The Genesis of Squatting in West Malaysia with Special Reference to the Malays in the Federal Territory

Malaysia has a multi-racial population, and each of its main ethnic/racial groups — the indigenous Malays and the non-indigenous Chinese and Indians — is represented in the squatsments in the capital city of Kuala Lumpur. While squatting among the non-indigenous population, especially the Chinese, has been going on since the colonial days; among the Malays, squatting, particularly urban squatting is a relatively new phenomenon which came to prominence only in the post-independence era (i.e., after 1957). Being new, the historical development of squatting among the Malays, to the best of my knowledge, has never been documented. Very little, therefore is known of the genesis of squatting among the Malays. How and why did the Malays become squatters? When did they begin to squat? These are some of the problems which will be discussed here.

This paper is divided into two sections. The first looks at the phenomenon of squatting in broad terms, at the national level, in Peninsular Malaysia (Malaya) as a whole. The second section examines the development of squatting in Kuala Lumpur, otherwise known as the Federal Territory. Both sections give special emphasis to the history of squatting among the Malays.

Squatting in Malaya — A Historical Perspective

Squatting as generally understood today in Malaya and as the term is defined and used in this study, refers to illegal or unlawful occupation of land, whether alienated or unalienated, by individuals or groups of individuals. Squatting thus defined, as shall be explained subsequently, is not an autochthonous concept, but a foreign one introduced into the local society with the introduction of British land laws and administration in the late 19th century. Squatting is based on certain basic assumptions: firstly, it assumes that there is a temporal power or authority in whom is vested the ultimate ownership.
of land as well as the right to alienate it; secondly, it assumes that once a piece of land has been alienated, the person to whom it is alienated has proprietary right over it; and, thirdly, it assumes that some legal machinery exists to enforce such a right.

In pre-colonial days, the Malay Peninsula was populated almost entirely by Malays who had their own customary laws, including land laws. Unlike the English land laws, the Malay customary land laws did not define the authority that had ultimate control over land. Unopened land, which was in great abundance, was considered no-man’s land; Malays and Muslims had free access to it. Once a piece of land had been cleared, cultivated and/or occupied, the cultivator was deemed to have established his possessory right over the land and this right would be sustained for as long as the land showed proofs of cultivation and/or occupation and the right lapsed once the land had been abandoned and reverted to jungle, i.e. became tanah matti (lit. dead land) (Maxwell, W.E. 1885). There was no legal machinery to enforce such right, but generally it was respected since it was accepted by the community as a whole.

In view of this it can be said that squatting, as we know it today, did not exist in Malaya in pre-colonial days. It may be said that a person who went and occupied a piece of land already cleared and cultivated by another person would be regarded as guilty of squatting. In the first place this was unlikely thing to happen as land was plentiful. But even if it did happen it would still be inappropriate to call it ‘squatting’ since there was no law as we know it which would have made such an act unlawful or illegal in the Western sense. Squatting, as we now understand it, began to appear on official record only since the British colonial period and the incidence of squatting can be said to have come about as a direct result of changes made in the economic system as well as the system of land tenure and land administration by the colonial authorities.

When the British came, their primary concern was to exploit the natural wealth and resources of the country and the economic policy was geared principally towards capitalist development of tin-mining and export-oriented agricultural industries. Such a development, however, required not only foreign capital and labour, but also some modifications or even reforms of the native system of land tenure which was not really suitable for or conducive to the development of capitalist enterprises. The British colonial administration made a number of changes, of which the ones most relevant to squatting are as follows:

(a) As the Malay Customary Land Laws made no provision for land acquisition by other than Malays and Muslims, the British colonial administration advised the Malay rulers to open their states to foreigners, and the first to do so were the Sultans of Selangor and Perak, in 1874 (Wong, D. 1975, p. 24, 25).

(b) The British colonial authorities introduced a new system of land tenure based on the British model on the presumption, as in English land law, that all land was ultimately held of the Malay ruler who had the power to alienate land. Two methods of land alienation were introduced: first, by leasehold which affected lands categorised as town lands and large holdings which between 1897–1926 were lands of 100 acres and below and after 1926, lands less than 10 acres. Alienation by registration was adopted in order to accommodate the traditional mode of land acquisition as practised by the native Malays (Wong, D. 1975, p. 82, 83).

