

Ukrainian Online Marriages and Their Recognition in neighbouring Poland

I matrimoni online ucraini e il loro riconoscimento nella vicina Polonia

ANNA WYSOCKA-BAR

*Assistant Professor in Private International Law
Jagiellonian University*

SOFIYA KERNYCHNA

*Ph.D. in Private International Law, Lecturer at the Law Faculty
of the Ukrainian Catholic University*

Recibido: 16.01.2026 / Aceptado: 11.02.2026

DOI: 10.20318/cdt.2026.10283

Abstract: The first part of the article analyses the legal regulation of online marriage registration in Ukraine within the context of public service digitalisation and martial law. It examines the development of the Diia-based online marriage registration mechanism and demonstrates that despite procedural digitalisation the legal nature of marriage remains unchanged as it continues to require mandatory State registration. The study highlights the practical advantages of online marriage registration such as increased accessibility, administrative efficiency, transparency, and enhanced security. The second part of the article comments on legal aspects related to the recognition of Ukrainian online marriages in neighbouring Poland. The possibility of transcription of Ukrainian marriage certificate into Polish civil status register is explored in order to find out that public policy clause should not be invoked in this case. Additionally, a theoretical possibility of the recognition through conflict of law rules is explored.

Keywords: online marriage, marriage registration, State registration of civil status, civil status acts, civil registration office, recognition, transcription.

Riassunto: La prima parte dell'articolo analizza la disciplina della registrazione online dei matrimoni in Ucraina nel contesto della digitalizzazione dei servizi pubblici e della legge marziale. Esamina lo sviluppo del meccanismo di registrazione *online* dei matrimoni basato su Diia e dimostra che, nonostante la digitalizzazione procedurale, la natura giuridica del matrimonio rimane invariata in quanto continua a richiedere la registrazione obbligatoria da parte dello Stato. Lo studio evidenzia i vantaggi pratici della registrazione *online* dei matrimoni, quali una maggiore accessibilità, efficienza amministrativa, trasparenza e maggiore sicurezza. La seconda parte dell'articolo commenta gli aspetti giuridici relativi al riconoscimento dei matrimoni *online* ucraini nella vicina Polonia. Viene esaminata la possibilità di trascrizione del certificato di matrimonio ucraino nel registro dello stato civile polacco, al fine di stabilire che in questo caso non dovrebbe essere invocata la clausola di ordine pubblico. Inoltre, viene esaminata la possibilità teorica del riconoscimento attraverso le norme di conflitto di leggi.

Parole chiave: matrimonio *online*, registrazione del matrimonio, registrazione dello stato civile, atti di stato civile, ufficio di stato civile, riconoscimento, trascrizione.

*This article builds upon an online post: Anna Wysocka-Bar, Sofiya Kernychna, *Ukrainian Online Marriages and their Recognition in Poland*, EAPIL Blog of 3 June 2025 available at: <https://eapil.org/2025/06/03/ukrainian-online-marriages-and-their-recognition-in-poland/> (accessed 15 December 2025).

Sumario: I. Introduction. II. State registration of Marriage in Ukraine. III. Digitalisation of Civil Status Registration in Ukraine (including Marriage). IV. Legal Regulation of Online Marriage Registration under Ukrainian Law. V. Use of Ukrainian marriage certificates in Poland. VI. Transcription of foreign marriage certificates in Poland. VII. “Online Marriage” and (Polish) Public Policy. VIII. Polish Private International Law Rules on Form of Marriage. IX. Obstacles which Ukrainians face when marrying in Poland. X. Conclusions.

I. Introduction

1. During the COVID-19 pandemic, the phenomenon known as the so called “Utah Zoom Wedding” saw light¹. In recent years, a similar development has emerged in Ukraine which may be referred to as the “Ukrainian Online Marriage”. This term refers to the procedure for the online State registration of marriage conducted in accordance with Ukrainian family law through the Diia application allowing registration irrespective of the physical location of the future spouses, including situations in which one or both parties are located outside of Ukraine.

Due to obvious reasons, almost one million of Ukrainian citizens reside in the neighbouring Poland under the temporary protection status. Ukrainian citizens, mainly woman and children, account for 78% of all foreigners settling in Poland. Every second Ukrainian citizen registered on the basis of temporary protection is a child, while women account for approximately 77% of such Ukrainian adults.² Because of the above, Polish authorities are faced with Ukrainian marriage certificates on daily basis, lately also these produced as a result of an online marriage.

The aim of this article is to present the development of digitalisation which led to online marriage in Ukraine and legal aspects of the recognition of such marriages in the neighbouring Poland.

II. State registration of Marriage in Ukraine

2. The conclusion of marriage in Ukraine is regulated by the Family Code of Ukraine³ of 10 January 2002. Pursuant to Article 21(1) of the Family Code of Ukraine, which defines marriage, “marriage is a family union of a woman and a man duly registered with a state civil registration office”.

3. This legal concept under Ukrainian law implies that State registration with a civil registration authority constitutes an essential element of marriage. This requirement is constitutional in nature⁴, as it presupposes the mandatory registration of the marital union by the state and its formalisation in a prescribed legal form, which is exclusively civil (secular). State registration is established to ensure the stability of relations between a woman and a man, to protect the rights and interests of spouses and their children, and to safeguard the interests of the State and the society (Article 27(1) of the Family Code of Ukraine). From the moment of State registration of marriage, the mutual rights and obligations of a woman and a man as spouses arise.

4. The procedure for the State registration of marriage is regulated by Chapter 4 of Section II of the Family Code of Ukraine, Article 14 of the Law of Ukraine “On State Registration of Civil Status Acts” of 1

¹ B. ELBALTI, “*The Validity of the Utah Zoom Wedding in Lebanon, or the Question of Locus Celebrationis in the Digital Age*”, available at: <https://conflictoflaws.net/2025/the-validity-of-the-utah-zoom-wedding-in-lebanon-or-the-question-of-locus-celebrationis-in-the-digital-age/>, Conflict of Laws Blog of 21 June 2025 (accessed 15 December 2025).

