

## STATE AND PUBLIC CONTROL IN THE FIELD OF CIVILIAN FIREARMS CIRCULATION CONTROL

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### Summary

The *aim of the work* is investigates and reveals the peculiarities of state and public control in the sphere of control over the circulation of civilian firearms.

The *methodological basis of legal research* is research approaches, general theoretical principles of scientific knowledge, a system of methods and methods.

*Results* is noted that public control is manifested through the activity of public organizations, initiatives and participation of the population in the processes of monitoring and evaluating the actions of the state. State control, in turn, is ensured through the system of legislation, institutions and bodies responsible for licensing, inspections and monitoring of compliance with regulations, including the circulation of firearms. The types of state control were analyzed and characterized, and such types of state control over the circulation of civilian firearms as intra-departmental, inter-departmental and extra-departmental control were distinguished. Based on the analysis of the works of scientists, the concept of state control over the circulation of civilian firearms is defined as the activity of the state-authorized higher and central executive bodies, their territorial bodies within the limits of the powers provided for by law, in order to detect and prevent violations of the requirements of the law by the owners of weapons, business entities, who have a license to carry out business activities in the trade of firearms, in order to protect the rights and legitimate interests of citizens.

*Conclusions.* Having considered the characteristic features and types of state control, we can define the concept of state control over the circulation of civilian firearms as the activity of the state-authorized higher and central bodies of executive power, their territorial bodies within the limits of the powers provided by law, in order to detect and prevent violations of the requirements of the law by the owners of weapons, sub by enterprises that have a license to carry out business activities in the trade of firearms, in order to protect the rights and legitimate interests of citizens.

**Key words:** civilian firearms, weapons, circulation, legal regulation, control over the circulation of weapons, state control.

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### 1. Introduction

Control over the circulation of civilian firearms is an important aspect of the security of society and the state as a whole. In today's world, where the problem of violence and crime is becoming more and more urgent, the issue of regulating access to firearms is of particular importance. Public and state control in this area are key mechanisms that ensure compliance with the law, prevent abuse, and contribute to the formation of a responsible culture of gun use. Public control is manifested through the activity of public organizations, initiatives and the participation of the population in the processes of monitoring and evaluating the actions of the

state. This makes it possible to involve a wider audience in the dialogue about security, increases the transparency of the activities of authorities and creates conditions for constructive criticism.

State control, in turn, is ensured through the system of legislation, institutions and bodies responsible for licensing, inspections and monitoring of compliance with the norms of circulation of civilian firearms. It provides the necessary mechanisms for the implementation of security policy and the protection of citizens' rights.

In this article, we will consider the main aspects of public and state control in the sphere of circulation of civilian firearms, their role in ensuring law and order, as well as the challenges and prospects facing these systems in the conditions of modern threats.

**Analysis of scientific publications.** It should be noted that many domestic scientists, such as V. Averyanov, Bakhrach, Yu. Bityak, S. Bratel, M. Vikhlyaev, V. Garashchuk, I. Golosnichenko, V. Donenko, R. Kalyuzhny, S. Kivalov, T. Kolomoyets, A. Komzyuk, O. Kuzmenko, R. Melnyk, R. Myronyuk, O. Muzychuk, N. Nyzhnyk, V. Opryshko, V. Polivanyuk, O. Polinets, D. Pryimachenko, O. Saveliev, A. Selivanov, A. Sobakar, V. Tsvetkov, V. Chirkina, I. Shakhov, Yu. Shemshuchenko, V. Shestak, and others.

However, it is worth noting that despite a significant number of scientific studies devoted to the generalized problems of public and state control over police activities, there is currently no such type of activity of arms control units.

**The aim of the work** is a systematic analysis of public and state control in the field of control over the circulation of civilian firearms.

