Digitization of the Notarial profession in Algeria

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Abstract:

This study examines the digitization of the notarial profession as a contemporary shift from traditional notarization to end-to-end electronic notarization. It focuses on the legal and technological mechanisms that enable notaries to carry out their functions remotely from their offices, thereby reducing reliance on in-person dealings with public administrations. The research further evaluates the effectiveness of these mechanisms in modernizing notarial practice and assesses whether the existing regulatory framework is sufficiently adapted to the requirements of digital transformation. It concludes that digitization is a key lever for modernizing the profession, yet its successful implementation remains contingent upon updating the legal framework governing notarial activity.

Keywords: Notarial profession; notary; electronic notarization; digitization; digitization mechanisms.

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Introduction:

In implementation of the instructions and directives issued by the highest authorities of the country in the field of digitalization-aimed at improving the quality of public services, simplifying administrative procedures, and enhancing transparency-various sectors have begun digitizing their services through a structured and well-planned approach. This is particularly the case for the justice sector, given its vital nature and its direct connection to the protection of individuals' rights. Digitalization has therefore extended to all its areas and to the various legal professions under its supervision, foremost among them the notarial profession. This profession has been selected as the subject of the present study due to its status as one of the most significant legal professions, in view of the essential role it plays in safeguarding rights and ensuring the stability of legal transactions.

Within this context, the Ministry of Justice and the High Council of Notarial Practice, in coordination with the Ministry of Finance and the Ministry in charge of Digitalization, adopted a national strategy to implement digitalization within the notarial profession. This strategy is based on a set of modern legal and technical mechanisms intended to facilitate the notary's work, improve the quality of notarial services provided to individuals, and strengthen connectivity with the various public administrations with which notaries interact. This has been achieved through the establishment of digital platforms designed to manage professional activities and to link them with the relevant administrative bodies, thereby saving time, effort, and financial resources. As part of this national digital transformation process, a high-level body known as the High Commission for Digitalization was created and entrusted with leading, monitoring, and evaluating digitalization projects across all sectors.

This study aims to shed light on the concept of digitalization in the notarial profession in Algeria, to identify the most important legal and technical mechanisms capable of ensuring its effective implementation in practice, and to assess the extent to which these mechanisms contribute to improving the notary's performance. It also seeks to highlight the main challenges facing the digitization of the notarial profession and to determine the appropriate means to further develop it and enhance its outcomes. This analysis is grounded in a set of legal and regulatory foundations, foremost among them the legal framework governing the notarial profession, in addition to legislation relating to electronic transactions—particularly those concerning electronic writing and electronic signatures—as well as legal provisions related to electronic certification, the protection of personal data, and other legislative texts directly connected to the digitization of the notarial profession.

Although the Algerian legislator has established legal and regulatory foundations accompanying the process of digital transformation, the transition from legal provisions to practical implementation raises a number of issues, particularly with regard to whether these texts are sufficient to accommodate the requirements of digitalization. Accordingly, the main research problem of this study is articulated through the following questions: To what extent are the legal and technical mechanisms adopted effective in digitizing and modernizing the notarial profession? And to what extent is the legal framework governing the notarial profession compatible with the requirements of digital transformation?

Based on the research problem presented and in pursuit of the objectives set for this study, the descriptive method has been adopted as the most suitable approach for examining the legal and regulatory framework governing the notarial profession in Algeria. In addition, the analytical method has been employed to analyze the relevant legal texts in order to assess their adequacy in meeting the requirements of digital transformation.

In order to address the research questions, this study has been divided into two main sections. The first section is devoted to examining the conceptual framework of the digitization of the notarial profession, while the second section focuses on the mechanisms for establishing and activating digitalization within notarial practice. The study concludes with a final conclusion presenting a set of findings and recommendations.

Section One: The Conceptual Framework of the Digitization of the Notarial Profession

Clarifying key concepts constitutes one of the fundamental pillars of any academic study, particularly when addressing a modern and multi-dimensional topic such as the digitization of the notarial profession. Accordingly, this section will examine the concept of digitization (First), then move to the concept of the notarial profession (Second), ultimately leading to the concept of the digitization of the notarial profession.

First: The Concept of Digitization

Digitization has become an inevitable necessity in order to keep pace with technological developments in the contemporary era, which has imposed the need to reconsider traditional working methods and to shift towards modern digital tools in the management of public services and the delivery of administrative functions. From this perspective, addressing the concept of digitization requires, first, defining it as the essential entry point for understanding the digitization of the notarial profession, and then identifying the requirements upon which it is based.

