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Article

## Notarial Mediation in Ukraine: Legal Foundations, Comparative Insights, and Digital Horizons

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### Abstract

This study conducts a comprehensive analysis of the legal nature, procedural foundations, ethical standards, and digital perspectives for introducing mediation into Ukraine's notarial practice. It investigates the potential of notarial mediation as an out-of-court mechanism for private disputes, with emphasis on inheritance, housing, and land matters. Through a comparative lens, the article examines experiences in France, Germany, and Italy, focusing on procedural clarity, professional ethics, and digital integration (e-identification, video communication, and blockchain). A central argument is advanced: notarial mediation can strengthen social cohesion and access to justice in Ukraine's post-war context when coupled with robust regulation, an ethics framework, and interoperable digital infrastructure. The discussion situates notarial mediation within broader EU-aligned standards, including CEPEJ and UNCITRAL guidelines, and identifies institutional and legislative gaps that constrain implementation. Policy recommendations are offered to improve legal regulation, certify notary-mediators, develop an ethics code, and advance digital mediation capabilities. The study highlights the role of notarial mediation in post-conflict recovery and argues that, when properly regulated, it can reduce court burdens and enhance public trust in legal institutions. The conclusions are drawn from comparative doctrinal analysis and interdisciplinary perspectives, with implications for Ukraine's legal modernization and reintegration efforts.

**Keywords:** Mediation, Notary, Alternative dispute resolution, Digital transformation, Ethics, Inheritance, eIDAS

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## Introduction

Contemporary legal systems increasingly require effective alternative dispute resolution (ADR) mechanisms that alleviate pressure on the judiciary, ensure prompt and low-conflict resolution of legal issues, and enhance public trust in justice institutions (European Commission, 2020; CEPEJ, 2007). In this context, mediation is being progressively recognized not only as a distinct extrajudicial procedure, but also as part of the broader transformation of legal professions, including notarial practice.



The legislative institutionalization of mediation in Ukraine began with the adoption of the Law of Ukraine "On Mediation" No. 1875-IX in 2021, which established the core principles of mediation, the legal status of the mediator, and training requirements. A subsequent development was the amendment to the Law of Ukraine "On Notariat", which granted notaries the right to perform mediation provided they receive proper training (Law of Ukraine No. 3425-XII, 2024). These developments indicate the emergence of a new functional domain within the Ukrainian notarial system – notarial mediation.

The experience of European Union Member States demonstrates the viability of such integration. In France, Germany, and Italy, notaries have long performed not only the certification of agreements reached in mediation but also act as independent mediators. As noted by researchers from Lithuania and CEPEJ, combining the role of notary with that of mediator is feasible, provided there is clear ethical delineation, appropriate training, and transparent regulatory frameworks (Cerka, Grigiene, & Poderyte, 2015; CEPEJ, 2007).

However, in Ukraine, the institutional and normative framework for notarial mediation remains underdeveloped. There is no established procedural model for notary-mediators, nor a mechanism for recording the outcomes of mediation, certifying agreements, or enforcing them. Moreover, ethical guidelines and digital tools necessary to support mediation procedures are absent. As Medynska (2025) points out, this legal uncertainty hinders the effective implementation of notarial mediation as a full-fledged out-of-court dispute resolution tool.

This issue is especially relevant in light of martial law and the challenges of Ukraine's post-war recovery. With judicial infrastructure operating intermittently and the volume of socially sensitive disputes (inheritance, housing, property) increasing, notarial mediation can serve as an accessible, expert-based, and legally recognized instrument of legal stabilization (UNDP, 2021).

The purpose of this article is to analyze the legal nature, regulatory foundations, professional standards, and digital capacities of notarial mediation in Ukraine, with reference to relevant European practices and post-war recovery imperatives. Particular attention is given to the comparative legal experiences of France, Italy, and Germany, and to identifying the prerequisites for establishing a sustainable, ethically sound, and digitally supported model of notarial mediation in Ukraine.

## **Literature Review**

The establishment of alternative dispute resolution (ADR) as an effective component of justice has both practical significance and a strong doctrinal foundation. Contemporary approaches to ADR are based on the concepts of communicative justice, dialogical legal culture, and a focus on the parties' interests rather than strictly on legal positions. Mediation holds a central position within this system as a flexible, voluntary, and confidential reconciliation process involving a neutral third party.

