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Chapter 1

Adat in Transition:

Concerning the Development of Customary Land in Negeri Sembilan, Malaysia

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When I first visited the Rembau District in Negeri Sembilan in 1995, I was amazed to see the contrast between neglected rice paddy plots (*sawah padi*) and well-cultivated large-scale rubber and oil palm estates. It seemed that nearly all the paddy plots had been left uncultivated for years. Only one cultivated paddy plot could be found at Mampong Village (*kampung Mampong*) during my stay. It is reported that a quarter of the rice land was unused in 1976 (Stivens, et. al., 1994: 72). According to Stivens, very little rice was being grown in Negeri Sembilan by 1982 and the drift of population to the cities had intensified and by 1986 no paddy land at all was being cultivated anywhere in Negeri Sembilan (Stivens, 1996: 27). Statistics obtained at the Rembau District Office also showed that very little paddy land has been cultivated recently.

This situation seems to be remarkable because only paddy land and compound land are originally registered as customary land (Khadijah, 1978: 169), and this customary land is the basis of matriliney in Negeri Sembilan, especially in the Rembau District where *adat* (customary law) is said to be strong. It is reported that the society of Rembau was based basically on the cultivation of rice, fruits, and vegetables and the collection of forest

products before the introduction of rubber in the early twentieth century. After the introduction of rubber, a dual economy of rice for subsistence and rubber for cash persisted until the sixties (Azizah, n.d.:4). Therefore, the recent existence of uncultivated paddy lands indicates a fundamental social change in this district. Azizah mentioned that migration away from Negeri Sembilan increased after the implementation of the New Economic Policy in 1971 (Azizah, n.d.:14). Many scholars have also reported that the New Economic Policy has changed the peasant life in Malaysia (Rogers, 1993; Peletz, 1988; Stivens, 1996).

On the other hand, a state-wide project called *Pembangunan Tanah Adat Terbiar* (The Development of Uncultivated Customary Land) has been carried out elsewhere in Negeri Sembilan. Besides that, many other development projects are planned for the future.

Adat has often been recognized as both 'traditional' and 'stable' so far. However, when we analyze adat in a contemporary context, we must take into consideration the fact that adat cannot be understood in and of itself. The concept of adat must be analyzed in a wider context and in relation with the historical influences of the colonial rule and the present-day post-colonial situation. In fact, Hooker pointed out that it must be realized that adat is not a quaint system of customary law but is a living system, enshrined in law reports, statutes, and administrative minutes (Hooker, 1970: vii).

For instance, in Indonesian political discourses, Nakagawa has pointed out that there are dual histories (*sejarah*); one being 'central' and the other being 'local.' The former is labeled as dynamic and its main theme is 'independence.' The latter is labeled as stable, and its main theme is 'culture' (*kebudayaan*). The *kebudayaan* also has dual meanings. The *kebudayaan* of value is labeled as 'culture,' and this value is always examined and considered. The *kebudayaan* of less value is labeled as adat. This adat is examined to be either suitable for development or not (Nakagawa, 1994: 259). In other words, adat is a residual category into which those areas that do not seem suitable for modern nation-states are placed.

A similar complicated relationship between adat and development (*pembangunan*) can be found in Malaysia. In national discourses, progress (*kemajuan*) and development of the village (*kampung*) life have been stressed. However, while adat is always labeled as underdeveloped and stable in Negeri Sembilan, it has been noted that adat has developed over time, and thus it should be analyzed as a historical construct (Stivens, 1991:76; 1996). There is growing evidence that the incorporation of Malay peasant economies into the world economy began long before colonial rule (Stivens, 1996: 70). However, the influence of recent economic development and capitalism upon areas of everyday life and gender relations seem to be more remarkable than before. Later we will analyze various discourses of adat and its development in Section 3 to show how they have been labeled. The dichotomy of adat and pembangunan (development) is presently observed elsewhere in Malaysia. However, the cases in Negeri Sembilan are interesting because of the contrast between unique matrilineal (*adat perpatih*) and Islamic or national discourses.

