place and the means of committing robbery. Then also the study and analysis of robbery if they are carried out through their cooperation and union, as well as some important features of the perpetrator, social features such as the age of the perpetrator, the sex of the perpetrator, the profession, the level of education, recidivism and so on and in this way it will be easier for us to understand these phenomenological factors.

Keywords: volume; dynamics; objective factors; subjective factors; personal traits

Introduction

In the criminal offense of robbery, as a kind of offense that violates the intangible asset/property and the material possessions of the person who is subject to property damage, to see the volume, dynamics and other factors of the spread of this type of criminality, the data that reflect the offenses of this kind envisaged in the final decisions, given that in cases of robbery is always decided by a verdict rather than by a ruling. This makes it possible for us to obtain a more accurate picture of the spread of criminality or the spread of robbery.

¹ Master of Criminal Law, University of Pristina “Hasan Prishtina”, Republic of Kosovo, Address: str. Agim Ramadani, 10000, Pristina, Republic of Kosovo, Corresponding author: albana.02@live.com.

1. Volume and Dynamics

In the period 2013-2017, in the framework of the Basic Court in Gjilan- Branch in Vitia, according to their volume, the criminal offense of robbery was widespread as a phenomenon, since quite a number of top of this kind of criminality. Thus, in the period referred to above, convicted persons for this type of criminal offenses rank by 18%, occupying the fourth place after criminal offenses of forest theft, criminal offenses of endangering public traffic, criminal acts of theft of municipal services.

The dynamics of robbery, the dynamics of this kind of criminality, will be presented and treated within the four year period by studying the cases of convicted persons. If we consider the progress of the criminal offense of robbery during the four year period under the Basic Court in Gjilan- Branch in Vitia, we see a gradual decline within the years but also a downward trend in relation to the total number of criminal offenses or criminality, during these years we see a downfall of the criminal act of robbery, we see a faster pace of forest fraud, public traffic risk and theft of municipal services. Thus, based on statistical data we find that adult persons convicted for this type of crime, higher participation in relation to the recent number of criminal offenses have marked exactly in the first year of our research in 2013 with a participation of 4.38 % cases of robbery. In 2014 we see a halving of cases of robbery or a huge reduction of this kind of criminality where in relation to the total number of criminal offenses in 2014 we have a participation of 1.22% cases of robbery. The year 2015 was almost the same as the previous year with regard to the criminal offenses of robbery, where in the total report of the criminal offenses of robbery within the Basic Court in Gjilan- Branch in Vitia this year we have a participation of 1.61% cases of robbery.

In the following two years there is a smooth movement of the number of robbery recorded in the Court expressed in percentage thus appearing in 2016 with a total of 1.42% of robbery cases, while 2017 had a total of 1.88% cases of robbery¹. From these data, we can see that the number of robbery cases within the Basic Court in Gjilan- Branch in Vitia from 2014 to 2017 without including 2013 was latent and without any major fluctuations. From the research conducted we can see that 2013 had the highest number of crimes of robbery, while the lowest number was 2014 and the difference between these two years is 3.16%. In the period 2013-

¹ Data cases of robbery have been obtained from the Archive of the Basic Court in Gjilan-Branch in Vitia, and in the books of statistics for the years 2013, 2014, 2015, 2016, 2017. There have been investigated cases of robbery as well as the total number of criminal offenses that have entered the Court during this investigative period.

2017 at the Basic Court in Gjilan -Branch in Vitia were committed a total of 86 cases of criminal offense of robbery expressed in percentage by 2.24% compared to the total number of criminal offenses received within these 4 years of research¹.

During the period 2013-2017 under the Basic Court in Gjilan- Branch in Vitia we see that within the year 2013, 959 cases were received in the Basic Court in Gjilan-Branch in Vitia, of which 61 are solved and 898 unsolved by the number of overall we see that 42 cases are criminal offenses of robbery and from them are solved a total of 22 cases. In 2014 we have a total of 815 cases received in court based on the data obtained from the court archive we see that on 31 December 2014, the number of cases where 77 cases were solved, and among them 738 cases unresolved. Among them, 10 cases of robbery and only 5 have been solved, while 5 others are still unsolved. In 2015, 743 cases were received, out of which 80 were solved and 663 unresolved based on statistics that were closed on December 31, 2015. Among them, 12 cases of robbery have been identified, of which only 6 have been solved. In 2016, 635 cases were received from the Court, 65 of them resolved, while 570 remained unresolved. As for the robbery, 9 cases have been identified and 5 of them have been solved. In 2017, 694 cases were received in the court according to the register that was closed on December 29, 2017, 50 cases were solved, while 644 were unresolved, of which 13 cases were recorded, whereas solely 6 of them were solved. As we can see from the data obtained from the Court's archive, then from the Basic Prosecution in Gjilan and the Criminal Charges made by the Police in Vitia, we see that during this period we have changes in terms of robbery or criminality in general, but what is apparent is that there is a drastic drop in the criminal offense of robbery from 2013 to 2014 and in the years to come. These drops and increases have been determined by the presence of numerous factors influencing the appearance of these criminal offenses as well as by the punitive politics guided by the criminal justice organs.

