

LAND ADMINISTRATION SYSTEM IN MALAYSIA: Building Institutional and Organisational Capacity for Coordinating Land Administration between the Federal and State Authorities

Anesh Ganason

Research and Development Section,
Department of the Director General of Lands and Mines Federal Malaysia
anesh@kptg.gov.my.

&

Assoc Professor Dr. Ainul Jaria Maidin
International Islamic University Malaysia
ainulj@iiu.edu.my.

KKTNELAS Consultation Paper No. 2

LAND ADMINISTRATION SYSTEM IN MALAYSIA: Building Institutional and Organisational Capacity for Coordinating Land Administration between the Federal and State Authorities

The purpose of this paper is to invite broad community input into this proposed framework. Specifically the paper seeks to:

1. Confirm the Consultants and JKPTG Joint Committee's understanding of the needs of various stakeholders in relation to Federal and State powers in coordinating land administration; and
2. Test the suitability of the proposed framework to address the needs of the Federal and State governments; and
3. Invite public views on the improvements that can be introduced.

Aims and Objective of Research:

This research seeks to investigate the administrative reforms necessary to:

- i. Enhance the role of the Director General of Land and Mines and Federal Land Commissioner in coordinating a skilled and efficient land administration system for the benefit of the nation;
- ii. Examine the existing functions of the Federal Lands Commissioner prescribed in the Federal Lands Commissioners Act 1957 (Act 349);
- iii. Identify areas where the Department of the Director General of Land and Mines can assist in providing expert advice, consultancy services to enhance the land administration delivery system; and
- iv. Identify the shortcomings in the legal framework providing for coordination of Federal and State powers in land administration issues and suggest reforms;

The aim is to develop best practices that will meet the changing needs of the national and international developments in the property market so as to ensure the Malaysian property market will be able to meet the demands of the global community.

The weaknesses within the Department of the Director General of Land and Mines have been identified *inter alia* as follows:

- The need arises for greater legal prowess and efficiencies in regulating, administering and enforcement of offences committed against federal lands;
- The transformation of land administration system of the Federal Lands from a semi automated environment to an integrated electronic environment for ensuring effective information management;
- A complicated data storing and retrieving system subdues the efforts to enhance service delivery and enforcement system;
- The influence of political ideology on decision making process hinders efficient administration of Federal land services.
- Lack of trained personnel dealing with land administration reduces the reliance of State Land Administration to the Director General of Land and Mines Department. These are signs that the Department need to take serious notice if it wants to remain relevant in the country's land administration system.
- The lack of strategic planning for capacity building to develop human capital renders business process reengineering and implementation of law rather difficult and does not fulfill the required standard.
- Leadership and Management of the Department must be equipped with sufficient skills and experience to spearhead the functions of the Department. The Department leadership must be given resources that must be given serious attention to ensure the Department assumes an important role in coordinating land administration at Federal and state levels.

Guiding Principles

The following principles are adopted as guiding the research to achieve the desired outcome:

- To enhance the delivery services of Federal lands administration;
- To improve business processes reengineering, legislative reforms and constant benchmarking for improving land administration system;
- Create an integrated database on Federal lands information to assist in administration and decision making;
- Lack of enabling legal framework for the Federal Lands Commissioner and the Director General of Lands and Mines in administrating of land administration;
- Lack of infrastructure for capacity building to enhance human capital and lack of expert groups for improving the land administration system to meet the changing needs of the society.

Methodology

The proposed research is conducted by collecting literatures from primary and secondary sources such as legislation administrative procedures practiced in the department, information management available in the department and interviews by senior administrators in the department to establish the existing scenario of the functions and structure of the two positions. The first stage of the investigation involves analysis of the legal framework of the Federal Land Commissioner and the Director General of Land and Mines through the legislation, cabinet decisions, minutes of the National Land Council meetings, discussion papers of various seminars and workshops. This information is

supported by investigating the administrative procedures and the human capital aspects to determine the relevancies of the functions provided by the department in line with the legal limitations of these two positions. Interviews with senior administrative officials within the will be conducted to understand the positions of the Department and the enhancement needed for the betterment of the Department. Preliminary findings based on the analysis of the literatures and interviews are reflected in the following section on findings.

