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# Criminal Procedure and Forensic Aspects of Crime Scene Investigation

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## Article Information\*

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## Criminal procedure and forensic aspects of crime scene investigation

### Abstract

A crime scene investigation is an evidentiary action that is undertaken when direct observation by the procedural authorities is required to establish or confirm a certain fact in the procedure. A crime scene investigation is a criminal procedural action that is conducted according to established principles of criminology. This paper will present the key aspects that permeate first the criminal procedural, and then the criminal investigation activity when conducting a crime scene investigation. Criminal procedural principles determine the legal framework and conditions under which the subjects conducting the crime scene investigation can apply certain criminal-tactical and technical methods. Aspects of a crime scene investigation in procedural matters can most often be related to direct observation, while the criminal impression also includes the prescribed criminal measures and actions necessary to establish the facts. This paper aims to present the key aspects of a crime scene investigation in the Republic of Serbia, the current legislation of the countries in the region (Bosnia and Herzegovina and Croatia), with a special focus on the similarities and differences in terms of reconstruction and forensic experiment. The evidentiary value of a crime scene investigation as an evidentiary tool is immense. The goal of this evidentiary action is to discover and collect evidence of the existence of a criminal offense, confirm facts and information, find clues about important facts related to the criminal offense and the criminal liability of the defendant, and verify the credibility of other evidence. Therefore, it is very important to conduct the crime scene investigation, as an urgent action, in a timely and professional manner.

*Keywords:* Crime scene investigation, criminal process, forensics, reconstruction, forensic experiment, Serbia, Croatia, Bosnia and Herzegovina.

### Introductory considerations

A crime scene investigation is a procedural-criminalistic action whose form and principles are provided for by the Criminal Procedure Code, and the content (measures and methods) by criminology. The classic definition of a crime scene investigation refers to the direct sensory observation of the procedural authorities, and in a broader sense, a crime scene investigation is undertaken when, in order to establish or confirm a certain fact in the procedure, it is necessary to carry out, in addition to the direct observation of the procedural authorities, some other actions and activities. In order to understand the collection of necessary data and the purpose of the efficient conduct of a crime scene investigation, it is necessary to consider the concept of a crime scene investigation from a criminal procedural and criminological perspective. This paper will present key aspects related to the importance of a crime scene investigation as an evidentiary action conducted according to the principles of criminology. A review will also be made of the legislative solutions of neighboring countries, which also recognize a crime scene investigation as an important evidentiary action in criminal proceedings. The fact is that "in recent decades, society has been faced with increasingly dangerous and serious forms of crime in the commission of which modern technical achievements are directly or indirectly used" (Matijašević & Zarubica, 2020, p. 27). The goal and purpose of a crime scene investigation is precisely to discover and collect evidence of the existence of a criminal offense, to confirm facts regarding the person or place of commission of a criminal offense (etc.), and therefore it is very important to carry out the investigation with the greatest degree of professionalism, in accordance with legal provisions and rules of criminology.

This paper uses multiple methods, while the analysis of legal regulations is based on a comparative approach. Descriptive and normative methods were also used, in order to better understand all aspects of a crime scene investigation. A comparative analysis of the criminal aspects of crime scene investigation, reconstruction and experiments in countries in the region was conducted, which aims to indicate the need for harmonization of procedural standards and the introduction of generally accepted guidelines in conducting crime scene investigations.

### **The concept of crime scene investigation**

A crime scene investigation is a planned and systematic set of actions undertaken in accordance with the provisions of the Criminal Procedure Code and the rules of criminology, with the aim of finding, securing and registering in the crime scene documentation, by direct observation and other methods, objects, traces, other facts and circumstances of importance for the detection of the criminal offense and the perpetrator, which have as their ultimate goal the initiation, conduct and completion of criminal proceedings (Krivokapić, p. 475).

A crime scene investigation is a very important evidentiary action that aims to collect material traces resulting from the commission of a criminal offense (Matijašević, 2024; Matijašević, 2016). A crime scene investigation enables the detection, examination and procedural verification of material changes resulting from the commission of a criminal offense (Vasiljević & Grubač 2003).

