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## **NORMATIVE FRAMEWORK CORPORATE SECURITY IN SERBIA: CURRENT SITUATION AND PROSPECTS FOR DEVELOPMENT**

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**Abstract:** *It is indisputable that the optimization of normative regulation of corporate security significantly contributes to the development of a market economy, but also the realization of security and democracy in society as a whole. This is especially true in the field of normative regulation of private security as an essential segment of corporate security. It is also known that the Republic of Serbia in the long run was the only country in the Western Balkans and the wider, which the field of private security is not formally regulated by law. The adoption of the Law on private security in 2013 was the first, and most important step in overcoming the aforementioned situation, which existed for two decades. Meanwhile, in this area and adopted a series of bylaws, but are still disputed their scope. It is unclear, namely, whether the current legal regulation really improved standards for the protection of persons and property, that the holders of private security in practice encourage the professionalization and specialization of personnel, and the standardization and modernization of means and equipment.*

**Keywords:** *Corporate security, private security, normative regulation, professionalization, standardization, Republic of Serbia*

## 1. Introduction

It is well known that the process of privatization of the security sector in the Republic of Serbia simultaneously took place in two parallel directions. Namely, "privatization from the bottom" was carried out (bottom up) because the state did not have the power to provide the necessary level of security to all its citizens and business organizations, in parallel with it, and "privatization from the top" (top-down) the state delegated some of its responsibilities to private actors, mainly private security companies. In both cases, a free and economically justified choice of an individual or company is allowed to enjoy a greater degree of security than the state itself provides for all citizens.

Privatization of the security sector in the Republic of Serbia took place in parallel with the transition process, since the opening of the country and the arrival of foreign capital conditioned the existence of private security as a supplement to the activities of state bodies. Namely, in parallel with the transformation of social property and the reduction of the share of state property, the competencies of the police in the public services sector were reduced, which led to the strengthening of the private security sector. The public sector has been increasingly selective since then, focusing on key sources of security threats, while society is increasingly left to protect itself from other "less dangerous" phenomena. In any case, the scope and responsibilities of the private and state security sector must be clearly defined and delineated.

In this regard, it should be emphasized that the legal system of the Republic of Serbia did not adequately address issues related to the specifics of the private security sector, as there was no systematic law that would fully regulate corporate security. This is a period starting from 1993 (when the 1986 Law on the Social Self-Protection System was abolished) until 2013 (when the Law on Private Security was adopted as the most important legal act in this field). In the meantime, the Law on Detective Activity has been adopted, as well as a whole series of co-ordinated by-laws, but their controversies are still controversial.

It is unclear whether the current legal regulation has realistically improved security standards, especially those that in practice encourage professionalization and specialization of personnel, that is, standardization and modernization of assets and equipment. This is especially true for private security, since the protection or self-protection activity is the most important segment of not only corporate security (integrated security that includes fire and protection protection, safety and health protection at work and other components), but also the private security sector in continent. Finally, it is known that private security is an integral part of the organization of work and work process, and that normative regulation in this case appears as a basis for efficiency, but also as a limit of the operation of its holders - internal security services and security agencies.

## 2. Corporate security and private security

Corporate security is, by definition, an integral security that includes all aspects of security and protection, including information gathering and risk assessment, fire, explosion and damage protection, and occupational safety and health, etc. In spite of this, corporate security can not be identified with private security, which, by its very nature, is a much broader concept.

On the other hand, corporate security can not be equated with the concept of private security, and especially its contents can not be identified with the tasks and tasks of internal security services in compulsory secured facilities, that is, in public companies and large technical-technological systems. Accordingly, the concept of corporate security is fundamentally different from the concept of "private security services" in the sense of the standard SRPS AL2.003: 2010.

