

CHAPTER 4

THE SUNGAI HITAM LAWS

Introduction

The second law in the manuscript (Cod. Or. 12.206) is entitled “Kitab Oendang Ondang [sic] darie Soengij Itam” (The book of laws from Sungai Hitam). This law is dated 30 June 1855, exactly one week prior to the Sungai Lemau laws. However, the structural analysis indicates that the Sungai Hitam law is a transformation of the Sungai Lemau law and not the other way around. Indeed, the impression is that the authors of the Sungai Hitam text either were working from a copy of the Sungai Lemau text or had prior knowledge of its contents. While historical speculation could account for this reversal of the normal temporal sequence by evoking explanations such as scribal error or the existence of an early rough draft of the Sungai Lemau text, such speculation is analytically unnecessary. First, the time difference is so minute as to be almost insignificant. Second, the assignment of temporal direction to transformational patterns is only a convenient way to develop a structural analysis. This is especially true when one is working with manuscripts. However, this convenience need not and indeed, must not come to dominate the structural analysis. In this example, the pattern of transformation is such that it is the historical material that must be questioned and not the analysis.

There are two patterns of transformation between the Sungai Lemau and the Sungai Hitam laws. The marriage section of the Sungai Hitam law is directly based on that of the Sungai Lemau law. The gross structure of two groups of three fasals is maintained, as is the basic opposition between *semendo* and *jujur*. The numerical features, however, are lost. But, the content of the structure indicates that the structure was inappropriate for the Sungai Hitam situation. In other words, the structure of the Sungai Lemau laws appears to be imposed on data that do not fit the structure. A second transformational pattern takes the basic three element structure of the Sungai Lemau law and changes it into a two element structure. The most frequent process

involves compressing the first two elements of a three element structure into a single element and leaving the third element unchanged.

The Written Form of the Sungai Hitam Laws

The format of this legal code differs from the usual pattern of South Sumatran legal texts. The text is divided into "Partanjaan" (questions) and "Mandjawab" (answers, literally answerings). These "questions"¹ and "answers" appear opposite each other, with the "Partanjaan" to the left of the center fold and the "Mandjawab" to the right. Each question is numbered while the answers are not. This question and answer pattern replaces the use of fasals. In other laws the fasal was the basic unit of analysis. Within a fasal a distinction can often be made between the title and the content that is roughly equivalent to the contrast between question and answer. In the analyses based on fasal patterns the title is often more important than the contents when one is working with the total structural pattern. However, where fasals are used one rarely finds marked discontinuities between the title and content of the fasal. In the Sungai Hitam text, however, the discontinuity between questions and answers is often so great that they appear to deal with different matters. From an analytical viewpoint the questions form a clear structural pattern. The answers, however, blur the sharp categories indicated by the questions and distort the structural pattern to such a degree that one must ask whether an effort was made to impose the highly structured questions on to an inappropriate set of data.

This question and answer pattern and lack of continuity between questions and answers raises the question of colonial intervention in the structuring of legal texts. In particular, was a series of specifications circulated by the colonial authorities with the intention that the desired information be provided by return post? First, the question and answer pattern need not be ascribed to foreign influence. In the "Undang Undang of Moco Moco" published in *Malayan Miscellanies* (Vol. II, 1822, Nos. XIII and XIV) a large portion of the text is developed by the use of questions and answers. This text, if anything, is more traditional than those represented in this study. While its language displays a richness in its use of metaphor and metonymy, the suitability of this text as data for a structural analysis dealing primarily with social organization is limited. One of the most important factors affecting the usefulness of the law sets used in this study is the fact that they are not genuine traditional products. With the British and Dutch interest

in the content of these laws, they are more explicit and detailed than if they had been written for a purely indigenous audience. At the point that this interest leads to interference the analytical usefulness of the laws diminishes rapidly. This interference takes two forms: one being an interference with the legal content of the laws, and the other an interference with the form.

The problem concerning the Sungai Hitam text, and more generally those texts making up manuscript Cod. Or. 12.206, involves a question of an interference with form. Even if the Dutch authorities did specify the material to be collected and documented, the structural variation within these three texts indicates a considerable amount of manipulation that cannot be ascribed to colonial authorities. Even if the Dutch did specify the form to be used, at this time it is unlikely to have been done without consultation with native authorities. Given the political and intellectual climate of Bengkulu in the 1850's, the most influential native authority on such matters was Pangeran Mohamad Sah, one of the authors of the Sungai Lemau text. Thus, though the possibility of Dutch influence admittedly exists, it had not yet come to dominate the structural pattern of legal texts.

The degree of interference with the content of this and other laws, however, is a much more contentious question. Such interference was focused on specific elemental features and thus is less likely to be revealed by structural analysis. And further, while external influence may have forced a change in content, the structure may have been harmonized to minimize its effect. For example, pressure may have been applied to alter the amount of the *bangun* while ignoring the amount of the *pampas*. However, native opinion may have altered both amounts, thus maintaining the structural relationship between *bangun* and *pampas* but destroying the absolute significance of their values.

The "Undang Undang of Moco Moco" also serves to elucidate the structural nature of texts presented in the question and answer form. The more traditional texts, like this one, are often written in a rhythmic telegraphic style.² Coupled with this style is a mnemonic, aide-mémoire use of language. The text itself easily divides into questions and answers. The most striking aspect of this opposition is the contrast between the length of the question as opposed to that of the answer. The questions are extremely short, the answers long and involved. The shortness of the questions means that the mnemonic effects are strongest in this portion of the text. This also means that the questions are less susceptible

to change than the longer and more involved answers. In addition to the purely linguistic features of the questions, the mnemonic effect is heightened by the presence of a tightly organized structure. Thus the questions, by their shortness, are more stable as a result of mnemonic features. But the shortness also allows a structure to be developed that reinforces both the stability and mnemonic usefulness of the questions. Further, while the structure of the questions links the entire law together, the answers themselves also possess structures. The structures of the answers are linked through the structure of the questions. Thus the structures of the answers may change in either complementary or contradictory manners without altering the structure of the questions. However, the processes of structural change operating independently upon the patterns of the answers may weaken the articulation between question and answers until a complete disassociation occurs. Thus, while the total structure of the questions and the individual structures of the answers might harmonize themselves in the process of change, the process of harmonization might generate discontinuities in structural boundaries (i.e., the boundary between questions and answers). Thus the fact that the question and answer format is used in the Sungai Hitam laws and that the structure largely resides in the patterning of the questions does not mean that the Sungai Hitam text is a radical departure from the patterns of more traditional legal texts.

In conclusion, the basic structure of the Sungai Hitam laws displays two fundamental characteristics. First, the structure is dependent upon that of the Sungai Lemau laws. It is this dependency relationship that elucidates otherwise incomprehensible structural anomalies and places the text in a general comparative framework. A second fundamental characteristic of this law set is the use of a question and answer format, typified by but not directly related to the *Undang Undang of Moco Moco*. The discontinuity between question and answer implicit in such a format is exploited in such a way as to allow the use of the *fasal* structure of the Sungai Lemau laws, while still presenting the essentially different legal material relevant to the Sungai Hitam region.

PARAGRAPH 1

Question 1 is "Paratoeran darie kapala kapala iang manjalassijkan parkara Negri" (the regulations concerning the headmen who settle the affairs of state). The answer is that the case is settled in accordance with the adat of the place to which the plaintiff and respondent belong with their respective headmen sitting in judgment.

PARAGRAPH 2

Question 2 is "Pangkat kapala bagaimana kadoedok kan satoe kapala kapala kapada iang serta kapada anak boea nja" (the ranks of headmen both with respect to each other and with respect to their subjects). The answer is: In the district of Proatin Duabelas there are seven Pambarabs. They are the Pambarabs of *Doessoen Besser*, *Soeka die Ramie*, *Lagan*, *Boekiet* [,] *Talang Engris*, *Tandjoeng Agoeng* and *Talang Kring*. These are different from the minor proatins. And in the district of *Proatin Lambak Salapan* there are four Pambarabs. They are the Pambarabs of *Bantiring*, *Pagardin*, *Tardana* and *Sandawar*. These are different from the minor Proatins.

