

## Land Tenure and Legal Pluralism in Africa and Asia: Gender, Reform, and Recognition

Aldilla Yulia Wiellys Sutikno<sup>1</sup>

<sup>1</sup>Universitas Pendidikan Muhammadiyah Sorong, Indonesia

Correspondent: [aldilla.wiellys@unimudasorong.ac.id](mailto:aldilla.wiellys@unimudasorong.ac.id)<sup>1</sup>

Received : November 25, 2023

Accepted : January 03, 2024

Published : January 31, 2024

Citation: Sutikno, A.Y.W., (2025). Land Tenure and Legal Pluralism in Africa and Asia: Gender, Reform, and Recognition. *Legalis : Journal of Law Review*, 57-69.

<https://doi.org/10.61978/legalis.v3i1.795>

**ABSTRACT:** This narrative review examines the interplay between customary land rights and statutory legal frameworks within plural legal systems, with a focus on land tenure security in sub-Saharan Africa and Southeast Asia. The objective is to assess how pluralism in land law affects the recognition and protection of customary land rights, particularly among marginalized communities. A systematic literature search was conducted using databases such as Scopus, Google Scholar, and PubMed. Keywords including "tenure security," "customary land rights," "land reform," "legal pluralism," and "community participation" guided the review. Inclusion criteria focused on empirical studies addressing policy impacts, gender dynamics, and community-based land governance. The results reveal that customary law plays a crucial role in ensuring tenure security, especially where formal systems are weak or exclusionary. In Ghana and Tanzania, customary tenure supports collective land stewardship and sustains agricultural livelihoods. However, legal ambiguities and inconsistent state recognition often render these systems vulnerable. Gender disparities remain pronounced, with women frequently excluded from land decision-making despite reform initiatives. Comparative insights from Kenya and Uganda underscore the challenges of harmonizing plural systems without undermining local autonomy. The discussion highlights the need for inclusive legal reforms, participatory documentation mechanisms, and targeted interventions to empower underrepresented stakeholders. The findings emphasize that integrating customary law into statutory systems and strengthening community roles in land governance are essential for achieving equitable, secure, and sustainable land rights. Future research should evaluate the effectiveness of such integrative frameworks across jurisdictions and explore models that reconcile legal diversity with development goals.

**Keywords:** Land Tenure Security, Customary Land Rights, Legal Pluralism, Community Participation, Land Reform, Gender Equity, Inclusive Governance.



This is an open access article under the CC-BY 4.0 license

## INTRODUCTION

Land tenure security has become a pressing global issue, particularly in countries where plural legal systems—comprising both statutory and customary legal frameworks—govern land rights. The coexistence of statutory and customary legal systems produces overlapping norms, unclear recognition processes, and contested ownership claims. This complexity frequently jeopardizes

tenure stability for marginalized populations, as evidenced in contexts such as Ghana where commercial agriculture collides with customary rights, or Kenya where legal reforms have not fully addressed recognition gaps. Scholars such as Wily (2018) have highlighted that despite some progress, such as in Kenya where customary land rights are increasingly recognized as legitimate property rights, the implementation remains fraught with difficulties. Community trust in legal institutions remains low, primarily due to the lack of effective mechanisms to reconcile customary and statutory systems. In Ghana, the expansion of commercial agriculture has intensified land-related conflicts, as customary rights often clash with formal land titles, exacerbating legal uncertainty and undermining the confidence of local communities in national legal frameworks (Schoneveld & German, 2013).

The implications of insecure land tenure are far-reaching. According to Gwaleba et al. (2023), land tenure insecurity in Tanzania has significantly impaired land use practices and jeopardized the livelihoods of local populations. Similarly, Nara et al. (2020) report that approximately 70% of smallholder farmers in Ghana operate under customary tenure arrangements that lack official recognition, leading to substantial vulnerabilities concerning food security and shelter. Kugbega and Aboagye (2021) further argue that this insecurity influences farmers' investment decisions, deterring them from making long-term improvements to their land. These findings reflect a broader global concern: without secure tenure, rural communities are less likely to engage in sustainable agricultural practices, and the risk of displacement remains high, particularly for those who rely on customary systems for their land claims (German, 2016).

