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The Evolution of the Georgian Notariat: From the State-Controlled Soviet System to Professional Independence and Digital Modernization

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Abstract

Following the dissolution of the Soviet Union and the restoration of Georgia's state independence, a comprehensive transformation of legal systems began across the post-Soviet space, aimed at modernizing Soviet legal institutions and aligning them with European legal standards. In this process, an institutional reform of the notariat was carried out, resulting in the gradual evolution of the notarial system into a professionally independent legal institution. In a historical context, the notariat functioned as a strictly centralized state institution within the Soviet legal system, where notaries were public officials and their activities were subject to administrative control. This model was ill-suited to the demands of a market economy and private law, thereby necessitating institutional reform of the notariat in the post-Soviet period (Palmer, 2012; Smits, 2020). In the course of this process, a Latin-type ("independent") notariat emerged and developed alongside the state notariat in some of the post-Soviet countries (Sukhitashvili, 2012, p. 25). This model is based on the professional independence of notaries and the safeguarding of private-law security (Zoidze, 2005). The present article

aims to analyze the institutional transformation of the Georgian notariat in the post-Soviet period and assess the impact of legislative reforms on the development of the notarial profession. The study is based on a doctrinal and comparative legal analysis encompassing the comparison of Georgian legislation and European notary systems. It is noteworthy that Georgia was among the first countries to introduce online notarial services. Besides, the study examines the extent to which the transition from the Soviet state notarial model to a Latin-type notarial system has ensured the strengthening of the professional independence of notaries and the improvement of legal certainty in civil transactions in Georgia. According to the research hypothesis, the legislative and institutional reforms implemented in Georgia, have played a significant role in strengthening the notarial profession and enhancing the reliability of legal acts. Nevertheless, the further development of institutional mechanisms and practical legal instruments continues to pose a significant challenge to achieving the full effectiveness of the notarial system and its complete adaptation to the contemporary legal environment, particularly in the context of ongoing digital and technological transformation. The study argues that the Georgian experience reflects a broader pattern in which the hybridization of Latin legal principles with digital governance may constitute an emerging model of post-socialist legal modernization.

Keywords: Notarial system; Latin-type notariat; Post-Soviet legal transformation; Professional independence of notaries; Digitalization of notarial services; Comparative law

Introduction

Following the establishment of the Soviet Union, a decree of the Central Executive Committee of the USSR and the Council of People's Commissars on the "Fundamental Principles for the Organization of Notaries" was adopted. The decree came into force on May 14, 1926 (Syrgakova, 2019, p. 378). It is noteworthy that within the Soviet legal system, professional autonomy was limited, and the activities of legal institutions were strictly subject to administrative control. This indicates that, during the Soviet period, notarial activity was tightly integrated into the state bureaucracy. Accordingly, the reform of the notarial system became a component of modernization of the legal system in countries seeking to introduce European legal standards.

In contrast to the foregoing, the transformation of the notarial system in the post-Soviet space triggers particular interest due to the fundamental difference between the Soviet legal model and the European Latin-type notarial system. "Obviously, the declared goal of asserting the supremacy of

Soviet law and its ideological "modifications" could not rule out the influence of Western, actual private law, on Soviet law" (Kereselidze, 2009, pp. 41–42).

The development of institutions of legal profession is a cornerstone for the functioning of legal systems. It is widely recognized in the sociology of law and comparative legal research that the effectiveness of legal systems depends not only on legal norms, but also on the professional institutions that exercise these norms in practice (Hendley, 2017). "Every state that has, or claims to have, a developed legal system, has (or should have) legal scholars, who are regarded as representatives of the legal professions" (Chanturia, 2003, p. 116).

"The legal profession of lawyers must be exercised with independence, loyalty, probity, dignity, decorum, diligence, and competence, bearing in mind the social relevance of legal defense and respecting the principles of correct and fair competition" (Hellwig, 2003; Pittori, 2025, p. 77).

In this context, special attention is given to the Latin model of notarial system that is widely established in Europe and is based on several key principles: notary's professional independence, authenticity of legal acts, preventive legal function and public authority conferred by the state. Notaries operating within the Latin notarial system are lawyers, whose performance is linked to non-contentious private law matters (Gogoladze, Mariamidze, 2016, p. 24).

