THE ROOTS OF INTANGIBLE CULTURAL HERITAGE AMONGST THE MALAYS OF NEGERI SEMBILAN, MALAYSIA: THE CUSTOMARY LAW OF ADAT PERPATIH

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The Roots of Intangible Cultural Heritage amongst the Malays of Negeri Sembilan, Malaysia: The Customary Law of Adat Perpatih

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Abstract

This thesis centres on *adat perpatih,* the customary law of the Malays of Negeri Sembilan in Malaysia, within the intangible cultural heritage context. Most of the existing literature focusing on *adat perpatih* strongly focuses on its emphasis on the female line in inheritance of property, social organisation, political structure, gender relation, etc. This research, however, investigates the significance of the customary law of *adat perpatih* to the local Malays of Negeri Sembilan by examining it in the context of contemporary heritage and identity dynamics in Malaysia. The thesis looks at the predominant practices in *adat perpatih* and their roles, before examining local and other perceptions, treatments and experiences of *adat perpatih* and considering approaches to its future. The research is centred on a case study of a specific community in Negeri Sembilan, located in Seri Menanti. Drawing on ethnographic fieldwork as well as the investigation of other resources, data were collected using participant observation and in-depth interview, and examined using thematic analysis.

The main finding is that local community understandings of *adat perpatih* and its place as a part of Malay intangible cultural heritage are different from government perceptions. The Malays regard *adat perpatih* as part of their tradition, history, and culture. There are also different types of approach to safeguarding activities. In particular, the government has a top-down approach to preserving cultural heritage, whereas the local community go about it from the bottom-up.

The thesis reflects on these differences and on the ways in which the different perspectives do and could inform each other in safeguarding Malaysia's cultural heritage. This thesis concludes by proposing further research from different fields of studies in order to further the understanding of *adat perpatih* and to help the government better understand local community perspectives on safeguarding and sustaining *adat perpatih*.

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LIST OF ABBREVIATIONS

ICH	Intangible Cultural Heritage
UNESCO	United Nations Educational, Scienific and Cultural Organisation
ASEAN	Association of Southeast Asian Nations
ICOMOS	Internation Council on Monuments and Sites
MYR	Malaysian Ringgit
GBR	Great Britain
NEP	New Economic Policy
NDP	New Development Policy
GDP	Gross Domestic Product
PROTON	Perusahaan Otomobil Nasional (National Automobile Company)
PETRONAS	Petroliam Nasional Berhad
GTP	Government Transformation Programme
ETP	Economic Transfer Programme
NEM	New Economic Model
NGO	Non-Governmental Organisation
BWM	Badan Warisan Malaysia
WHC	World Heritage Convention

CHAPTER ONE
INTRODUCTION

'*Biar mati anak, jangan mati adat*'
'Let the child die but do not let the customs be vanquished'

The above is the most popular customary (*adat*) saying used in Negeri Sembilan as well as in the other parts of Malaysia. It expresses the desire and duty of Malaysian society to preserve the customs (*adat*) that have been transmitted from the ancestors, from one generation to the next. The saying brings about different reactions – mixed feelings, even – with some people understandably questioning the appropriateness of putting children second for the sake of *adat* (Adnan, 2009). There is a view that *adat* is old – even ancient – in a negative sense, too out-dated to be practised in the modern world. However, according to some scholars of *adat* it seems that society at large does not have sufficient knowledge of the notion and practice of *adat*, and this leads to misunderstandings as well as a decrease in *adat* practices in contemporary society (Selat, 2007, p.202). Yet, from the perspective of the practitioners of *adat,* the saying conveys something different. Adnan (2009) mentions that *adat* has successfully guided the lives of Malaysians in terms of laws, rules, and guidance in their everyday lives. For example, if someone commits a crime and is found guilty, he should be punished as is expressed in the customary saying, "*Yang membunuh, membangunkan; Yang menjual, memberi balas*" ['those who destroy shall repair; those who kill shall rebuild; and those who (cheat in their) trade shall compensate']. In general, '*anak*' or a child is considered as an important part, or to some extent the property of a family. However, this does not come with the privilege of being spared from punishment due as a result of any wrongdoings. Thus, '*biar mati anak*' shows that no one is excused [if he or she is guilty], as the '*jangan mati adat*' itself comprises the rules that must be followed and obeyed by everyone. Justice must be observed equally, even if the offender is our own child. From this viewpoint, it is not only the saying that makes sense. It is the saying's expression of *adat*'s embodiment of what it is to be a Malay.

This study is concerned with the customary law of *adat perpatih* in the Negeri Sembilan region of Malaysia and, in particular, with its relationships to Malay-ness in contemporary Malaysia and its place in national and wider debates on intangible cultural heritage (ICH). *Adat perpatih* is one of two forms of customary law (*adat*) that govern the lives of the Malays in Malaysia. *Adat perpatih* is practised by the Malays of Negeri Sembilan as well as those in some parts of Melaka (especially Naning) (Mohamed Ibrahim, 1968). The other form, *adat temenggung*, is practised by most of the Malays from the other states in Malaysia (Minattur, 1964; Peletz, 1996). Both of these *adats* are regarded as one of the key characteristics of the Malays in Malaysia, customarily adhered to in every aspect of life and providing the Malays with the underpinning of their identity from the mutual perspectives of outsiders and themselves.. Both *adats* originate outside Malaysia: *adat perpatih* is said to have been founded by Datuk Perpatih Nan Sebatang (the Minangkabau lawgiver), and was first practised in Bodi-Caniago, a part of Minangkabau Island in West Sumatra; *adat temenggung*, on the other hand, was initiated by Datuk Temenggung of the Koto-Piliang (in the same area); the two Datuk were known to have been brothers (Andaya, 2008, p.89).

Adat perpatih in particular was then brought into Negeri Sembilan as a result of the migration (*merantau*) of immigrants from Minangkabau Island to the Malay Peninsula. There are many versions of the exact time when this important event took place, or began. For example, Collins (2002, p.98) mentions that the coming of the Minangkabau immigrants was popularly believed to have started as early as the thirteenth century CE, while Peletz (1996, p.15) states that they begin to arrive during the 1500s or perhaps earlier. In contrast, Andaya and Andaya (1982, p.91) claim that the newcomers started to settle down in the Malay land in the eighteenth century, as a result of pull factors such as attractive economic opportunities and the chance to pursue a better way of life. The Minangkabau immigrants settled in Negeri Sembilan, particularly in the district of Rembau during the early years of migration, as well as in the district of Naning in Melaka. Their common practice of *merantau* is a temporary or permanent migration abroad. It led to a rise in the number of the Minangkabau immigrants in Negeri Sembilan, and hence the formations of the nine small states that become the namesake of Negeri Sembilan today (Andaya and Andaya, 1982, p.94). *Adat perpatih* became

more prominent in Negeri Sembilan with the coming of the prince of Minangkabau, invited by the Negeri Sembilan people to be their leader (Minattur, 1968, p.55).

In keeping with this West Sumatran Minangkabau ancestry, *adat perpatih* is a matrilineal system that recognises the female line (from the mother's side) and is usually practised amongst the village community (Andaya, 2008, p.89). On the other hand, *adat temenggung* follows the bilateral rule of descent together with a patriarchal pattern of inheritance from the father's side, and is usually associated with Islamic laws (*Shariah* law), especially in relation to inheritances and successions (Andaya and Andaya, 1982, p.95). Both *adat perpatih* and *adat temenggung* cover rights to property, rank and other privileges in traditional Malay society (Drakard, 2004, p.887; Nagata, 1974). Despite the differences between the two, *adat temenggung* and the Malays who identify themselves with it, are also assumed to be of Minangkabau origin and to have evolved from the same ancestral culture as the Malays of Negeri Sembilan. It is also generally agreed that their forebears established permanent settlements in various areas of the Peninsula long before the ancestors of the Malays of Negeri Sembilan began their emigration from the Minangkabau areas of Sumatra (Peletz, 1996, p.15). However, there are also other views, in particular that *adat temenggung* originates instead from Palembang (Tan-Wong, 1992, p.9), and was brought in by the Minangkabau immigrants (Mohamed Ibrahim, 1968, p.52).

Studies of *adat perpatih* as part of the Malay *adat* laws have been carried out by several prominent scholars, beginning from the early nineteenth century (Rahman, 2006). For example, during the British colonial period, scholars such as Parr and Mackray (1910), Winstedt (1934) and a few others looked into the culture and customs of the Malays in Negeri Sembilan, particularly in relation to the customary law of *adat perpatih*. A few decades later, other foreign scholars such as Josselin de Jong (1960), Hooker (1974) and Nagata (1974), expanded this area of research, looking into the conflicts between the customary law (*adat*) and Islamic teachings, as well as the myth related to the formation of Negeri Sembilan (Josselin de Jong, 1975). Prior and subsequent to Winstedt and Josselin de Jong's contributions, other research has been carried out, such as on the *adat* and the constitution (Hooker, 1969; Hooker, 1971b), social change (Ibrahim, 1977), socio-political organization (Ibrahim, 1988; Gullick, 1981; Labi, 1969), and the

inheritance of customary land in Negeri Sembilan (Gullick, 2000; Abdul Manaf et al., 2013; Abdul Manaf, 2009; Kassim, 1989).

In prior research, too much emphasis is placed on the customary law when discussing *adat perpatih*, especially in relation to its political and administrative domains, property and inheritance, marriage and divorce, and ceremonial behaviour at the death of chief and others (Peletz, 1994, p.7). In response to that earlier emphasis, Peletz suggested that *adat perpatih* is not merely a set of customary laws but also includes other practices or activities such as matters related to kinship, building and architecture, honey collecting, shamanism and traditional healing, as well as everyday etiquette. Certainly, the concept of *adat perpatih* amongst the Malays in Negeri Sembilan is not restricted to customary law alone but goes far beyond it – indeed, beyond what has been described and defined in the existing literature. It is therefore necessary for the concept of *adat perpatih* to be revisited and redefined, in order for people to have a better understanding of it, especially in the future. Peletz (1987) expanded the scope of his research in conducting studies on Malay life in Negeri Sembilan, such as by looking into the exchange of men in Negeri Sembilan during the nineteenth century, and the traditional healing rituals that are practised by the Malays (Peletz, 1988a). He also compared the kinship system between the Malays of Negeri Sembilan and the Malays from the other states in Peninsular Malaysia, based on the two major *adats* (*adat perpatih* and *adat temenggung*) (Peletz, 1988b; Peletz, 1994). Ibrahim (1977) also focused on the kinship system of the Malays of Negeri Sembilan, examining the influence of education, politics and economic institutions on traditional kinship patterns in matrilineal society.

Apart from the discourse on the social, political, kinship and the customary law of Negeri Sembilan, other elements of Negeri Sembilan's intangible cultural heritage, such as music, have been studied by scholars. For example, Collins (2002) discusses traditional Malay Minangkabau music in both Negeri Sembilan and Indonesia's Sumatra Island. In Negeri Sembilan, *bongai* – which has the similarity with *rabab Pasisia* in West Sumatra – is performed in the small town of Tanjung Ipoh. Even though these forms of traditional music have different names, there are evidences of Minangkabau cultural influence in both. Other scholars such as Kassim (1988; 1992) and Midawati and Buang (2014; 2015) have looked into the roles of women and gender

relations in *adat perpatih* in Negeri Sembilan, as well as the way women play their roles in ensuring the continuity of *adat perpatih*.

In contemporary Malaysian society, only minimal aspects of *adat perpatih* are generally followed although Juhary claims these are considered as the primary way of governing and managing the lives of Malay society in Negeri Sembilan (2011) during the Golden Age of the Malay Sultanate era. In contrast, Abdul Manaf describes the system of *adat perpatih* today as seeming powerless and declining in influence (2009), increasingly challenged by the realm of comparative laws (Hooker, 1973), particularly national law (Nijar, 2013). For example, the concepts of sharing and communality were no longer used after the establishment of the customary lands act (Abdul Manaf, 2009). Rahman (2006, p.3) also argues that the contemporary fate of *adat* is the result of our failure to grasp its nature and historical basis. In addition, the dynamics of social, economic and cultural change that affect the Malays in Negeri Sembilan become another factor impacting on the practices of *adat perpatih*. For example, McAllister (1991) concludes that the changes in *adat perpatih* amongst the communities in Negeri Sembilan are due to the Malaysian government's growing focus on economic improvement and the resulting transition to capitalist patterns of development. A dependency on economic trends, such as in wage-labour relationships as well as reliance on the cash economy, was encouraged and supported by the government's new economic policies and forms. Indirectly, it influenced the *adat perpatih* community to relocate themselves from their original places to urban areas and industrial zones, as a way to fit in to the contemporary setting. Through such population mobility and changes in residence patterns, the practice of *adat perpatih* has been threatened and subject to change and abandonment.

Shamsul Amri (2007, p.257) has suggested in his writings that *adat* and its importance in Malaysian society could be preserved in the context of heritage and heritage studies, sustaining *adat* as a reference for future generations. Therefore, a central part of the framework for this study is provided by a critical awareness of the growing concerns within national and the international communities (Lenzerini, 2011; Lees, 2011; UNESCO, 2008) around safeguarding intangible cultural heritage, and by the range of approaches to this amongst cultural heritage practitioners and scholars (Lixinski, 2013; Ruggles and Silverman, 2009; Mupira, 2009; Ahmad, 2006; Brown, 2005). This

growing interest in intangible cultural heritage as well as the raising of awareness about it around the world as a result of the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage, has also led to considerable research and debate on the relationship between the intangible and the tangible cultural heritage (Harrison, 2013; Smith and Akagawa, 2009b; Aikawa-Faure, 2009; Skounti, 2009; Schofield, 2008; Ahmad, 2006; Kirshenblatt-Gimblett, 2004; Hitchcock and King, 2003). In common with wider international trends, in Malaysia serious attention has been focused on cultural heritage matters at multiple levels of society, from central and regional government, through international (including the United Nations Educational, Scientific and Cultural Organization, or UNESCO) and national non-governmental agencies, universities and schools, practitioners as well as local communities (Mohd Yusoff et al., 2010; Wahab, 2005). In 2005, the Malaysian government introduced the National Heritage Act, a legal framework for the preservation of any form of Malaysian heritage, tangible or intangible.

Thus, this research project is concerned with the customary law of *adat perpatih* in Negeri Sembilan, in the context of intangible cultural heritage in contemporary Malaysia. The study of *adat perpatih* among the contemporary Malay community in Negeri Sembilan contributes to greater understanding of the fluid but enduring, unique culture of this region. It does so especially by bringing in the local perspectives of those who still practise *adat perpatih* today. Moreover, the careful collection and analysis of these perspectives, and their interpolation with those of others – including government – enables a more nuanced and sensitive reading of *adat perpatih* as Malaysian intangible cultural heritage. Thus, this study may add to academic studies of cultural heritage and its local and wider significances, to understandings of the role of *adat perpatih* in being Malaysian, and to policy-making and heritage safeguarding amongst local authorities, government agencies and the NGOs concerned with cultural heritage in Malaysia.

1.2 Research aim and objectives

This research aims to investigate the significance to the local Malays of Negeri Sembilan of the customary law of *adat perpatih*, examining it in the context of contemporary heritage and identity dynamics in Malaysia. To achieve this aim, the following research objectives and questions were formulated:

1. To identify *adat perpatih*'s predominant practices and roles amongst the Malays of Negeri Sembilan.
   i. What are the predominant practices of *adat perpatih* that are still being practised by the Malays of Negeri Sembilan?
   ii. How do these practices appear to have changed in contemporary and recent times, and how can the significance of *adat perpatih* in Malay life over time be critically understood?
   iii. What, if any, is the relationship between these practices and Malay ideas of what it is to be Malay? How, if at all, has this relationship changed over time?
   iv. What, if any, challenges have occurred and continue to be experienced by local Malays in the practice of *adat perpatih* and in what ways have they influenced the practice, practitioners and locales of *adat perpatih* in the present?
2. To investigate the perceptions, treatment and experience of *adat perpatih* by local Malays and others.
   i. How do the Malays of Negeri Sembilan perceive the place and role of *adat perpatih* in their lives and communities? To what extent do social change, relationships to place and generational differences impact on these perceptions?
   ii. How do the Negeri Sembilan state and the Malaysian national state governments regard and treat *adat perpatih* and its roles and significances?
   iii. Are there other significant actors (e.g. international agencies, tourists) whose perceptions and treatments of *adat perpatih* are also significant and, if so, who are they and what are their significant views and actions?

iv. To what extent, and why/why not do local Malays of Negeri Sembilan and other actors see *adat perpatih* as something that can and should continue to be practised in contemporary Malaysia?

3. To examine approaches, if any, to the future of *adat perpatih* in the Malay community.

i. What are the views and actions, if any, within the local Malay community and *adat perpatih* practitioners concerning continuity of the practices of *adat perpatih*?

ii. What are the views and actions on *adat perpatih*'s continuity, or preservation, of other actors outside the practitioner community, such as national and state governments and museums, etc.?

iii. Of the different meanings and values placed on *adat perpatih* and its roles by the different stakeholders, which dominate and how do the answers inform an understanding of contemporary dynamics around 'heritage', 'identity' and social change in Malaysia?

These objectives and research questions were derived subsequent to a critical review of the literature that was divided into four phases. In the first phase the literature review focused on heritage, particularly its definitions and uses by different stakeholders internationally, nationally and locally and from various academic perspectives, as well as the heritage values that were established in the local sphere. Through the second phase of the literature review, some material and resources from past were reviewed regarding identity, memory, community and location in relation to the contexts of government, museums and local community in Malaysia. Third, the literature review focused on the overview of Malaysian contexts of heritage. In the last phase, particular emphasis was placed on the discussion of *adat perpatih* as a form of intangible cultural heritage.

1.3 Methodological approach: overview

This research utilises ethnographic principles and is centred on a case study. It focuses on a specific community in Negeri Sembilan, located in Seri Menanti in particular. This community is of particular interest due to its close relation to the historical and origin of *adat perpatih* in Negeri Sembilan, symbolised by its architectural building of the Istana Lama Seri Menanti1 and the ongoing practices of *adat perpatih* amongst the Malays in this area. The project's field research was conducted over five months and involved collecting information through interviews with twelve research participants as well as participant observation. This period of immersive data collection enabled the objectives of the research to be met. The experiences and information gained from the fieldwork study were analysed through thematic analysis and are discussed in detail in Chapter Six.

1.3.1 Research location: Negeri Sembilan, Malaysia

Malaysia is situated in the heart of Southeast Asia, together with her close neighbours, including Singapore, Thailand, Indonesia and Brunei. Malaysia has thirteen states (Perlis, Kedah, Penang, Perak, Kelantan, Terengganu, Pahang, Selangor, Negeri Sembilan, Melaka, Johor, Sabah and Sarawak) and three federal territories (Kuala Lumpur, Putrajaya and Labuan). The capital city, Kuala Lumpur, is located in the centre of Peninsular Malaysia, while the country's federal administrative centre is Putrajaya. Malaysia is a federal constitutional monarchy, where the head of the state is the Yang di-Pertuan Agong (the King) with the Prime Minister as the head of the government.

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1 Negeri Sembilan architectural design is significantly influenced by the matrilineal system. Embedded with *adat perpatih* practices with mixed influence from the Minangkabau and the existing culture of Negeri Sembilan, most of the building and architectural design in Negeri Sembilan is recognisable by its roof shape. While the Minangkabau roof shape is associated with buffalo horns, the Negeri Sembilan architectural design has also, during its evolution, assimilated the curved roof structure style that can be seen in the Istana Lama Seri Menanti. The Istana Lama Seri Menanti was designed and built as the residence of Yang di-Pertuan Besar of Negeri Sembilan in the early 1900s and is located at the centre of Seri Menanti (see further Bahauddin et al., 2012; Masri, 2012; Abdullah and Wongso, 2007; Ismail et al., 2016; Shukri et al., 2020).

Negeri Sembilan is part of Peninsular Malaysia, covering an area of 668,476 hectares of land (Figure 1.1), sharing its boundaries with Selangor in the north, Pahang in the east, Johor in the southeast, Melaka in the south, and the Straits of Melaka in the west. It is located 50km from Kuala Lumpur, and is known for its historical association with the Minangkabau Kingdom and adoption of the customary law of *adat perpatih* (Masri, 2012; Collins, 2002). The name of Negeri Sembilan literally means 'nine states', which refers to the previous confederacy of nine minor states (also known as *luak*). These nine minor states are Sungai Ujong, Rembau, Johol, Jelebu, Naning, Kelang, Hulu Pahang, Jelai and Hulu Muar (Ibrahim, 1988, p.150). The capital town of Negeri Sembilan is Seremban, while the royal town is Seri Menanti, located in the district of Kuala Pilah.

Negeri Sembilan has its own ruler or king, known as the Yang Dipertuan Besar, who is crowned according to *adat perpatih* rules (Peletz, 1988b). The Yang Dipertuan Besar is elected by the councils of *Undang* from four main districts in Negeri Sembilan, namely the Luak Sungai Ujong, Luak Rembau, Luak Johol and Luak Tampin. The Yang Dipertuan Besar is responsible for matters involving the religion of Islam and Malay customs, while the Chief Minister (*Menteri Besar*) of the states is responsible for ruling the state as the representative of the federal government of Malaysia.

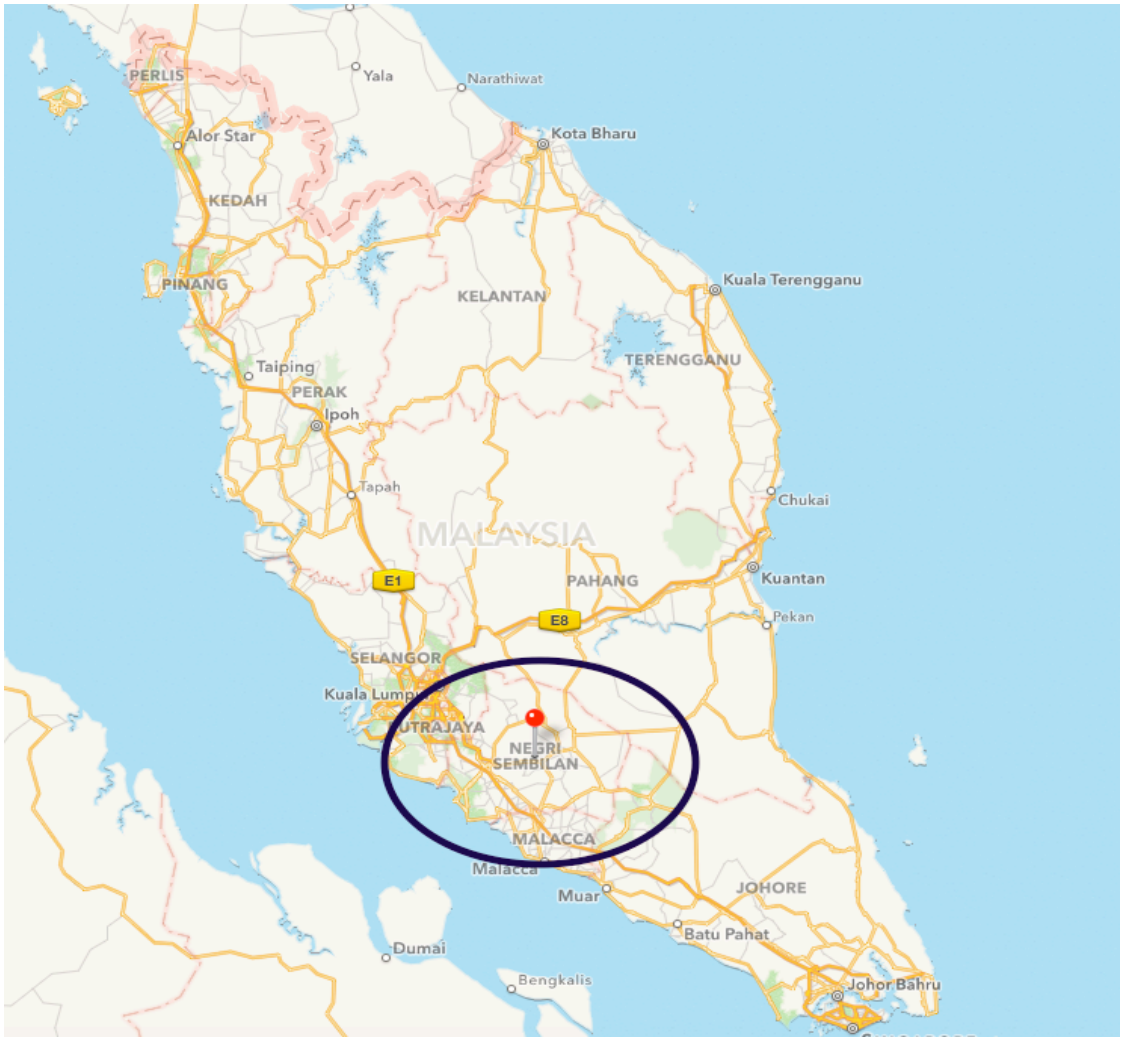

Figure 1.1 Location of Negeri Sembilan in Malaysia

(Source: Google Maps, 2017)

1.3.2 The population of Negeri Sembilan

In 2016, the Department of Statistics Malaysia (2016) estimated the total population in Negeri Sembilan at 1.1 million, of whom approximately 632,100 were estimated to be Malays, 229,800 Chinese and 153,800 Indian (Table 1.1). Negeri Sembilan's population had increased over the previous six years, as according to the same source the total population in 2010 was 986,204.

Ethnic Groups	**Total (1000s)**
Bumiputera (Malays)	632.1
Chinese	229.8
Indians	153.8
Others	4
Non-Malaysian Citizens	79.9
TOTAL	1,099.7

Table1.1: Population by ethnic group in Negeri Sembilan (2016)
(Source: Department of Statistics of Malaysia, 2016)

This research study specifically concerns the Malays who, as is clear from the population numbers above, form one of three major ethnic groups in Malaysia, alongside the Chinese and the Indians. There are also other ethnic groups, such as the Orang Asli and ethnic groups who reside in some parts of Sabah and Sarawak. The term 'Malay', meanwhile, is quite broad in defining who the Malays really are. The Federal Constitution of Malaysia defines 'Malay' as:

> … a person who professes the religion of Islam, habitually speaks the Malay language, conforms to Malay custom and - (a) was before Merdeka Day [Independence Day] born in the Federation or in Singapore or born of parents one of whom was born in the Federation or in Singapore, or is on that day domiciled in the Federation or in Singapore; or (b) is the issue of such a person… (1957, p.153).

This definition to a certain extent provides a comprehensible idea of who is a Malay. However, it can still be critiqued for its vagueness, broadness and looseness. Indeed, some Malays refuse to be identified as a 'Malay' in this general sense and associate themselves instead with their specific particular historical and geographical background. Thus in Negeri Sembilan, according to Peletz (1988b, p.10), the Malays refer to themselves as the Minangkabau Malays, descendants of and culturally associated with the West Sumatran Minangkabau, proudly claiming their Minangkabau origins. *Adat*

perpatih is an integral part of this regional Malay identity, as I shall return to later in the thesis.

1.4 Structure of the thesis

This thesis consists of eight chapters and appendices. Following this chapter, Chapter Two highlights the notion of cultural heritage and its values from international and national perspectives, emphasising the notion of intangible cultural heritage (ICH) in particular. This chapter offers an insight into the concept of ICH in a wider context, and explores the diverse interpretation of ICH. The chapter reviews some of the key concepts associated with the idea of ICH, revolving around its ownership and control – who, for example, gets to decide whether or not the heritage of a local community is part of the formally recognised ICH of a country, and whose concerns are paramount in safeguarding that heritage? Then, the importance of cultural heritage values and how they influence the safeguarding process, both in a general context and from Malaysian perspectives, are discussed. Chapter Three follows this by unpicking the connections between heritage and community, particularly in relation to identity and memory. Identity is seen as fluid and mutable, and it is shown that heritage gives a sense of attachment and sense of place, including and especially in the context of the mobility and migration of people.

Chapter Four then explores governmental perspectives on heritage, particularly in Malaysia, scrutinising the government application of a top-down approach to heritage issues. As cultural heritage contributes to the economic development of Malaysia, it is used as part of the country's tourism industry strategy in promoting the country. In Chapter Five, the *adat* practised by the Malays of Negeri Sembilan is discussed in great detail, particularly in relation to its embeddedness within kinship and descent patterns. Drawing from kinship theory, siblingship is introduced in addressing *adat perpatih*'s kinship context in Negeri Sembilan. This chapter also presents some of the fundamental principles of *adat perpatih* that govern the Malays in their everyday life. Chapter Six discusses the methods used for data collection during the fieldwork in Negeri Sembilan, and focuses particularly on the principles of ethnographic research methodologies, including interviews and observation, used in this study. This is followed by an examination of *adat perpatih* as practised in Negeri Sembilan today, drawing on the

thematic analysis extracted from this study's field research data in Chapter Seven. Chapter Eight summarises and concludes the study. It also sets out the researcher's intention to expand this study further, particularly in relation to the notion of cultural heritage areas that could minimise the gap between the community and the government. While publicising and implementing safeguarding measures for *adat perpatih*, is of interest to the government, the evidence of this study indicates that a revision of strategy, particularly with regard to community participation and engagement, would be beneficial.

CHAPTER TWO
CULTURAL HERITAGE, VALUES, AND CHALLENGES

2.1 Introduction

The notion of cultural heritage in relation to its definitions, types, values, and mechanisms of safeguarding has been subject to long term debate. There is no mutual consensus even on what 'cultural heritage' means, but in discussion of cultural heritage its definition must be addressed. In addition, insight into cultural heritage values is also becoming the main concern for many scholars, as different cultural values inmpact upon and reflect what and how people choose to safeguard and protect as heritage that they variously consider to represent their cultural identity, diversity and communities. This chapter gives an overview of the notion of cultural heritage and the interpretation of heritage from various perspectives but particularly from those of professionals and academics, as well as international conventions. The chapter also discusses how international and national values of heritage are established and linked to the local sphere. Lastly, the chapter concludes with a reflection on 'who decides on whose heritage', with a consideration of the challenges faced in safeguarding cultural heritage.

2.2 Cultural heritage definitions and interpretations

The term cultural heritage appeared in international law for the first time in 1907, and was further developed by UNESCO in 1950's and onwards through a focus on the protection of cultural heritage (Blake, 2000, p.61). However, discussions on cultural heritage have been continued by academia and the international heritage agencies and professionals, arguing that there is a difficulty in defining what cultural heritage is and indicating that no agreed definitions have been reached in relation to its content (Blake, 2000, p.61). In that sense, there are two sets of different angles in defining heritage that have been disputed: heritage from the perspective of officials and professionals, for which Smith (2006) proposed the term 'Authorised Heritage Discourse' (here on referred to as AHD) and which later come out with the identification of heritage as a process of constructing the social and cultural meaning of heritage objects (in the widest – including non-physical – sense of 'objects'); and heritage from the perspective of its beholders, bearers and practitioners and in regards to their involvement and

participation – the UNESCO conventions and recommendations, such as the 2003 Convention for Safeguarding of Intangible Cultural Heritage, have sought to emphasise this perspective.

Even utilising conventions and recommendations documents with the second perspective above, however, means that, if this is the main approach, heritage is defined based on the instruments alone (Blake, 2000, p.63). This, and the lack of a generally agreed definition on heritage, implies that heritage should be be defined, and its definition interpreted, locally and, crucially, internally to the community(s) concerned (Blake 2000, p.63). Different terminologies have been used to refer to heritage, such as 'cultural property' in UNESCO's 1954 Hague Convention, which concerned the protection of movable and immovable property (reference made to cultural artefacts that have market value) in the event of armed conflict. However, the term cultural property is too narrow and does not encompass tangible and intangible aspects, which also include cultural elements. From this point, global scholars have agreed to broaden the scope of cultural property and change it to cultural heritage, although the terms have also been used interchangeably in some contexts (Blake, 2000, p.66). A difficulty in defining heritage also affects the process of safeguarding of heritage, particularly in finding out what and whose heritage should be safeguarded, which will be discussed later in the chapter. It emanates from the cultural and political forces (Harrison, 2010a, p.154) that control the dominant groups in society and affect others, especially minority groups, who are also struggling to draw attention in manifesting their culture and heritage, simultaneously affecting and challenging AHD. As Howard points out, and as underpins this chapter,

> Heritage is not about the past … many of the objects and the ideas with which it deals come from the past, but heritage issues are always about what we do with them now (2003, p.19).

In the cultural heritage context, the concepts of both heritage and culture are as wide as the imagination, and it is for that reason, Blake (2000, p.7) suggests, that it is therefore wise for us to define the term 'culture' that constitutes the origin of part of the term cultural heritage, before defining 'cultural heritage' itself. The term 'culture' is broad and complex, and its unclear meaning can be seen from the varying definitions given by

anthropologists; nonetheless, Winter argues that the most suitable branch of cultural study for the purpose of the understanding and protection of cultural heritage could be anthropology, with its ability to produce the most fine-grained approaches to studying the formation of identity capacity to provide different views of culture from various societies (Winter, 2013a). An anthropological view thus helps take us beyond seeing 'culture' as simply a totalising concept that potentially includes everything in the society (such as 'material culture, ritual culture, symbolic culture, social institutions, patterned behaviour, spoken language, values, beliefs, ideas, ideologies, symbolic meanings, and others' [Blake, 2000, pp.68-69]). An anthropological definition of culture instead emphasises the shared nature of values within a group, the similarities and differences across the sub-groups that exist within it, the bounded as well as integrated nature of both the main group and the sub-groups, and the overall value or purpose to the group of these shared values (Eriksen, 2015). Geertz's definition of culture, for example, describes it as,

> …historically transmitted pattern of meanings embodied in symbols, a system of inherited conceptions expressed in symbolic forms by means of which men communicate, perpetuate, and develop their knowledge about and attitudes toward life (197.3, p.89).

Each society has a different culture because, 'those abilities, notions, and forms behaviours of each person in the society are acquired differently according to its culture' (Eriksen, 2015, p.4), thus making the manifestation of culture and its meanings varied across societies. Returning then from culture to cultural heritage, Blake (2000, p.68) argues that heritage is a proprietor of culture in a particular group of people. As a proprietor of culture, heritage is recognised and acknowledged by the members of the society if they think and see the culture is valuable and worth preserving as 'inheritance' for the future.

Meanwhile, the term 'heritage' is also slippery and subject to considerable and ongoing debate in defining its meaning (Lumley, 2005). Contemporary scholars utilise a critical approach in their discussions on heritage knowledge and concepts (Harrison, 2013, p.227). Looking at heritage from different perspectives, we might say that people in the

thirteenth century in Europe, for example, had their own definition of heritage, described by Schwarz as something that,

> … carried both spiritual and profane meanings. Spiritually, it could signify a people chosen by God as his peculiar possession – the 'heritage of the Lord'. In its more profane associations, as 'inheritance' or 'heirloom', the term referred especially to property or land passed through generation, and acquired by sons (usually) on the death of their father (2005, p.154).

Over time, however, more modern ideas of heritage became closely tied to the idea of culture in reflection to heritage. For example, heritage is viewed in the form of traditional, popular or folk culture, mainly through languages, music, dance, rituals, food and folklore (Graham, 2002, p.1004). Thus, it carries the value that is attached to it through transmission from generation to generation, despite also being subjected to change in its meaning through time and space (Graham, 2002, p.1004). This can be summarised as 'describing customs which are passed down by tradition: thus 'heritage' took on a more comprehensive meaning, referring to everything acquired by one's circumstances of birth' (Schwarz, 2005, p.154). Smith discusses the concept of heritage differently, claiming that, 'there is no such thing as a heritage' (Smith, 2006, p.11) and that 'all heritage is intangible' (Smith, 2006, p.3). She argues that heritage involves 'a process of engagement, an act of communication and an act of making meaning in and for the present' (Smith, 2006, p.1). This process then leads to the action of 'construct[ing], reconstruct[ing] and negotiate[ing] a range of identities and social and cultural values and meanings in the present' (Smith, 2006, p.3).

Smith also points out that, in the adoption of popular and dominant ideas of heritage, alternative and subaltern ideas of heritage lose their privilege. This is because control over heritage is embedded in power relations that are often dominated and controlled by influential bodies, including heritage professionals, officials and government. They are responsible for selecting the types of heritage deemed to be representative of and available to all, as compared to the alternative and subaltern versions of heritage which are only sustained through minority groups and few individuals. As she says, the dominant idea of heritage is,

> …reliant on the power/ knowledge claims of technical and aesthetic experts, and institutionalised in state cultural agencies and amenity societies. It takes its cue from the grand narratives of nation and class on the one hand, and technical expertise and aesthetic judgement on the other. The 'authorised heritage discourse' privileges monumentality and grand scale, innate artefact/site significance tied to time depth, scientific/aesthetic expert judgement, social consensus and nation building. It is a self-referential discourse, which has a particular set of consequences (Smith, 2006, p.11).

Smith identifies the consequences from this dominant idea of heritage as the need to have a material reality as a way of 'disconnecting the idea of heritage from the present-day values and aspirations so that it becomes something confined to the past' (Urry, 1996 cited in Smith, 2006, p.12). So positioned, 'heritage' then becomes the responsibility of people who have knowledge of expertise and authority to 'speak' about or 'for' it. In the process, a boundary is 'facilitated by assumptions about the innate value of heritage, which works to obscure the multi-vocality of many heritage values and meanings' (Smith, 2006, p.12).

Harrison (2013) on the other hand, states that heritage can be explained as, things with a 'solid' base such as buildings, monuments, and memorials, as well as things that have an 'ethereal' base and may include songs, festivals, and languages. Harrison uses the term 'specific heritage' to denote a set of practices endorsed by the state and acknowledged in a written form of the charter as well as legislation. He also categorises heritage in 'official' and 'unofficial' forms. What is meant by an official heritage is that it is recognised by legislation and charters as inscribed by the formal authority. Therefore, the protection of objects, buildings, and landscape that fall into this category can be carried out, along with the promotion of their aesthetic, historic, scientific, social, and recreational values. Unofficial heritage, in contrast, includes, for example, conventional buildings or objects that have significant value to a group of people and stimulate efforts to preserve them. In this case, however, neither the significance nor the attempts to protect something are recognised by the relevant state and legislative authorities (Harrison, 2013, p.240). Therefore, the conservation and preservation process are usually carried out by the community themselves.

At another level, a global effort at defining the concept of cultural heritage can be seen from various conventions, charters, research works, discussions, and conferences made and organised within multi-disciplinary areas of studies as well as by national and international organisations. Ahmad (2006) and Vecco (2010, p.322) identify the Charter of Venice (1964) as the first document to acknowledge the concept of heritage, which broadens the criteria of heritage from physical heritage to non-physical heritage. In the Venice Charter, it is said that heritage is,

> …imbued with a message from the past, the historic monuments of generations of people remain to the present day as living witnesses of their age-old traditions. People are becoming more and more conscious of the unity of human values and regard ancient monuments as a common heritage. The common responsibility to safeguard them for future generations is recognised. It is our duty to hand them on in the full richness of their authenticity (ICOMOS, 1964, p.1).

Vecco (2010, p.322) also points out that the concept of 'cultural property' appeared earlier in significant international documents than the term 'heritage':

> It [cultural property] emerges for the first time in the Hague Convention of 1954, regarding the protection of cultural heritage in the case of armed conflict. The Convention states that it is necessary to protect the cultural heritage of all humanity. In 1956, in New Delhi, the UNESCO Recommendations defined the principles regarding archaeological excavations that must be applied to all remains, the preservation of which is of public interest from an artistic and historic point of view (Vecco, 2010, p.322).

Departing from the Charter of Venice (1964) and the Hague Convention (1954), the more recent NARA Document (1994) stresses the authenticity of heritage as well as its related values, while expanding the acknowledgement of cultural and heritage diversity belonging to various culture and societies (ICOMOS, 1994). The NARA Document (1994) promotes the conservation of cultural heritage in all forms. As Vecco (2010, p.324) mentions, the term 'immaterial' is highlighted in the Document as 'the nucleus of definition of identity of some societies such as that of Japan', and a further

distinction is made between immaterial cultural goods (theatre, music, dance) and art or artisan produce.

Indeed, the United Nations has had an important role in protecting and safeguarding cultural heritage. The United Nations Educational, Scientific and Cultural Organization (UNESCO) is one of the bodies that continues to play a significant part in this. With the participations of state members from all over the world, UNESCO provides definitions, principles, guidelines and aids in preserving heritage, it sets standards that every state member is ideally obligated to meet. UNESCO itself also has various activities and programmes related to the intangible cultural heritage (ICH) (Aikawa, 2007). For example, in 1972, the Convention for the Protection of World Cultural and Natural Heritage (World Heritage Convention) was organised for the first time by UNESCO, to develop a framework for protecting heritage resources (Alzahrani, 2013, p.9). The World Heritage Convention (1972) discussed the two specific areas, namely cultural heritage and natural heritage. For cultural heritage, the convention defined this in Article 1 as follows:

> monuments: architectural works, works of monumental sculpture and painting, elements or structures of an archaeological nature, inscriptions, cave dwellings and combinations of features, which are of outstanding universal value from the point of view of history, art or science;
>
> groups of buildings: groups of separate or connected buildings which, because of their architecture, their homogeneity or their place in the landscape, are of outstanding universal value from the point of view of history, art or science;
>
> sites: works of man or the combined works of nature and man, and areas including archaeological sites which are of outstanding universal value from the historical, aesthetic, ethnological or anthropological point of view (UNESCO, 1972, p.2).

Meanwhile, in Article 2, natural heritage was defined as:

> natural features consisting of physical and biological formations or groups of such formations, which are of outstanding universal value from the aesthetic or scientific point of view; geological and physiographical formations and precisely delineated areas which constitute the habitat of threatened species of animals and plants of outstanding universal value from the point of view of science or conservation; natural sites or precisely delineated natural areas of outstanding universal value from the point of view of science, conservation or natural beauty (UNESCO, 1972, p.2).

However, a number of issues are raised by these definitions, particularly in the phrase 'outstanding universal value'. Alzahrani, for example, points out that this definition is subjective and allows for various opinions and interpretations on what standard should be set up (2013, p.9). Most particularly, heritage could be of significance to only certain communities or countries and perhaps not to others, but the notion of 'universal value' seems to exclude or diminish heritage of local significance from being worthy of recognition and protection within the category of 'world heritage'. World heritage is thus apparently being defined and valued as heritage that can be considered (who makes that decision?) as universally valuable, rather than as heritage of the diverse world. It is because the notion of cultural heritage is rather political in relation to cultural and societal context (Blake, 2000). This issue can be viewed in the case of what to be preserved and conserved and what is not, and even the relevant policies that should be applied based on the community's context.

These various versions of what cultural heritage is, continue to provoke debate and a proper definition is needed (Lixinski, 2013). The growing discussion on cultural heritage is also changing in the terms used and their meanings, interpretation, cultural heritage types and in relation to approaches to preservation. For example, conservation and preservation concerns in the area of cultural heritage first concerned tangible resources and have only later come to include the intangible too. In response to clashing ideas and concepts, in the United Nations Year for Cultural Heritage, UNESCO (2002) suggested a number of items that can be considered as heritage:

- Cultural heritage sites (such as living historic centre and archaeological sites);
- Historic cities (urban landscapes);
- Cultural landscapes (gardens and parks);
- Natural sacred sites (natural features that comes with religious and cultural significance such as stones, cliffs, mountains, trees, forest, sources, lakes or rivers);
- Underwater cultural heritage (historical wrecks);
- Museums;
- Movable cultural heritage (artistic objects and works that found in places of worship, museums, public gardens and underground such as paintings, drawings, sculptures, engravings, manuscripts, photographs, films and so on);
- Handicrafts;
- Documentary and digital heritage (the archives and objects deposited in libraries, including digital archives);
- Cinematographic heritage;
- Oral traditions (stories and knowledge on genealogies, epics, rituals, customs, recipes, and techniques that were passed down from generation to generation);
- Languages;
- Festive events (may include performing arts; music, dance and song); rites and beliefs;
- Traditional medicine;
- Literature;
- Culinary traditions;
- Traditional sports and games.

In this list, both tangible and ICH were placed into the cultural heritage category, resulting in a broad definition of cultural heritage that pretty much covers everything. This broad meaning of the concept of cultural heritage has been reinforced by Schofield who includes within cultural heritage:

> … monuments, buildings, landscape, artefacts, and objects, as well as cultural traditions, music, theatre and dialect: it can be aesthetically pleasing, and it can be ugly, unsafe and unprepossessing: it can be tangible as many of these things are or intangible. It can also be old, and it can be new. It is something valued by society, by specific groups within society, and by individuals (2008, p.20).

From this, we might say that there is no conclusive term that can define what tangible and intangible are. Yet, looking at it from a different perspective, both are interrelated with one another. Therefore, they could come as one entity under the term cultural heritage, a notion which is agreed upon by a number of scholars. Kirshenblatt-Gimblet however, looked at cultural heritage as tangible things which include 'monument, group of buildings or site of historical, aesthetic, archaeological, scientific, ethnological, or anthropological value' (2004, p.52). She gives examples such as,

> the Angkor Wat, a vast temple complex surrounding the village of Siem Reap in Cambodia; Robben Island in Cape Town, where Nelson Mandela was incarcerated for most of the 26 years of his imprisonment; Teotihuacan, the ancient pyramid city outside Mexico City; and the Wieliczka Salt Mine, not far from Cracow, which has been mined since the thirteenth century… (Kirshenblatt-Gimblet, 2004, p.52.).

Lixinski, meanwhile, insists that cultural heritage can be tangible or intangible, as tangible cultural heritage refers to 'statues, monuments, architectural works, and other materialised forms of cultural expression' (2013, p.38), while ICH can be defined in two different ways. First, it is a concept that relies on tangible cultural heritage where it acts as the underlying culture to any given expression, encompassing the processes, skills, and beliefs that lead to the creation of tangible works. In a way, the term expresses the relationship of people with their tangible cultural heritage. Second, as an independent type of heritage, 'the term encompasses storytelling, songs, and dances, among other forms of expression that cannot be fixated in material ways' (Lixinski, 2013, p.38). Alluded to in this last point, is the relationship between tangible and the intangible heritage, a subject which has been under heated scholarly discussion. To a certain extent, it can be said that tangible and the ICH exist as a 'symbiotic dialectic' because both are inseparable or even conflicting in many aspects. Intangible heritage

cannot stand alone without tangible heritage, and on the other hand, the tangible represents its meaning through intangible elements. Therefore, the relationship between tangible and intangible can be expressed in a context of cultural objects and the role of museums in safeguarding the tangible and intangible heritage. Lixinski points out that, 'little attention has been given to it [cultural objects and the role of museums] concerning manifestations of cultural heritage that cannot be touched' (2013, p.8).

Given the definitions and interpretation from various scholars, heritage professionals and heritage agencies above, the definition of heritage at the societal level, however, could be varied by considering different societies and communities in the world. As we can see from the above discussions, most of the definitions of cultural heritage have been discussed by using a top-down approach and perhaps an interpretation given by the community on heritage through bottom-up approach could be more enlightening. Heritage interpretations from the community are very much based on insight into a specific community and the ways in which its context and values could be diverse from others (Nilson and Thorell, 2018, p.14). Further, communities can help others – heritage professionals and heritage agencies – understand and accentuate their community heritage. Community involvement and active participation with others is highly encouraged by various Conventions, Documents and Recommendations. For example, the Convention for Safeguarding Intangible Cultural Heritage 2003 highlights the roles of the community in 'identifying and defining the various elements of intangible cultural heritage' (UNESCO, 2003, p.5) as well as in the 'producing, safeguarding, maintaining, and recreating of intangible cultural heritage' (UNESCO, 2003, p.1). Zanten explains that the role of the culture-bearing community in defining heritage is crucial precisely because they are the ones who 'recognise, reproduce, transmit, transform, create, and form a certain culture [and heritage] in and for a community' (2004, p.38).

Winter (2013b) has proposed that in understanding the concept of heritage, researchers or scholars need to consider its heterogeneous nature, particularly when dealing with a diverse geo-political and geo-cultural context. It is also important to acknowledge the differences that exist in other cultures, as Vecco (2010) points out, to comprehend the critical discussions in cultural heritage studies. Ultimately, it is important to view heritage from both angles, that of the professionals (i.e AHD) and that of the

community, as stated earlier, in order to ensure an in depth understanding of a particular heritage form and its community(s). Defining heritage needs involvement from both perspectives (professional and community): the community can provide the basis for and fundamental interpretation of a definition of heritage, while professionals can help materialise it in the reality of heritage preservation, tourism or whatever else may be particular important and require expertise in a particular setting. Both parties should work together in order to ensure that heritage is properly understood and assured a sustainable future.

2.3 The notion of intangible cultural heritage

Before this chapter looks further at cultural heritage values, it addresses the notion of intangible cultural heritage (ICH), as the thesis focuses on one of Malaysia's ICH resources, the customary practices that comprise *adat perpatih*. State attention to ICH in Malaysia was inspired by the Convention for Safeguarding of Intangible Cultural Heritage in 2003. There were a number of expressions that were used before the emergence of the term 'ICH', such as folklore, traditional cultural expressions, indigenous culture, tradition, popular culture, and others. As was agreed unanimously by the participating members of the Convention of Intangible Cultural Heritage, 'ICH' has been used more recently, however, even though it creates a binary with tangible cultural heritage (Lixinski, 2013). The term 'folklore', for example, was mentioned by UNESCO as a non-preferred alternative because it deemed 'folklore' to be mostly associated with pre-industrial societies and considered that its terminological use would indicate a reference to 'traditional culture' (Harrison, 2013). In most developing countries, this association in practice nonetheless aligns the preservation of what may be called 'folklore' by some outside a UNESCO perspective, with the aims of UNESCO to protect the non-material culture of native or indigenous, developing and first nation communities (Harrison, 2013, p.131).

The member States of UNESCO, largely made up of developing countries, demanded that this body take serious action in protecting ICH (Aikawa-Faure, 2009). Hence, the Convention for the Safeguarding of the Intangible Cultural Heritage was organised with the aim of defining the meaning of ICH, to agree on the criteria for what can be regarded as ICH, and to acknowledge 'non-Western' practices, skills and knowledge of

heritage (Smith and Akagawa, 2009a). As an outcome, serious actions have been taken in safeguarding intangible heritage, through the active participation and programmes organised by the member States (Aikawa, 2007). ICH concerns 'living culture' and the Convention presumes that a particular community should not be separated from their heritage. The Convention outlines the right of ICH to protection (Lixinski, 2013). UNESCO defines ICH, in article 2 of the Convention, as:

> … the practices, representations, expressions, knowledge, skills – as well as the instruments, objects, artefacts and cultural spaces associated therewith - that communities, groups and, in some cases, individuals recognise as part of their cultural heritage (UNESCO, 2003, p.2).

Several domains of ICH are identified in the Convention, such as:

> a. oral traditions and expressions, including language as a vehicle of the intangible cultural heritage;
> b. performing arts;
> c. social practices rituals and festive events;
> d. knowledge and practices concerning nature and the universe;
> e. traditional craftsmanship (UNESCO, 2003, p.2).

The definition given is enough to cover what can be defined as ICH. However, the definition and concept of ICH are still being discussed more broadly and critically, among scholars, academicians, and practitioners. For a start, some give more detailed or specific lists of the elements that can comprise ICH than that provided by the Convention. Thus Arizpe, for example, suggests:

> life (birth, rites of ages and betrothal, wedding and death), social (kinship, community, settlements, broader and nation), biodiversity (botany, zoology, pharmacopeia, agriculture), land (nature, beliefs, names, landscapes and property), symbolic (signs, representations, rituals and flags), spiritual (cosmos vision, animistic beliefs, sacred books, liturgies), literary (oral; literature such as legends and epic stories and printed literature), performing arts (high arts and

local arts), and festivities (season's calendar, games, religious festivals, school festivals) (Arizpe (2001) cited in Aikawa-Faure 2009, p.25).

Even though the definition given by the UNESCO has become a reference point for the characterisation of the concept of ICH, not everyone is satisfied with the term. In response, scholars have explored other definitions of the terms cultural heritage, tangible cultural heritage, and ICH, as well as their relationships to each other (Blake, 2000; Harrison, 2013). Under the heading of cultural heritage, several lists of both tangible and ICH have been included. Schofield (2008) for example, considers cultural traditions, music, theatre and dialect as cultural heritage, alongside monuments, buildings, landscapes, artefacts, and even natural objects. From the definition given by Schofield, there are no differences between both tangible and intangible because both are culturally embedded in each other (Arantes, 2007; Munjeri, 2004). Slightly differently but relatedly, some scholars define both intangible and tangible cultural heritage as 'two sides of the same coin' (Goncalves et al., 2004), and describe both the intangible and tangible as interdependent to one another. However, as part of a living heritage (Lenzerini, 2011) and a living culture (Lixinski, 2013), ICH is not necessarily confined to material expression such as artefacts, monuments, and other objects because it can stand on its own, often without the support of physical elements (Beazley and Deacon, 2007). More broadly, 'intangible heritage' as a subject has gained increasing interest, from stakeholders, public, and researchers. With the mechanisms that have been recognised by authorities as well as particular policies underlying the conservation of cultural heritage, the idea proposed by Lixinski as 'heritage fever' has spread worldwide (Lixinski, 2013, p.1). Lixinski also suggests that, as society grows with the increasing influence of new technology, the definition of ICH should be more 'forward-looking' (Lixinski, 2013, p.9). It is still important, however, to define particular ICH from its own context and situation, so that it can cope with its necessities and continuation of the particular community. Arrunnapaporn (2009, p.151), for example, defines ICH in his research context in Thailand as an aesthetic value, non-spiritual and symbolic in nature, that contains the social values of a site, as well as being involved with the ritual order. It can be seen in the form of music, language, know-how, oral traditions, in the spaces within which this living heritage tradition exists. This is one context-specific example, perhaps, of how Logan describes ICH, as 'heritage that is embodied in people as opposed to inanimate objects' (2007, p.33).

Since ICH involves the process of producing an end product – whether it be a dance, a change in status or something else – these processes will keep on developing through time. Thus, in any quest to conserve one particular ICH, the practitioners and the wider communities themselves should be involved in the whole process, from policy and action planning right through to evaluation of safeguarding actions. This is essential to ensure the continuation of viable and genuinely living tradition, as opposed to the static preservation, or freezing, of a 'traditional practice' in the form it took at one particular point in time (Aikawa-Faure, 2009). Skounti, however, is more cautionary about the potential impact of change on the authenticity and novelty of ICH (2009, p.77) because it could affect the change in identity of the practitioners of ICH as well. Arizpe (2007) too highlights the importance of knowing and documenting the instruments and mechanisms which have been passed down through generations, in protecting ICH and ensuring its sustainability. Skounti (2009, p.77) also questions whether such thing as intangible heritage really exists, given its pure, non-material quality, which is resolutely fictional and artificial. What really exists, is a wide range of non-material dimensions of the material heritage elements such as sites, monuments, and objects, as well as the intangible aspects of culture which include tales, poems, songs, music, notes, chants, scents, perfumes and so on. Another way of putting it, though, might be that the tangible and intangible complement each other, because collectively they give meaning to each other (Deacon et al., 2004). Goncalves et al. (2004, p.1) also argue that 'the intangible can only be interpreted through the tangible'. Conversely, for some authors 'not all intangible heritages have a tangible form' (Prosalendis, 2003 cited in Deacon et al. (2004, p.11). Arizpe (2007, p.26) argues that ICH cannot be manifested as an object, performance or even a site, and then the ICH can only be seen as a process of creation, skills, or factors and causes to the products, that give impacts on its economic value. Skounti (2009, p.77) on the other hand, stresses that in every single intangible heritage, there should be a material dimension, for instance, the human body that detains it, the book that retains a trace of it, and the audio-visual material that captures its sound or image. Without this kind of material element, he argues, the intangibles would not exist at all. As the ultimate intangible is human consciousness (Kearney, 2009, p.211), people need to comprehend and feel the intangible heritage through the senses, such as the sight, hearing, smell, taste, and touch, depending on the degree of materiality or immateriality (Skounti, 2009, p.77).

These arguments about how heritage is conceptualised and approached do matter, not least because they inform how heritage is interpreted and the interpretation of heritage, in turn, can play an important role in defining and reinforcing ideas (local and external) of what the community's identity and heritage actually are. In that sense, heritage from the perspective of this study brings about different views and feeling based on who perceives the heritage and how they understand its relationship to identity in the community. Should heritage be viewed from the perspective of AHD or professionals, for example, the context of heritage could be more rigid because it has to depend on formalities; should the context of heritage be seen from the locals' perspectives, however, the context of heritage is closer and deeper communities, including practitioners of rituals and other practices that, while deemed as 'heritage', are also still actively followed.

Howard (2003) also argues that a shift in the interpretation of heritage could also lead to a shift in the identity of people. The identity of people is interdependent with their culture and heritage. If, as Howard suggests, authority over heritage and its interpretation can ultimately be returned back to the community, then local heritage is more likely successfully to engage in sustainable ways with local activities and people (2003). Hence, local cultural heritage values could be the key not only to understanding heritage but also to successful and viable heritage conservation and preservation.

2.4 Cultural heritage values

Heritage refers to anything that you want to conserve and pass on, connoting its relationship with inheritance and legacy (Howard, 2003, p.6). It is important to note too, however, that heritage can be conceived as and can include within it conceptions that could be regarded as, nationalistic, exclusive, sexist, and elitist (Howard, 2003, p.4), The dominant group of people often interpret heritage by referencing their own culture in order to transmit ideas to other groups within a larger society. They also transfer their cultural heritage values in heritage resources, to others.

Carman (2015) suggests that a better understanding of the notion of heritage requires the support of specific examples; without these, heritage concepts are rather meaningless because their contexts are broad and vague. Thus, when heritage is

represented in the form of a case study in reference to a local context, it can offer insight into understanding heritage at the local level and perhaps could be applied to other different contexts and communities across cultures, time, and space. However, a case study of local heritage has its drawbacks, especially in referring to different political and regional areas. Carman (2015), for example, highlights that findings in the contexts of non-western societies could not be applied to western societies, and vice versa. Beyond the seemingly reductive non-western/western binary, Carman's suggestion that in comparative or general studies, rather than focusing too much on specific phenomena we should stress an 'approach' to understanding heritage, is perhaps helpful. An 'approach', rather than comparison of specific findings from different contexts, can be replicated locally and even transferred to other contexts in other societies (Carman, 2015, p.7). For example, Howard's approach to heritage as being all about people and their life (Howard 2003, p.50) enables us to see landscape as a place of living for various communities that has different cultural traditions that people associate with it and which also creates a sense of place that enables people to feel attached to it (Morgan et al., 2010, p.114).

As people give meaning to heritage, heritage in the end leads to the formation of identity. However, when looking at the notion of heritage at the national level, the understanding of heritage is more shaped by the definition given by the professionals, insofar as most of the heritage discourse at this level involves a two-way relationship between government, who make an official definition, and the stakeholders who have an informal way to understand it. Government also possesses an authority to determine what heritage to select and whose heritage to preserve. In addition and as part of this, it can act as a marketeer with the purchasing power to acquire something for its own institutions, such as museums. In this situation the purchasing power all belongs to the government, who have control over money that originally came from the public (Howard, 2003, p.132).

The control over heritage by heritage professionals and authorities, has been discussed and challenged by Smith (2006) through the idea of AHD. AHD is defined as '… a professional discourse that privileges expert values and knowledge about the past and its material manifestations, and dominates and regulates professional heritage practices' (Smith, 2006, p.4). Although AHD is important in realising the conservation,

preservation and management of heritage, yet the decision made by the professional may often clash with what what be the view or preference of the community. Hence, the heritage values and community identity represented in the heritage interpretation could be questioned because of the lack of the community's involvement in defining heritage. Smith shows that the differences in perspective between community and authority mean that how decisions about heritage values and interpretation are made needs to be reconsidered. Ideas about authenticity and the interpretation of heritage could be seen from the local grassroots and insiders' perspectives rather than relying on outsiders' perspective (Waterton and Smith, 2010). The AHD model emphasises the importance of paying critical attention to the expert on knowledge, the basing of privilege in a confined social stratum of the society, the fact that heritage items may often belong to upper middle and upper-class members of society, and the effect that not all heritages of people in a certain society will be equally preserved and conserved.

