

A CRITICAL ANALYSIS ON HOUSING AND DEVELOPMENT (CONTROL AND LICENSING) (AMENDMENT) ACT 2012: CRIMINALISED ABANDONMENT OF HOUSING PROJECTS.

By

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Submitted in Partial Fulfilment 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 reference has been made to the work of others.

ACKNOWLEDGEMENT

We would like to make a statement of appreciation to all those who provided the possibility to complete this project paper. A special gratitude for our supervisor, Pn Azni Btt Mohd Dian, whose contribution in stimulating suggestions and encouragement, helped us to coordinate our project especially in writing this project paper. Also for her abundantly helpful and invaluable assistance, guidance and support. Her knowledge and experience has been the light in guiding us to finish this project paper.

The research project has been carried out by a team which has included Mohamad Shahrizzat, Wan Ahmad Hijrah and myself Najwa bt Abd Malek. A special thanks goes to my team mate, who helped me to assemble the parts and gave suggestions about the research. My contribution to the project has been in terms of finding the differences of the law and procedures in Malaysia by comparing it to Republic of Singapore. I have also pointed out the main causes of housing abandonment in Malaysia that has been the stumbling block for a good and trusted housing development industry for house buyers in our country. Mohamad Shahrizzat has contributed in chapter two of this research by defining further about the purchaser and developer, the issue of the Abandoned Housing Projects, the law that governed abandoned housing projects, the current situation about the law concerned and also providing the statistics of abandoned housing projects in Malaysia. Wan Ahmad Hijrah has contributed for chapter three of this research by providing the legal overview on the enforcement of criminalising abandonment of housing projects. He states the current law situation in terms of enforcement, the loopholes in the law itself, and the problems to enforce the punishment provided in the act. He also provides an analysis of the problem in accordance with the Penal Code and Company Law Act to point out who has to bear the liability on the part of the developer.

Finally, an honourable mention goes to our family and friends. We would like to express our love and gratitude to those mentioned above for their understanding and help in monetary and moral support, through the duration of our studies and completing this research project paper.

ABSTRACT

This research project is about our analysis on Housing Development (Control and Licensing) (Amendment) Act 2012, concerning criminalized abandonment of housing projects particularly. This research project was set to point out the weaknesses existing in our current law and its enforcement in punishing the licensed housing developers in errant who are responsible for housing projects abandonment in Malaysia substantively and procedurally. Since the new amendment of the Act provides a provision that allows house buyers to initiate criminal action against the developers who fails to finish a housing project within the time stipulated in the contract, the issue is that who will take responsibility and liability of the developer company, is it going to be the shareholders, the directors or even the secretary may be held liable when there is a criminal action against the developer company by the affected house buyers. Those issues concern with Company and Criminal law.

This shows that our current and newly amended law is still weak and has flaws. Since we have pointed out the flaws in the provision, we tried to suggest few good laws that had been practised in advanced country as an example for Malaysia to adopt by making a comparison the Republic of Singapore in terms of the law and enforcement. Our research project aims to provide a little bit more of protection to the house purchasers in Malaysia so that there will be less cases of abandoned housing projects in Malaysia in the future.

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