

LANDSCAPE GOVERNANCE: A REVIEW OF ASSOCIATED LANDSCAPE REGULATIONS IN MALAYSIA

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Abstract: *Malaysia is environmentally rich and blessed with beautiful landscapes. With the increase in the efforts of landscape beautification this country, surprisingly, there are no landscape regulations that directly govern the landscaping work. Generally, there are several regulations which are observed by landscape practitioners that help to manage and govern landscape development, conservation, and preservation. Nevertheless, these laws and policies have not been properly implemented due to some issues such as lack of coordination, and weak enforcement. Such predicaments can cause inefficiency in landscape development and protection. This study will examine acts related to landscape development process in Malaysia. Another objective of this research is to identify the category of relationship to the landscape. Finally, the researcher also would like to analyze the implementation of these acts in the landscape development in Malaysia. These acts' potentialities and constraints of the environmental laws and policies in Malaysia consist of 25 acts in different categories. Several acts related to the landscape such as Act 172- Town and Country Planning 1976, Act 226 - National Park Act 1980, the 474 - Land Development Act 1956, Act 171 - Local Government Act 1976, etc; have also been implemented to manage landscape development in the country. The finding of this research focuses on the relationship between 'landscape' and the legislative approach with regard to the current landscape regulations practices. Other than that, this research finding also contributes to the understanding of these regulations and their limitations.*

Keywords: *Landscape Development, Landscape Policy, Landscape-Related Acts*

Introduction

Landscape is an important part of the quality of life for people from all corners of the earth: it is significant for inhabitants in urban areas and the countryside, in degraded areas as well as in areas of high quality, in areas recognized as being of outstanding beauty as well as in everyday areas (Council of Europe, 2000). Over the last five decades, Malaysia has undergone rapid economic, social, and environmental change, and it is a continuous process. In line with this development, the government has responded by adapting to these changes over time to address the emerging environmental situations.

In Malaysia, there is still no strong legislation that guides and protects any matter which is directly related to landscape. Landscape regulations contributed to the causes of delay in the development and implementation processes by landscape practitioners. Then, it was presumed that landscape practitioners were aware of the existence, magnitude, and complexity of the law associated with landscape because it involves management and enforcement by several agencies. As a result, conflicts occur when practitioners want to determine the source of power in the landscape development process.

Understanding the Landscape

Landscape as a spatial social-ecological system allows the identification of specific management challenges: integration of multiple views, multiple levels of the organization, intricate spatial-temporal patterns, and uncertainties (Allain et.al, 2017). Two aspects of landscape which are crucial in the transformation process are as landscape as resources and landscape as a place with transformative capacity (Suryantini, et. al,2021). Landscape represents a section of the environment. It consists of natural components, such as soil, trees, landform, and water, as well as the various cultural components or developed forms, such as farms, recreational and engineered developments, and housing (Jackman, 1980). It is an important part of the quality of people's daily life in all areas and they might require legal obligations of signatories to make legal provisions for landscape protection, management, and planning (Jones, 2007). Moreover, these legal provisions often change according to specific needs, whether they are to be developed, preserved, or conserved (Teh et. al, 2020).

In Malaysia, landscape is not mentioned directly in any bounded regulations. However, the government is concerned about the attributes related to landscape resources and development process. From the governing aspect, relevant authorities could assist in the aspects of financial allocation and several significant main areas and resources that should be focused on. For example, there are some initiatives in the Malaysia Plan series which are implemented in every five years. In the Ninth Malaysia Plan (2006-2010), the government has projected 41% of the financial allocation to support the local agricultural sector and agricultural-based products (Hussien & Byrd, 2012). Other initiative is found in The Twelfth Malaysia Plan (2021- 2025), in which there are nine focus areas including No.8 which that involve Advancing Green Growth. Based on the initiative, is the policy explains matters pertaining to economic development: that it should not jeopardize the environment, while at the same time, green area coverage should be protected. Efforts to accelerate green growth, enhance energy sustainability and transform the water sector should remain the pillar for national socioeconomic development. The government green procurement is targeted to increase to 25% by 2025. It is a game-changing move for green development, where there is a shift from agriculture to green growth initiatives.

