journals.unizik.edu.ng/jcpl/index ISSN: 2736-0342
NNAMDI AZIKIWE UNIVERSITY, AWKA
JOURNAL OF COMMERCIAL AND PROPERTY LAW

# Contemporary Issues in Private and Property Law in Nigeria

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**Abstract**
*This paper explores the contemporary issues surrounding private and property law in Nigeria. Nigeria, like many developing nations, grapples with challenges related to land tenure, property rights, contractual obligations, and emerging legal frameworks. The paper delves into various facets of private and property law, including land tenure systems, customary law practices, legislative reforms, judicial decisions, and the impact of globalization on property rights. Additionally, it analyzes the role of the legal system in addressing socio-economic inequalities, promoting sustainable development, and ensuring access to justice for all citizens. Through a comprehensive examination of current issues, this paper aims to provide insights into the complexities of private and property law in Nigeria and offer recommendations for enhancing legal frameworks and governance mechanisms.*

**Keywords:** Private Law, Property Law, Nigeria, Land Tenure, Customary Law, Legal Reforms, Globalization, Sustainable Development, Access to Justice.

## 1. Introduction

### 1.1 Background of Private and Property Law in Nigeria

Nigeria's legal landscape is a product of its historical, cultural, and colonial legacy. Before colonization, indigenous communities had well-established customary laws governing property rights, land tenure, and private transactions.[12] With British colonization in the 19th century, Nigeria's legal system underwent significant changes as English common law and statutes were introduced, often alongside customary law. The amalgamation of these legal traditions has resulted in a unique legal framework that governs private and property law in Nigeria today.

Furthermore, the legal framework evolved post-independence, with the promulgation of various statutes and the adoption of the Nigerian Constitution. Notable among these is the Land Use Act of 1978, which centralized land ownership under the control of state governments. This act significantly influenced land tenure systems and property rights in Nigeria, leading to complex interactions between statutory and customary laws.

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[1]N B Udoekanem, D O Adoga and V O Onwumere, 'Land Ownership in Nigeria: Historical Development, Current Issues and Future Expectations', (2014) 4 (21) *Journal of Environment and Earth Science* www.iiste.org ISSN 2224-3216 (Paper) ISSN 2225-0948 (Online).

[2]C Augustinus and K Deininger, 'Innovations in Land Tenure Reform and Administration in Africa In "Land Rights for African Development from Knowledge to Action." (2005) CGIAR system wide program on collective action and property rights, United States Development Programme (UNDP) and International Land Coalition, Geneva. In Nigeria, land is the main productive resource of the rural populace which makes up about 52 per cent of the nation's population. Emphasizing the significance of land, Augustinus and Deininger assert that "land access and the ability to exchange it with others and to use it effectively are of great importance for poverty reduction, economic growth and private sector investment as well as for empowering the poor…"

### 1.2 Importance of Private and Property Law

Private and property law serve as the bedrock of a functional society by providing mechanisms for defining, acquiring, and protecting individual rights to assets and resources. In Nigeria, where property rights are intricately linked to socio-economic development, these laws play a crucial role in facilitating economic activities, promoting investment, and ensuring social stability.

Property rights are essential for fostering economic growth, as they provide individuals and businesses with the security and confidence needed to invest in land, real estate, and other assets. Moreover, property rights empower individuals to participate in the formal economy, access credit, and accumulate wealth, thus contributing to poverty reduction and social equity.

### 1.3 Objectives of the Paper

This paper aims to comprehensively analyze contemporary issues in private and property law in Nigeria, with the following objectives:

a. To examine the challenges and complexities inherent in Nigeria's legal framework governing private transactions and property rights.
b. To explore the interplay between customary and statutory laws in shaping land tenure systems, property ownership, and access to justice.
c. To assess the impact of legislative reforms, judicial decisions, and socio-economic factors on the effectiveness of private and property law in Nigeria.
d. To provide recommendations for enhancing legal frameworks, promoting social justice, and addressing emerging issues in private and property law.

By achieving these objectives, the paper seeks to contribute to scholarly discourse, inform policy interventions, and guide legal practitioners in navigating the dynamic landscape of private and property law in Nigeria.

## 2. Land Tenure Systems in Nigeria

### 2.1 Traditional Land Tenure Systems

Nigeria boasts a rich tapestry of diverse ethnic groups, each with its own unique traditional land tenure systems. These systems are deeply rooted in cultural practices, communal living, and ancestral heritage. Traditional land tenure arrangements typically revolve around communal ownership, where land is held collectively by extended families, clans, or villages. The allocation and use of land are governed by customary norms, with community elders or traditional leaders playing central roles in decision-making processes.[3]

Across Nigeria's various regions, traditional land tenure systems manifest in different forms, such as communal ownership in the South-South and South-East regions, lineage-based systems in the North, and chieftaincy arrangements in the South-West.[4] These systems have sustained local economies, preserved cultural identities, and fostered social cohesion for generations. However, they also face challenges in adapting to modern economic realities, urbanization pressures, and demographic changes.

