



EMERGING RESPONSES TO DIGITALIZATION OF STATUTORY MARRIAGE FORMALITIES: A COMPARATIVE ANALYSIS OF NIGERIA, ESTONIA AND THE UNITED KINGDOM

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ABSTRACT

Digitalization is significantly reshaping the administration of marriage formalities, but its legal effects vary across jurisdictions. This article study performs a comparative appraisal of marriage within the evolving global digitalized formalities across Nigeria, United Kingdom and Estonia to examine whether digital systems alter the validity, solemnisation, registration, or proof of marriage. It argues that digital tools generally facilitate marriage administration rather than replace the substantive legal acts that bring a marriage into existence. Historically, family law systems have conceptualized marriage as a deeply physical, sacred, or formal state-monitored ritual requiring physical co-presence, manual signatures, and localized venues. However, the advent of digital public infrastructures, cloud computing, and accelerated virtual frameworks have forced state institutions to reconsider these requirements. Using a doctrinal methodology, the article reveals a spectrum of digital adoption: Estonia operates a comprehensive integrated, paperless e-governance ecosystem where nearly 100% of public transactions, including pre-marriage administration and, as of recent milestones, divorces are executed digitally via its digital identity framework. The United Kingdom represents a hybrid, transitional model that modernized its registration through digital platforms via the Civil Partnerships, Marriages and Deaths (Registration etc.) Act 2019 but structurally preserves physical co-presence during the verbal exchange of vows. Nigeria, conversely, exhibits an operational divergence. Whilst the Ministry of Interior has launched a centralized online marriage application portal for statutory marriages, the foundational substantive legislation being the Marriage Act 2004 remains strictly bound to physical topography especially regarding open doors and physical registries, rendering purely virtual ceremonies legally vulnerable under the Matrimonial Causes Act 2004. The article found severe structural challenges, including data privacy exposures, identity spoofing and others. The article concludes that while administrative digitalization improves institutional efficiency, the preservation of the solemnity and consensual clarity of marriage requires a balanced approach. It recommends legislative intervention to explicitly validate electronic notice systems, define the legal status of “virtual presence,” and harmonize physical safeguards with digital optimization.

KEYWORDS: *Digital Marriage, Digitalization, Marriage Formalities, Registration*

1. INTRODUCTION

Marriage remains one of the most enduring legal institutions that is recognised by national and international legal systems which also serves as the foundation for the formation of family,

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determination of rights and obligations of spouses, regulation of status of children influences succession, immigration, maintenance and more consequences, the validity of marriage is dependent upon compliance with the requisite legal formalities such as legal capacity, consent notification of marriage, solemnization before authorised persons, presence of witnesses, registration and certification. All of these mechanisms are to ensure legal certainty, fraud prevention, protection of vulnerable persons and maintenance of reliable public records.

Marriage, as a foundational socio-legal institution, has historically been characterized by strict formalism, spatial localization, and temporal specificity. Across civil, common law, and customary traditions, the validity of a marriage is closely tied to compliance with mandatory statutory or traditional formalities. These formalities serve a dual purpose: they provide public notice to prevent bigamy or other prohibited unions, and create an objective, state-verified record of a shift in legal status. The rise of the fourth industrial revolution, COVID-19 pandemic and integrated Digital Public Infrastructure (DPI) have challenged these long-standing spatial and physical requirements and accelerated transformation to conventional legal processes. Cloud systems, cryptographic identity verification, and video conferencing platforms have detached administrative and ritual processes from physical geography. Consequently, the contemporary family law landscape faces a critical dilemma: how can the legal protections of marriage be preserved when the traditional formalities are transitioned into digital spaces?

The core problem addressed by this article is the widening gap between traditional family law legislation and contemporary digital practice. Most foundational marriage statutes, such as Nigeria's Marriage Act, were drafted over a century ago under assumptions of physical co-presence, ink-on-paper signatures, and brick-and-mortar registries. When couples attempt to complete marriage processes online, whether through digital applications or remote, virtual wedding ceremonies, they encounter severe statutory obstacles. These obstacles create significant legal uncertainty, raising questions about whether such unions are valid or void, and exposing parties to unexpected liabilities regarding inheritance, matrimonial property, and spousal status. Furthermore, different countries are moving at vastly different speeds. Estonia operates a highly advanced, fully digital state apparatus, while the United Kingdom employs a structured hybrid system, and Nigeria continues to experience friction between digital administrative portals and rigid physical laws. This divergence creates complex conflicts of laws, particularly when assessing the cross-border validity of digitally solemnized marriages.

2. CONCEPTUAL FRAMEWORK

2.1 Marriage

In legal terms, 'marriage' is a contract that creates a unique socio-legal status, subject to strict state regulation. It constitutes the voluntary union for life of one man and one woman, to the exclusion



of all others.¹ While the substantive parameters of marriage have expanded across different jurisdictions such as the recognition of same-sex union via the United Kingdom's Marriage (Same Sex Couples) Act 2013, the core legal property of marriage remains unchanged.² It is an intentional act that alters an individual's legal status, instantly unlocking a specialized web of statutory rights and duties. These include marital property presumptions, intestate succession rights and mutual obligations of support. Unlike standard commercial contracts, it cannot be formed or dissolved by mere mutual consent because it requires formal state intervention.

2.2 Formalities

This represents the adjective law protocols, the mandatory procedural steps, documentation, verification stages and ceremonial acts required by statute to translate private consent into a legally binding marital status. It refers to the mandatory legal procedures that must be followed to establish a valid marriage. These are generally divided into two main categories:

- (i) Substantive Formalities: Legal capacity, age, consent, and the absence of prohibited degrees of consanguinity or affinity.
- (ii) Essential/Adjective Formalities: Administrative prerequisites, including the publication of banns or notices, the presence of an authorized official, the verbal exchange of vows, the presence of witnesses, and formal registration.

Formalities serve dual purpose sociologically and legally:

- (i) The Cautionary function: They ensure that parties realize the gravity of the legal commitment they are making.
- (ii) The Evidentiary Function: they create an unassailable, permanent record of the union to maintain public certainty and prevent fraud.

Under the Nigerian law, statutory formalities are strict and unyielding. The Marriage Act sets out clear rules regarding venue, public access (open doors), timing and the presence of witnesses.³ As established in *Obiekwe v Obiekwe*, if parties wilfully and mutually bypass these statutory requirements, the resulting marriage is void ab initio.⁴ Formalities dictate the entry point through which technology can interface with family law.

2.3 Digitalization

In administrative law, digitalization refers to the structural conversion of administrative processes and workflows from manual, paper-based systems into integrated digital formats (e.g., submitting a marriage application via a web portal). Digitalization alters how institutions function. It involves

¹*Hyde v Hyde* (1866) LR 1 P & D 130.

² Marriage (Same Sex Couples) Act 2013.

³ Marriage Act, Cap M6, Laws of the Federation of Nigeria (LFN) 2004.