² See official data at the governmental website of the Office for Foreigners at <https://www.gov.pl/web/udsc/obywatele-ukrainy-w-polsce--aktualne-dane-migracyjne2> (accessed 1 December 2025).

³ Сімейний кодекс України: Закон України від 10 січня 2002 р. [Family Code of Ukraine: Act of 10 January 2002], Відомості Верховної Ради України. 2002. № 21. Ст. 135, available at: <https://zakon.rada.gov.ua/laws/show/2947-14#Text> (accessed 15 December 2025).

⁴ В. І. Борисова, І. В. Жилінкова (ред.), Сімейне право України [Family Law of Ukraine], Київ, 2006, р. 53; М. М. Дяконович, Сімейне право [Family Law], Київ, 2009, р. 61-62.

July 2010⁵, and Chapter 2 of Section III of the “Rules for State Registration of Civil Status Acts in Ukraine”, approved by Order of the Ministry of Justice of Ukraine No. 52/5 of 18 October 2000⁶. These legislative acts establish the legal and organisational framework for the State registration of civil status acts and govern legal relations concerning their registration, amendments to civil status records, their restoration, and annulment, as well as defining the principles governing the activities of civil status registration authorities.

5. The introduction of online marriage registration represents a significant innovation within the system of Ukrainian civil legislation, particularly in the area governing the registration of civil status acts.

III. Digitalisation of Civil Status Registration in Ukraine (including Marriage)

6. The introduction of electronic registration of civil status acts in Ukraine formed part of the State policy aimed at the digitalisation of public services.

7. On 27 September 2019, the Minister of Digital Transformation of Ukraine introduced Diia, the “state in a smartphone” initiative. Diia – an acronym derived from the Ukrainian phrase meaning “State and I” functions as a State mobile application, web portal, and overarching digital State platform developed by the Ministry of Digital Transformation of Ukraine under the initiative of President Volodymyr Zelenskyy. On 4 December 2019, the Cabinet of Ministers of Ukraine adopted the resolution “Issues of the Unified State Web Portal of Electronic Services” (hereinafter referred to as the ‘Diia Portal’) and the “Unified State Portal of Administrative Services”, regulating the operation of the Diia Portal establishing it as the unified State platform for electronic and administrative services. On 16 December 2019, a beta version of the Diia mobile application (hereinafter referred to as the Diia) was launched, providing access to a digital driver’s licence and vehicle registration certificate via smartphone with authentication via BankID through Privat24 or Monobank and law enforcement verification through QR code. During six weeks of beta testing, the Ministry of Digital Transformation of Ukraine received applications from 58,000 drivers, of whom 32,500 participated in the public beta test. On 6 February 2020, the official presentation of the Diia application took place with the participation of the senior State leadership. By 2024, the number of Diia users exceeded 21 million Ukrainian citizens.

8. Following the launch of the Diia Portal in 2019, procedures for the State registration of civil status acts were gradually transferred to electronic form. The first comprehensive service in this domain was the “eBaby” service (2020), which enabled online registration of childbirth. In 2021, the portal introduced the possibility of submitting applications for State marriage registration using a qualified electronic signature. Between 2022-2024, the digital services were further expanded to include the provision of electronic extracts and electronic access to data from the State Register of Civil Status Acts.

9. The events of 24 February 2022, when the armed forces of the Russian federation launched a full-scale invasion of Ukraine and martial law was declared, had a profound impact on family relations in Ukraine, particularly on the procedures for the conclusion and the registration of marriages. As a result of the full-scale invasion, a considerable number of men and women joined the Armed Forces of Ukraine and became directly involved in military operations.

⁵ Закон України від 1 липня 2010 р. № 2398-VI «Про державну реєстрацію актів цивільного стану» [Act of 1 July 2010 No. 2398-VI “On State Registration of Civil Status Acts”], Відомості Верховної Ради України (ВВР), 2010, № 38, Ст. 509, available at: <https://zakon.rada.gov.ua/laws/show/2398-17#Text> (accessed 15 December 2025).

⁶ Наказ Міністерства Юстиції України «Про затвердження Правил державної реєстрації актів цивільного стану в Україні» від 18 жовтня 2000 р. № 52/5 [Order of the Ministry of Justice of Ukraine “On approval of the Rules for State Registration of Civil Status Acts in Ukraine” of 18 October 2000 No. 52/5], available at: <https://zakon.rada.gov.ua/laws/show/z0719-00#Text> (accessed 15 December 2025).

10. On 7 March 2022, the Government of Ukraine adopted Resolution No. 213 “Some Issues of State Registration of Marriage under Martial Law”⁷, which established a special procedure for the conclusion of marriage by military personnel and certain other categories of individuals during martial law. Specifically, when one of the fiancés was a member of the Armed Forces of Ukraine, the Security Service of Ukraine, the Foreign Intelligence Service, the State Border Guard Service, the State Protection Department, the National Guard, other military formations established in accordance with Ukrainian law (hereinafter referred to as “military personnel”), a police officer, a person holding a rank in the civil protection service, the State Bureau of Investigation, the State Criminal Executive Service, the National Anti-Corruption Bureau, the Bureau of Economic Security, or an employee of a healthcare institution, State registration of marriage could be conducted by civil status registration authorities without the personal presence of such fiancé. In such cases, the application for marriage, which simultaneously confirmed consent to enter into marriage, was submitted to the direct commander (or supervisor), who certified the authenticity of the signature and ensured its transmission to the civil registry office where the other fiancé had applied in person.

11. The distinctive features of the procedure introduced by Resolution No. 213 were as follows: (1) the application for marriage registration could be submitted through the commander, who certified the servicemember’s signature and forwarded the application to the relevant civil registry office; and (2) the marriage could be registered outside the premises of the civil registry office, in which case the marriage certificate was issued by the servicemember’s commander.

