

**INTERNATIONAL JOURNAL
OF LAW, GOVERNMENT
AND COMMUNICATION
(IJLGC)**www.gaexcellence.com/ijlgc**GOVERNING SUSTAINABLE STRATA COMMUNITIES IN
MALAYSIA: ADDRESSING ENFORCEMENT GAPS,
SPATIAL CONFLICTS AND LEGAL CHALLENGES**

Aminah Mohsin^{1*}, Siti Zaleha Daud ², Zafirah Ab Muin³, Maryanti Mohd Raid⁴, Zaharah Mohd Yusoff⁵, Lilis Sri Mulyawati⁶, Claudine Meera Willis⁷

¹Department of Real Estate, Universiti Teknologi Malaysia, Malaysia

 aminahmohsin@utm.my

 <https://orcid.org/0000-0002-2290-9835>

²Department of Real Estate, Universiti Teknologi Malaysia, Malaysia

 sitizalehadaud@utm.my

 <https://orcid.org/0000-0003-4724-9789>

³Department of Real Estate, Universiti Teknologi Malaysia, Malaysia

 zafirah2@utm.my

 <https://orcid.org/0000-0001-6452-1831>

⁴Department of Real Estate, Universiti Teknologi Malaysia, Malaysia

 maryanti@utm.my

 <https://orcid.org/0000-0002-1328-8205>

⁵Fakulti Alam Bina, Universiti Teknologi Mara, Malaysia

 zmy1208@uitm.edu.my

 <https://orcid.org/0000-0002-6300-3001>

⁶Fakultas Teknik, Universitas Pakuan

 lilissrimulyawati@unpak.ac.id

 <https://orcid.org/0009-0001-3413-4176>

⁷Department of Real Estate, Universiti Teknologi Malaysia, Malaysia

 maclaudine@gradaute.utm.my

 <https://orcid.org/0009-0003-8916-3796>

*Corresponding Author

Article Info:**Article history:**

Received date: 24.06.2026

Revised date: 15.07.2026

Accepted date: 04.08.2026

Published date: 10.09.2026

Abstract:

The rapid expansion of strata housing in Malaysia has transformed urban residential development by providing efficient land utilization and shared community facilities. However, the sustainability of strata communities continues to be challenged by persistent governance issues, including weak enforcement mechanisms, spatial conflicts, and legal disputes among stakeholders. While previous studies have examined these challenges separately, limited research has explored their interrelationship within a holistic governance framework. This study aims to examine the key factors affecting the sustainability of strata communities in Malaysia by focusing on enforcement gaps, spatial management conflicts, and legal challenges, as well as their implications for community harmony and governance effectiveness. A qualitative research approach was adopted through semi-structured

To cite this document:

Mohsin, A., Daud, S. Z., Ab Muin, Z., Raid, M. M., Yusoff, Z. M., Mulyawati, L. S., & Wilis, C. M. (2026). Governing Sustainable Strata Communities in Malaysia: Addressing Enforcement Gaps, Spatial Conflicts and Legal Challenges. *International Journal of Law, Government and Communication*, 11(45), 01-20.

interviews and document analysis. Data were collected from five key stakeholders comprising representatives from local authorities, the Commissioner of Buildings (COB), and strata management bodies with direct experience in strata governance. The findings reveal three major challenges. First, enforcement efforts are constrained by limited institutional capacity, overlapping jurisdictions, and low resident compliance with established regulations. Second, spatial conflicts arise primarily from inadequate parking provision, misuse of common property, and increasing pressure on shared facilities in high-density developments. Third, legal disputes are exacerbated by ambiguities in regulatory responsibilities and residents' limited understanding of their legal rights and obligations. The study argues that these challenges are interconnected and require an integrated governance approach rather than isolated interventions. It proposes a sustainable strata governance perspective that emphasizes stronger enforcement mechanisms, enhanced legal literacy, improved spatial planning, and collaborative stakeholder engagement. The findings contribute to the growing discourse on sustainable urban governance and support the achievement of Sustainable Development Goal 11 (Sustainable Cities and Communities) by promoting safer, more inclusive, and resilient strata living environments in Malaysia.

DOI: 10.35631/IJLGC.1145001

Keywords:

Collaborative Governance; Enforcement; Legal Challenges; Spatial Conflicts; Strata Housing; Sustainable Communities



© The authors (2026). This is an Open Access article distributed under the terms of the Creative Commons Attribution (CC BY NC) (<http://creativecommons.org/licenses/by-nc/4.0/>), which permits non-commercial re-use, distribution, and reproduction in any medium, provided the original work is properly cited. For commercial re-use, please contact ijlgc@gaexcellence.com.

Introduction

Rapid urbanization, population growth and land scarcity have accelerated the shift toward high density housing worldwide. Strata housing characterized by individual ownership and shared common property has become a central model for efficient land use in many urbanized contexts including Australia, Singapore, Hong Kong and Malaysia (Ahmad Shuhaimi et. al, 2024). Its expansion reflects planning priorities that promote density, shared infrastructure and more sustainable urban forms.

In Malaysia, strata housing has grown significantly over the past three decades particularly in major urban areas. This trend is driven by rising property prices, limited land availability and policies encouraging vertical development. Data from the National Property Information Centre (NAPIC) indicates that total residential stock increased from 6.08 million units in 2022 to 6.20 million units in 2023 with condominiums and apartments accounting 17.2% of the total stock. The segment recorded a 3.0% annual increase highlighting its growing importance within the national housing system.

Despite its role in addressing urban housing demand, strata housing presents distinct governance challenges. The shared nature of common property requires coordinated management among multiple stakeholders including Joint Management Bodies (JMBs), Management Corporations (MCs), Commissioner of Buildings (COBs) and local authorities. although governance is regulated under the Strata Titles Act 1985 and the Strata Management Act 2013 implementation remains uneven. Common issues include weak enforcement by-laws, misuse of common property, parking shortages and disputes among residents. reports of approximately 15,000 strata-related complaints suggest persistent governance deficiencies particularly in enforcement.

Evidence from case law further illustrates how these challenges are interconnected. Disputes over car parks use in *Target Term Sdn Bhd v Waldorf Management Corporation* and *Ideal Advantage v Perbadanan Pengurusan Palm Spring Damansara* escalated into legal conflicts involving ownership and usage rights. Similarly, *Innab Salil v Verve Suites Mont' Kiara Management Corporation* demonstrates how a dispute over short-term rental use progressed from by-law enforcement to a federal court decision. These cases indicate that spatial conflicts, enforcement gaps, and legal disputes are linked within a broader governance process rather than occurring in isolation.

