





## Private Security Regulation: A Comparative Study of South Korea and Mongolia<sup>\*</sup>

Lkhagvamm G<sup>\*\*</sup> · Kang, Min-Wan<sup>\*\*\*</sup>

### 〈ABSTRACT〉

In Mongolia, the regulation related to the private security industry, the Law on Contracted Private Security Services, was legislated relatively recently. The Law on Contracted Private Security Services was enacted into law in Mongolia 16 years ago, in 2000. This regulation has undergone two amendments since its inception. However, new revisions still need to be made to ensure that this regulation is in line with internationally accepted standards and practices. This paper compares the existing private security regulations of South Korea and Mongolia. The purpose of this comparative study was to identify the weaknesses of and problems in the Mongolian regulation and propose amendments to the Mongolian regulation. The comparative study of the two countries' regulations showed and underscored an imperative need to make further amendments to the Law on Contracted Private Security Services. Specifically, the weaknesses of and problems in the Mongolian regulation at issue include the following: the level of accuracy in defining certain legal terms and providing the proper names for various regulations; stipulations which set forth the procedure for registering a private security company; provisions regarding operating a private security company; the details of eligibility and accountability requirements concerning chief executives and security service officers; and the scope of work provisions. This study proposes constructive amendments to strengthen the Law on Contracted Private Security Services.

**Key Word : Mongolia, Regulation, Comparative study, Security Services Industry Act, Law on Contracted Private Security Services**

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\* This work was supported by Kyonggi University's Graduate Research Assistantship 2016.

\*\* Graduate Student, Department of Security Management, Kyonggi University

\*\*\* Professor, Department of Security Management, Kyonggi University(Corresponding Author)

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## I . Introduction

Mongolia was a country with centrally planned economy and totalitarian political regime. As a result of pro-democracy movements which took place at the end of 1980s, the totalitarian regime was abolished in March 1990 that paved the way for a free market economy and democratic government (Amarsanaa, 2009).

These radical social and economic reforms saw the liquidation of many industrial units and other organizations were liquidated and the privatization of a few industrial units. Furthermore, private enterprises and organizations were established. Meanwhile, citizens, businessmen, and entities were confronted with the problem of protecting their property and estate, and preventing damage. The aforementioned set of issues gave rise to the creation of private security service companies, as well as new terminologies such as ‘security’ and ‘contracted private security services’(Purev, 2011).

Thus, regulating contracted private security services became an urgent necessity. As such, the State Great Hural of Mongolia, the Parliament, initiated legislation on the

matter of contracted private security services. The Law on Contracted Private Security Services was enacted in 2000. Necessary amendments to this Law were made in 2001 and 2005, which resulted in strengthening this legislation.

The purpose of this study is to explore and analyze the provisions of the recent Mongolian regulation on private security and to propose constructive recommendations in order to strengthen the regulation. In addition, the study compares the existing private security regulations of South Korea and Mongolia, with the aim to underscore the weaknesses of the Mongolian regulation. Furthermore, based on the findings from the comparison of the private security regulation of South and Mongolia, Security Services Industry Act and the Law on Contracted Private Security Services, respectively, this study proposes constructive and viable amendments to the Law on Contracted Private Security Services.

There is a dearth of research and available materials regarding the modern private security regulation in Mongolia. As such, in order to improve the Law on Contracted Private Security Services, it is crucial to study the experiences of foreign countries, especially those where private security services have been well-developed. First, this study examines current conditions of private security in Mongolia. Then, the private security regulations of South Korea and Mongolia are analyzed and compared. Based on the findings from the analysis and comparative study, recommendations are made in order to strengthen the Law on Contracted Private Security Services.

## **II. Current Conditions of Private Security Industry in Mongolia**

At the beginning of the 2010s, a total of 345 private security companies was registered that employed a total of 5,366 security officers and guards (Mongolia National Police Agency, 2012). As such, the private security services became an active player on the overall security market of Mongolia. The private security system itself in Mongolia

is constituted from the two categories, namely: (a) the proprietary security services which is being created by the business owners within the organizational structure of their corporations and companies so as to ensure the security and safety of their own activities and (b) the contract security companies which operate on the basis of the contractual agreements established with their clients to protect their private security and safety.

