

A STUDY ON THE APPLICATION AND USAGE OF
MATRIARCHAL LAW (ADAT PERPATIH) IN JELEBU,
NEGERI SEMBILAN

HAKIMI BIN MD SAID

KOLEJ UNIVERSITI ISLAM MALAYSIA

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NEGERI SEMBILAN**

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**Perpustakaan
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**BACHELOR OF
SHARIAH AND JUDICIARY
WITH HONOURS**

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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

I hereby declare that the work in this academic project is my own except for quotations and summaries which have been duly acknowledged.

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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Praise be to Allah, lots of greetings to His Messenger Muhammad (p.b.u.h), with His permission and after putting hard effort, it is possible for me to accomplish this academic project within the time given. First of all, I would like to express my greatest gratitude to my father, Hj. Md Said bin Alwi and my beloved mother Hj. Fatimah binti Yakub whom always courage me to proceed with my full effort to gain knowledge and sacrifice a lot of thing for me. Without both of you, I don't think I can be at this stage. Also not forgotten, all my siblings, bless be upon all of you.

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Lastly, I wish this project paper will bring benefit to me in my effort to study in depth about my own custom, *Adat Perpatih* and may it bring benefit to others also. Hopefully, after looking at this academic project, their perception to *Adat Perpatih* and its practitioners will be changed.

Thank you. Wassalam.

ABSTRAK

HAKIMI BIN MD SAID
SATU KAJIAN TENTANG SEJAUH MANA PEMAKAIAN *ADAT PERPATIH* DI
JELEBU, NEGERI SEMBILAN
2004

Berdasarkan pemerhatian penulis sendiri, sebab utama yang membawa kepada pandangan negatif masyarakat terhadap Adat Perpatih adalah kerana kurangnya maklumat yang tepat, lengkap dan pada masa yang sama mampu meyakinkan mereka tentang hakikat sebenar disebalik pemakaian adat ini. Kajian ini adalah bertujuan untuk melihat dan mengkaji sejauh mana masyarakat yang tinggal di Negeri Sembilan memakai dan mempraktikkan sistem dan cara hidup sepertimana yang digariskan dalam Adat Perpatih. Kajian ini difokuskan kepada daerah Jelevu kerana Jelevu merupakan antara daerah terbesar dalam Negeri Sembilan. Pada masa yang sama, penulis juga berasal daripada daerah ini dan berhasrat untuk mendalami sebanyak mungkin maklumat berkenaan dengan adat yang semakin lama dilupakan ini. Kajian ini meliputi sejarah, perkembangan dan potensi Adat Perpatih untuk bersaing dengan undang-undang dan cara hidup masyarakat masa kini. Selain itu, kajian ini juga cuba menghuraikan berkenaan dengan kawasan kajian iaitu daerah Jelevu yang mana merangkumi sejarah, corak pentadbiran, struktur politik dan cara hidup masyarakat, samada ianya dipengaruhi sepenuhnya oleh Adat Perpatih mahupun tidak. Kajian ini dihasilkan berpandukan kepada beberapa pendekatan antaranya melalui pemerhatian kepada kertas kerja terdahulu, temuramah, hasil penulisan pengkaji-pengkaji Barat mahupun hasil karya penulis-penulis tempatan. Terdapat juga hasil tulisan para pengkaji dari Indonesia dan para pemimpin adat di Negeri Sembilan. Hasil pemerhatian dan kajian terhadap sumber-sumber yang dinyatakan di atas tadi menunjukkan bahawa sekiranya Adat Perpatih dipelajari secara menyeluruh dan difahami secara mendalam, pandangan negatif masyarakat terhadap sistem adat ini pasti akan dapat diperbetulkan. Kajian ini, antara lain telah menjelaskan tentang beberapa perkara asas yang menjadi punca pandangan negatif masyarakat terhadap adat ini.

ABSTRACT

HAKIMI BIN MD SAID
A STUDY ON THE APPLICATION AND USAGE OF MATRIARCHAL LAW
(ADAT PERPATIH) IN JELEBU, NEGERI SEMBILAN
2004

Based on writer's own observation, the main reason that brings to the negative view by the society towards *Adat Perpatih* is lack of precise and comprehensive knowledge which can convince them about the reality behind the application of this *adat*. The purpose of this study is to see and do research on how far does the society in Jelevu district applies and uses this system and way of life as underlie by *Adat Perpatih*. This study focused on Jelevu district because it is the biggest district in Negeri Sembilan. At the same time, the writer himself comes from Jelevu and intends to know as much as he can the knowledge about the *adat* which is gradually forgotten from time to time. The study includes history, development and potential of this *adat* to compete with other laws and ways of life of today's society. Besides that, this study tries to search about the study area which is Jelevu district including history, administration and political structure, and the way of life of Jelevu society has, whether it was influenced by *Adat Perpatih* or not. This study produced in guidance by several approaches such as through observations to previous paper works, interviews, writing by western researchers, also by local works. There also some writings produced by Indonesian intellectuals and *adat's* leader in Negeri Sembilan. The findings from all these sources indicated that if the *Adat Perpatih* is comprehensively learned and understood in depth by the society, the negative view by the society to this *adat* can be corrected. Besides, this study also explained about several basic matters which led to the negative view towards this *adat*.

ملخص البحث

حكيمي بن مد سعيد

البحث عن الإستعمال عادة برباتيه في ولاية جلبو، نجري سميلن

٢٠٠٤

بنأ على ملاحظة الباحث، السبب الرئيس الذي أدى إلى سوء الإعتقاد عند المجتمع حول عادة برباتيه هو قلة المعلومات الصادقة والكاملة تستطيع أن تفهم على الحقائق والفوائد العظيمة وراء هذه العادة التقليدية. يهدف البحث إلى ملاحظة مدى اعتماد سكان نجري سميلن على هذه العادة في أنظمة حياتهم. والبحث يركز في إحدى محافظتها وهي محافظة جلبو وهي إحدى محافظة كبيرة في هذه الولاية. والباحث أيضا يأتي من هذه المحافظة. ولذا أحب أن يعمق معرفته ويجمع المعلومات الشاملة عن هذه العادة التي تكاد أن تمحى بفضل تطورات عصرية وحادثة. البحث يشتمل على تاريخ عادة برباتيه وتطورها وامكانياتها في مواجهة التحديات أمام القوانين وأنظمة الحياة المعاصرة. كما يشتمل البحث عن محافظة جلبو وتاريخها وإدراكها وأنظمة سياسية فيها وطريقة الحياة فيها وإن كانت متأثرة بهذه العادة أم لا؟ ويعتمد البحث على عدة مناهج، وذلك بمراجعة الدراسات السابقة والمقابلة ومطالعة مؤلفات الباحثين المحليين والأجانب خاصة من الغربيين، فضلا عن مصنفات الباحثين الإندونيسيين والزعماء لهذه العادة في نجري سميلن. والنتيجة من هذا البحث تبني أن الدراسة المعمقة لعادة برباتيه مهمة لإزالة الرؤية السلبية عند المجتمع حولها وهي تأتي نتيجة للإشاعة المعلومات المزيفة والخاطئة عن هذه العادة وأن ممارستها غير مقبولة في وقتنا هذا.

