



Compulsory Treatment Measures in Kosovo in Particular the Treatment Through Rehabilitation of Persons Addicted to Drugs or Alcohol

Arbërore Azemi

Student in LLM in Department of Criminal Law, Faculty of Law / UBT - Higher Education Institution, Pristina.
Republic of Kosovo

<http://dx.doi.org/10.47814/ijssrr.v5i7.521>

Email: azemi.arberoree@gmail.com

Abstract

The paper analyzes the importance of imposing mandatory treatment measures for perpetrators of criminal offenses and the factors that affect the mental state of perpetrators. In the occurrence of crime in a society, great influence has also sociopathological factors, in particular drug and alcohol addiction. Drug and alcohol addiction is defined as a chronic recurrent disorder and is a medical condition caused by repeated misuse of one or more narcotic substances. Due to the use of narcotic substances, a large number of criminal offenses or crimes occur. The number of drug users in Kosovo is increasing, especially from a young age. Compulsory treatment measures apply only to perpetrators with mental disorders because sentencing to imprisonment or other criminal sanctions would not provide an opportunity for re-socialization or reintegration of this category of offenders into society. For the treatment of offenders with mental disorders, the criminal legislation of Kosovo contains provisions for special procedures, for the very fact of sensitivity and care that should be exercised towards these persons. Although the imposition of compulsory treatment measures is of great importance, especially to perpetrators addicted to drugs or alcohol, the application of these measures in our country is not finding much application in practice.

Keywords: *Mental Disorders; Drug Addiction; Criminal Proceedings; Crime; Psychiatric Treatment*

Introduction

Criminality is a negative social phenomenon, which has been accompanying every society throughout all stages of its development. (Maloku, 2015: 29). In the new millennium, the extent and power of crime have become extremely large. This crime affects every stratum of the society of every state and has turned into a disease that infects everything that encounters it (Maloku, 2015: 126). This has made the prosecuting authorities of different countries put bridges of cooperation among themselves to make it easier to pray this negative phenomenon around the world. (Maloku, 2015: 461).

The criminality of people with mental disorders is a great challenge for society in preventing and combating this phenomenon. In the science of criminal law, it has been found that among the factors of crime, mental disorders, namely mental illness and addiction to drugs and alcohol, are also, essential

factors in crime. Even in some cases, some people with mental disabilities and addiction to drugs or alcohol appear as the leading causes of committing the crime.

Narcotics abuse (Maloku, 2019,152) or drug addiction is the inability to cut or quit narcotics despite the best efforts. This is a diagnostic sign of substance abuse and drug addiction. On a basic level, when an individual experiences drug addiction, it means that the individual feels that he or she must use drugs in order to function. Many people suffer from chronic pain and have become addicted to their medications but do not abuse them. Addiction can be physical, psychological, or both. (Maloku, 2021: 94). The impact of such factors is related to the violation of moral, human, and social values that contribute to the occurrence of delinquent and criminal behavior in the country. Such phenomena in the social environment are usually associated with crises and major economic, political, cultural, and other anomalies that accompany different societies. (Halili, 2016).

In order to avoid the risk that such persons will commit criminal offenses in the future, it has been shown that it is necessary to impose medical measures on persons with reduced responsibilities and depending on drugs or alcohol, in addition to the sentence. While to completely irresponsible persons due to mental disorders, only compulsory treatment measures are imposed.

By means of compulsory psychiatric treatment measures against perpetrators of mental disorders, current criminal law aims to perform two functions.

1. Avoid the risk that such persons will again commit criminal offenses or protect society from crime
2. The application of medical measures, compulsory psychiatric treatment, consists in achieving the objective of humanizing criminal law, that criminal law to exercise the function of protecting society from crime, not only with sentences but also with medical measures. (Salihu, 2008)

According to the Criminal Code of the Republic of Kosovo, compulsory treatment measures are not criminal sanctions but are special measures of a medical nature, which can be imposed only on perpetrators of criminal offenses with mental disabilities and dependence on drugs or alcohol.

The perpetrator with a mental disorder or the person who is being treated as such will be treated with humanity and respect for the inherent human dignity (Paragraph 1 of Article 83 of the Criminal Code of Kosovo).

