NOTARIAL MANAGEMENT AND TECHNOLOGY: EVALUATION OF LEGAL CERTAINTY IN INTESTATE SUCCESSION PROCEDURES IN PERU

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ABSTRACT

Purpose: The central purpose of the research is to explore and determine how the intestate succession process influences legal security in Peruvian notaries' offices. Although the theoretical framework is not explicitly stated, it can be inferred that it focuses on notarial management, legality, and legal security, as well as the intersection of technology and data science with law.

Theoretical framework: The importance of notarial management, legality and legal certainty in intestate succession proceedings is mentioned, as well as the relevance of technology and data science in the legal field.

Design / methodology / approach: In terms of design and methodology, the research is applied and has been carried out through a non-experimental design, specifically cross-sectional, descriptive, and correlational. A total of 30 lawyers have been surveyed, exploring the variables intestate succession process and legal certainty.

Results: The results indicate that both variables are regular, with 63% each, and a strong positive correlation between them was identified, with a Spearman's Rho of 81.5% and a p-value of 0.001, which allows us to accept the alternative hypothesis.

Research, practical and social implications: From a practical and social perspective, the research underlines the critical importance of meticulous and efficient notarial management, which not only protects clients' rights, but also ensures fair redress in case of inconvenience, weaving a blanket of legal security around all parties involved.

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We envision a future in which technology and data science intertwine with law, creating predictive models and automated systems that optimize notarial processes and anticipate potential problems in probate proceedings.

**Originality / value:** In terms of originality and value, the research stands out not only for illuminating the correlation between intestate succession procedures and legal certainty, but also for highlighting the need for meticulous and efficient notarial management. Moreover, it opens a window to a horizon where technology and data science merge with law, and where academia becomes a melting pot for future legal professionals, linking academic knowledge with society through didactic material and online learning platforms, illuminating the nooks and crannies of probate law and empowering the public.

**Keywords:** Notarial Management, Technology, Law, Inheritance Process, Legal Processes.

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**GESTÃO E TECNOLOGIA NOTARIAL: AVALIAÇÃO DA SEGURANÇA JURÍDICA NOS PROCESSOS DE SUCESSÃO AB INTESTATO NO PERU**

**RESUMO**

**Objetivo:** O objetivo central da pesquisa é explorar e determinar como o processo de sucessão sem testamento influencia a segurança jurídica dos notários no Peru. Embora o referencial teórico não esteja explicitado, pode-se inferir que ele se concentra na gestão notarial, na legalidade e na segurança jurídica, bem como na interseção da tecnologia e da ciência de dados com o direito.

**Referencial teórico:** É mencionada a importância da gestão notarial, da legalidade e da segurança jurídica nos procedimentos sucessórios intestados, bem como a relevância da tecnologia e da ciência de dados no âmbito jurídico.

**Estrutura/metodologia/abordagem:** Quanto ao desenho e metodologia, a investigação é aplicada e foi realizada através de um desenho não experimental, especificamente transversal, descritivo e correlacional. Foram entrevistados 30 advogados, explorando as variáveis do processo sucessório intestato e da segurança jurídica.

**Resultados:** Os resultados indicam que ambas as variáveis são regulares, com 63% cada, e foi identificada uma forte correlação positiva entre elas, com Rho de Spearman de 81,5% e valor p de 0,001, o que nos permite aceitar a hipótese alternativa.

**Pesquisa, implicações práticas e sociais:** De uma perspectiva prática e social, a investigação destaca a importância crítica de uma gestão notarial meticulosa e eficaz, que não só protege os direitos dos clientes, mas também garante uma reparação justa em caso de inconveniência, tecendo um manto de segurança jurídica em torno de todas as partes envolvidas. Visa-se um futuro em que a tecnologia e a ciência de dados se entrelaçam com o direito, criando modelos preditivos e sistemas automatizados que otimizam os processos notariais e antecipam possíveis problemas nos procedimentos sucessórios.

