

COMPARATIVE STUDY ON PLANNING LEGISLATION AND URBAN GOVERNANCE BETWEEN MALAYSIA AND TÜRKIYE

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ABSTRACT

This paper discusses the comparison of the planning legislation and governance between Malaysia and Türkiye. Reviews from various literature indicate that Malaysia's development planning is primarily governed by the Town and Country Planning Act 1976, while for Türkiye, its planning systems of countries have evolved in two different ways: regulatory and discretionary planning systems. The organizational structures in Malaysia involve federal and local planning authorities, while Türkiye's planning is overseen by the Ministry of Environment and Urbanization and its various directorates and agencies. The study has found that the decision-making processes in both countries follow a top-down approach, but recent reforms in Türkiye emphasize public participation. Implementation mechanisms involve local planning authorities in Malaysia and various directorates and agencies in Türkiye. Based on the data analysis from applied document review and content analysis, this study concluded that there are significant similarities and differences. Both countries have comprehensive planning laws but with variations in implementation and public participation.

Keywords: Planning System, Development Planning, Governance, Malaysia, Türkiye

1.0 INTRODUCTION

Urban planning plays a pivotal role in shaping the physical, social, and economic landscapes of nations (Recio, 2015; Muminovic et al., 2020). Effective governance systems and comprehensive legislation are crucial to ensure sustainable development, efficient land use, and the well-being of urban populations (Abass et al., 2018; Tonne et al., 2020).

Geographically, Malaysia is situated in Southeast Asia and about 2.4 times smaller than Türkiye. In comparison of size, Türkiye is approximately 783,562 sq km, while Malaysia is approximately 329,847 sq km which makes Malaysia 42.1% the size of Türkiye. Malaysia has indeed undergone significant urbanization and transformation over the past few decades. This transformation has been marked by several key trends and developments including economic growth which has transitioned from an agrarian economy to a more industrialized and service-oriented one, and infrastructure development that is heavily concentrated in its urban centers (Yasin et al., 2022). The emergence of modern cities, such as Kuala Lumpur, and the challenges posed by urban growth necessitate comprehensive planning strategies (Yin et al., 2020; Hadi et al., 2017).

Meanwhile, Türkiye is located at the crossroads of Europe and Asia, indeed has a rich historical heritage and has experienced significant urbanization and development (Bozdağ & İnam, 2021). The interplay of population growth, economic progress, and increasing globalization has indeed been a driving force behind urban transformation in many countries (Stein, 2019). By comparing the country's development planning legislation and governance systems in Malaysia and Türkiye, this study aims to study the similarities, differences, and best practices in urban planning approaches. This paper seeks to contribute to the existing body of knowledge on planning legislation and governance, providing insights for policymakers, planners, and researchers in both countries.

The objectives of this paper are threefold: firstly, to study the legislation frameworks of development planning in Malaysia and Türkiye, comparing the planning acts, regulations and policies implemented by each country. Secondly, this paper will evaluate the organizational structure and governance systems in both countries. Lastly, to present case studies as an example that showcase successful planning development and challenges faced by each country. This paper hopes to contribute to the broader field of urban planning and governance by providing a comprehensive understanding of the planning frameworks in two distinct contexts. By learning from each other's experiences and adopting best practices, Malaysia and Türkiye can foster more sustainable, inclusive, and resilient cities that meet the evolving needs of their populations.

