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Legal Issues and Challenges in adopting a Digitalise-Tech Will Making in Complimenting Intestate Succession in Nigeria

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Abstract: The increase in the usage of digital technologies in making transactions has opened up room for modernizing will-making and supplementing the law of intestate succession in Nigeria, posing a myriad of legal issues regarding the legality, authentication, execution, storage, and enforceability of wills created via the use of digital technologies. This research is concerned with analyzing the legal issues and challenges related to the use of digital technologies in will-making, with a specific focus on how the concept of digital wills can supplement the current laws of intestate succession in Nigeria. The research uses a mixed-methods research approach that includes both doctrinal and non-doctrinal approaches. The doctrinal part entails an analysis of constitutional provisions, legislation, judicial decisions, and literature materials related to wills, succession, e-transactions, and digital evidence in Nigeria. The non-doctrinal part entails using a questionnaire to collect data from 277 legal practitioners in Nigeria chosen via the simple random sampling technique using Cochran's formula for a large population. These factors may present a challenge to the adoption of digital will-making due to uncertainties concerning legal compliance, capacity, verification of testators, witnesses, protection against fraud, security of information, and admission of digital records. They may lead to difficulties in settling matters relating to estate management in cases where there is a lack of a valid will or disputes arise. This study recommends law reforms on digital will-making that will help address some of these issues to ensure that people adopt the new technology in making wills in a responsible way. This will help uphold the principles of testamentary and intestate succession in Nigeria.

Keywords: Digitalise-Tech, Will Making, Intestate succession, Legal, Nigeria

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1. INTRODUCTION

Neither should the uncertainty after the demise of a family's breadwinner should decide the family's future and certainty[1]. This happens when the person leaves no will or the existing will is inadequate in disposing of the whole or a part of the estate[2]. The issue of intestate succession is subject to the pluralist nature of the legal system of Nigeria, where the issues

[1] Monday. Iqbal, Pamuji, Permata Sari Ajeng, Fernandho, and Paul Atagamen Aidonojie, "Maqashid Sharia Approaches in Pension Fund Programs: Bank Muamalat Indonesia and Taspen Comparison," *Asy-Syari'ah* 27, no. 2 (2025): 211–36.

[2] Saminu Abacha, Mu'adil Faizin, and Abdulaziz Saud Salim Almamari, "Maqasid al-Sharia and Algorithmic Governance in Digital Waqf Administration in Nigeria: Learning from Indonesia," *Africa Digital Governance and Law Review* 1, no. 1 (2026): 18–31.

surrounding succession include the laws, which are statutory, customary, Islamic, and those that govern estates[3]. The particular regime applicable in succession depends on the circumstances of the deceased and the nature of the property, among others[4]. This means that intestacy may lead to disputes among surviving spouses, children, dependants, and other members of the family[5]. Intestacy rules do not only offer a legal channel for the transfer of an estate, but also have some problems because the wishes of the deceased may not be reflected therein. It is thus crucial to plan one's estate well to prevent avoidable disputes[6].

Digitalised technology will involve the use of technology in preparation, storage, management, and even execution of testamentary instructions. In theory, the technologies would serve as complements to intestate succession laws by assisting individuals in putting their affairs in order while alive through the recording of their intentions, identifying their intended heirs, identifying their assets, and creating credible information that would be used for the benefit of their families and probate[7]. A valid will assists in reducing the amount of property to be distributed under intestacy laws; nevertheless, any property not successfully disposed of under the will shall still be distributed according to the applicable intestacy laws[8]. The use of digital technology might help estate planners to have easy access to the process of estate planning in areas where they are located away from probate practitioners and offices[9]. Convenience alone does not create legal validity[10]. In Nigeria, wills have certain formalities that must be complied with to ensure validity; those formalities depend on the law applicable[11].

The value that may be created by digitalising will-making may be found in the combination of availability and verifiable proof of one's last will. Proper identity verification, encryption, restrictions on who has access to a file and tamper-proofing of records may serve to protect against impersonation, alteration, loss and challenges to the document's validity[12]. The use of a digital medium may assist the lawyer or probate official in finding the records of the estate and determining the history of the will[13]. However, risks are also present. An individual may not have enough skills to make use of online means; internet access may be

[3] Ede O. Enakireru and Faith Osohuotue Igbineweka, "An Appraisal of Women's Rights to Inheritance under the Bini Custom in the Light of the Legal Framework for Testate and Intestate Successions in Nigeria," *LASJURE* 3 (2022): 117.

[4] Michael Takim Otu and Miebaka Nabiebu, "Succession and Inheritance of Property under Nigerian Laws: A Comparative Analysis," *European Journal of Social Sciences* 62, no. 2 (2021): 50–63.

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[6] Damilola Peter Olarinre, *Legitimacy, Legitimation and Succession under Nigerian Law* (doctoral dissertation, Faculty of Law, Obafemi Awolowo University, 2018).

[7] Isa E. Sagay, "Intestate Succession in the States of the Former Western Region of Nigeria," *Journal of African Law* 42, no. 1 (1998): 109–21.

[8] Ademola Taiwo and Adekunbi Imoseun, "Analysis of Law of Intestate Succession under the Yoruba Customary Law of South West, Nigeria," *European Journal of Social Sciences* 58, no. 4 (2019): 277–86.

[9] Meshach N. Umenweke and Roseline Chioma Okolo, "A Critique of the Legal and Institutional Frameworks for Property Succession in Nigeria," *Nnamdi Azikiwe University Journal of International Law and Jurisprudence* 15 (2024): 179.

