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A STUDY ON THE RULES AND REGULATIONS IN
THE DEVELOPMENT OF CUSTOMARY LAND IN
NEGERI SEMBILAN: A CASE STUDY ON KUALA
PILAH, NEGERI SEMBILAN

BY

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MALAYSIA

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SHUHaida BINTI ABDUL MALEK

A dissertation submitted in partial fulfilment of
the requirement for the degree of Master
of Urban and Regional Planning

Kulliyyah of Architecture and
Environmental Design
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ABSTRACT

Land management is an important aspect to be taken into consideration nowadays to develop our country. One of the tools in managing the land is by using rules and regulation. This study is about the land management on the customary land in Negeri Sembilan. The aim of this study is to focus on the issues and problems in developing customary land from the perspective of rules and regulation with a case study on Kuala Pilah. The findings shows that the rules and regulation of '*Adat Perpatih*' have influent the development of customary land but '*Adat Perpatih*' rules and regulation is not the only factors that effect the development. There are several other human factors that also gave an impact to the customary land development, such as the landowners are too old to develop their land, poor drainage system lack of man power, problem of capital related issues and other. By amending the Customary Tenure Enactment 1911 Chapter 215 of the enactment will encourage the development of customary land in Negeri Sembilan. Writer hopes that this study would assist the state of Negeri Sembilan in rectifying the methods in developing customary land and indirectly towards achieving the economic aims in developing the agricultural activities as one of the main sources of incomes.

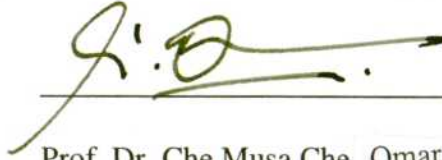
ملخص البحث

تعد إدارة الأرض وتعميرها من أهم الأمور التي تستحق الاهتمام بها في هذه الأيام وذلك لسعي نحو التقدم في وطننا، ولا شك أن اتخاذ القوانين والضوابط المعينة مما يساعد علي إدارة الأرض. هذا فإن هذه الدراسة تدور حول إدارة الأرض في مدينة(ناغيري سمبلان). ومن أهم ما تهدف إليه هذه الدراسة، هو إلقاء الضوء علي قضايا ومشاكل تشهدها عملية تنمية الأرض من حيث القوانين والضوابط وذلك في منهج دراسة الحالة المتمثلة في مدينة(كولا فيلا).

هذا وقد أسفرت النتائج من هذه الدراسة أن قوانين (*Adat Perpatih*) لها تأثير في تنمية الأرض، إلي جانب ذلك توجد عوامل أخرى لها تأثير في تنمية الأرض مثل رغبة ممتلكي الأرض في تنمية أراضيهم ونحو ذلك. هذا فإن تعديل القانون سنة 1911م تحت قرار رقم 115 يشجع علي تنمية الأرض بمدينة(ناغيري سمبلان) . وأخيرا فإن الباحثة تـرجو أن تساهم هذه الدراسة بمدينة (ناغيري سمبلان) بتعديل الطرق التي تدار بها الأرض بهذه المدينة من ناحية، ولتحقيق الأهداف الاقتصادية في تنمية الحركة الزراعية كأحد الموارد الرئيسية من ناحية أخرى.

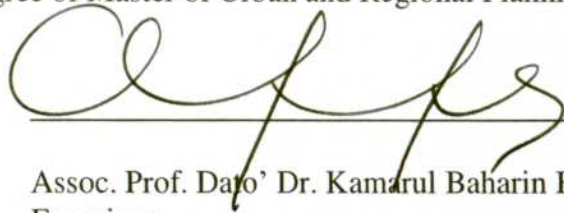
APPROVAL PAGE

I certify that I have supervised and read this study and that in my opinion it conforms to acceptable standards of scholarly presentation and is fully adequate, in scope and quality, as a dissertation for the degree of Master of Urban and Regional Planning.



