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The Land Use Act of 1978 in the Lens of Old Testament Land Laws and Its Implications for Property Rights in Ogun State, Nigeria

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Abstract

Land in Ogun State, Nigeria, holds profound cultural and spiritual significance for the Yoruba people, serving as a symbol of ancestral heritage and communal identity. The Land Use Act of 1978, which vests all land ownership in state to governors, has disrupted traditional tenure systems, creating tensions with customary practices. This study examines the Act through the lens of Old Testament land laws, which emphasize divine ownership, stewardship, and equitable distribution, as seen in Leviticus 25. The study evaluate the impact of Land Use Act of 1978 on property rights in Ogun State and assess how biblical principles can guide modern land governance. The study employed qualitative methodology, including interviews with community elders, farmers, and religious leaders, the study identified key themes such as loss of ancestral ownership, bureaucratic challenges, spiritual disconnect, and gender inequality. Findings reveal that the Land Use Act of 1978 centralized approach undermines traditional systems, fosters legal insecurity, and disregards the spiritual value of land, although some appreciate its potential for legal protection when accessible. The study concluded that the Act conflicts with both Yoruba customs and biblical ethics, which prioritize communal inheritance and justice. The paper recommended all stakeholders and Government authorities should revise the Act to recognize customary rights, include traditional leaders into land administration, reducing bureaucratic barriers, and promote legal education to enhance equitable land governance.

Keywords: Land Use Act, property rights, stewardship, customary tenure, ancestral heritage and Certificate of Occupancy

Introduction

Land is more than a physical asset among the Yoruba people of Ogun State; it represents a spiritual heritage, a source of livelihood, and a symbol of ancestral continuity and identity. Historically, land ownership in Yoruba society has been regulated by communal customs, governed by elders and family heads, with spiritual and familial values (Awolalu, 1979). However, the promulgation of the Land Use Act in 1978 marked a significant change in the land ownership system. The act vest all land within a state in the hands of the Governor to be held in trust for the people, the Act centralized land administration under statutory control (Nwaka, 2005). Though initially intended to ensure equitable access and reduce speculative hoarding, the Act has generated persistent tension between statutory regulation and indigenous tenure systems, especially in communities where ancestral claims are not only legal but also spiritual.

In contrast, the Old Testament conceptualizes land not as a commodity for market exchange, but as a sacred trust from God. Leviticus 25:23 state, “The land shall not be sold in perpetuity, for the land is mine; for you are strangers and sojourners with me” (Holy Bible, RSV). This theological view regards land as God’s property and positions humans merely as tenants and stewards. Consequently, Biblical law prohibited the permanent alienation of land and introduced principles such as the Jubilee year, stewardship, and redemption to ensure just and equitable land ownership (Brueggemann, 1977). The redemption clauses in Leviticus 25:25–28 allowed land to be recovered by family members who sold their land due to poverty, and the sabbatical cycles served as divinely instituted economic resets.

This study critically examines the Nigerian Land Use Act of 1978 through the lens of these biblical land laws. It investigates whether these scriptural principles of justice, equity, and intergenerational inheritance conflict with or complement the structure and execution of statutory land governance in Ogun State. The study aims to assess how such theological models can inform contemporary debates around property rights and land justice in Nigeria.

Land as a Divine Ownership

The Old Testament teaches, land is not an economic asset but a sacred trust bestowed by God upon His people. Leviticus 25:23 declare that “The land shall not be sold forever: for the land is mine; for ye are strangers and sojourners with me” (Holy Bible, RSV). This declaration underscores the principle of divine ownership, positioning God as the sovereign landlord, while humans are temporary tenants and stewards. This theological view radically reorients the understanding of property, suggesting that no individual or group possesses absolute rights over land.

