In his article on Malay Slavery Law, Sir William Maxwell wrote:— "Two codes of law are known to the Perak Malays, the Undang-Undang Kerajaan and the Undang-Undang Minangkabau sometimes called Undang-Undang Dua-belas. The former collection professes to be the laws of Perak, Pahang and Johor" (JSBRAS, 22, 1890, p. 256) and has been edited by Mr. E. Kempe and myself in JMBRAS, 21, (1), 1948. The only copy of the latter known to me is Maxwell MS. 44 in the Library of the Royal Asiatic Society, London. It was copied in 1292 A.H. or September 1875 at Penang. It contains besides the Minangkabau digest a list of Perak Sultans and Chiefs, of the Sultans of Istanbul and of Perak Place Names. The list of Perak Sultans includes the apocryphal history of Perak's early rulers ("History of Perak" by R. O. Winstedt and R. J. Wilkinson, *ibid* 12 (1), 1934: 122-4), except at the beginning where no mention is made of Baginda Dai or Nakhoda Kasim but it is merely stated that the line of Marong Mahawangsa (? = the Sailendras of Sri Vijaya) having died out Perak had no Raja; the story then relates how in 1091 A.H. (1680 A.D.) two white negroes lived near the Plus river and one day found a male infant in a bamboo, whom they called Dato' Changkat Pelandok, and another day a girl child in the river-foam, whom they adopted and called Dato' Temong. When they grew up the two foundings were married but having no children adopted "Tun Saban, a descendant of former chiefs" from Tanah Merah. His daughter marries a Minangkabau prince from Johor, who becomes Sultan of Perak with the title of Ahmad Taju'd-din Shah! When that ruler dies, his nephew comes from Johor and having broken the neck of his uncle's child usurps the Perak throne with the title of Sultan Malik Shah. Tun Saban, grandfather of the murdered infant, took up arms and was killed by a Minangkabau warrior, Megat Terawis, who succeeded him as Bendahara (JSBRAS, 12 (1), 1934: 122, 139-9; *ibid*, 14, (2), 1936: 192) and married his daughter. Clearly the tale of the white negroes is a compromise between the matrilineal predelections of Minangkabau jurists and the prejudices of Perak royalty. And these laws must go back to ca, 1700-28, when in Perak as elsewhere in the Peninsula Minangkabaus and Bugis collided. The ascription of them to Perak's apocryphal ruler, Ahmad Taju'd-din Shah, a ruler of Kedah who conquered part of Perak in 1816-8, must be a late addition. Copies of the Perak-Pahang-Johor laws are found generally in the hands of royalty;
those of Perak's Ninety-Nine Laws in the possession of descendants of their Sayid compiler. Unfortunately the owner of the MS. from which Maxwell's copy, R.A.S. 44, was taken is not recorded. If it came from a descendant of the Megat family, which still exists, that might corroborate the time and source of the introduction of these laws to Perak. Perak's experience of mild Minangkabau law may have facilitated the introduction of the slightly later lenient Ninety-Nine Laws. Anyhow a summary of these laws helps to illustrate the diverse components of Perak culture. They display an attempt to introduce Minangkabau criminal and civil law so far as it could be adapted to a patriarchal state. There is no description of the Minangkabau matrilineal system and no attempt to treat the Perak people like the exogamous tribes of Negri Sembilan. Hereditary land under the matrilineal system went always to daughters; the present digest provides that sons inherit one-third and daughters two-thirds. Here there are no severer penalties for offences against royalty, and few of the sections deal with slavery or debt-bondage which was rare in a tribal community. As is usual in Minangkabau digests the compiler tries in vain to reconcile customary and Islamic law. The old Malacca digest prescribes a fine as the penalty for fornication by the unmarried; the Pahang digest a hundred strokes and banishment for a year; the Ninety-Nine Laws of Perak prescribe fines payable by both culprits, or in default banishment for the man and the pillory and a shaved head for the girl; these Minangkabau laws merely require the offenders to marry. The Malacca digest does not boggle at death as the punishment for theft and wounding; the Pahang digest prescribes the lopping off of a thief's hand; Perak's Ninety-Nine Laws prescribe fines payable in camels for one who wounds; Minangkabau law enjoins that he shall be fined on a scale adjusted to the gravity of the hurt and that a thief shall restore the goods stolen and be fined, or if incorrigible, whipped. There are no sections dealing with the more complicated business transactions, which were outside the scope of agricultural tribes. But there are penalties for harming persons by magic and there is a hitherto unrecorded rite to avert the ill-luck attaching to twins (980).

