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China's notarial system and new developments under the Foreign-related Rule of law

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Abstract

This article provides a comprehensive overview of the evolution and current status of the notary system in mainland China, Hong Kong, and Macao. It also delves into the Appointed Attesting Officers system and the ongoing developments in the notary service industry. Mainland China's notary public system has transitioned from an administrative system rooted in the planned economy's growth to the professional legal services industry. The article presents a comparative analysis of the notary public systems in Hong Kong and Macao, along with a brief examination of the Appointed Attesting Officers system, designed to address the challenges posed by the different legal systems in these three areas. The article collects the new development documents and accomplishments achieved by China's notary public industry. Also underscores the notary's role in dispute prevention and its crucial role in Alternative Dispute Resolution. It offers a fresh perspective on the potential evolution of the notary public industry in the context of Foreign-related Rule-of-law. By enhancing the capacity of notarial services, strengthening the safeguards of the legal system, and actively participating in the Alternative Dispute Resolution mechanism, the notary service industry will continue to fulfill its unique legal functions in the context of the new era, thereby contributing to social harmony and stability.

Keywords

Notarial system, Appointed Attesting Officers,Foreign-related Rule-of-law, Innovation in notarization

1 Introduction

The notarial system has a long history of development in China, having existed since the Zhou Dynasty. In 1946, the Harbin Municipal Court took the lead in opening the notary, which pioneered the notarial system in China. However, little research has been done on the notarial system in China. Firstly, because the notary industry is a legal service industry, it has an auxiliary status in constructing the legal system. Secondly, the notary system has fewer practitioners, and the application of the law is more basic, so it has not received attention in academics. Therefore, to promote the better development of the notary service industry and to be able to play its role in the construction of the rule of law in the new era, the authors carried out this research, which focuses more on the role played by the notary service industry in practice. This article is mainly divided into six parts. The first chapter is about the research background of the article. The second chapter is a brief description of the notary system in China, sorting out the notary system in mainland China, Hong Kong, and Macao, and the content of the Chinese Appointed Attesting Officers system, which was created to solve the inter-regional conflict of laws in China, comparing the different characteristics of the notary systems in main-

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land China and Hong Kong and Macao, as well as the roles that Chinese Appointed Attesting Officers play in practice. The third chapter of the article collects and analyses the development of China's notary system in the new era, including the new legal documents and the new achievements in developing the notary industry. The fourth chapter of the article is about the functions of the notary system and the change from the traditional proof function to the present quasi-private law system of dispute prevention. The fifth chapter of the article focuses on the new requirements for the notary industry and the new outlook in the context of China's foreign-judicial rule of law. The last part of the article summarizes the meaning and significance of the notarial system. The notarial industry contributes to the reform and development and the support of China's notarization to the world.

2 A description of the notarial system in China

2.1 The notarial system in mainland China

The notarial system in mainland China originated in the former Soviet Union. The former USSR established a communist notary system, granting notaries the right to attest. Article 3 of the former Law on State Notaries of the Union of Soviet Socialist Republics stipulates that a State Notary Office was established in the USSR to conduct notarial services. The Notary Office is responsible for administrating notarial operations. In March 2003, the China Notary Association became a member of the International Latin Union of Notaries, marking China's integration into the global notary community. The enactment of the Notary Law of the People's Republic of China in 2005 marked the new start of China's notary system, which had previously existed under departmental regulations devoid of formal legal norms. The new legislation introduced a regulatory framework for China's notary system, establishing a reliable legal foundation for the notary industry. The notary system in mainland China is centered on the notary office, and notaries cannot issue notarial certificates in their names only. Instead, the office must approve notary certificates before they can take effect, and the institution is held externally liable for them. Consequently, the criteria for becoming a notary in mainland China are relatively straightforward. Chinese citizens can apply to become notaries provided they are at least 25 years of age, have passed the national legal qualification examination, and have completed a two-year internship in a notary institution.

