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Ways to prevent the illicit trafficking of firearms, ammunition, and explosives during martial law in Ukraine and the dangers of their legalisation

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■ **Abstract.** The relevance of the article lies in the fact that in the conditions of the full-scale war of the Russian Federation against Ukraine, the need to strengthen control over arms trafficking, ensure law and order, and the safety of citizens is becoming more acute. The illegal trade in weapons leads to an increased risk to public safety and creates the conditions for a rise in violent crimes. The aim of the article was to establish optimal ways to prevent the illicit trafficking of firearms, explosives, and ammunition during martial law and, based on international experience, to investigate the feasibility of their legalisation. To achieve this goal, a number of methods were applied: comparative, structural, and systemic. A study of international experience showed that in countries where arms control is lax or arms trafficking is legalised, there is an increase in the number of criminal offences involving weapons. In contrast, in countries where strict arms control has been introduced, a lower level of gun crime is registered. It has been established that the decriminalisation of the storage and manufacture of weapons would increase their circulation among the population, could lead to the illegal use of weapons in both domestic and interpersonal conflicts, and would increase the risk to public safety. Thus, replacing criminal liability for the storage and manufacture of weapons with administrative liability does not sufficiently consider the consequences for the law enforcement system and would reduce the effectiveness of the fight against criminal offences. Firm and strict control over the circulation of firearms reduces the risks of violent crimes involving the use of weapons. The practical significance of the study lies in identifying effective approaches to the legislative regulation of firearms, ammunition, and explosives for further implementation into the legislation of Ukraine, as well as possible ways and means of preventing the illicit trafficking of firearms, ammunition, and explosives during martial law in Ukraine

■ **Keywords:** weapons legalisation; civilian population; criminal offences; public order; public danger

■ Introduction

Preventing the illicit trafficking of firearms, ammunition, and explosives during martial law is critically important for preventing criminal offences and

ensuring state security. The problem of the illegal and rapid spread of weapons affects every country, but it is especially pressing for Ukraine during

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martial law. In particular, organised criminal activity in the arms and ammunition trade poses a threat to most countries worldwide, including Ukraine (Hideg, 2024). Among the socially dangerous phenomena that threaten the development of the state and significantly restrict human rights and freedoms, a large number are offences committed with the use of firearms. Ensuring the safety of citizens, protecting their lives, health, and personal integrity is one of the main directions of Ukraine's social policy.

From 2023 to 2024, during their service at checkpoints, military personnel and police officers documented more than 1,000 cases of illegal weapons being transported through these checkpoints, resulting in the seizure of over 400 firearms, more than 50 grenade launchers, and a large number of different-calibre ammunition (Milenin & Natochii, 2024). It is appropriate to agree with the Deputy Head of the National Police of Ukraine, Andriy Nebytov, who stated in an interview that weapons, especially firearms, should be on the front lines protecting people, not causing injury to civilians in the rear or becoming instruments of crime. Every day, the police prevent the serious consequences of illegal and improper handling of weapons (Hirak, 2024). Thus, the development of ways to prevent the illicit (illegal) trafficking of firearms, explosives, and ammunition during martial law is particularly important for the work of law enforcement agencies and for the most stable functioning of society possible.

Specifically, O. Jafarova & T. Dunaev (2023) pointed out the main causes of illicit firearms trafficking in Ukraine. Among these causes, they named: the full-scale invasion by the Russian Federation, which led to the uncontrolled removal of firearms and ammunition from the combat zone, and the fact that a significant part of the state border is not controlled by Ukraine. At the same time, B. Greenberg *et al.* (2024) found that more restrictive and limiting firearms laws significantly reduce civilian mortality from firearms. They believe that these findings serve as evidence of the need to implement such legislation to reduce firearm injuries and deaths. The researchers remind that the growing number of violent incidents involving firearms worldwide is causing increasing concern in various spheres of society. M. Werbick *et al.* (2021) also noted that populations worldwide are facing a growing burden of firearm violence, which contributes to an increase in mortality and disability. They emphasised that at the time of their research, firearm deaths accounted for over 250,000 deaths annually worldwide. As of 2021, 857 million firearms were in the hands of civilians.

It should be noted that N. Symonenko & A. Khomenko (2024) also pointed out that in most countries with strict control over the circulation of firearms and ammunition, lower levels of gun crime are

recorded. In contrast, the legalisation or relaxation of controls has repeatedly proven to be ineffective in fighting crime and has even contributed to its growth. The authors noted that the bill proposing to decriminalise the illegal storage and manufacture of firearms does not contain scientifically sound data or empirical studies that could confirm that such decriminalisation would lead to a reduction in crime or an improvement in citizens' self-defence conditions.

It was also important to mention the study by J. Kappelman & R.C. Fording (2021), in which, based on a series of negative binomial regression analyses, the authors confirmed that strict, restrictive firearms laws are associated with a reduction in youth suicides involving firearms, especially among males. However, the researchers emphasised that for this to be the case, such laws must be genuinely strict and have age restrictions. Despite the significant increase in youth suicide rates in the 2010s, their results showed that state laws restricting youth access to firearms continue to represent a potentially effective strategy for reducing suicides.

In turn, M.E. Wallace *et al.* (2021) highlighted that in the United States, homicide is the leading cause of death among pregnant women and women up to one year postpartum. The majority of these homicides are committed by the woman's intimate partner using a firearm. The researchers found that laws prohibiting firearm possession or requiring the relinquishment of firearms by individuals convicted of domestic violence offences lead to a significant reduction in homicides of pregnant and postpartum women.

The aim of the article was to review policies for preventing the illicit trafficking of firearms, explosives, and ammunition, to draw reasoned assumptions about possible ways to prevent the illicit trafficking of firearms, explosives, and ammunition during martial law, and to explore the issue of legalising the possession and manufacture of firearms among civilians.

■ Materials and Methods

To achieve a goal, the following special scientific research methods were used: comparison method, extrapolation method, system analysis method, and hypothetical-deductive method. Using the comparative method, a comparison was made of the positive and negative experiences of legalising weapons in various countries around the world (the United States of America, Israel, Switzerland, Germany, and other European countries) to prevent the illegal circulation of firearms during martial law. Using the method of systematic analysis, the impact of weapon legalisation on crime rates in different countries around the world was analysed, as well as the approaches to regulating the use and possession of firearms in these countries. Using the extrapolation method, future

ways of preventing the illegal circulation of firearms, explosives and ammunition during martial law were modelled when developing recommendations for preventive measures to reduce such cases.