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ABBREVIATION

Dr.	Doctor of Philosophy
F.M.S	Federated Malay States
Hj.	Haji
Ibid	<i>Ibidem.</i> In the same place
KIPSAS	Kolej Islam Pahang Sultan Ahmad Shah
KUIM	Kolej Universiti Islam Malaysia
MARDI	Malaysian Agriculture Research and Development Institute
Mohd.	Mohamad
n.a	no author
NS	Negeri Sembilan
p.	Page
p.b.u.h	Peace be upon him
PNM	Perpustakaan Negara Malaysia
Prof.	Professor
UKM	Universiti Kebangsaan Malaysia

CHAPTER 1

ADAT PERPATIH AND ITS CHARISMA

1.0 Introduction

The matriarchal law system of customary law known as *Adat Perpatih* is followed by the majority of Malays in Negeri Sembilan and Naning, a district in the state of Malacca¹.

It is also a law or rules of society which derives from Dato' Perpatih nan Sebatang, an intellectual person. It consists matters related to social matters, government, economy, laws and others².

Actually, the term *adat* in the context of *Adat Perpatih* has a meaning which is deep as well as far-ranging. *Adat Perpatih* does not confine itself merely to the regulation of ordinary practices, such as those involved in the rites of cutting a baby's umbilical cord, or shaving its head and so on. In fact, *Adat Perpatih* encompasses all these things from the least significant to the most important, including the laws governing the administration of the state.

It is obvious that *Adat Perpatih* is complete from the point of view of conduct, procedure and law or in other words, it could be described as a constitution.

These and many other facts of local history are recorded in the quaint old sayings (*perbilang*) that have been handed down from generation to generation by way of making Negeri Sembilan Malays ever mindful of their origin. These old sayings are not likely to be forgotten, they are a source of pride and unwritten pedigree or patent of nobility to the men who quote them and about whom they are

¹ Haji Mohtar b. Hj. Md. Dom. 1979. *Malaysian Customary Laws and Usage*. Kuala Lumpur. Federal Publications. p. 1.

² Hj. Md. Sharif f. Hassan. 1989. "Adat Perpatih Daripada Perspektif Islam". (Paper). *Minggu Kebudayaan N. Sembilan*. Science University of Malaysia. 6 March. p. 1.

quoted. Old sayings, even when historical in character are generally considered by Malays to be included in *adat* 'law', for although they are not really law, they serve to explain or elucidate the law. For example:

Berajo ke Johor,
Botali ke Siak,
Botuan ke Minangkabau,
Sultan Bosar di nogori Seri Menanti,
*Pertuan Mudo di nogori Rembau*³.
 Our suzerain is Johor,
 We has ties with Siak,
 Menangkabau is our master,
 Our highest local chief is the Ruler of Seri Menanti,
 Our second local chief is the Yamtuan Muda of Rembau.

This old saying explains the political position of the confederation in its relations with foreign states. Another old saying also explaining about various things include public relations, rules and others.

Basically, it was well known among the law practitioners that the arrangement or hierarchy of the constitution in our country today including the Yang Di Pertuan Agong, Prime Minister, Ministers and other duties in Parliament was derived from the government pattern does by Negeri Sembilan state which practices *Adat Perpatih*. In Negeri Sembilan the hierarchy begins with the lowest level which consists ordinary people. Then it will come step by step to the highest level until the Yang Di Pertuan Besar.

2.0 Arrival of *Adat Perpatih* in Negeri Sembilan

Adat Perpatih comes from Minangkabau, a state in the western part of the island of Sumatra, Indonesia. The history of *Adat Perpatih* in Negeri Sembilan is

³ M.B. Hooker. 1970. *Readings in Malay Adat Laws*. p. 11.

closely linked to the arrival of the Minangkabaus because the saturation of the culture among the society here was synchronous with the arrival.

The Minangkabaus came to Negeri Sembilan with the intention of forming a settlement here. Coincidentally, their arrival was warmly received by the local chieftains and further established strong relationship amongst themselves through inter-marriage.

There exists a great deal of contrasting theories regarding the exact time of the arrival of the Minangkabau pioneers in Negeri Sembilan but according to a western historian named Newbolt, who articulated that the migration of the Minangkabaus must have occurred during the middle of the 14th century⁴. If this theory could be accepted, then it is obvious that it is in line with the opening of the Malacca Malay Government. This statement was agreed by several authors such as Norhalim Hj. Ibrahim in his paper titled '*Sistem Adat Masyarakat Negeri Sembilan (Satu Pengenalan Ringkas)*' which stated the Minangkabaus had already arrived to Negeri Sembilan, making residence and introduced their custom there on 14th century⁵. H. Datoek Toeah in his book '*Tambo Alam Minangkabau*' also has the same opinion with the previous statements before. He said the migration of the Minangkabaus happened and began on 14th century. At that time, the Minangkabaus were ordered by their Ruler to spread out the Minangkabau's territory as far as they could.

However there is a statement which is contradictory to the above facts about the arrival of the Minangkabaus to Negeri Sembilan. M.B. Hooker in his book, '*Readings in Malay Adat Laws*' claims that the Minangkabaus came to Negeri Sembilan through Malacca in the middle of the 17th century⁶. Another claim about the arrival of *Adat Perpatih* to Negeri Sembilan can be found in a magazine namely *Suara Negeri* which was a special edition during the launching of *Adat Perpatih* Custom Carnival in Seremban, Negeri Sembilan which stated this *adat* first arrived in Negeri Sembilan in the 15th century⁷.

