

Development of Framework for Malay Reserved Land in Malaysia

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ABSTRACT

Prominent concerns over the regulations governing Malay Reserved Land (MRL) in Malaysia are extensively debated among real estate stakeholders in the country. Concerns include inadequate information regarding the true extent of MRL in Malaysia, errors by inexperienced vendors in providing MRL information, clandestine transactions between owners and non-Malays, and the indefeasibility of title within the Malaysian property system. These concerns necessitated an intervention to enhance the MRL's system. This study seeks to establish a successor framework for the MRL in Klang Valley, Selangor. To accomplish this objective, two (2) methodologies are employed: Secondary Data Analysis and Primary Data Collection and Analysis. In Primary Data Collection and Analysis, the quantitative method is chosen as the primary data collection approach, while the qualitative method is utilised for framework validation. This framework aims to elucidate the new MRL system and will assist Malaysian local authorities with MRL-related concerns.

INTRODUCTION

Malay Reserved Land (MRL) denotes land ownership by the indigenous Malay population in Malaysia (Hanif et al., 2015). The implementation of MRL was specified in the Federal Constitution of 1957, Article 89, Clause 6, which defines a "Malay" as any individual recognised as such under the legislation of their respective state (Mohamad et al., 2009). The designation of MRL involves constitutional and statutory procedures, and the land is legally reserved exclusively for Malays (Ali et al., 2007). The historical foundation of MRL predates European colonial rule, when Malay rulers governed land within their

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territories. With the onset of British colonisation, the concept was formalised through legal statutes such as the Malay Agricultural Settlement (MAS) in Kg. Bharu, Kuala Lumpur in 1900 under Section 6 of the Selangor Landscape Enactment 1897 (Mohd Azmi, 1997). MAS enabled Malays in urban areas to own land and generate economic returns for the state (Khazim, 2005), while the subsequent extension of the Malay Reservation Enactment (MRE) to other Malay states ensured broader protection of Malay land ownership (Aliasak & Sa'ad, 2014).

The British institutionalised the MRL concept via the Malay Reservation Enactment 1913 and the Land Enactment 1987 (Hanif et al., 2015), primarily to safeguard Malay land from being transferred to non-Malay individuals (Asiah Mohamad, 2007). The legislation also restricted exploitation of Malay land by capitalist entities such as European and Chinese miners, due to the increasing economic value of land. Badiozaman & Mohar (1964) noted that the appeal of these lands was linked to strategic locations, mineral wealth, and suitability for commercial agriculture. Ramanaidu (1998) highlighted several influencing factors including the shift to a capitalist economy, the land's rising market value, traditional preferences of the Malay community, and the burden of high land taxes in urban centres. These dynamics contributed to the progressive decline in Malay-owned land area, prompting the introduction of the MRL Act (Ariffin, 2013) to reinforce protection mechanisms for Malay landholders.

Despite the existing legal and historical framework, MRL today faces several critical challenges. Inexperienced vendors often make errors in transactions due to a lack of legal knowledge, resulting in documentation mistakes and informal arrangements such as lot lidi deals (Mansoor et al., 2024). Clandestine sales between Malay owners and non-Malay buyers – facilitated by forged documents and illegal middlemen—continue to threaten the integrity of MRL (Rosman et al., 2021; Zakariah et al., 2020; Hanif et al., 2015). Legal ambiguity regarding the indefeasibility of title under the National Land Code, particularly in cases involving fraud or misrepresentation, further erodes trust in the system (Harun & Hassim, 2015; Harun et al., 2020). Additionally, the lack of dedicated financial mechanisms and absence of compensation schemes for fraud victims reveal significant policy gaps (Mohd & Kader, 2022; Rosman et al., 2022). In response to these complex and interrelated challenges, this research aims to identify the key issues and challenges of MRL replacement in Malaysia. Simultaneously, the objective is to develop a framework for replacement characteristics of MRL for land administration in Klang Valley, Selangor.

