

Leadership System of *Adat Perpatih* In Malaysia As A Model of Consensus and Democracy Concept: An Analytical Study

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ABSTRACT

Adat Perpatih is a customary practice among people in Malaysia, especially Negeri Sembilan state. It is an unwritten custom that has been inherited for generations since 17th century and is practiced to this day. The custom has become a national cultural heritage that is well preserved, and it becomes the uniqueness of the community in Negeri Sembilan state. The noble values of *Adat Perpatih* customary practices which clearly guided by Islamic religion and derived from its teachings have been recognized in shaping the social and community values in the country. One of these values is the leadership system which is not only highly regarded for its pure value, but has also been the main reference and the backbone that forms the Council of Rulers (*Majlis Raja-Raja*) as well as the Constitutional Monarchy system in Malaysia. This article will examine the extent to which the practice of electing leaders in *Adat Perpatih* practices relates to the concept of consensus and democracy in Islam which is the official religion in Malaysia. The research methodology used in this paper is qualitative research which combined the method of literature review and history of customary origins in order to analyse issues related to *Adat Perpatih* practices especially in appointing leaders or Kings in Negeri Sembilan state. The results of the study showed that the uniqueness of the leadership concept in *Adat Perpatih* is very closely related to the existing system practiced in Islam which is well-known as *Ijmak* and *Syura*. Therefore, the system of leadership practiced by people of Negeri Sembilan state in their *Adat Perpatih* since long time ago has been recognized as the best leadership model to emulate.

Keywords

Leadership, *Adat Perpatih*, Consensus, Democracy, Malaysia

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Introduction

Custom means habit or something done over and over again and it is accepted by the community as a rule that must be followed by their own members. In Arabic the word *Adat* is derived from the word (*'A-dah*) which means return. (Anis, 2013) This also refers to a practice or deed that is repeated over and over again until it is used by the community of a certain race. According to the fourth edition of *Kamus Dewan* dictionary, *Adat* means rules that have been practiced for generations from time immemorial in a society so that it becomes a law and a rule that must be obeyed. (Dewan Bahasa dan Pustaka, 2005)

In the context of the Malay community, the word *Adat* has meaning which includes a wider coverage such as courtesy, discipline, fair treatment, a situation that is prevalent and laws. In

conclusion *Adat* (custom) can be defined as a habit of a repetitive act and has been accepted by society as a rule of life that must be followed by every member of society. (Abdullah Siddik, (1975).

Customs are inseparable from the code of conduct that limits the good and bad behaviour of society members, they include laws which consist of norms. Thus, custom is also considered as an institution that forms the law, regulates social, political norms and shapes the constitution for the government. (Harun Daud, 1989)

Among the customary and cultural philosophies practiced is to build the identity of group members. This is because the custom has its own pure values that can prevent its members from committing accursed acts either in the religion or the law of those who practice them. In addition, custom also serves as a method to maintain its

continuity so as not to be swallowed up by time because it has been practiced for generations since the time of their ancestors. Custom can also distinguish the identity of a group from other groups. For example, the custom of indigenous Malay community which still remains to this day is the traditional dress for men and women. This outfit has shown that the Malay community has its own identity that is different from other people. The value found in this kind of traditional dress is politeness of who wears it which is similar to what Islam teaches its people to cover their *aurat* (must-covered body parts). The dress does not only mean to cover the *aurat*, but it also highlights a polite attitude that reflects the identity of the Malay community itself. (Abdullah Siddik, (1975).

The Concept of *Adat Perpatih*

Each race has its own customs. As in Malaysia, there are various ethnicities as well as customs and cultures practiced by people. Among the famous customs and traditional practices in Malaysia are *Adat Perpatih* and *Adat Temenggung*. Both of these customs have their own characteristics and values. (Harun, 1989) This study will discuss specifically about the *Perpatih* customs that still remain practiced in Malaysia to this day.

