

## Patterns of Land Ownership and Inheritance in Negeri Sembilan: Some Implications for Agricultural Development

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### I Introduction

The Malays in the state of Negeri Sembilan, Malaysia, are noted for their matrilineal kinship organization known in the vernacular as Adat Perpatih. However, not all Malays in the state practise Adat Perpatih (which henceforth will be referred to as the Adat); adherents of the Adat are concentrated largely in five districts i.e. Kuala Pilah, Jelebu, Rembau, Jempul and Tampin. Their Adat, as shall be explained in Section III, has some distinctive features: descent, which is traced through the female line is used as the basis for the formation of clans and lineages; residence after marriage is uxorilocal; and the clans "own" plots of land which are registered in the name of their respective members. Transmission and transfer of such land is subject to Adat land rules and regulations.

The Adat society is rural based and its economy has long been dependent on small scale agriculture especially on the cultivation of rice for subsistence, and on rubber-tapping for cash. Since the early seventies, agricultural activities

among people of the Adat have decreased drastically, just as they did elsewhere in the state and in Malaysia as a whole. Over 800,000 hectares of agricultural land in the country are either idle i.e. not worked for more than three years, or under-utilised; but it is in Negeri Sembilan, particularly in the five districts mentioned above, where the rate of agricultural decline is the highest, and the most affected crops being rice and rubber. In 1981, 63.6 percent of the rice fields in the state were categorised by the State Department of Agriculture as idle land (referred to locally as *tanah terbiar*) while the percentage of idle rice land for the whole country was 17.9 percent. In addition, 34.25 percent of the rice land was officially considered under-utilised i.e. not worked during the off-seasons, while the percentage for under-utilised rice land for Malaysia was 22.1 percent [Zulkifly Hj. Mustafa and Shaik Mohd Noor Alam 1985: 40]. In absolute terms the total area of idle rice land in the state in 1981 was 9,386 hectares and that which was under-utilised 5,040 hectares. There are no recent statistics on the size of idle and under-utilised rice land in Negeri Sembilan; officials in the State Department of Agriculture believe that the situation remains the same as it was

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in 1981. There are also no corresponding figures on the size of idle and under-utilised rubber small-holdings, however, their presence is very conspicuous to visitors to the state.

Agricultural development is one of the two pillars of economic development under the Malaysian New Economic Policy implemented in 1971, and the decline in agriculture as seen in Negeri Sembilan has caused great concern to politicians and government administrators alike. Many, including academicians, especially those in the social sciences and in agriculture, have attempted to analyse the cause of this phenomenon, and in Negeri Sembilan it is common to find some of these analysts identifying the Adat as one of the major factors contributing to agricultural decline. Among those of this persuasion are Arif Hussain and Nyanen Thiran [1980], Mohd Shah Hj. Lassim and Norhalim Hj. Ibrahim [1984], A. Rahman Razak and Sariah Meon [1984]; and Mohd Hafiah Piei [1984]. Yet few have attempted to examine empirically the relationship between the Adat and agricultural decline.

In this paper, the writer tries to examine that aspect of the Adat which has a direct bearing on agriculture viz. its pattern of land ownership and inheritance and the implications of such a pattern on agriculture and its development. This study is carried out in the light of the government's attempts to arrest agricultural decline among the smallholders and to modernise and commercialise this sector through group farming and the

formation of mini-estates, as stipulated in the National Agricultural Policy 1984 (see *Fifth Malaysia Plan 1986-1990* [1986: 294]).

What is the nature of land ownership among adherents of the Adat? What categories of land are subject to Adat rules and regulations? How is "Adat" land transmitted, managed and utilised? Are Adat land rules and regulations conducive to agricultural development? Can modern commercial agriculture through large scale farming as proposed by the government be implemented successfully among the people of the Adat? These are some of the problems to which this paper addresses itself.

This paper is based on fieldwork carried out in the *mukim* of Seri Menanti, in the district of Kuala Pilah, Negeri Sembilan, an area which can be considered the stronghold of the Adat by virtue of its being the seat of the Negeri Sembilan royal household. The fieldwork was carried out in stages, between September 1986 and February 1987; in January and February 1988; and in October 1988. Ten villages were chosen with a random sampling of 200 households, accounting for over thirty percent of all households in the area studied. The writer also complemented the fieldwork with a study of land registration records i.e. the Mukim Registers, at the Kuala Pilah Land Office.<sup>1)</sup>

1) The Mukim Register is a record of land holdings under ten acres within each mukim. For more information, see Wong [1975: 73-79].

## II Seri Menanti and Its People: An Outline

Seri Menanti is one of the mukim in the district of Kuala Pilah, which, along with six other districts i.e. Rembau, Jelebu, Tampin, Seremban, Jempul and Port Dickson, forms the state of Negeri Sembilan. Each district which has an administrative chief known as the District Officer (DO), comprises smaller units called mukim, which in turn are headed by an administrative functionary, the Penghulu Mukim. A mukim is further divided into traditional villages, the number of which varies depending on various factors such as the geographical and population size of each village.<sup>2)</sup> At the village level, administration is undertaken by the Jawatankuasa Kemajuan dan Keselamatan Kampung (JKKK, lit.: Village Committee for Development and Security). There are 83 JKKK in the district of Kuala Pilah; each JKKK has under its administration a varying number of traditional villages, depending on the population size of these villages. The chairman of the JKKK is the village head (*ketua kampung*) and generally he is either the chief of the local branch of UMNO (United Malay National Organization), the political party

2) The term "traditional village" is used to differentiate such a village from other types of villages found in Malaysia, viz., newly opened villages in the Federal Land Development Authority (FELDA) schemes, new villages (*kampung baru*) opened during the emergency period, and squatter villages in urban areas.

which is the main partner in the ruling Barisan Nasional, or a high ranking official in it. Likewise, the JKKK is mainly composed of officials of the local UMNO branch or staunch supporters of the party.<sup>3)</sup>

Together with eleven other mukim, Seri Menanti forms the Kuala Pilah district. Located in the central part of Negeri Sembilan, it functions as the seat of the royal household, which was established in the eighteenth century. The mukim covers an area of 7,769.971 hectares, with about 60 traditional villages of differing sizes. Some of these villages are very small, with only twenty or thirty households. For administrative purposes, the district office groups together small adjoining villages and considers them as one administrative village, referring to them by the name of the largest *kampung* in the grouping and putting them under one JKKK.