LITERATURE REVIEW

Historical and Legal Background of MRL

Mohamad et al. (2009) indicate that precise figures regarding the actual size of MRL in Malaysia are unavailable. Aliasak et al. (2014) documented a notable alteration in the number of MRL recorded from 1921 to 2013 across states in Peninsular Malaysia, attributed to the demand for high property development. The area of MRL land in the peninsula shows a decline relative to its original size during the early period of independence (Aliasak et al., 2014). This raises the question of the relevance of the conditions outlined in the MRL Act in the context of today's economic situation. Ariffin (2013) further highlights how legal and constitutional frameworks have not been able to comprehensively curb back-door dealings between MRL owners and non-Malays. Although enactments exist to impose restrictions, they fall short in offering full protection against the misappropriation of land.

Challenges in Land Ownership and Replacement

Several challenges have been identified in relation to MRL land ownership and replacement. The 2014 Audit Review involving 57 landowners' documents in Klang, Sepang, and Kuala Selangor found that nine (9) (15.8%) of these documents lacked MRL information. This absence of detailed MRL data in the Property Document was attributed to errors by an inexperienced vendor during the manual-to-digital data conversion process. Such omissions pose significant risks, including the potential lifting of restrictions on land transactions between Malays and non-Malays. Hanif et al. (2015) observed that most MRL lands in Kuala Lumpur are located near urban areas, contributing to rising demand and pushing some owners toward covert transactions for economic gain. Mohamad et al. (2009) also raised concerns about the principle of indefeasibility of title, whereby registered owners may lose their land to others through procedural technicalities. Rural MRL landowners are particularly vulnerable, as many are unfamiliar with legal processes and cannot afford legal representation, leading to land insecurity and ownership disputes.

Policy Recommendations from Previous Studies

In addressing these ongoing issues, several recommendations have emerged. The Audit Review suggested that the Selangor Land and Mines Office (PTGS) issue regular reminders to all Registrars of Proprietorship to ensure accurate land documentation and prevent the removal of ownership restrictions. Mohamad et al. (2009) questioned the sustainability of the MRL legislative framework, especially under current economic conditions and rising living costs, which could hinder the legislation's original intent to protect the Malays.

The Concept Malay Reserved Land Replacement

Selangor Land and Mines Director's Circular No. 3/2015 (Selangor Land and Mines Office, 2015) provides guidelines for the revocation and replacement of MRL during land acquisition for public purposes or facilities by the State and Federal Governments in Selangor Darul Ehsan. This aims to enhance existing policy by requiring applicants—Agencies, Governments, Bodies, or Individuals seeking land acquisition for a project—to concurrently submit an application for the cancellation or replacement of MRL alongside the land acquisition request, including the proposed area for MRL replacement. Nine (9) characteristics of soil are identified for the purpose of replacing the specified MRL as follows:

- (i) Total area revoked
- (ii) Type of land revoked (city, town, village)
- (iii) Do not to account land use in agriculture
- (iv) Do not to account type zoning (e.g. residential)
- (v) Federal land
- (vi) Disposal State Land to Corporation, company or individual
- (vii) Any leasehold land expired
- (viii) Any land acquired gazette for MRL but cost paid by application

(ix) Any district in Selangor

Nevertheless, an analysis of the nine (9) characteristics of land for the purpose of replacing the MRL reveals no factors that enhance the characteristic of "land market value," which remains a contentious issue to this day. The characteristics of land market value represent a research gap in Malaysia, as this area has received limited attention from researchers. Most studies focus on issues, challenges, and solutions related to MRL, as evidenced by the works of Mohamad & Ali (2009), Hussin & Rashid (2014), Hanif et al. (2015), Bakar (2017), Aliasak (2017), Termizi & Ismail (2018), Rosman et al. (2021), and Mohsin et al. (2022).

