

# PRIVATE SECURITY COMPANIES AND THE DEONTOLOGICAL CODES

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**Abstract.** The article is an analysis of the private security companies' activities, safeguarding people and property, in the context of compliance to ethical codes. The private security market in Poland was created last century in the eighties, and took over part of the tasks carried out thus far by the police and the army, which dealt with the protection of state institutions, and critical infrastructure of the country. The authors in their analysis point out that uniformed services, which previously dealt with protection, have had not only legal authorization in the implementation of such tasks, but also an extensive codes of honor, or ethical codes of conduct. Currently, there are few companies operating on the security market that have such codes of ethics. The authors suggest that the introduction of ethical (deontological) codes by private companies will increase the level of services provided, and contribute to the increase in the prestige of the protection profession.

**Keywords:** security, security privatization, private security companies, ethical (deontological) codes.

## Introduction

At the end of the twentieth century, the liberalization of the world economy became an impulse for the development of private agencies providing services in the area of security of people and property. Especially after the end of Cold War in highly developed Western countries, and in number of post-socialist countries, private security companies, known in English as Private Military Company (PMC) or Private Security Company (PSC), developed on a large scale. Jolanta Jabłońska-Bonca, referring to a number of elements found in literature presents the following characteristics of this type of companies: "Private security agency (security company, agency for protection of persons and property, private security agency, Private Security Company, PSC) is a commercial, professional legal entity (enterprise) providing services in order to ensure order and personal security (health and personal inviolability of people) in the areas of transports, various services, property safeguarding, etc.). Agencies operate for profit on private orders, as well as on the

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orders of the state authorities and international organizations. Some have national or local coverage, others operate internationally, as the global corporations.”<sup>2</sup>

Despite the short period of operation, these organizations quickly adopted the institutionalized character and achieved advanced corporate standards. In the case of PMC, the associated capital allowed for a significant expansion of the range of services, including training of armed forces, restructuring the army, organizing the protection of weapons and military equipment to any country in the world, or even supporting troops operating in the territory of a foreign state<sup>3</sup>. Currently, the range of standard services offered by this type of company includes protection of persons and property – especially diplomatic personnel – replenishment of military contingents, and other quite peculiar practices, such as interrogation of prisoners, what previously constituted the exclusive domain of officers of relevant state institutions<sup>4</sup>.

Newly created paramilitary private organizations, as shown in numerous publications cited in this article, can carry out various tasks, including criminal activities. Consequently, Sean McFate in the book *The Modern Mercenary* expresses the pessimistic opinion that there will be more and more abuses in private paramilitary organizations. In his opinion, modern security agencies are the “repainted gangs” or even “criminal corporations”. Such armed corporations employed by various authorities of local dictators, or military warlords, occupying their „own” piece of the world, will be even worse than the current dictators<sup>5</sup>. Sometimes the activities of this type of security companies are legal, and criminal activity is the second – the hidden bottom of their actual activity.

The functioning of this type of organization may be of concern also for other reasons. Often, these types of organizations can be rented by dictators for the implementation of their political goals. For example, Vladimir Putin’s Russia is a new dynamic development market for PMC companies. “In an authoritarian state, such organizations do not arise from the initiative of their own soldiers and intelligence agents who use their relational capital to win orders. The opposite is true: the decision-making center in the state initiates the organization of the PMC.”<sup>6</sup> In his speech in 2012 in the State Duma, Vladimir Putin encouraged the creation of such enterprises in Russia. Shortly thereafter, work was commenced on the bill “On private military companies” with an extended range of tasks, and a rich assortment of weapons and equipment available.

All this raises a justified anxiety about the PMC’s compliance with the basic standards related to the protection of human rights. In democratic countries, on the other hand, it prompts us to look for effective ways to prevent perceived patholo-

<sup>2</sup> J. Jabłońska-Bonca, *Prywatna ochrona bezpieczeństwa*, Wolters Kluwer, Warszawa 2017, p. 565.

<sup>3</sup> A.H. de Wolf, *Modern condottieri In Iraq: privatizing war from the perspective of international human rights law*, „Indian Journal of Global Legal Studies” 13 (2), 2006, p. 320.

<sup>4</sup> A. Gwiazda, *Prywatne wojsko*, „Wiedza i Życie” 2014, no 4, p. 35.

<sup>5</sup> Por. S. McFate, *Modern Mercenary. Private Armies and What They Mean for World Order*, Oxford 2015.

