

35 Years of Development and Regulation of Private Security in Slovenia – Between Strengths, Opportunities and Risks¹

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Modern private security has been developing in Slovenia for the past 35 years. During these years, it has been heavily regulated, as no other security organisation or activity has been subject to three laws in such a short period of time. Compared to EU countries, Slovenian private security is well regulated, as evidenced by some international studies. Our research findings reveal several strengths of private security regulation in Slovenia, but even more opportunities and risks that will need to be addressed in the future regulation of this field.

Keywords: private security, regulation, strengths, opportunities, risks, Slovenia

Introduction

As a former socialist country, Slovenia does not have a very long tradition of private security. However, in the last few decades, private security became an important member of the plural policing family, and it is (after the police) the second largest organisation in the field of internal security of Slovenia.³ Moreover, substantial development was also made in the field of private security regulation,⁴ strongly characterised by private security laws adopted in 1994, 2003 and 2011. In addition, the Ministry of the Interior adopted a strategy in the field of private security in 2010.

¹ The contribution was partly created within the framework of a targeted research project “Adequacy and further development of the systemic regulation of private security and sectoral professional interest grouping in the Republic of Slovenia”, co-financed by the Slovenian Research and Innovation Agency and the Ministry of the Interior of the Republic of Slovenia, and carried out by the Faculty of Criminal Justice and Security of the University of Maribor between 2022 and 2024. A part of the article is also the result of the targeted research project: “An effective appeal mechanism over the work of municipal wardens, security guards and private detectives”, co-financed by the Slovenian Research Agency, the Ministry of the Interior of the Republic of Slovenia and the Ministry of Public Administration of the Republic of Slovenia, and carried out by the Faculty of Criminal Justice and Security of the University of Maribor between 2021 and 2023.

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³ SOTLAR et al. 2022.

⁴ BUTTON-STIERNSTEDT 2016; CHRISTIÁN-SOTLAR 2018.

Therefore, it seems that strong regulation has prevented the uncontrolled development of private security, which is (still) primarily an economic activity and only then a security activity. Given that about 15 years have passed since the aforementioned strategy and the current law were adopted, the questions arise about the further development (and regulation) of private security in Slovenia. Thus, the Ministry of the Interior, as a responsible national authority (e.g. regulator) is preparing a new strategy in this area. At the same time, it supports research projects, as it wants to prepare the strategy and (potential) new law on private security (also) on the basis of scientific findings.⁵

The purpose of the article is therefore to analyse the development of private security in Slovenia in the last three and a half decades, and to present the strengths and opportunities of a present private security regulation as well the risks as it follows from our research in 2023.

The origins and development of private security

The first modern private security firms in Slovenia were established in 1989. Before that “private security” in Slovenia was carried out by security companies, based on so called “social ownership”, common to the socialist political and economic system of former Yugoslavia.⁶ In practice, there was one big private security company called *Varnost Ljubljana*, consisting of 13 branches, operating throughout the territory of Slovenia. These companies provided security primarily for (socially owned) factories, business premises and shopping malls. Political, social and economic changes in Slovenia (1988–90) gave burst to private sector, private property and consequently private security industry.⁷ Changes in the field of private security went simultaneously on two tracks: on the one hand private security firm *Varnost Ljubljana* was abolished and its branches were transformed (under the same or changed names) into independent joint-stock firms, while on the other hand new security firms with limited liability, who were not successors of the previous system, were established.

It became quite soon clear that private security cannot develop successfully (in terms of private security industry and in terms of society) without appropriate legislation. Thus, the (the first) Law on Private Security and on the Mandatory Organisation of Security Services was adopted in 1994. The law introduced licenses for physical or technical security. Chamber of the Republic of Slovenia for Private Security was also established, into which membership was mandatory for all private security

⁵ In addition to the two projects already mentioned, it is also worth mentioning a targeted research project, a comparative study on the regulation of private security in Slovenia and selected EU countries, which was carried out between 2019 and 2021 by the Faculty of Criminal Justice and Security of the University of Maribor, and co-financed by the Slovenian Research Agency and the Ministry of the Interior of the Republic of Slovenia.