[10] Michael Olutayo Adesanya, *Succession to Property among the Yorubas of Nigeria with Special Reference to Customary Law* (University of Chicago, 1970).

[11] Adetokunbo Animasaun, "Reflection on Interpersonal Conflict of Law under Customary Law in Nigeria," *African Journal of Law and Justice System* 2, no. 2 (2023): 63.

[12] Sheila Muheki and Arunchi Rachael Worlu-Azubuike, "Balancing Innovation and Culture: The Future of Customary Administration of Justice in the Era of Digital Transformation in Kenya and Uganda," *African Frontier Law Review* 1, no. 1 (2026): 66

[13] Kafilat Omolola Mohammed-Lawal and Khairat Oluwakemi Akanbi, "Challenges of Proving Change of Customary Personal Law in Intestate Succession in Nigeria: Re-visiting *Olowu v. Olowu* and the Concept of Acculturation," *Journal Equitable* 10, no. 2 (2025): 424–45.

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limited or insecure, and the resources to use secure services may not be available[14]. The use of online forms may not incorporate all necessary steps according to the jurisdiction; cyber-attacks, hacking, coercion, fraud and alterations of the document may pose a risk. Remote witnessing, electronic signing, post-mortem availability of documents, access by personal representatives and confidentiality are all questions that need to be considered. Therefore, while digitalisation of will-making may aid, it does not replace professional assistance and prescribed legal procedure[15].

There is one important challenge with respect to the Nigerian legal system it must be borne in mind that whereas electronic records may be considered acceptable forms of evidence, this does not automatically mean that an electronically generated or executed will should be considered legally valid[16]. In fact, Wills Act 1837 is still applicable in case it is so where, while each state has its own Wills Law with various formalities to be adhered to. Hence, it is necessary to find out which laws apply to a certain will instead of assuming a nationwide applicability of particular laws[17]. The Evidence Act 2011 (amended), for example, has provisions related to electronic evidence. However, while this makes evidence admissible, it does not cancel the need for proper execution of a will[18]. And the issue is that testators can use digital means, and yet there is no legal clarity with respect to electronic wills, distant witnessing, authentication, security of storage, and acceptance during probate proceedings. The research project aims at considering the potential for making digitalised wills along with intestacy without compromising any of the existing safeguards[19].

In regard to succession in Nigeria, there has been extensive research into testamentary formalities, customary succession laws, women's inheritance rights, family disputes, and estate administration. There have also been individual research works on electronic transactions and digital evidence covering issues such as authentication of digital information, admissibility of digital information, cyber security, and data protection. However, the above strands of research might not necessarily provide answers to the unique issue of the integration of the process of making digitally-based wills into the Nigerian multi-succession system, especially in a case where there is no valid will and the intestate laws must apply. The uniqueness of the proposed research work is that, while combining the two strands, it will assess the interface between digital wills and intestacy, determine whether the existing laws are able to accommodate digital creation, authentication, storage and probate of digital testaments, and identify legal, security, and technological challenges. The objective of this study is to examine the legal issues and challenges associated with adoption of digitalised-tech will-making to enhance the Nigerian intestate succession system. The study will use the linkage of succession

[14] Okhaide Paul Itua, "Legitimacy, Legitimation and Succession in Nigeria: An Appraisal of Section 42(2) of the Constitution of the Federal Republic of Nigeria 1999 as Amended on the Rights of …," *Journal of Law and Conflict Resolution* 4, no. 3 (2012): 31–44.

[15] Paul Atagamen Aidonojie et al., "Beyond Culture: Balancing Culture and Gender Equality on the Legality of Polygamy in the Case of *Women's Pro Bono Initiative v. Attorney General* in Uganda," *African Journal of Law and Justice System* 5, no. 1 (2026): 175–93.

[16] Challenges in Nigeria," *African Journal of Health and Environmental Law* (2026), 58.
Duku Anthony Erhi, Beauty Alloh, and Peter Gasiokwu, "The Application of International Treaties in Nigeria: A Panacea to the Unending Legal Debacle of Intestate Succession," *Advances in Law, Pedagogy, and Multidisciplinary Humanities* 4, no. 1 (2026): 291–308.

[17] Kinikachi G. Simeon, "Modes of Intestate Succession among the Ikwerre Nationality: A Commentary, a Critic and an Evaluation," *Journal of Private and Property Law, Rivers State University* 23, no. 2 (2025): 176–94.

[18] Sophia Thabane, Benjamin Okorie Ajah, and Malefane Justice Matele, "AI and Indigenous Cultural Sovereignty: Legal Protection against Algorithmic Extraction of Community Knowledge in Africa: A Focus on Lesotho," *Africa Digital Governance and Law Review* 1, no. 1 (2026): 50–63.

[19] Charles I. G. Agwor and U. Frank-Igwe, "Estate Administration and Probate Practice in Nigeria: A Critical Examination," *Journal of Private and Property Law, Rivers State University* 24, no. 2 (2026): 56–80.

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law and digital governance to facilitate access to estate planning in such a way that the protections of the testator and the beneficiaries' rights will be maintained. Nevertheless, there is a need for literature mapping to prove this gap.

2. METHOD

Research Design and Target Population

In this study, a quantitative cross-sectional survey research design was employed to examine the feasibility, legal provisions, technological hurdles, and issues of statutory reforms for making digital wills in Nigeria1. The sample population consisted of legal professionals from Nigeria (target population of 20,000 lawyers) who have specialized expertise in succession law, estate management, property law, and digital technology.

