

ADMINISTRATIVE AND LEGAL FRAMEWORK FOR THE INTRODUCTION OF THE ELECTRONIC NOTARIAL SYSTEM IN UKRAINE

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Annotation. The article is dedicated to the study of the administrative and legal foundations for the implementation of the electronic notarial system in Ukraine. The author examines the process of transitioning from the traditional paper-based notarial system to a digital one, highlighting the benefits of increased efficiency, document security, and accessibility. The study focuses on the phased approach adopted by the government to implement the e-notary system, outlining key stages such as the creation of electronic registries, the development of a digital archive for notarial acts, and the introduction of a system for online notarial services. These developments represent a significant modernization of Ukraine's notarial services.

The author emphasizes the need for substantial legal reforms to support the full-scale digitalization of notarial services. It is highlighted that the Ukrainian Law on Notariate currently lacks explicit provisions for the use of digital technologies, which necessitates amendments to accommodate electronic notarial acts, remote notarization, and the integration of digital signatures. Additionally, the article discusses the challenge of aligning the e-notary system with European standards, especially regarding the cross-border recognition of electronic documents. The alignment of Ukrainian notarial laws with international frameworks is crucial for ensuring the system's compatibility with global legal standards.

The article identifies several key advantages of the e-notary system, including the automation of processes, which significantly reduces the time and administrative burden involved in notarial acts. Enhanced security measures, such as digital signatures and QR codes, provide protection against forgery and unauthorized alterations of notarial documents. Furthermore, the integration of the e-notary system with state databases facilitates efficient information exchange, thereby improving the accuracy and reliability of notarial services. These factors contribute to a more transparent and effective notarial system that can better meet the needs of modern society.

Of particular note is the author's focus on the importance of cybersecurity and data protection in ensuring the long-term success of the e-notary system. The article underscores the need for robust security measures to protect sensitive legal information from cyber threats, which are increasingly becoming a concern in the digital age. The author concludes by outlining prospects for further research, particularly in the areas of legal reform, public trust in digital notarial services, and the technological infrastructure needed to ensure the resilience and security of the electronic notarial system.

Key words: e-notary, notarial system, administrative law, digitalization, legal framework.

1. Introduction.

The relevance of the research topic on the introduction of an electronic notarial system (e-notary) in Ukraine is evident in the context of the country's ongoing digital transformation and modernization of public services. The traditional notarial system, characterized by paper-based documentation

and time-consuming manual processes, is becoming increasingly inefficient in the face of rapid technological advancements. In today's world, where digital technologies are reshaping industries and public services, the need for a more efficient, accessible, and secure notarial system has never been greater.

The implementation of an e-notary system offers multiple benefits, such as streamlining notarial processes, reducing the time and costs associated with notarization, and making services more accessible, particularly for citizens in remote areas. By automating notarial actions and integrating with national registries, the system ensures faster and more reliable legal procedures, which is especially important in the current socio-political climate of Ukraine. This shift would also help address issues related to document security and authenticity, reducing the risks of forgery and fraud through the use of digital signatures and QR codes.

Furthermore, the transition to an electronic notarial system aligns with Ukraine's commitment to adopting European standards and improving public service efficiency. It represents a key step toward harmonizing Ukrainian notarial practices with those of other European countries, ensuring that legal services meet international norms. In a broader sense, this initiative is part of Ukraine's digitalization strategy, which includes reforms aimed at enhancing transparency, reducing corruption, and ensuring the security of sensitive legal documents.

The e-notary system also addresses the challenges posed by the current socio-political and economic conditions in Ukraine, including the ongoing war and its impact on public infrastructure. The system offers a solution to the limitations faced by citizens and notaries in accessing and providing notarial services in conflict zones or during periods of instability. As the country moves towards digital resilience, the e-notary system stands out as a critical tool for ensuring the continuity and security of legal processes in the face of external challenges.

2. The methodological basis of the study on this topic is based on the works and ideas of the following authors: Lyla-Barska A., Apal'kova, I. S., Vdovichen L., Lukiian, D., Marchenko V., M., Koos, S., Bezzub I., Dolinska M. S.

