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**НЕКОТОРЫЕ АКТУАЛЬНЫЕ ВОПРОСЫ И ПРАВОВЫЕ ПРОБЛЕМЫ
ПРАВОВОЙ ОТВЕТСТВЕННОСТИ ИСПОЛЬЗОВАНИЯ
ОГНЕСТРЕЛЬНОГО ОРУЖИЯ В СОВРЕМЕННЫХ УСЛОВИЯХ**

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Рассматриваются актуальная проблема закона о государственном контроле за оборотом отдельных видов оружия и вопросы, касающиеся теории и практики на современном этапе. Особую значимость данной работе придает правовая проблема закона о государственном контроле за оборотом отдельных видов оружия, а именно возраст гражданина, по достижению которого дается право на приобретение оружия. В статье большое внимание уделяется трагическим событиям, которые связаны непосредственно с незаконным применением огнестрельного оружия подростками, анализируются законодательные акты стран ближнего зарубежья на конкретных примерах. Кроме того, автор приводит предложения по решению данных проблем. Актуальность статьи не вызывает сомнений, так как вопрос оружия был одной из самых главных проблем всех времен и остается важной темой для будущих исследований. Научная статья актуальна тем, что в последнее время количество преступлений, связанных с применением огнестрельного оружия, резко увеличилось в разных странах мира, особенно среди молодежи. Это свидетельствует о важности и своевременности данной статьи. В ходе исследования основной акцент ставится на актуальность правовой проблемы несовершенства закона об оружии. Материал статьи имеет ярко выраженную авторскую линию, так как автор не просто анализирует научные положения разных авторов, но и высказывает свою точку зрения. Статья хорошо структурирована, написана четким и понятным языком, выводы логичны, литература соответствует заявленной тематике.

Ключевые слова: права; свобода; декларация; конституция; оружие; оборот; возраст; убийство; правонарушение.

**ЗАМАНБАП ШАРТТАРДА ОК АТУУЧУ КУРАЛДЫ
КОЛДОНУУНУН УКУКТУК ЖООПКЕРЧИЛИГИНИН АЙРЫМ
АКТУАЛДУУ МАСЕЛЕЛЕРИ ЖАНА УКУКТУК КӨЙГӨЙЛӨРҮ**

М.И. Усейнов

Бул макалада курал-жарактын айрым түрлөрүнүн жүгүртүлүшүн мамлекеттик контролдоо жөнүндө мыйзамдын актуалдуу маселеси жана азыркы этаптагы теория менен практикага байланышкан маселелер каралат. Бул эмгектин өзгөчө мааниси куралдын айрым түрлөрүн жүгүртүүгө мамлекеттик көзөмөл жүргүзүү жөнүндө мыйзамдын укуктук маселесине, тактап айтканда, ошол жашка жеткенде куралды сатып алуу укугу берилген жарандын жашына өзгөчө маани берилет. Макалада өспүрүмдөрдүн ок атуучу куралды мыйзамсыз колдонуусуна түздөн-түз байланыштуу болгон кайгылуу окуяларга чоң көңүл бурулуп, конкреттүү мисалдардын негизинде коңшу мамлекеттердин мыйзамдык актылары талдоого алынган. Мындан тышкары, автор бул көйгөйлөрдү чечүү боюнча сунуштарды берет. Макаланын актуалдуулугу шек жаратпайт, анткени курал-жарак маселеси бардык убактагы эң маанилүү көйгөйлөрдүн бири болгон жана келечектеги изилдөөлөр үчүн маанилүү тема бойдон калууда. Илимий макала актуалдуу, анткени акыркы убакта ок атуучу куралды колдонуу менен байланышкан кылмыштар дүйнөнүн ар кайсы өлкөлөрүндө, өзгөчө жаштар арасында кескин өскөн. Бул макаланын маанилүүлүгүн жана актуалдуулугун көрсөтүп турат. Изилдөөнүн жүрүшүндө курал жөнүндөгү мыйзамдын жеткилең эместигинин укуктук көйгөйнүн актуалдуулугуна негизги басым жасалат. Макаланын материалында ачык байкалган автордук көз караш бар, анткени автор ар кандай авторлордун илимий позицияларын талдап гана тим болбостон, өзүнүн көз карашын да билдирген. Макала жакшы түзүлгөн, так жана түшүнүктүү тилде жазылган, тыянактары логикалуу, адабияттар айтылган темага дал келет.