Sample Size and Sampling Procedure

To establish an appropriate benchmark sample size for an expansive target population, Cochran's sample size formula was adopted:

$$n_0 = \frac{z^2 \cdot p \cdot (1-p)}{e^2}$$

Where (Z) is the standard normal deviate at 95% confidence level (1.96), (P) is the estimated population proportion (0.50), (q=1-p=0.50), and (e) is the margin of error (0.05). According to these statistical considerations, the first optimum sample size (n_0) was determined to be (n_0 = 384) respondents.

After collecting the data, the number of actual collected samples amounted to (N = 278) validated responses. Simple random sampling was applied in order to give equal chances of inclusion to all eligible legal practitioners in the Nigerian jurisdiction. In terms of demographic characteristics, the sample showed equal representation between different levels of legal education of respondents who specified the highest attained legal degree (N = 277): Bachelor of Laws (LLB) (n = 111, 40.07%), Master of Laws (LLM) (n = 87, 31.41%), and Doctor of Philosophy in Law (PhD) (n = 79, 28.52%). It should be noted that 59.93% of the sampled practitioners had postgraduate legal education.

Data Collection Instrument, Validity, and Reliability

Primary data collection took place using an electronic questionnaire that was carefully constructed to obtain the views of legal practitioners from various legal and technological perspectives. The tool comprised a range of questions, employing a five-point Likert scale rating and multiple-select items about statutory provision for digital wills, digital testamentary capacity, electronic signature, witnessing and authentication processes, fraud protection, cybersecurity, data protection, and digital wills' compatibility with the existing intestate succession.

Validity was ascertained by carrying out a preliminary examination of the tool by experts in succession law and legal research before deploying it for field use. Reliability was measured using Cronbach's alpha coefficient with a threshold requirement of at least $\alpha \geq 0.70$.

Method of Data Collection

The electronic survey instrument was posted on Google Forms and distributed among eligible legal professionals across the country from February 24, 2026, to October 27, 20261. The participants were briefed about the objectives of the research, and they took part in the process voluntarily and with full confidentiality. The integrity of the dataset was ensured using submission tracking and data cleaning in Python.

Method of Data Analysis

Data analysis was conducted using both descriptive and inferential quantitative statistical techniques:

Descriptive Statistics: The following were calculated to investigate respondent choice distribution and option selection frequency: frequencies (n), percentages (%), ranks, and descriptive statistics that include: mean selection intensity, standard deviation, median, range, and Interquartile Range (IQR).

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Inferential Statistics: Contingency tables and Pearson Chi-square (χ^2) test of independence were performed to study the relationship between the level of respondents' legal qualification and the adequacy of the existing legal system to make a will digitally. The level of statistical significance was determined at $p < 0.05$ ($\chi^2 = 70.51$, $df = 4$, $p < 0.0001$).

3. RESULT AND DISCUSSION

3.1. Adopting Digital Will-Making to Complement Intestate Succession in Nigeria

Digital-tech will-making is an approach involving the use of digital technology in the preparation, storing, managing, and communication of the testamentary intentions of a person about the transfer of property after death[20]. These technologies include will preparation websites, electronic document management, digital storage of documents, identification tools, electronic signatures, and video recording of the intentions of the testator[21]. Intestate succession is a situation whereby the deceased's estate is divided in the absence of a will or where the will is not valid[22]. The connection between the two concepts is that digital technology can inspire people to state their wishes before their death, thus preventing their estates from being divided in the absence of any personal wish from them[23]. According to the 2021 Global Findex Database of the World Bank, 55% of sub-Saharan African adults had an account, which included mobile money (World Bank, 2022). While the availability of digital financial services does not guarantee the use of digital wills, it illustrates the growing technological landscape where the concept of digital estate planning is becoming increasingly feasible[24]. Digital will-making can therefore be seen as a new way of promoting inheritance planning in Nigeria[25].

Digital Tech Will-making in Nigeria must be viewed in the light of changes in communication, financial transactions, and documentation. In this regard, digital media could help people create a will draft, name the beneficiaries, keep inventories of possessions, and safely store the instructions on how the estate should be divided[26]. These services would be especially helpful for overseas Nigerians, businessmen with multiple estates, and people who own property in various places[27]. However, not all social classes have access to digital technology. According to the International Telecommunication Union, in 2024, internet users constituted 38% of Africa's population, compared to the 68% global average. The rate of using the internet was 57% among urban populations and 23% among rural communities (ITU,

[20] Nwudego Nkemakonam Chinwuba, "Personhood, Pluralism, and Property: A Comparative Analysis of Nigerian and Anglo-Canadian Succession Law," *Laws* 15, no. 5 (2026): 128.

[21] Paul Atagamen Aidonojie, Odojor Oyenmwosa Anne, and Odetokun Olukayode Oladele, "An Empirical Study of the Relevance and Legal Challenges of an E-Contract of Agreement in Nigeria," *Cogito* 12, no. 3 (2020).

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Obieshi Eregbuonye, Michael Inagbor, and Ogoma Sunday Ani, "Legal Reliability of AI-Generated Evidence in Criminal Justice Systems in Nigeria," *Africa Digital Governance and Law Review* 1, no. 1 (2026): 1–17.

[23] Adebiyi Anthony Adepoju and I. O. Agbede, "Resolving Dilemma of Legal Pluralism in Western States' Laws of Succession," *Carnelian Journal of Law and Politics* 3 (2022): 82.

