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**16/LAW01/170**

**LAND LAW // LPB 402**

**23RD APRIL, 2020**

**Question:** Prepare a brief paper (not more than 3 pages, 12pt, Times New Roman, 1.5 line spacing) on the customary land tenure system as practised in your locality (state the locality, state, local government or community you are writing about). This should **briefly** cover the creation, ownership, management and determination of family or communal land in your locality. Note that the examiner expects you to write based on your research or knowledge acquired with respect to customary land tenure in your locality.

**STATE: ONDO STATE**

**LOCALITY: IYANSAN**

**LOCAL GOVERNMENT AREA: IRELE LOCAL GOVERNMENT AREA**

***ABSTRACT***

***“Customary law in Nigeria has been well established to that it differs from locality to locality, from town to town and from place to place. Nigeria as a federation is a heterogeneous one, it is a country that consists of diverse tribes or ethnic group and as a result of this, the land tenure system in a particular locality is be totally different from another or all localities because each locality operates disparate land tenure system.”***

**INTRODUCTION**

Land tenure has popularly perceived to be the system of landholding in a given society. Prof Mqeke, defines customary law as the “custom and usages traditionally observed among the indigenous African peoples and which form part of the culture of those peoples”. Customary law in Nigeria consists of both the laws of different ethnic groups as well the Muslim laws of which is made up of both native laws or customs of Northern States and the sharia or Islamic laws.

The Nigerian customary law as said above differs from locality to the other and from one tribe to another. The customary law in certain states share the same procedure or principle as regards the Concept of Ownership. This concept 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 purpose of this paper therefore is to examine and discuss briefly, the concept of land ownership, using the Iyansan Community in Irele Local Government Area, Ondo State.

**THE CUSTOMARY LAND TENURE SYSTEM IN IYANSAN**

Iyansan is a town situated in Irele Local Government in Ondo State. They are also called the IKALE PEOPLE who speak Ikale dialect. Here, we operate the communal land tenure system which means that land is vested in the community. Land here is for the community as a whole and no individual has exclusive ownership of a part or portion of a land. The land tenure principle that all land is property of the King, but that any man could farm it as long as he obtained permission from the leader of the nearest community.

**OWNERSHIP OF LAND IN IYANSAN**

In Iyansan, the land is owned by the community for whom the King, known as the Jegun of Iyansan, 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 Iyansan, the Jegun of Iyansan will at his discretion give 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 Jegun and as such, the family's right over that land will be subject to the Jegun as he has absolute control and management of the land in the community.

**MANAGEMENT AND CONTROL OF LAND**

As earlier stated, in Iyansan, the King, Jegun, 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 OF LAND TENURE**

In Iyansan, the most common way of termination is through by the **DEATH** of the family head, if he died without a will, meaning that upon the death of the head of family, the right over that land goes back to the Jegun, 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 all generations of the family.

The Jegun however does not carry out an action that is inconsistent with the right of the family or member unless such action is for the benefit if the community as a whole.

**CONCLUSION**

In conclusion, the customary land tenure system in Iyansan, this writer’s hometown, is one that operates the communal land tenure system, land belonging to the community but each family has their own portion of land given by the Jegun within the community with which they have exclusive possession on as the ownership remains with the King.