

LAND GOVERNANCE IN BRUNEI DARUSSALAM

PENGIRAN HARIZAN BIN PENGIRAN HAJI PIUT

UNIVERSITI TEKNOLOGI MALAYSIA

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I dedicated this thesis to those I adore and love: Pengiran Haji Piut, Pengiran Hajah Osliah, Pengiran Nor Azemaah, Ak Muhammad Aiman Hanif, Dk Nur Aisyah Hannani and my family.

I thank you for your love, prayers, encouragements and patience.

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To my beloved Father and Mother, your prayers, encouragements and guidances have given me the ability to move beyond all this time, and will ever be forever. And lastly, to my very precious wife children, your patience, perseverance and commitment all this while and after this are the strength and will for me to stand up to every fall and fail. May Allah grants us all his favours and Graciousness in life and hereafter with His will and love.

ABSTRAK

Tadbir urus tanah terbukti sangat penting dalam pembangunan dan kelangsungan hidup sesebuah negara. Walau bagaimanapun, cabaran yang berkaitan dengan tadbir urus tanah adalah perdebatan yang berterusan kerana ia terus berubah selari dengan perkembangan masyarakat. Kebanyakan kajian tentang tadbir urus tanah metumpukan kepada aspek umum pentadbiran dan pengurusan tanah dengan merujuk kepada amalan terbaik tadbir urus yang baik. Namun hanya sedikit yang menggangap penilaian tadbir urus tanah secara spesifik kepada pelaksanaan keupayaan mana-mana institusi tertentu yang bertanggungjawab dalam menjalankan pentadbiran dan pengurusan tanah. Kajian terkini membuktikan kepada adanya keperluan untuk meneroka keupayaan mana-mana institusi terbabit terhadap tadbir urus tanah yang baik berdasarkan bukti realistik bagi menghasilkan situasi yang sebenar serta penyelesaian untuk sebarang isu dan masalah yang berkaitan. Kajian ini meneroka tadbir urus tanah di Brunei Darussalam dengan menilai salah satu keupayaan institusi dalam memberikan perkhidmatan yang berkesan dan cekap kepada pihak berkepentingan. Objektif pertama kajian ini menumpukan pada membangunkan rangka kerja konseptual dan mengenal pasti kaedah yang sesuai untuk penilaian prestasi melalui kajian lepas yang pelbagai dan perbincangan dengan pakar profesional. Kerangka ini kemudiannya digunakan sebagai asas kriteria dalam mereka bentuk persoalan berkaitan yang relevan untuk mewawancara pakar profesional dan soal selidik tinjauan. Hasil daripada instrumen ini kemudiannya diperkuat dengan menggunakan alat USAID-OCA untuk menghasilkan kesimpulan pengukuran prestasi yang kukuh, dengan itu membolehkan objektif kedua kajian, iaitu menilai dan membentangkan analisis prestasi tadbir urus tanah di negara ini. Hasil pengukuran prestasi menunjukkan kapasiti institusi yang rendah dalam menyediakan penyampaian perkhidmatan yang cekap dan berkesan kepada pihak yang berkepentingan, dengan 88% skor kriteria tadbir urus institusi menunjukkan kapasiti yang rendah dan kurang memuaskan berbanding dengan kapasiti yang baik dan tinggi. Dapatan ini adalah sangat berharga untuk memenuhi objektif ketiga kajian ini yang mencadangkan penyelesaian yang berdaya maju untuk mengatasi masalah dan cabaran yang berkaitan dengan tadbir urus tanah. Kertas dasar generik telah dicadangkan untuk mengatasi masalah dan cabaran tersebut, dan telah diterima menerusi teknik MDM (Modified Delphi Method).

ABSTRACT

Land governance is proven to be significant in the development and survival of any nation. However, challenges associated with land governance have been a continuing debate as they keep changing due to the progress of any given society. Most researches on land governance have concentrated on the general aspects of land administration and management with reference to best practices of good governance. Very little research considers assessing land governance on the basis specific to capacity performance of any particular institution responsible in carrying out land administration and management. Recent substantiated studies suggest the need to explore such institution capacities based on realistic evidence to come up with precise scenario as well as viable solution to any related issues and problems. This thesis explores land governance in Brunei Darussalam by assessing one of its institution capacities in providing effective and efficient services to stakeholders. The first objective of the research concentrates on developing a conceptual framework and identifying suitable methods for performance assessment through diverse literature reviews and professional discussions. The framework is then utilized as a means to devise feasible query criteria for both professional interviews and a survey questionnaire. Findings from these instruments are then reinforced by applying the USAID-OCA Tool to come up with solid performance measurement conclusions, thus enabling the second objective of the study, namely to assess and present the performance analysis of land governance in the country. The outcome of the performance measurement indicated low institutional capacity in providing efficient and effective service delivery to stakeholders, with 88% of the institution governance criteria scores indicated low and basic capacity as opposed to good and high capacity. This finding is valuable to meet the third objective of the study which is to propose a viable solution to overcome issues and challenges related to land governance. A generic policy paper has been proposed to mitigate the said issues and challenges, and it has been accepted through the MDM (Modified Delphi Method) techniques.

