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SUBJECTS OF THE ADMINISTRATIVE AND LEGAL MECHANISM FOR FORMULATING STATE POLICY IN THE FIELD OF CIVILIAN FIREARMS CIRCULATION IN UKRAINE

Abstract. Purpose. The purpose of this article is to identify the subjects of the administrative and legal mechanism for formulating state policy in the field of civilian firearms circulation in Ukraine.

Results. The article establishes that the administrative and legal status of the subjects involved in shaping state policy in the area of arms circulation in Ukraine refers to the functional and legal position of a defined system of authorized state bodies and civil society actors. These entities exert public-authority influence over the regulatory processes governing civilian firearms circulation, encompassing the scope of administrative competence in the implementation of state policy and the toolkit for interaction aimed at ensuring public interest in the areas of safety, law and order, and arms control within the territory of Ukraine.

The subjects of the administrative and legal mechanism for formulating state policy in the sphere of civilian firearms circulation in Ukraine include:

- the Verkhovna Rada of Ukraine;
- the President of Ukraine;
- the Cabinet of Ministers of Ukraine;
- the Ministry of Internal Affairs of Ukraine and its structural subdivisions;
- the Ministry of Defense of Ukraine and its structural subdivisions;
- the National Police of Ukraine;
- law enforcement agencies;
- civil society actors;
- additional entities (other government and local self-government bodies, international institutions).

It is emphasized that the Ministry of Internal Affairs of Ukraine serves as the central executive authority endowed with regulatory competence concerning the development of draft legislation, preparation, and issuance of subordinate acts that regulate the acquisition, registration, storage, use, and seizure of firearms.

Conclusions. It is determined that the National Police of Ukraine acts as a subject performing administrative-permissive, law enforcement, preventive, and law-application functions through the issuance of individual administrative acts in the field of civilian firearms circulation, inspection and monitoring of citizens' compliance with arms regulations, as well as contributing to the improvement of state policy by submitting proposals, conducting statistical analysis, developing internal instructions, and participating in interagency and international projects.

The administrative and legal status of civil society actors is revealed as participants in shaping state policy in the field of arms circulation in Ukraine. This includes a system of powers related to public expertise of legislative initiatives, civic oversight of the policy formulation process, and mechanisms of interaction within public-legal relations in the exercise of the right to participate in state-building processes.

Key words: administrative regulation, administrative legal relations, administrative procedures, administrative and legal mechanism, state policy, expertise, firearms, control, legal system, subjects.

1. Introduction

In the context of ongoing security and defense sector reforms, the growing role of citizens in ensuring their own safety and public order, and the active public debate on the potential legalization of certain categories of firearms for civilian use, the examination of the actors involved in the state governance mechanism gains particular relevance.

At the same time, the complexity and political sensitivity of arms circulation necessitate a systematic scholarly understanding of the roles played by executive authorities, law enforcement agencies, local self-government bodies, expert communities, and civil society organizations. A comprehensive study of these actors—their administrative and legal nature and their interactions—is essential for achieving a balance between national security protection and the safeguarding of human rights and freedoms.

The administrative and legal aspects of state policy regarding arms circulation in Ukraine have been comprehensively studied by scholars such as V. Vasyliiev, S. Didenko, O. Drozd, K. Kastornov, M. Komissarov, M. Kulyk, V. Litoshko, V. Makarchuk, V. Otsel, I. Pokhlylenko, R. Serbyn, O. Fomenko, T. Shumeiko, among others.

Nonetheless, firearms circulation in Ukraine remains insufficiently regulated, primarily under the norms of administrative legislation. Therefore, scholarly inquiries into this area are both timely and of significant importance.

The aim of this article is to identify the subjects of the administrative and legal mechanism for formulating state policy in the field of civilian firearms circulation in Ukraine.

2. The Administrative and Legal Mechanism for Formulating State Policy in the Field of Civilian Firearms Circulation

The system of actors should be analyzed through the prism of their legal status. The concept of *legal status* encompasses the position of a specific entity within the system of public authorities, which exercises regulatory influence in a particular sphere of public life based on its competence. The concept of *administrative and legal status* is more specific—it includes elements that allow for the identification of the entity's place within the overall regulatory framework of state influence over particular social relations (Didenko, 2018).