## 1. The Proprietary Security

There are comparatively fewer companies or corporations that ensure their own private security and safety under this category of the private security concept called as the proprietary security. The companies or corporations ensuring their security and safety under this concept/category are those that have a strong position in the market and a self-reliant financial standing recognized as being the national major business entities like the Mongolian civil aviation company “MIAT” (with its own security service); the Mongol-Russian joint society “Ulaanbaatar Railway” (with its security paramilitary service); MCS Group; MAX Group; MAC Corporation and HUNNU Group (the last four companies with their own security units)(Dialy News, 2015).

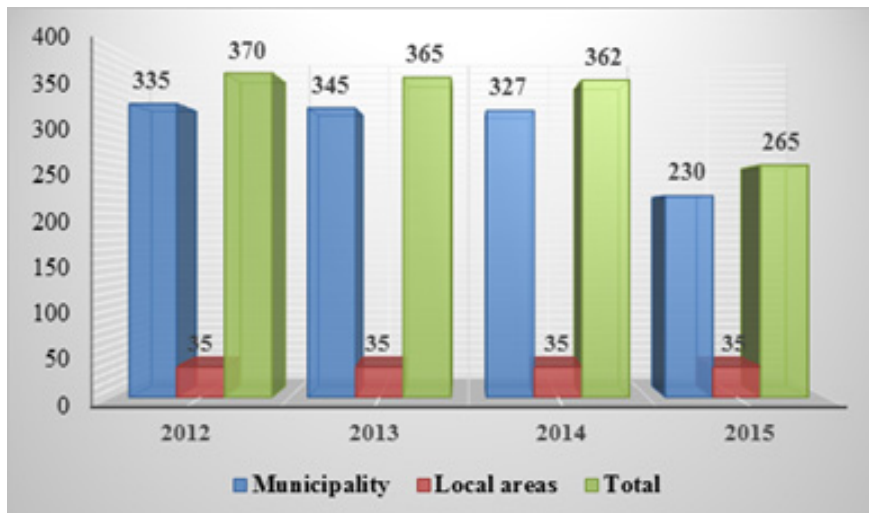
The security services of the Mongolian civil airlines “MIAT” and the “Ulaanbaatar Railway” are the security services belonging to these state owned companies as a part of their organizational structures. The peculiar feature of the security services or units of MCS Group, MAX Group, MAC Corporation and HUNNU Group is that they are operating as the daughter-companies of these groups concerned to ensure their security and safety(Davaadorj & Batjav, 2009).

All these proprietary security services/units are different from the contract security service/units since they are operating at a more advanced level in terms of their legal environment, security ensuring guidelines and duties, sphere of activities, organizational profile, budget and funding sources, equipment, technology, tools or weaponry.

## 2. The Contract Security

Nowadays, the second category of the private security as specified as the contract security firms or units already play a predominant role in the security service sector of Mongolia. The peculiarity of the operations of the contract security firms or units is that those contract security firms and entities provide the security and safety services based on the individual contractual agreements concluded or signed with their clients. They are self-financed by the profits they earn from the fees of the security and safety services provided to their clients and that they are also committed to compensate their clients for damages and losses inflicted by their faults or mistakes.

According to the statistics collected by the Department of Public Security of the National Police Agency(2015), the number of registered and operational contract security units are as shown in Figure 1.