⁴*Obiekwe v Obiekwe* (1963) ENLR 196.

deploying automated database verification, real-time data cross referencing, and paperless transaction tracking across state networks. For example, Estonia's implementation of online marriage applications via its Vital Statistics Registration Act represents complete digitalization.⁵

2.4 Virtualization

While digitalization focuses on internal data workflows and administrative channels, virtualization refers to the replication of physical space, interaction or presence within a software-generated environment thereby allowing actions to occur without physical co-presence (e.g., conducting a ceremony over a video link). This challenges the traditional definition of presence. Historically, legal presence meant bodily proximity, that is, being physically present in a specific room alongside a registrar and witnesses. Virtualization decouples the legal act from physical geography and replaces the physical body with authenticated electronic presence, utilizing real-time biometric data to confirm execution. When a legal system allows an online declaration or a biometric data use to replace an in-person, face-to-face vow, it has virtualized the solemnization phase. This shift creates unique challenges for public policy, requiring states to carefully balance technological convenience with safeguards against duress and identity theft.

2.5 E-Governance (Electronic Governance)

E-Governance is the macro-level institutional framework which combines digitalization and virtualization into a unique model of public administration. It represents a deliberate shift in how a state uses digital technology to deliver public services and authenticate civic status securely. In family law, although administrative digitalization is widely accepted, the virtualization of the actual marriage ceremony remains a highly contested legal issue. E-Governance is not built on siloed databases but relies on completely integrated networks. Estonia's X-Road data exchange layer serves as the definitive global example. Under an advanced E-Governance model, civil status events like births, marriages and divorces are not managed by standalone agencies using disconnected paper archives but are handled by a synchronized digital ecosystem, ensuring that a change in an individual's status instantly updates records across all public and private entities.

3. LEGAL AND INSTITUTIONAL FRAMEWORKS

3.1 The Nigerian Legal Framework

Nigeria operates a dual, pluralistic legal system regarding marriage, recognizing both customary/Islamic marriages and statutory marriages. The legal regime governing statutory marriages in Nigeria is structured primarily around two pieces of legislation; the Marriage Act and the Matrimonial Causes Act (MCA).⁶ However, because both pieces of legislation are historical in origin, the Marriage Act tracing its structural roots back to colonial-era enactments, their provisions remain profoundly analogue. In contemporary Nigeria, the legal frameworks governing the

⁵Vital Statistics Registration Act (Perekonnaseisutoimingute seadus — PKTS).

⁶ Matrimonial Causes Act, Cap M7, Laws of the Federation of Nigeria (LFN) 2004.



celebration and dissolution of statutory marriages stand in sharp contrast to global shifts toward administrative digitalization, presenting unique compliance and evidentiary challenges.

3.1.1 The Marriage Act 2004

The Marriage Act provides the substantive and adjective legal framework for contracting a valid statutory marriage in Nigeria. It establishes the rules for capacity, venue, and state record-keeping.

A. Mechanics of Pre-Solemnization: Notices and Paper Notice Boards

Parties must physically visit a designated marriage registry within a marriage district to file a formal “Notice of Marriage.”

1. **The Analogue Requirement/Mandate:** Under Section 7, parties must complete and file a physical “Notice of Marriage” at the registry of their designated marriage district. Upon receipt, the registrar is mandated to enter this notice by hand into a physical ledger known as the Marriage Notice Book. Furthermore, the registrar is required to physically paste a copy of the notice conspicuously onto the outer door or a public notice board of the registry office, where it must remain displayed for twenty-one consecutive days before a Registrar’s certificate can be issued to authorize the wedding.
2. **The Digital Deficit:** This system relies on localised, physical proximity. The law contains no provisions for electronic display, online centralised database, or remote automated background verification where caveats can be submitted from other marriage districts. This structure creates significant legal and administrative gaps. There is usually no automated tool to check whether an applicant possesses the substantive legal capacity to marry.

B. Solemnization Mechanics: The Physical Venue Rules

- i. **Strict Venue Provisions:** Section 21 mandates that all statutory marriages must be celebrated with “open doors” between the hours of 8:00 AM and 6:00 PM in a licensed place of worship or the public registry office duly licensed by the Minister of Interior. This physical presence requirement is further reinforced by Section 27, which requires the simultaneous in-person attendance of the officiating minister, the parties and at least two witnesses. The Supreme Court of Nigeria has emphasized that a wilful, mutual disregard for these physical location rules voids a marriage ab initio.⁷ Virtual ceremonies, electronic exchanges of vows, or telephonic presence find no legal accommodation under the text of Section 21.
- ii. **The Invalidity of Virtual Solemnization:** This insistence on a physical venue makes it impossible to legally conduct a fully virtual or electronic marriage ceremony under current Nigerian law. The statutory requirement for “open door” and a licensed building has been

⁷ Marriage Act, (n 6), s 33(2)(c); *Anyegbunam v Anyegbunam* (1973) 12 SC 141 and *Obiekwe v Obiekwe* (1963) 7 ENLR 196.

interpreted by courts as a mandatory condition of formal validity. It has been held that a mutual and wilful disregard of these formal space and location rules by both parties invalidates the marriage *ab initio*. Consequently, virtual vows exchanged over platforms like Zoom remain legally non-existent under the act regardless of the genuine intent of the parties.

C. Post-Solemnization Mechanics:

Manual Book Registration: Under Section 25, the officiating minister or registrar must enter the marriage details in the hardcopy Marriage Certificate Book. Counterfoils and duplicate paper certificates must be completed by hand; one duplicate is given to the couple, and the other is intended for manual batch transmission to the federal archive. This physical process frequently suffers from data transmission failures, leaving thousands of legally valid marriages undocumented in central state databases.

3.1.2 Criminal Code Act

A valid statutory marriage under the Marriage Act alters a person's legal status, hence the state uses its criminal law tool to protect the monogamous boundary and where a system is unable to have access to an integrated E-Governance network to cross-reference marriages, these criminal provisions become the state's primary reactive weapon against marital fraud. This Act also penalizes the fraudulent manipulation of marriage formalities across several distinct headings:

The Substantive Offense of Bigamy (Section 370): The Act heavily penalizes violations of monogamous status. Under Section 33(1), a statutory marriage is void if either party is already validly married to another person under customary law. Conversely, contracting a customary marriage while a valid statutory marriage subsists constitutes the criminal offense of bigamy under Section 370 of the Criminal Code Act which imposes a five-year prison sentence.⁸

i. Personation and Fraud (Section 365): This section provides for a seven-year imprisonment for anyone who personates another in contracting marriage. It criminalizes fraudulent identity switches during the execution of marriage formalities. This section serves as a sole deterrent of the state against identity theft.

ii. Unlawful Performance of Marriage Ceremonies (Section 366): This section provides that any person who wilfully and knowingly performs any act relating to marriage celebration without being authorized to do so by law is guilty of a felony and would be imprisoned for five years. This creates direct liability for religious ministers or registrars who violate the Section 21 of the Marriage Act which makes provision for the marriage to be conducted in a licensed physical building with open doors.

⁸ Criminal Code Act, Cap C38, Laws of the Federation of Nigeria (LFN) 2004.



3.1.3 The Matrimonial Causes Act (MCA) 2004

While the Marriage Act handles how a marriage is created, the Matrimonial Causes Act (MCA) governs how a statutory marriage is judicially managed, sustained, or dissolved.

