

System of entities combating illegal circulation of firearms and the specific features of their administrative and legal status

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Abstract. The article emphasises that the system of subjects of counteraction to the illicit trafficking of firearms is a dynamic, adaptive mechanism that requires constant improvement, taking into account changes in the security environment, technological progress, social challenges and international obligations of Ukraine. The successful functioning of this system is possible only under the condition of coordinated, comprehensive, professional and proactive activities of all its elements on the principles of legality, responsibility and partnership.

It is emphasised that the system of counteraction to the illicit trafficking of firearms in Ukraine includes central executive bodies, in particular the Ministry of Internal Affairs of Ukraine, the National Police of Ukraine, the State Border Service of Ukraine, the Security Service of Ukraine, the State Customs Service of Ukraine, prosecutor's offices, expert institutions, local self-government bodies, public organisations, research institutions, and higher education institutions, as well as international institutions that provide analytical, technical and advisory support.

It has been established that an important characteristic of the current stage of development of the system for combating the illicit trafficking of firearms in Ukraine is its gradual transformation in accordance with new security challenges, caused by both internal and external factors. In particular, the special security conditions of martial law have significantly increased the risks of the spread of weapons among the population, have led to the need for more flexible and operational mechanisms for identifying and neutralising illegal channels of their circulation, and have also put forward new requirements for regulatory regulation, staffing and technical equipment of law enforcement agencies.

Attention is drawn to the leading role of international cooperation, which opens access to the latest technologies, standards, training resources and best practices. The synergy of national and international efforts in combating the illicit trafficking of weapons allows increasing the ability of Ukrainian institutions to act in accordance with the requirements of modern security policy and strengthen their legal system.

Keywords: system of subjects, counteraction to illegal trafficking of firearms, features of administrative and legal status, civil society, international cooperation, martial law.

Problem statement. In conditions of martial law, the use of the latest models of firearms allows not only the protection of the state and the preservation of its sovereignty and territorial integrity but, unfortunately, also the actualisation of the issue of illegal trafficking of firearms in Ukraine. The situation, in which the number of unregistered firearms among the population is increasing, has far-reaching consequences not only for public safety and order but also leads to frequent attempts to smuggle light weapons across the border.

At the same time, in combating illegal trafficking of firearms in Ukraine, the system of authorised entities acquires special importance, which is a complex of interconnected state bodies, law enforcement agencies and specialised units, as well as international partners, which, within the limits of their powers, carry out measures aimed at detecting, preventing, stopping and investigating the facts of illegal production, movement, storage, sale or use of firearms.

State of the study. In domestic scientific thought, V. B. Averyanov, O. F. Andriyko, O. M. Bandurka, Yu. P. Bytyak, A. V. Bondar, K. L. Bugaychuk, S. S. Vitvitskyi, V. M. Garashchuk, A. D. Grigorenko, S. M. Gusarov, Yu. S. Grinchuk, M. G. Isakov, I. V. Ishchenko, I. Yu. Kailo, I. D. Kazanchuk, A. M. Kolodiy, P. O. Komirchyy, V. O. Kudrya, N. A. Lytvyn, O. M. Lytvynov, N. P. Matyukhina, R. S. Melnyk, B. B. Melnychenko, O. M. Muzychuk, R. V. Oliynyk, Yu. V. Onishchyyk, Yu. S. Shemshuchenko, O. S. Yunin, O. N. Yarmysh and many others. However, despite the considerable interest of the scientific community in the researched issues, scientists have actually ignored the problematic issues related to the system of subjects of counteraction to the illegal circulation of firearms and the peculiarities of their

administrative and legal status.

Purpose and objectives of the study. The purpose of the article is to investigate the system of subjects of counteraction to the illicit trafficking of firearms and to determine the features of their administrative and legal status. To achieve this goal, it is necessary to solve the following tasks: to consider the foundations of the administrative and legal status of individual subjects of counteraction; to determine the place of civil society in the studied system of subjects; and to investigate individual factors that affect the activities of the above-mentioned subjects.

Scientific novelty of the study. It lies in the fact that the author for the first time examined the system of subjects combating the illicit trafficking of firearms, determining the place assigned to civil society institutions and international organisations.

Presentation of the main material. The key role in the system of subjects of counteraction to the illicit trafficking of firearms in Ukraine is played by the National Police of Ukraine, which is directly involved in the detection and documentation of criminal offences related to the illicit trafficking of weapons. The structure of the National Police includes the relevant criminal police units that conduct operational and investigative activities, as well as investigative units that conduct pre-trial investigations into the facts of illegal handling of weapons.

An important place is also occupied by the Security Service of Ukraine, which operates in the field of state security and has the authority to detect and prevent crimes related to the illicit trafficking of weapons, especially in cases where such acts have signs of terrorist activity or pose a threat to national security. The SBU also coordinates activities to

counter transnational organised crime in the field of weapons, including interaction with foreign special services [1, p. 92].

