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**Matriculation number: 16/law01/047**

**Level: 400 Level**

**Course title: Land Law II**

**QUESTION:** prepare a brief paper on customary land tenure system as practiced in your locality (state the locality, state, local government or community you are writing about).

**STATE: KOGI STATE**

**LOCALITY: KABBA**

**LOCAL GOVERNMENT AREA: KABBA BUNU LOCAL GOVERNMENT AREA**

## **INTRODUCTION**

Land tenure system is the system of landholding in a given society. Customs are valuables and important parts of people's lives hence customary laws can be defined as the custom and usages traditionally observed among the indigenous African peoples and which form part of the culture of those people. It is the 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 chiefs<sup>1</sup>. Though the Nigerian customary law differs from one locality to the other and from one ethnic group to the other, nevertheless customary law shares common broad principles or features. This paper seeks

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<sup>1</sup>Mqeke RB Customary law and the new Millennium (Lovedale press; Alice, 2003) 3.

to examine the landholding system under customary law and explore the intricacies of the land tenure system under a particular ethnic group; the Yoruba tribe of Nigeria particularly Kabba in Kogi state.

Kabba is a town in Kogi state in the mid west Nigeria. It lies near the OsseRiver, at the intersection of roads from Lokoja, Okene, Ogidi, Ado-Ekiti and Egbe. Kabba people speak a dialect of the Yoruba language called Owe and ownership of property in Kabba is held by the family. Lands in Kabba are owned by clans who share those lands to the families that make up the clans however there are Government Residential Areas (GRA) which are only owned by the government but every other land is owned by families.

## **OWNERSHIP**

Ownership in the Kabba customary land tenure system is held by the family. Family land is vested on family as a corporate entity hence members of the family have no separate claim of ownership to any part or whole of it. A member of the family has no disposable interest in the family property either during his lifetime or under his will, he can however sue to protect or defend the interest of the family in respect of any family property. But if he does not have the authority of the family to bring the action, the family would not be bound by the result

## **CREATION**

Family property in Kabba is created by inheritance. If a land owner dies without a will, his property devolves to his children as family property. Family property is also created by members of the family all coming together to purchase a piece of land which becomes the family property.

## **MANAGEMENT AND CONTROL**

The family head known as *oloriebi* exercises the power and rights over the land on behalf of the family. He takes charge of the management and control of the land. The family head is usually the eldest son of the family but are sometimes chosen by the members of the family. He has no form of ownership over the property vested in him and he could not deal with the family

property for his personal benefit. It is the responsibility of the oloriebi to preserve family property from any unlawful interference and to keep it in a good state of repair

### **DETERMINATION**

There are different methods of determination of family property, however in Kabba, the common way of terminating family property is by partition. This is the act of sharing of family property among the members of the family. When this occurs, each member of the family becomes the absolute owner of his/her own share or portion of the property. It is the consent of the majority of principal members of the family that is required for the alienation of unpartitioned land. Partition could be by mutual agreement of all members of the family or could be ordered by the court of law in order to maintain peace and justice. When partitioning has been done, no member of the family can claim ownership of another member's property. The land is divided permanently for purposes of both user and ownership.

### **CONCLUSION**

The land tenure system applicable in Kabba, kogi state is the family land tenure system where land is transferred by inheritance, managed and controlled by the family head also known as the oloriebi and can be terminated by partition of parts of the land to family members who thereafter are the absolute owners of such portions.