



14TH SOUTH EAST ASIA SURVEY CONGRESS (SEASC)

15 – 17 OGOS 2017

RIZQUN INTERNATIONAL HOTEL

TAJUK PEMBENTANGAN :
‘PERUNDANGAN TANAH
DI BRUNEI DARUSSALAM’

DISAMPAIKAN OLEH :
AMAL HAYATI HAJI JUNAIDI
PEGAWAI TANAH
BAHAGIAN PENDAFTARAN



ISI KANDUNGAN

1

SISTEM PEUNDANGAN TANAH DI NBD

1.1 UNDANG-UNDANG WILAYAH (SEBELUM 1906)

1.2 UNDANG-UNDANG TANAH 1907 (RESIDEN BRITISH)

2

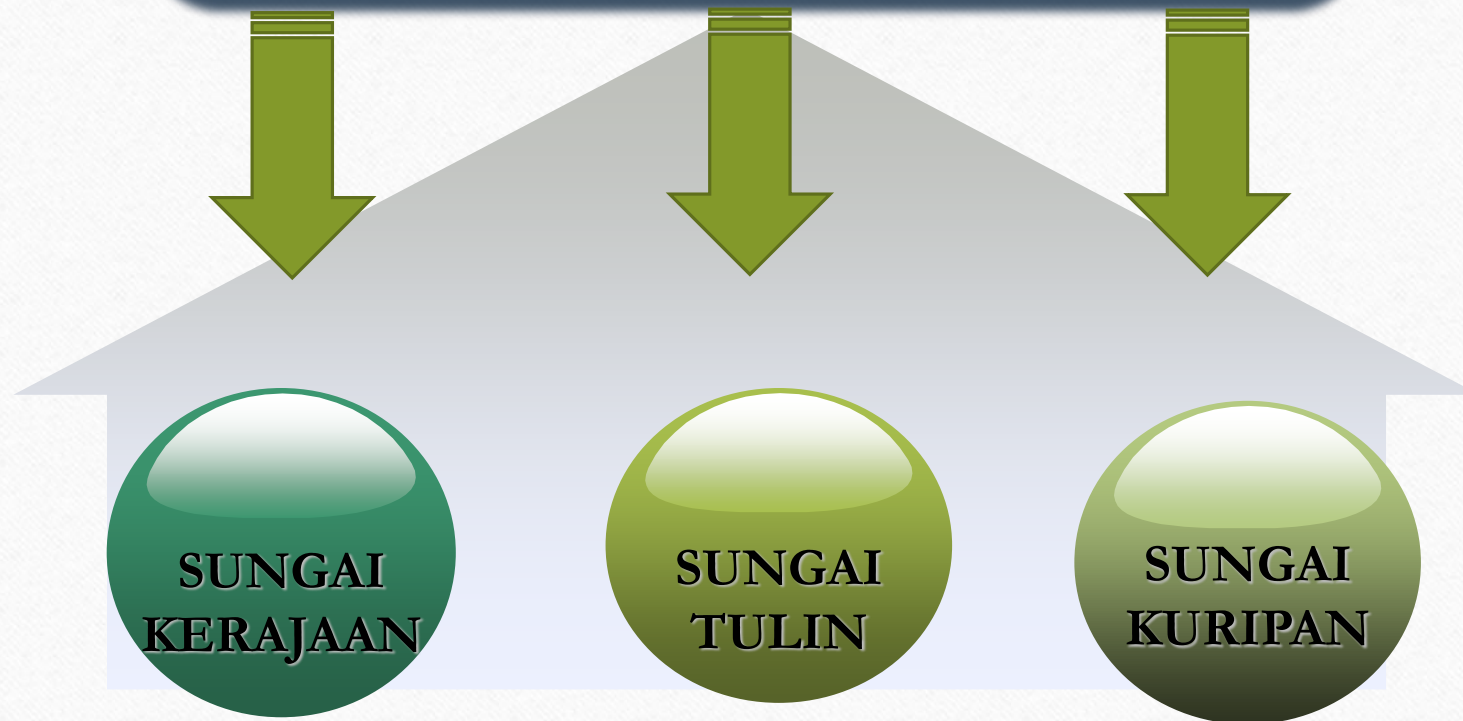
SISTEM PENDAFTARAN TANAH

2.1 SISTEM TORRENS



1.SISTEM PERUNDANGAN TANAH

1.1 UNDANG-UNDANG WILAYAH





SUNGAI KERAJAAN :

- Kawasan yang dipunyai oleh **Sultan** yang memerintah dan akan diwarisi oleh pengganti Sultan yang berikutnya.

