

RESEARCH ARTICLE

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THE IMPORTANCE OF NOTARIAL ACTIVITY IN PROTECTING THE RIGHTS OF INDIVIDUALS AND LEGAL ENTITIES

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Abstract

This scientific article analyzes the importance of notarial activity in protecting the rights of individuals and legal entities, and separately highlights the features of the use of blockchain technology in the work of notaries, which is a promising direction for improving notarial activity and practice. The relevance of the study lies in the fact that the issues of digitalization and the use of blockchain technologies in notarial practice are currently poorly studied, which leads to increased interest in these issues. Constant scientific developments in this direction allow notaries to enrich their knowledge, develop skills and competencies, which is the basis for improving the quality and professionalism in the provision of notarial services. The purpose of the scientific article is the need to consider the aspects and features of notarial activity, and determine its impact on the protection of the rights and interests of various subjects of civil legal relations. The research methodology in a scientific article consists of using such methods of cognition as the dialectical method, analysis, synthesis, induction, deduction, generalization, modeling, forecasting. The results of the study are developed scientific and theoretical proposals on improving notarial activities, taking into account the use of digital technologies. Specifically, notarial actions were highlighted aimed at protecting the rights of individuals and legal entities for whom contacting a notary is a constant necessity. The obvious conclusion was that the study of notarial activities contributes to the search for new methods, technologies and approaches that can improve processes in this area, simplify procedures and increase the level of confidence in notarial acts.

Keywords Notary, notarial activity, practice, digital technologies, blockchain, registry, security, protection.

INTRODUCTION

The relevance of research. Today, in the context of the rapid development of society and legislation, constant scientific study of notarial activities plays a key role in ensuring the efficiency and quality of this important area of law enforcement practice. Since legislation is constantly changing and improving, the scientific study of notarial activity helps notaries keep abreast of the latest changes and ensure compliance with new regulations in

their work.

Constant scientific study allows notaries to enrich their knowledge, develop skills and competencies, which is the basis for improving the quality and professionalism in the provision of notarial services. Through scientific research, it is possible to identify typical errors and problematic issues in the practice of notaries, which helps to develop effective recommendations and tools for eliminating them.

The purpose of the scientific article is the need to consider the aspects and features of notarial activity, and determine its impact on the protection of the rights and interests of various subjects of civil legal relations.

Scientific development. Considering the constant demand for studying notarial activity and modern trends in its development, taking into account which allows us to improve the work of notaries, we note that some issues of notarial acts performed by notaries in order to protect the rights and legitimate interests of individuals and legal entities have been the subject of research by scientists such as A. Mukhamaddiev , I.T. Mamazhonova, Z.N.Esanova, I.A.Ismoilov, S.V.Mikhailov, N.V.Ponomareva, L.B.Prudnikova, N.K.Sidorova, S.S.Merkulova, A.A.Klimov, A.V.Petrov, V.P.Kupriyanovsky, A.A.Garaev, A.N.Karpenko, E.S. Blinderman, Josias N. Dewey, and others.

METHODS

Notarial activity, being a practical manifestation of the notary, plays a key role in the system of legal protection of both individuals and legal entities. This important socio-legal institution serves as one of the links in the mechanism for ensuring law and order and respecting the legitimate interests of the parties in various spheres of life.

Before analyzing the relevant features of notarial activity in the field of protection of individuals and legal entities, we will determine that the research methodology in a scientific article consists of using such methods of cognition as the dialectical method, analysis, synthesis, induction, deduction, generalization, modeling, forecasting.

Notarial activity is a law enforcement activity carried out by authorized government officials (notaries), intended to certify transactions, rights and facts in order to prevent legal disputes and ensure the safety of documents. Notaries provide a wide range of services, from certifying the correctness of copies of documents to certifying the authenticity of signatures on legally significant papers.

Due to the variety of civil legal relations that arise between citizens [1, p. 348], there is always a need to contact a notary, since any legally significant

action, or action, the proper notarization of which is prescribed by law, must be ensured through special notarial services. In this regard, we will determine the importance of notarial activities for individuals.

