



A Practical Method for Evaluating Institutional Arrangements and Policies' Indicators of Land Administration System: A Case Study of The State of Penang, Malaysia

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INTRODUCTION

Institutional arrangements of land administration are the implementation of land administration which involves the development of land policy, land use and planning of land development. A good institutional arrangement and enforceable authorities are the key factors of land administration system efficiency. At the same time, land management institutions coordination and balance decision making between national policy and local decision impacts on a good land administration (Auzins & Kaposins, 2012).

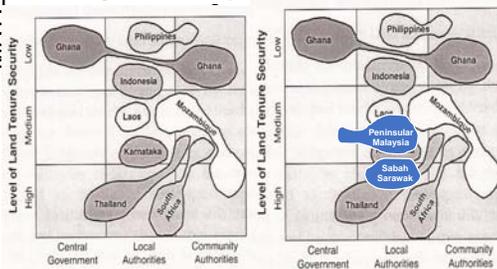
The performance assessment of land administration system is importance to improve the effectiveness and efficiency of the system. There are efforts have been carried out to assess the performance of land administration systems. One of the land assessment framework is Land Governance Assessment Framework (LGAF) which became a diagnostic tool for land administration system evaluation in more than 50 countries worldwide (World bank, 2011).

This study investigated the appropriateness of this assessment framework indicators by interviewed the target groups who have a deep knowledge of the phenomenon of land administration system. Analysis was based on target persons' opinions about suitability of institutional arrangements and policies indicators. The findings provided useful information for funding necessary to support a formal land administration system.

MATERIALS | METHODS



Figure 1 : Land Administration Organizational Arrangements in Malaysia Land Administration



Source: Burns et al., 2006

Figure 2 : Level of Land Administration

This study is based on qualitative data that were collected in state of Penang in Malaysia to analyze the suitability of indicators and dimensions from institutional arrangements and policies perspectives of LGAF.

The target group interviewed consisted of people who have a deep knowledge of the phenomenon of land administration system.

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RESULTS

Based on interviewees' reviews, discussions and opinions, all the listed indicators and dimensions are appropriate approach to assess institutional arrangements and policies aspects in Malaysia Land Administration System. Figure 3 showed the summary of discussions between interviewees about the indicators and dimensions.

INDICATORS	APPROPRIATENESS
Separation functions between land policy formulation, implementation and arbitration	Functions of land policy formulation, implementation and arbitration are separated. It is because National Land Council and National Land Code 1965 play roles to standardize the land laws. Its clearly that this indicators need to be considered in evaluating the system.
Clear responsibilities of the ministries and agencies dealing with land	No overlap of responsibilities between ministries and agencies in land dealing activities because it's already listed in National Land Code 1965 to make uniformity and fair. To avoid such things happened which can decrease the efficiency of land dealing processes, assessment towards this indicator needed.
No overlapping functions between level of government	No issues on administrative overlap which JKPTG and PTG roles in federal and state land development processes respectively. The administrative function well planned and defined each with scopes clearly. Moreover, State Planning Committee will ensure no overlapping in terms of functions of technical agencies involved in land development processes.
Land right and use information is shared by public bodies	Land rights and use information are not open access via internet to public. But they can get the information with certain payment to land office. So this indicator need to evaluate to make sure the public gain benefits by access those information.
Overlaps of rights are minimal and do not cause friction or dispute.	Overlaps of rights happened which caused by double alienation and fraud. Sometimes the problems happened because of unwritten will. However the land tenure is bonded by indefeasibility as stated in National Land Code, the cases still happened. So it is better to evaluate this indicator for efficient land administration system.
Land policies and regulations are developed in a participatory manner.	In the process of create or amend of land policies and regulations, it involves special bodies such as lawyer, surveyor, planner and valuer. There will be selecting committee in developing land policies and regulations. It will involves all the relevant stakeholders. So, this indicator either suits to assess.
The implementation of land policy matched with benefits and adequately resourced.	The implementation of land policy matched with public benefits should need to evaluate because sometimes the implementation not so benefits towards public.
There is regular and public reporting indicating progress in policy implementation.	Discussion via meeting with state Chief Minister and state EXCO is one of the mechanism to indicate the policy implementation progress. Other than that, regular public reporting also one of the method to get to know about public critics on land matter. Somehow, there is no general indicating process thus, this indicator should use as indicator.
Land policies help to improve land use by low-income groups and those who experienced injustice.	Low-income groups and injustice need to evaluate. The intention of land policies did not meet the objectives sometimes. For example, there are no facilities for children in low cost houses which specially built for low-income groups. So it should reconsider and should assess.
Land policies proactively and effectively reduce future disaster risk.	Policies are to prevent disasters for example EIA report is to prevent the risks. There should monitor on the particular area after development. Plus, there are perfect enforcement of policies which proactively and effectively reduce future disaster risk but lack of implementation make the scenario worst. So that, this indicator suits to evaluate.

Figure 3: Suitability of Institutional Arrangements and Policies Indicators in Penang Land Administration System

CONCLUSIONS

This study analyzed the appropriateness of institutional arrangements and policies indicators and dimensions in state of Penang, Malaysia Land Administration System.

There are some reasons given by interviewees about why should to assess the listed indicators and dimensions towards efficiency of land administration system.

Assessment of institutional arrangements and policies indicators and dimensions improved the land governance by broader efforts of each country's land administration performance.

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