

FOREST LAW ENFORCEMENT AND OFFENCES IN THE STATE OF PERAK, PENINSULAR

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ABSTRACT

The forestry sector is undergoing substantial policy change in response to broader developments such as economic growth, globalization of economic, privatization and trade liberalization. Forest law enforcement is a critical part of forest management since it directs the relationship between many parties, particularly timber companies, with the forest asset. The objective of the study was to identify the awareness of forest law enforcement and offences in the state of Perak. The research was conducted with a questionnaire survey with 5-point Likert type answering options among 400 local respondents from ten mukims namely Pengkalan Hulu, Belukar Semang, Gerik, Belum, Kenering, Kerunai, Temenggor, Lenggong, Durian Pipit and Temelong. Mean perception score was 3.126 which indicated respondents agreed with the awareness forest law and offences issues. The SPSS shows the perception score significantly differed among different age groups, however there was no difference of perceptions among other variables such as race, religion or education level. The study concluded that regardless of socio-economic factors the respondents have concurred with the situation of awareness on forest law enforcement in the studied mukims.

Key words: awareness, forest law enforcement, offences, Perak, Malaysia

INTRODUCTION

The characteristics of forest system and development in many countries are mostly aimed to fulfill the national economic necessities, which have been molded by their political system and socio-economic need. Forestry policies often have major repercussions not only in the country in which they are promulgated, but also in other countries. The role of the forest ecosystem to provide goods and services in a developing country such as Peninsular Malaysia (PM) cannot be over-emphasized; particularly when it is involving the national economic contributions. Since the British colonial period, forestry sectoral development has supported the socio-economic development of the national and states government.

This study focuses on defining forest ownership and forest administration as well as the trend, structure and problem of forestry development. The genesis of forestry policy implementation system and development that have been established and practiced at different levels and conditions of economic parameter, political sphere and social imperatives were reviewed.

Although the British possessed the forests of the Straits Settlements, Federated and Unfederated Malay States, the colonial government only intensively germinated their interests on the forest sectoral development of Malaya in 1883 when the forestry department was officially established. The British strengthened and widened their influence on forestry by appointing the first Chief Forest Officer in 1901 and establishing a forest department in every state.

The British introduced commercial exploitation on forestland as early as in the 17th century. Pepper and clove were the major British economic crops, commercially grown on large plantations of deforested areas in Penang Island (S.Robert Aiken & Colin H. Leigh, 1988). During that period, all forestland was governed by the rules of the Malay customary tenure and Islamic land law, which acknowledged that the Sultan owned all land. The existing forestland tenure system, which was based on such law, has required British interference and amendment in order to separate the ownership and tenure ship of the land. The clarification of land ruled by two different entities is highly needed so that the British could exploit the forest resources without compulsion from the Sultan or the Malays (who possessed the Islamic religion). Therefore, the British introduced the Torrens land registration system. This system included the ownership rights of the Sultan and Malays on land while on the other side, the British, who has an economic right exploited and utilized the resources. Hence, the Malaysian Torrens system is a mixture of three land laws that is the Malay customary land tenure, Islamic land law and the Torrens.

Forest destruction due to land development involved the introduction of new land legislation and definitions of ownership with profound effects on both land use and peasant social differentiation. Ironically, the pre-colonial Malay Sultan's claim to eminent domain over land finally became a reality with a successful integration of colonial hegemony (David S.Y., & Wong, 1975).

According to Article 74 of the Federal Constitution of Malaysia (1957) (FC), forestry comes under the jurisdiction of the respective state government. Therefore, legislative and executive powers on forestry related matters are delegated to the state authority. As forestry is a state issue in the concept of Malaysian federalism system, power relations at the regional level (state) are also examined in this study. In particular, the configuration of political and economic power relationship has been narrowed down to the State of Perak in the PM. The state was selected for the study due to its ample

forest areas and as the main forest resource contributions for the national income since the colonial era.

Forest law enforcement is an important part of forest management as it directs links between many parties, especially timber companies, with forest assets. For example, illegal and uncontrolled harvesting activities can cause serious damage that will then destroy forests and affect their productivity as well as sustainability.

Comprehensively, forest authorities should strive to manage minimal forest offences, especially with regards to individuals or irresponsible parties that cause extraordinary destruction to the forest and the environment. Despite the fact that forest offences could risk the forest's sustainability, there is little research on them. This offense is only provided in the National Forestry Act, 1984 and there is no attempt to take action on adding the number of offences into general criminal law, to be specific, the Penal Code.

Issues on forest crimes, for example, illegal logging and forest infringement, and other forest offenses have been a national worry because of its serious impact on biodiversity, forest quality, and environment and to the timber industries. The Ministry of Natural Resource and Environment (NRE), through the Forestry Department Peninsular Malaysia (FDPM) is serious in combating forest crimes in Peninsular Malaysia (Shibli Nik Mohd et al., 2013). Additionally, forestry authorities are always working to prevent forest offenses at the highest levels in order to avoid severe damage to the environment. It is important to conduct research on sustainable forest management and forest offenses in the area.

