

# ADAT LAWS IN MODERN MALAYA

*Land Tenure, Traditional Government  
and Religion*

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## CONSTITUTIONAL GOVERNMENT IN A MATRILINEAL SOCIETY (III): THE LOCAL CHIEFS

THE four luak, Inas, Gemencheh, Ayer Kuning and Linggi, and the district of Tampin form a peripheral fringe on the adat constitution of the State. They are peripheral in the sense that, from the point of view of the Yamtuan's constitutional position, they are not necessary components in any model of the state constitution. But the reasons for this vary in the case of each luak even though individual luak constitutions are all based on a series of matrilineal clans. In some cases, for example Linggi, the constitution is entirely artificial. In other cases, such as Gemencheh and Ayer Kuning, the clan structure is rather rudimentary due to recent immigration into these areas. In the case of Tampin the constitution approximates a small scale model of the Tanah Mengandong luak.

From an analytical viewpoint the areas considered in this chapter fall into three main groups:

- i. Luak Inas, Gemencheh and Ayer Kuning;
- ii. Luak Linggi;
- iii. The Tampin District.

The map on p. 178 shows the location of these areas.

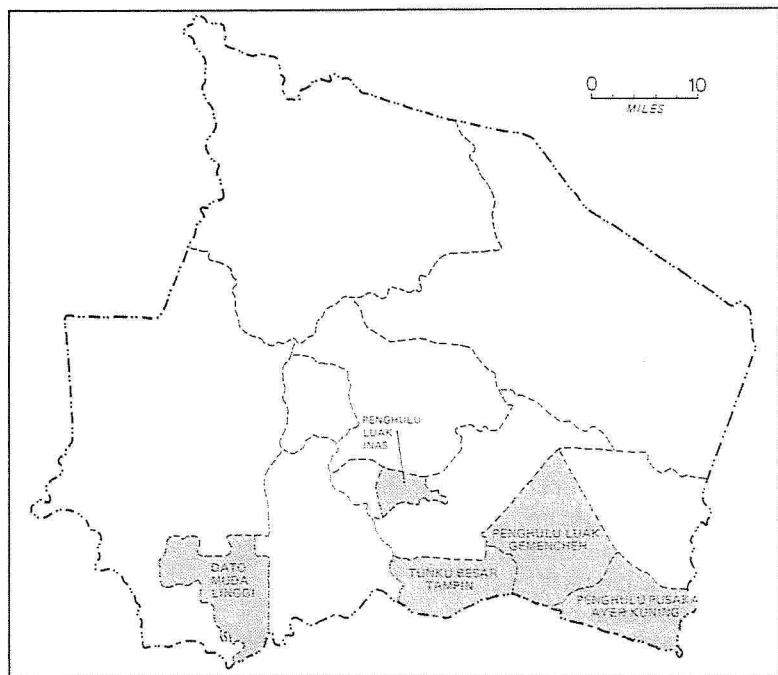
### *Inas*

The constitution of this luak is one of the most interesting in Negri Sembilan because of the very full historical data available (cf. Lewis, 1960: 1962).

The history of Inas is intertwined with that of Johol and the ancient state of Jelai. The ancient Penghulu Jelai was referred to interchangeably as Dato' Jelai or Dato' Inas. This penghulu was recognized by Johore some time in the late eighteenth century, and he received a seal inscribed with his title, Johan Pahlawan Lela Perkasa. Inas was known to the nineteenth century writers as 'the other Jelai' (Hervey, 1884: 245).

Lewis' historical account of the early political organization of Inas (1960: 77-84) illustrates these links. It also shows how the political

MAP 4



THE PERIPHERAL LUAK OF NEGRI SEMBILAN

system developed and altered under pressure from various outside influences, notably Minangkabau immigration and British control.

The early pre-Minangkabau political organization provided for a territorial penghulu under whom were local chiefs (buapa). The latter were in charge of local groups of indigenous people. These were essentially territorial groupings. The penghulu formally received their office from the Batin, the aboriginal chiefs. The indigenous people under the penghulu were composed of aborigines who had accepted Islam and who were given permission to leave the Batin and to live under control of his appointed penghulu. The link between these two groups is still preserved in Johol in the office of Dato' Jenang who is the haluan sembah between the two. The later Minangkabau immigrants brought with them the clan system. Each clan was under the control of its ketua ('headman') and managed its own internal affairs though recognizing the ultimate authority of the penghulu as territorial ruler. The indigenous inhabitants were known as the Biduanda Waris.<sup>1</sup> In this early period there were no special titles associated with the position of *ketua suku* nor were there clearly defined lineages within the immigrant clans.

The Biduanda Waris had, however, evolved rules governing succession to office. The Jelai waris was organized into three lineages which date from the time of the first penghulu. These three lineages—Inas, Nuri and Dingkir—are still in existence.

There is also a tradition that a fourth lineage, Kabong, existed. This was headed by an official known as the Dato' Perba who automatically succeeded to the office of penghulu (cf. the adat in Johol, pp.163-5 above). But because of a quarrel between the Perba and the Penghulu this lineage was disenfranchised. It is now under the control of the Dato' Bentara Jantan.

The Minangkabau influence was strengthened by the arrival of Raja Melewar, the first Yamtuan (1773-1795) who settled in luak Ulu Muar and extended his influence to the luak now known as the Tanah Mengandong. Part of this process was the bestowal of Sumatran titles on clans and lineage heads. These were later extended to Inas. In addition, with British intervention the constitutional structure became more formalized. In the words of one lembaga (Lewis, 1960: 82):

<sup>1</sup>A Royal Orderly (at the Court of Malacca) later used as an honorific title. In the present context means the royal, in the sense of ancient and original, guardians (of the land).

Before the white man came there were no *perut*, just the *suku*. There were no *lembaga*, just the *ketua*. There were no *perut*, for people did not want [to become] head.... When the white man came, he wanted to meet with the head of the *suku*. He gave a pension and everyone who wanted to be head.... It was the British who [brought about] the re-organisation and arrangement [of the *suku*]. There was a meeting after the British came to bestow titles.<sup>1</sup>

British colonial policy was not limited to an insistence upon dealing with title-holders. The colonial government demanded in addition the acquiescence of the penghulu Inas in the new constitutional arrangements in the State. These revolved around the consolidation and formalization of the power of Sri Menanti. This was resisted by Inas with the result that this luak was ignored and isolated in the consequent integration of the Tanah Mengandong luak in the State-wide power structure. In addition, Inas was almost constantly involved in a dispute with Johol over the boundaries of the luak. Here also Inas was unsuccessful and the present day survival of this is that the Undang Johol is always present at the installation of the Penghulu Inas. This fact, together with the loss of territory and authority to Sri Menanti at the time of Raja Melewar and later, led outside observers to conclude that Inas was subordinate to Johol. Nathan and Winstedt, for example, say (1920: 23) that 'The Dato Johol presides at an election [cf the Penghulu Inas]'. That this is not correct is attested to by a former Tungku Besar of Sri Menanti who asserts that Inas is a separate luak and gives the following facts in support (cf. Sheehan and Abdul Aziz, 1936: 221): first, when a new lembaga is elected he makes obeisance to the Penghulu Inas only and is thus confirmed in office; second, the lembaga of Inas pay homage only to the Penghulu Inas; and third, the Penghulu Inas is the final authority in any adat dispute in the luak.

