



Understanding the Forgery of Documents and Methods

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Abstract

The forgery of documents is presented as a form of an illegal act which produces negative effects and simultaneously causes consequences in human society. Forged documents includes personal documents, travelling documents, official documents, personal banking details, currencies etc, and presenting them as original for certain purposes. Mostly is applied by the organized crime. Otherwise forgery of documents is considered also as fraud. In most cases the main goal is material gain, but it does not exclude the possibility of any their goal. Modification, imitation, creation, adaption of an existing document and presenting it as original means forgery. Nowadays the possibility to be a victim of this act is high, cause there are so many ways that we can be scammed, mostly in the platforms offered by the internet. In this paper, special attention is given to documents forgery in general, methods and types of how they are applied in everyday life as well as the negative effects, consequences as a result of forgery. Those who are interested in document forgery here they can expand their knowledge of this illegal act, how documents are examined, the security elements of documents and the security elements of bank notes which it is necessary for every person to know in order to avoid unfavorable situations.

Keywords: Forgery of documents, organized crime. modification, imitation, creation.

Introduction

Various institutions and scientific fields are studying crime as phenomena, with the core question "How does crime occur and how can it be prevented?". The socio-criminological observational viewpoint focuses on the study of criminal actors and the structural conditions under which crime happens. (Maloku, et al., 2022:173). This paper focuses on elaborating and analyzing (Maloku & Maloku 2024:427), the crime of forgery generally. The crime of forgery generally refers to the creation of a false document, the modification of an existing document, or the unauthorized signature of a firm without authorization.

When they think of forgery, many people only think of making false writing, such as forging letters or certificates, but changing existing writing can also be a forgery if the change is "material" or affects a legal right. For example, condoning another person's signature on a document is a material change because it implicates the identity of the person who signed the document,

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which has serious legal consequences. Deleting, adding or changing important parts of the documents can also be "material" changes, if these changes affect the legal rights or obligations represented in the documents. In addition, as discussed above, the use or possession of false writings also constitutes forgery, although in some jurisdictions this is known as "making a forged instrument".

Forgery thus involves a false document, signature, or imitation of an object of value used with the intent to deceive another person or group. Those who commit forgeries are often charged with the crime of fraud. Documents that may be subject to forgery include contracts, identification cards and certificates, etc. Most countries report that cases of forgery are committed with the intention of committing fraud or theft for personal or group material gain. Contracts, historical documents, art objects, diplomas, licenses, certificates, identity cards, travel documents, vehicle registration plates, securities, etc., can be forged. Currency and consumer goods can also be created, so this crime is usually called counterfeiting. To secure a forgery conviction, the prosecution must prove several elements or factors. The elements of forgery are that a person must alter, use, or possess a false writing or document.

Authors Shabani and Maluku (2019a, 2019b) in their books have explained and analyzed the impact of many factors that influence the increase in crime. All forms of crime can be fought and prevented with strategies for fighting and preventing crime (Jasarevic & Maluku 2021a), as well as with the training of experts in the procedural aspect to argue evidence in the judicial aspect (Jasarevic & Maluku 2021b). Crime can be prevented through a regulation of the law (Maloku, 2015c) realizing international police cooperation to fight organized crime (Maloku, 2015a). The higher the crime rate, the higher the fear of crime (Maloku, 2015b).

Methodology

In this paper, appropriate methods were used to achieve the goal. (Karović et al, 2020:107). Because of the research's intricacy, numerous approaches have been modified to help each other solve the problem (Maloku, 2022:176). The research in this paper has the characteristics of scientific theoretical research, which is necessarily qualitative in nature. In this research, we draw on basic theoretical and methodological knowledge, standards, norms, and principles of social science methodology, but also on the expertise of basic social science disciplines, necessarily respecting the axiom of the postulated character contained and expressed in the relationship, subjectivity, and interdependence of subjects and research methods (Qerimi, et al 2023:185). The defined object of research requires the use of different methods and scientific knowledge from many scientific disciplines, in particular, the paper will use theoretical analysis methods, comparative methods and the unity of inductive-deductive methods (Maloku,2021:76). The methodology applied in this paper consists of different methods, starting from the historical method through which the history of document forgery as a form of organized crime is reviewed, then the descriptive method which is mainly applied during the definition of document forgery using scientific literature. Also, the analytical method was applied in the case of the analysis made of the legislation in the

Republic of Kosovo regarding document forgery and its forms, and at the same time for organized crime and its forms, the statistics in the Republic of Kosovo which were generated through the statistical method were also reflected.