This research employs a doctrinal and comparative legal methodology, complemented by a functional approach. The doctrinal method is used to analyse Georgian legislation and legal doctrine, while the comparative method examines selected European notarial systems, including Germany, France, Estonia, and Spain. These jurisdictions were chosen due to their distinct institutional models and varying levels of digital development. The functional approach enables the evaluation of how different notarial systems address similar legal needs, particularly in terms of professional independence, preventive legal protection, and the use of digital technologies.

Methods

This study adopts a qualitative legal research design based on doctrinal and comparative analysis. The doctrinal method is used to examine the legal framework of the Georgian notarial system, including relevant legislation, legal doctrine, and case-related academic interpretations.

A comparative legal approach is applied to selected European jurisdictions, namely Germany, France, Spain, and Estonia. These jurisdictions were chosen due to their representation of the Latin notarial tradition and differing levels of institutional development and digitalization.

In addition, a functional approach is employed to evaluate how notarial systems ensure legal certainty, preventive legal protection, professional independence, and the integration of digital technologies. The analysis is based on primary legal sources, legislative acts, and relevant scholarly literature.

Literature Review

The notarial institution has developed in the European legal traditions as the profession entrusted with public confidence aiming to ensure authenticity of legal acts, the protection of the rights of the parties and prevention of conflicts (Milotić, 2018; Smits, 2020).

During the Soviet period, notaries were strictly controlled public officials, lacking professional independence (Palmer, 2012; Smits, 2020; Gogoladze, 2014). As a result of post-Soviet reforms, they were granted the status of independent legal professionals, which resulted in increasing legal reliability of transactions and prevention of disputes; (Sukhitashvili, 2012; Law of Georgia on Notaries, 2009).

The modern notarial system develops European standards and incorporates technological innovations, including remote acts and electronic signatures, thereby increasing efficiency and reducing legal risks (Martínez-Velencoso, 2017; Bender, 2024; Estonian Ministry of Justice, 2022). In this context, the Georgian notariat has combined professional independence, preventive law, and innovation, ensuring stability in civil transactions and legal certainty (Gogoladze & Mariamidze, 2016).

However, academic debate persists regarding the necessity and future role of notaries in modern legal systems. While some scholars emphasise their essential function in ensuring legal certainty and preventing disputes, others argue that technological advancements and market liberalisation may reduce the need for traditional notarial services. This debate is particularly relevant in the context of digital transformation and the emergence of alternative legal service providers.

Institutional Transformation of the Georgian Notariat

The institution of notary public has undergone a transformation in the process of reforming the Georgian legal system. During the Soviet period, notaries were state officials and their activities were mainly limited to the formal certification of legal acts.[1]

The Law of Georgia on State Notaries, adopted on December 27,1974, provided for the establishment of a state body in the form of a unified system

[1] Note: Certification is a specific function of the Latin-type notaries. The product of certification is a public certificate (for more details, see Böck, 2020, p. 1).

of state notarial offices within the framework of the Soviet Union. For the first time, the Law of Georgia on Notaries, adopted on May 3, 1996, and subsequently, the Law of Georgia on Notaries, adopted on December 4, 2009, fundamentally changed both the organizational-legal form of the notaries and the scope of notarial acts, as well as the procedure for their performance (Sukhitashvili, 2012, p. 7).

According to the current legislative framework, a notary is free in their professional activity and exercises state authority through notarial and other related activities. Furthermore, in the performance of notarial acts, the notary operates independently and impartially, and such acts are carried out in accordance with the procedures and within the limits established by the legislation of Georgia. Notarial activity does not constitute entrepreneurial activity and is not conducted for profit. (Law of Georgia on Notaries, 2009).

Professional associations of notaries play an important role in defining professional standards and regulating their activities. Such a model corresponds to the European notarial tradition, where notaries ensure legal security.

The development of the Georgian notariat is linked to cooperation with international professional organizations. Georgia has been the member of the International Union of Notaries (UINL) since 2007. This membership has contributed to the development of professional standards and the modernization of notarial activities (Council of the Notariats of the European Union, 2023). Legal acts prepared by a notary must comply with the applicable legislation and must not give rise to legal problems in the future. Such a preventive function is particularly relevant in modern legal systems, where legal relations are becoming increasingly complex.

