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Original Research Article

Forum Shopping and the Enforcement of Women's Land Inheritance Judgments in Cross River State, Nigeria: An Assessment of Customary Courts and Obong Mediation

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Abstract: This article examines forum shopping and the enforcement of women's land inheritance decisions in Cross River State, Nigeria, focusing on customary courts and Obong mediation between 2010 and 2024. Drawing on legal pluralism and access-to-justice scholarship, it considers how institutional accessibility, legitimacy, cost, and enforcement capacity shape women's ability to secure inherited land. A retrospective review of 150 dispute records, comprising 50 each from traditional mediation, customary courts, and High Courts, reports favourable outcomes of 12%, 16%, and 50%, respectively. Full enforcement was recorded in 8%, 10%, and 30% of records, respectively; 66% of all decisions were classified as not enforced. Reported interference occurred in 100 of 150 records. The analysis identifies a gap between favourable decisions and effective possession or control of land. While traditional mediation may be accessible and affordable, formal litigation offers judicial remedies at greater financial and temporal cost. The article recommends legal aid, rights-compatible customary mediation, better enforcement procedures, improved records, and systematic monitoring. The descriptive associations do not establish that forum selection causes differences in outcomes.

Keywords: Forum Shopping, Women's Land Inheritance, Legal Pluralism, Customary Courts, Obong Mediation, Enforcement, Cross River State.

1. Introduction

Land inheritance is central to economic security, agricultural livelihoods, family status and intergenerational wealth in Nigeria. Women's access to inherited land, however, may be constrained by family power relations, customary succession norms, litigation costs and weak implementation of favourable decisions. In plural legal settings, claimants may

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seek resolution from family councils, traditional rulers, customary courts or superior courts. These alternatives provide opportunities for forum shopping, but the availability of a forum does not itself guarantee effective justice.

Section 42 of the Constitution of the Federal Republic of Nigeria 1999 (as amended) protects against specified forms of discrimination, including discrimination based on sex. In Ukeje v. Ukeje (2014), the Supreme Court rejected a discriminatory Igbo customary inheritance rule excluding daughters from their father's estate. The reach of that precedent in any particular dispute must be assessed against the facts and applicable law. This study investigates the distinction between a favourable inheritance decision and its practical implementation in Cross River State.

2. Problem Statement and Research Objectives

The core problem is that women may obtain a favourable inheritance decision without securing possession, control or sustained enjoyment of the property. Traditional mediation can be accessible but may rely on voluntary compliance and social authority; formal litigation offers enforceable remedies but can be expensive and slow. Differences in forum access and enforcement capacity may reproduce inequality even where legal protections exist.

The study examines: (i) factors shaping forum choice; (ii) the roles of Obong mediation and customary courts; (iii) differences in outcomes, costs, duration and implementation; (iv) post-decision interference; and (v) institutional reforms capable of strengthening substantive access to inheritance justice.

3. Literature Review and Conceptual Foundations

3.1 Forum shopping in plural legal systems

Forum shopping is the strategic selection of an available dispute-resolution arena in light of expected outcomes, cost, proximity, legitimacy, procedural characteristics and enforcement prospects. Griffiths (1986), Merry (1988) and von Benda-Beckmann (2002) show that multiple normative orders can coexist and interact. The relevant dimensions here are accessibility, institutional legitimacy, strategic calculation and institutional capacity. These factors do not operate independently: an affordable forum may lack robust enforcement powers, while a legally authoritative court may remain inaccessible to a poor claimant.

3.2 Enforcement and substantive land rights

Enforcement is the translation of a judgment or settlement into practical and sustained enjoyment of recognized rights. It can be assessed through possession, economic control, security against interference, lawful execution and long-term sustainability. Traditional mediated agreements must be distinguished from judicial judgments: their legal status and routes to enforcement may differ. A decision should not be counted as a successful outcome for a woman merely because it was issued in her favour.