3. The aim of the work is to analyze the administrative and legal framework for the introduction of the electronic notarial system in Ukraine, identify the main advantages and challenges of this process, and determine ways to improve the legal regulation to ensure the effective operation of the electronic notary system.

4. Presentation of the main material.

The growing demand for efficiency in public services has driven many countries, including Ukraine, to adopt digital solutions. One of the critical areas of reform is the notarial system, which has traditionally relied on paper-based documentation and manual procedures, often leading to delays and inefficiencies. In Ukraine, the introduction of an electronic notarial system is seen as a pivotal step towards modernizing notarial services, making them more accessible, efficient, and secure. The process of transitioning to the electronic notarial system, commonly referred to as the "e-notary" system, commenced in January 2022 [1] and aims to align the country's notarial services with international standards, particularly those in Europe.

The digital transformation of the notarial system addresses several key challenges that have long plagued the traditional approach. By leveraging modern technologies, the e-notary system is designed to reduce the time required to perform notarial acts, increase the security of legal documents through the use of electronic signatures and digital authentication methods, and ensure more transparent and streamlined processes. Additionally, the new system is expected to enhance access to notarial services, particularly for individuals in remote or underserved areas, by providing the option to complete certain notarial acts online.

The phased implementation of the e-notary system in Ukraine reflects a structured approach to this reform. The first phase focuses on the creation and modernization of key electronic registers, including the Hereditary Register and the Unified Register of Powers of Attorney. Subsequent phases involve the development of electronic workspaces for notaries and the creation of an electronic notarial archive. The final stage will see the full integration of the system across the country, enabling citizens to access a range of notarial services electronically.

The introduction of the e-notary system is not without challenges. Ensuring the security and reliability of the system is paramount, particularly in the context of ongoing socio-political instability in Ukraine. Furthermore [2], the legal framework governing notarial activities must be adapted to accommodate the use of digital technologies, and public awareness and trust in the new system must be cultivated. Nevertheless, the shift towards an electronic notarial system aligns with broader efforts to digitalize public services in Ukraine, making it a critical development in the country's legal and administrative landscape. This study aims to analyze the administrative and legal principles that form the foundation of the e-notary system in Ukraine, exploring its potential to enhance the efficiency and accessibility of notarial services, while also considering the challenges and opportunities it presents.

The introduction of the electronic notarial system in Ukraine was initiated by the Cabinet of Ministers' Resolution No. 1444, which laid out a comprehensive, multi-phase process for the implementation of a unified state electronic notary system. This significant reform was officially launched in 2022 with the primary objective of modernizing the notarial sector, making it more efficient and accessible by automating key processes, reducing reliance on paper-based documentation, and ensuring seamless integration with state registers. The move towards a digital notarial system is part of Ukraine's broader effort to align its public services with global standards, particularly those prevalent in the European Union.

The administrative framework for the implementation of the e-notary system involves a structured approach that is being carried out in several phases. Each phase is designed to gradually transition the notarial system to an electronic format, ensuring stability and allowing for adaptation to the new digital processes.

Phase One involves the creation and modernization of electronic registries, which are essential for the functioning of the notarial system. This includes the establishment of the Hereditary Registry, the Unified Register of Powers of Attorney, and the Electronic Register of Notarial Actions. These digital registries form the backbone of the e-notary system, allowing for efficient management and retrieval of key legal documents. The introduction of these electronic registers is aimed at enhancing the transparency and reliability of notarial processes, as they provide a centralized, secure, and accessible means of managing notarial information.

Phase Two focuses on the development of an Electronic Notary Archive and the modernization of the Unified Register of Notaries. The Electronic Notary Archive will store digital versions of notarial documents, ensuring long-term preservation and accessibility. This phase also includes updates to the notary's workspace, allowing notaries to conduct their duties through electronic systems, thereby increasing operational efficiency and reducing the potential for errors associated with manual processes.

