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Secret Investigative Measures: A Comparison of Criminal Procedure in Kosovo and Albania

This study explores the use of covert technical and tactical measures in criminal investigations in Albania and Kosovo, emphasizing their effectiveness, adherence to legal standards, and respect for human rights. By comparing both countries' approaches, the study evaluates the role of these measures in combating organized crime while safeguarding individual privacy and aligning with international norms. A structured questionnaire was administered to 50 citizens in Albania and Kosovo, assessing perceptions of the effectiveness, legality, human rights implications, and technological adaptability of covert investigative tools. Likert-scale questions provided a broad understanding of public sentiment. The findings indicate that most respondents see these measures as effective, particularly against organized crime. However, concerns about judicial oversight, privacy protection, and compliance with international human rights standards persist. Enhancing legal frameworks, transparency, and data security could improve public trust and the overall efficacy of these measures.

Keywords: Albania, covert measures, criminal investigations, criminal law, human rights, Kosovo

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Verdeckte Ermittlungsmaßnahmen: Ein Vergleich des Strafprozessrechts zwischen Kosovo und Albanien

Die vorliegende Studie befasst sich mit dem Einsatz verdeckter technischer und taktischer Maßnahmen im Rahmen strafrechtlicher Ermittlungen in Albanien und im Kosovo. Im Mittelpunkt stehen deren Effektivität, die Einhaltung rechtlicher Vorgaben sowie Menschenrechtliche. Durch den systematischen Vergleich der Ansätze beider Staaten wird die Bedeutung dieser Maßnahmen für die Bekämpfung organisierter Kriminalität untersucht. Dabei werden zugleich der Schutz der individuellen Privatsphäre sowie die Vereinbarkeit mit internationalen Standards in den Blick genommen. Zur Datenerhebung wurde ein Fragebogen von 50 Bürger:innen in Albanien und im Kosovo ausgefüllt. Dieser erfasste die Wahrnehmung hinsichtlich Wirksamkeit, Rechtmäßigkeit, menschenrechtlicher Implikationen sowie technologischer Anpassungsfähigkeit verdeckter Ermittlungsinstrumente. Likert-Skalen-Fragen ermöglichten dabei eine umfassende Erfassung öffentlicher Einstellungen. Die Ergebnisse verdeutlichen, dass die Mehrheit der Befragten diese Maßnahmen als wirksam einschätzt, insbesondere im Kontext der Bekämpfung organisierter Kriminalität. Gleichwohl bestehen erhebliche Bedenken in Bezug auf die richterliche Kontrolle, den Schutz der Privatsphäre sowie die Einhaltung internationaler menschenrechtlicher Standards. Eine Weiterentwicklung der rechtlichen Rahmenbedingungen, erhöhte Transparenz sowie verbesserte Datensicherheit könnten geeignet sein, das öffentliche Vertrauen zu stärken und die Gesamtwirksamkeit dieser Maßnahmen zu erhöhen.

Schlagwörter: Albanien, Kosovo, Menschenrechte, strafrechtliche Ermittlungen, Strafprozessrecht, verdeckte Ermittlungen

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1. Introduction

Covert operations, wiretapping, and electronic monitoring are examples of secret technical-tactical investigative techniques that are crucial in the fight against cybercrime, terrorism, and organized crime. These techniques aid in the collection of vital evidence and the disruption of covert criminal networks that employ complex strategies to avoid detection (Curri, 2022).
These steps are essential for combating corruption and high-profile crimes in Albania and Kosovo, helping to boost public confidence in the legal system. But putting them into practice necessitates striking a careful balance between maintaining public safety and safeguarding fundamental rights like due process and privacy. Both nations acknowledge the value of proportionality and judicial supervision in preventing misuse.
In order to manage complex cases, Kosovo uses a more centralized strategy backed by procedural protections, enlisting the help of organizations like the Special Prosecution Office. Additionally, its laws recognize the quick advancement of technology and adjust to new issues, such as the usage of artificial intelligence and encrypted communications. However, Albania gives law enforcement organizations more latitude, which can improve adaptability but also present difficulties with supervision and the appropriate implementation of policies.
Albania and Kosovo have different approaches that reflect different legal and sociopolitical circumstances, despite sharing regional similarities and international standards. Finding best practices for bolstering legal systems and conforming to European standards is made easier with the aid of comparative analysis (Morina et al., 2023).

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2. Literature Review

2.1 Secret Technical Measures in Criminal Investigation: The Legal Framework in Kosovo

An important advancement in Kosovo's criminal justice system is the inclusion of covert technical measures for investigation and surveillance in Chapter IX of the Criminal Procedure Code. These procedures, which are relatively new from a procedural perspective, are intended to improve the effectiveness of dealing with organized crime, corruption, and serious crime. They were implemented in response to the pressing necessity to enhance criminal investigations' efficacy and fortify investigative capabilities (Murati & Hashani, 2013).
UNMIK Regulation No. 2002/6, which went into effect on March 18, 2002, marked the start of these measures' implementation. This first stage formalized covert measures in the legal framework of Kosovo. These were later codified in Kosovo's Criminal Procedure Code No. 04/L-123, which went into effect on January 1, 2013, after being consolidated through the Provisional Criminal Procedure Code (UNMIK-Kosovo, 2003). These legal developments are a reflection of Kosovo's commitment to uphold international human rights norms while fighting organized crime, human trafficking, and corruption. In accordance with international best practices, the legal framework permits the employment of covert methods and offers a sophisticated and methodical approach to criminal investigations (Hasani & Cukalovic, 2014).

2.1.1. Types of Technical Surveillance and Secret Investigative Measures in Kosovo's Criminal Procedure Code

Law No. 04/L-123, which establishes the Kosovo Criminal Procedure Code (KCPC), specifies a number of covert technical methods for monitoring and inquiry. These actions consist of:

- secret photography or video surveillance in public spaces
- covert monitoring of conversations in public spaces
- undercover investigations
- recording of telephone conversations
- secret photography or video surveillance in private spaces
- covert monitoring of conversations in private spaces
- monitoring of postal deliveries, interception of telecommunications, including text messages and other electronic communications
- monitoring communications via computer networks
- controlled delivery of postal items
- use of location-tracking devices
- simulated purchase of an item
- simulation of corruption-related offenses
- disclosure of financial data (LIGJI NR. 04/L-273, 2014).

