

# PRIVATE SECURITY SECTOR IN CRITICAL INFRASTRUCTURE PROTECTION

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**Abstract:** Private security is increasingly a key element in modern society, as it faces challenges that include growing threats to the security of individuals, organizations and property. In a world that is increasingly connected by technology in which violence, theft and other types of crime are increasingly common, the role of private security services is becoming increasingly important. Private security encompasses a wide range of services, from the physical security of facilities to the application of advanced technologies for the protection of data and systems. In addition, private security agencies often play a key role in the protection of prominent figures, organizations and specialized facilities, and after the adoption of the law on critical infrastructure, and the protection of critical infrastructure by providing a safe environment in which people can do business and live without hindrance. As a special security activity of the state, and through a possible public-private partnership, the protection of critical infrastructure appears. Critical infrastructure consists of various facilities and spaces without which the normal functioning of state bodies, the process of agricultural and industrial production and the lives of citizens is unthinkable.

**Keywords:** private security, critical infrastructure, agency, state, public-private partnership

## 1. INTRODUCTION

Legislative solutions to the protection of critical infrastructure would systematically approach the identification of critical infrastructure facilities, as well as the development of measures that will contribute to their preventive protection. Although this legislative framework has not yet been resolved in BiH, with the exception of the Republic of Srpska, which has adopted its Law on the Protection of Critical Infrastructure in the Republic of Srpska (Official Gazette of the Republic of Srpska No. 58/19) and the Methodology for the Implementation of the Law, this should not and should not represent a limiting factor for the conduct of various scientific debates in this area. Also, the lack of legal solutions at the level of BiH institutions, the Federation of BiH and its cantons, as well as the Brcko District of BiH, should not “concrete” the story and ideas surrounding the identification of critical infrastructure at these levels of government in BiH.

A mitigating circumstance is learning from the experiences of neighboring countries (primarily Serbia and Croatia) that have made great progress in this area and the implementation of the Law on the Protection of Critical Infrastructure in their countries. Croatia, as an EU member, has made particular progress in this area, having recently adopted a new Law on Critical Infrastructure (Official Gazette 89/2025-1232), which is fully adapted

to the new EU directive on the resilience of critical entities (CER-directive) 2022/2557. Great help is also reflected in the large number of conferences, projects implemented on the territory of BiH related to the area of critical infrastructure, especially in terms of understanding the concept itself and the need to protect it.

There are great doubts about who should protect the critical infrastructure, “identified tomorrow”. When we analyze the experiences of other countries that have advanced in this area, their legal solutions and practical experiences, we come to the conclusion that the best actor, in most cases in the protection of critical infrastructure entities, is the private security sector. The reason for this opinion lies in the fact that at this very moment the private security sector in BiH is already securing and protecting potential critical infrastructure entities. They are potential because they are not legislatively included as such, but certainly when that happens, these entities will be identified as critical infrastructure. We have such experiences, as already mentioned, not only in neighboring countries, but also in the Republic of Srpska, which has its own law and has identified the sectors that constitute critical infrastructure (energy, health, transport and communications, financial sector, etc.). It is precisely these sectors that are currently secured in a large percentage by the private security sector. Legal solutions would approach private-public partnerships as the most reliable way to implement critical infrastructure protection measures (Zoric, 2022). This form of partnership is already appearing in certain areas of life and is increasingly being considered in the sphere of security and protection.

## **2. PRIVATE SECURITY**

Private security, unlike public security, which is the responsibility of the state, operates within the framework of private interests. Private security agencies and security guards provide protection services for individuals, companies or specific facilities, such as shopping malls, factories, banks, or even events and manifestations. Private security focuses on the protection of specific interest groups and property, while public security takes care of the general security of society and enforces the law in a broader context. The state protects its potential through various activities, starting from legislative activities, through the implementation of legal regulations through the actions of the executive branch, i.e. the activities of state institutions and bodies, to cooperation with the private sector, i.e. the establishment of public-private partnerships. Here, as a special security activity of the state, and through public-private partnerships and the activities of the private sector, the protection of critical infrastructure appears. Critical infrastructure consists of various facilities and spaces without which the normal functioning of state bodies, the process of agricultural and industrial production and the lives of citizens is unthinkable.

