

Legal comparison of the Kosovo and Austrian Criminal Law System with a special emphasis on diversity measures

Prof. ass. Dr. Islam Qerimi
University of Mitrovica "Isa Boletini"

Introduction

Object of this study, is a brief description and analysis of diversity measures in in comparative criminal law between the Kosovo and Austrian system. More specifically these measures will be analyzed within the criminal law area. The focus on diversity measures will extend on conditions of their application, types, categories of criminal offences to which these measures are applied to, as well as main effects of their application. The reason for such a comparison is the fact that Austria is taken as a model while setting norms and applying¹ these optional measures in relation to imposing classical sentences and that stands not for Kosovo only, but also for many other Western states that have an advanced criminal law system. Main aim of this manuscript is to include in the Kosovo criminal law system, a strong legal framework about the legal category of diversity measures. Based on this framework it would be possible to use extrajudicial practices to solve disputes in the Kosovo society from minor up to medium scale criminal offences. This legal comparison is mainly based on the written university literature that relates to the criminal laws of both compared states. Legal acts as well as legal practices of diversity measures, of both states, have been consulted. This manuscript is based on the comparative „Micro-legal“ model of the Max Rheinstein (1987). With such a micro-legal comparison we want to „*assess issues that are based on the single treatment of one phenomena or conflict with a special interest on various legal systems*“.

Keywords: Kosovo, Austria, Criminal law, diversity measures.

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