

THE CHALLENGES OF FRAUD TO LAND ADMINISTRATION SYSTEM IN MALAYSIA

ⁱKamilah Wati Mohd, ⁱⁱAdzidah Yaakob & ⁱⁱⁱNorsuhaida Che Musa

ⁱ(Corresponding author), Lecturer, Faculty Syariah & Law, Universiti Sains Islam Malaysia, Bandar Baru Nila, 71800 Nilai, Negeri Sembilan. kamilah@usim.edu.my

ⁱⁱ Lecturer, Faculty Syariah & Law, Universiti Sains Islam Malaysia. Bandar Baru Nilai, 71800 Nilai, Negeri Sembilan. adzidah@usim.edu.my

ⁱⁱⁱ Lecturer, Faculty Syariah & Law, Universiti Sains Islam Malaysia Bandar Baru Nilai, 71800 Nilai, Negeri Sembilan. norsuhaida@usim.edu.my

Abstract

Landowners might be wondering why land fraud cases keep cropping up notwithstanding efforts and measures towards its prevention has been continuously implemented and monitored. Transition from paper-based to computerised land administration system with the implementation of the Computerised Land Registration System and e-tanah pave opportunities for new form of land fraud. The unpleasant truth is the more sophisticated the system, the more inventive the fraudsters can be. This paper seeks to analyse the challenges of fraud in land administration system by examining modus operandi in land fraud through selected decided cases. The research employs a doctrinal legal approach by examining authoritative legal texts and decided cases to analyse the issue. The findings from the analysis recognise that systematic fraud preventive actions are necessary in combating land fraud, and this include risk mitigating instruments in the form of land title assurance fund. Maqasid Syariah in its approach also emphasises preservation of integral pillars to redress the challenges of fraud in Malaysia.

Keywords: *Torrens system, fraud, assurance fund, maqasid syariah*

INTRODUCTION

Landowners might be wondering why land fraud cases keep cropping up notwithstanding efforts and measures towards its prevention has been continuously implemented and monitored. Transition from paper-based to computerised land administration system with the implementation of the Computerised Land Registration System and *e-tanah* pave opportunities for new form of land fraud. The unpleasant truth is the more sophisticated the system, the more inventive the fraudsters can be. Land fraud may happen in countries with efficient land registries, trained staff, and strong regulatory authorities as well as the transitional countries that adopted the system within the last 40 to 50 years where techniques of fraud may be different (Gunasekara, 2008). Besides, fraud may occur in manual or paper-based land administration or a combination of manual and paper-based administration or fully electronic land administration (Low, 2006). Even though there is no solid data to show

that fraud in land registration system has been increased with the introduction of electronic land administration system, but it provides new opportunities of fraud which is not viable in the paper-based system. (Low, 2006 and Low, 2008). Land fraud does not only cause financial losses to the victims but eventually affect the public confidence in the system runs by the government (Hanstad, 1998; Siti Radiaton and Khadijah, 2013). This paper seeks to analyse the challenges of fraud in land administration system by examining modus operandi in land fraud through selected decided cases. The findings from the analysis recognise that systematic fraud preventive actions are necessary in combating land fraud, and this include risk mitigating instruments in the form of land title assurance fund. These measures are coinciding with the objective of Syariah to uphold the rights to property and prevent any form of injustice and wrongful deprivation of property. Secure land tenure is one of the key elements towards sustainable development goals. The research employs a doctrinal legal approach by examining authoritative legal texts and decided cases to analyse the issue.

LAND FRAUD

In Malaysia, land registration system is based on the Torrens system which requires transfer of title and interest in land is affected by way of registration at the land office. The procedures for registration of dealings are provided in the National Land Code 2020 (Act 828) (NLC). By virtue of section 340 of the NLC, registration confers indefeasible title or interest to the person duly registered unless there are vitiating factors such as fraud, forgery, misrepresentation, void, and insufficient instruments in the registration process. (Section 340 (2) NLC). If the registration of dealings is tainted with these vitiating factors, then the title or interest of the immediate person who acquires the land is defeasible and can be challenged. However, once the land is transferred to a subsequent *bona fide* purchaser without knowledge of the fraud or other vitiating factors, then the right of the original owner is defeated by the right of the *bona fide* purchaser. This principle is known as deferred indefeasibility of title (O Connor, 2009). Consequently, the original owner, a victim of fraud, needs to recover the losses against the fraudsters which were normally in vain.

