

## **LEGISLATIVE FRAMEWORK OF THE PRIVATE SECURITY SECTOR IN THE REPUBLIC OF SERBIA**

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### **ABSTRACT**

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The legislative framework for the protection of persons and property in the Republic of Serbia has evolved with time and has always been determined by the character of societal and economic relations in society. Hence, historically speaking, there have been periods when the system of protection of persons and property remained unregulated; what's more, some of the existing forms of protection were scrapped and hence, from the legal standpoint, all companies remained unprotected. It is interesting to note that the first private companies in Serbia were engaged in activities that would today be branded as consulting services.

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### **A RETROSPECTIVE OF THE PRIVATE SECURITY SECTOR IN THE REPUBLIC OF SERBIA**

The roots of private security in Serbia go back to the post WWI period, when the first private companies were established in Belgrade. The latter didn't have a concession of state authorities for providing the services of physical protection and security of private and legal persons. The first private security institution (then called the police) was established in 1922 in Belgrade, under the name Mikton. The company was founded by a former police employee. Mikton may be branded the first private

detective agency in Serbia. In 1924, the first private company for physical security was established, also in Belgrade. In addition to protection, it was engaged in fire security, under the name of Police and Investigative Bureau "Security". The first corporate security company was "Kredit-Inform, Trade Intelligence and Collection Institute", founded in 1928.

The company provided intelligence to clients so as to avert risky investments and financial placements. After WW2, the Law on the People's Police defined the People's Police as the executive authority of the state administration in people's republics and administrative territo-

rial units, tasked with maintaining public order and peace, state, social and private property and the security of citizens, as well as with helping the authorities to protect the legal system. Furthermore, the Minister of Internal Affairs was authorized to enact rules prescribing the formation of special branches of the People's Police for the realization of tasks from the competence of the FPRY. Hence, the "Industrial-Institutional People's Police"<sup>1</sup> was formed in industrial companies, institutes and institutions.

The Industrial-Institutional People's Police was tasked by Law to provide the following services: security of buildings, installations and assets of companies, institutes and institutions; surveillance of suspect individuals in the premises and areas of companies, institutes and institutions; prevention and discovery of economic sabotage; the control of enforcement of public order regulations; controlling the immediate area of companies, institutes and institutions; reporting the perpetrators of felonies and offenders to the competent authorities; control of fire regulations compliance and participation in fire extinguishing activities and where appropriate engaging in general policing activities in the areas of companies, institutes or institution<sup>2</sup>.

The Industrial-Institutional People's Police was established in companies and institutes of importance for the national economy and in institutions of public relevance, based on decisions passed by the heads of internal affairs departments and under agreements entered into with the management of the relevant companies, institutes or institutions. Such agreements determined the headcount of the Industrial-Institutional People's Police, supply of provisions to the Industrial-Institutional People's Police, its competences and costs to be borne by the above-mentioned legal entities. Hence, the activities of the Police were performed under the

control of these entities' managements, namely the internal affairs departments of municipal committees. One of the tasks of the Industrial-Institutional People's Police was to uncover and avert economic sabotage in companies, institutes and institutes of general importance. Internal affairs authorities had their forward bodies tasked with identifying spies, saboteurs and diversionists, preventing robberies, fraud and other crimes. The Industrial-Institutional People's Police also operated in line with strict legal requirements as to recruitment, education, oath-taking, cessation of service, criminal, disciplinary and other responsibility.

However, on the eve of the adoption of the Internal Affairs Authorities Act in 1951, the Industrial-Institutional People's Police was disbanded and a sort of a legal vacuum emerged in terms of the competences and powers of security services. The Internal Affairs Authorities Act<sup>3</sup> from 1956 specified the duties of the People's Police, which, as opposed to the previous period, determined at the level of general tasks. Hence, it was tasked to directly protect social and personal property, while the use of firearms in performing these tasks was limited to repelling an attack on the protected facility and/or property of substantial value.

