

Full Length Research Paper

Traditional lands acquisition and compensation: The perceptions of the affected Aborigin in Malaysia

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This paper reports the issues of land acquisition and compensation related to the aboriginal people in Malaysia called Orang Asli. Unfortunately, the rights of the Orang Asli traditional lands are not clearly defined in the Malaysian legal system. This research adopts a questionnaire survey as the method of study, and descriptive analysis to present the results. The research revealed that laws of Malaysia are inadequate to protect the Orang Asli lands and their right to fair and just compensation. As practised now, in the absence of appropriate guidelines and regulations, the determination of compensation is based solely on the discretion of the various authorities. Furthermore, this research revealed that the compensation required by the Orang Asli should have both monetary and non-monetary components.

Key words: Land acquisition, traditional lands, land rights, adequate compensation, compensation components.

INTRODUCTION

The government of Malaysia is engaged in a massive public works programme throughout the country that involves acquisition of private land including Orang Asli¹ traditional lands on a large scale. The government intervention in supplying land for development is directly exercised under the power of land acquisition as stipulated under the Land Acquisition Act 1960, and provided under Article 13 of the Malaysian Constitution 1957. This Article stipulates that no person may be deprived of property in accordance with law and no law may provide for compulsory acquisition or for the use of property without adequate compensation. Adequate compensation, therefore, as stated under the provision of Article 13(2) of the Federal Constitution, refers to the amount of compensation which is decided, taking into account all the principles stated under the First Schedule of the Land Acquisition Act 1960. Thus, this research

attempts to focus on the underlying issue of land rights and acquisition compensation attached to Orang Asli traditional lands in Malaysia.

The key concept of the research

To gain an understanding of Orang Asli traditional lands and their development problems, the issue of customary lands must be recognised as a major factor to be addressed in order to encourage national economic and social development. Development and national goals are complementary. However, for development to occur there is a requirement that policy settings for land are formulated within a framework which accommodates the existing Orang Asli lands ownership systems. Furthermore, Article 8(1) of the Federal Constitution, 1957 states that, 'all persons are equal before the law and entitled to equal protection of the law'. This means Orang Asli have the same protection as other citizens of Malaysia and are eligible for adequate compensation when their land is acquired by the government.

Malaysia has under constitutional guarantees recognized and respected customary land tenure. According

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¹ Malay term for aboriginal people of Peninsular Malaysia

