

# **Comparing and contrasting land Administration Systems in Switzerland and Malaysia Using the Steudler's Framework**

## Executive summary

The purpose of this paper is to compare as well as contrast land Administration Systems in Switzerland and Malaysia Using the Steudler's Framework. The paper has an introduction, which a brief overview of the report. The last part of the introduction is the thesis statement that shows reason for drafting the report, that is, what the report will do. The report analyses the land administration systems for each of the two nation and provides a conclusion that shows that main differences and similarities of the land administration systems of the two nations.

## Introduction

Land administration refers to the various ways in which the laws of land tenure are applied and made operational (Williamson, Enemark, Wallace and Rajabifard 2010, pp. 48). Whether formal, or informal, the land the land the systems of land administration involves extensive ranges of systems as well as process for administration of land. According to Enemark, Williamson and Wallace (2005, pp.53-57), the various processes of land administration comprises of the transfer of land ownership rights from one party to another through such processes like leasing, selling, loans, inheritance as well as gifts. In addition, the land administration systems include the regulation of land and property development, utilization, and conservation of land, resolving of conflicts relating to the ownership as well as utilization of the land, and gathering of revenues from land from sales, leasing, as well as taxation (Williamson 2001, pp.299). The systems of land administration can be categorized into four components. These include fiscal, regulatory, juridical and information management. The various categories of land administration can better be organized in terms of agencies that have the responsibility of mapping and surveying, land evaluation as well as land registration (Ntsebeza 2004, pp. 83). This paper seeks to Compare and contrast the Land Administration Systems Switzerland and Malaysia using the Steudler's Framework.

## Significance of the Steudler framework

This framework is of great importance in the evaluation of national systems of land administrations. The framework is founded on fundamental theories of organizational management. The framework comprises of six components of an organization, though three of the parts are the main. The base of the organization comprises of the operators, whose duty is to accomplish the fundamental duties leading to the production of the products and improvement of services. This forms the operating core. The framework helps in defining the various level of organization.

## Case studies

### **Switzerland**

Switzerland is officially referred to as the Swiss Confederation. This is a federal republic in Europe. The nation consists of 26 cantons (Schoenenberger and Stuck 2006, pp. 987). The nation is located in western as well as central Europe. It is bordered by Italy on the southern side, France on the western side, Austria as well as the Liechtenstein on the east and Germany on the northern side. The nation is landlocked and is geographically subdivided between the Swiss plateau, the Jura and the Swiss Alps (Culpepper 2007, pp.613). The nation has a population of about 8.1 million. About 68 percent of the population of Switzerland lives in the urban areas.

### **Swiss cadastral system**

The cadastral system in Switzerland comprises of the cadastral surveying, the land register, and the cadaster concerning public law restrictions on landownership. Under the Napoleonic impact amid the nineteenth century, cadasters were built up in larger part of the locale, however this was principally implied for budgetary reasons (Steudler 2006, pp.610). The common law dating 1912 involves the premise of the cadastral framework with the two noteworthy components of area enrollment and additionally cadastral reviewing. Based on the administrative as well as the political structure of the country, the organizations involved in the cadaster are located in distinct levels of administration, that is, cantonal and federal administrative levels (Steudler, Rajabifard, and Williamson 2004, pp.373). What is more, the organizations have different responsibilities. The function of the KVA is ensuring the implementation of cadastral plotting within their territories as well as jurisdictions. Even though there are similar solutions for all the cantons, most of them contract the research and the preservation of mapping data as well as cadastral plans to reserved land evaluator offices (Rajabifard et al 2007, pp.277). The offices function as the civic agents on behalf of the cantons. For the registration of lands, setting up of offices as well as districts, the compensation and the appointment of the land registrars are found in the competency of the districts.

## Actual EVALUATION OF THE SYSTEM

### **Policy Level Aspects**

#### **Land policy aspects and objects**

The cadastral issues are clearly mentioned in the Swiss registration. The cadastral issues are mentioned in the civic code with accompanying orders as well as guidelines. Nevertheless, there is no mention of the land administration issues in the constitution. In addition, there is no holistic administrative policy for administration of land, even though they are clearly covered by the numerous agencies that have the responsibility concerning the specific topics (Lemmen et al 2003, pp. 23). The main goals of the cadaster system are support of land market needs and

providing land ownership security. With the organization of computerized area arrangements, the cadastral looking over extended the part of the spatial information keeping in mind the end goal to serve to serve likewise for area data frameworks.

