

## **A Preliminary Study on the Legal Framework of Solid Waste Management in Malaysia**

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**Abstract:** Sustainable solid waste management is one of the main environmental challenges faced by many countries and legislation plays an important role as an instrument to implement it. The lack of a policy and legal framework is among the factors that contribute to an ineffective sustainable solid waste management. This study presents a preliminary study on the legal framework for household solid waste management and explores the issues and challenges that stand in the way of Malaysia's objective to establish a waste management system which is holistic, integrated, cost effective, sustainable and acceptable to the community as stated in its national solid waste management policy. The study shows that although Malaysia has her own legal framework for such a purpose, the lack of uniformity of the solid waste and public cleansing management Act 2007 (Act 672) for all states pose a challenge in the implementation of a solid waste management policy.

**Key words:** Solid waste management, legal framework, Malaysia, environmental, sustainable

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### **INTRODUCTION**

Solid waste is a major environmental and public health issue in city areas due to the development process (Manaf *et al.*, 2009) making it vital for it to be managed in a sustainable way. According to the Guidelines issued by the United Nations Institute for Training and Research (UNITAR), waste management policy contributes to sustainable development through environmental, economic and social aspects as follows:

- For the environment, it acts “by reducing or eliminating adverse impacts on the local and general environment and minimizing resource extraction
- In economic terms, it contributes “by improving economic efficiency, especially in resource extraction and use, by reducing the budget needed for solid waste collection services, treatment and disposal and by the creation of markets for the recyclables
- Its social contribution involves “reducing or eliminating adverse impacts on health and delivering more attractive and pleasant human settlements, better social amenity, sources of employment and potentially a route out of poverty for some of the poorest members of the community” (UNITAR, 2013)

The coordination between the government and community plays an important role in order to ensure the

success of waste prevention, minimisation and reuse (Hunchaisri *et al.*, 2012). The cooperation among various stakeholders could increase the awareness and commitment of the society for proper waste management (Sakawi *et al.*, 2013). In addition, one of the drivers to attain sustainable solid waste management is effective policy implementation that is supported by an effective legal framework at the national and state level (Abas and Wee, 2014a, b). This study presents a preliminary study on the legal framework for household solid waste management in Malaysia and the obstacles in the way of establishing a sustainable solid waste management system in the country.

### **MATERIALS AND METHODS**

This study employs a qualitative research approach involving library research. Relevant research techniques used in the course of preparing this paper are data collection from a variety of literature resources which can be traced in the libraries and online databases. The method includes an examination of primary sources of law particularly Malaysia's Federal Constitution, legislation on solid waste management and case reports. Secondary sources such as books and journals will also be examined. The qualitative data analysis in this paper is based on an analytical and critical approach.

## **RESULTS AND DISCUSSION**

### **Malaysia's national solid waste management policy:**

Policies are established by governments to realize their vision in management and development related matters (Abas and Wee, 2014a). In Malaysia, the National Solid Waste Management Policy provides the strategy for addressing solid waste management issues (Yahaya and Larsen, 2008). The aims of the policy are:

- To establish a solid waste management system which is holistic, integrated, cost effective, sustainable and acceptable to the community that emphasizes the conservation of the environment, selection of affordable technology and ensuring public health
- To implement solid waste management based on the waste hierarchy which emphasizes waste minimization through 3R, intermediate treatment and final disposal (<http://jpspn.kpkt.gov.my/>)

Based on the above, the objectives of the policy are to:

- Provide solid waste management that is integrated and cost effective including collection, transportation, intermediate treatment and disposal
- Minimize solid wastes from the domestic, commercial, industries, institutions community and construction through 3R
- Provide services that are efficient and cost effective through privatization
- Select technologies that are proven, affordable in terms of CAPEX and OPEX and environmentally friendly
- Ensure conservation of the environment and public health
- Establish an institutional and legal framework for solid waste management. (<http://jpspn.kpkt.gov.my/>)

Besides the National Solid Waste Management Policy, the 5 year Malaysia Plans continuously address the strategies and plan on such waste management. For example, the Tenth Malaysia Plan (2011-2015) emphasizes on the restructuring of solid waste management where it is envisaged that the Malaysian government will complete restructuring efforts on the federalization of solid waste management and public cleansing and ensure full enforcement of the Solid Waste and Public Cleansing Management Act 2007 (Act 672) (SWPCM Act 2007 (Act 672)). This involves the taking over of the responsibility of solid waste management by the Federal government from the local authorities. The main

objectives include providing support to local authorities, delivering comprehensive sanitary services and ensuring that waste is managed in a sustainable manner (<http://onlineapps.epu.gov.my/rmke10/img/pdf/en/chapt6.pdf>).

