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Educational interdisciplinary professional project in the disciplines of "MDK. 01.05 Office management and secrecy regime" and "English language"

By topic: "The procedure for receiving and processing written appeals of citizens received by internal affairs bodies. Reception and processing of anonymous letters in internal affairs bodies"

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**Annotation**

This project talks about the functioning of internal affairs bodies in the field of receiving written appeals from citizens, the peculiarities of receiving and recording anonymous appeals, and the general rules for working with citizens’ appeals. Also, we will talk about the problematic aspects of this activity.

**Keywords**

receiving, processing, anonymous letters, internal affairs bodies, appeals, accounting, citizens, legal regulation, consideration

# INTRODUCTION

**Relevance:**within the framework of the current systems of citizens' appeals, it is necessary to establish an effective system of dialogue between the authorities and society, to form new “feedback channels” that will help improve the information support for the work of the state apparatus and increase public trust in the authorities. Despite the positive dynamics of indicators on appeals to the regions, it is necessary to carry out further work to improve the existing mechanisms for working with citizens’ appeals.

**Problem:**there is an objective problem associated with the consideration of statements written by an unidentified person. In modern law enforcement practice, there is a lot of controversy as to whether anonymous appeals are a reason for a response from one or another body. Moreover, in the legislation there is no concept of “anonymous statements” as such, which represents an additional basis for scientific discussions on this matter.

**Purpose of the study** - consider accepting and processing anonymous letters

**Project objectives:**

1. Consider the legal regulation of citizens' appeals in the Russian Federation;
2. Explore the general rules for working with citizens’ appeals
3. Consider the features of receiving and recording anonymous requests
4. Explore problematic aspects of receiving and considering anonymous requests

**Hypothesis:** I believe that despite the positive dynamics of indicators on appeals in the regions, it is necessary to carry out further work to improve the existing mechanisms for working with citizens’ appeals.

**The object of study** of this project is public relations associated with the process of receiving and processing anonymous letters.

**The subject of this study** is the norms of Russian legislation that determine the specifics of receiving and processing anonymous letters

1. General features of citizens’ appeals and working with them

* 1. Legal regulation of citizens' appeals in the Russian Federation

The legal regulation of legal relations determined by the study of public appeals is regulated by fairly extensive legislation, which also includes acts of national and international significance.

The first of the sources regulating this version of legal relations is the Constitution of Russia, according to Art. 33 of which Russian citizens, as has been said many times, have the right to personal appeal, as well as to send personal and collective appeals to various state bodies and municipal self-government bodies.

Based on the provisions of Part 4 of Art. 15 of the Constitution of the Russian Federation, within the framework of which generally recognized principles and norms of international law and international agreements of Russia act as an integral element of its legal system, the legislator characterizes the latter in the form of the following source regulating these legal relations.

Constitutionally establishing in Part 3 of Art. 46 the right of everyone to appeal to interstate bodies for the protection of the rights and freedoms of people, in the presence of an international agreement of Russia and the exhaustion of all existing domestic legal protection possibilities, the latter will be supplemented by international methods of protecting the rights and freedoms of every person under the jurisdiction of Russia.

* 1. General rules for working with citizens' appeals

Written appeals from citizens to a state body, local government body or official are subject to mandatory registration within three days from the date of receipt.

Appeals and related documents received by investigative bodies, institutions and organizations of the Investigative Committee of Russia are registered in an alphabetical file cabinet. Oral appeals accepted by employees at a personal reception and documented by them with a certificate indicating the data necessary for registration (last name, first name, patronymic, on what issue, place of action, home address, etc.) are also registered here.

Registration is confirmed by the presence of the registration number and date of registration of the application, which are placed on the front side of the first sheet in the lower right corner.

The registration number includes the initial letter of the author's last name and the serial number of the received appeal.

For example:

L-128

Registration forms for citizens' requests are alphabetical and reference cards. The alphabet card is created for the person in whose case (in relation to) the appeal was received.

