# THE VIABILITY OF CONFERMENT OF QUASI-JUDICIAL POWER TO LAND ADMINISTRATOR AS A MECHANISM OF PROTECTION AGAINST FRAUDULENT TRANSFER: WITH PARTICULAR REFERENCE TO WESTERN AUSTRALIA AND SINGAPORE

#### By

Azmur Amira Binti Azhar	Ŗ	(2012437108)
Hanorizatty Binti Hassan Basri		(2012439624)
Nurain Amalina Fatanah Binti Mohmad Noor		(2012419248)
Nur Rafi'uddin Bin Maswari		(2012454544)

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

### University Teknologi MARA

## **Faculty of Law**

#### December 2014

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

#### Bismillahirrahmanirrahim.

First and foremost, we would like to express our gratitude to Allah the most gracious and the most merciful. If not for the blessing that He has showered upon us, we would not be able to go through thick and thin in completing the task.

Secondly, we would want to portray our appreciation towards our family. Their support and love has made us stronger and more determined than ever to commit to our studies and projects. Our parents especially have been the major drive for us to keep on going. Other family members have also been supportive towards our quest of becoming better students.

Not to forget, the faculty is also to be thanked for allowing us the opportunity to endeavour in a course that prepares us to become better researchers. We realise that this is the correct forum to prepare ourselves in furthering our studies in the future; especially in regards to the preparation of a proposal or a thesis. It also introduces us to the art of analysing the laws and possibilities of improving the current state of the law.

Next, we would like to demonstrate our utmost gratitude to our beloved supervisor, Madam Habibah binti Kiprawi who has been extremely accommodating. Our task is made easier by having her as she has relentlessly given her commitment in supervising our honours project paper. She has been very patient with us and we could not have asked for a better supervisor.

Lastly, we are grateful to have each other as colleagues. The four of us forms a support system on its own. The merry moments and challenging moments have tightened our bond more than ever. For all of these, we are gratified.

#### **ABSTRACT**

This research paper analyses the viability of conferring quasi-judicial power to the Land Administrator with regards to transfer transaction. This research paper investigates and examines on different types of commission of frauds and whether the conferment of the quasi-judicial power would bring any beneficial effect in preventing further fraudulent transfer transactions. This research also compares Malaysian's current transfer registration process with those from other countries, such as Singapore and West Australia, especially on their security to prevent any risks of fraud. This research is a fully library based, as collections of data and relevant information are extracted from scholarly journals, books and articles. At the conclusion, we will provide the recommendations to implement the conferment of quasi-judicial power to Land Administrator.

# TABLE OF CONTENTS

Acknowledgement	ii	
Abstract	iii	
Table of Contents	iv	
List of Cases	ix	
List of Statutes	x	
List of Tables	xi	
CHAPTER ONE: INTRODUCTION		
1.0 Introduction	1	
1.1 Research background	2	
1.2 Problem Statement	3	
1.3 Research Objective	4	
1.4 Research Question	5	
1.5 Research Methodology	5	
1.6 Scope of Research	5	
1.7 Research Limitation	6	
CHAPTER TWO: LITERATURE REVIEW		
2.0 Introduction	7	

2.1 Stages of Land Transfer Registration Process	7
2.2 Categories of fraud	8
2.2.1 The different types of fraud	8
2.2.1.1 Forgery of Signature and Instrument of Transfer	9
2.2.1.2 False Documents	9
2.2.1.3 Forgery of Official/ Judicial Documents	10
2.2.1.4 Misrepresentation	10
2.2.1.5 Hacking of Database	11
2.2.2 Fraud occurring at different stages of Transfer Process	12
2.3 Mitigating fraud by conferring quasi-judicial power on the  Land Administrator	12
2.3.1 Computerized Verification vs Manual Verification	14
2.3.2 Levels of Verification of Documents required	15
2.4 Conclusion	16
CHAPTER THREE: LAW AND PROCEDURE OF LAND PROCESS	TRANSFER
3.0 Introduction	17
3.1 Procedure of land transfer process in Malaysia	17
3.1.1 Limitations	17
3.1.2 Instances of Transfer	18