

European Journal of Law and Political Sciences

Nº 2 – 3 2022

Section 5. Family law

<https://doi.org/10.29013/EJLPS-22-2.3-46-64>

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LAW OF SUCCESSION: TOWARDS A SINGLE SYSTEM OF LAW IN WESTERN NIGERIAN

Abstract. The law of succession basically deals with methods of distributing property left behind by the deceased person. When a man dies, the devolution of his self-acquired property depends upon whether he has a will or not. If he has made a will, the property devolves according to the dictate of his mind through the will. If no Will exists, that is, under the condition of intestacy, his property devolves according to the customary law applicable to the deceased. The situation becomes complex where deceased who during his life time was a religious person and practice Islamic religion. Islamic law of succession is not a law made by legislators hence, its operation is not regulated by any human endeavor. Islamic law of succession is a divine law and it has to be applied as contained in Holy Quran and Sunnah of Prophet Muhammad (SAW). Problem about the applicable choice of law is more pronounced and common under intestacy.

Conflict and choice of law thus, exist in the methods of distribution under various customary laws. Uncertainties associated with applicable choice of law allow some to inherit while others do not. These practices in respect of property inheritance under customary law particularly in the six states of the Western Nigeria manifest in different forms and shapes but eliminating these conflicts between succession laws in Western Nigeria shall be the focus of this research work.

Keywords: Law, Succession, Towards, Single system, Western Nigeria.

Introduction

Owing to the diversity of cultures, ethnic values and religious affiliations, people of Western Nigeria are subject to a variety of laws and customs [1]. Customary law in the six states of Western Nigeria, that is, Oyo, Osun, Lagos, Ogun, Ekiti and Ondo, operate side by side with the received English Common Law, local case law and legislation as well as the Islamic law [1]. The existence of different systems of law in respect of succession have posed a threat to

the administration of succession matters, especially intestate succession in the region [2]. What is important in respect of this, is that, these rules are not only different in some cases, they are also contradictory in some areas [2].

Inheritance is a cultural practice that cut across the globe. It is usually the mode of property transfer particularly in many sub-Saharan countries where property distributions are culturally done by the family members [3]. The existing research literature

stituted property, went on to clarify property into real and personal property. He similarly explained the concept of family property and cited the cases of *Tapa v Kuka* ((1945) 18 WLR5), *Olowu v Olowu* ((1945) 18 WLR5) and *Zaid v Molisen* ((1957) SC NLR 45) to support of his argument on what constituted laws of succession in the afore-mentioned cases where the courts defined family property to include "unpartitioned real and personal estates of the deceased" which devolved on the children. Intestate succession can however, be further divided into two headings, namely:

1. Intestate Succession (statutory)
2. Intestate Succession (Customary)

Intestate Succession Under Statutory Law

Intestate succession (under statutory law) has to do with intestate succession under the Marriage Act (*Section 36(1) of the Marriage Act (1958)*). It provides thus:

Where a person subject to customary law dies intestate and succeeded by a widow, or husband or children, his estate which would have been disposed of by Will shall devolve in accordance with the law of England.

The reality is that the aforementioned Section 6 of the Marriage Act applies only to a person who ordinarily is subjected to customary law and if the person married under the Marriage Act and died intestate whilst still domiciled in 'the colony', that is, colony of Lagos leaving behind movable property there; or died domiciled elsewhere leaving immovable property there, the property shall be distributed according to the provisions of the English law as declared by the supreme court in the case of *Salubi v Nwariaku* ((2003) All NLR 548). Where the deceased, Chief Salubi, died intestate in September 1982 and he was survived by his widow whom he married under the Marriage Act, two children were born by the said widow and two other children were born out of wedlock but whose paternity he acknowledged. The said two other children born out of wedlock were also raised by the deceased wife in

the matrimonial home with the consent of his lawful wife who accepted them as children of the family. The estate included real property in various parts of the country. Letter of administration was granted to the deceased wife and the eldest son (first defendant) in 1985 but the widow declined to serve. The first surviving child of the deceased who was the plaintiff in the suit sued the defendants for herself as beneficiary and claimed an order to set aside the letter of administration granted to the first defendant for mismanagement of the estate.

