

THE DEPARTMENT OF THE DIRECTOR GENERAL OF LANDS AND MINES (FEDERAL):

Leading the Land Administration in Malaysia towards the Future

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I. INTRODUCTION

Land is considered a major aspect in development besides funding, technology and human capital. Providing an effective and secured legislation and a cost friendly procedures are qualities needed to lure investments to these country. And Malaysia is proud to say that she has both of these qualities.

The Department of the Director General of Lands and Mines (Federal) (DGLM) was established with the creation of the National Land Code 1965 (NLC). The functions of the Department are to coordinate and provide consultation to the State Land Administration regarding improvements of land administration and amendments of legislation. One must understand that land matters are the functions of the State Governments which is enshrined in the Constitution. DGLM is an agency established under a Federal Law which is the NLC has no powers to dictate the State Administration on land matters but rather provide improvements and provide avenues to enhance and change the working processes in improving service delivery. The department is headed by a Director General of Lands and Mines who is appointed by His Majesty the Yang Dipertuan Agong by virtue of the Federal Lands Commissioners Act 1957 and Section 6 of the NLC. He is assisted by two Deputy Directors Generals and a staff of 1000.

Many have come into conclusion that the DGLM is the head of all land administration in Malaysia. This is a misconception and one should understand that the State Department of Land and Mines and the Land Offices report to the State Authority. As mentioned earlier DGLM coordinates in improving legislation and introducing new methods toward improving land administration procedures.

II. TRANSFORMING LAND ADMINISTRATION SYSTEM

Land administration in Malaysia is considered a bureaucratic, complex, lengthy and eclipsed with corruption. This has been the stigma of land administration since the establishment of the NLC in 1965. Land administration has moved from a manual based system and at the moment entering into an electronic system. We hope in the near future an integrated system will be established where by a click of a button a client can obtain any information relating to cadastral, registration, valuation and planning. Figure 1 shows the transformation of land administration systems in Malaysia.

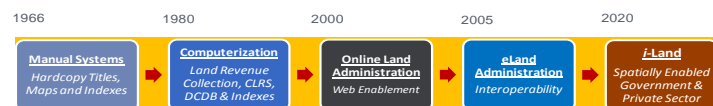


Figure 1 : Paradigm of Land Administration in Malaysia

Land administration has transformed from a manual system where the information retrieving was done manually with the usage of hardcopy files. These practices were a horror to proprietors when it comes to dealing with their properties. As time passed by and the country moved from an agriculture based country to an industrialized based country, the need to speed up the process of registering properties was a concern.

The Computerized Land Registration System (Sistem Pendaftaran Tanah Berkomputer) (SPTB) was developed by DGLM and MAMPU in 1995 and was introduced to all the states in Peninsular Malaysia. SPTB automated the procedures of land registration systems. The objective of the system was to provide a cost effective and secure land registration system through the computerization of registration procedures

and dealings. The current version 3 is being used throughout the Peninsular Malaysia. Using Oracle as a platform, the system provides eight service areas or modules to the users. Such modules are registration (dealing or non-dealing), title registration, search, registration notes, application, payment, and utility features. This was the first step in enhancing land administration when DGLM spearheaded the need to move from a manual dependent land administration to an automated dependent land administration.

In addition to SBTB, other isolated and independent systems were also developed to support separate functions within the land administration. These systems include e-Consent, which was developed to support the flow of applications and consents from various authorities. The Computerize Land Revenue System (Sistem Hasil Tanah Berkomputer) (SHTB) was developed to support an integrated database of collection of revenue in the form of land taxes.

With the concept of e-Government and the Prime Minister's tagline of 1Malaysia: People First, Performance Now, the land administration had anticipated this call way before that and the development of an electronic based land administration system is being developed as a pilot project in Penang which is called e-Tanah to facilitate a much easier and user friendly system in land dealings. This system is expected to improve the working mechanics of land administration. It will provide the integration of all database of land registration, consents and revenue into a single system which will speak with the e-Cadastral system developed by the Department of Land and Survey Malaysia (JUPEM). The new system will benefit with the awareness of the usage of Internet to reduce cost of dealings and improve the security of dealings with the need of electronic signatures or other security features like biometric identification and bar-coding all instruments of dealings and issued document of titles. DGLM has provided assistants and consultation to the Ministry of Natural Resources and Environment (NRE) in the needs of the land administration and the aspects of security of title and rights of proprietors with the introduction of this system. The introduction of e-Tanah throughout the nation will be a step forward for the nation towards the concept of I-land (Integrated Land Information Land System). Figure 2 provides the concept of the e-Tanah system.