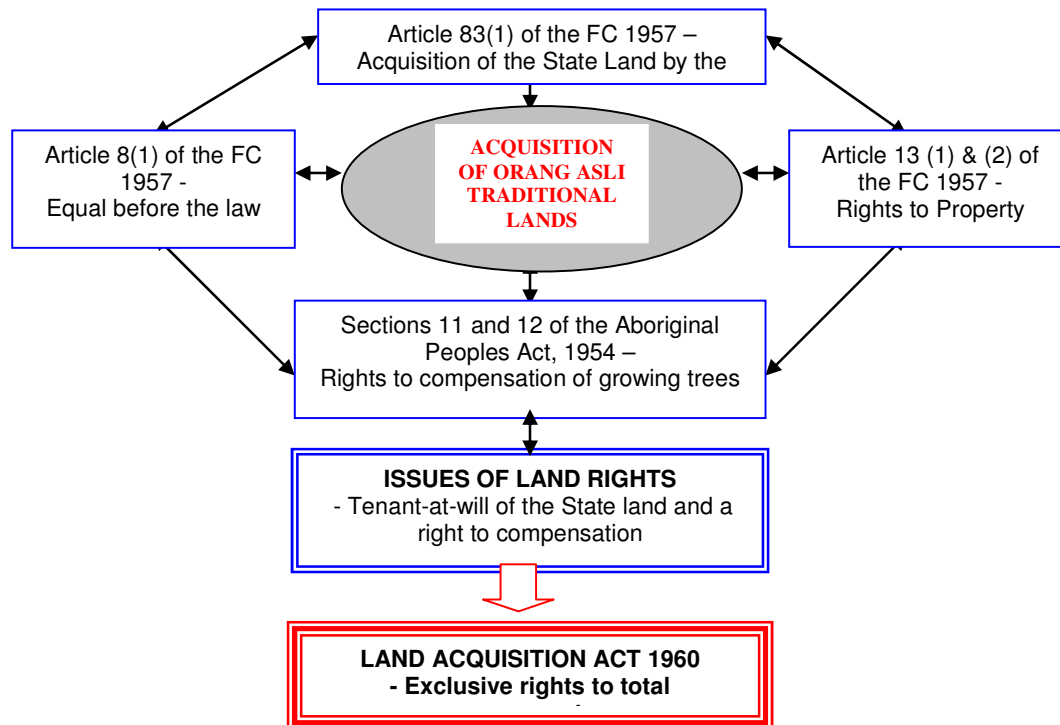


Figure 1. Acquisition of Orang Asli traditional lands.

to Sheehan and Small (2001) and Adlington (2000), these customary lands can frequently not be accessed for feasible development projects unless the consent of the customary owners is obtained on terms and conditions that must be negotiated to the satisfaction of those owners. However, governmental powers of compulsory acquisition, for various state purposes (e.g. highways, schools, hospitals), can be called upon to acquire any land including Orang Asli lands, irrespective of the wishes of the owner (Nicholas, 2003). Also, there is often a constitutional or legal guarantee that land held in private ownership can only be compulsorily acquired for state purposes if adequate compensation is paid (Keith, 1984; Nicholas, 2003). So, how does this notion of adequate compensation relate to the acquisition of Orang Asli traditional lands?

Appropriate provisions have been inserted in legislation in many countries (e.g. Australia, New Zealand, Canada and the USA) to deal with the issue of compensation. Some of these provisions have been suggested as purely monetary compensation, while others, although still economic in nature, may involve in situ reinstatement or replacement of land (e.g. resettlement programmes), with only minimum monetary payment for hardship and other losses. These notions of compensation are referred to in the research of Hyam (1995), which introduces monetary and non-monetary compensation structures in the Australian legal context. Even though the state, under the provision of the Land Acquisition Act 1960, has the power

to possess any private land, acquisition of Orang Asli traditional lands does not draw on this power but rather follows the spirit of Article 83(1), Article 13 and Article 8(1) of the Federal Constitution and the Aboriginal Peoples Act, 1954. The law does not allow any authority to violate one's right to hold private property, and this should be applied to Orang Asli property rights as well. The key concepts involved in the acquisition of Orang Asli traditional land are summarized in Figures 1 and 2.

With its enthusiasm for bringing Malaysia to the status of a developed nation, the present government has overlooked protection of the rights of the Orang Asli (Nicholas, 2003). More land is being required for development and this has resulted in Orang Asli land being taken away from them. The federal and state governments under the existing laws are under a fiduciary duty to gazette lands to declare them as Orang Asli reserves. This duty is contained under Article 8(5) of the Federal Constitution, 1957. However, the federal and state governments have clearly been lacking in protection procedures and the problem of under-gazetting Orang Asli land has been a long-standing problem (Nicholas, 2003; Ismail, 2005).

As of December 2006, the Malaysian government recognized a total of 141,369.67 ha of Orang Asli land. Only 13.9% (19,582.21 ha) were gazetted as Orang Asli reserves and, more importantly, over half (57.5% or 81,269.58 ha) of the Orang Asli lands had applied for gazetting but no approval had been given. The

