

## **BUMIPUTERA, MALAYS AND ISLAM: A HISTORICAL OVERVIEW**

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Sejak 31 Ogos 1957 yang lalu, kita telah diakui merdeka, pengakuan ini bolehlah kita letakkan kepada kemerdekaan negara kita Tanah Melayu ini, sedang bangsa dan agama kita masih belum, kerana bangsa Melayu turun tarafnya menjadi satu kaum di antara kaum-kaum Cina dan India, dan *agama Islam* yang diakui setakat menjadi agama rasmi itu, tiadalah lebih tarafnya dari zaman penjajahan dahulu...<sup>1</sup>

Dalam masa kira-kira 100 tahun penjajah Inggeris menjajah tanah air kita (Tanah Melayu) ini, hanya kira-kira 240 ribu sahaja bangsa-bangsa asing yang dapat merampas hak politik tanah air kita (yang berhak mengundi), tetapi dalam masa baru kira-kira setahun kita merdeka [1958] sudah hampir-hampir satu million pula bangsa asing yang telah mendapat hak kerakyatan (hak politik) di tanah air kita ini.

Kita *bangsa Melayu – bumiputera* negeri ini – telah ditewaskan oleh bangsa-bangsa asing dalam serba serbi: dalam ekonomi, dalam pelajaran dan sebagainya. Apa yang berbaki kepada kita ialah dalam hak politik. Tetapi kalau hak politik yang sedikit lagi itu kita serahkan juga kepada orang lain, apakah yang tinggal lagi kepada kita?<sup>2</sup>

### **INTRODUCTION**

This paper attempts to examine the three concepts – *Bumiputera*, Malay and Islam – in their historical context covering the period from the pre-independence era until 1990s. It looks at how the Malays/*bumiputera* in Malaya viewed themselves vis-à-vis others, and the evolution of the

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<sup>1</sup> Ahmad Azam, *Kenapa Kita Berjuang?*, Persama Press, 1959, p. 6.

<sup>2</sup> Ibid., p. 8.

meanings of the concepts through time. It is argued that historical development and experience prior to the Japanese occupation all contributed towards the Malay perception of themselves as the inherent and legal owners of Malaya (including Singapore) while the newcomers of non-Malay and non-Nusantara origins as aliens and sojourners who came to Malaya to amass fortunes to be sent back to their countries of origin. The situation after the war, however, forced the Malays to change these views and accept the non-Malays as political equals even though there was no guaranty that the Malays/Bumiputera could successfully compete with the non-Malays, particularly the Chinese, in the economic arena.

## THE CONCEPTS OF MELAYU AND BUMIPUTERA

The earliest use of the term “Melayu” has always been traced to the Sungai Melayu and the Melayu Kingdom of Sumatera as has been reported by the famous Chinese Buddhist monk, I Tsing, in the 7<sup>th</sup> century and mentioned in the *Sulalat-us-Salatin* (*Sejarah Melayu*). Later, it came to be associated with the Malay Peninsula giving rise to the terms such as *Tanah Melayu* (Malay Land), *Semenanjung Tanah Melayu* (Malay Peninsular) *negeri Melayu* (Malay country), *orang Melayu* (Malay people), *adat Melayu*, *cara Melayu*, *Raja Melayu* and *bangsa Melayu*.<sup>3</sup> The compiler of *Sulalat-us-Salatin* in 1612 regarded himself explicitly as *Melayu* in race/nationality (*Melayu bangsanya*).<sup>4</sup>

But what does “Melayu” really mean? As it is, no one is able to offer a definite answer. Based on their research, Malay thinkers and writers such as Dr. Burhanuddin Al-Helmi<sup>5</sup> and Darus Ahmad<sup>6</sup> suggested its variations from the combination of *mela* and *yu* to mean “the beginnings

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<sup>3</sup> Abdul Rahman Haji Ismail, “Takkan Melayu Hilang Di Dunia: Suatu Sorotan Tentang Nasionalisme Melayu”, in R. Suntharalingam & Abdul Rahman Haji Ismail, *Nasionalisme: Satu Tinjauan Sejarah*, Petaling Jaya, Fajar Bakti, 1985, p. 39.

<sup>4</sup> *Sejarah Melayu*, ed. W.G. Shellabear, Fajar Bakti, 1975, p. 2; *Sulalatus Salatin*, ed. A. Samad Ahmad, Dewan Bahasa dan Pustaka, 1979, p. 2.