## 2. Review and discussion

Today, the concept of control in state and legal institutions is an important element of a legal democratic state. Note that state control is not only a legal, but also an organizational mechanism that ensures legality and discipline in public administration. Its essence lies in a clear hierarchical structure, where the controlling entity has the right to give instructions to the controlled object, as well as cancel or change its actions and decisions. In addition, monitoring the activities of state authorities ensures detection and elimination of violations in order to protect the rights and interests of citizens of the state.

Control over the circulation of civilian firearms is one of the main forms of implementation of the administrative-legal mechanism, which allows implementing state policy in the specified segment and ensuring the rights and freedoms of a person and a citizen, in particular their protection from violations and protection.

Control, as a form of activity of a state authority, is a multi-component process that is reflected in the creation of such legal conditions under which a certain circle of subjects is subject to the legal influence of the controlling body (its authorized representative), which acts within the limits and in the manner provided by the legislation of Ukraine with the aim of achieving security of law and order and preventing violations of human and citizen rights and freedoms (*Bashtova, 2023:26*). At the same time, another important tool in the field of arms control is the institution of public control over police activities, which is an important form of implementing democracy, as it gives the population the opportunity to participate in the decision of state and public affairs, actively influence the activities of the police in particular. Scientists and specialists point out that the control over the activities of the police of Ukraine is a legitimate activity of the system of competent authorities and their representatives to prevent illegal deviations in the process of implementing the provisions of regulatory legal acts by the police (*Buranhulov, Herashchenko, Zalievska, Udrenas, 2023:18*).

Therefore, in order to define and form the concept of state control over the circulation of civilian firearms, it is necessary to study the essence, characteristic features, etc.

In the administrative and legal literature, state control is characterized as a set of three mandatory elements that have a clear sequence: 1) verification of the actual implementation of the law, subordinate regulatory legal act, order, prescriptions and other mandatory acts by controlled bodies, organizations and citizens. Such an inspection aims to determine not only the legality, but also the expediency of the actions taken and the decisions made; 2) conducting an inspection of the ways and means of implementing the law, subordinate regulatory legal act, order, prescription and other mandatory acts, which allows to evaluate the work of controlled objects, ways of achieving results and observing legality and discipline at the same time; 3) taking measures based on control results to eliminate deficiencies, punishment or, on the contrary, encouragement. Negative measures based on the results of control can suspend or completely cancel illegal or inappropriate management acts, the application of disciplinary or administrative coercion measures (*Tsependa, 2020:135*).

One of the conclusions made during the analysis of the works of scientists who studied the concept and essence of state control is that the structure of state control mainly depends on the sphere of activity of the state authority.

Having analyzed the classification of state control of executive authorities, the structure of the National Police, its control and accountability, we can conditionally divide state control over the circulation of civilian firearms into intra-departmental, inter-departmental and extra-departmental control. Let's consider each in order.

Thus, intra-departmental control is carried out over the activities of objects that are under administrative control. It is carried out directly during the operation of the controlled object, which allows to dynamically correct the deviation of indicators from the norm, reduce the resource costs of the control itself, and increase the efficiency of the object. Control powers of bodies, as a rule, are fixed in their regulations (*Kokhan, 2007: 64*).

In particular, intra-departmental control over the circulation of civilian firearms includes control by the heads of the authorized units for control over the circulation of weapons of the National Police of Ukraine, the authorized unit for control over the circulation of weapons of the main departments of the National Police in the Autonomous Republic of Crimea and the city of Sevastopol, the regions and the city of Kyiv, the authorized unit control over the circulation of weapons of territorial units of the police in districts, cities, districts in cities, as well as the Department of the main inspection and observance of human rights and authorized units of territorial units, the Department of personnel support and authorized units of territorial units, etc.