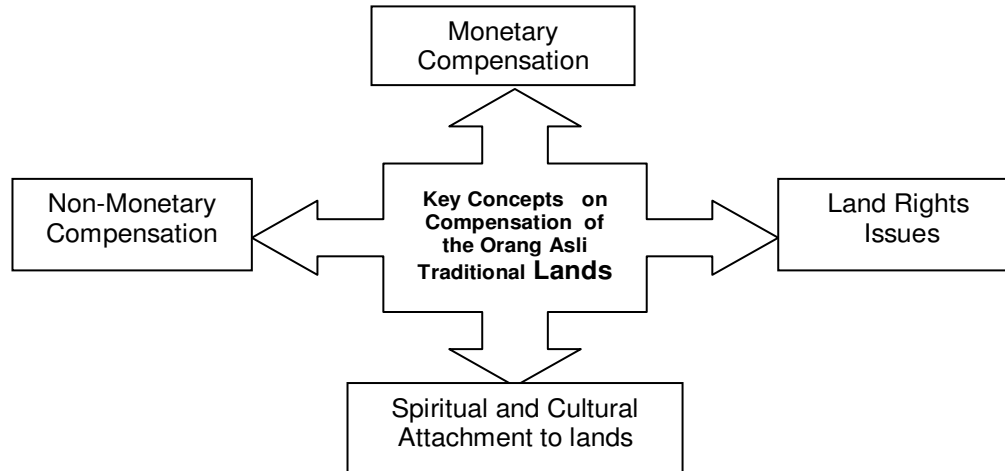


Figure 2. The Key Concepts on Compensation of the Orang Asli traditional lands.

Department of Orang Asli Affairs (JHEOA) identified the gazetted land as representing only 15%, from 876 Orang Asli villages (JHEOA, 2006). Therefore, although the obligation to gazette Orang Asli lands exists, the rampant under-gazetting by the government leaves the Orang Asli unprotected against developers who prey on what they perceive as cheap land and easy targets. Encroachment is widespread, particularly in Kelantan, due mainly to a liberal land alienation policy (Yaqin, 2002). Due to the undeclared status of most Orang Asli land and the absence of any mechanism to keep track of it, state governments often end up awarding Orang Asli ancestral land to private developers (Nicholas, 2003; Endicott and Dentan, 2004).

The rights of the Orang Asli over their traditional lands are minimally protected by the Aboriginal Peoples Act, 1954. This Act provides for the establishment of Orang Asli areas and reserves. Previously, it was the view of government that under the 1954 Act the best title that the Orang Asli might obtain to their traditional lands was as a tenant-at-will (Nik, 1996; Jafry, 1996; Awang, 1996). This is attributed to the government's perception that the Orang Asli traditional lands are actually state lands. The Orang Asli are therefore allowed to occupy or remain on their traditional lands only at the pleasure of the government (Nik, 1996; Jamaluddin, 1997; Salleh, 1990). Whenever the government wants to acquire the Orang Asli traditional lands for whatever reason, they simply revoke the status of these traditional lands and issue to the Orang Asli living in that area a relatively short notice to vacate the land, notwithstanding the fact that the Orang Asli and their families may have been living in the area for generations. The Orang Asli are then expected to move from their traditional lands within the short stipulated period or be forcibly evicted by the law of the state. This can be evidenced particularly in the state of Selangor as in the case of Sagong et al. (2002) 2 MLJ

591.

Furthermore, in addition to being evicted, the Orang Asli are not paid any form of compensation for the loss of their traditional lands. Instead, any compensation is based purely on Sections 11 and 12 of the Aboriginal Peoples Act, 1954. Section 11 – 'Compensation on alienation of State land upon which fruit or rubber trees are growing: (1) ...then such compensation shall be paid to that aboriginal community as shall appear to the State Authority to be just; (2) any compensation payable under subsection (1) may be paid in accordance with section 12'; and Section 12 – 'Compensation:any aboriginal area or aboriginal reserve granted to any aborigines or aboriginal community is revoked wholly or in part, the State Authority may grant compensation therefore and may pay such compensation to the persons entitled.....'. Any compensation pursuant to Sections 11 and 12 of the Aboriginal Peoples Act, 1954 is at the discretion of the authorities. There is no fixed guideline. The compensation payable to the Orang Asli pursuant to Sections 11 and 12 is only for the loss of growing trees and buildings. Some state authorities are very generous, but others are not. There is no provision under the law for compensation of the acquisition or loss of the Orang Asli's traditional lands. In general, however, the amount paid to the Orang Asli as compensation for their loss of trees and buildings is comparatively small and inadequate (Ismail, 2005; Adong et al. (1997) 1 MLJ 418). According to Yap (2002), the JHEOA, which consists of a majority of non-indigenous staff, is perceived by the Orang Asli as being distant, unapproachable and irrelevant in representing and safeguarding their interests. On the other hand, Idris et al. (1983) claimed that the department rendered 'exclusive and pertinent' responsibility to the Orang Asli, taking care of the community from womb to grave.

