



**UNIVERSITI PUTRA MALAYSIA**

**MALAY RESERVATION LAND:  
A LEGAL AND HISTORICAL ANALYSIS**

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**MALAY RESERVATION LAND:  
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**BASHIRAN BEGUM MOBARAK ALI**

**Thesis Submitted in Fulfilment of the Requirement for the Degree of  
Doctor of Philosophy in the Graduate School of Management  
Universiti Putra Malaysia**

**July 2002**



*TO MY PARENTS MOBARAK ALI AND HAFIZA BIBI  
MY DEAR HUSBAND RAFIK AHMAD  
AND MY BEAUTIFUL CHILDREN,  
RABIATUL  
RAEES  
RUSYAIDI  
RIDHWAN  
RAIYHANA  
RASYAD  
&  
THE ONE ON THE WAY SOON!*

Abstract of thesis presented to the Senate of Universiti Putra Malaysia in fulfilment of the requirement for the degree of Doctor of Philosophy.

**MALAY RESERVATION LAND:  
A LEGAL AND HISTORICAL ANALYSIS**

By

**BASHIRAN BEGUM BINTI MOBARAK ALI**

**July 2001**

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**Faculty: Modern Languages and Communication**

The thesis is a study on the legal and historical aspect of Malay reservation land. It aims to examine the Malay reservation law found in the various states' Enactment, including the provisions of the Federal Constitution.

Malay reservation land can be said to represent land within the boundary of a state, which at law can only be owned or transferred to Malay. This general concept embraces the Malay Holdings in Trengganu. In a more specific sense, a Malay reservation land is defined in Article 89 of the Federal Constitution.

It was the British who introduced the Malay reservation land to protect the Malays. At present these laws that protect the Malay race have been abused. For example, acquired Malay reservation land has not been replaced immediately by the government as required by the provision of the Federal Constitution. Above all, the Malay reservation land is still within the ambit of a low market value, due to the fact of its location and lack of infrastructure. In addition, the Malay reservation law is rigid in its application, as it does not allow any dealing with non-Malays.

This research attempts to justify why and how the Malay reservation institution was introduced.

The study is a mix of descriptive and analytical approach. The data were gathered through library research from the higher institutions, Malaysian Archive and the land office. The major obstacles faced were on the collection of overseas statutes and the confidentiality on collection of land policies in the land office. The aim of the collection was to observe and analyse the development of the Malay reservation law in order to examine the obstacles that have caused the lack of development of Malay reservation land.

In line with the findings outlined above, the research also attempts to suggest some recommendations towards improving the Malay reservation law and finally one uniform law on Malay reservation for the welfare and development of the Malays should be enacted

Abstrak tesis yang dikemukakan kepada Senat Universiti Putra Malaysia  
sebagai memenuhi keperluan ijazah untuk Doktor Falsafah.

**TANAH REZAB MELAYU: ANALISA DARI SEGI PERUNDANGAN  
DAN SEJARAH**

Oleh

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**Julai, 2001**

**Pengerusi: Professor Shaik Noor Alam B. Shaik Hussain, Ph.D.**

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Tesis ini adalah merupakan satu kajian terhadap Tanah Rezab Melayu dari sudut perundangan dan sejarah. Tujuan kajian ini ialah untuk meneliti undang-undang yang diguna pakai berkaitan dengan Tanah Rezab Melayu, terutamanya peruntukkan dalam Enakmen Tanah Rezab Melayu. Ini termasuk peruntukkan dalam Perlembagaan Persekutuan.

Tanah Rezab Melayu boleh diertikan sebagai tanah-tanah yang terdapat didalam sempadan sesuatu negeri dan yang mana hak milik terhadapnya hanya boleh dipegang oleh atau dipinda kepada orang Melayu. Pengertian Am ini meliputi tanah pegangan Melayu di Trengganu. Rezab Melayu secara khusus mempunyai erti termaktub dalam Perlembagaan Persekutuan, Perkara 89.

