

CONFISCATION OF ASSETS ACQUIRED BY CRIMINAL OFFENSE: COMPARATIVE ANALYSIS OF THE LEGISLATION OF KOSOVO AND ALBANIA

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Abstract: This article provides a comparative analysis of the legal frameworks in Kosovo and Albania regarding the confiscation of assets acquired through criminal offenses. It examines the critical role of asset forfeiture in combating organized crime, corruption, and money laundering, emphasizing its importance in dismantling criminal enterprises and weakening their financial foundations. The study highlights the legislative measures and practices in both countries, including Kosovo's legal advancements through the Law on Extended Competences for the Confiscation of Assets and Albania's Anti-Mafia Law, which allows for the confiscation of unjustifiable assets. Using qualitative methods, the research evaluates international conventions and domestic laws, identifying gaps such as the discretionary powers of prosecutors in Kosovo and challenges in effective enforcement. The findings underscore the need for reforms to strengthen mandatory asset verification processes, enhance institutional accountability, and ensure confiscation is coupled with criminal sentencing to improve the efficacy of legal mechanisms in curbing organized crime and corruption.

Keywords: Confiscation of assets, organized crime, Kosovo, Albania

INTRODUCTION

Organized crime remains one of the most pressing challenges in the 21st century, posing significant threats on a global scale. It refers to a persistent criminal enterprise driven by the pursuit of profit from illicit activities, often catering to high public demand. These activities undermine social stability, economic development, and the rule of law, making organized crime a critical issue for governments and international organizations alike. Its existence is maintained using force, threats, monopoly control, and/or the corruption of public officials.¹

Criminal organizations generate vast wealth from their activities, which is distributed across several areas. A portion of these assets is used to corrupt officials involved in tendering processes, law enforcement, and the judiciary, ensuring the groups' operations remain unthreatened. Another share funds the continuation of criminal enterprises, while the remainder is funneled into money laundering ventures, often disguised as legitimate businesses to obscure the illegal origins of their profits.² Confiscation of assets acquired by criminal offense is closely linked with another criminal activity: money laundry. The increased interest of criminal groups in money laundering as an international crime has

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¹ ALBANESE, J. *Organized Crime: From the Mob to transnational organized crime*. Waltham: Anderson, 2015, p. 4.

² RYDER, N. (ed.). *White collar crime and risk: Financial crime, corruption and financial crisis*. Heidelberg: Springer, 2018, p. 16.

been engendered by the rapid growth in criminal activities linked to international drug trafficking.³

Confiscating assets from organized crime and corruption has been a significant issue in recent years. Both domestically and internationally, it is recognized that seizing criminal proceeds is essential to effectively combat these serious crimes.⁴ Classic methods of criminal prosecution fall short of achieving the objectives of dismantling criminal enterprises, for which, like all enterprises, the main objective is to accumulate wealth. Depriving criminal enterprises of their main *raison d'être*, which also prevents the criminal enterprise stripped of its funds from functioning, is the focus of contemporary efforts by the law enforcement community.⁵

Demand for money laundering is driven by the need to create a false legitimate appearance for funds that are tainted by their illegal origin or intended purpose. All sorts of underworld figures, such as drug traffickers, tax evaders, corrupt officials, and terrorists, feel this need out of fear that their money trail will lead to detection and confiscation.⁶ A discussion of the use of money laundering controls to combat organized crime would be incomplete without a reference to criminal asset forfeiture. Asset forfeiture is aimed at depriving criminals of their ill-gotten gains, thereby preventing a re-investment of such proceeds in further criminal activities. Asset forfeiture also helps law enforcement to signal that crime is not profitable.⁷ While asset forfeiture and money laundering rules operate separately, they are interlinked at a strategic and operational level: criminals who are concerned about the risk of forfeiture have an additional incentive to hide and disguise their ownership of assets that are, or that represent, proceeds of crime. Criminalization of such concealment by money laundering laws is therefore required to support asset forfeiture. The intelligence generated by the private sector furthermore facilitates the identification of such assets, thereby supporting asset forfeiture by the state.⁸

The United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, adopted in Vienna in 1988 (commonly known as the 1988 Vienna Convention), was the first international treaty to address the confiscation of the proceeds of crime and to require states to criminalize money laundering.⁹ The convention has been used as a framework for several important international anti-money laundering initiatives, including work undertaken by the Council of Europe, the European Union

³ Ibid.

⁴ Center for the Study of Democracy. Disposal of confiscated assets in the EU member states laws and practices. In: *Center for the Study of Democracy* [online]. 23. 1. 2025 [2025-01-23]. Available at: <<https://www.files.ethz.ch/isn/185046/Disposal-of-confiscated-assets-report.pdf>>.

⁵ Ibid.

⁶ SCHÖNENBERG, R., SCHÖNFELD VON, A. *Transnational organized crime: analyses of a global challenge to democracy*. Bielefeld: Transcript Verlag, 2013, p. 17.

⁷ HAUCK, P., PETERKE, S. *International law and transnational organized crime*. Oxford: Oxford University Press, 2016, p. 258.

⁸ Ibid., p. 258.

⁹ UNITED NATIONS. United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. Vienna, 20 December 1988. In: United Nations Treaty Series, Vol. 1582, No. 27627, pp. 95–415. In: *United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances* [online]. 20. 12. 1988 [2025-07-24]. Available at: <<https://treaties.un.org/doc/Publication/MTDGS/Volume%20I/Chapter%20VI/vi-19.en.pdf>>.

and the Financial Action Task Force (FATF). The 1988 Vienna Convention has served as a foundation for several major international anti-money laundering initiatives, including the Council of Europe's Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (CETS No. 141), the European Union's subsequent legislative measures such as Directive 2005/60/EC and Directive 2015/849 on money laundering, and the standards set by the Financial Action Task Force (FATF), which have shaped national compliance frameworks globally.¹⁰ Further, its provisions are frequently mirrored in national anti-money laundering legislation. The primary purpose of the Convention is to weaken the economic power of criminal organizations by promoting international cooperation to combat drug trafficking.¹¹

