

ADAT IN MODERN WORLD: FUNCTION, CONTINUITY AND CONTEMPORARY RELEVANCE

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FEBRUARY 2026

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MAJLIS ADAT ISTIADAT SARAWAK, 2026

1. INTRODUCTION

Adat is often misinterpreted as an ancient practice that is no longer relevant in the contemporary context. Such perceptions tend to reduce Adat to a static cultural remnant, rather than recognising it as a comprehensive normative system that has historically governed social conduct, community relations, and dispute resolution. In Sarawak, this misunderstanding was further shaped during the period of Brooke administration, which introduced new legal structures and administrative frameworks that altered the manner in which jurisdiction was exercised among native communities. The coexistence of customary norms with Brooke-era legal and administrative institutions contributed to a narrowing of how Adat was perceived, particularly when assessed against formal written law.

This limited perception stands in contrast to scholarly understandings of Adat as a complex and multifaceted concept. As observed by Upik Djalins (2011), Adat in its broadest sense encompasses not only customary law (*hukum adat*), but also ceremonial practices, marriage rules, kinship systems, dispute resolution mechanisms, and regulations relating to resource and property ownership. From this perspective, Adat does not operate as a singular or isolated element of indigenous life, rather, it constitutes a holistic normative framework governing social organisation and communal responsibilities. This broader conceptualisation is equally applicable to native communities in Sarawak, where Adat has traditionally functioned as an integrated system regulating both social relations and rights over property.

In view of the foregoing, it is essential to adopt a broader understanding of Adat as a comprehensive normative system. Adat is not defined solely by its form or historical origins. Its significance lies in the roles it plays in regulating conduct, maintaining social order, and guiding communal relationships. Accordingly, the General Explanation to the Codified Adat explicitly articulates the core functions of Adat within the community. These stated functions provide an important point of reference for examining the continuing relevance of Adat and its capacity to operate meaningfully in contemporary contexts. This article therefore seeks to analyse these functions in relation to present-day social and legal realities.

2. FUNCTION OF ADAT

Understanding Adat as a comprehensive normative system requires attention not only to its conceptual foundations, but also to the functions it performs within society. Adat derives its continuing significance from the roles it plays in regulating behaviour, maintaining social order, and guiding relationships within the community. These functions reflect the practical operation of Adat as lived law, shaping everyday interactions and providing mechanisms through which harmony and accountability are preserved.

In this regard, examining the functions of Adat offers a clearer understanding of how it continues to operate beyond symbolic or historical representation. Accordingly, this article analyses the functions of Adat as set out in the General Explanation to the Codified Adat, with particular attention to their practical operation and contemporary relevance. Through this functional approach, the discussion illustrates how Adat continues to operate as a living system of governance rather than as a residual or purely historical practice.

2.1. Maintain a Harmonious Relationship among Member of Community

In the context of early Orang Ulu settlements, communities were often geographically isolated and largely self-regulating. There were no formal enforcement institutions or trained authorities to control behaviour, and daily life was shaped by environmental risks, strict taboos, and the inherent hardships of subsistence living. Under such conditions, the maintenance of social order depended heavily on internal mechanisms capable of regulating conduct and preventing conflict from escalating.

In view of these circumstances, some form of normative control was necessary to ensure that communal life could proceed in a harmonious and relatively peaceful manner. This necessity underpins the first function of Adat which is the maintenance of harmonious relationships within the community. Where a breach of Adat occurs, the individual at fault is held accountable, while the aggrieved or offended party is provided with redress, whether in

the form of material compensation or symbolic restitution. The objective of such measures is not punitive retribution, but the restoration of social harmony and relational balance.

This approach corresponds closely with the restorative justice framework articulated by Braithwaite (1989), who argues that social order is best maintained through the restoration of relationships rather than through retributive punishment. A similar logic is evident in the practice of Adet Kayan and Kenyah. For example, under Section 33-38 of the Adet Kayan-Kenyah 1994, a person who initiates a physical altercation may be required to prepare *tebara* as a form of customary redress, in addition to compensating for any loss or harm caused. Notably, such penalties are directed towards the injured party rather than imposed as fees payable to an authority. This illustrates how Adat prioritises the repair of social relationships over punitive sanction.

In the contemporary context, many Orang Ulu settlements remain geographically distant from major towns. While access has improved through the development of road and air connections, most settlements continue to be located in their original upriver areas. Despite these improvements in accessibility, the availability of basic public services, particularly enforcement and regulatory institutions remains limited. This limitation is not necessarily due to an absence of capacity, but rather to the dispersed nature of settlements and the logistical challenges of providing consistent services across remote areas.