Fraud essentially involves using deception to make dishonest personal gain for oneself or to create a loss for another (Sharifah, 2008). Land fraud occurs when a fraudster attempts to or succeeds in inserting changes in the land register through fraudulent activity, with the goal of making some financial gains through criminally acquired property or interest in property (UNECE, 2011). Even if there aren't many incidents of land fraud in Malaysia, the fact that they do occur occasionally shows that the system is at risk. The infamous fraud case of *Adorna Properties Sdn. Bhd. v Boonsom Boonyanit @Sun Yok Eng* [2001] 1 MLJ 241 had raised great concern among public on the security of the land registration system in this country.

In the Torren system, the act of registration is done by the registrar or the land administrator by following the specific procedures provided in the statute (Section 88, 89 and 304 of the NLC). In many cases fraud happens due to the failure of staff at the land registry to adhere to the standard operating procedures at the land registry such as procedures to replace lost certificates of title or issuance of new title, negligence in the identification and verification procedures as well as use of certification clause (Noraida et al. 2013 and Ainul Jaria & Hunud, 2010). Besides, poor security measure in the implementation of computerised land administration system is also one of the factors that allows fraud to be committed in the land dealings (Syukri et. al, and Noraziah, 2019). Hunud (2008) identifies lack of systemic updating of the records and the lack of follow ups on the part of the registered proprietors of their property for long periods of time has facilitated the wide spreads of the land fraud. Besides, loopholes in the conveyancing procedures) also contributes to the factors. For example, there are prevailing practice in conveyancing firm in allowing their staff to oversee conveyancing matters in the absence of close supervision by lawyers (Noraziah, 2019) Fraudsters may use identity theft to induce lawyers into believing that they are genuine clients. This is done by producing genuine looking, but a fake identity card or a fake passport. In the case of *Anthony Ting Chio Pang v Wong Bing Seng & Anor [1997] 2 CLJ 831*, it was also held that the solicitors were negligent in failing to properly ascertain the true identity of the person who claimed to be the owner of the land. In the case of *Lau Teck San @ Lau Beng Cheng & 3 Ors v SK Song (1995) 2 CLJ 425 (HC)*, the court held that an attesting solicitor would be liable for professional negligence and or breach of an implied warranty of authority in the event the transferor turns out to be an imposter.

In several reported cases, land fraud is committed by forging the signature of the original landowner on instruments of dealings such as Form 14A, Form 16A and Form 16N. Apart from that, forged documents such as power of attorney, court order and distribution order are used to facilitate fraud. In the case of *The Bank of Nova Scotia Bhd v Saunah Kasni & Ors (2016) 1 CLJ 505*, the fraudsters had used forged discharge of charge and memorandum of transfer to execute the fraud. Notwithstanding the actual original title of the land was deposited at the high court for the purpose of the auction, the existence of three issue documents of title on the same land issued by the 3rd defendant (the Registrar of Land Titles, Selangor), make it possible for the fraudster to discharge the charge of the original chargee and affected the transfer in favour of the 2nd defendant and subsequent charge in favour of the 4th defendant. The court ordered the land to be reinstated in favour of the original chargee and declared the subsequent transfer and charge were invalid because the registration of the instrument of transfer and charge were affected through forged documents. The court concluded that 3rd defendant was negligent in failing to exercise due care and skill in issuing different version of the issue document of title to the said Land. In *Soon*

Poy Yong @ Soon Puey Yong v Westport Properties Sdn. Bhd & Ors [2015] 11 MLJ 1961 the fraudster used a forged power of attorney and a fake land title to affect multiple transfers of the land. The original landowner lost the property to the *bona fide* purchaser for valuable consideration who is protected under the proviso to section 340 (3) of the NLC.

