The Place Of Private Security Services In Turkey And Their Implications For The Near Future

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Abstract
Private security services in Turkey can be said to be institutions which are an assistant of general armlet and emerged to take the preventive measures of public and private places which serves for a special aim exterior to public order and which remains outside of the fundamental tasks given by the law to general (police, gendarmerie and beach security) and private (municipality, forest protection) armlets. A development, change and specializing is being experienced in the services as a result of legal and public conditions internal security organizations. Because most of the special security jobholders’ essential rights are less than those of general security jobholders’, the statuses of private security jobholders seem lower. The lack of order in private security’s personnel structure also emerges as another reason. From another perspective, the fact that despite general security forces are made up of big organizations, private security forces are made up of small and separate organizations from the point of view of personnel and equipment can be counted too. The biggest organization of security service units is made up of at most 7 or 8 thousand personnel whereas police organization has more than 240 thousand personnel. Behaviours and attitudes between private security and general security forces include more conflict than coordination because of competition, lack of communication, lack of knowledge, insufficiency of education (general security does not get an education about private security) etc…This study aims to reach findings shed light on the near-future status of private security services in Turkey. Results of findings in this study show that private security services will continue to be indispensable for a near future although bearing very troublesome problems.

Keywords: Private Security, Security Services, Security Guards
Introduction

Over the past 30 years, especially last decay the private security industry in Turkey has been on a remarkable improvement. This improvement has prompted many to observe that in recent decades there has been a global transformation in the nature of domestic security provision, from a ‘state monopolistic’ model in which public actors assume full responsibility for the provision of security to a ‘networked’ or ‘pluralistic’ model in which both public and private actors engage in the delivery of this core security service. If we are to make a main difference in security services, the services would be two: internal security and national defence (external security). Internal security is generally, made up of organized units for reliance, public order, social order, in-state intelligence (information) and justice services. As for the national defence, organization is made up for external security and information units needed for it. Doing a generalization like this, even if it is possible in theory, changes from state to state in the application. The general organization any independent state which is responsible for national security has, is the defence unit, the armed forces and so the army of the state.

Although the Ministry of Internal Affairs is, with the highest priority, responsible for the general public order and security to be provided, economic burden of internal security has been shared between public administration and private sectors in Turkey since the private security sector started to deliver these services. Some security services have been supplied and run by private sectors. At this point, from an economic perspective security services present a huge amount of marketization of these services. The fact that higher security comes at an increasing cost is becoming more and more obvious to many decision-makers; therefore tolerance of some level of insecurity is necessary for economic reasons. From an economic perspective, the key question is whether the costs and benefits perceived by market players are aligned with the social costs and benefits of an activity.

Total security is neither achievable nor desirable. Hence, each actor will carefully make a trade-off between costs and benefits associated with security investments. Some level of security is, however, a prerequisite for the globally interconnected economy to work. Further incentives to invest in security are often misaligned as parties do not have to bear the costs of their behaviour entirely, if at all. Due to social effects, security can be regarded as a public good. If the existence of a public good is desired by society, its provision has to be safeguarded by means of regulatory intervention from some superseding level of governance. At this point, economics of security, to some extent, have to be managed and superseded by public administration. To these means pertain, e.g. legislation (such as liability laws), taxes, requirements, bans and rules and quotas, often designed to fight external
effects. Basically economics of security infrastructure resembles a functioning all sectors, which are essential for doing business. This is also true for the all services to function.

As a matter of fact that security is no ordinary commodity. As a public good the marketization of this fundamental service has been a deeply intervened, superseded by the political process. Witnessing the gradual penetration of the market into what they generally regard as the foundational sovereign domain of the modern state, and state security actors have frequently intervened in the commercial practices of the industry so as to shape and control its activities. From this point of view, the near-future status of private security services in Turkey will also be shaped and controlled by state security actors. Everyone should bear in mind from now on that state security actors witness the transition from a monopolistic to a pluralistic system of security provision anywhere in the world and private security services will continue to be indispensable for a near future although carrying very troublesome problems.

