

Legal pluralism as a lens to understand legal frameworks

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SUMMARY

Our conceptual framework and model, derived from Nigerian experiences, is more than theoretical. It is a practical and actionable tool for enhancing legal pluralism in land administration systems, measuring land tenure security and the continuum of understanding legal pluralism theories and practices. Grounded in soft systems theory, it provides a profound understanding of complex situations and aids in diagnosing ill-structured problems. Combined with land administration theory, it determines responsiveness and fitness-for-purpose. By applying this robust and sustainable framework, we can design and manage land administration systems, ensuring their relevance and usefulness over the long term. The study analysed Land Administration Systems in Ekiti State using a case study research strategy, Soft Systems Methodology, Responsible Land Management, and Fit-For-Purpose Land Administration. Also, institutional isomorphism theory was used to determine the conflicting pressure exerted on the customary legal framework, comprising the customary courts and the Customary Court of Appeal of a State. Combining qualitative and quantitative techniques, primary and secondary data were collected using three peri-urban cases from Ekiti State, Nigeria (Ikere-Ekiti, Ijero-Ekiti, and Oye-Ekiti). From the findings of the analysis, a conceptual framework, a model, and a continuum of legal pluralism theories and practices were developed. The three peri-urban areas show weak and deep legal pluralism in LASs. The practicality of this framework makes its implementation seem straightforward. This paper is helpful for those interested in LAS development in the context of LAS reform in Africa and the developing world. Policymakers, academics, and government officials involved in policy formulation would benefit from using the conceptual framework and the model because the purpose is to influence LAS reform to incorporate jurisdiction, legitimacy, and collaboration.