

【Summary】

Development of Land Tenure System and Ethnicity in
Peninsular Malaysia: The Case of the Lebir Valley, KelantanKAWAI Aya
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Current literature addresses the two *bumiputera* (indigenous) ethnic groups of the Peninsular Malaysia differently in the context of land issue. The main subjects of the land development projects in the FELDA schemes were “Malay,” whereas the “Orang Asli” living any development sites have claimed the titles to these lands. “Malay” and “Orang Asli” are the only legally defined populations of the peninsular region, and both have their respective reservations. While several studies have discussed the relevance of the development of the land tenure system for the establishment of legal “Malay” in the colonial state, only few have examined the two categories together.

This paper aims to investigate the roles of the land tenure system and the two ethnic-racial categories in state-building by analyzing relevant literature, maps, and field work data. Based on the perspective that the land administration policies with official ethnic-racial categories act as a mean to regulate the indigenous inhabitants and their land use, the paper examines the background of the establishments of the legal ethnic categories and the administration of the categorized people with reference to land governance as well as describes the process that these policies have shaped for land use of the inhabitants in the Lebir valley, Kelantan.

Our findings indicate that the development of land law and legal ethnic-racial categories has enabled the authority to grasp inhabitants and their land use as ethnically/racially divided subjects for governing. With the establishments of reservations, “Malay” and “Orang Asli” were legally defined at different epochs in the history: the first definition of “Malay” was established in 1913 prior to that of “Aborigine (Orang Asli)” in 1954. Those events placed indigenous inhabitants and their land use under the government control. The implementations of policies with these categories had spatially divided “Malay” inhabitants and “Orang Asli” inhabitants of the Lebir valley and created a territorialized landscape of the ethnic-racial areas. During the Emergency (1948-1960), “Malay” people at the upriver were forced to relocate as part of the “anti-communist guerrilla plan,” while the “Orang Asli” inhabitants remained. The land became *terra nullius* since the “Orang Asli” inhabitants were not legal land owners, rather customary land users. After the independence, FELDA villages for the “Malay” citizens and reservations for the “Orang Asli” citizens were created at these “empty” spaces.

The land tenure system and the law-defined ethnic categories are part of the cultural and social constructs for administration, which is not always in accordance with the peoples’ land use. This study offers a new perspective to the indigenous land issue under the current land system with specific ethnic categories.