In the European legal space, approaches to mediation are largely shaped by Directive 2008/52/EC, as well as by the recommendations of CEPEJ and the Council of Bars and Law Societies of Europe (CCBE), which outline legal, ethical,

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and professional training standards for mediators (CEPEJ, 2007; CCBE, 2019). Additionally, the UNCITRAL Model Law on International Commercial Mediation establishes universal procedural principles such as voluntariness, confidentiality, mediator neutrality, party autonomy, and enforceability of settlement agreements (UNCITRAL, 2018).

Within this broader ADR framework, the institution of notarial mediation has emerged as a unique mechanism that combines the procedural flexibility of ADR with the institutional reliability and public authority of the notary. This phenomenon is studied in the context of the evolving role of the notary in modern law – from a recorder of legal intent to a dialogue facilitator and mediator in the private settlement of disputes (Medynska, 2025).

According to Medynska's analysis, in countries with Latin-style notarial systems (France, Italy, Germany), notaries are gradually assuming a dual role: not only certifying legal acts, but also participating in dispute resolution through mediation procedures integrated into the framework of professional self-regulation (Medynska, 2025, pp. 103–109). This approach is also supported by European scholars and practitioners who regard the combination of notarial and mediation functions as particularly effective in high-trust interpersonal conflicts (Cerka, Grigiene, & Poderyte, 2015).

Accordingly, the theoretical framework of this study is based on the integration of:

- the doctrine of ADR as a humane and efficient access-to-justice mechanism;
- international legal standards for mediation;
- provisions of Ukrainian national legislation on mediation and notariat;
- scholarly works substantiating the institutional involvement of notaries in out-of-court dispute resolution.

These approaches allow notarial mediation to be viewed as a novel legal construction that synthesizes professional standards, procedural neutrality, and the potential for digital transformation.

## **Methodology**

This study employs a comprehensive methodology that combines general scientific, legal-specific, and interdisciplinary approaches, enabling an in-depth analysis of the institution of notarial mediation in Ukraine within the framework of European standards and the needs of legal transformation in the post-war recovery context.

The formal legal method was applied to examine relevant provisions of Ukrainian legislation, including the Law on Mediation and the Law on Notariat, as well as secondary regulatory acts concerning electronic identification, personal data protection, and notarial services. Additionally, the study considered relevant EU and international instruments, such as Directive 2008/52/EC, the eIDAS Regulation, the General Data Protection Regulation (GDPR), and key recommendations from CEPEJ and the CCBE.

The comparative legal method was used to analyze the experiences of France, Germany, and Italy, particularly regarding the institutional role of notaries as

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mediators, procedural models of mediation, and mechanisms for certifying mediated agreements. This analysis was grounded in legal literature and official regulatory documents, with particular reference to the doctoral research of Medynska (2025) and the comparative framework provided by Cerka, Grigiene, and Poderyte (2015).

A systems-structural and functional approach supported the examination of how notarial mediation interacts with the broader ADR ecosystem, identifying the relationship between professional standards and regulatory frameworks. The functional aspect of this analysis also facilitated the assessment of notarial mediation as a mechanism for legal stabilization in times of state crisis, especially in post-conflict periods.

The modeling and forecasting method enabled the development of a preliminary normative structure for notarial mediation in Ukraine, drawing on synthesized findings from European models and domestic practices. Key factors considered in this model include the role of professional associations, digital infrastructure, ethical limitations, and the legal consequences of mediated agreements.

The empirical base of the study includes:

- Analytical materials and publications from the Notarial Chamber of Ukraine (2021–2023);
- Ukrainian and EU normative legal acts;
- The doctoral dissertation by A. V. Medynska (2025);
- The peer-reviewed article *Prospects for the Development of Mediation Institute in Notarial Activities* (Teremetskyi et al., 2024);
- International ADR standards and recommendations, including CEPEJ (2007), CCBE (2019), UNCITRAL (2018), and the ABA Model Standards of Conduct for Mediators (2005).