### **2.1. The concept of private security**

Man has had a need to take care of safety and protection throughout history. This need has existed from the earliest human community to the modern era, and we can divide this need into two phases:

- the first phase is intuitive (religious and mythical belief as well as emotional reaction to danger);
- the second phase, the phase of the emergence of class society through the prescription of social norms - the right of the ruler to apply sanctions but also to assume responsibility for complete security.

Historical practice indicates that personal integrity and property are protected and that this is achieved through two levels:

1. Public (state) level;

## 2. Private level.

When it comes to defining the term itself, in theory there is no single position and complete agreement. For BiH, it is important and practical to use the definitions listed in the Laws regulating private security on the territory of BiH - there is no umbrella law, but rather the entity and Brcko District laws. In a theoretical sense, the following definition is acceptable: **"Private security is a planned and organized independent or joint activity and function of individuals, organizations, private or business agencies, aimed at their own protection or the protection of others, as well as the protection of appropriate persons, spaces, facilities, businesses, activities that are not covered by the exclusive protection of state authorities (Danicic & Stajic, 2008).**

### 2.2. Content and organization of private security

The most common forms of content in today's practice are:

- 1) Physical security;
- 2) Technical security;
- 3) Fire and explosion protection;
- 4) Occupational safety and health;

In the further study, some new elements were introduced such as (Jovicic, 2018):

- security planning and analysis;
- security protection of resources and operations;
- economic security and protection;
- protection of classified data;
- security and environmental protection;
- security and protection of information systems;
- security and protection education of employees.

It is important to emphasize the role of security management as a factor that unifies the complete content and organization of the private security system and which ultimately shapes the work of all segments and delivers results to the interested party.

### 2.3. Detective activities as part of private security

Detective activity, as part of the private security sector and one of the newer entities in the security system, has an increasingly important role not only in terms of security but also in the overall social, or economic sense. Detective activity, in terms of its content, represents the collection, processing and delivery of data and information, as well as consulting in the field of preventing criminal acts, which is performed for the needs of the client/client by a detective who has obtained a license and meets the requirements prescribed by law. The possibilities of detective activity in the modern world are great, as suggested by examples from many countries, where this activity has a much greater application. It seems that the potential of this type of activity in our country has been unjustifiably neglected, as indicated by the results of the research carried out (Dukic, 2021).

According to the International Academy of Private Investigators, there are as many as 35 different jobs that they can perform. For this reason, we can say that the scope of work of a private investigator is extremely wide. The information collected can be of a business, legal

or personal nature. The clients of private investigators are companies/enterprises, law firms and citizens. In some countries, private investigators also collect information for the needs of state institutions.

### 3. CRITICAL INFRASTRUCTURE

#### 3.1. Definition of critical infrastructure

When discussing the term "critical infrastructure", all available sources state that the USA and Australia are the countries that began the theoretical development of the area of critical infrastructure by defining infrastructure that, due to its inability to function or damage, significantly affects national security, the community and all its components. Presidential Decision Directive NSC-63 from 1998 (US) defines critical infrastructure in the US as "physical and information systems essential for the minimum operation of the economy and government." Immediately after the terrorist attack on the USA on 11.09.2001. Congress passed the so-called Patriot Act (PATRIOT Act, 2001, USA) in which critical infrastructure is defined as: "systems and assets, whether physical or virtual, so vital to the United States of America that the disabling or destruction of such systems and assets would significantly affect national security, economic stability, public health, or any combination of these impacts that would affect the security of the United States." In the world, as well as in theory, there is no single definition of the term critical infrastructure, but each country defines this term in accordance with its own needs (Simic et al, 2022), which is evident from the table for the countries of the former common state:

**Table 1:** Overview of Critical Infrastructure Definitions in the Legislations of Serbia, Croatia, Slovenia and Montenegro

|            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Serbia     | Critical infrastructure are systems, networks, facilities or their parts whose disruption of functioning or interruption of the delivery of goods or services may have serious consequences for national security, health and lives of people, property, environment, safety of citizens, economic stability, or threaten the functioning of the Republic of Serbia.                                                                                                     |
| Croatia    | National critical infrastructures are systems, networks and facilities of national importance whose disruption of operations or interruption of the supply of goods or services could have serious consequences for national security, health and lives of people, property and the living environment, security and economic stability and the continuous functioning of government.                                                                                    |
| Slovenia   | Critical infrastructure in Slovenia includes those facilities and services that are of key importance to the state, and their failure or destruction would significantly affect and have serious consequences for national security, the economy, key societal functions, health, safety and security, and social protection.                                                                                                                                            |
| Montenegro | Critical infrastructure includes systems, networks, facilities, or their parts located on the territory of Montenegro, the disruption of which, or the interruption of the delivery of goods or services through such systems, networks, facilities, or their parts, may have serious consequences for national security, health and life of people, property, environment, safety of citizens, economic stability, or the performance of activities of public interest. |