12. On 30 October 2024, Resolution of the Cabinet of Ministers of Ukraine No. 213 of 7 March 2022 ceased to be in force pursuant to Resolution of the Cabinet of Ministers of Ukraine No. 1226 of 25 October 2024, due to the introduction of online marriage registration.

IV. Legal Regulation of Online Marriage Registration under Ukrainian Law

13. The legal basis for submitting applications for marriage registration in electronic form was initially established by Order of the Ministry of Justice of Ukraine No. 1187/5 of 9 July 2015⁸, which introduced a pilot procedure for processing applications via the Internet. This framework enabled the submission of documents online and the receipt of services through the so-called “Digital Offices of the State Civil Registry Office”. However, this regulation addressed the digitalisation of administrative processes rather than the online conclusion of marriage itself.

14. In the context of martial law and as part of the broader digitalisation agenda in Ukraine, a further innovation emerged, enabling prospective spouses to apply for marriage online through the State portal Diia. Since 27 February 2023, applicants have been able to submit marriage registration applications via this portal.

15. Initially, the online procedure allowed couples only to submit an application for marriage registration via the Diia portal. The application process took approximately ten minutes, replacing the traditional requirements to visit the civil registry office, submit paper documents, interact with a registrar, and complete related administrative formalities. However, the marriage itself could not yet be

⁷ Постанова Кабінету Міністрів України від 7 березня 2022 р. № 213 «Деякі питання державної реєстрації шлюбу в умовах воєнного стану» [Resolution of the Cabinet of Ministers of Ukraine of 7 March 2022 No. 213 “Some Issues of State Registration of Marriage under Martial Law”], available at: <https://zakon.rada.gov.ua/laws/show/213-2022-%D0%BF#Text> (accessed 15 December 2025).

⁸ Наказ Міністерства юстиції України від 9 липня 2015 р. № 1187/5 «Про Порядок розгляду відділами державної реєстрації актів цивільного стану – учасниками пілотного проекту заяв у сфері державної реєстрації актів цивільного стану, поданих через мережу Інтернет» [Order of the Ministry of Justice of Ukraine of 9 July 2015 No. 1187/5 “On the Procedure for Processing Applications for State Registration of Civil Status Acts Submitted the Internet by Civil Registration Offices - Participants of the Pilot Project”], available at: <https://zakon.rada.gov.ua/laws/show/z0813-15/sp:dark#Text> (accessed 15 December 2025).

concluded online: State registration and issuance of the marriage certificate still took place exclusively at the civil registry office.

16. On 29 March 2024, the Government of Ukraine adopted Resolution No. 345, approving the “Procedure for the Implementation of the Experimental Project for the State Registration of Marriage in Electronic Form”⁹. This act allowed Ukrainian citizens to register marriages online using the Diia mobile application. On 22 June 2024, Ukraine launched the world’s first fully operational online marriage registration service via the Diia application, making a new stage in the development of civil status registration. This initiative aimed to advance the digitalisation of public services and to simplify administrative procedures for couples seeking to officially register their marriages.

17. To ensure the functioning of this service, the Central Interregional Department of the Ministry of Justice of Ukraine (Kyiv) established the Digital Office of State Registration of Civil Status Acts¹⁰ (Digital Office of the Civil Registry Office), which processes marriage applications submitted through the Diia portal. This solution is particularly valuable for couples who, due to objective circumstances, cannot be physically present together, as well as for those seeking minimal direct interaction with public authorities.

18. On 22 June 2024, three couples registered their marriage online in Ukraine. This initiative set a new benchmark in the digitalisation of public services establishing a model for other States considering the implementation of online civil status registration. The service is being developed by the Ministry of Justice of Ukraine in cooperation with the Ministry of Digital Transformation of Ukraine, the State Enterprise National Information Systems, the Digital Office of the Civil Registry Office, the State Migration Service of Ukraine, and Ukrposhta (Ukrainian Post Office), with the support of the Swiss-Ukrainian EGAP Programme implemented by the Eastern Europe Foundation and with technical assistance from Cisco, which provided Cisco Webex videoconferencing solutions pursuant to a memorandum signed with the Ministry of Digital Transformation of Ukraine.

19. In September 2024, the Marriage Online via Diia was significantly enhanced. The entire process of marriage registration – from the submission of the application to the conclusion of the marriage – can now be completed entirely within the application¹¹. The application process takes approximately ten minutes, the service is provided within one business day, and the cost ranges from UAH 0.85 to UAH 1663.85 (less than EUR 1 to EUR 33), depending on the selected services and the chosen date of marriage registration¹².

20. Pursuant to the above-mentioned procedure, the Diia portal now allows applicants to submit marriage registration application online with the option to select the place, time, format, and ceremonial hall online.

21. According to the “Procedure for the Implementation of the Experimental Project for the State Registration of Marriage in Electronic Form”¹³ (hereinafter referred to as the Procedure), the State

⁹ Постанова Кабінету Міністрів України від 29 березня 2024 р. № 345 «Про реалізацію експериментального проекту щодо проведення державної реєстрації шлюбу в електронній формі» [Resolution of the Cabinet of Ministers of Ukraine of 29 March 2024 No. 345 “On the Implementation of the Experimental Project for the State Registration of Marriage in Electronic Form”], available at: <https://zakon.rada.gov.ua/laws/show/345-2024-%D0%BF#Text> (accessed 15 December 2025).

¹⁰ Цифровий офіс ДРАЦС [Digital Office of State Registration of Civil Status Acts], available at: <https://centraljust.gov.ua/news/info/tsifroviy-ofis-drats> (accessed 15 December 2025).

¹¹ Перший у світі онлайн-шлюб через Дію: українці відтепер можуть одружитися по відеозв’язку [World’s first Marriage Online via Diia: Ukrainians can now get married via videoconference], available at: <https://diia.gov.ua/news/pershij-u-sviti-onlajn-shlyub-cherez-diyu-ukrayinci-vidteper-mozhut-odruzhitisya-po-videozvyazku> (accessed 15 December 2025).

