THREE DECADES OF PRIVATE SECURITY: MACEDONIAN EXPERIENCES AND PERSPECTIVES

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Abstract

Slowly but surely, three decades have passed since private security appeared as a new and unknown security phenomenon in Macedonia. Decades full of ups and downs, successes and lessons to be learned, a period of time sufficient to strike a line and summarize the experiences and perspectives of its future development. Besides being a new security phenomenon, private security was established as a new and indispensable part of the security system of the country. Today, private security in Macedonia is an integral and inevitable segment of the contemporary security reality, reaching a certain level of development. The paper deals with highlighting and assessing the development of the private security in Macedonia in the last three decades of its advent, primarily focusing on the development of private security activity and private detective activity.

Theoretically, the paper is based on structural and functional theory of private security, while methodologically, the paper uses comparison of scientific, professional and legal sources as well as conceptual content analysis. The aim of the paper is to highlight the experiences of the development of Macedonian private security so far and on that grounds to determine the possible future perspectives of its development. The findings of the paper could be of use to scholars and professionals in the sphere of private security, in terms of better understanding of Macedonian private security, as well as in designing and implementing security policies in this field.

Keywords: private security activity, private detective activity, Macedonia, experiences, perspectives

1. INTRODUCTION

Three decades is a fairly decent time distance to evaluate the development of Macedonian private security. It is a period filled with ups and downs, but generally, a period which could be deemed as mainly positive. Private security in Macedonia appeared as a completely new and unknown security phenomenon, so the expectations and uncertainties that surrounded it were immense. Private security gradually evolved in what is nowadays considered a vital and indispensable part of the contemporary Macedonian security system. Surely, this path of development was and will continue to be a permanent struggle to convert the inherent public-private security strain to public-private security synergy (Бакрески, Ахиќ, Наѓ, 2019: 246; Спасески, Аслимоски, Герасимоски, 2017: 21).

Parallel with the development of private security as practice, the first scientific and professional works slowly emerged. Private security as a completely new security reality has undoubtedly provoked a scientific and professional interest that continues to grow. From a
theoretical point of view, we can place most of the scientific and professional work on the Macedonian private security within the structural and functional theoretical paradigm, significantly less within the neoliberal and critical paradigm. This fact only adds to the awareness that private security was and to some extent even today is considered by many scholars and professionals from relatively constrained point of view, as something that we should always be wary of. This is not surprising considering the fact that private security in Macedonia emerged for the first time during the early 90s of the previous century and did not have any tradition. Besides, the process of privatization of the security was, to many scholars and professionals pretty challenging, especially for a country which developed for more than half a century a security system where the state was solely a security provider. All of a sudden, it changed overnight and the security system found itself in a situation of adapting to this new security development. Of course, many issues related to private security will continue to be posed not only in Macedonia, but everywhere where there is private security. These issues move between possibilities and limits of development of private security (Gerasimoski, 2012: 179-192). We can also be satisfied that the Macedonian case of security privatization did not turn into a privatized security (Герасимоски, 2007: 32-39).

The private security subsystem in Macedonia, also called a sector, primarily consists of two core activities: private security activity and private detective activity. There is a clear gap and imbalance between the relatively highly developed private security activity and underdeveloped private detective activity. This is one of the most important peculiarities of the private security development in Macedonia, but there are much more to be enumerated and explained, and in the lines of the paper to follow, we will try to address them.

2. PRIVATE SECURITY ACTIVITY

The first association amongst general public when talking about private security is actually private security activity. This is not characteristic of Macedonia only, but broadly speaking, very often, when private security is mentioned and discussed worldwide. So, in a way, it is not surprising at all to see that private security in Macedonia primarily and most notably is consisted of private security activity and much less of private detective activity, private security consulting and risk assessment. This stark imbalance in the development of private security is pretty stressed in Macedonia and is much more expressed than in other countries in the region. There are numerous reasons for this and we will try to explain them in the process.

Macedonian private security activity appeared for the first time in Macedonian history in the beginning of the 90’s of the previous century. The first decade of its development was marked with many challenges, problems and anomalies. In actual fact, this was a period of chaotic development, without any proper regulation in this sphere. The development was to a great extent uncontrolled, spontaneous, and unorganised. This brought about many negative consequences which could be summarized under the notion of privatized security. Such negative phenomena included clientelism, political influences and relations, relations with criminal underground, unprofessionalism, a low level of public support, distrust from the state and public security authorities, etc. Some of these anomalies left serious scars to private security activity and some of them are to a smaller extent present even nowadays.

