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**Попкова Мария Вячеславовна,**  
обучающаяся 4 курса Калужского института  
(ФИЛИАЛА) ВГУЮ (РПА Минюста России) г. Калуга  
Popkova Maria Vyacheslavovna,  
4th years student of the Kaluga Institute branch of the  
VGUU (RPA of the Ministry of Justice of RUSSIA) Kaluga

**Попкова Екатерина Анатольевна,** доцент кафедры  
Гуманитарных и специальных дисциплин Калужского Института  
(филиала) ВГУЮ (РПА Минюста России) г. Калуга  
Popkova Ekaterina Anatolievna, Associate Professor of the Department  
of Humanities and Special Disciplines Kaluga Institute (branch)  
All Russia State University of Justice, Russia, Kaluga

### **НОТАРИАТ НА СЛУЖБЕ ЗАЩИТЫ ОТЕЧЕСТВА NOTARY PUBLIC IN THE SERVICE OF PROTECTION OF THE FATHERLAND**

**Аннотация:** В данной статье рассматривается роль нотариата как органа государственной защиты, его правовая природа и место в системе органов оказания юридической помощи в современной России. В статье представлена деятельность нотариуса по оказанию юридической помощи военнослужащим. Представлены проблемы оказания правовой помощи нотариата и пути их решения, которые были рассмотрены в рамках Круглого стола «Нотариат на службе отечества» в 2025 г. В заключении статьи делаются соответствующие выводы на основании проведенного анализа.

**Abstract:** This article examines the role of the notary as a body of state protection, its legal nature and its place in the system of public authorities in modern Russia. The article presents the notary's activities in providing legal assistance to military personnel. The article presents the problems of providing legal assistance to the notary and ways to solve them, which were considered during the Round Table "Notary in the service of the Fatherland in 2025 The article concludes with relevant conclusions based on the analysis.

**Ключевые слова:** нотариат, государственные интересы, участники СВО, юридическая помощь, нотариальные услуги, семьи военнослужащих, военные компании, полномочия нотариата, региональный тариф, нотариальное свидетельство.

**Keywords:** notary, state interests, participants of the SVO, legal assistance, notary services, military families, military companies, notary authority, regional tariff, notary certificate.

The notariat has always occupied an undefined place in the system of legal aid bodies. It fulfils an intermediary function in the provision of legal assistance between citizens and authorities. The ambiguity of its legal nature consists in the fact that the notariat can be both private and public according to Articles 7 and 8 of the Law of the Russian Federation 'Fundamentals of Legislation of the Russian Federation on Notariate', approved by the Supreme Court of the Russian Federation from 11.02.1993 № 4462-1 [1]. The existence of the notariat in these forms does not allow to clearly define its legal status. It is known from the history of Russia that the institute of notariat emerged as a form of public activity of independent notaries. History shows that the development of the institute of notariat was constantly in search of a balance between private and public, the interests of the economy and legal security, openness and closedness of the notarial community [2, p. 23]. Some researchers, for example, V. V. Ralko noted that the notariat is a public-state institution that has a developed system of self-government represented by a set of notarial chambers, as well as a developed system of notarial actions that allow citizens and organisations to effectively protect their legal rights and interests, as well as to resolve out-of-court legal conflicts [3, p. 110].



Today, public and private notaries have equal competence and perform all notarial acts without any restrictions, although there are differences between them in appointment, termination of activity, and the order of financing. The last-mentioned difference is very important, because the financial component of private notaries is much higher than that of public notaries, in connection with which there are now discussions about the exclusion of public notaries from the legislation, as they do not exist any more. The Ministry of Justice of Russia in 2024 has developed a new draft federal law 'On Notariate and Notarial Activity in the Russian Federation', the purpose of which is to increase the availability and quality of notarial services, as well as to strengthen state control over the activities of notaries. The final decision on this issue has not yet been made [4]. However, it can be argued that the private notariat as a whole does not differ in functions from the state one. The private institute of notariat is a social institution that carries out activities in the interests and on behalf of the state in observance of the rights of citizens.

A key aspect in the modern world is the provision of free legal aid in the context of a special military operation. In fact, the notariat began its activities in this area even before the start of the special military operation. Since 2014 the offensive in Donbass began, since this period Russia has been receiving a flow of refugees [5]. With the beginning of the special military operation the list of free services provided by notaries was expanded. According to the decision of the Federal Chamber of Notaries of the Russian Federation, mobilised citizens could receive the most necessary notary services with preferential payment and without waiting in line. Notary offices were set up in the regions, and notaries visited mobilised persons' collection points, military units, training centres, etc. In 2025, new benefits were added to the list of notary services. Thus, participants of special military operations now have the opportunity not to pay for the regional tariff, they pay only the federal tariff [6].

On 5 February 2025 on the platform of the Public Chamber of the Russian Federation the Round Table 'Notariat in the service of the Fatherland' was held [7]. This event discussed the issues that have arisen in notarial practice in providing assistance to participants of a special military operation, members of their families and military servicemen, and identified problems and some proposals for their solution. The Commissioner for Human Rights of the Russian Federation Tatyana Mos-kalkova proposed to introduce into the law regulating the activity of the notariat a verbal form for captured servicemen, which would be carried out by notaries through video-conferencing, to borrow this practice from foreign countries. The representative of the Defender of the Fatherland Foundation Khabarov Yuri Anatolievich noted that there is a problem of confirming the status of 'veteran of military operations' for servicemen, as there is no special document for this purpose. For this purpose, the Federal Notarial Chamber together with the Defender of the Fatherland Foundation and the Ministry of Defence of Russia, as Yuri Anatolievich stated, have developed a form of certificate for eyewitnesses – witnesses of a person's participation in military actions. On the basis of such a certificate, the Russian Ministry of Defence decides to issue a certificate to veterans of military operations, which is used to make payments and provide social support measures. Employees of private military companies are also exempted from paying the regional tariff on the same basis as participants of the SVO. These categories of persons can be consulted by the Russian Ministry of Defence on the basis of the military and social centre. The event also highlighted the problem of support from the Federal Chamber of Notaries and the Defender of the Fatherland Foundation for families with the status of missing persons or those who have been taken prisoner, as this is not enshrined in legislation and is a gap in legal regulation. The participants in the round table emphasised the need to pay great attention to the psychological state of servicemen returning from a special military operation and to provide them with all possible support. In order to quickly and affordably obtain legal assistance from the notary public and to improve the effectiveness of such assistance, there are digital and online resources such as 'chat-bot', 'KSVO.PRAVO', etc., where every citizen can request information of interest at any time.

In conclusion, it can be said that the uncertainty of the legal status of such a public authority body as the notariat makes it exceptional. Notaries, without directly touching legal cases with which citizens come to them, supervise the legality of actions both on the part of citizens and on the part of



public authorities and establishes the reliability of the document. As Tatyana Moskalkova noted: 'Despite the fact that a notary is engaged in private practice, he bears a high civil responsibility to the state and acts on behalf of the state, accepts all responsibility to the country and society and the tasks that the state is currently facing.

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