# THE ANALYSIS OF THE RELATIONSHIP BETWEEN SELANGOR STATE STRUCTURE PLAN'S POLICIES AND LAND COVER CHANGES BASED ON THE PRINCIPLES OF MAQASID AL-SHARI'AH

BY

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### **ABSTRACT**

Malaysian government has made biodiversity conservation an essential aspect of sustainable development and a continuous policy component of the country's five-year development plans. This national strategy is reinforced by state policies, particularly in Selangor's Selangor State Structure Plan 2035, which includes a commitment to forest and natural resource preservation. According to most domestic and international research studies, human activities have resulted in various negative consequences as a result of failures to protect forests and natural resources, particularly in Selangor. Thus, this research focusing on the analysis of the relationship between Selangor state structure plan's policies and land cover changes based on the principles of Magasid al-Shari'ah. This research aims to develop a natural resource management framework for Selangor River Basin area in ensuring the fulfillers of the main objectives for natural resource management based on the National Forestry Policy 1978 (amendment 1992). In order to achieve the aim, this research analyses land cover changes using remote sensing images toward sustainability of forest management and preservation of natural resources, assesses the policies in Selangor State Structure Plan 2035 in order to maintain the sustainability of natural resources in accordance with the principles of Magasid al-Shari'ah, identifies issues and problems in current natural resource management of Selangor in ensuring the preservation of natural resources, and then proposes the inject of Maqasid al-Shari'ah in ensuring the comprehensiveness of policy making and natural resources management. This research engages mixed-method research methodologies involving content analysis, interview, and land cover changes analysis. This research found that the increase in Permanent Forest Reserves each year shows a positive trend; however, the focus should be on the Selangor River Basin area as the amount of forest area continues to decline. Plus, the built-up areas and agricultural vegetation in the Selangor River Basin will continue to develop and expand if strict management measures are not implemented, to the point where the area would become congested and overwhelmed. Other than that, the improvements achieved through Selangor's structural plan policies (2020-2035) will favor urbanization and agricultural activities due to the focus of life and property preservation above other principles. Therefore, this research can be used to inject the idea of *Magasid al-Shari'ah* can be successfully embedded in present sustainability indicators through the proposed natural resource management framework.

# ملخص البحث

وفقًا لمعظم الدراسات البحثية المحلية والدولية، أدت الأنشطة البشرية إلى عواقب سلبية مختلفة نتيجة الفشل في حماية الغابات والموارد الطبيعية، لا سيما في سيلانجور. وبالتالي، يركز هذا البحث على تحليل العلاقة بين سياسات خطة هيكل ولاية سيلانجور وتغيرات الغطاء الأرضى بناءً على مبادئ مقاصد الشريعة. يهدف هذا البحث إلى تطوير إطار عمل لإدارة الموارد الطبيعية لمنطقة حوض نهر سيلانجور لضمان تحقيق الأهداف الرئيسية لإدارة الموارد الطبيعية على أساس سياسة الغابات الوطنية لعام 1978. من أجل تحقيق الهدف، يحلل هذا البحث تغيرات الغطاء الأرضى باستخدام المناطق النائية. استشعار الصور نحو استدامة إدارة الغابات والحفاظ على الموارد الطبيعية، وتقييم السياسات في خطة هيكل ولاية سيلانجور 2035 من أجل الحفاظ على استدامة الموارد الطبيعية وفقًا لمبادئ مقاصد الشريعة، ويحدد القضايا والمشاكل في الوقت الحالي. إدارة الموارد الطبيعية في سيلانجور في ضمان الحفاظ على الموارد الطبيعية، ثم تقترح حقن مقاصد الشريعة في ضمان شمولية صنع السياسات وإدارة الموارد الطبيعية. يشتمل هذا البحث على منهجيات بحث مختلطة تتضمن تحليل المحتوى والمقابلة وتحليل تغيرات الغطاء الأرضى. وجد هذا البحث أن الزيادة في محميات الغابات الدائمة كل عام تظهر اتجاهاً إيجابياً. ومع ذلك، يجب أن يكون التركيز على منطقة حوض نهر سيلانجور حيث تستمر مساحة الغابات في الانخفاض. بالإضافة إلى ذلك، ستستمر المناطق المبنية والنباتات الزراعية في حوض نهر سيلانجور في التطور والتوسع إذا لم يتم تنفيذ تدابير إدارية صارمة، إلى الحد الذي ستصبح فيه المنطقة مكتظة ومكتظة. بخلاف ذلك، فإن التحسينات التي تم تحقيقها من خلال سياسات الخطة الهيكلية لشركة سيلانجور من 2020 إلى 2035، ستفضل التوسع الحضري والأنشطة الزراعية نظرًا للتركيز على الحياة والحفاظ على الممتلكات فوق المبادئ الأخرى. لذلك، يمكن استخدام هذا البحث لحقن فكرة مقاصد الشريعة التي يمكن تضمينها بنجاح في مؤشرات الاستدامة الحالية من خلال إطار إدارة الموارد الطبيعية المقترح.

