

An empirical study on compatibility of sarawak forest ordinance and Bidayuh native customary laws in forest management

Abstract

This study was conducted to examine the compatibility between the Sarawak Forest Ordinance and *Bidayuh* Native Customary Laws in Sarawak and to gather the community members' opinions on the compatibility of these laws. This study was carried out using two research methods, viz. a literature review and a survey among the *Bidayuh* community in Bau, Sarawak. The documents reviewed were the Forest Ordinance Chapter 126 (1958) and the *Adat Bidayuh* Order, 1994. There are several notable differences between the two laws in terms of, forest ownership, losing of rights to forest or inheritance, and the management of forest. A list of statements with six interval scales was presented and a majority of *Bidayuh* community members neither disagreed nor agreed with the statement, (1) Forest Ordinance respects the *Bumiputera* people's rights (37.5 %; SD = 1.259) and (2) Forest Ordinance protects the *Bumiputera* people's rights (37.5 %; SD = 1.281). The community members are also not sure about the consistency between these two laws (28.1 %; SD = 1.182). These results indicated the need for the State to respect the natives' rights toward the forest land and its resources, recognize the *Bidayuh* Native Customary Laws and for the native people to learn about the constitutional provisions. Further studies are needed because the knowledge of Native Customary Law itself cannot guarantee the natives' future in terms of economic, social and environmental aspects and there is also a need to review the current laws to achieve the objective to protect and preserve the natives' rights.