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3.3 Cross River State context

Cross River State includes communities with varied kinship, landholding and customary arrangements. State law, customary law, and community-based processes interact in inheritance disputes. Traditional authorities can promote settlement and community acceptance, but customary legitimacy cannot override constitutional protections. The Land Use Act 1978 forms part of the land administration context but does not by itself resolve every question of succession. The application of any state-level protection must be tied to the actual text and commencement of the relevant legislation.

4. Theoretical Framework

Legal Pluralism Theory explains the coexistence of state, customary and community normative orders (Griffiths, 1986; Merry, 1988; Tamanaha, 2008). The Access to Justice framework focuses on whether available institutions provide practical and effective remedies rather than merely formal opportunities to file claims (Cappelletti & Garth, 1978). Read together, these approaches suggest that forum selection and enforcement should be analysed as connected stages of a rights-realisation process. Socioeconomic resources, procedural fairness, social pressure and institutional capacity may affect both stages.

5. Methodology

The study uses a retrospective documentary comparative design covering 2010–2024. The supplied dataset comprises 150 inheritance-dispute records selected purposively across three forum categories: Obong mediation (Yakurr, Obubra and Calabar Municipal), customary courts (Calabar, Ikom and Ogoja), and the High Court of Cross River State. Fifty records were allocated to each category. The variables described for coding were forum, claimant sex, decision, enforcement, duration, cost and post-decision interference. Descriptive frequencies and percentages were used to compare institutional categories.

Interpretation requires attention to selection effects, case complexity and differences in the legal status of court judgments and mediated outcomes. Because this is a purposive sample, the percentages are descriptive of the reviewed records, not population prevalence estimates. The record-level codebook should define whether enforcement percentages refer to all decisions or only favourable decisions. Permission to use records, anonymisation and the applicable ethical review determination should be retained in the study documentation.

6. Results

6.1 Outcomes and implementation

Table 1: Descriptive distribution of outcomes across reviewed records

Forum	Records	Favourable	Fully enforced	Partially enforced	Not enforced
Obong mediation	50	6 (12%)	4 (8%)	6 (12%)	40 (80%)
Customary courts	50	8 (16%)	5 (10%)	9 (18%)	36 (72%)
High Courts	50	25 (50%)	15 (30%)	12 (24%)	23 (46%)
Total	150	39 (26%)	24 (16%)	27 (18%)	99 (66%)

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Table 1. Descriptive distribution of outcomes across reviewed records. Enforcement classifications are reported across all records, not as conditional enforcement rates among women who won. This distinction matters because, in some categories, fully plus partially enforced records exceed favourable decisions.

Favourable decisions were recorded in 12% of Obong mediation cases, 16% of customary court cases and 50% of High Court cases. Only 24 of the 150 records (16%) were classified as fully enforced, while 99 (66%) were classified as not enforced. These figures describe the sample but do not by themselves demonstrate that one forum caused better outcomes.

6.2 Costs and duration

Table 2: Reported dispute-resolution costs and duration

Forum	Reported average cost	Reported average duration
Obong mediation	₦45,000	3 months
Customary courts	₦150,000	18 months
High Courts	₦400,000+	42 months

Table 2. Reported dispute-resolution costs and duration. High Court proceedings were substantially more expensive and longer than mediation. Without claimant income and case-complexity measures, the contribution of cost to forum selection cannot be estimated precisely.

6.3 Post-decision interference

Table 3: Interference categories as supplied in the record review

Reported interference	Cases	Share of 150
Family repossession	52	34.7%
Sale by male relatives	31	20.7%
Threats or ostracism	17	11.3%
None reported	50	33.3%
Total	150	100%

Table 3. Interference categories as supplied in the record review. One hundred of 150 records (66.7%) recorded interference. The denominator is all reviewed records, not exclusively successful female claimants. Categories are treated as mutually exclusive for the tabulation.

