



Global Notarial Digitalization

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Abstract: Digitization is one of the priorities of these times, because it solves many problems with minimal cost, as we all know and understood, both at the individual and institutional level. However, the pace and method adopted must consider many factors, not just the desire to develop at the pace of technology. The context is clear: the European institutions aim and even succeed in accelerating the digitization of justice to the highest level, imposing a creative point of view, and artificial intelligence has already become conscious, which is wonderful, and it will not be long until the result artificial intelligence will arrive before us at home and at work. This article aims to briefly present the European trends in this matter, especially the steps taken by notaries in France and Romania in this direction, but also to support some reasons why we believe that now, more than ever, it is very important to hurry slowly.

Keywords: Digitization; artificial intelligence; authentic electronic act; probative force; notary

Introduction

The process of globalization as it appears today, with all its positive implications given by the opportunities offered by cross-border exchanges, raises numerous problems in relation to the adaptation of all actors in the economy and society, as well as the guarantees offered using these new information technologies, in the conditions of a single, unregulated, and rapidly evolving market.

The legal professions must not avoid the evolution of these new technologies, more precisely the disruptive transformations that are brought about by the ongoing

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digital revolution, being already subject to the pressure of globalization in terms of access to their exercise, regardless of citizenship but also in terms of the introduction, among others questionable, in the class of services subject to a competition policy.

Digital platforms are becoming increasingly important in the economic and social market due, in part, to their ability to track and store personal data while respecting security requirements, as well as challenges related to privacy management, data protection, cyber security, existing and the danger of abuse of dominance in the context of information, where the technological explosion is getting bigger and bigger.

Developed countries have exclusiveness in the launch of information technologies and, as it is easy to see, they mainly come from spaces with a common law legal system. The gap between countries advanced in terms of digitization and those less advanced risks deepening if innovation is not encouraged and the adoption of this inevitable reality is delayed. Therefore, the existence of different methods of accelerated digitization is noted, with some states holding back of some prudent policies when implementing this digitization without the existence of a central and specialized control of the authorities, which can be harmful in the development of private aspects or related to the free - professionals. Their evolution can be observed over time, even more so after the COVID-19 pandemic (Stănilă, April 2020, pp. 23-24).

The initiatives as well as the opportunities offered by digitization are carefully followed in most of the legal systems of the member countries of the European Union and, moreover, there are policies for the virtual access of litigants and professionals to legal services already gradually. Implemented (Negruț & Stancu, 2012).

On March 1, 2017, the European Commission presented the White Paper on the future of Europe, on capitalizing on the opportunities offered by globalization, shaping it in accordance with the common interests and values of the member states. The views presented in this Charter include the digital transformation of most business sectors, the use of digital technologies and e-commerce. All of this will further increase cross-border economic and social opportunities, even for the smallest businesses or organizations. Europe's answer to digitization externally is declared to be international cooperation with the aim of shaping globalization, economic diplomacy and tools that allow ensuring a level playing field, and internally, strengthening resilience through better sharing of benefits and

promoting competitiveness on a large scale. and in the long term (Reghini, Diaconescu, & Vasilescu, 2013, pp. 29-46).

The first electronic signature on an EU legislative act took place on October 25, 2017, at the headquarters of the European Parliament in Strasbourg. The President of the European Parliament, and the representative of the Estonian Presidency of the Council, electronically signed the amended regulation on the security of gas supply, preparing the entry into force of the e-IDAS Regulation.

Through this electronic signature, it has been proven that the EU institutions are cooperating for the digital transformation to become a reality for member countries, implementing the commitment of the European Union regarding the application of the e-IDAS Regulation, a regulation that provides for a predictable regulatory environment that allows secure and seamless electronic interaction between businesses, citizens, and public authorities of states (Gheorghe, 2019).

The purpose of the unique digital portal, approved in the plenary session of the European Parliament on September 13, 2018, is to facilitate the most requested administrative procedures, making them available online in all member states.