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[25] Faith Kelechi Ekwe and Abdulaziz Saud Salim Almamari, "A Legal Pathway towards Adopting Digital Technology as a Sustainable Means of Addressing Environmental Andrew Ikhayere Imiefoh and Delroy Omonge, "Traditional Oaths in Africa Customary Legal System in Addressing Corruption in Public Office in Nigeria and Kenya," *African Frontier Law Review* 1, no. 1 (2026): 34–65.

[26] Nnenna Joy Eboh and Vivian Madu, "Plural Laws but No Laws: An Overview of the Impact of Intestate Laws on Women and Children in South-East Nigeria," *Acta Universitatis Danubius. Juridica* 21, no. 1 (2025): 102–13.

[27] Anthony C. Diala, "Reform of the Customary Law of Inheritance in Nigeria: Lessons from South Africa: Focus: Twenty Years of the South African Constitution," *African Human Rights Law Journal* 14, no. 2 (2014): 633–54.

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2025). The above numbers show that affordability, accessibility, and digital literacy must be considered when using technology for inheritance planning purposes[28]. These statistics may not be related to Nigeria but can serve as an indication for the region at large[29]. An effective Nigerian inheritance planning model should, therefore, integrate online technologies with assisted digital tools, mobile technologies, and traditional professional services to avoid technological discrimination.

One of the primary reasons for the adoption of digital tech will-making is the possibility of motivating people to make provision for the distribution of their property before death[30]. Estate planning can be delayed due to difficulties associated with the procedure, uncertainties, legal costs, or the erroneous assumption that will-making is pertinent exclusively to rich individuals. Digital technology can facilitate the initial steps by guiding the identification of assets, designation of beneficiaries, personal wishes, and storage of documents[31]. Regular reminders might motivate individuals to revise their plans after getting married, having a baby, buying new property, expanding a business, etc. This way, digital technology can assist in minimizing the cases when there are no instructions concerning distribution of property upon an individual's death, but it cannot eliminate intestacy[32]. The paper written by Adam J. Hirsch titled Technology Adrift: In Search of a Role for Electronic Wills that was published in Boston College Law Review in 2020 investigates pros and cons of electronic wills. This study is vital in setting the groundwork for determining the acceptability of technology-based testamentary systems among the population[33]. Nevertheless, the conclusions drawn from this study cannot be assumed to be representative of the views of Nigerians in general, and it requires local studies to determine how far Nigerians would trust technology-enabled will-making and how much it can reduce inheritance disputes[34].

Digital-tech will-making poses several challenges despite its positive aspects. In order for a digitally stored document not to be tampered with, destroyed, replicated, or viewed by someone who does not have the necessary authorization, there must be security measures in place[35]. There could also be an instance where an individual is forced by his or her family or caregiver to make a will that he or she does not really mean. Simply proving one's identity is not sufficient to prove that the person made such a document voluntarily and understands the document[36]. This becomes more of an issue when the inheritance process is connected to a family business, multiple properties, stepfamilies, and contending beneficiaries. Thus, security

[28] Joseph Nzalie Ebi, *The Structure of Succession Law in Cameroon: Finding a Balance between the Needs and Interests of Different Family Members* (University of Birmingham, 2009).
[29] Josephine Nkeonye Egemonu, "Critical Examination of the Concept of Illegitimacy under Nigerian Laws," *Indian Journal of Law and Legal Research*, no. 5 (2022): 1.
[30] Jacob Osamagiagiemwen Garuba, "Discriminatory Customary Inheritance Law in Nigeria: Judicial Activism or Legislative Intervention," *University of Botswana Law Journal* 26 (2018): 84.
[31] Paul Atagamen Aidonojie, Joseph Nwazi, and Ugiomo Eruteya, "The Legality, Prospect, and Challenges of Adopting Automated Personal Income Tax by States in Nigeria: A Facile Study of Edo State," *Cogito* 14, no. 2 (2022).
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[33] Paul Okhaide Itua, "Succession Rights under Esan Customary Law in Nigeria: The Problems of Applicability of Esan Customs and the Challenges of Fundamental Rights," *Journal of Law, Policy and Globalization* 117 (2022): 71.
[34] Ismael Saka Ismael and Abdulmumini A. Oba, "Legal Challenges Concerning Some Beneficiaries of Estates Governed by Islamic Law in Nigeria," *IIUMLJ* 25 (2017): 63.
[35] Babatunde Adetunji Oni, "Discriminatory Property Inheritance Rights under the Yoruba and Igbo Customary Law in Nigeria: The Need for Reforms," *IOSR Journal of Humanities and Social Science* 19, no. 2 (2014): 30–43.
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measures for the digital will-making systems should include several components[37]. Digital literacy is equally important since the user needs to be well acquainted with the process of creating, updating, and maintaining their records. With regard to the findings from the ITU regarding uneven internet accessibility between urban and rural dwellers in Africa, it is evident that a technology-based strategy may exclude those who lack both internet connectivity and computer literacy[38]. It would, therefore, be prudent to design a credible system which incorporates both technology and human expertise.

The implementation of digital-tech-based will-making in Nigeria goes beyond providing online software for the preparation of documents[39]. A feasible approach should integrate public education, affordability of services, dependability of technology, and culturally appropriate estate planning. There can be varied family views on issues such as property division, intergenerational duties, traditions and culture, and the rights of surviving wives and children[40]. In this case, online platforms need to offer guidance, choice of languages, and access to professional advice without presuming that all families have similar inheritance plans. Public education from professional bodies, banks and financial institutions, NGOs, and legal aid clinics could help people understand the importance of registering their wishes ahead of time[41]. According to the Global Findex Database 2021 from the World Bank, there is a significant increase in the proportion of adults who have bank accounts, which include mobile-money accounts, among the sub-Saharan African population, where 55.1% of the adults had an account in 2021 as opposed to 23.3% in 2011. The study in Nigeria should look at the public knowledge about the technology, their willingness to pay, preferred media, perception of security, and barriers to implementation among older citizens and the rural population. In the end, using technology for will preparation should be seen as complementary to professional advice and other methods of making wills, and should be judged by concrete outcomes such as usage and estate without wills.