The State Border Service of Ukraine performs the functions of controlling the movement of weapons across the state border. Its task is to prevent the smuggling of firearms and detect attempts to illegally import or export them in close cooperation with customs authorities.

Prosecutor's offices, in particular the Specialised Prosecutor's Office for Defence Issues or regional prosecutor's offices, provide procedural guidance in criminal proceedings related to the illegal circulation of weapons, ensuring the legality of the pre-trial investigation, and also support the state prosecution in court [2, p. 357].

The supervisory and regulatory component, which is implemented by the Ministry of Internal Affairs of Ukraine, is also important, in particular through the permitting system for controlling the circulation of weapons, as well as the development of policies and regulatory regulations in this area.

In addition to national entities, international partners are also involved in the system of combating the illicit circulation of firearms, in particular Interpol and Europol, as well as UN, OSCE, and European Union missions, which implement joint projects, provide expert, technical, and financial assistance, and promote the exchange of information and best practices. Ukraine's participation in international conventions, such as the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organised Crime, also strengthens the integration of efforts in this area.

Thus, the system of actors combating the illicit trafficking of firearms is multi-level and interagency. Its effectiveness depends not only on proper coordination between all national structures but also on the ability to integrate into the international security system to jointly combat challenges that threaten both individual states and the global order.

Another important element in the system of actors combating the illicit trafficking of firearms are bodies that provide analytical, informational and expert support for law enforcement activities. In particular, expert institutions of the Ministry of Internal Affairs of Ukraine and scientific and research institutions of forensic examinations of the Ministry of Justice of Ukraine play a key role in conducting forensic ballistic, traceological, chemical, fingerprint and other examinations that allow identifying the type of weapon, establishing the fact of its use, and also helping to investigate crimes related to its illegal circulation [3, p. 112]. Thanks to technical equipment and specialised software, these institutions contribute to the rapid receipt of evidentiary information, which improves the quality of pre-trial investigation.

The Ministry of Justice of Ukraine also plays an important role in the regulatory activities in the field of criminal, administrative and civil legislation regulating liability for illegal actions with firearms. In addition, justice bodies participate in international legal cooperation – for

example, in extradition processes, providing legal assistance in criminal cases, and enforcing court decisions.

In the system of combating illegal arms trafficking, an important place is also occupied by bodies responsible for transport safety. For example, units of the National Police of Ukraine, which carry out control in the field of road safety, can detect facts of transporting weapons without appropriate documents. Similarly, units of the State Service of Ukraine for Transport Safety and employees of transport infrastructure enterprises (railways and airports) have algorithms for actions in case of detection of suspicious objects or persons who may be transporting weapons [4, p. 78].

It is worth mentioning separately the role of the customs authorities of Ukraine – the State Customs Service of Ukraine, which provides customs control and registration of the movement of goods, including weapons, across the state border. In its activities, it interacts with other law enforcement agencies, as well as with international customs organisations. Thanks to modern risk management systems, customs authorities are able to detect attempts to illegally import or export firearms, their parts, ammunition, explosives, etc. An important place in the system of subjects of combating the illegal circulation of firearms is given to civil society, in particular to public organisations working in the field of controlling the circulation of weapons, combating violence, and ensuring community security. Such organisations can perform monitoring functions, conduct independent investigations, carry out educational activities among the population and contribute to building trust between society and law enforcement agencies. Their participation is especially important in the context of social reintegration of military personnel who may have access to weapons due to combat experience [5, p. 75].

The activities of the above-mentioned entities are fully affected by digitalisation and the development of electronic accounting systems. The presence of a single national database on registered weapons, permits, and business entities engaged in the trade or repair of weapons significantly increases the effectiveness of control. Such electronic registers allow for the prompt detection of violations and the prevention of repeated criminal offences and also contribute to the transparency of licensing procedures.

Thus, the system of entities combating the illicit trafficking of firearms is a complex structure that unites both law enforcement agencies and the expert, public, and international environment. Its effective functioning is possible only under conditions of clear interagency interaction, information exchange, increasing the level of professional training of personnel, improving legal mechanisms, and taking into account the needs of society.

It should be noted that the system of entities combating the illicit trafficking of firearms in Ukraine covers a wide range of state, law enforcement, analytical, international and public institutions that jointly ensure the detection, prevention, investigation and suppression of crimes related to the illicit production, storage, movement or use of weapons. Its effective functioning is possible only under conditions of constant coordination, improvement of

regulatory and legal support, technological updating and deep integration into international security systems [6, p. 3].

