

Foreign Experience and Prospects of Development of Private Detective and Private Security Organizations in Uzbekistan

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ABSTRACT: The article is devoted to the peculiarities of the functioning of the system of non-state security of private detectives and private security business, as well as non-state educational institutions that provide professional training and advanced training of private detectives and employees of private security organizations. The author examines the historical aspect of the stated topic, draws attention to the foreign experience of the development of private detectives and security personnel. In addition, the article outlines the main trends in education and the problems of legal regulation of the structures under consideration.

KEYWORD: educational, detective, private, security, detective enterprises, history, experience, features, activity, security, non-state, prospects.

In present-day Uzbekistan, all the necessary elements of the system of non-state security of the activities of economic entities and individuals have been created and are in operation - private security organizations, information and analytical services, insurance companies, educational institutions, including training personnel for private security business, enterprises producing and implementing technical means to ensure security, and that the most important thing is that this system does not stand still, it is dynamically developing.

Solving tasks related to the protection of the life and health of citizens, their property, business activities, all these system elements make a significant contribution to ensuring law and order and create conditions for effective counteraction to crimes and offenses, contribute to the profile or close to the main specialty employment of qualified law enforcement officers who have ceased public service, as well as military personnel discharged in stock.

At the same time, experts in the field of private security and investigation [1] almost unanimously believe that there is no legislation regulating this activity. The word DETECTIVE in a broad sense refers to activities aimed at finding the desired.

The existing other laws in Uzbekistan are not fully consistent with the socio-economic transformations taking place in society and the State and often serve as a deterrent to the development and improvement of the non-state security system as part of the security of the state.

This problem deserves the closest attention within the framework of independent scientific research. In this article, we will try to trace the origins of the formation and prospects for the development of one of the most important and necessary elements of the system of non-state security - private detectives and employees of private security organizations, while relying on foreign experience in the development of these structures, as

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well as, in accordance with the realities of modernity, non-state educational institutions that provide professional training of these personnel and their qualifications.

Fundamental changes in public life, the growth in the number of new economic entities, the rapid development of entrepreneurship and the expansion of the private sector of the economy inevitably led to a change in the system of subjects of the fight against crime in Uzbekistan. Awareness of the legal status of citizens and their associations involved in the protection of public order in the new economic, social and legal realities is relevant. The previous forms of public participation in the protection of public order are gradually changing. At the same time, new subjects of the fight against crime are being formed. In particular, the ground is being intensively created for the creation and development of the institute of private detective and security activities.

In Uzbekistan, all conditions are being created for a non-state system of ensuring security and combating crime, namely for private detective and security companies. Private detective and security institutions can play a more active role in ensuring security and combating crime. They can act as one of the specialized subjects of the fight against crime, primarily as a subject of preventive activities.

Private detective and security activities are activities aimed at providing services to individuals and legal entities on a paid contractual basis by enterprises that have: a special permit (license) of the internal affairs bodies, in order to protect the legitimate rights and interests of their clients. This activity is aimed at protecting the legitimate rights and interests of citizens and organizations. What is its similarity to law enforcement? The difference is that private detective and security activity is entrepreneurial and is carried out not by virtue of a statutory obligation, but on a commercial basis and is paid. Accordingly, only those individuals and legal entities who are able to pay for security and detective services can use the services of private detective and security agencies. The implementation of this activity should be allowed only upon receipt, in accordance with the procedure established by law, of a license from the internal affairs bodies for the right to engage in private detective or security activities and passing state registration. The status of law enforcement officers does not apply to persons engaged in private detective and security activities.

However, there is no legal basis for the implementation of private detective and security activities in Uzbekistan, that is, the relevant law. First of all, the relevant norms should be fixed in the Constitution of the Republic of Uzbekistan on this activity, and it is also necessary to adopt the Law of the Republic of Uzbekistan "On private detective and security activities". Such regulations have been adopted in many foreign countries and are quite effective.

For example, the formation of a system of non-state security of private detectives and private security business is inextricably linked with the history of non-state detective, security agencies and security services themselves, which, in turn, has more than 200 years. Thus, the oldest and currently operating private American agency Pinkerton (Pinkerton National Detective Agency — Pinkerton Government Services) turned 172 years old in 2022.