3.2. Legal Framework on Digitalise Techn Will Making in Complimenting Intestate succession in Nigeria

Digitized will-making can assist in intestate succession where a person is able to document his testamentary intentions, keep a copy and reduce uncertainties concerning distribution of the estate. It should be noted, however, that intestate succession and making a will involve distinct procedures since intestate succession laws apply to property not effectively disposed of in a valid will, while a valid will applies only to property effectively disposed of in the will[42]. Section 43 of the Constitution of the Federal Republic of Nigeria 1999 ensures the right of citizens to acquisition and ownership of immovable property, but does not stipulate the formality of making a will and does not override applicable succession law. The case of Idehen v Idehen (1991) 6 NWLR (Pt 198) 382 examined the interaction of testamentary disposition and customary law of inheritance, including Igiogbe. It highlights the fact that all customary laws do not become inoperative simply because there exists a will. While digital

[37] Akua Kuenyehia, "Women, Marriage, and Intestate Succession in the Context of Legal Pluralism in Africa," *UC Davis Law Review* 40 (2006): 385.
[38] Jamil Ddamulira Mujuzi, "The Conundrum of Intestate Succession for Muslims in Uganda: Qadhis Court, Women's Rights, and Islamic Inheritance Law Issues," *Al-Ahwal: Jurnal Hukum Keluarga Islam* 16, no. 1 (2023): 43–68.
[39] Paul Atagamen Aidonojie, "The Societal and Legal Missing Link in Protecting a Girl Child against Abuse before and amidst the COVID-19 Pandemic in Nigeria," *Jurnal Hukum UNISSULA* 38, no. 1 (2022): 61–80.
[40] B. E. Kooffreh and B. Kooffreh, "A Review of the Customary Law of Inheritance and Succession amongst the Efik and Qua Communities in Cross River State, Nigeria," *International Journal of Research* 5, no. 15 (2018): 1470–80.
[41] Edwin I. Nwogugu, *Family Law in Nigeria* (HEBN Publishers, 2014).
[42] Ibid

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evidence may prove one's intention, it can neither extinguish customary rights nor validate a disposition of family property, and certainly cannot validate a will.

The main problem is whether an electronic record meets the formal requirements for a valid will. Under section 9 of the Wills Act 1837, if applicable as received law, there should be writing, signature of the testator or another person in his presence and under his direction, and attestation by at least two witnesses who are present simultaneously[43]. Also, the relevant state legislation needs to be considered separately: according to section 4 of the Lagos State Wills Law, the will should be written and signed, there should be two witnesses who are present together during the signing or making of the signature by the testator, and the witnesses' attestation should occur in the presence of the testator[44]. These requirements do not create any procedure for remote or electronic wills. In addition, the Evidence Act 2011, which was amended by the Evidence (Amendment) Act 2023, covers electronic records. Its section 84 deals with computer-produced evidence, and new sections 84A to 84D deal with such issues as electronic form, authentication, and proof of the record[45]. While those evidentiary requirements may help prove a record, the admission of a record into evidence does not mean its validity[46].

Issues of identity, capacity, voluntariness, authenticity, privacy, cybersecurity, and proper storage become related to the digital wills. While typing one's name, using scanned signatures, making a video, or creating an online certificate proves the intention of someone, it does not mean that he or she follows the requirements stipulated by the Wills Law[47]. Potential issues might come from relatives' claims regarding impersonation, undue influence, testamentary incapacity, revocation or alteration of the will, confusion about the last version of it, and other reasons. Under Section 84 of the Evidence Act, amended in 2023, there are several conditions for admission of computer-generated evidence, and Sections 84A-84D provide for the regulation of electronic information and authentication, according to the specifics of these statutory provisions[48]. Offences and enforcement related to some types of cyber-related actions are provided by the Cybercrimes (Prohibition, Prevention, etc.) Act of 2015 (amended in 2024). However, this Act is not used for validation of digital wills. Issues of personal data processing have to be considered through the prism of the Nigeria Data Protection Act of 2023, which includes principles of lawful-basis processing of personal data.

Digitally based succession necessitates legislative and institutional reforms. State legislatures need to examine their relevant Wills Laws and determine whether electronic wills are recognized in such a jurisdiction, what forms of electronic signatures are acceptable, how witnesses must attend the making of such wills, and how identity, capacity, voluntariness, revocation, storage, and probate validation of such a will can be established[49]. This is due to the variation of succession and probate law according to the particular property in question and the particular state. While the Evidence Act 2011 (as amended in 2023) can provide for the admissibility of electronic records, any new regime of such wills' execution needs to expressly provide for this. Secure procedures for the receipt and verification of digital records of such wills, as well as their retrieval and preservation, will have to be developed in probate

[43] O. J. K. Ogundele, A. A. Idris, and K. A. Ahmed-Ogundipe, "Entrepreneurial Succession Problems in Nigeria's Family Businesses: A Threat to Sustainability," *European Scientific Journal* 8, no. 7 (2012): 208–27.

