

ULRICH SCHOLZ: *Minangkabau. Die Agrarstruktur in West-Sumatra und Möglichkeiten ihrer Entwicklung.* (Giessener Geographische Schriften, Heft 41). Giessen: Selbstverlag des Geographischen Instituts der Justus-Liebig-Universität Giessen, 1977, 217 pages, 32 maps, 23 tables, 46 photographs, with a summary in English and Indonesian, DM 28. -

I

This book has a twofold aim: to make a contribution to the regional geography of Indonesia and to indicate the possibilities of an applied geography within the framework of integrated regional planning programs in tropical developing countries. After a short introduction the region of West Sumatra is described in terms of its physio-geographical characteristics, its population, its cultural landscape, its economy and its infrastructure (Chapter B). This is followed by a historical survey of the Minangkabau agrarian system (Chapter C). After a description of the rural settlements in terms of their functional and physiognomic-topographical characteristics (Chapter D), much attention is given to the description and analysis of the land use systems (Chapter E) which comprise about a third of the whole study. This is followed by an account of agrarian conditions embracing the legal aspects of the land tenure system and the organization of agricultural production (Chapter F). Chapter G describes the typical production units for the main types of agricultural products. Then the area's agricultural potentials, and its land reserves in particular, are discussed (Chapter H). In his conclusions the author develops some guidelines for future agricultural development in West Sumatra (Chapter I).

II

Geographers and economists interested in Indonesia and Sumatra in particular will read this book with pleasure. In spite of its shortcomings which will be discussed below, Scholz' book is an important and welcome contribution to the literature on Indonesia and Minangkabau. Particularly in Minangkabau studies the field of geography has been given very little attention whereas other fields like kinship, law and dispute-processes, etc. have been studied rather extensively in recent years.

The book with its many excellent maps conveys a good impression of the physical geography of West Sumatra and contemporary land use patterns. Its further attractiveness is that it covers the whole area of West Sumatra whereas other studies have focussed attention mainly on individual villages, so that the conclusions often cannot be generalized for whole West Sumatra. The author's opportunity of spending about 3 years in West Sumatra and his work with the West Sumatra Regional Planning Project has enabled him to

visit all villages in West Sumatra as well as to utilise much of the quantitative material on land use collected by the research team conducting the regional planning study.

III

The more regrettable are the shortcomings of Scholz' book which I mainly find in his description of the Minangkabau socio-legal system, particularly in his account of property and inheritance law. Scholz himself states "that a detailed knowledge of the existing land tenure system is an essential, perhaps even the most important precondition for a successful implementation of regional or sectoral development" (p.134), a proposition I most heartily agree with. Yet the account which follows is strikingly short (6 pages), superficial and, partly, definitely wrong. It is quite impossible to adequately describe the highly complex Minangkabau property and inheritance law in such short a space; it is even more misleading if property categories and relationships are expressed in terms of German legal concepts (*Gemeinschaftseigentum*, *Individualeigentum* = common ownership, individual ownership) which do not fit the Minangkabau legal data. Apart from the fact that the one systematic study of Minangkabau property law is not mentioned (H. Guyt: *Grondverpanding in Minangkabau*, 1936), the literature quoted and incorporated in the bibliography (e. g. De Josselin de Jong 1951, Tanner 1969, Naim (ed.) 1968) does not support Scholz' account. To take the most striking example: When describing the inheritance rules for self-acquired property (*harta pancarian*) Scholz tells us that in former times they devolved according to Islamic law, property being distributed among a property holder's children with preference being given to sons; that the followers of the traditional adat party had tried to replace these rules with the rules of matrilineal inheritance applicable also to the inheritance of *pusako* property (property being held by matrilineal descent groups, the usufructuary rights to which are inherited matrilineally); and that at the two conferences on land and inheritance law, held in 1952 and 1968, it had been decided that in future the Islamic rules should only apply to 2/3 of a man's *pancarian* whereas he should be free to dispose of the rest according to his wishes (p. 137). In fact, the contrary has been and is true, as is clearly evidenced by the existing literature (also from the works quoted by Scholz) and recent research (see e. g. Tanner 1969, Sa'danoer 1971, Evers 1975, Kato 1977, F. v. Benda-Beckmann 1979). In former times *pancarian* property was inherited by the members of the *pancarian* holder's matrilineage (Scholz, p. 34, himself writes this in his introductory account of the socio-political organization); not the adat party but the adherents of the Islamic pressure groups have for 200 years been fighting for the application of Islamic inheritance law to *pancarian* inheritance; and they considered the decisions taken at the conferences of 1952/1968 as a success for the