<sup>6</sup> J. Jabłońska-Bonca, *Prywatna ochrona bezpieczeństwa*, Wolters Kluwer, Warszawa 2017, p. 677.

gies in this type of enterprises. For example: in Great Britain, the British Association of Private Business Companies (BAPSC) was established for this purpose. The main goal of this institution is to promote, regulate (standardize), and control the activities of PMC having its headquarters in the UK. Britain, maintaining high standards of services offered.

In view of the above, the aim of the article is to show the possibility of using professional deontology standards to improve the quality of services provided in the area of security of people and property, as provided by PMC / PSC. The authors of the article hypothesize that the universal introduction of ethical (deontological) codes in private companies will contribute to increasing the level of services provided, and to amass the prestige of the profession, and of the employees protecting people and property. Verification of such a hypothesis will be used to address problems related to: 1) privatization of security and its consequences, 2) requirements imposed on companies to protect persons and property, 3) ethical dilemmas in the sphere of protection of property and persons, and 4) the functioning of ethical (deontological) codes in companies protecting people and property.

## 1. The privatization of security and its consequences

In Poland after 1989, along with the transformation of the state structures, the formation of private entities and private capital, the process of changes in the sphere of protection of people and property began. It should be noted that the protection of persons and property and the functioning of anatomical private structures appeared in Poland already in the eighties of the last century. This phenomenon was accompanied by changes in the political system that occurred in our country after the change of the socio-economic system, and departure from the centrally controlled economy.

In the book, authored by Maria Łoś and Andrzej Zybertowicz, a critical analysis of the privatization policy process in post-communist Poland<sup>7</sup> was presented, in which the authors deliberated on a complicated, and largely hidden process of security privatization covering such undertakings as: transforming some of the functions of the state in private companies; private appropriation and selective destruction of the content of archives of secret services; active role of secret services in the privatization of the state economy as well as infiltration and manipulation of various agencies of the new state. On the basis of these studies, a diagnosis was made that the process was not spontaneous, but to a large extent organized and coordinated, and as a result contributed to the creation of many pathologies.

The moment of breakthrough giving the possibility of undertaking business activity in the area of protection of persons and property was the implementation of the Act of 23 December 1988 on economic activity<sup>8</sup>. The Act was the only

<sup>7</sup> Zob. M. Łoś i A. Zybertowicz, *Privatizing the Police-State: The Case of Poland*, London: Macmillan, 2000.

<sup>8</sup> Ustawa z dnia 23 grudnia 1988 r. o działalności gospodarczej (Dz.U. z 1988, Nr 41, poz. 324).

statutory law allowing the functioning of private security companies, and indicated which entity is solely authorized to issue a license entitling to provide such services. However, this Act did not specify the authority to control such activities. As a result, several thousand companies were admitted to uncontrolled activities in the field of public safety<sup>9</sup>.

Since then, the privatization of police and army tasks has also progressed. These institutions have failed to transfer part of their tasks to non-public entities. As a result, the sector of private security was assigned to obligations resulting from providing protection in various types of state facilities, such as airports, military units, museums, as well as in public utilities – banks, and shopping centers. With time, the legal order on those guards was extended, what implied that both, the state established institutions, such as the police, courts and prosecutors, and the private security companies had to obtain the appropriate licenses issued by the Ministry of the Interior.

This solution distributed those economic entities throughout the country mixing those with the constituents of state security. Formations of this type in the field of basic protection of citizens, and the state and private property, fulfills identical tasks, such as state military formations, and are equipped with instruments of using physical force with the possibility of using firearms. Most similarities between the state and the private sector occurs within the prevention sector mostly reserved for the police<sup>10</sup>.

Given the rapid commercialization of security tasks, there is a fear that the further development of private security companies – especially international consortia of the protection industry – may lead to significant re-evaluations of many basic political and legal categories. This phenomenon also encourages reflection on the position of fundamental constitutional values in changing conditions and the issue of ensuring respect for traditional ethical values<sup>11</sup>.

The privatization of military and police tasks in addition to positive effects, such as, for example, relieving the state from the implementation of tasks related to the protection of its institutions, has negative effects that increase the threat for security workers themselves, as well as for the security of citizens and the state. Despite the similar scope of security duties, differences in the functioning of commercial and public formations inversely construe the question of fitness for work in the public service, which concerns the activities of soldiers, police officers, or Border Guards. Uniformed formations are based on oath, loyalty to the Homeland, and custody of the values included in the Constitution. These obligations are the basic criterion of their usefulness in public service work. Meanwhile, for companies in the private security industry, such a determinant of suitability, is to achieve a financial

<sup>9</sup> A. Zybertowicz, *W uścisku tajnych służb. Upadek komunizmu i układ postnomenklaturowy*, Wyd. Antyk, Komorów, 1993, p. 82.