In *Kamarulzaman bin Omar & Ors v Yakub bin Husin & Ors [2014] 2 MLJ 768*, a fraudulent transfer of a deceased's properties by third parties was made through order of distribution under Small Estates (Distribution) Act 1955 without the knowledge of the legitimate beneficiaries. The court ordered the undivided shares of the deceased in the said Land to be restored to the estate of the deceased on the register. In this case, the *bona fide* purchaser becomes the victim of land fraud and need to recover their losses from the perpetrators. In *Pendaftar Hakmilik, Pejabat Tanah dan Galian Selangor v Bank Pertanian Malaysia Bhd [2016] 2 MLJ 543*, a fraudulent land dealing was executed by a fake company which fraudulently used forged documents to change the records of the true owner at the Suruhanjaya Syarikat Malaysia before executed the fraudulent transfer. The land was transferred to a purchaser who subsequently charged to Bank Pertanian Malaysia Berhad as a security for the loan granted to part finance the purchase of the land. The court ordered the land to be re-registered in the name of the original owner and consequently the transfer in favour of purchaser and the charges in favour of the bank were struck off and removed from the register. The bank's claim against the land registry for negligence and breach of statutory duty was futile because the court was of the view the bank failed to establish the elements of negligence and bad faith on the part of the land registry.

A replacement title was sometimes used in fraudulent land transactions. In *Rajamani Meyappa Chettiar v Eng Beng Development Sdn. Bhd & Ors [2016] 4 CLJ 510*, an imposter conducted the land dealings by using a replacement title while the original title at all material times is in the custody of the original owner. The court ordered the land to be reinstated in the name of the original owner on the ground that existing title remained valid and indefeasible rendering the replacement title *void ab initio* and had no legal effect and was incapable of conferring indefeasibility. The land administrator (the 5th and 6th defendants) was grossly negligent for failure to follow statutory procedures prior to issuing the replacement title pursuant to section 421AA of the NLC. The court also found the 5th and 6th defendants were negligent when they registered the transfer despite the existence of the plaintiff's private caveat.

Land fraud had also taken place during the conversion of title from manual to computerized title. In the case of *Uptown Properties Sdn. Bhd. v Pentadbir Tanah Wilayah Persekutuan & Ors [2012] 8 MLJ 713*, the real landowner discovered that in the course of a computerisation exercise carried out by the land office in 1993, the 4th defendant had become the registered proprietor of the land in dispute. This happened

due to the 1st defendant's (Pentadbir Tanah Wilayah Persekutuan) mistake in typing the name of the 4th defendant instead of the plaintiff resulted in the 4th defendant being issued with the computerised document of title to the said land. The land office failed to comply with the 14th schedule of the NLC which requires a notice to be sent to the original landowner to surrender the old title in exchange for the new computerized title. The court held that the title which is wrongly issued in the 4th defendant's name is void. Similar incidence occurred in the case of *Shayo (M) Sdn. Bhd. v Nurlieda bt Sidek & Ors* [2013] 7 MLJ 755. During the conversion process from the manual title to computerised title by Perak land office, the computerised title of the land owned by the Plaintiff was wrongly issued in the name of the 1st defendant. Thereafter, the land had undergone series of transfer where the 7th defendant in this case was the last registered owner of the land. In the instant case, the evidence showed that there were gross negligence and breach of statutory duties by the registering authority in regard to the issuance of the computerized title. The registering authority had failed to ensure reasonable and adequate security to their computer system against hacking and internal fraud. Since the computerized title was *void ab initio*, the court ordered the title to be restored to the plaintiff. The 7th defendant was entitled to be indemnified by the registering authority against the losses suffered including the whole purchase price and other reasonable expenses incurred following the cancellation of his title.