These two paragraphs closely reflect the titles of Fasals 1 and 2 of the Sungai Lemau law. Fasal 1 begins "Proatin manjalasaj kan perkara Negrie . . ." and Fasal 2 begins "Pangkat kapala kapala dalam satoe satoe merga . . ." While the Sungai Lemau law presents two detailed lists of ranked titles, the Sungai Hitam text is less precise. In the first answer the basic principle of juridical procedure is set forth. In the second answer, instead of an enumeration of titles, the title holders are specifically identified by geographical location. The division of Sungai Hitam into two regions does not agree with the fourfold enumeration given by Van den Bor in his report (Van den Bor, 1862, p. 255). However, there is a high degree of correspondence with the material presented in the *Proceedings of the Agricultural Society established in Sumatra*. The census of the population of Duabelas accompanying Appendix B (Proceedings B) indicates that most of the proper names associated with Pambarabs are the names of villages: Doessoen Besar = Dusuu [sic] Besar; Soeka die Ramie = Socco Rammie; Lagan = Luggan or Luggan Boingin; Boekiet = Bookit; Tandjoeng Agoeng = Tanjoon Agoong hilir or Tandjoeng Agoong Moodik. The two names that do not occur in the census (i.e., Talang Engris and Talang Kring) both contain the word Talang (hamlet), suggesting that in the interval between 1820 and 1855 these two settlements acquired village status while previously they were, in all probability, hamlets dependent upon a larger village. Similarly, the census of the population of Lumba Selapan accompanying Appendix C (Proceedings C) indicates a similar pattern for the Pambarabs of Lumba Selapan: Bantiring = Dusun Benteering; Pagardin = Dusun Paggar Dien; Tardana? = Terra Dan-nah. The presence of only four names follows the pattern of the origin myth which states that initially there were four villages and then were eight while the census lists exactly sixteen. The initial four were

“Benteering, Pagar Din, Sebenjole, and Pakoohajie” (Proceedings C, p. 4).³

PLACE NAMES IN SUNGAI HITAM

Kitab Oendang Soengij Itam	Ondang darie Itam	Proceedings of the Agricultural Society established in Sumatra
<i>Proatin Duabelas</i>		
doessoen	Bessar	Dusuu Besar
Soeka die	Ramie	Sooco Rammie
Lagan		Luggan and/or Luggan Boengin
Bookiet		Bookit
Talang Engris		—
Tandjoeng	Agoeng	Tanjoon Agoon hilir and/or Moodik
Talang Kring		—
<i>Proatin Lemba Selapan</i>		
Bantiring		Dusun Benteering
Pagardin		Dusun Paggar Dien
Tardana		Terra Dannah
Sandawar		—

TABLE 4.1

The opposition between Proatin Duabelas and Proatin Lemba Selapan would have made an excellent vehicle for the structure of this law set. Indeed, such a territorial opposition forms part of the basic structure of the older portion of the Seluma laws in Cod. Or. 12.200. However, this opposition was not used and the less satisfactory Sungai Lemau pattern employed instead.

PARAGRAPH 3

Question 3 is “Apa kabaikan atoúw katongan [error for katolongan?] anak boea kapada kapala nja” (What kindness or aid from subjects to their headmen). The answer is that no aid (katolongan) whatsoever is to be given to their headmen.

PARAGRAPH 4

Question 4 is “Apa Pambarab [an error for pamberian?] anak boea nja kapada kapala nja, atoúw Padie atoúw iang lain lain kaontoengan assil kapala kapala diatas barang parniagan atoúw barang iang lain lain dapat oleh dia orang dalam oetan serta bago bagie assil itoe (What gifts from the subjects to their headmen either paddy or other profits, the taxes of the headmen on trade goods or things found in the forest, the division of taxes). The answer is that there is no aid (katolongan) from subjects to their headmen.

In these two paragraphs the parallels with the Sungai Lemau laws are based most strongly upon the questions and to a much lesser degree upon the answers. Like Question 3 of the Sungai Hitam laws, Fasal 3 deals with aid to headmen (*katolongan anak boea nja kapada kapala nja*). Fasal 4 of the Sungai Lemau laws deals with *pamberian* (gifts) from subjects to headman. The use of “pamberian” in the Sungai Lemau laws helps to clarify the obviously incorrect occurrence of the word “Pambarab” in Question 4 of the Sungai Hitam text. Fasal 5 of the Sungai Lemau laws deals with taxes (*assil*). The comparison of the titles of the fasals of the Sungai Lemau laws with the questions of the Sungai Hitam laws indicates that the three element structure of the former is transformed into a two element structure. While the first element is the same in each case the last two elements of the Sungai Lemau structure are compressed into a single element in the Sungai Hitam structure.

The Structure of Paragraphs 1-4

The comparison of the fasal contents of the Sungai Lemau laws with the answers of the Sungai Hitam text reveals a greater disparity than was suggested by the comparison of titles and questions. The basic structure of Fasals 3, 4, and 5 of the Sungai Lemau laws is based upon the subject/nonsubject opposition. This leads to Fasals 3 and 4 being opposed to Fasal 5 (i.e., the basic two plus one structure of the Sungai Lemau laws). However, the basis of this opposition does not allow easy comparison with Paragraphs 3 and 4 of the Sungai Hitam laws where no structurally significant distinction is made between subject and non-subject.⁴ An alternative representation of the structure of these three fasals can be generated. The aid (*katolongan*) of Fasal 3 and the taxes (*assil*) of Fasal 5 are allowed while the gifts (*pamberian*) of Fasal 4 are not allowed. This leads to an opposition between the center and the extremities which is an acceptable alternative to the two plus one structure. The preference for the two plus one structure over the center versus extremity model in the analysis of the Sungai Lemau laws was based on the fact that both of the other two center versus extremities structures are determined by the presence of elements with external associations. Thus there are two oppositions in the Sungai Lemau text that create alternative structures. However, in the transformation to the Sungai Lemau text both of these oppositions lose their ability to create a change in meaning, i.e., they are neutralized. Only the subject element of the subject/non-subject opposition and only the not allowed element

of the allowed/not allowed opposition are employed. This pairing of the subject and not allowed elements of the two oppositions is the combination that occurs in the middle of the three element Sungai Lemau structure, indicating a center versus extremity opposition in the process of transformation. Thus in resumé the transformation from Fasals 3, 4, and 5 of the Sungai Lemau laws to Questions 3 and 4 of the Sungai Hitam laws involves a compression of the last two categories into a single element. However, the transformation from the contents of Fasals 3, 4, and 5 to the Answers 3 and 4 involves not only a neutralization of all oppositions but also a selection of the middle combination of two elements of the two basic oppositions.

Some Analytical Considerations

Of the two transformational processes, the one involving the shift from a three to a two element structure is the more problematical. There is nothing in the three element structure to suggest an affinity between the last two elements which are compressed. Further, neither of the two alternative structures of the Sungai Lemau laws involves an opposition between the last two elements and the first. The observed pattern may be dismissed as a bricoleurean convenience. The imaginary bricoleur, having decided that a two element structure is more elegant than a three element structure, leaves the first element unchanged only to find that the last two elements must be condensed to form a single unit. While this explanation may approximate the native model to some extent, a purely structural solution to the problem would be more instructive.

Let opposition A be between subject and non-subject and opposition B be between allowed and not allowed (denoted by yes and no, respectively). Using this convention the Sungai Lemau three element group can be presented as follows:

Fasal	A	B
3	subject	yes
4	subject	no
5	non-subject	yes

The relations between the three elements can be described in transformational terms: thus to go from 3 to 4 it is necessary to change from one element of opposition B to the other, or in formal notation:

$$3 \rightarrow 4 = \text{Negate B}$$

The transformation can be reversed, i.e., $4 \leftarrow 3 = \text{Negate B}$. The three elements can be combined in three different ways, yielding the following transformations.

I: $3 \leftrightarrow 4 = \text{Negate B}$

II: $3 \leftrightarrow 5 = \text{Negate A}$

III: $4 \leftrightarrow 5 = \text{Negate A and B}$

Each of these transformations can be used to relate only one pair of elements: that is, I cannot be applied to 5; II cannot be applied to 4; and III cannot be applied to 3. Interestingly, if I were applied to 5, II to 4, and III to 3 the same non-existent element would be generated in each case, i.e., the combination (non-subject, no).⁵ However, these transformations, as they apply to a three element structure, display a number of important features. Not only can each combination of elements be related by only one transformation but it is also true that a given transformation can only relate two elements. Thus each transformation is a unique description of the relationship between a pair of elements. Further, the transformations may be divided into two groups: I and II are partial negations, and III is a total negation. Referring back to the elements themselves this means that the opposition between Fasals 4 and 5 is greater than the opposition between Fasals 3 and 4 or between Fasals 3 and 5. Thus the transformation from the Sungai Lemau to the Sungai Hitam structure involves condensing the elements not with the least opposition and the greatest affinity but those with the greatest opposition and least affinity. Thus not only do the individual oppositions lose their ability to generate a change in meaning as a result of the transformation but the transformational process also involves a condensation that overrides the structural boundary at which these oppositions converge to produce the greatest opposition between two categories. Both of these processes by which the oppositions individually and collectively lose their power to create differences may be described as neutralization. However, these neutralizations are operating on different structural levels (i.e., oppositions considered singly versus in combination) and therefore should be considered as complementary but not identical.