**The Place of Private Security Among Security Services**

As known, general armlet and private armlet, generally responds to tasks such as assurance of security and safety about the state’s public order, preventing crime and criminals and applying the law in the name of public. Private security, together with being inside private armlet, is an institution emerged as a result of the impossibility of the public order police’s working in every public or private foundation in the sufficient number (Abolished Law of Providing the Security and Protection of Some Public Foundations and Institutions no.2495). Private security service can be said to be an institution which is an assistant of general armlet and emerged to take the preventive measures of public and private places which serves for a special aim exterior to public order and which remains outside of the fundamental tasks given by the law to general (police, gendarme and beach security) and private (municipality, forest protection) armlets. A development, change and specializing is being experienced in the services as a result of legal and public conditions internal security organizations (Abolished article no.2495 and article no.5188).

Moreover, there are arguments about the concept of “private security’s” definition. Gülçü (2004, 6) puts forward that the “private” in the definition of “private security” is not the opposite of “general” but the opposite of “public”, so private security cannot be a kind of administrative armlet. Gözler (2003, 435) tells that the “private” in “private security” means “not public”. Yılmaz (1996, 73) makes a definition as follows by differentiating; by whom is the jobholder paid and to whom is the duty being given:
“If the personnel’s salaries in response to the service given is paid by public sources and if the personnel is being held responsible for public order public health, and public prosperity; the job which is done is the official security forces’ job. If these security services are done for certain people or organizations; and if they are profit-targeted, they take place in private service’s matter” (Yılmaz, 1996, 73).

However, private security which is in the state of complementing general security, has not gained clarity within the topic of its place in security services, in practice, yet. Because it is supervised by Police and Gendarme and because it acts as assistant armlet when general armlet comes, both institutionally and as jobholders, they have all been underestimated and because of this reason, they have had problems with general armlets from time to time. There are lots of reasons for this (article no.5188, section 22).

First of all, in respect to their legal status, because private security responds to the complementary and assistant armlet task; from the point of view of their armlet authorities, work sites, and equipment, they become a matter of secondary importance. When the general armlet units face a subject, the authority passes to general armlets from private security (Article no.5188, section 7: abolished Article no.2495, section 9). A police’s being superior to private security chief even with the rank of an officer, regarded the statuses of private security services low (abolished Article no.2495, section 9/d). Also, being supervised by general security forces weakens the status of private security servants (Article no.5188, section 22: abolished Article 2495, section 18).

Considering the education of the personnel, when general security forces are appointed after a certain education, private security units can be appointed after a very short education and this easiness of entering the profession weakens their status (Article no.5188, section 11 and 14). Because most of the private security jobholders’ essential rights are less than those of general security jobholders’, the statuses of private security jobholders seem lower. The lack of order in private security’s personnel structure also emerges as another reason. The fact that private security’s duty area and authority are limited and their situation of carrying a gun is in a limited area can also be perceived as another deficiency (Article no. 5188, section 8 and 9).

From another perspective, the fact that despite general security forces are made up of big organizations, private security forces are made up of small and separate organizations from the point of view of personnel and equipment can be counted too. The biggest organization of security service units is made up of at most 7 or 8 thousand personnel whereas police organization has more than 240 thousand personnel. Behaviours and attitudes
between private security and general security forces include more conflict than coordination because of competition, lack of communication, lack of knowledge, insufficiency of education (general security does not get an education about private security) etc…It can be said that private security institutions experienced three periods. These periods are “guard era”, “the era of article no. 2495” and “the era of article no. 5188”.

Guard Era

The period that people had to take preventive measures themselves or pay for a guard to protect them against crime which is committed against property. During this period, depots and work places were protected by salaried guards against theft or similar events. Although it did not have a legal substructure, these kinds of measurements were taken by lots of people and institutions, in practice.

After a while, guards at institutions, protection and security servants and the institution of guarding have become private security organizations, too. In the Article no. 2495, section 29 dating 1981, about this situation it says: “with the decision of the cabinet, the security service and organization; which exists at foundations in which private security organizations are considered essential to be found and which exists at foundations that will put the decisions of this law into practice, will be adjusted according to this law within the time allocated by the Ministry of Internal Affairs.”

Moreover, in the temporary section of the same law, by saying: “when re-employing a personnel who exists in foundations which were considered essential to establish a private security organization according to the qualities determined by this law, the education conditions in section no. 16 part (b) will not be looked for.”; people who worked previously as guards, went on working in the staff of private security officials without being looked at the condition of “being at least an elementary graduate” at the part of the law mentioned.