2. The Place, Time and Means of Performing

Presentation, study and treatment of criminality by territorial extent is of interest to certain criminal and political orientations in terms of prosecuting and fighting it, as well as its prevention (Halili, 1987, p. 94). It is important to see the greater or

¹ In order to have a clearer picture of the structure of the criminal offense of robbery and the cases received in the Basic Court in Gjilan-Branch in Vitia, the data in the archive of this court were analyzed as well as the data obtained in the Prosecution Archive Basic in Gjilan based on the number of indictments raised.

lesser presence of any kind of criminality in certain territories, as well as in urban environments or in rural environments, where it clearly speaks for the big or small participation of factors who play a key role in presenting that kind of criminality. Given the fact that the criminal offense of robbery in the Basic Court in Gjilan-Branch in Vitia for the spread of this type of criminality is spoken in the volume section, now it will be treated the village / town relations. Based on the data obtained from the archive of the Basic Court in Gjilan- Branch in Vitia, we find that big buildings are attacked more by robbery, which are located in the city, while in the villages the private houses have been attacked. As can be seen, during the investigated period in the territory of this court, robbery was more committed in the city with a total of 50 cases, usually in business premises, large and small businesses, banks, markets and so on. Other cases were conducted in the village, mainly in residential homes. The appearance of this kind of criminality has made us realize that it has been influenced by a number of factors, especially the robbery that have been done in private residential homes. It is known that in some seasons of the year robbery cases are the most frequent. Especially in rural areas the appearance of criminality is more present in spring and fall. As it is seen, spring and fall are the seasons when this kind of crime in the villages has spread more often, because usually by the robbery in villages private residential homes are attacked, and most affected are compatriots who during these seasons do not come to visit so much at home. While in the city usually robbery are carried out during the winter season, utilizing atmospheric conditions as well as the lowest frequencies of people. The number and performance of robbery express differences during the day time. Meanwhile during the day, criminality has marked these variations. This way we may think that the criminal offense of robbery was committed during the time intervals of the day, it turns out that the largest number of robbery was carried out in the late hours of midnight or more precisely from 21:00 to 3:00 in the morning. This is because even the flow of people is smaller and the possibility of carrying out the work without being noticed by someone is greater, but even if someone can see them during the commission of the criminal offense of robbery, the perpetrator is on easy leaving the scene and concealing its identity. The crime scene of robbery is carried out by various means. As can be seen from the data taken at the Police Station in Vitia, most of these works are carried out using strong iron tools, which serve to open the doors and windows in order to allow entry into the interior. With the use of these tools, perpetrators feel safer and do not have to spend so much since they are tools that can be found everywhere.

3. Cooperation and Union during Performance

In criminal law science, to cooperate in committing the criminal offense of robbery is given special importance rightfully by the fact that when the offense is committed by many persons, of course, it is more dangerous than when committed by a person (Gashi, 2003, p. 43). Most of the crimes- robberies are committed in cooperation and the number is relatively high. Thus, in the period 2013-2017 in the territory of Vitia, respectively under the Basic Court in Gjilan- Branch in Vitia, 86 cases of robbery, 19 or 22.09% of them were committed in cooperation. However, of co-operation, adult convicts have participated as executors in most cases, as co-executors and as assistants, while in the role of promoter as a phenomenon is not quite expressed. But if we deal with the period 2013-2017, we see that with oscillations that have been made over the years in the appearance of criminality have also affected cooperation, since 2013 is the year with the highest number of robbery. In cases of robbery in the Basic Court in Gjilan- Branch in Vitia based on the analysis of the data received within the 4 year period 2013-2017, there is no recorded case of criminal offense of robbery committed in union.