The plaintiff claimed among other thing that the Administration of Estate Law of Bendel State and Section 36 of the Marriage Act governed the distribution of the deceased estate. Defendant in the suit contended and argued that the estate should be governed by Urhobo customary law of succession or the Administration of Estate Law of old Bendel state but not English law of succession. The trial judge held that Section 36(1) of the Marriage Act and not the Administration of Estate law or customary law applied to the estate of the deceased. During the trial, the Court preferred among other evidence Section 36(1) of Marriage Act which was considered to be superior and overrides the Administration of Estate Law of old Bendel state.

The Court further held that the widow was entitled to one-third of the deceased estate while the children take the remaining two-thirds of the deceased estate. On Appeal Court, the decision of the lower court was confirmed and the court of Appeal said the applicable law for the administration of the deceased's estate was English law as contained in Section 36 (1) of the Marriage Act.

At the Supreme Court, the main issue for determination was which law was applicable to the administration of the estate as between section 36(1) of the Marriage Act and the Administration of Estate Law of Bendel state. It was made argued that Section 36(1) was part of the Marriage Ordinance enacted in 1914 and provided that where a person subject to customary law dies intestate succeeded by a widow

the discretion of the head of family where dispute had arisen or envisaged.

Apart from the above situations, customary law of inheritance discriminates, against women as wives in many jurisdictions in Western Nigeria where customary law permits some daughters to inherit the properties of their late father, but the share given to them or allowed them to inherit are less compared with the share given to their male counterparts (b) (*Akinnubi v. Akinnubi*). Also, customary law of succession generally discriminates against widows of customary marriage.

Wives or widows of the deceased husbands are generally regarded as strangers and are considered as part of the properties left behind by the deceased to be inherited by the male relations of the deceased husband (*Suberu v. Sunmonu*). The cases of *Suberu v. Sunmonu*, and *Ologunleko v. Ikuomehin* have demonstrated and justified the real reasons why widows are not permitted to have a share in the estate of their husbands.

Again, Customary law does not give equal rights to the adopted children as accorded biological children. The reason behind this is that biological children are considered more precious. It is alien to allow adopted child or children to participate in the sharing of family properties because devolution under Yoruba Customary Law is between 'blood' (biological) relations.

Rights of Spouses

As a general rule, spouses do not succeed to each other's estate under customary law of succession of the Yoruba people of Western Nigeria (*Nezianya v. Okagbue* (1963) 1 All NLR 358. In *Johnson v. Macauley* (1961) 2 All NLR 743, it was held that under Yoruba law, the estate of an intestate mother devolves on her children as joint heirs.). In the case of *Oloko v. Giwa* ((1939) 15 NLR 31; *Dosunmu v. Dosunmu* (1954) 14 WACA 527) the court firmly declared that the land allocated to each of the deceased wives by the intestate still belonged to the family because the allocation conferred no title on the women.

Distribution under Yoruba Customary Rules of Inheritance

The Yoruba customary rules of inheritance stipulates that upon the death intestate of the founder of the family, a family property is thereby created and the eldest son, the Dawodu, becomes the head of the family and he takes over the management of the estate of the deceased for himself and on behalf of other members of the family, as illustrated by the case of *Lewis v. Bankole* (See *Lewis v. Bankole* (Supra). See also the case of S.J. Adeseye (supra) S.F. Taiwo). Upon assumption of the position of Dawodu (that is, head of the family), he decides which of the two Yoruba customary systems of distribution will apply to the distribution of the intestate's estate. These rules of distribution are the 'Ori-Ojori' and 'Idi-Igi' systems, as decided in the case of *Olowu v. Olowu* (See the case of *Olowu v. Olowu* (2002) 46 WRN 102) Ori-Ojori is a system of distribution whereby the estate of the intestate is shared equally among all the children of the intestate, both male and female children. On the other hand, Idi-Igi system is that which allows the distribution of the intestate's estate equally according to the number of wives for the benefit of the children of each wife. In *Danmole v. Dawodu* ((1956) 1 FSC 84):