Preliminary findings

Analysis of the available literature on the functioning of the Federal Lands Commissioner and the Director of Lands and Mines the following issues have been found to have impacted on the efficient administration of the Federal Departments:

1. The execution of the functions of the Federal Lands Commissioner and the Director of Lands and Mines by one sole authority hampers the effective and efficient delivery of land administration;
2. Lack of pool of experts at the Federal government level to assist the Federal and State governments to work towards improving, coordinating implementation of policies, law and procedures to ensure the land administration system of the country evolves to meet the changing needs of the society and become a global player;
3. Lack of professional development programme for capacity building of personnel in the land administration throughout the country; and
4. Lack of coordination between Federal and State on sensitive issues relating to land administration giving rise to conflicts between Federal and State government in terms of implementing national policies and law.

I. Organisational Structure for Land Administration in Malaysia

Building institutional and organisational capacity for coordinating land administration between the Federal and State level is a key component of any land administration system. It is essential to create organisations that are sufficiently robust to develop, enable and ensure the effective operation of land administration activities. All matters relating to land form part of the State List in the Ninth Schedule to the Federal Constitution 1957, as such land administration structure in Malaysia demarcates the power to manage land to the State Authority. The role of the Federal government in coordinating aspects relating to land law, administration, and policy is equally important as the Constitution allows Federal intervention in land matters to promote uniformity of law and policy. This Federal intervention on grounds of achieving uniformity of land law and policy is initiated by the introduction of the National Land Code 1965 pursuant to the powers conferred by the Federal Constitution.

The law provides for the establishment of organisations at the Federal level such as the office of the Director General of Lands and Mines and the Federal Lands Commissioner was aimed at promoting uniformity of law and policy between all States in Peninsular Malaysia except for Sabah and Sarawak. This research will investigate the administrative reforms needed to enhance the role of the Director General of Land and Mines and Federal Land Commissioner in coordinating a highly skilled and coordinated land administration system for the benefit of the nation.

The land administration organizational structure in Malaysia demarcates the power to manage land to the State Authority as land is a State matter pursuant to the Federal Constitution of Malaysia. The Federal Constitution of Malaysia 1957, the supreme law of the country, prescribes two-tier governmental structure that is the Federal and State government. The Constitution delineates and demarcates the sphere within which the two levels of government operate in terms of matters relating to land. It determines the powers of both the Federal and State governments. The extent of which these powers are distributed is to be found in the Ninth Schedule of the Federal Constitution.

Diagram 1 below sets out the organizational structure of the Federal and State Government in land administration.