Law no. 2465 Era

In 1981 for the first time, with the reason of Turkey’s situation these days, it was provided in some foundations and establishments that private security organizations should be found with the article no. 2495. In the situations when the security units and the budget of the state fall insufficient, other optional powers and financial sources were searched for. Sometimes, these options and preventive measures were found by people or foundations themselves, or sometimes the state has had an initiative position. In Turkey, firstly, in the field of special jurisprudence, workplaces, and according to work law, security officials who are going to be employed were being mentioned and then, places such as banks, and great work centres which
have economic features had to be protected against terrorist and robbery threats and dangers and they had to provide their security by themselves (Şafak, 2000a, 491). In the security field literature of Turkey, the concept of “private security” was put forward in 1970’s when the terrorist attacks were common and when the general security forces were insufficient and this situation caused the employment of private security officials at public foundations and at places which have strategic importance in state defence (Şeker, 1996: 18).

Parallel to the developments in Turkey, it can be said that a private security organization had been founded in the name of guarding organization since the 1960’s (Şafak, 2000a, 491). With the Law no. 2495, this guarding organization since 1981, has been laid down on a legal basis as private security. In the bounds of some measures and criteria, it has found an opportunity to develop, both actually and legally. The expressions below were mentioned in the Law no. 3832 dating 02/07/1992 which made a difference in the law:

“In Turkey, the legislation organ, gave the duty of general security, confidence and public order to police and gendarme that are defined as general security forces; with the Police Duty, Order Law (PVSK), Gendarme Organization Duty and Authorities Law. Police Organization, which exists in the general security force, deals with bringing the criminals of the crimes: “crimes committed against individuals” and “crimes committed against prosperity” in front of judgement and preventing these crimes to be committed. When struggling with these crimes, which are described as “Public Order Crimes”, an important part of the general security forces work. Also, when an average is taken according to the population, it is seen that, one public order police is for 811 citizens and in bigger cities, it is seen that one public order police is for 950-1000 citizen. Moreover, the duty of providing the security of private foundations and organizations is within the duties of public order police. However, just as how it is impossible for the public order police to be at all public and private foundations and organizations efficaciously according to the numeric datum; no example of this application is seen in any other country.”

With the law made in 1981, in addition to the preventive security measures taken by the state; because the general security forces that take duty at all public or private foundations and organizations, which were supposed to be provided with the day’s security style, banks to be the first, was not sufficient; and because in those years, there was an intense terror threat; the Law no. 2495, which created the opportunity of founding private security organizations in foundations and organizations, was come into force (Şafak, 2000a, 491).
In this way, with the Law no. 2495, the opportunity of providing their own security in their own work-places was given to the foundations and organizations which are highly important for the national economy, state security or public life (Şafak, 2000a, 491).

With the functioning of the Law no. 2495, which lessened the public order burden of the general security forces at public or private foundations and organizations, and which made the places mentioned in this law to be out of the targets for terrorists and criminals; the number of private security organizations has increased and responding to the security necessity this kind of foundations are started to be done by these jobholders (Şafak, 2000a, 491).

Furthermore, because of the troubles emerged in the application of the Law no. 2495, some differences were made in the Law no. 2495 with the Law no. 3832, which was come into force by being published in the Official Gazette no. 21281, dating 11.07.1992 (Şafak, 2000a, 491). Also, the fields of duty were broadened with the additional Law no. 4102 dating 4.4.1995:

“In Istanbul and other cities, staying within the frames of this Law, private security organizations can be founded at the Covered Bazaar and similar commercial and touristic establishments. This private security organizations are supervised by an administrative committee made up of seven people: city chief or vice-chief of police under the presidency of the governor himself or the assistant in duty, city private management represent, municipality represent and three people selected among the people who have workplaces in the area where the private security organization is going t be founded.”

In this period, some companies giving private security services and which were not legal emerged. Although they were lack of legal basis, starting from the private sector in the process caused by social and technological development, they managed to give security services to public sector, too. The public sector bought this service from the companies that give private security service, under the name of cleaning service.

They have become both the supplier and the costumer of this service, with the factors such as; the emergence of companies giving private security services the presence of the applications over the world, the possibility of gaining security services cheaper by specializing them, the thought of demand for security services in public.

