



## Malay Land Loss Dilemma: Was the Malay Reservations Enactment 1913 Relevant?

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**Abstract.** The British administration in Malaya argued that the Malay Reservations Enactment 1913 aimed to safeguard the land rights of Malays. It was believed that Malay land rights were endangered by the prevalent practice of selling and mortgaging land to foreigners for quick profit among the Malays. Consequently, the enactment was introduced to protect and consolidate Malay land rights. However, this article contends that the formulation of this enactment not only failed to secure Malay land rights consistently but also served to mask the shortcomings of British law and land administration under the Land Enactment of 1911. This legislation was later replaced by the Land Code 1926, which further exacerbated the issue and contributed significantly to the loss of land among the Malays. Despite the existence of the Malay Reservations Enactment 1913, British land laws and administration posed challenges for Malays in maintaining existing land ownership and acquiring new land. Therefore, the enactment proved ineffective in preventing Malays from losing their land. This article employs a historical method that focuses on primary resources. The primary resources referred to are colonial records, specifically the *Perak Government Gazettes*, *Annual Reports of Perak*, *Malayan Agricultural Journal* and *Year Book and Manual of Statistics*.

**Keywords and phrases:** Malay land ownership, Malay Reservations Enactment 1913, Land Enactment 1911, Land Code 1926, British colonisation

### Introduction

In relation to the issue of Malays losing their lands, British administrators often associated it with the attitude of Malays, who were said to be fond of borrowing money and selling land to reap enormous profits without considering the livelihood of their future generations.<sup>1</sup> Concurrently, previous scholars

considered the Malays' output from agricultural activities was not productive, thus becoming the leading cause of them losing their lands. This situation resulted from unproductive production methods that hindered Malays from generating surpluses in their output, leading to low income and no extra income for saving purposes. They were therefore forced to borrow money whenever their cultivation did not produce good yields or in times of emergencies such as death or incapacities (Mahani 2005, 117–118). These loans were typically secured by mortgaging the land. Hence, when payment for the loan could not be settled, the lands would then become the property of the money lenders who were either Indian *chettiar* (money lenders) or Chinese shopkeepers (Kratoska 1975, 9; 11). The sale of land to fulfil social needs was also usually associated with the Malays losing their land, especially when they wished to perform their hajj in Makkah (Aiza and Mahani 2023, 92–108).

Although we cannot deny the truth of these views, the question is, to what extent can these views justify the loss of land among the Malays? What about land policies by the British administration, which had gradually caused the Malays to lose their grip in relation to land retention? Additionally, the British administration's attitude, which prioritised the capitalist's economic aims and interests, further complicated the management and administration of land. Acquisition of land, as well as defending land ownership, was not as easy prior to colonisation. This article, therefore, discussed whether the Malay Reservations Enactment 1913 truly assisted and defended Malay rights over their own land.

## Malay Reservations Enactment 1913 in Previous Studies

Many prior research studies have discussed the factors and aims of the British administrators' implementation of the Malay Reservations Enactment 1913. An example is the British administrators' bias, which gave greater preference to the capitalist group in the selection of districts to be declared as Malay Reserved Land, as discussed by Ahmad (1985). This research argued that land areas considered to hold important aspects for mining were not gazetted under the enactment. Furthermore, the declaration of lands already gazetted as Malay Reserved was cancelled due to the priority given to mining activities, as seen in the case of Malay Reserved Land Anak Ayer Papan in the district of Kinta, Perak (Ahmad 1985, 82). Apart from the discussion on British attitudes, other studies discussed Malay attitudes and reactions toward the formulation and implementation of the enactment. Jomo (1988), for instance, argued that some Malays whose lands had been declared as Malay Reserved under this enactment applied to the government to withdraw from that declaration because it had caused their lands to depreciate in value as much as 50%. This situation had

jeopardised Malay eligibility for larger loans, as the amount of the loan was based on the value of the collateral land. Additionally, loan applications with land collateral could only be made by Malays. Malay creditors, therefore, had the opportunity to charge higher interest rates and impose more rigid terms of loans compared to non-Malay creditors. As a result, the wealthy Malays were able to purchase lands gazetted as reserved, which were comparatively cheaper than market prices (Jomo 1988, 69).

Another scholar, Lim (1977), also discussed this enactment. He explained the important purpose behind the enactment's formulation, which aimed to keep Malays attached to rice cultivation through strict conditions, such as "no rubber" on Malay Reserved Land (Lim 1977, 116). Due to increased rubber prices, Malays were attracted to planting rubber and were encouraged to gradually transition to rubber planting (Nik Haslinda 2011, 103).<sup>2</sup> Hence, early efforts were taken to prevent lands that were already planted with paddy, as well as those that were suitable for rice cultivation, from being planted with rubber in the future. Efforts in maintaining rice cultivation among the Malays were also made with the excuse that the activity of rice cultivation was a tradition of the Malays (Jackson 1972, 79).<sup>3</sup> In preventing the Malays from losing their land, all these studies agreed that the enactment failed to secure Malay ownership over their land. Besides these scholars, Subramaniam and Endicott (2020) also asserted that the proclamation of the Malay Reservations Enactment was not adequate to preserve the land and economic interests of the Malay community (Subramaniam and Endicott 2020, 103). Additionally, Kratoska (1983) also detailed the failure of the enactment to prevent the loss of land or occupation of Malay Reserved Land by non-Malays. According to him, non-Malays have been utilising mortgages and other legal mechanisms to secure loans and obtain the use of reserved land.

