

Resolving Lot Lidi Issues Through Surrender and Re-Alienation Mechanism Under the National Land Code 1965: A Qualitative Exploration

Nur Nafijah Rosman¹, Siti Maryam Abdul Wahab^{1*}, Nur Zakirah Izzati Fauzi¹, Zeti Zuryani Mohd Zakuan², Ahmad Wizan Mohd Thani³

¹Faculty of Built Environment, Universiti Teknologi MARA, Perlis Branch, Arau Campus, 02600 Arau, Perlis, Malaysia

²Faculty of Law, Universiti Teknologi MARA, Perlis Branch, Arau Campus, 02600 Arau, Perlis, Malaysia

³Syarikat Jurukur Consultant, Lorong Tunku Asaad, 09000 Kulim, Kedah, Malaysia

*Corresponding Author

DOI: <https://doi.org/10.47772/IJRISS.2026.100600046>

Received:13 May 2026; Accepted: 18 May 2026; Published: 17 June 2026

ABSTRACT

Lot lidi is a significant concern in land development, primarily due to issues in land planning and utilization in Malaysia. Thus, this paper aims to explore the potential application of the surrender and re-alienation mechanism under the National Land Code 1965 (NLC 1965), which could potentially address these issues. Based on qualitative methodology, perspectives from industry practitioners and policymakers involved in land administration are gathered. Face-to-face and online interviews were conducted in this study with a sample of five professional key players in land administration. This result revealed that the surrender and re-alienation procedures could potentially be a structured legal direction to overcome the *lot lidi* issues in regularizing problematic land parcels, promoting accessibility, and achieving sustainable land use planning. Four predominant themes are identified that could be regarded as potential strategies for addressing the issue of *lot lidi*. This is not just a means to right a wrong or to imbue more confidence in the government's administration of land law; this is a vital strategy for maintaining long-term land use planning at the local level. The existing literature supports this approach, revealing that ignoring *lot lidi* conflicts could result in worse consequences, leading to further land conflicts and social instability. Therefore, by implementing these mechanisms in line with legal frameworks, this study aims to streamline Malaysia's land administration system and support both economic and social development for sustainable communities.

Keywords: Land Administration, *Lot lidi*, National Land Code 1965, Surrender and Re-alienation

INTRODUCTION

Lot lidi is a lay term used in Malaysia to refer to land parcels that are informally subdivided and transferred without proper registration under the National Land Code 1965 (NLC 1965). Typically, these parcels originate from parent lots held under a single registered title document but are subsequently divided and sold through private agreements, often supported only by informal documents such as statutory declarations, sketches, or agreements stamped by commissioners for oaths (Nezuakifli, 2022). *Lidi* (meaning "stick" in Malay) metaphorically describes most land parcels shaped by the subdivisions' long, narrow, and irregular shape, resembling bundled coconut leaf sticks. Although this term is not formally defined under the NLC 1965, it has become a prevalent descriptor in public discourse and administrative practice.

The phenomenon of *lot lidi* in Malaysia has emerged as a key point of reference in land governance discourse, merged with sociological conditions and legal implications. Although the terms have appeared frequently in the public community, there is no clear-cut characterization of such devices in Malaysian land legislation. The *lot lidi* parcel is initially categorized for agricultural purposes. However, the owner developed the land into housing lots without being supported by any form of written approval from the authorities, which makes it an unauthorized development (Ismail et al., 2023, 2024). These acts not only contribute to the violation of land utilization but also highlight the complexities of ownership and property rights amid growing urban housing demand (Ismail et al., 2024; Mohsin et al., 2022). The issue of *lot lidi* is critical, given its implications for environmental management and the legal frameworks governing land use in Malaysia (Taha et al., 2025). Unauthorized subdivisions are also subjected to monitoring from various departments, such as the planning authority and land office, which claim that the unauthorized subdivision development has the potential to ruin the environment and violate the law (Ismail et al., 2024; Mansoor et al., 2023; Taha et al., 2025).

