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APPLICATION OF FIREARMS AS ONE OF THE MEANS OF COORDINATION BY THE STATE WITHIN THE COMPETENCE OF EMPLOYEES OF INTERNAL AFFAIRS

The article considers the main competencies of law enforcement officers who have the right to use firearms, as a force representing the state to maintain law and order, and prevent violations of human rights and security, which allows to determine the levels of possible use of firearms as a form of coercion and influence on civil society, as well as to identify its subjects and objects - to identify all participants in such a process, and the impact on large social groups in order to comply with the rule of law in society.

***Key words:** state security, use of firearms, coercion by the state, public order, combating crime, ensuring the safety of citizens.*

Formulation of the problem Based on the degree of danger of the offenses committed, the state through the relevant laws establishes an exhaustive list of circumstances in the presence of which the use of firearms is considered lawful. These include: encroachment on life, health, physical freedom, public and state security, encroachment on private and other forms of property (as vital interests of society), as well

as escape from places of isolation from society of persons suspected or accused of committing socially dangerous acts, as well as his forcible release. In this case, firearms should be used only when the conditions do not allow to stop these illegal acts by any other measures. Thus, the study of the use of firearms as one of the means of coercion by the state becomes extremely relevant at this stage.

The purpose of the article is to study the competence of law enforcement officers as a representative of the state in the organization of law and order, and the legality of the use of firearms as one of the means of coercion.

Paper main body The rules of law governing the use of firearms are state-authoritative, formally defined, protecting the rights, freedoms and interests of legal entities from socially dangerous acts. These norms must clearly define the grounds, conditions and procedure for the use of firearms.

Normativity of the right to use firearms is a property that should cause the offender to comply with the legal requirements for refusal to commit a socially dangerous act. Thus, the use of firearms is a measure of influence on a person committing a socially dangerous act, limited to the limits of necessity, in order to immediately stop the illegal act and detain the offender.

Thus, the use of firearms is socially necessary and is established by the state for the benefit of society as a whole, meets the objective laws of social development and serves to embody social justice in the inevitability of stopping socially dangerous acts. [1]

Since the use of firearms has an independent legal structure, and its direct use is a legal action, therefore, from the subjective point of view, the implementation of this right should be carried out within the competence of certain subjects of law. Accordingly, this legal institution requires involvement in the field of legal regulation of law enforcement agencies, concerning the law enforcement form of law enforcement, through which we will consider in the next paragraph the right to use firearms by law enforcement agencies.

First of all, it should be noted that the application of a general rule to a particular occasion is a law, if we keep in mind all possible situations in which the law applies - and any law has general provisions containing normative characteristics of relevant social

relations and types of objects of legislative regulation, the structure of legislation in this area, the grounds for legal relations, ways to protect the rights of subjects.

Meanwhile, the application of law is the most complex form of its implementation and is a set of different (legal, organizational, informational, etc.) forms and means of implementing regulations of legal acts, which are mandatory for all to whom they are addressed. Execution of these orders is ensured by both organizational and material and legal means, and in particular, the possibility of applying measures of state coercion. [3]

The specificity of law enforcement, unlike any other, is the fact that general theoretical (methodological) knowledge affects the subjects of law mostly indirectly through the prism of the requirements formulated by the legislator - the subject influences the norm on the behavior of others parties to the administrative legal relationship and seeks to achieve the goal contained in the norm. For example, the requirement of the norm on the inadmissibility of committing an illegal act provides, in the case of such, in the form of coercive measures to influence the offender, in order to force the latter to refuse to commit an illegal act. "Facilitate, enforce the implementation of legal norms, put responsibility for in case of violation of legal requirements, etc. - This is the task of law enforcement agencies. Power, competence,

Thus, law enforcement activities are reduced to the authoritative exercise of the right to bring the behavior of the subject in accordance with the requirements of legal norms and regulations established and sanctioned by the state.

Since the requirements of legal norms and their permits are mostly addressed to citizens, law enforcement activities usually affect legal relations to which citizens are parties, and it is mainly their behavior that establishes state control. And in this regard, an important quality of the state is that it itself, in all its organization and activities, consistently relies on the legal framework established by law. The relationship between the state and citizens must be built on the basis of law and be expressed in mutual responsibility in the performance of their duties. [4]

Thus, the management system in society includes a control device, a controlled object and the purposeful influence of the former on the latter to stabilize the situation.