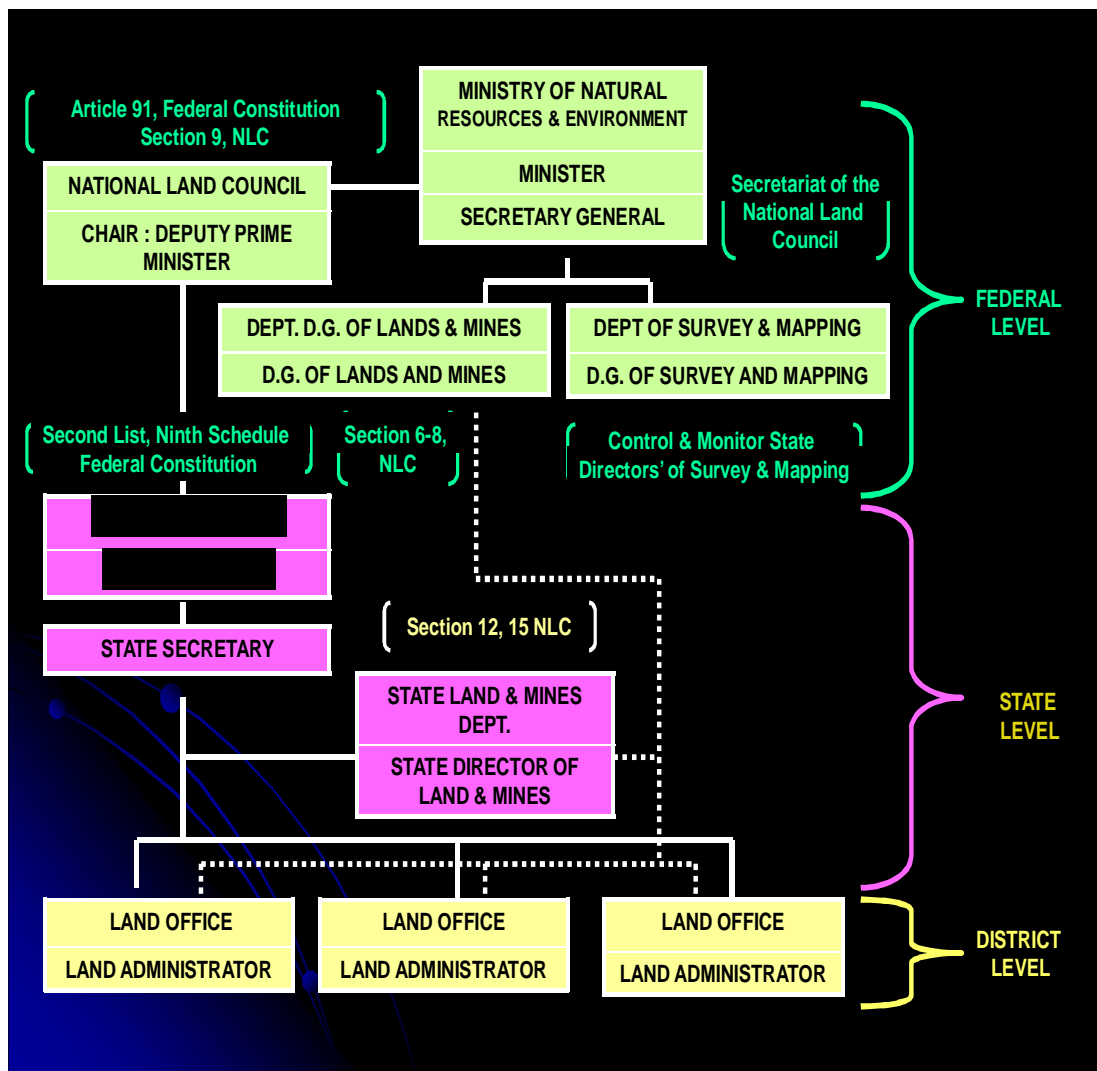


Diagram 1: Organizational structure of the Federal and State Government in land administration

II. Organisation of Land Administration at the Federal Level

The Federal Constitution of Malaysia 1957 expressly provides for the establishment of a National Land Council for the purpose of ensuring uniformity of law and policy, Article 91 of the Constitution establishes the National Land Council chaired by a federal minister with representatives from various states (including Sabah and Sarawak). The main objective of this Council is to formulate a national policy for the promotion, control and utilization of land throughout the country.

Section 9 of the National Land Code 1965 provides for the powers of the National Land Council in relation to land.

“(1) Where under Article 91 of the Constitution the National Land Council formulates any policy to be followed by the Federal and State Governments, or prepares advice with respect to any matter on which it has been consulted by any of those Governments, it shall be lawful for the Minister, on behalf of the Council, to notify the Governments or Government concerned thereof, and to make such enquiries as may appear necessary for the purpose of keeping the Council informed as to the implementation of the policy or, as the case may be, the adoption of the advice.

(2) If it appears to the National Land Council, in considering in the exercise of any of their functions under the said Article any matter relating to the administration of this Act, that any of the provisions of the First, Fifth, Sixth or Tenth Schedule ought to be amended in any respect, or repealed, it shall be lawful for the Minister, by an order made on the recommendation of the Council and notified in the *Gazette* of the Federation, to make the amendment or repeal in question.”

There are doubts raised on aspects as to whether the National Land Council is conferred with legal powers by Article 91(5) of the Federal Constitution as the provision only spells out the exercising of functions of the National Land Council.

The Federal Constitution has not expressly provided the National Land Council with powers to regulate or control land use at State levels and this has to a great extent caused variations in land administration depending on the exigencies of the State especially the socio political aspect. It is important to address the need to give the National Land Council some legal powers to enforce upon any State for non-compliance with the decisions of the National Land Council.