Existing studies on Malaysian strata housing have examined maintenance, management performance and legal compliance. However, these issues are often analyzed separately, overlooking their interaction in practice. Spatial constraints such as limited parking or shared facility use frequently generate conflict that when coupled with weak enforcement escalate into formal legal disputes. This fragmented understanding limits the development of effective governance strategies for sustainable strata communities.

This study addresses this gap by examining strata governance in Malaysia through three interrelated dimensions which are enforcement gaps, spatial conflicts and legal challenges. it investigates institutional and capacity constraint effecting enforcement, identifies common sources of spatial disputes and analyzes procedural and interpretive issues in dispute resolution. The study also explores how conflicts evolve across these dimensions focusing on the pathways from initial disputes to litigation. Integrating legal, spatial and governance perspectives, this study contributes to the literature on sustainable urban housing and supports the objectives of Sustainable Development Goal (SDG) 11. It provides practical insights for improving enforcement mechanisms, strengthening governance structures and enhancing the management of shared spaces in high density residential developments.

Community Sustainability in Strata Housing

Community sustainability is widely recognized as a multidimensional concept encompassing social, economic, environmental, and institutional dimensions that contribute to the long-term well-being of communities. Contemporary sustainability literature emphasizes that sustainable communities are not solely dependent on physical infrastructure and environmental quality but are also shaped by governance effectiveness, social cohesion, community participation, and institutional resilience (Dempsey et al., 2011; Vallance et al., 2011). In urban residential environments, sustainability is associated with residents' ability to establish trust, mutual respect, social inclusion and a shared sense of responsibility while collectively maintaining common resources and facilities.

Strata housing makes this concept especially prominent because the residents share common property, collective decision-making and interdependent responsibilities. Unlike landed housing, strata housing, strata living requires continuous interaction with neighbors and management bodies over maintenance obligations and community rules. Social sustainability therefore hinges on governance effectiveness and residents' willingness to comply with collectively established regulations, not solely in the quality of physical development (Sherry et. al, 2009; Easthope et. al, 2014). Weak governance and poor common-property management correlate with declining resident satisfaction and reduced community resilience (Easthope et. al, 2014), while active participation, transparent decision-making and equitable resource access characterize more sustainable strata communities (Sherry et. al, 2009; Easthope et. al, 2014).

Recent Malaysian evidence reinforces these patterns empirically. A study of affordable strata housing in the Klang Valley found that residents' perceptions of management body service delivery diverged sharply from actual management performance (Rabe et. al, 2021) identifying specific improvement strategies needed to close this gap. Similarly, research on vertical living satisfaction among medium-cost residential homeowners in the Klang Valley found that facility quality and management responsive, not unit design alone were the dominant predictors of resident satisfaction (Ahmad Shuhaimi et. al, 2023). These findings confirm that Malaysian strata sustainability is governance-driven rather than purely infrastructural extending Easthope et. al (2014) and Sherry et. al (2009) international findings into the local, affordable housing becomes the norm ensuring long-term sustainability requires an integrated approach addressing governance effectiveness, community engagement and conflict management alongside physical maintenance.

Sustainable Governance Theory and Collaborative Governance

Governance constitutes a fundamental component of sustainable community development. Sustainable governance refers to institutional arrangements and decision-making processes that promote accountability, transparency, participation and long-term societal well-being. In residential communities, governance structures play an important role in regulating behavior, managing shared resources, resolving conflicts and maintain social order.

Collaborative Governance Theory offers a useful lens for strata housing governance. Ansell and Gash (2008) define collaborative governance as a process in which public institutions and non-state stakeholders engage in consensus-oriented decision-making to address shared concern emphasizing participation, mutual trust, shared responsibility and collective problem-solving. Emerson et. al (2012) argue the approach is especially valuable in complex policy environments requiring coordination among government agencies, private sectors and community stakeholders, while Bryson et. al (2015) tie its success to effectiveness communication, institutional capacity, stakeholder commitment and shared goals.

In Malaysia, strata governance responsibilities are distributed among parcel owners, JMBs, MCs, COBs, local authorities and developers each holding specific rights and obligations under the Strata Management Act 2013 and Strata Titles Act 1985. Sustainable governance therefore requires continuous cooperation among these actors. Ahmad Shuhaimi et. al (2024) comparative analysis of strata management across Malaysia, Australia, Singapore and Hong Kong found that Malaysia's long-term strategy depends on investing in resident awareness and improving access to information on strata living costs and building maintenance, a finding that echoes collaborative governance's emphasis on stakeholder engagement over legal authority

alone. This comparative evidence demonstrates why legal provisions alone cannot ensure effective strata management where successful implementation depends on stakeholder engagement, institutional effectiveness and resident compliance requiring governance systems that combine legal regulation with active participation and collaborative problem-solving.

Strata Governance and Enforcement in Malaysia

Strata housing management in Malaysia is governed primarily by the Strata Titles Act 1985 (Act 318) and the Strata Management Act 2013 (Act 757). These legislative frameworks establish the legal foundation for ownership, management, maintenance, and governance within strata developments. The legislation also outlines the powers and responsibilities of developers, parcel owners, JMBs, MCs, COBs and local authorities. The Strata Management Act 2013 strengthened management structures and introduced more comprehensive mechanisms for maintenance, financial management, enforcement and dispute resolution seeking to ensure proper common-property maintenance, effective management-body operation and resident compliance with by-laws.

Despite these reforms, enforcement remains one of the most persistent challenges in Malaysian strata developments. Ahmad Shuhaimi et. al (2022) empirical study of enforcement actions under the Strata Management Act 2013 found a consistently high rate of COB enforcement actions against reported offences over time concluding that Strata Management Act 2013 itself requires further refinement to establish more enforceable standards and roles. A related study on low-cost strata schemes identified maintenance-related violations as the most frequently reported issue tying enforcement weakness directly to resource constraints in lower-income developments (Ahmad Shuhaimi et. al, 2023). These recent findings sharpen the institutional and behavioral distinction in enforcement difficulties where institutional challenges include limited manpower, administrative constraints, overlapping jurisdictions and resource limitations among management bodies and regulatory authorities, while behavioral challenges stem from residents' limited awareness of strata regulations and their tendency to prioritize personal interests over collective responsibilities.

Chong et. al (2021) study similarly found that early briefing programs for residents and buyers reduced the incidence of strata disputes and cited KPKT's Annual Report 2016 figures showing 2,642 cases reported to the Strata Management Tribunal of which 1,758 were resolved and 34 percent remained in progress. This indicates that enforcement functions as a governance mechanism shaping community stability and long-term sustainability, not merely a legal formality and that its effectiveness depends on residents' voluntary compliance as much as on institutional capacity. Strengthening enforcement capacity and resident awareness therefore remain essential to sustainable strata governance.