This paper discussed about the extent to which current

Table 1. Reliability test.

No.	Variables	No. of Items	Coefficient value – cronbach's alpha
1	Reasons for not supporting acquisition	12	0.7369
2	Advantages of land acquisition to OA	7	0.7358
3	Opinions of existing compensation	2	0.7406
4	Reasons for inadequacy of compensation	9	0.7358
5	Types of compensation required	7	0.7350
6	Overall	37	0.7314

laws are adequate in protecting the Orang Asli's rights to compensation and the current practices of the state governments with regard to compensation for acquisition of traditional lands and compensation problems from the perspectives of the affected Orang Asli.

Problem statement

Based on the above discussion, the central problems encountered in terms of compensation for acquisition of Orang Asli traditional lands are:

- (i) The lack of protection under the law of Orang Asli land rights and interests,
- (ii) Compensation as required by the existing laws only provides for payment for growing trees and affected buildings; there is no compensation for the loss of traditional lands,
- (iii) The amount of compensation is at the discretion of the authorities, which results in disparities among the state governments. Some follow the law strictly, while others are more generous,
- (iv) Compensation based on common law (court cases) is beyond the existing laws and regulations that are being implemented (Sagong Tasi, 2002; Adong Kuwau, 1997).

Research aim

The aim of this research is to determine the extent of compensation problems and the adequacy of existing compensation payable by the authorities from the perspectives of Orang Asli.

MATERIALS AND METHODS

This research adopts a quantitative survey method for data collection. To achieve the objectives, the research explores the perceptions of related parties of the issues of land acquisition involving Orang Asli traditional lands, through a questionnaire survey. The targeted respondents are the affected Orang Asli in five land acquisition projects located in Perak, Selangor, Pahang and Johor.

The questionnaire was divided into three main sections:

- (i) Part A – Respondent's background.

- (ii) Part B – Perceptions of acquisition of Orang Asli traditional lands. This addressed the views of affected respondents on the acquisitions that have already taken place: reasons why they supported or did not support the acquisition; and the advantages of land acquisition to them or to their family.

- (iii) Part C – Perceptions of compensation awarded by the authority for land acquisition. This section asked for their views on payment of compensation for the loss of trees and buildings; reasons for inadequacy of compensation; suggestions as to types of compensation that should be awarded; and overall views on the acquisition of Orang Asli traditional lands, as an open-ended question.

The rationale in designing these questions was to explore views and perceptions of affected Orang Asli toward acquisition of their traditional lands, to provide first-hand data on the feelings, expectations and hopes of communities when they have to give away their lands for the sake of development. Reliability tests were also conducted for this study. Table 1 shows the results of the reliability test for the questionnaire. As shown in Table 1, the overall coefficient value of Cronbach's Alpha for the questionnaire is 0.7314, which is above 0.6. These results showed that all variables had indicated internal consistency and achieved high reliability values based on scales developed by Sekaran (2000); Nunally (1998). Based on this theory, a variable that achieves a Cronbach's Alpha coefficient value of more than 0.6 points is regarded as achieving high internal consistency and reliability. Thus, our high coefficient values indicate that the respective respondents were able to understand the questions in the questionnaires; the necessity of asking the questions was also confirmed.

RESULTS AND DISCUSSION

The response rates

Table 2 shows the response rates for questionnaires. The response rates (achieved in the field survey) are considered very high, at 85% overall. The distribution of the questionnaires was conducted personally by the researcher who had also approached the respective Orang Asli during investigation of the case study with JHOEA officers and Tok Batins' help.