This integrated methodological approach has made it possible to comprehensively examine the legal nature of notarial mediation, its institutional and ethical dimensions, and to propose a set of measures for improving Ukrainian practice in line with international standards.

## **Legal Regulation of Notarial Mediation in Ukraine**

The institutionalization of mediation in Ukraine, including its introduction into notarial practice, began with the adoption of the Law of Ukraine "On Mediation" in 2021. This law established the legal nature of mediation, its core principles – voluntariness, confidentiality, neutrality – as well as the legal status of the mediator and professional qualification requirements.

The development of notaries' competence in the field of ADR was further advanced by amendments to the Law of Ukraine "On Notariat" in 2024, which granted notaries the right to act as mediators, provided they complete specialized training. This legal foundation laid the groundwork for the formation of a national model of notarial mediation.

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However, as Medynska (2025) notes, the legislative framework for notarial mediation remains fragmented. The law does not contain a separate section regulating the notary's role as a mediator, nor does it outline procedures for recording the results of mediation, their registration, or the legal effects of such agreements.

In 2021, the Notarial Chamber of Ukraine launched a Mediation Center with the aim of developing the professional capacity of notaries-mediators and promoting the practice of mediation. The center designed a training course entitled "Mediation: Basic Skills for Notaries" and initiated an internal registry of notaries who have completed relevant training (Notarial Chamber of Ukraine, 2021).

Despite these institutional efforts, Ukraine currently lacks a unified subordinate regulatory act that would define:

- the procedural boundaries of a notary's mediation activity;
- the legal form and enforceability of mediation agreements;
- the procedure for their notarial certification or enforcement.

This gap creates legal uncertainty, impeding the development of a consistent law enforcement practice. As Medynska (2025) emphasizes, the absence of a comprehensive regulatory framework exposes notaries to legal risk when acting as mediators, ultimately affecting public trust in the mediation process.

A further issue is the lack of ethical standards specifically applicable to notaries performing mediation. This contrasts with European practice, where the role of mediator – especially when fulfilled by a notary – is regulated not only procedurally but also ethically. For instance, Directive 2008/52/EC of the European Parliament and of the Council sets out requirements for neutrality, independence, and professional integrity of mediators (Directive 2008/52/EC, 2008).

In France, Germany, and Italy, the ethical behavior of notary-mediators is governed by professional codes or internal regulations of notarial chambers, which require strict adherence to the principles of neutrality and the avoidance of conflicts of interest (Cerka, Grigiene, & Poderyte, 2015; Medynska, 2025).

In the context of martial law in Ukraine, where the operation of the judicial system is severely hindered, and the demand for expedited dispute resolution is growing, notarial mediation has the potential to play a particularly important role. It may be applied in inheritance, family, housing, land, and other disputes where confidentiality and speed are critical (UNDP, 2021).

Thus, the legal regulation of notarial mediation in Ukraine remains in its formative stage. For its effective development, the following measures are necessary:

- the adoption of a specific subordinate legal act on the procedure for mediation by notaries;
- the approval of a unified training standard;
- the establishment of an open registry of certified notary-mediators;
- the determination of the legal status of agreements concluded as a result of notarial mediation.

## Comparative Legal Analysis of the Experience of France, Germany, and Italy

The experience of several European Union Member States demonstrates the growing relevance and institutional maturity of notarial mediation as a form of alternative dispute resolution (ADR). In countries with a well-established tradition of Latin notariat – particularly France, Germany, and Italy – this practice has evolved into a functional and professionally recognized component of legal systems. While each jurisdiction offers a distinct institutional and procedural model, a comparative review reveals common features that may guide the development of notarial mediation in Ukraine.

In France, notarial mediation is formally integrated into the national legal framework and supported by the *Conseil Supérieur du Notariat* (High Council of Notaries). French notaries may act as mediators in private legal disputes and are authorized to certify the agreements reached through such procedures. The creation of the *Centre de Médiation et d'Arbitrage des Notaires de Paris* reflects a structured institutional approach, combining professional training, accreditation, and administrative oversight of mediation activities. The process is grounded in flexibility and voluntariness while ensuring legal certainty through the possibility of notarizing mediated settlements. The European Commission has acknowledged this approach as a model of “internal mediation”, managed directly by notarial chambers and aligned with broader EU ADR strategies (European Commission, 2020).