CHAPTER 1

INTRODUCTION

1.1 Research Background

The issue on development has long been a crucial subject of discussion particularly with regard to national interests. For many, development is by far important as it determines the direction and status of a society as well as any nation towards achieving particular goals irrespective of their differences. Consequence to this, governance is significantly pressured by the ever-increasing needs of its societies as well as the demand to provide corporate governance for global economies (Aguilera *et. al*, 2009). With the rapid increase of population and level of globalization around the globe, the challenges for development and governance are becoming more intense. Hence, the United Nation declaration of the Millennium Development Goals in 2010 has place good-governance as global top agenda for sustainable development.

But what constitutes good governance? Different nations perceived good-governance in different perspectives. Political systems and societal behaviors are foremost the main determinants of what good in governance really means. The World Conference on Good Governance (1999) broadly defines good governance as a system that is transparent, accountable, just, fair, democratic, participatory and responsive to people's needs. But (Abdul, 2000) justly refined the definition of good governance as “the process of policy formulation and implementation through consensus-building among the various concerned sectors with the aim of improving

the overall quality of life of all citizens”, where he emphasized such definition on relating good governance with government’s role towards achieving higher standard of living for its people.

From these two definitions, it is clear that good-governance does not reflect on merely actions of good acts in governance, but also the bigger picture of integration and cooperation among organizational entities not just within a government, but transnational and international as well that would resulted into common purposes of contentment for every level within each society globally.

If the above statements are justifiable, thus good-governance are critical in every societal context be it national, political, social as well as economy, and that mutual understanding among nations are significant in such areas. This is agreed upon by Samsudin *et al.* (2000) where they argue that good-governance should serve as a basis to guide and influence the convergence of globalization of the new millennium towards future development. From here, we can take population growth as an easy example. People requires control and order for them to advance in terms of development.

To achieve this, sound governance are needed for such control and order to take place. If we relate this to the present trend of population growth around the globe, one can clearly see the challenges it brought upon the world development pattern. As Meadows *et al.* (1972) stated, if the present growth trends in the world population, industrialization, pollution, food production and resource depletion continue unchanged, the limits to growth on this planet will be reached sometime within the next hundred years.

Oddly relevant, all that was mentioned requires regulators and control in order to achieve balance and sustainability. Thus a better and favourable governance is needed in order to ensure resources organization. According to the United Nations statistical report (Table 1.1), the world population has tripled over the last 65 years since 1950 from over 2.5 billion to 7.3 billion people in 2015 (United Nations, 2015). These numbers are alarming enough for cooperative governance that could ensure

development and provide ‘lesson learned’ perspectives on how to regulate and control resources based on good in governance.

Table 1.1 : World Population Growth

	Population 1950	Population 1970	Population 1990	Population 2010	Population 2015	Total Growth % (1950– 2015)
World	2,525,149	3,607,866	5,309,688	6,929,725	7,349,472	291.05
Africa	228,902	365,626	631,614	1,044,107	1,186,178	518.20
Asia	1,394,018	2,120,430	3,202,475	4,169,860	4,393,296	315.15
Europe	549,089	657,221	721,086	735,395	738,442	134.48
America	168,844	288,494	446,889	599,823	634,387	375.72

Source: United Nations, Department of Economic and Social Affairs, Population Division (2015).

As tabulated above, the trends of growth combined with the need to tackle issues and challenges brought forward by globalization such as poverty, overpopulation, pollutions and resource over-consumption have called on a more strategic as well as comprehensive measures of sustainable development and good-governance in different arenas (Fink *et al.*, 2014; Angel *et al.*, 2011; UN-Habitat, 2011; IEA, 2008). One of the areas is land administration which was also an identified development factor signified by the Vancouver Declaration in 1976;

Part II (10). Land is one of the fundamental elements in human settlements. Every state has the right to take the necessary steps to maintain under public control the use, possession, disposal and reservation of land. Every state has the right to plan and regulate use of land, which is one of its most important resources, in such a way that the growth of population centers both urban and rural are based on a comprehensive land use plan. Such measures must assure the attainment of basic goals of social and economic reform of every country, in conformity with its national and land tenure system and legislation.

(Vancouver Declaration 1976)

Land being one of the most important but limited and finite sources of commodity plays very significant role in the development of a country. Land is everything, be it politically, socially or economically. Land requirement cover almost every aspects of society from government administration, economic activities, residential purposes and even social status. Such requirement changes from time to time based on transformations and developments experienced by the society itself (Abdul Wahab, 1997).

Brunei Darussalam, like any other nations in the world, has also experienced the need for good in managing governance, particularly in land administration. A small country with approximately 5,765 sq. km. of land coverage put the country among the list of small nations with finite resources. The necessity to align with current global capitalist and liberal economies put pressures on the country's social and economic principles into a more open policy towards transnational and international agenda. However, with its complex political system, it is rather difficult to grasp completely external ideals especially on good governance.