When defining the term critical infrastructure, it is evident that everyone generally agrees that it concerns assets and property that are crucial for the smooth functioning of society and the economy, but it is very difficult to obtain complete agreement and determine infrastructure that is not critical, given the interconnectedness of sectors.

### **3.2. Critical infrastructure of the European Union.**

The new proposals for EU measures to protect critical infrastructure focus on ensuring greater coherence in the approach to the protection and resilience of critical infrastructure at EU level. The aim of the CER Directive is to eliminate vulnerabilities and strengthen the resilience of critical entities (entities that provide essential services that are essential for maintaining important societal functions, economic activities, public health and the environment). With the CER Directive, the EU sets out obligations for critical entities to strengthen their resilience, sets out rules for the supervision of critical entities, establishes common procedures for cooperation and reporting, and sets out measures to achieve a high level of resilience of critical entities to ensure the provision of essential services.

The Directive does not apply to matters covered by the NIS 2 Directive. Given the relationship between the physical security and cybersecurity of critical entities, Member States shall ensure that this Directive and the NIS 2 Directive are implemented in a harmonised manner. The Directive does not apply to public administration entities carrying out their activities in the field of national security, public safety, defence or law enforcement, including the investigation, detection and prosecution of criminal offences. The Directive requires Member States to develop and adopt national strategies to increase the resilience of critical entities and to identify critical entities providing essential services by 17 October 2024. The Directive also requires that a risk assessment be carried out at least every four years. Critical entities, through the development of a strategy, will have to identify relevant risks that could significantly disrupt the provision of essential services, take appropriate measures to ensure their resilience and notify the competent authorities of disruptive incidents.

The strategy should contain at least the following elements: strategic objectives and priorities, a management framework for achieving the strategic objectives and priorities, a description of the measures needed to strengthen the overall resilience of critical entities, a description of the procedure for identifying critical entities, a policy framework for coordination between competent authorities under this Directive.

Member States' risk assessment should take into account relevant natural and human risks, including those of a cross-sectoral or cross-border nature, accidents, natural disasters, health emergencies and hybrid threats. All Member States should identify critical entities in the following sectors and sub-sectors by 17 January 2026:

- Energy (electricity, central heating, oil and gas);
- Transport (air, rail, water, road and public);
- Banking;
- Financial market;
- Healthcare;
- Drinking water;
- Wastewater;
- Digital infrastructure;

- Public administration;
- Space;
- Food production, processing and distribution;

The Directive lays down obligations for Member States to designate or establish one or more competent authorities responsible for the correct application of the Directive; to designate or establish a single point of contact which performs a liaison function to ensure cross-border cooperation with the single points of contact of other Member States as well as the development and adoption of national strategies. Each Member State shall ensure that its competent authority and the single point of contact have the powers and adequate financial, human and technical resources to carry out the tasks assigned to them effectively and efficiently.

#### **4. THE PLACE AND ROLE OF THE PRIVATE SECURITY SECTOR IN THE PROTECTION OF CRITICAL INFRASTRUCTURE**

With the privatization of security, a new sector emerged in the security system, private in nature, and established to operate on a commercial basis. This sector has become, in most countries, an unavoidable factor in the protection and maintenance of vital social functions. The private security sector, as a specific form of organized mode of operation of non-state personnel on a voluntary and economic basis, predominantly including private companies that provide security services and/or products intended for security, protects critical infrastructure, among other things, through security risk and crisis management procedures. The goal is to eliminate or at least reduce the risk of harmful events, and it is less important whether the risk is contributed by man or whether it is a threat caused by natural phenomena.

##### **4.1. Public-private partnership in the function of protecting critical infrastructure**

Public-private partnership represents cooperative action of the public sector with the private sector for the purpose of providing public services, construction or production of goods. The precise definition of public-private partnership is not simple, because the main goal of this form of partnership is a more economical, efficient and successful provision of services compared to the traditional way, which is also contributed by the conceptual vagueness of "public-private partnership." It occurs in different areas, in different forms and with different durations. (Maksimovic, 2022).