⁴ n. a.. 11 January 2004. "Adat Perpatih". *Negeri Sembilan Royal Net*. <http://www.kwikxs.com/TheRoyalNet/NegeriSembilan/AdatPerpatih.htm>. p. 1.

⁵ Norhalim Hj. Ibrahim. 1994. "*Sistem Adat Masyarakat Negeri Sembilan (Satu Pengenalan Ringkas)*". Negeri Sembilan. Negeri Sembilan Committee of Culture Research. p. 58.

⁶ M.B. Hooker. 1970. *Readings in Malay Adat Laws*. Singapore. Singapore University Press. p. 11.

⁷ n. a.. 2003. "NS Pengamal Adat Perpatih". *Suara Negeri*. Negeri Sembilan. June. p. 6.

After looking at all these statements and claims it is reasonable for us to say that the arrival of *Adat Perpatih* to Negeri Sembilan began in 17th century based on its obvious reasons.

3.0 Migration of Minangkabaus to Negeri Sembilan

According to history, in 14th century, many Minangkabau men left their homeland to roam the world in search of their fortunes. Some of them arrived in the Malay Peninsula. The arrival of the Minangkabaus was looked upon as a "light" that brightened their colony or district⁸. The natives led a very simple and meager lifestyle, although they had already started living in societies and had learned to cultivate the land and had a leader whom they referred to as the *Penghulu*. The first group of Minangkabau pioneers who set foot in the land was the ones who were responsible for the introduction of rules and systems based on the *Adat Perpatih* culture amongst them.

The Minangkabaus did not come at once but came in groups gradually across the Linggi River, Lunas River, Kelang River and the other river outlets in the vicinity of the Straits of Malacca. They were met by the district chiefs who were willing to accommodate them.

These pioneers did not settle down along the sea-side because they were by nature, farmers, back in Minangkabau. So, they were interested in settling down in the inner part of the districts, which enabled them to cultivate the land and grow plantations. When they migrated to Negeri Sembilan, they brought along with them their *Adat Perpatih* culture, upon which they had based their lifestyle in their own land in Minangkabau, and which flourished here as well. Hence, Negeri Sembilan was born with a new political structure and a social system which was unique in nature compared to the other states in Malaysia.

⁸ n. a.. 11 January 2004. "Adat Perpatih". p. 1.

4.0 The pioneer of *Adat Perpatih*

Adat Perpatih was created by a person named Datuk Perpatih. He was the one who first devised and compiled it. Datuk Perpatih also known as 'Nenek Perpatih' and 'Datuk Perpatih Nan Sebatang'. The story goes that in Minangkabau there were two brothers of the same mother but different fathers. These two brothers were Datuk Temenggung or Datuk Ketemenggungan (the eldest brother), allusion as *tidur bobanta botueng sabalah, banyak tidur daripada bojago* means he had a hug pillow and also like to sleep than awake, and Datuk Perpatih, allusion as *tidur bobanta korambek bulek, banyak bojago daripada tidur* which means his pillow was filled with the coconut outer layer and different from his brother, he loved to stay awake than sleep⁹. They inherited the government of Minangkabau. It was said that both brothers were wise and shrewd, but of the two, Datuk Perpatih was the cleverer. For as the old sayings which follow show:

Siapo nan codik bijaksano?
Petamo Datuk Perpateh,
Keduo Datuk Temenggung,
Yang mengotahui jalan duo terepar,
Nenek Perpateh nan Sebatang,
Pandai melukih cupak jo gantang,
Ulehlah tenun nan torontang,
Ponolok buatan datang¹⁰.
 Who is the wise man?
 First comes Datuk Perpatih,
 Then Datuk Temenggung,
 Who knows the right road to take.
 Nenek Perpateh Nan Sebatang,
 Makes measures with skilled hands,
 Deftly weaves the cloth in strands,

⁹ Mohd. Shah b. Mohd. Said al-Haj. 1996. *Tambo Alam Naning*. Kuala Lumpur. Dewan Bahasa dan Pustaka. p. xv.

¹⁰ Abdul Rahman b. Hj. Mohammad. 1964. *Dasar-Dasar Adat Perpateh*. Kuala Lumpur. Penerbitan Pustaka Antara. p. 23.

And spurns false wares from other lands.

The two brothers differed in their ideas about government. Datuk Temenggung believed that authority should be imposed from above while Datuk Perpatih maintained that it should come from below.

5.0 The Administration and Political Structure of *Adat Perpatih*

The *Adat Perpatih* culture depicts a sound social control system which generates a liberal and harmonious kinship among them. There are several concepts within this *adat* which portrays the relationships within such kinships such as the *jurai*, *suku*, *perut*, *ruang* and *rumpun*.

The political structure seemed to be composed of a federation of territories, *luak*. This is because, the federation being the jurisdiction of the *keadilan*, or the *Raja*. The history of Negeri Sembilan does not actually indicate a consistent number of territories federated under the 'nine states'. It varies from three to fourteen. Nevertheless the current numbers of districts or *luak* are fourteen¹¹, namely:

1. Seri Menanti
2. Ulu Muar
3. Terachi
4. Gunung Pasir
5. Inas
6. Jempol
7. Johol
8. Jelebu
9. Sungai Ujung
10. Rembau
11. Tampin
12. Linggi

¹¹ Dato' Prof. Dr. Zainal Kling, 1990. *The Political System of Adat Perpatih*. (Paper). Perbadanan Perpustakaan Awam Negeri Sembilan, p. 5.

13. Gemencheh
14. Air Kuning

Seri Menanti is the seat of the *Yamtuan*. His small territory is surrounded by two groups of four territories, each is headed by the *Undang* or *Penghulu*. The *Undang* and *Penghulu* are paired for purposes of critical rites of passage such as installation, paying obeisance or death. The inner four surrounding Seri Menanti are grouped as the '*Tanah Mengandung*' which is the outer four major *luak* in relation to Seri Menanti. They are:

Inner four	Outer four
<i>Luak</i> Terachi	<i>Luak</i> Sungai Ujung
<i>Luak</i> Jempol	<i>Luak</i> Jelebu
<i>Luak</i> Gunung Pasir	<i>Luak</i> Rembau
<i>Luak</i> Ulu Muar	Johol

Table 1.1: Classification of *Luak* in Negeri Sembilan

The outer five districts are not traditionally included in the ritual pattern and some are new creation which is Tampin, Inas, Gemencheh and Air Kuning. The inner *luak* is headed each by a *Penghulu* and the outer ones each by an *Undang*, the *Undang* being senior to the *Panghulu*. Among the *Undang*, the one in Sungai Ujung is the most senior in reference to the ritual of installing the *Yamtuan*, followed by Jelebu, Johol, Rembau, Ulu Muar, Jempol, Terachi, Gunung Pasir, Inas, Gemencheh, Air Kuning and Linggi. Tampin is on its own and Seri Menanti, being the territory of the *Yamtuan* is not represented.

