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**SPECIFIC ISSUES OF FIREARM APPLICATION BY SECURITY AND DEFENSE SECTOR PROFESSIONALS IN UKRAINE**

According to Article 3 of the Constitution of Ukraine, the inviolability of human life is one of the highest social values. The rights and freedoms of individuals, along with their guarantees, define the substance and direction of the state's activities. In order to ensure these provisions, the current legislation of Ukraine empowers certain categories of officials with the right to use and employ service firearms.

Some law enforcement officers are intimidated by the very real prospect of facing criminal proceedings in cases involving the use of service firearms resulting in injury or fatalities. This leads to a sense of apprehension and uncertainty in their actions, ultimately playing into the hands of criminals [1, p.190].

Therefore, at present, the use of service firearms is considered one of the most important and contentious issues in the theory and practice of law enforcement agencies. This is particularly due to its restriction of fundamental constitutional rights and freedoms of individuals and citizens.

The application of service firearms by officers of the National Police of Ukraine is currently regulated by the Law of Ukraine "On the National Police" (hereinafter referred to as the Law), specifically Article 46.

According to Part 9 of Article 46 of the Law, police officers are prohibited from using firearms in places where harm may be caused to other persons or in fire and explosion hazardous areas, except in cases of the necessity to repel an attack or extreme necessity. This provision can be interpreted to mean that firearms may be used in fire and explosion hazardous areas in cases of the necessity to repel an attack or extreme necessity [2, p. 155].

V. I. Osadchiy notes that in such circumstances, the provisions of Part 9 of Article 46 of the Law are somewhat contradictory. It does not fully comply with the right to act in self-defense or extreme necessity. Because in conditions of fire or explosion hazard, the use of firearms can harm third parties and cause other uncontrolled consequences. Based on this, we can agree with the scholar that the provisions of Part 9 of Article 46 of the Law should be brought into line with Articles 36 and 39 of the Criminal Code [3, p. 155].

The next issue arises in paragraph 5 of Part 4 of Article 46 of the Law, which states that a police officer is granted the right to use firearms to detain a

person caught committing a serious or particularly serious crime who is attempting to escape.

However, V. I. Osadchiy emphasizes whether it is expedient under any circumstances to use firearms to detain a person caught committing a serious or particularly serious crime who is attempting to escape. In arguing his point of view, the professor provides the following example: if a member of an election commission or other official obstructs, without using violence, a citizen's exercise of their voting rights (Article 157 of the Criminal Code – committing a serious crime), and then attempts to escape, is it appropriate to use firearms under such conditions? Such a person is known and can be detained at another time without using firearms. In this case, we also agree with the author that the use of firearms is considered appropriate not only in cases of committing a serious or particularly serious crime, but necessarily involving violence or violent intent, provided that such a person is attempting to escape [4, p. 151–152].

From the above, we can conclude that there are still many important and debatable issues in the current legislation of Ukraine that require attention from lawmakers and scholars. This can be seen, for example, in the provisions of the law that regulate the use of service firearms by security and defense sector personnel in Ukraine.

#### **References:**

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