With aim to align practices, the Rulebook on the Service for the Security of Property of Economic Organizations and Institutions<sup>4</sup> was adopted in 1963, which established the joint competence, rights, obligations and organizational principles of the security service on the entire territory of the then Yugoslavia, while supervision and the initiative for the introduction of the service were in the competence of internal affairs authorities. The amendments to federal, republic and provincial regulations in 1967 reduced the security services and bodies to

1 *Law on the People's Police* „Official Gazette of the FPRY“, no. 101/46

2 Nikač Ž., Pavlović G.: *Private Security Law*, Criminal Police Academy, Belgrade, 2012, page 92

3 *Internal Affairs Authorities Act* „Official Gazette of the FPRY“, no. 30/56.

4 *Rulebook on the Divisions for the Protection of Property of Economic Organizations and Institutions* „Official Gazette of the FPRY“, no. 5/63

municipal secretariats, under the dominant influence of local authorities in terms of operations, appointment of management, headcount and other issues. Companies were vested with regulating these matters by their regulations, while the services for the protection of people, property and the business of companies were exempted from the competence of internal affairs bodies<sup>5</sup>.

The period between 1973 and 1990 was marked by the introduction in the system of the then Yugoslavia of the concept of the so-called "Social Self-Defence"<sup>6</sup> with two laws regulating that area: the Law on the Basis of Social Self-Defence<sup>7</sup> and the Law on the System of Social Self-Defence<sup>8</sup>. The Law on the Basis of Social Self-Defence was in effect until 1986, in a period dominated by the concept of social property and hence the entire system was set up so as to protect that form of property. The said Law regulated the organization, rights and obligations of the Social Self-Defence service and all companies had to have one such department organized internally; other companies were obligated to have in place physical and technical security of facilities.

The Law on the System of Social Self-Defence from 1986 repelled the previous Law on the Basis of Social Self-Defence from 1973. The most important novelties concerned the implementation of physical and technical security by only those organizations that are registered for the performance of physical and technical security of facilities and assets. Furthermore, the Law widened the powers of direct physical security divisions, namely the right to establish

the identity of persons, while the power to pass regulations on the use of firearms by persons performing the tasks of physical security was vested with the internal affairs authority at the level of the Republic<sup>9</sup>.

Finally, the Law on the Social Self-Defence System ceased to apply with the coming into force of the Law on the Cessation of the Validity of Specific Laws and other Regulations, while legislation that would comprehensively regulate the area of people and property security wasn't adopted for many years to come<sup>10</sup>.

Serbia was until recently the only country in Southeast Europe that didn't have a specific law regulating the private security sector. Amid the absence of a single law that would regulate comprehensively and precisely the entire private security sector, the activities of security companies were governed by several different laws. The procedure and the requirements for the registration of private security companies are identical to those needed for registering any other economic entity, although private security provide very specific services that also involve the use of firearms.

The services offered by the private security sector as a whole may be divided in three categories: protection of property, including static security, rapid response and security of money transports and other valuables; security of people and personal protection of VIPs and private investigations, including locating missing persons or assets. In the scope of these domains, the quality and range of services provided by companies very much vary<sup>11</sup>. The activities of private security companies are regulated by several different laws and in particular by the

5 Nikač Ž., Pavlović G.: *Private Security Law*, Criminal Police Academy, Belgrade, 2012, page 93

6 More extensively about the concept see: Nikač, Željko, *The Concept of Community Policing and Initial Experiences in Serbia*, Criminal Police Academy, Belgrade, 2012, page 50–51.

7 *Law on the Basis of Social Self-Defense* „Official Gazette of the Republic of Serbia“, no. 39/73.

8 *Law on the System of Social Self-Defense* „Official Gazette of the Republic of Serbia“, no. 14/86.

9 Bošković M.; Keković Z.: *Security of Persons, Property and Business of Companies*, Higher School of Internal Affairs, Belgrade, 2000, page 18 -36.

10 *Law on the Cessation of the Validity of Specific Laws and other Regulations* „Official Gazette of the Republic of Serbia“, no. 18/93.

11 Page, Michael; Rynn, Simon; Taylor, Zack; Wood, David, *SALW and Private Security Companies in South Eastern Europe: A cause or effect of insecurity?*, *op. cit.*, p. 89.

Law on Arms and Ammunition<sup>12</sup>, the Law on the Prevention of Violence and Misconduct on Sport Events<sup>13</sup> and the Law and Decree on the Classification of Activities<sup>14</sup>.