Sejarah telah menyaksikan bahawa Tanah Rezab Melayu telah diperkenalkan oleh British untuk melindungi hak kepentingan Orang Melayu. Walau bagaimana pun Tanah Rezab Melayu telah disalah gunakan oleh kerajaan dimana undang-undang berkaiian dengan Tanah Rezab Melayu telah tidak dipatuhi. Contohnya, ialah

Tanah Rezab Melayu telah diambil oleh kerajaan tetapi tidak diganti semula sebagaimana diperuntukkan dalam Perlembagaan Persekutuan. Tanah Rezab Melayu juga termasuk dalam lingkungan tanah-tanah yang tidak mempunyai mutu ekonomi yang tinggi disebabkan kerana kedudukan geografi, kesuburannya dan kekurangan infrastruktur. Ini diburukkan lagi dengan peruntukkan undang-undang yang ketat yang telah menyempitkan ruang urusniaga terhadap tanah tersebut.

Kajian ini juga adalah penjelasan tentang mengapa dan bagaimana undang-undang Tanah Rezab Melayu diperkenalkan.

Kajian ini melibatkan pengumpulan data-data daripada perpustakaan Universiti, Arkib Negara dan pejabat tanah. Data tersebut dianalisa secara terperinci untuk melihat perkembangan undang-undang daripada zaman British sehingga sekarang. Ia bertujuan untuk melihat halangan-halangan yang menyebabkan kemunduran Tanah Rezab Melayu.

Pengkajian ini mencadangkan pindaan kepada undang-undang Tanah Rezab Melayu yang sedia ada serta mewujudkan satu undang-undang khusus Tanah Rezab Melayu terpakai kepada semua negeri-negeri di Malaysia.

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## TABLE OF CONTENTS

	<b>Page</b>
<b>DEDICATION</b>	ii
<b>ABSTRACT</b>	iii
<b>ABSTRAK</b>	v
<b>ACKNOWLEDGEMENTS</b>	vii
<b>APPROVAL</b>	ix
<b>DECLARATION</b>	xi
<b>LIST OF CASES</b>	xix
<b>LIST OF STATUTES</b>	xxii
<b>LIST OF GLOSSARY</b>	xxiv
<b>CHAPTER ONE</b>	
<b>INTRODUCTION</b>	
1.0 Introduction	1.1
1.1 Background of the Study	1.2
1.2 The Objectives of the Study	1.5
1.3 Statement of the Problem	1.5
1.4 Significance of the Study	1.8
1.5 Scope of the Study	1.8
1.6 Hypothesis	1.9
1.7 Research Methodology	1.9
1.7.1. Historical Approach	1.9
1.7.2. Analytical Approach	1.10
1.7.3. Rules of Interpretation	1.11
1.7.4. Comparative Approach	1.11
1.8 Literature Review	1.11
1.8.1. Introduction	1.11
1.8.2. Historical Background	1.13
1.8.3. Legal and Constitutional Issues in the Malay Reservation Institution	1.16
1.9 Arrangement of the Chapters	1.20
<b>CHAPTER TWO</b>	
<b>CONCEPT OF LAND RESERVATION</b>	
2.0 Introduction	2.1
2.1 Definition of Land Reservation	2.2
2.2 Concept of Land Reservation	2.3
2.2.1 The Earliest Land Reservation	2.4
2.2.2 Land Reservation - The Need	2.5
2.2.2.1 Land as the Basis of Economic Imperialism	2.6
2.2.2.2 Overbearing Guilt	2.10
2.2.2.3 Isolation, Segregation or Protection	2.12
2.2.2.4 Permanent Agriculture Peasants	2.13

2.2.2.5	For the Natives Benefit	2.14
2.2.3	Indigenous, Aborigine or Native People – The Problem of Identification	2.14
2.2.3.1	Malay – Tagata Whenua?	2.19
2.3	The Concept of Land Reservation under the National Land Code 1965	2.26
2.4	Protection Under the Federal Constitution – Personal Rights	2.31
2.4.1	Equality before the Law	2.32
2.4.2	Positive Discrimination	2.33
2.5	Comparison	2.35
2.5.1	Malay Agricultural Settlement	2.36
2.5.2	Malacca Customary Tenure	2.39
2.5.3	Aboriginal People	2.41
2.5.4	The Customary Tenure Enactment	2.45
2.5.5	The Customary Tenure (Lengkongan Lands) Enactment 1960	2.47
2.6	Conclusion	2.47

