

# Index

The figures refer to the page numbers. If specific information is contained in an endnote, that endnote is also explicitly mentioned.

## A

abstraction 13  
academia 40  
access to justice 22, 27  
administrative law 46  
adoption, *see* family law  
affiliation, *see* family law  
alimony, *see* family law  
anticipated judgment 7, 29  
anti-money laundering,  
    *see* money laundering  
articles of incorporation,  
    *see* company law  
Artificial Intelligence 31  
authentication 59  
    — *see also* certification  
    — of occurrence of facts 29

## B

bargaining power 17  
behavioral law and economics 17  
betrayal of secrets 30 (n. 95)  
Big Data 31  
Block Chain 31  
bounded willpower 17  
breach of trust 33  
bureaucratic communication 15

## C

certificate of inheritance,  
    *see* succession law  
certification 23 (n. 59)  
chambers, notarial 32, 33  
child custody, *see* family law  
CNUE 49  
Coase Theorem 9 (n. 14)  
codification 13  
communicative dimension of law 13  
company law 41

complete contingent contract 11  
    (n. 20)  
complexity 13  
    — external 13 (n. 29)  
    — internal 13 (n. 28)  
condominium, *see* real estate law  
conflict of law 49  
Constitutional Court of Bavaria 28  
consumer protection 16, 17  
    — *see also* de-biasing,  
        value-dimension  
conveyancing deed,  
    *see* real estate law  
cooling-off-period 16  
    — *see also* consumer protection  
corporations, *see* company law  
crime prevention 25  
cross-subsidies 27

## D

de-biasing 17  
    — *see also* consumer protection  
default rules 11  
democracy 13  
diminishing marginal utility 27  
directors, *see* company law  
disruption 31  
distribution of joint surplus 9  
distributive justice 27  
division  
    — of assets, *see* family law  
    — of inheritance, *see* succession law  
    — of land, *see* real estate law  
divorce settlements, *see* family law  
donations 39, 43  
due diligence 23