Spatial Management and Urban Conflict in Strata Communities

Spatial management refers to the planning, allocation, utilization and regulation of physical spaces within the built environment. In strata housing developments, spatial management is particularly important because residents share limited communal facilities and common property. Effective spatial management contributes to functionality, accessibility, safety and social harmony, while inadequate management often generates conflict and dissatisfaction among residents.

Parking provision is among the most common spatial challenges in strata communities. Rising vehicle ownership to pressure existing parking infrastructure particularly in low-cost and medium-cost schemes designed around outdated planning assumptions. International research links inadequate parking provision and resident behavior to parking-related conflicts wherever shared resources are limited relative to demand (Bramley & Power, 2009; Easthope et. al, 2014). Malaysia evidence verifies and sharpens this issue as a case study of high-rise strata residents in the Klang Valley found parking shortages and unauthorized use of common facilities among the most frequently reported tenant grievances directly linking spatial mismanagement to tenant dissatisfaction in the Malaysia high density context (Rabe et. al, 2020; Ahmad Shuhaimi et. al, 2023). Shortages of this kind routinely produce double parking, obstructed access routes and unauthorized occupation of common property, disputes that this study's findings confirm as recurring features of strata living in Selangor and Johor.

Legal Framework and Conflict Resolution in Strata Communities

Legal frameworks provide the institutional foundation for regulating rights, obligations and dispute resolution processes within strata developments. In Malaysia, the Strata Titles Act 1985 and the Strata Management Act 2013 collectively establish the legal architecture governing ownership, management responsibilities, common property administration and enforcement mechanisms.

Recent Malaysian scholar illustrates how these ambiguities translate into practice. Mohamad and Sufian's (2013) analysis of strata dispute management identifies the absence of enforced penalties for non-payment of charges, despite statutory provision for such penalties as a persistent structural weakness and traces how disputes escalate from administrative non-compliance into formal legal proceedings when early resolution mechanisms fail. The Strata Management Tribunal was established as an accessible alternative dispute resolution channel, yet awareness and effective use of the tribunal remain limited among residents.

Chong et. al (2021) found that structured early briefings for residents measurably reduced the incidence of disputes escalating to the tribunal suggesting that legal literacy interventions delivered before conflicts arise are more effective than reactive dispute resolution alone. Case law further demonstrates how unresolved spatial and administrative disputes evolve into substantive legal conflict which is disputes over car park parcel ownership and use have proceeded through the Malaysian courts including court of appeal rulings clarifying the boundaries between common property and accessory parcels under the Strata Title Act 1985. These cases together with tort principles of negligence, nuisance, trespass and occupiers' liability arising from management bodies control over common areas show that legal governance in Malaysian strata communities operates across administrative, tribunal and civil court forums reinforcing the case for strengthening legal literacy and early dispute resolution mechanisms as integral components of sustainable strata governance.

Sustainable Development Goal 11 and Sustainable Strata Communities

The growing prominence of strata housing in urban areas aligns closely with the objectives of the United Nations Sustainable Development Goal 11 (SDG 11) which seeks to make cities and human settlements inclusive, safe, resilient and sustainable (United Nations, 2015). As urban populations expand and land becomes increasingly constrained, high-density developments have become essential in sustainable urban planning. Strata housing in Malaysia plays a

significant role in accommodating urban growth while enabling more efficient land use and infrastructure provision.

SDG 11 emphasizes access to adequate, safe and affordable housing alongside improvements in urban resilience and quality of life. However, it requires more than the provision of housing units to achieve these goals. Sustainable communities depend on effective governance, equitable access to shared resources, social cohesion and reliable mechanism for managing disputes. Accordingly, the sustainability of strata housing must be considered not only in physical terms but also through governance, legal and social dimensions.

Governance effectiveness is widely recognized as a key determinant of sustainability in high density housing (Dempsey et. al, 2011). Weak enforcement limited institutional capacity and unresolved conflicts can undermine residents' well-being and reduce trust in management structures. Common issues in Malaysian strata developments such as unauthorized renovations, misuse of common property, parking shortages and recurring disputes contribute to social tension and weaken community stability. These conditions are inconsistent with the aims of SDG 11.

SDG 11 also highlights the importance of participatory and inclusive governance. This aligns with Collaborative Governance Theory which emphasize stakeholder engagement and shared responsibility in addressing complex urban issues (Ansell & Gash, 2008; Emerson et. al, 2012). In strata contexts, effective collaboration among residents, management bodies and local authorities is essential for managing shared spaces and resolving conflicts.

The sustainability of strata communities also carries economic implications. Ineffective management can lead to decline property values, higher maintenance costs and reduced market confidence. In contrast, well governed developments with properly maintained common areas tend to sustain long-term value and support the resilience of urban housing systems. In Malaysia, improving enforcement mechanism, strengthening legal awareness, enhancing spatial management and promoting active community participation can support the achievement of SDG 11. These measures contribute to safer, more inclusive and more resilient living environments, while reinforcing the role of strata housing as a sustainable solution for urban development.

Conceptual Synthesis

The literature demonstrates that the sustainability of strata communities is influenced by the interaction of three interrelated dimensions in terms of enforcement effectiveness, spatial management, and legal governance. Weak enforcement can encourage regulatory non-compliance, while inadequate spatial management may generate conflicts over shared resources and communal facilities. These disputes frequently evolve into legal conflicts when governance mechanisms fail to provide timely and effective solutions. Consequently, sustainable strata communities require an integrated governance approach that combines effective enforcement, equitable spatial management, and accessible legal remedies.

Drawing upon Collaborative Governance Theory (Ansell & Gash, 2008), this study conceptualizes sustainable strata governance as a process that depends on cooperation among residents, management bodies, local authorities, and regulatory institutions. The interaction between governance effectiveness, spatial management practices, and legal conflict resolution

forms the analytical framework for examining the challenges affecting the sustainability of strata communities in Malaysia.

Methodology

Research Design

This study adopts a qualitative research approach to examine the challenges affecting the sustainability of strata communities in Malaysia, with particular emphasis on enforcement gaps, spatial conflicts and legal challenges. A qualitative design was selected because it enables an in-depth exploration of complex governance issues, stakeholder experiences and institutional practices that may not be adequately captured through quantitative methods. The approach is particularly suitable for investigating social and governance phenomena where contextual understanding and stakeholder perspectives are essential to explaining underlying issues and relationships.

