



OVER-RELIANCE ON DISSOLUTION OF MARRIAGE: A CRITICAL STUDY OF NIGERIA'S UNDERUTILISED MATRIMONIAL RELIEFS WITH EMPIRICAL FOCUS ON OSUN STATE

By

Zaynab Omotoyosi Shittu-Adenuga PhD*

&

Oyinkansola Elizabeth Owoeye*

Abstract

This study investigates the persistent over-reliance on dissolution of marriage as the primary matrimonial relief in Nigeria, despite the availability of alternative remedies under the Matrimonial Causes Act, including judicial separation, restitution of conjugal rights, and nullity of marriage. Using Osun State as an empirical focal point, the research adopts a socio-legal and qualitative approach, combining legal doctrinal analysis with data obtained through structured questionnaires administered to legal practitioners, litigants, and members of the public. The findings reveal that while the legal framework supports a diversity of matrimonial reliefs, public awareness and actual utilisation remain significantly skewed toward dissolution of marriage. Respondents overwhelmingly reported either ignorance of or lack of encouragement by lawyers to pursue alternatives, reinforcing dissolution of marriage as the default remedy. The study concludes that the dominance of dissolution of marriage is not due to legal inadequacies, but rather to informational, professional, and socio-cultural factors. It recommends public sensitisation, legal education reform, and proactive engagement by legal practitioners to promote a more balanced application of matrimonial remedies.

Keywords: Matrimonial Reliefs, Osun State, Marriage Breakdown, Legal Awareness, Judicial separation

1.0 INTRODUCTION

Nigeria's dissolution of marriage landscape appears to be shifting, with recent reports indicating a notable increase in the country's dissolution of marriage rate. Nigeria recorded a dissolution of marriage rate of 2.9% in 2023, which translates to approximately 1.8 dissolution of marriages per



1,000 people.¹ This places Nigeria at the 11th position out of 26 countries surveyed, highlighting a growing trend in marital dissolutions.² This evolving trend underscores the urgent need to explore and implement proactive, preventative and restorative strategies that can help reduce dissolution of marriage rates to the barest minimum.

In practice, dissolution of marriage has emerged as the predominant and most commonly pursued form of matrimonial relief, even in instances where alternative remedies may provide a more suitable conclusion.³ Under the Matrimonial Causes Act and other legislations, parties may pursue several forms of remedies, including judicial separation, restitution of conjugal rights and nullity of marriage.⁴ Nevertheless, these alternatives are hardly utilized. The legal profession's focus on dissolution of marriage, coupled with the public's low awareness of alternative remedies, results in a restricted interpretation of family law.

This article aims to examine the factors contributing to the underutilization of alternative matrimonial remedies in Nigeria, with empirical focus on Osun State and to critically assess the consequences of excessive dependence on dissolution of marriage. The study seeks to evaluate whether this pattern indicates an anomaly in legal education, judicial discretion, cultural norms, or administrative constraints. The research ultimately promotes a more equitable and informed application of matrimonial remedies that upholds justice, safeguards family structures, and minimizes superfluous combative litigation.

Despite the range of matrimonial reliefs available under the Matrimonial Causes Act, dissolution of marriage remains the overwhelmingly preferred remedy pursued by litigants. These alternative reliefs, although legally recognised, are rarely explored or enforced, limiting the family law

* Lecturer, Department of Private and Business Law, College of Law, Fountain University, Osogbo, Osun State.

* Lecturer, Department of General Studies, Federal Polytechnic Ayede, Oyo State

¹ Premium Times, 'Nigeria among countries with highest dissolution of marriage rate- Report' (17 June 2025) <https://www.premiumtimesng.com/entertainment/naija-fashion/728808-nigeria-among-countries-with-highest-dissolution-of-marriage-rate-report.html?tztc=1> accessed 17 June 2025.

² Premium Times, 'Nigeria among countries with highest dissolution of marriage rate- Report'

³ Thomas E Carbonneau, 'A Consideration of Alternatives to Dissolution of marriage Litigation' (1986) U Ill L Rev 1119.

⁴ Matrimonial Causes Act, Cap. M7, Laws of the Federation of Nigeria 2004.



system's capacity to provide more flexible, restorative, or non-adversarial options for resolving marital disputes.

