



Crime Against Ecological Environment - Air Pollution in Kosovo

Fjolla Elshani

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

E-mail: fjollaeshanni@gmail.com

<http://dx.doi.org/10.47814/ijssrr.v5i8.555>

Abstract

The purpose of this paper is to address the problem of environmental pollution in the territory of Kosovo. Crime against the environment or ecological crime, or else known today as green crime, which refers to the study of environmental crimes and damage to the environment, specifically crime against the environment, deals with causes, consequences, environmental damage and reactions. Prevention of crime by the legislation of the Republic of Kosovo, administrative instructions, laws on inspection of premises, influential factors that cause pollution of the environment, reduction and prevention of crime which is the main step after green crime, is considered an illegal act, crime of green is a crime which has received special importance from all over the globe and ensuring the values of our society according to our laws in force where it is the obligation of every natural and legal person to maintain air quality to protect it from pollution caused by activities that are practiced in the territory of our country and this crime is being discussed increasingly every day and actions have been taken to prevent and decrease it. The matter of public awareness undoubtedly continues to be one of the most problematic issues in different countries, but also very disturbing for our country as well. The role of our criminal law in environmental protection is becoming increasingly important, given the need for approximation to be added to environmental law in the context of EU membership. The consolidation of administrative control capacities plays an important role in preventing and combating these criminal offenses, which are very necessary to ensure the effective implementation of the law. We are currently facing the phenomenon of environmental destruction and this issue is undoubtedly very worrying for our country, although most laws are aimed at prevention, but unfortunately this phenomenon doesn't look as if was successful until now. Environmental crime is an act which violates the legal relationships established in the protection of the life of the individual and the environment, all of which are sanctioned by environmental criminal legislation. The main purpose of this paper is definitely the analysis, assessment and identification of problems are entirely related to environmental crime and environmental safety.

Keywords: *Crime; Environment; Surrounding; Ecology; Pollution; Air*

Introduction

The environment where we live is of great importance because it has a direct impact on health and it is the obligation of every individual to contribute to the protection of our country. Kosovo has inherited from preceding generations serious problems with the environment because natural resources have been exploited and this has led to significant degradation and it's still one of the core problems regarding this matter.

Environmental pollution is the direct or indirect impact of contaminants or of the energy on the environment, caused through human activities or through natural processes that have harmful effects on the quality of the environment and human health (Ligji për Mbrojtjen e Mjedisit, Ligji Nr. 03/L-025, 2009).

The phenomenon of environmental pollution is certainly one of the greatest hazards that humanity faces, and this phenomenon has turned into a problematic matter with serious consequences. The living environment is more endangered every day and makes life difficult for the existence of living beings on earth and the human as the basic subject who with his inventions and work brings the development of society to higher standards, but on the other hand neglects the living environment and then society faces ecological problems (Vesel Latifi, 2006).

The first attempts to prevent air and water pollution were found in several acts and orders of English kings such as Edward I, who wanted to protect the city of London from air and water pollution. (Kaiser, 1995).

In different countries, protective measures have been taken for the environment, various norms and legal provisions have been issued that guarantee the protection of the environment. Environmental pollution has retained the dimensions of a menace that can be called ecological catastrophe which threatens humanity with severe consequences (Halili, 2016).

The living environment is the responsibility of each individual, for the surroundings where he lives and moreover the constitutional order of the Republic of Kosovo is based on the principle of environmental protection (Kushtetuta e Republikës së Kosovës, 2008).

As a result of "green crime", people who suffer the most are the citizens who are considered victims in the case and the victims from the combination of the natural environment are the victims from acid rain because acid rain is caused by atmospheric pollution, where the main factor is industrial smoke caused by coal and other fossils, which contain sulfur and nitrogen oxides and which in this combination together with atmospheric rain create acid, which then when falling to the ground can cause damage to humans and the environment (Maloku, 2019)

Crime against the environment is increasing dramatically recently in a rapidly changing technological age and this is a very troubling problem in the political arena and the application of crime against the environment is not classified as a criminal offense and the ugly part about this is that persons violating environmental laws almost never receive the deserved sanction.