Seri Menanti had a population of 7,471 in 1986, distributed over 1,388 households, thus the average household size is 5.4 which is higher than the national average of five [*Fourth Malaysia Plan 1981-85* 1981: 221]. Almost all of its population (99.7%) are Malays with a small number of Chinese and Indians. Distribution of population by age in the district of Kuala Pilah, according to a sample survey by the Ministry of Agriculture in 1980, is 38.9 percent below the

3) The close link between the JKKK and the local branch of the ruling party is also found by Scott [1985: 130-132] in Kedah, and is implied to prevail in Selangor by Shamsul [1986: 206-208].

age of 18 years, 39.4 percent between 19 and 44 years, and only 21.7 percent over 55 years of age [*Jadual-Jadual Banci Taraf Pertanian Daerah Kuala Pilah* 1985: 14].

The non-Malay section of the population, who are confined to the small town centres (*pekan*) of Seri Mananti and Tanjung Ipoh, are involved primarily in trading. The Malays occupy the surrounding countryside. Some are self-employed, engaged in rubber-tapping; cultivation of rice and orchards on a small scale; rearing of cows and poultry, carpentry, or petty-trading. Others are in paid employment, working in the public sector as teachers, policemen, attendants at the district general hospital in Kuala Pilah, clerks or other lower rung administrators with government agencies such as the Police Department, National Electricity Board, Post Office, etc. Yet others are pensioners and/or dependent on remittance from salaried relatives (mainly children) working largely in the urban areas. One very dominant feature of the economy is the dependence on remittance and paid employment, and the very small number relying solely on farming for their livelihood. Out of the 200 respondents in my research, only 23.5 percent are totally economically dependent on agriculture, 18.5 percent on remittance, 8 percent on pensions; and the other 50 percent have multiple sources of income, based on various combinations of remittances and pensions and/or income of household heads from paid employment. Household monthly

income varies from M\$ 50 to M\$ 2,200 —45 percent having less than M\$ 200, 41.5 percent between M\$ 201 and M\$ 500; 9.5 percent between M\$ 501 and M\$ 1,000; while 4 percent have between M\$ 1,001 and M\$ 2,200. (For more information on their economy, see Azizah Kassim [1988: 144-145].)

The cost of living in the *kampung* is much cheaper than in the towns. Every family owns the house it lives in and therefore pays no rent. Most villages produce some of the foodstuffs they consume, and even those they buy cost much less than in the urban centres. Social facilities made available to them are subsidised by the government (for example, kindergarten classes; the weekly women's domestic science classes run by Kelas Kamajuan Masyarakat (Kemas) and religious classes under the auspices of the religious department; as well as free meals and books for primary school children). It is therefore possible for an average family of five to acquire their basic minimum needs for food, clothes and shelter for M\$ 200 a month. If one takes this figure as the poverty line for the villagers, then, based on the income figures specified earlier, 45 percent of the households are below poverty line.

### III Matrilineal Kinship System (Adat Perpatih)

The Malays in Seri Mananti are descendants of Minangkabau migrants who are believed to have come into Malaya as early as the sixteenth century. It is

**Table 1** Customary Land by District in Negeri Sembilan

	Jebebu	K. Pilah	Jempul	Rembau	Tampin	Total
No. of lots	64	9,950	809	8,261	1,103	20,097
No. of titles	63	9,973	751	8,587	992	20,366
Total size	96	18,000	1,669	12,698	2,072	34,565

Note: There is no customary land in other districts.

Source: Adapted from Mohd Shah bin Hj. Lassim and Norhalim bin Hj. Ibrahim [1984: 9]. The authors used figures from the Seremban Survey Department. No date was given. Because the size of customary land is fixed the absence of a date is irrelevant.

from these ancestors that they derive their matrilineal kinship system, the Adat Perpatih. When the early settlers came, land was abundant and they had free access to it. They cleared the forest for homesteads and for the cultivation of rice, which was their main crop. On the land they opened they established usufructuary rights which were held communally by matrilineal clans.

The coming of the British colonial authorities saw the introduction of a new form of land law and administration in the 1960s and with it the concept of private property which was antithetical to the indigeneous idea of land "ownership" and management. Land registration was introduced and in the district of Kuala Pilah in Negeri Sembilan, registration of native holdings began in 1887. The earliest local land register at the district is called the Malay Grant in which is recorded the approximate size and location of a land holding, the name of the owner(s), his or her clan, and the title of his/her clan chief.<sup>4)</sup> Such land was

officially designated "customary land" and comprised mainly ricefields (*sawah*) and land for homesteads (*kampung*). This land can only be transmitted and transacted in accordance with the Adat law and with the consent of the respective clan elders.

Presently there are approximately 34,565 acres (13,988 hectares) of customary land in Negeri Sembilan (see Table 1), accounting for less than 0.3 percent of all agricultural land in the state. More than half of this is found in the district of Kuala Pilah where customary land totals 18,000 acres (7,284.4 hectares) accounting for about 6 percent of the total area of the district. No mukim-based figures on the size of customary land are available.

Apart from land for rice cultivation and homesteads, the people in Negeri Sembilan also opened land for other kinds of cultivation as determined by

notes that in the Malay Grant for the district of Kuala Pilah, some customary land was initially registered in men's names. However, by the beginning of the twentieth century, all registered owners of customary land were women, in accordance with Adat Perpatih.