This research will highlight the discussion about issues related to the leadership system which becomes a practice in the *Perpatih* customs. In addition, the concept of *Adat Perpatih* and its relationship with the concept of leadership practice in Islam as well as the method of consensus (*Ijmak*), consultancy and advisory (*Syura*) leading to democracy approach will also be explained.

In Malaysia, the *Perpatih* custom is practiced in Negeri Sembilan and Naning, Melaka. Some sources mentioned that originally, the custom is believed to have been brought by the Minangkabau people who came from Pagaruyung, Sumatra (Indonesia). The basis of *Adat Perpatih* law is mainly derived from customs and hereditary customs. There are several forms of practice that are some differences between *Perpatih* and *Temenggung* Customs that are practiced in Malaysia.

Among the special features of *Perpatih* customs practices are the lineage is based on women

(mothers), family system, division of inheritance which gives more priority to women, and marriage practice that does not encourage inter-tribal marriage. In addition, there is a unique practice in *Perpatih* custom which is still preserved and practiced until today, leadership. The leadership concept in *Adat Perpatih* recognizes the leadership system which consists of specific hierarchical arrangement and each level has certain rights and duties, namely: *Undang*, *Lembaga*, *Buapak*, *Perut* and the people. This kind of system of government is very much focussing on the principle of consensus (*ijmak*), namely by electing a leader called *Yamtuan* democratically by the tribal leaders known as *Undang*. (Sahid et al., 2017)

Leadership System in *Adat Perpatih*

(a) The History of the Yang Di-Pertuan Besar Negeri Sembilan

Historically, the Minangkabau people in Naning, Rembau, Seri Menanti, Penajis, Ulu Muar and several other places in Malaysia approached Melaka as their Sultan. The leaders who are well-known as *Datuk Undang Luak* would bring any difficulties faced by their people to Sultan of Melaka. However, when the Portuguese invaded Melaka in 1511, the Sultan of Melaka fled to Johor and established a new government. The situation also resulted in the movement of Minangkabau people towards Johor. (Maria, 2010)

In 1760, when the Dutch took control of Melaka after taking over the administration from the Portuguese, the Dutch began to disturb Johor in addition to the chaos caused by the Bugis on the Minangkabau people. The Bugis people led by Daeng Cambodia wanted to force Minangkabau people and to rule them so that they under their control. However, the Minangkabau people who had previously pronounced allegiance to the Malay Sultanate of Johor refused. They Malay Sultanate of Johor was then no longer able to govern the Malay states under its colonies. Since those under *Datuk Undang Luak* are from Melaka and practice *Adat Perpatih* while the Sultanate of Melaka practices *Adat Temenggung*, then the Sultan has ordered the *Undang Luak* to obtain a leader who can be appointed as Sultan or King of the Minangkabau Government. So began the

search for a Sultan from Pagar Ruyung, Sumatra. Therefore, in between 1760-1770 the leaders of *Luak* began to organize planning to get collective agreement among them in finding representatives that will be sent to Pagar Ruyung, Sumatra in 1770. Following that, the King of Pagar Ruyung has agreed to send one of his princes named Raja Mahmud to be the ruler in Negeri Sembilan (Arizan, 2013)

The leadership system of the Adat Perpatih community is a very unique where the highest leader is starting from the *Yang di-Pertuan Besar* Negeri Sembilan. The *Yang di-Pertuan Besar* Negeri Sembilan was elected and appointed from a collective consensus between *Undang Yang Empat* (the four tribal leaders) and *TuanKu Besar Tampin*. The *Yang di-Pertuan Besar* acts as the head of the Islamic religion with the advice of the Islamic Religious Affairs Council. His Majesty is also responsible for state customs (*adat istiadat*) and is advised by the *Dewan Keadilan dan Undang* (the house of Justice and Leaders). *Yang di-Pertuan Besar* resides in Seri Menanti which is located in Luak Ulu Muar. His Majesty did not interfere in the affairs of other districts (*Luak*). Based on history, before the British entry, the *Yang di-Pertuan Besar* was elected by *Penghulu Luak* (district leader) of Ulu Muar. However, when the British intervened in Negeri Sembilan, the *Yang di-Pertuan Besar* was appointed by the *Undang Yang Empat* (the four tribal leaders) namely the leaders (*Luak*) of Sungai Ujong, Jelebu, Rembau and Johol. The selection of *Yang di-Pertuan Besar* based on hereditary background, good behaviour and the candidate must have a family relationship with the *Yang di-Pertuan Besar* who died according to the father's side (Shamrahayu, 2012)

