

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

— P R O C E E D I N G —

INTERNATIONAL CONFERENCE ON
**LAW AND
SOCIETY**

Yogyakarta, 04 – 07 April 2017

LP3M & Faculty of Law Universitas Muhammadiyah Yogyakarta
2017

PROCEEDING

International Conference on Law and Society

Yogyakarta, 04 – 07 April 2017

COPYRIGHTS 2017 International Conference on Law and Society

All rights reserved no part of this book may be produced, stored in a retrieval system, or transmitted, in any form of by any means, electronic, mechanical, photocopying, recording, or otherwise, without permission in writing from the publisher.

Editor:

Farid Sufian Shuaib (Guest Editor)

Sonny Zulhuda (Guest Editor)

Iwan Satriawan

Yordan Gunawan

M. Endrio Susila

Design: Djoko Supriyanto

Published by:

International Conference on Law and Society, Faculty of Law & Board of Research,
Educational Development and Community Empowerment (LP3M) Universitas
Muhammadiyah Yogyakarta

Proceeding International Conference on Law and Society, Yogyakarta

Faculty of Law & LP3M UMY

396; 18,5 x 29,7 cm



Scientific Committee

Abdurrahman Bin Haqqi (University Islam Sultan Sharif Ali, Brunei Darussalam)
Agus Yudha Hernopo (Universitas Airlangga, Surabaya, Indonesia)
Ainul Jaria Binti Maidin (International Islamic University Malaysia, Malaysia)
Denny Indrayana (University of Melbourne, Australia)
Emmy Latifah (Universitas Negeri Sebelas Maret, Surakarta, Indonesia)
Farid Sufian Shuaib (International Islamic University Malaysia, Malaysia)
Fatih Aydogan (University of Istanbul, Turkey)
Iqbal Abdul Wahab (International Islamic University Malaysia, Malaysia)
Iwan Satriawan (Universitas Muhammadiyah Yogyakarta, Indonesia)
Khairil Azmin Mokhtar (International Islamic University Malaysia, Malaysia)
M. Akhyar Adnan (Universitas Muhammadiyah Yogyakarta, Indonesia)
Meilinda Eka Yuniza (Universitas Gadjah Mada, Yogyakarta, Indonesia)
Muchammad Ichsan (Universitas Muhammadiyah Yogyakarta, Indonesia)
Muhammad Khaeruddin Hamsin (Universitas Muhammadiyah Yogyakarta, Indonesia)
Mukti Fajar ND (Universitas Muhammadiyah Yogyakarta, Indonesia)
Nadirsyah Hosen (Monash University, Australia)
Prapanpong Khumon (University of Thai Chamber and Commerce, Thailand)
Shimada Yuzuru (Nagoya University Japan)
Sogar Simamora (Universitas Airlangga, Surabaya, Indonesia)
Sri Wartini (Universitas Islam Indonesia, Yogyakarta, Indonesia)
Sukree Langputeh (Fatoni University, Thailand)
Syamsul Anwar (Universitas Islam Negeri Sunan Kalijaga, Yogyakarta, Indonesia)
Yance Arizona (Leiden Universiteit, the Netherlands)
Zaid Mohamad (International Islamic University Malaysia, Malaysia)
Zuhairah Binti Abd Gaddas (Universitas Islam Sultan Zainal Abidin Kuala Terengganu, Malaysia)

Message from Chairman

Yordan Gunawan

Chairman, International Conference on Law and Society 6,
Universitas Muhammadiyah Yogyakarta

Assalaamu'alaikumWarahmatullahiWabarakatuh,

In the Name of Allah, the most Gracious and the most Merciful. Peace and blessings be upon our Prophet Muhammad (S.A.W).

First and foremost, I felt honoured, on behalf of the university to be warmly welcomed and to be given the opportunity to work hand in hand, organizing a respectable conference. Indeed, this is a great achievement towards a warmers multilateral tie among UniversitasMuhammadiyah Yogyakarta (UMY), International Islamic University Malaysia (IIUM), UniversitiIslam Sultan Sharif Ali (UNISSA), Universiti Sultan ZainalAbidin Malaysia (UNiSZA), Fatoni University, Istanbul University, Fatih Sultan Mehmet Vakif University and Istanbul Medeniyet University.

I believe that this is a great step to give more contribution the knowledge development and sharing not only for eight universities but also to the Muslim world. Improving academic quality and strengthening our position as the procedures of knowledge and wisdom will offer a meaningful contribution to the development of Islamic Civilization. This responsibility is particularly significant especially with the emergence of the information and knowledge society where value adding is mainly generated by the production and the dissemination of knowledge.

Today's joint seminar signifies our attempts to shoulder this responsibility. I am confident to say that this program will be a giant leap for all of us to open other pathways of cooperation. I am also convinced that through strengthening our collaboration we can learn from each other and continue learning, as far as I am concerned, is a valuable ingredient to develop our universities. I sincerely wish you good luck and success in joining this program

I would also like to express my heartfeltthanks to the keynote speakers, committee, contributors, papers presenters and participants in this prestigious event.

This educational and cultural visit is not only and avenue to foster good relationship between organizations and individuals but also to learn as much from one another. The Islamic platform inculcated throughout the educational system namely the Islamization of knowledge, both theoretical and practical, will add value to us. Those comprehensive excellent we strived for must always be encouraged through conferences, seminars and intellectual-based activities in line with our lullaby: The journey of a thousand miles begin by a single step, the vision of centuries ahead must start from now.

Looking forward to a fruitful meeting.

Wassalamu'alaikumWarahmatullahiWabarakatuh

Foreword

Trisno Raharjo

Dean, Faculty of Law, Universitas Muhammadiyah Yogyakarta

Alhamdulillah all praise be to Allah SWT for his mercy and blessings that has enabled the Fakultas Hukum, Universitas Muhammadiyah Yogyakarta in organizing this Inaugural International Conference on Law and Society 6 (ICLAS 6).

This Conference will be providing us with the much needed academic platform to discuss the role of law in the society, and in the context of our two universities, the need to identify the role of law in furthering the progress and development of the Muslims. Muslim in Indonesia and all over the world have to deal with the ubiquity of internet in our daily lives life which bring with it the advantages of easy access of global communication that brings us closer. However, internet also brings with it the depraved and corrupted contents posing serious challenges to the moral fabric of our society. Nevertheless, we should be encouraged to exploit the technology for the benefit of the academics in the Asia region to crat a platform to collaborate for propelling the renaissance of scholarship amongst the Muslims.

This Conference marks the beginning of a strategically planned collaboration that must not be a one off event but the beginning of a series of events to provide the much needed platform for networking for the young Muslim scholars to nurture the development of the Muslim society.