Results

Understanding Document Forgery and Methods

Document forgery is a type of white collar crime. It involves the alteration, or modification, of a document with the intent to defraud another person. This category includes documents such as: Banknotes, bank documents (cheques, money orders), customs declarations, fiscal stamps, lottery tickets, business records, travel documents (such as visas, passports, etc.), identification cards, etc. Essentially, any official form or document can be illegally modified. Document forgery is usually done in connection with broader criminal purposes, such as tax evasion. To be convicted of document forgery, the accused person must have acted with the intent to financially benefit from the actions taken in violation of the provisions of the relevant legislation (Miftari, et al., 2010, f.334).

This category of documents presents complete forgery, applying traditional forgery methods, such as offset printing, computer scanning or color photocopying. These methods print documents in large quantities with an appearance similar to the original document, in some cases also imitating security elements. In Kosovo, the most forged documents in this category are banknotes, documents and contracts. The counterfeiting of the euro banknote and its large circulation in the market appeared after 2001, despite the high level of security it had, however, this phenomenon has not ceased to operate until today, even though state mechanisms have not stopped fighting this phenomenon.

Also in the case of banking documents, although they are very important documents and are operated with at many levels of the banking system, their level of security is very low. In this context, their complete forgery is quite simple and hardly controllable, always from the formal side of the document, as it has a similar appearance to the original document (Miftari, 2010, f. 334).

What types of acts can constitute forgery of a document?

Many different types of acts can be considered forgery of a document, including: altering or misrepresenting factual information such as prices or monetary amounts, providing false information when required to make true statements, forming a signature (personal signature), using official documents without authorization, concealing assets or property (especially in bankruptcy proceedings), intentionally using or distributing a false document, destroying informational material in an investigation, and many others that were also mentioned above. Again, a person can only be prosecuted criminally if they act with the intent to defraud or deceive another party, such as another person or a bank. So, if a person was using a document but did not know it was false, they usually cannot be found guilty of forgery of a document (Miftari, *Kriminalistika*, 2008, f. 44).

Document expertise

Document expertise is one of the most important and complex branches of forensic science. Any item that contains handwritten or typewritten notes, the source or authenticity of which is doubtful. "The word document means all

objects that contain handwritten or typewritten marks, which become objects of forensic science, the authenticity and originality of which is suspected (Miftari, f.335). So a document is any written paper or other material that contains writings, prints, signatures, photographs, seals, various symbols and that provides information for a certain service as long as it is original. Unlike traseological and ballistic traces that are formed by the mutual mechanical action of objects of the material world, writing traces are formed by the combination of the mind, nervous and muscular systems (Begeja, 2007, f. 234).

Types of documents – In general, two types of documents are distinguished: identification documents and legitimization documents.

Identification documents are all documents that contain the surname, first name, date of birth, nationality, photograph, signature, validity and biometric data. This category includes: normal passports, diplomatic passports, service passports and identity cards. Whereas, legitimizing documents are all documents that may not contain all the above-mentioned information, but may only have the surname, first name, date of birth, place of birth, nationality, photograph and signature. This category includes: various hunting permits, membership permits in an organization, party, association, etc. (Kriminalistike, 2010).

