

SUSTAINABLE FOREST MANAGEMENT:  
A COMPARATIVE STUDY OF INDONESIAN AND  
MALAYSIAN FORESTRY LEGISLATIONS

BY

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INTERNATIONAL ISLAMIC UNIVERSITY  
MALAYSIA

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## QURANIC QUOTATION

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

ظَهَرَ الْفَسَادُ فِي الْبَرِّ وَالْبَحْرِ بِمَا كَسَبَتْ أَيْدِي النَّاسِ لِيُذِيقَهُمْ

بَعْضَ الَّذِي عَمِلُوا لَعَلَّهُمْ يَرْجِعُونَ. (الروم: 41)

“Mischief has appeared on land and sea because of (the meed) that the hands of men have earned, that (God) may give them a taste of some of their deeds: in order that they may turn back (from Evil).”

(*Al-Qurān*, 30:41)

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NASRULLAH

A dissertation submitted in partial fulfilment of the requirements  
for the degree of  
Master of Comparative Laws

Ahmad Ibrahim Kulliyah of Laws  
International Islamic University

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## **ABSTRACT**

Tropical forests—a resource of great value to humanity—are now in jeopardy. Tropical deforestation has been accelerated dramatically in the last three decades. In 1991, Food and Agriculture Organization (FAO) reported that more than fifty percent of tropical forests were cut. In estimation, our planet loses 100 acres of tropical forest every minute, meaning that 40 to 50 million acres (11 million hectares) annually. Due to its potential adverse impact on social, economic, cultural and ecological aspects of human lives and other living species on the earth, deforestation has become a critical global concern. So far, no legally-binding treaty is available on the conservation and sustainable use of all types of forests and on combating deforestation. However, international community has adopted ‘The Forest Principles’ and Chapter 11 of Agenda 21 at Rio de Janeiro Earth Summit in 1992, which were followed by several international initiatives such as Intergovernmental Panel on Forest (IPF) and Collaborative Partnership on Forests (CPF). All of these initiatives aim at minimizing the rate of deforestation and managing tropical forests in a sustainable manner. Hundreds of years ago, Islam has also placed a very high emphasis on the conservation of natural resources, including forests. Meanwhile, Indonesia and Malaysia have formulated certain forest legal regime—containing both preventive and punitive measures—to deal with deforestation. Through library-based, descriptive, and comparative approaches, this research attempts to analyze how forest management is regulated and enforced in Indonesia and Malaysia. It also endeavors to examine whether Indonesian and Malaysian legal regimes are in compliance with global and Islamic principles. The results of the research are expected to facilitate mutual learning of both the countries for the improvement of their legal regime and the enforcement of sustainable forest management in the future.

تمثل الغابات الاستوائية أحدَ الموارد القيمة للإنسانية، وهي الآن في خطر. إنَّ عمليّة اختفاء الغابات الاستوائية أصبحت ملاحظة بشكل كبير في العقود الثلاثة الأخيرة. ففي عام 1991، ذكرت منظمة الأغذية والزراعة للأمم المتحدة (FAO) أنّ أكثر من خمسين في المائة من الغابات الاستوائية قد جرى استئصالها. ويُقدَّر أن كوكبنا الأرضي يفقد مائة فدان من الغابات الاستوائية كلّ دقيقة، ومعنى ذلك أنّه يفقد أربعين إلى خمسين مليون فدان (11 مليون هكتار) سنوياً. ونظراً للآثار السلبية لذلك في المجالات الاجتماعية، والاقتصادية، والثقافية والبيئية للحياة الإنسانية ولحياة الأنواع الحيّة الأخرى على الأرض، فإن تراجع الغابات أصبح محط اهتمام العالم. وحتى الآن ليس هناك معاهدة ملزمة قانونياً للحفاظ على كلّ أنواع الغابات وترشيد استخدامها. إلا أن المجموعة الدّولية قد تبنت ما يُسمّى بـ 'مبادئ الغابات' وكذلك "الفصل رقم 11 من جدول أعمال 21" في قمة الأرض بريو دي جانيرو في 1992. وقد تبع ذلك بعدة مبادرات دولية مثل لجنة الغابات الدولية (IPF) والشراكة التعاونية للغابات (CPF). وتهدف هذه المبادرات كلّها إلى تقليل كمية إزالة الغابات، وإدارة الغابات الاستوائية بطريقة تضمن استمرارها. على أن الإسلام منذ مئات سنين قد أولى اهتماماً كبيراً للمحافظة على الموارد الطبيعية ومن ضمنها الغابات. وفي هذا السياق كانت إندونيسيا وماليزيا قد صاغتا نظاماً قانونياً خاصاً بالغابات - يحتوي على إجراءات وقائية وتأديبية -، فيما يتعلق بالتعامل مع إزالة الغابات. اعتماداً على المنهج الاستقرائي والوصفي والمقارن، هذا البحث يحاول أن يحلّل كيفية إدارة الغابات في النظم القانونية في كلّ من إندونيسيا وماليزيا. وهو من ثمّ ينظر في مدى ضبط وتنظيم قضايا الغابات في إندونيسيا وماليزيا. كما يسعى البحث الي بيان ما إذا كانت النظم القانونية لإندونيسيا وماليزيا قد التزمت بالمبادئ الإسلامية والعالمية في هذا الشأن. ويتطلع البحث إلى أن تستحث نتائجه مزيداً من تبادل الخبرات والتعاون بين البلدين بغية تطوير نظمهما القانونية وتنفيذه بصورة مستمرة لتحقيق إدارة رشيدة للغابات في المستقبل.