The respondents' profiles

The backgrounds of the respondents who took part in the survey are presented in Table 3, while Table 4 shows the

Table 2. The response rates of the affected Orang Asli's survey.

Name of project	Name of Orang Asli settlements	No. of families affected	No. of responses / %
Acquisition of land for project of water supply and construction of Sungai Kinta Dam in Mukim Ulu Kinta, Perak	Kampong Jintan	3	3 (100%)
	Kampong Dollah	26	24 (92%)
	Kampong Kuala Termin	25	20 (96%)
	Kampong Jambu	9	9 (100%)
	Kampong Sumba	23	20 (87%)
	Sub-total	86	76 (88%)
Acquisition of land for project of Bukit Lanjan Township, Damansara, Petaling Jaya	Kampong Bukit Lanjan	158	134 (85%)
	Kampong Semanggar	26	22 (85%)
Acquisition of land for project of the construction of Sungai Linggui Dam in Kota Tinggi, Johor	Kampong Pasir Intan (Formerly known as Kampong Pasir Asam)	13	11 (85%)
	Kampong Sayong Pinang (Formerly known as Kampong Sungai Pinang)	14	10 (71%)
	Sub-total	53	43 (81%)
Acquisition of land for project of KLIA Highway, Kampong Bukit Tampoi, Sepang.	Kampong Bukit Tampoi	14	14 (100%)
	Kampong Bangkong	7	7 (100%)
	Sub-total	21	21 (100%)
Acquisition of land for project of raw water supply from Pahang to Selangor comprising the construction of Kelau Dam.	Kampong Sungai Temir	115	96 (83%)
Total population / response rate of Orang Asli respondents		433	370 (85%)

frequency with regard to the projects outlined in Table 2.

The respondents were heads of families, and 95% of them were male; the females represented the heads of the family who were already deceased. The majority of these respondents were from the Temiar and Temuan tribes with age groups of 21 to 40 years, 41 to 60 years and above 60 years old, representing 37, 27 and 28%, respectively. 71% of the respondents had no education background, and 26% only attended primary school; the approach of direct interview with the Orang Asli was appropriate since most of them were illiterate. Most of the respondents (76%) have a large family, that is, between 6 to 10 people per family, meaning that acquisition of their traditional lands had a great impact on them.

Perceptions of acquisition of Orang Asli traditional lands

Opinions about acquisition of Orang Asli lands

Figure 3 shows the frequency of different opinions held by the Orang Asli on acquisition of their traditional lands. Some 78.6% of the respondents did not support the acquisition exercise carried out by the government. Only 10% supported it, while 11.4% had no opinion. It is evident that a large number of Orang Asli are not happy with the current phenomenon of authorities targeting Orang Asli traditional lands to be acquired for development. This result was consistent with research by

Table 3. The background of the respondents (affected Orang Asli).

Characteristic	Frequency (N)	Percentage (%)
Gender		
Valid Male	350	95
Female	20	5
Total	370	100
Tribe		
Valid Temiar	149	40
Temuan	124	34
Jakun	52	14
Che Wong	45	12
Total	370	100
Age		
Valid < 21 years	30	8
21 – 40 years	135	37
41 – 60 years	100	27
> 60 years	105	28
Total	370	100
Education level		
Valid No Education	262	71
Primary	96	26
Secondary	12	3
College	0	0
Total	370	100
Number of family members		
Valid < 5 persons	72	19
6 – 10 persons	280	76
> 10 persons	18	5
Total	370	100

Table 4. The respondents based on projects

		Frequency	Percent	Valid percent	Cumulative percent
Valid	Sungai Kinta Dam	76	20.5	20.5	20.5
	Bukit Lanjan Township	124	33.5	33.5	54.1
	Sungai Linggui Dam	43	11.6	11.6	65.7
	KLIA Expressway	21	5.7	5.7	71.4
	Kelau Dam	106	28.6	28.6	100.0
	Total	370	100.0	100.0	

Nicholas and William-Hunt (1996), which revealed that reliance on private sector initiative to develop Orang Asli lands has its risks, as the Orang Asli are likely to end up losing their land.