Mandatory treatment measures that can be imposed on perpetrators who are not criminally responsible, have substantially reduced mental capacity, or are addicted to drugs or alcohol are: (Article 84 of the Criminal Code of Kosovo)

1. compulsory psychiatric treatment with detention in a health care institution;
2. compulsory psychiatric treatment at liberty; and
3. treatment through compulsory rehabilitation of persons addicted to drugs or alcohol.

1. Literature Review

Authors Jasarevic & Maloku (2021), in their book Criminal Procedure Law I and II (general and special part), exceptionally well address the importance of imposing mandatory treatment measures for perpetrators of juvenile offenses and adults. Also, these authors in the book Criminology (etiology and phenomenology of criminality) treat and analyze the factors that affect the mental state of perpetrators of criminal offenses.

The placement and treatment of offenders with mental disorders is an issue within the criminal justice systems of Western societies. Treating mentally ill offenders by a criminal justice system's ability of a society to balance public safety interests with the achievements of modern psychiatry and its ability

to incorporate basic human rights principles into criminal and mental health. It is clear that adequate treatment and reintegration into society of doubly stigmatized patients (both offenders and the mentally ill) requires good services, sophisticated treatment, appropriate training, and high-quality standards, which is very away from the reality of position in many member states of the European Union. The limited integration and ambiguous position of forensic psychiatry may be due to its specific dual role of delivering justice to the individual needs of offenders with mental disorders on the one hand and meeting the expectations of society and guaranteeing public safety on the other hand (Salize & Drebing, 2005).

According to (J. Vinkers, Beurs, Barendregt, Rinne, & W. Hoek, 2011), a psychotic disorder may be associated with violent acts because a psychosis limits the cognitive ability to make rational choices between behavioral alternatives, but a need for money may cause a property crime by a psychotic patient (e.g., drugs). If mental disorders are related to specific types of crime, the underlying mechanisms may change. There is still uncertainty as to whether specific types of mental disorders are related to specific types of offenses. Therefore, diagnosing and treating mental health problems in the forensic environment is important despite assuming a causal link between mental disorders and crime. General efforts to change offenders' living environments and health may reduce their propensity to commit new crimes. (Anckarsäter, Radovic, Svennerlind, Höglund, & Radovic, 2009)

The protection measure of psychosocial treatment may be imposed on the perpetrator of the criminal offense (e.g., the perpetrator of domestic violence) in combination with any other preventive measure to avoid the violent behavior of the perpetrator or if there is a risk of recurrence of the criminal offense (Maloku, 2019).

The concept of compulsory treatment as a mechanism for reducing the spread of drug abuse and the consequences of this abuse, both for those individuals and for American society in general, is not new. Compulsory treatment can be defined as activities that increase the likelihood that drug abusers will enter and remain in treatment, change their behavior in a socially desirable manner, and maintain that change. (Tims & Leukefeld, 1988)

People addicted to drugs should not be subject to discrimination because of their past or current drug use. Like any other medical procedure, in general conditions, the treatment of drug addiction, whether psychosocial or pharmacological, should not be mandatory for patients. Only in extreme crisis situations with high risk to oneself or others should mandatory treatment be mandated for specific conditions and time periods set by law. When the use and possession of drugs result in criminal sanctions imposed by the state, the offer of treatment as an alternative to imprisonment or other criminal sanction is a choice for the patient/offender, and although it involves a degree of coercion for treatment, the patient is entitled to refuse treatment and choose the criminal sanction (Principles of Drug Dependence Treatment / Discussion Paper, 2008) instead.

The rights of people addicted to drugs should never be limited to the basics of treatment and rehabilitation. Inhumane or degrading practices and punishment should never be part of the treatment of drug addiction. These rights are also guaranteed by the European Convention on Human Rights, which prohibits inhuman and degrading treatment; where according to (Article 3 of the European Convention on Human Rights), no one may be subjected to torture or to inhuman or degrading treatment or punishment.

