

## NOTARIATE AND THE DIGITAL FUTURE. UNSHAKABLE LEGAL GUARANTEES AND TECHNICAL PROGRESS

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*The possibilities to certify transactions remotely, to make an executive inscription without visiting a notary office, or to transfer documents from one legal entity to another using new blockchain transaction registers are analysed. How soon will the notary of the Republic of Belarus be able to carry out such actions and is it possible to digitalize this institution at all? This will be discussed in more detail further.*

A notary public is a legal institution whose main goals are to protect the rights and legitimate interests of citizens and legal entities, notarize transactions, and provide legal assistance.

But is it possible to improve the process of notarial actions? With the global trend of digitalization, I believe that certain innovations can be introduced to the Institute of notaries. After all, civil turnover is gradually occurring in the digital environment, and the rights and interests of its participants must be respected regardless of the format in which, for example, the transaction is made. But convenience and cost-effectiveness are also important qualities that are sought to develop in any field of activity. They can also be provided by digital technologies.

State policy on the digital economy can be described as follows: the state is interested in developing this area. Acts of legislation are adopted that eliminate legal uncertainty that occurs when using digital innovations.

At the end of 2017, Presidential Decree No. 8 «On the development of digital economy» [1] was adopted, the purpose of which was to build a modern digital economy. So, we can conclude that in some time, legal relations complicated by the digital nature will arise. And participants in these economic relationships may need, for example, notarization of a transaction. This suggests that one way or another, but the notary needs to master the digital world.

As an example, we can cite an innovation in the banking sector. Presidential Decree No. 148 «On digital banking technologies» [2] was adopted, which defines the procedure for banks and non-Bank credit and financial organizations to perform a number of actions in the digital space.

Currently, in accordance with the legislation of the Republic of Belarus regulating the activities of a notary, notarial acts are provided for: certification of transactions (including wills); certification of the correctness of translation of documents from one language into another; certification of the identity of a citizen with the person depicted in the photo; transfer of the application of citizens and legal entities to other citizens and legal entities; making Executive inscriptions.

This is a far from a complete list of activities performed by notaries. But, in my opinion, these activities can be digitized in the first place, being performed on the basis of modern platforms for information distribution.

An important point in creating a digital notary is the importance of maintaining direct interaction between the notary and the client, because in my opinion, it is possible to provide high-quality, qualified advice outside of modern digital technologies and means of communication.

Thanks to the above-mentioned Decree No. 8 «On the development of digital economy», conditions were created for the introduction of a Blockchain - a digital database designed for the distribution of information. The technology is of particular interest to any organization that works with documentation and through which an impressive amount of information passes. Therefore, in my opinion, this software can be considered as a tool for performing a number of notary actions [3].

The basic principles of work are decentralization and immutability of information. The principle of decentralization is manifested in the fact that information about operations contained in blocks that are sequentially built one after another, or rather copies of it, is stored by all network participants. That is, there is no pronounced Central node that collects information about the system's operation. In addition, the processed information cannot be changed. Thanks to the mathematical algorithms that are the basis of the technology, this, according to experts, is simply impossible.

The technology can be tested when certifying transactions and wills, as it was previously said that information is stored in a mode in which it is not possible to change or destroy it, and this is obviously a plus for the notary. The advantages of Blockchain also include the possibility of concluding a marriage contract. In accordance with the current family law, the marriage contract is subject to notarization. That is, the conclusion of such a contract will force the spouses to address to a notary. But in addition to certifying the contract, which can be performed remotely, it will be possible to add the prefix "Smart" to it, that is, to conclude a "smart contract"

that functions in the blockchain registry or other distribution information system for the purpose of automated execution of transactions. In other words, the contract will be performed automatically, e.g. in the event of divorce money held on the account of the spouses and acquired during the marriage, are equally divided, as stated in the law.

Based on the above, we can assume that the Blockchain has the makings to become part of the notary's software. Apart from documents for storage, it can certify the accuracy of translation of a document from one language into another, transfer applications of citizens and legal entities to other persons, and perform other notarial actions that can be performed in digital format without violating the rights and legitimate interests of citizens and the norms of current legislation [4].

Along with this technology, so-called "robot lawyers" are also being developed. They are programs that in the future will be able to perform functions performed by lawyers on a daily basis and are of a typical nature. One of the activities of notaries is providing legal assistance to citizens and legal entities. In this case, we can assume that answers to the most common and typical questions could be provided via a chat with a "robot lawyer" in order to save time and avoid long queues at notary offices. For example, it's possible to create a list of typical phrases used by citizens when addressing notaries: "How long can I accept an inheritance?", "What documents are necessary to accept the inheritance?", "What is necessary for notarization of the transaction?" and a system that analyzes the requests and provides a response to the client.

However, all potential innovations that can be introduced into the activities of a notary in the Republic of Belarus will have to be legally regulated. So, in the Law of the Republic of Belarus "On notaries and notarial activity" and the resolution of the Ministry of justice "On some issues of notarial record" in the case of the development of public digital stories, you will need to make changes and additions to the rules related to record keeping (article 18 of "Notarial records"), the use of a Single electronic accounting system of notarial acts and inheritance cases (in the Law article 19) the basic rules of implementation of notarial actions (Chapter 11 of the Act) and the rules for conducting certain types of notarial acts (Chapter 12). There may be changes to other standards, but this will depend on how large-scale the transition to the digital space will be [5].

In conclusion, I would like to note that modern digital technologies that are being implemented in various spheres of human activity are gradually becoming closer to law. The main goal of their implementation is to create convenient, and what is more important, safe and effective services that will remove the burden from all participants of legal relations, save time for citizens, speed up complex transactions between business entities using their remote support. And the notary public should not be an exception, since, in my opinion, it is impossible to ignore the potential for increasing the level of protection of the rights and legitimate interests of any person who applies. However, it is impossible to exclude the need for a qualified lawyer to participate in legal relations, since in certain cases proving to the public the benefits and reliability of a digital notary without certain practice and experience is a very difficult task.

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