At the opening of the Assembly of Notariats held in 1992, that time President of the International Union of Latin Notariat, Gilles Demers, described the role of notaries in society: “Notaries perform an extremely useful role in any modern state. Through their notarial activity, they ensure the permanent nature of transactions; as specialists in legal matters, they explain to the parties their rights and obligations; their impartiality is a guarantee of the balance of contracts. As representatives of public authority, they confer authenticity and enforceability upon their acts” (Akhalkatsi, 2025, p. 62).

A notary is a person trusted by the parties and not by any of the parties (Orzikh, 2015, p. 175), in contrast to lawyers who try to gain the privilege for their clients,[2] a notary emerges as the guardian of the law, who equally

[2] Compare. Kandashvili I., Turazashvili G., Profession – Lawyer., GIZ., Tb., 2018, 31 (Due to the professional uniqueness of a lawyer, their relationship with the client is considered a complex and important process... One of the "golden rules" of the work of professional

protects the interests of both parties without interfering with the client's autonomy within the contract, grants them the right of free choice, free action within legislative framework (Kharitonashvili, 2021, p. 32). Furthermore, German doctrine provides that a notary even consults the parties regarding the declared will (Kereselidze, 2009) and this advice is focused on the protection of bilateral interests. A notary is a neutral lawyer, (Bormann & Bender, 2024, p. 7; Deckers, 2001, p. 10), a natural consultant for the parties, (Pepen, 2003, p. 9), a mediator between the public and private law, balancing relations and process from chaos to order driving, thus ensuring the proper contract (Sirdadze, 2020, p. 33), by guaranteeing confidentiality (Pittori, 2025, p. 78).

Legal doctrine characterizes notaries as "judges ensuring legal peace", (Gogoladze, Mariamidze, 2016, p 59; Gogoladze, 2014, p24-25) who establish innovative service (Ahlers, 1998, pp. 911–925; Shamatava, 2024)[3] by using new technologies (Gassen, 2006, p. 69). "Thus, a notary emerging as a "private judge", may not limit themselves to consulting and drafting a notarial document and act as an arbiter [mediation] in a dispute between the parties"[4] (Fedorenko et al., 2017, p. 94; Kharitonashvili, 2018-2019, pp. 7–30) Schwachtgen, 2002, p. 8). A notary is "a regulator of obligations. It is unacceptable for them to give an advantage to one party through experience and knowledge that would be detrimental to the other party. Balance is more characteristic of the notary's impartiality than neutrality, which is incompatible with the principle of trust in notarial work" (Dekkers, 2001, p. 10). By adhering to the principles of neutrality and balance, a notary appears as a neutral protector of both parties' interests balanced defender of the mutual interests of the parties (Shamatava, 2024, p. 123), who "is obliged to make a balanced decision in order to avoid further disputes" (Kharitonashvili, 2021, p. 23), which is a very difficult task. A notary is granted a certain guarantee of independence (Kandashvili, Turazashvili, 2018, p. 31) and impartiality in the activities they perform. The principle of independence is one of the most difficult tasks to maintain and the main professional values that are manifested in the practical activities of a lawyer. A notary is vested with necessary powers for the settlement of the parties. (Kharitonashvili, 2018-2020, p. 27). Notaries also promote the interests of society. They are gatekeepers of reliable registers, which in turn make costly

lawyers is to work on the facts and know them thoroughly. The legal nature of the facts and the justification of the request arising from them are decisive and effective.

[3] Changes in 2022, made online nogtary services available by mobile app, which has integrated useful funtional – map of notary bureaus, working shift of notaries «https://www.notary.ge/geo-6220-notariusta-palatam-notariusebis-saerto-kreba-chaatara».

[4] Mediation is characterized by high levels of customer satisfaction (Ostermiller & Svensson, 2014, p.014, ვ. 127). P. 2.

due diligence, title search, and title insurance obsolete. They fight money laundering and other crime, serve distributive justice, relieve the judiciary and push digitalization (Bormann & Bender, 2024, p. 1). “When reflecting on these changes, it seems to me that the challenge for the legal profession is to sustain the core values that we hold dear-for instance, independence, confidentiality, absence of conflicts of interest, plus others-over a purely economic argument” (Goldsmith, 2008, p. 451).

