

FEDERAL STATE BUDGETARY EDUCATIONAL INSTITUTION OF  
HIGHER EDUCATION "RUSSIAN ACADEMY OF NATIONAL ECONOMY  
AND PUBLIC ADMINISTRATION UNDER THE PRESIDENT OF THE  
RUSSIAN FEDERATION"

*Manuscript copyright*



Korsik Vladimir Konstantinovich

**NOTARIAL FORM OF PROTECTION AND DEFENSE OF RIGHTS  
IN THE CONDITIONS OF REFORMING  
RUSSIAN LEGISLATION**

Specialty 5.1.3 – Private legal (civilistic) sciences.

**ABSTRACT OF DISSERTATION**  
for the degree of candidate of legal sciences

Supervisor: Doctor of Law, professor  
Kudryavtseva Elena Vasilievna

Moscow - 2025

### **Relevance of the topic of the dissertation research.**

The adoption in 1993 of the Fundamentals of the Legislation of the Russian Federation on Notaries, which laid the foundation for the creation and functioning of the extra-budgetary notary of the Latin type, became one of the most important and significant legal events of the first post-Soviet years. The activities of the new notary were of great importance for ensuring the successful transformation of the socio-state structure of Russia, the transition from the command-administrative system of governance to a market economy, the modernization of legislation and the formation of the practice of its application. From this moment on, a new stage in the development of the Russian notary as an effective legal institution begins, designed to ensure the protection and defense of the rights and interests of participants in civil legal relations.

Currently, the concept of "notarial form of protection of rights" is studied by many representatives of civil, family and civil procedural law, interpreting its essence and features in different ways. Interest in this concept has increased significantly due to the radical reform of the legislation on notaries, within the framework of which numerous and very significant changes and additions were made to it. The constant close attention of the legislator to the activities of the notary is a reflection of public recognition of its importance for ensuring the protection and defense of the rights and interests of individuals and legal entities, maintaining the stability of civil turnover and the development of the domestic economy.

This importance is further increasing in modern conditions, characterized by significant complication and total digitalization of economic, legal and social processes. The reform of almost all areas of notarial activity, carried out within the framework of the modernization of civil, civil procedural and family legislation, led to the transformation of the notary model that was created in 1993, which reflects the effect in this area of the philosophical law of the transition of quantitative changes to qualitative ones, in which development acts as a unity of two stages - continuity and a leap, each of which requires deep and comprehensive analysis. As

a result of the reform, notarial activity has been transformed into a qualitatively new form of protection and defence of subjective rights, based on the advanced achievements of scientific and technological progress, which have opened up unprecedentedly wide opportunities for citizens and legal entities.

The development and improvement of the legislation on notaries, its transfer to a digital basis, a significant expansion of the range of notarial actions, the complication of the tasks assigned to notaries, require an analysis of the related theoretical issues, including the content and meaning of the innovations introduced into the legislation on notaries; the forms of its digitalization; the evolution and prospects for financial support of notarial activity; the directions for further improvement of its legal regulation, etc. The modern doctrine has not comprehensively analyzed the genesis and evolution of the Latin-type notary in Roman law, the reception of which was the basis for the emergence and formation of the notary in states belonging to the Romano-Germanic legal family; no comprehensive description of the transformations that the Russian notary profession has undergone in recent years is provided; foreign approaches to individual types of notarial actions and the specific features of the notarial reform and digitalization processes carried out in various countries are not adequately compared.

Many general theoretical problems of the notary profession also require research, such as its concept, essence and functions; the place of the notary profession in the legal system; the characteristics, focus and principles of notarial activity, etc. Some of the noted problems have been characterized in modern scientific works, but some have not found an unambiguous solution that unites the various concepts and judgments presented in the doctrine. Thus, discussions continue on the essence and features of the notary profession; its place among other law enforcement agencies; the concept and content of the notarial form of protection and defense of rights and interests; the relationship between the notarial and judicial forms of protection of rights, etc.