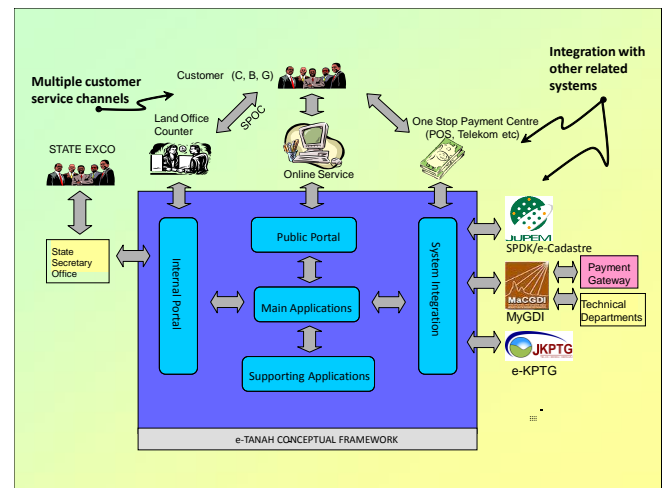


Figure 2: Conceptual Framework of e-Tanah

III. TRANSFORMING LAND LEGISLATIONS

The move from a manual environment towards an electronic based land administration, the need to accommodate the changes has to be enshrined in legislative aspects. The legislation that we have today is still based on the manual environment. The ability of a system to work, guarantees security and legality is by virtue of enabling provisions of law.

The introduction of an electronic system in land administration will not only include the registration aspect but the aspect of electronic forms, presentation, submissions, attestation, electronic stampings, certification, electronic searches and payments. All this attributes will be done on the World Wide Web that needs to provide the security and privacy of the user that uses this system which interlinks of various departments, conveyance lawyers and banks. So an adequate legislation that caters for these innovations has to be laid down concurrently with the establishment of an electronic system.

In 2008, DGLM amended the NLC to introduce the Sixteenth Schedule to provide an enabling within the legislation to anticipate this crossover of land administration system. DGLM has anticipated these needs and the further research to simplify the forms, procedures and security aspects of introducing an electronic system is being carried out since 2009 and a complete amendment to the National Land Code 1965 will be tabled in the near future in the Parliament to cater a working electronic land administration system in Malaysia.

Currently to provide an immediate enhancement in land administration, DGLM has come out with various administrative measures in reducing the time of registration and in the aspect of security. DGLM has remodelled a work flow called the 'single piece flow' which is practiced by the Sarawak Land and Survey Department to suit Land Administration in Peninsular Malaysia to reduce the time of registering transfer of land in a period of two days. In the area of security DGLM has introduced the biometric system and the MyKad real time readers at all presentation counters in the Land Offices and State Department of Land and Mines are ways of reducing identity fraud. The registering of runners of legal firms at the land offices; is to identify individuals involved in carrying out the presentation of instruments and to assist the police and land administration in tracking down land fraud culprits.

IV. TRANSFORMATION OF LAND ADMINISTRATORS

The need to change does not work only by transforming the system and legislation. Human capital is the most important aspect in the need to change. The legislation and the working of a system only comes to live when it is used and practiced by people.

DGLM is playing a major role in transforming the mindset of land administrators to receive the changes need in providing a better service in land administration. The creation of platforms like the Land Administrators Conferences, the Malaysian Directors' of Land and Mines Meetings and various seminars is used to fish for ideas and discuss proposals for improvements in land administration.

The lack of recognition of land administrators has professionals has lead to the extinction of experts in land administration. In the future it is proposed that DGLM will act has a think tank in providing tools for higher education institutes in performing research with the assistants of land administrator and DGLM staffs. Research journals and new applications will be implemented in the state administration with legal effect with amendments of the NLC in the scope of the functions of the DGLM in improvement of land administration service delivery. Providing policies on land administration through research will provide more complete results.

DGLM will be the leading agency in professing the use of an electronic based system in registration of titles with integrated information sharing that will link

cadastral data, identity information, court orders, local authority development plans and valuation detail. Besides that DGLM will assist in enhancing the security aspects of the data in the register of titles with the assistance of research done by comparing international standards.

Creation of smart partnership with local and international higher education institutes through the National Institute of Land and Survey (INSTUN) will assist in providing training modules that will mould land administration to be more aware of the needs in land administration. DGLM could work with the Public Works Department to make it compulsory for all public servants that will be posted to the land administration to attend a land administration at the institute for a set time frame. The trainees will be accredited with certificates or diplomas to create the sense of professionalism in land administration.

V. CONCLUSION

The need for change in land administration is echoed by the efforts taken by DGLM with the assistants and cooperation of the State Land Administrations. It may be long way ahead but the minute steps taken today way make a big change in the future. Rushing into the bandwagon of change could create setbacks when those efforts are implemented. So a careful research and planning need to be carried out and followed. DGLM is there to lead the way by providing the leadership and assistants in the way forward into a much people centric land administration.

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