⁶ Slovenia was part of Yugoslavia until 1991 when declared independence. The country received widespread international recognition in 1992. SOTLAR–MEŠKO 2009.

⁷ JOHNSTON 1992; SOTLAR–ČAS 2011.

companies. Among other duties, in accordance with the Ministry of the Interior, the Chamber granted and revoked the license for the performance of the activities of private security and defined the programme for tests of skills and knowledge needed for the performance for the activities of private security and the ways of examination of knowledge. The chamber was a public legal entity, performing the mentioned tasks in public interest, as public powers, financed by the state's budget. Despite this new, quite demanding legislation, the private security industry grew significantly and there were around 240 private security companies with 3,500–4,000 employed security officers in the late 1990's. In 2001, private security was even mentioned in the *Resolution on the National Security Strategy of the Republic of Slovenia*, the highest strategic policy document in the field of security.⁸

The second Private Security Act was passed in 2003. The classical division on physical and technical security was replaced by six forms/licenses of private security activities: 1. security of persons, 2. security of property, 3. transport and security of money and other valuable consignments, 4. security of public gatherings, 5. management of security-surveillance centre, and 6. project and execution of security systems.⁹ New and protected jobs were introduced for private security personnel, and a mandatory training of them was also introduced prior to the employment in security companies. Within the Ministry of the Interior, a new body was established – Internal Affairs Inspectorate, which became responsible for the inspection and control over private security companies regarding the legality of their activities. The tasks of the police and the Chamber regarding control were also defined. The law handed over the most important powers – granting, changing and revoking the licenses – from the Chamber to the Ministry of the Interior. Soon after that mandatory membership in the Chamber was abolished and the Chamber had to change its name and organisation. Since then, the chamber operates under name of Chamber for the Development of Slovenian Private Security. The Chamber wanted to compete with other private security chambers and professional associations that might be established in the future. However, no other chamber or association has been established so far. It kept some public powers which are mostly connected to the organisation of training and programs of examination of professional qualifications and skills of the candidates for various jobs in a private security industry. Under the new legislation, few public and private secondary schools for private security were established.¹⁰

The legislative changes from 2003 led toward decreased number of private security companies (for example there were only 90 private security companies in August 2006), but they employed more security officers (around 5,000). Many security companies specialised for only one or just few activities, thus only few possessed all licenses. The three biggest companies together employed much more than 50% of all private security personnel in the country and some of them expanded their activi-

⁸ SOTLAR-ČAS 2011.

⁹ The last license was later on divided into two separate licenses.

¹⁰ SOTLAR-ČAS 2011; DVOJMOČ-SOTLAR 2018.

ties across the national borders, mostly in south-east Europe. Changes in the field of control over private security companies also became visible – it was the state and not the Chamber who took over the main responsibility in this regard.¹¹

The present situation in the field of private security

In 2011 (the third) Private Security Act¹² was passed. It brought a new definition to private security:

“(1) Private security means protection by security personnel and technical security systems provided in forms stipulated in this Act of persons and property in a protected area, or in a particular facility or space, from illegal activity, damage or destruction. (2) Private security is an economic activity intended for the protection of persons and property, which is regulated by the Republic of Slovenia in the public interest for the purpose of providing public order, public safety, the protection of clients, third persons and security personnel directly performing the activity.”