<sup>5</sup> Burhanuddin Al-Helmy, *Falsafah Kebangsaan Melayu*, Bukit Mertajam, Pustaka Semenanjung, 1954; Kamarudin Jaffar, *Dr. Burhanuddin Al-Helmi: Politik Melayu dan Islam*, Kuala Lumpur, Yayasan Anda, 1980, pp. 74–75.

<sup>6</sup> Darus Ahmad, *Pancaran Melayu*, Pulau Pinang, Sinaran Bros., 1957.

of a country” (*mula negeri*); to “Malaya” and “Malayur” in Sanskrit and Tamil to mean “a high land” or “fragrance” or “perfumery”; and *melayu* in Javanese which means “fast in speed”, “to flee” or to emigrate. It is perhaps the last meaning of the word which is referred to by Muhammad Hassan Bin Dato’ Kerani Muhammad Arsyad in his work *Al-Tarikh Salasilah Negeri Kedah* published in 1927. According to *Al-Tarikh*:

As told by the one who owns the story, there was a king from Hindustan who came to invade Java with all his soldiers... This led to the dispersion of the Javanese people who fled across the sea from one island to another. Some of them went across [*menyeberang*] to Tanah Segara Masin. In Sanskrit, the act of fleeing across is “*melayu*”... More and more Javanese from Java went across to Tanah Segara Masin. At last the name Tanah Segara Masin perished and the country was more popularly known as “Tanah Melayu”.<sup>7</sup>

In light of the above, the word *Melayu* had thus been referred to the act of a group or groups of people emigrating from one location to another within the Malay Archipelago. More specifically, it refers to the movement of the Malays from the south to Sumatera, the Peninsular and other parts of the Nusantara.

It has also been suggested that the word might have in fact originated from the root word *layu* which means “to wilt”, “to wither”, or “to droop”; and when the prefix “*me*” is added to it, it connotes that the act of wilting or withering or drooping was done willingly and on purpose either on one own-self or on other parties. It might have been referred to what had been perceived as the general Malay behaviour or ways which was normally one of evasion or of avoiding direct confrontation whenever possible. (It is perhaps the antithesis of another trait, which is again claimed to be typically Malay, *amok*, a sudden outburst of aggressive action to the point of destroying oneself in the act)<sup>8</sup>. Thus the

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<sup>7</sup> See for example, Muhammad Hassan bin Datuk Kerani Muhammad Arsyad, *Al-Tarikh Salasilah Negeri Kedah*, Kuala Lumpur, Dewan Bahasa dan Pustaka, 1968, pp. 1–2. The quotation is translated by Abdul Rahman Haji Ismail.

<sup>8</sup> Abdul Rahman Haji Ismail, “Melayu dan Kemelayuan: Peribadi Anjal Meredah Zaman”, in Hashim Awang AR et al., *Pengajian Sastera dan*

Malay wilts himself (*melayukan dirinya*) passively or purposely in his relation with other people. The *Adat Raja-Raja Melayu* compiled by Datuk Zainuddin Mahbub, the Kapitan Melayu of Melaka, in 1779, says:

The meaning of Melayu is that he wilts himself (*melayukan dirinya*)... similar to the tender leaf of a plant which wilts itself not because of being subjected to heat or fire... but because it wants to be humble and not to be arrogant, with respect to his action, speech and manners whether while in company of others or otherwise... His behaviour is such that he is tender and moderate but not to the extreme...<sup>9</sup>

The word could also be interpreted as originating from the act of actively or indirectly withering, overcoming or influencing foreign elements so that they become amenable to Malay ways or even be adopted and regarded as Malay. It could be seen as malayazation or malaysizing (*melayukan*) process whereby foreign peoples and elements were, in the long run, neutralized and rendered less contradictory to Malay interest or ways.<sup>10</sup> It is perhaps in this sense that the term *masuk Melayu*, literally “entering Malay”, or becoming Malay, a phenomenon prevalent especially amongst non-Malays marrying Malays, should be understood.

Lying on the crossroad between India and China, the Malay World and more so the Malay Peninsula and the adjacent islands had been since time immemorial the half-way house of peoples plying the sea between the Indian Ocean and the Pacific. Waves of foreign peoples and influences had swept through the region, for example in the forms of what had been termed “indianization”, “islamization”, and “westernization” processes forcing the Malays to change and adapt to new socio-cultural and international situations which saw the interplay of foreign and local elements adapting to produce new “Malay” traits. Indian influences, though mostly in modified forms, could still be traced in Malay belief and custom, and the Indian Pallava writing became the

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*Sosiobudaya Melayu Memasuki Alaf Baru*, Akademi Pengajian Melayu, Universiti Malaya, 1998, pp. 519–545.