This paper is concerned only with the legal provisions of the digest. So, of the many well-known Minangkabau sayings, frequently repeated in a more or less haphazard fashion throughout the digest only enough specimens are chosen to give authentic colour; all of them have already been recorded in this Journal from Rembau, Jelebu and Naning.

Outline Of The MS.

1. These Minangkabau laws were brought to Perak by Sultan Ahmad Ta'ju'd-din Shah, its first ruler. Homage to the twelve elders who sit with a judge (hakim) to decide cases!
For quarrelling the penalty is 5 tahil 1 paha, if blood is drawn from the shoulder down. Judgment must be after debate and not hasty. Dead we are wrapped in earth, alive in custom. Ill-luck cannot be averted nor good fortune commanded. The strong elephant trips; the swift tiger staggers. Tread on charcoal and the foot is blackened. If the foot slips, the body suffers; if the tongue slips, the payment is in gold. Ill-luck smites one down; good-luck soars aloft. Shy of asking the road, one strays.

2. Offend a ruler and one dies; offend a chief one is in debt; offend against custom one pays the penalty ordained by custom (mengisi ‘adat). Its tracks cause the death of the stag, its cry the death of the pheasant. Chiefs must be merciful.

3. With a proposal of marriage one sends 5 tahil 1 paha, with betel.

4. Sayings on luck repeated. When one is married (tua), the slab for grinding spices shaped and the house walled, it is wrong to sleep abroad, like a fowl that leaves his rice to enter the jungle. If a wife dies, the husband must buy shroud and coffin.

5. For offences against custom one applies its rules and precedents (‘adat yang bértirn bértuladan, yang běrlukis běrlěmbaga); for offences against religion, Islamic law.

6. A third kind of law is the law of reason, which by inference distinguishes between the conclusive (waqib), the impossible (mustahil) and the possible (ja’iz). Any chief who does not follow the law, does injustice and is guilty of head-in-air decisions (hukum langut). Just rulers and chiefs go to paradise; the unjust to hell. The mark of a Raja’s greatness is his luck (daulat); of a chief’s the custom; of his people’s, the constitution (lěmbaga). Custom and constitution together are strong like the bird from his wings, the crab from his claws.

7. This was the command of the Raja of Minangkabau of the Chiefs of the four tribes (suku), the Imam in Sarusa, the Kathi at Padang Genting, Indraman at Sungai Terap Makhdum at Sumanik. Commands come from above and petitions go up, as men go down and up a ladder (‘adat běrtangga turun běrjanjang naik).

8. Tyrannical justice is called hukum sakizik. Customary law must prevail and never be opposed.
9. Justice must be even:— jikalau di-sénjong, sama bērat.

10. For refusing to obey an order to go on an errand or come at the call of his chief, to invite the distant and lift the heavy, a man may be fined 1 tahil 1 paha. Whoever does not go to his chief’s hall at the sound of drum or gong is a traitor and shall be fined 5 tahil 1 paha.

11. If a chief gives a decision wrong in customary or religious law, it can be changed by elders-in-council (kērapatan). No chief must be guilty of spite against his people.

12. A chief’s people may be guilty of 8 offences against him, viz. those in §70 (below), and offences in deed and in step.

13. Of the Prophet and his friends, of the enactment of customary law at Pagar Ruyong, of the reward of just and the punishment of unjust chiefs and judges.

14. Wandering beneath a house or inside its enclosure by night or day and being recognized and accosted, a man is counted guilty of the theft of any goods missing from the house. It is called tandang siula. One guilty of tandang dart. i.e., entering a house noiselessly and startling its female inmates shall be fined 5 tahil 1 paha.

16. There is the same fine for anyone who wanders between houses where a theft is committed, even though he does not enter them. It is called tandang liari.

17. Anyone snaring quails near a house where there is a theft is liable to be tried and fined 5 tahil 1 paha.

18. That too is the fine for the owner of buffalo, ox or goat who does not invite his chief to the feast when the animal is slaughtered.

19. All classes must be just to escape punishment by God. The eight attributes of a prince: good looks, intelligence, knowledge, generosity, courage, discretion, steadfastness, patience, and recognition of the degrees of his subjects.

20. The six attributes of a chief.

21. The five attributes of a captain.

22. The five attributes of youth: good looks, cleanliness, polite conversation, loyalty to his ruler, knowledge.

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23. Youths of fourteen should wear sharp weapons, sleep by day and watch by night, have eyes and ears open, keep a firm grip on property in their keeping, be level-headed and guard the tongue.

24. Men are like sheep and religious leaders their watch-dogs.

25. The eight attributes of man are sense of good and evil knowledge, shrewdness, wealth, wisdom (‘ārif) and tolerance (budi).


