

A STUDY ON THE LEGAL FRAMEWORK FOR THE PROTECTION AND CONSERVATION OF WILD PLANTS IN PENINSULAR MALAYSIA

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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.

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It is our hope that this research will be useful to future research who intended to pursue in this area of research. Last but not least, we also hope this research will help to fill the gap in the law concerning the area of research that we conducted.

ABSTRACT

This research paper aims to scrutinize the existing laws in conserving and protecting wild plants in Peninsular Malaysia. In comparison, we also look into the law which governs the wild plants in Sabah and Sarawak as both of these states specifically provides for provision for wild plants. Apart from that, we also look into the United Kingdom law to establish the legal benchmark. Based on the research that has been conducted, there are existing legislation which is relevant in protecting and conserving the wild plants. Nevertheless, the legislations are still inadequate. It was clearly shown that the laws are scattered in the sense that there are eight Acts that conserve the wild plants in Peninsular Malaysia but there is no single Act that specifically governs wild plants in the Peninsular. As such, it can be concluded that the existing law is still inadequate.

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CHAPTER ONE

INTRODUCTION

1.0 Introduction

This research provides a study on the legal framework on the law governing wild plants in Peninsular Malaysia. The first chapter of the research consists of the background of the research that discussed the problem faced in Peninsular Malaysia in protecting, governing and conserving the wild plants. It also highlighted the current situations pertaining to the existing laws that governed wild plants. Nevertheless, this research is limited to laws that govern the wild plants in the Peninsular Malaysia only.

The aim of this research is to examine the adequacy of the existing laws in conserving and protecting wild plants in Peninsular Malaysia and to make comparison with the legislation in the United Kingdom as well as Sabah and Sarawak. This research is employing a qualitative research by adopting both the empirical and doctrinal approaches. In order to ensure this research project is reliable, various respondents have been interviewed from various sectors, agencies and fields.

The second chapter of this research discussed the definition and relationship of wild plants and the environment. It further highlighted the significances of wild plants in term of economics, environment and also medicine. The issues and challenges such as the challenges in term of enforcement, jurisdiction and lack of man powers in conservation and protection of wild plants are further discussed in detail in this chapter.

In the third chapter, the legal framework for protection and conservation of wild plants whether it is directly or indirectly is further scrutinized and examined. This is to highlight the loophole in the existing law pertaining to protection and conservation of wild plants. Apart from that, in the third chapter the existing laws in Peninsular Malaysia are compared to the laws in Sabah and Sarawak. Besides that, it also provides for the law that governs the wild plants in the United Kingdom.