The above shows that the National Solid Waste Management Policy aims to create a waste management system that is integrated and sustainable based on a waste hierarchy with special emphasis on waste minimization. It is also one of the goals of the policy to form an institutional and legal framework for solid waste management. The Tenth Malaysia Plan also emphasizes on the completion of the restructuring efforts through the federalization of solid waste management and public cleansing and full enforcement of the SWPCM Act 2007 (Act 672).

### **Malaysia's federal constitution and federal laws relating to solid waste management**

**Related provisions under the federal constitution:** The Federal Constitution is the supreme law of the federation as enshrined in Article 4 (1) which states that "this Constitution is the supreme law of the Federation and any law passed after Merdeka Day which is inconsistent with this Constitution shall to the extent of the inconsistency be void". Therefore, all laws must be aligned and consistent with the Federal Constitution.

As far as federal executive authority is concerned, Article 39 of the constitution states that "the executive authority of the Federation shall be vested in the Yang di-Pertuan Agong and exercisable subject to the provision of any federal law and of the Second Schedule, by him or by the Cabinet or any minister authorized by the Cabinet but Parliament may by law confer executive functions on other persons".

Based on the above provision, Federal executive authority is vested in the Yang-di Pertuan Agong and exercisable by the Yang di-Pertuan Agong or by the cabinet or any minister authorized by the cabinet. The federal constitution upholds some fundamental liberties though most are not absolute liberties. Conversely, there is no provision in it which specifically upholds the right to a healthy environment. Nevertheless, Article 5 (1) of the constitution provides, among others, the right to life namely that "no person shall be deprived of his life or personal liberty save in accordance with law" (Article 5 (1) of the Federal Constitution).

The issue arises as to whether the right to a healthy environment could be included in the interpretation of right to life under Article 5 of the federal constitution. Currently, the courts in Malaysia show different

approaches on whether the right to a healthy environment could be implicitly interpreted from the provisions on fundamental liberties especially on the right to life (Boyd, 2011). The different approaches are seen in the conflicting decisions of the courts in two cases. In *TakTekSeng @ Tan Chee Meng v. Suruhanjaya Perkhidmatan Pendidikan and Anor.* (1996) 2 CLJ 771, the Court of Appeal made a wider interpretation to Article 5 (1) by stating that “the expression of life appearing in Article 5 (1) of the Federal Constitution does not refer to mere existence. It incorporates all those facets that are an integral part of life itself and those matters which go to form the quality of life, it includes the right to live in a reasonably healthy and pollution free environment”. Thus, under this interpretation, the right to life should encapsulate the right to live in a reasonably healthy and pollution free environment. A narrow interpretation of right to life is seen in the later case of *Ketua Pengarah Jabatan Alam Sekitar and Anor v. Kajing Tubek and Ors and Other Appeals* (1997) 4 CLJ 253 where the court held that deprivation of the life of the respondents under Article 5 (1) of the federal constitution was in accordance with law.

The extent of federal and state laws is provided in Article 73 of the federal constitution. It states that in exercising the legislative powers conferred on it by the constitution, parliament may make laws for the whole or any part of the federation and laws having effect outside as well as within the federation while the legislature of a state may make laws for the whole or any part of that state.

Article 74 (1) confers parliament with the power to make laws with respect to any of the matters stated in the Federal List or the Concurrent List. The legislature of a state may make laws with respect to any of the matters in the State List or the Concurrent List (Article 74 (2) of the Federal Constitution). Further, Article 80 (2) states that the executive authority of the federation does not extend to any matter enumerated in the Concurrent List, except in so far as it may be provided by federal or state law and so far as such law confers executive authority on the federation with respect to any matter enumerated in the Concurrent List it may do so to the exclusion of the executive authority of the state.

List 1 or the Federal List of the Ninth Schedule of the Federal Constitution includes matters in respect of which parliament may make laws. They include, among others, external affairs, defence of the federation, internal security, civil and criminal laws and procedures and the administration of justice, finance, trade, commerce and industry. List 2 or the State List of the schedule contains matters relating to which the legislature of a state may

make laws. They include, among others, Islamic law and personal and family law of persons professing the religion of Islam, land, agriculture and forestry and local government except with respect to the Federal Territories of Kuala Lumpur, Labuan and Putrajaya.