The current notary system in China can be described as a civil law system comprising an independent, full-time, strong notary organization character that matches the common law system's weak notary functions. The notary system in China is characterized by features typical of the Latin notary system. This entails that the notary office is responsible for investigating and examining the substance of matters, and the notary certificate functions as evidence. In mainland China, the role of the notary public is centered on the notary office. The notary office takes external responsibility. Currently, there is no statutory governing notarial matters. The content of notarization is dispersed throughout the civil code, and no specific provisions mandating notarization exist. All notarization is based on the applicant's voluntary request. Consequently, China's notarial system's development has been stalled due to the incompatibility between its intrinsic nature and expected functions.

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In 1993, China initiated a program of reform to separate notary institutions from government departments. This involved the transformation of notary organs into market intermediary service organizations. The nature of the notary system is evolving, shifting from an administrative role to a focus on professional legal services. The notary industry's role has evolved from a primarily certification-focused function to one that plays a pivotal role in preventive disputation. As the notary reform progressed, the institutional reform of the notary system was actively pursued. This involved transforming notary institutions from their previous status as administrative organs subordinate to the new organs that offered legal services and the pilot establishment of partnership notary offices. From 2000 to 2016, there were only 20 partnership notarial offices nationwide. However, by 2017, the number of such institutions had proliferated, with 133 partnership notarial offices set up nationwide by the end of 2021. The format of partnership institutions is evolving on a national scale. Concerning the nature of the notary public, there is a divergence of opinion between the academic and industrial communities. Before the Notarization Law amendment in 2017, the legislation merely indicated the function of the notary office, defining it as an institution that performs certification activities. However, it did not legally confirm the nature of the notary office, and the reform of the notary public system was still ongoing.

2.2 Notarial system in hong kong

Before the handover in 1997, Hong Kong was a British colony. As a result, its socio-legal system was influenced by the common law tradition. The notary public system remains the original common law notary system. Hong Kong does not have a special notarial law or procedural law. Instead, the notarial business is mainly based on the Basic Law of the Hong Kong Special Administrative Region, the Wills Ordinance, the Bankruptcy Ordinance, the Companies Ordinance, the Oaths and Declarations Ordinance, and so forth. They also consider relevant common law, the law of equity, and customary law. In Hong Kong, notaries public are responsible for dealing with legal documents about civil matters, including marriage, inheritance, and adoption, and economic matters, such as investment, loans, real estate, mortgages, and trade. Their role is limited to witnessing the oaths or signatures of the parties concerned, and they are not responsible for the authenticity and legality of the contents of the documents. Given that Hong Kong has inherited the notarial system from the common law system, primarily based on formal examination, the individual taking the oath or making the declaration bears responsibility for the content's veracity by the provisions of the Oaths and Declarations Ordinance. Concurrently, Hong Kong's procedural legislation is relatively comprehensive, and its government operates efficiently and with a favorable system of ex post facto sanctions. The penalties for offenses against untrue declarations by persons taking oaths and making declarations are relatively high. This mutually complementary model can facilitate the effective operation of the notary public system in Hong Kong.

In Hong Kong, the notary's role is not a full-time position. It's usually a lawyer who works part-time as a notary. Conversely, Hong Kong is distinct from the mainland not only because it does not have a full-time notary but also because Hong Kong has the Law Society of Hong Kong and the China Association of Commissioned Notaries, which manage notary public. There are three categories of notaries in Hong Kong.

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The first category of notaries is those who practice within the Hong Kong region. These notaries are limited to matters occurring within the Hong Kong Administrative Region and work as witnessed. The second type is Chinese Appointed Attesting Officers, who have been assessed by the Ministry of Justice of the mainland and specialize in handling legal matters relating to the mainland for Hong Kong residents, with notarial certificates forwarded through the China Legal Service (H.K.) LTD and sent to the mainland for use. The third category comprises Hong Kong's international notaries, who are required to pass the international notary public qualification examination organized by Hong Kong and are generally senior lawyers with social prestige. They deal with the problem of foreign.

The notarial system in Hong Kong is based on the notary officer. Notaries are highly educated, highly respected, and highly social. So, their credibility in Hong Kong relies on their honor and prestige rather than on the law firms they practice.