The definition is in accordance with the description of Sotlar and Čas (2011) about the main characteristics of the new regulation:

- the powers and responsibilities of the Ministry of the Interior in the field of private security keep growing
- there is too much regulation of the field of private security, which is an economic activity
- the Chamber for the Development of Slovenian Private Security is gaining back some powers even though membership in it is not mandatory
- the number of measures/powers and means of private security officers has increased
- the conditions for the use of particular measures/powers have broadened
- basic and advanced security personnel training is given special attention
- in-house security is introduced

From 2011 on, eight forms of private security exists and all of them require licenses granted by the Ministry of the Interior. They are the following:

- Protection of people and property
- Protection of persons (bodyguarding)
- Transportation and protection of currency and other valuables
- Security at public gatherings
- Security at events in catering establishments
- Operation of a security control centre

¹¹ SOTLAR–ČAS 2011; SOTLAR–DVOJMOČ 2016.

¹² Zakon o zasebnem varovanju 2011.

- Design of technical security systems
- Implementation of technical security systems

In November 2024, there were 163 registered private security firms which together held 463 licenses (see Table 1).

Table 1: Private security licenses in Slovenia (November 2024)

Licenses	No. of issued licenses	No. of private security firms
Protection of people and property	100	
Protection of persons	34	
Transportation and protection of currency and other valuables	40	
Security of public gatherings	77	
Security at events in catering establishments	57	
Operation of a security control centre	12	
Design of technical security systems	32	
Implementation of technical security systems	111	
Total	463	163

Source: Ministrstvo za notranje zadeve 2024

The Private Security Act (2011) defines jobs in the field of private security which are also licensed. Security personnel is a common name that covers:

- security watchmen
- security guards
- security bodyguards
- security supervisors
- security control centre operators
- security technicians
- authorised security system engineers, and
- security managers

For all these categories, the content and duration of initial and continuous training (for example, 102 hours of initial training for a security guard) and an examination are prescribed by law. Without having trained security personnel who hold official identity cards private security firms are unable to apply for particular licenses.¹³

In 2024 there were around 6,300 private security personnel and around 7,100 police officers. This gives us a ratio of 0.9:1 between these professional groups. The Private Security Act (2011) provides relatively extensive powers (in Slovenia defined

¹³ CHRISTIÁN-SOTLAR 2018.

as “measures”) that a security guard can use “when performing tasks of private security, in case of a threat to life, personal safety or property or when order or public order are breached” (Article 45). Security guards may:

- issue warnings
- make verbal orders
- ascertain identity
- conduct superficial searches
- prevent entry to or leaving from a protected area
- detain a person
- use physical force and
- use handcuffs or other means of restraint

Security guards may also use other measures if required by the law applicable to the area (e.g. the protection of airports, casinos or nuclear facilities) as well as technical security systems in line with the relevant legislation. Security guards (except security watchmen) may carry and use firearms (handguns), incapacitating spray¹⁴ and a service dog.¹⁵

What does such regulation mean in relation to other EU member states? It seems that Slovenia ranks quite high. Button and Stiernstedt (2016) were looking for a comprehensive methodology to evaluate private security in different EU countries. They created an analytical tool consisting of 1. Legislation (“those aspects pertaining directly or indirectly to the actual national legislative framework”); and 2. Societal Foundations (“as the direct or indirect consequences of that legislation upon its implementation into the society”).¹⁶ In their study from 2016, Slovenian private security regulation is awarded with 82 points (out of 100). This result ranks Slovenia third after Belgium (94 points) and Spain (90 points) among 26 EU member states taken into consideration.¹⁷ In 2018 Christián and Sotlar repeated their study and awarded Slovenia even with 94 points, since they assessed that some criteria were not initially allocated enough points regarding the existing regulation.¹⁸

However, it would be a very misleading conclusion that everything in the field of private security in Slovenia is perfect. Neither this is true for legal regulation itself, nor its practical implementation. Thus, in the next section we are presenting some findings of our research which shows some strengths, but also plenty opportunities and risks in the field of private security in Slovenia.

¹⁴ A security guard can only use an incapacitating spray if there is no other way of preventing an immediate illegal assault on the security guard.

¹⁵ A security guard may use a specially trained service dog and use its sense of smell or sight to determine the presence of a person or substance. The dog must be muzzled, on a leash and under the direct control of the security guard. So far, no private security company has decided to introduce a dog in its service.