First of all, we note that notaries check documents for compliance with the law, thereby eliminating the possibility of legal errors and contradictions that could entail negative consequences for individuals. All this corresponds to the principles of their activities, namely independence, neutrality, professionalism [2]. When making transactions with real estate or movable property, certification of the transaction by a notary is a guarantee of the legality of the transfer of ownership rights, preventing possible fraud or misunderstandings. When preparing to certify a transaction between individuals, notaries check documents with special attention, ensuring the legality and protection of the interests of the parties. The notary will organize a meeting with the parties to sign the transaction and preview the documents. Along with this, he is obliged to verify the identity of each party, which includes checking identification documents. Further, we note that notarization of wills and powers of attorney ensures that the will of the applicant will be executed exactly in accordance with his wishes, minimizing the risks of misunderstandings and legal conflicts after his death.

Typically, in practice, notary assistants receive and prepare copies and originals of all necessary documents for certification. The notary analyzes the contents of the documents and makes sure that they comply with reality and the law. Almost before completing the notarial act, the notary: 1) assures himself of the truth and authenticity of the signatures on the documents, making sure that they match those provided by the parties; 2) analyzes the transaction from a legal point of view, making sure of its legality and compliance with current legislation; 3) establishes the facts necessary to certify the transaction, such as the fact that the transaction was completed by the free will of the parties; After certification of the transaction, the notary is obliged to store originals or copies of documents in accordance with the law.

Now we will determine the importance of notarial activity for legal entities.

There is no arguing with the statement that notaries confirm the compliance of transactions and contracts with the rules of law, which ensures their strength and protection from possible legal attacks.

Certification of corporate contracts, merger and acquisition agreements and other important corporate processes helps protect the rights and interests of legal entities, including shareholders (their partners), and accordingly represents an important step in ensuring their legality and reliability. As a rule, at first legal entities, represented by their representatives, prepare and provide all the necessary documents, including corporate charters, decisions on mergers or acquisitions, contracts and other documents necessary to complete the transaction. The notary conducts a thorough legal analysis of the documents provided, making sure that they comply with the law. The parties come to the notary's office to sign documents necessary to complete a corporate transaction or process. In this case, the notary acts as a neutral third party, certifying the signatures of the parties and the authenticity of documents.

We agree with the opinion of most researchers that "the legislator classifies a notarized document as circumstances that are not subject to proof, which makes notarial actions a very effective means of ensuring and protecting the rights and legitimate interests of an individual" [3].

After certification of documents, the notary is obliged to store originals or copies of corporate documents in accordance with current legislation. And after certification of corporate documents, the notary issues certified copies to the parties for further use. By performing all of the above actions, the notary in the practice of his activities ensures compliance with the law and protects the interests of all parties involved in a corporate transaction or process.

Of particular importance for both individuals and legal entities is the opportunity to assign a notary the functions of a mediator. The implementation of

mediation functions by notaries can serve as a means of protecting the interests of individuals and legal entities. Mediation creates a neutral platform for resolving disputes between parties, maintaining their confidentiality and providing more flexible solutions. [4, c. 38]. Here, a notary can help the parties reach an agreement faster and more efficiently by suggesting alternative methods of resolving disputes.

Conducting mediation by a notary ensures compliance with the rule of law and respect for the rights and interests of the parties involved in the dispute resolution process. Thus, the use of mediation functions by notaries can significantly enrich the ways of protecting the interests of individuals and legal entities, offering effective methods for resolving disputes in compliance with high standards of legality and professionalism.

RESULTS

Notaries play an important role in protecting the interests of individuals and legal entities, but there are a number of pressing problems that they face in this process. Thus, falsification or alteration of documents, which occurs in the practice of various public relations, can pose a serious threat, since the notary must be confident in the authenticity of the documents provided and their content. Individuals can sometimes underestimate the importance of documents or not be prepared for the process of their certification, which can create problems when concluding transactions (such problems usually involve time costs, territorial inconveniences for the other party to the existing civil legal relationship).

Currently, in notarial practice, it is important to ensure the security of electronic documents and signatures, which requires notaries to have skills in working with modern technologies. Some transactions may be legally complex and require additional time and effort to review all aspects before approval. In view of this, we consider it necessary to separately highlight the role of Blockchain in notarial activities. So, blockchain:

- allows you to store information in the form of a chain of blocks [5, p. 80], which cannot be modified without the consent of all participants, ensuring

the reliability and transparency of documents in notarial practice;

- helps to confirm the authenticity of documents and signatures, which increases confidence in notary services;

- provides data encryption and participant authentication[6], preventing document forgery and reducing the threat of cyber attacks;

- allows you to simplify the processes of confirming signatures, authenticating documents and identification documents, reducing time and administrative costs [7, p. 35];

- reduces the time for checking and certification of documents thanks to automated processes and reduction of bureaucracy;

- allows long-term and secure data storage, ensuring confidentiality and access to information at any time. Information in a block system is stored decentralized on multiple nodes, is resistant to attacks and ensures reliable data storage. Typically, digital signatures and certificates allow documents to be transmitted and stored electronically without the need for the parties to be physically present.

