CONSERVATION OF CULTURAL HERITAGE IN MALAYSIA:
A REVIEW ON NATIONAL HERITAGE ACT 2005

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ABSTRACT

Malaysia is very fortunate to have many historic buildings which have both the architectural and historical value which are protected in the National Heritage Act 2005. With the rising awareness amongst the public regarding the conservation of our precious national heritage, many historical buildings have been preserved and conserved very well. However, some of them have sadly been converted to become premises for banks, restaurants, offices or even shopping malls. Thus, in December 2005, parliament passed the National Heritage Act which came into force on 1 March 2006. This Act is a replacement of Antiquities Act 1976 and Treasure Trove Act 1957. The passing of this new Act draws the attention of the public as well as local organizations. Some give many credits, *inter alia*, alleged that the Act is already complete. Despite of the credits, the Act, at the same time, also received a lot of critics from various individuals, groups and organization as it is said to be ineffective and unenforceable. This research paper aims to draw the attention on the flaws or loopholes being purported against this Act and recommendations to overcome the alleged flaws. Among the issues that will be discussed in this research paper include, failure of authorities to observe their power efficiently, loopholes in our laws and lack of appreciation of the value of the heritage. We hope that this research paper will be a reading that will provide a better understanding on this Act.
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CHAPTER 1

INTRODUCTION

1.1 Introduction

Heritage is our past which needs to be preserved and taken care of so that it can be passed on to future generations. According to the Oxford Dictionary\(^1\), heritage is defined as property that is or may be inherited; an inheritance or valued objects and qualities such as historic buildings and cultural traditions that have been passed down from previous generations.

The meaning of heritage\(^2\) itself is conceptualized as something of the past that is attached with, to the present and is regarded as knowledge defined within social, political and cultural context. It is proven in our environment through physical evidence such as monuments, buildings, streets, landscapes and societal activities. These have now become symbols of cultural identity and heritage of certain communities and in essence, they portray what we really are. By acknowledging and studying the qualities of buildings, we can relate and learn about not only the life of their predecessors but also the architectural innovations that were made in the past.

Heritage can be categorized into two categories which are cultural heritage and natural heritage\(^3\). Both of the tangible\(^4\) and intangible\(^5\) heritages are part of our national cultural heritage.

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\(^2\) In Malaysia, heritage is defined under Section 2 of National Heritage Act 2005 to import the generic meaning of a National Heritage, sites, objects and underwater cultural heritage whether it is listed in the Register, or not. Whereas, National Heritage means any heritage site, heritage object, underwater cultural heritage or any living person declared as a National Heritage under section 67 of National Heritage Act 2005.

\(^3\) Natural heritage includes natural features of any area in Malaysia which may consist of earthly physical or biological formations or group of such formations, geological or physiographical features,