In addition, in terms of implementation and enforcement policies, the government has yet to prove that these matters are its utmost concern. For instance, there is no policy or legislation that focuses specifically on the landscape in Malaysia: in other words, there is no policy which involves matters on landscape in terms of management, development, maintenance, conservation, or protection. An exception to this are policies which are introduced in the National Landscape Policy in 2011 and *Manual Penilaian Karakter Lanskap* in 2012. Both were published by *Jabatan Landskap Negara*. So, proper initiatives in adapting policy and rules for landscape management and protection (Antrop, 2005) need to be created using existing regulations to obtain a method that can be the source of legislation for landscape governance in Malaysia.

Relationship with Landscape Governance

Landscape governance is foremost concerned with multi-scale governance arrangements for decision-making by multiple networks of actors within a spatial context. Landscape governance is dynamic, as ecological, and social scales, and the actor networks that occupy them, continuously change while new policy spaces for regulating these changes simultaneously evolve in continuous feedback cycles (Kozar et al, 2014). The combination of rules and decision-making processes of civic, private, and public actors with stakes in the landscape, together shape the future of that landscape (Kusters, et. al, 2020).

Landscape governance reflects two contemporary, interrelated changes in the scale and organization of decision-making about the landscape (Beunen & Opdam, 2011). It is introduced to tackle this question without referring to an ontologically given space (Görg, 2007). Landscape governance refers to the combination of rules and decision-making processes of civic, private, and public actors/practitioners with stakes in the landscape, that together shape the future of that landscape (Kuster et. al, 2020). The function of landscape governance is “the set of rules (policies and cultural norms) and the decision-making processes of public, private, and civic actors with stakes in the landscape, that affect actions in the landscape” and the authorities have identified a set of criteria and indicators that capture the main elements of landscape governance (Kuster et. al, 2020).

Methodology – Towards the Compatibility of Associated Landscape Regulation in Malaysia

Landscape is an important national resource which encompasses outstanding natural and cultural inheritance that is widely appreciated (Teh et al., 2017). Landscape resources and elements, however, have not been given due attention and recognition holistically (Teh et al., 2018). There are needs to integrate the right-based associated landscape regulation approaches to the landscape development process that leads to better governance of the landscape. Most of the associated landscape regulations and policies related to environmental law are based on administrative affairs, as well as managing, developing, and protecting the land. These conceptual approaches have become increasingly important to ensure the integration and understanding of broader issues related to a stage of the landscape development process.

Landscape governance is a source of environmental regulation and policy integration. Landscape governances are important to engage landscape resources, stakeholders, the stage of the landscape development process, and landscape practitioners in the decision-making procedure through the establishment of a platform of manage the landscape development process. The presence of associated regulations related to landscape practices has a positive impact on landscape development.

In Malaysia, every citizen has the right to have the property mentioned under Article thirteen (13) Federal Constitutional of Malaysia for a better way of living. These rights include access to recreational and landscape spaces on their property. Associated landscape regulations which are currently available in Malaysia are identified from acts that are regularly used in landscape development process stages. Each level must comply with the regulations to ensure that the project is implemented efficiently.

In the early stages of this study, the collection of associated landscape regulations was essential to obtain clear fundamentals: from the analysis it was found that, until 2022, 836 acts have been enacted and published under the series of Laws of Malaysia. A review was made based on 737 active acts with ninety-nine (99) non-active acts. Overall, the researcher analyzed twenty-five (25) acts related to the landscape development process. According to Tun Ariffin Zakaria, (2015), the former Chief Justice of Malaysia, the Malaysian government strives to provide the best legal infrastructure for the environment. It has produced 34 pieces of principal legislation which are enacted for environmental protection. Tun Ariffin Zakaria also stated that from 1957 when the country gained independence from the British until the enactment of the Environmental Quality Act, Malaysia had no fundamental laws relating to environmental controls and it had been using separate pieces of legislation. Consequently, there is often a lack of understanding, waste of time and delay in the landscape development process. Environmental law with associated landscape regulation is derived from thirty-four (34) pieces of principal legislation enacted for environmental protection, and twenty-five (25) acts are closely related to stages of the landscape development process in Malaysia. The diagram below shows the flow of filtering to get associated landscape acts in Malaysia.