2.0 LITERATURE REVIEW

2.1 Overview of Malaysia and Türkiye's Background

The growth of the population, particularly in urban areas, has been a significant factor in transforming cities and towns. As more people move from rural to urban areas in search of better economic opportunities and improved living standards, it puts pressure on urban infrastructure, housing, and services. Malaysia has invested heavily in infrastructure development, particularly in its urban centers (Aggarwal, 2022). This includes the construction of modern transportation networks, such as the Mass Rapid Transit (MRT) and the expansion of highways. These infrastructure projects have improved connectivity within and between cities. Urban areas like Kuala Lumpur and Penang have become major industrial and technological hubs, attracting foreign investment and fostering innovation. This has led to the development of numerous residential and commercial properties, contributing to the changing urban landscape. Tourism has played a significant role in the urban transformation of cities like Kuala Lumpur, which has become a major tourist destination. As a result, there has been a focus on developing tourist infrastructure and facilities. As with many countries, Malaysia experienced rapid urbanization that also comes with challenges, including traffic congestion, environmental degradation, housing affordability issues, and social disparities. Managing these issues and ensuring sustainable development is a key concern for policymakers (Ibrahim et al., 2016).

Türkiye is known for its rich historical and cultural heritage. It has been home to several ancient civilizations, including the Hittites, Phrygians, Greeks, Romans, Byzantines, and Ottomans. As a result, the country boasts a wealth of historical sites, monuments, and architectural marvels, many of which are located in urban areas like Istanbul. Türkiye has experienced substantial urbanization over the past few decades. Urban areas have grown in population and expanded in size, with a significant portion of the population residing in cities. Istanbul, in particular, is one of the world's largest and most vibrant metropolitan areas. Rapid urbanization has been driven by factors such as rural-to-urban migration, increased job opportunities in cities, and changing demographics. In terms of economic development, Türkiye has undergone significant economic development, evolving from an agrarian economy to a more industrialized and service-oriented one. Major cities like Istanbul, Ankara, and Izmir have become economic hubs and centers of business and industry (Bozdağ & İnam, 2021; Görmez & Yiğit, 2018).

The country also has experienced a boom in sectors like textiles, automotive, tourism, and information technology, contributing to urban growth and development. Its historical and natural attractions, including ancient ruins, beautiful coastlines, and cultural sites, have made it a popular tourist destination. Tourism has contributed significantly to the development of urban areas, particularly those along the coast. However, like other developing countries, Turkey's urbanization and development have brought about challenges, such as traffic congestion, environmental concerns,

and housing issues (Bozdağ & İnam, 2021; Görmez & Yiğit, 2018). In summary, Türkiye's unique position at the crossroads of Europe and Asia, along with its rich history, has made it a dynamic and evolving nation.

Malaysia and Türkiye, both countries have experienced urbanization, economic progress, and cultural diversity. They have different historical backgrounds, cultural influences, and governance structures. Malaysia's multicultural society and British colonial heritage are distinct from Türkiye's unique blend of Eastern and Western cultural influences and its transition from the Ottoman Empire to a secular republic.

2.2 Development Planning Legislation

Examining planning legislation is essential for understanding the legal framework that guides urban development and land use practices in any country, including Malaysia and Türkiye.

2.2.1 Development Planning Legislation in Malaysia

In Malaysia, urban planning is governed by various legislative acts and regulations. At the Federal/ National level, the National Land Code (NLC) is the primary legislation governing land ownership and land use in Peninsular Malaysia. It establishes the legal framework for land tenure, land titles, and land transactions. On the other hand, the Town and Country Planning Act 1976 (TCPA) serves as the primary legislation that establishes the legal basis for planning and development control (Malaysia Department of Town and Country Planning, 2021). This Act sets out the framework for urban and regional planning in Peninsular Malaysia. It establishes the Town and Country Planning Department and empowers local authorities to prepare development plans. TCPA also provides guidelines and procedures for land use planning, development control, and the establishment of local planning authorities.

Karim (2021), Bello and Maidin (2018), and Somasundram et al., (2018) emphasize the TCPA's critical role in guiding urban and rural development while promoting sustainability and addressing issues related to urban sprawl and environmental degradation through the incorporation of principles of sustainable development into its provisions. This can include considerations for environmental conservation, economic viability, and social equity in urban and rural planning and development processes. In addition, the Act also functions to regulate land use through zoning and land development regulations by encouraging mixed land uses, compact development, and efficient use of land. It can help prevent urban sprawl and promote sustainable land use practices. Besides, the TCPA also emphasizes community participation in the planning and development process through the engagement of community and stakeholders in the decision-making process.

