



INTERNATIONAL JOURNAL OF ACADEMIC RESEARCH IN BUSINESS & SOCIAL SCIENCES



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To Link this Article: <http://dx.doi.org/10.6007/IJARBSS/v12-i8/14417>

DOI:10.6007/IJARBSS/v12-i8/14417

Received: 12 June 2022, **Revised:** 14 July 2022, **Accepted:** 29 July 2022

Published Online: 11 August 2022

In-Text Citation: (Mohamad et al., 2022)

To Cite this Article: Mohamad, M. R., Talmizi, N. M., & Ali, N. E. H. (2022). The Collaborative Process in Local Plan Preparation: A Review on the Issues and Relationship with Islamic Working Ethics and Values. *International Journal of Academic Research in Business and Social Sciences*, 12(8), 558 – 568.

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Vol. 12, No. 8, 2022, Pg. 558 – 568

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www.hrmar.com

ISSN: 2222-6990

The Collaborative Process in Local Plan Preparation: A Review on the Issues and Relationship with Islamic Working Ethics and Values

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Abstract

The hearing process that is embedded in the development plan preparation. The involvement of the public is vital to influence planning decision making. Therefore, all the stakeholders, especially the public needs to understand the process of public participation and it is dynamic because public participation in the preparation of the local plan would influence the output produced in the granted property development. It makes no sense if development decisions do not consider public participation as the public is one of the stakeholders that will have to live with the planning decision outcomes. In Islam, collaborative planning is encouraged and emphasised to have better products and ensure the quality of the plan. Therefore, this study critically analyses the issues and problems that arise in the public hearing process and the relationship between act provision and Islamic working ethics and public participation values in development control. Using a qualitative approach adopted in this research to examines the importance of act provision and Islamic working ethics and analyses the implementation of public participation based on the issues and three Islamic points of view. The research found that Islamic working ethics and values are important in public participation in avoiding the ethical issues in the process and system transparency enhancement.

Keywords: Islamic Working Ethic, Local Plan, Public Hearing, Value.

Introduction

A development plan is an essential tool as a development control mechanism (Baharom & Yusof, 2001; Maidin, 2011). The development plan will act as the primary tool to achieve sustainable development and it translates the government mission and policies into the development. The Malaysian urban planning system is influenced by the British planning system, but there are some differences in the Malaysian planning framework that follow the conventional planning system. Public hearing process is allocated in the preparation of the development plan. Unfortunately, the saddest part in this process is the participation level

among the public is still low (cite). Public did not aware about this provision in the act. Therefore, the government need to work hard to disseminate about this process to the public. The crucial impact to the public is the development proposal in the plan might lead to the depreciation of property value.

From the Islamic point of view, collaborative planning between the authority and public is vital to guarantee the quality of the policies and action plan is working simultaneously with people's needs from time to time (Irajpour et al., 2014). Public participation allows the authority to collect the public's opinion about their needs and better know the public in the area's locality. The needs of the public may vary from an area to area. The local authority should be the most knowledgeable government representative about the needs of people in the locality. Therefore, in Islam, public participation and collaborative planning are among the most critical processes to be adopted in the system as it is also promoting transparency, honesty and justice in the system and better working values among the officers in authority, respectively (Irajpour et al., 2014). The issues arise as the separation between Islam and working ethics and values occurred, and the reliance on the conventional recipes was too firm. Sustainable development is taken into consideration the three main pillars established, which is the economic generation, socially harmonious and environmental protection promoted to explore in Islam to mitigate some of the problems in sustainable development, including the social equity and protection of the right of community in participation in the planning process (Ansari, 1994; Khan, 2001; Sarkawi et al., 2016).

Therefore, this paper discusses the missing link on the relationship between the public hearing process through the conventional systems in Islamic working ethic and acts provision in public participation in the local plan's preparation at the local level.

There are two study objectives

- To identify the important of collaborative planning in conventional and Islamic context.
- To analyse the ethical issues in conventional collaborative and the Islamic working ethics.

This study is organised into six sections. The introduction focuses on explaining the hearing process in public participation as in the conventional system and some discussion on public participation in Islamic working ethics and values. Section two focuses on Malaysia's planning level in detail, followed by section three, which further explains the act provision on public participation in the Malaysian context. Section four explains on the public hearing issues and problems. The fifth section explains the Islamic point of view on the public participation process provided by Malaysia's act. Sixth section concludes that public participation is a vital process in Islam as it is the right of people to give their opinion on future development.