The basis for the legal regulation of blockchain technology is the level of liberalism in the state [8]. For example, the Estonian government's electronic platform, which provides information on legal, judicial and healthcare systems, operates on the basis of distributed ledger technology, which guarantees 24/7 access to the system for applicants [9]. The most ambitious initiatives are planned by the UAE government, which announced that all activities of the Dubai city administration will be based on the use of this technology [10]. Effective use of blockchain technology reduces transaction costs for notaries and makes services more affordable for clients. In turn, the conscious use of this technology allows notaries to improve their work and improve the quality of services provided.

Analysis of research results

To actively use blockchain in notarial activities, it must be constantly and consistently studied. In view of this, it seems appropriate to note that the basics of blockchain technology can be familiarized

by consistently studying the principles of building block chains, the concept of decentralization and consensus algorithms, and specific examples of the use of blockchain technology in notarial activities, such as electronic certificates and document management systems. Notaries can use blockchain to issue and store electronic IDs, ensuring the authenticity and security of client data. Notary organizations can use blockchain to store the history of transactions and documents, which ensures transparency and inaccessibility to forgery.

It is also equally important to note that notaries can use blockchain to prove the authorship of documents and justify intellectual property rights. Of particular interest is the opinion of S.V. Mikhailov and other researchers that "blockchain can be used in all areas where there are step-by-step rules of conduct: making records of the transfer of ownership or encumbrances on real estate, shares or shares of business companies, certification of documents and transactions, conducting financial transactions, providing information from public registers, and so on. The technology can be used to automate such processes in any organization, be it working with standard documents, contracts, recording legally significant messages, certain events or actions." [11].

Thus, we summarize all of the above material by saying that today a notary can protect the interests of individuals and legal entities through certain notarial actions:

- 1) certification of contracts and transactions, where a notary can certify the signature of the parties to contracts and transactions, ensuring their legal significance and protection of the interests of each party;

- 2) confirmation of ownership rights. Thus, the storage and issuance of extracts from property registers allow notaries to confirm property rights, providing legal protection for owners;

- 3) drawing up notarial documents. Notarization of documents such as wills or powers of attorney ensures their legality, clarity and compliance with legal requirements;

- 4) authentication of documents, management of

inheritance cases, where a notary helps in resolving issues related to inheritance, legal distribution of inheritance and protection of the rights of heirs [12]. In some foreign countries, such as the USA, Germany and the UK, notaries are involved in drawing up inheritance agreements as a third basis for inheritance [13];

- 5) mediation and dispute resolution;
- 6) safe storage of documents
- 7) consulting on legal issues.

CONCLUSIONS

The scientific study of notarial activities contributes to the search for new methods, technologies and approaches that can improve processes in this area, simplify procedures and increase the level of confidence in notarial acts. Through ongoing scientific developments in the field of notarial activities, it is possible to increase people's awareness of their rights and responsibilities, as well as the importance of notarial activities in ensuring legal protection, which contributes to the development of legal culture in society.

Bearing in mind the importance of digital technologies and blockchain for notarial activities, we can propose the formulation of the following scientific questions as promising proposals for understanding:

- introduction of electronic IDs, whereby notaries will be able to use digital technologies to create and verify electronic IDs, simplifying the process and ensuring data security;
- automation of the document certification process using electronic signatures and certificates, which will accordingly allow notaries to increase efficiency and convenience for clients;
- provide electronic storage of transaction history. Here we would like to separately note that digital platforms allow notaries to effectively store the history of transactions, ensuring transparency and accessibility of information;
- the use of blockchain technology to confirm the authenticity of documents, which will allow notaries to create digital fingerprints of documents,

ensuring the security and authenticity of information. We also add that the consistent introduction of blockchain into the practice of notarial activities will allow notaries to carry out processes of electronic certification and data storage, reducing time and increasing efficiency. Using digital technologies and blockchain, notaries can create electronic proof of authorship, ensuring the protection of intellectual property rights;

- consistent provision of digital consultations and online services. Thus, the development of online platforms for consulting and conducting notarial acts using digital technologies and blockchain will allow notaries to be more accessible and efficient for clients.

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