



Legal Aspects of Firearms Registration in Georgia

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Abstract

The aim of the analyzed issues of the paper is to improve the legal regulations regarding the registration of firearms. The subject of research in the work is the registration of firearms, and the object of research is the issue of registration of firearms based on inherited rights.

As a result of the research, it is revealed that there are certain legal regulations that should be refined and fully cover the problematic circumstances arising in the case of inheriting firearms. The paper presents and argues specific legislative recommendations, the implementation of which we believe will greatly improve the legal framework, in the event that a citizen inherits a firearm.

Keywords: Registration of firearms; Inheritance of firearms

Introduction

The work that deals with the legal regulations for the purchase, storage, transportation and use of firearms in society is always relevant. Any circumstances surrounding the registration of firearms are important because the issue concerns a subject that is a source of increased danger to society. Due to the safety of the public, it is very important that any legislative regulation regarding firearms in the public is sophisticated, comprehensive and understandable to every citizen.

In this paper, we would like to touch on certain controversial issues that arise during the registration of firearms. In particular, when a citizen

obtains the right of inheritance and wants to take possession of a firearm that belongs to him as a legal heir in accordance with the law.

In the paper, we will discuss the specific legal difficulties and security problems that may arise in the case of inheriting firearms, and we will offer specific recommendations for possible legal settlement of the existing disputed issues.

Literature review

While working on the paper, an analysis of the legal regulations of Georgia, which refer to firearms and certain features related to them, was carried out, namely: Civil Code of Georgia - specific legal regulations were analyzed from the Code, which refers to the specifics of inheriting the same firearm; Criminal Law Code of Georgia - from the law, we discussed the specific restrictions that can be imposed on a citizen in relation to firearms; The Law of Georgia on Weapons, the Order of the Minister of Internal Affairs of Georgia No. 164, on approval of the manner of carrying, storage and movement of weapons and ammunition in use or ownership, and the Law of Georgia on Firearms - we have considered from the existing legal regulations and in our reasoning we have used the specific provisions for citizens regarding firearms Requirements, obligations and special admissions. A complex and in-depth study of the above-mentioned sources helped us in the process of analyzing the research object and developing relevant recommendations.

Main Text

In this paper, we would like to introduce you to some problematic legal aspects related to the registration of firearms, the legal regulation of which will clarify and clarify some problematic circumstances in practice.

We encounter specific legal problems during the inheritance and subsequent registration of firearms, in particular, a firearm (for example a pistol) can be mentioned in the will and the legal heir has the right to inherit this firearm in accordance with the law (1. Civil Code of Georgia. 1997. Article N 1307).

When we look at and analyze the firearms registration laws in place today, we find a specific problem.

As is known, firearms are a form of property with limited turnover, the legal issues of disposal of which are strictly regulated in accordance with the legislation.

Let's consider the specific circumstances revealed during the registration of firearms when certain legal gaps are revealed. In case of the death of the owner of the firearm, the legal heir can take possession of the existing firearm.

When an existing heir, after going through the procedures established by law, receives a document of inheritance, on the basis of which the law gives him the right to inherit the given weapon, he may not be allowed to exercise the above-mentioned right.

The reason for the mentioned circumstance may be the requirements established by law regarding the registration of firearms. For example, if the heir failed to pass the special exam established by the state for receiving firearms, the heir is a convicted person and has limited rights related to firearms in the form of a non-custodial sentence (2. Criminal Code of Georgia. 1999. Article N52) Criminal Code of Georgia or the heir is a minor, he cannot inherit a specific firearm that belongs to him as a legal heir (3. Law of Georgia on Weapons. 2003. Article N 19).

In some cases, the above-mentioned firearm may have the status of an antique weapon and its material value may be very high. In such a situation, the heir is significantly damaged materially because he is not able to receive the firearms in his possession.

In the considered case, we face a certain legal gap when the inherited right cannot be exercised and the legislation does not offer a specific solution as an alternative. Due to the existing circumstances, the citizen's legal right to inherit the property, which belongs to him as an heir according to the law, is partially damaged.

The heir, who cannot register the firearm himself, does not have the right to transfer ownership of this weapon to another person, to a third person who has passed a special test for taking ownership of the firearm, because according to the law, the heir must first take possession of the firearm himself and only then he is given the right to transfer ownership of this firearm to another person (4. Order of the Minister of Internal Affairs of Georgia No 164. 2014. Article No. 3).

Based on the existing legal regulations, when the heir cannot take legal ownership of the firearm due to the above-mentioned circumstances, which belong to him as the heir, the specific firearm can be transferred to the state property.

On the one hand, the position of the state is understandable, that without a special permit (a special test has been established), the state cannot hand over a dangerous item, a firearm, to the legal heir due to the same security purposes. Saying (5. Law of Georgia on Firearms. 1994. Article N14).

For example, the legal heir, according to the law, has the right to take possession of a firearm (for example, a collector's weapon), the market value of which is 7,000 GEL. Due to the fact that the heir has failed to pass the special test established for the registration of firearms or has been imposed a non-custodial sentence provided by the Criminal Code, which restricts him

from exercising his rights related to firearms, the heir cannot take legal ownership of said firearms and thus suffers materially significant damage.

We think that it is appropriate to make some changes in the legislation, so that in the described problematic situation, the citizen is not affected in terms of his rights and financially, he is given the right to use a certain legal alternative, so that he does not lose his inherited firearm.

Conclusion

In the given situation, we think that there is an alternative solution, the formulation and reflection of which in the legislation, will improve the considered flawed situation regarding the registration of firearms.

As a result of the reasons discussed by us, if the heir cannot register the firearm in his ownership, he should preferably have an alternative offer to store the aforementioned firearm in a special state storage for a certain period of time (for example, 6 months) at his own expense. During this period, the heir will be given the legal right to find a person (a third party) who will have permission to purchase and store firearms, and with the consent of the heir, this particular person will receive the firearm in the possession.

We think that with such a decision, the property rights of a person will be more protected and another dangerous circumstance will also be reduced, namely, during the specified period of time, when the legal heir is carrying out the legal procedures to receive the inheritance, the specific firearms left in the inheritance are kept in his possession. Accordingly, the control and storage of existing firearms is entrusted to the future heir, a person who may not have developed rules for handling firearms.

If the above-mentioned firearm is stored in a special state storage until the time of its legal inheritance or transfer to another, certain risks will be reduced and a person who may not know the rules of handling it will not be responsible for the given weapon.

We believe that as a result of the appropriate change in the legislation, the existence of the right to implement such an alternative procedure will protect the heir's right to receive ownership and if the heir fails to legally own the said firearm, he will avoid certain material damage that may occur in the above-mentioned situation.

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