Although these measures are essential for investigating crimes, they inevitably interfere with individual rights and freedoms, particularly the constitutional right to privacy. Consequently, Chapter IX of the KCPC specifies conditions, methods, and procedures for the authorization and implementation of these secret measures. Any violation of these legal provisions constitutes an infringement of individual rights guaranteed by Kosovo's Constitution and international conventions (Kushtetuta e Republikës së Kosovës, 2008).

The Constitution of the Republic of Kosovo guarantees the right to privacy under article 36. Section 1 affirms that all individuals have the right to respect for their private and family life, the inviolability of their home, and the confidentiality of communication, including correspondence and telephone conversations. Section 2 mandates that searches of homes or private property must be authorized by a court and deemed necessary for criminal investigations, with exceptions limited to urgent cases involving arrests or immediate threats to safety or property (Konventa Evropiane për të Drejtat e Njeriut, 2010).

This right aligns with international human rights frameworks such as article 12 of the Universal Declaration of Human Rights (UDHR) and article 17 of the International Covenant on Civil and Political Rights (ICCPR). Both provisions prohibit arbitrary or unlawful interference with one's privacy, family, home, or correspondence (United Nations, 1948; 1966).

Kosovo's Criminal Code also addresses privacy rights, particularly in the context of secret or technical surveillance. Article 206 prohibits the misuse of such measures, requiring proper authorization to prevent abuse (Hasani & Cukalovic, 2020). According to article 88 of the Kosovo Criminal Procedure Code (KPPK), secret measures may be ordered if conventional methods are insufficient or risky, particularly for crimes punishable by five or more years of imprisonment or those involving organized crime or corruption. Evidence obtained through authorized measures is admissible at trial, provided judicial procedures are followed. These regulations emphasize balancing effective law enforcement with safeguarding individual freedoms, demonstrating Kosovo's commitment to international human rights standards (Hasani & Cukalovic, 2014).

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2.1.2. Measures for Covert Surveillance and Investigation

In some situations, specific people or places may be the subject of covert surveillance and investigative actions. These activities include secretly recording or photographing people, listening in on talks in public places, listening in on phone conversations, and revealing financial information. The following circumstances allow for the authorization of such measures:

- Suspicion of illegal activity: when there is a reasonable suspicion that a place or person is engaged in illegal activity, covert monitoring may be ordered. This covers any legally punishable offense as well as situations in which a person has committed or attempted a criminal act that is the subject of formal prosecution. Furthermore, other investigative techniques must either be unavailable or result in needless complications or possible injury to others, and the information gathered through surveillance must have a reasonable chance of supporting the criminal inquiry (Tahiri & Bytyqi, 2015)
- Communication interception: if it is suspected that someone is communicating with the suspect or taking part in financial transactions involving the suspect, it may be permissible to wiretap phone conversations or unearth financial information. When someone is utilizing the suspect's phone or sending or receiving messages directed to the suspect, this is applicable (Tahiri & Bytyqi, 2015)
- Additional covert investigations: in comparable circumstances, other covert techniques, including as listening in on private conversations, checking mail delivery, intercepting communications, and exploiting computer networks for surveillance, could also be permitted. When a site or person is suspected of engaging in illegal conduct and the information obtained is likely to support the investigation without needless hardship or injury to others, these techniques are appropriate (Tahiri & Bytyqi, 2015)
- Postal and telecommunications surveillance: if there is reason to believe that someone is using the suspect's computer or phone system or receiving or sending messages from them, surveillance of postal deliveries, phone conversations, or online interactions may also be carried out. According to Tahiri and Bytyqi (2015), such acts are essential when there is a reasonable suspicion that they would provide important information for the inquiry.

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2.1.3. Procedures and Content of the Request for Covert and Technival Surveillanve and Investigative Measures

The state prosecutor must draft a written request that contains a number of crucial components in order to secure an order for technological and covert monitoring and investigation procedures. According to article 19 of the KPPK, the request must first identify the authorized authority, state the measure's official designation, and provide its legal justification. It must also provide evidence to support the request, explain why this step is required, and confirm that it satisfies the requirements outlined in article 88 of the Criminal Procedure Code. This includes any information that might help with additional inquiry as well as factors that lend credence to the suspicion that a crime has been committed (Kodi i Procedurës Penale i Republikës së Shqipërisë, 2017).

Information on previous requests and acts taken by court authorities should also be included in the request (article 88, Criminal Procedure Code). In addition to the formal designation of

the measure and its legal justification, the pre-trial judge's order must include the names and addresses of the suspects. The results that support the suspicion should also be indicated, as well as the measure's start and finish hours and the person with the authority to carry it out and supervise it.
When it comes to computer networks and telecommunications interception, the directive should provide guidelines for the responsible parties who will help carry it out through the appropriate organizations, including postal services or banking institutions. The order shall also include the terms of article 88 of the KPPK, including the length of time it would be in effect and the option of renewal (article 88, Criminal Procedure Code, 2003).
Any request for an extension of the order must be adequately justified, including why the relevant data could not be acquired in the first place. The statute allows the time to be extended for a maximum of 360 days, with a maximum extension of 60 days.

2.1.4. Requirements for Prosecutor's Request: Covert and Technical Surveillance

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Identity of the Authorized Official: the name and official title of the authorized official submitting the request must be included in the request.
Designation and legal basis of the measure: in accordance with article 19 of the Criminal Procedure Code of Kosovo, it must explicitly state the kind of surveillance or investigative measure being sought as well as its legal basis.
Justification of necessity: the request must explain why the action is required and show that it satisfies the requirements outlined in Criminal Procedure Code article 88. This entails offering proof to back up allegations of illegal behavior as well as details that might help with more research.
Previous requests and actions: the request must list any prior requests for investigation or surveillance measures, together with any responses from judicial authorities.
Information for the judge before trial: the pre-trial judge must include the following details in the order:

- the suspected persons' names and addresses
- the desired measure's formal name and legal foundation
- results that support the allegation of illegal action
- the start and finish times of the measure
- the individual with the authority to carry out and oversee the measure

Computer networks and telecommunications surveillance: the order must provide instructions for the appropriate organizations (such as postal services or financial institutions) that will help carry out the order in circumstances requiring the interception of communications or the usage of computer networks.
Time frame and renewal: the order needs to outline how long the measure will be in effect. As stated in article 88 of the Criminal Procedure Code, it should also describe the potential for extending the time frame. Extensions require a thorough justification that explains why the required data was not collected in the first place. The measure may be renewed for a maximum of 360 days, with the extension lasting up to 60 days.