**Originalidade/valor:** Em termos de originalidade e valor, a pesquisa destaca-se não só por esclarecer a correlação entre procedimentos sucessórios intestados e segurança jurídica, mas também por destacar a necessidade de uma gestão notarial meticulosa e eficiente. Além disso, abre uma janela para um horizonte onde a tecnologia e a ciência de dados se fundem com o direito, e onde a academia se torna um cadinho para os futuros profissionais do direito, ligando o conhecimento acadêmico à sociedade através de materiais didáticos e plataformas de aprendizagem online, iluminando os cantos e recantos da lei de herança e capacitando o público em geral.

**Palavras-chave:** Gestão Notarial, Tecnologia, Direito, Processo Sucessório, Processos Judiciais.

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INTRODUCTION

Intestate succession, defined in the field of inheritance law, comprises the entire process through which the assets of the deceased are transferred to his heirs. This procedure is thoroughly established in Book Four of the Peruvian Civil Code and is also supported by the Political Constitution of Peru, specifically in Article 2, paragraph 16, which refers to the inalienable right to property of every person. To foresee and ensure the rights of family members with respect to inheritance, it is contemplated and regulated in the legislation of most South American countries.

According to Das and Banerjee (2021), Hindu inheritance law, even after being amended, remains a vehicle of injustice to Hindu women and their parents by transferring all their assets to the in-laws and giving preference to the husband's distant heirs over the direct family of the deceased. They also found that in Kenya family inheritance is slightly more inclusive than in England and Australia, where the surviving spouse only inherits the entire estate if there are no surviving descendants or parents of the deceased, and where a widow's inheritance is nullified if she remarries, a circumstance not found in England and Australia (Kodiyo, 2021).

In addition, the pandemic has caused the loss of more than 1,200,000 loved ones in Peru, and there has been an increase in requests for intestate succession, i.e., the process that is initiated when a person dies without leaving a will, or if the will is declared null or has expired (Gestión, 2021). In this context, from January to November 2021, Sunarp registered 175,489 intestate succession requests, of which more than 69,000 were filed in Lima, according to data provided by the entity to the media. By way of comparison, 94,591 applications were processed in 2020 and 104,963 in 2019 (Gestión, 2021). Intestate succession processes have been criticized for their inefficiency, as they require considerable time for their execution, seriously affecting the economic situation of citizens due to high costs and the need for constant follow-up (García, 2022). Also, it may happen that a holder dies without specifying an heir for his or her assets or in the absence of direct heirs (De Vettori, 2021). Laws have been enacted to ensure that all members of a family have equal access to this right, including those who are not biologically related, such as spouses, children from previous marriages, adopted children and nieces and nephews (Cervantes, 2020).

In Peru, the pandemic has triggered a significant growth in intestate succession filings at notary offices, as many families have been faced with the unexpected loss of loved ones. Many of the deceased did not leave a will, which has forced their heirs to turn to the notary offices to initiate an intestate succession process to transfer the deceased’s assets.

The main problem lies in several factors that complicate this already painful process for the heirs. Firstly, there is the failure to comply with the established deadlines, which lengthens the duration of the proceedings and, consequently, the resolution of the distribution of assets. Secondly, the high costs associated with these legal proceedings are not always accessible to the heirs, which can generate situations of financial stress and, in some cases, the impossibility of accessing the inheritance.

Moreover, the way in which notaries disseminate information on intestate successes has also been criticized. Commonly, these notaries use written media, such as newspapers and official gazettes, which are not widely consulted or accessible to all citizens. This practice results in the exclusion of heirs who, due to lack of information, may be unaware of the processes underway or their right to claim an inheritance.