The absence of generally accepted ideas on the above-mentioned and other issues has an unfavorable effect not only on notarial activity, but also on judicial



practice. It is no coincidence that disputes related to the performance of notarial acts or refusal to perform them have repeatedly become the subject of study by the Supreme Court of the Russian Federation. Guidelines on individual aspects of notarial activity are also presented in a number of Definitions of the Constitutional Court of the Russian Federation. Consequently, the analysis of the notarial form of protection and defense of rights in the context of reforming Russian legislation should be not only theoretical, but also applied in nature, and contribute to the improvement of legal regulation of notarial activity, significantly complicated by new functions and the formation of the "electronic notary". All of the above allows us to assert that the specifics of the normative-legal consolidation, doctrinal interpretation and practical implementation of the notarial form of protection and defense of the rights and interests of citizens and organizations in the context of reforming legislation require a special comprehensive monographic study, which indicates the relevance of the chosen topic.

#### **The degree of scientific development of the problem.**

Theoretical and practical problems of notarial activity were studied by many Russian scientists who worked at various stages of domestic science. Representatives of civil and civil procedural law turned to the study of methods of protecting the right, the essence of the notary profession and notarial activity: I.A. Alferov, V.N. Argunov, G.P. Arefyev, O.V. Akhrameeva, A.I. Bazilevich, P.V. Bakharev, A.V. Begichev, V.A. Belov, V.N. Bogatyrev, E.A. Borisova, M.I. Braginsky, S.N. Bratus, E.V. Vas'kovsky, T.P. Velikolad, A.B. Vengerov, R.I. Vergasova, V.V. Vitryansky, V.P. Volozhanin, Yu.S. Gambarov, V.P. Griбанov, N.V. Demina, O.N. Diordieva, A.A. Dobrovolsky, M.A. Dolgov, M.E. Egorova, L.A. Idrisova, O.S. Ioffe, T.G. Kalinichenko, S.I. Karpova, I.N. Kashurin, N.I. Komarov, I.A. Kosareva, V.I. Kruss, N.I. Kulenko, S.V. Kurylev, A.N. Latyev, D.Ya. Maleshin, D.I. Meyer, S.E. Metelev, E.V. Mikhailova, I.V. Moskalenko, A.G. Oleinova, N.L. Poluyaktova, N.L. Redko, T.V. Sakhnova, S.V. Smirnov, O.M. Sychev, A.M. Femelidi, Yu.V. Filimonov, V.A. Fokin, K.V. Khramtsov, I.G. Cheremnykh, I.Z. Shagivaleeva, T.N. Sharafetdinov, A.A. Shakhbazyan, I.E.

Engelman, A.B. Yudina, V.F. Yakovlev, E.L. Yarlykova and others. Attempts to define the essence and features of the notariat were undertaken in the works of V.V. Goshulyak, V.M. Zhuykov, E.V. Lysenko, O.V. Romanovskaya, G.G. Cheremnykh; in the works of V.N. Argunov, E.V. Kudryavtseva, N.Sh. Tsembelev, E.A. Chefranova, the institution of the notary's executive inscription was analyzed; the problems of the notarial deposit were studied by A.Yu. Burkova, K.A. Korsik, V.V. Ralko, A.V. Stankevich, A.N. Shmelev and others; The legal regime of the functioning of the EIS of the notary was studied by O. V. Bryanceva, E. K. Volchinskaya, A. A. Gorokhov, A. S. Emelianov, E. V. Makhnonosov, A. A. Parfenchikova, V. V. Yarkov and others; the problems associated with the normative consolidation of the notary tariff were addressed by A. S. Burova, A. V. Vologdin, I. V. Garin, D. E. Zaykov, S. Yu. Zylevich, O. V. Romanovskaya, E. B. Tarbagaeva and other authors.

The concept of "notarial form of protection of rights" has become widespread in relation to the characteristics of the notary profession relatively recently. In the titles of dissertations defended in the first decade after the adoption of the Fundamentals of Legislation on Notaries, the said concept does not appear, and the discussion is exclusively about the notary and its activities, however, in the Bibliographic Index of Civil Dissertations of 2005, the corresponding section was called "Notarial Form of Protection of Civil Rights". The subsequent study of the issues under consideration was multifaceted: in 2008, a dissertation of a sociological focus was defended - "Notarial Activity as a Factor in Regulating Social Relations", in 2010 - a dissertation on the theory of notarial activity, and in 2011 - a dissertation devoted to the protection of civil rights in notarial proceedings.

