The Regulatory Mapping of Kelantan State Government

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Abstract—Nowadays, most of the governments in the world facing a challenging task of reviewing and updating laws and regulations that have been established for centuries. Most of these rules are outdated, obsolete, and sometimes overlapping and duplicative. The aim of this study is to reduce the number of unnecessary regulations and requirements. It is also to make the regulations are simpler, transparent and focuses on the legitimate regulatory process. To obtain a holistic view about this matter some personal interviews have been conducted against the respondents who are involved and responsible for the law enforcement. In fact some questionnaires had been distributed in order to collect primary and secondary data. This paper involved two (2) main phases: (i) gathering data and information regarding the existing regulations (ii) identifying any outdated, overlapped and duplicated regulations and need to be reviewed for improvement. 12 legal officers of all local authorities were interviewed, and face to face questionnaire surveys were distributed to state agencies officers to gain feedback on the existing regulations of Kelantan State Government. The findings indicate that there were existing regulations that have amended and repealed, however, there is a problem of inconsistent regulations, overlapped regulations and gazette but not implemented. This study benefits to the state government by producing a systematic regulatory mapping known as catalogue that can solve the problems of reviewing and updating existing regulations. These processes are important to make sure all the regulations are updated according to current changes. This study is regarded as the first attempt to investigate the existing regulations of Kelantan State Government

Keywords— Deregulation, Good Regulatory Practices, Regulations, Regulatory Mapping Introduction

I. INTRODUCTION

Government agencies face a challenging task of reviewing and updating laws and regulations that have been established for centuries. This problem happened due to the government agencies did not have proper recordkeeping of all regulations they have. The consequences of having improper recordkeeping of the regulations are high probability of having outdated, obsolete, and sometimes overlapping and duplicative. According to the World Regulatory quality Index 2017, Malaysia ranked 47th out of 193 countries. It is high time for Malaysia to enhance the quality of its regulations by practicing good regulatory practices. It is vital to ensure that the regulations are effective in addressing the desired public and investor's expectations; thus, will provide higher returns to the government. It is noteworthy that from their point of view, the reviewed and updated regulations could change the manner in which they obtain and interpret the regulations.

Our study contributes to the literature dedicated to the regulations and legislations in Kelantan State Government in several ways. First, there are very limited studies on the regulations and legislations discussed in state government. Most of the studies discussed on the legal and regulatory framework for Malaysian Islamic Finance [1,2,3,4]. Moreover, in Malaysian state government, most of the studies discussed on the roles and functions of local government [5,6,7].Thus, this is the first study conducts on the regulatory and legislations of the State Government. Second, our results add to the evidence that the regulatory mapping is essential to reform the reviewed and updated regulations and legislations in Kelantan State government, to some extent have a positive impact on the publics as well as investors. Third, this study has useful implications to regulators, administrators and policy makers in light of the consequences of the reviewing and updating the regulations and legislations, it can be attributed to the fact that each state has it own different regulatory frameworks and different economic environments [8].

II. LEGISLATIONS IN MALAYSIA

A. *Primary Legislation in Malaysia*

Legislative authority is the power to enact laws applicable to the Federation as a whole under Article 66(1) of Federal Constitution. However, Article 4(1) states that any law passed after 31 August 1957 which is inconsistent with

the Constitution shall be void. At the Federal level, the legislative power is vested in a bicameral Parliament headed by the Yang di-Pertuan Agong and comprises the Dewan Negara (House of Senate) and Dewan Rakyat (House of Representatives). The Dewan Negara has 70 members, of whom 44 are nominated by the Yang di-Pertuan Agong, and 26 elected by the State Legislative Assemblies. The Dewan Rakyat is fully elected and has 222 members. The duration of the life of each Parliament and State Legislatures is about five years and is split into one-year sessions, after which the session is terminated or prorogued, usually in September.

The distribution of law-making authority between the Federal and State Governments is enumerated in the Ninth Schedule of the Federal Constitution, and is set out in a Federal List, State List and a Concurrent List. The main subject areas of the Federal List are external affairs, defence, internal security, civil and criminal law, citizenship, finance, commerce and shipping industry, communications, health, and labour. The State List comprises matters such as land, agriculture, forestry, local government, riverine fishing, Muslim law, etc. The Concurrent List, under authority of both the Federal and State Governments, covers social welfare, scholarships, protection of wildlife, and town and country planning. Should any inconsistency between federal and state law exist, federal law takes precedence over state law.

B. The Importance of Regulatory Mapping

There is broad acceptance of the objectives of updating and reviewing the regulations and legislations by conducting regulatory mapping. For instance, one of the most significant things that public and investors expect from their government is a clean and healthy environment and business procedures. It is important for them to follow all guidelines and specifications in relation to business activities and processes. However, it is often contentious to implement expenditure and regulatory programs. Disagreement over public policy is inevitable in a culture where the values, views, incomes and interests of people differ extensively and the government's scope has increased significantly [9]. Apart from that, the deregulation is high level concern for developing countries because most of the regulations are correlated with negative consequences because they are abused by the government authorities. Consequent to this, the dictatorship could be eliminated. However, in developed countries, specialized courts are becoming an increasingly appealing solution to regulation [10] .

III. METHODS

This project involved two (2) main phases: (i) gathering data and information regarding the existing regulations (ii) identifying any outdated, overlapped and duplicated regulations and need to be reviewed for improvement. Survey methods specifically a face-to–face questionnaire survey coupled with in depth interview was employed in this study. It was conducted to validate and seek insight into the specific issues and loopholes encountered. The respondents for this study were the 12 legal officers in every local authority in the state of Kelantan who involves in formulating the regulations and face to face questionnaire surveys were distributed to state agencies officers to gain feedback on the existing regulations of Kelantan State

Government. This study has a limitation as for the survey an in-depth interview was focusing on one group (the regulators and administrators) which was gathered within three months. However, in order to answer a research question, this method was considered sufficient [11]. The respondents were asked to fill the regulations that have been used in their organisations and list the date of establishment and date of the amendment (if any).

IV. RESULTS AND FINDINGS

The qualitative opinions on non-compliance (inconsistent regulations, overlapped regulations and gazette but not implemented) were gathered from the respondents. Thus, from the regulatory mapping, the state government able to identify the status of the regulations that never been reviewed, outdated, overlapped and duplicate. Such information is important for the state government to take further actions either maintain, simplify or eliminate them

V. CONCLUSIONS

The present study has contributed to the existing knowledge on existing regulations and legislations in Malaysia particularly in Kelantan State Government. This study has offered preliminary insight into the efficiency and effectiveness of the State Government to enhance their roles to take further actions either maintain, simplify or eliminate the inconsistent regulations, and thus more studies need to be conducted on the inconsistent regulations in State Government. For example, future studies could embark on investigating on the factors contributing to the inconsistent regulations particularly in Local governments.

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