Thus, in law enforcement activities it is very important to specify the rights and responsibilities of the state and the citizen. "Recognition of the bilateral nature of the rights and responsibilities of citizens and the state is caused by the objective requirement to ensure the reality of citizens' rights, which can be achieved only with the state's obligation to establish the implementation of these rights, their protection, », Ie. in the implementation of law and order as a stable and coherent connection of legal relations based on legality.

We emphasize that the citizen has legal and responsibilities, ie. from the rights granted to him follow his responsibilities, and the state has responsibilities and rights, ie. from the duties of the state (to determine, sanction legal norms, ensure their effect, observance and protection) follow the rights necessary for their implementation, without which the performance of duties is impossible. Collectively, legal and responsibilities are in the field of management, and some of them are enshrined in the rules of administrative law, which, as mentioned earlier, organize, regulate and regulate public relations in the field of management, executive and administrative activities of the state.

In accordance with the above, the application of administrative law is of a state nature, and the state-authoritative, public nature of law enforcement excludes citizens from the range of subjects of application of administrative law. Citizens in administrative law enforcement are, in fact, the object of law enforcement, they use and comply with the law, but do not apply them. Therefore, the subjects of application can only be competent state bodies endowed with law enforcement competence. [2]

The concept of "competence" comes from the Latin *sotre lege* - to seek, respond, approach. It is currently defined as a set of rights and responsibilities (powers) of bodies and officials established by regulations.

In accordance with the above, the essence of the application of law is the actions of the competent authorities to sum up a specific, has legal significance of the fact, the relevant administrative law and the adoption of state decision-making, ie. in the decision taking into account norms of administrative law of individual concrete administrative questions. In other words, the application of the law takes place where and when there is

an authoritative decision of the competent state body on a specific case of life that has legal significance and provided by law.

For a clearer understanding of law enforcement activities and the competence of law enforcement agencies regarding the use of firearms, we will dwell in more detail on the structure and purpose of the state body:

A state body is a complex system designed to solve certain tasks and functions of the state. And therefore he is endowed with the necessary powers, has the appropriate structure, nomenclature of positions, operates within certain territorial boundaries, has the necessary material resources and technical means. In addition, he is endowed with the responsibility to ensure and monitor the implementation of statutory legal orders by all subjects to whom these orders are addressed, guarantees their protection from violations, and is endowed with the rights necessary to ensure the implementation of their duties, including coercion rights. [5]

It should be emphasized that since the state body has the appropriate structure, nomenclature of positions, and accordingly the officials through whom it exercises law, so the state body and the official of this body are identical concepts, ie. a state body may be represented by a separate official.

By analogy, if a state body acting by law acts both on its own behalf and on behalf of the state, then the official of the body, applying the legal norm to the object of application, acts not only on behalf of the state body but also on behalf of the state. and Therefore, the requirements of the official to the object of application of the law can be compared with the requirements of the state and are mandatory.

In accordance with the above, the fact of committing an illegal act is the basis for the performance of the duty of a state body or its official to terminate the offense and apply, enshrined in law for this purpose, the relevant legal norm. Ensure law and order, prevent and stop offenses "is impossible without a government decision of the competent authority."

Thus, the competence of state bodies is on the one hand - indicating the area of permitted actions of the relevant state body in the application of law, and on the other

hand - indicating the limits of prohibitions beyond which the state body has no right to go.

In this we share the opinion of the authors who believe that the competence of state bodies is defined primarily by evidence of certain areas of life in which the activities of a body should be directed, and the state function that it has the right and obligation to perform in this area social phenomena. Because of this, each state body has its own competence, which is limited to: "only what is allowed by law is allowed." [4]

Thus, state coercion, which includes the right to use firearms, is not within the competence of all state bodies, but only a certain category of them: state coercive bodies or a special coercive apparatus. It is the state that establishes the system of norms that regulate the most important relations for people. The state also creates a system of specific bodies designed to protect these rules from violations.

One of the guarantors of protection of human rights and freedoms, legitimate interests of society, are on behalf of the state law enforcement agencies, which in compliance with constitutional, legislative and other legal norms, within their competence, in their own legal forms and methods of work carry out specific law enforcement activities. To ensure these guarantees, these bodies are endowed with certain rights and responsibilities, and since the "violation of peace" of the legitimate interests of the individual and society is the man himself, and coercive measures.

