

LIVING ON THE PERIPHERY; Development and Islamization among the Orang Asli in Malaysia

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Chapter 9

Politics of Incorrect Marriage

Orang Asli Adat

In this chapter I continue further discussion of *adat* in Orang Asli society. By focusing on the village politics of Kampung Durian Tawar, I consider the application of *adat* to incorrect marriage (*nikah salah*). To build on the previous chapter's discussion of *adat* norms, I now turn my attention to actual *adat* practices. The generic category of Orang Asli *adat* varies in content and ranges from patrilineal to matrilineal versions.

I have mentioned that Kampung Durian Tawar has a matrilineal *adat* influenced by that of the Minangkabau-descent Malays.¹ However, Baharon argues that the Kampung Durian Tawar *adat* is separate from that of the Malays, and points to the village myth that claims that their ancestors handed it down directly (Baharon 1973: 6). According to Baharon, therefore, the *adat* of Kampung Durian Tawar was not borrowed from the Malays. This view is no different from that held by the village *adat* leaders, including Batin Janggut. The leaders do not recognize the *adat* of the nearby Malays as genuine, because it is Islamic. They claim that their *adat* is truly their own; that it is non-Muslim and free from Islamic influences. In their view, Islamization prompted the Malays to deviate from “the true *adat*” (Baharon 1973: 15-16).

Nevertheless, it is important to note the diverse content of *adat*. Even within the same Temuan group, *adat* varies from one region to the next. For instance, the *adat* of the Temuan in the neighboring state of Selangor is bilateral. The *adat* of the Orang Asli in Negeri Sembilan is also diverse. Baharon records that Kampung Durian Tawar villagers insisted that the *adat* of a neighboring Orang Asli village was an “outside” *adat* (*adat luar*) with Malay influences (Baharon 1973: 16).

Any discussion of *adat* must include its relationship to Islam. In the context of enforced Islamization, *adat* is antithetical to Islam. The position of the Malay *adat* in relation to Islam is different, as the Malays are Muslim. As far as the Malays are concerned, their *adat* is positioned within the framework of Islam. For the Orang Asli community, especially in Kampung Durian Tawar, *adat* is positioned on a separate plane from Islam, as is captured in the saying “Islam is Islam, while *adat* is *adat*”.

Non-Muslim Orang Asli use *adat* as an un-Islamic counter discourse to Islamization. Placing a special emphasis on the un-Islamic nature of *adat*, they claim that they do not convert to Islam because they follow *adat*. In this context, *adat* is more than a custom or a customary law; it is a symbol representing their identity.²

In concrete terms, *adat* is emphasized in situations involving marriage and death. The method and place of burial of the deceased vary according to whether Islamic, Christian or *adat* principles are adopted. In Kampung Durian Tawar, where conversion to Islam is a recent phenomenon, Islamic converts have not yet passed away. Marriage, by contrast, often causes a dispute when it comes to how the wedding is officiated. The problem is particularly serious in a Muslim wedding because it requires the bride or groom to convert to the religion. From the *adat* leaders’ perspective, it is especially important that the wedding ceremony is conducted according to *adat*. The *adat* leaders even insist that Muslims are not permitted to have an *adat*-based wedding in the village.

At a village level, all disputes and tensions over the procedures of rituals come down to the single issue of who has the power to carry out a ceremony. The officiators of ceremonies in the village are those who administer *adat*, namely *adat* leaders. They perform funeral and wedding rituals. *Adat* leaders also have “judicial power”. To the leaders, who are in charge of *adat*, village compliance with *adat* is crucial for their very existence. As long as this is the case, the authority of the *adat* leaders is not in danger. There are occasional power struggles, of course, but these all come and go under control of *adat*.

Things changed, however, when villages came under pressure from outer forces such as development, Islamization and state power. Some villagers, such as converts to Islam, began to abandon *adat*. Muslim villagers are required to perform Islamic rituals, which the *adat* leaders have little authority to officiate. Because of this crisis, *adat* is being re-interpreted and re-defined. While this is the case in both Orang Asli and Malay communities, the *adat* pursued by the non-Muslim Orang Asli and that of the Malays are separated by subtle but significant differences.



Plates 65-66: Going to the cemetery. These plates are pictures of a burial ceremony at a nearby Temuan village in Kenaboi, Jelebu, Negeri Sembilan, which is conducted according to the *adat*. However, in practice, the method and place of burial varies depending on whether the deceased was a Muslim, Christian or followed the traditional religion. There were no Islamic funerals during the time of my fieldwork in 1998 as Islam was still a new phenomenon then in this village and in Kampung Durian Tawar. [NT-1998]

Village Politics

In Part II, I described a phenomenon of class division in Kampung Durian Tawar that arose as a consequence of the government's development policy since the 1970s. The villagers are divided into two social strata, the upper and lower people. The former include the *adat* leaders as their core members and constitute the top layer of the village hierarchy. They accept the development policy and comply with *adat*. The lower people are excluded from development and are economically disadvantaged.

Although the lower people felt antipathy towards Batin Janggut, they followed *adat* because they were afraid of his magical power. In other words, the authority of Batin Janggut with the government's backing was invincible. People would say, "He knows who speaks ill of him behind his back, and uses his sorcery to make the person fall ill or even die". This remains true even today. No one openly expresses his or her opinion against Batin Janggut.

Batin is the supreme title in the village. As the titleholder, Batin Janggut plays the roles of village headman and mediator between village and government. Until retiring in 1985, Batin Janggut worked for the JHEOA. He was closely involved in development projects, while at the same time rejecting the Islamization policy. Being of mixed blood with a Chinese father, Batin Janggut is subject to the animosities of the "pure" Orang Asli. However, the villagers never dare to express dissatisfaction, and are afraid not only of his political power but also of his ability to strike them with his magic (*ilmu*).

