

Dragan Manojlović¹

Dejana Đorđić²

Vojislav Jović³

UDC 343.62-055.2(497.11)

Review Article

Received: 19/01/2023

Accepted: 18/01/2024

LEGAL ASPECTS OF SECRET SURVEILLANCE AND RECORDING AND PROCESS AUTHORITIES FOR ITS IMPLEMENTATION: COMPARATIVE RESEARCH

ABSTRACT: The paper examines how covert monitoring and recording is treated in legal theory and what legal powers authorities have to implement it in the Republic of Serbia and a number of European countries. Using content analysis of existing research, historical and comparative methods, as well as scientific description, synthesis and correlation of this procedural institute in existing legislation and legal theory, research findings showed that the Criminal Procedure Code of the Republic of Serbia stipulates that, besides police, this special evidentiary action can also be implemented by civil and military security services. This contradicts the stipulations from the comparative procedural codes of the countries in the researched sample.

KEY WORDS: covert monitoring and recording, comparative criminal procedure legislation, criminal theory, legal theory

¹ Full Professor, Faculty of Law – MTU, Belgrade (sradovi2020@gmail.com) (orcid.org 0000-0002-6120-0220)

² Assistant Professor, Faculty of Law – MTU, Belgrade (dejanadjordjic@yahoo.com, <https://orcid.org/0000-0001-9080-1247>)

³ Full Professor, Faculty of Law – MTU, Belgrade (vjovicbg@gmail.com). (orcid.org.0000-0002-4049-5103)

1. Introduction

The paper investigates covert monitoring and recording (also called *secret surveillance and recording*, *secret observation* or, in general usage, simply *observation*) in criminal investigations in which law enforcement and criminal prosecution authorities (Novosel, 2001, p. 41) use senses and operational techniques specific for covert and covered operations (Jović, 2011). The conducted research indicates why secret monitoring and recording is important for detecting criminal acts and their perpetrators and providing evidence for conducting criminal proceedings (Jović, 2011), on the one hand. On the other hand, comparative research aims to find out who is authorized to carry out this procedure, i.e., what are the legal solutions prescribed in the national and comparative criminal procedural codes of individual European countries.

In order to present new knowledge within the framework of the hypothesis, the theoretical and empirical research is based on two sources – existing literature and practical regulation of secret monitoring and recording in legislation.

The aim of the research is the analysis and examination of the existing law and criminology literature on secret surveillance and recording, uncovering new knowledge and facts unknown to current theory and their correct interpretation in the light of newly discovered facts. Additionally, the aim is to examine the practical applications of such findings and to determine who is authorized to carry out secret surveillance and recording in criminal proceedings, according to the Criminal Procedure Code of the countries included in the research sample.

The research questions are the following: how secret monitoring and recording, as a criminal procedural action, is defined in the literature; what is the purpose of secret monitoring and recording in the criminal investigation, according to criminal and legal theory; and who, according to the provisions of the criminal procedural codes of the Republic of Slovenia, the Republic of Croatia, the Republic of North Macedonia, the Republic of Estonia and the Republic of Serbia, is authorized to conduct this special evidentiary action.

2. Theoretical Research

As the results of the research show, secret monitoring and recording is most often carried out in criminal investigations. Therefore, for the purposes of the research, we will first determine what a criminal procedural investigation is based on the analysis of existing literature.

One of the most concise and understandable definitions of criminal investigation was given by Bennett and Hess (2004): “criminal investigation is the process of discovering, collecting, preparing and identifying facts, in order to determine what happened, and who could be responsible” (p. 4).

Some authors, such as Osterburg and Ward (2013), believe that “criminal procedure and criminal investigation refers to the process of gathering information (or evidence) about an event in order to: (1) determine whether a crime has been committed; (2) identify the perpetrator(s); (3) arrest the perpetrator(s); and (4) provide evidence that will support the charge (indictment) in court in further criminal proceedings” (pp. 13-14). It is particularly significant here that most authors (e.g., Black (1970) unanimously claim that it is wrong to consider if the three conditions (1, 2, and 3) stated by Osterburg and Ward (2013, pp. 13-14) are met that the crime has been solved, as stated by the police in Serbia before the verdict: that verdict against which there is no longer any regular or extraordinary legal remedy, which is legally binding and enforceable. Osterburg and Ward (2013) further note “that the criminal investigation function generally includes two components: the first is the direct investigation of criminal activity, and the second is the administrative management of the investigative unit“(p. 14).