The Law of Georgia on Notaries defines the powers of a notary and the notarial actions to be performed: in particular, in cases established by law or by agreement of the parties, a notary confirms transactions; issues certificates of ownership, inheritance and ownership of a share in the common property of spouses; takes measures to protect inherited property; verifies the accuracy of a copy and extract of a document with the original, as well as the authenticity of the signature on the document and the accuracy of the translation of the document from one language to another; confirms that the citizen is alive, confirms citizen’s presence in a certain place, one’s identity with the person depicted in the photograph and the time when the document was submitted; transmits statements and notices from one person to another; accepts money, securities, and valuables into deposit; issues enforcement writs; performs protests of bills of exchange; presents checks for cash payment and certifies their non-payment in cash; accepts documents for safekeeping and performs maritime protests.

By transferring a range of competences to notaries, significant steps have already been taken to reduce the burden on courts and governments, and this institution has been established for a social function such as the prevention of conflicts (Kharitonashvili, 2021, p. 31).

Notarial registration of a contract has an advantage[5] over typical contracts concluded orally or in writing, since “notarial certification has the function of evidencing facts” (Baur & Stürner, 1999, p. 154; Soergel, 1986, pp. 1034–1035; Lapachi, 2016, p. 160). If the parties determine an alternative method of dispute resolution within the same loan agreement, the satisfaction of due monetary claims will be carried out by means of an enforcement writ issued by a notary (Sukhitashvili, 2012, p. 308), which "independently constitutes a basis for the commencement of enforcement proceedings and, accordingly, no additional document is issued on its basis” (Recommendations on the Issuance of an Enforcement Writ, 2022). It follows from the above said that the legislator has determined a simplified mechanism for securing creditors’ claims and has delegated this package of powers to the notary, thereby relieving not only the judicial system but also

[5] On the basis of Article 5 of the Law of Georgia “On Notaries,” a notarized document possesses incontrovertible evidentiary force (Decision of the Civil Cases Panel of the Tbilisi City Court dated 7 July 2021, case No. 2/22036-19; available only in the court archives).

the enforcement authorities (Uitdehaag, 2014, p. 19; Shamatava, 2024, p. 126).

The obtaining of an enforcement writ is a rapid process, which reduces the financial costs for the parties (Uitdehaag & Kurtauli, 2013, pp. 130, 263). The peculiarity of an enforcement writ issued by a notary is manifested in the fact that "it is precisely this process of enforcement that produces a direct legal result namely, it becomes possible to carry out compulsory enforcement against the debtor's property in order to satisfy the creditor's interests' (Gotua, 2009, p. 14). A notary's enforcement writ (Makhatadze, 2021, pp. 58–72), which must be executed in accordance with notarial legislation, is an enforcement document subject to compulsory enforcement under the "Law of Georgia on Enforcement Proceedings" (Shamatava, 2024, p. 127). Thus, the legislation on notariat provides for the enforcement of writs issued by notarial authorities (Law of Georgia on Notariat, 2009, Article 41).

Legislative and institutional reforms implemented within the Georgian notariat system required the enhancement of technological services and electronic platforms, which effectively contributed to the modernization of notarial activities and increased accessibility. Since 2010, electronic services have particularly developed, including: online consultations, remote notarial acts (powers of attorney, applications, consents), electronic certification of minutes of meetings of legal entities, and prior online registration for notarial services. In subsequent years, the performance of notarial acts in an online mode was introduced, including the remote certification of transactions, that became possible through the use of digital identification and electronic signatures. This combination of services reflects the transformation of the notariat from a traditional service model into an integrated, technologically advanced system. A notable example of this is the Order №71 of the Minister of Justice of Georgia, "On the Procedure for Performing Notarial Acts," which made it possible to certify transactions remotely with the participation of multiple notaries via direct electronic communication. In this procedure, one or several parties to the transaction appear before one notary, while the other parties appear before another notary, allowing all parties and notaries to have simultaneous visual contact. Each participant must sign identical text, each act prepared with a notary is assigned an independent registration number, and the transaction is valid for a third party only if all acts are presented.

This instrument represents a practical example of how technology can be integrated into notarial processes, reflecting the system's transformation from a traditional service model into an integrated, modern, and technologically advanced system (Order №71 of the Minister of Justice, 2010).

In the modern Georgian legal system, the notariat ensures the stability of civil circulation. Notarial acts create legal certainty in private law relations and reduce the risk of legal disputes arising.