The Balkans, a traditional smuggling route between East and West, has become a hub for Transnational Organized Crime (TOC). Weak institutions in Albania, Kosovo, and Bosnia and Herzegovina have allowed TOC groups to dominate key drug and human trafficking routes and Western European markets.¹² Given the need attributed to the confiscation of assets acquired by criminal offense, as one of the forms of fighting against and preventing crime, this matter is regulated by various mechanisms through international acts, such as the United Nations Convention against Transnational Organized Crime¹³ Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime,¹⁴ and Directive 2014/42/EU of the European Parliament and of the Council on the freezing and confiscation of instruments and proceeds of crime in the European Union.¹⁵ Article 12 of the United Nations Convention against Transnational Organized Crime requires states to adopt measures within their legal systems to enable the confiscation of: (a) Proceeds of crime or equivalent-value property from offenses under the Convention; and (b) Property, equipment, or tools used or intended for such offenses.¹⁶

Taking into account that one of the main criteria in the fight against transnational crime is legal cooperation in the criminal area, this convention has envisioned international cooperation in the case of the confiscation of assets acquired by criminal offense. Based on Article 13 of this Convention a State Party that has received a request from another State Party having jurisdiction over an offense covered by this Convention for confiscation of proceeds of crime, property, equipment or other instrumentalities re-

¹⁰ UNITED NATIONS. United Nations Convention against Transnational Organized Crime. New York, 15 November 2000. In: United Nations Treaty Series, Vol. 2225, No. 39574, pp. 209–325. In: *United Nations Treaty Series* [online]. [2025-07-24]. Available at: <https://treaties.un.org/pages/viewdetails.aspx?src=treaty&mtmsg_no=xviii-12&chapter=18&clang=_en>.

¹¹ BANTEKAS I., NASH, S. *International criminal law*. Abingdon: Routledge, 2009, p. 64.

¹² National Security Council (NSC), Transnational organized crime: A growing threat to national and international security. In: *National Security Council (NSC)* [online]. 12. 1. 2025 [2025-01-12]. Available at: <<https://obamawhitehouse.archives.gov/administration/eop/nsc/transnational-crime/threat>>.

¹³ See United Nations Convention against Transnational Organized Crime, General Assembly resolution 55/25 of 15 November 2000.

¹⁴ See Council of Europe, Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime. Strasbourg, 8.XI.1990.

¹⁵ See Directive 2014/42/EU of the European Parliament and of the Council of 3 April 2014 on the freezing and confiscation of instrumentalities and proceeds of crime in the European Union.

¹⁶ United Nations *op. cit.* (Note 8) see Article 12.

ferred to in article 12, paragraph 1, of this Convention situated in its territory shall, to the greatest extent possible within its domestic legal system: (a) Submit the request to its competent authorities for the purpose of obtaining an order of confiscation and, if such an order is granted, give effect to it; or (b) Submit to its competent authorities, with a view to giving effect to it to the extent requested, an order of confiscation issued by a court in the territory of the requesting State Party in accordance with article 12, paragraph 1, of this Convention insofar as it relates to proceeds of crime, property, equipment or other instrumentalities referred to in article 12, paragraph 1, situated in the territory of the requested State Party.¹⁷

The issue of the confiscation of assets acquired by criminal offense is also treated through the Convention of Council of Europe No. 141, date 8.11.1990. Based on Article 1, (Paragraph d) of the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime, “confiscation” means a penalty or a measure, ordered by a court following proceedings in relation to a criminal offense or criminal offenses resulting in the final deprivation of property.¹⁸ The Convention also assigns special importance to the cooperation between parties to the convention, be it in the clarification of the procedures as well as in describing the situations on confiscation of assets.¹⁹ Based on Directive 2014/42/EU of the European Parliament and of the Council on the freezing and confiscation of instrumentalities and proceeds of crime in the European Union, ‘confiscation’ means a final deprivation of property ordered by a court in relation to a criminal offense.²⁰ The main and efficient measure in the fight and prevention of organized crime is the confiscation of property of criminal origin. This measure consists in the confiscation of property acquired from criminal activities with a final court decision.²¹

The article aims to analyze the legal frameworks and practices surrounding the confiscation of assets acquired through criminal offenses, focusing on the cases of Kosovo and Albania. By examining the effectiveness of these mechanisms, the research seeks to identify strengths, weaknesses, and areas for reform within the two countries’ approaches to combating organized crime and corruption. The central research question is: *How do the legal frameworks in Kosovo and Albania address the confiscation of criminally acquired assets, and what improvements can be made to enhance their effectiveness in fighting organized crime?*

I. METHODOLOGY

This study employs a comparative legal analysis to evaluate the legislation and practices governing the confiscation of assets acquired through criminal offenses in Kosovo and Albania. By comparing these legal frameworks, the research identifies key similarities, differences, and areas of reform, particularly focusing on the Criminal Codes of both

¹⁷ *Ibid.*, Article 13.

¹⁸ Council of Europe *op. cit.* (Note 9) see Article 1 Par. D.

¹⁹ *Ibid.*, see Articles 7, 8, 11-14.

²⁰ Directive 2014/42/EU (Note 10) see Article 2, Par. 4.

²¹ GASHI, R. *Organized crime*. Prishtina: University of Prishtina, 2014, p.158.

countries and their specialized laws, such as Kosovo's 2018 Law on Extended Competences for the Confiscation of Assets and Albania's Anti-Mafia Law. This approach provides insights into the effectiveness of the existing frameworks in addressing organized crime and corruption.

A qualitative method analyzes legislative texts, international conventions, and official reports. Key international documents, including the United Nations Convention against Transnational Organized Crime and Directive 2014/42/EU, are reviewed to contextualize national frameworks within global standards. This ensures that the analysis aligns with internationally recognized practices in combating organized crime and confiscating illicit assets. The study relies heavily on document analysis as a primary source of data collection. Secondary data is drawn from progress reports, legal texts, and official statistics provided by institutions such as Kosovo's Agency for the Administration of Sequestered and Confiscated Assets. These data, spanning the years 2013 to 2021, offer valuable insights into the trends and challenges associated with asset sequestration, confiscation, and auctioning.

Case studies and best practices from both Kosovo and Albania are examined to provide practical insights into procedural challenges and the effectiveness of legal mechanisms. Specific cases of asset confiscation are analyzed to identify issues such as judicial discretion, procedural delays, and institutional inefficiencies. This approach underscores the need for greater consistency and professionalism in the application of asset confiscation laws.

The study uses an explanatory method to elaborate on legal provisions, institutional roles, and judicial practices in combating organized crime. By breaking down complex legal and procedural issues, this method ensures that findings are presented clearly and in a manner accessible to both policymakers and legal practitioners.