The comprehensive concept of land administration and the paradigm of land management are crucial for effective land resource management and planning. These elements are closely interconnected within land administration systems. This study aims to investigate the replacement characteristics of the Market-Related Land (MRL), aligning with current circumstances, emerging issues, and factors influencing contemporary land market value. The UN Land Administration Guidelines (1996) define land administration as "the process of determining, recording and disseminating information about tenure, value and use of land when implementing land management policies." The guidelines aim to enhance land administration by promoting security of tenure, establishing real estate markets in transitioning countries, and modernising land registration systems in advanced economies.

The land management paradigm focusses on land management, particularly the central land administration component, which seeks to promote efficient land markets and effective land use management to support economic, social, and environmental sustainability (Enemark, 2009). This land management paradigm highlights the significance of land administration functions—namely land tenure, land value, land use, and land development—and examines the relationship between land administration institutions and a country's historical context and policy decisions. The paradigm offers a framework that enables the integration of new needs into traditionally organised systems while maintaining the essential security these systems ensure.

This research seeks to establish a framework for the replacement of MRL in Klang Valley, Selangor. Four (4) objectives were established to achieve the aim. The primary objective is to analyse the pattern of MRL's ownership and replacement data from 1900 to 2018 as recorded by PTG Selangor. The second objective is to analyse the characteristics of the replacement amount of the MRL that has been cancelled in Klang Valley. The third objective is to identify the key characteristics for the replacement of MRL in Klang Valley. The fourth objective is to establish and validate a framework for the characteristic replacement of MRL in Klang Valley. The objectives are pertinent to the development of an appropriate framework model for the replacement of MRL in the Klang Valley.

RESEARCH AIM AND OBJECTIVE

The research aims to identify the issue and challenges of MRL replacement in Malaysia. Simultaneously, the objective is to develop a framework for replacement characteristics of MRL for land administration in Klang Valley, Selangor.

CASE STUDY

The state of Selangor (Figure 1) was chosen as the study area because it has a high MRL area (396,246.541 acres) and indirectly it presents various challenges to the State Government in its efforts to

maintain and manage the MRL area (Table 1). Thus, this study consists of five (5) districts of Klang Valley, Selangor namely Petaling, Hulu Langat, Kuala Langat, Gombak and Klang districts within 108,600.00 acres in total MRL areas.

Table 1. Total Reserved Land Area

No.	Description	Total MRL area (Acres)
1.	Petaling District	2,822.68
2.	Hulu Langat District	33,795.29
3.	Gombak District	13,376.6856
4.	Klang District	21,074.5
Total		71,069.16

Source: Mohsin et.al. (2022)