1/ Definition of Digitization:

Digitization is considered one of the modern scientific terms that has emerged strongly as a result of the rapid development of information and communication technologies. Algeria has attached significant importance to this field, as reflected in the issuance of a presidential decree establishing the High Commission for Digitization, as a high-level body placed under the supervision of the Presidency of the Republic. This body is entrusted with leading digitization projects across all sectors, as well as strategic projects related to digital transformation, and it ensures their monitoring and evaluation[1].

In general, the term “digitization” refers to the process through which data and information contained in tangible paper files and documents are converted into an intangible electronic form, with the purpose of preserving and protecting them. Digitization may be defined as the conversion of traditional paper-based transactions into secure electronic operations that ensure traceability, preservation, and accuracy[2];or it may be defined as an integrated system that relies on information and communication technologies to transform manual administrative work into administrative operations carried out through modern digital technologies[3].

Digitization is generally understood as the conversion of paper-based information into electronic data that can be handled by computer systems. Beyond this technical aspect, it also transforms administrative and managerial practices by improving record preservation, safeguarding data integrity, and enhancing legal certainty.

2/ Requirements for Digitization:

Digitization cannot be effectively achieved, nor can it produce its intended outcomes, without the availability of a set of essential requirements and fundamental needs that form the general framework for its implementation. By way of example, these include:

A/ Qualified human resources:

The more qualified the personnel responsible for implementing digitization are, and the more they possess high-level skills, competencies, and capabilities, the greater the likelihood of completing digitization projects with high quality[4].

B/ Financial Capacity:

Financial capacity constitutes one of the core conditions for the success of digitization projects, as digitization requires financial resources to acquire the necessary equipment and devices, as well as to ensure their maintenance. Such equipment includes, in particular:

-Computers: These must have specifications and capabilities appropriate for digitization processes.

-Scanners: Also referred to as digital imaging devices, they are peripheral equipment connected to computers, used to scan various types of information—whether written, printed, or visual—and to transfer them into the computer's memory.

-Software: Digitization requires a wide range of software applications. Among the most important are programs that enable the editing and writing of HTML codes, compression and decompression tools, retrieval software, word and text processing applications, file transfer programs, software facilitating information exchange between individuals, as well as page layout and design software …..[5]

C/ Administrative Digital Platforms:

These are electronic spaces or digital environments dedicated to a specific field on the Internet, operating within the virtual sphere. They allow access to a range of services remotely and function through operating systems and software coordination[6]. Several types of platforms exist, including innovation platforms, transaction platforms, integrated platforms, social platforms, and investment platforms[7].

Second: The Concept of the Notarial Profession

Notarization is considered one of the essential legal mechanisms intended to establish proof of legal acts and to protect the rights of the parties involved. The legislator has entrusted the task of notarization to legally competent bodies responsible for regulating transactions and ensuring legal security. Accordingly, this section will first address the definition of the notarial profession, then proceed to examine the authorities entrusted with notarization.

1/ Definition of the Notarial Profession:

Various definitions have been adopted to determine the meaning of notarization in general; "It has been described as a set of procedures focused on information, facilitating its retrieval and access in a manner available to all. These procedures confer trust and security upon the information, due to the technical means employed in the notarization process " [8]. It has also been defined as "all the legal procedures carried out by the notary from the moment the parties seeking to confer official status on their transactions contact him, until such transactions acquire legal force enforceable against third parties, thereby safeguarding their rights .[9]"

It has also been" described as a discipline that examines the methods of recording and proving contracts and legal acts in an official form, so that they may be validly invoked and relied upon as evidence" [10]; Or it may be "defined as the field of study concerned with the manner in which contracts and transactions are evidenced in a form that may be invoked in the future".[11]

Notarization is understood differently depending on the angle of analysis. From a functional legal perspective, it is a formal legal process used to give transactions an official character. From a professional perspective, it is a specialized field governed by established rules and principles.

In practice, the notarial profession can be described as an independent legal occupation regulated by law and performed by a qualified notary who prepares contracts and legal instruments-either because the law requires an official form or because the parties choose it-in order to safeguard rights and promote legal certainty.

Digitizing the notarial profession means shifting these procedures from paper-based workflows to digital ones through modern technologies, while preserving the same legal safeguards associated with traditional notarization. Achieving this requires solid digital foundations, such as reliable property databases, digital mapping systems, electronic registers, trained personnel, and strong protections for information security and personal data, so that digital notarization remains effective and strengthens legal security in real estate transactions.

2/ Authorities Entrusted with Notarization:

In order to protect the rights of the parties and prevent risks and disputes that may affect their legal transactions, the Algerian legislator has provided a set of safeguards, foremost among them the attribution of the notarization function to competent official bodies, namely: the notary, or the entity acting in lieu thereof, represented by the Directorate of State Property.