2. Methodology

Appropriate methods have been used in the paper to achieve the goal (Karovic et al., 2020: 107). The paper will use comparative, theoretical, and meta-analysis methods (Maloku, 2020: 170) and present the views of some authors different from the criminal and criminological fields. For the realization of this work the method of theoretical analysis has been used, analyzing the measures of mandatory treatment, with all its features and forms. This is a descriptive method by which the general characteristics of the imposition of measures and, in particular, the treatment of persons addicted to drugs and alcohol are

described; comparative methods by comparing and pronouncing these measures in different periods; the research method through which the collection of relevant data is allowed to generate the hypothesis that was later tested and supported.

A statistical method was also used through which official data will be presented for persons who have been treated in a rehabilitation center in 2020.

The Microsoft Office-Package method was used to work with the tables presented.

The paper contributes to the existing scientific literature (Maloku et al.2021: 52), especially in criminal law, criminal procedure law, criminology, criminology, etc.

Based on the available literature, reports, contacts, and personal research. The paper provides a summary of the criminal legal aspect, respectively the material legal aspect (Maloku, 2020: 21) on the measures of compulsory treatment in Kosovo, particularly the treatment through rehabilitation of persons addicted to drugs or alcohol.

This study is based on the following hypotheses:

H1. The number of mandatory treatment measures is very low compared to the total sentences in the period 2017-2019 in Kosovo

H2. The low level of employment dominates drug users in the research period 2020.

3. Results and Discussion

3.1. Legal Regulation for Compulsory Treatment Measures

3.1.1. Compulsory Psychiatric Treatment with Detention in a Health Care Institution

Compulsory psychiatric treatment measures in correctional or special institutions, consists in the recovery of persons who have committed a criminal offense due to mental illness and special mental states. These diseases are usually serious and their treatment and cure requires the placement and longer stay of the person in special institutions.

" Mental disorder " means any disability or disorder of the mind or brain whether permanent or temporary resulting in impairment or disorder of mental functioning. (Article 56 of the Code of Criminal Procedure).

According to Article 85 of the Criminal Code of Kosovo, the court may impose the measure of compulsory psychiatric treatment with detention in the health care institution on the perpetrator who has committed a criminal offense in a state of mental incapacity or essentially reduced mental capacity, if he finds that:

- The perpetrator has committed a criminal offense for which he or she may be sentenced to one (1) or more years of imprisonment;
- There is a serious risk that the perpetrator will commit another criminal offense;
- Compulsory psychiatric treatment with detention is necessary to avoid committing another criminal offense;
- Compulsory psychiatric treatment with prohibition is necessary to avoid serious risk.

3.1.2. Compulsory Psychiatric Treatment at Liberty

The measure of compulsory psychiatric treatment in freedom is also a medical-medical measure imposed and executed on persons who have committed criminal offenses in a state of irresponsibility or

reduced responsibility. When the court decides to impose and execute this measure, it has in mind the fact that the convicts don't need to be placed in a psychiatric institution and solitary confinement. Still, their recovery in a certain psychiatric institution in freedom is sufficient. (Halili, Penologjia, 2009)

According to the Criminal Code of the Republic of Kosovo, the court may impose the measure of compulsory psychiatric treatment at liberty on the perpetrator who has committed a criminal offense in a state of mental incapacity or substantially reduced mental capacity, if it finds that: (Article 86 of the Criminal Code of Kosovo)

- There is a serious risk that the perpetrator will commit a criminal offense and that compulsory psychiatric treatment at liberty is necessary to avoid committing another criminal offense and is sufficient to avoid a serious risk.
- Compulsory psychiatric treatment measures at liberty may be imposed on the perpetrator against whom the measure of compulsory psychiatric treatment with detention in a health care institution has been imposed, when the court determines that detention in a health care institution is no longer necessary.

The court may impose compulsory psychiatric treatment at liberty on perpetrators with substantially reduced mental capacity and who are on parole, as provided in (Article 90 of the Criminal Code of Kosovo).

- Compulsory psychiatric treatment at liberty may not exceed three (3) years if imposed on the perpetrator with substantially reduced mental capacity.
- The court may impose compulsory psychiatric treatment with detention in a health care institution:
 - a) when the perpetrator is not subject to compulsory psychiatric treatment at liberty as defined by code
 - b) when the perpetrator abandons compulsory psychiatric treatment at liberty; or
 - c) when despite compulsory psychiatric treatment with detention in a health care institution, there is a serious risk that the perpetrator will still commit a criminal offense.