Germany presents a different configuration, where notarial mediation is embedded within the general legal competence of notaries, as defined in Section 24 of the *Bundesnotarordnung* (Federal Notarial Code). Although no standalone legislation governs notarial mediation, the service is recognized by notarial chambers and widely practiced in inheritance, family, and property disputes. As Medynska (2025) points out, the role of German notaries in mediation includes facilitating communication between parties, offering legal insights, and formalizing agreements that may subsequently be notarized. These agreements can attain enforceability through the execution of an *enforceable notarial deed* (*Vollstreckbare Urkunde*), thus enhancing the practical utility of mediation outcomes.

Italy offers a model distinguished by a strong public-law component and formal regulatory oversight. Legislative Decree No. 28/2010 (*Decreto Legislativo 28/2010*) explicitly recognizes notaries as qualified mediators for a range of civil disputes, including those concerning inheritance, real estate, and family law. Unlike the more decentralized German model, Italian mediation is anchored in state-accredited mediation centers, including those operating under notarial associations. Successful completion of certified training enables a notary to assume the status of mediator, and agreements concluded within this framework – particularly when executed as notarial acts – are granted full legal validity and binding effect (Teremetskyi et al., 2024).

While the institutional structures in France, Germany, and Italy differ, certain converging features stand out. All three systems treat notarial mediation as a

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distinct form of professional activity and rely on robust mechanisms for training, oversight, and integration with notarial certification processes. France exemplifies a centralized model administered by professional bodies; Germany follows a decentralized approach based on professional autonomy and discretion; and Italy applies a public-authority model with formalized accreditation and state supervision.

For Ukraine, these European experiences provide both normative benchmarks and conceptual clarity. A viable national model of notarial mediation should build upon professional autonomy while embedding clear procedural safeguards and institutional accountability. In particular, establishing training standards, ensuring enforceability of mediated settlements, and integrating the role of the Notarial Chamber of Ukraine into the certification and oversight process appear crucial for successful implementation. Such a framework would contribute to the harmonization of Ukraine's legal system with EU ADR practices and enhance the role of notaries as accessible, neutral, and trusted dispute resolution actors (Medynska, 2025; Cerka, Grigiene, & Poderyte, 2015).

## **Institutional and Procedural Characteristics of Notarial Mediation**

The development of notarial mediation in Ukraine is currently at the initial stage of institutionalization. Although amendments to the Law of Ukraine "On Notariat" (2024) – particularly the addition of Article 16<sup>1</sup> – formally authorize notaries to conduct mediation upon completion of specialized training, the absence of clear procedural provisions in subordinate legislation remains a critical issue (Verkhovna Rada of Ukraine, 2024).

At present, no official regulations define:

- the applicable model of mediation (facilitative, transformative, evaluative);
- the procedure for recording mediation outcomes (written agreement, notarial act);
- the procedural boundaries of the notary-mediator's role, especially concerning the prevention of conflicts of interest when certifying a transaction following mediation.

As Medynska (2025) rightly emphasizes, the successful implementation of this institution depends on the clear separation between the public-authority function of the notary and their role as a neutral facilitator in private disputes. Failure to maintain this balance risks undermining trust in both mediation and notarial institutions.

An important institutional initiative in this domain is the establishment of the Mediation Center under the Notarial Chamber of Ukraine (NCU) in 2021. Among its objectives are the development of training standards for notaries, the organization of professional courses, the maintenance of a register of notary-mediators, and the preparation of methodological materials (Notarial Chamber of Ukraine, 2021). However, the offered course "Mediation: Basic Skills for Notaries" lacks state accreditation and is not recognized as an official certification, which contradicts international best practices as outlined by CEPEJ and UNCITRAL.

Another unresolved issue in Ukrainian practice concerns the legal status of agreements reached through mediation. It is unclear whether such agreements must be notarized immediately after the procedure or only under general rules, which creates legal uncertainty regarding the compatibility of the notary's dual roles as mediator and certifier.