UMY aims to be a World Class Islamic University and intend to assume an important role in reaching out to the Muslim ummah by organising conferences hosting prominent scholars to enrich the developmment of knowledge. This plan will only materialise with the continous support and active participation of all of us. I would like to express sincere appreciation to the committee in organising and hosting this Conference.

Committee

Advisors

Rector, Universitas Muhammadiyah Yogyakarta

GUNAWAN BUDIYANTO

Dean, Law Faculty

TRISNO RAHARJO

Vice Dean, Law Faculty – Student, Alumni & Partnership

MUKHTAR ZUHDY

Vice Dean, Law Faculty – Human Resource Development

PRIHATI YUNIARLIN

Steering Committees

Ainul Jaria Binti Maidin (International Islamic University Malaysia, Malaysia)

Ashgar Ali Ali Mohamed (International Islamic University, Malaysia)

Farid Sufian Shuaib (International Islamic University Malaysia, Malaysia)

Hajah Mas Noraini bin Haji Mohiddin (University Islam Sultan Sharif Ali, Brunei Darussalam)

Ibrahim Kaya (University of Istanbul, Turkey)

Iwan Satriawan (Universitas Muhammadiyah Yogyakarta, Indonesia)

Khaeruddin Hamsin (Universitas Muhammadiyah Yogyakarta, Indonesia)

Leli Joko Suryono (Universitas Muhammadiyah Yogyakarta, Indonesia)

Nasrullah (Universitas Muhammadiyah Yogyakarta, Indonesia)

Nejat Aday (Fatih Sultan Mehmed University Istanbul, Turkey)

Refik Korkusuz (Istanbul Medeniyet University, Turkey)

Sukree Langputeh (Fatoni University, Thailand)

Yordan Gunawan (Universitas Muhammadiyah Yogyakarta, Indonesia)

Zuhairah Binti Abd Gaddas (University Islam Sultan Zainal Abidin Kuala Terengganu, Malaysia)

Chairman

Yordan Gunawan

Secretary and Secretariat

Resa Wilianti

Andika Putra

Treasurer

Reni Budi Setyaningrum

Qodriyah Isniyati

Program

Bagus Priyo Prasajo
Mohammad Hazyar Arumbinang
Hary Abdul Hakim

Ex. Secretary

Falah Al Ghozali
Eka Widi Astuti

Transportation

Raiyan Maulana
Habib Kesuma Dharma

Documentation

Albert Norman Pujimori
Andi Rizal Ramadhan

Accommodation

Hikma Fajar Mukmin
Novian Fahreza

Publication & Publicity

Andi Agus Salim
Mufidah Haulah Ramrainy

Documentation

Albert Norman Pujimori
Hilmi Prabowo
Andi Rizal Ramadhan
Arvin Setiyana Dewangga
Yoeniar Haricha

Publicity

Aditiyo Eka Nugraha

Liaison Officer

Andi Pramawijaya Sar (Coordinator)
AdisPutriNelaniken
Andi Rifky Maulana Efendy
Annisa Riani Artha
Ade Armansyah
Banu Putera Arutala
Dania Amareza Pratiwi
Dary Zulkarnaen Yuniarto
Dean Adams
Denandro Yusuf
Dinda Andriandita
Eggy Regina Yuniar
FE Fikran Alfurqon
Firdausi Al Ammarie
HanifaEriyanto
Hanna NurAfifahYogar
Intan Zahra Husnaul Aziza
IrfanNurFahmi
Kurnia Maharani Santoso
Litha Nabilla Mallolongan
Mohammad Hari Adipurna
MohamadAjiSantiko
Muhammad Bima Aoron Hafiz
Muhammad Irfan Nur Fahmi
NaufalBagusPratama
Naufal Halim Haidar
Nerissa Azmes
Nurul Alia
Rama Cahyo Wicaksono
Rima Ayu Andriana
Rizki Habibullah
Rizkita Bunga Salsabilla
Sarah Fadhilah
Tareq Muhammad Aziz Elven
WalidaAlviLuthfiani
Widya Aulia
Witri Utami
Yuliani Iriana Sitompul
Zulfiani Ayu Astutik

Table of Content

| | |
|-----|--|
| XX | Scientific Committee |
| XX | Message From Chairman |
| XX | Foreword |
| XX | Committee |
| 1 | Safeguarding Patient Safety: A Need to Re-Examine the Legal Responsibilities of Medical Trainees Nur Farha binti Mohd Zaini, Puteri Nemie Jahn Kassim |
| 14 | The Nigerian Policy on Critical Information Infrastructure Mu'azu Abdullahi Saulawa, Ida Madieha Abdul Ghani Azmi, Sunny Zulhuda, Suzy Fadhilah Ismail |
| 30 | A Study on Demographic Information of the Respondent in Cross-Border Marriage: An Empirical Evidence from the State of Perlis Muhamad Helmi Md Said, Noraini Md Hashim, Nora Abd. Hak, Roslina Che Soh, Muhammad Amrullah Bin Drs Nasrul |
| 41 | The Legal and Economic Ramifications of Apology in Civil Dispute Resolution Process Muhammad Ridhwan Saleh and Puteri Nemie Jahn Kassim |
| 52 | Internet of Things: Investigating Its Social and Legal Implications in A Connected Society Sonny Zulhuda and Sidi Mohamed Sidi Ahmed |
| 61 | General Average and Jettison: The Policy Under Marine Insurance to Assist Master to Make Decision During Distress Mohd Sharifuddin Bin Ahmad, Zuhairah Ariff Abd Ghadas |
| 66 | The Protection of Endangered Animals Under Indonesian Legal System: The Case of Illegal Poaching for Trade Hanna Nur Afifah Yogar, Muhammad Hari Adipurna, and Nasrullah |
| 71 | Dynamics and Problematics of Regional Head Election Disputes Settlement in Indonesia Nasrullah, TantoLailam |
| 88 | Criminal Legality Affecting Cybercrimes in Yemen Ammar Abdullah Saeed Mohammed, Dr.Nazli Ismail Nawang, Prof. Dato' Dr.Hussin Ab Rahman |
| 99 | A Comparison on the Scope of Limited Liability in Companies and Shirkah al-Inan |
| 107 | The Implications of ASEAN Banking Integration Framework (ABIF) to Indonesia Banking Law Reform Lastuti Abubakar Tri Handayani |
| 119 | The Effectiveness of Interparty Coalition-Building in Presidential Democracy Nanik Prasetyoningsih |