This actual situation developing in the supply and demand balances in public, although it was being argued by related foundations, could not be arranged since 1990’s until June 2004. It was emphasized that it was necessary to bring a legal arrangement by lots of writers. It was acknowledged with the circulars published by the Ministry of Internal Affairs that the actual situation would not gain sufficient legal basis and was
clarified that the companies gave security service illegally, making use of the unauthorized units’ lack of legal arrangement (Şafak, 2000a, 492; Ünal, 2000, 97: Aydın, 1996, 20).

The Ministry of Internal Affairs wanted the companies that give private security service to be closed down with the circular no. 41068, dating 07.02.1995; but then, with the later circulars that came into effect, these kind of companies were let free in their activities (Ünal, 2000, 8).

It was stated that it was essential to be careful with the behaviours in applications in order not to cause harm to the citizens who work under the shelter of the companies which give security services to the foundations and organizations bound to public and private sector, to make the companies that carry out this service not to let their employees to carry gun, truncheon (baton), handcuffs etc. under no circumstance, and not to interfere with the distinguishing special outfits they wear on the condition that they are not likened to the outfits of especially the soldiers, police and private security services founded by law in respect to their colour and shape, and not to enter the fields of general and private security services; if these conditions are responded to, there was no objection to their giving protective service (Şafak, 2000a, 496: Ünal, 2000, 8).

Some foundations and organizations that are within the scope of the Law no. 2495, facing administrative difficulties obtaining the personnel number which is obligatory for private security units, tried to respond to this deficiency by buying services from the private security services and contributed to the emergence of the actual situation at private security services in this way.

The private security companies which were present when Law no. 2495 was valid, could keep on existing and could sell service to the security market even though they did not have the authority and responsibilities the private security organization personnel has.

However, the lack of legal arrangement lets the companies that normally give commitment services such as catering, cleaning, and transport; also give security service as an additional job. Several private security company managers and writers, who were concerned, complained about the situation and supported the opinion that a measurement should be taken for the sector (Şafak, 2000a, 496; Ünal, 2000, 7-17; Karaman ve Seyhan, 2001, 160-170).

**Law no. 5188 Era**

Firstly, the name of the law had been changed to Law Concerning the Private Security Services no. 5188, dating 10/6/2004. The title “Law Concerning the Providing of Protection and security of Some Foundations and Organizations” no. 2495 was abolished.
Also, a brand new arrangement was brought with the Law no. 5188, when the aim was to make some differences in the Law no. 2495. When a look is taken at the whole of the Law no. 5188, it is obviously conspicuous that it aimed to include the companies that do not have a legal basis and that give private security service for a long time, into law. When the articles of the Law were being arranged, each of the steps to be taken at the spot-inspections by the private security officials were counted as a duty, and were restated several times.

Replications that exceed the entireness of the law appeared, and in the regulation made based on this law, an impression such as it was arranged for the private security companies were made. A privileged status was given to the general security force members with the law, private security forces were just stated to exempt from licence and education with temporary articles.

With the Law no. 5188, it was provided that private security officials were going to take a basic education and refresher education about their duties, with an obligatory 120 hours’ basic education and 60 hours’ refresher education once in five years. However, general security forces who had quitted their jobs at least five years ago and private security officials who had been working for the last five years had been excluded from this rule and education condition was not looked for.

In this period, it is seen that the private security organizations and the private security companies were brought to the same status. However, a 9 months’ time was given to the companies which were not structured in the way the Law no. 5188 envisaged, and they were wanted to be structured in the way the Law shows.

The regulation based on the Law no. 5188, should have been gone into effect in 3 months’ time starting from the publication date of the Law; however, it could be published only some days after the deadline. The 3 months of the 9 months’ time allocated to the private security companies to adapt themselves to the new law had been wasted with waiting the regulation to be published. In this way, the 9 months’ time given by the law had been reduced to a 6 months’ time.

The Law no. 5188 did not bring any innovation to the essential rights for the beforehand-founded private security organization officials. It did not bring a private essential right to the private security company workers either, and the possibility of paying minimum wage to the employees was given. Whereas the wage arrangement determined in the former proposal envisaged to pay at least two times the minimum wage, it cannot be said that the Law no. 5188 gave some other privileges that discriminate between security officials and other salaried than just education and private security licence.