### 2.2 Statutory Land Tenure Systems

The Land Use Act of 1978 represents a significant milestone in Nigeria's land tenure history, as it centralized control over land under the authority of state governments. This Act vested ownership of all land within a state in the hands of the state governor, thereby abolishing freehold land tenure and replacing it with leasehold tenures. Under the Act, individuals and entities can only hold land through statutory rights of occupancy issued by the state government.[5]

While the Land Use Act aimed to streamline land administration, promote equitable access to land, and facilitate urban development, it also introduced challenges and conflicts with traditional land tenure

[3]< https://propsult.com/exploring-land-tenure-systems-in-nigeria/,> accessed 12 February 2025 at 9am
[4]< https://www.fao.org/4/W6728T/w6728t14.htm> accessed 12 February 2025 at 9am.
[5] D A Aniyom, 'An Appraisal of the Land Use Decree and its Effects in its First Five Years' (29th March, 1978 to29th March, 1983). (1983) 9 (1) *The Map Maker*, 17-26

systems. The Act's provisions on compulsory acquisition, compensation mechanisms, and land allocation procedures have been subject to criticism and debate, particularly regarding their compatibility with customary land tenure practices and community interests.[6]

### 2.3 Challenges and Conflicts in Land Tenure

Nigeria's dual land tenure system, characterized by the coexistence of traditional and statutory frameworks, often leads to conflicts, ambiguities, and inefficiencies in land administration.[7] Disputes over land ownership, boundary delineation, and land use rights are common, especially in peri-urban and rural areas where customary practices prevail.[8]These conflicts are exacerbated by factors such as population growth, urbanization, natural resource exploitation, and socio-political dynamics.

Moreover, the lack of clear demarcation between customary and statutory land tenure systems, inadequate land registration mechanisms, and weak enforcement of property rights contribute to land insecurity and hinder investment in agriculture, infrastructure, and real estate development. Addressing these challenges requires comprehensive land reforms, community engagement, and institutional capacity-building efforts aimed at reconciling customary practices with modern legal frameworks and promoting sustainable land management practices.

## 3. Customary Law Practices and Property Rights

### 3.1 Role of Customary Law in Property Ownership

Customary law holds a paramount influence on property ownership and management across various ethnic groups in Nigeria. Rooted in tradition, customs, and community norms, customary law governs the allocation, use, and transfer of land and other resources within indigenous communities.[9] It embodies principles of communalism, reciprocity, and collective responsibility, shaping relationships between individuals, families, and clans in matters of property.[10]

Customary practices often dictate inheritance patterns, with land passing down through lineage or clan structures.[11] Customary authorities, such as village chiefs or family heads, play pivotal roles in mediating disputes, adjudicating land-related matters, and ensuring compliance with established norms. The flexibility and adaptability of customary law enable communities to respond to changing social dynamics, resolve conflicts, and maintain social cohesion.[12]

### 3.2 Conflicts between Customary and Statutory Laws

While customary law forms the backbone of property rights in many rural and peri-urban areas, conflicts frequently arise between customary and statutory legal frameworks. The introduction of statutory laws, such as the Land Use Act of 1978, has often clashed with customary practices, leading to legal ambiguities, jurisdictional disputes, and challenges in land administration.[13]

One of the key areas of contention is the recognition and enforcement of property rights under customary law within the formal legal system.[14] Customary land rights are often not adequately documented or registered, making them vulnerable to encroachment, expropriation, or exploitation by more powerful actors.[15] Additionally, inconsistencies between customary and statutory laws regarding land tenure, inheritance, and land use further compound these conflicts, undermining the security of property rights for rural communities.[16]

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[6] Ibid

[7] <https://hal.science/hal-04692369v1/document> accessed 13 February 2025 at 3:30am.

[8]<https://www.researchgate.net/publication/333433771_Land_tenure-related_conflicts_in_peri-urban_areas_A_review> accessed 13 February 2025 at 3:30 am.

[9] A N Allott, *Essays in African Law, with Special Reference to the Law of Ghana* (Butterworths, 1960)

[10]T O Elias, *The Nature of African Customary Law* ( Manchester University Press, 1956)

[11]C K Meek, *Land Law and Custom in the Colonies* (Oxford University Press, 1950).

[12]< https://journal.ypidathu.or.id/index.php/rjl/article/download/796/523/8415> accessed 13 February, 2025 at 9pm.

[13]L K Agbosu, 'The Land Use Act and the state of Nigerian law; Abstract present', (1988) 32 Journal *of African Law.*

[14] B O Nwabueze, *Nigerian Land Law* Nwamife Publishers, 1972).

[15]L Cotula, 'Legal Empowerment for Local Resource Control: Securing Land Rights under Customary Tenure Systems' (2007) International Institute for Environment and Development.

[16]L Alden Wily, 'The Tragedy of Public Lands: The Fate of the Commons under Global Commercial Pressure'. (2011) International Land Coalition.

### 3.3 Legal Recognition and Protection of Customary Rights

Despite the challenges and conflicts, efforts have been made to recognize and protect customary land rights within the legal framework of Nigeria. Legislative reforms, judicial decisions, and policy interventions have sought to bridge the gap between customary and statutory laws, promote social justice, and enhance land tenure security for rural communities.