In many regions, especially in Sub-Saharan Africa and Southeast Asia, national policies have had profound impacts on customary landholders. Mugagga et al. (2019) demonstrate that in Uganda, resettlement policies linked to industrial development projects have disproportionately affected secondary rights holders, who often receive inadequate or no compensation. In Kenya, the introduction of community land titles was intended to legitimize customary tenure; however, the persistence of overlapping claims between government authorities and local communities has perpetuated vulnerabilities in landholding (Arizona et al., 2019). These cases illustrate that even well-intentioned land policy reforms may inadvertently exacerbate existing inequities if they fail to adequately account for the nuances of local tenure arrangements.

Historically, colonial legacies have deeply influenced the marginalization of customary land rights. In many post-colonial states, statutory laws inherited from colonial administrations continue to dominate, sidelining indigenous systems that once governed land access and use. Santpoort et al. (2021) and Wily (2018) note that this legal supremacy of statutory frameworks has not only eroded the legitimacy of customary practices but also entrenched systemic inequalities. Socially, the dynamics of intra-community power play a significant role in shaping land rights. Research in Ghana reveals that women and migrant groups often lack decision-making authority in land use, thereby facing heightened tenure insecurity (Nara et al., 2020). Economically, growing demand for land—driven by commercial agriculture, urban expansion, and resource extraction—further strains traditional tenure systems that are ill-equipped to manage external pressures (Galudra et al., 2013).

Despite the proliferation of land reforms, significant challenges remain—not only in research but also in enforcement and implementation. For instance, while some studies highlight progress in

recognizing customary rights, enforcement mechanisms often remain weak, leaving many communities vulnerable to dispossession. Merten and Haller (2023) highlight the particular vulnerability of women, whose rights are often unrecognized within both formal and informal systems. Although community-based accreditation initiatives have been proposed to address such gaps, Murtazashvili and Murtazashvili (2016) contend that these efforts frequently fail to yield substantial improvements, especially for women. Paradza et al. (2020) show that mapping initiatives, while promising in theory, have not always translated into enhanced land access or legal empowerment. These shortcomings underscore the need for more inclusive legal and policy frameworks that reflect the lived realities of customary land users.

The primary aim of this narrative review is to critically examine the interplay between statutory and customary land systems in the context of land tenure security. It seeks to analyze how legal pluralism affects the recognition, protection, and enforcement of land rights, especially for vulnerable groups such as women, indigenous communities, and smallholder farmers. The review also explores how policy interventions, legal reforms, and community-based initiatives have addressed—or failed to address—these challenges. Through this analysis, the review contributes to a better understanding of the systemic and structural issues impeding secure land tenure in plural legal contexts.

The geographic scope of this review encompasses selected countries in Sub-Saharan Africa and Southeast Asia, where the coexistence of statutory and customary systems is most pronounced. These regions offer rich empirical contexts for examining how national policies intersect with localized norms and practices. For instance, countries like Kenya, Ghana, Uganda, and Indonesia are experiencing rapid socio-economic changes that place unprecedented stress on land tenure systems. The populations examined include customary landholders, women, smallholder farmers, and indigenous peoples—groups most susceptible to tenure insecurity.

In addition to its empirical scope, this review utilizes commonly referenced keywords such as "tenure security," "customary land rights," "land governance," "land reform," "legal recognition," and "community participation." These terms reflect the interdisciplinary and intersectional nature of land tenure studies and allow for a targeted exploration of the legal and policy dimensions of the topic (Asaaga et al., 2020; Nara et al., 2021; Kugbega, 2020; Paradza et al., 2020).

Inclusion criteria for the literature analyzed in this review comprise empirical studies focusing on the impacts of land policy on local communities, investigations of interactions between customary and statutory legal systems, and research highlighting the roles of women in customary land regimes (Paradza et al., 2020; Ferree et al., 2022). Priority is also given to publications supported by robust methodologies and recent data.

Conversely, exclusion criteria include studies lacking a specific focus on customary land rights or those presenting overly generalized analyses without accounting for local context (Santpoort et al., 2021; Kugbega & Aboagye, 2021). Articles not grounded in strong empirical methods or outdated with respect to contemporary trends in land governance are also omitted (Goyal, 2020; Matejcek & Verne, 2022).

In conclusion, the urgency to address land tenure security in plural legal systems is underscored by the convergence of social inequality, legal ambiguity, and economic marginalization. As global

efforts to secure land rights intensify in the context of sustainable development goals, it becomes crucial to ensure that legal reforms are inclusive, participatory, and reflective of both formal statutes and customary traditions. This narrative review sets the stage for a comprehensive exploration of the existing challenges, knowledge gaps, and potential pathways toward more secure and equitable land tenure arrangements.