The next two decades of the development of the private security activity were not as turbulent as the first one. They could be characterized in general as positive. This period saw legal regulation of the private security activity with specific regulation (lex specialis),
with organized approach in the development, raising the level of professionalism and constant efforts to surmount the negative phenomena which affected the private security activity in the previous period. This development of the private security activity in this period could be characterized as controlled, thought out and organized. Also, slowly but surely, the private security activity improved trust amongst the other state and public security authorities as well as acceptability and support from the general public (Ванковска, 2016: 57-58).

The process of privatization concerning the private security activity in Macedonia has developed without larger turbulences since 2000. The private security slowly increased in number and also improved in quality of private security services. Nowadays, there are more than 100 private security entities as well as more than 6500 private security officers working in the Macedonian private security (in contract and proprietary security together) (Комора на Република Македонија за приватно обезбедување, 2016: 13-14; Gerasimoski & Arsovski, 2020: 135; CoESS, 2015: 1). In contract security only, precisely in the so called agencies for private security, there are 4600 private security officers, out of which 3575 are private security officers that work in the top 5 private security agencies (Nikob, S.G.S., OSA, Perpetuumobile and MDN) (Томик, 2021). Quantitatively, this number is satisfactory and it puts Macedonia in the middle of the countries when comparing ratio of police vs. private security officers.

In terms of quality of the services it offers, Macedonian private security activity can be evaluated as satisfactory, with a lot of room for improvements in different spheres. Speaking of professionalism, it has been significantly improved compared to the very beginnings of this subsystem (Комора на Република Македонија за приватно обезбедување, 2016: 21).

Macedonian private security entities nowadays offer a large specter of private security services, generally categorized in physical and technical security, offering amongst other services, protection of persons, property, public events and cash-in-transit, as well as CIP (Critical Infrastructure Protection) (Бакрески, Герасимоски, Милеска Стефановска, Спасов, Керметчиева, 2016; Gerasimoski & Sotlar, 2013a). There has been a clearly recorded practice of offering security risk assessment and security consulting, a practice that is evidenced recently and takes a swing.

In the recent years, there has been an evident tendency of decrease of the interest for work in the private security activity. The private security officer as profession is perceived as a “temporary profession”, i.e., until another job is found, mostly in police (Комора на Република Македонија за приватно обезбедување, 2016: 21). The reasons for this are mainly related to low salaries, inadequate working conditions, lack of implementation of merit system, etc. Also, in order to raise the level of professionalism, the quality of the training must be improved, both in physical and technical security, in basic, special and follow-up training (Митревска и Кениг, 2019: 43).

Concerning legislation, the legal framework for private security activity development could be considered as adequate, up to date and generally it changes according to the rapid development of this subsystem (Спасески, Аслимоски, Герасимоски, 2017: 193). However, to this day, the private security in Macedonia remains closed for foreign private security entities, since the Macedonian Law on Private Security requires Macedonian citizenship for anyone who wants to establish private security entity in Macedonia (Закон за приватно обезбедување, чл. 10). This restrictive provision, nevertheless, cannot be found in the respective private security legislations in the surroundings.
The legal development of the private security activity can be divided in two periods. The first one from gaining the independence of the country up until 1999 when the first Law on Securing Persons and Property was adopted (Закон за обезбедување лица и имот, Службен вешник на РМ, бр. 80/99) which replaced the outdated and non-functional bylaw legislation inherited from the previous socialist security system. The second one can be traced from 1999 until nowadays, marked with the adoption of a completely new legislation concerning private security. This was achieved with the adoption of the Law on Private Security from 2012 (Закон за приватно обезбедување на РМ, бр. 166/12). This new Law can be considered as a qualitative step forward since it introduces the generic notion of private security, regulates the basic notions of the private security activity, different ways of providing private security services, such as proprietary and contract security, as well as also regulating physical and technical security. Issuing the licenses for private security officers still remains within the domain of the Chamber for private security, while issuing the licenses for legal entities still remains within the competence of the Ministry of Interior. The new Law of Private Security also expands the powers of the private security services compared to the previous Law on Securing Persons and Property, adding retention, for instance. In addition, the new Law on Private Security also introduces novelties in the penal provisions, such as the introduction of a settlement procedure for misdemeanors (Закон за приватно обезбедување, чл. 78). Here, it should also be added that several new bylaws were adopted that did not exist in the previous legal solution, such as the Rulebook on transport and transfer of money and value shipments and the Guidelines on the usage of means of coercion. Both of them contributed significantly in reduction of the crimes related with the transport and transfer of money and valuables, as well as decreased the cases of exceeding the authority when using coercive means.