In other areas, for example, the influence of national policy at the village level was studied at the community of Sungai Raya, Johore (Rogers, 1993). This study deals with a history of the community from the 1960s to 1980s and clearly depicts how the national and state economic and welfare policies have changed the village life. Indeed, in the 1970s and 1980s most Malaysian communities changed a lot in terms of their subsistence economy. However, the economic condition of Sungai Raya is slightly different from that of Negeri Sembilan because Sungai Raya is a rubber-producing community like most villages in southern peninsular Malaysia.

It is interesting to note that Goda analyzed both the national and local political institutions of Bontok in the Philippines. He pointed out that it is necessary to study Philippine modernization in terms of conflicts between modern political systems and local, traditional political institutions, noting in particular the appearance of several key persons in the local political arena (Goda, 1988). In Negeri Sembilan,

similar key persons who mediate the life of the village and national policies would be village headmen (*ketua kampung*), local adat chiefs, and local politicians. Ketua kampung has a specially important role to mediate national discourses with villagers.

In this paper, by using cases of contemporary development of customary land, we will examine the influence of modernization and development upon adat of Negeri Sembilan. Therefore, the purpose of this paper is not to describe adat law in detail but to analyze the relationship between adat and social integration in the present-day situation. In other words, this paper intends to describe a transformation of adat in Negeri Sembilan in the course of contemporary economic development and to make some contribution to the comparative studies of modernization in Southeast Asian societies.¹

THE CONTEMPORARY SITUATION IN REMBAU, NEGERI SEMBILAN

Negeri Sembilan is widely known as a unique matrilineal society (adat perpatih) in Malaysia, and its customary law (adat) has been intensively studied so far. The area of Negeri Sembilan is 664,591 hectares, and the population was 691,150 in 1991 (Laporan Tahunan, 1992:3). The area of the Rembau District is 41,512 hectares, and the population in both 1991 and 1995 is indicated in Table 1 according to the statistics obtained at the Rembau District Office (1996). The report is based on the statement given by Prime Minister Mahathir in 1991

Table 1. Population of Rembau in 1991 and 1995

Age	1991		Total	1995		Total
	Female	Male		Female	Male	
0-19	7,767	7,983	15,750	8,000	8,054	16,054
20-54	5,695	7,132	12,827	6,568	7,973	14,541
55-	2,822	3,424	6,246	2,560	3,581	6,141

Rembau District Office, 1996

entitled 'Vision 2020' where he estimated the population and occupations of the citizens of Malaysia in 2020.

The local, 'traditional' political offices in Rembau are *Yang di-Pertuan Besar*, *undang*, *lembaga*, and *buapak*. In 1959, when the Federation of Malaya was formed, the Law of the Constitution of Negeri Sembilan was established. According to this law, *Yang di-Pertuan Besar*, the equivalent of a sultan in other states, is to be elected by the *undang* of the territories of Sungai Ujong, Jelebu, Johol, and Rembau. He shall be a male of the Malay race, with a sound mind, and profess the religion of the state. In other words, this person is to be a lawfully-begotten descendant in the male line of Raja Radin ibni Raja Lenggang (The Law of the Constitution of Negeri Sembilan, 1965:4). It is important to note that his lineage is not matrilineal and that the political authority is in the hands of the *undang* (the traditional chieftain). The *undang* of the territories of Sungai Ujong, Jelebu, Johol, and Rembau shall be persons lawfully elected in accordance with the customs (*adat*) of their respective *luaks* ("territories"). *Lembaga* is the head of a clan (*suku*) and *buapak* is the head of a lineage (*perut*).

At the end of the first part of the Laws of the Constitution, the following phrase can be found: "Except as expressed herein, this part shall not affect the ancient constitution and ancient custom of the state of Negeri Sembilan but such ancient constitution and ancient custom, where not inconsistent with this part, shall continue as heretofore." As clearly indicated in this phrase, the *adat* which is not inconsistent with the Constitution cannot be changed or avoided and labeled "ancient."