The Experience of Spain's Notarial System

One of the classic and most developed models of the Latin notarial system is the notarial system of Spain. In Spain, the institution of the notary historically developed in the Middle Ages and continues to represent a fundamental element of the legal system.

The modern Spanish notariat is based on a combination of the notary's professional independence and public authority, which ensures a high level of legal reliability of notarial acts (Martínez-Velencoso, 2017).

Since ancient times, the notary's role has been significant in determining ownership rights and certifying historical events in human history. It is recorded that in 1492, the fleet's notary, Escovedo, accompanied Christopher Columbus during his voyage, who drafted the act of Columbus's discovery of America, thereby officially certifying this historic event. "Arrived on shore, they saw trees very green, many streams of water, and diverse sorts of fruits. The Admiral called upon the two Captains, and the rest of the crew who landed, as also to Rodrigo de Escovedo notary of the fleet, and Rodrigo Sanchez, of Segovia, to bear witness that he before all others took possession (as in fact he did) of that island for the King and Queen his sovereigns, making the requisite declarations, which are more at large set down here in writing" (Columbus, 1492/ TOTA Curated Archives, n.d.).

In Spain, a notary is a public official authorized by the State who, at the same time, carries out an independent professional activity. The main function of a notary is to certify legal acts and ensure their legal compliance. The notary is also obliged to ensure that the parties to a legal transaction are fully aware of the legal consequences of the transaction and that the transaction complies with applicable law (Calvo Caravaca, A.-L., & Carrascosa González, J. 2020, p. 11).

One of the characteristics of the Spanish notarial system is the special legal force of the notarial act. A document drawn up by a notary is considered a public act and has high evidentiary value in legal proceedings. Such documents often also have direct enforcement force, which greatly simplifies the regulation of legal relations and reduces the need for litigation.

Notaries in Spain also play a leading role in the circulation of real estate (Calvo Caravaca, A.-L., & Carrascosa González, J. 2020, pp. 54–56). In the process of acquiring and transferring real estate, the notary ensures the legal accuracy of the transaction, verifies the authority of the parties and ensures that the transaction complies with the law. This procedure creates a

high level of legal security and ensures effective protection of property rights.

In Spain, electronic apostilles (e-Apostille) play an important role in the international legalization of documents, allowing an apostille to be issued in digital format with an electronic signature. The process is carried out with the participation of authorized notaries and notarial associations, ensuring the authenticity of the document, online verifiability, and the efficiency of legal procedures (Hague Conference on Private International Law [HCCH], 1961; Ministerio de Justicia, 2023).

Another characteristic of the Spanish notariat is a strong system of professional self-governance (Trías de Bes, 1975, pp. 435–460). Notaries are united in professional associations, which are responsible for upholding professional standards and monitoring notarial activities. This model ensures high standards of professional ethics and contributes to maintaining the quality of notarial services.

Countries seeking to modernize the notarial institution often rely on the experience of Spain (López Jiménez, Dittmar, and Vargas Portillo, 2022, p. 455). This model demonstrates that the combination of a notary's professional independence, public authority and strong professional self-governance creates an effective legal institution, which is focused on providing civil services, at the same time ensuring balanced protection for all participants involved.

Notary in Continental European Law Countries and Latin Notary

The Continental European family of law includes national legal systems that were formed in Western Europe on the basis of the Roman, Germanic and canonical traditions (Khubua, 2004, p. 212).

Legal professions in continental European countries are inter-related (Zhang, 2013, p. 238). In Europe, the traditional understanding of the notary is almost entirely based on the lexical meaning of the term notarius. The etymology of the Latin word reflects the role and functional essence of the notary, which have traditionally existed in European legal culture since late antiquity (Milotić, 2018, p. 401). However, even though the core idea of the notarial profession was based on the same origin, the notary's position, powers and the reliability of the documents they drew up varied across European countries in different historical periods (Milotić, 2018, p. 401).

In Roman-Germanic legal system, a notary is considered a person vested with public trust, as they perform the mission of public confidence and are entrusted with the authority to exercise public powers. (Migriauli, 2004, p. 179).

Latin notarial model is applied in many countries around the world. International Union of Notaries (UINL) brings together national notary

organizations from approximately 93 countries that use the Latin-style notary system. These countries include: France, Italy, Spain, Portugal, Belgium, Switzerland, Central and Eastern European countries, Latin American countries including Argentina, Brazil, Mexico, Chile and Colombia, as well as several countries from Africa, Asia and other regions. UINL membership strengthens the notarial profession by sharing professional standards and promoting international cooperation (International Union of Notaries [UINL]).