A crime scene investigation is a “system of various criminal activities, which, based on the provisions of the Criminal Procedure Code, observe at the scene of the event (directly or indirectly – with the participation of experts, or using special forensic instruments), all the important circumstances of the event that occurred, and find and professionally process traces and objects of the criminal offense in accordance with criminal-technical rules, with a mental reconstruction of the criminal event, and with the aim of collecting and registering (through the record and its criminal attachments - sketches, photographs, video recordings, etc.), all relevant information, in order to clarify the criminal offense and collect all available evidence” (Škulić, 1998, p. 53). According to Article 133 paragraph 1 of the Criminal Procedure Code, a crime scene investigation is undertaken when direct observation by the procedural authorities is necessary to establish or clarify a fact in the procedure.

A crime scene investigation has both a criminal-procedural and a forensic character. The procedural goal of the crime scene investigation “arises from the provision of the Criminal Procedure Code relating to the determination and clarification of an important fact in the proceedings” (Škulić & Aleksić, 2007, p. 59). The criminalistic goal of the crime scene investigation “is reflected in the effort to collect the largest possible amount of relevant criminal information in a certain area and in a certain time (the shortest possible time)” (Lepir, M., 2010, p. 398). In short, the goal of the crime scene investigation is “to discover and collect evidence of the existence of a criminal offense, circumstances important for the qualification of the criminal offense, evidence important for finding the perpetrator and establishing his criminal liability, data important for determining the existence and amount of damage, checking other evidence, etc.” (Vasiljević. & Grubač, 2002, p. 215). Accordingly, it can be said that an on-site investigation is a “criminal procedural action conducted according to the rules of criminology” (Kiurski, et al, 2018, p. 9).

In order for an on-site investigation as an evidentiary action to achieve its goal, it must be carried out on the principles of “timeliness, objectivity, activity and to be done methodically” (Kiurski, 2014, pp. 199-200).

When undertaking the evidentiary action of an on-site investigation, the procedural authority will (as a rule/as needed) involve a professional with forensic, traffic, medical or other expertise, who will, if necessary, undertake the search and/or secure the traces, take the necessary samples for analysis or collect other necessary information. When conducting an on-site investigation, an expert may also be engaged, in case there is a need for an expert opinion in order to provide findings, analyses and opinions. The on-site investigation of the accused shall be conducted without his consent in case it is necessary to establish facts important for further proceedings. The on-site investigation of other persons may be undertaken without their consent only if it is necessary to determine whether there is a certain trace on their body or if there is a consequence of a criminal offence. Everyone is obliged to allow the entity conducting the proceedings access to things and provide the necessary information. The on-site investigation is undertaken at the scene of the criminal offence or another place where objects or traces of the criminal offence are located. In this way, the Criminal Procedure Code defines the concept of on-site investigation (National Assembly of the Republic of Serbia, 2021, Art. 133-136).

The on-site investigation is one of the most important actions within the framework of criminal proceedings, because it provides material evidence that can influence the direction of the further course of the investigation and affect the process. Its importance is reflected in the fact that it ensures a direct observation of the actual circumstances of the criminal offence and a precise interpretation of the traces that are of crucial importance for detecting the perpetrator. A crime scene investigation that is conducted professionally, implies professional application of forensic methods and cooperation with experts from different domains and expertise. From this we can conclude that the crime scene investigation is an important aspect of the evidentiary process, because the outcome of the entire criminal procedure is based on the results of the crime scene investigation.

### **Criminal procedural aspects of the crime scene investigation**

The crime scene investigation plays a key role in criminal proceedings because it enables the discovery and collection of evidence necessary to establish the existence of a criminal offense and to identify the perpetrator of the crime. The efficiency of the crime scene investigation depends on the expertise of the staff, technical equipment, and consistent and timely compliance with legal norms.

The crime scene investigation actually has a dual character, as it includes both criminal procedural and criminological aspects. On the one hand, its main function is to establish and clarify facts important for conducting criminal proceedings, and on the other hand, to collect data and clues that can help in solving the crime and identifying the perpetrator. In this regard, the crime scene investigation is, from the perspective of the procedural authorities, a very important evidentiary action. Through this evidentiary action, within the procedural framework, the criminal procedural authorities investigate, collect and examine the collected evidence, i.e. establish and clarify crucial facts for the criminal proceedings (OSCE Mission in Serbia, 2018, p. 9). The body conducting the proceedings, in addition to directly observing visible traces, also performs a mental reconstruction of the event, which further indicates the complexity of this evidentiary action.