This process gives Kosovo's criminal justice system a legal foundation for the use of covert surveillance techniques by guaranteeing that they are legitimate, controlled, and responsible (Konventa Evropiane për Ndihmën e Ndërsjellë. në Çështjet Penale, 1999).

2.1.5. The Implementation of Secret Measures

The implementation of covert operations is required to commence within 15 days following the order's issuance, with updates provided to the prosecutor every 15 days thereafter. Appropriate services, such as telecommunication and postal services, are expected to cooperate under the guidance of the designated authority. Investigations should be carried out with utmost discretion to prevent possible leaks. Those executing the measures must not provoke the commission of criminal activities; if they do, criminal proceedings will not move forward. Should the prosecutor or judge permit the measures, the files will be kept sealed to safeguard the investigation, witnesses, and investigators, particularly in scenarios where there is a significant risk of disclosure (Ministry of Internal Affairs, 2013).

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2.2 Preservation and Use of Evidence

The authorized police officer is required to provide a report and all pertinent paperwork to the prosecutor or judge following the conclusion of covert investigation procedures. Except in cases when their destruction is decided, these documents may be utilized throughout the legal proceedings and must be kept in a secure location. To maintain the integrity of the evidence for use in various phases of the criminal procedure, information that does not aid in the investigation should not be shared (article 92, Criminal Procedure Code).
If the legal justifications for a measure are no longer valid, such as when the information used to support the measure can be obtained through other procedural measures, an authorized official may postpone its implementation (article 88, Criminal Procedure Code). After the measure is completed, the collected materials must be delivered to the State Prosecutor, sealed, and kept confidential if their disclosure could hinder the investigation or jeopardize the victim, witnesses, investigators, or others involved. Upon the prosecutor's request, the judge may deny the person under investigation access to the materials for similar reasons. Postal deliveries that do not contain useful information for the investigation must be sent directly to the recipient without delay, ensuring the communication flow is not disrupted (article 88, Criminal Procedure Code).

2.3 Notification of Individuals Affected by Secret Surveillance and Investigative Measures

Article 96 of the Criminal Procedure Code of Kosovo mandates that anyone who is the target of secret surveillance or investigative actions, including those who are directly impacted by them for example, when tracking devices or photographic or video surveillance are used must be informed. Except in cases where it might compromise the security or inquiry, this notification must be sent once the measure is finished. The CPC states that the notice must be

sent within a year of the measure's completion and without jeopardizing the investigation's goals. Court consent is needed to extend the time if the notification is delayed, although it cannot be more than six months. After the measure is completed, the affected individuals may request a review of the legality of the measure from the competent court. Additionally, any personal information collected that is not necessary for the investigation must be deleted. The prosecutor has six months to notify individuals about their rights (Kodi i Procedurës Penale i Republikës së Shqipërisë, 2017).

2.4 Admissibility of Evidence Obtained Through Orders of Surveillance and Secret Investigation: Considerations and Legal Procedures

The Criminal Procedure Code of Kosovo establishes stringent requirements for the acceptance of evidence obtained using technological and covert surveillance methods. According to article 88 of the CPC, evidence gathered by an illegal order cannot be used in court. Following the raising of the indictment, the defendant has the opportunity to contest the evidence as the court, particularly the judge, determines whether it is admissible. The court may choose to remove the materials gathered and order the evidence's removal from the case if there are questions regarding its legality (article 97, CPC). In the event that the surveillance order is ruled illegal, all associated documents must be deleted from the case file and forwarded to the Panel for Review of Surveillance and Investigation, which determines whether the impacted parties are entitled to compensation. The Panel, which is made up of three judges who were selected, has the power to determine whether to award damages or to revoke illegal actions. If necessary, the execution of technological and covert monitoring and investigation procedures may include other government agencies.

According to Fadil Curri (2025), the Kosovo Intelligence Service (AKI) has played a crucial role in countering terrorism, contributing to the prevention and neutralization of organized extremist activities. A notable example is the Banjska case, where AKI was instrumental in coordinating the security response, monitoring the actions of the armed group, and supporting police operations to maintain public order and safety. This case highlights the importance of intelligence cooperation with security forces in addressing violent threats and protecting the country's sovereignty (Curri, 2025).

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2.5 The Fight against Terrorism and Organized Crime: The Role of Investigations and Secret Measures

Terrorism and organized crime threaten state stability, public safety, and social and economic development while violating fundamental rights. Addressing these challenges requires law enforcement and judicial institutions to implement advanced measures, including covert investigative techniques. The Criminal Code of the Republic of Kosovo (2019) defines organized crime as the coordinated actions of structured groups engaging in serious offenses for financial or material gain. These groups are typically well-organized and enduring, with clear, though sometimes implicit, objectives. Participation in such organizations is a criminal offense with additional penalties under the law.

Covert methods like surveillance, wiretapping, and infiltration are critical in combating organized crime and terrorism. These techniques enable authorities to monitor activities and collect evidence discreetly. For instance, Kosovo's Criminal Code provides reduced sentences for individuals who disclose their organization's activities (Gashi, 2014). However, ensuring a balance between public safety and human rights is essential. Legal safeguards and judicial oversight are necessary to prevent abuse, and experts recommend these methods only when traditional approaches are insufficient (Salihu, 2014).

Kosovo faces significant obstacles in countering organized crime, terrorism, and hybrid threats, especially in the north. The government utilizes advanced surveillance, international cooperation, and online monitoring to address these issues. Strengthening cybersecurity, military capabilities, and critical data protection is vital to counter destabilizing influences and promote integration into Euro-Atlantic structures.