However, outside influences have caused a fine crack to appear in Batin Janggut's authority. As the JHEOA implemented the Islamization policy, relations between the JHEOA and the Batin, who rejected the policy, deteriorated. The JHEOA and other government authorities aimed to convert the upper people to Islam; having reached high economic levels, the upper people would stand as a model of the Islamization of the Orang Asli. During negotiations over development projects, the JHEOA officials repeatedly pressed Batin Janggut to convert. The *adat* leaders accepted development but not Islamization, and continued to refuse conversion. Controlling Batin Janggut became increasingly difficult, so the government sought to undermine Batin Janggut's authority by supporting other leaders (e.g. his son Tikak, who leads development among the Islamic converts). Batin Janggut refers to these moves as "colonization".

Batin Janggut often comments, "In the past, the white people (*orang putih*) colonized (*menjajah*) the Malays and the Orang Asli; today, it's the Malays (*orang Melayu*) who colonize the Orang Asli". He also says,

“The government’s Orang Asli policy has turned Kampung Durian Tawar into a village of confrontations”. These arguments are a sharp critique of the government’s enforced Orang Asli policy, and they convey a tinge of sarcasm about the village’s lack of monolithic solidarity with which to resist the policy. In Batin Janggut’s view, the government’s Orang Asli policies promoting development and Islamization are ultimately to blame for the class division and frictions within the village. Batin Janggut’s “argument of the colonized” is an assertion that the Orang Asli are in a colonial situation no different from that of the British colonial period. In fact, the Batin and his son Tikak have become estranged over issues of leadership in development. This has divided the village into two factions supporting the Batin and Tikak, particularly in election periods.

Tikak’s power derived from his positions as branch president of the ruling UMNO, as a JKKK committee member, and as a holder of other significant offices in the Malaysian politics of development.³ Through these offices, he simply followed the politics of development in the “Malay-style”. Tikak’s bribes to government officials and other methods did not win his father’s support and became unacceptable to the upper people. Tikak gradually brought the lower people under his control by allocating rubber projects of RISDA and PPRT projects to them.⁴ Like his father, Tikak has attempted to channel many benefits to the villagers. Unlike his father’s case, however, the upper people have met Tikak’s efforts with little appreciation and even with repulsion.

Among the upper people, a young generation of leaders is emerging and is headed by Genreh, who is the son of Manyo, the younger sister of Batin Janggut. According to the matrilineal *adat* advocated by Batin Janggut, these are the rightful successors to the *adat* leadership. Better educated by village standards, they are the elite of the community, and are involved in POASM. The new leaders support Batin Janggut’s contention.

In March 1998 an UMNO party election was held in the Kampung Durian Tawar branch. Branch president Tikak wanted to monopolize the village delegation to support a Malay parliamentary candidate. The Batin Janggut faction, led by the Batin and Genreh, supported a rival Malay candidate. Tikak shut the Batin’s opponents out of the election venue, claiming they did not have voting rights, and his supporters dominated the meeting. When it came to the vote by a show of hands, however, those who had agreed to support Tikak voted in opposition to his plan. This was a “brave revolt” considering that they raised their hands against Tikak in his presence. The election resulted in a victory for the delegate opposing Tikak and, in the state parliamentary election that followed, the Malay candidate whom Tikak supported lost his seat.

In a fit of anger, Tikak circulated a rumor that his father Batin Janggut used sorcery in the election. Until then, Tikak had been increasingly taking control from Batin Janggut over development affairs in the village. The event, however, had a serious impact on village politics in Kampung Durian Tawar.

Among other things, development caused an influx of people from other areas. A highway development project in a settlement in Selangor drove the Orang Asli from that area. Some sought help from their relatives in Kampung Durian Tawar and settled in the village. They moved to the area of the lower people because of differences with the upper people over customs and village leadership, and are now followers of Aki Main. Dependent on their medicine man (*dukun*), Aki Main, they openly accuse Batin Janggut of using sorcery.

The waves of Islamization, which began in the 1980s, reached Kampung Durian Tawar in the 1990s with the village's first converts. While converting to Islam was an act of defiance against the village *adat*, having acquired Islam as their cause they became even more defiant. As it was unwise to have disputes with Muslims in a country where Islam is the state religion, the *adat* leadership and the upper people actively avoided public confrontation. They were, nonetheless, disgruntled over the phenomenon.

In response to the JHEOA-organized Islamic missionary seminar held in Melaka the previous month, in January 1997 a village council meeting was held in the *adat* hall. Much of the agenda is discussed in Chapter 5, so here I focus specifically on matters of *adat*, Islam and village politics. In the meeting Batin Janggut declared that villagers of Kampung Durian Tawar were divided into three groups: the *adat* group (*puak adat*), the religion group (*puak agama*) and the drunk group (*puak mabuk*). Once divided into the upper and lower people, the increase of Islamic converts under the Islamization policy had caused this regrouping of the villagers (refer to Figure 8). This categorization served to symbolize the new structure of the village. In this chapter I draw on Batin Janggut's categorization to explain the village politics of the period.

The *adat* group consists mainly of the upper people who follow *adat*. The religion group comprises converts to Islam branching out from the former Ali followers (descendents of Jekerah Ali) and some Christian converts. The drunk group normally means Aki Main and his followers, but here also implies Batin Janggut's son Tikak and his supporters.

Batin Janggut began the meeting by asking if those present complied with *adat*. After they confirmed that this was the case, he began to explain

it. He declared that the *adat* of Kampung Durian Tawar was matrilineal (*adat mempatih*), not non-matrilineal (*adat temenggung*). The *adat* of Aki Main and his followers who migrated from Selangor is not matrilineal (according to Batin Janggut it is patrilineal, but I regard it as bilateral). This discrepancy was frequently causing frictions over the formalities of funeral or wedding rituals. Batin Janggut said that under the matrilineal *adat* neither Tikak nor Aki Main had the right to succeed as the next Batin.