The introduction of the first five-year National Development Plan (1953 – 1958) marked the first organized and systematic development planning in Brunei for the whole country that initially focuses on infrastructures and basic economic and social development (Khairul Rijal, 2007). Since then, the country has witnessed the expansion of its capital city *Bandar Seri Begawan*, the emergence of towns in all four districts, government buildings and institutions, commercial and industrial conglomerations, residential areas and many others.

Through the NDP's, combined with medium and long-term development strategic plans namely the National Land-Use Master Plan (NLUMP 2006-2025) as well as the *Wawasan Brunei 2035*, the country aims at promoting and to achieve sustainable socio-economic development via effective public, private and third sector partnerships (PPP). Through this, positive steps have also begun taking place towards improving land administration governance through national development policies and planning as well as co-ordination between governments and members of society.

Modern land administration in the country started with the introduction of the Land Code in 1907 that was enacted based on the “*Torrens*” system to replace the country’s traditional land tenure. While the Land Code caters for legal requirements, land management, policies, planning and control of land development are exercised primarily by the government under its agencies be it at ministerial or departmental levels. As an absolute monarchical country, administrative procedures in governance is ‘vertically’ straightforward where political administration and decision-making vested solely in the hands of His Majesty the Sultan under advisory of his councilmen of ministers (Kershaw, 2001).

Land governance follows the same pattern where any matters relating to land must require the consent of the Sultan in council thus making land administration, legislation and policy unified. This is different from countries that have multiple states such as Malaysia where “...*planning and control of land development is exercised primarily by the local and state authorities*”(Adibah, 1997) whereby each states has their own policies and systems for governing land (Mohd. Shukri, 2011).

Land alienation under the Brunei LC CAP.40 Sec.3 is one of the main tools for land governance. As the provision states:

...His Majesty the Sultan and Yang Di-Pertuan in Council may alienate State Land for such interest and in such manner as is authorized by this code...

In the past, alienation of land made it possible for distribution of as well as ownership of lands be it for government and public use or private ownerships. It enabled the state to make proper planning for social and economic development of the country. The same provision also declared that:

All Forest, waste, unoccupied or uncultivated land shall be presumed... to be state land...

By such provision, (notwithstanding the actual definition of belonging and ownership which will be discussed further in another chapter) all lands in Brunei

Darussalam are deemed owned by the state. This is because the code authorizes the government to exercise eminent domain of its land by way of alienation (Tobin, 1992).

In the current days, land alienation still plays its pivotal role as one of the main tools for land governance in the country. Aligned with present requirements, land alienation is serving its purpose as a catalyst for national development by provisioning land for infrastructural and residential demand and expansion. However, with the ever-increasing challenges brought upon the application of good-governance in land administration itself has culminated into the requirement for better policies and planning particularly on land alienation governance.

1.2 Research Formulation

From the discussion presented in the previous section, it is clear that land management and administration is an important factor in determining a country's development (Williamson *et al.*, 2010; Enemark *et al.*, 2015) and more importantly as a tool for good governance.

The importance of land exceeds government interests whereby stakeholders within a society also have different roles and interests in land-related businesses. Poor interaction, miscommunication, unclear policies and processes between governments and these parties have proven to be problematic. As argued by Agunbiade *et al.* (2015), land as a resource is not currently managed efficiently and effectively in most countries in the world and one of the factors is the level of integration between agencies. It is prudent to understand that land is unique in a sense that it affects people whether individual(s) or organizations and that to manage it requires understanding of their rights and interests. Thus a systematic approach and policy undertakings need to be heavily addressed in order to facilitate such interaction effectively.

As discussed earlier, land alienation plays very important roles as a tool for land governance in Brunei. Towards the year 1984 and after the country's full

independence, the role of land alienation has become much more significant and clearer. Alienation in general term can be described as “*the transfer of ownership of property rights*” (OED, 2014). However in practice, it is referred to as government authority in disposing land to any (be it individual, private or government entities) for any purposes deemed as serving the former beneficial interests. But to describe the term land alienation in Brunei is epistemologically difficult as there is currently no exact definition made for it.

What referred to as land alienation is as provisioned by the LC CAP.40 Sec.3 as only “...His Majesty in Council may alienate Government land for such interest and in such manner as is authorized by this code”, with no specific meaning. This is different from some other countries, where land alienation is defined with accordance to the general meaning of the term itself. For instance in Malaysia and Singapore, according to their land statutes, land alienation is given specific definition and referred to as the government giving land (as means of land disposal).¹

Nevertheless, in exercising the code itself for the purpose of land administration and management in the country, several land processes are considered to fall under alienation, namely:

a. Land Application (Deposited Land)

Land application or generally known as LA was first introduced in the early 1900s as part of efforts by the government under the British Residence administration to relocate the people of Brunei residing in the water village to living on land. After that, it has become a mean for the people of the country to own landed property. Through this method, ownership of land was made possible by application made to the government for any specific usage recognized and outlined as terms of approval. Applicants are required to make down payments for the said land for reservation before it is fully registered under respective owners.