Medynska (2025) highlights the necessity of enshrining the principle of incompatibility: a notary who has acted as a mediator in a dispute should not be permitted to certify the resulting transaction. This approach is consistent with the principle of neutrality and serves as a safeguard against conflicts of interest.

In France and Italy, practice allows for mediation agreements certified by a notary to be granted the status of enforceable documents (Directive 2008/52/EC, 2008), significantly enhancing the effectiveness of the procedure. In contrast, Ukraine lacks a defined enforcement mechanism for mediated agreements, which reduces the attractiveness of mediation as a practical dispute resolution tool.

Without detailed normative regulation of both organizational and procedural elements, notarial mediation in Ukraine risks remaining a formal declaration rather than an operative ADR mechanism.

To ensure the practical effectiveness of notarial mediation, the following measures are essential:

- adoption of a subordinate legal act regulating mediation by notaries;
- introduction of mandatory certification for notary mediators;
- formalization of the procedure for recording and certifying mediation agreements;
- codification of the incompatibility principle between the mediator and certifier roles.

These steps would enhance public trust in notarial mediation as a credible ADR procedure and align Ukrainian practice with European standards.

## **Ethical Standards for Notaries as Mediators**

One of the key challenges in implementing mediation within the scope of notarial practice is ensuring compliance with ethical standards, such as neutrality, independence, confidentiality, and voluntariness. The dual role of the notary – as both a public official and a facilitator in private disputes – necessitates clearly defined boundaries of professional responsibility.

*Neutrality.* The principle of neutrality requires the mediator to remain free from any interest in the outcome of the dispute. In the case of notaries, this may be compromised if the same person subsequently certifies the legal act resulting from mediation. According to CEPEJ (2007) guidelines, notaries must avoid dual roles unless both parties provide informed consent. In France, this restriction is codified in the *Code de déontologie des notaires*, which explicitly prohibits a notary from certifying an agreement if they previously acted as a mediator in the same case.

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*Confidentiality.* Confidentiality is a cornerstone of mediation and is enshrined in Article 9 of the Law of Ukraine “On Mediation.” However, in notarial practice, the boundaries of disclosure remain legally ambiguous. In Germany, Section 18 of the *Bundesnotarordnung* (BNotO) imposes a strict separation between information obtained during mediation and that used in the process of certifying transactions.

*Conflict of Interest.* Avoiding conflicts of interest is another essential ethical requirement. According to CCBE (2019), a mediator must not act as a representative for either party in the same dispute – even after the mediation concludes. In French practice, any conflict of interest constitutes grounds for disqualification, should the notary’s impartiality be compromised.

*Professional Autonomy and Self-Regulation.* Currently, there is no dedicated ethical code for notaries acting as mediators in Ukraine. The absence of a specific regulatory framework creates a legal gap, forcing notaries to rely solely on the general principles outlined in the Law “On Mediation”, which remains insufficient for addressing ethically sensitive scenarios. As Medynska (2025) observes, professional autonomy without clearly defined ethical boundaries increases the risk of subjective interpretation and inconsistency in practice.

The *Model Standards of Conduct for Mediators* issued by the American Bar Association (ABA, 2005) offer an instructive example of how professional identity should be subordinated to ADR-specific ethics. Regardless of the mediator’s background, these standards require strict compliance with principles of neutrality, confidentiality, and party autonomy.

In light of global best practices, the effective functioning of notarial mediation in Ukraine requires not only formal legal recognition but also the institutionalization of ethical safeguards. Introducing a dedicated code of conduct, establishing mechanisms for oversight, and aligning national approaches with CEPEJ, CCBE, and ABA standards would significantly strengthen the legitimacy and sustainability of notarial mediation within the evolving landscape of alternative dispute resolution.

## **The Role of Digital Technologies in the Implementation of Notarial Mediation**

The integration of digital technologies into legal and notarial practice has become a defining feature of modern justice systems, particularly in enhancing efficiency, accessibility, and procedural integrity. In the specific context of notarial mediation, digital infrastructure serves not only as an administrative convenience but as a functional necessity – especially amid the ongoing martial law in Ukraine and the growing demand for cross-border accessibility of services.

