

KRIVIČNOPRAVNI ZNAČAJ VAŽNIJIH REŠENJA IZ ZAKONA O NACIONALNOM DNK REGISTRU

CRIMINAL LAW SIGNIFICANCE OF IMPORTANT SOLUTIONS FROM THE LAW ON NATIONAL DNA REGISTRY

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Apstrakt

U referatu autori daju analizu najvažnijih odredaba Zakona o nacionalnom registru DNK, koji je usvojila Narodna skupština RS u proleće 2018.godine. Posebno se ukazuje na krivičnopravni značaj uspostavljanja i upotrebe DNK registra i tehnologije u forenzičkom postupku otkrivanja izvršilaca krivičnih dela, s ciljem njihovog procesuiranja i izricanja adekvatne sudske sankcije. Smisao ovih odredaba je da nevine osobe ne budu osuđene, već da ruka pravde stigne stvarne izvršioce krivičnih dela. Registar se koristi i za potrebe utvrđivanja identiteta

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nestalih i nepoznatih lica, kao i za utvrđivanje identiteta leševa i delova tela. Centralno mesto u

Registru ima baza podataka DNK profila nespornih i spornih bioloških uzoraka, kao i profila utvrđenih u krivičnim postupcima koji su dostavljeni centralnoj laboratoriji. U radu se posebno ukazuje na osetljivost ovih podataka i potrebu njihovog zakonitog korišćenja i obrade, prema svrsi koja je određena Zakonom. U zaključnim razmatranjima autori predlažu da se u dogledno vreme uspostavi trajna baza DNK podataka i unapredi postupak veštačenja u praksi, saglasno normama nacionalnog krivičnog zakonodavstva i propisima EU.

Ključne reči: *krivični postupak, DNK baza podataka, identitet nestalih i nepoznatih lica, Srbija i EU.*

Abstract

In the paper, the authors give an analysis of the most important provisions of the Law on National DNA Registry, adopted by the RS National Assembly in the spring of 2018. It specifically points to the criminal law importance of the establishment and use of DNA registers and technologies in the forensic process of detecting perpetrators of criminal offenses with the aim of prosecuting and imposing adequate judicial sanctions. The point of these provisions is that innocent persons are not sentenced, but that the hand of justice reaches the actual perpetrators of criminal offenses. The register is also used to identify the identity of missing and unknown persons, as well as to identify the identity of bodies and parts of the body. The central location in the Registry has DNA profiles of undisputable and controversial biological samples, as well as profiles established in criminal proceedings delivered to the Central Laboratory. In particular, this paper addresses the sensitivity of these data and the need for their legitimate use and processing, for the purpose defined by the Law. In concluding considerations, the authors propose to establish a permanent database of DNA data in a timely manner and to improve the practice of expertise, in accordance with national criminal law norms and EU regulations.

Keywords: *criminal procedure, DNA database, identity of missing and unknown persons, Serbia and the EU.*

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TEMATSKE OBLASTI

NOVE TEHNOLOGIJE

Blokčejn tehnologija
Internet stvari
Kriptovalute

...

IT ZLOUPOTREBE

Kriminogeni faktori
Potencijalni ciljevi zloupotrebe
Kategorije zloupotrebe, kompjuterski
kriminal, kiber-terorizam, obaveštajno
delovanje, informaciono ratovanje
Nove forme zloupotreba IT
Metode i tehnike zloupotrebe
Motivi i profili izvršilaca
Otkrivanje i dokazivanje
Mesto i uloga državnih organa,
obrazovnih ustanova i medija
Sudsko veštačenje u oblasti IT
Sankcionisanje
Informatička etika
Međunarodna saradnja u oblasti
kompjuterskog kriminala
Digitalna forenzika
Forenzički alati, verifikacija i validacija
alata

...