Anyhow, based upon the origin of this culture, the society of Negeri Sembilan and Naning was divided into 12 sectors, which were referred to as *suku*¹², as is explained in the verse given below:

Rajo boalam,

¹² H. Datoek Toeah. 1989. *Tambo Alam Minangkabau*. Bukit Tinggi. Indonesia. Pustaka Indonesia. p. 169

Pengulu boluak,
Lembago belingkungan,
Buapak beranak buah,
Anak buah duduk besuku-suku,
Berapo sukunyo?
*Duo boleh!*¹³

The Ruler has his kingdom,
 The *Penghulu* has his district (*luak*),
 The *lembaga* has his circle
 The *buapak* has his family,
 The members of the family live in *sukus*,
 How many *sukus* are there?
 Twelve!

These are the colonies in those days which form the districts, which were given their respective names as such:

1. *Biduanda (Dondo) / Waris (Wareh)*
2. *Batu Hampar (Tu-ampar)*
3. *Paya Kumbuh (Payo Kumboh)*
4. *Mungkal*
5. *Tiga Nenek (Tigo Nenek)*
6. *Seri Melenggang (Somolenggang)*
7. *Seri Lemak (Solomak)*
8. *Batu Belang (Tu-Bolang)*
9. *Tanah Datar (Tolatar)*
10. *Anak Acheh (Nak Cheh)*
11. *Anak Melaka (Nak Molako)*
12. *Tiga Batu (Tigo Batu)*

¹³ Abdul Rahman b. Hj. Mohammad. 1964. *Dasar-Dasar Adat Perpatih*. p. 28.

Although theoretically, the population of each *luak* in Negeri Sembilan can be grouped into twelve *sukus* but the number varies from one *luak* to another. In Rembau for example, at least there are 24 *sukus* whilst in Jelebu, Johol, Inas and Gunung Pasir, there are seven *sukus* each, and in Ulu Muar 18, Jempol 12, Tampin 10 and Terachi nine. As to the number of *perut* in a *suku*, it differs from one *suku* to the other. The same applies to the number of *ruang* and *rumpun*¹⁴.

As a result, every member of society governed by *Adat Perpatih* is known not only by his own name and that of his parents but also by the name of his *suku*. By mentioning the name of the *suku*, a person knows whether he has blood ties with those whom he meets.

Each *suku* is in turn split into several small groups called *perut* and each *perut* is further subdivided into smaller groups called *ruang*, and each *ruang* is divided again into *rumpun*. Each subdivision in a *suku* has a village of its own. These villages are sometimes called *tanah lingkungan*, *tanah telapakan* and *teratak*.

As mentioned just now, *ruang* and *rumpun* are smaller sub-divisions of the *perut*. However, each *perut* in every *suku* has a leader or family head named *buapak*. Each member of the *perut* is in turn called *anak buah*. The *buapak* is directly responsible for all matters regarding administration in his *perut*. The *buapak* is the virtual ruler of the *perut*. The *buapak* is elected or appointed by the members of the *perut*, following the consensus of opinion.

All the *perut* are joined together to form the bigger grouping, the *suku*. The *suku* also has its own leader, called the *lembaga*. The *lembaga* is responsible for everything that happens in the *peruts* which form the *suku*. Thereby, it is clear that each *buapak* is responsible for the administration of his *perut*, while the *lembaga* bears responsibility over everything that happens in the *suku* as a whole. The *lembaga* is also chosen in a democratic way, by the *anak buahs* through their *buapaks*. The outlines of this administration can be seen as follows:

¹⁴ n. a.. 11 January 2004. "Adat Perpatih". *Negeri Sembilan Royal Net*. p. 2.

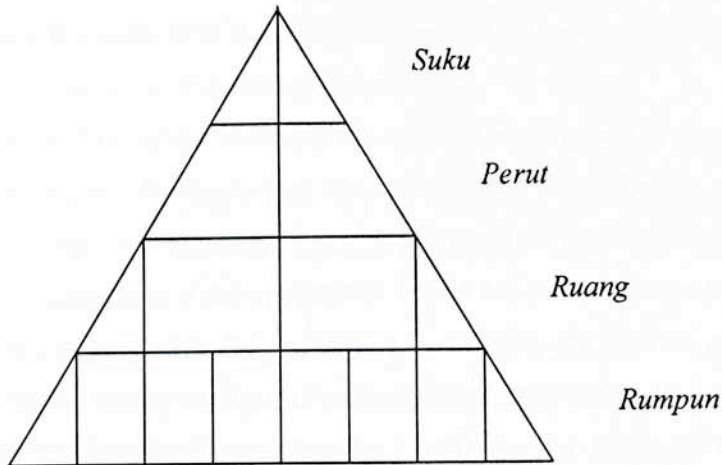


Figure 1.1: Hierarchy of the *Adat Perpatih's* administration

From the administrative perspective, *Adat Perpatih* Negeri Sembilan is a custom that wholly covers the life of its members. So, while regulating its socio-economic lifestyle, it also has a unique political administrative system.

Each *luaks* or districts has a leader or specific ruler referred to as *Penghulu* or in the present say as *Undang*. The position of the *Undang* is rotated among the members of the *Biduanda* or *Waris suku*¹⁵.

The power of the *Undang* is quite extensive. In performing their administrative duties, the *Undangs* are assisted by the *Orang Besar Undang* who is the officials of the *Undangs* office. They are the ones who advise the *Undangs* in administrative matter.

The leader of each *suku* or sector is referred to as *lembaga* and each of them has a specific title. The function of the *lembaga* is to administer the *suku* and to solve problems related to customs, property, divorce, disputes and others. If the *lembaga* is unable to find a solution, then the matter will be taken to the knowledge of the *Undang* through the *Orang Besar Undang*.