Since the beginning of the full-scale Russian invasion in 2022, the importance of remote access to legal services in Ukraine has sharply increased. Responding to this need, the Notarial Chamber of Ukraine initiated regulatory proposals in 2022–2023 aimed at enabling notarial mediation via secure video conferencing platforms (Notarial Chamber of Ukraine, 2023). Similar developments are already well

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established across the European Union. In France, the VisioNot platform allows for the conduct of remote notarial procedures, including mediation. Italy employs the SPID system to provide verified digital identification of mediation participants (Medynska, 2025, pp. 143–144). In Germany, however, remote mediation is allowed only in limited scenarios and requires the use of certified platforms authorized by the Federal Chamber of Notaries.

Beyond videoconferencing capabilities, a critical component of digital mediation lies in the authentication of parties and the secure formalization of mediated agreements. Regulation (EU) No. 910/2014 on electronic identification and trust services (eIDAS) establishes a framework requiring Member States to recognize qualified electronic signatures (QES) and ensure the legal equivalence of electronic documents. In line with this directive, Ukraine's 2023 legislative updates permit the use of qualified electronic signatures in notarial acts, thus creating a viable legal infrastructure for executing mediation agreements remotely.

Digital mediation also brings into sharp focus the issue of personal data protection. The confidential nature of mediation, which often involves the disclosure of sensitive personal or financial information, necessitates strong privacy safeguards. The General Data Protection Regulation (GDPR) provides a robust legal template, enshrining principles such as transparency, data minimization, purpose limitation, and the right to erasure. While Ukrainian law does not yet provide specific norms for data handling within mediation, the GDPR could serve as a practical and normative model for the development of internal codes of conduct and operational protocols for notaries engaged in digital mediation.

An emerging frontier in this area involves the use of blockchain technology. Pilot projects in countries such as Estonia and Spain have demonstrated the effectiveness of blockchain for storing mediation agreements in a tamper-proof and verifiable manner. Such tools can ensure the immutability of agreed terms, provide long-term archival reliability, and facilitate seamless jurisdictional continuity in cases of displacement or cross-border enforcement. In Ukraine, blockchain-based systems could be introduced via the Unified Notarial Information System or incorporated into purpose-built ADR platforms designed to securely preserve and verify the content and origin of mediated settlements.

Taken as a whole, these technological trajectories underscore the urgency of establishing a coherent regulatory and technical framework to support digital notarial mediation. Aligning Ukraine's practice with European standards – through the formal legalization of online mediation formats, the institutionalization of electronic identification and qualified signature protocols, the adoption of GDPR-aligned privacy safeguards, and the experimental implementation of blockchain tools – would significantly enhance the institutional credibility, security, and functionality of notarial mediation both within national borders and across the European legal space.

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## The Potential of Notarial Mediation in Ukraine's Post-War Recovery

In the context of post-war reconstruction, Ukraine faces not only the monumental challenge of rebuilding physical infrastructure, but also the imperative to restore legal certainty, public trust, and effective access to justice. Within this multidimensional landscape, notarial mediation emerges as a valuable mechanism for peaceful dispute resolution in communities affected by war-related trauma and institutional dislocation.

A particularly urgent domain for the application of notarial mediation is the settlement of inheritance disputes. As a result of the full-scale armed aggression, thousands of individuals have died or gone missing, often without leaving clear testamentary instructions or succession documentation. The involvement of notaries as mediators in such cases offers a means to de-escalate potential family conflicts, foster consensual agreements outside the courtroom, and facilitate expedited legal formalization through notarized agreements. As Medynska (2025) notes, inheritance disputes – because of their personal nature and emotional sensitivity – are among the categories where mediation proves to be especially effective.

Another growing area of relevance is the resolution of housing and property conflicts. Wartime displacement, destruction of residences, loss of documentation, and contested claims among co-owners have created a surge of legal uncertainty. In such cases, notarial mediation can serve as a neutral forum for negotiating ownership shares, compensation mechanisms, and the terms of shared use or reconstruction of property. By providing a structured yet flexible alternative to litigation, this approach helps relieve the burden on an already strained judiciary while reinforcing localized reintegration efforts.