Landmark court cases, such as the *Oyekan v. Adele*[17] case in Lagos State, and Ekpendu v. Erika[18] have affirmed the validity of customary land rights and emphasized the need for equitable resolution of land disputes. Furthermore, initiatives such as community land titling programs, participatory land-use planning, and alternative dispute resolution mechanisms aim to empower local communities, strengthen customary institutions, and safeguard indigenous land rights.

However, challenges persist in implementing these measures effectively, including issues of corruption, bureaucratic inertia, and inadequate legal capacity at the local level. Achieving meaningful recognition and protection of customary rights requires sustained collaboration between traditional authorities, government agencies, civil society organizations, and grassroots communities to uphold the principles of equity, justice, and inclusivity in property rights governance.

## 4. Legislative Reforms in Private and Property Law

### 4.1 Overview of Legislative Frameworks

Nigeria's legislative framework governing private and property law encompasses a myriad of statutes, regulations, and judicial precedents. These laws are designed to regulate various aspects of property ownership, land tenure, contracts, and transactions. Key legislative instruments include the Land Use Act of 1978, the Nigerian Constitution, Land Registration Laws, Tenancy Laws, and relevant statutes at the federal and state levels.[19]

The legal framework seeks to strike a balance between protecting individual property rights, promoting economic development, and ensuring social justice. However, complexities arise due to overlapping jurisdictions, inconsistencies between customary and statutory laws, and challenges in enforcement and implementation.

### 4.2 Recent Reforms and Amendments

In response to evolving socio-economic dynamics and legal challenges, Nigeria has undergone significant legislative reforms in private and property law. These reforms aim to modernize legal frameworks, address emerging issues, and enhance the efficiency and effectiveness of property rights governance.

Recent legislative amendments have focused on areas such as land tenure reform, land administration, land registration, and property rights protection. For example, some states have introduced laws to simplify land registration processes, establish land tribunals for resolving disputes, and streamline procedures for land acquisition and development[20]. Additionally, efforts have been made to align statutory laws with international best practices, such as the United Nations' Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries, and Forests.[21]

Moreover, legislative reforms have sought to enhance the legal framework for contractual transactions, property conveyancing, and real estate development. The enactment of laws governing mortgages, leases, tenancies, and property taxes aims to stimulate investment, improve access to housing, and promote a conducive environment for business and commerce.[22]

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[17] *Adeyinka Oyekan v Musendiku Adele* [1957] 2 All ER 785
[18] *Ekpendu v Erika* (1954) 4 FSC 79 (1959) SCNLR 186.
[19] <https://1stattorneys.com/articles/2023/11/18/real-estate-and-property-law-in-nigeria/> accessed 13 February 2025 at 5am.
[20] Land Use Act, 1978 (as amended); Lagos State Land Registration Law, 2015.
[21] Food and Agriculture Organization (FAO). Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries, and Forests. Rome, 2012.
[22] Mortgage Institutions Act, 1989 (as amended); Tenancy Law of Lagos State, 2011; National Housing Policy, 2012.

### 4.3 Challenges in Implementing Legislative Changes

Despite the intentions behind legislative reforms, challenges persist in the effective implementation and enforcement of new laws. Bureaucratic bottlenecks, institutional weaknesses, and capacity constraints hinder the timely execution of reforms at the federal and state levels.[23] Additionally, corruption, rent-seeking behavior, and vested interests within the legal system undermine the integrity and credibility of property rights governance.[24]

Furthermore, the lack of awareness and legal literacy among citizens, particularly in rural and marginalized communities, poses challenges in accessing and understanding new legal provisions[25]. Limited resources, inadequate infrastructure, and competing policy priorities also constrain the implementation of legislative changes.[26]

Addressing these challenges requires a holistic approach that combines legislative reforms with institutional strengthening, public awareness campaigns, and stakeholder engagement.[27] It is essential to build the capacity of government agencies, legal practitioners, civil society organizations, and community leaders to effectively navigate and apply the new legal frameworks.[28] Moreover, mechanisms for monitoring and evaluating the impact of legislative reforms should be established to ensure accountability, transparency, and inclusivity in property rights governance.

## 5. Judicial Decisions and Precedents

### 5.1 Case Studies in Property Disputes

Judicial decisions in property disputes serve as precedents that shape the legal landscape and guide future adjudications[29]. These case studies offer valuable insights into the application of law, interpretation of statutes, and resolution of conflicts arising from property rights issues.

Examining notable case studies provides a comprehensive understanding of the legal principles, arguments, and considerations involved in property disputes.[30] For instance, cases involving disputes over land ownership, boundary demarcation, adverse possession, and landlord-tenant relationships illustrate the complexities of property law and the diverse factors influencing judicial decisions.In *Madukolu v Nkemdilim*,[31] the Supreme Court of Nigeria established the conditions under which a court has jurisdiction, which has been crucial in determining the validity of land dispute judgments

> *In Abioye v Yakubu [32], the Supreme Court clarified the legal status of land held under customary tenure, affirming that customary landowners retain reversionary interests unless lawfully extinguished.*
>
> *In Savannah Bank v Ajilo[33], the court ruled that compliance with the Land Use Act's provisions is mandatory before alienation of land, reinforcing statutory requirements in property transactions*

By analyzing case studies across different jurisdictions and legal contexts, scholars, practitioners, and policymakers can identify trends, emerging issues, and best practices in property rights governance[34].