On the other hand, the formation of identity within the local context is interlinked with the community's culture and heritage. Through the meanings attributed to culture and shared by and within a group of people, identity is shaped. For example, Smith (2006, pp. 175-176) discusses how the Waanyi (an Australian Aboriginal group) construct their identity through association with place, which for them comprises the Riversleigh region. The Waanyi consider the Riversleigh region to be their country and their world revolves around that area. Thus, a sense of place contributes to the articulation of identity not only for a Waanyi individual, but also for the Waanyi as a group and for the identity of the local area as the Waanyi interpret it. This example and many others, studied not only by anthropologists but by historians and others, demonstrate how cultural identities found in society are the product of the contemporary world. In the process, heritage also produces socio-political identities (Jackson, 2008, p.372). The construction of a sense of place and formation of place identity, contributes to the production of local identity (Jackson, 2008, p.373).

Nonetheless, local identity is 'socially constructed, reconstructed, contested and debated, and selectively chosen based on the significance of the past that suits contemporary local characteristics' (Jackson, 2008, p.374). Jackson suggests that empirical research is necessary to understand the heritage of the community, to identify their local preservation and conservation activities as well as to analyse the creation of

identity resulting from the sense of regional and local place. He also points out that the relationship between individuals and their own heritage can be important, too (Jackson, 2008, p.375). For example, Swensen studied on the involvement of cultural heritage managers and Norwegian municipalities in managing local heritage and found that memories and personal histories contribute towards the formation of identity at personal and local levels. Local identity was also found to be determined according to the significance of the cultural heritage site in Norway in relation to its 'authenticity, state, coherence symbolic value, architectural value, utility value, scientific value, and representativeness' (Swensen et al., 2012, p.218).

The roles of heritage is symbolically representing identity, are well recognized. Most obvious is public-facing identity such as national identity coveyed by certain heritage forms, within which may lie a state or governmental level ideology not only about what the nation is but also concerning heritage's purpose of strengthening a national sense of identity and thereby bringing together the nation. Here, the role of AHD can be seen again in the attribution of meaning, ideology, practices and significance to heritage forms so as to articulate national identity (Smith, 2006, p.48). Some of this idea of identity might be enunciated through shared mutual interest, memories and even values. It is also the case that sharing same experiences from colonialisation, dispossession, or perhaps racism could foster a sense of shared identities (Smith, 2006, pp.292-293). National identity can also be developed from geographical and other components. Howard (2003, p.150) and Hampton (2005, p.736) argue that national identity can be materialised and portrayed as an ideal of having economic stability, wealth creation, strong investment and high employment, all of which are characteristics that every country would want others to perceive it as having. This can be exemplified in the case of Malaysia in constructing a national 'modern' identity through Vision 2020, becoming an industrialised, urbanised and modernised country with the gigantic skyscrapers of Petronas Twin Towers in Kuala Lumpur (Hampton, 2005, p.748), first class public transportation through LRT and Monorel, and producing a world class car through Proton (which I return to in the next chapter). Thus, heritage values that are communicated to or imposed on the public can also function with an educational purpose, seeking to inform the public, from a particular perspective, not only about the past (Smith, 2006, p.137) but also about the ideal future.

Apart from the formation of identity through heritage, in most conventions, charters, acts, and even in academia, cultural heritage values or cultural heritage significance have been emphasised. The value-based approach, for example has been stressed particularly in relation to what makes something heritage and whether it is worth protecting, because the answers to such questions depend upon what value something has attributed to it, and for whom (Clark, 2010, p.89). In this context, all heritage resources have values or significances that indicate they must be protected to ensure heritage can be transferred to future generations. Howard (2003) mentioned in his writing that heritage values could influence group identity as it passed to others, based on shared identification of stories, objects, symbols, performances and related aspects of heritage that instil values among group members. These values further identified and reflected their historical lineage (Russell, 2010, p.31). The transmission of heritage values could also be eventuated through story telling which has an association to its own social contexts and lifestyles (Holtorf, 2010, p.45). However, heritage values could also be enjoyed and experienced by outsiders, especially visitors who come and visit local and community heritage situated at heritage sites or museums (Holtorf, 2010, p.47). Nonetheless, values that are imposed on certain types of heritage can cause conflict. For example, values that attributed by the AHD could contradict the values given by the community and practitioners (Smith, 2006, p.173). Different values imposed on heritage also lead people to reach different interpretations and to draw different meanings, thus meanings of a heritage form or site can change depending upon whose influence is the most dominant. When it comes to promoting the local heritage in the national and global context, these conflicting values and the lack of consensus between the AHD and the community on which values to emphasise, may also cause some local heritage to be ignored. For this reason, values and meanings of heritage may often need to be reassessed and the priority and authority in decision-making should also be re-evaluated, ensuring that different stakeholders in the society and their interests are adequately considered.

There are a few common concepts in explaining and determining the values of heritage. First is supposition, which refers to a value that has been assigned to and influenced the lives of individuals, communities, and nations. Second is freedom and responsibility, which is expressed through mores of duty, honour, personal responsibility, fairness, inclusive, stewardship, and social obligations. The third is management and policy

formation, and lastly is the inclusion of multiple stakeholders (Smith et al., 2010, p.16). In that sense, heritage is considered an act of choice, where people have their own right to choose what and which values to impose on heritage resources. Holden (2004) suggests that there are three kinds of values that can be imposed: intrinsic, instrumental and institutional. First, intrinsic (significant) values are divided into knowledge, identity, bequest, and distinctiveness values that are closed except to an individual or members in the community as well as their cultural identity. Second, instrumental values highlight regeneration and economic benefits to the area, community, and individual. Third, an institutional value is signified through heritage bodies (organisations). From the suggestions made by Holden, other scholars have suggested that there is a need of both expert and public views in determining the heritage values within a community, in order to ensure that there is decisive conversation between the professional and the public (Clark, 2010, pp.95-96). Okamura (2010, p.55) also highlights that to increase heritage values, the public needs to play their part and that the various meanings of heritage must be looked at from a wide perspective specifically based on regional and local contexts. Altschul (2010, p.78) suggests that most of the terminologies used to represent values could have similarity but could also have different meanings in different contexts. Another example could be seen in cultural tourism: local authorities will be far better placed than national ones to interpret and promote cultural heritage sites because they will be drawn from and/or have potentially better relationships with the local communities whose needs and interests are most vested in the site and its surroundings and whose people may have most detailed knowledge of its cultural values, stories and meanings (Okamura, 2010, p.56).

Various types of cultural heritage values have been discussed by scholars, including, according to Costin (1993, p.27), symbolic, historic, informational, aesthetic, and economic. Through symbolic value, cultural heritage provides awareness and reflects the identity of people through their attachment to tangible and ICH (Costin, 1993). Heritage then is valued on its metaphorical content, which emphasises symbolic meaning and evokes identity through the stories that are travelling from the past (Holtorf, 2010, p.44). Historical values can be seen in every era and civilisation; a history of civilisation becomes a fundamental basis for the emerging of the nation. Historical values also give an identity to people and remind them of their roots and origin (Holtorf, 2010, p.44).

Informational value is reflected through heritage resources and provides understanding and knowledge of cultural heritage, as well as the community studied, to the public, scholars, and researchers. Informational value is aimed to educate the public, including but not only the younger generation, of the historical basis of place, objects, and sites, tangible and intangible heritage. Again, Costin emphasises that researchers need to study cultural heritage resources, sites, and communities in their original contexts in order to get better understanding (1993). Aesthetic value shows an aesthetic and emotional experience to outsiders and is able to influence and inspire people to appreciate buildings, artworks, and artefacts (1993). Further, economic value is contributed in the form of tourism where a cultural heritage attraction, for example, could bring a people to visit and experience the culture and heritage of others. It is important to note that an interpretation of the past becomes commodified in the commercialisation of heritage, becoming an economic resource that can improve the standard of living of the local communities and regions (Silberman, 2010, pp. 63-64). Economic value is also related to the concept of 'willingness [and ability] to pay', where heritage acts as cultural capital that some can and will pay to acquire while others cannot or will not (Clark, 2010, p.96).

In addition, there are other heritage values that relate to political value. Heritage value is closed to the political sphere, and there are three notional ideas in understanding the heritage values mentioned by Howard (2003). First is legitimation, which is concerned with the right to govern, and the power over the subject – such as the national museum – in order to control them. Second is cultural capital; those who have more power also become those with the most important cultural capital. Third, the group that has a close link to cultural capital is considered important because they have possession of power in legitimising heritage (Howard, 2003, pp.41-42). These three become contributing factors in determining the heritage values of the society. However, the number of those who have this kind power, in any nation, is far less than half of the population. In this regard, the possession of power by specific people or a particular group could affect the enactment of legislation towards heritage because the resources that they want to protect might only be precious to the dominant group. Hence, the heritage of minority groups would likely be neglected and in the end forgotten among society members (Howard, 2003, p.47).

Cultural heritage values have been emphasised in some conventions and charters other than those of UNESCO, one of these being the Burra Charter. The Burra Charter highlights a value-based approach in which the stakeholder's participation is indispensable. The charter encourages collaboration between professionals and stakeholders in determining values, and integration of physical site, management context, attributed values of various groups and threats to the site, by encouraging the stakeholders' participation (Jerome, 2014, p.4). There are questions that surround the participation of the stakeholders: whose values should be included and what criteria involved? In addition, the values of heritage are usually attributed rather than intrinsic, and its subjects change over the time. The Burra charter also features five values of cultural significance, which are historic, scientific, aesthetic, social, and spiritual (Jerome, 2014, p.4). The recommendation from the charter is that these values should be the basis of guidelines for communities to use when selecting what heritage needs to be gazetted and preserved.

Many other scholars refer to values of heritage, though not all go into details (Fredheim and Khalaf, 2016). Even though values may be used in the conservation process, especially in determining what heritage to preserve and asking what values need to be considered from the eyes of the stakeholders and communities, the value-based approach continues to be challenged by the interpretations and decisions of professional authorities (AHD) in the decision-making process. For example, Mydland and Grahn (2012) have conducted a study on the relationship between the local understandings of heritage and the official understanding provided by the national government in Norway. They wanted to check on the effect of the government on local participation and came out with a result showing that the criteria given by the government does not play a role or gives impacts to the local, it is because the government had emphasised professionalism too much (Mydland and Grahn, 2012). Thus, it is important to look at the value assessment of cultural heritage in the context of local communities and in relationship to the notion of official heritage.

A values-based approach thus emphasises consultation with stakeholders rather than focus on the expert views of a community's heritage. That said, however, most of the stakeholders have different, and often conflicting, values to each other (Jerome, 2014), and it is challenging to ensure equity between the groups involved and impossible to

assure equity of values, due to unequal power and influence amongst the stakeholders (Poulios, 2010, p.172). What is apparently a value conceived by the community might change depending upon the stakeholder, who is being asked (Jerome, 2014, p.4). It is because of the nature of community, associated with politics, tradition, location, ethnicity, age and sexuality, the relationships between these and heritage, and the connections between context, meanings and consequences (Crooke, 2010, p.19), that the relationship between communities and politics is always expressed through recognition, rights and representation.

The values-based approach was highlighted in the Burra Charter as I mentioned earlier and in its new revision in 2013, with the purpose being to protect the significance of place based on values imposed by the members of local society, specifically the stakeholders, on their heritage resources (ICOMOS, 2013). However, a values-based approach had its own flaws. First, achieving the equity of the stakeholders groups and their values is impractical and it is impossible to cater to the needs of all the stakeholders at one time. Second, there is a power increment among the managing authorities during the process of planning and implementation at the same time as the broad involvement of the public is encouraged. Third, there is an absence of concrete criteria in the decision-making process. The power issues and job scopes tend not to be clearly outlined and bounded initially with the resultant manipulation of power among authorities. The selection criteria depend on who is assessing the values provided by the community. Fourth, the stakeholders [officers] in the community are also part of the managing authorities and sometimes impose bias in choosing what heritage should be preserved. Hence, the power always remains in the hand of professionals rather than shifting to participation of the wider community. Then, most of government bodies or authorities involved concentrate specifically on the preservation process and particularly tangible heritage elements, due to the nature of tangible heritage as a non-renewable resource that, in its disappearance, would form a discontinuity between the past and the present (Poulios, 2010, pp.1723-174). An imbalance against the safeguarding of ICH – which is also important – is thus created.

2.5 Challenges in the safeguarding process

A discipline of heritage conservation started during the first decade of the 19th century in Western Europe, and has focused on the idea of authenticity as its key. This discipline was started because of dissatisfaction with the rapid change and mobility in society; people started to question the vulnerability of authentic heritage as 'non-renewable' items. In the beginning, the basis of conservation concentrated more on the physical heritage from the past that was detached from the present. Thus, as the field of heritage conservation developed, the process was led by heritage authorities: experts and professionals. From then it became more difficult to conserve from the perspective of the stakeholder (Poulios, 2010). Some scholars even argue that the process of conservation should be given to/stay with the experts associated with objects, assets, and cultural heritage (Howards, 2003, pp.3-4); in contrast, others suggest that the process of conservation and preservation should be in the hand of the stakeholders (UNESCO, 2013).

The debate and dispute on which and whose perspectives should be considered on heritage values have been discussed widely, by national and international scholars. Thus in safeguarding cultural heritage, cultural heritage values should be observed as well, so that the safeguarding process can be more significant and have greater meaning and positive implications not only for the community concerned but for others as well. In safeguarding cultural heritage, the community or the stakeholder is the key. Whether we realise it or not, community based approaches could be the most-important mechanism in safeguarding ICH. The essential roles and importance of the communities and particular groups within the society have been stressed in the 2003 UNESCO Convention, in which 'communities' refer to,

> …indigenous communities, groups and, in some cases, individuals that have an important role in society particularly involved in producing, safeguarding, maintaining and recreating the ICH that contributes to the diversity of culture and creativity of human being (UNESCO, 2003, p.1).

From the UNESCO Convention above, the responsibilities of communities, groups and individuals have been discussed by many scholars and also the experts of the UNESCO's State Parties. These discussions have taken place through a series of meetings aimed at defining criteria used in defining these three social units. Thus, in 2006, an Expert Meeting on Community Involvement in Safeguarding Intangible Cultural Heritage, held in Tokyo under the organisation of UNESCO and the Asia/Pacific Cultural Centre for UNESCO (ACCU), later published a the glossary including the following definitions of communities, groups and individuals:

> Communities are networks of people whose sense of identity or connectedness emerges from a shared historical relationship that is rooted in the practice and transmission of, or engagement with, their ICH.
>
> Groups comprise people within or across communities who share characteristics such as skills, experience and special knowledge, and thus perform specific roles in the present and future practice, re-creation and/ or transmission of their intangible cultural heritage as, for example, cultural custodians, practitioners or apprentices.
> Individuals are those within or across communities who have distinct skills, knowledge, experience or other characteristics, and thus perform specific roles in the present and future practice, re-creation and/or transmission of their intangible cultural heritage as, for example, cultural custodians, practitioners and, where appropriate, apprentices (Sector, 2006, p.9).

However, the idea promoted by the UNESCO Convention that 'individuals' could be communities, could be problematic (Blake, 2009, p.75). This depends on who speaks about or for the cultural tradition in question (Kurin, 2004, p.60). Individuals in this context are referred to as an individual who represents the community and who is responsible for practising, safeguarding, protecting and even sustaining the ICH. However, what is the relationship of this individual to the larger community? Individuals could be or represent a minority within the society; thus, they could represent the cultural heritage and tradition of the minority rather than the majority members of the community, and vice versa. Hence, is the self-identification claimed by

an individual, claiming membership of a community, actually what is meant by the Convention? (Blake, 2009, p.52). it has been argued that including and/or defining individuals within the communities and safeguarding context, risks bringing about bias and prejudice should the heritage not represent communities as a whole (Blake, 2009, p.46). In addition, an individual could also represent multiple identities within his or her community (Blake, 2009, p.54). For example, individuals could have an identity based on their regional areas, religions, mixed cultures and even occupations. Thus an individual could be a practitioner of ICH who represents the community, and at the same time, he or she could also be part of the body of heritage professionals who have authority in deciding and selecting heritage for his or her community. Thus, the selection of heritage items might be unfairly presented for or apparently on behalf the community. Another example can be seen in the imposition of cultural and heritage significance on an element of a community's heritage, as a result of particular and differing, individual perceptions and values (Harrison 2013, p.15).

On a different note, Cominelli and Greffe (2012) also discuss how ICH can be safeguarded by a community based approach, even though, as they point out, the Convention itself did not clearly outline the methods or ways in which this might happen. In response to that, they have come up with a number of suggestions for addressing this issue. First, in order to successfully safeguard ICH, it is important to identify the ICH practices in the society as well as their bearers and holders. A broader policy is also needed; to ensure that the selected practitioners possess the right knowledge and skills in order for their heritage to be safeguarded. Second, Cominelli and Greffe (2012, p.249) suggest that the safeguarding measures should strengthen the link between ICH and creativity and innovation. The participation of the ICH practitioners in local projects should be encouraged, for heritage creation and reproduction, as well as for fostering innovation within a particular sector. Finally, in ensuring successful ICH preservation, it is important for knowledge dissemination to take place, particularly the skills and practices that can only be handed down to the next generation.

One of the reasons why ICH should be safeguarded is its function as an expression of the creativity belonging to a particular group of people. Traditional innovation and creativity can be seen as a bridge that connects the past and the future. As ICH is

constantly innovating and nourishing creative processes (Cominelli and Greffe, 2012), the intellectual property of the community need to be protected by formalising the international policy, aims, and principles (Arantes, 2007). Besides that, physical development and social changes that occur in societies could lead to different mechanisms of transmission of ICH, thus challenge people's creativity and ICH. In research carried out by Cominelli and Greffe (2012), for example, two problems were identified in the training programmes for sustaining crafts practices. First, the training was a general training in which the apprentice or the students were only allowed to acquire the most important skills and knowledge on the craft practice. The craftsmen or the master did not impart tacit knowledge and expose them to the nature of working in a workshop or enterprise. This was due to lack of financial and material resources as well as the time constraints on completion of the educational process. Second, during the formal and official learning, the students only learned limited craft skills and knowledge, while the specialised techniques and skills in the craft practices was not taught in any formal training. Therefore, to overcome these problems, a group of craftsmen in collaboration with the community developed projects involving the original crafts as a response to the educational needs, in which all the necessary knowledge in the craft skills and practices was taught to the future generations (Cominelli and Greffe, 2012). For example, Cominelli and Greffe (2012, p.249) highlight the story of a group of master tailors, where the members organised and conducted a private training course for a maximum of two years in order to teach students about its high-quality production that meets the market demand. They also refer to an example involving tapestries, in which recognition from international bodies particularly UNESCO, in listing their cultural heritage products, is considered important. This is because recognition and acknowledgement in one of the UNESCO Representative Lists of the ICH of Humanity goes a long way in making the community realise the worth of their tapestries and in getting them to appreciate their own cultural heritage.

In addition to most of the concerns highlighted about the role of community in safeguarding tangible and ICH, heritage can be political and has its advantages and disadvantages (Howard, 2003, p.17). In the present, the government and international organisations have struggled to ensure that heritage values can be sustained within contemporary societies. Ensuring the success and continuity of heritage values, relies on

the perspective and position of the individual who measures it (Smith et al., 2010, p.17). Including stakeholders can potentially influence how heritage influences daily lives and connects between past and present, and between individuals, communities and nations. Heritage values are also considered important because of their application to the conservation and preservation process (De la Torre, 2013, p.157). Through a values-based approach, mechanisms in safeguarding could be determined as well. The suitability of the mechanism of safeguarding is determined through the heritage values that the community put within it (Howard, 2003, p.12). As Howard (2003) highlights, people place different values on certain things and some of the values might be altered and influenced by certain elements such as nationality, gender, ethnicity, class, religion, poverty, insideness, expertise and even age. A suggestion has been made by Mason (2002b, p.21) in the third report on the research into values pertaining to the economics of cultural heritage, that in identifying what kind of heritage is important and of significance to the community, the community themselves need to play their parts. For example, Mason (2002b) used an interactive mapping method by encouraging the involvement of the community to make a choice and record information about their heritage. According to Mason, 'examples of interactive mapping include 'mental mapping,' done as a kind of survey and community-generated maps (such as the 'parish map' process pioneered by the English group Common Ground'); through these interactive mapping processes, the community is responsible for representing the identity of their place (Mason, 2002b, p.21)

Looking at these issues at an international level, intangible values have been emphasised before discussing the intangible significance of places and heritage. Thus, the evaluation standard in determining heritage value is made through policy making as well via adopted certain standard of assessment (Morgan et al., 2010, p.115). At the nation state level, several countries like France, England and Australia have their own national documentation systems that allow the official authorities to list the national heritage resource values (Morgan et al., 2010, p.116). In applying this to other contexts and vice versa, a key question is does the evaluation standard that has been applied to these countries work when applied in other contexts as well? In response to this question, Morgan et al. (2010, p.118) claimed that the intangible values of heritage that concentrate in the national documentations usually emphasise the perceptions of the stakeholders. Thus, reference to the roles of the stakeholders who have a strong power

to choose what values should be taken, correlates with various statements in most of Conventions and Charters, which give special importance to the need for nation states and their constituent communities to attend to their own heritage. Stakeholders in heritage, particularly those whose heritage it is, should work together with government and other agencies to agree on what kind of heritage should be presented, how it can be sustained and in what ways participation of the heritage source community can be encouraged. Moreover, heritage that carries intangible values that feature an aesthetic element, usually has a strong association with cultural or spiritual aspects of the indigenous or native traditions (Morgan et al., 2010, p.116).

More generally, even though there are various conventions and charters concerning the conservation and preservation of heritage, all of them have drawbacks. When safeguarding issues are concerned, we cannot run from facing the strengths and weaknesses of the institutions and organisations involved in preservation efforts, including those of UNESCO. Although many of the contributions by UNESCO, especially in the Convention on Safeguarding of ICH, have opened eyes and created awareness about the importance of ICH, not all of the ideas from the Convention can be applied and followed by the member states. This scenario is described by Foley (2014), as we have seen, with countries who share the same culture and heritage. Moreover, competition for branding cultural heritage, especially when involving receipts of international recognition, may lead to a number of problems in the safeguarding process. For example, when a particular heritage form is included by UNESCO in its list as distinctive to one member state, another country perhaps needs to withdraw from supporting related arts or heritage as part of its own heritage (Foley, 2014). Even so, due to cultural transformation, and the common notion of shared culture within this regions, many countries share similar things, as culture and heritage were transformed across the regions in the past and are not constrained by modern national frontiers (Ghulam-Sarwar Yusof, 2013).

Problems such as funding become another challenge in matters pertaining to the safeguarding of cultural heritage. This is largely due to the difficulty of bureaucratic procedures, with long waiting times before getting responses to funding applications. In light of that, Foley (2014) has also argued that though some of the cultural heritage listed by UNESCO is eligible for some amount of funding, the funding actually goes for

other things such as to pay the administration fees and workshops for the officials who work for ministries of culture, tourism and arts. Hence, all the funding available has not been used in the right ways, so that certain arts and cultural practices find it difficulty to survive (Foley, 2014, p.374).

Globalisation too creates urgency in safeguarding cultural heritage. Globalisation (Aikawa, 2007; Attainese et al., 2009; Techera, 2011) and modernisation (Techera, 2011) can be seen as catalysts for actions to prevent cultural standardisation and the possibilities of having our local cultural traditions being lost slowly. It has also been the reason for actions to be taken before changing lifestyles, history, culture. The outcome that was brought about by globalisation, however, is that heritage has become an international issue. Instead of showing concerns with regards to cultural heritage and the heritage itself, the limelight seems to be on other issues faced by developing countries, such as poverty, social inclusion, supporting peace and improving awareness about the cultural rights of traditional peoples of all continents (Arantes, 2007). Since the knowledge and practices of ICH keep on changing and evolving through time, new issues as well as new solutions should also be taken into consideration (Cominelli and Greffe, 2012). Yet, there are also positive impacts when it comes to globalisation. First, it gives a new significant meaning to the idea and object, without losing its sense of localisation or cultural singularity. Apart from that, it helps people to realise how important cultural diversity is (Arantes, 2007, p.81). By having public heritage preservation stated by Attainese et al. (2009), it can strengthen the sense of belonging in the place where people lived.

Besides that, there are some heritage forms, especially some intangible ones, that do not need to be safeguarded because safeguarding is only needed when there is great threat to continuous existence. By looking at this issue, the perspective of authorities and communities could be in disagreement, as there may be a time when the community feel that what they have practised in the society is not really ‘heritage’, while the authorities believe the practice is indeed ‘heritage’, or vice versa. This can be seen in the case of Vimbuza, a healing dance from Malawi and listed on the UNESCO's Representative List of the Intangible Cultural Heritage of Humanity. The local practitioners who practise a Vimbuza do not regard it as heritage as for them, Vimbuza is ‘only’ a medical practice (Hafstein, 2015, p.283). According to Hafstein (2015, p.283), ‘Vimbuza names

a disease and it names the cure; by means of traditional rituals, Vimbuza healers diagnose and treat spirit-related illness'. Through disagreement between the local practitioners and the authorities, safeguarding of the local practice in the first place could be impossible.

Heritage is a result of a selection process (Logan, 2007, p.34). It is therefore important to be sure of who the people responsible are and to know who should be given the mandate to acknowledge something like a heritage as well as to confirm the type of heritage that needs to be protected. The decision to identifying and preserving which heritage, lies in the hands of acknowledging bodies, such as the government or in some cases specialised establishments such as the heritage practitioners and the non-governmental organisations. However, it is the locals or stakeholders who should have the strongest say on whether ICH should be protected, as more often than not, it is the professionals and the policy makers that have the upper hand in the decision making (Logan, 2007, p.49).

2.6 Conclusion

Having understood all the notions above and the encouragement from Conventions on community engagement to perpetuate their heritage, it is clear that the cooperation between the top-down and bottom-up perspectives is important. It is through the top-down route that some of the cultural heritage practices, sites or other forms receive their funding and recognition. Meanwhile, looking at it from the bottom-up, it is the community members themselves who are responsible for sustaining the legacy. Therefore, both parties (the top and the bottom) need to work together to keep this heritage alive for the future. It is also important to note that communities only remain connected with their cultural heritage through cultural heritage values. So, should the values be missing, it could affect their identity as well. Thus, it is the responsibility of the community to ensure and figure out the significance and values of their cultural heritage, so that their heritage is more meaningful in its social context.

CHAPTER THREE
LOCATING AND LINKING HERITAGE AND HERITAGE VALUES: PLACE, IDENTITY, MEMORY AND COMMUNITY

3.1 Introduction

The previous chapter demonstrated that heritage values are determined by and determine the identity of place and community, as well as locating which safeguarding mechanisms suit best in the context of the specific heritage values that are attributed by heritage's bearers and practitioners. It is important to note that heritage values involve a sense of and attachment to place and also strengthen the relationship between community and place, which helps to construct and reinforce a sense of identity. But when place has become so valuable and essential to the community, what happens when the community, or parts of it, leave their original place and migrate to other places or regions? One possibility is that their original place is for them left in memory, associated with and potentially re-enacted in the new place through, particular practices and their heritage values. As a result of historical migration processes, *adat perpatih* as practised by Malays in Negeri Sembilan, has a secure connection to *adat perpatih* in Minangkabau in Indonesia's West Sumatra of Indonesia. The immigrants of Minangkabau brought along their cultural practices, heritage and identity to the Malay land, and these finally took secure hold in particular parts of what is now Malaysia, mainly in Negeri Sembilan. Migration is also, however, a contemporary phenomenon, with movement of members of populations to cities, for example. This raises questions such as: Do the heritage values that were attached to the migrants' place of origin still hold sway after migration? How about migrants' sense of attachment and sense of place? Does the new place allow the same kind of sense of attachment and place? Do memories remain the same as they were in the place of origin? And how can heritage values be preserved within the community in the context of migration, and what contributions can be made to this by government, museum and the community themselves?

In response to such questions, this chapter discusses the transmission and attribution of heritage and heritage values in the light of contemporary migration processes impacting Negeri Sembilan. It demonstrates that migration creates a diaspora and, for migrants, strengthens the attachment towards both the place of origin and the new settlement, with heritage giving an ongoing sense of identity to its bearers and practitioners, including through the creation of memory.

3.2 Attribution of heritage values

Heritage values are ascribed and given by individuals towards heritage objects, sites, and practices. These values continually change over time as each generation ascribes new values and remakes the meaning of heritage to suit their contemporary situation. However, the values identified and attributed vary, depending upon whose viewpoint is taken. Official and unofficial versions of heritage, and the perspective of experts, authorities or community members, for example, will differ (Harrison, 2013, p.15). Different cultural groups also identify different forms of heritage and attribute different values to it (Harrison, 2013, p.145). Over time, heritage, however it may be identified, emerges from the relationship established between people, objects, places, and practices through a chain of connectivity that keeps this relationship together in ensuring the existences of the past in the present for the future (Harrison, 2013, p.229; see also Russell, 2010, p.34). However, not every identity can be associated with heritage because identity can be referred to other things too. Thus, identity can be represented through anything but mostly manifested through heritage because many identities can be associated with religion, language, custom, dress, ritual, music, festival food, and even everyday norms. In Malaysia as elsewhere, cultural heritage values are based on economics, politics, cultural, spiritual, aesthetics and more, and the meaning of each heritage value could be interpreted differently by different stakeholders. Too many stakeholders concerned with a heritage resource can thus result in conflict in opinions and views, as well as an unequal distribution of power in decision-making (Bakri et al., 2015, p.384).

The definition of value by Oxford Dictionary (2014) denotes the '…importance and worth or usefulness of things'. Values related to intangible and tangible cultural heritage are often associated with significances. Cultural heritage significance needs to be observed and upheld when preservation and conservation of cultural heritage take place. Thus cultural heritage values are referred to in Malaysia's National Heritage Act by using terms such as 'cultural heritage significance' and illustrated in the specific forms of aesthetic, archaeological, architectural, cultural, historical, scientific, social, spiritual, linguistic, and/or technological values (2005, p.16). Other common heritage values are also referred to, including cultural, economic, informational, scientific, and recreational values (Bakri et al., 2015, p.383). Emphasising the differing and many values of cultural heritage is part of seeking to protect places and practices that are threatened by global and local pressures. Nevertheless, the question of what to value and who should value it, is at its start an ethical and moral one: value is generated by individuals and is created through the relationship between actions and responsibility (Smith et al., 2010, p.16).

History also plays a significant role in shaping the continuity of the existence of heritage in society. The relationship between heritage and history is an interdependent one, but not all history is heritage and not all heritage is considered as history. It is people who have the power to change the balance in this relationship between the two (Howard, 2003, p.21). At the same time, according to Egberts (2017, p.2), historical values determine people's sense of identity. Thus the identity of people in a particular region is based on its relation to the historical places, landscapes, and other values that related to the specific region. The preservation and sustainability of heritage in that sense is therefore significant for new generations always to remember their roots. This relationship between historical values and identity extends also to national identity, which becomes reflected through interpretations of legacies from the past in a particular space within the local and regional area. Reflections of the past can be seen in the form of buildings and monuments, materials from archaeological excavation, cultural and artistic practices, as well as social traditions. The process of discovering and identifying with the materials from the past leads to the sense of belonging, order, and continuity. However, there are certain issues that affect the contemplation of past, such as the language that is used to describe objects, places and notions of heritage, and the context-dependent changes in this language (Smith et al., 2010, p.15). In the Malaysian

context, Melaka and Penang, for example, were recognised as part of World Heritage Sites. This enabled the expression of Melaka's and Penang's Outstanding Universal Value in the form of historical, cultural and even archaeological values (Williams, 2010). The government's efforts in demonstrating the historical values of Melaka and Penang while maintaining their authenticity benefitted Melaka and Penang through the growth of their local economies, making both cities cultural heritage attractions popular with domestic and international tourists. Melaka also symbolises explicitly the birthplace of the nation during the glory days of Melaka in the 15th century (Worden, 2001), at the same time reflecting the identity of the Malaysian nation. This can be seen when Melaka also acts as a creator of Malaysian values and norms, especially in representing notions of Malay-ness through the reflection of Malay intangible cultural heritages and traditions such as performing arts (Sarkissian, 1998) cultural foods (Sharif et al., 2013) and others. Melaka's role in reflecting Malaysian identity is integral to the concern to conserve and preserve it continuously, and to ensure the ongoing handover of this precious place to following generations. As a member of the society, each individual has the right to choose his or her own identity based on whom he belongs and which geographical area he came from. An individual also has the right to choose their descendant either from mother's or father's side (Howard, 2003, pp. 150-151). In that sense, people have different identities depending on their own choice and even sometimes depends on their surrounding.

There are many other values that should also be considered before conservation and preservation take place, such as symbolic values. For instance, a building may be a home where people stay or live, and the building may also denote other meanings such as the triggering or forming of a memory among those who live in or are connected with it. Protecting such a building as a home may aim to conserve the memory of what happened in it and even surrounding it (Howard, 2003, p.72). Preservation and the raising of public awareness is also needed if the erosion of regional and local identity is to be prevented (Jackson, 2008, p.373). In conserving and preserving a particular place, reference to stakeholders and local communities should be made so that the relevant policy and the process of conservation could be implemented in the most appropriate ways. It is also important to note that with the participation of the community, the authenticity and meaning of the place could more likely be retained.

3.3 Bridging heritage and heritage values through migration

The Malay world is located in Southeast Asia and was created by its networks and communities through the commercial routes between the Indian Ocean and East Asian seas. The people and communities in this regional area were mobilised and moved from one place to another, across the borders. As well as the moving around of people, there were also other activities and influences, such as international movements of goods and ideas, and existence in multicultural environments. The history of the early modern Malay world is full of stories about European trading, colonial realms, and local port-polities. Thus multiple mobilities are the key force that lies at the heart of how this regional area was moulded through trade and businesses (Koh, 2017, p.390).

Mobility and the migrational tradition thus started a long time before the existence of the melting pot society that exists in Malaysia today. Mobility became a central focus within political and socio-cultural imaginaries, as mentioned in most Classical Malay literature. For example, there are stories and tales of travelling princes and heroes in the Malay world. The purpose of their travelling is to gain knowledge and experience of other worlds, and some settled down in new places. The stories of travel also show their heroes overcoming life's obstacles and challenges (Koh, 2017, p.392). In addition, mobility is seen as a vital strategy to withstand exploitation and pressure from the port-polity elites. The multicultural mixture behind the regional and global commerce in Asia's maritime impacted significantly on the political and economic situation during the eighteenth century. Relatedly and unsurprisingly, most existing theories assume that the majority of historical movements were stimulated by a wish to improve economic situations. Rishbeth and Powell (2013, p.160) argue that the picture was more subtle, however. Thus some migrants moved because they want to stay close with previously migrated family and friends. Petersen (1958, p.258), meanwhile, classifies the reasons for migration into two: innovating and conservative. Innovating migrants move as a means of achieving the new. Meanwhile, conservative migrants move in response to a change that they faced with and which has led them to seek to retain and maintain what they previously had. Peterson also discusses the push and pull factors that caused people to migrate. These may have comprised an agricultural crisis, the spirit of adventure, the development of shipping, overpopulation, economic hardship, the rise of the standard of living, political instability and religious oppression, as well as other personal reasons.

Most historical global movement, he argues, was caused by political disturbance and the breakdown of political systems 'at home', resulting in the movement of people to other places Petersen (1958, p.261). People also moved because they were attracted to economic opportunities and/or felt a wanderlust to travel to other regional areas and seek new opportunities such as a better job and education (Reis, 2004, p.49). Dahl and Sorenson (2010, p.633) agree that the driver of migration among people is principally economic: in contemporary times, to get a better job. Employment opportunities offered by other countries or other geographical areas attract migrants. Yet though people are moving because of better economic opportunities, they want to remain close with their family and friends. There are thus three reasons behind mobility for Dahl and Sorenson: economic factors (better employment opportunities); social factors (including being near to family and friends and where the moving decision has relied on household members; and the cost of moving (Dahl and Sorenson, 2010, p.638).

When people migrate to other places they create a diaspora, bringing along with them their existing identity and cultural traits and re-creating them at their new place of living. The term 'diaspora' is originally from the Greek word *speiro* (to sow) and the preposition *dia* (over). Thus, the Greek defined diaspora as migration and colonisation (Cohen, 1977, p.ix). Diaspora refers to a physical dispersion of an ethnic or religious minority from their original homeland (Safran, 2004, p.4) that is theoretically and experientially interconnected to the originating locality (Alfonso et al., 2004, p4). According to Walker Connor (1986), cited in Safran (1991, p. 83), diaspora is denoted as 'that segment of a people living outside the homeland'. Connor outlines several characteristics of a diaspora community (ibid.):

> i) they, or their ancestors, have been dispersed from a specific, original 'centre' to two or more 'peripheral', or foreign regions;
> ii) they retain a collective memory, vision, or myth about their original homeland - its physical location, history and achievements;
> iii) they believe that they are not - and perhaps cannot be - entirely accepted by their host society and therefore feel partly alienated and insulated from it;
> iv) they regard their ancestral homeland as their real, ideal home and as the place to which they or their descendants would (or should) eventually return - when conditions are appropriate;

v) they believe that they should, collectively, be committed to the maintenance or restoration of their original homeland and its safety and prosperity; and

vi) they continue to relate, personally or vicariously, to that homeland in one way or another, and the existence of such a relationship importantly defines their ethno-communal consciousness and solidarity.

Cohen (1977, p. 180) identifies similar features of diaspora, and importantly also notes that the supposed ancestral home is often idealised and that there can be a strong sense of solidarity with co-ethnic members in other countries. Diaspora communities remain distinctive because of their community identity and shared memory and cultural connection to their original homelands. They also retain and develop institutions that reflect their homeland's culture and religion, and practise symbolic and practical ways of remembering their homeland (Safran, 2004, p.10).

Diaspora is also involved with global processes of de-territorialisation, international migration, and cultural hybridity, however, which in turn are opposed to original forms of the definition of diaspora with its associations with specific regions, nations and even localities. At the same time, the concept of diaspora becomes globalised as it is articulated and politicised by the politic, artistic, and intellectual elites of the diasporic communities themselves (Alfonso et al., 2004, p.2). Thus Alfonso et al. argue that contemporary considerations of diaspora need to reconsider collective identities as one of the key characteristics that make up diaspora (Alfonso et al., 2004, p.1). Diaspora in the contemporary or late modern period, which started after World War II and continues until today, has been extensive and complex in the reasons for people's dispersal (Reis, 2004, p.41, 45). This period has witnessed massive changes in population and considerable, unpredictable dislocation and fragmentation. Diasporisation and globalisation are coeval processes, and the contemporary period is globalised through the technological revolution that allows cross-border communication (Hall and Benn, 2000, p.24). Through technological advancement, people maintain a close tie between home and the host countries, and keep in touch with one another. Hence, transport, technology, and communications are seen as essential in meeting their emotional needs (Reis, 2004, p.48). In addition, the study of the diaspora in Third World countries is underrepresented in comparison to studies of diaspora communities settled in First

World nations, yet diasporic communities throughout the world play an essential role in the development of the international political economy (Reis, 2004, p.42).

One of the main reasons why people migrate, is for work. Unskilled immigrants as a result may find themselves in a subordinate status in the new host land, due to lack of opportunity, inappropriate cultural commitments or prejudices from/against their original homeland (Cohen, 1977, p.182). However, these same immigrants might also return to their home or move on elsewhere, and attain a middle-class status. Further, in what Cohen terms the trade diaspora, people move without approval from their home countries' authorities, in order to pursue trade and business. Chinese traders are one of the examples of this. Chinese society is guided by Confucian systems and the merchant is placed at the bottom of their social hierarchy. However, they have proved to be amongst the most influential traders in Southeast Asia (Cohen, 1977, p.182). In the Christian and Muslim spheres, in contrast, the merchant is considered close to the seats of power, and historically European traders worked on behalf of the monarchs.

Diaspora gives an identity to the migrants, and shapes their ethnicity. It further becomes a characteristic in itself to the ongoing construction and maintenance of group boundaries. Both pre-migration and diasporic identity is thus meaningful to the migrant ethnic groups and is reinvented and shifting in response to specific situations (Alfonso et al., 2004, p4). Identity in diaspora is dependent on the fond memories of extended families and the ongoing practice of their customs, rituals, religion, and celebration of festivals, which bring together members of the community. The retained memories contain personal meanings through the continuation of practice and replicate aspects of the homeland culture in the host land. However, in some instances, the homeland memories fade, due to economic pressures and cultural pressures in the host land (Safran, 2004, p.14). Identity in diaspora is also manifested through psychological and cultural elements such as language. In its everyday use in communication between members of the community, language is significant in reflecting homeland culture; at the same time, diasporas also adopt host land language (Safran, 2004, p.16).

In and out-migration of people led to a rise in Asian diasporic communities within the Malay world during the eighteenth century, particularly the Chinese, Bugis, Arab and Minangkabau (Koh, 2017, p.391). Their numbers expanded due to the economic

opportunities in agriculture and mining. Each community possessed unique ethnocultural characteristics that turned out to be a crucial factor in their successful economic and political roles (Koh, 2017, p.391). Each migration also differed from one community to another; for example, the Minangkabau managed to retain their matrilineal structure and practices, and thus assured their Minangkabau kinship (Koh, 2017, p.412).

The Minangkabau community is the most renowned diaspora amongst both Malaysian and Indonesian groups. They are known to have migrated widely from West Sumatra. It is variously described that this migration was due to the pressure from their homeland, such as the growth of population as well as limited agricultural space; at the same time, they wanted to explore new economic opportunities (Andaya, 2008, p.95). Their cultural practice of *merantau*, a tradition that encouraged young men to go in search of wealth and to gain a new experience of life in the outside world, was key (Andaya and Andaya, 1982; Andaya, 2008). *Merantau* is described by Josselin de Jong (1980, p.9) as 'strong wanderlust'. It meant a common practice of the Minangkabau men was to be traders and spend time abroad, and their stories have been stored and passed down from generation to generation through folklore and oral tradition (Koh, 2017, p.395). The diaspora of Minangkabau is not only seen as a movement to the several cities in Sumatra and Jakarta, but was also scattered to other places like Negeri Sembilan of Malaysia (Winarnita and Herriman, 2012, p.373). At the same time, the movement of the Minangkabau was not only across the border to the West Coast of the Malay Peninsula but also to their homelands too (Koh, 2017, p.395). Sometimes, the young men of Minangkabau also brought along their wife and children to join the *merantau*. The Minangkabau community survived and maintained their unique identity through the observance of their customs and traditions that favoured the matrilineal side. They also continued to show their loyalty and established strong ties to the Minangkabau ruler in the central Sumatran highlands, always referred to them for assistance during conflicts and disputes and requested a Minangkabau prince to act as their leader and rule over them (Koh, 2017, p.396). The immigrants of Minangkabau played a significant role in their contribution in politic and economy during the reign of Melaka Sultanate, especially in the Melaka Straits between the sixteenth and eighteenth centuries (Koh, 2017, p.399). From the Dutch record, they were associated with being merchandisers of

commodities such as gold, forest products, pepper, tin, and others in regional and international business (Koh, 2017, p.395).

Most of the diasporic rulers or leaders of the immigrant communities still have strong ties to their homeland, although they are settled down in a new place through marriage and climbing up in local royal hierarchies. Through the strong ties that they have, they are able to maintain their identities and even to live across their home-country. The strength behind their existence in the Malay world lies in working together, thus expanding their roles and roots over time (Koh, 2017, p.412). In Malaysia during the British colonial era, communities were divided from each other. They were seen to practice their way of life, including their own culture, norms, and even their beliefs. They are not merely divided by socio-cultural aspects, but also through their living arrangements: for example, the segregated residential areas between the ethnic groups during the British colonisation led the Malays to live in the rural areas, especially the *kampung* (villages), while the Chinese lived in the smaller plantations and mines, and the Indians was allocated in the plantation estates as the British workers (Bunnell 2002, p.1688). After the colonisation era ended, all ethnic groups were scattered, and all ethnic groups continue to practise their norms and traditions. The continuous traditions and heritage can be seen in Malaysia today, as it becomes a melting pot for multiethnic groups with the representation of their identities through unique heritage and traditions such as architecture, pottery, food, street life, festivals, and celebrations (Rahman et al., 2015). At the same time, globalisation as manifested in Malaysian cities, including in the scale of building and development, has impacted on the loss of traditional values. Globalisation changes people's ways of life, experiences and perceptions, as well as how they feel about the place. As a result, it interrupts the emotional attachments and meanings attributed to place, and diminishes people's sense of identity (Ujang and Zakariya, 2015, p.374). However, international migration also demonstrates that people take actions, make decisions and develop their identities with the influenced of two or more communities (Mendoza and Moren-Alegret, 2-12, p.765). They usually develop an identity based on a wide range of connections between diverse cultures within specific geographic locations. They also build a social network, speak multiple languages, and, through their job and legal status, settle down in a particular place (Rishbeth and Powell, 2013, p.161). With migration identities and memories, they also

develop what may be complex, diasporic senses of place, belonging, attachment, home, and history (Um, 2012, p.832).

After the first two sections of this chapter, it is now beginning to be clear that concerns over heritage in the context of political and economic development could affect the existing identity of the community. This can raise dilemmas to address and even a question about whether the community needs a new identity or should enhance its existing identity (Harrison, 2001, p.355). Thus, the next section addresses the connection between people and place that makes up the sense of place and attachment that is so central to the construction of identity.

3.4 Heritage and place

A physical environment alone does not make a place; nor does it generate a sense of place. Nevertheless what place is, is not straightforward. There is a range of differing and sometimes contrastive definitions of and approaches to place in the literature. Stedman et al., for example, take a layered approach in which the spatial setting of a place is a kind of base layer that is covered with activities, social, psychological processes, and meanings that come from human experiences, social relationships, emotions, and thoughts – the sum of all of which, in the end, develop or amount to a sense of place (Stedman et al., 2004, p.581). Mendoza and Moren-Alegret also approach place as a kind of human product, though their approach is less structured or layered, and for them place is a physical entity that is a product, forever in a state of becoming (see also Campelo et al., 2014, p.155), of different people's experiences and the associated meanings and emotions (Mendoza and Moren-Alegret, 2012, p.763). Stephenson also highlights the meanings and values associated with place, as well as – by emphasising its localisation – its boundedness; she also, however, usefully draws attention to the contested nature of these meanings and values (Stephenson, 2010, p.11).

The relationship between people and any one place is not, in other words, necessarily the same for everyone – either within or across times, communities and individuals. It is varied across people, societies, and time. If a people have been connected with a particular place for a long time, the relationship between people and place in that case may be much more profound or stronger, embedded in stories and social meanings

passed down from generation to generation through oral tradition, and still connecting the people to the place that they are in (Vedru, 2011, p.53).

3.4.1 Sense of place

A sense of place is referred to as a combination of meanings, attachment, satisfaction (Stedman et al., 2004, p.672), and knowledge between individuals and a particular place (Wang and Chen, 2015, p.18). To create a sense of place, the engagement and interaction require people to be present (being in) and involved with action (being with) that influences and is influenced by physical, historical, social, and cultural things. Development of continuous interactions over time brings social experience and emotional attachments (Campelo et al., 2014, p.155). A sense of place thus comes through a combination of social constructions and social reproductions of meaning produced from personal and collective experiences, social interactions and engagement in a physical setting. Through culture, history, and everyday experience, the sense of place is reproduced and sometimes encounters changes (Campelo et al., 2014, p.160).

Campelo et al. (2014) identify the core elements in constructing a sense of place to be time, landscape, ancestry, and community. These elements are determined by the interactions of physical and social environments with attitudes, habits and culture, including systems of beliefs and practices as well as community and its values. In experiencing place, time is essential and it is represented in a social and natural (e.g. changes in weather) forms. Ancestry contributes to determining the sense of place by showing historical connection, rights and ownership, lines of descent and belonging. Sustaining stories and memories lies in the hand of the community. They need to ensure continuity in order to give the community a sense of self as well as family identity. Ancestry thus ensures that history, values, culture, the behaviour of people, social relations, political organisation, roles and responsibility bring the community together in place. The landscape is another element that contributes to the sense of place. Without landscape, a sense of place could not exist. The landscape is a connection between people, land, and nature that creates a vital bond when people rely on natural resources to survive. Landscape experience is shaped through memories collected from everyday experiences (Rishbeth and Powell, 2013, p.160). Thus, the community is characterised by a shared culture and social relations that generate a sense of belonging

and mutual understanding between the members of the community. The community decide on ways of doing things based on history, physical, and natural factors, all of which influence everyday practices (Campelo et al., 2014, pp.159-162). Therefore, a sense of place is materialised when there is a connection between people and place. Through a sense of place, people are automatically attached with special meanings and interests.

3.4.2 Place attachment

The sense of place is socially constructed, and place attachment and place identity become part of it. Conservation can then reproduce and sustain it (Campelo et al., 2014, p.155). The place is seen as a space full of meaning instilled by the people from their embedded values. When human beings have this kind of special bond with meaningful places, they create a relationship known as place attachment. Place attachment represents an emotional, symbolic, affective connection in people's thinking, and feeling about specific locations (Altman & Low, 1992; Rishbeth and Powell, 2013, p.162).

The association of space and culture, and the perception of individual towards the place as well as the function of the particular place, also shape place attachment. Place attachment transcends fond memories alone and creates a sense of belonging to the place (Chawla, 1992), and even identity. This is because place attachment is concerned with individual feelings and experiences in a particular place. However, the extent of place attachment depends on the length of a people's stay in one locality: people have a deep attachment if they stay for a long time (Tan et al., 2018, p.378). It is also important to note that the attachment of people to place is tied up with a number of factors including interaction, affection, emotions, knowledge, beliefs, behaviours, and actions. It gives a functional bonding between people and place and makes people rely upon the place. A desire to maintain the closeness with the place leads people to build up and sustain a connection and attachment – even if they have to move elsewhere – with the involvement of special feelings dependent on attraction, the frequency of visits to the place and the level of familiarity with it (Ujang and Zakariya, 2015, p.374).

People's background and their roles in society are also determined by their attachment to the place. For example, the study conducted by Ujang and Zakariya (2015) found that individual roles and ethnic background influenced attachment to places. Based on the findings, they found that the attachment towards places was also influenced by people's economic, social and cultural background, which affected their experiences of places and their memories. Under the cultural and social background umbrella, race, ethnicity or class statuses contributed as influencers to place attachment because these characteristics represented individuals' identity in society. Furthermore, influences on place attachment depend on the cultural settings for people and their memorable experiences which, in the end, gave them a sense of belonging and associated meanings. This influence is also associated with the length of attachment and frequency of engagement. As a result, the places to which people were attached gave memories, and this relation was interdependent (operated both ways). Place attachment was also influenced by the ability to remember certain things or events that could give a life experience to the people. Thus, place attachment produced place identity and a sense of place that reflected emotional wellbeing, fulfilment and happiness (Ujang and Zakariya, 2015, p.374).

3.5 Heritage and identity

The relationship between an individual and a particular place produces a sense of identity (place identity) that functions as a set of meanings that are attached to the people or group. The meanings act as a reference and guidance to people's behaviour in a particular situation (Williams, 2014, p.75). Identity involves social and psychological processes that are expressed through thought, action, and affection (Breakwell, 1986, p.9). In addition, the attachment of people to the place gives an especially strong sense of identity if the place holds remarkable memories for the people. People sometimes express these memories of and attachment to a former place, for example, through architectural and interior design in the place in which they now live. This is one way in which people express their identity or sense of who they are.

Identity is seen as a dynamic social product that needs to be seen in social context and historical perspective. For Breakwell, there are three principles in the process of creating an identity: the uniqueness or distinctiveness that differentiates the person or group from others; continuity across time and situation; and self-esteem which involves the feeling of personal worth or social value (1986, p.24). People identify and are identified in and with their groups and cultures through socio-cultural meanings. These socio-cultural meanings are constructed through language and social interaction. Place also carries or is part of the identity of a group of people and the group will regard their place as having specific criteria that make people proud of it. This feeds ongoing cultural identity processes of assimilation, continuity and self-esteem. At the same time, to ensure the continuity of both place and identity, maintenance and development of place are needed. Sustaining the existence of place requires memory, learning, consciousness, and organised understanding. In order to be recognised as a member of a particular community, an individual is associated with having a sense of belonging that differentiates him or her with non-community members and forms a confined circle of inside and outside, the individual self and others, them and us. This leads to developing a particular sentiment and group recognition by others (Bell, 2003, p.64). Lastly, through self-esteem, a positive evaluation of oneself and/or the group, and its relationship to place, enables a sense of pride and continuing self-identification with the place and its unique characteristics (such as particular towns, historical places, cultural sites and so on) (Uzzell, 1995, p.221).

It is essential to note that determining culture and identity is not merely involved with social relationships but with the spatial too. In psychological and social studies this connection to place has been seen to involve emotional, social, and cultural aspects that shift from aesthetic interpretations (focusing on physical features) to the understanding of meaning (Stephenson, 2010, p.14). More generally, certain places can clearly be loaded with meaning, value, symbols, knowledge, memory and stories, and thus significant and meaningful, for a particular group of people. However, the degree of significance of a place varies because it could be relevant to certain people, but not to others (Vedru, 2011, p.54). Social meanings are formed and perceived differently even within one society in which members share broader similar norms and expectations of a

place. The meanings that are attributed to a place are, in other words, socially produced, consumed, and contested (Williams, 2014, p.75).

Various factors may impact on or change identity. This includes voluntary or involuntary mobility, and the degree to which it affects emotional (dis)engagement with and commitment to a place (Hummon, 1992, p.260). Thus, people may tend to develop a new identity when they move and settle down in new places, depending on how strongly the preceding identity and place were attached to their heart. Mobility of a population may also change and even recreate the status and identity of a place, with people giving new meaning to a place in the case of inwards migration, for example (Mendoza and Moren-Alegret, 2-12, p.763).

Another factor that can impact not only identity but intangible values and heritage, is physical development of the place. The impact of development is reflected in shifts in people's attachment, identity, sense of place and feelings of belonging (Taha, 2014). People's perceptions could change, as individual connections towards the place were initially stored in their childhood memories. These early memories act as a psychic anchor that remind people where they belonged and who they were (Marcus, 1992). The memories usually linger as a powerful image and source of nostalgia (Marcus, 1992, p.89). However, concern over the impacts of political and economic development on cultural heritage, including place, can affect the existing identity of the community. According to Harrison, heritage itself is inanimate at it is in the past, but identity, whether personal, local or national, is about today and tomorrow. It is thus in how people think about and use heritage that the inanimate past is linked to identity in the present and future (Harrison, 2001, p.356). In the face of place development, for example, dilemmas and tensions about whether the community needs to embrace a new identity or should enhance the existing identity can arise. For example, at the community level, people may try to rationalise their origin, and this may feel very personal and specific to the particular group. But at the same time, state and national governments try to institutionalise their agenda by enforcing national identity on people. Thus, the identity of people is conflicted as they carry two, not always well-matched, identities at one time (Harrison, 2002, pp.355-356).

Heritage in contemporary society is thus defined, understood and managed from the experience of modernity (Harrison, 2013, pp.23-25). Modernity can affect the past in several ways. First, modernity leads to decline and decay of the remains of the past so that they may eventually disappear from society. Second, modernity is concerned with defining and categorising the past, thus nostalgia for 'old things' and traditions could be seen as an alien that could disrupt contemporary society (Harrison, 2013, p.26). Given this, how can people ensure that tradition and old memories continue to exist in the modern context? Through the notion of heritage, communities can be encouraged to highlight the importance for them of place, cultural identity, and things related to memory, knowledge, experiences, and so on. This is also a step towards encouraging direct community participation in dynamic heritage preservation (Taha, 2014, p.19). Even though heritage is seen as a complex entity, heritage needs to be determined based on its context. Its traits and values can be positive and negative, and shape and are shaped by its importance (Aziz and Hasan, 2017, p.167). Thus, it becomes the duty of communities to protect, conserve, restore, and transmit their heritage for future generations (Lowenthal 2005).

The key to ensuring continuity is through heritage interpretation (Uzzell, 1998). Interpretation can challenge our pre-existing ideas and even contradict what we believe certain outcomes might be. It might also spark the interest of academia and other thinkers to reflect further on the society concerned, and to ask questions, such as: who has the right and responsibility to interpret, to define and to figure out the importance of heritage? And is the meaning represented most appropriate for conveying the community, things, heritage or whatever in the present and future (Aziz and Hasan, 2017, p.168)? In the end, however, while heritage interpretation is essential to ensuring the continuity of the heritage (Taha 2014), the continuity of heritage ultimately depends on how people perceive it, how they are valuing it, and how they are managing it. Crucially, while the scholarly focus has been shifting towards examining the interaction of communities and groups with the environment as a way to achieve aims in identifying identity, human creativity, and mechanisms of continuity, in heritage practice most of the identification of heritage is still based on professional assessment without the involvement of the people whose heritages and places are involved (Taha, 2014).

3.6 Heritage and memory

Memory plays a vital role in developing identity. Memory is a 'socially-framed property of individual minds' (Bell, 2003, p.65). In framing national identity, for example, an individual or group of individuals forms a collective memory (also referred to as collective remembrance) that shares the same things in their minds, such as memories of particular events and stories from the past (Bell, 2003, p.64). However, to express the memory, social interaction is needed for reminiscence.

The formation of national identity involves the process of construction of identity, origins, history, and community amongst people who have things in common. This might, for example, involve a collective memory that is shared by most members in the community in the conception of ideas, values and interpretation of the real events, uniting them through a sense of belonging as well as through practice (of festivals, rituals, use of specific symbols, etc.) (Bell, 2003, p.69). Bell argues that memory becomes a significant key in representing the nation because it binds people together and leads to segregation between them and others. Such binding memories transmit from one generation to another and are further spread by members of the community (Bell, 2003, p.70). However, memory has its drawbacks because it can be manipulated and because it stays long with individuals only if there is are acts of remembrance. Therefore, those who previously experienced a shared event may share their memories and socially interact, in order to retain their memories (Bell, 2003, p.72).

Bell (2013, p.73) mentions that collective memory, which is shared by the members of the group, is assumed to transcend from an individual to the public. These collective memories cover people's experience, the activities of a group of people that shared similar cultural elements. However, there are problems that lie within this assumption. First, memories are not transmitted to those who have not experienced the events. Second, a different set of people have a different set of memories, and the representation of the past depends on a variety of factors, such as cultural background (ethnicity, class, gender) and an individual's upbringing, that influence how people perceive their surroundings. Therefore, questions around the validity of memory, and its relevance to sharing in the present, need to be asked before conscious efforts are made to transmit it to the next generation via means that are part of heritage practice.

Memory emerges from cultural and political phenomena, particularly during social movements and other times of upheaval, such as the period of decolonisation, the postwar era and in 'remembrance' of Holocaust in the West (Harrison, 2013, p.167). Harrison adds that the creation of memory is also related to past conflict, injustices, and inequalities (Harrison, 2013, p.168). For example, most Southeast Asian communities have suffered from historical trauma as a result of revolutionary transformations which destroyed the structures of communities as well as people's ways of life. As people clasped to the past, social memory was challenged and regimes forced everything to transform by revolutionising language, culture, and traditions. This resulted in the forgetting of memory, with only selective ones remaining (Um, 2012, p.833). The Chaˇms, for example, one of the ethnic groups in Southeast Asia, suffered and were ignored due to past ordeals such as war, genocide, occupation, and forced dispersal, all of which affected their community's traditions. Most of the Chaˇms were scattered, and some of them live in Cambodia, Vietnam and other places. Due to historical traumas, it is impossible to retain the memory of the past, and most of their tradition was passed down orally. Even now, the Chaˇms are stateless and adscript on the political map (Um, 2012, p.834).