Source: Mongolia National Police Agency (2015)

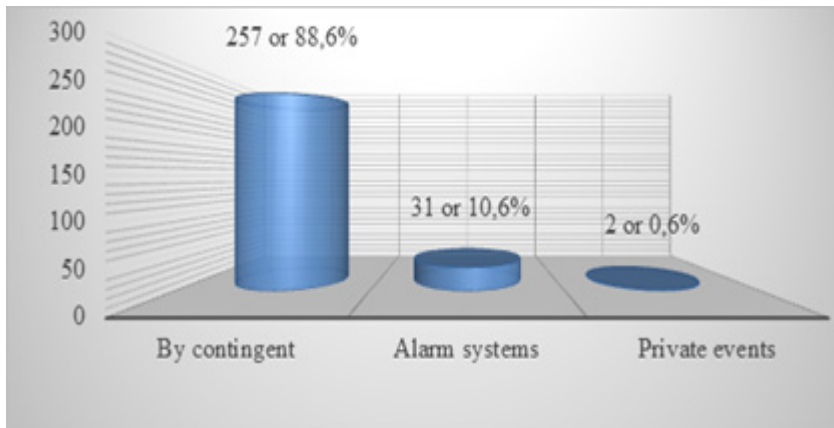
〈Figure 1〉 Registered with Police Organizations

The above quoted statistics show a decrease in the number of the contract security service units registered with the police organization. The reason of such a decrease is due to the current world economic crisis that affected the national economy of Mongolia causing the sudden fall of prices of exported minerals like coal, gold and copper. As such, the financial standing of the business entities weakened which resulted in the decrease in the number of these business entities using security services, which saw a decrease in the number of contract security service units. In addition, for the same reason, some of the former contract security units became defaulted and bankrupted to be forced to cease their operations or to be integrated within the structure of the other contract service firms or units.

There are 3 types of activities that are conducted by the private contract security entities for the purpose of ensuring the security of the property and the facilities of their clients under Section 3.1.1 of the Article 3 of the Law On Contract Security Service, as follows: (a) security and safety implemented by security officers in their person (by contingent); (b) security and safety ensured by the alarm system (electronic security); and (c) security and safety ensured during the private events (private event security).

According to the survey (The Professional Control Organization's Report, 2013), the proportion of the above 3 types of activities carried out by the private contract security entities as inspected and reported by the professional control organization was as follows: a total of 257 the private contract security entities or 88.6 percent of the total of the private contract security entities carried out their activities with the physical involvement of their staff officers in their person; 31 private contract security entities or 10.6 percent of the total of the private contract security entities ensured the security operations based on alarm system; and only 2 private contract security entities or 0.6 percent of the total of the private contract security entities carried out their activities for ensuring the security and safety during the events (event security) like concerts and the other public events and mass gatherings etc.,.





Source: The Professional Control Organization's Report (2013)

〈Figure 2〉 The Types of Contract Security Operations

### III. Legislations Governing Private Security in South Korea

In South Korea, the private security industry is regulated by a single statute specific to private security services. The Security Service Industry Act was passed in 1976 and has been amended several times since its inception(Chang, 2002).

According to the Security Service Industry Act(Article 3), private security business is limited to corporations, so individual persons are not permitted to perform security business activities. Security service is divided into the following types of security services: (a) facility establishment security service; (b) escort security service; (c) personal protection service; (d) mechanical equipment security service; and (e) special security service.

In the act(Article 2.3), two types of security guards are set down in the act such as general security guard and special security guard. All private security companies must obtain a license from the Commissioner of Provincial Police Agency which has

jurisdiction over them, and must satisfy the requirements of personnel, facilities, and equipment's(Article 4). Also, private security forces have some legal obligations: they must acknowledge that they are not endowed with law enforcement power beyond the rights of private citizens; they must reject unlawful requests from clients; they must not leak to others any information that they obtain from the service; and they must be given training and education for security service(Article 7).

Private security companies must compensate for the damage of clients if they fail to satisfy the contractual obligations; thus they have to insure for compensation to clients(Article 26).