[44] Lawrence O. Oyeniran, "Appraisal of Law of Succession in Nigeria: An Overview," *The Obafemi Awolowo University Law Journal* 5, no. 2 (2024): 147–54.

[45] Ibid

[46] Paul Atagamen Aidonojie, Obieshi Eregbuonye, Hassan Ismaila, and Faith Kelechi Ekwe, "Legal Accountability for Human Responsibility for Artificial Intelligence-Initiated Automated Financial Transactions in Nigeria," *African Frontier Law Review* 1, no. 1 (2026): 1–33.

[47] Vivian Oluchi Onwuka, *Comparative Analysis of Succession Rights under Customary Marriage with Succession Rights under Statutory Marriage in South-Eastern Nigeria* (Godfrey Okoye University, 2026).

[48] Ibid

[49] Ibid

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registries[50]. Reform must take into consideration the Nigeria Data Protection Act 2023 while establishing rules on retention, disclosure and protection of such data[51]. The process of consultation must involve legal practitioners, probate officials, technologists, disabled individuals, and communities affected by customary succession practices[52]. Pilot projects may be employed before further adoption and periodic evaluation of implementation.

3.3. Presentation and Analysis of Result

A cross-sectional quantitative survey research design was used to obtain empirical views from legal experts in Nigeria. The main sample of data was gathered online from February 24, 2026, to October 27, 2026, with a total sample size of N = 278 valid observations. Data integrity was ensured by means of automated submission tracking and data cleansing procedures in Python.

3.3.1. Demographic Profile by Legal Qualification

The target population of the survey included legal experts with a highly developed understanding of laws in Nigeria. Of all the 277 respondents who stated their highest qualification in law (1 respondent did not provide this demographic information), a highly representative sample of respondents in terms of their undergraduate and postgraduate education in law was obtained.

Table 1: Demographic Breakdown by Legal Qualification (N = 277)

Legal Qualification Level	Frequency (n)	Percentage (%)	Cumulative %
Bachelor of Laws (LLB)	111	40.07%	40.07%
Master of Laws (LLM)	87	31.41%	71.48%
Doctor of Philosophy in Law (PhD)	79	28.52%	100.00%
Total Valid Sample	277	100.00%	100.00%

Key Demographic: As much as 59.93% of the respondents hold advanced postgraduate qualifications in law (LLM and/or PhD). It means that the sample of respondents is highly educated in the field of jurisprudence in order to understand statutory construction, probate proceedings, and legal technology.

[50] Standa Sani, "The Evolution of Zimbabwe's Law of Intestate Succession: Improving Welfare for Widows under Customary Law," *Obiter* 46, no. 4 (2025): 830–56.

[51] Muwaffiq Jufri, Agung Ali Fahmi, Paul Atagamen Aidonojie, Lin Asyiqoh, and Oluwaseye Oluwayomi Ikubanni, "Standardisation of the Legislation as a Follow-Up to the Constitutional Court's Decision on Judicial Review of Omnibus Law," *Jurnal Konstitusi* 21, no. 3 (2024): 366–91.

[52] Olajide Italoye and Olatunji Abu, "Diagnostic X-Ray of the Next of Kin in the Matter of an Inheritance under Nigerian Law," *Journal of Private and Property Law, Rivers State University* 23, no. 1 (2025): 198–211.

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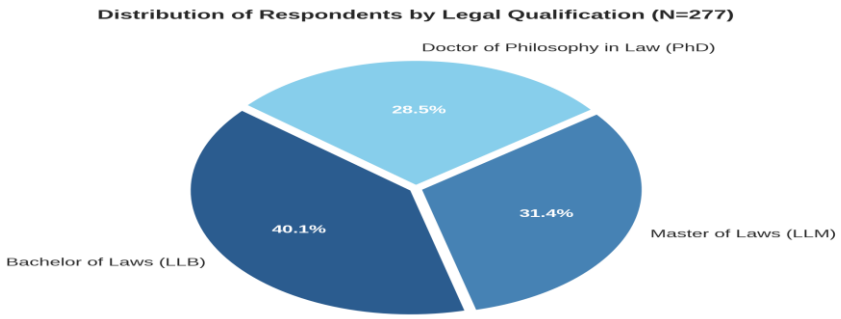

Figure 1: *Distribution of Respondents by Legal Qualification (N = 277)*

3.3.2. Empirical Findings: Complementing Intestate Succession

Research Question 1 investigated the extent to which digital will-making would add value to Nigeria's current intestate succession regime to address customary inheritance disputes. Respondents were given five possible functional features and asked to indicate all relevant features that apply.

Table 2: How Digital Wills Complement Customary Intestate Succession (N = 277)

Mechanism for Complementing Intestate Succession	Frequency (n)	Percentage (%)	Rank
Motivates testators to outline inheritance intentions before death	259	93.50%	1
Prevents legal disputes via accessible & legally binding evidence	204	73.65%	2
Streamlines estate management via safe digital documentation	184	66.43%	3
Balances customary rules with laws protecting spouses & dependants	124	44.77%	4
Protects vulnerable dependants by educating them on inheritance rights	110	39.71%	5

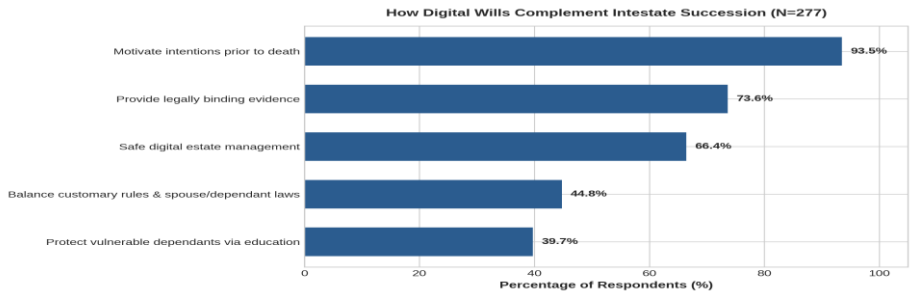

Figure 2: *Mechanisms by Which Digital Wills Complement Intestate Succession*

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3.3.4. Empirical Findings: Current Legal Framework Accommodation

Research Question 2 evaluated whether existing Nigerian statutes and judicial mechanisms currently accommodate digital wills in probate proceedings.