A/ The Notary:

The notary has been defined as one of the officials serving the justice system, as the drafter of contractual intent and the judge of contracts, legally delegated, referred to in the Holy Qur'an as the "scribe of justice." The notary acts as the guarantor and protector of the parties' rights, authenticates documents in an official manner, and performs such duties independently, for their own account, and under their own responsibility…[12]

It was also defined by the Algerian legislator under Article 3 of the law governing the notarial profession**,** Law No. 06/02, dated 20/02/2006[13],He is defined as a public officer delegated by the public authority to draw up contracts in official form. The notary enjoys the status of a public officer in drafting contracts and legal acts, as a representative of the State who acts in its name and on its behalf. He is responsible for authenticating contracts and legal acts in official form and contributes to ensuring legal security and the stability of transactions.

B/ The Directorate of State Property:

It is a public institution of an administrative nature under the authority of the Ministry of Finance, in accordance with the provisions of Executive Decree No. 91/65, dated 02/03/1991, concerning the organization of the external services of State Property and Land Registration[14], This Directorate carries out numerous activities, including the management, supervision, and protection of national property owned by the State or local authorities. It is also responsible for drafting administrative contracts relating to real estate operations falling under State Property, and for keeping copies thereof, in its capacity as a public notary; Having clarified the concept of the digitization of the notarial profession, we now proceed to examine the mechanisms that have been relied upon to digitize this profession, as will be addressed in the following section.

Section Two: Mechanisms for Establishing and Implementing Digitization in the Notarial Profession

This section addresses the practical dimension of digitizing the notarial profession. Such digitization is not limited to the existence of legal texts or strategic directives; rather, it requires a set of mechanisms capable of ensuring its effective implementation in practice and guaranteeing its efficiency. Accordingly, this section will examine the mechanisms for establishing digitization in the notarial profession (First), then move on to the mechanisms for implementing digitization in notarial practice (Second).

First: Mechanisms for Establishing Digitization in the Notarial Profession

The mechanisms for establishing digitization in the notarial profession refer to the preparation of the legal environment that enables the transition of the notarial profession from the traditional system to the electronic system throughout the various stages of notarization. Electronic writing, together with electronic signature and electronic certification, constitutes the fundamental pillars for laying the groundwork for digitization. Therefore, we will address electronic writing first, then proceed to examine electronic signature and electronic certification.

1/ Electronic Writing:

The Algerian legislator has recognized electronic writing as a means of proof under Article 323 bis and Article 323 bis 1 of Law No. 07/05, dated 13/05/2007, amending the Algerian Civil Code[15], It was defined under Article 323 " as a sequence of letters, descriptions, numbers, or any other signs or symbols having an intelligible meaning, regardless of the medium in which they are embodied, as well as the methods by which they are transmitted"

Electronic writing constitutes a modern means of drafting transactions, carried out through the use of a computer. It is created and transmitted in the form of a set of symbols and numbers capable of electronic processing, which are entered into the computer via the keyboard and converted into letters, thereby appearing as readable and understandable writing for any ordinary person. It may also be stored and retrieved at a later stage. It differs from traditional writing in terms of the medium on which it is based, as the former is produced on electronic media, whereas the latter relies on paper-based media. In this context, a fundamental question arises: does electronic writing enjoy the same legal evidentiary value as paper-based writing?

By referring to the provisions of Article 323 bis 1 of the Civil Code," which states that proof by writing in electronic form is equivalent to proof by writing on paper, provided that it is possible to verify the identity of the person who issued it and that it is prepared and stored under conditions ensuring its integrity", it becomes clear that the legislator did not distinguish between electronic writing and writing on paper, and considered them equal in evidentiary matters. However, this equivalence remains subject to the requirement of confirming the identity of the person who issued it, and ensuring that it is recorded and stored in a secure electronic manner that guarantees its integrity, so that it can be retrieved for consultation and preserved again.

2/ Electronic Signature and Electronic Certification:

The Algerian legislator has established the system of electronic signature and electronic certification pursuant to **Law No. 15/04**, dated **01/02/2015**, which sets out the general rules relating to electronic signature and electronic certification [16], Within this element, we will first examine the electronic signature, then proceed to the study of electronic certification.

