

STRUĆNI RAD (PROFESSIONAL PAPER)

UDK: 343.98+351.74/.75(497.7)(430)

Bacc. Crim., Vasil Arminoski
Agency for Private Security “UNA”, North Macedonia
vasil.arminoski@gmail.com

Master of Criminology and Police Sciences, Thomas Straub
Chief Detective and lecturer in Criminalistics
German Society of Criminalistics (DGfK), Germany

**COMPARATIVE LEGAL ANALYZE BETWEEN THE REPUBLIC OF
NORTH MACEDONIA AND FEDERAL REPUBLIC OF GERMANY FOR
INTERNATIONAL CRIMINALISTIC COOPERATION ON THE FIELD
OF PRIVATE SECURITY**

With modern trends for global and social development, despite the state authorities in the security system, also the private security sector is up to the pace with this trend of modernization in providing security and protection.

Although the general goal and idea of private security sector, basically is the same – protection of property and persons, many of the countries where the private security system has been set up have different legal frameworks, regarding the criminalistics investigations. Aiming exactly same goal, there are differences in the legal authorization for members who are working in the private sector in carrying out their work activities in respective criminalistic investigations, the use of criminalistic methods and so on, depending on the country they are working. This could cause problems in international investigations and cooperation. The realization, providing security, protection of persons and property is carried out on the basis of legal competence and authorizations which in some part entail in the sphere of limiting the rights and freedoms of the citizen (prohibition of access, legitimization, examination of persons and objects, detention, etc.). In some countries these legal authority for criminalistic investigations has narrow approach, but also there are countries with wider approach in entitled powers that private security personnel has and use. Therefore, the need for proper criminalistics education, training and personnel selection is necessary - especially those who have direct contact with the citizens.

In this paper, we will present a qualitative comparative analysis of these legal framework in relations to the respective criminalistics education and training of personnel in the private security system of the Republic of North Macedonia and the Federal Republic of Germany.

Keywords: *Private Security Sector, legal authority, criminalistics training and education, international investigations and cooperation*

1. INTRODUCTION

A growing number of transnational threats to our physical and economic security — from nuclear proliferation to arms and narcotics trafficking — overwhelm the know-how, capacity, and jurisdiction of any single government. In particular, global supply chains have become key enablers for a range of illegal activities. By undermining security and legitimate business, these illegal activities harm both the public and private sectors (Cohen and Blechman, 2014). More effectively mitigating these threats while opening new economic opportunities requires a multilayered approach that better integrates the expertise and decentralized market-driven mechanisms of the private sector, and that fully leverages non-regulatory tools as first recourse.

This approach should be guided by the following principles (Cohen and Blechman, 2014: 9):

- Public-private collaborations must be responsive to market characteristics and security gaps – even when modeled on past successes, static, formulaic approaches will not keep pace with today’s economic and security dynamics. The key to mutually beneficial collaboration is a flexible process and incentive structure that satisfies the economic concerns of industry and the regulatory concerns of government. Market forces, in themselves, are not a panacea. Respect for proprietary business operations and the profit motive must be balanced with sufficient transparency for oversight in service of security challenges.
- Information sharing must be an ongoing priority – properly calibrating the roles and responsibilities of government and private sector actors depends on an institutionalized information-sharing framework that benefits both constituencies. Moreover, when effective public-private collaborations already exist, new

initiatives should strengthen and complement them rather than duplicating effort.

- Security and profitability can be mutually reinforcing goals – companies can maintain existing market advantages and unlock new opportunities by improving security within their organizations and respective industries, and by contributing to the security and resilience of the wider global trading and financial systems.

Today, to say that private security's role in criminalistics investigation is increasing is most certainly a huge understatement. Today, private security plays a major role, probably in every Nation's life. This trend is incited from the industry's robust growth. Here, a convenient and highly descriptive term – "privatization" has come to the forefront (Nemeth, 1992). In order to understand the privatization, we have to distinguish between public and private functions.