4) Before the introduction of the Mukim Register in 1890, registration of land holdings by Malays in Negeri Sembilan was done in the Malay Grant. The writer

the state.<sup>5)</sup> The most popular was rubber which they began to grow in the early twentieth century. The first rubber land in Seri Menanti was registered in 1913. Soon after, Malay rubber smallholdings began to be sold to the non-Malays, especially to the Chinese. To stop Malays from losing their land, in 1915 the British colonial government implemented the Malay Reservation Enactment (1913) in Negeri Sembilan. Under this Enactment land under rubber cultivation was categorised as Malay Reservation land (*Tanah Simpanan Melayu*) which could not be sold to non-Malays.

After 1915, one rarely sees the registration of customary land in the mukim of Seri Menanti anymore. But, registration of titles as Malay Reservation increased steadily as rubber small holdings became popular. Yet registration of such titles began to ease off in the thirties. After the Second World War, in the fifties, some plots of land under rubber were again registered.<sup>6)</sup>

Besides rubber, there are also some

plots of Malay Reservation land which have other cultivation conditions, e.g. it must be used for orchards (*dusun*), fishponds (*tebat*), for homesteads, and for rice fields, while a small number have no cultivation conditions imposed. Malay Reservation land is not subject to Adat Perpatih (land) regulations; however, in practice its transmission, as shall be seen later, is very much affected by the Adat ideology. At present there are 83,600 hectares of land registered as Malay Reservation land in Kuala Pilah accounting for 70.4 percent of all land in the district (Taklimat Pembangunan Bagi Pejabat Daerah, Tanah dan Majlis Daerah Kuala Pilah [1985: 4]).<sup>7)</sup> As in the case of customary land, no figures on the size of Malay Reservation land for the mukim of Seri Menanti are available.

The customary land known as *tanah pesaka adat* was, and still is, the cornerstone of the Adat. Yet, as shall be explained later, most rice fields, and even some kampung land are left idle. This tendency evidently has depressed the economic value of land. Nonetheless its symbolic value remains significant. Land ownership determines one's clan and lineage within Adat society and with it his or her roots; and for some i.e. the

5) Alienation of land by the state is subject to substantial conditions limiting them to one of three categories of land use i.e. agriculture, building or industry. Land designated for agriculture is further subject to cultivation conditions as decided by the state. The nature of crops to be planted is written on the land titles (see Wong [1975: 90-94]).

6) Malay Reservation land registered in the fifties is known as "Tanah Lesen," a reference to its earlier status as land alienated on temporary occupation license (TOL) for the purpose of food cultivation after the period of Japanese administration. This land which lay on the fringes of rubber holdings then, was later planted with rubber.

7) As for the breakdown of land according to its cultivation conditions and its uses, there is a discrepancy between figures given by this report and those given by other government agencies such as the Jabatan Pertanian Daerah (District Department of Agriculture). I chose to use the land office statistics in the belief that this is the most accurate as the said office deals in land administration.

male members, their eligibility to hold traditional political posts such as *Buapak*, *Lembaga*, *Undang*, etc. for which the government provides a monthly stipend of varying amounts. The most prestigious and highest paid post is that of the four *Undang* — of Rembau, Jelebu, Sungai Ujung and Johol — with each incumbent being given by the state, among other things, an official residence, a car, and a monthly salary of about M\$5,000 a month.<sup>8)</sup>

The Adat, however, is not just about land; it regulated almost all aspects of village life in the years gone by. Now with the onslaught of modernization and westernization that comes with “development,” the Adat has undergone several transformations; yet some of its basic principles remain unchanged. These basic tenets have implications for land utilization and subsequent development, and hence must be understood from the outset:

(a) Adat Perpatih society is divided into matrilineal clans called *suku*, of which there are twelve. Each *suku* which has a distinctive name is headed by a *Lembaga*. The clan comprises lineages known as *perut*; and each *perut* is headed by a *Buapak*. The posts of *Lembaga* and *Buapak* are held by men and are transmitted matrilineally.

8) There are hundreds of traditional political posts in the five districts where the Adat society is found. In Kuala Pilah alone there are seventy-eight. Apart from the *Undang*, all the office bearers are given small monthly stipends ranging from M\$37.85 to M\$400.

- (b) Each clan owns a specified amount of ancestral land (*tanah pesaka Adat*) which is registered in the name of its female members and transmitted matrilineally through women. Male members of the clan have usufructuary rights over such land.
- (c) The society observes rules of exogamy; however, what constitutes an exogamic unit could be a lineage or a clan, depending on the demographic size of the clan concerned.
- (d) Residential arrangements after marriage are matrilineal, with the husband moving into the wife’s mother’s place immediately after marriage.

#### IV Patterns of Land Ownership and Inheritance

Besides the two types of land mentioned above, the Malays in Adat Perpatih society have little other land. In the survey I conducted there are cases of households owning freehold land (land that can be freely transmitted or transferred), but their number is negligible. Such plots of land are not for agricultural purposes but for housing and are located in urban areas where the owners once worked. This being the case this land will not be discussed, as the focus here is on agricultural land. I will now examine the pattern of land ownership and inheritance in Seri Menanti.

##### 1 Customary Land (*Tanah Pesaka Adat*)

In the absence of detailed figures on customary land at the mukim level, I

examined 61 plots of customary land in the traditional villages in an attempt, among other things, to see the pattern of distribution, cultivation conditions, the size of holding and number of owners. All the plots comprise rice fields (55.7 percent) and kampung land (44.3 percent). However, in the rest of the villages studied, there is also customary land vested with other conditions viz. orchards (*dusun*), rubber holdings, and fish-pond (*tebat*), but its total size is negligible.

Customary land, as mentioned earlier, is held by women, and is passed to their daughter(s). In the absence of daughters, the land goes to the sister's daughters, and if one has neither daughters nor sisters, the land goes to the matrilineal (female) cousin's daughter. The land cannot be transmitted or transacted to people outside one's clan. Theoretically, the land cannot be sold, but in practise it is done, though very rarely, when the owner sells it to close kin. Quite often the transaction is not referred to as a sale, but an act of gift (*beri*) for which the recipient gives a token sum of money to the donor in return. This is only done under special circumstances: a woman may have more than one plot of land, no direct heir, and she is in dire need of money. She then approaches her would-be inheritor for financial help, in return offering her land, thus making a pre-mortem transmission.

