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**ADMINISTRATIVE-LEGAL REGULATION OF INTERNAL  
AFFAIRS BODIES INTERACTION WITH EXECUTIVE BODIES OF  
THE CONSTITUENT ENTITIES OF THE RUSSIAN FEDERATION  
CONCERNING THE ISSUES OF VOLUNTARY SURRENDER OF WEAPONS,  
AMMUNITION, EXPLOSIVES<sup>1</sup>**

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The authors note the relevance of organization the reimbursable seizure from the population of weapons, ammunition, explosives and explosive devices.

Here is proved the need for adoption of a federal normative legal act establishing the appropriate administrative-legal regime for the effective functioning of programme on the voluntary surrender of weapons, ammunition, ammo, explosives and explosive devices.

Assessment of the experience of the Republic Kazakhstan in the sphere of legal regulation of voluntary reimbursable surrender by citizens of illegally stored fire-arms, ammunition and explosives is given in the article.

**Keywords:** weapons, ammunition, explosives, arms trafficking, storage of weapons, surrender of weapons.

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The main feature of legal relations regulated by administrative-legal regimes is their tough mandative orientation in respect to the unconditional achievement of legal goal established by law-making authority, as well as in respect to the formation of regime rules establishing the order of activity for the subjects of legal relations. This is due primarily to the legal nature of administrative-legal regimes that are applied as a form of legal regulation when uncontested conduct should be get from the subjects of legal relations, i.e., such conduct that is exercised strictly according to the rules set by the legislature. The mentioned feature of legal regulation of legal relations under regime shows that the process of interaction of their subjects, including internal affairs bodies, has to be settled by the relevant administrative-legal regimes. Normative legal acts, which form the mentioned administrative-legal regimes, should define the subject matter, object of interaction, and the procedure and forms of interaction.

A sine qua non for the effective organization of interaction of internal affairs bodies and other executive bodies and organizations concerning the implementation of administrative-legal regimes for arms trafficking is its appropriate normative-legal support, which establishes the necessary and sufficient rights and duties of the subjects of legal relations regarding the interaction, as well as their legal statuses. Managerial relations concerning the interaction can take place only between the subjects, in the settings, under the rules, with the intensity, in relation to the objects that are specified by the corresponding normative legal acts.

It is not possible to provide the necessary control over the arms trafficking without the interaction of internal affairs bodies and other entities of the executive authorities in the sphere of control over arms trafficking. To achieve such a goal appropriate administrative-legal regimes should be set up.

Application of regime in legal regulation of relations in the sphere of arms trafficking allows determination of the vector of legislative impact on those social relations that demand normative impact. Thus, a very relevant aspect in the suppression of illicit arms trafficking is organization of interaction of internal affairs bodies with the executive authorities of the subjects of the Russian Federation, in the sphere of organization of events for voluntary surrender of weapons, ammunition, explosives and explosive devices on a reimbursable basis.

Work aimed at preventing ingress of illegally stored weapons, munitions, explosives, explosive devices in a criminal environment is of great importance for the efficient organization of work to ensure public security measures. In this regard we can observe the relevance of organization the reimbursable seizure from the population of weapons, ammunition, explosives and explosive devices. According

to the Ministry of Internal Affairs of Russia, from 1995 to 2009, in 63 of 82 subjects of the Russian Federation the population voluntarily surrendered more than 400 thousands of weapons, as a reward they received nearly 4.5 billion rubles [2].

At that, the Russian Interior Ministry notes that in cases, where the internal affairs bodies reach the interaction with the executive authorities, appear possibilities of financing preventive measures to seize weapons from the population on a reimbursable basis from regional budgets, municipalities, charities and other organizations. Low indicators of preventive activity on the mentioned direction were noted in those regions of the Russian Federation, where the above work was carried out only on a non-repayable basis, and regional administrations refused funding corresponding programs, what indicated the absence of interaction between internal affairs bodies and executive authorities of the subjects of the Russian Federation [1].

These data show that, first, the organization of work on the voluntary surrender of weapons, ammunition, explosives and explosive devices on a reimbursable basis is of great social importance in the field of law enforcement, and second, the interaction of internal affairs bodies in the subjects of the Russian Federation with the administrations of a number of regions does not reach a positive result because of subjective reasons. As a result, the program upon voluntary surrender of weapons, ammunition, explosives and explosive devices on a reimbursable basis is not realized in these regions.

From the above, we can draw only one conclusion: federal normative legal act establishing an appropriate administrative-legal regime should be adopted for the effective functioning of the program upon voluntary surrender of weapons, ammunition, explosives and explosive devices.

In our view, may be applied the legislative experience of the Republic of Kazakhstan in the sphere of legal regulation of voluntary reimbursable surrender by citizens of illegally stored firearms, ammunition and explosives. In accordance with article 6 of the Law of the Republic of Kazakhstan No. 339-1 from December 30, 1998 "On State Control over Arms Trafficking", the Government of the Republic of Kazakhstan establishes the procedure for voluntary reimbursable surrender by citizens of illegally stored firearms, ammunition and explosives. Government Decree of the Republic of Kazakhstan No. 1299 from December 26, 2007 establishes the Rules of voluntary reimbursable surrender by citizens of illegally stored firearms, ammunition and explosives, which also apply to the voluntary surrender of weapons that are owned by citizens and organizations and registered in the internal affairs bodies. In accordance with the mentioned Government Decree of the Republic

of Kazakhstan, citizens, who voluntarily hand over their illegally stored firearms, ammunition and explosives, receive cash reward.