Research Background

- Planning Level in Malaysia

In Malaysian context, the planning system is translated into a three-tier government system beginning from the federal level, led by the federal government. At the state level, led by the state government, including regional planning. Finally, the lowest level of spatial planning in Malaysia is the local level, divided into three hierarchies (city, municipal and district council) and is led by their local authority. The local authority also functions as the local planning authority in their jurisdiction, with the responsibility and power to plan, administer and develop the land in their locality (Ahmad et al., 2013). Figure 1 below illustrates the three-tier

of Malaysia's planning system (Abdullah & Ariffin, 2006). In this paper, the discussion focuses specifically on the hearing process, which is part of public participation in the local plan's preparation at the local level as allocated under Section 14 in the Town and Country Planning Act 1976 (Act 172).

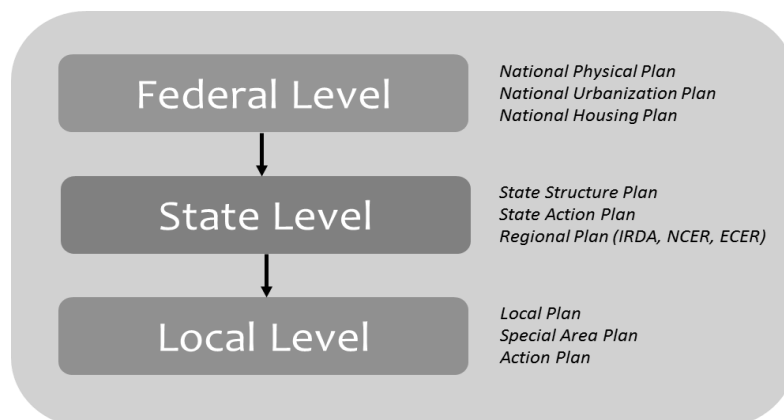


Figure 1: Three-tier Planning Level in Malaysia

Source: (Ahmad et al., 2013)

According to the Town and Country Planning Department Selangor, the Local Plan is one of the physical planning blueprints that translates the policies and strategic planning in the structure plan into the detailed proposed land use master plan in the administration of any local planning authority. The local planning authority is responsible for preparing the local plan, which eventually be approved by the State Planning Committee supported by State Authority. The local plan has become the most important reference document for the developer to proposed development within the local authority area. The contents of the Local Plan includes the proposed land use and the zoning for the area.

For the local authority to prepare the local plan, a public hearing, which is part of public participation, is one of the most critical elements to be considered, allocated under Section 14 in the Town and Country Planning Act 1976 (Act 172). A public hearing is indeed a requirement in the local plan preparation under the Town and Country Planning Act 1976 (Act 172), which needs to be organised by the authority to get the public's feedback and opinions in drafting the local plan. In Malaysia, the requirement of public participation, or its popularly known Malay equivalent 'seranta' is under Section 9 and 13 in the Town and Country Planning Act (Act 1129) (Amendment) 2003 and Inquiries and hearing is allocated under Section 14 of the same act. These provisions state that public participation is mandatory during the preparation stage and after the plan has been approved. The public's input is crucial because it will help the local authority to cater more specifically to the local population's interest and needs in future developments. Subsequently, the local plan can be geared towards sustainable development that integrates three key elements: economic prosperity, social equity, and environmental protection.

The public hearing is the most rigid way of public participation (Omar & Leh, 2009). 'Public participation creates a new direct link between the public and the decision-makers in the bureaucracy. It is a way of ensuring genuine interaction and reassuring the public that all viewpoints are considered (Creighton, 2005).

In terms of sustainable development, public involvement in the development process is one of the most important criteria that must be complied. The failure to observe requirements in the democratic country affects the whole system and negatively impacts social life and

environment. Malaysia's current practice enables all interested parties to participate in land development activities to input the decision-making process (Maidin, 2011). This process is vital to ensure that the decision made is just and fair to all stakeholders.

- Public Participation in Malaysian Town Planning

In a general context, the scope of public participation is divided into few categories of needs: planning development, environmental impact assessment, and significant infrastructure and construction projects (Li et al., 2012, 2013; Maidin, 2011). The scope of public participation is about the project, which impacts the development's stakeholders to ensure the proposed project is successful (Li et al., 2013). In the Malaysian context, the same approach has been adopted but more emphasis is given on public participation in the planning and environmental impact assessment (Maidin, 2011). In the planning context, public participation is included in two stages: the development plan's preparation stage and the planning permission approval process.

