

NAME: FUFRYIN GESI-ERE HARRIET

COURSE: LAND LAW II

LEVEL: 400lvl

MATRIC NUMBER: 16/law01/090

CUSTOMARY LAND TENURE SYSTEM IN OJOBBO COMMUNITY IN BURUTU LGA.

Customary law is a law that was handed down from time immemorial from ancestors and as such, it represents a collection of precedents and decisions of the by gone chief customary land law tenure system, however is the system of land that has been passed from time immemorial from ancestors. The customary land tenure system in my community Ojobo slightly differs from other localities in

Delta State.

My community is OJOBBO in BURUTU LOCAL GOVERNMENT AREA, DELTA STATE. The concept of ownership of land in Ojobo community are communal landholding and family land holding. Some part of my community is owned by the community itself while other parts are owned by families which are most times are partitioned among family members who however will perpetually own the land individually. A family land owned by the family cannot be sold or leased by any member of the family without the consent of the other family members who h includes the family head.

Land in my community can be created through will, here the deceased landowner who is subject to customary law can decide a property to his heirs through will. Another way land can be created is through individual first settlement where ancestors find a virgin land of which after long usage of the land they gain ownership of the land. Land can also be created by way of gift of land and purchase of the land. An important question to consider is how land can be managed in my community? Community land can be managed by community head or chairman of the community while family land is managed by family heads, in my community family heads are usually the first sons of the family. The power and rights Of ownership of land are vested in

family head who can preserve the family property from unlawful interference and he takes charge of the management and control of the land.

There can however be absolute transfer of land through sale and also in my community land can be partitioned among family members and it can also be transferred by inheritance. There are however several forms of termination of customary land in my community. They are as follows;

- (A) Alienation
- (B) Forfeiture
- (C) Pledge

(A) Alienation: This is the transfer of ownership of land where the owner can transfer ownership of all or part of the property as he or she wishes whether by sale or by gift.

(B) Forfeiture: Forfeiture is a determination of the customary tenancy by a court order upon a proven allegation on the complaint of the overload of acts of misbehavior there by constituting denial of his title by the customary tenant.

(C) Pledge: A pledge is created when an owner of land transfers possession of his land to his creditor as security. A pledge can be described as a customary security transaction.

It is also important to note that in a case where a large amount of land is needed for a project such as building of school, stadium, hospital etc for the well being of members of the community, the community head can however establish this project on any desired land of their choice be it a land that belongs to another. The community head has the power to do this without any interruption whatsoever .