One Suberu Dawodu, who at one time had four wives, died intestate leaving surviving three wives. Letter of Administration to administer his estate was granted to four members of the family, one representing each wife and, consequently, representing also the branch consisting of the children by each wife. The deceased's personal estate and rents accruing from his real property were divided into four parts one part was given to the children of each wife. All parties originally agreed to this method of distribution and it was observed for ten years. The respondents contended in this action that the deceased's property should be divided into nine parts, one part to go to each child of the deceased or, in the case of a deceased child (whether dying before or after Suberu) to be divided between the issue of that de-

eldest surviving child, a son, as the head of the family, although the dispute as to the headship of the family was between the eldest surviving daughter and the overall head of the family. On appeal, however, it was held that the issue of headship of the family of the deceased was not at large since the contest was solely between two of the parties to the proceedings as to which of the two of them was the head of the family, nor was the court required to make a general declaration as to who of all the members of the family is the family head, and it was competent for the trial judge to make a case of his own or to formulate his own case from the evidence, and then proceed to give a decision based thereon, quite contrary to the case of the parties before him by declaring that one of the other parties to the proceedings was the head of the family. Secondly, that the trial judge having found that there was an existing family dispute as to whether the distribution of the deceased's estate under Yoruba Customary Law should be according to the *Ori-Ojori* method rather than the usual *Idi-Igi* method, it is an error on his part to order a distribution according to the *Ori-Ojori* method when there was no evidence that the head of the family as such had decided in favour of that method, thereby depriving the head of the family of his right to resolve such a dispute.

Fusion of Courts and the Law in Nigeria

It must be stated that our knowledge of the distribution of working among the various system of court would be incomplete if we were not to know some significant exceptions to the general propositions stated in the proceeding pages. It is no easy task to treat problems of choice of court in Nigeria on basis of "Systems" of Court where the legislature has been mostly concerned with conferring jurisdiction on individual courts within the tripartite system. The jurisdiction of the individual customary courts is generally specified in the warrant of each of these courts.

In the Western State, for example, customary courts Grades A and B presided over by lawyers have

nearly as little in common with the customary courts Grade C as the Magistrates Courts have in common with such Grade C Courts. Yet the Grades A, B and C belong to one system whilst the Magistrates Courts belong to another. The fact, however, is that the ultimate aim is to fuse the various systems of courts. This is the declared policy of the Government of Western Nigeria. The practical consequence of pursuing such policy has made the problem of choice of court increasingly complicated but correspondingly insignificant. But this fact is by no means, a sufficient why attempts should not be made to point out the defects of the present arrangement.

It is submitted that the rules of choice of court, in the context of pluralism of system of courts, with different rules of procedure, must have as their primary purpose the efforts to prevent overlap of jurisdiction so that, a suit properly cognizable by one system, should not be actionable in another purposely to take advantage of a more favorable rule of procedure. To that end, the rules determining the jurisdiction of each system of court should be clear and obligatory as opposed to the present arrangement whereby the application of some rules are left to the absolute discretion of the judges in certain cases and to the whims of administrative officers in some others.

By far, the major defect of the present statutory rules is that some of these rules are so vague as to permit of different interpretations. Such a situation is neither conducive to certainty or predictability nor likely to promote the course of justice. The fact that there has been, on the part of legislature, a preoccupation with delimiting the jurisdiction of the native courts rather with improving upon the law they apply. This policy has resulted in the development, until lately, of a multiplicity of un-coordinated rules of judicial jurisdiction. (Particularly in the Northern States). This preoccupation with customary court's jurisdiction has produced, under the recent Area Court Edits of the Northern States, the absurd situation whereby a Syrian sue any Nigerian in the Area Court while a Syrian can only be sued in this Court

lems associated with this system of pluralism of laws are the conflicts it created, with its attendant multiple courts. As will be expected. There are separate courts administering these separate laws. That is, customary courts are the court established to apply customary laws while the general courts are those courts established to apply and administer those statutory law classified as general laws [10] Interaction between the general law and customary law does not permit the assumed 'straight jacket' between the customary law and the general law. Presently, the rule under the customary law of succession in Western Nigeria or even in any other part of Nigeria is that anybody who is married under customary law whether to a wife or to many wives is governed by customary law in the area of intestate succession. (*Lewis v Bankole* (1909) INLR 82; see also the cases of *Tijani V Secretary, Southern Nigeria* (1921) AC 399, *Falomo v Onakanmi* (2005) II NWLR (Pt. 935) 126.) Whereas, someone married under the statute and died intestate will have his or her estate governed by the statutory law. (*Salubi v Nwariaku* (2003) AII NLR 548.) The question that needs urgent answer is what becomes of a man who has not married under either the customary law or Islamic law who died intestate. The concern is how do we know the appropriate and applicable law that should govern his intestate estate?

