

Journal UNIVERSITY OF BENIN LAW JOURNAL
UBLJ (2023) Volume 22 No. 1 ISSN: 1117-8035
Pages: 197-218
Author: Lilian Ifeoma Nwabueze and Peter Ikechukwu Gasiokwu

Title of Article: ‘Digital Wills: A Possible Alternative to Addressing the Problems of Testamentary Disposition’

Publisher: Faculty of Law University of Benin, Benin City, Nigeria.

Abstract: A Will appears to be an advanced testamentary instrument for the devolution of the property of a deceased person. Legal recognition is given to only Wills communicated in paper form. Paper Wills seem inadequate today where preference is given to paperless communication due to the advantages associated with electronic means of passing and retaining information. This paper examines the use of digital Wills for enhanced testamentary disposition that will be testator-centered, eliminating obstacles in the actualization of testamentary wishes. The work adopts doctrinal research methods and finds inter alia that with the incorporation of digital Wills into the forms of testamentary disposition. Testamentary freedom will include testators’ choice of media for communicating last wishes. Digital Wills enhance the form and substance of testamentary disposition through the application of the continuous advancement in technology in the Will making process and storage. Digitalization of Wills is recommended unconditionally in today’s world.

Keywords: Testamentary instrument; Paper Will; Paperless communication; Digital Wills; Testamentary aspirations; Testator-centered Wills.