This imply that land is not to be treated as a commodity subject to permanent alienation or speculative accumulation. Rather, it is to be equitably distributed among families and communities, with mechanisms in place to prevent the concentration of land in the hands of the wealthy or powerful (Wright, 2004). This divinely ordained principles of stewardship serves to curb economic exploitation, social inequality, and dispossession. The Jubilee legislation, which mandates the return of land to its original owners every fifty years (Leviticus 25:10), institutionalizes this vision of periodic redistribution and restoration. It ensures that land remains within families and tribes, preventing generational poverty and elite land grabbing (Brueggemann, 1977).

This divine perspective calls for responsible and ethical land use. Since the land belongs to God, human beings are accountable not only to society but also to the divine for how they utilize it. This principle supports sustainable agricultural practices, environmental preservation, and justice in land administration (Habel, 1995). By recognizing God’s ultimate authority over land, the scripture established a system that safeguarded human dignity, family continuity, and societal equity.

Old Testament Land Laws

The Old Testament outlines a comprehensive mechanism that emphasizes justice, equity, and the preservation of family and tribal identity. Central to this mechanism are the

principles of Jubilee, stewardship, and redemption, all of which serve to ensure that land remains a communal inheritance rather than an object of commercial exploitation or elite accumulation.

The Jubilee law (Leviticus 25:8–17) required that every fiftieth year, land sold due to poverty or indebtedness must be returned to its original family owners. This provision prevented the permanent loss of land and curbed the emergence of a land-owning class that could dominate the economic landscape. As Wright (2004) notes, the Jubilee represents God's commitment to social justice, ensuring that no family was permanently disenfranchised from its ancestral land.

The principle of stewardship emphasizes that the Israelites were caretakers rather than owners of the land. In this role, they were to use the land productively, rest it during sabbatical years (Exodus 23:10–11), and avoid exploitation of the poor and vulnerable (Deuteronomy 15:1–11). Stewardship thus demanded ethical and sustainable land use in alignment with divine mandates (Fretheim, 2005).

The law of redemption (Leviticus 25:25–28) provided that a family member (a kinsman-redeemer) could buy back land sold by a relative, preserving the land within the family. This law helped protect family kinsman by making sure that poor families didn't lose their land forever, even if they had to give it up for a while. (Brueggemann, 1977).

Land was distributed systematically by tribes and clans, as recorded in Joshua 13–21 and Numbers 26. This method of tribal allocation was based on census data and divine guidance through casting lots, ensuring fairness and avoiding conflict (Harrison, 2002). The tribal system prevented monopolization, reinforced familial identity, and embedded land rights in the community structure.

Provision for Redemption of Land

The Old Testament legal system included a compassionate and restorative provision for the redemption of land, primarily recorded in Leviticus 25:25–28. In ancient Israel, if a family became impoverished and was forced to sell their ancestral land, the law permitted a relative referred to as a kinsman-redeemer (*go'el*) to buy the land back on behalf of the original owner. This ensured that land, which was deeply tied to family identity and economic survival, did not permanently pass out of the lineage due to temporary hardship (Wright, 2004).

In addition to individual redemption, the Jubilee Year (Leviticus 25:10) was instituted as a broader societal safeguard. Every fiftieth year, all land was to revert to its original owners, and debts were to be cancelled. This provision served as a divine reset mechanism, addressing the risks of generational poverty, economic inequality, and land monopolization. It underscored the theological belief that the land ultimately belongs to God and is entrusted to human beings for equitable and temporary use (Brueggemann, 1977).

These redemption laws carried profound economic and social implications. They prevented the consolidation of land by a wealthy elite and ensured that no family was permanently alienated from its means of livelihood. The system balanced compassion with

justice, providing a path for recovery and restoration while affirming communal stability and dignity (Fretheim, 2005).

This law reveals God's concern for the marginalized and His desire for a just and inclusive society. It reflects a vision of community where economic structures are built on redemption, solidarity, and hope rather than permanent dispossession and exploitation.

Land Ownership in Ogun State

Land ownership in Ogun State is viewed not just as an economic asset but as a communal inheritance, spiritual trust, and marker of ancestral continuity. The predominant forms of traditional land tenure include communal ownership, family inheritance, and chieftaincy allocation systems, all of which function within a culturally embedded structure governed by elders, family heads, and local chiefs.