¹² Подання заяви про реєстрацію шлюбу у відділі державної реєстрації актів цивільного стану (ДРАЦС) онлайн [Submission of an application for registration of marriage at the State Registration of Civil Status Acts Office online], available at: <https://diia.gov.ua/services/zayava-na-shlyub> (accessed 15 December 2025).

¹³ Постанова Кабінету Міністрів України від 29 березня 2024 р. № 345 «Про реалізацію експериментального проекту

registration of marriage in electronic form – implemented as the “Marriage Online“ service – includes the State registration of marriage, the organisation and conduct of an individual marriage ceremony in electronic form, as well as the delivery and the issuance of the marriage certificate¹⁴. The service is offered via the Diia Portal, including through its mobile application Diia.

22. Pursuant to paragraph 3 of the Procedure, in order to register a marriage in electronic form, applicants must install Diia on a compatible electronic device, select the relevant service, and undergo electronic identification and authentication using an integrated electronic identification system, a qualified electronic signature, an advanced electronic signature based on a qualified electronic signature certificate, and/or other legally permitted means of electronic identification. Applicants must then create an application for state registration of marriage in electronic form (hereinafter referred to as the application) through Diia in a format that allows its content to be properly perceived. The application must contain all information required by legislation governing the state registration of civil status acts.

23. At the request of an applicant, and prior to the submission of the application, one of the prospective spouses may send a proposal for the State registration of marriage in electronic form (hereinafter referred to as the proposal) to the other applicant via Diia. In accordance with paragraph 4 of the Procedure, the proposal is generated through Diia in a format suitable for perceiving its content and includes an offer to conclude a marriage in electronic form, as well as information concerning the applicant’s surname, given name, and patronymic (if any). The Procedure stipulates a period of 14 calendar days from the date of receipt of the proposal for its acceptance by the other applicant. Upon confirmation of the proposal by the second applicant via Diia, the applicants are invited to submit the application. In the event of non-confirmation or refusal of the proposal, the applicant who initiated it receives a notification via Diia.

24. Paragraph 5 of the Procedure stipulates that information for the application is entered by the applicants sequentially through Diia, including by obtaining or confirming data necessary for its formation. Such information must be entered no later than 48 hours after selecting the date and time of the State registration of marriage in electronic form.

25. Pursuant to paragraph 6 of the Procedure, the date and time of the State registration of marriage in electronic form are proposed through Diia and selected by the applicant who initiates the application. These details are deemed confirmed upon the entry of personal information by the second applicant. The date of marriage registration may not be scheduled earlier than five calendar days from the date in which it is selected.

26. In accordance with paragraph 9 of the Procedure, once the application is signed by the applicants using remote qualified electronic signatures (“Diia.Signature” / “Diia ID”), it is locked for editing and submitted, together with electronic copies of the applicants’ passports, for verification by an employee of the civil status registration authority. On the basis of the verification of the information specified in the application and the data contained in the State Register of Civil Status Acts of Citizens regarding the marital status of the applicants, an employee of the civil status registration authority, on the next working day after receipt of the application but no later than 12 hours prior to the date and time of the State registration of marriage in electronic form selected by the applicants, either confirms the

щодо проведення державної реєстрації шлюбу в електронній формі» [Resolution of the Cabinet of Ministers of Ukraine of 29 March 2024 No. 345 “On the Implementation of the Experimental Project for the State Registration of Marriage in Electronic Form”], available at: <https://zakon.rada.gov.ua/laws/show/345-2024-%D0%BF#Text> (accessed 15 December 2025).

¹⁴ Постанова Кабінету Міністрів України від 29 березня 2024 р. № 345 «Про реалізацію експериментального проекту щодо проведення державної реєстрації шлюбу в електронній формі» [Resolution of the Cabinet of Ministers of Ukraine of 29 March 2024 No. 345 “On the Implementation of the Experimental Project for the State Registration of Marriage in Electronic Form”], available at: <https://zakon.rada.gov.ua/laws/show/345-2024-%D0%BF#Text> (accessed 15 December 2025).

date and time of the State registration of marriage in electronic form or refuses such registration on the grounds provided by law (paragraph 10 of the Procedure).

27. According to Article 21(1) of the Law of Ukraine “On State Registration of Civil Status Acts”, State registration of a civil status act may be refused where such registration contradicts the requirements of Ukrainian legislation; where registration must be carried out by another competent civil status registration authority; or where the application is submitted by a person lacking legal capacity or the necessary authority. These grounds apply equally to marriages registered through traditional procedures and to those concluded under the “Marriage Online” service via Diia.

28. In the context of online marriage registration, substantive (material) grounds for refusal are assessed by the civil status registration authority on the basis of information provided in the electronic application and data obtained from the State Register of Civil Status Acts and other State registers. Such grounds include, inter alia:

- (a) a fictitious marriage, where there are reasonable grounds to believe that the marriage is not intended to create a family but to achieve other purposes, such as obtaining citizenship or residential property (Article 40 of the Family Code of Ukraine);
- (b) underage marriage, where one or both prospective spouses are under 18 years of age, except in cases where a court has authorised a reduction of the marriageable age (Article 22 of the Family Code of Ukraine);
- (c) the existence of another registered marriage of one of the applicants (Article 25 of the Family Code of Ukraine);
- (d) marriage between close relatives, including full siblings, grandparents and grandchildren, or parents and children (Article 26 of the Family Code of Ukraine);
- (e) concealment of circumstances of essential significance for the other spouse, such as a serious illness, the existence of children, or a criminal record, where such concealment results in the refusal of marriage by the other person (Article 41 of the Family Code of Ukraine);
- (f) lack of free consent or duress, where one of the applicants does not freely express consent to the marriage (Article 24 of the Family Code of Ukraine).