Түйүндүү сөздөр: укуктар; эркиндик; декларация; конституция; курал; жүгүртүү; жаш курагы; киши өлтүрүү; мыйзам бузуу.

SOME CURRENT ISSUES AND LEGAL PROBLEMS
OF LEGAL RESPONSIBILITY FOR THE USE
OF FIREARMS IN MODERN CONDITIONS

M.I. Useinov

The article is devoted to the problem of the law on state control over the circulation of certain types of weapons, issues concerning the theory and practice at the present stage. Of particular relevance to this work is the legal problem of the law on state control over the circulation of certain types of weapons, namely the age of a citizen, at which the right to acquire weapons is given. The article pays much attention to the tragic events which are directly related to the illegal use of firearms by adolescents, analyses legislative acts of neighboring countries and gives examples. Moreover, the author offers specific proposals to solve the problems. The relevance of the article is unquestionable, as firearms have been one of the major problems of all time and remain an important issue for future research. The research article is relevant because of the recent dramatic increase in firearms-related crime around the world, especially among young people. This demonstrates the importance and timeliness of this article. In the course of the study, the main emphasis is placed on the relevance of the legal problem of the imperfection of the law on firearms. The material of the article has a pronounced author's line, as the author not only analyzes the scientific provisions of different authors, but also expresses his own point of view. The article is well structured, written in a clear and understandable language, the conclusions are logical, the references correspond to the stated topic.

Keywords: rights; freedom; declaration; constitution; firearms; circulation; age; homicide; delict.

The winner is the law if armed.

Jerzy Lec

Introduction. It is common knowledge that life is the most precious gift for human beings. Throughout history, the most important good that man has the right to life. From the moment of human's birth and throughout their lives, people have sought to preserve life and multiply it by giving birth. That is why in every developed country the right to life is the most essential, undeniable and given equally to all human beings, which is enshrined in the basic laws and regulations of states.

The right to life means that no one, including the state, can deprive a person of life. In our view, it should be noted that the state has the obligation to take appropriate measures to protect life by enacting laws that protect citizens and, accordingly, taking measures to protect citizens when life is threatened. The state must consider the right to life when making decisions that would put a person in danger. This right is called an absolute right. It is a right that the state can never interfere with. However, there are situations where this does not apply. For instance, a person's right to life is not violated if they die, when a public authority (for example, the police) uses necessary force to stop unlawful violence, make a lawful arrest, prevent them from escaping lawful detention and stop a riot or insurrection. Of course, even in these circumstances the force used must be substantial and strictly propor-

tionate. Force is *proportionate* when appropriate and no more than is necessary to deal with the problem at hand.

The right to life is the fundamental human right, which belongs to every person by birth, is recognized as absolute and inalienable, and determines the content and application of laws and other regulations. The exercise of political, social, economic, cultural and other human rights is impossible without ensuring the human right to life. Legislative enshrinement of human rights to life derives from universally recognized international human rights instruments.

It should be noted that the concept of human rights is based on three intrinsic values: firstly, every state has its own defined restrictive framework; secondly, every citizen has his or her individual sphere; thirdly, every person may oppose state authorities in order to protect his or her individual rights and freedoms.

Human rights must be understood as something that defines the basic norms necessary to live with dignity, and their generality derives from the fact that, at least in this, all human beings are equal. In this regard, we should not and cannot single anyone out here. Essentially, in order to accept the concept of human rights, it is enough just to recognise these three values, and in our view everyone would agree with that. These are the reasons why human

rights are supported by all cultures, civilised democracies and world religions.

Further, it is to be noted that Article 3 of the Universal Declaration of Human Rights, adopted by resolution 217 A (III) of the UN General Assembly on 10 December 1948, states that everyone has the right to life, liberty and security of person. Here the preamble also states that it is essential that human rights should be protected by the rule of law in order to ensure that man has no necessity to have recourse, as a last resort, to rebellion against tyranny and oppression. The International Pact on Civil and Political Rights dated 16 December 1966, ratified by Kazakhstan, provides that “the right to life is an inalienable right of every human being. This right is protected by law. No one can be deprived of life arbitrarily” (Article 6) [1]. The right to life is undoubtedly the most important of all human rights.