On the other hand, the inquiries and hearing program is usually handled by at least three (3) officers that have been appointed by the State Planning Committee as provided under Section 14, Town and Country Planning Act 1976 (Act 172). This hearing process is usually organised with the parties' attendant traced from the filing record from the Federal Department of Town and Country Planning, Peninsular Malaysia. Those participants who have made objections and proposals through the prepared objection forms or forums will be recorded in the Public Participation and Objection Report (Omar & Leh, 2009).

- Preparation Stage of Development Plan

the state director must examine all matters that will affect the development and planning development to formulate the plan (Maidin, 2011). The public can get themselves in this process under the provision of Section 9 (Act 172), which requires the authority to do the publicity and is supported with the inquiries and hearing under Section 14 of the same act. The publicity programme must be advertised through issuances in at least two local newspapers. One of the newspapers must use the national language to inform the public and other related stakeholders and make copies of the plan available for inspection purposes that must be revealed to the public. The exhibition must also enable the local population and stakeholders to object to and voice their opinions.

Other than that, the publicity process's notice must specify the time and location to ensure all stakeholders to have enough accessibility and information on this publicity programme. Local Planning Authority can either accept or reject any of the opinion and objection through their discretionary power. The second opportunity for the public to participate after the plan has been finalised and stated in the manner prescribed in the Town and Country Planning Act 1976 (Act 172). In this stage, the exhibition is more on the policies and strategies proposed in the plan, highlighting all supporting information such as plan, maps, and charts. The public's objections will be directed to the State Director and the committee and a draft structure plan for approval. Then, the committee will set up a subcommittee to process the objection and public hearing. This allocation is under the provision of the Town and Country Planning Act 1976 (Structure Plan and Local Plan) Rules 1985 (Maidin, 2011).

- Ethical issues and problems concerning the publicity process.

The publicity process is moral in collecting the public's opinion to prepare a development plan (Backlund et al., 2018). It promotes the practice of democracy towards sustainability (Backlund et al., 2018). Unfortunately, there is a gap that allows unethical practice in the

process. There are central problems concerning publicity named accountability, transparency and legitimacy (Allmendinger & Haughton, 2012; Backlund et al., 2018; Mantysalo et al., 2015). The opinion that the publicity process is just a formality. The informal process helps to get the input that led to the accountability issues and avoidance from conducting the process (Wilkinson, 2011). Similarly, there is a tendency for the selected actors to process the direct outcomes towards those issues to get a benefit for themselves and advance predominantly neo-liberal causes – putting their interests more than the democratic ideals (Metzger, 2011).

The publicity process's honesty and transparency are about the communication and deliberative theory (Backlund & Mantysalo, 2010). The critique includes questioning the communicating parties, actors, and stakeholders in the situation. How the discussion is conducted, discussed, and issues to be taken into consideration (Backlund et al., 2018). This is due to the complexity in planning which is not only concerned on the issues of differences about what is a 'good life' or a 'good city' and how value-led decisions arrived at (Backlund et al., 2018). The kind of processes should be incorporated in planning and the relevant reason behind it should also be considered (Campbell, 2012; Forester, 2013; Sager, 2009).

The stakeholders and citizens should be equipped with better knowledge as they rarely know or can acquire knowledge of this publicity process (Backlund et al., 2018). According to the research, the public is more knowledgeable in providing their input during the publicity process is not plausible (Christiano, 2004). Knowledge about peoples' need should become the main focus of the authority and officer in providing better planning to the society (Creighton, 2005).

- The provision of public participation in Islamic point of view

The issues and problems stated above about the conventional public hearing process. Therefore, it is an essential missing link to public hearing issues and problems in the Islamic context. The practice of Islamic ethics helps to improve human relation (Ebrahimi, 2017). Therefore, Islamic ethics apply to various aspects of life, including governance, business, and the management of personal matters. Prophet Muhammad, who possessed perfect ethics, once said, "I was sent to perfect good morals" (Ebrahimi, 2017). His mission was to imprint human hearts with impeccable morals that would guide us with exemplary conduct towards each other. Significant characteristics of Islamic ethics include bravery, consideration, experience, fairness, justice, honesty, and the pursuit of knowledge (Ebrahimi. M, 2017). Islam a peaceful religion and to promote the harmonious life on the earth as mentioned in Surah Al-An'am 6:165 below:

"It is He (Allah) Who has made you (His) Khalifa (vicegerents), inheritors of the earth: He has raised you in ranks, some above others: that He may try you in the gifts He has given you; for your Lord is quick in punishment; yet He is Oft-Forgiving, Most Merciful."