3.1.3. Treatment Through Compulsory Rehabilitation of Drug or Alcohol Addicts

According to the Criminal Code of the Republic of Kosovo, the perpetrator who has committed a criminal offense under the influence of drugs or alcohol, the court may order a measure of compulsory rehabilitation treatment in a health care institution, if both of the following conditions are met: (Article 87 of the Criminal Code of Kosovo)

- I. The court has imposed a sentence, court reprimand or acquitted the perpetrator; and
- II. The court finds that the main factor that motivated the commission of the criminal offense was the perpetrator's dependence on alcohol or drugs and whether it is likely for his successful treatment.
 1. Suppose the measure of compulsory rehabilitation treatment is imposed, in addition to the fine, court reprimand, or release from the sentence. In that case, the court may decide, with the consent of the convict, that such measure be executed in freedom. Suppose the perpetrator, without reasonable cause, does not undergo treatment at liberty or arbitrarily abandons the treatment. In that case, the court may order that the treatment be executed in the health care institution.
 2. If the measure of treatment with compulsory rehabilitation has been imposed in addition to the fine, court reprimand, or release from the sentence, the treatment may not last more than two (2) years.
 3. If the measure of compulsory rehabilitation treatment has been imposed in addition to the imprisonment sentence, it may last until the sentence is served. The time spent in the health care institution will be counted in the sentence imposed.

4. The court must review the execution of this measure every two (2) months to decide whether it is necessary to continue the measure. (Paragraph 2, 3, 4, 5 of Article 87 of the Criminal Code of Kosovo)

3.2. Imposition of Mandatory Treatment Measures for the Period 2017-2019 in Kosovo

In the research, it was found that in the basic courts of the Republic of Kosovo, in the period 2017-2019 were convicted a total of 55,789 adult persons where of them was imposed the measure of compulsory treatment of only 243 adult persons. The total number of convicts is much higher in relation to the number of convicts who have been sentenced to mandatory treatment.

Based on the data collection of this research, the following result was achieved:

Table no.1: Imposition of compulsory treatment measures in Kosovo in the years 2017 - 2019,

year	Number of convicts	Main Penalties												Alternative Penalties		Remarks of the court	Mandatory treatment measures
		Fine	Community service	5 -30 Days	1 - 2 Months	2 -6 Months	6 -12 Months	12 years old	2-5 Years	5 - 10 Years	10 - 15 Years	15 - 20 Years	20 -25 Years	With one condition	Semi		
2017	18.753	6.594	89	29	63	483	254	226	158	41	14	6	8	9.963	12	741	71
		35.2 %	0.5 %	0.2%	0.3%	2.6 %	1.4 %	1.2 %	0.8 %	0.2 %	0.1 %	0.0 %	0.0 %	53.1 %	0.1 %	4.0 %	0.4 %
2018	19.721	8.616	37	20	69	567	348	226	184	46	14	8	6	8.776	18	698	86
		43.7 %	0.2%	0.1 %	0.3 %	2.9 %	1.8 %	1.1%	0.9 %	0.2%	0.1 %	0.0 %	0.0 %	44.5 %	0.1 %	3.5 %	0.4 %
2019	17.315	7.595	105	38	91	679	346	254	174	31	12	16	10	7.365	4	545	86
		43.9 %	0.6%	0.2%	0.5%	3.9 %	2.0%	1.5%	1.0 %	0.2 %	0.1 %	0.1 %	0.1 %	42.5 %	0.0 %	3.1%	0.5 %

Source: Jurisprudence Statistics for Adults, 2017 - 2019

<https://ask.rks-gov.net/sq/agjencia-e-statistikave-te-kosoves/sociale/jurisprudenca>

Based on "Jurisprudence Statistics for Adults," for the year 2017-2019, published by (Kosovo Agency of Statistics, 2017-2019) for adults, it turns out that in the Basic Courts and their branches, the perpetrators of criminal offenses have been imposed the following measures of compulsory treatment:

- In 2017, the number of convicts for various criminal offenses was a total of 18,753 convicts, of which the measure of compulsory treatment was sent to 71 persons or expressed in a percentage of 0.4%.
- In 2018, the number of convicts for various criminal offenses was a total of 19,721 convicts, of which the measure of compulsory treatment was sent to 86 persons or expressed in a percentage of 0.4%.
- In 2019, the number of convicts for various criminal offenses was a total of 17,315 convicts, of which the measure of compulsory treatment was sent to 86 persons or expressed in a percentage of 0.5%.

