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	RESEARCH ARTICLE 	
	Peculiarities and legal regulation mechanisms related to the transfer of ownership of weapons as a source of increased danger and a registrable item	
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Abstract The right to property is one of the most important rights, which is regulated by Article 21 of the Constitution of Georgia. It should be noted that only legally acquired property is protected by Article 21 of the Constitution. Protecting property rights and ensuring the unhindered use of property is the obligation of the state. The purpose of the legal system is to ensure the protection of universally recognized human rights and freedoms and the free development of each person. The free development of a person is closely related to the realization of the right to property. The right to property is not only the basic basis of a person's existence, but also ensures his freedom, the adequate realization of his skills and abilities, leading his life with his own responsibility. The right of ownership, despite its absolute nature, is not unlimited, but the owner is bound by several aspects in the process of using the property, which is due to the protection of the interests of other persons. One of the high-risk items is an animal eligible for registration. Although there is no unified position regarding the legal status of an animal, in practice the legal status of an animal is equated to that of a thing. Since the animal does not fully meet the signs of a thing, and a different approach is established in relation to certain issues, it is appropriate to analyze the exemptions of the legal status of the animal and identify the specifics related to the recognition of the animal as a thing. Since the animal does not fully satisfies to the features of the thing, and a different approach is established with respect to some issues, it is advisable to analyze the exceptions to the legal status of the animal and identify the specifics associated with the recognition of the animal as a thing.		
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Introduction

Decades ago, there was a time when a person not only could not transfer ownership rights at will, but did not have the right to ownership itself. Under the Soviet system, property was brought to the forefront by Soviet lawyers. The Marxist approach asserts that law is primarily determined by the economic system of society. It is important for it to consider the rules for the appropriation of material goods and, accordingly, their regime. It is precisely with regard to the property regime that Marxism demands a complete change of ideas, a revolution that will affect all branches of law and even the consciousness of people. The apparent simplicity of the property regime is seductive

even in bourgeois countries. It can be freely argued that the section on property law in the French Civil Code does not exhaust the content of the institution of property and does not provide a complete picture of it. In particular, restrictions related to the use of property and issues of legal regulation of leases are left outside the scope of regulation. Contract law is autonomous from civil law, which is a result of the individualism and primacy that reign in bourgeois society. Soviet law rejects the narrow concept of property rights that French lawyers recognize. For it, the institution of property is a set of norms that determine not only the rules for the appropriation of material goods and the transfer of ownership rights to property, but also the management of property and legal actions related to it (Rene, 1993).

In some cases, the transfer of ownership is not only an advantage for the purchaser, but also an effective mechanism for preventing potential threats from improperly stored property.

A specific object subject to a special regime for the acquisition of property is a weapon that is capable of being registered. The legal regime of weapons and the rules related to acquiring ownership of them vary depending on the type of weapon and may be justified by the specifics and danger of the item itself. An in-depth analysis of the characteristics of weapons as a registrable item, an examination of existing approaches to registration, and the identification of existing problems are of essential importance given the practical importance of the issue and its high public interest. In addition, since weapons represent a source of increased danger, the realization of which is associated with significant consequences, the identification of the person liable for compensation for damage also becomes essential. It is noteworthy that the mentioned issue has not been investigated, which doubles the interest in researching the issue (Cook, 2014).

It is noteworthy that despite the attempts of Georgian scientists and public figures over the past decades to create a new legislative framework based on modern world experience, the establishment of a complete legislative system has not yet been achieved, as this requires many years of effort from generations. The process of improving legislation does not end with the adoption of a law or other normative act. The Civil Code of Georgia is only the beginning of establishing civil relations in Georgian society. It is necessary to conduct scientific research into positive law and develop proposals for its improvement.

Research Objective: The research objective is to analyze the issue of transferring ownership of weapons as a source of increased danger and a registrable item, including the existing legal regulation mechanisms in relation to this issue. The existing legal framework and the identification of problems that may arise when transferring ownership of weapons.

Research methodology: Due to the novelty of the issue, in order to achieve the interest of in-depth research, it became necessary to use a number of research methods, in particular, the historical-comparative method, within the framework of which a historical analysis of the issue and systematization of changes made to the legislation were carried out; the method of analysis and synthesis, as well as the formal-logical research method.