This scenario underscores the need to implement improvements in the intestate succession system, both in terms of process efficiency, affordability, and effective communication to citizens. A more inclusive and up-to-date communication strategy, using various channels such as social networks, digital platforms, and media, could be essential to
ensure that information reaches a wider and more diverse audience. In addition, reviewing and adjusting the costs and timeframes associated with these processes could facilitate more equitable and fairer access to inheritance law, especially in times of crisis such as the present, when loss and bereavement are intertwined with legal and economic issues.

This work finds its social justification in the possible minimization of costs and duration of intestate succession processes, offering the heirs greater feasibility in carrying out the procedures for the transfer of inherited assets. Furthermore, it is justified from a practical point of view, by identifying restrictions that cause high costs and missed deadlines and, especially, by discerning omissions in the judicial verification, which will make it easier for the heirs to receive what is legally due to them.

The theoretical justification, on the other hand, is based on the knowledge already published in manuscripts and legal norms. Additionally, the recommendations proposed by the researchers will enable individuals, students, and professionals to broaden their knowledge of the intestate succession process and legal security. A methodological justification is also offered, since instruments were created to collect information on the study variables, which were applied to lawyers. The conclusions and recommendations obtained can be used as background and be the object of discussion in the results of those undergraduate and graduate students who decide to investigate the intestate succession process and legal security in the notary's offices. For these reasons, the general objective was: To determine the relationship between the intestate succession process and legal security in the notary's offices of Peru. The general hypothesis considered was: There is a direct and significant relationship between the intestate succession process and legal security in the notary's offices of Peru.

2 LITERATURE REVIEW

As background, the work of Cogger (2021) was considered, which emphasizes that the right to distribute property postmortem is considered an extension of property rights during life. Testamentary freedom, an ancestral principle of the common law, has been an integral part of our legal system since ancient times, with the courts and state officials being responsible for implementing the clear intentions of the testators in their wills.

In the same vein, Takim and Nabiebu (2021) argue that inheritance not only reduces crime and ensures family cohesion and continuity, but also perpetuates family life and future generation. Succession, both testate and intestate, has biblical roots. In Nigeria, intestate succession is mainly governed by native law and custom and is often discriminatory. It is suggested that Nigeria codify its customary laws on intestate succession and strongly promote information on intestate succession.

Ramana et al. (2021) indicate that a private agreement can be denied by the signatory, but if it is notarized and not disputed by the parties, it has strong probative value. On the other hand, Tamrin et al. (2021) state that, although the trustee administers and liquidates the bankruptcy estate, decisions on bankruptcy property are for the court, in accordance with Article 91 of the Bankruptcy Law.

Itamochi (2020) notes that the pre-existing law was established prior to the technology that allowed for posthumously conceived children, who currently cannot inherit the property of deceased parents under the existing law. Maunatlala and Maimela (2020) note that while the courts have attempted to align the customary law of succession with the Constitution, this effort can be seen as an imposition of common law solutions to common law problems.

Hammond (2019) proposes that for legal reforms to be accepted, especially in rural areas, the state must adopt a mutual concession approach, trying to balance the interests of both legal systems in a way that ensures compliance with state law.
Aguilar (2021) reveals that the non-probate succession procedure often lacks sufficient information to identify all heirs, which leads to the exclusion of heirs and increases judicial costs and family conflicts. Patiño (2021) highlights the security that notarial services, especially counseling, provide to clients in intestate succession proceedings. Torres (2021) shows that certain variables maintain a significant positive relationship, reaching an $\text{Rho}=0.654$.

Ríos (2021) criticizes Law No. 26662 for not providing legal certainty in inheritance law, since the requirements of Article 39 are too generic and do not fully protect the rights of the successors. Díaz (2021) suggests applying a notarial intestate succession procedure to include the forgotten heirs and allow legal actions for the injured parties.

Finally, Muñoz and Ramos (2021) suggest that, to protect the right to inheritance assets in the case of notarial intestate succession, additional requirements should be established. The exclusion of heirs can lead to consequences such as the preterition of heirs and long judicial proceedings, being relevant what is regulated in Mexico according to an analysis of comparative legislation.