7. Discussion

7.1 Accessibility versus remedial strength

The comparison highlights a potential trade-off: traditional mediation appears quicker and less costly, whereas High Court cases show a greater share of favourable decisions and full enforcement. These patterns may reflect institutional powers, but could also arise from differences in claim strength, resources, representation and case selection. It would therefore be inappropriate to infer causal superiority from these descriptive percentages alone.

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7.2 Why favourable decisions may not translate into land control

The reported prevalence of post-decision interference illustrates the limits of formal recognition without practical compliance. Family repossession, unauthorized sale and intimidation can obstruct possession and sustained enjoyment. Effective access to justice therefore requires attention to implementation, protection from interference, and the durability of rights, not solely the outcome recorded at adjudication.

7.3 Rights-compatible traditional mediation

Obong mediation may offer proximity, social legitimacy and opportunities for negotiated settlement. Yet settlements must be voluntary, procedurally fair and compatible with applicable legal protections. Referral pathways to formal legal assistance and clear documentation of agreements can help preserve accessibility without sacrificing women's rights.

8. Conceptual Framework

The proposed sequence is: forum characteristics (accessibility, legitimacy, costs and capacity) → forum choice and dispute-resolution process → decision or settlement → enforcement and compliance mechanisms → effective possession, control, security and economic benefit. Legal literacy, resources, institutional coordination and family pressure may influence each stage. This is a conceptual model, not a statistically tested causal pathway.

9. Policy Implications and Recommendations

1. Provide gender-responsive training for customary court personnel and traditional mediators on constitutional equality and procedural fairness.
2. Expand affordable legal aid and legal literacy for women pursuing inheritance claims, particularly in rural communities.
3. Strengthen lawful enforcement procedures, record keeping and monitoring of possession after favourable decisions.
4. Ensure traditional settlements are voluntary, documented and consistent with applicable legal rights.
5. Create safe routes for reporting intimidation, dispossession and unauthorized transfers of disputed land.
6. Collect gender-disaggregated, case-level data that distinguish favourable judgments, settlement terms, actual enforcement and sustained land control.
7. Support institutional collaboration among courts, traditional authorities, legal aid providers and women's rights organizations.

10. Conclusion

Forum shopping and enforcement are interconnected dimensions of inheritance justice. The reviewed records show descriptive differences across Obong mediation, customary courts and High Courts in favourable outcomes, implementation, costs and duration. The substantial number of records reporting non-enforcement or interference

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underscores the need to evaluate women's inheritance rights in terms of effective possession and secure control, not simply favourable decisions. Institutional reform should preserve accessible dispute resolution while strengthening procedural fairness, legal support, enforceability and sustained protection of women's land rights.

Declarations

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References

1. Cappelletti, M., & Garth, B. (1978). Access to justice: The newest wave in the worldwide movement to make rights effective. *Buffalo Law Review*, 27(2), 181–292.
2. Federal Republic of Nigeria. (1978). Land Use Act.
3. Federal Republic of Nigeria. (1999). Constitution of the Federal Republic of Nigeria 1999 (as amended).
4. Griffiths, J. (1986). What is legal pluralism? *The Journal of Legal Pluralism and Unofficial Law*, 18(24), 1–55.
5. Merry, S. E. (1988). Legal pluralism. *Law & Society Review*, 22(5), 869–896.
6. Moore, S. F. (1978). *Law as process: An anthropological approach*. Routledge & Kegan Paul.
7. Tamanaha, B. Z. (2008). Understanding legal pluralism: Past to present, local to global. *Sydney Law Review*, 30, 375–411.
8. Ukeje v. Ukeje (2014) 11 NWLR (Pt. 1418) 384 (SC).
9. von Benda-Beckmann, K. (2002). Who's afraid of legal pluralism? *The Journal of Legal Pluralism and Unofficial Law*, 34(47), 37–82.
10. Woodman, G. R. (1998). Ideological combat and social observation: Recent debate about legal pluralism. *The Journal of Legal Pluralism and Unofficial Law*, (42), 21–59.

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