As should be expected, when the matter like this is litigated in the general court, the general law becomes the applicable law. (*Adesubokan v Yinusa* (1971) NWLR 77; (1971) 1 AIINLR 225). When such case is litigated in the customary court, the rule of customary law will apply as decided by the court in the case of *Lewis v Bankole* ((1962) 1 AII NLR 702).

Dawodu v Dammole where the customary rules of succession were applied. This practice is however unsatisfactory, what happen, presently, is that those who are wealthy enough to institute action at the general court will do so while the defendant who could not afford the services of a legal practitioner will lose out.

Indeed, the real problem is the rule of choice of law applicable in the general court and in the customary court where these different laws contradicts each other.

Fusion by Unification

The issue here is whether the entire system of customary courts should be abolished to be replaced by subordinate courts to the High Court that will be empowered to apply the general law, the customary law and the Islamic law as they become applicable ((1962) 1 AII NLR 702). After all the high court handle customary law issues on appeal until lately when customary Court of Appeal were being established which appears to have turned out a white elephant that is now being abolished in some states. Only the Ondo State customary court of Appeal is functioning in the whole region, and there is indication that it will be abolished. (Ondo State Ministry of Justice, structure of Courts vis a vis Administration of Customary Court in the State 2017).

On the other hand, is it not feasible only to fuses the courts but also to fuse the law? This leads us to the consideration of the draw-backs in maintaining separate system of courts to administer these different system of laws. (Ondo State Ministry of Justice, structure of Courts vis a vis Administration of Customary Court in the State 2017).

Unification of Legal System

Unification is an approach in which different laws are subsumed into only one acceptable law. The question is how can this bring an end to discrimination which is the basis of our discussion in this research work? Before now, litigants or beneficiaries, most especially in an intestate situation have an options either to bring his or her claims(s) under the General law or customary and Islamic laws where it involves Muslim personality, closer look at these various types of inheritance laws it revealed that adequate provisions were not given to widows, most especially widows whose husband died intestate and contracted customary marriage (The customary law of inheritance of south-western Nigeria regards wid-

by a court that will have jurisdiction over all persons (of whatever race or creed) who are parties to any cause or matter properly cognizable by courts.

If by fusion of law we mean the creation of a new single system to replace the existing dual or tripartite ones such a unification is desirable in the field of substantial law for the following reason in line with the option of Professor Agbede.

- a). **Legal simplification:** An integrated system of law will not only simplify the teaching of law but also its administration. The courts will be spared the perplexing task (of which the law reports show more than ample evidence) of having to decide in any given case whether the general or customary or Islamic law applies and to ascertain the particular customary to be applied.
- b). **Administrative convenience:** if fusion is embraced, an established court under the law will have jurisdiction to administer both common law and customary law. Polarization of courts alongside diversity of laws have no tangible advantages than to create unnecessary duplication of courts like what we are experiencing presently in Nigeria (O. Agbede, *Legal Pluralism* (Ibadan, Shanneson Ltd, 1991) pp. 272, 273.). Unified system will automatically resolve any controversy relating to application and interpretation of law at a given time. For instance, in northern Nigeria, there is what is called British type of courts with unlimited jurisdiction, Area court with limited jurisdiction and Sharia court with a specialized jurisdiction with a line of appeal to a Sharia court of Appeal before finally coming to Court of Appeal (The Sharia Court of Appeal could only be described as being at the apex of the Area courts only in relation to Muslim personal law. Particularly in Northern Nigeria, see for example section 20 (3) of Old Area Court Edict (Kwara State) No 2 of 1967). While in

the southern part of Nigeria, British type of court have unlimited jurisdiction in respect of all matters, Magistrate court also have limited jurisdiction and Customary court were established to administer customary law. (What is applicable south-western in Nigeria as indicated by I.O. Agbede, 273).