However, there was another important reason for the failure to implement the Malay Reservations Enactment of 1913, which addressed the dilemma of Malay land loss, but was not specified by all these scholars: this legislation does not guarantee the preservation of existing land or facilitate the easy acquisition of new land for Malays. The basis for this assertion lies in the presence of numerous requisites outlined in the land enactments established by the British administration, such as the Land Enactment of 1911,<sup>4</sup> that must be adhered to. Failure to observe these specific clauses in the enactment, such as the clause stated in Part VI, Section 73 (related to the requirement to settle land rentals and other land-related costs) had caused the original Malay owners to lose their lands even though after the existence of the Malay Reservations Enactment 1913 (further details, see Part I, Section 3A(i), Part III, Section 36(i), Part IV, Section 73 in "The Land Enactment, 1911" in Voules [1921, 77; 88; 101]).

## The Malays Continued to Lose Their Lands

Although the Malay Reservations Enactment 1913 aimed to constrain the Malays from losing their lands to non-Malays, this legislation did not guarantee the continuous rights of original Malay landowners over their land. Even though their lands were gazetted as Malay Reserved Land, continued ownership over their lands were still subject to the rules stated in the Land Enactment 1911. Therefore, there were still possibilities that Malays would lose their lands. This was no surprise, as the primary aim of British land management and administration was to ensure the economic importance of the land, as well as to meet the requirements of the British administrators. C.W. Harrison, who was the Commissioner of Lands in the Federated Malay States, quoted in his statement (1923, 4) on the purpose of implementing regulations under the land enactment, as follows:

Rules under the Land Enactment provide, as how application for land and payment therefor may be made, how land is to be sold at auction, what are the premium, the rent and the fees, how rice land is to be cultivated and prohibiting the planting of any specified product or the planting of such under conditions prescribed.

C.W. Harrison's quotation explained the aim of implementing land legislation, which was to establish the conditions on the process of land application and payment, how land could be auctioned to the public, total premium rental, how land should be utilised, how to conduct work on rice land, and the prohibitions of cultivation on land applied for. Failure to comply with these stated rules of the land legislation may result in the risk of losing land ownership. As proof, under the Land Enactment 1911, Part I, Section 3a(i), prescribed special rules related to land that had been separated for rice cultivation. This ruling specified that:

[N]o state land which is in the opinion of the resident more suitable for cultivation with wet rice for being rendered by irrigation or otherwise cultivable therewith than any other purpose shall be alienated except under a special condition requiring the same, or a proportion thereof, to be cultivated annually with wet rice and prohibiting the planting of any other product thereon. (Voules 1921, 77)

If the landowners were found to breach any regulation under this provision, Section 5 of the same regulation empowered the "collector" in the related district to return the said land (re-entry), and if the regulations set were not complied with, land ownership of the parties involved could be disqualified and lost.<sup>5</sup> For instance, when lands that were allocated explicitly for *bendang* (paddy

fields) were found not complying with special regulations as stated in the land grant, the landowners would be given a period of three months to adhere to the said terms and conditions, so that they would not be stripped off their rights to the land (see “Notice of Re-Entry Land for Breach of Conditions of Documents of Title” in *Federated Malay States [FMS] Government Gazette* 1923, 2649–2654).

This ruling was among the important factors that contributed to the risk of the Malays losing their lands. An example was the case in the district of Beruas, Perak. Based on records referred from gazettes, it was found that many notices were issued to landowners to inform them of the risk of losing their lands due to failure to comply with the requirements as prescribed in Section 3a(i). These notices were issued in accordance with the provisions under Section 5 (Notices of Re-Entry). For instance, in 1923, a notification was issued to Ngah Noman bin Ngah Sembang regarding the violation of rules under Section 5 on his land in Beruas, Perak. This was due to his failure to adhere to the terms and conditions for cultivation, although those terms and conditions for *bendang* (paddy fields) were stated in the land grant issued by the government. Ngah Noman was therefore faced with the risk of losing his land if he did not comply with the terms and conditions of the *bendang* within three months of the notice issued. Besides Ngah Noman, and several others, including Yeop Mat Yusof, Ngah Pura binti Dagang, Ngah Timah binti Alang Iman, Ngah Abdul Rahman bin Alang Sator, Teh Hamidah binti Alang Panjang, Layor bin Haji Taib, Long Teh bin Tuan and many others were faced with the risk of losing their lands for the same reason (*Federated Malay States [FMS] Government Gazette* 1923, 2649–2654). Hence, landowners could still experience loss as a result of forced cultivation terms, specifically with paddy field planting. Failure to abide by these terms also resulted in much of the Malay land being auctioned and subsequently repossessed through gazetted notices.<sup>6</sup>