The regulatory basis for the work was provided by: the Constitution of Ukraine¹, Law of Ukraine “On the National Police”², Regulations on the National Police of 2015³, Strategy on Fighting Organised Crime in Ukraine⁴, the Criminal Code of Ukraine⁵, Law of Ukraine “On Amending Article 263 of the Criminal Code of Ukraine Regarding the Abolition of Liability in Cases of Voluntary Surrender of Weapons, Ammunition, Explosives or Devices”⁶, Instructions on the Procedure for the Manufacture, Acquisition, Storage, Accounting, Transportation and Use of Firearms, Pneumatic Weapons, Cold Weapons and Bladed Weapons⁷, Constitution of the United States⁸, Directive of the European Parliament and of the Council No. 2021/555, Federal Act on Weapons, Weapon Accessories and Ammunition⁹, Law of the Federal Republic of Germany “On Weapons”¹⁰, Law of Israel No. 5779 “On Arms”¹¹.

■ Results

It should be emphasised that the conduct of military operations on the territory of Ukraine has an impact on the proliferation of firearms, explosives, and

ammunition in the country. This is an important aspect for law enforcement investigations and a pressing issue for society in various areas. According to the Deputy Minister of Internal Affairs, Bohdan Drapaty, Ukrainian citizens may possess approximately 2 to 5 million undeclared firearms (Department of Communications of the Ministry of Internal Affairs of Ukraine, 2024).

According to statistical information recorded by the Prosecutor General’s Office (Table 1), the number of criminal offences committed with the use of firearms in 2024 increased by 115.5% compared to 2020. It should be noted, however, that the number of criminal offences committed with smooth-bore firearms over the same period did not increase but decreased: in 2024, there were 3.5% fewer such crimes committed compared to 2022. The sharp increase in the number of offences committed with firearms occurred specifically in 2022, with the start of the full-scale military aggression: it increased by 578.3% compared to 2021. Accordingly, it can be assumed that the main reason for the increase in this type of crime was the full-scale military aggression of the Russian Federation. In February 2022, a relatively large number of small arms were distributed to the civilian population to support territorial defence units (Gergely, 2024).

Table 1. Comparison of the number of criminal offences committed with firearms, 2020-2024

Number of criminal offences / per year		2020	2021	2022	2023	2024
Committed with firearms		386	281	1,906	1,867	832
Of which	Committed with smooth-bore firearms	57	48	82	89	55
	Intentional homicides	57	36	247	909	295
	Intentional grievous bodily harm	4	1	18	14	14
	Robbery	27	17	32	23	11
Proceedings under Art. 263 of the Criminal Code of Ukraine		5,116	4,067	4,735	5,582	5,898

Source: developed by the authors based on data from the General Prosecutor Office (n.d.)

¹ Constitution of Ukraine. (1996, June). Retrieved from <https://zakon.rada.gov.ua/laws/show/254к/96-вп#Text>.

² Law of Ukraine No. 580-VIII “On the National Police”. (2015, July). Retrieved from <https://zakon.rada.gov.ua/laws/show/580-19#Text>.

³ Resolution of the Cabinet of Ministers of Ukraine No. 877 “Regulations on the National Police”. (2015, October). Retrieved from <https://zakon.rada.gov.ua/laws/show/877-2015-%D0%BF#Text>.

⁴ Order of the Cabinet of Ministers of Ukraine No. 850-p “On the Approval of the Plan of Measures for Implementation of the Strategy on Fighting Organised Crime”. (2022, September) Retrieved from <https://zakon.rada.gov.ua/laws/show/850-2022-%D1%80#Text>.

⁵ Criminal Code of Ukraine. (2001, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/2341-14#Text>.

⁶ Law of Ukraine No. 2150-IX “On Amending Article 263 of the Criminal Code of Ukraine Regarding the Abolition of Liability in Cases of Voluntary Surrender of Weapons, Ammunition, Explosives or Devices”. (2022, March). Retrieved from <https://zakon.rada.gov.ua/laws/show/2150-20#Text>.

⁷ Order of the Ministry of the Internal Affairs of Ukraine No. 622 “Instructions on the Procedure for the Manufacture, Purchase, Storage, Accounting, Transportation and use of Firearms, Pneumatic, Cold and Cold-Action Weapons, Domestically Produced Devices for Firing Cartridges Equipped with Rubber or Similar in their Properties Non-Lethal Projectiles, and Cartridges for them, as Well as Ammunition for Weapons, Main Parts of Weapons and Explosive Devices”. (1998, October). Retrieved from <https://zakon.rada.gov.ua/laws/show/z0637-98#Text>.

⁸ Constitution of the United States. (1787, September). Retrieved from <https://constitution.congress.gov/constitution/amendment-2/#:~:text=A%20well%20regulated%20Militia%2C%20being,Arms%2C%20shall%20not%20be%20infringed.>

⁹ Federal Act of the Federal Republic of Germany “On Weapons, Weapon Accessories and Ammunition (Weapons Act, WG)”. (1997, June). Retrieved from https://www.fedlex.admin.ch/eli/cc/1998/2535_2535_2535/.

¹⁰ Law of the Federal Republic of Germany “On Weapons”. (2002, October). Retrieved from https://www.gesetze-im-internet.de/waffg_2002/BJNR397010002.html.

¹¹ Law of Israel No. 5779 “On Arms”. (1949, August). Retrieved from https://www.nevo.co.il/law_html/law00/72225.htm.

It is also worth noting the study by G. Hideg (2024), which concludes that the level of civilian ownership of firearms in Ukraine has remained stable since the beginning of 2022. However, it should be noted that the study was based on a survey. Accordingly, it is only relevant to those weapons that respondents were willing to report. Moreover, according to the same study, the level of victimisation from crimes

involving firearms increased in 2023 compared to 2022. Thus, in 2023, 11% of all victims reported that they had encountered firearms during criminal incidents that had occurred to them in the 12 months prior to the survey. In 2022, this figure was 6%. Since the start of the full-scale invasion, there has been a steady increase in the number of proceedings under Article 263 of the Criminal Code of Ukraine¹ (Fig. 1).