Table 1.1 – Alphabet Card Form (Front side)

|  |  |
| --- | --- |
| Index | surname |
| Name, Patronymic | Year of birth |
| Arrest and conviction details, home address |
| Receipt date | Where, when, for what № sent (handed over) |
| Content |
| From whom it came, index, date | Executor |

2. Features of working with anonymous requests

2.1 Reception and recording of anonymous requests

Citizens of the Russian Federation have the right to apply personally, as well as send individual and collective appeals to state bodies and local governments (Article 33 of the Constitution of the Russian Federation).

To implement this right, the legislator developed the Federal Law of May 2, 2006 No. 59-Federal Law “On the procedure for considering appeals of citizens of the Russian Federation” (hereinafter referred to as the Law), which applies to all appeals of citizens, with the exception of those that are subject to consideration in accordance with the procedure established by federal constitutional laws and other federal laws (Article 1 of the Law).

In pursuance of this law, government bodies approved their own orders designed to specify the procedure for considering citizens' appeals in a particular department.

On January 28, 2014, Order No. 707 of the Ministry of Internal Affairs of Russia dated September 12, 2013 “On approval of the Instructions on organizing the consideration of citizens’ appeals in the system of the Ministry of Internal Affairs of the Russian Federation” came into force.

In accordance with Art. 11 of the Law, if the written appeal does not indicate the name of the citizen who sent the appeal or the postal address to which the response should be sent, a response to the appeal is not given. If the said appeal contains information about an illegal act being prepared, committed or committed, as well as about the person preparing, committing or committing it, the appeal must be sent to a state body in accordance with its competence.

A written appeal must necessarily contain the name of the body to which it is sent, or the surname, first name, patronymic of the official, or his position; surname, name, patronymic of the citizen; address for sending a response; personal signature and date; documents and materials or copies thereof related to the issue under consideration (attached if necessary) (Article 7 of the Law; Clause 21 of the Instructions of the Ministry of Internal Affairs of Russia).

An appeal containing information about crime or an administrative offense is registered, considered, supplemented by the head of the constitutional body and, with his instructions, submitted to the duty station to ensure registration in the Book of Observation of Crime Events.

Anonymous requests containing information about an unlawful act, as well as about a person involved in it, are subject to redirection in accordance with the competence.

Anonymous statements of a terrorist act are transferred to the duty station for immediate registration in the crime reporting book. The decision on the advisability of conducting an inspection based on an anonymous appeal that does not contain the above information is made by the head of the internal affairs body (clauses 129 - 132 of the Instructions).

Reception of statements and reports about crimes, administrative offenses, and incidents is the receipt of statements and messages by an employee of the internal affairs bodies, who is entrusted with the appropriate powers by the organizational and administrative documents of the head (chief) of the territorial body of the Ministry of Internal Affairs of Russia or the person performing his duties.

Statements and reports of crimes, administrative offenses, incidents, regardless of the place and time of the commission of the crime, administrative offense or occurrence of the incident, as well as the completeness of the information contained in them and the form of submission, are subject to mandatory acceptance in all territorial bodies of the Ministry of Internal Affairs of Russia.

Round-the-clock reception of applications and reports of crimes, administrative offenses, and incidents is carried out by the operational duty officer of the duty unit of the territorial body of the Ministry of Internal Affairs of Russia (department, department, police station, line department, line department, line police station).

2.2 Problematic aspects of receiving and considering anonymous requests

The procedure for considering appeals was previously regulated by Decree of the Presidium of the Supreme Soviet of the USSR dated April 12, 1968 No. 2534-VII “On the procedure for considering proposals, applications and complaints of citizens,” which clearly and clearly stated: a citizen’s written appeal must be signed by him indicating his last name , name, patronymic and contain, in addition to the stated substance of the proposal, statement or complaint, also information about his place of residence, work or study. An appeal that does not contain this information is considered anonymous and is not subject to consideration. That is, anonymous requests were not considered.

But in 2006, the Federal Law of May 2, 2006 No. 59-Federal Law “On the procedure for considering appeals from citizens of the Russian Federation” came into force, which stipulates that if the written appeal does not indicate the name of the citizen who sent the appeal, or the postal address to which the response should be sent, a response to the appeal is not given (Part 1 of Article 11).

