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**THE ROLE OF NOTARY PUBLIC OFFICES IN DOMESTIC BUSINESS
DEVELOPMENT**

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ABSTRACT

Notary public offices are governmental units, controlled by the judicial system of Iran. A legal center connects the government to citizens, and a private institution that is financially independent and officially registers important documents and deeds. Such offices have an important role in supplementation and legal and economical social security guarantee in a way that they contribute providing legal health regulating legal credited documents. Because notary publics have an important role in social stability through ownership documentation, the roles of such offices receive attention in domestic business development in two perspectives. From the first point of view (the promotive role of the offices), from the time the State Organization for Registration of Deeds and Properties, the notary public offices had covered a good part of registration and regulation of deeds. In addition to increasing accuracy in legal issuance of documents and exonerating the government from the matter, they caused merchants, businesspersons and other guilds' trust to the level of issued contractions and the identity of the two sides to extend the bilateral relations through commercial contracts.

From the other viewpoint (the preventive role of the offices), the characteristic prevents vein confictions and decreases clients' visit to the courts. People's trust to the notary public offices encourages them to extend business activities and on the other hand promote the commercial status of other groups of people, because the offices cause stability in their property ownership.

Keywords: Notary public offices, Business

INTRODUCTION

Today, paying attention to business, regarding the development of societies and technologies, are the most concerning issues for all societies in a way that existing skillful and professional people, who can correctly play their roles, can cause more development. Therefore, according to the increasing growth of the university students, the existing workforce will have an acceptable body of knowledge in a few years. Employment has attracted the attention of so many managers and governmental bodies, who should assign a job position to each workforce regarding their scientific and physical capabilities. So, an office, that could be directly and indirectly effective on domestic business development could be the notary public offices. The offices are established based on the article 81 (1931) of the constitutions. According to the article 1 of notary public office code, the offices should have legal identities, which operate under the control of a registry unit. What is crucially important in the present research is that how the notary public offices can be

effective on the domestic business development. So according to the question of the research, we have had tried to investigate the direct and indirect role of the notary public offices on domestic business development.

1. Concept of business

Various authors differently define the concept of business. In Oxford dictionary, it is defined as the act of selling, buying and commercial activities. Also in Longman, the act of earning money and the activity that results in earning is used for the world business. In other words, business is the status of being busy with activities that cover production and purchasing goods and services aiming at gaining interest.

Business centers are defined as centers in which the applicants are provided with their required services. Hotels, offices, different carriers like notary public offices could be mentioned as examples.

Business is a process in which products and services are presented to the clients, businesses whose owner is the private sector

and are established for commercial interest (free encyclopedia, recovered in February 19, 2011).

Types of business

Home-based business: is every kind of economic activities done in living spaces, which are established using house equipments and tools.

Electronic commerce: selling products and services in virtual spaces are called electronic commerce.

Family business: is defined as commercial activities, which is formed by the members of a family.

Business characteristics

Today, the role and the importance of business qualitative and quantitative development in small, medium and large size companies are widely known in international level, as it is used as a development tool for companies regarding the policy makers. So we can conclude that some of the most important characteristics of business are as below:

- 1) Selling or transition of products and services to gain interest
- 2) Product and service exchange
- 3) Repeating the exchanges
- 4) The motivation for earning money and financial interests as the most powerful stimulants in business

- 5) Risk taking activities

2. Notary public office definition

Lexically, the notary public is defined as a place, in which the documents are stored. Because the offices need a notebook to save the important information and store the required documents, it is called notary public (Abbasi Dakani, 2009, P 29). It is also a workplace for a group of offices related to the notary public offices, which register the property contractions and have signature validation office related to legal documents (Afri Langaroudi, 2009, P 1935).

The notary public is managed by someone who is assigned as a manager by the State Organization for Registration of Deeds and Properties, with the agreement of chief secretaries and assistants. Each notary public office could have a first and second assistant in addition to the vice president of the office. Based on the suggestion of chief secretary and the guidelines of the SORDP and the authority assigned by the Iranian judicial system head and according to the notary public office codes, the secretary assistants are appointed. Notary public offices, is a unit dependent to the ministry of justice and based on the article 1 of notary public offices and society of chief secretaries and assistants code (1975), the notary public offices are

considered as a sub-group of judicial system (Asqarzadeh Bonab, 2013, P 23).

