

LABOLA AND SEPERATION...



Paying lobola is an intrinsically South African practice and from a cultural perspective, it's accepted that once lobola has been paid, the couple is officially married.

However, from a legal perspective, the practice of paying lobola on its own doesn't constitute a marriage, but rather, forms a part of the overall process of getting married under customary law.

Under the Recognition of Customary Marriages Act, a traditional marriage can only be recognised once celebratory traditional practices, which vary from culture to culture, like slaughtering a sheep, welcoming the bride to into her new family and exchanging gifts and blankets.

It is very important to celebrate the customary marriage after lobola negotiations have been concluded.

By merely paying or receiving lobola in full without the requisite celebration, the marriage is not concluded. By merely paying or receiving lobola in full without the requisite celebration, the marriage is not concluded in accordance with customary law and therefore considered invalid.

Many couples take their time after lobola negotiations and payment has been made to save money for the celebrations that follow, but by doing this, couples risk their union not being recognised legally.

And in the event of death or should a dispute arise, you could lose your claim on any assets to which you may be entitled.

If the ceremony is not conducted and the marriage is not registered, the marriage may be hard to prove and may not be recognised under the Recognition of Customary Marriages Act. This means you may stand to lose your claim on any assets you may be entitled to if the marriage fails or if your spouse dies.