Different inputs were considered for the conceptual bases of the intestate succession process variable which according to Kwaku et al., (2018), is that process that is carried out before a notary public or a judge of the city or jurisdiction in which the deceased last resided so that creditors can legally claim any inheritance. In this same line Blerk (2019), reveals that it is the one that basically deals with the transmission of assets, as owned by a person at his death, to another person or persons.

In addition, Duplan (2018) indicates that any person who believes he or she is entitled to inherit can apply for and process it. For the spouse, for the cohabitant, for the children and for the parents, this is important. (Jimenez C., 2018). For the request to be accepted by the notary or judge, it must include all possible heirs and their contact information (Mochela, 2020).

Likewise, according to Quinteros (2019) the intestate succession process has four important dimensions, such as the preventive annotation, the publication, the notarization of the acts and the registration of the intestate succession. Regarding the first-dimension preventive annotation, Quinteros (2019), reveals that it refers to the fact that the notary will send a cautionary note to the request in the Intestate Succession Registry where the procedure is carried out.

On the other hand, the publication refers that the notary will publish an announcement with an extract of the petition and will notify the presumed heirs and if the inheritance is considered vacant, the location of the last domicile of the deceased in the country will be notified to the Junta de Participación Social, or to the Sociedad de Beneficencia Pública de Lima Metropolitana if the deceased is domiciled outside the country. (Quinteros, 2019). This item is published once in the official newspaper and once in another newspaper widely circulated in the locality where the procedure takes place, and in the absence of a newspaper in that locality, in the newspaper of the nearest city. (Tarazona, 2021).

Furthermore, the protocolization of the acts is when the notary issues an act that declares the heirs of the deceased to those who have accredited their right after fifteen working days from the publication of the last notice (Quinteros, 2019). As a final part has to the registration of the intestate succession, after completing the procedure described in Article 43, the notary will have the parties to the Inheritance Registry of the location where the proceeding was filed, as well as to the Registries where the cause of action has property or rights, to register the inheritance (Quinteros, 2019).

For the conceptual basis of legal certainty, we considered Ratnasari et al. (2021), who pointed out that legal certainty implies the State's commitment to a legal framework and citizen action, as well as protection and reinforcement against acts that violate the legal system. It also refers to the confidence of citizens that the rules and laws that govern them will not change arbitrarily. This principle, which requires and guarantees universal respect for the legal order,
is omnipresent and encompasses both the democratic state and the hierarchically ordered set of rules that regulate it (Nasrudin, 2020).

Legal certainty seeks to avoid abrupt and unexpected changes in the rules by the State, since this would generate social uncertainty and distrust in the country's legal system, making it difficult for citizens to make informed decisions (Tiara & Khisni, 2019). Among the dimensions of legal certainty are the rule of law, the principle of legality, the protection of rights and the reparation or compensation of damage (Perez, 2019).

As for the rule of law, it implies that all citizens, including rulers and institutions, must obey the law (Perez, 2019). It requires separation of powers, equality before the law, an impartial justice system and citizen security (Hatta & Wahyu, 2019). A conceptual approach defines it as a state in which the existing legal framework and subjective rights are unconditionally respected (Jimenez H., 2021), without a sovereign that can suspend its will (Giler, 2020).

On the other hand, the principle of legality limits the performance of the notary, who must adapt the wills of the parties to the legality in force, ensuring that their will is free of advice (Pérez, 2019). The notarial function validates and establishes a legal act more for its legality than for its veracity, legality being the most important presupposition of the notary's authorization since it conditions all his other functions (Arias, 2021).

In the protection of rights, respect for fundamental rights is essential to safeguard dignity (Perez, 2019). The notary must create mechanisms that ensure social peace and guarantee legal security, respecting freedom and allowing people to make and adapt decisions within the legal framework, balancing the interests of the parties. In addition, it is a legal action aimed at protecting the physical freedom of an individual (Lucas & Albert, 2019), and a constitutional judicial process that seeks to protect the freedom of a person against threats or violations by a specific authority or individual (Rioja & Celi, 2019).