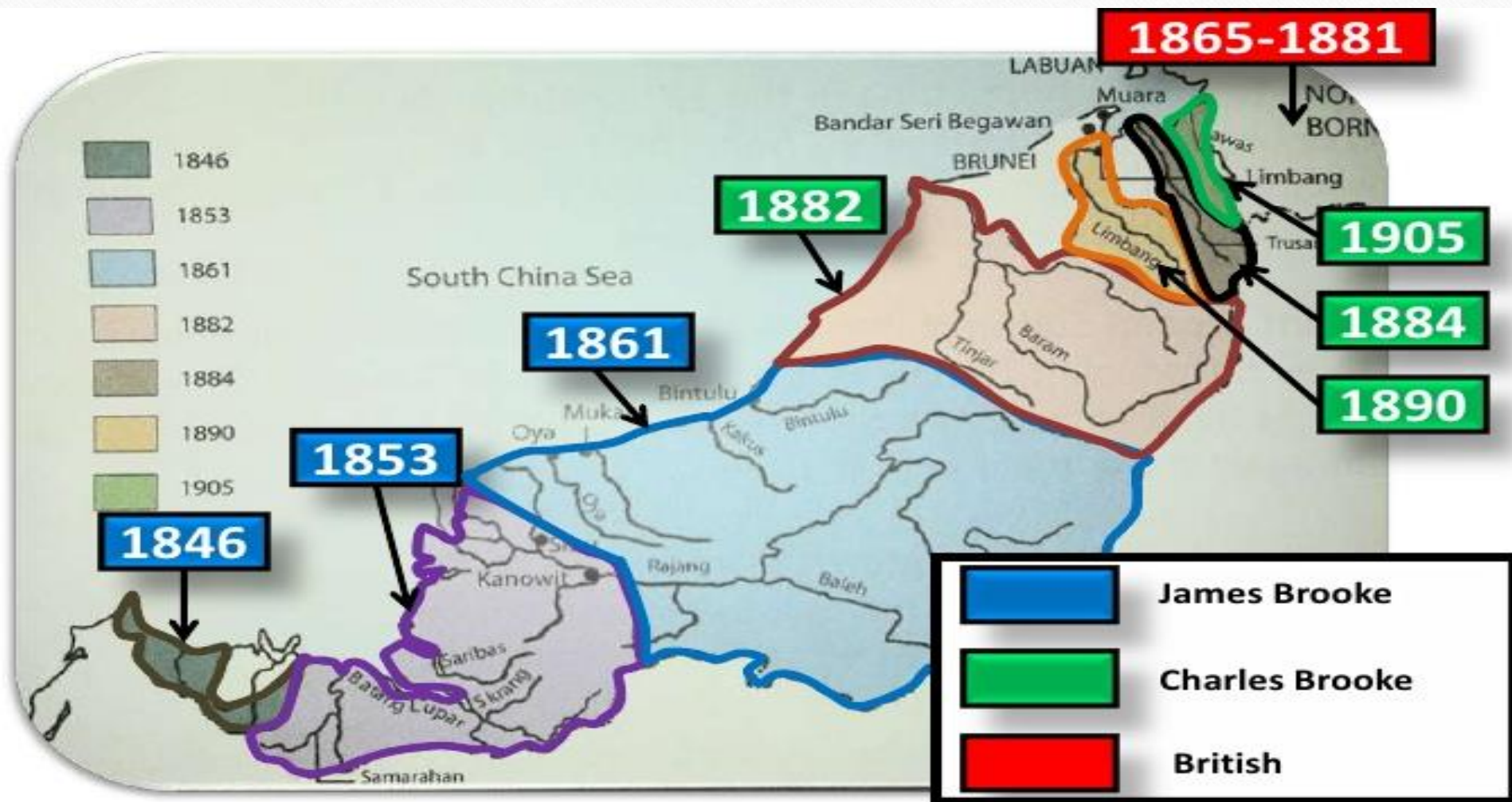
SUNGAI KURIPAN :

- Kawasan yang dipunyai oleh para **Wazir** dan akan diwarisi oleh pengganti wazir yang berikutnya.