Current scientific findings in the field of law and criminology (Shikman, 2013) “teach us that the process of criminal investigation“ (p. 184), according to Zahnov (2017), “aims to gather evidence lawfully“ (p. 141) ethically, and fairly, in accordance with the rights of victims, the accused and society (Telep, 2017, p. 9). As Dahl (1952) notes, this means that “law enforcement and criminal prosecution authorities are authorized to use prescribed procedural institutes and other legal and criminal procedure methods“ (p. 112) to gather knowledge, data, information (Manojlović, 2005, p. 115) and evidence from the crime scene.

As Haberman and Ratcliffe (2012) claim, the scene is “the epicenter of criminal activities“ (p. 158) after a criminal offense has been committed, with the aim of preventing criminal offenses (Čačković, 2010, p. 84), apprehending suspects, confiscating items with which a criminal offense was prepared or executed, items resulting from the criminal offense (Škulić and Stojanović, 2017, p. 396), items which may bear the traces of the criminal offense or the perpetrator, and securing evidence relevant to the criminal procedure (Klarman, 2000, p. 64).

Furthermore, some authors define secret monitoring and recording as a criminal procedural-investigative action, according to Giulbert (2004), as “the top of the inverted pyramid that expands to include criminal investigation, identifying the participants in the event, conducting forensic analysis, uncovering and interpreting evidence“ (p. 594), and finally, as Inman and Rudin (2001) note, “bringing the suspect to justice“ (p. 197).

In line with Palmiot’s (2012) claim that “criminal investigation and covert surveillance and recording as its integral part is afforded an almost mythical regard by law enforcement and prosecution authorities such as prosecutors’ offices and criminal investigation agencies and investigators“ (p. 87), we determined the status of secret monitoring and recording and its goal as part of criminal investigation.

Based on the content analysis of the existing literature, we have concluded that, according to Manojlović (2019), secret monitoring and recording as a process institute is relevant to “the phase before a criminal offense is committed (pre-constructive), when a criminal offense is committed (constructive), and after a criminal offense has been committed (reconstructive)“ (p. 53). In each of these segments, secret monitoring and recording has its procedural significance (Bojanić, Deljkić and Lučić-Ćatić, 2008, p. 308). Research results also indicate that the place of covert monitoring and recording in the investigation can be recognized and understood on several levels (Greenwood, 1975, p. 16). The first level is preventive or, as Greenwood (1975) and Woods (2013) believe, “protective, i.e., preparation for other processes“ (p. 16; p. 323), such as preventing a criminal offense or providing evidence for conducting criminal proceedings (Andresen, Hodgkinson and Tarah, 2018, pp. 314, 324). A number of denominators in comparative theory define

secret monitoring and recording as an important segment in combating criminal activities and providing inputs for the prediction of criminal activities (Blagojević and Šetka, 2013, p. 167), which enable the authorities to capture and prosecute, and “to stretch time“ (Fatić, 1997, p. 228) by increasing their knowledge about the crime committed, i.e., to have a profile and information related to the participants, which increases their effectiveness (Davis and Bowers, 2019, p. 23).

Investigating the historical origins of covert surveillance and recording, Shiffman and Cooke (2013) state “that investigation officials were directed to conceal when such investigations actually began, not only from defense attorneys but sometimes from prosecutors and judges as well“ (p. 4). Investigation officers were trained to “recreate“ the investigative sequence in order to effectively conceal the origin of intelligence or operational data and/or information that formed the basis of a criminal warrant to initiate and conduct covert surveillance and recording (Shiffman and Cooke, 2013, p. 5). The same authors argue that if defendants do not know how the secret surveillance and recording began, they cannot request to review potential sources of exculpatory evidence—information that could reveal grounds for closing the case, errors, or biased witnesses. On the other hand, legal experts, prosecutors, and judges object that the concealment of intelligence sources in pre-constructive intelligence observation (Manojlović, 2013, p. 49), on the basis of which the procedural procedure of secret monitoring and recording is initiated, represents a violation of the constitutional rights of the accused to a fair trial (p. 6).