The health effects of air pollution have been the subject of intensive study in recent years, exposure to such pollutants has been associated with increased mortality and people who have been admitted to hospitals due to respiratory diseases and all these effects have been found in short-term studies, which have followed groups of individuals exposed over time. (Brunekreef & Holgate , 2002)

1. Literature Review

With the development of human society, various forms of crime have developed as well, especially organized crime (Maloku, 2015: 461). Organized crime crosses borders, where we have to deal with serious criminal acts (Maloku, 2015: 119). The activity of criminal organizations is not limited only to the national borders of the state, but it is constantly expanding and weaving its own branch networks in many foreign countries. (Maloku, 2016: 10). Crime against the environment as a form of crime is treated in the book *Criminology (etiology and phenomenology of crime)* by the authors Jasarevic and Maloku (2021), where the authors treat this form of crime as a form of organized crime and a form of national crime which has been growing in recent years.

Crime against the ecological environment is very current in Kosovo, presented by natural and legal persons, also this form is manifested to a large extent by white-collar workers, where the competent authorities for different purposes hide this type of crime and remain silent on this matter. Kosovo faces countless problems of crime against the environment which are: Air, soil and water pollution, illegal possession of hazardous substances and waste, illegal construction, damage to facilities and equipment for environmental protection, production, sale and distribution of harmful substances for the treatment of animals, unconscious provision of veterinary assistance, illegal exercise of veterinary services, non-implementation of orders to combat animal and plant diseases, contamination of food and water, destruction of flora with harmful substances, destruction of forests, theft of forests, illegal poaching, etc (Kushtetuta e Republikës së Kosovës, 2008).

Numerous and various acts bring fear to crime (Maloku, 2015). All these criminal offenses are provided by the Criminal Code of the Republic of Kosovo and whoever violates the law will be punished based on the committed criminal offense.

In the criminal procedural aspect, the authors Jasarevic and Maloku (2021 on their book: *E drejta e procedurës penale I dhe II (pjesa e përgjithshme dhe e veçant)*) also have a great contribution in relation to criminal proceedings and in particular in relation to the subjects of criminal procedure.

In our country, the most polluted places which are part of hazardous places are cities and urban areas, where air quality is very low especially in Prishtina, Obiliq, Drenas and Mitrovica. Our country is in particular endangered by air pollution, thus, the air in Kosovo is loaded with deadly contaminants such as sulfur dioxide and nitrogen oxide, both of which are poisonous air toxins, and this situation has been and remains a matter of concern for the citizens of Kosovo.

The biggest contributors to air pollution in Kosovo are KEK-u, the power plants that are built in the municipality of Obiliq, the industrial complex in Mitrovica, Ferronikeli in Glogoc, Sharr Cement factory in Hani i Elezit (Muriqi, 2017) and according to the law for the protection of air from pollution in certain areas with special protection are needed to stabilize and improve air quality and the application of preventive measures (Ligji për mbrojtjen e ajrit nga ndotja, Ligji Nr. 03/L-160, 2010)

Obiliq in particular, is an area with special environmental risk due to continuous pollution of air, land and water and this is also foreknown by the Assembly of the Republic of Kosovo where they approved the law for companies operating in this area, which with the exercise of their activities they cause damage to the environment and the main sources of pollution are considered surface mines, mining pits, ash and coal piles, power plants and landfills. Protection measures have provided for the decrease and reduction of these damages that cause it to the environment (*Për Zonën e Rrezikuar Mjedisore të Obiliqit dhe Rreth tij*, Ligji NR. 05/L-044, 2016).

Ecological warfare means the destruction and pollution of nature and the living environment of people (water, air, flora and fauna) in order to create the most hostile conditions for the life of the

inhabitants in a certain area. Various chemical, biological and other deadly means are used, such as war poisons, herbicides, flammable substances, time-laden explosive devices, including the so-called meteorological weapons (Maloku, 2019)

No matter how many authors classify crime against the environment in quite a few forms of crime or color, environmental crime is brown, green and white. Brown crime is part of urbanism and population, green crime is part of areas of the desert more concretely deforestation and white crime refers to scientific laboratories and technology (Gibbs & Boratto, 2017).

2. Methodology

This paper is based on the use of numerous research methods. Special scientific methods used in this paper are mainly the method of analysis and synthesis, which will be especially useful when researching the theoretical views of domestic and foreign authors, (Maloku, 2021: 53) who have studied and analyzed environmental crime in Kosovo.

In this study are used some methods which are research methods, statistical methods and comparative methods. The study is based on several reports on environmental pollution, environmental safety measures, annual statistics on air and environmental pollution, domestic legislation for taking security measures and preventing green crimes by conducting controls and oversight for the implementation of applicable laws, also in this paper I have used sources from the literature on the definition of crime against the environment and its origins.