A comprehensive study of the notarial form of protection and protection of rights and interests is the dissertation of I.A. Alferova, however, during the period that has passed since the defense of this dissertation, the legislation on notaries has changed significantly, judicial and notarial practice has become much more complicated, electronic technologies have been introduced and have become



widespread. The above factors could not be considered and characterized during the preparation of the dissertation.

A major contribution to the relevant section of the modern doctrine was the doctoral dissertation of A.V. Begichev "Human rights activities of the notary in the sphere of observing the rights and legitimate interests of participants in civil transactions when providing evidence", but it only reflected those innovations in the legislation on notaries that were introduced before 2016.

Thus, despite the active attention of domestic scientists to issues related to the protection of the subjective rights of citizens and organizations by notary bodies, a special comprehensive monographic study of the concept, essence and features of the notarial form in the context of reforming Russian legislation and transferring the notary to a digital format, taking into account the experience of legal regulation of notarial activity in foreign countries, has not yet been carried out in the modern doctrine, which indicates the relevance, novelty and significance of the chosen topic.

**The purpose of the dissertation** research is to develop and substantiate theoretical provisions that reveal the concept, essence and content of the notarial form of protection and defense of rights in the context of legislative reform, informatization and digitalization, as well as identifying areas for further improvement of the legal regulation of notarial activity in the Russian Federation.

Achieving these goals necessitates solving the following research problems:

- analyze the genesis and evolution of the Latin notary system in Roman private law;
- compare theoretical approaches to determining the essence and features of the notarial form of protection and defense of rights;
- determine the content of the notarial form of protection of rights;
- characterize the relationship and interaction of the notarial and judicial forms of protection of rights and interests;
- disclose the content of the main innovations introduced into the legislation on notaries as part of its modernization;
- identify the main forms of digitalization of notaries and their significance;

- consider the features of reforming the legislation on notaries in foreign countries;
- to develop directions for further improvement of the legislation on notaries;
- to characterize the evolution and prospects of financial support for notarial activities.

**The object of the study** is civil, family and civil procedural relations arising in connection with the performance of notarial acts, based on legal regulation taking into account numerous amendments and additions made to the norms of Russian legislation in the process of its reform and improvement.

**The subject of the study** is the norms of civil, family and civil procedural law of the Russian Federation, states that formed in the post-Soviet space, European countries belonging to the Romano-Germanic legal family, and some other states, regulating relations arising during the performance of notarial acts; draft federal laws; legal norms of other branches of law applicable to certain types of notarial activities; materials of the practice of Russian courts; statistical data related to the implementation of the notarial form of protection and protection of rights, as well as scientific works of Russian scientists.

**The methodological basis** of the study is a number of general scientific (analysis, synthesis, comparison, abstraction, specification, generalization, formalization, induction, deduction, analogy, modeling) and specific scientific (formal-legal, comparative-legal, comparative-historical and others) methods of cognition, allowing to study the legal essence and problems of implementation of the notarial form of protection and security of subjective rights. These methods were applied taking into account the principle of comprehensiveness, consistency and historicism. Thus, the use of the historical method made it possible to identify and characterize the genesis and evolution of the development of legislation on notaries of the Latin type in Roman private law; the use of dialectical methodology became the basis for the study of the essence and features of the notarial form of protection and security of rights; the comparative method became the theoretical basis for conducting a comparative legal study of the legislation on notaries in force in the Russian Federation and in a number of foreign countries.



**The normative basis of the dissertation** research is the Constitution of the Russian Federation, the Civil Code of the Russian Federation, the Fundamentals of the Legislation of the Russian Federation on Notaries, the Civil Procedure Code of the Russian Federation, the Family Code of the Russian Federation, Federal Constitutional Laws, Federal Laws and subordinate regulatory legal acts governing relations arising in connection with notarial protection and protection of the rights and interests of individuals and legal entities. In preparing the dissertation, regulatory acts that were in force in the pre-revolutionary and Soviet periods of Russian history, as well as individual regulatory acts of foreign states, were analyzed.

**The empirical basis** of the study is the Definitions of the Constitutional Court of the Russian Federation; Resolutions of the Plenum of the Supreme Court of the Russian Federation, Reviews of judicial practice of the Supreme Court of the Russian Federation, Definitions of the Judicial Collegium for Civil Cases of the Supreme Court of the Russian Federation; acts of courts of general jurisdiction and Arbitration courts; stenographic reports of meetings of the State Duma and the Federation Council of the Federal Assembly of the Russian Federation; statistical reports and other materials on notarial activity in the Russian Federation.

