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ENVIRONMENTAL LAW IN MALAYSIA:
AN OVERVIEW

By
Zulfakri bin Mohd. Din
Diploma in Law
Law School
ITM, SHAH ALAM.

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SHAH ALAM

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CHAPTER ONE

THE PHILOSOPHY

Every individual is a part of the environment, and his actions and reactions are a result of that individual's perception. Environment is everything that surrounds, that to an individual is the world that makes an individual and his world unique. It is a private environment, the acceptance of which by any individual would vary according to how that individual allows the environment to affect him.¹

To say that man has never realised that the intimate relationship between himself and his natural surroundings would be erroneous because man is a part of nature.

Islam teaches that nature is creation and gift². As creation it is teleological, perfect and orderly. As a gift it is an innocent good placed at the disposal of man³. Islam also teaches that value was created as a "field" for man to grow and prosper, to enjoy God's bounty and in doing so, prove oneself ethically worthy⁴. Nature is not man's property but God's.⁵ Man only has a tenure which is granted by God for the end prescribed by Him. Just as any responsible tenant, man ought to take care of his master's property. Islam further teaches man to search for and understand the general order and beauty of nature, and not merely to view her from the point of natural sciences. Sensitivity to nature and tender care given to her as garden or forest, river or mountain, is attunement with the divine purpose.⁶

The whole of creation runs because of the perfect harmony which exists between its parts.⁷ Because of the intimate connection between man and nature, the inner state of man is reflected in the external order. Therefore it follows that when man's inner being has turned to darkness and chaos, nature is also turned from harmony and beauty to disequilibrium and disorder.⁸

Man's individual salvation is sought, as opposed to the salvation or survival of the entire race. The impact of this orientation on man with respect to his attitude toward - and treatment of - his natural surroundings is obvious. Nature becomes subservient to man's desires, a mere instrument for satisfying his material needs⁹. This view places man above nature, and, therefore, tends to discourage any sense of guilt or responsibility for the consequences of his abuses of his natural environment.

For most of the time that man has been on earth his members have been small and his powers limited. Damage to his environment was at worst localised and usually subject to repair by the regenerative powers of nature. In a matter of a few centuries the members of mankind have increased and thus caused a population growth, and all areas on earth's surface have been to some degree modified by man.

Accompanying the population growth there has been a spread of urbanisation. The rate of urbanisation is more rapid in the developing nations.¹⁰ Urbanisation is not in principle destructive to the environment; however, in most areas many governments have neither prepared for, nor have they been able to cope with, the mass migration into urban areas.

In most developing nations, it has rarely been possible to provide in advance the urban planning and design that would lead to a national arrangement of space for living, working, transportation and recreation, or to provide rapidly enough housing, water, sewage disposal, education, or the other necessities or amenities of urban life.¹¹

Along with population growth and urbanisation is the accelerated impact of industrialisation, of an advanced technology that is often poorly integrated with human needs and environmental necessities.¹² Industrialisation is of vital importance to nations which seek to improve the living standards of their people. However, the side effects of poorly planned or uncontrolled industrialisation and of the one-sided application of technology have resulted in many serious environmental problems.

Their pursuit of conveniences and comforts of modern housing, transportation, communication and recreation was accompanied by substantial deterioration of the major components of their