Another aspect that contributes to the commission of fraud is negligence on the part of the land office. In *Malayan Banking Berhad & Ors v Tho Siew Wah & Anor* [2017] MLJU 119, The land title was cancelled by the 4th defendant, Pendaftar Hakmilik Negeri Selangor because of a re-delineation of boundary exercise. The newly issued title was collected by a person impersonating as the original landowner. The Registrar of Titles, Selangor admitted that there was no notice sent to the original landowner requiring the old title to be surrendered nor no notice was issued to the original owner to collect the newly issued title. The land was sold by an individual using the plaintiff's name and identification number ("the fake seller") to the 1st and 2nd defendants and the land was charged to Malayan Banking Berhad ("the 3rd defendant") in consideration of the loan granted to the purchasers to part finance the purchase of the land. The Court of Appeal concurred with the findings of the High Court that the 1st and 2nd defendants being the immediate purchasers of the land did not acquire indefeasible title since the transfer was obtained through forgery. The charge in favour of the 3rd defendant was also set aside on the ground that the 3rd defendant, even though was a subsequent purchaser, was not a *bona fide* purchaser for value without notice. This is due to the conduct of the 3rd defendant's lawyer who the court considered as being careless and negligent.

The effect of the registering authority's inability to keep correct registers which jeopardise the public interest is shown in the case of *Pendaftar Hakmilik, Pejabat Pendaftaran Wilayah Persekutuan Kuala Lumpur & Ors v. Poh Yang Hong* [2016] 9

CLJ 297. In this case, the purchaser entered into a sale and purchase agreement to buy a piece of land in Kuala Lumpur from the vendor. Towards the end of the transaction, the purchaser discovered that the land concerned was held under a different title number and was registered under a different owner. The purchasers filed a claim against the land registry for the tort of negligence. The land registry breached their duty of care to the purchaser by misrepresenting the true and actual particulars of the land and failed to maintain true and accurate records.

The case of *Lau Yong Ying v. The Bank of Punjab & Ors and Other Appeal [2018] 8 CLJ 446* is another striking illustration of the effect of failure on the side of the land registry to maintain accurate record. In this case, the purchaser purchased an auction land, without a notice that the land was subject to a vesting order under Anti-Money Laundering and Anti-Terrorism Financing Act 2001 (AMLATFA) due to the failure of the registering authority to endorse a notice of seizure on the title to the property. The transfer of the land in the name of the purchaser was defeasible because section 54 of the AMLATFA expressly provided that if the seizure remains in force, any dealings remain null and void.

The above cases indicate that the challenges of fraud in the land administration system are alarming. The perpetrators used various methods to overpass the system which includes identity theft, used of forged and fake documents and fake titles. In most of the cases, the fraudsters were assisted by the family members, lawyers, staff of legal firms and land office officers. As the final gatekeeper of the registration process, it is concerning to note that many incidents entail carelessness and errors on the side of the registering authority. It is high time for the government to come out with certain guidelines on the good practices in detecting and preventing fraud in Malaysia.

DISCUSSION AND RECOMMENDATION

Fraud in land transactions is difficult to combat for a variety of reasons. One of them is the difference in state practices, which make it difficult to understand the rules and requirements and, as a result, makes it difficult to detect fraud. Furthermore, it is difficult for the land registry or land office staff to identify forged signature or documents due lack of expertise and resources unless they are alerted by relevant parties. In addition, under the NLC, the registrar's duty during the registration process is essentially administrative, therefore they are not required evidence disproving fraud or unlawful dealings when nothing in the submitted documents suggest it, nor to inquire into unregistered interest (Syukri, 2011, Ainul Jaria & Hunud, 2010, Chai, 2008).

In addressing this issue, the government need to have strategies in place to guard against the risk of fraud. Currently, the government had implemented several measures such as the implementation of system known as SELAMAT wherein the biometric of the individual or representatives of legal firms will be recorded by the land office to ensure only the authorised person deals with the presentation and registration process. This paper recommends the following measures for good practices in fraud prevention measures:

- i) To use procedural check and control to prevent fraud particularly the accuracy of records at the land office, the process, and procedures for issuance of computerized title and replacement of title. The system should be able to detect fraud or malpractices at early stage and can be quickly rectified.
- ii) To notify landowners of any red flag transactions through electronic notification such as WhatsApp or SMS.
- iii) The security measures in the computerized land registration system must be tightened to avoid misused of access code and tampering of records (UNECE, 2011).
- iv) The government also need to invest in the capacity building of land office staff by training dedicated counter-fraud staff who continuously monitor and report on fraud and measures taken to counteract it (Syukri, 2011).
- v) Creating an anti-fraud culture among all land registry staff is important in preventing the external fraud. All staffs are required to understands the standards of conduct required in handling their day-to-day job (UNECE, 2011)
- vi) Conveyancing lawyers must also be continuously reminded to verify the identity of the parties in a land transaction particularly their client and to witness the signing of all instruments of dealings before attesting the signature. In Singapore, attending solicitor is required to provide certificate of correctness by the attending solicitor to make sure the documents presented has been verified and checked by the solicitor in charge. Failure to do so would make them liable for professional negligence. (Section 59, Singapore Land Title Act (Cap 157) (Act 27 Of 1993).

It is time for the government to seriously explore a protective measure in the form of a compensation scheme to provide statutory indemnity to the fraud victims who are unable to pursue their remedies against the wrongdoer, in addition to the

preventive measures that need to be continuously reviewed and upgraded (Salleh, 2008 & Syukri el at, 2013). By having such scheme, any person who has been deprived of their title or interest in land or suffered loss due to mistakes of the land registry or wrongful acts of third parties may claim their compensation from the fund established by the government. The scheme also works as acknowledgment of responsibility by of government for the loss incurred by the public due to the malfunction of the land registration system runs by the government (Flaws; 2003). The existence of a compensation scheme for land fraud victim helps in building public trust in the land registration system which is very important to enable land and property market to function effectively (Siti Radiaton, 2013). Besides that, the existence of compensation scheme will expedite the resolution of land disputes because the losing party may claim their indemnity from the compensation scheme.

A compensation scheme or assurance fund is a crucial component of the Torrens system that supports the idea of indefeasibility of title that the Torrens system promotes. Many jurisdictions that use the Torrens system, including Australia, Canada, New Zealand, and Singapore, have put it into practise. The British government did not, however, implement the concept into Malaysia's land registration system since at the time, there were few recorded examples of fraud and few land transactions (Wong, 1963, Dass, 1963 and Judith 1981). With the nation's growth and an increase in land transactions, fraud incidents are bound to occur occasionally. The need to have a compensation scheme or assurance fund introduced in Malaysia has been suggested by many scholars and researchers (Habibah el at, 2012, Salleh, 2013, Syukri el at, 2013, Noraida el at, 2017, Siti Radiaton, 2013). This is further strengthened by the court observations in several cases which pointed out the necessity to have such fund to remedy innocent parties in a land fraud case. Richard Malanjum CJ in the case of *Pushpaleela R Selvarajah & Anor v Rajamani Meyappa Chettiar & Others Appeal* [2019] 3 CLJ

“As the law now stands, our Code unfortunately, provides absolutely no remedy to innocent parties who are deprived of their lands due to fraud or forgery. It is high time for the relevant authorities to consider, as done in other jurisdiction, with the Torrens system of land registration, to establish a statutorily assurance fund to mitigate the losses suffered by registered owners because of fraud or forgery. The Torrens system ought to be implemented fairly and the relevant authorities must seriously look into amending the code to cater for an effective assurance fund”.

The assurance fund is based on two models (Caruthers and Skead, 2011). The original approach, known as the "Last Resort Model," was established by Sir Robert Torrens in South Australia. It requires the deprived party to exhaust all avenues before applying to the fund for

compensation. The basis for the Last Resort Model is that the deprived party is under a duty to protect their land and thus the burden is placed on them to pursue the wrongdoer. The compensation fund only operates as a last resort fund upon failure to get indemnified from the wrongdoer. Whereas the second model known as the 'First Resort Model' allows the deprived party to claim directly to the land registry without the need to file action against the wrongdoer. The registrar has the power to decide as to whether the claimant is entitled to the compensation. If the registrar determines that the claim is valid, the registrar can award the claimant indemnification for his loss together with reasonable expenses of bringing the claim. Consequently, the registrar is subrogated to any rights the claimant has against any wrongdoer.