29. Procedural grounds for refusal are of relevance in the context of online marriage registration. These include the absence or improper execution of electronic documents, submission of an incomplete or inconsistent set of data, discrepancies between the information provided in the electronic application and data contained in State registers, failure to complete electronic identification or authentication, invalid or improperly applied qualified electronic signatures, failure to meet statutory time limits for submission or confirmation of the application, and non-compliance with the procedural stages prescribed by the Procedure. Such procedural safeguards ensure the legal validity of online marriage registration and preserve the integrity of State control over civil status acts.

30. Applicants may cancel the State registration of marriage in electronic form at any time prior to its completion via Diia (paragraph 13 of the Procedure).

31. Paragraph 14 of the Procedure provides that the State registration of marriage in electronic form, together with the individual marriage ceremony, is conducted through the Diia Portal by means of a real-time videoconference involving the applicants and an employee of the civil registry office. Other persons may observe the ceremony provided they have been given connection details by the applicants. The videoconference is conducted using Diia Portal tools and is subject to electronic identification and authentication of the applicants through remote qualified electronic signatures (“Diia Signature” / “Diia ID”).

32. Prior to the videoconference, the applicants' passport data are verified through the Diia Portal to ensure consistency with the information provided in the application. In the event of discrepancies, the state registration of marriage is cancelled by the civil registry employee.

33. Pursuant to paragraph 16 of the Procedure, during the videoconference the civil registry employee conducts the State registration of marriage in electronic form without requiring the applicants to confirm identity or age verification documents, or documents confirming the termination of a previous marriage, where applicable. Using data from the State Register of Civil Status Acts, the employee prepares an electronic marriage record.

34. During the videoconference, the free consent of the applicants is verified, and the applicants confirm their consent by signing the electronic marriage record using remote qualified electronic signatures ("Diia.Signature" / "Diia ID"). The electronic marriage record is subsequently signed by the civil registry employee using a qualified electronic signature.

35. Finally, paragraph 17 of the Procedure provides that, on the basis of the information entered into the State Register of Civil Status Acts, each spouse receives an electronic display of the marriage record via Diia within 24 hours following the videoconference. Pursuant to paragraph 18 of the Procedure, the civil registry office ensures the delivery and handing over of the marriage certificate to each spouse via Ukrposhta (Ukrainian Post Office).

36. In 2024, more than 22,000 Ukrainian couples used this service, and following its full implementation, the entire marriage registration process became fully digitised. In the first eleven months of 2025, 24,261 couples registered their marriage online.

37. The legal framework applies exclusively to the conclusion of marriage by citizens of Ukraine and does not establish territorial restrictions, which means that each of future spouses may be present in any State in the world while contracting marriage. The Digital Office of the Civil Registry Office of the Central Interregional Department of the Ministry of Justice (Kyiv) is listed on the marriage certificate as the authority responsible for conducting the online registration.

38. At the same time, digitalisation has not changed the legal nature of civil status acts. They remain subject to mandatory State registration, which reinforces their constitutional and legal significance.

V. Use of Ukrainian marriage certificates in Poland

39. In case a Ukrainian citizen resides in Poland, this person might need, for many different reasons (for instance, social security), to have their marriage certificate produce legal effects, and therefore their marriage recognized, in Poland.

40. Article 1138 first sentence of the Polish Code of Civil Procedure¹⁵ provides that foreign official documents have the same evidentiary value as Polish official documents. In accordance with settled case law¹⁶ and legal literature¹⁷, the above provision applies to foreign civil status certificates, including foreign marriage certificates, and provides that they do have equal value in Poland to "local" civil status certificates drawn up by Heads of Civil Status Registration Office (*Kierownik Urzędu Stanu Cywilnego*)

¹⁵ Ustawa z 17 listopada 1964 r Kodeks postępowania cywilnego [Act of 17 November 1964 – Code of Civil Procedure], Dz.U. 2024, poz. 1568 available at: <https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=wdu19640430296> (accessed 15 December 2025).

¹⁶ See for instance Uchwała Sądu Najwyższego z 20 listopada 2012 r., sygnatura: III CZP 58/12 [Resolution of the Supreme Court of 20 November 2012, signature: III CZP 58/12].

¹⁷ M. WOJEWODA, "Kolizyjnoprawne aspekty rejestracji stanu cywilnego" in M. PAZDAN (ed.), *System Prawa Prywatnego. Tom 20c. Prawo prywatne międzynarodowe*, Warszawa, CH Beck, 2015, p. 604.

in Poland. These foreign official documents are exempted from the requirement of legalisation (Article 1138 second sentence Code of Civil Procedure *a contrario*). In order to make use of a foreign official document, such document must be supplemented with translation into Polish language.

41. Additionally, Poland and Ukraine are bound by a bilateral agreement, which regulates judicial cooperation in civil matters.¹⁸ Article 15(1) Poland-Ukraine Bilateral Agreement provides that documents, with an official seal and the signature of an authorised person, drawn up by a competent authority of one State are valid in the territory of the other State without the need for legalisation. Documents which are treated as official documents in one State are considered as such in the territory of the other (Article 15(2) Poland-Ukraine Bilateral Agreement).

42. Given the above, theoretically Ukrainian citizens who reside in Poland can use their Ukrainian marriage certificates to prove their status as a married person also in Poland. However, as noted in the Opinion of Advocate General de la Tour to the recent *Cupriak-Trojan* case decided by the Court of Justice of the European Union¹⁹ (concerning the transcription of a German marriage certificate in the context of same-sex marriage) the commented rules on the use of foreign civil status certificates in Poland “are not, in practice, applied by competent authorities”.²⁰ Competent authorities, for different reasons (for example, doubts as to authenticity of a given document) require a presentation of a Polish civil status certificate.

VI. Transcription of foreign marriage certificates in Poland

43. For the above explained reasons, one may say (as AG de la Tour did in his Opinion in *Cupriak-Trojan* case²¹) that – in practice - the recognition of foreign marriages in Poland is done through the procedure of transcription of a foreign marriage certificate into Polish civil status registration system.