Statistical analysis is also employed to assess the performance of asset confiscation mechanisms. Official data on asset sequestration and confiscation are analyzed to quantify the effectiveness of enforcement mechanisms. By comparing the value of sequestered versus confiscated assets, the study identifies discrepancies that highlight systemic inefficiencies and institutional challenges.

The research critically evaluates the performance of relevant institutions, such as Kosovo's Agency for the Administration of Sequestered and Confiscated Assets. It examines institutional shortcomings, including issues related to data management, corruption, and procedural delays, and proposes measures for improvement. This comprehensive evaluation offers actionable recommendations to strengthen legal and institutional frameworks in both Kosovo and Albania.

II. ANALYSIS AND DISCUSSION

The Western Balkans, which constitutes the part of Southeastern Europe where Kosovo is located has been transformed into a setting where many criminal networks operate, among which number many Albanian groups. Their tendency is to extend their criminal activities to the developed countries of Western Europe and beyond.²² This tendency is

²² DEMOLLI, H. Some forms of organized crime in Kosovo during the period 2002-2007. *Law Journal for Juridical and Social Issues*. 2008, Vol. 33, No. 3-4, 2008, p. 47.

now recognized given that many criminal groups originate from the Western Balkans, with many criminal groups coming from Albania, Kosovo and Macedonia, and they have all managed to secure an important rank amongst European criminal groups, especially in the most serious forms of organized crime, such as the smuggling of narcotic substances, human trafficking, prostitution, etc.²³

Organized crime in Kosovo has unique characteristics, making its prevention complex and multifaceted. Its extent and development largely depend on the effectiveness of institutional and social responses.²⁴ Based on analytical assessments of security institutions and data from academic documents, it is believed that organized crime groups in Kosovo, regardless of their nationality, have managed to refine their communication and cooperation methods at both the regional level and beyond. Organized criminal groups in Kosovo are characterized by several features, which are as follows: a hierarchical structure, loyalty, cooperation between criminal groups, crime diversity, seriousness and aggressiveness, corruption of officers and several other characteristics.²⁵

From the war's end in 1999 until 2018, various international groups were active in Kosovo. However, the ones that have been most effective in the fight against crime in Kosovo have, without a doubt, been the bodies operated according to the United Nations Mission in Kosovo (UNMIK) and European Union Rule of Law Mission in Kosovo (EULEX). UNMIK operated in Kosovo between 1999 - 2008 and has continued to operate in the country; however, it has done such only formally and based on the United Nations Security Council Resolution 1244.²⁶ UNMIK was established in Kosovo to serve the international military and civilian presence. This international presence increased during this period, especially in the judiciary sectors amongst the police, prosecution and courts. These three segments were extremely important for the building of vital institutions in a country that had just emerged from war.²⁷ From 2009 to 2016, EULEX operated in Kosovo. From 2016 to 14 June 2020, this group only monitored the country's affairs, especially in the judiciary sector.²⁸ Certainly, having those kinds of competences, these international mechanisms have operated in Kosovo for two decades, and we can freely assert that they can be considered directly responsible for the current level of crime in Kosovo. The Progress Reports of the European Commission on Kosovo have stressed the country's lack of institutions, lack of proper communication between international and Kosovo institutions, lack of legal infrastructure, lack of professionalism in the fight against crime, etc.

In the Progress Report of 2005, it was stressed that Kosovo has a considerable lack of legal infrastructure concerning the fight against organized crime, as well as cadre capacities that are in their infancy, which represents a serious challenge to the control of

²³ FIJNAUT, C., PAOLI, L. *Organized crime in Europe: Concepts, patterns and control policies in the European Union and beyond*. Dordrecht: Springer, 2004, p. 450.

²⁴ Republic of Kosovo, *State Strategy and Action Plan Against Organized Crime 2018–2022*, Ministry of Internal Affairs, Pristina, 2018. p. 9.

²⁵ *Ibid.*, 10.

²⁶ See United Nations, Resolution 1244, 1999, Adopted by the Security Council at its 4011th meeting, on 10 June 1999.

²⁷ *Ibid.*

²⁸ See Council Joint Action 2008/124/CFSP of 4 February 2008 on the European Union Rule of Law Mission in Kosovo, EULEX KOSOVO, *Official Journal of the European Union*, L 42/92, 16. 2. 2008.

organized crime.²⁹ Furthermore, in the Progress Report of the EU on Kosovo from 2013, it is stated that “Organized crime remains a serious concern in Kosovo.” According to this report, the nation’s law enforcement agencies have demonstrated hesitation when it comes to initiating a financial investigation of organized crime groups.³⁰ Based on the Progress Report of 2021, Kosovo was still facing serious problems in having its legal system function at a professional level and in the implementation of legislation regarding the confiscation of assets acquired by criminal offense. Kosovo is at an early stage of the fight against corruption, though it has had some level of preparation for that fight. Sustained efforts are needed to achieve more proactive investigations, as well as final court decisions and the confiscation of assets.³¹ Based on this report, the legal framework on confiscation is in force but is not being consistently applied, and the value of confiscated assets remains low. The signing of an agreement between the Republic of Kosovo and Europol is considered to be an achievement according to the report. In July 2020, Europol and the Kosovo Police concluded a working arrangement. The additional agreements necessary to operationalize this cooperation, allowing for access to the Secure Information Exchange Network Application (SIENA) and the exchange of Liaison Officers, were finalized in September 2021.³²

II.1 Legal treatment and confiscation of assets acquired by criminal offense in Kosovo

As a country undergoing transition, Kosovo does not have an established history of fighting organized crime through the confiscation of assets acquired by criminal offense. For the first time in Kosovo, the Provisional Criminal Code of Kosovo stipulates the confiscation of assets acquired through criminal activity (Paragraph 1 of Article 82).³³ The confiscation of assets is also stipulated in the current Criminal Code of Kosovo.³⁴ Based on Paragraph 1 of Article 92 of this code: “Property or a means that has been acquired by a criminal offense shall be confiscated, according to the provisions of the Criminal Procedure Code of the Republic of Kosovo.” Based on Paragraph 2: “When confiscation is not possible in accordance with paragraph 1 of this Article, the Court shall order the perpetrator to pay an equivalent amount or the Court shall confiscate any property of the defendant of equivalent value as set forth in the Criminal Procedure Code of the Republic of Kosovo”.³⁵ In 2013, Kosovo passed a special law that deals with the confiscation of assets acquired by criminal offense.³⁶ In 2018, Kosovo passed a new law entitled the Law on Extended Competences for the Confiscation of Assets.³⁷ Based on Article 2 of this

²⁹ See European Commission, *Kosovo (under UNSCR 1244) 2005 Progress Report*, Brussels, 2005, p. 14.