Anecdotal observations suggest that in Osun State, parties from both within and outside the state frequently initiate proceedings for dissolution of marriage. This practice often appears to be driven by a desire to circumvent social stigma or local interference prevalent in their home communities. The unified jurisdiction of Nigeria's High Courts inadvertently facilitates this practice, thereby reinforcing the visibility of dissolution of marriage while further marginalising other available remedies. The general underutilisation of these diverse alternatives raises significant concerns regarding public awareness, current legal practices, and the overall effectiveness of matrimonial dispute resolution mechanisms across Nigeria.

2.0 SCOPE OF MATRIMONIAL RELIEFS

The primary law governing matrimonial matters in Nigeria are the Matrimonial Causes Act (MCA)⁵ and the Marriage Act.⁶ They offer the legal foundation for initiating, hearing, and deciding matrimonial cases, including dissolution of marriage and other related reliefs. Section 2 of the MCA grants the High Courts of any state of the Federation, sole authority over marriage cases⁷. Only marriages conducted in accordance with the Marriage Act (statutory marriages) are subject to the MCA. The various form or types of matrimonial reliefs under the MCA are:

2.1 Petition for Dissolution of Marriage

This is the most commonly pursued and final form of marital relief. This is contained under Sections 15 and 16 of the Matrimonial Causes Act. By virtue of Section 15 of the MCA, a party may petition the court for dissolution of marriage based on irretrievable breakdown of the marriage, demonstrated by facts such as willful and persistent refusal to consummate the

⁵ Cap M7 Laws of the Federation of Nigeria 2004

⁶ Cap. M6, Laws of the Federation of Nigeria 2004

⁷ Matrimonial Causes Act, s 2(1)



marriage⁸, adultery⁹, cruelty¹⁰, desertion¹¹, separation¹², failure to comply with a decree of restitution¹³ or presumption of death¹⁴. In *Williams v. Williams*¹⁵, the husband (petitioner) sought dissolution of marriage on grounds of adultery by the wife (respondent). However, the wife admitted to the adultery but argued that the husband had condoned her infidelity by continuing to live with her after discovering it. The court granted the dissolution of marriage, holding that condonation must be absolute (without conditions) and that the husband's subsequent conduct showed he had not truly forgiven her. Likewise, in the case of *Mojekwu v. Mojekwu*¹⁶, the wife petitioned for dissolution of marriage due to irretrievable breakdown. The husband contested, arguing that she had not proven sufficient grounds. The court granted the dissolution of marriage, stating that prolonged separation and mutual hostility proved the marriage had broken down beyond repair.

The court must be satisfied that the marriage has broken down irretrievably before granting a decree of dissolution. In *Nana v. Nana*¹⁷, the court stressed that the petitioner must prove one or more of the facts under Section 15(2) MCA. A dissolution of marriage petition terminates the marriage. However, just before section 15 can be invoked, the petition must not be instituted within two years after the date of the marriage except by leave of the court on the ground of exceptional hardship and depravity.¹⁸

In most High Courts, dissolution of marriage proceedings dominates court filings, possibly not because it is always the best fit, but because litigants and even practitioners are unfamiliar with or disregard alternative suits. While it can be said that the Petition for dissolution of marriage may be

⁸ Matrimonial Causes Act, s 15(2)(a)

⁹ Matrimonial Causes Act, s 15(2)(b)

¹⁰ Matrimonial Causes Act, s 15(2)(c)

¹¹ Matrimonial Causes Act, s 15(2)(d).

¹² Matrimonial Causes Act, s 15(2)(e)-(f).

¹³ Matrimonial Causes Act, s 15(2)(g)

¹⁴ Matrimonial Causes Act, s 15(2)(h)

¹⁵ (1967) 1 All NLR 134

¹⁶ (1997) 7 NWLR (Pt. 512) 283

¹⁷ (2006) 3 NWLR (Pt. 966) 1

¹⁸ Matrimonial Causes Act, s 30(1); *Akere v Akere* (1962) WNLR 328.



appropriate in some cases, the over-reliance on dissolution of marriage reflects a gap in public and legal awareness of other options that may better serve couples not ready for permanent separation.