2.3 Notarial system in Macao

The notarial system in Macao originated in Portugal. In the 1960s, Macao established the first notarial office, which unified the handling of all notarial matters. More than 80 regulations about the notarial system are in force in Macao now. The Notarial Code represents the core legal instrument. Also, it has other important legal norms, including the decrees related to private notaries, namely the General Regulations of Private Notaries and the Style of Notarization for Private Notaries, among others. Macao's notarial system belongs to the Latin notarial system, as it has a specialized notarial code and incorporates statutory notarial matters in various domains of civil and commercial affairs. These elements align with the defining characteristics of the Latin notarial system. Before 1991, Macao largely adhered to the Portuguese notarial system. However, with economic growth and a surge in demand for notarial services, the original system proved inadequate to meet the evolving demand. Macao introduced the private notary system as an additional component, establishing a hybrid system comprising both public and private notaries. Macao law does not have a strict distinction between the efficacy of private and public notaries. In practice, the functions, roles, and effectiveness of the two types of notaries are often conflated. In Macao, where notaries take a substantive review in practice, notarial certificates issued by public notaries have an evidentiary effect when used in court. However, since private notaries generally certify the authenticity of signatures and not certify the validity of the content of the documents, they must be supplemented with additional proof when used as evidence in court.

The general qualifications for notaries in Macao are not particularly rigorous. To qualify as a full-time notary, one must be a civil servant or staff member of a public authority, possess a Bachelor's Degree in law, and have been conferred with the authority to act as a notary by law. No additional qualifications are required. The qualifications for working as a private notary are also relatively relaxed. In general, one who has completed the training examination and has been performing their duties in Macao for at least five years, during which time they have not been convicted of any criminal offense involving damage to honor, may apply as a private notary. The distinction between a public and a private notary is primarily evident in the scope of practice. A public notary is permitted to undertake all notarial matters. In contrast, a private notary's scope is typically confined to notarizing certificates. This can be manifested in two ways: firstly, in

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matters of civil status, such as the notarization of wills, recognition of inheritance status, and matrimonial agreements. Secondly, ensure the accuracy and legitimacy of legal acts outside the court, like the abandonment of property, rejection of debt securities, etc. Only public notaries can perform these two types of notarial content.

The scope of statutory notarization under Macao law is extensive, encompassing a multitude of transactions and documents. These include but are not limited to confirmation of inheritance, marital agreements, proof certificates, deeds of property, contracts of claims, and acts related to the registration of immovable property, transfers, gifts, and leases. Many compulsory notaries contained in Macao law ensure that all significant economic transactions in society can be validated through notarization, which has a beneficial effect on preventing social disputes. Nevertheless, the coexistence of public and private notaries in Macao remains a topic of considerable debate, focusing on clarifying the respective competencies of public and private notaries and the scope of their evidential power.

2.4 Chinese Appointed Attesting Officers System

Following the return of Hong Kong and Macao to China, there has been a notable increase in exchanges between the three areas. This has led to a surge in the number of Hong Kong and Macao residents traveling to and from the mainland, resulting in a significant rise in the demand for notarization services. Given the disparate legal systems and sources of law of the three places—the mainland, which belongs to the socialist legal system; Hong Kong, which belongs to the common law system; and Macao, which belongs to the civil law system—conflicts of law are inevitable. Notably, the notarization in mainland China and Macao is subject to a substantive review, guaranteeing the contents' veracity. In contrast, Hong Kong is subject to a formal review and is not held responsible for the veracity of the contents. Ensuring the effective circulation of notary certificates in mainland China, Hong Kong, and Macao represents a great challenge.

2.4.1 Chinese Appointed Attesting Officers System in Hong Kong

Before 1981, residents of Hong Kong who handled legal affairs on the mainland were typically constrained to obtaining certificates issued by mainland organizations in Hong Kong (such as China Resources, China Travel Service, etc.) and some local associations in Hong Kong (such as the Chinese General Chamber of Commerce and the Federation of Hong Kong and Kowloon Labour Unions, etc.). These organizations or associations were not professional legal institutions, so the certificates issued might not satisfy the legal regulations. They thus could not be recognized by the authorities on the mainland. This makes it challenging for Hong Kong residents to handle legal affairs on the mainland. In 1981, the Ministry of Justice appointed eight Hong Kong lawyers, including Ruan Beiyao, to act as Chinese Appointed Attesting Officers to solve the problems of different legal systems between Hong Kong and the mainland and issue notarial certificates for use in the mainland to deal with civil legal affairs. In 2003, the Central Government in China and the Government of the Hong Kong Special Administrative Region (HKSAR) entered the Mainland and Hong Kong Closer Economic Partnership Arrangement (CEPA). The notary system was formally incorporated into the CEPA framework as a significant legal system. The Ministry of Justice stated that 450 Chinese Appointed Attesting Officers (Hong Kong) had been registered in 2024. These officers handled a range