<sup>9</sup> *Adat Raja-Raja Melayu*, Panuti H.M.Sudjiman (ed.), Universitas Indonesia, Jakarta, 1983, pp. 36–37.

<sup>10</sup> Abdul Rahman Haji Ismail, “Melayu dan Kemelayuan”, *Ibid.*, footnote 8, pp. 519–545.

model for the various new Malay writings which were used side by side with the *Rencong* before the phenomenal spread of Islam beginning in the 13<sup>th</sup> century.<sup>11</sup> The subsequent islamization process which was enhanced by the growing influence of Muslim traders in the region led to the Malays adopting the Arabic script in place of the old *Kawi* which had been adapted from Indian. What is significant is that when writing in the Malay language, the borrowed Arabic-Persian script was termed by the Malays *tulisan Jawi* (Jawi writing) or *tulisan Melayu* (Malay writing) instead of *tulisan Arab* (Arabic writing). This is made clear, for example, in the case of a Malay-Arabic bilingual periodical, *Al-Basyir*, published in Sumatra during the early part of the 20<sup>th</sup> century. Although essentially the same, Arabic script was used in both Arabic and Malay sections of the periodical, the editor of *Neraca*, when reporting on *Al-Basyir*, tells its readers that *Al-Basyir* was published in *huruf Arab* (Arabic script) and *huruf Melayu* (Malay script),<sup>12</sup> thus making it obvious that when used to write in the Malay language the Arabic script was regarded by Malays as Malay, not Arabic.

When the Europeans began to learn local languages, they used the Roman alphabets for their own practical purposes. Finding that Malay was the lingua franca of the region, both the Dutch and the British decided to use Malay, in addition to Dutch and English, as the medium in their communication with the natives and others in the Archipelago.<sup>13</sup> To the Malays in Malaya in the early decades of the 20<sup>th</sup> century the Roman letters were called *huruf Belanda* (Dutch script) or more generally, *huruf orang putih* (White Men's script), and many Malays of the time were opposed to using it to write in the Malay Language. To them the use of *huruf Belanda* would only lead to the abandonment of *huruf Melayu* and thus detrimental not only to Malay language but also to the Malay people as a sovereign *bangsa* (race/nation).<sup>14</sup>

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<sup>11</sup> Amat Juhari Moain, *Perancangan Bahasa: Sejarah Aksara Jawi*, Kuala Lumpur, Dewan Bahasa dan Pustaka, 1996.

<sup>12</sup> *Neraca*, April 23, 1913.

<sup>13</sup> For developments in the East Indies from the 17th century, see John Hoffman, "A Foreign Investment: Indies Malay to 1901", *Indonesia*, 27, 1979 (April), pp. 65-92.

<sup>14</sup> Abdul Rahman Haji Ismail, "Sikap Orang Melayu Terhadap Bahasanya: Dari Abdullah Munsyi Ke-Kemunculan Za'ba", in Wan Abdul Kadir, ed.,

For the Malays in the Peninsula up to the early decades of the twentieth century a Malay was one who was Muslim in religion, spoke in the Malay Language and socially adhered to Malay custom and ways. He was not regarded as perfect Malay unless he also writes in *huruf Melayu*, i.e. *Jawi*. Islam and the Arabic-Persian script were the media through which Malays and other Muslim peoples became acquainted and integrated. Both elements together also acted as agents or neutralizing forces which enabled people of non-Malay descent such as Nuruddin Al-Raniri, Abdullah Abdul Kadir Munsyi, Muhammad Said bin Dada Muhyiddin, Abul Hassan Burhan and Sayyid Syaikh Al-Hadi to function meaningfully within the Malay society, to produce books and periodicals in Malay, and even to function and be regarded as Malay. Likewise, Islam and Arabic script connected the Malay people with other Muslims and blended them effectively into the larger Islamic religious community globally. There was at one time during the 1930s and early 1940s efforts by a section of Malay nationalists to redefine Malay by confining it strictly to blood and descent through the father's line, but the *Takrif Melayu* or the *Melayu Jati* campaigns as it was known, died out with the coming of the Japanese in December 1941.