44. In accordance with Article 104(1) Law on Civil Status Records²², a foreign civil status document, constituting proof of an event and of its registration, may be entered in the civil register by way of transcription. Transcription consists in a faithful and literal transfer of the content of the foreign civil status document, both in linguistic and in formal terms, without any change in the spelling of the first names and surnames of the persons designated on the foreign civil status document (Article 104(2)). Transcription is “a material and technical action” (Article 105(1)). The information that the civil status document was created by means of transcription is included in an entry made in the civil status record (Article 105(1) *in fine*).

45. As underlined in Polish case law (and repeated also by the CJEU in *Cupriak-Trojan*²³), transcription generates a new Polish civil status record which becomes “detached” from the original (foreign) record. The legal effect of the transcription of a foreign marriage certificate is the creation of a new Polish marriage certificate, which has the same probative value as a marriage certificate initially drawn up in Poland²⁴.

¹⁸ Umowa między Rzeczpospolitą Polską a Ukrainą o pomocy prawnej i stosunkach prawnych w sprawach cywilnych i karnych sporządzona w Kijowie dnia 24 maja 1993 r. [Agreement between the Republic of Poland and Ukraine on Legal Assistance and Legal Relations in Civil and Criminal Matters, drawn up in Kiev on May 24, 1993], Dz. U. z 1994 r., nr 96, poz. 465. Available in Polish at: <https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU19940960465> (accessed 15 December 2025).

¹⁹ CJEU 25 November 2025, *Cupriak-Trojan*, C-713/23.

²⁰ AG de la Tour Opinion 3 April 2025, *Cupriak-Trojan*, C-713/23, para. 44.

²¹ AG de la Tour Opinion *Cupriak-Trojan*, cit., paras. 44, 60.

²² Ustawa z dnia 28 listopada 2014 r. Prawo o aktach stanu cywilnego [Act of 28 November 2014 on Civil Status Records], Dz. U. 2025, poz. 594. Available at <https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20140001741/U/D20141741Lj.pdf> (accessed 15 December 2025).

²³ CJEU *Cupriak-Trojan*, cit., para. 28.

²⁴ For example: uchwała Sądu Najwyższego z 20 listopada 2012, sygnatura: III CZP 58/12 [Resolution of the Supreme Court of 20 November 2012, signature: III CZP 58/12].

46. Pursuant to Article 107 Law on Civil Status Records, there are some grounds based on which the competent authority – the Head of the Civil Registry Office – refuses transcription. One of the reasons, pursuant to Article 107(3), is when transcription would be contrary to the fundamental principles of the legal order of the Republic of Poland (public policy clause).

47. As marriage certificates of Ukrainian citizens are transcribed into Polish civil status records on daily basis, the question arises whether a marriage certificate drawn up as a result of online marriage through the Diia application by future spouses, who may be present at the moment of the conclusion of marriage outside of Ukraine, can be treated the same way as ‘traditional’ Ukrainian marriage certificate.

48. Being aware of the innovations in Ukraine, the Polish Ministry of Internal Affairs – a Ministry responsible for civil status registration in Poland - issued an official letter of 15 May 2025 (number: DSO-WSC.6001.43.2024) addressed to Heads of Civil Status Registration Offices concerning the potential transcription of Ukrainian marriage certificates relating to online marriages by Ukrainian citizens.

49. In the letter, the Ministry of Internal Affairs informs that if a foreign law provides for the possibility to celebrate a marriage remotely (online) and an appropriate certificate was drawn up by a competent, foreign authority, in accordance with the local law, then transcription might be possible in accordance with the provisions of the Law on Civil Status Records.

50. In its letter, the Ministry of Internal Affairs contemplates two scenarios: (1) when the foreign marriage certificate does not indicate that the marriage was celebrated at a distance; and (2) when the foreign marriage certificate does reveal that the marriage was concluded “electronically”. In the first scenario, in view of the Ministry of Internal Affairs, this aspect (celebration at a distance) should not be further examined, and therefore, transcription should be carried out provided that all the remaining requirements are met. In the second scenario, in view of the Ministry of Internal Affairs, the discretion of *Kierownik Urzędu Stanu Cywilnego* is limited to the examination allowed by the Law on Civil Status Records. Potential refusal of transcription may take place only based on the grounds exclusively enumerated in Article 107, which include, in addition to the formal requirements relating to the foreign document itself, a public policy clause.

51. Here it should be mentioned that the marriage certificate documenting an “online marriage” is drawn up on the same form as the “traditional” one. The only aspect, which would allow the Head of Civil Status Registration Office in Poland to know that the Ukrainian marriage was contracted at distance (and not in presence of the future spouses in the Ukrainian civil status registration office) is the information indicating “the place of registration” and “the civil status registration office which drawn up the certificate”. In case of a “traditional” certificate these boxes indicate the name of one of local civil status registration offices in Ukraine, whereas in case of a certificate following “online marriage” the same boxes indicate: “*Digital Office of the Civil Registry Office of the Central Interregional Department of the Ministry of Justice (Kyiv)*”. Hence, it seems that the marriage certificate does reveal the information that the marriage is contracted at a distance.

VII. “Online Marriage” and (Polish) Public Policy

52. To assess whether the transcription of a certificate documenting marriage contracted online might be perceived as contrary to public policy in Poland and therefore might result in refusal of transcription in Poland, the Ministry of Internal Affairs consulted the Ministry of Justice, the Department of International Cooperation and Human Rights. In its opinion (annexed to the mentioned above letter of the Ministry of Internal Affairs) the Ministry of Justice reminded that the use of public policy clause against transcription of foreign marriage certificates was lately subject to voluminous case law of ad-

ministrative courts, which together with Heads of Civil Status Registration Offices, were faced with marriage certificates of same-sex couples.

53. Then, the Ministry of Justice asks itself a question whether contracting marriage by the future spouses using modern distance communication technologies constitutes a violation of any fundamental principle of the Polish legal order or whether it should rather be considered “another manifestation of the rapid e-development of social relations, falling within the standards of the rule of law”.