It should be especially emphasized in Article 1.1 of the Constitution of the Republic of Kazakhstan where the state asserts itself as a democratic, secular, legal and social state whose highest values are the human being, his life, rights, and freedoms. Moreover, human rights and freedoms belong to everyone from birth and are recognized as absolute and undeniable human right. This provision is enshrined in paragraph 2, article 12 of the Constitution of the Republic of Kazakhstan [2]. In this regard, the high level of legal culture of the population as one of the indicators of its legal system has been and remains a characteristic feature of a state governed by the rule of law.

As we know, law has been manifested in all periods of social formation since antiquity. The main task of state legal policy is to improve the legal literacy of the population.

The legal culture of citizens is the specifics of the relationship between the individual, society and the authorities, in which everyone is entrusted with certain rights, and duties. It means that the state implements its activities within the framework of democratic legal institutions. Since public relations are legally regulated at present time, the issue of criminal offences is covered in the current criminal legislation.

It should be noted that from the very beginning criminal law was aimed at protection of society from criminal encroachments, protection of peace and security of mankind, as well as prevention of

crimes that threaten the basis of human existence through establishment of criminal-legal prohibitions on committing such crimes. Law of criminality, as one of the main branches of law, is a set of legal standards that define the concept and features of crimes, the grounds and limits of criminal liability for the commission of such crimes, and the conditions of exemption from criminal liability and punishment. As law regulates a certain group of social relations. First of all, these are those social relations that develop between the state represented by courts and law-enforcement bodies on the one hand and a citizen in connection with an infraction (crime) that is especially dangerous to society on the other hand.

In addition to its regulatory function, criminal law has a protective function, protecting individuals, society and the state from Criminal law also has a protective function. This function is realized both through the proclamation of a criminal law prohibition on the commission of certain acts and through the realization of the regulatory function, as well as through the application of criminal punishment to those responsible for committing socially dangerous acts prohibited by law.

The specific nature and content of the criminal law are conditioned by the objectives of the criminal law. Part one of Article 2 of the Criminal Code of the Republic of Kazakhstan defines as objectives of the criminal law the protection of rights, freedoms and legitimate interests of an individual and citizen, property, rights and legitimate interests of organizations, public order and security, environment, constitutional order and territorial integrity of the Republic of Kazakhstan, legally protected interests of society and state against criminal encroachments, protection of peace and security of mankind, as well as prevention of crimes. According to part two of the same Article of the Criminal Code, in order to implement the above tasks the Criminal Code establishes the grounds for criminal liability, defines which acts dangerous to individuals, society or state constitute crimes, provides for criminal penalties and other measures of criminal-law enforcement for their commitment, that is, these tasks are performed in the process of implementation of regulatory and protective functions of the criminal law of crimes (parts 1 and 2 of Article 2 of the Civil Code of Republic of Kazakhstan) [3].

Thus, the main tasks of criminal law are the protection of the mentioned above social values and prevention of crimes. Although prevention is named in the law as an independent task, it is as if derivative and subordinated to the first, more important task of criminal law, which defines the essence of criminal law to protect the most valuable social relations. Both tasks are interconnected and interdependent: by protecting social relations, criminal law thereby prevents the commission of new crimes, and by preventing crimes it performs a protective task. As we know, it is the criminal law standards, both the fact of their existence and their application, perform the task of educating citizens in the spirit of precise execution of laws and respect for the rules that exist in society [4].

The research we have made shows that the crime associated with illegal circulation of firearms, ammunition and explosives is becoming one of the factors of worsening criminogenic situation both in the world, and in the countries of the Commonwealth of Independent States.

In the current situation, in our view, this problem is the most relevant and requires scientific analysis in order to prevent the crime under consideration. Since scientific research by a number of authors shows that these unlawful acts are not decreasing, but are becoming the most dangerous for society and the state.

To date, many countries several times have expressed their concern on the deleterious impact of the illegal circulation and misuse of firearms on peace and security of law and human development.

It should be noted that the problem of the illegal circulation of firearms affects all countries worldwide and has a direct impact on public security. It is a significant enough issue in the context of human security that it tends to occupy a special place in law enforcement. Firearms are used in most forms of crime, especially homicides. The most common form of firearms circulation includes a variety of firearms, both small arms and other weapons. This includes many types that fire cartridges, cannonballs and explosive shells, such as shotguns, guns, bombs, rockets, cluster munitions, others, but the nature of this circulation can vary considerably depending on the type of arms.