In this paper, using comparative, theoretical methods and meta-analysis (Maloku, 2020: 170) we analyze the crimes against the environment. This paper is an attempt to highlight the growing phenomenon (Maloku, 2015: 119) of crime against the environment.

3. Results and Discussion

Environmental pollution in the Municipality of Obiliq is one of the main problems and the inhabitants of this municipality face this problem every day due to the quality that is very low in this residential area.

In the territory of this municipality operate two coal-fired power plants which cause great pollution, as a result of this pollution causes great damage to the environment against air, soil and water and major negative impacts on health and all this comes as a result of Coal burning. The residents of the Municipality of Obiliq are at risk of diseases caused by coal burning and a significant number of residents complain of various respiratory diseases, cancer, vascular diseases and eye diseases.

Power generation and mining, including the two coal-fired power plants of the Kosovo Energy Corporation (KEK) and its surface for coal extraction are the main sources of air pollution (Analiza mjedisore e shtetit)

The Municipality of Obiliq also faces pollution of rivers by waste dumping and sewage discharge and the appearance of rivers does not resemble rivers and are malodorous (Instituti për shërbime të avancuara).

This issue has been reviewed by the Assembly of Kosovo, and they have approved the law for the municipality of Obiliq as endangered residential area and by this law are regulated the general conditions for determining the endangered environmental zone where protection measures are the main goal,

reducing emissions dust and other polluting elements, reduction of air pollution from coal, realization of closure of pits in surface mines, and lastly creation of safety belt by polluting operators.

Municipality of Obiliq in cooperation with the Ministry and economic operators are making continuous investments in the creation, expansion and maintenance of green spaces which helps in reduction of environmental pollution (Gazata Zyrtare e Republikës së Kosovës, 2016).

**Table No.1. Obiliq Station, Air Pollution Report for 2021
(Instituti Hidrometeorologjik i Kosovës, 2021).**

Parameter (contaminants)	Average annual concentration	Exceedances 24h	Exceedances 8 h	Exceedances 1 h
PM10	2.5 µg /m ²	22		
PM2.5	16.2 µg /m ³			
NO ₂	16.6 µg /m ³			0
SO ₂	9.3 µg /m ³	0		0
O ₃	40.9 µg /m ³		3	
CO	1.0 µg /m ³		0	

Source: Kosovo Hydrometeorological Institute, Annual Statistics 2021 <https://airqualitykosova.rks-gov.net/statistikat-vjetore/>

- PM10 - Particles
- PM2.5 - Fine-grained particles
- NO₂ - Nitrogen dioxide
- SO₂ - Sulfur dioxide
- O₃ - Ozone
- CO - Carbon monoxide (Instituti Hidrometeorologjik i Kosovës, 2021).

3.1. Information on the criminal offense of environmental crime

In Kosovo, the main sources of air pollution are domestic heating, energy production, road transport, industrial processes and municipal and agricultural waste, and at the same time are the largest pollution prevails in the city with the largest number of inhabitants due to the high dynamics and the crime against the environment is more present, so this is very worrying for residents because their health is severely threatened.

3.2. Crime against the ecological environment

According the legal definition, an environmental crime includes any intentional criminal offense that results in actual and significant damage to water, ambient air and land.

Environmental pollution is the direct or indirect impact of pollutants on the environment, caused through the activities of legal entities and natural persons that have harmful consequences on the quality of the environment and human health. (Për Zonën e Rrezikuar Mjedisore të Obiliqit dhe Rreth tij, Ligji NR. 05/L-044, 2016).

Environmental pollution is one of the biggest problems of the 21st century, industrialization, population growth, urbanization, waste, radioactivity and chemicals are some of the main factors that contribute to environmental pollution.

By pollution we mean the qualitative and quantitative change of physical, chemical and biological features of the main components of the living environment, which brings about the disorder of ecosystem

regularities, based on self-regulatory mechanisms. These changes operate today, but may in the future also operate to a greater extent in terms of deteriorating economic-productive health conditions.

Validation of the causes of ecological crime is of particular importance, as it is known that negative phenomena are better combated if they are directly influenced by taking into account the overall dynamics of ecological relations, within which the human-to-defense of the living environment and the human right to a healthy living environment, as a necessary need for his life and normal existence.

