

Legal Modernization of the Notarial System in the Kyrgyz Republic: Problems of Legislative Regulation and Directions for Reform

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ABSTRACT:

The modernization of the notarial system is one of the priorities of the legal and digital policy in the Kyrgyz Republic. The adoption of the Law of the Kyrgyz Republic No. 54 "On Notariat" dated 9 March 2023 and the Resolution of the Cabinet of Ministers of the Kyrgyz Republic No. 733 dated 29 December 2023, the development of the Unified Information System of Notariat and the introduction of electronic and remote notarial procedures have had a significant impact on the institutional and technological environment of the notarial practice. However, despite the fact that the new legal acts consolidate the regulatory basis for introducing electronic documents, digital verification and interagency information exchange, they raise many questions at the same time: interaction between paper and electronic instruments, restriction of territorial jurisdiction, remote personal identification, protection of notarial secrecy, cybersecurity, professional autonomy, interoperability of public registers and equal access to notarial services. The adoption of the Digital Code of the Kyrgyz Republic in 2025 adds another level of regulation that needs further unification of notarial legislation. This article applies doctrinal, systemic, functional and limited comparative methods of legal analysis to study the current state of notarial modernization and identify the prospects for its development. Descriptive administrative indicators from the E-Notariat and the national digital-government ecosystem are used to contextualize the legal analysis, while Estonia is used

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as a focused benchmark for mature remote authentication, digital identity and register interoperability. It is concluded that the further modernization of notarization in the Kyrgyz Republic requires moving from the digitization of the existing forms and procedures to the development of an integrated concept of digital notariat, in which the electronic record-keeping and information exchange systems would be designed to ensure the legality of electronic instruments, their interoperability in various platforms, the application of a risk-based approach to remote notarial acts, information security and protection of professional expertise and citizen access to notarial services. The suggested model of notarial modernization seeks to balance the functional role of notarial activities in the prevention and recording of legal relations with the needs of digital legal protection in the modern environment.

Keyword: Notariat, Kyrgyz Republic, Notarial Law, Legal Modernization, Electronic Notariat, Remote Notarization, Digital Identification, Personal Data, Legal Reform, Electronic Documents, Legal Certainty

Introduction

The notariat occupies a unique position in a modern legal system in that it performs a preventive rather than contentious function. Courts act after a dispute has arisen whereas a notary aims at avoiding disputes by verifying identity, legal capacity, authority, consent, the conformity of a transaction with mandatory legal rules and the authenticity of documents before legal consequences become irreversible. The preventive role of the notary is especially important in property transactions, in inheritance and family agreements, in representation and authorization of officials, as well as in the creation of powers of attorney and other documents in which an incorrect formulation or incorrect identification of a participant can have adverse effects on his or her business, personal or state affairs in the long run. For this reason, a modernization of notarial law cannot be seen as just an administrative reform. It has a direct impact on legal certainty, confidence in transactions, protection of ownership, evidentiary reliability and access to justice.

The theoretical basis for the preventive function might be strengthened by distinguishing

between the civil-law notary as a witness and the civil-law notary as an intermediary. The first aspect of notarial activity is connected to ex ante prevention of disputes through legal qualification, verification of identities and competence, checking legality, and certifying legal acts and transactions. According to Bormann and Bender, this is “a preventive administration of justice” and “reduction of subsequent costs in court by a notary’s intervention.” Notarial acts serve to create reliable instruments at an early stage of transactions and prevent disputes with regard to their validity and authenticity [15]. This assumption is especially relevant for digitization, since it is of paramount importance to sustain the preventive function of notarization.

Digital modernization can also be assessed in the context of broader digital-government theory. The OECD Digital Government Policy Framework identifies six key dimensions of mature digital government: digital by design, a data-driven public sector, government as a platform, open by default, user-driven services and proactiveness [16]. Applied to notarization, these dimensions highlight that legal modernization is not achieved merely by

moving from paper to electronic documents. It also entails the need for interoperable public registers, legally reliable digital identity, the re-use of authoritative data, user-centred procedures, clear institutional responsibility and safeguards which apply throughout the life-cycle of an electronic instrument. The principles of functional equivalence and technological neutrality in UNCITRAL instruments similarly inform rules that focus on the legal function and reliability of electronic methods rather than on any particular technology [12], [20].

The legal environment within which notaries act has changed substantially in the last decade: citizens interact more and more with public authorities through digital means, state registers are inter-operable through electronic systems, electronic signatures have gained legal relevance, and public services are expected to be available without the need for re-submission of information that is in any case in the possession of the state. Such innovations challenge the relevance of a traditional notarization model that is based on personal appearances, paper originals, manually kept registers, physical archives and territorial presence at a specific office: a modern notarial system should attempt to reconcile the guarantees of personal professional verification with the opportunities offered by technological advances.

In the context of the Kyrgyz Republic, at the moment, the stage of reform is related to the adoption of the Kyrgyz Republic Law No. 54 "On Notariat" of 9 March 2023, which repealed the previous law and established the new regulatory framework [1]. The Law regulates notarial activities of state and private notaries, their professional requirements, notarial secrecy, rights and obligations, activities of the Notarial Chamber, Unified Information System of Notariat and the performance of notarial acts. By the Decree of the Cabinet of Ministers of the Kyrgyz Republic No. 733 of 29 December 2023, instructions on notarial practice have been approved, and separate procedures have been established for electronic and remote notarial acts [2]. Thus, the texts

explicitly show that digitalization is no longer an administrative novelty but has become an integral part of the legal framework of the Kyrgyz notariat.