(b) Appointment of the Yang Di-Pertuan Besar Negeri Sembilan

King Mahmud or King Melewar, son of Sultan Abdul Jalil was ordered by his father to go to Negeri Sembilan as the First *Yang di-Pertuan* of Negeri Sembilan. It became like a tradition in which the customary holders invite a prince from Pagar Ruyung when the *Yang di-Pertuan Besar* passed away. It occurred in three kingdoms, namely the reign of King Melewar (1773-1795), the reign of YamTuan Hitam (1795-1808) and the

reign of YamTuan Lenggang (1808-1824). With the coronation of YamTuan Radin, the era of the throne inheritance from the son of the local King began. Therefore, the heir to the throne is only appointed from the lineage of Raja Radin Ibni Raja Lenggang as stated in Clause 7 (3), Negeri Sembilan Government Constitution 1959 which mentioned:

"No one can be elected as Yang di-Pertuan Besar for this state, unless he is a Malay man of sound mind and embrace the State's religion and son of Raja Radin Ibni Raja Lenggang "

In addition to the autonomous powers of *Undang Yang Empat* (the four tribal leaders) in their respective jurisdictions, the traditional power of these four leaders is about the determination of the *Yang di-Pertuan Besar*. The procedure for selecting a successor to the *Yang di-Pertuan Besar* has been stated in Clause 7 (4) which mentions: "In the event of the death of the *Yang di-Pertuan Besar* leaving his sons, then the *Undang Yang Empat* shall immediately choose his successor among the princes".

This can be seen during the death of the late *TuanKu Ja'afar* on 27 December 2009. The proclamation of the successor to the throne of the *Yang di-Pertuan Negeri Sembilan* has marked the history of the royal institution of Negeri Sembilan, after almost 42 years this Perpatih customs can be shown back to the people. The *Undang Yang Empat* powers are exercised in secret meetings on the determination of the future successor to the *Yang di-Pertuan Besar*. The successor candidates consist of the sons of the late *TuanKu Ja'afar*, namely *TuanKu Laxamana Tunku Naquiyuddin Tunku Ja'afar*, *TuanKu Muda Serting Tunku Imran TuanKu Ja'afar* and *Tunku Panglima Besar Tunku Nadzaruddin TuanKu Ja'afar*. However, none of these princes were chosen as successors.

The *Undang Yang Empat* have the power to choose other heirs if based on their opinion none of the princes are qualified and capable. In this case, the second and subsequent descendants should be chosen as follows:

1. first, the brother or sister of the *Yang di-Pertuan Besar* who died,
2. second, the father of the brother next to the father of the late *Yang di-Pertuan Besar*,
3. third, the grandson of the late *Yang di-Pertuan Besar*,
4. fourth, the eldest son or younger brother of the *Yang di-Pertuan Besar*.

Based on the agreement, the *Undang Yang Empat* have chosen the son of the late (almarhum) brother, Tunku Mukhriz Tuanku Munawir, the only son of six siblings from the marriage of the ninth Yang di-Pertuan Besar Negeri Sembilan Tuanku Munawir and Tunku Ampuan Durah (Maria, 2010).