Despite the general tendency of the Malays to stick to Jawi, the influence of the Roman alphabets, *huruf rumi*, continued to spread amongst the new generation of Malays who went through the new schools established with the encouragement of the British. At the same time, the use of *huruf rumi* also facilitated the participation of non-Muslim or/and non-Malays in the literary activities in Malay Language throughout the archipelago. The Peranakan Chinese, and the Indonesian Eurasians, the Indos, in fact, were among the pioneers of Malay newspapers written in *rumi*. In the Straits Settlements, the Peranakan Chinese since the 19<sup>th</sup> century published periodicals such as *Surat Khabar Peranakan*, *Bintang Timor*, *Kabar Slalu*, *Kabar Ucapan Baru*, *Bintang Peranakan* and *Sri Peranakkan*, thus contributing to the spread of Malay language amongst the non-Malays.<sup>15</sup>

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*100 Tahun Za'ba*, Akademi Pengajian Melayu, Universiti Malaya, 1996, pp. 185–210.

<sup>15</sup> See for example, Oong Hak Ching, "Bahasa Melayu Peranakan dan Perkembangan Penggunaannya dalam Masyarakat Cina Peranakan Sebelum Perang Dunia Kedua", *Jebat*, Oktober, 1982, pp. 107–130.

In the midst of the changes taking place during the decades before the Pacific War, there was one important development taking place relating to the concept of Malay. Together with the growing consciousness to organize and improve their socio-economic condition and to guard what they regarded as their rights vis-à-vis the non-Malays, a section of the Malay leadership began to go about defining who a Malay was. The result was the *Takrif Melayu* (Definition of Malay) controversy that saw different sections of the Malay community becoming engrossed in debates to determine the most appropriate definition of Malay. Organizations such as the Kesatuan Melayu Singapura (KMS) which was formed in 1926 and Persatuan Melayu Selangor which was registered in 1938 came up with a rigid definition which considered Malay only those whose fathers were Malay by blood. To them a Malay is a person whose paternal parent was indigenous to the Malay world by blood irrespective of his religion and way of life. The new definition became so absurd that even one whose mother was Malay by descent, who spoke Malay habitually, adhered to Malay ways and custom, and Muslim in religion, was not to be recognized as Malay if his father was not Malay by blood. They ignored the common liberal religious-cultural definition and attacked the Jawi Peranakan and Arab-descended “Malays” as opportunist intruders wont to usurp the rights of the Malays and taking advantage of the special provisions reserved for the Malays for their own ends. Instead of uniting the Malays, the *takrif* proponents split the Malays even further. In Pulau Pinang, the Persatuan Melayu Pulau Pinang (Penang Malay Association) was formed in 1927 when the KMS Penang Branch refused to acknowledge half-blooded Malays whose fathers were not Malay by blood as members. When the Malay associations met in their annual pan-Malaya congresses in 1939 and 1940 to discuss on ways to improve the conditions of the Malays, they wasted most of their time arguing on the definition of their selves. Japanese occupation, however, indirectly helped to settle the controversy. Being preoccupied with more pressing socio-economic and political matters during the war the *takrif* controversy fizzled out and the religious-cultural definition became the norm once again.

*Bumiputera* was a new term which began to appear during the early years of the 20<sup>th</sup> century but was rather rarely used by the Malays before 1950s. It probably originated from the term *putera bumi* which was more grammatically correct to mean “son of the soil”. An editorial of the

*Utusan Melayu* in September 1911, for example, speaks of “kanak-kanak daripada bangsa luar” (children of foreigners) and “kanak-kanak putera bumi Tanah Melayu... iaitu kanak-kanak bangsa Melayu”.<sup>16</sup> That the term had already existed before the middle of the century is evident by the publication of a periodical called *Bumiputera* in Penang between 1933–1936 that devoted to issues relating to the challenges faced by the Malays in the 1930s.

On the eve of Malayan Independence, Malay political parties such as Persatuan Islam Se Tanah Melayu (PAS) frequently reminded the government and the public that Malays were the *bumiputera* and *putera bumi* of Malaya. The term became more popular after the Malaysia concept was openly mooted out by Prime Minister Tunku Abdul Rahman in May 1961 because unlike the term *Melayu*, *bumiputera* is free of religious connotation and thus could encompass all natives and indigenous peoples including those of Sabah and Sarawak. With the formation of Malaysia in 1963, the term *bumiputera* began to replace *Melayu* whenever it was meant to include all the indigenous communities in Malaysia. Apart from some provisions specific to them, natives of Sabah and Sarawak also enjoy all the special constitutional provisions provided to the Malays of the Peninsula. In view of the backwardness of the Malays and other indigenous peoples economically, plans were drawn by the government to correct the situation. As a result, various agencies such as Federal Land Development Authority (FELDA), Majlis Amanah Rakyat (MARA) and Bank Bumiputera were set up to encourage and assist the *bumiputera* to improve their share in land ownership and participation in commercial activities.