A/ Electronic Signature:

The Algerian legislator introduced the electronic signature through Law No. 07/05, amending the Civil Code, under Article 327(2), "which provides that electronic signatures shall be recognized in accordance with the conditions set out in Article 323 bis 1 above ". This was intended to confer evidentiary value upon electronic instruments. Electronic signatures have been classified into the following types:

A/1 Ordinary Electronic Signature:

This type was addressed in Article 2(1) of Law No. 15/04 mentioned above, " where it was defined as electronic data attached to, or logically associated with, other electronic data, and used as a means of authentication ". The data used for creating this signature was also defined under Article 2(3) as "unique data, such as symbols or private encryption keys, used by the signatory to create the electronic signature. " From these two provisions, it may be inferred that an electronic signature consists of digital data in the form of numbers, symbols, or codes, technically linked to electronic documents in a manner that prevents it from being separated from them or transferred to other documents. The expression “used as a means of authentication” indicates that the electronic signature is not merely a technical tool, but rather a legal instrument for proving legal acts and conferring credibility upon them, in the same way as a handwritten signature in traditional documents.

A/2 Qualified Electronic Signature:

This is the type of signature recognized by the Algerian legislator, as it is considered the most secure form of electronic signature, It is used to authenticate the identity of the signatory and to establish their acceptance of the content of the writing in electronic form[17], The Algerian legislator has expressly recognized the evidentiary value of the qualified electronic signature and equated it with the traditional signature under Article 8 of the same law, " which provides that the qualified signature alone is deemed equivalent to a handwritten signature";However, this is subject to the fulfillment of a number of conditions set out in Articles 7 and 10 of the same law, namely:

- It must be created on the basis of a qualified electronic certification certificate.
- It must be uniquely linked to the signatory and must make it possible to identify their identity.
- It must be generated using a secure mechanism specifically designed for creating electronic signatures.
- It must be created by means that remain under the exclusive control of the signatory alone.
- It must be linked to the relevant data in such a manner that any subsequent alterations to such data can be detected.

B/ Electronic Certification:

Electronic certification, also known as digital certification or an electronic certificate, is a process aimed at ensuring the legality, integrity, and security of information transmitted or stored electronically. It relies on the use of encrypted keys—namely the public key and the private key—to secure data and transactions concluded via the Internet. It is commonly used to verify the identity of the parties involved in a digital transaction and to ensure that the data is not altered during transmission.

As noted above, in order for an electronic signature to establish trust and security in electronic transactions, it must be certified by a neutral third party that guarantees its reliability and confirms that the electronic document and signatures were issued by the person to whom they are attributed. Since the electronic signature is based on an encryption process carried out by such a neutral third party, a key question arises: what is meant by encryption, and who is the third party responsible for performing this task?

Encryption is defined as a complex computational process through which readable text is transformed into unreadable symbols and signs, in a manner that ensures information security and confidentiality[18],There are two encryption systems. The first is known as symmetric encryption, which is based on the principle of a single identical key used for both encryption and decryption. In this system, the sender and the recipient use the same encryption key to decode the message. Before encrypted messages are transmitted, the encryption key is securely sent to the recipient so that the ciphertext may be decrypted. However, this system does not provide sufficient trust and security, due to the risk of the key being compromised during the exchange process[19]. As for the second system, known as asymmetric encryption, it relies on the use of two different keys: one referred to as the public key, and the other as the private key. One key is used for encryption, while the other is used for decryption. This system is the most commonly used in the field of electronic signature and electronic certification, as it provides the highest level of security. It is based on the use of a pair of digital keys: the private key is kept confidential by its owner and is used to create the electronic signature or to decrypt data, whereas the public key is made available to others and is used to verify the validity of the signature or to encrypt data[20]. The Algerian State adopts the asymmetric encryption system in order to ensure trust, security, and confidentiality in electronic transactions. For this objective to be achieved, the existence of a neutral third party is required, which may take the form of a "trusted third party " or an "electronic certification service provider", This entity is responsible for verifying the identity of the signatory and confirming that the signature is attributable to them without alteration or forgery, through the issuance of a certificate known as an electronic certification certificate.

The Algerian legislator defined the trusted third party under Article 2(11) of Law No. 15/04 "as a legal person that grants qualified electronic certification certificates, and may also provide other services related to electronic certification for the benefit of participants within the governmental branch. As for the electronic certification service provider", it was defined under Article 2(12) of the same law "as a natural or legal person that grants qualified electronic certification certificates and may provide other services in the field of electronic certification",accordingly, the third party constitutes a technical and legal entity that is officially accredited through an authorization granted by the regulatory authority responsible for electronic certification, after fulfilling the legal conditions set out in Article 34 of the same law. Such authorization is accompanied by a set of specifications that determines the conditions and procedures for providing electronic certification services, as well as the signing of the electronic certification certificate[21],It is responsible for issuing the qualified electronic certification certificate, which the law requires to include a set of essential data provided under Article 15(4) of the same law. Such data include, in particular, the identification of the accredited entity that issued the certificate and the country to which it belongs, whether under its real name or an approved pseudonym, as well as technical information enabling verification of the validity of the electronic signature, consistent with the means used to create that signature, and the determination of the certificate's period of validity.