The criminal procedural definition of a crime scene investigation limits it to legally defined direct, sensory observation, while the forensic approach is significantly more complex, because the crime scene investigation also includes a number of forensic actions and techniques. During the crime scene investigation, based on the provisions of the Criminal Procedure Code, all relevant information is collected from the scene of the event, either by direct observation, or with the help of experts or special forensic instruments. In this process, traces and objects of the criminal offense are processed professionally, using forensic-technical rules and mental reconstruction of the event, with the aim of elucidating the criminal offense and collecting material evidence. Many authors point out that the procedural definition of a crime scene investigation often ignores its forensic dimension (Krstić, 2020), which has been proven in recorded practice.

Articles 134–136 of the Criminal Procedure Code (National Assembly, 2021, Art. 133-136), describe and regulate three basic forms of on-site investigation – on-site investigation of the accused and other persons, on-site investigation of objects and on-site investigation of the scene. Together, they form a whole that provides the procedural authorities with the opportunity to collect and preserve traces of the committed criminal offense, but also to ensure compliance with the principle of legality and preservation of the credibility of the collected evidence.

When it comes to an on-site investigation of a defendant, it can be conducted without the defendant's consent, if necessary, while such an action is permitted only in exceptional cases against other persons. In this way, the law distinguishes between the defendant and third parties, which ensures the principle of proportionality and enables the protection of the right to physical integrity of a person. In theory, it is prescribed and observed from one angle, while in practice this provision is linked to the taking of biological samples, which requires careful implementation of actions and precise documentation, in order to protect the privacy of a person and prevent possible abuse. When it comes to an on-site investigation of objects, it includes an examination of movable and immovable objects, including a corpse, with the obligation that access to objects of importance to the procedure is ensured. If it is necessary to enter a residential unit or other closed room to conduct the on-site investigation, in that case the rules on search apply. In this way, the necessary judicial control is ensured, as well as the protection of the right to the inviolability of the home. When we talk about practical cases, the boundary between a crime scene investigation and a search is unfortunately often invisible, and for this reason it is necessary to make a clear distinction in order to prevent the illegality of evidence.

When it comes to a crime scene investigation, it refers to the place where a crime was committed or another place where there are possible traces and objects that can be evidence in further proceedings. A crime scene investigation is the action that is most often taken first and plays a key role in collecting material evidence related to a crime. The proceeding authority may, if there is a need or indication for this, temporarily detain a person found at the scene of the crime. The proceeding authority undertakes this action if there are legal reasons, which affects the prevention of arbitrary deprivation of liberty. Namely, it should be emphasized that the precision and professionalism of a crime scene investigation are crucial for the accuracy and legality of the entire evidentiary procedure.

Articles 232-235 of the Criminal Procedure Code (National Assembly, 2021, Art. 232-235) describe the key role of the record of taken actions, in terms of ensuring the legality and reliability of criminal proceedings. The purpose of the record is to provide an accurate, clear and complete description of the

course and content of the evidentiary or other procedural action taken. The record contains basic data that provides an overview and verification of the actions taken - starting from the authority conducting it, including the time and place of the action, a list of persons present and their roles in the proceedings, as well as a description of the subject matter of the proceedings. The special importance of the record is also recognized in the article relating to the recording of seized objects, files and other material evidence. The importance of indicating the locations of objects, as well as the addition of photographs, sketches and other recordings, directly affects the preservation of the credibility of the evidentiary material and the prevention of subsequent abuse. Accurate, valid and clear documentation is the basis for further forensic analysis and assessment of evidence before the court. In practice, failure to comply with the prescribed measures may lead to the disputing of the collected evidence or its worthlessness in further proceedings, so compliance with the lawfulness is crucial for the quality of the process. The guarantee of the legality of the procedure can be seen through precise and objective record-keeping. In this way, the possibility is ensured that each procedural action can be subsequently checked or assessed, if necessary. In this way, the trust of citizens in the work of the prosecution authorities and the court is strengthened, while the parties are guaranteed that their statements are accurate and adequately recorded.

These legal provisions represent a prescribed set of rules for the direct establishment of facts. When it comes to practice, there is a noticeable need for a more precise definition of the boundaries between the on-site investigation and other evidentiary actions in the procedure. We must also address the lack of clearly defined provisions on the protection of the dignity and privacy of persons, which indicates the need to improve the legislative framework, in line with European standards. A possible drawback is the limited judicial control over individual actions, which can have a negative impact on the entire evidentiary process.