³⁰ See European Commission, *KOSOVO* 2013 PROGRESS REPORT 2013*, Brussels, 2013, p. 50.

³¹ See European Commission, *KOSOVO* 2021 REPORT*, Brussels 2021, p. 4.

³² *Ibid.*, p. 4.

³³ This code is called “provisional” given that Kosovo had an undefined status until 2008, paragraph 1 of Article 82.

³⁴ See Criminal Code of Republic of Kosovo, No. 06/L-074, adopted 14 January 2019.

³⁵ See Article 92, Par. 1, 2.

³⁶ Law no.04/l-140 on extended powers for confiscation of assets acquired by criminal offense, Official Gazette of the Republic of Kosova /no.5 /8 march 2013, Pristina.

³⁷ Law no. 06/l-087 of extended powers on confiscation of assets, Official Gazette of the Republic of Kosovo / no. 23/26 December 2018, Pristina. Based on Article 1, Paragraph 2, This Law implements Directive 2014/42/EU of European Parliament and Council, adopted on 3 April 2014 on freezing and confiscation of instruments and incomes generated through crime in the European Union.

law (Scope), Paragraph 1: “The extended confiscation as foreseen in this Law applies to the assets of persons who have been convicted of a criminal offense as prescribed by the Criminal Code of the Republic of Kosovo or other laws, as follows”³⁸ 1. Criminal offenses against organized crime; 2. Criminal offenses of official corruption and criminal offenses related to official duty; 3. Criminal offenses against public health; 4. Criminal offenses of human trafficking, slavery and kidnapping; 5. Sexual criminal offenses; 6. Criminal offenses relating to armed conflicts outside state territory; 7. Criminal offenses of money laundering and terrorist financing; 8. Criminal offenses relating to terrorism; 9. Criminal offenses relating to narcotics; 10. Criminal offenses relating to weapons; 11. Cyber-criminal offenses; 12. Criminal offenses against the economy; 13. Criminal offenses against property; 14. Criminal offenses against the environment; 15. The attempt, the incitement, the assistance and the agreement to commit any of the criminal offenses listed in sub-paragraphs 1.1. to 1.14. of this Article; or 16. Any criminal offense that generated a material benefit exceeding ten thousand (10,000) EUR.

One concern that can be seen as a shortcoming of this law is that in the majority of cases, the prosecutors use it against the general interest and counter to the fight against organized crime; this comes through in Paragraph 1 of Article 4 of the law. Based on this paragraph: “After a defendant is found guilty of a criminal offense as provided in Article 2, paragraph 1. of this Law, the State Prosecutor may, in a separate application to the court that passed that judgment, request a verification of property within five (5) years after the judgment becomes final, as defined in the Criminal Code of the Republic of Kosovo”.³⁹ Therefore, this paragraph has stipulated the verification of property as a possibility; however, it does not render it mandatory that the prosecutor make a request for the verification of the origin of the wealth of the convicted persons based on Article 2, Paragraph 1. As a result, the law did not render mandatory the verification of the wealth/assets of all persons who are sentenced for the criminal acts that are stipulated in Article 2. Thus, for this reason, we observe a low level of the confiscation of assets acquired by criminal offense. Based on this legal basis, we have many cases where one person can be sentenced for corruption, abuse of official duty or even organized crime, though the case prosecutor does not request the verification of the origins of the sentenced person’s assets. Failure to present the request for verification of assets by the prosecutor can be done for several reasons: the assumption that there is a lack of relevant evidence, corruption in the judicial institutions, threat or blackmail, a lack of professionalism of prosecutors, etc. This fact is stated in the Progress Report of Kosovo for the year 2022. According to this report: “Despite a fairly advanced legal framework in place, criminal asset confiscation remains low”. The 2019 Law on Extended Powers of Confiscation is in force in Kosovo but is not being consistently applied. Confiscation as a means of targeting the economic interests of criminal organizations remains underutilized by prosecutors, who remain the weakest link in this regard. The confiscation of criminal assets should become a strategic priority in the fight against organized crime, terrorism and high-level corruption in the country.⁴⁰

³⁸ Ibid., Article 2, Par. 1.

³⁹ Ibid., Article 4, Par. 1.

⁴⁰ European Commission, Kosovo 2022 Report, Brussels, 2022, p. 26.

If we compare the law of 2013 with the law of 2018 (which is currently in force), one can observe a positive advancement in this area. This is due to the fact that the law that is currently in force, in Article 4, Paragraph 1, lists 16 criminal acts for which one can request the verification of assets of the sentenced person. In addition, another change has to do with the term during which the prosecutor can submit the request for verification. Based on Article 6, Paragraph 1 of the law from 2013, the prosecutor had a period of only 30 days from the final verdict to submit a request for the verification of assets. Whereas, based on Article 4, Paragraph 1 of the law from 2018, which is currently in force, the prosecutor has a deadline of up to 5 years after the final verdict to submit a request for verification of assets of the person who has been sentenced.

Nevertheless, an investigation for the confiscation of assets can be initiated even before the conclusion of the criminal procedure. Based on Article 17 (Confiscation Investigation) of this law: “If a State Prosecutor has reasonable suspicion that an application can be made for property verification under Article 4 of this Law, they may initiate a confiscation investigation: 1. at any stage of the criminal investigation; 2. after an indictment is filed; 3. before the main trial; 4. during the main trial; and 5. after the conclusion of the main trial, and within the time limit described in Article 4 of this Law”.⁴¹ In addition, another advancement of the current law comes through in Article 3 Paragraph 1.5.1. Based on this passage, the assets that can undergo verification are those that: “the defendant acquired within ten (10) years prior to the day when an investigative stage was initiated for a criminal offense defined in Article 2 of this Law.”⁴² Based on this legal provision, a person who is sentenced can have their assets verified if they acquired those assets ten (10) years before the date of the initiation of the criminal investigation launched against this person. This paragraph creates the possibility for the judicial institutions to perform a detailed scan of the assets of the person who is subject to an accusation by the state prosecution. Based on Article 5, Paragraph 1 of this law, the court can request for verification of assets within 30 days of the legal submission, or after filing a call for a hearing session; the case prosecutor must present evidence to justify his request for the verification of assets.⁴³ Within thirty (30) days after the property verification hearing, the court shall issue a reasoned ruling for the property specified in the property verification application.⁴⁴ For each item of property that the court determines is property of the defendant, as defined by Article 3 subparagraph 1.5. of this law, and for which the defendant or a third party did not satisfy the requirements of subparagraphs 1.2. or 1.3. of this article, the court shall:

- a) order confiscation of the property;
- b) determine the monetary value of the property;
- c) order that the confiscated property shall be transferred to the ownership of the Republic of Kosovo;
- d) order the respective changes in public registers of the Court or other competent body.⁴⁵

⁴¹ Law no. 06/I-087 op. cit. (note 31), see Article 17, Par. 1.

