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ELECTORAL CAMPAIGN FINANCING AND CRIMINAL POLICY

Abstract:

Money is power, prestige and status in a society. In a democratic society, money-giving power can be as great as it can affect every aspect of society, especially in a state's policy. The power of money is even more powerful in countries where democracy is fragile. The money control power on political influence is weak in countries where democracy is not consolidated and in transitional societies. Through the present paper, I will contribute by analyzing the impact of money on the Albanian state politics, examined from the point of view of electoral financing as well as of political parties' and individuals' financing during the electoral campaigns.

The first part will address and analyze the influence of money and electoral financing on the constitutional principles of the right to vote and on the right to a fair representation of the elected representatives in state institutions through the electoral elections. The present part is also on constitutional requirements for electoral and fair elections and on the principles of election campaigns.

The second part will analyze the way of financing of the electoral subjects, the Albanian legal framework for financing political parties and individuals in electoral campaigns, and the legal framework of the Albanian political parties in the way of financing. It will also analyze the state mechanisms of the financial control of electoral campaigns, the illegal financing of election campaigns as well as the violation of the constitutional principles for free and fair elections.

The third part will deal with and analyze the criminal policies in ensuring the principle of free and fair elections in the terms of unlawful campaign financing, the incriminating actions that affect the electoral elections in the Criminal Code, the incrimination of illegal financing of the subjects participating in campaigns and electoral elections, the criminal policy that the Albanian state should follow in preventing illegal financing and the due legal mechanisms for the financial control of the electoral campaign subjects.

Conclusions

Illegal financing of the electoral campaigns is a current phenomenon of the Albanian society which leads to the incrimination of Albanian politics. The illegal financing of the subjects that participate in the electoral campaigns comes from the organized crime or from people with suspicion in criminal activities and this leads to the decision to give power to those who protect the interests of the latter and not the interests of the electorate or the democratic interests of a state.

The intensification of the fight against illegal financing in electoral campaigns has created not only the full legal framework for the prevention of illegal financing, but also mechanisms in practice for the implementation not only of the law, but also for the practical prevention of uncontrolled financing of electoral subjects.

The imposition of harsh criminal policies on the illicit financing of electoral campaigns and the

revision of the Criminal Code in incriminating all illegal anti-trust actions that affect free and fair elections may be the most important step towards combating illegal funding of electoral campaigns. Illegal financing of electoral campaigns in Albania calls into question free and fair elections and discusses the fundamental principles of representation of political entities in governmental institutions so intervention in law and criminal policy is current and immediate.

Keywords:

Money, electoral campaigns, unlawful financing, criminal policy, legal mechanisms.

JEL Classification: K14