Phase Three marks the introduction of an electronic client account system and the full-scale deployment of the e-notary system across Ukraine. This final phase is critical for ensuring that citizens across the country, including those in remote regions, have access to notarial services through digital platforms. The electronic client account system will allow individuals to interact with notaries online, facilitating the completion of notarial acts without the need for physical presence. This phase represents the culmination of the e-notary project, providing a fully integrated digital notarial system that is expected to significantly improve the accessibility, efficiency, and security of notarial services in Ukraine [3].

The administrative framework behind the implementation of the e-notary system ensures that each phase builds upon the previous one, allowing for a gradual but steady transition from traditional to electronic notarial services. This structured approach helps mitigate risks associated with large-scale

digital transformation and ensures that both notaries and the general public can adapt to the new system.

The transition to a digital notarial system in Ukraine necessitates substantial modifications to the existing legal framework. Currently, the Ukrainian Law on Notariate does not explicitly cover the use of digital technologies in notarial processes, which poses a significant barrier to the widespread adoption of the electronic notarial system [4]. To fully implement the e-notary system and ensure the legitimacy of electronic notarial acts, it is crucial to introduce amendments that clearly define the use of digital tools in notarial practice and establish a comprehensive legal foundation for their application.

One of the key legal considerations is the necessity to ensure the security and authenticity of notarial documents in a digital environment. Traditional paper-based notarial documents are physically signed and sealed, which provides a clear method of validation. However, in the electronic system, new methods of ensuring document integrity are required. The implementation of digital signatures and the use of QR codes are essential solutions to this challenge. Digital signatures provide a secure means of verifying the identity of the notary and ensuring that the document has not been altered after it was signed. Similarly, QR codes offer an additional layer of security by allowing users to verify the authenticity of a document quickly and reliably using digital devices.

Moreover, it is vital to address the issue of data protection and cybersecurity. The digital notarial system will store and process a large volume of sensitive legal information, including personal and financial data. As such, the legal framework must include strict provisions for safeguarding this data against unauthorized access, breaches, or cyberattacks. This involves the development of regulations that establish standards for data encryption, secure storage, and the safe transmission of information between notaries, clients, and state registers.

Another important legal challenge is ensuring the alignment of Ukraine's e-notary system with European notarial standards. As Ukraine continues to integrate with the European Union, it is essential that the legal framework governing the electronic notarial system be compatible with international norms. This includes the need to facilitate cross-border recognition of electronic notarial acts. In many European countries, notarial services are already being digitalized, and there are efforts underway to create unified cross-border notarial registries. Ukraine's legal system must be adapted to ensure that its electronic notarial acts are recognized and accepted within these international frameworks, enabling smoother legal interactions with other countries.

Additionally, the introduction of electronic notarial services raises questions about jurisdiction and territoriality. In a traditional setting, a notary's authority is geographically limited, and notarial acts are conducted within specific legal jurisdictions [5]. However, digital notarial services have the potential to blur these boundaries, allowing for remote notarizations across different regions. Therefore, legal amendments must address how jurisdiction is defined in the digital realm and ensure that electronic notarial acts performed remotely maintain the same legal standing as those conducted in person.

Another area requiring legal clarification is the admissibility of electronic notarial acts in court proceedings and other legal contexts. For the e-notary system to be fully functional, electronic notarial acts must be legally recognized as valid evidence. This includes specifying the conditions under which electronic documents can be submitted in legal disputes and ensuring that they carry the same evidentiary weight as traditional paper-based documents.

Furthermore, legal provisions must be made for the integration of the electronic notarial system with other state registries and databases. Notarial acts often involve the verification of data from various state registers, such as property records, corporate registries, and civil status records. The e-notary system will need to interface seamlessly with these systems to ensure accurate and efficient processing of notarial acts. The legal framework must, therefore, establish clear guidelines for the interoperability of the e-notary system with other digital platforms managed by the state.

The electronic notary system (e-notary) in Ukraine is designed to enhance the efficiency, security, and accessibility of notarial services by leveraging digital technologies [6]. It serves several critical functions aimed at modernizing the notarial process and aligning it with contemporary standards.

