

RELATIONSHIP BETWEEN ADAT AND CLIMATE & ENVIRONMENT

BY DR. IPOI DATAN, NICHOLAS JOK

PREPARED BY:
©ORANG ULU RESEARCH SECTION (OURS)
MAJLIS ADAT ISTIADAT SARAWAK, 2023

All right reserved. No part of this publication may be reproduced, stored in a retrieval system or transmitted, in any form or by any means, without prior permission in writing of Majlis Adat Istiadat Sarawak

1. CLIMATE AND ENVIRONMENT

The World Meteorological Organization (WMO) defines climate as "... a statistical description of the mean and variability of relevant meteorological quantities over time ranging from months to thousand or millions of years". This traditional description is based on 30 years of weather data. Climate can also be defined in a broader scientific sense as a description of the state and dynamic of the physical planetary system which include "... five major components: the atmosphere, the hydrosphere, the lithosphere, and the biosphere, as well as the [evolving] interaction between them (IPCC, 2013). In another note by Mike (2015), when compared to what would otherwise be an experience of erratic and unpredictable weather, climate adds a feeling of stability or routine. Climate provides a means of managing the human experience of a continually changing climate and its related fears, as well as the urge to live with a feeling of stability and regularity. However defined, technically or implicitly, it is our experience of climate that generates certain expectations regarding the behaviour of the atmosphere. Climate theory fosters the possibility of a stable psychological life and meaningful human action in the world. Simply said, climate enables human to adapt culturally to their weather.

A living creature's habitat is simply everything that surrounds it during its lifetime, including people, places, and objects. This environment can be either natural or artificial and includes anything that surrounds or has an impact on the organism. This would correlate with a study by Shyma (2017), an organism's environment refers to all the factor that influence it during the course of its existence. In other word, the environment is the entire set of interaction between the land, water, and air as well as with people, other living things and material possessions. It includes all of the biological and physical environment's relationships. Environmental studies provide a method for comprehending the world's environment as well as the effects of human activity on the environment and vice versa. As a result, the environment is essentially universal in nature and a diverse field that includes physics, chemistry, geology, geography, history, economic, psychology, biotechnology, remote sensing, geophysics, soil science and hydrology, among another fields. According to Douglas and Holand (1974), the environment describes environment is used to

collectively define all external factors, influences and situations that have an impact on living things' behaviour, growth, development and maturation.

2. ADAT

Upik Djalins (2011) provides an account where "Adat is a complex notion. Adat, in its broadest definition, refers to the habits and practices of Indonesia's numerous ethnic groups. It includes the customary laws (*hukum Adat*), ceremonial customs, marriage rules, kinship system, dispute resolution procedures, resource ownership regulations and..." Adat thinker often felt that discovering a custom was sufficient; if the customs had significance legal importance, the government should recognise it as law. In other words, "Adat" refers to a native customs or body of native custom that have not received legal recognition under the Native Customary Law (Declaration) Ordinance, 1996 [Cap. 22] or any other written law and is deemed to include native tradition and culture (Majlis Adat Istiadat Ordinance, 1977). Customs or customary legal norms were not legally recognised until they were settled by a court judgement, and the individual involved in the customs was responsible by demonstrating their legality (Walker, 1976). In Adat, there are some kinds of penalty to be fined by the community using their own term.

3. PREVENTATIVE AND CORRECTIVE MEASURE IN THE ORANG ULU ADAT

It is common for the Orang Ulu community to have meeting before some work or activities is execute. Usually, the meeting will involve all people in the longhouse or village. Until now, meeting before any activity or event still practised and has become a culture of the Orang Ulu community.

Generally, we know that the Orang Ulu is practising personal law called *Adat* or *Adet*. When someone is found guilty breaching the Adat, a fine or penalty will be enforced. The offender shall pay the fine and provide the penalty whenever required. The goal of such fine or penalty is to bring back the peace between the community as well as between the community and nature and to educate the offender as well as the community.

4. RELATIONSHIP BETWEEN ORANG ULU CUSTOMARY PRACTICES AND CLIMATE AND ENVIRONMENT

4.1. Paddy Planting

The Orang Ulu community has been practising paddy planting since time immemorial. Paddy planting involves numbers of processes. One of the processes that related to this topic is clearing the farming site through mass burning method.