Islamic party. It should be noted that even now Islamic inheritance rules are far from being applied in the State Courts, but that - both in the villages as in State Court decision making - pancarian is according to the changed adat (customary) law inherited by the property holder's children, no distinction usually being made between sons and daughters. Further it is not tenable to state that a man had no participation in his descent group's inherited property (Scholz p. 34). For one thing, Minangkabau adat had (has) the institution of pambaoan property: a property holding group can allocate part of its holding to its married male members for their conjugal family's exclusive use; after the man's death such property would revert to his group. Besides, men also co-inherited the ganggam bauntuek, the inheritable usufructuary right distributed between the various branches of a descent group. Another instance of confusion is when we read about land pledging. Scholz correctly states that the pledger's right to redeem the property persists "as long as sun, moon and stars are shining, the clouds are white and the crows are black and as long as water runs downhill" (p. 139). Yet two sentences later he tells us that if some time expires after the pledger has offered the redemption, the pledgee would, under the customary law, be under no obligation to return the land.

I should like to stress that here in the case of pancarian inheritance, we are not confronted with a misinterpretation of some isolated details of Minangkabau property and inheritance law. Pancarian inheritance has been a central topic of Minangkabau social and political life for several decades; it not only concerns isolated instances of inheritances but has far reaching consequences. For one thing, the pancarian character of property is not maintained once the property holder is dead. The objects acquire the legal status of *pusako* (inherited) property. Whereas in former times it became the *pusako* of a property holder's closest matrilineal relatives, it now becomes *pusako* in his children's matrilineal group. But in both cases, once the holder has died, it will in future be subject to matrilineal inheritance rules. As Evers has recently shown, the principle that pancarian becomes *pusako* on being inherited still functions even in Padang, the largest and most modern urban centre of West Sumatra. If individual ownership-like rights are associated with pancarian, they thus pertain to those property objects in one generation only. Pancarian therefore can hardly be equated with individual ownership. Neither can *pusako* be equated with common ownership (*Gemeinschaftseigentum*). In Minangkabau the descent group is conceived of as the holder of all the group's members' *pusako* property objects only on the level of socio-political control over property. On the level of usufructuary rights, however, there exist several mechanisms which provide for a differential distribution of usufructuary rights, the *ganggam bauntuek* distribution, *pambaoan* allocation and pancarian inheritance. Finally, hardly any reference is made in the book to the Basic Agrarian Law which in 1960 was superimposed on adat land law.

Although this law has as yet had but little impact on Minangkabau land tenure, it nonetheless will play an increasingly important role in the latter's development.

IV

How do these shortcomings and the author's misunderstanding of some essential elements of Minangkabau property law relate to his conclusions and his objective, viz. to indicate the possibilities of an applied geography in the framework of regional planning programs in developing countries, in Indonesia in particular? Scholz concludes that the Minangkabau society is, among other things, characterized by its remarkable innovativeness, and that revolutionary social reforms at present would obviously not be necessary to overcome the still existing problems of the region. In his proposals for future development, Scholz consequently emphasizes general economic guide-lines rather than asking for socio-legal reforms. He in particular proposes that, industrialization being no realistic alternative, high priority should be given to the agricultural sector and that, within the agricultural sector, future activities should concentrate more on perennials, on the expansion of spice and coconut planting as well as on the intensification of the smallholders' rubber production. He further proposes as a general guide-line that more labour serving capital goods should be introduced in the outer areas and more land serving goods in the densely populated areas in the Padang Highlands (pp. 172). I would like to stress that, on a rather general level, the author's conclusions and also his proposals seem sound enough. Yet one wonders how such proposals and the eventual measures taken to pursue and implement them can ever be effective if they do not tie in with the specific mechanisms of land holding. Proposals based upon insufficient knowledge of these specifics and of the precise manner they are affected by factors of change will, I am afraid, not be very succesful. The author himself has noted the importance of the detailed knowledge of the sociolegal system of the people to be developed and has also correctly stated that such knowledge has not been sufficiently taken into account in previous development projects. It is a pity that his dissertation, although providing a lot of useful data on geographic aspects and land use in Minangkabau, does not make any progress in this respect.

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