Begeja classifies documents that are used as a means to commit a criminal offense, documents that are used as a means to uncover the criminal actions of the perpetrator, and documents that serve to cover up the criminal actions of the perpetrator. Read his argument carefully:

First, forged documents: currencies, securities, school and health documents, visas, civil status acts, identity documents such as: ID cards, military ID cards, savings accounts, invoices, payment slips, entry slips, exit slips, etc. **Secondly**, those that are used as a means to cover up the criminal actions of the perpetrator. This includes letters written by the perpetrator that contain false information, such as letters allegedly about suicide, letters written by the perpetrators that their victim is supposedly alive in another place, letters written (by hand or typewriter) by the perpetrators, in order for the investigation to take the desired direction, letters that are covered with various stains, that have been torn, burned, in order to destroy their content. **Thirdly**, those that serve to determine the circumstances of the criminal case for its investigation and trial. This includes anonymous letters (by hand or typewriter, etc.), letters with defamatory, threatening content, wills, signs written on stolen items, etc. (Begeja, 2007, f. 229).

Document security element

Document security features are elements or characters that are placed on paper during or after production in order to protect the document from forgery or misuse. Security features consist of paper, color, and printing security features. In paper security features, a watermark is a three-dimensional image in the form of a portrait, symbol, or geometry, which is embedded in the paper. Depending on the document, it is placed in a specific location and has a gray tint (Kriminalistike, 2010). The watermark as a security element cannot be seen with ultraviolet rays, but with transmitted light. In counterfeit banknotes, the security watermark is placed by stamping it at a time with a graphic image of the banknotes on only one side of it and by inserting it between two layers of paper. The inks used for printing documents

(banknotes and passports) have a certain chemical composition and generally a certain percentage of fluorescent is included in their composition. Even in counterfeit documents, the fact of using fluorescent ink under ultraviolet rays is evidenced, but the intensity of the color varies (Ademaj, 2010).

Methods of document forgery

With the introduction of digital technology, a series of new machines have also been introduced, which are able to produce documents that can be changed or used for fraudulent purposes. In the practice of document examinations, it turns out that forgers or manipulators practice partially forged and totally forged forgery. The most common methods of partial forgery are: mechanical, chemical erasures, additions, coverings, corrections and compiling the document from different parts.

Erasures, one of the most common ways to change a document is to try to erase parts of it with an eraser, sand, razor blade or knife, to remove a part written by hand or by machine, by scratching the surface of the paper (Saferstein, An introduction of forensic science 11th edition, 2014, f. 504).

Erasure is the destruction of graphic elements or other parts of the text of a document in order to change the original content. Erasures, depending on the means used, are divided into mechanical erasure and chemical erasure.

Mechanical erasure is carried out with soft tools (eraser and other suitable tools), or with sharp tools. The action of these tools consists in damaging the color of the original text of the document. As a result of this abrasive action, the physical condition of the document's surface changes. The main signs in cases of mechanical erasure are: deterioration of the paper structure and loss of gloss of its surface, reduction of the paper thickness and increase of its transparency, residue from the paint or pencil of the old text, presence of traces of the relief of the old text, spread of color in the new text, etc (Kriminalistike, 2010).

Chemical erasures are performed with strong oxidizing reagents, which produce a colorless reaction product. Although this effort may not be visible to the naked eye, microscopic examination reveals a discoloration of the treated area of the paper. Chemical erasures are usually performed with strong acids such as oxalic acid (C₂H₂O₄), sulfuric acid (H₂SO₄), etc.

Chemical erasures of a document can be detected using ultraviolet or infrared light in the VSC 5000 or VSC 6000 device. Some types of ink, when exposed to light, absorb radiation and emit infrared light. This phenomenon is known as infrared luminescence (Saferstein, Criminalistics 9th edition, 2014, f. 505).

False writings

Not all writings meet the definition of forgery. To serve as the basis for a forgery charge, the writing in question must have legal significance and be false, as discussed below. The writing must have obvious legal significance. To be punishable as forgery, the writing in question must have obvious legal significance. This includes government-issued documents, such as driver's licenses and passports; transactional documents such as deeds, conveyances, and invoices; financial instruments such as currency, checks, or stock certificates; and other documents such as wills, patents, medical prescriptions, and works of art. To have legal significance, a document does not necessarily