Reasons for not supporting the land acquisition

Participants who answered 'do not support', (N = 291) were asked why they did not support the acquisition of

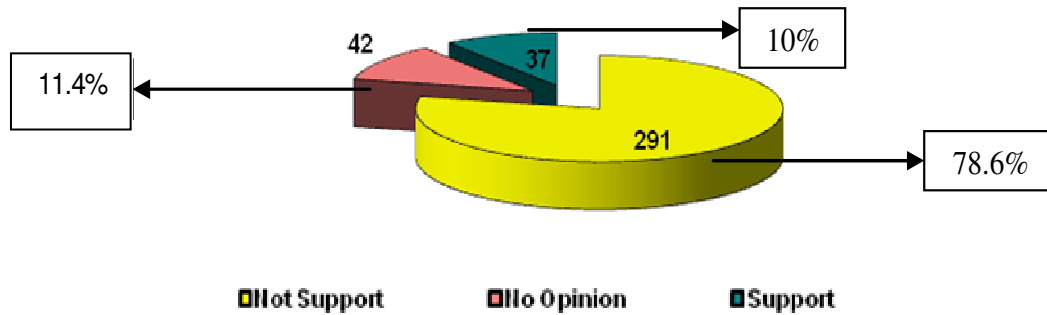


Figure 3. Opinion on acquisition of Orang Asli lands.

Orang Asli Reserves and were given a list of 12 from which to select their reasons. Table 5 shows the results. It was clear that most of the respondents believed that promises to protect Orang Asli interests are not fulfilled and they observed that life becomes more difficult, as illustrated by the mean values of 2.74 and 2.73, respectively. On top of that, Orang Asli had requested that the government find alternative sites to preserve Orang Asli lands; encroachment on rights, heritage and interests of the Orang Asli should be avoided. These were evidenced by mean values of 2.70 and 2.69. Examples as mentioned by Nicholas (1996) were the promises of titled individual plots mostly thrown in under the agreement of joint-venture projects. Short evacuation notice for a period of one to three months was not a problem to the Orang Asli as shown by the mean value of 2.02, but this short notice must follow with an appropriate sum of compensation or alternative place to transfer. However, this is contradicted by the challenge made by appellants in Sagong Tasi (2002) who were unhappy with the 14 days' notice served by the state authority for them to move out of their ancestral lands. The contradiction in result between the research finding and in Sagong Tasi (2002) was due to the notice for evacuation served by the authority in Sagong Tasi was too short i.e. only 14 days as compared to normal notice period being practiced by the authority of 1 to 3 months.

Advantages of land acquisition to Orang Asli

Table 6 shows the statistical frequency of opinions among the Orang Asli toward the advantages to the Orang Asli community of land acquisition. As clearly shown in Table 6, the mean values of all variables are 2.30 to 2.49, except for the variable 'compensation money can be invested', which had a mean value of 1.72. This is within the category scale of 'not sure' as scored below 2.5 points and close to 2.0 points. These results indicate that the Orang Asli considered that land acquisition was not bringing any obvious benefits to their community. They believe that these traditional lands are

meant to provide for their future generations (Nik Yusof, 1996); and perhaps, with inadequate compensation for acquisition, the future of the Orang Asli becomes uncertain (Nicholas, 2003; Cheah, 2004b; Suhakam, 2003). From this result it seems that in general the Orang Asli are not happy with the acquisition of traditional lands as they regard these lands are their "saka" or traditional rights, owned communally from the time of their ancestors (Nik, 1996).

Perspectives on payment of compensation

Opinion on compensation given by the government

The descriptive statistics shown in Table 7 reveal the opinions of the Orang Asli on the existing compensation regime as implemented by the government when taking possession of their traditional lands. With the mean values for compensation for growing trees and buildings at 1.84 and 1.93 respectively, it seems to the Orang Asli that the present structure of compensation is below a 'reasonable' level. This result is consistent with that of Cheah (2004a) who demonstrated that, as the Orang Asli traditional lands are imbued with cultural, spiritual, and communal characteristics, there is no equivalent economic market value; in fact, the 'price' is far beyond the market value of private registered land. Nicholas (2003) added that the laws in Malaysia fail to adequately take into consideration the needs and impact of land loss on the livelihood of the Orang Asli.

