

Historical and current legislations of Taman Negara National Park Peninsular Malaysia.

Abstract

The study was conducted to discuss the historical and current legislation pertaining to the establishment and administration of the Taman Negara National Park, Peninsular Malaysia. Established in 1938 and 1939 as King George V National Park, the park was named Taman Negara National Park after independent in 1957. Estimated to be 130 million years old and with an area of 4,343 sq kilometers, the highest mountain in the peninsular, Gunung Tahan (2,187 meter) is allocated in the area. Taman Negara National Park is a combination of three protected areas in three states, Taman Negara Pahang National Park, Taman Negara Kelantan National Park and Taman Negara Terengganu National Park. Currently all the three states has its own legislation, namely Taman Negara Enactment (Pahang) No.2, 1939 [En.2 of 1938], Taman Negara Enactment (Kelantan) No.14, 1938 [En.14 of 1938] and Taman Negara Enactment (Terengganu) No.6, 1939 [En.6 of 1358]. In Malaysia, some laws are federal legislation. Others are state enactments. Not all legislation enacted will apply to the whole Peninsular, the state of Sabah and Sarawak. To provide for the establishment and control of National Parks and for matters connected herewith, the Federal National Parks Act (Act 226) was introduced in 1980. This federal act shall not apply to the three states. Since this is the constitutional position, constraints especially on uniformity of laws either to promote or enforced, particularly in respect matters stated and List 1 Federal List (Ninth Schedule of Article 74, 77 Legislative Lists), List II – State List (Article 95B (1) (a) and List III – Concurrent List (Article 95B (1) (b) often exists. Thus, there are some matters which the National Parks fall under the legislative authority of both the Federal and State Governments. However, forestry and land fall under the jurisdiction and legislative authority of the state in accordance with the Concurrent List of the Ninth Schedule. The areas of jurisdiction of Federal and State Governments as defined in the Constitution lead to non-uniform implementation of rules and regulations between states. The objective of this paper is to review the laws and legislation pertaining to the management of the National Park in Peninsular Malaysia. Specifically the constraints arises between the federal and states jurisdiction toward the management of land and conservation of the protected area.

Keyword: Taman Negara National Park; Protected areas; Historical; Legislations; Gazettement.