Furthermore, the literature acknowledges the influence of various policies and guidelines on planning legislation in Malaysia. The National Physical Plan (NPP) and State Structure Plan (SSP) are instrumental in setting the strategic direction for land use planning at the national, state levels and local levels. These plans aim to achieve balanced development, enhance economic growth, and protect natural resources. In addition to the TCPA, specific legislation such as the Environmental Quality Act 1974 and the Street, Drainage, and Building Act 1974 complement the planning framework by addressing environmental concerns and building regulations (Ibrahim et al., 2019).

2.2.2 Development Planning Legislation in Türkiye

The Republic of Türkiye Ministry of Environment and Urbanization (2022) plays a crucial role in formulating and implementing planning legislation. In Türkiye, the primary legislation related to urban planning and development is known as the "Spatial Planning Law" (in Turkish: "Çevre ve Şehircilik Bakanlığı Çevre Yönetimi ve İzleme Genel Müdürlüğü Şehir Plancıları Odası Şehir Plancılığı Hakkında Yönetmelik"). This law sets the legal framework for spatial planning, zoning regulations, and land use in the country. It is governed by the Ministry of Environment and Urban Planning and is central to regulating urban development, land use, and construction practices in Türkiye. The Spatial Planning Law emphasizes Development Plans, Zoning, and Urban Renewal which is vital as a key piece of legislation that governs urban planning and development in Türkiye. The literature highlights the significance of the Law on Development Plans in regulating land use and promoting sustainable development practices. Datta (2019) emphasizes the importance of this law in guiding spatial planning, promoting public participation, and ensuring compatibility with environmental considerations.

Moreover, Türkiye has implemented various policies and regulations to address specific planning aspects. The Regulation on Conservation of Cultural and Natural Assets, for example, focuses on protecting historical and cultural heritage sites during urban development projects (Birben, 2019). It is worth noting that the legal framework for planning in Türkiye has undergone significant revisions in recent years, with an increased focus on sustainability, resilience, and citizen participation (Yildiz, 2020). The enactment of new legislation and the incorporation of international best practices have aimed to enhance planning practices and address emerging challenges.

In summary, the planning legislation in Malaysia, governed by the TCPA, sets the legal foundation for urban development and land use practices. Similarly, Türkiye's planning legislation, including the Law on Development Plans, Zoning, and Urban Renewal, provides the regulatory framework for planning and development. These legislative acts, complemented by various policies and regulations, play a crucial role in guiding planning practices and ensuring sustainable development in both countries.

2.3 Urban Governance

Urban governance, also known as urban planning governance, is a multifaceted process that involves the formulation, implementation, and regulation of urban policies and decisions within a city or metropolitan area. It encompasses a wide range of actors and sectors and plays a vital role in shaping the development and functioning of urban areas (da Cruz et al., 2018).

2.3.1 Urban Governance in Malaysia

Town and country planning system in Malaysia is governed by the Town and Country Planning Act 172. The combination of statutory development plans and the development control process is integral to urban governance in Malaysia. These mechanisms ensure that urban development aligns with the city or district's long-term vision, promotes sustainability, and minimizes the negative impacts of unregulated or poorly planned growth (Najimudin et al., 2023). In Malaysia, there are three levels of statutory development plans which are the national physical plan, state structure plan and local plan, with an additional special area plan for any specific places that require special planning approaches.

The top position in the planning hierarchy is the national physical plan which is fabricated by PLANMalaysia under the Ministry of Local Government for West Malaysia. In Malaysia, there are variations in planning acts and regulations between the Peninsular (Federal) states and the Borneon states (Sabah and Sarawak). While the Peninsular states follow planning laws like the Town and Country Planning Act, Sabah and Sarawak may have their separate planning acts, reflecting the autonomy of these states. Malaysia's hierarchical governance structure comprises federal, state, and local levels. The federal government enacts and oversees national laws and regulations that govern land use, zoning, building standards, and environmental protection. This includes federal laws like the Town and Country Planning Act and the National Land Code (Ibrahim et al., 2019; Najimudin et al., 2023).