## MALAYS AND POLITICS

The Malay perception of themselves as the definitive people of the Malay Peninsula did not emerge out of a vacuum. It has developed, grown and had been enhanced by internal as well as external factors. Internally, there had developed since the pre-Srivijaya days political entities in the form of governments (*kerajaan*) that controlled certain areas in the region. That Srivijaya was a Malay kingdom is undeniable. After the fall of Srivijaya various Malay kingdoms such as Melaka and

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<sup>16</sup> *Utusan Melayu*, 30 September, 1911.



Brunei appeared in various places in the Malay Archipelago.<sup>17</sup> The phenomenon persisted after the fall of Melaka in 1511 and all foreign powers including those that came after the Portuguese recognized the fact by signing treaties with the existing Malay governments. Chinese records compiled prior to the coming of the Portuguese, especially those pertaining to the China-Melaka relations confirmed this fact.<sup>18</sup>

In short, the Malays had existed as “complete” cultural, social and sovereign entities and nations recognized by the international community. The pre-British Malay states and nations existed in the forms of sultanates buttressed with written “constitutions” such as the *Undang-Undang Melayu* which was later more popularly referred to as *Hukum Kanun Melaka* or *Undang-Undang Melaka*, *Hukum Kanun Pahang*, *Perak dan Johor*, *Undang-Undang Kedah*, and so on. When the British and Dutch came they did not conquer the Malay states outright. The British claimed that they only “intervened” and “advised” the Malay rulers so that the overall climate became conducive for trade. Even Francis Light, Stamford Raffles and James Brooke who initiated the process of Britain’s intervention mixed threats with diplomacy to acquire Pulau Pinang, Singapore and Sarawak from the Malay rulers of Kedah, Johor and Brunei. In their treaties with the Malay Sultans, the British recognized the suzerainty of the Malay rulers and emphasized that they did not wish to interfere in matters relating to Malay custom and religion. Through the residential and advisory systems, the British even helped to build modern palaces for the Sultans and furnished new forms of ceremonial paraphernalia to enhance the rulers’ prestige at least in the eyes of the *rakyat*. Moreover laws passed by the state councils were required to have the rulers’ consent. The promulgation of laws such as the Malay Land Reservation Enactments of 1913 and 1933 to protect the Malays from losing all their land to the non-Malays and foreign capitalists is another proof of British recognition of Malays as owners and native, i.e. *bumiputera* of Malaya.

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<sup>17</sup> See for example, O. W. Wolters, *The Fall of Srivijaya in Malay History*, Kuala Lumpur, Oxford University Press, 1975.

<sup>18</sup> For an example of such point of view see Malik Munip, *Tuntutan Melayu*, Kuala Lumpur, Sarjana Enterprise, 1981.

It was only after the Japanese Occupation (1941–1945) that the British tried to impose the Malayan Union scheme to wrest completely the authority of the Malay rulers. But in order to do so, Britain had to get the signatures of the Sultans as proof of the willingness of their Highnesses to surrender their powers and positions to the British throne. And when it was made known that those signatures which were finally obtained by Harold Mac Micheal were acquired through duress and that political rights would be accorded foreigners and the non-Malays, the Malay rakyat rose in protest against the Malayan Union forcing the British to renegotiate with the rulers and representatives of the Malay people and at last replaced the Malayan Union with the Federation of Malaya Agreement in 1948 which confirmed the pre-war Malay States as sovereign nations.<sup>19</sup>

For the Malays and some former British Malayan Civil Service officers, the Malayan Union scheme was a clear proof of Britain's abandonment of her earlier protectionist policy and was now embarking on direct colonialism at the expense of Malay sovereignty. The modern independence movements started by organizations such as the *Kesatuan Melayu Muda* (KMM) in the 1930s and *Kesatuan Rakyat Istimewa Semenanjung* (KRIS) during the Japanese Occupation gained a new momentum with the formation of *Parti Kebangsaan Melayu Malaya* (PKMM) in October in 1945. Starting from the same principles of a united Malaya, "Malaya belonging to the Malays" and Malaya as an inseparable part of the "Greater Malay World" (Melayu Raya), similar to KMM and KRIS, PKMM at first guardedly welcomed the idea of the unification of Malaya contained in the Malayan Union proposal. But when Singapore was excluded and the new scheme proved to be greater and direct British imperialism over Malaya, the PKMM vehemently opposed the plan and together with some forty other Malay