Forests offenses, or their oversight, are basically the demonstrations which negate with the arrangements of the country's forest laws. Illegal logging and forest encroachment is a portion of the cases that show genuine obstacles in the accomplishment of maintainable forests administration. Illegal logging includes the felling of trees and additionally removal of timber from the forest without a legitimate permit.

As indicated by article 74 Clause (2) of the Malaysian Constitution, land and forest are characterized as state matters and purview under the particular State Governments. Provision (3) of Article 76 of the Malaysian Constitution ensures that all demonstrations related to land and forest probably won't come into oblige in a state except if it has been grasped by a law made by the governing body of the state. All things considered, each state is locked in to authorize laws on ranger service and to make sense of forest strategy autonomously. The official expert of the Federal Government just unveils to the arrangement of counsel and specialized help to the states, prepare and lead the research, and in the upkeep of test and exhibit stations. It prescribes that the more obvious the typical punishment, the more conspicuous the hindrance effect on wrongdoings. Under a course of action of prohibitive presumptions, the ideal sort of debilitation is to set fines as high as it would be judicious while lessening the level of over the top observing (Gary S. Becker, 2000). The raising the likelihood of a fine is costly since it requires giving more assets to observe and capture people; however, raising the extent of a fine is costless (Arun S. Malik, 1990).

METHODS

The present study was conducted in the District of Hulu Perak, which is the largest in the State of Perak (PM). The State of Perak which is located on the West Coast, is the fourth-largest state in PM (2,100,600 ha) with 1,027,404.31 ha of forested

area (Forest Department Peninsular Malaysia, 2015). The PM is located between latitudes 1°20' to 6° 45' North of the Equator and longitudes 99°40' to 104°20' East, with the total land area of 13.2 million ha.

The area of the study is about 31.23% of the State of Perak which is equivalent to 656,565 ha. Hulu Perak encompasses three small districts such as Gerik (516,446 ha), Pengkalan Hulu (36,778) and Lenggong (103,341ha). It has ten mukims namely Pengkalan Hulu, Belukar Semang, Gerik, Belum, Kenering, Kerunai, Temenggor, Lenggong, Durian Pipit and Temelong. The composition of population is around 86,217 people consisting Malay (61,824), Chinese (10,028), Indian (1,954), Orang Asli (7,589) and others (5,541). The main aim of this study is to investigate forest law enforcement and offences in the state of Perak. Using questionnaires, 400 respondents were the focus of the study area in all mukims. Section A is to get respondents' background profile, section B is for level of awareness on forest law enforcement and offences practiced in the district of Hulu Perak and comprised of 6 statements, and section C also comprised 6 statements that concentrates on forest offenses in Hulu Perak. Five point likert scale is used for strongly disagreeing (1) to strongly agreeing (5) with the statements. Both descriptive and inferential analysis were used to answer the research questions.



Figure 1: Map of Malaysia which shown the location of the study areas
(Source: Field study, 2002)

RESULTS

Respondents' Demography

There were more female respondents (256 respondents; 64%) than male respondents that comprise of 144 respondents (36%). Around 256 respondents (64%) of the respondents were single; 108 respondents (27%) were married and 36 of them (9%) were in the 'others' class. There were around 216 respondents (54%) in the age

range of 20 to 29 and there were 8 respondents (2%) more than 50 years of age (Table 1).

Item of Variables	Frequencies	Percentage (%)
Gender		
Male	144	36
Female	256	64
Total	400	100
Age		
20 to 29 years old	216	54
30 to 39 years' old	132	33
40 to 49 years' old	44	11
Above 50 years' old	8	2
Total	400	100
Marital Status		
Single	256	64
Married	108	27
Others	36	9
Total	400	100

Table 1: Demographic Profile of Respondents

From the occupational background (Table 2), it is seen that about 92 respondents (23%) of the respondents are government servants; 156 respondents (39%) work in the private sector; 72 respondents (18%) were independently employed; 12 respondents (3%) were retired while 68 respondents (17%) were in the 'others' category.

Job Position	Frequency	Percentage (%)
Government Servants	92	23
Private Sector	156	39
Self employed	72	18
Retired	12	3
Others	68	17
Total	400	100

Table 2: Job Position

Item of Variable	Frequency	Percentage (%)
Yes	261	65.3
A bit	91	22.7
Unsure	48	12.0
Total	400	100

Table 3: Sense of Awareness towards Forest Law Enforcement and Offences

From Table 3, it is about the Sense of Awareness towards Forest Law Enforcement and Offences in Hulu Perak and there were 261 respondents (65%) that

have a feeling of awareness; 91 respondents (23%) having a bit awareness; while 48 respondents (12%) were uncertain about it.