### **Historical, political, and social environment**

The information of the verifiable foundation is of extraordinary significance since it speaks to the social gathering of the cadastral framework. The structures of area organization are unmistakably adjusted and appropriate to the managerial and in addition the political structures. Great administration and city support are ordinarily very much regarded, fundamentally on the grounds that the standard of subsidiarity is indispensable in the political framework.

### **Performance Gap**

Existing information as well as data from the various agencies is difficult to access in a complete way because of the decentralized governmental structures.

### **Land tenure and legal aspects**

The courses of action ashore residency are clear and appropriate to social and also social circumstances. From the legitimate perspective, the security of the area possession is fitting and suitable to situations. However a rising thickness of open law controls and in addition confinements constrains the utilization of one's property extensively..

### **Performance gap**

The documentation of the public rules, laws, as well as restrictions is not incorporated in the cadaster market.

### **Economic and financial aspects**

The part of the area market in Swiss is unmistakably settled and dynamic. Also, the arrangement of area organization is steady and proper to the circumstances. Besides, the financing of the cadastral studying is built up in view of the political federative structures. The three levels of government finances the different cadastral looking over exercises , which is by and large a deterrent to the successful trepidation of the central undertakings (Stuedler and Williamson 2013, pp. 27). With the endorsement of activities, including of the considerable number of levels is of extraordinary significance since it guarantees the acknowledgment of the task. There is huge income through area charges, stamp obligations, and also different expenses, yet couple of information exists. Execution crevice: the different area expenses and also assesses go basically to the cantonal coffers, while cadastral studying battles in planning from the brought together level.

### **Environmental sustainability aspects**

The systems of land administration support protection of the environment by efficient planning of land use as well as zoning regulations. Responsibilities as well as responsibilities are included in the cadaster, with the impact of a specific non-transparency.

## **Management Level Aspects**

### **Strategic aspects**

The cadastral looking over as of late settled another open administration framework that screens various markers and characterizing and auditing the system yearly. As per Steudler, Williamson and Rajabifard (2004, pp. 17), the main significant target as of now is the accomplishment of 100 percent scope of the computerized cadastral reviewing. This is on the grounds that the convenience of the data frameworks is high reliant on their level of accessibility.

### **Institutional and organizational aspects**

On the level of the government, both the topographic mapping and in addition the cadastral review was incorporated in 1999 to be under the capacity of the elected division of resistance, game, and common assurance (Kaufmann, Gubler, Glatthard and Steudler 2002, pp. 17). Then again, the area registry is composed under the Federal office and police. Despite the fact that each of the parts of area organization is sorted out in various routes, every one of them need to follow and welcome the decentralized and government political arrangement of Switzerland.

### **Human Resources and personnel aspect**

The total number of personal in the cadastral surveying in Switzerland is about 3100. On the other hand, the personal in land registry is about 2000 (Cashin and McGrath 2006, pp.637). The remunerations for the workers in the private as well as the private sector is are appropriate and comparable.

### **Land administration and cadastral principles**

There is a single complete cadastral system in Switzerland. The principle is a parcel based, which ensures there is a unique assigned property title for all the land parcels. Theoretically, the parcels of land are assumed to cover the entire territory with no overlaps or gaps. In addition, the roads, lakes, and rivers are assumed to be segregated as single land parcels that have assigned owners. What is more, there is effective security for the cadaster leading to low disputes on boundaries and titles (Cashin and McGrath 2006, pp.639). Furthermore, the cadaster does not indicate the entire legal condition of the land since it does entail information concerning likely zoning and other restrictions on public rights. The result of this is an increased degree of intransparency in land markets. Cadastral surveying data is traditionally used for wide variety of utility as well as planning purposes. What is more, the structuring of the cadaster system into layers and the subsequent conversion of the surveying data into digital format leads to high levels pf usability, adaptability, and flexibility.

## **Operational level aspects**

### **The definition of the users, services, and products**

The entire system of land administration is not working towards the provision of services to the users, even though over the last year, significant efforts have been made concerning the same. The provision of services is now left in hands of the private sector, whereas the cantonal public authorities plus the supervising federal regularly only looks after their direct obligation of supervising.