have to be a legal document or government-issued document—it simply needs to affect legal rights and obligations. For this reason, documents such as letters of recommendation or doctor's notes can also be subject to forgery. On the contrary, signing another person's name on a letter to a friend probably would not constitute forgery, because in most cases it would have no legal significance (Miftari, 2010). The writing must be false; to be considered false, the writing itself must be fabricated or materially altered so as to purport to be or represent something that it is not. Generally, simply inserting false statements into a writing is not sufficient to meet this requirement. Traditionally, the crime of forgery consisted solely of making or altering the false writing. Possessing, using, or giving a false writing with intent to defraud was a separate offense, known as "making a forged instrument." For example, if someone used a false identification card to obtain a line of credit, they would be guilty of making a forged instrument, even if they did not make the false identification card. Today, most states treat both offenses as a single crime of forgery (Begeja, 2007, f. 260).

Possession of a forged document

A person who possesses a forged document has not committed a crime if they do not know that the document or item is forged and they use it to defraud a person or entity. For example, if a person received a forged check for payment for services rendered and they were unaware that the check was forged and cashed it, then they have not committed a crime. If they were aware that the check was forged and they cashed the check, then they would be held criminally liable in most states (Kriminalistika, 2006).

Forgery of the euro banknote

It has now become a worrying reality, not only for banking organizations but also for their customers. To limit their demands on this situation, it is important for everyone to recognize themselves as a fake banknote by placing themselves in the elements of security banks that are in all damages and verifications of their immediate verification. Some simple verifications can appear in undesirable situations and in avoiding people's economic expenses. These verifications can be carried out by touching, observing, rubbing, and moving the banknotes against the light (Mandro, 2011, f. 34).

Manuscript expertise

Document and manuscript experts constantly remind us of the golden rule: no two individuals write alike. This does not mean that there is no similarity in the handwriting of two individuals, because there are many factors that make up the general character of a person's writing. Based on these golden rules, which are based on numerous scientific research, especially on twins, they provide strong support for identifying or eliminating a person in various disputes and in solving problems in complex criminal cases. The method of direct comparison between suspicious material and known material is functional, also relying on auxiliary instruments. Manuscript experts agree that manuscript expertise goes through the following stages (Saferstein, *Criminalistics* 9th edition, 2014, f. 498).

Preliminary study of the case - Initially, the court order in which the expertise was requested is reviewed. The examination of the evidence (the contested writing that is the subject of the expertise) is done to determine whether it was written freely under normal conditions with appropriate

means or whether the writing is forged. The preliminary study of the contested writing is important, where then the expertise methodology has its own specifics for examining the writing. It is important to study the general and specific characteristics in order to determine whether the writing was written under appropriate conditions and with appropriate means or not, whether it was under the influence of pathological or psychological factors (age, diseases, the influence of alcohol) and whether there was an attempt to disguise the writing or not. This is the final balance of the size of the line and the form, which is critical in signature comparisons, not just the simple matching of individual elements. So we must come to a conclusion that the writing is written naturally or freely and not by factors such as those mentioned above or other driving factors (Slyter, 1995, f. 10). Examination of the contested manuscript – After studying the writing to determine whether it is written freely (naturally) or whether it has been altered, an analysis of the letters in the entire manuscript is performed, starting with group characteristics, and then individual ones. The identification of characteristics is done directly on the copy of the original or can also be done on a worksheet, by identifying individual characteristics with identifying marks (Kelly, 2006, f. 133).

Conclusion

It is worth mentioning the increased carelessness on the part of human society as a victim of the consequences of people who practice document forgery. In practice we must be careful especially when using the platforms of the internet. People often think that they are safe when using browser's and ordering random things from internet, but they do not realize that is the easiest way to get scammed and the most our valuable personal information get stolen, financial consequences, unwanted payments etc. However, a positive step is observed in law enforcement institutions who constantly warn that society should be more careful when signing any type of valuable document, which will undoubtedly have a positive impact on the prevention and reduction of this illegal act. In practice, the most noticeable is the forgery of travel documents because it is the form through which organized criminal groups operate. Society needs to pay attention to everyday life, like to secure every step that has to do with documents or any other important information. As a result, the safest form of preventing this act is inter-institutional cooperation with the citizens. Together, these would be the most effective weapon for preventing this negative phenomenon, also the best example for the young generations.

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