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Notary as a Subject of Formation of Postmodern Society of Civil Legal Type

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Abstract: The article considers the notary as a subject of active influence on the formation of postmodern democratic legal society, mediation of law in postmodern society. The constitutional definition of the state in this status does not mean that the civil law consciousness prevails in all spheres of its life. Since no person in society does not need this type of legal service, it is quite objective to consider this community as a subject whose activities should be considered as a subject of formation not only of legal consciousness of society but also a leading subject of civil society. This primarily applies to private notaries, who, unlike public notaries, are fully responsible for the results of their activities. After all, a legal duty is organically combined with the responsibility from which the public notary is released. The study of the manifestations of the phenomenon of postmodernism is relevant to many disciplines, including - the philosophy of law. Modern research shows that classical types of legal understanding do not satisfy the understanding of postmodern law, which indicates the need to find a fundamentally new concept of law. The author concludes that the solution to this problem should be sought in the field of theories that offer new approaches to the interpretation of legal texts; this area is considered the most promising.

Keywords: *Notary; subject; state; citizen; civil society; legal postmodernism.*

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Introduction

One of the main reasons for a certain weakness of the Ukrainian state during the short period of its existence is the manifestations of paternalistic psychology not only among ordinary citizens but also among those whom they elect to the legislature. Hence the widespread practice of populism, in which the legislature constantly demonstrates its commitment to the interests of the people, rather than forming a legislative field in a direction that would give initiative, not to the people, but the people and the people would perceive it not as a manifestation of charity and as the right to freedom of one's entrepreneurial freedom of will. Democratic law is a manifestation of the freedom of individual will, the objective consequence of which is the mutual public good. It is impossible to overcome state paternalism and populism of party elected officials without everyone's awareness of this essence of the right.

Decisive historical events associated with the beginning of the postmodern era are changes in the developed economies of the second half of the '60s, namely - the beginning of the transition from an industrial society to industrial society (information society). The advent of postmodernism is inextricably linked with the formation of a post-industrial or information society (Nerubasska & Maksymchuk, 2020; Nerubasska, Palshkov, & Maksymchuk, 2020).

Integral features of post-industrial society are a large share of intellectual labor, mass dissemination of information, the need for knowledge and creativity, their qualitative change, the spread of mass media, their role, reducing the share of production compared to services, education, culture, and science. The computerization of most spheres of public life has had such a significant influence on the life of society that any phenomenon can be studied only in the context of the characteristics of the information society.

Religious studies, philosophical anthropology, philosophy of culture, computerization, which led to a change in the status of knowledge and the emergence of a specific postmodern worldview.

The elaboration of the problem of subjectivity is quite widely and comprehensively represented in virtually all scientific philosophical and legal works. But the law of inertia operates not only in nature but also in the realm of everyday consciousness in the form of the law that public, not scientific, opinion rules the world. And, consequently, in a society which is being focused on conservative rather than creative mimesis. Hence the urgent need to give professional lawyers, especially their notarial community, the status of a leading actor in the formation of a legal society and a

democratic state governed by the rule of law in reality, and not only in the reality of legal documents in postmodern society.

In their research, foreign scholars have studied the notary as a subject of active impact on the formation of a postmodern democratic and legal society. Bodio, Borkowski, & Demendecki (2016) studied the effect of "mediatization" of law, pointing to the involvement of a large volume of legal messages in the media. Such innovations in postmodern society were studied by Merrill (2020), he connects it with new technological opportunities, which may allow bringing the transparency of persons involved in legal processes to a fundamentally different level. In the works of Hochul (2020) began to appear a variety of Internet resources that have legal themes and more. *The purpose* of the article is to reveal the possibilities of a notary as a subject of the formation of civil society.

In their research, foreign scholars have studied the notary as a subject of active influence on the formation of a postmodern democratic and legal society. Mediatization of law in postmodern society

The effect of the "mediatization" of law is to attract a large amount of legal information to the media. This is due to new technological opportunities that bring transparency to the activities of persons involved in legal proceedings on a fundamentally different level: it has become possible to conduct broadcasts from courtrooms, courtrooms, and so on. Various Internet resources with legal topics etc. began to appear. Under these conditions, the legal discourse was much more involved than before; the law became the object of public discourse, Scott (2019).