Available in all official languages of the European Union, this unique digital portal is part of the “Your Europe” portal and provides access to procedures such as: obtaining birth certificates, the European Health Insurance Card, scholarships, vehicle registration or obtaining to trade licenses. Marlene Mizzi (S&D, Malta), who is responsible for the report in the Parliament, showed that this portal aims to guarantee European citizens, as well as their businesses, the management of administrative procedures online using a single digital portal to access the best quality information.

At the same time, Member States must modernize their administrative systems so that they are fully available online, in the language of the country and in at least one additional language. Online services must be of high quality and accessible to all users, including those with disabilities, in order not to create discrimination (Vătăman, 2015, pp. 36-38).

This portal can be considered a tool that aims to simplify the lives of citizens. A person will have to send the information, only once, to the public administration, it can be reused in other expected procedures (Stancu, 2020).

In the field of Justice, in the context of EU community legislation, the approved Strategies as well as the latest statements given by the European Commission, the

dynamics of moving to digital or online support of all activities related to justice, approximately, in the required sense.

The EU is of the opinion that justice, understood as the field of law, in general, namely legislation, contract management, litigation, etc., carried out electronically or online at European level is a step that can be waived, to be present. in relationships. international, as a continental socio-economic power at the peak of the situation and the globalized world. Therefore, the full transition to the use of information and communication technologies can be achieved by completely replacing paper, including in cross-border cases, also justified by the possibility of greater access to justice and information on fundamental rights and, of course, considering it significantly reduces costs.

The European Digital Single Market is created to provide tools to guarantee, to assure digital users, public or private, that the space of digital justice is a safe and trustworthy space. The idea defined by the phrase “digital market” manifests itself through a physical place, which derives from the natural nature of things, but is an artificial creation that becomes active only to the extent that certified quality and safety are guaranteed. This market must be considered not only from the point of view or the interests of those who lead and which, most of the time, are contrary to the interests of the population, of large international companies, but also from the point of view of the simple. citizen walking in cyberspace.

As it currently exists, the single digital market presents the impossibility of guaranteeing the integrity of digital justice in the conditions of its initial operation and even the uncertainty of the authorities that have the role of controlling the integrity of the operators of this market or due to the lack of impartial, safe, convincing, and quality.

Combating cybercrime in the online environment is considered a priority and is at the heart of the European Agenda for Security, without emphasizing, however, the neglect of measures to combat crimes related to the tracking or transfer of goods or the movement of people, using digital in an incomplete, anonymous, and distorted way.

Advances in digitization are making it increasingly easy to hide money around the world by setting up successor companies, mergers, divisions, or fictitious transactions that hide the real owners or the assets held.

Without adequate incentives to ensure digital market security, fraud, cybercrime, it will be difficult to keep the balance in check through contentious or non-contentious justice.

Therefore, it is necessary to strengthen or create a certified, institutional, ex ante control over the implementation of digital strategies, precisely to protect the public interest.

In this context, on February 19, 2020, the European Commission created the “Report on the Implications of accountability of artificial intelligence, the Internet of Things and robotics”, which he then presented to the European Parliament, the Council and the Economic and Social Council, the European Committee, as usual (Stoica, 2020, pp. 235-239; Colțan, July 15, 2020, pp. 45-48).

This report sets out the legal framework at EU level, the characteristics of all technologies represented by AI, IoT and robotics, the possibilities, as well as the security they offer, as well as the current provisions addressing civil or criminal liability, in compensation. which can be produced using new technologies.

The document therefore highlights that EU product safety legislation does not specifically address the growing risks arising from the opacity of the digital space, products and systems based on artificial intelligence that could lead to the burdensome act of shaping decision-making trial. According to this Report, humans do not necessarily need to understand every step of the decision-making process, but as AI algorithms become more advanced and are used in critical areas, it is essential that they are able to understand how algorithmic decisions of have been made, regardless of whether the algorithms used have been approved by the Member States. This would be particularly important for the *ex post* compliance mechanism, as it would give competent authorities the ability to track responsibilities related to the behaviors of AI systems as well as the choices they make. This aspect is also recognized in the Commission Communication to build citizens' trust in artificial intelligence that focuses only on the human factor.