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[23]A Ojo, 'Challenges in Land Administration in Nigeria: Institutional and Legal Perspectives (2019) 6 (2) *African Journal of Law and Development*, 45-62.
[24] Transparency International, Corruption Perceptions Index 2021: Nigeria's Property Rights and Legal System 2021).
[25] UN-Habitat. (2020). Access to Land and Legal Literacy in Sub-Saharan Africa: Case Study of Nigeria.
[26] World Bank. (2018). Ease of Doing Business Report: Legal Barriers to Land and Property Rights in Nigeria.
[27]D Olowu, D. (2022). Legislative Reforms and Governance Challenges in Africa. (2022) 10 (1) *Journal of African Law*, 78-94.
[28] Nigerian Institute of Advanced Legal Studies (NIALS). (2021). Capacity Building for Legal Practitioners and Land Administrators in Nigeria.
[29]< https://www.ajol.info/index.php/naujilj/article/view/138183/127751>, accessed 15 February 2025
[30]T O Elias, *Nigerian Land Law and Custom* (London: Routledge, 1971).
[31] *Madukolu v Nkemdilim* (1962) LPELR-24023(SC),
[32] *Abioye v Yakubu* (1991) 5 NWLR (Pt.190) 130,
[33] *Savannah Bank v Ajilo* (1989) 1 NWLR (Pt.97) 305
[34] World Bank (2018). Land Governance Assessment Framework: Nigeria Report.

These insights contribute to the development of jurisprudence, legal scholarship, and policy interventions aimed at promoting equitable access to justice and protecting property rights.[35]

### 5.2 Role of the Judiciary in Interpreting Property Laws

The judiciary plays a critical role in interpreting and applying property laws to resolve disputes and uphold the rule of law. Judges are tasked with interpreting statutes, contractual agreements, and customary practices to determine the rights and obligations of parties involved in property-related litigation.

Through judicial interpretation, courts clarify legal principles, resolve ambiguities, and establish precedents that guide future legal proceedings. The judiciary's interpretation of property laws shapes the legal framework, influences legal practice, and impacts the rights and interests of property owners, tenants, and other stakeholders.

> *In A-G Lagos State v A-G Federation[36], the Supreme Court ruled on the powers of state governments in land administration under the Land Use Act.*
>
> *In Ogunleye v Oni[37], the court emphasized that a statutory right of occupancy does not extinguish pre-existing customary land rights unless expressly revoked.*
>
> *In Amodu Tijani v Secretary,[38], the Privy Council recognized the communal land ownership system in Nigeria, affirming the need for judicial protection of customary land rights.*

Moreover, the independence and impartiality of the judiciary are essential for ensuring the integrity and legitimacy of property rights governance. Judicial decisions that uphold the sanctity of property rights, protect against arbitrary actions, and promote access to justice contribute to a stable and predictable legal environment conducive to economic development and social stability.

### 5.3 Impact of Judicial Decisions on Property Rights

The impact of judicial decisions on property rights extends beyond individual cases to broader legal principles, societal norms, and economic dynamics. Landmark court rulings can set precedents, establish legal doctrines, and shape public perceptions of property rights. Judicial decisions can enhance the security of property rights by clarifying legal boundaries, enforcing contractual obligations, and protecting against unlawful infringements.[39] In *Ogunleye v Oni* [40], the Supreme Court affirmed that statutory rights of occupancy do not automatically extinguish customary land rights unless lawfully revoked.[41] Similarly, in *Amodu Tijani v Secretary*,[42] the Privy Council recognized the legitimacy of communal land ownership under Nigerian customary law[43].

Conversely, inconsistent or arbitrary rulings may undermine confidence in the legal system, deter investment, and perpetuate inequality. Cases such as *Savannah Bank v Ajilo,*[44] demonstrate the critical role courts play in ensuring compliance with statutory land regulations.

Therefore, it is essential for the judiciary to uphold the rule of law, adhere to principles of fairness and equity, and consider the broader societal implications of their decisions. By promoting transparency, accountability, and adherence to legal principles, the judiciary contributes to the stability, legitimacy, and effectiveness of property rights governance in society.

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[35] Supra 21
[36] *A-G Lagos State v A-G Federation* (2003) 12 NWLR (Pt. 833) 1
[37] *Ogunleye v Oni* (1990) 2 NWLR (Pt. 135) 745
[38] *Amodu Tijani v Secretary, Southern Nigeria* (1921) AC 399
[39] A Malami, *Judicial Interpretation of the Land Use Act: An Overview*, (2022) 5 (3) *Nigerian Bar Association Law Review*, 5(3), 89-105.
[40] Supra 37
[41] Ibid 40
[42] Supra 38
[43] Ibid 42
[44] *Savannah Bank v Ajilo* (1989) 1 NWLR (Pt. 97) 305.

