

MALAY RESERVATION : A MALAY DILEMMA

BY

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IBENARAH

Preface

The aim of the thesis is to investigate the extent to which the legal system generally and the Malay Reservation Enactments in particular operate in West Malaysia as a constraint on the free flow of development. To see how far one could generalize from these experiences and to make such proposals for reform as seemed appropriate. To achieve those aims, it has been necessary to proceed far beyond a study of formal laws alone and to investigate also government policies and the needs and interest of the Malay Community.

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It remains only to state that the opinions expressed in this thesis are mine. They must not be taken to represent the views of individuals or organisations who have assisted me. Also, all remaining errors are entirely mine.

Abstract

The basic aim of the Malay Reservation Enactment was the perpetuation of the ownership of lands under Malay settlement and cultivation in the hands of the Malays and hence the preservation of the social, economic and physical intergrity of the Malay peasantry.

However the role of the Malay Reservations in the overall protection of Malay interest in rural and urban land ownership is questionable.

The prohibition of dealings in Malay Reservation by non-Malays effectively created a category of agricultural land different from non-Reservation holdings in terms of the commercial value of the holdings. The insulation of Malay Reservation from non-Malay influence and dealings debarred the Malay owners from mortgaging their land to non-Malay moneylenders. Since Malay moneylenders are rare due to the fact that the Islamic religion prohibits Moslem from accepting interest on loans, therefore the Malay Reservation land owners are deprived of

this source of credit which hampers the proper development of Malay Reservation.

Although Malaysia has adopted a free economy and a property owning society, leaving the distribution of wealth to market forces, she has also realized that a completely free economy will lead to undesirable results. The clear inequality of wealth among the ethnic groups and between the haves and the have nots must be narrowed if not abolished altogether. To set the Malay peasant on the road to economic progress requires changes in his habits of thoughts and attitude as much as alterations in the land codes and Enactments and economic policies.