The notary public office has a legal identity and is considered among the public legal bodies, which is not a dependent identity. The office is legally dependent and is a sub-group of judicial system. The organization can legally monitor the affairs of the notary public as a representative of judicial system.

3. The direct role of notary public offices in business development

The chief secretary of the office is to establish the office at least in 3 months after the examination of the secretaries and passing all legal processes. To continue their activity, they should hire expert people to directly develop the business in the field.

Notary public office staff

Each notary public office is composed of a chief secretary and an assistant. According to the article 20 of notary public code, management of the office is on a person who is appointed as a chief secretary by the society of the chief secretaries and the minister of justice and the suggestion of the SORDP (Mohseni, Shariat Kermani, 2014, Pp 318-319).

As mentioned, in order to establish a notary public office based on the article 74 of notary public office code, the chief secretary should establish the office at most in 3 months;

otherwise, their permit will be voided. This is while buying an office is expensive and finding a suitable place to rent the place is tough. Therefore, the deadlines should be reconsidered to allocate more time to the issue.

The next section includes the research results and the related issues.

Selecting an assistant and his job description

Article 3 from the notary public codes say that the assistant can be appointed based on the suggestion of chief secretary and the orders received from the SORDP. Each notary public office can hire two assistances. In the note 3 of article 6 in the same code it is mentioned that people having different study major than law, can start working as a secretary assistant in case they have 3 years of related work experience. According to the article, the first assistant is introduced as the representative of the organization and will have no official relation with the SORDP. He is just working as the financial matters' employee at the office.

Employment and insurance coverage

The notary public office, according to the volume of works and the style of document issuance, and to present higher quality legal services hires people based on labor code, should provide the employees with certain

salary level and advantages. The chief secretary should provide an insurance coverage for all his employees, so hiring expert employees can be effective on achieving the goals of the office and promotes domestic business.

4. The indirect role of notary public offices in domestic business development

Disregarding the direct role of the notary offices in domestic economy development, we cannot overlook their indirect role, which will be discussed below:

Reducing complaint cases and ensuring people to private institutions

Because the notary public offices affect the supplementation and guarantee of legal and economic security of the society, we can say that notary public offices have an intermediate role between administration and the citizens, in a way that the chief secretary, as a commanding body, has an independent responsibility from organization and commanding organizations with accurate regulation of documents and sensitive role in preventing veil struggles and decreasing clients' visit to the legal institutions. Contribution to supplementation of society's legal health through stabilization of citizens' ownership over their properties and validation of commitments and settlement of

governments' income are among other activities of the offices.

On the other hand, the notary public offices are in charge of supplementation of a large part of service providing, so allocation of a part of administration like registration of document transition to the private sector by the judicial force not only will increase the accuracy of document regulations and exonerate the government from the responsibility, but also guides an important part of complaints against government and law executors to a civil group (the chief secretaries on notary public offices).

Issuing deeds in notary public offices, decreases financial and civil struggles between people and decreases the volume of legal and penal cases, because the chief secretary and assistant, according to the passed laws and observing all the points regulates the documents with an absolutely legal view point. According to the obligation of the official documents, no property documents will be subjected by disorder, because one of the mostly clear reasons why presented cases in courts are abundant, is that people are not aware of legal rules and have their documents regulated by non legal people who have no legal literacy and are satisfied with a high amount of wage to issue documents, force the applicants to refer to

courts. Regulation of documents in notary public offices will be done with a high quality because the secretary and the assistant guarantee the quality of the document they issue and the compensation of loss in case a problem occurs.

During more than 70 years passing from establishing notary public offices, such offices have faced with so many rules and resulting duties in implementation of document regulation and issuance. The duties have had different effects on the carrier, although having legal bases.

Tax payment

Tax payment is among the rules and regulations, which have had the most effects on registration and regulation of the deeds, according to its long history.

At the present time, the direct laws passed in 1987 and amendments on 1992 and 2001, has forced the notary public offices to announce the topic of chapter 4 of second part (tax on heritage) and chapters 1 and 6 of the third part (tax on properties' income) and (tax on accidental income), and the complete explanation of the exchange to the related tax office and accordingly take action.