The recent history of non-governmental agencies and firms in Europe began after the end of World War II. The first agencies were restored and began to operate already in the second half of 1945, and after 10 years the question arose about the need for national and regional associations in associative bodies to coordinate activities in the field of non-state investigation, security, security and, of course, in the training of qualified personnel. Until about the mid-1970s, training issues were solved by template methods, i.e. the direct transfer of the methods of the state security services and the police to the non-state sphere, since the vast majority of employees of private agencies were former employees of public services. But a number of serious failures in the activities of fairly large organizations and the simultaneous successes of other private firms have demonstrated the existence of a problem in this matter. A number of authoritative experts unequivocally

spoke in favor of revising the system of non-state security of private detectives and private security business, and, accordingly, their training and for the creation of special educational programs for this field of activity. Consequently, more than 30 years ago, the opinions of foreign experts were divided into two poles: the direct transfer of the training system of state bodies to the non-state sphere and the creation of completely independent training programs. Probably, the truth lies somewhere in the middle, but with a clear tendency to shift towards specialized training.

This rule is related to the peculiarities of the legislative framework in the field of non-State security actors. In particular, in the UK, even employees of linear police departments are not allowed to carry weapons. Private detectives and security guards are all the more categorically prohibited, although the average English private security guard has a license for about 2.5 gun barrels, i.e. five guards have 10 licenses for rifled and smoothbore weapons, which they cannot use while working. The law only allows you to train with weapons at specially designated bases.

In Germany, where legislation allows private security guards to use firearms in the performance of official duties, the average ratio of licensed barrels per guard is approximately 1.5 units.

Regulation of the activities of private detectives and employees of private security organizations, as well as protection from offenses committed by them when performing and using their official powers abroad, is an invaluable experience on the basis of which the legal framework in this area is being built. The scientific literature indicates that in the USA, France, Great Britain, Germany and other countries, the structures of this activity "have long been widespread and have undergone the need for regulatory regulation" [2, p. 135]. A striking example is the situation in the UK: Research publications. 2018, No. 4 68 the number of private detectives and employees of private security organizations exceeds several times the number of official police officers. In the USA, about one and a half million people work in this field, and in Germany the ratio of private and public employees is approximately equivalent. In France, the situation is generally as follows: officially, about 300 of these units are registered in the country, but most detective agencies operate illegally and carry out their activities without a special license. Often these agencies are conspired under such names as, for example, "Bureau of Supervision", "Bureau of Surveillance", "Detective Service" and others. It is for this reason that the actual number of agencies exceeds this figure several times. It can be noted that in European countries, the described activity very quickly became an industry that brings a solid income. Private detective and security services were quickly popularized and gained human trust because often professionals with extensive experience in this field were engaged in detective work. In support of the statement about the broad development of private activity, it would be useful to note the fact that abroad buildings and offices where the police are located are often under the protection of private organizations [3, p.34]. Also, a huge number of private detectives and security guards work in organizations that have an international legal status. Such organizations are quite well-known agencies "Alan Pinkerton" (founded in 1850, at the moment the Pinkerton agency belongs to the Swedish firm SecuritasAB) [4], "WilliamJ. Burns International Detective Agency" and many others. In different countries, the activities of private detectives and employees of private security organizations are regulated in different ways: the United States has not adopted a single Federal Law regulating this activity - the regulation in this case belongs to the jurisdiction of the states; In France, Law No. 42-891 of 09/28/1942 was adopted regulating the activities of private agencies (in accordance with this law, persons who have French citizenship or citizens of EU countries have the right to be owners of bureaus, and the law also states that former French police officers can become owners of private detective and security bureaus only with the written consent of the Minister internal Affairs of France) [5]. In Portugal, the regulation of private detective and security activities takes place in accordance with Law No. 276/93 of 10.08.1993. Private detectives and employees of private security organizations abroad are engaged in providing such services as: security and patrolling, investigation and investigation,

providing various kinds of alarms, ensuring the safe transportation of valuable goods, ensuring the safety of individuals who have applied for help.

Analysis of foreign legislation on private detective and security activities allows us to state the need for the adoption of the Law of the Republic of Uzbekistan on such activities, so that it takes into account the legislative framework and the capabilities of such private agencies and firms, as in Germany and France. At the same time, it should be noted that at the same time the Law should provide for the training of private detectives and security guards. For example, the French centers for training employees of non-governmental agencies are almost completely disconnected, while the German ones, on the contrary, are trying to consolidate, despite the fierce internal competition

According to the European Confederation of Private Security and Safety Firms:

after the adoption of the 1980 Law, 30 thousand people were involved in the private sphere of security and safety in Germany, and in 1994 there were already 105 thousand licensed employees of private firms with the number of firms 1,290, i.e., on average, about 80 people were registered in each firm;

In 1994, there were 81,200 employees in 2000 private security firms in the UK, which was an average of 40 people in each firm;

in France, 60 thousand security guards and detectives worked in 944 firms, i.e. on average there are 60 people for each firm;

Italy and Spain occupy the 4th-5th place in Europe, having in the private security sector about a little more than 40 thousand people working in about 700 firms.