The appointment of the position as *lembaga* is for life. However, they can be dismissed by the *suku* members if they are found to be guilty under the *Adat Perpatih* customary law.

¹⁵ Tan Sri A. Samad Idris et. al., 1994. *Adat Merentas Zaman*. Negeri Sembilan. Jawatankuasa Penyelidikan Budaya Negeri Sembilan. p. 63.

The selection of a *lembaga* is done by the *buapak* in a rotational basis according to the *perut* turn in a specific *suku*. During social activities especially during festivals, the presence of a *lembaga* is required.

The leader for the administration of the *perut* group is the *buapak*, who also has specific titles. The *buapak* are elected based on the consensus reached among the members of the *perut* or *peruts* within a *suku* upon the agreement of the *lembaga*.

The *buapak* of a *perut* operates within his jurisdiction especially concerning family laws of the *adat* such as marriage, divorce, division of property and small conflicts within the *perut*. Appeal on his decision is brought to the *lembaga*.

Although authority according to *Adat Perpatih* is hierarchical, this is equitable because every leader is liable to dismissal from his post. A *Penghulu* can be dismissed by a *lembaga*, a *lembaga* can be dismissed by the *buapak* and the *buapak* can be dismissed by the members of his *perut*. *Adat Perpatih* declares:

*Anak-anak buah nan mongangkek buapak,
Buapak-buapak nan mongangkek lembaga,
Lembago-lembago nan mongangkek Penghulu*¹⁶.
The anak buah appoint the *buapak*,
The *buapak* appoints the *lembaga*,
The *lembaga* appoints the *Penghulu*.

The *anak buah* order the *buapak* to carry out their wishes, the *buapak* conveys them to his *lembaga* and the *lembaga* submits them to the *Penghulu/Undang*¹⁷. The outlines of this political structure can be seen as follows:

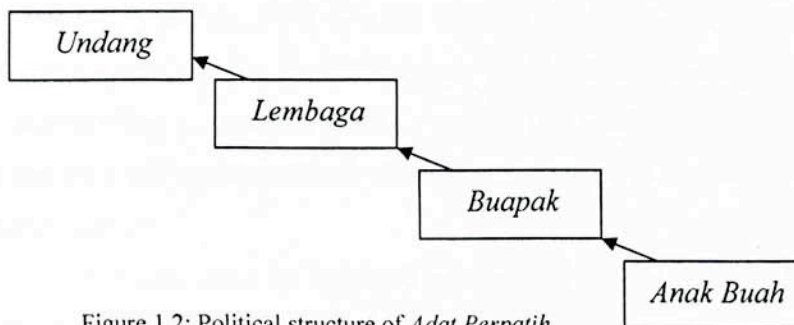


Figure 1.2: Political structure of *Adat Perpatih*

¹⁶ Abdul Rahman b. Hj. Mohammad. 1964. *Dasar-Dasar Adat Perpatih*. p. 51.

¹⁷ Prof. Ahmad Mohamed Ibrahim & Ahilemah Joned. 1986. *Sistem Undang-Undang di Malaysia*. Kuala Lumpur. Dewan Bahasa dan Pustaka. p. 31.

The traditional sayings of the *Adat Perpatih* declare:

Anak Buah nan bebuapak,
Suku nan belembago,
Luak nan bepenghulu,
*Jiko nogori dibori Berajo*¹⁸.
 The *anak buah* has their buapak,
 The *sukus* have their *lembagas*,
 The *luaks* have their *Penghulus*,
 And the State has its Ruler.

However, the position of the Ruler who is governed by *Adat Perpatih* is different from that of the Rulers of other states. Nanning, still a stronghold of *Adat Perpatih*, has its *Penghulu*, who carries the title of Datuk Nanning. But the situation is not quite the same amongst the Minangkabaus of Rembau and other *luaks* in Negeri Sembilan.

6.0 *Adat* and its division

The *Adat Perpatih* as a term is a profession of faith for those circles of society who understand it. The word *Perpatih* is the name of the person who pioneered the system. All the rules and regulations established in this system are to regulate human conduct and promote humanitarian values among its followers, as come under the term *adat*. Thereby, what will be stressed in this academic project from now on concerns *adat* or the customary law itself. It is generally understood that this customary law is a code of human conduct. But what is less well understood by many is the truth about the customary law itself, whether in its interpretation or in its form and condition.

Actually, the *Adat Perpatih* law consists of four essential forms and conditions referred to in customary sayings such as:

¹⁸ Abdul Rahman b. Hj. Mohammad. 1964. *Dasar-Dasar Adat Perpatih*. p. 52.

Adat nan sobonar adat,
Adat nan diadatkan,
Adat nan teradat,
*Adat istiadat*¹⁹.
Adat as natural customary law,
Adat as customary usage arising from the practice of customary law,
Adat as law imposed by customary authority,
Adat as protocol, etiquette and ceremonial.

1. *Adat as natural customary law*

Adat as natural customary law represents a system in existence in society from the beginning, based on natural and universal facts. From nature itself, man learned from experience. From the lessons of nature, man trained himself, his behavior and his spirit in order to meet his daily obligations until it became a matter of habit. This situation is often referred to in customary sayings such as:

Penakik pisau seraut,
Ambil galah batang lintabung,
Siludang ambik ko niru,
Nan setitik jadian lawik,
Nan sekapa jadian gunung,
*Alam tokambang jadi guru*²⁰.
 If the knife is short,
 Take a long pole,
 Let a drop become an ocean,
 Let a clod become a mountain,
 Let the world around us become our teacher.

¹⁹ H. Idrus Hakimy Dt. Rajo Penghulu. 2001. *Rangkaian Mustika Adat Basandi Syarak di Minangkabau*. Bandung, Indonesia. Penerbit PT Remaja Rosdakarya. p. 100.

²⁰ *ibid.* p. 2.

With the arrival of Islamic influence, this traditional customary law was adjusted to the new situation. The adapted traditions not only incorporated basic Islamic teachings but also elements of humanitarianism, justice and etiquette.

2. *Adat* as customary usage arising from the practice of customary law

Adat as customary usage represents rules devised on the basis of experience gained from *adat* as customary law just described. These are then put into the form of adages or sayings or what is known as *teromba*. These sayings are in fact a kind of ungazetted law passed down by word of mouth from one generation to the next with adjustments made to suit the times.