The development of private security activity in Macedonia in the recent years can also be seen in the ever-growing role of private security entities that work in the protection of the critical infrastructure. According to the Macedonian Law on Private Security and the Decision on mandatory private security, every legal entity (operator of critical infrastructure), is obliged to either have private security, or a contract of proprietary. Thus, the role and significance, as well as responsibility of the Macedonian private security activity has been considerably raised. This is something that both public and private security must pay more attention in the future in order to gain a real insight and to help designing the crime prevention policies. However, there is a need to adopt a more comprehensive legislation of CIP in Macedonia, fostering private-public security partnership in this field (Гуровски, 2019: 11).

The most important role of private security is to contribute to crime prevention. i.e., secondary crime prevention. The Macedonian private security activity also contributes to crime prevention, but, unfortunately, it is not clear what is the extent of this contribution since there is not a relevant and credible record system of crime prevention in Macedonia. This record system should be established as soon as possible in order to design not only an optimal private security, but also an optimal security system and prevention policy in general.

Another essential area of development of the contemporary private security is of course the public-private cooperation and partnership. In this respect, the Macedonian private security activity has passed a long way from anonymity and non-recognition by the public security to establishing a level of cooperation that can be best described as a coexistence (Gerasimoski, 2013b: 294-308). However, there is a will and more and more efforts have been put recently, especially by private security, to heighten this cooperation to
the level of partnership, i.e., cooperation between completely equal security entities. It will surely take long time, since establishing long lasting security partnership requires building mutual trust and this is long and painstaking process (Бакрески, Даничиќ, Кешетовиќ, Митевски, 2015: 254-255).

The private security activity has witnessed positive developments in this three-decade period. Among them we can enumerate the following:

- a generally successful process of privatization in the private security activity;
- a raised level of professionalism;
- a developed market of private security services;
- an updated legislation;
- a relatively positive image of private security amongst the public.

However, when considering the future areas of improvement in the private security activity in Macedonia, one has to be very critical and point out the issues that need to be addressed with much more scrutiny and attention in the future. The areas of improvement can be summarized in the following:

- putting more attention on the quality instead of the quantity aspects of development;
- further improvement of the legislation;
- diversification of the market of private security services;
- increasing of the interest for private security as a profession and overcoming the status of private security profession as a “temporary profession”;
- establishing a record system for determining the contribution of the private security in crime prevention;
- improvement of the public-private security cooperation to the level of partnership;
- strengthening of the mutual trust between the private security and other subsystems of the security system;
- improvement of the training both in quantitative and qualitative terms.

3. PRIVATE DETECTIVE ACTIVITY

Private detective activity represents the other side of the coin, regarding Macedonian private security. The development of this activity was to a great extent obscured by the development of the much more visible and obtrusive segment of private security, and that is exactly the private security activity. Although it is not uncommon to have serious imbalance between the development of these two activities within private security elsewhere owing to the different nature of these two activities in security terms, in Macedonia it has been present in its extreme. We have a pretty developed, if not strongly developed private security activity and almost not developed private detective activity at all. Of course, we must address the reasons that stay behind this underdevelopment and in the following few passages we will try to highlight them.

Similar pathways of development as in the private security activity can be traced back in private detective activity as well. The only major difference when private detective activity is concerned, however, is the fact that legal regulation of this sphere did not result in development of private detective activity as it was the case with the private security activity. Namely, the private detective activity in Macedonia was and still is in its infancy (Бакрески, Славески, Гацовски, 2018: 225-227). The very character of this sphere surely contributes to this, but a variety of other objective and subjective factors also played their role. Nonetheless, it is certain that the first decade of development of private detective
activity in Macedonia was very similar to the first decade of development of private security activity, but on a smaller scale. Here, the development can also be evaluated as spontaneous, uncontrolled and unorganized.

The following two decades of the development of the private detective activity were marked by legal regulation of this sphere. Consequently, the development can be deemed as controlled, thought out and organized. However, here we did not see development of this sphere in terms of economic and security parameters. Neither a significant private detective market, nor a significant variety of private security services was developed. The development remained within the so called classical private investigations, whereas the corporate private investigations made up a tiny part of all private security investigations. The private detective activity for the entire three decades of development did not gain any considerable public recognition and support and remained mostly unknown and anonymous. Also, the negative and suspicious attitudes towards the private detective activity coupled with the distrust by the state and public security authorities, proved to be even much more accentuated when compared to the private security activity.