(c) The colonial authorities introduced the British system of land administration which included, inter alia, land registration and the issue of land titles (Wong, D. 1975, p. 112).

These are some of the most important changes introduced by the British colonial administration and they had far-reaching consequences. The opening of the country to foreigners by the Malay rulers, for example, enabled the British capitalists to carry out tin-mining operations on a scale much larger and using methods much more sophisticated than those used by the native Malays who had been engaged in tin-mining long before
the British (and the Chinese) came. It also enabled the British capitalists to acquire lands for development into plantation agriculture, particularly rubber, on a vast scale. The attribution of superior ownership of land to Malay rulers gave the colonial government virtually “a free hand to offer their lands to the world of private ownership in any form that would suit capitalist enterprises” (Wong, D. 1975, p. 24).

The development and expansion of capitalist economy based on tin-mining and plantation agriculture which began at the end of the 19th century attracted, and the colonial administration positively encouraged, mass immigration of foreign labour into the country. Most of these labour came from the south and south-east of China and the Indian sub-continent. So large was the immigration that between 1895 and 1933, 6 million Chinese and ½ million Indians entered Malaya. This huge in-migration coupled with the changes made in the land law of the country at that time has been said to be the root cause of squatting in Malaya.

Official records, as we shall see later, show that during the colonial regime there were no native Malay squatters. Squatters were all immigrants, the most predominant being Chinese, so much so that the term ‘squatter’ became almost synonymous with Chinese. And these immigrant squatters were found mostly near or around their workplace — mines in the case of the Chinese and road and railway construction depots in the case of the Indians, and such areas developed later into urban centres.

A number of writers have attempted to explain the preponderance of immigrant, especially Chinese, squatters during the colonial period. J.M. Gullick (1963, p. 67) attributes it to the government policy of alienating small holdings to only Malays. K.S. Sandhu (1964, p. 146), like Gullick, blames it on the discriminatory land laws and bureaucratic red-tapes. According to Sandhu, Chinese applications for land titles “had to go through more than a hundred procedures to secure government authorization.” And I.M. Humphry (1971 p. 41–42) contends that squatting among the Chinese occurred because they were “highly suspicious of authority” and also because “one quarter of the total area of the country has been designated as Malay Reservation.”

It is incorrect for Humphry to attribute the incidence of squatting by immigrant population during the colonial period to the creation of Malay Reservation areas. In the first place, the enactment of the law concerning Malay Reservation areas was necessitated by the fact that the Malays, like the Red Indians of North America, were losing their lands to the immigrant population and in danger of becoming landless (Mahathir, M. 1970, p. 70–72). Secondly, as Humphry’s own map shows, the lands designated by the British administration in 1920’s as Malay Reservation which are scattered all over the nine Malay states consist largely of remote areas or inaccessible jungle-clad mountain ranges or mountainous areas (except for the coastal areas of Kelantan and Kedah) which were considered worthless for capitalist enterprise and provisions were made for excision of parts of the lands in the event that they proved to be economically valuable at some future date. Thirdly, as Humphry himself notes, these Malay Reservation areas formed only one-fourth of the total areas of the country, thus leaving three-fourths free for acquisition by the immigrant population.

It cannot be denied that the opportunity was there for immigrant population to acquire lands legally if they so wished. Not only were there vast areas outside the Malay Reservation available to them, they were in fact invited and encouraged to acquire lands. As early as 1874, the Malay sultans, on the advice of the British, opened their respective states to foreigners by issuing proclamations, the first of which was the one issued by the Sultan of Perak, which reads:

Now, we are desirous to open our country, with a view to afford all the inhabitants of our country peace and security ....
Now, we make known to all European gentlemen, Chinese headmen and others, that we shall regard with great favour anyone who will come and do useful work in our country,
such as opening tin-mines or gold-mines or agricultural purposes, or to carry on trade in
our country, such as searching for gutta, rattan, or felling timber or following any other
profitable business for themselves.
And we, through the advice of the aforesaid British Resident, will protect the lives and
property of those who come into our country to the utmost of our ability.
Whosoever likes to open plantations, such as sugarcane, pepper, tobacco, cotton or anything
else, we will give the land for it free of cost and he may work on it for three years without
paying any tax whatever upon the produce. Whosoever opens mines must pay taxes accord-
ing to the rule of our country.
Now, this we make known to all men, that whosoever is willing to work in our country
may either discourse with us personally, or with the British Resident in Perak. (Wong, D.