⁴² See Article 3, Par. 1.5.1.

⁴³ See Article 5, Par. 1.

⁴⁴ See Article 6, Par. 1.

⁴⁵ See Par. 2.

The law has dealt with the concern that criminal groups strive to hide the assets obtained through criminal activities by transferring them to persons who might be dead or have mental disorders. Based on Article 19, Paragraph 1 of this law: The court may continue the criminal proceeding and the extended confiscation proceeding, when there are assets that could be, or are, subject to extended confiscation proceedings in accordance with Articles 1 to 18 of this Law, but the defendant, or third party that could have a legal interest in the property: 1. has died; 2. has fled from the Republic of Kosovo; 3. is untraceable or not present in the Republic of Kosovo; or 4. is afflicted by a mental disorder or disability.⁴⁶

Taking into account that nowadays organized crime is treated as a transnational phenomenon, this law also stipulates the possibility of the confiscation of assets outside the Republic of Kosovo for persons who are convicted in Kosovo. Based on Article 21 of this law: Temporary and final restraint orders and Confiscation Orders issued in accordance with this Law may include property that is located both inside and outside the territory of the Republic of Kosovo. In any case provided for by this Law, when the property is situated in a state or territory outside the Republic of Kosovo, the competent authority shall request assistance from the government of such state or territory to enforce the temporary and final Restraint Order or the Confiscation Order in the territory of such state, in accordance with the current legislation on International Legal Cooperation in Criminal Matters of the Republic of Kosovo.⁴⁷

II.2 Legal treatment and confiscation of assets acquired by criminal offense in Albania

Confiscation of assets acquired by criminal offense is one of the main tools in the fight against crime in general and especially against organized crime. Given the impact that the confiscation of assets has on the fight against organized crime, this issue is also included in the Criminal Code of the Republic of Albania.⁴⁸ Based on Article 30, item 2 of the Criminal Code of Albania, the confiscation of assets is stipulated to be an additional penalty against the commission of a criminal act.⁴⁹

The level of crime in Albania, especially organized crime, money laundering and narcotics trafficking has compelled the Albanian state to undertake additional measures toward passing legislation that goes beyond the measures stipulated in the Criminal Code. On this basis, in 2009, the government passed a special law: Prevention and Fight against Organized Crime, Trafficking, Corruption and other Crimes through passing preventive measures against assets, or as it is known, the Anti-Mafia Law.⁵⁰

This law is considered the strongest means of fighting against crime in the sense of the confiscation of unjustified assets by allowing for the confiscation of the assets of persons who are not undergoing a criminal procedure case but are suspected of being linked to criminal activities. Based on Paragraph 1 (c) of Article 24: “The assets of the person will

⁴⁶ See Article 19, Par. 1.

⁴⁷ See Article 21.

⁴⁸ See Criminal Code of Republic of Albania, see Article 30, Par. 2, and Article 36, Par. 1 (b,c,ç).

⁴⁹ *Ibid.*, Par. 2.

⁵⁰ See Law on the Prevention and Fight Against Organized Crime, Trafficking and Corruption Through Prevention Measures Against Wealth (Law No. 10 192, 2009). This law is also referred to in Albania as the Anti-Mafia Law.

be confiscated if one cannot prove that the wealth has legal origin, which means that the suspects are not able to justify the ownership of assets that are disproportional to the level of income or profit that are a result of the legal sources declared by them.”⁵¹ Based on Paragraph 2 of Article 24, the confiscation of assets commences in any case that the person cannot justify the assets by declaring them a source of income or investment that [are] derive[d] from failure to pay tax fees.⁵² Based on Item 3 of Article 21, the burden of proof for the justification of the origin of assets rests with the subject against whom one started the process of verification prior to the confiscation of the assets.

Although this law was passed, the level of crime in Albania only increased, especially organized crime, trafficking in narcotics, etc. In Albania, an initiative was started to establish specialized institutions that would fight organized crime and corruption. As part of the legislative package of 2016, constitutional changes were made during that year with the goal of fighting and preventing crime; thus, Law No. 95/2016 on the organization and functioning of institutions to fight corruption and organized crime was adopted.⁵³

This law is currently considered to be the pivot point of the justice system given that it has stipulated the establishment of three mechanisms that are extremely important in the fight against corruption and organized crime, as well as the investigation and punishment of high-ranking state officials. This law has stipulated the establishment of a special prosecution office against corruption and organized crime,⁵⁴ the National Bureau of Investigation,⁵⁵ and a special court addressing corruption and organized crime.⁵⁶

Nowadays, these mechanisms are part of the confiscation of assets of criminal origin based on the Criminal Code of Albania and the special Law on Prevention and the Fight Against Organized Crime, Trafficking, Corruption and other related crimes through preventive measures that target assets.

II.3 Comparative analysis of the legislation on confiscation of assets that have criminal origin in Kosovo and Albania

Considering the level of criminality in their respective countries, especially organized crime, Albania and Kosovo have taken concrete steps toward establishing mechanisms for drafting special laws to fight and prevent crime. Through constitutional changes in 2016, Albania established a special mechanism to fight organized crime and corruption.⁵⁷ Based on these constitutional changes, the country passed a law on the establishment of specialized mechanisms to fight organized crime and corruption, such as the National Bureau of Investigation, the special prosecution office against organized crime and corruption, and a special court focused on organized crime and corruption.⁵⁸ The

⁵¹ See Article 24, Par. 1 (c).

⁵² *Ibid.*, Par. 2.

⁵³ See the Law on the Organization and Functioning of Institutions to Fight Corruption and Organized Crime (Law No. 95/2016).

⁵⁴ See Article 1.