From the foregoing, it appears that the Algerian legislator has laid down a solid legal foundation for the adoption of digitization within the notarial profession, by establishing clear legal bases for recognizing electronic writing, electronic signature, and electronic certification, as reflected in the Civil Code and the law relating to electronic signature and certification. Nevertheless, the transition from the theoretical framework to practical implementation remains limited in reality, as these mechanisms have not been fully activated within the notarial profession, and their use has remained confined to a narrow scope.

The effectiveness of electronic signatures and digital certification in the notarial sector largely depends on the existence of a secure digital environment. Since electronic platforms are increasingly used for drafting and authenticating contracts, new cybersecurity concerns have emerged, particularly the risks of cyberattacks, unauthorized access to information systems, manipulation of electronic documents, and misuse of electronic signature and certification tools, [22] These concerns are especially significant given the highly sensitive nature of the data and official documents handled by notaries. Consequently, there is a growing need to continuously update information security technologies, strengthen systems for data storage and processing, and adopt preventive strategies capable of addressing potential cyber threats and security breaches.

Moreover, a notary's failure to exercise adequate care and vigilance such as neglecting the protection of electronic data or failing to properly secure electronic signature and certification tools may lead to data breaches, document forgery, or the disclosure of confidential information. Such failures may engage the notary's civil liability whenever they cause harm to clients or undermine the legal authenticity and evidentiary value of official electronic documents. Therefore, notaries must comply with both technical and legal security requirements in order to ensure the safety of electronic transactions and the protection of digital data.

Second/ Mechanisms for Implementing Digitization in the Notarial Profession:

Implementing digitization in the notarial profession refers to the effective and secure integration of digital technology into notarial practice, by electronically connecting notarial offices with the various public administrations, in addition to encouraging notaries to use digital technical tools that support their profession. Accordingly, this part will address the electronic interconnection of notarial offices with public administrations, then proceed to examine the use of digital technical tools supporting the notarial profession.

1/ Electronic Interconnection of Notarial Offices with Public Administrations:

In order to accelerate notarization procedures and digitize them, notarial offices have been connected to the public administrations with which they regularly interact, namely the National Commercial Register, the Land Survey Administration, and the Land Registry. We will first examine the electronic connection between notarial offices and the National Commercial Register, then move on to the connection between notarial offices and the Land Survey and Land Registration Administration.

A/ Electronic Connection between Notarial Offices and the Commercial Register:

The National Centre of the Commercial Register[23] It is an independent administrative body placed under the supervision of the Minister of Trade. As part of the digitization of the Algerian administration, the Algerian legislator introduced an information portal dedicated to this Centre, known as “Sijilcom”, which is accessible via the Internet. This portal provides a wide range of services to professionals online, without requiring them to travel to the local office of the Centre.

Given that notarization precedes registration in the Commercial Register, no person—whether a natural person or a legal entity—may apply for registration in the Commercial Register except through notarized instruments. In order to strengthen cooperation between the National Centre of the Commercial Register and the National Chamber of Notaries, and to facilitate the work of notaries, an agreement was concluded between them on 08 July 2013. Under this agreement, notarial offices were directly connected to the “Sijilcom” portal, enabling them to carry out certain notarization procedures related to the Commercial Register securely from their offices[24].Among the services currently provided by the Sijilcom portal for the benefit of notaries are the facilitation of procedures and the encouragement of business creation, as well as the publication of legal notices relating to the incorporation, amendment, and dissolution of commercial companies’ instruments, the sale and mortgage of the business goodwill, the publication of announcements in the Official Bulletin of Legal Announcements, the filing of corporate accounts, and the registration of trade names[25].

In order for notaries to access the various services offered by the Sijilcom information portal, they must subscribe by applying to one of the branches of the National Centre of the Commercial Register, for the purpose of opening an account and signing the contract, and then crediting the account with a financial balance depending on the type of subscription (unit, basic, or full).

B/ Electronic Connection of Notarial Offices with the Land Survey and Land Registration Service:

The General Directorate of National Property initiated the establishment of a new organizational structure characterized by the integration of land survey services with land registration services within a single administration under its authority[26],Digital platforms have been established in order to enhance and improve the performance of both the land survey services and the land registration services. The Algerian legislator confirmed, through Article 39(2) of the Supplementary Finance Law for the year 2020[27], the introduction of Article 3 bis into Ordinance No. 75/74 concerning the general land survey and the establishment of the land register[28], as amended and supplemented " This provision states as follows: the digitization of the operations of preparing, maintaining, and preserving land survey documents and the land register shall be carried out progressively until it is fully generalized throughout the national territory".