Rembau District is characterized as a place where *adat* is strong and 'one of the least developed, most rural, and most traditional districts on Negeri Sembilan' (Khadijah, 1978: 169). In this way, *adat* is connected with something 'underdeveloped' or 'traditional.' However, it has been pointed out that it would be better to think of the *adat* as it was formed under the colonial rule rather than being something 'traditional.' Even when considering matriliney, it has also been pointed out that the developed ideology of matriliney reported by anthropologists

later on in the colonial period has to be seen as a product of this historical process (colonial rule), and not as a relic of former or so-called traditional times. Moreover, local discourse, colonial administration itself and, later, social science studies have all created successive discourses about what it means to follow adat perpatih (Stevens, 1985: 16).

It has been recognized that adat differentiates two kinds of land property, one which is ancestral land (*tanah pusaka*) and the other which is acquired land (*tanah carian*). The right to ancestral land including housing and paddy land is inherited matrilineally. However, it is noteworthy that the acquired land can be transformed into ancestral land through the inheritance of several generations. This process is called the 'feminization of landed property' (Stevens, et. al., 1994: 79).

Although there have been many studies about Malay villages, it is pointed out that these studies are more or less androcentric (Stevens, et. al., 1994). In other words, they are made from the male point of view. In the introduction of their report, the necessity of studies from the point of gender is stressed for two reasons. The first is because power relations within the household have been almost totally ignored.



Women in matrilineal society, Negeri Sembilan



Newly wed couple

The second reason is that these studies have been conducted by male scholars.

Women in Negeri Sembilan are seen as custodians of the adat. Moreover, rubber tapping has been considered a man's job while rice growing has been considered a woman's job (Azizah, n.d.:5-12). However, in practice there is not such a clear distinction of the division of labor. Stivens emphasized women's ownership of land and the fact that their central ideological position in the kinship system has given them a degree of economic and social power in the household and village economy (Stivens, 1985:2). Therefore, whether the recent development project of customary land affects the women's power will be the important problem in the near future.

According to Khadijah, because a land registration system called Torrens was introduced, adat land came to be owned more and more by individuals (Khadijah, 1978:158). A jurist clearly mentioned that when the Torrens system was first introduced in the Federated Malay States, there was already a prevailing system of land law based on Malay custom and Islamic law. The General Land Regulations according to the Torrens system were enacted in Negeri Sembilan in

1887, and this was followed by the Registration of Titles Regulations in 1898. By 1911, these laws and regulations gave way to the Federated Malay States Land Enactment of 1911 and the Federated Malay States Registration of Titles Enactment, 1911 (Salleh, 1995:9). Salleh has listed six major differences between Malay customary tenure and the Torrens system:

- (a) All lands are vested in the ruler, who has the power to alienate land to his subjects either in perpetuity or for a fixed term of up to 999 years.
- (b) All dealings in land must be in the prescribed form and must be duly registered with the relevant authorities; failure to do so would render the dealings null and void.
- (c) Owners of land are given indefeasibility of title, which can be questioned only under special circumstances.
- (d) The traditional method of acquisition of virgin land or waste land as permitted under the Malay customary tenure was abolished.
- (e) Forms of land dealing which were recognized under the law were transfers, leases exceeding three years, charges and liens.
- (f) Two forms of caveats were recognized, namely private caveats and registered caveats (Salleh, 1995:9-10).

The Land Code of 1928 also introduced several changes with the above-mentioned law, such as 'customary tenure under adat perpatih is preserved' (Salleh, 1995:10-11). What the western trained legal historians used to label as customary law or customary land tenure was in fact a harmonious blend of Islamic law and local custom (Salleh, 1995:299). However, in Negeri Sembilan, 'a blend of Islamic law and local custom' has been the subject of local debate for years.

