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The term "attempt" refers to the criminal act of "Trafficking of narcotics" as defined by the Albanian Penal Code.

Abstract



One of the most contentious issues in judicial practice, if not the most contentious, related to the criminal offense of "trafficking in narcotics," as defined by Article 283/a of the Criminal Code, is whether this activity is still considered a crime. To ascertain if this conduct still qualifies as an attempt, we must provide a concise explanation of the legal definition of attempt under criminal law. As per the Criminal Code, a criminal offense is deemed pending when the individual involved has made direct efforts to commit the offense but it has been halted due to external factors beyond their control. In the field of criminal law, there have been discussions and disputes about whether the concept of attempt only applies to tangible criminal acts, or if it also includes intangible criminal offenses. The primary issue in this case pertains to whether a formal criminal offense remains unresolved or not. Is this a criminal offense where the illegal action can be halted for reasons beyond the person's control, thus preventing the commission of the offense? Does the offense have an inherent nature that prevents interruption, ensuring the completion of the act?

Keywords: Attempt, formal criminal offense, trafficking, transit

1- Comprehending the phases involved in the commission of a criminal offense.

Human activity is a complex and diverse process that involves the combination of mental and physical actions performed by individuals to fulfill their essential needs using specific objects. The thought process in a person is initiated by their essential requirements, which serve as a basis for their reflections on objective reality and the pursuit of specific outcomes. Prior to taking action, an individual contemplates the overall concept and subsequently delves into the specifics of all the steps they will undertake to accomplish the desired outcome. During this action, an individual influences the diverse connections formed between individuals in specific domains of life. Regarding criminal law, all actions that disrupt significant social connections created within this domain and are particularly safeguarded by criminal legislation are considered criminal offenses. The commission of such offenses involves multiple steps, which are addressed in the Criminal Code. The process of engaging in a criminal act follows a specific structure, which includes the emergence of the idea, the planning, and the actual attempt to carry out the criminal act. The fundamental distinctions between them are determined based on the criteria and level of societal harm caused by the action, as well as the resulting repercussions, in relation to the extent to which the perpetrator achieves their intended objective. The criminal offense, as defined by Albanian criminal law, encompasses all the essential aspects of its definition. A state of full completion is achieved when all four essential components, namely the object, the objective side, the subject, and the subjective side, are present and united. The criminal act is fundamentally a socially perilous exterior activity of humans. Consequently, all the processes involved in carrying out the act, including the expression of intent and the preparation for the attempt, are considered part of the conduct itself. The deliberate perpetration of a criminal act in society goes through various distinct phases of preliminary criminal activity, which must be comprehended and portrayed as a manifestation of objective facts grounded on their objective existence. In cases of deliberate criminal acts, the individual engages in specific behaviors that provide them with the means to carry out their intended actions in the future, prior to fully comprehending and desiring the outcome. Therefore, in individuals, the presence of external stimuli gives rise to sensations within us, which are created by the interaction between things and our sense organs. In order to manifest the work in various forms and methods, ideas materialize in the external realm, thereby establishing the necessary conditions for its execution. From the inception of an idea to the actual commission of a crime, an individual's actions can be observed to progress through many phases known as the early stages of criminal conduct. The stages in question exhibit variations that correspond to a genuine, goal-oriented endeavor. As a result, they are typically delineated in legal statutes, juridical scholarship, and court proceedings. The distinction between preparatory criminal stages is determined by the extent to which the intention to achieve a specific socially harmful outcome has been actualized. The magnitude of the preliminary illegal act is directly proportional to the extent of the changes made by the individual in the external world and the proximity of these changes to the intended criminal outcome. The stages of the act are determined by the characteristics of the object involved and the level of social harm caused by the offender's actions, rather than the specific circumstances surrounding the conduct. The course of proceedings is predetermined, and the court does not base its actions on the subjective judgment of the parties involved but rather on legality, scientific principles, and established judicial practices.