The reform process has been continued after 2023. Amendments and implementing measures further regulate the organization of private notarial activity, requirements for offices and procedures while the official notarial instructions were further updated in the current edition dated 19 February 2026 [3]. Meanwhile, the Digital Code of the Kyrgyz Republic No. 178 of 31 July 2025 introduced a more comprehensive legal framework regulating digital records, digital services, data processing and digital interaction [4]. As a result, the notarial regulation now needs to be interpreted in a broader context of digital legal relations rather than an island of professional regulations.

The issue raised by this article is the challenge created by the existence of digital instruments in completing the process of legal modernization. The use of electronic registers, video communication or electronic signatures does not necessarily mean the disappearance of paper-based duplication, of territorial restrictions or of ambiguous rules on the hierarchy of evidence. Similarly, the elaboration of procedures for remote acts could be implemented without introducing sufficient safeguards with regard to the verification of identities, to free will, to capacity, to confidentiality and to the security of data. Modernization therefore presupposes not only the introduction of technological innovations but also a fundamental revision of the principles of law, of institutional responsibilities and of procedural safeguards.

The purpose of this article is to analyze the main problems of legislative regulation of the modernization of the notarial system of the Kyrgyz Republic and to identify directions for its development. The article sets the following tasks: exploring whether the current regulatory framework fully meets the requirements for electronic and remote notarial procedures; establishing details of interaction between the

Unified Information System and other state registries; definition of rules for the functioning of notarial secrecy in the digital age; determination of approaches to balancing the independence of notarial activities and state control; and the identification of the importance of ensuring equal rights of access to notarial services in digital and analog formats. The main idea of this article is that the modernization of the notariat is moving away from the “digital first” strategy in favor of a more pragmatic, human-oriented approach.

2. Evolution and Current Legal Framework of the Kyrgyz Notariat

The modern legal framework of the Kyrgyz notariat has been shaped by the reform both in the institutional and technological sense. The 2023 Law “On Notariat” has reformed the basic structure of notarial activity and defined the notarial act as a significant legal action aimed at certifying rights and facts, authenticating documents and legal expressions, and establishing additional reliability of civil transactions [1]. This Law conceives of the notary as an actor of preventive justice: the notary does not only witness the signing of the document but also verifies the legality of the prerequisites for the act and refuses to perform the act if it contradicts the law.

The Law establishes a mixed system of state and private notaries and allows for the existence of designated officials who have limited notarial powers provided by law as a solution to the issue of spatial accessibility. Indeed, due to the specificities of the distribution of lawyers in big cities, it becomes difficult for people living in remote areas to get relevant services. However, the mixed nature of the system may raise questions regarding the uniformity of notarial activity, the level of technical equipment, the quality of services, and supervision. In this regard, the Law should explicitly require that the force of a notarial act may not depend on the place of its performance; thus, equality in the conditions of providing services will be ensured regardless of where exactly the notarial act was performed: in a big city, in the countryside, in a

private or state notarial office.

A significant institutional component of the new system is the Notarial Chamber of the Kyrgyz Republic. The emergence of a professional self-governing institution is important because the notary as an institution simultaneously embodies elements of both authority on the part of the state and professional freedom of action. On the one hand, notaries act as authorized officials who have been granted specific competencies by the state and who perform actions of formalized legal force, such as the creation of documents with enhanced evidentiary effect. On the other hand, however, notaries are also required to provide independent legal assessments, thereby fulfilling a function that is not available to ordinary employees of government agencies. The introduction of professional self-government can contribute to the development of ethics, advanced training, methodological guidance and mutual control among notaries, provided that the competence of the Notarial Chamber is properly coordinated with the regulatory and supervisory functions of the Ministry of Justice.

The Cabinet of Ministers resolution No. 733 of December 29, 2023, is especially relevant to the daily practice as it approved the main instruction on notarial acts, as well as separate procedures for electronic and remote performance [2]. The existence of separate procedures for the electronic form of the act and remote performance suggests that there is an explicit difference between two different procedures. The electronic form of a document can be applied even if the parties are present, while remote performance introduces the question of what the notary should do to verify a party not present in the office. These distinctions should be explicitly raised in the regulatory framework.

The framework for implementation evolves over time: there was an edition of the official instruction on the performance of notarial acts dated 19 February 2026, a procedure for its performance at a distance being available in an updated edition as of the same date [3], [5].

There is always a risk that the ongoing amendment of technical instructions will undermine critical safeguards. This risk increases if the subject-matter is of fundamental relevance to legal validity, personal rights or professional responsibility: the higher the normative force of the regulation, the greater the need to base it on legislation as opposed to technical instructions.

The wider digital context changed considerably on the basis of the adoption of the Digital Code in 2025 [4]. The Digital Code sets up a general framework for digital legal relations which impacts electronic document interpretation, information systems, data governance and digital services in the notarial domain. A key reform priority for the coming phase is legislative harmonization. Notarial-specific rules must not conflict with generic digital rules, generic rules need to take into account special confidentiality, evidential and professional obligations relating to notarial information compared to generic administrative data.

3. Digital Transformation and the Unified Information System of Notariat

Unified Information System of Notariat constitutes the technological basis for the modernization process that is now taking place. This system is primarily aimed at the organization of registration of notarial acts, verification of information, preservation of the corresponding electronic records and interaction with other public information resources. While the previous steps of the reform already provided for the introduction of the electronic notarial database, the 2023 legislative initiative provides a more systematic basis for digital notarial activity [1], [6]. At the same time, the already functioning public E-Notariat portal demonstrates that the delivery of notarial information services, verification of documents and access to public registers is increasingly being centralized in a digital environment [7].