Despite the generous offer not all the immigrant population availed themselves of
the opportunity. Why a large number of immigrant population became squatters there-
fore cannot be explained in terms of the land policy; the reasons have to be sought
elsewhere, perhaps in the administration of the policy rather than the policy itself as
well as in the socio-economic background of the immigrant squatters themselves. It is
possible, as K.S. Sandhu says, the chaotic administration and endless red-tapes discouraged
immigrants from acquiring lands legally. The majority of the immigrant population were
ignorant of either the land law or land policy prevailing at the time; they just did not
know that they could acquire lands legally.
There are other socio-economic factors which may account for squatting by the
immigrants. Most, if not all, of the immigrants came with the idea of eventually returning
to their own native land. Their stay in Malaya was a temporary one to seek a living,
perhaps a fortune, and having made enough these 'birds-of-passage' would return to their
own country. The British colonial authorities, too, viewed them as immigrant labour to
be repatriated whenever labour was no longer needed, for example, in times of economic
depression. Uncertain of their future in Malaya, it is hardly surprising that many refrained
from acquiring lands legally. By not investing on land but simply squatting, they found it
easier to leave in case of repatriation or if they should decide of their own volition to go
back to their native land. There may also be others who did not acquire land legally
because of economic hardship and lack of money. Most of the immigrants were of the
labour class, poor and uneducated, coming to Malaya with only the clothes on their back
and the barest of possessions and of course their labour to sell. As wage labourers they
may or may not be provided with accommodation which, even if provided, would be
probably 'coolie-lines'; if they were not, then the only natural alternative would be to
squat. And squatting had a number of attractive features; there were no taxes to pay,
no dealing with the authorities. Squatters were not tied down; they could move from
one place to another freely in search of better opportunities.
So, the preponderance of immigrant, particularly Chinese, squatters during the
colonial regime could be due to any or all of these reasons, but certainly not to the
creation of Malay Reservation lands.
The fact, however, remains that squatting in Malaya during the colonial period
involved almost solely the immigrant groups, in particular the Chinese. The earliest
statistics on squatters in Malaya were of the Chinese. According to these statistics, in
1940, they numbered 150,000; in 1945, the number of Chinese squatters rose to 400,000
and in 1948, it somehow fell to 300,000. This fluctuation in the number of Chinese
squatters is said to be due to the fluctuation in the economic fortunes of the country:
in times of recession, some of the immigrant labour were repatriated by the colonial
administration and others chose to return voluntarily. During the 1920's the country
went through such a bad time that trade practically came to a halt and many mines and
plantations closed down. Many immigrant workers became unemployed; some returned
to their own country, repatriated or voluntarily, but quite a few chose to stay and squat
on state lands to eke out a living through agricultural pursuits. When trade revived and the
economy of the country improved and jobs became once again available, these ‘squatters’ moved back into the mines, estates or whatever, while at the same time retaining their squatter lands. And as the economy of the country flourished, more and more immigrants came over to the country. During the great slump of 1929–30, the number of squatters rose again and after the slump their number fell but only to rise again during the Second World War and the recuperative periods following it (Sandhu, K.S. 1973, p. xxx, xxxi, xxxii).

