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## The Comparison of KOREAN VIP PROTECTION SECURITY Relation Laws

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### Abstract

*With the launch of the Park Jeong-hee government and the enactment of the 「Presidential Security Law」, the Korean security system could turn into being a professional security agency, however, the ongoing threats by North Korea are causing the terrorism against the Korean key figures.*

*Especially, recent territorial disputes surrounding neighboring countries of the Korean peninsula are heightening the tensions of Northeast Asia. Moreover, Northeast Asia's tensions are reaching its peak due to North Korea's hereditary power succession of three generations, nuclear development, and the launch of the Intercontinental Ballistic Missile(ICBM).*

*South Korea has successfully hosted large-scale international events such as Asia-Europe Meeting, Asia Pacific Economic Cooperation, G20(Group of 20) Summit and Nuclear Security Summit in the past, and will soon be hosting the Pyeongchang Winter Olympic Game.*

*However, looking back at the domestic cases, we can reconsider the historical mistake of frequent terrorism against VIP in the political turmoil with neighboring countries, and we should realize that the disruption within North Korea caused by the economic sanctions of the international community can lead to terrorism against South Korea.*

*In this regard, this study brought out the common concept and methodology by analyzing the 「Presidential Security Law」 and the 「Security Business Act」, which are the Relation Laws of Korean VIP Protection Security Law of Korea.*

**[Keywords]** Protection Security, Relation Laws, VIP, Northeast Asia, Republic of Korea

## 1. Introduction

### 1.1. The need for study

Due to the geographical characteristics of the Korean peninsula that are surrounded on three sides by water, Korea had to endure frequent invasions and wars waged by the neighboring countries like China and Japan in the past. The need for king's security was carried out by military force at first, but a separate security organization was created over time and the king's close aides were responsible for the escort and security for the royal family as time passed[1].

Such a Korean security system started from a military organization that was created naturally in order to prevent intrusion from external enemies and maintain social order. And then people with the highest powers like kings set up a Royal Guard, which was standing by the king, to carry out the security and escort of the royal family to protect their personal safety from internal enemies. At that time, there was no independent agency dedicated to protection security, only the agency integrated together with Military and judicial administration, imposed the duties to stop

and inspect the personnel entering and exiting from the outside by patrolling the royal family and to crack down, investigate, and punish the offenders in administrative agencies[2].

However, threats to national key figures in modern society are more specialized than in the past and the political relations between the nations make it more difficult to arrest

criminals. In particular, the research needs to be conducted to compare and discuss the Protection Security Relation Law based on the security agencies against the terrorism, such as the assassination.

## 1.2. Preceding studies

Preceding studies related to the Korean security agencies are shown in <Table 1> below.

**Table 1.** Preceding studies.

Researcher	Contents
Ham (2009)	The questionnaire was conducted by the presidential security guards to survey the values and perceptions they felt in the security scene[3].
Jeong (2009)	The study presented the legal development plan considering the protection security relation law related to the presidential security[4].
Cho (2012)	It analyzed the types of the Chief Officer of the Presidential Security in Korea and examined the professionalism and the power, presenting the ideal figure of the Chief Officer of the Presidential Security[5].

## 2. VIP Protection Security Relation Law

### 2.1. Presidential security law

This is a law enacted to prescribe the organization of the protection security, its scope of work and other necessary matters in order to carry out the security of the president efficiently, enacted as the 「Presidential Security Law」 on December 14, 1963, enforced by the current 「Act on the Security of

the President, etc」, containing the contents about the protectees, designation of security zone, the reasons for appointment and disqualification of employees, the rule of confidentiality, requests for cooperation with national agencies, the Presidential Protection Security Council, the carrying and use of weapons. The main contents of the 「Act on the Security of the President, etc」 was summarized in the following <Table 2>.

**Table 2.** Act on the security of the president, etc.

Division	Contents
Chief officer of the presidential security	The Chief Officer of the Presidential Security(Chief) is appointed by the President. Supervises the work and the officers in charge of the affairs of the security office.
The protectees of protection security	President and his family President-elect and his family Former President and his spouse within 10 years of leaving Acting President and his spouse Head of state or head of foreign country visiting Korea and their spouse In addition, domestic and foreign key figures that the Chief considers the security necessary