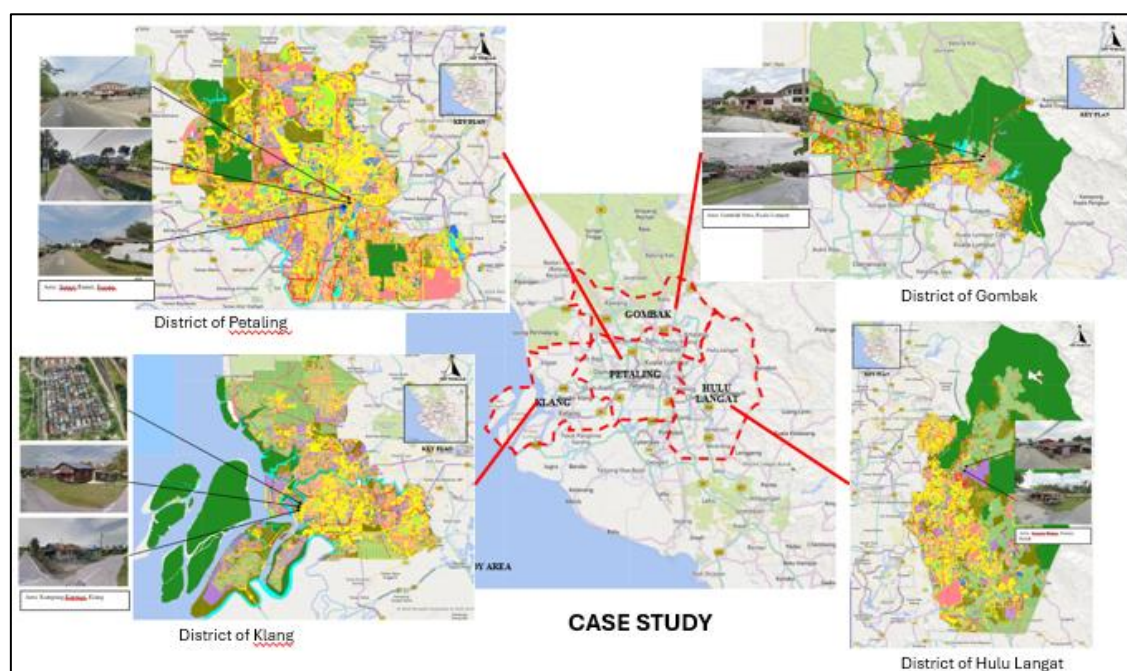


Fig. 1. Map of Case Study

Source: Authors (2025)

DATA COLLECTION

This study employs a two (2) fold approach to data collection, beginning with secondary data analysis followed by the collection of primary data. The secondary data analysis involved the use of existing data such as national and international policies, government publications, and documents from local authorities relevant to Malay Reserved Land (MRL). These data sources were reviewed following the procedures outlined by Johnston (2014), which emphasise efficiency, cost-effectiveness, and access to high-quality datasets. Despite the advantages of using secondary data such as timeliness and breadth, limitations also

exist, including concerns about data alignment, privacy, and the lack of researcher involvement during the initial data collection (Tripathy, 2013; Boslaugh & Boslaugh, 2007). However, the availability of historical documents and studies on MRL since the early 1900s supports the suitability of this method for the study's initial phase.

Following the secondary data review, the study adopted a quantitative method through a survey design to collect primary data. A structured questionnaire was distributed to Malay residents across four (4) districts in Klang Valley – Petaling, Gombak, Klang, and Hulu Langat, which are areas identified with significant reductions in MRL (Hussin & Rashid, 2014). The required sample size was determined using statistical sample size calculation, which takes into account the target population size, a 95% confidence level, and a 5% margin of error. Referring to Krejcie & Morgan's (1970) sample size table, a minimum of 366 responses was needed. A total of 385 questionnaires were distributed, and 366 valid responses were successfully collected, meeting the required threshold for reliable and generalisable findings. Prior to full distribution, the questionnaire was refined through a pilot study involving 30 respondents and validated in two (2) stages: first, by five (5) experts evaluating the MRL replacement characteristics; and second, by four (4) experts reviewing the final framework. These validation stages ensured the instrument's content validity and reliability.

The quantitative data were analysed using the Statistical Package for the Social Sciences (SPSS) software. Several analyses were conducted, including descriptive statistics to summarise respondents' profiles and general trends, and inferential statistics to identify significant relationships between variables relevant to the development and multi-ownership of MRL. These analyses provided empirical evidence to support the construction of a comprehensive framework for MRL replacement in Klang Valley. The framework was subsequently validated through qualitative inquiry involving semi-structured interviews with nine (9) purposively selected experts. These experts included government officials, land administrators, legal professionals, policymakers, and academics. Their insights offered a multidimensional perspective on the legal, technical, and policy-related aspects of MRL, thus reinforcing the practical relevance and applicability of the proposed framework for future land administration practices in Malaysia. Figure 2 shows the data collection flowchart.

