



## First Son Primacy and Family Dependent Rights in Nigerian Estate Laws

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**Abstract.** This paper examines the tension between first son primacy and the rights of family dependents in Nigerian estate laws. Nigeria's inheritance framework operates within a complex system of legal pluralism encompassing statutory, customary, and Islamic laws, with approximately 60% of inheritance disputes occurring at the intersection of these systems. The primogeniture tradition, deeply embedded across Nigeria's major ethnic groups, grants significant inheritance privileges to the eldest male child, often at the expense of other family dependents including widows, daughters, younger sons, and children born outside marriage or through adoption. Constitutional challenges to discriminatory practices have increased through landmark judicial decisions such as *Mojekwu v. Mojekwu* and *Ukeje v. Ukeje*, yet implementation remains problematic, particularly in rural areas where traditional authorities maintain significant influence. Drawing from comparative perspectives in the United Kingdom, South Africa, and Ghana, the paper proposes a framework for reform that acknowledges the cultural significance of first son traditions while establishing minimum protections for vulnerable dependents. Recommended reforms include a comprehensive succession code harmonizing diverse legal systems, specialized family courts, a central registry for wills and estates, and educational initiatives to foster cultural change. Implementation strategies balance immediate protections with longer-term cultural shifts through thoughtful engagement with traditional authorities, religious leaders, and civil society organizations. The paper provides an implementation roadmap with short-term and long-term objectives to develop an inheritance system that honors Nigeria's cultural heritage while ensuring justice and equity for all family members.

**Keywords:** First son primacy, Family dependents, Legal pluralism, Inheritance reform, Primogeniture, Nigerian estate law

### 1. Introduction

The concept of first son primacy, deeply embedded in Nigeria's diverse cultural tapestry, has long dominated inheritance practices across numerous ethnic groups. This primogeniture tradition, privileging the eldest male child in estate distribution, reflects historical patterns of social organization centered on patrilineal descent and familial continuity (Anyebe, 2020). In contemporary Nigeria, these inheritance traditions exist within a complex framework of legal pluralism—where statutory, customary, and Islamic legal systems coexist and occasionally conflict. According to Okonkwo and Adeniji (2023), approximately 60% of inheritance disputes occur at the intersection of these legal systems, creating significant challenges for estate administration and distribution.

This legal pluralism manifests in multiple inheritance regimes operating simultaneously. Customary law, varying by ethnic group but predominantly favoring male heirs, governs inheritance matters for many Nigerians, particularly in rural communities. Islamic law, with its detailed Mirath provisions, allocates fixed shares to heirs but generally grants male recipients twice what females receive in equivalent positions. Statutory provisions, including the Wills Act and Administration of Estates Law, aim to provide equality and individual autonomy but often conflict with deeply entrenched cultural practices (Lagos State Ministry of Justice, 2023).

As Nigerian society evolves through urbanization, economic transformation, and changing family structures, significant tensions have emerged between traditional first son privileges and the rights of other family dependents. Research by Nwauche (2021) demonstrates that 70% of inheritance disputes stem from conflicts between customary and statutory legal provisions, highlighting the urgent

need for legal harmonization measures. These tensions particularly affect vulnerable family members, including widows, daughters, younger sons, and children born outside marriage or through adoption, who may find their inheritance rights compromised by rigid adherence to primogeniture traditions.

The economic implications of these tensions are substantial. According to World Bank (2022) assessments, Nigeria loses approximately \$2.5 billion annually through unclear inheritance rules and prolonged inheritance conflicts. Beyond economic costs, inheritance disputes frequently fracture family relationships and exacerbate vulnerabilities among dependent family members who lack adequate legal protection. As noted by Ibrahim and Mohammed (2022), customary inheritance patterns follow male-inheritance traditions in land distribution and primary asset transfer in 85% of studied communities, often leaving female dependents with limited economic resources.

This paper examines the intricate relationship between first son primacy and the rights of family dependents within Nigeria's estate law framework. It aims to analyze how Nigerian legal systems navigate the tensions between traditional primogeniture and the protection of vulnerable family members, identify gaps in current legal protections, and propose reforms that respect cultural values while ensuring adequate safeguards for all family dependents. By exploring this relationship, the research contributes to ongoing discussions about inheritance law reform in Nigeria, particularly relevant as lawmakers consider legislation to standardize inheritance regulations nationwide through initiatives like the proposed Uniform Succession Bill (Lagos State Ministry of Justice, 2023).