¹⁶ BUTTON-STIERNSTEDT 2016: 8.

¹⁷ BUTTON-STIERNSTEDT 2016.

¹⁸ CHRISTIÁN-SOTLAR 2018.

Strengths, opportunities and risks in the field of private security regulation – research findings

Method and sample

For the purpose of the research project “Adequacy and further development of the systemic regulation of private security and sectoral professional interest grouping in the Republic of Slovenia” we interviewed 14 experts from the wider field of security in 2023:

- 2 representatives of private security companies and its chamber
- 3 clients of private security companies
- 4 representatives of the Ministry of the Interior
- a representative of the Internal Affairs Inspectorate of the Republic of Slovenia
- 2 representatives of the Police
- a representative of the Human Rights Ombudsman’s Office, and
- a representative of the Union of Utilities, Security and Real Estate of Slovenia which represents the interests of private security personnel

Experts were questioned (among others) regarding advantages and disadvantages of the current legal regulation of private security as well as about risks in the field of private security regulation. The interviews were conducted in a period between 18 October and 13 November 2023. The findings gained with the interviews were also evaluated through discussion within the focus group in 2024.

Results

About the strengths

Experts participated in the research highlighted the following strengths of the regulation of Slovenian private security:

- the field of private security is regulated by *lex specialis*, which is not necessarily the case with other countries
- the law is sufficiently flexible, useful, well known to users and represents a good basis for implementation of private security in practice
- the legal regulation ensures the protection of the human rights of all participants, covers the field of contractors and security personnel and fairly well regulates the supervision of the implementation of private security
- the private security field is highly regulated and thus transparent

About the opportunities

On the other hand, interviewees also identified many weaknesses that could be seen as opportunities (if likely to be addressed) in the field of private security:

- the existing law is fairly rigid, insufficiently flexible and does not follow changes in the field in practice. The law should contain only the most necessary contents, but the areas should be defined in more detail in secondary legal acts (regulations or rules)
- strong regulation limits economic initiative, and private security is, after all, a market activity
- there is no central record of the assessment of security officers' measures (the data is scattered throughout the police stations), which, among other things, makes statistical processing and evaluation of data impossible, and thus leads to deviations and duplications in analyses¹⁹
- two interviewees pointed out that the police try to establish a partnership with private security, but at the same time they are obliged to control and sanction it, which makes it impossible to upgrade the relationship between these two institutions
- the complicated and lengthy process of revoking the license and service card in cases of security restrictions and cases of the necessary termination of validity of service cards (e.g. upon revocation) and the necessity of precisely defining the status of a security guard (dilemma regarding the status of an official person) were mentioned several times
- some interviewees are of the opinion that the appeal procedure is not adequately regulated²⁰
- some interviewees are of the opinion that the security personnel training system needs to be rationalised and adapted both from the point of view of the content of the training as well as the suitability of the lecturers and members of the examination boards
- in connection with the training, one of the interviewees expressed the opinion that "practically anyone can be a security guard today", which affects the reputation and quality of private security services
- one interviewee stated that the Chamber for the Development of Slovenian Private Security should be given more powers in the field of the profession, including the implementation of professional supervision, with the foreseen

¹⁹ Pointed out by representative of the Human Rights Ombudsman's Office.

²⁰ The research group who conducted the research on the appeal mechanism over the work of municipal wardens, security guards and private detectives came to the same conclusion. According to the present regulation, citizens can make an appeal against the security guards, sending a complaint to the private security company where the security guard is employed. The whole procedure is done within the company, without the participation of the representatives of the Ministry of the Interior, the Chamber for the Development of Slovenian Private Security or the public. The described procedure does not give the appearance of impartiality (SOTLAR et al. 2022). Therefore, the research group made concrete proposals for upgrading the complaints procedure.

mandatory membership, while at the same time the supervision of the Chamber's work should be strengthened

- the necessity of expanding the range of competences of the Internal Affairs Inspectorate of the Republic of Slovenia was mentioned
- representative of the Union of Utilities, Security and Real Estate of Slovenia pointed out numerous violations of labour law in private security related to material and social status (for example unfair payment for work performed; unreimbursed costs, and poor working conditions).