Public law enforcement is and has always been saddled with attending to the needs of the public good. In general, traditional function of the police is to deter crime. In reality, the ability of the police to do its function is limited of various reasons – legislation, civil rights and liberties, jurisdiction. They have no authority to decide who will reside in their jurisdiction, which they will police (Spain and Elkin, 1979).

On the other hand, private security agencies have the ability to alter the environment in which they operate. They can have walls and fences erected, doors sealed, windows screened, lights put up, intrusion sensor installed, etc. Also, they can play decisive role in determine whom they will monitor, who will be employee of the company (by conducting background investigation) and so on. These differences are maybe difficult to debate, but for private security agencies primarily are concerned with the private concerns of private assets and particular individuals.

Therefore, education and training of the private security personnel is very important aspect of the private security occupation.

2. LEGISLATIVE ON PRIVATE SECURITY IN REPUBLIC OF NORTH MACEDONIA

The private security system in the Republic of North Macedonia has been operating in a complex environment for the last decade. Above all, due to the challenges of technological progress and dynamic financial contexts, as well as the continuing tendency to achieve proactive coordination with various industries. In

addition, new risk factors, global political and security conditions, the country's commitment to EU and NATO membership create a different paradigm for existence and work. It is also worth mentioning the more active commitment to co-operation between the private security agencies with the public sector and the more active co-operation between the agencies themselves.

According to the written above, it can be said that the private security sector in the Republic of North Macedonia, significantly invests capacity in the direction of further development in the area of professionalism and expertise. Experts are constantly consulted on the needs of private security occupation, promotion, networking knowledge and practices and creating value in the operation. In such conditions of work, the Chamber of the Republic of North Macedonia for private security, has prepared a Strategy for the Development of Private Security as a logical continuation or continuity of occupational development (Chamber of Republic of North Macedonia for Private Security, 2013).

The system of private security in Republic of North Macedonia is based and exists on the basis of the Law on Private Security¹.

In Republic of North Macedonia, the private security, under conditions determined by law², is performed as:

- 1 private security provision of services – when a private or legal entity signs a agreement for cooperation and as
- 2 private security provision of own needs – as part of a particular legal entity.

Private security provision of services³ is performed as: physical security and technical security.

Article 9, paragraph 1, item 1 of the Law on Private Security, stipulates that physical security is performed as:

- 1 bodyguard
- 2 monitoring-patrol security
- 3 providing security for transport, money transfer and other valuable shipments
- 4 private security provision for public gatherings and other events.

It should be noted that, with regard of point 3 – providing security for

1 Law on Private Security (Official Gazette of RM, nr. 166/2012)

2 Article 8 of Law on Private Security (Official Gazette of RM, nr. 166/2012)

3 Article 9 of Law on Private Security (Official Gazette of RM, nr. 166/2012)

transport, money transfer and other valuable shipments – there is a great deal of “space” left for private security workers to react if they are targeted or attacked. The response of the security workers to an attack on the cash in transit vehicles should be most severe and with all available means. In the case of an attack, the responsible person should immediately be informed of the implementation of the plan directly or through the workers in the security and surveillance center and the police in order to ask for assistance. If the person responsible for the immediate implementation of the security is temporarily or permanently disabled, it should be done by some of the remaining members of the team (Babanoski, Ilijevski and Dimovski, 2018). If any of the members of the team is injured, immediate help should be given to him, and this applies to all citizens who have found themselves in the place, as well as to the attackers (Babanoski et al., 2018: 33).

These legislative changes and legal authority for use of firearms and means of coercion came in response after series of violent and severe armed attacks against vehicles in transport, which resulted with injured and killed persons (private security workers).

In addition, the Legislator also left the possibility of undertaking other activities from a security point of view, which are not listed in paragraph 1, item 1, but only on the order and supervision of authorized officials, members of the Ministry of Interior of the Republic of Macedonia.

2.1 Legal authority of private security in criminalistic investigations

By the law, members of the private security sector also face the need to carry out criminalistic investigations in the area of their work. These activities are undertaken by the security employees on the basis of legal authorities⁴ as it follows:

- 1 personal identification;
- 2 warnings (when accessing the secured private property);
- 3 entry ban and ban for unauthorized recording (video & audio);
- 4 detention (after detention, the police are compulsorily notified and acted upon, also a written report is submitted to the Police Precinct with territorial jurisdiction);
- 5 examination of persons, objects, vehicles and luggage;
- 6 use of means of coercion;
- 7 use of firearms;
- 8 use of a service dog.