The report also notes that relevant Union legislation could include specific requirements for human supervision, as an additional precautionary measure, applied from the design stage throughout the life cycle of products and systems containing AI.

In terms of liability, the report concludes that although the Product Liability Directive provides a broadly defined classification of products, the scope of this classification should be resolved to better reflect the complexity of new

technologies and to ensure that compensation can be obtained in all cases of damage as well as caused. of defective products related to software or other digital situations. This would create unlimited possibilities for economic operators, such as software developers, to better assess whether they could be considered producers under the Product Liability Directive.

According to the report prepared by the French sub-group, considering the new technologies of the Expert Group on liability based on new technologies, national laws could be adapted to ease the burden of proof for AI injury victims. For example, the burden of proof could be related to the relevant operator's compliance with specific cyber security obligations or other security obligations established by law. When the operator does not comply with these rules, a change in the burden of proof as to culpa rests with him. Moreover, he can observe that the operation may have some desire to grow, and autonomous AIs offer a specific liability risk profile, as they could cause significant harm to important legally protected interests such as life, health, and property, and could expose the public to widespread risks. In terms of AI, it would also require homologation to justify who all the bugs in the system might belong to. The approval implies the assumption of risks by all signatories.

In the conclusions of this Report, several milestones are identified, such as: the timing of the creation of new digital technologies such as AI. Robotics as well as the Internet of Things have raised new issues regarding the safety but also the responsibility of products, such as connectivity, autonomy, data dependency, opacity, and complexity of products but also of systems, updates and software updates and the increasing complexity of management systems of security and value chains, create the same thresholds to overcome.

The current product safety legislation has several gaps that must be addressed at the Union level but also completed and applied to all the member states that benefit from it. These are the General Product Safety Directive, the Technical Equipment Directive, the All-Radio Equipment Directive and the new legislative framework.

These new security challenges also bring new liability challenges. Their approach must be done in such a way as to ensure the same level of protection as that enjoyed by victims of technologies currently in use, while maintaining a balance with the needs for technological innovation. This will instill confidence in new digital technologies and ensure stable investment.

Although current Union and national rules on liability can in principle cope with the challenges of new technologies, given the scale and combined effect of these challenges, it may be difficult to guarantee that victims will receive compensation in all cases where this is warranted. Therefore, the apportionment of costs in case of injury according to the current rules could be inaccurate or ineffective. To escape this situation and to address the possible uncertainty of the current legislative framework, some changes could be considered, through appropriate EU initiatives, to the Product Liability Directive and to national civil liability regimes and more, based on a risk-based approach, i.e., an approach that considers different AI applications to have different risks.

The Dutch professional organization of notaries public, KNB, regarding the Report presented above and the consultations started by the European Commission, that the CNUE wants to include some requirements in the new European legislation on artificial intelligence, to ensure safety. and responsibility, from this point of view.

Later, the Council of the European Union made available to the delegations the Council Conclusions on shaping Europe's digital future, a document which, through the 68 established points, recognizes the importance of technologies of this type (digital) in the transformation of the European economy. and society from a climate perspective by 2050, as set out by the European Green Deal, to highlight education as well as new digital skills, welcoming the recent digital package promoted by the European Commission.

An understanding was also expressed to successfully exploit the opportunities as well as address the challenges facing the digital sector, therefore calling on the Commission, Member States, the private sector, civil society as well as the scientific community to support and engage in these activities, actively contributing to success.

Council members determined that the exponential evolution of digital transformation will be a turning point in the EU's response to the economic crisis caused by the COVID-19 pandemic, as outlined in a joint statement by Council members.