⁵⁵ See Article 5.

⁵⁶ See Article 6.

⁵⁷ See Article 135-149 / d, Constitution of the Republic of Albania, 2017.

⁵⁸ See Article 4, 5, 8, 11 and 31 of the Law on the Organization and Functioning of Institutions for Combating Corruption and Organized Crime (Law No. 95/2016, date 6.10.2016).

confiscation of assets of criminal origin in Albania is stipulated in the Criminal Code as a supplemental penalty;⁵⁹ therefore, assets in this case are confiscated if the suspect is sentenced for the criminal act as a supplemental penalty. The confiscation of assets of a criminal origin is also stipulated in the Criminal Code of Kosovo; however, it is not treated as a supplemental penalty in that context.

Article 92 of the Criminal Code of Kosovo stipulates the confiscation of assets. Based on this article: “Property or a means that has been acquired by a criminal offense shall be confiscated according to the provisions of the Criminal Procedure Code of the Republic of Kosovo.”⁶⁰ Nevertheless, in addition to the Criminal Code, Kosovo has stipulated another law that deals with the confiscation of assets: the Law on the Extended Competences for the Confiscation of Assets.⁶¹ This law has contributed to the confiscation of assets of criminal origin by listing the criminal acts for which one may confiscate assets. Based on Paragraph 2 of Article 1 of this law: “This law also implements Directive 2014/42/EU of the European Parliament and of the Council of 3 April 2014 on the freezing and confiscation of instrumentalities and proceeds of crime in the European Union.”⁶² Although Kosovo is not a member of the European Union, it has aligned much of its legal framework with EU standards as part of its European integration aspirations. The implementation of Directive 2014/42/EU into Kosovo’s 2018 Law on Extended Competences for the Confiscation of Assets demonstrates its commitment to harmonizing domestic legislation with EU *acquis communautaire*. This alignment is guided by the Stabilization and Association Agreement (SAA) signed between Kosovo and the EU, which obliges Kosovo to adopt EU-compliant legal and institutional practices in key areas including rule of law and justice sector reforms.

The law in Article 2 lists 16 different criminal acts for which the prosecutor may request the verification of assets. Based on this law: “The extended confiscation as foreseen in this Law applies to the assets of persons who have been convicted of a criminal offense as prescribed by the Criminal Code of the Republic of Kosovo or other laws, as follows: 1.1. Criminal offenses against the organized crime [group or individual]; 1.2. Criminal offenses of official corruption and criminal offenses related to official duty, etc.”⁶³

Even though this law has regulated in detail the issue of the confiscation of assets of criminal origin, it has its flaws. One of the flaws is without a doubt the right of the prosecutor to make a request for the verification of the assets of the person who is sentenced for the criminal acts that are stipulated in Article 2, which is left to the judgment of the prosecutor. Based on Paragraph 1 of Article 4 of this law: “After a defendant is found guilty of a criminal offense as provided in Article 2, paragraph 1. of this Law, the State Prosecutor may, in a separate application (hereinafter: property verification application) to the court that passed that judgment, request a verification of property within five (5) years after the judgment becomes final, as defined in the Criminal Code of the Republic of Kosovo.”⁶⁴

⁵⁹ See Criminal Code of Republic of Albania, See Article 30, Par. 2, and Article 36, Par. 1 (b,c,ç).

⁶⁰ See Criminal Code of Republic of Kosovo, Article 92, Par. 1.

⁶¹ See Law of Extended Powers on Confiscation of Assets (Law No. 06/1-087, date 23 November 2018).

⁶² See Article 1, Par. 2.

⁶³ See Article 2.

⁶⁴ See Article 4, Par. 1.

In principle, this paragraph has given to the prosecutor the possibility of deciding if they will file the request for the verification of the sentenced persons, thereby misusing the word “may” that is stipulated in the law. This is one of the main reasons behind the small number of cases of the confiscation of assets of criminal origin in Kosovo. In contrast to Kosovo, in 2009, Albania passed the Law on the Prevention and Fight Against Organized Crime, Trafficking and Corruption regarding the prevention measures against wealth, which is also known as the Anti-Mafia Law.⁶⁵ It is important to stress that this law stipulates legal measures and it is independent of criminal procedures that can take place or have taken place prior.⁶⁶ Based on Article 8 of the law, the prosecution starts the investigation for the verification of assets ex-officio or through a request of the court or based on other relevant sources.⁶⁷ Based on this law, if the prosecution offers arguments that these assets might be of criminal origin, then as a preemptive measure to confirm the request of the prosecution, the court issues an initial measure for the sequestration of assets for which the prosecutor has filed the request for verification.⁶⁸

The duration of the time necessary for processing the request for confiscation has to be concluded within 3 months of the date the request was made by the prosecution. In complex cases, the court can ex-officio decide on a later term; however, that has to be done within a year from the term that is stipulated in point 1 of the relevant article.⁶⁹

Both Kosovo and Albania are influenced by the provisions of the United Nations Convention Against Transnational Organized Crime (UNTOC), particularly Articles 12 and 13 which provide a legal foundation for the confiscation of proceeds of crime and outline international cooperation in confiscation matters. In Kosovo, this Convention was domesticated through the 2018 Law on Extended Competences for the Confiscation of Assets, which reflects Article 12’s principles by enabling confiscation of proceeds and equivalent value property. Albania, in turn, embedded the Convention’s principles into its Anti-Mafia Law, ensuring alignment with Article 13 through mechanisms that facilitate mutual legal assistance and cross-border enforcement. However, practical enforcement and cooperation mechanisms remain weak and underutilized in both countries.

II.4 Confiscation of assets acquired through criminal offense in Kosovo

The confiscation of assets acquired by criminal offense is now considered one of the most important forms of the fight against organized crime with the aim of attacking the financial potency of criminal groups. Based on official data from relevant institutions in Kosovo and many local and international reports, the confiscation of assets acquired by criminal offense represents one of the greatest challenges in the fight against crime in Kosovo. Currently, Kosovo has a solid legal infrastructure basis for dealing with assets that have criminal origin. This issue is treated through the following means: 1. The Criminal Code of the Republic of Kosovo; 2. The Criminal Procedure Code of the Republic

⁶⁵ See Law on Prevention and Fight Against Organized Crime, Trafficking and Corruption Through the Prevention Measures Against Wealth (Law No. 10 192, 2009). This law is also referred to in Albania as Anti-Mafia law.