PARAGRAPH 5

Question 5 is "Adat Samando, dan adat djoedjoer serta banjak issie kawin nja" (The adats of semendo and jujur together with the amount of the isi kawin). In the district Proatin Lamba Selapan the "gan" is 12 rupia. The antaran of the Malay language is 80 rupia. *Adat Samando*

Radja Radja is used in the district of Proatin Duabelas. Jujur is not used in either Proatin Lamba Salapan or in Proatin Duabelas. The *mas kawin* (literally gold of marriage = *isi kawin*) follows the amount of the *antaran*.

Van den Bor's report (1862, p. 267) contains a passage based on this paragraph which also contains additional information which helps to clarify the meaning of the textual passage. Accordingly, the *Semando Radja Radja* is also called *semando beradat*; the *antaran* of 80 rupia is associated with this form and is used in the district "Proatin doea blas di darat". In "Lemba Selapan" the brideprice is named "gan" and amounts to 12 rupia.

Question 5 is the structural equivalent of Fasal 6 of the Sungai Lemau laws. The basic opposition in both places is between jujur and *semendo* forms of marriage. In the answer, however, this opposition becomes one between used and not used (*die pakaij* and *tida dipakaij*). On the other hand, the answer develops an opposition between Proatin Lamba Salapan and Proatin Duabelas. This second opposition, while important in this answer, does not acquire any importance as an organizing principle. On the contrary, the subsequent marriage questions and their answers are organized on the basis of the opposition between jujur and *semendo* marriage forms, even though the answer to Question 5 specifically says that jujur is not used.

PARAGRAPH 6

Question 6 is "Djoedjoer Agoeng" (the large jujur). The answer is that the complete jujur amounts to 160 *recepis* (= rupia = guilders).

PARAGRAPH 7

Question 7 is "Djoedjoer Tengah" (the middle jujur). The answer is that the money of the jujur is 160 *recepis* but only 140 *recepis* is paid while 20 *recepis* remain unpaid.

PARAGRAPH 8

Question 8 is "Djoedjoer ketjil atoúw kabaikan" (the small jujur or the jujur of kindness). The answer is that this form is not used in Proatin duabelas or Lemba Salapan.

Questions 6 and 8 are very similar to the titles of Fasals 7 and 9 of the Sungai Lemau laws. The title of Fasal 7 is "Adat Djoedjoer Agoeng" while the title of Fasal 9 is "Adat djoedjoer orang ketjil atouw orang kabanjakan". However, the title of Fasal 8, "Adat djoedjoer betoengoe" is considerably different from the "Djoedjoer Tengah" of Question 7.

The structure of the Sungai Hitam questions and their transformations from the Sungai Lemau material demonstrates the mnemonic potential of a highly structured question set in a question and answer system.

The answer to Question 5 explicitly states that jujur forms of marriage are not used in this region. Thus not having a continual reference in the social environment, the mnemonic structuring of the questions acquires special significance as one of the more important means by which the categories of jujur marriage are remembered. Further, the structural form of this mnemonic pattern is given considerable freedom because the categories used need not conform to local social reality. Indeed, with respect to jujur marriage, there apparently is no local social reality to conform to. Thus, even though this region does not use jujur marriage, the categories of jujur marriage are more elegantly structured than those in the Sungai Lemau laws where jujur marriage is actually used. The threefold division is simply large, medium, and small. The transformation from the titles used in the Sungai Lemau laws to this simple but nonetheless elegant structure of the Sungai Hitam laws, reveals the bricoleurean background to the development of these three categories. The first category in both systems is identical. But it is the transformation relations between the last categories that reveal the exact nature of the manipulation. The shift from one form to the other can be described as a series of discrete transformations.

Fasal 9 = *Djoedjoer orang ketjil atouw orang kabanjakan.*

- I. Drop the word *orang* wherever it occurs. This yields *Djoedjoer ketjil atouw kabanjakan.*
- II. Substitute the word *kabaikan* for *kabanjakan*. This yields *Djoedjoer ketjil atouw kabaikan* = Question 8.

The first transformation establishes the clear opposition between Questions 6 and 8 as an opposition between large and small (*agung/kecil*). The second transformation establishes the fact that there is a direct link between the Sungai Lemau and Sungai Hitam laws. The second word (*kabaikan*) is extraneous to the clear structural relations between Questions 6, 7, and 8. Its presence only makes sense in terms of a transformation on the title of Fasal 9 of the Sungai Lemau laws. The rationale behind the substitution relation of transformation II cannot be specified with any degree of certainty. It could easily be a scribal error. Viewed in this manner the type of error is similar to the error in Question 3 (*katongan* for *katolongan*) and that in

Question 4 (Pambarab for pamberian). The substitution could also be a genuine lapse of memory or lack of precise information on the part of the authors. Or, the transformation could be intentional. Of the three alternatives the possibility of scribal error is the most likely. First, other similar scribal errors exist in the text. Secondly, the explanation based on the lack of correct information is unlikely to be valid because the law set as a whole reflects an intimate familiarity with the Sungai Lemau text. Thirdly, there is no need or reason for an intentional substitution. If any change other than the omission of the word *orang* were to be applied the simple omission of the second word (i.e., *kabaikan*) would harmonise the structure, while the substitution actually performed effects the structure neither positively nor negatively. In spite of these transformations Question 8 still reflects its close relation to Fasal 9 of the Sungai Lemau laws.

However, the substitution relation between Fasal 8 and Question 7 (*Djoedjoer tengah* for *Djoedjoer betoengoe*) is a complete substitution. The structural effect of this substitution is to harmonize the structure established by the opposition of large and small (agung and kecil). These transformational processes reflect an opposition between center and extremity. The maximal transformation occurs in the center while the extremities remain less affected. While the sequence of large, medium, and small may be viewed as entailing an opposition between the center and the extremities, it may also be seen as a continuum from large to small. Thus the center versus extremity opposition is clearly present in the transformational relationship, and to a lesser extent in the internal structure of the Sungai Hitam questions.

While the internal structure of these three questions is substantially different from the structure of the Sungai Lemau fasals, the structure of the answers in this group of three is identical to that of Fasals 7, 8, and 9. Like Fasals 7 and 8, Questions 6 and 7 form a structural entity of a stronger and a weaker form of jujur marriage. The amount of the full jujur is the same in both law sets. In the Sungai Hitam law the amount that may be left unpaid is unnamed but is equivalent to the highest amount of the tali kulo listed in Fasal 8 of the Sungai Lemau laws. While the contents of Fasal 9 and Question 8 are different, their structural functions are similar. Fasal 9 is removed from the internal system of the marriage fasals by the lack of substantive content (in comparison to Fasals 7 and 8) and an explicit back reference to Fasal 7. Question 8 is removed from the system by a simple denial of the existence of the form. In the context of the structure based on the

answers to Questions 6, 7, and 8, this denial creates an opposition between Answer 8 and Answers 6 and 7. Thus within the context of these three answers there is an opposition between used and unused forms of *jujur*. However, the possibility of the existence of such an opposition is ruled out by the answer to Question 5 which states that *jujur* marriage does not exist at all in the region.

This self-contradiction may be explained by the dependency of the structure of the marriage section of this law on both the contents and the structure of the Sungai Lemau laws. The opposition created by Question 5 between *jujur* and *semendo* and the fact that the Sungai Lemau laws use this opposition in the organization of the marriage *fasals* means that there must be questions dealing with *jujur* in the Sungai Hitam laws. While Questions 5, 6, 7, and 8 follow the pattern of the Sungai Lemau laws only the answers to Questions 6, 7, and 8 conform to the pattern. This indicates the presence of a structural boundary between Question 5 and Questions 6, 7, and 8. As will be shown below, the structural isolation of Question 5 of the Sungai Hitam laws is similar to the isolation of Fasal 6 of the Sungai Lemau laws from the total *fasal* structure. While all laws written in the question and answer style have a formal boundary between a question and its answer, this type of boundary is particularly significant in the Sungai Hitam laws due to the use of a question structure based on another law. Thus between the answer to Question 5 and the answer to either Question 6, Question 7, or Question 8 there are no less than three structural boundaries. For example, between the answers to Question 5 and Question 6 there is the boundary between Question 5 and its answer, the boundary between Question 5 and Questions 6, 7, and 8, and the boundary between Question 6 and its answer. The cumulative effects of these three boundaries are not always the same. While they produce discontinuities and contradictions between Answers 6 and 7 and Answer 5 there is no such contradiction between the answers to Questions 5 and 8. Indeed, between the answers to these two questions there is a strong associative link based on their common denial of the existence of *jujur* marriage. This indicates that the discontinuity between the answer to Question 5 and the answers to Questions 6 and 7 resides at the boundary between the question and answer of Questions 6 and 7. If the discontinuity was at either of two other boundaries a discontinuity would also exist between the answers to Questions 5 and 8.