Reasons for inadequacy of compensation

Table 8 shows the descriptive statistics for the 'reasons for inadequacy of compensation' perceived by the Orang Asli in acquisition of their traditional lands. There is evidence that the highest mean was due to the methods used for determining compensation, which are based on the discretion of the government, and registered a 2.64 mean value. However, other reasons (mean values

Table 5. Descriptive statistics of the reasons for not supporting land acquisition.

Variables	Descriptive statistics				
	N	Min	Max	Mean	Standard deviation
Encroachment on rights and heritages	291	1	3	2.69	0.606
Short evacuation notice	291	1	3	2.02	0.662
Inadequate compensation	291	1	3	2.63	0.670
Not suitable - resettlement location	291	1	3	2.68	0.609
Loss of traditional jobs and skills	291	1	3	2.68	0.604
No place to practice traditional lifestyle	291	1	3	2.37	0.875
Life more difficult	291	1	3	2.73	0.551
Integration problems	291	1	3	2.12	0.569
Cultural shocks and isolation	291	1	3	2.52	0.802
Promises not fulfilled	291	1	3	2.74	0.540
Affects on cultures, beliefs and heritages	291	1	3	2.60	0.659
Government should find alternative site	291	1	3	2.70	0.553
Valid N (listwise)	291				

Legend: 1.00 - 1.49 = Not Agree, 1.50 – 2.50 = Not Sure, 2.51 - 3.00 = Agree.

Table 6. Descriptive statistics of the advantages of land acquisition to Orang Asli.

Variables	Descriptive statistics				
	N	Min	Max	Mean	Standard deviation
Better economic standing	370	1	3	2.44	0.735
Life is more comfortable	370	1	3	2.49	0.722
Opportunity to own land	370	1	3	2.30	0.772
The family future is more secure	370	1	3	2.47	0.714
Easy for the Government to help	370	1	3	2.42	0.722
Compensation money can be invested	370	1	3	1.72	0.843
Permanent job	370	1	3	2.42	0.726
Valid N (listwise)	370				

Legend: 1.00 - 1.49 = Not Agree, 1.50 – 2.50 = Not Sure, 2.51 - 3.00 = Agree.

Table 7. Descriptive statistics on opinion of existing compensation.

Variables	Descriptive statistics				
	N	Min	Max	Mean	Standard deviation
Growing trees – e.g. fruits, rubber	370	1	3	1.84	0.732
Buildings – e.g. house, shed, hut etc.	370	1	3	1.93	0.659
Valid N (listwise)	370				

Legend: 1.00 - 1.49 = Inadequate, 1.50 – 2.50 = Reasonable, 2.51 - 3.00 = exceedingly adequate.

Table 8. Descriptive Statistics of the Reasons for Inadequacy of Compensation.

Variables	Descriptive statistics				
	N	Min	Max	Mean	Standard deviation
Negotiations by JHEOA	370	1	3	2.52	0.612
JHEOA is not serious	370	1	3	2.49	0.630

Table 8. Contd.

No compensation for ancestral land	370	1	3	2.56	0.568
Special attachment not considered	370	1	3	2.43	0.656
Value of trees is relatively low	370	1	3	2.48	0.612
Methods not clear	370	1	3	2.58	0.585
Difficulties not considered	370	1	3	2.52	0.621
No guidelines of claims	370	1	3	2.46	0.671
Solely on government discretion	370	1	3	2.64	0.529
Valid N (listwise)	370				

Legend: 1.00 - 1.49 = Not Agree, 1.50 – 2.50 = Not Sure, 2.51 - 3.00 = Agree.