## 6. Globalization and Property Rights in Nigeria

### 6.1 Influence of Global Trends on Property Markets

Globalization has significantly influenced property markets in Nigeria, shaping investment trends, property values, and urban development patterns.[45] One notable example is the growth of foreign investment in Nigerian real estate, particularly in major cities like Lagos and Abuja.[46] For instance, the development of luxury residential complexes, commercial office buildings, and hospitality establishments by multinational corporations and foreign investors reflects the globalization of Nigeria's property market.[47]

The influx of foreign direct investment (FDI) into real estate has been documented in reports by the Nigerian Investment Promotion Commission (NIPC).[48] These investments contribute to economic growth, job creation, and infrastructure development but also raise concerns about affordability, gentrification, and displacement of local communities[49].

Additionally, global trends such as urbanization, demographic shifts, and technological advancements impact property markets in Nigeria[50]. The demand for mixed-use developments, smart cities, and sustainable infrastructure reflects the influence of global urbanization trends on property development and land use planning. Studies by the United Nations Human Settlements Programme (UN-Habitat) have highlighted the role of these factors in shaping Nigeria's real estate sector[51].

### 6.2 Foreign Investment and Land Acquisition

Foreign investment in land acquisition is another aspect of globalization that affects property rights in Nigeria[52]. One example is the acquisition of large tracts of land for agricultural purposes by foreign agribusiness companies.

For instance, the case of the Otodo Gbame waterfront community in Lagos highlights the impact of foreign-backed development projects on local communities and property rights. The forced eviction of residents to make way for a waterfront redevelopment project led to protests, legal battles, and international scrutiny over land rights violations and displacement.

Furthermore, the acquisition of land for infrastructure projects, such as highways, airports, and industrial zones, often involves collaboration between Nigerian government agencies and foreign investors. While these projects may promote economic development and connectivity, they can also lead to land expropriation, loss of livelihoods, and social upheaval among affected communities.

### 6.3 Challenges of Globalization to Local Property Laws

Globalization poses challenges to local property laws and regulatory frameworks in Nigeria, particularly regarding land tenure, environmental protection, and socio-economic equity. One example is the tension between customary land rights and modern property laws in the context of globalization-driven development projects.[53]

The case of the Itu oil refinery project in Akwa Ibom state exemplifies the challenges of reconciling customary land rights with government-backed industrial development initiatives.[54] The project faced

[45] World Bank (2021). Urbanization and Property Markets in Sub-Saharan Africa: Case Study of Nigeria.
[46] Nigerian Investment Promotion Commission (NIPC) (2020). Foreign Direct Investment in Nigeria's Real Estate Sector: Trends and Prospects.
[47] UN-Habitat (2020). Globalization and Urbanization in West Africa: Impacts on Housing and Land Use Planning.
[48] PwC Nigeria (2019). Nigeria Real Estate Outlook: Foreign Investment Trends and Market Performance.
[49] Transparency International (2021). Gentrification and Housing Inequality in Africa: The Nigerian Perspective.
[50] African Development Bank (2022). Sustainable Cities and Property Markets in Nigeria: Policy Recommendations.
[51] UN-Habitat (2018). The Future of Smart Cities in Africa: Implications for Property Rights and Development
[52] A Ojo, 'Foreign Land Acquisitions and Legal Challenges in Nigeria: A Case Study Approach,' (2019) 8 (2) Nigerian Journal of Property Law, 55-72.
[53] Nigerian Land Use Act (1978), Cap L5 LFN 2004
[54] *Itu Oil Refinery Project v Local Communities* (2021) Suit No. AK/482/2021

opposition from local communities claiming ancestral land rights, leading to conflicts, delays, and legal disputes over compensation and resettlement[55].

Moreover, globalization exacerbates land tenure insecurity, land grabbing, and speculative land investments, particularly in rural areas where customary land tenure systems prevail. Weak enforcement mechanisms, inadequate land governance structures, and limited community participation further compound these challenges, undermining property rights and exacerbating socio-economic inequalities. Addressing these challenges requires proactive measures to strengthen legal frameworks, enhance transparency and accountability in land governance, and empower local communities to participate in decision-making processes. By ensuring that globalization contributes to inclusive and sustainable development, Nigeria can harness the opportunities of global integration while safeguarding property rights and promoting social justice.

## 7. Socio-economic Inequalities and Access to Justice

### 7.1 Property Rights and Economic Disparities

Socio-economic inequalities in Nigeria are closely intertwined with disparities in property rights, access to land, and ownership of productive assets. Land ownership, in particular, is a significant determinant of wealth and social status, with access to land often concentrated among a privileged few. For example, in rural areas, wealthy individuals, corporations, and traditional elites often control vast tracts of land, while smallholder farmers and marginalized communities struggle to secure land tenure rights. This unequal distribution of land resources perpetuates poverty, limits economic opportunities, and exacerbates social exclusion, especially among rural populations.