¹ Malaysia’s National Land Code 1965 Part 5 Section 76; Singapore State Lands Act Chapter 314 Part I-3A

After a period of years of maturity, the said land would be given in-perpetuity ownership to respective applicants. Unfortunately this system was abolished in the year 1954 onwards due to lack of resources (Abdul Wahab, 1997). However, pending applications before the year 1954 are still processed up until today.

b. Temporary Occupational Licenses (TOL)

Temporary Occupational Licenses are the 'rights given' to allow for the use of state land by means of temporary licenses granted for a certain period of time. The periods usually lasted for 5 years and renewable every year with specific rental amount to be paid to the government for each respective years. In 1992, His Majesty's the Sultan consented to approve the TOL Land Grant scheme where TOL under residential status are to be upgraded into Land Title (In-Perpetuity status) when it reaches maturity (HHPO 107/1962/VIII, dated 22nd July 1992).

However in 2008, TOL for private residences were closed for application due to increasing demand for land development and current policy trend. TOL are now only open for industrial, commercial and private schools applications. Nevertheless, pending applications before the year 2008 are still processed up until today.

c. Housing Developments

As a move to further enhanced standard of living in the country as well as to assist people without the means to own a property, the government introduced the Land Infill Schemes and the National Housing Schemes. The two schemes opened up opportunity for the people of the country to own a piece of land and/or property in the form of ready built houses at a subsidized market pricings.

In the early implementation, the government only provided detached houses for application. But as time progresses and with increased demand,

the pattern changes into providing for semi-detached houses, clustered design houses and apartments.

d. Land Lease

Land Lease applications are as provisioned in the LC CAP.40, Sec.23. Through this method, lands are granted for a specified period of time (general conditioned of 30, 50, 60 and 99 years) with specific amount of payment to the government (termed as premium payments). When the specified period of lease ends, owner may continue ownership by paying resumption premium to the government. Such lease varies from commercial, industrial or agriculture. Different from Land Application and TOL's, land leases are open to both locals as well as foreigners.

e. Government Reserves

The Government gazetted leases or Government Reserves is also a type of land distribution specifically meant for government ministries or departmental use. Under this method, any government agencies that require lands for specific purposes may apply for reservation of land. This is provisioned in the LC CAP.40 Sec.31 (v);

“It shall be lawful for His Majesty in Council from time to time to make and publish rules not inconsistent with the general purposes of this Code...(v) the establishment of reserves and the like...”

(Land Code 1907)

Currently there are two types of government reserves known as Linear Reserves and Site Reserves. Linear reserves refer to the country's linear projects requirements such as the construction of roads, drainage and pipelines. While site reserves refer to government projects that requires a particular site such as for constructing office buildings and stations. Site reserves application would normally filtered initially by the Town and Country Planning Department first before being processed for reservation

and gazetted processes in the Land Department. This is important to make sure that the development to be made would adhere to the current zoning development planning of the country.

As explained beforehand, land alienation in Brunei has never been properly defined. Perhaps this is one of the main reasons why there has been no explicitly or comprehensive land alienation policy documented. Improper definition leads to confusion on which and what are land alienation and the processes involved. Thus policy undertakings for land alienation in the country are not specifically, properly and comprehensively documented.

What currently in possession are merely policies taken on an ad-hoc basis that are documented on numerous successive legislative records created to overcome various land related issues from time to time. But the main problem here lies at the fact that such lacking provided inconsistencies and associated challenges on decision-making strategies and implementation of land alienation.

On the government side, land distribution and planning strategies becomes difficult as land managers and officers' faces uncertainty and overlapping directives especially with the ever-increasing demand and requirement of development. Miscommunication between government departments and ministries escalates the problems further thus making processes and implementation difficult, timely and inefficient even though the country's administration system was supposedly simple and straightforward.

On the other hand, little attention was given on the importance of other interested actors in the land businesses such as stakeholders and other parties as referred to by the UN-Habitat (2013) as Land Sector Non-State Actors (LSNSA). In the case of Brunei, these stakeholders include public and private property owners of land whether individuals or organizations as well as third party organizations (local and foreign investors).

It should be noted that these actors are not just simply acting for their part of interest, but their roles are much more significant and broader for the country's

development besides being property owners or at least with interest on land development or with rights by means of ownership. Current pattern in land alienation policies in Brunei proven to be problematic for these stakeholders to operate their businesses albeit the country's development goals of attracting foreign direct investments (FDI) and promoting local entrepreneurships through large industrialization or small and medium enterprises (SME).

According to the Brunei Statistical Yearbook (BSY), from the year 2012 until 2014 shows a decreasing pattern of FDI participation in the country. Table 1.2 illustrates these figures, which in the year 2012, FDI figured at over B\$1 billion and fell sharply at B\$719.5 million in 2014.

Table 1.2: FDI Participation in Brunei Darussalam 2010-2014

Investment Million (BND)	2010	2011	2012	2013	2014
Total Investment Participation	1,067.5	1,506.5	1,740.0	1,649.2	1,341.8
Domestic Investment Participation	412.0	637.1	659.3	678.8	622.3
Government	330.5	584.0	564.0	586.6	553.9
Others	81.5	53.1	95.3	92.2	68.4
Foreign Direct Investment	655.5	869.4	1,080.8	970.5	719.5

Source: Brunei Darussalam Statistical Yearbook 2014, Department of Economic Planning and Development

One of the main factors that contribute to this decline is the unavailability of land spaces and corporate red tapes that made it incomprehensible for FDI's to invest in the country. Figure 1.1 and 1.2 illustrates the number of procedures and days needed to start any business and to register properties in Brunei Darussalam compare to other Southeast Asian countries respectively. These numbers are well enough to consider outside perspectives on the difficulties faced by FDI's to operate in the country smoothly.

