

**THE APPLICATION AND IMPLEMENTATION OF
ADAT PERPATIH**

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The students/authors confirm that the work submitted is their own and that appropriate credit has been given where reference has been made to the work of others.

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ABSTRACT

This project paper is concerning the Adat Perpatih which only being practice in Negeri Sembilan. The fact that this particular law which is a customary law only being practice in this particular state really attracts us on how it can be applied and implemented for such generations. There are two main objectives of this study, firstly, to study the applicability of Adat Perpatih in Negeri Sembilan especially in this modern era.

As we know, Malaysian Legal System comprises of several limbs of law which governs the whole citizen in our country. We seek to analyze what is Adat Perpatih itself. It is important to determine whether or not Adat Perpatih is really being practiced in this particular state of affairs. In addition, there exist no clarity and certainty to what extent Adat Perpatih is relevant nowadays. Therefore, this study is aimed at discovering the establishment of Adat Perpatih pursuant to its application in Negeri Sembilan and also to Malaysia in general.

Secondly, to compare Adat Perpatih in Negeri Sembilan with our Land Law and Law of Succession as regards to family law, appointment and position of Yang di Pertuan Besar, the rule of succession and few other types of law which Adat Perpatih governs. We are going to critically view this issue of Adat Perpatih from variety angles of our type of law as mentioned above.

In the end of this project paper, conclusion will be made and recommendations will be proposed based on the findings of the research with the hope to increase awareness of existence of this particular law in our Malaysian Legal System and also to what extend this types of law really works in this present days.

TABLE OF CONTENTS

Acknowledgement	ii
Abstract	iii
Table of Contents	iv
CHAPTER ONE: INTRODUCTION	
1.0 Introduction	1
1.1 Problem statement	3
1.2 Objectives of the Study	4
1.3 Limitation of the Research	4
1.4 Significance of the Study	5
CHAPTER TWO: LITERATURE REVIEW	
2.0 Introduction	6
2.1 History of Adat Perpatih in Negeri Sembilan	6
2.2 The Rulers and Administrative Bodies	7
2.3 History of Modern Negeri Sembilan	9
CHAPTER THREE: HISTORICAL BACKGROUND OF ADAT PERPATIH IN NEGERI SEMBILAN	
3.0 Introduction	11
3.1 Land Law	
3.1.1 Tanah Adat	13
3.1.2 Adat 'Kadim'	16
3.2 Law of Succession	
3.2.1 The Administration of Adat Perpatih	17
3.2.2 The Appointment of Rulers	19
CHAPTER FOUR: APPLICATION AND IMPLEMENTATION OF ADAT PERPATIH	
4.1 Introduction	23
4.2 Adat Leadership in Negeri Sembilan	24
4.2.1 Different Administration on Adat System	25
4.2.2 Matters on Adat System and Example of Case of Kampong Selemak	26
4.2.3 Emergence of Abandoned Paddy Field and 'Tanah Pusaka'	30
4.3 Codification of Adat Perpatih	32

CHAPTER ONE:

INTRODUCTION

1.0 INTRODUCTION

We do admit that adat perpatih is a settled law but in our research, we focus more on these 2 controversial fields of law of adat perpatih which are Land Law and also Law of Succession especially in terms of appointment of rulers, its administrative bodies and also law relating to tanah adat.

Firstly, it is important for us to know about Negeri Sembilan. Negeri Sembilan is a state in the southwestern part of Malaysia, bordered by the states of Melaka, Johor, Selangor, and Pahang. Negeri Sembilan is in the region called West Malaysia (Peninsular Malaysia) and covers an area of about 6500 sq km.¹ Negeri Sembilan lies almost completely inland and has only 48 km of coastline, which includes Port Dickson. Its main crops are rice, fruit, and rubber, and the state is linked to the national east-west highway. Seremban is the capital city of Negeri Sembilan.²

The history of Adat Perpatih in Negeri Sembilan started when the tribal chiefs of the state are descended from Minangkabau leaders who came from Sumatera in the 14th century, bringing a matrilineal social system embodied in the Adat Perpatih laws. This means that property is inherited through the female line. Negeri Sembilan also has the distinction of being a federation within a federation. Its name means “nine states,” referring to a loose federation formed in 1773 which came under British protection in 1874, before becoming one of the Federated Malay States in 1895.

¹ “Negeri Sembilan” Encyclopedia Britannica <http://www.britannica.com/13.December,1999> as accessed on 12 February 2009.

² Swift, M.G. Malay Peasant Society in Jelebu, New York: Humanities Press Inc. 1965.