3. Albania

3.1 Authorities Responsible for Investigations Within Criminal Proceedings Under the Legal Framework of Albania

Preliminary actions are essential steps that lead to the initiation or conclusion of criminal prosecution. These actions serve as a verification process following the reporting of a criminal offense, recorded in the criminal offense registry (article 278 of the Criminal Procedure Code). The primary goal is to determine if the report is truthful. These actions are necessary not only to assess the validity of the report, but also to address situations that might prevent further proceedings, such as when the perpetrator is deceased, the victim does not file a complaint, the victim withdraws the complaint, or the crime is pardoned (article 290 of the Criminal Procedure Code). These barriers halt the prosecutor's administrative proceedings, which differ from judicial proceedings and preliminary investigations. Once these initial obstacles are overcome, the subsequent investigations focus on effectively carrying out criminal prosecution. Actions performed by the prosecutor, often in collaboration with the Judicial Police, include typical procedural actions outlined in the criminal procedural law, such as inspection or acknowledgment, as well as actions not explicitly defined by law, like dealing with suspects. The goal of preliminary investigations is to initiate prosecution, either by referring the case to court or, in exceptional cases, requesting dismissal or suspension of the charges (article 329/a and article 328 of the Criminal Procedure Code). The Judicial Police's role emphasizes the need for a dedicated and efficient investigative process, working under the prosecutor's supervision to ensure the proper application of criminal law (Kushtetuta e Republikës së Shqipërisë;, 2012).

3.2 "Undercover Police Officer", a Secret Technical-Tactical Measure of Investigation

Article 294/b 70 of the Criminal Procedure Code of the Republic of Albania, amended by Law No. 9187, dated 12.02.2004, defines the role of police officers tasked with investigating serious crimes. According to paragraph 1, with the prosecutor's authorization, undercover police offic-

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ers are allowed to infiltrate criminal groups to identify members and gather necessary information for investigations. During this process, the officer must conceal their collaboration with the police. Paragraph 2 sets limits on the officer's activities and invalidates results from actions that exceed legal boundaries. Paragraph 3 establishes that infiltration can last up to six months, extendable by the prosecutor. The final paragraph allows the undercover officer to testify as a witness. The evidentiary value of the testimony from an undercover officer is debated, but according to paragraph 4, the officer can be questioned as a witness. In Albania's procedural legislation, this evidence is considered legal and typical, subject to judicial evaluation alongside other collected evidence (Sahiti & Murati, 2013).

3.3 Special Method 'Simulative Actions' in the Criminal Procedure Code of Albania

The special method of "Simulated Actions" is regulated by article 294/a of the Criminal Procedure Code of Albania, and includes several important elements. According to this article, judicial police officers or individuals authorized by the prosecutor may carry out simulated actions, such as the purchase or sale of prohibited goods or goods related to criminal activities, to gather evidence against suspects. These actions must be carried out while concealing the collaboration with the police, and after completion, the collected evidence must be handed over to the prosecutor.

Another important aspect is the prohibition of provoking crimes. It is not allowed for simulated actions to be used to encourage a person to commit a crime they would not have committed without police intervention; otherwise, the results cannot be used as evidence. Simulated actions can only be carried out with prior authorization from the prosecutor and in compliance with the conditions set by law, such as simulated purchases, simulation of a corrupt act, and other actions to gather financial or property-related information. This method is carefully regulated to ensure that rights and laws are respected during investigations.

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3.4 Albanian Legislation Regarding Secret Operations and the Disciplinary Responsibility of law Enforcement Officers

The Albanian Criminal Procedure Code, as outlined in article 294/b, grants judicial police officers the authority, with the prosecutor's approval, to infiltrate a criminal group to identify its members and gather necessary information for the investigation. This operation involves maintaining secrecy about the officer's role with the police (article 294/b, 2021). The law ensures proper disciplinary procedures for judicial police officers. The responsible prosecutor can initiate disciplinary proceedings against an officer for serious violations such as disclosing investigation details, failing to report crimes, or not following legal orders. Disciplinary measures can include a verbal warning, suspension for up to six months, or dismissal. Decisions can be appealed in court (Ministry of Internal Affairs, 2013).

3.5 Secret Measures and Investigations of Albania Against Organized Crime, Terrorism, and Crimes in Various Fields

Albania has stepped up its efforts to fight terrorism, organized crime, and crimes that impact vital industries like the economy and tourism as a prospective EU member and NATO member. Special police units and other law enforcement organizations conduct covert operations as part of the national objective to combat organized crime. To target criminal networks that operate both locally and internationally, these strategies include agent infiltration, electronic monitoring, and collaboration with international organizations such as EUROPOL and INTERPOL. Albania has demonstrated its commitment to prosecute high-level criminal activity through judicial reforms and the establishment of organizations such as SPAK (Special Structure Against Corruption and Organized Crime) (Ministry of the Interior, 2022).

Albania has taken action against terrorism to keep an eye on and stop radicalization, especially in areas where religious fanaticism is common. Albania has put systems in place to detect and rehabilitate radicalized persons in collaboration with NATO and other international organizations. To find networks funding or organizing terrorist activity in the area, anti-terrorism forces work secretly. State institutions work with security structures in the tourist industry, which is a major source of income, to stop financial abuses and fraud that might damage the nation's standing in foreign markets. Monitoring dubious operators and identifying illegal activity that jeopardizes national interests are examples of covert investigations in this field (National Tourism Agency, 2023).

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4. Problem Declaration

The use of covert technical-tactical measures in criminal investigations is increasingly critical in addressing organized crime in Albania and Kosovo. However, the effectiveness of these measures, their alignment with legal frameworks, and the protection of fundamental rights-particularly privacy, confidentiality, and personal data protection-are often debated. While both countries have implemented such measures, concerns regarding judicial oversight, technological adaptation, and compliance with international human rights standards remain unresolved. There is a need to evaluate how well these measures function in practice and whether they strike a balance between effective law enforcement and safeguarding citizens' rights.

4.1 Objective

The aim of this study is to assess the effectiveness, legal compliance, and public perception of covert technical-tactical measures used in criminal investigations in Albania and Kosovo. The study seeks to understand how these measures contribute to the fight against organized crime while ensuring respect for human rights and adherence to international standards.