The structure of the relations between Paragraphs 5, 6, 7, and 8 is largely based on a borrowing of both the structure and the content of

the equivalent fasals of the Sungai Lemau laws. However, two changes effect the Sungai Hitam structure and serve to make it unique. First, there is the change in the labeling of categories that simplifies the category title pattern. Second, there is the insistence that jujur marriage is not used in the area. This creates a major contradiction with the use of the Sungai Lemau text that is isolated but not resolved.

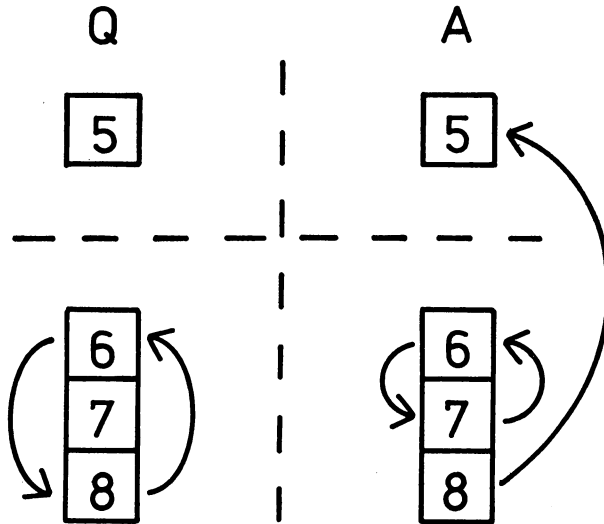


DIAGRAM 4.1

PARAGRAPH 9

Question 9 is “Adat orang Ta ambil anak” (the adat of a person who has been married by ambil anak). The answer is that all of the earnings, debts, and credits of a man are left with his wife. The man gets nothing.

PARAGRAPH 10

Question 10 is “Samando beradat” (Semendo marriage in accordance with the adat). The answer is that when a man separates from his wife their common property is divided. The man gets one share, the woman the other.

PARAGRAPH 11

Question 11 is “Samando balik djoerij” (Semendo marriage in which a descendant returns). The answer is that this is the same as *Samando Radja Radja* marriage. The children are free to choose where they will reside, either with the mother or with the father.

These questions correspond closely with the titles of Fasals 10, 11, and 12 of the Sungai Lemau laws: Adat semando terambil anak =

Adat orang Ta ambil anak; Adat semando beradat = Samanda beradat; Adat Samando baliek djoerai = Samando balik djoerij. In these three paragraphs there is no marked discontinuity between questions and answers. Thus one can speak of Question 9, 10, or 11 in this case and also imply its answer. Questions 9 and 10 are opposed to each other in the same way as Fasals 10 and 11 of the Sungai Lemau laws, i.e., a weak versus strong form of semendo marriage phrased in terms of a man's right over property. Indeed, the content of the opposition between Questions 9 and 10 is clearer and more explicit than the opposition between Fasals 10 and 11. The answers to the two questions contain no information beyond what is necessary to establish the opposition. The two fasals, on the other hand, contain considerably more ethnographic detail, which, while interesting in its own right, is extraneous to the opposition of the two marriage forms. Thus, the transformation from the Sungai Lemau laws to the Sungai Hitam laws not only involves a loss of ethnographic detail but also a sharpening of the opposition. This loss of ethnographic detail should not be construed as a loss of information. In terms of the structure the "information" is the opposition. Thus the clarification of the opposition by the reduction of detail means that this detail was not "information" but "noise" in the structure of the Sungai Lemau law.⁶ This transitional process by which the oppositional difference between categories are clarified is similar to the transformation between the titles of Fasals 7, 8, and 9 and Questions 6, 7, and 8. However, while the opposition between Questions 9 and 10 is intensified, their structural unity is also intensified. The clarity of their opposition to each other allows them to function as a discrete structural unit because each form can only be opposed to its opposite. There is no possibility of deriving another opposition for either of these two elements with an equivalent intensity.

Question 11 is independent of Questions 9 and 10 and refers explicitly back to Paragraph 5. The link is established by the common use of the category *Samanda Radja Radja*. Like the relationship of the answer of Question 8 to the answer of Question 5, the links between Paragraphs 11 and 5 reside in the answers to questions. *Samanda Radja Radja* is the only semendo form specifically mentioned in the answer to Question 5. And in the answer to Question 11 *Samanda Radja Radja* is given as an alternate name for *Samanda Baliek Djoerij*.⁷ These are the only two references to *Samanda Radja Radja* marriage in the marriage section of the Sungai Hitam laws. The fact that *Samanda Radja Radja* is only used as an alternate name in the answer to Question 11

instead of being substituted for *Samando Balik Djoerij* in the question itself has two structural functions. First, the structure of the question sequence of the Sungai Lemau law is maintained by using the same words in Question 11 as in Fasal 12. Further, the use of the expression *Balik Djoerij* (the return of a descendant) underscores the cognatic nature of the last fasal in the marriage sections. However, unlike its counterpart in the Sungai Lemau laws Paragraph 5 of the Sungai Hitam laws does not introduce a matri and patri principle as alternatives. This double principle and its repetition in Fasal 12 in descent terms formed the content of the structural link between the beginning and the end of the marriage section of the Sungai Lemau laws. In the Sungai Hitam laws the structural link is formally identical to that in the Sungai Lemau laws but the content is different. Here the link is established by the repetition of the phrase *Samanda Radja Radja*. While the link in the Sungai Lemau laws has greater consequences for the total structure, the link in the Sungai Hitam laws is more visible and obvious.

If the opposition between questions and answers is maintained a direct comparison with the structure of the relationships between Paragraphs 5, 6, 7, and 8 can be made (c.f. Diagram 4.1 and Diagram 4.2).

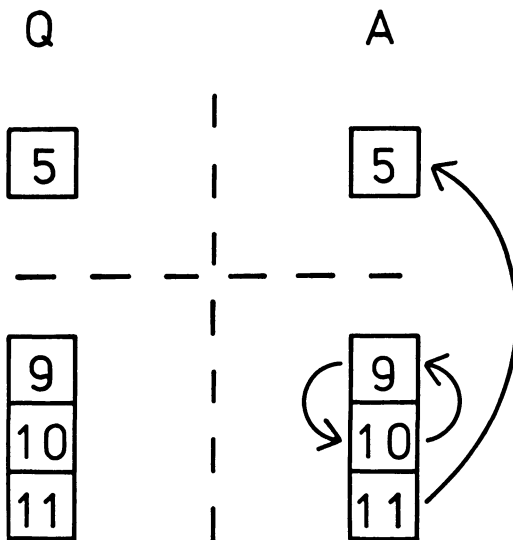


DIAGRAM 4.2

The main difference between the two structures is that there is no center versus extremity opposition in Questions 9, 10, and 11 similar to that between Questions 6, 7, and 8.

The Structure of Paragraphs 5-11

A direct comparison with the marriage structure of the Sungai Lemau laws, however, requires that the use of the question/answer opposition be abandoned.

The difference between this structure (c.f. Diagram 4.3) and its equivalent in the Sungai Lemau laws is the fact that the last fasal of the jujur section refers back to the beginning of the marriage section and not to the beginning of the jujur section. It is worth noting that the structure of the Sungai Hitam laws, using this representation, is more symmetrical and more complex than that of the Sungai Lemau laws.

A further comparison can be made by allowing Paragraph 8 to drop out of the structure. This procedure can be justified both in terms of the content of the question and in terms of the structural similarity with the Sungai Lemau laws.

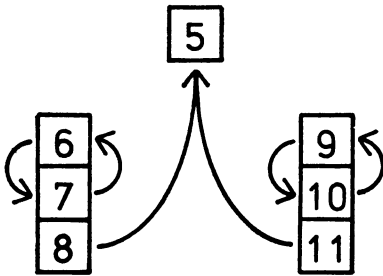


DIAGRAM 4.3

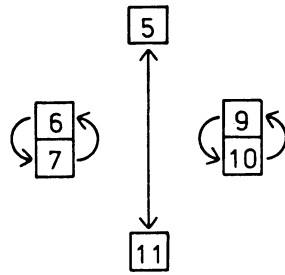


DIAGRAM 4.4

While some numerical features are retained (e.g. additive symmetry about the center), the clear dependency of the structure on the number six is lost. This loss is based on the fact that the starting point of the marriage structure is the number 5 and not the number 6. This in turn is a direct result of the reduction of the three element structure of Fasals 3, 4, and 5 to the two element structure of Questions 3 and 4.

