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LOCAL GOVERNMENT AREA: EKITI LOCAL GOVERNMENT AREA

ABSTRACT

"The custom in each locality in Nigeria differs as Nigeria is a federation which is filled with diverse tribes or ethnic group and as such this will cause the land tenure system in a given community to be totally different from others because of the different customary law that they practice. However it is important to know that though each community operate different land tenure system, it can still be said to be the same procedure as it is still operated under customary law".

INTRODUCTION

The customary land tenure system refers to the system of land holding governed by customary law. The term "**customary law**" in Nigeria embraces both the ethnic laws and the Muslim laws that is it encompasses both native laws or customs and sharia or Islamic laws. It can be used as a blanket to indicate the diverse customs and culture even within a tribal group.

According to **Professor Mqeke**, he defined customary law to be the customs and usages traditionally observed among the indigenous African people and forms part of the cultures of those people.

Furthermore, under the Nigerian customary law which differs from locality to the other and from one tribe to another, nevertheless, the customary law share a common concept or principle and that is the concept of ownership.

The concept of ownership is not strange or new to the Nigerian customary law. It signifies the largest claim to land under customary law and it can be held either by the community, the family, or individuals.

THE CUSTOMARY LAND TENURE SYSTEM IN OBO- AIYEGUNLE

Obo-Aiyegunle is a town situated in Irepodun in Kwara State in the mid-west Nigeria. People from Obo-Aiyegunle speak a dialect of the Yoruba language. In Obo-Aiyegunle, they operate the communal land tenure system which is defined as when land is vested in the community that is the Land is for the community as a corporate and no individual can have exclusive ownership of a part or portion of a land.

OWNERSHIP

In Obo-Aiyegunle, the land is owned by the community for whom the king holds the land in trust for the benefit of the people in the community and it's only him that can transfer such ownership to any family or member of the community.

CREATION

Under communal land tenure, every member of that community is entitled to equal right to a portion of land for a definite period which varies from locality to locality.

In Obo-Aiyegunle, the king gives out equal portion of land to each family or members in the community to manage and control by themselves. By giving equal portions to each family, he also releases control and management of that land to the members of this family and by that the family enjoys exclusive possession over that land but the title of ownership still belongs to the community which is the king and as such, the family's right over that land will be subject to the king as the king as absolute control and management of the land in the community.

MANAGEMENT AND CONTROL

As stated above, in Obo-Aiyegunle the king is in absolute control and management of the land in the community because he is the only one that has the power or authority to transfer land to any member of the community.

However, upon the transfer of the land to each family or, he delegates his function to each head of the family who is either the father or husband and will be in control and management of the land until the expiration of the definite period which is usually till death. The head of the family having obtained exclusive possession on the land can decide to use the land for farming or grazing. However, he can also decide to sell or lease the land to other members of the community or to a stranger. If he is selling or leasing it to a stranger, he must obtain the consent or permission of the king.

DETERMINATION

In Obo-Aiyegunle, the most common way of termination is through the death of the family head if he died without a will. That is, upon the death of the head of family, the right over that land goes back to the king if the family head died intestate. However, if the family head died testate, the land will go to his children as community land is for both the past, present and future.

Note further that the king cannot carry out an action that is inconsistent with the right of the family or member unless such action is for the benefit of the community as a whole.

CONCLUSION

In conclusion, the customary land tenure system in Obo-Aiyegunle which is my locality is one that operates the communal land tenure system. That is, land belongs to the community but each family have their own portion of land given by the king within the community with which they have exclusive possession on as the ownership remains with the king.