

LEGAL PROBLEMS OF THE RURAL POOR IN MALAYSIA¹

INTRODUCTION

This paper focusses attention on the increased participation by the State in the provision of a particular resource – legal services to the poor through the Legal Aid Bureau.² It is based on a study of three rural poor communities in Malaysia. Broadly, the study was designed to ascertain the use value of such Governmental agencies as the Legal Aid Bureau to the poor in seeking and securing the resolutions of legal problems they confronted. Ultimately the study helped evaluate the efficacy of the legal system by providing incisive insights into the accessibility of the legal system to poverty communities. More specifically, the primary purposes of the study were to:

- 1) determine the types of legal problems confronting the rural poor person;
- 2) identify the categories of problems he perceived as 'legal';
- 3) ascertain the typical problem solving methods and institutions he employed and their effectiveness;
- 4) identify categories of problems not perceived as being 'legal' which are amenable, nonetheless, to resolution through the legal process;
- 5) assess the perception of the poor of the possible effectiveness of legal intermediaries on their behalf in specific problems;
- 6) identify factors which heightened legal perception and problem-solving ability.³

¹This is a revised version of a paper contributed to the Workshop on "Access, Distributive Justice" held under the joint auspices of the International Legal Centre, New York and the Institute of S.E. Asian Studies, Singapore 31st July – 2nd August 1976 at Singapore.

²The Bureau was set up in 1970 under the Emergency (Essential Powers) Ordinance No. 39 of 1970, subsequently replaced by the Legal Aid Act, 1970. Initially, civil proceedings in respect of which aid could be given were confined to maintenance cases. Since then, the limited jurisdiction operations have been expanded steadily, and now include as well, workmen's compensation, accident, and money lender's cases and maintenance, custody, divorce and property proceedings in Muslim Courts. Legal advice is available in respect of proceedings for divorce and custody, tenancy and hire-purchase matters. Legal aid in criminal cases is limited to advancing pleas of mitigation on behalf of a convicted indigent.

It may be noted that no real research into the legal needs of the poor preceded the setting up of the Bureau.

³This study was modelled on a similar study in America by the staff of the Duke Law

Knowledge of other existing agencies in the rural setting was tested to ascertain the extent to which access by the poor to public service programme was the result of a failure of communication. Insofar as the poor resorted to their own "network of aid" (e.g. community leaders), the ability of these 'aiders' to perceive problems as legal and to make referrals to proper redress-sources was tested. Finally it was sought to determine why some were not only cognisant of problems as legal but were, as well, active pursuers of their remedies, whilst others had neither preception nor attempted a resolution of their problems.

CHOICE OF THE RURAL POOR FOR THE STUDY

The rural poor formed the focus of this study primarily because they are, in the main, the intended recipients of the legal services programme. The means eligibility is based on a disposal income of \$750 per annum⁴ (or \$62.50 per month), or, under additional discretionary powers, \$750 to \$3,000 per annum (\$62.50 to \$250 per month).⁵ About 90% of households with monthly income below \$100 and 76.2% of households with incomes between \$100 and \$200 are to be found in the rural areas. 82.6% of the households in Peninsular Malaysia with income below \$200 are located in the rural areas. About 34% of the rural households have incomes below \$100 per month, whilst only 9.4% of urban households are in this category.*

THE SAMPLE COMMUNITIES

There were three communities surveyed:⁶

Group A:

Consisted of a Malay community located in Southern Johore. 80%

Journal, see Note, *Legal Problems of the Poor*, 1969 Duke L.J. 495, see also Dias *Research on Legal Services* 1975, Washington, U.L.Q., 147, 155.

*Editorial Note

The Mid-Term Review of the Third Malaysia Plan (1976-1980 Government Printer, 1979) at p. 27 states that the rural means income increased in real terms from about \$200 in 1970 to about \$286 in 1976. The mean monthly household income for the households in the lowest 40% increased from \$76 to \$138. The Review also states at p. 35 that on the average the monthly household income for the urban areas has increased from \$428 in 1970 to \$642 in 1976, in constant 1970 prices, while the median income rose from \$265 to \$338.