Communal land ownership is widespread, particularly in rural areas, where entire communities hold land collectively and allocate usage rights to members for farming, settlement, or economic activities. In this system, the Baálẹ̀ (village head) or Oba (traditional ruler) serves as the custodian of community land, holding it in trust for current and future generations (Adewumi, 2008). These leaders do not own the land outright but oversee its management to prevent conflicts, promote equity, and ensure that land remains within the cultural lineage.

Family or lineage-based ownership is also common, where land is inherited patrilineally and managed by the eldest male, often referred to as the Olori Ebi (head of family). This form of land tenure reinforces the idea of ancestral stewardship, as land is passed down through generations and is rarely sold outside the family. Such land is considered sacred, and any decision to sell or lease typically requires consensus from family members and approval from traditional authorities (Oluduro & Durojaye, 2013).

In some cases, land is held under chieftaincy or title-based tenure, where individuals who receive traditional titles are allocated land in recognition of their service or position. This system reflects a hierarchy where access to land is tied to one's role and contribution to the community, rather than market transactions.

Traditional land ownership also includes mechanisms for conflict resolution. Disputes over land boundaries, inheritance rights, or sale of family land are typically resolved through customary courts or elders' councils, which rely on oral history, family testimony, and spiritual oaths to determine rightful ownership (Erunke & Kurfi, 2017).

Land Use Acts

The Land Use Act of 1978 was introduced by the Nigerian federal government as a land reform policy aimed at standardizing and democratizing land access across the country. It vested all land in each state in the hands of the governor, to be held in trust and administered for the benefit of all Nigerians. This marked a major shift from customary land tenure systems to statutory control. One of the key mechanisms introduced by the Act is the Certificate of Occupancy (C of O), which serves as the legal proof of land ownership or leasehold under

state authority. By replacing traditional claims with formal documentation, the Act sought to curtail land speculation, promote equitable allocation, and facilitate urban development and investment (Fabiya, 2006).

Despite these intentions, the implementation of the Act has been fraught with challenges, particularly in rural and traditionally governed areas like Ogun State. The bureaucratic procedures for obtaining land titles are often costly, complex, and inaccessible to the average citizen, especially those from indigenous communities without legal literacy or financial resources. Furthermore, the Act has been criticized for overriding communal and ancestral rights without adequate compensation or consultation, leading to increased land disputes, mistrust of government authorities, and the marginalization of traditional landholders (Nwaka, 2005; Udo, 1990). As a result, the Act, while progressive in design, has inadvertently alienated the very people it aimed to empower.

Contemporary Issues and Challenges of Land Ownership

In Ogun State, contemporary land ownership is fraught with challenges arising from the clash between traditional tenure systems and statutory regulations. One of the most pressing issues is land grabbing, where influential individuals or developers exploit the legal system to seize land belonging to indigenous communities. This is often enabled by weak land documentation and administrative loopholes. Additionally, legal disputes have become common due to fraudulent sales and multiple allocations of the same land, creating confusion and prolonged court cases. Traditional owners, whose claims are based on ancestral inheritance, often find themselves at a disadvantage in formal legal settings (Udo, 1990).

Another major challenge is the complex and expensive process of land documentation under the Land Use Act. Obtaining a Certificate of Occupancy involves high costs, legal procedures, and technical requirements that are beyond the reach of many rural dwellers. As a result, most customary landholders operate under informal tenure, which limits their access to credit and formal development opportunities. The lack of accessible and inclusive land administration continues to marginalize traditional landowners and undermines efforts at equitable land reform (Aluko & Amidu, 2006).

Conflict between Land Use Act and Traditional/Religious Systems

The Land Use Act of 1978 poses a fundamental conflict with Yoruba customary land tenure, which is deeply rooted in lineage, spiritual connection, and ancestral heritage. In traditional Yoruba thought, land is not merely a physical asset but a sacred trust passed from one generation to another through the family line. The role of elders and community leaders as custodians of land affirms the spiritual and communal value placed on land ownership. However, the Act disrupts this structure by vesting ownership authority in the state governor, thereby overriding the legitimacy of indigenous institutions and ignoring the spiritual dimensions of land in Yoruba cosmology (Awolalu, 1979). As a result, many communities view the Act as an imposition that disrespects their cultural identity and communal governance.

