THE LEGAL STUDY ON FORESTRY LAW IN PENINSULAR MALAYSIA: A SPECIAL FOCUS ON THE PERMANENT RESERVED FOREST (PRF) TITLE

By:

Ezuria Binti Shahri – 2012889498
Nur Diyana Binti Zubir – 2012889112
Nur Amalina Binti Zainal – 2012894852
Mohd Affifuddin Bin Rusnan – 2012892294

Submitted in Partial Fulfilment of the Requirements for the Bachelor of Law (Hons)

Universiti Teknologi MARA
Faculty of Law

December 2014

The students/authors confirm that the work submitted is their own and that appropriate credit has been given where reference has been made to the work of others.
Acknowledgement

We would like to express our special appreciation and gratitude to our advisor, Puan Irini bt Ibrahim. We are very grateful for your guidance and advice for this research paper throughout the whole semester, we could not have done on our own.

Thank you very much.

We are also grateful to our families and friends for giving us their extraordinary support, love, guidance and for always encouraging us to do our best.

We would like to thanks the respondents that have agreed to be interviewed. Their opinions and feedbacks have been very helpful and useful for our research.

Our special thanks go to UiTM for giving us the opportunity to learn and grow in this institution. This research paper has given us a lot of new inputs and experience.

Our appreciation also goes to every member in the group namely Ezuria, Diyana, Amalina and Affif in helping to develop the project and thank you to the people who have also willingly helped us out within their abilities. This research paper could not have been possible without the people we have mentioned.

Finally we would like to thank to Allah S.W.T. for the strength he had given us to finish this research paper. Thank you.
Abstract

This study was conducted to examine the laws regulating the Permanent Reserved Forest (PRF) in Selangor, Perak and Negeri Sembilan. The focus is on the gazette and degazettlement of PRF's title. This is a qualitative research where the data and information were obtained through the method of collecting data and relevant materials from various sources. Interviews were also conducted on a number of experts such as academician, government officials and also non-governmental organizations. The legislation that governs the PRF falls under the National Forestry Act 1984. The Acts provides a way for forest to be gazetted as PRF. However, there is a provision that allows the PRF to be degazetted if the State Authority is satisfied. There is no 'check and balance'. It is concluded that the protection of permanent reserved forest is not that strict as the title is easily being stripped off, with the exception in Selangor, where Selangor is the only state that practices public participation before degazettement of permanent reserved forest.
TABLE OF CONTENTS

Acknowledgement ii
Abstract iii
Table of Contents iv
Table of Cases and Statutes vi

CHAPTER ONE: INTRODUCTION

1.0 Research Background 1
1.1 Problem Statement 5
1.2 Research Question 6
1.3 Research Objective 7
1.4 Literature Review 7
1.4.1 Malaysia 8
1.4.2 India 11
1.4.3 Brazil 14
1.4.4 Australia 17
1.5 Research Methodology 19
1.6 Scope of the Research 20
1.7 Limitation of the Research 21
1.8 Significance of the Research 21

CHAPTER TWO: THEORETICAL AND CONCEPTUAL FRAMEWORK

2.0 Introduction 23
2.1 Theoretical framework 23
2.1.1 Sustainable Development 23
2.1.2 Good Governance 25
2.1.3 Relationship between Good Governance & Sustainable Development 28
2.2 Conceptual Framework 29
2.3 Conclusion 46

CHAPTER THREE: LEGAL CHAPTER

3.0 Introduction 47
3.1 Domestic 47
3.1.1 Introduction 47
3.1.2 Policy 48
3.1.3 Legislation 49
3.1.3.1 Federal Constitution 49
3.1.3.2 The National Forestry Act 1984 49
3.1.4 The Current Legal Issues of PRF in Malaysia 51
3.1.5 Forestry Administration 54
3.2 International (Jurisdiction or Law) 56
3.2.1 India 57
3.2.1.1 Introduction 57
3.2.1.2 Policy 57
3.2.1.3 The Constitution of India 58
3.2.1.4 Other Relevant Statutes 59
3.2.1.5 Cases 61
3.2.1.6 Custom Practice/Current Practice of India 62
3.2.2 Australia 62
  3.2.2.1 Introduction 62
  3.2.2.2 Policy 62
  3.2.2.3 The Constitution of Australia 63
  3.2.2.4 Other Relevant Statutes 63
  3.2.2.5 Cases 65
  3.2.2.6 Custom Practice/Current Practice of Australia 65
3.3 International Conventions 67
3.4 Conclusion 70

CHAPTER FOUR: RESULTS AND FINDINGS

4.0 Introduction 72
4.1 Findings 72
4.2 Conclusion 79

CHAPTER FIVE: CONCLUSION AND RECOMMENDATION 80

Bibliography 85
Appendices 91
  Appendix 1: Table of Species of Trees and Flowers 91
  Appendix 2: World Development Indicators (Rural Environment and Land Use) 94
  Appendix 3: Malaysia National Forestry Policy 1978 (Revised 1993) 100
  Appendix 4: India National Forest Policy 1988 103
  Appendix 5: Australia National Forest Policy Statement (NFPS) 104
  Appendix 6: List of Respondents 105
  Appendix 7: Questions for Respondents 106