There are two common ways to refer to the "stages" of committing a criminal violation:

- 1- To determine the sequential phases involved in conducting a criminal offense,
- 2- We need to determine specific obligations based on the stage at which the criminal offense ended.

Once the criminal offense has concluded, the nature of the measures taken to prepare and carry out the offense generally becomes insignificant for the offender, as long as these actions do not constitute another crime in and of themselves. The examination and interpretation of the particular instances of the commission of the criminal offense hold minimal significance within the context of the individualistic nature of the punishment as stipulated by the law. Therefore, in the event that a crime has been committed, criminal law places greater emphasis on the actual act of committing the crime than the preceding actions leading up to it. The legal definition of the stages of the commission of a criminal offense refers to the progression of the offense and its interruption at one of the stages of preliminary criminal activity. Thus, the various steps involved in the commission of a crime, such as the formation of criminal intent, planning, and the actual attempt, are not considered or analyzed in any manner. When we refer to stages, we are discussing the many manifestations of a particular illegal conduct. The initial criminal stages of committing an offense involve deliberate actions taken to prepare for and carry out the offense. These stages have a distinct significance in determining legal responsibilities, separate from the actual commission of the offense, which is also determined by the law. The various stages of committing a criminal offense demonstrate different forms of the offense's progression. The significance of a particular stage is primarily determined by the level of social harm caused by the action, as well as the type of responsibility and the nature of the court's measures and evidence. Typically, the later stage indicates a greater level of responsibility for the individual compared to the previous stage. This factor is crucial in determining the punishment. The distinction between the stages holds both theoretical and practical significance. The stages possess unique characteristics that set them apart from one another, influencing their divergence. Furthermore, this disparity determines the level of societal harm caused by the offense and whether the individual will face criminal consequences. According to Albanian criminal law, a criminal offense refers to a knowingly or negligently committed action or omission that poses a societal hazard. The criminal code specifically permits prosecution for both active and passive dangerous criminal acts; hence, criminal culpability may only be shown when dealing with the execution of socially perilous conduct. The steps of perpetrating a criminal offense are only present when the individual acts with deliberate purpose. As a result of negligence, the individual fails to plan or endeavor to carry out a specific illegal action. Only when a person's actions in committing a crime align with a specified plan and all stages of the plan are tightly connected to illegal thoughts and activities aimed at carrying it out. The individual who purposefully commits the crime possesses a premeditated awareness of the criminal outcome. Only intentional acts can progress through certain stages, and the consequences of the conduct can only be identified when the criminal behavior is carried out with direct intent. Under criminal law, individuals are not held criminally responsible for every stage of their preliminary action that ultimately leads to the commission of a criminal offense. To determine whether the individual will be held criminally liable or not, it is necessary to differentiate between the stages. Various stages of criminal behavior provide varying degrees of social risk. The transition from one stage to another necessitates increased engagement on the part of the worker, hence signifying a heightened social susceptibility of the individual. The social peril that endangers a certain social bond is intricately linked to the stages of preliminary criminal behavior. For instance, the risk posed by a particular action towards a social relationship during the preparatory phase is lesser compared to the attempt phase. The issue of the steps involved in the conduct of a criminal offense is intricately connected to the concept of renunciation, as not all stages allow for voluntary withdrawal from the offense. He willingly and decisively relinquishes the process, the defective endeavor, while the successful one cannot relinquish. In the legal literature, there are conflicting perspectives on this issue. Some scholars argue in favor of allowing the renunciation of the whole attempt. However, we believe that this viewpoint lacks both theoretical and practical validity. In order for an individual to be charged with criminal responsibility, they must have caused or posed an immediate threat to a specific social connection. Based on this theory, while the subjective aspect is considered significant, individuals who have conceived and expressed intentions about committing a