- i. **Proving Spousal Facts with Digital Data:** In contemporary divorce proceedings, petitioners increasingly rely on digital footprints, such as instant messages, geolocation logs, social media interactions, or emails, to prove facts like unreasonable behaviour or adultery.
- ii. **The Burden of Foundation:** To introduce this data, the MCA must be read in tandem with Section 84 of the Evidence Act, which sets out strict conditions for admitting electronically generated evidence, requiring a supporting certificate of authentication to verify the functionality of the device that processed the data.⁹ Proving these requirements remains a complex procedural task within matrimonial courts, where electronic records are heavily scrutinized for tampering.
- iii. **The Two-Year Rule and Administrative Delays:** Section 30 of the MCA restricts parties from filing for divorce within the first two years of marriage without explicit leave (permission) from the court, which is only granted under exceptional circumstances. The process of applying for leave, serving physical processes, and awaiting a hearing is slowed by paper-heavy court registries. Nigeria lacks an automated, end-to-end electronic filing system across all state judiciaries hence, matrimonial litigation remains bogged down by manual tracking, scheduling conflicts, and long data processing delays.

3.1.4 Nigerian Institutional Framework: The Ministry of Interior

The central institutional authority of statutory marriages is the Ministry of Interior, which manages federal marriage registries, alongside various local government councils that operate municipal registries. This institutional division has historically caused jurisdictional tension regarding the authority to register marriages and collect associated fees. In September 2018, the Ministry launched a Public-Private Partnership (PPP) initiative known as eCITIBIZ platform to transition its Citizenship and Business Department from entirely manual administrative workflows to automated electronic portals.¹⁰

The institutional design of the eCITIBIZ platform separates the digital application process from the physical ceremony. It operates as a frontend system that allows citizens to apply for marriage license, upload required civil documentation such as identity proofs, birth certificates and other documents; and complete processing fees via electronic payment gateways. This intervention has

⁹ Evidence Act 2011, s 84.

¹⁰ Ministry of Interior (Nigeria), 'Statutory Marriage Application Guidelines and E-Portal Operations' (2024).



modernized data storage and accelerated application tracking at the primary Federal Marriage Registries located in hubs like Lagos, Port Harcourt, Abuja, Benin, Kano and Owerri.

3.2 The Estonian Legal Framework

3.2.1 Family Law Act (Perekonnaseadus) 2010

Estonia's legal framework is built upon its civil law tradition, governed primarily by the Family Law Act (Perekonnaseadus) 2010.¹¹

1. Substantive Legal Principles of Marriage under the Perekonnaseadus (PKS): The Family Law Act (PKS) forms the primary legal framework governing family relations within the Republic of Estonia. While Estonia has highly digitalized its civil procedures, its substantive law remains firmly grounded in traditional civil protections designed to safeguard consent and social stability:

- i. Prerequisites and Monogamy: Under Section 1 of the PKS, a marriage is contracted between two natural persons. Section 4 strictly prohibits bigamy, declaring that a marriage cannot be entered if a prior marriage or an undissolved registered partnership contract remains valid.
- ii. Legal Capacity and Age: Applicants must possess full active legal capacity. Under Section 1(2), the statutory minimum age is 18. However, a county court may extend the active legal capacity of a minor who is at least 15 years old to perform the legal acts necessary to contract and maintain a marriage.
- iii. Prohibited Degrees of Proximity: Section 2 explicitly bars consanguineous marriages between relatives in a direct ascending or descending line, as well as between full and half-siblings. Section 3 extends this prohibition to individuals within an adoptive relationship.
- iv. Mutual Consent: Substantively, a marriage relies entirely on the contemporaneous, uncoerced declaration of intention by both parties to enter into a matrimonial cohabitation.

2. The Digitalization of Pre-Solemnization Formalities: Estonia's adjective (procedural) framework transforms traditional administration by replacing physical steps with a secure public key infrastructure (PKI):

- i. E-Application Processing: Under the Vital Statistics Registration Act (Perekonnaseisutoimingute seadus — PKS),¹² couples whose data are verified in the internal registries may file their joint marriage application completely online via the e-population register portal (eesti.ee).

¹¹ Family Law Act (Perekonnaseadus — PKS) 2010.

¹² Vital Statistics Registration Act (Estonia).



- ii. **Cryptographic Authentication:** Parties log into the national state registry using their secure mandatory e-ID card, Mobile-ID, or Smart-ID. The system relies on advanced cryptographic digital signatures. Under Estonian e-governance statutes, these signatures carry the exact same legal and evidentiary weight as a physical signature written in ink.
- iii. **Automated Verification via the X-Road Infrastructure:** Once submitted, the application queries the secure Estonian Population Register (Rahvastikuregister) through the decentralized X-Road data exchange layer. The platform automatically cross-references and verifies the applicants' legal status, statutory age, and the absence of any subsisting marital bonds. This eliminates the need to manually supply physical records or undergo lengthy notice periods designed to check for hidden legal impediments.

3. Solemnization Formalities: The Boundaries of Legal “Presence”

Despite its digital capabilities, Estonia retains specific boundaries regarding the physical and electronic aspects of solemnization to protect the public policy interest surrounding matrimonial consent:

- i. **In-Person Vows:** While the pre-solemnization phase is entirely automated and paperless, the actual act of solemnization requires the physical presence of both parties. Under Section 7 of the PKS, a marriage is concluded when the prospective spouses state in person, simultaneously, and before a vital statistics official, notary, or authorized minister of religion that they wish to marry.
- ii. **Exclusion from Remote Authentication:** To preserve the absolute integrity of marital consent and prevent duress, Estonia explicitly excludes the conclusion of a marriage and entries into divorce records from the scope of fully remote notarial video actions (kaugtõestamine). Spouses must still physically appear together to say their vows before an authorized state or clerical proxy.

4. Post-Solemnization Formalities

- i. **The Paperless Civil Ledger:** Following solemnization, the procedural architecture returns to a fully digital environment.
- ii. **Instantaneous Database Entry:** Once consent is attested by the vital statistics official or notary, the change in marital status is directly committed to the electronic Population Register.
- iii. **Elimination of Paper Proofs:** Estonia has moved away from requiring citizens to hold physical paper marriage certificates. Because all public services and private institutions (such as banks or insurance firms) are integrated through the X-Road network, any system requiring verification of spousal status accesses the live digital ledger directly.

- iv. **Judicial Dissolution Protections:** In matters of divorce under Section 64 and Section 65 of the PKS, courts and registries interact exclusively through electronic civil status entries. If a marriage is found to be deficient, such as an ostensible marriage contracted solely to obtain a residency permit, the courts order an electronic annulment under Section 9, cleanly correcting the state register without the complications of tracking down physical certificates.