Namely, corporate security must include all other aspects of security and protection, including information gathering and risk assessment, fire, explosion and damage protection, occupational safety and health, etc. Pursuant to the guidelines of the European Union, it is necessary to integrate security and security activities in business entities, and above all in large technical and technological systems. It is considered that merely linking all such business, either in the same organizational unit or in the form of management by a single security manager, contributes to a more effective

organization, coordination and control of the given tasks, and therefore to the rationalization and improvement of the overall business.<sup>18</sup>

There is no doubt that private security jobs, that is, protective, or self-protection activity, represent the most important content of corporate security. In doing so, private security can be defined as analyzing, detecting and preventing potential hazards and unlawful actions that impair dignity and jeopardize the life and physical integrity of persons, or reduce the value of the property that is the subject of security. This field encompasses a number of normative, operational, informative and educational-educational actions and measures that are being established: organization of physical and technical security of persons, facilities and other property; the functioning of the physical and technical security service; Personnel composition of the physical and technical security service; equipment with the necessary means and equipment; training and professional training of perpetrators of physical and technical security of persons, objects and other property, etc.

The field of private security involves the engagement of specialized workers in the implementation and expert control of security protection, the implementation of special measures in the storage and storage of weapons and ammunition, physical and technical protection of facilities - especially the premises where vital plants and facilities are located, the system of technical security of buildings and space ,

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<sup>18</sup> More details see: A. Bryden & Caparini M. (2006), *Private Actors and Security Governance*: LIT / DCAF; Ostojić A. (2003), *Law on Private Protection with Commentary*, Zagreb: IPROZ;

Andelković S. (2009), *Need for regulation of the private sector security*, *Security Review*, 3 (4), 29-35.

the issuance of official IDs and security documents, as well as special security in the keeping and transport of money and valuables ("management values"), and the like.

More specifically, the system of physical and technical security consists primarily of physical security, which includes the protection of facilities, the protection of persons and the protection of public gatherings. Equally, this also applies to technical protection that involves the use of internal television (the so-called closed circuits system), the use of anti-jam and alert systems, the use of special X-rays and detectors for detecting weapons and explosives, maintaining special-purpose links (telephony and radio link) satellite tracking (GPS).

Technical protection also includes "management values" as well as "management from a control center". Value management categories are: value transport; Cash Center (place for safe deposit, protection, processing and distribution of cash in circulation on the market for commercial banks and the National Bank of Serbia); handling ATMs for financial institutions and shops and information and communication system for cash management.

Management from the control center is defined as organized monitoring from remote locations and management of alarm received from alarm systems built into stationary and / or mobile facilities and / or attached to persons, as well as the organization of intervention by alarm using a patrol team in coordination with the competent public services. Its categories are: management from the control center by

providing stationary facilities, management from the control center by providing mobile facilities and management from the control center to the mobile intervention teams.

In the area of private security, another segment appears, which is entrusted to private entrepreneurs and agencies. Namely, the current practice and the needs of private property titles have led to the emergence and development of detective activity as an independent profession, whose general objective is to detect and prevent harmful occurrences and unlawful actions that violate dignity and endanger the life and physical integrity of persons, or reduce the value of the property that is the subject protection. The mentioned activity includes tasks of collecting and providing information in the field of private security, and its categories are: search for lost persons, activities of private investigators, detective activities in trade shops and activities of insurance agents.

### **3. State and problems of private security in the Republic of Serbia until 2013**

In practice, it is noted that states, corporations, international and non-governmental organizations, as well as individuals and communities, increasingly show confidence in the private sector and leave it to take care of their safety. According to the Confederation of European Security Services (CoS), in 23 member countries of this organization, which consists of EU member states and Turkey, there are currently 27,318 private security companies that employ over 1,200,000 people.

There is a small number of countries in the world in which the process of privatization of the security sector does not take place, and therefore the countries in South East Europe, including Serbia, "follow" this global trend. In fact, in this region, one of the most intensive processes of privatization of the security sector in the world was taking place (still taking place). It is thus estimated that just before the adoption of the Law on Private Security in Serbia, more than 580 independent private companies operated for security services and security services of large companies. Of this number, 60% dealt with physical and technical security, 15% performed money transport, while the activity of others was related to technological protection, installation of security and patrol systems.<sup>19</sup>