Considering the transformational relationships between these two marriage structures as a whole, there have been both gains and losses in structural features. The Sungai Lemau laws have an elaborate numerical structure based on the number 6. This was underscored by the displacement of one jujur fasal to locus 24. In the Sungai Hitam laws the numerical content of the marriage section is lost as the result of a manipulation outside the marriage section (the two-three structural compression at the beginning of the laws). Furthermore, there is no displaced marriage fasal. The lack of displacement is the critical loss and indicates the non-use of a six based structure.

On the other hand, the Sungai Hitam laws display a clearer oppositional structure. The structural relations between the three jujur paragraphs are clarified, though changed. The opposition between the first two semendo forms is cleansed of all features that might distort or cloud the oppositional relationships. And there is a new symmetry in the relationships of the last elements in the three element groups to the first marriage paragraph. Thus while the Sungai Hitam laws have lost the powerful influence of a numerical structure they have gained an oppositional structure that defines the relations between the paragraphs much more clearly than in the Sungai Lemau laws.

These two complementary structures are mutually reinforcing. There is sufficient difference between the ways in which these two systems are used to build a common formal structure to support the general validity of the structure. Thus, while two elements with the same structural loci are opposed, the manner in which the opposition is achieved and the content of the opposition is not always the same. A case in point is the opposition and unity of the first and last structural loci. In the Sungai Lemau laws the relation is based on the unification versus opposition of a matri and patri principle. In the Sungai Hitam laws the connexion is established by the use and re-use of the expression *Samando Radja Radja*. This restructuring of an opposition is analogous to the linguistic process described by Jakobson (1931, 1949) as rephonolization. An opposition is maintained, but its relationship to the system is altered. What was a complex relation based on the interaction of descent and residence principles with an opposition between patri and matri forms becomes a simple back reference based on the sharing of a common term (*Samanda Radja Radja*). However, the restructuring of the opposition serves to underscore the essential importance of the opposition of the loci at the extremities of the marriage section. And further, there is the suggestion that the formal opposition is more important than the specific content of the opposition.

The gain in oppositional clarity, the loss of a numerical structure, and the restructuring of the oppositions do not require that a direction be assigned to the transformational process. The analysis of these patterns has proceeded on the assumption that the transformation is from the Sungai Lemau laws to the Sungai Hitam laws. In terms of these three processes this assumption is unnecessary and the direction of the transformation may be reversed. Thus it could be said that in the process of transformation *from* the Sungai Hitam laws to the Sungai Lemau laws a numerical structure is gained and oppositional clarity is

lost. The principle of restructuring does not imply any direction. However, the presence of questions and answers concerning jujur marriage requires that the direction of the transformation be from the Sungai Lemau laws to the Sungai Hitam laws.

The answer to Question 5 specifically states that jujur marriage is not used in the two districts that make up Sungai Hitam. Nevertheless, Questions 6, 7, and 8 are concerned with jujur marriage forms and only the answer to Question 8 denies the usage of a jujur form. Thus, there is a structure for something which the law says does not exist. A variety of explanations for this contradiction may be put forward. Perhaps only the higher classes use jujur marriage, perhaps it is occasionally used for interregional marriages, or perhaps it was previously used but discontinued. All of these possibilities, however, do not explain the contradiction in the text. That is, the text allows the contradiction to exist without offering an explicit explanation. However, an analytical transformation helps to clarify the use of socially non-existent categories if a direction is assigned to the transformational relationship. Thus the Sungai Hitam structure is derived by a transformation on the structure presented in the Sungai Lemau laws. This relationship need not imply that the people writing the Sungai Hitam laws were actually using the text of the Sungai Lemau laws. There may very well have been a generally accepted conceptual model for jujur marriage which was most clearly expressed in the Sungai Lemau laws. Further, the transformation from the Sungai Lemau to the Sungai Hitam laws is so strong that the historical validity of the dates on the documents must be questioned.

This assignment of analytical priority to the Sungai Lemau laws means that this law set is functioning as a type of reference law within the framework of the total analysis. More specifically, it is the reference law for the three separate legal codes that make up the manuscript Cod. Or. 12.206. However, its status as an analytical reference point does not mean that it replaces the *Code of Laws* as the reference law for the entire analysis. The *Code of Laws* is the primary reference law, and the Sungai Lemau laws are a secondary reference law. This hierarchy of structural reference points means that the Sungai Hitam text is analysed in reference to the Sungai Lemau text which in turn may be compared with the *Code of Laws* and that no direct comparison is made between the Sungai Hitam laws and the *Code of Laws*. The status of the Sungai Lemau laws as a secondary reference point is partly based on the comparison of the structures of the Sungai Lemau and Sungai Hitam laws. This comparison favours the use of the Sungai

Lemau text as the secondary reference point. Furthermore, this sequential relation also follows the ordering of the laws in the manuscript which is based on a previously established precedence system (c.f. p. 109 f. above). Thus while this system of analytical priorities overrides the historical relations between the documents, it is based on the comparison of the structure of the two laws and corresponds to a native ranking of the headmen for the areas dealt with in this manuscript.

Introduction to Paragraphs 12-15

Following the marriage section of both the Sungai Lemau and Sungai Hitam laws is a section dealing with criminal matters. In the Sungai Lemau laws this section contains six fasals with a primary division into two groups of three fasals. In each of these two primary groups of three elements the first two elements are united in their structural opposition to the third element. Thus in the six fasals there are four structural units. Two structural units contain two fasals and two structural units contain one fasal each. While the primary division gives one structural arrangement of these four structural units, a secondary division yields another structure. In this second partition the first and last structural units are combined and contrasted with the middle two units. While one of these secondary partitions (Fasals 13, 14, and 18) maintains the two plus one sequence of the primary division, the other partition (Fasals 15, 16, and 17) inverts the sequence, yielding a one plus two structure.

In the Sungai Hitam laws there is a single transformation that affects all of these relations. The structural units of the Sungai Lemau laws which contain two fasals are compressed so that in the Sungai Hitam laws they consist of only one question and answer combination. Thus this section contains only four paragraphs with a primary division into two groups of two paragraphs with a simple opposition between the elements of each group. The secondary division also applies, with the first and last elements united in their opposition to the middle ones. However, the structural inversion of the middle units no longer exists because all of the structural units contain the same number of elements.

In the Sungai Lemau laws there is a clear conceptual basis to the primary division based on an opposition between compensation and punishment. This opposition is highlighted by the fact that Fasal 22 contained the fines associated with the crimes discussed in Fasal 15. In the Sungai Hitam laws the opposition between compensation and punishment is not maintained and there is no structural displacement.

PARAGRAPH 12

Question 12 is "Hoekoeman diatas orang mamboeat sala mamboenoe orang atoúw maloe kahie orang" (the punishment of a person who is guilty of killing or wounding another person). The Answer: If there is evidence pointing to the guilty party, the adat says "when there is killing, the punishment is to be killed also" (apabila mamboenoe, hoekoem die boenoe poela). But a person can be free from the death sentence if he pays a "teboes njawa" of 160 rupia and a fine of 40 rupia. In the case of wounding, there are several types of wounds and thus the wound must be examined. For a large wound the pampas is 50 rupia, for an average wound the pampas is 25 rupia, and for a small wound the pampas is 12 rupia.

The *tebus njawa*, rather than the *bangun*, is the basic payment for murder. While the *bangun* when it occurs is always associated with compensation for murder, the *tebus nyawa* is usually presented as an alternative to the death sentence. In particular, the *tebus nyawa* is frequently found in association with punishment for sexual offences. However, in this context the significance of the *tebus nyawa* is clearly in its being an alternative to the death sentence. The implication of punishment is also underscored by the fine of 40 rupia. The amount of the *tebus nyawa* (160 rupia) is both structurally and literally equivalent to the *bangun* of the Sungai Lemau laws. First, the amount of 160 rupia is identical to the amount of the *jujur* given in the answer to Question 6. Both amounts are located in the answer to the first question of their respective sections. This structural relation is the same as that found in the Sungai Lemau laws. In the Sungai Lemau laws though there was a list of amounts based on rank, the amount specified for a commoner could be identified structurally as the basic amount. First, this amount was equal to the basic *jujur* price. Secondly, the *Code of Laws* indicated that the highest pampas was equal to one half of the *bangun*. These two relations indicate that the basic amount of the *bangun* was 160 rupia, a sum identical to the amount of the *tebus nyawa* of the Sungai Hitam laws. While the Sungai Lemau laws contain no fine, the sum of the *tebus nyawa* and the fine in the Sungai Hitam laws equals 200 rupia or 100 reals, the amount of the *bangun* in the *Code of Laws*.