<sup>10</sup> J. Zakrzewski, *Etyka zawodowa pracownika ochrony*, Warszawa 2011, p. 2.

<sup>11</sup> K. Dobrzeński, *Antropoarchaiczna krytyka prywatyzacji konfliktów zbrojnych – aspekty prawne*, *Ruch Prawniczy, Ekonomiczny i Socjologiczny*, LXXVIII – zeszyt 1/2016, p. 113.

goal, what is a benefit of services given for the protection of people and property. The priority of the financial goal in this type of companies is confirmed by the research carried out in international security corporations, oriented at achieving high financial profits without counting on the principles of morality and ethics, or even legal norms.

To sum up this aspect of discussion, it should be noted that there are fundamental teleological differences between the state and private formations. Employees of private security companies took away from the Police, the Army, the Border Guard, and other uniformed formations the tasks related to the protection of state institutions. However, their action is not based on the oath, to which soldiers and policemen are obliged. Hence, it can be hypothesized that employees of private companies protecting people and property much more often than the uniformed officers are exposed to corruption traps, the possibility of abuse of power, or unauthorized use of force. Moreover, what is worth noting and underlining, the uniformed, military and police formations differ from the civilian security companies in that aspect where they possess their particular sets of values, rules, norms and models included in honorary codes or ethical codes<sup>12</sup>.

It should also be noted that members of these both types of security institutions, of the state, such as policemen and soldiers, and of the private sector of the employees of private security companies, are equally exposed to stress, loss of health, and even life while performing their duties. They come about the similar, if not identical, threats of pathology in the form of corruption, the possibility of power abuse, and the use of force, what should be faced with internalized values externally, and a proper moral attitude. For this reason, for both types of security formation, similar requirements and ethical standards should be set.

## **2. The requirements for companies protecting people and property**

In the profession of security guards, it is desirable to have most of the characteristics of a profession of public trust, such as: the rule of law, maintaining professional and state secrets, mutual trust. Such features, combined with the ethical principles used on a daily basis by security staff, allow them to apply for the status of a profession of public trust. Thus, if the state protection services have their ethos and professional ethics, it seems evident that the private security services operating in the same sector, should act in a similar way – based on the principles of ethics<sup>13</sup>.

Such a view is becoming more and more obvious, but it is true that until recently, when employing individuals protecting people and property, there were

<sup>12</sup> Kodeks Honorowy WP, Etyka Zawodowa Funkcjonariuszy Służb Państwowych, Etyka Policji, Etyka Zawodowa Straży Granicznej.

<sup>13</sup> J. Zakrzewski, *Etyka zawodowa pracownika ochrony*, Warszawa 2011, p. 2.



almost no ethical and moral requirements safeguarding against the occurrence of various types of pathology. For example, last century in the first half of the nineties, security agencies employed people with a criminal history, as, for example, was the case with the HELP Protection Agency in Bydgoszcz. Some activity of security companies may even be a cover for criminal activity, as was the case with ESKORTA from Wołomin, that had its license revoked for forcing buyers and restaurateurs from the Old Town in Warsaw to use their security services. As Tomasz Aleksandrowicz pointed out, "the significance of the problem was increased by the information about the cooperation of individual security agencies with the criminal groups; committing crimes by security guards (theft, burglary, extortion, unlawful threats, beatings, also with fatal consequences); or even penetration of individual security companies by foreign special services"<sup>14</sup>.

An interesting problem of pathology in security companies was observed by Anna Marszałek, who described the situation as follows: "Security guards also make advances and do not comply with their obligations; they impersonate bailiffs; they steal cars, and then offer the help to find those, of course for a fee; they cooperate with the thieves, offering such services; they accept orders to collect debts and appropriate the money thus obtained; they illegally enter apartments and premises (...). It also happens that the agency's employees beat and maim people, abduct them (...); they stop cars that they think are stolen; they use weapons without justification and under influence of alcohol; they carry weapons without permission; they threaten the people."<sup>15</sup>

Since this type of criminal activity was not incidental in the first half of the 1990s, the Act on the Protection of People and Property was introduced on August 22, 1997, taking the above into account.<sup>16</sup> The Act allowed for the liquidation of many of the above-mentioned pathologies, established the definition of a security officer, and defined the qualification requirements for security guards. Additionally, on the basis of this law, the Specialized Armed Security Formations were created, which were established with purpose of protection of the military facilities and public administration institutions, excluding from the protection the military and civilian units, and internal protection of entrepreneurs. Currently, after twenty years of functioning, and cosmetic changes from time to time, the Act requires a deep amendment, because it does not adequately reflect the relationship between the situation of employees' protection, and the environment of current moral rudiments.