In addition, the Act also contrasts sharply with biblical land ethics, particularly those found in the Old Testament, where land is portrayed as a divine gift entrusted to families and tribes (Leviticus 25:23). Biblical principles such as Jubilee, redemption, and stewardship emphasize that land should not be permanently alienated, nor should it become concentrated in the hands of a powerful few. The centralized and secular nature of the Land Use Act, which promotes bureaucratic control and disregards ancestral claims, stands in opposition to this theological model of equitable and just land use. These contradictions have contributed to widespread legal disputes, resistance from local communities, and an overall erosion of trust in government land policies (Wright, 2004).

Data Presentation and Analysis

Emerging Themes

Theme 1: Loss of Ancestral Ownership

Participants consistently reported that the Land Use Act disregards traditional inheritance systems.

Extract 1: A community elder from Ijebu Igbo said, “This land has been in our family for over 20 years. Now, the government says we need papers to prove it belongs to us.”

This reflects the disconnection between the statutory demand for formal documentation and the ancestral basis for land ownership in Ogun State. The customary system, which relies on oral history and family lineage, is undermined when land rights are only recognized through government-issued titles. As Udo (1990) notes, this has led to widespread alienation of indigenous landowners.

Theme 2: Legal Insecurity and Bureaucracy

Respondents lamented the difficulty in navigating formal land registration processes.

Extract 2: A farmer in Abeokuta said, “To get Certificate of Occupancy, you need money, a lawyer, and many visits to offices. Most of us give up.”

This statement illustrates how the bureaucratic nature of the Land Use Act disproportionately affects rural dwellers who lack both the resources and education to secure formal land rights. As Nlerum (2011) argues, these administrative hurdles create a class divide, favoring the urban elite and sidelining traditional communities.

Theme 3: Spiritual Disconnect

Participants emphasized that land is more than property, it is spiritual heritage.

Extract 3: A chief in Sagamu stated, “Land connects us to our ancestors. When they take it, it’s like cutting off our roots.”

This response points to the spiritual value of land in Yoruba cosmology. The act of state acquisition without recognizing this sacred connection erodes not only land tenure but cultural identity. Awolalu (1979) highlights how ancestral land serves as both religious ground and family legacy.

Theme 4: Clash with Biblical Land Principles

Many respondents noted that the Act violates biblical ethics on land stewardship.

Extract 4: A pastor from Ijebu-Ode noted, “The Bible says land belongs to God and should be passed to children. The Act treats it like it belongs to the state.”

This reflects the contrast between the Old Testament model of divine ownership and inheritance (Leviticus 25:23) and the centralized authority embedded in the Land Use Act. Wright (2004) supports this by emphasizing that biblical land laws promote justice, redistribution, and preservation within family units.

Theme 5: Distrust in Government Land Policies

The erosion of traditional systems has led to skepticism about government intentions.

Extract 5: A respondent from Ijebu-Ode said, “Even if you have land papers, someone with more money or connection can take it from you.”

This illustrates the perceived corruption and inequality in state land administration. According to Aluko and Amidu (2006), legal titles under the Act often fail to guarantee security due to manipulation and weak enforcement. This has led to increasing legal battles and frustration among citizens.

Theme 6: Positive Perception of the Land Use Act

While many participants criticized the Land Use Act, a few expressed appreciation for the protection it offers.

Extract 6: A respondent from Abeokuta said, “Getting my Certificate of Occupancy wasn’t easy, but now no one can claim my land. Even land grabbers avoid me.”

This reflects a minority view recognizing the potential of the Land Use Act to strengthen land security when properly implemented. Legal documentation, though difficult to obtain, can serve as a safeguard against unauthorized encroachment. As Fabiyi (2006) argues, a well-regulated system has the capacity to reduce disputes and increase confidence in property rights when accompanied by transparency and public education.