Federal Agencies Established for Land Administration

The office of the Director General of Land and Mines and the Federal Land Commissioner is established at Federal level to ensure the coordination of the land administration issues between Federal and State to ensure effective and efficient

implementation of land policies, law, administrative guidelines and circulars principally to promote uniformity between all States in Peninsular Malaysia.

Since the introduction of the National Land Code 1965 the functions of the Federal Lands Commissioner and the Director General of Lands and Mines has been held by the same person. His Majesty the Yang Dipertuan Agong can appoint any public servant under Section 3 of Federal Lands Commissioners Act 1957 (Act 349). The position of the Director General of Land and Mines is derived from section 6 of the National Land Code 1965 (Act 56) which provides that whoever is appointed as the Federal Land Commissioner must also assume the power of the Director General of Land and Mines.

This unique coexistence of two positions under one official creates a vast responsibilities and administration duties. The Federal Land Commissioner is the custodian of the Federal Government's movable and immovable properties, where else the Director General of Land and Mines acts as the coordinator of land administration between the Federal Government and State Governments. Emphases on these two functions are manifested by the importance given by the official who occupies these posts. It sways from one way to another depending on the political or administrative pressures of the administration of the day.

a. Federal Land Commissioners Office

The Federal Land Commissioner's position was created by the Federal Lands Commissioners Act 1957 (Act 349) when Malaysia achieved independence. Act 349 was created to regulate the vesting of all movable and immovable properties of Her Majesty the Queen of Great Britain obtained under the Chief Secretary (Incorporation) Ordinance 1949 (Ord.5 of 1949) to the Government of Malaya (as it was referred then). Act 349 provides legal sanction for the Federal Government of Malaysia to hold land. Lands which are used to build schools, hospitals, police stations, army bases, fire stations, public highways, higher education institutes, Federal Government buildings and public purpose infrastructures are held by the Federal Government in the form of reserves and titles registered under the name of Federal Lands Commissioner.

b. Director General of Lands and Mines

The position of the Director General of Lands and Mines was created in accordance with sections 6-8 of the National Land Code 1965. The Director General of Land and Mines is entrusted with the functions as secretariat to the National Land Council in initiation of action with respect to certain policy matters in land administration in Peninsular Malaysia (except in Sabah and Sarawak where the Sabah Land Ordinance and the Sarawak Land Code is implemented. Both the Sabah and Sarawak law, however, does not provide legal provisions for the Director General of Land and Mines to participate in land administration process in those States. Prior to the amendment of the National Land Code via Act A587 and Act A832 respectively, the Director General of Land and Mines was known as "the Federal Commissioner" and appointed under the Federal Lands Commissioner Ordinance 1957.

The overall functions of the Director General of Land and Mines are to:

- Consult and correspond with any State Director;
- Request from State Director, information, reports and data pertaining to alienation of land, dealings and related matters;
- Convene meetings of State Directors for the purpose of consultation concerning the administration of the National Land Code 1965;
- Inspect the records of any Land Registry or Land Office, with the approval of the State Director;
- Issue such circulars with the concurrence of the State Directors;
- Carry out such other duties as directed by the Minister of Natural Resources and Environment.

The position of the Director General of Land and Mines who heads the Department of Director General of Land and Mines and Federal Land Commissioner is appointed by His Majesty the Yang Di-Pertuan Agong. Modern technological developments demand the functions of the two offices be separated and governed by a new structure that emphasizes on Federal land administration and capacity building of administrators as an impetus to advance land administration towards greater heights.

Hence, the first phase of this research has as its main objective, to identify the changes necessary (within the specified scope) to facilitate the restructuring of the functions of the Federal Land Commissioner and the Director General of Land and Mines in providing an enhanced service delivery system that can improve and deliver effective land administration services in Malaysia.