The System of Government in Malaysia

(1) Majlis Raja-Raja Melayu (The Malay Council of Rulers)

The Council of Rulers or Kings is the highest official body in the country which is composed of nine Sultans and four governors or Yang di-Pertuan Negeri (state ruler). This body is led by the Yang di-Pertuan Agong (YDPA) or the Supreme King of Malaysia. Among the main tasks of the Council of Rulers is to approve or reject matters and customs related to Islamic religion for the Federation of Malay, except Sabah and Sarawak. It also gives consent or refuses to consent to any law, or to give advice on the appointment of any positions that require the approval from the Council of Rulers, to think about the state policy and any other things that it thinks fit for the development of the country. The council is considered a special body which acts to preserve the privileges of the Malays. In the event of any claim or issue of the Malays position, the matter should be discussed in advance at the council. The council of Rulers will be consulted in the matter of appointment before being appointed by the YDPA (Agong) based on the advice of the Prime Minister. The appointments include the appointment of the State Chief Justice, two people of the Chief Judges, and the Supreme Court Judge for the National Audit, the appointment of the members of the Public Service Commission, and the Election Commission which is an independent commission.

The Council of Rulers also has the discretionary power which includes the following: to elect or dismiss the YDPA and Deputy YDPA, to give advice on any appointment, to agree or disagree with any law that changes the boundaries of a state and touches the issue of privileges, positions and the glory or greatness of the Kings, and to give agreement or disagreement, so that any act, practice or ceremony related to Islam in the whole of Peninsular of Malaysia.

(2) The Yang di-Pertuan Agong (YDPA)

The YDPA is the Head of State, and His Majesty indirectly also acts as chairman of the three components in the country's system of government, namely the executive, legislative and judiciary bodies. The YDPA is appointed every five years among the nine Malay Rulers (Kings) and elected by the Council of Rulers (Majlis Raja-Raja). Among the duties of the YDPA are duties of advice, discretion, supreme command of the armed forces, approving emergency declaration bills and pardon powers.

In terms of executive field, the YDPA acts as the Head of State or Head of the Federation. Among the things written in the constitution related to His Majesty is article 39 which states that the YDPA acts as the source of executive power. This means, government affairs are carried out in his name. While article 40 interprets His Majesty's executive power and article no. 40(1) provides that in carrying out each executive duty, He must act on the advice of the cabinet or one of minister.

The article no. 40(2)(a) provides for His Majesty's discretion to appoint the Prime Minister, but he is required to follow the regulatory rules based on the parliamentary democracy. In this case, although article no. 40(2)(a) of the federal constitution gives him the freedom or discretionary power to appoint the Prime Minister, the appointment shall be among the members of the representatives house who in his opinion has the support of the majority from the house and was the party leader who had won the general election. The article 43 empowered His Majesty to appoint the cabinet members. The duties of the YDPA in this case should be in order which starts with the appointment of the Prime Minister and followed by the cabinet members based on the advice of the Prime Minister. The article no. 40(2)(b) allocates power to His Majesty to approve the dissolution of Parliament. (Ariza, 2013)

Basically, the discretionary power of the YDPA or Yang di-Pertuan Negeri is limited, because they must accept the advice of the Prime Minister or the respective Chief Minister. In conclusion, the discretionary power of the YDPA is only in the appointment of the Prime Minister, while other matters of a minister are authorized by the Cabinet. (Shaza Qirah, 2015)

(3) Similarities Between the Council of Rulers and the Negeri Sembilan House of Justice and Leaders (*Dewan Keadilan dan Undang Negeri Sembilan*)

Based on article 38 the Council of Rulers: There shall be a Council of Rulers which shall be established in accordance with the Fifth Schedule. The Council of Rulers enshrined in the Federal Constitution also takes the basic example of the establishment of the House of Justice and Leaders enshrined in the Constitution of the Government of Negeri Sembilan.

The similarities also exist in the following matters in the Federal Constitution: The Council of Rulers shall be consulted before any changes related to policy affecting administrative action under Article 153. The Council of Rulers is the main reference of the Federal Government when there is a need for advice on Islam and Malay customs. Similarly, the Negeri Sembilan House of Justice and Leaders is the main reference for the Chief Minister (*Menteri Besar*) representing the State Government on the same matter. In fact, based on the Third Schedule (Articles 32 and 33) in the Federal Constitution related to Part 1 which mentions: "the election of the Yang di-Pertuan Agong related to the task of selecting, determining eligibility, announcing, appointing and even dismissing His Majesty the Yang di-Pertuan Agong (SPBYDPA) also took the example of the same implementation by the *Undang Yang Empat* (the four tribal leaders) (as members of the House of Justice and Leaders) regarding His Majesty the Yang di-Pertuan Besar Negeri Sembilan (SPBYDBNS). However, the establishment of the Council of Rulers, the roles and practices in the council based on the Federal Constitution remain as results from the consent of all the Malay Rulers.