3.2.2 Estonian Institutional Framework

Following its re-emergence as an independent nation-state, Estonia strategically utilized its political and legislative autonomy to bypass legacy bureaucratic systems, building an integrated digital public sector popularly known as e-Estonia. Institutionally, family status changes are managed by the Vital Statistics Department and local county governments, operating entirely within the state's unified digital platform, e-Estonia. The following pillars form the Estonian Institutional framework:

- i. **The Ministry of the Interior (Siseministeerium) – The Macro-Level Legal and Policy Custodian:** This ministry is the apex of Estonia's digital family. Within this model, the Ministry does not function as a hands-on processor of daily files but serves as the macro-level institutional custodian of civil status data and national population register policies. The core legislative tool used is the Vital Statistics Registration Act (Perekonnaseisutoimingute-PKTS). The Ministry sets the strict compliance metrics for all authorized marriage officers including municipal registrars, certified public notaries and recognised religious organizations. By centralizing regulatory control under this ministry, Estonia ensures that any structural changes to the legal criteria for marriage such as age verification are uniformly applied across all digital interfaces in order to prevent administrative discrepancies.
- ii. **The Ministry of Economic Affairs and Communications – Structural Architecture, Cybersecurity and Data Integrity:** While the Ministry of the Interior defines the substantive rules of family law, the Ministry of Economic Affairs and Communications (Majandus- ja Kommunikatsiooniministeerium) provides the adjective technical architecture required to execute those rules safely in a digital space. This institution acts as the system engineer for the state's digital administration, ensuring that civil registries conform to high national standards of cybersecurity, cryptographic protection, and data integrity. The operational backbone of this entire system is the X-Road data exchange layer, an institutional creation supervised and maintained under this Ministry's technological guidelines.

X-Road operates as a decentralized, encrypted peer-to-peer network that links the standalone databases of different state organs without relying on a single, vulnerable master repository. When prospective spouses submit an electronic marriage notice, the



infrastructure designed by the Ministry of Economic Affairs and Communications facilitates real-time data verification. Rather than requiring the applicants to manually procure, scan, or physical mail birth certificates or divorce decrees, the portal automatically queries the digital registers via X-Road to pull verified data. This secure data stream operates in compliance with the Identity Documents Act,¹³ which gives qualified cryptographic digital signatures (executed using a citizen's e-ID card, Mobile-ID, or Smart-ID) the exact same legal and evidentiary weight as a physical ink signature written on paper. Consequently, this framework eliminates data manipulation risks, ensuring that electronic records are tamper-proof from the moment an application is filed.

- iii. The Chamber of Notaries (Notarite Koda) – Concurrent Statutory Power and Public-Private Integration: A unique and highly efficient aspect of the Estonian institutional framework for digital marriage is the deep integration of public notaries, organized under the Chamber of Notaries (Notarite Koda). In many civil and common law jurisdictions, such as Nigeria, civil marriages are tightly restricted to government registries or licensed places of worship. Estonia, however, grants private legal practitioners who are appointed as public notaries concurrent statutory authority to handle matrimonial ceremonies. Under Article 11 of the Vital Statistics Registration Act, public notaries possess the exact same legal authority as municipal civil registrars to process marriage applications, conduct mandatory pre-marital legal counselling, and officially solemnize unions. This institutional integration provides several distinct advantages like: De-bureaucratization, Direct ledger access and Legal counselling.

3.3 The United Kingdom Legal Framework

3.3.1 The Marriage Act 1949

The administration of civil status within the United Kingdom, specifically the jurisdiction of England and Wales, presents a compelling legal framework that combines historical, space-bound rules with localized backend digital infrastructure. Unlike born-digital ecosystems like Estonia, which handle civil status through an entirely paperless, end-to-end electronic ledger, the United Kingdom utilizes a hybrid system. This system separates administrative backend data recording from the frontend validation of human intent. In the United Kingdom, marriage law is structurally decentralized across its constituent nations. In England and Wales, marriages are governed by the Marriage Act 1949,¹⁴ as amended by modern statutory instruments such as the Civil Partnerships, Marriages and Deaths (Registration etc.) Act 2019.¹⁵

¹³Identity Documents Act (Isikut tõendavate dokumentide seadus).

¹⁴ Marriage Act 1949 (United Kingdom).

¹⁵ Civil Partnerships, Marriages and Deaths (Registration etc.) Act 2019.

The substantive rules governing English marriage remain anchored in the Marriage Act 1949. This statutory framework is reinforced by the Civil Partnerships, Marriages and Deaths (Registration etc.) Act 2019, which updated the state's record-keeping capabilities. This paper provides a detailed evaluation of the UK's institutional actors, pre-solemnization notice procedures, the strict physical limits placed on the wedding ceremony itself, and the electronic registration systems that manage marital data.

A. Pre-Solemnization Formalities: Local Registry Notices and the Verification Gap

The preliminary legal path toward marriage in the United Kingdom highlights the hybrid nature of its system. Under Section 27 of the Marriage Act 1949, parties cannot file a joint marriage notice over an automated online portal. Instead, applicants must physically attend their local register office to hand over a formal notice of marriage in person.

During this interview phase, the superintendent registrar conducts manual checks on immigration status, legal age, and the absence of prohibited family relationships. Unlike Estonia's X-Road network, which runs real-time automated queries across multiple state registers, the UK system relies on physical documents provided by the applicants, such as passports or decrees absolute. Once accepted, the details are uploaded into a centralized database, and a statutory 28-day notice period must elapse before a Marriage Schedule is issued. This window functions as an analogue transparency mechanism, giving the public a chance to raise formal legal objections or caveats against the impending union.

B. Solemnization and the In-Person Boundary: Judicial Treatment of Non-Compliance

The most rigid aspect of the UK framework is its insistence on a physical venue for the wedding ceremony. Under Section 45 and 46B of the Marriage Act 1949, a valid statutory marriage can only occur within a building registered by the state or on "approved premises" (such as licensed hotels or civic halls). Furthermore, the law requires the simultaneous physical presence of the officiating registrar, the parties, and at least two distinct witnesses.

This insistence on physical presence has been tested by the growth of religious-only marriages and digital alternatives. In the landmark case of *Khan v. Akhter*, the Court of Appeal examined the boundaries of legal recognition regarding non-compliant ceremonies.¹⁶ The court clarified that a ceremony failing to follow the core spatial and formal mandates of the Marriage Act 1949 does not create a void marriage; instead, it is classified as a "non-qualifying ceremony." This means the union is a legal non-marriage, leaving the parties with no downstream rights to matrimonial property division or financial relief under the Matrimonial Causes Act 1973.¹⁷ Consequently, virtual or online vows exchanged over platforms like Zoom remain completely unrecognized under

¹⁶*Khan v Akhter* [2020] EWCA Civ 122.

¹⁷Matrimonial Causes Act 1973.



English law. The state treats physical co-presence as a mandatory requirement to protect the integrity of human consent and prevent immigration fraud.

C. Post-Solemnization Modernization: The Shift to the Electronic Marriage Schedule

While the frontend ceremony remains strictly physical, the backend of the UK system underwent a massive shift via the Civil Partnerships, Marriages and Deaths (Registration etc.) Act 2019. Implemented fully in May 2021, this legislation abolished the historic system of hand-signed paper marriage register books that had been stored in individual churches and registry offices since the mid-nineteenth century.