4. Some Personal and Social Features of the Perpetrator

4.1. Age

Based on the statistical data pertaining to the convicted persons for the criminal offenses of robbery of the Basic Court in Gjilan- Branch in Vitia, we see that most of the perpetrators are between the ages of 18 and 30, we see a relatively young age among the perpetrators of criminal offenses. However, no deferred age groups such as those over 55 are excluded. During the period of 4 years we have observed that the number of people aged 18 to 30 who committed the criminal offense of robbery is 70.93%, while the other age groups have a 29.06% share. Due to the causes that influence the appearance of this kind of criminality are mainly economic ones, lack of adequate education and inability to access a job that could provide income.

4.2. Gender

In cases of robbery, men are more likely to do it than women. Studying the period 2013-2017 at the Basic Court in Gjilan- Branch in Vitia, we see that among the perpetrators of this criminal offense, in only 3 cases where female perpetrators are expressed in percentage, this share is 3.48%, whereas in other cases men who have committed 96.51% of robbery cases. One of the key reasons that men are more

involved in this type of criminality is because in most cases they are family custodians and to ensure family income is included in these types of offenses, but not excluding cases when they commit criminal offenses of robbery as a result of their personal claims, or as a result of the district where they live.

4.3. Profession

The presentation of the profession to persons who commit the criminal offense of robbery is of particular importance and from the data obtained from the archives of the Basic Court in Gjilan- Branch in Vitia, indictments filed by Basic Prosecution in Gjilan¹ and Criminal Charges made by the Police Station in Vitia, during the 4 year research period we see that in most cases the perpetrator of the criminal offense is persons with no adequate education, often with elementary or even uneducated, unskilled and the majority with seasonal work. The unemployed are those who have committed the most criminal offense of robbery 52.32%, then those who do seasonal work do not have a regular job 23.25%, individual farmers with 20.93%, and housewives with 3.48%.

4.4. Educational level

Criminological research proves that education is considered an important factor in combating and preventing robbery. The low level of education is one of the criminogenic factors in the presentation of this type of criminality, which can be well seen from the data relating to the school preparation of perpetrators of robbery, among which one a considerable number are without education at all, with elementary education, secondary education, and higher education has not yet been noted. From the research conducted in the period 2013-2017 we find that among the perpetrators of criminal offenses we have these cases who do not have any education at all or are illiterate with 17.44%, performers who have only 4 classes 9.30%, with six primary classes 11.62 %, with full primary school 24.41%, with high school 32.55%, with college no case, faculty no case, while unknown are 4.65%.

4.5. Recidivism

Or repetition of criminal behavior is a special and dangerous form of criminality and in some way a kind of specialization of their perpetrators. Recidivists are

¹ In order to better deal with cases of robbery as well as the professions of the perpetrators, in addition to the decisions of the Basic Court in Gjilan-Branch in Vitia, the indictments raised by the Basic Prosecution in Gjilan have been analyzed to find a higher level of accuracy between the decisions taken and the indictments raised.

usually counted as the most dangerous offenders. In the cases of recidivists during the years 2013-2017, we see that for several years in succession we have the same perpetrator of the offense “robbery”, which is a bigger concern. During the period under investigation from 2013-2017 under the Basic Court in Gjilan- Branch in Vitia we have a total of 54.65% of cases committed by recidivists, while special recidivists have a total of 32.55%.

4.6. Nationality

Based on the records of the registration office we can see that the Municipality of Vitia has some 50000 inhabitants, of which 96% of the Albanian ethical affiliation and the rest are other minorities. From the data obtained by the Basic Court in Gjilan- Branch in Vitia, we find that among the perpetrators of robbery we have the highest percentages among Albanian, then Serbian, Roma and Turkish. Among the perpetrators of Albanian nationality we have 70.93%, then Serbian 9.30%, RAE 5.81%, Turkish 1.16%.

5. Some Factors of the Criminal Offense of Robbery

5.1. Understanding and types of criminogenic factors

It is important to study and recognize the factors or causes that affect the appearance of criminality. Knowing the factors that influence the appearance of criminality is also about knowing the resources, roots, and circumstances. Meanwhile, to study the factors that influence the emergence of criminality, one should consider: objective-exogenous factors and subjective-endogenous factors that condition the phenomenon of criminality and other anti-social and negative phenomena in a society (Shelley, 1992, pp. 1-3). Knowledge of criminogenic factors is of great importance and therefore special attention and attention is paid. In criminological literature related to criminogenic factors there are 3 views and theories: Factor theory, Functionalism theory and Causality theory (Halili, 2011, p. 237). The theory of causality, this theory has to do with the cause or causes of criminal behavior, the condition or conditions of criminal behavior and the cause of criminal behavior (Milutinovič, 1982, p. 295).