The Tungku Besar also says that the Penghulu Inas recognizes no ruler but the Yamtuan to whom he performs obeisance at the stated times.<sup>2</sup> If the Undang Johol is really superior to the Penghulu Inas these matters would be dealt with by the former.

The result of these factors is that the present position of the Penghulu Inas is little better financially or politically than that of any penghulu of the Tanah Mengandong. Though Inas is not one of these it is also not a territorial luak in company with Sungei Ujong,

<sup>1</sup>A more extreme example of this type of interference is discussed below in relation to luak Linggi. See p.191.

<sup>2</sup>He is one of the chiefs who mengadap triennially (cf. Winstedt, 1914b : 50).

Jelevu, Johol or Rembau. The allowance of the penghulu Inas in the present civil list reflects this inequality.<sup>1</sup> Luak Inas, then, is not part of the unitary constitutional adat of the state as are the luak Tanah Mengandong and the territorial luak.

#### THE ADAT OFFICIALS

The adat constitution of Inas is characterized by the existence of several Biduanda clans of which only one is the waris clan. The office of penghulu is confined to waris Biduanda which has three lineages, Inas, Nuri and Dingkir. The office rotates between these three lineages.

The second official is the Dato' Bentara Betina who is the kepala waris perempuan. This office is also confined to the same lineages as in the case of the penghulu. Finally, there is the Dato' Bentara Jantan who is kepala waris of clan Biduanda waris. He automatically succeeds to the penghulu-ship and his office is confined to the three lineages mentioned above. This office is therefore always held by the lineage which is next entitled to provide the penghulu, thus preserving the *gilir*. His authority extends over the three named Biduanda persukuan (or pechehan, see below p.183), namely Biduanda Kabong, Kebangsa and Jawa (Betawje).

*Election of Adat Officials.* The lineage heads of the three Biduanda persukuan elect the Bentara Jantan from among the candidates of the eligible waris Biduanda lineage. On election the new holder is approved by the Penghulu and the *Bentara Betina*. On the death of the Penghulu the *Bentara Jantan* is confirmed as Penghulu by the Bentara Betina and all the lembaga of the Inas clans. They may, however, refuse to confirm, in which case a new Bentara Jantan is chosen from the lineage of the discarded title holder (Lewis, 1962: 46-7). The Bentara Betina is chosen in the same manner.

The participation of the Biduanda clans in the appointment of a new penghulu draws to our attention one important point which arises in all Negri Sembilan luak. This is the quality of approval, whether it has to be unanimous or only a majority approval. The practice differs widely. In Rembau and Jelevu absolute unanimity (kebulutan) is required. In the Tanah Mengandong luak a simple

<sup>1</sup>The Undang Johol receives S15,000 p.a. Inas is only included in the category 'minor chiefs' of Kuala Pilah District. The penghulu probably gets no more than S200 per month.

## THE INAS CLANS

<i>Lembaga</i>	<i>Clan</i>	<i>Lineage</i>	<i>Rules as to inter and intra clan marriage</i>
1 Setia Raja	Biduanda Sg. Ujong	i. Chemendoh <sup>a</sup> ii. Chendorong <sup>a</sup> iii. Bukit	May intermarry with all other clans and persukuan in the luak including Biduanda waris.
2 Baginda Raja	Biduanda Buah Petaib	i. Ulu ii. Mesjid iii. Seberang <sup>b</sup>	May intermarry with all other clans and persukuan in the luak including Biduanda waris.
3 Mentri	Biduanda Kuala Ponggor	i. Ulu ii. Hilir <sup>c</sup>	May intermarry with all other clans and persukuan in the luak including Biduanda waris.
4 Bangsa Balang	Tiga Nenek	i. Durian Ulat ii. Inas (or Dingkir)	May intermarry with all other clans and persukuan in the luak including Biduanda waris.
5 Andika	Sri Melenggang	i. Seginyeh ii. Kabong iii. Tonggas iv. Inas	May intermarry with all other clans and persukuan in the luak including Biduanda waris. <sup>d</sup>
6 Baginda Maharaja	Sri Lemak Minangkabau	i. Bukit (or Inas) ii. Pulau	May intermarry with all other clans and persukuan in the luak including Biduanda waris.

<sup>a</sup>Nathan and Winstedt (1920: 24) give lineages;

i. Chemerloh ii. Chenorong iii. Bukit

<sup>b</sup>Nathan and Winstedt (1920: 24) list this clan with only one lineage but they note that by a muafakat (agreement) there was to be a future division into three lineages, namely Ponggor, Mesjid and Inas—compare above.

<sup>c</sup>Nathan and Winstedt (1920: 23) give the lineages as Tijah and Tiamin.

<sup>d</sup>Nathan and Winstedt say (1920: 26) that members may not intermarry with clan Sri Melenggang of luak Johol as both claim a common ancestress in Naning. The present position is uncertain.

majority normally suffices. The question does not really arise in Sungei Ujong and Jempol; in Johol, unanimity is probably impossible because the *Baginda Tan Mas* automatically succeeds to the penghulu-ship, and in any case has under his control a proportion of the electors. It should be noted, however, that it is at this point that intra luak power politics make their appearance. This is especially acute where absolute unanimity is not required and where no final board of appeal is established. This of course is an impression only, but it is worth remembering that majority election is usually to be found in luak where the Minangkabau immigrants have gained a degree of political control.

## THE BIDUANDA PERSUKUAN

<i>Lembaga</i>	<i>Clan</i>	<i>Lineage</i>	<i>Rules as to inter and intra clan marriage</i>
i Paduka Pahlawan	Biduanda Kabong	None	May intermarry with all other clans and persukuan in the luak including Biduanda waris.
ii Paduka Bangsa	Biduanda Kebangsa	None	May intermarry with all other clans and persukuan in the luak including Biduanda waris.
iii Amar Penghulu	Biduanda Jawa <sup>a</sup>	None	May intermarry with all other clans and persukuan in the luak including Biduanda waris.

<sup>a</sup>Lewis (1962: 107) gives Biduanda Betawi, i.e. Batavia.