In addition to dispersion and historical trauma, colonialism also led to political division, continuous suppression, and lack of resources. Consequently, it also affected the memory of nations as a result of postcolonial disillusionment. Um (2012, p.834) has asked where memory goes if the body is left behind. Memory is full of flaws and imperfect. However, memory is irretrievable to individuals and impossible to recollect and to remember if there is interference during the process, such as politics, fear, time, and other factors (Um, 2012, p.845). In this regard, Harrison (2013, p.202) suggested allowing heritage to play its part in sustaining some memorable memories; there is a need to 'open the canonical status of heritage registers and lists' in order for unofficial heritage to be promoted for the future. Thus, in the creation of collective memory, the production of memory needs a conversation with the traces left and an active engagement with the traces that can bind people in the future (Harrison, 2013, p.202). Through personal and collective memory, the process of forgetting is involved in order for other things to be remembered (Harrison, 2013, p.167). Thus, to ensure that some memories are actively remembered, needs consistent engagement and active cultivation.

3.7 Heritage values within cultural spaces: government, museums, and the local community in Malaysia

Most of the time, societies' heritages face danger and risk as a result of modernity and globalisation. For example, Ulrich Beck has suggested the idea of risk society, resulting from modernity and its obsession with the future. Beck refers to risk society as,

> … a systematic way of dealing with hazards and insecurities induced and introduced by modernisation itself. Risks … are consequences which relate to the threatening force of modernisation and its globalization of doubt (1992, p.21).

This can be explained further through the idea of AHD proposed by Smith (2005), in which she argues that too much emphasis has been given towards the authority and expertise condition in defining and deciding what kind of heritage should be presented in modern society. Thus, some things should be considered again in reassessing heritage, including 'who and what is involved in the process of making heritage, and where the production of heritage might be located within contemporary societies' (Harrison, 2013, p.32). Due to changes in society, heritage is also changing and should nothing prevent future sustaining of heritage, heritage could be abundant due to the increase of its social, economic, and ontological dominance (Harrison, 2013, p.xi).

In conserving heritage, there needs to be a continuity in the interaction of community and groups with their environment, so that a sense of identity, sustainability, and creativity will be assured (Taha, 2014). In the late 1970s, Malaysia witnessed the transformation and change of a developing country. Many transformations have since been experienced by the country in order that it become an industrialised society by going through privatisation of government agencies, industrialisation and the growth of an automotive industry, physical development especially the growth of high buildings, exponential economic growth, etc. This speed of growth changed the way of life, and in turn, laid the cultural and traditional values that were embedded in Malaysian society open to uncomfortable threats (Rahman et al., 2015, p.418). There is also an uncomfortable gap between heritage professionals and the communities, particularly on the implementation or imposition of specific technical and scientific terms. A gap

between heritage professionals and stakeholders also concerns ways of understanding and valuing heritage (Harrison, 2013, p.xi). Therefore, to understand the cultural values of knowledge, various sources of knowledge (rational and subjective) are needed, including from both communities and experts (Stephenson, 2010, p.18). Thus, the need to maintain cultural values relies on government and museums, as well as local communities in Malaysia.

a. Government

Every society or community has its own culture and heritage values that lie within. These heritage values need to be sustained within the community in order to survive for the future (Stephenson, 2010, p.16). The government needs to give a hand in guiding the community to manage and sustain their heritage. Additionally, in the making of conservation and preservation frameworks, each regional area has their own way of reaching final decisions in policymaking. For example, in England, there is an organisation called Common Ground, established in 1986. This organisation is responsible for preserving local distinctiveness through the Parish Map Project. This project plays a role in bringing local communities together to define, record, and map the importance of their place. In this project, the key actors most responsible for running the project are local people themselves, because locals are the most knowledgeable about their place (Harrison, 2011, p.1). In Australia, a new technique in identifying the social values of places, 'map attachment', has been developed. The government used a 'cultural mapping' technique that helps communities to recognise, celebrate, and support the development of the economic, social, and regional area. Thus, the community was trained to record and conserve their histories, artworks, and even manage a themed walks style of tourism. This new technique uses tools that enable people to record and map the intangible values of the heritage sites; it encourages the communities to participate, as they are close and attached to the place (Harrison, 2011, p.1).

Also in Australia, all levels of government are involved in heritage management with different legislation at federal, state, and local levels. At the federal level, the National Heritage List covers the natural and cultural heritage places with an emphasis on national significance. All the places are protected under the Environment Protection and

Biodiversity Conservation Act 1999 (Harrison, 2011, p.1). Meanwhile, at the state level, each of the states has its register of places based on heritage significance. Hence, the state has power in management as well as listing historical or natural places. Heritage at local level is entirely dependent on local significance, especially for non-Indigenous heritage places (Harrison, 2011, p.1). Meanwhile, the Burra Charter has been introduced and plays a vital role in bringing up the importance of tangible and intangible heritage in social and cultural values for the community. It also encourages officials to engage with the community so that their memories, experience, and sense of place could be brought to the forefront. In addition, to highlight the importance of place, the setting – especially the location, use, memories of those who involved, feelings and people's experience – is highlighted (Taha, 2014). The Australia ICOMOS (International Council on Monuments and Sites) and the Burra Charter also give significant influence to heritage practice in Australia, especially in the conservation of cultural places. In 1999, the Burra Charter was revised due to the previous version focusing too much on archaeological and architectural forms. Thus, a new revision offered a more balanced weight on social and intangible values on places, too (Harrison, 2011, p.1).

Other regions also have their own style of heritage preservation process, to suit the region's culture and traditions. This idea is in line with the statement made in the Venice Charter (1964) that 'each country is responsible for applying the plan within the framework of its own culture and tradition'. However, there is also a limitation in applying this idea to certain countries in the Southeast Asian area. For example, in the ASEAN Declaration on Cultural Heritage,

> …the protection of this heritage often cannot be entirely undertaken at the national level because of the magnitude of economic and technical resources it requires and can only be undertaken through the collective action of ASEAN and assistance of the international community, which although not a substitute, can effectively complement the initiatives, of the Member Countries concerned (2002, p.2).

ASEAN thus urges members to design relevant learning programs, either formal or informal, so that the members of a country's societies are aware of the significance and values of their heritage. In Malaysia, there are three authorised levels for implementing the mandate concerning heritage matters: Federal Government, State Government, and the local authority. All these authorities need to refer to the supreme law, which is constituted in the Federal Constitution of 1957. The Constitution is responsible for the legislative and executive jurisdiction that is enforced in all states and includes matters related to heritage conservation, as stated in List III (Concurrent List) (Federal Constitution of Malaysia, 1957). The protection of heritage as itemised in the Concurrent List of the Constitution is applied to both Federal and State government, and both levels have the right to legislate on any heritage issues that may arise. In addition, some issues, such as 'treasure troves and antiquities', are referred to in the Concurrent List that belongs in the purview of both State Government and the Federal Government. The combination of both governments may initiate relevant mechanisms in protecting heritage, including conservation (Aziz and Hasan, 2017, p.176).

Thereafter, matters related to heritage are presided over by the National Heritage Act, 2005, Section 2, which is concerned with national heritage, heritage sites, heritage objects, and underwater world cultural heritage. Meanwhile, national heritage in the terms of the Act refers to 'any heritage site, heritage object, underwater cultural heritage or any living person declared as a National Heritage under section 67' (National Heritage Act, 2005, p.16). The identification and classification of heritage in Malaysia should be in accordance with this Act (Aziz and Hasan, 2017, p.177).In the National Heritage Act (2005), the power to safeguard heritage including the identification, protection, conservation, restoration, renovation, maintenance, documentation, and revitalisation of historical or traditional matter, artefacts, areas, and environment, is assigned to the Commissioner. The Commissioner must work with the local planning authorities to safeguard, promote, and deal with matters related to heritage (Aziz and Hasan, 2017, p.178). There are several functions of the Commissioner mentioned in the National Heritage Act (2005, pp. 18-19) as follows:

a) to determine the designation of sites, registration of objects and underwater cultural heritage;
b) to establish and maintain the Register and to determine and specify the categories of heritage to be listed in the Register;
c) to supervise and oversee the conservation, preservation, restoration, maintenance, promotion, exhibition and accessibility of heritage;
d) to promote and facilitate any research relating to heritage;
e) to authorise, monitor and supervise excavations for heritage purposes;
f) to maintain documents relating to any excavation, exploration, finding or search for heritage;
g) to establish and maintain liaison and co-operation with the State Authority in respect of conservation and preservation of heritage matters;
h) to advise and coordinate with the local planning authority, the Council and other bodies and entities at all levels to safeguard, promote and dealing with any heritage;
i) to promote and regulate that best standards and practices are applied in the conservation and preservation of heritage;
j) to advise the Minister concerning any matter in respect of conservation and preservation of heritage;
k) to perform such other functions under this Act as the Minister may assign from time to time; and
l) to do all such things as may be incidental to or consequential upon the discharge of his powers and functions (2005, pp. 18-19).

The Commissioner is assisted and advised by the National Heritage Council, the role of which is to advise the Minister and the Commissioner on any matters related to heritage, including administration and the imposition of heritage laws. Members of the National Heritage Council consist of: the chairman, usually appointed by the Minister; the Secretary-General of the Ministry of Culture, Arts and Heritage (or his representative); the Secretary-General of the Ministry of Tourism; the Director-General of Town and Country Planning; the Director-General of the Museums and Antiquity Department; the Commissioner and other members not to exceed six in number.

In protecting heritage, the interpretation of value and the significance of a place need to be considered too. Thus, the identification and designation of heritage should be reviewed if a preliminary assessment is made by a professional without reference to the opinion of local people. The notion of heritage and of a specific place lie in the hands of people who are attached to that place. Yet, according to Taha (2014), most of the international Charters, Conventions, and Recommendation only provide guidelines for protection and conservation. They rarely mention the roles of individuals, communities, and stakeholders in the process of selecting, conserving, and maintaining heritage (Taha, 2014, pp.18-19).

Campelo et al. (2014) discuss the idea of a destination brand in connecting people and place. A brand is essential and is seen as a destination's future in connecting tourists with the place. The attraction of a place depends on the place's environment and its natural features, social and cultural capital, values and attributes – all of which in the end determine the destination brand (Campelo et al., 2014, p.154). Before deciding on the distinctive destination brand, the identity of place needs to be understood, as it is an essential feature in defining its character. In the place itself, it also contains culture and the core values of the place, and defines the service that the tourists receive in exchange for experiencing the place (Campelo et al., 2014, p.155). A destination branding is thus strategised to promote the cultural characteristics of a place, to understand the lifestyle of the people who live there and to apprehend the shared sense of place experienced by the locals. A sense of place is based on the experience of meaning that is given by locals to their places. By experiencing a sense of place, commercial exchange activities are transformed into tourism (Campelo et al., 2014, p.155). However, the most important questions should be pondered by everyone in society: who owns the past? Moreover, who should make decisions about it? Does the decision-making lie in the local communities' hands or professionals' (Taha, 2014, p.19)? Taha also encourages the reconsideration of the right to own the heritage assets and places an emphasis on the attachment of the locals who own and associate with it (Taha, 2014, p.23).

For Aziz and Hasan (2017, p.16), things to contemplate in dealing with heritage preservation include: what should be 'handed down', who is responsible to 'pass down' and how can they be sustained in the future? An obligation to safeguard and protect a legacy such as cultural and natural heritage is dependent on the government agencies

that lay down and equip the legislative orders. The authorities also need to look at various factors such as the interest of the stakeholders, types of heritage, location, condition, and views from various disciplines, in order to assure that heritage can be preserved and handed down. Aziz and Hasan (2017) also highlight that the interpretation of heritage is vital in defining the notion of heritage. As they point out, the identification of heritage is subjective and depends upon who perceives and gives meaning to it (Aziz and Hasan, 2017, pp.167-169).

Heritage conservation is not only about safeguarding an object or subject, but also embodies a complex interaction between human and environment that includes tangible and intangible aspects. Hence in addition to needing a proper mechanism to safeguard, protect, and preserve different types of heritage, heritage conversation requires the consideration of a society's customs and traditions as it these that determine what suits the community best. In Malaysia, the customary laws of each ethnic group bind the community together. For example, the Orang Asli (aboriginal community) had their native laws; it also applied to the Malays, who had *adat perpatih* and *adat temenggong*, as well as to other ethnic groups in Sabah and Sarawak. These customary laws, practices, and protocols give an identity to these communities and impose significant sets of values that need to be adhered to by community members (Aziz and Hasan, 2017, pp. 169-170).

More broadly, emerging concepts in the heritage context become significant. For example, the 'glocal' has gained public attention and concerns a global and local relationship in representing the identities of a community (Howard, 2003, p.181). According to the Oxford Dictionary (2019), glocal is 'reflecting or characterised by both local and global considerations'. The glocal context can be expressed through creative industries as a mechanism for safeguarding and sustaining cultural heritage. According to Hartley (2005), creative industries bring various contributions, one of which is to economic development. As creative industries are a 'product of history', so the creative industries concept varies 'geographically, depending on local heritage and circumstances' (Hartley, 2005, p.5). For example in the United States of America (USA), 'creativity is consumer- and market-driven, whereas in Europe it is caught up in traditions of national culture and cultural citizenship' (Hartley, 2005, p. 5). In Malaysia, creative industry is defined as,

> … the nurturing and development of individual or collective abilities and talents based on creativity, innovation, and technology that lead to economic source production and high-income generation through the emphasis on work and intellectual copyright in line with the culture and good values of multicultural society in Malaysia (Kementerian Penerangan Komunikasi dan Kebudayaan, 2009, p.4).

Three core areas are emphasised; namely multimedia, the arts and culture, and cultural heritage, in order to ensure successful development of the creative industries. To ensure that creative industry is progressing well, strategic planning has been implemented by the Malaysian government in areas such as providing training expertise (especially in creative arts, music, arts and crafts) to members of the public who are interested in these fields, through educational institutions at various levels starting from primary, secondary, and higher education (college and university) (Wahab, 2005). Additional to this, dedicated institutions for creative industries should be set up, in order to coordinate and monitor activities related to them; while at the same time, research and development within this area should be expanded, as a way to tackle any possible issues in the future. In addition, people should be encouraged to master appropriate technology so that they can contribute to the development of local products as well as the enactment of specific laws, in order to protect the rights of local specialists.

In a similar vein, Hani et al. (2012) have shown that the creative industries can be a means of preserving cultural heritage values. Hani and her colleagues highlight the case of Saung Angklung Udjo in West Java, Indonesia, as an example. The Saung Angklung Udjo is a form of performing arts that uses *angklung* (a kind of musical instrument) during the performance. They identify that the preservation of *angklung* and its performance can be stimulated through training and education in the art; broadening the performing arts marketing strategy; cooperation with government for international recognition and promotion; cooperation with educational institutions; and encouraging the local community to be involved in the production process (Hani et al., 2012). Therefore, the cultural heritage values embedded in the *angklung* could be disseminated to others, either locals or outsiders who are interested in the *angklung* performance. Thus, when people pay attention to the *angklung* performance and have an interest in it, *angklung* could have a better chance of continuing to exist in contemporary society.

This is similar to the case study discussed by Barrere (2013), in which he reveals that transformation of taste (such as in fashion, perfume, gastronomy, tourism, wines, and others) may be an outcome of heritage being merged with the creative industries. Barrere's project placed more emphasis on the 'creation of ideas, drawings, recipes, goods, and services which pass through time, and which constitute heritages' rather than on improvising its cumulative knowledge or on its amenities (Barrere, 2013, p.167), because taste-related goods can be looked at as a binding factor in place of the conventional way of linking the present with the past that relates to people's roots and traditional social values.

Apart from collaborating with creative industries in preserving cultural heritage, oral tradition can also be considered as a way to preserve cultural heritage and to facilitate the transmission of heritage values, as suggested by Halamy and Kibat (2017), particularly when it comes to knowledge transfer. In this case oral history, for instance,

> … [is] able to provide such information derived from [people's] involvement and experience of historical events, from their special relationship with a particular personality, or the bearing that a specific period in history may have had on their lives' (Halamy and Kibat, 2017, p.32).

So, to transfer all the knowledge, skills or practices in heritage matters, such an approach may be applied with strong involvement from the community itself. Again as highlighted by the UNESCO Convention (2013), community engagement could be the possible way of approaching and sustaining their heritage. In the ever-challenging relationship between people and administrators, it is good to know that appreciation for local culture, tradition, and heritage is still very much driven by local spirit. Through oral transmission, communities 'gain a sense of identity and continuity from these expressions', hence defining what ICH is from the local point of view (Lloyd, 2012, p.147). Therefore, in order to ensure that traditional culture that has been upheld by the previous generation sustains and will be handed down to the next, the community needs to get together and take measures as appropriate to ensure heritage and tradition's continuity in contemporary society.

In the Malaysian context, Ismail et al. (2014) suggested that a proper system of management is required to maintain, conserve, and preserve cultural heritage. In Malaysia the tourism industry, for example, contributes to the economic development of the country and the current trend of tourism demands that cultural heritage tourism (CHT) be marketed. The growth of CHT is due to the interests of tourists in seeking and understanding the culture, history, archaeology, and interaction of the local community. The significance of CHT is varied and mostly based on economic, social, and identity-related reasons for the preservation of cultural heritage, as well as linked to the reinforcement of harmony and understanding of local culture and tradition. In that sense, culture and cultural heritage give people an identity, self-respect, and dignity. Thus, the interpretation of cultural heritage must include interpretation that educates the public and becomes a catalyst to cultural heritage conservation.

b. Museums

Heritage is also involved in the lifelong learning process that educates people in their everyday lives (Howard, 2003, p.18). Howard argues that heritage should be taught at school and that heritage studies should be required at the tertiary and higher levels in public education institutions (Howard, 2003, p.19). As heritage becomes part of education, various fields deal with heritage discourse, such as archaeology, anthropology, architectural history (Howard, 2003, p.18), and museum studies. In Malaysia, school students have been exposed to the history and culture of Malaysia since primary school. The students have been taught about local culture and heritage through compulsory subjects such as history and local studies (*Kajian Tempatan*). Such subjects prepare the younger generation with knowledge and understanding of their roots and history before learning about other cultures. In addition, the implementation of such subjects at primary level tends to inject a spirit of patriotism and nationalism as well as respect for other cultures and traditions (Mokhtar & Lokman, 2016).

The museum plays an essential role in helping to sustain cultural heritage, in the present and future. The living museum, for example, is seen as having a close connection to promoting local ways of life, culture, tradition, and heritage to both insiders and outsiders. At the same time, a living museum can improve the local economy and provide support to the tourism industry. A living museum can be like a traditional

school where the younger generation of a community, especially younger children, can learn about their culture (Kathrin, 2012). The living museum may show some critical historical events relating to local life in the past, as perceived from ethnographic or historical viewpoints. Hence, it recreates the cultural conditions, surroundings - including the natural environment – of a past historical period. In addition, historical drama or re-enactment groups may work to make it alive and realistic, emulating and performing the historical scene in a historical building (Rahman et al., 2015, p.419).

In Malaysia, such buildings can include Malay traditional houses which possess aesthetic values particular to Malaysia – and ideas of Malay-ness – as displayed in their carved motifs. As place in which people traditionally lived, they also embody traditional knowledge and can create a cultural memory. The living museum thus constitutes an attempt to rejuvenate cultural traditions as well as to instil cultural values amongst younger generations (Rahman et al., 2015, p.419). Indeed, Rahman et al. (2015, p.419) conducted a research study amongst the dwellers of Kampung Morten, Melaka, aiming to discover local people's preferences in conserving their traditional Malay houses. The results of the study suggested that the creation of a living museum in Kampung Morten would provide more benefit and advantages to the local people. For example, in promoting the uniqueness of traditional houses they would be preserving the heritage values that were inherited from their ancestors as well as retaining the originality of their villages and houses. In addition, as most of the residents of Kampung Morten are actively attached to their traditional practices, they could re-enact the memories of their past family in specific ways. For example, during the traditional Malay wedding, both the bride and groom still wear the traditional Malay wedding costumes; sometimes these outfits are 20 or more years old and inherited from forebears. Local people also preserve unique interior designs that represent their past, including, for instance, old musical instruments and antique furniture that is still displayed in their houses. Most of the residents positively agreed, in Rahman's study, that there are lots of benefits for their place to be acknowledged as a living museum, not least that they can conduct more activities relating to the tourism industry (Rahman et al., 2015, p.422). As the local community operates the living museum in promoting their cultural heritage, ways of life, and cultural practices, the local museum in return should play its role in assisting the community and actively promoting it to outsiders, encouraging them to stop awhile, explore and experience local culture. Through the full participation of the community in

entertaining outsiders, they can sustain their local identity and develop their local economy (Corsane et al., 2009).

Museums can therefore become institutions that can help the existence of modernity and tradition at the same time (Harrison, 2013, p.26). Museums also function as places of temporary, or not so temporary, storage, especially in storing heritage objects. They provide another chance or place to live for objects, traditions, places and practices that might, without the museum's support in preservation, conservation and exhibition, die (Harrison, 2013, p.199). However, several questions should be asked before decisions are made to support such initiatives in living heritage contexts – for example, is the safeguarding concern based on the collection (which may be defined by the elite group) or the contribution and the importance of the collections in and to the society more broadly (Harrison, 2001, p.358)? Hence, Harrison (2011, p.358) suggested that the basis for the safeguarding of the collections should be on both reasons. The failure to recognise the importance of collections or heritage and their need for safeguarding can often be due both to politicians and other decision-makers who are unable to recognise the importance of cultural institutions to a healthy society and to cultural professionals who do not recognise the importance of heritage to a community and/or in relation to how it might meet a community need. These two groups also often do not communicate with each other in order to understand the cultural heritage of a community (Harrison, 2001, p.358). Harrison (2013, p.20) also argues that most of the debates concerning heritage stem from a deficiency of recognition of unofficial heritage: as discussed in Chapter Two, the AHD rarely acknowledges unofficial heritage. Since it is not formally and legally recognised, most unofficial heritage is open to danger such as decay and lack of preservation. In turn, this threatens the identity of some of the community whose values are intrinsically connected to or embedded in the heritage in question.

c. Malaysian local community

Heritage from the perspective of the community, then, is often seen differently than from the perspective of the AHD and (if the community is, as here, in Malaysia) a Western notion of heritage (Harrison, 2013, p.228). In case studies from Australia, China and Thailand and in relation to conflicting views of local practices and living traditions Byrne, for example, has proved the problem of applying a Western notion of

heritage in non-Western countries (Harrison, 2013, p.110). Often dialogically democratic decision-making processes in heritage involve unequal relations of power that lead to the isolation and exclusion of particular individuals and social groups. This exclusion can apply at various scales and even at the level of the nation-state, where subaltern minorities who do not share majority histories, values or ethnicities are excluded (Harrison, 2013, pp.229-230). The notion of heritage is usually from the AHD and excludes community involvement in the decision-making process, although community involvement is considered essential as emphasised by most Conventions, Charters and Documents (Harrison, 2013, p.230). . The most crucial thing in heritage conservation is the meaning that lies behind the restoration of material and non-material heritage. The current trend of heritage studies is encouraged by the interaction of local communities with their surroundings in developing a sense of identity, sense of continuity, and human creativity (Taha, 2014, p.18). The development and use of an integrative approach helps enhance understanding of the relationship between people and place. This approach is critical to prevent local heritages and communities being threatened by development and at the same time to provide guidelines to structure future development. It also serves to maintain and enhance cultural values as well as place identity (Stephenson, 2010, p.19).

Thus, the participation of the stakeholders is vital in planning and managing heritage. Discussions between developers or government officials and communities, especially the stakeholders, are the best way of handling issues on heritage, particularly in preservation as well as the development of heritage tourism. The formal guidelines were provided and suggested by UNESCO (2005) through Operational Guidelines for the Implementation of the World Heritage Convention, pointing particularly to a management system that comprises continuous progress of planning, implementing, monitoring, evaluating, and feedback. The engagement and participation of stakeholders are necessary during the planning process. However, there are numerous challenges in the preservation and conservation of intangible cultural heritage such as power imbalance, the commitment of stakeholders in participating towards the preservation and conservation processes as well as the local community as the primary holders in intangible heritage. Moreover, different communities and sections of communities, and different places, have different degrees of attachment and attribute different meanings (Tan et al., 2018, p.377)

3.8 Conclusion

This chapter has discussed the attribution of heritage values that often change through times, contexts and communities. These values also change when migration takes place. The chapter has highlighted the relationship between heritage and place, demonstrating that the sense of place gives a place attachment and an identity to people. Heritage also plays a part in creating memory, from 'forgetting' the old one to 'creating' the new. Lastly, this chapter has discussed heritage values within cultural spaces and specifically in relation to government, museums and the local community, concerning safeguarding and the roles of these three agents in ensuring that heritage is sustained in the future.

CHAPTER FOUR
GOVERNMENTAL PERSPECTIVES ON HERITAGE IN MALAYSIA

4.1 Introduction

This chapter explores Malaysian governmental perspectives on heritage, examining them in relation to historical, national, and international contexts. It demonstrates that at national, governmental levels in post-colonial Malaysia, 'heritage' has come to be constructed and utilised in specific ways for various political, social and economic reasons, and to have particular economic and political significance. In turn, as will become clear, this has had impact on the ways in which, and challenges to how, Malaysia seeks to safeguard her heritage. This chapter's probing of the governmental perspectives on and uses of heritage in Malaysia – or what might be called the top-down approaches to heritage in Malaysia – is important to the thesis's wider study as it demonstrates the national context in which fluid notions of heritage are constructed, shift and are influenced by political and other priorities and change.

Economically, heritage in Malaysia is core to and promoted through the continually developing tourism industry. Tourism is one of the country's key economic resources and is prioritised highly in the government's drive towards further economic development. The promotion of Malaysia's culture, tradition and heritage is deemed very important. Almost 53.14 million tourists visited Malaysia in 2014-15, most of whom were from other Asian countries like Singapore and from European countries (Tourism Malaysia, 2016). Their travels to Malaysia generated approximately 141.1 billion Malaysian Ringgit (MYR) income for the country in the same year, equivalent to 25.2 billion Great Britain Pound (GBP) (Tourism Malaysia, 2016). Marketed as 'Malaysia Truly Asia' in the tourism industry, Malaysia's image has been constructed, internally and externally, as a country with a wide variety of attractions, from its multicultural population, various traditions, tangible and intangible heritages, to the uniqueness of its tropical forests with their rich flora and fauna, resplendent beaches and islands, and historical sites and heritage towns like Pulau Pinang and Melaka. National planning and legislature has deliberately focused on the development of Malaysia's

heritage and tourism industry, particularly since the beginning of the twenty-first century. At the same time, as will be seen later in this chapter, Malaysia's participation in UNESCO has introduced and normalised some international heritage concepts and ideas (such as the differentiation between tangible and intangible) in the Malaysian context. This exemplifies and has contributed to what Harrison calls the 'universalising' trend (Harrison, 2010a) in top-down approaches to local cultures, traditions, and heritages within multicultural societies in Malaysia and other countries around the world.

The chapter addresses these and related issues by discussing the contemporary significance of heritage preservation and examining the influence of political authority on the selection of heritage resources, decisions about what types of heritage and tradition in the society should be preserved and links to the government's attempts to form a harmonious, national identity in Malaysia.

4.2 Historical context

Malaysia was colonised and ruled by the Portuguese, Dutch and British (Butler et al., 2012) before gaining its full independence from the British in August 1957. Malaysia's colonial experience was a complex one that involved extensive loss and suffering, but also stimulated political and economic development and the development of new national identities (Harrison and Hughes, 2010). Colonialism has also left considerable amounts of its own material heritage, as can be seen in Melaka and Pulau Pinang. These historic cities, especially Melaka, were once international entrepots during the heyday of Melaka's Sultanate. In 2008, they were both entered into the UNESCO World Heritage List; they are now two of the main tourist attractions in Malaysia (Henderson, 2012; Harun, 2011; Bideau and Kilani, 2012).

According to King (2012), Malaysia is one of a number of Southeast Asian countries characterised by cultural diversity and openness to incomings of different people over time. Other countries in the region have also been typified by regional human flows, which have facilitated cultural hybridisation, mixed communities and ethnicities. Indeed, cultural complexity, ethnic pluralism and a variety of mixed race presence might be said to characterise some countries in the region, including Malaysia (King,

2012, p.1). In Malaysia alone, three major ethnic groups co-exist, specifically the Malays, Chinese, and Indians along with other ethnic groups such as the Orang Asli and the indigenous groups of Sabah and Sarawak. There is a significant colonial legacy here, as the British brought the Chinese and the Indians to the Malay land for labour during the colonial period. The Chinese were brought to manage the mining industry while the Indians were brought in to manage estates as well as to serve in the British armies. Architectural styles, customs, and even religious beliefs that are found in Malaysia are evidence of earlier cultural blending. For example according to Ho et al. (2005), traces of a Hindu-Buddhist civilisation were found at Bujang Valley in Kedah (a northern part of Malaysia) in a form of tomb temples known as *candi*. Ho and others also note that Indian and Chinese traders settled down in the Malay Archipelago before the British colonial period. They spread their culture and customs, influencing the local culture as can be seen in Malaysia today (Andaya and Andaya, 1982; Andaya, 2008; Ho et al., 2005, p.2). For example, contemporary Chinese buildings tend to be in a form of Straits Eclectic style, a combination between Eastern and Western architecture, as found in Chinese shophouses and terrace houses in urban areas of Malaysia (Ho et al., 2005, p.2). The Chinese, like other groups, also express their identity through their cultural foods, traditional attire, music, and dance.

Within Malaysia, however, there have also been a real and perceived economic disparities between the three principal ethnic groups, with the Chinese more likely to excel in business and reside in the city, the Malays to live in villages and the Indians to work on agricultural estates (Ismail et al., 2009). This division of labour and residence patterns led to the Chinese becoming relatively richer and the Malays and Indians becoming relatively poorer (ibid). In response to this inequality and economic instability, the government started to establish various economic plans in order to minimise the gaps between groups (ibid). As a result, Malaysia started to pay attention to developing its economic, physical development, education, eradicating poverty and other, through the establishment of national policies such as the New Economic Policy (NEP) in 1971 and its 1990s replacement, the National Development Policy (NDP) (Economic Planning Unit, 2017d). In 1991, the fourth Prime Minister of Malaysia, Tun Dr. Mahathir Mohammed, introduced Vision 2020, with the overall aim to be a fully developed country and industrialised society by the year 2020 (Khan et al., 2014; Jeshurun, 1993). Specific objectives in Vision 2020, identified by Islam, include:

- to have sufficient food and shelter with easy access to health and basic essentials
- to reduce the present level of poverty
- to remove the identification of race with major economic functions and to have a fair distribution with regard to the control, management and ownership of the modern economy
- to maintain annual population growth rate of 2.5%
- to double real GDP every ten years between 1990 and 2020 AD
- to have a balanced growth in all sectors namely: industry, agroforestry, energy, transport, tourism and communications, banking, that is technologically proficient, fully able to adapt, innovative, with a view to always moving to higher levels of technology (2010, p.200).

All of these policies are being realised through five years development plans, started with First Malaysia Plan in 1966 and the implementation of the NEP during the Second Malaysia Plan in 1971. Currently, Malaysia has introduced its Eleventh Malaysia Plan, which effectively started in 2016. Thus, in working to achieve Vision 2020, various transformations have been by the Malaysian government, such as privatising some government agencies with the aim to increase profits and income while at the same time decreasing the economic burden faced by Malaysia. For example, the previously government-owned national energy company (Tenaga Nasional Berhad) and postal service company (Pos Malaysia Berhad) have both now turned into private companies. Malaysia also ventured into automotive industry with the birth of PROTON, the national car company, and oil and gas with PETRONAS. During Prime Minister Mahathir's era (1981 to 2003), Malaysia was effectively becoming a newly industrialising nation representing the new Southeast Asian economies and successfully attracting foreign investors in, especially, manufacturing industries, the service sectors and tourism (Jeshurun, 1993, p.219). This growth and foreign investment in turn offered job opportunities and enabled opportunities to reduce poverty, especially amongst the Malays and *Bumiputera* (Lee, 1999, p.89).

The Malaysians also began to receive better education with the emphasis on science and technologies (Ibrahim, 2007b, p.165; Lee, 1999, p.91; Raman and Tan, 2010, p.121), and some of the outstanding students were sent overseas with scholarships (Brown, 2007, p.321), with the hope they would return to serve the community and their country after they completed their studies. Malaysia is also now able to provide for the basic needs of its society, especially in improving their standard of health with the growth of public hospitals and clinics as well as private health institutions. However, Malaysia's economic progress is not as positive as it could be and most of its population have been trapped in the middle-income class (Economic Planning Unit, 2017c). Most significantly, the objective of achieving developed nation status by 2020 is left far behind. Thus, a few other programmes have been developed in order to overcome the crisis, such as the Government Transformation Programme (GTP) which was introduced in April 2009 with aims to transfer the government to be more effective in handling public issues of concern, especially reducing crime, fighting corruption, improving student outcomes, raising living standards of low-income households, improving rural basic infrastructure and urban public transport, and overall to move Malaysia forward in becoming a more advanced, united and just society with a high standard of living (Economic Planning Unit, 2017b). In addition, the Economic Transformation Programme (ETP) was launched in September 2010 with the aim to increase the income of the country as well as to provide job opportunities. There are also twelve national key economic areas that contribute towards economic enhancement, especially in oil, gas and energy; palm oil and rubber; financial services; tourism; business services; electronics and electrical; wholesale and retail; education; healthcare; communications, contents and infrastructure; agriculture and Greater Kuala Lumpur and Klang Valley (Performance Management & Delivery Unit, 2013). An existing platform that has always contributed towards generating income and boosting the economy, providing employment as well as attracting foreign investment, is the tourism industry. The government highlights its aim to promote Malaysia as,

> … an attractive hill and island resort, an international shopping hub and major events destination, eco-tourism, agro-tourism, homestay programmes, cultural and heritage tourism as well as education, student exchange programme and also health tourism (Economic Planning Unit, 2017a, p.360).

Through this variety of tourism products, as the government sees them from the economic perspective, the government intends Malaysia to attract more tourists and, at the same time, to preserve and sustain these products for the future. In particular, these products are intended to convey and promote a Malaysian identity characterised by a rich diversity. The Eighth Malaysia Plan (2001-2005) was the initial phase towards the development of heritage industry in Malaysia (Mustafa and Abdullah, 2013), and was closely followed by the establishment of the National Heritage Act in 2005 as well as the Ninth Malaysia Plan (2006-2010), both highlighting the importance of preserving and restoring material heritage such as historic sites, buildings and artefacts (Henderson, 2012; Economic Planning Unit, 2017e), with the collaboration of UNESCO in receiving its recognition and inclusion in its heritage lists. UNESCO's collaboration and recognition also helps Malaysia to build up and spread more sense of awareness in conservation and preservation programmes, as well as to spread a sense of awareness amongst the public of the significance of their cultural heritage. Indeed, Malaysia and UNESCO have had a long-established relationship since 1967, as a result of which UNESCO assists in development projects and education, as well as in preserving cultural heritage (Zon and Shariff, 1987). For example, Malaysian government has worked with UNESCO in inscribing Georgetown (Pulau Pinang) and Melaka as World Heritage Site in 2008 as well as the most recent events are the recognition by the UNESCO on *dondang sayang* as one of the performing arts in 2018 and *silat*, the traditional Malay martial arts in 2019, as both is successfully listed in the Intangible Cultural Heritage Lists.

In addition to focusing on the economic and physical development of Malaysia, the government has also been concerned with the impact of globalisation on local Malaysian identity. At the same time, this requires the government to concern itself with what Malaysian identity actually is. This issue is not unique to Malaysia and while it may take different forms it is not new; it occurred during the immigration of neighbouring populations to Malaysia from the past, dating back hundreds years ago during the glory days of Melaka, for example. Today, Malaysian identity in the sense of national identity refers to the official identity that is represented at national or state level. It is usually expressed in a form of 'national symbols such as [the] national flag, national anthem, national language (Malay language), monuments, costumes, [and] credo (*Rukunegara*) that has been enshrined by the federal government' (Embong,

2011, p.16). With the influx of immigrants such as the Chinese, Indians, Arabs, Bugis, Minangkabau, Javanese, Eurasians and others, Malaysia has formed shifting new identities that are constituted by the various cultures, traditions, and multi-ethnic groups that live together within the country. In this sense, Malaysian-ness consists of various ethnic groups, usually represented by three major groups, the Malays, Chinese, and Indians, with other more recent influences and overall a range of cultures and traditions that reflect and represent Malaysia as a whole. This is an example of what Embong (2011, pp. 17-18) calls heterogeneous globalisation, a diversity of cultures, traditions and communities resulting from trans-border migrations. It is the second kind of globalisation identified by Embong. In his first kind, homogeneous globalisation, a dominant culture (for example, Western culture) is easily spread to other society(s) through cultural imperialism, in the end driving the other society to adopt the new culture and at the same time lose elements of local cultural authenticity. There are similarities on Butler et al.'s (2014) identification of contemporary influence from other cultures and communities, such as Europeans and Australasians, dominating and shaping local urban spaces and in the process eroding local identities. Cultural influence and identity shift is often more complex, however. Thus Embong describes a third kind of globalisation, that can produce cultural hybridisation, the mixing of existing cultures with new ones. In Malaysia, through various kinds of colonialism and migration there has been a combination of homogeneous, heterogeneous and cultural hybridisation forms of globalisation influencing of its culture and society (Embong, 2011, p.18).

Current Malaysian identity is actually complex, and what 'Malaysian' means is complicated. Internal political conflict has also influenced contemporary ideas of what it is to be Malaysian (Butler et al., 2012, p.200). After Malaysia gained her independence from the colonial British in 1957, the imbalance of rights between each ethnic group occurred because of the 'social contract' that had been signed by the three major ethnic groups during the formation of the Federation of Malaya in 1957. Malaysia's post-colonial formation of a national identity was based in a national policy that emphasised the rights of ethnic Malays as *Bumiputera* or sons of the soil. This was not unusually rooted in ideas of the pre-colonial nation: the essence of identity for post-colonial developing countries is usually traced back to the supposed pre-colonial golden or glorious days, evidenced through the discovery of archaeological remains, culture and heritage sites that can be said to represent the national image and unity of the

society during its magnificent era. This nation- and identity-building process is vital in achieving rapid post-colonial development and progress (King, 2012, p.3). But it can also be problematic, prioritising some groups at the expense of others for example. In Malaysia, due to the high emphasis on the rights of the Malays, there were some assumptions that the rights of other groups were – and are – often marginalised. The government is still trying to be fair towards its people, for example explicitly giving equal rights to all races in Malaysia. In practice, though, the process of achieving equality is still in progress. To handle this issue, the former prime ministers and the current prime minister of Malaysia, for example, have been trying to unite and balance the multiple ethnicities in Malaysia. This can be seen with the establishment of 1Malaysia concept with '*People First, Performance Now*' in April 2009. The 1Malaysia programme highlights 'unity in diversity and inclusiveness' and emphasises 'accepting and celebrating our differences, not mere tolerance or respect' (1Malaysia, 2016) as a route to ensuring the stability of Malaysian society. Butler assesses the programme and its aims as quite difficult and needing extra efforts in order to give satisfaction to the people, yet still achievable (Butler et al., 2012, p.201). Additionally, due to the loyalty of the other non-Malays such as Chinese and Indians towards the country, they were offered as members of citizenship and were 'guaranteed their rights to practice their religion, language and culture' (Kheng, 2009, p. 142).

4.3 The development of heritage in Malaysia: contemporary situation

In viewing the contemporary situation in Malaysia, cultural diversity could be seen as strength, especially in displaying Malaysia's uniqueness; at the same time, this cultural pluralism could also lead to tensions between ethnic groups. 'Culture' in its largest sense can be defined as the 'way of human life that leads to grace and dignity' (Rofli and Khoo, 2009, p.2) and refers to civilisation and ways of thinking (Dewan Bahasa Dan Pustaka, 2016). This can range from 'the way we eat to sanitation of restrooms, from dignity of conduct to the manner in which we relate to others, from preserving the cleanliness of rivers to performing duties without corruption' (Rofli and Khoo, 2009, p.2). 'Culture' sometimes refers more particularly to what is manifested in the forms of music, theatre, painting, dance, singing, sculpture and so on, however. In the Malaysian context, for example, the term 'culture' as used officially, refers to performing arts and

artistic manifestation such as dance (*joget, zapin* and others) and musical instruments (*gendang, kompang* and others) (Rofli and Khoo, 2009, p.2).

Culture is also associated with heritage and both are fundamental to the process of nation building because both can be used and manipulated to enhance social stability and economic growth (Omar Basaree et al., 2015, p.677). Culture is a reflection of heritage, and heritage is a reflection of culture. Culture and heritage that have been passed down to the next generation are not in their original forms because they change their shape with the passage of time. Society will choose and be selective with what it needs, in order to adapt culture and heritage to circumstances. It will go through some selection, construction and negotiation, as part of identifying the forms of heritage that are deemed to suit the needs of local and national identity-making (King, 2012, p.3). In culturally diverse, multi-ethnic Malaysia, the government faces considerable and complex challenges. Traditions and heritage in Malaysia have adapted and changed to suit present conditions, including becoming an economically important resource through the heritage tourism industry. Malaysia continues to monitor its culture and heritage, and established the Ministry of Information, Communications and Culture in 2004 (Mustafa and Abdullah, 2013) (renamed the Ministry of Tourism, Arts and Culture Malaysia (MOTAC) in 2018) to serve the close connection between tourism and culture in promoting Malaysia as a top destination to visit, seeking to conform too with the Eighth and Ninth Malaysia Plans which highly emphasise the development of national identity through culture and heritage (Mustafa and Abdullah, 2013). This was followed by the establishment of the still active Department of National Heritage Malaysia in 2006, which functions as a special unit to tackle heritage matters (Harun, 2011; Mohd Yusoff et al., 2010).

One of the agencies under the Ministry of Tourism, Arts and Culture, the National Department of Culture and Arts, defined culture as 'mankind's way of life' which contributes to the 'national development of Malaysia in which Malaysian identity is upheld in efforts undertaken to improve socio-economic and political development' (National Department for Culture and Arts, 2018). The aim of the Ministry is to use culture as one of the mechanisms to promote Malaysia's tourism, to welcome more tourists to come and at the same time to build a sense of national identity through art, culture, and heritage. Thus, the ministry uses tourism and culture as a channel for

Malaysia's socio-economic growth while at the same time trying to strengthen, conserve, and preserve what it understands as national culture and heritage. In addition, the National Culture Policy, introduced for the first time in 1971, is a guideline seen as important in 'designing, formulating, and sustaining the national identity of Malaysia' (Deraman, 2005, p.7). Formed after the 1969 racial riots that led to the country to a state of emergency, the policy has three main principles: national culture must be based on the indigenous culture of the region (dated back to the glorious days of Malay civilisation and culture when Malay language was used in trade relations, and meaning that Malay culture – or the way of life that symbolically represents the identity of the people who speak the Malay language – should be the basis of the National Culture Policy); relevant and acceptable elements from other cultures may be accepted as part of the national culture (referring to immigrant cultures which have undergone adapting and assimilating processes, such as those of the Chinese, Indians, Arabs, westerners and others); and Islam, the country's official religion, is an important component in the formulation of the national culture (National Department for Culture and Arts, 2019).

While the National Culture Policy is an attempt to identify a way forward in forming an inclusive national identity, it still represents a particular perspective. Basing a contemporary identity on an apparent indigenous past, for example, is problematic. Not all of the cultural practices and forms of the past are necessarily present today and, as Timothy and Nyaupane (2009) put it, the process of identifying and perpetuating legacies and relics of the past is very selective. Political upheavals, for example, have had an ongoing impact on the shaping and reshaping of the heritage of society. Indeed, Timothy and Nyaupane (2009, p.42) call heritage 'a political entity' as both heritage and politics inevitably influence each other. Harrison (2010a, p.154) also points out how heritage becomes a symbol for political struggle around, for example, the ownership of heritage objects, places and practices, as well as political power itself. Culture (Yatim, 2009) and heritage also plays a crucial part in nation building (Timothy and Nyaupane, 2009) and identity formations (Harrison and Hughes, 2010). For nation-building in Malaysia, the government needs to determine what and whose heritage needs to be considered and conserved for the public (Harrison, 2010b), as ongoing nation-building moves forward with urgency in a multi-ethnic context (Henderson, 2012). The dilemmas that can result may lead towards the accentuation of special heritage that belongs to only particular groups, if measures are not taken to ensure fair

weight is given to the heritages of all ethnic and other cultural groups. So for some, cultural policy is necessary, in order to establish and monitor the behaviour and ethics of future generations (Yatim, 2009). Such policies can also, however, restrict and constrict the development of culture. For multi-ethnic Malaysia, Yatim argues that there is no choice but to stick to a National Cultural Policy, as the preservation of heritage, cultural directions and continued, systematic building of nationhood in such a setting requires clear policy (2009, p.5).

Currently, the Ministry of Tourism and Culture has given authority to the Department of National Heritage Malaysia (established in 2006) to observe cultural heritage in Malaysia. The Department plays its role in consolidating policy and programmes that relate to Malaysia's culture, arts and heritage. At the same time, it formulates strategies to ensure that cultural heritage is accessible to the public and promoted as a source of economic potential. As a result, the values of and need to preserve cultural heritage are implemented from the outset, especially to younger generations through educational institutions (Wahab, 2005) and in cooperation with non-governmental agencies such as UNESCO. Cultural traditions such as traditional music, theatre, dance, and others are taught from primary schools to universities, to produce professional artists in this field. The Ministry of Tourism and Culture is also responsible for developing Malaysia through its tourism industry, which relies on the cultural qualities of Malaysia as a destination. This ministry also plays a role in building national identity based on arts, culture, and heritage, as well as, at the same time, conserving and preserving them. The primary stated roles of the Ministry of Tourism and Culture of Malaysia are to:

i. strengthen the arts, culture and heritage towards enhancing national unity, based on the National Cultural Policy;
ii. enhance synergy and cooperation among tourism and culture industry players, towards making Malaysia a preferred tourist and cultural destination;
iii. strengthen the tourism and culture sectors towards empowering the nation's economy;
iv. promote Malaysia's uniqueness in arts, culture and heritage as the main catalyst for the growth in tourism and culture sectors; and
v. develop knowledgeable, skilled, creative and innovative human capital in the tourism and culture sectors (Ministry of Tourism and Culture Malaysia, 2016).

The ministry has a number of departments and agencies, as shown in the following figure:

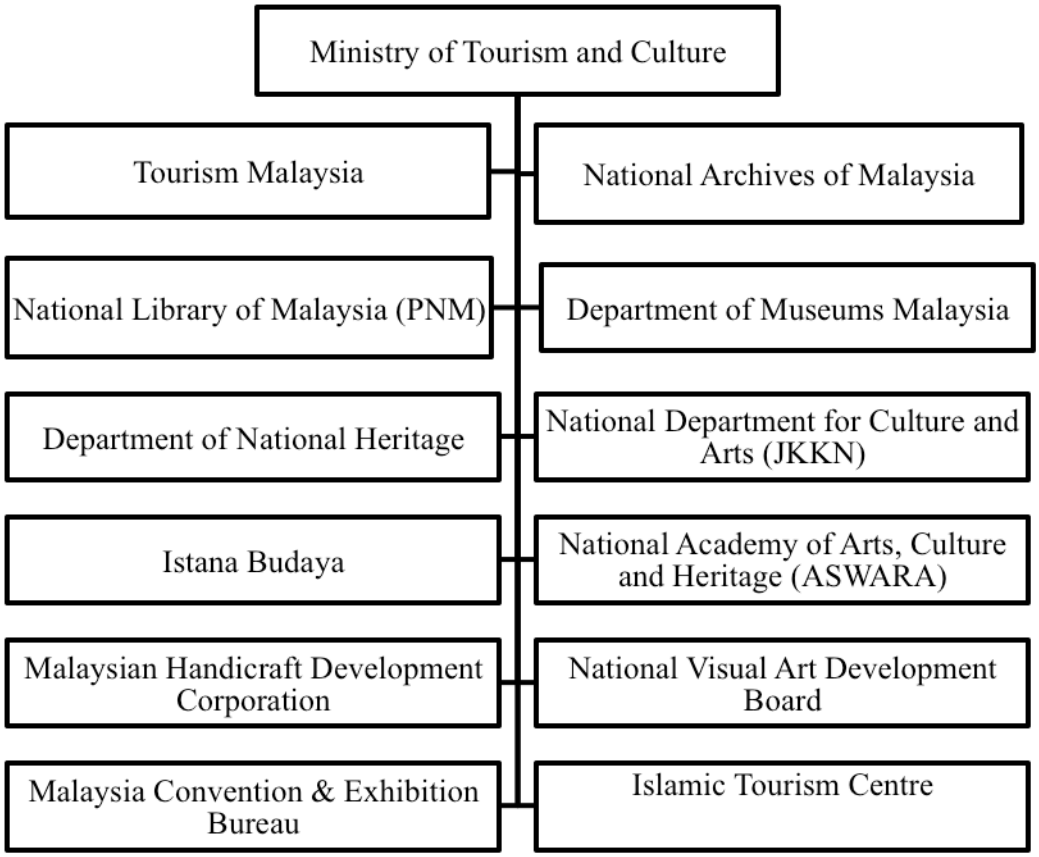

Figure 4.1: Departments and agencies under the Ministry of Tourism and Culture

Among the above government's departments and agencies under the Ministry (Figure 4.1), the Department of National Heritage is seen as essential, especially for preserving, conserving, protecting, and promoting the rich treasures of Malaysian heritage. This department's functions include to:

> … conserve and preserve national heritage; enforce provisions under the National Heritage Act 2005; register national heritage into the National Heritage Registry; document and publish heritage-related research findings and reference materials; conduct heritage-related research and development; plan, implement and coordinate heritage related activities; monitor World Heritage Sites in Malaysia; assist in the nomination of World Heritage Sites and other world accolades such as Memory of The World and Intangible Cultural Heritage (Department of National Heritage, 2016).

4.3.1 The contribution of NGOs in Malaysia

However, if we were looking back at the development of preservation of heritage in Malaysia through time, the efforts and awareness around the preservation and conservation of heritage matters that were first aroused in the 1980s, were led by NGOs (non-governmental organisations). As Blackburn describes, different agenda and aims can be seen within the NGOs from the 1970s, as their main attention becomes focused on the heritage of social justice. This matter then emerged and drew the attention of elites and the public in the 1980s. Blackburn also explains the connection between this and the government's intention to re-develop the Chinese cemetery site in Bukit China, Melaka. This site retained remnants of Chinese early presence in Malaysia, going back to the 15th century in the heyday of the Melaka's Sultanate era (see further in Blackburn, 2015). As a consequence of this issue, Melaka became the first state in Malaysia to establish the State's Preservation and Conservation of Heritage Enactment Act of 1988, which sets aside some places as heritage zones and requires full commitment, support, and attention from the state government; such places include Chinatown, the St Paul's Hill area and others (Blackburn, 2015, p.58). In this 1988 enactment, the NGOs requested the protection of:

> …historic buildings, with penalties for demolition and rebuilding and a clear listing of the individual shop houses and historic buildings in the heritage zone that were to be preserved. Both heritage NGOs and landowners in the area gave their support to the enactment of the area as a conservation zone (Blackburn, 2015, p.58).

However, this enactment has failed to fulfil its initial plan, and a lot of redevelopment work is taking place in the zones that hitherto actually remained in a good state of preservation (Blackburn, 2015, p.59). With an increasing awareness among the public, especially activists who fight for the preservation of heritage in Malaysia, on 2nd August 1983 another incorporation regarding heritage was established and named Badan Warisan Malaysia (BWM), or the Heritage of Malaysia Trust. This NGO was founded to take care of threatened heritage in the Kuala Lumpur area, especially old historical buildings and so on (Blackburn, 2015, p.59). The first conservation efforts made by BWM involved the conservation of the Central Market, which originally was a market

selling fresh meat, fish, and vegetables. However, the building was planned to be demolished in 1984. The BWM launched its first step by persuading and collaborating with the developers to maintain this building. Finally, in October 1985, the Central Market reopened with a new image as a bazaar-like centre and now, Central Market is a market which is a must-see when visiting Malaysia (Blackburn, 2015, p.59). As the BWM had success with its project to revitalise the Central Market, it has been entrusted to handle other projects and has a strong voice in the activities of preservation and conservation in Malaysia. BWM's board of directors also has great influence in politics and economic strategy. With their voice, BWM was entrusted to establish the National Museum of Malaysia in Kuala Lumpur, as well as to manage the national archives (Blackburn, 2015, p.60). The effort made on conservation and preservation projects by the BWM is, however, mostly expended on tangible heritage as the overall goal is to maintain historic buildings. BWM are also entrusted with creating awareness and educating the public about the country's heritage. They are a powerful group, with '…the power to acquire, voluntarily, historic buildings or pay for their restoration' (Blackburn 2015, p.72). A strong influence of BWM can be seen in their provision of advice to the government, especially in analysing and determining historic buildings as potential 'National Heritage' (or not), as well as in the creation of the National Heritage Conservation Council made up of representatives of NGOs and heritage conservation specialists. The BWM also became a push factor for the establishment of the National Heritage Act in 2005, and was involved with the actual drafting process of the Act (Blackburn, 2015, p.72).

4.3.2 Heritage concepts

Having established some historical context for the discussion of heritage in Malaysia, I would like now to discuss the concept of heritage in order to aid understanding of heritage issues in Malaysia. The term 'heritage' is an English one that refers to a concept that is Western in origin and in the bulk of its analysis. Therefore, Winter suggests, it is important to study the concept and its theory in different and multi-dimensional contexts, in order properly to consider the heterogeneous nature of heritage in a range of pluralistic societies (Winter, 2013b, p.1). Harrison argues that heritage is everywhere and that we might consider studying heritage in a broader view, considering it as constructed and used in the past as well as how it may be subject to the modern

world (Harrison, 2010b). The corresponding Malaysian concept, on the other hand, is *warisan*, which can be defined as 'heritage; wealth, both inherited and acquired; legacy; inheritance; bequest' (Dewan Bahasa Dan Pustaka, 2016). The term derives from the word *waris*, which means 'heir, inheritor, legatee'. There is some connection here with, for example, King's notion of heritage as reflected in the form of cultural origin in connection with the past, and as bringing significant and special value by acting as, a "treasure" or "legacy" that [has] an impact on politics, economy in a country. In fact, it is probably shaped as one attraction to people and categorised as heritage items that were selected to meet a certain purpose to the community and the country (King, 2012, p.3).

Formal definitions and interpretations of heritage are usually given by the formal authority, which at the same time is acknowledged by the government throughout an informal process before reaching the final decision in giving out the appropriate term. This informal process is rooted in individual and collective memories (Henderson, 2012, .47). Harrison (2010c, p.8) distinguishes the two forms of heritage as 'official heritage' and 'unofficial heritage'. An official heritage is a legacy that received formal recognition, and usually, this heritage is registered or certified by an authority. Therefore, any inheritance that has become official heritage will likely receive funding to ensure preservation and conservation; it also has partnerships with government, in a 'top-down relationship'. Meanwhile, unofficial heritage is a process of heritage, which has a relationship between people, objects, places and memories and often occurs at the local level. The close relationship between people and heritage that belongs to them is also seen to have a 'bottom-up relationship' (Harrison, 2010c, p.8). However, as the heritage belongs to the people, so these heritages have different meaning and different interpretation depending on the individuals who consider that they own or have invested interests in it. The interpretation given by a government authority might, for example, be quite different to the people who are possessed of this heritage (Harrison, 2010c, p.8).

Logan believes that the official heritage used in reconceptualising heritage in a country has a specific agenda and purposes, particularly regarding expanding influence and political power, besides giving identity to a community to ensure its cultural diversity and human rights (Logan, 2012, p.233). Most of the official heritage acknowledged and

recognised by government is a reflection of the socio-political groups that are dominant in society, and often, a government thinks that it gives significance to society. But things may operate differently at the local or sub-national level where a community also thinks that a particular part of their heritage (unofficial heritage) is significant to them. The unofficial heritage is thus only recognised at the local level. Overall, Logan sees that there is no democratic understanding between the government and community level in what is considered important as a group's heritage (Logan, 2012, p.236).

So, defining heritage is viewed as an uneasy task for government because they also need to take into account the views of the community, and to ensure the concepts of cultural diversity, heritage, and human rights. Also, the official concept developed by government seems to be built to suit the formation of nation-building as well as to ensure political stability and social cohesion, but at the same time, neglecting the needs or priorities of minority groups. This is a normal experience in countries that have multiple ethnic groups. Some such nations tend to use cultural heritage as a special force to bind their people, a result of which can be that the minority are forced to adopt the dominant culture (Logan, 2012, p.237).

Winter views the concept of heritage carried by the state as Eurocentric, and he recommends that in order to understand the overall concept of heritage (particularly in non-western countries) better, we should seek to understand how the concept is comprehended in the local area. For example, in most Asian countries, interpretation of the heritage concept should be seen from an Asian-centric rather than a Eurocentric perspective with regards to its histories and places (Winter, 2009, p.113). Winter warns heritage planners to be extra cautious and thoughtful in respecting the views of residents, academics, local businesses, government offices, and NGOs in the heritage industry. It is important that the heritage concept used is a more democratic one in accordance with local practices and everyday use (Winter, 2009, p.106).

It is also important to note that most of the official heritage was designed and defined by the experts hired by the government, and most of this expert knowledge is usually related to material objects. These experts are amongst the responsible persons who determine what to preserve, and even to define as important to the history of places or country (Swensen et al., 2013, p.205). As in every society, however, there will also be

an embodied knowledge of the past and the present, so according to Winter, every society has its own cultural norms within which they can distinguish between traditional and modern, the authentic and the inauthentic (Winter, 2009, p.107). However, there will be some local authority that requires expert opinion to affirm their heritage so that it is taken seriously by the government and can receive some promised funding or collateral to help protect it (Swensen et al., 2013, p.205).

4.3.3 National Heritage Act 2005

Following the 'universalising' of the notion of heritage, Malaysia introduced the National Heritage Act in 2005 as a basic foundation and guideline for managing heritage in Malaysia. This act replaced the previous Antiquities Act 1976 (responsible for protecting national heritage, though it excluded tangible and intangible heritage) and Treasure Trove Act 1957 (limited to treasure trove only), which together had led to perceived gaps and failures and the emergence of several cases that involved the destruction of natural heritage (Yatim, 2009). The 2005 National Heritage Act became an important event in the history of heritage development of the country (Mohd Yusoff et al., 2010). Robert Hewison tells us that 'heritage can mean anything that you want – it can mean everything or nothing' (1987, p.32 cited in Donachie, 2010, p.115), and in Malaysia's National Heritage Act 2005, the Malaysian government clearly set out its own definition of heritage and its types - comprising cultural heritage, natural heritage, tangible and intangible heritage (Yatim, 2009; see also Figure 4.2). The act also covers every aspect of protection and preservation of heritage (Mohd Yusoff et al., 2010), as well as outlining the roles and responsibilities of various groups, such as local and federal government in preserving Malaysian heritage (Yatim, 2009).