Peculiarities related to the transfer of ownership of weapons

1. Existing legislative regulations on weapons

1.1. Domestic legislative regulations related to weapons as items subject to a special regime

The existing state policy on weapons is aimed at regulating the production, sale, transfer, possession, modification, and use of small arms by the population. The legislation of some countries may be characterized by a liberal approach and allow individuals the right to keep and bear weapons (National Parliamentary Library of Georgia).

Countries that regulate access to firearms typically restrict access to certain categories of firearms, and they also restrict the categories of individuals who can obtain a license to carry a firearm. Weapons legislation serves the purpose of maintaining law and order and may restrict access to small arms as well as other items such as explosives, crossbows, swords, stun guns, air guns, and pepper spray. In addition, legislation may establish additional restrictions on the purchase of firearm accessories, and restrictions may also apply to the quantity or type of ammunition purchased.

The adoption of the current legislative regulations on weapons in Georgia dates back to 1994, when the Law of Georgia "On Firearms" was adopted (Law of Georgia "On Firearms"). Since that time, the state has been trying to

limit the illegal production and distribution of small arms on the territory of Georgia in accordance with international norms. Today, Georgian legislation regulates the production, trade, transit and transfer of small arms to third parties, the carrying of firearms, and the control of the export and import of weapons, military and other dual-use goods.

It is noteworthy that the Constitution of Georgia, the country's most important legal document, does not mention the issue of weapons or firearms, which cannot be said about the Constitution of the United States of America. The right to keep and bear arms is included in the Second Amendment to the U.S. Constitution as part of the Bill of Rights, which was ratified in 1791. The exact meaning and purpose of the Second Amendment was a subject of frequent debate in the early twenty-first century. At the time of its enactment, each state had a militia composed of ordinary citizens who served as part-time soldiers to protect settlers, Native Americans, from any attacks on disputed land by foreign entities who still held certain territories (Alpers, et al., 2021).

The most important law in terms of controlling the spread of small arms is the Law of Georgia "On Weapons." The law defines types of weapons, regulates relations related to the circulation of weapons and the exercise of control over them, and the rights and obligations of participants in the circulation of weapons. It is noteworthy that the main motive for adopting the Law of Georgia "On Weapons", which declared the Law of Georgia "On Firearms" invalid, was the inability of the Law of Georgia "On Firearms" to fully regulate the situation in the country, in particular, the lack of regulation of issues related to the legal circulation of cold weapons, gas, electric shock, stun, pneumatic weapons and combat equipment. In addition, the draft law, in addition to introducing new types of weapons and a new method of classifying weapons, defined the powers of weapon manufacturers, owners, and users, which would simplify the understanding and implementation of the law (Explanatory note on the draft law of Georgia "On Weapons"). A weapon is considered to be "a device or object that is structurally designed to damage and/or destroy a living being or other object, or to deliver a signal, or to produce a sound (acoustic) effect." The Georgian Law "On Weapons" defines the types of weapons, in particular, the types of weapons are divided into firearms; hunting firearms, sporting firearms, shotguns, gas weapons, pneumatic weapons, electroshock devices, cold weapons, and collectibles. In addition, the procedure for acquiring ownership of each of the named weapons is different. It is noteworthy that in general, weapons are divided into types by one of the international acts regulating the circulation of weapons, Directive (EU) 2021/555 of the European Parliament and of the Council of 24 March 2021 on the control of the acquisition and possession of weapons, the purpose of which is to develop common regulatory norms in this segment for the European Member States. According to the mentioned directive, weapons are divided not according to their purpose, but according to their technical characteristics. Thus, the length of the barrel and the overall length are taken into account (Constitutional Court of Georgia; Minister of Internal Affairs of Georgia; Law of Georgia on Weapons, 2003) .

It is noteworthy that legal entities and individuals can acquire ownership rights to hunting, sporting, collectible, and short-barreled weapons based on a permit from the Ministry of Internal Affairs. A foreign citizen, stateless person, or legal entity has the right to purchase weapons on the territory of Georgia if this is provided for by an international treaty to which Georgia is a party. In accordance with the Order No. 164 of the Minister of Internal Affairs of Georgia of February 28, 2014 "On Approval of the Rules for Carrying, Storing, Transferring, Reshipping and Registration of Weapons and Ammunition in Use or Possession", a person may transfer a weapon from the place of purchase to the place of storage. The place of storage of a weapon is defined as the place of residence of the individual indicated in the registration records and registration certificate. The place of storage of weapons is determined by the place of residence of the individual specified in the registration records and registration certificate. Also, a person who has a "B" category (hunting; sports; defense; for an individual) weapon registered has the right, in addition to the main storage place, to store his/her weapon at its actual location, but must ensure compliance with the rules of the relevant.