- c). **Legal certainty:** — The fused system of law will automatically bring certainty into the judicial administrative system in the region. The decisions of our judges, left much to be desired in matters concerning internal conflict of laws where it is almost impossible to predict in advance, which particular laws a court will or must apply to a given situations. (*Adeniji v Adeniji* (1972) 1ALL NLR (Pt 1) 298 where the lower court accepted the application of Idi-Igi as appropriate formula for distribution of property under the customary law of the deceased person, but on appeal to the Supreme Court, the court found ori-ojori as most appropriate formula. Since there have been a conflicting decision on the issue of succession).
- d). **Social convenience:** if embraced, a unified system of law will definitely take proper account of contemporary issues (like widows inheritance separately and social conditions suitable to the needs of the time (Currently, private ownership and outright alienation of land through sales and gifts in a will, formerly unknown to customary law and custom is now receiving the benefit of the general law) than outdated, controversial and inchoate rules of customary law, the exotic laws and principles of the received English laws or the worse still, the somewhat rigid and immutable rules of Islamic law,
- e). **Matter of policy:** — It is important to ask ourselves this question, whether it is right or proper that a citizen of a sovereign Independent states in this present world should

(Cap 89 Penal Code with Sharia Penal Code) unless fine-tuned, customary law rule is not suitable to modern situations in this area of the law (Formerly punishment by maiming, stoning and mutilation of all kinds were rampant under customary and Islamic laws respectively).

Also, the customary and Islamic laws are vigorous, fully developed and will be dominant among the people particularly in Yorubaland. From the Northern part of Nigeria, Muslims patronize the indigenous Sharia court, much more than any other courts. It will be unrealistic, if we are to replace the existing rules of customary /Islamic laws with the rules of the received English law. For instance, the rules of English law of succession inclusively based on monogamous marriage can hardly find acceptance with Nigerians particularly, the Yorubas, majority of who do not appreciate any other law than customary law, in this regard regardless of some of its weaknesses. As to the contemplation of replacing the general law in-to-to with the existing rules of customary law, one may begin with the view expressed by the London Conference on the 'Future of Law in Africa' that; "Question of family relation, marriage, adoption, divorce, wills and succession are so essentially personal that they must in large part continue to be governed by the customary law of the community to which the person belongs" (See Marriage Act, Law of Federation of Nigeria 2004). The issue of replacing customary law by foreign law in this area is bound to produce absurdity and injustice (See Future of Law in Africa (1960) *Supra* p 45-60, unlike Ethiopia that adopted two foreign laws, English and Swiss (South Africa also followed suit)).

However, the most criticized aspect of customary law of succession is the way and manner the law treats the women folk particularly the inferior status and inadequate protection of the widows and daughters of the deceased which has rendered the customary law of succession inconvenient to most educated females in Yorubaland. On the other hand, Islamic law cannot be applied universally because the

law is addressed only to Muslims and the Muslim community. It is regarded as a law of religion and an integral part of Islam. Islam is the totality of human life. Therefore, it cannot be a viable alternative or a universal option to other non-Muslims.

Fusion by 'Cut and Paste' Approach

This approach of fusion of laws will be achieved by taking whichever aspect of the existing laws is considered desirable and embody the same in the unified scheme. Since the integrated scheme will be built up from the existing laws of the Yorubaland, this approach has the merit of being geared towards the reality of social conditions of the society. It is society-driven and as such it will be necessary to briefly review the state of the existing laws on which the integrated programme will be based. It must be noted that the courts are not helping the situation in Nigeria because the judges have not involved any reliable formula for determining whether or not a particular English statute is of general application. As a result, it is undoubtedly unsatisfactory that it will require the accident of litigation to know whether a given English statute is part of the law in Nigeria.

The situation therefore is unfortunate that we are saddled with outdated English statutory which are largely irrelevant to the social reality of the present age and indeed the arrangement militates against legal certainty. Most of the English statutes of "general application" have radically amended or repealed outrightly in response to changing reality of their country of origin.

However, in order to eliminate uncertainty in the law, the states of former "Western Region" have done admirably well in picking such English statutes as they deem suitable and re-enacting them as local statutes with suitable modification. Nevertheless, the adoption is far from being adequate as it covered only a few areas of the law.