Some of These Most Important Reasons Are:

Incomplete and partial legal regulation of the provisions that protect from this crime; Dissemination of competencies and authorizations in different bodies regulating the conditions and circumstances that prevent the occurrence of this type of crime; Unprofessionalism of staff for environmental issues; Insufficient technical equipment of relevant bodies dealing with ecological work and insufficient preventive and repressive activity of the competent authorities, as well as various influences of political and economic entities without legal grounds in this field.

Three Basic Factors Have Contributed to a Faster Environmental Pollution:

Increasing degree of negative involvement of nature in industrial production and increasing production of various chemical compounds, rapid and uncontrolled growth of human population, especially urban population, Increasing use of substances synthetic, which can be decomposed through biological and physical means, the use of protective equipment in industrial production and food technology (pesticides and additives) as well as the mass production of medicines (Vesel Latifi, 2006).

Forms of Criminal Reporting Against the Ecological Environment

Criminal offenses against the environment are defined as those offenses with illegal actions or omissions that violate the protection of the environment which are against air, water and soil from pollution, according to criminal legislation, one of the criminal offenses against the environment are: Air pollution through smoke release, gases and other toxic, radioactive emissions done by exceeding the limit of allowed norms, when the offense does not constitute an administrative infringement (Latifi, Vesel Kriminalistika, 2006).

There are various measures to reduce air pollution, and these measures are provided by the Ministry of Environment and Spatial Planning that has approved the Kosovo Strategy for Environmental Protection for the period 2013-2022 where the main goal is the cleanest and safest environment for ten (10) years with the option of review every two (2) years.

Conclusion

At the conclusion of this paper, we understand that environmental pollution is an activity presented by people who by action or inaction cause great damage to the environment where we live and by the carelessness of one or the other, the rest of humanity faces problems of ecological pollution. Pollution of the environment is not caused only by humans, this crime in most cases is applied by legal entities that, with their economic activity pollute the environment and their purpose is only the benefit of money and do not see the environment as a phenomenon that really matters. Competent authorities for environmental protection and hygiene in our country are trying every day to give priority to environmental maintenance, but since the population is growing, especially in the cities, greater commitment of competent authorities is needed in imposing measures, where at the same time, the will of the citizens is needed for cooperation. This crime is applied in large numbers by the authorities with high

state competencies, otherwise known as the white-collar crime against the environment, who fully see and know what they are doing to the environment with such actions but do not take forced measures against anyone that commits crime against the environment and they hide these crimes as if nothing happened. This is a negative occurrence for the health of every citizen which, gradually acquired various diseases.

The most worrying is the air pollution in Obiliq and the surrounding area where as a result of economic activities the air pollution is alarming according to statistics from institutions of our country and this is known to be white collar crime on air pollution. The citizens of the Municipality of Obiliq have lost the trust of the Institutions of Kosovo that could undertake restrictive measures against economic operators to reduce air pollution or filter air pollution and this negative phenomenon has not stopped so far.

References

- Analiza mjedisore e shtetit(ska vit), World Bank Group, pp. 1-128, last accessed 26 June 2022 Retrieved from <https://web.worldbank.org/archive/website01352/WEB/IMAGES/KOSOV-10.PDF>
- Annual statistics, (2021), Instituti Hidrometeorologjik i Kosovës, Agjensioni për Mbrojtjen e Mjedisit të Kosovës, last accessed 11 June 2022, Retrieved from <https://airqualitykosova.rks-gov.net/en/annual-statistics/>
- Brunekreef B., & Holgate S. , (19 October 2002), Air pollution and health, last accessed 26 June 2022, Retrieved from: [https://doi.org/10.1016/S0140-6736\(02\)11274-8](https://doi.org/10.1016/S0140-6736(02)11274-8)
- Gibbs, C., & Boratto, R. (2017, March 29), Environmental Crime, last accessed 26 June 2022, Retrieved from: [doi:https://doi.org/10.1093/acrefore/9780190264079.013.269](https://doi.org/10.1093/acrefore/9780190264079.013.269)
- Halili, R. (2016). Kriminologjia - Kriminaliteti kunder ambientit, Kriminologjia i Kosovës. Prishtinë, pp. 216-220, Universiteti i Prishtinës-Fakulteti Juridik.
- Jasarević, O., Maloku, A. (2021). Kriminologjia (etiologjia i fenomenologjia kriminaliteta). Universitet u Travniku. Travnik. Bosna i Hercegovina.
- Jasarević, O., Maloku, A. (2021). Krivično procesno pravo I dhe II (opšti i posebni dio). Universitet u Travniku. Travnik. Bosna i Hercegovina.
- Kaiser, G. (1995). Kriminologie. Frajburg.
- Latifi, V, (2006), Kriminologjia, Kuptimi dhe Shkaqet e Kriminalitetit Ekologjik, pp.331-333, Prishtinë, Kosovë,Universiteti i Prishtinës-Fakulteti Juridik.
- Latifi, V, (2006), Kriminologjia, Format e Rrezikimit të Mjedisit Jetësor dhe ndikimi i tyre në paraqitjen e Kriminalitetit Ekologjik. Prishtinë, PP.330-331, Universiteti i Prishtinës, Fakulteti Juridik.
- Ligji për mbrojtjen e ajrit nga ndotja, (2010), Ligji Nr. 03/L-160, Gazeta Zyrtare e Republikës së Kosovës, PP.1-13, last accessed 11 June 2022, Retrieved from https://mmphi.rks-gov.net/assets/cms/uploads/files/LIGJI_NR_03_L-160_P%C3%8BR_MBROJTJEN_E_AJRIT_NGA_NDOTJA.pdf
- Ligji për Mbrojtjen e Mjedisit, Ligji, (2009), Gazeta Zyrtare e Republikës së Kosovës, Nr. 03/L-025, PP.1-34, last accessed 11 June 2022, Retrieved from <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2631>