The various financial, economic, political crises occurring in the world, the growth of regional

and global instability in the modern world, all this leads to a crime situation in society, which entails negative consequences, both for society and for the state. It should be noted that all these trends create favorable conditions for committing unlawful acts with the illegal use of various types of firearms.

Firearms are a product of human activity and are among the objects that pose a potential threat to human health, life and the environment. They are subject to a specially established legal regime for ensuring the security of the processes of their production, operation, handling, and so on. On this basis, firearms are a technogenic source of increased danger. Under man-made source of increased danger in criminology, according to V.D. Korma, should be understood material objects created or transformed during purposeful human activity, which initially contain a high degree of probability of causing irreversible changes to human body, elements of flora and fauna, as well as destruction or disruption of natural environment and socio-economic infrastructure [5].

Firearms are generally produced for illegal markets by licensed manufacturers. They may, however, be aimed at non-legal markets. Accordingly, law enforcement actions are aimed at curbing their illicit movement. Firearms can be distributed in legal and illegal markets over a long period of time, and because they are durable goods, they can easily be reused, or resold. Of course, combating the random motion and use of firearms needs to be better controlled by states.

In our point of view, in order to solve those or other problems related to the circulation of firearms, it is necessary to constantly improve the legal norms in the sphere of firearms circulation.

It is well known that any sane person who has reached a certain age is aware of the public danger or usefulness of his actions. The issue of lack of awareness of public danger may arise in practice only in a limited number of cases: either due to the special qualities of the subject himself (his underdevelopment, mental deviations, mental disorder), or due to the special situation in which the subject found himself.

Nowadays, the age of majority is the age at which, according to the law, one reaches full civil capacity. Majority also gives rise to other rights and duties. A minor is a person under the age of majority.

Minors can acquire full legal capacity in special cases of marriage or in special circumstances from the legal age; however, they usually do not have the right to vote, to adopt or to care for children. The age limits on drinking, smoking, driving and voting rights in many countries may not coincide with the age of majority.

*The initial stage of our analysis has shown that in our opinion, the most noteworthy in this connection is the disposition of Article 15 of Law № 339-I dated 30 December 1998 of the Republic of Kazakhstan “On State Control over the Circulation of Certain Types of Weapons” (as amended and supplemented as dated 30 April 2021), where the legislator stipulates the **general age for acquiring civilian arms to be 18 years of age.***

Article 15(1) of the Right of Citizens of the Republic of Kazakhstan to Acquire Weapons states that:

1. Citizens of the Republic of Kazakhstan who have reached the age of 18 have the right to acquire civilian arms after obtaining permission to acquire a particular type of weapon from the internal affairs bodies in their place of residence.

The right to acquire, keep, carry and use throwing weapons (bows and crossbows) for sporting purposes shall be granted to citizens of the Republic of Kazakhstan who have reached the age of 16.

Signal weapons, mechanical sprays, aerosols and other devices filled with tearing or irritating substances, pneumatic weapons with a muzzle energy of not more than 7.5 J and caliber up to 4.5 mm inclusive are not subject to registration, and citizens of the Republic of Kazakhstan have the right to purchase them from legal entities without obtaining a permit.

Long-barrelled smooth-bore firearms specified in article 5, subparagraph 1) of this law, citizens of the Republic of Kazakhstan have the right to acquire for self-defense without the right to carry them under permits issued by bodies of internal affairs at the place of residence without having a hunter's certificate.

Firearms smooth-bore long-barreled firearms and hunting pneumatic weapons may be purchased by citizens of the Republic of Kazakhstan with the right to keep and carry, who have a hunter's certificate.

Hunting firearms with a rifled barrel have the right to purchase by citizens of the Republic of Kazakhstan who have owned a hunting firearm smooth-bore long-barrelled weapon for at least three years and who have been granted the right to hunt in the prescribed manner.

The total number of weapons acquired by a citizen of the Republic of Kazakhstan may not exceed:

- 1) hunting firearms: with rifled barrel – two units; smoothbore – two units;
- 2) self-defense weapons – two units, including smooth-bore long-barreled firearms or gas pistols, revolvers or electric weapons.