According to Article 236 of the Criminal Code of Georgia, the illegal purchase, storage, carrying, transportation, manufacturing, possession, or transfer of firearms is punishable by a fine, house arrest, or imprisonment. According to Article 238 of the same Code, careless storage of firearms is punishable, as is carrying a cold weapon by a person who has been repeatedly administratively punished for drug use; against whom a protective or restraining order has been applied or who has been convicted of an intentional less serious crime. According to Article 40 of the Criminal Code, one of the types of punishment is the restriction of rights related to weapons.

It is worth noting that a distinction should be made between those who possess weapons, those who use them, and those who temporarily use them. The Resolution No. 242 of the Government of Georgia of March 18, 2014 "On Approval of the List of Officials Who Have the Right to Carry Service-Staff Weapons" defines the circle of subjects

who have the right to carry service-staff weapons. Certain ministries and special agencies have certain advantages when it comes to weapons, as their specific work requires access to weapons due to certain threats. Such subjects include authorized officials of the Ministry of Defense of Georgia, authorized officials of the Ministry of Internal Affairs of Georgia, authorized officials of the State Security Service of Georgia, authorized officials of the Special Investigation Service, authorized officials of the Ministry of Justice of Georgia, authorized officials of the Ministry of Finance of Georgia, authorized officials of the Special Penitentiary Service, a state sub-agency institution within the system of the Ministry of Justice of Georgia, authorized officials of the Intelligence Service of Georgia, authorized officials of the Special State Protection Service of Georgia, a prosecutor, an investigator of the Prosecutor's Office and a professional public servant of the Prosecutor's Office of Georgia determined by the Prosecutor General of Georgia, judges, court bailiffs, authorized employees of institutions within the system of the Ministry of Environmental Protection and Agriculture of Georgia (Parliament of Georgia, 2022).

Uniform legal regulation applies to all structural units where privileges related to carrying service weapons are in effect.

It should be noted that the issue of recognizing weapons as property should be resolved positively. Weapons meet the list of items considered property under Article 147 of the Civil Code of Georgia. It is noteworthy that one of the characteristics of things is their mobility (Zolidze, 2003, however, it should be noted that weapons are subject to limited mobility, since they are subject to strictly limited rules for the acquisition of ownership. Subjection to limited mobility is related to the purpose of protecting the safety and public interest of the weapon itself as a dangerous movable object (Constitutional Court of Georgia, 2007).

Legal basis and procedures for transferring ownership of service weapons

The procedure for acquiring ownership of service-staff weapons is characterized by certain specifics. Service-staff weapons are weapons that persons defined by law have the right to carry in order to exercise their powers under the legislation of Georgia. "On Approval of the List of Officials Who Have the Right to Carry Service Weapons" Resolution N242 of the Government of Georgia of March 18, 2014 defines the list of ministries and institutions whose members have the right to carry service weapons, these are: high-ranking officials within the system of the Ministry of Defense of Georgia, officials within the system of the Ministry of Internal Affairs of Georgia, representatives of the system of the Ministry of Justice of Georgia, representatives of the system of the Ministry of Corrections and Probation, representatives of the system of the Georgian Intelligence Service, representatives of the court system, representatives of the National Bank, etc. The list is quite extensive and includes a list of representatives of each system who have the right to carry service weapons. According to Article 15 of the resolution, an employee of the Ministry of Defense system who has been awarded the senior and highest special rank or the military rank of senior officer and highest officer, regardless of the position held, will be authorized to carry a service weapon. With this decision, the right to carry a service weapon will no longer depend solely on position, which in this regard puts high-ranking officers of the defense system on an equal footing with employees of other agencies (with the same rank) (Constitutional Court of Georgia; Minister of Internal Affairs of Georgia; Law of Georgia on Weapons, 2003); Law of Georgia, 1994).