Despite the introduction of legal regulations in Poland regarding the functioning of the private security sector, there is an opinion of a low level of services provided by the private security sector, in relation to the level of performance

<sup>14</sup> T.R. Aleksandrowicz, *Ustawa o ochronie osób i mienia. Komentarz*, Wydawnictwo Prawnicze LexisNexis, Warszawa 2002, p. 11.

<sup>15</sup> A. Marszałek, *Większość uczciwa, niektóre psują opinię. Czy agencje ochrony są powiązane z przestępcami*, „Rzeczpospolita” z 27 maja 1995 r.

<sup>16</sup> Ustawa z dnia 22 sierpnia 1997 r. o ochronie osób i mienia (Dz.U. z 2014 r., poz. 1099).

of similar tasks by the so-called uniformed services. Although many irregularities that occurred in the nineties of last century (in particular, ransacks, traps, robberies and theft of protected property) were eliminated, no significant improvement was achieved in the, so-called, “security culture” – created by basic duties of services, values, norms, rules, symbols as well as beliefs, influencing the perception of challenges, opportunities, risks and threats<sup>17</sup>.

The very perception of security, and thinking about it, depends on the behavior and activities within a country – of people, social groups, institutions, organizations, communities, and, in general, of a society. We must remember that, it is the high organizational culture of the company, allowing providing security services, that creates proper conditions for the performance of tasks at the highest level<sup>18</sup>.

### **3. Ethical dilemmas in the sphere of protection of people and property**

The introduction of legal regulations extending the scope of rights of private entities in the sphere of public safety has not eliminated many ethical dilemmas. Similarly as in the case of international corporations, some private security companies are focused primarily on profit rather than on the effective implementation of tasks related to the security of people and property. One the real reasons for the poor quality of the services provided may be the difference in the amount of funds paid to the heads of the company by the clients compared to the low amounts that are received by the security staff. Another important reason for the low quality of security services may be a cursory implementation of the protection of program requirements under the statutory program during employee training, and does not correlate with practical work requirements.

In addition, employees of security companies are not instilled in, and do not enforce certain universal moral values established by professional ethics, especially such as scrupulousness, responsibility, duty, justice or even selflessness. Each of the values listed above has its own interpretation, which should be known to employees of security companies. For example, scrupulousness refers to the task being performed and is the right attitude of a human being in accordance with the values of a group, or a protected person. Responsibility is the readiness of the employee to bear the consequences for his actions. Compulsiveness manifests itself in a reliable approach to work in accordance with what is necessary, and not relativized. Justice is the provision of benefits in accordance with a rule of conduct specifying what should be done, related to the expectation of proper compensation for services rendered. Finally, selflessness is a moral action based not on one's

<sup>17</sup> M. Cieślarczyk, *Kultura bezpieczeństwa i obronności*, Wydawnictwo Uniwersytetu Pedagogicznego w Siedlcach, Siedlce 2011, p. 217.

<sup>18</sup> P. Pajorski, *Pracownik ochrony – wzrost czy upadek kultury bezpieczeństwa – polskie realia: zarys zagadnienia*, „Kultura Bezpieczeństwa”, No 18 2015, p. 113.

own benefit, but for the good of the task and the groups for which the services are provided. Without meeting these values, it is easy to create a lot of damage and tragic events<sup>19</sup>.

The most fundamental principle of ethics is the principle of respect for human life and health. The content of this principle is best understood by Kant in his moral imperative, ordering that in all activities one should treat another man as a goal, and never as a means to achieve a goal. Human life and health should always be placed first before the other values. Stolen property can be recovered, but life lost as a result of reckless action will never be recovered. In the implementation of security tasks, it is also important that the security officer knows what he cannot do, and distinguishes what and how to do it. In addition, due to its work, the security officer has some additional obligations related to compliance with legal norms.