In the Rembau District alone, there are at least 5,000 hectares of traditional land which have not been developed. The main reasons the people gave for this situation are the shortage of young people to help with this development and the low price of rice. The local

administration though has given a somewhat different explanation for this land going undeveloped. The reasons are as follows:

- 1) A shortage of labor power. Sixty percent of the labor population is over the age of fifty, and the young people have moved to urban areas, mainly to Kuala Lumpur, to look for better jobs.
- 2) A shortage of water. This might be because the oil palm plantations absorb much water. Once the water level becomes lower than that of the level of the paddy land, it becomes difficult to plant rice paddies.
- 3) The cost to use customary land is much higher than that of offering the land to the manufacturing industry for their use.
- 4) Most people have retired and have lost interest in agriculture. Living expenses can be sourced from their pensions and from subsidized help from their children who work in urban areas.
- 5) Farm mechanization is delayed. A plot of paddy land is divided into many pieces or lots according to the various women landowners.



March in marriage ceremony



Parents in celebration

- 6) Vegetables and other plants are easily damaged as water buffaloes graze in the area (Rembau District Office, 1996).

It should be noted that the sixth reason is more of a result of the abandonment of the paddy lands and not the actual reason for the abandonment. On the other hand, the grazing of the water buffalo in the area does in fact seriously affect the agriculture. In order to stop the destruction caused by the unrestricted movement of the water buffalo, most of the compound plots in Rembau are now fenced to stop the water buffalo from trespassing in the area. Presently, residents of the Rembau District consist mainly of elder people and young students. Several reports have already been published regarding the migration of the Negeri Sembilan people to urban areas. The attraction of industry to Negeri Sembilan is a present-day phenomenon. An expressway from Kuala Lumpur has been constructed and is already in use, and a new international airport opened near Negeri Sembilan. Thus, development in this area has and will continue to accelerate.

The Development Project of Customary Land (*tanah adat*) is concerned mainly with ancestral land, that is, paddy land (*tanah padi*). The staff of this project must mainly negotiate with the owners of the

paddy land and all of these owners are, in fact, females. One of the reasons which makes the development of this customary land difficult is that the land is divided into several small plots, and even a very small plot may be owned by several women or even ten to twenty women. According to adat, the consent of all the owners is required in order to develop the customary land.

In spite of this situation, however, the state government has put forward several agricultural projects, one of which is *Pengusaha Sawah Terbiar Tanah Adat: Daerah Rembau* (The Development of Uncultivated Customary Land: Rembau District). In several villages where landowners have agreed to develop their own land, cash crops such as coffee, cocoa, sugarcane, sweet corn, and so on, are planted.

Although there has been difficulty in obtaining consent from the many landowners, a project began at Sepri (kampung Sepri) and some other villages in Rembau in 1994 in cooperation with the clan chiefs and public office. It is said that most female owners of the paddy lands have agreed to the project for a period of six years, from 1994 to 2000. The project itself involves the planting of a serial plant (*rumpuf*) at the paddy land in this village, and the product is sold at the market. Workers from Indonesia have moved into the area to work on this project. At other villages, sweet potatoes, vegetables, chili, and other agricultural products are planted in paddy lands, and these products are also sold at the open market. In this way, development of customary land is being undertaken, and economic gains are also becoming evident.

These development projects have been initiated by both the federal and state governments. The debate and discussion surrounding this development is interesting, and it is in the next section that the national discourse and debate regarding adat and its development will be examined.

VARIOUS DISCOURSES OF ADAT
AND ITS DEVELOPMENT

Discourse and debate always surround national issues, in particular, those dealing with economic and land development. The following are good examples of the major discourses that have evolved over the question of development in Malaysia:

Plant Timber Trees, PM Urges Farmers

Farmers should plant fast-growing timber species on a commercial basis as this will ensure them a good income, the prime minister said today. "Though it needs little effort to grow mahogany, this does not mean that after planting the trees we can sit back and relax. We can also do other work as well. Dr. Mahathir advised landowners not to leave their idle land as by doing so they were not only being ungrateful to God's gift, but would also remain poor. Better income does not solely mean that we want to be lulled by wealth. But a poor race will be oppressed by others. We want to be a free race. If the poor remain poor, we will be oppressed and will have to listen to other people" (*New Straits Times*, 21 August 1996).