SUNGAI TULIN :

- Wilayah yang dimiliki oleh **Sultan** dan golongan **Pengiran berteras**, lazimnya kelompok Wazir dan Ceteria dan akan diwarisi oleh keturunan pemiliknya.





‘AMANAT’

SULTAN ABDUL MOMIN, FEBRUARI 1885

- Perjanjian di mana pembesar-pembesar Brunei yang memiliki ‘kuripan’ dan ‘tulin’ telah bersumpah setia, sebulat hati untuk tidak memajakkan atau menyerahkan wilayah kepunyaan mereka kepada kuasa asing.



PERJANJIAN 1888

**Sultan Hashim Jalilul Alam
Agamaddin**





PERJANJIAN TAMBAHAN 1905/1906 BERSAMA UNITED KINGDOM

Brunei bersetuju menerima seorang Residen British yang akan menjadi wakil kerajaan Baginda Queen di bawah kuasa Pesuruhjaya Tinggi Naungan British di Borneo.

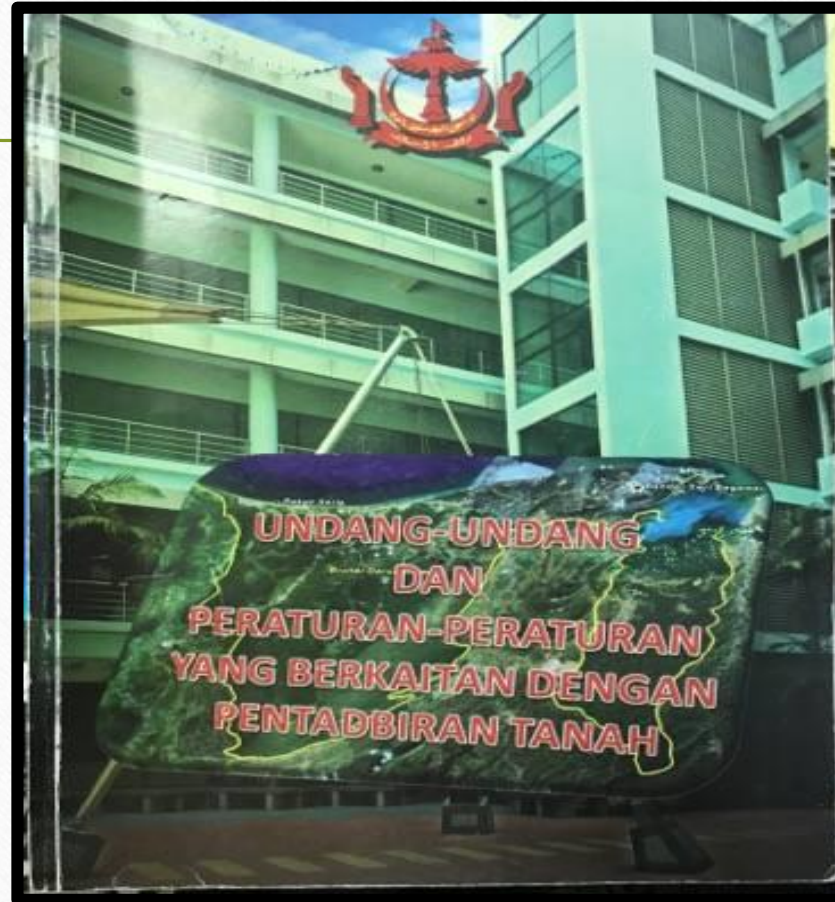


Malcolm Stewart Hannibal McArthur (Januari 1906 – April 1908)





1.2 UNDANG-UNDANG TANAH (1907/1909)





PETA BRUNEI PERTAMA (1914)