Land disputes have also intensified in light of Ukraine's ongoing decentralization reform, which has accelerated during the war. The reallocation of land, redrawing of community boundaries, and transfer of land parcels for reconstruction have created fertile ground for legal conflicts. Mediation in this domain allows for confidential and context-sensitive resolution of disputes without resorting to prolonged litigation. When finalized as notarized agreements, these settlements carry clear legal weight and facilitate legal clarity at the community level.

Beyond procedural benefits, notarial mediation plays a broader social role in the post-conflict recovery process. Rebuilding trust in legal institutions is critical in a society recovering from systemic violence and disruption. As public officers entrusted with safeguarding legality and fairness, notaries are uniquely positioned to serve as neutral facilitators in reconciliation processes. Their status and accessibility enable them to provide impartial mediation to internally displaced persons, veterans, and families of the deceased, many of whom face legal challenges arising directly from the war. The experience of post-conflict societies such as Rwanda, Bosnia and Herzegovina, and Georgia demonstrates that ADR mechanisms – particularly mediation – play a vital role in rebuilding legal confidence and restoring social cohesion (UNDP, 2021).

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Taken together, the integration of notarial mediation into Ukraine's post-war justice architecture offers significant potential. It can alleviate pressure on the judiciary, facilitate peaceful resolution of widespread disputes, and contribute to the broader infrastructure of reintegration and legal normalization. Institutional support for this model – through professional training, regulatory clarification, and procedural embedding – should be viewed as a strategic priority in ensuring a humane and functional transformation of the Ukrainian legal system in the aftermath of armed conflict.

## Conclusions

This study has undertaken a comprehensive examination of the legal foundations, institutional architecture, ethical dimensions, and digital innovations associated with the implementation of notarial mediation in Ukraine. Drawing upon Ukrainian legislation, international frameworks (UNCITRAL, CEPEJ, CCBE), and comparative experiences from France, Germany, and Italy, the research demonstrates that notarial mediation can serve as an effective, flexible, and professionally regulated form of alternative dispute resolution (ADR).

Despite recent legislative developments – particularly the legal recognition of notaries' authority to act as mediators – the Ukrainian regulatory framework remains fragmented. There is still no unified procedural model for notarial mediation, no established mechanism for documenting and enforcing mediation outcomes, no dedicated ethical standards for notaries in dual roles, and no integrated digital infrastructure to support secure identification, communication, or data protection in mediation contexts.

The comparative analysis reveals that the success of notarial mediation in EU Member States rests on several interrelated pillars: detailed sub-legislative regulation of procedure, clear ethical boundaries governing notaries as mediators, robust digital systems (including electronic identification, video conferencing, and electronic signature platforms), and active engagement of self-governing professional bodies in oversight, training, and certification.

In the context of Ukraine's post-war recovery, notarial mediation holds particular promise for addressing disputes in highly sensitive and high-volume domains. These include inheritance conflicts involving families of deceased or missing persons, property disputes arising from evacuation or destruction of housing, and land disputes linked to decentralization, reconstruction, and community reintegration. In such cases, notarial mediation offers a legally sound, procedurally accessible, and socially responsive tool for reducing conflict intensity and fostering voluntary settlement.

Moreover, notarial mediation may contribute to the broader process of rebuilding trust in legal institutions and enabling equitable access to justice in communities affected by the war. As neutral and publicly recognized professionals, notaries are well-positioned to act as facilitators of constructive dialogue, enhancing both legal certainty and social cohesion.

To realize the full potential of notarial mediation in Ukraine, several strategic steps are required. These include the adoption of a dedicated sub-legislative act on notarial mediation procedures; the development of standardized training and certification programs for notary-mediators; the elaboration of an ethical code grounded in international best practices; the construction of a digital ecosystem to support mediation, including secure identification, blockchain-enabled recordkeeping, and remote communication tools; and the formal inclusion of notarial mediation in national strategies for legal, institutional, and social reconstruction.

Ultimately, the institutionalization of notarial mediation in Ukraine is not merely a matter of redistributing professional functions. It represents a strategic opportunity to modernize the justice system, restore public confidence in legal institutions, and promote durable peace and social resilience in the aftermath of armed conflict.

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