List 3 or the Concurrent List contains matters in respect of which either parliament or a state legislature may make laws. The matters include, among others, social welfare, social services subject to Lists 1 and 2, protection of women, children and young persons, scholarships, protection of wild animals and wild birds, national parks, animal husbandry, prevention of cruelty to animals, veterinary services, animal quarantine, town and country planning, except in the federal capital, vagrancy and itinerant hawkers, public health, sanitation (excluding sanitation in the federal capital) and the prevention of diseases. Solid waste management falls under sanitation in the concurrent list (third list) of the Ninth Schedule, Federal Constitution.

One of the issues considered by the High Court in *Malaysian Vermicelli Manufacturers (Melaka) Sdn. Bhd. v Pendakwa Raya* (2001) MLJU 359 was whether the Environmental Quality (Sewage and Industrial Effluents) regulations was a legislation with respect to water, water supplies, rivers and canal or to public health, sanitation and the prevention of diseases under item 7 in the Concurrent List to the Federal Constitution. The High Court decided that the federal government has the power, under Article 74 (1) of the constitution to make laws not only with respect to matters in the Federal List but also in the Concurrent List. The Regulations are with respect to matters in which the federal government has the legislative competence to make as such, the exercise of the power by the minister under Section 51 (1) of the Environmental Quality Act 1974 in making the Regulations was valid. The High Court also opined that the object and purpose of Section 25 of the environmental quality Act 1974 is the prevention, abatement and control of pollution with the real aim of protecting, promoting, maintenance and enhancement of public health in general. Accordingly, the section is also a law with respect to “public health, sanitation and the prevention of diseases” under item 7 in the concurrent list.

Taking that into consideration and applying the principle of the above case to the present context and the fact that solid waste management is included under the term “sanitation” as listed in the concurrent list, parliament has the legislative power to enact federal laws to govern solid waste management in Malaysia.

In a nutshell, the federal constitution is the supreme law of the federation. As far as the Solid Waste and Public Cleansing Management Act 2007 is concerned, it was

passed in accordance with Article 74 (1) and Article 80 (2) of the constitution (Preamble of the SWPCM Act 2007 (Act 672). As discussed, Article 74 (1) is on the legislative power of the parliament while Article 80 (2) is on the extent of the executive authority of the federation. The Solid Waste and Public Cleansing Management Act 2007 (Act 672) confers the executive authority on the federal government. Therefore, under the federal constitution, the federal executive authority is vested in the Yang di-Pertuan Agong and exercisable by the Yang di-Pertuan Agong or by the cabinet or any minister authorized by the cabinet.

As solid waste management relates to the management of the environment it is pertinent to establish whether the right to a healthy environment, like several other fundamental liberties is deemed to be one of the constitutional rights in Malaysia. Based on the above discussion it is clear that explicit reference to the right to a healthy environment is not contained in the federal constitution. There are different interpretations by the courts in Malaysia on whether the right to a healthy environment could be construed to be part of the right to life under Article 5 (1). Although, solid waste management is not expressly mentioned in the constitution, it nevertheless falls under the item "sanitation" which is listed in the concurrent list where parliament or state legislatures may make laws.

**The solid waste and public cleansing management Act 2007 (Act 672):** A significant development in regard to solid waste management in Malaysia is the enactment of federal laws to deal specifically with solid waste and public cleansing management. Public cleansing management is not within the scope of the discussion of this study. SWPCM Act 2007 (Act 672) was enacted to regulate the management of controlled solid waste and public cleansing for the purpose of maintaining proper sanitation and for related purpose (Preamble of SWPCM Act 2007 (Act 672). Besides, the law for the proper control and regulation of matters relating to the management of controlled solid waste and public cleansing throughout Peninsular Malaysia and the Federal Territories of Putrajaya and Labuan was enacted to ensure the uniformity of law and policy (Preamble of SWPCM Act 2007 (Act 672). The act was published in the Gazette on 30 August 2007 and came into force on 1 September 2011 in the states of Perlis, Kedah, Pahang, Negeri Sembilan, Malacca and Johore and the Federal Territories of Kuala Lumpur and Putrajaya (<http://www.lawnet.mcom.my.ezlib.ukm.my>). Other states in Peninsular Malaysia have yet to implement the act.