One salient feature of customary land is its size, which has remained somewhat

constant since it was first registered. To the best of my knowledge any member of the society is free to add to the stock of customary land; however, I found no evidence of anyone doing so. It is not easy to increase the size of customary land. A member of Adat Perpatih society can do so in two ways. Firstly, he can apply to the land office to change the status of whatever land he owns into customary land. This will involve formidable bureaucratic processes which only a few dare to undertake. Secondly, he can apply to the land office for a new plot of land and subsequently, have this plot registered as customary land. But land alienation to Malays in Kuala Pilah (and in other districts with an Adat Perpatih population) in the last thirty years has been confined mainly to the Fringe Alienation Scheme (*Rancangan Tanah Pinggir*); and participants in this scheme have not been given the titles to their land yet.<sup>9)</sup> Only when the title is conferred can application be made to the land office for the plot to be registered as customary land. Given the formidable bureaucratic processes, as alluded to above, and the growing uneasiness among some men in Adat Perpatih society about Adat Perpatih land regulations (which discriminate against them), it is probable that none of the participants in the *Rancangan Tanah Pinggir* may want to have their respec-

9) In the mukim of Seri Menanti, 541 acres had been alienated under the Tanah Pinggir Scheme by 1988. The total number of lots is 166. Land opened under this scheme is planted with rubber trees.



tive plots of land registered as Tanah Pesaka Adat.

While land size has remained unchanged since 1913 or so, the members of Adat Perpatih society have grown in number, thus the pressure on land is great. To begin with, the plots registered were small in size — for kampung land, the smallest measures 1 rod and 25 poles (equivalent to about one quarter of an acre or 0.10 hectare), and the biggest, 2 acres and 3 rods (about 1.13 hectares); and in the case of rice fields, the smallest was also 2 rods and 25 poles, and the biggest plot measured 4 acres 2 rods and 5 poles (approximately 1.83 hectares).<sup>10)</sup>

In the last one century, the plots have been transmitted at least twice, in some cases more, depending on how a particular family proliferates. In all cases of transmission, no plot was ever subdivided. The size of the holdings in itself prohibits subdivision, so does its cost which is rather expensive by kampung economic standards and the lengthy time that such an exercise takes. In addition, there is now a regulation which prohibits subdivision of agricultural land of one acre and less.<sup>11)</sup>

10) 40 poles equal 1 rod and 4 rods make one acre. 2.471 acres is equivalent to one hectare.

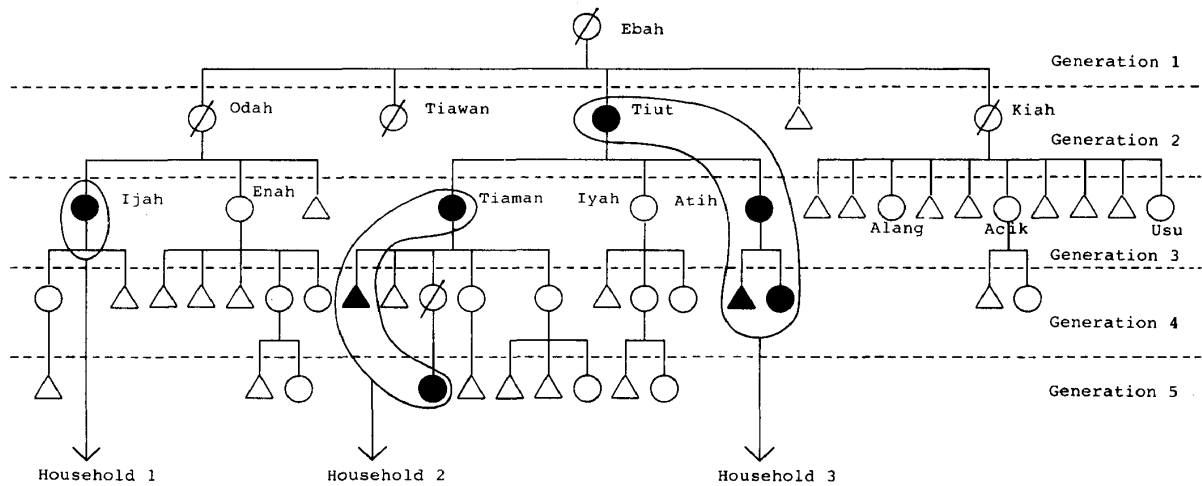
11) According to a surveyor, Hj. Maidin bin Hj. Manap, from a firm of the same name, the current rate for the subdivision of agricultural land is: M \$ 600 basic charge plus M \$ 25 per chain of work done, in addition to a minimum fee of M \$ 825 per job done (personal communication as per letter from the said company dated 29 Feb. 1988). Thus, for subdivision to be done, it would cost at least M \$ 1,450, a hefty

When a land owner dies, her name in the land title is cancelled and replaced by the name of her inheritor(s); only in a few cases is transmission not executed at all (the title still in the original owner's name), or done while the owner is alive. Post-mortem transmission is often done years after the owner's demise; in some cases thirty or forty years later.

In most cases customary land is jointly owned. Seventy-nine percent of the plots studied are held in common by several members of a lineage group (80 percent for rice fields; and for kampung land, 70 percent). Common ownership is avoided only if a female member of the clan has more than one plot of kampung or rice land, or if the family has only one female child at each generation — both of which are not uncommon occurrences.

Based on the number of registered owners, the average size of land each owner is entitled to, in the case of rice plots, is 2 rods and 30 poles (about half an acre or 0.23 hectare) and for kampung plots, 1 rod 22 poles (about a quarter of an acre or one tenth of an hectare). However, these figures are exaggerated and therefore misleading. Many of those whose names appear in the land registration record may have died by now, leaving behind numerous heirs — children, grandchildren and great grandchildren. So the size of land,

sum for the villagers. The length of time taken for subdivision to come through, according to officials at the land office, is at least two years.