Apart from being forced to cultivate specific types of crops on designated lands, the same legislation also stipulated rules regarding the types of crops that were not allowed to be planted for all land applications. If terms regarding planting prohibitions are not complied with, land ownership could be cancelled (Part 1, Section 3a(i), Land Enactment 1913). As proof, in the district of Larut, Perak, Mek Yah binti Wan Sman and Habsah binti Mat Ariffin were bound to lose their lands as a result of planting rubber on their lands, which were bound to terms that prohibited the planting of rubber. Due to their violation of the prohibition of rubber planting as stated in the land grants, Mek Yah and Habsah were given three months to adhere to the said prohibition (*Federated Malay States [FMS] Government Gazette* 1923, 2649). Then, under the new land legislation, Land Code 1926, provisions under Section 5 of the Land Enactment 1911 were still maintained in Section 37 of the Land Code. To illustrate, many

notifications were issued under this section due to violations of the terms for planting as stated in land grants. Evident in this matter were cases of landowners in 1930 in Kuala Kangsar, Perak, who violated rules prohibiting rubber planting and planted rubber on their lands. Those involved—Abdul Rapor bin Mat Piah, Andak Hussin bin Nakhoda Gumuh and others—were issued with three months' notice to adhere to the rules on planting prohibitions. In cases where landowners failed to abide by the rules of planting prohibitions, their land ownerships would be cancelled (*Federated Malay States [FMS] Government Gazette* 1930, 493–495). This meant that landowners who had violated the prohibition on rubber planting had to cut down all trees already planted to avoid jeopardising their land ownership, which could be cancelled by the government. Based on this situation, however, the formulation of the Malay Reservations Enactment of 1913 still could not solve the issue of land ownership cancellation.

Rubber planting by the Malays had often been associated with the spread of diseases among rubber trees due to lack of proper care of their plants, especially among Malay smallholder British administrators were worried that rubber plant diseases from the smallholders would also attack plantations owned by European companies and jeopardised the profits of shareholders due to decrease in rubber production (*The Annual Report of the Agricultural Chemist for 1926* 1926, 138). Agricultural officers were also reported to have faced difficulties in obtaining cooperation from the owners of small rubber holdings in efforts to care for their properties. This caused difficulty in taking steps for disease control upon small holdings (*The Annual Report of the Agricultural Chemist for 1926* 1926, 138). This was also among the important factors that caused the British administration to take steps in preventing rubber planting among the Malays by applying the “No rubber” rule upon their lands.

In discussing the loss of land among the Malays, among other main factors that brought about the risk of losing land was the failure to settle rents and payments of other land-related costs as stipulated in Section VI of the Land Enactment 1911, as follows:

The Collector may issue a notice of sale of the land, substantially in the form of Schedule U, and if at the expiration of the period of four months therein mentioned the arrear has not been paid or satisfied he may sell by public auction the whole of such land, or such part thereof or such interest therein as he may deem sufficient to satisfy the same together with the costs of all processes relating thereto. (Section 73, Land Enactment 1911, 101)

Provisions similar to those in the previous legislation were still in effect in Section 214, Part XVIII of the Land Code 1926 (in *Federated Malay States (FMS) Government Gazette* 1926, 1087). For example, in the district of Kerian, Perak, the provisions that allowed mortgage of land in order to collect land rentals and other outstanding land costs, recorded in 1913 during December alone, a total of 34 landowners were among the Malays faced the prospect of losing their lands due to failure to settle land rentals and other land-related costs (*Federated Malay States [FMS] Government Gazette* 1913, 1951–1952; 2029–2030). Then, in 1927, the same district recorded a total of 773 land lots being ordered for public auction for the same reasons. Out of this total, 635 lots were Malay-owned while the remaining 108 lots were owned by non-Malays (*Federated Malay States [FMS] Government Gazette* 1927, 19–18). Based on these figures, it was evident that the Kerian district recorded the highest number of lands lost by Malays due to the provisions of the Land Code of 1926, which allowed land mortgages. Incidents of similar situations also occurred in other states, such as Selangor.

An example was the case in 1931, Ulu Langat, Selangor, when 42 Malays faced the prospect of losing their lands when a notice for public auction was issued due to their inability to settle outstanding land rentals and other related costs (*Federated Malay States [FMS] Government Gazette* 1931, 2106). In actuality, the risk of Malays losing their lands due to these same factors in Ulu Langat, Selangor, was extremely high compared to losing their lands due to the inability to settle debts with the *chettiar*. As proof, only four cases of Malay land were opened for public auction in order to settle their debts with the *chettiar* in this district (*Federated Malay States [FMS] Government Gazette* 1931, 2067–2109). This proved that the risk of permanently losing land among the Malays, who were the original landowners, still took place even with the existence of the Malay Reservations Enactment 1913. Provisions that allowed public auction of land for unsettled land debts were among the main factors that resulted in the Malays losing their lands to non-Malays. The consequences were evident, as in the case of 1914, where a total of 19 lots of land in Kerian, Perak, were public auctioned due to the landowners' inability to settle land rentals and other related costs. As a result, these lands were bid and bought by non-Malays. However, the number of Malay lots that were lost to non-Malays in this district was small when compared to 193 lots that were not bid on nor bought by anyone, which were later repossessed by the government (*Federated Malay States [FMS] Government Gazette* 1914, 2064–2065; 2160–2161; 2422).