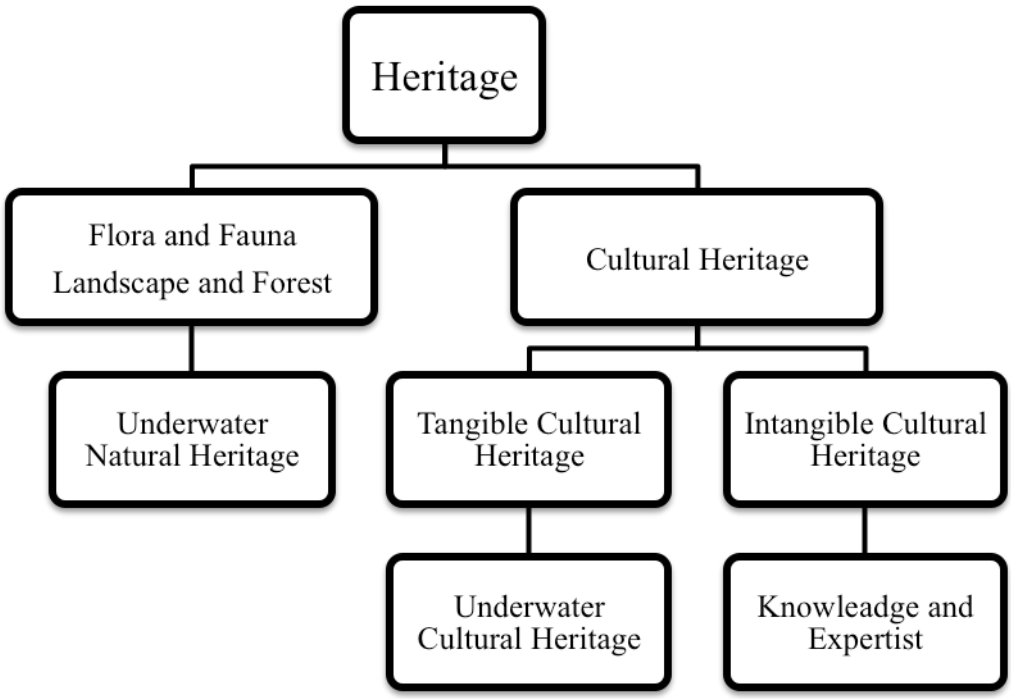

Figure 4.2: Categories of heritage in Malaysia, based on The National Heritage Act (2005)

The National Heritage Act (2005, p.17) describes 'natural heritage' as the:

> … natural features of any area in Malaysia which may consist of earthly physical or biological formations or group of such formations, geological or physiographical features, mountains, rivers, streams, rock formation, sea shore or any natural sites of outstanding value from the point of view of nature, science, history conservation or natural beauty including flora and fauna of Malaysia.

Meanwhile, it states 'cultural heritage' to be the:

> … tangible or intangible form of cultural property, structure or artefact and may include a heritage matter, object, item, artefact, formation structure, performance, dance, song, music that is pertinent to the historical or contemporary way of life of Malaysians, on or in land or underwater cultural heritage of tangible form but excluding natural heritage (National Heritage Act, 2005, p.16).

Apart from the heritage categories listed above, Malaysia was also involved in categorising some of its heritage assets into 'national heritage', defined by the National Heritage Act 2005 as, 'any heritage site, heritage object, underwater cultural heritage or any living person declared as National Heritage under section 67' (National Heritage Act, 2005, p. 17).

4.3.4 Efforts in the preservation of heritage in Malaysia

There are a number of ways of preserving heritage in Malaysia. Firstly, some forms of heritage, especially intangibles like traditional songs, dances, practices, folklore, and others, were traditionally preserved orally and transmitted from one generation to the next (Ahmad, 2010). Secondly, a preservation project can aim to publish an oral tradition, for example, through sound recordings and by turning some traditional oral chronicles into reading materials (Ahmad, 2010). Thirdly, national and state museums in Malaysia play an important role in documenting and exhibiting some arts, cultures, and traditions of the Malaysian history, people, and activities (Ahmad, 2010). Even though some museum exhibitions are expected to change, museums are still considered a place for heritage preservation as well the representation of the past (Ahmad, 2008). Each state in Malaysia represents their specific, local histories in particular ways; for example, the Negeri Sembilan State Museum promotes *adat perpatih*'s culture and the history of the immigrants of Minangkabau society to Negeri Sembilan.

In many senses, heritage represents elements of museums and archives that directly take the form of heritage objects. In other words, it can be said that all objects displayed in museums and stored in archives consists of both tangible and intangible elements. This can be explained where the objects such as the material collections or material objects have stories, senses, and emotions that are embedded within or associated with them (Dudley, 2012, p.33). Heritage objects are not simply things for public display; each item has its stories and histories. There might be untold stories behind the objects, which people constructed and interpreted based on the roles of the objects in human social and cultural life. In addition, even though the intangible is not represented in a physical and material form aspects of it can still be heard, smelled, and tasted, using tour senses. Interpretation of the intangible, however, like interpretation of the tangible, is dependent on context and on who assesses and makes an interpretation. Overall, both

museums and archives are vital depositories of heritage that needs to be researched and sustained for the integrity of people's history and civilisation (Yatim, 2009, p.24). State-run museums such as those in Malaysia also have an important function in representing and promoting government perspectives. The government uses the museum as a 'top down approach' to people, especially with programmes that run under the museum institution (Perkin, 2010, p. 109). In addition, the role of the museum is essential for connecting the relationship between government and community (Crooke, 2010, p.16). Crooke argues that a museum is a place for the promotion of good relations between the community, heritage, and government, where the government seeks the engagement of local people (and tourists) with heritage, in a meaningful process. This process can be seen through activities such as constructing, preserving and interpreting heritage experiences, as well as in encountering historical or cultural records (Crooke, 2010, p.17).

4.4 International context and collaboration with UNESCO

The development of the heritage notion is strongly influenced by the global ideas of heritage, as mentioned by Harrison (2010a) in terms of 'universal heritage value'. This idea considers the importance of something (such as object, place or practices) as universal without looking at its internal ownership, boundaries and so on. When these things are acknowledged and recognised as an 'official heritage' by the government, they will be continuously preserved and conserved; they might also be treated differently by every level of society (Harrison, 2010c).

With concern for the cultural diversity and human rights of different communities of the world, UNESCO has expanded its work from preservation of tangible heritage activities under the WHC (World Heritage Convention) to the Convention for the Safeguarding of Intangible Cultural Heritage 2003. This aims to respecting people's cultural diversity, and refers to every human being having their own right to observe their diversity and identity, as well as their cultural heritage (Logan, 2012, p.234). This is an excerpt from the Universal Declaration on Cultural Diversity under Article 5, which states:

> Cultural rights are an integral part of human rights, which are universal, indivisible and interdependent. The flourishing of creative diversity requires the full implementation of cultural rights. All persons have therefore the right to express themselves and to create and disseminate their work in the language of their choice, and particularly in their mother tongue; all persons are entitled to quality education and training that fully respect their cultural identity; and all persons have the right to participate in the cultural life of their choice and conduct their own cultural practices, subject to respect for human rights and fundamental freedoms (UNESCO, 2001).

In addition, the receipt of an acknowledgement of significance from popular bodies such as ICOMOS and UNESCO, creating and reinforcing 'branding' trends, can help to expand and highlight some cultural attractions. The reinforcement of branding for places listed, for example, in tourist guidebooks, through their heritage listing, can indirectly enhance a country's and site's image, bring in tourists and raise levels of economic development (Timothy, 2014, p.38).

There are also some countries that use heritage as a means to develop networking and political relations. Heritage thus acts as part of a soft power strategy in collaborating with another country, such as in giving advice and consultation on heritage preservation and conservation issues. For example, Japan has used this soft power strategy in its relationships with some other Asian countries (Winter, 2014, p.326). Sometimes heritage is also used a connector between the two countries in developing networking or cooperation. It involves international relations such as through educational programmes, or cultural exchange programmes between schools or universities. This can lead to enhanced diplomatic relations between the countries, including the sharing of some of their past and even a present (Winter, 2015, p.1010). Heritage's field acts as a contributor to foreign policy amongst non-Western and developing countries (Winter, 2014, p.330). Indeed, Winter has proposed the notion of heritage diplomacy in understanding the relationship between heritage and international phenomena, including colonialism, cultural nationalism, and international relations as well as globalism. A heritage diplomacy can be seen as '… one that is oriented by an understanding of histories of colonialism, and the cultural politics of contemporary international relations [and], is thus well placed to take up such analytical tasks' (Winter, 2015, p.999).

4.5 Contemporary significance of the preservation of heritage (including tourism, economics and national identity)

As previously discussed, politics influences the selection of heritage resources and the government uses its power in controlling the heritage of people to achieve certain ends (Timothy and Nyaupane, 2009). According to Harrison (2010c, p.14), the government gets involved with people's heritage through giving a hand to maintenance, funding, and the promotion of certain places as tourist destinations. Moreover, while governments may not see it as the preservation of heritage, their official language policies can also be part of the preservation of heritage and culture (Harrison, 2010c). For example, in Malaysia, the official language is *Bahasa Malaysia* or the Malay language, followed by English as the official second language. By preserving the Malay language, automatically the Malaysian government has prioritised the preservation of Malay culture and heritage too.

In most developing nations, cultural and historical resources become one of the main attractions for international and domestic tourists, particularly related to heritage tourism (Timothy and Nyaupane, 2009). Heritage tourism is a form of travel where people visit some historical cities (Timothy and Nyaupane, 2009) and sites, ancient monuments and dwellings, enjoy the built environments in urban areas, experience the beauty of rural and agricultural landscapes, and appreciate historic events which previously occurred in a place where interesting and significant cultures stand out (Timothy and Stephen, 2006). Living culture is also one of the attractions in heritage tourism, especially in relation to culinary heritage, cuisine, foodways instead of agricultural landscapes, agrarian lifestyles, arts and handicrafts, villages, languages, musical traditions, and spiritual and religious practices (Timothy and Nyaupane, 2009). Although the main purpose of heritage tourism is to encourage economic development, it can also help in conservation of heritage sites or practices for the next generation. Given this industry, indirectly the government will put some efforts into preserving national heritage and other heritage sites (Timothy, 2014, p.32). In Malaysia, by introducing 'national heritage' lists (which cover both tangible and intangible heritage), the government has made heritage lists important and made itself responsible for their maintenance and promotion; eventually this feeds into the development of the heritage industry, including the tourism industry. By having full control over national heritage

lists, the government gains much more benefit and advantage, especially in economic activity and status (Harrison, 2010c). However, the government must not overlook the values, spirit and history of the multiple heritages that are embodied in multilevel systems and of national, regional and local significances.

Malaysia does not, for example, only have its three major ethnic groups, the Malays, Chinese and Indians. It also has other indigenous groups like Orang Asli and the natives of Sabah and Sarawak such as Kadazan, Dusun, Murut and Melanaus and others. There are also mixed-descent groups like Baba-Nyonyas, Eurasians of Portuguese descent, and others. Though each of these groups has its own religion and practices, they also manage to blend with other ethnic groups in creating Malaysia's diversity of heritage (Ismail et al., 2014, p.4). Therefore, it is not so surprising to see that the Malays can eat and cook Indian and Chinese foods well, for example, just as the Chinese and Indian can eat the Malays' *nasi lemak*. All Malaysians celebrate other ethnic groups' festivals together, including Eid, Chinese New Year, Deepavali (Diwali) and even Christmas. They will visit their close friends and exchange their greetings. In post-colonial times, formation of a sense of national identity, and a sense of striving for a harmonious nation while maintaining diversity, has also become important, as we saw above with discussion of the development of the 1Malaysia programme. The use of tourism as a vehicle to substantiate a modern Malaysian identity is also significantly evident (Butler et al., 2012, p.201).

4.6 Safeguarding of cultural heritage in Malaysia: challenges

There are several challenges in protecting and conserving cultural heritage in Malaysia. Firstly, it cannot be denied that modernisation (Timothy and Nyaupane, 2009) and rapid development (Henderson, 2009; Mohd Yusoff et al., 2013) in becoming an industrialised society has led to the loss of cultural heritage, especially in relation to its artistic and aesthetic values. For example, some heritage sites are needed to give some space for new development or new building, such as shopping malls, factories, and others to feed the need of society. Besides that, ways of life might be eroded by modernisation too, and society's customs, crafts, festivals, and other traditions become diluted or disappear over time (Henderson, 2009). Secondly, preserving cultural heritage is considered to be costly, and some of the heritage buildings need funding for

their maintenance services and fees (Timothy and Nyaupane, 2009). Ismail et al. (2014) saw financial and funding issues as the greatest challenges to the preservation of cultural heritage in Malaysia. The cost of managing this heritage is quite high and there are some places that are not managed properly because of financial constraints (Ismail et al., 2014, p.5). In addition, there are other resource issues, such as lack of conservation officers, economic recession, lack of collaboration, lack of awareness of the importance of cultural heritage assets, etc. Thirdly, political and socio-economic instability of the country (Henderson, 2009) might affect the conservation and preservation process. For example (and as discussed above), Butler et al. (2012) point out that Malaysia's multi-ethnic demographics raise questions about what, from whose heritage, should be preserved. Fourthly, natural disasters are prone to affect heritage sites and buildings (Henderson, 2009). It is not possible to predict what disasters might happen and, in order to maintain the sites or building in a good condition, emergency funding is needed for maintenance and repair costs. Fifthly, some cultural heritage is concerned with human rights issues (Logan, 2012, p.236). These can be politically sensitive and contentious in national contexts. As Malaysia has various cultures, ethnicities and heritage, everyone has his or her own right to practise or display what they think belongs to them. Therefore, the government needs to ensure some space for them to express their cultures and heritage. The government also needs to provide a relevant platform for all ethnicities in Malaysia, and it might encourage a greater sense of appreciation amongst the Malaysians for all the different groups.

More broadly, the understanding of the public on issues of art, culture, and heritage in Malaysia is low (Omar Basaree et al., 2015, p.677). They claims that this is because of the strong emphasis placed by the government on science education for Malaysia's development as compared to arts and humanities. Its aim is to produce more professional engineers, doctors and scientists (Omar Basaree et al., 2015, p.677). Halamy and Kibat (2017) also note that the advancement of technology leads people to rely more on telephone, email, and face-to-face interaction rather than writing letters, diaries, biographies and memoirs to record anything happening in their everyday life. Some Malaysian people might think that writing in this 'traditional' form is less important, and thus the writing of Malaysia's and other histories is declining. Lack of awareness among Malaysians in turn leads to loss of heritage (Omar Basaree et al., 2015; Halamy and Kibat, 2017). Malaysians, especially the young generation, might not

realise the heritage issues that arise in the present because this younger generation is lacking in energy, expertise, and even interest in heritage matters. In turn, this may contribute to an ongoing or future lack of research on heritage and in heritage studies, which can also lead to the heritage loss. More positively, Halamy and Kibat see oral tradition as one of the solutions in preserving forgotten history and heritage. Through oral tradition and history, they suggest, people make contacts between social classes and different generations, and become closer to their communities, as it emphasises more of a sense of belonging to a place as well as time (Halamy and Kibat, 2017, p.31).

Looking back at the suggestion made by Smith (2006), heritage needs to be reassessed by considering what, by and for whom, and which heritage is represented within the community. This is important because each community has its own way of determining heritage. Smith's suggestion is quite similar to the privileging theory proposed by Tim Winter (2013b), especially the need to look at things (heritage) from the eyes of beholders and practitioners. Critical discussion on heritage such as that in this chapter, enables more understanding for the reader of the heritage context within which the specific subject of this thesis, *adat perpatih*, sits. In addition, they emphasise the extent to which heritage needs to be seen and understood from a range of angles and perspectives.

4.7 Conclusion

In conclusion, this chapter has discussed the perspective of the Malaysian government on its heritage. The importance of heritage in Malaysia has been shaped through its historical context, particularly from the pre-colonial, colonial and post-independent era that leads to the formation of a new Malaysian identity in the present. The Malaysian economy was seen as unbalanced amongst the ethnic groups, leading to government intervention through a series of economic policies aimed at stabilising its citizens' economic situation. One of the Malaysian government's strategies has been to shape Malysia's economy through the tourism industry, by promoting Malaysian heritage. In addition, the inclusion of several of Malaysia's tangible and intangible heritages as part of World Heritage, enhances the country's generation of income by attracting domestic and international tourists. Top-down and bottom-up approaches to safeguarding and sustaining Malaysian heritage have now been highlighted. In the top-down approach,

political connectivity has influenced which and whose heritage to select. Various activities have also raised awareness across the country of any heritage-related events in which communities and individuals were encouraged to participate and to strengthen a sense of public affection for and identification with Malaysian heritage. There is no room for complacency, however: in contexts of rapid socio-economic development and poilitical and economic instability, extra effort needs to be made not only to highlight Malaysian culture and heritage but to enable Malaysians' continuing sense of identity with it. As the critical review in this chapter shows, listening to and supporting the perspectives of local communities is crucial to success in this process. With this in mind, the next chapter focuses on one important intangible cultural heritage in Malaysia and the core subject of this thesis, *adat perpatih*.

CHAPTER FIVE
ADAT PERPATIH IN NEGERI SEMBILAN

5.1 Introduction

This chapter focuses on *adat perpatih* of Negeri Sembilan in detail and in its context. It outlines the principles of *adat perpatih* and looks at how *adat perpatih* influences the life of the Malays in Malaysia. The chapter is important because it gives a reader an overview of the *adat perpatih* system that has been practised in Negeri Sembilan until the present day and which also represents one of the officially recognised intangible cultural heritages of Malaysia. In the first section, the chapter discusses the definition of '*adat*' and how this term is understood and represented in the Malaysian context. The origin of the Malay *adat* laws, specifically the *adat perpatih*, are then briefly considered, focusing on its history and origin in Negeri Sembilan. Several specific elements in *adat perpatih* are then presented. These include the *suku*, which is part of wider notions of kinship and descent and on which the sense of self-belonging of the *adat perpatih*'s members depends and is demonstrated; within it each individual is connected and they regard every member of the *suku* as part of their family. I also discuss *adat* leaders, who play a crucial role in society as well as in the *adat perpatih* community specifically; they are well respected and become the source of reference in any matters related to the *adat* as well as in life more broadly. In the political and social structure of *adat perpatih* and its community, *adat* leaders are guides in sustaining the existence of the *adat* system. I then address the structural aspects of *adat perpatih* that relate to property and inheritance and include the prohibition of marriage between individuals within the same female lines (or same *suku*). The *adat perpatih* is expressed through reference to *perpatih* sayings, also known as *teromba*, or *perbilangan adat;* this chapter shows how the customary sayings represent certain issues and points. The chapter also discusses the influence of Islam on the *adat* system and how Islam merges with the *adat*, contrary to the views of some other scholars who argue that *adat perpatih* is counter to some Islamic principles. Lastly, this chapter concludes with some discussion of how *adat perpatih* plays its roles in Malay life and of how it has changed to suit contemporary situations.

5.2 Definition of *adat*

Various definitions of *adat* have been formulated by scholars and researchers, and it is generally agreed that the term has an Arabic origin (Minattur, 1964; Sather, 2004). Although there is no specific word used to describe *adat* in other languages, *adat* is equivalent to 'tradition', 'custom', and the 'customary law' (Peletz, 1988b; Sather, 2004); 'customary norms, rules, interdictions and injunctions' (Sather, 2004); and 'right conduct' (Minattur, 1964), the latter phrase in particular being widely used in the Malay-Indonesian archipelago (Sather, 2004). *Adat* can refer to several elements which, all connected with appropriate social behaviour and applied to the rules of etiquette in selected ceremonies, including marriage. Besides, there are occasions where *adat* leads to legal consequences (Minattur, 1964) due to the practices. *Adat* also refers to the natural order, such as the sun rising in the east and setting in the west (Sather 2004). The term may also be used in the discussion of customs important in building a house, collecting honey, traditional healing and magic including shamanism; everyday etiquette, however, is not usually considered as a part of *adat* as most researchers focus instead on customary law (Peletz, 1994, p.7).

Within Malay society, *adat* is a lifestyle guide and expressed through the *teromba* (customary sayings). *Adat* differentiate between what is right and wrong, and what is correct and proper, making it a foundation for the development of a stable and knowledgeable society based on moral values and preparing people for eternal life (Selat, 2014). Selat (2014) also highlights that *adat* is an intellectual cultural and social system, which becomes a part of the society's foundation. *Adat* covers every aspect of societal life and is generally a nerve centre or driving force for the Malays, with particular connotations in the ceremonial and religious spheres (Nagata, 1974), the inheritance of land (particularly customary land), kinship, and the promotion of voluntary migration (*merantau*) amongst its members (Selat, 2014).

In Malaysia, the term *adat* is not only used by the Malays, but it is also used by other ethnic groups including the Iban (one of the other ethnic groups in Malaysia, the Ibans inhabit the major parts of Sabah and Sarawak). For the Iban, *adat* is upheld to ensure harmonious relations among community members as well as between the living and spiritual beings (such as gods and ancestor spirits). Therefore, observation of *adat* is

crucial in life as it is a method to ensure good health, longevity, and material prosperity for members of the community.

In an important study amongst urban Malays several decades ago, Nagata, focused on *adat* (Nagata, 1974, p.94). She was interested to discover how urban Malays perceived the *adat* in their lives as a whole, and the findings obtained from the interviews she conducted indicated that *adat* comprised four elements. First, she identified a generic-descriptive concept in which *adat*, in general could refer to any subject thought, believed, and practised by the Malays, which ranged from the manners of dressing, etiquette, and common behaviours, to idiosyncratic items including the prohibition of being in the liquor business. The Malays also claimed that *adat* is something that they normally practise and see as a way of life and a type of discipline, which shapes the right action. In more descriptive ways, *adat* was applied to several rituals and ceremonial aspects in the lifestyle of Malays, such as engagement, wedding ceremonies, and death rituals. The urban Malays also mentioned of the rites of passage which possess some Hindu influences, such as *bersanding* where the bride and the groom sit next to each other on the bridal throne for the guests to see, including the act of ear piercing.

Second, Nagata (1974, pp.94-99) classified the *adat* as a symbolic-traditional based on the perspective of the urban Malays, emphasising that *adat* is one of the characteristics distinguishing the Malays from other ethnic groups in Malaysia. It is a key component in the Malays' claims regarding the continuity of cultural heritage from the past to today and is formally recognised in the definition of the Malays' ethnic identity by the Constitution of Malaysia as a specific identity, which makes them distinctive and exclusive from others. Third, *adat* is a social sanction that determines social obligations and needs to be observed. Due to the expectation of this from people, one might lose their position and personal status in the community upon failure of protecting the *adat*. Meanwhile, *adat* can also be seen as improving and maintaining social relations among members of society, so *adat* is constantly observed to ensure the continuity of harmonious relations. Lastly, Nagata Nagata viewed *adat* (the term itself stems from Arabic) from a religious perspective, because some of the major ceremonies have both *adat* and religious elements. For example, on certain occasions, *dua* or Islamic prayers

are recited at the beginning of an *adat* ceremony, so that it may be blessed by the Almighty God.

Although *adat* is usually referred to as *adat Melayu* or Malay custom, this term could lead to some confusions and misunderstandings. As Ali (1968) points out, the *adat Melayu* is associated with 'the habit, usage and the tradition of the Malay people', yet it also refers to the established institutional pattern and laws of government. According to Minattur (1964), *adat perpatih* seems more favourably positioned in representing the *adat Melayu,* as people are more attracted to thinking about the *adat perpatih* rather than the *adat temenggung* (as outlined in Chapter One).

To outsiders, *adat* is understood as a customary practices (Kling, 1992), while the Malays of Negeri Sembilan perceive that *adat perpatih* carries more significant meanings. *Adat perpatih* rules the Malays in systematic and comprehensive ways, which cover the whole constitution via a *muafakat* (consensus) system. Moreover, through the centuries it appears to have stood still or remained the same, even though it has continued to face much change and challenge in the environment around it (Kling, 1992). It is a system that, according to Ibrahim (1992, p.44), can be expressed as both a conceptual and an ideological one that governs people's perception and choices. Both aspects complement each other in many ways, especially with regard to economic, social, and political relations. Conceptually, *adat perpatih* is outlined to its followers as specific rules, especially in the form of legal prescriptions such as where to live, who has right to what property, who is responsible for whose children, etc. Ideologically, *adat* provides a rationale of the natural and supernatural world and man's position in it. As a result, both conceptual and ideological aspects of *adat perpatih* work together to create and sustain a more communal, fair, egalitarian, and democratic society.

5.3 Historical origin of *adat perpatih* in Negeri Sembilan

Negeri Sembilan is one of the eleven states in the Malay Peninsula. Its population is ethnically diverse and usually discussed in terms of three major ethnic groups: the Malay, Chinese and Indian, who live in Negeri Sembilan together with smaller numbers of other groups. The Malays of Negeri Sembilan have much in common with the Malays elsewhere in the Peninsula, including the speaking of a common language,

identifying with the Shafi'i branch of Sunni Islam, and ordering various aspects of their social relations by a body of cultural codes glossed *adat* (Peletz, 1996, p.12); they also differ in various ways, however.

The old Negeri Sembilan consisted of the current five districts of Rembau, Seremban (traditionally known as Sungai Ujong), Jelebu, Kuala Pilah (a part of the traditional states of Johol and Jempol) and Tampin (previously a part of Rembau). The district of Port Dickson that comprises the coastal areas, and the sub-district of Lukut, were previously an acquisitions from the State of Selangor in 1883 in exchange for Semenyih (previously a part of Sungai Ujong). Although this is factual evidence, which has, yet to be proven, the people from the former six districts were believed to be the descendants of Sumatran immigrants, who either originated from Siak or Minangkabau. They practise a social system and cultural convention collectively known as *adat perpatih*. Meanwhile, the majority of the Malays of Port Dickson live in *kampung* (villages) along the coastal areas and the individuals surrounding the towns of Linggi and Lukut, however, are of Bugis origin and do not subscribe to the *adat perpatih*. Similarly, the adat is practised by the *kampung* communities who reside along the Seramban district boundary (Ibrahim, 1992, p.44).

Adat perpatih emerged in Negeri Sembilan as a result of the immigrations of the Minangkabau men from Sumatra (Abdul Khalid, 1992; Mohamed Ibrahim, 1968; Peletz, 1988b; Tan-Wong, 1992) in the 1500s or possibly even earlier (Peletz, 1988b). It was said that the spirit of *merantau* (voluntary migration) influenced Minangkabau men to migrate to find a better place and life. As these Minangkabau immigrants reached Rembau (an area of Negeri Sembilan), they had an encounter with an indigenous Orang Asli group known as the Jakun, and fell in love with their women. Myth has it that arranged marriages between the Jakun's women and Minangkabau's men were conducted, forming a symbolic alliance between these two groups, especially in relation to inter-marriage, trade and warfare; following that, the *adat perpatih* social and cultural system that was brought in by the Minangkabau was introduced and proliferated. However, the validity of this myth remains unclear (Peletz, 1988b).

Abdul Khalid (1992, p.6) mentions three periods constituting the history of matrilineal states of Negeri Sembilan; namely the 'Legendary or Sakai Period' (1450 – 1640), the Nine Minangkabau states under Johor (1640 – 1773), and the modern period under a constitutional monarchy (from 1773 onwards). However, it is believed that the founder of the *adat perpatih* is known as Perpatih Nan Sebatang, while the founder of the *adat temenggung* is Ketemenggungan (Minattur, 1964). Kling (1992) also mentions that the emergence of *adat perpatih* in Negeri Sembilan is due to the absence of ruler among the Malays residing in Negeri Sembilan during the late 18th century. For this reason, they travelled to Minangkabau and invited the Prince of Minangkabau to be their ruler, who was then crowned as the king of Negeri Sembilan with the title of Yamtuan Besar (currently known as Yang Dipertuan Besar Negeri Sembilan).

As stated in the customary sayings, two sovereigns of Minangkabau ruled over different parts of Minangkabau in Sumatra: Perpatih held power over the hilly inland region, while Ketemenggungan controlled the coastal region. According to legend, Perpatih and Ketemenggungan were half-brothers. Why Perpatih demanded matrilineal descent and exogamy amongst his supporters whereas his half-brother, Ketemenggungan favoured patrilineal descent and endogamy, is unknown. However, a story about the young Perpatih, who had been on a long journey, described by Willinck (1909, p.121 cited in Minattur, 1964, p.328) may clarify the pervasiveness of exogamous practice in the *adat perpatih* community. Upon return from his travels, he married Putri Zamilau (Princess Zamilau), without realising that she was his half-sister. When it was later discovered that they were blood related, Perpatih and Ketemenggungan, horrified by the incestuous connection, decided to divide the Minangkabaus into two groups, namely the Koto-Piliang and the Bodi-Chaniago, and ruled that no one should marry within his own group (Minattur, 1964, p.329). Nonetheless, it was evident that they originated from one original stock, with, one being the offshoot of the other (Ali, 1968, p.181).

Although the Malays of Negeri Sembilan learn that their history and origin are associated with the Minangkabau of Sumatra, in the present day they rarely represent themselves as having such a descent, preferring instead to describe themselves as the Malays of Negeri Sembilan. In the earliest research, many researchers make a reference to those who inhabited Negeri Sembilan are the 'descendants of Minangkabau' (Peletz, 1994), 'sons of Minangkabau' (Wilkinson, 1970), and even the 'Minangkabau Malays'

(Lewis, 1962), but from the late 1950s onwards the description was shifting to the Malays of Negeri Sembilan (Peletz, 1994, p.36). Moreover, despite the contributions made by the earliest researchers in the study of Negeri Sembilan, the Malays of Negeri Sembilan themselves conceded their association to Minangkabau only when they referred to their culture and social organisation - but they refused to identify themselves as 'Minangkabau Malays'. Malay articles published back in 1960s made no association between Negeri Sembilan Malays and Minangkabau, as Peletz affirms in his review of the research on Malays in Negeri Sembilan to 1988 (1994, p.37). According to Peletz (1994, p.37), when the Malays of Negeri Sembilan talked with him about their cultural origin, they only mentioned Minangkabau in relation to the initial settlement of the Minangkabau in Negeri Sembilan, the traditional practice of *merantau*, the beginning of the *suku* system, the traditional title of *adat perpatih* leaders and the favouring of a matrilineal system, together with some other subjects such as poisoning and sorcery.

It is noteworthy that even though matrilineality started back then in pre-colonial Negeri Sembilan, during the immigration of people from Sumatra and Minangkabau, the matrilineal influence remains today in Negeri Sembilan, in many ways such as residential patterns, geographical and political affiliations, inheritance, and even the hierarchical system. Malays who follow matrilineal ways in their social life also reflect, through this pattern, their close attachment to their place and strengthen their sense of belonging. This can be seen in the way in which most of the Malay Minangkabau associate themselves with the place with which they are affiliated even if they are not originally from the specific *suku*. For example, if they live in the Paya Kumbuh area, they associate themselves with Paya Kumbuh although if they do not belong to the majority *suku* residing there (Peletz, 1994, p.26).

5.4 Elements of *adat perpatih*

Within *adat perpatih*, the elements most well known among scholars and community members alike are those related to kinship and descent, which follows a matrilineal system and includes other aspects such as the twelve *suku*, a constitutional and political structure within *adat perpatih*, marriage and families, as well as properties and inheritance, all of which I address in this section.

5.4.1 Kinship and descent

The basic study of kinship started with genealogical study, focused on the biological relation between one generation to the next (Read, 2007, p.330) and other elements that influence the kinship framework in relation to rules of descent, marriage and post marital residence. However, the basic study of kinship shifted within anthropological study, particularly under the guidance of structural-functionalism, and broader views have been explored by anthropologists and other researchers in understanding society and its institutions (Peletz, 1995, p.345), from genealogical ideas to cultural constructs (Read, 2007, p.332). Sahlins (2013, p.18) discusses Durkheim's perspective on kinship in his writing, and explores how kinship possesses the legal and moral weight and sanction decided by society. Sahlins argues that Durkheim did not address what kinship does and how it works, though he did determine several important aspects of kinship, but, there are several aspects that the degree of kinship was determined by Durkheim such as mutual relations of being and participation in one another's existence. In most kinship study, the notion of kinship itself tends to be overlooked and placed instead within other fields such as politics, history, economics, and even feminist studies. For example, feminist contributions to the study of kinship can be seen in the study of gender, influencing kinship studies' gradual deviation from focusing on sex, procreation and offspring to a cultural paradigm that focuses more on symbols and meaning (Peletz, 1995, p.346).

Genealogical kinship is defined through having a blood relationship, which is specifically based on birth (Sahlins, 2013, p.63). There are two kinds of kinship discussed by Sahlins (2013), however, determined by genealogical relations and without genealogical relations. Through matrilineal genealogical relations, an individual is related to another (members within his or her community) through biological connection, where they share the same blood from the maternal sides. In studying the Malays who reside in Langkawi, Carsten found that the process of kinship begin with the 'conception of birth; continues through feeding, growing and living together in the same house; is involved with marriage and birth of new children and completed when individuals become grandparents and having grandchildren' (Carsten, 1995b, p.223). Carsten used 'relatedness' in conceptualising the relationship between people. Through living and consuming together in the same house, kin is developed. Crucially, she

identifies that from a Malay perspective the main element in kinship is 'blood, and the major contribution to blood is food. Blood is always mutable and fluid – as is kinship itself' (Carsten, 1995b, p.224). Thus, these processes continue throughout the life.

At the same time, without genealogical relations kinship is formed socially and culturally. A kinship relation is articulated from the social relation that is formed through cultural process developed by members of society. The process is involved with the 'acquisition and transformation of spiritual and physical being' (Peletz, 1995, p.349). In this sense, an individual forms a relationship to others in various ways. For example, the Maori regard kinship in relation to cosmology including plants and animals, and they perceive themselves as the offsprings from the same sky father (Rangi) and earth mother (Papa). Hence, when they enter the forest, for example, they would regard themselves as parts of the trees and plants surrounding them, due to their belief that they share a common origin as the offspring of the Tane (God of Forests and Light). Thus, before trees are cut down, a ritual needs to be performed to seek permission as it is equivalent to slaying one of the offsprings of Tane. .On the other hand, the Greenland Inuit form their kinship through shared names, that in turn articulate shared experiences in overcoming difficulties during hunting trips (Sahlins, 2013, p.30). Differently again, Eskimo-speaking people construct kinship relations according to day of birth, regarding people born on the same day as 'brother' (Sahlins, 2013, p.9). They also have freedom to create their kin relationships and to break them if they are inadequate. Therefore, this type of relationship does not necessarily comply with consanguineal kinship but the Eskimos have freedom to form relationships in the way they desire. Sahlin (2003, p.9) argues that these kinds of relationship are, however, unstable, vulnerable, and open for negotiation. Meanwhile, one can also construct kinship relations through memory. For example, people of Amazonia considered that they shared their kinship through the memories that they shared together, such as memories of survival through thick and thin (Sahlins, 2013, p.8). This is also similar to the Trukese, who regard as 'my sibling from the same canoe' other individuals who have shared the same life-threatening experience at sea (Sahlins, 2013, p.29). Differently again, kinship from the perspective of Nyakyusa is considered as derived from being a co-resident in the local place, rather than by being related either through biological relation or marriage. However, the Ndembu's community does also build

deeper relationships based on a matrilineal system, which require people to 'participate in one another's being' (Sahlins, 2013, p.23).

Kinship is therefore constructed genealogically and sometimes socially (Sahlins, 2013, p.2), indicating that it has a combination of biological and cultural influences within and on it. As something centred on one's birth, kinship involves the pathways by which capabilities for life are passed on, through love and respect, working and living together, sharing fates and even migrating and settling down in a new place together, continuing the same pattern of marriage, residence and other preferences (Sahlins, 2013, p.29). As a sociocultural thing, kinship is sociocentric in its tendency to observe and retain the apparent superiority or rightness of one's own social group (Sahlins, 2013, p.25). Kinship is also represented as 'intrinsic' to personhood, as Carsten suggests (2003, p. 106). In that sense, people tend to be involved with their kin's lives in every aspect, sharing their moments of sorrow and happiness, sharing their experiences together and even being responsible for one another's acts (Sahlins, 2013, p.28). Thus, kinship could be reflected in a form of 'mutualities of being' (Sahlins, 2013, p. 20) that has been characterised by 'having the same name, eating from the same land, born from the same woman' and is determined through language and culture (Sahlins, 2013, p.44). Members of a kin group are intrinsic to each other's identity and existence (Sahlins, 2013, p.62). In sum, kinship could be perceived as sharing both innate and culturally constructed characteristics. Kinship is important in many societies and what makes it look and operate differently is dependent on how the local culture defines kinship within its society. Kinship could be expressed as 'belong[ing] to one another' (Sahlins, 2013, p.43).

5.4.2 Siblingship within the *adat perpatih* context

Most renowned studies on the *adat perpatih* of Negeri Sembilan have come particularly from earlier orientalist scholars, such as Parr and Mackray, Taylor, Windstedt (to name a few), who viewed Negeri Sembilan as the only state in Malaysia to abide the matrilineal systems. Peletz (1994, p.9) however, claimed that the matrilineal characteristics described by Parr and Mackay, Tylor and Winstedt are not portrayed well or accurately in their writings, particularly in relation to the entire society and culture; thus, the idea of matrilineal structure in Negeri Sembilan is questionable and

misleading. For Peletz, it is deceptive to claim that Negeri Sembilan only follows a matrilineal social structure; in fact, Peletz argues, the key element within this structure is based on siblingship (Peletz, 1994, p.5). This does not (necessarily) mean relations between genetic sisters and brothers, but is instead a form of culturally constructed relationship important in the society. Peletz thus highlights that siblingship is not merely concerned with 'real sibling[s]' from the same father and mother, but in Negeri Sembilan is extended to the different kinds of siblings and siblingship relatedness. 'Siblings' can thus be articulated in relation to and derived from birth-order names (which define people with reference to their position in their sibling set as well as in relation to all relatives and other members in the society), as well as set according to the age within a generation (Peletz, 1994, p.15). Becoming a sibling happens through the process of '*kadimkan*' (Peletz, 1994, p.27) or 'being a brother', which is explained later. Siblingship plays an important part where the traditional political titles, for example, are inherited and transmitted within the descent (lineage) in a way substantively different from the common matrilineal system. In the latter, traditional titles are passed to the son of the man's sister in the common system of matrilineal, while in *adat perpatih*, the titles have to go through long rotation within the descent units because in many occasion the title was passed to others who related to one another like a siblings (Peletz, 1994, pp.22-23). (Peletz, 1994, p.23). Besides that, the Malays also perceived the relation between members in the descent units (such as *suku*) who reside in various territorial areas, as siblings rather than sharing the same descent. The members of these groups perceive one another 'as or like siblings' (Peletz, 1994, p.27).

Peletz draws on Kelly's concept of siblingship, which was developed as a result of studying the social structure of the Etoro. Kelly's view on siblingship is that it has become an aspect of kinship that enables the members (siblings) to access equal rights, stay obliged to the same principles, experience the same things, respect specific territorial domains, and possess positions in administration and elsewhere (Peletz, 1995, p.35). The siblingship relationship is usually established based on mutual cooperation and trust, even they may not belong to the same lineage and place (Stasch, 2009, p.119). From the research conducted by McKinley in 1981, as cited by Peltez (1994, p.15), siblingship is 'the most permanent and unconditional of all human bonds' which entitles the participants to moral and mutual respect. Siblingship is also developed based on common interest and involves mutual rights and responsibilities which all members of

siblingship bonds need to observe (Peletz, 1994, p.17). As mentioned previously in this chapter, Carsten (1995a) highlighted that siblingship is also central to determining relatedness within the kinship system among the Malays of Langkawi. People were connected by kinship ties in the past and siblingship in the present. Siblingship is the manifestation of unity and similarity within the household, which is connected through the shared food cooked by the mother and produced in a form of shared bodily substance despite the absence of genealogical relation. Kinship relations are not necessarily static because they involve ongoing processes of creation through marriage and procreation (Carsten, 1995a, p.323).

The Malays of Negeri Sembilan also prefer to express their relations to the descent units based on siblingship. They usually refer to and associate amongst themselves within the lineage, 'as or like a siblings' (Peletz, 1994, p.27). In the study of the kinship of *adat perpatih* among Malays of Negeri Sembilan, siblingship operates as a meeting point in the organising principles of the *adat perpatih* system and binds intra-generational relationships between individuals in the society (Peletz, 1994, p.30). However, siblingship is rejected in relation to the possession of property and inheritance within matrilineal society (Peletz, 1994, p.20). In the *adat perpatih* system, the context of siblingship within the kinship structure is different from the relationship displayed between parents and child and commonly seen in many societies. However, siblingship relations can be formed even if there is no connection or relation between individuals. Siblingship is expressed as being just like the nature of 'the white and black of the eyes', which are complementary to one another in terms of roles and identities. This relationship is expected to be closer than others and just like 'flesh and blood', making the opposite sexes within the siblingship context much like husbands and wives (Peletz, 1994, p.17). In addition, a sibling relationship can also be seen between husbands and wives, in the terms that they use to address each other, such as *abang* (referring to elder brother) to refer to the husband and *adik* (referring to someone who is younger, regardless of gender), to refer specifically to the wife (Peletz, 1994, p.15). The sibling relationship can be found in some Malay symbols and idioms, expressing the ties. These include '*bagai aur dengan tebing*' (like bamboos and the river edge': each is dependent on the other for their mutual survival); '*berat sama dipikul, ringan sama dijinjing* ('bear the same problem, enjoy the same happiness': many hands make light work); *'air dicincang tidak akan putus'* (water when slashed, will not be severed); and '*carik-carik*

bulu ayam, lama-lama bercantum juga' (part a chicken's feathers, and they will come right back together) (Peletz, 1994, pp.17-18).

5.4.3 The twelve *suku*: a *suku* is considered as a family

Adat perpatih consists of several elements, which identify the Malays of Negeri Sembilan today. It is unquestionable that the *adat perpatih* is built around a communal kin-based socio-economic system (Ibrahim, 2014, p.2). This system is centred on the principle of matrilineal descent. At the social structure level, the *adat* involves an array of relationships, including social and economic processes that characterise many matrilineal kin-based societies. These include membership in named matrilineal descent groups (twelve *suku*), matrilocal residence and day-to-day life in the matrilineally extended families and households; kin group inheritance and ownership of lands (rice lands and house plots) and properties, with the rights being passed down from mothers to daughters (Mohd Awal, 2014, p.p.74-77); obligatory economic and social cooperation within the extended family and beyond, with the larger kin group involved in the sharing of work, resources and responsibility for children (Selat, 2014); and dispersed political power, and a political and constitutional structure, based on an accepted hierarchical ranking of social authority (Bonget, 2014a, p.52).

The *adat perpatih* community's members are divided into a number of *suku* – which can be translated as a clan – based on the matrilineal descent (Minattur, 1964) and *suku* system is continuously practised in the contemporary society particularly in the inheritance of the property, customary wedding, and others (Iszahanid, 2015). The recognised twelve *suku* in Negeri Sembilan include the Biduanda, Batu Hampar, Paya Kumbuh (Pekumbuh), Mungkal, Tiga Nenek, Seri Melenggang (Semelenggang), Seri Lemak (Selemak), Batu Belang, Tanah Datar, (Tedatar), Anak Acheh, Anak Melaka and Tiga Batu. Each *suku* consists of aggregated components known as the *perut* (sub-clan) (Ibrahim, 1992; Peletz, 1988b), with each *perut* comrpising groups of *ruang* (lineage), which are further divided into *rumpun* (sub-lineage). Individuals who belong to the same *suku* are believed to have the same ancestress, which strengthens their kinship and sense of belonging when they are present among their *suku* (Selat, 2014, p.28), and to some extent, fellow *suku* members can be regarded as siblings (Ibrahim, 2007a). In addition, sharing the same ancestress indicates the member's responsibility

to uphold good moral conduct, as any wrongdoings will tarnish the reputation of the whole *suku*. The *suku* is permanent and remains unchanged for one's entire life. The importance and significance of *suku* in life is indicated in the customary saying below:

Sesusun bak sireh
(As neatly folded as the betel leaves)
Serumpun bak serai
(As united as a shrub of lemon grass)
Seharta sebenda
(Sharing the same properties and materials)
Sepandam seperkuburan
(Sharing burial sites and graveyards)
Sehina semula
(Despicable and noble)
Malu seorang malu semua
(A taint to one, a taint to all)

a. Perut

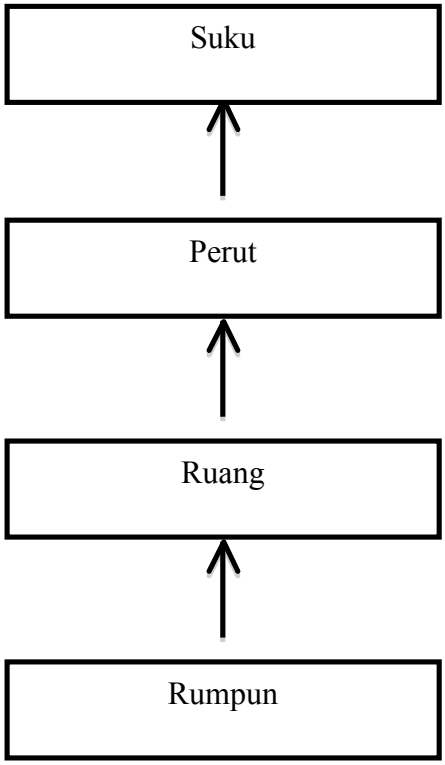

Figure 5.1: The formation of *suku* in the *adat perpatih* community

The Figure 5.1 above illustrates the formation of *suku*, which flow from *rumpun*, *ruang* and *perut*. A *suku* is made up of several *perut*, one of which by definition is a group of individuals in the sixth generation who trace their descent from the same ancestress. Nonetheless, there have been debates and there are differences on the number of generations that make up a *perut*. For instance, in Jempol, it appears to be comprised of nine to ten generations; however in Inas, it is traceable to five generations. This is an excellent illustration of the flexibility of the usage of descent group terms and possibly of the strength and importance of the descent group in various areas and periods in Negeri Sembilan's matrilineal society (Peletz, 1996, p.56). The kinship ties between the members of a *perut* are relatively stronger than those of a *suku* overall. Cooperation amongst members of a *perut* would be necessary for major rituals, such as marriages and funerals; and they would be invited to *berkampung* (gathering/assembly) to conduct political activities and work in the rice fields (Selat, 2014, p.100).

b. Ruang

Several *ruang* make up a *perut.* This group is a close-knit group or sub-group of *perut*. Every *ruang* member has to attend all the social events that take place within the group. In cases where a member is away working (*merantau*), then the chief of the *ruang* has to invite him to come home; should return not be possible, it is necessary for the absent member to send an apology stating that he agrees to all decisions reached during the *berkampung* activity (Ibrahim, 1992, p.46).

c. Rumpun

The *rumpun* is the smallest descent-based group in Negeri Sembilan social system. It comprises an extended family, in which the descendants are rooted back to the mother's mother. The nucleus members of a *rumpun*, *ruang*, *perut* and *suku* consists of a woman and her daughters, with each of the married daughters occupying a separate dwelling. The houses resided by the woman and her married daughters tend to be clustered together, facing the stretch of rice fields framing their surrounding (Ibrahim, 1992, p.46).

5.4.4 Constitutional and political structure

Each *suku* in the *adat perpatih* system has a political leader, who is initially a male member of the group in most cases (Peletz, 1996), and he is elected based on the democratic principle. In the *adat perpatih* social organisation, *anak buah* is considered as the most basic level of individuals in the hierarchical level. Each member of the *adat perpatih* community is known as an *anak buah*. This is followed by a *tua* or *kadim* who is considered as the leader of a *rumpun*; a *buapak*, who leads a *ruang*; a *lembaga* as the leader of a *perut*; *penghulu* and *Undang* as the leaders of *luak* (districts); and finally Yang Dipertuan Besar as the leader of the state (Ibrahim, 1992; Peletz, 1996). The responsibility of these leaders over their areas is encapsulated in the customary sayings below:

Raja memerintah alam
(A king rules the State)
Undang memerintah luak
(An *Undang* rules the *luak* (district))
Lembaga memerintah suku
(A *Lembaga* rules the clan)
Buapak memerintah anak buahnya
(An elder rules his subordinates)

a. Anak buah

Anak buah constitutes the larger population in the *adat perpatih* community and originated from various *suku* and *perut*. As a member of a *suku* or *perut* they are the *anak buah* of the chiefs, but among themselves, they are '*waris*' (heir) to each other within the same *suku*. They regard each other as members of the same large family. They play the role of voters at the lowest level of leadership, in which further election may be organised (Kling, 1992, p.19).

b. Tua or Kadim

In the case of heredity within the kinship system, most parts of the social traditions are also transmitted and passed down from one generation to another. Thus, these social traditions are controlled by authorised members within a generation and often also possessed by the preceding generation. In that sense, an unequal relationship should be present between the generations due to the superiority of the preceding generation compared to the other. For this reason, marked respect must be offered to the aforementioned generation by the later generations (McGee and Warms, 2008, p. 183). Hence, in the *adat perpatih* system, a *tua* or *kadim* should be offered this respect as they are regarded as the elders within the community. According to Kling (1992) and Ibrahim (1992), a *tua* or a *kadim* is the head of the *rumpun* at the family level. He is usually the eldest male on the mother's side (maternal uncle) (Kling, 1992; Ibrahim, 1992). He is responsible for representing his group during outside activities including voting for *orang besar*. He also acts as a consultant (Kling, 1992), arbiter or the source of reference for any matters, issues, and conflicts related to the family, and the individual who is responsible for ensuring harmonious relations among group members (Ibrahim, 1992).

c. Orang besar

Orang besar refers to the officers who assist the *Undang* and *Lembaga* (Kling, 1992); they are selected by the *anak buah* through a unanimous vote (Peletz, 1996). The *orang besar undang* assists the *Undang* in an official capacity at the *Undang*'s office (Kling, 1992), while the *orang besar lembaga* (normally the chiefs or senior members of the family) assists the *lembaga* in administering the affairs of members of the society. Both of these positions function as the 'eye' of their respective chief in managing any matters related to the *suku* or *perut* as well as their *anak buah* (Kling, 1992), while acting as an intermediary between members of the society (Ibrahim, 1992). It is noteworthy that the roles and authority of *orang besar lembaga* are strictly limited within the *ruang* (Ibrahim, 1992). Therefore, there is no fixed number of *orang besar* positions, and holders are entitled to occupy this position for their entire life unless their tenure is terminated by the *Lembaga* (Kling, 1992). Their election is sometimes conducted by

rotation (Ibrahim, 1992). The roles of *orang besar* was indicated in customary sayings such as:

Kusut menyelesaikan
(To unravel disputes)
Keruh menjernihkan
(To untangle confusions)
Cicir memungut
(To pick up the fallen)
Hilang mencari
(To find the lost)

d. Buapak

The term *buapak* is derived from the word *ibu* (mother) and *bapa* (father), and refers to the chief of a *ruang*. Peletz (1996) considered the *buapak* to be the 'clan sub-chief(s)', though also referring to it as the 'chief of the sub-clan, *perut'*.[2] The *buapak* is an appointed individual(s) who has received a unanimous vote from the *rumpun*'s members (Ibrahim, 1992). In most of the cases, the *buapak* is a senior male member (Kling, 1992), who possesses an authority within the localised clan (Peletz, 1996). He is the real representative of the people (Kling, 1992) and is responsible for ensuring that his *anak buah* receives the right treatment (Peletz, 1996). The *buapak* also has a strong social jurisdiction in relation to family laws such as marriage, divorce and division of property, as well as any conflicts that might arise amongst the *perut*'s members, and he is expected to attend all the *perut*'s ceremonies (Kling, 1992; Ibrahim, 1992). However, in the event that he could not appear with a verdict, the decision-making will be passed to the hand of *Lembaga* (Kling, 1992). Moreover, his members and the *lembaga*, can eliminate the *buapak* from his position, if he breaks the laws (Ibrahim, 1992). The relationship between the *buapak* and his *anak buah* is similar to the relationship between a mother's brother and his sister's children in the unilocal group (Ibrahim, 1992, p.54).

[2] It is important to note that in each *suku* (clan), there would be many sub-clans.

e. Lembaga

Lembaga is the official head of the *suku* who plays the most crucial position in the hierarchical system (Ibrahim, 1992). He is considered the founder of the clan within the area and is appointed by the sub-chiefs through consensus and a unanimous vote. In relation to this matter, Kling mentions that,

> …the people themselves elected their officials to become the chief of sub-clans and these chiefs of sub-clans later elected from among themselves the chief of clans. The principle of election is normally '*kebulatan*' – unanimous agreements of members. As differences may occur, this is decided by way of consultation [consensus] – *muafakat*… (1992, p.18).

Traditionally, each *suku* is supposed to be represented by one *lembaga*, but due to demographic expansion, migration and intermarriage, the Malays of Negeri Sembilan today are scattered in a number of areas. Therefore, in some areas there might have several *suku*, several *lembaga* and even several *buapak* (Kling, 1992). The *lembaga*'s roles may vary, but his jurisdiction is limited solely within his *suku* (Kling, 1992). It is commonly accepted that the *lembaga* plays the role as the administrator of his *suku*'s members social and legal affairs (Ibrahim, 1992), including the mediator to settle disputes among kin (Peletz, 1996). The office will remain his workplace for his entire life, unless deposed by his *anak buah* (*suku* members) and/or by the *Undang* if he goes against or breaks any of the stated rules of etiquette (Ibrahim, 1992, p.53).

f. Penghulu and Undang

Eleven *luak* (districts) are present in Negeri Sembilan as seen in Figure 5.2, namely Jelebu, Johol, Rembau, Sungai Ujong, Gunung Pasir, Inas, Jempol, Terachi, Ulu Muar, Seri Menanti and Tampin (Ibrahim, 2007a). The four main *luak* or outer *luak* (Jelebu, Johol, Rembau, and Sungai Ujong) are headed by an *Undang* while the inner *luak* (Gunung Pasir, Inas, Jempol, Terachi, and Ulu Muar) is ruled by a *penghulu* (Kling, 1992).

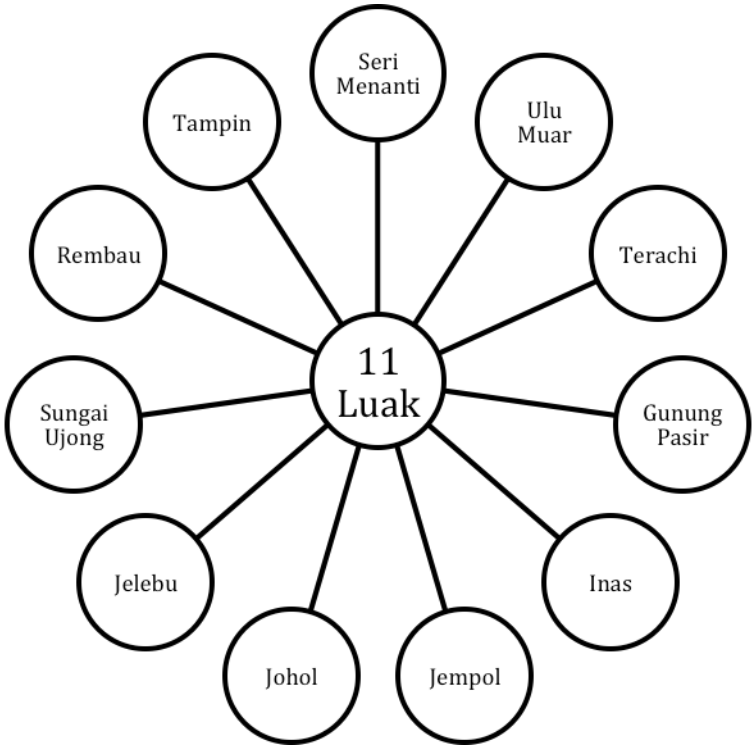

Figure 5.2: The eleven *luak* which constitute the *adat perpatih* of Negeri Sembilan

The *Penghulu* is elected in turn to the *suku* of Biduanda, with the exception of the area of Terachi and Gunung Pasir, in which they can be elected from any *suku*. Meanwhile, by rule, the *Undang* is also elected from the *suku* of Biduanda, as it is believed that they come directly from the original descendants of immigrants from the Minangkabau land (Kling, 2009). Both the *Undang* and the *Penghulu* occupy the most important positions in the *adat perpatih*'s hierarchy (Ibrahim, 1992), and possess the power and authority in their territory (the *luak*). The power of an *Undang* is described in customary sayings cited by Ibrahim (1992, p.52):

Boleh menghitam dan memutihkan
(With the authority to pronounce black and white)
Boleh memanjang dan memendekkan
(With the authority to lengthen and shorten)
Boleh mengesah dan membatalkan
(With the authority to confirm and annul)

As *kebulatan* and *muafakat* become the principles which rule over any decision-making, the *Undang* is required to seek a piece of advice from his council, which is known as the *lembaga tiang balai* (Kling, 1992). The *Undang* is considered a symbol of integration between *adat* and the teachings of Islam. Moreover, he is regarded as *berdaulat* (sacrosanct) by his *anak buah.* However, no matter how broad his power, as stated in the customary saying, he still has no right to intervene with any *suku*'s affairs unless the matter cannot be settled by the *lembaga*'s hand (Ibrahim, 1992; Peletz, 1996). Traditionally, he can exercise his power over any cases that lead to imposition of a penalty such as a death sentence or banishment of the wrongdoer (Ibrahim, 1992, p.52). Kling (1992) also states that the *Undang* has the power to kill, as outlined in these customary sayings:

Raja sekeadilan
(The king is justice)
Penghulu seundang
(The *Penghulu* is lawful)
Tali pengikat pada Lembaga
(The bind is to the *Lembaga*)
Keris penyalang pada Undang
(The keris [dagger] is to the *Undang*)
Pedang pemancung pada Keadilan
(The sword is to the Keadilan)

Even though the power of an *Undang* is considered supreme and ultimate within a *luak*, nevertheless his power cannot surpass that of his superordinate, the *Keadilan* or king (Kling, 1992).

g. Yang Dipertuan Besar (formerly known as Yamtuan)

The political relations of Negeri Sembilan in the 19th century were described in a customary saying quoted by Peletz (1996, p.59), in which it is made clear that the king has the rights to rule his empire, while the chief is responsible for his district, and the clan's chief plays the role as the leader of his clan:

Alam beraja
(The Realm/ Empire has a King)
Negeri/Luak berpenghulu
(The district has a district chief)
Suku bertua
(The clan has an elder/clan chief)
Anak buah beribu bapa
(People of the clan have clan sub-chiefs)
Orang semenda bertempat semenda
(People who marry into a clan have relatives through marriage)
Dagang bertapaan, perahu bertambatan
(The stranger finds a place as the boat an anchorage)

Meanwhile other scholars, such as Ibrahim (1968), note that everyone has their right to choose their preferred leader, as shown in the following customary sayings:

Bulat anak buah menjadi buapak
(The individuals elect the elder)
Bulat buapak menjadi Lembaga
(The elders elect the *Lembaga*)
Bulat Lembaga menjadi Undang
(The *Lembaga* elects the *Undang*)
Bulat Undang menjadi Raja
(The *Undang* enthrones the Ruler)

Figure 5.3 illustrates the political hierarchy of the *adat perpatih* community in Negeri Sembilan, in which it can be seen that the Yang Dipertuan Besar is positioned at the apex of the hierarchical system, followed by *undang*, *lembaga*, *buapak*, *besar*, *kadim,* and *anak buah*. The Yang Dipertuan Besar is considered as the Supreme Head of the state and the head of the religion, Islam; at the same time, he holds the sovereignty of the state (Mohamed Ibrahim, 1968; Ibrahim, 1992). He is also known as *Keadilan* (King) (Kling, 1992), as mentioned in the customary saying:

Kata bercari kepada lembaga
(Deliberation by the *lembaga*)
Sah batal kepada Undang
(Decision by the *Undang*)
Hidup mati kepada keadilan
(Life and death is determined by the justice of the King)

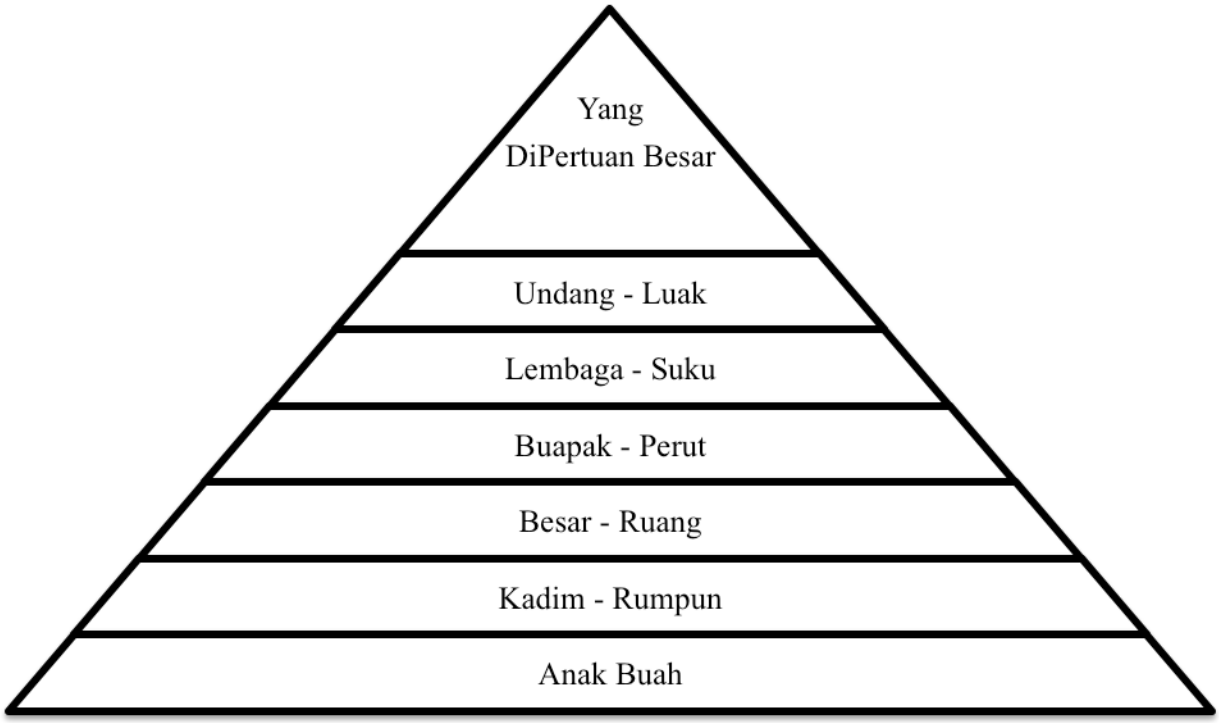

Figure 5.3: Political hierarchy of *adat perpatih* community

The Yang Dipertuan Besar is elected by the unanimous agreement of four main *Undang* of Sungai Ujong, Jelebu, Johol and Rembau, to be appointed as the absolute king of Negeri Sembilan. It is therefore the selection of the most suitable king for society is

according to *Undang*'s choice. Although the chosen king is a male descendant, he may not be necessarily be a direct descent of the Minangkabau, regardless of the historical status of the king of Negeri Sembilan as a prince from Minangkabau who was invited by the people of Negeri Sembilan during the 18th century (Kling, 1992, p.16). The democratic principle, as mentioned by Minattur (1964), is also applied in the selection of a suitable consort for the Yang Dipertuan Besar, in which he should only marry a woman who is, instead of the royal descent, is one of his subjects or a member of the Ayer Kaki family of the Suku Batu Hampar (see further in Josselin de Jong, 1951; Minattur,1964). However, this rule is not obligatory, as the consort of the current Yang Dipertuan Besar of Negeri Sembilan originates from the royal family of Terengganu, which is one of the states in the east coast of Malaysia). TheYang Dipertuan Besar of Negeri Sembilan resides in Seri Menanti. This small territory was granted to him to rule and exercise his power, and his residence is surrounded by the inner *luak* which is known as the Tanah Mengandung, headed by a *Penghulu* and further extended to the outer *luak* (main *luak*), headed by the *Undang* (Kling, 1992; Ibrahim, 1992), as shown in Figure 5.4.