criminal offense are not held legally accountable. This is because they not only have no impact on any social interaction but actually pose a threat to it. The act of preparing for the commission of crimes inherently poses a level of societal threat that renders the implementation of criminal measures superfluous. Even if no illegal consequences arise from an effort, the law nonetheless considers it punishable for crimes as long as there is a potential for it to occur. Prior to the endeavor, it is uncertain whether the socially perilous outcome will be achieved. This uncertainty may arise from factors that are either within or beyond the individual's control. It could be due to insufficient prior criminal activity or a failure to anticipate all the circumstances that may arise during the course of the preliminary criminal activity. To ascertain the phases of first criminal conduct. To identify the stages of preliminary criminal activity, we must focus solely on the deliberate moments of committing the crime that involve specific exterior activities and are closely linked to both the objective and subjective aspects. Various authors have distinct definitions for the stages of preliminary criminal action. According to most authors, preliminary criminal behavior can be divided into three stages: the emergence of criminal thoughts, preparation, and the effort to conduct a criminal offense. Certain academics acknowledge only two distinct phases of preparatory criminal behavior that possess significant disparities. These stages correlate to the primary phase of any conscious activity that lacks a cognitive outcome and the progression of a criminal offense at the inception of the concept. The birth of an idea refers to the occurrence of a certain thought in an individual's head, which involves the intention to engage in socially harmful conduct. This thought has not been expressed externally or affected the behavior of others. The commission or omission that constitutes the criminal offense is a deliberate act aimed at a specific target, whereas the formation of the thought, typically, is not aimed at the same target for which the criminal offense will be carried out. The jeopardized social relationship is an inherent feature across all stages of premeditated criminal conduct leading to the commission of a specific criminal violation.

2- What is the attempt's significance, and what can we learn from the works created during the attempt?

To ascertain if this conduct still qualifies as an attempt, we must provide a concise explanation of the legal definition of attempt under criminal law. Under the provisions of the Criminal Code, a criminal offense is deemed pending when the individual involved has taken direct efforts towards committing the offense but it has been halted due to external factors beyond their control. We can conclude from the legal definition of attempt that a criminal act must simultaneously meet two conditions to fall under the attempt phase:

First, the perpetrator of the criminal offense must have directly engaged in actions to carry out the criminal offense.

Second, in order for the criminal offense to be considered incomplete, it must have been interrupted due to external factors beyond the control of the individual involved.

The primary issue that arises in practical situations about the interpretation of the term "attempt" is the second requirement, which pertains to the cessation and non-fulfillment of the criminal offense due to factors beyond the control of the perpetrator. These circumstances prompt the following inquiries: What is the meaning of interruption and non-completion of a criminal offense? Does the termination or non-completion of a criminal offense just refer to the absence of criminal consequences, or does it also apply in circumstances where the offense has no consequences? To clarify, does the concept of attempt in criminal law exclusively pertain to criminal acts that inherently have a criminal outcome, or does it encompass all categories of criminal offenses? In order to address these inquiries, we will need to consult the principles of criminal law, which necessitates referencing many scholarly sources. In criminal law theory, criminal