4.2 Goals

Evaluate the effectiveness of covert technical-tactical measures in criminal investigations in Albania and Kosovo, particularly in combating organized crime.
Assess public perceptions of the alignment of these measures with human rights standards and their suitability in terms of judicial oversight, privacy protection, and technological adaptation.

4.3 Research Questions

How effective are covert technical-tactical measures in criminal investigations in Albania and Kosovo, and how well do these measures align with legal frameworks and international human rights standards, according to public perception?

5. Methodology

The methodology used in this study focuses on collecting quantitative data to evaluate the effectiveness, legal compliance, and public perception of covert technical-tactical measures in criminal investigations in Albania and Kosovo. This study provides a comparative analysis between the two countries, focusing on the challenges and benefits of using these measures in combating organized crime.
To achieve the study's objectives, a structured questionnaire was employed, containing closed-ended questions to assess respondents' opinions on the effectiveness of the measures, their alignment with the law, judicial oversight, and respect for human rights. A Likert scale was used to measure the intensity of participants' opinions.
The sample included 50 citizens from Albania and Kosovo, selected to represent a diverse group of the public. Of these, 18 % were female and 82 % male. Participants ranged in age from 20 to 60 years, with an average age of 38. Respondents had varying types of interactions with law enforcement authorities, including reporting a crime (40 %), being questioned as witnesses (30 %), participating in community policing programs (20 %), and having occasional contact for routine administrative matters such as identification or vehicle registration (10 %). After data collection, responses were analyzed using descriptive statistics to identify trends and patterns in public opinion. This detailed sample information allows for a better understanding of how different demographic and experiential factors influence perceptions of covert investigative measures.

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6. Presentation and Summary of Resulty

The study presents a detailed analysis of the questionnaire results, offering comparative data for Albania and Kosovo. The findings are systematically organized in tabular form, showing both frequency counts and percentages for each category of response. This dual presentation allows for a clearer understanding of how often specific perceptions occurred and how they relate proportionally to the entire sample. By using this approach, the analysis highlights similarities and differences between the two countries, making it possible to identify patterns,

trends, and potential divergences in public opinion regarding the alignment of covert investigative measures with legal frameworks. Such comparative tables not only enhance the clarity of the data but also provide a solid basis for drawing meaningful conclusions and supporting further discussion.

Table 1. Effectiveness of Covert Technical-Tactical Measures in Combating Organized Crime in Your Country?

Response Option	Albania (frequency/%)	Kosovo (frequency/%)
very effective	15 / 30 %	10 / 20 %
effective	20 / 40 %	25 / 50 %
neutral	10 / 20 %	8 / 16 %
ineffective	4 / 8 %	5 / 10 %
very ineffective	1 / 2 %	2 / 4 %

The data clearly indicate that the majority of citizens in both countries view covert measures as effective (see Table no. 1), with Kosovo showing a higher percentage (50 %) for the "effective" option. Meanwhile, Albania has a higher percentage (30 %) for "very effective", suggesting stronger confidence in the absolute efficiency of these measures. The "neutral" option was selected by 20 % of respondents in Albania and 16 % in Kosovo, highlighting a group of undecided citizens. The percentages for negative options remain relatively low, yet their presence reflects moderate skepticism, underscoring the need to enhance both the effectiveness and transparency of these measures.

Table 2. To What Extent Have These Measures Been Used in Compliance with the Legal Framework in Your Country?

Response Option	Albania (frequency)	Kosovo (frequency%)
fully compliant	12	24 %
mostly compliant	22	44 %
partially compliant	10	20 %
rarely compliant	4	8 %
not compliant at all	2	4 %
total	**50**	**100 %**

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Table no. 2 illustrates public perceptions regarding the alignment of covert measures with legal frameworks in Albania and Kosovo. The data show that a significant portion of respondents consider these measures mostly or fully compliant with the law, reflecting a relatively positive perception of their legality. However, a noticeable number view them as only partially or not compliant at all, indicating concerns about transparency, respect for fundamental rights, and oversight of covert actions. This highlights the importance of public awareness, regular monitoring, and strict adherence to legal frameworks to ensure citizen trust and the effectiveness of covert measures within the law.

Table 3. How Would You Rate the Level of Judicial Oversight in the Implementation of These Measures in Your Country?

Response Option	Albania (frequency/%)	Kosovo (frequency/%)
excellent	10 / 20 %	12 / 24 %
good	22 / 44 %	18 / 36 %
neutral	12 / 24 %	10 / 20 %
poor	4 / 8 %	6 / 12 %
very poor	2 / 4 %	4 / 8 %

Table no. 3 highlights public perceptions of judicial oversight in Albania and Kosovo. It indicates that the majority of respondents rate oversight as "Good" or "Excellent", though there are notable percentages in the "neutral" and "poor" categories, suggesting room for improvement in ensuring robust judicial oversight.

Table 4. Do You Believe That Covert Measures Adequately Respect the Right to Privacy?

Response Option	Albania (frequency/%)	Kosovo (frequency/%)
strongly agree	8 / 16 %	10 / 20 %
agree	20 / 40 %	22 / 44 %
neutral	12 / 24 %	8 / 16 %
disagree	7 / 14 %	7 / 14 %
strongly disagree	3 / 6 %	3 / 6 %

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The data indicate that the majority of citizens in both countries agree that covert measures respect privacy (40 % in Albania and 44 % in Kosovo) (see Table no. 4). However, a significant portion remains neutral or skeptical (24 % in Albania and 16 % in Kosovo). The low percentages for negative options suggest an overall positive perception, but remaining concerns need to be addressed to strengthen public trust.

Table 5. How Effectively Do These Measures Align with International Human Rights Standards in Your Country?

Response Option	Albania (frequency/%)	Kosovo (frequency/%)
fully aligned	9 / 18 %	13 / 26 %
mostly aligned	22 / 44 %	18 / 36 %
partially aligned	10 / 20 %	12 / 24 %
not aligned	5 / 10 %	4 / 8 %
unsure	4 / 8 %	3 / 6 %

The data show a positive perception of how well the measures align with international human rights standards, with most responses falling under the "mostly aligned" category (44 % in Albania and 36 % in Kosovo) (see Table no. 5). The percentage of respondents who feel the measures are "fully aligned" is lower (18 % in Albania and 26 % in Kosovo), suggesting room for improvement to ensure complete compliance. A notable portion of citizens remain "neutral" or "unsure", indicating uncertainty about the impact of these measures on human rights. This area requires increased transparency and further clarification.