5.2. Objective factors

Different criminologists are of the opinion that the appearance of criminality is influenced by external or objective factors. In most cases these factors play a

determining role in the appearance of criminality. Among these factors are: economic and social factors, ideological, micro-societal, socio-pathological factors.

Economic conditions- it is often thought that economic prosperity will certainly increase the well-being of people, but the current reality has proven the opposite as economic development at the same time has impacted on the growth of criminality. In this regard, it is emphasized that the overwhelming industrial development, the great technical achievements, the development of electronics, and a series of major transformations that have been made in society have also influenced the processes of human formation and personality. These great achievements and transformations have on one hand contributed to the creation of a well-being and high standard, on the other hand, with millions of people suffering from starvation, poverty, unemployment and various diseases. In the contemporary world we see two major differences, or two worlds on the one hand are industrially developed states that simultaneously engage in nuclear weaponry, technological domination, and on the other hand have a part of the world still facing misery, poverty, exodus, disease (Jasovič, 1983, pp. 234-235). So all of these phases influence the appearance of criminality in general as well as robbery in particular. The same situation may possibly be described within the territory of the Municipality of Vitia, within the population there are significant differences because many of the delinquent population are without income, poor, unemployed, poor housing conditions, without occupation and in many cases those who have migrated from remote mountain villages to a better life in the city, and based on the research conducted during 2013-2017, we see that out of the 86 cases of robbery, 12 of them are under difficult economic conditions or expressed in percentage falls to 13.95%, based on the indictments raised and the final decisions taken by the Basic Court in Gjilan-Branch in Vitia we see that most of the accused for this type of the criminal offense are beneficiaries of social assistance or have been declared that economic conditions are difficult and that they belong to the group of the population with poor economic conditions¹. All these factors are part of the socio-economic factors that affect the appearance of criminality.

¹ On the occasion of the treatment and research of socio-economic factors regarding their impact on the occurrence of cases of robbery, in order to find a more accurate percentage we have been consulted with the indictments raised during the period 2013-2017 taken from the Basic Prosecution Archive in Gjilan and the decisions rendered by the Basic Court in Gjilan-Branch in Vitia for the period 2013-2017, but given that a large number of cases of robbery are still underway we were also consulted with the minutes of the initial hearings held in this court where we made the necessary comparisons regarding the economic situation of the accused.

Narcotics- also appears as a negative social phenomenon, which is characterized by the use and consumption of narcotic drugs and other narcotic substances. This phenomenon causes serious consequences on the psychological and physical health of humans. People who use different narcotics are inclined to deal with prohibited and criminal acts. Drug addicts are given after the commission of theft crimes and in this case of robbery, then the trade in arms, the organization of prostitution, the burglary, the breaking of shops and other objects, all these actions are undertaken in order to secure the means materials then buy narcotics that are quite expensive. In conclusion, we can see that these are the factors that could have a greater impact on the occurrence of criminality, and in particular robbery. Narcotics as a phenomenon has also affected the commission of the criminal offense of robbery, based on our treatment of this phenomenon, we see that among the citizens of the Municipality of Vitia committed the criminal act of robbery, 3 of them appear to be users of any subject narcotics, expressed in percentage falls to 3.48% compared with the number 86 of general cases of robbery.

Family- represents the most important factor in the development and formation of the human personality, it is presented as a social community in which human from birth to death is under the supervision of its members. In the family or in the family environment, children and young people gain the basics of courtesy, first knowledge about themselves and others. But today in contemporary societies the concept for the family has changed considerably since often it is the family where the member gains the culture. These families are not capable of educating and educating young people fair and stable, and often, in the literature, it is noted that such families are transformed into delicate sources of delusive behavior. Meanwhile, if we link our research conducted within the 4 year period we see that among the perpetrators of the criminal offense of robbery we prove that most of the delinquents derive from such degraded families because these families are incapable of playing their role in the education and formation of young people. Based on the statistics received from the Police Station in Vitia, we see that we often commit offenders of this type or any other kind that come from the same family or families known as problematic families that fall over them 49 cases received from the total number of criminal offenses of robbery, expressed in percentage of 56.97% within the period 2013-2017 in the Basic Court in Gjilan-Branch in Vitia.

5.3. Subjective factors

In addition to the objective factors in the appearance of criminality, internal or subjective factors also play a major role. When talking about subjective factors in most cases we think of the individual about his personality. So in these cases we refer to psychological factors or biological factors.