Upon the order and control of an authorized police officer, and if the order

⁴ Article 45 of Law on Private Security (Official Gazette of RM, nr. 166/2012)

does not commit a crime or criminal offence, the member of the private security may undertake additional security protection activities such as – temporary security at a crime scene or incident, temporary security for disturbance of public order and peace on a larger scale, temporary regulation of traffic near a criminal event or incident, etc.

In order to undertake these criminalistic activities in the performance of their work, for the members of the private security, it is necessary to have knowledge in the field of criminalistics, its scientific disciplines, methods, techniques and so on.

Criminalistics and its scientific disciplines teach us, that there is no perfect crime, more precisely: No crime can be perfectly executed without the trace of that crime leading to the perpetrator being properly punished.

This assertion stems from the fact that after each criminal act there are certain changes, whether at the scene, changes in the perpetrator or changes in the victim or the object of attack. Such changes are traces of the criminal act. Such traces, from various aspects, are subject to the study of various sciences and scientific disciplines, in which criminalistics and its branches play a leading role – criminalistics tactics, technique and methodologies, as subdisciplines of criminalistics itself.

Criminalistics as a science, which through practical methods and means deals with the prevention and suppression of criminality, uses certain scientific and practical methods and means which it finds, applies and refines, in order to detect and illuminate every criminal act, to capture the perpetrator, to fix and provide the evidence leading to the establishment of the criminal act committed, the successful conduct of the criminal proceedings and, at the end, the establishment of the material truth. Criminalistics, in its practical application, adopts and uses the laws of other sciences, but also applies its own experience, and perfects it in the practical work of preventing and combating criminality (Krivokapić, Žarković and Simonović, 2003).

A crime (criminal act) is a system or set of elements that connect the perpetrator before, during, and after committing of that offense. It is this criminalistic data that gives the law enforcement authorities information about a specific situation. The criminalistic information gives a clearer picture of the manner in which the criminal act was executed, the means used, all traces left or occurred at the scene of the crime (any visible or naked eye invisible material change occurring at the scene, to the victim, the object or property that was the

object of the attack, as well as the perpetrator of the criminal act itself). Further, the criminal characteristics include the personality of the perpetrator of the crime, the victim's personality and their connection to the crime itself.

The totality of all the circumstances under which the particular crime was committed, from the moment of preparation to the occurrence of the socially dangerous consequence, constitute the criminal situation. This term means the setting and roles in which the crime was committed. These are geographical, social, climatic, atmospheric and other circumstances and conditions at the scene.

The outcome of the assessment largely depends on the amount of knowledge and criminalistic data available as well as the complexity of the situation and task. Misrepresentation often occurs as a result of hasty or pre-made decisions that, so by the logic of things, lead to manipulative processes and prejudices.

Criminalistic characteristics, on the other hand, represent an abstract scientific term and as such are part of criminalistics. Their significance is not only theoretical but also practical which can be used to build a proper strategy for the prevention of certain types of crime. By giving the answer to these characteristics, one comes to the answer of the crime committed and the perpetrator himself. The most important features that fall into the category of criminalistic characteristics of the criminal act, are (Angeleski, 2007):

- ✓ the criminal situation,
- ✓ the manner of executing and concealing the criminal act,
- ✓ traces of the criminal act,
- ✓ the perpetrator's personality,
- ✓ the victim's personality.

These characteristics, complemented by the criminalistics acknowledgment of the "negative" facts resulting from the criminal act, direct the criminalistic investigation in the right direction - whether the crime is committed in public space or on property that is secured by private security.

3. EDUCATIONS AND TRAINING OF PRIVATE SECURITY PERSONNEL IN REPUBLIC OF NORTH MACEDONIA

The education of security personnel in the Republic of North Macedonia is taking place at several institutions and on many levels. Namely, there are basic courses and training for persons employed in security services, bodies and institutions, also in private companies and state institutions (Malish-Sazdovska and Gjurovski, 2017).