A 2011 report by the Confederation of European Security Services (CoESS) issued a comprehensive overview of private security services in the Republic of Serbia for the period from 2006 to the beginning of 2011. Thus, the annual turnover of the private security industry in 2010 amounted to EUR 180 million, with constant growth rates of this sector: 2007 (10%), 2008 (12%), 2009 (14%) and 2010 (20%) . However, in the conditions of the economic crisis, the annual turnover in the private security sector in Serbia is in decline and is now estimated at around 100 million euros.<sup>20</sup>

In this regard, it is considered that there are two important moments in the consideration of the current state of the private security sector in the Republic of Serbia. In the first place, this is the fact that Serbia has been the only state in the region of Southeast Europe for years, which has not been regulated by a special law of private security companies. Namely, since private companies providing security services at the same time are economic operators operating under the market rules, as well as those in the security sector that by their actions can influence the increase and decrease of the safety of citizens, the need for a special normative framework for these companies to participate freely in the market competition, while at the same time respecting minimum standards and human rights guarantees.<sup>21</sup>

On the other hand, the existing legislation on private security for two full decades has abundant voids and offenses, not only in terms of interpretation, but also in terms of application. In addition, certain issues related to the protection, that is, self-protection (and detective) activity were regulated by the Criminal Code; The Code of Criminal Procedure; The Misdemeanors Act; The Law on Public Order and Peace; The Law on Arms and Ammunition, the Law on Citizens' Assemblies; and others. The same applies to general and special internal legal acts of business and other entities related to the physical and technical security of persons, property and business (the so-called self-regulation, which

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<sup>19</sup> According to: Petrović P. (2001), Reserved domains as obstacles to the normative arrangement of the private security sector (working study), Belgrade: Belgrade Center for Security Policy, 11.

<sup>20</sup> Private Security Services in Europe - CoESS Facts and Figures, op. cit. pp. 103-106

<sup>21</sup> Maravic D. (2008), On the need for legal regulation of the private security sector in Serbia, Serbian Legal Review, 4 (8), 79-99.

appears in the form of rules, strategies, plans, decisions, procedures, etc.) .

The literature correctly pointed to the absurd situation in which the social practice of private security in Serbia went ahead of social regulation (in terms of norms and legislation). In the meantime, many private companies in this sector have obtained ISO certificates of standardization of their work. Although these standards do not apply in particular to the activity of private security, but to the service activity in general, this information, in fact, tells how much the owners of these companies have to care for their professional and quality performance.<sup>22</sup>

The same goes for the national standard for private security services, which are classified and categorized in SRPS A: L2.001, and adopted by the Standardization Institute of the Republic of Serbia in 2008. Although this standard has been applied selectively, there is no doubt that its use has contributed to establishing or checking the quality of the processes in which private security services are provided and used. Namely, the standard provides the basic elements that must be fulfilled by the organization that is the provider or beneficiary of these services - when it determines for the security service, or the insurer - when it concludes a contract for insurance against the estimated risk.

Indicators of positive trends in the development of private security in Serbia by 2013 include the association of subjects

of that sector on a guild principle, with the aim of more successful appearance on the market of security services, gaining a better image in the public and limiting negative external influences on private security. One of the first steps was the founding of the Group of Companies (later: Association of Enterprises) for physical and technical purposes within the Serbian Chamber of Commerce. In the meantime, some private security companies from the Republic of Serbia have joined the membership of two international voluntary regulatory mechanisms in the field of private security: the International Association for Personnel Security and Security Services (IBSSA) and the Code of Ethics of the American Society for Industrial Safety (ASIS), whose training and professional development programs are in line with international standards.<sup>23</sup>

#### **4. Current situation and problems of private security in the Republic of Serbia**

It has already been pointed out that after two full decades of hesitation, the National Assembly of the Republic of Serbia finally adopted the Law on Private Security as one of the most important legal acts in the field of corporate betability. After the adoption of this systemic regulation, the relevant by-laws in this area , which primarily relates to the regulations: on conditions and manner of implementation of physical and technical security; on the manner of training, the

<sup>22</sup> Davidović, D. & Kešetović. Ž. (2007), Professionalization and Partnership of the Public and Private Security Sector in Serbia - Preconditions and Obstacles, Science, Security, Police (NBP), 12 (3), 17 -32.