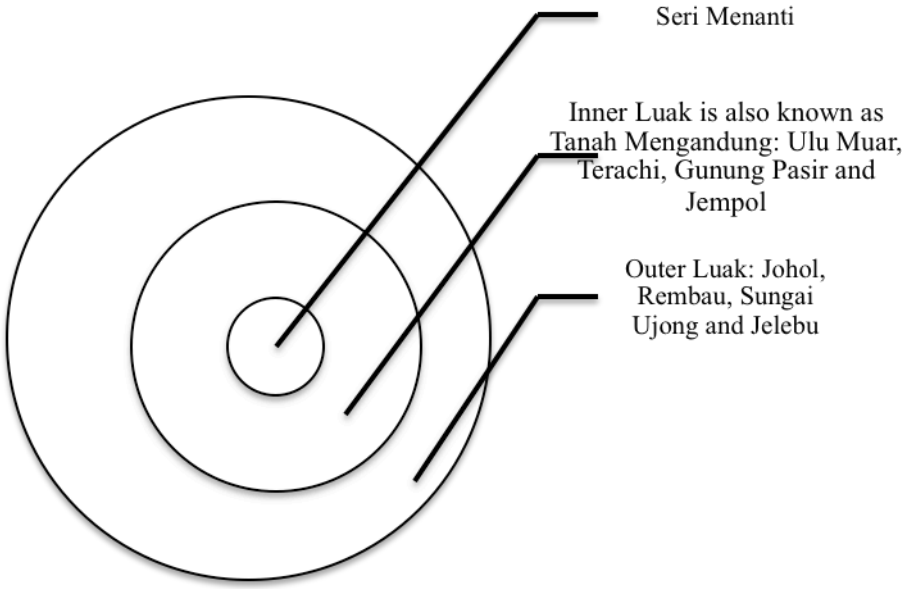

Figure 5.4: Seri Menanti is surrounded by inner and outer *luak*

5.4.5 Marriage and families

Apart from *adat perpatih* constitutional and political structure, the people who live around a person are considered as family. A strong relationship between the members of *adat perpatih* is manifested through the preparation of wedding ceremonies or other important events. To the Malays, although marriage is not a personal matter, it is considered a family matter too (Ali, 1968). Prior to the decision between two individuals to marry, they have to undergo a phase known as the betrothal (engagement). Ali (1968, p.187) explains that,

> The first move is made by the man's family, which ascertains from the woman's family whether a proposal would be favourably received or vice versa. When an understanding between the parties is reached, they proceed to set the date of the marriage and the precise payment amount for *mas kahwin* and gifts. A formal ceremony of betrothal may be held at the woman's home, which finalises the contract between the two families.

In Negeri Sembilan, the ceremonies are more elaborate (see further in Mohamed Ibrahim (1968)). First, it begins with the *menghantar cincin* ceremony. In this event, the ring is gifted to the parents of the prospective bride, and the bride's hand is requested in place of the groom. A feast is held with the bride's relatives as the guests. As the ring is shown, opinions and approvals are sought from the present relatives. However, if approval of the marriage is not approved by the relatives, the ring will be returned to the suitor (Ali, 1968, p.186). An accepted proposal would be followed by a ceremony, in which the relatives of both parties are invited. During this event, *cincin tanya* or seeking ring is circulated to be viewed and examined by the relatives who are present, symbolising the discussion of the merits and demerits of the bridegroom-to-be. As a result, the appearance of the double rings signify that the match is agreed upon, and the agreement is sealed under the following customary saying (Mohamed Ibrahim, 1968, p.112):

Cincin sebentuk menanya ibu bapanya
(One ring to ask the parents)
Cincin dua bentuk oso sekata
(Two rings unanimous agreement)
Oso sekata janji diikat
(Approval entails the customary covenants)
Elah si laki loncor tanda
(Repudiation by the man he forfeits the token)
Elah si perempuan ganda tanda
(Breach by the bride she repays twofold)
Cacat cida berkembalian
(Blemish of either the pact is annulled)
Sawan gila luar janji
(Insanity and lunacy are outside the pact)

Today however, it is very much dependent on both families whether ceremonies for the betrothal should be done or not, as some couples now decide upon marriage without undergoing betrothal.

The first marriage of an individual in Negeri Sembilan is celebrated on a large scale, with guests invited to a sumptuous celebratory feast. Usually a buffalo or cattle is served to signify the significance of the marriage ceremony. The presence of the *adat* leaders such as the *lembaga* and the *buapak*, is also important as it symbolises their tacit approval of the marriage and of both the bride and groom, as well as of their families (Mohamed Ibrahim, 1968, p.116). The Malays of Negeri Sembilan, also have to meet certain conditions in order to marry. This is explained in detail by Mohamed Ibrahim:

> … While the Muslim law forbids marriage between the agnates, the *adat perpatih* bars the marriage between cognates. To be specific, the marriage between maternal cousins is not permitted in the *adat perpatih* areas of Negeri Sembilan, although it is allowed and common in the other states. Although the marriage or liaison during the wife's lifetime with another woman of her *suku* is punishable by death under the *adat perpatih* in Negeri Sembilan, the marriage

> with a deceased wife's sister is a common practice, as the welfare of the children of the wife's *suku* will be supported. Besides, intermarriage is possible between the children of a brother and sister, as they are rooted in different mothers, which is a similar case in other countries where this type of marriage is common (1968, p.116).

Therefore, marriage within a *suku* is forbidden in the *adat perpatih* community, as the *adat* claims that the *suku* is rooted from the same *perut* (sharing the same female ancestor). However, it is advisable for the *adat* members who desire for marriage to observe both the rules of *adat* and Shariah law (Ibrahim, 1992; Mohamed Ibrahim, 1968).

Husband's position in the family

When a man gets married to a woman from a different *suku*, he will be considered '*orang semenda*', while the *suku* to which his wife belongs is regarded as '*orang tempat semenda*' (Minattur, 1964). As an *orang semenda*, the man is expected to obey all the rules and regulations as well as the social pattern, of his wife's *suku* (Ali, 1968; Tan-Wong, 1992), as it is a common practice for the husband to stay with his wife's family (Ibrahim, 1968). The customary sayings mention that:

Nyawa, darah, waris yang punya
(Life and blood are traced to the heir)
Rugi, laba, tempat semenda
(Loss and gain to the wife's family)

Even though he abides by his wife's *suku* in relation to rules and social pattern, yet he is still has control over his family. This means that he has a high position in the family (Ibrahim, 1992), as stated by the customary sayings "*lingkungan benda yang empat, orang semenda yang punya* (within the four threshold beams of his house, is a husband's province)" (Ali, 1968; Ibrahim, 1992). It is also expected for the wife to obey and be faithful to her husband, and any third party has no right to intervene with the *orang semenda*'s personal relationship with his wife or with their family and domestic affairs (Minattur, 1964), as the *ada*t says:

Kunci bini laki
(Warder of the wife is the husband)
Kunci semenda tempat semenda
(Warder of the husband is his wife's family)

The role of the husband is not merely limited to the head of the family and a husband to the woman he is married; he is also required to become elder brother (model brother) to his wife's siblings. Peletz's view is that because of this, and because they are perceived as less reliable and trustworthy than women, the men of Negeri Sembilan have a tough time living up to the expectations as elder brother as well as husband (Peletz, 1994, p.24).

5.4.6 Properties and inheritance

The marriage's properties and inheritance in the *adat perpatih* community can be classified into three categories: *harta pembawa*, *harta dapatan*, and *harta carian* (Ibrahim, 1992; Minattur, 1964; Ali, 1968). In fact, it is the couple's duty to declare all their properties under these three categories, in the presence of witnesses from both sides of the family. This declaration is essential to avoid any disputes over the properties, should any unwanted events happen in the future, particularly when it involves the divorce of the couple or the death of a spouse (Mohamed Ibrahim, 1968).

a. *Harta pembawa*

The harta pembawa is the property (movable or immovable), more commonly known as the husband's personal properties (Tan-Wong, 1992), which is brought into the marriage by himself (Ibrahim, 1992; Mohamed Ibrahim, 1968). In most cases, the harta pembawa may consists of land, clothes, money, heirloom weapons such as keris (Malay daggers) or guns, and livestock including the buffalos and cows among others, it is not limited to these properties alone (Ali, 1968). According to Tan-Wong (1992, p.8), this type of property can be further divided into three components: namely 'his earnings as a bachelor (carian bujang), his share of the earnings from a former marriage, and any ancestral property of his family in which he holds interest'. This kind of property reverts to the husband once a divorce is decided upon (Ibrahim, 1992).

b. Harta dapatan

On the other hand, *harta dapatan* belongs to the wife and is inherited from her parents (Ibrahim, 1992; Mohamed Ibrahim, 1968). It is also known as the inherited or the ancestral property which remains in the wife's position including which normally consists of the customary land, houses, and possibly gold ornaments (Ali, 1968). As women are perceived as weak and needful of help, they need a guarantee to survive and maintain their lives, especially in terms of material resources such as house and land. This is because it is understood that a woman may not always rely on her husband as he may be away for temporary out-migration (*merantau*) or pass away before she does (Peletz, 1994, p.24). Tan-Wong (1992, p.8) further classifies this kind of property into three subcategories: '*carian bujang* [properties acquired as a spinster] or *carian janda* [properties acquired as a divorcee/widow]; her share of the earnings of a former marriage; her ancestral property'. The Malay women in the *adat perpatih* community are entitled to inherit the customary properties which normally comprise a piece of land in the *kampung* (part of the usufruct), a piece of *sawah* (rice field), and a customary house (Minattur, 1964).

c. *Harta carian* or *sepencarian* (shared properties)

Harta carian is the shared or joint properties between the husband and the wife that have been acquired during the marriage (Ibrahim, 1992; Mohamed Ibrahim, 1968; Tan-Wong, 1992). However, the fair distribution of the properties between husband and wife will be made upon the decision of a divorce.. All the properties possessed before the marriage must be restored to each spouse, in which the personal assets brought in by the husband must be returned to him, while the wife's separate assets remain with her. Furthermore, the wife's ancestral property remains and the husband should not have further interest in it, even if he has previously built a house on such property (Tan-Wong, 1992, p.8). However, upon the death of a married man, only '*harta pembawa*' can be recovered by his heirs or *waris*; the rest of his property remains with his widow alone or both the children born from that marriage and the widow herself. Meanwhile, upon the widow's passing, the property would be passed to the children from the marriage. If there is no issue occurring in the marriage, the property would be passed to her daughters of another marriage, in the case where the marriage fails on the '*waris*' of

the woman (Tan-Wong, 1992, p.8). This situation is described in the customary sayings as:

> *Dapatan tinggal*
> (What a man had with his wife remains with her clan)
> *Pembawa kembali*
> (What a husband brought in goes back to him)
> *Kutu dibelah*
> (Property in partnership is split up)
> *Sarang diagih*
> (The shared property acquired by a man and wife's joint labour is equally divided)
> *Rugi laba pulang ke tempat semenda*
> (Any loss or profit on the wife's estate is a matter for her clan)
> *Nyawa darah pulang kepada waris*
> (The man's person is restored to his clan)

In the case of the death of a married woman and there is no children in the marriage, her *suku* recovers her '*harta dapatan*'. Otherwise, if children are present in the marriage, they have the rights of maintenance, and her property is then divided between the widower and the children. In this case, the proportions of the property shall be decided and fixed by the two families and their *suku*'s chiefs, when they gather during the Hundredth Day Feast. However, under no circumstances is the widower allowed to be the guardian of his young children, they must remain in the custody of their clan (Tan-Wong, 1992, p.8). All ancestral properties belong to the *suku*; it is vested in the female members, but they hold it as trustees for their *suku* rather than acting as the owners. The primary duty of the holder of the customary property is to conserve it for the *suku*. Consequently, if she abandons the property, her '*waris*' is entitled to take possession of it on behalf of the *suku* (Tan-Wong, 1992, p.8).

5.5 The preferences for daughters

Daughters are considered important assets in the *adat perpatih* social system. This is because the daughter determines the continuity of a *suku*, and on the occasion where there is no daughter in a family, the mother will adopt a girl to inherit her property after her passing (Ali, 1968). In terms of the preference in the adoption, the nearest niece has always been a popular and ideal choice according to *adat*, but this choice is often impractical as the adopted daughter tends to return to her biological mother when she reaches the age which enables her to make her own decision regarding the family she desires to be with. On the other hand, a girl from the same *suku* is also a preferred choice as the assets will remain with the suku in the case when the girl decides to return to her biological mother.

It is therefore quite common practice, however, for a mother to adopt from outside the *suku*, or in some cases, even outside the Malay's ethnic group – in which case, girls of Chinese ancestry are often preferred. The preference to foster Chinese girls is due to the Chinese culture favouring the patrilineal side and the importance of boys in the family. Given these cultural factors, Chinese girls are more readily available. According to Kasim (1992), Chinese people tend more readily to give their daughters to others to adopt. In addition, lighter skin colour among the Chinese girls is a reason for the Malay community to foster Chinese girls. In such an event, the child must be formally adopted, which is followed by the announcement of the adoption to the whole *suku* at a formal ceremony in the presence of the *lembaga*. The ceremony of adoption is called '*berkadim*' (Ali, 1968, p.189). The *lembaga*, *buapak*, *orang besar*, and other minor *adat* officials, as well as the indirect heirs to the adopter's parents, will be invited to the *berkadim* ceremony. Following this event is the performance of the rituals of adoption in front of the customary officials. Notably, the approval of the *waris* and the consent of the *lembaga* are necessary prior to the adoption of the *berkadim* ceremony (see details in: Mohamed Ibrahim, 1968, p.127). The *berkadim* ceremony is important to be held publicly (Mohammed Ibrahim, 1968) in front of the individuals attend to it, as they are the witnesses to the adoption with an expectation that no undisputed matters would arise later on, particularly in relation to the inheritance of customary properties. Through this *berkadim* ceremony, the adoptee also becomes responsible for taking care of her foster

mother's family (Ali, 1968) and entitled to inherit the customary properties (Tan-Wong, 1992).

Nonetheless, there are two types of adoption: *kadim adat* (partial adoption) and *kadim pusaka* (full adoption). *Kadim pusaka* indicates the complete relationship established between the parties in all respects: all the rights and liabilities are equal to that between a biological mother and child, and there is entitlement to inherit all property of whatever kind, which would be inherited by a natural child (Tan-Wong, 1992, p.9). The child is also able to take on the siblings and extended family, including aunt, uncles, and grandparents, based on the foster parent's clanmates (Stasch, 2009, p.126). In the case of full adoption, the approval of the *waris* (*rumpun* members) and the consent of the *lembaga* are crucial before the ceremony is organised (Ibrahim, 1992). On the other hand, *kadim adat* or partial adoption only creates a relationship; the right of inheritance if conferred at all is restricted. The adoptee and her descendants in the female line would not be eligible for the inheritance of the customary land of the adoptive family/ *suku*. This is the same case for the eligibility of the descendants of the male line to become a successor to any office held by the lineage (Ibrahim, 1992, p.50). The *kadim adat* is also necessary before the marriage of any foreigner or outsider to a Negeri Sembilan man or woman. Through this ceremony, the outsider will be automatically considered as a part of the community and therefore, their rights as a member of the community are guaranteed.

5.6 *Perbilangan adat* (customary sayings)

The *adat perpatih* system has been verbally passed down from one generation to the another, and this customary law functions as the guidance for its followers in every aspect of life (Ibrahim, 2007a). A member's memory plays an important role in memorising the customary sayings (Yatim, 2007). The rules and regulations, ethics, and etiquettes or any subject needed by the followers are expressed through the *perbilangan adat*. The *perbilangan adat* is considered as a book of law that must be obeyed, even though it does not exist materially (in written form) as seen in the customary sayings below and those throughout this chapter. The sayings below indicate the way the *adat* law was handed down from the ancestors (*turun temurun daripada nenek moyang*) and the need to maintain its existence (*dianjak layu, dicabut mati*):

Berlukis berlembaga

(The pattern becomes the mould)

Berturas berteladan

(The example becomes the type)

Nang diuca dipakai

(Percept passing into usage)

Nang dipesar dibiasakan

(Practice passing into custom)

Turun temurun daripada nenek moyang

(The custom handed down by our forefathers from generation to generation)

Dianjak layu

(Transplanted it with others)

Dicabut mati

(Uprooted, dies)

As it is commonly known that the customary sayings are handed down from one generation to the other, ignorance of the law is not an acceptable excuse for an individual to dishonour (Minattur, 1964, p.332), as the sayings are simple and can be easily memorised. Yatim (2007, pp. 46-49) has classified several classes representing the laws in *adat perpatih,* such as: (a) the law of constitution which deals with the state, *luak*, *adat*'s leaders and its members; (b) the criminal law, which determines the punishments involved with some criminal cases; (c) the law that is involved with evidence, especially witnesses; (d) the law of family; (e) law of property; and (f) the law of conflict which emphasises the *muafakat* system in reaching certain decisions. Customary sayings also portray some of the customs that need to be followed, and values, rules, and religious virtue practised by the community (Saludin, 2007).

5.7 The influence of Islam in the *adat perpatih* system

Islam has a major impact on the lifestyle of the Malays who subscribe to the *adat perpatih* and its system. It is mentioned several times in the customary sayings that *adat* relies on the book of God or the Quran (*Kitabullah)*, which refers to the law of God (*Shariah*). An example could be seen from the following customary saying:

> *Adat bersandar kepada yang benar*
> (*Adat* relies on the truth)
> *Yang benar bersandar kepada Kitabullah*
> (The truth relies on the book of God)

According to Yasin (2007), upon the arrival of the immigrants of Minangkabau in Negeri Sembilan, the *adat perpatih* system that they brought has already been assimilated with the Islamic teachings, used as the main sources of reference encompassing every aspect of life. This is evident in the customary sayings as translated by Hooker (1974, p.76):

> *Adat bersendi hukum*
> (*Adat* hinges on religious law)
> *Hukum bersendi kitabullah*
> (Religious law on the book of God)
> *Kuat adat, tak bergaduh hukum*
> (If *adat* is strong, religion is not upset)
> *Kuat hukum, tak bergaduh adat*
> (If religion is strong, *adat* is not upset)
> *Ibu hukum muafakat*
> (Religious law is the offspring of the covenant)
> *Ibu adat muafakat*
> (*Adat* law is also the offspring of the covenant)

Therefore, *adat* in Negeri Sembilan has always complied with Islamic law and the two have never contradicted each other (Yasin, 2007, p.71). For example, it is a common practice for prayers to be recited prior to the commencement of any important events, as a gesture of seeking God's blessing and hope for the event to run smoothly.

5.8 The significance and continuation of *adat perpatih*

Adat perpatih has consistently been misunderstood or undervalued by the Malays from the other states and by some non-Malays. During the British's administration in Negeri Sembilan, for example, *adat perpatih* was seen as unpleasant because the local custom was disrupting to the colonisers' administration system (Gullick 2000, p.31). Swettenham (1907, p.131) describes the situation in colonial Negeri Sembilan as one in which there were '… peculiar customs and the trouble they gave, they were placed under the general control of a Raja [king] from Minangkabau, in Sumatra, with the title Yang Dipertuan…'. Another misunderstanding of *adat perpatih* arises in the description of *adat perpatih* as a 'matriarchy' by most scholars, which could be seen from Winstedt's (1947, p.70) book entitled, 'The Malays: A Cultural History' that, '… the matriarchal system of Negeri Sembilan grew up from the family with royalty as little more than an ornamental creation'. In fact, adat perpatih is a social and political system where the descendants from the mother's side (matrilineality instead of matriarchy) are all-important. Although women do inherit the customary land, they do not hold any authoritative positions and have no political authority in the traditional offices (Gullick, 2000). Besides that, the ethnocentric prejudiced view, lack of '*Verstehen*', and the understanding expressed by the members of communities outside the *adat perpatih* are significantly influenced by their cultural values, withthe systems of *adat perpatih* have always been viewed with slight misapprehension by the larger society (Minattur, 1964, p.31). Moreover, all these drawbacks have increased the negative views of *adat perpatih* without any space provided for corrections and further explanations.

Nonetheless, *adat perpatih* remains important and influences the Malays in Negeri Sembilan in various ways. Instead of simply following several practices that represent the *adat perpatih*, this system has awakened a sense of belonging and identity amongst the Malays in Negeri Sembilan. As mentioned in the Convention for the Safeguarding

of the Intangible Cultural Heritage, UNESCO, (2003) intangible cultural heritage can promote a sense of identity and continuity in a local community. Peletz demonstrates that most of the Malays of Negeri Sembilan do have pride in their *Minangkabau* origins and sense of cultural distinctiveness (Peletz, 1988b; Peletz, 1994), and this provides them with a sense of 'home', place, and memory (Naguib, 2013). Furthermore, most of the Malays in Negeri Sembilan speak their dialect which also represents their sense of identification with the *Minangkabau* culture (Awal et al., 2013).

Adat perpatih is not, however, a static system and is subject to change (Kling, 1992) to be compatible with the evolution of the current phenomena (Ibrahim, 1992) and modern needs (Nagata, 1974), without deviating from its norms and values (Ibrahim, 1992). The following customary sayings provide elaboration on this matter:

> *Sekali air bah, sekali pasir berubah*
> (When there is a flood, the soil formation will change)
> *Sekali raja mangkat, sekali adat beralih*
> (When one king dies, the *adat* will change)
> *Sekali tahun beredar, sekali musim bertukar*
> (When a new year comes, the season will alter)

In other words, it is important for an *adat* to be adaptable to time, space and environment. However, the *adat perpatih* members should gather in a *muafakat* in order to reach an agreement regarding the new changes to be made on the outdated *adat* and the implementation of the new *adat* within the community. This notion is supported in the following customary sayings:

Ibu adat muafakat

(The mother of *adat* is a consensual agreement)

Adat menimbulkan yang baik

(*Adat* only retains the best)

Menghilang yang buruk

(The outmoded will be discarded)

Bulat air kerana pembetung

(The water is round due to the bamboo pipe)

Bulat manusia kerana muafakat

(Man has unanimity due to consensual agreement)

Hilang adat kerana muafakat

(The *adat* is lost due to consensual agreement)

The aims of the National Heritage Act 2005 to preserve both the tangible and the intangible cultural heritage in Malaysia clearly originate from the aegis of the government. Relying merely on the implementation of law, however, cannot guarantee heritage's sustainability (Mupira, 2009). The involvement of the community or local stakeholders in preserving their assets (Cominelli and Greffe, 2012; Mupira, 2009; UNESCO, 2003) is important to ensuring the survival of the roles of communities and particular groups within any society are also emphasised in the UNESCO Convention as I discussed in previous chapters.

But, the question of how *adat perpatih* survived from the immigration of the *Minangkabau* people to Negeri Sembilan in the 19th century until 2005 (before the National Heritage Act was enforced) has been left unattended. The period remains unexplored, despite the challenges of modernism to the *adat perpatih* (Abdul Manaf et al., 2013). Nonetheless, true to the customary sayings, '*Biar mati anak, jangan mati adat* (Let the child die, but not the adat)', the *adat perpatih* has managed to survive until today.

5.9 Conclusion

In conclusion, this chapter has explored the principles of *adat perpatih* in Negeri Sembilan as it has been practised by the Malays. The chapter has looked especially at its historical origins, at elements of *adat perpatih* – especially its social structure and organisation, customary marriage procedure, properties allocation – at the continuity of *adat perpatih* through daughters, at the importance of customary sayings as reminders and tools of the dissemination of knowledge, and at the influence of Islam to the *adat perpatih* practice. Following this discussion of *adat perpatih*, the next chapter presents the finding of this project's primary research, looking especially at how *adat perpatih* is practised and sustained amongst the Malays in Negeri Sembilan today.

CHAPTER SIX
METHODOLOGY: FIELD RESEARCH AND DATA ANALYSIS

6.1 Introduction

This chapter discusses the methodology used for this research and the overall research process in the examination of *adat perpatih* of Negeri Sembilan within the context of intangible cultural heritage. The primary approach of the research is the case study, which focuses on a particular community, the Malays who reside in Seri Menanti, within Negeri Sembilan, and who practise *adat perpatih* as part of their everyday lives. This research collected data from the fieldwork using ethnographic methods: a first-hand form of information-gathering that is a strength of this study. This approach allows an understanding of the reality on the ground to be gained through an immersive period in the field and through paying careful attention to the research participants' experiences and views. Careful data analysis has then enabled the extraction of relevant patterns and themes from the data.

This chapter begins with an outline of my research approach, paying particular attention to the case study before describing the research methods, participants, techniques, and issues involved in collection, recording and analysis of the data. In the final part of the chapter, I examine issues around validity, ethics and other research challenges.

6.2 Research approach: the case study

A qualitative research approach was used for this study as it was the best means to gain the data best suited to this study and its aim of identifying the perspective of the Malay towards *adat perpatih* within the context of intangible cultural heritage. As pointed out by Dey (1993, p.11), qualitative data extracts more kinds of research information, including in terms of sounds, pictures, videos, music, songs, prose and poetry, among others. A qualitative approach also deals with meanings, particularly those related to language, action (Dey, 1993), and meaningful talk (Coffey and Atkinson, 1996). It examines people's experiences by using specific methods such as interviews (both in-depth and unstructured), focus group discussions, observations (both participatory and

non-participatory), content analysis, visual methods, and life histories or biographies (Hennink et al., 2011; Dey, 1993). In qualitative studies, the researcher usually poses a prior set of questions to, or about the research participants and observes them in the field (Silverman, 2013). Qualitative research may also try to understand specific issues from the viewpoints of the research participants (Bryman, 2012), seeking to comprehend the meanings and interpretations of certain behaviours, events, and objects. In this study, Malay perceptions of *adat perpatih* are examined in order to understand how it influences their everyday lives. Thus, as *adat* is perceived as customary law, which is generally viewed as legal rules that must be followed, *adat perpatih* could, as mentioned in previous chapters, mean different things to the Malays themselves, such as offering respect to leaders and elders in the community and making decisions in a more democratic manner. A qualitative approach allows interaction with the research participants in more practical ways that can dig out information and data from local perspectives, rather than numbers from surveys and charts.

A case study approach is common in cultural studies and social anthropology, often enabling studies to find the symbolic meanings behind the interactions of people with each other and their daily activities (Bartlett and Vavrus, 2017, p.9). Even in a collective culture, not everyone believes and practices in the same way as others do. The researcher in a case study seeks to identify and describe what is going on in the field. As Chadderton and Torrance (2011, pp.53-54) emphasise, a case study 'places descriptions before explanation' where the interactions of participants in their daily life within their natural setting are observed. In this sense, a case study is both descriptive and inductive. In part, this produces an in-depth sense – a 'thick description' (Geertz, 1973) – of the subject of the research for the researcher and reader; in this case, the roles of *adat perpatih* in Negeri Sembilan.

In order to answer the research questions and to achieve the research objectives, I utilised a case study approach on the basis that it would enable specific exploration and understanding of the 'meanings that social actors [participants] bring to the setting and produce in them' (Chadderton and Torrance, 2011, pp.53-54). According to Bartlett and Vavrus (2017), a 'case' is usually related to a place, setting, or institution; hence, the case study best fits with the nature of my research, which is exploring culture and human activities – and social phenomena – in a local, real-world setting (see also Yin,

2018, p.15). A case study enables an intensive approach, focusing on particular local settings with a specific topic of study (Swanborn, 2010) as well as social interactions and meaning developed by participants within their community.

A case study is rooted in an interpretive and constructive research stance (Merriam and Tisdell, 2015, p. 24). The interpretivist approach requires the researcher to understand the lives of people from the viewpoint of the people themselves, emphasising both an emic and an insider's perspective rather than an outsider's view as the data source of the study (Mason, 2002a; Hennink et al., 2011). In contrast, social constructivism emphasises people's construction of their social world from their interpretations (Dutta, 2014), and focuses on how it was produced, assembled, and maintained (Silverman, 2013). The individuals within society normally construct and develop their subjective meanings of things or objects from what they perceive and experience (Mason, 2002a; Creswell, 2013). People interpret things that they encounter based on their surroundings and experiences (Bartlett and Vavrus, 2017, p.36). A researcher who uses the social constructivist approach looks at the 'process' of interaction among individuals in the community under observation. They also focus on the specific issues related to people's lives and work with them in order to understand the historical and cultural settings of the participants. Accordingly, in this research, and using the methods I outline below, I have attempted to explore and understand the local Malays' understanding of *adat perpatih* and to let the Malay participants define and explain how they see and perceive *adat perpatih* and how it influences their lives.

Thus, the focus of my fieldwork was on determining the local knowledge of and construction of meanings about *adat perpatih*. The localised, case-study nature of this research enabled me to make in-depth enquiries about the subject of the study rather than making a generalisation among a larger population. Indeed, a critique often made of the case study method is precisely that due to its small number of cases, it does not allow generalisation of findings to larger populations. Nonetheless, as Chadderton and Torrance (2011, p.54) argue, the claims made for the findings of a case study usually offer at least some general relevance and interest. Additionally, the researcher can go on to conduct other complementary case studies or undertake more extensive research that could support their previous work (Swanborn, 2010, p.3). Swanborn (2010, p.66) also explains that a case study does not deal in terms of a 'sample-to-population logic, but

rather generalises the case results to a theory or model. The label analytical (or theoretical, or logical) generalisation has been established in the literature (2010, p.66). Nonetheless, the interpretation of the results of the case study depends on the state of the researcher's knowledge, thus 'mak[ing] the case study hazardous' (Swanborn, 2010, p.67). Replication of the case study is also assumed to change only one aspect of the contexts, but it could, in fact, change 'many other variables simultaneously that [will] produce a different result' (Swanborn, 2010, p.67). Despite the weaknesses of the case study approach, however, it still has the specific advantage of delimiting the topic within drawn boundaries. Thus, a case study provides more understanding about the case that is being researched, rather than primarily being concerned with generalising (Chadderton and Torrance, 2011, p.54).

A case study is confined by certain boundaries within a particular social system (Swanborn, 2010, pp.13-14) and delimits the focus of study (Merriam, 2009, p.40). This 'bounding the case' means that the researcher needs to decide 'who' to include in their case study if they plan to conduct the research within a small group, 'which' cases they need to cover, 'how' long they need to spend their time in the fieldwork and 'where' they should conduct the fieldwork (Yin, 2018, p.31) Although most anthropological and sociological traditions are studied by making long-term participant observations in a single setting, some case studies only have a few weeks to gather data, rather than months or years (Chadderton and Torrance, 2011, p.55).

The field research for this thesis was carried out in the small town of Seri Menanti, which is located in the district of Kuala Pilah, approximately 30 km from Seremban, the state capital of Negeri Sembilan. Seri Menanti is also known as the royal capital (*Bandar di-raja*) of Negeri Sembilan and also as a sub-district (*mukim*) of the district (*daerah*) of Kuala Pilah, which covers 7,769 hectares of land (Kuala Pilah District and Land Office, 2019). The most recent official information available on the total population of the Seri Menanti district (*Mukim*), is from the 2010 census, and gives a figure of 3,244 people (Department of Statistics Malaysia, 2019). However, there were no updated figures available for the population size when the research was conducted. Seri Menanti is also surrounded by 76 traditional villages of different sizes, each of which is administered by a village head (*ketua kampong*) (Kuala Pilah District and Land Office, 2019). Seri Menanti is also the place of residence of the Yang di-Pertuan Besar

of Negeri Sembilan, and the royal palace is known as the *Istana Besar*. A royal mosque is also located in the town, and it is at this mosque that all religious activities, such as the celebration of Eid or Friday's congregational prayers (*Solat Jumaat*), are held. There are a number of Chinese families in Seri Menanti, and most of them run small businesses that cater to the daily needs of the villagers. The remaining local people are involved in diverse economic activities, including teachers who work in the local schools, civil servants who work in various government departments, and self-employed residents involved either in agricultural activities or in running small businesses such as food stalls. Other basic amenities include a police station, a health clinic, a recreational park, a public field, and a community hall, as well as other basic infrastructure that caters to the needs of the residents of Seri Menanti (see Appendix A).

Seri Menanti was selected for the case study due to its strong links to the Minangkabau immigrants from Sumatra, beginning from the installation in Seri Menanti of the first Minangkabau ruler of Negeri Sembilan (Hooker, 1971a). In addition, most of the Malays living in Seri Menanti practise *adat perpatih.* This is particularly evident in political administration and in the historical and ongoing influence of *adat perpatih* on hierarchical social and political structure, exemplified in the story of when the Prince of Pagar Ruyung was elected to rule Seri Menanti and Negeri Sembilan. The strong influence of *adat perpatih* is also reflected in local architecture, such as the Istana Lama Seri Menanti (Seri Menanti Royal Palace), which in the early 1900s was the residence of the Yang di-Pertuan Besar

6.3 Research methods and participants

Merriam (2009, p.42) argues that the case study approach 'does not claim any particular methods for data collection or data analysis'. All the resultant qualitative data can take the form of fieldnotes, interview transcripts, transcribed recordings, documents, pictures, and other graphical representations (Coffey and Atkinson, 1996, p.4) such as photographs or self-memos reflecting the researcher's time during the fieldwork trip (Denzin and Lincoln, 2003, p.5). All these forms of information are normally obtained through fieldwork (Dey, 1993), particularly research that is conducted in natural settings that can show how surroundings shape the research participants' and community's behaviours and life (Hennink et al., 2011; Denzin and Lincoln, 2003).

Therefore, as a product of qualitative research, the researcher will produce detailed descriptions and explanations in their report (Bryman, 2012). The researcher will do this utilising a number of methods from a potential range.

In my research, the methods used are borrowed from ethnography and comprised interviews, reading and analysing documents and engaging with observation (Chadderton and Torrance, 2011, p.56; Swanborn, 2010; Barlett and Vavrus, 2017). The ethnographic method is classically related to anthropology, whereby a researcher visits a research site (normally a country outside of the Western world) having gained permission from the leaders of the communities or organisations being studied, before spending a long period of time (often years) with the research's subject groups (Atkinson and Hammersley, 2007). However, certain ethnographic techniques of discovering cultural processes such as watching, listening and communicating with the community, participating overly or covertly (Atkinson and Hammersley, 2007) and finally storing all of the information in the form of field notes (Bryman, 2012) have also been increasingly utilised by other social science and humanities disciplines, and during shorter periods of field research than those typically involved in social and cultural anthropology. They have also influenced research across a wide range of social contexts, as well as having an impact when researching communities quite different to those being studied by the researcher.

In the field setting, the ethnographic researcher's aim is to see things from the local, emic perspective (Fielding, 2008, p.269) in order to gain *verstehen* (understanding) (Hennink et al., 2011) and 'appreciation' of the subjects' ways of doing things. The researcher normally allows research participants to voice their opinions and understandings from their perspective, ostensibly without any interference from the researcher or anyone else. The researcher relies on the original words and phrases of their research participants and informants in order to produce a 'thick' description of events (Fetterman, 2010, p.1). As a result, the researcher presents their readership with credible, rigorous, and authentic stories (Fetterman, 2010, p.1). That said, critical reflections both on and in ethnography in recent decades has also been useful in enhancing the degree of reflexivity and understanding of the inevitable role and influence of the researcher themselves (Thomas, 1993; Burawoy, 2003).

Interviews and observations were the principle methods used to collect data in my research, and I sometimes utilised more than one method – such as interviews and observation – at the same time, not least because interviews often took place in a participant's home. In this section, I will discuss the main data collection methods of interviews and observation, and their rationale, and will also reflect critically on the subjectivities that impacted on these methods, particularly the research participants' awareness of my presence and intentions, and my own relationship to the research process and topic.

6.3.1 Interviews

An interview is a central source of data in qualitative research and is a basic mode of enquiry (Seidman, 2006). An interview is used to investigate and understand people's experiences (Berg, 2007; Neuman, 2006), particularly regarding how they live, and to examine how they create meaning from their experiences (Seidman, 2006). An interview, therefore, seeks to elicit and provide an understanding of people's perspectives (Hammersley, 2012; Silverman, 2013). Interviews can be formal or informal, structured, and unstructured. Mason (2002a, p.62) uses the term 'qualitative interviewing' when referring to an in-depth, semi-structured or loosely structured interview. In these kinds of interviews especially, the researcher needs to be an active listener in order to allow the research participants to have the freedom to express themselves (Silverman, 2006).

Interviews are widely used in data collection, particularly for case studies. Most social anthropological research uses unstructured interviews with open-ended questions (Seidman, 2006; Bartlett and Vavrus, 2017) to discover the meaning and influence of various phenomena, while at the same time seeing how different events or phenomena take place (Bartlett and Vavrus, 2017, p.7). Bartlett and Vavrus (2017, p.37) argue that semi-structured and unstructured interviews are best suited to the case study approach. In a semi-structured interview, the researcher might have more control over who the participants are and, in particular, interview questions are prepared beforehand while still allowing flexibility to re-order the questions during the interview. The researcher allows the participants to have freedom when answering the questions and even permits them to avoid any topics that might be sensitive or uncomfortable to them. At the same

time, participants are able to raise and talk about other things that may not seem related to the topic. During the engagement with participants, the researcher may ask their informants about what they (the researcher) have seen in the field, such as certain activities in which the research participants were involved, things they previously said and other related activities that the researcher thinks need further explanation or elaboration by research participants (Bartlett and Vavrus, 2017, p.55). The researcher might also ask research participants to reflect on any critical incidents or important events that have occurred.

However, there are other, more complex views of interviews in case study research. If a case study approach relies too heavily on data extraction and generalisation from interviews, for example, it may be criticised as being too empiricist (Chadderton and Torrrance, 2011). On the other hand, a nuanced approach to the interview could enable the researcher to produce a 'thick' description (ibid.). On a different note, Swanborn (2010 p.73) suggests that the key persons (such as experts and leaders within a group under study) should be interviewed before other members of the group. However, one might argue that continually following this advice might adversely skew the researcher's perspective and the ultimate interpretation of the data. For example, it could significantly affect who else the researcher subsequently chooses to interview, and how the final findings are analysed. Moreover, those deemed at the outset of research to be experts and leaders within a particular community may not necessarily turn out to be the (only) such people once further research has been undertaken.

In my research, I used interviews as the main method of collecting data from the fieldwork, with a particular emphasis on unstructured interviews and open-ended questions. The aim of the interviews was to encourage the research participants to talk about and give their views on specific issues (Seidman, 2006; Hammersley, 2012), and open-ended questions encourage the research participants to direct their answers without undue influence from the researcher. The use of interviews as the main instrument of data collection is due to their ability to obtain more information about *adat perpatih* from the perspectives, feelings, and emotions of the research participants. In that sense, more detailed information could be extracted from an interview. In addition, the related local terminologies or words can be explained and clarified by the research participants from their own understanding without interference or influence

from others. Research participants are more likely to respond to such open questions in a way that is based on their specific situation (Krueger, 1997).

Moreover, Malays are bound by *adab* or manners, and an informal conversation presents the best approach to getting close to them. It is always important for the researcher to establish rapport and build a trust relationship so that the participants feel comfortable with the researcher in their midst (Hennink et al., 2011). One way of building rapport in my field research, was to address participants with culturally appropriate courtesy terms as the interviews were conducted, such as *kakak* (elder sister), *abang* (elder brother), *adik* (younger brother or sister), *pak cik* (uncle), *mak cik* (aunt), *atok* (grandfather), and *uwan* or *nenek* (grandmother). By using these terms, I was, in part, directly addressing the respective social roles and relationships between the individual informants and myself, also a Malay (see section Ethics and reflexivity, below). As found elsewhere in Southeast Asia and beyond, these roles are reflected in courtesy kinship terms that reflect relative ages and social positions but not actual kin relations (Nagata, 1976; Ahmad, 1950). Use of these kinds of courtesy terms was not just about me being Malaysian, however. Field researchers often use these terms in settings where they are conventional and the research is ethnographic in type, even when the researcher is not a member of the community being studied (Stivens, 1987; Peletz, 1988a; Josselin de Jong, 1980). This is one means by which researcher and community members alike may try to minimise the sense of difference or distance that the research process might otherwise generate during the interview, thus seeking to enhance the participants' comfort and increase their willingness to share details of their experiences and opinions on the subject in question.

Before conducting my interviews, I listed some important points as a reminder for myself, based on my overall research questions. I also tried to memorise all the questions that I wanted to ask during the interviews, in order to prevent myself from losing my focus and from moving my attention away from the research participants. For example, I clustered some of the questions under the objectives of the research and noted some discussion points related to practices in *adat perpatih* and the roles of *adat* in the lives of the Malays, as well as on the mechanisms that can ensure that *adat* can be sustained in the future. I also expected that more questions and topics would naturally suggest themselves during the interviews with the research participants. I was very open

to this, both because of the additional information it could provide and because this open approach to interviewing is likely to enable research participants to feel more comfortable, and less like they are being interrogated via a questionnaire.

Most of my research participants spoke the Negeri Sembilan dialect of Malay, which is also my native dialect. I began each interview by explaining my intentions and giving participants some general indicators of what I would be asking about. I also gave participants time to ask me anything that they may want to know – about my life, my studies and even my family – so that they could feel more comfortable with me. This was important, as I wanted to enable them to build their trust in me. After this, I asked their permission to record the interview session with an audio device and, if participants were fine with this, we proceeded. If the participants were not comfortable with the interview being recorded, as some were not, they were happy for me to take notes on paper instead. Those who were recorded, sometimes expressed their discomfort with the audio recording process due to their concerns that they might say things 'wrong' and also, in some cases, a belief that their view was not important enough to be recorded. Once the interviews were underway, I found that the first questions did not necessarily lead towards the answers I expected or hoped for – sometimes the answers given by the research participants were all mixed up. As Creswell (2013, p.147) puts it, 'individuals may not always respond directly to the questions being asked'. Ultimately, the best results were obtained by going with the natural flow of the interview/conversation. I could organise the emergent data later, when working from my notes and the audio recordings.

Some of my interviewees were more comfortable with the research process than others. The elders, in particular, were often very friendly and relaxed, welcoming me into their homes before we even began interviewing. Right from when I first stepped into their house, they would offer me a drink and sometimes a snack, such as *keropok*. I sometimes felt as I was giving them some trouble, because they felt the need to prepare some food for me, but this hospitality reflected their customary, polite way of treating all their guests. On one occasion, for example, I came to do an interview at around three in the afternoon after the participant and his family had already had their lunch. Yet they were keen to prepare another lunch for me. I felt guilty at the time and tried my best to give some good excuse and to promise instead to have lunch with them the next

time I was due to come, instead. However, they appeared very comfortable with the prospect of cooking for me. Moreover, when I came to their house for the second time, at around 11 in the morning, they again offered me lunch. This time, I took up their offer as they reminded me that I had already promised them. A simple lunch with Negeri Sembilan signature's dish, *rendang ayam*, was prepared, and we ate it together while sharing more stories. These kinds of close and warm interactions enabled in-depth, one-on-one interviews to be conducted. These occasions demonstrated the fruitfulness of focusing on individual research participants who are not shy or hesitant to speak and who share their experiences with the researcher (Creswell, 2013).

However, if the researcher were to focus *only* on these kinds of enthusiastic research participants, they might miss out other information that could be gained from other, more reticent individuals who may also have important things to say. In some interviews, other family members participated during the interview session as well as the participant. For example, when I interviewed the head of a family (such as the father), his wife and children would often join our conversation as well, and they also shared their experiences and views on the research topic. There were also situations when there was only one research participant to be interviewed and he or she would tend to lose confidence in their views, unless someone next to them agreed with what they said, whereupon they would feel much more confident. Either way, when there was someone who accompanied them during the interview, more information could be gained and they helped each other to recall the past and the experiences they had been through. I found that most of the female research participants were shy at the beginning when sharing their views, understandings and experiences, but after a while, they started to feel comfortable and began to talk openly about the topic. There were also some research participants who were more defensive, who suggested that I interview other people who were more knowledgeable than them. I also found that some of the participants were reluctant to answer questions even though they might know about the topic. Therefore, to encourage them to talk, I tried to ask the questions in simpler ways. For example, rather than asking the research participants, '*what is cultural heritage and how do you perceive its relationship to adat perpatih*', I might ask '*Have you heard about heritage, and can you tell me about it*?' By asking this simpler question, I might ultimately get to the question I was interested in. I discuss the make-up of my research participants, below.

During the interview sessions, I had a chance to see how *adat perpatih* community members treat an outsider, as mentioned before. When conducting this research, I tried to remain neutral and objective as much as I could, and I tried not to get too involved with the personal lives of the research participants. During the interviews, the participants treated me like one of the members of their community, as they would show me around their houses and would share their photo albums. They would also reminisce about their past and openly share their experiences with me. Usually, the interviews lasted between 40 minutes and one hour before the discussion deviated from the original topic. For example, when I interviewed the elders, they could not focus on the research topic for too long, and as a result the conversation sometimes deviated to another topic, like the monkey who stole their fruits in the orchard, and the thief who stole the gas stove from the mosque's kitchen. However, I found it interesting that they were willing to share these kinds of life experiences with me.

All the data were recorded during the interview sessions. Lofland and Lofland (1995, p.66) describe this stage of recording information as 'logging data' or the process of recording information in various forms such as observational field notes, interview transcripts, photographing, sound recording, and documents (Creswell, 2013, p.149). With participants' permission, an MP3 recorder was used to record 10 out of 12 of the interviews; otherwise written notes were made at the time. The audio recordings were then manually transcribed by the researcher.

I did encounter more problems conducting interviews than I had originally envisaged, not least because some of the participants were so busy with day-to-day life and work. I had originally planned to conduct interviews with 15 research participants as a minimum, but once in the field, it was only possible to work with 12 participants. There was a problem finding potential research participants to represent younger generations, as many of them are scattered throughout the country. To find a good time to meet with people was also quite challenging, since normal working hours are between 8 am and 5 pm, and the rest of the time is reserved for family activities. However, I managed to overcome these problems by being flexible, and by conducting in-depth interviews with two elders from among the research participants, which was particularly helpful in answering my first two research questions. Nonetheless, time constraints also prevented

me from conducting further interviews with locals and also with some government officials.

6.3.2 Non-participant and participant observation

While interviews were used as the main instrument for generating and collecting the data in this research, in a case study approach other methods of data collection, including forms of observation, are also appropriate (Swanborn, 2010, p.13). Observation is the act of a researcher noting a phenomenon or surrounding in the field. The researcher will normally use the five senses – sight, hearing, touch, smell and taste – to observe the physical surroundings, participants, activities, interactions, conversations and behaviours, relationships and events as well as spatial, locational and temporal dimensions (Mason, 2002a, p.84; Creswell, 2013).

Observation also deals with human behaviour and possibly other factors such as physical artefacts, material resources and external surroundings. However, the researcher is not necessarily engaged with participant observation because observation is sometimes carried out in a more passive way, during field visits and interviews with participants (Swanborn, 2010, p.74). Bartlett and Vavrus (2017, p.58) identify a range in type of observational research, from the observations-only of the full observer, to the observations of the participant observer engaging with and as a participant to a greater or lesser extent, to those of the fully immersed and involved participant observer who spends long periods of time observing and being involved in people's daily lives. Put more simply, non-participant observation positions the researcher as an outsider in the group or community being investigated. The researcher watches and takes notes from a distance, and the researcher and the people being studied have no direct involvement with each other (Creswell, 2013). Participant observation, on the other hand, generates and collects data in a manner that requires the researcher to integrate themselves into a research setting so that they can experience the natural setting and the activities of the participants first hand (Mason, 2002a p.84). However, the researcher may also change their role during an observation, in that they may start the research as a non-participant or observer, before moving into a more participatory role (Creswell 2013).

Bartlett and Vavrus (2017) suggest that as researchers, it is important to be reflexive about our roles during fieldwork. This is particularly so because the researcher's engagement with the participant could affect the answers that the latter gives. For example, the participant's answer could be shaped by their reading or view of the researcher's 'ethnicity, gender, class, speech, education, religion and other identity marker'. Thus, different backgrounds among the participants could also lead to different interpretations of the participants' actions based on these markers (Bartlett and Vavrus, 2017, p.59). Therefore, it is again important for the researcher to reflect on the situation and moments from interviews, particularly with reference to the participants' perspective on the researcher themselves.

There were two types of observations involved in my research: participant and non-participant. I acted as a non-participant observer when I attended two main events, as an audience member, during my fieldwork. These events were the International Debate Competition of *Adat Perpatih (Pertandingan Pidato Adat Perpatih Peringkat Antarabangsa*) and the Malaysia UNESCO Day 2015 (*Hari UNESCO Malaysia 2015*).

a. *Pertandingan Pidato Adat Perpatih Peringkat Antarabangsa* (International Debate Competition of *Adat perpatih*)

The International Debate Competition of *Adat Perpatih* took place at D'Sury Hall in the National Department for Culture and Arts of Negeri Sembilan on 11th May 2015 in Seremban. This debate competition was organised by the International Institute of Malay Civilisation, Sultan Idris University, in collaboration with other government agencies such as the National Department for Culture and Arts, Negeri Sembilan, the Ministry of Higher Education Malaysia, and the Negeri Sembilan Tourism Board. Secondary school students, as well as both local and international university students, also attended the event. The theme for the event was '*Adat perpatih sepanjang zaman*' or *Adat perpatih* acknowledged as the all-time traditional custom from the past to the present. The event aimed to teach local and international students to understand the uniqueness of *adat perpatih* as practised by the people of Negeri Sembilan.

b. *Hari UNESCO Malaysia 2015* (Malaysia UNESCO Day 2015)

Malaysia UNESCO Day was held on 23rd and 24th May 2015 at Dataran Merdeka, Kuala Lumpur. The event included approximately 20 booths staffed by various organisations, including UNESCO and the Department of National Heritage Malaysia. With 'togetherness' as a theme, the organisers tried to convince the public that Malaysians should unite despite their diverse cultures, ethnicities, and religions. Visitors could also learn more about culture and heritage in Malaysia as well as spend quality time with their families. The Director of UNESCO, Irina Bakova, inaugurated the event.

There were also several organised activities, such as a heritage race, which encouraged the public to discover tangible cultural heritage – particularly the heritage buildings of Kuala Lumpur, such as the Sultan Abdul Samad Building, Dataran Merdeka and others. There was also traditional Malaysian food on offer, as well as street performances; an ASEAN Puppetry Conference; music and theatre including *caklempong*, *wayang kulit*, shadow puppet shows and a performance of *angklung*; and a street art drawing competition.

I had also planned to attend and observe the *Pesta Persukuan Adat Perpatih* (*Adat Perpatih* Festival), which is normally held every year in Seri Menanti as one of the main attractions. However, during the year of my fieldwork, this event was cancelled as it was being overhauled. The two events that I was able to attend, were important for this study because both offered an opportunity to explore the research question relating to safeguarding the *adat perpatih* at the national level particularly, and to examine the role of educational institutions and their collaboration with each other and with other government agencies in perpetuating and/or changing ideas of *adat perpatih* as heritage.

I changed my role to that of a participant observer in observing how *adat perpatih* influences Malays in their everyday life, particularly during the interviews. I also observed how *adat* is influencing the Malays in other ways, such as respecting their guests and addressing others with appropriate courtesies, as previously noted. I kept a field diary to note all of the situations that occurred, the shifts between non-participant and participant observations, and experiences and reflections from the field as well as

observations during the interview sessions. Swanborn (2010, p.75) suggests that the researcher should attempt to note down any unexpected outcomes or new interactions and behaviour regarding the subject that they are studying, and I tried to do this too. While conducting an interview, I also sought to observe the setting with my participant observation approach. For example, in one location, I visited the one-lot area (in the village) that was comprised of four houses, all of which belonged to female siblings and the research participant's families. In another setting, I interviewed one of my research participants in her own modern terrace house in the city. The rest of the interviews were conducted in cafés and restaurants, at events, and in participants' own homes. Through participant observation, I was able to understand the research participants' behaviours, stories and willingness to share information.

During the observation process, Creswell (2013, pp.76-77) advises that researchers should write down everything that has been observed immediately, in order to prevent memory loss. Lofland et al. (2006) also emphasise the importance of jotted notes in storing the events or moments that can occur during fieldwork. Lofland et al. (2006) explain that jotted notes can take the form of little phrases, quotes, keywords etc., and that these short reminders can allow the recall of fuller memories when writing up more detailed fieldnotes. Therefore, during the fieldwork trip, I always carried a pocket-sized notebook to record anything that was interesting, memorable or significant, including feelings, weather, surroundings and sometimes observations about the people I met during the fieldwork. After the interview sessions and observations had been completed, I organised and transferred the collected data and recalled all the events that had occurred during the interviews and observations into the field notes. According to Fielding (2008, p.273), fieldnotes are considered the observer's *raison d'être*. They hopefully ensure that no information is missing, however incidental it may seem. This is important because, once the researcher returns home, their notebooks enable them to reflect back on the interviews with the research participants as well as on the participant observations in the field. For example, when I interviewed the research participants, I could see that oral transmission and practical teaching is adopted and applied in the *adat perpatih* community, where the emphasis is on 'look, listen and learn'. Even though there are many published books and articles on *adat perpatih*, there might yet be other information that cannot be found in books alone. As a participant, I also realised that when the research participants explained *adat* in the interviews and showed me some

examples, I found it easier to understand than I would have done by relying on textbooks alone.

Other forms of data, in addition to those sourced directly from interviews and observations, were also accessed during the fieldwork; these included documents such as memos, official correspondence concerning individuals, old photos, memory boxes containing collections of items, and personal, family or social artefacts (Creswell, 2013, p.76). For instance, when I visited one of the research participants' houses, I found old photos of her wedding, some newspaper cuttings related to her late husband, traditional clothes and other insignia. Therefore, with her permission, I used a camera to take photographs of the particular items that could contribute to the research study.

6.3.3 Research participants

As explained earlier, interviews with 12 research participants from Negeri Sembilan comprised the key part of my data collection in the field. This section explains the criteria I used for the selection of participants and the means of accessing participants through local 'gatekeepers'.

Before beginning my field research, I established the following criteria for selecting interviewees:

1. There should be a preponderance of local Malays who practice *adat perpatih*.
2. There should be a diversity of ages.
3. There should be a diversity of occupations.

The divergence criteria in selecting the research participants have allowed me to obtain different information, understandings and views on *adat perpatih* as well as intangible cultural heritage. I address each of these criteria below. Tables 6.1 and 6.2 set out the details of my participants. All research participants are represented as RP1, RP2, RP3 until RP12, respectively, in order to protect their privacy and identity.

This research is concerned with *adat perpatih* specifically. However, not all Malays in Negeri Sembilan practise *adat perpatih*, as some of them come from other states or regions (which follow other customary laws, such as *adat temenggung*; (see Milner,

2008). These other Malays come to Negeri Sembilan to work as teachers, run businesses and engage in other economic activities. The specific focus of this research, however, meant that 11 of the 12 research participants were selected based on their cultural background associated with the matrilineal Minangkabau descent system and the practice of *adat perpatih*. However, Research Participant 12 (RP12) is not an *adat perpatih* practitioner and is from Kuala Lumpur rather than Negeri Sembilan. The selection of RP12 as one of the research participants was due to their presence during the Malaysia UNESCO Day, which was held in Kuala Lumpur. RP12 worked as a conservation officer at the Department of National Heritage Malaysia and was in charge of conservation matters in regard to Malaysian heritage. Thus, their perspectives on the conservation and sustaining of heritage contributed to the understanding of heritage in Malaysia at the governmental level.

It was predicted that there may be generational variation regarding knowledge and the values of *adat perpatih*. It was, therefore, important to include a diversity of ages among my participants (all of whom were 18 years old or more). In Malaysia, an individual aged 60 or above is considered elderly, or '*warga emas*', as defined by the Ministry of Health (Hamid et al., 2004; Masud et al., 2008; Selvaratnam et al., 2009). At a macro-level, therefore, my participants are divided into younger (18–59-year olds) and older (60+) generations. As shown in Table 6.2, however, they cover a broad range of age groups. Of the interviewees who took part, 11 are locals (specifically Malays who resided in Negeri Sembilan and practised *adat perpatih*), while the other was an officer from the Department of National Heritage, Malaysia. There were three research participants aged between 60 and 79 years, considered as 'veterans' in the community; one research participant was in their late 50s, and seven research participants were aged between 30 and 40 years. As the primary purpose of the interviews was to gain an insight into people's understanding of intangible cultural heritage, the age groups of 30–39 and 40–49 years were considered to be the most important; this is because they have an easy access to social media and may have developed different views on culture and heritage to those in older age brackets. Notably, the small population in this area is because most of the elders who were previously living in the town have moved to follow their children, who have gone to live in different areas of Malaysia. However, they usually come back to visit their home during Muslim religious celebrations like Eid, and the school holidays.