All these involve issues commonly found in daily life in the fields of politics, economics, society, beliefs, education and so on.

3. *Adat* as law imposed by customary authority

Adat as imposed law represents rulings purposely imposed by the head of regions or districts, whether the *Undangs* or *Penghulus*, as a kind of campaign to implement customary usage with the intention of guiding the community in its efforts towards achieving worthy aims for its members. Maybe in this context there can be found certain variations from one district to the other, depending on local conditions. Nevertheless, these regulations do not depart from the intention of the customary usage referred to earlier for this is regarded as the core of the rules and regulations governing *Adat Perpatih*.

Therefore, it is quite untrue to say that *Adat Perpatih* is something which is static and stiff, for *adat* as imposed law shows its readiness to adapt itself to different situations and changing conditions. *Adat* is still followed to this day even though some portions may have been modified slightly. It has been said of the *adat* that:

*Tak lapuk dek hujan,
Tak lokang dek paneh*²¹.
Neither rotted by rain,

²¹ *ibid.* p. 108.

Nor cracked by heat.

4. *Adat* as protocol, etiquette and ceremonial

As for the fourth part, *Adat* as protocol, etiquette and ceremonial. What is evident is that certain patterns of behavior emerge among each group of people in a district or a country. In fact, these represent the norms of behavior acceptable to a particular community.

CHAPTER 2

BACKGROUND OF JELEBU

1.0 Introduction

Jelebu district covering an area of 136,756 hectares²² represents approximately 21.6% of the area of Negeri Sembilan State. It forms the central northern part of the state, bordering Pahang to the east and Selangor to the west. The southern boundary borders the district of Seremban and Kuala Pilah. Of the six districts of Negeri Sembilan, Jelebu is the least developed in terms of communication. Due to its location and physiography, communication is limited to three approach roads, one from Seremban in the south west, one from Kuala Pilah in the north east. Internal roads are limited to the central valley area.

Jelebu is a basin or valley formed by high hill ranges all along its boundary, with only two outlets on fairly low country. The mountainous area starts from along the central northern border, running westwards and along the whole western border, continuing along the southern border to end near Simpang Pertang. An isolated range occurs along the eastern border. 39% of the district is over 1000 foot elevation including 14% over the 2000 foot contour. Of the areas below 1000 foot elevation, about 55% is less than 500 foot elevation. This area is confined mainly to the north eastern part of the district along the river areas of Triang and Pertang Rivers. The highest areas are confined to the north western border with the highest peak at Gunung Besar Hantu with an elevation of 4795 feet²³.

²² Negeri Sembilan Visitors Guide, Negeri Sembilan Government. *Land of The Perpatih*. p. 38.

²³ Salleh b. Mohd. Nor. 1968 *Jelebu District of Negeri Sembilan*. Forest Research Institute, Forest Department, Malaya. December. p. 4.

Jelebu is an administrative district of the Malayan State of Negeri Sembilan and was also a major district (*luak*) of the traditional polity²⁴. It is the most isolated of the major areas of Negeri Sembilan. Although only 22 miles from Seremban, the state capital, the road includes a tortuous eight-mile pass. It then winds slowly through the district before entering the sparsely populated upper Pahang or Kuala Pilah. Jungle paths connect Jelebu with the Ulu Langat area of Selangor, but this route is too difficult to have economic significance, and was, in any case, closed for security reasons throughout the Emergency (1948-1960). Since there is no more Communist in our country, the road was repaired and can be used at any time²⁵. The only problem is sometimes there are several area damaged because of landslides.

Jelebu was also relatively isolated in the past when water transport was the principal means of communication in Malaysia. The rest of the state flows to areas of greater population and development on the west coast.

In the early day of British control, there was much tin mining activities in Jelebu with its attendant disrupting consequences for Malay society but deposits had long been exhausted near the main areas of Malay settlement. Similarly, the few large rubber estates were also distant from Malay settlement. Now, modernization has already come to this area. There is a MARDI Research Centre, a lot of factories, good public facilities, structured settlement and others.

Surrounded by mountains, Jelebu is itself very hilly, with numerous small streams and rivers which gradually join the river Triang. Malay settlement follows the valley floor is level and wide enough to permit rice cultivation. Houses occupy the slopes immediately above the rice-fields. In some cases there may be several acres in one piece of homestead, with only one or two houses but this land is never intensively cultivated, and is often not cultivated at all. The economic importance of homestead comes from fruit and coconut trees, from foraging for poultry and save in the few cases where it is fenced from the grazing of goats. Behind the houses lie rubber smallholdings and orchards, giving way as the land becomes more inaccessible to jungle.

Villages are not nucleated. Houses form a narrow line following the valley contour, petering out as the valley narrows and slightly thicker in places of longer

²⁴ M.G. Swift. 1965. *Malay Peasant Society in Jelebu*. London. The Athlone Press. p. 1

²⁵ M.G. Swift. 1965. *Malay Peasant Society in Jelebu*. p. 2

settlement. A generation ago, the picture would not have been so clear. For instead of a continuous ribbon, there were small trips in the most desirable positions. Population increase has been large and this has led to a continuous increase in the land used for house sites.

In a few places the confluence of rivers and gentler terrain make possible a greater concentration of population. Even here the villages are not nucleated settlement, for the peasants like to have some of each of the three categories of land, rice, rubber and homestead within easy reach of his home and had moreover a pronounced dislike of living too near his neighbors. Fortunately, that problem was gone long time ago. People in Jelevu lately live in structured accommodation. Only several places the people still live far from each other especially around inner area.

One of the major means of fighting Communist terrorism was the policy of Resettlement, the concentration of the population so that they might be more easily controlled and protected, and prevented from aiding the terrorist. Resettlement on the whole affected the Chinese rather than the Malays, and this policy ended the intermingling of the populations. There are several Chinese individuals who had embraced Islam and 'become Malays'. Beginning in 1956 there was a gradual relaxation of rationing, curfews and the other Emergency Regulations, and Malay villagers who had been moved were allowed to return to their original villages. In August 1960 the Emergency was formally declared at an end, all the Regulations were repealed but by December 1960 no Chinese had yet returned to live in the district. Nowadays, with the population of 40,012, three main races in Malaysia live peacefully together in Jelevu. They share everything for their own interest.