Despite numerous academic studies on the administrative and legal status, there is no universally accepted definition of the concept. Nonetheless, its scientific and practical importance is considerable, especially in light of ongoing reform processes in Ukraine. A correct understanding of this socio-legal construct enables both

individuals and legal entities to secure an appropriate position within society and the state, gain access to a broad range of services and opportunities for self-realization, and delineate the limits of individual freedom, as well as the mutual rights and responsibilities of individuals and public authorities (Humin, 2014).

The *general administrative and legal status* applies to all individuals, whereas the *special administrative and legal status* pertains to persons endowed with specific rights and responsibilities in a particular area of public administration. These special rights and responsibilities typically arise from holding a particular position (e.g., the administrative and legal status of a police officer, civil servant, or military personnel), or through the expression of an individual's will and the issuance of a special permit (e.g., a firearm possession license, hunting permit). The acquisition of special administrative and legal status requires the will of a state body to assign such status to a particular individual or group. In certain cases, an individual will is not necessary for acquiring this status—for example, residents of territories under a special legal regime may acquire such status automatically. The possession of a special administrative and legal status can both expand and restrict a person's rights, such as in the case of residents of territories with special legal regimes (Pushkarova, 2022).

Regarding the status of the subjects of the administrative and legal mechanism for formulating state policy in the sphere of civilian firearms circulation in Ukraine, S. Didenko defines public administration in the area of arms control and use as a set of authorized bodies and officials, designated by law, that are vested with administrative and managerial functions for ensuring the proper circulation and use of firearms. Their activities are based on mandatory administrative principles aimed at serving public interests within the scope of their legal authority. The main task of public administration is the purposeful influence of authoritative entities on a specific area of social life that requires regulation, in accordance with state and societal interests, through the exercise of their legally prescribed competence (Didenko, 2018).

In our view, the administrative and legal status of the actors involved in formulating state policy on arms circulation in Ukraine is the functional and legal position of a defined system of authorized public bodies and civil society entities, which exert public-authority influence on the processes governing civilian firearms circulation. This status encompasses the scope of administrative competence in implementing state policy and the mechanisms of interaction

aimed at realizing the public interest in ensuring security, public order, and firearms control within the territory of Ukraine.

The status, core tasks, organizational principles, rights and duties, and accountability mechanisms in the field of firearms circulation and use should be established in a specially enacted law. Currently, no such dedicated legislation exists, complicating the process of defining the legal status of public administration in this domain. This necessitates the analysis of numerous departmental regulatory acts (Didenko, 2018).

3. Subjects of the Administrative and Legal Mechanism for Formulating State Policy in the Field of Civilian Firearms Circulation in Ukraine

According to O.A. Serykov, the system of entities responsible for the control of non-military firearms circulation consists of a three-tier structure comprising:

1. the highest state authorities, represented by the President of Ukraine, the Verkhovna Rada of Ukraine, and the Cabinet of Ministers of Ukraine;

2. the Ministry of Internal Affairs and its subordinate agencies, including:

- a) the Main Service Center of the Ministry of Internal Affairs;

- b) the Expert Service of the Ministry of Internal Affairs (State Research Forensic Center of the Ministry and regional forensic research centers);

- c) the State Research Institute of the Ministry of Internal Affairs of Ukraine;

3. the National Police of Ukraine and its territorial departments (Serykov, 2023).

In our view, the subjects of the administrative and legal mechanism for shaping state policy in the sphere of civilian firearms circulation in Ukraine include:

- the Verkhovna Rada of Ukraine;
- the President of Ukraine;
- the Cabinet of Ministers of Ukraine;
- the Ministry of Internal Affairs of Ukraine and its structural subdivisions;
- the Ministry of Defense of Ukraine and its structural subdivisions;
- the National Police of Ukraine;
- law enforcement bodies (the Prosecutor's Office, State Bureau of Investigations, Security Service of Ukraine, National Anti-Corruption Bureau of Ukraine, Military Law Enforcement Service of the Armed Forces of Ukraine, among others);

- civil society actors;
- additional entities (other public authorities and local self-government bodies, international institutions).