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of notary certificates used by Hong Kong residents sent to the mainland, including notarial certificates of inheritance, power of attorney, declarations, gifts, house purchases and sales, commercial registrations, and transfers of shares, among others. Since 1992, when statistics became available, nearly two million notarial certificates have been signed by Chinese Appointed Attesting Officers for use in the mainland.

To guarantee the veracity of notarial certificates from Hong Kong and their legitimate utilization on the mainland, the notarial certificates issued by Chinese Appointed Attesting Officers (Hong Kong) are subjected to examination by China Legal Service (H.K.) LTD and subsequently transmitted under seal. The China Legal Service (H.K.) LTD's primary objective is to ascertain whether the notarial certificate adheres to the procedures for notarization, whether it is issued in accordance with the stipulated format, and whether its content does not contravene the laws of Hong Kong and the laws of the mainland. After the notarial certificates are inspected by China Legal Service (H.K.) LTD and under the transmission seal, they are valid on the mainland. The mainland authorities are, therefore, only required to check whether the seal by China Legal Service (H.K.) LTD is real, which greatly facilitates the use of the mainland authorities. Because of the disparate legal and regulatory frameworks that govern Hong Kong and the mainland, the China Legal Service (H.K.) LTD's work guarantees that the notarial certificates from Hong Kong are authentic and valid on the mainland.

2.4.2 Chinese Appointed Attesting Officers System in Macao

The Chinese Appointed Attesting Officers System is still exploratory in Macao. Before the return of Macao, the Nam Kwong Company of Macao, the Nam Kwong (Group) Company of Macao, and the Bank of Macao could issue certificates for their employees for use on the mainland. The Confederation of Trade Unions of Macao, the Chinese Education Association of Macao, and the Chinese General Chamber of Commerce of Macao were also able to issue certificates for use on the mainland for the staff of their associations. In practice, because the organizations mentioned above are NGOs (non-governmental organizations), there are limitations to their capacity and conditions for handling the differences in the law system of these two places. Thus, the certificates issued by the abovementioned NGO do not meet the requirements of the mainland authorities. It is difficult for mainland authorities to accept the certificates issued by the organizations mentioned above. The Mainland and Macao Closer Economic Partnership Arrangement (CEPA), signed in 2003, has mentioned and confirmed the presence of "notaries recognized by the mainland." After that, the Chinese Appointed Attesting Officers (Macao) was formally established in February 2006. The Ministry of Justice has appointed five Macao lawyers as the Chinese Appointed Attesting Officers (Macao). By July 2024, the Ministry of Justice had appointed 17 Macao lawyers to play this role.

The business scope of the Chinese Appointed Attesting Officers (Macao) is primarily about civil legal acts, facts, and documents that occur in Macao. It should be noted that acts and certificates related to gambling (in particular, disputes over gambling debts in the mainland) are not within the scope of the Chinese Appointed Attesting Officers. The types of notarial certificates issued by Chinese Appointed Attesting Officers (Macao) are divided into four categories: certificates, declarations, verifications, and appraisals. Notarial documents of certification type refer to documents issued by various government departments in Macao that shall be certified by notaries after verification of their authenticity. Such certificates include in-

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dustrial and commercial registration information, birth, death, marriage registration and other identity-related certificates, and real estate property information. A declaration-type is defined as a declaration made by a notary applicant at the mainland's request based on objective facts and corresponding evidential materials. This declaration primarily examines the authenticity of the declaration's content and attaches the testifying information to the notarial certificates. Verification-type notary certificates are documents issued by relevant social organizations and companies in Macao for the applicant's request. The notary then verifies the authenticity of the documents with the issuing entity. Such instruments include bank deposit slips, degree certificates, and hospital medical records. Appraisal-type notarial certificates are the documents that need to be assessed by the notary. So far, the China Appointed Attesting Officer (Macao) has processed over 3,000 notary certificates.