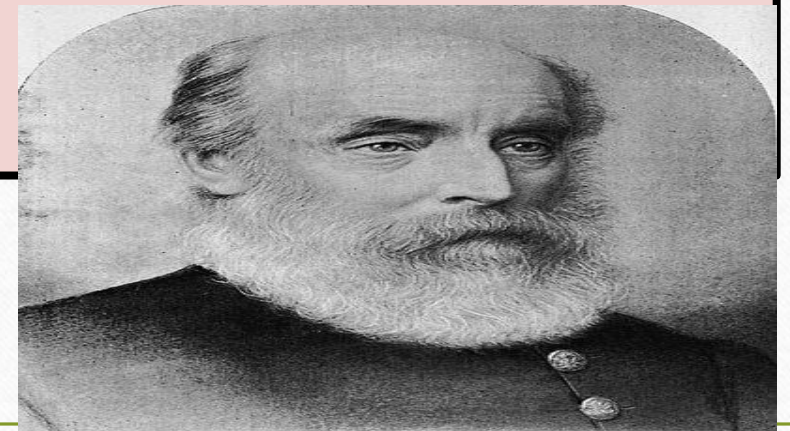
2. SISTEM PENDAFTARAN TANAH

- Tanah-tanah diberi hak milik dan dikeluarkan geran sebagai dokumen pemilikan tanah.
- 1959 – ‘Pengistiharan Perlembagaan’



2.1 SISTEM TORRENS

- Sistem yang merekodkan dan mendaftarkan secara tepat dan menyeluruh mengenai hak pemilikan tanah.
- Mula diperkenalkan di Australia Selatan pada tahun 1858 dan tokoh yang berperanan dalam mengasaskan sistem ini adalah **Sir Robert Richard Torrens**.





SISTEM TORRENS DI BRUNEI

Pengenalan

Diperkenalkan oleh Residen British pada tahun 1906

Tujuan

Meningkatkan kecekapan dan keberkesanan pentadbiran tanah

Elemen Utama

Pendaftaran sebagai elemen penting bagi membuktikan hak pemilikan tanah



FAEDAH SISTEM TORRENS

1. Selamat dan Terjamin

- Apabila sesuatu tanah itu secara rasmi didaftarkan, ia dianggap dijamin pendaftaran hak miliknya oleh Kerajaan

2. Hak Milik Tidak Boleh Disangkal

- Perkara paling signifikan adalah pemilikan tanah tidak boleh dicabar sewenang-wenangnya melalui pendaftaran hak milik tanah itu sendiri

3. Ketepatan dan Ketetapan Maklumat

- Semua pemilikan tanah memerlukan informasi yang lengkap umpamanya yang berkaitan persempadanan.



KETERANGAN GERAN TANAH

Bil.EDR

A. KETERANGAN FIZIKAL

- Daerah
- Kampung/Mukim
- Keluasan [hektar]
- Semapadan
- Nombor Syit Ukur



B. KETERANGAN PENDAFTARAN

- **Nombor Lot Ukur**
- **Hubungan Kebenaran Lama**
- **Jenis Kebenaran**
- **Syarat Khas Tanah**
- **Hal-Hal Yang Diperbuat Berikutnya**
- **Tarikh Pendaftaran**
- **Cukai Tahunan**
- **Lain-Lain Hal**