⁴ Legal Aid Act, 1971 (L.M. Act 26) S. 15(2)(b).

⁵ *Ibid.*, S 16(1)(b). The Schedule prepared by the Legal Aid is as shown in Appendix 1.

⁶ The survey was undertaken in 1975 by my former students, Miss Lim Yee Lan, Miss Zainun Ali and Miss Aziah Ali and formed the basis of Project Papers completed

(N = 160) households of this community which was located about $\frac{1}{4}$ of a mile from the main town centre (Mersing) were interviewed.

Group B:

Consisted of a predominantly Malay community located in Northern Malaya and located about 7 miles from the main town centre of Alor Star. 150 households were interviewed.

Group C:

Consisted of a community in a FELDA scheme situated about 18 miles from the main township of Kota Tinggi in Southern Malaya. 70% (N = 254) of the settlers were interviewed.

Community A and B derived its livelihood from fishing. Community C was part of a government (FELDA) resettlement scheme⁷ based on the cash crop — oil palm. At the time of the survey, in 1975 it was 2½ years old.

Income

As can be seen from the table below the income received by the communities (in 1975) was low, the average for Community A being \$112.5 per month and for Community B being \$88 per month. For Community C the figure was \$150.

In Community A the vast majority were employees of boat owners and daily paid according to the tonnage and kind of fish caught. A negligible

under my supervision and submitted by them to the Law Faculty, University of Malaya in part fulfilment of their LLB degree course. To these three ladies who unflinchingly trudged the rural villages gleaning information, I am deeply indebted. My thanks are also due to the Law Faculty for use of their papers. See Lim Yee Lan, *Legal Needs of the Poor*; Zainun bte Ali, *Legal Needs of the Poor*, and Aziah bte Ali, *Legal Needs of the Poor Community in Kuala Kedah: An Assessment*, (all unpublished dissertations, 1975, University of Malaya).

⁷The FELDA scheme represents one of the main Government efforts at eradicating poverty. On the assumption that absolute poverty is due to low productivity caused by uneconomic sized holdings and outmoded farming methods, the FELDA scheme provides opportunities for inter-sectoral movement from low productivity to high productivity activities which also represent a movement from traditional to modern agriculture. Landless families are transferred to land settlement schemes where a subsidy program seeks to create peasant ownership of land, viable both in terms of acreage of land allotted (12 acres for rubber holdings and 14 acres for oil palm per settler) and productivity. Up to the end of 1973, 29,000 families (out of a total of 402,000 families, discounting the factor of population growth) had been settled: *Mid Term Review of the 2nd Malaysia Plan 1971-1975*, Government Printers, 1973. See also generally *2nd Malaysia Plan*, Government Printers, 1971.

few owned their boats but their income was not appreciably different, ranging from \$80 to \$150 per month. 80% of households in Community B derived their livelihood from fishing. The rest were in related occupations: pukat tunda⁸ makers (6%) petty trading in fish and fish productions (3%). About 9% were engaged in jobs unrelated to fishing whilst 2% were unemployed.

Table 1
Community A

<i>Monthly Income (\$)</i>	<i>Number</i>	<i>%</i>
90-120	120	75
120-150	40	25
	160	100
Mean Monthly Income: \$112.5		

Table 1A
Community B

<i>Monthly Income (\$)</i>	<i>Number</i>	<i>%</i>
51-100	122	83
101-150	15	10.2
151-200	10	6.8
	147	100.0

Mean Monthly Income: \$88

Education

Information on education was not available for Community C. But the data obtained from Communities A and B suggests clearly that the poor were also barely literate.

Facilities

The physical accessibility of certain facilities and services may heighten awareness, perception and use. For this reason the existing facilities were mapped.

⁸ A kind of fishing net.

In Community A the town had a hospital, served by two doctors; a family planning clinic staffed by a nurse, who gives advice to housewives on family planning. A health centre looks after the health of the people. It provides services at two levels — a staff nurse and her assistants provide maternal and child health care and school health services, for example, vaccination and immunization against tuberculosis, poliomyelitis and smallpox; while an overseer, with the help of assistants, looks after environmental sanitation, and health officers ensure the safety of food sold in the market for human consumption.