### *Luak Gemencheh*<sup>1</sup>

There is little or no literature on this luak at all except for a few passing references. The most significant of these is in the preamble of the Negri Sembilan Agreement, 1889, which recites that Gemencheh is included within the luak of Johol (cf. Maxwell and Gibson, 1924: 63). Newbold (1839 (2): 139) confirms a subjection to Johol noting that the penghulu of Johol takes a tax on the gold produce of Gemencheh. Later, he writes even more specifically that Gemencheh is a vassal of Johol (1839 (2): 141). A late nineteenth century French traveller (Isnard, 1890) also confirms this where he describes Gemencheh as 'District de Johol'. Sheppard (1965: 6) on the other hand includes the penghulu of Gemencheh 'under' luak Rembau though there seems to be no adat reason for this. Sheehan and Abdul Aziz (1936: 190-225) do not mention the luak at all and Sheehan in his description of the installation of the Yamtuan in 1936 also omits mention of the luak (cf. Sheehan, 1936: 230-42). However, Winstedt, (1914b: 50) mentions the Penghulu Gemencheh as one of the chiefs who mengadap triennially. The Penghulu Gemencheh appears in the latest precedence list at the 1968 installation of the Yamtuan.<sup>2</sup>

The traditional history of the luak, here given in full, tends to confirm Newbold's account.

<sup>1</sup>This luak and luak Ayer Kuning now occupy the area formerly included in the ancient state of Segamat. This is admitted by all authorities as having been one of the nine original states (e.g. Nathan and Winstedt, 1920: 2) but very little is known of its history. Newbold (1839 (2): 153-6) gives the only description now extant. According to him its area included the present luak Gemencheh, Ayer Kuning and part of Luak Jempol up to the Sg. Seriting. It also included part of the present Muar district. It was ruled by a Temenggong who was a vassal of Johore and held a *kuasa* (an 'authority') from the Sultan to levy duty on the tin, gold, rotan, etc. produced in the State. He was entitled *Orang Kaya Muda* (Winstedt, 1962: 158). The Temenggong, according to Newbold, had eight penghulu to assist him in running the state. These were as follows:

- |                        |                           |
|------------------------|---------------------------|
| i. The Ampat Hulu      | ii. The Ampat Hilir       |
| a. Penghulu Besar      | a. Penghulu Gressik       |
| b.        "    Tanjong | b.        "    Bukit Raya |
| c.        "    Dagang  | c.        "    Liang Batu |
| d.        "    Mungkal | d.        "    Ring       |

Most of these suffixes refer to place names but two of the Ampat Hulu refer to clans, i.e. Penghulu Dagang (Biduanda) and Mungkal. However, Newbold notes that the state was legislated for by an *Undang Melayu* and *Hukum Shara'* in distinction from the more northerly luak with their *terembera pesaka*. The state was racked by a series of internal and external wars which made its unity most problematical. In view of the eighteenth and nineteenth century history of Johore, Jempol and Muar we may confidently assert that Segamat existed in name only. The later history of Gemencheh bears out this proposition.

<sup>2</sup>Note also that succession to the offices of Undang Johol and Baginda Tan Mas, rotates between two lineages, Johol and Gemencheh.

The history begins with three brothers from Minangkabau who came through Malacca. One went to Machap (?) one to Pasir (Johol?) and one, the youngest, to Gemencheh. The youngest brother was married but his name and that of his wife is unknown. They are, however, known collectively as the Dato' Jelawi. The young couple passed through Tampin Tengah<sup>1</sup> and eventually came to the Sungei Siput. There they decided to settle and the young man cleared the jungle. Unfortunately the area was haunted and as fast as he cut the trees down the *genie* of the place stood them up again. However, one night there was a great storm and the young man had a dream in which an old man<sup>2</sup> appeared to him and gave him power to overcome the genie which haunted the place. This power was sufficient to dispose of the genie and 'by the providence of Allah the Mighty, the Mysterious, and the Fearful', the genie was vanquished.

One evening the young couple went fishing and in the course of their work, they saw signs that other people were living up river. These turned out to be a family of aborigines (*orang bukit*). The aborigine leader was named Supai and his wife was Mancheh. After some discussion the two families agreed to cooperate in opening up the area and to live together in peace. Supai, however, pointed out that before the area could be opened two enemies had to be overcome. These were the genie mentioned above and a tiger which was terrorizing the district. The genie had already been dealt with by the Malay, and Supai undertook to deal with the tiger which he did by means of magic.

After this the two families lived happily together. One day they had a consultation as to the government of the area. As it was impossible to say who came first to the area they established an *adat muafakat* to the effect that the aborigine was made penghulu with the title *Orang Kaya Setiawan*. The area was called 'Gemencheh' from 'Mancheh' the name of the aborigine's wife. The young Malay was made Dato' Pawang.<sup>3</sup> The wife of the young Malay was made *Lembaga Bergelar* with the title '*Dato' Maharaja Susu Tunggal*'.<sup>4</sup>

The new Penghulu and Pawang then began to develop the area in earnest. Supai went to Tampin and the young Malay to Malacca

<sup>1</sup>Now a part of the Tampin District. See below pp. 198-9.

<sup>2</sup>Whose hair was white and whose beard reached the middle of his stomach and who carried an incense carrier.'

<sup>3</sup>At this point, informants were careful to point out that in those days Pawang had a higher status than the Penghulu.

<sup>4</sup>So named because her right breast was so big that she could breast feed her child from her back!

asking people to come and settle in Gemencheh. They were successful and the area prospered. But, before long, Penghulu Supai died at Gemencheh Lama, unfortunately before he had had time to *berchechah darah* (to dip in blood) the people he had brought from Tampin: that is, he had not yet formally admitted them into his clan, clan Biduanda. The Tampin immigrants, who lived at Kg. Pulau, begged the Penghulu's family to allow Supai to be buried at Kg. Pulau. After repeated appeals this was agreed to by the Penghulu's family, and the body was taken in procession together with the *kelumbu* (a penghulu's insignia)<sup>1</sup> to Kg. Pulau.<sup>2</sup>

After the burial the penghulu's family went back to their homes but in their absence the people of Kg. Pulau began to discuss the question of succession. The ritual of *berchechah darah* were held for them and they thus became eligible to hold office.<sup>3</sup> The inhabitants at Kg. Pulau and Kg. Tengah reached an agreement that one Gobek should be appointed penghulu. During the discussion it was agreed that the successor to Supai should be a Muslim because 'of what use is it for us Muslims to be led by an aborigine [*orang bukit*]?' The leading personalities in the actual appointment were Dato' Megah and Dato' Maharaja Setia.<sup>4</sup> The new penghulu was then installed without the knowledge of Supai's family who were powerless to intervene because the insignia of the penghulu was in the hands of the people of Kg. Pulau<sup>5</sup>.

Penghulu Gobek was succeeded by Penghulu Rantau who was in turn succeeded by Penghulu Kechik.