The study employs a multiple-case exploratory design involving selected strata developments and regulatory stakeholders in Malaysia. This design allows the researchers to examine governance challenges from multiple perspectives and identify recurring themes across different strata management contexts. The qualitative approach also facilitates a comprehensive understanding of how enforcement practices, spatial management issues, and legal disputes influence the long-term sustainability of strata communities.

Study Area

The research was conducted in two highly urbanized states in Malaysia, namely Selangor and Johor. These locations were selected due to their rapid urban development, high concentration of strata housing projects, and documented challenges relating to strata governance and management.

Selangor represents one of the most developed and densely populated states in Malaysia, with a substantial number of stratified residential developments ranging from low-cost apartments to high-end condominiums. The state has experienced various governance challenges associated with unauthorized renovations, maintenance management, and enforcement of strata regulations. Johor was selected due to its significant urban expansion and increasing number of strata housing developments, particularly in Johor Bahru and Iskandar Puteri. These areas have reported recurring issues involving parking management, common property disputes, and resident compliance with strata regulations.

The selection of these locations provides a suitable context for examining the practical challenges faced by management bodies and regulatory authorities in governing strata communities.

Sampling and Respondent Selection

This study utilized purposive sampling to identify respondents who possess direct experience and professional involvement in strata housing governance and management. Purposive sampling is widely used in qualitative research because it enables the selection of information-rich participants capable of providing relevant insights into the research problem.

Access to COB and local authority representatives required gatekeeping approval from the respective council secretariats while access to the MC representative was facilitated through the JMBs and MCs council chairperson who served as the primary gatekeeper for resident-level governance perspectives. Potential respondents were identified through publicly available organizational directories and confirmed through follow-up telephone and email correspondence to verify their direct professional involvement in strata enforcement, administration or dispute resolution.

A total of five respondents participated in the study comprising one representative each from the Shah Alam City Council (MBSA), Klang Municipal Council (MPK), Iskandar Puteri City Council (MBIP) acting in their capacity as COB, one local authority officer overseeing strata compliance and one representative from a MCs administering a stratified residential development. This sample size is consistent with qualitative governance research employing purposive, expert-based sampling where methodological adequacy is determined by the depth and relevance of participant expertise rather than statistical representativeness. Data collection continued until thematic saturation was reached, defined as the point at which successive interviews no longer generated new codes or categories relevant to the three dimensions of enforcement gaps, spatial conflicts and legal challenges. The saturation was accessed through iterative comparison of interview transcript during data collection and no new substantive themes emerged after the fourth respondents with the fifth interview serving to confirm the stability of the emerging thematic structure.

The study acknowledged that five respondents drawn from three local authorities and one MC constrain the extent to which findings can be compared systematically across the two states, Selangor and Johor represented in the sample. Rather than claiming cross-state generalizability, the study positions its findings as an in-depth exploratory account of governance practice within selected urban strata jurisdiction with the explicit intention of informing rather than concluding or making comparative claims. Future research building on this study would benefit from an expanded respondent pool encompassing additional COBs, local authorities and MC across a broader range of states to support more robust cross-jurisdictional comparison. The diversity of respondent nonetheless allowed the study to capture perspective from both regulatory authorities and operational management practitioners, thereby enhancing the comprehensiveness of the findings within the scope of an exploratory qualitative design.

Data Collection

The study utilized both primary and secondary data sources to facilitate data triangulation and strengthen the credibility of the findings.

Primary data were collected through semi-structured interviews conducted with the selected respondents. Semi-structured interviews were chosen because they provide flexibility for participants to elaborate on their experiences while ensuring that discussions remain focused on the research objectives. The interview protocol was organized around three primary themes: enforcement challenges, spatial management issues and legal conflicts within strata communities.

Interviews were conducted either face-to-face or through online platforms, depending on respondent availability and logistical considerations. Each interview lasted between 45 and 90 minutes and was recorded with the participants' consent. Field notes were also maintained to

document observations and contextual information that supported the interpretation of interview data.

Secondary data were obtained through document analysis involving academic journal articles, conference papers, government reports, planning guidelines, legislative documents, and policy publications related to strata housing governance in Malaysia. Key legal documents reviewed included the Strata Titles Act 1985 (Act 318) and the Strata Management Act 2013 (Act 757). The document review provided contextual support for the interview findings and facilitated comparisons between policy provisions and actual implementation practices.

Data Analysis

The collected data were analyzed using thematic analysis and content analysis techniques. Thematic analysis was employed to identify, organize and interpret recurring patterns within the interview data, while content analysis was used to examine documentary sources and relevant policy materials including by-laws, council circulars and Strata Management Tribunal case records. The combination of interview and documentary data enabled triangulation allowing stakeholder accounts to be cross-checked against official recorded and thereby strengthening the credibility of the findings.

The analysis followed Braun and Clarke's six-phase framework for thematic analysis adapted to accommodate the concurrent documentary review. First, interview recordings were transcribed verbatim to ensure accuracy and transcript were returned to respondents for member-checking to confirm that their statements had been accurately captured. Second, the transcripts were reviewed repeatedly to achieve familiarity with the data and initial impressions and reflexive observations recorded in a research journal to document the researcher's evolving interpretive stance and to guard against premature closure around preconceived categories. Third, open coding was conducted line-by-line to identify meaningful statements and concepts related to the research objectives. Fourth, similar codes were grouped into broader categories and reviewed against the coding framework to ensure internal consistency.

To strengthen analytical rigor, a second coder independently coded a 20 percent subsample of transcripts using the same coding framework. Inter-coder agreement was calculated using Cohen's kappa and discrepancies were resolved through discussion and where necessary, refinement of code definitions with the coding framework, decision log and reflexive journal retained as an audit trail to allow the analytic process to be traced from raw data to final theme. The analysis resulted in the identification of three principal themes are enforcement challenges in strata housing, spatial management conflicts within shared environments and legal challenges and dispute resolution mechanisms. These themes formed the basis for the findings and discussion presented in the subsequent section. The use of thematic analysis supported by documented coding exemplars, inter-coder reliability checks and a maintained audit trail enabled the researchers to systematically interpret stakeholder perspective while maintaining a transparent and traceable connection to the empirical data.

Trustworthiness and Data Validation

To enhance the trustworthiness of the study, several validation strategies were employed. First, data triangulation was undertaken through the integration of multiple data sources, including interviews, legislative documents, policy reports, and academic literature. This approach

allowed findings to be cross-validated and reduced the likelihood of bias associated with reliance on a single source of evidence.