Legal scholars note that implementing secret monitoring and recording brings with it another important question for the hypothetical framework of the research: whether the law prescribes the obligation to notify the person under the observation measures about them, as well as which intelligence agencies are involved in the observation (Maguire and Duffee, 2015, p. 234). Theoretical approaches suggest that for those whose liberty is at stake, the right of criminal defendants may appear to be a narrow, procedural issue (Toomey and Kaufman, 2015, p. 843). The refusal to inform the person against whom the measure of covert surveillance and recording was applied about the measure and the sources on which the measure is procedurally based is contrary to the rights of

the accused in the proceedings, to historical practice, and the right of the accused to challenge the evidence resulting from illegal searches, whereby defendants cannot trace the fruit of any poison tree from/to its source (Toomey and Kaufman, 2015, p. 853).

Investigating covert monitoring and recording as a procedure, Fredrickson and Siljander (2002) claim “that covert monitoring and recording is an invaluable investigative technique that must be managed with great care, taking into account the potential risks related to the entire dynamics of criminal investigation” (p. 170). According to these authors, the main reasons for conducting physical surveillance are to obtain information or develop clues and obtain evidence of a crime committed or to observe a crime in progress (Fredrickson and Siljander, 2002, p. 163).

Some interesting theoretical approaches suggest that a successful criminal investigation requires specialized skills and requires investigators to use all available methods and techniques (Hess, Orthmann, & Lim, 2016, pp. 266, 578). Criminal investigation involves the entire process of obtaining information to uncover the truth about a criminal situation/scenario (Jannemieke and Van Der Aa, 2011, p. 275). Discussing the role of covert monitoring and recording in the evidentiary capacity of the investigation, Fredrickson and Siljander (2002) advocate the view that “covert monitoring and recording is one of the techniques that the investigator can use to gather evidence in the investigation process” (p.169). The same authors further state that „covert monitoring and recording involves three different but compatible modes of application; for example, surveillance by vehicle, on foot in motion, and static, of which the most famous technique is: physical human observation” (p. 172).

3. Who may carry out secret monitoring and recording: Comparative Analysis

Based on the sample, we can conclude that the criminal procedure codes do not uniformly prescribe which authority or agency may carry out secret monitoring and recording based on the issued order. The enforcement authorities are determined as follows: (a) The Republic

of Slovenia has prescribed in its procedural code that the police is the agency that conducts secret surveillance and recording under the supervision of the public prosecutor, Art. 149 et seq. 154 („Official Gazette“, 8/2006, no. 14/2007, 32/07, 102/07, 23/08, 68/08, 77/09, 29/10, etc.); (b) authorization to carry out secret monitoring and recording from Art. 252 paragraph 1 point. 2 to Art. 257 The Republic of North Macedonia transferred to the jurisdiction of the judicial police under the supervision of the prosecutor („Official Gazette of the Law“, 150/2010; 198/2018); (c) The Code of Criminal Procedure of the Republic of Estonia stipulates that the secret monitoring and recording referred to in Art. 110, art. 126¹–126¹⁷ to be carried out directly, through certain police units, police agents, secret agents or persons recruited for secret cooperation, with the permission of the judge for the preliminary investigation procedure and under the supervision of the public prosecutor (Kriminaalmelutsela seadustik, “Riigikogu RT”, I 2003, 27, 166, 2004); (d) The Republic of Croatia, in Article 322 paragraph 1 point 4 of the Law on Criminal Procedure, prescribed that secret monitoring and recording is carried out by the police under the supervision of the state prosecutor („Narodne novine“, no. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, 152/14, 70/17, 126/19, 126/19); (e) in the Republic of Serbia, the Code of Criminal Procedure stipulates that secret surveillance and recording referred to in Article 172 paragraph 1 is carried out by the police, the Security and Information Agency or the Military Security Agency („Official Gazette of the RS“, no. 72/11, 101/2011, 121/2012; 32/2013; 45/2013; 55/2014 and 35/2019) (Jović et al., 2019, p. 276).