Digitalization has multiple benefits in terms of legal and administrative efficiency. Electronic

registration enables time-stamped recording that is more challenging to falsify, whereas integration with authoritative databases replaces the need to present paper certificates issued by external organizations. The opportunity to verify document authenticity reduces opportunities for submitting forged papers, whereas the electronic archive replaces the risks associated with the physical integrity of the records. All of these benefits contribute to the traditional aims of notarization without transforming them.

In turn, the opportunity to organize inter-agency electronic interaction represents another advantage of the digital system. The possibility to verify the authenticity of documents through Tunduk and other government informational resources reduces the need for citizens to obtain copies of the same papers from one state agency to legalize them in front of another. More generally, the way in which modern governments organize interaction is changing: if information with a certain legal force and authenticity already exists in a specific state record, its repeated paper duplication by the citizen should normally not be necessary. This rule applies primarily to notarization, as verifying the authenticity of a document via the state resource eliminates the possibility of submitting falsified papers: that is, the evidentiary value is shifted from the certificate to the entry in the state database, which has legal force.

The benefits of the electronic system, however, are defined by the explicit legal standing of such a record. From the perspective of reform, therefore, it is critical to explicitly define the status of an electronic entry and its location in the hierarchy of evidence. If a paper instrument is formally required as proof of the transaction, whereas the electronic copy only serves convenience of access, the discrepancy between the two records creates the room for errors. Unless the law explicitly defines which of the two documents is to be considered authentic, a reform that is supposed to simplify the process will create new complications stemming from

the need to synchronize the two different records. It might be perfectly acceptable to legalize transactions in paper form for the time being if the transition to the fully digital process requires additional infrastructural investments, but the long-term reform should explicitly stipulate that the electronic record takes priority over the paper version.

Finally, the shift to the digital system re-distributes responsibilities in a way that requires special attention. In the paper-based system the notary has direct control over the document and the corresponding archive. In the electronic system, the document's authenticity and integrity can only be defined by the characteristics of the software, identity verification systems, database design, network infrastructure, cybersecurity measures and human oversight implemented by the various actors. As a result, the reform requires clarifying the extent to which the professional liability of the notary is restricted to legal review and whether it extends to the technological aspect of the transaction. In other words, the reform should provide that a notary can continue to be considered responsible for the decision to legalize a document, but not for the accuracy of the information in the state database if the means of its verification were not available. Similarly, the reform should explicitly prevent a scenario in which a notary makes a decision

without reviewing the necessary documents just because the transaction occurred in an electronic format that is supposedly impossible to falsify.

The scale of the wider digital environment supports a more evidence-based assessment of the reform. Official Kyrgyz digital-government reporting for 2024 states that the Tunduk interagency system processed about 3.53 billion transactions, while electronic signatures were used by approximately 1.17 million individuals and the Tunduk mobile application had been downloaded about 2.85 million times [18]. World Bank data report that 92.0% of the population used the Internet in 2024 [19]. These indicators show that the general technological environment for digital public services is no longer marginal. At the same time the e-notariat portal shows a different picture at the service-delivery level: the portal snapshot accessed on 24 September 2026 revealed that approximately 6.50 million acts were represented in the service-delivery statistics, of which only 3,897 were attributable to the web portal and 1,243 to the mobile application [7]. On that denominator direct portal/mobile delivery represented only about 0.08% of recorded delivery methods. The percentage should be interpreted with caution since the portal is a live administrative portal rather than a research dataset, but the contrast is analytically important.

Table 1. Selected indicators relevant to digital notarial modernization

Indicator	Kyrgyz Republic	Estonia / benchmark	Analytical significance
UN E-Government Development Index (2024)	0.7316; rank 78 [17]	0.9727; rank 2 [17]	Shows a substantial digital-government maturity gap; Estonia is used as a benchmark, not as a directly transferable model.
Internet use (2024)	92.0% of population [19]	Not used as the primary comparator indicator	High connectivity reduces the plausibility that general Internet access alone explains low digital notarial uptake.

Indicator	Kyrgyz Republic	Estonia / benchmark	Analytical significance
National digital-government scale	Tunduk: 3.53 billion transactions in 2024; 1.17 million individual e-signature users [18]	E-Notary can query 16 state registers [21]	Both systems rely on shared state data; the regulatory question is how securely and lawfully notarial functions use that infrastructure.
Notarial digital uptake	Web portal 3,897 + mobile 1,243 out of about 6.50 million delivery records in the portal snapshot (~0.08%) [7]	Remote authentication was nearly 17% of notarial official acts in 2023 and nearly one-third of authentications [22]	Suggests that legal/service-design conditions, not infrastructure alone, deserve attention in Kyrgyz reform.

Taken together, these indicators reveal a useful distinction between digital readiness and digital notarial adoption. Kyrgyzstan already has broad Internet use, large-scale interagency data exchange and substantial use of electronic signatures, yet the E-Notariat delivery statistics still reflect an overwhelmingly office-based model. The data does not explain why this gap exists but narrows the legal research issue: the next step in modernizing should investigate if procedural eligibility, identity assurance, legal effects, professional incentives, public awareness, interface design and risk allocation are preventing the current digital infrastructure to be transformed in regular end-user notarial services.. This is a stronger basis for reform than assuming that the principal obstacle is simply lack of technology.

4. Research Methodology

The article uses the doctrinal method of legal research. In addition to primary sources of law (the Law of the Kyrgyz Republic "On Notariat", Cabinet of Ministers Resolution No. 733 and implementing instruments), current notarial instructions, procedure for electronic notarial acts, procedure for remote notarial acts and Digital Code of the Kyrgyz Republic are used as sources of information. All of them are analyzed in the context of their system interrelation, not as separate legal acts, since the legality of digital notarization derives from the joint action of

professional, civil, administrative, information and data-protective norms.