The notarial profession is closely connected to the land survey and land registration service. A notary cannot submit contracts whose subject matter concerns immovable property or a real right in rem over immovable property unless such contracts are accompanied by land survey extracts relating to the property concerned, failing which the filing may be refused by the land registrar[29].

The General Directorate of National Property introduced two key digital tools to support notarial practice: the “Algeria Space Geographic Portal,” which enables notarial offices to submit and process requests for land survey and land registration documents remotely, and the “Al-‘Aqar (Real Estate)” platform, which provides registered notaries with digital access to the required cadastral and land registry records. These measures form part of a broader digitization framework, pending the creation of additional platforms dedicated to registration and stamp duties and to land publicity, so that notarial instruments may be registered and published remotely.

2/ Use of Digital Technical Tools Supporting the Notarial Profession:
Digitization in any profession cannot be effectively implemented without reliance on modern technical tools that transform administration from the traditional paper-based system to a digital system, thereby ensuring speed and accuracy in the delivery of services. In this element, we will present the modern technical means that the notary should use in order to keep pace with digitization in professional practice. These include the use of software and modern electronic devices for the management of the notary’s office, as well as reliance on electronic payment systems.

A/ Use of Software and Modern Electronic Devices for Managing the Notary’s Office:

Article 18 of Notarial Law No. 06/02 provides for the necessity that the notary enhance their scientific knowledge. By relying on technical software and modern electronic devices in the management of the office, the notary contributes effectively to improving their knowledge and developing professional competence. Accordingly, we will present certain types of electronic software that assist the notary in managing the office, then proceed to present some electronic devices that the notary should acquire in order to facilitate office management.

A/1 Software Tools Assisting in the Management of the Notary’s Office[30]:

The Jurisoft IT Consulting Office, which specializes in developing computer software for the justice and legal sector—particularly for judicial auxiliaries, including notaries—has issued a number of software programs that assist in the management of the notary's office. Notaries may obtain these programs either through the payment of an annual subscription that entitles them to receive all legal and technical updates periodically and free of charge, or through permanent acquisition with an optional maintenance contract. In addition, the Ministry of Finance, under the supervision of the General Directorate of National Property, issued the MACF program for the modernization of land registry activities, which will be addressed below.

A/1/1 The Notarial Accounting Software "Al-Nadhim":

This is an approved software program, compliant with the conditions and modalities governing the keeping of accounts through information technology systems[31],It forms part of the digitization mechanisms and constitutes an integrated system for managing the notary's office. It combines accurate accounting, office administration, and the tracking of the life cycle of instruments from registration through to land publicity. Among the functions performed by this software are specialized notarial accounting, the management of client and office files, precise monitoring of contract registration, the management of land publicity procedures, and the issuance of invoices and financial reports.

A/1/2 The Inheritance Calculator Program ("Al-Mujib"):

This is a professional software program, considered the leading and only program of its kind in Algeria since 2008. It serves as a specialized tool intended for notaries and legal practitioners to calculate inheritance shares and succession entitlements with a high degree of accuracy, in accordance with Algerian law and Islamic Sharia. It is designed to operate within a network environment, meaning it may be connected to multiple devices within the office, thereby enabling the notary and their assistants to access data simultaneously, with specified permission levels allocated to each user.

Among the functions of this program are the precise calculation of inheritance shares for all categories of heirs, including agnatic heirs in all their forms and uterine relatives, as well as the treatment of special cases and all scenarios involving the grandfather, including the muādala. It also covers radd and ʻawl, exclusion *(*hajb*),* tanzīl and testamentary dispositions, in addition to providing accurate computations for succession substitutions *(*manāsakhāt*) and complex* estates, together with detailed reports identifying the heirs and their respective shares.

A/1/3 "Al-Wathiq" Electronic Archiving Program:

This is a system that moves the notary's office into the digital era by enabling secure and rapid electronic archiving of notarized instruments. It is designed in accordance with the latest international archiving standards to ensure the integrity of information and ease of access. Among its functions are: secure digital archiving of instruments, fast and advanced search within the archive, data protection and backup mechanisms, and the easy retrieval of older documents. The notary may obtain it either through an annual subscription or on a permanent basis.

A/1/4 "Inayah" Program:

This is a specialized program intended to regulate the relationship with clients, with a particular focus on legal compliance. It integrates due diligence procedures for combating money laundering, thereby protecting the notary and ensuring that workflow is conducted within the applicable legal frameworks. Among the functions it provides to the notary are: client database management, anti-money laundering compliance tools, due diligence records and client identification, alerts for suspicious or incomplete files, and integration with the notary's daily workflow.