At the same time, persons without legal knowledge were involved in the legal discourse. This situation had a fundamental influence on law - lawmaking and law enforcement activities were carried out "in-view" of public opinion, were dependent on the dynamics of the ever-changing reactions of society, Charles (2017).

In the case of postmodern law is a multidimensional, ever-changing phenomenon. Law can no longer be perceived as a universal phenomenon, it no longer claims to be complete, stable, and predictable, loses the significance of the phenomenon that regulates social relations. Undoubtedly, these features do not fit into either positivism or the theory of natural law; do not meet the "challenge" of postmodernism and sociology of law, Ivantsov (2020).

These circumstances lead to the question of forming a new theory of law that would reflect the realities of the postmodern era. One such new philosophical trend is the hermeneutics of law.

The problem of hermeneutics both in the comprehension of formal legal institutions and in the problem of interpretation is the individual's understanding of all legal reality in general. The key issue of hermeneutics is the problem of the hermeneutic circle. In the most general form, this problem lies in: to understand some part of the text, you need to know the whole text, but in order to know the whole text you need to understand its parts. This contradiction has led to the need to recognize the existence of so-called "preliminary understanding". Preliminary understanding is a judgment that is made before the end of the examination of all circumstances. The study of objects of the social world is the basis of the idea given by several factors: traditions (in the life of the researcher), everyday experience (personal experience of the researcher), education, and environment (including - scientific). It is possible to correct the previous understanding, but it is impossible to get rid of it completely, Hochul (2020).

Studying a particular system of law, the researcher has an understanding given to him by the relevant tradition and history of law to which he belongs. Then there is no legal thinking in the absence of this individual reason, and this proves the fundamental impossibility of the existence of any true, universal understanding of the law, the only one at all times for each nation and culture.

The role of private notaries in establishing a state mentality in society

According to the Constitution, Ukraine is "a sovereign and independent, democratic, social, legal state". This does not mean that all its citizens are bearers of legal consciousness in the capacity that determines the adequate behavior, way of thinking, and way of life. Since the same citizens can be civil servants, state institutions do not always act according to legal norms, and not according to their ideas about the law as the basis of justice. It should be borne in mind that the law grows based on moral and ethical norms, which act not as an established and inviolable law, but as a manifestation of the force of established customs, which may differ within one state, sometimes quite significantly, Ice (2014).

As the history of the people has centuries and millennia, the strength of customs, traditions, beliefs, formed on a subjective basis, they acquire objective meaning and status. Therefore, it is not so easy to assert the right as an objective necessity to replace their action with the action of the law, in some, and part quite significant, to a certain extent abstracted in their requirements from their inherent way of life. If we talk about the history of the Ukrainian people, the millennial statelessness has formed a rather harmful habit/tradition of skeptical attitude to the institution of the state,

and hence to the legal norms of regulation. After all, they, in contrast to customary norms, in case of non-compliance are punished, including imprisonment for various, including long, periods. The death penalty is not excluded. Customary law also punishes, but not so radically as to be able to correct the natural arbitrary nature, which in fact in the popular consciousness is not considered as such. Having the right to vote and to be elected, we also have many examples of popular illegal expression of will, which he is later dissatisfied with. The explanation is simple: they choose not based on legal awareness but based on willpower and many other criteria that have no legal and, therefore, fair justification.

It would be appropriate to cite the example of today's attitude to the person of Prince Vladimir the Great, recognized as a saint and statesman. Kostomarov (1996) characterized him in this way: "The lust of Vladimir - the pagan, so many concubines who lived in his country palace - all this harmonizes as much as possible with the debauchery of nature at that time in general. The banquet was the soul of public life. … In the songs he is presented not as an educator of the Rus land, but as the ideal of a luxurious lord; one thing that gives him some Christian flavor is that he treats both the poor and the crippled".