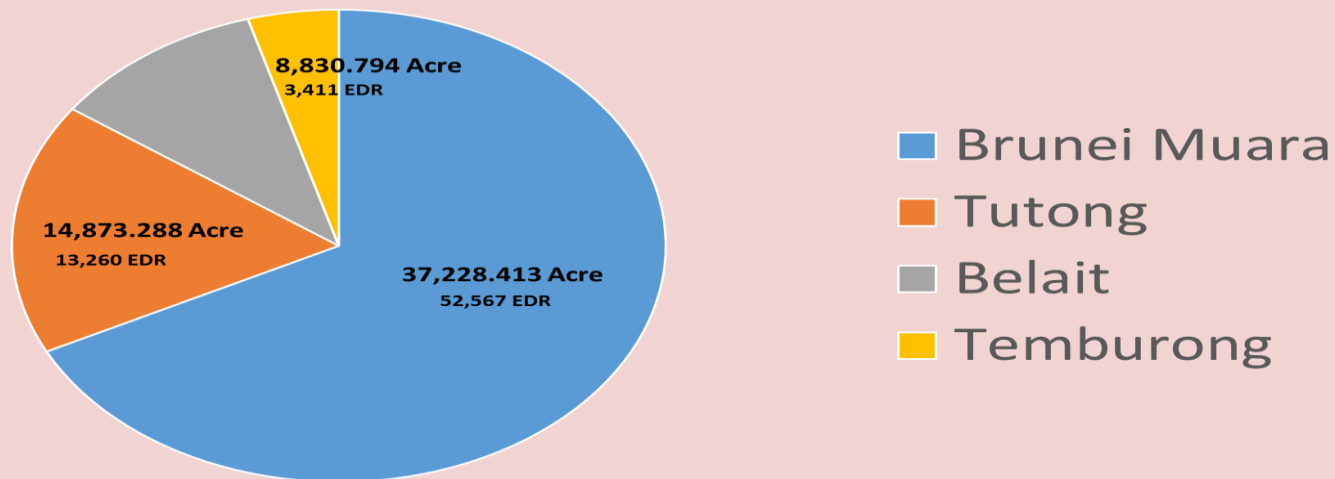


C. KETERANGAN PEMILIK

- Nama
- Bil. Kad Pengenalan
- Bahagian



Tanah Berdaftar di Brunei Darussalam (31/05/2017)



District	Total EDR	Area (Acre)
Brunei Muara	52,567	37,228.413
Tutong	13,260	14,873.288
Belait	8,106	8,355.342
Temburong	3,411	8,830.794
Total	77,344	69,287.837



BENTUK GERAN

Fomat Geran Baru -A4 Size

PETIKAN DARI PENDAFTARAN
EXTRACT FROM THE REGISTER



NEGARA BRUNEI DARUSSALAM

A. KETERANGAN FIZIKAL/PHYSICAL DETAILS

- Daerah/District : BRUNEI MUARA
- Kampung/Place/Mukim : SALAMBIGAR BERAKAS (B)
- Keluasan [hektar]/Area [hectare] : 0.0691 (0.171 EKAR)
- Sempadan/Boundaries :
 - UTARA - JALAN KAMPUNG SALAMBIGAR, LOT NOS: 11010 & 11011
 - SELATAN - STATE LAND & SUNGAI SALAMBIGAR
 - TIMOR - STATE LAND, LOT NOS: 42180 & 37344
 - BARAT - LOT NO: 48974
- Nombor syit Ukur/Survey sheet Number : 55/8851

B. KETERANGAN PENDAFTARAN/REGISTRATION DETAILS

- Nombor Lot Ukur/Survey Lot Number : 48975
- Hubungan kebenaran lama/nature of former title :
EDR NO: 33183 LOT NO: 35706
- Jenis kebenaran [Kekal atau beberapa tahun]/
Nature of title [In perpetuity or for years] : KEKAL
- Syarat-syarat Khas/Special Conditions :
(BAB 9 (5) UNDANG-UNDANG TANAH TAHUN 1909)
TANAH INI MESTI DI-TANAM DENGAN POKOK-POKOK BUAH2AN DAN
BARANG BARANG MAKANAN SAMPAI PENOH DALAM TEMPOH SATU TAHUN
DARIPADA KELUARAN GRANT YANG PERTAMA IAITU 23-5-1949.
JIKA DI-DAPATI DI-TANAM GETAH DI-ATAS TANAH INI GRANT TANAH INI DI-
BATALKAN DAN TANAH INI DI-AMBIL BALIK OLEH KERAJAAN WALAUPUN
CHUKAINYA SUDAH DIBAYAR.
- Hal-hal yang diperbuat berikutnya/Subsequent proceedings :
6. Tarikh pendaftaran/Registration date : 25/01/2000

NOMBOR EDI
EDR NUMBER

BD 4267:

B. KETERANGAN PENDAFTARAN/REGISTRATION DETAILS

- Cukai tahunan/Annual rent : B\$5.00
 - Lain-lain hal/Remarks :
- PENDAFTARAN DITANDA TANGANI OLEH:
DAYANG NORZANAH BINTI HAJI HAMBALI PADA 22/01/2000.
PBT/BB/7/87 (B) (BAKI TANAH)
MEMO SUT BIL: KPN.S/T16:1 (242) BERTARIKH 08/10/1992.
CONTINUATION OF BRUNEI EDR NO: 33183 FOR LOT NO: 35706

C. KETERANGAN PEMILIK/OWNER'S DETAILS

Nama/Name	Kad Pengenalan/IC Bil/No & Warna/Col	Bahagian/ Proportion
SIPOLAN BIN SIFULAN	00-001230 (KUNING)	171/171

Saya dengan ini mengesahkan bahawa ini adalah salinan yang betul
dari keterangan yang dibuat dalam Pendaftaran Tanah Daerah ini.