Second, source triangulation was applied by obtaining perspectives from different stakeholder groups, including local authorities, regulatory officers, and strata management representatives. Comparing perspectives across stakeholder categories improved the credibility and consistency of the findings.

Third, the researchers maintained a systematic record of coding decisions, thematic development, and analytical interpretations throughout the research process. This audit trail enhanced the transparency and dependability of the study.

Ethical Considerations

This study adhered to accepted principles of academic integrity and research ethics. Participation in the interviews was voluntary, and all respondents were informed of the purpose and objectives of the research prior to data collection. Respondents were assured that the information provided would be used solely for academic purposes and that their responses would be treated confidentially.

To protect participant privacy, interview data were anonymized during the analysis and reporting stages. No personally identifiable information was disclosed in the presentation of the findings. The study did not involve vulnerable populations, medical interventions, or sensitive personal data requiring formal ethical clearance. Nevertheless, the research was conducted in accordance with accepted ethical standards governing qualitative social science research.

Findings and Discussion

Enforcement Challenges in Strata Housing

The findings reveal that enforcement remains one of the most significant challenges affecting the sustainability of strata communities in Malaysia. Respondents consistently highlighted that management bodies and regulatory authorities often encounter difficulties in addressing unauthorized renovations, misuse of common property, parking violations, and non-compliance with community by-laws. Although the Strata Management Act 2013 provides a legal framework for enforcement, practical implementation is frequently constrained by limited institutional capacity, resource shortages, and procedural complexities.

Several respondents noted that enforcement actions are often delayed due to overlapping responsibilities between MCs JMBs, COBs and local authorities. This situation creates uncertainty regarding enforcement jurisdiction and weakens the effectiveness of regulatory interventions. As a result, violations may persist for extended periods before corrective actions are taken.

These findings support previous studies that identify enforcement as a recurring challenge in Malaysian strata developments. Consistent with the broader literature on shared-property governance, the findings indicate that many residents continue to prioritize individual interests over collective responsibilities, particularly when undertaking unauthorized renovations or

occupying common property for personal use (Sherry, 2009; Easthope et al., 2014). Such behavior undermines community harmony and places additional pressure on management bodies responsible for maintaining order within the development.

From a collaborative governance perspective, enforcement effectiveness depends not only on legal authority but also on stakeholder cooperation and voluntary compliance (Ansell & Gash, 2008). The findings indicate that sustainable enforcement cannot rely solely on punitive measures. Instead, it requires active engagement between residents, management bodies, and regulatory agencies to foster a culture of compliance and shared responsibility. Where communication and trust are weak, enforcement efforts become increasingly difficult and often generate resistance among residents.

The findings therefore suggest that strengthening institutional coordination, improving resident awareness, and enhancing enforcement capacity are critical for achieving sustainable strata governance. Effective enforcement serves not only as a regulatory mechanism but also as an important instrument for maintaining social order, protecting common property, and preserving long-term community sustainability.

Spatial Management Conflicts in Strata Communities

Spatial management emerged as the most visible source of conflict within strata communities. Respondents consistently identified parking shortages, misuse of common property, and unauthorized occupation of shared spaces as major challenges affecting daily life within strata developments. These issues were particularly evident in low-cost and medium-cost housing schemes where existing facilities were unable to accommodate increasing resident demands.

The findings indicate that parking shortages have become a significant source of frustration among residents. Many developments were originally designed based on planning standards that no longer reflect current patterns of vehicle ownership. Consequently, residents often resort to double parking, parking along access roads, or informally reserving parking spaces through physical objects such as cones, chairs, flowerpots, and barriers. These practices frequently lead to disputes between neighbors and create tension within the community.

The findings support previous research suggesting that inadequate parking provision and resident behavior are significant contributors to conflicts within high-density residential environments where communal resources are shared among multiple users (Bramley & Power, 2009; Easthope et al., 2014). The study further reveals that parking shortages often trigger broader governance issues, including complaints regarding fairness, enforcement inconsistency, and unequal access to communal resources. These findings reinforce the argument by Easthope et al. (2014) that disputes over shared spaces frequently reflect governance challenges rather than purely technical planning deficiencies.

Respondents also reported incidents involving the unauthorized use of corridors, walkways, and communal facilities for personal purposes. Such practices reduce accessibility, compromise safety, and contribute to perceptions of unfairness among residents. In some developments, unauthorized extensions and encroachments into common property were reported as attempts by residents to compensate for inadequate living space. These actions often create tension among neighboring residents and complicate management efforts.

From a sustainability perspective, effective spatial management is essential for maintaining social cohesion and ensuring equitable access to shared resources. The findings indicate that improvements in parking management, facility planning, and community monitoring are necessary to reduce spatial conflicts and enhance the overall quality of life within strata communities. Greater collaboration between residents and management bodies may also help establish mutually acceptable solutions to recurring spatial challenges.

Legal Challenges and Conflict Resolution

The findings indicate that legal challenges continue to affect the sustainability of strata communities particularly in relation to dispute resolution, stakeholder accountability and residents' understanding of their legal rights and obligations. A key issue identified is the gap between legal awareness and functional understanding. While many residents are aware of the existence of the Strata Management Act 2013, far fewer are able to interpret and apply its provisions in practice. As one COB noted, "most owners know there is an Act, but they cannot explain what a by-law requires of them." Similarly, a MC representative observed that residents often expect management bodies to directly impose penalties without recognizing that formal processes such as tribunal filings where must be initiated by the residents themselves. These accounts suggest that the issue is not simply limited exposure to legal information but a limited ability to translate that awareness into appropriate procedural action.

Uncertainty regarding institutional roles further complicates dispute resolution. Respondents reported that overlapping responsibilities among management bodies, COBs and local authorities often create confusion about the appropriate channels for addressing complaints. As one local authority officer explained residents frequently approach multiple agencies for the same issue due to a lack of clarity over jurisdiction. This reflects a broader pattern in which residents recognize that a problem exists but lack the understanding needed to direct their complaints effectively.

Common disputes identified include unauthorized renovations, maintenance responsibilities, parking conflicts, noise disturbances, water leakages and property damage. Although the Strata Management Tribunal provides an accessible dispute resolution mechanism, many residents remain unfamiliar with its procedures or are reluctant to engage with it. Respondents noted that apprehension toward formal legal processes combined with limited procedural knowledge often leads residents to rely on informal complaints or leave disputes unresolved. As a result, conflicts may persist over extended periods.

These findings are consistent with governance literature emphasizing that the effectiveness of legal frameworks depends on stakeholders' ability to understand and use them in practice (Ansell and Gash, 2008; Bryson et al., 2015). The evidence suggests that the key limitation lies not in the absence of legal provisions but in residents' capacity to operate them.