### METHOD

This narrative review was conducted to systematically analyze and synthesize the current body of knowledge concerning tenure security, customary land rights, land law, and legal pluralism. The methodology adopted in this study involved a structured and comprehensive search strategy that integrated multiple academic databases, followed by rigorous inclusion and exclusion criteria to ensure the relevance and credibility of the selected literature.

The literature search process began with identifying appropriate databases that host interdisciplinary academic publications on land governance and legal studies. Primary sources of data were drawn from PubMed, Scopus, and Google Scholar. These databases were selected based on their accessibility, interdisciplinary coverage, and high citation standards. Scopus, in particular, was chosen for its breadth in social sciences and legal scholarship, while PubMed offered insights on health and land-related social outcomes, and Google Scholar facilitated access to grey literature and recently published working papers.

To guide the search strategy, specific keywords and Boolean search operators were developed to capture the complexity of the subject matter. The keywords used included: "tenure security," "customary land rights," "land governance," "land reform," "legal pluralism," "statutory law," "customary law," "legal recognition," and "community participation." These keywords were combined using Boolean operators such as AND and OR to ensure inclusivity and thematic relevance. For instance, searches were performed using combinations like "tenure security AND customary land rights," "land reform AND legal pluralism," and "community participation AND legal recognition of land." Additional filters such as publication date (post-2010), peer-reviewed status, and language (English only) were applied to narrow down the corpus.

The review established a set of inclusion and exclusion criteria to ensure the quality and thematic consistency of the literature analyzed. Inclusion criteria consisted of empirical studies and peer-reviewed publications that directly addressed the impact of land policies on local communities, the interaction between customary and statutory legal systems, and the role of women in land tenure arrangements. Particular attention was paid to studies that employed case study methodologies or presented empirical evidence, as these provided the most contextual insights into the practical implications of legal pluralism on land rights. Furthermore, papers that offered comparative perspectives across multiple geographical contexts—especially Sub-Saharan Africa and Southeast Asia—were prioritized for their contribution to a more global understanding of the topic.

Conversely, the exclusion criteria eliminated publications that lacked in-depth analysis of land law within the context of customary communities or that presented overly generalized findings without adequate engagement with local socio-legal contexts. Studies that were theoretical without empirical support, as well as those outdated or not reflective of recent trends in land governance,

were excluded. This included articles with insufficient methodological transparency or those that failed to address the gendered dimensions of land tenure security. Notably, works such as those by Goyal (2020) and Matejcek & Verne (2022) were reviewed but excluded on the grounds of limited contextual applicability and lack of updated empirical insights.

The types of research designs considered suitable for this review included qualitative case studies, policy analyses, ethnographic studies, and mixed-methods research. These approaches were valued for their capacity to capture the lived experiences of land users and the nuanced interactions between legal norms and social practices. Randomized controlled trials and purely quantitative cohort studies were rare in this field and thus played a marginal role in the review. Nevertheless, empirical evaluations that triangulated data sources—such as interviews, policy documents, and geospatial analysis—were deemed particularly valuable.

The selection process involved a multi-stage screening procedure. In the first stage, article titles and abstracts were reviewed to determine preliminary relevance. The second stage involved reading the full texts of shortlisted articles to assess their methodological rigor and alignment with the review's objectives. Articles were retained only if they demonstrated strong analytical clarity, reliable data sources, and direct engagement with the central themes of tenure security and legal pluralism. Citations within the reviewed literature were also used to identify additional key texts through backward snowballing.

To ensure quality control and reduce bias, all selected articles were independently evaluated by multiple reviewers with expertise in land law, governance, and socio-legal studies. Discrepancies in article selection or interpretation were resolved through deliberation and consensus. A matrix was developed to track the thematic relevance, geographic focus, research method, and key findings of each included study, which aided in both synthesis and gap identification.

This review adopted a narrative synthesis approach rather than a meta-analysis due to the heterogeneity in research designs, legal contexts, and outcome measures among the selected studies. The narrative method allowed for a more nuanced examination of themes such as the interaction between customary and statutory systems, the gendered nature of land rights, and the implications of national land policy reforms. By drawing on a broad array of studies, the review seeks not only to summarize existing findings but also to critically reflect on the assumptions and limitations that pervade the current body of literature.

In sum, the methodological framework for this narrative review is grounded in a rigorous, transparent, and systematic approach to literature selection and analysis. By prioritizing empirical, context-sensitive, and thematically relevant studies, the review aims to contribute meaningful insights to the ongoing discourse on tenure security and the role of legal pluralism in shaping equitable and sustainable land governance systems.