Under the modernized system, the paper books have been replaced by a single Marriage Schedule issued by the superintendent registrar (or a Marriage Document for ecclesiastical weddings). Following the vows, the couple, the witnesses, and the officiant sign this physical document by hand. The signed schedule must then be returned to the local register office within a specified period, where a clerk manually copies the details into a centralized, secure Electronic Marriage Register maintained by the Registrar General. This hybrid configuration ensures that while the historical, protective values of physical ceremonies are preserved, the state benefits from digital security, reducing record loss risks and allowing for modern, inclusive certificates that display both parents' names.

1.1.1 The United Kingdom Institutional Framework

- i. The General Register Office (GRO): The central administrative authority is the General Register Office (GRO), which oversees local superintendent registrars, which operates under the direction of the Registrar General for England and Wales. The UK framework balances traditional common law requirements with targeted legislative modifications designed to update administrative processes without abandoning fundamental structural protections. While the UK has systematically digitalized its post-solemnization records through centralized electronic systems, its pre-solemnization and solemnization processes remain deeply embedded in historical, physically bound traditions that mandate in-person appearances, reflecting a cautious legislative approach that balances modern administrative efficiency with institutional heritage.

The GRO is the macro-level institutional custodian tasked with maintaining national civil databases, verifying registration standards, and issuing definitive certified copies of life event entries. The frontline execution of the law is handled by local municipal government authorities, which run decentralized Superintendent Registries. These local register offices manage the front-end intake of civil marriage notifications, verify individual capacity parameters, and deploy local registrars to witness and log secular

civil unions. This administrative division ensures that while data is stored centrally by the GRO, local oversight remains responsive to community needs.

4. DIGITALIZATION OF MARRIAGE FORMALITIES

4.1 Pre-Solemnization Formalities (Notices and Documentation)

Pre-solemnization requires the verification of identity, age, and marital capacity to clear any impediments to the proposed union.

1. Nigeria: The Ministry of Interior operates an automated online registry portal. Intending couples can complete applications, upload identity documents, and pay fees online. However, Section 7 of the Marriage Act still mandates that the registrar enter the details into the Marriage Notice Book, and the physical notice must be conspicuously displayed on the outer door of the registry for 21 days. This manual process is highly susceptible to administrative delays, geographical barriers, and a lack of interoperable verification systems to detect subsisting marriages, creating a high risk of bigamy under Section 370 of the Criminal Code.

2. Estonia: Under its advanced e-governance model, over 56% of marriage applications are submitted digitally via the state portal (eesti.ee). Through the state portal (eesti.ee), couples submit an electronic marriage application authenticated via their digital signatures. The integrated X-Road system automatically cross-references the applicants' data with the Population Register to verify age, citizenship, and marital status (ensuring no subsisting marriages exist), eliminating human error and manual verification delays. The Estonian framework establishes a clear rule: technology is utilized to eliminate repetitive administrative paperwork, but the state retains physical presence requirements at the local level to protect the human integrity of the marital contract.

3. United Kingdom (UK): The UK takes a hybrid approach. While couples can book appointments and input initial information online, they are generally required to attend the local register office in person to give formal notice to the local superintendent Registrar, present physical identification documents, and verify their identity face-to-face to prevent sham marriages. While the backend administration utilizes the Registration Online (RON) system to log data, the front-facing entry point strictly mandates physical attendance and the presentation of physical hardcopy evidence (e.g., decrees absolute or death certificates) to establish capacity.

4.2 Solemnization Formalities (The Ceremony and “Presence”)

The actual solemnization of marriage is the point where digital practices face the greatest statutory friction, particularly regarding the requirement of physical presence.

1. Nigeria: The wording of the Marriage Act is strictly tied to physical geography and maintains an uncompromising requirement for physical, bodily presence. Section 21 requires marriages to be celebrated with “open doors,” and Section 27 commands that the ceremony occur in the presence



of the registrar or a recognized minister, alongside at least two witnesses. If parties knowingly and wilfully celebrate a marriage in an unauthorized location, such as a purely virtual space like Zoom or Webex, the marriage is declared null and void under Section 33(2)(a) of the Marriage Act.

2. Estonia: Although Estonia has digitalized nearly 100% of its public services, even launching fully digital remote divorce applications, the Family Law Act still requires the parties to appear in person before a vital statistics official or a cleric to exchange oral vows. The state explicitly preserves this physical step to guarantee that consent is given freely and to prevent coercion or duress. However, amendments to the Vital Statistics Registration Act permit digital marriage declarations where identity verification and consent are executed via secure, biometric, and cryptographic digital signatures. The state ensures the integrity of consent through strict multi-factor authentication protocols, treating digital cryptographic affirmation as meeting the substantive requirement of mutual consent.

3. United Kingdom: The UK strictly maintains that a marriage ceremony requires physical presence within a licensed building or designated outdoor space. Despite temporary extensions of remote options for other legal transactions during public health emergencies, remote video weddings are not recognized as valid marriages under English law. The ceremony must take place at a registered venue (church, register office, or approved civil premises) in the presence of the registrar and witnesses. Despite temporary allowances for remote witness verification in other legal sectors during public health crises, the UK has explicitly resisted virtual marriage ceremonies, holding that the solemnity of the marriage contract requires contemporaneous, in-person verbal exchange.

4.3 Post-Solemnization Formalities (Registration and Certification)

Post-solemnization focuses on creating a permanent, state-backed public record of the union.

1. Nigeria: Following the ceremony, Section 25 requires the officiating minister or registrar, the parties, and the witnesses to sign physical paper certificates and counterfoils manually. One copy is given to the couple, and the other must be transmitted to the local registry within seven days for physical filing. In practice, this manual transmission is plagued by logistical failures, resulting in thousands of validly celebrated marriages remaining unregistered in central federal databases.

2. Estonia: The registration process is instantaneous and paperless. Once vows are exchanged, the official updates the digital Population Register directly. The marriage certificate exists primarily as a secure digital document, signed with cryptographic electronic signatures that carry full legal validity under EU regulations. No physical certificate is required to prove marital status, as any public or private entity requiring verification (e.g., tax authorities, banks, or courts) securely accesses the data directly via the X-Road framework, preserving a single, immutable version of truth.

3. United Kingdom: The Civil Partnerships, Marriages and Deaths (Registration etc.) Act 2019 shifted England and Wales away from a paper-bound register book system to a centralized electronic marriage register. Instead of signing a permanent book on-site, couples now sign a temporary “Marriage Schedule,” which is manually or electronically transmitted to the local register office to be entered into the national digital database, and a secure, digitally generated certificate.

5. COMPARATIVE ANALYSIS OF NIGERIA, ESTONIA, AND THE UNITED KINGDOM

A review of these approaches reveals a clear point of convergence: all three jurisdictions refuse to legalise purely virtual marriage ceremonies. However, all three jurisdictions have progressed and are currently on different levels as would be discussed below.

5.1 Matrix of Jurisdictional Approaches: In-Depth Analytical Breakdown

This section establishes a comparative matrix that synthesizes how Nigeria, Estonia, and the United Kingdom approach marriage formalities. This matrix is not merely a collection of administrative differences but a representation of a deeper spectrum of legal philosophy, balancing procedural inertia, digital advancement, and evolutionary hybridity.