The key points in this statement are 'not to leave idle land,' 'to be rich,' and 'to be a free race.' While 'idle' is labeled negative, 'rich,' 'free,' and 'develop' can similarly be labeled positive. On the other hand, as already mentioned in Section One, adat in local districts like Negeri Sembilan is thought to be something backward, representing 'old values.' The following is an example of such view from a local newspaper:

Old Values Hinder Efforts to Develop Idle Land, Says MB

Differences among relatives have made it difficult to get rural folk to jointly develop their land, Negeri Sembilan Mentri Besar (state chief minister) said. "The problem is that not all rural folk want to develop or sell their family land, which they look upon as a heritage. It is already difficult to convince them to develop their idle land for agriculture; it will be even harder to sell their land for industry, he said. The state started a commercial forest project to plant idle land with trees which have good commercial value. " The returns are good, yet some are reluctant to take

part in the program," he added. He stressed, however, that the state would consider applications by rural folk who want to develop their land jointly (*The Star*, 6 July 1993).

These two statements are congruent in the point that to leave land idle is an obstacle for development. The main reason for leaving the land idle in Negeri Sembilan is that land is ancestral or customary and people do not want to sell it. According to adat, customary land can only be transferred or sold to members of the same clan. In observing adat, it becomes apparent that customary land should not be sold to non-Malays.

The Negeri Sembilan state government has tried to develop the customary land. The following is representative of their actions:

Government to Rule on Land Development

The Negeri Sembilan government will decide on the development of customary land based on the viability of the project to prevent such land from being mortgaged and lost to financial institutions. "The Customary Land Enactment was amended in 1983 to allow these traditional land to be mortgaged to finance institutions. We do not want title holders of such land to only mortgage the land and do nothing. In the end they will lose the property to the banks." He added that the government faced many obstacles, especially in developing customary lands which sometimes had more than 20 names to a title grant. To date there were more than 15,500 hectares of customary land in the state with more than 20,000 owners (*The Star*, 22 September 1993).

State to Step Up Efforts to Develop Idle Land

The state government will step up efforts to develop vast tracts of idle customary lands in Negeri Sembilan despite the poor response from the affected landowners. Menteri Besar (state chief minister) said a fresh approach would be introduced to persuade those affected to change their mind. Of the 8,635 hectares of customary land available in the state, only 2,685 hectares or about 25 percent have been developed into various agricultural projects. He said the fear expressed by some quarters that

their land would eventually fall into the hands of those who leased the land was unfounded. "This is simply because they are bound by agreements that only allow them to develop the land" (*The New Straits Times*, 22 September 1993).

Plans to Plant Trees on Chieftains' Land

The Negeri Sembilan government is discussing with adat elders or custom chieftains in Rembau District to plant mahogany trees on 1,500 hectares of customary land. The government had a hard time developing customary land because some owners had either shifted or passed away. Under the adat perpatih law, permission must be sought from all owners of a customary land before it can be developed (*The Star*, 28 September 1993).

Even with these efforts, the state government is having difficulty harmonizing adat with development.

Kuala Pilah has the Most Customary Land

Recent survey showed that the district had a total of 8,000 hectares of customary land belonging to more than 9,945 title holders. The state chief minister said it was not viable for the government to urge the owners of the land to plant *padi* ("wet rice") because it would need a massive irrigation system which was expensive. The government was trying to solve the problem of idle land unique to the state (*The Star*, 11 October 1993).

While idle customary land is said to be a condition unique to Negeri Sembilan, the discourses and debates regarding the development of idle land are not different at the national and state levels. Similar discourses can be found in various newspapers. However, the problem unique to Negeri Sembilan is that a large portion of idle land is customary land and it is hard for either the public or private sector to intervene in the domain of adat.

 ISLAM AND ADAT: PAST AND PRESENT

As already mentioned, formal discourse at both the national and state levels has labeled adat as 'old,' 'traditional,' or 'stable.' Yet, we must also consider how the Islamic sector of the society labels adat.

The conflict between adat and Islam has been argued by various parties in Negeri Sembilan. There is still considerable conflict with regards to marriage law and actual practice, especially with regards to land disputes (Stivens, 1991: 80).

