

The Evolution of Land Ownership among the Orang Asli Temiar: Socioeconomic and Cultural Implications

Nina Khairil¹, Hafis Simin¹, Najah Tuah¹, Ain Salem¹, Aisya Azhari¹, Hairulnizam Mohd Khor²

¹Faculty of Applied Social Sciences, University Sultan Zainal Abidin (UniSZA), Terengganu, Malaysia, ²Faculty of Social Sciences and Humanities, Universiti Malaysia Sabah (UMS), Sabah, Malaysia

Email: ninasyafika@gmail.com, najahtuntuah@gmail.com, nurulainsalem@gmail.com, aisyaazhari14@gmail.com, hairulnizam@ums.edu.my

Corresponding Author Email: mohamadhafis@unisza.edu.my

To Link this Article: <http://dx.doi.org/10.6007/IJARBSS/v15-i5/25402> DOI:10.6007/IJARBSS/v15-i5/25402

Published Date: 21 May 2025

Abstract

This study examines the ongoing land conflict and development challenges experienced by the Temiar Indigenous people in Gua Musang, Kelantan. The issue of land ownership within this community represents a continuous struggle shaped by historical marginalization, legal ambiguities and economic exploitation. For the Temiar, ancestral land is not only a place of residence but also a core foundation for their livelihood, cultural practices and identity. However, intensifying pressure from external stakeholders particularly plantation and mining companies has led to frequent disputes over land use and resource control. The growing demand for natural resources further exacerbates these tensions and directly threatens the sustainability of the Temiar way of life. This qualitative research employs ethnographic methods, including in-depth interviews and participatory observation with key informants from the Temiar community. Document analysis and literature review were also conducted to deepen the understanding of the conflict's dynamics. The findings reveal that land is not merely a physical asset but is fundamental to the economic and cultural survival of the Temiar people. This study underscores the importance of recognizing Indigenous land rights and highlights the urgent need for inclusive development policies that honour traditional knowledge systems and support long-term community resilience. The insights from this study are also valuable for NGOs, academics and advocacy groups working on Indigenous rights and sustainable development.

Keywords: Land Conflict, Temiar Indigenous People, Customary Land Ownership, Conflict Evolution

Introduction

Orang Asli is a group of the minority indigenous people living throughout Peninsular Malaysia, except for the states of Penang and Perlis. The Orang Asli tribe has the largest population in the states of Pahang, Perak, Selangor, and Kelantan. Based on the data from JAKOA in 2022, the total population of Orang Asli in Malaysia is approximately 209,575 people. Pahang recorded the largest population of Orang Asli with 78,615 people, followed by Perak (61,225), Selangor (20,961), and Kelantan (17,487).

This study focuses on Temiar's community which is one of the ethnic groups under the Senoi category. Temiar is the largest group of Orang Asli in Kelantan with a population of 15,237 people out of the total 17,487 Orang Asli in the state (JAKOA, 2022). The census figure of the total Orang Asli population in the state of Kelantan is as shown in the table below.

Table 1

Orang Asli Population in the State of Kelantan

No.	Ethnic Subgroup	Total Population
1	Jakun	37
2	Temuan	36
3	Bateq	789
4	Jahai	715
5	Kensiu	4
6	Kintak	1
7	Mendriq	523
8	Jahut	1
9	Mahmeri	3
10	Semai	134
11	Semoq Beri	7
12	Temiar	15,237
Grand Total		17,487

Source: Jabatan Kemajuan Orang Asli (JAKOA), 2022.

The land conflict among the Orang Asli Temiar people in Gua Musang, Kelantan is an issue that arises from the problem of government policy change, natural resources exploitation, historical factors, and legislation. The Temiar people practiced a system of land usage known as the "collective system" which was passed down through generations without any formal registration (Nor, 1996). As customary land is regarded as an important element, the basis of life, as well as the economy and culture, this system is maintained in custom is aimed to sustain resource equilibrium and local culture. However, the expansion of cultivation and logging activities alongside development policies have altered traditional land ownership and created persistent conflict that requires adaptation from the Temiar people to increasingly difficult changes. This issue reflects a broader national challenge of reconciling indigenous land rights with rapid economic development. Despite various interventions,

indigenous communities continue to be sidelined in land-related decision-making, which raises concerns about justice, inclusivity, and cultural survival.