A/1/5 MACF Program for the Modernization of Land Registry Activities:

This is an official information system approved by the Ministry of Finance, officially launched in 2016 as part of the State's strategy to digitize the real estate sector and improve services provided to citizens. It aims to develop the conduct of land registry activities and the operations related to land publicity, including electronic archiving of land register documents, performing filing operations and tracking them digitally, and carrying out searches and inspections of real estate information through digital means[32].

In order for notaries to use these digital systems effectively, they must possess adequate digital literacy that enables them to understand both the rights and obligations associated with their use, as well as the risks arising from weak or insufficient cybersecurity within electronic notarization systems. For this reason, it is highly advisable to strengthen and expand specialized training programs and professional workshops for notaries in the fields of digitalization and electronic notarization. Such training would enable them to keep pace with technological developments and gain a better understanding of cybersecurity mechanisms and digital protection tools. Continuous professional training plays a crucial role in enhancing the notary's digital competence and ensuring the secure and efficient use of electronic systems and applications.

A/2 Electronic Devices Assisting in the Management of the Notary's Office:

In addition to the electronic devices on which the notary relies in performing professional duties—such as the computer, printer, scanner, fax, and Internet connectivity devices—the notary should also acquire modern electronic equipment that significantly facilitates office management. Among these devices are:

A/2/1 Automated Reader for Smart Biometric Cards:

This is a device that allows access to the data stored in any card containing an electronic chip. It enables the electronic reading of personal [33]data and is connected to a central information system under the Ministry of the Interior, Local Authorities, and Urban Planning, allowing the notary to verify the accuracy of the data and ensure its conformity[34],This is intended to protect sensitive personal data that requires a high level of protection. The Algerian legislator emphasized the necessity of safeguarding such data against any breach that could lead to its destruction, loss, or alteration, through the enactment of Law No. 18/07, dated 20 June 2018, relating to the protection of natural persons in the field of processing personal data[35].

This smart device was put into operation in coordination with the Ministry of the Interior, Local Authorities and Urban Planning and the Regional Chamber of Notaries of the Central Region. An installation and user guide was prepared, and the device was made available to notaries in order to verify the accuracy of their clients' identity and civil status and to combat all forms of forgery and fraudulent practices, thereby contributing to the modernization of the notarial profession and facilitating its exercise[36].

A/2/2 The Algerian Notary System Device[37]:

Also referred to as the "Algerian Notary Assistant," this is an autonomous electronic device equipped with an advanced operating system designed specifically for notaries to assist them in managing office operations. Among its key features are:

- It provides continuous, high-level protection against viruses and cyberattacks.
- It integrates, within a single device, a wide range of officially approved services, software programs, applications, tools, and information, ensuring strong performance and reliable stability throughout its service life.

- It ensures data security through the inclusion of a backup storage drive, enabling data preservation and recovery in the event the main drive is damaged or malfunctioning.
- It also allows an unlimited number of devices to be connected to the office’s local network without incurring any additional costs.
- It enables electronic signature and electronic certification of documents generated through the system before they are saved and/or transmitted to professional bodies, while ensuring that such documents cannot be tampered with or modified thereafter. This eliminates the need to print documents solely for handwritten signature prior to sending them to the relevant entities.

This system further aims to modernize the notarial profession in line with contemporary requirements. Among the services it provides to the notary are: drafting instruments, biometric reading, notarial accounting, registering and publishing instruments, monitoring treasury accounts and preparing official registers, general accounting and staff management, electronic preservation of originals and documents, and the ability to connect to various electronic platforms.

A/2/3 Electronic Payment Terminal:

This is a device that enables individuals to pay financial amounts remotely through a non-cash method in a secure and rapid manner, using bank cards or postal cards that allow withdrawals. This device is provided for the benefit of merchants and professionals, and it is linked to electronic payment platforms associated with a specific banking system designed for this purpose[38],It is required that any applicant wishing to obtain this device must hold, or open, an account with one of the banks that operate electronic payment services, in addition to signing an agreement with the bank[39].

As for the electronic payment terminal intended for notaries, given their status as public officers, it differs from the device granted to traders. It is connected to the Public Treasury and the Tax Directorate. In this regard, Article 40 of Notarial Law No. 06/02 provides that the notary shall collect all rights and fees on behalf of the Public Treasury from those obliged to pay them upon the drafting of instruments, and shall directly remit to the tax collectors the amounts due from the parties by reason of taxation. The notary is, in this respect, subject to oversight by the competent State services in accordance with the applicable legislation.