A paper entitled 'Islam versus Adat in Negeri Sembilan' written by a famous Dutch anthropologist, P. E. de Josselin de Jong, dealt with a conflict in Rembau (cf. Peletz, 1988: 120-127; Stivens, 1996: 91).

In February 1951, an offensive was initiated by the Religious Affairs Section (**Barisan Uagama**) of the Rembau branch of the UMNO (United Malay's National Organization). The branch was planning a movement to alter the customary law which applied to the distribution of *harta pusaka* ("ancestral property"), and to bring the law regarding this subject into conformity with Islamic law.

According to a pamphlet issued at that time, Malays consider Islam not only as a means for worshipping God, but also as a guide for everyday life and social intercourse. It must also be remembered that the term adat actually means not only a customary law but also a guide for everyday life. Therefore, a serious conflict between Islam and adat resulted due to this dichotomy.

A fortnight later, a meeting was held and all but two of those present pledged their support to UMNO's proposals. Two outstanding adherents were the lembaga of the Anak Acheh clan and the representative of UMNO's Women's Organization. This support is striking, as it was coming from representatives of groups (women and traditional chieftains) which one might have expected to be solid in support of the old, more traditional order. A resolution adopted in the meeting requested that the undang of Rembau take the necessary steps with the state government for the implementation of this resolution (de Josselin de Jong, 1960: 166-167).

On 6 April the *lembagas* of Rembau assembled and unanimously rejected UMNO's proposals. In July, women were beginning to defend their rights by threatening to institute divorce if their husbands continued to support UMNO's action. On 3 September, 15 *lembagas* and 110 *buapaks*, *besar*, *waris* ("family chiefs"), and bearers of traditional titles assembled and it was noted at that time that the local UMNO branch had once again resumed its agitation over the land (de Josselin de Jong, 1960: 169-170).

This is a very famous conflict between adat and Islam concerning the inheritance of customary land. Women in Stivens' study village in Rembau still recall their 'victory' with great satisfaction 25 years after the incident (Stivens, 1985:1).

It is also interesting to note that this kind of conflict regarding 'matriliny' still continues in this area. For instance, in 1985, PAS (Parti Islam Semalaysia, All Malaysian Islamic Party) tried to abolish adat perpatih. Contrary to the incident in 1951, UMNO this time opposed the actions of the PAS. Dr. Nordin Selat, who was born in this area and is an anthropologist at the University of Malaya and also a member of UMNO, said that adat perpatih was the social law and philosophy of everyday life for the people residing in Negeri Sembilan. He further stated that to abolish adat perpatih would destroy the unity of the Malay society in Negeri Sembilan. Wanita UMNO Negeri Sembilan (UMNO Women's Organization) also advised PAS not to make adat perpatih too much of a political problem (Watan, 23 November 1985).

Similarly, it is reported that the Negeri Sembilan UMNO Youth said that if the PAS comes into power in the state, it will take the State PAS Youth plan to abolish the adat perpatih as a serious infringement on their rights. In a similar statement, the movement's chairman described the plan as an attempt to abolish the system of *raja*, *undang*, *penghulu luak*, and *datuk-datuk lembaga* and said such an intention should be opposed. Recently, the PAS Youth leader was quoted as saying that the adat perpatih would be abolished if the party gained power. The chairman said PAS would use the adat perpatih issue to create havoc

among the Malays in the state. The chairman also regretted that PAS considered the custom as contradicting Islamic teachings (*The New Straits Times*, 27 November 1985).

The state chief minister of Negeri Sembilan asked PAS to offer concrete evidence to prove adat perpatih was contradictory to Islam. On the other hand, the head of the PAS Youth Organization said that the prohibition of marriage among the same suku (clan) members in Negeri Sembilan is against Islamic law (Watan, 8 December 1985). Similar disputes about clan exogamy have also been reported. Moreover, it has been noticed that adat itself is becoming very weak, especially among young members of the society (Stivens, 1991: 80-85).