The evolution of land conflict among the Temiar society can be observed through three main phases. In the first phase, they lived a self-sufficient lifestyle, practicing shift cultivation alongside hunting and gathering without restrictions (Nicholas, 2000). The intermediate phase begins when their traditional land begins being encroached upon by development policies, commercial farming, and the implementation of land laws that do not recognize customary ownership (Hooker, 1976; Mohd Rizal, 2018). In the most recent phase, the Temiar people face the consequences of land loss which forces them to shift from traditional economies to low-paying wage labor, and increasing dependency on government aid (Lye, 2013). In addition to economic impacts, land loss affects social and cultural structures, including the emergence of non-elderly traditional leadership, value change from one generation to another, and others (Gomes, 2004).

Deep understanding of how land conflict has evolved within the Temiar community is crucial for shaping development strategies that are inclusive and culturally appropriate, particularly in balancing national economic priorities with the socio-economic needs of Indigenous societies (Zainal Abidin, 2015). As these challenges continue to unfold, there is a growing need to rethink policy frameworks in ways that reflect the lived realities and traditional values of the Temiar people. The insights from this study may be valuable not only to scholars and policymakers, but also to NGOs and advocacy groups working toward equitable land governance. Without sustained attention to customary land rights and cultural frameworks, the long-term resilience and well-being of the Temiar community could remain at risk.

Method

This research was conducted using a qualitative approach through ethnographic research. The information was collected through fieldwork within the Orang Asli community of Gua Musang. The primary aim of this fieldwork was to collect primary data, whereas secondary data was also gathered from multiple sources to support the primary data in order to facilitate the researcher in explaining the study issue.

The ethnographic approach was used throughout the fieldwork by collecting data from several villagers who included the leaders such as tok batin, tok penghulu, and other villagers. This approach enabled the researcher to obtain information from the participants firsthand. The researchers spent approximately one month with the informants to understand the issues concerning land claim dispute within the state of Kelantan.

This study involved three informants who were assigned the labels (IR1, IR2, IR3). During the study, the information was obtained through interviews and participant observation. In addition, the researcher employed the document study method where various documents concerning the issues being studied were used to augment the existing information. Loose documents were also used to illustrate the data collection process and serve as references throughout the research process.

In this study, the information obtained was analyzed using NVivo Software NVivo 12. The software facilitates data categorization by its features, making it less cumbersome for researchers to organize data according to the pre-determined themes (Thematic Analysis). The interview questions were conducted in the Kelantanese dialect because the selected informant spoke the dialect, which makes it easier for both the researcher and the respondent. The output of the research is more reliable when all information and data is analyzed comprehensively glaringly detailing findings in a manner that makes them, readable, clear, and uncomplicated.

Traditional Life Before the Conflict

Traditional Economy

Before land became a primary concern for the Temiar people, they practiced farming and foraging (Nor, 1996). They also relied entirely on their economy, especially through the slash and burn method, which is the opening of land for crops for a certain period before moving to other areas when the soil fertility diminishes. Besides, the Temiar people have traditional knowledge of gathering timber as a source of food and income which is learned through for generational guidance from the elders during the farming and gathering activities of bamboo, petai, gaharu, padi huma, and banana (Carey, 1976; Ramle Abdullah et al., 2018). The learning process is comprehensive from entering the forest until reaching the sales stage, enabling the practice of traditional methods to be preserved within the community (Ramle Abdullah et al., 2018).

The Temiar people hunt and gather their own food, as well as for medicinal purposes. These activities are conducted in the areas known as tet tenggos, which refer to highlands that serve as the main area for bushwalking and harvesting.

The region is situated further away from the settlement areas, and selai is marked as the region for agriculture and temporary habitation (Hairulnizam et al., 2022). In the hunting activities, wild animals such as deer, porcupines, and birds were captured using traditional traps, poison blowpipes, and weapons like swords and machetes. Meanwhile, the foraging activities involve gathering forest products such as rattan, bamboo, honey, wild fruits, medicinal herbs, and agarwood which are economically valuable.