Since the last restructuring exercise in 2005 the department is headed by a Director General of Land and Mines who acts as the Federal Land Commissioner. The Director is assisted by two deputies Director General of Land and Mines; one deputy oversees the legal framework and enhancement of land administration and the functions as the Deputy Federal Land Commissioner and oversees the administration of Federal Lands and the administration and finance of the Department. The duties of the two Deputies are divided as follows:

- a. Duties of the Director General of Land and Mines are carried out by 7 different **sections** as follows:
 - i. Land Information Section;
 - ii. Land Management and Legislative Section;
 - iii. Research and Development Section;
 - iv. Computerized Land Administration Section;
 - v. Special Task Force;
 - vi. Strata Title Section;
 - vii. Audit Section

The functions of all these sections manifest the position of Director General of Land and Mines provides services to enhance land administrative procedures and legislative amendments for the implementation of the National Land Code 1965 in Peninsular

Malaysia. These are in line with the functions of the Director General of Land and Mines in accordance to Section 8 of the National Land Code 1965.

- b. **Duties of the** Federal Land Commissioner are carried out by 6 different sections as follows:
- i. Federal Land Section;
 - ii. Enforcement and Federal Land Revenue;
 - iii. Land Acquisition Section;
 - iv. Small Estate Distribution Section;
 - v. Administration and Finance Section;
 - vi. State Department of Director General of Land and Mines (14 states)

The functions of the sections that manifest the position of Federal Land Commissioner provides services in procurement and management of Federal Land that will assist in development stipulated in each Malaysian Plan. Besides that the generation of federal revenue by leasing out undeveloped federal land and issuance of deep sea sand permits is managed by these sections.

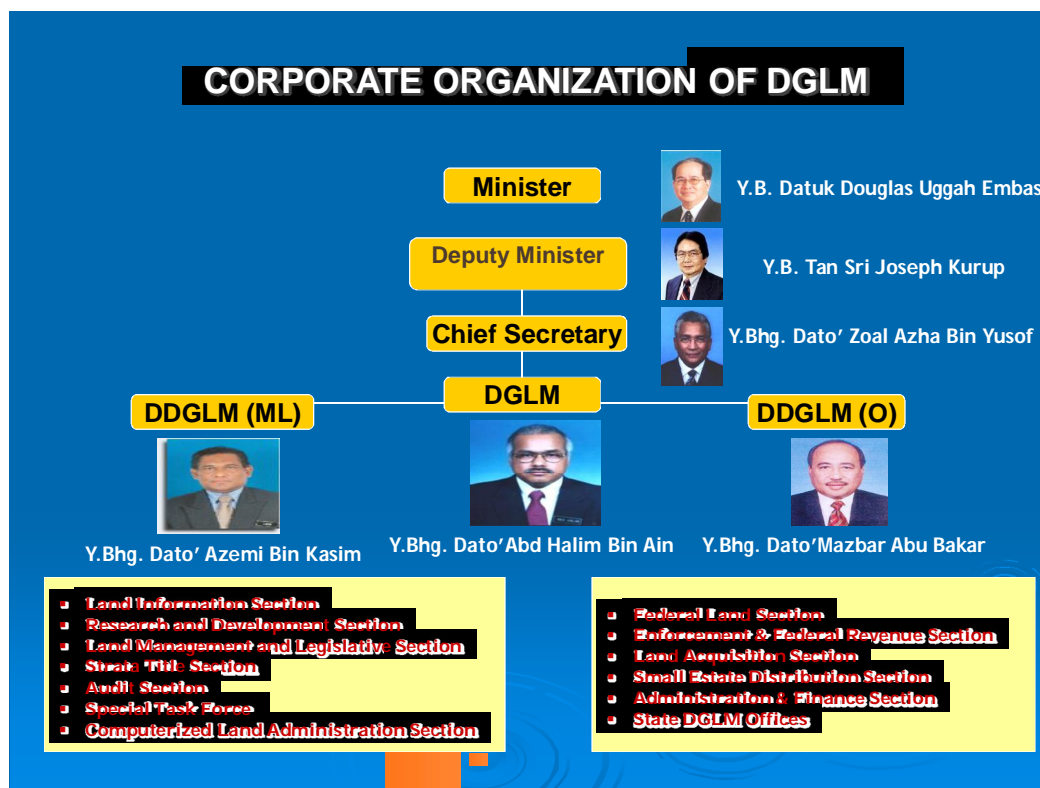


Diagram 2 Organisational Structure of the Federal Department of Director General of Land and Mines

III. Issues in Administration of the Federal Land Commissioner and the Department of the Director General of Land and Mines

This administration of the Federal Land Commissioner and the Department of the Director General of Land and Mines by one single official appears to hamper the delivery of services of both departments. The drive for improvement in data management, enhancing work procedures and expertise building is not forceful or satisfactory. The lack of concentration on issues or functions has made the department a living dinosaur in the age of modernity. The lack of skilled land administrators or experts is a major sign that the functions of the Federal Land Commissioner and Director General of Land and Mines is not carried out fully.