5.1.1 Primary Statutory Authority and Legal Foundations

The substantive and adjective rules governing marriage validation are rooted in entirely different legislative traditions across the three jurisdictions:

A. Nigeria: The statutory framework relies on a colonial-era model that separates marriages into strict dual pathways; statutory (monogamous) marriages governed strictly by federal legislation, and customary/Islamic marriages governed by uncoded or state-level customary regimes. This creates immediate systemic friction, as the formal procedures for one do not readily communicate with the other.

B. Estonia (Perekonnaseadus): Estonia’s contemporary civil law code completely integrates family status into a modernized framework. The law explicitly addresses digital expressions of intent, removing the historic civil law requirement that a physical ledger must be physically signed in ink to establish an unassailable legal union. Estonia treats digital access as a fundamental citizen right. Through its decentralized “X-Road” data exchange network, 99% of its public services are fully digitalized. Historically, Estonia maintained three strict exceptions to online governance: real estate transactions, marriage, and divorce, all of which required physical attendance before a state official or notary.

However, Estonia updated its Family Law Act (Perekonnaseadus) and vital statistics regulations to modernize these exceptions. Furthermore, in 2022, Estonia launched an online marriage application service through its e-population register, allowing couples to complete and submit their documentation securely using state-issued digital Ids. Sometime in 2025, the



country expanded these services to include a fully digital divorce platform, completing the digitalization of its administrative family law services.

Despite this extensive digitalization, Estonia maintains a clear distinction between administrative paperwork and the marriage ceremony itself: While applications, identity verification, and property agreements are processed entirely online, the Family Law Act still requires the parties to stand before a marriage officer or notary in person to express their final consent. This hybrid approach allows Estonia to use its digital infrastructure to eliminate administrative delays while preserving the physical ceremony to prevent fraud and ensure genuine, uncoerced consent.

C. United Kingdom (Marriage Act 1949): The UK (specifically England and Wales) relies on a deeply historical piece of legislation that has been systematically amended over decades. Rather than rewriting the law from scratch to accommodate the digital age, the UK legislature has chosen an evolutionary approach, passing the following modern piecemeal statutory instruments to slowly upgrade its centuries-old foundational structures under the following headings:

- i. **The Law Commission Review (2022):** The Law Commission published a comprehensive report titled *Celebrating Marriage: A New Weddings Law for England and Wales*.¹⁸ The report argued that regulating marriages based on the physical building is outdated. It proposed shifting the law to focus on regulating the officiator instead. Under this model, as long as a state-authorized officiator leads the ceremony and confirms consent, the specific physical venue or digital medium becomes secondary.
- ii. **Judicial Pragmatism:** English courts have historically used a flexible approach to minimize unfair outcomes caused by minor formal errors. In *Chief Adjudication Officer v Bath*, the Court of Appeal applied a long-held presumption of marriage validity.¹⁹ They ruled that if a couple has cohabited in good faith as husband and wife for years, the court will presume a valid marriage exists, even if there were procedural errors during the initial ceremony.

5.1.2 Institutional Infrastructure and Systemic Interoperability

Institutional infrastructure refers to the concrete legal frameworks, administrative bodies and registries established by law while systemic interoperability is the ability of the various administrative structures to communicate and share data seamlessly. It ensures that an update in one legal sector is automatically recognized and updated in all other state and federal databases.

¹⁸ Law Commission of England and Wales, *Celebrating Marriage: A New Weddings Law for England and Wales* (Law Com No 408, 2022).

¹⁹ *Chief Adjudication Officer v Bath* [2000] 1 FLR 8.

Nigeria operates a siloed and paper-bound institutional infrastructure which is heavily segmented. The local government registries and the federal Ministry of Interior lack a shared, live digital network, therefore there is no real-time method to verify if an applicant is already legally married under customary law before they contract a statutory marriage. This lack of interoperability leaves the registry vulnerable to administrative oversight and data loss. It creates administrative blind spots and systemic friction.

Under Estonia's X-Road Ecosystem, Estonia's infrastructure is entirely decentralized yet fully interoperable via the X-Road data exchange layer. When a citizen interacts with the Ministry of Interior, the platform securely cross-references information across multiple public databases instantly. This eliminates the need for individuals to manually present physical proofs of status, as the state operates on a single, shared electronic version of truth.

The United Kingdom operates a Centralized Hybrid Structure where the General Register Office (GRO) acts as a centralized supervisor for local authority registrars. The infrastructure has successfully modernized its backend, meaning that local register offices plug into secure, unified civil electronic databases, but it deliberately maintains local, human-vetted touchpoints for front-facing public interactions to preserve institutional oversight.

5.1.3 Pre-Solemnization Notice Modes and Verification Mechanics

Before a marriage can lawfully proceed, public policy demands a vetting phase to confirm the legal capacity of both parties. A comparison is drawn between the jurisdictions below:

- i. Nigeria – Physical Caveats: The 21-day notice period relies on physical visibility. Pinning a paper notice to a physical board inside a specific municipal registry office assumes that interested parties or legal objectors will physically walk into that specific building to discover it. This analogue approach limits the practical effectiveness of public notice in a highly mobile society.
- ii. Estonia – Cryptographic Vetting: The pre-solemnization phase is initiated via a public e-portal using mandatory PKI-encrypted e-ID cards. The system automatically verifies age, identity, and the absence of any subsisting marital bonds. This effectively digitizes the “caveat” process, using automated software guardrails to flag legal impediments instantly before an application can advance.
- iii. United Kingdom – In-Person Vetting: The UK firmly protects the face-to-face interview process. Even though the internal records are processed digitally, applicants must physically sit with a Superintendent Registrar to declare their intent and present their original documents. This requirement serves as a key institutional safeguard against sham marriages or coerced unions, prioritizing human evaluation over digital speed.



5.1.4 Solemnization and the Evolving Definition of “Presence”

The core legal act of marriage requires a mutual exchange of consent, but what constitutes valid legal “presence” varies significantly across these regimes:

i) Nigeria – Bodily Presence within Strict Boundaries: Nigerian law treats physical presence and localized venues as substantive conditions of validity. The physical presence of the couple, their witnesses, and the licensed registrar within a physically licensed venue during specific daytime hours is mandatory. If these strict venue and physical proximity requirements are knowingly breached, the marriage runs the risk of being declared void ab initio.

During the COVID-19 pandemic, the Ministry of Interior automated its application processes via the eCITIBIZ portal, allowing couples to upload documents and schedule interviews online. However, the law still required them to attend the registry or church physically for the ceremony itself. As a result, any virtual marriages conducted in Nigeria during the pandemic via Zoom or Skype are legally void under Section 33(2)(c) due to the lack of physical presence in a licensed venue.

ii) Estonia – Cryptographic Presence: Estonia separates legal “presence” from physical location. By legally recognizing a highly secure, multi-factor biometric and digital signature as an extension of an individual’s physical will, the state allows for remote digital declarations. A cryptographic affirmation is treated as meeting the substantive standard of mutual, uncoerced consent.

iii) United Kingdom – Traditional Physical Presence: The UK maintains that the marriage covenant requires a physical ceremony at an approved, licensed venue. While the law has been modernized to allow a wider variety of civil and secular venues to host weddings, it has firmly resisted shifting the solemnization phase online, viewing physical proximity as a necessary safeguard for the solemnity of the legal contract.

