

## Cultural Construct of Customary Land from the Perspective of Bidayuh Community

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### Abstract

Customary land forms an important asset and are very valuable to the Bidayuh community. Hence, this article attempts to understand the cultural construct of customary land and its relationship to the economic and social dimension from the perspective of Bidayuh community. This study was undertaken in the District of Serian, Sarawak. Data were collected using a questionnaire survey supported by semi-structured interviews. A purposive sampling technique was utilized. A questionnaire survey was administered to 70 land owners who form the respondents of this study and an additional 10 persons from the Bidayuh community were interviewed. The findings reveal that the cultural construct of customary land to the Bidayuh community can be classified into three themes such as, land as cultural identity, land as sustaining heritage, and land as an economic resources. The study implies that the customary land has direct link with the economic and socio-cultural aspects of the Bidayuh community

**Keywords:** customary land, value of land, cultural identity, heritage sustainability, economic resources, Bidayuh community

### 1. Introduction

The Bidayuh community is a community inhabiting the southwest area of Sarawak, particularly in the Serian District, Siburan, Penrisen, Bau, Padawan Kuching and West Kalimantan (Ziana, 2013). The word 'Bidayuh' is a collective term for classifying a few Land Dayak sub clans. The Bidayuh can be classified into four ethnic groups, namely Selakau/Lara (Lundu District, Jagoi/Singai (Bau District), Biatah (Pidawan District) and Bukar/Sadong (Serian District) (Rasheed, 2013 in Mohd Shafiq & Azima, 2014a)

Customary land is an important and a very valuable asset to the Bidayuh community (BRIMAS, 1999). To the Bidayuh community, the customary land has the relationship in all aspects of their lives which include the belief systems, culture, health, resource management, heritage knowledge and custom, legislation, social and political (Adibah et al., 2009 in Mohd Shafiq & Azima, 2014a). The need for the recognized land ownership is a serious matter in the Bidayuh community (Mohd Shafiq & Azima, 2014b).

The importance and the value of the customary land to the Bidayuh community has triggered the research on understanding the meaning of customary land ownership and delimitation to be conducted. The results of the study found that the customary land determination and delimitation were determined by the Bidayuh community through the use of natural resources, such as trees and rivers (Azima et al., 2014b). The discussion of this article is focused on

understanding the cultural construct of the land and its relationship to the economic and socio-cultural aspects from the Bidayuh community's perspective.

## **2. Literature Review**

The native's understanding of the meaning of land delimitation and ownership is something that has its own uniqueness (Azima et al. 2014b). The common rules on the border and ownership of the land are understood by them through oral information inherited from one generation to another. Through the common rule, the first household in the community who cleared the forest secured the rights to the land. Their rights to the land explored are inherited and ensured by the community which is then marked with the natural border known as 'line' like rivers, ridges and other permanent landmarks.

Referring to Azima et al. (2014b), the usage as well as the border recognition and the native land ownership by the community is not something strange. This is due to some initial legislation that has been made as a reference before the existence of the Sarawak Land Code 1958, among others are the 1931 Land Orders, Occupied Land Ordinance, 1933, Application of Law Ordinance, 1949, Ordinance (Classification) of the Land 1948, the Civil Law 1956 and the Sarawak Land Code 1958. The Sarawak Land Code 1958 emphasizes that persons claiming ownership or interest, must have a document of title in the form of gift, leases or other documents as proof of ownership or interest. There is a provision for the customary land under Section 5 (2) limiting the use of customary lands, including logging of virgin forest and cleared land occupation, land cultivation with fruits, occupation of cultivated land, the use of land cemetery or mausoleum, and the use of land for right of way.

Many amendments have been made to the Land Code. For example, the 2000 amendment harmonized the processes and procedures relating to the customary Lands with the agencies involved in the context of alienated land and related to compensation of lands acquired for development purposes. Concurrently, the amendment in 2000 also drew attention to the registration of the customary land. This condition corresponds to the development needs of the native groups in Sarawak, but it involves the natives' communal land (Azima et al. 2014a).

Land is generally important as a source of livelihood for the subsistence economy (Azima et al. 2014b). The land is important as an area for food sourcing, hunting and collecting forest products. In this case, land acts as an economic generator that depends on the subsistence activities of the Bidayuh community. The Bidayuh community uses their land with the survival intention in the economic aspect of their subsistence activities. The island land will ensure that the food source for the community will not deplete or discontinued and used as a place for settlement as well as the daily activities of the community.

The need for land as a binder between tribes who share a common land reflected the existence of a strong bond of solidarity between them. It is apparent when the majority of land owners interviewed agreed that the land in the Bidayuh community is important and meaningful as a symbol of their identity (Azima et al. 2014b).

According to BRIMAS (1999), neglects and violations of the law often done by the state government has led to the customary lands been converted to large-scale plantations and logging activities. The incessantly opening of the oil palm plantations has caused the extinction of natural resources such as rattan useful for crafts and the local community has lost their source of this activity. As an effect, the villagers experienced a shortage of land for their own use, such as paddy planting and other crops (Marcus et al. 2008). If the situation is not seriously overcome, in the long run the culture and heritage that they have retained all the while will be lost in the mainstream of development which is profit oriented.