As noted, the SWPCM Act 2007 (Act 672) also contains a provision to confer executive authority on the federal government for matters relating to the management of controlled solid waste and public cleansing throughout peninsular Malaysia and the Federal Territories of Putrajaya and Labuan (Section 3). In general, the act contains provisions on prescribed solid waste management facility related matters, licensing, the establishment of a tribunal for solid waste management services, control of solid waste generators, enforcement as well as the reduction and recovery of solid waste.

The SWPCM Act 2007 (Act 672) is special in that it has separate commencement dates for the related operations. Different dates may be assigned for the coming into operation of the act in different parts of peninsular Malaysia and of its different provisions as well as its application in different parts of peninsular Malaysia and the Federal Territories of Putrajaya and Labuan. Section 1 (3) of the SWPCM Act 2007 (Act 672) provides that this act comes into operation on a date to be appointed by the minister by notification in the Gazette and the minister may appoint different dates; for the coming into operation of this act in different parts of Peninsular Malaysia and the Federal Territories of Putrajaya and Labuan for the coming into operation of different provisions of this act or for the coming into operation of different provisions of this act in different parts of Peninsular Malaysia and the Federal Territories of Putrajaya and Labuan.

The act provides a new means of addressing issues arising from previous solid waste management systems. It is noteworthy that it has overcome the issue of unsustainable systems under the previous solid waste management regime and provides a useful arrangement for that purpose if implemented effectively (Jalil, 2010).

**Subsidiary legislations:** A number of regulations are in place aimed at ensuring effective implementation of the SWPCM Act 2007 (Act 672). The Solid Waste and Public Cleansing Management (Manner of Appeal) Regulations 2011 was made in the exercise of powers conferred by Sections 13 and 29 of the SWPCM 2007 (Act 672) in addition to other powers conferred by Section 108 of the act such as the power of the minister to make regulations to carry out its provisions. As a result, a number of regulations as discussed below was enacted for the purpose to regulate solid waste and public cleansing in Malaysia.

The Solid Waste and Public Cleansing Management (Manner of Appeal) Regulations 2011 addresses the manner of appeal for a person aggrieved by the decision of the Director General. For this, Regulation 2 (1) provides

that a person aggrieved by the decision made under parts 3 and 4 of the act may appeal to the minister within 14 day from the date the decision is communicated to the person by serving a notice of appeal on the minister. Regulation 3 stresses the requirement that the Director General shall submit a statement of the grounds of his decision to the minister. The procedure related with the decision of the minister is stated in Regulation 4 where item (3) emphasizes that his decision on the appeal shall be final and binding.

Regulation 4 of the Solid Waste and Public Cleansing Management (Prescribed Solid Waste Management Facilities and Approval for the Construction, Alteration and Closure of Facilities) Regulations 2011 provides the procedure to apply for an approval to construct or alter a prescribed solid waste management facility while regulation 6 outlines the procedure to apply for approval to close a prescribed solid waste management facility. Prescribed solid waste management facilities area refuse-derived fuel facility, a biogas facility, a communal or commercial composting facility, a material recovery facility, a thermal treatment plant, a transfer station, an inert landfill, a sanitary landfill and a disposal site (regulation 3). Procedures related to the deposit for safe closure of the facility is provided under regulation 9. Other subsidiary legislations related to solid waste management are:

- Solid Waste and Public Cleansing Management (Compounding of Offences) Regulations 2011
- Solid Waste and Public Cleansing Management (Licensing)(Management or Operation of Prescribed Solid Waste Management Facilities) Regulations 2011
- Solid Waste and Public Cleansing Management (Licensing)(Undertaking or Provision of Collection Services for Household Solid Waste, Public Solid Waste, Public Institutional Solid Waste and Solid Waste Similar to Household Solid Waste) Regulations 2011
- Solid Waste and Public Cleansing Management (Licensing)(Undertaking or Provision of Transportation Services by Long Haulage) Regulations 2011
- Solid Waste and Public Cleansing Management (Licensing)(Undertaking or Provision of Public Cleansing Management Services) Regulations 2011
- Solid Waste and Public Cleansing Management (Scheme for Household Solid Waste and Solid Waste Similar to Household Solid Waste) Regulations 2011

**The solid waste and public cleansing management corporation Act 2007 (Act 673):** The solid waste and

public cleansing management corporation Act 2007 (Act 673) provides for the establishment of the Solid Waste and Public Cleansing Management Corporation with powers to administer and enforce solid waste and public cleansing management laws and for related matters (Preamble of the Solid Waste and Public Cleansing Management Corporation Act 2007 (Act 673). The Ministry of Urban Well Being, Housing and Local Government oversees solid waste management in the country and it is aided by its two agencies that is the National Solid Waste Management Department Malaysia and the Solid Waste and Public Cleansing Management Corporation. The act was published in the Gazette 30 August 2007 and came into force on 1 June 2008 (<http://www.lawnet.com.my.ezlib.ukm.my>).