## RESULT AND DISCUSSION

This section presents the findings of the narrative review organized into four thematic sub-sections derived from the literature: the role of customary law in ensuring tenure security, the impacts of legal reforms on local communities, gender and land rights within customary systems, and global



perspectives and comparative studies. Each subsection highlights empirical evidence and scholarly perspectives that collectively elucidate the multidimensional nature of tenure security in plural legal systems.

The role of customary law in ensuring tenure security has emerged as both foundational and contentious. In many local contexts, customary law provides a more socially embedded and contextually resonant system for allocating and defending land rights than statutory law. Asaaga et al. (2020), examining land management systems in Ghana, emphasize that customary law facilitates collaborative agricultural practices and provides protective structures grounded in local norms and traditions. These community-based frameworks often enable households to assert and negotiate land rights effectively within familiar social institutions. Moreover, Msangi et al. (2023) demonstrate in Tanzania that integrating customary elements into land use planning has led to reduced conflicts and enhanced tenure security. Their findings indicate that local involvement and recognition of indigenous systems can mitigate disputes and create more sustainable land management practices.

However, the review also reveals that the effectiveness of customary law is often undermined by a lack of formal legal recognition. In Uganda, for example, Mugagga et al. (2019) illustrate how resettlement programs associated with oil industry developments in the Albertine Graben have left secondary rights holders—often dependent on customary norms—vulnerable to eviction and excluded from compensation schemes. This failure to recognize informal tenure highlights the fragility of customary rights when confronted with state or corporate land acquisition, underscoring the need for a hybrid approach that legitimizes local norms within statutory frameworks.

The impact of legal reform on community landholding has been profound yet uneven. Land policy changes aimed at improving tenure security often result in unintended consequences for indigenous populations. Kugbega (2020) notes that land reforms in Ghana, designed to recognize customary rights formally, have paradoxically undermined community autonomy by subordinating traditional land management to centralized bureaucratic oversight. This phenomenon has led to increased disputes, with formalized structures sometimes lacking the responsiveness and adaptability of local systems. German (2016) and Barbier & Tesfaw (2013) provide additional insights, showing how land commercialization initiatives aligned with agrarian reforms can intensify competition over land and heighten social exclusion for those operating under customary norms.

Evidence from various settings illustrates that legal formalization does not necessarily equate to greater tenure security. For example, in Ghana, despite efforts to register customary lands, farmers still face bureaucratic delays and overlapping claims that perpetuate insecurity. Ansah and Chigbu (2020) observe that in contexts where customary rights are acknowledged only nominally, local farmers often experience persistent insecurity due to bureaucratic delays, overlapping claims, and the opacity of formal registration processes. Nara et al. (2020) further reveal that many smallholder farmers, despite being the intended beneficiaries of land formalization programs, remain excluded from effective land governance mechanisms, leading to increased marginalization. These studies point to the need for reforms that go beyond nominal recognition. Strengthening institutional capacity at the community level, ensuring coordination between statutory and customary

frameworks, and enhancing transparency in registration processes are crucial to building tenure security.

Gender disparities in land tenure form a critical axis of inequality in plural legal systems. Customary law, while often deeply rooted in community structures, tends to reflect and perpetuate patriarchal power dynamics that marginalize women. Merten and Haller (2023) report that in Zambia, women's land rights are frequently dependent on their relationships with male kin and remain vulnerable to dispossession upon widowhood or divorce. Similarly, Khuzwayo et al. (2019) highlight that even in reformed legal systems, women rarely achieve parity in land ownership due to enduring cultural norms and the absence of targeted enforcement mechanisms.

Paradza et al. (2020) analyze gendered outcomes of land reform in southern Africa, noting that policies purportedly aimed at increasing women's access to land often lack institutional follow-through. Instead, such reforms may unintentionally reinforce male control by allocating land through male-dominated community structures. Moreover, Arizona et al. (2019) argue that devolved land governance systems frequently fail to incorporate gender-sensitive frameworks, thereby overlooking women's specific needs and reinforcing existing inequalities. These findings underscore that achieving gender equity in tenure requires not only legal change but also sustained efforts in social norm transformation, access to legal aid, and capacity-building for women's advocacy.