Theme 7: Demand for Reform and Inclusion of Traditional Institutions

Some participants advocated for a review of the Land Use Act to accommodate traditional land custodians.

Extract 7: A traditional chief from Ilaro noted, “They should work with us, not push us aside. We know who owns which land without any paper.”

This reflects a call for integration of traditional authorities into the formal land governance structure. Inclusion of chiefs and elders in policy decisions could help harmonize customary and statutory systems, reducing tension and enhancing compliance. Erunke and Kurfi (2017) emphasize the importance of leveraging local institutions in resolving land-related disputes and promoting grassroots participation.

Theme 8: Interest in Legal Education and Support

A few respondents expressed willingness to understand and adapt to the Land Use Act if provided with support and information.

Extract 8: A land owner in Sagamu said, “If the government can teach us how to register our land and make it cheap, I think people will do it.”

This suggests that many rural dwellers are not entirely opposed to legal documentation but are hindered by lack of awareness and affordability. Strengthening legal education, offering community outreach, and subsidizing registration fees could significantly improve land regularization efforts and reduce resistance.

Theme 9: Gender Inequality in Land Ownership

Female respondents raised concerns about limited access to land under both traditional and statutory systems.

Extract 9: A widow in Ijebu-Ode stated, “When my husband died, his brothers tried to take the land. They said women don’t inherit land.”

This illustrates how both cultural practices and weak legal enforcement disadvantage women in property rights. Although Nigerian law does not prohibit women from owning land, customary practices often exclude them. As Oluduro and Durojaye (2013) argue, legal reforms must address gender inequality in land access and ownership.

Theme 10: Encroachment and Protection through Legal Documentation

Some participants shared experiences of land encroachment and how legal documents helped protect their property.

Extract 10: A landowner from Ijebu-Ode explained, “My neighbor tried to shift the boundary into my land. But once I showed my Certificate of Occupancy, he backed off.”

This highlights the role of legal documentation in preventing land encroachment and disputes. Although access to formal titles remains difficult for many, those who succeed in securing them benefit from stronger legal standing. This theme reveals that while the Land Use Act has limitations, it can also empower individuals to protect their land rights when properly applied and enforced.

Conclusion

The study concluded that the Land Use Act of 1978, when analyzed in light of Old Testament land laws, shows significant inconsistencies with traditional land owners customs in Ogun State, Nigeria. The research revealed that land among the Yoruba people is more than a physical asset, it is spiritually symbolic tied to family identity and ancestral legacy. While the Land Use Act was enacted to ensure equity and regulate land allocation, its implementation has unintentionally undermined long-standing cultural values, ancestral claims, and communal control over land. The emphasis on state control, coupled with bureaucratic challenges, has led to confusion, land insecurity, and erosion of trust in government land administration.

Old Testament land principles such as stewardship, inheritance, and the Jubilee year reflect a moral and communal approach to land ownership that aligns more naturally with Yoruba traditions. These biblical principles emphasize the preservation of land within family lines, protection of the poor, and restoration of balance in society. Though the Land Use Act serve as a useful tool in protecting land rights when enforced transparently, the study concludes that effective land management in Nigeria requires an inclusive approach that

respects indigenous beliefs, encourages legal awareness, and promotes collaboration between state institutions and traditional authorities. Such efforts will help secure property rights and promote peace, justice, and continuity in land relations across Ogun State.

Recommendations

- The Land Use Act should be reviewed to recognize ancestral and communal land rights within legal structures.
- Traditional leaders and community elders should be integrated into land administration processes to ensure cultural alignment.
- Legal education and awareness campaigns should be provided, especially in rural areas, to help citizens understand land documentation procedures.
- The cost and bureaucracy of securing land titles should be reduced to make legal ownership accessible to all.
- Policies should promote collaboration between state authorities and customary institutions to resolve land disputes and prevent encroachment.

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