I. Ogienko - Metropolitan Hilarion (1994) in his work "Pre-Christian Beliefs of the Ukrainian People" noted: "Our pre-Christian worldview cultivated personal will, and thus ruled out the possibility of strong leadership. Christianity was submissive to its leaders, but it was actually little instilled among our people, and therefore our first union easily disintegrated at the first strong blow - in the middle of the thirteenth century the Tatars conquered Ukraine, and since then stopped developing statehood in our country, because the Tatars were replaced by Lithuanians, Poles, Muscovites, and the ancient will, the spiritual sign of the Ukrainian people, decomposed into arbitrariness. Today, the history of Christianity is more than a thousand years old, and the manifestations of arbitrary will still largely determine the way of life not only of ordinary citizens but also of rulers, whom they elect not based on a reasonably streamlined will.

Of course, it is impossible to ignore certain features of the Ukrainian people's character, formed during the millennium of statelessness. We are talking about institutional and legal statelessness so how the very existence of the people during such a period indicates that their spirit has a fairly strong "handle". But its basis cannot be only "our thought, our song", which allegedly "will not die, will not perish". Thought and song do make glory to Ukraine, but without the reliance of powerful state institutions which are

capable to protect these achievements, they cannot preserve its political and legal subjectivity.

Sociological research during the entire period of Ukraine's independence, which we consider unacceptable, as it is a manifestation of the recurrence of statelessness before its next anniversary raises questions before the population about whether it would support the "Act ..." at present. And the results in different periods ranged from 56% to over 80%. Moreover, not only the participants of the referendum on the 1-st of December are being interviewed, but also those who were born in Ukraine. Sadly, a significant percentage of those born in Ukraine do not support its statehood…

Of course, there is a strong historical pattern, according to which the traditions of previous generations as a nightmare weigh on contemporaries. Even though the latter may not be interested in history. People do not constantly think about the gravitational force of gravity, but it acts objectively. Same thing with spiritual gravity. Therefore, it is not easy to enter a situation of weightlessness as independence from the past. Knowing its lines of force, you can oppose them to something more powerful.

The community of private notaries, being part of civil society, has great potential to promote the establishment of a state mentality in society. As for public notaries, as already noted, their capabilities are limited by the fact that they are not solely responsible for the results of their notarial activities. This is also a rather paradoxical situation, as all civil servants take an oath of allegiance to the state, being not only executors but also subjects of the implementation of its legal legislation, Ice (2014).

Let's try to give our thoughts on the possibility of strengthening their subjectivity. To a large extent, this applies to the section "Relations of notaries with persons who have applied to him", set out in the "Rules of professional ethics of notaries of Ukraine". After all, it is in such interpersonal communication that the commitment to constantly increase the level of competence of both parties is realized to the greatest extent. Of course, only if the content of the guidelines is properly adjusted in law. In communication, there can be spiritual-cognitive and ideological mutual enrichment only when it is not limited to the performance of notarial acts, but also on the voluntary consent to discuss both the chosen problem and related ones. Human rights, especially in the status of a citizen as a subject of state-building, must be constantly expanded, not limited.

Proposals to expand the legal personality of notaries in the space of civil postmodern society

Based on these considerations, we will try to make some suggestions for expanding the legal personality of notaries in the space of postmodern civil society, Dontsov (1991).

First. In a postmodern society, a notary must "act honestly and honestly as an impartial counselor in the performance of his or her professional functions, refraining from interfering in his or her professional activities on matters outside his or her profession and not related to the nature of their treatment". You shouldn't. But almost always a person who applies to a notary cannot, out of his/her own good cognitive will, consult with him/her about something not only on the issue he/she addressed but also on related issues. This is a normal state of an active person who constantly feels the thirst to deepen their knowledge and cannot but takes advantage of this opportunity. In addition, the requirement to respect the honor and dignity of visitors implies that the problem is solved using a mandatory dialogue, necessary not only for it but also for some additional issues. The notary's obvious respect for the client, the culture of communication, the interior of the room inevitably create a situation of mutual trust between them. The visitor also has this feeling, in contrast to, for example, public authorities, who cannot be prejudiced by a public servant as an authority. It is this that causes the disease of Ukrainian society, which is called corruption. Conversely, in notary offices, the visitor feels not only self-respect but also the emergence of a sense of honor in the sense as we defined it in the previous section.