With regard to religion, Batin Janggut stated that villagers were allowed to convert but, in a veiled criticism of many in the village, were not to do so “in name only” in order to get cash and other benefits. He went on to advise the converts that they had to ask Malay or other outsiders to officiate at their weddings and funerals because they could not follow the village *adat*. Batin Janggut thereby made clear his stance that the *adat* leadership would not take responsibility for converts’ weddings and funerals. This was his countermeasure to the government policy prohibiting *adat* from being imposed on the Muslim Orang Asli. It was no less than a declaration that he would never associate with Islamic converts.

Incorrect Marriage and the *Adat*

Marriage Patterns

Baharon (1973: 74) points out that, like the Malays, villagers in Kampung Durian Tawar adhere to marriage formalities much more than do other Orang Asli communities. He also observes that their wedding ceremonies have much in common with those of the Malays living in the area (Baharon 1973: 75). Similarities include the rituals of exchanging particular gifts between the matrilineal uncles (*ibubapa*) of the bride and of the groom and the wedding reception called *bersanding*.

There are differences, however. First, in Kampung Durian Tawar an *adat* leader officiates at a wedding and marries the bride and groom, unlike at Malay weddings where an Islamic leader of prayer (*imam*) fulfills this role. Second, a wedding ritual in Kampung Durian Tawar does not involve Islamic prayers. In short, the lack of Islamic elements distinguishes it from that of their Malay Muslim neighbors.

There are three major marriage patterns in Kampung Durian Tawar. I collected details of 105 marriages in the village: twenty-seven observed an engagement, forty-two couples wedded in a simplified ceremony without an engagement period, and thirty-six were married by *tangkap basah*.



Plates 67 & 68: Wedding of Jenang Misai's granddaughter. This couple got married without an engagement ceremony i.e. they followed Pattern Two. Whether a wedding ceremony is considered simple style or not depends on the menu of the meal. In this case, biscuits and cakes were served with tea and coffee. After this wedding ceremony, however, a *joget* (outdoor disco) was held at night. [NT-2005]

Pattern One: Marriages that follow an engagement in recent years have often been found among the children of the influential members of the village, such as *adat* leaders, who can now afford it. In this pattern, formal engagement and wedding ceremonies are held.

Pattern Two: Some couples marry without an engagement ceremony (*singkap daun ambil buah*: to turn up a leaf and take fruit from under it) for reasons such as economic difficulties and untimely pregnancy.



Plates 69 & 70: Engagement of Batin Janggut's daughter. This is the engagement ceremony of a Pattern One marriage. The actual wedding ceremony was held at a later date (See Plate 36). The Batin's daughter is now a primary school teacher. After marriage, her husband moved to Kampung Durian Tawar to live with her family, in accordance with the uxorilocal residence rule of *adat*. At the beginning, they resided in Batin Janggut's house. However, after the first child, a son, was born they built their own house next to the rubber trader's shop. [NT-1997]

The marriages of couples who are “arrested” under *tangkap basah* and negotiate with *adat* leaders to have a simple ceremony fall under this category. Some call this a “marriage with a handful of rice” (*nikah nasi seguluk*). The simple wedding ceremony with a feast (*kenduri*) is not normally conducted in a *tangkap basah* marriage (Pattern Three).

Pattern Three: A marriage under *tangkap basah* has a minimal ceremony. Unlike their formally dressed counterparts in Patterns One

and Two, the bride and groom are often in everyday clothes. They are married on the same day they are “arrested”. Some call this a cowboy marriage (*nikah koboï*), likening it to the way a cowboy suddenly has a female companion.

All marriages other than those of Pattern One are generally seen as “incorrect” – Pattern Two marriages without an engagement ceremony and Pattern Three marriages under *tangkap basah* (as I explain in more detail). The boundary between the latter two categories is rather ill-defined. Most couples who find themselves in an incorrect marriage do not undergo the formal engagement and wedding procedures. They marry in a situation of *tangkap basah*. *Tangkap* means “to catch” and *basah* means “wet” or “immoral”. This custom of arresting a couple “in the act” shows an influence of *khalwat* (impropriety) from the Malay community. With the Malays, the Islamic religious police carry out the arrest, while with the Orang Asli the woman’s relatives do so. *Tangkap basah* signifies a situation in which the woman’s relatives catch the couple in the act of sleeping together.

A woman can take advantage of *tangkap basah* to marry a man whom she fancies. By having her relatives find her and her man meeting alone or sleeping together, she can, so to speak, push him to the altar. However, if the man does not wish to marry her, he may choose the alternative solution of paying a fine to the *adat* leaders of the village where she lives. In extreme cases, a rape (*rogol*) is resolved by a marriage under *tangkap basah*.

If a woman is found to be pregnant before she and her partner are caught under *tangkap basah*, they marry without going through an engagement. Such a case is categorized as a Pattern Two marriage, rather than a Pattern Three *tangkap basah* marriage. Although a man may manage to fend off a *tangkap basah* marriage, he has virtually no choice but to marry his partner if she becomes pregnant. In any case, all are considered incorrect marriages, except for the Pattern One marriages and those in Pattern Two that for economic reasons do not hold an engagement ceremony.

Adat Solution to Incorrect Marriage

In an incorrect marriage, an *adat* leader hands down a ruling (*hukum*) in the wedding ceremony and imposes a fine (*denda*) on both the man and the woman. The sum of the fine that leaders can impose is fixed. The degree of seriousness of an offence determines which leader will impose the fine. A normal, insignificant offence is fined by the Jekerah, the lowest ranking *adat* leader. In the past the sums varied at the discretion of individual

Table 21
Changes in ruling by *adat* leaders

Title	Rulings (Early 1970s)	Rulings (1997)
Batin	Banishment (<i>halau</i>)	N/A
	Ostracism (<i>pulau</i>)	Ostracism (<i>pulau</i>)
	Fine (RM48)	Fine (RM48)
	Fine (RM14)	Fine (RM14)
Mangku	Fine (RM7.30)	Fine (RM7.30)
Menteri	Fine (RM7.30)	Fine (RM7.30)
Jenang	Fine (RM7.30)	Fine (RM7.30)
Jekerah	Fine (RM3.30)	Fine (RM7.30)
Panglima	Fine (RM1)	N/A

RM = Ringgit Malaysia

leaders. Today all fines imposed by the leaders, with the exception of those by the Batin, are pre-determined.