⁶⁶ See Par. 1., Article 5.

⁶⁷ See Par. 1., Article 8.

⁶⁸ See Article 11.

⁶⁹ See Article 23.

of Kosovo; 3. The law on Extended Competences for the Confiscation of Assets; 4. The Law on Administration of Sequestered and Confiscated Assets, and 5. The Law on Administration of Sequestered and Confiscated Assets, which established the Agency on Administration of Sequestered and Confiscated Assets. Based on Article 4 of The Law on Administration of Sequestered and Confiscated Assets, the Agency on Administration of Sequestered and Confiscated Assets exercises the following functions:

- a) manages sequestered and confiscated assets used in or for the benefit of criminal offense, including terrorist property, except assets confiscated for the realization of the collection of tax obligations;
- b) executes the court order for the temporary measure of securing the assets according to the legislation in force;
- c) executes the final court decision according to the legislation in force and may sell the assets of such by disbursing the funds collected from the sale into the budget of Kosovo or submitting them for utilization by the government;
- d) evaluates the value of the sequestered and confiscated asset and also determines the manner of preserving this asset;
- e) preserves the evidence chain for the asset it manages and for court decisions that contain the decision for the sequestered and confiscated asset;
- f) participates in providing international legal assistance in all cases that involve sequestered and confiscated assets by managing the sequestered and confiscated asset pursuant to a request made by another state;
- g) as needed, assists in executing court decisions for the sequestration and confiscation of assets;
- h) enables the sale of sequestered and confiscated assets according to the decision of the competent court;
- i) manages the data pertaining to the sequestered and confiscated assets in a centralized computer system, etc.⁷⁰

Based on the official data from The Agency for the Administration of Sequestered or Confiscated Assets, for the nine-year period 2013–2021, in Kosovo, there were 264 cases of the confiscation of assets acquired by criminal offense in the amount of 561,121€. ⁷¹ Based on these data, one observes a great difference between sequestered and confiscated assets during this period. According to The Agency for the Administration of Sequestered or Confiscated Assets, for the period 2013–2021, they sequestered assets amounting to 28,956,951€. Through the public auctions during this period, the collected amount was only 519,624€ through public auctions during this period. ⁷² Hereunder I will present the official data from the Agency for Administration of Sequestered or Confiscated Assets in Kosovo on the number of cases and the amounts of the assets that were sequestered,

⁷⁰ Law no. 05/I-049 on the Management of Sequestered and Confiscated Assets, Official Gazette of the Republic of Kosova /No.12 / 14 April 2016, Pristina, see Article 4.

⁷¹ Official data from the Agency for the Administration of Sequestered or Confiscated Assets in Kosovo, 2022, based a request for official data. This value does not include the value of sequestered assets in the period 2013–2016 given that for this period the Agency for Administration of Sequestered or Confiscated Assets in Kosovo does not have accurate data.

⁷² Ibid.

the number of cases and the confiscated amounts, and the collected amounts earned through the public auctioning of confiscated assets in the period 2013-2021.⁷³

No.	Year	No. of cases of sequestered assets	Value of sequestered assets	Value of sequestered assets (cash money)	No. of cases of confiscated assets	The value of confiscated assets	The collected amount from confiscation (cash)	The collected amounts through selling of assets through public auctions
1	2013	17	/	86,004 €	19	/	1,227 €	8 auctions / 16,809 €
2	2014	57	20,000,000 €	129,749 €	13	/	26,350	6 auctions / 23,123 €
3	2015	62	1,756,674 €	958,008 €	34	/	39,414 €	7 auctions/ 20,738 €
4	2016	73	/	200,215 €	26	/	88,516	13 auctions/ 104,681 €
5	2017	78	868,848 €	245,117 €	39	387,231 €	118,657	9 auctions / 106,454 €
6	2018	64	857,770 €	243,765 €	14	33,852 €	19,007 €	10 auctions / 74,130 €
7	2019	92	1,261,619 €	205,569 €	26	77,672 €	2,923 €	14 auctions / 74,166 €
8	2020	93	1,605,581 €	109,898 €	24	15,892 €	4,136 €	9 auctions / 47,123 €
9	2021	47	2,606,459 €	2,315,652 €	69	46,474 €	7,145 €	12 auctions / 52,400 €
	Total	583	28,956,951 €	4,384,079 €	264	561,121 €	307,375 €	88 auctions / 519,624 €

Table 1: Official data from the Agency for Administration of Sequestered or Confiscated Assets in Kosovo, 2022.⁷⁴

Based on the official data presented in Table No. 1, the value of the confiscated assets for the period 2013-2016 has not been confirmed. For this period, the data on confiscated currency in cash reaches the amount of 155,507 €; however, this is not the total value of the confiscated assets.⁷⁵ Based on these data, the year 2017 is considered the year with the largest amount of assets confiscated, with 39 cases amounting to 387,231 €. Whereas the year 2020 represents the year with the smallest amount of confiscated assets, with 24 cases amounting to 15,892 €. ⁷⁶ Based on Articles 27 and 28 of The Law on the Management of Sequestered and Confiscated Assets, during the period 2013-2021, the Agency for the Administration of Sequestered or Confiscated Assets organized public auctions through which it sold confiscated assets of criminal origin.⁷⁷ Based on these data, in the period

⁷³ Ibid.

⁷⁴ Official data on the value of confiscated assets in the majority of the reports of the Agency for the Administration of Sequestered or Confiscated Assets in Kosovo during the period 2013-2021 indicates serious problems in the clarification of the situation when one deals with the value of confiscated assets.

⁷⁵ The lack of these data clearly indicates the importance that is paid to this issue by Kosovo institutions.

⁷⁶ Official data from the Agency for Administration of Sequestered or Confiscated Assets in Kosovo, 2022, based on an official request for official data.

⁷⁷ Law no. 05/1-049 op. cit. (note 50), see Articles 27 and 28.