In this obligation, the notary is correctly defined as an impartial advisor, but it is unlikely that he will interfere in the professional activities of the visitor. In reality, it is always the initiative of the other party, who uses the available opportunity to get advice on the prospects of solving some other unresolved issues, knowing in advance that the notary will not refuse not only for purely selfish reasons, i.e. the desire to have a regular client. Much more important for him is the opportunity to express their views to a person who sees him as a specialist in legal issues. And every person desperately needs approval, thanks to which he feels like a social being because his will is strengthened as the basis of law, Dontsov (1991).

In addition, if we assume that private notaries belong to the structures of civil society, then the state structures must recognize that in this case, the response to the call comes from motives determined by a mature civil consciousness, not selfish interests.

Second. The obligation to "recognize the right of a person to consult on the performance of notarial acts by another notary or another competent person" is somewhat strange. After all, the choice of a notary in the era of postmodern society is determined not by him but by the person concerned. When it turns out that she does not agree with the content of advisory advice, existing private notaries always recommend turning to other legal bodies, which may not necessarily be referred to the notary system.

Third. In the postmodern society, the notary is obliged to "perform professional duties with a personal approach to the client". We have highlighted this commitment to some extent in the first paragraph. It should be added here that in this case the requirement to be impartial to the client is one that cannot be met. After all, how can you take a personal approach without first inquiring about the peculiarities of his life situation, not only in purely professional but also in personal terms. The notary as a representative of the profession, which takes care of the establishment of the legal level of justice, in fact quite often when solving alleged problems of a purely notarial nature, the clients themselves are acquainted with the problems of their lives. Especially when it comes to inheritance, wills, distribution of property, etc. Therefore, I am forced to some extent not only to certify some documents but also to advise on issues closely related to functions quite close to the functions of a priest who professes more openly and sincerely than is the case in church structures, Sorokin (1992).

This also includes the requirement that "the moral values and personal beliefs of those who turn to him must be respected, taking into account the legitimate interests of the client". But here it is important to use the mention of the "legitimate interests" of the client. That is, it is direct and open about the actual need to clarify the moral values, personal beliefs, and legitimate interests of the person who applies to a notary. But is it possible to know them without having a trusting conversation with them. Of course, this is not about asking them directly. Rather, notaries need to be given more rights to find out the reasons for applying to them, especially when required by the case before them. In this case, the subject-educational work on the formation of legal awareness of both parties. On the part of the notary, this is a constant work to improve their knowledge in the field of law and acquires skills in their accessible coverage to those who need and want it; on the part of the client - is the perception of other than existing, possible solutions to problems that are important to him.

We emphasize that it is not a matter of persuasion, but of conveying the probable possibilities of a comprehensive solution, rather than a purely subjective one. This is the dialectic of the concepts of "possibility – reality":

reality is rich in opportunities that it reveals and encourages their implementation, not in itself. In this case, society will be set up for creative problem solving, rather than the usual as if the only possible. Such educational activities will undoubtedly increase the number of subject-oriented citizens, which should be understood, at least, we understand those who understand the law as a measure of justice, the provision according to which constitutional freedoms must be fought, because without it they remain formal, purely declarative, such that do not operate in empirical social reality, Platon (1969).

Fourth. The notary in the era of postmodern society is obliged to "not succumb to the pressure of third parties, the influence of political conditions, strictly comply with the law and the legitimate interests of those who approached him". However, the Ministry is an authority of the executive branch, and the Minister is a political figure. As the government in the state, especially one that has not yet established democratic traditions, according to which the change of ruling parties should not affect the activities of state institutions, in Ukrainian society they are constantly in a state of constant dependence on the political situation.

The reasons for this dependence should be sought in the fact that, in our opinion, a significant part of Ukrainian society in their political aspirations focuses not so much on the subjectivity of public organizations, which is the basis of democratic and legal type of state its effectiveness, as much as the "hetmanate", personified by the leaders of political parties. The history of our rather short-lived state by historical standards, as well as the history of the UPR (Ukrainian People's Republic), clearly shows that only for some reason did the leader-hetman for some reason disappear from the sphere of political activity, the party immediately loses any influence on public opinion. But this is it, not the content of political ideologies, what rules the world.