The formal legal method is applied to identify rights, obligations, procedural conditions and institutional competences stipulated by law. The systemic method is applied to identify the inconsistencies between paper-based procedural cultures and digital legal cultures. The functional method is applied to assess if the rules actually fulfil their intended functions (e.g., legal certainty, dispute avoidance, protection of free will, reliability of evidence, accessibility of services). The method of limited comparison is used, based on the experience of other countries that have developed secure remote notarization and digital identification tools (e.g., Estonia, European framework for electronic identification and trust services [8], [9]).

The comparative approach is not framed as a possibility for transplanting foreign laws. Estonia is taken as an intentionally selected single-country benchmark instead of being a part of a wider comparative survey. The choice is justified by the presence in Estonia of a civil-law notarization institution combined with national digital identity, integrated public registers, digital signatures and an operational remote authentication model [8], [21]. The EU eIDAS framework is taken as a complementary supranational reference for electronic identification and trust services [9]. This

approach is adequate for the article because the primary unit of analysis is the Kyrgyz legal system; the foreign elements are taken as a tool for isolating regulatory principles and implementation safeguards, not as evidence that the Estonian rules can be transplanted directly. The principles abstracted from the comparative analysis include technological neutrality, reliable digital identification, secure video communication, auditability, preservation of professional discretion, interoperability and cross-border verifiability of electronic documents.

The research is normative rather than empirical in its basic philosophy, and does not use surveys, interviews, experiments or inferential statistical tests, and therefore does not claim causal effects on user satisfaction, fraud or professional performance. However, descriptive administrative statistics and indicators of digital-readiness from the E-Notariat portal, the Tunduk system, the World Bank and the United Nations E-Government Survey are used as contextual evidence [7], [17]-[19]. These are used to highlight the scale of the systems in question, the maturity of the digital environment in which they operate, and the observable difference between the general level of digital capacity and the adoption of digital notarial channels. As these sources report across different time periods and administrative definitions, they are not viewed as a single, harmonized dataset. The legal conclusions therefore continue to rest on doctrinal and institutional analysis, while the statistics are used to refine the research problem, and to identify issues for further empirical investigation.

5. Problems of Legislative Regulation

5.1. Coexistence of Paper and Electronic Procedures

One of the symptoms of incomplete modernization is the need for both paper and electronic requirements for procedures. The laws are moving more completely to electronic registration and documents every day, but not always fully accepting such innovations. It will

ease the transition at first, but after a while mandatory duplication will become more inhibiting than stabilizing. Every time we have two copies of the same legal act, the system must address questions as to which takes precedence when information conflicts, when any one record is corrupted or when the chronological entry order cannot be determined.

A truly sophisticated digital notarial infrastructure would recognize the need for the concept of an authoritative electronic original. The legally binding record would constitute the digitally signed and properly stored electronic notarial instrument registered in the system. The paper printout, if desired by a citizen, could continue to exist, but its legal standing would have to be defined as a certified copy of the electronic original rather than an original. Doing so would minimize the duplication of administration, and it would provide a paper trail for those institutions and citizens who still require it.

Such a change would have to be accompanied by corresponding preservation norms. Electronic originality can be acknowledged only if the system provides for integrity, long-term readability, reliable time stamps, change traceability, secure storage and backup procedures and transition norms in the event of technological migration. The aim cannot be to give preference to one shaky medium over another, but rather to create an electronic archive that is as reliable as the traditional one, but preferable in some respects.

5.2. Territoriality in a Digital Legal Environment

Notarial law has traditionally been based on territorial criteria as citizens needed convenient access to the office, archives were local and verification of property or identity often depended on the limited scope of geographical documentary records. These advantages are eroded in a digital environment. If a notary can legally access authoritative information, communicate securely with a participant and record the event in a national information

system, the need for territorial limitations becomes questionable.

The Kyrgyz framework has continued to reflect territorial concerns in the private notarial field, both in terms of practice and in licensing rules. Territorial policy has legitimate ends, mainly ensuring that professionals are available in less profitable or distant areas. At the same time, however, the law should draw a distinction between this policy objective and limitations on the citizen's choice of notary for a digital transaction. Ensuring notarial coverage across the country does not require that every electronic act takes place in the jurisdiction where the client, property or notary is located.

Future reforms should therefore make a functional distinction between the various territorial rules. A rule may be justified because a particular register has legal authority over a particular asset, because the inspection of an object is genuinely necessary, or because the licensing of professionals is used to ensure their distribution across the territory. However, if none of these conditions apply, a territorial limitation of a fully digital act should be questioned. The principle should be that digital procedures are available to all citizens, unless a specific legal interest requires otherwise.

5.3. Remote Notarial Acts and Verification of Free Will

Remote notarization is one of the most important innovations in the Kyrgyz system. Cabinet of Ministers Resolution No. 733 specifically adopted a procedure for remote action, the current version of which was updated in 2026 [2], [5]. The opportunity for remote implementation can allow for more widespread and convenient service for citizens abroad, people with limited mobility and residents who would otherwise have to make a significant trip to perform transactions. Remote notarization can also improve the efficiency of day-to-day operations. At the same time, remote notarization raises more complex issues than the simple acceptance of an electronic signature.