In Kechik's time war broke out between Gemencheh and Johol in which, according to Gemencheh tradition, Johol was the aggressor. Local tradition is somewhat hazy as to the dates of the war but it seems to have occurred in the period 1830-1840.<sup>6</sup> Gemencheh was

<sup>1</sup>At present this includes: three guns, two spears (*tombak*), four swords, six *kris*, one dagger (*tombak lada*), six spears (*lembing*).

Note the absence of a seal which indicates that the office was founded when the influence of Johore no longer extended into Negri Sembilan i.e. after the 1820s.

<sup>2</sup>His grave is now known as Dato' Rembang.

<sup>3</sup>The story does not say by whom the ritual was performed. If current practice is any guide it would have had to be performed by the kepala waris of clan Biduanda.

<sup>4</sup>This title is today borne by the lembaga of clan Mungkar.

<sup>5</sup>This has parallels to the history of the relationship between Johol and Inas. The penghulu of Johol, according to one story, had stolen a gong, part of the Inas insignia. cf. Lewis, 1960: 82.

<sup>6</sup>This was a period of great unrest in Negri Sembilan when dynastic wars involving Sri Menanti, Sungei Ujong and Rembau were taking place. In addition the Naning war was fought in 1832.

led by Dato' Megah, the same man who was responsible for the appointment of Gobek as penghulu. The date of the founding of the luak may therefore be placed in the early 1800s.<sup>1</sup> The causes of the war are obscure but it seems to have been fought over the right to control the produce of the Gemencheh gold mines. The war resulted in a defeat for Gemencheh, one of the results of which is that the person holding office as penghulu must be first approved by the Undang of Johol. The Penghulu Gemencheh pays obeisance on election to the Undang Johol.

The list of Gemencheh penghulu is as follows:

- |                        |                                  |
|------------------------|----------------------------------|
| i. Supai (Orang Bukit) | v. Mohd. Zain                    |
| ii. Gobek (Islam)      | vi. Abdullah                     |
| iii. Rantau            | vii. Othman (the present holder) |
| iv. Kechik             |                                  |

#### THE GEMENCHEH CONSTITUTION

The penghulu is elected from clan waris Biduanda which has two lineages, Hilir and Hulu. The office rotates between these lineages. The kepala waris is Dato' Laksamana who may, though not necessarily always does, succeed to the penghulu-ship. The consent of the Dato Bandar (clan Mungkar subtitled '*Waris Daerah*') is necessary to the appointment. The lembaga of the remaining clans are not directly involved in the election. There are a number of points arising from this traditional history which need some comment. First, it is clear that the traditional history concerns the activities of immigrants. Both Supai and the unnamed Malay are specifically mentioned as consciously encouraging immigration. This leads us to suppose that, in contra-distinction to some other Negri Sembilan luak, for example Rembau, the aborigine population was not great at the time of settlement. This is borne out by the fact that the majority of people in the luak belong to clan Mungkar, a Minangkabau clan. In addition, there is no tradition of the superiority of the Biduanda as representing the aboriginal population. The election of Gobek as second penghulu illustrates this: he was preferred because he was Muslim. The trickery of the Muslim Minangkabau provides ideological support for this as does the ascribing of a higher status to the *Pawang*, an office held by a Muslim, over that of the Penghulu. In this context, the absence of any information as to who performed the berchechah

<sup>1</sup>Evidence from Tampin bears out this date. See below pp.196-7 and above p.184 footnote 1.

darah ceremony to incorporate the Tampin immigrants into the clan Biduanda is significant.

Second, the present connexion with Johol is relatively recent and is a result of the petty wars which plagued the Negri Sembilan from

#### THE CLANS AND LINEAGES OF GEMENCHEH

<i>Lembaga</i>	<i>Clan</i>	<i>Lineage</i>	<i>Rules as to inger and intra clan marriage</i>
1 Laksamana	Biduanda	i. Hulu ii. Hilir	May intermarry with all other clan in the luak including Biduanda Dagang.
2 Perdana	Biduanda Dagang	None	May intermarry with all other clan in the luak including Biduanda.
3 Maharaja Setia	Mungkar*	i. Kumus ii. Balai Panjang	May intermarry with all other clan in the luak including Biduanda.
4 Bangsa Balang	Tiga Nenek	None	May intermarry with all other clan in the luak including Biduanda.
5 Bandar	Mungkar (Waris Daerah)	i. Jibah ii. Peti iii. Chermin iv. Nyai Batu v. Nebong	May intermarry with all other clan in the luak including Biduanda.
6 Andika	Sri Melenggang	i. Gedok ii. Gemencheh	May intermarry with all other clan in the luak including Biduanda.
7 Lela Raja	Tiga Batu	None	May intermarry with all other clan in the luak including Biduanda.

\*This clan provides an official known as the Dato' Memperang who acts as the guard to the Balai of the Penghulu.

the end of the eighteenth century onwards. Newbold notes (1839 (2): 139-41) that Gemencheh was once dependent on Johore but by 1839 was subject to Johol. Johore obviously never recognized the luak as an independent area as is evidenced by the lack of a penghulu's seal of office. But the subjection of Gemencheh to Johore cannot have been very well established. It was seen earlier (cf. p.184 note 1) that Gemencheh was once part of the district of Segamat which was nominally subject to Johore and was ruled by a Temenggong. This district was noted by Newbold as being in existence but it was in a state of internal confusion caused by local wars. Gemencheh can therefore have only come into existence in the early years of the nineteenth century.

Third, and resulting from these two factors, the clan structure shows signs of artificiality. For example, the office of Maharaja Susu Tunggal is no longer in existence and indeed the link between the Biduanda and Minangkabau clans is tenuous. It has already been seen that the appointment of Penghulu Gobek was made by the Dato Maharaja Setia, an office which still exists (lembaga of clan Mungkar). Now this is a Minangkabau clan and not, as we might expect, a Biduanda clan. Moreover, the other branch of clan Mungkar in the luak is known as Waris Daerah ('guardian of the district'). The Dato' Bandar, the lembaga of this clan provides a guard for the Balai Penghulu and plays the leading role in the appointment of a new penghulu. From the past history of the luak the Dato' Maharaja Setia would have been expected to play the dominant role here but the Dato' Bandar is now more important: it is likely that clan Mungkar must have split into two sections sometime in the mid-nineteenth century, probably as a result of continuing immigration.

Finally, on the influence of Johol, even today a large number of the anak buah of the Baginda Tan Mas are located at Repah which is within the boundaries of luak Gemencheh.

### *Luak Ayer Kuning*

The title of the Penghulu of this luak is Dato' Orang Kaya Setiawan, exactly the same as the penghulu Gemencheh. Local tradition is vague as to the founding of the luak though all informants agree that it was previously part of Segamat. They also note that the present area of the *luak* was formerly divided into two luak, Ayer Kuning and Ladang. The latter was incorporated into Ayer Kuning in 1911

(cf. Winstedt, 1914b: 50). Sheehan (1936: 239) notes that a Penghulu Ayer Kuning did mengadap to the Yamtuan in 1934.