The economy system of the Temiar community is also centered based on collectivism principle where land and natural resources are utilized together as common property without exclusive individual ownership rights (Nicholas, 2010). Land is viewed as community heritage that should be preserved and shared. There is no well-defined concept of proprietary ownership, and in fact, each person within a community may freely utilize the resources from the land according to their needs (Endicott and Dentan, 2004). Moreover, with and among their families and friends the resulting produce are often shared, thus forming an enduring together system that supports and guarantees communal living.

Overall, the pre-claiming land traditional economy system of the Temiar community is strikingly resilient, characterized by equilibrium with natural surroundings, and emphasizes togetherness and the preservation of the community's collective life.

Social Structure

As cited in Ramle et al. (2020), the term saka in the Temiar society functions as a symbol of continuity of the generations and is inherited through custom. In Temiar's case, their social system is egalitarian and largely based on customary practices. The Tok Batin functions as the title-holder who manages the social and cultural life of the community including the resolution of conflicts among the people. His rule was not autocratic, rather, it relied on his discretion and experience in maintaining communal harmony (Carey, 1976).

The Temiar people practice an egalitarian social structure in the process of community governance. As noted by Benjamin (2014), decisions are often reached after thorough conversations that include all adult members of the community. This approach highlights the importance of achieving consensus and harmony within a group because each person has the right to share their thoughts and opinions. In this case, it ensures that decisions are not only in the best interest of the community but also the collective wellbeing, which is traditionally aligned with the animistic beliefs of the Temiar. This indicates that the Temiar people had practiced democratic values long before external influences introduced the concept of hierarchical administration systems.

In terms of family relations, the Temiar people utilize an extended family system where each individual bears social responsibility to the community. In this case, land is more than an economic resource, but rather the foundation to family relations, as it is passed on and cultivated in a communal manner by the community as a whole. Family support and collaboration are needed for the joint survival of the family, while children are taught from a young age about customs, taboos, and the duty of cherishing the land and natural resources as proud heritage (Dentan, 1997).

In summary, the social structure of the Temiar society prior to the land reclamation was vastly different from adaptive systems of the modern individualistic territorial and bureaucratic system. They lived in communities that were inclusive, put importance to togetherness as well as respecting custom and councils led by elders while making decisions.

Relations with the Mainstream Society

Relatively to the land claim and outside interventions, the Temiar people led a rather secluded lifestyle with minimal contact to the outside world. Their reliance on nature and a traditional subsistence economy enabled them to not have much need for interaction with other people (Dentan, 2000).

Nevertheless, these Indigenous People did take part in some small scale trading activities with people from outside, particularly with villagers from the neighboring villages and traders who came into their region. These were mainly barter trades, where they exchanged forest produce such as rattan, resin, and agalwood for basic goods like salt, cloth and iron wares (Gomes, 2004). This trading activity was conducted at a very controlled level in order to prevent too much dependency on outside goods.

The Temiar Society is very careful in accepting the influence of the outside world, especially in the area of trust and customs. They maintain the system of animism beliefs where they believe that every component of nature has a spirit and, as such, should be

respected (Endicott, 2016). This makes them more selective in the reception of outside influence, especially in the area of culture and beliefs that contradict the practices of their traditions.

The Temiar people's Relations with the outside world began to undergo transformations with the introduction of government policies aimed at the development of infrastructure, including the construction of roads, as well as the opening up of land for agriculture on a large scale, and the resettlement policy of the Orang Asli (Nicholas, 2010). These developments exposed the Temiar people to more external influences, which eventually led to conflicts concerning land ownership and their traditional rights

Overall, with no interference from the government and external parties, the Temiar society was able to live independently and comfortably in a self-sustaining controlled environment. Their contacts with the outside world were minimal and preferred relaying on nature for their everyday survival.

Adaptation of the Temiar Society

Economic Transformation

An important change following the land grievances among the Temiar people is the loss of customary land due to the opening of oil palm estates and logging activities. Studies by Ramle et al. (2018) showed that this loss of land has compelled them to shift from a traditional economy to low paying wage employment, especially in the agriculture and construction industries, which oftentimes lack reliable income, stability, and social protection. For decades now, both the government and private companies have been exploring land that is customarily possessed by Indigenous Peoples for commercial scale agriculture and logging. The areas that were previously used for shifting cultivation, hunting and gathering have now been transformed into oil palm, rubber and development farmland (Nicholas, 2010).