Although it takes a basic example from the Constitution of Negeri Sembilan, there are many other references that need to be taken as a guide and to ensure that the role and function of the Council of Rulers are truly compliant with the Federal Constitution and its rights are well preserved. This is one of the uniqueness of the Constitutional Monarchy (*Raja Berperlembagaan*) system, the only one of its kind in the world. The sovereignty of the Malay Rulers reserved its rights in the Constitution. All of these are to ensure that

by the grace and assistance of The Al-Mighty Allah, allowed the Malay Rulers (Kings) to serve for the people (Khairul Ashraf, 2017)

The Best Model of Consensus (*Ijmak*) and Democracy: Its Relationship with The Concept of Selection of Yang Di-Pertuan Besar Negeri Sembilan (YDPBNS) and Yang Di-Pertuan Agong (YDPA)

(1) Consensus (*Ijmak*)

The word *Ijmak* means agreement, consensus or unanimity (Abd Latif, 1997). In the terminological meaning the *ijmak* (consensus) of scholars refers to the following meanings:

- the consensus of *mujtahid* scholars on certain issue.
- the agreement of *mujtahid* scholars among Muslims who agree either in the form of belief (*i'tiqad*), words or actions on issuing a law that occurs after the death of the Prophet PBUH.
- the consensus of *mujtahid* scholars among the followers of the Prophet Muhammad PBUH after his death in matters related to Islamic law (*Syarak*) (Abd Latif, 1997) further explains the meaning of *Ijmak* (consensus) that it refers to a consensus of *mujtahid* scholars who have the ability to issue Islamic law (*hukum syarak*) from detailed proofs (*dalil*) and it must be done only by the followers of the Prophet Muhammad PBUH. The consensus of those scholars is the result of *ijtihad* which is considered as an important role related to issuing an Islamic law.

The Qur'an explains that Muslims are modest people and are witnesses to others, as The Al-Mighty Allah said:

"And thus, we have made you as a just community (*ummatan wasata*) that you will be witness over the people and the Messenger will be a witness over you" QS Al-Baqarah: 143.

The word *wasata* in this verse mentioned above means just which shows that every decision made by Muslim ummah is fair dan just. As we are obliged to accept the testimony of a just person, then it is also obligatory to follow the decision issued by a just community (Muhammad Adib, 2009)

In a Hadis, the Prophet Muhammad PBUH said: "My people will not unanimously agree on

something wrong” (Narrated by Tirmizi, no.2167).

Based on the Hadis, the Prophet PBUH assured that his people would not agree on anything wrong. Therefore, it indicates that agreement or consensus is a proof (*dalil*). In addition to that, there are other Hadis texts similar to the meaning of the above-mentioned Hadis. Some verses of the Qur'an also state that it is required to adhere to the congregation (*jamaah*) and not to separate from it. This is a sufficient proof to show the consensus (*Ijmak*) is a source of issuing laws in Islam. The *Ijmak* always relies on proofs (*dalil*) even if they are not mentioned, that is because the Muslim scholars will not agree or take any decision in issuing the laws without referring to proof of Islamic law (*Syarak*).

Therefore, the contemporary Muslim scholars when studying issues on *Ijmak*, they would focus on the truth of its narration not on the evidence (*dalil*). This is because if what should be studied is the *dalil*, they would certainly use that *dalil* itself and refer to it not the consensus (*Ijmak*). As mentioned earlier, the *Ijmak* is accepted to be one source of Islamic law due to its dependence on proof (*dalil*) although sometime it is not specifically mentioned in textual proof. For example, the consensus of *Sahabat* (companions of the Prophet) about the government on the obligation to appoint an *imam* or caliph to for successor of the Prophet PBUH in managing the affairs of the country. The selection of a leader (caliph) after the Prophet Muhammad PBUH was based on a consensus (*Ijmak*) and collective consultancy (*Shura*) and was agreed upon by all the companions of the Prophet in *Saqifah* Bani Sai'idah (Musthafa Ahmad, 2000).