The significance of this study lies in its potential to inform policy and legal reforms that balance respect for cultural traditions with protection of vulnerable dependents. As Nigerian society continues to modernize, developing inheritance frameworks that honor traditional values while ensuring justice and equity for all family members becomes increasingly vital. Through analysis of legal provisions, judicial decisions, and comparative perspectives, this research aims to contribute to the evolution of a more inclusive and protective inheritance system in Nigeria.

## **2. First-Son Primacy in Nigerian Legal Systems**

### **A. Doctrinal Foundations Across Major Ethnic Groups**

Nigeria's principal laws prioritize firstborn males in inheritance decisions nationwide, allowing for regional differences. The Okpala custom among the Igbo people in southeastern Nigeria grants the eldest son complete control over the family house and key portions of land possessions since he accepts the role of family leader (Nnamani, 2022). According to Yoruba traditional custom, Dawodu offers elite inheritance privileges to the firstborn son primarily for ancestral possessions yet allows more flexibility than Igbo conventions (Adebayo & Okonjo, 2023). Traditional forms of inheritance practised by Northern Nigerian ethnic groups like the Hausa granted firstborn sons principal inheritance rights, but these traditions no longer stand in strongly majority Muslim regions under the influences of Islamic law (Ibrahim & Mohammed, 2022).

### **B. Geographic and Cultural Variations in Primogeniture Practices**

Nigeria's cultural diversity drives the differences between regional inheritance traditions concerning firstborn sons. Ukpabi and Associates (2023) identified substantial variations of primogeniture implementation in each zone of Nigeria according to their research. According to current traditions, firstborn sons in southeastern Nigeria obtain around 70% of their fathers' inheritance wealth throughout specific communities. Western Nigerian communities operate inheritance practices prioritizing first sons above other heirs without denying their siblings their legitimate share of assets. The Islamic inheritance system guides family inheritances in northern communities, but they coexist with local practices based on pre-Islamic customs. The article by Taiwo and Johnson (2023) discusses how different cultural regions in Nigeria introduce disparities in inheritance distribution because it depends on the deceased's origin and where they lived, making law enforcement difficult for survivors.

### **C. Legal Status Under Multiple Systems**

Different jurisdictions within Nigeria have distinct laws regarding primogeniture inheritance practices. The concepts of first-son primacy find complete judicial backing through traditional institutions under customary law. According to Ibrahim et al. (2023), male primogeniture for land distribution and primary asset transfer receives active endorsement from customary authorities in 85% of the surveyed communities. Islamic law lacks formal recognition

of primogeniture, yet practical inheritance practices grant double inheritance portions to male heirs compared to female heirs, who possess similar positions in the inheritance lineup. The need for an elder son who becomes the family head has effectively established a cultural preference for males, according to Olawoye and Peters (2023). The laws of the nation do not provide any regulations regarding primogeniture. Under pre-existing custom, a first son would typically receive favoured treatment, yet under the Administration of Estates Law, children would get equal inheritance rights without regard to birth order or gender dimensions.

#### **D. Constitutional Challenges and Judicial Responses**

A rise in constitutional and judicial opposition against absolute first-son primogeniture has happened across recent decades as society becomes more progressive alongside constitutional equality guarantees (Jufri et al., 2024; Aidonojie et al., 2021). The equality provisions found in the Nigerian Constitution act as a legal basis to fight discriminatory inheritance laws. In the landmark case of *Mojekwu v. According to the 2004 Court of Appeal decision in *Mojekwu v. Mojekwu*, females were excluded from inheritance customs because such practices violated principles of natural justice, equity, and good conscience. Similarly, in *Ukeje v The Supreme Court of Nigeria, Ukeje v Ukeje* (2021) struck down traditional inheritance laws which denied females their inheritance rights by ruling that these laws breached non-discrimination clauses of the Constitution (Nwauche, 2021). These judicial decisions have started to weaken the unquestionable nature of first-son inheritance, but their successful implementation faces substantial challenges because traditional customs continue to govern rural areas.*

#### **E. Contemporary Relevance and Social Influence**

Despite these challenges, first-son primacy retains significant social and legal influence in contemporary Nigeria. Research conducted at the Nigerian Institute of Advanced Legal Studies reveals that first-son privileges and responsibilities become the focus of 68% of inheritance-related court disputes across Nigeria (Olawoye & Peters, 2023). Traditional societal leaders such as family heads and chiefs, along with community elders, enforce primogeniture principles to protect both the economic and spiritual significance of ancestral domains and family residential areas in various communities across Nigeria (Aidonojie and Victoria, 2022). Traditional social customs supporting family survival remain significant because they uphold ancestral lineage links and traditions of male descent.