offenses are categorized as substantive criminal offenses and formal criminal offenses based on whether or not they necessitate the occurrence of a consequence to be regarded as fully committed. Material criminal offenses are defined as those criminal offenses that require the occurrence of a criminal consequence in order to be fully committed. These offenses include "murder" as defined in Article 76 of the Criminal Code and "deliberate wounding" as defined in Article 88 of the Criminal Code, among others. Formal criminal offenses are defined as criminal offenses that are considered fully committed solely by the performance of the specific action or activities specified in the law, without any additional consequences being necessary. Therefore, we can refer to the criminal offense of "unlawful passage of the kuir" as stipulated in Article 297 of the Criminal Code, the criminal offense of "assisting in the illegal crossing of the kuir" as outlined in Article 298 of the Criminal Code, or the criminal offense of insulting, piercing, etc. Discussions and disputes have arisen in the field of criminal law on whether the concept of attempt is limited to tangible criminal acts or if it also encompasses intangible criminal offenses. Regarding the category of material criminal offenses that necessitate the occurrence of a criminal consequence to be considered fully committed, the situation is straightforward. These sorts of criminal offenses are still in the attempt phase. In this regard, both the theory of criminal law and judicial practice are in complete agreement. They hold that in cases where an individual has taken direct actions to commit an offense but the criminal outcome did not occur due to external factors beyond their control, the offense is still considered attempted. For instance, individual E.C. harbors deep-seated hostility towards individual H.D. and makes the decision to end his life. To accomplish this objective, he procures a firearm and patiently awaits the emergence of an individual H.D. from the eatery where he is partaking in a midday meal. As soon as H.D. exits the restaurant, E.C. promptly discharges four rounds in his direction. Regrettably, only one of the projectiles strikes H.D., inflicting a wound to his leg that renders him incapacitated for a duration exceeding nine days. In this instance, the individual E.C. will bear the responsibility for the commission of the criminal act of "premeditated murder," as stipulated by Article 78/2 of the Criminal Code, even though the act was not successfully carried out. The criminal offense of premeditated murder, as defined in Article 78/2 of the Criminal Code, is still unresolved in this case. This is because the individual E.C. has taken deliberate actions to commit the offense, but the intended consequence of the crime, namely causing harm to the person H.D., has not occurred due to external factors beyond E.C.'s control. The existence of material criminal acts in the attempt is a direct consequence of the interpretation of the second paragraph of Article 23 of the Criminal Code, which establishes liability for attempted crimes. This paragraph establishes that the court has the authority to mitigate the punishment for a crime that was attempted, based on the level of immediacy of the resulting consequence and the reasons behind the unsuccessful attempt. The court may reduce the punishment below the minimum prescribed by law or impose a less severe form of punishment than what is specified in the law. This legal provision establishes a connection between the attempt of a criminal offense and the absence of the criminal consequence. It concludes that if the offense did not result in the intended consequence due to reasons beyond the control of the offender, it is considered to have remained in the attempt. However, it is important to note that this conclusion is applicable solely to tangible criminal offenses and cannot be extended to intangible criminal acts that do not necessitate the occurrence of a result. Provided that these activities, in order to be considered fully committed, do not necessitate any additional repercussions beyond the execution of the illegal activity specified in the criminal provision, the question arises as to whether these acts can still be classified as attempts or not. Let us now revisit this matter. Various perspectives have emerged from the theory of criminal law and judicial practice about the possibility of prosecuting formal criminal acts. In relation to this matter, the authors are divided into two factions. The first faction argues that formal criminal offenses cannot be considered attempts. Their rationale is that the criminal action in these offenses cannot be halted, and the criminal offense is concluded entirely. In such cases, no further actions are necessary or consequential to be deemed a complete act. The writers list insult, extortion, threats, etc. as examples of formal activities (Muçi, 2007,