After the Second World War, Chinese squatters occupied large tracts of land, both State and alienated, in the countryside. The colonial authorities, which resumed power in late 1945 in Malaya, did not take any action to curb the activities of the squatters because they were regarded as providing a useful service, i.e. producing badly needed foodstuffs (Firel-Simon & Khoo, 1976, p. 8–9). In 1948, some Chinese squatters were suspected of collaboration with the Malayan Communist Party which was engaged in an insurrection against the British Government of Malaya. A plan for squatter settlements was worked out and it was in order to facilitate the implementation of the plan that the first survey of squatters was carried out in the late forties and early fifties.

Much of the squatting that happened during the earlier part of the colonial period took place on agricultural lands. During the period of communist insurgency and the emergency that followed (1948–60) many of the rural squatters faced considerable hardships. Those suspected of collaborating with the terrorists were rounded up by the authorities; others, however, were suspected by the terrorists of collaborating with the authorities and were menaced by them. This forced a considerable number of the rural squatters to move into areas close to towns or into the towns themselves.

In the post-independence era, the pattern of squatting among the immigrants and their descendants remained virtually the same; they continued to squat either on agricultural lands on the periphery of urban centres or on lands actually with the urban centres. However, what is of great interest to the present study is that during the post-independence period, particularly since the sixties, official records began to show that large-scale squatting in urban centres was no longer confined to only the immigrant groups, and in 1966, perhaps for the very first time in the history of the country, official records made references to urban squatting by Malays and this was only in Kuala Lumpur.

Does this mean that during the colonial period there were no Malay squatters? The answer to the question must be sought partially if not wholly in the way the Malay Customary Land Laws were interpreted and implemented by the British colonial administration, especially those pertaining to the traditional mode of land acquisition.

Malay Traditional Mode of Land Acquisition

The Customary Land Laws of the Malays gave them the right to occupy what was (before the introduction of the new land laws by the British colonial authorities) considered no-man’s-land. For centuries the method of land acquisition practised by the Malays was to gain access to a piece of land that belonged to no-one, usually jungle land, then to clear, cultivate and/or settle on it. Cultivation or occupation, according to the Malay Customary Land Laws, gave the cultivator the right of ‘ownership’ to that piece of land. Such a manner of land acquisition is termed meneroka or membuka tanah (lit. to open up land or, if done on a large scale, membuat negeri (lit. to open up a state) or berbuat negeri (lit. to create a state). A person who is involved in the opening up of lands in this manner is known as peneroka (lit. one who opens up land) or penduduk (lit. settler), if he actually settled on the land.

The British colonial administration recognized the Malay Customary Land Laws and the Malay traditional mode of land acquisition, and to the best of the writer’s knowledge, the Malay Customary Land Laws have never been formally repealed or abolished. Maxwell, for example, quoted by Wong (1975, p. 13) says that “under the Malay customs,
a cultivator acquired 'a proprietary right' in land 'by the clearing of the land followed by continuous occupation', and that as such his right was 'absolute' as long as occupation continued or as long as the land bore signs of appropriation.' Actually, it was this recognition of the Malay Customary Land Laws, in particular the Malay traditional mode of land acquisition, that largely accounts for the non-existence of native Malay squatters during the colonial period. Since occupation of State land by Malays was not considered 'illegal' or 'unlawful', the question of squatting among the Malays simply did not arise. Any Malay could go and open up a piece of land and occupy it or settle on it; he would be perfectly within his right to do so and the land would be his as long as he occupied it or for as long as it 'showed signs of appropriation'. Clearly, therefore, occupation of State land without prior official permission, which could constitute squatting under English law, did occur, especially in the countryside where the Malays were mostly to be found; but such occupation of land by the Malays was never referred to as 'squatting' by the colonial administrators. This accounts for the apparent non-existence of Malay squatters during the colonial period.