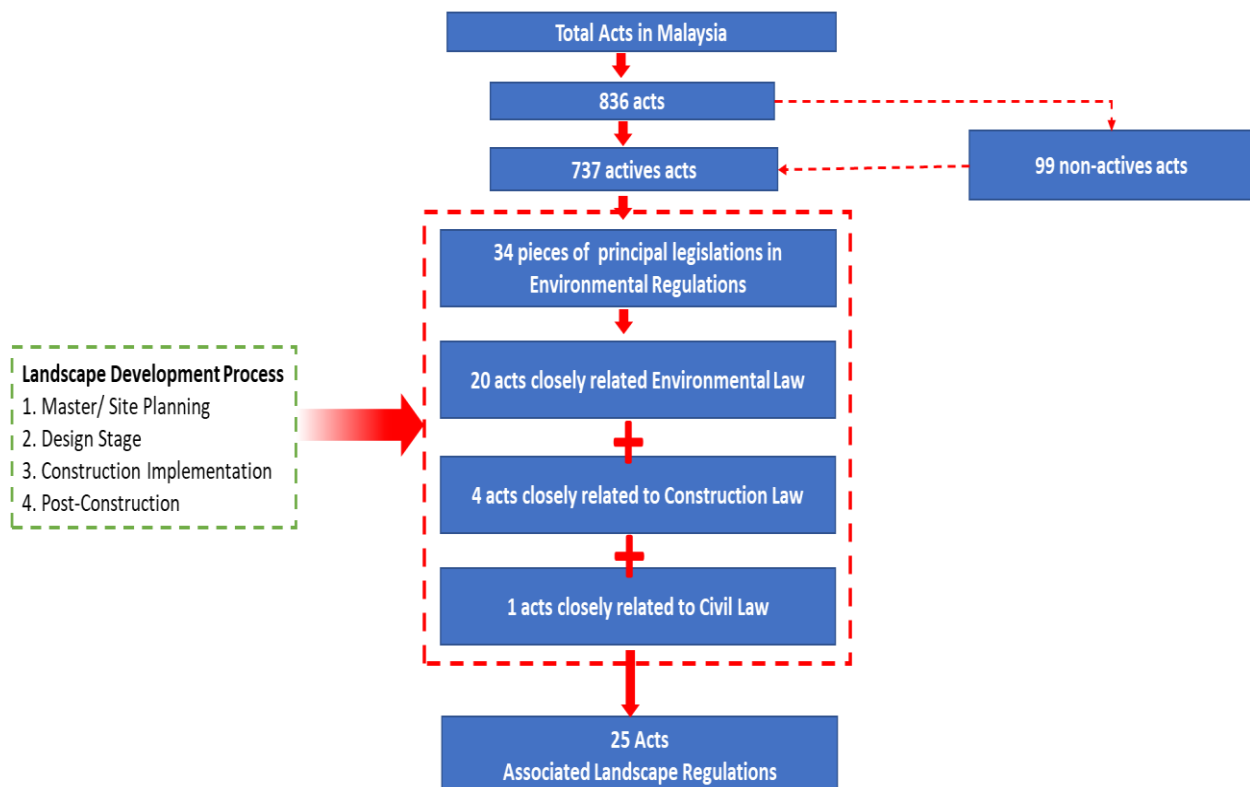


Figure 1: Flow of Associated Landscape Acts in Malaysia

Source: Authors

Findings and Discussion

The relationship between landscape and environmental law is divided into several categories namely environmental quality, construction, land planning, marine environment, horticulture and agriculture, and civil law. As for landscape, based on an analysis of existing law, twenty-five (25) regulations can be cross related to landscape regulations.