Finally, regarding reparation of the damage, it refers to the reinforcement that the victimizer must provide to the victim (Pérez, 2019). The reparation of the damage must be complete, adequate, effective and proportional to the severity of the damage and the number of people affected, including at least the restitution of the object obtained through the crime or, if this is not possible, the payment of its updated value (Kurniati & Mordekhai, 2021).

3 DATA AND METHODOLOGY

The work considered is of an applied nature, using existing academic and legal knowledge on the two variables studied. This approach seeks to identify means to meet specific needs, recorded through scientific knowledge. A non-experimental cross-sectional design was adopted since variable 1 was not intentionally manipulated and the research was conducted at a specific time. Moreover, the study was descriptive-correlational, describing the events of the variables and measuring their degree of relationship.

The sample consisted of 30 lawyers working in Peru. The survey technique was used, applied to said lawyers, and a questionnaire composed of 13 questions on the intestate succession process and 14 on legal security was used as an instrument, totaling 27 items in all. The questionnaires were validated by three lawyers with doctorates and experience in research and in the legal aspect of the variables under study. Also, a pilot test was conducted with 10 lawyers to verify the reliability of the items, reaching a coefficient of 0.947 for all of them.

To obtain the database of lawyers, we coordinated with the executive secretariat of the Peruvian Lawyers' Committee. The surveys, validated by three legal experts in research and law, were administered to the 30 lawyers. Cronbach's Alpha was then calculated for each variable, modifying, or eliminating questions with lower reliability if necessary. The data
collected were entered into an Excel sheet and transferred to SPSS V.26 to obtain the tables and figures corresponding to each intended objective.

The descriptive statistical method was used to obtain the results of the first two specific objectives, allowing us to know the evolution of each variable and its dimensions. The inferential statistical method was also applied, which allowed the normality of the data to be checked, the alternative hypothesis to be accepted, the null hypothesis to be rejected and Spearman's Rho correlation coefficient to be considered. Finally, this method facilitated obtaining tables and figures for the general objective and the third specific objective.

Regarding ethical considerations, the study respected veracity, originality, and authenticity, as well as intellectual property rights. Sources were cited according to the most recent version of the APA and the reliability of the contributions and results obtained by the professionals surveyed was not altered.

4 RESULTS AND DISCUSSION

It is observed that the variable "intestate succession process" is regular in 63% of the cases. Its dimension "preventive annotation" is inadequate in 57%, while "notarization of the process" is inadequate in 43%. The dimension "registration of intestate succession" is regular in 73% and, finally, "publication" was regular in 50%. This shows that Peruvian notaries do not promptly process intestate succession requests submitted by their clients and do not adequately comply with the publication in the official gazette addressed to the presumed heirs, generating inadequate legal certainty.

The findings find support in the research of Cogger (2021), who argues that the right to distribute property upon death is considered a natural extension of the rights enjoyed by an owner during life. Testamentary freedom, an ancestral principle of common law, has been a component of our law since antiquity, and both courts and state officials are obligated to give effect to the clear intentions of testators expressed in their wills. Moreover, according to Ramana et al. (2021), a private agreement may be rejected by the signatory, but if it is notarized and the parties do not dispute it, it has strong probative value.

Takim and Nabiebu (2021) also state that inheritance not only reduces crime and ensures family cohesion and continuity, but also perpetuates family life and future generation. Succession, both testate and intestate, has biblical roots. In Nigeria, intestate succession is mainly governed by native law and custom and is often discriminatory. It is suggested that Nigeria codify its customary laws on intestate succession and strongly promote information on intestate succession among its citizens.