- Maloku, A. (2015). Bashkëpunimi ndërkombëtar policor në luftimin e krimit të organizuar. *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. Doi:10.5901/mjss.2015.v6n2s5p29
- Maloku, A. (2015). Rregullimi ndërkombëtar ligjor për të parandaluar abuzimin e drogave dhe substancave psikotrope. *Balkan Journal of Interdisciplinary Research*. Vol.1. No. 1. 2015. pp. 461-472.
- Maloku, A. (2016). Karakteristikat e organizatave kriminale transnacionale. *Buletini Shkencor Nr. 5 "DARDANIA*. p. 10-24.: Qendra Kërkimore Zhvillimore – PEJA. Peje.
- Maloku, A. (2019). Fjalor i terminologjik i viktimologjisë. *Kolegji Iliria, Prishtinë*.
- Maloku, A. (2020). Theory of Differential Association. *Academic Journal of Interdisciplinary Studies*, 9(1), 170. <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 Universitatis Danubius. Juridica*, 16 (1), 21–44.
- Maloku, A., Maloku, E. (2021). Fajlor i terminologjisë juridiko-penale për gazetarë. *Kolegji Iliria, Prishtinë*,
- 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), PP. 52-60, <https://doi.org/10.21303/2504-5571.2021.001649>
- Muriqi, D., (2017), Ndotja e ajrit në Kosovë, from *Innovations Lab Kosovo*, last accessed 10 June 2022, Retrieved from <http://www.ponder-ks.org/sq/2017/02/10/shqip-ndotja-e-ajrit-ne-kosove/>
- Për Zonën e Rrezikuar Mjedisore të Obiliqit dhe Rreth tij, (2016, December 29). *Ligji NR. 05/L-044, Gazeta Zyrtare e Republikës së Kosovës*. pp.1-5, Last accessed 11 June 2022, Retrieved from <https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=13214>
- Pergjegjësia e Mjedisit Jetësor (2008), *Kushtetuta e Republikës së Kosovës, Gazeta Zyrtare e Republikës së Kosovës*, PP.15-16, last accessed 25 June 2022, Retrieved from, <https://gzk.rks-gov.net/ActDetail.aspx?ActID=3702>
- Problemet kryesore në Komunën e Obiliqit, (2013), *Instituti për shërbime të avancuara, Komuna E Obiliqit - Instituti Gap*, pp.1-10, last accessed 10 June 2022, Retrieved from https://www.institutigap.org/documents/81506_OBILIQI+.pdf
- Strategjia për Mbrojtjen e Mjedisit 2013-2022, (2013), *Ministria e Mjedisit dhe Planifikimit Hapësinor, Prishtinë*, last accessed 11 June 2022, Retrieved from https://mmphi.rks-gov.net/assets/cms/uploads/files/Publikimet/Strategjia_e_Mbrojtjes_s%C3%AB_Mjedisit_-_2013_-2022_Shqip_748721.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/>).