2.2 Judicial Separation

This is a non-terminal relief where spouses are legally permitted to live apart without ending the marriage. This is contained under Section 39 of the Matrimonial Causes Act. Judicial Separation is useful in cases involving domestic abuse, financial hardship, or moral objections to dissolution of marriage. This can be a transitional step that allows for reflection or time to explore reconciliation or counselling. It provides a time-out period and may serve as a step toward reconciliation or formal dissolution of marriage later. The grounds for judicial separation are the same as for dissolution of marriage, but it is typically sought where one or both parties are not ready for a full dissolution of marriage.¹⁹ *Ekerebe v. Ekerebe* (1999) 3 NWLR (Pt. 596) 514. The decree of judicial separation does not affect the status, rights and duties of the parties to the marriage.²⁰

In situations where children are concerned, parents may choose to avoid the perceived shame and burden associated with dissolution of marriage and opt for judicial separation instead. Nonetheless, this is often just a short-term fix, as the parents will eventually need to pursue a dissolution of marriage if they wish to remarry. Conversely, if both individuals are certain they do not wish to remarry, a legal separation can act as a viable and enduring option.²¹

While the majority of separations eventually culminate in dissolution of marriage, a significant minority approximately one-fifth (20%) of couples manage to reconcile, according to a family attorney in North Carolina, USA.²² This suggests that legal separation can serve as a crucial avenue

¹⁹ Matrimonial Causes Act, s 39.

²⁰ Matrimonial Causes Act, s 41.

²¹ Martin Sliwinski, 'Should I get a legal separation or a dissolution of marriage?' (17 April 2025) Sternmendez Blog <https://sternmendez.com/blog/legal-separation-vs-dissolution-of-marriage/> accessed 17 June 2025.

²² Jonathan Jerkins, [Reunion After Separation? Here are the Stats](#) (10 January 2023)



for restoring marital relationships. Judicial separation offers several advantages over immediate dissolution of marriage that create an environment more conducive to reconciliation:

1. **A "Cooling-Off" Time and Reflection Space:** Judicial separation offers a legally sanctioned time frame for cohabitation without the finality of dissolution of marriage. Without the stress of continual communication, this critical period enables both partners to regain perspective, lessen direct confrontation, and consider their own needs and the status of their marriage.

Couples may be able to think more logically about their relationship, recognize underlying problems, and decide whether they really want to dissolve their marriage or try to mend it by allowing their intense feelings to fade through this emotional and physical separation.²³

2. **Maintaining Legal and Financial Ties: Minimizing Disruption**

One of the key advantages of judicial separation is that, unlike dissolution of marriage, it keeps the marriage legally intact. This allows couples to retain important shared benefits such as health insurance coverage, social security entitlements, and in some cases, potential tax advantages. Additionally, it simplifies matters related to property rights and inheritance should the couple choose to reconcile. By preserving these legal and financial ties, judicial separation helps reduce the immediate upheaval often associated with dissolution of marriage. Couples are spared the stress of fully disentangling their lives, which can be emotionally and logistically taxing. This relative stability may allow them to focus more effectively on resolving personal and relational issues, rather than being overwhelmed by practical concerns. As a result, judicial separation can create a more supportive environment for possible reconciliation.²⁴

3. **Less Stigma and Greater Flexibility**

For individuals or couples whose religious or cultural beliefs discourage dissolution of marriage, judicial separation serves as a less permanent and often more socially acceptable alternative. It allows couples to acknowledge and address serious marital challenges

²³ W Zhu, B Ni and Z Cui, 'The Impact of Dissolution of marriage Cooling-Off Period on Registered Dissolution of marriages: Evidence from China' (2024) 13 *Social Sciences* 612 <https://www.mdpi.com/2076-0760/13/11/612> accessed 17 June 2025.

²⁴ Corpbiz, 'What Are The Benefits Of Judicial Separation?' (n.d.) <https://corpbiz.io/learning/what-are-the-benefits-of-judicial-separation/> accessed 17 June 2025.



without crossing the final threshold of legal dissolution. Since judicial separation is not final, it carries a lower emotional and social barrier compared to dissolution of marriage. This makes it a more approachable first step for couples unsure about ending their marriage. If reconciliation occurs, they can simply withdraw the separation order and resume life together without the legal and emotional complications of remarriage or the societal perception of a “failed” union followed by another. This flexibility can make all the difference for couples trying to find their way back to one another.²⁵