Lack of trained human capital is a major constraint in land administration. As a coordinator and catalyst of improvement in land administration in Malaysia, Director General of Land and Mines has not provided many major enhancements due to the lack of strong commitments of top management and the understanding of land administration within the staffs in the organization. The need to develop a sustainable expertise resource has to be a major policy of the Director General of Land and Mines to see the organization's existence in the future and compatible with other international land administration organizations.

The lack of legal power of the Federal Land Commissioner in advising the Federal Government in procurement of properties provides avenues to many Federal government agencies to make uneconomical decisions. This has led to many lands in the ownership of the Federal Government being left idle and not developed to yield economic value. The lack of integrated information reduces the efficiency in making correct decisions and providing advice to the Government.

The general public has the understanding that Director General of Land and Mines has to put in effort in developing land administration. There are many reforms and suggestions developed by Director General of Land and Mines to improve but the legislation does not support Director General of Land and Mines in implementing these ideas.

The functions of the Director General of Land and Mines are limited based on the powers conferred by the provisions of section 8 of the National Land Code 1965:

“8. General Powers of Director General

(1) The Director General may –

- (a) consult and correspond with any State Director;*
- (b) require any State Director to furnish him with such returns, report and other information as he may require relating to land administration with the State;*
- (c) from time to time convene meetings of the State Directors for the purpose of consultation concerning the administration of this Act;*
- (d) with the approval of the State Director, enter within and inspect the records of any Land Registry or Land Office in any State;*
- (e) with the concurrence of the State Director, issue such circulars relating to the administration of this Act as may be considered desirable.*

(2) The Director General shall, in the exercise of the functions conferred on him by or under this Act, act in accordance with any directions given to him by the Minister”

The National Land Code 1965 provides limited powers to the Director General of Land and Mines in matters relating to land administration. Reforms cannot be implemented in the States without the prior approval of the State Land Director and consent of the State Authority. These inabilities provide limited scope for development of experts in land administration and developing of a specialized discipline in land administration in the country. State Directors has the discretion to withhold information or refuse to cooperate with the Director General of Land and Mines. This situation will hamper the effective implementation and enforcement Federal Government policies and law that can promote uniformity within the country. However, the Director General of Land and Mines is not empowered to impose any punitive action on the State that refuses to comply with any policies or law.

The archaic procedures of the Federal land management are still being implemented despite the tremendous developments in the Malaysian law. The Federal policies and law is implemented by cabinet decisions or using political influence. The policy requiring the Federal Land Commissioner to hold lands for the Federal Government is a continuum of the customary practice from colonial period. Act 349 is silent on this issue despite being a transitional legislation for vesting lands held by the Chief Secretary of the British Empire in Malaya to the Malayan Government.

Section 4 of Act 349 prescribed the power of the Federal Land Commissioner as follows:

“Powers of Corporation

4. The Corporation may enter into contracts and may acquire, purchase, take, hold and enjoy movable and immovable property of every description, and may convey, assign, surrender and yield up, charge, mortgage, demise, reassign, transfer or otherwise dispose of, or deal with, any movable or immovable property vested in the Corporation upon such terms as to the Corporation seems fit.”

The question that arises at this juncture is what are the powers of the Federal Land Commissioner? Is the Federal Land Commissioner holding land for the Federal Government that was vested upon it in 1957 originally under the custody of the Chief Secretary of the Government.

The current functions of the Director General of Land and Mines and Federal Land Commissioner lacks in terms of developing human capital and capacity building, procedural enhancement and information technology management systems required to manage land administration.

The Federal Land Management System is established to manage the lands held under the ownership and reserved for the Federal government. The system however, lacks integrated information management system such as the quantity of land that are leased or encroached by squatters or information on projected development, forecasted income and other

relating to the management of the land. Lack of legal powers and expertise in managing Federal land development and investment reduces the effectiveness of the Department.

