

Mekanisme Urusniaga Pajakan Persendirian Bangunan Strata di Malaysia

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ABSTRACT

Recently, the dealings of stratified building through the private lease mechanism has been introduced by industry players in Malaysia. However, the negative response given on its implementation indicates that it has become a new challenge to the land administration system in Malaysia today. This transaction has been considered as benefiting the landowner and the developer more than to the end buyer. Thus, a study was conducted to systematically investigate in detail the dealings of stratified building through the private lease mechanism in the country. The study was conducted to achieve the three objectives of the study, namely: 1) to identify the current implementation of the strata private leasing scheme mechanism; 2) to review the existing mechanisms adopted in the strata private lease scheme and its implications on the end buyer; and 3) to propose a strata private lease scheme mechanism for the interest of the end buyer. The study was conducted using a qualitative approach. Primary data were collected through interviews with parties involved in the development of strata private lease schemes in Medini, Johor. The parties involved include the state authorities and property lease buyers. The collected data were analyzed using qualitative analysis methods. The framework of the strata private lease scheme mechanism was finally finalized and validated through focus group discussion with appointed expert panels. The results of the study found that the mechanism of the existing strata private lease scheme does not comply with the basic principles of strata ownership in Malaysia which is based on collective self-management. This is due to the landlord of these strata schemes becoming the sole owner of the common property and becoming the sole member of the management corporation. As such, recommendations have been made to improve the existing mechanism so that the strata private lease scheme in the country is in line with the basic principles of strata ownership and also to safeguard the interests of property buyers.