1. Range of ages in each generation

Generation 1:

Generation 2: 63-78 years

Generation 3: 28-62 years

Generation 4: 17-41 years

Generation 5: 6 months - 16 years

2. Shaded figures represent those who now reside in the village

Legend :

△ Male

○ Female

⊙ Dead

Fig. 1 Ebah's Lineage

to which each adult member of Adat Perpatih society is entitled to presently, is much lower. Below I present a typical case, Ebah's lineage, to illustrate this point (See Fig. 1).

A plot of land for a homestead, grant number SN 1753 which measures 1 acre, 2 rods and 15 poles was registered in the name of Ebah in 1903. When she died in the late fifties, the land was transmitted to her four daughters. One daughter died, leaving no issue, before registration of joint ownership was made. Hence the land is now registered in the name of Ebah's other three daughters, with each having an equal share. In 1986 Ebah's daughter Odah died, followed by her daughter Kiah in 1988.

Now the time has come again for older members of Ebah's lineage especially

those in generation 2 & 3, and whose names appear in the land title, to get together and transmit Odah's and Kiah's share to their daughters. But this cannot be done just yet as Ebah's descendants are spread all over Malaysia, one living as far away as Sarawak. Getting them together is a gargantuan task. Some are not keen to get back merely to settle an inheritance issue from which they have very little to gain, while others who are keen, find it difficult to arrange a suitable time for leave to enable a family meeting to take place.

Ebah's lineage now comprises forty-six people, twenty-two of whom are females who will be her heirs. When the last of Ebah's daughters dies, which may be soon as she is now in her seventies and paralysed, this piece of ancestral land

will be divided among her eight female grandchildren (Generation 3), a few of whom are now in their early sixties. Each will be entitled to about 32 poles (about one tenth of an acre). In the fourth generation, it will be shared among ten heirs including the one who has died whose share will be transmitted to her daughter. Their individual shares will doubtlessly be smaller.

In 1913, Ebah also registered two parcels of rice fields in her name — SN 1754, measuring 2 rods, 10 poles; and SN 1755, measuring 2 acres, 1 rod, and 25 poles. As in the case of the kampung plot, these rice fields too will be transmitted to all of Ebah's female descendants, each getting a miniscule share.

Since the 1950s the lineage members have been fully aware of their state of semi-landlessness; many have moved out and some have settled permanently in land development schemes belonging to FELDA, while others have moved into towns where they have bought houses and where they have been settled for the last thirty years. The ancestral kampung land has now only five houses, belonging to Tiut, Tiaman, Ijah, Iyah and Alang. Iyah and Alang have been away from the village since the sixties leaving their respective houses in a state of disrepair. The rice fields have been left to lie fallow for the last fifteen years. Only three elderly widows Tiut, Tiaman and Ijah are left to head the three households, and only eight of Ebah's descendants now live in the village (See Fig. 1).

The case of land ownership in Ebah's

lineage is typical of land ownership and utilization in Seri Menanti. Multiple ownership creates problems for land management and utilization — everyone's land is in fact nobody's land. No one feels responsible for it or feels committed to work it, yet at the same time the owners are reluctant to part with their respective shares, even when there are offers from close kin to purchase them. Hence many plots of ancestral land or parts of such plots in Seri Menanti have been left idle or under-utilised; resident owners quite often only work land that is considered their share, leaving the shares of the others unattended. In some cases all owners have left for good. In one of the villages studied, for example, out of thirty plots of kampung land, six are now deserted, leaving behind empty houses, of which a few are now already dilapidated.

## 2 *Malay Reservation Land*

Malay Reservation land (MRL) is referred to as tanah pesaka when it is inherited, but that which is acquired through purchase, is known as *harta carian*. The latter becomes harta pesaka to the children of the purchaser. Although MRL is at times referred to as tanah pesaka, it is always seen as separate from tanah Pesaka Adat (customary land) for MRL lies outside the domain of the Adat. This category of land has various cultivation conditions — for orchards, fish pond, rice, homestead, and rubber, while some have none. However, the largest acreage is for rubber which accounts for

Table 2 Malay Reservation Land: Size and Distribution

Cultivation Condition	Total Acreage (A.R.P*)	%	No. of Plots	No. of Owners	Ownership per Person (acres)
Rubber	468-1-22.8	75.0	182	373	1.26
Rice	17-0-31	2.8	11	22	0.77
Kampung	51-0-34.8	8.1	27	63	0.82
Orchards	28-1-08.4	4.5	10	44	0.64
Kebun (?)	3-2-20	0.6	2	4	0.87
Fishpond	4-1-26	0.8	3	5	0.85
Mixed (rice & kampung)	7-2-19	1.2	3	6	1.25
None	43-2-29.5	7.0	17	38	1.14
Total	624-1-31.5	100.0	255	555	1.12

Source: Survey sample

Note: A=acres

R=rods

P=poles

75 percent of total MRL holdings (see Table 2). Ideally, transmission of MRL follows the Islamic law of inheritance, known as the *faraid*, which is in favour of the male i.e. the female issue's share of inheritance is half that of the male's. This being the case, one would expect the male members of the society to have more MRL registered in their names. But, a close study of land records at the Kuala Pilah land office, which shall be explained subsequently, indicates otherwise. Evidently, in practice, the *faraid* law has not been followed strictly.

MRL designated for rice and homesteads is in most cases transmitted to women as if these parcels of land are customary land. Such a practice, it appears, is not confined to Seri Menanti only but is also found in the district of

Jelevu, another Adat Perpatih stronghold.<sup>12)</sup> For the rest of the MRL, attempts are made to adhere to Islamic law. Nevertheless, there is a tendency to favour women over men. Of the 255 plots of MRL examined in my study, 59.9 percent are held by women, and many parcels of land which were initially registered in the men's names are now held by women.<sup>13)</sup> This tendency to deviate from *faraid* law is also noted by Stivens [1985: 21-22] in her study of another group of matrilineal people in the neighbouring district of Rembau. Here too, Stivens notes that most of the rubber holdings (MRL) are being held by women, a process she refers to as feminization of land. This tendency to endow women with land at the expense of the men must be explained in terms

12) Interview with the Undang of Jelevu and his two subordinate clan chiefs from the Luak of Jelevu at the Undang's official residence in Kuala Kelawang, November 1986.