The foundation for the 'First Resort Model' is that the fund should be operated purely on insurance principle to remedy any loss incurred due to the malfunction of the system. As such it is not necessary to prove any faults or mistakes of any parties. Comparatively, access to the fund is speedier and less onerous under the "First Resort Model" than it is under the "Last Resort Model." (NSW Law Reform Commission, 1989). To ensure there aren't any case floodgates, fraud prevention strategies must be successful before putting the "First Resort Model" into practice.

Any measures towards prevention of fraud are corresponding with the objectives of shariah to protect wealth (Nor Asiah, 2015). In Islam, this is done through various methods such as regulating the contracts of dealings, prevention from acquiring wealth through illegal means and prohibition of any form of devaluing or overpricing of commodities. Similarly, severe punishment awaits those who transgress the property of others such as the offences of theft, embezzlement, fraud, or extortion (Asyraf Wajdi and Said Bouheraqua, 2011). Furthermore, the provision of assurance fund to mitigate the risks in land dealings is consistent with the practice of *takaful* or Islamic insurance which is to provide joint guarantee and collective assurance among the contributors of the scheme. (Mohd Ma'sum Billah, 2003). Thus, the concept of *maslahah mursalah* (consideration of public interest) can be the ground for the establishment of an assurance fund in Malaysia.

CONCLUSION

Minimizing the incident of fraud and forgery in land dealings must be one of the government main agenda of land administration reform. Thus, all preventive measures and counter-fraud strategy must be systematically reviewed, evaluated, and

improved from time to time to ensure the agenda is accomplished. In the interim, a compensation plan needs to be incorporated into Malaysia's land administration system so that victims of land fraud can receive the appropriate compensation. All of these are crucial components for ensuring land tenure security and effective land management to achieve the 2030 Sustainable Development Goals.

REFERENCES

- Ainul Jaria Maidin and Hunud Abia Kadouf. (2010). Weaknesses in the Registration of Land Dealings System in Malaysia: Suggestions for Improvements for Enhancing the System. LNS (A), 1.
- Asyraf Wajdi Dasuki & Said Bouheraqua, (2011). The Framework of Maqasid as-Shariah (Objectives of Shariah) and Its Implications for Islamic Finance. Research paper no. 22/2011. Retrieved on 15 June 2016. <https://www.bibd.com.bn/pdf/article>
- Caruthers, P. and Skead, N. (2011). 150 years on: The Torrens Compensation Provisions in the 'last resort' Jurisdictions. Australian Property Law Journal vol. 1 Retrieved Mei 5, 2014. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2177459.
- Chai, N. K. (2008, October 22-23). Disclosing and Proving the Various Forms of Land Fraud. Paper presented at Seminar on 'Risk Reduction in Land Fraud', Grand Blue Wave Hotel, Shah Alam, Selangor, Malaysia.
- Dass, SK. (1963). The Torrens System in Malaya. Kuala Lumpur. Malayan Law Journal Ltd.
- Department of the Director General of Lands and Mines (Federal). (2009). Insights on The Proposed Insurance Principle of The Malaysian Torrens System, Report on Visiting the Singapore Experience on the Torrens Assurance Fund.
- Flaws, J. (2003). Compensation for Loss under The Torrens System-Extending State Compensation with Private Insurance. In David Grinlinton (eds.). Torrens in the Twenty-First Century. Wellington. Lexis Nexis.
- Gunasekera, K. (2008, October 22-23). Advancements in Reducing Land Fraud in Selected Countries. Paper presented at the Seminar on 'Risk Reduction in Land Fraud', Grand Blue Wave Hotel Shah Alam, Selangor, Malaysia.
- Habibah Kiprawi, Noraziah Abu Bakar, Norila Abu Hassan, Rafidah Datuk Salleh. (2012). The Viability of Introducing No Fault Liability Insurance in Land Registration: A Pilot Study. Research conducted for Bahagian Hal Ehwal Undang-Undang Jabatan Perdana Menteri.