With the Law no. 2495, founding associations and taking up social activities were clearly forbidden. Because of this reason, private security
officials, who could only be organized under the roof of a private security association before 2000, had no opportunity to be organized by the association left after the Code of Civil Law was gone into effecting 2000 because new members were not accepted in the association. No clear arrangement was brought with the Law no. 5188 dating 10.06.2004, about founding associations and the right of becoming a member of a labour union. However, benefiting from the blank brought by the Law and the arrangements brought by the new associations’ law, private security officials could found associations. Formerly, not all of the private security officials could be a member of the labour union. Because no such prohibition was brought with the Law no. 5188, membership of the labour union became possible. However, in the article no.15 section J of the Public Officials’ Labour Union Law no. 4688, it is said that: “personnel included in security service class and police organization; and private security personnel of public foundations and organizations cannot be a member or found an association.”. Under these circumstances, private security officials except from the private security personnel in the public foundations and organizations, gain the right of founding associations and be a member of them.

With the Law no. 5188, the possibility of carrying a gun was given to the private security company personnel. Just like the personnel in organizations found according to the Law no. 2495, the right of carrying a gun limited in working field and time was given depending upon the permission of the Private Security Commission. Whereas the authority on using force in the former law was making a reference to the Police Duty and Authority Law, in the Law no.5188, there are references made to the article no. 981 of the Turkish Code of Civil Law, article no. 52 of the Law of Debt and article no. 49 of the Turkish Law of Punishment.

**Private Security Units**

Private security unit is a unit formed inside the structure of public or private establishments (Yılmaz, 1996, 74). It is a unit that is directly bound to the chairman or general director of the foundation or organization. However, in practice, it is bound to the civil defence secretary in most of the foundations. Yılmaz (1996, 76) says: “private security units are units that are found by the public or private foundations or organizations themselves in order to be prevented against threats, dangers and attacks such as; sabotage, fire, robbery, burglary, plundering, demolishing and being detained from work by force; to provide their security more effectively and to take the other preventive measures.

In the definitions part of the regulation (article no. 4) related to the application of the Law no. 5188 it is said:
“The words mentioned in this regulation are defined as:
Private security unit: unit founded in a foundation or organization itself to provide security,
Private security company: companies founded according to the Turkish Trade Law and which gives protection and security to third persons.”

In this way, private security units and private security companies are distinguished. All the private security organizations founded according to the Law no. 2495 remain within the definition of “private security units”.

Private security units are made up of protection and security director, protection and security chief administrator, protection and security chief and protection and security officials. In some foundations, there are protection and security directory staffs. Yılmaz (1996, 78) explains that he appropriates an option in which, the authority and responsibility steps are more in public foundations; whereas, there is a horizontal organization option in establishments bound to private.

The organization of private security units differs according to the size and features of the foundation to be protected.

Whereas in public foundations the status of the personnel on duty differs such as employee, contracted personnel, temporary personnel and worker class; in private foundations the personnel work in the status of worker and works according to the work law decisions. All the personnel of the private security companies work as workers. The work fields of private security units and companies are “actual security fields”, “electronic security fields”, “mechanic security fields”, and “out-of-class fields”. Also, the arrangements brought with the law no. 5188 are considered as a matter in the next section.

**Regulation Brought With the Private Security Law no. 5188**

The regulation about the protection of the foundations and organizations still lasts as it is with the Law no. 2495, and the regulation about this on the Law no. 5188, article 3 is as follows:

“…, founding private security units or having the security service done by the companies in foundations and organizations are bound to the permission of the governor with the decision of the private security committee. Upon the wishes of individuals and foundations, taking the protection and security necessity into consideration, it is allowed to respond to the security service by the personnel to be employed, found private security units in the structure of foundations and organizations or to have this service to be done by security companies. Having a private security unit founded in a foundation is not an obstacle against having served by some other security companies when necessary.”
In the article no.6 of the regulation about the appliance of the Law no. 5188, when ordering “the Duties of Security Committee”, it is said as: “founding the private security units of work places, the staff and the institutions upon the wishes of the foundations and organizations or deciding to provide the security by buying services from the private security companies,”, in this manner, the places where were formerly within the scope of the law to be left to the wishes of the interested. In addition, the interested foundation and organization is set free by saying as: “it is permitted to find private security units inside the structure of the foundations and organizations or to have this service done by security companies”.