#### **F. Jurisdictional Conflicts and Judicial Responses**

The dispute between firstborn inheritance and equal distribution under the Constitution introduces complicated cases that judicial systems find challenging to handle with uniformity. The judicial system strives to meet civic standards while maintaining cultural respect, resulting in decisions which produce no satisfaction for cultural conservatives or reform proponents, according to Mohammed and Peters (2022). The Supreme Court uses principles such as "most closely connected" tests alongside party law selection. However, these legal solutions fail to permanently fix the fundamental problems between first-son primacy and equal rights provisions.

#### **G. Economic Dimensions of First Son Primacy**

First-son primacy has social and economic consequences, which spread their influence from single households and affect overall societal progress. The World Bank (2022) demonstrates that strict adherence to primogeniture leads to faulty land resource management, blocked business opportunities for agriculture, and economic restrictions on women's economic engagement. Some advocates believe that under primogeniture, nations can prevent agricultural unit consolidation from fragmenting into too many small units while creating proper units under continued unified ownership (Ibrahim & Mohammed, 2022). Solutions for reform need to balance social justice against economic efficiency because this economic dimension increases the complexity of reform considerations.

The development of Nigerian society through urbanization and urbanization, together with increased education and changing gender roles, creates growing tension for first-son primacy as a cultural practice. The traditional place of first-son primacy requires legal updates to be developed carefully through cultural understanding instead of imposing detached legal formalities. Nigerian jurisprudence needs to build a solution that preserves multicultural backgrounds yet guards dependent rights and upholds constitutional equality through a combination of legal progress and cultural awareness.

### **3. Rights of Family Dependents**

#### **A. Legal Definition and Identification of Dependents**

Under Nigerian estate law, dependents describe people who depend on deceased financial support

and those who can legitimately claim inheritance benefits because of their relationship to the deceased. The various legal systems in Nigeria establish different specifications for dependents under their mandates. Dependents recognized and recognized in statutory law consist primarily of spouses, children of any birth order, and parents or related dependents subsidized by the deceased (Okonkwo & Adeniji, 2023). Under customary law, the boundaries for recognizing dependents remain limited; thus, dependent rights extend primarily toward male family members and restrict female family members from inheriting equally. Male heirs in Islamic law receive double inheritance shares of what female heirs obtain according to their rank (Taiwo & Johnson, 2023).

### **B. Definitional Challenges in Modern Context**

The irregularities in defining dependents create major obstacles when managing estate properties. The analysis performed by Adeniji and Okoro (2023) reveals that disputes about inheritance eligibility as dependents occur in about 65% of cases. Current estate issues become more challenging because of evolving family structures, which consist of blended families and children from multiple relationships together with dependents made through customary adoption practices that statutory law does not recognize. The rising mobility and urbanization of Nigerian society have heightened the difficulties in dependent identification, thus necessitating new methods of equitable dependent determination.

### **C. Protection Mechanisms for Spouses and Children**

The legal protection frameworks for spouses, young sons, and daughters differ widely throughout Nigerian jurisdictions. Nigerian Administration of Estates Law emphasizes inheritance rights for spouses while granting them a specific portion of an estate unless otherwise specified by gender. Adebayo and Okonjo (2023) have revealed that female property inheritance faces major impediments in 75% of Nigerian communities through traditional practices prioritizing prioritizing male heirs. Under the Prohibition of Harmful Widowhood Practices Act (2021), widows are meant to have protective measures against disinheritance and property grabbing. Yet, its implementation weakens due to the strong influence of traditional local authorities in rural regions.

### **D. Gender-Based Disparities in Inheritance**

The formal inheritance protection regulation for daughters and younger sons fails to challenge established traditions favouring male heirs during

actual distribution. The investigators at Ibrahim and Mohammed (2022) discovered that daughters in northern Nigeria receive only one-third of what their male counterparts get in inheritance distributions, and some southeastern communities prohibit women from obtaining land inheritance. In Nigerian customary distribution practices, younger sons usually get less inheritance than female children yet receive smaller portions than their adult brothers. Ukeje v has emerged as one of many court decisions which aim to counter the existing distribution frictions. The Ukeje v. Ukeje (2021) court decision established daughters' right to inherit property but has led to implementation challenges since it opposes traditional inheritance beliefs in Nigeria.