The pampas categories are defined in terms of the wounds. The linguistic categories form a clear sequence: *segedang gedang* = large; *partengah* = average (middle); and *ketjil* = small. This three element division into large, medium, and small is similar to the system of *jujur* categories, the main difference being the word chosen to represent the

large category (i.e., *agoeng* versus *segedang gedang*). The relationships among the amounts of the pampas are more problematical. The lowest amount given in the text is 12 rupia. This amount must be considered suspect. In both the *Code of Laws* and the Sungai Lemau laws the minimum amount of the pampas is given as 12.50 rupia or $6\frac{1}{4}$ reals. If 12.50 rupia is substituted for the twelve rupia of the text then a halving pattern is indicated: i.e., $12.50 = \frac{1}{2} (25)$ and $25 = \frac{1}{2} (50)$. If 12.50 rupia is taken as the lowest amount then the second category (*partengah*) is the middle element of the halving sequence. If there is an error it is most likely based on a scribal fault.

While in both the Sungai Lemau laws and the *Code of Laws* the highest pampas was equal to one half of the bangun, a similar relation does not exist in the Sungai Hitam laws, where one half of the tebus nyawa equals 80 rupia. However, it is worth noting that the highest amount for the pampas is equal to one quarter of the sum of the tebus nyawa and the fine, i.e., $\frac{1}{4} (160 + 40) = 50$. Further, if 12.50 rupia is taken as the lowest pampas amount then this is one-sixteenth of this sum.⁸ Thus the numerical structuring of the amounts to be paid in compensation for killing and wounding is much weaker than in the Sungai Lemau laws. This phenomenon parallels the lack of numerical structuring in the marriage section of the Sungai Hitam laws. The small quantity of numerical patterning that does exist is largely based on the interpretation of a figure in the text as a scribal error. Given the general lack of concern with numerical relations in the Sungai Hitam laws it is entirely possible that this "error" was made in the original drafting of the text.

PARAGRAPH 13

Question 13 is "Mantjoerie atouw mantjoerie karbauw" (stealing or stealing buffaloes). Answer: If it is clear that a theft has taken place the goods are returned twofold (*lipat*). The thief is also fined. The same rules apply for buffaloes.

The contents of this paragraph, for all practical purposes, are identical to the equivalent *fasal* in the Sungai Lemau laws. The main structural difference is the reference to a fine in the Sungai Hitam text. In the Sungai Lemau laws all references to fines are specifically omitted and occur elsewhere in *Fasal* 22.

PARAGRAPH 14

Question 14 is "Orang mantjoerie die djalan atouw saorang atouw

ada dengan teman nja" (A person alone, or with an accomplice, commits robbery on a road). Answer: If there is evidence indicating that the person who was robbed was killed, the robber is banished from the state (Negrie) and is punished by the judge.

PARAGRAPH 15

Question 15 is "mambakar Roema" (Burning houses). If there is evidence pointing to the offending party that person is banished from the state as well as being punished. If, however, in a kampung or a village there is an accidental conflagration as, for example, from a kitchen fire, the guilty party must give a "tepoeng boemie" consisting of a buffalo and 100 measures of rice to the persons of the village.

Question 14 and its answer function as the structural equivalent of Fasals 16 and 17 of the Sungai Lemau laws. The opposition between these fasals was based on the contrast in the fasal titles between inhabited areas and roadways. However, the substantive content of the fasals lacks any opposition. While Paragraph 14 functions as a structural equivalent of Fasals 16 and 17, Question 14 is more closely related to the title of Fasal 17 (kaloe manjamoen orang die djalan, atouw sa orang berdoea...). This relationship between Fasals 16 and 17 and Paragraph 14 can be viewed either as a special type of compression or as a simple omission of Fasal 16. The importance of compression in the transformational processes found elsewhere in the analysis favours its use as an explanation here. In the Sungai Lemau laws the opposition between Fasals 16 and 17 was extremely weak. Its only function was to create a sequence of three elements with a given structure at a particular point in the law, even though there was no substantive content to the opposition. The weakness of the opposition suggests a neutralization process. The transformational process of compression therefore involves a neutralization of the opposition and a representation of the opposition in the neutralized position by only one member of the original opposition. Thus, the original opposition between "die doessoen atouw die Talang atouw die roema Ladang" and "die djalang" is neutralized and represented by only placing "die djalang" in the neutralized position.

Neutralization

This type of neutralization follows certain kinds of neutralization in linguistic analysis. For example, in Dutch the words "de noden" = needs and "de noten" = nuts are distinguished by the opposition between /t/ and /d/. However, in the singular form of these words

the opposition between /t/ and /d/ is neutralized and only the /t/ occurs in the terminal position. Thus the words "de noot" = nut and "de nood" = need are pronounced exactly the same way. In more general terms, the opposition has been neutralized and the original opposition is represented by only one member of that opposition in the position of neutralization. While linguistic analysis has its own rules for determining which member of the neutralized opposition will occur in the position of neutralization, here the selection is based on the boundary between Fasals 17 and 18, on the one hand, and between Paragraphs 14 and 15 on the other. The nature of the boundary remains unchanged in the process of transformation. Thus the opposition is represented in the neutralized position by the member of the opposition closest to the boundary, i.e., Fasal 17.

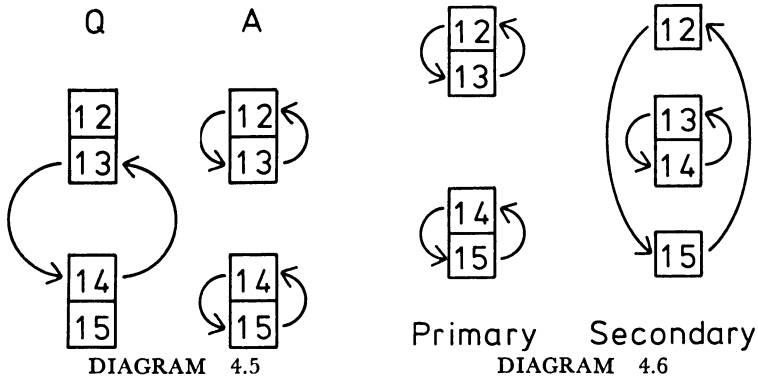
While neutralization appears to be a special type of compression, contraction, or condensation, these terms are actually special types of neutralization. Compression, as the term suggests, involves taking an opposed pair and reducing the pair to a single unit (or element), but at the same time taking features from both members of the original opposition to form the new single element. English provides a good linguistic example of this type of neutralization. The opposition between /p/ and /b/ normally creates a change in meaning, e.g., "pill" versus "bill". However, after an initial /s/ the opposition loses its power to create such changes in meaning, that is, it is neutralized. Thus if one said "sbill" instead of "spill" most native speakers would assume that "spill" had been said. However, the /p/ in "spill" is not the exact equivalent of either member of the original opposition. The /p/ in "spill" is unvoiced like the /p/ in "pill" but unaspirated like the /b/ of "bill". Thus, in the position of neutralization, the original opposition is represented by features some of which are associated with one member of the original opposition and some with the other (c.f. Trubetzkoy, 1939, p. 71 f.; 1949, p. 82 f.; 1969, p. 79 f.). Thus while I shall continue to use the concept of compression as previously defined, the special type of compression used in the transformation between Fasals 16 and 17 of the Sungai Lemau laws and Paragraph 14 of the Sungai Hitam laws can easily be related to the linguistic notion of neutralization.

The Structure of Paragraphs 12-15

However, the transformation relationship between the title of Fasal 17 and Question 14 is not an exact replication. While the title of Fasal 17 used the verb "manjamoen", Question 14 uses the verb

“mantjoerie”. Normally, *samun* is used for robbery while *curi* is used for theft. Moreover, there is a discontinuity between Question 14 and its answer. The question uses the word *mantjoerie* while the answer uses *samoen*, *manjamoen*. The occurrence of *manjamoen* in the answer, the structural relation with the Sungai Lemau laws, and the syntactic construction of the question, all indicate that the paragraph is unequivocally concerned with robbery. There are two possible explanations of the substitution of *mantjoerie* for *manjamoen* in Question 14. First, it could be a scribal error needing no further explanation. Secondly, this substitution could have been intentional. This latter approach to the problem presents some interesting structural possibilities. The common occurrence of *mantjoerie* in Questions 13 and 14 suggest that they form a single structural unit. Such a unit is generated by applying the compression transformation to the secondary partition of the Sungai Lemau laws. This relationship with the Sungai Lemau laws, plus the existence of the question and answer discontinuities in the marriage section of this law, suggest that the occurrence of *mantjoerie* in Question 14 is not accidental.