54. The Ministry of Justice rightly indicates that family law in Poland foresees that sometimes a declaration of a future spouse can be made by a representative, and therefore, without the simultaneous physical presence of both future spouses in the same place. Indeed, pursuant to Article 6 § 1 Polish Family and Guardianship Code²⁵ provides that – for “important reasons” - the court may allow the declaration of marriage to be made by a representative.

55. In its resolution²⁶, the Polish Supreme Court (*Sąd Najwyższy*) explained that “important reasons” encompass “only those circumstances which - in the light of the principles of social coexistence - justify a waiver of the obligation for the future spouses to appear simultaneously before the civil status registrar” and that “no predetermined situation of a person applying for the permission (...), in particular the fact that they reside abroad and the associated difficulties in coming to Poland, can in itself be considered an important reason”. Lately, in Polish legal literature it was suggested that COVID pandemic and resulting close of borders to air traffic with no possibility of arriving to Poland on the agreed date could constitute “important reasons” within the meaning of Article 6, if the date of the marriage could not be postponed, for instance due to the health problems of one of the future spouses²⁷. Hence, as the opinion notes rightly, the legal system recognizes that various practical difficulties may prevent future spouses from physically appearing at the same time in the same place.

56. Then, the opinion reminded that the introduction of online marriage is “undoubtedly a sign of the times”. Also, the state of Polish law fully confirms such conclusion. The COVID pandemic has contributed to the rapid development of the digital society in Poland. Trends in national and international law indicate a move towards e-justice (for example, online court hearings, while the adjudicating panel, participants and witnesses are physically located in different places become reality). Even though in Poland there are no online marriages, the Ministry of Justice does not see any arguments supporting the refusal of transcription of contemplated Ukrainian marriage certificates based on public policy clause.

57. Even though, as the Ministry of Justice emphasized, the opinion is not binding on Heads of Civil Status Registration Offices or administrative courts, it provides a number of sensible arguments in favour of transcription of certificates documenting “online” marriages.

VIII. Polish Private International Law Rules on Form of Marriage

58. As underlined in legal literature, during the process of “transcription” the Head of Civil Status Registration Office does not apply conflict of law rules²⁸. Only (Polish) procedural rules provided for in the Law on Civil Status Records are applied. Hence, for the purpose of “transcription” it is irrele-

²⁵ Ustawa z dnia 25 lutego 1964 r. - Kodeks rodzinny i opiekuńczy, Dz.U. z 2023, poz. 2809 z available at: <https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=wdu19640090059> (accessed 15 December 2025).

²⁶ Uchwała Sądu Najwyższego z 8 czerwca 1970 r., sygnatura: III CZP 27/70 [Resolution of the Supreme Court of Poland of 8 June 1970, III CZP 27/70].

²⁷ M. OLCZYK, “Artykuł 6. Zawarcie małżeństwa przez pełnomocnika” in M. FRAS/M. HABDAS (eds.), *Kodeks rodzinny i opiekuńczy. Komentarz*, Warszawa, Wolters Kluwer, 2025, p. 57.

²⁸ M. WOJEWODA, *op. cit.*, p. 596.

vant which law would be applicable to the form of marriage celebration if the same marriage was to be verified through the lens of Polish private international law rules.

59. Even though Polish conflict of law rules are irrelevant, it is interesting to see what the outcome of their application would be if the concept of recognition by private international law rules²⁹ would be admissible. As mentioned, Poland and Ukraine are bound by a bilateral agreement which contains conflict of law rules for family matters. Pursuant to Article 24(1) Poland-Ukraine Bilateral Agreement, the form of conclusion of marriage is governed by “the law of the Contracting Party in whose territory the marriage is contracted”.

60. ‘Form’ within the meaning of Article 24(1) Poland-Ukraine Bilateral Agreement covers, among others, the question of the presence of future spouses and their witnesses in a given place and in a given time³⁰. Hence, the question of whether the marriage can be concluded online is governed by the law of the State “in whose territory the marriage is contracted”.

61. When it comes to domestic conflict of law rules, in accordance with Article 49(1) 2011 Private International Law Act, the form of marriage is governed by the law of the country in which it is contracted. However, pursuant to Article 49(2) 2011 Private International Law Act, if the marriage is contracted outside of Poland, it is sufficient to comply with the form required by the national law of both spouses or by law of the place of their common domicile or common habitual residence at the time of the marriage.

62. As both Poland-Ukraine Bilateral Agreement and 2011 Private International Law Act, use the connecting factor of the place where the marriage is contracted, the question arises - where is online marriage contracted? Some possible answers are conceivable.

63. The online marriage may be perceived to be contracted in Ukraine, as Ukraine law provides for such form and Ukraine provides for the ‘infrastructure’ allowing for such marriage, the online marriage is available for Ukrainian nationals only, and State authority before which the marriage is concluded is located in Ukraine³¹ and confirms the conclusion of marriage with a Ukrainian marriage certificate. In such case – pursuant to Article 24(1) Poland-Ukraine Bilateral Agreement - the form would be governed by Ukrainian law.

64. Another conceivable (but less convincing) approach might be that the focus is put not on where the authority is located, but where the future spouses themselves are present while contracting marriage³². Indeed it was proposed in the Polish legal literature - in the context of marriage concluded *in absentia* (but not online) - that the marriage is contracted in the place where the second declaration reaches the future spouse who made the first declaration³³.

65. Depending on the circumstances, for instance if both future spouses or one of them are present in Poland during the online ceremony - in case this second approach is applied - the marriage may

²⁹ See S. GÖSSL, “Gender, identity and private international law”, in J. CARRUTHERS/B. LINDSAY (eds.), *Research Handbook on International Family Law*, Cheltenham, Edward Elgar, 2024, p. 79: “The receiving authority reviews the establishing of the status by following its own conflict of laws rule (*lex fori*). If the requirements of the domestic law designated by those choice of law rules of the *lex fori* are fulfilled and lead to the same result as the status in question, the status will be ‘recognised’ or accepted.”