Apart from the loss of traditional sources of income, the Temiar society also faces some forms of exploitation in the new employment sector. Employers tend to pay Indigenous people lower wages than other workers, which makes them the most disadvantaged group in the labor market (Endicott, 2016).

Temiar communities were previously self-reliant but now depend on government assistance because of changes in the economy and the various support schemes available for the Orang Asli. The Department of Indigenous Affairs (JAKOA) provides various forms of support that include the development of farming estates, commercial replanting projects, and agricultural aid and cooperative grants to enhance competitiveness of the economy of the Orang Asli Society (JAKOA, 2021). In addition, Orang Asli involved in palm oil replanting programmes receive subsistence allowance of RM170 a month until the yield is obtained (RTM, 2023). From the housing aspect, JAKOA provides housing schemes under the resettlement policy and collaborates with the state government to gazette indigenous lands under the Indigenous People's Act 1954 (Act 134) to perpetually preserve their land rights (Dewan Selangor, 2023). This aid, while providing support in the short term, contributes towards greater reliance on the government, thereby weakening the self-sustaining economy system previously practiced by the Temiar society (Gomes, 2004).

Overall, some form of economic reorganization is required within the community to counter the new and emerging services and stimulate activity post land claim system. Temiar people without land have lost their primary livelihood and shifted to more unstable employment. This triggered soaring poverty rates within their community.

Social Changes

The economic changes experienced by the Temiar people have also caused profound social changes in their society. One of the most prominent changes is the conflict between the older and younger generations regarding customs and culture of the Temiar.

The older generation in the Temiar community has still clung to the traditions and way of life of the people. The community has a strong belief that land is an inheritance that must be protected and preserved for future children. Unfortunately, the younger generation who has greater access to modern education, job opportunities in cities, and technology, is increasingly inclined towards modern lifestyle and is less interested in preserving their native land. This is supported by IR3:

“Muda-muda ini tak kenal. Begitulah macam yang duduk kat Kuala Lumpur tadi. Dia ingat asal usul dia dengan batu lah, dia asal usul manusia macam ini. Tak kira apa bangsa, makanan dia tak lari daripada ubi kayu,” (IR3)

This difference of opinion tends to create conflict within families and society because the older generation tries to conserve with the culture and identity that they have while the younger generation prefers modern and urban lifestyles (Carey, 1976).

In addition, changes in the economy and government policy have also led to changes in the governance system of Tok Batin. In Nicholas' study (2010), it was stated that Tok Batin has high authority among the people and he was active in the management of his land, customs, and convening disputes. However, as the government started to appoint and pay stipends to the Tok Batin, their functions began to change. Now, Tok Batin manages not only the customary practices, but also acts as a liaison between the Temiar people and the state. As one of the leaders remarked, IR2 quotes:

“Dulu, mereka patuh kepada ketua mereka, istana dulu dia melantik penghulu. Kita asli pun sama dengan orang Melayu kita. Jadi kita pakailah, makna penghulu juga di kalangan orang asli kita.” (IR2)

This system has come under critique because some Tok Batin are reported to have cared more about the interests of the government than those of their community (Endicott, 2016). This situation has led to a loss of trust among the Orang Asli in their traditional leadership which in turn undermines social stability within the community and the Temiar.

To sum up, the social changes that occurred following the land claims have greatly impacted the Temiar people, such as creating generational conflict and shifting the traditional leadership.

Law Implications

The issue of customary land claims has given rise to some important court cases championing the rights of the Indigenous Peoples, notably the Temiar. The conflict between customary land rights and state legislation often results in loss of land without adequate compensation (Abidin, 2015). This has been the case, not just in Kelantan, but in other states like Johor and Selangor as well. One of the most influential court decisions is *Sagong Tasi V Selangor* (2002), where the Malaysian High Court upheld that the land inhabited by the orang asli is indeed their property and the state government cannot expropriate it without reasonable compensation (Amnesty International, 2018).

Nonetheless, even with court decisions in favor of Indigenous Peoples, the enforcement of their rights is still facing numerous difficulties. A lot of cases take years to resolve, and time and again the land has been de-wilded or developed by the time the court's decision is handed out.