Thus, there is a need to revamp the legal framework and the administrative structure for purposes of improving the delivery system, capacity building, reengineering of procedures and processes and most of all for efficient delivery of the functions. It is also proposed for both departments to be separated and established as two separate entities, the Department of the Director General of Land and Mines to coordinate the Federal and State to develop a more sophisticated administration that will shine a new ray of light towards federal land management and land management as a whole.

IV. Proposal for Establishing of Department for Federal Land Commissioner

This part sets out some proposals for reforming the organization of land administration departments at the Federal level. Based on preliminary observations, it is proposed for the office of the Federal Land Commissioner to be established as a separate entity from the Director General of Lands and Mines. The position of the Federal Land Commissioner must be transferred from the Ministry of Natural Resources and Environment to the Prime Minister's Department. To provide more power to the position, it will be elevated to be a Federal Government agency similar to the Economic Planning Unit, Implementation Coordinating Unit and MAMPU. The office of the Federal Land Commissioner is to be appointed as advisor to the Federal Government in aspects relating to Federal Land management and generating revenue from the land.

This will provide a change from the current practice of land procurement for projects earmarked under Malaysian Plan for the various Ministries. The Ministries will have discretionary power and financial ability to develop their proposed project on lands procured by the Federal Land Commissioner. This will reduce unnecessary spending and reduce the number of undeveloped land held by the Federal Government.

The Federal Land Commissioner can be appointed from any public officer by His Majesty the Yang Di-Pertuan Agong. Amendments to the law to stipulate the functions and powers of the Federal Land Commissioner is essential. The officer appointed to administer the Federal Land must fulfill the minimum criteria, such as have served in the land administration regime, has a good knowledge of the legal, administrative, and procedural aspects of land administration, development planning and survey. These criteria are important for ensuring the person appointed understands the nature of the position and able to provide advice to the Government, relevant Ministries and State Authority on land matters.

The proposed functions of the Federal Land Commissioner are as follows:

- i. maintaining the records of titles of the Federal Government;

- ii. managing and maintaining a complete information of land (including planning, market expectation and survey) for the purpose of development of projects under Malaysia Plan;
- iii. Exercise procurement of land for Malaysia Plan projects through application of state land, acquisition and purchase of land;
- iv. Take over the duties of the Economic Planning Unit on the management and deciding on privatization and leasing of federal land for development;
- v. Managing short term leases on Federal Land to generate revenue on abundant Federal Land;
- vi. Having legal power to carry out enforcement actions on encroachment of Federal Land;
- vii. Having an enhanced and effective revenue collection system;
- viii. Provide consultancies and advices to the Federal Government on aspects of land management, application, planning and legal aspect;
- ix. Provide training and develop land consultants through a structured module in Federal Land Management; and
- x. Creating and maintaining an independent electronic database that provides the platform of managing all the functions mentioned above through paperless management.

The function of the Federal Land Commissioner can be monitored by a Board to be established and called the Federal Land Board that will be appointed by His Majesty the Yang Di-Pertuan Agong. The Board will be headed by the Prime Minister and the membership of the Board will comprise of the Minister of Finance, officers from the Treasury, land surveyors and law makers. The Board will consist of not more than 10 members. This Board will function and provide as a mechanism to check and balance the duties of the Federal Land Commissioner to ensure no incidences of abuse of public funds. The Board will provide policy directions to the Federal Land Commissioner in the following matters:

- i. Management of funds or revenue generated from the sales of Federal lands for privatisation projects;
- ii. Investment of funds and revenue collected from the Federal lands;
- iii. Providing advice to the Cabinet on all aspects relating to Federal Land Management;
- iv. Approval of the Annual Report of the Federal Land Commissioner to be tabled at the Parliament.

With a much focused description of duties proposed, the management weakness and the drawbacks looming the effective implementation of the Federal Land Commissioner's functions will be overcome. The emphasis of having dynamic leadership relying on efficient information database managed by skillfully trained officials will have the effect of transforming the administration at the Federal level to an important revenue generating corporate entity.