As is the case with notarial certificates issued by Chinese Appointed Attesting Officers (Hong Kong), those issued by Chinese Appointed Attesting Officers (Macao) must be verified and registered by China Legal Service (MACAO) LTD before being sent to the mainland. Notarial certificates that have not been transmitted and sealed do not have legal effect in the mainland.

3 Innovative Developments in the Notarial Service Industry

In 2017, the Guangdong, Hong Kong, and Macao Greater Bay Area were established. This region is currently the most open and economically vibrant area in China. It is, therefore, of great strategic importance to the country's development. In November 2020, General Secretary Xi Jinping, at the Central Conference on the Work of Comprehensive Law-based Country Governance, emphasized that: " The overall advancement of the domestic rule of law and foreign-related rule of law shall be adhered to, and the shaping of a systematic and complete foreign-related legal system shall be accelerated. The rule of law thinking and methods shall be used to solve outstanding problems in economic and social development, resolve risks, and safeguard national sovereignty, security, and development interests in accordance with the law. " It is the first time in the history of China's rule of law development that the " foreign-related rule of law " is now placed on an equal footing with the "domestic rule of law", particularly in the background of the comprehensive rule of law and modernization of the country's governance capacity. Foreign-related rule of law has been separately considered within the national macro-rule of law system. This emphasizes the significance and immediacy of developing the foreign-related rule of law. Faced with this backdrop, notaries have endeavored to implement many pioneering initiatives and developments as a significant component of the legal services sector.

3.1 Policy and Institutional Support

The Outline Development Plan for the Guangdong-Hong Kong-Macao Greater Bay Area, published in 2019, serves as a foundational document for the development of the entire Greater Bay Area. It provides detailed arrangements for the planning and design of the Greater Bay Area, as well as legal safeguards for the development of the Greater Bay Area in all aspects, including the spatial layout, system construction, and platform building. In 2021, the Ministry of Justice published the Opinions on Deepening the Reform of

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the Notarial System and Mechanisms to Promote the Sound Development of Notarization, which set forth the overarching requirements and principal objectives of notary reform. In 2023, the Guangdong Province issued the "Opinions of Guangdong Province Notary Public Profession on Assisting High-Quality Development of Guangdong in the New Era", which proposed the deepening of exchanges and cooperation with the notarial service industry of Hong Kong and Macao to jointly promote the integrated development of the notarial service industry in the Guangdong-Hong Kong-Macao Greater Bay Area. This document represents a comprehensive plan devised by the Guangdong Provincial Notary Association to facilitate the growth of the notary profession in the Greater Bay Area. Additionally, the notarial service industry in Guangdong Province has introduced ten measures to actively contribute to developing the Guangdong-Hong Kong-Macao Greater Bay Area. The Plan for Comprehensive Deepening Reform and Opening Up of the Qianhai Shenzhen-Hong Kong Modern Service Industry Cooperation Zone, the Master Plan of the Development of the Guangdong-Macao Intensive Cooperation Zone in Hengqin published in 2021, and The Overall Plan of Nansha of Guangzhou for Deepening the Comprehensive Global Cooperation among Guangdong, Hong Kong and Macao, published in 2022, is also of significant importance. The documents above for deepening the Guangdong-Hong Kong-Macao Comprehensive Co-operation are special development documents for the SAR under the State Council, providing crucial support for the innovative development of the notarial service industry. In 2024, the Department of Justice of the Hong Kong Government published the Action Plan to develop the Rule of Law in the Greater Bay Area of Guangdong, Hong Kong, and Macao. This document encourages the strengthening of judicial and legal exchanges and collaboration among Guangdong, Hong Kong, and Macao, promoting the establishment of a diversified dispute resolution mechanism for mutual consultation, construction, and sharing, provides high-quality, highly efficient, and convenient legal services in Guangdong, Hong Kong, and Macao Greater Bay Area. This will release the tremendous development momentum of the Greater Bay Area.