Table 6. What Is the Impact of These Measures on the Effectiveness of Criminal Investigations in Your Country?

Response Option	Albania (frequency/%)	Kosovo (frequency/%)
significantly positive	12 / 24 %	15 / 30 %
moderately positive	18 / 36 %	16 / 32 %
neutral	12 / 24 %	10 / 20 %
moderately negative	5 / 10 %	4 / 8 %
significantly negative	3 / 6 %	5 / 10 %

For the majority of citizens, covert technical-tactical measures have a positive impact on the effectiveness of criminal investigations (see Table no. 6). In Albania, 36 % believe the impact is "moderately positive", while 32 % in Kosovo share the same view. A notable percentage in both countries also feels the impact is "significantly positive". However, a small number of citizens think the impact is negative (6 % in Albania and 8 % in Kosovo), indicating that there are still criticisms regarding the effectiveness of the measures. This positive perception could help support the use of such measures, but the challenges faced by investigators should also be taken into account.

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Table 7. To What Extent Have Covert Measures Adapted to Evolving Technologies in Your Country?

Response Option	Albania (frequency/%)	Kosovo (frequency/%)
fully adapted	10 / 20%	12 / 24%
mostly adapted	20 / 40%	18 / 36%
partially adapted	15 / 30%	14 / 28%
not adapted	3 / 6%	4 / 8%
unsure	2 / 4%	2 / 4%

Overall, citizens in both countries believe that covert measures are partially adapted to new technologies (see Table no. 7). In Albania, 40 % think they are "mostly adapted", while in Kosovo, 36 % share this opinion. While the majority of respondents consider the adaptation satisfactory, a significant portion (30 % in Albania and 28 % in Kosovo) feel the measures are only "partially adapted", indicating a desire for improvements in this area. The percentage of citizens who think the measures are "not adapted" or "unsure" is low, but it highlights the need to keep technologies updated in line with technological advancements.

Table 8. What Is the Public Perception of the Use of Covert Technical-Tactical Measures in Criminal Procedures in Your Country?

Response Option	Albania (frequency/%)	Kosovo (frequency/%)
very favorable	5 / 10%	6 / 12%
favorable	18 / 36%	16 / 32%
neutral	15 / 30%	14 / 28%
unfavorable	8 / 16%	10 / 20%
very unfavorable	4 / 8%	4 / 8%

The public perception of the use of covert technical-tactical measures in criminal procedures is generally positive, with a significant number of respondents in both Albania (36 %) and Kosovo (32 %) viewing them as "favorable" (see Table no. 8). However, there is also a noticeable portion of citizens who hold neutral (30 % in Albania, 28 % in Kosovo) or unfavorable opinions, reflecting some reservations about these measures. The relatively low percentage of "very unfavorable" responses suggests that while there are concerns, the overall perception remains positive.

Both Albania and Kosovo, public perception of the use of covert technical-tactical measures is generally positive, with 36 % of citizens in Albania and 32 % in Kosovo considering them "favorable." However, there is a significant portion of the population that remains neutral (30 % in Albania and 28 % in Kosovo), suggesting uncertainty or reservation regarding these measures. The percentage of citizens who view these measures negatively is moderate, with 16 % in Albania and 20 % in Kosovo, indicating some concerns about transparency and the oversight of these practices. These findings reflect a cautious acceptance of covert operations, with a notable desire for more transparency and accountability.

In the broader context, the fight against terrorism, organized crime, and religious extremism remains a global challenge requiring multi-faceted and coordinated approaches. In both Albania and Kosovo, preventive measures play a key role, such as the early identification of factors leading individuals toward radicalization, including social inequality, lack of education, and extremist propaganda. These measures are complemented by rehabilitation programs aiming to reintegrate radicalized individuals and reduce the influence of extremist ideologies. On the other hand, investigative and operational measures are essential for dismantling criminal and terrorist networks. Modern technologies like electronic surveillance, data analysis, and monitoring social networks play a crucial role in detecting suspicious activities and preventing potential attacks.

Additionally, international cooperation among law enforcement agencies and organizations such as INTERPOL and EUROPOL ensure the swift exchange of information and coordination in complex cases. The fight against religious extremism also involves efforts to promote interfaith dialogue and strengthen educational structures to counter extremist narratives with messages of peace and tolerance. The combination of these measures creates a robust shield against security threats and ensures long-term stability for both societies.

Overall, while citizens in both Albania and Kosovo view covert technical-tactical measures positively, there is a significant level of skepticism and insecurity, underscoring the need for improved transparency and stronger oversight to ensure these measures are fair and aligned with individual rights and international standards.

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7. Case Study: Use of Secret Investigative Measures in Kosovo and Albania

This case study examines how secret investigative measures are applied in Kosovo and Albania during criminal investigations. Secret measures, such as wiretapping, surveillance, and undercover operations, are legal tools designed to gather evidence while protecting the confidentiality of the investigation and the rights of suspects. By comparing the procedures in both countries, the study highlights differences, challenges, and best practices in balancing law enforcement needs with civil liberties.

7.1 Case Background

A cross-border organized crime network was suspected of smuggling drugs between Kosovo and Albania. Both countries' law enforcement agencies received intelligence suggesting the group used encrypted messaging apps and covert communication channels to plan operations (Revista e Shkencave Sociale., 2022). The case required the use of secret investigative measures to gather evidence without alerting the suspects.

7.2 Secret Measures Used

7.2.1. Kosovo

- Wiretapping: the special prosecutor requested court approval to intercept phone communications of key suspects.
- Undercover operations: officers infiltrated the network posing as buyers of contraband.
- Legal framework: measures were applied under the Kosovo Criminal Procedure Code, ensuring that all evidence obtained was admissible and that confidentiality was maintained. Court orders mandated sealed files to protect the investigation and witnesses (CSDG, 2018).

7.2.2. Albania

- Surveillance: police conducted covert monitoring of suspects' movements and interactions.
- Online monitoring: law enforcement monitored encrypted communications with court authorization.
- Legal framework: measures were applied under the Albanian Criminal Procedure Code, which requires judicial approval and oversight to prevent abuse. Information collected was strictly confidential and could only be shared with prosecutorial authorities.