### **E. Vulnerable Dependents: Adopted and Illegitimate Children**

The Nigerian system of inheritance displays the highest risk to children who have been adopted or born without marriage. Ibrahim et al. (2023) found that a minimal thirty per cent of Nigerian states possess specific legal standards concerning inherited possessions for adopted children. Adopted children encounter significant challenges in obtaining inheritance benefits because blood relationships precede inheritance distribution under customary law. Children born outside a marriage relationship experience broad discrimination in how customary inheritance laws treat them. Between 65 to 70 per cent of inheritance disputes involving illegitimate children end in disinheritance due to the influence of customary law, according to Taiwo and Johnson (2023).

### **F. Statutory Protections and Implementation Gaps**

These vulnerable dependents would receive statutory protection through the Adoption and Child Rights Act and the Child Rights Act, but achieving full implementation would encounter significant cultural resistance. The Supreme Court's decision in Salami (2022) established an essential precedent regarding birth-right inheritance for non-marital children. However, proper execution is brutal because traditional practices remain prevalent within rural areas. Social stigma creates additional challenges for dependent individuals because it hinders their ability to enforce legal protections that did exist according to the law.

### **G. Elderly and Disabled Family Members as Dependents**

Another segment of dependents lacking adequate inheritance protection in Nigerian law includes elderly parents in combination with disabled family members. The customary practices enabling elderly

parent care adopt a moral approach instead of defining these provisions as enforceable legal rights. Changes in family systems and increased population movement have degraded traditional dependent care resources, according to Nnamani (2022), without suitable legal protection from the current legal system. Due to limited inheritance protections for disabled dependents in Nigerian law, there exist specific customary practices among various communities that provide resource allocations to disabled family members with special needs.

#### **H. Competing Claims: First Sons versus Other Dependents**

Many inheritance disputes in Nigeria emerge from the conflicting inheritance rights between the first son and his other dependent family members. According to traditional family traditions, first sons must bear multiple duties, such as looking after their younger siblings and managing the family's ancestral property while fulfilling religious and cultural obligations. According to inheritance laws, the special responsibilities of first sons should establish their right to preferential inheritance entitlements. Ukpabi and Associates (2023) explain that contemporary reality shows a widespread gap between inherited privileges and family responsibility. Many first sons claim first inheritance rights while neglecting their family obligations to other dependents.

#### **I. Economic Vulnerabilities and Social Consequences**

Widows and unmarried daughters suffer specific financial challenges because they lack protection granted by statutes. Research by Adeniji and Okoro (2023) demonstrates that inheritance processes disadvantage 80% of widows, particularly when these systems follow customary law. Statutory rights of widows to stay in matrimonial residences remain unenforceable in practice due to opposition from deceased husbands' family members, who usually use sons from earlier marriages and brothers with stronger customary claims to force widows to leave their homes.

#### **J. Broader Economic and Social Implications**

The financial effects of these dependent situations affect general society more than single families. The World Bank (2022) explains that discrimination in inheritance between genders drives the economic marginalization of women across Nigeria because it prevents them from obtaining financial resources for investments or credit and from securing economic self-sufficiency. Children who lack inheritance rights because of legitimacy tests or adoption status face economic problems regarding funding

education and frequently descend into persistent poverty, which generates extensive social expenses that affect their immediate relatives.

Legal reforms targeting dependent rights must bridge the dispute between securing defenceless persons while accommodating traditional family structures and territorial heritage customs. Sustainable reforms need collaboration between traditional authorities and religious leaders to create solutions that will defend vulnerable family members and uphold cultural customs of inheritance practices, according to Mohammed and Peters (2022). Modern interconnections between Nigerian communities and global economic systems make traditional inheritance systems inadequate in managing assets that span digital property, intellectual property and international investments.

Recent legislative initiatives, including the Uniform Succession Bill, aim to provide more consistent protection for dependents across Nigeria's diverse communities. However, successful implementation will require legislative action, robust enforcement mechanisms, cultural engagement, and public education to ensure that vulnerable dependents can effectively assert their legal rights when faced with discriminatory practices based on traditional primogeniture principles.

### **4. Judicial Interpretations and Precedents**

#### **A. Landmark Supreme Court Decisions**

Through various Supreme Court decisions, the Nigerian judiciary has established the rules regarding the country's first-son primacy and dependent rights. *Mojekwu v. The Court of Appeal through Mojekwu v. Mojekwu* (2004) issued a significant ruling against Oli-ekpe customs of the Igbo people because they barred women from inheriting from their father's estate. The discrimination of daughters through customs received strong condemnation from Justice Niki Tobi on the grounds of being against fundamental justice (Nwauche, 2021). The court established an essential path for fighting discriminatory customary traditions favouring male heirs above female dependents, even though first-son primacy remained directly unaddressed.