With the cessation of the validity the above-mentioned laws, after more than two decades Serbia still doesn't have a specific law in this field. This has naturally led to a major legal gap and uncertainty in the work of private security, particularly in applying certain powers and each time a law was announced the hope was these matters would soon be regulated in a satisfactory manner. The matters of private security have only been regulated recently with the adoption of the Law on Private Security and the Law on Detective Activity. We are facing a period when these laws will actually be implemented and the necessary bylaws adopted and we believe it will contribute to the performance of these activities in a legitimate and professional way.

## THE CURRENT LAW ON PRIVATE SECURITY IN THE REPUBLIC OF SERBIA

The applicable provisions in the area of private security in the Republic of Serbia are contained in the Law on Private Security. The activity provided for by the said Law may be performed by legal persons and entrepreneurs possessing the required license, for the execution of the following tasks:

1. Risk assessment in providing security to persons, property and business;
2. Protection of people and property by physical and technical means, as well as maintaining order on public gatherings, sport events and other places of citizens' assembly, in the part

that is not in the competence of the Ministry of Internal Affairs;

3. Planning, design and control of the system of technical security, installation, putting into operation, maintenance and training of users;
4. Security of money transports and insured parcels in the part that is not in the competence of the Ministry of Internal Affairs<sup>15</sup>.

The Ministry of Internal Affairs is authorized to issue licenses to private security companies in Serbia. The licenses are issued in accordance with specific criteria for each of the activities the companies are engaged in. Hence, a company might have a license for all types of activities provided for by the Law, but only for one of the foreseen activities, e.g. for the tasks of securing money and/or insured parcel transports.

The criteria for the issuance of license to legal persons, namely to entrepreneurs eligible for each single license, include the following:

That they are registered in the Business Register in the Republic of Serbia under the appropriate activity code;

1. To have a job classification act, with a description of jobs and authorized employees for each workplace.
2. To have an act describing in more detail the uniform worn by security workers and the sign and
3. To have a responsible person appointed, (which must fit the following criteria: to be an adult citizen of the Republic of Serbia, physically and mentally fit for the job, to have the requisite qualifications, to have passed the required security checks by the competent state authorities and to hold a license for the performance of private security services);
4. To have adequate premises;
5. To have separate premises for the storage of arms and ammunitions, as prescribed by the Minister of Internal Affairs in a special ordinance.

<sup>12</sup> *Law on Arms and Ammunition* „Official Gazette of the RS“, no. 9/92, 53/93, 67/93, 48/94, 44/98, 39/03, 85/05, 101/05, 27/11.

<sup>13</sup> *Law on Prevention of Violence and Misconduct on Sports Events* „Official Gazette of the RS“, no. 67/03, 101/05, 90/07, 72/09, 111/09

<sup>14</sup> *Law on the Classification of Activities* („Official Gazette of the RS“, no. 104/09) and *Decree on the Classification of Activities* („Official Gazette of the RS“, no. 54/2010).

<sup>15</sup> *Ibidem*, Article 6.

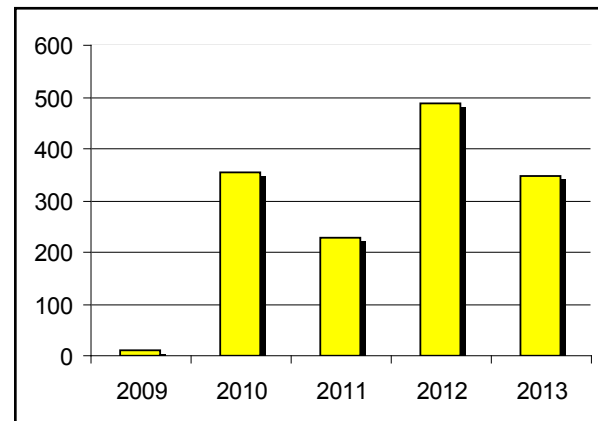
The license for legal and natural persons is valid for five years and provided there are no changes to the criteria for issuance it is extended at the request of the holder. For prevention purposes in the case of misuse of the work of private security companies, an express ban on mediation activities in collecting claims has been provided for in Article 7 of the Law.

