
ZNAČAJ KVANTITETA I KVALITETA PRIKUPLJENIH ČINJENICA KOJE MOGU POSLUŽITI KAO DOKAZ U TOKU KRIMINALISTIČKE OBRADU UBISTVA THE IMPORTANCE OF QUANTITY AND QUALITY OF COLLECTED FACTS WHICH CAN BE USED AS EVIDENCE DURING THE CRIMINAL INVESTIGATION OF KILLINGS

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Sažetak

Ubistva predstavljaju negativnu pojavu koja guši napore građana Republike Kosovo da osiguraju bezbjedniji i bolji život. Polazeći od razvitka događaja i cjelokupne situacije u vezi sa bezbjednosnim pojavama na Kosovu, ovaj rad na temu "Značaj kvantiteta i kvaliteta prikupljenih činjenica koje mogu poslužiti kao dokaz u toku kriminalističke obrade ubistva", može se smatrati pokušajem doprinosa u pronalaženju odgovarajućih mjera organa gonjenja i njihovih napora i poteškoća s kojima se susreću tokom suočavanja sa kriminalom uopšte, a posebno s osvrtom na krivična djela ubistva.

Pristupa problemu organa gonjenja sa kriminalističkog i krivičnog aspekta, a također i prema razvoju društvene svijesti u borbi protiv ovih negativnih pojava, imajući u vidu i poslijeratni pristup organa gonjenja u borbi protiv ovih krivičnih djela, njihovu spremnost, profesionalizam, nedovoljan broj kriminalista koji bi na stručan način pristupili borbi protiv ovog zla, itd., ovim radom sam pokušao da sa stručnog aspekta i iskustva koje sam stekao tokom godina, pružim svoju pomoć kako bi organi gonjenja imali bolji pristup u pronalaženju odgovarajućih mjera i radnji u borbi protiv ovih negativnih pojava i postizali bolje rezultate protiv ovog zla.

Polazeći od realnog stanja na terenu i prikupljenih činjenica tokom izrade rada na ovu veoma senzitivnu temu, došao sam do zaključka da organi gonjenja na Kosovu i dalje imaju jedan klasičan pristup tokom kriminalističke obrade ovih krivičnih djela. Ono što treba spomenuti jeste činjenica da oni više imaju pristup sa krivičnog aspekta, a mnogo manje sa kriminalističkog aspekta tokom prikupljanja činjenica i preduzetih drugih radnji u borbi protiv ovih krivičnih djela.

Slobodno možemo reći da se, hipotetički gledano, tokom obrada ovih krivičnih djela rijetko može naići na jedan kvantitatan pristup prikupljanju činjenica, te ovo upućuje na zaključak da naučni okvir pristupa protiv ovog zla postoji u veoma uskoj mjeri ili uopšte ne postoji kod onih subjekata koji su odgovorni da se bore protiv ovih negativnih pojava u društvu.

Na osnovu gore navedenog možemo zaključiti da je nužan jedan naučni pristup zasnovani na kriminalistici kao nauci, posebno zbog neosporive činjenice da kriminalistika ima svoju metodologiju uz pomoć koje kritički posmatra postojeće norme "de lege lata", sistematizuje i analizira ih. Ona identifikuje, definiše i razlikuje principe i institucije, kao i predložene izmjene "de lege ferenda" u skladu sa očekivanim razvojem modernog kriminala.

Ključne riječi: *kvantitativna, kvalitativna, Kosovo, profesionalizam, činjenica, dokazi.*

Abstract

Killings represent a negative phenomenon which suffocates efforts of the citizens of the Republic of Kosovo to provide safer and better life. Starting from the development of events and the entire situation regarding security phenomenon in Kosovo, this study on "Importance of the quantity and quality of collected facts which can be used as an evidence during the criminal investigation of killings", can be considered an attempt to contribute to finding the appropriate measures for the prosecution bodies and to their efforts and difficulties which they face during their confrontation with the criminality in general, and particularly with reference to homicide offences.

Approaching the problem by the prosecution bodies from the criminalistics and criminal aspects, but also approach towards the social awareness in combating this negative phenomenon, having in regard the post-war approach of prosecution bodies in combating these criminal offences, their readiness, professionalism, insufficient number of criminalists which would in a professional manner approach the combat-

ing of evil, etc., are part of this study though which I have made efforts that from the professional aspect and experience which I have obtained during these years, provide my help to the prosecution bodies, so they could have better approach in finding the appropriate measures and actions in combating the negative phenomenon and score better results in combating the evil.

Starting from the real situation on the field and collected facts during the preparation of the study on this very sensitive topic, I have reached the conclusion that the prosecution bodies in Kosovo still have a classic approach during the criminal investigation of these criminal offences. It is worth to mention the fact that their approach is based more on the criminal and legal aspect, but much lesser on the criminal aspect of collecting the evidence and other actions in combating the criminal offences.

We can freely say, that hypothetically, during the criminal investigation of these criminal offences, rarely meet a qualitative approach in collecting the facts, therefore, this leads to a conclusion that a scientific framework of approaching combating of this evil exist only on a small scale or it does not exist at all within these subjects which are responsible to combat this negative phenomenon in the society.

Based on the aforementioned, we can conclude that there is a need to have a scientifically based approach which is based on the criminalistics as a science, especially due to undisputed facts that the criminalistics have its methodology through which can observe, systematize and analyse the current norms from the critical point of view "de lege lata". It also identifies, defines and differs the principles and institutions, as well as the proposed changes "de lege ferenda" in compliance with the expected development of modern criminality.

Keywords: *quantitative, qualitative, Kosovo, professionalism, fact, evidence.*

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