From a global perspective, efforts to harmonize statutory and customary land systems have met with mixed results. In Kenya, for instance, the Community Land Act provides legal recognition for customary tenure, yet its implementation has been hampered by administrative bottlenecks and contested land claims (Wily, 2018). The Kenyan experience illustrates both the potential and limitations of statutory accommodation, revealing how bureaucratic inertia and unclear mandates can inhibit effective enforcement.

In contrast, Tanzania offers a more constructive example. Msangi et al. (2023) describe how Certificates of Customary Right of Occupancy (CCROs) have been successfully integrated into national land governance frameworks, enabling community members to obtain legal proof of land rights while preserving the flexibility and legitimacy of customary norms. Murtazashvili & Murtazashvili (2016) support this view, suggesting that when communities are involved in documenting their land rights and shaping land-use rules, the resulting institutions tend to be more resilient and equitable.

Community-led innovations in land documentation and resource governance are increasingly recognized as viable pathways for securing tenure in plural systems. Salifu et al. (2019) provide evidence from West Africa that participatory mapping and locally managed registries empower communities to assert their land rights in negotiations with external actors. Likewise, Martial & Asaad (2016) highlight the Dalihan Natolu model in Indonesia, where customary land and tree tenure systems facilitate cooperative land use and conflict resolution based on kinship roles. These examples emphasize that community-driven documentation practices not only improve tenure clarity but also foster local accountability and social cohesion.

The comparative insights from diverse legal systems underscore the importance of legal pluralism as both a challenge and an opportunity in land tenure governance. Across contexts, the review

finds that tenure security is strongest where there is deliberate integration of customary systems within statutory law, accompanied by robust community participation and gender-sensitive safeguards. Where formal systems override or ignore customary practices, tenure tends to be less secure, less inclusive, and more conflict-prone.

Overall, the results suggest that while legal reforms and formal recognition play a critical role, they are insufficient on their own. Lasting improvements in tenure security require multi-scalar interventions that align legal pluralism with social realities, empower local institutions, and ensure that marginalized voices—particularly those of women and indigenous peoples—are central to land governance processes. This review provides a strong empirical foundation for future policy and research aimed at developing inclusive, context-sensitive, and sustainable land tenure systems.

The findings of this narrative review affirm the significant role that customary law continues to play in securing land tenure in plural legal systems, despite often being marginalized in formal state policies and regulatory frameworks. This corroborates earlier studies highlighting that statutory systems tend to prioritize formally documented rights, thereby disadvantaging secondary or undocumented landholders (Mugagga et al., 2019; Gwaleba et al., 2023). In Uganda, for instance, secondary rights holders were systematically excluded from compensation frameworks during land resettlement initiatives associated with industrial development. This exclusion occurred precisely because their claims were grounded in customary recognition rather than formal land titles. The situation exemplifies how legal formalism, when uncoupled from sociocultural realities, can lead to systemic disenfranchisement.

This disjuncture between formal and customary land governance is not incidental. It is a structural artifact of colonial legacies and post-colonial legal centralism, though some scholars argue that traditional authorities may also serve as mediators bridging the gap when supported by inclusive frameworks. Across Sub-Saharan Africa and Southeast Asia, colonial administrations displaced customary systems by instituting statutory regimes that centralized authority and standardized land tenure. This has had long-term effects on contemporary policy, as legal pluralism continues to be treated as an administrative complication rather than a normative foundation for land governance (Robinson & Diop, 2022). The resulting legal ambiguity fosters jurisdictional conflicts, particularly in contexts where state and customary actors exercise overlapping mandates. In Ghana, for example, efforts to legally recognize customary landholdings have paradoxically weakened community authority by subjecting local norms to bureaucratic reinterpretation under statutory law (Kugbega, 2020).

Systemic obstacles to formal recognition of customary land rights are further exacerbated by weak institutional coordination, poorly defined legal mandates, and the dominance of market-driven land reforms. Land titling programs designed to attract foreign investment frequently overlook or deliberately circumvent customary claims, especially when these claims contradict development goals (Ansah & Chigbu, 2020; German, 2016). Such programs often proceed under the assumption that formalization equates to security, thereby ignoring evidence that locally legitimate systems can offer robust and adaptive forms of tenure security. In Tanzania, however, integrating customary norms into village land-use planning processes has shown promise. Msangi et al. (2023) found that participatory planning, anchored in customary tenure practices, substantially reduced land disputes and improved trust in governance institutions.