- 130 Strengthening Constitutional Democracy through Constitutional Adjudication Institutions: A Comparative Study between Indonesia and Australia
Iwan Satriawan, KhairilAzmin Mokhtar, Muhammad Nur Islami, Salim Farrar
- 147 Position and Acceptance of Fatwa of Council of Indonesian Ulama (MUI) by the State in Indonesian Legal System and Religious Court
IfaLatifaFitriani
- 153 Penang World Heritage Office: *Quo Vadis?*
Nizamuddin Alias
- 163 Measuring Feasibility of the Use of Chemical Castration Toward Offender of Sexual Violence Against Children in View of Human Rights And Proportionality Theory
Rusmilawati Windari
- 178 The Dynamics of Human Rights Enforcement In Indonesia: a Misconception and Political Consideration in the Formulation of Law Number 26 Year 2000 on Human Rights Court
Muhammad Iqbal Rachman&SahidHadi
- 187 The Challenges to Build the Culture of Human Rights in Islam
Martinus Sardi
- 195 International Perspective on Incorporating Good Governance Principles in Three Countries' Land Administration System: Malaysia, Turkey and Indonesia
Sunarno, Ainul Jaria Maidin
- 210 Mergers and Acquisition Law: The Need for Harmonization in ASEAN
Mushera Bibi Ambaras Khan, Ida Madieha, Nasarudin Abdul Rahman, Mohd Radhuan Arif Zakaria
- 220 The Urgency of Strengthening the Regulation And the Implementation of *Musharaka Mutanaqishah* Financing on Islamic Banking in Indonesia
Isti'anah ZA, Falah Al Ghozali
- 233 Securing the Right to Life on the War on Terror: A Comparative Analysis of Indonesia and Europe
Prischa Listiningrum, RizqiBachtiar, MohFadli
- 241 The Inconsistency of Supreme Court Decision to Annul the Arbitratral Award in Indonesia
Fadia Fitriyanti
- 246 Utilization (*intifa'*) of Unlawful Wealth Acquired by Unlawful Means from Islamic Legal Perspective
Badruddin Hj Ibrahim
- 254 The Urgency of ASEAN Human Rights Court Establishment to Protect Human Rights in Southeast Asia
YordanGunawan, Tareq Muhammad Aziz Elven

- 266 Religiosity in Criminal Law: Islamic Perspective
Abdurrahman Raden Aji Haqqi
- 283 Assessing the Legal Protection for Farmers in the Policy Agricultural Insurance Facility
Dwiwiddy Jatmiko, Bayu, Hartini, Rahayu, Isrok, Mohammad
- 299 Reviews Juridical on Fee Arrangements in Bankruptcy Curator After the Supreme Court Decision no. 54 P/HUM/2013
Rahayu Hartini
- 310 The Causes of Terrorism in Malaysia
ZulKepli, Mohd Yazid bin
- 319 Adequacy of the Law in Protecting the Rights of Adopted Children in Malaysia
Roslina Che Soh, Nora Abdul Hak, Noraini Md. Hashim, Mohd Helmi Said
- 328 New Developments on Waqf Laws in Malaysia: Are They Comprehensive?
Nor Asiah Mohamad, Sharifah Zubaidah Syed Abdul Kader
- 336 Detention under Anti Terrorism laws in Malaysia and Nigeria: An Expository Study on Boko Haram Suspects
Babagana Karumi, Farid Sufian Shuaib
- 349 Robust Yet Fragile: Enactment of Law Number 16 Of 2011 to Promote the Role of Advocate in Implementing Legal Aid
Laras Susanti and Bayu Panji Pangestu
- 356 2017 Constitutional Reform in Turkey: What the Constitutional Ammendment Draft will Change
Murat TUMAY
- 357 Monitoring Implementation of the Convention on the Rights of Persons with Disabilities (CRPD) at National Level: Obligations on and Options for Malaysia
Khairil Azmin Mokhtar
- 368 The Roles of KPPU on Supervision of Business Competition: A Case Study of Cartel Dispute Settlement in Indonesia
Mukti Fajar ND.; Diana Setiawati
- 376 Role of Criminal Investigation Under Malaysian Land Law
Mohd Helmi Mat Zin
- 382 The Importance of Comparatýve Law in Legal Educatýon
M. Refik Korkusuz
- 385 The Reposition of Mediation Process in Islamic Economic Dispute Resolution Trough Religious Court After Perma No. 1 of 2016
Nunung Radliyah, Dewi Nurul Musjtari

International Perspective on Incorporating Good Governance Principles in Three Countries' Land Administration System: Malaysia, Turkey and Indonesia

SUNARNO¹ AND AINUL JARIA MAIDIN²

Ahmad Ibrahim Kulliyah of Law, International Islamic University Malaysia
sunarno@umy.ac.id

Abstract

A Global model on incorporating good governance principles for developing Land Administration System to support strategic programs such as sustainable development, national economic growth, and ordered social life is undeniable for each country all over the world. These are interrelated between national and international development. Key global challenges such as technology development, many economic reform, globalization, and sustainable development for particularly land policy are needed to be responded by which different national policy, legal framework, institution, and customary law must be energized, harmonized and revolutionized well national land policy. However, sharing and comparison among countries carry a considerable lesson to achieve more efficient and effective land administration system. This article discusses a comparative study among countries in incorporating good governance principles in the land administration system based on global perspectives. This is to examine the differences and similarities on several substantial aspects in the different land law system. From the whole views on the comparative study, this chapter steps firstly by illustrating of overviews indicators on the global perspectives of good land governance. Later on, it then explains land policy among three countries that includes the ideological background, principles, objective and targets and the institution; secondly, national legal framework, institutional structure, authority; thirdly, land use planning in tackling disaster; fourthly, organizational land authority; fifthly, appreciation to the customary law in the national land development that examines indicators of land administration system in the form of local community responses and public participation in land policy making. Comparative study among three countries: Indonesia, Malaysia and Turkey, showed similarities and differences. The compared objects consist of policy, legal framework and legislation, land use planning in response to the disasters; cooperation among land institutions in sharing the land information data, and the respectability of customary law in the land policy development. Similarities are shown by them due to the existence of obligatory international legal framework and also to attract international foreign investment. Meanwhile, differences are occurred due to consider different local political and social backgrounds.

I. Introduction

A Global model on incorporating good governance principles for developing Land Administration System to support strategic programs such as sustainable development, national economic growth, and ordered social life is undeniable for each country all over the world.¹These are interrelated between national and international development. Key global challenges such as technology development, many economic reform, globalization, and sustainable development for particularly land policy are needed to be responded by which different national policy, legal framework, institution, and customary law must be energized, harmonized and revolutionized well national land policy. However, sharing and comparison among countries carry a considerable

lesson to achieve more efficient and effective land administration system

This chapter discusses a comparative study among countries in incorporating good governance principles in the land administration system based on global perspectives. This is to examine the differences and similarities on several substantial aspects in the different land law system. From the whole views on the comparative study, this chapter steps firstly by illustrating of overviews indicators on the global perspectives of good land governance. Later on, it then explains land policy among three countries that includes the ideological background, principles, objective and targets and the institution; secondly, national legal framework, institutional structure, authority; thirdly, land use planning in tackling disaster; fourthly, organizational land authority; fifthly, appreciation to the customary law in the national land development that examines indicators of land administration system in the form of local community responses and public participation in land policy making.