Private security companies in Serbia may engage in activities they are licensed for and solely on the grounds of a written agreement. The latter must include the following elements: subject matter of the agreement, compliance with contractual obligations, powers of the employees, the number of employees and related work places, the type and quantity of armaments and equipment, the term of the agreement, degree of confidentiality and use of confidential information. The competent police directorate must be informed about the existence of the agreement in line with the said Law. The person discharging the duties related to facilities security must be dressed in accordance with the act of the company that has been presented to the police directorate.

The legislator in the Republic of Serbia has provided that armed security of facilities may be performed in relation to facilities requiring mandatory security, banks and other financial organizations operating with money and valuables, facilities where weapons, ammunition and dangerous materials are stored, as well as in similar facilities.

According to this Law, legal persons and private security entrepreneurs may perform order maintenance functions at: public gatherings, in accordance with regulations governing public assemblies; sports events; as well as in places and facilities where citizens gather for entertainment, music, cultural and other programs. The Law stipulates that security employees shall perform their duties unarmed; furthermore, for each full-time security employee, the private security entrepreneur may occasionally and temporarily employ an

extra ten (10) security personnel with an order-maintenance license.



Violent behaviour on sport or public events in Republic Serbia

Furthermore, the Law says that when a legal person and private security entrepreneur, while performing order maintenance services at a public gathering, engages more than three security personnel, they shall make a security plan, which the organizer of the gathering must furnish to the police directorate seated in the territory where the public gathering is scheduled and held. Such plan must include a schedule with the number and location of security guards, information about the authorized person that will manage the security personnel during the public gathering and the means of communication with that person. While on duty, the security personnel must wear uniforms and be equipped with standardized jackets or vests with reflective bands and the inscription "Steward" or "Security". The draft Law also forbids security personnel on public gatherings to manage traffic outside of the limits of the protected area and orders them to abide by the orders of the authorized police officers, in accordance with the security plan.

According to the Law, legal persons and private security entrepreneurs may provide escort services and security of transport of money, insured and other parcels only if they possess no less than one special transportation vehicle,

which must have a permit for charter road transportation; be marked in keeping with the proper regulations; have constant two-way communication with the control centre and the personnel leaving the transportation vehicle for the takeover/handover of valuables (GSM network and/or radio network with own frequency and transmitters); to have a GPS device installed for satellite navigation and remote monitoring from its own control centre; have installed a panic button with automatic tracing; to have installed a system of electrochemical protection of the money in transport (safe boxes for the transportation of sealed money bags and alarms for automatic and/or remote activation of the siren and coloured smoke cartridges in the case of unauthorized access to the contents) or have armoured or specially reinforced body, tires and glass and a mechanical safe box for money, specially adapted for installation in the vehicle; as well as have a mobile system of video surveillance of the vehicle. The crew of the transportation vehicle shall comprise a driver and at least one escort and all members of the crew must be employed by the same security company. Furthermore, all members of the crew and escorts must be armed with the prescribed type of firearms and equipped in accordance with occupational safety and health regulations.

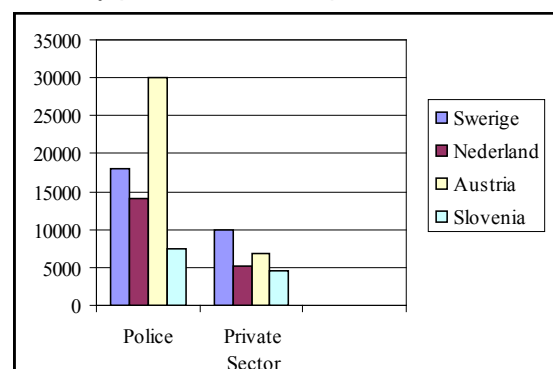
The Law specifies the conditions under which security of installations may be provided with armed personnel: in the case of facilities with mandatory security; banks and other financial organizations dealing with money and valuables - particularly post offices, savings banks and exchange offices; facilities storing weapons, explosive, radioactive, flammable and toxic material in substantial quantities; as well as facilities storing goods of substantial value.

For the performance of physical security activities, legal persons and private security entrepreneurs may possess semi-automatic weapons – a single-action semi-automatic 9 mm calibre pistol, able to fire a single bullet for every pulling. Furthermore, there are re-

strictions to the purchase of weapons: the legal person providing private security services may not possess a number of firearms greater than one half of the number of security personnel possessing a license for the performance of specialist tasks of armed security personnel. Weapons purchases are subject to an approval by the Ministry.