In particular, the order of the Ministry of Internal Affairs dated August 21, 1998 No. 622 "On approval of the Instructions on the procedure for the manufacture, acquisition, storage, accounting, transportation and use of firearms, pneumatic, cold and cooled weapons, devices of domestic production for firing cartridges equipped with rubber or similar by their properties, non-lethal metal projectiles, and cartridges for them, as well as ammunition for weapons, main parts of weapons and explosive materials" it is determined that the heads of the main departments of the National Police in the Autonomous Republic of Crimea and the city of Sevastopol, regions and the city of Kyiv are entrusted with control over work on the implementation of the permit system and coordination of efforts of all territorial bodies (subdivisions) of the police in matters of prevention and elimination of violations of the rules of manufacture, repair, acquisition, storage, accounting (including electronic), protection, transportation and use of firearms, pneumatic, cold weapons, of ammunition for weapons and explosive materials and prevention of their theft and use for criminal purposes shall be entrusted to the deputy chiefs of the main

departments of the National Police in the regions, who, according to the division of functional duties, are responsible for this line of work.

Interdepartmental control over established requirements that are universally binding for all subjects and objects of management is carried out by specialized control bodies of interdepartmental competence (of other departmental ownership in relation to the structures under their control), which were created for purely control powers by subject orientation, and is an important means of ensuring legality and disciplines in public administration (Kokhan, 2007: 64).

In particular, interdepartmental control over the circulation of civilian firearms includes annual control by the Ministry of Internal Affairs.

Thus, the Resolution of the Cabinet of Ministers of Ukraine dated 12.10.1992 No. 576 "On Approval of the Regulation on the Permit System" defines that control over compliance by officials of ministries, other central bodies of the state executive power, enterprises, institutions, organizations, business associations and citizens of the established the procedure for the manufacture, acquisition, storage, accounting, transportation and use of objects, materials and substances, opening and operation of enterprises, workshops and laboratories, which are covered by the permit system, is carried out directly by the Ministry of Internal Affairs.

Supra-departmental control is carried out over the activities of objects empowered to control organizationally subordinate objects and mainly concerns one of the sides of their activity. Supra-departmental control is not related to the administrative subordination of subjects, it is carried out by state bodies of general competence, independent of the controlled object. Control powers of supra-departmental control bodies can be fixed not only in their provisions, but also in special laws. Forms of supra-departmental control in state administration are constitutional, presidential, parliamentary and governmental control, control in executive bodies, judicial control, prosecutorial supervision, financial and economic control (economic or financial), municipal (representative), public control (Kokhan, 2007: 64).

Regarding public control over the circulation of civilian firearms, it is important to note that active public participation in public administration is impossible without effective public control. The task of public control is to ensure the transparency and efficiency of the work of state authorities, in particular law enforcement agencies, by monitoring the performance of the duties and tasks assigned to them.

However, it is important to understand the entities that can exercise public control over the activities of authorized units in the field of control over the circulation of civilian firearms.

Among domestic administrative scientists, there is a significant number of divisions and classifications of subjects of public control by executive power bodies.

However, the scientific opinion of A. Krupnyk, who notes that the subjects of public control are organized and unorganized public, deserves attention. Organized public means self-organization bodies of the population, mass media, public, trade union, creative organizations and other public associations. To the same group we also include those political parties that have not yet passed the parliament, as well as party branches at the regional, district, city, and district levels in the city, which are not represented in the local self-government bodies of this level. We proceed from the fact that parliamentary parties and party units, which are represented in the respective local councils, are subjects of political control, which, although it has certain common features with public control, should be considered separately. Under the unorganized public we mean citizens and their families who are not connected to each other in any organizational forms and represent their own interests or, situationally, the common interests of residents, users or consumers of a certain social group (Krupnyk, 2023).

### 3. Conclusions

Having considered the characteristic features and types of state control, we can define the concept of state control over the circulation of civilian firearms as the activity of the state-authorized higher and central bodies of executive power, their territorial bodies within the limits of the powers provided by law, in order to detect and prevent violations of the requirements of the law by the owners of weapons, sub by enterprises that have a license to carry out business activities in the trade of firearms, in order to protect the rights and legitimate interests of citizens.

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