With the growth of the Private Security Sector in Republic of North Macedonia, along came the serious need for education and training of private security personnel.

This need for education and training of private security personnel is also recognized in the Strategy for Development of Private Security in the Republic of North Macedonia, where the Vision section states: “High competent and professional performance of the activities of the private security. Modern, responsible and efficient functioning, in order to increase the degree of individual security and contribute to the security of citizens and their property” (Malish-Sazdovska and Gjurovski, 2017: 8).

Given the mentioned above, the education and training of the candidates for members of the private security⁵ are organized by the Chamber, and are performed by the Commissions for training of physical security, and for technical security, established by the Minister of Interior of the Republic of North Macedonia. The Commission for Training of Candidates for Physical Security is composed of 9 lecturers and 9 deputy lecturers, out of which 7 lecturers and 7 deputy lecturers are representatives of the Ministry of Interior, while the rest are representatives of the Chamber.

The training of physical security candidates consists of two parts - a theoretical and a practical part. Training of physical security candidates is conducted in 50 hours⁶, of which 35 hours fall under the theoretical part, while 15 hours fall under the practical part of the candidate’s training.

When completing the theoretical part of the training, the candidate should have mastered the topics of the Law on Private Security, Criminal Law, Criminalistics, Psychology, Law on Public Order and Peace Offenses and Fire Protection and Technical Security.

From the point of study of the subject in the field of Criminalistics, every candidate should have the knowledge of:

- the term and subject of criminalistics
- manner of finding out about the crime committed
- place and manner of committing a crime
- providing security of the location of the criminal act
- traces and ways of securing traces at the scene
- The “Nine Golden Questions” of criminalistics

5 Article 23 of Law on Private Security (Official Gazette of RM, nr. 166/2012)

6 Article 6 of the Rulebook of the content of the programs and the manner of training candidates for physical security (Official Gazette of RM, nr. 79/2013)

The practical part of the training covers firearm handling and shooting, self defense techniques and knowledge of first aid.

Upon completion of the training, each candidate shall take an expert examination organized by the Chamber and before the Commission for Conducting an Expert Exam for Physical Security established by the Minister of Interior. The Commission is composed of 8 examiners and their deputies, of which 6 examiners and their deputies are representatives of the Ministry, and 2 examiners and their deputies are representatives of the Chamber. The exam consists of 8 parts - all included in the training. To obtain the Physical Security License, the candidate is obliged to pass all 8 sections of the exam separately. The license that the candidate obtains is internationally recognized.

In addition, Article 26 of the Law on Private Security provides legal ground for expert assistance and training for the legal entity that performs private security if it needs further training or promotion of staff's skills. The training is conducted upon the request of the legal entity, and is conducted by the Ministry of Interior.

4. LEGISLATION IN FEDERAL REPUBLIC OF GERMANY

4.1 Procedural principles

In the Federal Republic of Germany, there are general procedural principles enshrined in the Basic Law, which are listed below as examples: The presumption of innocence from Art. 20 III GG⁷ and Article 6 II MRK, in which, in principle, every accused person is considered innocent until there is legal proof of his guilt. Legal proof is only available when the judgment has legal force. The prohibition of the "*Nemo tenetur seipsum accusare*", derived from Article 2I in conjunction with 1 I and 20 III GG. The right to a fair hearing under Article 103 I GG and §§ 33, 136 II, 257 I StPO⁸, in which the defendant must be given the opportunity to make a statement. The principle of the statutory judge from Article 101 I 2 GG of guaranteeing a fair trial according to Art. 1 and 20 III GG as well as Article. 6 I MRK. In case of doubt, the principle "*in dubio pro reo*" pursuant to Article 6 II MRK⁹ also applies.