3.2 Innovations

In January 2018, Shenzhen became the first city in China to implement a simplified version of the notary certificates for commercial registration of Hong Kong-funded enterprises. In 2021, Shenzhen completed the electronic search of essential data within the notarial certificates. The latest Hong Kong-related notarial certificates can capture the certificates' contents electronically and query and print via the file number of the contents online. This ensures that the contents are both real and unmodifiable. Shekou Foreign-Related Public Legal Service Centre, the first entity platform for foreign-related public legal services in Guangdong Province, was held in 2020. The Centre specializes in providing a separate foreign-related notary Zoom and offers professional services. Subsequently, foreign-related public legal service centers were established in various cities in Guangdong Province, forming a comprehensive legal service network of notaries in the Greater Bay Area. In 2020, the Ministry of Justice and the Ministry of Foreign Affairs launched a pilot program of overseas remote video notarization, in which notary institutions collaborated with embassies and consulates abroad. This initiative addressed the challenge faced by overseas Chinese who could not return home to apply for notarization. By 2023, 295 notary institutions nationwide had become involved in the overseas remote video notarization program. In 2022, the Guangdong, Hong Kong, and Macao Greater Bay Area Blockchain Electronic Deposit Platform was launched. The integration of blockchain technology

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with the notary system has the potential to overcome the limitations of time and space, making it particularly effective in protecting intellectual property and preserving electronic evidence. In 2022, Guangzhou Municipality became the first entity in the Greater Bay Area to issue pre-litigation mediation notarial enforcement of debt instruments on the network. In this case, the Guangzhou Notary Office engaged in the mediation process at the beginning. It facilitated signing a mediation agreement through the Notary Office's blockchain-enabled notary system. The notary office subsequently granted the agreement enforceable effect. This inaugural blockchain technology-based network-enabled notarial certificate will be an example in the Guangdong, Hong Kong, and Macao Greater Bay Area, utilizing the integrated approach of "pre-litigation mediation + notary empowerment". On 8 March 2023, China ratified the Hague Convention, which entered into force on 7 November 2023. The accession to the Hague Convention has introduced several novel challenges to foreign-related notarization. Streamlining the authentication process for notarial certificates has enhanced quality, leading to more optimal utilization. In 2023, the Information Platform of China Appointed Attesting Service (Hong Kong) was promoted. It's about accelerating Soft Connection with commercial registration in the Greater Bay Area. This has transformed the traditional examining and stamping of notarial certificates forwarded to be mailed to the mainland use departments into an online information-sharing system. The entire notarization, audit, verification, and management process will be conducted electronically.

3.3 Training of notaries

In accordance with the National Talent Development Plan in 2017, our country's main concern for education has been meeting the needs of the talent of rule of law in foreign-related fields. We need to strengthen the construction of foreign-related rule of law talents continuously. In the field of a notary public, the mechanism for training foreign-related notary public talents has been improved quickly, and the formalization, specialization, and professionalization of the foreign-related notary team have accelerated significantly. In 2019, the notary public service industry of Guangdong Province introduced ten measures to facilitate enhanced exchanges and collaboration among notaries public in Guangdong, Hong Kong, and Macao Graeter Bay Area. These measures aimed to expand and deepen the cooperation among notaries public in Guangdong, Hong Kong, and Macao, as well as to provide training opportunities for foreign-related notaries public through the organization of visits, professional seminars, studies, and training. To enhance students' knowledge and understanding of the foreign-related rule of law and to improve the logistics of talent supply, colleges and universities across the country have increased the number of the foreign-related rule of law courses in these years. In 2024, the Beijing Municipal Bureau of Justice put forward the "Beijing high-end Foreign-Related Rule of Law Talents Cultivation Program," which includes training for foreign-related notaries to provide intellectual support for foreign-related notaries.

4 The Value and Function of Notarization

Notarization can be defined as a legal professional activity that serves to prevent disputes, reduce litigation, and enhance social credibility. It proves the authenticity and legality of certain documents, facts, or acts by law-authorized individuals with legal expertise. This process needs to follow strict legal procedure

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rules. In essence, the notary system represents a preventive legal apparatus that ensures the accurate implementation of legislation, precludes disputes, curtails civil litigation and legal proceedings, and safeguards the lawful rights and interests of citizens, legal entities, and other organizations. It constitutes a pivotal component of China's socialist judicial system. The notary system is characterized by its non-governmental, independence, neutrality, and authority. In its traditional sense, notarization serves three functions: firstly, as proof in the form of evidence; secondly, as a means of granting enforceable effects for debt instruments; and third, as a necessary condition for the effectiveness of certain legal acts. Nevertheless, nowadays, the notary's function as a prerequisite for the validity of legal acts has been eroded.