## APPROVAL PAGE

I certify that I have supervised and read this study and that in my opinion it conforms to acceptable standards of scholarly presentation and is fully adequate, in scope and quality, as dissertation for the degree of Master of Comparative Laws.

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Supervisor

I certify that I have read this study and that in my opinion it conforms to acceptable standards of scholarly presentation and is fully adequate, in scope and quality, as dissertation for the degree of Master of Comparative Laws.

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This dissertation was submitted to the Kulliyah of Laws and is accepted as a partial fulfilment of the requirements for the degree of Master of Comparative Laws.

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Zaleha Kamaruddin  
Dean, Ahmad Ibrahim Kulliyah of Laws

## DECLARATION

I hereby declare that this dissertation is the result of my own investigations, except where otherwise stated. I also declare that it has not been previously or concurrently submitted as a whole for any other degrees at IIUM or other institutions.

Nasrullah

Signature.....

Date.....

INTERNATIONAL ISLAMIC UNIVERSITY MALAYSIA

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*To my late father and my respectful mother  
M. Yahya (Maayah) & Syamsinar*

*To my beloved wife and sons,  
Vita Sumarni, 'Aqil Syahru Akram & Muhammad Alim Kamil*

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# TABLE OF CONTENTS

Abstract .....	ii
Abstract in Arabic .....	iii
Approval Page .....	iv
Declaration Page .....	v
Copyright Page .....	vi
Dedication .....	vii
Acknowledgements .....	viii
List of Tables .....	xiv
List of Statutes .....	xv
List of Abbreviations .....	xvii
Transliteration .....	xxi
CHAPTER ONE: INTRODUCTION .....	1
Background to the study .....	1
Statement of problem .....	6
Hypothesis .....	7
Objectives of research .....	9
Literature review .....	9
Scope and limitations of study .....	15
Methodology .....	16
Approaches to the study .....	16
Source of data .....	17
Method of data collection .....	18
CHAPTER TWO: INTERNATIONAL REGIME ON SUSTAINABLE MANAGEMENT OF FOREST .....	19
Introduction .....	19
Meaning of sustainable forest management .....	20
International concerns and initiatives on sustainable forest management .....	22
Existing global regimes .....	22
International Tropical Timber Agreement .....	22
Convention on Biological Diversity .....	23
Other global treaties .....	24
Regional treaties .....	24
‘Soft law’ .....	25
Forests Principles .....	26
Agenda 21 .....	28
International Organizations and Non-Governmental Agencies and their initiatives on SFM .....	29
International Tropical Timber Organization (ITTO) .....	29

Food and Agricultural Organization (FAO) .....	31
The Forest Stewardship Council (FSC).....	33
International Organization for Standardisation (ISO).....	33
Intergovernmental Panel on Forest (IPF) .....	34
Collaborative Partnership on Forests (CPF) .....	35
National concern and initiatives on sustainable forest management	38
ITTO-based national initiatives .....	38
Forest Stewardship Council national initiatives .....	39
ISO 14001-based national initiatives .....	39
Austrian ban: An attempt to use embargo to promote sustainable forest management .....	39
Sustainable management of wetland and mangrove forests .....	41
Preventive and punitive measures used for achieving sustainable forest management .....	43
Forest ownership .....	44
Indigenous people and local communities' participations.....	44
Licensing & forest concession .....	45
Environmental Impact Assessment (EIA) & Social Impact Assessment (SIA) .....	45
Certification/eco-labelling .....	47
Forest planning .....	47
Monitoring .....	47
Forest fires abatement .....	48
Punitive measures .....	48
Conclusion .....	48