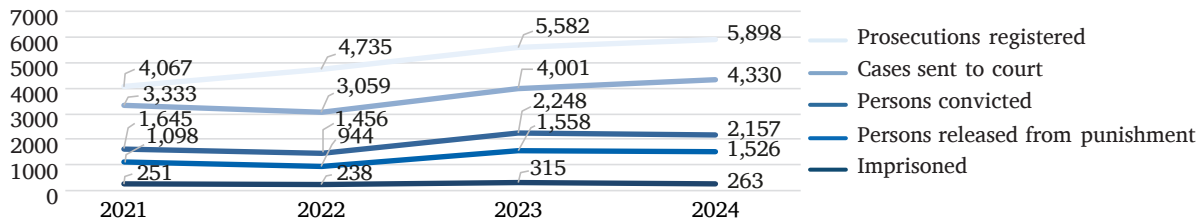


Figure 1. Data on proceedings under Art. 263 of the Criminal Code of Ukraine “Illegal handling of weapons, ammunition or explosives”

Source: CrimeDataLab (n.d.)

Deputy Minister of Internal Affairs, Bohdan Drapiaty, stated that it’s difficult to provide precise statistics on the illicit trafficking of firearms in Ukraine due to the ongoing “hot phase” of Russia’s full-scale war against Ukraine and the significant length of the front line (over 1,000 km). The amount of weaponry in Ukraine is also increasing due to active military assistance (Leshchenko, 2023). Bohdan Drapiaty stressed that the trend of illicit firearms trafficking in Ukraine is on the rise compared to 2019. He also reported that in 2019, approximately 100 automatic weapons were seized, whereas in 2023, that number was 1,567 (Department of Communications of the Ministry of Internal Affairs of Ukraine, 2024).

Therefore, although the increase in the number of firearms illegally held by civilians in Ukraine cannot yet be confirmed by statistics due to the difficulty of obtaining them during the hot phase of the armed conflict, the factors mentioned above (the rise in gun-related crimes and the increase in seized firearms) indicate that an increase in such weapons among the civilian population has occurred. This assumption is based on the strong correlation found by M. Siegel *et al.* (2013) between the rate of homicides committed with firearms and the level of gun ownership – for every percentage point increase in gun ownership, the rate of firearm-related homicides rose by 0.9%. Recent studies also confirm a similar relationship (Crokidakis, 2022).

The dynamic increase in gun-related crimes is a problem for Ukraine in itself. To address this issue, the legislature proposed adopting the Law of Ukraine No. 2150-IX². This law amended the wording of Part 3 of Article 263 of the Criminal Code of Ukraine³, which states that a person who voluntarily surrenders firearms, explosives or explosive devices, and ammunition to the authorities will not be subject to criminal liability for acts described in Parts 1 or 2 of that article. According to the Research Service of the Verkhovna Rada of Ukraine, this law was adopted with the aim of: “preventing crimes and offences such as the illegal acquisition, purchase, transfer, or sale of firearms, explosives or explosive devices, and ammunition during martial law or a state of emergency; taking measures to ensure that firearms, explosives or explosive devices, and ammunition are used only within the legal framework, including for tasks related to the protection of Ukraine’s territorial integrity and sovereignty; and establishing law and order in Ukraine...”⁴. According to N. Symonenko & A. Khomenko (2024), the changes to the criminal legislation were an attempt by the legislator to increase control over the circulation of firearms and to raise accountability for offences in this area.

According to data from the Centre of Security Studies CENSS (2021), in 2019, citizens voluntarily surrendered 5,444 firearms. In 2020, 423 such weapons were surrendered. However, the total

¹ Criminal Code of Ukraine. (2001, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/2341-14#Text>.

² Law of Ukraine No. 2150-IX “On Amending Article 263 of the Criminal Code of Ukraine Regarding the Abolition of Liability in Cases of Voluntary Surrender of Weapons, Ammunition, Explosives or Devices”. (2022, March). Retrieved from <https://zakon.rada.gov.ua/laws/show/2150-20#Text>.

³ Criminal Code of Ukraine. (2001, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/2341-14#Text>.

⁴ Draft Law of Ukraine No. 10041 “On Amendments to Article 263 of the Criminal Code of Ukraine on Strengthening Liability for the Illegal Acquisition, Transfer or Sale of Firearms, Ammunition, Explosives or Explosive Devices in Conditions of War or a State of Emergency”. (2023, September). Retrieved from <https://research.rada.gov.ua/uploads/documents/32649.pdf>.

number of people across Ukraine who have surrendered weapons is not public. Thus, given that individuals who illegally possessed firearms began to surrender them - and these were not isolated cases – it can be argued that giving citizens the opportunity to voluntarily surrender weapons without penalty has yielded a certain level of positive results. However, taking into account that the total number of people in Ukraine who have surrendered weapons has not yet been published, it is difficult to fully assess these results. Moreover, it must be considered that Russia's military aggression is also a factor that may influence the willingness of individuals who possess firearms to surrender them, given the increase in gun-related crimes during the war. Therefore, the full outcome of this initiative can only be assessed by conducting a study after the end of hostilities and comparing it with the results achieved during Russia's ongoing armed aggression against Ukraine. For now, while this armed aggression continues, it is necessary to develop additional measures to reduce the illicit trafficking of firearms, explosives, and ammunition.

Among such attempts to reduce the illicit trafficking of firearms, ammunition, and explosives during martial law in Ukraine, lawmakers proposed adopting Draft Law of Ukraine No. 11073¹, which suggests decriminalising the illegal storage and manufacture of weapons. They argued that the mere storage of a weapon does not directly harm anyone, and therefore only its use to cause harm should be criminalised. In the explanatory note, lawmakers also stated that the storage of firearms should be decriminalised to protect civilians from Russian Federation soldiers.

However, it is necessary to consider that the main dangerous weapons of the Russian Federation's forces are not ordinary firearms but tanks, missile systems, mortars, and other weapons of mass destruction, against which ordinary firearms, especially in the hands of a civilian, cannot be effective. Moreover, civilians generally do not have proper military training or even training on the correct handling of firearms. Armed civilians become easy targets for trained and prepared enemy military personnel. Situations where such individuals attempt to engage in combat with the enemy to defend their homes without proper tactics, coordination, and planning are very dangerous (Center of Security Studies CENSS, 2021).