193). Based on the authors' interpretation, it seems that they associate the attempt to commit a criminal offense with the absence of the intended criminal outcome. According to them, if the subject has taken direct actions to cause the offense but the outcome did not occur due to factors beyond the subject's control, they consider the criminal offense to be still pending. According to these authors, in formal criminal offenses, the absence of a requisite consequence for the offense to be declared committed means that these offenses cannot stay pending. This is because, without any consequence of the criminal offense, there cannot even be an attempt. The second group of scholars argue that formal criminal offenses can still be considered attempts, even if these offenses do not result in any criminal repercussions other than the commission of the illegal activity specified in the criminal law. According to these authors, the formal criminal offense persists in the attempt, as even in these offenses, the individual carries out all the actions that are directly intended for its accomplishment, but the offense is halted or not completed due to reasons beyond their control (Elezi & Kaçupi & Haxhia, 2001, 165). These authors do not associate the attempt to commit a criminal offense with the outcome or the potential for its occurrence. Instead, they link it to the direct actions taken by the person to carry out the offense and the cessation of these actions due to factors beyond the individual's control. Among these two groups of authors, I find the opinion of the second group to be the most accurate. According to them, it is not necessary for formal criminal offenses, material criminal offenses, or the interruption of criminal consequences to occur in order for a criminal offense to remain pending. The persistence of formal criminal offenses in the attempt is a consequence of the definition provided by the Criminal Code. According to this definition, a criminal offense is deemed to be in the attempt when an individual has taken direct actions to commit it, but the offense is interrupted and does not reach its completion due to external factors beyond the individual's control. The criminal law associates the act of attempting a crime with two specific conditions: firstly, the individual must engage in direct actions to commit the criminal offense, and secondly, the criminal offense must be terminated and left incomplete due to external factors beyond the individual's control. The criminal law does not associate the act of attempting a crime with the prevention of the intended outcome or the prevention of its possibility. Instead, it is linked to the prevention of the actual commission of the criminal offense and its failure to be completed. Given these circumstances, we can confidently assert that the endeavor is not just employed in material offenses but also in formal criminal offenses. However, it is crucial to note that while this attempt applies to all material criminal offenses done with direct intent, it does not apply to all formal criminal offenses committed with direct intent. In my view, the attempt applies to the majority of formal criminal offenses, not just those that involve activities that cannot be terminated by external factors beyond the control of the offender. Whether or not a criminal crime remains pending depends on the nature of the illegal behavior in question. If the illegal action that comprises the formal criminal offense is inherently immune to external factors beyond the control of the perpetrator, then the formal criminal crime cannot be considered provisional. Examples of formal criminal offenses include unauthorized possession of weapons and illicit ammunition, among others. These transgressions cannot be halted due to external factors beyond the individual's control and, hence, cannot be left unresolved. These criminal acts are characterized by illegal actions that cannot be halted by external reasons outside the control of the perpetrator. Consequently, these offenses cannot be left unresolved. However, in the majority of formal criminal offenses, the illegal activity that defines the offense can be halted and the offense prevented due to factors outside the individual's control. For instance, in the criminal act of unlawfully crossing the kuir, which is a formal criminal offense, the illegal action can be halted by factors beyond the individual's control. For example, if the person is apprehended by the Kuitare guards while illegally crossing the Quire, In this scenario, although a formal criminal offense is involved, it was only an attempt and not actually carried out due to factors beyond the control of the individual. However, since it falls under the category of a criminal misdemeanor, the individual is not legally responsible for the offense. This is because, as per our Criminal Code, attempts to commit a criminal misdemeanor are not subject to criminal punishment. The criminal offense of "aiding

the illegal crossing of horses" is a formal offense that may remain pending in certain situations. For instance, it could apply when an individual is caught in their vehicle after they have allowed smugglers to enter and are in the process of starting the vehicle to transport them. Another example is when someone is apprehended in the lobby of their hotel while setting up accommodations for the smugglers to house the illegally crossed horses. Among the various formal offenses that may be considered during a trial, notable examples include document forgery, counterfeiting of currency and securities, abduction of an individual, and extortion through the use of threats or violence to obtain property. It should be noted that these offenses represent the majority of cases.

3- Engaging in the illegal act of "trafficking of narcotics"