13) Out of 255 plots studied, 177 were initially registered in a male's name. 71 (40 percent) of these plots are now held individually by women.

of the Adat ideology and practice.

The society, in general, sees women as custodians of the Adat and of the land. At the same time they are also seen as being weak and incapable of supporting themselves, hence many a male in Adat society feels it is his duty to endow his female kin, especially daughters and sisters, with property. Men often forgo their share of inheritance in favour of their sisters, or sell off their share to them for a token price; and fathers prefer to give their land to daughters rather than to sons. The latter, it is argued, can venture out — *merantau*, in search of fortune, but women are handicapped by their sex. What is more, in days gone by when agriculture was the mainstay of the economy, for a girl to be eligible for marriage and for her to get a good marriage partner, she should ideally have land because after she got married, it was feared that her husband might die, become incapacitated, or she might get divorced, any of which might make her destitute. Thus, there was a need to insure her against such eventualities. Giving her whatever little land the family had, was one way of doing so. The same kind of ideology still prevails today.

The prevailing concept of marriage and the matrilineal residence also induces feminization of land. When a son marries, he is expected to live henceforth with his wife's kin, at the latter's ancestral home. After marriage, his productive as well reproductive capacities are transferred to the wife's family/lineage (see [Peletz 1987: 460]). Should he

have a piece of land inherited from his natal family, it is likely that he will use the proceeds or produce thereof for the benefit of his wife's family. Hence, from his parent's point of view, it is more advantageous to themselves to transmit land to his sisters. After all, it is the sisters who will stay put and who are expected to take care of their parents in their old age. A son is generally considered almost lost once he gets married; perhaps it is not a mere coincidence that the term used to refer to a son's marriage ceremony is "*melopeh*" (lit: to lose, or to free).

Very often, MRL owned by a particular family is located close to ancestral land where the family lives. When a man marries he goes away, the further his wife's family is the further will he be from his natal family. Hence, matrilocality would make it difficult for him to manage or work any land he inherited from his parents. Therefore the alternative for him is either to give or to sell his share to his sister/s; in some cases it is sold and with the proceeds he buys another piece of land at the wife's village and registers it, usually, in the wife's name.<sup>14)</sup>

Based on land office records, the size of MRL, as in the case of customary land, is small. The smallest piece at the date of registration is less than an acre, while the largest is 9 acres, 2 rods and

14) Swift, in his study of Jelebu, also found the practice among his respondents and according to him, this is done by the husband to avoid any suspicion that he is planning to divorce his wife [1965: 106].

**Table 3 Rubber Holdings: Size Distribution by Types of Ownership**

Size (acres)	Plots:		Types of Ownership:	
	No. & Percentage		Multiple	Single
Less than 1	9	( 3.87)	2	7
1-1.9	58	(32.60)	23	35
2-2.9	71	(39.23)	30	41
3-3.9	21	(11.60)	13	8
4-4.9	11	( 6.08)	8	3
5-5.9	5	( 2.76)	5	0
6-6.9	4	( 2.21)	3	1
7-7.9	0	( )	0	0
8-8.9	1	( 0.55)	1	0
9-9.9	2	( 1.10)	2	0
<b>Total</b>	<b>182</b>	<b>(100)</b>	<b>87</b>	<b>95</b>

Source: Survey samples

2 poles. It is rare that one finds plots larger than five acres; the available big lots invariably belonged initially to members of the local royal family or people close to it. A large number of the holdings are between one and three acres. Today, the size of these plots has not changed much as subdivision is also rarely carried out. The manner of transmission is similar to that of customary land. However, multiple ownership, especially in the case of rubber holdings, is not as extensive or intensive as in the case of customary land — only 48 percent of the 182 rubber plots studied are jointly owned (See Table 3).

The relatively high number of singly owned rubber plots is attributable to commoditization — land is occasionally sold for a number of reasons such as to finance one's children's education or their weddings, to pay for the pilgrimage to Mecca, etc. MRL has a wider market compared to customary land, though limited to Malays only; and such land

has relatively little symbolic value, hence, the ease with which it is disposed of. Sometimes a sale is made to avoid joint ownership, either one of the owners buys off the share/s of the co-owners or the land is sold off to others and the proceeds shared between the many owners.

Based on the land records, the average size of per capita ownership for MRL is 1.14 acres or less than half a hectare (see Table 3). For jointly held plots, the number of owners varies from two to nine, each one entitled to differing sizes of shares from one half to one twentieth. Compared to ownership patterns in other mukims in Kuala Pilah, land in Seri Menanti is less fragmented. I found acute fragmentation in other mukims where a plot may have up to over twenty owners, with some co-owners having a one-hundredth or one over two-hundredth share. As in the case of customary land, some of the registered owners of MRL died long ago and transmission has not yet taken place. Therefore the

number of owners is much higher than shown in the land records. This means that per capita ownership of MRL is much lower than indicated in the land register.

The number of single ownerships, as alluded to earlier, is relatively high. It is significant to note that a large number of the single owners are women (53.8 percent in the case of rubberland in my survey). Concomitant with this is the high number of men without land. In one of the villages studied, almost 90 percent of the married men have no land registered in their name, their families depending on land belonging to the wife. Evidently, landlessness among men is not a new phenomenon nor confined to Seri Menanti. In Jelebu too, Swift [1965: 54] found that among his samples of men in the late fifties, almost 50 percent were without land.