Table 2
Level of Education

Level	Community A		Community B	
	No.	%	No.	%
No education	—	—	9	6.0
Primary 1 — 4	142	89.0	96	64.0
Primary 5 — 6	18	11.0	43	28.7
Form 1 — 3	—	—	2	1.3
Total	160	100.0	150	100.0

Other government and quasi-government departments included a MARA office, and the Agricultural Departments; fishermen are looked after by the Mersing Fishery Department, staffed by a licensing clerk who issues licences and receives licensing fees, and, an enforcement officer to see that conditions attached to licences are not violated. A Fishermen's Association, a statutory body situated in the same building, is headed by a manager and a general clerk. A quasi-governmental body, the Lembaga Kemajuan Ikan (Majuikan) inaugurated to provide commercial enterprise in the fishing industry and to improve the general well-being of the fishermen, is headed by an officer who is assisted by a clerk. A land office is situated in a new government office building to look after land matters.

Executive and policy matters are decided from time to time by an Executive Working Committee headed by the District Officer and 2 Assistant District Officers and a police officer. A Police Department is situated right in the centre of the town.

A court house, situated in the centre of the town, houses a magistrate's court and a sessions court. There is no regular magistrate but a visiting magistrate comes fortnightly to dispense justice. The sessions court sits from time to time as cases arise. In 1974, there were 63 cases being tried in

the magistrate's court, mainly dealing with petty thefts, causing hurt, trawler fishermen violating the three miles fishing limit (trawlers are only allowed to fish outside the three miles limit), gambling and immigration cases. There were altogether a total of twenty-three sessions court sittings, mainly dealing with drug cases (15-18 cases), a few road traffic offences and one or two criminal breach of trust cases.

The thirty-six civil cases in the magistrate's court and eighteen in the sessions court in 1974 mainly involved claims under the Money-lenders Ordinance, accident claims and non-payment of rent by government low-cost housing residents. There were five juvenile cases, all involving petty thefts. The court clerk was of the opinion that the crime rate of the town was very low, as compared with the total population of 34,657 people.⁹

It is important to note that there is no law firm to serve the town and the nearest law firm is in Kota Tinggi,¹⁰ a town about twenty-three miles away from Mersing. The nearest Legal Aid Bureau is in Johore Bahru, some 83 miles away.

Muslim Law matters, such as marriage, divorce and maintenance and custody are looked after by a kathi, who is assisted by three clerks.

A social welfare office, headed by a social welfare officer, a social science graduate, assisted by an assistant social welfare officer, two clerks and voluntary worker, look after the town's social welfare needs.

Community C was a well-knit administratively structured community having been brought into existence after deliberation and planning.

The cash crop grown in this FELDA scheme is oil-palm. The scheme was opened in 1972 so that the oil-palm was 2½ years old. There is a total of 363 Malay settlers with 25 staff personnel to man the scheme. The scheme is run on a block-group system, each group consisting of a 100 odd settlers. The settlers are provided with the necessary agricultural implements as well as seedlings, fertilizers, etc., at Government expense. The cost incurred is debited to the settler's account and is deducted from them after profits are made from the sale of the crops. The settlers are paid a fixed amount per month (approximately \$70 per month) until their crops are ready for sale. This income is also debited and deducted eventually from them.

The Area Manager manages the entire scheme with his staff of field assistants, clerks, typists and social workers. Mandores are appointed from the more enterprising of the settlers, to supervise field-work. There are also

⁹The figures were obtained from the Records of the Magistrate's and Sessions Court, Mersing.

¹⁰At the time of writing this law firm was reported to have been closed.

"Block-leaders" to man the blocks. The Ustaz, Kathi and Imam are appointed to assist in religious matters. The social structure of the community is further reinforced with the establishment of seven associations of which the settlers are all automatic members. The seven associations are:

- 1) Badan Tenaga Pertanian
- 2) Badan Bantuan Pelajaran
- 3) Badan Tatatertib
- 4) Badan Sukan dan Kesenian
- 5) Gabungan Pergerakan Wanita
- 6) Syarikat Kerjasama
- 7) Badan Khairat Kematian

The services infra-structure includes a clinic with a Family Planning store (kedai syarikat). The scheme lacks a Police Station, Fire Station, transport services and welfare services.