Fusion by Harmonisation

The diverse laws operating in Yorubaland, particularly, need to be looked into and the shafts removed from the grains, so that the relevant ones can be har-

ent realities geared towards achieving harmony within the extended family. (The extended family should approximate the concept of ‘dependents’ elections as contained in Fatal Accident Law of the continent states with some modifications; for instance, under the right of the beneficiary; fatal Accident Act allows for claims to be made by the dependants of the deceased in their own right. This will include losses arising after the date of death. The beneficiary of the estate are often dependents. When a person is killed a claim can be brought on behalf of his or on behalf of their dependants. The person suing as of right are called the “claimant” who are the beneficiaries according to the act particularly Section 2 states that: Every such action shall be for the benefit of the dependants of the person (the deceased) whose death has been so caused; the “dependant means:

The wife or husband of the deceased,

Any person who is a parent or grandparent of the deceased

Any person who is a child or grandchild of the deceased and

Any person who is, or is the issue of, a brother, sister, uncle or aunt of the deceased.

In addition, section 4 provides:

Any relationship by affinity shall be treated as a relationship by consanguinity, any relationship of the half blood as a relationship of the whole blood and the step child of any person as his child, and illegitimate person shall be treated as the legitimate child of his mother and reputed father, see, Gordon Exhale “the law relating to fatal Accidents”, An Introduction <https://fataaccidentlaw.wordpress.com/2013/07/22/the-law-relating-to-fatal-accidents-an-introduction>. Accessed 30th November, 2016. See, fatal Accidents Act (1976) 1976 CAP 30.

Definition of wife should include childless wife which customary law excludes.

A child or children should include illegitimate children as prescribed by the 1999 constitution of FRN sections 42(2). Also as contained in the Northern state Fatal Accident law, laws of Federation.)

Ways and Means of Fusion of Laws by Legislation

It is important to note that approaches to fusion of law by legislation are as varied as underlying policies behind every integration scheme. These approaches are discussed as follows:

Integration by Unification

Integration by unification approach can be achieved through an outright abolition of all the systems of law but one or the replacement of the existing conflictual systems by a new single (acceptable) system. This type of approach integration of law has been experimented with success in the field of criminal law and punishment by outright abolition of the rules of customary law and Islamic law. The aspect of Islamic law infused are however contained in the Northern penal code which include the prohibition of consumption of intoxicating liquor and criminal punishment for adultery, (Cap 89 Penal Code with Sharia Penal Code) unless fine-tuned, customary law rule is not suitable to modern situations in the area of criminal law and punishment. (Formerly punishment by maiming, stoning and mutilation of all kinds were rampant under customary and Islamic laws respectively).

However, in the area of succession, the customary and Islamic laws are vigorous, fully developed and will remain dominant among the people particularly in Yorubaland. From the Northern part of Nigeria, Muslims patronize the indigenous Sharia court, much more than any other courts. It will be unrealistic, if we are to replace the existing rules of customary /Islamic laws with the rules of the received English law. For instance, the rules of English law of succession inclusively based on monogamous marriage can hardly find acceptance “with Nigerians especially the Yorubas, majority of whom do not appreciate any other law than customary law, in this regard regardless of some of its weaknesses. As to the contemplation of replacing the general law in-to-to with the existing rules of customary law, one may begin with the view expressed by the London Confer-

under customary law of inheritance. <http://www.punchnh.com/news/ekiti-signs-criminal-law-acuses-ff-g-neglect-retired-30/6/2015> Jigawa State Justice Law Reforms Commission, Akwa Ibom State Law Reform Commission presented its first annual report in 2010, Abia State is collecting data for a Customary law Manual).

Enlightenment Campaign through Mass Media:

Mass enlightenments programs on the untold hardship and deprivation that wives and in some cases, daughter suffer under customary laws should be embarked upon in a sustained manner. Such campaign should be mounted by Ministries of Information, Communication, Women Affairs, Youth and Culture, and also on electronic social media to enlightened people on the dangers of inequality of succession rights caused to widows and the female heirs.

Radio, Television (TV), town criers, discussions, notices on billboards, newspapers, leaflets, magazine in both English, local languages and local dialect should be employed so as to reach the educated, semi-educated, illiterate, semi-illiterate in our society. These programs are very necessary to effect changes in the attitude of men particularly in the field of succession. It will also reduce men chauvinism to the barest minimum, generally.