What there is of the past history of this luak is little more than a repetition of the history of Gemencheh though the same attempt has not been made to relate the Biduanda and Minangkabau clans. Ayer Kuning was apparently involved in the Johol-Gemencheh war and the luak, as a consequence, became subservient to Johol. At present, the appointment of a new penghulu Ayer Kuning is subject to the approval of the Undang Johol. There is also a tradition of recent immigration from Malacca (Batang Melaka) and this is reflected in the rather inchoate clan structure.

The penghulu (present holder, Suleiman bin Yusoff) is elected from one lineage, Biduanda Waris, of suku Biduanda. The kepala waris, the Dato' Perdana, is elected from the other lineage, Jenang, of the same clan. Intermarriage between these lineages is forbidden. The rest of the clans in this luak are few in number and are grouped together under one lembaga who does duty for all clans.

The Ayer Kuning clans and lineages are as follows:

<i>Lembaga</i>	<i>Clan</i>	<i>Lineage</i>	<i>Rules as to inter and intra clan marriage</i>
1 Perdana	Biduanda (Waris)	i. Biduanda ii. Jenang	Intra clan marriage forbidden. May marry members of other Ayer Kuning clans.
2 Raja Senara	Mungkar	None	Intra clan marriage forbidden. May marry members of other Ayer Kuning clans.
3 Mentri*	i. Sri Lemak Minangkabau ii. Sri Lemak Pahang	Not applicable	Intra clan marriage forbidden. May marry members of other Ayer Kuning clans.
4 Andika*	i. Sri Melenggang ii. Tiga Batu iii. Piah Kumbuh	Not applicable	Intra clan marriage forbidden. May marry members of other Ayer Kuning clans.

\*The offices of Mentri and Andika rotate among the clans.

*Linggi*

It is rather difficult to describe the area controlled by the Dato' Muda Linggi as a luak in the same sense that Inas or Gemencheh are luak. The area under the influence of the Dato' Muda is included, without too much definition, in luak Sungei Ujong.

The Dato' Muda appears in the Negri Sembilan Civil List (1960) under the category 'chiefs of districts', but he does not attend upon the Dato' Klana, as do subordinate chiefs, on great occasions. However, Winstedt (1914b: 50) mentions the Dato' Muda as being one of the chiefs who mengadap triennially. He also appears in the latest precedence list immediately after the Penghulu Pesaka Ayer Kuning and prior to the lembaga and waris of the electing luak. He is thus the most 'junior' of the territorial chiefs. The occasion of mengadap is the only connexion he has with the state adat constitution.

Historically, the existence of Linggi is an accident. It grew out of the petty wars which took place in the state during the last century and also because it was strategically located on the banks of the Linggi river where it was possible to collect tolls on the river traffic. These two factors combined to give the local chief and his followers a *de facto* power (cf. Gullick, 1949: 54-61).

So far as Linggi's adat constitution is concerned, this appears to have been an afterthought, a graft on the political realities of its existence. Thus Gullick (1949: 61) says that 'until modern times there were no rules to define the mode of succession and appointment to the office of Dato Muda Linggi'. There was no clan system and no pretension to any principle of exogamy: succession to the office was thus largely dynastic. However in 1932, a system of lineages was established, largely at the urging of successive British residents and through the intervention of the then Dato' Klana (Dato' Ma' amor bin Kassim, C.B.E.). The lineages are now:

- i. Solok
- ii. Hilir (currently known as Tengah)
- iii. Pengkalan<sup>1</sup>

Succession to office rotates in order i-iii. This system finds some justification in the nineteenth century history of the office, but it is still clearly a twentieth century invention. The Dato Muda is appointed by the heads of the three lineages, but they must be unanimous:

<sup>1</sup>Except that Pengkalan was disenfranchised in 1959—see below.



if they are not, the power of appointment passes jointly to the Dato Klana and Dato Bandar of Sungei Ujong.

There are three further offices which also rotate: the Dato' Panglima Besar, the Dato' Panglima Perang and the Dato' Laksamana. These are not lineage headships but offices under the Dato Muda, and he in fact makes the final decision to appoint. One lineage may have more than one office at any time if the rotation rule so requires.

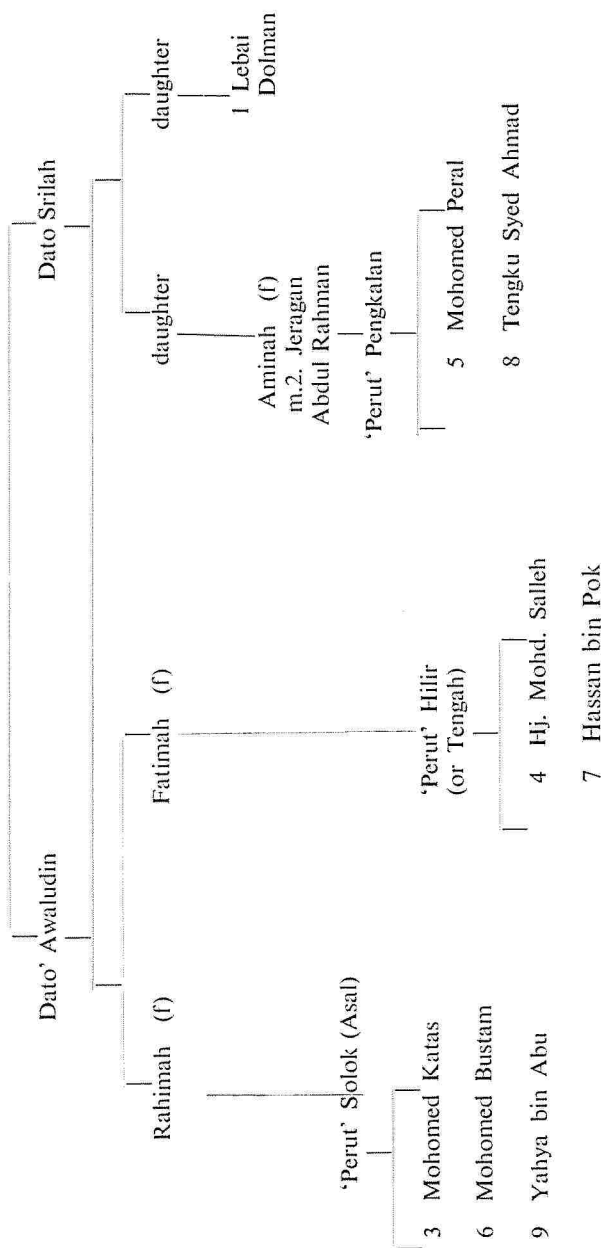
Finally, there are three minor offices, headmen (*ketua*) who bear the titles Dato' Jaya of Permatang Pasir, the Dato' Bentara Setia and the Dato' Kanda of Linggi. There is no rule of rotation in these cases. The ketua are subordinate to the Orang Besar through whom they must pass to bring any matter to the attention of the Dato' Muda.