Most cases of incorrect marriage discussed here are serious offences, which require the Batin to pass a ruling and impose a fine on the offenders. They are not only incorrect in the broad sense of the term but also involve serious elements such as incest and unions between cross-generational men and women, in-laws or other forbidden partners (*sumbang pemanggil*), or adultery (*menchuri, merampas, berjahat*). I explain the respective cases with particular focus on the method of ruling rather than on the content of incest (which I examined in the previous chapter).

The Batin hands down the ruling if the incestuous offenders are from the same matrilineal descent group, while in other incest cases one of other *adat* leaders, usually the Jekerah, does so (Table 21). Marriage is strictly forbidden between relatives who are second cousins or closer within a matrilineal descent group (Table 22). In the past, the Batin imposed a water penalty (virtually a death penalty) on couples guilty of this offence. Marriage between third cousins or remoter relatives within a matrilineal descent group is also considered a serious offence, requiring the Batin to hand down a ruling for the offenders to relinquish their membership within their matrilineal descent group.

Incest is divided into two broad categories. The first includes cases in which marriage is allowed after a ruling is handed down and a fine is

Table 22
Concepts of *sumbang* and solutions of dispute

	Kinship	Concepts of <i>sumbang</i>	Marriage	Ruling	Other punitive sanctions
Within a matrilineal descent group	Second cousins or closer	<i>nyumbang</i>	Disallowed	Batin	Drowning Banishment Ostracism
	Third cousins or remoter	" <i>sumbang</i> "	Allowed	Batin	Diverstiture of matrilineal descent group membership
Outside a matrilineal descent group	Second cousins or closer	' <i>sumbang</i> '	Allowed	Other than Batin	
	Third cousins or remoter	<i>sesumbang</i>	Allowed	Other than Batin	

paid. The second category of incest includes *nyumbang* and other cases in which marriage is completely disallowed. The incest taboo covers not only matrimony but all sexual relations. Offenders of *nyumbang* are denied marriage and must receive a ruling and pay a fine or alternatively receive some form of sanction (such as ostracism). Ordeal by water and banishment are no longer practiced today, as the executor would be arrested by the police.

A match between non-relatives can also be an incorrect marriage. In particular, marriages between individuals of different generations tend to be avoided (Baharon 1973: 94). Marriage between a man and a woman who in their daily life address each other by classificatory kinship terminology such as "uncle", "niece" or "aunt", or "nephew" is considered a serious offence, which calls for the Batin's ruling and fine. A match between affines is also an incorrect marriage, which receives his ruling and fine. Polygamy is allowed in Kampung Durian Tawar, in that a husband can have more than one wife. In one case, a Batin married two sisters. The story goes that after the death of Batin Bongsu's wife, he married her younger sister (Baharon 1973: 95). By contrast, a man who is married to two sisters at the same time is in an incorrect marriage requiring the Batin's ruling and a fine.

If a cross-generational or affinal pair marries, it changes their terms of kinship. For example, the groom's older brother (*abang*) (classificatory kinship terminology) could become his father-in-law (*mentuha*). Their marriage is discouraged and is called improper address (*sumbang pemanggil*).

In Kampung Durian Tawar, where polygamy is practiced, sexual relations between an unmarried woman and a married man are not seen as adultery, and are resolved in the form of the man's marriage. Adultery is an offence when a married woman has sexual relations with a man, whether or not he is married. In such cases, it is not the woman but the man who is fined or ordered to compensate the woman's husband (Baharon 1973: 90-91). The most serious of these cases call for the Batin to hand down a ruling and a fine.

Cases of Incorrect Marriage

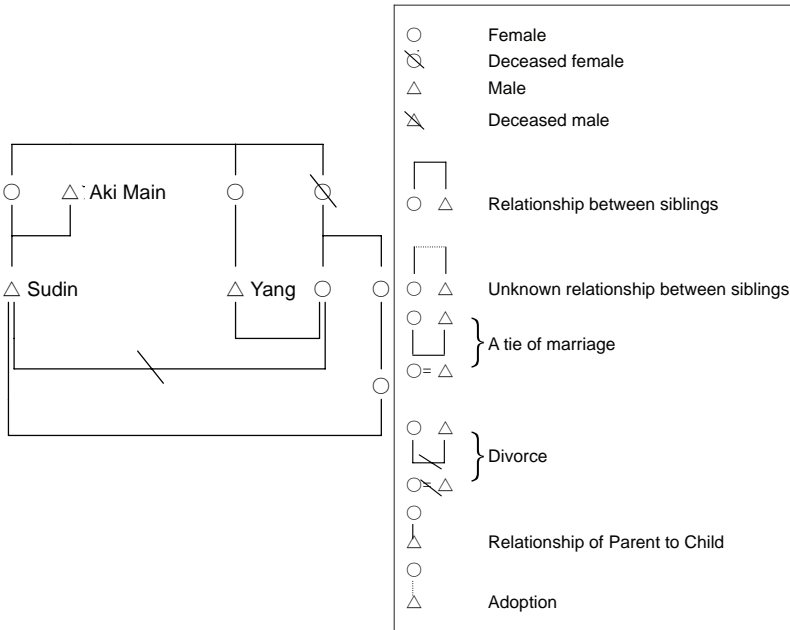
Contrary to the popular belief that *adat* is an immutable tradition, it is in fact flexible and ambiguous enough to be subject to both intentional and unintentional changes (Maeda 1986: 5). This is because *adat* is in most cases an oral tradition. The *adat* of Kampung Durian Tawar is no exception. *Adat* leaders amend *adat* through discussion, as the occasion demands. The question is whether, in dispute situations, *adat* leaders follow the norms to carry out sanctions that are just and satisfactory to all the villagers. Because the resolution of disputes involving a love affair or marriage is considered the responsibility of the *adat* leaders, they become involved as "guardians" when either or both disputants belong to their kin or villagers. *Adat* is, so to speak, customary law that applies to kinsfolk.

