

ABSTRACT

Like many countries, Malaysia does not have enough vacant land to cater for rapid development. Hence developers have started to build below the ground surface and above it, especially in areas where land values are at a premium. This study was undertaken to examine the rights of landowner with regard to on-surface, above-surface and below-surface properties as provided for by the National Land Code 1965 (Act 56), Strata Titles Act 1985 (Act 318), the Building and Common Property (Maintenance and Management) Act 2007 (Act 663), Certified Plan, Document of Title and Swedish Cadastral Procedure Acts. This study also examined how rights are registered in the cadastre. The methodology adopted involving theoretical and empirical study. A semi-structure and descriptive approach was adopted in the questionnaire survey. In addition, the cadastral methods, procedures and related legislation in force in Malaysia were compared with the corresponding practices in Sweden. Malaysian cadastral professionals generally felt that the legal changes in the land registries in Malaysia had not kept pace with the changing trends in urban development, and there were still difficulties in registering the ownership of properties that were created on, above or below the ground surface. The findings from the study found that the current land related legislation in force in Malaysia has not provided an adequate legal structure. Therefore, suggestions have been made to amend the legislations in these land related legal documents. Finally, the effectiveness of the land administration system, land registration system, land information system and cadastre system can be significantly improved through these amendments.