[An-An'am 6:165]

Development should not only precisely focus on the physical aspect but also it must consider social equality as well. Therefore, public participation is an important process in collecting opinions and ideas for the planning processes, bringing prosperity to all. Strategic and collaborative plannings are also explained as the disciplined efforts that require the fundamental organisation decision and action, which symbolises the authority and company's expertise and what the organisation should do and why it does it. The organisation can project what they should emphasise and guide them in the decision-making process (Sarif et al.,

2016). On the other hand, it would help improve the government officer's competency in providing more information and be more knowledgeable on the public's needs and give them strong justification of the projects and plans proposed in the plan.

Therefore, collaborative planning is one of the practices that consider people's needs in the decision-making process. In the Holy Quran, Muslims must collaborate and cooperate in the right action and practices to meet God's satisfaction and prohibited from practising illegal action and against God (Irajpour et al., 2014).

Consequently, the noble relationship and collaboration elements that need to be practised are also applied in Malaysia's decision planning and development plans process. The intention is to produce better planning, promoting Islamic values and ethics among the workers. It also helps to hinder any malpractices and dishonesty in the decision planning and development preparation process. The lists of Islamic values and ethics practice in collaborative planning, including honesty, knowledge, fairness, and justice (Ebrahimi, 2017). Each ethic is related to the provision of public participation that ensures transparency and accountability in preparing the local population's development discussed in detail below, along with examples and references to al-Quran and Sunnah (Ebrahimi, 2017). In this article, three (3) Islamic values and ethics related to collaborative planning will be explained, supported with Quran Verses and Hadiths.

Honesty

The collaboration in planning promotes transparency and honesty in the decision-making process as it considers all the local citizen's needs. Honesty is a value which is highly regarded. Honesty is promoted in every daily life routine, including in decision making, which involves the deal with humankind and serves to unites notions of the condor in actions, relationship and verbal exchanges (Ebrahimi, 2017). The government officers and the decision-makers are also getting the opportunities to improve the decision with more transparency, positively impacting and directly promoting sustainability in the development and providing social enhancement. It is mentioned in the Holy Quran, Surah At-Taubah (9:119) also the Sahih Hadith from Al-Bukhari below:

"O you who believe! Fear God and be with those who are true (in word and deeds)." (Quran 9:119)

[At -Taubah, 9:119]

This hadith is related to honesty as recorded by Sahih Al-Bukhari:

Allah's Messenger (ﷺ) said to us, "Honesty descended from the Heavens and settled in the roots of the hearts of men (faithful believers), and then the Qur'an was revealed, and the people read the Qur'an, (and learnt it from it) and also learnt it from the Sunna." Both Qur'an and Sunna strengthened their (the faithful believers') honesty.

[Sahih Al-Bukhari].

Allah prohibited dishonest actions when dealing with people, especially deciding on the proposal for improvement (Ebrahimi, 2017).

Knowledgeable

One of the most important elements which becomes essential for a prosperous society is to be knowledgeable (Ebrahimi, 2017). The concept of being knowledgeable can be translated into the planning process, which is to know people's need to ensure the development plans'

effectiveness and influence decision-making. It helps in producing better decisions for the people as their needs must be taken into consideration. On the other hand, as Muslims, the knowledge acquired makes them more knowledgeable about God, allowing them to assimilate it into the scientific research and decision-making processes that benefits human welfare by utilising universal resources wisely (Ebrahimi, 2017). Based on the Holy Quran in Surah Ar-Rum (30:29), Allah mentioned the importance of acquiring knowledge among humans to have a progressive life.

"No, indeed! Those who do (the greatest) wrong (by associating partners with God) follow only their lusts and fancies, without (basing on any) knowledge. Who has the power to guide him whom God has led astray (on account of following merely his lusts and fancies)? Moreover, such have none to help them (to salvation)."

[Ar -Rum, 30:29]

The explanation of the important for being knowledgeable in Islam is also supported by Rasullullah's hadiths narrated by Abu Hurairah and Sunan Al-Tarmidzi below:

1. Narrated Abu Hurairah:

that the Messenger of Allah (ﷺ) said: "Whoever takes a path upon which to obtain knowledge, Allah makes the path to Paradise easy for him."

[Sahih Darussalam]

2. Prophet Muhammad (peace and blessings be upon him) said about it in these words:

"Seeking knowledge is an obligation upon every Muslim."