These functions not only improve the overall quality of services provided but also ensure that notarial acts are more secure, transparent, and easily accessible. Below are the key functions of the e-notary system.

One of the main goals of the e-notary system is to significantly reduce the time required to perform notarial acts. Traditionally, notarial procedures involve extensive paperwork and time-consuming manual processes, often causing delays. By transitioning to a digital platform, the e-notary system streamlines these processes, eliminating unnecessary administrative steps and reducing paperwork. This results in quicker processing times and more efficient delivery of services. The system allows notaries to access and verify information electronically, speeding up tasks such as the authentication of documents, the issuance of certificates, and the registration of legal actions.

The security of notarial documents is a top priority within the e-notary system. In the traditional system, paper documents are susceptible to forgery, tampering, and loss. The e-notary system addresses these vulnerabilities by implementing secure digital systems, such as digital signatures and encryption technologies [7]. Digital signatures ensure the authenticity of notarial documents and protect them from unauthorized alterations. Additionally, the use of QR codes provides an added layer of security, allowing individuals to verify the authenticity of documents quickly and reliably using scanning technologies. These measures significantly reduce the risk of document fraud and enhance the overall integrity of the notarial system.

A key feature of the e-notary system is the automation of many previously manual tasks. Transitioning from paper-based to electronic records streamlines operations and reduces the administrative burden on notaries. Automated processes include document generation, verification, and storage, allowing notaries to focus on more substantive tasks rather than administrative details. The automation of notarial procedures also minimizes human errors, which are more common in manual systems. By automating routine tasks, the e-notary system ensures greater accuracy and consistency in notarial practices.

The e-notary system also introduces a digital archiving component, where notarial documents are stored in a secure electronic format. This e-archiving function is critical for the long-term preservation and management of notarial records [8]. Unlike traditional paper archives, which can be difficult to maintain and access, electronic archives allow for easier retrieval of documents, ensuring that they are accessible to both notaries and authorized parties when needed. Furthermore, e-archiving eliminates the physical space required for storing paper documents and reduces the risk of document damage or loss due to environmental factors. The secure storage of electronic archives also complies with data protection regulations, ensuring that sensitive legal information is safeguarded.

Another significant function of the e-notary system is its ability to facilitate seamless information exchange between notaries and other state databases. Notarial acts often require the verification of data from various state registers, such as property records, corporate registries, and civil status databases. The e-notary system integrates with these state systems, enabling notaries to retrieve the necessary information in real time. This integration reduces the need for manual data entry, enhances the accuracy of information, and accelerates the completion of notarial acts. The e-notary system's ability to interact with other government databases also improves transparency and helps prevent fraud, as data can be cross-referenced and verified automatically.

In addition to these primary functions, the e-notary system is designed to improve accessibility to notarial services, particularly for individuals living in remote or underserved areas. By allowing certain notarial acts to be performed online, the system removes geographical barriers and ensures that citizens across the country can access essential legal services. This function is especially important in the current socio-political climate, where disruptions to traditional public services may occur.

Moreover, the e-notary system is expected to enhance collaboration with international partners by facilitating cross-border recognition of electronic notarial acts. As more countries adopt digital notarial systems, the ability to recognize and verify electronic documents across jurisdictions becomes crucial. The e-notary system in Ukraine is being designed with this in mind, aligning with European standards to ensure that it can integrate with international notarial frameworks.

The future of the e-notary system in Ukraine is promising, as it forms an integral part of the country's broader digitalization efforts aimed at modernizing public services. This initiative is in line with Ukraine's long-term strategy of aligning its public administration and legal services with European standards, which is crucial as the country seeks closer integration with the European Union [9]. The e-notary system is set to revolutionize how notarial services are provided, making them more efficient, accessible, and secure while responding to the growing demands of modern society for faster and more reliable legal procedures.