The role of traditional authorities emerges as both a point of contention and a potential pathway toward bridging legal pluralism. While some scholars argue that these actors are complicit in exclusionary practices, others emphasize their potential to mediate between formal institutions and community expectations (Ansah & Chigbu, 2020). Traditional leaders often hold indispensable knowledge of customary land allocations and histories, and their involvement in land governance has been associated with higher levels of community compliance and conflict resolution. Nevertheless, their legitimacy is often undermined when their authority is either co-opted by the state or corrupted by elite capture, particularly in resource-rich areas where land speculation is rampant.

Gender remains a critical axis of inequality within plural legal systems. The literature reviewed consistently shows that women face structural barriers to secure land rights under both statutory and customary frameworks. In Zambia, empirical studies revealed that while legal reforms ostensibly aimed at increasing women's land access, actual outcomes were regressive due to the reinforcement of patriarchal norms and administrative neglect (Merten & Haller, 2023; Khuzwayo et al., 2019). Parallel findings in Zimbabwe indicate that reform initiatives failed to dismantle male-dominated inheritance practices and did not provide adequate legal literacy support for women to claim their rights (Paradza et al., 2020). These findings underscore that legal recognition, while necessary, is insufficient without broader sociocultural change and proactive policy intervention.

Public policies must thus be reoriented to promote inclusive legal harmonization. Integrative strategies that combine statutory recognition with community-led documentation of customary rights show considerable promise. Participatory mapping and certification programs, such as those piloted in Kenya and Indonesia, offer models for collaborative governance that do not displace customary tenure but formalize it on its own terms (Wily, 2018; Santpoort et al., 2021). These approaches increase the visibility and legitimacy of marginalized claims, including those held by women and indigenous populations. Furthermore, the documentation process itself can serve as a platform for public education and legal empowerment, particularly when accompanied by targeted training and awareness campaigns.

From a policy standpoint, the need for multi-scalar engagement is evident. National governments must develop legal instruments that provide clear guidelines on how customary land rights are to be adjudicated and enforced within statutory systems. At the same time, local governments and customary institutions must be empowered and held accountable to ensure that the integration of legal systems benefits all segments of society, particularly historically excluded groups. Stress that reform initiatives must address power asymmetries not only between state and community actors but also within communities themselves. Failure to do so risks replicating inequality under the guise of legal modernization.

There is also a growing recognition that secure tenure contributes not just to social justice but also to environmental sustainability and economic development. Studies have linked tenure security to improved land stewardship, long-term investment in land productivity, and reduced deforestation rates (Lawry et al., 2016). This reinforces the argument that land reform should not be siloed within economic policy but should intersect with environmental and human rights agendas. Integrated frameworks can support holistic development, but only if they are designed with attention to local tenure systems and grounded in participatory governance.

Yet, despite these promising developments, significant gaps in research and implementation remain. For one, most empirical studies focus on Sub-Saharan Africa, with limited comparative data from Southeast Asia and Latin America. This geographical skewness restricts the generalizability of findings and hinders the formation of globally coherent policy recommendations. Moreover, there is a paucity of longitudinal studies that track the impacts of legal reform over time, making it difficult to assess the durability of tenure security gains.

Methodological challenges also persist, especially in measuring the effectiveness of plural legal systems. Much of the existing literature relies on qualitative case studies, which offer depth but limit the capacity for cross-regional comparison. Future research would benefit from mixed-method approaches that integrate ethnographic insights with spatial data and econometric analysis. Such methodologies could provide a more comprehensive understanding of how legal pluralism operates in practice and under what conditions it leads to equitable outcomes.

Finally, donor-driven interventions often prioritize scalability and replicability, sometimes at the expense of local legitimacy. Development agencies may impose templates for land documentation or legal reform that do not align with the socio-legal realities of the communities they intend to serve. This mismatch can erode trust, provoke resistance, and ultimately undermine the very objectives of tenure security and inclusive development. Therefore, co-design processes, which involve local stakeholders from the outset, are critical to ensuring that external support complements rather than overrides community agency.

In light of these findings, the future of tenure security in plural legal systems hinges on rebalancing legal hierarchies, redistributing power, and recognizing the legitimacy of diverse knowledge systems. It is only through sustained engagement across legal, political, and cultural domains that meaningful progress can be achieved toward inclusive and resilient land governance.