The protection employee should deal with the client, coworkers, and against competitors in accordance with the principle of integrity. Honesty towards the client manifests itself in not accepting orders that may cause a conflict of interest, not disclosing information obtained as a result of the execution of the order, and presentation of the possibilities and means available to the protective company. Honesty towards associates, especially employers, consists in not deriving benefits from the tasks performed. In addition, it is advisable that the security officer informs the management of his company about any attempts to provide him/her with additional gratuities in relation to the performed duties. It is also recommended that the management of the company periodically check the susceptibility of its employees to bribery. The employee should always be informed of the possibility of undertaking such activities when he is accepted to work for a security company. Honesty towards competition also implies the abstaining from such activities as buying up employees, dumping, providing false information about the company's competitive ability, etc.<sup>20</sup>

It is often understood that the goal itself is economic in this field of work. The protection tasks, for example, of private owners of different companies, is look on through the prism of maximum profit, as an activity in which there is no room for ethics. Therefore, a more general question can be asked here: do business and ethics have to be mutually exclusive?

In Poland, after the systemic change, business ethics have been developing successfully since the mid-1990s. Business ethics should be related to such issues as are related to the behavior of people, and justified by the norms of an axiological character. Thus, within the postulated systems of values, in addition to such values as *economy and efficiency*, marked as two "E" of praxeological, or functional

<sup>19</sup> Zob. ibidem, p. 113.

<sup>20</sup> [https://sciaga.pl/tekst/57440-58-sprezycowanie\\_podstawowych\\_zasad\\_etyki\\_branzy\\_ochrony\\_osob\\_i\\_mienia](https://sciaga.pl/tekst/57440-58-sprezycowanie_podstawowych_zasad_etyki_branzy_ochrony_osob_i_mienia), access 08.08.18.



nature, there is also the third “E” – namely ethics, as the expanse of moral (ethical) valuation independent of valuation fitness<sup>21</sup>.

Ethics is often identified with morality, and the pedigree of ethical conduct is perceived in the moral behavior of a given person. The notion of morality comes from the moral adjective and, etymologically speaking, derives from the Latin word – *mores*, that is pertaining to tradition or custom. Similarly, the Greek – *ethos* from which the word *ethics* originates, is based upon. The subject of ethics is everything that is related to the functioning of morality in three planes, which are at the same time its basic divisions – metaethics, descriptive ethics, and normative ethic. Accepting the perspective of three levels and divisions of ethics, it can be defined as follows: “ethics is a knowledge of what is good and bad by tradition, customs and behaviors of people aiming to improve virtues, and avoiding or eliminating defects in their actions based on the consequences”<sup>22</sup>.

In ethical literature, we also meet other approaches to ethics. There are definitions saying that ethics implies: knowledge of happiness (*eudaimonia*), that is, the highest good and other instrumental goods; science about morality, or about the actual behavior of people, their general and necessary rules of conduct; the science of duties, i.e. the science of obliging standards of conduct.<sup>23</sup>

The types of definitions of morality and ethics presented above are present in the tradition of ethical thought and modern ethical knowledge. The first definition is rooted in the Aristotelian tradition, in which the highest good is the *eudaimonia*, or happiness. The second definition has its justification in understanding ethics as a science of morality, describing moral facts and morality as activity. And the third definition is rooted in the *codex* tradition, and thus moral codes that require specific behaviors in certain typical situations. In addition, the definition of ethics implying that ethics is a reflection and science (knowledge) about what is good and bad, the pursuit of perfecting virtues, and avoiding deficiencies, takes its place within the framework of normative ethics.

The issue of professional ethics is taken up by both, the normative ethics, and by ethology and meta-ethics. However, traditional professional ethics is the domain of normative ethics. The deontology, which makes up the proper (normative) ethics, is connected to this. Deontology is one of the branches of ethics, while Ethics is one of the branches of philosophy. Ethics is the science of morality (descriptive ethics), or the broadly understood discourse about the given particular moral doctrine, that is, a certain system of moral norms, with arguments for their benefit (normative ethics) of presented norms<sup>24</sup>. Hence, professional ethics, in the narrow sense, is always associated with the obligations, responsibilities and requirements,

<sup>21</sup> Por. W. Gasparski, *Wykłady z etyki biznesu*, Wyd. Wyższa Szkoła Przedsiębiorczości i Zarządzania im. Leona Koźmińskiego, Warszawa 2004.

<sup>22</sup> Por. A. Redelbach, *Wstęp do prawoznawstwa*, Toruń 2002, p. 132.

<sup>23</sup> Ibidem.

<sup>24</sup> Ibidem.

and quite often with their rigorous procedures. Those are mainly included in the ethical codes of certain professions, as well as in oaths and professional vows.<sup>25</sup>

Located within the field of normative ethics, professional ethics in the strict sense is a set of answers to the question of how a representative of a given profession should behave morally in typical, and atypical situations. Typical situations are defined by norms of moral behavior, sometimes brought about by the procedures. Atypical situations are sometimes referred to as fixed ways of thinking, fixed in moral convictions. Broadly understood professional ethics are composed of three departments: the meta-ethics of a given profession, the ethology of a given profession, and normative ethics<sup>26</sup>. Therefore, the basic task of ethics is to show the rules of proper action of employees and professional groups. Standards created for their use are to ensure the emergence of an ideal (model or model) of conduct, which is the goal of formalized (codified) procedures for the best possible work<sup>27</sup>.