<table>
<thead>
<tr>
<th>Levels</th>
<th>Intestate succession proceedings</th>
<th>Preventive annotation</th>
<th>The publication</th>
<th>Protocols of the proceedings</th>
<th>the Intestate succession registration</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>f</td>
<td>%</td>
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<td>%</td>
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</tr>
<tr>
<td>Inadequate</td>
<td>9</td>
<td>30</td>
<td>17</td>
<td>57</td>
<td>8</td>
</tr>
<tr>
<td>Regular</td>
<td>19</td>
<td>63</td>
<td>11</td>
<td>36</td>
<td>15</td>
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<tr>
<td>Suitable</td>
<td>2</td>
<td>7</td>
<td>2</td>
<td>7</td>
<td>7</td>
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<tr>
<td>Totals</td>
<td>30</td>
<td>100</td>
<td>30</td>
<td>100</td>
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</tr>
</tbody>
</table>

Note: Own elaboration based on SPSS data (2023).

The "legal certainty" variable is fair with 63%. The dimension "principle of legality" is insufficient with 77%, while "rule of law" is insufficient with 66%. The dimension "protection of rights" is fair with 63% and, finally, "redress per year" is also fair with 60%. This reveals
that clients do not experience the equality required in their processes by the legal framework and perceive a lack of security when carrying out their intestate succession procedures.

The data obtained find support in the study by Tamrin et al. (2021), which states that the authority of the curator is to administer and liquidate the insolvency estate, without having the authority to make decisions on the insolvency assets, since all decisions related to the administration and liquidation of the assets are determined by the court, according to Article 91 of the Insolvency Law. On the other hand, Patiño (2021) points out that notarial services, and in particular advisory services, provide clients with a sense of security through intestate succession deeds signed by a notary.

In addition, Muñoz, and Ramos (2021) point out that, to protect the right to inheritance assets in cases of notarial intestate succession, additional requirements are necessary. The exclusion of heirs entails consequences such as the preterition of heirs and the prolongation of judicial proceedings. In analyzing comparative legislation, it was identified that the Mexican regulation is relevant in this context.

**Table 2** Level of legal security in Peru's notary's offices

<table>
<thead>
<tr>
<th>Levels</th>
<th>Legal certainty</th>
<th>Rule of law</th>
<th>Principle of legality</th>
<th>Protection of rights</th>
<th>Intestate succession registration</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<td>%</td>
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<tr>
<td>Inadequate</td>
<td>9</td>
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<td>8</td>
<td>27</td>
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</tr>
<tr>
<td>Regular</td>
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<td>63</td>
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<td>66</td>
<td>6</td>
</tr>
<tr>
<td>Suitable</td>
<td>2</td>
<td>7</td>
<td>2</td>
<td>7</td>
<td>1</td>
</tr>
<tr>
<td>Totals</td>
<td>30</td>
<td>100</td>
<td>30</td>
<td>100</td>
<td>30</td>
</tr>
</tbody>
</table>

**Note**: Own elaboration based on SPSS data (2023).

The information presented in the data reveals that all the dimensions obtained a p=0.000<0.05, which allows us to accept the alternative hypothesis. Furthermore, it should be noted that the dimension "registration in intestate succession" reached a Spearman's Rho of 69.3%, and "preventive annotation" reached 66.6%, indicating that both maintain a moderate positive correlation. On the other hand, the dimension "publication" obtained a Spearman's Rho of 47%, and "protocolization of acts" of 31.7%, showing that both maintain a low positive correlation with legal certainty. This suggests that by clearly considering and describing the inheritance in the publications, by giving the necessary priority to inform all heirs and by notifying the heirs within the established deadline, legal security is indeed provided to clients in the notaries' offices.