These procedural principles, which are also enshrined in the European Convention on Human Rights (1953), are essentially implemented in the Federal Republic of Germany for criminal proceedings through the Code of Criminal Procedure, which is called Strafprozessordnung (StPO). While investigating

⁷ Article 6, Part II of Grundgesetz of FR Germany (Official Gazette of FR Germany, nr. 1/49)

⁸ Article 257, Strafprozessordnung of FR Germany (Official Gazette of FR Germany, nr. 24/87)

⁹ European Convention of Human Rights and Freedoms

officers of the Public Prosecutor's Office, such as police officers, are obliged to receive a report in the event of an oral or written report being made and through their own perception pursuant to § 158 of the Code of Criminal Procedure, in accordance with § 152 II of the Code of Criminal Procedure they are obliged to examine it for sufficiently actual indications of a prosecutable criminal offence. If a criminal act has been committed, authorities and police officers are subject to the principle of legality and thus to the obligation to prosecute, investigate, preserve evidence and produce files. In this respect, they must record the criminal act that has become known in a criminalistic manner in order to document it in a way that is relevant to evidence in court.

In contrast to this, private investigators are not subject to these constraints, with the exception of the offences mentioned in § 136 StGB¹⁰, which everyone must report. This legal system continues like a red thread, because in principle in Germany private investigators are allowed everything which is not forbidden by law. Authorities and police officers, on the other hand, always require a legal authorization or permission for their criminalistic investigations.

Restrictions in the criminalistic investigations for private investigators result primarily from the Criminal Code, the Federal Data Protection Act in connection with the Basic Data Protection Ordinance.

In the area of the penal code the following criminal offences are considerable: § 201 StGB – injury of the confidentiality of the word, § 201a StGB – injury of the most personal area of life by pictures, § 202 StGB – injury of the letter secret, § 202a StGB – spying on data, § 203 StGB – injury of private secrets, § 240 StGB – coercion as well as § 343 StGB – extortion of statements.

In the area of the Federal Data Protection Act, particular attention is paid to § 1 BDSG – Purpose and scope of the Act, § 2 BDSG – Public and non-public bodies, § 4 BDSG – Permissibility of data collection, processing and use and § 6b BDSG – Observation of publicly accessible rooms with optical electronic equipment.

An obligation to provide information in private investigations may also result from contractual constellations such as Labor law, which seem to be an advantage for private and internal investigations (Minoggio, 2011). Not in each case, but often it is also helpful for private security sector to cooperate with official police criminalistic investigations (Arndt and Seydel, 2011).

It is important to notice that in private security sector in Federal Republic of Germany there are two types of private security personnel. Private security personnel that is working as a stationery guardian and person's guardian

¹⁰ Article 136 of Strafgesetzbuch of FR Germany (Official Gazette of FR Germany, nr. 75/98)

(bodyguard) and private detectives that are working in detective agencies. Only the private detectives have a legal authority to undertake criminalistic investigations during their work.

4.2 Types of evidence in criminalistic investigations

The criminalistic investigations, which are divided into four procedural stages, the preliminary proceedings §§ 158 ffStPO, the interim proceedings §§ 199 ffStPO, and the interim proceedings §§ 199 ffStPO, are not subject to the same rules. StPO, the main proceedings § 213 ff. StPO as well as the enforcement proceedings, distinguishes four types of evidence. They are the expert proof, the visual proof, the documentary proof, the witness proof and of course the voluntary statements of the accused.

In addition, the main proceedings, colloquially the court proceedings, are subject to the free assessment of evidence and the oral principle pursuant to § 261 StPO. In addition, the principle of immediacy, derived from §§ 226, 250, 261 StPO, applies, which obliges the court to obtain as direct an impression of the facts as possible.

4.2.1 Expert evidence

The expert proof §§ 72 ffStPO is a personal proof before court. Experts must appear in person before the court and submit their expertise orally (principle of orality and principle of immediacy).

4.2.2 Visual evidence

The inspection proof § 86 StPO is a material proof before court and must be able to be examined before court if possible in the original in inspection. Due to the principle of immediacy, photos of the object of evidence, for example, are only suitable as subsidiary evidence.