<sup>23</sup> SALW and Private Security Companies in South East Europe: Causation or Impact of Uncertainty ?, - UNDP Report and the Stability Pact for SEE (2006), Belgrade: Center for Small Arms Control in South-East Europe (SEESAC), p. 111.

program and the manner of taking the professional examination for the provision of security of persons and property; on the forms, contents and method of keeping records in the field of protection of persons and property; the content and appearance of the security officer's identity card; on the conditions of carrying out the tasks of escorting and securing money, securities, precious metals and other values; and similar.

It is indisputable that the current legal regulation of private security in the Republic of Serbia is contained in chapters III, IV and V of the Private Security Law, adopted in 2013 and amended in 2015 ("Official Gazette of the Republic of Serbia" No. 104/2013 and 42 / 2015). It consists, in general, of a total of 12 chapters, with the essential importance of the provisions regulating the manner of performing private security activities, including: physical protection tasks; security operations with weapons; technical protection tasks; planning, design, technical supervision, installation and maintenance of the technical protection system; tasks of providing transportation of money, value and other items; tasks of the regular service; control center, and self-protection activity (Articles 21-45 of the Law on Private Security).

Chapter V of the said Law also regulates the type of weapons that legal entities and entrepreneurs can use to perform physical protection tasks. The above-mentioned chapter of the law sets out in detail the manner of providing various private security activities, first defining the types of activities that a particular area of private security implies. This is accompanied by technical details, such as the characteristics

of special vehicles for the transport of money, value and other shipments; a suitcase for the transfer of money and valuable items for pedestrians; control center equipment and the like. It is also prescribed that private security operations are conducted in a manner that does not interfere with the work of state bodies and does not violate the peace of citizens, and that private security officers, who are employed as operators in the control center, are obliged to immediately inform the police about information indicating that a criminal offense is prosecuted *ex officio* or a violation of elements of violence.

The Law on Private Security prescribes the conditions that legal and natural persons should fulfill in order to be able to legally perform tasks in the domain of private security. Among other things, mandatory vocational training as well as the issuance of work permits (so-called licenses) are prescribed for companies, entrepreneurs and employees in this sector. Different types of licenses have been introduced in order to take into account the specifics of business. After successfully mastering the training it is necessary to pass a professional examination before the commission of the Ministry of the Interior of the Republic of Serbia, thus obtaining the conditions for obtaining a license for carrying out activities in the private security sector.

In this important segment of the implementation of the Law on Private Security, it is very late. Namely, by February 2016, 489 candidates passed the professional exam, and by the end of January 2016, they had 136 natural and two legal entities. This is a very small percentage compared to the estimated

number of over 30,000 persons currently employed in private security agencies in Serbia. Bearing this in mind, it is unrealistic to expect that the extended deadline for the implementation of this law (now 01.01. 2017) will be respected. There are also estimates that the process of training and licensing of employees in companies in this field could only be realized in the end of 2018.

In anticipation of the beginning of implementation in practice, the provisions of the Law on Private Security continue to operate under the conditions of the general legislation in force. Otherwise, data from the Statistical Office of the Republic of Serbia indicate that in the Republic of Serbia in 2013, 626 companies were registered for security services, with a total of 5127 employees. This data shows that the number of employees in these companies does not closely correspond to the actual state of the number of employees in the private security sector in Serbia. In fact, these are the persons that the owners of the companies reported to the tax and social authorities and for which all the prescribed benefits are paid (work, social security).