Against this background, the continued relevance of Adat becomes evident. For community members who remain in the village, particularly the elderly, Adat continues to provide an accessible and culturally legitimate framework for regulating conduct and resolving disputes. Although those who have migrated to urban areas may perceive such arrangements as outdated, the practical realities of village life demonstrate otherwise. For example, where a longhouse fire occurs as a result of an individual's

negligence, addressing the matter solely through modern enforcement mechanisms may be impractical or socially disruptive. Resolution through Adat, such as the application of Section 18 under Adat Kayan-Kenyah 1994 allows responsibility to be acknowledged and redress to be made within the community. By doing so, Adat prevents the escalation of blame and resentment, enables affected parties to accept the outcome, and allows communal life to continue without prolonged conflict. In this way, the function of Adat in maintaining harmonious relationships within the community is clearly realised.

Through the application of such practices, the affected members of the community are able to release feelings of resentment towards the offender, while the offender, in turn, is able to acknowledge responsibility and continue living within the community with a sense of moral closure. The fulfilment of the prescribed penalty signifies forgiveness and resolution, allowing both parties to move forward without lingering animosity. In this way, the harmonious mode of communal living is restored.

2.2. Preserve the Physical and Spiritual Well-Being of the Longhouse/Village

Physical and spiritual well-being refers to the collective state of safety, health, and moral order within the longhouse or village, sustained through proper conduct, respect for taboos, and harmonious relations between humans, the environment, and the unseen realm. It is within this understanding that the second core function of Adat operates. Through Adat, communal life is regulated in a comprehensive manner, extending beyond individual conduct and ethical behaviour to encompass activities such as farming, fishing, land use, and burial practices. In this sense, Adat functions as a system governing the conditions necessary for the preservation of communal well-being.

This understanding is consistent with the observation by Cleary and Eaton (1992) that Adat encodes ecological ethics, structuring the obligations of humans not only towards one another, but also towards forests, rivers, and

the spiritual beings believed to inhabit them. Such obligations reflect the role of Adat in safeguarding both the physical survival and spiritual security of the community.

Unlike the first function of Adat, which operates primarily as a mechanism for resolving disputes and restoring harmony after a breach has occurred, this function is concerned with the preservation of communal well-being through preventive regulation. Rather than functioning in a manner akin to a court, Adat in this context serves to regulate conduct and organise communal life in order to prevent harm before it arises.

Among Orang Ulu communities, this preventive role of Adat is evident in practices relating to agricultural activities, particularly paddy cultivation. Prior to the commencement of planting, communal meetings are held within the longhouse to discuss land use and cultivation arrangements. The purpose of such deliberations is not only to prevent disputes over land boundaries or competing claims, but also to ensure that farming activities proceed in an orderly and consensual manner. In Adat reasoning, unresolved conflict and improper conduct in relation to land are understood to disturb both social harmony and the spiritual order associated with the community and its environment. By engaging in collective planning and mutual agreement, Adat functions to safeguard the physical and spiritual well-being of the longhouse, thereby reducing the risk of conflict, misfortune, and communal instability.

In the contemporary context, although such practices are not always consciously recognised as expressions of Adat, they continue to be observed in many communities and are often regarded simply as customary practices or tradition. A clear illustration of this can be seen in current practices relating to paddy cultivation, particularly in the clearing of land through controlled burning. Traditionally, land clearing involves coordinated burning carried out collectively on an agreed day, following prior discussion within the community.

This collective arrangement serves multiple protective purposes. Where an individual burns their land prematurely and causes the fire to spread to neighbouring plots, resulting in damage to another person's property, such conduct constitutes a breach of the agreed arrangement and attracts the imposition of a customary penalty. This reflects Adat's role in regulating behaviour to prevent harm and to preserve communal well-being. Beyond the question of liability, coordinated burning also allows for better control of fire, as the presence of multiple community members enables collective monitoring and response. As a result, environmental impact can be reduced, including the risk of uncontrolled fires and the health effects associated with poor air quality. In addition, the likelihood of damage to surrounding crops is minimised through shared oversight and mutual responsibility.

Viewed in this light, what may appear as a traditional practice continues to function as a preventive regulatory mechanism. Through collective planning and adherence to agreed norms, Adat preserves both the physical safety and the broader well-being of the community, demonstrating its continued relevance in contemporary settings.

From the foregoing discussion, it is evident that Adat continues to remain relevant in contemporary society. It persists in performing its function as a system that safeguards the physical and spiritual well-being of the community. Although such practices are not always consciously recognised as Adat and are often regarded by community members as inherited customs or traditions, they nonetheless reflect norms that were once actively and seriously enforced as Adat. This suggests that Adat has not disappeared but has instead become embedded in everyday practices that continue to regulate communal life. Accordingly, a proper understanding of the meaning and function of Adat in the present context is essential before its relevance is assessed or dismissed.

2.3. Keep the Community in a “State of Balance”

The notion of a “state of balance” refers to a condition of proper order in which social relationships, moral obligations, and relations with the surrounding environment are maintained without disturbance. In this sense, balance is understood not merely as the absence of conflict, but as the presence of harmony and mutual responsibility across different spheres of communal life. Where a breach of Adat is believed to disrupt this balance, affecting social relations as well as the physical and spiritual environment, mechanisms are in place to restore order and re-establish the stability.