II. Discussion

A. General Indicators of International Perspectives on Incorporating Good Land Governance

Indicators in the land administration system in level of international perspective are very critical to examine how well incorporating universally good land governance principles have been performed. By argues, this mission basically were driven by international funding such as World Bank, IMF, ADB and WTO by which these international institution emphasize the good land governance only based certain indicators that are enforced in all important elements of the land administration system as well. Therefore, to highlight a comprehensive approach, scopes of the elements that to be analyzed is covered: land administration system about policies, legal framework, sustainable development programs in certain areas, particularly land management development. Otherwise, international perspectives also appreciate highly to the existence of each of countries' differences such as cultures, ideologies, religion, local wisdom and local geography.

Further influence, land administration system of the global context to the national one has occurred. As fast as the dynamic concept of the state's role is growing, the issue of governance is also developed and broken down into the deeper concepts and its implementation internationally and nationally. It is in the greater respects and wider social demands amid the more democratized and decentralized governments in all regions. Originally, good governance principles were needed to be incorporated in all public sectors such as public policies, law making processes, and fundamental public services. As socially desired condition that public stakeholders demanded, particularly state is required to be managed in line with the principles of rule of law, accountability, transparency and public participatory. The public sector dimensions, from their law making to law enforcements, needed to engage an involvement all parties. It is no longer managing public sectors by a monopoly-authoritarian-based exercise of one group that neglecting other parties.

However, the concept and its practice of governance later are expanded for all sectors including private sectors. It is called as good corporate governance. Companies are getting concerned the public contributions and aware of them as their stakeholders. For this reason, they beware to manage institutions in line with the public accountability and public aspiration. Over the past decade, both parties, governmental and corporate institutions have been committed to enforce the principles of good governance, with good corporate governance for non-public dimensions as well.

The principles and legal framework of good governance incorporated in governmental prac-

tices are to make sure all exercises of power based on the rule of law, public participatory and accountability. It also implies on promoting all human right protection on the land and natural resource policies. In larger area, it is obligatory that government conducts an economic and social development for people's prosperity.

This is why the World Bank urges that it is either a platform for performing development potentials sustainably, implementing effective and efficient system and ensuring good management through all level of society in the world. For further demand so, the World Bank Institute defines the importance of governance is set of tradition and institution by which authority is exercised, also processes on how government is selected, monitored, and even replaced; governance is the manners on how to respect citizens and to manage the state for the highest level of modern institutions that govern economic and social interaction among them.

In the main concept, in term of process, land governance requires a democratization and decentralization. Democratization is a political framework by which every citizen is involved for decision making, controlling and its implementation of policy. Thus, in this concept, spirit of democratization is approached to achieving a political system on how the state is from, by and for people. In term of output, good land governance consists of understanding where state is administered for protecting people prosperity. Therefore, this is close to human right protection and sustainable development. Government is obligatory to provide an ordered legal framework, professional and high integrity institutions on the land administration system to make sure people's rights to access land and natural resources. In brief, general indicators for incorporating good governance principles have been determined as fundamental elements as follows:

- a. The global ethic - based power exercises
- b. Public aspiration based modern institution of state
- c. Democratization and decentralization on governing state matters
- d. Achieving people's prosperity

B. Global Land Governance Indicators, Between "Taken For Granted" And Tackling Common Problems on Countries' Land Administration System

Undeniably, each country in the world interprets the meaning of good governance principle in which there have differences in manners and standards. Some take it for granted as well as global funding offering numerous programs such as a systematic land registration, land reform and land consolidation. Many take it as just considerable values only due to contextual culture, economic, legal, institution, social and administrative circumstances. Subsequently, difference strategy will carry out different results. Probably, good processes may result a bad thing or in contrary. Because of these factors, in designing policy, legal framework, and its strategy, it is important that every country needs to study a wide range of considerable aspects which substantially are concerning relationship of humankind to land². Therefore, land administration system is facing challenging complexities internally or externally in term of economic, politic, social and culture interests, in which among countries' land administration there are numerous similarities and numerous uniqueness.

There are key indicators of international principle for success on incorporating good governance principles in the reform land administration system, namely:

1. Land policy principles performed in line with the state's constitution illustrating incorporating the rule of law, legitimacy principle.
2. Legislation and Legal framework on Land tenure principles conducted in respect to people

- rights and access to land for primarily fulfilling fundamental needs, it is as an illustration of incorporating the justice, public accountability and responsiveness principle. In addition, land administration and cadastre principles for people's legal right security and elevating people's land productivity reflects on incorporating the certainty, efficiency and effectiveness principle. Land Administration also must be supported by technical principles which are up to date and in line with the efficient, effective and sense environmental awareness principles
3. Institutional principles to guarantee minimum standard on fundamental public service reflect on incorporating efficiency and public accountability principle. For proper capacity building, human resource development principles must be conducted in line with the integrity and professional requirement
 4. (Disaster management is well organized in) land use planning principles and well available spatial data infrastructure to guarantee protecting justly economic and environmental necessities in line with sustainable development illustrate the incorporation of advance vision principle.
 5. Efforts to protect local indigenous and their customary laws must be taken in account in modernizing national land law system.³

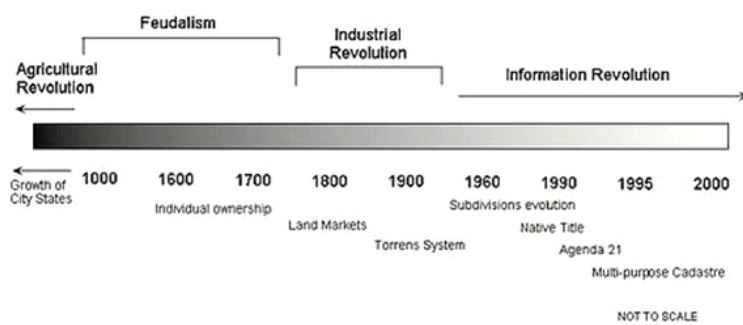
Land policy is set of values, principles, objectives, as reflection of constitutional values. As supreme law, constitution provides set of views system such certain ideology and fundamental idea that are embraced by community and certain social entity to achieve state's objectives. Ideology motivates people and organization to achieve their justice and prosperity. In this point, the policy products and mechanism need principles to be guidelines and standard. Therefore, it is critical that every single policy must be in line with the principles constitutionally. More accurate to spell constitutions, policy will be more legitimacy. Basically constitution articulates interests among government and governed in harmonious and just statements. Essentially, the policy also has to play a role once as guidelines and output to accommodate and harmonize different interests among parties, including to achieve an environmental vision such as maintaining the forests, water resources and other natural resources. It can be substantially connected to the pivotal tension on sustainable development in which the environment and the pressures of human activity occur. It covers value system and procedure of recognizing, controlling and mediating rights, restrictions and responsibilities over land and resources that forms the fulcrum. Thus "land administration" can be one of the fundamental elements that play an important role in the infrastructure for sustainable development. In this context, "sustainable development" means development that effectively incorporates economic, social, political, conservation and resource management factors in decision-making for development. The challenge of balancing these competing tensions in sophisticated decision making requires access to accurate and relevant information in a readily interactive form. In delivering this objective, information business systems will play a critically important role. Unfortunately modern societies still have some way to go before they will have the combination of legal, institutional, information technology and business system infrastructures required to support land administration for sustainable development⁴