A dispute over a woman with three suitors is often cited as one of the most difficult cases to handle. Under *adat*, polygamy by women is not allowed. The solution is to have her choose one of the three men in a rite wherein *adat* leaders and her relatives act as witnesses. This may seem a simple procedure, but *adat* leaders know from experience that it is not. Batin Janggut lectured me, a student of *adat*, over the many disputes that arise from love affairs, and gave the example of a woman with three suitors. The Batin stressed the importance of resolving such issues, which made me acutely aware that, once entangled, a love affair can lead to violence or even murder.

Drunk Group

Aki Main's son Sudin married his first wife in *tangkap basah*. She is one of his matrilineal parallel cousins. They later divorced and she married

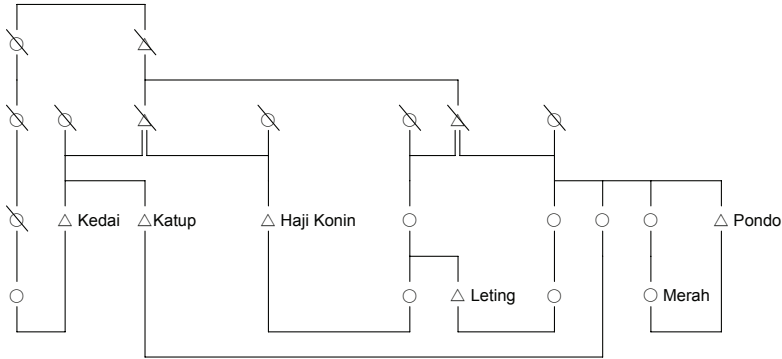
Figure 15
Incorrect marriages in the drunk group



Yang, another of Sudin's matrilineal parallel cousins, again in *tangkap basah*. She and Yang are also matrilineal parallel cousins (Figure 15). According to the matrilineal *adat* of Kampung Durian Tawar, neither marriage is permissible, as they each involve incest within a matrilineal descent group (*nyumbang*). Sudin also remarried. His second wife is also a member of his matrilineal descent group and is one of his nieces. She was about fourteen years old when they married. As well as being a cross-generational match, the Kampung Durian Tawar *adat* views their relationship as incestuous (*nyumbang*) and forbids their marriage. As mentioned earlier, Aki Main and his followers observe their own bilateral *adat*, which is indifferent to the membership of a matrilineal descent group. They simply decided that Sudin and Yang's marriages are *sumbang* but permissible.

The *adat* group often cites such cases of incorrect marriage as evidence of defiance to the Kampung Durian Tawar *adat*. The *adat* leaders do not

Figure 16
Incorrect marriages in the religion group



intervene in marriages in the drunk group. Even for *tangkap basah* cases, the *adat* leaders do not hand down fines; the drunk group does not bring the cases before the *adat* leaders in the first place. Aki Main and his followers continue to conduct rituals without consulting the *adat* leaders, and he presides over the rituals as the leader of the drunk group.

Religion Group

Kedai is not a convert to Islam but is closely related to the religion group. He is married to an elder sister of Konchon (Figure 16), whom I discuss in the next section. Many villagers claim that their marriage is incorrect. First, Kedai and his wife are a generation apart. Second, Kedai's wife is said to have fallen into a state of madness (*gila*) as a result of the marriage. Her daughter is also said to have suffered the same fate after seeing her mother in a deranged state. Kedai's wife had several miscarriages and one of their sons is speech-impaired. Villagers often talk of the family's ordeal as retribution for their incorrect marriage.

Kedai's brother Katup is married to his patrilineal parallel cousin. A match between patrilineal parallel cousins is called a "hot" marriage (*kepanasan*) and is forbidden. Katup's wife is also said to be in a state of madness, which villagers again say was caused by their incorrect marriage. Islamic convert Haji Konin is married to a woman of a different generation. Their match is also considered an incorrect marriage. Haji Konin's father and his wife's grandfather are brothers.

Leting lost his wife to Aru (this is discussed in the next section). He later married one of his cousins. Leting and his new wife share a grandfather. As they have different grandmothers, the matrilineal *adat* does not object to their marriage but it is still incestuous. She is about twenty years his junior and has been divorced twice.⁵

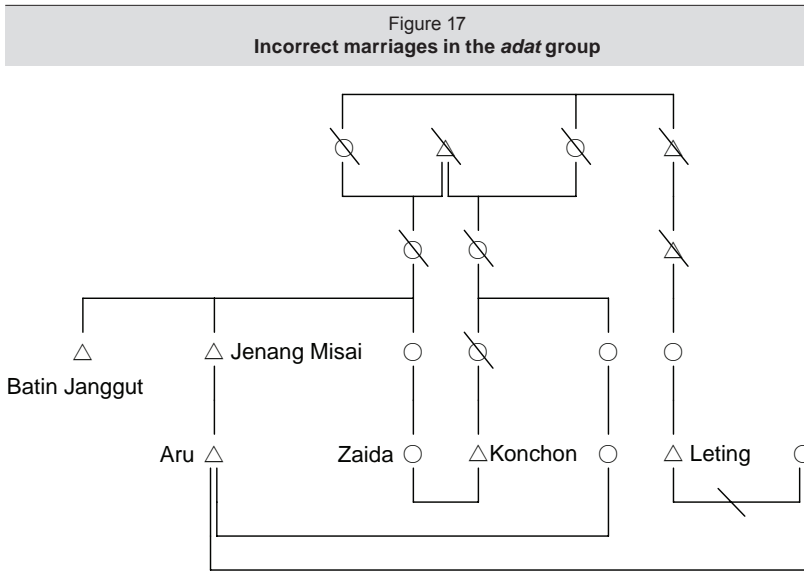
Merah's marriage, as discussed in the previous chapter, is *nyumbang*. Sexual relations within a matrilineal descent group and between an uncle and his niece are among the strongest of the taboos, both in Islamic law (as it applies to Muslims) and in the matrilineal *adat* of Kampung Durian Tawar. Merah's is a case of incorrect marriage in which marriage is in theory impossible. It is, indeed, an extremely bizarre marital relation when viewed in isolation. It is, however, possible to see it simply as "a blundered choice of partner" when viewed in the wider context of the religion group's marital network.