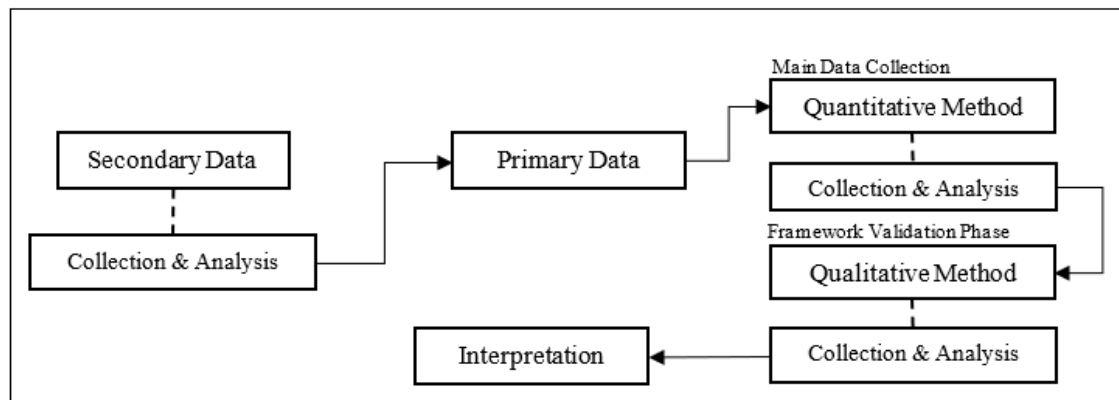


Fig. 2. Data Collection Flowchart

Source: Creswell & Plano Clark (2011)

RESEARCH FINDINGS

Issues and Challenges of MRL in Malaysia

To address the research aim of this study, six (6) primary issues and challenges related to Malay Reserved Land (MRL) in Malaysia have been identified from previous studies – have been lead to the degradation of MRL percentages and hinder more organised development consists of (i) Legislation perspective in terms of land administration system (ii) Financial perspective (iii) Development perspective (iv) Attitudes of MRL's owner perspective (v) Land market value perspective (vi) Land revocation and replacement perspective as Table 2.

Table 2. Research Findings of Previous Studies on Issues and Challenges of MRL in Malaysia

No	Author	Research Findings
1.	Rosman et al. (2021)	a. Data, Information and Research (Actual size of individual plots of MRL, Rightful replacement of MRL based on size and value and Enhancement of value of MRL) b. Legislation (Lack of uniformity of the Enactments between different states, Enforcement of MRL on replacement by law and Statutory control and limitation) c. Development (Development is not competitive, Suitable location and Undervalue of MRL) d. Financial (No holistic financial model, No initial fund for the development and No support from financial institutions)
2.	Aliasak (2017)	a. Action of status revocation by the owner b. Land Acquisition by State Authorities
3.	Manaf et al. (2015)	a. Limited ownership legal factors for MRL b. Multiple ownership of the MRL c. Negative attitude and orthodox thinking d. The financial inability of owners to develop the land
4.	Hussin & Rashid (2014)	a. Land Acquisition by State Authorities b. Change Status c. Power of State Authority d. Attitudes of MRL's owner
5.	Priyandes (2017)	a. Neighbourhood's status as a stronghold of Malay culture is perceived to be threatened by large-scale development b. Land acquisition by the government is difficult – MAS land holdings cannot be transferred or occupied by non-Malay c. Land in Kampong Baru is fragmented – one (1) small lot may belong to many landowners and heirs d. Engaging landowners in redevelopment plans, the PKB has largely excluded renters from community participation efforts - landowners perceive renters as outsiders to the community, they have been excluded from redevelopment discussions e. Lack of consensus among all stakeholders
6.	Termizi & Ismail (2018)	a. Status MRL yang multiple land ownership/joint land ownership has created problems of social relations among joint owners and further hinders land development