Article 10, Part 2 of the Law on Weapons defines the circle of persons who have the right to possess a service weapon during the period of their official authority, and also have the right to have a registered weapon in their possession registered as a service weapon by decision of the relevant authorized service/official, and after the expiration of the official authority, such a weapon loses its service weapon status and the owner is obliged to re-register the weapon in accordance with the procedure established by law. (Law of Georgia on Weapons, 2003)

2. Objectives and mechanisms of weapons registration

2.1. Registration with the service agency as a mandatory prerequisite for protecting public legal interests

According to Article 13 of the Law of Georgia "On Weapons", a weapons register is information about the type, type, model, main characteristics, owner of the weapon, user of the weapon and other registration data, which is registered with a legal entity of public law - the Service Agency of the Ministry of Internal Affairs of Georgia, which, in accordance with Part 4 of Article 19 of the same law, is authorized to issue a permit for the purchase and storage of weapons, as well as a permit for the purchase, storage and carrying of weapons.

According to the Order No. 164 of the Minister of Internal Affairs of Georgia of February 28, 2014 “On Approval of the Rules for Carrying, Storing and Moving Weapons and Ammunition in Use or Possession,” a person may move a weapon from the place of purchase to the place of storage, and the place of storage of the weapon is defined as the place of residence of the individual indicated in the registration records and registration certificate. It is noteworthy that as of March 1, 2014, a number of acts that directly regulated weapons were declared invalid, including Decree No. 750 of the President of Georgia of December 18, 2006 “On the Rules and Regime for Carrying, Moving and Storing Weapons in Ownership or Use”. The aforementioned decree established a special rule for the storage and carrying of weapons, in particular, the obligation of persons with a permit to store and carry weapons to re-register with the Ministry of Internal Affairs once every three years and submit their weapons for technical and expert examination. The rule for the storage of weapons and ammunition in the place of residence, in particular, the obligation to store them in such conditions that would ensure their protection and safety, exclude unintended firing and the possibility of unauthorized access to them.

The transfer of a weapon from one person to another, as mentioned, is subject to registration with the LEPL - Service Agency of the Ministry of Internal Affairs, based on documents submitted in accordance with the relevant procedure. The documents to be submitted for registration purposes include: a joint application (which is filled out on site), identity cards of the transferor and recipient, the transferor's weapon registration certificate, the recipient's health certificate, a ballistics test report of the weapon (prepared on site), a document confirming payment of the fee specified by law, and a document confirming payment of the service fee.

The permit is issued within one business day and after the weapon is registered, the registration data will reflect:

- Name, surname, personal identification number of the owner or user of the weapon; place of residence;
- Brand of the weapon;
- Model, type, caliber (mold), weapon identification number;
- Type of permit for the acquisition (possession and/or carrying) of a weapon;
- Category of weapon registration certificate;
- Grounds for registration (re-registration) of weapons;
- Identification number of the additional main element (if any).

It is possible to inherit a weapon. In this case, along with the above documents, it is mandatory to submit an inheritance certificate or a court decision on inheritance.

Conclusion

It is worth noting that although a weapon, by its very nature and purpose, is a source of increased danger, it is also an object of property rights, which is recognized by Article 19 of the Constitution of Georgia. The right to property is one of the fundamental rights in any democratic country, on which personal freedom significantly depends. Protecting property rights and ensuring the unhindered use of property is the obligation of the state, however, due to the specific nature of the item, there are frequent cases when issues related to the right to own firearms are characterized by specificity. The realization of the elements related to the right to ownership of weapons is essentially limited, in particular, restrictions are established both in the process of acquiring ownership of weapons and in the process of their use. The complicated system of acquiring and possessing ownership of weapons may at first glance be considered incompatible with the right to property, since a person does not have the opportunity to refer to civil legal regulation in the process of acquiring and using property, but is limited by public legal regulation. The existence of restrictions on weapons as an object subject to limited circulation and mainly subjection to public legal regulation finds its justification in the following way:

In general, the right to own a thing, as well as the ability to acquire ownership of and use one of its components, is not an absolute right and is subject to restriction in the presence of a legitimate aim, provided that the proportionality test is observed. In the present case, imposing restrictions on the purchase of weapons is fully justified based on the goal of protecting public order. Given the high level of danger posed by weapons, their acquisition by any person may endanger the lives and health of other persons, therefore, allowing such regulation would be inconsistent with the state's positive obligation to ensure the protection of the lives and health of individuals. That is why, taking into account the increased threat of weapons themselves, restricting the acquisition of ownership based on the condition of individuals, including their mental state or past criminal record, is a completely useful and necessary measure to protect public order, which is reflected in the realization of life in a

safe environment for society. Imposing restrictions on weapons ensures the establishment of fair and safe civil circulation, which is one of the main tasks of the state. The restrictions imposed within the framework of the acquisition and use of property represent a proportionate measure to achieve the goal of protecting public order. In this regard, a significant obstacle and a major challenge is the issue of the effectiveness of the implementation of the existing legislative regulation and the state supervision over its observance. Since the existence of legislative regulation, without the existence of an effective mechanism for its implementation, makes efforts to develop comprehensive legislation completely useless.