The *acquis communautaire* of the European Union in the field of public-private partnerships is regulated by the so-called "Green Book", which is more of a guideline for the implementation of projects in the field of public-private partnerships. After the adoption of the "Green Book", a series of guidelines were issued that focused on public-private partnership projects in specific areas (transport, infrastructure, postal services, etc.). In the world, in practice, we have a large number of registered and signed public-private partnerships. The largest number of them is in the USA, but Western European countries such as Spain, Portugal, Great Britain, Ireland, Germany, the Netherlands, Italy and many others are not far behind. As for BiH, with its complex constitutional structure, where competences in this area are exclusively at the entity and cantonal level, it leads to different practices and solutions. This creates a high degree of legal uncertainty, which directly affects the reduction of private partners' interest in investing.

Some analyses dedicated to the issues of private security and critical infrastructure indicate that critical infrastructure is one of the important areas of the security strategy and priorities of the European Union. At the same time, it also represents a significant challenge for democratic societies because they are by their nature open, creative and accessible. The

national security and economic sustainability of each country depend on the resilience of critical infrastructure. Critical infrastructure is the basis for the operation, development and achieved level of progress of states, and countering threats and strengthening their resilience requires both the provision of material and technical resources and the strong development of public-private partnerships. There is a lot of good practice of public-private partnerships in the protection of critical infrastructure at the level of the European Union, and in some member states, critical infrastructure facilities are in private hands and are protected by private agencies for the security of persons and property.

#### **4.2. Private security sector in the function of critical infrastructure protection**

Private security activities in the public interest are based on the performance of tasks to protect persons and property in a specific protected facility, area or zone from unlawful acts, damage or destruction. It is carried out by establishing security elements, i.e. security personnel (physical protection) and technical security systems (technical protection). This can also include tasks to prepare threat assessments that determine the level of risk of committing criminal acts and endangering the lives and property of persons in a facility or on a public or other surface, depending on external and internal threat factors.

Assessing the vulnerability of critical infrastructure to certain risks, its monitoring, recording and exchange of information on potential risks and incidents is the basis for quality protection of critical infrastructure.

As previously stated, the protection of critical infrastructure is one of the priorities of the European Union. The binding document regulating this area is Directive (EU) 2022/2557 (CER Directive), which succeeded Council Directive 2008/114/EC of 8 December 2008 on the identification and designation of European critical infrastructures and the assessment of the need to improve their protection. The purpose of adopting a normative framework as a basis for building an efficient system is to ensure an appropriate level of protection and business continuity. The aim is to limit, as much as possible, the harmful effects of interruptions or disruptions in the operation of infrastructure on the population and the economy. The Law on the Security of Critical Infrastructures in the Republic of Srpska (Official Gazette of the RS, No. 58/19), which is the only law enacted in the territory of BiH, regulates the critical infrastructure of the Republika Srpska, critical infrastructure sectors in the Republic of Srpska, management of critical infrastructures, the obligation to prepare a risk analysis, a security plan for facilities in the critical infrastructure sector, a security coordinator and a person responsible for the management and protection of critical infrastructure facilities.

Given that critical infrastructure has become an integral part of the security of every country today, in the member states of the European Union, but also in the wider environment, the private security industry is involved in all areas of critical infrastructure protection. These examples of good practice of cooperation between public and private security in most European Union countries in the protection of critical infrastructure can be applied in the Republic of Srpska and in BiH. Therefore, additional legal and sub-legal regulation of this issue is necessary, along with continuous education of members of the private security sector, as well as joint action and constant communication between public and private security agencies. Also, a certain part of the work does not only relate to the provision of physical and technical protection services for critical infrastructure, but in accordance with the rapid development of technology, it also extends to the security of information systems, business intelligence, protection of business processes, assessment of the business environment, anti-corruption, etc. These tasks related to the collection, processing and

analysis of data and evidence can be performed in certain cases by private detectives, or detective agencies as part of the private security sector.

A good example, and a guideline, is the recently adopted Law on Critical Infrastructure of the Republic of Croatia (OG 89/2025-1232), where an entire chapter (VI-Private Protection of Critical Entities) refers to the place, role, manner and conditions under which the private security sector can participate in the protection of critical infrastructure.