Moreover, there is a restriction related to carrying arms and ammunition stipulating that security personnel engaged in physical protection of people, property and business may carry firearms only in the protected facility or area and on the basis of an approval issued by the Ministry, during the direct performance of these tasks. Exceptionally, security personnel may carry arms outside of the protected facility or area: when they are performing/securing the transportation of money and insured parcels, only during the time and along the transportation route; when they perform money transport on foot, on route only; while providing physical protection of people; during an intervention within the intervention team; during an emergency while on duty.

The said restrictions to the carriage and use of firearms are justified when considering the ratio of the number of police forces to that of security personnel, as depicted below.



## COMPARATIVE ANALYSIS OF PRIVATE SECURITY IN SOUTHEAST EUROPE

The private security sector in the Republic of Croatia is regulated by the Law on Security of People and Property and Detective Activity and the Law on Private Security. The Inspector-

ate of the Ministry of Internal Affairs is in charge of company registration, issuance of operating licenses and control of the work of this sector.

- In order for a legal person to be registered as a security services company, it must:
- be registered with the Commercial Court;
- register a responsible person in the company;
- establish the organization structure of the company;
- register an armoury; and
- determine the design of employee uniforms, which must differ from that of state authorities.

Applicants for employment in the non-state security sector shall be subject to the following requirements:

- they must have residence in the Republic in Croatia, which does not mean the person must be a citizen of the Republic of Croatia;
- they must possess the proper qualifications;
- they must be physically and mentally apt for work;
- they must not have a criminal record, nor to be under investigation and must not have been convicted for violent offences in the last three years;
- they must have passed a security check of the competent security agency;
- they must speak Croatian and write in the Latin alphabet.

The regulations governing the powers of security personnel have distinguished between two types of personnel: security guards, as a lower-ranking employees and security officers, as higher-ranking employees. That status determines the powers security personnel have: issuing a warning; checking the identity of persons entering/leaving the facility; retaining the perpetrator of a criminal offense and witnesses until the arrival of the police; physical checks of people, vehicles and objects at the entrance of the protected facility; use of trained dogs for attack and/or defines if the conditions are met for the use of force or firearms; use of force in the case of a clear illegitimate attack against the security personnel or protect-

ed persons or when the attack on protected property has taken place; use of firearms only when there is no other way to protect persons or facilities. All security personnel must have a license for carrying firearms in accordance with the Firearms Act and they may be armed only in the following circumstances: if they are defending financial institutions; if they work as bodyguards; if they are protecting facilities with radioactive waste and other harmful substances; if they are protecting the transport of money and other valuables and if they are defending a national defence facility.

The Law requires the employees of the non-state security sector to undergo training and pass an examination in an authorized institution. Candidates with secondary school qualifications shall attend mandatory 40-hour courses for security guards or 80 hours for security officers. No additional training is provided for detective work, but merely passing an examination. However, former members of the police, military police, state security service, former court and prison guards and court enforcement agents are exempted from the examination if they have three years of experience in security jobs.

On the day of the accession of the Republic of Croatia to the European Union, legal persons and entrepreneurs from EU member countries and states signatories of the EEA Agreement have been enabled to provide private security services, subject to possessing an approval for the performance of the said tasks issued by the state where they are seated.

**The private security sector in the Republic of Montenegro** was regulated in 2005, with the adoption of the Law on the Protection of People and Property, governing the criteria and performance of activities and tasks related to the protection of persons, property and goods that are outside of the competence of the state, as well as the powers of persons performing security tasks, the mandatory organization of the security service, organizations of the internal security services and oversight of the security activity.

According to the aforementioned Law, physical and technical protection services in the Republic of Montenegro may be performed by companies and entrepreneurs. These services may be provided only based on a written agreement between the client and the entrepreneur providing internal physical security for the protected facility. (Kesić Z. 2009: 159-160)

Under the Law on the Protection of People and Property, security personnel are prohibited, during the performance of the said activities, to follow third parties, perform surveillance in public areas, without or with the use of recording devices, to collect personal data without the consent of the person, take measures constituting, in terms of content, police powers and perform security services in a way that disturbs third parties.