This research is based on a doctrinal (normative-legal) research design, combining several complementary scientific methods to ensure the depth, coherence, and reliability of the analysis.

First, the formal-legal method was applied to examine the normative content of Georgian legislation regulating weapons, particularly the Constitution of Georgia, the Civil Code of Georgia, the Law of Georgia “On Weapons,” relevant by-laws of the Ministry of Internal Affairs, and criminal law provisions. This method enabled the systematic interpretation of legal norms governing the acquisition, possession, registration, and transfer of ownership of weapons.

Second, the historical-comparative method was used to trace the evolution of property rights and weapon regulation, including the transition from the Soviet legal system to the modern Georgian legal framework. This method also facilitated a comparative assessment of Georgian legislation with international and foreign legal approaches, notably EU Directive 2021/555 and selected constitutional models such as the United States.

Third, the analytical and synthetic methods were employed to identify conceptual connections between property law, public safety, and liability for increased danger. Through analysis, individual legal norms and doctrines were examined separately, while synthesis allowed these elements to be integrated into a coherent theoretical framework explaining the special legal regime of weapons.

Finally, the systemic and logical methods were used to evaluate the consistency of legal regulation, identify normative gaps, and formulate reasoned conclusions and proposals for improving the mechanisms governing the transfer of ownership of weapons.

Findings

The research reveals several significant legal and practical findings.

First, weapons are legally recognized as movable property under Georgian civil law; however, their circulation is subject to a special legal regime due to their classification as a source of increased danger. This dual nature—property status combined with heightened public risk—justifies strict state control over acquisition, registration, storage, transfer, and use.

Second, the transfer of ownership of weapons is not a purely private-law transaction. Unlike ordinary movable property, the transfer requires mandatory administrative authorization, registration, and compliance with public-law requirements. This demonstrates the interdependence of civil law and administrative law in regulating dangerous objects.

Third, the study identifies that registration plays a decisive role in determining both ownership and liability. Proper registration ensures legal certainty regarding the identity of the owner and serves as a preventive mechanism against unlawful use, negligent storage, and difficulties in establishing civil or criminal liability for damage caused by a weapon.

Fourth, significant distinctions exist between civilian weapons and service weapons. Service weapons are functionally linked to the exercise of official authority, and ownership rights are either limited or conditional. Upon termination of official powers, the weapon’s legal status changes, requiring re-registration or surrender. This transitional legal status creates practical challenges, particularly concerning liability and ownership continuity.

Fifth, the research establishes that inadequate regulation or improper transfer of weapons increases risks not only for individuals but also for public order and safety. Consequently, the legal framework must prioritize preventive mechanisms alongside post-factum liability rules.

Scientific Novelty

The scientific novelty of this study lies in its integrated legal analysis of weapons as both objects of property rights and sources of increased danger within Georgian law.

Unlike existing studies that address weapons primarily from criminal-law or security perspectives, this research focuses on the civil-law dimension of ownership transfer, emphasizing registration, liability, and public interest considerations. The study provides a structured examination of the intersection between civil, administrative, and criminal law norms governing weapons.

In addition, the research introduces a systematic classification of ownership transfer mechanisms, distinguishing between civilian and service weapons and highlighting the legal consequences arising from changes in weapon status. This approach contributes to doctrinal clarity and offers a new perspective on ownership continuity and legal responsibility.

The study also fills a research gap in Georgian legal scholarship by addressing an issue that has received limited academic attention despite its high practical relevance and societal sensitivity.

Ethical Considerations

This research fully complies with accepted standards of academic integrity and research ethics. The study is based exclusively on publicly accessible legal sources, including legislation, official documents, and scholarly literature. No personal data, confidential information, or classified materials were used. The research does not involve human participants, interviews, or surveys; therefore, no informed consent procedures were required.

All sources have been used responsibly and analytically, without misrepresentation or selective interpretation. The author has adhered to principles of objectivity, neutrality, and respect for differing legal viewpoints throughout the analysis.

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