33. The eight kinds of law: God’s, Kuranic, customary, Rajas’. of the intelligence, hukum sakir, h. manjapéri, administrative (h. pèrentah).

34. The three systems in use, the law of intelligence, customary and Kuranic. If the first is conflicting, one resorts to the second; if the second is conflicting (bersalahān), to the Kuranic.

35. Outrage (angkara) in a house connotes forcible entry in suspicious circumstances, startling a girl (tēpikau pikau anak perempuan) and causing her to rush about or fall or injure herself. The fine is 5 tahi1 paha.

36. Outrage in compound or field connotes sudden and wanton trespass with damage to plants (dī-pauk tanaman) or beating or hacking a person or beast. The outrage is known in folk lore as bērpi kat bālam “snaring turtle-doves,” a pursuit of young princes. Fine as in §35.

Anyone complaining not to his own headman (penghulu) but to another can be fined 5 tahi1 5 pahas if the case is brought before the Raja: the headman wrongly receiving the complaint is dismissed.

37. The fine for not accepting the decision of a chief in open court is 10 tahil, but it is no offence if the decision conflicts with customary or religious law.

38. If a debtor is swindled by his creditor, the debt is cancelled. If the offence is covert, it is criminal: whoever reveals it, (gets) 5 tahil. The penalty for concealment is 2 tahil. Breaking bones or injuring or wounding is a grave offence the fine is 10 tahil.

39. If a creditor violates a female debtor, the judge marries them off. If the girl is a free woman, a double dowry (isi kahwin) is paid. If she is a slave, the offender is fined 2½ tahil 1 paha.

40. If a debtor breaks a promise to work for his creditor and is then forced and beaten by him, the debt is cancelled.

41. A debt may be repaid at the time agreed or a further period allowed before repayment (di-tanggohkan) or security be given (gadai) or service rendered for it (di-ikutkan). But if the debtor refuses (? to work) and there is a quarrel and the debtor is wounded or killed, there is no offence.

42. If a slave is set by a headman to guard assets of a creditor whose debt is unpaid and he is fooled for several nights (tiba-tiba di-permainkan sampai dua tiga malam) by the debtor, the debtor has to pay 1 émas for each day (ia-itu satu suku hak-nya). Or if the slave vanishes or dies or absconds, the debtor has to pay double the slave’s value, e.g. 10 tahil.

43. If a free man commits fornication with a slave girl, they cannot be married until the girl is freed. So, too, if a free woman commits fornication with a male slave. If the free man refuses to marry her, he is fined 5 tahil.

44. If there is circumstantial evidence (tanda) of fornication between a free man and woman, the judge orders them to marry. If they do (?) not (jika tiada — ? erratum — isi kahwin-nya di-gandakan) the dowry is doubled, 5 tahil becoming 10.

45. If there are 4 reliable witnesses and circumstantial evidence of fornication and the man refuses to marry, he is fined 5 tahil 1 paha.

46. If the woman... the coat on her bosom and produces a weapon belonging to the man, seduction is proved and the fine is 5 tahil 1 paha. Refusal by the man (? sc. to marry) is also an offence.

47. If there is the customary circumstantial evidence (tanda yang mënanggong ‘adat) of illicit relations between man and (scilicet, a married) woman, the offence is greater. Religious law prescribes stoning because the husband loses a possession (karna putus milek laki-nya); customary law fines the man 5 tahil for breaking a tie (karna putus tali-bértali).
48. If two free persons are guilty of fornication and the woman refuses to marry her seducer, she is fined 5 tahil; if the man refuses, he is fined 5 tahil which go to the woman (or are divided) — denda-nya itu di-pulang melainkan pulang kapada pereumpuan dan kesalahan-nya itu sa-hingga sa-bahagi dua).

49. It is a great offence for a girl to be pregnant with a father unknown. But when the child is born, she is free of offence according to the custom; but by religious law she is taken to the mosque on a Friday and 40 persons spit on her.

50. If a man produces a woman’s garment (kain) or scarf or ring or bangle, illicit relations with her are proven and they must marry. If the woman refuses, she must pay a fine of 5 tahil.

51. If a pregnant woman goes with a man who is not the father of her child and produces a garment or weapon of his, telling the kathi the man is the father and she wants to marry him, and the man denies the paternity, then he shall swear, putting down 1 tahil 1 paha (alasan sumpah-nya). The kathi must enquire carefully whether the woman has any evidence. If the man swears falsely, he must marry her, paying double the usual dowry. If his oath is true, he suffers no penalty.