The religion group is over-represented by marriages between close blood relatives. This can be explained by the fact that they are poverty-stricken and have little interaction (*kurang campur*) with other villagers and outsiders. Batin Janggut says that the parents and kin should be sensible enough to give a warning before they "marry". However, the *adat* leaders refrain from interfering in the affairs of the Islamic converts even when they know that a couple is in an incorrect marriage. The members of the religion group, particularly those converts hostile to Batin Janggut, do not bring their disputes before the *adat* leadership, nor do they put the solution of their dispute into the hands of the Department of Islamic Affairs or the Malays around them. This means that such disputes remain unresolved.

Adat Group

Among the marriages in Figure 17, that of Konchon and Zaida has been discussed in the previous chapter. Their marriage is a match between matrilineal parallel cousins within a matrilineal descent group, one of the biggest taboos in Kampung Durian Tawar. Their relationship became known when Zaida became pregnant.

In another case, Aru, the son of Batin Janggut's elder brother Jenang Misai, who was married to his patrilineal cross cousin, entered into an adulterous relationship with the wife of his third cousin, Leting, and produced children. Leting did not seek compensation and the affair continued for a long time. In late January 1997 Batin Janggut handed down his ruling on the extramarital sexual relationship and imposed a fine. Leting and his wife promptly divorced and she and Aru married



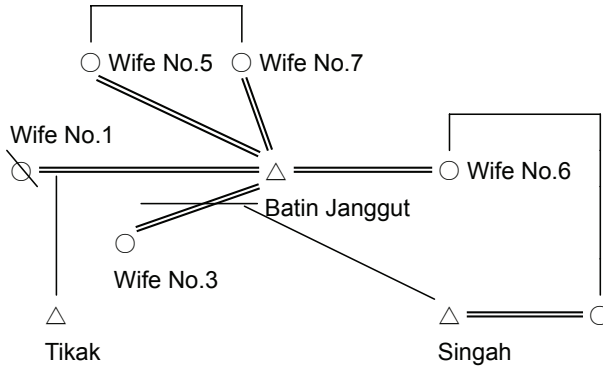
in a ceremony officiated by Batin Janggut. According to *adat*, Leting was entitled to seek compensation from Aru. Nonetheless, Leting was nowhere to be seen at either the ruling or the marriage ceremony. He was a drunkard who barely looked after his wife and children. Aru had supported Leting's wife and their children (though not Leting's children) since they started the affair.

At the ruling Batin Janggut said to those present that Aru's behavior was not commendable. However, he added that he was only human and that mistakes do happen. According to the Batin, the biggest problem in terms of *adat* would be if Aru was to continue the adulterous relationship. He went on to say that it was important that *adat* resolve the situation. He also explained that if resolved by *adat*, it would stop the circulation of rumor and slander. Marrying Aru and Leting's divorced wife resolved the adultery. From Leting's perspective, Aru was indeed guilty of the serious crime of stealing his wife. Leting apparently felt dissatisfaction against Batin Janggut's ruling, but did not publicly protest.

Batin Janggut

As far as incorrect marriage relationships are concerned, Batin Janggut is no exception (Figure 18). As of 1997 he is sixty-two years old and has had

Figure 18
Incorrect marriages of Batin Janggut



seven wives. They have given him a total of thirty-three children, some of whose names lapse from his memory. Some of his wives are deceased or have been divorced, leaving three women currently considered to be his wives. They are Batin Janggut's fifth, sixth and seventh wives. The fifth and seventh wives are sisters, and his sixth wife is the younger sister of the wife of his son, Singah, from his marriage to his third wife.

Batin Janggut married his sixth wife when he was in his forties and she was approximately twenty. She became pregnant before the marriage. Batin Janggut's relationship with the young woman caused immense scandal in the local Orang Asli community (to make matters worse, she was the younger sister of his son's wife). Islamic law forbids marriage within an affinity.⁶ Singah interpreted the situation as "his mother (his father's third wife) being dumped". He strongly objected to the marriage, as did Tikak, a son from the Batin's first marriage.

Singah and Tikak (at the time an employee of the JHEOA) went directly to Baharon, the then Director-General of the JHEOA, seeking that the marriage be suspended. Taking no heed of their plea on the grounds that Orang Asli are not Malay, Baharon kept his distance from Batin Janggut's marriage. He later informed Batin Janggut of his sons' plea. Baharon was correct to state that, unlike Malays, Batin Janggut did not have to follow Islamic law. The Batin himself was well aware that his marriage was a violation of Islamic law and that it was incorrect. He considered these

circumstances and chose to explore how to use *adat* in order to find a compromise with the Muslim Malay view of marriage.

Batin Janggut followed the *adat* of Kampung Dalam, the birthplace of his new wife. He paid a fine to the Batin of the village before marrying her. Batin Janggut and the Batin who passed judgment on him were close kin. The latter was the former's son-in-law (*menantu*), the husband of his step-daughter (*enek betina tiri*). That aside, Batin Janggut made a case that he had admitted his incorrectness and that he had at least been sanctioned according to *adat*.