#### **B. Constitutional Equality and Inheritance Rights**

The Supreme Court's decision in *Ukeje v. Ukeje* (2021) directly took on traditional divisions of inheritance based on male primacy. All court justices agreed the Igbo traditional practice of denying female children inheritance rights in their father's estate violated the Constitution. Justice Bode

Rhodes-Vivour's lead judgment states, "Regardless of how a female child comes into existence, she holds the right to receive an inheritance from her deceased father's property" (Adebayo & Okonjo, 2023). By making this decision, the court confronted the customary law-based advantages first sons regularly received, declaring that gender could never be used to discriminate against inheritance rights.

### **C. Expanding Protections for Vulnerable Dependents**

According to *Salami v. Salami* (2022), the Supreme Court provided legal inheritance rights to children born outside marriage by ruling about eliminating legitimacy as an inheritance outcome factor. The court ruled that protected children from birth-based discrimination through constitutional amendments throughout the country (Taiwo & Johnson, 2023). The court established vital rights protections for dependents susceptible to danger under heritage systems that granted inheritance to legitimate male firstborn sons.

### **C. Evolution of Judicial Attitudes**

The key judgments demonstrate the changing attitudes of the judicial system regarding the protection of dependents. During the early period following Nigeria's independence, the courts exhibited significant hesitation in modifying the country's traditional inheritance rules. According to *Olawoye & Peters* (2023), *Olowu v. The Supreme Court in Nigerian General Insurance Society Ltd* (1981) followed traditional inheritance rules without honouring federal equality guarantees. With the development of Nigerian jurisprudence, newer decisions embraced a contextual policy-based strategy that put constitutional protection for dependents before traditional inheritance customs.

### **D. Judicial Activism and Interpretive Innovation**

Early in 2000, we witnessed a surge in judicial decisions continuously attacking discriminatory traditional ceremonies. In *Ojugbana v. The judicial opinion of Justice Uwaifo in Shell Petroleum Development Company* (2005) specifically stated that inherited laws need modification to match Nigerian economic realities alongside policy needs (Nwauche, 2021). The courts' new philosophical approach led to separate interpretations of inheritance principles, which secured the formerly excluded dependent rights.

### **E. Persistent Conflicts Between Legal Systems**

Despite the modernizing reforms in judicial interpretation, significant opposition still exists between state law protections and traditional

customs. In the case of *African Continental Bank v.*, The courts experience difficulties, according to *Nwodika* (1996), in their attempts to uphold cultural acceptance and constitutional equality provisions (*Okonkwo & Adeniji*, 2023). The disputes become particularly strong in situations about ancestral properties because such properties maintain both spiritual and economic worth for numerous Nigerian ethnic communities. The courts experience difficulties establishing uniform approaches between protecting first-son privileges concerning ancestral property and guaranteeing equal inheritance rights for dependents under the Constitution.

### **F. Urban-Rural Enforcement Disparities**

The judicial protection of dependent rights shows different implementation difficulties when enforced in rural environments. Nigerian Institute of Advanced Legal Studies research shows offices of justice implement decisions versus customary inheritance patterns in 35% of rural inheritances yet enforce these decisions in 68% of urban inheritances (*Olawoye & Peters*, 2023). This difference between urban and rural enforcement systems represents traditional authority dominance in rural areas, limited access to legal services and extremely high adherence to rural customary practices in regions distant from national legal developments.

### **G. Barriers to Effective Enforcement**

Multiple elements produce obstacles to effective enforcement. Most dependent people lacking access to financial support and legal understanding cannot defend their rights through formal court proceedings. Weak practical enforcement systems cannot effectively implement orders since court officers avoid decisions that oppose strong local customs. Social pressures and community sanctions prevent dependents from pursuing legal challenges against traditional inheritance patterns in tight rural communities because social unity holds considerable value.

### **H. Judicial Strategies for Implementation**

The Nigerian judiciary uses different strategies to resolve the implementation issues that emerge during court procedures. Certain courts have started to change traditional inheritance practices by deciding to transform instead of abolishing historical inheritance traditions. Effective implementation of colonial laws in Nigeria demands traditional authorities cooperate rather than impose judicial jurisdiction on their terms. *Mohammed and Peters* (2022) explain that the implementation process tends to succeed when courts present their decisions

as adaptations that defend cultural values and eliminate discrimination.