The declaration document goes through several concepts: - Electronic data and storage; - Artificial intelligence; - Generic technologies as well as digital value chains; - Cyber security; - 5G/6G technology and the possibility of interconnection; - Environmental sustainability; - e-health; - The legislative act regarding digital services such as: - Media policy; - Electronic identification and trust services,

public administrations, standards and blockchain technology; - Skills in education; - The international dimension of these services; - Digital taxes.

The Council's conclusions, although they are considered a statement regarding the possibilities of policies in the digital field, constitute an element to be analyzed, to be considered, according to the lines drawn by the European Commission as well as the member states that contain it.¹

Thus, regarding cyber security, it is recognized that an increased connectivity along with the integration of digital services between other services, can lead to an exposure of citizens, businesses, and the public administration to cybercrimes, which are more and more various. From this point of view, the Commission's plans to ensure coherent legislation, including through the revision of the Directive on the security of network and information systems (NIS), are welcomed. The directive motivated the Commission's intention to establish a common cybersecurity unit in the EU.

Regarding the national normative acts, those published by the European Union, the National Strategy regarding the Digital Agenda for Romania 2020, the process of digitization of justice, already started by the Ministry of Justice, options should be established to guarantee the respect of the citizen, as well as the values of public interest and private.

In this context, the need to develop a coherent strategy at the level of Romanian notaries to establish a concrete calendar and the necessary resources for the implementation of new information technologies is emerging. Lose sight to protect users and prevent opportunistic and unacceptable choices that bring liability in the event of fraud or harmful malfunctions resulting from the use of these technologies, on the basic principles of notary operation. This strategy also requires a system of legalizing civil liability in the process of ensuring safety, reliability and as laity of digital products and services.

Among other things, notaries, who are characterized by ensuring the security of civil circuits, must take the necessary care not to damage the digitization process as partners of the state, appreciated for their seriousness and credibility. It is done for the safety of civil circuits. Finally, the security guaranteed by a public notary is also an asset from an economic point of view, as it reduces the legal costs borne by citizens through undisputed access to justice.

¹ Annotated French Civil Code, 2018, Paris, Dalloz; Italian Civil Code.

Digitization of justice is necessary to add value as defined in the policy strategy. As such, data management and availability issues involve system correctness.

At the UINL level, a working group on this topic was established to analyze all aspects of the impact of digitization on the activities of Latin notaries. In this regard, we have reached several conclusions about the need for isolation and compliance with hygiene rules regarding “social distancing”. The World Health Organization has advised some notaries to meet their needs remotely by using videoconferencing through open, publicly accessible platforms that do not offer the legal protections that notaries must guarantee. I encourage you to try to fill it. Platforms that do not guarantee secure communication between notaries and lawyers could create vestiges for future devaluations and affect the legal security that needs to be established. I have no hidden concerns about it.

We must learn a lesson from every experience. COVID-19 therefore encourages, in countries that do not have the necessary technical infrastructure for notaries to offer their services, all possible measures to start on this path, while respecting the principles and foundations of Latin notaries. indicates that you need to do something (Bocancea, 2020, pp. 495-498).

The most worrisome is to warn them about giving public trust by using an unsecured platform during video conferencing conducted through secure and vulnerable technical means.

The technical means that the Notary Public uses as a tool in the performance of its functions allow the Notary Public to fulfill its mandate to ensure the control of users' skills/perspectives, professional confidentiality, and the protection of users' data. It must be achievable. Therefore, these platforms must be developed, verified, and managed by the notary himself.

As an example of potential implementation based on many years of research and financial investment, notaries can be mentioned as an example: Spain (General Council of Notaries Public, a certification body, a technical platform -ANCERT- and its integrated management system created - Em. at notaries -SIGNO-); Italy (creation of a national council of notaries and a house of notaries called “Notartel”, all Italian notaries through a dedicated web platform, a unified network of notaries -RUN-); Germany (German Federal Council of Notaries created “Notarnet GmbH”, a company controlled by the Federal Council itself) and France (Higher Council of Notaries created “MICEN”, We also work with the “Planete” and “Tele@acte” platforms”).