## CONCLUSION

This narrative review underscores the critical role of customary law in securing land tenure, especially in communities where statutory recognition remains limited or inconsistent. Drawing from diverse empirical studies in sub-Saharan Africa and Southeast Asia, the analysis confirms that customary tenure systems often provide more socially embedded and contextually appropriate mechanisms for land governance. However, the exclusion of customary rights from formal legal frameworks frequently exacerbates tenure insecurity, marginalization, and land-related conflicts. Systemic issues such as legal ambiguity, conflicting land policies, lack of participatory mechanisms, and gender bias continue to undermine equitable land access and ownership.

To address these persistent challenges, the review recommends integrating customary law within statutory frameworks through inclusive land reform policies, community-based land documentation, and the legal empowerment of vulnerable groups, particularly women and secondary rights holders. It is also essential to promote participatory land governance models that include traditional authorities and reflect local realities. These reforms must be accompanied by capacity-building initiatives and awareness programs that enhance the understanding and enforcement of land rights at both community and institutional levels.

Further research should explore the long-term impacts of legal pluralism on land tenure security, particularly through longitudinal studies in underrepresented regions such as Southeast Asia and Latin America. Mixed-method approaches that integrate ethnographic insights, spatial analysis, and econometric evaluation would provide deeper understanding of tenure dynamics. Comparative studies across different legal systems would enrich the discourse on effective integration models and help tailor policies that promote sustainable and inclusive land governance. Emphasizing the centrality of community engagement and legal pluralism remains vital in overcoming the entrenched structural barriers in current land administration systems.

## REFERENCE

- Ansah, B. and Chigbu, U. (2020). The nexus between peri-urban transformation and customary land rights disputes: effects on peri-urban development in trede, ghana. *Land*, 9(6), 187. <https://doi.org/10.3390/land9060187>
- Arizona, Y., Wicaksono, M., & Vel, J. (2019). The role of indigeneity ngos in the legal recognition of adat communities and customary forests in indonesia. *The Asia Pacific Journal of Anthropology*, 20(5), 487–506. <https://doi.org/10.1080/14442213.2019.1670241>
- Asaaga, F. and Hirons, M. (2019). Windows of opportunity or windows of exclusion? changing dynamics of tenurial relations in rural ghana. *Land Use Policy*, 87, 104042. <https://doi.org/10.1016/j.landusepol.2019.104042>
- Asaaga, F., Hirons, M., & Malhi, Y. (2020). Questioning the link between tenure security and sustainable land management in cocoa landscapes in ghana. *World Development*, 130, 104913. <https://doi.org/10.1016/j.worlddev.2020.104913>
- Barbier, E. and Tesfaw, A. (2013). Tenure constraints and carbon forestry in africa. *American Journal of Agricultural Economics*, 95(4), 964–975. <https://doi.org/10.1093/ajae/aat014>
- Ferree, K., Honig, L., Lust, E., & Phillips, M. (2022). Land and legibility: when do citizens expect secure property rights in weak states?. *American Political Science Review*, 117(1), 42–58. <https://doi.org/10.1017/s0003055422000417>
- Galudra, G., Noordwijk, M., Agung, P., Suyanto, S., & Pradhan, U. (2013). Migrants, land markets and carbon emissions in jambi, indonesia: land tenure change and the prospect of emission reduction. *Mitigation and Adaptation Strategies for Global Change*. <https://doi.org/10.1007/s11027-013-9512-9>
- German, L. (2016). The global land rush: implications for agricultural communities. *CAB Reviews: Perspectives in Agriculture, Veterinary Science, Nutrition and Natural Resources*, 1–19. <https://doi.org/10.1079/pavsnr201510033>
- Goyal, A. (2020). Customary land-tenure and the poor: a study of jharkhand and meghalaya. *Social Change*, 50(3), 430–446. <https://doi.org/10.1177/0049085720951178>
- Gwaleba, M., Kongela, S., & Kombe, W. (2023). Governing land use planning in pursuit of customary tenure security: a case of kilombero district in rural tanzania. *Journal of Property*