Private security companies must employ a required number of security instructors who supervise security guards. The minimum age requirements of 18 years is also set down for security instructor and security guards(Article 10). The security instructors must pass the examination and get education administered by the Commissioner of National Police Agency and undergo education prescribed by Ordinance of the Ministry of Security and Public Administration(Article 11). The Commissioner of National Police Agency shall issue a qualification certificate of a security instructor to any person who has undergone education. Those who have criminal records are not eligible to be executive of security companies and security instructors; neither are security guards who have criminal records (but not to exceed more than 5 years after the expiration of sentences)(Article 11.2). Any special security business operator is prohibited from running other business than security the security-related business under the conditions as prescribed by Presidential Decree, such as the security business under the Security Service Industry Act, the manufacturing, installing and selling business of security equipment, the information industry utilizing networks, the maintaining and managing business of installation and the training business of security guards, etc. (Article 7.8).

When necessary, the police can order a security company to report the documents needed, look around offices and facilities to inspect, and check conditions of the training and education of security officers. The police can also demand that the security company dismiss guards who violated the law and ordinances(Article 18.3).

One thing peculiar to the South Korean private security law is that there is a

mandatory clause for the foundation of the association of private security companies(Chang, 2008). This body is designed to develop and regulate the private security industry. Its core functions include research relating to the private security industry and resolution of compensatory conflicts. It is also authorized by the national Police Agency to train and educate security officers. The responsibility for licensing or registration of security firms and administering such firms falls to National Police Agency.

Each metropolitan and provincial police agency has the power to regulate security companies under its jurisdiction. The department of crime prevention within the police agency administrates and regulates security companies. The police also have a role in authorizing private security activities in public areas. As Jung(2004) points out, however, the significance of regulating private security companies has been neglected in South Korea. Only three police officers are assigned to security service section in the department, responsible for handling the entire load of private security duties. For these reasons, effective guidance and supervision of private security companies can hardly be expected.

There are no specific provisions regarding uniforms in Security Services Industry Act in Korea. Necessary matters concerning uniforms and gears and vehicles of security guard are prescribed in Ordinance of the Ministry of Security and Public Administration (Article 16).

The carrying and use of weapons is regulated by Articles 14 and 15 of Security Services Industry Act of Korea and Article 20 of Enforcement Decree of the Security Services Industry Act. Presidential Degree includes the provisions in terms of use of weapons for necessary matters concerning the carrying of weapons by special security guards, kinds of weapons, standards for using weapons and standards of for safety check of weapons. Under those provisions, the special security guards are permitted to carry handguns and rifles. Special security guards shall, when they intend to use their handguns or rifles to open fire on any person, warn him beforehand by means of verbal message or blank shot: Provided, that in the inevitable case falling under any of the following items, the warning may not be give: (a) where a crime is being committed

by a person who suddenly attacks special security guards or inflicts serious danger to the life and body of another person, leaving no time for the special security guards to issue a warning; (b) when special security guards are engaged in the covert operations against a hostage taker, a secret agent or a terrorist.

In the event that the use of weapons is feared to inflict dangers to the lives and bodies of many people who are not related to any crime, special security guards shall not use weapons. Provided, that if nonuse of weapons is deemed unable to prevent serious dangers posed to the lives and bodies of special security guards and other persons, the weapons may be used within the necessary and minimum scope. Special security guards shall not use their handguns or rifles to open fire on any person under 14 or any pregnant women unless he or she counters them with rifles or explosives.

Under the act any person special security guard who has caused an impediment to the normal operation of the key national establishment in violation is punished by imprisonment with prison labor for not more than seven years or by a fine not exceeding 50 million won(Article 28.1)

## **IV. Legislations Governing Private Security in Mongolia**

Regulation of the private security industry in Mongolia is relatively recent with the first specific legislation dating back to 2000. In 2000, the State Great Hural (Parliament) of Mongolia passed the Law on Contracted Private Security Services and has been revised twice since, by which 'modern' private security was legally born(Purev, 2011). In Mongolia, private security industry is regulated by these statutes specific to private security service. These statutes permits governments to issue following variously designated regulations, rules, and government decrees, which provide more details to the primary legislation and often can be powerful as the legislation itself. For instance:

**(a) Orders of the Minister of Justice of Mongolia**

- On Adoption of Regulation (Joint Order No. 107/118 of 2001 of the Minister of Justice and Internal Affairs and Minister of Education, Culture and Science on “Training program for human resources designated to personal performance of security activity”)
- On Adoption of Instruction (Joint Order of State Prosecutor in General and Minister of Justice and Internal Affairs No. 12/05, 2003, regarding “Instruction to use fighting methods of officers of security service without firearms and personal protective equipment and use of dogs)

**(b) Orders of the Head of the General Police Authority of Mongolia**

- On Organization of Training (No. 383, 5 September 2007)
- On Adoption of Regulation (No. 126 “Regulations on use of insignia and uniforms of officers of the contracted private security organization”, 12 March 2008)
- On Adoption of Regulation (No. 384 “Regulations on registration of and control over legal entities engaged in contracted private security service”, 19 August 2008)
- On Adoption of Regulation (Order No. 503 of 29 September 2010 regarding “Code 605 of the Police activity Rule on “Certificate for undertaking of and control over contracted private security activity”)

Law on Contracted Private Security Services includes provisions for registering, requirements for private security company, limitation of private security activities, contract of security service, training content and curricula of private security staff, obligations of security service companies, its personnel as well as clients, qualifications of personnel, oversight of security service and penal clause.

Unlike South Korea, there is no provision concerning areas covered by private security company in the legislation. Under the legislations, no one other than any corporation shall be prohibited from running the security business. Any corporation that intends to register local police agency shall have manpower of security guards, capital,

facilities and equipment. The private security company shall deliver the application form requesting the registration, related documents including CVs of employees and medical examination confirmations to the local and metropolitan police offices. The related departments of local and metropolitan police office receive and review the documents; deliberate on whether the private security company meets the requirements of the laws; and make a decision on registration within 30 days and respond in written form.

Certificate is valid for a period of one year and is granted by the local police agency. The private security company shall prepare the appropriate documents 30 days in prior to the expiration date of the registration, and deliver the application form requesting the registration to the local and metropolitan police agencies. The cost of the registration form shall be estimated by the publication expenses(Order 384).

Employees of private security companies must be at least 20 years old. All operational staff will have to undergo a criminal background check carried out by the local police authority in order to obtain a certificate prior to being employed(Article 1.3).

Annual and partial report need to be submitted to the police authorities detailing activities and any changes regarding the operational staff. When necessary, the police can order a security company to submit documents that are needed, look around offices and facilities, inspect, and check conditions of training and education of security officers. Termination of license for repeated violation of the legislation are permitted(Order 503).

Training requirements are stipulated in Article 10 of the 2000 Law on Contracted Private Security and On Adoption of Regulation(Joint Order No. 107/118) that National Police Agency should guarantee training of operational staff. There is no requirement that the managerial staff take an exam prior to being employed although provision states training is required for managerial staff in the legislation in force. The content of the theoretical and practical elements of the training are determined by the Ministries of Justice and Education. Training may be carried out in training centers approved by the National Police Agency. Practical training is provided in the workplace. Staff need to receive at least 38 hours of theoretical and 60 hours of practical instructions(Order 383). There are several training centers including Law Enforcement University of Mongolia, private providers and employers' organizations.

Training institutions are quality controlled by the Ministry of Justice and Education. Training in use of arms is required by article 19.4 of Law on Contract Private Security. Guards are required to wear uniform and the design and use of uniforms has to be approved by the Mongolian National Police. Operational staff while on duty must wear uniforms.

The use of dogs on duty is lawful as is the carrying and use of firearms. Operational staff to work with dogs shall be enrolled in the professional training under the control of profession department of the police office, and be issued certificates. Those who are not enrolled in the training are prohibited to use the dogs(Article 19.3).

The police authorities are able to revoke an undertaking's license if it is repeatedly found in infringement of the relevant legislation. If it is provided not to impose criminal responsibility to the breach of the Law on Contract Private Security Service, the court imposes on the employee a fine of 10000-50000 Tugrigns, on officers a fine of 35000-60000 Tugrigns, and on legal entities a fine of 200000-250000 Tugrigns, respectively, and confiscation of illegally obtained assets and equipment(Article 22).