A number of law enforcement agencies, so-called law enforcement or specialized agencies, are allowed by law to apply special coercive measures, namely, physical force, special means, and, as a last resort, firearms. In this regard, it is specific that public authorities and their officials responsible for the use of firearms, under certain objective circumstances, could not perform the duties assigned to them by society and state, without the presence of this right.

The most numerous, both in terms of composition and tasks, in the system of law enforcement agencies are law enforcement agencies, which are endowed by the state government with state powers and law enforcement competence to exercise control and law enforcement function, ensuring law and order in public relations . This is one of the

state "tools" for the implementation of regulations. [6]

In the process of their law enforcement activity, law enforcement agencies use legal norms of various branches of law, but based on the specifics of public order protection, administrative and legal norms are most often used, because their application is constant and almost universal, in all spheres of public relations. It should be emphasized that these rules apply to the direct commission of an illegal act. Thus, administrative and legal norms have the most frequent contact with the objects of application of norms and determine the powers of law enforcement agencies to stop public order offenses, and therefore in cases where it is impossible to stop the offense without coercion, law enforcement agencies are obliged to apply coercive measures.

The right to use firearms in the activities of law enforcement agencies is special because it is associated with the implementation of the functions assigned to these bodies by the state to stop dangerous acts of a certain nature, and the consequences of firearms can be serious: from causing physical harm socially dangerous act to deprive him of life. [3]

From the principle of legality, which includes not only the right but also the obligation of the competent authorities and their officials to apply administrative law, it is disappointing to conclude that law enforcement agencies have no right to refuse any actions constituting the subject of their activities under time of realization of the duties as non-application of norm in cases when it is ordered by the law, will mean violation of legality. As a result, these bodies must use coercive measures permitted to stop the illegal act, including the use of firearms, which is permissible and objectively necessary to stop a socially dangerous act of a certain nature. As a result, it can be argued that the use of firearms is "professional prerogative, and the need "for law enforcement agencies.

However, the very concept of the use of firearms by law enforcement agencies is general - the state body has the right to use firearms - and if we consider the use of this legal institution from the standpoint of the executor, the specifics of the use of firearms is that it is used by a particular » [4].

Exercising the right to use firearms, law enforcement officers ensure its functioning

based on their competence, which, as well as the competence of the state body, is determined by indicating: the sphere of public life, which is the object of law enforcement officers; the state function they perform in this area of life; the specific powers and objects of application to which these functions apply.

Area of public life in which the right to use firearms is possible - illegal behavior of individuals, expressed in encroachment on life, health, physical freedom, public and state security, private and other forms of ownership (as vital interests of society) , as well as fleeing from places of isolation from society of persons suspected or accused of committing socially dangerous acts, as well as their forcible release.[1]

The state function performed by law enforcement officers in this area of life is to stop committing a socially dangerous act and to detain the offender.

Specific powers - the declaration of the use of firearms against a socially dangerous act and its detention. The object of use of firearms is a person who commits a socially dangerous act.

From the above it follows that when using firearms, the police officer acts on behalf of the state and uses firearms in critical situations when other measures are exhausted or their use to eliminate the danger is impossible - his direct duty. The will of the subject of application must be expressed externally. In addition, opposition to the requirements of an official is an obstacle to the performance not only of his functional duties, but also of the state body before the state, and the state before society.

Thus, it can be argued that the police officer, through the use of firearms, influences behavior that commits a socially dangerous act, thereby seeking to achieve the goal contained in the norm to prevent the commission of this offense, and powerfully exercises the right to bring illegal behavior of the subject in accordance with generally accepted and sanctioned by the state norms of behavior in society, and in the continuation of the illegal act - the cessation of the offense and detention of the offender.

In accordance with the above, we believe that the fact of committing a socially dangerous act of a certain nature is the basis for the police officer to perform his duty, as well as public authorities, forcing the offender to refrain from wrongdoing, applying to

the duty enshrined in law coercion - the right to use firearms.

There is no doubt that the consequences of the use of firearms for the offender can be expressed in causing serious harm to his health, or depriving her of life. Accordingly, the legality of the actions of an official directly acting as a state body, and therefore the state to exercise the right to use firearms, should be supported, above all, by rules that exclude the criminality of the act by law enforcement.

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