### **CHAPTER THREE**

#### **HISTORICAL BACKGROUND OF BRITISH RELATIONSHIP WITH MALAYS AND THE MALAY STATES IN THE EARLY TWENTIETH CENTURY**

3.0	Introduction	3.1
3.1	Geopolitics	3.2
3.1.1	Malaya – Its strategic location in South-East Asia	3.4
3.1.3	The Malay Rulers And Their Exclusive Powers	3.6
3.1.3.1	The Pangkor Engagement 1874	3.8
3.1.3.2	Perak Proclamation 1874	3.11
3.1.3.3	The Conflict between Sultans and Residents	3.11
3.2	Economic exploitation by British	3.14
3.2.1	The Tin Industry	3.15
3.2.2	The Rubber ‘Boom’	3.18
3.3	Influx of Immigrants	3.19
3.3.1	The divide and rule policy	3.22
3.3.2	The Effect of British Policies on the Malays – Historically Disadvantage Race	3.23
3.3.2.1	Malay way of life	3.25
3.3.2.2	Malay behaviour as perceived by British	3.27
3.3.2.3	Malays and the ‘denied’ education	3.30
3.3.2.4	Malays and rice cultivation	3.32
3.3.2.5	Malays and rubber	3.34
3.4	The Relationship of Malays and the Land	3.36
3.4.1	The Effect of Land Registration System on the Malay Land Ownership	3.37
3.4.2	The ‘lost’ land	3.38
3.4.3	Special Rules for the Malays – Towards the Introduction of the Malay Reservation Institution	3.40
3.4.3.1	Preservation and Protection	3.40

3.4.3.2. Sympathy	3.42
3.4.3.3. Incapability of taking care of their own Property	3.43
3.4.3.4 Segregation and Control	3.43
3.4.3.5 The 'Main' Reason – The Chinese Threat	3.44
3.5 Conclusion	3.49

## **CHAPTER FOUR TOWARDS THE FORMULATION OF MALAY RESERVATION ENACTMENT: 'ENDS THAT WE CANNOT FORSEE'**

4.0 Introduction	4.1
4.1 Land Policies Prior to 1913	4.1
4.1.1 The Early Stages of the Policy-Pre 1900	4.2
4.1.2 Legislation on Restriction of Malay Lands – Post 1900	4.5
4.1.2.1 R.J.B. Clayton's Report on the Absorption By Large Land Owners and Estates of Native (Malay) holdings.	4.6
4.1.2.2 The Committee on the Protection of the Ancestral Lands	4.8
4.1.2.3 The Endorsement of 'Ancestral Land'	4.11
4.1.2.4 Birch's Proposal in Perak	4.12
4.1.2.5 Towards One Common Enactment- An Enactment to preserve to Malays the use of their <i>Kampung</i> -lands	4.14
4.2 Towards the Drafting of Malay Reservation Enactment, No. 15 of 1913 (The Bill)	4.18
4.2.1 The Draft Bill of the Malay Reservation	4.21
4.2.2 The MRE 1913	4.23
4.2.2.1 Malay: Its Meaning	4.23
4.2.2.2. Notification and Gazette of Malay Reservation Areas	4.25
4.2.2.3 Types of Land	4.28
4.2.2.4 Restrictions in Dealing	4.28
4.2.2.5 Reference to the Ruler in Council	4.31
4.2.2.6 Passing of MRE	4.31
4.2.3 The Justification of the MRE 1913	4.32
4.2.3.1 The Effect of MRE on Land Ownership Policy	4.32
4.2.3.2 MRE 1913 – An Effective Legislation	4.46
4.2.3.3 MRE 1913 and Its Achievements	4.51
4.3 Towards the Formulation of MRE 1933	4.53
4.3.1 The Ultimate Predominance Reservation Policy	4.54
4.3.2 The Malay Reservation Committee	4.55
4.3.3 The Draft Bill of MRE 1933	4.58
4.3.4 The MRE 1933	4.60
4.4 Malay Reservation in the Unfederated Malay States	4.62
4.5 Conclusion	4.64