One of the most contentious issues in judicial practice is whether a criminal offense, specifically "trafficking in narcotics," as defined by Article 283/a of the Penal Code, remains pending or not. The question at hand is whether the offense can continue to be tried or if there are conflicts in judicial practice regarding this matter. To ascertain the status of the criminal offense of "trafficking of narcotics," we must initially establish if it is classified as a material or formal criminal violation. According to both the theory of criminal law and judicial practice, the majority of authors have acknowledged that the criminal offense of "trafficking of narcotics" is considered a formal criminal offense. This offense is classified as formal because it requires the establishment of one of the criminal actions outlined in Article 283/a of the Criminal Code in order to be regarded as fully committed. In order to establish the commission of the offense, it is imperative to demonstrate either the importation, exportation, transit, or trade of narcotic substances in contravention of the law. The judicial practice in recent years has unequivocally accepted that "trafficking of narcotics" is a formal criminal offense. This is evident from the interpretation of several decisions made by the Criminal College of the Supreme Court, including case numbers 608/2007, 494/2008, 734/2007, 179/2008, 590/2008, and 547/2008. The primary matter under debate in this instance pertains to the possibility of the formal criminal offense remaining unresolved or not. Is this a criminal offense in which the illegal action can be halted without the person's will, thus preventing the commission of the offense? Or is it an offense in which the illegal action, due to its inherent nature, cannot be interrupted and is therefore completed in full regardless? Regarding this matter, the judicial practice has sparked several debates, resulting in a division among judges and other legal experts into two distinct groups. One group acknowledges that the criminal offense of "trafficking in narcotics" does not stay unresolved, while the other group acknowledges that this criminal charge may remain unresolved. It is widely acknowledged by most scholars that the criminal offense of "trafficking in narcotics," as defined in Article 283/a of the Criminal Code, cannot be left unresolved. Therefore, the Criminal College of the Supreme Court has contended in certain rulings that this criminal violation cannot stay unresolved. Among the decisions made by this College, it is noteworthy to mention decisions no. 494, dated 05.11.2008, no. 734, dated 21.11.2007, no. 179, dated 09.04.2008, and no. 590, dated 12.12.2008 of the Criminal College of the Supreme Court. In one of these decisions, the College provides justification, stating, among other factors, that "as previously noted in similar cases (Criminal Panel of the Supreme Court, 608, 2007)," the Penal College wishes to emphasize that article 283/a of the Penal Code, which pertains to narcotics trafficking, is located in the VIII chapter titled "Crimes against the authority of the state." Specifically, it is found in Section III of this chapter, titled "Criminal offenses against public order and security." This section deals with crimes that threaten the social relations that safeguard the legal order and public security of the Republic of Albania. The crime of narcotics trafficking in the Republic of Albania specifically targets the social relationships protected by the established legal order. This includes the import, export, transit, and trade of narcotic or psychotropic substances. These relationships are violated when any of these activities are conducted in violation of the current legislation, which includes international acts ratified by the Albanian Parliament and incorporated

into the internal legal system. The college acknowledges that the violation of these relationships is a direct result of the crime of drug trafficking as defined in Article 283/a of the Penal Code. This includes the transportation of prohibited substances from one country to another, whether it is to remove them from the territory of Albania or during their transfer between countries after entering illegally from abroad into Albanian territory. Thus, considering the information provided, the Criminal Board reached the determination that the Court of Appeal's decision, specifically in this aspect, should be modified to align with the initial ruling of the Court of First Instance, which accurately classified the offense of trafficking narcotics as fully consumed. It is important to note that even the Criminal College of the Supreme Court has not consistently held the same stance on whether the criminal offense of "trafficking of narcotics" is still unresolved or not. It is important to note that the College has decided to enforce decision no. 15, dated March 16, 2007, of the Court of Appeal for Serious Crimes, Tirana. This decision upheld the guilty verdict of the defendant, R.K., for the criminal offense of "narcotics trafficking" as defined by Article 283/a of the Criminal Code. The defendant's case remained in the attempt phase. I disagree with the reasoning presented by the Criminal College of the Supreme Court in decision no. 494, dated November 5, 2008. The decision states that the violation of certain relationships is the consequence of the crime of drug trafficking, as defined in Article 283/a of the Penal Code. This includes the transit of prohibited substances, whether it is to remove them from the territory of Albania or during their transfer from one country to another after entering the Albanian territory illegally from abroad. (Criminal Panel of the Supreme Court, 2008, 494). Contrary to the opinion of the Criminal College of the Supreme Court, my position is based on the widely accepted theory of criminal law and judicial practice. It states that the violation of social relations protected by the law is always considered the main focus of a criminal offense, regardless of whether the offense is material or formal. This violation is seen as the offense itself rather than its consequence. The Criminal College of the Supreme Court's unification of positions has created challenges for lower courts in determining whether a criminal offense is still pending. The United Colleges, through Decision No. 3 dated January 24, 2011, have standardized the judicial practice regarding the commission of the criminal offense or its remaining in the attempt. This decision considers the four methods outlined in Article 283/a of the Penal Code for committing the criminal act of drug trafficking. a) If the narcotic substance is not brought into Albanian territory due to circumstances beyond the control of the perpetrators, despite their direct actions or inactions to import it, the criminal offense is classified as attempted trafficking of narcotics in accordance with articles 283/a and 22 of the Criminal Code (Colleges of the United States, 3, 2011, 13). b) If the narcotic substance, despite the actions or omissions of the authors of the work to export it, has not crossed the jurisdiction of the Albanian state due to circumstances beyond their control, regardless of when and where the criminal activity ceased within Albanian territory, the criminal offense is considered attempted trafficking of narcotics for export, as defined by articles 283/a and 22 of the Criminal Code (Colleges United, 3, 2011, 13). c) If the narcotic substance has not entered or passed through the territory of Albania, despite the deliberate actions or inactions of the criminals involved in its international trade, due to circumstances beyond their control, regardless of when or where the criminal activity ends within or outside the country, the offense is classified as attempted trafficking in narcotics in the manner of international trade, as defined by articles 283/a and 22 of the Criminal Code (United Colleges, 3, 2011, 14). When a narcotic substance enters Albanian territory but does not leave due to circumstances beyond the control of the offenders, the criminal offense is classified as narcotics trafficking in transit, as defined by articles 283/a and 22 of the Criminal Code. This classification remains valid regardless of when and where the criminal action is terminated within Albanian territory. The information provided is in the format of (college name, number, year, page number). In my own view, I believe that the criminal charge of "trafficking of narcotics," as outlined in Article 283/a of the Criminal Code, is still unresolved, much like many other official criminal offenses. The basis of my viewpoint lies in the legal interpretation of the concept of attempt, which links it to the direct acts of the perpetrator in the execution of the crime, as well