3.3. The Impact of Alcohol on Crime

Alcohol is a psychoactive substance with addictive production properties that has been widely used for many centuries in various cultures.

The toxic effects of alcohol are numerous, thus causing a range of diseases of a psychic and organic nature such as damage to the digestive system, liver, pancreas, and even irreversible damage to the central nervous system (where for every 1 liter of alcohol, 1,000 die -2,000 irreversible brain cells). The greatest harm comes from long-term use, so chronic alcohol users, with time, lead the person to schizophrenia, stupidity, mental degeneration, and so on. (Newman, 2022)

Alcohol is associated with violent crime at a higher level compared to the non-violent crime. For example, heavy drinking and a verbal argument usually precede the violent act, and the victim is just as likely as the abuser to start the quarrel. However, it is the cause of the quarrel that is most likely to be drunk. Alcohol and aggression are strongly associated with crime, demonstrating psychopathology. On the other hand, marital violence often manifests itself in fatigue with alcohol, despite other marital problems. (Murdoch & Ross, 2009)

A significant portion of the disease burden attributable to alcohol consumption arises from unintentional and intentional injuries, including those due to road traffic accidents, violence, and suicide, as well as fatal alcohol-related injuries, which tend to occur in younger age groups.

3.4. The Impact of Drugs on Crime

Addiction to narcotics is defined as a chronic disorder, recurrent and characterized by compulsive drug search and continued use, despite the harmful consequences and long-term changes in the brain. Addiction is the most severe form of a full spectrum of use disorders of substances and is a medical illness caused by repeated misuse of one or several substances.

The relationship between substance use and violence is evident in a wide range of populations and different types of abuse, e.g., community violence, violent criminal recidivism, etc. Drug and alcohol use is associated with violence, and the highest risk of violence occurs when drug and alcohol use is done in combination.

National Institute on Drug Abuse (Abuse, 2018) says drug abuse categorizes three types of drug-related offenses:

- Possession or distribution of drugs
- Direct linkage to drug abuse (theft to get money for drugs)
- Lifestyle involvement in illegal activities (association with other offenders or illegal markets)
- The psychiatric disorders that drug or alcohol users most often suffer from are mood disorders (e.g., depression), anxiety disorders, and antisocial personality disorder.

Drugs are related to crime in many ways, whether directly, using, possessing, producing, or distributing drugs classified as the potential for abuse. (Bean, 2014)

Substance abuse can define or contribute to criminal behavior. By treating drug or alcohol addiction, the recidivism rate for criminal activity can be reduced. (Wild, Roberts, & Cooper, 2002)

Therefore, treatment through compulsory rehabilitation of persons addicted to drugs or alcohol is necessary. The treatment provided within the criminal justice system reduces substance abuse and recidivism. Research shows that the most successful treatment programs for offenders are those that combine treatment in the institution with treatment for at least three months after release to the community. (H. Peters, M. Ray, & Kremling, 2010)

3.5. Treatment of Drug and Alcohol Addicts for the Period 2020

The number of drug users in Kosovo is increasing, while adolescents are becoming more and more frequent consumers. Treating people who are addicted to narcotics is long-term and difficult, but in our country, there is currently no long-term rehabilitation center in addition to the "Labyrinth" center, which is a non-profit organization based in Pristina that deals with the prevention of drug and alcohol abuse, treatment of drug and alcohol addiction and reducing the damage associated with drug injection.

From the statistics obtained from this center, in the research period 2020, the results are as follows:

Table no.2: Statistics on gender, age and employment status

MALE		Females	the average age	Employed	Unemployed
Nr.	1244	108	28	447	893
%	92.01%	7.99 %		33.06 %	86.83%

Source: Statistical report of the medical-psychotherapeutic center "Labyrinth" for 2020.

The total number of persons who have received treatment in the rehabilitation center is 1,352 persons. Of the total persons addicted to drugs and alcohol for the period 2020, 92% are male (1244), while 8% are female (108). Their average age is 28 years old. Of all, 33% (447) are employed, while 87% (893) are unemployed.