2.0 History of Jelevu

Jelevu is a district in the north of Negeri Sembilan. There are several opinions and stories about how Jelevu got its name. Some of it were based on the old story without any authority based and the rest of it was gathered from history with real facts.

There was an opinion which said that the name Jelevu was originated from a type of special seeds brought from a traditional village named 'Batang Labu'²⁶. This opinion was agreed by another claim²⁷. There was also an opinion which said that Jelevu means cloudy. In the early morning there was usually a thick mist over the sky²⁸. According to another explanation given²⁹, Jelevu is a name of the original settler of the place who was drowned in Sungai Triang³⁰. This opinion also was supported by other claims³¹.

3.0 Jelevu Custom's Administration

The state of Jelevu dated from the 17th century and was originally called Sungai Jirak. It forms a part of Negeri Sembilan federation. The Ruler is styled *Penghulu Jelevu*, a position elective by the nobles and chiefs of the state, from amongst three connected families, the *Waris Ulu Jelevu*, *Waris Sarin* and *Waris Kemin* which comes from *Biduanda*, *Batu Balang*, *Tanah Datar*, *Mungkal* and *Tiga Batu* tribes³².

Once upon a time, the Minangkabaus whom came to Negeri Sembilan invited a prince from Pagar Ruyung in Minangkabau to come and settle in Negeri Sembilan with absolute powers over a special area, namely Seri Menanti in the district of Kuala Pilah. The prince was pronounced the Yamtuan Seri Menanti. This gave rise to the saying that 'this is a king without kingdom'³³. In fact, the prince had no authority in any of the *luaks* of Negeri Sembilan save for Seri Menanti itself. This was because all the *luaks* already possessed their own administration under their *Undangs* or *Penghulus*.

²⁶ Negeri Sembilan Visitors Guide, Negeri Sembilan Government. *Land of The Perpatih*. p. 38.

²⁷ Perbadanan Perpustakaan Awam Negeri Sembilan. *Istiadat Kerjan Undang Luak Jelevu*, Dato' Abu Bakar b. Maamor Tahun 1997. p. 19.

²⁸ n.a.. 8 February 2004. "Sejarah Malaysia". *Jelevu*. <http://sejarahmalaysia.pnm.my>. p.1.

²⁹ n.a.. 8 February 2004. *Jelevu*. p.1.

³⁰ H.A. O'brien. 1885. *Jelevu*. p. 337.

³¹ Perbadanan Perpustakaan Awam Negeri Sembilan. *Istiadat Kerjan Undang Luak Jelevu*, Dato' Abu Bakar b. Maamor Tahun 1997. p. 19.

³² A. Caldecott. 1912. *Jelevu, its History and Constitution*. F.M.S Government Press. K. Lumpur. p. 35.

³³ Haji Mohtar b. Hj. Md. Dom. 1979. *Malaysian Customary Laws and Usage*. Kuala Lumpur. Federal Publications. p. 13.

Under *Adat Perpatih*, all power is vested in the *penghulus* of the *luaks* with the final authority held by the Big Four in Council. When the British forced the *luaks* to recognize the Yamtuan of Seri Menanti as the Yamtuan for all Negeri Sembilan, the constitution was amended so that the Yamtuan jointly ruled with the four *Undangs*, namely the *Undangs* of Sungai Ujong, Jelebu, Johol and Rembau. Even today the Yamtuan may not interfere in the affairs of the *luak* administered by the Four *Undangs*³⁴.

The appointment of a Yamtuan must be approved by the Four *Undangs*. The Yamtuan also cannot carry out any state business without the agreement of the Four *Undangs*. Each *buapak*, *lembaga* or *penghulu* is appointed according to popular wish. Each leader must always be just in all matters. A leader is linked to:

Air nan jernih,
Tempurung nan leper,
Seperti pohon di tengah padang,
Uratnyo tompek besilo,
Batangnyo tompek bosanda,
Dahannyo tompek bogantung,
Buahnyo untuk dimakan,
*Daunnyo untuk belindung*³⁵.

Clear water,
 A shallow coconut shell,
 A tree in the middle of the field,
 Its roots to rest upon,
 Its trunk to lean against,
 Its branches to hang on to,
 Its fruits to be eaten,
 Its leave to provide shade.

³⁴ n.a..8 February 2004. *Jelebu*. <http://www.4dw.net>. p.1.

³⁵ Abdul Rahman b. Hj. Mohammad. 1964. *Dasar-Dasar Adat Perpatih*. Kuala Lumpur. Penerbitan Pustaka Antara. p. 23.

³⁵ n.a..8 February 2004. *Jelebu*. <http://www.4dw.net>. p.1.

4.0 Appointment of *Undangs*

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The *Undangs* are, in theory, the powerful territorial chiefs who administer the traditional districts as supreme chief. The Jurisdiction of the *Undang* is more than that of his subordinate, the *lembaga* and lesser than that of his superordinate, the *Keadilan* (Justice) means the King. Nevertheless, it is the *Undang* who hold the critical function and power in the *adat* system. He is the legitimate chief who derives his power not from his own strength and valour but from the people. He is elected by the mandate of his people, the legitimate and rightful clans and sub clans which were designated to supply and appoint the supreme chief of the *luak*.

By virtue of historical antecedent, all *luak* would have a certain designated sub clan of the major clan, *Biduanda* to supply the *Undang*. They were supposedly the original migrants assimilated with the aboriginal inhabitants of the various districts of Negeri Sembilan. The designed sub clan is known as *suku waris* means the legitimate inheritor. An *Undang* administers his *luak* with the advice of his Council of Advisers, the *Tiang Balai sukus* which may vary in composition and sources from the *luak* to another³⁶.

The *Undang* of Jelebu district is called *Dato' Mendika Mentri Akhirul Zaman*. The first *Undang* of Jelebu was Dato' Moyang Salleh b. Dato' Penghulu Mentunggang from *Waris Jelebu*. He was appointed on 1757³⁷. The present duty is hold by Dato' Haji Musa b. Wahab from *Waris Sarin*³⁸, was elected by the great nobles and also vassals of the state. He was appointed on 4th February 1980 as the 15th *Undang Luak Jelebu*³⁹.