These restrictions do not apply to weapons that are collectibles.

Citizens of the Republic of Kazakhstan have the right to purchase gas pistols and revolvers and electric weapons for self-defense with the right to keep and bear by permits issued by internal affairs bodies [6].

According to the above law, the right to acquire civilian weapons is granted to citizens of the Republic of Kazakhstan who have reached the age of 18 years, after obtaining a permit to acquire a particular type of weapon in the internal affairs bodies at the place of residence.

Here we are concerned about the age of a citizen, by which the right to acquire weapons is given. According to some scientific data individuals at the age of 18 are mentally and physiologically not ready for adult life and the more so the right to own arms. Many scientists argue that the age of human adulthood is later than 18. We all understand very well that according to the general rule legal personality comes to full extent on reaching the age of 18, which means that the person is able to have and implement, directly or through his representatives, subjective rights and legal duties, thus to be a subject of legal relations. For example, the right to vote, conscription into the army, marriage, obtaining a driving license, etc., but the right to own weapons is somewhat different from all other rights and handling them can lead to unpredictable consequences, as we see what happens in various countries precisely in adolescence with the use of firearms.

The World Health Organization (WHO) defines adolescence (10–19 years) as a unique period

of personal development. A wide range of physical, emotional and social changes, including exposure to factors of poverty, abuse or violence, can increase adolescents' vulnerability to mental health problems. Enhancing adolescents' psychological well-being and protecting them from severe shocks and risk factors that may affect their opportunities for successful development is essential to ensure their well-being during adolescence and their physical and mental health in adulthood. The critical transition period is a period of human growth and development that follows childhood and lasts until adulthood, which is from 10 to 19 years of age. It is one of the critical transitional periods of the life cycle, characterized by a rapid rate of growth and change that is second only to the rate of growth and change that occurs in infancy. Many aspects of this growth and development are governed by biological processes, and the achievement of puberty marks the transition from childhood to adolescence. The biological determinants of adolescence are generally universal, but the length and characteristics of this period may vary across time, culture and socio-economic situations. Over the past century, this period has undergone many changes that relate to earlier onset of puberty, later age at marriage, urbanization, global communication and changes in sexual attitudes and behaviors [7].

BBC health correspondent Cathy Silver notes in her article that scientists have reached a consensus that the age of adolescence needs to be raised to 24. Post-industrial countries need a new definition of adolescence, say experts surveyed by the medical journal *Lancet* (*note that **The Lancet** is a weekly peer-reviewed general medical journal. One of the best-known, oldest and most respected general medical journals*). While Europeans used to enter adulthood at the age of 19, today it is at an average age of 24. The new norm should be reflected in laws, a number of experts say [8]. Besides, the WHO proposes to raise the age of majority in Kazakhstan from 18 to 23. This was announced by Oleg Chestnov, the Permanent Representative of the WHO in Kazakhstan, during a meeting of the UN Children's Fund on the protection of children's rights [9].

It should be noted that, according to statistics from the internal affairs bodies, on average every

fifth to sixth of all recorded crimes is committed in adolescence and with the use of firearms.

Our research revealed not only the extreme gravity of the problem, but also the heightened anxiety of adolescents and, most importantly, the role of exasperation and aggression in this community. A recent tragic event that took place in Kazan's Gymnasium № 175, the Massacre, can be cited as an example. Sources tell us that a school shooting in Kazan took place on the morning of May 11, where there was an armed attack on Gymnasium 175 in Kazan. As of 6pm Moscow time, the attack on the school left nine people dead, including seven children. At first information shows that at least nine people were killed in the shooting, including one teacher and schoolchildren. A TASS source reported that 11 people were killed. Tatarstan President Rustam Minnikhanov said the victims included seven eighth-grade pupils – four boys and three girls. The press service of the regional head specified that a total of eight people – eight students and a teacher – were killed. Later, Minnikhanov added that nine people were killed – seven children, a teacher and another woman. The National Anti-Terrorism Committee (NAC) Information Centre reported that 16 of the school's students and staff were injured. The Tatarstan Ministry of Health reported that 21 people were taken to hospital, including 18 children, six of whom are in intensive care [10].