Security entities in the Republic of Montenegro may procure firearms for the performance of their activities not more than for half of their personnel employed on physical security jobs. They are allowed to purchase 7, 62 to 9 mm pistols and revolvers, as well as long firearms with rifled barrels and the necessary quantities of ammunition for such firearms. Security personnel shall wear uniforms that must not be similar in colour, design and markings to the uniforms of the police, army or other civil servants. They shall also wear badges to prove their status, which badge is issued by the company registered for the provision of security services. Security personnel may use firearms only in cases of self-defence.

The said Law stopped short of specifying if the security and protection of foreign diplomatic and consular offices in the Republic of Montenegro may be entrusted to persons and entities outside of the competent state institutions. It is indirectly regulated by Article 6 of the Law on the Protection of Persons and Property, under which “companies and entrepreneurs may not perform security activities for national or foreign defence, security or counter-intelligence services” (Trivan D. and Krstić S, 2009: 184-185).

**In the Republic of Macedonia** the relationship between the state and the private security sector is regulated by the Personal and Property Security Activities Act and the Firearms Act. In that country, the private security sector includes the provision of physical and technical security and fire protection services” (Official Gazette of the Republic of Macedonia no. 07/05).

Enforcement and compliance with regulations in this field are controlled by the Ministry of Internal Affairs of the Republic of Macedonia and the Security Chamber, which are also competent for the registration of companies and issuance of work permits. Eligible for obtaining a work permit in the non-state security sector are Macedonian nationals and residents, which must not be banned from employment by a court order and must pass a state examination before the Security Chamber. The Security Chamber is a professional association that organizes the state examination, regulates the Code of Ethics under which all security personnel employed in companies members of the Chamber must take an oath, issues licenses to individuals that have passed the exam, issues ID cards and improves the professional image of the private security industry.

Under the Firearms Act, pistols and revolvers may be used, although the use of semi-automatic weapons is allowed in certain cases (e.g. when guarding facilities outside of populated areas, such as dams, transmitters and the like). The Firearms Act restricts the quantity of ammunition to 50 bullets for each weapon stated in the license. However, the Personal and Property Security Activities Act requires the weapons used for this purpose to be registered with the Ministry of Internal Affairs. After undergoing training in the use of firearms, security personnel receive a special permit from the Ministry of Internal Affairs and an ID card from the Security Chamber, thereby acquiring a comprehensive approval and permit to carry firearms, but only during working hours.



In performing their tasks security personnel are allowed to use force only if necessary for performing their duties and only after having warned the person. Firearms may be used only if they objectively are not able to call the police or contain a simultaneous attack in a different manner. The use of firearms is prohibited where the lives of other citizens might be threatened, in the case of clear presence of pregnant women and children, unless these persons have threatened with the use of arms the lives of the security personnel or the object of protection.

**The private security sector in the Republic of Albania** remains relatively underdeveloped, which is partly the result of legislation restricting the size of security agencies, under which the number of employees thereof may not exceed 5% of the police force in a specific district.

The range of services of the private security companies (PSCs) in Albania includes personal security, physical and technical security, the security of money transports and the transport of insured parcels. Employees in private security agencies must be Albanian nationals under 65 years of age, without a criminal record and they must not have been discharged from the police for breaking the Law. Candidates for a job in private security companies must undergo mandatory 15-day training carried out by the Technical Director of the PSC, fulfilling thereby the condition for taking a test organized by the police. Upon obtaining a license, they undergo additional a 5-day training course each year, with the goal of learning about the relevant legislation on the use of firearms and equipment, provision of first aid, fire protection and the duties and obligations of members of PSC. Active duty police officers are prohibited from working simultaneously in the private and state sector. The PSC is headed by the Technical Director, which must have no less than five years of experience in the police or army.

The license to non-state security companies is issued by the Ministry of Public Order. Depending on the volume and type of services

provided by the agencies, the same are classified in three categories:

- category A includes companies carrying out the security of private and public buildings;
- category B includes companies providing physical security services and
- Category C includes companies engaged in the security of transports of money and valuables.

Agencies holding an A license may carry out security activities only in the district stated in the licenses, while companies from the categories B and C may provide services throughout the country.