### CHAPTER THREE: THE ISLAMIC PERSPECTIVE ON SUSTAINABLE FOREST MANAGEMENT.....

Introduction .....	50
Islam and environment .....	50
Ecological balance .....	53
Relation between man and nature: <i>khilāfa</i> and <i>amāna</i> (stewardship and trust) .....	54
Islam and sustainable development .....	57
Islam and sustainable forest management .....	60
Preventive and punitive measures .....	64
Conclusion .....	67

### CHAPTER FOUR: INDONESIA LEGAL REGIME: PREVENTIVE AND PUNITIVE MEASURES TO COMBAT DEFORESTATION AND TO ENSURE SUSTAINABLE FOREST MANAGEMENT IN INDONESIA

Introduction .....	69
Constitutional position .....	69

Forest-related laws or regulations .....	70
International regime and initiatives compliance.....	73
Indigenous people and local communities’ rights and their participations in SFM .....	74
Licensing & forest concession .....	77
Environmental impact assessment (EIA) and social impact assessment (SIA) .....	79
Certification/eco-labelling .....	81
Monitoring .....	82
Measures of forest fires abatement .....	83
Measures to combat illegal logging .....	86
Punitive measures .....	88
Forest law enforcement .....	89
Conclusion .....	91

**CHAPTER FIVE: MALAYSIAN LEGAL REGIME: PREVENTIVE AND PUNITIVE MEASURES TO COMBAT DEFORESTATION AND TO ENSURE SUSTAINABLE FOREST MANAGEMENT IN MALAYSIA...**

Introduction .....	93
Constitutional position .....	93
Forestry law and forest related regulations .....	94
Compliance with international regime and initiatives .....	96
Indigenous people and local communities’ rights and their participations in SFM .....	97
Licensing & forest concessions .....	99
Environmental impact assessment (EIA) and social impact assessment (SIA) .....	101
Certification/eco-labelling .....	104
Monitoring .....	105
Measures of forest fires abatement .....	106
Measures to combat illegal logging .....	107
Punitive measures .....	109
Forest law enforcement .....	111
Conclusion .....	112

**CHAPTER SIX: INDONESIA AND MALAYSIAN LEGAL REGIME TO CONTROL DEFORESTATION AND TO ATTAIN SUSTAINABLE FOREST MANAGEMENT: A COMPARATIVE ASSESSMENT.....**

Introduction.....	113
State of Indonesian and Malaysian forests .....	114
Constitutional Position .....	117
Forest-related laws and regulations .....	119
Indigenous people and local communities’ rights and their participations in SFM .....	121
License & forest concession .....	127
Environmental impact assessment (EIA) and social impact assessment	

(SIA) .....	131
Certification & eco-labelling .....	135
Monitoring .....	138
Measures of forest fires abatement .....	139
Measures to combat illegal logging .....	143
Punitive measures .....	148
Law enforcement .....	149
International regime compliance .....	152
Islamic perspective compliance .....	154
Conclusion.....	157
CHAPTER SEVEN: CONCLUSION .....	159
BIBLIOGRAPHY .....	170

## LIST OF TABLES

<u>Table No.</u>		<u>Page No.</u>
2.1	CPF focal agencies and collaborating agencies	36
5.1	The illegal logging activities in Peninsula Malaysia from	1987-2003
		108
6.1	Comparison of mandatory EIA within forestry sector between Indonesia and Malaysia	132
6.2	Forest offences by category in Peninsula Malaysia from 1996-1999	146



## LIST OF STATUTES

1945 Constitution of the Republic of Indonesia (Indonesia)  
Aboriginal Peoples Act 1954 (Peninsular Malaysia)  
Agrarian Basic Act (Law No. 5 of 1960) (Indonesia)  
Basic Forestry Act 1967 (Law No. 5 of 1967) (Indonesia)  
Biodiversity Enactment 2000 (Sabah)  
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Wildlife Protection Ordinance and Rules 1998 (Sarawak)  
Wood-based Industries Act 1984 (Peninsula Malaysia)