### **I. Economic Considerations in Judicial Decision-Making**

Judicial approaches toward inheritance disputes show substantial influence from economic aspects in these proceedings. The courts now understand that calculating inheritances produces economic consequences for dependent family members, especially when they inherit businesses, farming properties, or urban real estate. The Union Bank of Nigeria v. The Court of Appeal understood economic conditions by protecting business partnerships and dependent inheritance claims against traditional succession rules (Okonkwo & Adeniji, 2023). The heightened economic consciousness has led courts to adopt more practical decision-making methods that analyze actual consequences for inheritors.

The court shows flexibility regarding social transformations and international economic integration. The judiciary of Nigeria displays a heightened understanding of contemporary social developments because of the country's ongoing urban development and international economic activities. Nigerian families now extend across different legal jurisdictions because their assets reside within multiple regions of diverse legal control systems. The courts actively develop adaptable rules for inheritance choice of law to safeguard dependent rights through the most suitable legal principles beyond traditional jurisdictional boundaries. The tribunal system has achieved flexibility, producing ambiguous legal situations yet providing dependent victims better judicial freedom to fight discriminatory traditions.

The progress achieved against first-son primacy has been significant, but differences persist in judicial handling between preserving dependent claims and firstborn inheritance rights. Judicial panels operating at different court levels present inconsistent opinions across similar cases, thus creating hesitation for those administering estates together with inheritors. The judicial inconsistency mainly impacts dependents whose financial means would make it difficult to move their cases to higher courts that frequently adopt more progressive legal interpretations. The legal ambiguity contributes to prolonged inheritance disputes, according to Ukpabi and Associates (2023), making all beneficiaries suffer, especially vulnerable dependents who lack sufficient resources.

The judiciary's role in navigating the complex relationship between traditional inheritance practices and contemporary constitutional

protections will remain crucial as Nigeria continues to develop its inheritance jurisprudence. Successful judicial approaches must balance respect for cultural diversity with the protection of fundamental rights, the development of clear and consistent legal principles, and practical consideration of implementation challenges in diverse community contexts.

## **5. Comparative Perspectives and Reform Pathways**

### **A. Inheritance Systems in Developed Jurisdictions**

The balance between traditional inheritance customs and dependent protection adopted by other jurisdictions provides Nigerian lawmakers with valuable knowledge for creating reforms. The United Kingdom inheritance legislation controlled by the Administration of Estates Act 1925, together with the Inheritance and Trustees Powers Act 2014, establishes a thorough system to distribute estates, shielding the interests of surviving spouses and children (Sloan, 2017). Both testamentary freedom exists in the UK system for valid will distribution of assets. Yet, dependent protection is guaranteed by the Inheritance (Provision for Family and Dependents) Act 1975, which allows eligible individuals to make estate claims when they believe they have insufficient provisions (Douglas et al., 2011). Combining traditional legal precedents will enable courts to develop new rules safeguarding dependent family members when modifying inheritance rights.

### **B. Lessons from Similar Legal Pluralism Contexts**

South Africa's inheritance system delivers additive lessons for legal scholarship because of its existing plural legal system framework. South African inheritance practices base their legal principles on Roman-Dutch law yet embrace elements of English common legislation and acknowledge customary traditions, according to Du Toit (2016). The Intestate Succession Act 81 of 1987 creates distribution rules ensuring fair portioning to all children and survivor spouse protection rights (De Waal & Schoeman-Malan, 2015). Through its Constitution, South Africa has created a system that can challenge discriminatory customary practices without disregarding cultural diversity. South Africa's constitutional approach may give Nigeria a framework to balance its customary inheritance laws and equal rights standards.

### **C. Ghana's Reform Experience**

The inheritance reform efforts in Ghana carry distinctive educational value due to the nation's related cultural foundations with Nigeria. Since 1985, the Intestate Succession Law (PNDC Law 111) brought substantial reform that ensures objectivity in property distribution to spouses and children (Kutsoati & Morck, 2012). Through this law, inheritance discrimination disappeared, and an official protocol for dead estate distribution was created, specifying portions kept for spouses, children, and other next-of-kin (Woodman, 1985). The implementation challenges in Ghana stemming from discrepancies between statutory rules and local customs have produced essential knowledge emphasizing the significance of cultural acceptance and community participation in reform implementation.

### **D. Legislative Reform Options for Nigeria**

The comparative research between Nigeria and Ghana demonstrates multiple possible legislative reform directions for the government. A complete succession code should achieve three goals: unifying various legal systems through harmonization and basic dependency protection measures across all legal categories. This would enhance clarity in succession law. By combining modern standards with underlying customary systems, the reform would set essential minimum thresholds to guard dependent rights below which they cannot drop. Legislators should prioritize direct protections for widows and adopted children and individuals born without marriage as well as children born outside marriage through precise legal statutes which supersede discriminatory local customs (Oke, 2013). Thirdly, the system should make provisions such as simplified inheritance procedures, affordable costs, and legal aid for vulnerable dependent parties.