In short, the new technology as a notarization tool must be a tool that ensures that the value of notarization is realized in documents as a system of preventive justice (certification of capacity, identification, legalization, legality, especially a contribution of argument). consent without specific errors) and must serve without distorting the essence of the notarial function.

New technology is just a tool to do our job (Collegium, 2020, pp. 687-698).

Their implementation within notaries will require the integration of the necessary technologies and subsequent legislative changes. These measures must always respect the adequacy of the principles and foundations of Latin notaries.

In France, the epidemic of COVID 19, led to the adoption of temporary measures by the French executive regarding remote work, including the completion of valid actions remotely, using the electronic signature and videoconferencing system.

The President of the National Union of Notaries Public in Romania, in the editorial published in the Bulletin of Notaries Public, showed in an interview that the transfer to online digital support of most activities in the field of justice, from legislative and judicial to negotiation and contractual, in accordance with the implementation of the Digital Program of the European Commission - Europe, must also be reflected in notarial activity. Through the electronic act valid from a distance, videoconference, in notarial practice, through the dematerialization of documents, the need to establish specific guarantees adapted to the new conditions is amplified, to ensure transparency, legality, trust. but also, security a, both. The growing need for certainty in legal relationships strengthens the role of the public notary and offers new opportunities for the development of this profession. The President thus showed his conviction that, by actively and intuitively addressing the challenges in the next-digital field, Romanian notaries will continue to be key actors in guaranteeing security in the civil circuit.

Notaries cannot therefore assimilate with network users but must become guardians of the neutrality of the digital space. The main purpose of the profession is to streamline certification/legalization/accreditation procedures and to bring economic and legal value to people who are direct and indirect users. The cost of notarial intervention is obviously low compared to the costs subsequently borne by users or state authorities to ensure public safety, looks at every aspect of the opportunities offered and the need to be consistent, and is confident that it offers the same assurances that traditional forms of documents and procedures offer today. on the paper.

The only certainty is the infiltration of the “unknown earth” by “black boxes” that generate “faceless pixels”. Notarial authentication., regarding the evolution of the regulatory framework for notarial activities and the profession.

At the European level, interest in the digitalization of the judicial system is not new. Since 2008, the European Agency has promoted several projects to digitize the judicial systems of the member states. A multi-annual strategy and action plan was developed, first for 2009-2013 and then for 2013-2018. In 2019, a new strategy and action plan for the next five years, i.e., 2019-2023, was announced to achieve its goals. continued. The aim of the e-Justice project is, among other things, to support a popular digital approach. We are committed to giving citizens and businesses options to digitally interact with authorities and adapting the law to ensure the necessary legal framework. You can also update it. the necessary equipment. to achieve the proposed goal. Making these tools easy to use by building applications, websites, tools and systems designed to be easy to use is one of the priority goals of this project.

One of the recommendations of the Action Plan is to encourage illegal behavior in the judicial system and extrajudicial proceedings, including the widest possible use of electronic signatures. It is also believed that the use of artificial intelligence and blockchain technology could have a positive impact on e-justice by increasing the efficiency and trust of this system. We have not forgotten the risks A warning was issued not only about the protection of personal data, but also about the need to respect professional ethical standards.

The Covid-19 pandemic and the restrictions that have been imposed have accelerated this process: “Coronavirus has created a crisis that transcends borders and affects every part of our lives. Europe, in this sense, justice is no exception”. It became clear that the use of new technologies in as many judicial and extrajudicial proceedings as possible could fulfill some of the remaining needs discovered during this period. Several reports have been developed to analyze the current state of digitization and how it has provided solutions to partially mitigate the effects of the pandemic. he set a new pace for his institutions, and the pace of the past few years has been much appreciated.