It should be noted that public opinion does not distinguish between political and party. **Political ideology** in the era of postmodern society is part of political and legal philosophy, which **always appeals to the mind** in its most developed manifestation. It is general, objective, common, which appeals not to everyday consciousness with its logic of supposed common sense, limited to everyday life, but to the logic of the history of a social phenomenon that originated in the distant past and has reached its developed form at present. We will not say classical as exemplary, but one that allows for the establishment of the basic principles of justice, which the overwhelming majority wants and which is satisfied to a sufficient extent. It

does not cause any social cataclysms, because the problems are solved legally way for the common good of the parties, Descartes (1970).

Such a state of public consciousness as civic in a purely legal sense is hardly inherent in Ukrainian public opinion. It still focuses on the fact that the political is exclusively partisian, and the partisian is not so much the reasonable will of the party's ruling leader as the strength of his character. That is, the appeal is not addressed to party members, much less to ideological program goals, but the "strong hand" of the party leader. This is also true of the leaders of democratic parties in Ukraine, which have been unchanged for years and some decades. Seneca rightly remarked that "the spiritual must be judged by the spiritual". That is, it is not about the power of the mind. On the contrary, we constantly hear assurances that our people are wiser, wiser comparing to those who rule them. Then it is not clear why the wise do not choose the wise. Instead, he chooses on the principle that the like is attracted to the like in understanding the means of solving complex problems. This tool is known - the dominance of arbitrary will, which seems to be able to solve all problems quickly and efficiently.

Is it possible in such a spiritual social atmosphere to avoid political pressure from those who permit to engage in any kind of activity? This is rhetorical question. If possible, this is always a great risk not only for mental health but also for the prospects of further work.

Since we substantiate the claims of the community of notaries to the status of the leading stratum of society, the status of the phenomenon, since such cannot be considered party communities, we refer to the authoritative assessment of the leading stratum of society, given by D. Dontsov. He recognized the need for leaders to be strong. But its components are not arbitrary. "The three signs of the spirit of domination are as follows: **first**, the noble impulse of a designer, amazed at only one goal, the creation of his plan, its embodiment in real form, the rupture of others and inaccessible to a man from the masses, and when available, in a very limited range of ideas and things. … **Secondly**, the sign of the ruler's soul is to have this concept of one's plan, the concept of form, the inaccessible connection of the organs of the whole, or the interdependence of its parts. **Thirdly**, a sign of the ruler's soul is "firm hands", a force that bends matter and does not hesitate to subject its hostile tendencies to its design and its impulse, Dontsov (1999).

It may seem that this is an authoritarian-dictatorial way of gaining the right to be a representative of the ruling class. This is not the case. The rational will of man does not fulfill the arbitrary will of the noble, but the will of the law itself, before which all and all are equal. Enlightened by

objective knowledge, human consciousness does not act as everyday consciousness requires, but as the Absolute acts as the Law of Being. This is the consciousness of the meta-limit level. D. Dontsov may have expressed his views quite sharply, but they were caused by the defeat of the UPR. Today, Ukrainian statehood faces even more formidable challenges than a century ago. That is why nobility, wisdom, courage, combined with a natural mental temperament, is able, in his opinion, to resist political pressure from those who do not have such virtues.

We are convinced that among the community of notaries there are individuals who can become subjects of the true form of the state, in which human rights and freedoms are exercised, not just declared. This conclusion leads us not only to belong to it but to those properties of consciousness, which are listed by a famous philosopher and which are obtained based on an in-depth analysis of the entire philosophical heritage. In support of this view, we cite Plato's judgment from his work "The State": "the correct opinion of the same thing, born without education - the opinion of animals and slaves", and therefore is not a manifestation of law and courage, as well as other virtues, Dontsov (1991).

All people are convinced that society should be dominated by the virtues that ensure peace and harmony among people. But for some reason, such correct opinions are not always held by themselves or by those whom they choose based on subjective opinion, and not based on their cognitive efforts. After all, only in this case is it perceived using education, and not studied and memorized to obtain, for example, a positive assessment at school or university, or by reading the guidelines, able to correct and direct arbitrary natural nature in the stream of law in its truth the appropriate methodology of cognition, the object of which is the real history of mankind.