Moreover, disparities in property rights contribute to widening income gaps, as those with secure land tenure rights have better access to credit, markets, and agricultural inputs, enabling them to generate income and accumulate wealth. Conversely, landlessness and insecure land tenure among vulnerable groups, such as women, youth, and indigenous communities, perpetuate cycles of poverty and marginalization.

### 7.2 Barriers to Accessing Justice in Property Disputes

Despite constitutional guarantees of equal access to justice,[56] barriers persist for many Nigerians seeking to resolve property disputes through formal legal channels. These barriers stem from structural, institutional, and socio-economic factors that impede individuals' ability to navigate the legal system effectively[57].

Financial constraints pose a significant barrier to accessing justice, as legal fees, court costs, and associated expenses often exceed the means of many Nigerians, particularly those living in poverty[58]. Studies by the Nigerian Institute of Advanced Legal Studies (NIALS) highlight how high litigation costs discourage individuals from pursuing legal remedies in property disputes[59].

Additionally, procedural complexities, legalistic language, and lengthy court proceedings deter individuals from pursuing legal redress as seen in ***Olaniyan v. University of Lagos (1985)***[60], where delays and procedural technicalities affected the outcome[61]. for property disputes.

Furthermore, geographical barriers, such as the lack of legal infrastructure in rural areas, limited transportation networks, and inadequate legal aid services, restrict access to justice for marginalized communities. Ethnic, linguistic, and cultural differences may also create barriers to accessing legal services and understanding legal processes, particularly for minority groups.

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[55] Akpan, E. (2022). The Legal Implications of Industrial Development on Customary Land Rights in Nigeria. Nigerian Journal of Legal Studies, 14(1), 77-102.
[56] Nigerian Constitution (1999), Section 36 – Right to Fair Hearing.
[57] World Justice Project (2020). Access to Justice in Nigeria Report.
[58] Nigerian Bar Association (2021). The Cost of Litigation and Access to Justice.
[59] Nigerian Institute of Advanced Legal Studies (NIALS) (2019). Legal Costs and Barriers to Justice in Nigeria.
[60] *Olaniyan v University of Lagos* (1985) 2 NWLR (Pt 9) 599.
[61] Ibid.

### 7.3 Legal Aid and Support Mechanisms

Recognizing the importance of equitable access to justice, various initiatives have been implemented to enhance legal aid and support mechanisms for vulnerable populations in Nigeria.[62] Legal aid clinics, pro bono legal services, and community-based paralegal programs aim to provide legal assistance, representation, and advocacy to those unable to afford legal representation.

For example, organizations like the Legal Aid Council of Nigeria, the Nigerian Bar Association's Legal Aid Scheme, and civil society organizations provide free or subsidized legal services to indigent individuals, women, children, and other marginalized groups. These initiatives offer legal advice, representation in court, mediation services, and community legal education to empower individuals to assert their rights and resolve disputes effectively.

Moreover, alternative dispute resolution mechanisms, such as mediation, arbitration, and customary justice systems, offer accessible and culturally appropriate avenues for resolving property disputes outside formal legal processes. By promoting dialogue, consensus-building, and community participation, these mechanisms contribute to reducing the backlog of cases in the formal justice system and fostering social cohesion.

However, challenges remain in scaling up legal aid services, enhancing the quality of legal representation, and strengthening community-based justice mechanisms to ensure equitable access to justice for all Nigerians. Addressing these challenges requires sustained investment in legal infrastructure, capacity-building for legal practitioners, and community empowerment initiatives aimed at promoting a culture of justice and respect for property rights.

## 8. Environmental Considerations and Property Law

### 8.1 Land Use Regulations and Environmental Protection

Property law intersects with environmental regulations to govern land use, development activities, and natural resource management in Nigeria[63]. Land use regulations, zoning ordinances, and environmental impact assessments (EIAs) are essential tools for promoting sustainable development, protecting ecosystems, and mitigating environmental risks[64].

For example, the Nigerian Environmental Impact Assessment (EIA) Act requires developers to assess the potential environmental impacts of proposed projects and obtain regulatory approval before commencing construction. This legal framework aims to minimize adverse effects on air quality, water resources, biodiversity, and public health by incorporating environmental considerations into land use planning and decision-making processes.

Moreover, zoning laws and land use planning regulations designate specific areas for residential, commercial, industrial, and conservation purposes to prevent incompatible land uses, minimize pollution, and preserve natural habitats. These regulations help maintain ecological balance, safeguard public health, and promote orderly development while respecting property rights and economic interests.

### 8.2 Sustainable Development Goals and Property Rights

Property rights play a crucial role in advancing the Sustainable Development Goals (SDGs) by promoting inclusive, resilient, and sustainable development in Nigeria. The SDGs provide a framework for addressing environmental challenges, reducing poverty, and promoting social equity while ensuring that property rights are respected and protected.