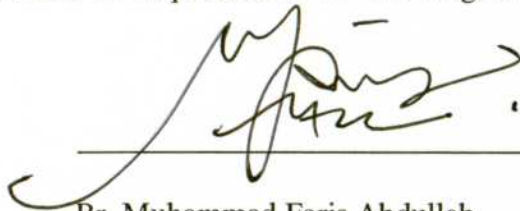
Prof. Dr. Che Musa Che Omar
Supervisor

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Assoc. Prof. Dato' Dr. Kamarul Baharin Buyung
Examiner

This dissertation was submitted to the Department of Urban and Regional Planning and is accepted as partial fulfilment of requirements for the Degree of Master of Urban and Regional Planning.



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This dissertation was submitted to the Kulliyah of Architecture and Environmental Design and is accepted as partial fulfilment of requirements for the Degree of Master of Urban and Regional Planning.



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DECLARATION

I hereby declare that this dissertation is the result of my own investigations, except where otherwise stated. Other sources are acknowledged by footnotes giving explicit references and a bibliography is appended.

Name: Shuhaida binti Abdul Malek

Signature:

A handwritten signature in black ink, consisting of a large, stylized 'S' followed by a vertical line and a horizontal crossbar.

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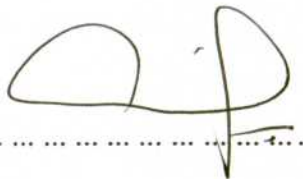
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CHAPTER ONE

INTRODUCTION

1.0 INTRODUCTION

This study has been conducted to fulfill the requirement for Master of Urban and Regional Planning, Kulliyyah of Architecture and Environmental Design, International Islamic University Malaysia. This is a study on the issues and problems that occur in developing customary land in Negeri Sembilan from the perspective of rules and regulation of customary land in Negeri Sembilan, which focus Kuala Pilah as a case study.

1.1 PROBLEM STATEMENTS

In Negeri Sembilan, customary land faces problems to be developed due to the rules and regulation that have been practiced on customary land. According to Main Rindam (1994), until 1986, Negeri Sembilan is the 7th largest state in Malaysia that is facing idle land problem and customary land become the most problematic to be developed due to several issues regarding rules and regulation stated below:

1. Nadzan Haron (1997) study finding shows that the law of Customary Tenure Enactment, Malays Reservation Enactment and Small Estate (Distribution) Ordinance 1955, the laws allow for sharing of ownership to the land without limitation. This means that there is no restriction on the maximum number of

owner of the land. Further, according to him, these rules and regulation are a weakness because they will give a bad impact to the social and the economic for the 'Adat' society. There is an increase of numbers of women members in the 'Adat' community; meanwhile the total of customary land never increases. This indirectly costs a partition process to happen without limitation until the size of the land that 'Adat' women own are too small.

2. Meanwhile according to Mohd Shah & Norhalim (1994), due to the increase of population, whereas the sizes of customary land remain, the size of every partition owned by each woman will decrease from year to year. Negeri Sembilan, generally paddy field lands are customary land the size of which ranges from 0.5 to 3 acres par. It is unusual for the families to have three or more acres of paddy field land. This small land will not producing a good profit even by using a good technology. Paddy plant processes need a lot of man powers and good protection action in each level of processes. With a small size of the area this agricultural activities are not profitable to the landowners. That is why there is no motivation from the family of the land owners to utilize or to develop the land accordingly. This is one of the factors of idle land in Negeri Sembilan.

1.2 SIGNIFICANCE OF STUDY

This project paper is conducted to study the current problems in developing customary land in Negeri Sembilan where most of these customary lands have not been utilized since 30 years ago. It is important to determine the major problems that occur in

developing the customary land in Negeri Sembilan. Idle land is one of unused, wasted resources in Malaysia and would, in long run, affect the economy of the country.

1.3 SCOPE OF STUDY

This will focus on the current issues and problems of customary land development in Negeri Sembilan by taking Kuala Pilah as a case study. It will covers on the law that has been used for the customary land administration in Negeri Sembilan. The study will emphasize on the Customary Tenure Enactment 1911 Chapter 215. Negeri Sembilan has been selected in this study because this state are still using '*Adat Perpatih*' rules and regulation in land administration system under Customary Tenure Enactment 1911 Chapter 215. Meanwhile Kuala Pilah become a case study due to Kuala Pilah have the biggest portion of customary land in Negeri Sembilan, it is about 50 per cent from the total size of customary land in Negeri Sembilan.