An analysis of these reports shows that the level of use of artificial intelligence, blockchain technology and digital tools in general in the judicial system, and of course in notary practices, has seen different growth rates of up to 1x over the decade. to another state of the European Union. Limiting the example to the notary public sector, for example in Malta, we show that the goal is to scan old documents

(including the notary public) through the Notarypedia program and include them in a digital library.; In France, digital currencies are already accepted for real estate transactions by notaries, and in Italy, through the Notaio Smart project, artificial intelligence is used in administrative procedures for notarial activities. The most advanced in this field seems to be an Estonian project that aims to provide notary services for e-residents through blockchain technology¹.

Returning to France in particular, as we obtained in more detail in the colloquium above, the computerization of notarial activity began in the first years after 2000, between notaries and various partners such as ministries. It should be noted that an information exchange platform was built. Ministry of Economy and Finance, Ministry of Justice, Commercial Bank. Planet Platform it allows, among other things, the purchase of part of the title to the land and the electronic registration of legalized documents based on a protocol called Tele@ctes.

In 2008, the French notary system took a step further by introducing electronic notary, the first act being signed on October 28, 2008, the signature being placed on an electronic device. Electronic signatures and electronic seals of notaries are currently applied and governed according to the European E-iDAS regulations. According to publicly available reports, at the end of 2019, after 11 years of using the new form of notarial deed, more than 80% of offices were using valid electronic documents. In total, at the end of 2019, more than 9.3 million authenticated electronic documents were registered.

Another step towards digitization was to enable remote certification of documents. Each party is in the presence of a notary public, and each notary public is responsible for obtaining the consent of the party they are assisting. The “meeting” of the parties supported by the notary takes place by means of a video conferencing system and takes place in a space that requires a high degree of security to ensure confidentiality.

Based on this experience, we sought to move into a new era in the early days of the pandemic, during a short period of time when French notaries were completely closed. Normative acts were adopted, valid for the respective periods, which allow the authentication of documents without the physical presence of the beneficiary in front of the public notary. The decree amends the notary law and requires the approval by the Superior Council of “a system of transmission of communications and information to ensure the identity of the parties”, as well as the consent of the

¹ About solemn contracts in ancient Roman law, see (Bob, 2015, pp. 67-69).

beneficiaries before the public notary. allows to obtain it. Legalization, integrity, confidentiality of content”. However, the prescriptive act was limited in scope until the end of the one-month period following the end of the health crisis (Stancu, 2018, pp. 6-9).

As it emerged from the presentation of a French colleague, in practice French notaries kept instrumental documents in this way, especially regarding confidential documents such as wills and deeds of endowment., is now ineffective.

Instead, after this period, a new regulatory law was adopted that allows remote consent to be obtained only in the case of powers of attorney. caused by the need to cope with the loss of authenticating authority a. Under these circumstances, French citizens in the territories of other states found it difficult to resolve French territorial issues through their representatives and needed some form of assistance. The statutory act re-empowered the High Council with the difficult task of developing the necessary rules for such options to be used in the safest possible way.

To fulfill the obligations provided by the new Normative Law, the Superior Council of Notaries of France has assumed a conditional commitment to respect confidentiality and personal protection and to ensure the maximum security of communications between notaries and clients. Below, we have adopted internal rules to ensure the application of legal norms. data. As a result, you can now remotely sign proxies in electronic form with a valid electronic signature through a secure platform.

As it emerged from discussions with fellow French notaries, in practice, notaries are required to verify that the person in front of them is in fact the person who can give powers of attorney. We also take other protective measures that go beyond prescribed security limits.

The first legislative attempt to allow consent by modern means (video conferencing) does not seem to have been successful but accepting this method in the case of powers of attorney is not exactly the first step. You may think that Aiming for a new professional form. The answer may be positive, but we must not forget the great risks of ill-prepared change.

Jus system, meaning “the document”, officially raised by 22 of the 27 member states of the European Union today, which contains documents that fall under the idea of valid documents as defined in the European Union Regulations. created or registered. (I) by reference to the signatures and content of the valid act; and (II) as

a document valid in the Member State established by a public authority or other body authorized for this purpose by the Member State of origin”.