- E**  
 easement, *see* real estate law  
 Electronic Archive of Authentic Acts 31  
 entry exam 8  
 environmental law 46  
 equality, principle of 38  
 – *see also* gender equality, *Elisabeth Selbert*  
 equalizing bargaining power 17  
 equivalence to judiciary 29  
 escrow 15 (n. 58)  
 EU sanctions 25  
 evidence 7, 29  
 – evidence proceedings 29  
 – of occurrence of facts 29  
 ex ante 7, 29  
 ex post 7, 29  
 exchange, electronic 31  
 Expected Utility Theory 27 (n. 77)  
 expressive dimension of law, *see* communicative dimension of law  
 expropriation 23  
 externalities 24
- F**  
 family law 45  
 FAO 26  
 – Guide on responsible governance of tenure and preventive justice 26 (n. 72)  
 – Guidelines on strengthening gender equality in notarial practices South-East Europe 26 (n. 73)  
 Federal Court of Justice (*Bundesgerichtshof*) 28  
 Financial Intelligence Unit 24  
 foreign law 48  
 foundation of a company, *see* company law  
 free choice of the notary 26
- G**  
 gatekeeper, the notary as  
 – in company law 41  
 – in family law 45  
 – in real estate law 39  
 – in succession law 43  
 – regarding powers of attorney 47  
 – gatekeeper of court proceedings 29  
 – gatekeeper of registers in general 23  
 gender equality 26, 39  
 – *see also* principle of equality, *Elisabeth Selbert*  
 German Constitution (Basic Law, *Grundgesetz*) 38  
 German Notary Arbitration Court (*Deutscher Notarschiedsgerichtshof*) 44  
 governance of land, sustainable, *see* FAO  
 Guide on responsible governance of tenure and preventive justice, *see* FAO  
 Guidelines on strengthening gender equality in notarial practices South-East Europe, *see* FAO
- H**  
 history 6
- I**  
 independence 33  
 inheritance law, *see* succession law  
 international private law, *see* conflict of laws  
 interpreter 13  
 inventories, *see* succession law
- J**  
 judge without lawsuit 7  
 judgment by consent, *see* anticipated judgment  
 judiciary 7, 29
- L**  
 law enforcement 25  
 legal certainty 7  
 legal education of citizens 12  
 liability 33  
 – civil 33 (n. 104)  
 – criminal 30 (n. 94), 33 (n. 106)  
 – professional 33 (n. 105)  
 limited liability company 14, – *see also* company law  
 limited number of notaries 24, 27, 33  
 litigation costs 7, 29
- M**  
 manager, the notary as  
 – in company law 41  
 – in family law 45  
 – in real estate law 39  
 – in succession law 43  
 – of contracts in general 15  
 marginal utility 27  
 market failure 27  
 marriage contracts, *see* family law  
 maximizing joint surplus 9  
 mediation 29  
 mergers & acquisitions, *see* company law  
 money laundering 25  
 – reports 24  
 mortgage, *see* real estate law
- N**  
 neutrality 9  
 non-contentious proceedings 29  
 notary fees 27  
 – degressive character 27 (n. 77)  
 notary-client-privilege 30 (n. 95)
- O**  
 one-stop-shop 15, *see also* manager, the notary as  
 online authentication 31  
 opt out 11  
 optimism bias 17  
 optimization of contracts 9, 29  
 opt-out-costs, *see* opt out
- overconfidence bias 17  
 over-inclusive 11
- P**  
 partnerships, *see* company law  
 personalization 11  
 poverty 26  
 power of attorney 47  
 preliminary notice, *see* reservation  
 prenuptial agreements, *see* family law  
 preparation for judiciary 29  
 prestige 8  
 preventive justice 7  
 priority notice, *see* reservation  
 production costs 27
- R**  
 real estate law 39  
 refugees of war 49  
 registers 23  
 – commercial registers 41  
 – land registers 39  
 – register of powers of attorney 47  
 regulation, professional 33  
 relieving the judiciary 7, 29  
 renunciation to inheritance, *see* succession law  
 replacement of judiciary 29  
 reservation (*Vormerkung*) 15 (n. 38)  
*Rienzi* 10  
 rural areas 26, 27
- S**  
 sale and purchase agreements, *see* company law  
 sales contracts  
 – of land, *see* real estate law  
 – of shares, *see* company law  
 sanction, *see* EU sanctions *Selbert, Elisabeth* 38  
 settlement of inheritance, *see* succession law  
 shareholder resolution, *see* company law  
 societal cohesion 13

Societas Europaea 48  
sovereignty  
— and company law 41  
— and digitalization 31  
— and family law 45  
— and real estate law 39  
— and succession law 43  
spatial element, *see* de-biasing  
stakeholders 15  
storage, electronic 31  
substantive element, *see* de-biasing  
succession law 43  
supervision 33  
sustainability 26  
sympathy bias 17

## T

tax evasion 25  
tax law 25, 46  
technical language 13  
temporal element, *see* de-biasing  
terrorism-financing 25  
*Thibierge* 48  
think tank 32  
time dimension  
— in company law 41  
— in family law 45  
— in real estate law 39  
— in succession law 43  
— regarding powers of attorney 47  
title dimension,  
  *see* anticipated judgment  
title insurance 23  
title search 23  
*Tocqueville* 43 (n. 132, 133)  
training of notaries 8  
transaction costs 9  
translation, *see* interpreter  
trust in notaries 9, 13  
twenty-four hours foundation of a  
  limited liability company 4,  
  — *see also* company law

## U

UINL 49  
under-inclusiveness 11

## V

value dimension  
— *see also* consumer protection,  
  de-biasing  
— in company law 41  
— in family law 45  
— in real estate law 39  
— in succession law 43  
— regarding powers of attorney 47

## W

*Wagner* 10  
wills, *see* succession law  
witness 42

## Z

zoning law 46



In civil law countries, notaries play an essential role in the preventive administration of justice. This book aims at presenting their profession and the benefits they provide for contracting parties and society at large. It is based on insights from neoclassical and behavioral economics.

beck.de  
chbeck.de/nachhaltig