		b. Originating from the legal provisions under the National Land Code of 1965 (KTN) which allows unlimited sharing of land c. The practice of inheriting land through a will or Fara'id law among the Malays has continuously contributed towards the MRL status of overlapping ownership and it is increasingly complicating d. Overlapping ownership of MRL also results in a drop in the economic value of the land and the majority has a negative impact on the social relationship between the owner and the land. e. MRL development in Kampong Baru, Kuala Lumpur for example, difficult to realise because mutual consent is difficult to obtain and requires high costs. f. The status of MRL with overlapping ownership also has a negative effect on the owners' efforts to obtain loans from financial institutions.
7.	Hanif et al. (2015)	a. A strong 'rural life nostalgia' amongst the owners in MRL b. Development barriers relate to a range of legal, physical, financial issues and require effective coordination and promotion and this can only be undertaken by a dedicated body. c. The issues related to the developing MRL are centered on the legislative obstacles such as restrictions in land dealing, collateral, and multi-level ownerships. d. The land value for the non-Malay reserve is more than four (4) times the value of MRL. e. Physically, the MRL exhibits the agglomeration of irregularly arranged, non-permanent structures for unplanned settlement, greened by agriculture activities and lack of basic infrastructures.
8.	Mohsin et al. (2022)	a. Weaknesses from the Management Aspect b. Lack of Information and Data c. Staff Time Constraints d. Weaknesses in Management Monitoring Works e. Misunderstanding of the provisions of the Malay f. Reserve Enactment g. Lack of commitment in implementing endorsements h. Technical staff requirements i. Incomplete Malay Reserve gazette records
9.	Rosman et al. (2022)	a. Many issues related to the problem of obtaining financing from banks and financial institutions that often undermine efforts to develop the MRL especially in multiple ownership situations b. The financiers often avoid giving the loan due to the risk of unsecured loan repayment c. Most of the available funds could not cover the overall costs of project development - as a result, the project failed to be completed and the development project being abandoned.
10.	Bakar (2020)	a. The area of MRL shows a shrinking trend as there are many MRLs whose status has been set for development purposes and replacement is not done immediately.
11.	Hamid et al. (2011)	a. Weaknesses of the land administration system b. Disadvantages of taking in the eyes of the landowner c. The land taken is not used or withdrawn

		d.	The issue of recruitment and compensation for the recruitment of traditional indigenous people
		e.	The issue of taking MRL
		f.	The issue of fraud in the transfer of ownership involving land taken for economic development
12.	Mohamad & Ali (2009)	a.	Ignorance of the purpose
		b.	The factor of complacency
		c.	The factor of remoteness and low fertility
		d.	The factor of location
		e.	The effectiveness of restriction on MRL
		f.	The state authority's power of disposal
13.	Ali & Mohamad (2007)	a.	Constrains to development
		b.	Land not suitable for agriculture development/soil suitability
		c.	Location of the MRL
		d.	Fragmentation of MRL

Source: Authors (2025)

Research findings from previous studies indicate that issues and challenges related to the perspectives of land revocation and replacement, as well as land market value, receive insufficient attention within the context of MRL in Malaysia.

DISCUSSIONS AND RECOMMENDATION

The development of framework (Figure 3) regarding the characteristic replacement of MRL in Klang Valley. This framework will provide deeper understanding of the relations between existing system related to MRL and the possible solutions to mitigate the deficiencies of the system. This framework is also expected to guide and assist Malaysian local authorities to deal with the MRL's issues that were mentioned in literature review section. One (1) of the prevalent issues is the back-door dealings which caused the reduction of land title under MRL. Through this framework, a new mechanism will be introduced to help authorities regulate this issue towards a conventional approach which benefits both parties. By referring to this framework, the proper guidelines on the renewal of MRL's policies will be strengthened to national's level. This will add to the expanding knowledge of MRL's policies in Malaysia.

The development of research frameworks consists of four (4) phases as follows (Figure 3 shows the Research framework for MRL):

Phase 1: Preliminary Study

The phase one (1) of this study involves defining the problems with regards to MRL replacement characteristics specifically in Selangor state, Malaysia. This stage also involves the determination of the research aim and objectives, which guided the whole process with the target of determining the MRL replacement characteristics in line with the current situation in Malaysia through in-depth literature reviews via books, journals, thesis and government reports. There are ten (10) main MRL replacement characteristics and sixty-nine (69) sub-characteristics have been evaluated in this study. The pilot survey

was carried out with a sample of thirty (30) experts/respondents: real estate and property management officers, residents in Kampung Keretapi, Klang District, residents in Gombak Setia, Gombak District, residents in Sungai Plong, Petaling District and residents in Sungai Ramal, Hulu Langat District to validate the questionnaire's form before distributed to the residents in the study area.