It should be taken into account that these data are claimed by the largest, but not the only, European Association of Non-Governmental Agencies, numbering about half a million employees of private firms. It should be borne in mind that organizations like the Confederation of European Security Services(CoESS) [6] seek active cooperation with the governing bodies of the European Union, national ministries of Internal Affairs and justice in order to improve training programs for non-state security structures, employment of former civil servants, lobbying the interests of national firms in relation to foreign firms [7].

It should be mentioned that if the Law on Private Detective and Security Activities is adopted in Uzbekistan, a special program for the selection and hiring of employees should be developed, providing for background checks (in particular, criminal records), as well as fingerprint registration. Persons who, if they have positive recommendations, good health, emotional stability, physical fitness and have not had serious problems with law enforcement agencies in the past, can engage in private detective and security activities. Private detectives and security guards who have frequent contacts with the public, working in public places, must have good verbal communication skills, observation, identification and description of violators' behavior, registration of procedural documents, detention and retention of violators before the arrival of law enforcement officials.

In a positive decision on the adoption of the above-mentioned law, it will provide for two types of private detective and security activities: investigation and protection, which are carried out by legal entities created specifically for the purpose of carrying out this type of activity. The founders of detective and security companies can be either individuals, citizens of the Republic of Uzbekistan, or enterprises that organize a security service. At the same time, the internal affairs body issues the founders a corresponding license, which is extended upon expiration.

Private security companies may have the right to provide the following types of services:

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protection of life and health of citizens, during which various measures are carried out to physically protect protected persons from crimes and criminal encroachments;

the protection of the property of the owners, including during its transportation, is carried out by both physical and technical means. Protection may be carried out in respect of any objects, regardless of the form of ownership, with the exception of objects subject to state protection;

design, installation and maintenance of fire alarm systems;

consulting and preparation of recommendations on legitimate protection against unlawful encroachments;

ensuring order in places where mass events are held.

Unlike private security activities, both enterprises and individual citizens registered as individual entrepreneurs can engage in private detective activities. The legal basis for the implementation of private detective activity is to obtain the appropriate license. Persons who have registered individual private detective enterprises can create associations of private detective enterprises. The association has its own name, operates on the basis of its own charter, but at the same time private detective enterprises retain their independence and the rights of a legal entity.

Private detective companies provide services in detective work, which consists in collecting information of interest to the client, such as:

collection of information on civil and criminal cases. A condition for the implementation of this type of services is mandatory within a day from the moment of conclusion of the contract, notification of this by a private detective of the body of inquiry, investigator, prosecutor or court in whose proceedings the case is;

collecting information in the field of entrepreneurship;

collecting information about individuals when concluding contracts with them. At the same time, information about a person's private life can be obtained only with his consent.;

search for missing persons and lost property. Although the search for missing persons is the responsibility of the internal affairs bodies, many citizens, not wanting publicity or dissatisfied with the search actions of the internal affairs bodies, can turn to private detectives who carry out search activities, in necessary cases contacting the relevant departments of the internal affairs bodies.

Summing up the above, we can come to the following conclusion – in the conditions of development in the modern world of the requirements for the services of private detectives and employees of private security organizations in order to combat crime, as well as taking into account the important role of the activities of workers in this field and the experience of foreign countries, it would be advisable to introduce the relevant norms in the Constitution of the Republic of Uzbekistan on the aforementioned activities, and also adopt the Law of the Republic of Uzbekistan "On private detective and security activities".

References/Сноски/Иқтибослар:

1. Ovchinnikov I.S. Historical background and development of the enterprise security system in Russia, 1980-1990-ies of the twentieth century: diss. ... doct. history of sciences. Saratov, 2002.
2. Asanov, R.F. Private life and private detective activity // The right of citizens to information and protection of privacy: A collection of scientific papers. Part II / Edited by V.M. Baranov. – N. Novgorod: Nizhny Novgorod Law Institute of the Ministry of Internal Affairs of the Russian Federation. 1999. - p. 135.
3. Ishmuratov, P.N. Determination of the legal status of subjects of private security activity: Administrative law and process. – 2011. – No. 6. – p. 34.

399	ISSN 2690-9626 (online), Published by "Global Research Network LLC" under Volume: 3 Issue: 11 in Nov-2022 https://grnjournals.us/index.php/AJSHR
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4. Pinkerton National Detective Agency // Electronic resource.
5. Loin 42-891 du 28 septembre 1942 réglementant l'exercice de l'activité des agents privés de recherches // [Электронный ресурс].
6. URL://<http://www.coess.eu/CategoryID=193>.
7. URL://<http://www.bodyguardsonline.com/technical-details/619-zarubezhnyj-opyt-v-detektivno-oxrannoj-sluzhby.html>.