When one compares land ownership in this mukim with other areas in Peninsular Malaysia such as Kedah, Kelantan and Melaka as presented by Ramli Mohamed [1984: 122-123], Scott [1985: 68-71], and Kuchiba *et al.* [1979: 67-69, 147, 256], one finds a common pattern i.e. the plots held by smallholders are mainly below three acres (slightly over one hectare) in size.<sup>15)</sup> However, the

15) I am fully aware that this comparison is rather inappropriate due to time differences in the study periods and the different emphases given by these writers as opposed to mine. My focus is on plot size held by individuals, while theirs is on household holdings. Nevertheless, in the case of Adat Perpatih society, holdings held by women can represent household holdings, and

pattern of land ownership in Adat Perpatih society differs in several ways: average per capita holding is lower, more land is held by women, there are no landless households, and land distribution is more equitable (there are a few large holdings over five acres in the hands of a few). The Adat ensures that each one of its female members has land, no matter how little. The poorest family is assured of at least a place to stay. A man may not possess land, but his wife on whom he depends, almost always does. Should his marriage break down and he can no longer live in his wife's ancestral home/land, he can always return to his ancestral land over which he has usufructuary rights.

## V Implications for Agricultural Development

Some of the basic features of land ownership in Seri Menanti are limited market for land due to Adat Perpatih and the Malay Reservation enactment, dominance of female ownership, multiple ownership, absentee owners, and small size of holdings. All of these, together with other factors, have the combined effect of making land administration, management, utilization and maintenance problematical in Kuala Pilah and elsewhere among the adherents of Adat Perpatih. It is ironic that when so

although a woman may have shares or own many types of land i.e. rubber, orchard, land for homestead and rice fields, the total holding is usually less than three acres.

many people own so little land, most of the land is left idle and neglected.

From the administrative point of view, joint ownership to the extent found in Kuala Pilah makes collection of land taxes immensely difficult. When a piece of land has several owners, usually no one pays the land dues, while in other cases some owners are not resident in the mukim or the state and hence cannot be reached by post or by notice servers. To date, land owners in the state owe the government six million ringgit in back taxes, and much of this, according to our informants at the land office, is owed by people in districts where the Adat prevails. In Kuala Pilah, during our research in January and February 1988, some members of staff at the land office were made to work extra hours to prepare and send out more than 6,000 final notices to landowners to pay their taxes or face confiscation of their land by the government. During this period too, two pieces of land were auctioned to the public, but there were no takers. It seems that the problem of land administration, especially collection of land taxes, is so acute in Kuala Pilah that few government officers cherish the idea of being posted to the land office in this district.

If land administration is difficult, then implementation of agricultural development schemes is even harder. Small scale holdings are seen as uneconomic and some government agencies have proposed to develop idle land in Seri Menanti through group farming and the

formation of mini-estates. Under the group farming scheme, seven or more farmers whose adjoining plots of idle or under-utilised land total more than twenty acres are encouraged to develop their land as a single unit. This is to enable the use of modern farming techniques (e.g. the use of tractors and other machinery, the construction of roads for easy access, etc.) at a lower cost than if each farmer were to develop his respective plot individually. The group farming project is to be financed by the government, but the responsibility of developing the land lies with the land owners. The mini-estate scheme, however, differs from group farming in at least two ways: the size of land involved is larger i.e. more than one hundred acres, and the land owners let the government agency or a semi-government agency develop the land for them and maintain the developed land for a specified amount of time.

It is under such development schemes that a stretch of rice land (which has dried up and turned into a secondary jungle after almost fifteen years of neglect), in one administrative village, is to be planted with palm oil. And in another administrative village, some stretches of old rubber holdings are to be replanted.

When officials of various implementing agencies and local politicians discussed the projects with the respective villagers, some of the problems of redeveloping this land were raised: there is no labour in the village, the villagers lack



capital and the technical know-how, and for some very old villagers, they do not even have the desire to develop this land as their children are no longer in the village and are probably not returning to settle there. The answer to all this, it seems, is to allow the implementing agency to develop the land for them under the mini-estate scheme. The consent of the landowners is needed so that the agency can borrow capital on their behalf, develop the land and later maintain it by using contractors; and when the land eventually becomes productive the owners will receive their share from the expected profit. When the loan is fully repaid after fifteen years, the land will be returned to the respective owners. The plan sounds good on paper, but implementing it is not so simple.

To start a rubber mini-estate, there must be at least one hundred acres of adjoining parcels of land to be developed. This is hard to find as some rubber smallholders had previously replanted their rubber plots under the government sponsored smallholders replanting scheme. Thus one finds plots with new rubber trees alongside plots with neglected ones, and the owners of the former will have no need for further redevelopment. Hence the alternative is group farming which requires less land. Because the landowners are old and are not able to work the land themselves, they are allowed to use contractors to develop the land for them. Even for group farming the same problem is encountered, i.e. to get adjacent pieces

of land which are equally neglected and similarly in need of redevelopment.

Even if such pieces of land could be found for a mini-estate, or for group farming, contacting the numerous land owners who are scattered all over Malaysia to get their consent to the project is a monumental task. Migration is not a new phenomenon. Like their Minangkabau counterparts in Sumatra [Kato 1982: 22-23], the matrilineal people of Negeri Sembilan have long sent their sons out in search of fame and fortune even before the advent of industrialization in the seventies. Hence there are some who have been away from their villages for thirty or forty years, now settling elsewhere, yet who still keep their land in the village. Some of them, as explained by the land officers dealing in land taxes, are not easily or cannot be reached. Such difficulties slow down and even halt the land development process. Hence in the case of the proposed rehabilitation of rubber land, it has been almost three years since the project was mooted but, the implementing agency is no nearer to getting the consent of all the land owners. Absentee land owners, some of whom are doing rather well elsewhere, are the least interested in and concerned with redevelopment of agriculture in the village; yet they are the ones who need to be sought and convinced of the need to develop the land, so that their consent to the projects can be obtained.

These problems are not insurmountable. Officers of the implementing agency

could track down the owners if they were really keen to have the projects off the ground, but it appears that they are not. After all, it is not their land that is to be developed. To them, the responsibility of tracking the absentee land owners is that of their kin/co-owners who are resident in the village. The villagers can, if they want to, resort to obtaining a power of attorney from the absentee landowners to allow them to develop the land on their behalf. But there seems to be some kind of inertia among the villagers when it comes to these projects that come from above. They see the projects as government projects and, in spite of explanations by officers of the implementing agency, they neither fully understand nor are convinced of the benefits that may accrue to them. Hence the problem of getting the consent of the absentee landowners remain unsolved.