Motives- are personality qualities. Motives are the driving forces that push an individual to be active and guide their activity in life. Motives as personality traits consist of elements of consciousness and will. (Nushi, 1996, pp. 233-234). Which means that criminal behaviors are conscious activities and undertaken with the free will of human and are driven by his inner forces. We have two types of motives: biological motives and social motives. Biological or innate motives are: motives for food, quenching of thirst, reproduction, parental motives, pain relief motive, motive for sleep and many other motives. And in cases where individuals cannot realize these motives, or cannot control them, they constrain some internal impetus over the realization of their own desires and interests of perpetrating crimes. For example, cases of robbery are carried out by material motives and needs of anatomical-biological character, but which are gained in the process of development, education and perfection of the individual in society. (Haliri, 2011, p. 344) In subjective factors take part mental disorders as well, but of course mental disorders are not all of the same intensity because we have disorders such as: neurosis, psychopathy and psychoses and these three disorders based on the study have influenced the appearance and the commission of this criminal offense.

Conclusions

In the criminological treatment of robbery we have taken on the basis of criminal phenomenology. During the study conducted within the framework of the Basic Court in Gjilan- Branch in Vitia within a four year period 2013-2017, we were able to establish a link in volume and dynamics, structure, place, time and means of committing the criminal act of robbery as well as cooperation and unity during the commission of this work. With the handling and analysis of robbery volumes we have tried to find its spread within four years in relation to other criminal offenses. Also, with the analysis of the structure of robbery we have treated and analyzed the total number of cases received in court, then from this total number of cases of robbery, as well as the number of solved cases and those that are not resolved but are carried forward year to year. The place, time and tools also show much about

the robbery that were committed during 2013-2017. In the presentation of criminality in general as well as of robbery in particular, the personal and social characteristics of the perpetrator play a great part. Among the personal characteristics is treated the age, as with age analysis we had the greatest opportunity to see which age groups are more likely to commit this type of criminality such as robbery. Gender, profession, educational level, recidivism and nationality have been treated and analyzed as features of the spread of criminality or more specifically on the spread of robbery. There have also been studied and analyzed several criminogenic factors of the criminal offense of robbery such as external or objective factors as well as internal or subjective factors.

Objective factors based on the study conducted within the four year period show that: economic conditions, degrading family, drug addiction, education level are the factors that affect the impoverishment of the population, bring people to a very difficult economic position and thus exist a kind of push for these persons to commit the criminal offense of robbery, and that this type of offense is part of the chapter on offenses against property under the Criminal Code of Kosovo. Also, subjective factors are those that have been dealt with and analyzed for the impact they have on criminality, as well as robbery. These factors are very important because they are precisely the stimulating power that drives a particular individual to commit a certain offense, these factors are related to the individual and their personality. According to the place of commission, robbery were more often carried out in villages in private homes, whereas iron bars were used as the most commonly used tools. In this study, as we have seen above, we have also found some personal traits of the perpetrators of robbery, such as the age of perpetrators, their gender, their occupation, educational level and recidivism.

Thus, according to their age this research pointed out that the highest participation has marked the age group of 21 to 24, which can be taken as a relatively young age. The perpetrators of this type of criminality in the vast majority were unemployed with 52.32%, and with regard to the educational preparation in the commission of robbery they have finished high school with 32.55%. While recidivism has recorded a share of 54.65%, which at the same time can be considered a fairly high percentage compared to the total number of robbery. Being aware that fighting and preventing robbery implies the necessity of studying and recognizing the causes and conditions influencing their appearance, the study found that general objective and subjective factors are those that have influenced the appearance of criminality.

Meanwhile with the analysis of subjective factors we refer to psychological factors and biological factors. Motives are precisely the personality qualities, motives are the driving forces that drive an individual to be active and orientate to life and precisely here lies the link between the motives and the commission of the crime of robbery. In subjective factors take part mental disorders as well, but of course mental disorders are not all of the same intensity because we have disorders such as: neurosis, psychopathy and psychoses and these three disorders based on the study have influenced the appearance and the commission of this criminal offense.

References

Gashi, R. (2003). *Penitentiary Policy on Blood Delinquency in Kosovo during 1980-1989*. Pristina.

Halili, R. (1987). *Crime against marriage and family in Kosovo*. Pristina.

Halili, R. (2011). *Criminology*. Pristina.

Jasovič, Z. (1983). *Criminology of Juvenile Delinquency*. Belgrade.

Milutinović, M. (1982). *Criminology*. Pristina.

Shelley, S. (1992). *Psychology*. Seattle.

Nushi, P. (1996). *Psychology*. Pristina.

Statistics from Basic Court in Gjilan-Branch in Vitia.

Statistics from the Kosovo Police, respectively from the Police Station in Vitia.

Statistics from the Basic Prosecution in Gjilan.