In terms of government policy, the 1954 Native Peoples Act remains the primary reference in managing the rights of Indigenous Peoples. This act empowers the government with unilateral authority to determine the settlement area of the Indigenous Peoples, but does not explicitly recognize customary land. This leads to numerous customary lands being un-expropriated, making them vulnerable to invasion and development without the consent of the Indigenous people (Nicholas, 2010).

The government policy on resettlement/reimplementation of 'domestication' of the Temiar people has had significant effects on the Temiar community. This policy resulted in the majority of the Orang Asli being relocated to specially developed settlement areas by the government where they were provided with houses and basic amenities such as schools and clinics (Dentan, 2000). However, this has faced a lot of criticism due to:

1. The relocation results in the alienation/estrangement of the Temiar people from their indigenous land which means loss of access to the natural resources that forms the basis of their livelihood.
2. The relocation promotes the accelerated assimilation of Orang Asli people into the mainstream socio-cultural identity leading to loss of traditional ethnic identity.
3. Results in social problems such as dependency on welfare support and the high rate of unemployment because of the limited job opportunities in the resettlement areas (Endicott, 2016).

Dynamics of the Land Conflict and the Economic Implications of the Indigenous Peoples

The land disputes in Gua Musang region is a deeply researched issue due to the legal, historical, and economic context at play. The Indigenous People community in this region face challenges in maintaining their customary land rights because of external pressures from people like plantation and mining companies, state governments, and other interested stakeholders who seek to exploit the area for commercial purposes. Findings of the interviews indicate that the residents consider land in Gua Musang as not only a place of residence but also their primary economic resource. One of the community leaders (IR1) stated that:

“Tanah ini bukan sahaja tempat kami tinggal, tetapi ia juga sumber pendapatan kami sejak dahulu.” (IR1)

Best quote to include in results section This statement reflects that land is not only a physical asset but is fundamentally tied to the survival of the local people, who depend on land for agriculture, forestry, and other various economic activities. Advanced studies have pointed out that the Orang Asli are often confronted with conflicts concerning the ownership of land due to differing understandings of the concept of land ownership between modern legal systems and local customs (Nicholas 2010; Hooker 1976).

This conflict becomes more intense as exploration activities by outsiders expands toward sowing and mining near their villages. Gua Musang is also located in an area high in natural resources such as timber and arable land making it more economically valuable to external investors. The presence of plantation companies has barred the local people from accessing the land which they used to subsist on in a semi-autonomous commons fashion. The study by Nurul Amira Abdul Wahab and Azima Abdul Manaf (2020) showed that land allocation for economic development tends to create conflict with the local people because they are losing their traditional means of livelihood.

Apart from that, the action of non-governmental organizations (NGOs) in advocating the land rights of the Gua Musang people has also impacted the dynamics of this conflict. Some locals have expressed concern about external attempts to impose some influence over the land claim without proper dialogue with the community. While there are NGOs that assist in the land claim advocacy, some residents express concern about the presence of outsiders trying to influence the land claim without proper dialogue with the community. One of the village leaders (IR3) stated:

“Orang luar ada mari, lepas tu dia pandai-pandai nak pengaruh orang kampung suruh tuntutan tanah, sebab nak jual mahal. Tapi dia tak pernah tanya, tak pernah berbincang dulu dengan kita orang.” (IR3)

This lack of understanding has created tension in the region among the local community, NGOs, and the state government, thereby exacerbating divisions among the people themselves. Therefore, the resolution of the issues requires a holistic approach combining legal, economic, and social factors. Measures, such as strengthening legal rights, involving the community in development planning, as well as more social interaction and dialogue among the stakeholders, can help ease tensions and ensure the rights of the local community are fairly protected.

Acknowledgement

The researcher would like to sincerely thank the Ministry of Higher Education Malaysia for supporting this study through the Industrial Research Grant Scheme (IRGS) under Project ID (RM031) and reference number (UniSZA/2024/PPL/SUKKEL[049]). The funding provided played a key role in enabling the completion and publication of this article. The researcher also extends heartfelt appreciation to everyone who offered support, guidance and encouragement throughout this journey whether directly involved in the project or contributing behind the scenes. Your contributions made this work possible.

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