The research participants were selected from different types of occupational backgrounds, ranging from professional to non-professional. It is important to consider various backgrounds of research participants in order to have different perspectives in understanding and conceiving heritage. Their cultural and social backgrounds could also contribute different views on the practising of *adat perpatih*. Professional work refers to individuals in the public sector, such as teachers, government officers, etc. (Ministry of Human Resources Malaysia, 2010), while the non-professional sectors will be regarded as those individuals who are either self-employed or retired.

Age Groups	**Gender (F)**	**(M)**
20-29	1	-
30-39	5	2
40-49	-	-
50-59	1	
60-69	1	1
70-79	1	-
	9	3
Total	12	

Table 6.1: Total research participants

Research Participants	**Age**	**Occupations**
RP1	50s	Bank Officer
RP2	60s	Retired
RP3	60s	Housewife
RP4	30s	Clerk
RP5	30s	Bank Officer
RP6	30s	Laboratory Assistant
RP7	30s	Clerk
RP8	30s	Clerk
RP9	30s	HD Officer
RP10	70s	Housewife
RP11	30s	Housewife
RP12	20s	Government Officer

Table 6.2: Research participants' ages and occupations

In order to address my criteria for selecting research participants, I used a purposive sampling technique in approaching the research participants. A purposive or purposeful sampling technique sets out to discover, understand and gain an in-depth understanding

of the participants in the study and, particularly, to ensure the sample is appropriate to the case study and research being pursued, thereby optimising the likelihood of rich and informative data from the fieldwork (Merriam and Tisdell, 2015, p.96; Neuman, 2014, p.273).

As described above, a set of criteria used in selecting the sample for the study was determined beforehand (Merriam and Tisdell, 2015, p.97), although there was allowable scope for these to change and evolve during the data collection journey (Miles and Huberman, 2014, p.46). The determined criteria are important because they reflect the purpose of the study (Merriam and Tisdell, 2015, p.97). From setting the initial criteria for the study, the number of research participants was expanded through the snowball sampling technique, which allowed the researcher to interview others via recommendations from the previous research participants (Patton, 2015, p.451; Merriam and Tisdell, 2015, p.98). In addition, there were a number of reasons for selecting the particular research participants of the study (Merriam and Tisdell, 2015, p. 100; Creswell, 2013, p.154; Miles and Huberman, 2014, p.47) and I already had a specific target and purpose in mind, especially regarding individuals that have knowledge and are convenient to approach (Creswell, 2013) which will be explained in the next section. Prior to stepping into the field site, however, the gatekeepers needed to be approached.

6.3.4 Gatekeepers and approaching participants

There are two types of gatekeepers: formal and informal. The formal gatekeepers are people who can grant access to particular communities or organisations and range from the legitimate (to be respected) to the self-declared (to be avoided) (Seidman, 2006). Fully legitimate gatekeepers are normally the guardians of the participants involved in the research, such as participants' parents or guardians. If the research involves school students, for example, teachers, principals and superintendents will be the legitimate gatekeepers that the researcher needs to approach (Seidman, 2006). This kind of structure can also apply to other research sites, and the researcher needs to obtain the permission of the person in charge of the site. Informal gatekeepers, meanwhile, may be a few members of society who are widely respected and are consulted by the society's members for guidance in decision making (Seidman, 2006). These informal gatekeepers

have gained the trust of members of the society as being someone that can be relied upon. Most of the informal gatekeepers do not have formal authority but do have the power of moral persuasion. Thus, the researcher will need to contact any informal gatekeepers as a sign of respect to them as well, as to ask them to encourage others in the community to participate in the research project (Seidman, 2006).

In this research, the most recognised gatekeepers in the local community were the village chiefs or community leaders, a local service provider (such as a hospital or a school), a religious leader, a local political leader or any other organisation that gives access to the local community (Seidman, 2006). In Negeri Sembilan, this specifically means the heads of villages (normally *Ketua Kampung*) and the religious leaders (like *Imam*). The heads of the villages in the local area where this research takes place are individuals who have been appointed by the villagers and are acknowledged in their positions by the local government, while the *Imam* is responsible for any matters related to religion, especially Islam.

After I contacted some of these important gatekeepers in Seri Menanti, they asked me to meet with the prospective research participants in person. To facilitate this process, I brought along my mother. As Fielding stated, '…it is normal to accomplish access through some established contact' (2008, p. 273), and my mother had once worked as a schoolteacher in Seri Menanti and was known in that respected capacity to most of the research participants. This use of my personal connection did not just help me, however; as most of the prospective research participants were my elders it also served as a respectful courtesy – *adab* – in the context of the local culture. The presence of my mother during the research interviews was helpful both for the participants and myself, as the presence of a familiar figure enabled more information to be drawn out as the research participants felt they could talk freely without any awkward moments. Even though I was aware of the need to be as neutral and objective as possible in conducting this research, it was also imperative that I was sensitive to and respectful of the local culture, particularly with regard to the courtesies expected when talking with the elders. Approaching them and asking them to be interviewed about a topic that they had not previously been used to discussing would have been almost impossible, if not for the presence of my mother. In addition, even though I tried to be neutral as I could, the human realities of the research made this very difficult in reality. For example, during

the interview sessions, the research participants might sometimes talk about things that were unrelated to the topic of discussion – things like their personal problems, gossip, and stories about other people.

Most of the research participants were contacted before the interviews took place. Several informal communications were made, either through Facebook, SMS, or phone calls, in order to build a rapport between the research participants and the researcher. Through these informal conversations, I explained my general research goals to the participants. After this, I suggested a meeting, but some of them could not give me an immediate response as they needed to check their schedule first. It is often difficult to work with research subjects as they have other commitments to attend to, such as working and needing to look after their family. Additionally, female research participants also needed to ask permission from their husbands before agreeing to participate in the interview sessions.

While waiting for responses from the participants, I visited the local universities and browsed their libraries in order to check any relevant literature by local authors and scholars. I utilised these opportunities to access information that I needed, particularly that which related to local heritage concerning *adat* laws in Negeri Sembilan. I also managed to contact the local museum officers at the Muzium Negeri (State Museum) and asked them whether they had any information regarding *adat perpatih*. Some of the officers even suggested that I visit Muzium Adat (Custom Museum), which was situated in Jelebu (in Negeri Sembilan), if I wanted to understand more about *adat perpatih* and any other cultures in Malaysia. Hence, I paid a visit to both Muzium Negeri and Muzium Adat.

6.4 Data analysis

Qualitative data is useful in determining the meaning of events (Miles et al., 2014) and eventually leads to a descriptive and narrative style of report. It involves a process of interpreting, explaining, understanding and even reflecting on impressions and intuitions on what has occurred during fieldwork (Dey, 1993). In this research, all the data was analysed manually. After the fieldwork had been completed, the raw data from the fieldwork was transcribed and analysed with the help of analytical memo-ing, as

recommended by Dey (1993) and Miles et al (2014). This was an extended version of the narrative style of reporting where the data need to be synthesised into higher-level analytic meanings (Saldana et al., 2011). In analysing the data, I was guided by the research participants' points of view and applied an emic perspective to understanding the issues, particularly when understanding the influence of the customary law of *adat perpatih*. I then analysed and synthesised the data through my own etic, disciplinary perspectives in order to develop an overall cultural interpretation (Creswell, 2013, p.92).

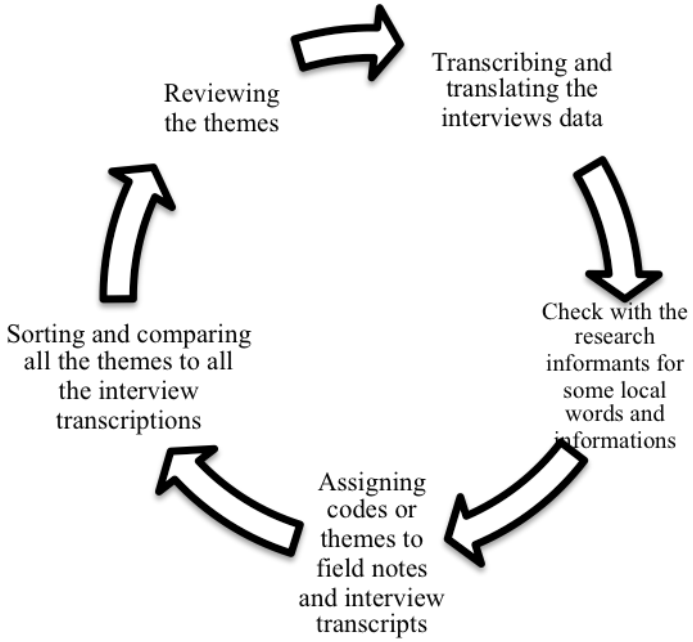

Figure 6.1: Stages of data process

There are several stages involved in the processing of the data for this research, as shown in Figure 6.1. First, the interview sessions in this research were conducted in the local language, which is *Bahasa Melayu* (Malay language). Therefore, I first transcribed and translated all the interviews into English, as shown in Table 6.3. Creswell (2013, p.216) advises the interviewer to transcribe the interview themselves rather than hiring others to do it because 'you truly "hear" what the person has said' during the transcription process; and at the same time, the researcher might want to reflect on their own memories of the interview sessions.

However, the researcher needs to be objective during the transcribing and translating process, so that they can overcome any bias that might influence the research (Temple and Young, 2004). By the end of the research process, the translation used by the researcher might be different from that of other researchers in understanding of topic of the research because 'different languages may construct different ways of seeing social life' (Temple and Young, 2004, p.164) and 'concepts in one language may be understood differently from another language' (Van Nes et al., 2010, p.313). Thus, according to Temple and Young (2004, p.165), 'there is no single correct translation of a text'. Translation is an interpretive act, during which the meaning might sometimes change or disappear.

Interview Transcriptions and Translation

Research Participant: Azizah (Y) Recording 11

	Malay Language	English Translation	Summary
A	Apakah amalan dalam *adat perpatih* yang dipraktis dalam kehidupan seharian?	What are the practices in *adat perpatih* that has been practiced by you?	
AZ	Contohnya macam perkahwinan. Macam dekat kampong saya, atok saya orang istana dan kebetulan beliau merupakan seorang *buapak* iaitu ketua kepada *suku* – *suku* ini. Okay, macam menerima cincin tu, ade sesetengah kampong, mereka menerima dua cincin. Tapi, semasa saya itu, ada tiga cincin.	Marriage. At my village, my grandfather is the palace's people and at the same time he is the *buapak*, which is the leader of the *suku*. Okay, that kind of engagement ring, some of the village, they received two rings. But, as in my case there	

Table 6.3: Example of interview transcription and translation

To counteract any loss of meaning due to the translation process, which might end up affecting the validity of the qualitative study, Chadderton and Torrance (2011, p. 55) suggest that all the data gained from the fieldwork should be triangulated with other case studies or should be shown to the participants in order for them to validate the data. Validity is important, and as Merriam (2014) argues, it can be ensured by using various methods of data collection such as interviews and observations as well as documents. Van Nes et al. (2010, p.315) also recommend staying 'in the original language for as long and as much as possible', so as to ensure that the meaning expressed by the

research participants, the researcher and the reader are the same, and in order to reduce the limitations of the research. The validity of this research was gained through triangulation, where various sources of data are considered. According to Merriam,

> … triangulation uses multiple sources of data means comparing and cross-checking data collected through observations at different times or in different places or interview data collected from people with different perspectives or follow-up interviews with the same people (2014, p. 216).

She adds that the validity and reliability of research can be determined through 'careful attention to a study's conceptualisation as well as … the way the data [is] collected, analysed, interpreted and presented' to the reader (Merriam, 2014, p.209). Denzin (1978, cited in Merriam, 2014, p.215) suggests four types of triangulation: 'the use of multiple methods, multiple sources of data, multiple investigators, and multiple theories to confirm the emerging findings'. In this research, I returned to the research participants and verified and rechecked with them all of the interview transcripts, in order to confirm the meanings and the interpretations the participants had originally intended to convey. At the same time, I also tried to ensure the validity of the research by comparing the data with other sources of information, such as fieldwork notes and observations.

Thematic analysis was then used to process all the data from the fieldwork, particularly the interview transcripts and field notes. Some of the manifest and latent information was encoded into themes, which were induced from the raw data and also deduced from theory and other research (Boyatzis, 1998). By using thematic analysis, the results found at the end of the process could not be same as those that may be generated by other researchers who might process the same data because the process of encoding the data requires the involvement and interpretation of the individual, which will necessarily be subjective, as it is often done by the researcher themselves (Guest et al., 2012). As Boyatzis says, 'what one sees through thematic analysis does not [necessarily] appear to others, even if they are observing the same information, events, or situations' (1998, p.1). When the researcher perceives a pattern or theme in their data, the process of thematic analysis will begin. Next, the researcher starts to give a label, definition or description to the pattern, which allows them to interpret the pattern

in the next stage, as can be seen in Table 6.4 (see Boyatzis, 1998, p.4). By assigning codes and themes, similar patterns from interview transcripts and field notes may appear, before all similar codes and themes are sorted and compared to the interview transcripts. Finally, all themes were finalised and reviewed.

Research Participant 5

	Malay Language	English Translation	Summary
A	Boleh ceritakan serba sedikit mengenai diri anda?	Can you tell me about yourself?	Individual background
S	Sekarang ni saya bekerja dengan bank sebagai Senior Operation Executive. Saya memang dilahirkan di Negeri Sembilan. Asal memang dari Negeri Sembilan.	Now, I'm working with the bank as Senior Operation Executive. I was born in Negeri Sembilan. My hometown is in Negeri Sembilan.	Individual background
A	Jadi anda pernahkah mendengar mengenai adat perpatih ini? Dan pernahkah anda mengalami atau pengalaman mengenainya dalam kehidupans seharian?	So have you heard about adat perpatih? Or have you experience it in your daily life?	
S	Dari segi adat perpatih tu memang ada, sebab kalau diikutkan adat perpatih ini ada suku kan. Macam saya adalah dari suku selemak Pahang. Ini adalah sebelah suku mak	If the adat perpatih, yes I've experienced about it because adat perpatih has its suku. Just like me, I'm from suku Selemak Pahang. I followed my mother's suku.	Self belonging Self identity Self proclamation Self belonging

Table 6.4: Assigning codes or themes to interview transcripts

6.5 Ethics and reflexivity

Since this study is concerned with people, I was required to seek ethical clearance for my planned research, in accordance with the University of Leicester Research Ethics Code of Conduct. Once granted, permission to conduct five months fieldwork in Malaysia was also sought and obtained from the Economic Planning Unit in Malaysia's Prime Minister's Department. Other key ethical considerations included the need to obtain informed consent from the research participants and to ensure that they participated in the research voluntarily (see Appendix B). As mentioned by Merriam (2014, p.209), participants must have the freedom to choose whether to take part or refuse, and they have a right to be informed about the nature and purpose of the research, including any risks they might encounter during or as a result of their involvement. It was important for me and my research participants to maintain our

stable relationships throughout the fieldwork. I also ensured my participants' anonymity and confidentiality at all times.

It is also essential to reflect on my own position as researcher. Like my research participants, I was born and raised in Negeri Sembilan, with Minangkabau descent on my father's side and Banjarian descent on my mother's side. According to Negeri Sembilan's *adat perpatih*, it is clear that I do not inherit and that I am not obliged to follow *adat perpatih*, since it follows a matrilineal line and my mother is considered as an outsider to the *adat perpatih* system. Because *adat perpatih* favours the matrilineal side in every aspect, I do not belong to any *suku* and am not a part of *adat perpatih*'s inheritance system. My small nuclear and maternal families have instead mostly followed the *adat temenggong* system. This is due to my mother originating from Perak, one of Malaysia's northern states with no connection to *adat perpatih* at all. However, as I grew up in Negeri Sembilan near to my paternal family, though they live in a different area away from the chosen research site, I was exposed to the *adat perpatih* culture as a child.

Therefore, as a field researcher in Negeri Sembilan and from the perspective of my local research participants, I was both an outsider and an insider. As someone with no personal involvement in *adat perpatih* and with no direct personal or family connection in the area of the research, I was an outsider. However, as a fellow Malay (and elements of my research look at *adat perpatih* in the wider Malay context), as someone who had grown up in Negeri Sembilan, and as the daughter of a man from the *adat perpatih* tradition, I was also an insider. While conducting the research, I worked hard to position myself as a professional researcher and to make clear the purposes of my research process. I tried to maintain objectivity and neutrality in relation to any conditions and situations that I encountered during data collection. In addition, however, I also have to recognise that, in reality, no research can ever be truly objective or neutral (Miles and Huberman, 2014, p.29; Patton, 2015, p.112; Brannick and Coghlan, 2007, p.63); hence, the researcher needs to explain their position and assumptions on the research being undertaken (Merriam and Tisdell, 2015, p.249). In that sense, I am aware that my particular subjectivity is impacted by my background, my pre-knowledge and the prior contacts I and/or my mother had with some of the participants. This position is not a

reason not to do research in one's own community or another one knows very well, but it does reinforce that doing so can bring with it both positive and negative aspects.

For example, Mandiyanike (2009) shared his own experience when conducting a study on the declining performance of rural authorities in Zimbabwe, in which he faced a dilemma when conducting his research in his own country as a returning student. Reflecting on his fieldwork in Zimbabwe, he found that he was concerned about maintaining the confidentiality of the respondents and the risk of generalising the issues raised during the fieldwork. He also encountered difficulties in accessing the data, due to his position as a researcher who studied in Britain when there was political conflict between Zimbabwe and Britain. This personal history and associations raised concerns and suspicions among the community with whom he sought to conduct research, who, in a climate of fear and antipathy, were anxious that he had 'been sent by the British'. The expectation from the community became his concerns as well, as the community expected him to solve some of the issues that they raised and to provide aid to them. Although such dilemmas and difficulty could also exist when conducting research outside the researcher's own culture and community, he found that being an insider, at home after living abroad, evoked both positive and negative feelings, but also, for him, aroused a sense of belonging and strengthened his attachment to the community. Thus, he describes his return as a researcher to study his own community as one not of going 'out there' but of being 'back here'.

Studying one's own community could enable the ability to generate to an especially rich and unique dataset as well as to gain an in-depth understanding of the subjects of the study. It does also have its disadvantages, which Field (1991) describes as moral dilemmas. For example, when Barua (1999) conducted research on the cultural meanings of health problems in the context of alternative medicine within an Indian community in her home country, she found that being a native does not necessarily mean that one knows one's community well. In her case, this was because the community itself had divisions in relation to 'caste, gender, neighbourhood, educational level, marital status, migrations, and kinship association' (Barua, 1999, p. 78), which resulted in each member of the community – including the researcher – having different views and cultural meanings attached to the health problems. In addition, Barua describes how, while she was inspired by Marcus's (1998, p.14) emphasis on the need

for the researcher's 'estrangement or defamiliarisation' during the data collection process, in practice she became increasingly aware that detachment from one's own society is still impossible (Patton 2015, p.171). Thus, in my position as a researcher investigating *adat perpatih* in Negeri Sembilan, the comfortable relationships that some of the research participants and I had easily formed during the interviews were probably due to our previous superficial acquaintances, which were very helpful in facilitating the research process. On the other hand – and as no researcher's work is ever wholly objective – they may also have coloured or limited my interpretations of the data.

6.6 Conclusion

This chapter has discussed the data collection process that I utilised for my fieldwork study among the Malays in Negeri Sembilan, Malaysia. A qualitative approach using a case study method and ethnographic principles has been used in order to gather the data to answer the research objectives stated in Chapter One. I was able to collect all the data, information and experiences from conducting interviews with the 12 research participants by using participant observation. All the data collected were analysed through thematic analysis and the findings for these data will be presented in Chapter Seven.

CHAPTER SEVEN
ADAT PERPATIH IN NEGERI SEMBILAN IN PRACTICE

7.1 Introduction

This chapter discusses the findings from the fieldwork conducted in Malaysia. All of the findings were extracted from interviews, participant observation, and a selection of literature findings from previous research and discussions.

The principal concept expressed by the Malays practising *adat perpatih* in Negeri Sembilan, is that of belonging. Belonging is, therefore, a key theme in this chapter. The creation of a sense of belonging among these participants can especially be seen through their *suku*, where the presence of a strong sense of brotherhood leads the *suku* members to consider one another as part of a family. When a new member enters a *suku*, a *berkadim* (becoming a brother) ceremony takes place. This ceremony represents an acknowledgement and acceptance of the new member into the *adat perpatih* community. A *berkadim*, as discussed in Chapter Five, is one of the dominant practices of the *adat perpatih* system; it was mentioned by all of the research participants in this study. In addition to *berkadim*, an individual's sense of belonging is seen to be reinforced by marriage; traditional weddings were also mentioned by most of the research participants as one of the main, memorable practices they had participated in.

Belonging, for the participants, also involves the close relationship between people and places, particularly in relation to the customary land (literally, *tanah pusaka or tanah adat)*. Customary land is considered a vital asset, not only for women, but also for the *suku* itself. The matrilineal inheritance of customary land naturally gives women priority in its inheritance. Such land becomes, in effect, a security deposit for life from a woman's perspective, as well as for the members of her *suku*. This importance of customary land was mentioned by most of my research participants. This chapter will also draw attention to the contemporary importance of daughters in this regard, as they are given a priority in terms of their inheritance of customary land in the *adat perpatih* community. It should also be stressed here that even though the rights of a daughter are

highlighted in the *adat perpatih* community, this is not to the detriment of the rights of sons.

As discussed in the previous chapter, *adat perpatih* acts as a form of guidance in the social life of the Malays of Negeri Sembilan. Under the heading, 'As a way of life,' this chapter also contains a consideration of *muafakat* as a basic principle of *adat perpatih* and its effects on discussion and decision-making. *Muafakat* has, for instance, an important influence on the portrayal and discussion of a concept such as democracy within the *adat perpatih* community. The importance of the decision-making process is illustrated by the involvement of *adat perpatih* leaders, such as the *buapak*, *lembaga* and *undang*, with the rest of *adat perpatih* members. As the *adat perpatih* leaders' involvement in decision-making is central, they are perceived as a source of guidance and as a locus of reference in the case of any matter which may affect the community. In addition, these elders also act as important role models in teaching about life matters generally, as well as in passing down knowledge relating to the oral history and practice of the *adat perpatih*.

Of course, *adat perpatih* itself has undergone adaptation over time, with the impacts of colonisation, globalisation, modernisation and so on. One such change demonstrated by the participants in this study is *merantau*, which has traditionally a vital practice in *adat perpatih* and means migration in the pursuit of a better life. Local people today, however, see this through a contemporary lens, specifically that *adat perpatih* encourages their youngsters to *merantau* in seeking knowledge (further studies) or finding a better life through gaining a good job in urban areas. As part of *adat perpatih*, *merantau* has thus undergone an adaptation to modernity and modern practices and needs. Other concepts and issues in the contemporary context will also be discussed in this chapter; these include the misconception and stereotyping of others in *adat perpatih*, and the marriage of its members to outsiders (especially from other states in Malaysia).

Finally, this chapter addresses the local view that even though the *adat perpatih* has faced changes in some of its practices (e.g. less strictness), it should be sustained for the next generation. Efforts to safeguard and sustain *adat perpatih* are discussed and some of the safeguarding activities and programmes that have been implemented at societal, state, and national levels, are examined. It is clear that there is a desire among Malays to

preserve the continuity of *adat perpatih* as a gift from their ancestors for the next generation.

7.2 Belonging and the formation of identity

As previously indicated, a key theme of *adat perpatih* is that of belonging. A sense of belonging is an essential human need, famously expressed by John Donne in 1624: 'No man is an island.' Baumeister and Leary (1995, p.497) give this quotation and also draw upon psychological theory by using Maslow's Hierarchical Needs. Maslow's theory placed the need for belonging at the centre of human needs, along with love. Baumeister and Leary state that:

> …the need to belong [is] found to some degree in all humans, in all cultures, although naturally … there [are] individual differences in strength and intensity, as well as cultural and individual variations in how people express and satisfy the need (1995, p.499).

To belong to a group can also be seen as a form of protection, where the individual's welfare is assured by the others in the group (Baumeister and Leary, 1995). Normally, any group to which an individual belongs was, at some point, formed through some similarity and sharing of cultural traits, as well as social relations (Campelo et al., 2014). In addition, belonging to a group gives an individual a sense of identity.

As discussed earlier in the thesis, matters of identity are also important to notions and questions of heritage. *Adat perpatih* is well described in the literature as an essential part of the identity of the Malays' of Negeri Sembilan. *Adat perpatih* is also one of the forms of intangible cultural heritage (ICH) acknowledged by the Department of National Heritage of Malaysia. Lenzerini (2011, p.101) describes one of the characteristics of ICH as a 'self-identification' in the heritage that people practise. The research findings of the present study show how some of the Malays of Negeri Sembilan identify themselves according to the *suku* to which they belong and how they, consequently, become *adat perpatih* practitioners. *Adat perpatih,* as customary law, is not only traditional law but is also a set of customs which govern Malay life activities and processes.

Suku, as part of a kinship system, obliges each member to be involved and participate in each other's life. Sahlin (2013, p.1) has suggested that belonging to one group within a kinship system requires each member to share a 'mutuality of being', where each individual complements each other within the lineage. Through this mutuality of being, a bond that has been formed between members within the lineage is constructed reciprocally in terms of blood, land, marriage, and even ancestors. In turn, the resulting relationship that has been constructed socially is often closer and more solid rather than relationships based on birth (Sahlins, 2013, p.3). For the Malays, kinship is multi-faceted. It is built based on mutual connections such as living in the same house, sharing the same food, having shared memories, working together, connecting through affinal relationships, adoption, friendships which share both joyful and painful moments in life, and many more factors (Sahlins, 2013, p.9). All of these characteristics affecting kinship bonds can be seen among Malays who practise *adat perpatih*. Kinship also involves feelings, emotions, values, and morality; elements shared by the members within a group (Stasch, 2009, p.133).

When the interviews were conducted with the Malay research participants, most expressed themselves through the concept of *suku* (one of the twelve concepts described in Chapter Five). One's *suku* represents oneself and shows one's roots and background. For example, research participant 11 (RP11) identified herself as from *suku* Tiga Batu, while RP1 and RP12 were from *suku* Semelenggang. RP5 also explained that he belongs to *suku* Selemak, which is the *suku* of his mother. He said:

> *Saya mengikut suku sebelah mak. Kalau mengikut adat perpatih, ianya memang mengikut suku sebelah emak. Kalau sebelah bapa pula, dia adalah dari suku Tiga Batu*
>
> I followed my mother's *suku*. According to *adat perpatih*, the children will follow [their] mother's *suku*. From my father's side, he is from *suku* Tiga Batu (Interview, 20th May 2015).

Significantly, although he did not know more details about the *suku* in Negeri Sembilan, as a native of the state and a practitioner of *adat perpatih*, he at least knew about the *suku* to which he belonged. Meanwhile, RP10 declared that she is from *suku* Selemak

and that her late husband is from *Orang Lingkungan* (Interview, 5th June 2015). From her interview, *Orang Lingkungan* is considered as a member of the *Adat Lingkungan* area that surrounds Seri Menanti (Figure 7.1). As the interview took place at Seri Menanti, some of its community followed the *Adat Lingkungan*, where this kind of *adat* applies to the Yang Dipertuan Besar of Negeri Sembilan and his officials. Within the *Adat Lingkungan* area, the Yang Dipertuan Besar has full power and he has a right to find his own followers from among the *adat perpatih*'s members with the permission of other *adat perpatih* leaders (such as *Penghulu* and *Undang*). Overall, it was found that most of the research participants in these interviews were well aware of where they belong and they were able to explain with no difficulty which *suku* they come from.

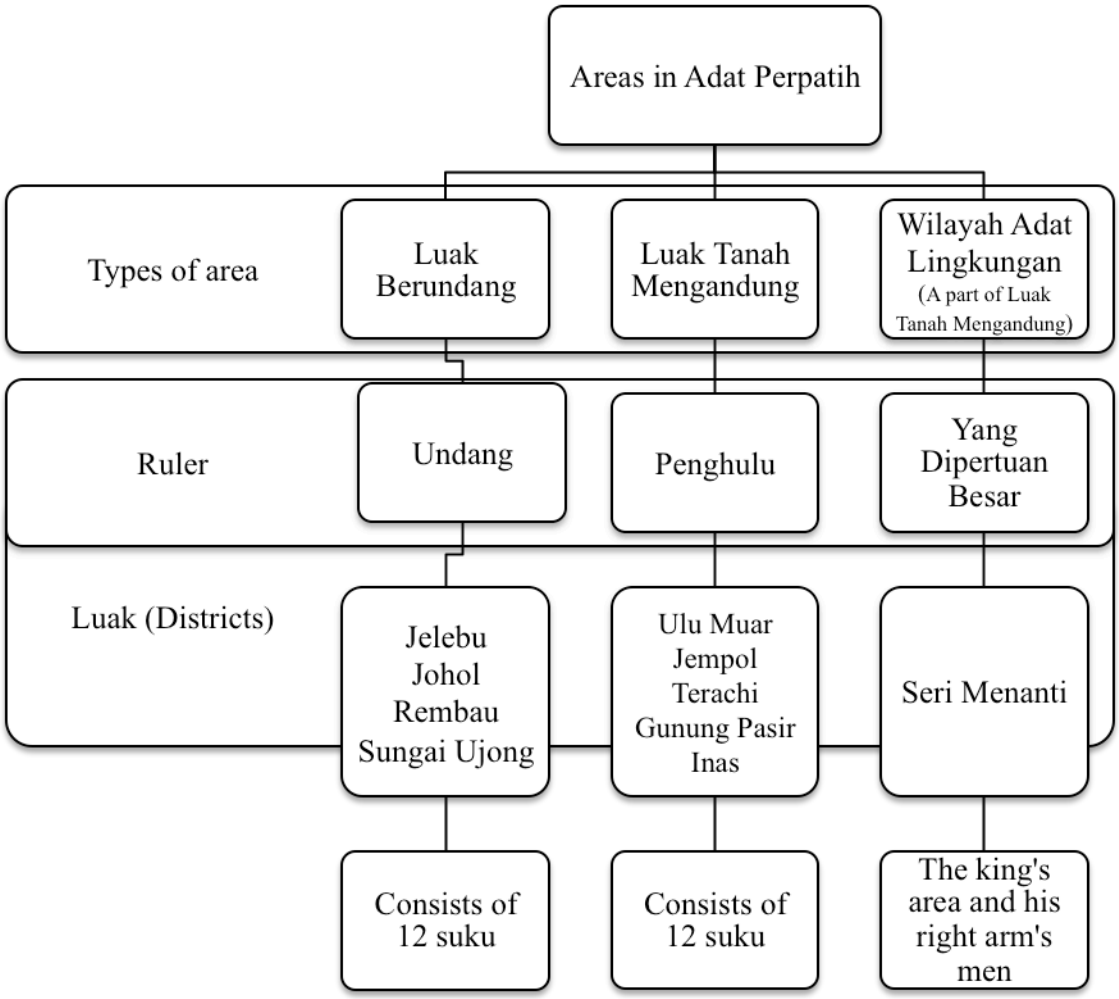

Figure 7.1: Areas in *adat perpatih*

Only the elders who are 50 years old and over, however, were able to explain *suku* in detail, including identifying the areas in which most of the *suku* are located. For example, when explaining the different areas in *adat perpatih* of Negeri Sembilan such as *Luak Tanah Mengandung* and *Adat Lingkungan* area (as shown in Figure 7.1), RP2 explained that,

> *Kawasan kita ini* [merujuk kepada Seri Menanti] *merupakan Tanah Mengandung* [Luak Tanah Mengandung]. *Tanah Mengandung ini lebar dari segi kawasannya dan sukunya adalah yang 12 itu. Manakala Tanah Lingkungan pula dikenali sebagai tanah diraja. Tanah Lingkungan ini lebih memihak kepada lelaki jika hendak dibandingkan dengan Tanah Mengandung yang lebih memihak kepada wanita. Kawasan Lingkungan ini tidak besar dan kawasannya terdiri daripada atas Masjid Lama sampai ke Bukit Tempurung sehinggalah ke Tanah Datar. Dan selebihnya adalah Tanah Mengandung. Terdapat lima buah suku yang mendiami Tanah Datar iaitu, suku Tanah Datar, suku Batu Hampar, suku Tiga Batu, suku Selemak Pahang dan suku Minangkabau. Dalam adat perpatih ini, sistem lantikan ini sama tetapi, kata orang perbezaan tempatnya iaitu yang disebut tadi, iaitu Tanah Lingkungan dan Tanah Mengandung.*
>
> Our area [referring to Seri Menanti] is known as *Tanah Mengandung* [Luak Tanah Mengandung]. *Tanah Mengandung* [area] is wide and it includes twelve *suku*. Meanwhile, *Tanah Lingkungan* [*Adat Lingkungan* area] is known as the royal land. The [system] of *Tanah Lingkungan* favours more towards men while in *Tanah Mengandung,* things take a different side with women. The area of *Tanah Lingkungan* covers from the Masjid Lama to the Bukit Tempurung until Tanah Datar. For the rest, it is *Tanah Mengandung*. There are five *suku* in Tanah Datar which are, *suku* Tanah Datar, Batu Hampar, Tiga Batu, Selemak Pahang, and Minangkabau. In *adat perpatih*, the system in choosing the leader is similar, but it is different according to the location especially in relation to *Tanah Lingkungan* and *Tanah Mengandung* (Interview, 6th May 2015).

RP2 added that he felt proud to belong to the *Adat Lingkungan*. According to him, the most expressive *suku* in relation to *adat perpatih* in Negeri Sembilan are the famous twelve *suku* that constitute the *Tanah Mengandung.* He claimed that everyone knows

about these twelve *suku,* including outsiders, in contrast to the *Adat Lingkungan* (Interview, 6th May 2015). His explanation and the difficulty in finding resources about the *Adat Lingkungan* are understandable in light of most available information being about the renowned twelve *suku* that constitute the *Luak Tanah Mengandung* rather than anything concerning the *Adat Lingkungan* area.

The Malays of Negeri Sembilan hold great responsibility as bearers of the *suku* name because all of the members are required to take care of their attitude and behaviour in public. If one person were to behave inappropriately or to be censured for misconduct, they would bring shame (*malu*) not only to their family but to the *suku* too. To understand one's place in a *suku* in an *adat perpatih* community is considered vital, as ultimately, it shows where one belongs. As expressed by one of the interviewees, if something happens to a person, they will return to their *suku* (RP11, interview, 19th June 2015). The Malays identify themselves by where they live. For example, Peletz (1994, p.35) mentioned in his study during the late 1970s that the people of Bogang would refer to themselves as people from Negeri Sembilan when they travelled far away from their home country and refer to themselves as people of Bogang when they travelled within the Negeri Sembilan. Self-reference, therefore, applies to both the place they belong to and the lineage they possess.

7.2.1 Becoming a brother through *berkadim*

The notion of descent in Negeri Sembilan is slightly different from other, existing anthropological norms of kinship and descent, however. According to Peletz (1994, p.27), the kinship system in Negeri Sembilan is based on siblingship, as the Malays refer to themselves 'as or like siblings' to their fellow members and relatives. According to *adat perpatih*, an individual's *suku* is determined at birth, when he or she inherits his or her mother's *suku*. However, if an outsider wants to be part of the *suku* and to be precise, to be part of the sibling relationship (in reference to being part of *suku*), he or she needs to become 'a brother' through the ritual practice known as *berkadim* (Selat, 2014). A *berkadim* is one of the dominant practices among the Malays of Negeri Sembilan who practise *adat perpatih*, where *masuk suku* or *berkadim* means *bersaudara* or being a brother (Ibrahim, 2010). In this study, most of the research

participants viewed *masuk suku* or *berkadim* as one of the predominant practices performed by the Malays in their area, from long ago until the present.

There are several situations in which *masuk suku* or *berkadim* is required. Firstly, *berkadim* will be carried out when an outsider wants to marry a member of the *suku*, especially when a man wants to marry a female member. In accordance with the theory of kinship, the relationship of the members in the particular group is usually prescribed through affinal relations, where an individual is allowed to marry certain types of relatives known as 'possible spouses and prohibited spouses'. In *adat perpatih*, the *suku* of the male should not be the same as that of his future wife. As described by Strauss (1969), preferred spouses are typically chosen through cross-cousin marriage (Lévi-Strauss, 1969, p.xxiv) and the preferred spouse usually comes from the 'mother's brother's daughter, and with wife's brother's daughter' (Lévi-Strauss, 1969, p.xxv). In this sense, the *adat perpatih* system makes it essential for its members to know exactly which *suku* they belong to, because, if both couples belong to the same *suku*, they are not allowed to marry unless one of them changes their *suku*. For example, RP11 described during her interview that:

> *Laki eden org nogori... sebelum kami kenal dan rancang nak kahwin… masing-masing dah tnye suku apa. Sama suku tak digalakkan berkahwin... nasib eden suku Tiga Batu... dia lain.*
>
> My husband is from Negeri Sembilan… before we got to know each other and planned to get married… we asked about which *suku* we each belonged to because we are not encouraged to marry into the same *suku*. Luckily, mine is *suku* Tiga Batu, and his was different from mine (Interview, 19th June 2015).

In Negeri Sembilan, it has been said that the decision of accepting the new members into the *suku* lies in the hands of the *adat perpatih* leaders. This is because once the person is accepted by the *adat* community through the *berkadim* ceremony the leaders will preserve the right to supervise his conduct as required by custom and the leader is held responsible for his behaviour at all times (Selat, 2014, p.176). In addition to marriage between *sukus*, outsiders who have no family in the *adat perpatih* community will also undergo *berkadim* if they marry someone from the *adat perpatih* community,

so that they will become part of the *suku* that will take care of their well-being and rights. Another situation in which *berkadim* may occur is for an adopted daughter, as mentioned in Chapter Five, where she can inherit the name of the *suku* as well as *harta pusaka* or inheritable properties. A daughter is also responsible for ensuring the continuity of the *suku* and if a family does not have any daughters, they are considered desolate (Ibrahim, 2010; Selat, 2014; Ibrahim, 1992). A third situation in which *berkadim* may occur is if a permanent but non-*adat perpatih* resident in Negeri Sembilan comes under the protection of the *lembaga*. This would require him to become a member of a *suku* (Ibrahim, 1992, p.50).

From the interview data, it was clear that my research participants did not have a clear definition of the practices of '*masuk suku*' or '*berkadim*'. RP1 referred to the need for outsiders to '*masuk suku*' or '*berkadim*', though she offered no further details (Interview, 18th April 2015). It was however mentioned that *masuk suku* or *berkadim* is possible even if the marriage is between individuals from the same *suku* (Interview, RP11, 19th June 2015). For this to happen and to avoid breaking away from the norms of *adat perpatih*, either the bride or groom would have to change their original *suku*; otherwise both of them would be required to pay a fine. For members of the *adat perpatih*, belonging to the same *suku* is regarded as sharing the same blood (Interview, RP11, 19th June 2015). For this reason, to marry an individual from the same *suku* is considered taboo (Interview, RP10, 5th June 2015) because it is akin to marrying one's own siblings or other family members. Under *adat perpatih*, marriage between the children of sisters is prohibited. Lévi-Strauss has discussed the prohibition of marriage within the same bloodline, a prohibition which is made in order to avoid an incestuous relationship that may be able to harm the kinship descent (Lévi-Strauss, 1969, p.14).

The reason for this disallowance in *adat perpatih*, however, is not only because these persons are members of the same descent group but also because they reside in the same village. Such a marriage would be regarded as incest (*sumbang mahram*) and, in former days, anyone who committed this act was punished with death or banishment (Hooker, 1972, p.19). Interestingly, most of the research participants were aware of this sanction and they were, accordingly, very careful in choosing their marriage partners. RP11 also believed that the consequences of marrying within the same *suku* included '… *kemungkinan kita punya zuriat tak cantik… dan ada yang cakap… anak kita lahirkan…*

tak sihat' […their kids are not beautiful, and other people said that the kids would be born with a problem] (Interview, RP11, 19th June 2015).

A *berkadim,* literally the process of becoming a brother, carries with it a great responsibility among the members of the *adat perpatih* community towards his or her new member. Being a brother is regarded as becoming one of the family and even a mother will recognise a stranger as her son or daughter. Therefore, for the Malay community of Negeri Sembilan, 'this stranger' is considered part of the family as much as someone who belongs to their lineage and group. This process thus gives them a sense of belonging, protection and loyalty, and strengthens their brotherhood ties. Moreover, when the *berkadim* ceremony is conducted officially in the presence of all members of the *suku* and *adat perpatih*'s leaders, the new member will be recognised and accepted by the *adat perpatih* community. Both the new member and the existing *suku* members have great responsibility to bear in terms of taking care of each other's needs.

7.2.2 The *adat* (customary) wedding

As well as the *masuk suku* or *berkadim*, the wedding ceremony is considered one of the dominant practices of *adat perpatih*. This is not unusual, as each community and ethnic group in Malaysia, whether Malay, Indian, Chinese, Kadazan, Iban or other, has its own way of celebrating and preparing for a wedding (Mohd Zahari et al., 2011; Rohmanu, 2016; Karunaratne, 1988; Gill, 2001). Unsurprisingly, in the *adat perpatih* community the customary wedding is the most familiar wedding practice and all members participate in the customary wedding preparation. There are some protocols that need to be followed by the members of the *adat* community. The research participants for this study divided these into three phases: before the wedding, during the wedding and after the wedding.

Before the wedding

In the pre-wedding phase, the bride or groom's families will meet, with the presence of other family members as well as the *buapak*, the leader of the *perut* (sub-clan). This phase is called '*merisik*' or '*bertanya*', in which the groom's family comes to the

bride's house and discusses the couple's status. If both families bless and agree with the relationship, a ring or '*cincin tanda*' will be given to the bride as a sign of confirmation of their relationship. This phase is called a '*meminang*' (Interviews: RP11, 19th June 2015, RP1, 18th April 2015 and RP4, 20th May 2015).

After that, if both families have reached an agreement, the couple will be formally engaged, which is called *adat bertunang*. During the engagement ceremony, the groom gives the bride an engagement ring. According to RP11,

> *Dalam adat bertunang dulu… cincin merisik satu… cincin tunang satu… dengan syarat cincin belah rotan. Cincin batu tak boleh… nikah nanti boleh... dlm berkmpung tu nanti… kedua-dua cincin ni kita kena tunjukkan kat buapak dan orang kampung*.
>
> … in the customary engagement, there is one *merisik* ring… one engagement ring… with one condition that the ring must be *cincin belah rotan* [Figure 7.2]. A ring with a diamond or anything else in it cannot be used. However, when you get married, you can use a ring with a diamond. During *berkampung* [the gathering], both rings should be presented before the members of the society, as well as the *buapak* (Interview, 19th June 2015).

Figure 7.2: *Cincin belah rotan*
(Photo by: Ainul Wahida Radzuan)

However, in certain cases, as with RP4, her engagement ceremony was different, as her grandfather was from the *Orang Lingkungan*. For the *Orang Lingkungan*, there will be three rings given to the bride:

... atok saya orang istana dan kebetulan beliau merupakan seorang buapak ... macam menerima cincin tu, ade sesetengah kampung, mereka menerima dua cincin. Tapi, semasa saya itu, ada tiga cincin.

… my grandfather is one of the royal officials and at the same time, he is the *buapak*… for the engagement, in some villages, they received two rings. However, in my case, there were three rings (Interview with RP4, 20th May 2015).

According to RP5, there is another *adat* ritual involved, which is called '*sembah cincin*' or presentation of the ring, performed to receive an agreement among the family members who are in the same *suku*. From these *adat* practices like *berkampung* and the ritual of *sembah cincin*, it is clear that *adat perpatih* emphasises the importance of family members, neighbours and relatives, as well as the *adat perpatih* leader like the *buapak*, whose presence is regarded as important, even though the ceremony is concerned with the personal matter of a marriage.

Before the customary wedding takes place, there is a '*berkampung*', which means gathering. During *berkampung*, all the family members, neighbours and extended relatives will gather to decide the menus and the schedule of the wedding. All of these *adat perpatih* members will discuss these matters together until they reach a mutual decision. *Berkampung* is important to the Malays because, according to the research participants, for exampke RP3, it is part of the *adat* and represents the collective relationship between members of society.

According to the customary sayings, as discussed by Ibrahim (2014), every individual in the *adat perpatih* community must take part in every activity, within which each has their own roles. Everyone must participate and no one is excluded. This principle is expressed in and relevant to everything, including *muafakat* and *berkampung*.

During the wedding

Figure 7.3: A Malay Wedding

(Source: Research participant's personal collection. Used with Permission)

When I visited one of my research participants, she was willing to share her old wedding pictures (Figures 7.3 and 7.4). These images, and especially Figure 7.4 in which everyone is helping each other to prepare for the wedding ceremony, gives a fascinating glimpse of the closeness between the *adat perpatih* community members. The same research participant explained that, during that time, family members and relatives would stay at the bride's house to help with the wedding preparation. There was no out-sourced catering, where food could be ordered from local catering companies. Indeed, all of the research participants identified a large gap between past and present, in terms of the spirit of '*bergotong royong*' in preparing for the wedding ceremony.

In the Malay world, the term '*gotong-royong*' refers to collective action. The concept of *gotong-royong* is highly connected and associated with the We-society. Tuomela mentioned in her book that this concept can be described as:

> … the coming together of the communities who lived in the *kampung* [village] like an extended family where everyone's doors were kept open and neighbours kept a look-out for each other, and the children played with one another without any thought of discriminating against the others for being of a different race. This is *kampung* spirit at its best. Everyone needs someone. When the *kampung* spirit is in evidence, nobody needs to feel alone or abandoned. This warm feeling of being cared for makes life meaningful and brings happiness. Moreover, being happy, one possesses a stronger foundation, better able to take the knocks of life more easily (2012, p.158).

In support of Tuomela's description, I found that the 'We' was greatly in evidence during my fieldwork trip. During the interview sessions, the term 'We' was used in representing a sense of belonging. There are two kinds of selves; the personal or individual self, which is referred to as 'I' in this study, and the social or relational self: the 'We' (Brewer and Gardner, 1996). In the *adat perpatih* community, the 'We' concept is more certainly more dominant than the 'I' concept. It could be said that everything done in this community is based on collective action and 'togetherness.' Effectively, the 'We' is a fundamental principle in the community. According to Brewer and Gardner (1996, p.83), the 'We' concept is a collection of action shared by members of the group that are socially connected through sharing the same attitudes such as wants, goals, intentions, beliefs, wishes, hopes, feelings, and so on. Naturally, collective action requires mutual agreement between the members of *adat perpatih* community.

Figure 7.4: A group of Malay women show the spirit of '*gotong-royong*' in washing the dishes

(Source: Research participant's personal collection. Used with Permission)

In Figure 7.4,the spirit of '*gotong-royong*' is evident in the voluntary participation in the dishwashing during a feast. Normally, they take turns in completing the task. What can be deduced from this picture is that, in the division of labour, especially in kitchens and the domestic arena, work was awarded to women. They are regarded as the leaders in the kitchen to prepare food for the host's guests.

During my fieldwork trip in Malaysia, I also had an opportunity to attend some of my friends' weddings, which were held in other states. I was invited as a guest to two marriage ceremonies, the first of which was held in Shah Alam (Selangor) and the second in Besut (Terengganu). Shah Alam (Selangor) is considered an urban area, being situated next to the capital of Malaysia, Kuala Lumpur. Besut (Terengganu), in contrast, is located in the west coast of Malaysia, far from any city. In Shah Alam, the wedding was held in the community hall, and the host used a local catering company for the

meals. There was, in fact, no involvement of *gotong-royong* between the family and the community, especially in preparing the food. In Terengganu, however, the wedding was conducted at the bride's parents' house, and all of the food was prepared with the help of her family, relatives and neighbours. Clearly then, these two different places bring their own very different styles of celebration and preparation for the weddings, not only in terms of the wedding locations, but also in terms of the preparations for the feast. The spirit of *gotong-royong* was very visible in the weddings preparation activities in Besut, where all the family members took part. There is a distinct rural/urban distinction in my observations here, confirmed in RP10's description of 'the spirit of *gotong-royong*' being well integrated with life in the village. When one festival or ceremony is organised, everyone in the village comes to give a hand (Interview, 5th June 2015).

The *adat* is also symbolised through some tangible elements such as a *tabir* and *lelangit* (as shown in Figure 7.5 and Figure 7.6). For example, during the second phase of the customary wedding, preparations for the ceremony involved the instalment of a *tabir*, *lelangit* and *tilam pandak* [Figure 7.7] (Interview, RP10, 5th June 2015). The house would be decorated to welcome the guests and the leaders of the *adat perpatih* such as the *buapak*, the *lembaga*, and others. All of these tangible elements are important to the customary wedding and, according to RP4, if these things are not installed during the wedding then the host would be fined (Interview, 20th May 2015). These procedures are still actively carried out among the Malays of an *adat perpatih* community, as explained by RP3:

> *Adat perpatih ni… kekuatannya masih lagi ada. Contohnya, jika ada satu-satu majis, rumah perlu diletakkan lelangit dan bertabir. Jika di kawasan kampung… mereka masih lagi berpegang kepada adat.*
>
> … *adat perpatih* still has its strength. For example, in one ceremony, the house needs to have the *lelangit* and *tabir.* If we can see in the village area, people still hold and practise the *adat* (Interview, 6th May 2015).

Figure 7.5: The *Lelangit,* hanging from the ceiling, was installed for the important ceremonies of the *adat perpatih* such as the customary wedding and welcoming of the *adat perpatih*'s leaders (Source: Muzium Adat, 30th March 2015)

Figure 7.6: The *Tabir* was installed whenever an important ceremony was held (Source: Muzium Adat, 30th March 2015)

Figure 7.7: The *Tilam pandak* is a cushioned seat for the leaders of the *adat perpatih* (Source: Muzium Adat, 30th March 2015)

After the wedding

Typically, after the wedding, both of the newlyweds go to the house of their relatives. This process is known as the '*adat menyalang*' or '*adat bertandang*', as mentioned by RP11 (Interview, 19th June 2015). The a*dat bertandang* is intended to introduce the bride and groom to the family and relatives and it is one of the formalities of *adat perpatih*. It is also an expression of welcoming new family members and of acceptance into the family. According to RP 12 (Interview, 4th July 2015), the newlyweds will bring traditional foods (confectionary) of Negeri Sembilan, such as *penganan* or *dodol* and *wajik*. The *penganan* (shown in Figure 7.8) is made of a mixture of coconut milk, glutinous rice flour, palm sugar, cane sugar, and water. Normally, *penganan* will be cooked for almost five hours or more with the help of family members of the bride. *Penganan* or *wajik* is also served during the Eid celebration and other formal ceremonies of the *adat perpatih*.

Figure 7.8: *Penganan* or *dodol* is one of the sweets that represent the identity of Negeri Sembilan as acknowledged by the State Government of Negeri Sembilan (Photo by Ainul Wahida Radzuan)

7.3 People and land

A sense of belonging also involves the nature of the relationships between people and land, as land is fundamental to the *adat perpatih*. A land or place gives people a feeling of attachment and a sense of belonging, which contains contextual and cultural significance. As stated by Campelo et al., a place gives a special meaning to the one who is attached to it, as 'what constitutes a sense of place is primarily determined by the meanings given to it by those whose place it is' (Campelo et al., 2014, p.154). He also added that meaning comes from the interactions and experiences shared by a group of people (Campelo et al., 2014, p.161).

Also, a relationship exists between people and place through social constructions and social reproductions; through culture, historical ties, and common experiences (Campelo et al., 2014, p.161). For the Malays of Negeri Sembilan, a long historical connection with the West Sumatra, Indonesia contributes to their feelings about the importance of the customary land. The customary laws and practices that were brought by the immigrants of Minangkabau to Negeri Sembilan also led them to develop a unique sense of identity as expressed by Malpas:

> …both to a sense of the character or identity that belongs to certain places or locales, as well as to a sense of our identity as shaped in relation to those places - to a sense of 'belonging to those places' (2008, pp.199-200).

Furthermore, Schofield and Szymanski (2011, p.4) observed that a place sometimes gives a sense of ownership in the case of those who have lived there for generations, because of the memories attached to the place and the stories are woven into its fabric. However values attached to a place are also diverse, because of the varied experiences and stories of many different people. Therefore, for the Malays, a great sense of belonging exists regarding their customary land.

7.3.1 Customary land

The concept of customary land is crucial for understanding the Malays of Negeri Sembilan. According to Sahlins (2013, p.7), land and people have a strong connection and these two are 'alive and akin'; in other words, integrated. Customary land is considered a sacred and vital part of the life of the Malays of *adat perpatih*, where it functions both as a place to stay and to provide an economic contribution. Tradition in *adat perpatih* is also expressed through customary land. For example, to inherit the customary land is important for the daughters of the family in the *adat perpatih* community because it acts as a guarantee of life for women (Selat, 2014, p.2). A woman typically thus acquires most of the inheritance and is entitled to inherit the house, as it is believed that women should be provided with shelter and maintenance in order for them and their children to survive. Notably, in Negeri Sembilan a woman inherits a paddy field and sometimes orchard land. A woman also receives bridal jewellery and ornaments from her parents (Peletz, 1994, p.20). Eleven research participants who were interviewed from Negeri Sembilan were aware of customary land as one of the things that symbolically differentiates the *adat perpatih* of Negeri Sembilan from the *adat temenggung* known to be practised by most of the other Malays in Malaysia. This is because land is a great base for those looking for security and, at the same time, provides the opportunity to build a house and live in it. Of course, land also acts as an economic resource because, with activities such as crop farming and raising cattle, people can contribute to their financial resources needed to survive.

It is important to note that the *adat perpatih* community was originally a farming community, where land acted as an indispensable source of economic and financial resources. However, looking at Negeri Sembilan today, according to Selat (2014) customary land is comprised of more than land. For example, as described by Kassim (1992, p.6), customary land encompasses '… *kampung* (village) land and rice fields and to a small extent; fish ponds, orchards, and rubber plantations'. She adds that, '… women also inherit the family house, household goods, and other forms of valuables such as jewellery; family heirloom such as the Malay traditional weapon, the *keris*; etc.' (Kassim, 1992, p.6).

One of *adat perpatih*'s notable researchers, Nordin Selat (2014), mentions that the customary land is the important unit of the *adat perpatih* community; he described it as a central point in connecting people. Customary land is responsible for uniting the members of one family as well as other *suku* members. Land is seen as an integrative factor where sometimes each *perut* lives on and shares the same land. So, a 'family-neighbour relationship' can exist from the fact that they live together (Selat, 2014, p.28). He also added that, '… members in that unit do not only find themselves sharing the same ancestors in one family, but the customary land became a place for them to live and work…' (Selat, 2014, p.83).

Women and daughters inherit all the customary land in Negeri Sembilan, and this tradition is still being practised today. RP11 confirmed this:

> *… macam pembahagian harta pusaka, sampai sekarang adat warisan itu kita orang nogori amalkan. Tak sewenang-wenangnya, harta pusaka kita bagi dekat orang luar. Harta tu tetap dapat oleh perempuan atau isteri.*
>
> … the Negeri Sembilan people still practise it [referring to inheriting the customary land]. It is impossible for us to give our inherited properties to outsiders. Moreover, those properties will be given to the woman's side or the wife (Interview, 19th June 2015).

Even though women receive all rights to inherit the customary land, such ownership is not absolute because they cannot sell the land to anyone. Again, Kassim said that:

> If a woman is in dire need of money, she can only sell her land to her female kin, offering to the nearest first and then to other matrilineal kin. Only intra-clan sale is allowed. This limited market keeps the value of the land low; but in the days when land was not a commodity, such limitation was not a problem (1992, p.6)

That *adat perpatih* looks after the welfare of women was highlighted by a number of my research participants. As RP1 said,

> *Sebenarnya elok adat Negeri Sembilan ini sebab harta diutamakan di sebelah perempuan ... contohnya macam rumah, tanah dan lain-lain ... anak lelaki hanya dapat kebun sahaja. Dan ianya bukanlah harta pusaka. Tanah pusaka tidak boleh dibahagikan kepada anak lelaki. Sebab anak lelaki boleh berusaha sendiri untuk mendapatkan harta. Jikalau anak perempuan tidak dapat mewarisi harta pusaka, dan apabila dia ditinggalkan oleh suaminya atau suaminya meninggal dunia, dia tiada tempat berteduh dan sebagainya.*
>
> *Adat* of Negeri Sembilan is important and good because the inherited properties favour women … such as the ancestral home, lands and others … the son only gets the orchard. Also, it was not the customary land. The customary land should not be given to a son. The sons have to be able to afford their properties by themselves. If the woman does not get any assets and their husband left them, or the husband passed away, they will not have any place to stay (Interview, 18th April 2015).

Preserving and protecting the woman and the daughter's rights is a specialty of the *adat perpatih* of Negeri Sembilan. With the inherited land, women are still able to survive and continue their lives. RP1 added:

Jika wanita ini ditinggalkan oleh suaminya [bercerai atau meninggal dunia] ... perempuan masih lagi boleh meneruskan hidup dengan mencari rezeki untuk anak-anak mereka dan dengan adanya rumah untuk didiami. Itulah tujuannya, kenapa tanah pusaka ini diberikan kepada perempuan. Jadi, dia tidak akan ditinggalkan sehelai sepinggang. Untuk meneruskan hidup seharian, perempuan juga boleh menoreh getah atau berbuat apa sahaja.

Once the women are left by their husbands [divorced or passed away]… the women can survive and find money for their children by having the house to stay in. That is the reason why the customary land and properties belong to the women. So, she will never be left alone without anything. For surviving day by day, the woman can do any job like rubber tapping or anything (Interview, 18th April 2015).

There is a common misunderstanding about the ancestral home of the *adat perpatih*, that when a man [outsider] divorces his wife [normally an *adat perpatih* member], he is left without anything, or *sehelai sepinggang,* and is forbidden from sharing their properties and all assets. This view is regarded as an unfortunate stereotype by the practitioners of the *adat perpatih* of Negeri Sembilan (Interview, RP10, 5th June 2015). Commenting on this negative view, RP11 said:

Harta pusaka memang dapat belah perempuan manakala harta sepencarian dipunyai oleh laki bini. Bukan semua harta laki pun dapat kat bini, sebab ada hukum faraid iaitu harta dibahagi sama rata.

The woman will get the inherited properties [including customary land, houses and so on] while the matrimonial properties belong to both husband and wife. Not every part of the husband's property will go to the wife because we have *hukum faraid* [based on the *shariah* law]. The property will be divided equally (Interview, 19th June 2015).

Selat (2014, p.197) confirms that this negative stereotype has arisen because of a lack of knowledge among people about the *adat* society. Furthermore, responsibility for what happens to customary land lies on all of its members. For example, the late parents of

RP1 resigned from their work in Singapore and went back to Negeri Sembilan to take care of their customary lands. She said,

> *Ayah saya berhenti disebabkan tiada siapa yang ingin menguruskan tanah pusaka yang berada di kampung. Disebabkan semasa itu, nenek dan datuk saya sudah meninggal, dan tiada siapa yang mengambil tahu dengan rumah pusaka, jadi ibu bapa saya pun berhenti kerja dan pulang ke kampung dan bekerja sebagai penoreh getah.*
>
> My dad resigned because there was no one managing our customary land in the village. During that time my grandparents had passed away and no one was taking care of our ancestral home, so my parents decided to resign and return to the village and work as rubber tappers (Interview, 18th April 2015).

As mentioned earlier, customary land is more than just a place to live and obtain an income. It is sacred to *adat perpatih* members. According to RP7,

> *... tanah pusaka tidak boleh dijual. Dan ianya perlulah dijaga dan kalaupun ianya dijual, akan terjadi pelbagai masalah dalam kehidupan. Orang yang menjual itu akan ditimpa musibah. Pada mulanya saya kurang percaya dengan apa yang berlaku tetapi, setelah melihat musibah yang meinpa kepada orang yang menjual tersebut, jadi, saya mulai percaya dengan keadaan itu. Lagi satu, perlulah diingat bahawa tanah itu adalah tanah adat.*
>
> … customary land cannot be sold. Moreover, it should be protected and if people sell it, it will cause a problem later in their lives. Those who sell it will face unexpected situations. At first, I did not believe it, but it happened: I saw the people who sell the customary land get into trouble. So, I started believing it. Another thing, it should be remembered that the land is customary land (Interview, 20th May 2015).