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7.2.3. Comparative Analysis

Table 9. Compariso of Secret Investigative Measures between Kosovo and Albania

Measure	Kosovo	Albania
wiretapping	requires court approval, files sealed	requires judge authorization, files confidential
undercover operations	conducted under strict supervision	conducted with judicial oversight
online surveillance	limited to authorized targets, encrypted data protected	legal oversight required, limited duration
privacy safeguards	files sealed, minimal exposure	confidential reporting to prosecutor
admissibility	admissible if all legal conditions met	admissible with judicial approval

7.3 Key Observations

- Both countries prioritize judicial oversight to prevent abuse.
- Kosovo emphasizes sealed files and evidence protection to safeguard witnesses and investigators.
- Albania focuses on limited duration and targeted surveillance to protect privacy.
- Both countries face challenges in monitoring encrypted communications without violating civil liberties.

7.4 Lessons Learnt

1. Judicial oversight is essential: court approval ensures that secret measures remain legal and admissible in court.
2. Sealed files protect integrity: confidentiality of evidence prevents interference or tipping off suspects.
3. Cross-border coordination needed: cooperation between Kosovo and Albania would improve efficiency in cases involving transnational crime.
4. Balancing security and rights: both countries must continuously assess how to gather evidence without infringing on fundamental rights.

This case study demonstrates that secret investigative measures are critical tools in combating organized crime. Kosovo and Albania both have legal frameworks ensuring judicial oversight and confidentiality. While each country has unique practices, lessons from cross-border cases can help harmonize procedures, improve efficiency, and strengthen protections for civil liberties.

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8. Conclusions and Recommendations

The assessment of covert technical-tactical measures in criminal investigations in Albania and Kosovo shows a generally positive public view, although there are concerns in certain areas. A significant portion of the population in both countries recognizes the benefits these measures bring to criminal investigations, with many believing that they align, at least to some degree, with international human rights standards. This reflects an increasing acknowledgment of the need for advanced investigative methods to combat organized crime. However, the findings also point to concerns regarding the alignment of these measures with human rights and international standards, as well as the adequacy of judicial oversight, which some believe to be lacking.

A key observation is that most citizens agree that covert measures improve the efficiency of criminal investigations. However, there is uncertainty about whether these measures are fully updated to reflect technological progress. Many respondents feel that these measures are "partially adapted" to new technologies, which highlights the need for ongoing updates to both the legal framework and technical infrastructure. As both Albania and Kosovo work to incorporate new technologies, addressing this gap is crucial, especially as criminal activities become more digital and sophisticated.

Public opinions regarding the balance between privacy, human rights, and the use of covert measures are more divided. A significant number of citizens are concerned about the impact on personal privacy and data protection during investigations. This underscores the need for greater transparency, accountability, and stringent oversight to ensure these measures do not infringe upon citizens' fundamental rights. Judicial oversight is particularly highlighted, with calls for stronger legal safeguards to prevent abuse of power. The relatively high number of respondents who are uncertain about the measures' full alignment with human rights standards indicates a need for improved communication and public education about their usage and oversight. Addressing these concerns is critical for building public trust in law enforcement and the judicial system.

Despite being generally viewed as effective tools for combating organized crime, covert technical-tactical measures require continuous evaluation to ensure they respect individual rights. Both Albania and Kosovo need to adapt their legal and enforcement frameworks to keep pace with technological changes and ensure that these measures comply with both domestic and international human rights standards. Strengthened judicial oversight and greater public transparency will be essential to balancing effective crime prevention with the protection of citizens' rights.

Several key recommendations emerge from the analysis to enhance the effectiveness of covert measures while ensuring compliance with human rights and improving public trust. These recommendations focus on legal reforms, institutional measures, technological advancements, and public transparency.

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8.1 Enhancing Judical Oversight and Accountability

A significant concern in both Albania and Kosovo is the perceived inadequacy of judicial oversight regarding covert measures. To address this, it is recommended that both countries establish stronger mechanisms for judicial review and monitoring. This could involve creating specialized judicial bodies or committees tasked with overseeing the legality and proportionality of these measures to ensure they are used appropriately and in compliance with citizens' rights. These bodies could also foster public trust by providing independent reviews of covert operations.

8.2 Aligning with International Human Rights Standards

To address concerns about the partial alignment of covert measures with international human rights standards, both Albania and Kosovo should overhaul their legal frameworks. This would involve ensuring that covert measures respect privacy and data protection principles in line with international conventions and European Union regulations. Clear guidelines on the use of surveillance tools and the collection of personal data should be established, with strict limits on data retention and access. Legal reforms should also govern how data collected during covert investigations is stored, accessed, and destroyed.

8.3 Adapting of Techonological Advancements

With rapid technological developments, Albania and Kosovo need to keep their covert investigative tools up to date. This involves investing in new surveillance technologies, enhancing data analysis capabilities, and ensuring that law enforcement agencies have the resources and training necessary to stay ahead of technological advancements. The integration of emerging technologies, such as Artificial Intelligence (AI) for crime prediction and analysis, could significantly improve the efficiency of investigations. Regular assessments should be conducted to ensure that investigative methods remain relevant and effective.

8.4 Promoting Public Awareness and Transparency

With rapid technological developments, Albania and Kosovo need to keep their covert investigative tools up to date. This involves investing in new surveillance technologies, enhancing data analysis capabilities, and ensuring that law enforcement agencies have the resources and training necessary to stay ahead of technological advancements. The integration of emerging technologies, such as Artificial Intelligence (AI) for crime prediction and analysis, could significantly improve the efficiency of investigations. Regular assessments should be conducted to ensure that investigative methods remain relevant and effective.

8.5 Enhancing Personal Data Protection

To address public concerns and increase trust, it is recommended that both countries implement public information campaigns to explain the necessity, purpose, and legal limits of covert measures. Regular reports or audits on the use of these measures, along with clear communication about how personal privacy is protected, could help alleviate concerns. Public education efforts should also focus on informing citizens about the legal safeguards in place to prevent abuses of power, reinforcing the idea that these measures are used responsibly and in compliance with human rights.

