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Issue **Article**

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STATE OVERSIGHT OF NOTARIES' ACTIVITIES IN GEORGIA: PROBLEM OR NECESSITY?

Abstract: *This Article examines the system of state administration of notarial activity in Georgia and its impact on professional independence in the context of post-Soviet legal transformation. By legal nature, the notary is a hybrid figure, performing simultaneously the functions of a member of a free profession and an institutional element safeguarding the public interest. The purpose of the present study is to identify functional imbalances in the prevailing model of governance of notarial activity and explore ways to optimize such model so that state supervision is positioned as a mechanism supporting, rather than restricting, professional autonomy.*

Methodologically, the study is based on a synthesis of theoretical and qualitative analysis, including a review of national legislative acts, institutional reports, and international scholarly literature. An original analysis of operational and financial data from Tbilisi notarial bureaus is presented, revealing intensive fiscal pressure: as identified, in high-value transactions, fixed office costs exceed GEL 6,000 on average, resulting in the notary's financial vulnerability, under conditions of low-budget transactions. As confirmed by statistical processing of data, in 2010–2020, instances of personal liability increased by 15%. In the subsequent period (2021–2024), as a result of strengthened digital monitoring, an additional 5–7% increase in the detection of deficiencies indicates a technological transformation of state oversight.

The study's findings demonstrate that, although state supervision constitutes a necessary guarantee of legal security, the existing balance in Georgia requires revision. The author substantiates that the current regulatory framework frequently creates a "micro-management" environment in which the notary is perceived as a quasi-public official, thereby constraining operational efficiency. The Article sets forth recommendations in three directions: modernization of the fiscal model to ensure the notary's financial autonomy; transformation of the form of regulation from an imperative to a collaborative model; and implementation of technological innovations (KPIs) for the objective assessment of service quality.

Key words: *notariat; professional autonomy; public administration; fiscal regulation; digital monitoring; legal security; micro-management; private practice.*

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Introduction

The governance of notaries' activities in Georgia is developing within a dynamic interrelationship between professional independence and state oversight, reflecting the challenges inherent in the transformation of post-Soviet legal systems. By its nature, the notary constitutes a hybrid figure: simultaneously a member of a free profession and an institutional component of the state serving the protection of public interests (Law of Georgia on Notaries, 2025). In the era of contemporary digital transformation and electronic registries, the notary's role in ensuring the reliability of legal instruments and safeguarding legal security becomes even more critical (Notary Public Registry of Georgia, n.d.).

Theoretical Framework and Problem Statement. Professional autonomy denotes the notary's independence from political or administrative influence and serves as a guarantee of adherence to the rule of law and ethical standards. Recent reports of the Legal Services Board (2023) emphasize that independent decision-making is not merely a normative aspiration but a practical framework that translates professional ethics into concrete action. However, in transitioning economies and legal systems, state supervision frequently extends beyond the bounds of ordinary regulation. International experience (Acemoglu & Robinson, 2012; OECD, 2019) indicates that the state should be positioned not as a strict controller but as a partner ensuring institutional stability. Nevertheless, in Georgian practice, the notary's "dual role" often generates imbalances in fiscal, disciplinary, and operational mechanisms, which may become a source of constrained efficiency (Shaw, 2021).

Research Purpose and Principal Question. This Article addresses a scholarly gap regarding functional imbalances within the Georgian notariat. The objective of the study is to conduct a comprehensive analysis of the governance model of the notarial system and to develop recommendations for harmonizing professional autonomy with public interests. The work answers a fundamental question: to what extent are state oversight and professional independence balanced in Georgia, and does the existing supervisory framework constitute a barrier to ensuring legal security?

2. The Notary's Professional Status and Governance Dynamics in Georgia

The notary's status in Georgia is dualistic: it inherently combines professional autonomy and state responsibility. The 1996 reform transitioned the notariat from the Soviet model to private practice, thereby establishing a legal basis for notaries' independent activity. Such autonomy encompasses independent management of notarial bureaus, personnel decision-making, and investment in technological infrastructure.

The Georgian model is grounded in the principles of the Latin notariat, under which a free profession performs elements of public service and ensures legal certainty (Bahtiri & Asllani, 2024). The balance between professional autonomy and the public interest is achieved through the combined operation of legislation, norms of professional ethics, and data protection principles (Shengelia, 2024).

Although a notary is not a public official, the intensity of state oversight effectively equates the notary's role with the performance of public-law functions. As a self-financing economic actor, the notary faces a tension between economic efficiency and professional independence (Viškelienė, 2025). Notwithstanding the 1996 liberalization, stringent regulation by the Ministry of Justice and the Chamber in practice produces a persistent imbalance between imperative governance mechanisms and professional autonomy.

The 2009 legislation and digital transformation increased the efficiency and accessibility of services. A key outcome of this reform—the introduction of an electronic registry—was reflected in a 30% increase in transaction efficiency. While complying with professional ethics standards, notaries continue to ensure the reliability of documents and the prevention of fraud.