(No study of the infra-structure services available was made in respect of Community B).

The Survey – Methodology

The survey was conducted on two levels:

First, a questionnaire was administered to the sample community.

Secondly, answers obtained therefrom were utilised in a series of unstructured interviews with the community leaders and service agency personnel whom the sample groups identified as "sources" they turned to. This was done to ascertain the community leaders' perception of problems the poor in their community faced, and the problem-solving mode they employed or would recommend. Their ability to identify a problem as 'legal' and their suggestion of legal solution were particularly noted.

Part I

The questionnaire¹¹ was divided into four sections:

Section 1:

Consisted of a series of hypothetical problems covering a wide range of problems covering consumer protection, landlord-tenant, welfare benefit, debtor-creditor, child custody, child-arrest, divorce and maintenance, will and estate problems. The subject was asked simply what he would do if faced with a similar problems.

¹¹ The questionnaire was adapted from that used by the Duke Staff Law Journal in a similar survey.

Section 2:

Probed the subject's knowledge of problem solving modes and his experience in utilizing these resources. His knowledge of the functions and the range of services provided by the various service agencies was tested. He was also queried about his personal experiences, if any, with such agencies.

Section 3:

Looked into the actual problems the subject had faced. His actual responses to these problems were evaluated: What he did, what source did he have recourse to; where he did nothing, what caused his inaction. The areas covered those in Section 1 as well as injuries in the course of employment. It was also sought to ascertain the reason for any variation between his answer to the hypotheticals ("What he would do") and what he actually did when faced with a problem.

Section 4:

This covered background information about the subject.

Part II

This consisted of unstructured interviews with "Community leaders" who included personnel of service agencies operating in the poverty communities.

They were first posed hypotheticals and asked how they would advise if someone approached them with a similar problem. In this way their "legal" perception was adjudged. They were asked how they would and did respond in an actual situation. Insofar as community leaders were the "pointers" in the community to other referral sources, their knowledge of agencies servicing the communities was tested. Their ability to make referrals to proper redress-sources was adjudged. It was also sought to ascertain factors which inhibited appropriate referrals.

All the subjects, including the community leaders, were reported to be exceedingly co-operative in all the three surveys.

DEFINITIONS

It is important to explain the terminologies employed throughout this article.

"Poor"

To avoid the controversies surrounding the definition of this term, the concept of "absolute poverty" in contra-distinction to "relative poverty" is relied upon. This is defined by reference to personal income. The cut-off point for absolute poverty below subsistence level is fixed at an income of \$85 per month for a married person and \$50 per month for unmarried

person. For absolute poverty above subsistence level but below a fair living standard, the respective cut-off points are \$86-\$300 (married) and \$51-\$150 (unmarried).¹² Given that there was an average of 6-7 members in the families interviewed, all the sample households came within the definition of "the poor".

"Legal Problem"¹³

Insofar as the definition of "Legal problem" involves a consideration of the defined norms, responses and values of the community under review, it defies precise formulation. A "legal problem" may be said to exist for an individual when he perceives he has one. It is the individual's perception of self in relation to the community and law that determines when a problem is called a "legal problem" - which is intimately involved with a sense of injury or a sense of responsibility - a recognition of rights and duties. The recognition of a legal problem does not however automatically follow from a sense of injury. There must necessarily exist a preliminary process whereby injury converts to a claim or a sense of duty converts to adjustment. Viewed thus, a legal problem may be defined as a situation, which by common agreement, is capable of legal resolution, or a situation in which a lawyer's services could have possible effect.

"Legal Needs"

This is usually described as the lack of equal access to the formal processes of adjudication inasmuch as claims of injuries are worthless without recourse to redress channels. This definition is narrow in that it refers only to physical needs e.g. legal services, loans and credit programs, employment benefit and social welfare aid. It fails to consider the broader functioning of the Legal System whereby conflict identification and resolution can occur in advance by counselling or negotiating at the individual and group level or legislating at the community level.¹⁴ In this study, the definition in its wider context is employed.