Although, on the one hand, the British colonial authorities perhaps had no choice but to recognize the Malay Customary Land Laws and the traditional mode of land acquisition, if not for any reason at least out of deference to the Malay rulers, they, on the other hand, would perhaps have wanted very much to abolish both the Laws and the system of land acquisition altogether. They must have found both a nuisance since they were clearly incompatible not only with the English Law that had been introduced into the country but also with the development of a capitalist economy which was the primary concern of the British administrative. Realizing that to abolish the Customary Land Laws and the traditional mode of land acquisition altogether was impossible, the British did the next best thing: they tried to restrict the application of the Customary Land Laws as much as possible. In 1897, the Federated Malay States Enactment was passed which had the effect of confining the menoroka right of the Malays to the countryside and involving lands not exceeding 100 acres in size. Under this Enactment lands were to be 'alienated' simply by way of registration in the local registers, called mukim registers. The Federated Malay States Land Code 1926 further reduced the size of land that could be occupied under the customary right. Under this Code "... small country holdings — now reduced to holdings not exceeding 10 acres — were generally to be granted under the Mukim Register without formal document ..." (Wong, 1975, p. 78 & 82). Thus in this way the British colonial administration tried to confine the Malay right in land acquisition to the countryside only.

The Malays: From Settlers to Squatters

As indicated above, prior to the sixties there were no references to 'Malay squatters' in any official records and that it was only in 1966 that a mention of them began to appear in official records and this was in respect of squatting in Kuala Lumpur. How do we account for this?

As we have seen the British colonial administration never referred to Malays who occupied State land without prior authority as 'squatters'; they called them 'colonists' (National Archives File, Malayan Union 8446/46), a term which did not carry the legal implication of an unlawful act punishable by law. And this was, as explained above, because the British colonial administrators respected and formally recognized the Malay right under the Malay Customary Land Laws, despite their desire to do away with them. However, in 1965, in the post-independence era, the new Malayan government introduced the National Land Code. Article 425 of the Code states:

(1) Any person who, without lawful authority —

(a) occupies, or erects any building on, any State land, reserved land or mining land,
(b) clears, encloses or cultivates any such land or part thereof, or
(c) cuts any timber or produce on any such land, shall be guilty of an offence,
and liable on conviction to a fine not exceeding ..., or imprisonment for
a term not exceeding ...., or both.

This article has the effect, among other things, of abolishing the centuries old special
right of the Malays to land under their Customary Land Laws – something which the
British colonial authorities must have wanted to do very much but could not do and it
is somewhat ironical that it took a Malay or Malay-dominated government to do it.
With this de facto abolition of the Malay customary right to land, any Malay who now
occupies 'State, reserved or mining land' without 'lawful authority' is no longer a peneroka
or penduduk but a 'squatter', and since the Malay language never had the word for
'squatter' in its vocabulary, a new term setinggan had to be specially coined for it. This
new term appeared for the very first time in print, as far as can be ascertained, in the
Malay newspaper, Utusan Melayu, on 27th April 1968, and incorporated later, in the
Malay dictionary, Kamus Dewan (1970). In spite of intensive efforts, the writer has been
unable to establish an entirely satisfactory origin of the term setinggan. Utusan Melayu,
the newspaper that first used it, when approached, was unable to say who coined the
word or how he did it; neither could officials in the terminology section of the Dewan
Bahasa dan Pustaka, the official language and literary agency responsible for the develop­
ment and expansion of the Malay language. It seems that the Dewan's decision to include
the word setinggan in the Kamus Dewan was based simply on the fact that the word was
already in wide popular use by the mass media and the general public for several years.
Some members of the general public, however, believe that the word setinggan is a Malay
corruption of the English word 'sten-gun'. They say, originally, kampung setinggan used
to be called kampung sten-gun, because, it seems, such kampung rose in the face of such
strong opposition from the authorities who sent demolition squads to destroy the squatter
houses, that some of the squatters had to use guns to protect their kampung. This led to
the kampung being nicknamed kampung sten-gun and the people living in such kampung,
orang kampung sten-gun. Later the word kampung was dropped and the squatters became
orang sten-gun; eventually the word sten-gun itself underwent a phonological change to
suit the Malay tongue and became setinggan. Whether this is the true origin of the term
setinggan is perhaps not so important; what is of greater significance is the fact that the
very concept of squatting was unknown among the Malays, so much so that they did not
have a word for it in their original vocabulary and a special term for it came into existence
only in recent times, after independence.

