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THE CONCEPT OF NOTARIAT: THE ISSUES OF LEGAL NATURE

Institute of notariat as the object of scientific research is a major phenomenon, requiring a great deal of attention in domestic legal science. This is caused by a number of circumstances, among which such as the need to clarify the concept and the legal nature of the institute of notaries, its role in the mechanism of protection of the rights and freedoms of man and citizen, its place in the system of legal institutions and branches of law, fundamental functions, relations with government institutions and civil society.

The analysis of approaches to the definition of the concept “notariat” shows that forming their vision of the issue, each researcher is tries to find out the main task of notariat, which is important to determine its essence.

Analysis of the notion of “notariat” gives us all grounds to assert that despite the different approaches in the legal science and legal practice in relation to its definition, it is possible to identify

a number of common features characterizing the notariat as a legal institution in the mechanism of protection of the rights and freedoms of man and citizen: 1) the institute of notariat is public and legal, enshrined in legislation (by notarial actions it enshrines ownership rights, makes the possession, use and disposal of property open, gives legal nature to civil circulation, protects rights and legitimate interests of individual and juridical persons in the field of property turnover and personal relations); 2) the institute of notariat is a system of bodies and officials carrying out notarial actions (a set of notaries working in state notarial office, notaries engaged in private practice, officials of executive bodies and officials of consular offices who are entitled by law to perform notarial acts); 3) notariat is responsible for providing qualified legal assistance and protecting the rights and legitimate interests of individual and juridical persons by performing notarial actions.