When I interviewed RP10 who lives in Seri Menanti, I found how the customary land-based concept of 'family-neigbours relationship' was apparent in the location of her house, situated on a large piece of land on which there were several houses. She

explained that all the houses belong to her female siblings, with the main house at the front. Since she is the youngest amongst her siblings, her house is located at the back of the main house.

Figure 7.9: The main house or *rumah tua,* Seri Menanti, Negeri Sembilan
(Photo by: Ainul Wahida Radzuan)

The house in Figure 7.9 is the original property – located along with her residence – where her mother and ancestors first resided. However, this house was renovated a few years ago when this land was used as '*rumah telapak*' or a temporary lodge of one of the *Undang* of Negeri Sembilan before they visited or attended any formal events at the royal palace. As the *Undang* is considered a leader of the entire *suku*, they have the right to choose any land or any place where they want to stopover (which normally belongs to their own *suku*). This was initially quite surprising to me, as I thought that all the customary land is absolutely owned by the authorised owner, yet I learned during my field research that the house and the land where people live indirectly belongs to the *suku* itself (even though the resident's name is stated on the Land Grant). Therefore, even though the customary land is inherited from generation to generation, the owner does not have sole authority over the land. If the *suku* want to use or take back the land, they can do so.

RP1 also told me during the interview that her mother had passed away and that she is the only daughter in the family. Therefore, she was given priority regarding inheriting the house and customary land. She explained that the process to change the name on the Land Grant has to be done at the Land and Mines Office. Significantly, to change the ownership of the land, the *buapak* and *lembaga* need to be present during the transfer process before the land officers. *Wajik* or *dodol* also has to brought along as a gift for the *buapak* and *lembaga*.

However, some of the research participants described how some of the customary land was not managed properly. They said that this was because most of the younger generation lived in urban areas such as Seremban and Kuala Lumpur. Even their parents had followed them there. Consequently, there was no one to take care of the land in the village. RP11 said that '*Sebab itu kalau balik kampung, rumah banyak tinggal. Sebabnya rumah dimiliki oleh anak perempuan. Mana nak orang perempuan duduk kampung seorang diri*' [… that is why if you go back to our hometown, there are lots of abandoned houses and land. It is because the houses belong to the daughters or women. You could not find a woman who lives alone in the village] (Interview, 19th June 2015). Typically, of course, the customary land is located in rural areas. When I initially met RP1, she also said that she used to visit her parents frequently when they were alive, at the village; after both of them passed away, however, she only returned to visit her mother's house once or twice a month.

Therefore, with some of the changes faced by the *adat perpatih* community, such as migration to other places, much of the customary land was left unattended. Manaf (2009, p.69) identifies this problem as also due to, '…the difficulty of obtaining consensus from multiple co-owners as to how the lands should be cultivated or treated'. As expected, in these kinds of disputes, as well as occasional conflicts of ownership, customary land remains idle.

7.3.2 The importance of a daughter and her rights

Even though there are some issues concerning the use and management of customary land for the *adat perpatih* community, the heir of the customary land is still important to them. To have a daughter is really a blessing to the lineage of a Malay family who practise *adat perpatih* in Negeri Sembilan because, as stated above, a daughter is the rightful heir, although it is understood that the customary land also belongs to the *suku*. As inheritance is traditionally practised from generation to generation in the female line, Malay families in Negeri Sembilan try to ensure the birth of a daughter. If the family does not have any daughters, they are entitled to adopt any girl to be their daughter, through the *berkadim* ceremony (see Chapter Five). This process ensures the existence of *adat perpatih* as well as the continuation of *suku*. As mentioned by Kassim (1992, p.4), a woman acts as perpetuator, ensuring the continuity of her lineage; without a daughter, she will be seen as a failure and pitied by her community.

RP4 explained that in some cases if the customary land does not have a legitimate heir, especially the direct female child in her family, then the lineage of the customary land could still be preserved, for example by returning the ownership of customary land to the *suku*. Otherwise, a woman needs to adopt a girl as her adopted daughter, either her own niece or any other girl who belongs to the same *suku*, in order to hand on the land to the next legal owner of the customary land. RP6 said that:

> *Dalam adat perpatih, jika keluarga itu tidak memeliki anak perempuan, tanah pusaka itu akan dikembalikan atau diberikan kepada ahli keluarga [adik beradik perempuan] yang lain, yang mempunyai anak perempuan. Oleh itu, apa yang boleh dilihat di sini, kehidupan mereka ini tidak terabai kerana saling menjaga antara satu sama lain.*
>
> In *adat perpatih*, if the family does not have any daughters, the customary land will return or be given to other family members [sisters] who have daughters. Therefore, what we can see from this, their lives will not be abandoned and they will look after one another (Interview, 20th May 2015).

It can be seen, then, that through the adoption process the adopted daughter needs to fulfil her duty as a filial daughter towards her foster mother, so that the welfare of the adoptive mother and her family would be assured and not suffer any future neglect.

The importance of the role of the daughter was apparent when I visited RP2's family. During my visit, I met their daughter, whom I have called Anne for this study. She was in her mid-thirties and lived with the family. She was the only daughter, the youngest in the family and had four brothers who had already married and lived outside Seri Menanti. Anne was married with two children. As the only daughter of the family, she and her husband were staying with her parents so that she could take care of them on behalf of her brothers. Anne was also working as a school clerk. When I came to RP2's house, Anne was getting ready to cook their lunch. Since she was the only daughter, all of the domestic work, especially meal preparation, was taken over by Anne. When I interviewed RP2 and his wife, RP3, Anne also joined in our conversation. I found that Anne also had some knowledge about the topic that we discussed and , in the course of the conversation, sometimes learnt new things that she had never heard before. *Adat perpatih* is transmitted orally, and this situation was one demonstration of how, by joining and sitting with the elders, the younger generation, in this case Anne, gained new knowledge and better understanding of *adat perpatih*.

7.3.3 *Adat perpatih* protects its members

While any matrilineal system favours the daughter in the inheritance of property, it should be stressed that in the *adat perpatih* system the son is also given a chance to inherit some of the family's property in terms of, e.g. weapons, male ornaments, clothes and even sometimes land such as orchards (but most likely not the customary land). The son is also related to the parents through blood relations and related to his siblings (particularly the sisters) in the form of siblingship. In that sense, the son is also open to inherit the property and inheritance generally from his family (Peletz, 1994, p.22). Most of the research participants of this study understood and acknowledged that *adat perpatih* protects the needs of a woman and takes care of her family members, while affirming that the rights of sons and men must not be ignored. For example, RP10 explained:

Jika [ibu dan bapa] nak beri tanah kebun itu kepada anak perempuan pun boleh juga tetapi tidaklah banyak seperti yang diberikan kepada anak lelaki. Mereka [ibu dan bapa] berlaku adil memandangkan tanah pusaka ini telah diberikan kepada anak perempuan, jadi tanah kebun itu automatik diberikan kepada lelaki.

If [the parents] want to give the farming land to the daughters, they can do so, but [the daughters] will not get the same portion as the son did. [The parents] try to be fair, as the customary land was given to the daughters, so the farming land automatically will be given to the son (Interview, 5th June 2015).

She also said that,

Mengikut adat perpatih di negeri ini, tanah pusaka itu dibahagikan kepada perempuan. Lelaki tidak dapat, melainkan tanah kebun sahaja yang diperolehi oleh mereka. Tanah pusaka tu merupakan tanah turun temurun dan anak perempuan yang dapat tanah pusaka itu adalah kesemua anak perempuan. Mereka berhak mendapat tanah pusaka tersebut... namun demikian, hanya harta pusaka sahaja yang tidak dibenarkan untuk dibahagikan melainkan harta sepencarian sahaja. Harta sepencarian bolehla dibahagi dua.

According to *adat perpatih* in this state, the customary land will be given to daughters. The son does not get any, except for farming land. The customary land is the inherited land, and it belongs to all of the daughters. They have rights towards the customary land … but only these inherited properties [customary land and ancestral home] are not allowed to be claimed and divided between spouses [on divorce by man] unless they are matrimonial properties [a property that was acquired during the marriage, as it is called as '*harta sepencarian*' or shared properties (see Chapter Five)]. Thus, the matrimonial properties can be divided between the couple (Interview, RP10, 5th June 2015).

The rights of a man are preserved by all of his originating *suku* members and family. For example, when a man divorces his wife or his wife passes away, he will return to his family and *suku*. As RP10 explained:

> *... lelaki akan dipulangkan ke rumpun ibunya atau dikembalikan ke tanah pusaka ibunya, jika dia sudah tidak ada lagi tempat untuk tinggal dan sebagainya ... namun jika dia dibuang oleh keluarga atau anak bini, maka dia boleh menumpang dan duduk semula di rumah saudara maranya ... adat perpatih ini menjaga darah daging dan warisnya. Contohnya ayah cik dulu, tak ada adik beradik perempuan, jadi, dia tidak dapat mewarisi tanah pusaka tersebut. Oleh itu, pusaka itu dipulangkan kepada anak buahnya. Orang lelaki ini juga akan terbela dan terjaga oleh warisnya . Bak kata orang, kita ambil semula dan jaga mereka ini.*
>
> … the man will be returned to their main *rumpun* [family] or their mother's homeland if he does not have anywhere to go. … if he was kicked out by his family or wife, he can stay [temporarily] and live with his relatives … *adat perpatih* looks after his or her blood and heirs. For example, in the case of my late husband, he had no female siblings so he could not inherit the inheritance. Therefore, the inheritance would be returned to his relatives [rightful heir such as his mother's sisters or *suku*]. Men are cared for and protected by their heirs [referring to his mother, his sister(s) and nieces]. As people say, we will look after them (Interview, 5th June 2015).

In returning to his family, a man will undergo some rituals or *adat* ceremony marking his return, which is called as '*adat menjemput pusaka*' (Ismail, 1994). All *suku* members, families and relatives will be called together before the *buapak* explains the man's situation. RP10 stated in the interview that,

> *Jika isterinya meninggal dunia, suaminya akan dikembalikan kepada keluarganya – ada adatnya. Kain baju [lelaki tersebut] akan ditunjukkan kepada buapak bagi menandakan isterinya telah meninggal dunia dan tiada siapa yang menjaga dia.*

> If the wife has passed away, the husband would return to his family [from the mother's side] – there will be a ritual. The clothes [of the man] will be shown to the *buapak* to represent the death of the wife and the fact that the man has nobody to take care of him anymore (Interview, 5th June 2015).

RP7 told me about her family's experience when her maternal grandfather's wife passed away. A ceremony was conducted to inform the *suku* members of his situation. In the presence of *adat perpatih*'s leaders like the *buapak* and the *lembaga*, together with the family members, this ceremony is a way of symbolically informing everyone that he has returned to his mother or *suku*. As she said during the interview:

> *Pernah berlaku juga dalam keluarga saya di mana datuk saudara saya telah kematian bini dan berkahwin dengan wanita lain. Jadi, lelaki ini perlu kembali semula ke rumahnya dan bukan rumah isterinya. Jadi, ada satu upacara dilakukan iaitu mengadakan kenduri sebagai menandakan lelaki ini pulang ke kampung halamannnya.*
>
> Something happened in my family in the past when my maternal grandfather lost his wife and then married another woman. So, he needed to return to his house and not to his late wife's house. So, there was a ritual where the festival was made just to mark that this man came back to his family (Interview, RP7, 20th May 2015).

It was incumbent on all family members on his mother's side to look after his well-being and to give him a place to stay if he needed it. Selat (2014, p.155) too confirms that female relatives need to take care of male siblings who share their blood.

7.4 *Adat perpatih* as a way of life

Without doubt, *adat* is an integral part of the Malay's life. Although *adat* is often relegated to simply being ancient and traditional practices which happen to have survived, in my view it is actually a tool which continues to shape the character of Malay society. In this respect, it remains a powerful force because *adat* is considered a strict etiquette that needs to be observed by its bearer. I concur with Peletz (1996) in his

observation that there is no equivalent English term to describe *adat*. For the Malays, *adat* is, in fact, a form of guideline which needs to be followed by any and all means. Regarding the way in which *adat perpatih* is followed and practised by the Malays of Negeri Sembilan, it is clearly a living culture. Some Malaysian scholars also refer to *adat perpatih* as a way of life (Juhary, 2011) as well as part of a life system (Ibrahim, 1992; Selat, 2014).

The urgency in observing and practicing *adat perpatih* was mentioned by one of the interviewees:

> *Adat perpatih ini mesti dipakai* [*diamalkan*]. *Kerana kita masih lagi menunggu atau tinggal di tanah pusaka ini. Selagi kita ada hayat dan tinggal di tanah pusaka ini, adat ini mestilah diteruskan atau dibuat. Setakat ni, selagi wan ingat, wan sampaikan. Sebab kita mana ada yang tuanya lagi. Semuanya sudah tak sihat*.
>
> *Adat perpatih* must be practised. It is because we live within the system and we are living on the customary land. If we are still alive, the *adat* needs to be sustained. If I remember everything about the *adat*, I will pass it down and tell the people. Because we don't have the elders here [Not many elderly persons live in this area], everyone is not in good health (Interview, RP10, 5th June 2015).

Selat (2014) describes *adat* as a rule of life. The *adat* informs the community about everything, especially the rules of society and how society is kept stable, and how to become knowledgeable and rich in moral values; all of which are based on efforts to survive in this world. As RP3 mentioned, '*Jika di kawasan kampung, semuanya masih lagi dipegang oleh adat*' [In the village, everything was held by the *adat*] (Interview, 6th May 2015) and people need to follow it. *Adat* also acts as guidance for maintaining social harmony in the community, despite the range in ethnic diversity in Negeri Sembilan (Interview, RP12, 4th July 2015). As *adat perpatih* takes account of the needs of its members and guides the life of the Malays, it is important to note that it is also concerned with those who practise it. Indeed, *adat perpatih* protects the rights of its members, as mentioned earlier.

Adat perpatih involves all of the following and more: family matters, such as in the inheritance of property, the rights of women, the representation of identity and belonging, economic issues (the use of land regarding agriculture as financial resources), politics (especially the importance of leaders) and social concerns. It also effectively socialises people with its principles, which determine what is good and bad, and what is true and false, through customary sayings. It could also be said that *adat perpatih* is expressed through the use of democracy in reaching a decision.

7.4.1 Democracy

Democracy can be seen at work in the *adat perpatih* system through the use of *musyawarah* (consensus through consultation) (Saludin, 2014, p.39) and *muafakat* (Bonget, 2014a, p.53) for reaching a unanimous decision. This democratic dimension of the *adat perpatih* society comes to the fore in communal decision-making. All members of the *adat perpatih* community will get together and discuss the issues raised until they reach one final decision that is agreed by all members (Figure 7.10). One of the research participants, RP2, saw *adat perpatih* as, essentially, democratic:

> *Adat perpatih ini melambangkan demokrasi. Ianya disebut sebagai demokrasi adalah kerana setiap perkara berlaku dengan pemilihan dan tiada kuasa mutlak. Nak jadi apa sahaja kena pilih. Contohnya nak jadi buapak kena pilih, dan seterusnya luak dan begitu juga raja.*
>
> *Adat perpatih* symbolises democracy. It is called a democracy because everything happens through elections and no absolute power is involved. Everything has a choice. For example, people will choose the *buapak* as their leader, and this also happens with the *Undang* and also the king (Interview, 6th May 2015).

This democratic system can be seen in the collective preparation of customary weddings, discussed earlier. Bonget (2014b, p.48) also mentioned that democracy is the main basis for *adat perpatih*'s political structure, in addition to socialism and feudalism. Minattur (1968, p.23) writes that the constitutional structure of *adat perpatih* appears to be maintained within the democratic principle, through the election of leaders in a

bottom-up style (Zain et al., 2012, p.175). The government thus formed in the *adat perpatih* community is constructed by its people through communal agreement and all decisions are reached through consensual agreement. Socialism is expressed through the inheritance of property (especially the customary land), a process which is regulated within the community itself, especially the *suku*, where outsiders have no right at all to meddle with its ownership. Feudalism is symbolically shown in the form of power held by *adat perpatih*'s rulers. With the power that they hold, they are required to be responsible towards the community and anyone under them. This can also be seen through the consensus agreement made in the process of selecting the Yang Dipertuan Besar of Negeri Sembilan, as mentioned by RP2. This interviewee explained that, in order to select the new king, a meeting between the biggest four of the council of *Undang* was convened and all of the decision was dependent upon them. They would discuss who is the most suitable king (especially from the royal line) for the states. Even though the Yang Dipertuan Besar sits in the highest position in the state's hierarchy, the power and the decision-making of the council of *Undang* is the most resonant. It is, therefore, important to note that, in every hierarchy level of *adat perpatih*'s institutions, everyone is able to voice their opinions and ideas as well as discuss any arising matters together, until they can reach a decision. RP2 pointed this out:

> *Jadi kita nampak ianya di sini bertangga – tangga dari segi pemilihan itu dan sebagainya. Anak buah memilih buapak sebagai kepalanya, dan kepala ini memilih orang atasnya lagi, buapak memilih lembaga, lembaga memilih pula penghulu dan seterusnya penghulu memilih undang dan undang memilih raja.*
>
> We can see that everything is in a hierarchy like in the steps of set of stairs, especially when it comes to selecting the leader and others. The members of the society choose the *buapak* as their head [leader] of family, and the head will choose their 'above people', [in this case] the *buapak* chooses the *lembaga* and the *lembaga* will choose *penghulu*, and the *Penghulu* will select the *Undang* and lastly, the *Undang* will select the king (Interview, 6th May 2015).

Figure 7.10: Some members of the *adat perpatih,* seen in the *musyawarah*
(Source: Muzium Adat, 30th March 2015)

In the *adat perpatih* community, leaders therefore also play important roles and members need to pay their respects to them. From Figure 7.11, it can be seen that the *Undang* was celebrated by *adat perpatih* members in one ceremony.

Figure 7.11: One of the former *Undang* of Negeri Sembilan, celebrating with variety of foods

(Source: Research participant's personal collection. Used with Permission)

7.4.2 Respecting the leaders and elders of society

Typically, in kinship studies, different relatives have varying degrees of respect within the community. For example, one must show respect for preceding generations. Also, in the majority of societies, a father is seen as deserving respect from the younger generation. This is no different in a matrilineal society, where the 'attitude of respect must be extended to all relatives particularly in the first ascending generation [as well as] to persons who are not relatives' (McGee and Warms, 2008, p.183). It was found in this study that all the research participants highlighted and stressed the importance of the *buapak* for the *adat perpatih* community, where the *buapak* becomes the leader, when it comes to certain occasions such as customary weddings and the distribution of customary land. Even though the *buapak* is considered a leader of the *adat perpatih* community, he is technically a relative. For example, RP1 said, '*...jika kita nak tukar nama di atas geran tanah, buapak mestilah hadir dalam proses tersebut*' [… if we want to change the name on the customary land grant, *buapak* must be present during the process] (Interview, 18th April 2015). The *buapak* is also required to play his role in making decisions at the *perut* and *suku* level. Kassim explains,

> …the sister's brother is the guardian of the *perut*, and he is known to his sister's children as *buapak*, and he refers to them as his *anak buah*. He administers *pusaka* [inherited properties], and in the past he was responsible for the formal division of property on death. This is now a function of the government, but the *buapak* very often attends and takes part in District Office proceedings (Kassim, 1992, p.4).

All the Malays in the *adat perpatih* community recognise the different roles of the *buapak*. As RP11 put it, '*adat dalam perkahwinan iaitu jika ingin berkahwin, perlu memanggil buapak dan semasa hendak memanggil buapak tersebut perlulah dibawa bersama epok*' [In the *adat* of marriage, if someone who wants to get married, they need to call the *buapak* and they need to bring along an *epok* (Figure 7.12)] (Interview, 19th June 2015).

Figure 7.12: An *epok* that is typically used in certain ceremonies and occasions in the *adat perpatih* community
(Source: Muzium Adat, 30th March 2015)

Some of the research participants, such as RP4, mentioned about her late grandfather who was once an influential individual in her village. He was the royal official and at the same time served as *buapak* among the *adat perpatih* members in her area. According to RP4, the role of the *buapak* is vital in dealing with *adat perpatih* community matters, especially during the customary wedding.

All *adat perpatih* leaders, like the *buapak*, *lembaga*, *penghulu* or *undang* and the Yang Dipertuan Besar of Negeri Sembilan, must be respected. As explained by RP2, the reason why the host has to install the *tabir* and *lelangit* when welcoming *adat perpatih* leaders is that these *adat* items symbolise respect and honour. As he put it, '*Tujuan yang pertama marin [dulu] dipasang semua itu adalah kerana setiap kali kita melantik ketua tu, dia dibesarkan dan dihormati*' [The main reason why we installed them [referring to *tabir* and *lelangit*] is to show some respect and acknowledge them as leader and the one that we choose] (Interview, 6th May 2015). According to RP4,

> *Kalau ikutkan mak saya, tidaklah berpasang tapi disebabkan ada atok dan orang-orang tua lagi, terpaksalah ianya dipasang memandangkan ianya sebagai adat yang perlu diikuti. Kalau orang istana datang ketika itu, dan tidak dipasang lelangit dan tabir lingkungan itu, jadi mereka akan menegur. Selain itu, masyarakat atau tuan rumah perlu menyambut kedatangan mereka (kedatanagn orang istana) dan mereka akan dihidangkan makanan bukan di khemah rakyat tetapi di dalam rumah. Hidang di dalam dulang atau dalam panta kita panggil.*
>
> If it was my mother, she does not want to install it but since my grandfather and other elderly people were there, we have to put it up, and it is the *adat* that we need to follow. If the palace's people [royal officials] come and they see there is no *lelangit* or *tabir lingkungan*, they will question it. Also, the community or the host should welcome them [the presence of the royal officials], and they will be served in the house, not in the tents. We will serve their meals in the tray or *panta* (Interview, 20th May 2015).

Status and power in the *adat perpatih* are expressed through the external manifestations of people's rank in society. Other members of society address leaders with a proper name such as Datuk Akhir Zaman, Dato' Menti Maharaja and so on. In addition, some of the *adat* practitioners or *adat perpatih* members are given a medal and insignia from the Yang Dipertuan Besar because of their achievements and contribution to society (Figure 7.13). Some of the important accessories of the *adat* leaders, including his insignia, formal dress (Figure 7.14), and *tengkolok* (Figure 7.15) are seen in the photos below. *Tengkolok* is a traditional piece of Malay male headgear which is made from a 'folded rectangular piece of cloth, usually a *songket* (woven fabric), and worn differently, according to an individual's social status' (Ho and Koh, 2013, p.468).

Figure 7.13: Some of the insignia received by the *adat* leader from the Yang Dipertuan Besar of Negeri Sembilan

(Source: Research participant's personal collection. Used with Permission)

Figure 7.14: Formal attire of Datuk Akhir Zaman, one of the *adat's* bearers
(Source: Research participant's personal collection. Used with Permission)

Figure 7.15: *Tengkolok* (headgear) used for the formal events held in the palace
(Source: Research participant's personal collection. Used with Permission)

In addition to specific *adat* leaders, elders in society are also considered important among the *adat perpatih* community. The elder provides guidance and acts as someone to refer to regarding the practices and matters of the *adat*. The strength of *adat perpatih* lies on the elders' shoulders. There is a concern that as the elders pass away, the *adat* loses its way, as mentioned in the previous discussion. One of the research participants, RP11, said that, '... *keluarga saya kuat beradat ni. Tambahan semasa arwah atok masih ada, lagi kuat. Sekarang atok sudah tiada dan masing-masing sudah pun*

berkahwin' [… my family had a strong attachment with *adat perpatih,* especially when my grandfather was still alive. It was really strong. However, now my grandfather is not here anymore, and everyone has already married] (Interview, 19th June 2015). RP10 suggested that the elders are responsible for ensuring the continuity of *adat*. RP10 also expressed her concern over not many elderly people still being alive and some of them not being in good health (Interview, 5th June 2015).

7.5 Perception of *adat perpatih*

In 2012, the Minister of Information and Communication, Datuk Seri Dr Rais Yatim announced that *adat perpatih* is part of the National Heritage 2012, under the category of intangible cultural heritage (customs and culture) (Bernama, 2012). The website of the Department of Heritage, Malaysia makes it clear that *adat perpatih* is considered part of Malaysia's intangible cultural heritage (Department of National Heritage Malaysia, 2017). It was one of the objectives of this study to see how the Malays viewed *adat perpatih* 'from the inside', from the various perspectives of its practitioners and members. Rather than adopting the usual 'third person' objective stance then, in this study I tried to understand my research participants' view of *adat perpatih,* a method recommended by Taha (2014, p.18). She suggests that the identification and designation of heritage should focus on the people's opinion and to what extent people are attached to the stories, ideas and things in question, rather than expressing the researcher's professional assessment. She also argues that even though the number of charters, conventions, and recommendations relating to the heritage field has been increasing recently, most of these guidelines deal with technical concerns more relevant to monuments and groups of buildings. A lack of reference to community attachment and values leads to her further suggestion that the individuals, communities and other stakeholders need to play their own roles in being responsible for their own heritage, especially in terms of the selection, conservation and maintenance of that heritage. Zanten (2004, p.38) also agrees that the definition of intangible heritage should be centered on its bearers rather than on professionals.

While some of the research participants do not have a definite idea of the meaning of intangible cultural heritage, they clearly understand the concepts of heritage from their own perspective. In this regard, some of the Malays in *adat perpatih* perceived *adat perpatih* itself as part of history (Interview, RP3, 6th May 2015). When they explained the *adat* itself, they tried to connect the *adat perpatih* in Negeri Sembilan with its origin. Some of the research participants also talked briefly about the myth of the origin of *adat perpatih*. RP2 and RP3, for example, described how Negeri Sembilan at that time needed a leader, and invited a prince from Pagaruyung, West Sumatra to be the ruler of Negeri Sembilan. This new prince introduced *adat perpatih* as a rule of law to govern the Negeri Sembilan society and it has been practised until today. RP2 also mentioned that,

> *Kiranya marin, orang tu datang yang mula-mulanya tidaklah diketahui siapa tetapi, apa yang diketahui adalah Raja Melewar hari tu. Dan mengikut sejarahnya pula, yang datang ke sini adalah Tok Perpatih itu. Tak tahulah tahun berapa. Tok Perpatih itu lah yang menyebabkan kawasan ini meninggalkan banyak orang-orang kita ni. Tetapi Raja Melewar ini lain, ianya dijemput untuk datang ke sini dan mentadbir Negeri Sembilan.*
>
> In the past, the first people who came here is unknown but what has been told and known is Raja Melewar. But, according to the history, the one who came here is Tok Perpatih. I am not sure when and what year it is. However, Tok Perpatih is the person responsible for making people like us flourish. However, Raja Melewar is different; he was invited by the local people to rule Negeri Sembilan (Interview, 6th May 2015).

In this story, *adat perpatih* is located in history, brought from the past and, very interestingly and I think importantly, from *outside* and is still practised in the *present*. RP2 also related during the interview that he had had an opportunity to visit Pagaruyung in West Sumatra, Indonesia to see the origins of *adat perpatih* as brought by Minangkabau's immigrants. However, he stated that the *adat* that is practised in West Sumatra is not exactly the same as that which the Malays in Negeri Sembilan practice today. Bonget confirms this:

> … although the *adat perpatih* originated in Minangkabau, the *adat perpatih* that is practised in Negeri Sembilan today is not a hundred per cent as taken from there. This is because the original population of Negeri Sembilan, which is the Orang Asli, had similar practices to the immigrants from Minangkabau. Among these practices is the favouring of the maternal lineage, the inheritance of properties belonging to the female siblings and also the *adat*'s titles for *adat*'s leaders [like *lembaga*, *penghulu*, *raja*] (2014b, p.44).

RP2 identified the contemporary distinctions between West Sumatra and Negeri Sembilan as being more about the extent to which *adat perpatih* is practised at all. He explained this from his recent experience of visiting Sumatra:

> *Adat perpatih ini lebih kurang sahaja* [*sepertimana adat Minangkabau tersebut*]*... tapi adat perpatih di Sumatera Barat ini sudah kurang diamalkan sepertimana yang saya pergi lihat di sana pada hari tu. Di Negeri Sembilan ini pula yang masih kuat lagi diamalkan ... tak sangka pulak sebabnya asalnya di sana tapi pemimpinnya datang ke sini. Kiranya adat perpatih itu, dia yang membentuknya di sana tapi pemimpinnya pula yang datang ke sini dan seterusnya berkembang sepertimana yang boleh dilihat pada hari ini. Jika dilihat ketika ini, kita masih lagi mengamalkan adat perpatih ini tapi, tidaklah seketat seperti dahulu.*
>
> The *adat* has no difference in terms of practices [as can be seen in Minangkabau] … but *adat perpatih* in West Sumatra was less practised than I saw when I visited before. In Negeri Sembilan, the *adat* is strongly practised … it surprised me when I thought of the fact that the origin of *adat perpatih* was from there and the leader came here. Today, we are still practising *adat perpatih*, but it is not as strict as we practised in the past (Interview, RP2, 6th May 2015).

It can be seen, then, that the *adat* that was brought by the immigrants was blended with the existing *adat* of Negeri Sembilan. Being perceived as vital to their culture, this *adat* has been continuously practised by the *adat perpatih* community up until today. This is evident in the fact that all of the *adat*'s practices have been practised and followed by the Malays of Negeri Sembilan.

In addition to being perceived as history, the Malay research participants also observed that *adat perpatih* is the tradition. They saw *adat perpatih* as something essentially inherited from their great grandparents, which in turn had become part of their life. In this way, *adat perpatih* is also considered tradition practised until now, even though their ancestors have already passed away (Interview, RP1, 19th June 2015). According to RP11, *adat perpatih* was also expressed through its customary sayings, which have been passed down from generation to generation orally. RP10 also mentioned during the interview that *adat perpatih* needs to be practised continously from generation to generation (Interview, 5th June 2015).

Interestingly, although I tended to categorise *adat perpatih* as part of heritage or *warisan*, most of the research participants were less familiar with the term *warisan* itself. The interviewees stressed the importance of passing down *adat perpatih* to the next generation. RP11, for example, quoted the customary saying '*Biar mati anak, jangan mati adat*' [Let the child die but do not let the customs be vanquished] (Interview, 19th June 2015). It is suggested here that this emphasis on the passing down to the next generation of the tradition is actually quite similar to the meaning of *warisan*, or heritage, and it is argued that although the latter is not a term with which the research participants were familiar, in fact there is equivalence between it and their understanding and valuing of *adat.* In other words, all of the research participants were actually aware of the meaning and importance of heritage; they are simply using different terminology. Even the officer from the Department of National Heritage Malaysia, who was interviewed during the UNESCO Day in Kuala Lumpur, said that '… the term heritage is still new for daily use among society. It is still on the surface, and most of the people do not realise or have awareness of this term' (Interview, RP19, 23rd May 2015). The senior citizens (elderly members) I interviewed, in particular, were not familiar with this term, compared to those who had already learned about heritage

during their years of studies in higher education [universities] and learned from their general reading that heritage is part of, or applicable to, their tradition

Significantly, some of the research participants felt that the term *warisan* is more applicable to buildings that portray the identity of *adat perpatih* in Negeri Sembilan. For example, RP1 said that,

> *Warisan budaya yang ada di Negeri Sembilan ini adalah kerana adanya istana tanpa paku… dan juga ada panca persada* [*yang digunakan semasa mengangkat raja*]. *Selain daripada tu adalah Jeram Ulu Bendul. Seri Menanti juga telah membangun dengan adanya Ladang Alam Warisan yang berada di Kampung Tengah. Terdapatnya kuda dan sebagainya di situ. Macam-macam yang ada di situ termasuklah homestay.*
>
> The cultural heritage of Negeri Sembilan can be seen in the palace without nails (Istana Lama Seri Menanti) … and there is *panca pesada* [which was used during the installment of the new King] Besides that, there is Ulu Bendul Waterfall. Seri Menanti was developed with the Ladang Alam Warisan at Kampung Tengah. There is a horse and everything. Lots of things are there, including the homestay (Interview, 18th April 2015).

Meanwhile, RP12 viewed *warisan* as, '… an object, custom or things passed down from generation to generation' (Interview, 4th July 2015). The officer from the Department of National Heritage Malaysia, in contrast, viewed the term as encompassing principally intangible cultural heritage:

> *Bagi pendapat saya, isu warisan budaya tidak ketara ini nampaknya masih di peringkat awal lagi dikalangan masyarakat negara kita. Kerana ianya merupakan satu term yang di bawa dari barat. Jadi, untuk term ini merge and well develop di dalam masyarakat, ianya mengambil masa dan kita sendiri pun tidak tahu bilakah ianya akan dikenali di dalam negara kita.*

> In my opinion, the issue of intangible cultural heritage is apparently still at an early stage among the people of our country. It is because it is a term that was brought from the west. Thus, for the term to merge and develop well in the community, it takes time and we do not know when it will come to be known in our country (Interview, RP9, 23rd May 2015).

Arguably though, by whatever means and terms Malays come to perceive *adat perpatih* is not important; what is important and agreed on by all is the need to focus on ensuring that the practices of *adat perpatih* continue to exist in a sustainable way in the life of the Malays of Negeri Sembilan.

7.6 Changes in *adat perpatih*

The *adat perpatih* continues to undergo some changes in its practices due to modernisation and development. The principles of *adat perpatih* actually allow for some changes (Ibrahim, 1992) but only if they are minor (Ibrahim, 2014). Hooker (1972, p.18) also indicated that *adat perpatih* may change if the *adat* is outdated and does not fit in with present social norms or ways of life, but he also explained that the changes must go through a *muafakat* procedure, as stated in the customary sayings [also sometimes called *perbilangan adat*]. The possibility or scope for change is indicated in some of the customary sayings, such as,

> *Sekali air bah, sekali pasir berubah*
> (When there is a flood, the soil formation will change)
> *Sekali raja mangkat, sekali adat beralih*
> (When one king dies, the *adat* will change)
> *Sekali tahun beredar, sekali musim bertukar*
> (When a new year comes, the season will alter)

Several factors leading to changes in *adat perpatih* practices were found in this study, including the migration of people to urban areas or other places, the influence of modernism in some of the *adat*'s practices, misunderstandings of other people regarding the *adat perpatih* of Negeri Sembilan and the current trend for some *adat* members to marry people from the other states in Malaysia. Such factors and their impact on the

adat perpatih, with some examples from this study, are discussed in the following section.

7.6.1 *Merantau* (Migration of people)

The migration of *adat perpatih* members from villages (mostly situated in the rural area) to urban cities led to changes in the *adat perpatih*, especially in the use of customary land. In the first place, migration of people or *merantau* into Malay land from West Sumatra occurred, bringing the practice of *adat perpatih*. Interestingly, just as there has always been a culture of building a new life in new places, merantau is encouraged not only in the *adat perpatih* community but also in the Malay world more broadly (Barnard, 2015, p.257). *Merantau* can be seen as a short journey dating back to pre-colonial times (Davis, 1995, p.279) and is still being practised until the present. Typically, this migration would happen for only a limited period of time and the *perantau* (traveller) could return to their home after accomplishing their purpose of travel, such as looking for jobs and other life opportunities. When they returned, they could 'be somebody,' with new and plentiful knowledge that could subsequently be used to help develop their home community.

In the present day, many members of the younger generations migrate to the city to further their studies, looking for a better job and a better life, often marrying a person from another state. Finally, many of them settle down in a new place and start a new life. For that reason, some of the *adat* practices are not continued. For example, RP1 mentioned that her brother originally lived with their parents in their village. However, when he obtained a job, he moved and settled down in the city, near to his workplace (Interview, RP1, 18th April 2015).

There are also some Malays who returned to their homes. This was exemplified by RP1's parents, who returned to their homeland after migrating to other places for a while. As she explained,

> *... kedua-dua ibu bapa saya berpindah ke Singapura disebabkan ayah saya bekerja sebagai tentera British dan berhenti secara sukarela. Dia juga tidak mempunyai pencen. Beliau berhenti disebabkan tiada siapa yang ingin menguruskan tanah pusaka yang berada di kampung.*
>
> … my late parents were migrated to Singapore because my father worked with the British army. However, he voluntarily resigned. So he didn't receive any pension. He resigned because there was no one to manage our customary land at the village (Interview, 18th April 2015).

RP1 also stayed in Negeri Sembilan and at the same time she worked in Kuala Lumpur. At the time of the interview, she had been commuting to Kuala Lumpur during the week for almost 30 years and had never had any plan to move to the capital.

The migration of younger generations to the urban areas is usually accompanied by leaving the elders behind, with the latter staying responsible for taking care of their home and their customary land. The children would visit their parents during the weekend or school holidays. RP1 said '*Masa tu* [*dulu*] *ramai orang dekat Seri Menanti. Lepas tu apabila, semua budak-budak dah membesar, tinggallah orang-orang tua di kampung ni*' [… previously, there were lots of people living at Seri Menanti. After that, when the children grew up, only the elders were left] (Interview, 18th April 2015). Also, instead of leaving the elders behind, there were lots of abandoned plots of customary land and ancestral homes, as described by RP11, '*Sebab itu kalau balik kampung, rumah banyak tinggal. Sebabnya rumah dimiliki oleh anak perempuan. Mana nak orang perempuan duduk kampung seorang diri*' [… that is why if you go back to our hometown, there are lots of abandoned houses and land. It's because the houses belong to the daughters or women. You could not find a woman who lives alone in the village] (Interview, 19th June 2015).

It can be argued that, due to the increasing lack of elderly people in the *adat perpatih* community, some of the *adat perpatih*'s practices seem to have become weakened and practised less and less. According to RP1, there are no more elders living in the village, as most of them have followed and are living with their children in the city (Interview, 18th April 2015). It could be said that, with this trend, the strength of the *adat* is at stake, since there are no more guardians to guide people in its practice. RP7 made the point that she herself had experienced *adat* practices and the importance of elders' knowledge when her grandfather was alive, when lots of people came to their house to seek advice and so on. However, after her grandfather passed away, no one came, and *adat perpatih* practices were practised less frequently (Interview, 20th May 2015).

According to Kassim (1992, p.10), village populations first began to decrease as a result of the implementation of the New Economic Policy 1971 in Malaysia, after independence. During that time, the Malaysian government aimed to promote economic growth and to create a harmonious, multi-ethnic, and religiously diverse nation. Through this policy, more job opportunities became available in urban areas and the spread of education resulted in more Malays seeking to pursue their studies in higher education. As Kassim explains, in this period

> …the *mukim* [sub-district] suffered huge population losses due to out-migration. The spread of education has given way to a new attitude towards jobs; few of those who benefited from formal education, even up to the secondary level (Form Three), are keen on agricultural jobs in the peasant economy. Such jobs are now considered dirty, demeaning and physically demanding. To escape working in the paddy fields and the rubber smallholdings, most of the youngsters (in their late teens or early twenties) migrated to the urban areas soon after leaving school, in search of paid employment especially in the manufacturing sector and the public service. Others, too old to qualify for jobs in the urban areas, moved to land resettlement schemes, which offer better economic opportunities. Such a population drift left many traditional villages in the *mukim* without sufficient labour for agriculture (1992, p.10).

It can, therefore, be said that while *merantau* may be welcomed in the *adat perpatih,* it has also changed it by changing its membership; not least because migrants may feel more comfortable and wish to stay in their new home. Draw factors such as having a stable job in a new place and a more comfortable life have led many to permanently leave their hometowns. In addition, some of the elderly have followed their children and now live elsewhere, as there is no longer anyone remaining to look after them when they were left alone in the village.

7.6.2 Modernisation

Modernisation has been changing the perceptions and life of the people and has affected *adat perpatih*. Most of the Malays of Negeri Sembilan feel that they should experience a modern lifestyle, abandoning their Minangkabau style of living. This is evident, for example, in changes in the type of house that they live in, from Minangakabau-type houses to 'modern' concrete and cinderblock types (Peletz, 1994, p.41) and others. Some of the research participants have seen other changes in the *adat perpatih*, for example in the customary wedding. Today, most people in Malaysian society prefer a modern style of wedding that is as simple as possible. In doing so, during the wedding ceremony they do not have to follow the *adat*'s protocols such as hanging the *tabir* and *lelangit* and inviting the *buapak* and other *adat perpatih* leaders (Interview, RP1, 18th April 2015). According to the research participants, a customary wedding is not easy to prepare and is considered to be something difficult to take on (Interview, RP3, 6th May 2015). RP10 also stressed that,

> *... sebab zaman sekarang ni, semua orang dah lebih kepada kemodenan. Kurang mengamalkan adat kita ini lagi. Orang kahwin pun dah tak de jemput buapak segala... sebab katanya adat ini payah. Jadi, nak mudah, orang tak jemput dah buapak dalam majlis kahwin*.

> … lots of people prefer to be modern (live in a modern style). There are fewer practices of our *adat*. If people get married, they no longer invite the *buapak* anymore … because they said that the *adat* is difficult. So, it is easier not to call the *buapak* during the wedding ceremony (Interview, 5th June 2015).

Modernisation also affects the loss of a sense of place (Selat, 2014), especially relating to the customary land. Even though customary land is considered one important factor of the *adat perpatih*, its importance now seems to be weakening when most of the young people have their land and homes elsewhere.

Times change the *adat* practices and the extent to which people feel they must follow them. RP5 said that, '… *jika dahulu, jika ianya tidak dijalankan atau diamalkan ianya seperti satu kesalahan*' [… in the past, if the *adat* was not followed, it [was] considered as a big offence] (Interview, 20th May 2015). Today, while changes within the *adat* may be possible and acceptable (c.f. Ibrahim 1992 and the discussion above), as RP8 explained, '… *ianya bergantung kepada family tersebut. Pada masa kini, mereka tidak berapa menitikberatkan mengenai adat ini lagi*' […it depends on the family itself. Today, they do not emphasise the importance of the *adat*] (Interview, 20th May 2015). Nonetheless, while modernisation and changing times can be seen as contributing to the decline in significance of the *adat perpatih* in present society, Peletz (1994, p.40) maintains that the *adat* and other local traditions are still firmly instilled in the life of the Malays of Negeri Sembilan, in their pride and identity in terms of their speech, food, property distribution and matrilineal society. Peletz was admittedly writing over twenty years ago, but by that time modernisation and *merantau* were already significant in their influence. Moreover, it was clear from my research participants that the *adat* still matters, even if its influence in some areas of life has diminished to an extent.

7.6.3 Misunderstandings and stereotyping

Further, misunderstandings about the *adat perpatih* have been noticeable for over a decade, with negative perceptions especially in relation to the inheritance of property. It has been observed that such references made towards the Malays of Negeri Sembilan were from people who had no relation with *adat perpatih* at all (Peletz, 1994, p.32). Several of the research participants confirmed these misunderstanding from outsiders. Such perceptions have, of course, been expected, because at least from pre-colonial times, women have inherited almost everything (house, land, ornaments and others), although as discussed above, this possession is only considered temporary custodianship, as all the customary property belongs to the lineage or *suku*. It will also be recalled that women are bound not to mortgage all the ancestral property to others

except within their kin group (Peletz, 1994, p.21). However, this possession has been seen negatively by others, perhaps understandably as different forms of property ownership might become blurred to outsiders. RP6 illustrated this with a typical story:

> *Semasa saya tinggal di Seri Menanti di mana ada seorang lelaki ini orang Sabah dan berkahwin dengan orang Negeri Sembilan* [*perempuan*] *dan kemudiannya bercerai. Selepas bercerai lelaki itu dihalau dari rumah beliau dan ayah saya memberi dia tempat tinggal iaitu menumpang di rumah saya. Semua hartanya diambil oleh perempuan tersebut dan lelaki itu tinggal sehelai sepinggang. Rumah yang dia dihalau itu merupakan rumah dia sendiri dan bukannya rumah pusaka isteri beliau…dan ada ketikanya, apabila si lelaki tadi rindukan anaknya dan ingin melawat anaknya, bekas isterinya tak benarkan. Hendak menjejakkan kaki ke rumah tersebut juga tidak boleh.*
>
> When I stayed at Seri Menanti, there was a man who is a Sabahan [from Sabah] and married to a woman of Negeri Sembilan, and they got divorced. After that, he was kicked out of the house, and my father gave him a place to stay, so he stayed temporarily at my house. The women took all his assets, and the man was left with nothing. He used to own the house, and the house was not the ancestral home owned by his wife… Moreover, there was a time when the man missed his children and wanted to pay a visit, but the ex-wife would not allow him to do so. Even to put his own foot into that house was also not allowed (Interview, 20th May 2015).

However, RP11 commented that such misunderstanding in relation to the division of property between husband and wife after they got divorced is due to a lack of knowledge about the *adat*:

> *Rata-rata orang sekarang tak faham. Takut nak kahwin dengan orang Negeri Sembilan. Takut harta habis dapat kat perempuan. Orang luar kena faham, harta pusaka dan harta sepencarian lain.*

> Lots of people do not understand this [referring to *adat perpatih*]. Most of them are afraid to marry a woman from Negeri Sembilan. They are afraid that their property would change in its ownership and belong to the woman [feel insecure]. However, the outsiders should understand that inherited properties and matrimonial properties are different.(Interview, 19th June 2015).

According to Peletz (1994, p.32), all of these stereotypes have been directed at the *adat* perpatih community for favouring too much the women's side in determining matters related to 'kinship and marriage, uxorilocal residence and inheritance that leads to the claim that women are seen as queen control'. RP6 however, was clear about what the *adat*'s practice should be, for example, '... *wanita tersebut tidak boleh mengambil harta suaminya, sepatutnya harta sepencarian perlu dibahagikan sama rata manakala hanya harta pusaka sahaja yang menjadi hak milik wanita terbabit*' […women who [are divorced and] looking [to appropriate] their ex-husband's assets, supposedly cannot take them since they are the matrimonial property. Moreover, the matrimonial property must be divided between both husband and wife [equally] (Interview, 20th May 2015).

Kassim (1992, pp.3-14) goes on to say that this negative view of property inheritance within the *adat perpatih* is also prevalent among the general public in Malaysia, most of whom are *adat perpatih* outsiders; that is people who do not practise *adat perpatih*. They see, so the stereotype goes, that the women of Negeri Sembilan are 'strident, domineering, and in control of their menfolk within the family and the household' (Kassim, 1992, p.3). She also further conducted a validity test on this stereotype by questioning:

i. the position of women in the traditional context; and
ii. how socio-economic changes that have taken place in the last few decades have affected women's position in the matrilineal society.

Then, she outlined four key roles undertaken by women in the *adat perpatih* community:

i. matrilineal descent (women upheld as a beneficiary in the continuity of lineage);
ii. women's right to customary land (women act as custodians of *adat* which was entrusted by the *suku* to take care of the inheritance). Sometimes, women also inherit the ancestral home where it comes with a great responsibility on their shoulders in which they are responsible for taking care of their parents as well as their matrilineal kin (brother, mother's brother and so on);
iii. women's privilege to transfer statuses (usually, the political office was held by men but passed down through the female line); and
iv. matrilocality (where her husband comes to live in her mother's house during the marriage).

These four illustrate the significance of women in *adat perpatih* and the advantages given to them; and how a woman's position is strengthened in the community as she ages.

Today, the fundamental basis of the *adat* is still the same, except that it is not as strictly practised as in the past. In particular, it can be seen that the role of women is decreasing in the face of the move towards gender egalitarianism. In this case, the imperative to have a daughter is not so strong as to make adoption a virtually compulsory route should a biological daughter not be forthcoming. In addition, the customary land that women owned has been declining in economic value, since most of the space in the customary land has over time been used for housing for matrilineal family members, and the distribution of land among its holders is small. So, there is not enough space left for agricultural use. The problems and challenges in managing the customary lands in Negeri Sembilan are also discussed by Abdul Manaf (2009), especially regarding conflicts around its ownership between the members of the *suku*. Furthermore, a man is no longer economically dependent on his wife because they will now also have other sources of income such as pensions and earnings from paid employment, resulting in the woman now depending more on her husband instead (Kassim, 1992, p.10).

However, from the present study, conducted almost a quarter of a century after Kassim's, it appears that the Malays of Negeri Sembilan feel that outsiders' perception towards *adat perpatih* practices amongst the Malays of Negeri Sembilan have changed and are now less negative than they were at the time of her research. This shift is in parallel with the changes in the *adat perpatih* discussed above. It can be seen from the research participants' experiences who were married to outsiders, specifically men from other states in Malaysia where they do not bother at all with the *adat*'s protocol as well as the properties inheritance especially regarding the customary land. However, they still abide by the rules in *adat perpatih* practices as claimed by the RP7 that, '*Sekarang ni, kebanyakan masyarakat kita lebih bersikap terbuka. Dia yang tak boleh berkahwin adalah suku sama suku*' [Right now, most of our societies are more open. However, to marry within the same *suku* is still not allowed] (Interview, 20th May 2015).

7.6.4 Marrying someone from another state

The changes in *adat perpatih* are also a result of *adat perpatih* members marrying people from other states. As mentioned by Kassim (1992, p.11), '… many women leave the village; they marry out and live elsewhere, thus making it difficult for them to carry out the traditional obligations imposed on them'. However, some women, such as RP4 who married a man from Pahang, still observe and follow the *adat perpatih* even if she marries a man from elsewhere. She remarked at the interview:

> *Macam suami saya orang Pahang dan dia sangat open-minded dan tak kisah berkahwin dengan wanita dari Negeri Sembilan. Perkahwinan ini perlukan persetujuan kedua-dua belah pihak. Jika dahulu, kedua-dua pasangan memang perlu dari tempat yang sama walaupun berbeza suku. Tetapi sekarang, orang dah tak praktis lagi. Mereka boleh berkahwin dengan siapa sahaja yang mereka suka.*
>
> He [her husband] is an open-minded person and doesn't mind marrying a woman from Negeri Sembilan. Marriage must have agreement from both sides. In the earliest days, both members of the couple must come from the same place

> but with different *suku*. But nowadays, this practice is not practised anymore. They can marry whomever they want (Interview, 20th May 2015).

With all these recent developments affecting *adat perpatih*, it is necessary to discuss what mechanisms are being utilised in Malaysia to safeguard and sustain *adat perpatih* for future generations.

7.7 Safeguarding and sustaining *adat perpatih*

This section discusses the efforts made by the research participants of this study in safeguarding and sustaining *adat perpatih* for their community. Safeguarding and sustaining activities take place on three levels: societal, state and national. Eleven of the research participants who were considered to be *adat perpatih* practitioners represented the societal level's views while at the national level, the officer from the Department of National Heritage Malaysia was selected as a representative for an interview. Meanwhile, for the state level, I was able to make observations as an audience member attending the International Competition of *adat perpatih*, as well as during my visits to the Muzium Negeri in Seremban and Muzium Adat in Jelebu.

7.7.1 Safeguarding *adat perpatih* at the societal level

Even though there are also other bodies responsible for helping the community to preserve and conserve its heritage, such as the state government and other non-governmental organisations, the most suitable people to be involved in the preservation process is the community itself. It is widely recognised that in order to increase safeguarding and preservation activities, the community itself needs to participate actively, as encouraged by the UNESCO in the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage in Article 15 (Participation of communities, groups and individuals) where,

> Within the framework of its safeguarding activities of the intangible cultural heritage, each State Party shall endeavour to ensure the widest possible participation of communities, groups and, where appropriate, individuals that create, maintain and transmit such heritage, and to involve them actively in its management (UNESCO, 2003, p.7).

Taha (2014, p.18) also states that the interaction and communication between the community as well as their environment (especially about their culture and heritage) are important because, through this communication, a sense of identity, continuity, as well as human creativity can be retrieved. Indeed, with the community's involvement in preserving their own heritage, they could use, practise and transmit their heritage as a medium of preservation (Deacon and Smeets, 2013, p.131). Zanten (2004, p.41) also agree that the transmission of knowledge or practices within a community could be a successful mechanism in safeguarding intangible cultural heritage. Young (1997, p.14) proposes that by listing all the heritage in a register, owners might feel more responsible towards their own heritage; thus, support from the heritage agencies could be a great help to them by giving proper training and incentives to maintain the preservation process.

Most of the research participants considered it to be essential to preserve *adat perpatih* for future generations. Even in present times, *adat perpatih* is still being practised and most Malays still follow the *adat* rules, for example, in relation to marriage and exchange of ownership of the customary land. This was strongly emphasised by RP11:

> *Adat perpatih ni masih lagi releven sebab saudara mara saya masih ikut adat lagi. Adat ni perlu diteruskan… untuk kita menyambung lagi tradisi kita dekat anak muda. Pada pandangan saya sumbangan terbesar dalam kehidupan adalah keturunan kito terjago… Dan lagi nasib kita sebagai seorang wanita terbela. Harta pusaka kan dapat kat belah perempuan, jadi laki tiada hak.*
>
> *Adat perpatih* is still relevant because my relatives still follow and practise *adat perpatih*. The *adat* needs to be practised continuously … in order for us to pass this tradition to our younger generation. I think *adat perpatih* plays its role in my life where it protects our lineage and family… And our fate as a woman will

> be protected too. The ancestral home belongs to women. So, men do not have the right to claim the ancestral home as theirs (Interview, 19th June 2015).

The *adat* needs to be preserved and conserved from day to day. Everyone in society, especially the *adat*'s members, is responsible for looking after the *adat* practices. Selat (2014) suggests that one body or organisation should be established to conserve *adat*. Moreover, research on *adat* must be conducted and expanded to disseminate knowledge about *adat* among younger generations and even among outsiders. In addition, intensive efforts are needed to revive the *adat* symbols, such as the ancestral home and the customary land.

However, RP2 said that '…*walaupun ada buku, tapi perlu juga penerangan dan penjelasannya kerana sukar juga untuk memahami apa yang telah sedia tertulis di dalam buku tersebut*' […even though there are lots of books out there, there is still a need for understanding and explanation because sometimes, it is hard to understand what has been written] (Interview, 6th May 2015). Therefore, to learn about *adat perpatih*, RP2 suggested that young people and those who are interested in it need to go and ask the elders and those who know about the *adat*. Selat (2014) too suggested that the *adat* itself needs to be understood from its roots, from its in-depth meaning, so that people can comprehend it as a whole.

It is clear that transmitting to the younger generation through oral tradition and practice is the best way to preserve *adat perpatih* itself. According to RP10, the *adat* must be passed down to the next generation through practice. As the elders in the society, she said that,

> *Besok, jika kita tiada lagi, anak-anak lah pula yang akan menyambung pusaka dan adat ini. Kesemuanya haruslah diturunkan kepada anak-anak. Setakat ni, selagi wan ingat, wan sampaikan. Siapa yang tahu tu perlulah meneruskannya. Jadi orang muda perlulah bertanya kepada orang yang lebih tua sejarahnya dan sebagainya*.

> Later, if we are not here anymore, our children need to continue the *adat* and the inheritance. Everything must be passed down to the children. If I remembered everything about the *adat*, I would pass it down and tell the people. Those who know about the *adat* need to continue the practice. So, the young people should ask the elders about this history and so on (Interview, RP10, 5th June 2015).

RP1 and RP6 had given consideration that, in order to continue this *adat perpatih* in the society for the next generation, the children need to be taught about it. However, RP1 said that most of the children and younger people knew about *adat perpatih*, especially in the area where it is strongly practised, like Rembau. She also said, '…*Seri menanti ini kurang sikit berbanding rembau. Tapi Seri Menanti ini merupakan Tanah Lingkungan iaitu kawasan yang tidak boleh dikuasai oleh sesiapa sebab itu adalah kawasan di-raja*' […Seri Menanti was also practising the *adat* but not strictly as Rembau. However, Seri Menanti is one of the *Adat Lingkungan* areas, and those places cannot be conquered by anyone since it is the royal land] (Interview, RP1, 18th April 2015).

Of course, the role of *adat perpatih* leaders in preserving the continuity of the *adat* is fundamental among the Malays of Negeri Sembilan, as mentioned previously and stressed by RP4, '*Adat perpatih ini perlu diteruskan dan jika masih wujudunya buapak dan suku-suku ini, maka ianya perlu diteruskan juga*' [*Adat perpatih* should be continued and if the *buapak* and *suku* are still there, so must those practices be continued] (Interview, 20th May 2015). RP5 suggested that it was necessary for Negeri Sembilan's society to possess knowledge about *adat perpatih*, '*…orang mesti juga tertanya apa itu adat perpatih. Oleh itu. kita juga perlu mengetahui serba sedikit apa itu adat perpatih supaya boleh menjawab persoalan mereka*' […People might question what *adat perpatih* is all about. Thus, we might want to have knowledge about it in order to answer their question] (Interview, 20th May 2015).

RP6 also points out that marriage is considered another way to preserve *adat perpatih*, especially through the customary wedding and also by having a daughter in the family. She also concluded that,

Negeri Sembilan merupakan negeri adat perpatih dan orang mungkin nak tahu apa itu adat perpatih. Jadi, Pesta Persukuan Adat Perpatih itu merupakan salah satu cara macam mana mereka nak preserve adat itu. Lagipun ianya diadakan setahun sekali. Dan setakat ini, ianya dijalankan di Seri Menanti memandangkan ini adalah tanah adat dan apabila ianya dilakukan di sini, ianya dapat dilihat lebih dekat kepada Yang Dipertuan Besar Negeri Sembilan dan tempat bersemyaamnya baginda di Istana Lama Seri Menanti tersebut.

Negeri Sembilan is known as the state of *adat perpatih*, and people might want to know what *adat perpatih* is. So, the *Adat Perpatih* Festival is one means for preserving the *adat*. It is held annually. So far, it is held at Seri Menanti since it is the *customary land* and when it is organised here, it is close to the Yang Dipertuan Besar Negeri Sembilan and his residence and also the Istana Lama Seri Menanti. Another thing, one of the historical places in Negeri Sembilan is Muzium Lama Seri Menanti. At the museum, there were the things of Yang Dipertuan Besar Negeri Sembilan like his royal clothes, residence, his throne and others (Interview, 20th May 2015).

The idea of preserving adat perpatih through the Adat Perpatih Festival as mentioned by RP6 above is also confirmed by other research participants such as RP8 and RP12. They mentioned that '*dengan mengadakan Pesta Persukuan Adat Perpatih setiap tahun untuk memastikan adat-adat ini masih diketahui oleh generasi baru sekarang*' [by organising *Adat Perpatih* Festival annually just to make sure that the *adat* will be known to the new generations] (Interviews:, RP8, 20th May 2015 and RP12, 4th July 2015). It is clear that the sustainability and promotion of awareness about the *adat perpatih* is not only the responsibility of the Malays of Negeri Sembilan. It also needs the support of government and non-governmental organisations, especially in organising activities that related to the *adat perpatih*. As mentioned by most of the research participants, through activities like the *Adat Perpatih* Festival, everyone can join and participate, while spreading knowledge to the younger generations and outsiders.

7.7.2 Safeguarding *adat perpatih* at the state level

There are several ways in preserving and conserving cultural heritage within the Malaysia context, as suggested by Ahmad (2010). First, oral resources of cultural heritage such as oral traditions, folklores, and others could be preserved through recording devices and sophisticated gadgets. Second, oral traditions that have been transmitted and inherited from generation to generation in the society can be materialised in the written forms and published for the sake of next generation who could gain more knowledge from reading it. For example, there is a traditional Malay history that has been recorded in the Malay Annals and the story of a Malay warrior in the Hikayat Hang Tuah. Third, sustaining cultural heritage could be carried out through daily activities and, lastly, there is the role of museums to exhibit and provide knowledge to the public (Ahmad, 2010, p.4).