4. Prioritizing Children’s Well-Being

Dissolution of marriage can have serious disruptive effects on children, hence judicial separation enables parents to create clear, court-sanctioned arrangements for custody, visitation, and child support while remaining legally married. This can offer children a sense of continuity and reduce the psychological disruption that often accompanies dissolution of marriage. Judicial separation provides a structured, less disruptive environment that keeps children’s well-being at the forefront. In some cases, witnessing the impact of separation on their children can inspire couples to pursue reconciliation more seriously and intentionally, often with the support of co-parenting counseling or family therapy.²⁶

2.3 Restitution of Conjugal Rights

Restitution of conjugal rights is a legal remedy in matrimonial law that allows one spouse to ask the court to order the other to return to the marital home and resume the duties of married life. It is based on the principle that marriage involves more than just a sexual relationship, it is a partnership defined by a wide range of mutual obligations and expectations.²⁷ Conjugal refer to the complete package of marital rights and responsibilities, including:²⁸

²⁵ Alexander JLO, 'Judicial Separation in Family Law: Dissolution of marriage Alternative' (28 February 2025) <https://www.london-law.co.uk/judicial-separation-family-law/> accessed 17 June 2025.

²⁶ Martin Sliwinski, 'Should I get a legal separation or a dissolution of marriage?' (17 April 2025) Sternmendez Blog <https://sternmendez.com/blog/legal-separation-vs-dissolution-of-marriage/> accessed 17 June 2025.

²⁷ Chaman Law Firm, 'The Concept of Restitution of Conjugal Rights' <https://chamanlawfirm.com/the-concept-of-restitution-of-conjugal-rights/#:~:text=the%20marital%20obligations-,4.,Emotional%20and%20moral%20support> accessed 17 June 2025.

²⁸ *ibid*



i) Living Together

Spouses are expected to share a home and live together as part of their commitment. If one spouse leaves the home without justifiable reason, the other may seek legal redress through restitution.

ii) Mutual Support and Companionship

Marriage involves being present for one another emotionally and offering companionship. Spouses are expected to be there for each other during both good times and challenges.

iii) Shared Duties and Responsibilities

Marriage is a shared enterprise where both partners contribute whether through work, caregiving, or managing the household.

iv) Sexual Intimacy

While not the sole component, physical intimacy is a legitimate and important aspect of marriage. Unreasonably denying this aspect may amount to a breach of conjugal obligations.

v) Emotional and Moral Encouragement

Beyond practical duties, spouses are expected to offer emotional strength, encouragement, and ethical support to one another. These intangible elements are vital to a healthy and lasting relationship.

Restitution of conjugal rights, therefore, is not simply about compelling a spouse to return physically, it is about restoring the entire framework of the marital relationship. This principle was clearly affirmed in *Akinbuwa v. Akinbuwa* (1998), where the court held that restitution of conjugal rights is not enforceable by physical force but only through a judicial decree. The decision underlines that the purpose of the remedy is to encourage reconciliation within the bounds of law and dignity not to impose cohabitation through coercion.

When one partner withdraws from the union without sufficient cause, the other may approach the court to seek an order for reuniting and reviving these mutual duties.

Under the Matrimonial Causes Act, Section 49 states that a party can apply to the court to compel the other spouse who has withdrawn from cohabitation without just cause to resume marital relations. This relief is a remedial and reconciliatory remedy, often filed by parties unwilling to proceed directly to dissolution of marriage. The petitioner must prove that they sincerely desire



conjugal rights to be performed by the respondent and a written statement of cohabitation was made to the respondent before the institution of the action²⁹. In *Gollmer v. Gollmer* (1962)³⁰, the court outlined the need for genuine intention to resume cohabitation.

Restitution of conjugal rights order can serve to reignite communication or show that a spouse is willing to make the marriage work. However, in practice, it is rarely enforced, and in some cases criticised as being ineffective or coercive. Moreso, it has faced growing criticism in modern legal and human rights discourse. Critics argue that it undermines the principle of mutual consent, which is fundamental to any healthy marital relationship. They also argue that the remedy suffers from weak enforcement since courts cannot physically compel cohabitation and often proves ineffective in achieving its intended purpose. As a result, many legal reformers advocate replacing it with more contemporary and humane approaches, such as structured mediation and professional counseling, which prioritize mutual willingness and emotional safety.³¹