**The theoretical basis** of the dissertation research was formed by fundamental scientific studies of famous Russian scientists who made a significant contribution to the development of the general theory of law, civil, family and civil procedural law, as well as legislation on notaries, including: T.E. Abova, M.G. Avdyukov, M.V. Antokolskaya, V.N. Argunov, A.V. Begichev, V.A. Belov, Yu.F. Bespalov, A.T. Bonner, E.V. Vaskovsky, M.A. Vikut, R.E. Gukasyan, A.A. Dobrovolsky, P.F. Eliseikin, V.M. Zhuykov, O.S. Ioffe, S.A. Ivanova, O.A. Krasavchikov, S.V. Kurylev, A.N. Levushkin, L.F. Lesnitskaya, D.Ya. Maleshina, M.N. Marchenko, D.I. Meyer, L.Yu. Mikheeva, V.V. Molchanov, S.A. Muromtsev, K.P. Pobedonostsev, B.I. Puginsky, L.M. Pchelintseva, I.V. Reshetnikova, E.A. Sukhanov, E.B. Tarbagayeva, M.K. Treushnikov, D.M. Chechot, G.F.



Shershenevich, K.S. Yudel'son, A.V. Yudin, V.F. Yakovlev, P.A. Yakushev, V.V. Yarkov and other authors.

In preparing the dissertation, the conceptual ideas of representatives of the pre-revolutionary, Soviet, post-Soviet and modern periods of development of Russian science were analyzed, compared and taken into account.

**The scientific novelty of the dissertation** is determined by the fact that it is the first special comprehensive monographic study in the modern doctrine of the notarial form of protection and defense of rights and interests in the context of legislative reform and the transfer of the notary profession to a digital format.

The work analyzes the genesis and evolution of the Latin-type notary profession in Ancient Rome and the main areas of activity of persons who were the prototypes of modern notaries (*scribae*, *notarii*, *tabellio*); proposes a concept of the notarial form as a procedure for performing notarial acts in their triune integrity, established by law, i.e. aimed, firstly, at ensuring the implementation of subjective rights belonging to citizens and legal entities, secondly, at protecting these rights and, thirdly, at protecting them; revealed the philosophical unity, interpenetration and interaction of the notarial form of protection of rights and its content; a new scientific approach to defining the functions of the notary profession and their relationship in the performance of various notarial acts. The content and overall significance of the amendments introduced into the legislation on notaries are shown; the main components of the transformation of the notary profession with its transfer to a digital format are characterized; an analysis of foreign legislation on notaries in force in the USA, in some states belonging to the Romano-Germanic legal family, and in states formed in the post-Soviet space is carried out; the advisability of using a new criterion in the form of the nature of the expression of will of the person applying to the notary, depending on which they are divided into actions to be performed exclusively during personal communication between the notary and the citizen, and actions for which remote interaction is sufficient, is proven; the advisability of legislatively enshrining a special procedure for identifying and recording electronic evidence, which should simplify the procedure

currently applied, is proven; The changes introduced into the legislation on notaries by Federal Law No. 558-FZ of 29.12.2022, which abolished the fee for legal and technical services provided by notaries and established a notary tariff, including a federal tariff and a regional tariff, are comprehensively analyzed. Scientific novelty is also expressed in the author's development of a number of provisions aimed at improving the current legislation.

**The following main provisions are submitted for defense:**

1. It is proposed to define the notary as a completely independent public-private legal institution with a special legal status and self-financing, with undisputed jurisdiction, specific diverse competence and implementing law enforcement, law enforcement and human rights protection functions. The above features are not applicable to the court, the bar, or any other law enforcement agencies, despite the coincidence of their goals with the goals of the notary. It is shown that the notary has much more in common with the state registration authorities for rights to real estate, some of whose functions are close to the law enforcement function of the notary, as a result of which the registration and notary authorities complement each other's activities, increasing the level of control over the legality and observance of the rights of participants in transactions. As a result of the comprehensive reform, the Russian notary service, while maintaining its legal nature *Sui generis*, has transformed into a qualitatively new institution that actively uses the achievements of scientific and technological progress, reflecting the modernization of legislation, as well as the entire diversity of modern civil turnover.