The museum plays its roles to collect, to record, to safeguard, to preserve, and to exhibit heritage objects (Naguib, 2013, p.2179; Young, 1997, p.7) that have natural and cultural significance. It also functions to educate people, and to give enjoyment and excitement through learning (Smith, 2015, p.461), as well as to ensure the development of society (Young, 1997, p.7). Museums have extended the scope of collecting to include the objects and artefacts of contemporary culture (Young, 1997, p.9) as well as intangible cultural heritage (Alivizatou, 2011, p.52; Wedland, 2004, p.97).

In this research, the preservation of *adat perpatih* in the state level can be seen through a collaboration between the Negeri Sembilan state government with other governmental and non-governmental bodies. In this study, much of the information on *adat perpatih* was obtained through the Muzium Negeri and the Muzium Adat, which were placed under the management of the Lembaga Muzium Negeri Sembilan. Visitors to both these museums include local residents, as well as Malaysian and foreign tourists. There are also several other museums located in Negeri Sembilan, such as Muzium Diraja Istana Lama Seri Menanti, Muzium Replika Istana Raja Melewar, Muzium Lukut and Teratak Za'ba.

i. Muzium Negeri

Figure 7.16: Muzium Negeri, Negeri Sembilan
(Photo by: Ainul Wahida Radzuan)

My first site visit during my fieldwork in Negeri Sembilan was to the Muzium Negeri, which represents the identity of Minangkabau and *adat perpatih*. The Muzium Negeri is located at the centre of Seremban, the state capital of Negeri Sembilan. From the outside, the identity of Minangkabau can be seen through the Muzium Negeri's architecture, especially in the lookalike buffalo horns at the rooftop of the museum, which can be seen in Figure 7.16. The museum has an exhibition of stamps and a philately gallery (left-hand side) displaying the history and development of stamps and postal service handled by the Pos Malaysia Berhad. There is also an exhibition on Malaysia's currency as used during colonial [Japanese and British era] times, and post-independence. The change of the currency demonstrates that Malaysia is also experiencing a period of economic change and modernisation. Meanwhile, on the right-hand side of the museum, there is an exhibition of megaliths and some information displayed on the history of the existence of Negeri Sembilan.

ii. Muzium Adat

Figure 7.17: Muzium Adat, Negeri Sembilan
(Photo by Ainul Wahida Radzuan)

The Muzium Adat (Figure 7.17) is concerned with the term *adat* itself. In Malaysia there are many cultures and a variety of heritage belonging to various ethnic groups. All of these ethnic groups have their own *adat* and some of their *adat* are represented in the Muzium Adat. Writing about Malaysia's museums more generally, Ahmad (2010, p.10) states that 'overall museum foregrounding is overwhelmingly based on Malay culture which dominates national culture while the non-Malays (other) are marginalised'; the Muzium Adat, however, shows the opposite.

From my visit to these two museums in Negeri Sembilan, it was clear that the museum has become one of the mechanisms for preserving customs, culture and heritage. Ahmad (2008, p.48) too argues that the museum in Malaysia acts specifically as the guardian and protector of history and heritage, providing information, and visualising them in the form of exhibition and display. More than this, though, these museums also function in the construction of identity and representation of the culture (Alivizatou, 2011, p.39) of the community. Walsh (2003, p.38) argues that the museum can evoke the sense of belonging and a sense of place (be it place familiar to or distant from the visitors). Hence, the museum acts as a 'facilitator' for communities in providing

education to those 'who wish to learn more about the development of their place' (Walsh, 2003, p.160). In the case of the Muzium Adat, while it does not itself practise the *adat*, the museum is able to complement the practice and to help the *adat* to be preserved. For example, when I visited there was a presentation of the customary wedding ceremony in the form of a diorama. Even though the exhibitions do not reflect the real life, active process of the customary wedding ceremony, yet it was still possible to understand the whole process through diorama display. My experience was also shared by Ahmad when he visited the Muzium Negeri Kedah:

> At the Muzium Negeri Kedah [State Museum of Kedah] visitors are greeted with a diorama of Malay, Chinese, and Indian weddings with all couples in their traditional attires. There is also a Malay gift (betrothal gift) consisting of brasswares, *songkok* [head cover for man], *songket* [cloth that embroided with gold or silver thread], handbag and *tepak sireh* [a rectangular wooden box for betel leaves] (2010, p.12).

Furthermore, the Lembaga Muzium of Negeri Sembilan organises many activities related to *adat perpatih*, such as the '*Adat Perpatih* Festival' held almost every year. This is an example of the kind of activity and programming that goes weel beyond the museum as a place of preserving and conserving. Instead, the museum in this case gives priority to sustaining ongoing traditions in the contemporary generations (Alivizatou, 2011, p.53). Kim (2004, p.18) suggests that museums should preserve intangible cultural heritage in its authentic environment through a 'programme of exhibitions, education and public relations', in order to ensure that intangible cultural heritage can be actively sustained and at the same time to raise public awareness and gain public support in the safeguarding process. Therefore, this festival, which is for locals and outsiders alike, is important because it spreads knowledge and information about the *adat perpatih*. Through the festival, the uniqueness of *adat perpatih* can be preserved, as it becomes an annual activity organised by the state government with the collaboration of *adat perpatih*'s practitioners (Interview, RP7, 20th May 2015).

In addition, Alivizatou (2011, p.45) emphasises that the museum should build a relationship with the local community in safeguarding their local traditions and practices. Thus, heritage professionals should be provided with necessary skills (Denes et al., 2013, p.7) through training workshops (Young, 1997, p.14) and working with practitioners simultaneously (Kurin, 2008, p.8). Denes et al. (2013, p.21) also encourages heritage and museum officials to do fieldwork, in order to get a better understanding of living intangible cultural heritage and the community within which it is practised. Museum and heritage professionals can thereby share 'authority for defining traditions and shared curation for their representation' (Kurin, 2004, p.7).

7.7.3 Safeguarding *adat perpatih* at the national level

There is another one-off activity that I encountered during my fieldwork trip, the '*Pertandingan Pidato Adat Perpatih Peringkat Antarabangsa*' (International Debate Competition of *adat perpatih*), organised by one of the local universities and other government agencies such as the National Department for Culture and Arts, Negeri Sembilan, the Ministry of Higher Education Malaysia and the Negeri Sembilan Tourism Board. Through this debate competition, students from secondary schools up to university level were invited to participate in a debate on *adat perpatih*. The debate competition was organised through a collaboration of several government agencies and institutions aiming to bring awareness and knowledge on the importance of *adat perpatih* not only to the Malays community in Negeri Sembilan, but to the students who represented a younger generation, and to wider audiences as well.

In addition to this debate competition, there are also other various activities organised by the Ministry of Tourism and Culture Malaysia (Negeri Sembilan Office), such as '*Tahun Melawat Negeri Sembilan*' or Year to Visit Negeri Sembilan, in order to invite local and international visitors to know more about Negeri Sembilan, as well as inviting the public to visit the beautiful places and museums of Negeri Sembilan in order to learn more about *adat perpatih*. Moreover, educational institutions are a key medium for raising awareness of the importance of *adat perpatih* among younger generations. Collaboration between educational institutions and other government agencies (such as the National Department for Culture and Arts of Negeri Sembilan, Negeri Sembilan

Tourism Board and Museums of Negeri Sembilan) shows that educational institutions are one of the mechanisms that can operate at the national level.

Other cultural heritage activities and programmes have also been organised at the national level, with the collaboration of international organisations (especially UNESCO) such as Malaysia UNESCO Day. A programme like the Malaysia UNESCO Day is expected to provide opportunities and exposure to the community, for finding out more about the local and national heritage and surroundings. Moreover, it is hoped that many incoming programmes organised by the Department of National Heritage Malaysia can provide exposure for local communities, not only in Malaysian society but also to the international community (Interview, RP9, 23rd May 2015).

7.8 Conclusion

In conclusion, this chapter sums up the six main themes extracted from data analysis: belonging and formation of identity, people and land, *adat perpatih* as a way of life, perception of *adat perpatih*, changes in *adat perpatih*, and safeguarding and sustaining efforts at societal, state and national levels.

Firstly, regarding belonging and the formation of identity, *suku* is a direct expression as a form of belonging and is representative of the identity of the Malays of Negeri Sembilan where it can be achieved through the *berkadim* ceremony, which is a process of being a brother. By undergoing the process of *berkadim*, the members of the *adat perpatih* come to regard one another as a family. In addition to *berkadim*, the customary wedding is another way to be part of the *adat perpatih* community. In the customary wedding, three phases of the process in the wedding ceremony take place: before the wedding, during the wedding, and after the wedding. The customary weddings conducted in Negeri Sembilan show how the principles of the *adat perpatih* can be expressed specifically under the protocols and procedures which involve the *adat perpatih*'s leaders. Also, through the customary marriage an individual can place him or herself in the community and to some extent, become part of it.

Secondly, the relationship between the *adat perpatih* members with the customary land is vital: land contributes to economic resources as well as providing a place to stay.

Moreover, customary land especially assures the rights of women and offers comfort and security for them to survive. To inherit the customary land, female members need to ensure that they are able to provide a legal and rightful heir, so that the customary land might be correctly passed on from generation to generation. In spite of the emphasis on the rights of female members in the *adat perpatih*, the rights of male members, especially the sons, are also taken care by the community too.

Thirdly, as mentioned by most scholars who are specialists in the field of *adat perpatih* and confirmed by the research participants in this research, the *adat perpatih* is an integral part of their lives. They live within the system and act according to its principles. Also, democracy was mentioned as one of the strengths of the *adat perpatih* community. The role of *adat perpatih* leaders and elders in the society is also highlighted as they are considered important references to ensure the *adat perpatih*'s rules are being followed by their members.

Fourthly, perceptions of *adat perpatih*'s practitioners are discussed in this research in relation to how members view the *adat perpatih*. My first assumption prior to conducting this research was that *adat perpatih* can be categorised as intangible cultural heritage, yet the research participants clearly saw *adat perpatih* as shared history which is related to its place of origin in the Minangkabau world in West Sumatra. It is seen as part of that tradition and culture because it was passed down so from generation to generations

Fifthly, changes in the *adat perpatih,* which include the *merantau* of its members to other places, marriage to someone from the other states and immersion in modernity, have resulted in *adat perpatih* struggling to survive. Misunderstandings and stereotyping about the *adat perpatih* world from outsiders have also brought changes.

There is no doubt that, faced with such challenges, it is imperative to safeguard and sustain the *adat perpatih* for its survival in the modern world. This effort needs joined-up thinking at the societal level, the state level and the national level. With the strong support of the government and other organisations, *adat perpatih* will survive well in the future.

CHAPTER EIGHT
CONCLUSION

8.1 Introduction

This chapter summarises the key findings of the thesis, presents the conclusions based on the findings and draws out research implications. This chapter also makes policy recommendations and provides direction for future research on the customary law of *adat perpatih* as well as into intangible cultural heritage (ICH) more broadly and in Malaysia particularly.

This research set out to determine the roles of *adat perpatih* - a customary law that originated from Indonesia's West Sumatra and was brought by Minangkabau immigrants to Malaysia in the 19th century - in Malay life, with particular emphasis on its relationship to the notion of ICH in Malaysia. This research also sought to situate ICH as a universal and international concept utilised at governmental level and, drawing on field research, to explore whether the customary laws of *adat perpatih* are understood as part of ICH from local Malay perspectives in the same way as they are by the Department of National Heritage Malaysia. In tackling this, the thesis has not only described the predominant practices in the *adat perpatih* way of life of the Malays of Negeri Sembilan as I discussed in Chapter Seven, but examined local perceptions and the significance values of *adat perpatih* and the extent to which both the Malays of Negeri Sembilan and local and national governments in Malaysia seek to safeguard and sustain *adat perpatih* and/or ICH generally.

This study has answered its main aim. In doing so, and in its treatment of *adat perpatih* in the context of cultural heritage, it has made a unique and significant contribution to the literature on *adat perpatih*. As I have mentioned in earlier chapters, previous research has concentrated on the principles and practices of *adat perpatih* itself or on matters such as, for example, gender relations in the *adat perpatih* community or the influence of *adat perpatih* on Islam and vice versa. Yet, while the Department of National Heritage Malaysia has acknowledged *adat perpatih* as part of the national intangible cultural heritage of Malaysia, the viewpoints of the Malays of Negeri

Sembilan – those who actually practise *adat perpatih* – on this categorisation and valorisation of their customary law, have not previously been explored. By situating this research within questions of the significance of heritage, the perception and understanding of the Negeri Sembilan's Malays of the notion of *adat perpatih* have been figured, and aligned with the recommendation in the Charters, Conventions and the Recommendations. Thus, this research has taken the initiative in revealing the 'bottom-up' perspectives of Malays on *adat perpatih* and examining them together with the 'top-down', governmental approach. This has implications not only for understandings of the cultural dynamics of heritage and its management in Malaysia, but elsewhere too.

This research took a qualitative approach and utilised a case study by borrowing from ethnographic method. Fieldwork was conducted in Negeri Sembilan, the southern region of Malaysia, during which informal interviews were conducted in order to examine people's experiences and understanding of *adat perpatih* in relation to ICH. All the research interviews were then transcribed and translated to English to suit the language of the thesis. All data were analysed through thematic analysis, dependent upon both my field notes and analytical memo-ing undertaken during fieldwork. By applying an ethnographic principle to the study, the thesis provides and interprets genuine data reflecting the Malays' own perspectives and understandings of *adat perpatih* in social context and within the setting of cultural heritage in Malaysia. Thus, the thesis provides an important grounding platform for future local researchers in heritage studies and for practitioners as well as government and non-governmental officials concerned with safeguarding cultural heritage in Malaysia.

8.2 Main research findings

This research aimed to investigate the significance of the customary law of *adat perpatih* within the context of ICH and examined its relation to the contemporary dynamic of heritage and identity in Malaysia. It reveals that the Negeri Sembilan Malays view *adat perpatih* differently from the way in which it is categorised by the Authorised Heritage Discourse (AHD), which is represented by the government perspective. While the AHD categorises *adat perpatih* as intangible cultural heritage, the Malays of Negeri Sembilan perceive *adat perpatih* as context-oriented, expressed in

forms of tradition, history, and culture. Superficially, these various categories may seem to have similar meaning; the terms and understandings described by the Malays, however, are subtly and importantly different from each other.

8.2.1 *Adat perpatih* is part of tradition

Adat perpatih is thought of as part of tradition, in the sense that it has been passed down from generation to generation. It is transmitted orally from the elders and it is expected that each succeeding generation undergoes the processes of 'look, listen and learn' as one of the main methods of acquiring the messages and practices of *adat perpatih*. Because *adat perpatih* is expressed in its *perbilangan adat* or customary sayings, no written forms are needed. Through the customary sayings, the principle of *adat* has been and continues to be repeated from generation to generation.

Quite what is meant by 'tradition' in more academically specific terms, is debated in the literature. According to Graburn (2001, p.69), anything that involves transmission over time – including both physical and non-physical elements – might be called 'inheritance, heritage, patrimony, tradition, birthright and others'. The English word 'tradition' is derived from the Latin word, '*traditio*', meaning, 'I deliver, surrender, hand down'. According to Petruzzelli and Albino (2012, p.19), a practical explanation of *traditio* can be seen in Roman regulations, where it refers to the formal delivery of goods. They consider that there are two types of tradition that can be linked to this notion: *consensual* tradition (physical delivery, or handing on, of assets) and *actual or symbolic* tradition (delivery of a symbol that would enable ownership of a property). In this sense, tradition is expressed through the process of passing down from one generation to the next, in forms of word of mouth or by practice, especially something that relates to statement, beliefs, legends, customs and information (Petruzzelli and Albino, 2012). 'Tradition' can also encompass belief and a customary way of acting that has been followed from a long time ago in a particular group or society. A strong relationship between culture and tradition become key elements to ensure the existence of the society and its values. Hence, a consistency of continuous practices, collection of knowledge that has been gained through study and experience, skills or spiritual and non-spiritual beliefs, social institutions, economic, artistic activities and religious life, are seen as mode of endurance of the cultural traits of particular groups (Petruzzelli and

Albino, 2012, p.20). 'Tradition' can, too, denote a set of beliefs within a particular social structure and an interaction between the two through time (Shils, 1971, p.123). The acceptance of a tradition results from the presence of legitimate authority such as 'the living elders who speak for the past in the present' (Shils, 1971, p.127). Yadgar emphasises the practical characteristics of tradition as a system of signification that contains meaning, history and particular ways of viewing the reality, interpretation, practices and sometimes has its own sets of guiding values to its practitioners and bearers (Yadgar, 2013, p.459). Enduring traditions successfully highlight the role of individuals in maintaining and sustaining the tradition to survive and, although they are always associated with the past, they are actually entangled with the future as well as history (Glassie, 1995, p.396).

The role of individuals in continuing traditions is explored closely in the context of artist apprentices by Petruzzelli and Albino (2012, p.23): an apprentice learns the knowledge and skills of artistic activities from his or her master through the process of assimilation, which involves observation, copying the models, exercise and practices. My own research indicates that this model is essentially applicable in other kinds of continuation of tradition, too.

In the case of individual members of *adat perpatih*, for example, children and younger generations in the *adat perpatih* community – not dissimilarly to Petruzzelli and Albino's apprentice – learn *adat perpatih* from their masters, who include their parents, other senior members of the community and the community elders with their rich life knowledge. To gain knowledge of *adat perpatih*, the learning process I mentioned earlier, one of 'look, listen and learn', is key to the process of transmission that is involved with 'socialisation, teaching processes and personal efforts of learning' (Petruzzelli and Albino, 2012, p.26). Through 'look', the members of *adat perpatih* need to see and observe whatever knowledge presents itself before them. Through 'listen', they need to listen carefully to information relevant to whatever knowledge, skills or practice that they see. Through 'learn', they are given time to ask questions of the person who transmitted the knowledge and practice them in their daily life. By undergoing this process of lifetime learning, the members of *adat perpatih* have preserved and sustained *adat perpatih* under the name of tradition into the present day.

Tradition can, however, be seen as oppositional to or problematic for modernity and as conflicting with the modifications and innovations that take place in society (Shils, 1971). Tradition is also seen as a matter related to past, authoritatively unchallenged, pre-modern, far from individual liberty, irrational and not reflexive and irrelevant (Yadgar, 2013, p.451). Yet, as Petruzzelli and Albino (2012, p.22) point out, tradition and modernity often coexist in complementary ways; Negeri Sembilan demonstrates this well. What is more, something new can be created and merged between past and present, through a process of fusion. A new tradition might emerge in the context of inherited cultural heritage, for example, but the question of its novelty may differ according to the modifications that took place within the existing traditions. Shils argues, though, that it is precisely because an innovation might modify pre-existing traditions that society's traditions more broadly are protected from other potentially altering influences, such as changes in environment, innovation, emigration and immigration, etc. (Shils, 1971). The changes in tradition are portrayed in the context of the *merantau* practice or temporary migration, which is renowned amongst the Minangkabau immigrants. Through *merantau*, the Minangkabau immigrants migrate to other places and create diaspora, which enables them to transfer and acculturate their culture, practice and tradition to/in the new places. Thus, some of the traditions that they brought in are subjected to change in the new places and what is left of the original version of practices and traditions is only in their memories.

This flexible yet resilient view of tradition fits with my findings in Negeri Sembilan. It contrasts markedly with the kind of dichotomy outlined by Glassie (1995, p.396), in which human beings apparently view their or others' lives as either 'traditional' (which can be characterised negatively as out-dated, old-fashioned and as something that cannot be modified) or 'modern' (which can be positively considered as advanced, progressive and flexible). In such a model, *adat* would be seen as something outdated (Glassie, 1995, p.409). Yet as Ismail et al. (2016) describe, traditional and modern ways of life do not necessarily have to be opposite; rather, both can and often do co-exist and complement each other. Shamsul Amri (2007) gives the example of Japan, one of the most developed countries in Asia, particularly in terms of technology in, for example, electronic manufacturing and the automotive industry. At the same time, however, Japan has been successful in observing – indeed, valorising – her traditions and heritage, and has been one of the contributing countries to heritage guidelines and

assistance to other Asian countries in their cultural preservation efforts. The lesson learned from their experience is that the co-existence of traditional and modern ways of life need not be a hindrance for a country becoming a developed nation.

8.2.2 *Adat perpatih* is part of history

A second point to emerge from my research is that *adat perpatih* is seen as history by the Malays of Negeri Sembilan. This perception is associated with the historical fact of the immigration of the Minangkabau people to the Malay land in the 19th century. The Minangkabau immigrants brought along with them their culture and custom and these continue to be practised by the Malays of Negeri Sembilan today. The Malays are also familiar with the story of the Prince from Minanagkabau, who was invited to be a ruler in Negeri Sembilan.

Thus, with these narrative facts passed down from generation to generation, and by tracing back their roots to the Minangkabau inheritance, the Malays see this process as part of their history. According to Shils (1971, p.151), 'history is not the past, but it is an artful assembly of material from the past, designed for usefulness in the future'. The stories of the coming of Minangkabau immigrants and the prince of Minangkabau refer to events that occurred in the past; yet, these stories also provide and socially embed a strong connection for today's Malays in Negeri Sembilan, between the past and the cultural structures and practices that pertain in the present. Indeed, they explain those structures and practices by their origin in the past. It is this sense of historical continuity that for today's Malays gives *adat perpatih* a strong authenticity and validity. For instance, the current ruler of Negeri Sembilan, the Yang Dipertuan Besar, has his particular legitimacy and power precisely because of his direct descent from the prince of Minangkabau who originally came to Negeri Sembilan. History as understood and articulated within these narratives provides an authoritative justification and guide to the community in continuing its tradition and also gives it a space in which to protect itself from deviation and change away from the traditional ways (Shils, 1971). For the community, through the history of the existence of *adat perpatih* they are able to learn about their own roots and to develop a sense of appreciation towards their culture, customs and heritage, at the same time encouraging others – especially the younger generation – to understand their own culture better.

8.2.3 *Adat perpatih* is part of culture

The third category into which my research demonstrates that *adat perpatih* fits, is culture. Culture is the product of human beings and the Malays of Negeri Sembilan consider *adat perpatih* to be an intrinsic part of the life they live. According to Yadgar (2013, p.467), the creation of culture and its traditions comes from individuals' experiences and action, which in turn will have reason(s) underlying it. After long association with *adat perpatih*, the life of the Malays has been influenced by it in various ways, including political structure, kinship system, economic activities, architectural design, and how Malays present themselves in society. Moreover, *adat perpatih* in Negeri Sembilan is not only still being practised now; it is also distinct from the cultural practices of Malays in other parts of Malaysia.

The cultural distinctions of Negeri Sembilan's *adat perpatih* include its matrilineal system, as this thesis has made clear. The relationship between people and place is also fundamental, their connection manifesting Negeri Sembilan Malays' sense of place, attachment, identity and belonging. Land has become particularly influential in the *adat perpatih* system; customary land acts as a central point for the individual and the family. Customary land is also economically important, as well as a central gathering point for every member of the *adat perpatih* and also a basis for expanding the families. As discussed in Chapter Five, the land belongs to the woman and is inherited by their daughters; men do not own the customary properties. However, men have their rights to stay too and have access to owning lands other than the customary land. Nonetheless, the customary land of *adat perpatih* belongs to the woman and her *suku*, and the customary lands express the identity of the *adat perpatih*.

As a living heritage and part of society members' life system, *adat perpatih* acts as life principle, ideology, law, and guidance for those who follow it. It is wholly embedded in the life of the Malays of Negeri Sembilan. *Adat perpatih* guides its members in every aspect of life, through the form of customary sayings and also its practices, passed down from generation to generation. There is no written form of the customary law of *adat perpatih* and most of the sayings are preserved orally. In the present, most of the customary sayings have been printed within articles, journals and books, so that *adat perpatih* is both formally preserved and widely disseminated to the younger generation.

This research has also demonstrated the prominence of protocol and unwritten rules in *adat perpatih.* Procedures, rituals and hierarchy during relevant events are given great weight. For example, for a wedding, many preparations need to be made and discussions about the wedding ceremony need involve not only the family members but also everyone in the community. Taboos preventing couples marrying within the same *suku* are also important: kinship structures and rules govern marriage of an individual from a certain group, prescribing 'possible spouses and prohibited spouses'. This practice acts to preserve the *suku* and at the same, through exogamous marriage, to expand generations and families.

The related importance of the leaders in *adat perpatih* has been shown by both this and prior research. Leaders are considered by others in the community as their point of reference and as guidance on any matters related to society. The leaders in *adat perpatih* must be respected and they are crucial in important decision-making processes. A notion of *gotong-royong* (communal work) has been highlighted through this study, in which a 'we' concept is emphasised among the members of the *adat perpatih* society. Everything must be done together and everyone in the *adat perpatih* society should help each other. Each member in the *suku,* is regarded as family, hence the kinship system of *adat perpatih* in Negeri Sembilan is based on the principle of siblingship that can be materialised in the practice of *berkadim*.

However, *adat perpatih* is also undergoing change in the face of modernisation, urbanisation, migration and other factors. Some of its practices are not as strongly practised as they were. Thus, for example, many of the younger generation have migrated to urban areas and as a result of both this and individual preference, wedding practices no longer follow the traditional protocols. Most of the younger generation prefer to have a simpler wedding and follow an Islamic way (which is more modest). In addition, customary land has been left untended due to the urban migration of younger people; even the elderly have preferred to follow their children since there is often no one left to take care of them in the village. Thus the customary land seems to have lost its central function.

To cater for some of the problems as mentioned above, one of the most prominent scholars in Malaysia, Prof. Shamsul Amri, has previously suggested that *adat perpatih* should be considered within heritage studies and the heritage category, so it can survive in this present society (Shamsul Amri, 2007). Although the Malays with whom I worked in the field perceived *adat perpatih* differently from the AHD way in which the government sees it, fundamentally there is not much difference in their understandings of the significance and roles of *adat perpatih* practice and principles. Rather it is a matter of the specific categories within which *adat perpatih* is placed and the terms that might be used to describe it.

The AHD, particularly as represented by government and the heritage professionals, as I have discussed earlier in the thesis sees *adat perpatih* as heritage. All heritage is 'constructed' and its existence is determined and permitted by the powers held by 'cultural producers', educators and special authorities before being transmitted to society (Graburn, 2001, p.69; Petruzzelli and Albino, 2012). It starts amongst the small groups in a large society, such as family, clan, ethnic group and race, and extends to the nation, all humanity and all living creatures. It creates a sense of shared identity, belonging and ownership, which require a sense of responsibility, respect and assurance of its protection in order to maintain and ensure its existence in society through preservation activities (Graburn, 2001). Tradition, history and culture thus are, or become, part of constructed heritage. They are, for example, connected where some aspects of heritage involve a tradition, especially the transmission of something over time, by an original group of people to its successors (Graburn, 2001, p.68). Graburn also discusses kinship as part of heritage and tradition. Through kinship, the relationship between past and present exists, along with identity, alliance and descent, inheritance and appropriation, as well as alterity among human beings (Graburn, 2001, p.68). It also shows the belonging of an individual to a particular group, in the same way as we see with class and ethnic identities. In the case of the *adat perpatih* community and as I have noted, we see this particularly with the importance of the *suku* (subclan). Furthermore, my study found that *adat perpatih* produces a strong, shared sense of belonging amongst those who practise it. Being part of a *suku* is so significant because it means one's rights and life will be cared for and protected by the leaders and other members.

8.2.4 Different approaches to preservation activities

This research has also identified two approaches to safeguarding cultural heritage in Malaysia: first, a top-down approach (emanating from governmental perspectives on cultural heritage issues in Malaysia) and second, a bottom-up approach (originating in community perspectives on *adat perpatih* as a core cultural practice).

a. Top down approach

This approach was discussed in Chapter Four, where I demonstrated the importance to comprehending the notion of heritage in Malaysia, of understanding the government's perspective. Some historical context, specifically colonialism, in bringing up the importance to preserving the Malaysian heritage as well as some legal frameworks in the contemporary situation, were touched upon. I showed too that the roles played by international bodies, especially UNESCO, in giving some guidelines to the Malaysian government in preserving their cultural heritage, are important and spread awareness of the value of safeguarding Malaysian heritage assets. Apart from UNESCO, tourism, particularly heritage tourism, acts as the biggest contributor in safeguarding and preserving the heritage of Malaysia and contributing to the growth of Malaysia's economy.

Malaysia's government has made many efforts and instituted many activities to preserving cultural heritage in Malaysia and my research makes clear that the local perspective on *adat perpatih* as part of living tradition could positively be conjoined with this, helping to nuance universalist and international definitions and characterisations of heritage. Developing collaboration with local practitioners in sustaining local culture would also shape a way forward that would constitute a potential model of practice for other parts of the world.

This study has also shown that the many challenges now facing community economic and political development are also threatening parts of local communities' cultural heritage with extinction. Governmental and non-governmental bodies need to take serious actions to overcome this issue. For example, as I found in this research, the

museum becomes one of the important institutions able to assist in educating and highlighting cultural heritage among Malaysians.

In addition, if we are to emulate other countries that have managed successfully to mix aspects of traditional culture and modernised society, it is essential positively to recognise that the existence of the *adat perpatih* is not a problem and that of course it is able to sustain for future generations. What has become the problem for *adat perpatih* is that most Negeri Sembilan Malay communities have largely changed to practising a simple style of living as compared to the more complicated, traditional life style.

b. Bottom up approach

The bottom-up approach, in contrast, looks at *adat perpatih* through the eyes of its practitioners and members, as I have discussed in Chapter Five. Shamsul Amri (2007) strongly urged that future studies should look at *adat perpatih* from local perspectives. My own work has responded to this call and made clear how much local people value the preservation of *adat perpatih*. They consider the continuity of *adat perpatih*, and thus its continuing practice, to be of vital importance, believing that everyone in the society must be involved and participate in *adat*'s activities so that they will know and understand what lies behind it. Thus even though some of the research participants do not fully understand the universalist concept of 'heritage' and its characteristics, they nonetheless know and understand their traditions and practices and the need for their preservation.

Hence, no matter how and what perspectives they have in their mind on *adat perpatih*, the Malays of Negeri Sembilan surely have their own ways of preserving their customary practices. A continuous practice in everyday life without neglecting a bit of its gist is the key to the bottom-up approach amongst the Malays in Negeri Sembilan. However, in safeguarding *adat perpatih*, it is best if both top-down and bottom-up approaches can be combined and implemented together, so that the community's traditions, practices and heritage can be assured for the future.

8.3 Limitations of the research

This research has been explorative, seeking to discover the perception of the Malays of *adat perpatih* and the relation to this of *adat perpatih* as part of ICH. Several limitations of the research were discovered, indicating that further research in this area could be refined and improved in the future. First, my field research was conducted on a small scale, in part of the region of Negeri Sembilan. A limited number of research participants were involved and the research only applied to this small population of the region and is not necessarily representative of the whole population of Negeri Sembilan. Therefore, this research could be extended and continued by conducting further fieldwork in other places (especially in other parts of Negeri Sembilan), so that different views on the relation of *adat perpatih* and cultural heritage as a whole can be discovered.

Second, all the interviews during data collection were conducted in the local language, which is Malay inflected with Negeri Sembilan's dialect. Like any field research conducted in a language different from that of the research analysis, this inevitably means that there are some words, terms, connotations and emphases that resist singular/universal translation and explanation. In that sense, the translation from the local language to English is always problematic and interpretation of the terms might vary from scholar to scholar. Nonetheless, it is contended that the results and interpretation from this research are still new and include hitherto unexpected findings.

Third, given that the research on ICH is quite recent in Malaysia, the relative lack of secondary resources by local scholars on ICH is very noticeable. On the one hand, of course, this highlights the significance and innovativeness of my own work. On the other, however, it makes clear the need for further research on the ICH area in Malaysia, particularly by local scholars and especially from the perspectives of local people rather than local or national authorities. More such work will help to deepen, complicate and enrich the understandings of ICH in Malaysia. This is an important and urgent task as the country continues to develop and experience rapid socioeconomic change, in order to gather sufficient knowledge and understanding both to preserve ICH in the context of living societies and to sustain a viable heritage industry into the future. Further research on this topic will also be helpful to uncover more about the *adat*

perpatih of Negeri Sembilan from the different disciplinary perspectives of history, heritage studies, sociology and anthropology.

8.4 Research implications

This research contributes to knowledge of and frameworks for the understanding of:

- ICH and issues concerning its protection, both generally and in Malaysia specifically;
- Customary law and way of life, *adat perpatih*, in Negeri Sembilan, Malaysia;
- Relationship between community, *adat perpatih* and its participation;
- *Adat perpatih* as part of intangible cultural heritage and its contribution to heritage literature.

It provides a new way of approaching *adat perpatih* by utilising museum and heritage studies perspectives as well as more familiar (in this context) anthropological approaches. Although conflicting views on the nature of 'preservation' could be seen to imply that the role of museums in particular in 'safeguarding' ICH it is problematic or even impossible, there are previous projects that have successfully demonstrated the role of the museum in supporting the active continuation of ICH practices. For instance, Earlien and Bakka (2017, p.137) explore the Norwegian project 'Interactive dance dissemination', in which practitioners were successfully able to show and share the Norwegian dance practices to audiences in the museum space. Earlien and Bakka argue that while there are considerable challenges faced by the museum in reflecting on how to sustain and encourage the dynamic continuity of ICH from inside the museum walls, 'events of practice' comprise one fruitful way forward (Earlien and Bakka, 2017). Through such events and similar live activities in which members of the museum's local and other communities are engaged, and by enabling the shared curation of these events, the museum can simultaneously offer a place for ICH practitioners to perform, share and teach, and for community members to participate and learn (Erlien and Bakka, 2017, p.145). 'Events of practice' thereby become one way to achieve the aims of museums in handling and supporting ICH. Thus events of practice centred on *adat perpatih* could utilise the museum as a place in which practitioners might perform a customary wedding, the *berkadim* ceremony and so on. Potentially this would enable

the museum not only to facilitate the demonstration and sharing of cultural practices, but also to display – in use – some of its relevant material objects (where conservation constraints allow), as well as allowing the audience and visitors to learn and understand more about *adat perpatih* of Negeri Sembilan. Further research exploring the reception and learning impact of such events would support their subsequent refinement and continuation.

Moreover, works of local and international scholars such as Yahaya Ahmad, Shamsul Amri, Abu Talib Ahmad, Michael G. Peletz, Tim Winter, and Laurajane Smith have been influential in this research. This research has taken care to discover *adat perpatih* from the perspective of the community members actually practising *adat perpatih* and to examine *their* understandings and articulations of 'heritage'. At the same time, the study's investigation into governmental framings of cultural heritage in Malaysia has enabled the thesis to draw some wider conclusions about present and potential, top-down and bottom-up, approaches to heritage preservation and interpretation. Overall, the research has implications for the understanding of ICH and its practices, including for government, non-governmental bodies, practitioners, stakeholders and members of Malaysian society and beyond.

My findings indicate that it is important for everyone in Malaysia, at whatever social level, to have a deeper understanding of the rising issues of heritage, and that part of that is to know what is listed as the cultural heritage of Malaysia in the National Heritage Act 2005. Even though many people are already aware of these matters, it is also clear from my interviews and fieldwork observations that many others do not yet have a clear understanding of the legal framework and heritage concept in Malaysia. Spreading this awareness amongst the population matters for several reasons. Cultural heritage represents the roots of society as well a broader Malaysian identity. Increasing the understanding of cultural heritage issues amongst Malaysian society is likely to enhance Malaysians' sense of appreciation and pride towards Malaysian heritage in general and their local heritage in particular. Moreover, through cultural heritage Malaysia can demonstrate the unique mix of identities of which the country is comprised.

A key way to bring this wider awareness is through early exposure among young people, especially in primary schools. A Malaysian proverb states that, '*Melentur buluh biarlah dari rebungnya*' (To bend a bamboo, start when it is a shoot): educating a child is easy compared to trying to educate an adult. Some Malaysian cultural heritage practices should be introduced and included in the school syllabus for the students to learn more about, appreciate and value the diversity within their country's culture. Ideally, such an approach helps to avoid later ethnocentrism and to encourage school children to grow up understanding themselves as Malaysian, a nationality that signifies various cultures and identities. To this end, the 1Malaysia programme becomes relevant to all Malaysians, regardless of their ethnicity, culture and heritage. Various other programmes on cultural heritage, such as the debates competition on cultural heritage issues among multiple levels of educational institutions, should continue to be organised and held. Importantly too, cooperation with other governmental and non-governmental bodies such as Tourism Malaysia, the Department of National Heritage, UNESCO and others should be developed with all communities, so that the level of awareness of cultural heritage can be enhanced. Other means of enhancing awareness amongst Malaysians of cultural heritage and its issues include social media and its potential in promoting and encouraging participation in cultural heritage programmes; encouraging debates and discussion among practitioners, academia, stakeholders and relevant bodies; support for continued practice of forms of intangible cultural heritage; and promotion of cultural heritage through creative technologies (including, for example, in product design, in the fashion and textiles industries, etc.).

Through these kinds of activities and drawing on this research, *adat perpatih* would be able to survive in the contemporary society if it has the right platforms and if resources are allocated appropriately. The preservation of this customary practice is an urgent matter; the main sources of knowledge *in adat perpatih*, the elders, are already old. They hold knowledge in forms that cannot be found in a book and must instead be learned directly by their successors. In order to attract younger generations to love their culture and heritage, and in addition to the means outlined above, the family, which is the main agent of socialisation, needs to play its role in exposing children to customary practices.

Moreover, practising *adat perpatih* in the present is important because it ensures the continuity of *adat perpatih* in the future. Thus, the community should actively participate in activities organised by the local authorities, government, and non-governmental organisations. The necessity to spread an awareness as well as 'learning culture' should be highlighted. All of these traditions and cultures need to be revived so that they can be practised continuously from generation to generation.

On another note, the new literature resources concerning *adat perpatih* from the perspectives of heritage studies as a whole should be enhanced, and *adat perpatih* should be situated in the field of intangible cultural heritage in particular. As can be seen from previous research conducted by local and international scholars on *adat perpatih*, most of the research is mainly on the elements of *adat perpatih* that were practised by the Malays. Nevertheless, *adat perpatih* should be situated in heritage studies and heritage practice too, in order to create and evoke a sense of appreciation and belonging to the community. This research and the new literature it creates in heritage studies will also become a source of reference for future research. This research is not merely enhancing the understanding of *adat perpatih* in the present, but also seeks to perceive *adat perpatih* from a different angle as well.

8.5 Recommendations for future research

The notion and various issues of cultural heritage in Malaysia are increasingly widely discussed across the nation. More research studies are welcome in order to inform these discussions from different viewpoints as well as from different fields of study. Heritage studies is still in a preliminary phase in Malaysia; more research on cultural heritage (tangible and intangible) is needed in order to situate it in the various contexts of study such as anthropology, sociology, history, heritage studies and others. There are many customary practices in Malaysia and more research can be done into these in the future, especially in the field of cultural heritage. This is really important for contemporary society, as the research contributes to efforts to preserve cultural heritage in Malaysia.

Furthermore, the research outcomes can be used to inform and improve national heritage policies and to help provide guidance for the government in tackling a range of heritage issues, especially those relevant to the relationship between government and

members of the society. In the context of good relationships, the government can solve any problems by sensitively considering public opinions before reaching decisions. Fair and acceptable decision making processes should involve all parties, government and public.

Further research needs to be conducted especially in exploring the views of the public on the governmentally used terms such as 'tangible cultural heritage', 'intangible cultural heritage' and others. If the government wants to use heritage as a product that comprises part of the tourism industry, greater understanding of the relationships between local and hegemonic terminologies will potentially have economic, as well as social and cultural, benefits.

Lastly, additional research on this topic is needed to uncover more about the *adat perpatih* of Negeri Sembilan, especially as it pertains to some special events or occasions like the customary wedding ceremony, the *berkadim* ceremony and others, and how these events can be discussed in relation to the notion of 'intangible cultural heritage' and anthropological knowledge.

GLOSSARY OF THE MALAY TERMS

1Malaysia	a concept that was introduced by the current Prime Minister of Malaysia, Datuk Seri Mohammad Najib which emphasises on accepting the differences amongst the members of the society regardless of their religions, ethnic groups, culture and customs.
Abang	an elder brother.
Adab	is a Malay term which is translated as a kind of punctilious, strict observance of etiquette, a pleasing way of behaving or doing things, manners, correctitude, habitual practice and etc. (Dewan Bahasa Dan Pustaka, 2016). An individual is also expected to observe the courtesy in their action, spoken word, gesture, attitude, behaviour and even etiquette in eating, dressing, walking among others.
Adat	derived from an Arabic word (عادت) and can be literally translated as the "custom, law, practice, rule" of a group of people which involves the right order of things. Adat is widely used in the Southeast Asian region especially across the Malay-Indonesia archipelago (Warren, 2002, p.13). Adat is inherited from the past and transmitted to the present by the members of the society through customary sayings, practices and others. Adat also involves property rights, marriage and inheritance practices, resource access as well as local governance. Violation of the adat by any members of the society will result in social or supernatural retribution. Thus, adat is viewed as a legal dimension that need to be

respected and obeyed (Warren, 2002, p.13).

Adat bertandang	a concept referring to a reception ceremony in which the groom brings his bride to his family's house to be introduced to family and friends who are in attendance.
Adat lingkungan	is a mixture of *adat perpatih* and *adat temenggung* in certain aspects of life particularly those related to the royal political structure. It is also confined to the Seri Menanti area. Only few sukus adhere to adat lingkungan such as the Lingkungan Air Kaki (observed by suku Batu Hampar, suku Tanah Datar, suku Seri Lemak Pahang, suku Seri Lemak Minangkabau and suku Tiga Batu), in which the members reside around the Seri Menanti palace and have a close relation with the Yang Dipertuan Besar of Negeri Sembilan.
Adat perpatih	the customary law of the Malays which is mostly practised in Negeri Sembilan as well as some parts of Melaka. It favours the female line of descendants and is matrilineal in nature, particularly in relation to kinship, inheritance, social organisation as well as in some other aspects of life such as social behaviour and right of conducts.
Adat temenggung	is another type of customary law that favours the male line of descendants and has an inclination to the patrilineal side, which is practised by the Malays in other states in Malaysia. Apart from that, adat temenggung is associated with the Islamic system (*Faraid*) particularly on the establishment of

	the Sultanate institution and is autocratic in nature.
Adik	refers to a younger brother or a younger sister.
Anak	refers to a child.
Anak buah	refers to a niece and a nephew. Sometimes, the term can also be used to describe an individual belonging to a family or a group.
Atok or *datuk*	means a grandfather.
Bahasa Malaysia	the national language of Malaysia and is considered as the first and the official language of the country.
Bahasa Melayu	is the language used by the most of the people of the Malay ethnicity with different dialects based on different states, regions and districts.
Bandar diraja	A royal capital
Batik	is a wax resistance dying technique in a piece of fabric. There are two main techniques that are commonly used in creating batik textiles, namely through the hand-painting technique and the block printing. For the hand-printing technique, a pen-like instrument is used to draw a design with molten wax on a piece of cloth stretched over a wooden frame. Once the design is completed, the fabric will be painted using coloured dyes. Meanwhile, the block printing technique is made using copper, brass, or tin design block. The design block is dipped into wax and stamped onto the cloth. Then,

	the cloth is dipped into a dye bath and hung to dry (Ho and Koh, 2013, pp.467-468).
Berdaulat	is a term that is associated with a supreme power and sovereignty.
Berkampung	a concept of gathering or assembling with the purpose of solving a problem that has arisen.
Bertunang	means a betrothal or an engagement.
Bongai	a musical performance depicting traditional folk songs and is performed during certain ceremonies such as wedding amongst the Malays of Negeri Sembilan.
Buapak	is the leader to a *ruang* (a lineage).
Cincin belah rotan	refers to a wedding band that is usually made of gold. It also known as a pattern-forged gold ring that used in the context of weding ceremony among the Malays in Malaysia.
Cincin tanda	the ring that is given to a future bride as a sign of engagement.
Cincin tanya	the ring that is brought along during a proposal. The ring will be given to the girl's parents as a sign of tying their relationship.
Datuk	is a honorific title given to someone who is respectable, a high-ranking or dignified person and has an important position in the society.

Dodol or *penganan*	a traditional Malay sweet made from a mixture of glutinous rice flour, palm sugar, granulated sugar, coconut milk and stirred until it eventually thicken and a sticky texture is achieved. Traditionally, the liquid form of dodol is cooked and stirred in a big wok by a number of people for a duration of 7-8 hours until the liquid dodol mixture transforms into a sticky and viscoelastic mass. The texture of *dodol* plays a major role in determining its quality. Though dodol making has been commercialised and mass produced the traditional *dodol* is still preferred as they are stickier and tastier than the commercially made *dodol*. *Dodol* is better to be consumed when its texture is still firm and does not stick to the fingers (Nasaruddin et al., 2012, p.495).
Epok	a small pouch that is woven from pine leaves and wrapped with a piece of cloth. It contains of betel leaves, areca and catechu.
Gotong-royong	a concept of doing something collectively in a togetherness manner. For example, in a wedding ceremony, all the preparations and cooking of the Malay wedding food are ususally carried out through the *gotong-royong* (togetherness manner), the practice that is slowly decreasing to suit the changing circumstances (Mohd Zahari et al., 2011, p.1062).
Imam	a Muslim religious leader responsible to lead congregational prayers. Generally, an *imam* is a male adult, who is appointed to be a leader based on his religious knowledge.

Kadim	is a term referring to a close family member or a relative.
Kakak	an elder sister
Kampung	refers to the Malay term to describe a village or a residential area that is situated in the rural area, which are made up of a group of dwellings.
Keadilan	is a concept that represent justice, just conducts, fairness, equity and impartiality.
Kebulatan	a unanimous consensus.
Keris	a traditional Malay dagger.
Keropok	a local snack; deep-fried crackers made from the mixture of starch with fish or prawns or squids.
Ketua kampung	refers to the headman of a village.
Lelangit	is a term that refers to a piece of cloth that covering (over bed, throne, etc.) or canopy like cloth.
Lembaga	is a leader to the *perut* (sub-clan).
Luak	a district. Each district is led by the Dato Undang, the chief and leader of the district. There are four main districts in Negeri Sembilan, namely: *Luak* Sungai Ujong (District of Sungai Ujong), *Luak* Rembau (District of Rembau), *Luak* Jelebu (District of Jelebu) and *Luak* Johol (District of Johol).

Luak tanah mengandung	is referring to the areas (districts) surrounding the Seri Menanti which include the *Luak* of Jempol, Ulu Muar, Gunung Pasir and Terachi.
Mak cik	an aunt.
Makyong	is an ancient theatre that has a combination of acting, vocal, instrumental music, gestures and costumes.
Melayu	is literally known as Malay in English. Malay is one of the major ethnic groups in Malaysia, followed by the Chinese and the Indians.
Malu	being shy, or in some cases may be referred to as being ashamed or embaraased.
Mas kahwin	A dowry given to the bride from the groom as part of the solemnization ceremony.
Masuk suku	is also known as *berkadim*, or becoming a brother.
Meminang	the act of proposing, in which a man's family visit and ask for the prospective wife's hand in marriage from her parents on the behalf of him.
Menghantar cincin	is the occasion where the groom's family visit the bride's house bringing along a ring for engagement.
Merantau	is the act of migrating from one place to another for some specific purposes, where in some cases, the individual resides temporarily or permanently in the new place (Andaya and Andaya, 1982, p.94). It is

	strongly associated with the Minangkabau tradition. For example, a youngster is encouraged to *merantau* for the purpose of seeking knowledge, gain experience at a new place, as well as find better opportunities to improve one's life (Hadi, 2007, p.211). In most cases, the traveller will return home a better person, an in turn serves his or her community.
Merisik	literally means the act of spying on the future bride, or it is also the term used in the event when the representatives of the male family pay a social visit to the female house inquiring on the availability of the future bride (Mohd Zahari et al., 2011, p.1061).
Muafakat	is a concept/system of an agreement, covenant or a consensus; way of consultation (The term is used depending on its context and situation).
Mukim	refers to a sub-division of a district, which is led by the *penghulu*.
Nasi lemak	is a traditional Malaysian dish consisting of rice boiled in coconut milk and eaten with condiments such as the sambal or chilli gravy, fried anchovies and peanuts, cucumber as well as boiled egg.
Orang lingkungan	the members of the *lingkungan* area particularly in the Seri Menanti.
Orang semenda	an individual who marries into a family of a different *suku* from him or her.

Orang tempat semenda	refers to a place within which the *orang semenda* lives (the house of one's in-laws), particularly after the marriage.
Pak cik	an uncle
Penghulu	is ther leader of a *luak* (district) or in some instances, the term is used to refer to the headman of a village
Perantau	is a migrant or traveller; an individual who relocate to a new place for a specific purpose such as further studies, seeking better opportunities and gaining new experience.
Perbilangan adat	also known as *teromba*. It is translated as customary sayings in English or *adat* sayings. They are generally ideas and the gist of knowledge transmitted through verbal communication from one generation to the next generation. The sayings are expressed with the intention to remind, to warn, to give advice to the members of the society, so that they can follow the rules of life.
Perut	a sub-clan.
Pribumi	a native-born, indigenous.
Rendang ayam (Chicken rendang)	is a popular dish in which the chicken is stewed in coconut milk and spices mix (chillies, turmeric,

	ginger, lemongrass, kaffir lime leaves), and is particularly popular in Malaysia, Singapore, Brunei and Indonesia. The versions of how rendang is prepared may vary according to place or even in individual's recipe. Apart of using the chicken, rendang is also can be made with mutton and beef or even seafood.
Ruang	refers to a lineage.
Rumah telapak	is a term that refer to a temporary lodge and usually used by the Undang of Negeri Sembilan before attending royal ceremonies at the palace of Yang Dipertuan Besar of Negeri Sembilan.
Rumpun	refers to a sub-lineage
Shariah law	is also known as Islamic law, which is based on the Muslim Holy Book; the Quran, as well as the sayings and the precedents of the Prophet Muhammad; the Hadith.
Songket	is a traditional Malaysian fabric and often worn as a accessories by royalties or even commoners on special occasions. The *songket* is a piece of a very fine quality cotton embroided with special threads, originally in gold and silver colour, though they are now available in many different colours and patterns.
Suku	is a term that can be translated as a clan that is based on the kinship of the mother's side. It is a

	combination of a group of families from the same lineage of the mother.
Sumbang mahram	incest.
Tabir	refers to a suspended material that can be drawn or lowered; curtain.
Tanah adat	means a customary land.
Tanah pusaka	refers to an inherited land.
Tengkolok	is a term for a traditional Malay headgear.
Tilam pandak	refers to a square shaped cushion used for sitting. It is considered as a welcoming symbol, when receiving guests such as the newlyweds or the *adat perpatih* leaders.
Tua	means an elder person of the same generation
Undang	is the leader to a *luak* (district).
Uwan or *Nenek*	refers to grandmother or the eldest female in *adat perpatih* society. *Uwan* is similar with *nenek*, which also contributed to the same meaning. However, *uwan* is widely used in Negeri Sembilan dialect.
Wajik	is considered as a traditional Malay sweet made from steamed glutinous rice and further cooked with palm sugar and coconut milk.
Warga emas	an individual who has reached the age of 60 and above.

Waris	refers to an heir.
Warisan	literally known as 'heritage' in English. It derives from the word *waris*, which means heir, and the term *warisan* is basically known as something (tangible or intangible) that is cherished and handed down from one generation to the next.
Wayang	is a shadow puppet theatre performed in many Southeast Asian countries. It is accompanied by the complex musical styles and ancient form of storytelling.

APPENDICES

Appendix A (Photos Collection of the Research Site)

Primary School: Sekolah Kebangsaan Tunku Laksamana Nasir

Secondary School: SMK Tunku Besar Burhanuddin

Post Office

Police Station

Royal Mosque of Seri Menanti

Clinic

Chinese Stalls

Recreational Park

The Place for Ritual Instalment of the King

Appendix B (Informed Consent)

Information Sheet
Nota Maklumat

The Roots of Intangible Cultural Heritage amongst the Malays of Negeri Sembilan, Malaysia: The Customary Law of Adat Perpatih
Peranan Warisan Budaya Tidak Ketara di kalangan orang Melayu di Negeri Sembilan, Malaysia: Adat Perpatih

Introduction
Pengenalan

My name is Ainul Wahida Radzuan from the University of Leicester, United Kingdom. I am a PhD student under the supervision of Prof. Sandra H. Dudley. I am conducting a research on the roles of *adat perpatih* amongst the Malays of Negeri Sembilan. The aim of this research is to investigate the significance to the local Malays of Negeri Sembilan of the customary law of *adat perpatih*, examining it in the context of contemporary heritage and identity dynamics in Malaysia. I would like to invite you to take part in this research; your participation in this study will represent the local Malays in Negeri Sembilan, Malaysia concerning to adat perpatih.

Nama saya Ainul Wahida Radzuan dari Universiti of Leicester, United Kingdom. Saya merupakan seorang pelajar PhD dibawah seliaan Prof. Sandra H. Duddley. Saya sedang menjalankan kajian mengenai peranan adat perpatih di kalangan orang Melayu di Negeri Sembilan. Kajian ini dijalankan untuk melihat kepentingan adat perpatih kepada masyarakat Melayu tempatan dari konteks warisan seasa dan kedinamikan identity di Malaysia. Saya ingin menjemput anda untuk menyertai kajian ini, di mana kajian ini akan memberi gambaran secara keseluruhan masyarakat Melayu di Negeri Sembilan berkenaan dengan adat perpatih.

Who will be invited to participate in this study?
Siapa yang akan menyertai kajian ini?

I am looking for Malays who are practicing adat perpatih in Negeri Sembilan, particularly in Seri Menanti.

Saya mencari respondan dan informan berbangsa Melayu yang mempraktis adat perpatih di Negeri Sembilan terutamanya di Seri Menanti.

What will happen if you agreed to take part?
Apakah yang akan berlaku jika anda bersetuju untuk mengambil bahagian?

Through this research, you will be interviewed and your cultural activities of adat pepatih will be observed. I will ask for your consent beforehand and I also need your permission to record the interview using the voice recorder and to take some pictures. However, you are still free to take part in the study even if you do not consent to let me

record the interview sessions or photograph you. Your personal details will be kept safely by the researcher and not revealed to anyone else.

Di dalam kajian ini, anda akan ditemubual dan aktiviti budaya yang berkaitan dengan adat perpatih akan diperhatikan. Saya akan meminta persetujuan anda sebelum temubual dijalankan dan kesemua temubual ini akan direkokdkan menggunakan perakam audio dan kamera. Namun, anda bebas untuk mengambil bahagian di dalam temubual ini walaupun anda tidak bersetuju untuk sesi tembual ini direkodkan. Kesemua maklumat peribadi akan disimpan dengan rapi oleh penyeledik dan tidak akan dideahkan kepada sesiapa.

What if you change your mind at any time?
Apa yang berlaku jika anda menukar fikiran?

Your participation in this research is voluntary and you have the right to withdraw without giving an explanation. If you wish to withdraw from this study, you can do so and all the data from and concerning you will be deleted. However, the withdrawal process is allowed to be done before 31st December 2015. All possible precautions are being taken to keep your data private and secure.

Peyertaan anda di dalam kajian ini adalah berbentuk sukarela. Anda berhak menarik diri tanpa memberi sebarang alasan dan kesemua data yang berkaitan dengan anda akan dipadamkan. Walau bagaimanapun, penarikan diri adalah dibenarkan sebelum 31 Disember 2015. Pelbagai langkah telah diambil untuk memastikan data dan maklumat anda dijaga dengan rapi.

What I can guarantee you if you take part in this research?
Apa jaminan yang saya boleh berikan jika anda menyertai kajian ini?

Before conducting this research, I will ask your consent to participate in this research and ask you to indicate your agreement by signing the informed consent letter. The information you give during this research will be kept safely by the researcher and will not be exposed to anyone else.

Sebelum kajian ini dijalankan, saya memohon agar anda menandatangani surat persetujuan menyertai kajian ini. Kesemua informasi yang didapati di dalam kajian ini akan disimpan dengan baik dan tidak akan didedahkan kepada sesiapa.

What is the information will be used for, how it will be stored, and how long it will be kept?
Apakah kegunaan maklumat yang anda berikan, bagaimana ianya disimpan dan berapa lama?
All the data and information that the researcher gained from the interview with you will be used to represent the local Malays' perception and understanding of the roles of intangible cultural heritage, especially adat perpatih in Negeri Sembilan. All the data will be stored securely in the University of Leicester's data storage system under the UK Data Protection Act (1998) and it will be kept until this research and any outputs to which it may lead, are complete.

Kesemua data dan informasi yang didapati daripada temubual ini akan digunakan untuk menggambarkan persepsi dan pemhaman masyarakat tempatan mengenai peranan adat perpatih sebagai salah satu warisan tidak ketara di Negeri Sembilan. Kesemua data juga akan disimpan di dalam sisstem pengkalan data University of Leicester di bawah Akta Perlindungan Data UK (1998) dan kesemua data akan disimpan sehingga kajian ini selesai dijalankan.

Any questions regarding to this research should be addressed to Ainul Wahida Radzuan by any means mentioned below:
Sebarang penyertaan berkenaam dengan kajian ini boleh dihantar kepada Ainul Wahida Radzuan seperti yang dinyatakan di bawah:

By post:	School of Museum Studies
(*Surat-menyurat*)	University of Leicester
	Museum Studies Building
	19 University Road
	Leicester LE1 7RF
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(Telefon)	+60123561510 (Malaysia No)

Thank you for taking the time to read this Information Sheet
Terima kasih keran sudi meluangkan masa membaca Nota Maklumat ini.

Participant Consent Form

Title: The Roots of Intangible Cultural Heritage amongst the Malays of Negeri Sembilan, Malaysia: The Customary Law of Adat Perpatih
Researcher: Ainul Wahida Radzuan
Purpose of data collection: PhD Thesis

CONSENT STATEMENT

1. I have read and understood the Information Sheet for the above study. I have been given the opportunity to ask questions and had these answered satisfactorily.
2. I understand that my participation is voluntary I am free to withdraw from the study at any time without needing to justify my decision and without prejudice.
3. I understand that the information I provide and any data collected will be processed in the strictest confidence and in accordance with the UK Data Protection Act (1998), that the data collected will be anonymised and will be kept until this research and any outputs to which it may lead, are complete.
4. The overall findings may be submitted for publication in a scientific journal, or presented at scientific conferences.
5. I understand that the data given will be under University of Leicester's proprietary.

I confirm that I freely consent to participating in this study.

Name of Participant : _____

Date : _____

Signature : _____

Name of Researcher : _____

Date : _____

Signature : _____

Borang Persetujuan Penyertaan

Tajuk: Akar Umbi Warisan Budaya Tidak Ketara di kalangan orang Melayu di Negeri Sembilan, Malaysia: Adat Perpatih
Penyelidik: Ainul Wahida Radzuan
Tujuan Kutipan Data: PhD Thesis

Persetujuan Penyertaan

1. Saya telah membaca dan memahami Helaian Maklumat berkenaan kajian ini. Saya telah diberi peluang untuk bertnyakan soalan dan memperoleh maklum balas yang memuaskan.
2. Saya memahami bahawa penyertaan saya di dalam kajian ini adalah di atas kerelaan saya sendiri dan saya berhak untuk menarik diri dari kajian ini pada bila-bila masa tanpa perlu memberi justifikasi kepada keputusan saya dan juga tanpa prejudis.
3. Saya memahami bahawa maklumat yang telah saya berikan dan data yang dikumpulkan akan diproses secara telus dan mengikut Akta Perlindungan Maklumat UK (1998), di mana data akan dianonim dan disimpan sehingga kajian ini selesai dijalankan.
4. Kesemua penemuan di dalam kajian ini akan diserahkan untuk penerbitan didalam saintifik jurnal, atau dibentangkan di mana-mana saintifik persidangan.
5. Saya memahami bahawa kesemua data yang diberikan adalah hak milik University of Leicester.

Saya memberikan persetujuan di atas kesemua data yang akan digunakan dalam kajian ini

Nama Responden/Informan : _____

Tarikh : _____

Tandatangan : _____

Nama Penyelidik : _____

Tarikh : _____

Tandatangan : _____

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