There was some principle of fair shares expressed in the rule of rotation (*giliran*) of office for *Undangs*. In Jelebu, the three *Waris Berundang* which is Ulu Jelebu, Sarin and Kemin as stated before take it in turn to provide candidates from whom the next *Undang* is to be chosen. Usually, within each *waris*, the constituent (*perut*) also take turns as the choice comes round to the *waris*. There are thus eight different descent groups which have right to provide an *Undang* at different times. In

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³⁶ n.a.. 12 January 2004. *The Undangs, Negeri Sembilan Royal Net*. <http://www.kwikxs.com>. p. 1.

³⁷ n.a.. 8 February 2004. *Rulers: Malaysia*. <http://www.rulers.org>. p. 9.

³⁸ n.a.. 8 February 2004. *Jelebu*. <http://www.4dw.net>. p. 3.

³⁹ n.a.. 8 February 2004. *Undang Luak Jelebu*. <http://www.sukns.gov.my>. p. 2.

other *luak*, there are systems of rotation which differ in detail but not in basic conception.

Usually, the inherent difficulty of *giliran* rules is that they represent an agreed balance of power at the time when the rules are adopted but it takes so long to work through the full rotation that the balance has shifted long before the circle is complete⁴⁰.

It happened when the office of *Undang* of Jelebu fell vacant in 1945, it was the turn of a *waris* which had last provided an *Undang* about 60 years before. The rotation of *perut* within the *waris* is even more slow-moving. In the circumstances, a group which has become larger or stronger was disposed to find technical grounds, never a difficult search for objecting to the agreed sequence in order to obtain right out of turn. Alternatively, there might be dispute within a clan as to whether some new division reserved to be trusted as *perut* with an exclusive right to provide the next candidate. Rotation engendered at least as many disputes as it resolved.

The other principle exemplified, but not observed. In Jelebu in 1980 was the requirement of unanimity (*kebulatan*) in making a decision or a choice. The final stage in the election of an *Undang* should be the unanimous approval of the chosen candidate by the council of eight chiefs. When individuals or groups have competing interests, there will obviously not be a complete agreement between them. What the *adat* therefore requires is that there should be an adequate process of discussion which will establish which group has the stronger case and the larger number. The minority should then with good grace submit agreement, or the attempt to reach agreement, stand high in the Malay scale of values (*muafakat itu berkat*) means an agreement is a blessing. In the debate which seeks agreement, much importance attaches to any relevant traditional sayings enshrined in the *adat*. These are not rules of law but maxims. Thus, a contestant who wished to insist on the observance of proper procedure might make his point with “*menumbuk di lesung, menanak di periuk*” (rice should be pounded in a mortar, but cooked in a cooking pad). Some were more specific “*Undang berkelantasan, Lembaga bersekat*” broadly means that the *Undangs* authority extends throughout the *luak* but that of the *Lembaga* is restricted to the

⁴⁰ J.M. Gullick. 1981. *Law and the Adat Perpatih, a Problem from Jelebu*. Kuala Lumpur. Malaysian Branch of the Royal Asiatic. p. 12.

members of his clan. In a society which held tradition in high respect, a claim which could be supported by the citation of the sayings would be found persuasive.

CHAPTER 3

APPLICATION AND USAGE OF MATRIARCHAL LAW (*ADAT PERPATIH*) IN JELEBU DISTRICT

1.0 Introduction

Based on an interview with a *buapak*, Jelebu was recognized as one of the districts which practice mostly the whole of *Adat Perpatih* in their society daily life⁴¹. As stated earlier, the *Adat Perpatih* embodies all the systems that make up a culture. The main systems of the *adat* were social, political and economical. Over and above this system, the *adat* also had its own values, belief, moral, ethics, etiquette and legal system which have its own way of expression in the form of *adat istiadat*⁴². In other words, *Adat Perpatih* is a culture and a civilization by itself. These cultures and their systems which have just been mentioned before, in most ways, differ and in some aspects, do not exist in the other Malay societies in Malaysia.

The next explanations maybe already mentioned in previous chapter, but there are still several things which were not specifically mentioned yet. However, it is quite hard to specify all things related to this *adat*. This is because, an indepth research needs to be done. So, this academic project will describe only in general about this matter as the basic knowledge for people who want to know about this *adat*.

⁴¹ Rasip b. Husin. 2004. *Interview*. 15 February 2004.

⁴² Norhalim Hj. Ibrahim. 1995. *Vanishing Culture of the Adat Perpatih*. (Paper). Perbadanan Perpustakaan Awam Negeri Sembilan. p. 5.

2.0 Social System

2.1 The Descent Group

The *adat* concept of society is then of a state composed of its own territory and with a lineage of varying depths, each with its own territory and with a hierarchy of descent group leaders⁴³. The descent groups are matrilineal and in descending order of size and level are *suku*, *perut*, *ruang* and *rumpun*. Every kin-descent group is headed by an elected chief and each of every leader has their specific title.

2.2 *Suku* membership

The core group of this society is a mother and her child. As such, a mother in this society is a significant person. It is through the mother that the child gets his *suku*. If the mother is not a Negeri Sembilan woman, her children will have no *suku* in Jelevu society. Today, since there is a mass migration to urban areas especially men of Jelevu, there are a tendency that the men will marry women from outside Jelevu. As a result, the number of *suku* members in a way is declining.

In a recent survey done in Jelevu, it was found that only a little out of the thousand adults in Jelevu knew about the name of their *suku*. This reflects that the younger generation of Jelevu which supposed to be the stronghold of the *adat* has lost interest in this matter.

2.3 *Adat Berkedim* (adoption)

The *adat* rules that, outsiders can be members of any *suku* by the process of *berkedim* (adoption)⁴⁴. There are two classes of adoption which is *kadim adat dan pusaka* (full adoption), *kadim adat* (partial adoption) and pseudo adoption⁴⁵.

The first type of adoption is complex and elaborate. A buffalo is slaughtered, and it is necessary to secure the presence and approval of the *Undang*, and to invite all

⁴³ Norhalim Hj. Ibrahim. 1995. *Vanishing Culture of the Adat Perpatih*. p. 6.

⁴⁴ n.a.. 1995. *Adat-Adat Yang Diamalkan*. Perbadanan Perpustakaan Awam Negeri Sembilan. p. 87.

⁴⁵ M.B. Hooker. 1970. *Readings in Malay Adat Laws*. Singapore. Singapore University Press. p. 136.