The risk of accidental injury or death to their own civilians and military personnel is also increased during the chaotic conditions of combat. Thus, a civilian carrying a firearm will also become a potential target for the adversary.

It must be emphasised that the purpose of legislation is not only to punish a criminal for a committed crime but also to prevent future crimes by applying paternalistic restrictions. That is, if the possession of a certain substance or object poses a real potential threat to society, then prohibiting its storage, within the framework of paternalism, will be a way to protect society from that threat. In this case, not only is the infliction of harm punished, but also the dangerous increase in the probability of such harm occurring.

Comparing the security situation related to civilian firearms ownership in other countries with that of Ukraine will allow for a more complete consideration of the potential outcomes of legalising firearms, as well as drawing certain conclusions about ways to prevent the illicit trafficking of firearms, ammunition, and explosives during martial law in Ukraine. Take the United States (hereinafter – USA), for example. The Second Amendment to the Constitution of the United States² provides for the right of its citizens to keep and bear arms; more detailed rules concerning firearms depend on the specific state. According to a list of mass shootings that occurred in the USA in 2024, i.e., incidents where four or more people were injured or died as a result of gun violence, 711 people died and 2,375 were injured in 586 shootings (List of mass shootings..., 2024).

In Ukraine, according to the Instructions of the Ministry of Internal Affairs of Ukraine from 1998³ (hereinafter – the Instructions), police authorities do not have the right to issue permits to citizens for the purchase, storage, and carrying of firearms, ammunition, pneumatic or cold steel weapons, devices, and cartridges, or to re-register them, in the following cases:

- the person has medical contraindications for performing the specified functional duties and for owning a weapon;
- there is information about the person's systematic (twice or more) violation of public order;
- the person has failed to remedy previously identified violations of the requirements for storing, transporting, and using previously acquired weapons

¹ Draft Law of Ukraine No. 11073 “On Amendments to the Code of Ukraine on Administrative Offenses and the Criminal Code of Ukraine to Ensure the Unity of Norms in the Implementation of the Right to Self-Defense and Decriminalization of Weapons Production”. (2024, March). Retrieved from <https://itd.rada.gov.ua/billInfo/Bills/Card/43810>.

² Constitution of the United States. (1787, September). Retrieved from <https://constitution.congress.gov/constitution/amendment-2/#:~:text=A%20well%20regulated%20Militia%2C%20being,Arms%2C%20shall%20not%20be%20infringed.>

³ Order of the Ministry of the Internal Affairs of Ukraine No. 622 “Instructions on the Procedure for the Manufacture, Purchase, Storage, Accounting, Transportation and use of Firearms, Pneumatic, Cold and Cold-Action Weapons, Domestically Produced Devices for Firing Cartridges Equipped with Rubber or Similar in their Properties Non-Lethal Projectiles, and Cartridges for them, as Well as Ammunition for Weapons, Main Parts of Weapons and Explosive Devices”. (1998, October). Retrieved from <https://zakon.rada.gov.ua/laws/show/z0637-98#Text>.

or devices; abuses alcoholic beverages; uses narcotics without a doctor's prescription or other intoxicating substances; or commits domestic violence, as documented;

- there is a reasoned order from a state enforcement officer establishing a temporary restriction on the debtor's right to use smooth-bore hunting firearms, pneumatic and blank-firing weapons, and domestically produced devices for firing rubber or similar non-lethal projectiles;

- other cases, as specified in the Instructions (Paragraph 5.1 of Chapter 5, Section I), where police authorities do not have the right to issue permits for the purchase, storage, and carrying of firearms, ammunition, pneumatic or cold steel weapons, devices, and cartridges, or to re-register them.

These restrictions serve as a preventive measure that reduces the likelihood of firearms (a source of heightened danger) falling into the hands of a person who might use them to harm the life and health of others. Thanks to these measures, even during martial law, when there are hypothetically between 2 and 5 million unregistered firearms in the country, cases of mass shootings in public places are isolated incidents in Ukraine. To better outline the difference in the security situation related to civilian firearms ownership between the USA and Ukraine, we should compare the number of mass school shootings in these countries. In 2024, there were 331 mass school shootings in the United States, where firearms are legal for civilians. In contrast, there were 0 mass school shootings in Ukraine, where firearms are not legal for the civilian population. However, it is important to consider that the USA is a much larger country in terms of both territory (9,826,675 km²) and population (340.1 million people in 2024, according to the U.S. Census Bureau) compared to Ukraine (603,628 km²).

Therefore, it is useful to compare the number of mass school shootings in the state of Texas (696,200 km²) in 2024, which had a population of approximately 31.29 million people, with the number of such shootings in Ukraine during the same period. According to statistical data from the K-12 School Shooting Database (Marks *et al.*, 2024), there were 23 school shootings in Texas in 2024. No data for any school shootings in Ukraine for 2024 could be found in available sources.

The findings of P.M. Reeping *et al.* (2019) are also relevant here. They discovered that a 10% increase in gun ownership in a state was associated with a 35.1% increase in the rate of mass shootings. For their study, the researchers used an annual rating from 0 (fully restrictive) to 100 (fully permissive) for the gun laws of all 50 states, taken from a reference

guide for gun owners travelling between states from 1998 to 2015. They found that a 10-unit increase in the permissiveness of a state's gun law was also associated with an 11.5% higher rate of mass shootings. This suggests that states with less strict gun ownership laws had a higher number of mass shootings.

Although an analysis by M. Daraklis *et al.* (2024) did not find a correlation between the level of gun ownership and the number of shootings, the study did show a significant link between the level of gun ownership and the lethality of mass shootings – a 12.5% increase in gun ownership was associated with a 34% increase in the death rate from mass shootings. This highlights another danger of the proliferation of firearms: their higher lethality compared to other types of weapons. The authors of the study suggest that legally restricting gun ownership (and thus reducing gun availability) could save lives when mass shootings occur.