Therefore, land policy generally must be reflected on constitution's mandates, ideological choice, fundamental guidelines on standard processes and social objectives. This element must be basis to incorporate good governance principle in term of legitimacy, rule of law and public participation. Legislation and legal framework on the land administration system are required to be tools of policy. As Roscoe Pond stated in the sociological Jurisprudence, the law is the tool of

social engineering. On the basis of law, the elements of land policy will be executable. State authorities, people’s rights and obligation, and common prosperity can only be driven through legislation and legal framework. On it, land tenure matter, land reform visions, land registration can be exercised in civilized manners.

Land tenure system is one of the fundamental components of land policy by which state and government respect to people’s land rights and how they can access to land for primarily fulfilling fundamental needs. It is as an illustration on incorporating the justice, public accountability and responsiveness principle. This is a critical evolution so that modernization of land tenure on people’s land right is necessary.

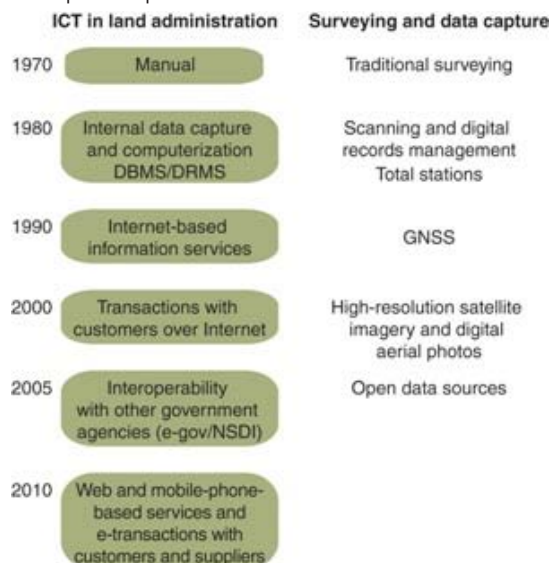
Picture 50.1. Illustration on evolution of land administration in the world



Because of different phases among countries in the world, there is no internationally agreed method specifically to evaluate and compare the international land administration system. This was caused as well that the soil was understood by each nation and society in different perceptions. Various social value system (ideology), political, and economic determinants become various public perceptions of the land and its relationships between the land and humankind.

However, there are performance indicators of a country’s land administration system that can be compared one to another. The evolution on the legislation and legal framework of land cadastre and land registration system could be marked with the indicators of modernized process from manual system of land registration to web and mobile phone based service.

Technology in the development phase can be visualized as follows:

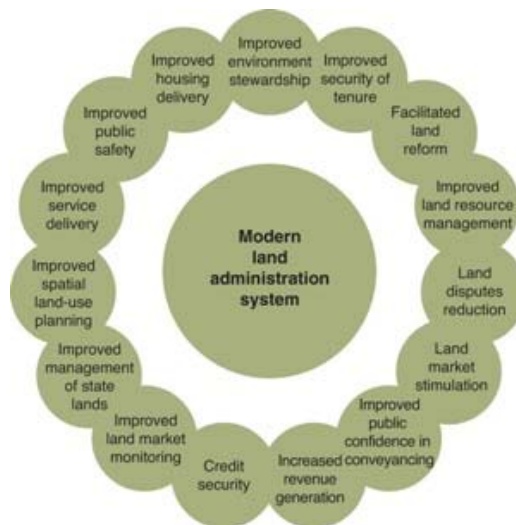


The evolution on incorporating good governance principles in land administration system in term of legislation and establishing legal framework could be also indicated through various phases that taking priority on certain dimension on land matters.

Based on interest groups, the phases of the land administration development are historically divided into three evolutions: first phase was to support the tax policy, by which interest group of power considered the tax as the people payment to government and state although people did not get a direct advantage, even still felt economic burden. Second phase was to support the capitalization of land policy. Third phase is to develop a priority on land planning to achieve sustainable development.

In land administration system, taking a priority on certain dimension carries out basic components of LAS internationally including ownership of land (land ownership), land value (land value) and land use (land use). In term of fundamental process the UN-ECE (1996) describes about LAS as the process of determining, recording, and disseminating the information about the ownership, the value and the use of land. All component are strongly inherent in every land right. For these reasons, every state is mandated necessarily to develop the land policy that justly covers and protects all three components.

In term of legal framework, LAS functions include: judicial functions related to the protection of land ownership; function of fiscal policy regarding taxation in land, and regulatory functions concerning land use planning / land use and land planning, and land information management functions.



6.4. Similarities and Differences of Indicators on Good Governance Principles Derive from National and International Sources

Good Governance Principles indicated by the World Bank consist of:

- 1) Efficiency and Effectiveness
- 2) Transparency, consistency and predictability
- 3) Integrity and accountability
- 4) Subsidiary, autonomy and depolarization
- 5) Civic engagement and public participation
- 6) Equity, Fairness and impartiality
- 7) Legal Security and the Rule of Law

Good Governance Principles on the Land Tenure and Administration set out by FAO comprise:

1. Efficient, effective and competent
2. Responsive
3. Legitimate
4. Transparent
5. Consistent, predictable and as impartial
6. Accountable
7. Equitable
8. Sustainable
9. Locally responsive
10. Participatory
11. Providing of security and stability
12. Dedicated to integrity

C. Theorizing Incorporating Good Governance Principles in the Land Administration System Internationally to nationally.

The advantage of good governance in the land administration system is illustrated that the government and society are inspired to do together. Gathering among them lead to energize in achieving the existence of a good land administration system in which the state condition is supported by: a good land tenure security, land reform facilitating good management of land resources, reduced land disputes. In term of economic performance, land marketing is supported by conducive climate, good public confidence on land based economic transactions increase, and, income gains get increase, security of credit is good, effective control on land marketing is effective. Public proposes such as good management on state land, land use planning and good land services, public safety, supply on housing program, service sector, and good environmental management reach at better growth.