Furthermore, the function of the notary has expanded due to the developments of the social economy. In 1993, the Decision of the Central Committee of the Communist Party of China on Some Issues Concerning the Improvement of the Socialist Market Economy stated that market intermediary organizations should be developed and that their roles include service, communication, notarization, and supervision. In 2021, the Opinions on Deepening the Reform of the Notarial System and Mechanisms to Promote the Sound Development of Notarization indicate that the notary system is an important preventive justice system. Faced with the advent of a new era and the accompanying changes, it is imperative that the notary, as an indispensable component of the socialist legal system, aligns itself with the prevailing trends and fulfills its role.

The preventive judicial function of the notarial system represents an extension of the notarial proof of effectiveness. This is evident in two key areas: first, it addresses the need for economic agents involved in transactions to have confidence in the security of their transactions. The use of notarial certificates provides a means of conferring authenticity and legitimacy on the transaction, thereby offering participants a reliable and stable basis for their expectations. This reduces the potential of disputes arising. Secondly, the notary system is a quasi-judicial system established under the provisions of the law. Unlike the formal judicial system, the notary system is more flexible in meeting the parties' varying needs within the law's framework. The notary's function of proof can be used to achieve the stability of the parties' expectations and attain their desired effect, thereby avoiding the risk of disputes that may arise from the lagging of the law. Furthermore, regarding its preventive function, notarization can reinforce the socialist rule of law in several ways, thereby becoming an important tool for social governance.

5 Requirements and perspectives for notarization in Foreign-related Rule-of-law

The Decision of the CPC Central Committee on several Important Issues concerning Comprehensively Advancing the Rule of Law, adopted by the fourth Plenary Sessions of the 18th National Congress of the CPC in 2019, explicitly proposed, for the first time, the necessity of "strengthening the work of foreign-related legal work". Promoting foreign-related rule of law entails a form of application of Chinese law in a foreign country. Foreign-related rule of law represents an extension of domestic rule of law construction. In this new social context, foreign-related legal services encompass a range of professions, including lawyers, arbitration, notary publics, mediation, forensic appraisal, legal verification, legal aid, and other fields. The notary service industry has been called upon to respond proactively. To this end, these developments, the

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author puts forward the following outlook:

5.1 Enhancing the capacity of notarial services

It is recommended that a new technique be used in the notarial services. This should combine internet and blockchain technology to realize the combination of online booking and offline physical handling of notarial services on-site. Enhancing the information connection with government-serving departments, including public security, civil affairs, natural resources, human resources, social security, and the courts, is essential. This will facilitate the construction of an unimpeded information exchange platform and the expansion of the scope of online notary business. Establishing a nationally unified notary chain platform and exploring the potential applications of blockchain technology, particularly in protecting intellectual property rights, would ensure both the security of data and the uninterrupted availability of online services on a 24/7 basis. Notaries do not have the same information as other government agencies, resulting in time-consuming verification procedures. This is contrary to our social management model. It is imperative to accelerate the unification of information between the notary public and other government-serving departments to facilitate the "Streamline Administration and Delegate Power, Improve Regulation, and Upgrade Services" and enhance the public's experience of notary services.

Furthermore, the notary public is an institution with a guarantee of credibility. It can be a unified window facing Hong Kong, Macao, Taiwan, and other regions or countries worldwide. If the notary public is established as a unified information window, visiting different departments for verification will no longer be necessary. Then, information with high security and credibility can flow more freely if we all use notarial certificates. This could be achieved by adopting the "internet + notary" model in the future.