Nevertheless, it retains some relevance, particularly in cultural and religious settings where reconciliation is valued above dissolution. In Nigeria, where marriage is deeply rooted in cultural, communal, and spiritual traditions, the emphasis on preserving the marital bond remains strong. Families, elders, and religious institutions often play active roles in encouraging couples to reconcile rather than separate. While it may not align with modern legal sensibilities in every instance, its continued existence in Nigerian matrimonial law speaks to the broader cultural commitment to upholding marriage as a sacred and enduring institution.³²

2.4 Annulment: Nullity of Marriage

A marriage annulment is a legal ruling that deems a marriage null and void as if it never happened in the first place. A decree of nullity declares a marriage void or voidable depending on the

²⁹ Matrimonial Causes Act, s 48

³⁰ *Gollmer v. Gollmer* (1962)

³¹ Chaman Law Firm, 'The Concept of Restitution of Conjugal Rights' <https://chamanlawfirm.com/the-concept-of-restitution-of-conjugal-rights/#:~:text=the%20marital%20obligations-,4.,Emotional%20and%20moral%20support> accessed 17 June 2025.

³² Ikenna U Ibe, 'Otiostiy of Proceedings and Decrees for Restitution of Conjugal Rights in Nigeria: The Need for the Abolition of this Matrimonial Remedy' Nnamdi Azikiwe University, Awka Journal of Public and Private Law



circumstances. This is provided under Sections 3 and 5 of the Matrimonial Causes Act. Void marriages are invalid from the outset for the following reasons:³³

- i) Bigamy
- ii) Parties are within prohibited degrees of relationship
- iii) Lack of formal requirements
- iv) Lack of real consent (e.g. duress, fraud, mistaken identity and mental incapacity)
- v) Either of the parties is a minor

While voidable marriages on the other hand, are valid until annulled. This relief is appropriate when the marriage is legally defective rather than simply broken down. *Graham-Douglas v. Graham-Douglas* (1993) 5 NWLR (Pt. 292) 206. A marriage shall become voidable in any of the cases below:³⁴

- i) Impotence
- ii) Insanity or epilepsy
- iii) Venereal disease
- iv) In an instance where the wife has been impregnated by another man other than her spouse.

The most significant advantage is that a nullity declares the marriage void *ab initio* (from the beginning). This means, in the eyes of the law, you were never actually married. This can be personally significant for individuals who wish to erase the legal record of the marriage. On the other hand, dissolution of marriage acknowledges that a valid marriage existed and then legally terminates it.³⁵ An annulment is often very important for people with strong religious views, especially those who follow religions like Catholicism. A religious annulment, which is different from a legal annulment but is often sought at the same time, lets people get married again in their

³³ Matrimonial Causes Act, s 3

³⁴ Matrimonial Causes Act, s 5

³⁵ MetLife, 'Annulment vs. Dissolution of marriage: Similarities and Differences & Legal Considerations' (19 March 2024) <https://www.metlife.com/stories/legal/annulment-vs-dissolution-of-marriage/> accessed 17 June 2025.



church because the church agrees that the first marriage was not a valid sacrament. In some faith groups, dissolution of marriage is not seen as normal or is seen as a social sin.³⁶

Furthermore, in many jurisdictions, because the marriage is treated as if it never existed, courts aim to restore both parties to their pre-marital financial state. This can simplify property division, as "marital property" (assets acquired during the marriage) may not be subject to the same division rules as in a dissolution of marriage.³⁷ For some individuals, it is preferred to avoid the "dissolution of marriage" label for social reasons. Nullity of marriage can feel like a cleaner break or a correction of a mistake, rather than a failure of a marriage.³⁸

3.0 FACTORS RESPONSIBLE FOR OVER-RELIANCE ON DISSOLUTION OF MARRIAGE SUITS

One major factor driving the increasing reliance on dissolution of marriage is the gradual shift in societal attitudes toward marriage and separation. In many societies, including parts of Nigeria especially urban areas and younger generations dissolution of marriage has become less stigmatized. This evolving mindset gives couples greater freedom to end unhappy relationships without feeling overwhelming social pressure to stay married at all costs. As a result, dissolution of marriage is increasingly seen as a legitimate and accessible solution to marital problems, often reducing the willingness to explore alternative remedies like restitution of conjugal rights, judicial separation, or nullity of marriage.³⁹

However, it's important to recognize that across much of Nigeria, particularly in communities with strong traditional and religious values, reconciliation remains a deeply cherished ideal. Many

³⁶ Archdiocese of Santa Fe, 'Overview: Marriage Annulments' (n.d.) <https://archdiosf.org/overview-marriage-annulments> accessed 17 June 2025.