The unauthorized subdivision of *lot lidi* misallocates resources, rendering state investments in infrastructure and services less effective. Investment in basic utilities and public services may be hindered, particularly in areas experiencing rapid unauthorized development, which contributes to the infrastructural inequalities commonly observed in *lot lidi* phenomenon (Ismail et al., 2024; Mohsin et al., 2022). The non-regulation of *lot lidi* also has the potential to cause uncontrolled settlement development, as the unexpected appearance of *lot lidi* might worsen the urban sprawl, which could act against long-term urban planning goals and require the local government to manage the land-use conflicts actively (Ismail et al., 2023; Taha et al., 2025). It affords possibilities for the rapid development of settlements, boosting the number of houses available on the market. This alone will be a complex problem when future urban planning comes into play. Without formal recognition of land category for these properties, landowners' rights are uncertain and may lead to conflict between landowners and local authorities (Ismail et al., 2024; Taha et al., 2025). In addition, the government's inability to properly assess and address grievances related to *lot lidi* could foster public dissatisfaction and civic unrest, as communities feel neglected and marginalized by a system that enables such lapses in governance (Taha et al., 2025). The presence of *lot lidi* reflects existing socio-economic disparities and highlights systemic failures in land management and urban governance that must be addressed to foster sustainable development in Malaysia. Thus, a thorough solution proposal is essential to address this issue and optimize land development and utilization under the regulated rule of law.

One potential solution is the provisions of surrender and re-alienation under the NLC 1965 (Ismail et al., 2024). The NLC 1965 provides a framework for the surrender of land, allowing landowners to relinquish their rights to the state, which enables the government to reclaim and manage land more effectively (Adnan et al., 2021). Surrendering these unauthorized lots can help mitigate the consequences of fragmented land ownership that characterizes *lot lidi*, facilitating a more organized and legally compliant reallocation of land for appropriate development (Gabriel T.L et al., 2022). Following the process of surrender, the state can institute re-alienation procedures, allowing for the issuance of new titles to the same owner that comply with the land use regulations outlined in the NLC 1965. This re-alienation may involve converting the land into a more suitable designation that aligns with urban planning objectives, thus permitting orderly residential development or agricultural use under appropriate conditions (Adnan et al., 2021; Hakim et al., 2021). Implementing detailed re-alienation processes can also support accountability in land use, ensuring that the properties serve legitimate purposes and are developed within a regulatory framework that addresses environmental concerns and community needs (Gabriel T.L et al., 2022). This structured approach can deter future unauthorized subdivisions, as potential legal paths for land acquisition and development will become evident to the landowners.

Therefore, this study aims to provide a methodological framework for resolving long-standing issues with *lot lidi* by applying a surrender and re-alienation approach as enshrined under the NLC 1965. The study approaches the problem through qualitative research, drawing on expert interviews as well as a relevant framework of legal and administrative procedures to identify practical, efficient solutions that are acceptable in court. By analysing the challenges and implications of *lot lidi*, the paper offers an overall solution that addresses these traditional problems but at the same time conforms to contemporary land administration practices in Malaysia.

LITERATURE REVIEW

The existence of Lot Lidi

In the Malaysian context, *lot lidi* refers to small plots of land, typically of agricultural classification, that have been informally subdivided for residential development (Taha et al., 2022). The primary factor contributing to the existence of numerous small plots of land is the restriction on the minimum area designated for agricultural use, which is set at two-fifths of a hectare or is subject to regulations by the Planning Authority or State Authority, as outlined in Section 136 of the NLC 1965. Furthermore, Section 115 of NLC 1965 stipulates that the permissible area for building construction on agricultural land must not exceed one-fifth of the total area or two hectares, whichever is smaller.