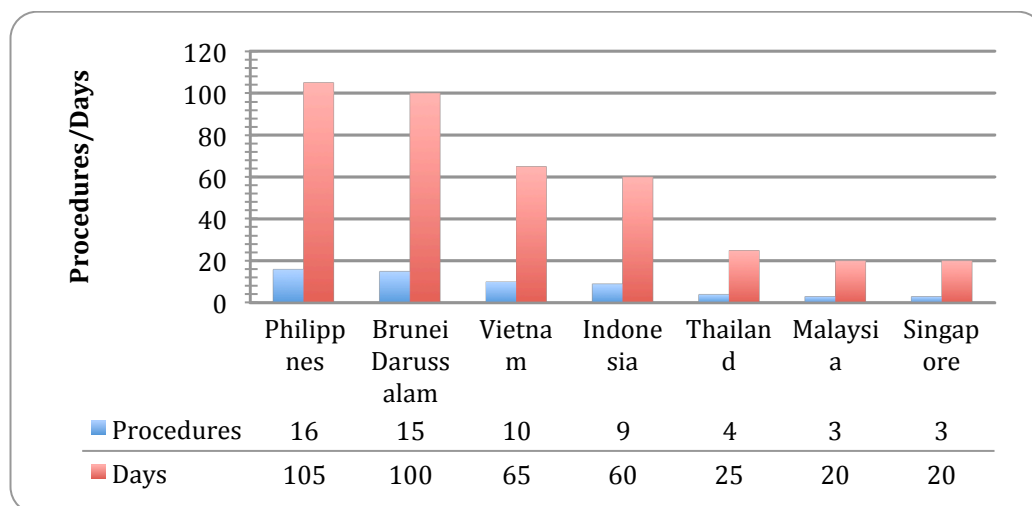


Figure 1.1: Business Startup Procedures and Time Frame

Source: World Bank. (2103a). *Doing Business 2013: Smarter Regulations for Small and Medium-Size Enterprises*. World Bank, Washington.

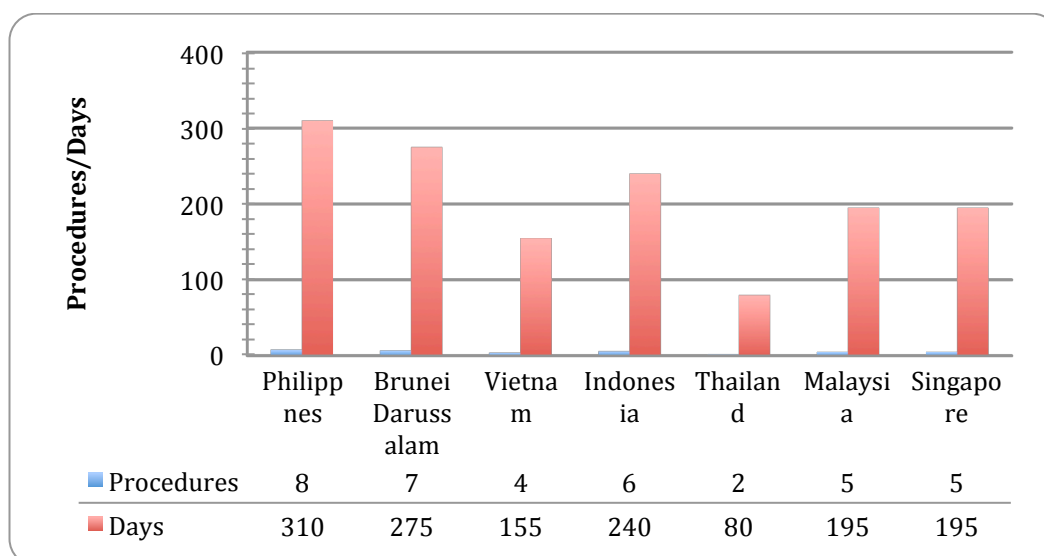


Figure 1.2: Property Registration Procedures and Time Frame

Source: World Bank. (2103a). *Doing Business 2013: Smarter Regulations for Small and Medium-Size Enterprises*. World Bank, Washington.

Referring to the above statistics and considering the country's governmental procedures which are simple and straight forward, it is puzzling that Brunei ranked second as the most time consuming and having most procedures among the countries mentioned.

The big question that needs to be addressed here is what causes this decreasing pattern? Foreigners or foreign companies as well as local entrepreneurs who wish to acquire site for their activities has several options. Through the land

alienation provisions, FDI or SME can apply for land leases or temporary occupational licenses (TOL). But practice shows that to apply for leases and TOL have been difficult recently and some even confusing for entrepreneurs. For instance, some applications for land lease would be turned over due to overlapping or inconsistencies with government planning for development (CL/PP/R/59/BM, 2015)).