³⁷ Steffens Financial, 'Financial Implications of Dissolution of marriage vs. Annulment' (25 November 2024) <https://www.steffensfinancial.com/blog/financial-implications-of-dissolution-of-marriage-vs-annulment> accessed 17 June 2025.

³⁸ R Mutiah and M Syarifudin, 'The Social Implication of Stigma on Dissolution of marriagees in Sasak Society' (2024) 6 *Jurnal Partisipatoris* (2) <https://doi.org/10.22219/jp.v6i2.35530> accessed 17 June 2025.

³⁹ Bush & Taylor, P.C., 'Have Perceptions of Dissolution of marriage Changed?' (2023) www.bushtaylor.com accessed 17 June 2025.



families still prioritize preserving the marriage and encouraging couples to work through their difficulties before opting for dissolution of marriage. This cultural emphasis on repair and unity coexists alongside changing attitudes, shaping how Nigerians approach marital challenges in complex and sometimes contrasting ways.⁴⁰

Another important factor is the widespread lack of the awareness of the alternative matrimonial suits. In many communities, couples may not know about or have access to these options, leading them to view dissolution of marriage as the only practical route out of marital difficulties. This lack of awareness and access also means that many couples miss out on opportunities to reconcile or resolve conflicts in less adversarial ways.⁴¹

Furthermore, a dissolution of marriage is viewed as an end to a means, thus it puts an end to marriage permanently, allowing each person to move on with their life without the burden of being married. To be more exact, a dissolution of marriage resolves any and all pending disputes between spouses, save in rare cases where the court reserves certain components to be dealt with at a later date. On the other hand, separation or maintenance orders can be viewed as less decisive, potentially leading to continued conflict.⁴² These are some of the reasons litigants do not pursue other matrimonial suits except from dissolution of marriage.

4.0 RESEARCH FINDINGS

This section presents the findings derived from the qualitative data gathered through a socio-legal study focused on Osun State. The research aimed to critically examine the over-reliance on dissolution of marriage in Nigeria, with specific attention to the underutilisation of other matrimonial reliefs such as judicial separation, restitution of conjugal rights, and nullity of

⁴⁰ Fasuan Emmanuel Olawale, 'Exploring Indigenous Perspectives on Reconciliation: A Case Study of Yoruba Traditional Society in Nigeria' (2023) 9 *Research Journal of Humanities and Cultural Studies* (2) <www.iiardjournals.org> accessed 17 June 2025.

⁴¹ Judicial Separation: An Alternative to Dissolution of marriage [Judicial Separation: An Alternative to Dissolution of marriage](#)

⁴² Sliwinski M, 'Should I get a legal separation or a dissolution of marriage?' (17 April 2025) Sternmendez Blog <https://sternmendez.com/blog/legal-separation-vs-dissolution-of-marriage/> accessed 17 June 2025.



marriage (annulment). The analysis is based on 25 responses obtained through a structured questionnaire administered via Google Forms.

4.1 Demographic Overview of Respondents

The respondents comprised legal practitioners, law students, and members of the public residing in Osun State, particularly in Osogbo and Ile Ife. A significant number were male and within the age bracket of 30 to 75. Notably, a higher percentage of the respondents were lawyers, offering professional insights based on their experience with matrimonial proceedings. This demographic distribution allowed for a broad range of perspectives based on professional, academic, and personal experiences.

Are you a:
23 responses

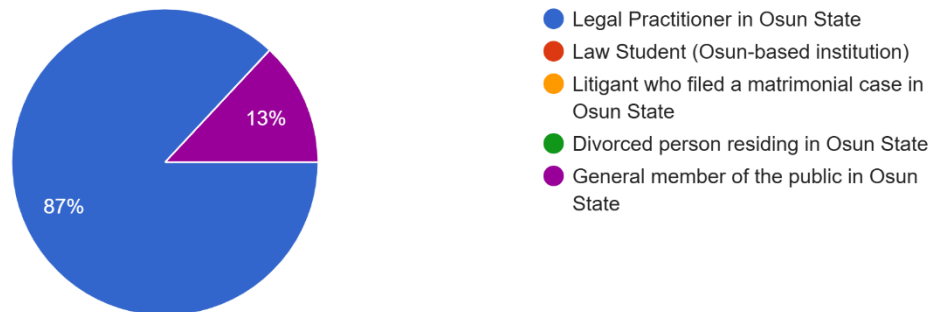


Chart 1: Profession of Respondents- Chart 1 shows that a majority of respondents were legal practitioners, providing professional insight into the use of matrimonial reliefs.