5.1.5 Post-Solemnization Registry and Data Integrity

The final phase involves recording the union to ensure it is legally recognized by the state and enforceable in matters of property, inheritance, and family law.

i. Nigeria – Paper Ledgers and Manual Risks: The reliance on physical Marriage Certificate Books introduces logistical vulnerabilities. Because duplicate paper certificates must be manually batched, sorted, and delivered to central federal repositories, many validly celebrated marriages experience long data entry delays or remain missing from central state databases entirely, creating evidentiary hurdles for couples later on.

ii. Estonia – Instantaneous Digital Immutability: Once digital consent is finalized, the marital status is updated across the central Population Register immediately. Because the state’s internal databases are completely synchronized, physical paper marriage certificates are no

longer necessary to prove marital status to external institutions like banks, tax authorities, or courts.

iii. United Kingdom – The Electronic Marriage Schedule Model: The UK successfully reformed this final step via the Civil Partnerships, Marriages and Deaths (Registration etc.) Act 2019. It replaced old-fashioned, handwritten church and civil registry books with a unified electronic registry. While the wedding party still signs a physical “Marriage Schedule” document on the day of the ceremony, that document is quickly uploaded to a central electronic database, combining traditional ceremonial customs with modern data security.

5.2 Convergence and Divergence in Substantive and Adjective Law

The structural tension among Nigeria, Estonia, and the United Kingdom does not stem from a disagreement over what the law should achieve (substantive law), but rather how technology should be used to enforce it (adjective law).

5.2.1 The Domain of Convergence: Substantive Commonalities

Despite radically different technological realities, all three jurisdictions share deeply rooted, uniform public policy objectives regarding the core definition of family status.

1. **The Protection of Valid Consent:** Substantively, marriage across all three nations is fundamentally contractual, requiring a genuine meeting of minds (*consensus ad idem*). The laws of each country are designed to prevent coercion, sham unions, and under-age marriages. Whether that intent is captured by a physical signature or a cryptographic key, the substantive legal expectation remains unchanged: the state must verify an uncoerced expression of human will.
2. **The Verification of Legal Capacity:** Each jurisdiction enforces strict substantive prohibitions against bigamy, polygamy (in the context of statutory marriages), and consanguinity. While Nigeria achieves this substantively via Section 33 of the Marriage Act, nullifying marriages where prior statutory or customary legal unions exist, Estonia enforces this via the Family Law Act (*Perekonnaseadus*) and the United Kingdom enforces this through the nullity provisions of the Matrimonial Causes Act 1973. All three systems require a mandatory public notice phase designed purely as an adjective window to protect these substantive boundaries.
3. **Creation of Axiological Status:** Post-solemnization registration across all three jurisdictions is substantively vital because it triggers an immediate shift in legal status. This state-recognized status unlocks downstream substantive rights: spousal tax exemptions, intestate succession rights, marital property presumption, and the capacity to seek judicial dissolution or spousal maintenance. The state ledger is the source from which these auxiliary rights flow.



5.2.2 The Domain of Divergence: Adjective and Procedural Bifurcation

The true departure lies in the procedural architecture. The three jurisdictions treat the relationship between the physical body, the paper document, and the digital record in fundamentally different ways.

1. Nigeria – Procedural Inertia and the Conflation of Form with Substance: In Nigeria, adjective law is heavily dependent on physical proximity and paper records. Historically, Nigerian courts have grappled with situations where the adjective law fails, yet the substantive elements are met. For instance, in *Martins v. Martins*, the court established that an administrative failure or irregularity in registration does not automatically invalidate an otherwise lawful marriage.²⁰ However, because Nigeria's adjective law lacks an interoperable digital network, proving that a marriage is valid under statutory law creates a significant evidentiary burden if the physical duplicate certificate is lost or damaged.

Furthermore, Nigeria treats physical location and bodily presence as an extension of substantive law itself. Under Section 21 of the Marriage Act, a marriage celebrated behind closed doors or outside a licensed venue can be declared void ab initio if the parties willfully bypassed the statutory rules with mutual knowledge of the defect. Thus, Nigerian adjective law uses physical barriers as its primary tool for state verification.

Nigeria exhibits a clear systemic disconnect: the government has introduced digital front-end administration portals, but these tools lack support from an updated, coherent statutory framework, creating a conflict between modern operational practices and century-old statutory text. Nigeria treats physical presence and paper documentation as an indispensable element of the substantive law itself. Consequently, its adjective law is rigid and highly susceptible to administrative friction. For example, a failure to manually register a marriage does not invalidate it substantively under Nigerian law if the ceremony was valid, yet it creates massive evidentiary hurdles in adjective law when proving the marriage before a court of record.

2. Estonia – Cryptographic Autonomy and Procedural Fluidity: Estonia has separated substantive legal requirements from physical limits. Its adjective law treats a secure digital signature, backed by a Public Key Infrastructure (PKI), as identical to physical, bodily presence. While Nigeria views a physical notice board as a way to prevent fraud, Estonia's adjective law uses automated data cross-referencing over the X-Road framework. The system automatically verifies an individual's capacity by querying the Population Register in real time.

This means that in Estonia, adjective law does not merely record a marriage; it actively protects substantive capacity before the transaction is finalized. The procedure is smooth, paperless, and entirely digital. Estonia, a global leader in e-governance, draws a clear line at the marriage altar,

²⁰*Martins v Martins* (1940) 15 NMLR 126.



requiring physical presence to verify uncoerced consent. The jurisdictions diverge significantly in their adjective and administrative laws. Estonia has fully unified its state databases, allowing for automated verification.

3. **The United Kingdom – The Evolutionary Hybrid:** The United Kingdom occupies a middle ground, demonstrating that a jurisdiction can modernize its adjective law without giving up its traditional physical safeguards. Through the Civil Partnerships, Marriages and Deaths (Registration etc.) Act 2019, England and Wales completely changed their post-solemnization adjective law by moving from handwritten local church and registry books to a unified electronic register.

However, the UK deliberately keeps its pre-solemnization and solemnization stages physical. The adjective law still requires couples to give notice in person to a Superintendent Registrar and exchange vows at an approved physical location. The UK uses this physical interaction as a deliberate policy tool to prevent forced marriages and ensure the dignity of the institution, keeping digital systems confined to backend record management. The United Kingdom has adopted a carefully designed hybrid structure that modernises record-keeping while preserving traditional security safeguards. The United Kingdom operates on a middle ground: it has digitalized its adjective laws regarding post-solemnization record-keeping to maximize administrative efficiency, yet it retains a strict adherence to traditional physical presence during pre-solemnization and solemnization to protect the perceived solemnity and public policy interests embedded within its substantive family law.