David Riedman, the founder of the K-12 School Shooting Database and an adjunct professor, predicted in an interview that in January 2025, there could be around 30 school shootings, most likely resulting from escalated fights. The number of school shootings in the USA in 2024 slightly decreased compared to the previous year, but the 330 school shootings registered last year are still the second-highest figure since 1966. School shootings continue to trouble school leaders because each incident involves a unique set of factors leading to the shooting. However, according to David Riedman, the 2024 shootings shared some common features: according to the database, 43% of school shooters from 1966 to 2024 attended the school where the incident occurred; four out of five premeditated school attacks in 2024 were committed by current students; most shootings occurred in high schools, with slightly fewer in primary schools; school shootings most often happened during school dismissal, sports events, and morning lessons; and most on-campus shootings resulted from fights that escalated into armed violence. This has been the trend in recent years. The author notes that the number of school shootings in 2024 was only 19 below the historical high of 349 incidents recorded in 2023. In fact, according to the database, the highest number of school shootings in the last six decades occurred between 2021 and 2024. This is despite intensified efforts to reinforce schools with cameras and weapon detection systems, as well as increased resources for the emotional and mental well-being of students (Arundel, 2024).

European Union legislation places significant restrictions on firearm use, even at a basic level. According to points 33-34 of Directive 2021/555¹, civilian use and possession of firearms capable of automatic

¹ Directive of the European Parliament and of the Council No. 2021/555 "On Control of the Acquisition and Possession of Weapons (Codification)". (2021, March). Retrieved from <https://eur-lex.europa.eu/eli/dir/2021/555/oj/eng>.

and semi-automatic firing is prohibited. The Directive also mandates information exchange between member states, the marking and registration of firearms, and the requirement for member states to maintain systems for registering and storing data on firearms and their owners. Furthermore, under Article 6 of the Directive, an EU member state may only permit firearm possession to individuals aged 18 or older. For those under 18, a parent's permission is required, and they must not pose a danger to themselves or others (i.e., they are not mentally ill, have not committed violent crimes, etc.). The Directive specifies that firearms must be stored safely and should not be easily accessible or loaded. Firearm permits must be periodically reviewed, with a maximum interval of five years. It also states that member states must tighten controls on arms possession at the Union's external borders. Additionally, EU member states have the right to adopt stricter restrictions on the possession and use of firearms within their own legislation.

As an example of a European country where firearms were previously legalised, Switzerland is worth mentioning. It recently adopted a new weapons law amending the Federal Act on Weapons¹ to align its gun laws with EU standards, particularly the Directive. In a referendum, the Swiss public approved the new law with a 67% majority, reinforcing gun ownership conditions as an anti-terrorism measure (Switzerland passes new gun law, 2019). According to Part 3, Article 9b of the Weapons Act², a weapons acquisition permit is valid for six months, with a possible extension of up to three months. Under Article 8, any person wishing to acquire a weapon or a key weapon component needs a permit. An individual applying for a permit for a firearm not intended for sport, hunting, or collecting must provide a reason for the purchase. A permit is not issued to individuals who: are under 18; are incapacitated or require a legal representative; are considered a danger to themselves or others; or have been convicted of an act indicating violent behaviour, posing a risk to public safety, or for repeat offences or misdemeanours. Furthermore, Article 26 of the Act states that firearms, essential firearm components, ammunition, and ammunition components must be stored securely and protected from access by unauthorised individuals.

One reason for the change in gun law, besides preventing terrorism, was that the victims of firearm homicides in Switzerland were predominantly the most vulnerable members of society: women and children (Stegmüller & Turuban, 2024). Statistics

from 2009-2022 show that firearms were the most common method of killing women, used in 30.3% of 350 homicides of women compared to 28.5% of 316 homicides of men. Over 80% of incidents in Switzerland where a perpetrator kills their partner and children before committing suicide are carried out with a firearm (Federal Statistical Office, 2022).

At the same time, in Germany, according to paragraph 2 of the Law "On Weapons"³, the use of firearms or ammunition is permitted only to persons who have reached the age of 18, a permit is required to use firearms, and the use of automatic firearms is prohibited. According to paragraph 4 of the Law, a permit to use firearms may be obtained by a person who has reached the age of 18, has the necessary reliability and personal suitability, has the relevant skills and knowledge of firearms as required by law, has been able to demonstrate a real need to use firearms, and has provided proof of personal liability insurance for EUR 1 million (in case of bodily injury and property damage). The competent authority must regularly, but at least every three years, check the reliability and personal suitability of firearms licence holders. In other words, the possession and use of firearms in Germany is quite heavily regulated by law. Accordingly, mass shootings in Germany, as in Ukraine, are a rare occurrence. For example, in 2024, there were only three mass shootings in Germany. In one of them, a man shot four members of his family and then himself (Three dead in Albstadt..., 2024). In the second, a man shot his wife and then wounded three people in a hairdressing salon (After shooting in NRW city..., 2024). And in the third, a soldier killed four people and wounded two (Scheeßel in Lower Saxony: Bundeswehr soldier shoots four people, 2024).

K. Krüsselmann *et al.* (2021) conducted a study on the relationship between firearm use and violent crime in Europe, without comparing European countries with non-European countries. The researchers noted that the results of several studies differed. Some studies showed a clear decrease in the number of violent crimes after restrictions on the availability and ownership of firearms. Other studies indicated that the number of violent crimes after restrictions on the availability of firearms decreased specifically in relation to women who were victims of such crimes. In other words, as the number of firearms decreased, so did the number of female victims. Thus, all studies showed that restricting access to firearms has a positive effect on security dynamics: either overall or in relation to women, depending on the country.

¹ Federal Act of the Federal Republic of Germany "On Weapons, Weapons Accessories and Ammunition (Weapons Act, WG)". (1997, June). Retrieved from. https://www.fedlex.admin.ch/eli/cc/1998/2535_2535_2535/.

² Federal Act of the Federal Republic of Germany "On Weapons, Weapons Accessories and Ammunition (Weapons Act, WG)". (1997, June). Retrieved from. https://www.fedlex.admin.ch/eli/cc/1998/2535_2535_2535/.

³ Law of the Federal Republic of Germany "On Weapons". (2002, October). Retrieved from https://www.gesetze-im-internet.de/waffg_2002/BJNR397010002.html.