³⁰ M. PILICH/J. TURLUKOWSKI, *Polsko-Ukraińska umowa o pomocy prawnej i stosunkach prawnych w sprawach cywilnych i karnych. Komentarz do przepisów o sprawach cywilnych*, Warszawa, Wolters Kluwer, 2023, p. 94.

³¹ See S. GÖSSL, *Trending Topics in German PIL 2024 (Part 2 – Online Marriages, Gender Afiliation and Name Law)*, Conflict of Laws Blog of 24 March 2025 available at <https://conflictflaws.net/2025/trending-topics-in-german-pil-2024-part-2-online-marriages-gender-afiliation-name-law/> (accessed 15 December 2025).

³² See S. GÖSSL, *Trending Topics*, cit.

³³ W. POPIOLEK, “Rozdział XVI. Zawarcie małżeństwa” in M. PAZDAN (ed.), *op. cit.*, p. 63.

be perceived to be contracted in Poland. In such case, pursuant to Article 24(1) Poland-Ukraine Bilateral Agreement, if the form is governed by Polish law, the marriage would be contracted in a form inadmissible under Polish substantive family law.

66. If during the celebration of marriage the future spouses or one of them are present somewhere else, outside of Ukraine and outside of Poland – again in case the second approach is applied -then the situation “falls out” of the scope of the Poland-Ukraine Bilateral Agreement, and conflict of law rule of 2011 Polish Private International Law Act applies. In such case, pursuant to Article 49(2) 2011 Private International Law Act, the form is governed by the law of common nationality of the spouses, namely Ukrainian law.

67. Hence, if the first approach is applied, namely the marriage is perceived as concluded in Ukraine (the place of location of the state authority), Ukrainian law governs the form. As the public policy clause should not be used against the application of Ukrainian law – as explained above – the marriage would be valid in Poland. If the second approach is applied, namely the marriage is perceived as concluded in a State where both or one of future spouses is present during the ceremony and additionally, this place happens to be in Poland, Polish law would govern form and consequently the marriage would not be valid. If the second approach is applied and the place of contracting marriage is outside Poland and outside Ukraine, the form is governed by Ukrainian law and again the marriage would be valid. The above shows that the application of the second approach is unfavorable to Ukrainians residing in Poland and could only trigger forum shopping. A Ukrainian citizen residing in Poland could simply avoid the application of Polish law to the form of marriage by traveling to the neighboring State, for instance Slovakia, while contracting marriage via Diia application.

IX. Obstacles which Ukrainians face when marrying in Poland

68. Some of Ukrainian couples residing in Poland may prefer online marriage in Ukraine to “traditional” marriage in Poland in front of the Head of Civil Status Registration Office. This is because of the procedure in Poland, which might be sometimes burdensome.

69. In accordance with Article 79(1) Law on Civil Status Records, a foreigner intending to marry in Poland must submit to the Head of Civil Status Registration Office, among others, the following documents: a document confirming that, in accordance with the applicable law, he or she is eligible to marry and - if they were previously married - a copy of the marriage certificate with a document confirming its dissolution. Collecting these documents or having them recognized in Poland might be challenging.

70. The law applicable to capacity to marry is designated by a conflict of law rule contained in Article 24(2) Poland-Ukraine Bilateral Agreement. It states that the conditions for entering marriage are assessed for each person in accordance with the law of the State of which that person is a national. Hence, the capacity of marrying of a Ukrainian citizen is governed by Ukrainian law, and therefore, should be confirmed by a Ukrainian document. Same conclusion would result if domestic private international law - 2011 Private International Law Act would be applied³⁴. Pursuant to its Article 48 the capacity to marry is determined for each party by their national law at the time of marriage.

71. The challenging aspect is that Ukrainian law – since 2007 - provides that a statement filed by an interested person as to their capacity to marry is sufficient, and therefore documents confirming that a given person is eligible to marry are no longer drawn up by civil status registration offices in Ukraine³⁵.

³⁴ Ustawa z dnia 4 lutego 2011 r. - Prawo prywatne międzynarodowe, Dz.U.2023.503

³⁵ M. PILICH/J. TURLUKOWSKI, *op. cit.*, p. 98.

72. In case a foreigner cannot bring to Poland a document confirming their capacity to marry, pursuant to Article 79(2) Polish Law on Civil Status Records, the available procedure is an application filed to a Polish court requesting an exemption from submitting that document. In a non-contentious proceeding to exempt a foreigner from submitting a document, a Polish court determines, based on applicable law - Ukrainian law - whether a given person is eligible to marry. Such proceeding might be time consuming.

73. The second challenging aspect arises if a Ukrainian citizen was previously married in Ukraine, as a document confirming the dissolution of marriage must be submitted. Such a document requires recognition in Poland. In accordance with Poland-Ukraine Bilateral Agreement decisions on dissolution if handed down by authorities other than courts (which is the case of divorces which might be pronounced in Ukraine by civil status registrars) require for their recognition a separate court proceeding. Such proceeding might also be time consuming.

74. Given the above, an online marriage is a very convenient solution for Ukrainians residing in Poland.

X. Conclusions

75. Online marriage registration in Ukraine represents a significant step in the digitalisation of civil status registration, accelerated by the conditions of martial law. While the legal nature of marriage remains unchanged and continues to require mandatory State registration, the procedure for its conclusion has been fundamentally modernised. The Diia-based model ensures accessibility, efficiency, transparency, and legal certainty, while also providing enhanced security and practical convenience for citizens, particularly in the context of military operations. Overall, the Ukrainian approach offers an innovative and legally sound model for the future development of digital family law.

76. At the same time, the experimental nature of online marriage registration raises a question of its validity in other States, for instance the neighbouring Poland. The analysis of this validity from the perspective of private international law reveals that there are no obstacles to the recognition of Ukrainian online marriages in Poland, which is achieved through the transcription of a Ukrainian marriage certificate into Polish civil status registry. Public policy does not seem like an adequate tool applicable in this case.