The present constitution is a rationalization of Linggi's past history and the attempts made in this district to impose dynastic succession to high office. The holders of the office of Dato' Muda Linggi have been as follows:

- |   |   |
|---|---|
| 1. Lebai Dolman,                                    | 6. Mohomed Bustam (d. 1912),                        |
| 2. Jeragan Abdul Rahman<br>(d. 1824),               | 7. Hassan bin Pok (1932-6),                         |
| 3. Mohomed Katas (son-in-law<br>of No. 2),          | 8. Tengku Syed Ahmad (1936-<br>1959),               |
| 4. Hj. Mohomed Salleh<br>(brother-in-law of No. 3), | 9. Yahya bin Abu (1959--the<br>current Dato' Muda). |
| 5. Mohomed Peral<br>(son of No. 4),                 |   |

The list of office holders shows the office as being confined to a limited number of inter-related people. Jeragan Abdul Rahman ((2) above) was the paternal uncle of Lebai Dolman ((1) above) and the husband of Dolman's cousin. Holders numbers (3), (4) and (5) are all related. The present holder, Yahya, is a member of lineage Solok and is a nephew of the former holder, ((8) above). The three so called lineages are all descended from a common dynasty and, in addition, the office holders are linked by ties of intermarriage. The genealogical tree may be seen on p.193 (Gullick, 1949: 62):

This genealogy is no longer strictly accurate because 'perut' Pengkalan has been disenfranchised from the right to provide the Dato' Muda. The reason given for this is rather neatly summed up in the



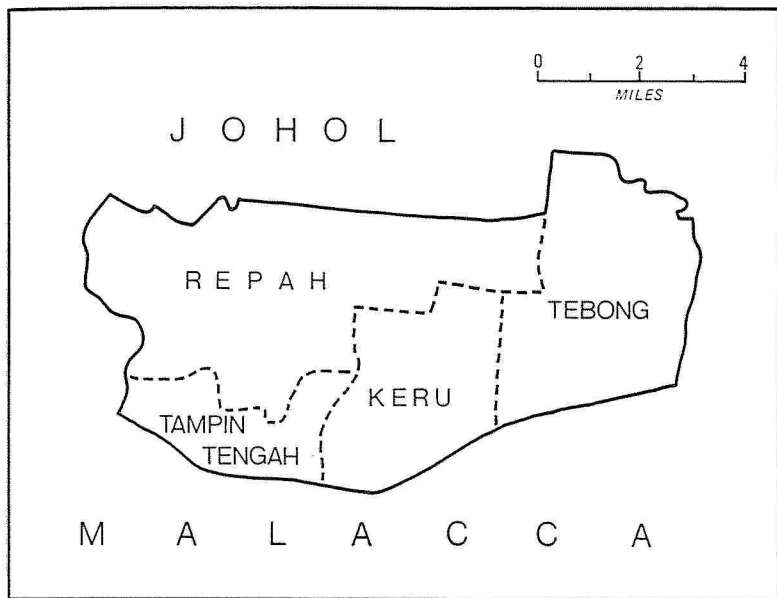
full name of perut Solok, i.e. Solok (Asal). Present opinion is that the lines of descent from Dato' Awaludin through Rahimah and Fatimah are the original and true ones. The line through Dato' Srilah is not to be considered as having the same status.

The genealogy makes it quite clear that the adat constitution of Linggi is artificial. There are no clans in Linggi nor are there any pretensions to exogamous marriage rules. We are dealing instead with Keturunan, genealogies which trace the descent of an inter-related dynasty. The present system was established only in the 1930s and then at the urging of the colonial authorities and the Dato' Klana of Sungei Ujong. All luak to some extent have of course been influenced by artificial systems imposed from above. But it is remarkable how quickly and completely these have been assimilated by the people concerned. In Linggi, for example, the present system is considered by the people as being a traditional adat scheme of immemorial antiquity. Suggestions that the present scheme is not really appropriate in the light of the district's past history are firmly rejected.

### *Summary*

Before leaving the topics of luak Inas, Gemencheh, Ayer Kuning and Linggi, it should be noted that in the latest precedence list these luak are described as 'Tanah Mengandong' whose *penghulu mengadap*. There appears to be some confusion in this classification. As seen earlier (Chapter 6) Tanah Mengandong strictly refers to luak Ulu Muar, Jempol, Terachi and Gunong Pasir. This is a result of their special relationship with the four electing luak. It is true that the penghulu of the luak which we have considered in this chapter all mengadap triennially (Winstedt, 1914b: 50). However, Abdul Samad Idris (1968: 245-57) does not include the latter luak in the category 'Tanah Mengandong'. Against this, however, recent field results show that luak Inas is consistently referred to by the Negri Sembilan Malay as one of the Tanah Mengandong. Luak Linggi, Gemencheh and Ayer Kuning, however, are never referred to as such. The true interpretation of the precedence list is therefore that the list shows the correct order in which the penghulu mengadap. The first four and possibly the first five (i.e. Inas) alone are the true Tanah Mengandong. This illustrates further the rather ambivalent position of luak Inas.

MAP 5



THE TAMPIN DISTRICT

### *Tampin District*

The administrative district (jajahan) of Tampin includes the luak of Gemencheh and Ayer Kuning and an area 'under the Tengku Besar of Tampin'. We have already dealt with Gemencheh and Ayer Kuning and this part of the chapter will be confined to the area under the control of the Tengku Besar, hereinafter referred to as Tampin District. This district is illustrated in Map 5.

The constitution of Tampin reflects the three factors which, in the nineteenth century, largely contributed to the present territorial divisions of Negri Sembilan. These were: inter luak battles and rivalries, British intervention and continuing immigration into the State (in this case mainly from Malacca).

Tampin District owes its existence partially to the results of the Naning war and partially to dynastic rivalries involving Rembau and Sri Menanti. The Naning war, between the British and the Dato' Naning, need not directly concern us here.<sup>1</sup> Its result in the present context was twofold. First, the defeat of the Dato' Naning loosened the control of this state over its eastern possessions, i.e. Gemencheh and Ayer Kuning. Second, it gave a dominant position to two Rembau chiefs, Raja Ali and Saiyid Shaaban, while in Sri Menanti Yamtuan Sati<sup>2</sup> had fallen. Raja Ali proclaimed himself Yamtuan Besar while Saiyid Shaaban (who incidentally was his son-in-law) proclaimed himself Yamtuan Muda. Neither had a right to these titles and by assuming them they gave offence to all Negri Sembilan chiefs. Both Raja Ali and Saiyid Shaaban had entered into treaties of peace and friendship with the British government in 1832 and 1833. In the first treaty they signed merely as chiefs of Rembau (cf. Maxwell and Gibson, 1924: 48) but by 1833 they had increased their respective ranks.