Respondents Perception on Level of Awareness on Forest Law Enforcement

The highest mean score of the six statements were 3.1267 which indicates the respondents’ agreement with the Government organization is the sole optimizer in determining levels of enforcement and the lowest was 2.0277 for the statement ‘the enforcement of forest law needs supervision in tackling a particular offense’ (Table 4). Separately the mean scores (above 2) of all the six statements indicated their acceptance by respondents with Level of Awareness on Forest Law Enforcement in the study area.

Item Statement	1 SD	2 D	3 NDNA	4 A	5 SA	Mean/ Score
Government organization is the sole optimizer in determining levels of enforcement	45 11.3%	88 22%	80 20%	144 36%	43 10.7%	3.1267
Enforcement of forest law can be divided into identification of illegal activities and setting the guidelines also to monitors.	88 22%	160 40%	50 12.7%	83 20.7%	19 4.7%	2.4600
Each organizations have their own part of responsibility when it comes to forest law enforcement.	88 22%	208 52%	59 14.7%	32 8%	13 3.3%	2.1867
As the front line party of enforcement, the authorities have most influence on the actual enforcement.	35 8.7%	152 38%	104 26%	72 18%	37 9.3%	2.4800
The effectiveness of forest law enforcement are depending on the weight of execution of the enforcement.	67 16.7%	181 45.3%	88 22%	21 5.3%	43 10.7%	2.4933
The enforcement of forest law needs supervision in tackling a particular offense.	61 15.3%	181 45.3%	77 19.3%	60 14.7%	21 5.3%	2.0277

Indication: SD = Strongly Disagree; D = Disagree; NDNA= Neither Disagree Nor Agree; A=Agree ; S =Strongly Agree.

Table 4: Level of Awareness on Forest Law Enforcement in the state of Perak

Respondents Perception on Type of Forest Offences in the State of Perak.

The highest mean score of the six statements were 3.56 which indicate the respondents 'agreement with Open burning/slash and burn (Section 82)' and the lowest was 2.3333 for the statement 'Illegal use of forest road (Section 50)' (Table 5). Separately the mean scores (above 2) of all the six statements indicated their acceptance by respondents with type of forest offences in the study area.

Item Statement	1 SD	2 D	3 NDNA	4 A	5 SA	Mean/ Score
Illegal logging (Section 19).	29 7.3%	56 14%	69 17.3 %	209 52%	37 9.3%	3.4200
Illegal entrance in Permanent Reserved Forests (PRF) (Section 47).	45 11.3%	181 45.3%	80 20%	69 17.3%	25 6%	2.6133
Illegal utilization offorests resources (Section 15).	37 9.3%	208 52%	72 18%	56 14%	27 6.7%	2.5677
Open burning/ slash and burn (Section 82).	19 4.7%	56 14%	72 18%	189 47.3%	64 16%	3.5600
Illegal hunting (Section 81(f)).	48 12%	64 16%	77 19.3%	189 47.3%	22 5.3%	3.1800
Illegal use of forest road (Section 50).	83 20.7%	192 48%	48 12%	64 16%	13 3.3%	2.3333

Indication: SD = Strongly Disagree; D = Disagree; NDNA= Neither Disagree Nor Agree; A=Agree ; S =Strongly Agree.

Table 5: Type of Forest Offences in the state of Perak

CONCLUSION

This study concluded that the Private Sector is the main occupation in the study area. Types of employment in an area of Private Sector have included Agriculture, Aquaculture, Tourism, Business, and Industries. The findings would contribute in identifying the effective way to seek Malaysian citizens' response especially in the State of Perak regarding the awareness of the forest law enforcement and offences that happened on their surroundings. It will serve as a basis for the authorities and other responsible parties in forestry management to help in raising the awareness among Malaysian citizens.

At the beginning of this study, it is known that Asia is the densest area, which is filled with a significant number of worldwide biodiversity hotspots and a few mega diverse nations, which also includes Malaysia that comes with rich social and natural legacy. However, the misuse is far-reaching and compelling conservation is hampered by the absence of deliberately powerful policies and instruments.

Numerous flora and fauna species are collected and sold genuinely as nourishment, pharmaceutical, adornments, pets, et cetera (Mariani, Noranisa & Maizatun, 2015). In addition, trade can make overexploitation the degree of making a species end up plainly debilitated or endangered if not controlled enough to control unlawful and maintain a strategic distance from the unsustainable trade.

Based on these events, there is an urge to control and limit the impacts of trade on wildlife conservation. Reflecting constant international worry over the issue, forest law enforcement is a critical part of forest management since it directs the relationship between many parties, particularly timber companies, with the forest asset. Illegal and uncontrolled harvesting activities, for instance, may cause irreparable harm to the forest, which influences its long-haul productivity and sustainability. By and large, forest authority should attempt to keep forest offenses to a minimum level, particularly those that cause incredible harm to the forest and the environment.

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