Table 1. Empirical sample: European countries

National criminal procedure codes	Who is authorized to carry out secret monitoring and recording?	
	<u>Security Services</u>	<u>Police</u>
Estonia	No	Yes
Slovenia	No	Yes
Croatia	No	Yes
Serbia	Yes	Yes
North Macedonia	No	Yes

(Source: Authors, 2023)

4. Analysis and Discussion

Based on the literature review, we have found common elements that suggest that an instrumental definition is adequate: secret monitoring and recording in the criminal procedural sense is covert observation of persons, places, things, objects, activities, activities, vehicles and communications between persons and connections between persons and objects (Simpson and Hipp, 2017, p. 715) in the criminal milieu (environment) (Manojlović, 2015, p. 18), which law enforcement authorities apply to investigate allegations of criminal activity. As Haberman and Ratcliffe (2012) note, “this technique ranges from covert surveillance and recording of a physical person to the use of operational devices“ (p. 151, p. 166).

A number of denominators which define covert surveillance and recording in criminalistics, indicate that it represents, according to the authors Ariel, Weisberg and Braga (2019), “actively obtaining information from a primary source – the criminal milieu“ (p. 485, 516).

When we examined comparative characteristics derived from theoretical findings, we concluded that covert monitoring and recording is defined an operational police method, criminal procedure institute, systemic criminal procedural activity and criminalistic method with a specific manner of implementation, simultaneously quantitative and qualitative (Mastrofski, 1998, p. 1, 17). In the legal and criminal aspects, it is a combination of human and technical factors; as a rule, it is unobtrusive and secret, hidden and often covert; the officials who implement it are guided by higher standards of legal quality in the application of norms that enable implementation and limitation; includes collection, entry, recording, storage and analysis of knowledge, data and information, generating reports, disseminating reports and ensuring confidentiality (Manojlović, 2008). All the information flows in a loop of feedback towards the supervisory authorities and authorities for the implementation of procedural interventions; it is instantaneous or continuous, limited by time; with immediate or temporal human or technical observation (Manojlović, 2008, p. 45). It has forensic significance in certain aspects and stages of proof; records are kept immediately with many

other contents and variations from internal and external conditions that mark or condition its implementation (Manojlović, 2005).

Discussing the status of observation in criminal procedural law, Dahl (1952) states that “law enforcement could not function if there was no observation. The entire structure is built on observation. Both the offense and offender(s) must be observed and recorded (p. 103, 124). Dahl (1952) notes that covert monitoring and recording is a measure that minutely, but clearly, separates the procedural difference between found with an object and caught with an object (pp. 103, 124).

Furthermore, the theoretical results indicate that covert surveillance and recording has various definitions, such as: secret surveillance, covert surveillance, special evidentiary action, special investigative action (Perina, 2014, p. 507); then with broader definitions of the institute, in the substantive sense, as monitoring of persons and objects in order to gain knowledge about persons and objects that are classified (Loftus, Goold, 2012, p. 278) based on records of technical or other means; a continuous or repeated set of methods, performing actions using technical devices for establishing position or movement and technical devices for transmitting and recording sound, photography and video, and focuses on monitoring the position, movement and activity of the person of interest (Bowling, Reiner, Sheptycki, 2019, p. 31).

In terms of the authority to carry out secret monitoring and recording, common but also different legal solutions have been found. They range from the authority to enforce it by the police, as is the case in the Republic of Croatia and the Republic of Slovenia, or the judicial police in the Republic of North Macedonia, police agents or even persons engaged by the police, as in the Republic of Estonia. The only difference that was observed refers to the solution in the Code of Criminal Procedure of the Republic of Serbia, as a unique, isolated approach, where the security services Security and Information Agency and Military Intelligence and Security Agency are authorized to carry out secret monitoring and recording.

Both Mars (1992) and Jumbert (1995) claim that covert means and methods such as covert surveillance and recording, and many others that are applied with the aim of exposing and proving criminal activity,

which are a necessary procedural instrument for crime suppression, are 'dynamite in democracy'. This 'dynamite' has great advantages and creates positive effects, but it must be used with extreme caution, and only within the limits of legal norms (p. 11, 314).

5. Concluding Remarks

The results of the research show this authorization is not uniformly prescribed in all the countries included in the sample.

On the other hand, the findings indicate that there are certain dangers in the application of this institute. If defendants are unaware how the secret surveillance and recording began, they can't ask to review potential sources of exculpatory evidence—information that could reveal reasons for closing cases before trial, mistakes, or biased witnesses. Furthermore, experts from the legal profession, the prosecution and the judiciary indicate that the concealment of intelligence sources on the basis of which the procedure of secret monitoring and recording is initiated is a violation of the constitutional rights of the accused to a fair trial.