According to Mohd Shafiq and Azima (2014b), the customary land is important from the social aspect as it is a symbol of cultural identity to the Bidayuh community. Recognition of the customary land is also important for the community to have their say in the decision making process pertaining to the development of their land. In fact, the preservation of the customary land, preserves and maintain the ecological environment.

## **3. Method**

The study was conducted in six villages in Serian District, namely Diang, Kekai, Mentu Tupu, Mongkos, Pridan and Tong Nibung. Data were collected using the questionnaires and supported by the semi-structured interviews with the Bidayuh community. The questionnaires were distributed to obtain the general profiles and information and interviews with the Bidayuh community representatives were conducted to get their input on the value, ownership and the delimitation of the land owned by them. The sampling technique used for both methods is the purposive sampling. A total of 70 respondents responded to the questionnaires. The general findings pertaining to the land ownership were supported by the results of the semi-structured interviews with ten respondents who were successfully met and provided cooperation. The interview

excerpts are stated as KB-1 to KB-10, KB refers to the Bidayuh community. The focus of the article discussions is the cultural construct towards the land in the Bidayuh community and its relationship with their survival in terms of economic and socio-cultural.

#### 4. Results of the Study and Discussions

##### 4.1 Respondents' profiles

The profiles of respondent are shown in Table 1. The total number of respondents is 70, comprising of the residents of six villages in the Serian District, namely the Diang (34.3%), Kekai (5.7%), Mentu Tupu (11.4%), Mongkos (8.6%), Pride (37.1%) and Tong Jong (2.9%). The number of male respondents were more (77.1%) than female respondents (22.9%). More than half of the respondents were in the age range of 41-60 years (58.6%), followed by the respondents who were over 60 years (28.3%) and a total of 17.1 per cent respondents were aged less than or equal to 40 years. Almost of the respondents are Christian (98.6%) and married (95.7%).

**Table (1).** Respondents' profiles

	Frequency	%		Frequency	%
Gender:			Religious:		
Men	54	77.1	Cristian	69	98.6
Women	16	22.9	Muslim	1	1.4
Age:			Status of married:		
≤ 40 years	12	17.1	Single	1	1.4
41-60 years	41	58.6	Married	67	95.7
> 60 years	17	24.3	Widow	2	2.9
Level of educations:			No. of children:		
No school	17	24.3	≤ 2 person	21	30.0
Primary school	32	45.7	3-5 person	27	38.6
Secondary school	21	30.0	> 5 person	22	31.4
Occupations:			Income (monthly):		
Unemployment	13	18.6	≤ RM500	49	70.0
Farmer	49	70.0	RM501-RM1,000	14	20.0
Others	8	11.4	RM1,001-RM1,500	3	4.3
			RM1,501-RM2,000	3	4.3
			≥ RM2,001	1	1.4

A total of 38.6 percent of the respondents have 3-5 children. While 31.4 percent have more than five children. The respondents' education level can be classified into three, namely; never attended school (24.3%), primary school (45.7%) and secondary school (30.0%). Most of the respondents are farmers (70.0%). The respondents' monthly income distribution stated that the monthly income of less than or equal to RM500.00 is the highest (70.0%), followed by the income between RM501.00 to RM1000.00 (20.0%). Only one respondent has an income exceeding RM2000.00

##### 4.2 Respondents' land ownership

The status of the respondents' land ownership are shown in Table 2. On average, the respondents who have individual land (60.0%) and family land (41.4%). Only a small number of the respondents state that they have the community land (7.1%). Individual land means land owned by the individual himself and has a grant. Family land refers to the Native Customary Right (NCR) land owned by the family. While community NCR land refers to the land owned together with members of the community.

**Table (2).** Respondents' land ownership

	Individual land	Family land	Community land
Land ownership	42 (60.0%)	29 (41.4%)	5 (7.1%)
Having delimitation	36 (51.4%)	21 (30.0%)	5 (7.1%)
Land area:			
Minimum	1.2 acres	1 acres	2.5 acres
Maximum	45 acres	20 acres	24.7 acres
Land use	Agriculture	Agriculture	Agriculture & Settlement
Other land ownership		7 (10.0%)	
Sold their land		3 (4.3)	

The research findings also show that nearly every respondent has varies land sizes, each recorded an area between 1.2-45.0 acres (individual land), 1.0-20.0 acres (family land) and 2.5-24.7 acres (community land). The difference in areas is due to the strenuous efforts in opening/clearing the land at the initial stage. Those who have opened many new areas will have bigger land areas. This is supported by the following conversation excerpts:

*KB-7 "... if he was diligent, his land is larger... but not in one place...more land is wealthier, because he used to be diligent, or his grandparents used to be diligent ... his descendants are diligent'*

The vast land will then be handed down from one generation to another. Should the original owner had many children, then the land area will be smaller than those who only have a few children or only one child.