4.2 Awareness of Alternative Matrimonial Reliefs

A majority of the respondents indicated awareness of matrimonial reliefs other than dissolution of marriage, such as judicial separation, restitution of conjugal rights, and nullity of marriage. However, this awareness did not correspond with actual utilisation. Most participants had not



pursued or witnessed the pursuit of these alternatives in practice, suggesting a disconnect between legal knowledge and legal behaviour.

4.3 Predominance of Dissolution of marriage Proceedings

Among respondents who had been involved in or knew someone involved in matrimonial proceedings within Osun State, all confirmed that dissolution of marriage was the relief sought. None reported the use of other remedies. This finding substantiates the central claim of the study: that dissolution of marriage has become the default, if not exclusive, remedy sought under Nigerian family law in Osun State.

If yes, what type of relief was sought?
22 responses

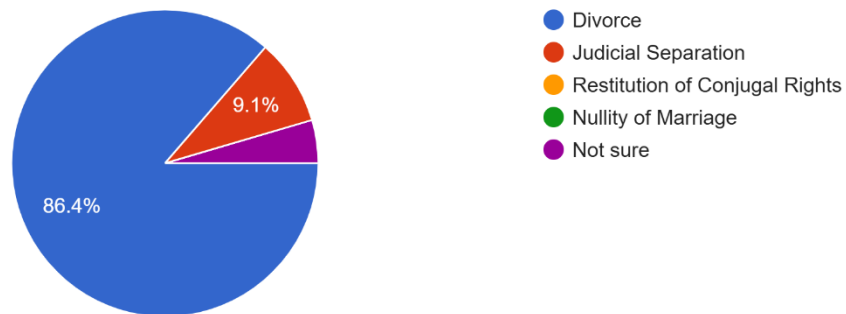


Chart 2: Relief Most Commonly Pursued- This chart illustrates that dissolution of marriage is overwhelmingly the preferred remedy, confirming the trend of underutilisation of alternatives.

4.4 Choice of Osun State as Jurisdiction

Several respondents highlighted reasons for the preference of Osun State High Courts for filing matrimonial cases. These included actual residence in Osun, legal advice directing them there, and a desire to avoid being recognised or stigmatised in their home communities. This jurisdictional



flexibility permitted under Nigerian law has led Osun to become a strategic choice for discreet dissolution of marriage filings.

4.5 Reasons for Preference for Dissolution of marriage

Respondents cited various reasons why dissolution of marriage is preferred over other matrimonial remedies:

- Lack of awareness
- The perception that dissolution of marriage is more straightforward and final
- Limited legal advice on available alternatives
- Legal practitioners in particular noted that other reliefs are rarely recommended to clients, often because dissolution of marriage is seen as more efficient and culturally acceptable once marital breakdown has occurred.

In your opinion, why do most people prefer divorce over other available remedies? (Tick all that apply)

25 responses

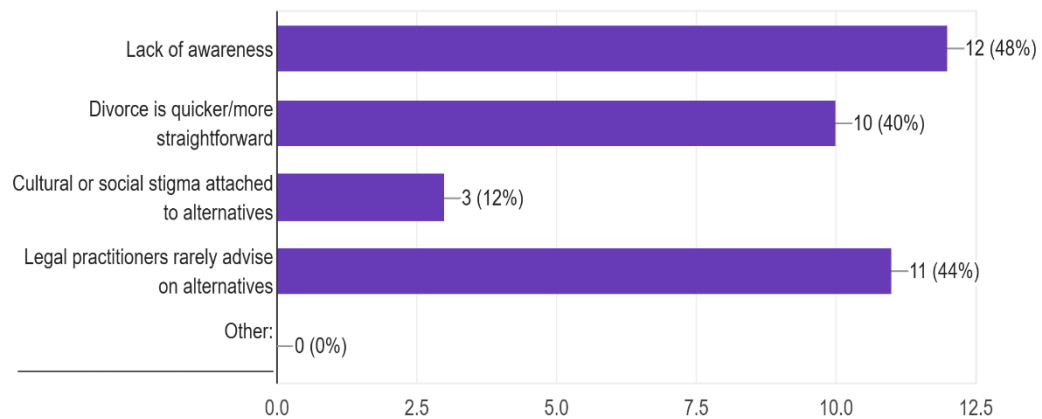


Chart 3: Barriers to Alternative Remedies- Respondents highlighted lack of awareness, cultural assumptions, and inadequate legal guidance as major barriers to exploring other legal remedies.