The imbalance arising from this dualism is particularly apparent in the risks associated with the performance of the notary's public functions. An analysis of official statistical data shows that, whereas cases of notaries' personal liability increased by 15% in 2010–2020 (Ministry of Justice of Georgia, 2021), in the period 2021–2024 this trend underwent a qualitative shift. According to the most recent reports of the Ministry of Justice (2024), the emphasis moved from punitive measures to digital, real-time monitoring. As a result of remote supervision conducted through electronic systems, the share of identified operational deficiencies increased by an additional 5–7%. This indicates not only a tightening of state control mechanisms, but their full technological integration into the notary's day-to-day operations. Consequently, notaries must continuously balance professional autonomy against digital regulatory frameworks, which constitutes a central challenge for Georgia's notarial system.

In practice, our study confirms the imbalance between a high degree of independence and regulation through analysis of publicly available data from Tbilisi notarial bureaus. It was found that notaries' daily activity is divided—by transaction value—into three principal categories, reflecting the real-world impact of professional autonomy and state intervention:

The data presented in Table 1 are based on the authors' analysis of publicly available information from notary offices operating in Tbilisi and reflect average operational patterns rather than official statistical reporting.

Table 1: Analysis of Operational and Financial Patterns in Tbilisi Notary Offices

Category	Value (GEL)	Type of Operations	Daily Operations (with 2 assistants)	Financial Regulations
I	≤100	Small operations (e.g., will verification, signature authentication, document copy certification)	25–30	Registration fee: 5 GEL (~$1.5) per operation, Membership fee: 2% of total income
II	100–500	Medium-value operations (e.g., mortgage contracts, small legal transactions)	4–6	Same financial regime as above; plus income, VAT, annual profit taxes paid to state
III	>500	High-value operations (e.g., major transactions, high-value public deeds)	1–2 (completed within 1–2 days)	Same as above; plus office expenses: rent (~2,000 GEL), utilities (~500 GEL), staff salaries (~3,000 GEL), office services (~500 GEL)

Note: The data presented in Table 1 are based on the authors' analysis of publicly available information from notary offices operating in Tbilisi and reflect average operational patterns rather than official statistical reporting.

The integrated analysis of the data presented in the table demonstrates the structural fiscal pressure under which Georgian notaries are required to operate. It is evident that the fixed costs necessary for the bureau's functioning (rent, staff salaries, and utility payments)—which on average exceed GEL 6,000—are disproportionately high relative to the share of low-budget operations. In order for a notary to cover operating expenses and state-imposed payments (including a 2% membership contribution and fixed fees), the notary must work at a high intensity—approximately 25–30 small transactions per day—which materially increases the risk of technical errors.

This dynamic confirms that, notwithstanding formal independence, the notary operates under stringent fiscal and regulatory pressure. In this context, state supervision appears as a structural factor that effectively converts the notary into a "quasi-public official," rather than an independent professional. The high volume of low-budget operations and the fiscal burden create an economically vulnerable environment in which autonomy is constrained by the need to balance financial survival against intrusive oversight.

Judicial practice further exacerbates this situation. For example, in its decision dated June 28, 2024, the Tbilisi City Court interpreted the notary's activity through the prism of public service. This approach intensifies the debate regarding the boundary between professional autonomy and state delegation. Bureaucratic density impedes the operational responsiveness of services and raises a fundamental question: is it possible to preserve genuine independence in a system where regulation fully delineates the permissible scope of activity?

3. Ensuring Financial Autonomy and Balanced Regulation

Based on the study of Tbilisi notarial bureaus, three priority directions have been identified to balance professional autonomy and the public interest:

1. Strengthening Financial Autonomy. Layered fiscal obligations (membership contributions, fees, and taxes), together with high operating costs, create a structural barrier. To mitigate this pressure, it is necessary to implement the following measures:

- Fiscal modernization: proportional differentiation of payments to support low-budget transactions;
- Administrative simplification: introduction of digital forms to reduce bureaucratic costs;
- Sustainability analysis: implementation of periodic audits to determine a realistic correlation between revenue and expenditures.

2. Transformation of the Regulatory Approach. Equating the notary with a public official creates a repressive disciplinary environment. To safeguard independence, the following measures are advisable:

- Optimal regulation: limiting state oversight solely to the protection of ethical standards and the public interest;
- Standardized guidelines: establishing uniform standards for statutory interpretation to prevent administrative arbitrariness;
- Replacing micro-management: unifying operational rules rather than intervening in day-to-day activities.

3. Technological Safeguards. Digitization should serve efficiency, not the expansion of control. The following measures are recommended:

- Process automation: reducing the human factor in decision-making, thereby diminishing the need for intensive oversight;

- Implementation of a KPI system: replacing inspections with objective indicators of service quality and user satisfaction;
- FinTech integration: implementing automated payment systems to reduce the burden of financial administration.

Conclusion

The study demonstrates that, in Georgia, the notary's status lies at a complex intersection of private practice and state interests. The principal findings are as follows:

Necessity of Oversight: The notary's public function precludes absolute freedom. State supervision constitutes a fundamental safeguard of legal security.

Regulatory Concerns: The challenge is not oversight per se, but its scope. Fiscal pressure and the perception of the notary as a "public official" create an environment of micro-management that constrains professional autonomy.

Optimization: Fiscal modernization and the implementation of digital KPI systems enable a transition from punitive oversight to a partnership-based model.

In conclusion, state governance of the notariat is a constructive necessity; however, due to bureaucratic density, it is often perceived as a barrier. To enhance the system's effectiveness, it is essential to strike an appropriate balance between public responsibility and professional freedom.

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