*The provision corresponds to paragraphs 6 and 29 of the passport of the scientific specialty 5.1.3. "Private law (civilistic) sciences".*

2. It is argued that the legislator's indication of the vocation of the notary service to ensure the protection of the rights and interests of citizens and organizations (clause 1 of Article 1 of the Fundamentals of Legislation on Notaries) should be interpreted broadly, considering the actions of notaries in their triune integrity as aimed, firstly, at ensuring the proper implementation by individuals and legal entities of their subjective rights; secondly, at preventing violations of these rights by third



parties, i.e., at their protection, and, thirdly, at protection from such violation. A broad interpretation allows us to eliminate the inaccuracy of the wording of the norm in question without going beyond its verbal content. It has been established that it is possible to draw a clear line between actions that ensure the implementation, protection or defence of subjective rights only with a certain degree of conventionality, since the nature of the action performed by a notary has different meanings in different circumstances, and some actions serve the simultaneous implementation of two or even three of the named functions.

*This provision corresponds to paragraphs 9, 10 and 29 of the Passport of the scientific specialty 5.1.3.*

3. It is shown that the concept of "notarial form of protection of rights", which has become generally used in relation to the characteristics of the notary profession and notarial activity, is a procedure established by law for notaries to perform actions on behalf of the Russian Federation aimed at ensuring the implementation, protection and defence of the rights and interests of individuals and legal entities. The totality of such actions is the content of the notarial form, and the philosophical unity and interaction of the categories under consideration are as follows: a change in content by expanding the range of notarial actions necessitates the modernization of the notarial form, which occurs by changing or supplementing existing procedures and establishing rules for performing new actions attributed to the notary profession.

*This provision corresponds to paragraphs 7 and 30 of the Passport of scientific specialty 5.1.3.*

4. It is argued that the reform of the legislation on notaries and its transfer to digital technologies have determined the advisability of using a new criterion when classifying notarial actions, which is the nature of the expression of will of the person who applied to the notary, depending on which they are divided into actions, during the performance of which the expression of will of the citizen and the accompanying circumstances can be established exclusively through personal communication between the notary and the client, and actions, during the performance of which their remote interaction is necessary and sufficient, since the volitional (subjective) factor

characterizing the relevant actions does not raise doubts and does not require verification. The first group, in particular, includes certification of transactions and consents, the fact of a citizen being alive and in a certain place, etc., and the second group includes the transfer of applications from individuals and legal entities, certification of the time of presentation of documents, certification of the accuracy of translation from one language to another, etc. In order to prevent facts of neglect of notaries when performing notarial acts to identify the authenticity of the expression of will of the citizen who applied to him, the need for legal consolidation of an exhaustive list of notarial acts that can be performed remotely is justified.

*The provision corresponds to paragraph 9 of the Passport of the scientific specialty 5.1.3.*

5. It has been established that in the states that emerged in the post-Soviet space, the reform of the legislation on notaries had both common features (informatization, digitalization and expansion of the range of notarial actions) and certain specific features, primarily the assignment of functions to notaries that are not provided for by Russian legislation, for example, a tax agent (Republic of Azerbaijan), or granting notaries the right to provide consultations on issues not directly related to the performance of notarial actions (Republic of Kazakhstan). In the Republic of Armenia, the improvement of notarial activity was considered as an element of reforming the judicial and legal system with the gradual transfer of certain categories of civil law cases to notaries, and in the Republic of Belarus, the idea of reformatting the notary profession into an institution implementing "preventive justice" is being discussed. Another significant innovation is the assignment of a QR code to a notarial document in Kazakhstan, which is generated by means of an electronic registry and automatically registered in the database, which allows protecting documents from falsification.

*This provision corresponds to paragraph 32 of the Passport of scientific specialty 5.1.3.*

6. Based on the analysis of foreign legislation regulating the remote performance of notarial acts using digital technologies, the most significant aspects of this legal institution were identified: 1) the feasibility of normatively establishing a list of notarial acts that can be performed remotely; 2) the possibility of introducing



new forms of using digital technologies to ensure simplified access to notarial services; 3) the desirability of expanding the methods of identifying a person and specifying such actions in relation to foreign citizens; 4) normative definition of the place of performance of a notarial act using digital technologies in conjunction with the decision on its admissibility in cases where the notarial act affects different jurisdictions.