The notary must be convinced that the

participant is correctly identified, understands the content of the act, has the capacity to perform it, is not induced to error and expresses his true will. The ability to observe the participant in person provides potentially critical information that may be lacking in a remote videoconference. A remote procedure could allow another person to be present outside the field of vision, for unauthorized prompting to take place, or for the participant to be unable to speak openly. The law must therefore empower the notary to suspend or refuse remote performance when doubts arise regarding the reliability of the process.

Differentiating between low- and high-risk transactions is also appropriate. Routine certifications and declarations may be appropriate for remote execution, whereas transactions involving significant immovable property, elderly or vulnerable persons, unusual transactions, complex inheritances or suspicious behavioral patterns may necessitate enhanced due diligence. The adoption of a risk-based approach would eliminate the alternative of requiring personal appearance for all acts (thus undermining the benefits of digitalization) or accepting remote performance in all cases (a policy that would erode preventive legal safeguards).

The comparative experience also shows the importance of maintaining the necessary confidentiality. According to the Estonian example, remote online authentication opens the possibility of the notary's remote execution of a document with the simultaneous reservation of the right to make decisions on an individual basis [8]. So, it is essential to allow the notaries to use remote technologies more actively and widen the scope of their application without taking away the ability to make professional judgments and assessments.

The Estonian evidence also makes the comparison analytically useful. The Estonian e-Notary environment enables notaries to query 16 state registers and supports digital drafting, signing, register transmission and remote participation [21]. According to the Estonian Chamber of Notaries, remote authentication

accounted for nearly 17% of notarial official acts in 2023 and almost one-third of authentications [22]. Earlier implementation data also showed rapid growth from 8,220 remote authentications in 2020 to almost 13,400 in only the first five months of 2021. The important lesson for Kyrgyzstan is not the numerical target itself, but the institutional conditions behind adoption: a trusted identity layer, interoperable registers, a dedicated notarial platform, legally equivalent remote procedures and preservation of the notary's power to terminate or refuse a remote act when identification, free will or technical reliability is doubtful [8], [21].

5.4. Digital Identification, Electronic Signatures and Fraud Prevention

The reliability of remote and electronic notarization is directly related to the proper linking of the parties' digital identities. A scanned copy of the page of the passport or a password (means of authentication) will not ensure the necessary level of security for a high-value or significant transaction. The modern notarial system should be built on trusted identities, reliable methods of authentication, acceptable electronic signatures, and direct checks with state databases and, if available, other tools for verifying identity. Most importantly, the verification process must be established in such a way that it satisfies the notary's reasonable assurance that the credentials belong to the person presenting them.

A useful international benchmark is the 2022 UNCITRAL Model Law on the Use and Cross-border Recognition of Identity Management and Trust Services. It applies a reliability-based approach to electronic identification and trust services and connects legal equivalence to whether the method used is sufficiently reliable in the circumstances [20]. For notarial regulation, this supports a layered model in which the legal effect of remote identification depends on assurance, traceability and risk rather than on the mere fact that a video connection or electronic credential was used. Such an approach is compatible with differentiated safeguards for low-risk and high-risk notarial acts.

With that said, the use of automated identity-verification technology is not something we could consider completely reliable. The nature of biometric data is that it could be spoofed, credentials hacked, and the means of perpetrating identity fraud increasingly involves elements of social engineering. As such, the verification process should be considered as a layered security matter, wherein technology offers only part of the solution. The notary's professional judgment should always be required in order to identify and evaluate potentially fraudulent activity. A completely automated process, which enables an individual to participate remotely without meaningful human scrutiny, is not consistent with the precautionary principle.

The development of deepfake technology and video editing software is informative of the fact that a video call cannot guarantee that the party is real. The future law should address the need to use different methods to identify individuals, including liveness recognition, communication through secure channels, cross-referencing, transaction-specific authentication, and increasing the scope of human review for fraudulent activities. It is also essential to create regulations that identify how the presence of each party will be recorded, how long this information should be stored, and who can review it.

5.5. Notarial Secrecy, Personal Data and Cybersecurity

The notarial system is rich with highly sensitive information. The notarial database can contain personal identifying information, family relationships, inheritance information, property ownership, power of attorney, corporate authority, and signatures and information concerning private transactions. The violation of privacy is not the only problem; fraud and property crime can also occur. Information-security law inevitably changes with modernization, particularly in the digital direction, together with the professional regulation framework.

The Digital Code of 2025 creates a more generic

legal framework for data processing and digital services [4]. Notarial law should be adjusted to this code, including the principle of notarial secrecy in its special sense. General access by administrators of government data in their official capacity cannot by default include the contents of notarial records. One needs to work with a strict role-based system whereby all accesses are logged, audited and justified. Administrative personnel may need special level access, but the law must mitigate the risks that such accesses can lead to actual, unfettered access to confidential information.

Cybersecurity standards should be directly integrated into the regulatory framework as mandatory requirements. This includes requirements for encrypting data, multifactor authentication, key management, response procedures, independent security assessments, backup solutions, disaster recovery, continuity of operations and regular reviews of the security posture and access rights. In the case of an incident, the responsibilities of technical and legal administrators must be defined, and the procedures for determining whether disclosure of information to protected persons is needed.

Provisions on the retention of data are also needed. The retention of certain categories of notarial records for extended periods may be required, as the passage of time can create new rights under notarial law years after the fact. At the same time, the longer the data is retained, the more difficult it is to protect it from cybercrime, and the more challenging it is to preserve its integrity under changing technical conditions. It is necessary to distinguish in the law between information of a permanent nature and data of a provisional nature, recording connections and remote-session records, and define the retention periods for them.