Without this way of acquiring knowledge about the moral and ethical and ethical and legal foundations of legal consciousness, the right idea of the strength of character will be focused on the policy of injustice rather than justice. D. Dontsov refers to the authoritative opinion of the French diplomat, writer, literary critic M. de Vogue, who argued that "the main thing that attracts people is a character, even when all his energy is directed at evil, because character promises people a guide, ensures the firmness of the order, which is the first need of the human community". Such firmness of the order, and it is not an order of some state institution, but an order of internal noble, wise, reasonable-willed, enlightened character, is largely characteristic of the notarial community, whose profession requires not only to formally certify the legality of a transaction but also strengthens in them

the belief that legal legitimacy should be a manifestation of justice in the unity of the general state and the individual-personal as well as the special. If the policy of the state in the education system will have such a direction, we can hope not for centuries, but the accelerated formation of legal awareness among the population, Dontsov (1991).

Fifth. As a continuation of the previous reflections, the instruction "to provide the person who applied to him with the explanations necessary for the correct understanding and assessment of the notarial act performed by him" should be considered. The guideline itself is based on the fact that a person who applies to a notary already has a certain position of his own in understanding what legal awareness is and what is legal legality. As well as the fact that he, as a citizen, is also a subject of state-building. If the notary is obliged to explain, although it is fairer for the visitor to talk about clarification because it involves a two-way dialogue, it calls into question the previous guidelines on non-interference in the individual consciousness of clients. That is why we try to give the requirements to his professional ethics as a public form of manifestation of his legal consciousness of philosophical and legal argumentation.

Besides of the remark that there is a difference between explanation and clarification, it should be noted that there can be no "correct understanding and evaluation" of any action, including notarial. In this case, the possibility of qualitative development not only of the consciousness of both parties, but also of society as a whole, stops. This kind of formulations are recurrences of the Soviet totalitarian past, when there were maxims that "there can be no two opinions, there is one and it is correct", and if "a comrade does not understand", he needs to explain. In a democratic state governed by the rule of law, they should not act. Especially they should not if the policy document is prepared by the Ministry of Justice. After all, Article 34 of the Constitution of Ukraine (1996) states: "Everyone is guaranteed the right to freedom of thought and speech, to free expression of their views and beliefs", and Art. 35 reinforces it: "Everyone has the right to freedom of thought and religion".

Worldview is a manifestation of the individual self-consciousness of man, which is almost the main dominant of his behavior, way of thinking, and way of life. Thus, religious and philosophical worldviews adjust individual self-consciousness by supplementing its content with the experience of previous generations, reflected in the relevant texts. However, the primary content of individual consciousness is not formed on their content, even in cases where it becomes known, is taken "into account", but not necessarily "to perform". Executive knowledge acquired through one's

own cognitive and volitional efforts has executive power and not information that informs about the result obtained by others. Descartes (1970) objectively from the standpoint of the philosopher to the first basis of human knowledge included the position that "to find the truth it is necessary once in a lifetime, as far as possible, to question everything". Apparently, he foresaw that it was enough to doubt once and for all that the available knowledge may be unreliable as one that is perceived as faith, because in childhood when the mythological worldview dominates, it does not happen otherwise. But it is inadmissible to doubt the truth of the moral foundations of interpersonal practical interaction since they must be the result of a conscious direction of the will of the mind to "contemplate the truth". Without this, no real moral values can dominate in real life. The reason for this is that having only two ways of thinking, namely, "the perception of the mind and the action of the will", it turns out that "the will is more extensive than the mind - hence our delusions".

Is it possible to doubt that notaries need special directive and coercive moral and ethical guidelines if their professional activities are strictly tied to the certification of law and justice? We think that this is hardly appropriate in this form. After all, their activities, unlike other categories of lawyers, are not accompanied by a cunning temptation to receive from clients some additional material reward, in addition to its - activity - sincere approval. At the same time, they have a right to doubt that the legitimacy they defend cannot be conclusively true in their statements, because, constantly communicating with customers; they feel their sincere, perhaps not entirely objective, criticism. Hence the desire to help, but not by violating the current legislation, but by understanding the need for its constant updating, as required by the current constitutional norm on the rule of law before a law that, once passed, does not get rid of some injustice.