- Hanstad, T. (1998). Designing Land Registration Systems for Developing Countries. *American University International Law Review*, vol 13, issue 3, 663.
- Hunud Abia Kadouf. (2008, October 22-23). Striking the Balance: Law, Justice and Policy Considerations in the Federal Court Decision of Adorna Properties Sdn. Bhd. v Boonsom Boonyanit @Sun Yok Eng {2001} 1 MLJ 241. Paper presented at Seminar on 'Risk Reduction in Land Fraud'. Grand Blue Wave Hotel, Shah Alam, Selangor, Malaysia.
- Judith Sihombing. (1981). *National Land Code: A Commentary*. Kuala Lumpur. *Malayan Law Journal*.
- Law Reform Commission of New South Wales. (1989) (NSWLR Discussion Paper 19, 1989). Retrieved March 26 2016. <http://www.lawreform.justice.nsw.gov.au/Documents/Publications/Reports/Report-76.pdf>
- Low, R. (2006). Opportunities for Fraud in An Electronic Land Registration System: Fact or Fiction? *eLaw J* 13, 225.
- Low, R. (2008). The Use of Technology to Automate the Registration Process within the Torrens System and its impact on Fraud, (Unpublished doctoral dissertation, Queensland University of Technology, Australia. Retrieved 29 March 2017. https://eprints.qut.edu.au/18301/1/Rouhshi_Low_Thesis.pdf
- Mohd Syukri Ismail. (2011). Measures Undertaken to Safeguard Against Land Fraud in Land Dealings. *Jurnal Pentadbiran Tanah*. Vol. 1, No.1
- Mohd Syukri Ismail, Yusri Zakariah, Anesh Ganeson. (2013). Land Administration System in Malaysia: The Torrens Assurance Fund. *Jurnal Pentadbiran Tanah* Jil. 3, Bil. 1, 57. Retrieved March 10, 2017. <http://www.kptg.gov.my>
- Mohd Syukri Ismail, Raja Nor Shahriza Abd Karim, Raja Azrina Raja Othman and Ainul Jaria Maidin, (2011). Identifying and Overcoming the Risks of Fraud in the Malaysian Electronic Land Administration System, Paper presented in 2011, International Conference on Research and Innovation in Information Systems. *2011 International Conference on Research and Innovation in Information Systems*. Retrieved March 13, 2017. https://www.researchgate.net/publication/261449549_Identifying_and_overcoming_the_risk_of_fraud_in_the_malaysian_electronic_land_administration_system
- Mohd Ma'Sum Billah. (2003). *Islamic Insurance (Takaful)*. Selangor. Ilmiah Publishers Sdn. Bhd.
- New South Wales Law Reform Commission. Issue Paper 6. (1989). *Torrens Title: Compensation for Loss*. Retrieved March 20, 2015.

<https://www.lawreform.justice.nsw.gov.au/Documents/Publications/OtherPublications/Discussion-Papers/dp19.pdf>