The Malays not only face the risk of losing the land that was granted to them in ownership, but also face the risk of the government cancelling their new applications for ownership of land they were already cultivating. For instance,

applicants who failed to settle land rentals and other related costs within a period of four months from the date of notification would be issued a notice of cancellation upon their land application by the Collector (*Federated Malay States [FMS] Government Gazette* 1919, 1140). This provision was detailed in Part 4, Section 70 of the Land Enactment 1911. Applicants who had been notified of cancellation were not allowed to sell their land to any other parties (*Federated Malay States [FMS] Government Gazette* 1919, 1140). Many land applications by Malays were cancelled as a result of their failure to settle outstanding rentals and other related costs. An example was the notice of cancellation in 1919 of Kuala Kangsar, Perak. A total of 257 plots of land were cancelled due to unpaid outstanding land rentals and related costs. From the total of 257 land lots that were cancelled, only three plots were applied for by non-Malays, while the remaining 254 plots were applied for by the Malays (*Federated Malay States [FMS] Government Gazette* 1919, 1140–1143). Likewise, new land applications that were approved could also be cancelled under this provision if land rentals and related costs were not settled. The case that surfaced in 1923 proved that 271 land plots in Perak, owned by Malays, were issued notice of cancellation under Section 70, Notice of Cancellation of Approved Application (*Federated Malay States [FMS] Government Gazette* 1923, 2044–2047).

The Malays were therefore pressured by terms of cultivation and planting restrictions as a result of British legislation, which left the Malays trapped with the risk of either losing their lands or having their land applications cancelled. For example, much of the Malay-owned land was dedicated to rice cultivation or other crops and was subject to the “No rubber” rule. Furthermore, rice cultivation did not contribute as much profit as that produced by rubber. Earnings from an acre of rubber planted had always been higher compared to earnings from an acre of rice planted. As the case in Kerian, Perak, between 1922 and 1939, their highest earnings from an acre of rice planted in 1925 amounted to \$40.30.

Meanwhile, the earnings from an acre of rubber planted in the same year were \$218.00 (*Annual Report on Social and Economic Progress of the People of Perak* 1925; Lim 1977, 258). In addition, the price of an acre of rice never exceeded \$40 after this particular year and was consistently low, ranging from \$19.43 to \$29.90. Rubber earnings, however, had always been more than \$55, except for the years between 1931 and 1933, 1935 and 1938. Although at its lowest level of earnings, an acre of rubber planted still received earnings higher than an acre of rice planted. A particular example can be seen in 1932. For this year, the income from an acre of rubber planted was only \$23.10. However, this still exceeded the earnings from an acre of rice planted, which amounted to \$20.25 for the same year (Lim 1977, 258). Thus, the income from an acre of rubber planted

exceeded the income from an acre of rice planted by \$2.85. The primary factor in the cultivation of both crops was the distinct processes involved in each. Rice cultivation involved the same process for every cycle and yielded only once a year (Jackson 1972, 90–91; Lim 1977, 42–46; Bauer 1948, 62). As a result, the earnings from rice cultivation were also received only once a year, necessitating the need to replant rice annually. However, in contrast to rice, once a rubber tree has matured, its yield can be obtained for a long period until the tree no longer produces latex. Therefore, rubber does not need to be replanted every year. Since rubber does not need to be replanted annually, the costs are significantly lower than those of rice cultivation. For these reasons, the capital, manpower, and technological investments involved made rubber cultivation more profitable than rice cultivation (Jomo 1988, 76–79; Bauer 1948, 63).

Due to the obvious differences in cultivation practices, as well as the consideration of profits from both types of crops, Malay landowners preferred to cultivate rubber, as it was more profitable. As such, although stated in their documentation of land ownership that rubber cultivation was forbidden, the Malays were willing to cultivate rubber, even though they faced the risk of legal action. Besides rubber, coconut was also a crop planted on land dedicated to paddy. In the territory of Sungei Tinggi, district of Larut, Perak, Arip bin Mat and Mat bin Pehi cultivated coconut on their lands even though it was dedicated to *bendang* (rice fields). A notice was then issued for them to observe the cultivation rules. Failure to comply with the stated regulations within three months of the notice issued may result in the loss of two and four acres of their land consecutively (*Federated Malay States [FMS] Government Gazette* 1930, 493). These conditions clearly emphasise that the main issue of land loss among the Malays was not due to their willingness to sell their lands. Therefore, the implementation of the Malay Reservations Enactment of 1913 was not particularly effective in addressing the issue of land loss among the Malays, which continues to occur due to legal factors imposed by the British themselves regarding land ownership.