# **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 a thesis for the degree of Master of Science in Built Environment.

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# **DECLARATION**

I hereby declare that this thesis 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.

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Islamic Family Law (Federal Territories) 1984 (Act 303)

Legal Profession Act 1976 (Act 166)

National Land Code 1965 (Act No. 56)

Takaful (Prescribed Loan) Regulations 1985 (PU (A) 337/1985)

Selangor Administration of Muslim Law Enactment 1952

Administration of Muslim Law Enactment 1962 (Kedah Enactment No 9/1962) Islamic

Family Enactment 1979 (Kedah Enactment No. 1/1984)

Syariah Criminal Code 1985 (Kelantan)

The Code of Criminal Procedure 1989 (Pakistan)

The Penal Code 1860 (Pakistan)

Constitution of the Islamic Republic of Pakistan 1982 (Pakistan)

The Criminal Act 1991 (The Sudan)

Qanun Al-Ijra'at al-Jina'yyah (Criminal Procedure Law) 1983 (The Sudan)

Qanun Al-Ithbat (Law of Evidence) 1983 (The Sudan)

Qanun Al-Uqubat (Penal Code) 1983 (The Sudan)

### LIST OF ABBREVIATIONS

IPCC Intergovernmental Panel on Climate Change

UNFCC United Nations Framework Convention on Climate Change

TSS Total Suspended Solids

NAHRIM National Water Research Institute of Malaysia

GHG Greenhouse Gas

LULUCF Land Use, Land-Use Change and Forestry

SPREP South Pacific Regional Environment Programme

CBD Convention on Biological Diversity

GDP Gross Domestic Products

CCSP Climate Change Science Program

UN United Nations
UK United Kingdom

IFRC International Federation of Red Cross and Red Crescent

GPS Global Positioning System

SPSS Statistical Package for the Social Sciences

LUAS Selangor Water Management Board
GIS Geographical Information System
IBM International Business Machines
NGO Non-Governmental Organizations
PCA Principal Components Analysis

KMO Kaiser-Meyer-Olkin

MSME Micro, Small, and Medium-Sized Enterprise

## **CHAPTER ONE**

### INTRODUCTION

### 1.1 INTRODUCTION

This chapter introduces the analysis of the relationship between Selangor state structure plan's policies and land cover changes based on the principles of *Maqasid al-Shari'ah*. The topics discussed are land cover changes, structured policies and the principles of *Maqasid al-Shari'ah*. The sections are divided based on the research background and problem statement which helps the research to narrow down on the scope of study, research questions, research objectives, limitation and structure of the thesis. Finally, the last section summarizes this chapter.

### 1.2 RESEARCH BACKGROUND

Malaysia has made biodiversity preservation a key aspect of its long-term development strategy, maintaining it as a consistent policy component of its 5-year development plans. The country advocates a development path that emphasizes conservation aspects while striving to achieve socio-economic development goals (Ministry of Energy and Natural Resources, 2015). The main objectives for forest management based on the National Forestry Policy 1978 (amendment 1992) are: to preserve and manage national forests in accordance with the principles of sustainable management and; to protect the environment and preserve the diversity of life, genetic resources and enhance research

and education. This national policy is further strengthened by state policy, specifically the state of Selangor through the Selangor State Structure Plan 2035, among which is an effort to drive forest and environmental resource conservation.

However, human activities have led to many current environmental issues. There are numerous adverse effects caused by failures to preserve forests and environmental resources, according to most studies in the country. Amongst the major detrimental consequences caused by failure to preserve forest and environmental resources are: habitat, ecosystems and biodiversity destruction (Abu Bakar et al., 2020); destruction of the distribution of soil nutrients (Bujang, 2020); changing weather in the atmosphere or global warming (Haliza, 2018); boosting the rate of soil erosion (Pradhan et al., 2012); impact on structures of hydrology (Toriman et al., 2009); destruction of water catchment areas (Norlida, 2014); and effect on structures of geomorphology (Kamarudin et al., 2019)

In January 2016, elephants entered some villages in Perak and destroyed crops. This was attributed to the de-gazettement of the Piah Forest to enable logging activities which has decreased the elephants' natural habitat (Malaymail, 2016). Another environmental problem occurred in Raub Pahang, in the form of mudslides or landslides that are likely to occur during the monsoon season, endangering the residents of Kampung Orang Asli which is located about 800 meters from the forest site (Harian Metro, 2016)

In Selangor, many of its mangrove forests have been excluded from the Permanent Forest Reserve, especially in the mainland areas, through the implementation of several state development projects such as port construction and expansion, aquaculture, agriculture, industrial and housing (Rahman, 2008). In a study by Kamaruddin (2013), Universiti Kebangsaan Malaysia (UKM) scientists found that half of the causes of deforestation in Selangor are related to population growth and the rest are due to agriculture, economic factors, public policy and road network construction, which have all been driven by policy, economy, institutional practices and culture.