The next level is the State Department of Town Planning that in charge of developing the State Structure Plan. The plan translates the development framework from the existing national physical plan to the state level and provides planning policies and proposals for the whole area within the state boundary that is in line with the physical plan. The local plan is a set of detailed policies and proposals for the development of a district that is based on the structure plan of the state. The plan also translates strategic policies and proposals embedded in the state structure plan to translate it into the district level. Lastly is the Special Area Plan (SAP) which is also under the fabrication of the local planning authorities. The SAP covers a smaller area compared to the local plan. SAP requires a special planning approach due to its unique characteristics. Examples of SAP approaches are transit-oriented development (TOD) planning (Abdullah, 2010; Harding, 2022; Karim, 2021). Under the provision of Town and Country Planning Act 172, the function of local plan is also to bring local and detailed planning issues to the public. Public participation as outlined in the Town and Country Planning Act serves to enhance the democratic and consultative nature of the planning process, ensuring that planning decisions are made with the input and interests of the community.

In the recent National Physical Plan (NPP) 4th edition document, the NPP outlines the new trend of planning level. This 4th tier planning level also known as "Micro Planning" or "Community Planning," is the most localized level of planning in the NPP hierarchy. It is focused on specific communities, neighborhoods, or local areas within a larger planning context (Housing and Local Government, 2021). However, this planning level requires an effective bottom-up approach and active involvement that places the community at the center of the process. It also necessitates a commitment to ongoing engagement, flexibility, and adaptability to address evolving challenges and opportunities within communities.

2.3.2 Urban Governance in Türkiye

Similar to Malaysia, the urban governance in Türkiye follows the top-down approach in the planning hierarchy through the statutory plans with the National Development Plan being the topmost and the master plans being at the bottom (Gursoy & Edelman, 2017). Literature indicates that urban governance in Türkiye involves a combination of both top-down and bottom-up approaches. The specific approach can vary depending on the project, the scale of planning, and the local context. National and Regional Planning, Metropolitan and Regional Planning as well as Major Infrastructure Projects in Türkiye are adapting more on top-down approach. The highest in the urban governance of Türkiye is the National Development Plan locally known as *Ulusal Kalkınma Planı* which is under the jurisdiction of the Ministry of Development, a strategic planning document that sets out the country's development

priorities, goals, and strategies for a specific period. The plan also covers a wide range of sectors and areas of focus to promote economic growth, social development, and regional balance (Gursoy & Edelman, 2017). Meanwhile, the bottom-up approach is more toward development planning at local municipalities and small-scale projects such as community gardens, parks, and local infrastructure improvements, as well as local elections for the people within the statutory boundary to choose their governors (Bozdağ & İnam, 2021).

For the regional context, Türkiye has a few regional development agencies that came out with different regional plans. These plans provide a framework for regional development and address specific regional challenges, opportunities, and potentials. They may include strategies for economic development, infrastructure improvement, tourism promotion, environmental protection, and social inclusion. Examples of regional plans in Türkiye include the Eastern Anatolia Project, the Southeastern Anatolia Project, and the Black Sea Region Strategic Plan (Gursoy & Edelman, 2017). At the provincial level, municipalities as the governors fabricate two plans which are master plans and implementation plans. The master plan guides land use, infrastructure development, and environmental protection within the provinces. These plans aligned with the national and regional development priorities while addressing specific local needs and characteristics. Meanwhile, the implementation plans are the phasing guidelines for the developments to be conducted (Gursoy & Edelman, 2017).

3.0 METHODOLOGY

This section outlines the methodology employed for the comparative study on planning legislation and governance between Malaysia and Türkiye. The research objectives include analyzing the legal frameworks for urban planning, evaluating the organizational structure and effectiveness of planning institutions and exploring practical examples and case studies. The following sections describe the research design, data collection methods, and data analysis techniques utilized in this study.