The foundation of the ethics of various professions are universal norms such as, for example, do not kill, do not steal, do not deceive, do not give false testimony, do not covet what is not yours, etc. However, within specific deontological statements there may be differences in interpretation or deviation from universal principles that regulate people's attitudes to such fundamental issues as life, health, security, peace, stability or trust. For example, in a medical ethics, the "do not kill" standard acquires an imperative and unquestionable meaning reinforced by the imperative of Hippocrates, in order not to damage treatment or therapy, while in an equally important military service the same norm is repealed and even replaced by an order to eliminate as many enemies as possible<sup>28</sup>.

Occupations with professional ethics always refer to the common good. They require a relation of obligation, duty or service. This relationship is often properly referred to as an aptitude to related, in context to its social role, the accordance to the norms and values of a society, and a given profession, as related to its social role. Such inclination requires first of all to realize the common good which may come about in two ways. In the first case, there is a relationship that is characteristic of moderate deontology, that sets moderate commitments and obligations for the benefit of others. In the second case, there is a proper relationship to rigorous deontology, that sets out extreme (rigorous) obligations, and above all obligations for the benefit of others. Moderate deontology is characteristic of the relation of work and service, and they are characteristic of the relation to service and aptitude.<sup>29</sup>

<sup>25</sup> M. Sułek, J. Świniarski, *Etyka jako filozofia dobrego działania zawodowego*, Wyd. Dom Wydawniczy Bellona, Warszawa 2001, p. 63.

<sup>26</sup> Ibidem, p. 64.

<sup>27</sup> M. Adamkiewicz, *Wprowadzenie do etyki zawodowej*, Wyd. Wojskowa Akademia Techniczna, Warszawa 2015, p. 5.

<sup>28</sup> Ibidem, p. 15.

<sup>29</sup> M. Sułek, J. Świniarski, op. cit., p. 67.

Thus, the central value in the medical profession is the health of the patient, in the profession of a scientist – the truth, in the military profession – security, freedom and sovereignty, for the teachers – the education, intellectual and personality development, for the lawyers – the justice, for the journalists – reliable information, for the manager (administrator) – organizational and functional efficiency, and for businessman – the profit, income and efficiency<sup>30</sup>.

At this point, we face a dilemma: *what should be the deontological code of an employee of a private company protecting people and property?* It seems that the deontological code of a protection employee should contain norms and values appropriate for various professions that are sometimes in conflict with each other. For example, it should contain both the values and standards of the service of the military, as well as the businessman for whom the efficiency or reliability of operation counts the most.

How difficult it is to reconcile certain norms and values in practice can be seen in the example of the functioning of today's health care in Poland. It would seem that the current legal regulations, and the centuries-long deontological code of the doctor will allow for efficient functioning of the health service, and ensure proper protection of patients and physicians with appropriate working conditions. However, there are differences, and the improvement of the situation is difficult to understand without any approximated time perspective. It aptly introduces the following problem, described by P. Raszka, who notes that after the systemic change in 1989, the conflicting requirements were introduced to the health service: "On the one hand it is said: You must account for everything, everything must be marked. But on the other hand, he says: This is a service, a mission. Either the doctor is told that he is a small entrepreneur on a contract that is settled on market terms, or is referred to on the bases of adherence to a mission."<sup>31</sup>

Whoever works in a private security company knows that in this industry things are not improving. Despite some slight improvement in working conditions for security employees, in the last years also related to the increase in earnings, the working time in security varies. There are many companies that employ employees under a contract of employment under the name of, for example, a company. And at the same time they employ the same employee on the so-called "junk contract" in company B. In this way, the security officer can work up to 360 hours a month.<sup>32</sup> As Claude-Jean Bertrand aptly notes: "In the times of wild capitalism (in the second half of the nineteenth century) it was clearly demonstrated that when there is no state regulation, the business does not care about public services, and thus also, about deontology."<sup>33</sup>

<sup>30</sup> Ibidem, p. 67.

<sup>31</sup> P. Raszka, *System wymusza, aby leczyli nas ludzie, którzy padają z nóg*, „Angora” no 32, 12.08.2018, p. 58.