Although good governance principles are a critical factor to accomplish a sustainable development, Steps to incorporate good governance principles in the land administration system can be identified chronologically and gradually as follows:

- a. Acquisition in the 19th century of territory and the allocation of individual rights to this territory under '*a semi-feudal process*' (page 80).
- b. Destruction of the indigenous law and its partial displacement by the received western law.
- c. Reconstruction, a term used by McAuslan to describe a phase where *colonial authorities attempted to adapt customary law largely for their own ends*' (page 84).
- d. Substitution, dating from the mid-1950s, where policies were adopted to rapidly move to a system of individual tenure for indigenous populations.
- e. Integration, the attempt to develop a new common land law in a country based on the disparate parts of existing law.

D. Comparative Study On Incorporating Good Land Governance Principle In Various Sectors Of Land Administration System

I. Land Policy System of Indonesia

Indonesia had been colonized longer than 350 years by Dutch Colonist and inherited complicatedly agrarian law system in which there were three land law systems ruled nationally namely the west law system, *adat* law system and Islamic law system. To tackle the situation, the consti-

tution, particularly Article 33 (3) inspired to enact Basis Agrarian Law No 5 of 1960 by which national land law system is hopefully able to be generated. Based on this article, Indonesian land administration system was established. It takes into account of land customary law as foundation of national agrarian law. It is believed as the Indonesian aboriginal land law system. Many concepts in consideration, articles and its explanation on it are emerged to be general principles for the development of national agrarian laws.

The most critical principles that are needed to be incorporated to be good land governance are: positioning state authority, keeping unitary state, elevating nationalism, laying down social function on every land right, ruling the use of land sustainability with integrated land use planning, governing land matters based on decentralization, conducting land reform for achieving just and productive land, supporting the religious institution development by Islamic land endowment, recognition on private right and public interest by land registration and land acquisition system.

When changing regime occurred, political will on agrarian law and law got changing as well. The spirit to develop national land administration system turned to other direction. The intention to break down the concept of article 33 constitution for achieving an integrated national agrarian law system was facing barriers in the form of newer choice of ideology – rather turning into liberal-capitalism based land policy spirit, separation on agrarian law matters into complicated separated agrarian (natural resources) law product, creating less bureaucracy on foreign investment policy. These were indicated by issuing numerous laws in 1967 such as the Law No 1 of 1967 concerning Foreign Investment and other several natural resource laws as the No.9 /67 concerning the Forest. It was followed by issuing the law No 4 of 1974 concerning the local Government in which it started with initiation of decentralized governmental system of local government's authority. Emphasizing stronger on incorporating the efficiency and effectiveness that was supported by formal legitimacy of centralized policy making process has caused effects neglecting the principle public control and participation, accountability, transparency and responsiveness to the local communities. Social justice and common prosperity were far signified by distributions of development revenues that were uneven and poverty was in somewhere amid minority of prosper people.

So far, incorporating good governance system through legislation is going on in terms of decentralization, democratization, globalization of investment, land tenure reform.

2. Land Policy System of Malaysia

As a country had ever been colonized by the British, Malaysian policy structure and institution of land administration system had been influenced by common law system. However, after announcement of its independence, it was time to rule it based on sovereignty state principles. Land as part of state's most foundation component in the rule of law state must be governed cleanly and clearly in the constitution. To guarantee good land governance, Malaysian federal constitution 1957 stated strongly regarding the existence of Malaysian Federal State's land administration system.

The Federation of Malaysia comprises Peninsular Malaysia in the East and the states of Sabah and Sarawak on the island of Borneo at the West side. In land administration contexts, the right of the individual to own property, including land, is safeguarded under the Federal Constitution (Salleh, 2010). Under the Federal Constitution, land is administered by the State's authority, although the Federal Government plays a very important role in legislating land matters. Since it is a state matter, according to Azimuddin (2008), there are still differences over state land policies imple-

mentation. The kind of situation provides further challenges in the forming of uniform land policies to be practiced by the different states⁵

Therefore, incorporating good governance principles in term of the rule and law and legitimacy principle must be based on the federal constitution in which originally land matters are under states' authority by certain measured control by federal power for maintaining national interest.

3. Land Policy System of Turkey

Turkey's land policy refers to the constitution 1876 as stated in Article 12 states:

"Everyone possesses inherent fundamental rights and freedoms which are inviolable and inalienable. The fundamental rights and freedoms also include duties and responsibilities of the individual toward society, his family and other individuals."

Following this article has learning the importance of restrictions, prohibitions of abuse, and conditions for suspension of fundamental rights and freedoms. Article 14, for example, prohibits the exercise of rights and freedoms "with an aim of violating the indivisible integrity of the state or creating discrimination on the basis of language, race, religion or sect, or of establishing by any other means a system of government based on these concepts."

Citizens are granted the right to life; the right to protect and develop the material and spiritual entity of the individual; the right to personal liberty, security, and privacy of individual and family life and of domicile; and freedom of communication, residence, movement, religion, conscience, thought, opinion, expression, science, the arts, the press, assembly, and association. The right of property ownership and procedural rights in court are also guaranteed. The constitution establishes and defines social and economic rights

Therefore, Turkey land policy had been withdrawn from two global ideologies: Islam and Secularism. In practice, from earliest time Turkey land policy had been ruled by harmonization principles in which the constitution recognizes one freedom of individual to own property and, other side, provides sufficient authority to state of all levels to control and manage land and natural resources to make sure common prosperity and national security.

4. Differences and Similarities

Differences among them can be illustrated that Malaysia and Indonesia inherited the colonial land policy and underwent attraction of interest between leaving behind the old values and modern values. In fact turkey preferred to modernize land policy through strengthening people fundamental rights, particularly social and economic rights, especially right of residence. Otherwise Indonesia and Malaysia preferred to harmonize old values and current social demand values to achieve national land policy in spite of deference legal system between Anglo Saxon model and continental one for Malaysia and Indonesia respectively.

Similarities among them can be found out that all recognize various people rights as part of fundamental and inherent human rights that guaranteed in their constitution.

E. Comparative Study On Land Legislation And Legal Framework Among Indonesia, Malaysia, And Turkey

1) Land Legislation of Indonesia

The most critical objective of Basic Agrarian Law is to develop national land law system, the law that focuses on protecting national interests, mandates to executive power to manage all agrarian aspects and realizes common prosperity nationwide. This encourages all state powers to generate national land law legislation. However, the process was not simple. To go beyond the

transitional condition, constitution is instructing to develop land administration system by article 33 and once still uses certain old agrarian law based on the additional article 2 of the constitution. The mandate of Article 33 (3) is later on followed by establishing Basic Agrarian Law No 5 of 1960 concerning Basic Agrarian Law and other agrarian law sectors that some of them in line with the BAL and many take opposed to BAL⁶.