1.4 HYPOTHESIS

H^o - Poor rules and regulation of customary land in Negeri Sembilan deterred the development of customary land.

H¹ - Human factor also influent the development of customary land in Negeri Sembilan.

1.5 OBJECTIVES

1. To study on the existing rules and regulation of customary land in Negeri Sembilan.
2. To identify the current issues and problems in developing customary land in Negeri Sembilan.
3. To assess the amount of land under Customary Tenure Enactment 1911 Chapter 215.
4. To suggest solution in developing customary land in Negeri Sembilan.

1.6 LIMITATION

In doing this study the time, funding and man power constrains are the crucial factors for the writer on completing this study. This is due to the limited time given where the writer only has less than six months to finish the study. Effect from that the total numbers of sample are quite small due to the time limitation. Only 30 respondents had been surveyed to analyze the problems that occur on the customary land. By using interview method writer has to take quite a long time in collecting the primary data from the landowners.

1.7 EXPECTED FINDINGS

The expected outputs of this study are:

- a) Identifying the issues that hinder in developing customary land in Negeri Sembilan.
- b) Understanding the implementation of Customary Tenure Enactment 1911 Chapter 125.
- c) Make recommendation to overcome the issues pertaining to the develop of customary land

1.8 DISSERTATION ORGANIZATION

This study has faced several stages in order to achieve the objective. It takes five stages starting from initial study, theoretical study, data collection stages, analysis of finding and finally the recommendation from the writer to solve the problems. Below are the five stages that have been stated above as shown in figure 1.0.

Phase 1: Initial Study

Initial study is regarded as the most important and essential phase that will direct to the rest of the study process. At this stage, issues and problems are identified to determine the topic of the study. Only then the hypothesis, objective, scope of study, methodology and the significance of the study are formulated. This stage is important for understanding and to guide the rest of the study until it is completed.

Phase 2: Theoretical Study

Theoretical study includes literature review from secondary sources comprising data collection from all references related to the topic. The data mainly come from library, internet, and government agencies such as Land Office, Local Authorities and Agricultural Department of Negeri Sembilan.

Phase 3: Data Collection

Interview method had been chosen by the writer in order to collect primary data for this study purposes. A face to face technique has been used to achieve the objective on this study after considering several advantages and disadvantages of the technique that will discuss in chapter three in detail.

