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LEGAL NATURE OF NOTARY JURISDICTION

The level of development of notarial activity is an important indicator of the degree of law and order and social freedom in the state. The appearance of the notary as an element of legal culture was primarily preceded by the need to legalize legally significant events (cases) of various types.

In general, no state, no natural organization, no legal entity can exist without a notary. Because notaries are a connecting link between citizens in matters of civil rights and the relationship between civil rights and duties.

The problem of applying the concept of «notarial process» to the legal field, legislation and practice belongs to the category of problems that cannot be solved immediately, but the following decision will enrich not only the court, but also the judicial practice of Ukrainian law.

A notary is a special law enforcement and judicial body, and its activity can be considered a special type of activity carried out according to certain procedural rules.

Relations between a notary and an individual (legal entity) that arise in connection with the conduct of notarial activities regarding the attestation (reconciliation) of facts, the issuance of a certificate of inheritance, the adoption of measures to protect the notary, etc., are procedural in nature and aimed at solving material legal issues.

Aimed at solving important issues and legal issues. All this indicates that the content of the notarial process is carried out according to a certain system of regulation regarding the procedural law [1, c. 80].

S. Fursa and E. Fursa prove that the notarial process is a set of notarial proceedings (in the narrow sense) or jurisdictional activity of persons authorized by law, which is carried out in accordance with the procedure defined by law and other requirements of the legislation of Ukraine for the protection and protection of indisputable rights and interests as individuals and legal entities, and states (in a broad sense) [2].

Thus, the notarial process is a legal form of activity of state bodies and their authorized officials. Notarial actions are performed by a clearly defined list of persons, the scope of powers is determined by law.

Violation of the rules for determining the legal capacity of a person authorized to perform a notarial act leads to an unfavorable procedural result - recognition of the notarial act as invalid. In other words, «notarial process» is a scientific term that has acquired a special meaning in jurisprudence and is considered commonly used.

Having systematized the research of Ukrainian scientists, we came to the conclusion that now scientists are united in the fact that notarial procedures must be studied as a legal, jurisprudential and academic sphere.

The source of notarial procedural law is the law that regulates the organization of activities of notarial institutions and the procedure for performing notarial actions. The main provisions regulating the activities of notarial institutions that perform notarial acts are regulated by the Law of Ukraine «On Notaries», adopted by the Verkhovna Rada of Ukraine on September 2, 1993 and entering into force on January 1, 1994.

Another law is also a source of notarial process law, in particular the Law of Ukraine «On Private International Law», the Law of Ukraine «On Mortgages» and the Law of Ukraine «On Payments for Land». Important decisions of the Verkhovna Rada of Ukraine, resolutions and orders of the Cabinet of Ministers of Ukraine, as well as the order of the Ministry of Justice of Ukraine [3, p. 392].

Please note that the notarial process is characterized by a clear division of functions

between its participants. The notary, who is responsible for the outcome of the procedure, as well as individuals and legal entities who applied for the protection of their rights and interests.

The results of notarial activities are formalized by relevant procedural documents, such as certificates of legal rights to inheritance, a resolution on refusal to perform notarial acts, a power of attorney, a will, etc. These documents are official not only because they are issued by notaries, but also because their structure is laid down in legislative acts.

The notarial process has features characteristic of legal procedures. First, the notarial process is an investigation of a specific legal case. Secondly, the procedure of notarization is a type of law enforcement measure, for which relevant state bodies or officials must directly apply legal norms to resolve a specific legal case.

Thirdly, the notarial process is a legal form of activity of authorized state bodies and officials, the scope of which is determined by law. Fourthly, the notarial process is an activity, the results of which are reflected in procedural actions, while non-compliance with the legally established notarized form entails the recognition of such agreements as invalid.

Fifth, the notarial process is an activity related to the use of legal funds. Sixth, the notarial process is an activity consisting of subjects, stages and proceedings [4]. It is worth noting that the process of notarial activity is an event that consists of several stages. This process is regulated by the norms included in procedural law, in connection with which the notarial process is directly regulated by special legislation, since procedural law unites all notaries, regardless of the form of notarial organization. In Ukraine, the development and formation of the notarial process as a legal phenomenon takes place under the influence of national legislation and legal changes in the European context. Currently, the term «notarial process» as a legal concept does not give a clear meaning and is formed by various scientists based on the characteristics that, in their opinion, clarify the essence and role of the notarial process.

The legal nature of the notarial procedure is determined by the fact that the notary, as the main subject of the notarial process, must directly comply with the legal norms for the performance of individual notarial actions. The notarial process as a special type of legal activity includes complex legal processes necessary to ensure the activity of a notary.

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FUNCTIONS OF NOTARIAL JURISDICTION: APPROACHES TO UNDERSTANDING

Notarial jurisdiction is an important part of the legal system of any country. It will ensure legal reliability and confirmation of legal acts, avoiding possible disputes in the future. In Ukraine, the notary is an independent institution, which is subject to the law and is intended to protect the rights and legitimate interests of citizens and legal entities.