Discussing the issue of Malays' public auction of their lands due to failure to settle outstanding rentals and related costs, it is verily the main reason was their low earnings or income as a result of continued low rice prices. There were times when rice prices were very low and the cost of rice cultivation was even higher than the earnings from it. Examples of such situations were found in the district of Kerian, Perak, which was a major area for rice cultivation, as well as in Federated Malay States. The cost per acre of rice cultivation was between \$30 and \$35 (Siti Noor Hafizah 2019, 288). Hence, rice net earnings in 1922 were only \$33.15, which meant that rice growers faced a loss of \$1.85 or received a profit of approximately \$3.15. Obviously, such an earning would not be sufficient to

cover daily expenses and furthermore, to settle land rentals and other related costs. It is thus no surprise at all that there were arrears in payments that had to be settled with the government. These issues illustrated the high incidences of Malays losing their lands in areas where the main economic activity was rice cultivation, as in Kerian. Compared to other places in Perak, Kerian's cases in 1913 were examples of the highest number of unsettled outstanding land debts in Perak. By the end of 1913, the government had auctioned 604 land plots. Of the 604 auctioned plots, only 56 were bid for and purchased by non-Malays. The remaining 24 other lots were bid and bought by Malays. The rest of the 524 lots that were not bid were repossessed by the government (*Federated Malay States [FMS] Government Gazette* 1913, 2029–2030). Incidents of losing land were not only an issue for rural Malays but also for Malays living in towns. In the district of Kajang, Selangor, out of a total of 18 cancellation notices issued, 15 notices were issued to Malays (*Federated Malay States [FMS] Government Gazette* 1913, 23).

Along with the problem and risk of losing existing land lots, this legislation has also caused difficulties for Malays to apply for new land lots. Besides having had to comply with the terms, there was increased competition for land usage for various purposes in the name of public interests. However, the actual objective of acquiring land for so-called public interests was primarily to facilitate the British administration's plans and land usage. "Public purpose" was defined in Part 1, Section 2, "The Land Enactment, 1911" as follows:

"Public purpose" includes the reservation or acquisition of land for quarries, brickfields, quays, landing-places, tramways, railways and railway stations, roads, canals, reservoirs, irrigation works, aqueducts or water-courses, markets, abattoirs, public baths or wash-houses, government buildings, schools, gardens, places of public worship or instruction, recreation or convenience, reformatories, libraries, museums, hospitals, asylums, experimental farms,

\*\* or places for the cremation or interment of the dead, and also for the improvement of unhealthy areas in townships or villages declared under Section 13 or under another law in that behalf, and for such other purposes as the resident may, with the approval of the Chief Secretary, declare by notification in the Gazette to be public purposes within the meaning of this enactment. (Part I, Section 2, "The Land Enactment, 1913" in Voules 1921, 76)

Based on the definition, land use for "Public purpose" as stated in the enactment was land reserved for purposes of quarries, building of roads, canals, reservoirs, irrigation works, aqueducts, markets, government buildings, stations,

government-owned experimental stations and other public usage. The resident held the authority to reserve any land for a public purpose as stipulated under Part I, Section 9. This section stated that:

In each state, the resident may from time to time reserve, by notification in the Gazette, any states lands which in his opinion are required for any public purpose or for residential reserve. (Part I, Section 2, "The Land Enactment, 1913" in Voules 1921, 80)

This stipulation also affected Malay land applications because such gazetted land for public purposes was not available for ownership for any other purpose. Such was the case in Batang Padang, Perak, in 1914, when plots of land were gazetted for quarrying purposes and came under the jurisdiction of the state engineer (*Federated Malay States [FMS] Government Gazette* 1914, 149–151). This situation also indicated that Malays could no longer arbitrarily apply for land as they had before. Moreover, land reserved for plantation and mining activities had increased every year, thereby directly affecting the application of land by the Malays. In 1926, the total land dedicated to mining was 102,860 acres. The following year 1927, dedicated land for mining increased to 204,863 acres (*Annual Report on Social and Economic Progress of the People of Perak* 1927, 12). This amounted to an increase of 102,003 acres or 99.2% in just two years.

During the British administration, land was not an easy commodity to acquire because its usage was controlled and dedicated to specific purposes. Separating the land for specific purposes was appropriate during the British administration, as it served their economic interests and could be operated smoothly. However, there were repercussions for the Malays since they could not operate unexplored land on their own accord. This situation was also beyond the jurisdiction of the Malay Reservations Enactment 1913.

## **Implementation of the Malay Reservations Enactment 1913 for the Interest of the British Colonial**

The main intention of the Malay Reservations Enactment 1913 was to ensure that the utilisation of land owned by the Malays was controlled through laws and legislation. Among the important purposes of the implementation of the enactment was to sustain the way of life of the Malays, which was rice cultivation. Rice cultivation received considerable attention from the British administration, as they aimed to reduce their dependency on imported rice. Such dependency was reflected between 1920 and 1930, when consumption of imported rice increased from 361,657 tons in 1923 to 591,755 tons in 1930

(Table 30, *Malayan Agricultural Statistics* [Grist 1936–1940]). Meanwhile, consumption of domestic rice during the same period was between 490,000 tons and 748,000 tons (Table 19, *Malayan Agricultural Statistics* [Grist 1936–1940]). Therefore, Malaya's dependency on imported rice was very high during this period, ranging from 73.8% to 79%, which exceeded 50%. The continuous dependence on imported rice has resulted in the total value of rice imports ranging from \$39,618,106.00 to \$64,305,162.00 for the same year, experiencing a constant increase. The economy became the primary factor in the British administration's consideration of increasing domestic rice production by encouraging Malays to cultivate rice through various methods.