Another case involves inconsistencies particularly on the amount of premium imposed on leasing government state land. Since 1996, premiums on land lease for the purpose of industries are imposed at 50% of the actual amount to be paid to the government. This policy was made to attract FDI and SME so much to lessen their burden on having to pay large amount of money to the government (191CL/PP/O/4/BM, 2015). But currently, several land lease application were questioned on having a 50% premium imposed, while others were required to pay 100% premium payment.

Private land ownership accounts around 5% of the country's total land space, which implies high landlessness among its people (Abdul Wahab, 1997). As stated earlier, before 1954, locals were able to own land through land application procedure under provisions stipulated for land alienation. But the system was no longer applied due to lack of human resource capacity in the government sector and that as study indicated, "...There were too many application to process..." (Abdul wahab, 1997).

Since then, locals without purchasing power may own a title or property through TOL as well as government infill and housing schemes. But today, most of these privileges were limited, if not unavailable. TOL application for private residences were no longer accepted since 2008, where current application for TOL will only be approved for industries and private schools. Government housing schemes, although increasing in numbers and capacity, the problem of having to wait for too long to own a house as well as decreasing sizes and spaces of houses under the schemes still persist and becoming a major concern for the people. According to latest statistics, the average time frame for any applicant to be granted property under such schemes is approximately 10 years (*Pelita Brunei*, 2014).

All of the above-mentioned in turn poses a negative impact on good governance of land administration in the country which accumulated from inconsistencies in application appraisal and approval that ultimately leads to improper planning and development, wastage of available resources, losses of possibly good partnerships and FDI, underdeveloped alienated parcels, miscommunications and mistrusts between government and the public as well as confusions among developers, entrepreneurs and practitioners.

1.3 Statement of Research Problem

As evidenced through previous discussions, good-governance in land administration is equally important as managing state affairs. International organizations such as the World Bank and the FIG recognizes such importance as well as the importance of transnational and international cooperation in tackling issues associated with governance of land. As the World Bank highlighted, poorly managed land administration poses serious negative impacts to economic development, climate change, urbanization as well as provisions for rapidly growing population (World Bank, 2006).

Through years of experiences and lesson learned from first and third world countries with regards to challenges faced in implementing land governance, many nations has already begun towards improving its land governance through different area related to land administration and management. However, due to the vast nature of land administration and management paradigm itself, it is impossible to tackle every aspect of land governance as a whole.

This is also taking into consideration the broad spectrum of audiences that land governance need to address specifically government (political perspectives), private entities as well as the public. Thus it is realized that, in order to satisfy such audiences, it is important first to assess the level of competencies of any such land governance through assessment methods before any problems or solutions is to be suggested for betterment.

In the case of Brunei Darussalam, this is exactly the dilemma. Faced with increasing demand for justifiable land governance for the benefit of all, its complex political system and conservative ideologies are somewhat making it difficult to learn from others. Even though the country is on its way towards improving its land governance through implementation of modern administration systems, there are still many gaps that need to be addressed.

More importantly, as of current, no studies have been made internally to measure and indicate land governance in the country. This is critically the basis of the problem that this research needs to explore. As a result of such lacking, the branches of the problems as well as solutions towards fixing them are rather obscure and problematic.

As Kitay (1985) suggested, the debate over control of land-public control versus private control – is not likely to be settled any time soon in most developing countries. In line with this, to what extent does the government recognizes the importance of ensuring good-governance in land administration as such, the proper and best approach in settling towards achieving balance in such governance. Thus, this research concluded that a formulation of comprehensive policy framework for land alienation to cope with such issues and challenges would be the best solution to undertake.

1.4 Research Aims, Questions and Objectives

In recognizing the research problem mentioned before this, this study is aimed at:

Promoting good land governance in Brunei Darussalam through adoption of proper and viable policy framework based on good-governance practices.

With relation to the research problem and aim above, several key research questions emerged. Table 1.3 below summarizes such questions:

Table 1.3: Key Research Questions and Sub-Questions

QUESTIONS	SUB-QUESTIONS
1. What is land governance? How to measure land governance in the context of Brunei Darussalam?	a. What is good-governance on land administration?
	b. What are the tools/indicators required to assess land governance?
2. What is the outcome of performance analysis on land governance in Brunei?	a. What are the current land governance and practices in Brunei?
	b. What are the issues/challenges that influence good-governance in Brunei's land administration?
	c. How to assess good-governance in the country's land administration
3. How to formulate a new land governance policy framework to ensure good-governance on land administration in Brunei?	a. What elements to be considered in the policy frameworks to ensure successful and long-term application?

Based on the research questions above, the following specific objectives are formulated in order achieve the principle aim of this study. The objectives are as listed below:

1. To study suitable method for assessing good-governance in land administration.
2. To identify issues and challenges in governing land administration and to perform performance analysis on land governance in Brunei Darussalam.
3. To propose a land governance policy reform framework based on the findings and analysis made from performance analysis.

