

**A STUDY ON THE ADEQUACY OF NATIONAL FORESTRY AMEND ACT
1993 ON ILLEGAL LOGGING AND ITS ENFORCEMENT IN MALAYSIA**

By

Ahmad Kamal Nazmi Bin Kamarul Zafik	2008408618
Yasmin Afifa Binti Abd. Rahman	2008408884
Cheryl Christy Bernard	2008408656
Raja Zul Adli Bin Raja Yaakob	2008408612
Muhammad Zikri Bin Ahmad	2008408602
Muhammad Rahimi Bin Sidek	2008408598

Submitted in Partial Fulfillment of the Requirements

For the Bachelor in Legal Studies (Hons)

Universiti Teknologi MARA

Faculty of Law

October 2010

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/Preface

This research project has been carried out by a team which has included Ahmad Kamal Nazmi Bin Kamarul Zafik, Yasmin Afifa Bt Abdul Rahman, Cheryl Christy Bernard, Raja Zul Adli Bin Raja Yaakob, Mohd. Zikri Bin Ahmad, and Mohd. Rahimi Bin Sidek. We would like to thank our supervisor who has a big influenced in our research, Puan Azni Mohd Dian. She had guided us throughout the research by giving us information and ideas besides correcting our error in conducting this research. We also would like to thank the Selangor Forestry Department especially Tuan Mohd Yussainy Md Yusof, who is the Deputy Director (Operation and Enforcement) in the department, in assisting us with several important information that are vital in guiding us towards our findings and conclusions.

Abstract

This research is carried out in order to investigate the reason behind Illegal Logging in Peninsular Malaysia. Our group would like to pinpoint what is exactly the weaknesses that enable illegal logging to occur in Malaysia so that actions can be taken to rectify the problems. We have to investigate whether the law on illegal logging as stipulated in the National Forestry Act 1993 is lacking or the enforcement of the law by the enforcer itself is ineffective.

There are several sections in the National Forestry Act 1993 which are specifically dedicated for illegal logging and its punishment. As for the enforcement on illegal logging, there are several government agencies that have the jurisdiction to take actions on illegal logging, such as the State Forestry Department, Royal Police of Malaysia, Royal Customs of Malaysia and other agencies. After several months of scrutinizing almost hundreds of articles be it online or hard copy, and after conducting an interview with a Forestry Department's Officer of Selangor, we have arrived to several conclusions on illegal logging.

We have found that the law relating to illegal logging is indeed adequate to deter criminals; however, we found that the problems are in the enforcement itself. The three main problems are the lack of co-operation between government agencies in fighting illegal logging, lack of monetary provision and manpower for the enforcer and lastly, bribery.

TABLE OF CONTENTS

Acknowledgement	ii
Abstract	iii
Contents	iv

CHAPTER ONE : INTRODUCTION

1.0	Introduction	1
1.1	Background	1
1.2	Research Questions	3
1.3	Objectives & Scopes	3
1.4	Significance of the Research	4
1.5	Scope & Limitations	5
1.6	Research Methodology	6
1.7	Outline of the Structure of the paper	7
1.8	Conclusion	8

**CHAPTER TWO : AN INSIGHT ON THE LAW AND ENFORCEMENT OF
ILLEGAL LOGGING**

2.0	Introduction	9
2.1	History	9
2.2	Conceptual Issues	13
2.2.1	Definition of Illegal Logging	13
2.2.2	The Illegal Loggers	14
2.2.3	Extent of Loses from Illegal Logging	15
2.2.4	Invincibility of Illegal Logging	17
2.3	Factors that influence the Viability of Law	18
2.3.1	Preservation	18
2.3.2	Economy	20
2.4	Role of Forestry Officers	21
2.5	Conclusion	23

CHAPTER THREE : LEGISLATIVE SETTING

3.0	Introduction	24
3.1	Legislative Setting and Aims of the National Forestry Amend Act 1993	24
3.2	Substantive Offences	26