It should also be noted that the use of covert video surveillance and hidden cameras is permitted. However, to allow the use of covert video surveillance there must be justifiable suspicion of committing crimes such as theft, drug distribution, mobbing or, ultimately, violence at the workplace. The use of hidden cameras can only be used for a specific space, for a specified period of time and in accordance with the legal authorities and legal requirements (Belović, 2017).

4.2.3 Certificate

The documentary evidence §§ 249 ffStPO is also a material evidence in court. Here, too, the principle of immediacy applies analogously to visual evidence.

4.2.4 Witnesses

The witness proof §§ 48 ffStPO is a personal proof before court. As in the case of experts, the personal duty to appear and the oral duty to present, also and in particular, earlier statements and hearings apply. Earlier statements, statements and also police, public prosecutor's interrogations must again be presented orally. Only in the case of hearings which have already taken place, which are de facto an anticipated part of the main hearing, can the interrogation judge bring the case to the main hearing again orally.

4.2.5 Own statements of the defendant

In the narrower sense and formally, the defendant's own submissions do not constitute evidence. In the broader sense, it is the personal evidence of the defendant who, immediately after the taking of evidence, is given the opportunity in criminal proceedings to present his or her presentation. Finally, a usable examination of the accused is taken into account in the free judicial assessment of evidence.

5. EDUCATION AND TRAINING OF SECURITY SECTOR PERSONNEL IN FEDERAL REPUBLIC OF GERMANY

While the training of the authorities and police officers requires at least two and a half years of vocational training, only 40 hours of training without an examination is required for a private security officer in accordance with § 34a GwO. An expert knowledge examination is only required for independent entrepreneurs in the security sector, for shop detectives, for bouncers, for senior security staff in refugee homes and at events. This theoretical examination is divided into a written and an oral part, in which questions are asked about the fields of action law of public safety and order, private law, security facilities, accident prevention regulations, criminal procedural law and dealing with people (Peters, Weger and Lowien, 2016; Jochmann and Zitzmann, 2010; Busche, 2014: 28).

Of course, there are also training occupations in the security sector. Thus the specialist for protection and security is a teaching profession which leads to the master for protection and security by a further training and is equivalent to the Bachelor study.

There is also an increasing academization of this profession in Germany. At the Furtwangen University of Applied Sciences, where the author will be reading security law on behalf of the dean in the winter semester of 2019, there is a Bachelor's and an expiring Master's course in Security and Safety Engineering.

But there is also an increasing number of Master's courses in criminalistics: In addition to these internal police courses, forensic or criminal

master's courses have increasingly established themselves, such as the "Forensic Sciences and Engineering" course at the Brandenburg Technical University Cottbus-Senftenberg (BTU), the course of studies "IT Forensics/Cybercrime" at the University of Applied Sciences Mittweida, the Master "Criminology, Criminalistics and Police Science" at the Ruhr-University Bochum as well as the Master Criminalistics at the Institute of Criminalistics – School of Criminalistic Investigation & Forensic Science of the "Steinbeis-Hochschule" Berlin. Of interest in this context is a planned master's degree in criminalistics for police officers in the state of Brandenburg (Berthel, 2019), which shows a considerable need for such a course. Many of these graduates, with the exception of the not inconsiderable number of police officers, subsequently work as external experts, experts or public employees such as a state criminal investigation office (LKA).

6. COMPARATIVE ANALYSES BETWEEN THE PRIVATE SECURITY SECTORS IN THE REPUBLIC OF NORTH MACEDONIA AND FR GERMANY

From what was presented, it is evident that the private security sectors in the Republic of North Macedonia and in Federal Republic of Germany have great differences, but also similarities.

When it comes to the use of criminalistics methods and techniques, the private security personnel in both countries have a legal authority and opportunity in their work to use the capacity that comes from the criminalistics instrumentalism.

The difference is in the setup (base) of the system itself. While in Federal Republic of Germany, private security personnel carry out their criminalistic activities that are subject to the legislation established in the country for the protection of the constitutional order, security, order and peace and so on. On the other hand, in Republic of North Macedonia, in the course of personnel's criminalistics activity, in addition to the applicable laws of the country, a separate Law regulating activities in this field has been enacted - although it is also in line with systemic laws. It should also be noted that, despite the differences in the legal system, in both countries, private security personnel are given quite extensive powers to undertake criminalistic investigations.