Incorporating good governance principle was conducted by laying four objectives of legislating Basic National Law Development:

1. Laid legal basic to develop a national land law for achieving a just and prosper people;
2. Laid legal basic to execute simplifying and unifying on national land law
3. Laid legal certainty on land ownership;
4. Establishing land reform programs consistently

Moreover, in developing national land law legislation, incorporating good governance principle is created by giving 8 principles as guidelines in developing national land law legislation. The 8 principles are as follows:

- a) Principle on respecting nationalism spirit on land law development
- b) Principle on restricting the concept of state authority on not to own but to regulate
- c) Principle on respecting *hak ulayat* and religious values
- d) Principle on promoting social function on land rights
- e) Principle on land reform
- f) Principle on emphasizing to Indonesian citizen in term of giving a strongest ownership
- g) Principle on land planning based use activity

Before coming the New Order about 1967, Legislation and legal framework on the land matters and natural resources would be directed in integral agrarian law system, BAL could be called as an umbrella act, by which all agrarian aspects ruled integral on the same national principles. That time, certain article in BAL that recommended to be follow up with more technical law had been issued such as land acquisition with the Law No 20 of 1960, Land Reform, land Registration. Unfortunately, changing regime caused changing of policy, legislation agenda and legal framework development.

New order Regime preferred to turn legislation and legal framework development into economic development and achieving sustainable development. Since issuing the law no 1 of 1967 concerning foreign Investor Policy, diversifying kinds of natural resource exploitation through foreign and domestic investment attracting policy had supported to be high level economic growth and one of vast developing countries. The year of 1980 was the booming of oil and gas exploitation that had given relatively well to the Indonesian prosperity. Industrial zones conducted somewhere. The year 1981, after complicated problem on environmental issues occurred every places, was substantially the flashback of Indonesian development. Environmental damages, corruptions, mall administration, poverty issue, wider gap economically among groups of people were undeniably seen. Starting at the year of 1981 the government beware to take into account the views of sustainable development. Incorporating sustainable principle was then intensified to be promoted in all various laws of legislation and organizational scopes in all levels of governments. Cornerstone of national environmental awareness was signed by issuing the law No 4 of 1982 in which environmental law and its enforcement became an umbrella act to control all environmental activities in all national dimensions. To adapt to the social and economic demands,

the environmental law has undergone three phases of amendments. Therefore, incorporating good governance principle in term of sustainable development was conducted amid more increasing challenges economically and politically.

2) Land Legislation of Malaysia

At the beginning, the early Malay farmers practiced shifting cultivation whereby whosoever cultivates the land will pose it and in the event if he decides to quit cultivation and abandon the land, his right over the land will be distinguished. It then was brought in the evolution of coming of Hindu kingdom. Followed later the coming of Islam to the South East Asia since the 13th century, since the Rulers and their subjects had embraced the religion of Islam, the existing local custom of the people would be modified in order to make them conform to the Islam, it was then called as the Malay customary land tenure system.⁷

Afterwards, complex system of Malaysian land law system generally was later inherited form the colonist ruler that was divided into legislations in the Federated Malay States and Unfederated Malay States through various developed legislation.

Some disadvantages derived from pluralism of land law system by which local communities are appreciated. But, modernization, globalization and social demands need certainty, prosperity, and legal protection, and so the rule on order and law are necessary. This is why the National Land Code 1965 was enacted to achieve uniformity of law and administration of land matters in Malaysia especially in accordance with the Torrens System. It basically provides for dealings related to land, uses of land and other related matters.

The National Land Code 1965 recognizes the Malay Customary Tenure, and this embodied in Section 4 (2) of the Land Code 1965. In brief, incorporating good governance principles in the legal framework and legislation of land administration system in Malaysia has been conducted in evolution, starting from the colonist power through enactment many laws to the freedom age with national land law system. Major land law system in Malaysia refers to:

- a. Malaysia Land Code (Act 56 of 1965) is implemented at all states for peninsular of Malaysia only;
- b. Sarawak Land Code (Cap 81) is implemented for Sarawak only; and
- c. Sabah Land Ordinance (Cap 68) is implemented for Sabah only.

3) Land Legislation of Turkey Constitution

Systematically, Turkey's land law is ruled based on numerous legal frameworks as follows:

- a. Constitution
- b. Taxation Act
- c. Property Tax Act
- d. Expropriation Act
- e. Civil Code
- f. Municipality Income Act
- g. Development Act
- h. Cadastre Act
- i. State Bid Act
- j. Leasing Act
- k. Capital Market Act
- l. Transaction Fees Act etc.

Since 1 November 1920 Turkey had undergone a transitional condition from the Islamic Kingdom System to the Secularism Republic System. This was the effects of national dynamic and global issues. From 1983 to 1980, restriction on strategic sectors particularly in land matters was taken. The government took more to control all public services and commercials, and currency circulation was tightened strongly while private parties were given less opportunity to expand their business. At this time, turkey ever underwent stuck. By 1980, liberalistic economic system started going on and in 1993 foreign investment, industrial sector and economic growth began to change people's social condition into better alive. It continues slowly but sure to a decade of ultimate success. Then turkey later on becomes state's emerging growth to reach high income country, from US 3.493 to US 16857 during a decade. This experience affected as well to evolution of the sector of the land policy and legal framework.

Incorporating model on the good governance principle can be learnt from Turkey experience namely:

- a) Islamic (historical) values based modernization
- b) Role model of the most emerging market
- c) Open internationally based diplomacy system

4) Differences and Similarities

Historical background, constitution, social dynamics and global challenges are the same factors to have carried out influences of the quality and the quantity on the legislation and legal frameworks nature among countries. Indonesia and Malaysia inherited the colonists' legislation model and legal frameworks system. Differences can be identified based on the incorporating the efficiency and effectiveness principle.

F. Comparative Study On The Respect To The Customary Law In National Land Development

1. Indonesia Case

Article 18 Constitution recognizes strongly the existence of local communities, their local identities as long as in line with national interest and the national laws. Further, many laws protect the rights of local communities to access natural resources such as the land, water, forest, and other natural resources. Particularly, Basic National Land Law, in article even emphasizes that basic national agrarian law is developed based on *adat* laws. However, no all *adat* laws can be foundation of basic national agrarian law, only certain types of *adat* law that is in line with the national interests and not contrary to national laws. Law no 13 of 2012 concerning Yogyakarta Special Region is a clear example of *adat* law in term of land law, spatial law that are recognized strongly by national laws.

2) Customary law in Malaysia

Land matters are basically administered by the states although the Federal State deserves to intervene as long as any national interests. Authority of legislation and law enforcement on land administration particularly land registration, land tenure and land survey are governed by the states. Thus, law making and law enforcement regarding customary law depend on the state legislation. However, constitution and the laws recognize the existence of customary land. Therefore, legal sources indicate that customary law and land rights and various customary law based property rights are recognized well in Malaysia.