In 1993 another party, Semangat 46, used similar logic in debating the adat issue. Semangat 46 was a faction that split from UMNO in 1988 but merged once again with it in 1996. This political force was strong in the Jelebu District in Negeri Sembilan because the former state chief minister from this area gave his support to it. According to a newspaper, the state chief minister of Negeri Sembilan, who was a member of UMNO, said that UMNO is not out to abolish the adat perpatih as claimed by Semangat 46. He said Semangat 46 had used the constitutional crisis to try and dupe the people into believing that UMNO was also out to abolish the system. He pointed out that adat perpatih was synonymous with the culture of Negeri Sembilan and that because of this the people should not be unduly worried (*The Star*, 24 April 1993).

Contrary to these incidents, Khadijah wrote that adat and Islam were complementary in Negeri Sembilan. According to him, adat prescribes social activity while Islam prescribes religious activity (Khadijah, 1978: 43). This logic seemed to be shared among the people of the Rembau District. However, people from other areas and some scholars like de Josselin de Jong see adat perpatih in this area or matriliney as something peculiar and contradictory to Islam. Even at present, villagers tend to view the interrelationship of adat and Islam in terms of complementarity rather than opposition (Peletz, 1988: 124).

He questioned the clear dichotomy of 'Islam versus adat.' However, as indicated before, Islamic or development discourses have sometimes been used to modify adat.

How is the relationship of adat and Islam nowadays? Various modern factors seem to affect it. For instance, the migration of both women and men to urban areas or other states and also exogamous marriages with people from other states are becoming common. Moreover, a number of men tend to buy land in towns because they do not want the land to become involved in adat rules (Stivens, 1991: 81). Likewise, many couples buy townhouses, some of which are located not far from their kampung, and they sometimes visit their houses at their kampung to collect various fruits on the weekend.

In this way, even if adat remains unchanged, the extent to which adat is applicable is becoming more and more limited. The conflict between adat and Islamic traditions seems less serious than before. However, the conflict between adat and the push for economic development has become a new problem, sometimes creating an arena where the nation-state is being put up against adat.

CONCLUSION: ADAT AND SOCIAL INTEGRATION

The process of the development of paddy land is very interesting in terms of 'customary law and social integration' because adat in Negeri Sembilan has to deal with the modern problems which have resulted from such development. As mentioned before, paddy land is tanah pusaka (inherited land) which is owned and registered basically by females.

According to adat, when a woman dies, her daughter(s) or females in the same lineage or clan inherit both the paddy land and the housing land. Therefore, it is necessary to obtain permission from all the female owners to use even a small piece of any given plot of land. Although the project is authorized by clan chiefs (lembaga) and

the traditional chief of Rembau (undang), one of my informants explained that even these chiefs cannot force female landowners to agree with the project. This seems to be the most difficult obstacle for development projects in this area.

For the time being, however, agreements from females have been obtained and several agricultural projects are already underway. For instance in a project of Rembau, RM \$60 (one ringgit is equivalent to about 40 yen in 1995) is paid per acre to the landowners in the first year and RM \$80 per acre is paid in the succeeding years for use of the land. Beyond reimbursement for use of the land, the fixed property tax of the paddy land is paid on behalf of the landowners. It seems that the process of obtaining agreements from female landowners is critical to these development projects. Therefore, local staff members are involved in running the projects, and in order to insure that these projects run smoothly, they enlist the help of the undang, lembaga, buapak and ketua kampung ("village heads").

Although the development project is currently being undertaken, several conflicts still exist. For instance, a claim was made from a man whose mother and her sister are the owners of a lot used for this project. Their land was used as a construction site for this project. He stated that as an owner of the customary land, the leasing fee should be raised as much as RM\$200 per month, and if the project proves to be unsuccessful, the construction should be immediately cleared. He continued that this claim was delayed because the female owners cannot write and all their children were working outside of Negeri Sembilan. He said he had just returned from a different area and was thus making the claim. He continued to say that those who realize adat and are in charge of the project cannot occupy and use the customary land for the project. He requested the parties involved to follow adat.

The answers from the staff of the project regarding the man's claims on behalf of his mother and her sister are as follows:

- 1) The name of the man is not found on the written contract.
- 2) The women should make a claim concerning customary land (tanah adat).