In conclusion, the efficiency of conducting a crime scene investigation largely depends on the expertise of the investigative authorities, technical equipment and compliance with legal procedures. The aforementioned articles of the CPC prescribe the basis for the professional conduct of a crime scene investigation as a whole. This basis could be more thoroughly established with more precise protection mechanisms and a stricter procedural structure. The importance of linking the procedural and forensic approaches is multiple, it provides high-quality and reliable evidence and confirms the importance of crime scene investigation as a fundamental institute of modern criminal law.

### **Forensic aspects of crime scene investigation**

Crime scene investigation is "a system of various forensic activities, which, based on the provisions of the Criminal Procedure Code, observe at the scene of the event (directly or indirectly - with the participation of experts, or using special instruments of forensic technique), all the important circumstances of the event that occurred, and find and professionally process traces and objects of the criminal offense in accordance with forensic-technical rules, with a mental reconstruction of the criminal event, and with the aim of collecting and registering (through the minutes and its forensic attachments - sketches, photographs, video recordings, etc.), all relevant information, in order to clarify the criminal offense and collect all available evidence" (Škulić, 1998, p. 53).

Forensic aspects of crime scene investigation represent a key segment in the evidentiary procedure, because they enable direct determination of facts and provision of material evidence of the

criminal offense. When it comes to the concept of crime scene investigation, it has a dual significance and is reflected through the criminal and legal segments. Proper conduct of the crime scene investigation affects the further course of the investigation and the evidentiary strength of the procedure depends on it. A crime scene investigation is a methodologically and tactically complex procedure and requires the achievement of a level of professionalism, regularity and necessary coordination between investigative authorities and forensic experts and specialists (Kovačević, 2019).

When undertaking the evidentiary action of a crime scene investigation, the procedural authority will (as a rule/as needed) engage a traffic, medical or other expert, who will undertake a search and secure traces, take the necessary samples for further analysis or collect all other necessary information. When conducting a crime scene investigation, an expert may also be engaged, if expertise is required to compile findings, analyses and opinions. The techniques used when conducting a crime scene investigation are systematic methods of collecting, recording and analyzing all available evidence and objects. These techniques primarily include visual inspection, photography, video documentation, all necessary measurements with drawing up a layout, as well as sampling all biological, physical and technical evidence for further forensic processing. The collected evidence enables the identification of the perpetrator and elucidation of the circumstances surrounding the victim. When it comes to technical evidence, they provide the necessary information about the means and methods of execution used (Vasović, 2017).

When it comes to forensic processing of a crime scene, it involves extensive teamwork. From the moment a crime is reported and registered to the conduct of an on-site investigation, it is necessary to follow a clearly established procedure for conducting investigative actions. Each member of the team working on solving a crime has a specific task, all with a common goal, which is to discover all traces at the crime scene that will lead them to the perpetrator. The goal of processing a crime scene and conducting an on-site investigation is to collect evidence and indications of the existence of certain facts related to the crime or the criminal responsibility of its perpetrator. Crime scene processing is divided into primary and secondary. Primary processing is performed directly at the crime scene, which enables the direct collection and documentation of traces and objects. When it comes to secondary processing, it is carried out in police and judicial institutions, as well as in forensic laboratories, by experts, where systematic identification of persons, objects and traces is carried out, as well as their analysis, all with the aim of determining the factual situation and evidentiary value (Mašković, 2013).

In a theoretical sense, crime scene investigation represents a link between criminal science and procedural law, because it connects the normative framework and research, in order to achieve the basic goal of criminal proceedings, which is to establish the truth in a legal and fair manner (Vasović, 2017).

### **Crime scene investigation in the criminal procedure law of Bosnia and Herzegovina**

According to the Criminal Procedure Code of the Federation of Bosnia and Herzegovina (Parliamentary Assembly of Bosnia and Herzegovina, 2018), the prosecutor is primarily responsible for conducting a crime scene investigation, but if he or she cannot intervene immediately, the investigation may also be conducted by authorized police officers with prior notification to the competent prosecutor. Unlike the previous practice, when the crime scene investigation was conducted by an investigating judge, modern regulations emphasize the operational role of law enforcement agencies in emergency cases. Conducting a crime scene investigation as soon as possible is essential to preserve traces and evidence,

as their delay can lead to their destruction or permanent loss, which can affect the further course of the proceedings. For these reasons, timely conduct of a crime scene investigation is essential for efficient criminal proceedings and bringing the perpetrator to justice.

