

# DIGITALIZATION OF LAND RECORDS IN NIGERIA: LEGAL CHALLENGES AND PATHWAYS FOR REFORMS

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## Abstract

*Land is a fundamental asset in Nigeria, representing not only economic wealth but also social identity and security. However, the management of land records remains largely manual, fragmented and susceptible to fraud and manipulation. In recent years, there has been a clarion call toward the digitalization of land records to transform lands administration. Yet, this digital shift comes with considerable legal and institutional challenges. This paper explores the historical development and current framework of land record management in Nigeria, examines the legal hindrances to digitalization, such as outdated laws, institutional setbacks and data privacy issues. The work uses a doctrinal methodology, considering relevant statutes, case law and secondary literature. It also draws comparative insights from countries like Rwanda and Georgia that have successfully implemented digital land systems. Using Lagos State as a case study, the paper highlights practical gains and persisting gaps. The study concludes that achieving an effective digital land governance system in Nigeria requires not just technological adaptation but comprehensive legal and institutional reforms. Recommendations include amending relevant laws like the Land Use Act, harmonizing registration procedures across states, inter alia.*

## 1.0 INTRODUCTION

Digitalization of land records refers to shifting from traditional paper-based land registration systems into a digital format.<sup>140</sup> This by implication would mean that comprehensive details about titles and properties can be quickly accessed from a land registry website available online.<sup>141</sup> This system protects property rights, reduces conflicts over ownership and facilitates

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<sup>140</sup> A.Abolade, T.Dugeri and J.U Adama, 'Challenges of Digitalizing Land Administration System in Nigeria' in Integrating the African Real Estate Market – An Agenda: The 18th AfRES Conference (AfRES, Abeokuta 2018) 67–82.

<sup>141</sup> Grace Abraham Ahiakwo, 'Land Title Perfection—Legal Issues and Challenges of Land Registration in Nigeria' (ResearchGate, 2023) <[https://www.researchgate.net/publication/369358217\\_Land\\_Title\\_Perfection-Legal\\_Issues\\_and\\_Challenges\\_of\\_Land\\_Registration\\_in\\_Nigeria](https://www.researchgate.net/publication/369358217_Land_Title_Perfection-Legal_Issues_and_Challenges_of_Land_Registration_in_Nigeria)> accessed 27 April 2025.

land transactions. Unlike the traditional paper-based land recording that is fraught with delays, manipulation, fraud and others, with the digital age, the need to modernize land administration through digital platforms is both urgent and inevitable. Digitalization of land records comes with transparency, efficiency and better dispute resolution mechanisms.

## **2.0 OVERVIEW OF LAND RECORD MANAGEMENT IN NIGERIA**

Historically, land administration in Nigeria has been largely governed by customary laws, which varied by ethnic groups and regions. The lands were usually used for housing, agricultural purposes and other cultural uses.<sup>142</sup> Land allocation to non-indigenous people was limited. However, there was a shift as a result of the oil boom economy in the 1970s. This gave rise to demand of white collar jobs which necessitated travelling and of course, shelters for job seekers.<sup>143</sup> Housings and accommodation were made available but at a very exorbitant rates. Sales of land were also prevalent but lacked regulatory instruments. Land could be sold at any desired amounts and even, illegal ejection and eviction on properties were common.<sup>144</sup>

Thus, the **Land Use Act 1978**<sup>145</sup> was enacted to standardize land ownership and control. The Act vests all land in each state in the hands of the Governor for public use and development.<sup>146</sup> Despite its intention, failure to keep pace with modern trends raises an issue for concerns in the Nigerian land administration system. While a few states like Lagos have introduced digital systems for land registration and records, most land records in Nigeria are still paper-based. Issues of forgery, duplication of titles, land grabbing and cumbersome registration processes persist.<sup>147</sup>

## **3.0 LEGAL FRAMEWORK FOR DIGITAL LAND REGISTRATION IN NIGERIA**

The issue of real property registration and recording constitute an important point of legal discourse in the country. The Constitution,<sup>148</sup> the Land Use Act 1978, the Evidence Act 2011, Stamp Duty Act, and as well states laws are usually referenced.

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<sup>142</sup> B.U Namnso, O.A David and O.O Victor, 'Land Ownership in Nigeria: Historical Development, Current Issues and Future Expectations' (2014) 4(21) *Journal of Environment and Earth Science* 182 <<http://www.iiste.org>> accessed 27 April 2025.

<sup>143</sup> Maaji Umar Yakub, 'The Impact of Oil on Nigeria's Economy: The Boom and Bust Cycles' (2008) 32(2) *Journal of Economic Perspectives*.

<sup>144</sup> Jimoh Ishola (Ejigbadero) V. The State (1978) LLJR-SC

<sup>145</sup> Birthed from the Land Use Decree of 1978 (now LFN 2004)

<sup>146</sup> The Land Use Act 1978, s1

<sup>147</sup> Ibid.