6. DIGITALIZATION OF MARRIAGE: LESSONS FOR NIGERIA FROM ESTONIA AND THE UNITED KINGDOM

The digitalization of domestic relations and civil registries represents a paradigm shift from paper-heavy, bureaucratic systems to seamless e-governance. Nigeria, whose statutory marriages are governed by the Marriage Act, can derive profound structural lessons from the digital integration achieved in Estonia and the United Kingdom.

1. **Seamless “Life Event” Integration (The Estonian Model):** Estonia’s e-Estonia ecosystem operates on the principle of proactive governance. Under their digital civil registry framework, marriage application data triggers an automated cascade across state networks.

The Lesson for Nigeria: Currently, statutory marriage documentation under Sections 21–26 of the Marriage Act operates in silos. Registry data is rarely cross-linked with external databases. Nigeria should integrate the Ministry of Interior’s Federal Marriage Registries directly with the National Identity Management Commission (NIMC) database. A digital update of marital status or an election to change a surname at the registry should instantly update the citizen’s National



Identification Number (NIN) profile, passport records, and tax identifiers, bypassing manual data re-entry and reducing opportunities for registry identity fraud.

2. **Centralized Online Marriage Portal (The UK and Estonia Models):** Both jurisdictions have consolidated civic interactions into single, accessible digital endpoints (e.g., the GOV.UK portal and Estonia's State Portal, eesti.ee). Couples file notices of marriage, upload statutory identification, clear statutory impediments, and clear processing fees remotely. The Lesson for Nigeria: Nigeria's current registry system suffers from extensive administrative delays and localized middleman exploitation. By executing a uniform, cloud-based marital registration portal, the mandatory 21-day notice period required under Section 7 of the Marriage Act could be tracked transparently online. It would allow electronic payment of registry fees and automated generation of the Registrar's Certificate (Section 11, Marriage Act), restricting physical appearance only to the actual solemnization ceremony.
3. **Eradication of Dual-Marriage Conflicts and Fraud:** Nigeria operates a dual legal system where statutory marriages (monogamous) exist alongside customary/Islamic marriages (potentially polygamous). A persistent legal challenge is bigamy; contracting a statutory marriage while a customary union is subsisting with a third party, which is an offense under Section 39 of the Marriage Act and Section 370 of the Criminal Code.

The Lesson for Nigeria: Implementing a unified digital database akin to Estonia's Population Register allows for immediate, automated verification of a person's marital status. A digitized civil registry would allow registrars to query an applicant's legal status nationwide, effectively curbing the practice of entering invalid statutory marriages while prior customary or statutory unions remain undissolved. This aligns with the judicial stance in *Okonkwo v. Ezeaku*, where the Supreme Court emphasized the absolute necessity of strict adherence to the lawful mechanisms of dissolving previous marriages before new legal rights can accrue.²¹

4. **Digitalization of Matrimonial Resolution (The UK Online Divorce System):** Following the enactment of the Divorce, Dissolution and Separation Act 2020 (UK),²² HM Courts and Tribunals Service (HMCTS) fully transitioned its divorce application architecture online. This system simplifies the legal process, reduces adversarial friction, and automates paper management.

The Lesson for Nigeria: Nigerian family courts are heavily congested with divorce litigation that spans years, primarily due to manual filing, physical service bottlenecks, and archival inefficiencies. Devising an online portal for the filing of matrimonial petitions, electronic service of processes, and digital management of ancillary reliefs (like maintenance and property

²¹*Okonkwo v Ezeaku* (2022) SC.

²² Divorce, Dissolution and Separation Act 2020 (UK).

settlement) would significantly reduce the emotional bitterness and high litigation costs criticized by modern legal jurists.

7. CHALLENGES OF DIGITALIZING MARRIAGE FORMALITIES

1. **Cyber Security, Identity Theft, and Consent Verification:** Transitioning public records to digital platforms introduces significant cybersecurity liabilities. Without strict verification controls, digital marriage applications are vulnerable to identity theft, document falsification, and corporate or state database breaches. Furthermore, virtual platforms make it exceptionally difficult to verify genuine, uncoerced consent. In a purely remote setting, an officiating minister cannot ensure that a party is not under duress, threatened by an individual standing just outside the camera's field of view.

2. **Jurisdictional and Choice of Law Complexities in Virtual Ceremonies:** Purely virtual or remote marriages raise highly complex private international law questions regarding jurisdiction and the choice of applicable law. If a groom is located in Nigeria, a bride in the United Kingdom, and the officiating minister or hosting server is based in a third jurisdiction (such as Utah, USA, which permits remote online marriages), determining the *lex loci celebrationis* (the law of the place where the marriage is celebrated) becomes highly problematic. If the jurisdiction where the parties reside does not recognize remote ceremonies, the marriage may be treated as a "limping marriage", valid in one country but void in another and severely complicating future claims involving immigration, inheritance, or divorce.

3. **The Digital Divide and Institutional Ready-State Issues:** Implementing electronic registration systems requires consistent internet access, stable electrical grids, and a digitally literate public. In developing nations like Nigeria, widespread rural-urban disparities, frequent network disruptions, and under-funded local registries create significant obstacles. Forcing a rapid shift to digital-only workflow is to marginalize population without reliable internet access and effectively undermining their constitutional right to marry.

8. CONCLUSION

The digitalization of marriage formalities highlights the ongoing tension between administrative efficiency and traditional legal solemnity. While digital tools streamline applications, identity verification, and post-ceremony record-keeping, they cannot easily replace the protective legal function of physical co-presence during the solemnization ceremony itself. To prevent an increase in fraudulent unions and cross-border legal disputes, family law systems must evolve intentionally. Rather than ignoring technical innovation or adopting it without a clear strategy, states should implement structured hybrid frameworks that deploy digital tools to remove unnecessary bureaucracy while retaining core physical safeguards to protect the legal integrity of the institution of marriage.



9 RECOMMENDATIONS

1. Amend the Nigerian Marriage Act: The National Assembly should urgently review the Marriage Act 2004 to explicitly validate electronic notice submissions, electronic marriage registers, and digital certificate management, thereby aligning Nigeria's substantive laws with current registry practices.
2. Explicitly Clarify and Restrict the Scope of "Virtual Weddings": To prevent costly legal disputes and protect vulnerable citizens, the law must clearly define the status of remote ceremonies. Legislation should explicitly state that virtual ceremonies do not satisfy physical presence requirements, except under narrow, clearly defined statutory exemptions, such as certified global health emergencies or specialized military deployments, subject to strict judicial oversight.
3. Establish a Unified National Identity and Civil Registry Link: Nigeria should emulate the Estonian model by securely linking its federal and municipal marriage registries with the National Identity Management Commission (NIMC) database. This connection would enable real-time verification of biometric data, age, and marital status, eliminating reliance on easily forged paper documentation.
4. Implement a Dual-Stream Registration Option: To prevent the digital divide from disenfranchising citizens, states must maintain a dual-stream administrative framework. Registries should offer both secure digital workflows and traditional paper-based methods, ensuring that rural, low-income, or digitally isolated populations retain full access to marriage registration services.