However, to pass a law is one thing but to have the law accepted and observed by the
people is quite another. Evidence seems to show that the Malays, deep in their hearts,
have never really accepted the imposition of English Land Law over their own by the
colonial authorities and subsequently the abolition of their special right to land under
the traditional Customary Land Laws by their own government. When the British colonial
authorities passed a legislation to introduce compulsory land registration in 1897, for
example, it met with such a strong resistance from the Malays that “... in some places,
the angry peasants had to be suppressed by force” (Wong, D. 1975, p. 72). But the most
telling evidence of the Malays’ rejection of the English Land Law is perhaps the fact that
they continued with their practice of acquiring lands according to the traditional mode of
land acquisition. This happened throughout the British colonial rule; the practice con­
tinued into the sixties, even to the present day, particularly in the countryside. S.H. Ali
(1976, p. 16) notes that in the states of Pahang, Johor and Kedah where his research was
carried out in the early seventies, there were cases of peasants opening up lands illegally,
at least in the areas he studied, viz. Bagan (Johor), Kangkong (Kedah) and Kerdau
(Pahang). But these cases were not very dramatic because the size of land involved was
quite small. A more dramatic example of land occupation by the Malays was perhaps
that which took place in the Kelantan district of Tanah Merah. Early in 1974, the Federal
Land Development Authority (Felda) engaged some contractors (including the writer’s
husband’s firm) to clear the jungle in an area called Kemahang in the Tanah Merah
District for development into an oil palm plantation. According to the contractors
concerned, they had great difficulty in carrying out their work properly partly because of
the existence, in the middle of the jungle to be cleared, of an ‘illegal’ settlement of several
hundred acres. The actual number of people involved in creating the settlement is
unknown, but judging by the acreage cleared by them, it must have been quite large. And
judging by the age of their rubber and fruit trees and coconut palms, the settlement must
have been in existence for at least five years by that time. Their cashew-nut trees were
already bearing fruit, so were their coconut palms; their rubber trees were already about
four inches thick around the base; there were a number of makeshift houses as well as a
graveyard. And all the ‘illegal’ settlers were Malays; a fine example of Malays opening up
land and creating a settlement on it in the old meneroka tradition. It is not known what
eventually happened to the settlers; it is possible that they were offered alternative lands
elsewhere or absorbed as ‘legal’ settlers in the oil palm plantation that was being developed
there.

The writer’s investigation reveals that similar ‘illegal’ occupation of State lands took
place in other states also; sometimes the settlers came not from within the state but from
a neighbouring state. This was the case with Cemomoi, on the border of Pahang and
Negeri Sembilan. Here were found in the late sixties a number of illegal settlements
which had been opened up by Malays from the neighbouring state of Negeri Sembilan,
especially from Ulu Jempul, a mukim or subdistrict in the Kuala Pilah District of Negeri
Sembilan. It seems that the State Government of Pahang have since recognized these
‘illegal’ settlements by giving land titles to the ‘illegal’ settlers who opened up the lands,
thereby, in a sense, reaffirming the right of the Malays to acquire lands according to the
traditional mode of land acquisition.

The most dramatic and extreme example of illegal land occupation by Malays is the
series of land seizure carried out by a group of Malays led by a self-styled Malay leader,
of fifty men in occupying state land in the State of Selangor at a place called Sungai
Sireh. In 1967, he led another group, this time of 400 people, to do the same in Teluk
Gong. And finally in 1969, he again led a group of Malays to engage in land seizure.
This time the number of people involved was 1,500 and they came not only from the
State of Selangor, but also from the neighbouring State of Perak and tried to occupy
State land at a place called Binjai Patah. Hamid Tuah’s attempts at ‘organized’ illegal
occupation of State land were resisted by the State Government.