It can be concluded that in addition to knowing that covert surveillance and recording is of inestimable importance as an investigative technique. However, it must be managed with great care, taking into account the potential risks related to all the dynamics of criminal investigation.

Secret monitoring and recording is an indispensable criminal procedure institute for the detection of criminal acts and their perpetrators. In its proactive effect, it has all the elements of an insurance policy against a potential fire and elements of a powerful smart water method for preventive fire prevention, which can be used to mark and recognize indicators that indicate the origin and direction of the development of criminal activity.

References

- Andresen, A. M., Hodgkinson, & Tarah, K. (2018). Evaluating the impact of police foot patrol at the micro-geographic level. *Policing: An International Journal*, 314–324. <https://doi.org/10.1108/PIJPSM-01-2018-0012>.
- Ariel, B., Weisberg, D., & Braga, A. (2019). *Technology in policing. Police innovation: Contrasting perspectives*. Cambridge University Press, 485–516.
- Blagojević, G., & Šetka, G. (2013). Rekapitulacija i dokumentovanje dokaza pribavljenih posebnom istražnom radnjom prikrivenog istražitelja. *Pravne teme*. Novi Pazar: Univerzitet u Novom Pazaru. 162–174.
- Black, D. J. (1970). Production of crime rates. *American sociological review*, 733–748. <https://doi.org/10.2307/2093948>
- Bojanić, N., Deljković, I., & Lučić-Čatić, M. (2008). Značaj uviđaja kod dokazivanja krivičnih djela silovanja: teorija i praksa. *Kriminalističke teme*, Zagreb, 299–316.
- Bowling, B., Reiner, R., & Sheptycki, J. W. (2019). *The politics of the police*. Oxford University Press, USA.
- Čačković, D. (2010). Role of Police in Croatian Criminal Procedure. *Kriminalističke teme*, 79–97.
- Dahl, R. (1952). Importance of observation in law enforcement, *Journal of crime law and criminology*, 103–124. <https://doi.org/10.2307/1139010>
- Davis, T., & Bowers, K. (2019). Patterns in the supply and demand of urban policing at the street segment level. *Policing and Society*, 1–23.
- Fatić, A. (1997). *Kriminal i društvena kontrola u istočnoj Evropi*. Beograd: Institut za međunarodnu politiku i privredu.
- Fredrickson, D., & Siljander, R. (2002). *Racial profiling: Eliminating the confusion between racial and criminal profiling and clarifying what constitutes unfair discrimination and persecution*. Charles C Thomas Publisher.
- Gilbert, J. N. 2004. *Criminal investigation*. Upper Saddle River, NJ: Pearson Prentice Hall.
- Greenwood, P. (1975). *The criminal investigation process: Observations and analysis*. Santa Monica.
- Hess, M. K., Orthmann Hess C., & Lim Cho H. (2016). *Criminal investigation*. Cengage learning.
- Hanson, W. (2005). Mixed methods research designs in counselling psychology. *Journal of Counselling Psychology*, 224–235. <https://doi.org/10.1037/0022-0167.52.2.224>
- Haberman, C., & Ratcliffe, J. (2012). The Predictive Policing Challenges of