The probative force of the genuine action is given in all cases by the direct perception of the instrumental agent of the genuine action. According to art. 1371 In the French Civil Code, a valid act certifies that a public official has made or decided personally until a false record is made. Similarly, fit t art. According to Article 2700 of the Italian Civil Code, a deed of authenticity is certified by the origin of the deed, its date, the declarations of the parties (fact given, inaccurate) and other evidence until the false registration. Facts that civil servants perceive through their own senses. - https://www.uinl.org/en_GB/-/2021-world-notariat-university-meet-the-team-#p_73_INSTANCE_g4QgRSEIbf0Q.

The provisions of art guarantee the same procedure in our civil law system. 270 C. proc. civ. “Authentic minutes, under the law, provide any person with complete evidence, so far as false statements are made, of the findings of investigations conducted privately by the person who authenticated the minutes.” As it appears from the legal norms, the evidentiary weight of these documents’ rests on the innate sense of the person who authenticated the act.

The fact that the probative value of the authentic instrument is similar in all 22 European states reveals that it has been emphasized in the legal literature, therefore there is a guarantee of correctness. In this becomes the existence and identity of the parts, the fact that they have been constituted, all that it finds in its senses to give an unfettered declaration. The date they signed a valid document or created a contract. A document that should correspond to reality.”

How can these findings be made in the context of digitization and with inherent sensitivity? If the document is valid, does it have value as a valid document? How does a notary get assurance years later that the person behind the screen is the contact and not an android? Or does it mean that this connection exists and is almost never established?

As previously indicated, Estonia is by far the European state that has taken the most steps towards the digitization of notarial activities. Even in his case, the rules of notaries public establish a limited number of documents that can be produced remotely due to the importance of the documents for which physical presence is required (for example, dissolution of marriage is not possible this way).

The concern that digitization could deepen the polarization of society is justified. Our Earth made this widely revealed during the pandemic of digitization of the

education system. This is because, as we have seen, the problem is not just access to technology which can ultimately be provided by government and European efforts. But how is access to information secured, access to the information required by the technology used?

It would be a mistake to think of digitization as the seventh wonder of the world without a well-prepared path to digitization. Also, the training is not only about us, but especially about the beneficiaries of our services. This will be a long and complicated process, as in this area an unacceptable acceleration of the digitization process can be very harmful and have long-term consequences for the entire civil law system.

At the same time, we must not forget for a moment that we cannot keep up with the times and that digitization is the goal to be pursued. how do you do that We must learn from the experiences of other countries, create medium- and long-term projects, draw as much as possible the path we want to take and imagine our destination as accurately as possible (Stoica, 2020, pp. 235-239; Bocancea, 2020, pp. 495-498).

The procedure provided by the legislator in Law no. 589/2004, at its simplest, specifies the address and qualifications of the person requesting the completion of the procedure, such as in the case of the legalization of the child or the granting of a certain date, some are not even required to be established. These are assumptions that legislators want to support civic and professional spaces, giving citizens a chance to stop. I will address a few minor issues.

However, the law is still not applied in Romania for a wide range of reasons. Security requirements are one of the most complex, despite the risk-free notarization process. Any other operation that requires verification of the applicant's identity. In fact, it can cause problems and means that getting permission is not attractive.

The steps towards the digitization of public administration have been proposed in our country since 2015, when HG no. 245/2015 for the approval of the National Strategy regarding the Digital Agenda for Romania 2020.

Personally, in notarial activity, the services available through the e-government platform are most often used to obtain tax certification certificates. The local administrative organizations that are registered as well as the operations that we can carry out are not very many, there being no uniformity in this sense, but in such situations, we can communicate with the other organizations by email. So, I would

say that a step forward has been made at local authority level, just that it is an initial step in the field and not a definitive step.

Digitization creates opportunities, but it also contains risks, and it is necessary to think carefully and to take every step towards the IT development of the notarial activity, so as not to affect in any way the level of trust, seriousness, and professionalism of the public. It is the notary's duty to present it in the day-to-day activity.