### **The performance Gap**

There is no complete as well as user-friendly service; the fees are inhomogeneous and normally perceived as high. The cadaster system is driven significantly by technology compared to the real requirements.

### **Aspects that affect users**

The reliability of the cadastral system is efficient, and this results to boundary as well as tile disputes. In addition, there is effective organization of security with controls as well checks on the procedures of data backup. The regular updates done on the cadastral databases are accomplished via well-defined procedures of notifications. Because of the decentralized and the federative structure of the Swiss government, access to data is not easy especially when data are required for wide areas (Cashin and McGrath 2006, pp.641). However, with the deployment of online services, internet solutions are continually improving, hence allowing efficient access to the cadastral data.

### **External Factors Aspects**

#### **Capacity building and education**

There exist numerous seminars as well workshops organized for a continuous staff education. In surveying, there are adequate dimensions for education, even though the surveying division is suffering a continuous degeneration in the number of scholars, even if partially compensated by increasing number of students in geomatics.

#### **Performance gap**

The coordination between the land administration and academic sector is not close.

#### **Technological supply**

Locally existing industry is strong enough for purpose of supplying the local market with the various products as well as tools for use in land administration.

### **Professional aspects**

In Swiss, an expert affiliation is exceedingly dedicated to the improvement of expert interests. The connections between people in general and private segments with the relationship for the experts are both great and suitable.

## **Review Process Aspects**

### **Review process**

The cadastral surveying established a public management system with the purpose of monitoring and reviewing the goals and strategies on regular basis.

### **User satisfaction**

Satisfaction of users is measured for single areas, however, not in a universal way. Generally, it is felt that user satisfaction levels satisfactory even though it has the potentials for improvement.

### **Gap on performance**

Customers perceive the cost of surveying and transaction to be high. In addition, the customers feel that they can be served well efficiently during the internet age.

### **Reforms and Visions**

The involvement of the private sector offers continuous challenge for the discussion concerning new versions. This is of benevolence to the entire cadastral system.

## **Land Administration systems in Malaysia**

The field of land administration, including the legal protection, information systems, the land multiactivities, land registry is all practiced in both states and federal levels of governments.

### **Land Ownership/Tenure**

The ministry of natural resources and environment controls the ownership of land in Malaysia. Other stakeholders that influence the ownership of land include JKPTG, State and District Land and Mines Office. The functions of these two offices include land registration, land acquisition, land development, collection of land revenue, enforcement of land and land alienation. The various legalizations involved in the land ownership and tenure include state land rules, the strata titles act of 1985, the federal land commissioner act of 1957, the land acquisition ordinance of 1948, and the national land code (Williamson 2001, Pp. 299).

### **Land Use**

Both the ministry of housing and local government and the department of federal town and country planning help to control the land use in Malaysia. The two offices are involved in strengthening the physical, economic, and social development system in both urban and rural areas particularly in upgrading the living standards (Williamson 2001, pp.303-304).The offices

help in drafting as well as in implementing planning methodologies, guidelines, policies, as well as plans. In addition, the offices help in numerous legalizations such as county and town planning act of 1976, the local government Act of 1976, the drainage and building Act of 1974 and the uniform building By-Law of 1984 (Williamson 2001, pp.305).

### **Land Value**

The valuing of land in Malaysia is placed in the hands of the ministry of finance. The other agencies that deal with land valuation are the Department of Valuation and Property Services. The two offices help in the provision of accurate, complete, and timely information concerning the supply as well as the demand of property for the government agencies, the property developers, plus all the parties with interest in property industry (Bennett, Wallace and Williamson 2008, pp.129). What is more, the two offices offer complete, updated, and quality information concerning demand and supply of land. In addition, the property designs and maintains state property stock-warehouse and advises the government on the issues of property development.

### **Conclusion**

From the above analysis, it is clear that the land administration systems of both Malaysia and Switzerland have numerous similarities as well as differences. To begin with, unlike in Malaysia whereby the ministry of finance is significantly involved in land issues, in Switzerland the ministry is not highly involved. There are many land bodies involved in the valuation and other land functions in Switzerland unlike in Malaysia. The similarity between the land administrations in the two nations is that issues concerned lands are solved in both state and federal levels.

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