Part I The Questionnaire Study

A. The Hypothetical Problems

The first set of questions consisted of a series of hypotheticals designed to

¹²The figures are derived from estimates previously made by FELDA in determining the amount payable as an allowance to the settlers.

¹³See F. Raymond Marks Jr., *Legal Needs of the Poor - A Critique*, p. 4.

¹⁴*Ibid.*

elicit responses on areas which, it was thought, affected the life of the poverty communities. These hypotheticals were generally utilized to test perception of a problem as legal, knowledge of legal and other problem solving means and willingness to take action. They were also aimed at determining the correlation between environment factors — education and actual problems experience — and the ability to recognize and utilize and effective problem solving means, legal or otherwise.

The following results may be summarized:

First, the communities' perception of a problem as legal and their knowledge of legal and other problem solving means and willingness to utilize these means were conditioned by their understanding of their rights. Given that their conception of their rights was very poor, the poor were unable to perceive problems as amenable to legal redress. Consequently the remedy resorted to was self-help. Thus, to the hypothetical poser — what they would do if their landlord refused to repair their house — an overwhelming majority were content with undertaking repairs, themselves, 50% in Community A and 70% in Community C. A small number of the rest (3.3% in Community A and 10% in Community C) suggested moving house if the disrepair grew worse. They had no conception of the obligations of the landlord. This may have been aggravated by the absence of any kind of agreement regulating the tenancy although it is more likely that ignorance as to their rights and others' obligations made an agreement superfluous.

Similarly, to the question — what if an article they purchased malfunctioned, 80% in Group A and 71% in Group C would repair it themselves.

Arising out of their failure to recognise problems as legal, a disturbingly large majority said they would not know what to do. 63% in Group A and 79% in Group C said they would not know what to do if they were unjustifiably denied Social Welfare Benefits.

In the house repair poser, 3.3% in Group A and 10% in Group C answered that they would simply shift house.

In the malfunctioned article poser, 10% in Group C responded they not know what to do. In the child custody problems (what they would do if one parent had unjustifiably taken the child from the other) 40% in Group C said they would do nothing.

In the divorce poser (what they would do if they were divorced and had no money) 40% in Group C had no idea what they could or would do.

Secondly, there were some members of the sample communities who had a general notion of wrong, and on this formed a broad notion of their rights. But, when aggrieved they felt unable to assert and establish these rights. Instead they placed reliance on others. In some instances their reliance would lead to an effective resolution of their problem as in Group C when they relied on the Area Manager. But often the communities were almost totally dependent on those who invariably stood in a more or less

exploitative relationship to them. The boat-owners and shop-keepers were unlikely to undermine their own interest by advising the rural poor to assert their rights against them. Thus the communities' reliance on them sometimes stultified perception of problems as legal.

Indeed against them there is little the poor think of doing nor even think they are entitled to do. Legal remedies against them were rarely contemplated. For example, if they fall into arrears in their loan repayments with a moneylender or if he charges them high interest rates or where the lender also, for example, owns the boats they use for the fishing enterprise and he makes them sell their catch at depressed rates, their only recourse is to entreat him with pleas of mercy to be charitable.

Thirdly, those in the group who answered they would take action appeared to react more out of indignation based on their broad notions of right and wrong. But they were not aware of their rights, the consequences of ascertaining their rights and whether they had taken these consequences into account when suggesting their answers. For example in the poser about goods they purchased malfunctioning, 10% in Group C and 22% in Group A suggested stopping payment; but in the face of a shopkeeper who sued or threatened to sue them for arrears of payment it is unlikely that they would maintain the same stance.

This could be said for the house problem poser too. 7% in Group A and 20% in Group B suggested stopping payment. It is more likely that in the face of an implacable landlord bent on enforcing his rights to arrears of rent the poverty community would have backed down.