5.6. Interoperability and the Reliability of Public Registers

The digitally upgraded notary should be able to verify legally relevant information from competent authorities. The Kyrgyz system has already taken steps towards inter-agency

information exchange and the electronic notariat has been designed to interact with other state information systems [6]. This trend should be continued since the preventive function of notarization is most effective if the notary can cross-reference the claims of the party with up-to-date official information, rather than documents that may contain forged data.

Interoperability should be built with the categories of information: personal identity data, civil status information, legal persons, property rights, vehicles, inheritance information and other data categories for which there is a legitimate basis for requesting the data in a notarial act. Data minimization principle shall apply: the notary shall have selective access to categories of data and not to entire databases. Metadata indicating the source and date of data retrieval shall be included in the system so that the notary can prove the presence of information at the time of notarial action.

Interoperability creates another legal problem linked to erroneous source data. If there is incorrect information in the authoritative state register, the notary may not be able to detect it, even with due diligence. In this situation, legislative regulation should establish responsibility for the error, between the notary, the operator of the notarial system and the owner of the authoritative register. Moreover, society needs a remedy against false data in the register: citizens should not be forced to confront the notary and the register owner.

5.7. State Supervision and Professional Independence

The notarial profession has a dual character. It performs a public function, since notarial documents obtain a special legal significance, but the notary acts independently in forming legal conclusions. Excessive administrative control leads to the deformation of the notary's role into a meaningless activity of checking the consistency with data stored in state databases, and insufficient control leads to inconsistency. State regulation of notarial activity should distinguish between areas of oversight of legality

and professional activities, ensuring the implementation of generally accepted rules. Thus, the Notarial Chamber can take on more responsibility for the development of professional standards, educational programs, ethical guidelines, methodological recommendations, analysis of frequent mistakes and mutual assistance. The Ministry of Justice, meanwhile, should retain competence in those areas that directly ensure the implementation of public and state functions, establish and supervise the implementation of licensing rules, operate or oversee the functioning of state information resources, and develop legitimate forms and methods of oversight. Such a distribution of powers will reduce the duplication of functions and help notaries to understand what relations are subject to state regulation and what questions they need to work on independently.

Administrative regulation should not crowd out the professional activity of notaries. The use of digital systems to monitor the work of notaries should be designed in such a way as to exclude the creation of additional, informal barriers to the implementation of professional decisions. The introduction of automated risk assessments, monitoring of transactions and the use of statistical tools to identify suspicious patterns are measures that can be used to ensure the quality of notarial activities. However, these tools can only support and highlight problem areas, but not replace and dictate to a notary decisions in specific cases. If such automated tools are used, the notary should be able to provide an explanation and justification of the identified risky situation.

5.8. Access to Notarial Services and the Digital Divide

Digitalization can contribute to broader availability by addressing the needs of citizens abroad or in remote areas. However, it can create new challenges for persons without reliable access to information technologies: persons without access to the Internet or compatible devices, without digital credentials, or without the skills or capacity to use such technologies. A

reform that assumes digital literacy on the part of all may end up marginalizing digitally illiterate citizens, who are the ones most in need of preventive legal aid.

The model appropriate to the Kyrgyz Republic is one of assisted-digital as opposed to exclusively digital model. In other words, while those citizens with the digital capacity should be able to perform the appropriate acts remotely, physical presence should not be precluded, but rather included as an option. For instance, local public service centers or other accessible points could be established where a citizen could set up a secure connection to a remote notarial workstation, with the intermediary not being able to see the contents of the transaction. In this manner, the benefits of digitalization would be extended while the principle of accessibility would be upheld.

Accessibility has a broad front. Interface translations must be available in languages known to the population, but also available to persons with disabilities and without presupposing an undue level of technical complexity. Generally, the content of the transaction must be intelligible to the party, independently of the technological channel through which it is performed. That is, the use of technology should not generate new administrative hurdles, shifting the burden from states to citizens.

5.9. Cross-Border Recognition of Electronic Notarial Documents

The international mobility of citizens and the growth of international commercial relationships raise the need for notarial documents that can be created, verified and used in electronic form across jurisdictions. Traditional legalization and apostille procedures are intended for documentary evidence. If an electronically notarized document needs to be printed out, so that another certification is obtained before being resubmitted, scanned back in to use overseas, then the purpose of digitization is significantly defeated.

The development of Kyrgyzstan's electronic

document services therefore also requires corresponding measures in terms of electronic apostille and foreign verification. A continuing digital chain of authenticity is therefore needed, within which the recipient can use trusted systems to verify notary qualifications, integrity of the document, validity of the electronic signature and any apostille or equivalent. This will require technical standards and international legal cooperation.

The cross-border digital recognition also implies the need for the compatibility of trust services. The eIDAS framework of the European Union provides an example of how the law can harmonize the common standards for electronic identification and signatures, seals, and trust services appropriate for different states [9]. Despite the fact that Kyrgyzstan might not need to follow the example of Europe, this principle can be applied: the legal recognition of digital signatures is predictable if the level of technical assurance and legal effects is defined.

6. Directions for Legislative and Institutional Reform

6.1. Establish an Authoritative Digital-Original Principle

The first measure that needs to be taken is legislation that will introduce the electronic notarial instrument, which meets the necessary statutory requirements, as the original. The principle should establish the entry in the unified information system as the prevailing one and formalize paper copies as certified copies if they are not otherwise provided for by law. The priority of evidence principle will reduce disagreements, do away with the need for other registers, and provide an opportunity to move to fully electronic archives.

The reform must be accompanied by technical standards on long-term preservation, migration of formats, trusted time stamps, cryptographic verification and recovery from system failures. The objective is to guarantee the continuity of legality: a document that currently is perfectly valid must be verifiable in ten years time, even if the software, signature certificates or storage

media has changed. Long-term electronic preservation must be seen as an element of legal reliability, rather than a technical problem.

