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**Question**

Prepare a brief paper on the customary land tenure system as practiced in your locality. This should briefly cover the creation, ownership, management and determination of family or communal land in your locality.

**Answer**

Land Tenure is the relationship that individuals and groups hold with respect to land and land related resources. Land tenure rules define the ways in which property rights to land are allocated, transferred, used or managed in a particular society. Customary land tenure system can be said to be the system of land holding according to the customary laws in a given society. These customary laws vary from society to society. Under customary land tenure system, land ownership may be held by the community, family or individuals.

In my locality, which is Ibokun in Obokun Local government found in Osun State, land ownership is held mainly by family members but there are a few individual ownerships. In other words, land is vested in the family members as a whole and each family member has equal interests and rights to the land.

Under this land tenure system, ‘family’ in family property refers to those (group of persons) who are entitled to succeed to the property of a deceased founder of a family. Such persons are usually the spouse and children of the deceased person and ‘children’ refers to both male and female. In the strict sense, it does not include siblings, cousins, uncles or aunts of the deceased founder.

The family land is owned by all members of the family and no individual member has an exclusive portion that he/she is entitled to. There is common ownership over the family land. Members cannot lay claim to a specific portion of the land unless members agree for the land to be partitioned and it becomes an individual ownership.

Family property is created either by operation of the law or by the acts of the parties. The following are ways that family property are/were created in my locality. Creation occurs in a situation where the deceased founder dies intestate; the property then automatically devolves on all those entitled to it. This is by operation of the law. It was also be created by Conveyance; where the land owner conferred title to his property on named members of his family by Deed with a declaration of his intentions to create a family property in the named members, Will, First Settlement, Conquest (this was back in the olden days and is no longer practised), Gift and Purchase. My present family land was acquired by purchase and then given to the family by a will.

The family property is managed by the head of the family who is usually the eldest son. Powers and rights over the land are vested in him and are exercisable by him on behalf of the other members. The family head does not have an exclusive right of ownership over the land and cannot use it in any manner as he likes. He has to act according to the decisions of the family members. The family head ensures the good maintenance of the family property and protects it from trespass. Most family lands in my locality are used for building a family house for all the members or as a farm for the family.

Family property is determined by absolute transfer or partition. Absolute transfer occurs when the family transfers all of its rights and interests to another person either by sale or by gift. The other person becomes the absolute owner of the land and the family members lose all their rights to that land. This is the reason why there are some individual ownerships in my locality. This usually applies to abandoned family lands that none of the members have use for. However, the transfer must be approved by the family head and principal members of the family.

Partition is the act of sharing the family property among the members of the family and each member has his exclusive own portion and is an absolute owner. This turns a family land ownership to an individual ownership. The partition may be voluntary by the mutual agreement of the family for the partition of the property or by order of the court in order for peace to reign and in the interest of justice. This is another cause of individual ownership in my locality and this partition usually stems out of the greed of a member/members.

Different societies practice the different types of land ownership; communal, family and individual, and some have a mixture of two or more of them being practiced. My locality practices mainly family land ownership where family members as a whole are vested with the ownership of land(s) and have equal rights and interests in them. The property is managed by the family head on behalf of the family members.

**Bibliography**

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