About the risks

The interviewees were also asked about the risks in the field of private security regulation. We showed them some statements about potential (medium-term) risks and asked them how much did they agree/disagree with each of them (Table 2).

Table 2: Risks in the field of private security regulation evaluated by interviewees

Statements about risks	M
Illegal and unprofessional encroachment of security guards on human rights and freedoms	3.92
Poorly informed or incompetent clients of private security companies	4.08
Low prices (including dumping prices) of security services	4.62
The lowest price as the main criterion for the selection of a private security service provider	4.62
Low salaries and poor social status of private security personnel	4.38

Scale: 1 – I do not agree at all, 2 – I do not agree, 3 – I do not agree or disagree, 4 – I agree, 5 – I completely agree

Source: SOTAR et al. 2024

There was a high level of agreement with the stated risks. Interviewees assessed that the most serious risks were “low prices for security services (including dumping)” (M = 4.62) and “the lowest price as the main criterion for selecting a private security service provider” (M = 4.62). This was followed by agreement with the statement “low salaries and poor social status of private security personnel” (M = 4.38) and “poorly informed or incompetent clients of private security company services” (M = 4.08). The lowest level of agreement (although still high) was with the statement “illegal and unprofessional interference by security guards with human rights and freedoms” (M = 3.92).

Individual interviewees also warned against the following potential private security related risks:

- poor training of security personnel, lack of knowledge of security risks and private security planning
- abuse by company owners and their manipulation (with the price of the service, inadequate staff, mutual agreements to obtain the job, etc.)
- dispersed and personally motivated interests of security entities
- disorder and vagueness of the labour law area in the private security industry (opinion of the representative of the Union of Utilities, Security and Real Estate of Slovenia)
- cost reduction in the performance of security tasks that leads to weak performance
- individual security service cannot provide a sufficient number of security guards to protect risky events, especially football matches, thus several security services (3, 4,) participate in protecting such matches. This leads to problems in communication (delays in security measures, incorrect actions, etc.), in coordinating security tasks, since security guards are not “in sync” and do not know the facility (stadium), in the lack of protective equipment, etc.
- illegal work (with persons who are not security guards at all; with persons who are security guards but are not in a contractual relationship or have not obtained the consent of the original license holder)
- the absence of centralised processing and evaluation of data on the use and assessment of security guard measures
- low wages and dumping prices
- unmotivating working environment offered by security companies
- inability of security companies to quickly adapt to the situation (e.g. the Covid-19 pandemic)²¹

Discussion

The Slovenian private security sector has developed relatively smoothly for 35 years. Legislation has certainly contributed to this. However, it is definitely time for the state and the private security industry to reconsider the direction in which it should develop in the future. Despite the impression that Slovenian private security is also ranked well internationally, one should not ignore the opinions of security experts, who highlighted many advantages of the current legal framework, but even more weaknesses/opportunities and risks. Among advantages, the interviewees pointed out the fact that the field of private security is regulated by a special law (Private Security Act), which is sufficiently flexible, useful, well-known to users and therefore represents a good basis for performing private security activities. The field of private

²¹ Otherwise, there are also reports that private security companies worked very well during Covid-19, despite getting no recognition for their performance by the government or society (SOTLAR–DVOJMOČ 2021; LOBNIKAR et al. 2023).

security is heavily regulated but also transparent. The legal framework ensures the protection of the human rights of all participants, covers the field of contractors and security personnel, and regulates the supervision of private security fairly well. In general, we could therefore say that the existing legal framework meets the expectations in terms of protecting the public interest, which is the protection of public order, public safety, clients, third parties and security personnel.