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<sup>19</sup> Though still open to further research and new interpretations, the Malayan Union issue had been amply examined in a number of works. See for example: J. de V. Allen, *The Malayan Union*, New Haven, Yale University Southeast Asia Studies, 1967; Albert Lau, *The Malayan Union Controversy 1942–1948*, Singapore, Oxford University Press, 1991; Mohamed Noordin Sopiee, *From Malayan Union to Singapore Separation: Political Unification in the Malaysia Region 1945–65*, Kuala Lumpur, Penerbit Universiti Malaya, 1974; James P. Ongkili, *Nation-building in Malaysia, 1946–1974*, Singapore, Oxford University Press, 1985.

organizations participated in the post-war all-Malaya Malay Congresses in March 1946. But, again, finding that the preoccupation of the parent organization that they together set up in May, the United Malays National Organization (UMNO), was merely to return to the 1941 status quo, i.e., short of struggling for true independence (*merdeka*), PKMM left UMNO and concentrated on fighting for political freedom from Britain even if it meant having to work with the non-Malays.<sup>20</sup>

Together with its aggressive youth wing, the *Angkatan Pemuda Insaf* (API), and the women's wing, the *Angkatan Wanita Sedar* (AWAS), and some other like-minded Malay associations PKMM organised *Pusat Tenaga Rakyat* (PUTERA) which negotiated with the All-Malaya Council of Joint-Action (AMCJA) formed by a number of non-Malay political organizations in the Peninsula and Singapore to struggle for self-rule. For the first time in the history of Malaya the Malays (represented by PUTERA) who regarded themselves as rightful owners and *bumiputera* of the country, and the non-Malays (represented by AMCJA), could sit together on the basis of equality to discuss and negotiate on common political matters and set up a blue-print for a united, democratic and independent nation for all those "who regard Malaya as their real home and sole object of loyalty". In July 1947, the AMCJA-PUTERA Conference held in Kuala Lumpur finally came up with the ten-points "Peoples Constitutional Proposals for Malaya" as a counter-proposal for Malayan Union and the Federation of Malaya Agreement being negotiated between Britain, the Malay Rulers and UMNO. The ten basic principles agreed to by the two parties were:

- A United Malaya, inclusive of Singapore;
- A fully-elected central legislature for the whole of Malaya;
- Equal political rights for all who regard Malaya as their real home and as the object of their loyalty;

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<sup>20</sup> For the participants' accounts, see for example, Ahmad Boestamam, *Merintis Jalan Ke Puncak*, Kuala Lumpur, Pustaka Kejora, 1972; Muhammad Yunus Hamidi, *Sejarah Pergerakan-Pergerakan Politik Melayu Semenanjung*, Kuala Lumpur, Pustaka Antara, 1961; Insun Sony Mustapha, ed., *Memoir Mustapha Hussain*, Kuala Lumpur, DBP, 1999.

- The sultans were to be fully sovereign and constitutional rulers, accepting the advice of the people through democratic institutions;
- Matters of Muslim religion and Malay custom were to be under the sole control of the Malays;
- Special attention was to be paid to the advancement of the Malays;
- Malay should be the official language of the country;
- Foreign Affairs and Defence of the country should be the joint responsibility of the Government of Malaya and the Government of Britain;
- The term *Melayu* should be the title of any citizenship or national status in Malaya; and
- The national flag of the country should incorporate the Malay national colours.<sup>21</sup>

Some pertinent points could be highlighted from the above. The more politically matured amongst the Malay political activists had realized the reality of the situation and thus willing to accept the *fait accompli* of non-Malay presence. They were willing to accept “loyal” non-Malays as citizens of the country provided that the latter recognized the special position of the Malays with regard to Islam, Malay Language, the position of the sultans, and the need to improve the socio-economic condition of the Malays who were comparatively backward vis-à-vis the non-Malays. The most interesting point is perhaps the decision on the name *Melayu* for the citizenship. The report explains the reasons for the decision as below:

We feel that we should make special reference to our proposal that the national status of citizens should be termed “Melayu”. The Malay delegates at our first Conference emphasized that the term “Malayan” to designate the national status was completely unacceptable to the Malays. They felt that the term “Malayan” had always been used in contradiction to the word “Malay” to denote the non-indigenous inhabitants of the country, and that the Malays had therefore become accustomed to regarding themselves as excluded from the

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<sup>21</sup> See for example, Zainal Abidin Abdul Wahid, ed., *Glimpses of Malaysian History*, Kuala Lumpur, DBP, 1970, pp. 112–113.

category of “Malayans”. The use of the term “Malayan” to designate the common national status would therefore involve the abandonment of the Malays, as the indigenous people of the country, of their proper title ....