However, the difference between Fasal 18 and the answer to Question 15, as well as the similarity between the answers to Questions 14 and 15, establishes Paragraphs 14 and 15 as a primary structural unit. While Fasal 18 is only concerned with accidental arson, Question 15 deals with both accidental and intentional arson. It is the punishment for intentional arson that forms the explicit link with the answer to



Question 14. Robbery and intentional arson are punishable by banishment that leads to the replication of the transformed primary partition of the Sungai Lemau laws. While the total structure of the Sungai Lemau laws indicated which of the alternative partitions of the crime

section was the primary one, the Sungai Hitam pattern is not as clear. However, the structure indicates that the primary partition of the Sungai Lemau laws is to be found in the answers to the questions of the Sungai Hitam laws and the secondary partition in the questions themselves.

The structural representation in Diagram 4.5 is based on two assumptions. First, the occurrence of *mantjoerie* instead of *manjamoen* in Question 14 is not accidental. And second, the link between Paragraphs 12 and 13 resides in the answers and not the questions. If the first assumption is invalid, the center versus extremity opposition of the secondary opposition is not automatically invalidated, but only the assertion that the opposition is specifically located in the questions. Thus two alternative representations similar to those created for the Sungai Lemau laws would be necessary. The second assumption is based on the first. If the substitution of *manjamoen* for *mantjoerie* is not accidental then a discontinuity is created between Question 14 and its answer. This discontinuity allows Paragraph 14 to participate in two different structural arrangements simultaneously. The pattern suggests that a question or an answer may not participate in two structural arrangements at the same time. Thus the link between Paragraphs 12 and 13 must reside in the questions. Therefore, only if the assumption concerning the use of *mantjoerie* in Question 14 is valid, is this structural representation applicable.

Allowing these assumptions to be valid, and taking cognizance of the symmetry patterns of the structure of the marriage section, two further structural relations should exist. First, symmetry considerations suggest the existence of a discontinuity between Question 13 and its answer. Secondly, structural harmony and a tendency towards completeness would require the existence of a link between Questions 12 and 15.

If the assumption concerning Question 14 is invalid and the substitution of *mantjoerie* for *manjamoen* is accidental then the representations of the structure in Diagram 4.6 would be more appropriate.

Both the primary and secondary representations of the structure in Diagram 4.6 can be generated by applying the compression transformation to the appropriate Sungai Lemau structures.

Introduction to Paragraphs 16-18

The last group of six fasals in the Sungai Lemau laws form a distinct block with a structure of its own. The basic feature of this six element

structure was a division into two complementary three element structures, each of which was generated by a center versus extremity opposition. This change in the oppositional nature of three element structures means that the basic compression transformation linking the Sungai Lemau and Sungai Hitam laws is inoperable in this case. Furthermore, each of these three element structures was determined by the external associations of the fasals making up one element of the center versus extremity opposition. In the group containing Fasals 19, 20, and 21, Fasal 20 is directly associated with Fasal 20 of the *Code of Laws*. In the group containing Fasals 22, 23, and 24, Fasal 22 is associated with Fasal 15 and Fasal 24 with Fasal 12. In this latter case the associations are external to the group of six fasals but within the Sungai Lemau laws.

In the Sungai Hitam laws, the principles of displacement and external association are not used and the Sungai Lemau elements with this feature are dropped in the process of transformation. Thus, there are only three elements in place of six. Two of these deal with sexual offences and one with legal costs and fines. This pattern is what would be obtained by omitting the fasals of the Sungai Lemau laws which have a distinct external association. While the Sungai Hitam laws have two paragraphs dealing with sexual offences, the division into categories does not reflect the pattern of the Sungai Lemau laws. This change is a logical consequence of the fact that the categories used in the Sungai Lemau laws were principally determined by the principle of external association. Notwithstanding all of these fundamental changes, Paragraphs 16 and 17 of the Sungai Hitam laws form a distinct two element unit. The structure of this unit is not modelled on the equivalent fasals in the Sungai Lemau laws but on the pattern of two element structures used elsewhere in the Sungai Hitam laws. Paragraph 18, the last one, while being related by its content to Fasal 23 of the Sungai Lemau laws, has a structural function equivalent to Fasal 25, that is, it is a single element not belonging to a structure made up of a larger number of elements, and stands at the end of the law set.

PARAGRAPH 16

Question 16 is "Pandjangan orang iang ada binie nja dengan, binie orang lain atoúw dengan anak Gadis, atoúw dengan prampoean marando" (Panjangan of a married man with another man's wife, or with a maiden or a widow (divorcee). The Answer: This is punishable by death; but he (they?) can be freed upon payment of a *teboes njawa* of 160 rupia. If a virgin (anak Gadis) or a widow (prampoean marando) is involved both parties are fined 40 rupia.

PARAGRAPH 17

Question 17 is "Barkandak atoúw main muda anak Gadies" (Fornication or flirtation with a virgin). If it is only "flirtation" (main moeda) there is no punishment. If the man exceeds the limits of propriety⁹ then both parties are fined 20 rupia. If, however, the maiden becomes pregnant then the fine is increased to 40 rupia each and the man marries the maiden.

The meaning of the answer to Question 16 is not entirely clear. In particular, does the fine of 40 rupia involve a separate category of punishment or is it in addition to the *tebus nyawa* of 160 rupia? A comparison with Fasal 20 of the Sungai Lemau laws ultimately leads to Fasal 20 of the *Code of Laws*. There the payment for adultery, also called *tebus nyawa*, is 100 reals and is equal to the *bangun* for murder as specified in Fasal 21. In the Sungai Hitam laws the *tebus nyawa* specified in Paragraph 16 is the same as that in Paragraph 12 for murder. The pattern of the Sungai Lemau laws indicates that the 160 rupia only apply to adultery and are probably to be paid by both parties. In Paragraph 12 a fine of 40 rupia is also associated with the *tebus nyawa* which is to be paid for murder. In Paragraph 16, however, the fine only applies to relations with a maiden or a widow (divorcee). Thus it is not associated with the *tebus nyawa* for adultery. The possibility that the *tebus nyawa* plus a fine is to be paid for illicit sexual relations between a man and a virgin or a widow must be dismissed on three grounds. First, the Sungai Lemau laws indicate that adultery is a more serious offence than fornication. Secondly, this assertion tends to be contradicted by Paragraph 17. Thirdly, the structural analysis of the categories of women involved in different types of illicit relationships indicates that married versus unmarried women is an important opposition.

While the categories of Paragraph 17 are not fully explained, they appear to be simple flirtation, sexual relations not leading to pregnancy, and sexual relations leading to pregnancy. The relations described in Paragraph 17 specifically involve only a woman who has never been married (*anak gadis*). The marital status of the man is left unspecified. The exclusive reference to *gadis* (virgin) creates an implied opposition with *meranda* (widow, divorcee) which helps to elucidate the matter of the 40 rupia fine mentioned in Paragraph 16. The 40 rupia fine of Paragraph 16 is for fornication leading to pregnancy (*panjangan*) with an unmarried woman. The grouping together of *gadis* and *meranda* indicates that the category is *unmarried* rather than *never* married.

Thus the opposition within Paragraph 16 is between married and unmarried women. On the other hand, the contents of Paragraph 17 suggest a further subdivision of the unmarried category into an opposition between once married and never married women. The two basic oppositions create overlapping categories because a gadis (virgin) is both unmarried and never married and a meranda (widow) is both unmarried and once married. These oppositions also clarify the significance of the fine of 20 rupia in Paragraph 17. The fine of 40 rupia for a never married woman (gadis), as stated in Paragraph 17, agrees with the fine of 40 rupia for an unmarried woman (gadis or meranda) as stated in Paragraph 16. The opposition between once married and never married specifically applies to the fine of 20 rupia. This opposition between once married and never married women implies a parallel opposition between a woman who has had sexual relations with a man and one who has not. Thus one can conclude that the fine of 20 rupia is for having sexual relations with an unmarried and also a never married woman, even though pregnancy does not result. The fact that this applies to virgins but not widows or divorcees indicates that the fine is not for illicit sexual relations in general but for the deflowering of a virgin. This complex intertwining of two oppositions creates a distinct structural unit composed of these two paragraphs.

The structure of the opposition and unity of Paragraphs 16 and 17 is not a transformation on the pattern of the Sungai Lemau laws. In addition to the organizational opposition between internal versus external associations, the Sungai Lemau laws also used the opposition between berlawan/tidak berlawan (with a partner/without a partner) as a fundamental structural device. While the center versus extremity opposition in Fasals 19, 20, and 21 may be associated with an opposition between married and unmarried, this opposition has no role in the structural organization of the six element group. On the other hand, the Sungai Hitam laws develop their own oppositions to form a structural unit which, while vaguely related to the corresponding material in the Sungai Lemau laws, more closely parallels the two element structures so typical of the Sungai Hitam laws.