Strengthening Regional and International Cooperation

Since organized crime often spans borders, Albania and Kosovo should increase their regional and international cooperation in criminal investigations. Sharing intelligence, resources, and best practices with neighboring countries, and engaging in joint investigations and training programs, could enhance the effectiveness of covert measures. Cooperation with international bodies like INTERPOL and the European Union is also vital for aligning these measures with global standards and best practices. Collaborative efforts could help create shared databases to track criminal activities and individuals across borders, improving the ability to tackle transnational crime.

Establishing Clear Legal Guidelines for Technology Use

As new technologies play an increasing role in covert investigations, both countries must establish clear legal frameworks for their use. This should include provisions for digital surveillance, data mining, and other advanced investigative techniques. Legislation should define when and how technology can be used, with strict controls to prevent misuse. The legal

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framework should ensure that technological tools are employed only when necessary and proportional to the investigation.

References

Gazeta zyrtare (2012, December 28). *Kodi i Procedurës Penale të Kosovës (*Law No. 04/L-123). https://gzk.rks-gov.net/ActDetail.aspx?ActID=2861 (2025, September 25th).

Mensur Morina, Florent Azemi, Muhammet Ali Eren, Ismail Zejneli and Endri Papajorgji. (2023). *Academic Journal of Interdisciplinary Studies. Crime scene in cybercrime criminal offenses: Evidence management and processing*. https://ideas.repec.org/a/bjz/ajisjr/2374.html?utm_source (2025, September 25th).

CSDG. (2018, June 2). *The fight against corruption and organized crime in Albania: Justice reform and interception of communications.* Center for Sustainable Development and Governance. https://csdgalbania.org/wp-content/uploads/2019/06/CSDG-FES-Publication-2018_02_02.pdf (2025, September 25th).

Council of Europe. (1959). *Konventa Evropiane për Ndihmë Juridike Penale. Marrë nga Prokuroria e Përgjithshme e Shqipërisë:* https://www.pp.gov.al/rc/doc/konventa_evropiane_per_ndihme_juridike_penale_803.pdf (2025, march 12th).

Curri, F. (2022). *Challenges of Republic of Kosova in Her Fight Against Corruption.* International Journal of Social Science and Research Review, 5 (7), 383-397. doi.org/10.47814/ijssrr.v5i7.519.

Curri., F. (2025, February 2019). *Perspective Chapter: The Evolution of Terrorism in the Twenty-First Century: Challenges and Countermeasures.* doi:10.5772/intechopen.1010098

Elezi. F. (2012). *Provat penale dhe procesi i të provuarit.* Universiteti i Tiranës.

Gashi, R. (2014). *E drejta penale: pjesa e posaçme.* Universiteti i Prishtinës.

Hasani, E., & Cukalovic, I. (2014). *Komentar: Kushtetuta e Republikës së Kosovës.*

Kodi i Procedurës Penale i Republikës së Shqipërisë. (2017). https://www.pp.gov.al/rc/doc/kodi_i_procedures_penale_28_07_2017_1367_5285.pdf (2025, September 25th).

Konventa e Palermos. (2004). https://www.unodc.org/documents/brussels/UN_Convention_Against_Corruption.pdf (2025, September 25th).

Konventa Evropiane për të Drejtat e Njeriut. (2010, June 12). https://www.echr.coe.int/documents/d/echr/convention_sqi (2025, September 25th).

Kushtetuta e Republikës së Kosovës. (2008, April 18). *Kushtetuta e Republikës ës Kosovës.* https://gzk.rks-gov.net/ActDetail.aspx?ActID=3702 (2025, September 25th).

Kushtetuta e Republikës së Shqipërisë. (2012,September 18). https://qbz.gov.al/preview/635d44bd-96ee-4bc5-8d93-d928cf6f2abd (2025, September 25th).

Ligji nr. 103/2014. (2014, July 14). "Strategjia e Sigurisë Kombëtare të Republikës së Shqipërisë";. (2017). *https://www.acnss.com/wp-content/uploads/2020/06/Policimi_dhe_siguria_nr_5.pdf* (2025, September 25th).

Ligji nr. 108/2014, (2014, July 31). "Për Policinë e Shtetit", i ndryshuar;. (2021). https://mb.gov.al/wp-content/uploads/2024/10/LIGJ-PER-POLICINE-E-SHTETIT-Nr.-1082014.pdf (2025. September 25th).

Ministry of Internal Affairs. (2013, June 29). *Regulation No. 03/2013 on the standards for drafting normative acts.* https://kuvendikosoves.org/Uploads/Data/Documents/37legalopinion_m8URXRVczz.pdf (2025, September 25th).

RETRACTED

Morina, M., Curri, B., & Curri, F. (2023). Treatment Of Rape In Kosovo From 2019 - 2021: Quality Assurance, Legal And Forensic Aspects. *Quality - Access to Success, 24(196)*, 38-48. https://doi.org/10.47750/QAS/24.196.05

Murati, R., & Hashani, L. (2013). *E Drejta e Procedurës Penale*.-Universiteti i Prishtinës.

Revista e Shkencave Sociale. (18. july 2022). *Transnational organized crime between Albania and Kosovo: Coordinated responses and covert investigative measures.* https://revistia.com/index.php/ejis/article/view/1522/1521 (2025, September 25th).

Sahiti, E., & Murati, R. . (2013). *E Drejta e Procedurës Penale.* Universiteti i Prishtinës.

Salihu, I. (2014). *E drejta penale: pjesa e posaçme.* Universiteti i Prishtinës.

Saliu, I. (2011). *E drejta Penale Pjesa e pergjithshme.* Universiteti i Prishtinës.

Tahiri, M., & Bytyqi, I. (2015). *Masat e fshehta teknike të hetimit dhe vëzhgimit [Covert technical measures of investigation and surveillance].* Justicia, 5. https://www.scribd.com/document/808560665/JusticiaVitiVNr52015Sq (2025, September 25th).

UNMIK-Kosovo. (2003, October 6). *ADMINISTRATIVE DIRECTION NO. 2003/26.* https://unmik.unmissions.org/sites/default/files/regulations/02english/E2003ads/ADE2003_26.pdf (2025, September 25th).

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