<sup>32</sup> As was observed, during a control of the companies protecting military compounds, by the Control Department of the Ministry of National Defense.

<sup>33</sup> C.J. Bertrand, *Deontologia mediów*, Wyd. Instytut Wydawniczy PAX, Warszawa 2007, p. 36.

#### 4. On deontological codes in companies protecting people and property

Secular deontological ethics have their origin in ancient times and are associated with military pragmatics and the notion of a just war<sup>34</sup>. Over time, the idea of formalizing the rules of conduct in terms of accepted moral rudiments was adopted by some other milieus, generally occupying a high position in social stratification, such as, for example, merchant guilds.

In Poland, since the 1980s, codes of professional ethics were rare and functioned, above all, in the professions now considered to be the public trust work in context of the meaning of art. 17 sec. 1 of the Constitution of the Republic of Poland<sup>35</sup> and as part of the official pragmatics<sup>36</sup>. A noticeable acceleration in this respect came in the 1990s, when various social entities also decided to develop and implementation of professional ethics recommendations. Currently, there are dozens of such regulations in Poland, but this is still too little.<sup>37</sup>

We can now state with certainty that the universal introduction of market economy principles will not solve the problem of quality of services and ethical behavior of employees of companies protecting people and property. That is why many companies from the PMC and PSC categories creates its own specialized organizations in the form of associations and chambers of commerce, that promote high standards of operation based on codes of professional deontology. E.g., to this end, in 2001, a non-profit organization was established, uniting the PMC, the International Peace Operations Association (IPOA). The purpose of IPOA's activity is to promote high standards of ethical behavior among the affiliated PMC as well as lobbying for the shaping of international peace, development and security.<sup>38</sup>

In Poland, as shown by various studies, the need to create an internal code of ethics in the company is seen by many employees of companies protecting people and property as necessary. This is confirmed by the example of the Group of Polish State Railways (PKP), which can boast its own *codex*, created in agreement with the employees employed in it. As much as 78 percent of them indicated in the survey that the company needs such a document. There is already awareness that the consequences resulting from violation of ethical rules by members of the organization threaten the functioning of the company on many levels of activity. Over 76 percent Crido Taxand, Employers of the Republic of Poland and ICAN Institute research participants believe that the lack of respect of professional deontology standards has a negative impact on the company's image. Almost 60 percent respondents

<sup>34</sup> P. Grzebyk, *Idea wojny sprawiedliwej – od starożytności po czasy nowożytne*, „Forum Prawnicze” 2010/2, p. 25.

<sup>35</sup> Zob. np. *Zbiór Zasad Etyki Adwokackiej i Godności Zawodu z 1961 z późn. zm. Naczelnej Rady Adwokackiej z dnia 19 listopada 2011 roku*, czy też *Zasady Etyczno-Deontologiczne Polskiego Towarzystwa Lekarskiego z 1967*.

<sup>36</sup> Zob. np. *Zasady Etyki Zawodowej Żołnierza Polski Ludowej*, Wyd. MON, Warszawa 1973.

<sup>37</sup> K. Zacharzewski, *Znaczenie kodeksów deontologicznych w dziedzinie prawa prywatnego*, Przegląd Prawa Handlowego, no 6, 06.2011, p. 1.

<sup>38</sup> J. Jabłońska-Bonca, *Prywatna ochrona bezpieczeństwa*, Wolters Kluwer, Warszawa 2017, p. 678.

indicated a deterioration in the relationship between employees, and every second respondent has a negative impact on relationships with business partners. Thus, many property protection companies and people recognize the need for activities based on independently developed and adopted codes, as an important element of building the image of companies, as an organization observing human rights.<sup>39</sup>

According to Matuszewski, it is important that the company's code of ethics is created with the participation of all employees, from the lowest levels to the management<sup>40</sup>. Currently, ethical codes have not only the soldiers and officers, and such professional groups as doctors, lawyers or scientists, but also companies and corporations (including Polish Post Office, Polish Oil Company Orlen, MC Donald's) and universities (E.g. Silesian University of Technology), and even political institutions (Code of Good Politics). On the security market there are, among others, ethical codes of such security corporations as: Securitas<sup>41</sup>, and the Impel group<sup>42</sup>. The code of ethics was announced and signed by one of the largest security corporations, the G4S. This corporation is not only involved in the protection of persons and property in most of the world countries, but above all, it uses mercenaries as the PMC contractors<sup>43</sup>.