- Near Repeat Armed. *Policing*, 151-166. <https://doi.org/10.1093/police/pas012>.
- Inman, K. & Rudin, N. (2001). *Principles and practices of criminalistics*. New York: Open University Press.
- Jannemieke, O., & Van Der Aa, S. (2011). The European protection order: No time to waste or a waste of time?. *European Journal of Crime, Criminal Law and Criminal Justice*, 267–2.
- Jović, V. (2011). *Prikriveni islednik*. Beograd: Sezam medico.
- Jović, V., Manojlović, D., & Milutinović, O. (2019). *Pravo bezbednosti*. Beograd: Beosing.
- Jumbert, C. (1995). National and international aspects of undercover policing. *The Police Journal*, 4
- Klarman, M. (2000). The racial origins of modern criminal procedure. *Michigan Law Review*, 48–97.
- Kriminaalmenetluse seadustik. *Riigikogu RT*, I 2003, 27, 166, 2004.
- Krivična postapka Republika Severna Makedonija. *Služben vesnik na zakonot*, 150/2010; 198/2018.
- Loftus, B., & Goold, B. (2012). Covert surveillance and the invisibilities of policing. *Criminology & Criminal Justice*, 12(3), 275–288. <https://doi.org/10.1177/1748895811432014>
- Manojlović, D. (2015). Kriminalni milje i kriminalna pojava – kriminološki i kriminalistički aspekti. *Megatrend Revija*. Beograd, 205-220. doi: 10.5937/MegRev1501205M
- Manojlović, D. (2005). Kriminalističko-obaveštajni rad „Prepozavanje pojava iz okruženja-prikupljanje obaveštajnih podataka“. *Bezbednost*. Beograd, 108–119.
- Manojlović, D. (2008). *Kriminalistička analitika*. Beograd: Službeni glasnik, Fakultet bezbednosti.
- Manojlović, D. (2013). Osvrt na krivičnoprocesni i kriminalistički institut posebne dokazne radnje. *Pravne teme*. Novi Pazar: Univerzitet u Novom Pazaru, 1–20.
- Manojlović, D. (2019). Kriminalistička obaveštajna sistemtična opservacija – kontinuirano skeniranje pojava u kriminalnom miljeu. *Pravne teme*, 7, (14), 46–59.
- Mastrofski, S. (1998). *Systematic Observation of public police, applying field research methods to police issues*. National Institute of Justice, Washington.
- Maguire, E., & Duffee, D. (2015). *Criminal Justice Theory: Explaining the Nature and Behavior of Criminal Justice*. New York & London: Taylor & Francis, Routledge.

- Novosel, D. (2001). Posebnosti zakona o uredu za suzbijanje korupcije i organiziranog kriminaliteta. *Hrvatski ljetopis za kazneno pravo i praksu*, Zagreb, 41–82.
- Osterburg, J., & Ward, R. (2013). *Criminal investigation: A method for reconstructing the past*. Routledge.
- Palmiotto, J. M. (2012). *Criminal investigation*. CRC Press.
- Perina, A. H. (2014). Black Holes and Open Secrets: The Impact of Covert Action on International Law. *Colum. J. Transnat'l L.*, 53, 507.
- Shiffman, J., & Cooke, K. (2013, August 5). Exclusive: US directs agents to cover up program used to investigate Americans. *Reuters*. <https://www.reuters.com/article/us-dea-sod-idUSBRE97409R20130805>
- Simpson, R., & Hipp, J. (2017). A typological approach to studying policing. *Policing and Society*, 706–726. <https://doi.org/10.1080/10439463.2017.1394299>
- Šikman, M. (2013). The dominant characteristics of the major criminal procedure systems and their impact on the reform of the Serbian criminal procedure. *Crimen*, Pravni fakultet u Beogradu, 176–224.
- Škulić, M., & Stojanović, Z. (2017). Krivično delo silovanja u krivičnom pravu Srbije –aktuelne izmene, neka sporna pitanja i moguće buduće modifikacije. *Crimen*, Pravni fakultet u Beogradu, Beograd, 393–441.
- Telep, C. (2017). *Evidence-Based Policing: Does It Reduce Violence?*. The Wiley Handbook of Violence and Aggression.
- Toomey, P., & Kaufman, B. M. (2014). The Notice Paradox: Secret Surveillance, Criminal Defendants, & the Right to Notice. *Santa Clara L. Rev.*, 54, 850–886.
- Van Heerden, T. J. (1994). *Introduction to Police Science*. Pretoria: University of South Africa.
- Woods, D. (2013). *Fundamentals of Physical Surveillance*. Springfield: Charles C. Thomas.
- Zahnow, R. (2017). Living near violence: How proximity to violence shapes perceptions of police effectiveness and confidence in police. *Journal of Environmental Psychology*, 138–144. <https://doi.org/10.1016/j.jenvp.2017.07.007>
- Zakon o kaznenom postupku (*Narodne novine*, 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, 152/14, 70/17, 126/19, 126/19).
- Zakonik o kazenskom postupku (*Uradni list*, 8/2006, št. 14/2007, 32/07, 102/07, 23/08, 68/08, 77/09, 29/10. i drugi ...).
- Zakonik o krivičnom postupku (*Službeni glasnik RS*, 72/2011, 101/2011, 121/2012, 32/2013, 45/2013, 55/2014 i 35/2019).