Abstract

Private security industry is a promising industry of the 21st century to overcome limitation of public police and implement the ideology of efficient government.

Above all, government’s legal and institutional support and interest are indispensable to help private security take root as the best security service industry promoting safety of the public.

To keep pace with development of private security industry, legal ground has been laid for private security business in Korea with enactment of Security Services Industry Act.

In this context, this study was intended to examine major aspects of Security Business Act and private security system, the positive legal basis for private security, and present development measures to highlight purpose of promoting ‘benefits and protection of law’ for the public as the subject of security service, along with the measures to mitigate inadequacy of current private security in Korea.

To pursue public benefits of crime prevention based on publicness of private security, the role of private security is inevitable. For that, measures that can ensure strong public confidence should be explored.

In other words, the quality of private security, which forms an axis of collaborative security as co-producer of security service comparable to that of the police, should be improved to accommodate the demand of citizens, and furthermore, institutional improvement measures should be mapped out for autonomous implementation.

For that, qualification system should be enforced for members, along with certification system for security business. Moreover, management assessment should be carried out first to assure fairness of government support.

Unit price adjustment and resultant labor cost-cutting based on market principle may hinder provision of high quality security service. To resolve such problems, government support is needed desperately.

Future amendment of Security Business Act should be made in such a way that security business works are specified clearly, so that duties and authority of security personnel can be regulated specifically. Through that, publicness needs to be strengthened further.

In addition, discussion on enactment of regulations is needed to seek harmony between publicness and corporate characteristics, along with independence of private security as subject providing collaborative security service.

Keywords Security, Republic of Korea, Private Security System, Security Business Act, Regulatory Legislation

1. Introduction

Various types of collaborative security service have been carried out to mitigate insufficiency of police force in Korea. However, no practical effect has been achieved.
Among others, private security industry plays an important role in making up for inadequacy of public security.

Private security has come to the fore as part of privatization of police works. Practicable functional division has been pushed forward for crime prevention, etc., among police duties for risk prevention.

Particularly, risk mitigation and risk elimination, which are related to improvement of public welfare for members society, can be considered from standpoint of publicness. Risk elements which can affect public welfare associated with safety of ordinary citizens can be dealt with in the realm of publicness[1].

Fundamental social role of private security is to protect the lives and properties of individuals and groups while defending and protecting certain facilities.

In other words, fundamental social role of private security implies taking central role comparable to that of police with respect to social safety, securing and expanding independent job realm, thereby contributing actively to promoting social safety, which goes beyond mere auxiliary functions of police works[2].

Private security industry is a promising industry of the 21st century to overcome limitation of public police and implement the ideology of efficient government.

Above all, government’s legal and institutional support and interest are indispensable to help private security take root as the best security service industry promoting safety of the public.

To keep pace with development of private security industry, legal ground has been laid for private security business in Korea with enactment of 「Security Business Act」. In 1999, and expansion of security business scope in 2001. Particularly, 「Security Business Act」, which was amended by Act No. 6467 on April 7, 2001, added special security works to the type of security business in order to build efficient security system for important national facilities.

Private security, however, should ensure freedom of business to accommodate corporate characteristics while emphasizing more stringent administrative regulations founded on its publicness and actual effectiveness of supervision.

In this context, this study was intended to examine major aspects of Security Business Act and private security system, the positive legal basis for private security, and present development measures to highlight purpose of promoting ‘benefits and protection of law’ for the public as the subject of security service, along with the measures to mitigate inadequacy of current private security in Korea.

2. Theoretical Background

2.1. Meaning of private security

By the most universal definition, private security is defined as the activities of individuals, groups, and corporations carrying out duties as much they were paid by specific clients in connection with provision of services related to security and safety for protection of lives and properties of individuals from various hazards[3].

If safety services, such as security services, are carried out in exchange for payment by government(public fund) or performed as part of universal obligations, such role is to be taken by public security. Conversely, the service that corresponds to the realm of private service is the services provided for protection of specific individuals or groups[4].

Private security business aims to guard against and prevent hazards to human life and body and infringement upon properties, etc. By nature, private security business is a type of business which may raise concern
about illegal and unfair behaviors such as infringement upon rights and freedom of others or intervention with activities of individuals or groups.

Thus, private security business, which is related to crime and disaster prevention as the request of other people, is a kind of business that can trigger anxiety and confusion in public lives as a consequence of poor and improper performance of security business[5].