In these countries, the notary not only formally confirms legal acts, but also ensures their legal compliance with applicable legislation and protects the interests of the parties. In these countries, the notary's activities are aimed at ensuring that legal acts are prepared correctly and possible legal disputes are avoided. That is why, in continental law systems, the institution of the notary is often considered as a legal security mechanism that reduces the number of legal disputes and promotes the stability of legal relations (Smits, 2020).The Latin notary is probably one of the classic legal professions that functions significantly differently from the notary public in common law countries (Zhang, 2013, p. 237).

Notariat in Germany

In the German professional sphere, lawyers are divided into four main areas: justice (judges and prosecutors), advocacy (including the notariat), administration, and economics (company lawyers, on the one hand, covering management, personnel, taxation, finance, insurance, audit, property management, etc.). A small number of lawyers also work in the fields of science and pedagogy, diplomacy and journalism (Muthorst, 2019, p. 36).

In Germany, the notary is a classic example of a state-authorized, yet professionally independent legal institution (G. Hall, 2015, p. 8). The notary acts as a public trusted person, ensuring the authenticity of legal acts, protecting the rights of the parties and implementing preventive law (Köbler, 2017; Zimmermann, 2006). In Germany, notaries are public officials. As such, they are part of the judiciary and are entrusted with sovereign tasks. However, unlike a judge, a notary in Germany does not work within a state organization itself, but exercises his public authority as a free profession. They are organizationally and economically independent (Böck, 2020, p. 1).

The German system is based on the principle of preventive law (präventive Rechtspflege), according to which the main function of a notary is to prevent legal disputes. The notary verifies legal transactions, ensures their legality and the awareness of the parties (Federal Notaries' Chamber, 2022). This approach is particularly important in real estate transactions, company registration and family law. Acts drawn up by a German notary are characterized by high evidentiary value and often have direct enforcement

power (Böck, 2020, p. 10), which reduces the statistics of court disputes and increases the efficiency of legal relations. Germany has developed a strong professional self-government system, where notary chambers ensure compliance with professional ethics and standards, which contributes to the transparency and stability of the system (Smits, 2020).

Notaries in the German states have the exclusive right to perform certain acts such as certification of a signature, attestation to a declaration or agreement for transactions involving the sale of real estate, a promise to make a gift or a contract for marriage. Despite the validity of holographic wills in Germany, notaries often draft and attest to their clients' wills." It is the duty of a notary to ascertain the true intention of the parties, advise them of all legal aspects and consequences of a transaction, protect each party from being taken advantage of in the course of the transaction and draft all statements in proper legal form (Wagner, 1985, p. 1).

In Germany, the involvement of a notary effectively reduces transaction costs, as their neutral position and commitment to avoiding undesirable consequences for one party reduces the need for additional legal representation for both parties (Gassen, 2023, pp. 69–72). Hence, European notaries often have a monopoly of notarial practice in their territory and are appointed to their position only when a vacancy occurs. A notary typically employs a number of persons in an office and has a higher social standing than that of a practicing lawyer (Wagner, 1985, p. 1).

Notariat in France

In 2003, the world legal community celebrated the 200th anniversary of the modern notary, which dates back to the “Loi du 25 ventôse anXI contenant organisation du notariat” (Law on the organization of the notary public) promulgated by Napoleon Bonaparte on March 16, 1803. This law, corresponding to 25 Ventôse of Year XI in the French Revolutionary calendar, laid the foundation for the legal organization and professional formation of the 19th-century the Latin-type notariat. According to legal scholar F. Stevens, this law created a legal framework and uniform rules for the functions, legal standards, and activities of notaries, making a significant contribution to the development of the modern notarial system (Stevens, 2004; Loi du 25 ventôse an XI, 1803).

In France, the professions have developed particularly in the shadow of the State (Burrage & Torsdentahl, 1990), which grants legitimacy to a professional activity by authorising it, regulating its practice and guaranteeing professional training. In this respect, notaries provide an illustrative example, as “public officers” (in French officiers publics), they draw up and authenticate, on behalf of the State, certain documents, and this exclusively in return for a specific status, as “ministerial officers” (in French

officiers ministériels) placed under the control of the State (Delmas, 2023, p. 50).