Later, Batin Janggut “married” his seventh wife, his fifth wife's sister. A pregnancy preceded this marriage also. Islamic law prohibits concurrent marriage with sisters. As mentioned earlier, Batin Janggut's grandfather, Batin Bongsu, married two sisters, but this did not contravene Islamic law. Batin Janggut's marriages were prohibited because he was married to both sisters simultaneously. Singah and Tikak opposed the marriage on the grounds that it conflicted with Islamic law (the Malay view of marriage). This case, too, was resolved when the marriage was approved following a procedure of *adat* sanctions similar to those for his sixth marriage.

As a consequence, Batin Janggut and his third wife divorced. His opponents accuse him of dumping the old wife in order to replace her with a younger one. The Batin's repeated incorrect marriage offences estranged him from his son Tikak (from his first marriage) and his children from his third marriage. The divorce further strained their relationship. The discord between Batin Janggut and his children over his incorrect marriages continues today.

Rethinking Orang Asli Adat

According to Miyazaki (1999: 305), *adat* in its contemporary sense is often taken to be a synonym for “indigenous tradition”. He argues that today's *adat* is antithetical to modernity as a whole, if “indigenesness” is to be defined in contraposition to anything. If Orang Asli *adat* is to be seen as an indigenous tradition, the indigenesness of the *adat* of Kampung Durian Tawar must be redefined in opposition to modernity, which is, specifically, Islam and the state.

Village Adat

My household survey in Kampung Durian Tawar included the following question: “What is your religion (*ugama*)?” Most villagers answered, “I have no religion (*tidak ada ugama/nyap ugama*)”. Their traditional belief is recognized as a belief but not as a religion. The JHEOA classifies their

religious beliefs as animism. In the face of being defined by outsiders and in particular by aggressive Islamization, I suggest that the villagers first came to use *adat* to arm themselves against such forces.

Batin Janggut named those villagers who followed *adat* as the *adat* group. This was an effective means of reconstructing their identity centered on *adat*. Having until then had no terms to identify themselves except as “having no religion”, the villagers embraced the claim, “We belong to the *adat* group”. The Batin placed the religion group and the drunk group in opposition to the *adat* group.

Because of the Islamic and Christian converts, the villagers of Kampung Durian Tawar face a dilemma over how to conduct wedding and funeral rites. In situations relevant to *adat*, Batin Janggut places *adat* in opposition to Islam and Christianity. In other words, he considers the *adat* of his village to be comparable to, and therefore nothing less than, a religion.

Batin Janggut strongly asserts to the drunk group that the *adat* of Kampung Durian Tawar is matrilineal. Different *adat* naturally bring about different interpretations of an incorrect marriage. Reminding the drunk group that its *adat* is outside the community, the Batin stresses that matrilineal *adat* is the rightful set of rules to be observed.

When the *adat* leaders punish offenders within the *adat* group for incorrect marriages, it serves to demonstrate that they follow *adat* both inside and outside the community. The self-punishment does have an effect, even if outsiders may see it as a self-centered interpretation of *adat*. Their execution of *adat* ultimately works as a buffer against intervention by Islam and the government. The *adat* leaders stop short of imposing sanctions against those faithful to other laws, even if they are in incorrect marriages. This can be seen to weaken Batin Janggut’s influence, but it is more important to note here that different sets of norms are openly observed in the village. This phenomenon is not exclusive to Kampung Durian Tawar. Many Orang Asli communities are polarized into the Islamic converts, Christian converts and pagan/animists (including those who follow *adat*). In some cases, people even move residence to form segregated areas within the same village.

Incorrect Marriage

As they have little contact with outsiders, the Orang Asli tend to marry within their kin. This phenomenon is foremost a result of the social distance caused by economic disparity, discrimination and religion, rather than the living environment that isolates them living deep in the forest. In

the region discussed here, the Orang Asli populations are small and the residents are closely related. With this demography, it is not surprising that incorrect marriages occur that should otherwise be prevented by *adat*.

Batin Janggut handles these situations by using *adat* to legitimize an incorrect marriage. Since there is little that the Batin can do to prevent the violation of *adat*, he evades criticism by using punitive sanctions as a form of “ritual of atonement” (cf. Uchibori 1973: 165) to demonstrate to the outside world that the case complies with *adat*. Batin Janggut’s rationale is that an incorrect marriage is cleared of wrongdoing once it has been punished by *adat*. The incorrect marriages within the *adat* group, including his own, have been dealt with under this principle.

Adat is rarely applied to incorrect marriages in the drunk group and the religion group. Incorrect marriages in these two groups do not go through the ritual of atonement of an *adat* sanction. This presents a grave problem to the *adat* leaders, who are the officiators of rituals, because there is no way to evade the danger to the community brought about by the violation of the norms that forbid incest (cf. Uchibori 1973: 165-66). However, in order to avoid unnecessary tensions, Batin Janggut’s *adat* leadership stays clear of incorrect marriage in these groups. Particularly with regard to incorrect marriage involving a convert to Islam, the *adat* leaders express their non-interventionist stance to avoid confrontation with the state authority, which, they perceive, is behind the scene.

Each incorrect marriage case asks about the rightful law of Kampung Durian Tawar. Batin Janggut argues that it is the matrilineal *adat*, as opposed to the alien bilateral *adat* of the drunk group and the Islam of the religion group. The real state of affairs in Kampung Durian Tawar, however, is much worse than the traditional *adat* can cope with. Tikak and Islamic converts stand against Batin Janggut. Backed by the government, they are not only defiant of *adat* but also increasingly critical of the Batin’s *adat*-based method of dispute resolution. The drunk group, onside with Tikak, conducts its own rituals without following *adat*.

The population to which *adat* applies is in decline, a fact that attests that Kampung Durian Tawar’s *adat* is being redefined. The legitimization of a violation through sanctions is a declaration that *adat* followers, or the *adat* group at least, will resolve their own disputes independently and without the intervention of alien laws. In connection with this, the decreasing population to which *adat* applies means elimination from the majority *adat* group of those dissenters who belong to the drunk group and the religion group.