The state’s responsibility for safety guarantee in principle should not be curtailed. The responsibility for basic control and supervision resides with the state in respect of scope and quality of private security service[6].

2.2. Need for enactment of regulations on private security

Nationwide regulations and supervision would need to be enforced for private security sharing the security-related structural roles of the police in connection with promotion of ‘benefits and protection of law’ if public purpose and roles of private security are highlighted, although it may be also important to create rights to ensure profitability for private security in terms of freedom of business. For that, related regulatory legal and institutional system should be created.

Private security itself corresponds to the police function, a unique right of government, and has strong characteristics of monopolistic state power. Thus, private security is the monopolistic power of state, not the public. Therefore, it should be reasonable to consider private security as special permit, rather than permit characterized by restoration of natural freedom of the public[7]. Likewise, private security business implementation should be considered as entrustment of state affairs for private reasons[8].

In Korea which adopts Continental legal system, risk prevention works that aim to guarantee public safety represent both right and obligation conferred upon and imposed on state. To transfer such right and obligation, legitimacy and legal ground are required when transferring such police duties in part.

2.3. Establishment of publicness in private security

Security works aim to guard against and prevent hazards to human life/body, infringement upon properties, etc. Proper performance of security works contradicts privatization of police business that aims to assure public safety, and therefore, consequent damage should be borne by the public.

「Security Services Industry Act」specifies legal regulations and administrative supervision required to eliminate negative elements of security business and develop it into an industry useful for society.

Illegality which may arise from private security personnel is pointed out as malady of private security, such as infringement upon privacy and human rights, erosion of public benefit, degradation of security service quality as a consequence of overheated competition, etc[9].

Clause 1, Article 4 of the Security Business Act prescribes, “Corporation that intends to carry on security business based on subcontract shall specify security business and obtain approval of Regional Police Agency having jurisdiction over the location of principal office of concerned corporation”[10].

The approval of security business stipulated in Security Business Act implies that the right was conferred upon by the state to operator of security business. To carry on security business, obligations corresponding to public authority of state are required to be fulfilled and qualification should be regulated strictly. Thus, that represents an emphasis on publicness of private security.

3. Improvement Measures for System

3.1. Clarity of security business

abstract in terms of its meaning and therefore specific duties of security personnel cannot be derived. Hence, criminal law and civil law have to be relied on for interpretation of that.

As a result, security business works need to be presented clearly for concrete enactment in connection with security personnel’s duties and scope of authority based on obligations and rights of security personnel.

3.2. Strengthening of collaborative security service

Roles of private security consist of activities requested by state or administrative organizations, like building collaborative private security system, ensuring professionalism of security business and utilizing autonomous neighborhood watch group, voluntary services (such as participation in public events such as international sports match, international conference, etc), which suggests that publicness is inherent in private security[11].

The difference between the police and private security from macroscopic viewpoint is that the police has more law enforcement authority or regulatory power based on legal authority conferred upon it compared to private security, and there is no difference in terms of work details.

If no significant difference exists in security service provided by the police and private security in term of the roles that they perform, it is natural that they have a competition relationship. The scope of private security activities has been recently far more diversified, compared to that of the police, considering the expanding scope of private security activities and creation of new services combining health and residential convenience system in connection with crime prevention and loss prevention[12].

Thus, there is a need for paradigm change to strengthen collaborative security service in order to ensure harmony between the publicness and corporate characteristics of private security.

4. Conclusion

To pursue public benefits of crime prevention based on publicness of private security, the role of private security is inevitable. For that, measures that can ensure strong public confidence should be explored.

In other words, the quality of private security, which forms an axis of collaborative security as co-producer of security service comparable to that of the police, should be improved to accommodate the demand of citizens, and furthermore, institutional improvement measures should be mapped out for autonomous implementation.

For that, qualification system should be enforced for members, along with certification system for security business. Moreover, management assessment should be carried out first to assure fairness of government support.

Unit price adjustment and resultant labor cost-cutting based on market principle may hinder provision of high quality security service. To resolve such problems, government support is needed desperately.

Future amendment of Security Business Act should be made in such a way that security business works are specified clearly, so that duties and authority of security personnel can be regulated specifically. Through that, publicness needs to be strengthened further.

In addition, discussion on enactment of regulations is needed to seek harmony between publicness and corporate characteristics, along with independence of private security as subject providing collaborative security service.

5. References

5.1. Journal articles


5.2. Thesis degree


5.3. Books


5.4. Additional references