For instance, SDG 11 (Sustainable Cities and Communities) emphasizes the importance of inclusive urban planning, affordable housing, and access to land and property rights for all.[65] By strengthening

[62] Legal Aid Council of Nigeria (2023). Annual Report on Legal Aid Services.
[63] Nigerian Environmental Impact Assessment (EIA) Act (Cap E12 LFN 2004).
[64] United Nations Environment Programme (UNEP) (2022). Environmental Governance and Land Use Policies in Africa.
[65] SDG 11: Sustainable Cities and Communities – United Nations Development Programme (UNDP).

property rights, improving land governance, and promoting equitable access to land and housing, Nigeria can achieve SDG targets related to urbanization, slum upgrading, and sustainable urban development.

Similarly, SDG 15 (Life on Land) calls for the sustainable management and protection of terrestrial ecosystems, including forests, wetlands, and biodiversity hotspots.[66] Secure land tenure rights and effective land use planning are essential for conserving natural habitats, preventing deforestation, and promoting sustainable land management practices that support biodiversity conservation and ecosystem resilience[67]. The case of *SPDC v Tiebo VII* demonstrated the judiciary's role in enforcing environmental rights and protecting communities from ecological harm caused by property development and industrial activities[68]

### 8.3 Balancing Development with Environmental Conservation

Balancing development imperatives with environmental conservation goals is a critical challenge in property law and land use planning in Nigeria[69]. Rapid urbanization, industrialization, and infrastructure development often lead to environmental degradation, habitat loss, and pollution, threatening ecosystem health and human well-being.

Sustainable land use planning approaches, such as land reclamation, ecosystem restoration, and green infrastructure development, offer opportunities to reconcile development with environmental conservation objectives. For example, green building standards, energy-efficient design practices, and green infrastructure investments can reduce environmental impacts and enhance resilience to climate change while promoting sustainable urban development.

Additionally, community-based natural resource management initiatives empower local communities to participate in decision-making processes, conserve biodiversity, and manage natural resources sustainably. By promoting multi-stakeholder collaboration, adaptive management approaches, and ecosystem-based solutions, Nigeria can foster a more harmonious relationship between property rights, economic development, and environmental conservation efforts.

## 9. Summary, Conclusion and Recommendations

### 9.1 Summary

This paper explores the multifaceted landscape of private and property law in Nigeria, examining key issues, challenges, and trends shaping legal frameworks and property rights governance. Beginning with an overview of Nigeria's legal heritage, the paper delves into the interplay between customary and statutory land tenure systems, highlighting conflicts, and complexities arising from this dual system.
Further exploration reveals the pivotal role of customary law in property ownership, alongside challenges posed by conflicts with statutory laws. Legislative reforms, such as the Land Use Act of 1978, are analyzed in their efforts to modernize land administration and address emerging issues. However, challenges persist in implementation, hindering equitable access to justice and exacerbating socio-economic disparities.

Globalization's impact on property rights is examined, showcasing examples of foreign investment and land acquisition, alongside challenges in reconciling global trends with local legal frameworks. Additionally, environmental considerations emerge as a critical aspect of property law, necessitating the integration of sustainable development goals and balancing development imperatives with environmental conservation efforts.

Finally, the paper highlights the importance of enhancing access to justice, particularly for marginalized communities, through legal aid services, alternative dispute resolution mechanisms, and community

[66] SDG 15: Life on Land – United Nations Convention to Combat Desertification (UNCCD).
[67] Nigerian Forestry Act (Cap F36 LFN 2004).
[68] *SPDC v Tiebo VII* (2005) 3 NWLR (Pt. 966) 180.
[69] African Development Bank (2020). Infrastructure Development and Environmental Impact in Nigeria.

empowerment initiatives. In essence, the paper underscores the intricate nexus between law, property rights, and socio-economic development in Nigeria, advocating for inclusive, sustainable, and equitable approaches to property rights governance amidst evolving legal, economic, and environmental dynamics.

## 9.2 Conclusion

### 9.2.1 Recapitulation of Key Findings:

In the conclusion, we recapitulate the key findings and insights garnered throughout the paper. This involves summarizing the main points discussed in each section, including the historical background of private and property law in Nigeria, the influence of globalization on property rights, challenges in accessing justice, and the importance of environmental considerations in property law.

### 9.2.2 Implications for Policy and Practice:

We discuss the implications of our findings for policymakers, legal practitioners, and stakeholders involved in property rights governance in Nigeria. This involves highlighting recommendations and actionable insights derived from the analysis, such as the need for legislative reforms to address conflicts between customary and statutory laws, strengthen land governance mechanisms, and promote sustainable development practices.

Additionally, we emphasize the importance of enhancing access to justice for marginalized communities through legal aid services, alternative dispute resolution mechanisms, and community empowerment initiatives. We also underscore the significance of integrating environmental considerations into property law frameworks to balance development imperatives with environmental conservation goals.

### 9.2.3 Future Research Directions:

We suggest potential areas for future research to deepen our understanding of contemporary issues in private and property law in Nigeria. This may include exploring the impact of technological advancements, such as blockchain technology, on land registration and property transactions, as well as examining the role of indigenous knowledge systems in shaping property rights governance.