In addition, the loss of forests that occur will certainly affect 91 percent of the indigenous people in the Lagong Hills Forest Reserve that depend on forest resources for their daily living. This reflects the high level of dependency on natural resources as a major source of food for the population (Pereira, 2010). Besides that, according to the report by Department of Irrigation and Drainage (2017), 25 frequent flood cases involving the Selangor River Basin areas were recorded, covering the districts of Kuala Selangor, Hulu Selangor and Gombak. This type of flood is more commonly known as flash flood, which is fast flowing and results in loss of property and life (Department of Irrigation and Drainage, 2017). There is a high possibility that the flooding was caused by deforestation, occurring due to basin change activities such as logging and agriculture activities, especially when the areas present a high flood risk (Aiyub, 2011).

The events that were demonstrated in the earlier paragraph shows the need to understand the conflicts that arise in forest management policies between related authorities in order to maintain the sustainability of forest areas as natural resources that need to be protected. The protection of forests has a direct relationship to the massive sediment load in our rivers associated with forest clearance. Sustainable forest management is needed to resolve the conflict not only amongst stakeholders but also between humans and wild animals that depend on the forest. It is also an important

component in conserving Malaysia's rich biodiversity, which is under stress from climate change.

On top of that, several studies have linked the policies that have been set by the government and the principles of *Maqasid al-Shari'ah* (Azila, Muhammad, Alias, 2017, 2018; Duguri et al., 2020). This was carried out to understand if the existing policies are comprehensive or focused on only a few parts of the Islamic principles. Amongst the studies are those carried out by Zaidi & Rahman (2015) which discusses on the concept of *Maqasid al-Shari'ah* in determining law, especially in the administration of the country, and examples of *Maqasid al-Shari'ah* applications with specific references to Islamic history. In order to ensure that human life carries on smoothly and to guarantee human benefits, the objectives of *Maqasid al-Shari'ah* need to be emphasized in evaluating and considering sets of laws (Ramli et al., 2016).

Therefore, it is necessary for this study to identify a gap in the conflict of policies, supported by data of land cover changes. Then, a comprehensive approach based on the principles of the Islamic law (Maqasid al-Shari'ah), covering the necessities (Dharuriyyat), the needs (Hajiyyat) and the desire (Tahsiniyyat) of human life – need to be injected in the development of natural resource management framework for Selangor River Basin area, to ensure the fulfillment of the main objectives of forest management based on National Forestry Policy 1978 (amendment 1992). Furthermore, by reviewing some of the research and reports that have been published, this study finds that there is a strong need to accurately determine the changes in forest land through analysis of land cover changes using remote sensing images to ensure the sustainability of natural resources within the Selangor River Basin area.

### 1.3 PROBLEM STATEMENT

The decline in forest area has been the most significant change in land use in Selangor. Reza (2016) stated that forest area in the state of Selangor decreased from 41% in the year 1988 to 33% in the year 2005. Meanwhile, the study by Najwa, Asmat, Atiqah, & Sahak (2019) found that forest area in Selangor decreased significantly over time, from 60% in the year 2007 to 40% in the year 2017. A more detailed review is carried out to observe the difference in total forest area decline, particularly in the Selangor River Basin area.

Studies have revealed problems in policies that have resulted in massive deforestation and land clearing, particularly in Selangor (Kamaruddin, 2013; Haliza, 2008). Kamaruddin (2013) explained that any development policy to ensure forest sustainability in Selangor would be futile if the real cause of deforestation was poorly understood, as most of the policies have been in favor of economic growth rather than efforts to protect forests. In addition, a study conducted by Haliza (2008) further pointed out that the continued deterioration and destruction of forests in Selangor is the result of failure to formulate legal policies that apply to matters related to ecosystem management.

To mitigate these problems, a comprehensive approach based on the principles of *Maqasid al-Shari'ah* needs to be injected in the development of natural resource management framework for the Selangor River Basin area. Specifically, the integration between the policies of Selangor State Structure Plan 2035 and the principles of *Maqasid al-Shari'ah* are needed in the development of this natural resource management framework. The problem statement prompted this study to propose sustainable natural resource management, which has also raised various concerns, especially in relation to the

policy structuring that has been carried out at the national and local levels. Overall, based on the main objectives for forest management in the National Forestry Policy 1978 (amendment 1992) and the policies in the Selangor State Structure Plan 2035, the gap of this research is to identify the changes in land cover and conflict of policies that arise in natural resource management, involving related authorities and local communities, in order to maintain the sustainability of forests and natural resources within the Selangor River Basin area, in accordance with the principles of *Maqasid al-Shari'ah*.

# 1.4 RESEARCH QUESTIONS

Based on the problem statement, a few research questions were derived from the issues discussed which are as follows:

- i. What are the policies under the Thrust of Towards Sustainable Region in Selangor State Structure Plan 2035 in accordance with the principles of Magasid al-Shari'ah?
- ii. How can observation of the temporal changes of land cover in the study area be carried out?
- iii. How can the principles of *Maqasid al-Shari'ah* be applied to natural resource management in the study area?