Designation of security zone	Designate the security zone if it is deemed necessary for the performance of security service by the Chief The designation of a security zone is limited to a minimum scope for security purposes. As public servants and officials of related organizations, those who support security services can perform safety activities in order to prevent such as order maintenance, traffic management, stop/inspection, access control, detection of dangerous goods and safety measures in the security zone only if there are reasonable grounds to be inevitable for security purposes.
The reasons for appointment and disqualification of employees	The employee of the security office shall be appointed from among those who are physically healthy, mentally sound, and properly behaved, and a person who does not have the nationality of the Republic of Korea or a person who falls under any of the provisions of Article 33 of the 「Public Officials Act」 can not be appointed as an employee.
The rule of confidentiality	The officer in charge shall not disclose the confidential information learned in the job, the permission must be obtained beforehand from the Chief if the matters related to the duties of the security office is issued or published in any other way.
Requests for cooperation with national agencies	The Chief may request the dispatch of the official or employee to the head of the national agency, local government or other public organization, or any other necessary cooperation, if deemed necessary by one's duties.
Presidential protection security council	When carrying out the protection security against the protectees, make the responsibility of the relevant organization clear, establish the Presidential Security and Safety Committee in the security office in order to facilitate cooperation, which consist of no more than 20 members including one chairperson and one vice chairperson. The chairperson shall be head, the vice chairperson shall be the deputy head, and the members shall be civil servants of the related organizations determined by the Presidential Decree. The committee shall be responsible for consulting safety measures necessary for the presidential security and related matters, exchanging and analyzing intelligence and information related to the presidential security, and other matters deemed necessary for the protectees. Necessary matters shall be determined by Presidential Decree.
Carrying and use of weapons	The Chief may let the affiliated public officials carry weapons when deemed necessary to carry out the duties, and the person carrying the weapon may use the weapon to the extent that it is deemed inevitable in response to the situation if there is a reasonable reason to believe that it is necessary to carry out the task.

## 2.2. Security business act

The Korean Security Business Act is a legal basis for the protection security activity of security guards as civilian status, aiming at sound management of the security industry by establishing necessary matters concerning the upbringing and development and its systematic management. It is defined as 'a law

to prevent the occurrence of harm to human life or body and protect people', providing the contractor's security to a specific client by the principle of beneficiary burden as a business that receives contracts such as facility security, convoy security, personal protection security, machine security, special security, etc. The key contents of the Security Business Act were summarized in the <Table 3> below.

**Table 3.** Security business act.

Division	Contents
Business field	The personal protection work is a task to prevent the occurrence of harm to human life or body.
	The convoy security is a task to prevent theft, fire and other potential threats to the cash, securities, precious metals, merchandise, and etc in the transfer.
	Facility security work is a task to prevent the risk of theft, fire and other congestion at facilities and places that require guards.
	The machine security service is a task to prevent theft, fire, etc. by receiving the information detected by the equipment installed in the security facility with the equipment of the control facility installed in the place other than the security facility.
	The special security service is a task to prevent harms such as theft or fire of the important national facilities established by the presidential decree including the airport(including airplanes).
Business permit	A corporation that intends to operate a security business shall specify the security services to be contracted and obtain permission from the head of the local police commissioner who has jurisdiction over the location of the principal office of the corporation.
Reason for disqualification of officers	<p>People who are consistently lacking the ability to handle office work due to mental constraints, illness, and disability. OR Those who have been judged by the Family Court to have limited guardianship.</p> <p>Those who have been sentenced to bankruptcy and has not rehabilitated</p> <p>Those who have been sentenced to imprisonment and has not been invalidated.</p> <p>A person who has been sentenced to a fine and not exceeding 3 years in violation of this Act or the「Act on the Security of the President, etc.」</p> <p>A person who was an officer of a corporation whose permission has been revoked in violation of an order pursuant to this Act and has not expired three years</p> <p>A person who was an officer at the time of revocation of the license of a corporation whose permission was revoked for reasons of Article 19, Paragraph 1, 2 and 7, and who has not passed five years from the date of revocation of the permission.</p>
Appointment of security advisor	The security business operators shall appoint a security advisor as prescribed by the Presidential Decree. The elected security advisor shall perform his duties in accordance with the provisions of the Presidential Decree in good faith.

### 3. A Common Concept of 「Presidential Security Law」 and 「Security Business Act」 for VIP Protection Security

VIP security is an effort to make success impossible by blocking the accidental harm and crime chances, so it can be said that it provides the maximum effort to minimize the chance of the crime, rather than completely blocking the opportunity to commit a crime. Such a security is different from the concept of a war in which one group is defeating to

the counterpart to gain victory. The only mistake in carrying out security results in losing the protectee, which then makes the existence of security pointless.

### 4. A Common Methodology of 「Presidential Security Law」 and 「Security Business Act」 for VIP Protection Security

The VIP protection security method means that the security guards are carrying out the escort operation in close proximity to the protectee to block the various risk factors in which the protectee is moving or attending the venue.

The security guards in close proximity to the protectee are required to have a thorough security consciousness because they have no choice but to get close to the daily life of the protectee. They should not disclose not only the official schedule of the protectee but also personal privacy, so the security consciousness of the security guards is highly emphasized[6].

The security guards prevent the safety of the protectee from the attack of physical terrorism through the formation of guards in close proximity, and it is necessary to move their body through their conditional reflex ability using five senses to prevent the primary attack if a physical attack is made. In order to protect the protectee from the second attack of terrorism, they should be trained to evacuate in the shortest time to a safe place such as a security car using the spatial perception ability and moving line designed in advance[7].

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