2013-2021, this agency organized 88 public auctions through which they managed to sell various confiscated assets and managed to raise material income for the state of Kosovo amounting to the value of 519,624 €. ⁷⁸ Despite the lack of official data, if we perform a simple calculation, we can add the amounts of the cash money confiscated (307,375 €) and the amounts obtained through the sale of confiscated assets through public auctions (519,624 €) for the period 2013-2021, and we can assert that the monetary income for the state of Kosovo through the confiscated assets in this period was 826,999 €. One of the competences of the Agency of the Administration of Sequestered and Confiscated Assets is the custody (management) of the sequestered assets until the conclusion of the judicial procedures. After the conclusion of these procedures for the cases where courts approve the requests of prosecutors for the confiscation of sequestered assets, then the latter is returned to the owners from whom the assets were sequestered. Based on the official data of the Agency for the Administration of Sequestered or Confiscated Assets for the period 2013-2021, the agency returned sequestered assets to the legitimate owners in the value of 1,536,527 €. In the table hereunder are represented the official data on the value of assets that were returned to the legitimate owners after the conclusion of legal procedures for the period 2013-2021. ⁷⁹

No.	Year	The value of sequestrated assets that were returned to the owners after the conclusion of legal procedures
1	2013	142,488.00 €
2	2014	13,892.00 €
3	2015	24,049.00 €
4	2017	51,402.00 €
5	2018	85,693.00 €
6	2019	4,505.00 €
7	2020	1,031,588.00 €
8	2021	182,910.00 €
	Total	1,536,527.00 €

Table 2: Official data from the Agency for Administration of Sequestrated or Confiscated Assets in Kosovo, 2022.

If we perform a comparison of the data, we observe a fact that indicates the lingering processes that had to do with the confiscation of assets acquired by criminal offense and the sale of them through public auctions. Based on the data presented in Table no. 1, the value of the assets sequestered in the period 2013-2021 was 28,956,951 €, whereas the value of the confiscated assets was 561,121 €. The value of the assets that were returned to the legitimate owners was 1,536,527.00 €. If the confiscation

⁷⁸ Official data from the Agency for the Administration of Sequestrated or Confiscated Assets in Kosovo, 2022, based on an official request for official data.

⁷⁹ Ibid.

of the assets of criminal origin in Kosovo is considered one of the most important factors in the fight against organized crime, then the values indicate a non-favorable level of efficacy and professionalism in dealing with cases of sequestered assets that are believed to have criminal origin regarding whether those assets are confiscated or returned to their legitimate owners. This situation may be a result of corruption, a lack of professionalism or interventions by interest groups and criminal groups in the judicial system. In research conducted in 2018 with 205 imprisoned persons for various criminal acts related to organized crime, the question was posed: “Have you invested in some legal activity the assets that have been acquired by criminal offense?” Amongst respondents, 38 asserted that they had invested the assets that were acquired by criminal offense, whereas 160 refused to answer the question. Only 7 responded that they didn’t make investments but rather used the assets obtained through criminal activities for their personal and family needs.⁸⁰ Meanwhile, in response to a question asking if their assets had been confiscated after they had been sentenced for criminal activities, 168 asserted that their assets were not confiscated, 28 confirmed that their movable assets were confiscated, 3 confirmed that their real estate was confiscated, and 6 refused to respond.⁸¹

CONCLUSION

The research provides a comprehensive analysis of the legal frameworks and practices governing the confiscation of assets acquired through criminal offenses in Kosovo and Albania, emphasizing their critical role in combating organized crime, corruption, and money laundering. Despite the existence of legal provisions in both countries, the findings reveal significant shortcomings that undermine the effectiveness of these measures.

In Kosovo, the main challenge lies in the discretionary power granted to prosecutors to initiate asset verification procedures. According to the Law on Extended Powers for the Confiscation of Assets Acquired by Criminal Offense, prosecutors “may” request asset verification, leaving ample room for inaction, procedural delays, and potential abuse of discretion. This loophole has resulted in alarmingly low rates of confiscated assets, as evidenced by the fact that, between 2013 and 2021, only €561,121 worth of assets were confiscated compared to the €28,956,951 in sequestered assets during the same period. The lack of mandatory asset verification for convicted individuals has created significant gaps in accountability and enforcement, allowing criminal enterprises to retain much of their illicit wealth.

The research also highlights systemic issues within Kosovo’s judicial system, including corruption, political interference, and inefficiencies in managing sequestered assets. The Agency for the Administration of Sequestered or Confiscated Assets, tasked with managing and recording asset data, has failed to maintain accurate and consistent records, further weakening the country’s ability to combat organized crime.

⁸⁰ See KELMENDI, E. *The forms and the causes for emergence of organized crime in countries in transition and legal answers to it, case of Kosovo*. Ljubljana, 2021, p. 424.

⁸¹ *Ibid.*

Additionally, a significant portion of sequestered assets remains unresolved due to lengthy judicial procedures, with over €26 million in sequestered assets still pending resolution. This inefficiency underscores the urgent need for reforms to expedite the judicial process and enhance the professionalism and accountability of judicial institutions.

In contrast, Albania has taken more assertive measures through the implementation of its Anti-Mafia Law, which allows for the confiscation of assets independently of criminal proceedings. This approach shifts the burden of proof to the accused, requiring them to justify the legal origins of their assets. Furthermore, the establishment of specialized institutions, such as the National Bureau of Investigation and special courts, has strengthened Albania's capacity to target high-level corruption and organized crime. However, challenges remain, particularly in ensuring that confiscated assets are accompanied by criminal convictions, as failure to do so weakens the overall deterrence effect.

The research underscores the need for both countries to implement comprehensive reforms to address these challenges. In Kosovo, introducing mandatory asset verification for individuals convicted of organized crime or corruption and shifting the burden of proof to the accused would significantly improve enforcement outcomes. Strengthening the capacity and accountability of institutions responsible for managing sequestered and confiscated assets, such as the Agency for Administration of Sequestered or Confiscated Assets, is also critical. Furthermore, the persistent issue of political interference and corruption within judicial systems must be addressed to build public trust and enhance the rule of law. Both Kosovo and Albania must also prioritize criminal penalties for individuals from whom assets have been confiscated to ensure that asset confiscation does not remain merely a financial measure but becomes a comprehensive tool in the fight against organized crime. By harmonizing domestic laws with international best practices and enhancing cross-border cooperation, these countries can create a more robust legal and institutional framework to combat transnational organized crime and money laundering effectively.

While both Kosovo and Albania have made strides in establishing legal mechanisms to confiscate assets acquired through criminal offenses, their systems require substantial improvements to achieve meaningful results. Kosovo must overcome procedural and institutional inefficiencies, while Albania should enhance the integration of asset confiscation with broader criminal justice measures. Strengthening legal frameworks, institutional capacity, and international cooperation will be key to disrupting the financial power of organized crime and fostering greater stability and the rule of law in the region.