6.2. Create a Risk-Based Framework for Remote Notarization

The second priority should be to establish a statutory risk-based framework for the remote procedures. The law should impose general conditions applicable to all the remote acts and leave the task of subordinate regulation to establish a classification of specific transactions according to their level of risk. In consequence, the low risk acts could involve simplified remote verification, while the high level of risk transactions could involve additional identity checks, additional communications, waiting period, independent verification of instructions or appearance of a party if the notary is unable to confirm the identity, capacity, free will, comprehension or any other aspect of the transaction.

The framework should explicitly preserve professional discretion. In other words, a person should not have a right to obtain remote notarization merely because the technology is available. The notary should have an option to require personal attendance if the circumstances of the transaction or the condition of the parties make it impossible to exercise due professional care at a distance. In this regard, such a legal framework may prevent remote notarization from becoming a technology-mediated process and not a professional service.

6.3. Harmonize Notarial Law with the Digital Code

The third priority is a general process of harmonization of the applicable laws and provisions between the Law "On Notariat", its implementing instruments and the Digital Code. Consistent definitions of electronic records, the concept of digital identity, data access, operators of the information system, authentication procedures and digital services need to be developed. At the same time, the notarial legislation should contain specific provisions concerning those services which are provided by

a notary with the use of enhanced degrees of confidentiality or evidentiary force.

Conducting a formal legislative audit to identify those provisions of the actual law which were adopted in the context of the previous digital framework and which require further adjustment would be helpful in this situation. The list of topics for such an analysis may include: consent to processing, logging of data access, inter-agency exchange of information, electronic signatures, retention, cybersecurity incidents, automation of decision-support systems and evidentiary weight of information obtained from state registers.

6.4. Expand Secure Interoperability and Apply the Once-Only Principle

The fourth priority should be deeper interoperability between the notarial system and authoritative public registers. Where the state already holds legally valid information, the citizen should normally not be expected to obtain and produce the same information anew. Instead the notary should be able to access the data from a secure, logged and legally authorized channel. The principle of once-only submission would save time, money and reduce document forgery.

Interoperability must be purpose-limited. A given notary performing a transaction should only be able to access the data relevant to the specific act. It should be possible to link access to a specific case identifier, which would be logged and available for later auditing. These safeguards allow privacy-preserving efficiency while demonstrating that access to state information was related to a legitimate professional purpose.

6.5. Strengthen Cybersecurity and Data-Governance Standards

The fifth priority is the adoption of the dedicated cybersecurity standards for the notarial infrastructure. As the notarial information may enable the facilitation of the identity theft or property fraud, the security requirements shall be higher than for the ordinary informational websites. The mandatory controls include

multifactor authentication, cryptographic protections, secure key management, roles and privileges, immutable audit logs, periodic penetration testing, vulnerability management, secure storage with backups and disaster-recovery procedures.

The governance shall feature the allocation of the responsibility for the incident response and remediation. The operator of the information system, the Ministry, Notarial Chamber and individual notaries should clearly understand their roles and responsibilities in the event of a cybersecurity incident. The legislation should differentiate between the system-level security failures and the professional misconduct, and should establish fault-based rather than no-fault liability standards for disciplinary proceedings against the notaries for using the insecure system.

6.6. Modernize Professional Training and Ethical Standards

Legal modernization requires professional modernization. A contemporary notary needs to know not only civil, family and inheritance law but also electronic signatures, digital evidence, identity risks, cybersecurity, data protection and remote communication. Continuing professional education should also become a priority function of the Notarial Chamber in cooperation with the Ministry of Justice and technical institutions.

Ethical rules should also regulate digital practice. Notaries need guidance on secure communication with clients, use of personal devices, storage of copies, use of artificial-intelligence tools, remote consultation, recording of sessions and conflicts created by digital platforms. In particular, confidential client information should not be entered into external automated services unless the legal and security conditions for such processing are clearly satisfied.

6.7. Preserve Human Legal Judgment in an Automated Environment

Automation could flag missing information, anomalies, invalid documents or inconsistencies. Artificial-intelligence functions will likely

advance to the point of being able to review documents, identify risks, translate and prepare standard instruments. These functions could be helpful, but the technology's contribution should always be ancillary. The notary should be prohibited from justifying an unlawful act on the grounds that it was approved by an automated tool.

The law should reflect a principle that the notary maintains legal control. These tools could recommend, highlight or confirm, but the notary must retain the responsibility to assess legality, capacity, consent and the appropriateness of the act. In connection with a system using automated indicators to identify risks, the notary should be able to comprehend the basis for a warning in sufficient detail to be able to make a reasoned professional judgment.

6.8. Reform Territorial Regulation Without Reducing Regional Coverage

A modern territorial policy should have two distinct objectives. Firstly, that every region has reasonable physical access to a notary, and secondly that a determination is made as to the need for any specific digital act to be connected to a geographical area. These should not be conflated. The state might apply licensing rules, incentives or public offices to ensure that both regional coverage is maintained, but more widely accessible electronic services are available to all.

A review of territorial restrictions should seek to identify those which are required for substantive legal reasons, and those which reflect the historic paper-based administration. The elimination of the latter could enhance competition, reduce travel and increase availability of services, whilst targeted measures could continue to address rural coverage issues.

7. Discussion

The analysis demonstrates that the Kyrgyz Republic has already made significant strides towards the implementation of a number of notarial digitalization fundamentals that are considered the top priorities by many legal systems. In particular, the country has a modern

notariat law, an integrated information system, special provisions for electronic documents, recognition of remote notarial actions and a digital governance system. Thus, the current stage of reforms focuses on the question of the legal system's ability to provide coherence, legality, and security to digital notarization practices.