[Sunan At-Tirmidhi]

It is shown that Islam is a religion which promotes and enforces to be known among the human to have a progressive life and competence. Besides, in decision making, knowledge is topmost priority because it produces better decisions. Other than that, applying appropriate use of science and technology knowledge stop the immoral issues, and people realise their responsibility to be a part of the decision making and do not exclude any of the opinions because it may affect daily life. Knowledge about public needs is the most crucial elements to be considered in influencing decision making. It reflects the competent of the officers. Competent officers can defend the production plan and explain the justification to the public. These officers should be knowledgeable for them to be competitive in their works and performs well. It is because some members of the public are well-versed and know their rights as allocated in the act. Through this public hearing process, this public hearing process will become a platform for those officers to test their abilities to justify their plans and handle the public in many ways because some public wants to protect their interest without considering the benefit to the overall society. Therefore, the decisions cannot ignore the public's right to speak upon their needs and protect their interest, directly and indirectly, to justify with all the plans, the knowledgeable officers needed by the authority.

Fairness and Justice

In the decision making and development plan preparation process, fairness and justice are among the values which are taken into consideration. It ensures the plan can positively benefit the people and successfully implemented into the system. In the Holy Quran, God said:

“God commands you to deliver trusts (including public and professional duties of services) to those entitled to them, and when you judge between people, to judge with justice. How excellent is what God exhorts you to do. Surely God is All-Hearing, All-Seeing.”

[An-Nisa', 4:58]

All Muslim should practise justice. Justice shows the highest moral level among Muslims (Ebrahimi, 2017). The practice of justice help Muslim fight against enemies and provide a better life for everyone. The application of justice in the preparation plan and decision making is crucial as it requires critical and in-depth knowledge about the need of people. Therefore, collaborative and public participation is a remarkable effort and allocation by Malaysia's law. It is explained in a hadith narrated by Sahih Muslim:

It has narrated on the authority of 'Abdullah b. 'Umar that the Messenger of Allah (ﷺ) said: Behold! the Dispensers of justice will be seated on the pulpits of light beside God, on the right side of the Merciful, Exalted and Glorious. Either side of the Being is the right side, both being equally meritorious. (The Dispensers of justice are) those who do justice in their rules, in matters relating to their families and all they undertake to do.

[Sahih Muslim]

In this article, the importance of justice in plan preparation and decision-making has been highlighted and supported with the Quran verses and hadiths. It portrays the importance of this value in influencing the plan preparation and decision-making process.

Conclusion

This paper evaluates the relationship between public inquiries and hearing the relating issues and problem arise in the process based on Islamic working ethics and values. Based on the qualitative approach, there is a definite relationship between public inquiries and hearing in the public participation process and Islamic working ethics and values. Islam is encouraging the collaboration and participation of all the stakeholders in the working and plan preparation process as the produced plan will affect all the stakeholders in the future time. The public hearing issues should be able to address the public problem and promote the participation and practice the Islamic value. Islamic values stated can be used as guidance in conducting public participation in any decision-making process. self and personal interest among the stakeholders must be avoided to produce a better plan (Backlund et al., 2018). The separation of Islamic values and practice from daily life routines would lead to the misconduct action and cause a breakdown and separation in ummah/society. Islam teach the believer and worshipper of Allah to protect the relationship (1) Human to God, (2) Human to himself, (3) Human to Environment, (4) Human to other humans (Irajpour et al., 2014). The findings revealed three central values in Islamic working ethics related to public participation: honesty, knowledgeable and fairness, and justice. All three central values must be tackled to solve the issues and problems in public hearing process. Therefore, this paper portrays that Islam should be included in our daily activities, and all the noble values are promoted and emphasised by Islam to promote a better system and products. Apart from that, the issues and problems regarding the public hearing can be solved with the Islamic practice of doing work. The contribution of knowledge for this paper is how the Islamic practices bring success in the public hearing process and directly helps in improving the quality of life for the ummah/society. This study's limitation is concentrated on discussing public participation in the Islamic context for the local plan (development plan) preparation process. Future research can include an assessment that can be done to cover all three-tier planning levels from the Islamic point of view.

This research is significant in promoting mature and transparent public participation process. The public participation is not only practice in conventional planning system but also emphasized in Islam. The clear and ethical issue free participation are expected by the all the stakeholders to ensure efficient and effective planning system. Hence, this paper is contributing a clear picture on how collaborative planning is important in conventional planning system as well as in Islamic perspective.

Acknowledgement

Funding

There is no funding for this research.

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