Hence, landowners aiming to develop small housing projects on agricultural land must change the land use category and conduct a land survey. However, many bypass these processes by selling their land in smaller parcels for residential purposes without going through the formal subdivision procedure. The primary owner typically sells through private agreements, relying on informal documentation such as statutory declarations, sketches, or agreements validated by commissioners for oaths. This strategic approach allows the property to be marketed at a significantly lower price, making it highly attractive to potential buyers (Mansoor et al., 2023). Acquiring land with informal documentation leads to a defeasible right, as outlined in Section 340 of the NLC 1965. Since Malaysia has adopted the Torrens principles for land administration, a title is considered indefeasible only upon its registration, which requires that an official document of title must accompany it.

While possessing an official document of title is crucial, both purchasers and sellers of *lot lidi* may be unaware of the repercussions of not having one (Ismail et al., 2023). They might believe that the purchase agreement they signed for the land is adequate. Consequently, many have suffered losses in terms of interest, finances, social relationships, and more. The government's involvement in addressing this issue is essential to prevent the situation from deteriorating further.

Consequences of Lot Lidi Possession

Many *lot lidi* purchasers/victims face various risks and consequences associated with acquiring land through informal documentation, as reported in multiple news articles (see A. Rosli, 2023; Mahmud, 2024; Mokhtar, 2024; Nezuakifli, 2022). The situation would become more critical and complicated if the primary document of title included numerous names. Without a solid understanding of land administration and registration, one might unwittingly find oneself in this predicament, believing that the purchasing process is legally valid and that land prices are attractive. Hence, Table 1 presents the consequences of purchasing *lot lidi*, as identified by previous researchers.

Table 1: The consequences of purchasing *lot lidi* from various studies (Source: Authors)

Consequences	References
Legal ambiguities surrounding ownership	Gabriel T.L et al. (2022); Ibrahim et al. (2023); Ismail et al. (2023); Mohsin et al. (2022); Taha et al. (2022)
Financial implications linked to regulatory restrictions	Mansoor et al., (2023), (2024).
Lack of access to essential services and infrastructure	Ibrahim et al. (2023); Taha et al. (2025).
Contrary to Islamic transaction	Suhaimi et al. (2023); Taha et al. (2021), (2025).

In summary, the implications of acquiring *lot lidi* warrant thorough evaluation, careful study, and a deep understanding. Prospective buyers must thoughtfully analyse these critical factors, delving into the details that could shape their investment journey. It is essential to consult with legal experts to navigate potential pitfalls and safeguard one's interests before committing to such a significant financial venture.

Surrender and Re-alienation through the Lens of the National Land Code 1965

Surrender and re-alienation are addressed under specific provisions in NLC 1965, as outlined in sections 204A-H. Section 204A stipulates that surrender and re-alienation shall not change the validity of Section 124, which delegates to a state authority the power to comply with conditions at the owner's request.

According to Section 204B, NLC 1965, surrendering the whole or more adjoining land held under final or qualified titles or a combination thereof, that part of the land will be re-alienated by the State Authority to the landowner in the form of different parts or units, which is what is meant by surrender and re-alienation (Abu, 2017). Nevertheless, any land held under a qualified title or a final title, or by both (continuous and owned by the same proprietor or co-proprietors), can be surrendered and re-alienated (Rohani et al., 2019).

As Rohani et al. (2019), pointed out, the practice of surrender and re-alienation is built into the project development approval process carried out by state authorities in Johor. The method serves as a planning tool for land use that involves physical modifications during real estate development. Ariff et al. (2021) observe that surrender and re-alienation have been accepted as a way to simplify the land development process. In this way, it will facilitate construction by renewing land states, boundaries, and classifications, allowing the development of housing estates and other projects. This guarantees that planners' guidelines are followed, and the land resources are used efficiently.

Theoretical Framework in Understanding the *Lot Lidi* Issue

In exploring the theoretical framework that can be utilized to address the issue of *lot lidi* under the Torrens system, it is essential to understand the foundational principles and challenges inherent in this land registration method. First devised by Sir Robert Torrens in the 19th century, the Torrens system rests on principles of indefeasibility, legal certainty, and comprehensive title registration. It aims to reduce transaction costs and quarrels over land ownership by ensuring that registered titles are conclusive and protected against claims by third parties unless there is fraud (Aksinuddin, 2023). This "mirror" and "curtain" principle of the Torrens system provides a framework in which a clear picture of land ownership is reflected by the registered title, while at the same time it hides prior claims and historical contexts that complicate matters for land transfer (Keenan, 2017).