1.5 Research Scope

Due to the vast nature of land administration and the time constraint in doing this research, limitation to scope are needed, though without compromising the integrity of this research findings and outcomes. This study has divided the scope limitation into 3 main categories namely: subject scope; methodological scope and institutional scope.

1.5.1 Subject Scope

As explained earlier, land administration in Brunei comprises of many land activities/businesses. To discuss and analyze all of them will be tedious and time consuming. It would also be difficult to obtain relevant and appropriate data in time considering the time frame given in doing this study. Thus this thesis will only be touching on the one aspect of land administration that best represent the latter, which is land reservation under land alienation. There are several reasons why land reservation is chosen and it is as summarized below:

1. Land reservation is one of the most important categorization of land alienation that significantly caters for overall development in the country.
2. Land reservation being an agent of institutional communication between agencies (government, semi-government or private), thus making it the best determinants of both internal and external perception as well as evaluators of land governance in the country.
3. Land reservation being one of the most time consuming in terms of processes and procedures implementation. This makes it an excellent example for study.

4. Land reservation is particularly the author's professional portfolio, which in particular sense becomes a significant advantage as well as responsibility for the author to study in-depth for future endeavors.

1.5.2 Methodological Scope

Although this research is all about assessing good governance in land administration, it will only be focusing on measuring effectiveness and efficiencies of land administration processes and procedures in public service deliveries. This is because, both efficient and effective are the two most common and prominent traits of good in governance provided by most literatures used in conducting this study. Besides that, although there are other common traits of good governance presented, they also require efficient and effective deliveries. Thus, it is concluded that efficiencies and effectiveness are the 'bubble wrap' enveloping the other good governance traits that needs to be assessed individually.

1.5.3 Institutional Scope

This study will be focusing mainly on the Land Management and Alienation Section, which is a significant unit operating under the Land Department, Brunei Darussalam. Particular emphasis will be given to understanding and studying the roles and responsibilities of the said as the champion for administering land reservation processes and procedures for the whole country, thus to comprehend its activities efficiencies and effectiveness. Though the study will also briefly describe and explain other institutions roles and responsibilities in managing land alienation, more importantly the Land Department, Ministry of Development and the Prime Minister's Office.

1.6 Research Significance

The basis of this research is to test the current system of land alienation practices that covers all aspects of its processes and procedures flow and implementation. Consequent to that, the outcome of the study is the formulation of a comprehensive and viable policy on implementing alienation of land for the purpose of an efficient and effective service deliveries to the public especially interested parties, which ultimately supports good-governance on land administration in the country. Thus, this study will give significant contribution not just to the researcher, but also to other relevant stakeholders that highly dependent on LAS. Apart from this, the precedence of this research undertaking can be of an important stepping-stone towards opening a much broader prospect for land studies in Brunei. Below are some of the parties that would benefit from the research findings and outcomes.

1.6.1 Academia

This research is based on the scope of land administration and development in Brunei. To date, the study on land administration particularly on LAS is limited and relevantly new. Thus this research is hope to broaden the horizon and perspectives of LAS in the country and to open up new scope of interest in particular to individuals as well as organization with interests in the field of land development. It can also provide significant contribution to academicians and researchers in general especially those who are interested in the same area of study especially on the working conceptual framework, methodologies used as well as the final outcome of the research itself.

1.6.2 Government

As the core pillars of governance, government's interest to land is far reaching towards ownership itself. Thus it is obvious that studies alike would be of a significant interest to them. As stated earlier, land administration and management in Brunei has not been vastly explored. Realizing the importance of land to the nation, this study would become an addition that should contribute to such lacking, and could become a footing that would attract more government-sponsored research on the subject matter.

From this conducted research also, the government particularly relevant agencies that relates directly or indirectly to matters pertaining land administration and management can benefit through understanding of such LAS itself and to open up on new ideas on policy and statute regimes of better land governance. For example, Land Department as the primary champion of land administration in the country can utilize the proposed land alienation policy framework as basis to come up with a more comprehensive new policy for LAS, which significantly can be used to cope with issues and challenges pertaining to administering and managing land.

1.6.3 Industrialization and Commercialization.

Stakeholders are very important to the government especially considering the nation's aims on nurturing sustainable economies through SME and FDI. These stakeholders are crucial in the development of industries and commercialization within the nation for the benefit of society at large. On the government sides, such activities would promote healthy and competitive economic developments. That is why it is important for the creation of sustaining environment, one that provides win-win situation to every party including the society itself.

In land administration, private property owners and other stakeholders such as foreign and local companies are players who necessitate for the requirement for equity and just opportunities. Foreign and local companies involved in industries

can also benefit from this research as it examines the relationship between government and other stakeholders interested in land provisions and usage as well as how to promote balance and equal advantage on land development.

1.6.4 Private Property Owners

Another particular stakeholder that should benefit from this study is a private property owner such as landowners. By understanding their rights as well as government responsibilities towards public goods can provide a mutual and susceptible arrangements on land administration. This study can provide solution and alternatives to problems and challenges faced by both sides.