Similarly, in South Korea, only three police officers are assigned to security service section in the department, responsible for handling the entire load of private security duties. For these reasons, effective guidance and supervision of private security companies can hardly be expected.

## **V. Comparison of Private Security Regulations of South Korea and Mongolia**

This section illustrates the differences which exist in the level of regulation governing the operation of the industry these states in areas as areas covered private security companies, entrance requirement for companies (licensing, financial viability), restriction on the background of owner/management (criminal background, age limits, training ), restriction on the background of employee, performance requirements for firms,

training/education (basic training, examination, continuous training, accreditation of trainers providers), and possession and use of arms (licensing, storage of fire arms, training, the wearing of uniforms, government control and sanctions in the sector).

### 1. Areas Covered by Private Security Companies

Private security companies offer a great variety of services in these countries. Table 1 compares and contrasts the South Korean and Mongolian areas of services and their general characteristics.

<Table 1> Key legislation governing the industry in each state.

Country	Legislation	Areas covered by the legislation	General characteristics of the sector
South Korea	Security Service Industry Act	<ul style="list-style-type: none"> <li>- Guarding of transit of valuables, cash and transit</li> <li>- Guarding of key national establishment</li> <li>- Airport security Guarding of sites and buildings</li> <li>- Personal protection Central alarm system</li> <li>- Protection of goods Guarding and control persons and access in public place</li> </ul>	The industry is governed by specific legislation, with detailed regulations and wide range of activities. Legislation contains strict requirement relating to examination, selection and appointment and cancellation of management staff.
Mongolia	Law on Contract Private Security Services	<ul style="list-style-type: none"> <li>- Guarding of transit of valuables, cash and transit</li> <li>- Airport security Guarding of persons Guarding and control persons and access in public place</li> <li>- Security consultancy</li> <li>- Installation and maintenance of alarm systems</li> <li>- Body guarding</li> <li>- Guarding of buildings</li> </ul>	Legislations in Mongolia basically focuses on contract private security service.



## 2. Entrance Requirements

The regulation of entrance requirements for companies active in the sector are generally designed to provide for: (a) checks on financial viability and (b) checks on reputable of nature of the owner/management team of company. The difference in requirements across the countries, therefore, pose potential uncertainties when companies seek to provide services across national borders.

〈Table 2〉 Entrance requirements for companies

Country	License required?	Awarding authorities	Other entrance requirements
South Korea	Yes	Commissioner of the Provincial Police Agency	Test of qualifications.
Mongolia	Law on Contract Private Security requires a certificate and it is valid for 1 year.	Metropolitan police and local police station.	Necessary material required for the activity for which the certificate is required.

## 3. Restrictions on the Background of Owner/management Team

Legislation and regulations governing the background of owners and managers of private security companies currently relate to the following factors: (a) criminal background; (b) minimum age requirements; (c) cumulation with other activities; (d) qualifications; and (e) financial viability.

South Korea currently has some form of regulation governing the restrictions placed on the background of owners and management team of private security undertakings. However, number of differences arise in relation to the level of restrictions imposed and the way in which compliance is verified.

〈Table 3〉 Restrictions on Owner and Management Staff

Country	Criminal record	Minimum age	Restrictions on cumulation with other activities	Other requirements
South Korea	Criminal background check is required	18	Any special security business operator is prohibited from running other business than the security-related business such as the manufacturing, installing and selling business of security equipment, the information industry utilizing networks, the maintaining and managing business of installations and the training business of security guard, etc.	Physical requirements set by Ordinance of the Ministry of Security and Police Administration
Mongolia	No relevant criminal record	No specific provisions		

#### 4. Restrictions on the Background of Employee

The regulation and implementation of strict background checks for the staff of private security companies is therefore one of the main concerns of legislation in this area. The legislation and regulation governing the background of employees are similar to those for owners and managers of private security companies and currently primarily relates to the following factors: (a) criminal background; (b) minimum age requirement; (c) qualification; and (d) simulation with other activities

〈Table 4〉 Restrictions on Background of Employees

Country	Criminal record	Minimum age	Restrictions on cumulation with other activities	Other requirements
South Korea	Criminal background check is required	18-60	No specific provisions	Physical requirements set by Ordinance of the Ministry of Security and Police Administration
Mongolia	Criminal background check is required	20	No specific provisions	Health check and training are required.