In the meantime, standardization in the field of private security has been upgraded in the Republic of Serbia. At present, the standard SRPS A.L2.002: 2015, Social Security of Private Security Services - Requirements and instructions for conformity assessment (replacing standard SRPS A.L2 .002: 2008), then standard SRPS A.L2.001: 2008, Social Security - Private Security Services - Vocabulary, as well as standard SRPS A.L2.003: 2010, Social Security - Assessment of risks in the protection of persons, property and

business . However, even after the adoption of these standards, as well as after the adoption of the Law on Private Security, the state of private security in Serbia did not change significantly. Thus, for example, labor costs and salaries of employees in the private security sector in Serbia remain among the lowest in Europe. In this respect, it is undoubtedly that only by the recovery of the national economy can an increase in the prices of services and labor be expected, provided that the appearance of unfair competition is eliminated. In addition, cooperation between public and private security actors in the Republic of Serbia is still not satisfactory. Namely, there is still no operational partnership built, there is no defined scope of cooperation, profit analysis, obstacle detection, barriers, model of partnership, model categories and application of best practice principles. The causes that do not allow the development of full scope and quality of cooperation are: lack of resources, lack of projects and programs, lack of commitment to support and support of higher levels of management, overregulation of social aspects of cooperation and underestimation of aspects of security as business functions.

## 5. Conclusion

Political and economic transition processes in Serbia have brought changes in the sphere of private security in general, especially in the sphere of securing persons, property and business. Over the last two decades, primarily due to ownership transformation and sudden increase in private property, the private security sector has grown from a secondary to one of the key subjects of protection of personal and property security. Such a condition



imposed the need for professionalization and standardization, but in the first place it imposed the need for a comprehensive and high-quality normative arrangement of this area.

The successive legacies of the normative disorder of the private security sector in Serbia, on the one hand, were derived from legal regulations made up of ten obsolete laws that did not recognize the specificities of private security. Namely, this regulation was part of Serbia's legal system, but did not regulate its security responsibilities and powers. That is why the establishment of security services in Serbia was the same as the establishment of any economic entity. On the other hand, security services firms, by adopting "positive practices" promoted by various international documents and organizations (CoESS, ASIS), have created a state of "actual self-regulation of business activity" by incorporating such experiences through their general acts.

Even after the adoption of the Law on Private Security, the state of private security in Serbia did not change significantly. It is characteristic that private high-security security service providers are still losing their jobs in the services market due to unfair competition, which has a cheaper contracting offer for lower quality services on the market. In practice, market reasons suppress the reasons for safety, that is, there is a "dumping" of labor costs. On the other hand, there may be competition between the state (MUP) and the private sector in the security services market, as the police can perform on the market by providing certain services offered by the private security sector - since the Regulation on types of services is enabled police to make additional resources using state resources.

It is rightly expected that the full implementation of the Law on Private Security will lead to the elimination of a significant number of companies that will not be able to comply with legal requirements for work. Some of the existing entities will have to either employ an additional number of staff or re-register with detective agencies, since a minimum legal minimum of ten full-time licensed officers is prescribed for the provision of physical security services. Finally, in order to successfully implement the functions of private security and to maximize their role in the security system of society, among other things, it is necessary to take the following steps: to ensure full standardization of security and protection services, incorporating positive solutions of foreign legislation; achieve full cooperation and determination of the responsibilities of the private and state security sector in order to achieve public interest in the long run; reach the required level of security culture in all categories of employees in the private security sector; ensure the continuous development of the mechanisms of supervision and control of the private security sector, and more.

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## RELATIONS BETWEEN CORPORATE SECURITY IN REPUBLIC OF MACEDONIA AND THE NATIONAL SECURITY SECTOR

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**Abstract:** *The security of a state is a condition that includes all security institutions in the activities which are related to the absence of instability, a stable national security, human security, and moreover, including professionalism in the private security sector. In conditions of this kind, special relations between the institutions of the public (state) and private (where corporate security is included) security sector is established. These relations support the achievement of a strategic national interest defined in the key security documents. Relations between these two sectors are conveyed from a special legislative regime which is created to regulate their activities and to fulfill their authorization. Corporate security as a part of the private security sector, is an immensely important security dimension and if we take into consideration its importance, it gradually occupies an influential position in the overall social system. Security functioning of corporations of today appears to be a major determinant for the successful functioning of the security sector. Relations between the corporate security and state security sector are multidimensional and grasp attention in the academic, scientific and professional community. This article deals with a comparison between the normative, organizational and functional design of these two sectors as the best way to define their relations and to improve future relations.*

**Keywords:** *National security, corporate security, regime, interests*