Among the efforts initiated by the British administration was the imposition of lower land premiums and rentals for rice cultivation applications compared to those for rubber cultivation on gazetted Malay Reserved Land. This was undertaken in Perak for gazetted Malay Reserved Land, whereby no premium was imposed for land cultivated with rice and nipah or rembia (rumbia). However, for planting other crops besides rice, the premium imposed was \$25 per acre (Federated Malay States Government 1932, 87). The Malays faced a predicament in their intention to acquire new lands for rubber planting, as it meant paying higher premiums, even for Malay Reserved Land. The same scenario was also experienced in Selangor. Rice-planted lands were imposed on a premium of \$3 only, whereas rubber-planted lands were imposed on a premium between \$10 and \$50 per acre of land, which also depended on their locality (Federated Malay States Government 1932, 88). Rentals for land used for rubber cultivation were still high, despite being gazetted as Malay Reserved Land. In comparison, the yearly rental was \$3.20 per acre for land planted with rubber, while the yearly charge per acre of land planted with anything other than rubber was only \$1.60 (Federated Malay States Government 1932, 89). Thus, the yearly rental for rubber-planted land was double the price of rice-planted land. The action taken by the British administration to impose a premium payment with a higher rental for rubber-planted land was with the obvious intention to lessen applications for rubber-planting land by the Malays. The various terms and conditions added upon gazetted land under the Malay Reservations Enactment 1913 were not intended to protect Malay land ownership, but rather the implementation of the said enactment aimed to ensure that their lands were utilised for rice cultivation. Since rice cultivation was not productive, it was not lucrative and thus affected farmers' earnings not only for daily sustenance but also had an impact on their ability to settle land rentals and other related costs.

Besides high land premiums as well as higher yearly rentals for rubber-planted land, added land premiums were imposed on applications for land that was close to or near infrastructure facilities, such as those adjacent to roadways. Additional payments were imposed based on measurements in chains instead of acreage. For each  $\frac{1}{4}$  chain or 0.025 acre, an added payment of \$2.50 was imposed (Federated Malay States Government 1932, 89). Therefore, for every acre of land in close proximity to roadways, an additional premium of \$100 must be paid. This issue also affected the Malays' opportunity to own lands near infrastructure facilities, as it meant having to pay additional high premium payments. Consequently, only those with stable financial and economic status were eligible to apply for lands near government-provided infrastructural facilities. In this matter, financiers or capitalists would be the categories of people who could afford to apply for land due to their stable financial status.

Therefore, the implementation of the Malay Reservations Enactment 1913 was clearly unable to assist Malays in acquiring new land because they either needed to cultivate rice to apply for new land or had to pay higher premium fees if they wanted to be allowed to plant rubber, even on gazetted Malay land. In such a situation, it was no surprise that many landowners who applied for ownership of *bendang* but later breached the terms and conditions of planting on the said land. Also, there were cases of land being abandoned among landowners. These situations were among the factors that led to land being auctioned and repossessed by the government. These incidents highlighted the dilemma faced by the Malays due to various terms imposed on their applications and land ownership. As a consequence, Malays' involvement in commerce that reaped profits was further limited and adversely affected by the legal prohibitions and higher costs of land ownership for land utilised for commercial purposes that were more profitable, as in the case of rubber. The formulated law, therefore, could not ensure or guarantee the continued sustainability of Malay land ownership and, at the same time, inhibited the economic growth of the Malays.

The main objective of enforcing the Malay Reservations Enactment 1913 was also questioned because there were lands near the infrastructure facilities gazetted under this enactment that had their gazette revoked. As proof, in 1923, a specific case based on gazette numbered 8261, land that was declared as Malay Reserved Land, which was extended as far as Kampung Manong, encompassing Kenas and Bruas Road in Perak, had then been extracted from the enactment (*Federated Malay States [FMS] Government Gazette* 1923, 2594). This case reflected and echoed how the British Administrator favoured the capitalist economy compared to their social responsibility toward the Malays under his administration. Since the early decades of British colonisation, land

with higher value and in close proximity to infrastructure facilities, such as modern land logistics, was much more easily acquired by European capitalists compared to the local people. In 1891, H. Huttenbach & Co. submitted an application for land concessions in Mukim Batu, Selangor, covering an area of 2,000 acres. This particular land, which was near the railway tracks, was approved for the purposes of planting coffee. Interestingly, the land approved was charged a premium as low as \$3.00 and a yearly rental of only \$0.25 per acre (A(N)/SUK(B.000000)/01.001 n.d.). This meant that during the early decades of British administration, the cost of land applications near modern transportation infrastructures was still low. However, in tandem with economic growth and increased land usage for various purposes, the price and cost of land ownership continued to rise, especially in areas with good infrastructure facilities. Additional high premium payments were imposed on land applications that were near such facilities. These developments also had an impact on Malay landownership. An increase in land prices was often linked to Malays losing their lands due to the attraction of greater profits from selling their land. Increased land cost not only undermined Malays' ability to acquire and own new land but also to sustain their ownership of land. Unfortunately, the formulation of the Malay Reservations Enactment 1913 did not focus on these aspects.