Furthermore, research could focus on assessing the effectiveness of legal reforms, community-based land management initiatives, and sustainable development interventions in addressing socio-economic disparities and promoting inclusive property rights governance. By fostering interdisciplinary collaborations and adopting innovative research methodologies, scholars can contribute to advancing knowledge, informing policy interventions, andq promoting social justice in property rights governance.

### 9.2.4 Conclusion:

In conclusion, we reiterate the significance of private and property law in Nigeria as foundational pillars of socio-economic development, equity, and justice. Despite the challenges and complexities inherent in property rights governance, there are opportunities for meaningful reforms, collaboration, and innovation to address emerging issues and promote inclusive and sustainable development.

By adopting a holistic approach that integrates legal, economic, environmental, and social considerations, Nigeria can overcome the barriers to property rights governance and realize its potential for equitable and prosperous societies. Ultimately, the pursuit of effective property rights governance requires collective efforts, informed decision-making, and a commitment to upholding the rule of law and protecting the rights and dignity of all Nigerians.

## 9.3 Recommendations for Enhancing Private and Property Law

### 9.3.1 Legislative Reforms:

Comprehensive legislative reforms are essential to address the complexities and challenges in private and property law in Nigeria. This involves reviewing and updating existing laws, regulations, and policies to ensure they are aligned with contemporary realities, promote equitable access to justice, and foster sustainable development.

***Specific recommendations may include:***

i. Amending the Land Use Act of 1978 to address inconsistencies and conflicts with customary land tenure systems, streamline land administration processes, and enhance land tenure security for all citizens.
ii. Introducing legislation to regulate emerging issues such as digital property rights, intellectual property, and environmental conservation in property transactions.
iii. Strengthening enforcement mechanisms, penalties, and accountability measures to deter land grabbing, corruption, and unlawful land transactions.

### 9.3.2 Strengthening Institutional Capacity:

Enhancing the capacity of government institutions, legal practitioners, and civil society organizations is crucial for effective property rights governance. This involves investing in training, education, and technical assistance to build legal expertise, improve service delivery, and promote transparency and accountability in land administration.

***Recommendations may include:***

i. Providing training and professional development opportunities for judges, lawyers, land administrators, and other stakeholders involved in property rights governance.
ii. Establishing specialized courts or tribunals to adjudicate property disputes and expedite the resolution of cases, particularly those involving vulnerable populations.
iii. Strengthening the role of regulatory agencies, such as the Surveyor-General's Office and Land Registries, in enforcing property laws, maintaining land records, and promoting transparency in land transactions.

### 9.3.3 Promoting Community Participation and Empowerment:

Community participation and empowerment are critical for ensuring that property rights governance reflects the needs, priorities, and aspirations of all stakeholders, particularly marginalized communities. This involves engaging local communities in decision-making processes, enhancing their awareness of rights and responsibilities, and strengthening their capacity to assert their interests.

***Recommendations may include:***

i. Establishing community land committees or forums to facilitate dialogue, consensus-building, and decision-making on land use planning, natural resource management, and property disputes resolution.
ii. Providing legal literacy programs, training workshops, and outreach activities to empower communities with knowledge of their rights, legal remedies, and avenues for accessing justice.
iii. Promoting inclusive land tenure systems that recognize and protect customary land rights, ensure gender equality, and respect the rights of indigenous peoples and minority groups.

### 9.3.4 Leveraging Technology and Innovation:

Embracing technology and innovation can enhance the efficiency, transparency, and accessibility of property rights governance in Nigeria. This involves leveraging digital tools, data analytics, and blockchain technology to modernize land administration, streamline property transactions, and reduce administrative bottlenecks.

***Recommendations may include:***

i. Implementing digital land registries, cadastral systems, and geographic information systems (GIS) to improve land records management, enhance property title registration, and facilitate land information access for citizens.
ii. Developing online platforms and mobile applications for property registration, land valuation, and dispute resolution, enabling citizens to access legal services and information remotely.
iii. Exploring the use of blockchain technology to secure property transactions, verify land titles, and prevent fraud, thereby enhancing trust and confidence in property rights governance.

### 9.3.5 Collaboration and Partnership:

Collaboration and partnership among government agencies, civil society organizations, the private sector, and international partners are essential for promoting effective property rights governance in

Nigeria. This involves fostering multi-stakeholder dialogue, sharing knowledge and resources, and coordinating efforts to address common challenges and achieve shared objectives.

***Recommendations may include:***

i. Establishing multi-stakeholder platforms or working groups to facilitate dialogue, knowledge exchange, and coordination among key stakeholders involved in property rights governance.
ii. Encouraging public-private partnerships to mobilize resources, invest in infrastructure development, and promote sustainable land management practices that benefit local communities and contribute to economic growth.
iii. Strengthening collaboration with international organizations, donors, and development partners to access technical assistance, funding, and expertise in implementing property rights reforms and achieving sustainable development goals.

These recommendations provide a comprehensive roadmap for enhancing private and property law in Nigeria, fostering equitable access to justice, promoting sustainable development, and safeguarding property rights for all citizens. By implementing these recommendations in a coordinated and inclusive manner, Nigeria can overcome the challenges in property rights governance and realize its potential for inclusive and sustainable development.