The French notariat represents a classical model of the Latin-type notariat, where the notary (notaire) is a public official authorized by the state, who independently carries out professional activities (Ordre des Notaires de France, 2023). Their function is sometimes described as that of exercising ”preventive jurisdiction” (G. Hall, 2015, p. 8). France grants notaries a monopoly in the areas of law under their supervision, and they operate „under conditions of free competition” with lawyers and other legal professionals (Gogoladze, Mariamidze, 2016, p. 35).

The French system is based on a notarial act – Acte Authentique – a concept with high evidentiary value, often carrying direct enforceability (Smits, 2020). This mechanism reduces the need for litigation and ensures the stability of legal relationships (Advocate General Villalón, 2011, pp. 495–496).

In France, notaries are involved in real estate transactions, family and inheritance law, where they ensure the of the transactions and the awareness of the parties. The notary is responsible for ensuring that the parties fully understand the legal consequences of the transaction (Martínez-Velencoso, 2017).

The French system is characterized by strong professional self-governance, which ensures the observance of ethical standards and the control of the service quality. This model represents one of the most developed Latin notary systems in Europe (Ordre des Notaires de France, 2023).

The Estonian Notariat and Digital Innovations

The Estonian notariat is based both on the principles of continental law and on a digital governance model. A notary is a public official authorized by the state who uses electronic signatures (Bormann & Bender, 2024, p. 31) and digital identification when certifying legal acts (European e-Justice Portal, 2023).

Estonia is one of the most advanced examples of digital governance, where the notarial system is integrated with modern technologies (Estonian Ministry of Justice, 2022). The country has introduced remote notarial services, allowing parties to perform notarial acts online, including through the use of video communication (Notaries Chamber of Estonia, 2021), which ultimately increases the accessibility and efficiency of services.

Digital identity (e-ID) is particularly important, as it ensures the identification of a person and reduces the risk of document fraud. In addition, data protection and security are ensured by a safe digital infrastructure (OECD, 2020).

Another direction for improving notarial activities is considered to be the introduction of blockchain technology (in the land registration process) (Jordan & Mitchell, 2015, 255; Villasenor & Foggo, 2020, 300-302). Blockchain is an electronic document management platform that has mechanisms of verification and digital signature. Decentralized platforms and cryptocurrencies are not just financial instruments or technological innovations; they are experimental frameworks for governance (Zambardino & Shamatava, 2025, p. 103). Cryptography ensures that no one can change the data contained in the blocks without warning: each blockchain contains a cryptographic link to its previous block. As a result, there is no need for trust between users.

Estonia uses blockchain technologies in the public sector, which ensures data integrity and transparency. These technologies reduce the possibility of unauthorized changes to documents (OECD, 2020). However, it is also evident that the introduction of electronic and remote transactions has greatly transformed the notary profession, creating highly efficient and accessible services, but at the same time, the digital era presents new challenges in terms of cybersecurity, personal data protection, and legal recognition (Basyarudin, 2024, p. 41; Lee & Park, 2021, p. 416).

The Estonian model is a successful example of how the traditional notary institution can be integrated with modern digital technologies without compromising its core functions – impartiality, legal credibility, and preventive justice.

Conclusion

Based on a comparative-legal study, it can be concluded that Spain emphasizes professional self-governance and the high evidentiary value of documents; Germany protects the parties' rights through the certification of transactions; France ensures legal reliability and awareness; and Estonia stands out for its digital and remote services. The Georgian notariat, as a result of post-Soviet reforms, combines these fundamental principles and is gradually developing towards digital capabilities.

The transformation of Georgian notarial system is an example of successful modernization of legal institutions. In contrast to the Soviet administrative model, the modern Georgian notary public is based on the fundamental principles of Latin notariat.

As the development of the notary institution contributes to the stability of civil turnover and ensures legal security, the independence of professional institutions and the reliability of legal acts create a necessary prerequisite for the effective functioning of the rule of law.

Finally, the modernization of legal institutions is possible through consistent legislative changes, the development of professional institutions

and integration with international legal standards. In this regard, the Georgian notariat represents a notable example in the process of transformation of legal systems.

The Georgian case demonstrates that the hybridization of Latin legal principles with digital governance may constitute an emerging model of post-socialist legal modernization.

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