## 5. Training/education

It is in the area of training and education that provisions vary most significantly between two countries. This is an area which is inextricably linked with the image and developing professionalism of the sector, but also significant problems relating to freedom of movement through the lack of portability of qualifications. Differences between countries relate to the following aspects: (a) whether training is obligatory and voluntary; (b) whether examinations are required; (c) whether provisions are made for obligatory continuous training; and (d) how the quality of trainers and training provided are regulated

〈Table 5〉 Education/ Training

Country	Obligatory/voluntary initial training and duration	Examinations	Continuous training	Training providers/control over training providers
South Korea	Obligatory. Training is regulated by Ordinance of the Ministry of Public Administration and Security.	Yes, two written examinations for Security Instructors.	Obligatory. Each general security business operator conduct an in-house education each months for hours longer than hours prescribed by Ordinance of the Ministry of Public Administration and Security.	The orientation course is conducted by the association of security service; Police educational institutions; and institutions and organizations designated by the Commissioner of the National Police Agency.

Country	Obligatory/ voluntary initial training and duration	Examinations	Continuous training	Training providers/control over training providers
Mongolia	Training is obligatory for operational staff but training is not obligatory for management staff. Training is regulated by Ministry of Justice, 42 hours of theoretical instruction and 38 hours of practical experience.	Examination and certification	Not obligatory	Training takes place in Law enforcement University of Mongolia and centers approved for this purpose by the Mongolian National Police. Internal and external controls are carried out for initial training.

## 6. Possession and Use of Arms

In both countries, possession and use of arms is permitted. However, the setting of minimum standards relating to licensing, use and training needs to be considered in order to avoid potential legal complications are a bit different. These differences relate to the following aspects: (a) whether guards are permitted to carry firearms and under which circumstances are they permitted to use the; (b) whether licenses are required; (c) whether restrictions apply in relation to the storage of firearms while on duty?; and (d) whether specific training is required for guards carrying firearms.

〈Table 6〉 Possession and Use of Fire Arms

Country	Possession	Licensing/licensing authority	Restrictions on use and storage	Training required
South Korea	Yes, but with restrictions. Standards for using weapon is regulated Security Service Industry Act and Presidential Decree	Permits are issued by the police.	Only allowed for special security guards,	Yes
Mongolia	Yes, but with restrictions. Standards for using weapon is regulated Law on Contract Private Security Service.	Permits are issued by the police.	Weapons are to be stored in a safe room in the private security company.	Yes

## 7. Government Control and Sanctions

The degree of control of private security company depends on a clear legal framework, effective oversight institutions and type of oversight exercised by those institutions. Control and accountability are weakened or rendered ineffective, if it is not based on a clear and uniform regulatory framework. In both countries, private security companies come under the control of local police. Both countries invest national and local government authorities with the powers to withdraw a license. However, in the Mongolian case, the local police agency has the rights to control within the powers granted by the law, but does not impose liability because the court is the subject of responsibility for administrative sanctions. According to judicial practice, so far there is no private security company charged by the court. This has highlighted the need to improve private security law in Mongolia.

〈Table 7〉 Government Control and Sanctions

Country	Sanctions available	Other provisions
South Korea	Withdrawal of a company license	Administrative and penal sanctions.
Mongolia	Withdrawal of a company license	Administrative sanctions.