Instead of focusing on the clauses within the enactment that had contributed to the risk of Malays losing their lands under the Land Code 1926, the British administration, however, further restrained the Malay Reservations Enactment 1913 by adding more clauses in the said enactment in 1933 so as to quash non-Malay interest in Malay Reserved Land (Kratoska 1983, 163). As such, the British administration was said to have continuously linked the loss of Malay lands with their attitudes in acquiring profits from land dealings with non-Malays. However, it was a matter of fact that the British administration had often contributed to the loss of Malay lands. From another perspective, the loss of Malay lands was focused on the loss of Malay land ownership. An important issue was the ability of Malays to apply for new land and their capacity to acquire profits from land ownership, ensuring they could sustain their ownership of the land. Nevertheless, the British administration often overlooked this matter in their justification for the loss of Malay land.

## **Conclusion**

Colonial land laws, besides being formulated in the interest of foreign investments, it was also meant for the purpose of continued income generation for the British administration. Land laws would also ensure that the domestic food supply of rice would increase in proportion to the growing population.

Therefore, the formulation of land laws was aimed at achieving the colonial administration's economic goals rather than the locals' ownership of land. The government formulated the Malay Reservations Enactment 1913, which was said to safeguard the Malays from losing their land ownership to foreigners; however, it failed to preserve the continued Malays' land ownership. After the British colonisation of Perak in 1874, specifically, and in Malaya (the other Malay states) generally, it was the British land laws that made headway in the Malays losing their lands. Implementation of British land laws had completely changed the land ownership system of the Malays from one which was based on rights to land use into the capability to comply with the rules stated in the British-formulated land laws, such as terms and conditions for cultivation, planting prohibitions, requirements to settle premiums, land rentals and other land-related costs. Failure to observe any part of the terms or conditions would result in the land owned by the Malays being auctioned and repossessed by the government in cases where no other parties purchased it. These prohibitions and terms of planting also caused the Malays to lose opportunities for economic benefits that arose during the British administration. As in the case of the prohibition of planting rubber on specific lands, the Malays lost the opportunity to benefit from rubber planting, which was the most profitable commercial endeavour. This had jeopardised the earnings of the Malays, which dictated their ability to settle land rentals and other land-related costs. Therefore, the main cause for the loss and failure of the Malays to defend their rights to land ownership did not arise from their attitudes, but rather was caused by the terms stipulated under the British land laws that pressured the Malays. Thus, the Malay Reservations Enactment 1913 was not relevant in addressing the issue of land loss among the Malays during British colonialisation.

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## Notes

1. The attitude of the Malays is used as justification by British administrators in formulating the Malay Reservations Enactment 1913. For further discussion (Ahmad 1985, 59–67; Lim 1977, 106–116).
2. Besides the Malay Reservations Enactment 1913, the British administrators attempted to retain Malays as rice growers through the legal introduction of the Krian Irrigation Enactment 1905, which required all gazetted land under this enactment to be dedicated solely to rice cultivation (Siti Noor Hafizah 2021, 71).

However, this legislation was not as encompassing as the Malay Reservations Enactment 1913, as it was limited only to the district of Kerian, Perak. Thus, the Malay Reservations Enactment was more comprehensive in retaining rice cultivation among the Malay communities.

3. However, the main objective of the British administrators' effort to maintain Malays in rice cultivation was to fulfil the increasing domestic needs for rice due to the rapid population growth, coupled with the continued expansion of total land dedicated to rubber as compared to other crops, especially rice. In Federated Malay States, for example, until 1920, the total area allocated for rubber planting alone was 779,170 acres, compared to the total area of rice cultivation, which was only 179,000 acres, although rice was the staple food crop of the population (Department of Agriculture FMS and SS 1922, 9). The effort to retain land for continuous paddy planting was made to ensure that Malaya generally and Perak specifically would not be dependent on imported rice from overseas, and at the same time, reduce the government's expenses on imported rice (Jack 1924, 22)
4. The land legislation was later replaced with the Land Code 1926.
5. "The Land Enactment, 1911" in *The Laws of the Federated Malay States 1877–1920*, 77–78. Subsequently, with the implementation of new land legislation, namely the Land Code 1926, provisions with the same meaning were placed in Part IV, which is "Condition and Obligation", under Section 37. See the Land Code 1926 in "Supplementary" (*Federated Malay States [FMS] Government Gazette* 1926, 1051–1052).
6. It cannot be denied that notices have also been issued to non-Malays for breaching the cultivation conditions, but the number of notices issued to Malays for such breaches was higher than the number issued to non-Malays. As evidence, in Beruas, Perak, 19 notices were issued to non-Malays compared to 24 notices issued to Malays. See *Federated Malay States (FMS) Government Gazette* (1923, 2649–2654).