The legal definition of a crime scene investigation is based on immediate, or direct, sensory observation, which is undertaken to establish important facts in criminal proceedings. This understanding of the crime scene investigation, which is based on the personal sensory perception of relevant facts and evidence by the authorized body (in accordance with the law), is a generally accepted position among theorists and practitioners of criminal procedure law in Bosnia and Herzegovina. It should be emphasized that, by relying on the personal and subjective impression of the procedural authority, room is left for possible procedural omissions and irregularities. The Criminal Procedure Code in force in Bosnia and Herzegovina prescribes this procedural action on the need for direct observation in order to determine essential facts in the procedure. In the theory of criminal procedure law, it is defined that the Law in this way only provides for the material condition for conducting a crime scene investigation, but does not prescribe or define its exact form or special procedural rules. When it comes to practice, the crime scene investigation is conducted according to predetermined forensic methods (Filipić, 2017, p. 30). It should be emphasized that, by relying on the personal and subjective impression of the procedural authority, room is left for possible procedural omissions and irregularities.

### **Crime scene investigation in criminal proceedings in the Republic of Croatia**

Crime scene investigation, reconstruction and experiment are key procedural actions that enable direct sensory determination of facts in criminal proceedings. Crime scene investigation is conducted by sensory observation of the scene of the incident, objects or traces, as well as by technical means to collect the necessary evidence. Undertaking these actions is important for the further process because it enables direct determination of facts, which increases the reliability of further evidentiary proceedings. Their proper application contributes to the legality of the proceedings and the proper conduct of the proceedings.

Although the Law (Croatian parliament, 2025, Art. 304–306) provides for the material basis for conducting crime scene investigations, reconstructions and experiments, the regulations often do not regulate the manner of conducting crime scene investigations, standardized procedures and forms. This most often leads to different approaches in practice and potential irregularities in the legality of the actions carried out, most often in complex and specific cases. Therefore, in practice, it is recommended to strictly adhere to the defined forensic-technical standards and engage experts in order to ensure objectivity and correctness of the procedures when conducting a crime scene investigation. Amendments and supplements to the Law, in accordance with European norms, will further work on the importance of strict implementation of procedures and forensic techniques, in theory and practice. In conclusion, crime scene investigation, reconstruction and experiment are necessary procedural actions that enable direct and reliable determination of facts in criminal proceedings in the Republic of Croatia. Their proper application contributes to the legality of the procedure and increases the reliability of the evidence collected. Namely, shortcomings in the regulation of standardized procedures, the application of forensic technical rules and the engagement of experts (as a rule), as well as continuous harmonization with European norms, are key aspects in achieving objectivity, consistency and efficiency of these evidentiary actions in practice.

## Comparative analysis of evidentiary activities of crime scene investigation

Crime scene investigation is a key institute of evidence in criminal proceedings in the Republic of Serbia, Bosnia and Herzegovina and Croatia, as discussed in the previous chapters. While in Croatia and Serbia the procedures for conducting crime scene investigations are detailed and clearly prescribed through legal and procedural norms, in Bosnia and Herzegovina the practice mainly relies on material bases and the application of forensic methods, without a strict and pre-defined form. Such an approach can result in problems in the objective conduct of crime scene investigations, which further affects the fairness of evidence in the proceedings. This comparative analysis aims to point out the need for harmonization of procedural standards and the introduction of generally accepted guidelines in conducting crime scene investigations. In Bosnia and Herzegovina, in order to ensure greater legal certainty, consistency in procedures and transparency in conducting crime scene investigations, the introduction of strict procedures and the elimination of subjectivity in the implementation of criminal methods is particularly important. Below is a table that shows the most important aspects of crime scene investigation, legal solutions and practical implementation in the Republic of Serbia, Bosnia and Herzegovina and Croatia, pointing out similarities, differences and legal challenges.