- Noraida Harun. (2015). Isu Penipuan dan Pemalsuan Dalam Urus Niaga Tanah: Adakah Hak Pemilik Tanah Atau Pembeli Terpelihara? Retrieved March 10, 2015. <http://sapkoenglish.umt.edu.my>.
- Noraida Harun, Jady@Zaidi Hassim & Noor 'Ashikin Hamid. (2013). Penipuan, Rasuah dan Pencurian Maklumat Dalam Urus Niaga Tanah: Cabaran dan Penyelesaian. *Kanun*, 25 (2), 174-175
- Noraida Harun, Jady@Zaidi Hassim & Noor 'Ashikin Hamid & Kamaliah Salleh (2017, March 4-5). Remedi Dalam Penipuan Tanah: Satu Tinjauan. Paper presented at The International Seminar on Islamic Jurisprudence in Contemporary Society, (ISLAC 2017). Fakulti Pengajian Kontemporari Islam, UnisZa, Terengganu.
- Noraida Harun, Jady@Zaidi Hassim and Nazli Ismail Nawang (2015). Land Scams Involving the Power of Attorney in Land Dealings in Malaysia. *Pertanika J Soc Sci & Hum* 23(S): 97-106.
- Noraziah Abu Bakar (2016). Security of Tenure in the Malaysian Computerized Land Registration: A Myth. *Medwell Journals the Social Sciences II* (Special Issue 6: 7310-7313).
- Nor Asiah Mohamad (2015). Land Development in the Light of the Objectives of Shariah (*Maqasid*). *Syariah Report 1*, cvi-cvii.
- O Connor, P. (2009). Deferred and Immediate Indefeasibility: Bijural Ambiguity in Registered Land Title System. *The Edinburgh Law Review* vol. 13,198. Retrieved January 30, 2015. www.law.monash.edu.
- O Connor, P. (2003). Security of Property Rights and Land Title Registration System. (Unpublished Phd Thesis). Monash University.
- Salleh Buang. (2013). Land Tenure in Malaysia: Prospects for Reform. Kuala Lumpur. Dewan Bahasa dan Pustaka.
- Salleh Buang. (2008, October 22-23). Title Insurance and Assurance Fund: Prospect for Adoption in Malaysia", Paper presented at Seminar on 'Risk Reduction in Land Fraud. Grand Blue Wave Hotel, Shah Alam, Selangor, Malaysia.
- Sharifah Zubaidah Syed Abdul Kader. (2008, October 22-23). Disclosing the Types of Land Fraud Under Malaysian Law. Paper presented at Seminar on 'Risk Reduction in Land Fraud', Grand Blue Wave Hotel, Shah Alam Selangor, Malaysia.
- Siti Radiaton Adawiyah. (2013). Sekuriti Ekonomi dalam Sistem Pentadbiran Tanah di Malaysia. (Unpublished Ph.D. thesis). Universiti Teknologi Malaysia.

- Siti Radiaton Adawiyah and Khadijah Hussin. (2013). Recognition of the Economic Security in in Malaysia. *China-USA Business Review* vol. 12, no. 8, 768-774.
- Siti Radiaton Adawiyah and Khadijah Hussin. (2012, March 12-13). Assurance Fund as a New Mechanism Protecting Landowners in Malaysia. Paper presented at 3rd International Conference on Business and Economic Research Proceeding, Bandung, 5.
- Sistem SELAMAT Bendung Penipuan. (2013, September 12). *Berita Harian*.
- United Nations Economic Commission For Europe (2011) Study on the Challenges of Fraud To Land Administration Institutions, Fraud study Final signed off print ready.cb (unece.org)
- Wong, D. SY. (1963). *Tenure and Land Dealings in the Malay States*. Singapore. Singapore University Press.

Legislation

- National Land Code 2020 (Act 828)
- Singapore Land Title Act (Cap 157) (Act 27 of 1993).

Case-Law

- Adorna Properties Sdn. Bhd. v Boonsom Boonyanit @Sun Yok Eng* [2001] 1 MLJ 241
- Anthony Ting Chio Pang v Wong Bing Seng & Anor* [1997] 2 CLJ 831
- Lau Teck San @ Lau Beng Cheng & 3 Ors v SK Song* (1995) 2 CLJ 425 (HC)
- The Bank of Nova Scotia Bhd v Saunah Kasni & Ors* (2016) 1 CLJ 505
- Soon Poy Yong @ Soon Puey Yong v Westport Properties Sdn. Bhd & Ors* [2015] 11 MLJ 1961
- Kamarulzaman bin Omar & Ors v Yakub bin Husin & Ors* [2014] 2 MLJ 768
- Pendaftar Hakmilik, Pejabat Tanah dan Galian Selangor v Bank Pertanian Malaysia Bhd* [2016] 2 MLJ 543
- Rajamani Meyappa Chettiar v Eng Beng Development Sdn. Bhd & Ors* [2016] 4 CLJ 510
- Uptown Properties Sdn. Bhd. v Pentadbir Tanah Wilayah Persekutuan & Ors* [2012] 8 MLJ 713
- Shayo (M) Sdn. Bhd. v Nurlieda bt Sidek & Ors* [2013] 7 MLJ 755
- Malayan Banking Berhad & Ors v Tho Siew Wah & Anor* [2017] MLJU 119
- Pendaftar Hakmilik, Pejabat Pendaftaran Wilayah Persekutuan Kuala Lumpur & Ors v Poh Yang Hong* [2016] 9 CLJ 297