These results are supported by the work of Ríos (2021), who points out that Law No. 26662 does not provide legal certainty in succession law, since the requirements of Article 39 are based on documents that are too generic and do not fully safeguard the rights of the successors. This leaves the door open to the possibility of filing applications unilaterally, omitting other legitimate successors, which could entail future legal implications. Furthermore, Hammond (2019) suggests that for legal reforms to be accepted, particularly by rural residents, the state must adopt what might be termed a mutual concession approach to legal reforms. This discretionary, structured, and principled approach seeks to balance the valued interests of both legal systems and promises to be more acceptable to rural residents, thereby ensuring compliance with state law.

**Table 3** Level of relationship of the dimensions of the intestate succession process on legal security in the notary offices of Peru

<table>
<thead>
<tr>
<th>Spearman's Rho</th>
<th>Preventive annotation</th>
<th>Correlation coefficient</th>
<th>Legal Security</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>.666&lt;sup&gt;*&lt;/sup&gt;</td>
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</tbody>
</table>

<sup>*</sup> Significant at the 0.05 level
Table 4 - Level of relationship of the intestate succession process in legal security in the notary offices of Peru

<table>
<thead>
<tr>
<th>Intestate succession proceedings</th>
<th>Legal certainty</th>
<th>Spearman's Rho</th>
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<tbody>
<tr>
<td></td>
<td>Intestate succession</td>
<td>Correlation coefficient</td>
</tr>
<tr>
<td>The publication</td>
<td>Correlation coefficient</td>
<td>1.000</td>
</tr>
<tr>
<td>Protocols of the proceedings</td>
<td>Correlation coefficient</td>
<td>.470**</td>
</tr>
<tr>
<td>Intestate succession</td>
<td>Correlation coefficient</td>
<td>.317</td>
</tr>
<tr>
<td>Intestate registration</td>
<td>Correlation coefficient</td>
<td>.693**</td>
</tr>
</tbody>
</table>

Note: Own elaboration based on SPSS data (2023).

The table shows that all dimensions reached a p=0.001<0.05, thus allowing the acceptance of the alternative hypothesis and, also, a Spearman's Rho of 81.5% was reached. This indicates that intestacy and legal certainty have a remarkably strong positive correlation. The effective execution of preventive annotations, publication within the stipulated deadlines, notarization of the procedure and registration of the succession, consolidate the rule of law. Compliance with the principle of legality and the protection of clients' rights, as well as redress in the event of inconvenience, provide legal certainty for all persons involved.

The current results are supported by the study of Torres (2021), which also identified a significant positive correlation between similar variables, with a Rho of 0.654. Likewise, Diaz (2021) highlights the importance of implementing a notarial intestate succession procedure to incorporate the omitted heirs, allowing the injured parties to take legal action. On the other hand, Aguilar (2021) highlights that the non-probate succession procedure often lacks sufficient information to identify all the forced heirs of the deceased, which results in the exclusion of heirs, increases legal costs and generates family conflicts.

Itamochi (2020) highlights that the pre-existing legislation was established before the creation of the technology that allows postmortem conception, as the current legislation does not allow these individuals to inherit the property of their deceased parents. In addition, Maunatlala and Maimela (2020) note that although the courts have attempted to adapt the customary law of succession in accordance with the Constitution, such an effort can be interpreted as imposing customary law solutions to customary law problems, suggesting the need to address and understand customary law from its own perspective.

5 CONCLUSIONS AND VALUE PROPOSITIONS

The strong positive correlation between the intestate succession process and legal certainty underlines the imperative need for meticulous and efficient notarial management. Careful attention to preventive annotations, timely publication in the official media, notarization of the proceedings and, above all, registration of the succession, stand as fundamental pillars for consolidating a solid and reliable rule of law. The strict observance of
the principle of legality, the proactive protection of clients' rights and the redress of possible inconveniences provide comprehensive legal security to all parties involved, thus reinforcing confidence in the legal system.

A comprehensive analysis of the intestate succession process reveals notable deficiencies in notarial attention, particularly regarding the expeditious processing of applications and the due publication of the presumed heirs in the official gazette. These situations not only generate insufficient legal security, but also reveal a palpable perception among clients of not receiving fair treatment and adequate security during their intestate succession proceedings, which can weaken trust in legal institutions.