In terms of education and training, the Legislator in both countries envisioned a similar need for formal education - 50 hours for the candidate in Republic of North Macedonia, with 40 hours, respectively in Federal Republic of Germany. The number of training hours is quite small, given the fact of the subject at hand.

However, it is rejoicing that in the field of staff and personnel education, there is a constant and continuous trend of organizing courses, Institutions of varying academic degrees where staff and personnel can acquire knowledge in the field of Criminalistics.

As the living and working conditions change, so do the security threats, but also the interest and intensity of industry and the private sector. In such circumstances, in both countries, private security is perceived through the immediate placement of security in property and persons, and of course, private security agents who are the first to face the most direct security threats. They are always directly present or directly involved in the event of a security incident, accident, etc., and precisely because of this, it is necessary to harmonize private security actors with public actors, build mutual trust and deepen co-ordinated cooperation.

7. CONCLUSIONS

From the above, we can conclude that the Private Security Sector in Republic of North Macedonia, as well as in Federal Republic of Germany, has a very broad approach to the legal opportunities left to private security workers while performing their duties in undertaking criminalistic investigations or protection. In principle, anything that is not prohibited by law is allowed. It is particularly important to note that when undertaking work activities and exercising authorities, the possibility of using weapons and means of coercion - there is a thin line between necessary use (and permission to do so) and human rights and freedoms. However, members of the Private Security Sector do not represent the state, nor its organs, such as the police, but are a complementary part of it in ensuring security.

In this regard, consideration should be given to the possibility and necessity of increasing the number of hours required for proper training and training of candidates given their scope of work and authority.

Given the fact that both public authorities and the Private Security Sector are working to protect human life, property and material possessions, a good idea is to create joint training and staff education between the public and private sectors. The police will always have the primary task of safeguarding and at the same time controlling the work of the Private Security Sector. The future of public-private partnerships between the two sectors would benefit the entire society as well.

Therefore, we can conclude that adequate staff and personnel training is a necessary but also expected activity, as it is increasingly integrated into the complex system for intensive development of the private security industry.

LITERATURE

1. Angeleski, M. (2007). Introduction in Criminalistics. Skopje, University St. Kliment Ohridski.
2. Arndt, M. and Seydel, M. H. (2011). Zusammenarbeit zwischen Polizei und Privatermittlern in Deutschland. *Kriminalistik*, 2, 91–94.
3. Babanoski, K., Ilijevski, I. and Dimovski, Z. (2018). Criminalistics and operative aspects of the attacks on the cash in transit vehicles in the Republic of Macedonia. *Criminalistic Theory and Practice*, 5(1), 19–36.
4. Basic Data Protection Ordinance – EU Directive (EU) 2016/679.
5. Belović, T. (2017). Problematic of practical CCTV use in German private sector. *Criminalistic Theory and Practice*, 4(6), 53–61.
6. Berthel, R. (2019). Brandenburg geht neue Wege. Masterstudiengang *Kriminalistik*, Brandenburg.
7. Busche, A. (2014). Basiswissen Bewachungsgewerbe für Sachkunderprüfung und Unterrichtsverfahren. *Juristischer Fachverlag Busche Kiel*, Kiel.
8. Chamber of the Republic of North Macedonia (2013). Collection of regulations from the field of private security, Skopje.
9. Cohen, J. and Blechman, B. (2014). Making public-private security cooperation more effective and sustainable. Washington: Stimson.
10. European Convention on Human Rights (1953) Council of Europe, Strasbourg. Available at: https://www.echr.coe.int/Documents/Convention_ENG.pdf
11. Federal Data Protection Act - Bundesdatenschutzgesetz (BDSG) of FR Germany (Official Gazette of FR Germany, nr. 1/2017).
12. German Code of Criminal Procedure (Strafprozessordnung) (Official Gazette of FR Germany, nr. 24/87).
13. German Criminal Code – Strafgesetzbuch (StGB) of FR Germany (Official Gazette of FR Germany, nr. 1/98).
14. Grundgesetz of FR Germany (Official Gazette of FR Germany, nr. 1/49).
15. Jochmann, U. and Zitzmann, J. (2010). Sachkunderprüfung um Bewachungsgewerbe. Boorberg, Stuttgart.
16. Krivokapić, M., Žarković, M. and Simonović, B. (2003). *Kriminalistika taktika (Criminalistics Tactics)*. Viša škola unutrašnjih poslova, Beograd.
17. Law on Private security, Official Gazette of Republic of Macedonia, Nr. 166/2012
18. Malish-Sazdovska, M. and Gjurovski, M. (2017). Education of personnel for private security. *Criminalistic Theory and Practice*, 4(2), 7–18.
19. Minoggio, I. (2011). *Interne Ermittlungen in Unternehmen*. Muenster: ZAP Verlag.