<sup>148</sup> The Constitution of Federal Republic of Nigeria (1999 as amended)

### I. The Constitution of the Federal Republic of Nigeria 1999

The Constitution is said to be the *fons origo* of all laws in the federation.<sup>149</sup> It breathes life into others and it is the supreme law of the land to which if any law is inconsistent with, will be declared null and void.<sup>150</sup> Pursuant to **Section 43 of the Constitution**, it provides for the right to own immovable properties anywhere in the federation. Importantly, the concept of property ownership entails the right to safeguard and protect one's interest in a property, and this right can be sustained through digital registration of such property.

### II. The Land Use Act (LUA) 1978

The LUA is the principal legislation regulating land ownership and administration in Nigeria. The Act stipulates that all lands are held in trust by the government, with individuals and entities granted rights of occupancy.<sup>151</sup> However, this law does not address digital or electronic records, making it outdated in the context of digitalization efforts.<sup>152</sup>

### III. Evidence Act 2011

The Evidence Act (EA) 2011 regulates the admissibility, relevance and other processes relating to the use of evidences in a legal proceeding.<sup>153</sup> Under the Act, the admissibility of computer-generated evidence is primarily governed by **Section 84. S.84(1)** specifically states that any statement contained in a document produced by a computer is admissible in evidence, provided that certain requirements are met.<sup>154</sup> This modernization effort is necessary in providing a solid foundation for the legal acceptance of digital land records as evidence to facilitate land transactions and reduce disputes over lands.

### IV. The Lagos State Lands Registration Law, 2015

This law aims to create a balanced platform for land title registration within Lagos State. It consolidates previous laws on land registration and introduces digital solutions in land administration. Online searches and data verification are allowed upon the submission of an application and payment of fees.<sup>155</sup> This development thus, eliminates needs for physical visits

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<sup>149</sup> CFRN 1999, s1(1)

<sup>150</sup> Ibid s1(3)

<sup>151</sup> The Land Use Act (LUA) 1978, S.1, S.5

<sup>152</sup> G. Ahiakwo and A.J Abraham, 'Legal Issues and Challenges Militating against Seamless Land Registration in Nigeria' (2024) 10(3) *International Journal of Law*.

<sup>153</sup> The Evidence Act 2011, s.1

<sup>154</sup> E.A 2011, s84(2)

<sup>155</sup> LSLRL 2015, s 22 (1) & (2)

to registry offices and reduces congestion while allowing multiple users to access the system simultaneously.<sup>156</sup>

In November 2023, the Lagos State Lands Bureau launched the 'Aumentum' solution to digitize and automate land record management, this, to enable more transparent and efficient property registration.<sup>157</sup> Again, an electronic Geographic Information System (e-GIS) portal to digitize land data access and streamline property transactions was also launched. The platform replaces manual paperwork and allows users to verify, and apply for varied land titles remotely.<sup>158</sup> Therefore, other states that have not joined same can tap from this innovation by updating their land registration laws.<sup>159</sup>

### 3.1 OPPORTUNITIES PRESENTED BY DIGITALIZING LAND RECORDS

Digitalizing land records in Nigeria presents numerous opportunities for improvement with a wide range benefits, including but not limited to, public access to information relating to land, reducing opportunities for corruption, time saving, data accuracy, transparency and accountability.

#### a. Public access to information

Without doubt, digitalization of land records in Nigeria, provide among other things, information relating to title, legal owner of a land, and previous ownership changes. It aids in verifying real property titles by confirming a vendor's asserted ownership. It encompasses all processes that could identify any defects in the property in question.<sup>160</sup>

In *Njimogu v. Okpe* (2022),<sup>161</sup> both parties claimed ownership of a property, but neither could provide sufficient evidence. The Court dismissed both claims for a lack of proof. This case illustrates how digital property records could have cleared ambiguities quickly.<sup>162</sup>

#### b. Time-Saving Benefits

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<sup>156</sup> Ibid.

<sup>157</sup> Doyinsola Olagunju, 'Prospects of e-Registry of Land in Nigeria' (Ominira Initiative, 2024) <<https://ominirainitiative.org/prospects-of-e-registry-of-land-in-nigeria/>> accessed 27 April 2025.

<sup>158</sup> 'Lagos Launches Automated Application Portal for Land Acquisition' (Channels Television, 2024) <<https://www.channelstv.com/2024/01/27/lagos-launches-automated-application-portal-for-land-acquisition/>> accessed 27 April 2025.

<sup>159</sup> Ibid.