Furthermore, the dimensions of preventive annotation, publication, probate, and registration of intestate succession show a moderate positive correlation with legal certainty. This indicates that a clear and well-considered description of the succession in the publications, together with the necessary priority to inform all heirs and ensure timely notification, are essential elements in providing legal security to clients in notaries' offices. Detailed attention to these aspects is vital not only to reinforce confidence in notarial processes, but also to strengthen the integrity and reliability of the legal system.

This analysis and the conclusions drawn from it underscore the importance of reviewing and, if necessary, reforming notarial practices and processes to ensure that they are administered in a manner that maximizes legal certainty and public confidence in the legal system. Therefore, implementing improvements based on these findings could have a significant impact on the perception and reality of legal certainty in intestate succession processes.

Within the framework of the positive correlation between the intestate succession process and legal certainty, a need is revealed that goes beyond the tangible: a notarial administration that is not only meticulous and efficient, but that stands as a pillar of a solid and reliable rule of law. The meticulousness in preventive annotations, the punctuality in official publications, the meticulous notarization of actions and, above all, the registration of succession, become more than administrative procedures; they are, in essence, the manifestation of a principle of legality that seeks to proactively protect the rights of clients and offer fair and timely redress in the face of possible inconveniences.

In the intricate web of legal certainty and intestate succession proceedings, a strong positive correlation emerges that not only underlines, but demands meticulous and efficient notarial management. The essence of this management is to be found in the meticulousness with which preventive annotations are taken care of, the punctuality of official publications, the rigorous notarization of the proceedings and, vitally, the registration of the succession. These pillars, firmly rooted in compliance with the principle of legality, not only protect the rights of clients, but, in the event of any inconvenience, guarantee fair redress, thus weaving a cloak of legal security around all parties involved.

The analytical magnifying glass on the intestate succession process reveals cracks in notarial care, particularly in the expeditious processing of applications and in the correct publication of the presumed heirs in the official gazette. These cracks not only erode legal certainty, but also cast a shadow of doubt among clients about fairness and security during their intestate succession proceedings, threatening trust in legal institutions.

Moreover, when exploring the dimensions of preventive annotation, publication, notarization and registration in intestate succession, a moderate positive correlation is found with legal security. This finding indicates that clarity in the description of the inheritance in the publications, priority in informing the heirs and the guarantee of notification within the established deadlines are beacons that guide towards legal security in the notary's offices. Attention to these aspects is not only vital for strengthening confidence in notarial processes, but also for cementing the integrity and reliability of the legal system.
From the scientific perspective, a horizon is emerging where technology and data science intertwine with law, creating predictive models and automated systems that not only optimize notarial processes, but also anticipate and mitigate potential problems in probate proceedings. The academy, on the other hand, becomes the crucible where future legal professionals are forged, imbued not only with theoretical knowledge, but also with a deep understanding of ethics, efficiency, and legal security in their practice. The creation of didactic material and online learning platforms serves as a bridge between academic knowledge and society, illuminating the nooks and crannies of inheritance law and empowering the public.

In the legal sphere, the review and reform of current legislation, the creation of standardized protocols and the implementation of alternative dispute resolution mechanisms are imperative. These are intended not only to adapt legislation and practice to contemporary and technological realities, but also to maximize legal certainty and citizens’ confidence in the legal system. The implementation of a feedback and continuous improvement system, allowing clients and legal professionals to provide comments and propose improvements, becomes a virtuous circle of constant improvement and adaptation.

In this interweaving of science, academia and law, a web is woven that not only sustains, but elevates the practice of intestate succession, transforming it into a process that is, in all its aspects, synonymous with security, trust and fairness for all parties involved. The implementation of these proposals could not only have a significant impact on the perception and reality of legal certainty in intestate succession proceedings but could also reinforce confidence in the legal system as a whole.

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