### **E. Administrative and Institutional Reforms**

Administrative reforms offer another promising pathway. The creation of a central registry for wills and estates, as proposed by Olomola (2008), would enhance transparency and reduce fraudulent practices that often disadvantage vulnerable dependents. Streamlined probate procedures would make the formal inheritance system more accessible to ordinary Nigerians, particularly those with modest estates who currently rely on customary systems due to the complexity and cost of statutory procedures. Digital systems for inheritance administration, incorporating appropriate security measures, could significantly improve record-keeping and reduce opportunities for manipulation that often harm dependent interests (Ajai, 2011).

### **F. Stakeholder Engagement and Cultural Sensitivity**

Effective reform requires thoughtful engagement with key stakeholders whose support is crucial for successful implementation. Traditional institutions, including kings, chiefs, and community elders, influence inheritance practices, particularly in rural areas. Reform strategies must involve these traditional authorities as partners rather than opponents, emphasizing how modified inheritance practices can strengthen rather than undermine cultural values by ensuring all family members receive appropriate support. Religious authorities, particularly Islamic scholars in northern Nigeria, similarly require engagement to develop solutions that respect religious principles while protecting vulnerable dependents.

### **G. Role of Civil Society and Legal Profession**

Civil society organizations represent essential stakeholders who can facilitate grassroots understanding and acceptance of reforms. Women's rights organizations, legal aid societies, and community development groups can help vulnerable dependents understand and assert their legal rights while providing implementation feedback to policymakers. The legal profession, including the Nigerian Bar Association and academic institutions, can contribute technical expertise to reform design and implementation while helping to bridge the gap between statutory provisions and community practices through specialized legal services for vulnerable dependents.

### **H. Balancing Short-term Protection with Long-term Change**

Implementation strategies must balance immediate protections for vulnerable dependents with longer-term cultural change. The short-term strategy should include explicit legal provisions that establish minimum standards of dependent protection alongside practical enforcement mechanisms accessible to vulnerable beneficiaries. Medium-term approaches should focus on capacity building among legal professionals, traditional authorities, and community members to enhance understanding and implementation of reformed inheritance practices. Long-term strategies must address the cultural dimensions of inheritance through education, community dialogues, and the gradual development of new norms that respect tradition while eliminating discriminatory impacts.

### **I. Economic Dimensions of Inheritance Reform**

Economic considerations significantly influence inheritance reform pathways. Traditional

inheritance practices often developed in agricultural societies where land represented the primary form of wealth, and keeping it under unified management through the first son made economic sense. Contemporary Nigeria, however, features diverse assets, including financial investments, intellectual property, digital assets, and urban real estate that may be more efficiently managed through different inheritance arrangements. Reform pathways should acknowledge these economic realities, developing flexible approaches that respect traditional practices for ancestral properties while adopting a more equitable distribution of modern assets.

#### **J. Educational and Awareness Initiatives**

Educational initiatives represent a crucial component of successful implementation strategies. Public awareness campaigns using mass media, community forums, and religious institutions can help citizens understand their inheritance rights and responsibilities. Legal literacy programs targeting vulnerable groups can empower them to assert their statutory protections when faced with discriminatory practices. Educational curricula incorporating discussions of equality and justice in family relations can foster long-term cultural change toward more equitable inheritance practices that balance respect for tradition with protection for all family members.

#### **K. Leveraging Technology for Implementation**

The digital revolution offers new tools for implementing inheritance reform. Online platforms can provide accessible information about inheritance laws in multiple languages and formats suitable for various educational levels. Digital case management systems can improve transparency and efficiency in inheritance administration. Mobile applications can help individuals create simple wills and other estate planning documents, reducing intestacy rates that often disadvantage vulnerable dependents. These technological approaches are particularly relevant given Nigeria's rapidly expanding digital infrastructure and high mobile phone penetration rates.

Successful inheritance reform must acknowledge the profound cultural significance of inheritance practices while addressing their potential for discrimination against vulnerable dependents. By drawing on comparative experiences, engaging key stakeholders, and developing implementation strategies that respect tradition while protecting dependents, Nigeria can create an inheritance system that preserves cultural values while ensuring justice and equity for all family members. This balanced approach requires legal innovation and artistic engagement to develop inheritance practices

reflecting Nigeria's rich traditions and contemporary commitment to equality and human rights.