## LIST OF ABBREVIATIONS

AAC	Annual Allowable Cut
ACA	Anti Corruption Agency
AMAN	Aliansi Masyarakat Adat Nusantara (Indonesia)
AMDAL	<i>Analisis Mengenai Dampak Lingkungan</i> (Environmental Impact Document)
ANDAL	Analisis Dampak Lingkungan (Impact Identification and Evaluation Report)
Anon.	Anonymous
ASEAN	Association of South East Asian Nations
ASOEN	ASEAN Senior Official Meeting on Environment
AWP	annual workplans
BPN	<i>Badan Pertanahan Nasional</i> (National Land Use Agency)
C&I	Criteria and Indicators for Sustainable Forest Management
C&I	Criteria & Indicators
CBD	Convention on Biological Diversity
CBFM	Community-based forest management
CEO	chief executive officer
CFCs	chlorofluorocarbons
CFI	Continuous Forest Inventory
CGIAR	Consultative Group on International Agricultural Research
CIFOR	Center for International Forestry Research
CITES	Convention on International Trade in Endangered Species of Wild Flora and Fauna
CLJ	Current Law Journal
CO <sub>2</sub>	carbon dioxide
CoC	Chain of Custody
CPF	Collaborative Partnership on Forests
DFID	Department for International Development (UK)
DR	<i>Dana Reboisasi</i> (reforestation fee)
e.g.	for example
ECOSOC	Economic and Social Council of the United Nations
ed.	Editor
eds.	Editors
EIA	Environmental Impact Assessment
EQA	Environmental Quality Act
etc.	etcetera, 'and so on'
EU	European Union
FAO	Food and Agriculture Organization of the United Nations
FELDA	Federal Land Development Agency
FERN	Campaigning NGO for environmental and social justice, with a focus on forests and forests peoples' rights, in the policies and practices of the European Union
FLEG	Forest Law Enforcement and Governance
FLEGT	Forest Law Enforcement, Governance and Trade
FMU	Forest Management Unit

P&C	principles and criteria
FSC	Forest Stewardship Council
FWI	Forest Watch Indonesia
GATT	General Agreement on Tariffs and Trade
GDP	gross domestic product
GEF	Global Environment Facility
GFS	Global Forestry Services
GFW	Global Forest Watch
GHGs	greenhouse gases (such as nitrous oxide, methane, chlorofluorocarbons)
GIS	Geographic Information System
GoI	Government of Indonesia
GPS	Global Positioning System
GTZ	Deutsche Gesellschaft für Technische Zusammenarbeit
Ha	hectare(s)
HCVF	High Conservation Value Forest
HL	Hutan Lindung (watershed forest)
HP	<i>Hutan Produksi</i> (production forest)
HPH	<i>Hak Pengusahaan Hutan</i> (forest concession rights)
HPH	<i>Hak Pengusahaan Hutan</i> (forest concession rights)
HPHH	<i>Hak Pemungutan Hasil Hutan</i> (forest products collection rights)
HPT	Hutan Produksi Terbatas (limited production forest)
HTI	<i>Hutan Tanaman Industri</i> (industrial forest plantations)
HTTF	Haze Technical Task Force
ICRAF	World Agroforestry Centre
IFF	Intergovernmental Forum on Forests
IHH/PSDH	<i>Iuran Hasil Hutan</i> (forest products royalty)
IHPH	<i>Iuran Hak Pengusahaan Hutan</i> (forest concession license fees)
IISD	International Institute for Sustainable Development
IUM	International Islamic University Malaysia
IPF	Intergovernmental Panel on Forests
IPK	<i>Izin Pemanfaatan Kayu</i> (log exploitation permit)
IPKR	<i>Ijin Pemanfaatan Kayu Rakyat</i> or Permit to Utilise Community's Timber, the term usually used in Jambi Province, Indonesia.
IPPK	<i>Ijin Pemungutan dan Pemanfaatan Kayu</i> or Permit to Collect and Utilise Timber, the term usually used in East Kalimantan Province, Indonesia
ISO	International Standards Organization
ITTA	International Tropical Timber Agreement
ITTC	International Tropical Timber Council
ITTO	International Tropical Timber Organization
IUCN	International Union for the Conservation of Nature
IUFRO	International Union of Forest Research Organizations
IUPHHK	<i>Izin Usaha Pemanfaatan Hasil Hutan Kayu</i> (License for Utilization of Timber Forest Products)
JCP	Joint certification program
Keppres	<i>Keputusan Presiden</i> (Presidential Decree)
KSA-KPA	<i>Kawasan Suaka Alam</i> (protected/conservation forest)