20. Nemeth, C. (1992). Private security and the investigative process. Anderson publishing, Cincinnati, Ohio.
21. Peters, A., Weger, J. and Lowien, T. (2016). Unterrichtung im Bewachungsgewerbe, 7.th Edition, Meckenheim: DIHK Verlag.
22. Rulebook on the content of the programs and the manner of training physical persons for physical security (Official Gazette of the Republic of Macedonia, No. 79/2013)
23. Spain, N. and Elkin, G. (1979). Private and public security: there is a difference. Security World, 16, 32. Strafprozessordnung of FR Germany (Official Gazette of FR Germany, nr. 24/87).
24. Strafgesetzbuch of FR Germany (Official Gazette of FR Germany, nr. 75/98).

**KOMPARATIVNA PRAVNA ANALIZA MEĐUNARODNE
KRIMINALISTIČKE SARADNJE U OBLASTI PRIVATNE BEZBEDNOSTI
IZMEĐU SAVEZNE REPUBLIKE NEMAČKE I REPUBLIKE SEVERNE
MAKEDONIJE**

Moderni trendovi u globalnom i društvenom razvoju usloveli su da, pored državnog sektora bezbednosti, i privatni sektor bezbednosti ide u korak sa trendom modernizacije u pružanju bezbednosti i zaštite.

I pored toga što je opšti cilj i ideja sektora privatne bezbednosti suštinski isti – zaštita imovine i lica, mnoge države u kojima je razvijen privatni sektor bezbednosti imaju različitu pravnu regulativu koja se odnosi na kriminalističke istrage. Iako imaju potpuno istu svrhu, postoje razlike u pogledu zakonskih ovlašćenja za zaposlene u privatnom sektoru u obavljanju njihovih radnih aktivnosti u kriminalističkim istragama, korišćenju kriminalističkih metoda i dr., u zavisnosti od države u kojoj se sprovode. Sve to može stvoriti probleme u međunarodnim istragama i saradnji. Ostvarivanje bezbednosti, zaštita lica ili imovine sprovode se na osnovu zakonske nadležnosti i ovlašćenja koja u određenom segmentu ograničavaju prava i sloboda građana (zabrana pristupa, legitimisanje, pregled lica i objekata, zadržavanje, itd.). U pojedinim državama, zakonska nadležnost za sprovođenje kriminalističkih istraga je uža, dok u drugim državama postoji širi pristup u pogledu ovlašćenja koje zaposleni u privatnom obezbeđenju imaju i mogu da koriste. Zbog toga, postoji potreba za odgovarajućom kriminalističkom edukacijom i obukom, kao i za odgovarajućom selekcijom zaposlenih u privatnom sektoru bezbednosti – posebno onih koji dolaze u direktan kontakt sa građanima.

U ovom radu biće prikazana kvalitativna komparativna analiza pravne regulative koja se odnosi na kriminalističku edukaciju i obuku zaposlenih u sektoru privatne bezbednosti u Republici Severne Makedonije i u Saveznoj Republici Nemačke.

Ključne reči: *sektor privatne bezbednosti, zakonska nadležnost, kriminalistička obuka i obrazovanje, međunarodna istraga i saradnja*