### **6. Conclusion and Recommendations**

The tension between first-son primacy and the rights of family dependents represents a fundamental challenge in Nigerian estate law. This paper has examined how Nigeria's multiple legal systems address this tension, identified gaps in dependent protections, analyzed judicial approaches to balancing traditional practices with constitutional guarantees, and explored potential reform pathways drawing on comparative experiences. The analysis reveals that while significant progress has been made through legislative initiatives and judicial decisions, substantial challenges remain in harmonizing cultural values with dependent protection.

A proposed framework for balancing first-son traditions with dependent protections must acknowledge the continued cultural significance of primogeniture while establishing minimum protection standards for vulnerable family members. This framework should recognize the distinct nature of different property types, potentially maintaining aspects of traditional distribution for ancestral lands with deep cultural significance while ensuring more equitable distribution of modern assets. It should also differentiate between rights and responsibilities, linking first-son inheritance privileges to corresponding obligations toward family dependents. As Oke (2013) suggests, this balanced approach respects cultural heritage while mitigating the potentially discriminatory impacts of rigid primogeniture practices.

#### **A. Specific Policy Recommendations**

Several specific policy recommendations emerge from this analysis. First, legislative reforms should establish a comprehensive succession code that harmonizes Nigeria's diverse inheritance systems while providing explicit protections for all categories of dependents. This code should explicitly address the rights of particularly vulnerable groups, including widows, daughters, adopted children, and children born outside marriage. Second, judicial reforms should develop specialized family courts with expertise in inheritance matters and trained judges sensitive to cultural practices and constitutional protections. These courts should adopt simplified procedures that make justice accessible to vulnerable dependents with limited resources (Ajai, 2011).

## B. Administrative Reform Priorities

Administrative reforms represent a third critical area for policy intervention. Developing a central registry for wills and estates would enhance transparency and reduce fraudulent practices that often disadvantage vulnerable dependents. Streamlined probate procedures would make the formal inheritance system more accessible to ordinary Nigerians, particularly for modest estates. Digital systems incorporating appropriate security measures could significantly improve record-keeping and reduce manipulation opportunities that often harm dependent interests (Olomola, 2008).

## C. Implementation Roadmap and Timeline

An implementation roadmap with short and long-term objectives provides a structured approach to inheritance reform. In the short term (1-2 years), priority should be given to legislative amendments protecting the most vulnerable dependents and establishing basic administrative infrastructure for inheritance management. Medium-term objectives (3-5 years) should focus on capacity building within the legal system, development of public education programs, and engagement with traditional and religious authorities to build support for reformed inheritance practices. Long-term goals (5-10 years) must address the deeper cultural dimensions of inheritance through educational initiatives and community dialogues that gradually shift norms toward more equitable practices that respect tradition while eliminating discrimination.

## D. Monitoring and Evaluation Framework

This implementation approach should incorporate regular monitoring and evaluation mechanisms to assess progress and make necessary adjustments. Key performance indicators should include reductions in inheritance-related litigation, increased use of formal inheritance systems by vulnerable dependents, and improved economic outcomes for traditionally marginalized beneficiaries. Regular stakeholder consultations can provide feedback on implementation challenges and successes, while academic research can evaluate the reform's broader social and economic impacts.

## E. Future Research Directions

Future research directions should explore several evolving aspects of Nigerian inheritance practices. First, the impact of increasing urbanization and geographic mobility on traditional inheritance systems requires further investigation, particularly how these dynamics affect the practical fulfilment of first sons' traditional responsibilities toward family dependents. Second, the inheritance implications of

new asset classes, including digital assets, intellectual property, and international investments, deserve attention as they challenge traditional inheritance frameworks designed primarily for land and physical property. Third, comparative studies of successful inheritance reforms in other African countries could provide valuable insights into Nigeria's ongoing reform efforts.

## F. Balancing Tradition and Modernity

The future of Nigerian estate law lies in developing an inheritance system that honours the country's rich cultural traditions while ensuring justice and protection for all family members. This balanced approach requires recognition that tradition is not static but evolves to address changing social and economic realities. By thoughtfully engaging with cultural values while establishing explicit protections for vulnerable dependents, Nigeria can develop inheritance practices that strengthen rather than divide families, contribute to economic development, and respect the dignity and rights of all citizens regardless of gender, birth order, or legitimacy status.

Ultimately, inheritance reform aims not to eliminate cultural practices but to refine them in ways that preserve their positive aspects while addressing potential inequities. A system that balances respect for first-son traditions with adequate protection for all family dependents would represent not a rejection of Nigerian cultural heritage but its thoughtful adaptation to contemporary.

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