

ENVIRONMENTAL LAWS IN MALAYSIA: AN ADEQUATE PROTECTION OF OUR ENVIRONMENT?



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As part of a national management system, sound environmental laws and policies are essential for the long-term development of any given country. Malaysia is a member of the ASEAN Declaration on Environmental Sustainability, which pledges to "support the conservation and sustainable management of essential ecosystems, including forests, coastal and marine habitats, and to raise the ASEAN region's cumulative forest cover".

Malaysia has undergone a tremendous structural shift, going from an agriculture-based economy to a manufacturing-based economy, with considerable social changes, in tandem with its extraordinary economic growth over the last two decades. Despite this rapid development, the natural ecosystem has suffered serious consequences.

As a result, the development will not provide long-term benefits unless environmental considerations and linked ecosystems are protected as part of development planning and decision-making. The situation in Malaysia is that, while it is developing, it is not developing sustainably. Malaysia has incredible biological and cultural diversity, but it is not effectively being protected.



Environmental Laws In Malaysia

There are at least 34 Acts dealing with environmental issues, as well as numerous laws, norms, and ordinances enacted for environmental protection.

The Environmental Quality Act of 1974 (EQA) was enacted in 1974 and went into effect in 1975, establishing the first legal basis for environmental legislation. With the passing of EQA, Malaysia commits itself to a long-term program to reduce industrial pollution, including previously unregulated wastewater, factory air pollution, and solid waste issues.

Malaysia had no fundamental laws relating to environmental controls from 1957, when the country gained independence from the British, until the enactment of the EQA, and instead relied on separate pieces of legislation such as the **Forest Enactment, Mining Enactment, and Waters Enactment** to deal with environmental issues as they arose.

The EQA covers the entire country of Malaysia because it is a federal statute. It also defines actions that can only be performed by the federal government, and it does not rely on parallel enactments to function within state borders.

Malaysia's government is committed to combating environmental criminals. The government has taken additional steps in response to the quantitative increase in environmental pollution by implementing numerous other relevant legislations such as the **Public Cleansing Management Act 2007**, the **International Trade of Endangered Species Act 2008**, and the **Wild Conservation Act 2010**.

Various authorities have been established to enforce these laws. State governments have also attempted to demonstrate their commitment to environmental preservation by passing and implementing relevant environmental laws and policies. It is hoped that the environmental problem in Malaysia may be properly addressed by having proper agencies and legislations, as well as strong coordination between the federal and state governments.



Environmental Concerns In Malaysia

The smog problem in Malaysia, as an example, has become an annual annoyance. For years, we have heard the same apologies from Indonesia, the source of the open burnings. Every year, environmental ministers and officials convene to debate the issue, but no solution appears to be on the horizon. Open burning is illegal in Malaysia, even in your own backyard. It is now time to put in place an effective legislative structure that allows for cross-border legal action against offenders.

Pollution in Malaysia is managed by a variety of environmental policies and laws, including the [EQA](#), as well as subsidiary legislation such as the [Malaysian Ambient Air Quality Standard 2013](#), the [Environmental Quality \(Clean Air\) Regulations 2014](#), and others. These regulatory techniques are designed to reduce and monitor pollutants (such as particulates, ozone, and nitrogen dioxide) generated by various industries.

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Malaysia continues to suffer from air pollution despite the implementation of environmental legislation ”

The success of government actions and policies aimed at resolving environmental challenges is contingent on citizens' support for environmental protection. As a result, the government's attempts to improve air quality in Malaysia will be aided by a better knowledge of population awareness and support for environmental protection.

Solutions

Policies and plans for environmental improvement necessitate the ongoing strengthening of an institutional and legal framework based on official environmental standards, as well as adherence to international treaties. Nonetheless, attempts to enact codes of regulations as a foundation for defining secondary standards to ease updating and upgrading regulations, as well as their enforcement, must be ongoing and not carried out on an ad hoc basis to meet a single need.

Rather than relying solely on corrective actions, environmental legislation should prioritize natural resource conservation. For the purposes of planning environmental policies, this law must include the prevention of environmental damage caused by development activities. It must contain, among other things, a development planning process that focuses on land and natural resource characteristics, an environmental impact assessment to avoid negative effects from production activities and building projects, and management plans for protected areas.



To ensure the successful implementation of environmental policies and legislation, the government must be prepared to encourage active public participation. Most countries recognize the value of public engagement in development planning because it fosters a sense of belonging and ensures public compliance.

The law will only be effective if all three strategic levels of government, which are municipal, state, and federal agree to work together to avoid pollution and restore the environment. To avoid encroaching on the rights of the authorities in dealing with land and natural resources as stated in the **Federal Constitution**, the federal government should be granted more powers in dealing with environmental concerns rather than leaving it to the discretion of the states.

Conclusion

The issue of overlapping powers amongst environmental protection agencies can be addressed by establishing a single-stop centre at the federal level to execute environmental protection measures and enforce rules. A properly defined environmental policy must be implemented not only through legislative processes but also through the adoption of various mechanisms that work as part of the nation's economic performance as well as a code of social responsibility.

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