This supports the hypothesis that drug users are dominated by the low level of employment in the research period 2020.

Table no.3: Statistics on psychiatric problems (psychosis)

They have been prisoners	They have not been imprisoned	Do inject drugs now	Do not inject drugs now	They had psychiatric problems	They had no psychiatric problems	
Nr.	639	701	380	927	175	1173
%	47.26%	51.85%	28.11%	68.57%	12.94%	86.76%

Source: Statistical report of the medical-psychotherapeutic center "Labyrinth" for 2020.

Of the total number of persons who received treatment in the rehabilitation center, 47.2% or 639 persons were imprisoned, and 51.8% or 701 persons were not imprisoned. During this time period, of the total number of people addicted to drugs and alcohol, 28.1% or 380 people inject drugs now, and 68.5% or 927 people do not inject drugs now. Of all, 12.9% or 175 people had psychiatric problems, and 86.7% or 1173 people did not have psychiatric problems.

Table no.4: Average age statistics and detoxification statistics

How much do they use alcohol	How much do not use alcohol	How many have died	The average age when they first started using drugs	How many have experienced overdose	How many have not experienced overdoz	
Nr.	215	434	101	18.46	308	998
%	15.90%	32.10%	7.47 %		22.78 %	73.82%

Source: Statistical report of the medical-psychotherapeutic center "Labyrinth" for 2020.

Of the total number of persons who have received treatment in the rehabilitation center, 15.9% or 215 persons use alcohol, and 32% or 434 persons are not alcohol users. During this period, of the total number of drug and alcohol addicts, 7.47% or 101 people died. Their average age when they first started using drugs was 18 years old. While of all, 22.78% or 308 people have experienced an overdose, and 73.82% or 988 people have not experienced an overdose.

3.6. Criminal Procedural Regulation

The Criminal Procedure Code in force provides special provisions which regulate criminal proceedings for perpetrators of criminal offenses with mental health defects.

The perpetrator who has committed a criminal offense in a state of mental incapacity or substantially reduced mental capacity may be sentenced to:

- Compulsory treatment measures with detention in a health care institution.
- Compulsory psychiatric treatment at liberty.

The provisions of Chapter XXXIII of the CPC provide for the possibility of examining the health condition of persons with mental disorders to ascertain the state of mental incapacity or substantially reduced mental capacity at the time of the commission of the criminal offense or to verify the defendant's ability to subject to trial.

To confirm the condition of the defendant, an order is given for a psychiatric examination stating the time when the examination should be performed. This psychiatric examination must be performed within two weeks of the issuance of the order.

If the defendant has not hired a defense counsel, the court must issue an order appointing a defense counsel at state expense.

At any time during the criminal proceedings, if there is a suspicion that the defendant at the time of the commission of the criminal offense was in a state of mental incapacity or reduced mental capacity or if there is any mental disorder, the court ex officio or on the proposal of the prosecutor State or defense counsel may appoint an **Expert**: (Paragraph 1 of Article 508 of the Criminal Procedure Code of Kosovo)

1. To conduct the psychiatrist examination of the defendant.
2. To ascertain the facts whether the defendant at the time of the commission of the criminal offense was in a state of mental incapacity or reduced mental capacity.
3. To ascertain whether the defendant is capable of facing trial.

If the expert needs a longer observation of the defendant to establish the facts, the court may issue a **Decision** to detain the defendant in a health institution for up to two weeks with the possibility of an extension for another two weeks.

After reviewing the expert's opinion and hearing the state prosecutor and defense counsel, the court makes a Ruling on the defendant's ability to stand trial if the defendant currently has a mental disorder and because of such disorder, the defendant is unable to defend himself. , consult a defense counsel or understand the procedure.

Such a ruling may be **appealed**.

Depending on the ruling on the ability of the defendant, the criminal proceedings may be **waited** or **terminated**.

When the court decides that the defendant is incapable of undergoing trial due to permanent mental illness, it terminates the proceedings, while when it finds that the incapacity for trial is the result of a mental disorder presented after the commission of the criminal offense, then the investigative procedure suspends or adjourns the hearing.