However, the interviewees also listed a whole bunch of weaknesses or shortcomings of the legal framework. The “strong regulation”, recognised as an advantage, also has a downside, which, according to the interviewees, is expressed in the rigidity and insufficient flexibility of the law, which does not allow for adaptation to changes in practice. Therefore, the law should contain only the most necessary content, while more detailed areas should be regulated in implementing regulations. On the other hand, strong regulation limits economic initiative, with private security being a market activity after all. The representative of the Human Rights Ombudsman’s Office drew attention to the fact that the legal regulation does not stipulate a central record of assessments of security measures (powers). It is the job of the Ministry of the Interior and the police to establish an appropriate record.

A conceptual problem was also stressed: the police are supposed to establish partnership relations with private security, but on the other hand, they are obliged by law to supervise it, which limits the upgrading of the relationship between institutions. This is certainly a problem not only in Slovenia.²²

The complex and lengthy procedure for revoking a license and service card in cases of security concerns and in cases of necessary termination of service cards (e.g. upon revocation) was highlighted. However, this is not so much the consequence of private security regulation, but of the Slovenian court backlog. The legal regulation also does not resolve the issue of the status of a security guard (e.g. regarding the status of an official). Since security guards also work for state bodies,²³ it is probably time that the state grants them official status.

The interviewees also questioned the existing procedure for an individual’s complaint against a security guard. The solution could be a two-step procedure where on the second level also representatives of the Ministry of the Interior, the Chamber for the Development of Slovenian Private Security and the public take part.

In the area of security personnel training, the opinion was expressed that the system should be rationalised and adjusted both in terms of the content of training and the suitability of lecturers and members of examination committees. While it is easy to understand why private security companies are interested in shorter (e.g. cheaper) training, it is worth to say that any decreasing in the number of hours of training would be a step back.

²² NALLA–HUMMER 1999; SOTLAR–MEŠKO 2009.

²³ According to some assessments, Slovenian state bodies (e.g. ministries, agencies, courts etc.) are clients of private security companies in 40% of cases. This share is much above the EU average.

Weaknesses were also identified regarding the role of the competent authorities. Thus, the Chamber for the Development of Slovenian Private Security – with the planned mandatory membership – should be given more competences in the field of the profession, including the implementation of professional supervision, while at the same time, supervision over the work of the Chamber should be strengthened. However, it is not very realistic that mandatory membership will be introduced again, and without that it is difficult to give the Chamber more competences. The Internal Affairs Inspectorate is also to be given more powers.

Warnings from a representative of the Union of Utilities, Security and Real Estate Business of Slovenia cannot be ignored. She reports about numerous violations of labour law in the private security sector, related to material and social status. According to the union representative, private security personnel in many companies receive inadequate payment for the work performed. There are common cases of unreimbursed travel costs to and from work and food costs. In addition, many private security officers have poor social security due to fixed-term employment relationships. It is also important that many of them have poor working conditions (poor organisation of work in companies, inappropriate attitude of superiors towards subordinates, inaccessibility of toilets, unheated premises, inadequate equipment, etc.). It seems that the majority of comments (e.g. weaknesses) made by the Union representative is not a direct consequence of private security regulations. However, this is definitively the responsibility of other inspectorate bodies, and first and foremost of the owners of the private security companies and the Chamber.

The interviewees agreed with the risks that we sent them for assessment. Interestingly, as the most pressing risks that can be quantified, they assessed those that are (can be) interconnected and interdependent and arise from the conditions on the security services market: low and dumping prices of security services, the lowest price as the main criterion during the selection of a private security service provider, and low salaries and poor social status of private security personnel. If we add to this some of the risks that were identified by interviewees themselves, we can conclude that they are often related to security personnel, be it their poor training, poor regulation of the labour and the private security, illegal work, low salaries and a demotivating work environment in general. In other words – private security regulation can obviously solve many, but not all problems.

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