**CHAPTER FIVE**  
**PRESENT REGIME – THE IMPLEMENTATION OF MALAY**  
**RESERVATION ENACTMENT**

5.0	Introduction	5.1
5.1	The MRE	5.1
5.2	Outline of the MRE of Each States	5.2
	5.2.1 Perlis	5.3
	5.2.2 Kedah	5.3
	5.2.3 Penang	5.4
	5.2.4 Perak	5.5
	5.2.5 Selangor	5.5
	5.2.6 Federal Territory of Kuala Lumpur	5.6
	5.2.7 Negeri Sembilan	5.7
	5.2.8 Malacca	5.10
	5.2.9 Johor	5.10
	5.2.10 Pahang	5.10
	5.2.11 Trengganu	5.11
	5.2.12 Kelantan	5.11
5.3	MRE – A Special Law	5.11
5.4	Saving Clauses in the States’ MRE	5.16
5.5	MRE an Exception to Indefeasibility of Title	5.17
5.6	Dealings and the Related Dealings in MRE	5.20
	5.6.1 The establishment of a Malay Company	5.20
	5.6.2 Malay Holding	5.21
	5.6.3 Reference to the Ruler in Council	5.28
	5.6.4 Power of Disposal of MRL	5.32
	5.6.5 Declaration of Malay Reservation	5.36
	5.6.6 Alteration and Revocation of Malay Reservation	5.37
	5.6.7 Restrictions and Prohibitions on Dealing	5.38
	5.6.7.1 Transfer	5.39
	5.6.7.2 Charge	5.43
	5.6.7.3 Lease	5.51
	5.6.7.4 Entry of Caveat	5.53
	5.6.7.5 Lien	5.54
	5.6.7.6 Appointment of Power of Attorney	5.56
	5.6.7.7 Bankruptcy	5.57
	5.6.7.8 Attachment in Execution	5.58
	5.6.7.9 Restriction as to Trusts	5.59
	5.6.7.10 Grants of Probate and Letters of Administration	5.62
	5.6.8 Consequences of Contravention	5.63
	5.6.8.1 Avoidance of Dealing	5.63
	5.6.8.2 Forfeiture by the State	5.64
	5.6.9 Acquisition for Public Purpose	5.67
	5.6.10 Major Discrepancies in the States’ MRE	5.68
5.7	Conclusion	5.73

## **CHAPTER SIX THE FEDERAL CONSTITUTION – A SHIELD TOWARDS THE PROTECTION OF MALAY RESERVATION POLICY**

6.0	Introduction	6.1
6.1	The Federal Constitution – A Shield Towards the Protection of British Malay Reservation Policy	6.2
6.2	Position of Pre-Merdeka Day Malay Reservation Tenure	6.5
6.3	Right to Compensation	6.11
6.4	Types of land to be Declared as Malay Reservation	6.15
6.5	Application for Declaration of Malay Reservation Land	6.20
6.6	Revocation and Replacement of Malay Reservation Land	6.24
6.7	Non-Malay rights over Malay Reservation Land	6.29
6.8	Creation of Trusts	6.31
6.9	Definition of Malay	6.33
	6.9.1 The Constitutional Definition of Malay	6.34
	6.9.2 Definition of Malay in the context of MRE	6.41
	6.9.3 The Definition of Natives	6.50
	6.9.4 The meaning of ‘person’	6.51
	6.9.5 The meaning of ‘is treated as Malay’	6.53
	6.9.6 Alienation	6.53
	6.9.7 Resident	6.54
6.10	Recognition	6.55
6.11	Application	6.55
6.12	Malay Holding of Trengganu	6.55
6.13	Conclusion	6.56