The Role of the States House of Assembly

The State Houses of assemblies have a very crucial role to play in the reforms of customary law of succession. These are the only authorities to deliberately abolish or modify existing rules of customary law. Such legislation should abolish all forms of discrimination against widows and female children as contained in the customary law rules. The legislators

should therefore prescribe the exact percentage to be given to a widow from her demised husband estate as suggested in this paper. Daughters and sons should be placed on equal footing by such legislation. The states in Yoruba land need to emulate the states (The states are Imo, Bayelsa, Enugu, Cross Rivers and Kaduna states; that is gender and Equal Opportunity Law no 7 of Imo State 2007; the Prohibition of Infringement of a Widow's and Widower's Fundamental Human Right Law of Enugu state 2011; Cross River Female Person's Inheritance of Property Law 2007) that have taken this step earlier.

Need for Intervention of the Legal Aid Council

The legal aid council should provide services for the citizenry in line with the enabling Act (Cap L9 law of the federal government of Nigeria 2004, on legal aid council) that established it and render free legal services for the time being for poor, widows and their children to secure their rights of inheritance. The National Assembly and the State Assembly should endeavor to emulate other African countries (Uganda, South — Africa and Zimbabwe) that have achieved this fit (Cap 4, section 33–46 of 1999 Constitution of Federal Republic of Nigeria. See particular section 32 constitution of Republic of Uganda 1995; Also, Section 8 Constitution of Republic of South Africa, 1996) in their various constitutions (See particular section 32 constitution of Republic of Uganda 1995; Also Section 38 Constitution of Republic of South Africa, 1996 prohibits laws, culture, centenary, and tradition which are against the dignity or interest of women and also ensure outright repeal/abolition of all under customary laws that allows denial and promote discrimination against women as widows or widower (whose applicable) in respect of right of inheritance succession).

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Contents

Section 1. Political problems of the international relations, global and regional development	3
<i>M.A Le Nguyen Thi Ngoc Lan</i>	
IMPACT FACTORS IN THE BUILDING OF SMART URBAN GOVERNMENT IN DONG XOAI CITY, BINH PHUOC PROVINCE, VIETNAM.....	3
<i>Panfongpheth Bounchanh M.A.</i>	
THE STATE MANAGEMENT ROLE IN AGRICULTURAL AND RURAL DEVELOPMENT IN LOUANGPHABANG PROVINCE, THE LAO PEOPLE'S DEMOCRATIC REPUBLIC	9
<i>Tran Toan Trung M.A.</i>	
ENHANCEING THE ROLE OF THE DEPARTMENT OF CULTURE, SPORTS AND TOURISM IN PROVINCES AND CENTRALLY-RUN CITIES IN THE STATE MANAGEMENT OF ETHNIC GROUP CULTURE IN VIETNAM.....	15
Section 2. Constitutional law	22
<i>Dylavong Noukeo</i>	
STRENGTHENING THE NATIONAL ASSEMBLY'S ROLES IN BUILDING THE RULE OF LAW STATE IN THE LAO PEOPLE'S DEMOCRATIC REPUBLIC	22
<i>Manushaqe Artan, Saliasi Endri</i>	
THE DECISION OF THE CONSTITUTIONAL COURT NO. 24/2021	28
Section 3. Political culture and ideology	33
<i>Ta Van Sang</i>	
HO CHI MINH'S PHILOSOPHY ON THE WAY TO BEHAVE WITH HUMAN	33
Section 4. Political problems of the international relations, global and regional development	37
<i>Tie Guan, Hongliang Gou, Yuan Qi</i>	
THE EFFECT OF THE BELT AND ROAD INITIATIVE ON GDP GROWTH: EVIDENCE FROM MALAYSIA, INDONESIA, THAILAND, AND PHILIPPINES.....	37
Section 5. Family law	46
<i>Adepoju Adebisi Anthony</i>	
LAW OF SUCCESSION: TOWARDS A SINGLE SYSTEM OF LAW IN WESTERN NIGERIAN	46
Section 6. Theory and philosophy of politics, history and methodology of political science	64
<i>Tran Viet Quang, Tran Cao Nguyen, Nguyen Ho Thanh</i>	
HO CHI MINH'S VIEWPOINTS ON BUILDING TEACHING STAFF	64