## Conclusion

The dynamic development of private security companies has also become possible in connection with the operations carried out in Iraq and Afghanistan, and the implementation of humanitarian interventions by the West. The massive involvement of the armed forces resulted in shortages of military personnel, and every death of the soldier was negatively perceived by the citizens of the countries sending the army on a mission. Supplementing the military forces sent to the area of conflicts with employees of security companies has become an essential solution, and the death of a contract staff did not cause such great emotions as the death of a soldier.

The MC/PSC is now a very clear example of change in the scope of the implementation of its functions by the modern state, hence the question is whether it is not a phenomenon by the assumption of the militarization of societies. In a sense, one can deduce this conclusion if considers the militarization the movement of military tasks from the area of public authority, to the private sector. To what extent is this a permanent phenomenon, it is hard to say at the moment. How will the state return to its traditional function of the only (proper) security guard authorized to use legitimate violence, is another question.

<sup>39</sup> <http://www.ipoworld.org/eng/>, access: 28.08.2018.

<sup>40</sup> <http://www.lex.pl/czytaj/-/artykul/coraz-wiecej-firm-tworzy-wlasne-kodeksy-etyczne>, access: 08.08.18.

<sup>41</sup> <https://www.securitas.pl/Praca-w-securitas/Kodeks-Etyki-i-Wartosci-Securitas/>, access: 08.08.18.

<sup>42</sup> <https://docplayer.pl/9311560-Kodeks-etyki-praktyk-biznesowych-grupy-impel.html>, access: 08.08.18

<sup>43</sup> <http://wiadomosci.dziennik.pl/swiat/artykuly/308723,najemnicy-oglosili-wlasny-kodeks-etyczny.html>, access: 08.08.18.



In addition, the private companies protecting people and property provide numerous examples of not very good adherence to the regulations or acceptability of state and law theory. After analyzing a number of phenomena in this sector, there seems to be a justified urgent need to ensure control and establishment by the state of a better statutory regulations for the PSC / PMC activity in the internal (domestic), and external (international) dimension. The deontological aspect is also very important, as it affects companies' protection of people and property of social legitimacy. It is also important to change the approach of selecting the cheapest offers in tenders (this is particularly evident in public procurement entities), which do not guarantee an adequate level of service provision. In addition, the treatment by some private owners of companies protecting people and property through the prism of maximum profit, leads to understating the ethical standards in such a company.

Summing up the subject of occupational deontology in companies protecting people and property, it can already be concluded that employees of companies protecting people and property are interested in having their own deontological codes that would support them in carrying out difficult, specific and even dangerous tasks. The deontological code of the security companies can also improve the mutual relations between the employer and the employee, and in practice solve dilemmas that are not strictly regulated by law. Additionally compliance of companies and their employees with the deontological code may elevate the profession of protection of persons and property, define the moral core of the security industry and their employees. It can also contribute to the effective performance of tasks whose implementation will not be focused only on praxeological and efficiency values, i.e. on maximizing profit and overcoming competition, and to a greater extent on moral standards. Raising the level of functioning of the private security sector, however, is associated not only with a change in the mentality of a serial employee, chairmen and owners of companies protecting people and property, but also with a change in approach to the provision of security services by ordering a security service.

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## PRYWATNE FIRMY OCHRONY OSÓB I MIENIA A KODEKSY DEONTOLOGII ZAWODOWEJ

**Streszczenie.** W artykule przedstawiono prywatne firmy ochrony osób i mienia w kontekście wymagań kodeksów deontologii zawodowej. Prywatny rynek ochrony w Polsce powstał w latach osiemdziesiątych i przejął część zadań realizowanych do tej pory przez Policję i wojsko – instytucje, które zajmowały się ochroną instytucji państwowych i infrastruktury krytycznej w kraju. Autorzy artykułu zwracają uwagę na to, że służby mundurowe, które wcześniej zajmowały się ochroną, posiadały nie tylko umocowanie prawne w zakresie realizacji tego typu zadań, lecz także miały i mają rozbudowane kodeksy honorowe lub etyczne. Obecnie na rynku ochrony funkcjonuje jeszcze wiele firm, które nie posiadają tego typu kodeksów etycznych czy też kodeksów deontologii zawodowej. Autorzy stawiają w artykule hipotezę, że powszechne wprowadzenie w prywatnych firmach kodeksów etycznych (deontologicznych) podniesie poziom świadczonych usług oraz przyczyni się do wzrostu prestiżu zawodu pracownika ochrony osób i mienia.

**Słowa kluczowe:** bezpieczeństwo, kodeksy etyczne (deontologiczne), prywatyzacja bezpieczeństwa, prywatne firmy ochrony osób i mienia.