ZAŠTITA

Informaciona bezbednost
Politike zaštite
Arhitektura sistema zaštite
Aspekti zaštite: normativni, fizičko-
tehnički i logički aspekt
Kripto zaštita
Steganografija i digitalni vodeni pečat
Zaštita: na Internetu, baza podataka, PC
...
Zakonska regulativa u svetu i kod nas
Modeli obuke...

TOPICS

NEW TECHNOLOGIES

Blockchain Technology
Internet of Things
Cryptocurrency

...

MISUSE OF INFORMATION TECHNOLOGY

Criminogenic factors
Potential goals of abuse
Categories of abuse, computer crime,
cyber-terrorism, intelligence, information
warfare
New forms of IT abuse
Methods and techniques of abuse
Motives and profiles of the perpetrators
Detection and proof
Place and role of state authorities,
educational institutions and the media
Judicial expertise in IT
Sanctioning
Informatics ethics
International cooperation in the field of
computer crime
Digital forensics
Forensic tools, tool verification and
validation

...

PROTECTION

Information security
Protection policies
Architecture of the protection system
Aspects of protection: normative,
physical-technical and logical aspect
Crypto protection
Steganography and digital watermark
Protection: on the Internet, database, PC
...
Legislation in the world and in Serbia
Training Models ...

PREDGOVOR

Ekspanzija informacionih tehnologija i automatizacija poslovnih procesa u svim sferama društvenog života predstavljaju istinski fenomen današnjice. On je savremenom društvu doneo bezbroj pogodnosti, ali je takođe stvorio niz problema i rizika, kako za pojedince, grupe i organizacije, tako i za društvo u celini. Ove probleme i rizike, od kojih mnogi ranije nikada nisu postojali, ponekad je teško i razumeti, a još teže im se suprotstaviti.

Društvo je već postalo veoma zavisno od različitih formi informacione tehnologije, a ta zavisnost će se, bez sumnje, još više širiti i pojačavati. Kako digitalni prostor sve više postaje opšte mesto odvijanja svih ljudskih aktivnosti, pa i najsloženijih oblika kriminala, špijunaže i terorizma, jedan od najvećih izazova postaje pronalaženje načina kako, pri transformaciji iz industrijskog u informaciono društvo, najviše i najbolje iskoristiti moć informacione tehnologije, a istovremeno sprečiti njenu zloupotrebu.

Udruženje sudskih veštaka za informacione tehnologije IT VEŠTAK, koje okuplja vrhunske eksperte iz oblasti informacionih tehnologija, sada već davne 2004. godine organizovalo je prvu konferenciju na ovu temu. U saradnji sa različitim organizacijama, Udruženje je održalo kontinuitet skupa, čiji su sadržaji sigurno doprineli podizanju svesti i znanja u pomenutoj oblasti kod državnih organa, privrednih subjekata, grupa i pojedinaca, kao i u preventivnom delovanju da do neželjenih događaja ne dođe.

Pod sloganom Upotreba – Zloupotreba – Zaštita održava se ovogodišnja, 7. po redu konferencija ZITEH, sa ciljem organizovanog objedinjavanja, uvećavanja i širenja raspoloživih znanja i iskustava o načinima i mogućnostima zaštite od zloupotrebe informacionih tehnologija. Ove godine ključni suorganizator konferencije je Poslovni i pravni fakultet Univerziteta „Union – Nikola Tesla“, koji je obezbedio da ZITEH sa regionalne izađe na međunarodnu scenu.

Verujemo da će ova međunarodna konferencija doprineti generisanju kritične mase svesti i znanja radi dugoročnog i celovitog stavljanja pod kontrolu ovog izuzetno složenog i, sa društvenog aspekta, veoma opasnog problema digitalne sigurnosti.

Naučni i Organizacioni odbor zahvaljuju svim partnerskim organizacijama, suorganizatorima, naučnicima, istraživačima i svim učesnicima koji su dali doprinos uspešnoj pripremi i realizaciji ove konferencije.