Phase 2: Data collection

Primary data through semi-structured interview survey and questionnaire survey was conducted for one (1) year and five (5) months. For the semi-structured interview survey, nine (9) experts have been interviewed and validating the reformative of MRL replacement characteristics (within five (5) experts) and a framework of MRL replacement characteristics (within four (4) experts). Meanwhile, for the survey questionnaire, only three hundred sixty-six (366) respondents were willing to participate in this study. Besides, for secondary data, in-depth literature reviews via books, journals, and government reports have been conducted to determine the challenges of MRL situation nowadays and the MRL replacement characteristics.

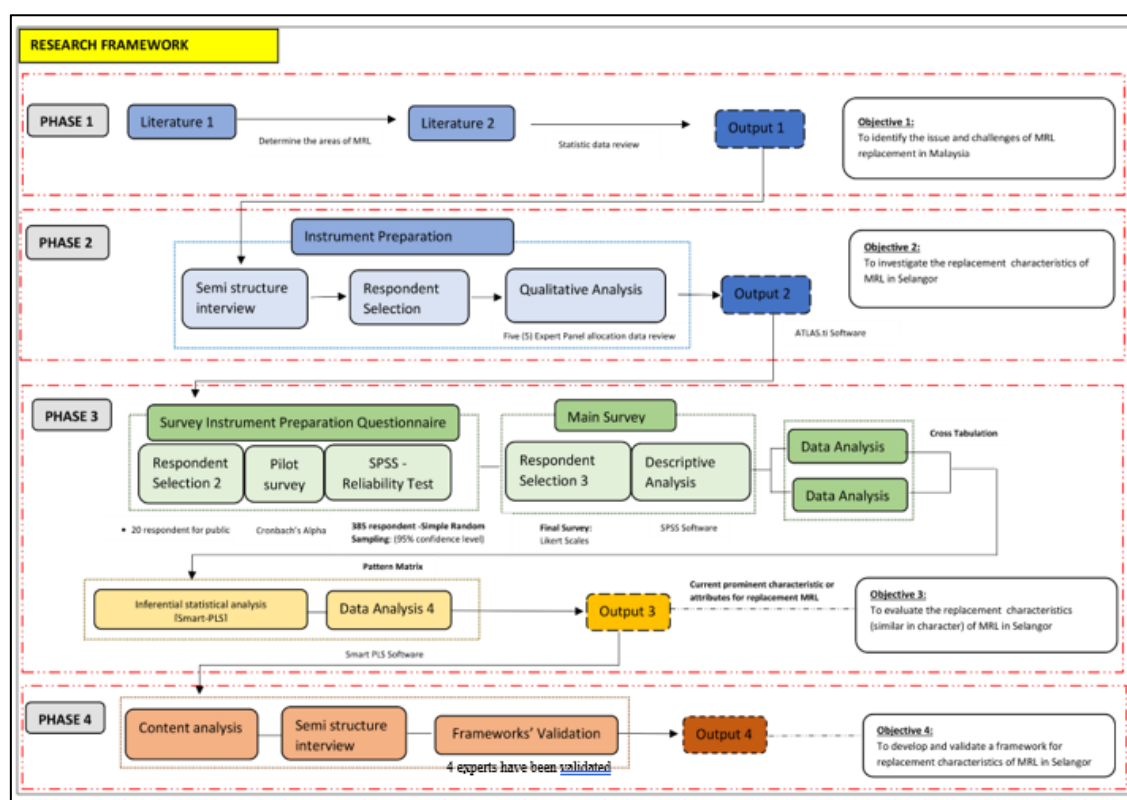


Fig. 3. Research Framework for MRL

Source: Authors (2025)

Phase 3: Analysis and Research Findings

There are four (4) types of analysis that have been used in this study i.e. content analysis (government reports), thematic analysis (diagrams with Group Code(s) and Code(s)), descriptive statistical analysis (mean and rank score) and inferential statistical analysis (PLS-SEM).