Table 3: Perceived Accommodation under Current Nigerian Legal Framework (N = 276)

Perceived Accommodation Status	Frequency (n)	Percentage (%)	Statistical Significance
No (Framework Does NOT Accommodate)	191	69.20%	Dominant Consensus
Yes (Framework DOES Accommodate)	44	15.94%	Minority Position
Undecided (Legal Ambiguity / Uncertain)	41	14.86%	Substantial Uncertainty
Total Valid Sample	276	100.00%	$p < 0.0001$ (Chi-Square)

Cross-Tabulation and Inferential Chi-Square Test

To examine whether legal knowledge affects the perception of statutory accommodation, a cross-tabulation between Legal Qualification and legal accommodation was conducted. Inference analysis showed a highly significant relationship between legal knowledge and perception of statutory accommodation.

Table 4: Cross-Tabulation - Legal Qualification vs Legal Accommodation (N = 275)

Legal Qualification Level	No (n / %)	Yes (n / %)	Undecided (n / %)	Total Group (N)
Bachelor of Laws (LLB)	80 (72.73%)	25 (22.73%)	5 (4.55%)	110 (100%)
Master of Laws (LLM)	77 (88.51%)	6 (6.90%)	4 (4.60%)	87 (100%)
Doctor of Philosophy in Law (PhD)	33 (42.31%)	13 (16.67%)	32 (41.03%)	78 (100%)
Sample Total	190 (69.09%)	44 (16.00%)	41 (14.91%)	275 (100%)

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Chi-Square Statistics: $\chi^2 = 70.5075$, degrees of freedom df = 4, p-value = 1.77×10^{-14} ($p < 0.0001$). Since $p < 0.001$, the null hypothesis of independence is rejected. There is a highly significant relationship between legal qualification and perception of statutory accommodation.

3.3.2. Empirical Findings: Legal and Technological Challenges

Research Question 3 investigated the primary legal, technological, and security obstacles that impede the widespread adoption of digitalized will-making in Nigeria.

Table 5: Legal and Technological Challenges in Digital Will Adoption (N = 277)

Identified Challenge Dimension	Frequency (n)	Percentage (%)	Rank Severity
Testator identification & e-signature legal complexity	239	86.28%	1 (Critical)
Cybersecurity threats: Hacking, forgery, alteration & identity theft	193	69.68%	2 (High)
Assessing testator mental capacity in a digital environment	165	59.57%	3 (High)
Uncertainty regarding admissibility of e-wills in probate court	147	53.07%	4 (Moderate)
Detecting undue influence, coercion, or duress during e-execution	137	49.46%	5 (Moderate)

3.3.4. Empirical Findings: Strategic Legislative and System Reforms

Research Question 4 focused on identifying legislative amendments, technical infrastructure, and institutional reforms necessary to establish a legally secure digital will-making framework.

Table 6: Priority Reforms for Legal & Secure Digital Will Framework (N = 277)

Recommended Strategic Reform Measure	Frequency (n)	Percentage (%)	Priority Rank
Implement statutory system for e-signatures, witnessing & verification	239	86.28%	1 (Essential)

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Recommended Strategic Reform Measure	Frequency (n)	Percentage (%)	Priority Rank
Provide robust technical protection against fraud & unauthorized access	177	63.90%	2 (High)
Amend existing succession laws to incorporate digital will provisions	158	57.04%	3 (High)
Equip probate offices with secure digital registration technology	153	55.23%	4 (High)
Harmonize digital wills with customary intestate succession rules	134	48.38%	5 (Strategic)

3.3.5. Summary Statistics Matrix and Policy Implications

For assessing the response concentration regarding multiple-choice question responses, descriptive statistics have been derived for the level of respondent selection intensity (the number of selections made by each respondent).

Table 7: Descriptive Statistics Summary Matrix across Research Dimensions

Research Dimension	N	Mean Options	Std Dev	Median	Min - Max	IQR
Q2: Complementing Intestate Succession	277	3.18	0.44	3.00	2 - 5	0.00
Q4: Legal & Technological Challenges	277	3.18	0.48	3.00	2 - 5	0.00
Q5: Strategic Reform Priorities	277	3.11	0.51	3.00	1 - 5	0.00

Descriptive Interpretation: On each dimension of multiple-choice question responses, the mean number of selections has always exceeded 3.10 (with very little standard deviation ranging from 0.44 to 0.51 and an interquartile range of 0.00). It implies great consistency in response levels from the respondents, indicating that legal professionals see digital wills as a multi-dimensional process that needs multiple measures.