3) Regarding the lease of customary land for six years, any claims made by *tuan tanah* (landowners) are invalid except on the contract of the lease of the land itself.

4) According to the written contract, there is no regulation to prohibit construction on the land.

5) Tuan tanah already received the lease fee including the fixed property tax for 1995.

The conflict is not yet settled, but similar conflicts are not so rare. Behind this conflict one can see the process of 'capitalization of customary land' without changing adat. Stivens concluded in her monograph that it is apparent that the recent developments have produced many pressures threatening women's relative advantages in this segment of Malay society (Stivens, 1996: 247). However, several women owners told me that they did not mind having the customary land used for purposes other than growing rice. They only complained about the low lease fee of the land. This might be because the customary land in question had been uncultivated for more than ten years for various reasons, and the older women in the area are now living on pensions or are receiving subsidies from their children working in urban areas. It has already been pointed out that women in this area have become 'housewives' in a modern sense of the word as capitalism has penetrated into the rural sector. At the same time, men have become 'husbands and fathers' in the same sense. It seems that an advantage of matrilineal inheritance of customary land has lost a positive meaning for women as housewives. This is not to say that all women in Rembau are now housewives though.

However, from another point of view, development without changing the land tenure system can be advantageous for local people. Cleary and Eaton offered an interesting reevaluation of the traditional land tenure system in Southeast Asia as follows:

The view that to polarize traditional and reformed land tenure systems in the rural development process can be both unhelpful and misleading. Land tenure systems in the region are complex and flexible;

they do not fall easily into a number of set categories but, rather, form points on a long continuum. Customary tenure, for example is far from being an inflexible and inefficient system; in many instances it may be a highly appropriate form of land tenure, well adapted to particular environmental and economic conditions, and well suited to rural development programmes (Cleary and Eaton, 1996: 134).

As already mentioned, adat is historically constructed and ever changing, not stable. It seems that the customary (ancestral) land which had been transferred into the female domain (feminization of land) has been relegated into the capitalistic sector (capitalization of land). What is the influence of this social change? Is adat becoming weak against development and modernization? Indeed, it has already been said that adat cannot fully regulate the lifestyles of the younger generation (Stivens, 1991: 80-85).

Although struggles over customary land are not so rare among clans (*suku*) or lineages (*perut*), the struggles with which the people are facing concern adat versus development (*pembangunan*) at both the state and national levels. To what extent the opposition differs between adat and colonial rule and to what extent they resemble each other should be a subject for future examination. The conclusion of such an examination will be useful when considering how to harmonize adat and development. While a considerable part of acquired land has been inherited by women, the essential meaning of matriliney of Negeri Sembilan lies in the inheritance of customary land. We should take a careful look at the consequences of the use of this customary land for development.

It is considered that the customary land tenure system in Negeri Sembilan is also flexible. Tanah pusaka is inherited only by females but acquired land (*tanah carian*) is inherited by both females and males. It is true that customary land (*tanah pusaka*) basically cannot be sold, especially to outsiders. As mentioned above, *tanah carian* can be transformed into *tanah pusaka*. Thus, the feminization of land property has been instigated to protect women, especially widows or

divorcees, who are economically vulnerable (Stivens, 1991: 83). However, according to my interviews, elder women now depend on their pensions or money from their children. In any event, most of these women are confronted with living on a very restricted income. When considering the realities of modern-day life, the inheritance of such land cannot protect these women. It seems that the feminization of land and modernization do not go hand in hand.

To establish a balance between adat and economic development, development projects should not intervene with adat but take full advantage of the flexibility of adat and the traditional land tenure systems. When we consider how to harmonize adat and development, it should be important to know that adat has been in a state of transition for some time. Adat has been formed and transformed by various transactions and interactions with the world beyond the boundaries of the Negeri Sembilan society. Moreover, the 'traditional' concept of adat and the 'modern' concept of 'culture' (kebudayaan) and 'development' are considered to be the two sides of a coin, as analyzed in the introduction. The more culture and development are emphasized, the more adat is transformed in accordance with them.