*The provision corresponds to paragraphs 30 and 32 of the Passport of the scientific specialty 5.1.3.*

7. It is shown that the wording of legal norms establishing the procedure for notarial provision of evidence gives rise to a number of problems associated, firstly, with the recognition of the information specified by the applicant as evidence; secondly, with establishing the necessity and expediency of its provision, and thirdly, with determining the "impossibility" and "difficulty" of its presentation as evidence in the future. Since the development of uniform legislative criteria for the specified problems, which are of a situational nature, is very difficult, the proposal to provide for the right of notaries to provide any information specified by the applicant as future judicial evidence is substantiated. In addition, in connection with the expansion of the scale of notarial provision of electronic evidence, the advisability of securing a special procedure for identifying and recording such evidence is argued, which should simplify the procedure and establish uniform requirements for their receipt. The proposal to establish the possibility of performing the notarial actions in question without notifying the other party is justified, since, firstly, we are talking about the formation of ordinary written evidence, the assessment of which will be carried out by the court; secondly, the other party is deprived of the opportunity to influence the process of recording the relevant information by the notary, and, thirdly, the need to notify the other party creates additional organizational difficulties.

*This provision corresponds to paragraph 23 of the Passport of the scientific specialty 5.1.3.*

8. The abolition by Federal Law No. 558-FZ of 29.12.2022 of fees for legal and technical services rendered by notaries was intended to help eliminate widespread

legal disputes regarding their collection and amount and to form a more advanced system ensuring the availability of the notarial form for the population of all Russian regions in order to minimize disparities in the standard of living and purchasing power of citizens living in them. The introduction of a regional tariff led to a decrease in the cost of many notarial acts, which does not correspond to their complexity, which has increased many times over in the process of reforming civil legislation, their social, legal and economic significance. The amounts of state duty provided for in the Tax Code of the Russian Federation have significantly depreciated over the years of application, therefore they are subject to revision taking into account factors characterizing the real state of the domestic economy and consumer demand in the legal services market, with the Federal Notary Chamber being granted the right to index them annually, taking into account official data on inflation processes for the past year. The proposal to establish these amounts in the Fundamentals of Legislation on Notaries and to provide for maximum rates at the regional level is substantiated, which will contribute to the formation of a more advanced and absolutely "transparent" system of payment for notarial acts performed in the difficult economic conditions of unprecedented sanctions pressure on all spheres of the Russian economy.

*This provision corresponds to paragraph 29 of the Passport of Scientific Specialty 5.1.3.*

The conducted research made it possible to formulate a number of proposals aimed at further improving the legislation on notaries. For this purpose, the dissertation proposes:

- 1) to provide for the mandatory notarization of the spouse's consent to the adoption of a child by the other spouse and the consent of parents to the adoption of their child by third parties, for which purpose the corresponding additions should be made to Art. 129, 133 of the RF IC and paragraph 3 of Art. 271 of the RF CPC;
- 2) to provide for mandatory notarization of real estate donation agreements, making the corresponding additions to Art. 574 of the Civil Code of the Russian Federation;
- 3) introduce into Article 34.2 of the Fundamentals of Legislation on Notaries a provision establishing the possibility of revoking the consent given by a citizen to



another person to perform a certain legally significant action and the obligation for notarial certification of such revocation;

4) supplement Part 2 of Article 17 of the Fundamentals of Legislation on Notaries with an indication that in the event of disclosure by a notary of information about notarial actions performed, a citizen has the right to demand compensation for moral damage caused to him, the existence of which is assumed;

5) amend the wording of Article 102 of the Fundamentals of Legislation on Notaries and establish the following provision in it: "Upon application of interested parties, the notary provides the information specified by the applicant, which can be used as evidence during the consideration of the case in court";

6) exclude the upper limit (RUB 20,000) of the state fee for certification of contracts, the subject of which is subject to assessment, established by subparagraph 5 of paragraph 4 of Article 333.24 of the Tax Code of the Russian Federation for certification of contracts, the subject of which is subject to assessment, if such certification is mandatory in accordance with the legislation of the Russian Federation, by making the necessary changes to the provision in question.

In order to increase the availability of the notarial form of protection and defense of rights and interests, create an all-Russian electronic resource for notarial actions "NotariusOnline", which provides the opportunity to have a personal account, allowing you to choose a notary, determine the required notarial action, get acquainted with legal information and submit documents electronically.