Looking ahead, the e-notary system is expected to fully integrate with both national and international databases, which will be key to ensuring that notarial services operate smoothly and securely across different regions and even across borders. At the national level, integration with state registries, such as property, corporate, and civil status databases, will allow notaries to verify information quickly and accurately, eliminating the need for time-consuming manual processes. This integration will enhance the transparency and efficiency of notarial acts, making it easier for citizens and businesses to complete legal transactions with minimal delays.

At the international level, the development of cross-border notarial cooperation will be a significant step forward. As more countries adopt digital notarial systems, there is a growing need for interoperability between these systems to facilitate the recognition and verification of notarial acts across jurisdictions. Ukraine's e-notary system, once fully developed, is expected to align with European digital standards, allowing for seamless cooperation with notarial systems in other countries. This is particularly important in an increasingly globalized world, where legal transactions often involve parties from multiple countries. The ability to recognize and authenticate notarial acts across borders will greatly benefit Ukrainian citizens and businesses engaging in international activities.

Moreover, the continued development of the e-notary system will likely see an expansion in the types of notarial services that can be performed digitally. While the initial phases of the system focus on core functions such as document verification and registration, the future may include more advanced services such as remote notarization, where individuals can complete notarial acts from different locations without having to be physically present at a notary's office. This would be particularly beneficial for individuals living in remote areas or for those who are unable to travel, as it would make notarial services more accessible to a broader segment of the population.

Security will remain a central focus in the future of the e-notary system. As the system expands and becomes more widely used, ensuring the safety and integrity of digital notarial acts will be critical. The use of advanced encryption technologies, secure digital signatures, and QR code authentication will continue to play a key role in protecting notarial documents from fraud and tampering. Furthermore, ongoing investments in cybersecurity infrastructure will be necessary to safeguard the system against potential cyberattacks, ensuring that the personal and legal information processed by the e-notary system remains protected.

Another important aspect of the future of the e-notary system is the continued adaptation and development of the legal framework that governs it. As the system evolves, it will be necessary to update the legal provisions to accommodate new digital tools and technologies [10]. This will involve not only amendments to existing laws but also the creation of new regulations that address issues such as the jurisdiction of remote notarizations, the legal standing of electronic notarial acts, and the rules governing cross-border recognition of digital notarial services. Ensuring that the legal framework keeps pace with technological developments will be essential to the success and sustainability of the e-notary system.

The introduction of the e-notary system also has the potential to contribute to Ukraine's broader efforts to combat corruption and increase transparency in public administration. By automating many of the processes involved in notarial services, the system reduces opportunities for fraudulent activities and increases accountability. The integration of the e-notary system with other state databases will further enhance transparency, as notarial acts will be cross-referenced with official records, making it more difficult for false or misleading information to enter the legal process.

In terms of public perception, the success of the e-notary system will depend on building trust among both notaries and the general public. This will require continuous efforts to educate citizens about the benefits and security of the electronic notary system, as well as providing ongoing training for notaries to ensure they are proficient in using the new digital tools. Public confidence in the system will grow as people experience the convenience and reliability of digital notarial services firsthand.

5. Conclusions.

The introduction of the electronic notarial system in Ukraine is a crucial step in the digital transformation of legal and administrative services. The analysis of the administrative and legal framework for this system highlights several important benefits, challenges, and risks associated with its implementation.

The e-notary system enhances the efficiency and accessibility of notarial services by automating processes and reducing dependence on paper-based documentation. It improves document security through the use of digital signatures and QR codes, which help protect against forgery and unauthorized changes. Additionally, the integration of the e-notary system with national databases facilitates faster and more reliable information exchange during the notarial process.

However, the successful implementation of the e-notary system requires significant amendments to the legal framework, particularly regarding the recognition of electronic notarial acts and the use of digital tools in the notarial process. Cybersecurity and data protection are also major challenges, as notarial documents contain sensitive information that must be safeguarded from cyber threats.

In conclusion, the continued development and implementation of the e-notary system in Ukraine have the potential to significantly improve the efficiency, security, and accessibility of notarial services, aligning with the broader digital transformation goals of the country.

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