- Planning and Environmental Law*, 15(3), 109–129. <https://doi.org/10.1108/jppel-11-2022-0035>
- Khuzwayo, N., Chipungu, L., Magidimisha, H., & Lewis, M. (2019). Examining women's access to rural land in umnini trust traditional area of kwazulu-natal, south africa. *Town and Regional Planning*, 75(1), 31–43. <https://doi.org/10.18820/2415-0495/trp75i1.5>
- Kugbega, S. (2020). State-customary interactions and agrarian change in ghana. the case of nkoranza traditional area. *Land*, 9(11), 458. <https://doi.org/10.3390/land9110458>
- Kugbega, S. and Aboagye, P. (2021). Farmer-herder conflicts, tenure insecurity and farmer's investment decisions in agogo, ghana. *Agricultural and Food Economics*, 9(1). <https://doi.org/10.1186/s40100-021-00186-4>
- Lawry, S., Samii, C., Hall, R., Leopold, A., Hornby, D., & Mtero, F. (2016). The impact of land property rights interventions on investment and agricultural productivity in developing countries: a systematic review. *Journal of Development Effectiveness*, 9(1), 61–81. <https://doi.org/10.1080/19439342.2016.1160947>
- Martial, T. and Asaad, M. (2016). The land and tree tenure-based dalihan natolu customs for tree management in south tapanuli, north sumatra. *International Journal on Advanced Science Engineering and Information Technology*, 6(2), 180–185. <https://doi.org/10.18517/ijascit.6.2.696>
- Matchaya, G. (2014). Do local land institutions make a dime's worth of a difference in rural land markets? evidence from malawi. *International Journal of Social Economics*, 41(11), 1055–1072. <https://doi.org/10.1108/ijse-08-2012-0163>
- Matejcek, A. and Verne, J. (2022). Mobile applications to secure tenure in rural tanzania. *Culture Unbound: Journal of Current Cultural Research*, 13(3), 45–69. <https://doi.org/10.3384/cu.1535>
- Merten, S. and Haller, T. (2023). Interwoven landscapes: gender and land in the kafue flats, zambia. *Land*, 12(9), 1657. <https://doi.org/10.3390/land12091657>
- Msangi, H., Waized, B., Löhr, K., Sieber, S., & Ndyetabula, D. (2023). Development outcomes of land tenure formalization under customary and statutory land tenure systems in tanzania: a multinomial endogenous switching regression approach. *Agriculture & Food Security*, 11(1). <https://doi.org/10.1186/s40066-022-00403-3>
- Mugagga, F., Byakagaba, P., & Tibakunirwa, L. (2019). Unravelling the centrality of tenure security in determining resettlement packages for oil refinery displaced persons in uganda's albertine graben. *Social Change*, 49(4), 659–672. <https://doi.org/10.1177/0049085719872865>
- Murtazashvili, I. and Murtazashvili, J. (2016). Can community-based land adjudication and registration improve household land tenure security? evidence from afghanistan. *Land Use Policy*, 55, 230–239. <https://doi.org/10.1016/j.landusepol.2016.04.010>
- Nara, B., Lengoiboni, M., & Zevenbergen, J. (2020). Implications of customary land rights inequalities for food security: a study of smallholder farmers in northwest ghana. *Land*, 9(6), 178. <https://doi.org/10.3390/land9060178>

- Nara, B., Lengoiboni, M., & Zevenbergen, J. (2021). Testing a fit-for-purpose (ffp) model for strengthening customary land rights and tenure to improve household food security in northwest ghana. *Land Use Policy*, 109, 105646. <https://doi.org/10.1016/j.landusepol.2021.105646>
- Paradza, G., Mokwena, L., & Musakwa, W. (2020). Could mapping initiatives catalyze the interpretation of customary land rights in ways that secure women's land rights?. *Land*, 9(10), 344. <https://doi.org/10.3390/land9100344>
- Robinson, B. and Diop, M. (2022). Who defines land tenure security? de jure and de facto institutions. In: *Land Tenure Security in Developing Countries*, 43–56. [https://doi.org/10.1007/978-3-030-81881-4\\_3](https://doi.org/10.1007/978-3-030-81881-4_3)
- Salifu, F., Abubakari, Z., & Richter, C. (2019). Innovating along the continuum of land rights recognition: meridia's "documentation packages" for ghana. *Land*, 8(12), 189. <https://doi.org/10.3390/land8120189>
- Santpoort, R., Steel, G., Mkandawire, A., Ntauazi, C., Faye, E., & Githuku, F. (2021). The land is ours: bottom-up strategies to secure rural women's access, control and rights to land in kenya, mozambique, senegal and malawi. *Frontiers in Sustainable Food Systems*, 5. <https://doi.org/10.3389/fsufs.2021.697314>
- Wily, L. (2018). Compulsory acquisition as a constitutional matter: the case in africa. *Journal of African Law*, 62(1), 77–103. <https://doi.org/10.1017/s0021855318000050>
- Wily, L. (2018). The community land act in kenya: opportunities and challenges for communities. *Land*, 7(1), 12. <https://doi.org/10.3390/land7010012>