The dissertation substantiates some other proposals for improving the current legislation and makes a number of comments regarding the draft Federal Law "On Notaries and Notarial Activity in the Russian Federation".

**The theoretical significance of the study** lies in the possibility of using the scientific results obtained by the author in further studying the issues considered in the dissertation, in teaching civil and family law and civil procedure, the special course "Notaries in the Russian Federation", in the process of teaching masters and postgraduate students, in the preparation of textbooks and teaching aids on civil, family and civil procedural law.

**The practical significance of the dissertation** research is determined by the fact that the conclusions and proposals formulated and substantiated by the author can be used in further improving the legislation on notarial activity, in the law enforcement practice of notaries, as well as in the consideration by the courts of cases on disputes related to the performance of notarial acts or refusal to perform them.

**Testing the results of the dissertation research.**

The main findings and provisions of the dissertation research were published by the author in the following scientific journals included in the list of leading peer-reviewed journals and publications recommended by the Higher Attestation Commission under the Ministry of Science and Higher Education of the Russian Federation:

1. Korsik, V.K. The essence of the notary profession as a universal form of protection and protection of rights / V.K. Korsik // Notarial Bulletin. - 2016. No. 12. - P. 16-29.

2. Korsik, V.K. Notary's deposit: problems of theory and practice. Part 1. / V.K. Korsik // Notary. - 2017. - No. 5. - P. 10-14.

3. Korsik, V.K. Notary's deposit: problems of theory and practice / V.K. Korsik // Notary. – 2017. N 6. - P. 9-14.

4. Korsik, V.K. Notary's executive inscription as an effective tool for protecting the rights and interests of citizens and organizations / V.K. Korsik // Bulletin of Civil Procedure. 2019. - No. 2. Volume 9.

5. Korsik, V.K. Genesis and evolution of the Latin-type notary in Roman private law and its influence on the formation of the modern Russian notary / V.K. Korsik // Public service. - September-October 2-23. - Volume 24. No. 5 (145).

The structure and content of the dissertation are determined by the purpose and objectives of the study. The dissertation consists of an Introduction, three chapters divided into 8 paragraphs, a Conclusion and a Bibliography.

The **Introduction** substantiates the relevance and novelty of the chosen topic; outlines the goals and objectives, object and subject of the scientific research;



presents the characteristics of its methodology; defines its theoretical and empirical bases; shows the novelty of the study; formulates the conclusions submitted for public defense; provides information on their testing, and characterizes the theoretical and practical significance of the prepared work.

The first chapter, "**The Institute of Notaries in the System of Protection and Defense of Subjective Rights and Legitimate Interests**," examines the main stages of the genesis and evolution of the Latin-type notary in Roman law; various doctrinal approaches to defining the essence and features of the notarial form of protection and defense of subjective rights and legitimate interests of individuals and legal entities are analyzed and compared, and the main parameters of interaction and interrelation of the notarial and judicial forms of protection of rights and interests are identified and characterized. General theoretical conclusions made based on the results of the introductory part of the study are conceptually projected onto the following chapters.

The second chapter, "**Transformation of Notarial Activity in the Current Legislation of Russia and Foreign States**", is devoted to the analysis of the following issues: firstly, the content of the amendments introduced into the Russian legislation on notaries in recent years; secondly, the main forms of digitalization of the Russian notaries and the significance of each of them individually and all in the systemic totality, and, thirdly, the features of reforming the legislation on notaries in foreign countries, including the United States, a number of states belonging to the Romano-Germanic legal family, and in the states that formed in the post-Soviet space.

The final chapter of the dissertation presents the author's opinions regarding the **identified current problems of the notarial form of implementation, protection and defense of subjective rights**, including the prospects for financial support for notarial activities. It was shown that the implementation of the notarial form of implementation, protection and defense of the rights and interests of citizens and organizations can be successful only under the condition of financial independence and proper provision of the notary's activities, which is hampered by

the low size of notary fees that do not correspond to the high educational and professional level of Russian notaries, the diversity and complexity of the activities they carry out.

The **Conclusion** formulates findings reflecting the main provisions of the study, and offers recommendations developed by the author for further improvement of the legislation regulating relations arising in the field of notarial activities.