In turn, S. Hurka & C. Knill (2018) conducted a large-scale scientific study on the relationship between stronger legislative regulation of firearm ownership and the number of violent crimes and suicides in 16 Western European countries. In this study, they also did not take into account the situation with firearms and violent crimes in the United States, considering it too extreme. As a result of this study, the researchers concluded that increased legislative regulation of firearm ownership and use was always correlated with a decrease in violent crime and suicide rates: immediately in some countries and gradually in others. Nevertheless, the trend towards a decrease in violent crime and suicide in such conditions has always been present.

At the same time, it should be noted that G. Liu & D. Wiebe (2019) conducted a scientific study on the relationship between the increase or decrease in the number of firearms purchased in the United States and the number of mass shootings during the same period. They claimed that the results of this study were ambiguous. During a certain period, an increase in the number of firearms purchased in the United States correlated with an increase in the number of mass shootings in the states, while during another period, a decrease in the number of firearms purchased in the United States correlated with an increase in the number of mass shootings. It should be emphasised that the researchers took into account the number of firearms purchased in the United States, not the number of weapons owned by individuals during a given period. Furthermore, the level of legislative restrictions on gun ownership was also not taken into account in the calculations in this study. Given the ambiguity of the study, it is worth noting the methodological caveats of G. Kleck (2015), who pointed to the need for multifactorial correlation analysis when studying such data. It can be assumed that other factors, not just the number of firearms purchased in the United States, influenced the number of mass shootings during that period.

If look another country that is not a member of the European Union for comparison, Israel's Firearms Act¹ also provides for fairly strict rules on the possession of firearms. According to this law, no person may possess a firearm unless they have a licence. In order to obtain such a licence, a person must undergo appropriate training in the use of the type of firearm they wish to purchase and practise handling the type of firearm they wish to purchase at a shooting range. Applicants for a firearms licence must have lived in

Israel for at least three consecutive years, undergo a background check (criminal history, health history and mental health history), and state their reasons for possessing a firearm (e.g. self-defence, hunting or sport). Such licence applicants must demonstrate that they have a secure safe in their city of residence where they will store their firearms. Those who have firearms licences must renew them and take a shooting course every three years. Mass shootings in Israel committed by Israeli civilians are rare. In particular, in 2024, only one Israeli citizen committed a mass shooting, killing three members of his family and then committing suicide (Staff, 2024).

At the same time, A.I. Vecino-Ortiz & D.N. Guzman-Tordecilla (2020) emphasised in their research study that firearm injuries are becoming an increasingly pressing issue in Latin America. They expressed concern that Colombia ranks fifth in the world in terms of the number of gun-related deaths, after Brazil, the United States, India and Mexico. Based on the results of the study, the researchers concluded that permanent restrictions on the carrying of firearms have reduced the number of deaths related to the use of firearms. Taking these studies into account, it is important to note that restrictions on the possession, use and carrying of firearms do indeed help to reduce the number of human casualties resulting from the use of such weapons.

Thus, considering the examples of the countries mentioned above, as well as studies conducted by various scientists on the relationship between the severity of firearms legislation the number of firearms in the civilian population with the number of mass shootings, violent crimes and the number of female victims of firearms, it can be concluded that fewer weapons in the hands of the civilian population, as well as stricter laws on firearms, contribute to improving the security situation in the country. Stricter gun laws lead to a decrease in deaths from mass shootings, a decrease in the number of mass shootings, a decrease in the number of female victims, and/or a decrease in the number of violent crimes involving firearms. Thus, it can be argued that the legalisation of firearms does not lead to an improvement in the security situation in the country.

That is why it would be advisable to incorporate the provisions of the Instruction², approved by Order No. 622 of the Ministry of Internal Affairs of Ukraine in 1998, into a separate "Law on Weapons", strengthening them. This would bring Ukrainian legislation into line with European Union legislation. Such

¹ Law of Israel No. 5779 "On Arms". (1949, August). Retrieved from https://www.nevo.co.il/law_html/law00/72225.htm.

² Order of the Ministry of the Internal Affairs of Ukraine No. 622 "Instructions on the Procedure for the Manufacture, Purchase, Storage, Accounting, Transportation and use of Firearms, Pneumatic, Cold and Cold-Action Weapons, Domestically Produced Devices for Firing Cartridges Equipped with Rubber or Similar in their Properties Non-Lethal Projectiles, and Cartridges for them, as Well as Ammunition for Weapons, Main Parts of Weapons and Explosive Devices". (1998, October). Retrieved from <https://zakon.rada.gov.ua/laws/show/z0637-98#Text>.

strengthening would also streamline the provisions on weapons in Ukraine, making them more accessible and understandable to ordinary citizens without special legal education.

No European country has recent experience in improving the security situation in the country in terms of the use and possession of firearms in conditions of full-scale war and occupation of territory, or in preventing the illegal circulation of firearms, ammunition and explosives during martial law. V. Chernysh & V. Voronina (2022) pointed out in their research study that an effective way to prevent the illegal circulation of firearms, explosives and ammunition during martial law is to engage international partners and international organisations in cooperation, as the exchange of information between states should increase the effectiveness of the fight against such threats and prevent the international deterioration of the crime situation. However, as of 2025, the situation has changed, as Ukraine has become the only country in modern Europe that is involved in active military combat operations on its own territory, which has been attacked by a nuclear power. As a result, measures that have proven effective in other countries may not be sufficient on their own to improve the situation regarding illegal arms trafficking in Ukraine.

A relevant opinion on this matter was expressed by Zh.V. Udovenko & V.O. Halytskyi (2024), who emphasised that general approaches to solving this problem should be based on the principles of responsibility, transparency, and cooperation between government structures, law enforcement agencies, research institutions, and the public. Only a comprehensive approach can effectively prevent crimes involving the illegal trafficking of firearms, explosives and ammunition, which can help maintain stability and security in society. In turn, B.S. Shvets *et al.* (2024) point out in their Article that in order to prevent the illegal trafficking of firearms, explosives and ammunition during martial law, as well as to prevent criminal offences, it is advisable to take measures such as: improving the effectiveness of control and supervision by law enforcement agencies, promoting a culture of safety among the population and improving mechanisms for international cooperation to combat these crimes more effectively.