5.2 Reinforcement of the Legal System

Notaries have played a significant role in developing the socialist rule of law. However, in numerous civil and commercial matters and administrative domains, notaries engage in various legal activities without a legal foundation or effective institutional safeguards. Moreover, many notarial activities follow the stipulations outlined in the agreement between the parties or the directives issued by government departments; some notarial activities are conducted under public order, social virtue, and customs. However, this approach has resulted in inconsistencies and a lack of continuity in the same notarial matter across different notary publics. That affects notaries' efficacy seriously.

Despite internal legislation, including the Notary Law of the People's Republic of China, Rules for Notarization Procedures, and Measures for the Administration of China Appointed Attesting Officers (Hong Kong), the industry continues to face challenges regarding case practice guidance. The absence of unified norms to address the aforementioned issue results in each notary office handling a similar situation with different discretions. In the absence of legal prohibition, different discretions are employed, leading to different results, which may impact the credibility of the notarial certificates. In response to significant and complex cases, the Notary Public Association will issue a "Risk Alert" document monthly or quarterly to summarize these cases. Furthermore, the lack of case studies is particularly problematic for Chinese Appointed Attesting Officers, especially in Hong Kong, where the legal system is based on common law. In Hong Kong

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SAR, the unified rules are less developed, and the Chinese Appointed Attesting Officers are often guided only by some notifications and circulars. This lack of uniform guidance also hinders the efficient operation of the Chinese Appointed Attesting Officers system.

In this regard, the legal system must be reinforced, particularly in areas where notarization has yielded substantial outcomes and where its function is irreplaceable, such as electronic data, intellectual property rights, and enforcing debt instruments. On the other hand, the notary service industry must enhance its research activities to address the new challenges posed by the construction of the rule of law. It must also issue timely normative rules and guidelines on specific notary matters involving different legal fields to guarantee the quality and efficacy of notary services. In this manner, it is feasible to advance China's notarial service on the global stage.

5.3 Notaries should participate in the Diversified Dispute Resolution Mechanism.

Notaries, as an important part of the socialist legal system, must be involved in diversified dispute-resolution mechanisms. The notary's function is to verify and certify legal acts, facts, and instruments under the law. In pre-charge or litigation, the parties can request a notary to preserve and fix the evidence. If the parties cannot resolve a dispute through communication, mediation, or negotiation, they may apply an evidence preservation. This is typically done after the dispute has already arisen. The evidence in question may belong to the other party or a third party, and the parties to the dispute may seek the adoption of preservation measures to prevent the evidence from being lost, destroyed, or tampered with. Secondly, notary publics can provide legal services in the following areas: service, evidence collection, preservation, enforcement, and other parts. This can facilitate the litigation of the parties and the courts in carrying out their judging power fairly and efficiently, thus truly realizing the principle of the judiciary is served for and convenient to people. Notaries can conduct notarization activities and mediation services in family and commercial affairs. They are well-versed in the relevant legislation and can provide expert guidance in family and commercial fields. The notary institution takes part in pre-litigation mediation to assist the parties in reaching a mediation agreement and grant the agreement enforceability and legal effect. This alleviates the burden of litigation on the parties and reduces the pressure on the court system, thereby preventing societal disputes.

6 Conclusion

the notary system represents a vital component of the judicial system in modern society, serving as a crucial non-litigation means of dispute resolution. Its role in facilitating the smooth and efficient operation of the social system as a whole and developing a robust social credit system is of paramount importance. The advancement of the notary system will facilitate the evolution of China's foreign-related rule of law in the contemporary era, thereby actualizing the aspiration of establishing a harmonious human social community. In conclusion, the notary systems in mainland China, Hong Kong, and Macao are distinctive and have adapted to the changing needs of society and the economy throughout their respective development. In constructing the Guangdong-Hong Kong-Macao Greater Bay Area, reforms and innovations in the notary

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public sector have facilitated inter-regional legal cooperation and exchanges and enhanced the quality and efficiency of notary public services. As a vital component of the preventive justice system, the role of notarization has evolved beyond its traditional function to establish proof to create a broader scope within the domain of social governance. In the future, the notary service industry should seek to enhance its service capacity, reinforce the safeguards of the legal system, and engage actively in the diversified dispute resolution mechanism. This will enable it to cope better with the new foreign-related rule of law requirements and promote China's notary public to the world. Through continuous reform and innovation, the notary service industry will be more important in maintaining social justice and the rule of law.

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