Associated Landscape Acts in Malaysia

Table 1 below is a summary of the document review of twenty-five (25) acts related to landscape in Malaysia. This table consists of five (5) parts of the information, which are acts associated with landscape, categories of relationship to landscape, four (4) dimensions of landscape, conservation, and preservation related to landscape, and four (4) stages of the landscape development process. From the document review, there are several analyses to identify the relationship between the twenty-five (25) acts with the landscape.

Table 1: Dimension and Relationship with Associated Landscape Acts in Malaysia

ACT	Category of relationship	Dimension of Landscape				Conservation and Preservation	Stage of Landscape Development			
		Landscape Spatial/Area/Size as	Landscape Element as	Landscape Resources as	Landscape Appearance as		Master/ Site Planning	Design Stage	Construction Implementation	Post- Construction
1 Act 172- Town and Country Planning Act 1976	Land planning, Construction	•	•		•		•			
2 Act 134 - Aboriginal People Act 1954	Land Planning, Environmental Quality	•		•		•	•	•		
3 Act 167 - Plant Quarantine Act 1976	Horticulture and Agriculture.		•	•				•	•	•
4 Act 190 – Federal Capital Act 1960	Land planning	•	•		•	•	•			
5 Act 226 - National Park Act 1980	Land planning, Environmental Quality	•	•	•	•	•	•	•		
6 Act 385 - Land Conservation Act 1960	Land planning	•	•	•		•	•	•		
7 Act 634 - Protection of New Plant Variety Act 2004	Horticulture and agriculture		•	•		•	•	•	•	•
8 Act 311 - Exclusive Economic Zone Act 1984	Maritime Environment	•					•			
9 Act 317 - Fisheries Act 1985	Maritime Environment, Land Planning	•	•	•	•	•	•	•	•	

10	Act 418 - Water Act 1920	Land planning, Maritime Environment	•	•	•	•	•	•
11	Act 127- Environmental Quality Act 1974	Environmental Quality, Maritime Environment, Land Planning	•	•	•	•	•	•
12	Act 474 - Land Development Act 1956	Land planning	•	•	•	•	•	•
13	Act 313 - National Forestry Act 1984	Land Planning, Environmental Quality	•	•	•	•	•	•
14	Act 645 - National Heritage Act 2005	Land Planning, Maritime Environment	•	•	•	•	•	•
15	Act 56 - National Land Code 1956	Land Planning	•	•	•	•	•	•
16	Act 133 - Street Drainage and Building Act 1974	Land Planning, Environmental Quality, Maritime environment, construction	•	•	•	•	•	•
17	Act 716 - Wildlife Conservation Act 2010	Environmental Quality, Land Planning	•	•	•	•	•	•
18	Act 171 - Local Government Act 1976	Land planning, Construction Environmental environment	•	•	•	•	•	•
19	Act 354 - Drainage Works Act 1954	Land Planning, Maritime environment, Environmental quality.	•	•	•	•	•	•
20	Act 386 - Irrigation Areas 1953	Land Planning, Maritime environment, Environmental quality.	•	•	•	•	•	•
21	Act 520 - Construction Industry Development Board Act 1994	Construction	•	•	•	•	•	•
22	Act 746 - Construction Industry Payment and Adjudication Act 2012 (CIPAA)	Construction	•	•	•	•	•	•

23	Act 118 - Housing Development (Control and Licensing) Act 1966	Construction, Land Planning	•	•	•	•	v
24	Act 514 - Occupational Safety and Health Act 1994	Construction	•	•		•	
25	Act 332 - Copyright Act 1987	Civil law				•	•

Source: Authors

Associated Landscape Acts with Landscape Dimension

Table 2 is the analysis for associated landscape acts with landscape dimension. Landscape dimensions consist of landscape as a Spatial/Area/Size with the higher score of 88% covering the dimension from twenty-five (25) acts. The lower dimension is landscape as appearance with only 36% covering the dimension from twenty-five (25) acts. The average total score of landscape dimension with twenty-five (25) associated landscape acts is 46.5%. This result is below par and can be defined from the overall dimension as strong enough to govern the landscape in Malaysia.

