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APPLICATION OF JOINT TENANCY ON REAL PROPERTY AND ITS IMPACT UNDER THE LAW OF SUCCESSION IN MALAYSIA

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Abstract

Joint ownership refers to property owned by two or more persons. Two significant forms of joint ownership in real estate exist joint tenancy and tenancy-in-common. Under common law, joint tenancy is applied as a mechanism for administering an estate, which takes effect after the joint owner's or joint tenant's death. The National Land Code (Act 828) recognises only tenancy-in-common tenancy rather than joint tenancy. Hence, this study proposes a regulatory framework and a suitable mechanism for the land conveyance process in the application of joint tenancy. This study is based on qualitative research and analysis of primary and secondary materials. For a comparative analysis, the study explores the law and practice of joint tenancy in Singapore and Australia for the dual legal and Torren systems. It is predicted that the joint tenancy application would give the proprietor more options in planning the management of his property and rightly give the surviving joint tenant full enjoyment of the property. © 2024 by MIP.

Author Keywords

Joint Tenancy; Joint-Ownership; Law of Succession; Law of Survivorship; Tenancy-in-Common

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