From a legal perspective, many of the disputes identified can also be understood through private law principles particularly negligence, nuisance and trespass. Issues such as excessive noise, water leakage and unauthorized use of common property often involve legal rights and liabilities beyond administrative governance. In addition, occupiers' liability is relevant to the management of common property. Management bodies including JMBs and MCs exercise control over shared spaces and may owe a duty of care to residents and visitors. Respondents highlighted concerns regarding maintenance-related risks, including defective facilities and

poorly maintained infrastructure. Where such conditions result in injury or loss, management bodies may face legal liability. This underscores the importance of proactive maintenance and risk management in strata developments.

Overall, the findings suggest that improving legal literacy should be treated as a dual priority addressing both awareness and functional understanding. Basic dissemination of legal information is necessary but insufficient. More targeted measures such as simplified procedural guidance, resident briefings and facilitated access to dispute resolution mechanisms are required to support residents in applying legal frameworks effectively. Strengthening both dimensions can enhance compliance, reduce avoidable disputes and contribute to more stable and sustainable strata communities.

Discussion: Towards Sustainable Strata Governance

The findings show that enforcement challenges, spatial conflicts, and legal disputes are closely interconnected rather than independent issues. Weak enforcement allows spatial violations to persist, while unresolved spatial conflicts often escalate into formal legal disputes. At the same time, limited legal understanding reduces residents' compliance and weakens the overall effectiveness of governance systems.

These interrelationships are consistent with Collaborative Governance Theory, which highlights the role of cooperation, communication and shared responsibility among stakeholders (Ansell and Gash, 2008; Emerson et al., 2012). The results suggest that sustainable strata governance cannot rely solely on legal provisions or enforcement measures. Instead, it depends on coordinated engagement among residents, management bodies, local authorities and regulatory agencies in addressing shared challenges.

The findings also align with the objectives of SDG 11 which promotes inclusive, safe, resilient, and sustainable communities (United Nations, 2015). Effective enforcement safeguards shared interests, equitable spatial management supports social stability, and improved legal understanding strengthens accountability. Together, these elements contribute to more stable and sustainable living environments.

Moreover, the inclusion of occupiers' liability highlights that sustainability extends beyond governance and compliance. The safety and maintenance of common property are central to strata management as management bodies exercise control over shared spaces and may owe a duty of care to residents and visitors. Inadequate maintenance not only increases operational risks but may also expose management bodies to legal liability, thereby affecting residents' confidence in governance institutions.

Overall, the findings indicate that sustainable strata communities depend on the integration of effective enforcement, clear spatial management, accessible legal processes, and proactive risk management. Strengthening these dimensions is essential for improving the long-term sustainability, resilience and livability of strata housing in Malaysia.

Proposed Sustainable Strata Governance Framework

Based on the findings and literature review, this study proposes a Sustainable Strata Governance Framework to address the interconnected challenges of enforcement gaps, spatial

conflicts and legal disputes in Malaysian strata communities. The framework is grounded in Collaborative Governance Theory and emphasizes institutional coordination, stakeholder participation and proactive governance as main conditions for long-term sustainability.

The findings indicate that enforcement, spatial management and legal governance are not separate dimensions but interrelated components that jointly shape community outcomes. Weak enforcement contributes to non-compliance and misuse of common property, while inadequate spatial management generates disputes that may escalate into legal conflicts. At the same time, limited legal understanding and unclear institutional roles reduce governance effectiveness and delay dispute resolution. These interactions highlight the need for an integrated approach to strata governance.

The proposed framework is structured around three core pillars which are Enforcement Governance, Spatial Governance and Legal Governance. These pillars operate within a collaborative system involving residents, management bodies, regulatory agencies and local authorities reflecting the shared responsibility required to achieve sustainable strata communities.

Enforcement Governance

The first pillar focuses on strengthening enforcement mechanisms within strata developments. Effective enforcement requires clear regulatory procedures, adequate institutional capacity and consistent monitoring of resident compliance. Management bodies must be empowered to enforce by-laws in a fair and transparent manner while maintaining clear communication with residents regarding their rights and responsibilities. This includes improving coordination among JMBs, MCs, COBs and local authorities to reduce overlaps and enhance accountability. Additionally, stronger monitoring and inspection practices are needed to ensure compliance supported by efforts to improve residents' awareness of strata regulations. Promoting voluntary compliance through education and community engagement can further reduce reliance on punitive measures. The use of digital reporting and enforcement systems may also enhance transparency and administrative efficiency. Overall, effective enforcement supports social order, safeguards common property and reduces recurring violations that may undermine the sustainability of strata communities.

Spatial Governance

The second pillar focuses on the equitable and sustainable management of shared spaces and facilities. Spatial conflicts often arise when communal resources are insufficient, unevenly allocated or poorly managed. As such, spatial governance should address both physical planning considerations and patterns of resident behaviour. This includes reviewing parking allocation standards in high-density developments and implementing transparent systems for managing parking use. Measures are also needed to prevent the unauthorized occupation of common property and to ensure that shared facilities are properly maintained and accessible to all residents. Furthermore, encouraging resident participation in decisions related to shared spaces can improve acceptance and reduce conflict. Effective spatial governance promotes fairness and accessibility, strengthens social cohesion and minimizes disputes over communal resources.

Legal Governance

The third pillar focuses on strengthening legal awareness, accountability and dispute resolution mechanisms. Sustainable strata communities require both residents and management bodies to understand their legal rights and obligations under the Strata Titles Act 1985 and the Strata Management Act 2013. This includes enhancing legal literacy through educational programmes and community briefings as well as improving awareness of the Strata Management Tribunal as an accessible avenue for dispute resolution. Clear delineation of institutional responsibilities among JMBs, MCs, COBs and local authorities is also necessary to reduce confusion and improve governance effectiveness. Hence, early intervention and informal resolution should be encouraged to prevent disputes from escalating into formal legal proceedings. Strengthening risk management practices particularly in relation to occupiers' liability and the maintenance of common property is equally important. Effective legal governance enhances accountability, improves compliance and strengthens confidence in strata management institutions.

Collaborative Governance as the Integrating Mechanism

The three governance pillars are connected through collaborative governance. Sustainable outcomes can only be achieved when residents, management bodies, local authorities, and regulatory agencies actively cooperate in addressing shared challenges. Collaborative governance promotes transparency, trust, communication, and collective responsibility, thereby strengthening the effectiveness of enforcement, spatial management, and legal governance initiatives.