It would seem that minor changes have been made and everything is extremely simple, but for more than 10 years the practice of considering anonymous appeals in government bodies has been different, and to date there is no uniform procedure for considering such appeals.

The reason, in our opinion, is precisely the uncertainty of the provision of the Law - “no response to the appeal is given,” which is interpreted differently by law enforcement officials in departmental acts.

In the prosecutor's office of the Russian Federation, checks on anonymous statements are carried out in full, regardless of the content of such statements. The procedure for considering and resolving appeals from citizens of the Russian Federation and officials is established by the Instruction on the procedure for considering appeals and receiving citizens in the prosecutor's office of the Russian Federation, approved by Order of the Prosecutor General of the Russian Federation of January 30, 2013 No. 45, clause 2.8 of which contains requirements similar to Part 1 of Art. 11 of Law No. 59-Federal Law.

It’s no secret that anonymous letters are mostly written to settle scores, eliminate competitors, with the goal of “annoying” a neighbor, manager or some official (just to fray your nerves with numerous trips to the authority to give explanations, present documents and materials) , bring discord into the activities of the enterprise. As a rule, anonymous letters are written by citizens pursuing their personal interests.

Indeed, if the Law does not directly prohibit the consideration of an anonymous letter, but only indicates that a response to the appeal is not given, then a full-scale verification of all the arguments of the anonymous letter can be carried out (especially if the inspector himself is interested in this). In this case, there is no violation of the law, because the requirement of the Law not to send a response to the applicant is not violated.

For example, on the basis of anonymous letters, you can cause trouble to a competitor by initiating prosecutorial checks. After all, for the controlling (supervisory body) anonymous status by virtue of Part 3 of Art. 10 of the Federal Law of December 26, 2008 No. 294-Federal Law “On the protection of the rights of legal entities and individual entrepreneurs in the exercise of state control (supervision) and municipal control” cannot serve as a basis for conducting an unscheduled inspection, and for prosecutors this is a legal basis to carry out verification.

Moreover, the inspection, as a rule, is carried out with the involvement of a specialist from the supervisory authority (and it is not a fact that this anonymous letter was not written by a representative (or on his advice) of the same authority, who wants to check the entrepreneur, but Law No. 294-FZ prohibits him from doing so) .

CONCLUSION

The right of citizens to appeal to authorities is one of the important elements of the administrative and legal status of a citizen. In our opinion, only through the institution of citizens’ appeals to authorities can the most complete communication between authorities and citizens and society as a whole be achieved. This right can be considered one of the levers of influence on the activities of state bodies and local governments.

Let us note that the exercise of the right to appeal presupposes the development of personal initiative and personal interest of citizens in resolving issues of a state and public nature.

If the written appeal does not indicate the name of the citizen who sent the appeal or the postal address to which the response should be sent, a response to the appeal is not given. If the said appeal contains information about an illegal act being prepared, committed or committed, as well as about the person preparing, committing or committing it, the appeal must be sent to a state body in accordance with its competence.

A written appeal must necessarily contain the name of the body to which it is sent, or the surname, first name, patronymic of the official, or his position; surname, name, patronymic of the citizen; address for sending a response; personal signature and date; documents and materials or copies thereof related to the issue under consideration (attached if necessary) (Article 7 of the Law; Clause 21 of the Instructions of the Ministry of Internal Affairs of Russia).

An appeal containing information about a crime or an administrative offense is registered, taken into account, reported to the head of the territorial body and, with his instructions, transferred to the duty station for immediate registration in the Crime Reporting Book.

Anonymous requests containing information about an unlawful act, as well as about a person involved in it, are subject to redirection in accordance with the competence.

Anonymous statements of a terrorist act are transferred to the duty station for immediate registration in the crime reporting book. The decision on the advisability of conducting an inspection based on an anonymous appeal that does not contain the above information is made by the head of the internal affairs body (clauses 129 - 132 of the Instructions).

Thus, regardless of the government body to which the anonymous appeal was received, the arguments specified in the appeal must be verified fully and comprehensively within the time limits established by law, at the same time, a response to such an appeal should not be given.

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