U Beogradu,
septembar 2018. godine

Naučni i Organizacioni odbor

PREFACE

The expansion of information technologies and business process automation covering all spheres of social life are a true phenomenon of today. This phenomenon has brought countless benefits to modern society, but it has also created a number of problems and risks, both for individuals, groups, and organizations and for society as a whole. These problems and risks, many of which have never existed before, can sometimes be difficult to understand and it can be even more difficult to confront them.

Society has already become highly dependent on various forms of information technology and this dependence will undoubtedly grow and expand even further. As the digital space is increasingly becoming the general place of all human activities, including the most complex forms of crime, espionage, and terrorism, one of the biggest challenges during the transformation from an industrial to an information society is to discover how to make good use of information technology power and how to prevent its abuse at the same time.

As early as 2004, Association of Forensic Testimony Experts for Information – IT VEŠTAK, which brings together IT top-quality experts in the field of information technology, organized the first conference on this topic. The Association has maintained the meeting continuity in cooperation with various organizations. The contents of the meeting have certainly contributed to raising awareness and expanding knowledge in the aforementioned field among state authorities, business entities, groups, and individuals, but they have also contributed to preventing undesired events from occurring.

This year's 7th ZITEH conference is held under the slogan Use-Misuse–Protection. Its aim is organized unification, expansion, and spreading of available knowledge and experiences on the ways and possibilities of protection against information technology abuse. This year, the key partner is the Faculty of Business and Law of the University “Union - Nikola Tesla”, which has enabled ZITEH to move from regional to the international scene.

We believe that this international conference will contribute to generating a critical mass of awareness and knowledge for this extremely complex and, from the social point of view, very dangerous problem of digital security to be brought under control completely and over the long term.

The Scientific and Organizational Board express their gratitude to all partner organizations, co-organizers, scientists, researchers, and all participants who have contributed to the successful preparation and realization of this conference.