The Law does not regulate the use and keeping of arms and ammunition. Instead, the same regulations apply to both the military and the police. Firearms may be used only exceptionally and for the protection of one's own life, the life of others, as well as with the goal of preventing damage to property or goods that are being protected. The activities of the non-state security sector are controlled by the General State Police Directorate with the Ministry of Public Order. Operating Licenses are reviewed annually. If non-compliance is established by the Inspectorate, such as employing unskilled personnel, wearing uniforms outside of working hours or irregularities in the companies' documentation, the licenses are not extended (Trivan D. and Krstić S, 2009: 180).

**The Republic of Slovenia** has regulated during the EU accession process the issue of the relationship between the state and the private security sector by passing the Private Security Act and Detective Activities Act. According to this legislation, the Ministry of Internal Affairs and the Parliament, as well as the professional association of non-state security companies, issue licenses for activities in this sector and control the latter. The Parliament, in agreement with the Ministry of Internal Affairs, issues and revokes licenses for private security; regulates knowledge tests and determines the type of tests, oversees and controls the work of pri-

vate security personnel; enacts the code of conduct, keeps the register of companies, independent entrepreneurs and craftsmen that have been issued a license and keeps a register of persons providing technical security and protection services; oversees the development of technical equipment and measures and proposes changes to regulations; adopts a pattern of the ID badge and performs other activities determined by the statute of the Parliament or regulations by other state authorities.

The procedure for obtaining a license distinguishes personal and technical criteria the candidates must meet when submitting an application. The personal criteria involve the citizenship of the Republic of Slovenia; the requisite qualifications; physical and mental aptness and lack of criminal record of the candidate in terms of criminal acts prosecuted ex officio and violent offenses. In addition, the Detective Activities Act stipulates that a candidate for private detective activity must not have worked the last two years as an employee in the Ministry of Internal Affairs or security intelligence service. Technical criteria are detailed in a specific regulation issued by the Minister of Internal Affairs. The commission issuing the licenses comprises two representatives of the Ministry of Internal Affairs and three representatives of Parliament.

The regulations in the Republic of Slovenia prohibit private security entities from entering into agreements on activities falling within the competence of police and judiciary authorities, as well as from working for national or foreign intelligence or counter-intelligence services. Private security personnel must not use special operative methods and means the use of which the Law authorizes the Ministry of Internal Affairs and the Slovenian Intelligence Security Agency. If in the course of their work they come in the possession of information about a crime prosecuted ex officio, they shall inform the competent state authority about such information.

In Slovenia, while performing their duties, security personnel are entitled to: warn a person

to leave the secured area or facility to which access is prohibited, if that person has no authorization to stay there; prevent unauthorized access to the secured premises/facilities; retain a person caught committing a crime or offense in the secured area or if there are grounds to believe that person has committed a crime or offense until the arrival of the police; prevent vehicles or persons with luggage from entering/leaving the premises if the latter is required by visibly displayed security rules and the person in case refuses to allow the check (Trivan D. and Krstić S, 2009: 169-171).

In the European Union the regulations on the private security sector are still not harmonized. Two organizations, UNI-Europe and the Confederation of European Security Services<sup>16</sup>, which are active in the EU, promote minimum criteria for the operation of private security companies and to date they have adopted several joint documents about certain aspects of this activity, such as licensing, training and rules of conduct for private security personnel, with the goal of raising the standards and professional ethics to a high level.

**The International Code of Conduct for Private Security Service Providers** is a document initiated by the Swiss government, with several participants in the drafting thereof. The Code aims at defining international standards for private security companies, making oversight of these companies more effective and boosting the responsibility thereof. The Code is based on human rights aspects governed by in-

<sup>16</sup> *The Confederation of European Security Services – CoESS* was founded in 1989 by a joint initiative of several national organizations and private security companies from Europe. From its inception, CoESS has been a European umbrella organization of national private security organizations. Its purpose is to protect the individual and collective interests of such organizations on the continent through their participation in work, with the aim of harmonizing national legislation, as well as the activity of the members. This organization currently comprises 34 European states, of which 28 EU members and six non-members: Bosnia-Herzegovina, Serbia, Macedonia, Norway, Switzerland and Turkey.

ternational law and international humanitarian law and establishes human rights-based principles for the responsible behaviour of private security companies. This includes the rules about the use of force, prohibition of torture, trafficking and other human rights violations, as well as specific obligations related to the management of private security agencies.

