

Retention of ownership, control or unauthorized possession of weapons: Punitive Policy in Kosovo's Basic Courts

Dr. Nuredin Lutfiu

UBT – University for Business and Technology

Abstract

The purpose of this research paper is to show what are the sentences most often imposed by the Basic Courts and their branches in Kosovo, when issuing a judgment for the criminal offense of Retention of ownership, control or unauthorized possession of weapons, according to Article 366 of the Criminal Code of the Republic of Kosovo (CC of the Republic of Kosovo), how harmonized are the punitive policies of these courts, if the imposition of sentences in judgments issued for this criminal offense are in accordance with the general rules for punishment (Article 69 CC of the Republic of Kosovo), in proportion to the gravity of the offense and the conduct and circumstances of the perpetrator, the purpose of the sentence (Article 38 of the CC of RK) and the purpose of unifying the punitive policies initiated by the Supreme Court.

In the focus of this research paper will be the analysis of the judgments of the Basic Courts and their branches in Kosovo, through a mixed research methodology. All judgments of these courts will be analyzed, the criminal legislation that regulates this criminal offense will be reviewed in order to present a general and realistic overview of all decisions taken in relation to the criminal offense of Retention of ownership, control or unauthorized possession of weapons. Particular emphasis will be placed on the divergences observed in the justice system in relation to the sentencing of these courts.

In order to properly address this topic, 791 criminal judgments of these courts were analyzed in relation to this offense which was provided by the official website of the Court. The review of the criminal legislation in force, the reports and instructions of the Supreme Court of Kosovo and other institutions regarding the imposition of a sentence for this criminal offense has been done.

To argue, if the sentences imposed are proportionate to the law, if they coincide with the gravity and nature of this criminal offense, if they seriously violate the legality and the principle of legal certainty.

Keywords: Basic courts, Retention of ownership, control or unauthorized possession of weapons, punitive policy, purpose of punishment.

Full Text: [PDF](#)



This work is licensed under [Creative Commons Attribution 4.0 License](#).

European Journal of Economics, Law and Social Sciences ISSN 2519-1284 (print) ISSN
2510-0429 (online)

Copyright © IIPCCCL-International Institute for Private, Commercial and Competition law