Our Conference unanimously agreed that it was only just and proper that the new national status should be designated by the historic name of the indigenous people, and that the acceptance of the new designation should therefore fall on those of the non-indigenous people who, regarding Malaya as their real home and as the object of their loyalty, accepted citizenship, leaving intact to the indigenous people their historic name.

Our Conference unanimously accepted the term “Melayu” in preference to the term “Malay” in view of the fact that the historic name of the indigenous people is “Melayu” and not “Malay” which is merely the anglicised version of the term “Melayu”.<sup>22</sup>

The decision thus gave a new meaning to the word *Melayu*. From a socio-cultural and religious entity the term *Melayu* now became strictly political. The report even emphasized that “the term Melayu as used in this report does not carry any religious connotation”.<sup>23</sup>

But the *Peoples Constitutional Proposal* was ignored by the British who came up instead with a new scheme, the Federation of Malaya, which had been negotiated with the Malay rulers and UMNO. It was in the Federation of Malaya Agreement of 1948, clause 124(3) (b) that for the first time for the purposes of nationality it was officially stated that a Malay is a person who: (a) habitually speaks Malay; and (b) professes the Muslim religion, and (c) conforms to Malay custom.<sup>24</sup> This and related paragraphs of clause 124 was later implanted into each of the Malay state enactments of 1952 dealing with state nationality.<sup>25</sup> This

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<sup>22</sup> Section 3, *The Peoples Constitutional Proposals for Malaya*, Kuala Lumpur, Tan Chong Press Co, Nov. 1947, pp.19–20.

<sup>23</sup> Ibid.

<sup>24</sup> Tan Sri Mohamed Sufian Bin Hashim, *An Introduction to the Constitution of Malaysia*, Kuala Lumpur, Jabatan Chetak Kerajaan, 1972, pp. 247–248.

<sup>25</sup> Ibid., p. 249.

definition of Malay was incorporated into article 160 of the 1957 Constitution and retained after the formation of Malaysia in 1963 but with the additional condition that such a person:

... was before Merdeka Day born in the Federation or in Singapore or born of parents one of whom was born in the Federation or in Singapore, or was on Merdeka Day domiciled in the Federation or in Singapore; or the issue of such a person.

Thus although Malay as defined by Article 160 is socio-cultural and rather liberal in nature, geographically it is confined only to those born or domiciled in the Peninsular states and Singapore. Legally it is not applicable to Malays in Sabah and Sarawak. In Sarawak, "Malay" is listed under the category *bumiputera*.

As has been explained above, although already current during the beginning of the twentieth century, the term *bumiputera* never appeared in any official document until the formation of Malaysia in 1963. Even then, for some years the term existed only in the Malay version (Article 161, 161A, and 161E(2) (d) of the Malaysian Federal Constitution. In the English version the word "natives" is used instead to refer to the *bumiputera* of Sarawak and Sabah. It is also interesting to note that until early 1970s the phrase "*bumiputera ... Sabah dan Sarawak*" has not been included in Article 153 which confirms the "special position" of the Malays. Interestingly enough in Article 161A (7) of the Constitution, Malay is listed only as one amongst the many *natives of Sarawak*. There is no such list for Sabah, for which native (i.e., *bumiputera*) is defined generally as "a person who is citizen, is the child or grandchild of a person of a race indigenous to Sabah, and was born (whether on or after Malaysia Day or not) either in Sabah or to a father domiciled in Sabah at the time of the birth"<sup>26</sup>. Thus, with some exception such as in the Malay Reservations Enactments of Kedah and Perlis which allow people of Siamese origin to acquire land reserved for the Malays, the religious-social definition of Malay prevailed.

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<sup>26</sup> Malaysia Federal Constitution, Article 161A (6) (b).