In the case of rice fields, which are generally considered customary land, there are no problems in getting adjoining plots of idle land for large scale development, as over 95 percent of rice land in Seri Menanti has not been cultivated for the last fifteen years or so. But the difficulty in reaching the landowners because of multiple and absentee ownership, as found in the case of rubber land, still applies. In addition there are yet other difficulties. Such land, as stated earlier, can be transacted or transmitted only with the consent of the clan elders, i.e. the Buapak and the Lembaga. Individual owners might consent to the

projects, but getting the consent of the clan elders is not an easy task, particularly now when the Adat Perpatih administration in Negeri Sembilan is torn by conflict.<sup>16)</sup> To complicate matters even further, incumbents of Adat (i.e. traditional) posts and officers of the village administrative (i.e. modern) structure and the JKKK (through which most development projects are introduced to the people) are very often at loggerheads with each other.

Quite often too, government officers entrusted with development of agriculture on Adat Perpatih land have little or no knowledge of the Adat, its power structure and jurisdiction. In their eagerness to implement their projects, these officers very often, ignore the views of the Adat chiefs. The case of the traditional villages under the JKKK Kg. Merual is a very good example. Since early 1986 attempts have been made by the JKKK to develop idle rice fields (customary land). Initially the local farmers association, i.e. the *Pertubuhan*

16) Frequent conflicts occur within Adat Perpatih society, of late most of them are over the appointments of clan chiefs, both major and minor. Such conflicts are widely publicised in the national dailies (see for example *New Straits Times*, 8 March 1987). During our fieldwork in late 1986 and early 1987, we witnessed one such incident in Luak Gunung Pasir, where the appointment of a minor chief was challenged on the grounds that the appointee was not well-versed in the Adat law and that he had got his appointment through corruption. The antagonism between the supporters of the said chief and his opponents spilled over into other village matters affecting the functions of the village JKKK.

Peladang Kawasan (PPK) Tanjung Ipoh agreed to develop it into a cocoa plantation. The PPK later dropped the project due to a shortage of capital, and subsequently in 1988 Federal Land Consolidation and Rehabilitation Authority (FELCRA) took over the land for development, deciding instead to plant palm oil on the grounds that this crop is best suited to the local soil. While FELCRA is still struggling to get the consent of the landowners, some Adat leaders in the area, in January 1989, expressed their opposition to the project because they were not previously consulted by the officers of the implementing agency. Now action has to be taken to appease the Adat chiefs.<sup>17)</sup>

Another aspect of land holding which may be peculiar to Adat Perpatih society is the dominance of female ownership. This in itself creates problems for agricultural development. Most, if not all development programmes are male orientated: they assume men own the land and that they do most of the agricultural work. Hence information on agricultural development is channelled to the men. Farmers' organizations, through which much information regarding farming techniques and other forms of assistance is disseminated, are largely composed of males. For instance, in the Tanjung Ipoh farmer's organization (see Mesyuarat Agung Tahunan Kali Kelima

— Pertubuhan Peladang Kawasan Tg. Ipoh [1984]) which covers villages in the mukim of Seri Menanti, only 21 percent of the members are women. A close look at names of these women shows that they are not genuine farmers (some are retired school teachers and wives of retired salaried men who have never been involved in farming before) but they have become members by virtue of their position in the local political party or because they are married to party activists. What is more, they rarely attend meetings, and when they do, their function seems to be peripheral — they are present not to get involved in discussions at the meetings, but to prepare and serve food to the predominantly male participants. Thus it is the husband who is usually given the new ideas on farming, on new method and new crops, but quite often he has no land to try these ideas on, and he may or may not succeed in persuading his wife to try them on her land. In addition, a husband's performance on his wife's agricultural land leaves much to be desired, as I have noted in my earlier work [Azizah Kassim 1970: 202].

## VI Conclusions

It is evident that agricultural development among the matrilineal people is replete with problems. The Adat laws, particularly the land rules and regulations which keep land in the hands of women, induce acute fragmentation and multiple and absentee ownership, all of

17) Interview with Dr. Ramli Ujang, who represents the state constituency of Seri Menanti in the Negeri Sembilan State Legislative Council, on March 1989 in Kampung Jawa, Kuala Pilah.

which make land management, utilization, and development difficult. I am aware that some of the problems faced by the adherents of the Adat are found elsewhere in the country. However I contend that the existence of the Adat ideology and its practice exacerbates these problems in Negeri Sembilan. Agricultural development in line with the National Agricultural Policy thus becomes more difficult, especially when such issues are accompanied by other setbacks faced by the smallholders, such as poor soil and, in the case of rice cultivation, inadequate water supply; shortage of capital and labour; lack of access to technical assistance; negative attitudes to farming; political interference, etc.

The pattern of land ownership and inheritance among the Adat people clearly has a negative influence on the development of agriculture in the state although the size of customary land is small compared to the total acreage under agriculture. It must be remembered that among the matrilineal Malays in the five districts — Jelebu, Jempul, Tampin, Rembau and Kuala Pilah, the land holdings comprise only customary land and Malay Reservation Land and that customary land is subject to Adat land rules, while Malay Reservation land is affected by them. The negative impact of Adat land regulations on the development of agriculture among the smallholders in Negeri Sembilan must be taken seriously.

Is the pattern of land ownership and inheritance among the Adat people then

conducive to modern and commercialised agricultural development? They are not, as the Adat land laws were designed to accommodate subsistence farming. Modern commercialised agriculture, as proposed by the National Agricultural Policy, necessitates some pre-requisites, one of which is a free land market to allow accumulation of land for large holdings. For the New Agricultural Policy to be successfully implemented among the matrilineal people, it must begin with some kind of land reform so as to free land from multiple holdings,<sup>18)</sup> absentee ownership, acute fragmentation and control by clan elders. Such reform requires much courage and a great deal of political will on the part of the government.

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18) Some measures to avoid fragmentation have already been introduced in the FELDA schemes where transmission of holding can only be made to any one child in the settler's family.

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