The solid waste and public cleansing management corporation Act 2007 (Act 673) contains six parts. Part 1 is a preliminary part. Part 2 covers the corporation such as its establishment (Section 3), membership (Section 5) and duties of its members (Section 15). Part 3 elaborates on the functions of corporation as provided under Section 17 and the delegation of its functions (Section 18). Part IV contains provisions relating to officers and employees while finance matters are covered under Part V which include the establishment of the Solid Waste and Public Cleansing Management Corporation Fund (Section 27). General provisions such as on the institution of prosecution (Section 38) and representation in civil proceedings (Section 42) are contained in Part 6.

**The town and country planning Act 1976 (Act 172):** In pursuance of the enactment of the SWPCM Act 2007 (Act 672), the Town and Country Planning Act 1976 (Act 172) was amended by the Town and Country Planning (Amendment) Act 2007 (A1313) and enforced from 1 September 2011 in the Federal Territory of Kuala Lumpur and Federal Territory of Putrajaya. The related provision is Section 22 (2) (bc) which provides, among others that “in dealing with an application for planning permission, the local planning authority shall take into consideration such matters as are in its opinion expedient or necessary for planning and in particular the provisions of the solid waste and public cleansing management Act 2007 (Act 672)”. The above provision shows that the planning authority must take into account planning the necessary matters and the provisions of the SWPCM Act 2007 (Act 672) in dealing with an application for planning permission.

**Amendments affected due to the enactment of the SWPCM Act 2007 (Act 672):** With the enactment of the SWPCM Act 2007 (Act 672), the Street, Drainage and Building Act 1974 (Act 133) was amended by the Street, Drainage and Building (Amendment) Act 2007 (Act

A1312). The amendment came into force on 1 September 2011 in the Federal Territory of Kuala Lumpur, the Federal Territory of Putrajaya and the states of Perlis, Kedah, Pahang, Negeri Sembilan, Malacca and Johore. Act A1312 deleted Paragraphs (8) and (19) under section 133 of the Street, Drainage and Building Act 1974 (Act 133). Before the amendment, the section provided inter alia that the state authority has the power to make by-laws in respect of:

The construction, maintenance and repair of cess pools, privies, septic tanks, sewage purification plant and other matters relating to the reception or disposal of sewage and the maintenance and repair of ash pits, dust bins and like receptacles

The provision of cess pools, privies, septic tanks, sewage purification plant and other matters relating to the reception or disposal of sewage and the provision of ash pits, dust bins and like receptacles

Act A1312 also provides exceptions or savings which states that “for the avoidance of doubt, it is declared that notwithstanding anything contained in this act, any law relating to the management of solid waste and public cleansing for the time being in force in any local authority area or non-local authority area shall continue to be in force unless and until this act and the Solid Waste and Public Cleansing Management Act 2007 are brought into operation with respect to that area”.

This shows that if the SWPCM Act 2007 (Act 672) and Act A1312 of 2007 are not applied in any particular local authority area, existing laws on the matter continue to be in force. Thus, states that have yet to apply the SWPCM Act 2007 (Act 672) continue to apply laws existing before its enactment.

In addition, another statute which was amended in pursuance to the enactment of the SWPCM Act 2007 (Act 672) is the Local Government Act 1976 (Act 171) which was amended by the Local Government (Amendment) Act 2007 (Act A1311). The amended act came into force on 1 September 2011 in the federal territories of Kuala Lumpur and Putrajaya and in the states of Perlis, Kedah, Pahang, Negeri Sembilan, Malacca and Johore.

The 2007 amendment limited the local government’s power to particular cleansing activities to ensure there is no overlapping of authority between the local government and the institutional bodies established under the new SWPCM Act 2007 (Act 672) (Portal Rasmi Parlimen Malaysia, 2007).

**Laws relating to household solid waste management applicable in other peninsular Malaysia states, Sabah and Sarawak:**

The implementation of the SWPCM Act 2007 (Act 672) requires the agreement of the state governments concerned because it involves the transfer of functions from local authorities to the federal government. At present, the states of Perak, Terengganu, Kelantan, Selangor and Pulau Pinang have yet to implement the act and continue to apply the laws used prior to the coming into force of the act that is the Street, Drainage and Building Act 1974 (Act 133) and the Local Government Act 1976 (Act 171) as well as various by-laws.