4.6 Perception of Usefulness of Alternative Remedies



Some participants believed that remedies such as judicial separation or restitution of conjugal rights could provide opportunities for reconciliation or financial resolution. However, these views were not widely held, reflecting broader skepticism about the utility or practicality of non-dissolution of marriage remedies.

4.7 Barriers to Utilisation of Alternative Reliefs. Identified challenges include:

- The assumption that marital conflict must end in dissolution of marriage
- Cultural and familial pressures
- Lack of legal practitioner advocacy for alternatives
- General ignorance or inadvertence concerning these options

These barriers illustrate why the availability of legal remedies does not necessarily ensure their practical application.

4.8 Suggestions for Improvement

To improve awareness and usage of alternative matrimonial reliefs, respondents recommended:

- Public education campaigns
- Inclusion of all remedies in legal advice
- Community sensitization
- Encouraging legal practitioners to offer a full range of options

5.0 CONCLUSION

This study set out to critically examine the over-reliance on dissolution of marriage in Nigerian matrimonial proceedings, using Osun State as a case study to illustrate a broader national trend. The analysis of relevant laws, supported by empirical data, confirms that while alternative reliefs such as judicial separation, nullity of marriage, and restitution of conjugal rights are legally available, they remain grossly underutilised in practice.



Findings from respondents including legal practitioners indicate that most litigants are either unaware of these alternatives or are discouraged from pursuing them. Statements such as *“Most people only know about dissolution of marriage. Other options are not explained in court or by lawyers”* and *“Awareness is key — many do not know judicial separation even exists”* reflect widespread informational and professional gaps. Furthermore, jurisdictional convenience and a desire to avoid community stigma contribute to the clustering of dissolution of marriage cases in states like Osun, even by non-residents.

In conclusion, the problem is not legal inadequacy but a combination of poor public awareness, cultural attitudes, and professional practice norms that reinforce dissolution of marriage as the singular remedy for marital breakdown.

6.0 RECOMMENDATIONS

Based on the findings of this research, it is clear that addressing the over-reliance on dissolution of marriage in Nigeria requires more than legal reforms. It requires changes in public understanding, professional attitudes, and institutional practices. The following recommendations are proposed:

1. **Raise Public Awareness:** Many people simply don't know that there are alternatives to dissolution of marriage. Public campaigns through social media platforms, radio, TV, community forums, and even churches and mosques should be used to inform couples that options like judicial separation, restitution of conjugal rights or annulment exist. These options may give people the time and space they need to reconsider or heal, rather than rush into dissolution of marriage.
2. **Encourage Lawyers to Offer Full Legal Guidance:** Lawyers play a key role in guiding clients. If they only mention dissolution of marriage, then that's all most clients will consider. Legal professionals need to be reminded, through the mandatory continuing legal education (CLE), training and regulation, to present all available legal options to clients in matrimonial matters especially in cases where dissolution of marriage may not be the most suitable solution.



3. **Incorporate Real-Life Family Law into Legal Education:** Law students and young lawyers should be taught not just the theory of matrimonial law, but how to apply it meaningfully in practice. Real-world examples and ethical discussions can encourage a more thoughtful approach to advising clients beyond “just file for dissolution of marriage.”
4. **Foster Community-Based Support Systems:** Sometimes people go to court simply because they don’t know where else to turn. Religious leaders, community elders, and NGOs can serve as early support systems, offering information or directing couples to legal remedies that allow room for reconciliation or dignity in separation.
5. **Promote More Local and National Research and Data Gathering:** Finally, while this study focuses on Osun State, more research is needed across other states to understand if the same patterns hold. Local data helps ensure that legal reforms reflect people’s real experiences, not just what’s written in the law.