In section 67 (1)(2)(3) of Adet Kayan-Kenyah 1994, it is clearly stated that before burning activities took place, one should create a trench along the boundary of their farm and adjacent farm to prevent others farm from burning. Other than that, it is also a common practise where burning is done in group instead of at once. For example, burning paddy farms in river tributary A will be conduct one day earlier than paddy farm in river tributary B.

Looking at such practise, one might see the control of forest existed and practised by the Orang Ulu from their ancestor. We believe that they are aware if they did not create a trench along the boundary of their farm and adjacent farm, the fire might separate to other farm and does not only destroy other farm but destroyed the forest. Since forest is a significant place for this community as source of living, surely, they did not want it to happen does the preventative measure is taken. Besides that, burning in group also is a form of control because the ancestor might aware the bad quality of air affects the weather conditions thus could affect their corps.

As described in Section 2 of this article, another preventative measure through the meeting approach also taken to avoid unwanted things to happen. However, should it happen the corrective action through enforcement of fines and penalties is taken to educate the offender as well as the community.

4.2. Farming Land Left to Fallow

Generally, the Orang Ulu community will leave farming land to fallow between eight to more than 25 years. Such lands are left to preserve as well as conserve the fertility of the soil.

Usually, the land that are left will become the hunting ground, food source as well as the place where the community can get forest produce that can become a source of income for them.

4.3. Fishing, Hunting and Forest Produce

Control of hunting and fishing ground also has been practised by the Orang Ulu community since the ancestral time.

Basically, an outsider who fish, hunt or take the forest produce without permission of the longhouse concerned in a stream or a river or a lake or a forest reserved within the longhouse or village territorial domain are entitled to penalty. Section 54 of Adet Kayan-Kenyah 1994 described this matter clearly.

The reason of such control might not be limited to survival but also to ensure the sustainability of the food and forest produce.

4.4. Burial

The Orang Ulu has its own designated area for burial place (except for the Penan: in the past). Such place is considered sacred thus good care are taken. If one asks the elders of the village or longhouse the location of old graveyard, they might still can identify the site even though at this modern time, such place has been abandoned.

Orang Ulu community preserve and control this area by various of method. Among of the control measure is to enforce a fine and penalty to those who found guilty in felling the trees onto a cemetery, causing fire to damage a cemetery as well as defacing the graveyard (Section 153,154,155).

Besides that, any activities related to farming or gardening is absolutely prohibited as stated in Section 158 of Adat Kayan-Kenyah 1994.

5. SUMMARY

In this instance, Adat has to do with preserving, conserving and protecting the land, the forest, the rivers and the waterways, which are today frequently referred to as climatic and environmental issues. There are several categories which is agriculture, fishing, hunting and burial. Among all this categories, indigenous people have its own practices and the most common is it started from meeting before anything start. If someone is not following the customary law then that person will be fined and this will preserve, conserve, and protect of land, forest, rivers, and waters. This has a relationship between on how it can relate to climate, environment and how to preserve it in Adat.

6. REFERENCES

- Djalins, U. (2011). *Knowing adat: Indonesian legal scholarship and local practice*. Asian Journal of Social Science, 39(1), 1–23.
- Douglas, J., & Holland, M. (1974). *Environmental systems and human interaction*. Harper & Row.
- Government of Sarawak. (1977). *Majlis Adat Istiadat Ordinance (Cap. 81)*. Laws of Sarawak.
- Government of Sarawak. (1996). *Native Customary Law (Declaration) Ordinance (Cap. 22)*. Laws of Sarawak.
- Government of Sarawak. (1994). *Adet Kayan-Kenyah*. Sarawak Government Gazette.
- Intergovernmental Panel on Climate Change. (2013). *Climate change 2013: The physical science basis*. Cambridge University Press.
- Mike, H. (2015). *Climate and the human condition: Stability, meaning, and adaptation*. Routledge.
- Shyma, K. (2017). *Environmental studies*. Pearson Education India.
- Walker, A. (1976). *The legal recognition of custom in colonial and post-colonial societies*. Modern Asian Studies, 10(2), 221–239.
- World Meteorological Organization. (2011). *Guide to climatological practices* (3rd ed., WMO-No. 100). World Meteorological Organization.