Plate 71: Ritual for the learning of the *adat* Before learning the *adat* from Batin Janggut, candidates who want to be *adat* leaders, including myself, got together in the Batin Janggut's house for the 'learning of the *adat*' ritual. The number of candidates was restricted as the knowledge of the *adat* is a secret one. We had lessons on the *adat* every night for almost a month. [NT-1998]

Politics and Adat

Batin Janggut was once backed by the JHEOA. To justify his authority, in village politics he used *adat*, which was the one and only absolute law in the village. Knowledge concerning *adat* was the monopoly of the *adat* leadership and no one other than successors to the leadership titles could learn it. To the outside world, the villagers' conformity to *adat* proved Kampung Durian Tawar to be an "orderly" society. In its development drive, the JHEOA took the view that vesting Batin Janggut with authority would lead to a smooth implementation of the projects.

The situation, however, has changed remarkably. The JHEOA began to promote Islamization more aggressively and grew impatient with Batin Janggut's refusals to accept Islam. There has even been a rumor that the JHEOA would appoint Batin Janggut's son Tikak as the Batin in the next term. Since losing the backing of the JHEOA, Batin Janggut's authority has been in such decline that the drunk group and some other villagers openly defy him.

Sensing the coming crisis, Batin Janggut told the village council that the succession of *adat* leadership had to follow the matrilineal principle of *adat*, thereby denying his son Tikak and Aki Main's candidacy as *adat* leaders. This was an expression of Batin Janggut's resistance against the JHEOA's power to appoint a Batin. He guarded himself by emphasizing

that the Batin-ship of Kampung Durian Tawar must be succeeded under *adat*.

In contrast to Batin Janggut, young leaders within the *adat* group have been using the Batin's authority and the lawfulness of *adat* to increase their political influence. Batin Janggut has approved them as legitimate successors to the *adat* leadership. Here Batin Janggut's tactics using *adat*, some concealed and others not, are evident. Indeed, the young leaders give their support to Batin Janggut, who approves their power, and any support they might have offered Tikak is further diminished. The village politics of Kampung Durian Tawar now present confrontations between Tikak and the young leaders, as well as between Batin Janggut and Tikak.

However, it is important to note here that *adat* today is not what it once was. It is no longer linked with government authority. Sometimes it even represents an ideology that opposes the government. Since he lost the backing of the JHEOA, Batin Janggut has been reiterating to the young leaders that the village has *adat* and therefore does not need Islam. When I revisited Kampung Durian Tawar for a short period in March 2001, I found that people once on the periphery of the *adat* group had converted to Christianity. Although the exact reasons for this are unknown, it is feasible that the so-called people of "no religion" found themselves unable to identify with the *adat* group and, being unwilling to convert to Islam, were subsequently converted by their nearby Christian relatives.

Aru's first wife converted to Christianity because her sisters and brothers had converted. Her conversion resulted in their divorce. Their children were taken into the custody of Aru and his second wife. When I was revisiting Kampung Durian Tawar, one of the children attempted suicide by consuming agricultural chemicals. Perhaps the villagers had these sorts of cases in mind when they tried to explain the misfortune caused by an incorrect marriage.

A booklet on Orang Asli culture jointly produced by UNICEF and Malaysia's Ministry of Education states that the *adat* of Kampung Durian Tawar is also used in Temuan society.⁷ This is because primary school teacher Genreh was involved in the preparation of the booklet. This booklet was used as evidence for the government in a court case between the Temuan in Selangor and the government over a piece of land (Colin Nicholas, personal communication in 1998). According to Nicholas, the government used the matrilineal *adat* of Kampung Durian Tawar as Temuan's *adat* for its argument that a Temuan land claim was void. However, the land had been inherited under bilateral *adat*, which the Temuan in Selangor insisted was their *adat*.

Adat has proven effective against Islam but it is now obviously being abused in a different context. In other words, the matrilineal *adat* of Kampung Durian Tawar is being codified as representative of all *adat* among the Temuan, diminishing the diversity of bilateral *adat* down to one fixed set of matrilineal *adat*. This indicates the birth of the official *adat*.

Notes

1. Among the studies of *adat* in Malaysia, the matrilineal *adat* of the Minangkabau-descent Malays in Negeri Sembilan is well known (e.g. De Jong 1952, 1960; Swift 1965; Hooker 1970, 1972; Tomizawa 1984, 1986; Pelez 1988; Norhalim 1988; Kuwahara 1998).
2. When placed against the national religion of Islam, the Orang Asli *adat* is their “community religion” (cf. Maeda 1976).
3. Shamsul has pointed out that UMNO and JKKK have become closely linked in development projects since the New Economic Policy (or Bumiputra Policy) (Shamsul 1986). Being a branch president of UMNO and/or a committee member of JKKK is effective when seeking the government’s approval for various applications.
4. Aid bodies include PPRT and the Amanah Saham Bumiputera (Bumiputra Investment Trust), which offer 5,000 ringgit loans. Although the aid recipients are mainly Malays, the Orang Asli are also eligible.
5. Each of her previous “marriages” (each of which was simply a cohabitation lasting only a week) were to Chinese men. It is understood that Leting and the young girl became “husband and wife” under *tangkap basah*, which was established by Katup catching Leting in the act of sneaking to her bed. There was no wedding ceremony.
6. Islamic law identifies the categories of affines and consanguines that a person is prohibited from marrying. People with whom a person has established an affinal relationship and with whom it is prohibited to marry include parents-in-law, step-parents and step-grandparents, step-children and sons- or daughters-in-law. The consanguines who are barred from marriage to an individual consist of one’s own parents, grandparents, children, siblings, nieces and nephews, and uncles and aunts (Sharifah and Sven 1997: 39–40).
7. Kementerian Pendidikan Malaysia & UNICEF, 1998, “*Budaya, Pantang Larang dan Amalan Kesibatang Orang Asli Semenanjung Malaysia*”.