I hereby certify that this is a true copy of the entry of
the District Land Register.

Pejabat Tanah /Land Office : BRUNEI MUARA
Kementerian Pembangunan/Ministry of Development

Pegawai Berkuasa/Officer in charge



Tarikh/date : 25/01/2000
Bilangan Geran/Number of Document Title : 1



HAK PEMILIK TANAH BERDAFTAR

BAB 8 PENGGAJAL 40

“All land shall be held by the entry in the register kept by the officer in charge of the Land Office in pursuance of this code and the document of the title issued to the holder of land shall be extract from such register and shall be in **Form C** in the schedule with such variation as circumstances may require”



BORANG C

FORM C

GOVERNMENT OF BRUNEI DARUSSALAM

Extract from the Register District of

Serial number	Demarcation or Survey Number if different	Number and nature of former title if any	Name of owner	Area	Boundaries	Nature of title whether in perpetuity or for years	Special conditions	Subsequent proceedings	Annual Rent	Remarks
				A.R.P.					₹	

I hereby certify that the above is a true copy of the entry in the District Register.

Land Office

Date

Officer in charge of the Land Office



BAB 9 PENGKAL 40

”Every title by entry in the Register shall vest in the person named therein a **surface right only** to the land....”



BAB 28 (3) PENGGAL 40

“Every entry in the Register shall be taken as conclusive evidence that the person named therein as owner of the land is **the absolute and indefeasible owner** thereof for the estate specified herein subject to the conditions upon which the original entry was made and the title of such proprietor shall not be subject to challenge except on the ground of fraud or misrepresentation to which he is proved to be a party”



BAB 27 PENGGAJAL 40

“No claims or interest in such land shall be valid unless it has been registered in the Land Office”



BAB 11 PENGGAJAL 40

“An extract may be issued either after survey or after demarcation of boundaries”



BAB 19 PENGKAL 40

“The registered owner of any land shall be responsible for the maintenance of all boundary marks and lines of the land”



BAB 17 PENGGGAL 40

“The rent payable in respect of any land shall be a first charge on the land and shall be due and payable at the Land Office on the 1st day of January in each year in advance and without demand”



BAB 18 PENGGGAL 40

“When any rent due to Government shall have become due and is unpaid it shall be deemed in arrears and the officer in charge of the Land Office may demand payment of it by a notice in writing and if the same be not paid within 15 days thereafter he may issue an attachment and seize and sell by virtue thereof any movable property of the defaulter and may also seize and sell any effects or any crops to whomsoever belonging which may be found upon the land in respect of which the arrears is due”



CUKAI TAHUNAN

Cukai Tahunan Hakmilik Tanah Berdaftar (Mulai 22/4/1999)

No.	Syarat Khas Tanah	Cukai Setahun
1	Padi	\$2.00 / ekar
2	Pertanian Am	\$5.00 / ekar
3	Getah	\$5.00 / ekar
4	Perumahan Am	\$10.00 per 1/4 ekar (Luar Kawasan Bandaran) \$50.00 per 1/4 ekar (Dalam Kawasan Bandaran)
5	Perumahan Am dan Perniagaan Sampingan	\$12.50 per 1/4 ekar (Luar Kawasan Bandaran) \$62.50 per 1/4 ekar (Dalam Kawasan Bandaran)
6	Perumahan Am dan Perniagaan	\$125.00 per 1/4 ekar
7	Rumah Pangsa	\$100.00 per 1/4 ekar
8	Rumah Pangsan dan Perniagaan	\$125.00 per 1/4 ekar
9	Perniagaan	\$150.00 per 1/4 ekar
10	Perniagaan dan Perindustrian	\$150.00 per 1/4 ekar
11	Perindustrian	\$150.00 per 1/4 ekar
12	Bangunan Institusi	\$62.50 per 1/4 ekar
13	Bangunan Institusi, Perniagaan dan Perindustrian	\$150.00 per 1/4 ekar
14	Hotel	\$150.00 per 1/4 ekar
15	Stesyen Minyak	\$125.00 per 1/4 ekar
16	Diplomatik	\$62.50 per 1/4 ekar