## References

- A(N)/SUK(B.000000)/01.001. n.d. Application for 2,000 acres of land at Batu for coffee cultivation. Kuala Lumpur: National Archives of Malaysia.
- Ahmad Nazri Abdullah. 1985. *Melayu dan tanah*. Selangor, Malaysia: Media Intelek Sdn. Bhd.
- Aiza Maslan and Mahani Musa. 2023. Isu tabungan orang Melayu dalam sejarah pengerjaan haji era kapal laut. *Jebat: Malaysian Journal of History, Politics and Strategic Studies* 50(2): 92–108. <http://doi.org/10.17576/jebat.2023.5002.01>
- Annual Report on Social and Economic Progress of the People of Perak*. 1927. Kuala Lumpur: Federated Malay States Government Printing Office.
- \_\_\_\_\_. 1925. Kuala Lumpur: Federated Malay States Government Printing Office.
- Bauer, P.T. 1948. *The rubber industry: A study in competition and monopoly*. London: Butler and Tanner Ltd.
- Department of Agriculture FMS and SS. 1922. *Malayan agriculture handbook*. Kuala Lumpur: Huxley, Palmer & Co. Ltd.
- Federated Malay States (FMS) Government Gazette*. 1931. Kuala Lumpur: Federated Malay States Government Printing Office.

- \_\_\_\_\_. 1930. Kuala Lumpur: Federated Malay States Government Printing Office.
- \_\_\_\_\_. 1927. Kuala Lumpur: Federated Malay States Government Printing Office.
- \_\_\_\_\_. 1926. The Land Code, 1926. Supplementary. Kuala Lumpur: Federated Malay States Government Printing Office.
- \_\_\_\_\_. 1923. Kuala Lumpur: Federated Malay States Government Printing Office.
- \_\_\_\_\_. 1923. Notice of re-entry land for breach of conditions of documents of title. Kuala Lumpur: Federated Malay States Government Printing Office.
- \_\_\_\_\_. 1919. Kuala Lumpur: Federated Malay States Government Printing Office.
- \_\_\_\_\_. 1914. Kuala Lumpur: Federated Malay States Government Printing Office.
- \_\_\_\_\_. 1913. Kuala Lumpur: Federated Malay States Government Printing Office.
- Federated Malay States Government. 1932. *Year book and manual of statistics 1932*. Kuala Lumpur: Federated Malay States Government Printing Office.
- Grist, D.H. 1936–1940. *Malayan agricultural statistics*. Kuala Lumpur: Caxton Press, Ltd.
- Harrison, C.W. 1923. Land laws and land administration in the Federated Malay States. In *Land administration and surveys*. Singapore: Fraser and Neave, Ltd.
- Jack, H.W. 1924. Brief recommendations regarding rice milling for padi producers and employers of labour. *The Malayan Agricultural Journal* 12(1): 22–25.
- Jackson, J.C. 1972. Rice cultivation in West Malaysia: Relationships between culture history, customary practices and recent developments. *Journal of the Malaysian Branch of the Royal Asiatic Society* 45(2)(222): 79–96.
- Jomo, K.S. 1988. *Pembangunan ekonomi dan kelas sosial di Semenanjung Malaysia*. Kuala Lumpur: Dewan Bahasa dan Pustaka.
- Kratoska, P.H. 1983. Ends that we cannot foresee: Malay reservations in British Malaya. *Journal of Southeast Asian Studies* 14(1): 149–168.
- \_\_\_\_\_. 1975. *The chettiar and the yeoman*. Singapore: Institute of Southeast Asian Studies.
- Lim, T.G. 1977. *Peasants and their agricultural economy in Colonial Malaya, 1874–1941*. Kuala Lumpur: Oxford University Press.
- Mahani Musa. 2005. *Sejarah sosioekonomi dan wanita Kedah, 1881–1940*. Selangor, Malaysia: Penerbit Universiti Kebangsaan Malaysia.
- Nik Haslinda Nik Hussain. 2011. *Pentadbiran kolonial dan isu pemilikan tanah di Kelantan, 1881–1941*. Pulau Pinang, Malaysia: Penerbit Universiti Sains Malaysia.
- Siti Noor Hafizah Mohamed Sharif. 2021. Pengenalan Rancangan Pengairan Kerian dan kesannya terhadap aspek ekonomi petani padi di Kerian, Perak (1906–1941). *Jebat: Malaysian Journal of History, Politics and Strategic Studies* 48(2): 54–81.
- \_\_\_\_\_. 2019. *Penghijrahan masyarakat Melayu ke Kerian, Perak, 1816–1941*. PhD diss., Universiti Sains Malaysia.
- Subramaniam, Y. and Endicott, K. 2020. Orang Asli land and resource rights in the Malay states, 1874–1939. *Journal of the Malaysian Branch of the Royal Asiatic Society* 93(319): 87–118.
- The Annual Report of the Agricultural Chemist for 1926*. 1926. Kuala Lumpur: National Archives of Malaysia.
- Voules, A.B. 1921. *The laws of the Federated Malay States 1877–1920*. London: Hazel, Watson & Viney Ltd.