52. Of outrage (angkara). If a man forces his way into a house and shuts himself in with an unmarried girl, the penalty of 5 tahil is raised to 10 tahil 1 paha.

53. If a woman produces evidence that a man has seized her on the ground or the high-road, he is fined 10 tahil 1 paha.

54. If a woman seizes a man on the road and produces convincing evidence (tanda), he shall marry her and the penalty is 5 tahil 1 paha. But if the evidence is not clear, the man shall swear, putting down 1 tahil 1 paha.

55. If a debtor fails to repay, the creditor reports to the headman and if the headman will not settle the matter, the debtor can be seized (di-tarek). But it is an outrage to seize him without reference to the headman, and punishable by a fine of 5 tahil 1 paha.

56. There is lawful seizure (tarek usul) after enquiry by the headman; and there is unlawful, entitling free man or slave to compensation: di-dalam suatu émas hak-nya kena bayar kapada hamba orang itu.

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57. If one keeps buffalo cattle, goat, or pony that eats crops and he has been warned three times and taken no notice, it is no offence to kill or wound the animal.

58. If a slave absconds up or down river, his finder shall be paid 1 tahil.

59. If a freeman abducts another's slave, the penalty is 5 tahil 1 paha.

60. If one abandons a jungle patch or garden planted with permanent fruit trees (durian, jack-fruit, mangosteen) for 12 years, it reverts to the territorial chief and may not be claimed back. If the chief grants possession to another, the new owner shall ask permission (?) to have the planted trees (pinta izin akan tanam-tanaman), which their owner shall grant—that is both customary and Muslim law.

61. If a rice-field (bendiang) is deserted for 3 years, the headman may give it to another and it may not be claimed back.

62. So, too, a rice-field that has been left to revert to jungle and is not planted by its owner or his agent. And so, too, jungle near high forest.

63. Land on which live the heirs (waris) or their agents may not be given by a chief to another.

64. A hill clearing that has reverted to jungle belongs to whosoever cleans it up. That was the Minangkabau law.

65. Durian trees and jack-fruit and wild fruits eaten by elephants that (were not planted but) grew of themselves are God's property.

66. But fruit in holdings that have reverted to jungle are Adam's property. They may be eaten but the land still has an owner and may be resumed only by the ruler. According to Muslim law, the owner's permission is needed for eating such fruits. But if the owner has vanished leaving no agent or heirs, custom allows one to eat it.

67. This § contains corrupt versions of well-known Minangkabau sayings — kusut sudah selésai dan salah-nya sudah berpatutan; utang piutang sudah berbayar; suarang di-ajeh, sa-kutu di-belah, with the comment that when judgment has been given, it is better not to worry further and to regard one's property as if it had fallen into a river and been carried out to sea.

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68. Refers to the Prophet's mention of four things: (1) a very fast horse symbolic of a good case, (2) a large country dissolving anger, (3) good clothes symbolic of good manners and morals, (4) the lamp of knowledge. There are eight laws—the first four are too corrupt to decipher but are corrected in § 81: the others cover sakal, samun; churi, maling; upas, rachun; kichang kichoh.

69. A community is strong from obedience to its customs, as a bird is strong because of its wings or a crab from its claws.

70. A homily on sumbang salah, in sitting, in walking, in conduct, of the eye, of the ear, of the voice.

71. What is forbidden by custom can be decided by the law of intelligence (hukum 'akal).

72. Johong negeri, e.g., a man wants to marry a girl; she refuses and falls sick owing to the magical practices of the rejected suitor. If found guilty, he is fined 10 tahil 1 paha.

73. There is a similar penalty for using a nigget (pélésit) to injure anyone.

74. Reserved for religious law are marriage, divorce, iddah, inheritance (waris), disputes as to property, wounding and murder, debt, freeing slaves.

75. The foundations of Islamic law. Cf. § 89.

76. Samun sakal—stabbing, killing and taking away property. Evidence of guilt is blood on the hands, arrest during flight, a startled demeanour, cuts on the person, discovery of clothes known to all the village.

77. Evidence of burglary is: terkurong mati; sengkang lepas; tertanda têrîeti, têrîuung lantai, têrîetás dinding, têrîejet, têrgêmpar, têrîchinchang, têrpauk.

78. The evidence for snatching and robbing (rebut rampas) is also a suspicious startled demeanour, wounds on the person, or clothes known to belong to the suspect.

79. Evidence of adultery (sumbang salah) is hacks and blood on the person of the lover and hair torn from the head of the guilty wife.

80. If a woman bears twins a boy and a girl, it is sumbang. The headman collects followers, fires (bêdil) on the house.