

The Possibility of Getting Married Digitally

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Recently, we reached out to EVS members to explore the current situation and opinions in different countries regarding the possibility of making marriage fully digital. In some countries, it is already possible to submit a marriage application as an e-service, but discussions are increasingly focusing on whether the entire marriage process could take place virtually.

Kristi Kail, Vice President of EVS and member of the Board of the Estonian Association of Registrars, posed two questions to the members with the aim of gathering positions and experiences from various countries to understand the trends and attitudes in this field. The questions were as follows:

Questions

- Is getting married online or virtually acceptable?
- Has the possibility of a fully digital marriage been discussed in your country?

The responses received show that this is a multifaceted topic with differing opinions. A summary of the answers can be found below.

Summary of Responses

Country	Principles and Views
Netherlands	<p>In the Netherlands, the following distinctions must be made:</p> <ul style="list-style-type: none">• Marriages concluded in the Netherlands• Marriages concluded abroad <p>Electronic marriages are not performed in the Netherlands. It is not possible to marry electronically in the Netherlands. Both partners can only marry if they appear in person before the civil registrar and express their intention to marry. This follows from Article 1:67 of the Dutch Civil Code.</p> <p>During COVID, it was examined whether it would be possible to register a partnership online with the same legal consequences as marriage. Theoretically, this would have been possible, but in practice it was not implemented.</p> <p>The government has no intention of allowing digital marriages or partnerships soon. The topic is not under discussion.</p> <p>The civil registrar's task is to prevent sham and forced marriages. Allowing electronic marriages would eliminate this safeguard, which is politically sensitive. Currently, NVVB does not support enabling electronic marriages.</p>

	<p>Valid electronic marriages concluded abroad are recognized in the Netherlands.</p> <p>The Netherlands has signed the HCCH 1978 Convention on the Recognition of the Validity of Marriages, which favors recognition of marriages concluded abroad. Foreign marriages valid in the country of celebration are also valid in the Netherlands. Thus, informal, religious, or subsequently legalized marriages are accepted. Only if the marriage conflicts with public policy (e.g., polygamy, forced marriage, child marriage) can its validity be denied.</p> <p>Article 10:12 of the Dutch Civil Code allows recognition of an online marriage if it is valid in the registrar's country. For example, a marriage concluded online with a registrar in Utah is valid in the Netherlands. Already in 2008, a Dutch court recognized a marriage where the groom said "yes" by phone from the Netherlands while the bride, imam, and witnesses were in Pakistan.</p> <p>Therefore, a marriage where partners do not appear physically but participate digitally, electronically, or by phone is accepted in the Netherlands if it is valid in the place of celebration—even if the couple themselves are in the Netherlands.</p>
Slovakia	<p>In Slovakia, marriage or the application for marriage must take place in person according to the law. Digital marriage is not possible. This topic has not been discussed in Slovakia so far.</p>
Belgium	<p>In Belgium, it is not possible to marry electronically. The registrar must personally receive the spouses' declaration of acceptance of each other as husband and wife.</p> <p>Marriage by proxy is also not permitted.</p> <p>The topic has not been discussed.</p> <p>If such a marriage is concluded abroad, it may be recognized in Belgium (formal requirements depend on the country where the marriage was registered). Sometimes there is debate about whether the spouses' free will was ensured—this is a fundamental public policy requirement. Therefore, the laws and circumstances of the specific country must be assessed.</p>
Italy	<p>In Italy, it is not possible to marry digitally. The Civil Code requires both spouses to be physically present at the same time (Art. 107). Physical presence of the spouses is a principle of public policy.</p> <p>Some court decisions have recognized foreign electronic marriages, finding that they do not violate public policy. The civil registrar cannot register such a marriage and must refuse registration, which the parties may challenge in court.</p> <p>The possibility of digital marriage has not been discussed in Italy.</p>

Latvia	<p>In Latvia, it is not possible to marry electronically. If both persons wishing to marry are Latvian citizens, it is possible to submit the marriage application electronically, but the marriage registration takes place only in person. One reason is to prevent sham and forced marriages. Currently, Latvia does not consider electronic marriages possible, and the topic is not under discussion.</p>
Germany	<p>Germany plans to allow marriage registration online. The biggest obstacle is document submission, especially if documents come from abroad.</p> <p>However, the marriage ceremony itself still requires both parties to be physically present at the civil registry office. If the marriage is concluded online abroad, it is valid in Germany only if both were present in that country when they said "yes."</p> <p>Example: If someone concludes an online marriage in Utah but both are sitting in Germany at the time, the marriage is not valid in Germany. The decisive factor is not the location of the ceremony but where the spouses give their consent. The German Federal Court (BGH) has already confirmed this position.</p>
Estonia	<p>In Estonia, it is not possible to get married online or virtually. Both partners must appear in person before the civil registrar to express their consent to marry. This requirement is based on the Estonian Family Law and aims to ensure the authenticity of consent and prevent sham or forced marriages. The topic of fully digital marriage has been briefly discussed among officials. Currently, there are no legislative initiatives to introduce online marriage registration. The existing legal framework requires physical presence for the marriage ceremony.</p>