Saiyid Shaaban then become embroiled in a dynastic war with Dato' Nganit, Undang of Rembau, who was supported by the Dato' Klana. In addition the Dato' Klana put forward a new candidate for

<sup>1</sup>For a full account see Mills, 1960: 137-52.

<sup>2</sup>Not included in the *pertalian Yamtuan* (cf. above p.116). He was a nominee of the Raja of Siak in Sumatra and had been sent to Sri Menanti at the instigation of the Dato' Klana of Sungei Ujong as part of an exercise in king making. Yamtuan Sati had no local support and soon quarrelled with the Dato' Klana. The withdrawal of the latter's support caused Yamtuan Sati to fall and this resulted in a power vacuum. Cf. Wilkinson, 1911: 23-4. Enter Raja Ali and Saiyid Shaaban.

the Yamtuanship, one Raja Radin of Sri Menanti.<sup>1</sup> In the civil war which followed Raja Ali and Saiyid Shaaban established themselves in Tampin. That is, the luak of Rembau was divided roughly into half, the western portion comprising the present luak of Rembau, and the eastern part forming the present district of Tampin. In Parr and Mackray (1910: 96), a map of Rembau which includes its ancient boundaries, shows that the present district of Tampin, which lies between Gunong Tampin and Bukit Putus, was once part of the Baroh subdivision of the old luak.

This brings us to the second factor, the immigration of settlers into the district. Old Rembau, including what is now Tampin, contained much unoccupied country. In the years preceding the establishment of Tampin four areas, Tampin, Keru (and Tebong) and Repah were colonized by clans Batu Hampar, Mungkal and Tiga Batu respectively. Part of this territory now in Tampin district was formerly in the Tebong district of Naning but was lost to Naning as a result of the 1832 war.

Finally British intervention in Negri Sembilan commenced in 1872 and by the treaty of 1889 all states in the federation had placed themselves under British protection. The states included in this federation were known collectively as 'old' Negri Sembilan. They consisted of Sri Menanti, Johol (including Gemenchek) Inas, Ulu Muar, Gunong Pasir, Terachi, Tampin and Rembau (cf. Maxwell and Gibson,<sup>2</sup> 1924: 63). The slightly earlier agreement of 1883 between the Governor of the Straits Settlements and Rembau (Maxwell and Gibson, 1924: 51-2) is interesting because Syed Hamid, son of Syed Shaaban, signed on behalf of Tampin. The substance of the agreement was that the Governor of the Straits Settlements should settle any disputes, especially over boundaries, involving the signatories to the agreement.

In 1895 by the treaty of that year, the federation was enlarged to include Sungei Ujong and Jelebu. In 1901 the first of the triennial mengadap was held but the Tengku Besar of Tampin did not pay homage to the Yamtuan though the four undang and the territorial penghulu did so. This brings us to the Tampin constitution.

#### THE TENGKU BESAR OF TAMPIN

The first Tengku Besar took office in 1834. The following is a list of the holders of the office (cf. Abdul Samad Idris, 1968: 232).

<sup>1</sup>The fourth Yamtuan (cf. the pertalian Yamtuan above p.116).

- |                      |   |
|----------------------|---|
| i. Syed Shaaban      | iv. Syed Akil                                       |
| ii. Syed Abdul Hamid | v. Syed Muhamad                                     |
| iii. Syed Dewa       | vi. Syed Idrus, 1944<br>(the present Tengku Besar). |

This list is confirmed as correct by the present Tengku Besar. The powers and functions of the Tengku Besar are defined in the state constitution. This provides that the office shall be hereditary by primogeniture amongst the male descendants lawfully begotten in the male line of Tengku Syed Abdul Hamid bin Tengku Syed Shaaban.<sup>1</sup> The Tengku Besar is mentioned in the preamble to the state constitution as being one of the constitutional law makers. Under Chapter 5 and Art XXXIV(i) he is a 'Ruling Chief' and thus he has a constitutional equality with the four electing undang. This means that he is *ipso facto* a member of the 'Council of the Yang di-Pertuan Besar and the Ruling Chiefs' and may therefore advise the Yamtuan on any matters of Malay custom.<sup>2</sup> Finally, he has a constitutional function in that so far as the second part of the state constitution is concerned<sup>3</sup> he is included in the expression 'Ruler'.

The civil list<sup>4</sup> provides that he is to receive an annual income from the state amounting to \$13,800. In distinction to the four electing undang the Tengku Besar plays no part in the election or dismissal of the Yamtuan nor does he mengadap on any occasion. However, at his installation, a representative of Sri Menanti must be present, presumably in the capacity of 'silent witness'. He attends the installation of the Yamtuan as a guest but does not appear in the precedence list. His position in this respect is thus analogous to that of a foreign sovereign. His only link with the Tanah Mengandong and the electing luak is through the state constitution but this does not directly involve him in the state-wide adat constitution. Further, the four territorial penghulu under his jurisdiction do not mengadap to the Yamtuan or anyone else.

#### THE FOUR TERRITORIES OF TAMPIN

The Tampin district is divided into four parts, Repah, Keru, Tebong and Tampin Tengah.<sup>5</sup> It was noted that the clans in Tampin district are all comparatively recent arrivals; in some cases they have

<sup>1</sup>Art. XIV (2).

<sup>2</sup>Art. XVI.

<sup>3</sup>Which deals with the machinery of government.

<sup>4</sup>Negri Sembilan Act No. 2/1960 as amended by Act No. 2/1964. Schedule, Class I, S. 6(1).

<sup>5</sup>The first Astana Tengku Besar was built here in 1834.

been established for as short a time as fifty years. Wilkinson (1911: 31-2) mentions three waris suku, Batu Hampar, Mungkal and Tiga Batu as being found in various parts of the district, namely:

- i. Tiga Batu — Repah
- ii. Mungkal — Keru and Tebong
- iii. Batu Hampar — Tampin (Tengah)

This list is not quite accurate today; recent field results show the following clans:

- i. Biduanda — Tampin Tengah and Tebong
- ii. Tiga Batu — Repah
- iii. Tiga Batu — Keru<sup>1</sup>

Three points of some interest arise out of the last list. First, clans Mungkal and Batu Hampar are no longer waris suku in Keru, Tebong and Tampin Tengah. Their places have been taken respectively by waris clans Tiga Batu and Biduanda. Second, the areas furthest removed from the Rembau boundary, Tebong (Biduanda) and Keru (Tiga Batu) have a rather brief history of clan immigration. This is attested to by the fact that Tebong can show a list of only three penghulu whilst Keru can show four. These clans have thus occupied their respective territories for only fifty to sixty years. On the other hand, Tampin Tengah and Repah can show lists of penghulu which contain nine and eleven names respectively (cf. Abdul Samad Idris, 1968: 232-3). This recent immigration is reflected in the internal structure of each of the four districts.<sup>2</sup>

#### THE FOUR TERRITORIAL PENGHULU OF TAMPIN

The arrangement of these four districts under the Tengku Besar presents some curious parallels to the relation between the Yamtuan and the penghulu of the Tanah Mengandong. In both cases there is a waris suku and the respective penghulu pay some form of mengadap or at least are formally presented to the respective ruler. In addition, the Tampin penghulu do not have any connexion with the Yamtuan or any of the electing luak. Further, they have no specific title, being known merely as '*Penghulu Pesaka*'—followed by the name of the district. Tampin district thus forms a structural copy of the Sri Menanti complex, and given the two factors of immigration and the relatively short life of the district as a whole, it is difficult to believe that this is wholly accidental.