Such procedure may be continued according to the procedural rules for the continuation of the suspended investigation or for the continuation of the postponed court review. (Sahiti & Murati, 2016)

The enacting clause of the guilty verdict must also contain the decision (order) on the measures of compulsory rehabilitation treatment of perpetrators addicted to drugs and alcohol, in case the court has imposed such a measure.

The decision to impose the measure must contain:

1. Type of measure imposed; Duration of the measure;
2. The manner of execution and supervision of the measure;
3. The procedure for changing and terminating the imposed measure, etc. (Hyseni & Shala, 2015)

Conclusion

The imposition of mandatory treatment measures as part of the positive legislation, highlights the need and importance of applying these measures to perpetrators in order to prevent and combat this phenomenon.

Although the imposition of these measures is of great importance for the re-socialization or reintegration of this category of offenders in society, based on research, we see that the application of these measures in our country is very low. The negligence of the judiciary in cases where the perpetrators of criminal offenses are persons with mental disorders and lack of medical treatment can aggravate the mental state of the perpetrator and, as a result, increases the risk of recurrence of criminal behavior. The judiciary must be vigilant when it comes to human rights. Otherwise, they lose the vigilance and trust of citizens in institutions.

Both globally and in our country, illicit drug addiction remains a key source of morbidity and mortality and is implicated in criminal recidivism. The dependence of these individuals on narcotic substances or alcohol brings the latter into an irresponsible state and, as a result, commit criminal acts.

Narcotics use is defined as a threat to the community at large, so the imposition of mandatory treatment measures is of great importance.

Reference

- Jurisprudence Statistics for Adults 2017 - 2019. Kosovo Agency of Statistics. Retrieved from <https://ask.rks-gov.net/sq/agjencia-e-statistikave-te-kosoves/sociale/jurisprudenca>
- Bean, P. (2014). Drugs and Crime. Retrieved from <https://doi.org/10.4324/9780203077146> .
- H. Peters, R., M. Ray, J., & Kremling, J. (2010). Criminal Populations and Substance Abuse. (N. S. Miller, Ed.). Retrieved from <https://doi.org/10.1016/B978-0-12-496736-6.00016-5> .
- Halili, R. (2009). *Penology*. Prishtina.
- Halili, R. (2016). *Criminology*. Prishtina.
- Hyseni, B., & Shala, A. (2015). *Judges' Handbook on Criminal Procedure*. Kosovo Judicial Institute and USAID Kosovo Rule of Law Program in Kosovo. Retrieved from https://ad.rks-gov.net/Uploads/Documents/DGJPPsq_.pdf
- Jasarević, O., Maloku, A. (2021). *Criminology (etiology and phenomenology of criminality)* . University of Travnik. Travnik. Bosnia and Herzegovina.
- Jasarević, O., Maloku, A. (2021). *Krivi č no procedural law I and II (op š ti i posebni dio)*. University of Travnik. Travnik. Bosnia and Herzegovina.