3.1 Research Design and Data Collection

A comparative research design was adopted to collect, examine and compare planning legislation and governance practices in Malaysia and Türkiye. This method of data collection allows for the identification of similarities, differences, and best practices between the two countries' planning systems (Blackwell et al., 2009; Iranifard & Latifnejad, 2022). Comparative research comprising methods of document review and critical literature review are applied in the study.

3.2 Comparison Analysis

This paper applied the comparison analysis of planning legislation and governance between Malaysia and Türkiye. The analysis focuses on several key aspects as follows;

3.2.1 Legal Frameworks

The legal frameworks for planning legislation in Malaysia and Türkiye exhibit both similarities and differences. In Malaysia, the Town and Country Planning Act 1976 serves as the primary legislation governing urban planning and development (Malaysia Department of Town and Country Planning, 2021). It provides a comprehensive framework for land use planning, development control, and the establishment of local planning authorities. In contrast, Türkiye's planning legislation is guided by the Law on Development Plans, Zoning, and Urban Renewal (Republic of Türkiye Ministry of Environment and Urbanization, 2022). This legislation focuses on spatial planning, zoning regulations, and urban renewal processes.

While both countries have established legal frameworks, the specific provisions and approaches differ, reflecting the unique contexts and priorities of each country.

3.2.2 Organizational Structures

In Malaysia, the Department of Town and Country Planning operates at the federal level and oversees national planning policies and regulations (Malaysia Department of Town and Country Planning, 2021). Additionally, local planning authorities are established at the state and local levels to facilitate decision-making and implementation processes. In Türkiye, the Republic of Türkiye Ministry of Environment and Urbanization plays a pivotal role in formulating and implementing planning policies (Republic of Türkiye Ministry of Environment and Urbanization, 2022). Various directorates and agencies under the ministry are responsible for urban planning, zoning, and environmental considerations. The organizational structures in both countries demonstrate a hierarchical approach to planning governance, although the specific divisions of responsibilities and levels of decentralization may vary.

3.2.3 Decision-Making Processes

While both Malaysia and Türkiye employ top-down planning approaches at the national and regional levels, the key difference lies in the extent of local municipal involvement and the degree of bottom-up planning. Türkiye places a significant emphasis on local municipalities and community engagement, which is more localized and participatory. The decision-making processes in both countries aim to balance national and regional objectives with the specific needs and conditions of local communities. These processes consider the unique challenges and opportunities in different urban and rural areas, promoting sustainable and inclusive development (Karim, 2021; Bozdağ & İnam, 2021).

In Türkiye, the Spatial Planning Law on Development Plans establishes a similar top-down planning approach, with the central government providing the overarching framework for development (Republic of Türkiye Ministry of Environment and Urbanization, 2022). However, recent reforms have emphasized the importance of public participation and citizen engagement in decision-making processes, promoting a more participatory planning culture (Bozdağ & İnam, 2021).

3.2.4 Implementation Mechanisms

The implementation mechanisms for planning legislation and governance in Malaysia and Türkiye demonstrate variations. In Malaysia, the local planning authorities play a vital role in implementing and enforcing planning regulations at the local level (Malaysia Department of Town and Country Planning, 2021). In Türkiye, the implementation of planning legislation is overseen by various directorates and agencies under the Ministry of Environment and Urbanization (Republic of Türkiye Ministry of Environment and Urbanization, 2022). These entities are responsible for coordinating development projects, conducting inspections, and enforcing regulations. The implementation mechanisms in both countries reflect the importance of coordination, enforcement, and monitoring to achieve the desired planning outcomes.

4.0 RESULT AND DISCUSSION

Based on the extensive literature review and comparison process, the following is the summary of the analysis made on the advantages and disadvantages of planning hierarchy in both countries.