PARAGRAPH 18

Question 18 is "Banjak denda sebab satoe parkara serta bago bagie denda itoe, dan banjak beijo dalam parkara oetang pioetang, dan bago bagie beijo itoe, kapada kapala kapala (the amount of fines in each case and their division, the amount of legal costs in debt and credit cases and the division of these costs among the headmen). The Answer:

The fines from *panjingan* are divided in two. One share goes to the headmen of the concerned village and the other share goes to the Regent. The amounts involved follow the specifications of Fasal 16 (literally: Passal 16). The legal costs derived from debts and credit cases are also divided in two. One share goes to the Regent, the other to the judges who hear the case.

The reference to legal costs establishes the link with Fasal 23 of the Sungai Lemau laws which deals exclusively with this matter. The other portion of this paragraph, which deals with *panjingan*, is explicitly linked with Paragraph 16.¹⁰ Each of these relationships leads to a different structural evaluation of the significance of this *fasal*. However, the question/answer discontinuity isolates these two structures.

Question 18 contains two portions. The second specifically mentions "beijo" (legal costs). However, the first part of the question is not specifically related to *panjingan* but is rather vague, referring only to the "amounts of the fines in some court cases". The order of the items and the vagueness concerning the first portion allow a comparison with Fasal 22 and 23 of the Sungai Lemau laws. If one had read Fasal 22 concerning fines associated with theft and Fasal 23 concerning legal costs, and then read only the question portion of Paragraph 18, one might expect that the answer to Question 18 would deal with the same material as Fasal 22 and 23. Thus when only Question 18 is compared with Fasal 22 and 23 the compression transformation seems to apply. This is only possible because the question is vague and omits the explicit reference to *panjingan* found in the answer to the question. This contrasts sharply with legal costs, which are mentioned in both the question and the answer. This relationship with the Sungai Lemau laws indicates that Question 18 stands apart from *panjingan* paragraphs and as such may be functionally equivalent to Fasal 25 of the Sungai Lemau laws (i.e., in both cases the law set is concluded by a single element).

However, the answer to Question 18 suggests a different pattern. The explicit reference to *panjingan* and to Fasal 16 binds this element to the two element structure concerning illicit sexual relations, thus creating a two plus one structure. While the marriage section of the Sungai Hitam laws uses the two plus one structure of the Sungai Lemau laws, the back-referencing system of the last *fasal* in each of the three element structures has been altered. In the Sungai Hitam laws the last *jujur* paragraph implicitly refers back to the first paragraph concerning marriage (No. 5) and not to the first *jujur* paragraph (No. 6) as in the Sungai Lemau laws. The pattern suggested by the answers to Questions

16, 17, and 18 not only reflects the two plus one structure of the Sungai Lemau laws but more strongly reflects the pattern of the jujur fasals of the Sungai Lemau laws than the jujur paragraphs of the Sungai Hitam laws do. First, the last element refers back to the first element of the three element structure. And secondly, in both cases the back reference is achieved by specifically mentioning the number of the concerned element.

This two plus one structure has an interesting transformational relationship with the center versus extremity structures of the last group of six fasals in the Sungai Lemau laws. The two panjangan fasals of the Sungai Lemau laws formed the extremities of a center versus extremities opposition. The center was an externally associated element and is dropped in the transformation process. The two extreme elements become the first two elements of the two plus one structure of the Sungai Hitam laws. And similarly, Fasal 23, the center element of a center versus extremity opposition, becomes the single element of the two plus one structure of the Sungai Hitam laws. This transformational relationship establishes the logical relationship between center versus extremity structures and two plus one structures, especially those used in the Sungai Lemau laws. Thus a center versus extremity opposition involves inserting the single element of a two plus one structure between the halves of the two element unit.

Both of these alternative structural arrangements of Paragraphs 16, 17, and 18 of the Sungai Hitam laws are valid. However, the use of the structure based on Question 18 and not its answer allows a better comparison between the total structures of the Sungai Hitam and Sungai Lemau laws. This is a logical consequence of the fact that the structure of Question 18 is directly based on the structure of the Sungai Lemau laws.

The gross structure of the Sungai Hitam laws can be summarized by Diagram 4.7.

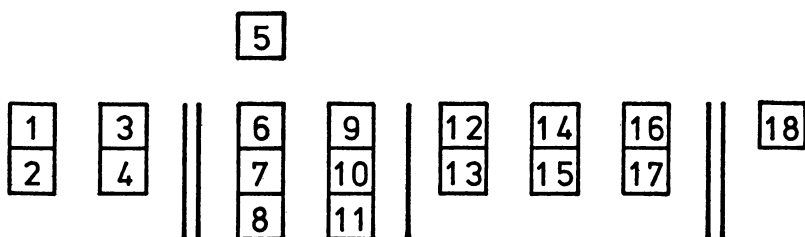


DIAGRAM 4.7

The central structural feature of the Sungai Lemau laws was composed of eighteen fasals divided into three groups of six elements which were in turn divided into two groups of three elements. The central structural feature of the Sungai Hitam laws is composed of twelve paragraphs divided into two groups of six elements. One of these groups of six elements is composed of two groups of three elements. The other is composed of three groups of two elements. This double composition of six (i.e., $2 \times 3 = 3 \times 2 = 6$) is the major six based feature of this law set. While each of the six element blocks of the Sungai Lemau structure ended with a multiple of six, each block of the Sungai Hitam structure begins with a multiple of six (i.e., $6 \times 3 = 18$). The lack of use of numerical features elsewhere in the Sungai Hitam laws suggests that this feature was not intentional but a consequence of the partitioning of the law set into major segments.

CHAPTER 4 — NOTES

- 1 In the comparative analysis of the Sungai Lemau and Sungai Hitam laws the following convention applies. The form "Fasal" denotes a specific fasal in the Sungai Lemau laws. The form "Question" denotes a specific "Partanjaan" of the Sungai Hitam laws. The form "Answer" denotes a specific "Mandjabab" of the Sungai Hitam laws. The form "Paragraph" denotes a specific Question and Answer pair of the Sungai Hitam laws. The uncapsalized forms of Fasal, Question, Answer, and Paragraphs refer non-specifically to the fasals, questions, answers, and paragraphs of the respective laws.
- 2 This style is demonstrated by the selection from the *Undang Undang of Moco Moco* in Appendix II. This style and use of language is occasionally found in otherwise easily comprehensible law texts. For example, in the Manna laws of Cod. Or. 12.205 the lists of accessories associated with jujur marriage display this characteristic (c.f. Cod. Or. 12.205, Fasals 1 and 2).
- 3 Terra Dannah = ? Terdana occurs in the enumeration of eight villages.
- 4 In the Sungai Lemau laws the opposition between subject and non-subject is expressed by *anak buah/orang di luar negri*. In the Sungai Hitam laws one only finds the term *anak buah* (subjects). While this specific reference to subjects may imply non-subjects, the Sungai Hitam laws lack the explicit opposition of the Sungai Lemau laws.
- 5 If this fourth element was present a Klein $_4$ group could easily be generated from the transformations.
- 6 For a discussion of the technical relationship between information and noise c.f. Wiener, 1961, p. 64. "The information carried by a precise message in the absence of noise is infinite. In the presence of a noise, however, this amount of information is finite, and it approaches 0 very rapidly as the noise increases in intensity".
- 7 This equilibration of *Samando Radja Radja* with *Samando Baliek Djoerij* contradicts Van den Bor's report (Van den Bor, 1962, p. 267) which equates *Semando Radja Radja* with *Semando beradat*.

- 8 C.f. page 80 above where a similar relation is to be found in the *Code of Laws*.
- 9 The rendering of this phrase into English is very free and is based as much on the total context of the answer as the precise interpretation of the textual passage. The text reads "tetapie kaloe lakie lakie itoe soeda malaloekan kardjan diatas dirie". It is possible that *malaloekan* is an error for *mala-koekan*. However, the phrase *malaloekan kardjan* can be interpreted as "passing over the marriage ceremony", i.e., engaging in a sexual relation without being married. This interpretation is based on the assignment of the meaning marriage ceremony to *karadjan* = *kerjaan*. *Kerja* normally means "work" but Helfrich gives the following associations. Helfrich, 1904, p. 74, sub *kedjē*: *kērdjē'an* = 'agoq; Helfrich, 1904, p. 5, sub 'agoq (B), 'ago'aq (S): wedding feast (party); and Helfrich, 1927, p. 6, 'agoq, 'agoq'an: work, etc. Marsden's Dictionary, 1812, p. 256, also gives a similar association: *pe-karjā-an* = nuptial ceremonies and festivities.
- 10 The reference to "Passal 16" in the text is the only use of the word "fasal" in this text and apparently refers to both the question and its answer. However, in this analysis I have consistently used the word "paragraph" in association with the Sungai Hitam laws and the word "fasal" in association with the Sungai Lemau laws (c.f. note 1, p. 190).