Private detective activity in Macedonia appeared and has been developing for the last two out of three decades in the shadow of the private security activity. The very fact that the Ministry of Interior issued the first license for private detectives only in 2010, tells us a lot about the problems that the private detective activity encounters in Macedonia (Спасески, Аслимоски, Герасимоски, 2017: 176). The total number of issued private detective licenses is around 10 and the number of private detectives is around this number (Gerasimoski & Sotlar, 2014: 493). Usually, not only in Macedonia but almost everywhere in the world, it is hard to determine the real number of private detectives, since this activity is prone to lot of abuses and even illegal private detective work. Thus, even the countries with most developed private detective activity do not dispose with exact numbers. Nevertheless, Macedonia is lagging behind the countries of the region (Slovenia, Serbia and Croatia) both in quantitative and qualitative terms when private detective activity is concerned.

As we already mentioned, Macedonia did not have any institutional experience related to the private detective activity. So, when the first private detectives and private detective agencies (entities) appeared, the majority of the public opinion was not favoured to the private detective activity, especially the state and public security officials, who deemed the private detective activity unnecessary and even detrimental to the security and intelligence community. It seems that Macedonian private detective activity did not manage to get free of this stigma up to the present moment.

When speaking of private detective activity, we have to bear in mind that private detective activity elsewhere, not only in Macedonia, is to a large extent dependent on the development of the overall socio-economic system, material and financial wellbeing and the purchase power of the population. So, it is not at all surprising to see that Macedonia, as the poorest country from the ex-Yugoslavia and one of the poorest in Europe, did not manage to develop a significant market for private detective services. The services that private detectives and private detective agencies from Macedonia offer to their clients today are mostly classified within the so-called classical private investigations, like investigating missing persons, marital infidelity, perpetrators of crimes, etc. (Славески и Божиновска, 2016: 264; Gerasimoski & Sotlar, 2014: 496; Цветковски, 2011; Котушевска, 2019). There are very few private detective services offered in Macedonia which belong to the group of the so-called corporative investigations, such as due diligence.
The obsolete legislation proved to be a real obstacle for developing private detective activity in Macedonia. The legislation is pretty outdated and with the exception of minor interventions it has not been substantially changed for more than two decades. Some of the provisions in the Law on detective activity contribute directly towards the underdevelopment of this activity. For instance, the Law did not contain any provision which could allow founding an association of private detectives. Also, among the many controversial provisions of the Law, we could mention the one contained in Article 4, which refers to the prohibition for submitting an application for issuance of a license if in the previous two years the person performed works and tasks in the field of public and state security (Закон за детективската дејност, чл. 4, ст. 2, т. 6). In many foreign legislations this is considered an advantage, and even a condition, not a disadvantage for someone to apply and gain the right to perform a private detective activity. This is especially characteristic of the United States as one of the countries with the most developed private detective activity, where some legal solutions in the federal states prescribe mandatory previous work experience as a detective in public (state) security (usually lasting 3-5 years) (Dempsey, 2011: 331).

Truly, we cannot single out many positive developments in the private detective activity in Macedonia. There are few and they can be summarized in the following:

- Advent and initial development of the private detective activity;
- Developing of a poor market for private detective services;
- Adopting of the first legislation.

However, there are many more weaknesses, issues to be resolved and improved in the future when it comes to the private detective activity. Among these areas of improvement in the private detective activity in Macedonia in the future, we can highlight the following:

- Raising the general level of the living standard and the purchase power of the population as a precondition for developing a significant market of private detective services;
- Developing the private detective market both in quantitative and qualitative terms;
- Adopting of a completely new legislation;
- Affirmation of the private detective activity amongst the public;
- Establishing a professional association of private detectives;
- Improvement of the training;
- Development of the public-private cooperation;
- Overcoming the negative, suspicious and distrustful attitude of the state and public security authorities towards the private detective activity.

4. CONCLUSION

Private security in Macedonia is celebrating 30 years since its introduction as a new and fairly unknown security phenomenon. 30 years is a period long enough to make sound scientific evaluation of its development and to outline the possible directions of its further development. Macedonian private security was mostly viewed by the domestic scientists in this field through the lenses of structural and functional theory of private security, as an inevitable and valuable part of the contemporary security system, which must be framed and controlled. The very practice of development of Macedonian private security has shown so far, the striking imbalance of the development of its core activities. Namely, private security activity developed with strong dynamics and gained public recognition, while quite the opposite happened with the private detective activity, the development of which could be...
evaluated as sluggish, relatively anonymous and to a great extent problematic. Also, we stressed both the achievements and future areas of improvement of both segments within the private security. It seems that private security in general, in Macedonia, has not reached its full potential, especially in private detective activity. The future development of private security should surely be focused on providing more balanced development between private security and private detective activity. Also, it is expected that in the time to follow, the private security activity will have to prove itself more in the field of emergencies, risk assessment, critical infrastructure protection, crime prevention, public and private security partnerships and security culture as well. When we talk about the private detective activity, it must find its way to a real and deserved place within the private security and prove itself much more in the field of corporate investigations.

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