4.1 Advantages of the Malaysian Planning Hierarchy

Comprehensive and Integrated Approach: The Malaysian planning hierarchy, with its National Physical Plan, State Structure Plan, Local Plan, and Special Area Plan, offers a comprehensive and integrated approach to planning (Karim, 2021; Alias et al., 2014). This ensures that development activities are aligned with strategic goals at various levels and promotes coordinated decision-making.

Adaptability and Flexibility: The 2001 amendment to the Malaysian Town and Country Planning Act introduced a more flexible planning system. It allows for the revision of plans whenever necessary, enabling the accommodation of changing circumstances and emerging needs. This adaptability ensures that the plans remain relevant and responsive to evolving development challenges (Lee & Chew-Ging, 2017).

Focus on Special Areas: The inclusion of Special Area Plans in the Malaysian hierarchy acknowledges the importance of addressing unique development challenges in specific areas. These plans cater to areas with historical or environmental significance, ensuring their conservation while facilitating appropriate development. This targeted approach allows for better management of sensitive locations.

4.2 Disadvantages of the Malaysian Planning Hierarchy

Reliance on Outsourced Consultancy: The reliance on private planning consultants for plan preparation may pose challenges in terms of consistency, expertise, and coordination. The involvement of multiple consultants could lead to variations in quality and approaches, which may affect the overall effectiveness of the planning process.

Potential Implementation Gaps: While the statutory development plans provide a solid framework, their effective implementation relies on the commitment and capacity of local planning authorities. Inconsistent enforcement and varying levels of resources and expertise among authorities may result in implementation gaps and hinder the realization of the plans' objectives.

4.3 Advantages of the Turkish Planning Hierarchy

Clear Division of Responsibilities: The Turkish planning hierarchy, with its division of planning responsibilities between national, regional, and local levels, establishes a clear structure for decision-making and plan implementation. Each level has defined roles and responsibilities, ensuring a systematic approach to planning and development.

Emphasis on Environmental Considerations: The inclusion of Environmental Plans in the Turkish hierarchy highlights the importance of considering ecological, cultural, and physical values. This integration of environmental factors into the planning process promotes sustainable development practices and safeguards natural resources.

4.4 Disadvantages of the Turkish Planning Hierarchy

Limited Integration and Coordination: The Turkish planning hierarchy may lack a strong mechanism for integrating and coordinating plans across different levels. This could result in fragmented decision-making and inconsistencies between national, regional, and local plans. The lack of a comprehensive framework for coordination may hinder effective implementation.

Potential for Bureaucratic Challenges: The multi-layered planning hierarchy in Türkiye, involving various authorities and organizations, may introduce bureaucratic challenges and delays in decision-making processes. This could impact the efficiency and effectiveness of plan implementation and hinder the timely realization of development goals.

5.0 CONCLUSION

Malaysia and Türkiye both have similar top-down planning approaches, starting from national to local levels. They each have specific Planning Acts guiding their governments. However, there are key differences. In Malaysia, urban planning falls under the Ministry of Local Government Development, while in Türkiye, it's under the Ministry of Environment and Urbanization. The organizational structures also differ, with Malaysia's Department of Town and Country Planning at the federal level and Türkiye's Ministry of Environment and Urbanization playing a central role. Decision-making processes involve public participation in both countries, but Türkiye has recently emphasized citizen engagement. Each system has strengths, such as Malaysia's flexibility, and challenges, like implementation gaps. Türkiye emphasizes clear responsibilities but faces integration and bureaucratic challenges. Identifying these pros and cons helps both countries improve their planning practices.

ACKNOWLEDGEMENT

This paper is a culmination of a research study conducted after a visit to Türkiye by third-year Urban and Regional Planning students enrolled in the Comparative Planning System course. The authors would like to thank the Department of Urban and Regional Planning, and the University of Istanbul Technical University for the warm welcome and assistance during the visit. This course was conducted as part of the fulfilment of the Bachelor's degree requirement.

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