as to its interruption and non-completion due to external factors beyond their control. Contrary to some writers' beliefs, the law does not link the attempt at a criminal violation with the termination of the result. Instead, it is connected to the cease of acts and the commission of the offense owing to independent factors. The criminal offense of "trafficking of narcotics" can remain unresolved due to the inherent nature of the illegal actions involved. These actions can be terminated for reasons beyond the control of the perpetrator, resulting in the offense being left incomplete. The criminal offense consists of four illegal actions, namely importing, exporting, transiting, or illegally trading narcotics. In this scenario, each of these activities can be halted and the offense left unfinished due to factors that are beyond the control of the one committing the crime. For instance, the act of importing is forcibly stopped when the individual acquires a quantity of narcotics from another country and chooses to send it to Albania. Currently, if the individual is caught by the police without bringing the narcotic substance into Albania or fails to bring it for reasons beyond their control, their employment will be terminated. This termination will be considered as remaining in the attempt rather than being involuntary. Alternatively, the export operation is forcibly halted when the subject acquires a quantity of illicit drugs in Albania and chooses to transport it to another country, such as Greece. Currently, if the individual is apprehended by the police while attempting to transport this substance to Greece, and if he fails to successfully introduce the narcotic substance into Greece due to circumstances beyond his control, his work will be terminated. It will not be considered completed against his will, but rather as an unfinished attempt. A similar situation applies to the act of transporting narcotics. If an individual obtains a narcotic substance and intends to transport it to a third country but is apprehended during the transit process, the offense will be considered an attempted crime. A similar situation occurs with the trafficking of narcotics, which is the final step in the process of carrying out narcotics transactions. If an individual, after importing, exporting, or transporting narcotics, decides to engage in trading them and is apprehended while in the act of trading or while directly involved in trading activities, but is unable to complete the transaction due to circumstances beyond their control, the activity will be considered an attempted transaction.

Conclusions

Based on the information presented earlier, it can be inferred that the criminal offense of "trafficking in narcotics," as defined in Article 283/a of the Criminal Code, may still be unresolved. The determination of whether an offense remains in the attempt or not is contingent upon the specific conditions and circumstances surrounding the commission of the criminal offense. To determine whether an offense has indeed remained in the attempt, refer to the legal provisions outlined in Article 22 of the Criminal Code. This article defines the concept of attempt and establishes the criteria for classifying an offense as such.

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