The notary publics have an effective role in settling taxes and implementing tax rules. Therefore, in direct and indirect tax

regulations, so many duties are determined for the planned offices.

5. Digitization of deeds and its effects on business

According to the fact that the rules of notary publics are regulated according to the required situations, in the present time, there is a need for mechanization of offices and technology usage and notary public law amendments. So many actions have been taken in this field but they do not suffice.

Achieving accurate and reliable simultaneous data, obtaining services such as requesting acknowledgment from other organization and online issuing a document, are among the advantages of digitized official documents. Deed production activities affect economic, social and official activities in general domestic issues. In legal terms, a good part of cases presented to the court is related to this problem and one of the sides should present an official document in the present situation, Iran is passing from a conventional and bureaucratic situation to a modern and digital structure. In such situation that most official, executive and economic activities moves toward using electronic services, we need to create an electronic space to carry out registration duties, otherwise other works will enter to a halt.

In fact, the responsibility of registration system for changing the structure is an obligatory task. Perhaps, in several years ago, using computers was considered merely as a facilitator but today the existence of computers has turned to an obligatory component and a clear, undeniable requirement. The more we neglect the case, the more we economically damage the work and executionally harm other domestic issues. Because the notary offices are dependent to a legal system, they can act as the receiver of innovation units for official and executive units of the country. Accepting such metamorphosis and equipment of notary public offices to state of the art technology, education and new methods, new services could be provided in addition to carrying out conventional professional actions in modern environment. This will help people and society both in terms of offices business and providing services for societies.

The notary public offices are the most deserving references to issue electronic signatures. Merchants and managers, considered the notary public offices as the most deserving references to issue electronic signature. The highest point of notary public office is their administrative position, which has created a special role for the offices. Because the services provided by notary

public offices are not demanded frequently by the applicants, and people are not generally aware of new services of the offices, providing information on new services by notary public offices could be effective and useful.

Therefore, what is important here is that notary public offices are in indirect relation with document regulation in an accurate way, which is complying with law, will be effective in saving people's time and reduces their frequency of visit to the courts.

In a way that the applicants try to consult with the legal advisors at the time of issuance of documents, because they believe the notary public offices are credited and valid enough to be trusted and when they issue a deed, it is rarely voided after being signed and registered.

After consultation, the applicants try to consider all the possible dimensions and then wisely decide on a certain issue. Regarding the situation, the role of notary public offices in driving people towards legal advisors is undeniable .

In spite of all mentioned, and according to the role and position of notary publics in social, economic and legal security development, careful monitoring and carrying out operational assessment for the notary public office managers by the relevant

officials and registry auditors can be effective in decreasing crimes and offenses by the notary public offices and increase the people's trust to the institutions. This, not only will cause business promotion for the notary office branches, but also will increase the employment rate in the field and promote employers in other directly and is directly related fields of business, such as legal advisors and judges .

Therefore, to support and acceptably monitor the promotion in the field and the position of chief secretaries and their assistants will end in successful follow up.

6. CONCLUSION

The notary public offices are units under the control of Iran's judicial system and are legal centers relating the administration to the citizens. It is a private institution, financially independent, operating independently to officially register the important deeds and properties. Such offices play an important role in supplementation and guaranteeing society's legal and economic security, in a way that issuing valid documents contributes to the legal health of the country .

Because the notary public offices have an important role in stabilization if the society through determining the ownership and prosperity, the role of the offices are notable in terms of two aspects .

The first is the promotive role of the offices. From the time the State Organization for Registration of Deeds and Properties is established, the notary public offices had admitted a large part of registration and document regulation service providing duty. In addition to increasing the accuracy of document regulation, the notary public offices, ensure the applicants of the accuracy of issued contracts and the legal identity of the contraction sides, who aim to promote their business through exchange .

From the second perspective, preventive role of the notary public offices, they prevent from vein struggles and decrease in people's visit to legal centers. The applicants' trust to official documents encourages them to improve their business activities. On the other hand, this could develop other related businesses, because people are aware of the fact that the official deeds will stabilize their ownership over certain properties

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