Proposal for Establishing the Office of the Director General of Lands and Mines

The separation of the position of the Federal Land Commissioner and the Director General of Land and Mines, will reduce the position of the Director General of Land and Mines to merely an administrative authority that has no legal capacity under the National Land Code 1965. Hence, it is necessary to amend the National Land Code 1965 to include provision providing for the establishment of the position of the Director General of Land and Mines and all related matters. The functions of the Director General of Land and Mines as prescribed in section 8 of the National Land Code 1965 can be interpreted as conferring the Director General of Land and Mines to make changes or enhance the service delivery of land administration has whole under the scope of procedural enhancement and human capital development to achieve a more professional land administration. The position of the Director General of Land and Mines Office might be remained under the portfolio of Ministry of Natural Environment as it is currently stands or it may be repositioned to other appropriate Ministries.

The functions of the Director General of Land and Mines will need to be enhanced to ensure the functions stipulated in section 8 of the National Land Code 1965 will be executed effectively. The additional functions of the Department is proposed as follows:

- i. Constant review of the legal framework and suggest amendments of legislation and procedures;
- ii. Reengineer the procedures involved in land administration to provide an enhanced service delivery system;
- iii. To create and manage electronic land administration system that will be implemented with the support of an enabling legal framework;
- iv. Provide training and accreditation to land administrators and support staff in the effort for capacity building and create a sustainable pool of experts in land administration;
- v. Management of applications, inquiries, dispute resolution in all matters relating to Small Estate Distribution;
- vi. Provide advice to the Federal Government on aspects relating to formulation of land policies, taking into consideration the social, economic and political aspects of land administration prevalent during a particular period.

In developing legislation and procedures for land administration, the Director General of Land and Mines is required to assume the position of think tank by constantly carrying out research and development for purposes of formulating policies, conduct research with Institutions of Higher learning, publish research findings in *Journal Tanah* a specialized journal on land administration for disseminating useful information for the Federal and State officials, researchers, public and also the global community seeking to study the Malaysian system. This would be useful for enhancement of the land administration delivery services. The Department of the Director General of Land and Mines must assume a lead role in professing the use of electronic registration of titles system providing for integrating information to link cadastral data, identity information, court orders, local authority development plans and details of property valuation. Besides that Director General of Land and Mines will have to assist the State in ensuring the security of the electronic Register under the eTanah system will be able to be at par with the International security standards.

Another important aspect that must not be neglected in creating a world class land administration service is capacity building of the personnels involved in all levels of land administration. Towards achieving this, the Department of the Director General of Land and Mines must reform the National Institute of Land and Survey (INSTUN) to establish the Institute as the sole institution for developing human capital in the discipline of land administration. Creation of smart partnership with local and international institutions of higher learning will assist in improving the training modules that will help create land administration as a professional discipline. The Department of the Director General of Land and Mines must liase with the Jabatan Perkhidmatan Awam (JPA), INTAN, MAMPU and Institutions of Higher Learning to plan the structure of training programs at INSTUN for public servants appointed to serve as land administrators and work towards conferring professional Certificate, Diploma, Degree, and Postgraduate Research Degrees for successful candidates.

V. CONCLUSION

This paper has provided the preliminary findings of the research based on observation and analysis of literature on the functioning of the Federal Land Commissioner and the Director General of Land and Mines and the contributions of the organisations towards creating a coordinated, efficient and effective land administration system. The results of this observation will be useful and considered as useful input towards the research commissioned for reviewing the National Land Code 1965 on aspects of enhancing land law, procedures, administration and management for Malaysia. This paper provides the preliminary report on the analysis of the current functions of the Federal Land Commissioner and the Director General of Land and Mines and what changes that are necessary to transform both positions from a passive role to proactive to be an impetus for the improvement and enhancement of land administration in Malaysia to meet the global challenges.

REFERENCES

- [1] Federal Land Commissioner Act 1957 (Act 349), Section 3-4;
- [2] National Land Code 1965 (Act 56 of 1965), Section 6-8.
- [3] Singapore Land Authority Act (Chapter 301) Act 17 of 2001
- [4] Federal Constitution of Malaysia 1957
- [5] Interviews with Officers from the Department of Director General of Land and Mines, Malaysia
- [6] Interviews with Land Administrators from the State Land Authorities.