One way to reduce the number of crimes involving firearms and reduce the illegal circulation of firearms, explosives and ammunition would be to raise public awareness of the dangers of storing firearms, explosives and ammunition. K.R. Hendel *et al.* (2024)

point out in their research on raising awareness that knowledge about problems and potential dangers can motivate people to change their lifestyle and give up something they are used to (e.g., storing firearms). In fact, awareness is usually one of the first steps towards changing established behaviour. However, it should be noted that awareness and knowledge alone do not necessarily initiate or sustain stable changes in behaviour. Social and psychological studies have shown that even clear intentions or knowledge often do not translate into real action (Conner & Norman, 2022).

Thus, educational measures alone are not enough to successfully change behaviour patterns. In particular, the scientific study Facilitating organisational change (2022) states that the process of helping to change an individual's behaviour must include informational, behavioural and emotional components. Achievements should be recognised and emphasised, and progress should be monitored (in the context of voluntarily surrendered firearms, this could take the form of regular publication of the number of weapons surrendered over a certain period throughout Ukraine, using linguistic forms of encouragement). However, the authors also emphasise that in order to achieve real results, the objectives of a campaign to change certain behaviours (e.g. illegal possession of firearms) must be developed separately for different population groups, demonstrating that these objectives are consistent with the personal values and worldviews of the individuals whose behaviour needs to be changed. For example: young and old people, conservative individuals and those who are more liberal, people with active and passive life positions. It should also be noted that individuals may be motivated by examples of those who are similar to themselves. Thus, given the effectiveness of strict regulation of firearm ownership, based on the above study of changing behaviour patterns, it can be hypothetically assumed that comprehensive measures to enshrine in law the provisions provided for in the Instructions¹, conducting specialised educational activities for different population groups, as well as activities aimed specifically at changing behaviour patterns, will lead to an improvement in the situation with the illegal circulation of firearms, ammunition and explosives during martial law in Ukraine.

■ Discussion

The issue of developing ways to prevent the illegal circulation of firearms, explosives and ammunition during martial law, as well as the danger of their

¹ Order of the Ministry of the Internal Affairs of Ukraine No. 622 "Instructions on the Procedure for the Manufacture, Purchase, Storage, Accounting, Transportation and use of Firearms, Pneumatic, Cold and Cold-Action Weapons, Domestically Produced Devices for Firing Cartridges Equipped with Rubber or Similar in their Properties Non-Lethal Projectiles, and Cartridges for them, as Well as Ammunition for Weapons, Main Parts of Weapons and Explosive Devices". (1998, October). Retrieved from <https://zakon.rada.gov.ua/laws/show/z0637-98#Text>.

legalisation, is a sensitive and widespread topic throughout the world. For Ukraine, it has become particularly urgent due to martial law and the Russian Federation's brutal military aggression, which has led to an increase in the number of unregistered weapons in the hands of the civilian population. Ukrainian scientists, like scientists in other countries, have studied the problem of illegal trafficking in firearms, explosives and ammunition and have taken different approaches to solving it. For example, M. Verkhoutova & O. Krasovsky (2024) believe that in order to prevent the illegal circulation of firearms, it is necessary to adopt a special law that would legalise firearms and, allegedly, increase the level of public responsibility and reduce the number of unregistered weapons. In their opinion, the crime rate would decrease significantly if citizens had "the right to legally purchase, store, carry and use firearms for self-defence and protection of private property". However, it should be noted that there are no scientific studies that conclusively confirm that public responsibility increases when firearms are legalised. Instead, according to a study by D. Hemenway *et al.* (2001), higher levels of firearm ownership are associated with significantly lower levels of mutual trust and civic engagement. Moreover, countries where access to firearms is easy and legal, according to the studies cited above, have higher rates of firearm-related deaths, an increase in violent crime, suicide rates, and other problems associated with a culture of free firearm ownership.

In turn, D. Sanakoev (2023) outlined the advantages and disadvantages of legalising firearms in his research article. There were only three advantages and six disadvantages. Moreover, the advantages listed were questionable and gave rise to counter-arguments. For example, the reduction in criminal offences against property has a flip side: the availability of firearms to the civilian population and "the possibility for virtually anyone who wants to do so to purchase such weapons and carry them concealed"¹, which, according to the studies cited in this article, leads to a natural increase in the number of crimes involving the use of weapons, as well as suicides.

O. Bogdanets *et al.* (2021) support the legalisation of firearms in Ukraine in their scientific work. The researchers believe that such a law will have a positive impact on improving the crime situation in Ukraine. They note that when people know that they may encounter dangerous resistance from others, they will be more polite, cautious, and responsible. However, the statements made by O. Bogdanets *et al.* (2021) are only the authors' assumptions and are

not supported by any research. At the same time, the studies cited above in this article confirm that the legalisation of firearms and an increase in the number of firearms in the country leads to a deterioration in the security situation in the state (increase in violent crimes, increase in the number of mass shootings, increase in the number of victims of such shootings, increase in the number of victims of firearms among women and children).

D. Priputen (2020) proposed improving Ukrainian legislation by strengthening state control over the circulation of civilian weapons. It should be added that such control would indeed provide an additional means of improving safety related to firearms and ammunition in Ukraine, as the studies cited in this article show that control over the storage of firearms helps to increase the level of security in the state. Nevertheless, the capabilities of law enforcement agencies are already largely focused on investigating war crimes, and such control would only make their work more voluminous.

M. Kulyk & V. Tylchik (2023) express their opinion on supplementing the concept of "circulation of weapons among the civilian population". They believe that such a concept cannot be too abstract, one that does not contain the characteristic features of firearms circulation and does not reveal the very essence of the concept, and therefore developed the term, taking into account its specific characteristics. A clear definition of legislative terms, as well as strict regulation of such circulation, can indeed improve the effectiveness of legislation and the security situation in Ukraine related to firearms. M. Kulyk (2024) believes that the legalisation of weapons among the civilian population is a necessary step, given the rapid advance of Russian troops into Ukrainian territory. An author points out that such legalisation is a harsh military necessity. However, the author does not take into account that, as mentioned earlier in this article, armed, unorganised and untrained civilians with firearms who attempt to participate in military operations worsen the situation for professional soldiers and lead to casualties among both civilians and military personnel. Civilians who wish to defend their homeland have the opportunity to join the Armed Forces of Ukraine and undergo the necessary training.