Phase 4: Analysis of Findings

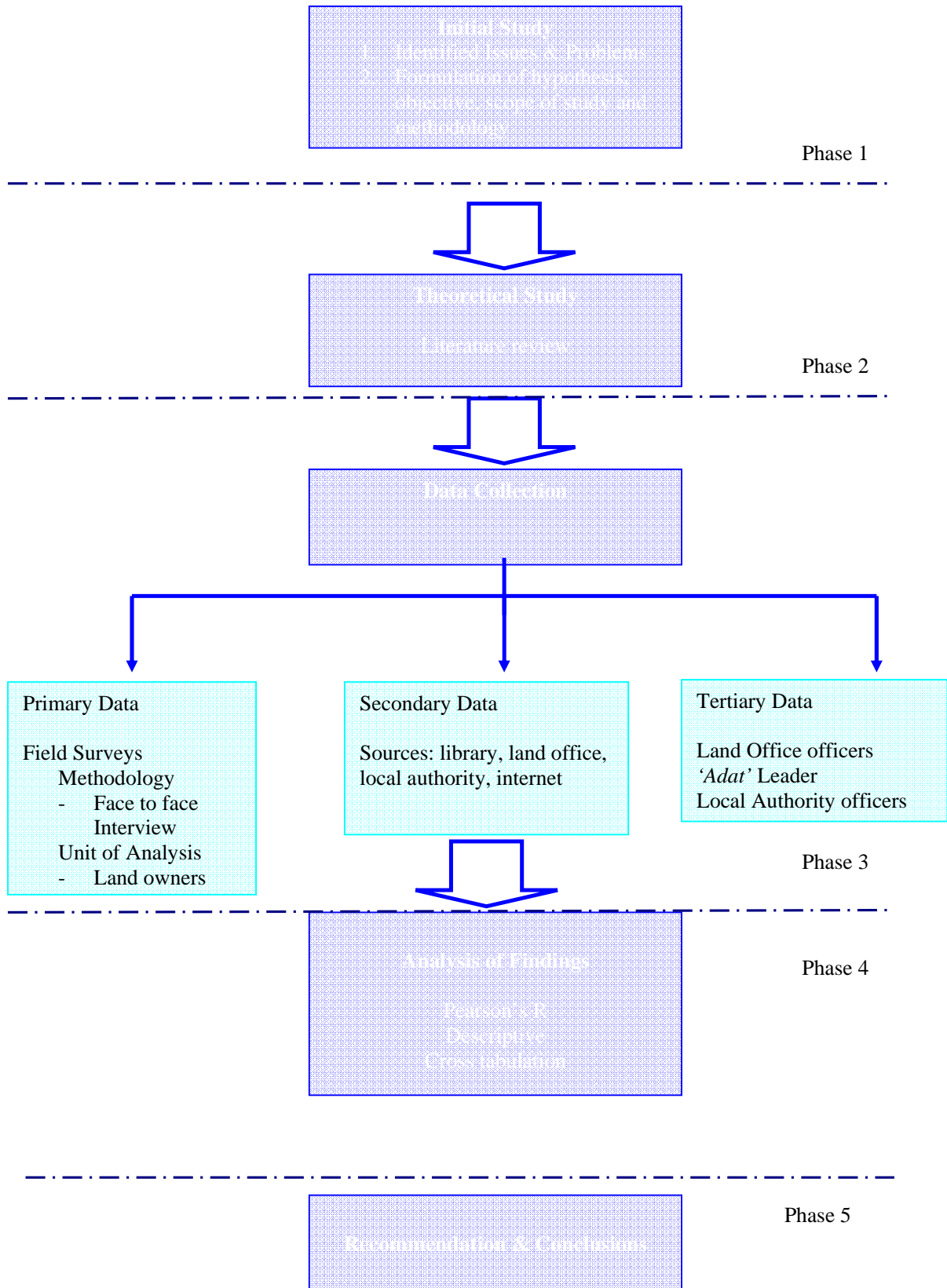
There are several test which will be used to find out the findings of the data that have been collected from the interview to determine the finding of the study that will be discussed in detail in chapter three.

Unit of Analysis:	Land owners
Samples Cases:	Land owners
Samples Size:	30 respondents (represent 0.03% of total land owner of customary land in Kuala Pilah)
Sampling:	Simple Random Sampling

Phase 5: Recommendations and Conclusion.

This stage is the final stage where the outlays several recommendations and proposals as a result of the study conducted. The recommendations and proposal are seen as important steps towards the land development on customary land in Negeri Sembilan.

Figure 1.0: Study Flow Chart



CHAPTER TWO

A REVIEW ON MATRILINEAL SYSTEM ON LAND MATTERS

2.0 DEFINITION OF MATRILINEAL SYSTEM

Matrilineal, or uterine, descent is established by *tracing descent exclusively through females from the founding female ancestor*. The individual indicated in red constitutes the matrilineal descendant of a common ancestress (refer Figure 2.0). Both men and women are included in the patrilineage formed but only female links are utilized to include successive generations. In matrilineal societies are those societies in which descent is traced through mothers rather than through fathers. Matrilineal societies, property is often passed from mothers to daughters and the custom of matrilocal residence may be practiced. In matrilineal societies, the descendants of men are their sister's children and not their own, which belong to their mother's matrilineage (Brian Schwimmer: 1995)

According to Philip D. Young (1998), matrilineal decent is a decent through a live of females. Both women and men acquire membership in a matrilineal decent group from their mothers, but only women can pass membership in the group on to their children. Meanwhile, matrilocal literally focused on the mother. In anthropology this term is used to describe a household formed or headed by one or more adult women