From an international point of view, at the level of the International Union of Notaries, a working group was set up about digitization, which analyzes from all points of view the effect that the implementation of such procedures has on the 89 member notaries worldwide, and representatives of the Romanian notary bring into discussion the perspective of the national experience. The most recent meeting on the digitization of the profession was the Forum on the electronic authentic document, held in Paris on February 5, 2020. The initiative belonged to the French notary, which at the time was preparing to switch from the electronic document, at a distance, where each party must come with its own notary, to a system where electronic notarial documents can be signed, via videoconference, directly between the notary and the client.

Personally, I believe that the need for digitization at the level of the notary public profession must continue through:

- modernizing the relationship with the authorities involved in the notarial deed validation procedure, an essential aspect in the response time that the notary public can have in the relationship with the beneficiaries of the documents.
- providing platforms that allow the public notary to fulfill his obligations before and after the execution of the act, such as performing publicity procedures; we can consider the possibility of obtaining pieces of a land deed or performing other operations even after 2 p.m. and even on weekends.
- development of methods for remote authentication of documents. Now, we have nothing set up for this activity, which primarily means changing the legislative framework.

I believe that the certainty of obtaining a valid license is essential for the safety of the civil circuit because it must not be spilled in any way, from mistake, fraud, violence to the existence of the state under the influence of certain substances.

Even if the notary public must meet the person and observe him by his own senses in front of him, because if a platform does not guarantee a secure communication between the notary public and the applicant it can produce depreciated precursors

for the future, this is not true, it means that it cannot be confused about a person. Not always, the public notary, who contacts directly with the person, has the competence of what is called the plastic talent of language. In those moments, the notary public realizes if the person is under any kind of coercion or not, if he understood the consequences of the act and if he has something to hide from the notary public.

However, we can see that various declarations could be completed remotely and, in principle, unilateral actions. However, we would not see it as relevant in the case of probate, as done by possession could make its presence felt more than we might anticipate. Moreover, nothing in the Law. 589/2004, a procedure could be introduced to allow the conversion of documents, so that any document drawn up on paper can circulate in electoral format and vice versa; we can also talk about the possibility of publishing a conclusion regarding the verifications in matters of succession from the administrative procedure, the documents verified by public notaries in order to establish a commercial company, as well as the conclusions that correct the material errors.

Conclusions

We will see large documents, related to the exercise of disposal rights, terminated at most by the presence of each party at a distance but present at a notary public and communicated directly through the channel of the corresponding notary public.

The current health crisis shows us that digitization is possible in the most diverse fields, which is missing in most situations, being, in fact, a strong enough motivation. It was the crisis that brought the motivation, but after the crisis, what will make the motivation even stronger will be consumer demand. Once the generation that grew up with technology in their arms reaches “production”, there will be no other digitalization option at all in any field, including notarial.

Digitization in the notarial field must be carried out in a planned manner, carefully weighing all the risks, so that the electronic notarial activity maintains or even increases the level of trust and security that notaries currently enjoy and, at the same time, gives fully fruitful the benefits that digitization brings. From this point of view, the concern of notaries may not be affected, from the point of view of trust and security, notarial activities may, in a wrong way, be interpreted as opposition i.e., or their fear of the digitization trend.

The current technology, as well as the European legal and technical framework, which is mainly based on the eIDAS Regulation 910/2014, provides the necessary tools to continue the digitization process in the notarial field at a faster pace, in safe conditions. It is a far-reaching undertaking, which must start with rebuilding the national legal framework, along with updating the training framework for notaries, to enable them to develop their general digital skills as well as their specific ones. field Close collaboration, even at the level of providing services together, between notaries and trusted service providers is a success factor, notaries being the anchor of trust in the physical environment, benefiting from the benefits of the digital environment, being also trusted service providers. reliable anchors in the digital environment.

Starting from these premises, we believe that it is possible that we will soon have the first notarized documents in electronic form in Romania.

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