THE VIABILITY OF INCORPORATING COMPENSATION FUND INTO THE NATIONAL LAND CODE 1965

By

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Submitted in Partial Fulfillment of the Requirements for the Bachelor in Legal Studies (Hons)

Universiti Teknologi MARA
Faculty of Law

June 2013

The students/authors confirm that the work submitted is their own and that appropriate credit has been given where references has been made to the work of others
ACKNOWLEDGEMENT

The process of writing and completing this research paper indeed entails support from various individuals and institution. First and foremost, our deepest gratitude to Madam Habibah binti Kiprawi for the guidance conveyed throughout the preparation of the research paper. It has been a great pleasure for us to be under the supervision of Madam Habibah who was not only supportive and constructive upon the completion of the research paper but has also tirelessly provided us with assistance both academically and morally. Nevertheless, we would like to thank our Legal Research Methodology (LAW 557) lecturers Dr.Sheela Jayabal and Dr.Noraiza bt Abdul Rahman for their guidance conveyed throughout the preparation of the project paper. Above and beyond the appreciation mentioned, we are also very grateful to our family members and friends for their endless support given from the beginning until the completion of this research which has been carried out diligently by our team members. Upon completing this research, we have utilized the service of UiTM’s library, Perpustakaan Tun Abdul Razak II (PTAR II). We therefore wish to thank the staff of PTAR II for their kind assistance and cooperation.
ABSTRACT

This research paper discusses the viability of introducing compensation fund into the National Land Code 1965 and comprises on reviews and discussions regarding the fund, together with analysis on different laws adopted in different state, and cases. This research is fully library based as collection of data and relevant information are gathered from textbooks, journals and articles, with the usage of the internet. At the end of this research we will also provide recommendations to amend the current law, as well as mechanisms in implementing the compensation fund.
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CHAPTER ONE: INTRODUCTION

Introduction

Land is defined as those parts of the surface of the earth that are capable in law of being owned.¹ From time to time development of law is needed in order to uphold a proper land administration system due to the evolution of the society and the changes of the societies’ need. When Malaysia adopted the Torrens system, one of the principle which is the compensation fund was not adopted, therefore the benefit of Torrens system was not fully enjoyed. Thus, throughout this research paper, compensation fund as a whole will be discussed.

Chapter one is an introductory chapter discussing the research background, problem statement, research objectives, research methodology, scope, limitation of the research and the significance of this research. Next, chapter two is a review of literature on compensation fund. Thirdly, chapter three explains the legal perspectives of the Torrens system specifically compensation fund. Lastly, the final part of this research paper; chapter four discuss the mechanism in applying and incorporating the compensation fund into the National Land Code 1965.

1.1 Research Background

Pre dating the introduction of the Torrens System, laws governing land matters differ from one state to the other. Tanah Melayu was divided into three parts, which are the Straits Settlement, the Federated Malay States (FMS) as well as the Unfederated Malay States (UMS), each with its own regulations relating to land transactions and ownership. Before the occupation of British, all land was deemed to belong with the Ruler, and his subjects are allowed to cultivate the