VOL. 13 NO. 2,
AUGUST, 2026
E-ISSN 3027-1533
P-ISSN 3026-8648

African Scholar Publications & Research International
www.africanscholarpub.com

Journal of African Innovation & Advanced Studies (JAIAS)

Gender, Law, and Social Practice in Post-2014 Yoruba Inheritance: Ten Years after Ukeje V Ukeje

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DOI: https://doi.org/10.70382/ajaias.v13i2.0102

Abstract

In 2014, the Supreme Court of Nigeria in Ukeje v Ukeje declared customary practices excluding female children from inheriting land unconstitutional. This article tests whether Ukeje changed social practice in Yoruba communities in Southwest Nigeria ten years later. Based on doctrinal analysis of 12 inheritance cases and 58 semi-structured interviews conducted between 2015 and 2025 in Oyo, Ogun, and Lagos States, the article finds a significant compliance gap. While daughters won 75% of court cases citing Ukeje, 81% of women interviewed still received no land. Families adapted through 'cash compensation' and strategic delay by the Olori Ebi. The article argues that Ukeje created paper rights without enforcement mechanisms. It concludes that constitutional litigation must be paired with institutional reform, including mandatory female representation in family councils and criminal penalties for trustees who exclude daughters.

Keywords: gender equality, Ukeje v Ukeje, section 42, Yoruba women, customary law, legal pluralism, Nigeria

Introduction

In 2012, I interviewed Mrs T in Abeokuta. She was 48, a secondary school teacher. Her father died in 2010. When she asked about her share of family land, the Olori Ebi told her: 'Go to your husband's house. This land is for your brothers.' When asked if she would go to court she replied: 'Court? For what? The law is on their side'.[1]

She was correct. In 2012, the law was on their side. On 19 December 2014, this changed. In Ukeje v Ukeje the Supreme Court held that any custom disinheriting female children was 'repugnant to natural justice, equity and good conscience' and violated section 42(1) of the Constitution of the Federal Republic of Nigeria 1999.[2] Although the case concerned Igbo custom, section 42 applies to every Nigerian, including Yoruba women.

This article asks: Did the compound change after Ukeje? Ten years later, has the law moved from the law report into the family meeting?

Literature Review

Scholars debate the relationship between constitutional rights and customary law. Nwauche argues section 42 created a 'constitutional moment' for women's rights.[3] Others contend courts are reluctant to displace custom.[4]

In Yoruba studies, Oyewumi and Sudarkasa show pre-colonial Yoruba women had significant economic rights, but colonialism and Islamic influences hardened patrilineal inheritance.[5] Ukeje thus represents a reversal of colonial distortion.

There is however little empirical data on post-Ukeje practice in Yoruba communities. This article fills that gap.

Methodology

This study uses mixed methods. First, doctrinal analysis of 12 High Court cases in Ibadan, Abeokuta, and Lagos between 2015 and 2025 where daughters cited Ukeje. Second, 58 semi-structured interviews with women aged 25–65 whose fathers died after 2014. Third, observation of 14 family meetings between 2018 and 2023.

Names have been changed. Ethical approval was obtained. Interviews were transcribed and coded thematically using NVivo.

Ukeje v Ukeje (2014)

Mr Lazarus Ukeje died in 1981. His will left property to sons. Daughters received nothing. They sued, arguing the custom was unconstitutional.

The Supreme Court, per Rhodes-Vivour JSC, agreed: 'any custom that discriminates against a female child is void'.[6] The Court relied on section 42(1) of the 1999 Constitution.[7]

The judgment was hailed as landmark. But a judgment is not social change.

Findings

In Court: Ukeje Works

Of 12 cases reviewed, daughters citing Ukeje won 9. A 75% success rate.

Mrs K v Adeyemi Family (Ibadan High Court, 2019): The judge awarded 1/4 share, stating 'Ukeje has settled this'.

Adebayo v Adebayo (Lagos High Court, 2021): The court rejected 'Yoruba custom is different', holding 'Ukeje is not about Igbo or Yoruba. It is about section 42'.

In the Compound: Limited Impact

Of 58 women interviewed, 47 received no land. 81%.

Three reasons emerged.

First, adaptation. Families now say: 'Take ₦500,000 and leave the land'. Mrs B in Lagos: 'My brothers offered ₦1 million for my share of a plot now worth ₦8 million. I took it. I cannot fight my brothers forever'.[8]

Second, delay by Olori Ebi. 28 of 35 Olori Ebi interviewed were men over 65. Strategy: 'We will meet next month'.

Third, social cost. Mrs A in Oyo: 'If I go to court, my children will not attend family weddings. Is land worth that?'[9] Ukeje gave a right. It did not give community.

Discussion

This is what Merry calls the 'vernacularization problem' - global legal norms translated into local contexts.[10] Ukeje vernacularized as 'we will give you money'. Equality was lost.

Three institutional failures:

1. No enforcement mechanism for Olori Ebi who ignore Ukeje.
2. No fast-track courts. Cases take 7–10 years.
3. No female voices. Family councils are 90% male.

Recommendations

1. Mandate Female Representation: Every Olori Ebi council must include at least two female elders.
2. Criminal Penalty: The Yoruba Customary Inheritance Bill 2026 should criminalize willful exclusion of female beneficiaries.
3. Inheritance Tribunals: Create 6-month fast-track tribunals for claims under ₦50 million.

Conclusion

Ukeje was an earthquake. It collapsed the legal building supporting discrimination. The cultural building still stands.

Ten years later, Yoruba daughters have two inheritances: one in the law report, one in their father's heart. Only one pays school fees.

Until institutions enforce Ukeje, the judgment remains a beautiful idea with ugly outcomes.

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