BAB 23 PENGGAL 40

“ Any person wishing to transfer, charge, lease or sub-lease his land shall deliver to the Land Office an instrument in one of the Forms D, E or F of the schedule with such variations as approved by the Land Officer as circumstances may require or such other forms as His Majesty in Council may from time to time by rule prescribe together with the extract under which he claims, and the Land Officer, if satisfied as to the transaction, shall register each transfer, charge, lease or sub-lease”

BORANG D

FORM D

Memorandum of Transfer

I _____ being registered as the owner of the land described by entry
in the Register No. _____ and registered in the Land Office at _____ (subject
to the annual rent of _____ and to such charges as are notified by memoran-
dum indorsed hereon):

In consideration of the sum of _____ paid to me by _____ of which sum,
I hereby acknowledge receipt do hereby transfer to the said _____ all my
right title and interest in the said land.

In witness whereof I have hereunto set my hand this _____ day _____, 19 ____.

Transferor

I hereby accept this transfer on the terms herein stated.

Transferee

Signed by the abovenamed
in the presence of _____

(Transferor)

Signed by the abovenamed
in the presence of _____

(Transferee)

Entered in the Register Volume _____

Folio _____

Land Officer

BORANG E

FORM E

Memorandum of Charge

I, _____, being registered as the owner of land described by entry in the
Register No. _____ and registered in the Land Office at _____ (subject to the
annual rent of _____ and to such charges as are notified by memorandum
indorsed hereon):

In consideration of the sum of _____ lent to me by _____ of _____ (hereinafter called the charge) the receipt of which sum I hereby acknowledge do hereby bind my self of pay to him interest on the said sum of _____ at the rate of _____ per cent per annum by equal annual payments on the 1st day of January in every year and will repay to him the said sum of _____ on _____

In default of payment of the interest or of any part thereof or of the principal sum hereby secured it shall be lawful for the said charge after the expiration of _____ months notice served upon me or at my usual or last known place of abode within Brunei Darussalam to obtain an order from the Land Officer for the sale of the said land.

If any default be made in payment of the interest due upon this charge the said principal sum shall immediately thereon become due and payable on demand being made by the said chargee by notice served as aforesaid.

And for the better securing the repayment of the said principal sum and interest I hereby charge the land above described with such principal sum and interest.

In witness whereof I have hereunto set my hand this day of ,
19 .
(Owner)

Signed by the abovenamed _____ (lessee)
in the presence of _____

Entered in the Register	Volume	Folio	Land Officer
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BORANG F

FORM F

Lease

I being registered as the owner of the land described by entry in the Register No. and registered in the Land Office at subject to the annual rent of and to such charges as are notified by memorandum indorsed hereon do hereby Lease the land comprised in the said Entry [or *describe the land adding "part of the land comprised in the said Entry"*] to of for the term of years from the date of this lease subject to the monthly rent of \$ and subject to the covenants and conditions following that is to say (*here set out conditions*).

In case the rent shall be in arrears for one month or there shall be a breach of any of the covenants and conditions on the part of the lessee then I shall be entitled to re-enter upon the said land and this Lease shall be at an end.

In witness whereof I have hereunto set my hand this day of ,19

Lessor

I accept this Lease on the term herein stated

Lessee

(Owner)

Signed by the abovenamed
in the presence of

(lessee)

Entered in the Register Volume

Folio

Land Officer



KESIMPULAN

UNDANG-UNDANG WILAYAH	UNDANG-UNDANG TANAH 1909
Tidak ada pendaftaran tanah	Pendaftaran tanah yang lengkap dan jelas
Tidak ada persempadanan yang tepat	Sempadan tanah yang menandakan
Sungai dijadikan sebagai sukat-sukat sempadan wilayah-wilayah yang dimiliki	Batu sempadan tanah dijadikan sebagai sukat-sukat



Terima
Kasih
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