Table 9. Descriptive Statistics of the Types of Compensation Should be awarded

Variables	Descriptive Statistics				
	N	Min	Max	Mean	Standard deviation
Monetary compensation					
Trees and buildings (sections 11 and 12, Act 134)	370	1	3	2.47	0.629
Market value of ancestral lands	370	1	3	2.53	0.589
Ex-gratia / solatium payment	370	1	3	2.60	0.553
Non-monetary compensation					
Housing, infrastructure and amenities	370	2	3	2.67	0.472
Guarantee of job/ source of income	370	1	3	2.55	0.957
Living allowance for at least two years	370	1	3	2.49	0.647
Motivational program	370	1	3	2.67	0.500
Valid N (listwise)	370				

Legend: 1.00 – 1.49 = Not required, 1.49 – 2.50 = Not sure, 2.51 – 3.00 = Most required.

of more than 2.5 points) are: negotiations being done by JHEOA on their behalf; no compensation given for ancestral land; methods of determining compensations are not clear; and no consideration given to hardships or difficulties caused by the acquisition. In particular, all the listed reasons were perceived by the respondents as valid arguments for the inadequacy of compensation, achieving mean values of 2.43 to 2.64 points.

Types of compensation required by the Orang Asli

When asked what specific types of compensation they would expect when their lands are acquired by the government, respondents were given two main types of compensation package for them to choose and evaluate. The results are as revealed in Table 9. All listed factors recorded mean value ranges from 2.47 to 2.67. This means that the Orang Asli required both monetary and non-monetary compensation in a compensation package. Factors (a), the value of growing trees and buildings, and (b), market value of ancestral land, had mean scores of 2.47 and 2.53, which is under the category of 'most required'. However, under the valuation principles, if both

factors are to be considered, this becomes double counting and is not allowed. By comparison, the Australian Native Title Act 1993 only considered the market value of the native title.

Conclusion

Table 10 summarizes the results. This table was compiled by computing the result for each factor from the questions asked. The Orang Asli basically opposed the acquisition on their traditional lands, as shown by the mean value of 1.31. They seemed to agree with all the listed factors presented to them as reasons against the acquisition, with a mean value of 2.56. The Orang Asli perceived that acquisition of the traditional lands does not bring justifiable advantages either to affected families or the Orang Asli community as a whole (mean value of 2.37). With a mean value of 1.88, the Orang Asli contended that the current compensation structure as per the Aboriginal Peoples Act 1954 (sections 11 and 12) was inadequate. Again, with the overall mean value of the reasons for inadequacy at 2.52 point, the Orang Asli agreed with all the listed factors presented to them. As a

Table 10. Summary of descriptive statistics of Orang Asli questionnaire.

Variables	N	Mean	SD	Result
B1: Perceptions on acquisition	370	1.31	0.462	NSp
B2: Reasons for not Support	290 ²	2.56	0.466	Ag
B3: Advantages of land acquisition	370	2.37	0.277	Ag
C4: Opinion on existing compensation	370	1.88	0.468	Rs
C5: Reasons for inadequacy of compensation	370	2.52	0.224	Ag
C6: Types of compensation required	370	2.57	0.235	MRq
Valid N (listwise)	370			

Legend: NSp = not support; Ag = agree; Rs = reasonable; MRq = most required.

consequence, they required compensation packages for acquisition of their lands to have both monetary and non-monetary components. Under monetary compensation, their demand is for payment at the market value for their ancestral lands; solatium or premium payments due to their special attachment to the land (in spiritual and cultural terms), disturbance, insult, and mental distress; as well as living/support allowances. Under the non-monetary element, they would expect the authority to provide a resettlement area with housing, and adequate infrastructure and amenities. They would also require employment and a motivational programme for them to adopt a new lifestyle in the resettlement area.

Finally, the issue of acquisition of traditional lands is more than just a matter of law and compensation; it is a matter of justice between society and man. 'The word compensation would be a mockery if what was paid was something that did not compensate'³.

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² N=290 are based on respondents who answer question 1 - 'not support'.

³ Lord Reid in Birmingham Corporation v West Midlands Baptist Trust 13 (1969) 3 All ER at 172