V. Galunko *et al.* (2024) argue that Ukraine needs to regulate the possession and use of firearms by law in connection with Ukraine's aspirations to join the European Union. Among the positive examples, the authors cite those countries that have fairly liberal legislation on firearms. Nevertheless, it should be noted that Directive No. 2021/555² does not provide

¹ Draft Law of Ukraine No. 5708-1 "On the Right to Self-Defense and Possession of Civilian Firearms". (2021, July). Retrieved from http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=72481.

² Directive of the European Parliament and of the Council No. 2021/555 "On Control of the Acquisition and Possession of Weapons (Codification)". (2021, March). Retrieved from <https://eur-lex.europa.eu/eli/dir/2021/555/oj/eng>.

for an overly liberal legislative regime regarding the possession and use of firearms, and countries such as Switzerland are abandoning liberal legislation in order to improve the security situation in the country and to maintain their status as a member of the European Union.

D. Hemenway & E. Nelson (2020) emphasise that the burden of mass shootings falls not only directly on the victims themselves, but can also affect their families, loved ones and communities. They believe that indirect costs include medical care, grief, fear, hopelessness and post-traumatic stress disorder. Researchers believe that the scale of the gun problem in the United States is much greater than just the cost of treatment and the number of deaths. This view is reasonable, given the complex negative impact of mass shootings. At the same time, A. Vegter & A.T. Middlewood (2022) explored in their research the impact of mass shootings on individuals who grew up experiencing a significant number of mass shootings and witnessed the government's lack of response to these killings. The authors examined how such people feel about measures to prevent mass shootings. After analysing the survey, they concluded that these individuals do indeed believe that stricter laws regulating the circulation of firearms could reduce the number of mass shootings. This study demonstrates the perspective of those who grew up during a time when the number of mass shootings increased on the legislative regulation of firearms.

■ Conclusions

The subject of this Article was the ways of preventing the illicit trafficking of firearms, ammunition, and explosives during martial law in Ukraine. It explored the feasibility of legalising firearms based on the experience of other countries and proposed the most optimal ways to prevent the illicit trafficking of firearms, explosives, and ammunition during martial law, taking into account relevant scientific research on the topic. An analysis was conducted of the situation with illicit firearms trafficking under martial law in Ukraine, given that precise official data on the matter is unavailable. The analysis revealed that Ukraine does indeed have a problem with an increase in the number of crimes involving the use of firearms. The available information, among other things, indicates that after the start of the full-scale armed aggression by the Russian Federation, the volume of illegal firearms trafficking in Ukraine increased. An analysis was also conducted of the legislation of the United States, Switzerland, Germany, Israel, and the supranational legislation of the European Union. The results showed that in the countries reviewed where the use of firearms is regulated by strict laws, mass shootings were

isolated incidents. In contrast, in countries where firearms were legalised, mass shootings were more frequent and/or more women and children died as a result of shootings. Information on the link between the strictness of a country's firearms legislation and the number of violent crimes was also analysed. The results suggest that the less strict a country's firearms legislation, the more violent crimes and/or mass shootings occur, and/or the more women die from gunshot wounds, and/or there are more victims of such shootings. The possibilities of influencing population behaviour patterns were also analysed. It was found that to change behaviour, it is necessary not only to inform the public about the need to perform or refrain from certain actions but also to implement other measures: tracking progress, specialising the state's communication with the population according to the type of group, etc.

Summarising the results, it was found that stricter legislative norms, one way or another, lead to an improvement in the security situation in the country that implements them. Conceptually, this article, based on existing scientific research, hypothesises that a comprehensive set of measures (incorporating the provisions of the Instructions approved by Order No. 622 of the Ministry of Internal Affairs of Ukraine in 1998 into law, raising civilian awareness about the dangers of storing firearms, conducting educational events specialised for different population groups, as well as additional campaigns aimed at changing the population's behaviour pattern) could reduce the volume of illicit firearms trafficking in Ukraine. The limitation of this article was that Ukraine has become the first modern European country whose territory has been occupied by a nuclear state, which makes it impossible to find a successful example of ways to prevent illegal arms trafficking under similar circumstances. A promising direction for future scientific research would be the development of specific campaign measures aimed at changing the population's behaviour regarding firearms ownership.

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None.

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Шляхи запобігання незаконному обігу вогнепальної зброї, бойових припасів і вибухових речовин під час воєнного стану в Україні та небезпеки їх легалізації

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■ **Анотація.** Актуальність статті полягає в тому, що в умовах повномасштабної війни російської федерації проти України загострюються необхідність посилення контролю за обігом зброї, забезпечення правопорядку та безпеки громадян. Незаконний обіг зброї призводить до збільшення ризику суспільної небезпеки, створює умови до зростання кримінальних правопорушень із застосуванням насильства. Метою статті було встановлення оптимальних шляхів запобігання незаконному обігу вогнепальної зброї, вибухових речовин і бойових припасів під час воєнного стану та на основі міжнародного досвіду дослідити доцільність їх легалізації. Для досягнення зазначеної мети застосовано низку методів наукового пізнання: порівняльний, структурний, системний. Вивчення міжнародного досвіду засвідчило, що в країнах, у яких послаблений контроль за обігом зброї або легалізований обіг зброї, вбачається збільшення випадків кримінальних правопорушень з використанням зброї. Натомість у країнах, де запроваджено суворий контроль за обігом зброї, реєструється нижчий рівень злочинності з використанням зброї. Встановлено, що декриміналізація зберігання та виготовлення зброї збільшить її обіг серед населення, може призвести до незаконного використання зброї як у побутових, так і міжособистісних конфліктах, збільшить ризик для громадської безпеки. Тому заміна кримінальної відповідальності за зберігання та виготовлення зброї на адміністративну недостатньо враховує наслідки для правоохоронної системи, знизить ефективність у боротьбі з кримінальними правопорушеннями. Непохитний і жорсткий контроль обігу вогнепальної зброї знижує ризики насильницьких злочинів, пов'язаних із застосуванням зброї. Практичне значення дослідження полягає у визначенні ефективних підходів до законодавчого регулювання вогнепальної зброї, бойових припасів і вибухових речовин для подальшої імплементації в законодавство України, а також можливих шляхів і способів запобігання незаконному обігу вогнепальної зброї, бойових припасів та вибухових речовин під час воєнного стану в Україні

■ **Ключові слова:** легалізація зброї; цивільне населення; кримінальні правопорушення; громадський порядок; суспільна безпека