On a ceremony held on November 9, 2010 in Geneva, the Code was signed by 58 private security agencies from 15 countries, which vowed to respect human rights and fulfil their duties in accordance with human rights principles. They also committed to work in accordance with the Code. The Code was then left open for signature and by August 1, 2012 it was signed by a total of 464 private security companies from 60 countries.

## CONCLUSION

The last decade of the development and reforms in the security sector, as part of the reform of the overall system, the social, political and economic organization of transition countries, was marked by the emergence of an important segment in the security sector – private security. As a significant contemporary security domain with its contradictions, dynamics and determinism, private security has also affected changes to the concept of security and the security sector.

Around the world, however, the private security sector undergoes a period of accelerated development; when efficiently regulated and if the services it provides are delivered responsibly and professionally, it may provide a valuable contribution to general security. However, if there is no control or the activities of the private sector are poorly regulated, they may pose a unique problem to the governments of developed democracies, while in transition or post-conflict societies they may hamper peace, democracy and long-term development. At first glance, the privatization of security seems to be a classic example of the erosion of the sov-

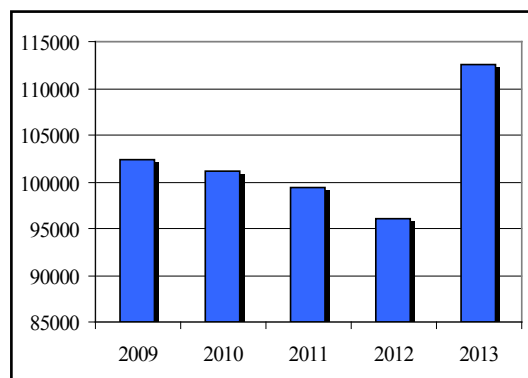
ereignty of state power, since the monopoly on the use of legitimate force has long been considered the main characteristic for defining state sovereignty. However, any concept depicting the state renouncing its powers is too simplistic. Instead of constituting an erosion of state power, the privatization of security has resulted in the emergence of a new network of security entities, where the authority of the state and private actors has been allocated through new management, coercion and controlling technologies.

Privatization has hence led to several processes, which, on one hand, point to the powerlessness of the state to guarantee certain values as desired and requested by the citizens and other hand, to select the activities (tasks) it may leave to the private sector without fear it will lose the monopoly over them. Therefore, the state decides when and which security services it will leave to private entrepreneurs to sell them as goods to those that can afford them. This means fewer costs to be borne by the state. Meanwhile, it goes without saying that the state must provide a certain level of security to each citizen. However, the citizens often, for subjective or objective reasons, seek for a higher level of protection than provided by the state as a standard. Therefore, the private security sector is not a competitor to the state and its security apparatus, but quite on the contrary, a reflection of the needs of society, private capital and all citizens to have general security raised at a higher level, in cooperation with state institutions and in the general interest. Hence, the fate of private security companies is to remain part of the security environment in the foreseeable future, which also entails the need for better control by national or even international instruments.

From the scientific point of view, one of the problems emerging in relation to the private security sector is determining its contribution to decreasing the crime rate. While much research has been done on the topic, certain authors

have highlighted their symbolic importance in fostering the sense of security of citizens. On the other hand, there is abundant information and estimations about the effectiveness of the work of private security that should seemingly not leave us disinterested. Nevertheless, such estimations are solely based on applying the method of correlation where, by putting forward the ratio of the number of private security sector personnel to the dynamics of crime in a specific area try to establish the causal relationship between the two phenomena, neglecting the fact that the latter may well be connected without being mutually conditioned on one another. It is precisely why we believe that referring to such scientifically unfounded facts, according to which increased presence of security personnel is the most important contributor to a falling crime rate in a specified area, is ultimately scientifically unacceptable. In order to eliminate such dilemmas other methods should be used to explain the causes of a certain phenomenon.

Sum of criminal acts in Republic Serbia



Due to the relatively recent adoption of the Law on Private Security in the Republic of Serbia any initial evaluation is premature and time is needed to appraise the effectiveness thereof. We expect that the crime rate will go down and that especially security on public gatherings to increase. We believe that the first results will be encouraging and that regulations in this field will become reality in our country, just like they have in the region and beyond. We want to emphasize this is part of Serbia's

EU accession process in the following period, which has been highlighted as one of the highest national priorities.

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