It must be emphasized here that Russian President Vladimir Putin has demanded that the requirements for owning civilian weapons be increased and control over their circulation strengthened. Decisions on this issue should be justified and tough. Situations where one can buy a certificate without even going to the check-up must be excluded, the head of the state stressed.

He made the statement during the meeting with the government to discuss the May 11 shooting at the school in Kazan. As a result of the tragedy, nine people, including seven children, were killed.

The President instructed the head of the national guard Viktor Zolotov to submit in writing his proposals on toughening gun control in order to give the necessary instructions afterwards. The head of state noted that not all of the instructions given after the previous attacks on schools had been implemented [11].

Other disturbing developments are to be noted – the geography of the illegal use of firearms is quite extensive, the United States ranks first in the world in shootings. The shootings of schoolchildren are also known in Canada (Montreal Polytechnic School Massacre), Russia (Shooting at School № 263, Kerch Polytechnic College Massacre, Gymnasium № 175 Massacre), Finland (Jokela Massacre, Kauhajoki Massacre), Azerbaijan (Gadirov Case) and many other countries.

The USSS and the Department of Education undertook a study, and began compiling and studying psychological profiles of criminals. Then a report was published which examined 37 cases of school shootings in the U.S. and drew the following conclusions:

- School violence incidents are rarely sudden, impulsive acts.
- In 80 % of cases, at least one person knew that the attacker was planning the attack, and in almost 60 % two people knew about the attack before it happened.
- Most attackers did not threaten their targets immediately before the attack.
- Most attackers struggled to cope with losses or personal setbacks. Moreover, many thought or tried to commit suicide (78 %).
- The main motives for the attack were: bullying, harassment or threats – 75 %; revenge – 61 %, 54 % reported multiple reasons.
- Most of the attackers had access to and used weapons before the attack.
- Despite a timely law enforcement response, most shooting incidents were stopped by means other than police or SWAT (Special Weapons Assault Team) intervention.

In these research studies, possible reasons for the crime have been identified:

- 1) Family issues, a factor often not mentioned by the media, but supported by social research, is family structure. The well-known Harvard sociologist Robert J. Sampson wrote: *The number of full/non-full families is the most important indicator affecting the rate of urban crime in the United States.* Journalist, editor and scholar Michael Cook once opined that *we wouldn't need more control on arms circulation if people could better control their marriages.*

- 2) Lack of contact between family members
Research has shown that low emotional intimacy was often observed in the families of offenders. This parameter is incalculable, as even in the most prosperous families there are periods of difficult relationships. School shooters also have another common parameter – lack of empathy and inability to restrain aggression. This behavior may be related to their psychotic symptoms (loss of sense of reality) and/or a consequence of violent traumatization, such as early physical abuse, which contributes to dissociative states of mind (denial of reality, depersonalization).
- 3) ***Adolescence immaturity is one of the main factors identified as increasing the probability that a person will commit a crime. While the frontal lobes are in development, adolescents may rely more on another part of the brain, the amygdala. Such thinking is more emotional, accompanied by impulsiveness and aggression. The consequence of this thinking is that adolescents are more likely to be at risk from adolescence to adulthood and at greater risk of acting out from childhood to adolescence.***
- 4) Studies of gun ownership suggest that in some countries, the number of deaths by firearms is directly related to the number of guns in the possession of the population. However, in some countries with high levels of gun ownership, very few gun deaths occur (for example, Iceland).
- 5) Bullying takes place in absolutely all schools, and seems to play a significant role in the lives of many school shooters. Bullying requires 3 types of participants: the bully, the victim and the observers. This formula allows the bully to create not only personal but also social pressure on the victim. Students who are bullied tend to develop behavioral problems, depression, less self-control and lower social skills. Once humiliated, victims do not want a repeat and try to rebuild their image so as not to be rejected by their peers. Their plan to restore justice has been shown to lead to violence many times. In 75 % of cases, the shooters said or found evidence that they had been victims of bullying at school [12].

In this regard, the above examples of social consequences and in order to minimize the offences related to the use of firearms in our view need to improve *Article 15 № 339-I On state control over the circulation of certain types of weapons dated 30 December 1998 of the Law of the Republic of Kazakhstan*

It is necessary to note that the legislative acts on weapons of the Russian Federation and the Kyrgyz Republic establish a different age for the right to acquire firearms, although in connection with the recent tragic events it is necessary to make certain changes in these legislative acts as well.