The regulation about individual protection, which normally does not exist in the Law no. 2495 but becomes a current issue from time to time, is arranged in the Law no. 5188, article 3 as follows:

“Individuals’ being protected by armed personnel, founding private security units inside the structure of the foundations and organizations or having the security service done by the companies are bound to the permission of the governor upon the decision of the private security committee.”

Furthermore, when “the Duties of Private Security Committee” is ordered in the article no.6 of the regulation about the appliance of the Law no. 5188, it is said as follows:

“Deciding on whether security should be provided upon the wish of the person who has a necessity of protection because of his work or status by assigning private security personnel or by buying services from the private security companies”.

In this way, in case of a desire of individual protection, it will be possible to employ private security personnel with the decision of the Private Security Committee and the confirmation of the government or to buy service from the private security companies.

In the article no.3 of the regulation about the appliance of the Law no. 5188 about the areas open to public, it is said as follows: “…at meetings, concerts, stage demonstrations and similar activities; in the temporary or emergency cases such as money and valuable possession transportation, without looking for the decision of the committee, private security permission can be given by the governor” and an innovation which does not exist in the Law no. 2495 is brought.

The alarm centres brought into the scope of the law, at the Law no. 2495 era (appendix: R.G. 26.11.2000- issue: 24242), are arranged in the regulation about the appliance of the Law no. 5188. According to this, the private security companies which want to found alarm centres, have to ask for permission according to this regulation (article 10).
In the article no. 14 of the Law no. 5188, about the Private Security education, it is said as follows:
“... At the people who have graduated from the universities that still have faculty of security or vocational high school in its structure and that can still find departments of security (faculty or high school), apart from the five years’ armour education, private security basic education will not be looked for. Private security education can either be given by the Ministry of Internal Affairs itself in payment or by the private education foundations approved by the Ministry. The condition mentioned in the article no.5, section no.3 will be looked for in the managers and founders of the foundations which will give private security education.”

Private security education was taken from the monopoly of the Ministry of Internal Affairs for the first time with this law and can be given both to the universities and private education institutions. At the period when the Law no. 2495 was in force, some universities founded departments that give private security education in their Vocational High School structures (Posta Gazetesi, 08.05.2004).

Companies that sell and make/ cover electronic security systems, are not included in the scope with the Law no. 5188, just as it was not so with the Law no. 2495. According to the regulations here, selling the electronic or electric security equipment is free, but operating or trading its service remains within the scope of the Law no. 5188.

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<th>Turkish private security sectors</th>
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<tr>
<td>Private Security Companies</td>
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<tr>
<td>Private Security Training Foundations</td>
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<td>Private Alarm Centres</td>
<td>321</td>
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<td>Units Protected by Private Security Companies</td>
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<td>Private Security Manpower</td>
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**Problems, Limits and Opportunities for Private Security**

First problem among servicemen, most of the private security jobholders’ essential rights are less than those of general security jobholders’, second one, the statuses of private security jobholders seem lower. The third one, lack of order in private security’s personnel structure also emerges as another reason.

Although there are more than 233 thousand security forces, they are made up of small and separate organizations from the point of view of personnel and equipment can be counted too. The biggest organization of
security service units is made up of at most 7 or 8 thousand personnel whereas police organization has more than 240 thousand personnel. Therefore one can claim that most of the problems may well be given less consideration of the public.

Moreover, there has been more conflict between private security and general security forces than coordination because of competition, lack of communication, lack of knowledge, insufficiency of education (general security does not get education about private security) etc…

Another interesting thing is that gross profit in this security business is very low and nearly 2–4 percent, which is not much for this kind of business. Investors who enter into this type of security business usually have no background in economics. They are usually from retired security personalis and they assume and imagine that they are expected to earn a lot of money. But at the same time, there are very few of those who have become rich here. The question is, why are such companies then being established if they can’t be profitable? But then most of us would be in the area of unarguable debates. Most people would generally guess that these companies can be used for tunnelling, escorting money from businesses. Of course, some people think that, they can also be used to cover up various types of illegal activity and probably that some of them function this way. But no one can’t prove it.

This study has been a small step to show that the near-future status of private security services in Turkey will gather more consideration than before. Results of findings in this study should have been that private security services will continue to improve security services and be indispensable for a near future although carrying very troublesome problems.

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