This list is confirmed by Abdul Samad Idris (1968: 232-3) except that he does not give the name of the waris suku for Keru.

<sup>2</sup>One hesitates to call them 'luak'.



An examination of the process of appointing a new penghulu will illustrate these points. A person to be eligible must be a member of the waris suku but the choice of the person is not solely a waris matter. Formerly, the Tengku Besar himself would choose the new penghulu. The current practice, however, is for the three remaining penghulu to go to the district involved and 'help' the waris to choose a new penghulu. This man is then taken by the three penghulu to the Tengku Besar and presented to him for his formal approval. The Tengku Besar informs the State government of the name of the new office holder. The new penghulu does not mengadap the Tengku Besar though up to 1945 he did make obeisance.<sup>1</sup> These departures from earlier precedent were introduced by the present Tengku Besar on his accession. They were accepted quite readily by the clans and this in itself is perhaps an index of the relative weakness and inchoateness of the Tampin district clan structure. Wilkinson indeed remarks (1911: 48) that in Tampin the 'tribal system... is perishing'. It is probably more true to say that the clan structure is inchoate and not backed by the same weight of conscious tradition which one finds in Rembau or the other luak.

On the other hand, the election of the lembaga of each suku and the powers and functions of the lembaga are similar to those already described in the preceding chapters. A new lembaga is presented to the territorial penghulu for formal approval and the penghulu has the sole power of deciding an election in cases of dispute. It is notable, however, that the constitutional position of the kepala waris (*jantan* and *perempuan*) is not anywhere as important as it is, for example, in the Tanah Mengandong clans.

The following lists of the clans and lineages of each district (pp.201-2) tend to bear out these remarks.

In addition to the four named clans of Tebong there are scattered pechehan of Tiga Nenek and Tiga Batu, neither of whom possess a lembaga. For purposes of adat inheritance the former are 'attached' to either clan Mungkal or Payah Kumbuh. Members of Tiga Batu may attach themselves to any convenient clan. Both groups are recent immigrants and arrived in the district in the late 1930s.

The Penghulu Pesaka Keru (see p.202) comes from clan Tiga Batu (Nesan Tinggi) and not from Tiga Batu (Peliang). This is an example of the splinter group phenomenon we noted above (cf. p.154). Here

<sup>1</sup>Dressed in ceremonial robes and bearing the usual gifts, i.e. *nasi kuning*, betel, coloured eggs, a fowl, etc.

## i. TAMPIN TENGAH

<i>Lembaga</i>	<i>Clan</i>	<i>Lineage</i>	<i>Rules as to inter and intra clan marriage</i>
1 Mentri	Biduanda	i. Sererang (or Darat) ii. Dusun <sup>a</sup>	Marriage within the clan not permitted <sup>b</sup>
2 Mempereng	Batu Balang	None	Marriage within the clan not permitted
3 Kaya Mentri	Sri Melenggang	None	Marriage within the clan not permitted
4 Paduka Mentri	Tiga Batu	i. Hulu ii. Hilir <sup>a</sup>	Marriage within the clan not permitted

<sup>a</sup>Office of lembaga rotates between each lineage.

<sup>b</sup>May marry members of clan Biduanda at Tebong, Repah and Keru.

## ii. TEBONG

1 Laksamana	Biduanda	None	Marriage within the clan not permitted
2 Angkai	Mungkal	None	Marriage within the clan not permitted
3 Setia Kaya	Payah Kumboh	None	Marriage within the clan not permitted
4 Andika	Anak Malaka	None	Marriage within the clan not permitted

only one branch is eligible to provide a penghulu. The Nesan Tinggi branch has no kepala waris being under the 'direct supervision' of the penghulu.

The history and present constitution of Tampin illustrates very clearly the pervasiveness of adat as a response to the rapidly changing political situation in nineteenth century Negri Sembilan. This was caused by local wars, themselves a response to massive immigration and the development of increasingly profitable mining activities. In this situation, local clan organization was not competent to cope, but

## III. REPAH

<i>Lembaga</i>	<i>Clan</i>	<i>Lineage</i>	<i>Rules as to inter and intra clan marriage</i>
1 Menjaya	Sri Melenggang	None	Marriage within the clan not permitted
2 Sati (or Sakti)	Batu Hampar	None	Marriage within the clan not permitted
3 Panglima Besar	Mungkal	None	Marriage within the clan not permitted
4 Perdana	Biduanda	None	Marriage within the clan not permitted <sup>a</sup>

<sup>a</sup>Cf. comments on Biduanda above.

The waris suku, clan Tiga Batu, has no kepala waris, 'being under the direct control of the Penghulu'.

## IV. KERU

1 Andika	Sri Melenggang	i. Hilir ii. Hulu	Marriage within the clan not permitted
2 Setia Lela	Biduanda	i. Hilir ii. Hulu	Marriage within the clan not permitted
3 Lela Raja	Tiga Batu (Peliang)	i. Bukit ii. Baroh	Marriage within the clan not permitted
4 Angkai	Mungkal	i. Bukit ii. Baroh	Marriage within the clan not permitted

the imposition of an artificial clan system by a dominant dynasty provided a ready means of local government for the district power holder. It also had the advantage of conforming to the usage of nearby states and qualifying the dynasty for inclusion in the state-wide administration under colonial aegis. In this sense, the adat constitutions of Sungei Ujong, Linggi and Tampin form a group. The adat, here confined to constitutional usages, was manipulated for political ends. Topics of importance to the clan, such as marriage and land holding are not dealt with as strictly as they are in, for

example, the Tanah Mengandong. But this should not blind us to the fact that these political manipulations are equally adat, only here it is the adat of the politically possible. This was only hinted at in Chapter 2, where adat was discussed in the form of oral tradition. But this aspect of adat is real and, in the next chapter, it will be seen in the context of religion and party politics.