## **5. CONCLUSION**

Effective governance requires the establishment of a critical infrastructure system, which would also represent an imperative to protect that system. The legislative determination of critical infrastructure has been partially resolved in the Republic of Srpska, partly because the existing Law is not aligned with the new EU Directive, but other parts of BiH (the level of BiH institutions, the Federation of BiH and its cantons, as well as the Brcko District of BiH) have not done anything on this issue.

The private security sector plays a significant role in the protection of critical infrastructure. In most countries, this sector has become a very important factor in the protection and maintenance of important social functions. The private security sector complements the public sector and performs very important tasks of interest to the security of the state and society. As a specific form of organization and operation of non-state personnel on a voluntary and economic basis, it mainly includes private companies that provide security services and/or produce products intended for security. By protecting critical infrastructure, among other things, through security risk and crisis management procedures, they eliminate or reduce the risk of harmful events. It is less important whether the risk is human-induced or whether it is a threat caused by natural events. One of the priorities of private security is to ensure the functionality, continuity, and permanent delivery of services produced by critical infrastructure. The implementation of additional security measures and their quality should help public security services to ensure that the protection of critical infrastructure is at the highest possible level. These examples of good practice of cooperation between public and private security in most European Union countries in the protection of critical infrastructure, and their common positions can be applied in BiH-Republic of Srpska. Also, in certain EU member states, certain critical infrastructure facilities are exclusively protected by private security agencies and this service is also at a high level. The model of cooperation between the public and private sectors is increasingly gaining importance as governments face the challenging task of protecting the public interest on the one hand and meeting the growing needs of the population on the other. Such a concept of cooperation is called public-private partnership and represents a contractual partnership between the public and private sectors, which may include financing, design, management, construction, maintenance of infrastructure and/or provision of certain services by the private sector, which are traditionally purchased and provided by the public sector.

As for BiH, it is necessary to work on the adoption of the Law on the Protection of Critical Infrastructures at other levels of government in BiH (and not only at the level of Republic of Srpska, which so far is the only one that exists), and then develop a model of public-private partnership in terms of the protection of defined critical infrastructure. Various examples that are known in practice show that such a legal framework can and must be adopted while respecting the constitutional order of such a complex country with complex relations as Bosnia and Herzegovina. After all, this is a country in which all infrastructures are intertwined and can cascade, both positively and more negatively, to affect each other, and therefore it is necessary to define through the law:

- What is critical infrastructure in BiH;
- Coordination between levels of government in the protection of critical infrastructure;
- Measures to protect critical infrastructure in BiH;

A professional and scientific approach to the problem, formal identification of critical infrastructure, and a quality assessment of its vulnerability will create a prerequisite for adequate protection, which should be a priority interest for the functioning of society.

## REFERENCES

Danicic M., Stajic, Lj., (2008) Private Security, Banja Luka, College of Internal Affairs

Đukic, S., (2021) Detective activity – normative framework and practical approach. Banja Luka, Faculty of Security and Protection

Zoric, Z., (2022) "Private Security Sector in the Protection of Critical Infrastructure of the Republika Srpska" Proceedings, Scientific and Professional Conference "Discourse on Critical Infrastructure", Dobož

Jovicic, R., (2018) Safety and Protection System of the Electric Power Industry of the Republic of Srpska, doctoral dissertation NUBL

Maksimovic, G., (2022) "The Concept of Private-Public Partnership and Critical Infrastructure Protection" Proceedings, Scientific and Professional Conference "Discourse on Critical Infrastructure", Dobož

Simic, S., Jurisic, D., Maksimovic, G., Jovicic, R., (2022) Fundamentals of Critical Infrastructure Protection, Textbook, VPTS Dobož

Law on the Security of Critical Infrastructures of the Republic of Srpska Official Gazette of the RS No. 58/19 of 16.07.2019;

Narodne novine no. 89/2025-1232, Republic of Croatia.;

<https://eur-lex.europa.eu/legal-content/HR/TXT/?uri=CELEX:32022L2557> CER Directive EU 2022/2557-accessed 21.06.2025 at 12.16h;

EU Directive 2008/114/EC of 08.12.2008

Presidential Decision Directive/NSC-63,1998, SAD.

PATRIOT Act, 2001, SAD.