1.7 Research Structure

This research will be reflected in this thesis as four main parts. The first part is introduction that consists of the statement of the research problem, aims, questions and objectives. The research problem is justified and an overview of the research approach is presented. Part two will include the literature reviews and background chapters overlooking historical as well as current theories and practices. Part three contains research methodology, analysis and evaluation of procured data. And lastly, the final part will be the synthesis that includes study findings, policy development and redevelopment, validation, conclusions and recommendations. Overall, this thesis will be presented into 7 main chapters as described in the following:

1.7.1 Chapter One: Introduction

Chapter one presents the background of the research. The importance of good governance in land administration for sustainable development as well as the

relationship between governments and other stakeholders is generally identified. This chapter also highlights the problem statement of the study. The overall aim of the research as well as research questions and objectives of the study are also presented with an overview of the research approach as well as scope of research are thoroughly discussed.

1.7.2 Chapter Two: Good Governance and Land Governance

Chapter two explores past studies with relation to the formulation of research gap and define theories and concepts underlying the issues on the relationship between governments and public-private property rights as opposed to good-governance. Besides that, selected theories are also evaluated in order to explain the nature of political and governing system in Brunei as the main focus of the study. Consequent to that, this chapter also aimed at identifying a viable method and developing theoretical framework for assessing land governance by measuring the efficiency and effectiveness of land administration particularly to be made as basis to attest the process and procedures implementation of land alienation in the country.

1.7.3 Chapter Three: Land Alienation For / and Land Governance in Brunei

Chapter three examines the definition and practice of land alienation with respect to Brunei's perspectives. The Historical developments of land administration with particular focus on land alienation in terms of legislation, institutional capacity as well as policy and implementation will also be highlighted. Particular emphasis is made on defining what land alienation is in the context of the county of study. All this should accumulate in understanding the actual meaning and importance of land alienation, as well as ultimately comprehend current practice of the latter.

1.7.4 Chapter Four: Methodology

Chapter four describes elaborately the research design and methods adopted for this study based on the findings from the first objective of the research. A descriptive design coupled with mixed methods data collection approach is selected and justified to fit the research requirements. Both interviews and survey questionnaires are used as the basis to describe and assess the current practice of land alienation in the country. Through utilization of vast literature studies, theoretical framework are developed to become the basis on measuring effective and efficient implementation of land alienation. The question of the interviews and questionnaires are designed based on such selected framework so that the finding would not stray away from focus. Other than that, this chapter also highlighted the methods used in strengthening analysis and validation of study outcome.

1.7.5 Chapter Five: Result and Discussions

Chapter five describes and analyze data procured from interviews and survey questionnaires developed in the previous chapter. From the result of the findings, measurement of effective and efficient land alienation are then made possible. Both the different and common issues and challenges will be highlighted to identify common and significant problems in its implementation. Such issues and challenges are later utilized in chapter six to propose a better and generic land alienation policy.

1.7.6 Chapter Six: Land Alienation Policy Formulation

Chapter six discusses the outcome of the study. The assessment and evaluation from Chapter 5 became the focal point on developing and redeveloping the new policy framework. In order to validate the outcome, the Modified Delphi Method is adopted. Any policy proposal that does not suit the opinions of experts through the method will be re-evaluated.

1.7.7 Chapter Seven: Conclusion and Recommendation

Finally, chapter seven presents the research conclusions and recommendations. The significance of the research findings are carefully examined and recommendations proposed for further research is provided.

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- Awang Haji Lihan bin Haji Ibrahim (2016, Dec 21). Town and Country Planning Officer, Interview (Respondent 2).
- Awang Haji Syukor bin Haji Kassim (2016, Dec 21), Housing Officer, Personal Interview (Respondent 3).
- Awang Haji Yunaidi bin Haji Yunus (2016, Dec 16). Head of Brunei/Muara District Land Office/Senior Land Officer, Personal Interview (Respondent 4).
- Awang Hamdani bin Haji Masri (2016, Dec 14). Head of Land Management and Alienation section/Senior Land Officer, Interview (Respondent 5).
- Awang Musa bin Haji Sulaiman (2016, Dec 14). Land Officer, Personal Interview (Respondent 6).
- Awang Rushdi bin Mohammad Tahir (2016, Dec 15). Land Inspector, Personal Interview (Respondent 7).
- Datin Hajah Zainon bte Abang Haji Omarzuki (2016, Dec 18). Land Commissioner, Personal Interview (Respondent 8).
- Dayang Mardianah bte Mohd. Zaini (2015, Sept 15). Project Mapper, DDS, Personal Interview (Respondent 9).
- Dayang Zainon bte Haji Abidin (2016, Dec 18). Senior Land Officer, Personal Interview (Respondent 10).
- Dk Hjh Salbiana bte Pg Haji Ali (2016, Spetember 10), Senior Officer, Minister of Development, Personal Interview (Respondent 11).
- Dato Paduka Awang Eddie bin Dato Paduka Awang Haji Sunny (2014, October 20). Permanent Secretary (Technical and Professional), Ministry of Development, Personal Interview (Respondent 12).
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- Awang Haji Mohd Gazalin bin Pengarah Haji Mokti (2016, Dec 18). Acting Assistant Commissioner of Land, Personal Interview. (Respondent 14)