Phase 4: Conclusion and Recommendation

At the final stage, recommendations and conclusion will derived based on the research findings in the third phase.

In comparison to other countries, Malaysia's approach to Malay Reserved Land (MRL) replacement remains relatively rigid and lacks empowerment mechanisms observed in international models. For example, in the United States, Native American reservations are granted partial sovereignty under federal law, allowing tribes to manage land, lease properties, and generate income through tourism, natural resources, and casinos (Deloria & Lytle, 1984; Fixico, 2003). In New Zealand, the Māori people benefit from restitution mechanisms under the Treaty of Waitangi, with land managed through tribal corporations that actively engage in commercial ventures, backed by legal recognition via the Waitangi Tribunal (Walker, 2004; Orange, 1987). Australia's Aboriginal Land Rights Act and Native Title legislation provide for inalienable land rights and co-management through Indigenous Protected Areas (Dodson, 1994; Broome, 2010). These international examples illustrate the integration of legal security, land market value, and indigenous empowerment—components that remain underdeveloped within Malaysia's current MRL policy framework.

In light of this, the present study recommends that the characteristics for MRL replacement be enhanced by including "land market value" as a core element, in line with equitable compensation principles stated in Article 89 of the Federal Constitution. Furthermore, a uniform and centralised policy, supported by digital land tracking mechanisms, should be implemented to improve enforcement and transparency, as highlighted in the Laporan Ketua Audit Negara Selangor (2021). Additional policy reforms should focus on stakeholder engagement and landowner empowerment, taking lessons from New Zealand and the U.S. These strategic directions will contribute to a more transparent, fair, and sustainable land administration system in Malaysia.

CONCLUSION

Policies governing Malay Reserved Land (MRL) in Malaysia are arguably outdated and inadequately enforced. In light of recent socio-economic challenges, including the impacts of the COVID-19 pandemic, persistent issues such as the lack of detailed information in property documentation, backdoor transactions, and ambiguity regarding the indefeasibility of MRL titles under the National Land Code have continued to erode the system's integrity. This study was conducted to develop a replacement framework for MRL in Klang Valley, Selangor. Through the integration of secondary data analysis and primary data collection (quantitative and qualitative), a comprehensive and validated framework was successfully established.

The proposed framework identifies key characteristics for MRL replacement, particularly emphasising the inclusion of land market value as a critical consideration. This study contributes to academic knowledge and policy formulation by addressing previously overlooked factors in MRL governance. Importantly, this research puts forth the following actionable recommendations:

- (i) Policy Reforms: A centralised and standardised national policy should be introduced to harmonise MRL laws across states and ensure equitable replacement practices aligned with Article 89 of the Federal Constitution.
- (ii) Strengthening Enforcement Mechanisms: The Land and Mines offices (PTG) should improve digital monitoring and enforcement of MRL titles to prevent fraud, especially in urban and high-demand areas.
- (iii) Institutional Capacity Building: Local authorities must be equipped with skilled personnel and technological infrastructure to manage MRL records and enforce land reservation laws effectively.
- (iv) Stakeholder Empowerment and Transparency: Engaging landowners, communities, and policymakers through participatory approaches will enhance trust and compliance in MRL processes.

This study reaffirms the urgency of reforming MRL administration in Malaysia. The adoption of this framework will guide local authorities and policymakers in safeguarding Malay land rights while ensuring that land development and replacement efforts are transparent, equitable, and sustainable.

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CONFLICT OF INTEREST STATEMENT

The authors agree that this research was conducted in the absence of any self-benefits, commercial or financial conflicts and declare the absence of conflicting interests with the funders.

AUTHORS' CONTRIBUTIONS

All authors participated in conducting the research, drafting and revising the article, conceptualising the central research idea, reviewing and approving the article for submission.

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