Financing costs for reimbursable surrender of firearms, ammunition and explosives is implemented from the specially provided for this purpose funds of Republican budget. All voluntarily surrendered firearms, ammunition, explosives shall be disposed of in the manner prescribed by the legislation.

Citizen, who has expressed a desire to surrender its illegally stored firearms, ammunition, explosives for a cash remuneration, makes a statement in any of the urban, district body of internal affairs, where he or she indicates its data, name of weapons, brand, caliber, serial number of weapons, quantity of ammunition and the source of their receipt (acquisition). Statement on the voluntary surrender, as well as all voluntarily surrendered firearms, ammunition and explosives are recorded and documented in accordance with the current legislation. At the request (message) of a citizen to an internal affairs body by telephone or other electronic means of communication concerning the desire to voluntarily surrender firearms, ammunition or explosives, internal affairs officer arrives to the location of these items, carries out admission of application and takes these items.

Firearms handed over by citizens are verified via Integrated database of the Ministry of Internal Affairs of the Republic of Kazakhstan: "Criminal weapons" and "Registered weapons". If the handed over weapons have an identification number and are not registered as "Registered weapons", then such weapon is given an information-retrieval card "CrimW" ("KrimO") and then it is sent to the regional subdivision of the information technology service for entering information into the database "Criminal weapons". Surrendered rifled firearms are subject to the obligatory shooting. Fired bullets and shell casings are sent to Forensic bullet and shell casing repository of the Interior Ministry of the Republic of Kazakhstan for verification.

Citizens, who have surrendered illegally stored firearms, ammunition, explosives, receive reward in the amount of the following MCI (monthly calculation indices) established by the Law of the Republic of Kazakhstan on Republican budget for the current year:

- 1) up to one hundred MCI for each unit of automatic rifled firearm;
- 2) up to fifty MCI for each unit of rifled long barrel firearms (rifles, carbines);
- 3) up to forty MCI for each unit of rifled short barrel firearms (pistols, revolvers);
- 4) up to thirty MCI for each unit of fire smooth-bore weapons;
- 5) up to ten MCI for each unit of traumatic revolver or pistol;



- 6) up to 7 MCI for each grenade, mine, explosive device and an artillery shell;
- 7) up to 6 MCI for each 1000 grams of explosives;
- 8) up to one-twenty-fourth MCI for each unit of ammo for rifled firearm.

The technical condition of a firearm and its suitability for a shot are taken into account when deciding upon the level of remuneration. In the case of suitability of weapon for firing the payment is made at the rate of 100% of the recommended value, and in the case of no suitability for firing – no more than 50% of the recommended value.

The following items and substances shall not be remunerated:

- 1) not recognized on the basis of the conclusion of a criminalist-specialist as firearms, ammunition or explosives;
- 2) registered in the MIA Data Base of the Republic of Kazakhstan as “Criminal weapons” and “Registered weapons”;
- 3) home-made ammunition
- 4) ammunition for smooth-bore, gas and traumatic weapons.

Payment of remuneration is exercised by financial services of the territorial bodies internal affairs via transfer from budget account established to compensate costs for the reimbursable seizure from population of firearms, ammunition and explosives.

We should note a very effective program upon the voluntary surrender of firearms, ammunition, explosives in the Krasnodar Territory, the operation of which was launched with the issuing of the Decree of the Head of Administration of the Krasnodar Territory No. 675 from December 05, 1994 “On Measures for the Voluntary Surrender by Citizens of Illegally Stored Firearms, Ammunition and Explosives”. Nowadays, in order to suppress and prevent crimes involving weapons, in the region has been organized outreach for voluntary surrender of weapons, including on a reimbursable basis pursuant to the Decree of the Head of Territory Administration No. 317 from April 05, 2004 “On Measures for Organization of the Voluntary Surrender by Citizens of Illegally Stored Firearms, Ammunition, Explosives and Explosive Devices”. During the period under review, on a reimbursable basis citizens surrendered: 2598 units of weapon (same period last year – 2539), 6651 pcs. of ammunition (SPLY – 7106), 199 pcs. of shells (SPLY – 142), 12 pcs. of grenades (SPLY – 3).

Legal regulation of the activities of internal affairs bodies on the organization of voluntary surrender of weapons, ammunition, explosive materials must be carried out through a complex of administrative-legal regimes that form juridical structures of legal norms establishing the rules of regime, legal statuses of

the subjects and objects of relations under regime, guarantees of administrative-legal regimes' functioning. Structural components of such administrative-legal regimes should be formed by a set of legal norms established by normative legal acts that are various in level and subject of legal regulation.

We believe that, in order to organize preventive work to ensure public safety measures aimed at preventing the penetration of illegally stored weapons, ammunition, explosives, explosive devices into criminal environment, federal executive body, responsible for drafting and implementing national policy and legal regulation in the sphere of internal affairs, necessarily has to initiate the adoption of the Federal Law, the Decision of the Russian Federation Government that establishes rules voluntary reimbursable surrender by citizens of illegally stored firearms, ammunition, explosives. Using the experience of the Republic of Kazakhstan in the sphere of legal regulation of voluntary reimbursable surrender by citizens of illegally stored firearms, ammunition, explosives.

#### References:

1. *Decree of the RF MIA No. 12/6014 from December 07, 2007* [Ukazanie MVD Rossii ot 7 dekabrya 2007 g. № 12/6014] (not published).
2. *Decree of the RF MIA No. 12/783 from February 16, 2009* [Ukazanie MVD Rossii ot 16 fevralya 2009 g. № 12/783] (not published).