The framework recognizes that community sustainability is not solely dependent on legislation or physical infrastructure. Rather, sustainability emerges through continuous interaction between governance institutions and community stakeholders. Active participation and shared responsibility are therefore essential components of effective strata governance.

Expected Outcomes

The implementation of the Sustainable Strata Governance Framework is expected to generate several positive outcomes. These include improved compliance with strata regulations, a reduction in spatial conflicts and community disputes and greater awareness of legal rights and responsibilities among residents. It is also anticipated to enhance the safety and maintenance of common property, increase resident satisfaction and trust in management institutions, strengthen community cohesion and improve the overall sustainability as well as resilience of strata developments.

Effective implementation requires resource commitments at both institutional and community levels. At the institutional level, local authorities and COBs would require dedicated enforcement personnel, digital reporting systems, and training resources to support enforcement functions. At the development level, MCs and JMBs may allocate portions of maintenance or sinking funds to support spatial governance measures including parking management improvements and facility upgrades. Legal governance initiatives such as legal literacy programmes and tribunal awareness campaigns can be delivered at relatively low cost through existing outreach channels and collaboration with relevant agencies.

The rollout of the framework is best supported through a tiered coordination structure rather than a single implementing body. A state-level coordination committee comprising stakeholders would oversee implementation, monitor performance indicators such as complaint resolution times and compliance rates and provide strategic direction. At the development level, MCs and JMBs would be responsible for implementation within their respective schemes and report progress periodically. This approach aligns with existing institutional arrangements under the Strata Management Act 2013 and minimizes the need for additional regulatory structures.

A phased implementation timeline is proposed to ensure feasibility. The first phase focuses on establishing coordination mechanisms, conducting baseline assessments and piloting the framework in selected developments. The second phase involves refining implementation procedures based on pilot outcomes, expanding the framework to additional sites and introducing legal literacy initiatives. The final phase emphasizes consolidation, ongoing monitoring and gradual scaling across states.

From a cost perspective, the framework involves moderate initial investment in personnel, training and digital infrastructure, while many spatial improvements can be integrated within existing financial provisions. These costs are likely to be offset by long-term benefits including reduced dispute resolution expenses, lower administrative burdens on authorities and the preservation of property values in well-managed developments. Compared to reactive, case-by-case approaches, a structured and preventive governance framework is likely to be more efficient over time.

Overall, the framework supports the objectives of SDG 11 by promoting inclusive, safe, resilient and sustainable urban communities. By integrating enforcement, spatial management and legal governance within a coordinated structure, it offers a practical approach to strengthening the long-term sustainability of strata housing in Malaysia.

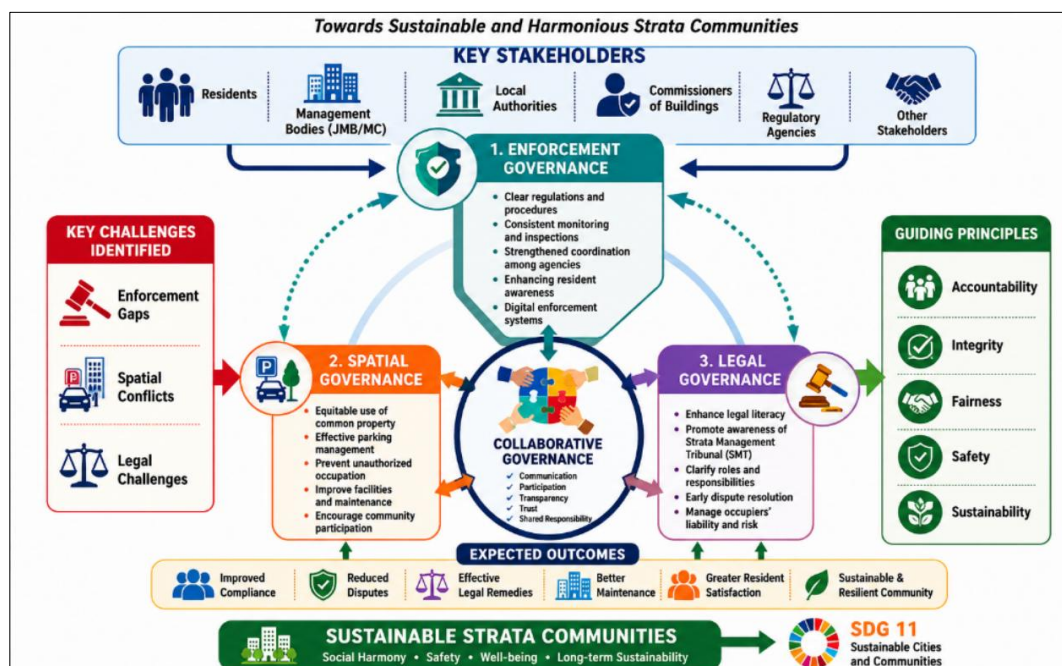


Figure 1: Sustainable Strata Governance Framework

Conclusion

The rapid expansion of strata housing in Malaysia has reshaped urban residential development and supported more efficient land use and urban densification. However, the sustainability of strata communities depends not only on the provision of housing but also on effective governance, equitable spatial management and accessible legal mechanisms. This study examined the challenges affecting strata sustainability with particular focus on enforcement gaps, spatial conflicts and legal challenges.

The findings indicate that enforcement remains a persistent issue due to institutional constraints, overlapping jurisdictions and varying levels of resident compliance. Weak enforcement contributes to unauthorized renovations, misuse of common property and repeated by-law violations. Spatial conflicts, especially those related to parking and shared facilities, continue to generate tension among residents and disrupt community cohesion. Legal challenges are closely linked to limited legal literacy, unclear stakeholder responsibilities and low awareness of available dispute resolution mechanisms.

Importantly, these challenges are interrelated and should not be addressed in isolation. Weak enforcement allows spatial conflicts to persist, while unresolved disputes often escalate into legal action. At the same time, limited legal understanding reduces compliance and weakens governance effectiveness. Drawing on Collaborative Governance Theory, the study highlights the importance of coordinated engagement among residents, management bodies, local authorities and regulatory agencies in addressing these issues.

The primary contribution of this study is the development of the Sustainable Strata Governance Framework which integrates Enforcement Governance, Spatial Governance and Legal Governance within a collaborative structure. The framework offers both a conceptual and practical approach to improving strata governance while supporting the objectives of SDG 11 which promotes inclusive, safe, resilient and sustainable communities.

From a practical perspective, the findings underscore the need to strengthen coordination among JMBs, MCs, COBs and local authorities. Greater emphasis is also needed on resident education, legal literacy, proactive maintenance and community engagement. The inclusion of occupiers' liability further highlights the importance of safety and risk management in maintaining common property.