## VI. Conclusions and Recommendations

On the basis of the comparative study made on the legal regulations governing the private security service industry as discussed in the previous section, I wish to make the following conclusion. The legal regulations governing the private security service industry in Mongolia are not in conformity with the established international standards and practices. Thus, there is an imperative need: (a) to revise, where necessary, and correctly define the names of laws and the legal terms and references therein; (b) to improve the procedures and operations for the registration of the legal entities applying for running the private security service activities; (c) to toughen up the requirements both with regard to chief-executive and to security service officers and to make them equally accountable for their actions and responsibilities; and (d) to expand the framework of the activities.

For the purpose of ensuring a more improved and advanced system of sustainable governance or legal regulation in favor of the private security industry in Mongolia and for the purpose of enhancing the existing legal frameworks for promoting the private security industry in Mongolia, the following recommendations are proposed:

First, the legal act that governs the operations of the private security industry in Mongolia is called “The Law On Contract Security Service”. According to the established international practices, the contract security service is a type of the security service. Given this factor, there is a need to reformulate the name of our law called

“The Law On Contract Security Services” as the “Private Security Industry Act” or the “Law On Private Security Industry”.

Second, since the personal protection is a type of the security service, there is a need to abolish the existing law on the personal protection in Mongolia so as to make it a part of the law on the private security industry.

Third, the newly recommended “Law on Private Security Industry” should be clearly defined. The definition should include the nature of the private security industry and the private security services to facilitate the implementation the provisions of this recommended law and to avoid any further misinterpretations. In addition, in order to further protect the reputation of the private security industry, to increase the trust of the general public in private security and for the purpose of enhancing the regulations governing the private security in conformity with the established international standards/practices, I would like to recommend to insert into the new “Law on Private Security Industry” all the relevant provisions of the Security Service Industry Act of South Korea on the duties and responsibilities of the management staff/the security operator and the security instructor/on the requirements and liabilities thereof and on the criteria of the selection thereof. In doing so, the issues now remaining out of legal regulations in Mongolia like the accountability of chief security executive officers would finally be defined and regulated by a single law.

Fourth, it is necessary to standardize the pre-assignment training, the certification or licensing requirements and the in-service (internship) training procedures. The minimum standards and requirements of the security services industry in terms of the selection, of the training and of the supervision of the security personnel should be thoroughly identified and enforced in order to upgrade the professional skills and the level of performances in the security service industry as a whole.

Fifth, the guidelines and the requirements for the re-training (the post-assignment in-service training) and the procedures for organizing such kind of training should be included in the Statute of the Union of Security Service Personnel (The Union of Security Service Officers).

Finally, it is necessary to empower the police organization to impose administrative offences/penalties/sanctions on security service entities or security service managerial staff personnel in order to enhance the supervision and the control by the police organization. A sound accountability mechanism should be created to meet the demands of greater security service managerial and operational accountability.



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## 【 초록 】

## 한국과 몽골의 경비업법 비교연구\*

사옥마\*\* · 강민완\*\*\*

몽골에서 민간경비와 관련된 법제정은 비교적 최근의 일로, 2000년에 몽골국회가 계약 경비서비스에 관한 법을 통과시킴으로써 몽골에서 민간경비가 법적으로 탄생하게 되었다. 그러나 아직까지 몽골의 계약경비서비스에 관한 법은 국제기준에 미치지 못하며 따라서 이를 개정해야 할 필요성이 존재한다. 본 연구에서는 한국의 경비업법과 몽골의 계약경비 서비스에 관한 법을 비교 분석하여 몽골 관련법의 문제점을 파악하고, 그에 따른 개선방안을 제시하고자 하였다. 분석결과, 몽골의 계약경비서비스에 관한 법은 법령의 명칭과 용어, 경비업체의 등록과 영업행위에 관한 절차규정, 경비업체의 대표 및 경비원의 자격요건과 책임성 확보, 경비업무의 범위 등에 문제점이 있다는 사실이 파악되었다. 이러한 문제점들을 개선하고 또 앞으로 몽골의 민간경비산업의 발전을 촉진하기 위하여 본 연구에서는 계약경비서비스에 관한 법의 개선방안을 제시하였다.

주제어 : 몽골, 법률 규정, 비교연구, 경비업법, 계약경비서비스에 관한 법