Pillars of *Ijmak* (Consensus)

The pillars of *Ijmak* according to the scholars of *Usul Fiqh* are as follows:

- a) There must be some *mujtahids* at the time of the event, and the *mujtahids* are the ones who make the agreement (set the law of the event). If there are not a few *mujtahids* at the time of an event, there would not be the consensus (*ijmak*) because it must be done by some people.
- b) Those who make the agreement should be all *mujtahids* in the Islamic world. If the agreement is only done by the *mujtahids*

who are in one place, then such an agreement is not considered as an *ijmak*.

- c) The agreement should be clearly stated by each *mujtahid* who agrees with other *mujtahids* about the law (*syarak*) of an event that occurred at that time. When there is element of forcing them in any situation to accept the decision, the *ijmak* is null and void.
- d) The agreement can be made in various ways, such as by oral statement, by action or by an attitude stating that a *mujtahid* agrees to a legal decision that has been approved by the other *mujtahids*. The best decision is the one which is a result of a collective agreement made by the all *mujtahids*.
- e) The agreement should be a unanimous agreement from all *mujtahids*. If there is an agreement by some of the existing *mujtahids*, then such a decision does not meet the criteria of *ijmak*. Such consensus has not yet been used as a Sharia argument (*hujjah*). (Zaydan, 1996)

(2) *Shura* (collective consultancy)

According to the language, the word *shura* is taken from *syaawara* which means to give each other opinions, suggestions, or views. According to Abu Ali al-Tabarsi, *Shura* is a consultation to get the truth. Al-Asfahani, on the other hand, defines the *Shura* as formulating opinions through discussion (deliberation). While Ibn al-Arabi gives the meaning of *Shura* as deliberation to seek truth or advice in seeking certainty. From some of the above meanings, it can be taken that the *Shura* is a conversation from various parties with the aim of knowing the various thoughts towards the achievement of a conclusion. For example, the *Shura* applied in the election of Abu Bakr, Umar ibn Al-Khathab, Usman ibn Affan, and Ali ibn Abi Talib in which the system of *Shura* is prioritized in determining the best candidate to be appointed as leader (*caliph*), and the citizens are given the opportunity to determine their views. However, during the election of leaders in the Umayyad and Abbasid kingdoms, the system was different because the transition of leadership was not through the concept of *Shura*, instead it was based on monarchy system. The concept of *Shura* is not only important during the election of

leaders, but it also plays an important role in a sovereign system of government (Abdul Razak, 2010)

Conclusion

Based on the meaning and concept described above, it can be concluded that the concept of leader selection between the leadership system in Negeri Sembilan and the Council of Rulers has a very close relationship with the existing system in Islam. Both refer to the same system which is the *Shura* (collective consultancy) and *Ijmak* (Consensus). This clearly shows that the election of the Yang Di-Pertuan Besar Negeri Sembilan, is subject to the four tribal leaders' (*Undang Yang Empat*) electoral powers. As long as there is no word of agreement from the four leaders, then the coronation without their consent will be void. Similarly, the election Yang Di-Pertuan Agong is based on agreement and consensus (*Ijmak*) of the nine (9) members of the Malay Rulers (*Raja-Raja Melayu*). Looking at this selection process, it is found that the two concepts have actually followed the procedure outlined by Islam, namely the concept of *Shura* and *Ijmak*. Both of these Islamic concepts have long been practiced from the time of Prophet Muhammad PBUH until today. It also clearly shows that the Malay people have been practicing this system since a long time ago, and it has been introduced by scholars who put the Qur'an and Sunnah as guidance and reference for Muslim's daily life routines.

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