For example, the Federal Law № 150-FL) On weapons dated 13 December 1996 (ed. Article 1. dated 02 August 2019). The right to Acquire Weapons by Citizens of the Russian Federation notes that:

The right to acquire civilian limited firearms shall be granted to citizens of the Russian Federation who have reached the age of 21, the citizens of the Russian Federation who have not reached the age of 21, but who have done or doing military service, as well as the citizens who are serving in state paramilitary organizations and having military ranks or special ranks or judiciary class ranks. The right to acquire gas weapons, smooth-bore long-barrelled firearms for self-defense, sporting weapons, hunting weapons, signal weapons, and cold-blade weapons designed to be worn with national costumes of the peoples of the Russian Federation or Cossack uniforms, is granted to citizens of the Russian Federation who have reached the age of 18 years.

And the Law of the Kyrgyz Republic On Weapons № 49 dated 09 June 1999 in Article 15 The right to Acquire Weapons by Citizens of the Kyrgyz Republic establishes that:

The right to acquire weapons for self-defense, sport and hunting weapons, signal weapons and cold bladed weapons designed to be worn with the national costumes of the peoples of the republic shall be granted to citizens of the Kyrgyz Republic who have reached the age of 20 after obtaining a permit to acquire a particular type of weapon from the internal affairs agencies at their place of residence. The age, upon reaching which the citizens of the Kyrgyz Republic can obtain a permit to keep and carry hunting firearms smooth-bore

firearms, can be reduced by no more than two years by the relevant heads and bodies of internal affairs.

As we can see, in the legislative acts of neighboring states, a different age limit for the right to acquire firearms is established, but in these same legislative acts, the legislator directly and/or indirectly gives the law enforcement to reduce the age limit for the acquisition of civilian weapons, in connection with which it is necessary to make certain specification in the legislative acts for issuing permits to carry civilian weapons.

Our research findings. Thus, based on the above, in order to resolve this problem, in our opinion, it is necessary to amend the *Article 15 of the Law of the Republic of Kazakhstan № 339-I dated December 30, 1998 “On state control over the circulation of certain types of weapons”* in the following wording:

1. Citizens of the Republic of Kazakhstan who reached the age of 21 have the right to acquire a civilian weapon. Citizens of Kazakhstan who have not reached the age of 21, who have completed military service in the armed forces, other troops or military formations and who have military ranks or special titles or class ranks have the right after obtaining permission from the bodies of internal affairs in their place of residence.

The right to acquire, keep, carry and use throwing weapons (bows and crossbows) for sporting purposes is granted to citizens of the Republic of Kazakhstan who have reached the age of 16.

In our view, to introduce amendments and additions to the legislation, it is the changing times, especially after the ongoing tragic events that are taking place in different parts of the world, and it is also worth noting that this is not the only measure in the fight against illegal use of weapons, in our opinion further research on this issue is needed.

Research shows, and practice confirms, that there is no state in the world today that has not faced the problem of illicit use of firearms.

In order to show the relevance of the research it is necessary to consider the question of its expediency. Let us note that the problem of the need to limit the circulation of weapons in the scientific literature has recently become a matter of debate.

According to G. Borzenkov, underestimation of danger of these crimes is fraught with loss of life, damage to health, destruction of property, violent encroachments on other values protected by criminal law. The researched in this work acts, besides posing threat to a number of objects, potentially contribute to the launch of a number of dangerous crimes which can be committed with the use of weapons. Illegal circulation of weapons in modern conditions is one of the factors that negatively affect the state of criminogenic situation [13]. Perfectly fair is the opinion of G. Borzenkov, in our view, more in line with the semantic concept and content, with which we are in solidarity.

Conclusion. Thus, our proposal regarding amending and restating the Law *On State Control over Circulation of Certain Types of Weapons*, one way or another, will contribute to the reduction of crimes associated with illegal use of various types of weapons. It should be noted that the state is obliged at a high level to ensure the rights and freedoms of a man and a citizen, it is therefore obliged to protect them, i.e. to carry out law enforcement functions. Proclaiming human and civil rights and freedoms is a priority task for the state, as this principle is reflected in the basic law of the country. The protection of these fundamental principles of human and civil rights and freedoms is ensured by legal norms.

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