Each of these subjects should be briefly characterized. In terms of regulatory competence,

the Cabinet of Ministers of Ukraine plays a leading role in norm-setting activities. Nevertheless, certain aspects of firearms circulation are also regulated by other branches of power, such as the Verkhovna Rada and the President of Ukraine. Executive bodies also possess specific legislative powers, with the Ministry of Internal Affairs of Ukraine holding a central position. Its structural subdivisions are of particular importance, as they bear a significant portion of the responsibilities in ensuring the proper functioning of this domain (Didenko, 2018).

In the organization and implementation of control over the circulation of civilian firearms, the Cabinet of Ministers of Ukraine performs a dual function: on the one hand, it acts to implement state policy in the area of civilian firearms control; on the other, it ensures the development and implementation of a set of organizational and legal measures in this field of public relations at the level of central executive authorities (Serykov, 2023).

Thus, the Verkhovna Rada of Ukraine acts as a lawmaking body and exercises parliamentary oversight of the state policy formation process regarding arms circulation. The President of Ukraine defines the priorities of state policy in the areas of national security and public order, thereby shaping the general framework of firearms policy. The Cabinet of Ministers of Ukraine is the principal entity in developing and coordinating the implementation of state policy on firearms circulation among executive authorities.

The leading public administration entities are the executive authorities and their officials, who bear the primary responsibility for ensuring the practical implementation of human and citizen rights throughout the country during the execution of public authority (Halunko, Kurylo, Koroied, 2015). The core powers of the executive bodies are outlined in the Instructions on the Procedure for the Manufacture, Acquisition, Storage, Accounting, Transportation, and Use of Firearms, Pneumatic, Cold, and Deactivated Weapons, Domestically Produced Devices for Firing Cartridges with Rubber or Similar Non-Lethal Projectiles, and Cartridges and Ammunition for Weapons, Main Components of Weapons, and Explosive Materials, approved by the Order of the Ministry of Internal Affairs of Ukraine No. 622, dated August 21, 1998.

Analyzing the legislation, the Ministry of Internal Affairs of Ukraine functions as the central executive authority vested with regulatory competence to develop draft legislative acts, and to prepare and issue subordinate regulations governing the acquisition, registration, storage, use, and seizure of firearms.

The National Police of Ukraine performs administrative-permissive, law enforcement, preventive, and law-application functions through the issuance of individual administrative acts in the field of civilian firearms circulation. It also conducts inspections and control over citizens' compliance with firearms regulations, contributes to improving state policy by submitting proposals, conducting statistical analyses, developing internal guidelines, and participating in interagency and international initiatives.

In the domain of arms circulation, the Ministry of Defense of Ukraine and its structural subdivisions serve as strategically significant actors in the formation and institutional implementation of state policy on national security and defense. Their role partially includes administrative competence in defense governance, administrative oversight, and legal regulation of civilian firearms circulation aimed at maintaining a secure and resilient environment.

The administrative and legal status of Ukrainian law enforcement agencies, as actors in the formulation of state policy on arms circulation, represents an integrated system of statutory powers and administrative tools. These are transformed into coordination, supervisory, investigative, counterintelligence, analytical, and control functions that serve to maintain effective public order, ensure the security of arms circulation, and prevent illegal use of firearms both domestically and internationally.

The primary individual subject of administrative law is the natural person (citizen of Ukraine, foreign national, or stateless person), as the Constitution of Ukraine recognizes the individual, their life and health, honor and dignity, inviolability and security as the highest social value. In this regard, the category of *administrative and legal status* is of particular importance in fully revealing the role and place of the individual in administrative law (Halunko, Kurylo, Koroied, 2015).

