

## THE LOGIC OF THE LAWS

*To Gretchen*

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DAVID S. MOYER

THE LOGIC OF THE LAWS

A STRUCTURAL ANALYSIS  
OF MALAY LANGUAGE LEGAL CODES  
FROM BENGKULU



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## PREFACE

The research upon which this thesis is based was financially supported by the Dutch and Canadian Governments. I received four consecutive doctoral fellowships from the Canada Council in the academic years from 1971 to 1975. I also received two of the Netherlands Government Scholarships which are awarded to Canadian nationals by the Dutch Ministry of Education and Science. The International Affairs Section of the Ministry has also provided financial assistance to help defray the printing costs of the thesis. Without this support the research, writing, and publication of the following could have been neither undertaken nor completed.

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## A NOTE ON ORTHOGRAPHY

In an anthropological study such as this where the majority of the material is drawn from sources dating from the nineteenth century, the problem of orthography is particularly acute. Thus I have attempted to adhere to the following rules. When there was confusion as to which rule to apply I must admit that I have tended to follow the procedure advocated by T. E. Lawrence (1940, pp. 18-20) for the transcription of Arabic.

1) When referring to indigenous concepts in a non-specific or general sense, I have used the orthographic convention for Malay and Indonesian that has been in use since August 1972. The basic rules of this system are set forth in a pamphlet published by the Indonesian government and entitled *Pedoman Edjaan Bahasa Indonesia Jang Disempurnakan*. The main conventions that involve changes from previous usage are in the following table.

<i>Malay</i> (previously)	<i>Indonesian</i> (previously)	<i>Combined System</i>
j	dj	j
y	j	y
ny	nj	ny
sh	sj	sy
ch	tj	c
kh	ch	kh

The approximate English equivalents of the combined system are as follows: *j* as the *j* in jump; *y* as the *y* in yes; *sy* as the *sh* in show; *c* as the *ch* in chop; *kh* as the *ch* in the Scottish pronunciation of loch. Though the *ny* sound does not normally occur in English it can be approximated by the combination of the last phoneme of "green" and the initial phoneme of "yacht" when the words "green yacht" are pronounced rapidly.

2) When transcribing Arabic script into a Romanized form I have also used the 1972 convention. This means that my transcription of the Arabic forms is not a completely accurate philological evaluation of the original. For example, though in Arabic script the "s's" in the words "semendo" and "fasal" are consistently represented by different forms I have only used a single "s". Since this is an anthropological and not a philological study I have taken the view that the exact transcription of the Arabic script into Romanized form either would have been unnecessarily confusing for the anthropologist or would have made this book prohibitively expensive.

3) When directly citing published Dutch and English language sources I have retained the spelling of indigenous terms as in the original. A useful guide for converting these to the modern spelling can be found in paragraph 1. The Malay system roughly corresponds to English practice and the Indonesian system roughly corresponds to Dutch practice.

4) When directly citing manuscripts written in Romanized Malay I have retained the spelling of the original. All of the Romanized Malay manuscripts used in this study were prepared using Dutch orthography as a reference. Thus the consonant values tend to follow the pattern presented in paragraph 1 for the previous Indonesian system. The patterns for vowels and diphthongs is unfortunately perversely inconsistent and especially confusing for the native English speaker. The following observations on Dutch orthographic practice should provide some assistance.

Dutch *oe*, e.g., *boek* (book) like the vowel in the English word "tool" but shorter (longer before *r*), e.g. *loeka* = *luka* (Ind. wound).

Dutch *ij*, e.g. *mijn* (mine). This diphthong is problematical because there is considerable variation among Dutch speakers. Thus to the English speaker the diphthong may sound like the vowel in "mine" or "main". However, with regard to texts from South Sumatra the form is found in association with the modern Indonesian "ai", which may be approximated by the vowel in the English word "mine", e.g., *soengij* = *sungai* (Ind. river) or *sampaij* = *sempai* (Ind. reach, extend to).

Dutch *ie*, e.g., *ziek* (sick) like the vowel in the English word "week" but shorter (longer before *r*), e.g., *lakie lakie* = *laki laki* (Ind. man).

Dutch *ou*, e.g., *koud* (cold), similar to the vowel in the English word "how" and the Indonesian diphthong *au*. However, because this may be represented in a variety of ways in Dutch, e.g., *blauw* (blue); *hout* (wood); *saus* (sauce); and *bouw* (building, structure) there is

considerable variation in South Sumatran texts, e.g., atouw = atau (Ind. or); karbauw = karbau (Ind. buffalo); and Soengij Lemou = Sungai Lemau (Ind. place name).

5) When referring to a marriage form or legal concept specifically (i.e., with reference to a single law text) I have regarded the reference as a direct citation and thus either the rule in paragraph 2 or 4 applies, depending on the nature of the text.

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