<sup>160</sup> O.O Mikail and D.O Luqman, 'Digitalizing Land Transactions in Post Covid-19 Pandemic Period' (2023) 3 *Ilaro Journal of Science and Technology* (IJST) 45–52, ISSN: 2437-150

<sup>257</sup> (2022) NWLR (pt 1202)

<sup>162</sup> *Otasanya v. Ojelade* (2021) LPELR-55584 (CA)

Traditional land registration is a lengthy process that can be streamlined with digital registration. In States, where land registration is fully digitized, the process takes short periods. However, in other states that still rely on a mix of manual and digital methods can take several months.<sup>163</sup> The manual registration involves rigorous processes, including form submission, payment of unnecessary fees, inspections, and endorsements by officials like the Governor and Deed Registrar.<sup>164</sup> This extensive procedure often leads to delays and with risks of missing documents and data mismatches.

The case of *Ariori & Ors. V. Muraino B.O. Elemo & Ors*<sup>165</sup>, filed in 1960 in the Lagos State High Court, over a land dispute. The trial judge delivered judgment after fifteen months. At the close of the case, the plaintiffs appealed to the Federal Court of Appeal, raising concerns about the inordinate delay in judgment delivery. The appellate courts found that the delay compromised the trial judge's ability to properly assess evidence and witness credibility.<sup>166</sup>

### **c. Efficiency and Cost Reduction**

As captured earlier, digital records streamline processes, reduce human errors and minimize rigorous processes. This efficiency is especially important in urban centers with high volumes of land transactions.

## **3.2 LEGAL CHALLENGES TO DIGITALIZATION OF LAND RECORDS IN NIGERIA**

### **i. Outdated Regulatory Frameworks**

The Land Use Act and related land registry laws were not designed with digital systems in mind. They lack provisions that recognize or regulate digital documents, electronic signatures, or online land transactions, leaving legal uncertainties around the validity and enforceability of digital records.<sup>167</sup>

### **ii. Data Privacy and Protection**

The collection and storage of personal and proprietary land information raise significant data protection concerns. Though Nigeria enacted the Data Protection Act in 2023, many land

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<sup>163</sup> Ibid. 20,

<sup>164</sup> G.A Ahiakwo, 'The Legal Regime of Digital Registration of Land in Nigeria' (2022) 8(6) International Journal of Law 235–241

<sup>165</sup> (1983) LLJR-SC; *Obasi V State* (2020) LPELR-51080 (SC)

<sup>166</sup> Ibid.

<sup>167</sup> Ibid. 2,

registries lack the capacity or protocols to ensure compliance with data privacy requirements. The risk of cybercrime, hacking, and unauthorized access further raises a serious legal challenge, particularly given the sensitivity of land ownership data.<sup>168</sup>

### iii. Institutional Barriers

Land registries are often underfunded, understaffed and lacking in technological capacity. Corruption and vested interests also pose obstacles to digital reform, as manual processes create room for illicit transactions.

## 4.0 COMPARATIVE INSIGHTS: LESSONS FROM OTHER JURISDICTIONS

Digitization of land registration through blockchain technology is fast becoming one of the most reliable ways of securing land and landed property.<sup>169</sup> With same in Nigeria, it would allow efficient use and storage of land data and overall, enhancing land administration. In 2016, Georgia became the first country to adopt blockchain for recording land transactions. Since then, nations like Dubai, India, Sweden, the UK and the USA have followed suit to enhance the security and transparency of land registration.<sup>170</sup> Rwanda also, as an example has advanced in digitizing land records with its Land Tenure Regularization Program, reducing disputes and increasing tenure security.<sup>171</sup> These examples demonstrate that strong political will with legal clarity, and institutional support can bring about effective reforms.<sup>172</sup>

## 5.0 CONCLUSION

Digitalizing land records in Nigeria presents an opportunity to modernize land administration, boost economic development and promote social equity. However, to realize these benefits, Nigeria must address the legal and institutional challenges currently impeding reform. Through targeted legislative updates, institutional strengthening and inclusive policymaking, Nigeria can build a transparent, efficient and secure land tenure system fit for the digital age. The following recommendations are thereby provided, to:

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<sup>168</sup> Ibid. 21,

<sup>169</sup> A blockchain is a distributed ledger that duplicates and distributes transactions across a network of computers participating in it, preventing a change, hacking or manipulation to information stored.

<sup>170</sup> Ibid 19.

<sup>171</sup> Ministry of Environment (2023), 'Rwanda launched electronic land registration certificate system' <<https://www.environment.gov.rw/news-detail/rwanda-launched-electronic-land-registration-certificate-system/>> accessed 27 April 2025.

<sup>172</sup> Ibid.

- Amend the Land Use Act and related registry laws to accommodate digital processes, electronic records and e-signatures;
- Develop a harmonized national framework for digital land registration that respects state autonomy;
- Invest in capacity-building for land registry personnel and provide technical infrastructure;
- Strengthen compliance with the Nigeria Data Protection Act (2023) in all land digitization efforts;
- Engage communities and stakeholders to build trust, awareness and participation in the reform process.