LEI	<i>Lembaga Ecolabel Indonesia</i> (the Indonesian Ecolabel Institute)
MC&I	Malaysian Criteria and Indicators for Forest Management Certification
MLJ	Malaysian Law Journal
MoF	Ministry of Forestry
MOFEC	Ministry of Forestry and Estate Crops (Indonesia)
MoU	Memorandum of Understanding
MTCC	Malaysian Timber Certification Council
MTIB	Malaysian Timber Industry Development Board
NFC	National Forestry Council
NFDC	National Forestry Development Committee
NFP	National Forestry Policy
NFPs	National Forest Programmes
NGO	Non-Governmental Organization
NLC	National Land Council
No.	number
NSC	National Steering Committee for the development of Malaysian Criteria and Indicators for Sustainable Forest Management
NTFP	non-timber forest product
NWFP	Non-wood Forest Product
O <sub>2</sub>	oxygen
OECD	Organization for Economic Cooperation and Development
PBB	<i>Pajak Bumi dan Bangunan</i> (land and improvement tax)
pbuh	peace be upon him
<i>Perpu</i>	<i>Peraturan Pemerintah Pengganti Undang-undang</i> (Government Regulation in Lieu of Act)
PFEs	Permanent Forest Estates
PITC	Integrated Timber Complexes of the States of Perak
PLTB	<i>Pembukaan Lahan Tanpa Bakar</i> (non-fire land preparation technology)
PP	<i>Peraturan Pemerintah</i> (Government Regulation)
PRF	Permanent Reserved Forest
RKL	Rencana Kelola Lingkungan (Environmental Management Planning)
RM	Malaysian Ringgit
RPL	Rencana Pemantauan Lingkungan (Environmental Monitoring Plan)
saw	<i>Sallallahu Ālahi wasallam</i> , peace be upon Him
SFC	Sarawak Forestry Corporation
SFM	Sustainable Forest Management
SFMLA	Sustainable Forest Management License Agreement (Sabah)
SGS	Société Générale de Sécurité (in English, just SCS)
SIA	Social Impact Assessment
SKSHH	Indonesian timber transport permits
SRFA	Sub-Regional Forest Fire Fighting Arrangements
swt	<i>Subhanahu wa taĀala</i> , to Whom be ascribed all perfection and majesty
TFAP	Tropical Forestry Action Plan
TFF	Tropical Forest Foundation
TNC	The Nature Conservancy

TPTI	<i>Tebang Pilih dan Tanam Indonesia</i> (Indonesian Selective Cutting & Planting System)
UK	United Kingdom
UN	United Nations
UNCCD	United Nations Convention to Combat Desertification
UNCED	United Nations Conference on Environmental and Development
UNCSD	United Nations Commission on Sustainable Development
UNCTAD	United Nations Commission on Trade and Development
UNDP	United Nations Development Programme
UNEP	United Nations Environment Programme
UNESCO	United Nations Educational, Scientific, and Cultural Organization
UNFCCC	United Nations Framework Convention on Climate Change
UNFF	United Nations Forum on Forests
UUD	<i>Undang-Undang Dasar</i> (constitution)
WALHI	<i>Wahana Lingkungan Hidup Indonesia</i> ( <i>The Indonesian Forum for the Environment</i> )
WRI	World Resources Institutes
WSSD	World Summit on Sustainable Development
WTO	World Trade Organization
WWF	World Wide Fund for Nature

## TRANSLITERATION

The transliteration of Arabic terms in this dissertation follows the rules as follow:

ء	'	خ	kh	ش	sh	غ	gh	ن	n
ب	b	د	d	ص	Î	ف	f	هـ	h
ت	t	ذ	dh	ض	Ì	ق	q	و	w
ث	th	ر	r	ط	Ï	ك	k	ي	y
ج	j	ز	z	ظ	Ð	ل	l		
ح	h	س	s	ع	c	م	m		

Short Vowels	
ـَ	a
ـِ	i
ـُ	u

Long Vowels	
ا + ـَ	ā
ي + ـِ	ī
و + ـُ	ū

Source: *The IIUM Thesis/Dissertation Manual 2006*