- Karović, S., Maloku, A., & Shala, S. (2020). Juvenile Criminal Law in Bosnia and Herzegovina With Reference to the Criminal Legal Position and Responsibility of Juveniles. *Forensic Theme*, (1-2), 107-122. Retrieved from <https://krimteme.fkn.unsa.ba/index.php/kt/article/view/205>
- Code no. 04 / L-123 in Criminal Procedure. (nd). Official Gazette of the Republic of Kosovo / No. 37/28 December 2012 , 194-194. Retrieved from <https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=2861>
- Code no. 06 / L - 074 Criminal of the Republic of Kosovo. (nd). *Official Gazette of the Republic of Kosovo / No. 2/14 January 2019, Prishtina* , 27-29. Retrieved from <https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=18413>
- Maloku, A. (2015). International police cooperation in the fight against organized crime. *Regional Journal of Social Sciences Reforma*. No.2. 2015 pp. 119-127.
- Maloku, A. (2015). Fear of Violence and Criminality in the Region of Gjilan, Kosovo. *Mediterranean Journal of Social Sciences*, 6 (2 S5), 29–36. Retrieved from Doi: 10.5901 / mjss.2015.v6n2s5p29
- Maloku, A. (2015). International legal regulation to prevent abuse of psychotropic drugs and substances. *Balkan Journal of Interdisciplinary Research*. Vol.1. No. 1. 2015. pp. 461-472.
- Maloku, A. (2019). *Vocabulary of victimology terminology* . Iliria College, Prishtina,
- Maloku, A. (2020). Theory of Differential Association. *Academic Journal of Interdisciplinary Studies*, 9 (1), 170. Retrieved from <https://doi.org/10.36941/ajis-2020-0015>
- Maloku, A., Maloku, E. (2020). Protection of Human Trafficking Victims and Functionalization of Institutional Mechanisms in Kosovo. *Acta Danubius University. Juridica*, 16 (1), 21–44.
- Maloku, A., Maloku, E. (2021). *Failure of legal-criminal terminology for journalists*. Iliria College, Prishtina.
- Maloku, E., Jasarevic, O., & Maloku, A. (2021). Assistance of the psychologist expert in the justice bodies to protect minors in Kosovo. *EUREKA: Social and Humanities*, (2), 52-60. Retrieved from <https://doi.org/10.21303/2504-5571.2021.001649>
- Murdoch, D., & Ross, D. (2009, Jul 03). Alcohol and Crimes of Violence. Retrieved from <https://doi.org/10.3109/10826089009058873> .
- Newman, T. (2022, March 9). What is alcohol use disorder, and what is the treatment? Retrieved from <https://www.medicalnewstoday.com/articles/157163> .
- National Institute on Drug Abuse. 2018, June 6. *Understanding Drug Use and Adicction Drug Facts* . <https://nida.nih.gov/publications/drugfacts/understanding-drug-use-addiction> .
- Sahiti, E., & Murati, R. (2016). *The right to criminal procedure*. University of Prishtina. Law faculty. Prishtina.
- Salihu, I. (2008). *Criminal law*. Fama College. Prishtina.
- Wild, T. C., Roberts, A. B., & Cooper, E. L. (2002). Compulsory Substance Abuse Treatment: An Overview of Recent Findings and Issues. Retrieved from <https://doi.org/10.1159/000052059> .

- United Nations Office on Drugs and Crime and World Health Organization, *Principles of Drug Dependence Treatment, Discussion Paper*, 2008. Retrieved from <https://www.unodc.org/documents/drug-treatment/UNODC-WHO-Principles-of-Drug-Dependence-Treatment-March08.pdf>
- Carl G. Leukefeld, DSW Frank M. Times, Ph.D, National Institute on Drug Abuse Research Monograph 86, 1988 *Compulsory Treatment of Drug Abuse: Research and Clinical Practice*. Retrieved from <https://archives.drugabuse.gov/sites/default/files/monograph86.pdf>
- European Court of Human Rights, Council of Europe, 67075 Strasbourg cedex France *European Convention on Human Rights*, Article 3. Retrieved from https://www.echr.coe.int/documents/convention_sqi.pdf
- Vinkers, D. J., Beurs, E., Barendregt, M., Rinne, T., & Hoek, H. W. (2011). *The relationship between mental disorders and different types of crime*. *Criminal Behavior and Mental Health*, 21 (5), 307–320. Retrieved from <https://doi.org/10.1002/cbm.819>
- Anckarsäter, H., Radovic, S., Svennerlind, C., Höglund, P., & Radovic, F. (2009). *Mental disorder is a cause of crime: The cornerstone of forensic psychiatry*. *International Journal of Law and Psychiatry*, 32 (6), 342–347. Retrieved from <https://doi.org/10.1016/j.ijlp.2009.09.002>
- Hans Joachim Salize & Harald Dreßing. Central Institute of Mental Health J5 D-68159 Mannheim Germany. (2005). European Commission - Health & Consumer Protection Directorate-General. *Placement and Treatment of Mentally Ill Offenders - Legislation and Practice in EU Member States*. Retrieved from https://ec.europa.eu/health/ph_projects/2002/promotion/fp_promotion_2002_frep_15_en.pdf

Copyrights

Copyright for this article is retained by the author(s), with first publication rights granted to the journal.

This is an open-access article distributed under the terms and conditions of the Creative Commons Attribution license (<http://creativecommons.org/licenses/by/4.0/>).