## CONCLUSION

The Malays had since the pre-Melaka days regarded themselves as native, indigenous and owners of *Tanah Melayu*, the Malay Peninsula. The gradual spread of Islam amongst the Malay populace in the Peninsula resulted in its adoption as state religion beginning perhaps with Terengganu early in the 14<sup>th</sup> century and of course Melaka in the 15<sup>th</sup>. To what extent the Melaka Laws (*Hukum Kanun Melaka*), also known as Malay Laws (*Undang-Undang Melayu*), was strictly adhered to is uncertain, but it is a living proof that Islam was dominant in Malay life and that the religion had been harmonized with indigenous custom (*adat*) and officially adopted as the ideology of the Malay State. After the fall of Melaka in 1511, the Malay-Muslim Laws continued to prevail, with adaptations, in the various Malay sultanates. When the Residential system was started by the British in 1870s matters related to Islam and Malay custom was expressly excluded as exclusively Malay matters under the guardianship of the sultans, although this does not mean that the British did not interfere, sometimes directly, in practice. It was in this spirit that Islam was made “the religion of the Federation” of Malaya in 1957 and Malaysia in 1963.<sup>27</sup> In the same light, and in view of the willingness of the Malay rulers and UMNO to agree to the liberal citizenship provisions for the non-Malays, vestiges of malayness in the form of the Malay monarchy, albeit constitutional in the modern western sense, were continued and Malay Language was formally declared as the “national language” of the country. As a school subject, Islamic Religious Knowledge was made compulsory to all Malay students who are by definition Muslims. Within one year after independence “over a million non-Malays became citizens on liberal terms”.<sup>28</sup>

But once the non-Malays had attained legal status as citizens and electorates, unless prohibited by certain provisions of the law, they are free to form associations and air their views on all matters including those relating to religion, education, language, and employment in the

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<sup>27</sup> *Malayan Constitutional Documents*, Kuala Lumpur, The Government Printer, 1959, p. 27; *Perlembagaan Persekutuan*, Kuala Lumpur, Jabatan Chetak Kerajaan, 1970, p. 20.

<sup>28</sup> Tan Sri Mohamed Sufian Bin Hashim, *An Introduction to the Constitution of Malaysia*, p. 242.

civil service. At the same time, in practice the young were not encouraged to mingle and integrate and the seeds of discord existed within the “national” education system itself. The new generations are allowed to go separate ways as different peoples through different schools which were now termed “national” and “national-type” (*jenis kebangsaan*). At the same time, non-Malay voting strength quickly rose from 15% in 1955 to 43% (35.6% Chinese, 7.4% Indian, 0.2% others) in 1959.<sup>29</sup> With the newly acquired nationality and thus political rights, emphasizing on the concept of the plurality of the new nation, some non-Malays, began to demand total equality which challenged the Malays who were struggling to retain remnants of tradition which symbolize their “seniority” as nationals of the modern Malaysian nation. The struggles finally led to the May 13<sup>th</sup> disturbances in 1969 which occasioned the introduction of the New Economic Policy (NEP) in 1970. Although the NEP was only half-successful in uplifting the standard of living of the Malays and *bumiputera* and their participation in the modern sectors of the economy, some UMNO leaders were towards the end of the NEP in the 1980s talking about the “New Malay” (*Melayu Baru*) which they hoped to be the bearers of Malay and *bumiputera* progress in the future.

While this was going on Islam continued to dwell in the Malay mind and it has to be taken into consideration by Malay-based political parties in order to ensure their survival. Having to face the growing influence of PAS which never camouflaged its Islamic intentions, UMNO President and Barisan Nasional Chairman, Dr. Mahathir Mohamad, when officiating at the Party Gerakan Convention on September 29, 2001 declared Malaysia an “Islamic State”. It is doubtful whether such a pronouncement carries any weight legally but again it proves the intimacy between Islam and the Malay identity. Meanwhile, the concept of *bangsa* (nation) for the Malays has gradually been replaced by *kaum* (community) and *keturunan* (descent). In the spirit of equality and what has been persistently harped as “a nation of plurality”, malayness is being forced to the background. In the process, as lamented by many *Melayu* political activists in 1940s and 1950s, the Malay nation(s) has been reduced to a mere community within the new nation invented by the British and consented to by some Malay leaders. UMNO leaders

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<sup>29</sup> Milne and Mauzy, *Politics and Government in Malaysia*, Singapore, Times Book International, 1978, p. 155.



used to claim that the Malays had been victorious for having been able to desist the Malayan Union, but history has proved that those leaders themselves had contributed to put into effect some of what they previously regarded as the most “notorious” aims of the Malayan Union.