## **CHAPTER SEVEN RESTRICTIONS AND CHALLENGES FACED BY MALAY RESERVATION LAND**

7.0	Introduction	7.1
7.1	Acquisition of Malay Reservation Land	7.2
	7.1.1 Market Value of Malay Reservation Land	7.3
	7.1.2 Land vested upon acquisition as State Malay Reservation Land	7.5
	7.1.3 Effect of Land Acquisition Act 1960 on Malay Reservation Land	7.6
7.2	The Incentives for a Registered Proprietor of a Malay Reservation Land	7.8
7.3	Challenges Faced By Malay Reservation Land	7.11
	7.3.1 The Low Value of Malay Reservation Land	7.11
	7.3.2 Development – It’s Meaning	7.13
	7.3.3 Constraints to Development	7.14
	7.3.3.1 Ignorance on the Objective of Establishment of Malay Reservation Policy	7.14
	7.3.3.2 Ignorance or Stubborn Malay Proprietors to develop the land	7.14

7.3.3.3	Illegal or Unlawful Dealings of Malay Reservation Land	7.15
7.3.3.4	Lack of Infrastructure	7.17
7.3.3.5.	Land not suitable for Agricultural Development / Soil Suitability	7.17
7.3.3.6	No proper Planning Law	7.19
7.3.3.7	Small lots with Multiple Ownership	7.20
7.3.3.8	Land as Status Symbol	7.20
7.3.3.9	Location of the Malay Reservation Land	7.21
7.3.3.10	Economical Factors	7.22
7.3.3.10(a)	Lack of Financial Capacity	7.22
7.3.3.10(b)	Financial Institutions Reluctant to fund the Development of Malay Reservation Land	7.22
7.3.3.11	The Inheritance Law	7.23
7.3.3.12	Political Factors	7.23
7.3.3.13	The Legal Factor	7.25
7.3.3.13(a)	Over-Protective	7.27
7.3.3.13(b)	Exclusionary	7.28
7.3.3.13(c)	Preservative	7.28
7.3.3.13(d)	Prospective	7.29
7.3.3.13(e)	Prohibitive	7.29
7.3.3.13(f)	Flexible	7.29
7.3.3.13(g)	Seductive	7.30
7.3.3.14	Insufficient Government Support for the Development of Malay Reservation Land	7.30
7.3.3.15.	Non-Replacement of acquired Malay Reservation Land	7.32
7.3.3.16	Revocation of Malay Reservation Land Without adhering to the Proper Procedure	7.33
7.3.3.17	Creating a rich, elite group of Malays	7.33
7.3.3.18	Conversion	7.34
7.3.3.19	Lack of Malay Financial Institution to Finance Malay Reservation Land	7.34
7.3.3.20	Finance Malay Reservation Land	7.34
7.3.3.21	Lack of Demand for Malay Reservation Land	7.34
7.3.3.21	Development does not serve the interest or welfare of the Malays	7.35
7.3.3.22	Low Value of Malay Agriculture Reservation Land	
7.4	The Development of Malay Reservation Land: Strategies and Programmes	7.36
7.4.1	The Malays	7.37
7.4.2	The Malaysian Government	7.38
7.4.3	The Legal Factor	7.40
7.4.4	Adequate Infrastructure	7.40
7.4.5	Financial Capacity	7.41
7.4.6	Willingness to develop Malay Reservation Land	7.42
7.4.7	Planning Law	7.42
7.4.8	Inheritance Law	7.42
7.4.9	Enacting a Land Readjustment Act	7.43

7.4.10	Tax Exemption	7.43
7.4.11	Incentives to buy Malay Reservation Land	7.44
7.4.12	Changing of Malays Attitude Towards Land	7.44
7.5	Conclusion	7.45

## **CHAPTER EIGHT**

### **OBSERVATIONS AND RECOMMENDATIONS**

8.0	Introduction	8.1
8.1	Observations and Recommendations	8.2

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**LIST OF GLOSSARY**

<i>Bumiputra</i> people	Literally means the ‘sons of the soil’; the indigenous
<i>Daulat</i>	Supernatural, mystical authority
<i>Derhaka</i>	Disloyal, treason
<i>Islam</i> religion.	Literally means submission to the will of God,
<i>Masuk Melayu</i>	Literally means to be a Malay; conversion to Islam
<i>Merdeka</i>	Independence
<i>Kampong land</i>	Country Land