Belgrade, September 2018

Scientific and Organizational Board

SADRŽAJ – TABLE OF CONTENTS

Hatidža Beriša, Katarina Jonev

IZAZOVI INFORMACIONE BEZBEDNOSTI U SISTEMU ODBRANE REPUBLIKE SRBIJE

CHALLENGES OF INFORMATION SECURITY IN THE DEFENSE SYSTEM OF THE REPUBLIC OF SERBIA 1

Nenad Bingulac

NEDOZVOLJENOST OBRADJE PODATAKA O LIČNOSTI I PREKRŠAJNA ODGOVORNOST PO OSNOVU ZAKONA O ZAŠTITI LIČNOSTI

THE UNAUTHORIZED PROCESSING OF PERSONAL DATA AND MISDEMEANOR LIABILITY UNDER THE LAW OF PERSONAL DATA PROTECTION 3

Srđan Blagojević

SOCIJALNI INŽENJERING I LIČNI PODACI

SOCIAL ENGINEERING AND PERSONAL DATA 5

Kamil Boc, Zdenek Dvorak, Zoran Čekerevac

SECURITY OF INFORMATION AND COMMUNICATION TECHNOLOGIES

BEZBEDNOST INFORMACIONIH I KOMUNIKACIONIH TEHNOLOGIJA 7

Zoran Čekerevac, Zdenek Dvorak, Lyudmila Prigoda

SAVREMENA RAČUNARSKA FORENZIKA I FORENZIČKI ALATI

MODERN COMPUTER FORENZICS AND FORENZIC TOOLS 10

Ľuboš Cibak, Stanislav Filip, Olena Rayevneva

DIGITAL COALITION OF THE SLOVAK REPUBLIC - OPPORTUNITY FOR

THE INTERNATIONALIZATION OF HIGHER EDUCATION IN IT AREA 13

Haris Hamidović

OBAVEZA PODUZIMANJA TEHNIČKIH MJERA ZAŠTITE PODATAKA TEMELJEM EU UREDBE O ZAŠTITI PODATAKA

OBLIGATION TO IMPLEMENT TECHNICAL MEASURES FOR DATA PROTECTION BASED ON EU GDPR 15

Goran Jovanov, Nemanja Jovanov, Radovan Radovanović IDENTIFIKACIJA SCENARIJA OTKAZA I KONCEPIRANJE MATEMATIČKIH ALATKI U NUMERIČKOM PROCENJIVANJU RIZIKA IDENTIFICATION OF FAILURE SCENARIO AND THE CONCEPTION OF MATHEMATICAL TOOLS IN NUMERIC RISK ASSESSMENT	17
Nemanja Jovanov, Nikola Glođović, Goran Jovanov MODEL UPRAVLJANJA BEZBEDNOSNIM RIZIKOM SECURITY RISK MANAGEMENT MODEL	20
Mario Lukinović KRIPTOVALUTE, BLOKČEJN I BITKOID CRYPTOCURRENCY, BLOCKCHAIN AND BITCOIN	23
Branka Mijić INFORMACIJSKA SIGURNOST U BOSNI I HERCEGOVINI INFORMATION SECURITY IN BOSNIA AND HERZEGOVINA	25
Živanka Miladinović Bogavac, Vesna Stojanović PRAVNA REGULATIVA DEČIJE PORNOGRAFIJE NA INTERNETU LEGISLATIVE REGULATIONS OF CHILD PORNOGRAPHY ON INTERNET	27
Živanka Miladinović Bogavac RAČUNARSKA SABOTAŽA COMPUTER SABOTAGE	29
Zoran Milanović INFORMACIONO-BEZBEDNOSNA KULTURA MLADIH U SRBIJI INFORMATION-SECURITY CULTURE OF YOUTH IN SERBIA	31
Ljubomir Miljković, Dragana Trnavac KRIPTOVALUTE – NOVI MODEL POSLOVANJA CRYPTOCURRENCIES - A NEW BUSINESS MODEL	33
Željko Nikač, Vanda Božić KRIVIČNOPRAVNI ZNAČAJ VAŽNIJIH REŠENJA IZ ZAKONA O NACIONALNOM DNK REGISTRU CRIMINAL LAW SIGNIFICANCE OF IMPORTANT SOLUTIONS FROM THE LAW ON NATIONAL DNA REGISTRY	35

Milan Plećaš, Nenad Bingulac PREKRŠAJNA ODGOVORNOST KAO MODALITET ZAŠTITE POSLOVANJA ZASNOVANIH NA NOVIM INFORMACIONIM TEHNOLOGIJAMA MISCELLANEOUS RESPONSIBILITY AS A MODALITY OF PROTECTION OF BUSINESS OPERATIONS BASED ON NEW INFORMATION TECHNOLOGIES.....	37
Lyudmila Prigoda, Jelena Maletić, Milanka Bogavac PRIMENA RFID TEHNOLOGIJE – NEKI PROBLEMI I PRAVCI RAZVOJA APPLICATION OF RFID TECHNOLOGY – SOME PROBLEMS AND DEVELOPMENT DIRECTIONS	40
Boško S. Rodić IT VEŠTAK IZMEĐU SCILE I HARIBDE IT COURT EXPERT BETWEEN SCILA AND HARIBDA	43
Miroslav D. Stevanović, Dragan Ž. Đurđević IZAZOV ZLOUPOTREBE INFORMACIONIH TEHNOLOGIJA ZA JAVNO INFORMISANJE CHALLENGE OF THE ABUSE OF INFORMATION TECHNOLOGIES FOR PUBLIC INFORMATION	45
Vesna Aleksić ZNAČAJ JEDINSTVENOG INFORMACIONOG SISTEMA ZA PLAĆANJE POREZA U SRBIJI THE IMPORTANCE OF A UNIQUE INFORMATION SYSTEM FOR PAYING TAXES IN SERBIA.....	48