Thus, the experience of notaries in Italy shows that in it "notaries are considered as "friendly judges", and documents certified by notaries are endowed with special probative value, and, as court decisions – executive". The status of notaries in Germany is similar. By resolving some disputes between different subjects objectively, their "activities due to the conclusion of contracts and the fact that notarial documents constitute the evidence base, serves to prevent litigation". That is, in civilized countries with established democracies, notaries do perform a sacred function, which is the function of establishing peace and harmony in such complex processes as human relations in the field of material relations. Therefore, the state should be much more sympathetic to the notarial community than to the

community of believers, since the church is separated from it and the education system according to the system of legal legislation, Ice (2014).

There is an old pedagogical rule, according to which a person who exerts a certain influence on another person, especially on the community, must not only talk about ways of development and self-improvement but also, more importantly, clearly demonstrate their relevance to the story. If we talk about the impact on society as a whole and not just on the clients of the notary system, then without the full assistance of the state cannot do. Notaries as fully professional subjects of legal consciousness can influence the formation and establishment of civil society not only with their knowledge but also by giving them the appropriate official subjective status as an important institution of civil a society. Political parties have this status but, as practice shows, their influence on the legal culture of society cannot be considered satisfactory. After all, it is not always a consolidating factor. Instead, the influence of the notarial community on the minds of clients and visitors allows us to see it as a leading subjective socio-spiritual socio-cultural structure.

The notarial community, in our opinion, corresponds to the content of P. Sorokin's definition of the true content of social action and social phenomenon. "Only with the advent of the concept and begins knowledge (science) in the strict sense of the word. Interaction… from the moment when a concept appears in its flow, i.e., when the exchange of not only ideas, perceptions, etc. is established, but also the exchange of concepts (assimilation and transfer of knowledge: learning, scientific discoveries, and inventions, etc.), differs sharply from all other types of interaction and becomes exclusively human property. … Hence the definition of a social phenomenon: *a social phenomenon is a world of concepts, a world of logical (scientific - in the strict sense of the word) being, which is formed in the process of interaction (collective experience) of human individuals",* Sorokin (1992).

The truth of this definition is already manifested at the level of everyday communication between people. If they do not understand something, they say that they have "no idea" about "something". Thus, there is no other way to achieve peace and harmony between people in society than to achieve mutual understanding and understanding using clear definitions of the concepts used in communication. This is especially necessary when it comes to justice. The exchange of ideas cannot be considered an exchange of entities. Like freedom of speech to be identified with freedom of thought. In the first case, to confirm the truth of the thought, as a rule, appeal to empirical sensory examples, because words are directly correlated with them. In the second, there must be a joint search for

a single basis of words that appeal to the logic of the historical formation of a phenomenon, which turns words into concepts as a method of solving a problem or problems that it - the phenomenon - creates.

Conclusions

The article considers the notary as a subject of active influence on the formation of postmodern democratic and legal society, mediation of law in postmodern society.

It is proved that the choice of a notary in the era of postmodern society is determined not by society but by the person concerned. When it turns out that she does not agree with the content of advisory advice, existing private notaries always recommend turning to other legal bodies, which may not necessarily be referred to the notary system. A notary in the postmodern society is obliged to perform professional duties taking into account the personal approach to the client, so he is forced to some extent not only to certify some documents but also to advise on matters closely related to functions close to the functions of a priest to whom all are confessed more openly and sincerely than is the case in church structures.

The notarial community, unlike all others, including in the field of jurisprudence, is most united not only and not so much by common professional responsibilities, but by the unity of understanding of the essence of the concepts that determine the legality of their activities. This gives us reason to believe that they are the ones who can be the leading actors in the process of influencing the legal consciousness of civil society, which wants to create a state as its auxiliary governing political institution because it has the appropriate regulatory mechanisms. We will continue to develop our research in this direction.

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