In addition, the ownership security through land registration further complicates the *lot lidi* dilemma. Under the Torrens system, there are mechanisms for ownership security when defeasibility of title arises over land or fraudulent transactions (Mohd & Syed Abdul Kader, 2021; Zakaria & Hussin, 2013). Yet where land is unregistered or improperly divided, as is the case with *lot lidi*, this application of ownership security measures may not fully address the complications surrounding claim rights and ownership. While the concept of ownership security, underwritten by a registry system under the Torrens principle, the *lot lidi* land occupiers may leave without protection if their claims remain outside the title registration system (O'Connor, 2003; Zakaria & Hussin, 2013).

Ultimately, in exploring resolutions for *lot lidi*, it is vital to deploy a multi-faceted theory. The concept that we draw from the Torrens system and fuse with emergent ideas of land governance, as well as some model of ownership security. That way, land rights can be protected from all sides and in keeping with socio-cultural reality, especially in areas with multiple land management backgrounds (Enemark et al., 2021; N. A. Ibrahim et al., 2022).

METHODOLOGY

Drawing on the qualitative research method, this study uses informal open-ended interview techniques to examine the main parties involved in Malaysian land administration. It began with a comprehensive survey of existing literature, and based on this, a theoretical framework was constructed. The primary method for fieldwork is the interview, using questionnaires tailored to address the research aim with open-ended questions. These questionnaires were reviewed by the academic expert in the legal and technical field and revised accordingly before being distributed to respondents.

In addition, an ethical review from the institution was undertaken to make sure that it complied with ethical standards, highlighting the importance of defending the rights, dignity, and welfare of respondents. Purposive sampling is used to select the respondents with professional experience relevant to this study. This method of selection leans on non-probability sampling techniques, and volunteers are chosen depending on specified qualities that suit the research (TGM Research, 2025).

Following this, the respondents participated in interviews that were conducted either face-to-face or online, depending on their own preferences. The data thus collected were transcribed and thematically analyzed using Atlas.ti, with codes developed around key concepts both from inductive and deductive thematic analysis.

In this study, five respondents have been deemed suitable for qualitative analysis. Marshall et al. (2013) noted that many qualitative researchers often do not specify the exact number of respondents required for a qualitative study. Even so, Creswell (2013) recommended interviewing three to five participants per case study to identify themes effectively. This number should align with the investigation's goals, the desired depth of understanding, and the available resources. Five purposively selected respondents, each representing distinct key experts in the field of land administration. The group included officers from the Land and Minerals Office, licensed land surveyors, a lawyer, and an academic with expertise in land administration and policy, as shown in Table 2.

Table 2: Demographic data of respondents

Respondent	Gender	Position
R1	Female	The Deputy Director of the State Land and Mines Office
R2	Female	A Law Officer in the State Land and Mines Office
R3	Male	An Administrative Assistant of the State Land and Mines Office
R4	Male	A Licensed Land Surveyor
R5	Female	A Lawyer from a Private Law Firm

RESULT

Thematic Analysis of Surrender and Re-alienation Process to Resolve *Lot Lidi* Issues

The thematic analysis of the interview data yielded four significant themes that reflect the realities of institutions in practice and the design of processes. The primary themes identified were awareness and understanding of the land development mechanism, institutional support and coordination for surrender and re-alienation, legal regularization and security of ownership, and enhancing compliance and infrastructure development. Each theme emphasizes solutions aimed at improving or enhancing the surrender and re-alienation process to resolve the *lot lidi* issue. These four themes are illustrated in Figure 1 below:

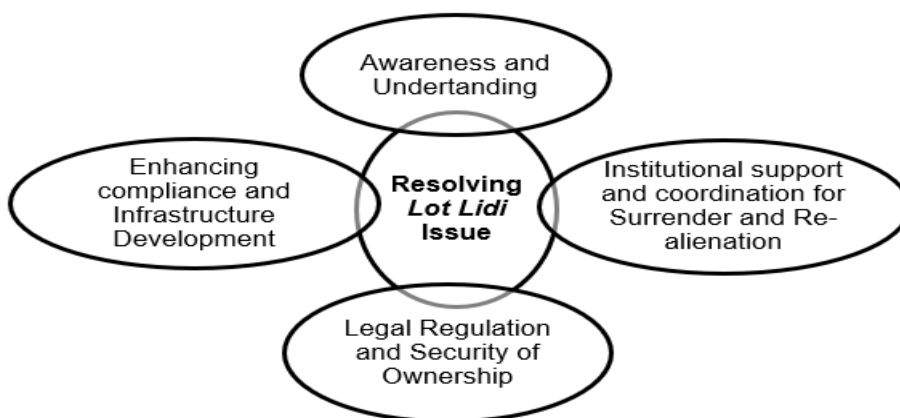


Figure 1: Thematic discussion for resolving the *lot lidi* issue through the surrender and re-alienation mechanism (Source: Authors)

DISCUSSION

Awareness and Understanding of Land Development Mechanism

R1, R2, R3, R4, and R5 observed that, in many instances concerning *lot lidi*, the primary landowner utilizes a trust deed to assure prospective buyers that the plot can be acquired "legally." However, the indefeasibility of title only recognizes the registered proprietor as stipulated in Section 340 of the NLC 1965. The challenge in properly subdividing agricultural land arises from Section 205 of the NLC 1965, which restricts the number of names that can be registered for plots smaller than two-fifths of an undivided share. Complicating matters, the primary landowner often sells the land at an attractive price, significantly increasing demand. As land transactions and developments can only be executed by the registered landowner, potential buyers frequently remain unaware of the risks associated with acquiring and developing the land. This lack of understanding makes them vulnerable to unforeseen risks that may emerge. Although the initial price of the land may seem appealing, the costs linked to resolving future complications could far outweigh any initial savings. Therefore, it is crucial to identify these potential pitfalls promptly, as buyers may ultimately incur substantial losses in their transactions. R1, R4, and R5 agreed that the surrender and re-alienation mechanism is often not known and understood by land lot owners. R5 highlighted that "*The process and procedures of land development are not accessible to the general society. People only learn about it when they encounter a problem*". In some cases, the landowner mistakenly conveys surrender as the permanent loss of their land ownership, which produces fear and disinterest in entering the land surrender process. Misconceptions about surrender continue to be disseminated through family or friends, resulting in a deeply seated misunderstanding.

R1 and R5 suggested that "*Local authorities must make mass notifications regarding the mechanism, such as a public education campaign*". It is essential to inform the property owner that their decision to sell agricultural land for residential development may result in improper land use, potentially leading to a breach of conditions and forfeiture under Section 234 of the NLC 1965. Conversely, prospective buyers should be made aware of the property rights and financial risks they may encounter if they inadvertently acquire *lot lidi*. To communicate the legal protections and advantages of the mechanism in both basic and non-technical language, visual aids and case studies of practical implementations can be used to ensure that landowners maintain their land ownership rights after the reconfiguration. Land offices could partner with local governments and Non-Government Organizations (NGO) to conduct targeted engagement in areas that have been especially negatively affected by the *lot lidi*.

Institutional Support and Coordination for Surrender and Re-alienation

R1, R2, and R3 emphasized that effective surrender and re-alienation rely heavily on institutional support from various authorities. R4 explained, "*The process involves not just the Land Office, but also technical departments like the planning department, drainage, road works, and utility providers. Without proper coordination, the application can be delayed for years.*" R3 expanded on this by noting that the current approach lacks an organized system to facilitate inter-agency collaboration, resulting in inefficiencies in time spent obtaining approvals or resolving disputes regarding zoning and infrastructure requirements.