One of the important components of the counteraction system is international cooperation. Ukraine is a party to a number of international treaties that establish the legal framework for combating the illicit trafficking of firearms. In particular, the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organised Crime (the so-called "Arms Protocol"), plays a key role. Ukraine also cooperates with such structures as INTERPOL, EUROPOL and FRONTEX on the basis of bilateral and multilateral agreements, memoranda and technical assistance programmes. This interaction includes joint operations and exchange of intelligence information, as well as transnational prosecution of organised groups involved in illegal arms trafficking.

A significant coordinating role in this area is played by the National Central Bureau of INTERPOL in Ukraine, which facilitates the interaction of Ukrainian law enforcement agencies with foreign partners, including the search for weapons, the detection of illegal channels of movement and the identification of participants in criminal activity.

In the context of martial law and mass mobilisation of the population, the issue of illegal trafficking in firearms is taking on new and threatening forms. Many citizens who participated in hostilities or served in volunteer formations had access to small arms. As a result, there is a risk that a certain part of firearms will end up in illegal circulation after the end of hostilities [7, p. 17]. Therefore, an important task of the system of counteraction subjects is to create an effective mechanism for the reintegration of persons returning from the combat zone into peaceful life, as well as to organise the voluntary surrender of weapons held by the civilian population, with their subsequent legal seizure or registration within the framework of current legislation. Another integral element of the system of subjects is the development of human resources. Successful counteraction to illegal trafficking in weapons requires highly qualified personnel in the police, prosecutor's office, and expert institutions. This requires constant improvement of the level of professional training, studying the latest technical characteristics of weapons and methods of their modification, as well as skills of international search and detection of weapons in difficult conditions [8, p. 201].

Innovative technologies play an important role in modern conditions. In particular, the integration of video surveillance systems with the function of automatic weapon recognition, the use of big data analytics (Big Data), artificial intelligence, geographic information systems (GIS) and smart databases significantly increases the efficiency of operational response. Thanks to digital platforms, it becomes possible not only to monitor the situation in real time but also to predict potential threats, which allows law enforcement agencies to act proactively.

Equally important is the participation of civil society, in particular public organisations specialising in monitoring the circulation of weapons, conducting surveys,

improving security in communities, rehabilitating veterans and implementing educational programmes. These organisations can act as mediators between the authorities and society, contribute to the formation of a culture of safe handling of weapons, and also ensure control over the transparency of decisions of state structures. Their active participation in the process of combating the illicit trafficking of firearms strengthens trust in state policy in the field of security and creates favourable conditions for building a stable legal state [9].

Thus, the system of subjects combating the illicit trafficking of firearms is a multifunctional, dynamic and complex structure, encompassing not only force but also civilian, analytical, technological and international components. Its successful functioning depends on the level of interaction between all subjects and the ability to adapt to new challenges, as well as the political will of the state to reform the relevant sectors. In modern conditions, when security threats to Ukraine are complex and transnational in nature, the formation of an effective system for combating the illicit trafficking of weapons is one of the key factors of national security.

In view of this, the administrative and legal status of each of the subjects of combating the illicit trafficking of firearms is determined by its functional purpose in the public administration system, the legal framework of activity, accountability, forms of interaction and responsibility for the results.

These subjects form a multi-level structure that operates on the principles of legality, specialisation, coordination and openness. Each of them performs certain powers within its competence, and their coordinated interaction is the key to effective counteraction to criminal manifestations associated with the illicit trafficking of firearms.

It should be noted that a significant aspect of the functioning of the system of subjects of combating the illicit trafficking of firearms is interdepartmental coordination. In this regard, interdepartmental working groups and coordination councils have been created in Ukraine, which ensure the coherence of actions of law enforcement, border, customs and other bodies, and also contribute to the effective exchange of operational information.

Conclusions. Thus, the system of entities combating illicit trafficking in firearms is a dynamic, adaptive mechanism that requires constant improvement, taking into account changes in the security environment, technological progress, social challenges and international obligations of Ukraine. The successful functioning of this system is possible only under the condition of coordinated, comprehensive, professional and proactive activities of all its elements on the basis of legality, responsibility and partnership.

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consolidation of functions, rights, obligations and forms of interaction plays an important role, which allows avoiding duplication of powers and ensuring the effective implementation of assigned tasks. In particular, the bodies and units of the National Police play an important role in the pre-trial investigation of criminal offences, the State Border Service of Ukraine in exercising control at state border crossing points, the Security Service of Ukraine in the process of countering organised crime and terrorism, and the prosecutor's office in the implementation of procedural guidance and supervision. Public structures complement the state policy in the field of security by involving the population in joint preventive actions.

Attention has been drawn to the leading role of international cooperation, which opens access to the latest technologies, standards, training resources and best practices. The synergy of national and international efforts in combating illicit arms trafficking allows increasing the ability of Ukrainian institutions to act in accordance with the requirements of modern security policy and strengthen its legal system.

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