3.4. Discussion of Findings

The results of the empirical investigation testing Research Question 1 prove the potential of digitalized will-making to act as an effective tool that would assist Nigeria's customary intestacy system to overcome existing issues of inheritance disputes. Conducted on a sample of 278 legal experts (59.93% of whom possess a postgraduate qualification in law), the questionnaire confirms an evident consensus among respondents about the testamentary intention expressed by digitalised documents. First, 93.50% (n = 259) of the surveyed

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specialists state that digitalised wills motivate testators to officially express asset distribution preferences before death, eliminating the primary reason for lengthy customary succession cases. Second, 73.65% (n = 204) of them mention that such documents provide easy-to-use, legally valid evidence to avoid family lawsuits, whereas 66.43% (n = 184) point to the ability of digitalization to facilitate the estate management process. Moreover, 44.77% (n = 124) of the experts note the importance of digital wills in reconciling strict customary laws with the statutory rights of surviving spouses and dependants, and 39.71% (n = 110) point to its educational potential for vulnerable beneficiaries.

In regard to Research Question 2, the extent of statutory inadequacy exists in terms of digital succession in Nigeria's legal system. While 69.20% of the respondents (n=191) clearly indicated that there is statutory inadequacy in terms of creation, drafting, authentication, and judicial acceptance of digital wills, as opposed to 15.94% who indicated adequacy and 14.86% who are indecisive, inferential statistical analysis indicates significant differences in perception of legal adequacy based on level of legal qualifications ($\chi^2 = 70.51$, df = 4, $p < 0.0001$). In other words, those with LLM and LLB degrees are likely to have a statutory inadequacy perception (88.51% and 72.73%, respectively), while those with a PhD in law are very indecisive, with 41.03% indecision and 42.31% no adequacy perceptions. This significant statistical difference indicates doctrinal conflict between traditional formalities of execution such as attestation under Section 9 of the Wills Act 1837 and emerging standards for electronic evidence under Section 84 of the Evidence Act 2011.

Exploration of Research Question 3 reveals major legal, technological and operational barriers which hamper the broad acceptance and implementation of digital wills throughout Nigeria. The major barrier recognized by legal professionals is the identification of the testator and legal issues associated with electronic signatures, as it was mentioned by 86.28% of participants (n = 239). The next major barrier is cybersecurity dangers, since 69.68% of participants (n = 193) pointed out risks related to hacking, forgery of electronic documents, tampering of digital data and identity theft. Moreover, 59.57% of respondents (n = 165) mentioned the problem connected with the assessment of the testator's mental capacity in an electronic environment, when there is no possibility for a traditional medical and legal evaluation in person. Other barriers include uncertainty about the acceptability of electronic wills in the probate court (53.07%, n = 147), as well as the increased difficulty in detection of undue influence, coercion or duress in electronic execution (49.46%, n = 137). Taking into account the fact that, on average, each participant chose 3.18 barriers, it is possible to conclude that legal practitioners recognise the risks of the digital execution of wills as multi-dimensional.

The response to Research Question 4 highlights an absolute consensus on the strategic reforms required to implement a safe digital succession system in Nigeria. A significant majority (86.28%) of the respondents (n = 239) rank the creation of a statutory system for regulating electronic signatures, witnessing, and identification of signatories as a priority. Similarly, 63.90% (n = 177) favor the implementation of technical measures for protecting electronic wills from any form of fraud, tampering, or cyber attacks. Substantive law reform is equally important, according to 57.04% of the legal practitioners (n = 158), who demand legislative amendments to the states' Will Laws to provide for digital testaments. In addition, 55.23% (n = 153) of the respondents emphasise the need for the states to be equipped with safe digital registration technology, while 48.38% (n = 134) favor integration of digital wills with the customary laws of intestate succession. Given the unusually high average number of selections per respondent (3.11), the empirical results of the survey clearly prove that the adoption of the digital will-making process necessitates coordinated reforms in various aspects of all the legal systems in Nigeria.

4. CONCLUSION

Despite digital technology being a potentially revolutionary approach to complementing the intestate succession system in Nigeria and resolving customary inheritance

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disputes, the use of digitalized will-making faces significant barriers arising out of an outdated statutory framework. 93.50% of the lawyers surveyed find that digital wills stimulate people to plan their estates; however, 69.20% of the respondents find that the current legal framework in Nigeria does not have provisions for electronic wills, a fact which has been confirmed strongly by most legal qualifications (Chi-Square $\chi^2 = 70.51$, $p < 0.0001$). The key barriers to adoption include legal issues related to e-signatures (86.28%), cyber-security issues (69.68%), digital capacity to make a will (59.57%) and probate court admission issues (53.07%). All the barriers arise from the existing gap between the formalities set out under the outdated statutes on the one hand and the electronic transactions on the other hand. Hence, the transition from customary succession process to digital estate planning is not only about technology, but also a statutory requirement.

For a successful establishment of a reliable and technologically resilient digital succession regime in Nigeria, systematic implementation of wide-ranging multi-sector reforms is necessary. In the first place, the legislature needs to pass amendments to the Wills Laws at the state level and to Section 84 of the Evidence Act 2011, which will introduce the statutory framework for the use of electronic signatures, biometrically verified remote witnessing, and video-recording of testamentary execution. In the second place, judicial bodies need to provide state probate registries with an encrypted digital document storage system and centralized database protected from unauthorized access and alteration by cybersecurity measures. In the third place, the Nigerian Bar Association and other legal regulatory bodies need to introduce standardized operational guidelines for the practice of legal professionals in relation to assessment of testamentary capacity online and online detection of undue influence in the testation process. Finally, legislative reforms need to ensure that digital testamentary freedom is harmonized with customary succession protections so that digital wills protect dependants and comply with equitable customary laws.

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