As a solution to this issue, the respondents have suggested that the management of all applications concerning the surrender and re-alienation of *lot lidi* should be centralized in a management system. They have said that it could help organize the procedures among departments, set up predictable and efficient workflows for permissible business. A more coordinated effort would also have helped ensure that the converted lots satisfy all remaining needs for legal residential use. This integrated approach would benefit both unregulated landowners seeking regularization and planning authorities, enabling them to control land use and planning in a correct manner.

Legal Regularization and Security of Ownership

R1, R2, and R4 noted that surrender and re-alienation may provide legal certainty and secure ownership for *lot lidi* buyers who are left in a vulnerable position. R1 states, "*Once the process is completed, a new grant under*

residential title will protect the buyer's rights. They will be eligible for compensation if land acquisition happens in the future, unlike when they hold just an informal agreement." This formal process not only establishes protection of rights but also increases the value of the land as it gains mortgagee and transfer status under legislative certainty.

In addition, the solution aims to minimize intergenerational disputes over inheritance and protect individuals facing legal proceedings under the NLC 1965. As was noted by R4, *"With a registered title, the lot owner can include it in their will, and the heirs can inherit it without issues. Otherwise, they will be left with just a structure on land they do not legally own."* Consequently, surrender and re-alienation not only resolve the immediate irregularity but also provide long-term legal and financial security to individuals and families, thereby creating a stronger foundation for future development.

Enhancing Compliance and Infrastructure Development

One other central theme was the role of surrender and re-alienation in the context of enforcing compliance in planning regulations and service standards to avoid the regulatory breach, safety conditions, and standards that can result from planning laws and infrastructure standards not being followed. R4 stated, *"Through this process, the development must follow a site plan approved by the authorities. This ensures proper roads, drainage, utilities, and public spaces are allocated."* Without the submission of a site plan and the correct demarcation of lot lines, *lot lidi* developments are dispersed and unmanaged, which frequently leads to hazards to public safety, including minor roads, and a lack of sewage facilities.

Hence, surrender and re-alienation as an alternative become a vehicle for upgrading urban development and rural areas affected by the *lot lidi* issues. R2 expressed, *"Instead of demolishing homes or punishing owners, the government can use this method to legitimize existing lots while ensuring that minimum planning and safety standards are met."* Ultimately, this makes the surrender and re-alienation process mechanism not only a legal solution or tool but also a socially prudent and development-oriented choice, where everyone wins. After all, it achieves individual property rights and aligns with the government's plans regarding public interest.

CONCLUSION

The results indicate that surrender and re-alienation can offer a socially responsible and legally appropriate solution for resolving conflicts concerning *lot lidi*. Still, there are a bunch of so-called obstacles against its implementation. The first and most serious obstacle is that the public has no perception of the system nor any understanding or knowledge whatsoever, save for a false notion that "surrendering land means losing it forever." This misconception serves as a bulwark for unplanned land subdivision and reduces constituent involvement. To counter misconceptions about guarantee-by-law, such as retaining ownership and getting official approval of the mechanism, the interviewees stressed that every community should have public lectures, mass communication, and information from the authorized local government.

Be that as it may, an effective surrender and re-alienation strategy also requires substantial institutional support from various departments such as urban planning, drainage, infrastructure services, and offices administering formal land use permits. On the one hand, by providing legal regularization for the inheritance of land property rights, the mechanism allows lawful legacy inheritance. It entitles its holders to compensation in scenarios such as eminent domain. On the other hand, it secures adherence to planning guidelines and upgrades infrastructure quality. Rather than penalizing unauthorized development, surrender and re-alienation turn existing communities into planned entities, thereby enjoying legitimacy as well as personal safety in land development overall.

ACKNOWLEDGEMENT

The authors would like to thank the respondents for their participation in this research.

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