Table 1. Comparative overview of evidentiary work at the crime scene in Serbia, Bosnia and Herzegovina and Croatia

Country	Legal Framework	Engagement of Experts	Procedural Precision	Main Advantages	Main Challenges
<b>Serbia</b>	Detailed and well-defined	Experts and forensic specialists are engaged as needed	High level	Protection of rights; clear and well-defined procedure	Slow proceedings; inconsistent application of forensic methods and techniques
<b>Bosnia and Herzegovina</b>	Material basis; application of forensic and technical methods in practice	Experts and forensic specialists are engaged as needed	Variable	Flexibility; adaptability in practice	Lack of detailed procedures may lead to inconsistencies in practice
<b>Croatia</b>	Detailed and well-defined	Experts and specialists are usually engaged by default	High level	Legally defined procedure	Procedural rigidity; untimely response in complex cases

(Authors, 2025)

## **Comparative analysis of the criminal aspects of crime scene investigation, reconstruction and experiment**

Crime scene investigation, reconstruction and experiment represent detailed and complex evidentiary actions in criminal proceedings. The application of these evidentiary actions in establishing facts and ensuring the fairness of the further process is of key importance. Namely, legal regulations and practice vary significantly among the countries in the region, which can affect the efficiency of the implementation of the procedure and the legal security of citizens. This analysis aims to provide a comparative overview of the aspects of crime scene investigation, reconstruction and experiment in the Republic of Serbia, Bosnia and Herzegovina and Croatia, in order to more clearly understand the similarities and differences in the legal regulations of these countries.

Crime scene investigation represents a key forensic-operational action, which is most often carried out in cases of crimes committed with an unknown perpetrator, with the aim of revealing him using appropriate forensic methods and techniques. Authorized persons apply various measures and technical procedures in order to precisely document the situation in its original (unchanged) form. An effective crime scene investigation requires the coordinated work of a team of experts, including a prosecutor and a forensic technician, so that all traces are isolated without contaminating the crime scene. From a forensic perspective and in a broader context, it can be concluded that a crime scene investigation encompasses all activities at the crime scene, with direct sensory perception forming only a necessary part of the entire process. Technical means such as photography, recording, measuring, sketching and collecting samples enable precise documentation and objective collection of evidence, which significantly affects the efficiency of the further process. Special attention is paid to safety and ethics, in the sense that conducting a crime scene investigation must not endanger life, health, public order or morals (Filipić, 2017).

Reconstruction is an action that allows the repetition of actions or certain situations in order to verify evidence or clarify events. This method is particularly useful when the statements of the participants differ, as it allows for a systematic comparison and validation of the presented facts (Jakovljević, 2015; Korać, 2019). The legislation also provides for the participation of the accused and the parties in the proceedings, while respecting all prescribed legal rights and principles. Reconstruction is considered in the literature through procedural and cognitive aspects, with the focus on its legal nature and significant evidentiary value. Reconstruction can also be interpreted as an independent procedural action, as a special form of crime scene investigation, a judicial experiment or a specific type of expert examination in more complex cases. Although it is well-known in most modern legal systems, its legal regulation still varies in terms of formal definition, which indicates the lack of a unified position in the literature and definition (Halilović, & Korajlić, 2013).

An experiment serves to examine the influence of certain circumstances on a subject, state or relationship. Unlike a crime scene investigation and reconstruction, an experiment has a predominantly analytical function and is often used as auxiliary evidence and an additional tool in more complex cases. The legal framework strictly limits the experiment in a way that must not endanger the life, health or morals of the participants in the experiment (Vukić, 2020; Stanković, 2018). A criminal experiment is a planned and conscious introduction of new facts into an already existing factual situation. This is achieved by performing certain actions or exposing certain circumstances in order to establish new evidence, to validate

already collected evidence and to collect relevant information about the conditions and/or causes of the criminal offense (Pravnik, 2019). This method enables systematic research of the existing factual situation, increases the quality of the evidence collected in the criminal procedure and influences its positive outcome. Below is a tabular comparative overview of the forensic aspects of the crime scene investigation, reconstruction and experiment in the Republic of Serbia, Bosnia and Herzegovina and Croatia.

Table 2. Comparative overview of the forensic aspects of crime scene investigation, reconstruction and experiment

Aspect	Republic of Serbia	Bosnia and Herzegovina	Croatia
<b>Legal Framework</b>	Clearly defined procedural actions	Internal practice; emphasis on forensic and technical expertise	Procedurally regulated, aligned with European standards; precise norms for on-site investigation and reconstruction
<b>On-Site Investigation</b>	Formal regulation with clearly defined rights	Formally prescribed; lacks strict procedures	Standardized procedures
<b>Event Reconstruction</b>	Applied in practice to confirm evidence; regulated as a specific procedural action	Application depends on forensic and technical expertise	Clearly defined; integrated into procedural norms
<b>Experiment</b>	Planned examination of circumstances	Insufficiently standardized	Procedurally defined; integrated
<b>Main Challenges</b>	Expertise and coordination	Undefined procedures	Team coordination; application in complex cases
<b>Advantages</b>	Clear legal regulation; combination of forensic and procedural methods	Flexibility and adaptation to forensic and technical conditions	Standardized procedures; implementation of European standards