The issue of legalizing firearms in Ukraine for civilian use has long been contentious and unresolved, demanding urgent attention from the Verkhovna Rada of Ukraine and executive authorities. The primary rationale for citizens acquiring, carrying, owning, and using firearms is the exercise of the constitutional right to self-defense. The absence of centralized legislative regulation in this domain significantly hinders the resolution of disputes regarding the administration of a proper regime for firearms circulation. Currently, regulation in this area remains limited to outdated, complex, and incoherent subordinate legislation (Didenko, 2017).

Ukrainian citizens are the central subjects in the circulation and use of firearms in Ukraine, as their acquisition, possession, and use of weapons constitute the direct realization of a constitutionally guaranteed right—primarily the right

to self-defense. Public administration must urgently develop an optimal mechanism for the realization of this right through the legalization of firearms in Ukraine (Didenko, 2017).

4. Conclusions

In our view, the administrative and legal status of civil society actors as participants in shaping state policy on arms circulation in Ukraine constitutes a system of powers related to the public evaluation of legislative initiatives, civic oversight of the policy-making process, and mechanisms of interaction within the framework of public-law relations aimed at exercising the right to participate in state-building processes.

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СУБ'ЄКТИ АДМІНІСТРАТИВНО-ПРАВОВОГО МЕХАНІЗМУ ФОРМУВАННЯ ДЕРЖАВНОЇ ПОЛІТИКИ У СФЕРІ ОБІГУ ЦИВІЛЬНОЇ ВОГНЕПАЛЬНОЇ ЗБРОЇ В УКРАЇНІ

Анотація. *Мета* статті полягає у тому, щоб визначити суб'єктів адміністративно-правового механізму формування державної політики у сфері обігу цивільної вогнепальної зброї в Україні. *Результати.* У статті визначено, що адміністративно-правовий статус суб'єктів формування державної політики у сфері обігу зброї в Україні – це функціонально-правове становище визначеної системи уповноважених органів державної влади та суб'єктів громадянського суспільства, які здійснюють публічно-владний вплив на процеси регулювання обігу цивільної зброї, що охоплює обсяг адміністративної компетенції в межах реалізації державної політики та інструментарій взаємодії для реалізації публічного інтересу в сфері забезпечення безпеки, правопорядку та контролю за обігом зброї на території України. До суб'єктів адміністративно-правового механізму формування державної політики у сфері обігу цивільної вогнепальної зброї в Україні віднесено такі суб'єкти: – Верховна Рада України; – Президент України; – Кабінет Міністрів України; – Міністерство внутрішніх справ України та його структурні підрозділи; – Міністерство оборони України та його структурні підрозділи; – Національна поліція України; – правоохоронні органи; – суб'єкти громадянського суспільства; – додаткові суб'єкти (інші органи державної влади та місцевого самоврядування, міжнародні інституції). Розкрито, що Міністерство внутрішніх справ України виступає як центральний орган виконавчої влади, що наділено нормативно-регуляторною компетенцією щодо розробки проєктів законодавчих актів, підготовки та видання підзаконних актів, які регулюють порядок набуття, реєстрації, зберігання, використання та вилучення зброї. *Висновки.* Визначено, що Національна поліція України є суб'єктом адміністративно-дозвільної, правоохоронної, превентивної та правозастосовної функції шляхом видання індивідуальних адміністративних актів у сфері обігу цивільної зброї, перевірки та контролю щодо дотримання громадянами умов обігу зброї, удосконалення державної політики через подання пропозицій, статистичного аналізу, розробки внутрішніх інструкцій, участі у міжвідомчих та міжнародних проєктах. Розкрито адміністративно-правовий статус суб'єктів громадянського суспільства як учасників формування державної політики у сфері обігу зброї в Україні, що є системою повноважень щодо громадської експертизи нормотворчих ініціатив, громадського контролю за процесом формування державної політики та механізмів взаємодії у межах публічно-правових відносин з реалізації права на участь у державотворчих процесах.

Ключові слова: адміністративне регулювання, адміністративні правовідносини, адміністративні процедури, адміністративно-правовий механізм, державна політика, експертиза, зброя, контроль, правова система, суб'єкти.

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