

## Some Legal Issues Related To the Proceeds of Money Laundering Offence and Case Law

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### Abstract

This paper seeks to clarify, through a legal-criminal analysis of the elements of the criminal offense of money laundering, the issue of whether a person can be prosecuted and convicted for money laundering proceeds of crime or criminal activity, in case the existence of the initial/predicate criminal offense is not proven. The solution to this problem has been achieved by analyzing the legal definitions and referring to the Albanian case law. In a criminal trial, the connection between cause and effect is necessary; linking a criminal offense to the proceeds of crime, that is capable of being laundered. A person can be charged and then tried for the criminal offense provided by Article 287 of the Criminal Code, only when the commission of a predicate criminal offense has been proven, which has produced proceeds, identifiable and distinct, and through various ways have been introduced into the legal circulation of assets or one is aware that the proceeds are criminal in origin. In addition, the paper clarifies the cases when the same person has criminal responsibility for both the initial crime and the laundering of criminal proceeds. This is achieved by explaining whether both the predicate offence and the proceeds of crime laundering offense have the same object, i.e. violate the same criminal legal relationship, the same legally protected interest, as well as by identifying the motive and purpose, as separate elements that characterize the laundering of criminal proceeds.

**Keywords:** Product, proceeds of crime, predicate offence, criminal liability, etc