Table 2: Associated Landscape Acts with Landscape Dimension

	Landscape Dimension	%
1.	Landscape as Spatial/Area/Size	88
2.	Landscape as Resources	60
3.	Landscape as Element	56
4.	Landscape as Appearance	36
Average – 46.5%		

Source: Authors

Associated Landscape Acts with Categories of Relationship to Landscape

Table 3 is the analysis for associated landscape acts with categories of relationship to the landscape. This category consists of the field of regulation related to landscape. The context is land planning, environmental, civil, marine, construction, horticulture, and agriculture. In this review, land planning is a category with the higher score with 73% cover from twenty-five (25) acts. Otherwise, horticulture and agriculture are the lower categories with only 4% cover from twenty-five (25) acts. The average of total categories with twenty-five (25) acts is only 33%. So, the categories of relationships with twenty-five (25) associated landscape acts are not strong relationships. These acts are not the catalyst for the current landscape governance in Malaysia.

Table 3: Associated Landscape Acts with Categories of Relationship to Landscape

	Categories of Relationship	%
1.	Land Planning	73
2.	Environmental	36
3.	Civil	28
4.	Marine	28
5.	Construction	28
6.	Horticulture and Agriculture	4
Average – 33%		

Source: Authors

Associated Landscape Acts with Landscape Development Stage

Below is the table of analysis of associated landscape acts with Landscape Development Stage in Malaysia. The landscape development stage consists of four (4) stages namely master/site planning, design stage, construction implementation, and post-construction. The highest contribution of twenty-five (25) acts with the landscape development stage is master/site planning consisting of 84%. Then, the lower score is in the post-construction stage with only 12%. The average of the overall stage is 51% means a medium range of contributions.

Table 4: Associated Landscape Acts with Landscape Development Stage

	Landscape Development Stage	%
1.	Master/Site Planning	84
2.	Design Stage	72
3.	Construction Implementation	36
4.	Post-Construction	12
Average – 51%		

Source: Authors

Associated Landscape Acts with Landscape Conservation and Preservation and Agencies Govern the Act

Analysis of twenty-five (25) associated landscape acts with landscape conservation and preservation consist of 60% of the overall twenty-five (25) acts covered. The actual number is fifteen (15) acts that have a relationship with landscape conservation and preservation. While, in this review, twenty (20) government agencies cross-govern twenty-five (25) associated landscape acts.

Thus, the relationship between twenty-five (25) associated landscapes acts and four (4) parts of the variables tested can be summarized as the weaknesses in the relationship between the landscape and the existing regulation. With a moderate and low score below par, indeed, landscape governance in Malaysia is still unable to manage the holistic landscape. There is a need to run a landscape relevance test with twenty-five (25) acts. This is to obtain reliability and validity in this document review method. Landscape value is an effective way to deeply understand the meaning of landscape holistically. Therefore, a literature review related to landscape value was carried out and they were analyzed together with twenty-five (25) associated landscape acts.

Conclusion

Overall, based on the methodology applied in this study and the results obtained, the landscape in Malaysia is not well governed because the 'landscape' itself is not understood and given the concern it deserves. In the analysis that has been carried out, the relationship between landscape and the existing regulation is very limited and there is a gap in understanding of these regulations that can cause a negative impact on the landscape industry in Malaysia. Therefore, it is imperative to improve the context of landscape regulation to provide legal direction in the development and preservation of the landscape. It provides a clear path to govern and manage all landscape contexts and strengthen the character of the landscape. Therefore, the test in the document review and the test in the literature review need to be synthesized. From the document review, the clear part to define the landscape is in the landscape dimension analysis. To get a positive impact, a low landscape dimension score is considered. The current standing on landscape appearance is 36% and this is a dimension that needs to be improved.

Limitations of this research include little cross-fertilization across disciplines, the lack of accessibility/comprehend ability of landscape legislation research to suit the Malaysia condition, and the orientation of much research towards theoretical rather than practical implementation. This research suggests that these concerns are still relevant with relatively little multi-disciplinary, interdisciplinary, and transdisciplinary work, limiting the ability of such work to account for real-world complexity (Tress et al., 2001).

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