The study also found that the average usage of the lands are for agricultural purposes. Various types of crops are grown on these lands, such as oil palm, rubber, pepper, padi, cocoa and fruit trees. In addition, the land owned is also used as a settlement by building their homes. The constructions of residential houses are more focused on the community land.

The study results in Table 2 also show that only 10 percent of the respondents state that they have other land than the three types of land mentioned. Interestingly, less than five percent of the respondents had been involved in the sale of their land. It is certainly influenced by the value and importance of land in the Bidayuh community itself. This finding can be explained by the two excerpts below:

*KB-3:"... but the villagers here did not want to sell land ... for future generations ... the land is difficult for us to find... if there is no land where we want to live ... where are we going to plant, where do we find food... that is the importance of land to us..."*

*KB-9: "... if like me, I'm the villager here, will never buy land in other villages, because to the other villagers the land is also dear to them ... do not want to simply sell the land"*

#### 4.3 Cultural constructs on the land from the perspective of the respondents

Based on the interviews conducted on 10 respondents, the cultural constructs of the land from the perspective of the Bidayuh community can be classified into three, namely:

- Land as a cultural identity
- Land as the heritage continuance
- Land as an economic source

##### 4.3.1 Land as a cultural identity

Land is something very important in the Bidayuh community. Land is considered as a symbol of their inherited cultural identity. The ownership and retention of the land from one lineage to the next is an honour and recognition to them. The three excerpts below confirmed the importance of land as a cultural identity in the Bidayuh community.

*KB-5: "Customary land is a hereditary land"*

*KB-1: "Customary land is inherited from the ancestors, it is hereditary"*

*KB-2: "It is a family value... it is a gift from our mom and dad, from grandparents to grandchildren, that is ancestry"*

Referring to KB-1 and KB-5, the customary land is a hereditary land inherited from their ancestors. More than that, it is also seen as a symbol of a high family value (KB-2). Land is a gift of great value to the generation who will be inheriting.

#### 4.3.2 Land as the heritage continuance

In the Bidayuh community, land has the continuity heritage value. Land ownership among them allows the Bidayuh community to continuously grow. The land owned by heritage gives them space to build settlements and farming for survival from one generation to another. Land is like a life to them, without the land it is extremely difficult for them to survive. All this can be decoded from the following four excerpts:

*KB-6: "... if the Bidayuh have no land, where do they want to live? Where do we do our farming? He wants to live with the family with whom? That's why, an inch of land in the Bidayuh community is very important ... important ..."*

*KB-3: "... indeed it is inherited because mom and dad handed over the land to me right, I keep this land for my children, for my grandchildren someday ..."*

*KB-10: "The customary land is inherited ... grandfather ...it was my mom and dad efforts, he will not want it for others, surely he wants it for his children and grandchildren. For what he did, he had no other thing, he just plant padi... this is for my children and grandchildren"*

*KB-7: "... if he now lives in Kuching or wherever, so when he retired, he wants to come back home, want to build a house, want a site in the village... I am kind of the head of the family, he will ask to build a house, and I will give a bit to build the house ..."*

In their opinion, even if you had a job in the modern sector and live in the urban areas, the customary land is still needed to continue living after retirement. In fact, they still have a sense of openness to give a space of the land to their family members who want to build a house when they retire.

#### 4.3.3 Land as an economic source

Land is very important as a source of economic and income to the Bidayuh community. Referring to Table 2, on average, the land usage for the Bidayuh community is for agricultural purposes. Various types of crops were cultivated by the land owners such as oil palm, rubber, pepper, paddy, cocoa and fruit trees. Part of their produce is for personal and family usage, while the rest is for sale. In short, the land is their 'foraging'. This fact can be proven by the following excerpts:

*KB-1: "The NCR land is used for agriculture, farming is often the source of income of the villagers"*

*KB-3: "... The importance of the land is normal like we are seeking for food, paddy planting and others are from the land..."*

*KB-4: "Land is life ... without the land where do you want to stand... without the land what do I want to eat ..."*

*KB-7: "... Indeed the land is for foraging, because if you want to work at the market it is far away, transport is difficult, we are good in this village ... just like planting peppers, padi ... if there is produce we sell..."*

In summary, for the Bidayuh community, the land is not only important as their source of food, but also a long-term asset that must be protected to preserve their heritage.

## 5. Conclusion and Implication

The fact that the Bidayuh community customary land is important as a symbol of cultural identity to the Bidayuh community, the social aspects of it cannot be refuted. The results of this study also confirmed that the importance of the customary land in the Bidayuh community is like chicken and egg. In particular, this study concludes that the cultural construct on the customary land to the Bidayuh community is classified into three, namely land as the cultural identity,

land as the continuity of inheritance and land as an economic source. It is proven that the customary land certainly has a direct relationship to the Bidayuh community economy and socio-cultural. As an implication, the recognition of ownership and retention of the status of the customary land in the Bidayuh community are needed in ensuring their future existence in the all aspects, either in terms of social, economic and political.

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