The former is an act to revise and consolidate the laws relating to local government (Preamble of the Local Government Act 1976) while the latter amends and consolidates the laws relating to street, drainage and building in local authority areas in West Malaysia (Preamble of the Street, Drainage and Building Act 1974 (Act 133)). Both acts lack comprehensive provisions on solid waste management including those on the 3Rs of reusing, reducing and recycling such waste (Moh and Manaf, 2014).

Sabah and Sarawak have different sets of laws governing solid waste management as the SWPCM Act 2007 (Act 672) covers only peninsular Malaysia and the federal territories. The applicable laws in Sarawak include the Natural Resources and Environment Ordinance and the Local Authorities Ordinance 1996. In Sabah they include the Local Government Ordinance 1961, the Public Health Ordinance 1960 and some By-Laws which include Uniform (Anti-Litter) By-Laws 2010 and Conservancy and Hygiene By-laws.

**The lack of uniformity of solid waste management related laws in Malaysia:**

Technical, environmental, financial, socio-cultural, institutional and legal factors influence the effective management of solid waste (Guerrero *et al.*, 2013). Among the factors that influence solid waste generation is legislation and policy (Ali *et al.*, 2012) which are regarded as government instruments to support improved solid waste management programmes. Furthermore, Halvorsen (2012) claims that legislation may tighten norms which eventually will increase social sanctions and feelings of guilt if society does not comply. Ineffective solid waste management indicates the ineffective implementation of policy in practical terms (Abas and Wee, 2014a). Issues impacting solid waste management prior to the enactment of the Solid Waste and Public Cleansing Management Act 2007 (Act 672) are as follows:

- Collection and transportation of wastes by local authorities (Manaf *et al.*, 2009)
- Financial constraints on the part of local authorities in addition to the lack of staff and skilled manpower to deliver efficient services
- Absence of an integrated and holistic system for the whole country with every local authority having its own key performance index and approach
- Lack of understanding and coordination among local authorities and between the concession companies and the contractors complicates the management of solid waste
- The interim privatization which began in 1998 remained provisional for several years during which no concession agreement was signed. This contributed to the difficulty faced by the concessionaires in applying for loans to invest in particular infrastructures

The SWPCM Act 2007 (Act 672) is considered a major legal instrument aimed at implementing Malaysia's National Solid Waste Management Policy besides seeking to resolve most of the issues noted above. It is a focused legislation on solid waste management and public cleansing and though its full enforcement is yet to be realized, it constitutes an important legislative instrument of the country towards implementing sustainable waste management practices in line with national policy. Currently several states and the Federal Territories apply the SWPCM Act 2007 (Act 672) while other states are lacking of comprehensive provisions and only provide general and basic provisions on solid waste management. This gives an indication that Malaysia's National Policy on Solid Waste Management is yet to be fully achievable due to the lack of uniformity of the law.

### CONCLUSION

An effective solid waste management is essential to mitigate the impact of waste on the environment and public health. This can be addressed by the implementation of policies and strategies and the establishment of an effective legal framework to strengthen the management of solid waste systems. In this respect, the Federal Constitution of Malaysia provides for addressing solid waste management issues through parliament or the state legislatures under the sanitation item of the Concurrent List. In 2007, Malaysia's parliament passed the Solid Waste and Public Cleansing Management Act 2007 (Act 672) and the Solid Waste and Public Cleansing Management Corporation Act 2007 (Act 673). However, only several states and the federal

territories have applied them while other states continue to employ laws that were enacted prior to these acts. In addition, Sabah and Sarawak have different sets of laws governing solid waste management. This shows a lack of uniformity of the application of the SWPCM Act 2007 (Act 672) for the whole country and the absence of an integrated solid waste management system at the national level. The lack of uniformity is due to the fact that the federalization process is yet to be completed and is an issue that should be addressed to enable the implementation of a holistic and integrated national solid waste management system that will enhance environmental, economic and social wellbeing. The SWPCM Act 2007 (Act 672) should be implemented in all states in Malaysia in order to have uniform solid waste management laws and to ensure effective cooperation and coordination among the federal government, state governments, local authorities and concession companies. Besides, the SWPCM Act 2007 (Act 672) should be reviewed to make it more comprehensive, relevant and effective to ensure its acceptance by all states in the country.

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