B/ Adoption of the Electronic Payment System in Notarial Transactions:

The electronic payment system is considered one of the modern mechanisms for payment through banking channels. It aims to settle financial transaction amounts through secure digital means, away from traditional methods based on cash. Pursuant to Article 207 of Law No. 24/08, dated 24/11/2024, containing the Finance Law for the year 2024[40], notaries are required to apply the provisions of the 2025 Finance Law with respect to real estate transactions relating to built and unbuilt properties, and the purchase of yachts and leisure boats regardless of their price, where payment is made electronically through approved banking channels[41],together with the inclusion of the method of payment in instruments and contracts. This offers several benefits, including saving effort, cost, and time for individuals or financial institutions. It also enhances transparency in transactions, subjects financial flows to oversight by the competent authorities, and contributes to combating money laundering.

The National Chamber of Notaries issued a circular addressed to all notaries, emphasizing the need to exercise due care in applying the provisions of Article 204 referred to above. Notaries were required to verify all evidence demonstrating that the full price of the transaction had been paid through banking channels, whether one-fifth of the price or four-fifths of the transaction price, and to state the payment mechanism and its references within the body of the contract[42].

With regard to the acquisition of electronic payment terminals by notaries, an agreement was signed between the National Chamber of Notaries and the company SATIM (the Automated Cash and Interbank Automated Relations Company), in coordination with the Public Treasury, in order to make these devices available to all notaries. This will enable citizens to pay notarization fees, registration fees, and land publicity fees through such terminals, pending the effective implementation of this measure and its generalization to all notaries.

Ultimately, it can be said that the success of the digitalization of the notarial profession in Algeria is closely dependent on the effectiveness of the cybersecurity framework in place. Cybersecurity threats may compromise the integrity of electronic documents, the confidentiality of data, and the legal reliability of electronic signatures and digital certification, which can negatively affect public trust in the electronic notarization system as a whole. Therefore, ensuring the security of electronic transactions constitutes a fundamental requirement for the successful digital transformation of the notarial profession and for strengthening confidence in the digital environment.

Conclusion

At the end of this study, we have reached the following findings:

- The digitization of legal professions in Algeria, particularly the notarial profession, has become an inevitable necessity rather than a mere option.
- The Algerian legislator has recognized electronic writing and electronic signature and has granted them the same evidentiary value as writing and signature in their traditional form, provided that specific conditions are met.
- Electronic certification constitutes an effective tool for ensuring legal security in the digital environment, as it guarantees identity verification and data integrity and enhances trust in digital transactions.
- Several digital platforms have been created to connect notarial offices with certain public administrations with which they regularly interact, such as the Commercial Register administration and the land survey and land registration service, pending the establishment of other digital platforms dedicated to the registration and stamp duties service and to land registries, so that notaries may register and publish instruments remotely without the need to attend the competent administrations in person.
- Numerous software programs and electronic devices have been developed to assist notaries in managing and modernizing their offices and in providing high-quality services that save effort, time, and cost.
- The Algerian legislator has emphasized the necessity for notaries to acquire electronic payment devices and has encouraged parties to use electronic payment, while requiring the settlement of transaction values through financial or banking channels in order to combat money laundering and tax evasion.
- The Algerian legislator has taken a positive step by enacting a set of laws and regulations in the field of digitization. However, these have not fully aligned with the law governing the notarial profession, as the legislator has established a general legal framework for digitization—such as laws relating to electronic signature and certification and the protection of personal data—while the law governing the notarial profession remains based on a traditional

model requiring the physical presence of the parties and the paper form of instruments, which limits the practical effectiveness of digitizing notarial work.

Accordingly, we recommend:

- Amending the law governing the notarial profession in a manner consistent with digitization requirements, and incorporating legal provisions that expressly recognize electronic notarization, define its procedures, and determine the notary's liability within the digital environment.
- Establishing digital platforms that directly connect notarial offices with the registration service and the land registry, in order to register and publish various legal acts electronically, without the need to approach the competent authorities.
- Strengthening the digital infrastructure and relying on secure information systems that provide high-level protection against viruses and cyberattacks.
- Expediting the provision of electronic payment terminals to all notaries and connecting them directly with the tax services and the Public Treasury.
- Launching intensive training programs for notaries on how to use digital platforms and software tools, and how to operate electronic devices with high efficiency.
- Strengthening partnerships with specialized foreign entities in the field of digitization, in order to benefit from international expertise in developing notarial work.

Ultimately, the success of digitizing the notarial profession in Algeria remains contingent upon the integration of legislative, legal, and institutional efforts, so as to ensure the delivery of a secure and effective notarial service.

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