This study contributes to the literature on strata governance and urban sustainability in Malaysia. However, it is limited by its qualitative approach and relatively small sample size. Future research could adopt mixed-method designs, expand geographical coverage and incorporate broader resident perspectives to further test and refine the proposed framework. Overall, the sustainability of strata communities depends not only on legal frameworks but on the effective integration of governance practices, stakeholder participation, spatial management, and legal accountability. Strengthening these elements will be critical to ensuring the long-term resilience, livability and sustainability of strata housing in Malaysia.

-
- Acknowledgements:** The authors would like to express their sincere appreciation to their respective institutions for the academic support provided throughout the completion of this study for providing the necessary resources and support throughout the course of this research. Special appreciation to all individuals and organizations that directly or indirectly contributed to the successful completion of this study.
- Funding Statement:** This research was supported by the Fundamental Research Grant Scheme (FRGS), Ministry of Higher Education Malaysia (MOHE), under Grant Number R.J130000.7852.5F599. The authors gratefully acknowledge the financial support provided through this grant. The funding body had no role in the design of the study, data collection, analysis, interpretation of findings, manuscript preparation, or the decision to publish the results.
- Conflict of Interest Statement:** The authors declare that there is no conflict of interest regarding the publication of this paper. All authors have contributed to this work and approved the final version of the manuscript for submission to the International Journal of Law, Government and Communication (IJLGC).
- Ethics Statement:** This study was conducted in accordance with accepted ethical standards for social science research. The research involved voluntary participation from professional stakeholders, including representatives of local authorities, Commissioners of Buildings (COBs), and strata management bodies. Prior to data collection, all participants were informed of the purpose and objectives of the study, and informed consent was obtained. Participants were assured of confidentiality and anonymity, and all information collected was used solely for academic and research purposes.
- Author Contribution Statement:** Aminah Mohsin contributed to the conceptualization, research design, methodology, project administration, supervision, and overall coordination of the study. Siti Zaleha Daud contributed to data collection, stakeholder engagement, and data analysis. Zafirah Ab Muin contributed to the literature review, legal analysis, and interpretation of findings. Maryanti Mohd Raid contributed to data validation, manuscript drafting, and critical revision of the manuscript. Zaharah Mohd Yusoff contributed to the review of relevant policies and legislation, manuscript editing, and quality assurance. Lilis Sri Mulyawati contributed to the comparative perspectives, manuscript review and intellectual input. Claudine Meera Willis contributed in the evidences of this study such as statistic and law cases to strengthen the literature review. All authors participated in the development of the manuscript, reviewed and approved the final version for publication, and agree to be accountable for all aspects of the work.
-

References

- Ahmad Shuhaimi, A. A., Mohamed Osman, M., Rabe, N. S., & Syed Khuzzan Alhabshi, S. M. (2024). Strata Management And Maintenance: A Comparative Analysis Of Malaysia And Selected Countries. *PLANNING MALAYSIA*, 22(30). <https://doi.org/10.21837/pm.v22i30.1422>
- Ahmad Shuhaimi, A. A., Mohamed Osman, M., Rabe, N. S., Syed Khuzzan Alhabshi, S., & Aripin, D. (2023). Low-Cost Strata Maintenance Issues And Cost Impact. *Planning Malaysia*, 21(26). <https://doi.org/10.21837/pm.v21i26.1276>
- Ahmad Shuhaimi, A. A., Mohamed Osman, M., Rabe, S., Syed Khuzzan Alhabshi, S. M., & Aripin, D. (2022). Enforcements And Offences Under The Strata Managemant Act. *PLANNING MALAYSIA*, 20(20). <https://doi.org/10.21837/pm.v20i20.1077>
- Ansell, C., & Gash, A. (2008). Collaborative governance in theory and practice. *Journal of Public Administration Research and Theory*, 18(4), 543–571.
- Bramley, G., & Power, S. (2009). Urban form and social sustainability. *Environment and Planning B: Planning and Design*, 36(1), 30–48.
- Bryson, J. M., Crosby, B. C., & Stone, M. M. (2015). Designing and implementing cross-sector collaborations: Needed and challenging. *Public Administration Review*, 75(5), 647–663.
- Chong, K. G., Eni, S., & Mohd Safian, E. E. (2021). Impact of having an early briefing among residents/owners in reducing strata disputes in Malaysia. *International Journal of Real Estate Studies*, 15(S1), 18–26. <https://doi.org/10.11113/intrest.v15ns1.113>
- Dempsey, N., Bramley, G., Power, S., & Brown, C. (2011). The social dimension of sustainable development: Defining urban social sustainability. *Sustainable Development*, 19(5), 289–300.
- Easthope, H., Randolph, B., & Judd, S. (2014). Governing the compact city: The role and effectiveness of strata management. *Housing Studies*, 29(5), 589–608.
- Emerson, K., Nabatchi, T., & Balogh, S. (2012). An integrative framework for collaborative governance. *Journal of Public Administration Research and Theory*, 22(1), 1–29.
- Forrest, R., & Kearns, A. (2001). Social cohesion, social capital and the neighbourhood. *Urban Studies*, 38(12), 2125–2143.
- Malaysia. (1985). *Strata Titles Act 1985 (Act 318)*. Percetakan Nasional Malaysia Berhad.
- Malaysia. (2013). *Strata Management Act 2013 (Act 757)*. Percetakan Nasional Malaysia Berhad.
- Manzi, T., & Jacobs, K. (2009). Understanding institutions, actors and networks. *Housing, Theory and Society*, 26(3), 160–175.
- Mohamad, N. A., & Sufian, A. (2013). Legal Development on Management of Strata Disputes in Peninsular Malaysia. *International Review of Management and Business Research*, 2(2), 442–449.
- Noor Suzilawati, R., Mariana, M. O., Muhammad Faris, A., Zakiah, P., & Izlan Fitri, A. A. (2021). Issues Faced By Tenants In High-Rise Strata Residential: Case Study Of Klang Valley. *PLANNING MALAYSIA*, 19(5), 180–191. <https://doi.org/10.21837/pm.v19i19.1070>
- Sherry, C. (2009). *Strata title property rights: Private governance of multi-owned properties*. Routledge.
- United Nations. (2015). *Transforming our world: The 2030 Agenda for Sustainable Development*. United Nations.
- Vallance, S., Perkins, H. C., & Dixon, J. E. (2011). What is social sustainability? A clarification of concepts. *Geoforum*, 42(3), 342–348.