Adat pepatih in Negeri Sembilan is one type of customary law that is mainly governed with

provision for land holding, including inheritance. Adat *Temenggong* is also a very popular customary law that is based on Islamic principles, applicable to all states except *negeri Sembilan*. *Iban* Customary law in state of *Serawak* and *Dusun* Customary law in state of Sabah are example of various living land laws that is enriched the plurality of Malaysian land laws.

The modern challenges of customary laws may come from land administration development that requires modernization and unification may harm the existence of customary laws. By doing this, single land administration and less cost can be achieved. However, by incorporating good governance principle in terms of harmonization principle, customary law is respected properly in the Malaysian land administration development.⁸

3) Customary Law in Turkey

Since Ottoman Empire, the ruling law was actually combined of law based on Islamic law principle and customary laws. This picture may be able to illustrate the position of customary law in the Turkey national land law system. Turkey's constitution recognizes strongly the existence of unwritten laws, and a part of them is customary laws. Basically, customary law in Turkey is based on Islamic law that it had ever been as ruling law. Later on, secularism rules emerge and Islamic law formally was abolished. However, it is traditionally still working and living to be acknowledged by society; particularly all of sectors which are classified in private dimension such as land, family, and labor matters. Islamic law is acknowledged as Turkey's living law.

The Ottoman legal framework consisted of two parts: The first part was the *Shari'a* or codified norms and rules of "Islamic law" which came directly from the Quran, *Sunnah*, *ijma*, and analogy-based *qiyas* and *fiqh* books. The other parts of the Ottoman legal framework consisted of customary law. Customary law was not the mere traditions and customs law. The Ottoman customary law consisted of the common law codified by the legal experts under the limited legislative powers granted by the Sultan within the framework of the *ijtihad* and fatwa. The customary law also included the sultans' orders and edicts of the law. Customary law was only valid if did not contradict with the provisions of the *Shari'a*.

Particularly Land Law as part of administrative law can be described that in Turkey, administrative law became the part of the legal system during the Ottoman *Tanzimat* period of westernization and it was modeled after the French legal system. The Turkish Constitution of 1961 is the main source of administrative law in Turkey now. The rules of administrative law are codified. Besides, the decisions of the judiciary are also the important source of administrative law and in the development of administrative law, judicial decisions have played a greater role. In Turkey, the administrative justice system is separated from the general courts system. Disputes are resolved in the administrative courts with different methods and rules of private law. The highest court in the administrative jurisdiction is the Council of State, which was established, for the first time, during the *Tanzimat* era.

Therefore, incorporating good governance principle in term of responsiveness to come up the traditional interests and local wisdom was conducted through turning it, harmonizing it and formalizing it into the modernized legislation.

4. Similarities and Differences

Similarities among three countries above can be illustrated that customary and statutory law are twin elements of law system in three countries above and all countries generally. As developing social and political demands, customary laws need to be modernized and protected for the interests of themselves. Universally, the nature of customary laws reflects on the characteristics as follows: unwritten law, basically the law belonging to aboriginal community, and influenced by

current religious and believed system.

However, these three countries have efforts to formulate appropriate policies by which they improve tenure security that maximize benefit to the poor, marginalized people, minimize market distortion. Therefore, it achieves equitable not only urban housing market but also rural and local indigenous properties.⁹The differences among them can be addressed with the indicator as follows: Different social and political background influence policy models in respecting the existence of customary law.

III. Conclusion

There are key indicators of international principle for success on incorporating good governance principles in the reform land administration system, namely:

1. Land policy principles performed in line with the state's constitution illustrating incorporating the rule of law, legitimacy principle.
2. Legislation and Legal framework on Land tenure principles conducted in respect to people rights and access to land for primarily fulfilling fundamental needs. It is used as illustration of incorporating the justice, public accountability and responsiveness principle. Moreover, land administration and cadastre principles for people's legal right security and elevating people's land productivity are reflected on incorporating the certainty, efficiency and effectiveness principle. Land Administration also must be supported by technical principles which is up to date and is in line with the efficient, effective and sense environmental awareness principles
3. Institutional principles to guarantee minimum standard on fundamental public service are reflected on incorporating efficiency and public accountability principle. For proper capacity building, human resource development principles must be conducted in line with the integrity and professional requirement
4. Disaster management is well organized and well connected to land use planning principles and well supported by information system on the spatial data infrastructure which it is designed to guarantee justly economic and environmental policies that are in line with sustainable development. This condition illustrates the incorporating of advance vision principle.
5. Efforts to protect local indigenous people and their customary laws must be taken in account in modernizing national land law system.

Comparative study among three countries: Indonesia, Malaysia and Turkey, showed similarities and differences. The compared objects consist of policy, legal framework and legislation, and the respectability of customary law in the land policy development.

Similarities are shown by them due to the existence of obligatory international legal framework and also to attract international foreign investment. Meanwhile, differences are occurred due to consider different local political and social backgrounds.

ENDNOTES

- ¹ See Stig Enemark, Land Administration Infrastructures for Sustainable Development, PROPERTY MANAGEMENT Volume 19, Number 5, 2001, pp 366-383
- ² Relationship people to land may be determined by kind of ideologies embraced by country in which there are at least capitalism, socialism and Islam.
- ³ For furtherer understanding, see Lorenzo Cotula, *Foreign Investment, Law and Sustainable development, Hand Book on Agriculture and extractive industries, by International Institute for environment and Development*, (2016), the best indicator may be called as governance requirement that indicates quality investment which carries out the principles of: investment preparedness; getting faire economic deal; addressing social and environmental issues; racing people at the centre of investment process (pages 2-100).

This indicators are considered having more workable and comprehensive criteria for example principle of placing people at the centre of investment process –in which this covers various principle of good governance- comprise essential elements: legal tool such policy and legal framework for bottom-up deliberation; transparency and public scrutiny; anti corruption measures and remedies of social and environmental components, for further understanding may be seen at pages 101 -145

- ⁴ See Ting and Williamson in Ian P. Williamson Best Practices For Land Administration Systems In Developing Countries, 1999b).
- ⁵ (Azimuddin, 2008).
- ⁶ See Maria Soemardjono, *Pertanahan antara Regulasi dan Implementasi*, Kompas Press, 2009, and also see Budi Harsono,
- ⁷ See Ahmad Ibrahim and Ahliemah Joned, *The Malaysian Legal System* in Ainul Jaria Maidin at all, *Principle of Malaysian Land Law*, LexisNexis, 2009, page 13-14
- ⁸ See Syafarina Syamdudin, *A Review of Organizational Arrangements in Malaysia Land Administration System towards Good Governance: Issues and challenges*, FIG Working Week Bridging the Gap between Cultures Marrakech, Morocco, 18-22 May 2011
- ⁹ See Geoffrey Payne, *Urban Land Tenure and Property Right in Developing Countries*, IT Publication/ODA, 1997 page 1-37