

THE SIGNIFICANCE OF CRIMINALISTICS APPROACH TO FIXATION OF EVIDENTIAL INFORMATION

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Summary: The information, in terms of semantics, has numerous meanings, starting from the one when the information is used on daily basis to that when it is being used in technical sense. It is a notion tightly linked to the context which it is used in. Regarding that, and without deeper semantic and syntax analysis of the word information, this paper will speak about criminalistic aspect of the information. Namely, in criminalistics, the basic starting premise is the information or the fact that implies the presence of a criminal offence, perpetrator or a connection between these two. That is why we have heuristic versions and some other too, as well as operational and evidential actions derived from these versions. As a matter of fact, what kind of version will be created depends on the information obtained from answers to nine golden questions of criminalistics. In that sense, criminalistic information has a retrospective (imaginary and realistic reconstruction of a criminal offence), perspective (planning of the pre-trial and criminal proceeding) and operational function (making an algorithm and setting up operational, tactical and evidential actions). This could be observed as a simplified concept of criminalistic context of the information. Therefore, it is not each piece of information that is relevant in terms of criminalistics. In order to have a relevant context, the information has to be processed in criminalistic terms, to be interpreted through a system of criminalistic methods (operational information) and secured according to criminal-procedure rules (evidential rules). As it can be concluded, the way from ordinary information to those with an evidential character is hard, long and difficult, and conditioned by criminalistics and criminal-procedure procedures, which makes this concept comprehensive, and not simple at all. Nevertheless, the new theory and practice neglects the concept of criminalistic aspects of information, especially the segment on fixation of evidential information. This issue is very often treated as “well-known” and “clarified” and therefore it is not being paid attention to. In that context, this paper aims to emphasize the importance of criminalistic approach to the information, especially to the fixation of evidential information. Set the problem gets even bigger news is that a wider range of relevant subjects (authorized) to collect and provide evidence. In this sense, it is especially important to consider prosecutorial and police- prosecutorial concept of investigation.

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