The descriptive indicators added to this study refine that conclusion. The broader Kyrgyz digital ecosystem is comparatively advanced in connectivity and interagency exchange, while direct digital notarial delivery remains very limited in the current E-Notariat statistics [7], [18], [19]. The 2024 UN E-Government Survey likewise places Kyrgyzstan at an EGDI value of 0.7316 (rank 78) and Estonia at 0.9727 (rank 2), confirming that Estonia represents a high-maturity benchmark rather than a structurally identical comparator [17]. This difference supports a staged reform logic: Kyrgyzstan does not need to reproduce the Estonian institutional model, but it can use Estonia to test whether its own rules provide equivalent functional safeguards for identity, consent, evidentiary reliability, register access and professional discretion.

The resulting analytical proposition is that modernization should be measured by legal-functional outcomes rather than by the number of digital features introduced. A system may possess portals, electronic signatures and interoperable databases while still requiring citizens to complete almost all legally significant steps in person. Conversely, expanding remote access without clear evidentiary hierarchy, cybersecurity duties and refusal powers may increase convenience while weakening preventive safeguards. The relevant policy objective is therefore the controlled conversion of digital capacity into legally reliable service delivery.

Modernization and digitization are two different but interrelated concepts. The former means that a certain procedure or technology is subject to changes or transformations, while the latter means that an already existing process is

performed in an electronic way. Therefore, it is important to ensure that any modifications stay within the framework of a procedural or technological basis and do not conflict with other norms. As a result, such issues as the introduction of a paper register after the creation of an electronic one, or the use of video conferencing and special rules for incidental cases could demonstrate the outdated nature of the reforms.

However, the principle of modernization should not be mistaken for deregulation. Simplification of some notarial formalities is fully justified if it contributes to their overall efficiency and effectiveness. Nevertheless, some of the traditional checks and balances should be retained since they often serve to protect the rights of vulnerable groups of citizens. This is particularly important in cases involving the circulation of high-value goods, the involvement of vulnerable groups of citizens in the deal, and the presence of any potential conflicts of interest. The best option, in this case, would be to identify and replace outdated formalities with security checks that ensure the protection of the highest number of interests.

The basic principles of the new model of notarization have already been identified and include the use of technology to automate as many administrative tasks as possible – recording, processing, storing, paying, and transmitting information. At the same time, the main body of a notarial act – its legal and formal aspects – should continue to be handled by the notary. This approach to the modernization of the notariat will allow the separation of technological and legal aspects of notarial activities with a focus on the most efficient use of each element.

In addition, it is important to note that the modernization of the notariat is not only a priority for notaries themselves but also for society as a whole. A reliable and secure technological solution for notarizing acts will contribute to the development and security of many spheres: registration of real estate deals, corporate law, banking, judicial, property, estate

matters, and the uniform circulation of legal documents. Thus, the system's primary aspects – documents, data, and governance – should be based on the principles of openness, cooperation, uniformity, security, and integrity at the state level.

Lastly, the modernization of the notariat should be guided by the principles of user-friendliness at both the individual and institutional levels. It may lead to some complications for some citizens who are disabled or do not have the necessary skills to work with this high-tech system. Therefore, such a decision will bring not only benefits but also some difficulties due to the complication of the system, which is contrary to the initial idea of the modernization concept that prioritizes society's needs instead of the needs of technology.

8. Conclusion

The legal modernization of the notariat in the Kyrgyz Republic has entered a new stage. The 2023 Law "On Notariat", Cabinet of Ministers Resolution No. 733, the current development of the Unified Information System of Notariat, the formal regulation of electronic and remote notarial acts and the adoption of the Digital Code in 2025 create a solid basis for the modern notariat in a digital environment. The further updates of the notarial instructions to 2026 indicate that the reform is ongoing, not completed.

The key current challenges relate to coherence: establishing the hierarchy of paper and electronic procedures; rethinking territorial competence in the context of remote procedures; introducing risk-based regulation of digital identity and free will; protecting notarial secrecy through cybersecurity and data governance rules; achieving interoperability with a view to avoid liberalization of access to personal data; developing professional self-government and transparency of state regulation.

The most promising direction of reform, however, is not the destruction of the traditional values of the notariat, but their digital transformation. Thus, authenticity can be based

on digital identity and qualified electronic signature. Confidentiality can be ensured through encryption and access control. Legal certainty can be enhanced by introducing qualified original documents in electronic form and reliable storing of documents. Accessibility can be expanded through remote procedure but with the availability of personal service and assistance. Finally, professional autonomy can be maintained even with the growth of informatization of the notarial activities.

If these principles are implemented, the notariat will be able to move from a paper-based to an integrated part of the digital legal space of the Kyrgyz Republic, reducing the transaction costs of its activities to a minimum while fully covering its protective and evidentiary functions, including in relation to digital assets. In this regard, the

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- effectiveness of reform will be evaluated not so much by the technological possibilities used but by the resilience of legal certainty and confidence in the work of notaries, as well as the protection of property rights in cyberspace
- The statistical material used in this article should be read as descriptive context rather than as proof of causal impact. A next empirical stage could test the legal conclusions through longitudinal data on remote acts, refusal rates, processing time, user demographics, fraud or security incidents, regional access, notary interviews and user surveys. Such evidence would make it possible to evaluate whether the proposed legal changes improve accessibility and efficiency without weakening authenticity, confidentiality and professional judgment

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