On his first attempt, Hamid Tuah was arrested and set to ‘restricted residence’ (Ali,
S.H. 1976, p. 16). Both Hamid Tuah’s attempt to seize land and his arrest were given
wide publicity by the local press which drew a great deal of public sympathy. The evicted
followers of Hamid Tuah staged a sit-in protest in front of the Menteri Besar’s residence.
They dispersed when the then Deputy Prime Minister of the country promised to give
them land. The promise, however, was not fulfilled and this led to a second attempt by
Hamid Tuah with the aid of 400 men. By then Hamid Tuah had become quite a celebrity
and was also openly supported by some politicians, members of the opposition Socialist
Front, some university lecturers and a large number of university students who organized
demonstrations and made anti-government speeches in support of the demands of the
‘land-hungry’ peasants. In the end, the State Government conceded and gave lands to

Emboldened no doubt by his previous successes, Hamid Tuah launched his third and
final attempt in 1969. This time he was not so lucky. His attempt happened to take place

3 Some of these settlers are known to the writer personally.
at a time when the country was in a state of emergency after the May 13th ethnic riots. In spite of his much larger following and in spite of the same open support from the same politicians, university lecturers and students, the Government had no difficulty in aborting the attempts by using emergency powers. About 100 of Hamid Tuah’s followers were arrested; Hamid Tuah himself was again put under preventive detention and was released only the following year.

The writer’s study reveals that the practice of opening up lands for agricultural and/or settlement purposes in the *meneroka* tradition is still going on among the Malays in the countryside. As late as 1980, one Felda contractor found hundreds of Malay ‘squatters’ in the jungle area contracted out to him for jungle clearing and plantation development in the State of Trengganu. This seems to confirm the impression that the Malays have never really fully accepted the superimposition of the English Land Law over their Customary Land Laws. Even the Government’s attitude towards ‘illegal’ squatters seems to suggest that they do not view land occupation by the *meneroka* methods as a very serious offence. Apart from the one case of Hamid Tuah, as far as can be determined, no State Government has actually prosecuted Malays who opened up State lands, *albeit* for agricultural purposes, without prior lawful authority, although State authorities frequently issue threats of prosecution through the press. In practically all known cases, the State authorities have regularized such ‘illegal’ land occupation by issuing land titles to the settlers involved.

The case of Hamid Tuah is different from all the others in many respects. His attempts at land seizure were the first that clearly showed signs that they were premeditated, properly organized and coordinated, probably politically inspired and motivated partly if not wholly by a desire to challenge and embarrass the government. This is totally different from the occupation of land under the *meneroka* tradition which is usually spontaneous, carried out quietly without any fuss and motivated solely and entirely by the desire to find a settlement or to open lands for agricultural purposes, in other words, solely out of needs without any desire to cause trouble or challenge the authorities. In retrospect it seems also clear that the Hamid Tuah case was politicised and manipulated by certain politicians for their own ends. It is a case where the reassertion of the Malay right to land under the Customary Laws took on a political complexion and the appearance of a class struggle and mini peasant revolution in the Socialist sense.

As we have seen, during the colonial period, the British colonial administrators passed legislations to restrict the practice of the traditional mode of land acquisition by the Malays to only the countryside. This essentially would have made squatters of Malays if they came and occupied unalienated lands in or near towns; but the British got round this by creating Malay Reservation lands and/or Malay Settlements not only in the countryside but also in or close to towns, of which Kampung Baru in Kuala Lumpur is a good example; and in so doing prevented, to some extent, the possible emergence of Malay squatters in towns. However, in the post-independence era, when legislations were passed in the 1960’s to prohibit unauthorized occupation of State land in towns as well as in the countryside, no new provisions were made corresponding to the colonial system of Malay land reservation in or close to towns. The old Malay Reservation lands in or close to towns legislated for by the British colonial administrators have been, by the time of independence, all taken up and, in some cases, become overcrowded. This means that Malays could not come to town and occupy State land after the sixties without becoming squatters in the full legal sense of the word. Furthermore, during the colonial period,

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4 Interview with Encik Omar bin Haji Harun, in October, 1980.
5 There are cases of prosecution of Chinese squatters. The latest case which took place in early 1981 in Kuala Kabong, Kulai, Johore, and which was widely reported in the local press, involved 18,000 acres of Malay Reservation lands occupied illegally by Chinese who are said to be “people with a lot of money”. It seems the Chinese started a palm oil and rubber plantation on the land (See *Utusan Malaysia*, 23rd March, 1981).