2.3.1. Community with Community

In native communities, social life is sustained through tightly woven kinship networks and close neighbourly relations. Trust and mutual obligation form the foundation of everyday interaction, enabling cooperation, shared responsibility, and collective living. A breach of Adat at the interpersonal level, however minor it may appear, has the potential to disrupt this foundation. Acts such as gossip or the spreading of rumours undermine personal reputation, generate suspicion, and weaken mutual trust. For this reason, such conduct is treated seriously under Adat and may attract penalties.

This strict regulation of interpersonal conduct reflects Adat's concern with maintaining stability, or what is understood in this context as balance, between individuals within the community. The imposition of penalties serves not only to acknowledge wrongdoing, but also to restore dignity and provide closure for the affected parties. In doing so, Adat enables individuals to resume normal social relations and preserves stability within the social fabric of the community, thereby restoring balance.

2.3.2. Community with Physical and Spiritual Environments

Metcalf (1982) observes that, within many native belief systems, the spiritual consequences of wrongful acts are regarded as real rather

than metaphorical. Misfortune is often understood as an indication of imbalance or displeasure originating from the spirit world. It is therefore commonly believed that spiritual disturbances caused by improper conduct may manifest in physical consequences, including illness, accidents, crop failure, or natural disasters. This reflects a worldview grounded in spiritual causality, in which human behaviour is understood to affect the unseen realm, with reciprocal effects upon the physical world.

Such beliefs are evident in past practices among Kayan and Kenyah communities, where individuals who died by drowning or who passed away in open spaces were not permitted to be brought back into the longhouse. These deaths were believed to upset the spiritual order and to bring misfortune upon the community, potentially resulting in sickness or death among other residents. While this practice is framed in spiritual terms within Adat reasoning, it may also be interpreted through a contemporary lens. Bodies discovered several days after death would often be in a state of decomposition, producing odour and posing health risks. Given the gallery-style structure of traditional longhouses and the limited ventilation characteristic of earlier designs, such remains could facilitate the spread of bacteria and disease. Viewed in this light, what appears as a spiritually motivated prohibition also functioned as a practical measure safeguarding communal health and well-being.

3. ADAT AS SYSTEM OF GOVERNANCE

As discussed above, the functions of Adat do not operate as isolated elements but collectively form an integrated system of governance. Preventive measures aimed at safeguarding communal well-being reduce the likelihood of conflict, while restorative mechanisms address breaches when they occur. Where disruption affects multiple dimensions of communal life, Adat provides means to restore stability across social, physical, and spiritual spheres. Viewed together, these

functions illustrate how Adat operates as a coherent normative framework capable of sustaining communal life across changing contexts.

In the contemporary setting, although Adat may no longer be consciously recognised or formally practised in the same manner as in the past, its underlying principles continue to shape behaviour and communal arrangements within native communities, often without explicit awareness. This continuity suggests that Adat has not disappeared but has instead been absorbed into everyday practices that still regulate social relations, resource use, and communal responsibility. Accordingly, it is important for native communities to understand and appreciate Adat not merely as inherited tradition, but as a living system of values and norms.

Adat need not diminish in relevance with the introduction of modern legal frameworks inherited from both Brooke's and colonial period. Rather, it may continue to function alongside civil law in a complementary manner. When interpreted and applied in light of contemporary realities, Adat can remain a meaningful way of life, rather than a residual cultural practice confined to the past.

4. SUMMARY

This article has examined Adat as a comprehensive normative system rather than a static cultural practice confined to the past. By situating Adat within its historical, social, and contemporary contexts in Sarawak, the discussion demonstrates that its relevance lies in the functions it continues to perform within native communities. Drawing from the General Explanation to the Codified Adat, the article analysed three core functions of Adat, the maintenance of harmonious relationships within the community, the preservation of the physical and spiritual well-being of the longhouse or village, and the restoration of balance across social, physical, and spiritual spheres.

The analysis shows that Adat operates through both preventive and restorative mechanisms. It regulates conduct to prevent harm before it arises, provides means of redress when breaches occur, and restores stability where communal life has been disrupted. Through concrete examples drawn from Orang Ulu communities,

the article illustrates how Adat continues to shape behaviour and communal arrangements, even where such practices are no longer consciously recognised as Adat. The interrelationship of these functions further reveals Adat as an integrated system of governance capable of sustaining communal life across changing contexts.

Viewed in this light, Adat has not lost its relevance in the modern world. Rather, it persists as a living framework of norms and values that may continue to function alongside civil law in a complementary manner. A proper understanding of Adat's functions is therefore essential before its relevance is assessed or dismissed, particularly in contemporary discussions concerning native governance, social order, and cultural continuity.

5. REFERENCES

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