(Authors, 2025)

### Concluding remarks

A crime scene investigation in criminal proceedings is one of the most reliable and important evidentiary actions, because it enables direct determination of facts and provision of material traces of a criminal offense. The evidentiary value of a crime scene investigation stems from the immediacy of observation, objectivity and the possibility of subsequent verification of the results. However, practice shows that the professionalism and reliability of the execution of a crime scene investigation depend on

the expertise of the authorities conducting it, the timeliness, credibility of the documentation and compliance with procedural norms.

From an academic perspective, the professional performance of a crime scene investigation requires the application of scientific methods in detecting and fixing traces, as well as procedural discipline, so that the results have legal significance. In legal terms, a crime scene investigation is regulated as an evidentiary action that must be conducted in compliance with prescribed norms.

A crime scene investigation, reconstruction and experiment are interrelated evidentiary actions that represent a combination of a legal and forensic approach to evidence and facts. A crime scene investigation provides a realistic basis for establishing facts, while reconstruction and experiment enable their verification and confirmation through logical and scientific methods.

Comparative practice shows that the countries of Serbia, Croatia and Bosnia and Herzegovina are very similar in terms of legal regulations, but differ in the level of control of institutional mechanisms, professionalism of personnel and technical development. Croatia records a higher level in terms of digitalization and the status of experts in the procedure, while Serbia and Bosnia and Herzegovina still lag behind when it comes to the level of standardization, which affects the reduction of evidentiary security.

In conclusion, the crime scene investigation is a key instrument for implementing evidentiary mechanisms in criminal proceedings, but the efficiency of the crime scene investigation depends on compliance with the prescribed norms, procedures and objective sensory observations in practice. The crime scene investigation, reconstruction and experiment together form the basis of a modern evidentiary system and their importance goes beyond the material form and represents a combination of scientific accuracy and legal legality. Further improvement through digitalization, professional development and harmonization of procedural standards with European practice is crucial for strengthening the fairness, reliability and efficiency of criminal proceedings.

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## Krivičnoprocesni i forenzički aspekti uviđaja

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### Sažetak

Uviđaj je dokazna radnja koja se preduzima kada je neposredno opažanje od strane procesnih organa neophodno radi utvrđivanja ili potvrđivanja određene činjenice u postupku. Uviđaj predstavlja krivičnoprocesnu radnju koja se sprovodi u skladu sa utvrđenim principima kriminalistike. U radu će biti predstavljeni ključni aspekti koji prožimaju najpre krivičnoprocesnu, a zatim i kriminalističku delatnost prilikom vršenja uviđaja. Krivičnoprocesna načela određuju pravni okvir i uslove pod kojima subjekti koji sprovode uviđaj mogu primenjivati određene kriminalističko-taktičke i tehničke metode. Aspekti uviđaja u procesnom smislu najčešće se odnose na neposredno opažanje, dok kriminalistička obrada obuhvata i propisane kriminalističke mere i radnje neophodne za utvrđivanje činjenica. Cilj rada jeste da se prikažu ključni aspekti uviđaja u Republici Srbiji, kao i važeća zakonska rešenja u državama regiona (Bosna i Hercegovina i Hrvatska), sa posebnim osvrtom na sličnosti i razlike u pogledu rekonstrukcije i forenzičkog eksperimenta. Dokazna vrednost uviđaja kao dokaznog sredstva je izuzetno velika. Cilj ove dokazne radnje jeste otkrivanje i prikupljanje dokaza o postojanju krivičnog dela, potvrđivanje činjenica i informacija, pronalaženje tragova o bitnim činjenicama u vezi sa krivičnim delom i krivičnom odgovornošću okrivljenog, kao i proveravanje verodostojnosti drugih dokaza. Stoga je od izuzetne važnosti da se uviđaj, kao hitna radnja, sprovede blagovremeno i stručno.

*Ključne reči:* uviđaj, krivični postupak, forenzika, rekonstrukcija, forenzički eksperiment, Srbija, Hrvatska, Bosna i Hercegovina