Fourthly, an extraneous factor, religious upbringing, contributed to a heightening of knowledge of problem solving means as well as a willingness to utilize them. The communities are staunchly Islamic and familiar with some of the more generally-known facets of Islamic life — one of which is that the Kathi is the representative of the faith in the community. He solemnises marriages and any problems relating thereto, e.g. maintenance, divorce, child-custody are within his jurisdictional purview. Thus almost all in the sample said they would refer to him if they faced problems pertaining to matrimony. That their knowledge was confined only to the more common known features was made patent when they were queried on aspects of the Islamic law of inheritance. The Group A sample understood that all property could be willed away whilst the Group B sample thought willing away property was not permitted by the Quran.¹⁵

¹⁵ The true position is that a Muslim can bequeath by will only one third of his net assets, a bequest in excess, however, is valid if his heirs whose rights are infringed thereby, consent to it. Such consent may be express or implied.

See W.R. Roff: *The Origins of Malay Nationalism* (Yale University Press) 1967 at page 20.

Fifthly, it appeared that prior contact with an administrative source may have not only improved their knowledge of their rights but increased as well their willingness to pursue their rights within the administrative framework. Thus of the 23% from the Group A sample in receipt of financial assistance from the Social Welfare Department 66% said they would appeal to the Ministry if their benefits were discontinued at the periodic review. Those not in receipt at all said there was nothing to be done. Similarly, a very high majority (88%) of the Group A sample stated that they would contact the Fisheries Association for help in purchasing their own boats, a new engine or new fishing nets. The fact that 77% of the Group were members of this Association and knew of its subsidy scheme had no doubt a strong bearing on this source information.

Conversely previous experience also appeared to work negatively. For example in Group C, in relation to the child custody poser, 40% said they would do nothing. This was because from their previous experience they knew that the Kathi did nothing against the errant spouse.

Sixthly, the poverty community had an overwhelming view of authority which inhibited or stultified their ability to perceive a problem as amenable to the legal process. This was most strikingly demonstrated in the answers to the query — what the parent would do if the child was charged for a criminal offence. It was generally felt that the authorities would not have initiated the criminal process unless their child was in fact guilty. Consequently, although experience had proved their intercession with the police authorities futile, they still felt that was the only "remedy" to pursue. Intercession meant the usual pleas for clemency.

Seventhly, it may be tentatively suggested that the poverty communities preferred conciliation to conflict. Perhaps for this reason they did not think of 'asserting' rights, as is required under an adversary legal process. The use of the lawyer, associated with the process, was therefore never even contemplated, even in the child arrest problem where the role of the court and the "law" is more clearly visible.

This may account, for example, in the house repair poser, a large majority in all three samples either attending to the repairs themselves, shifting house (54% in A, 80% in C) or appealing to the owner to repair (39% in A).

Finally, our legal system is based on self-identification of injury and wrong and self-selection of a remedy. Amongst the poor, as we have seen, this self-identification/selection process is virtually non-operative. Consequently the viability of the legal system, in relation to poverty communities at least, is questionable.

B. Knowledge and use of Resources

As stated, this part of the questionnaire sought to ascertain the knowledge and use of resources available to the community. Information elicited also

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sought to establish the degree of the subject's knowledge of a particular programme, his reactions to any experience with its, and how he learnt about it.

The Legal Aid Bureau

Insofar as the perception of problems as legal was virtually non-existent, it is natural to assume that the subjects would not contemplate the use of agencies based on legal modes or problem solving. This probably accounted for a large majority in each sample being ignorant even of the existence of such a bureau.

Secondly, even of those who had heard of its existence, the majority were unclear of its service. 8% of Group C thought it provided social welfare services. The rest could hardly define its functions even in generalized terms. Some had discovered the Bureau fortuitously — a subject in Group B knew of it as it was housed in the same building as another office he had visited.

Thirdly, the bureau were in two cases distantly located — 83 miles from Group A, 30 miles from Group C. For those aware of the Bureau's existence, but unaware of the exact range of its services there were reasons discouraging its utilization — first the prohibitive cost of travelling and secondly the loss of the day's wage.

It may finally be noted that almost all the groups reacted enthusiastically to the use of such a bureau, after explanation of the services it provided.

Private Lawyers

The sample communities were familiar with the "private lawyer". They had no recourse to his services. This may have been understandable given their inability at legal perception. Strangely, it was their distorted view of his role which primarily cut him off as a problem solving source. They viewed the lawyer as a defender of criminals. Hence their defensive retort — "why should I see a lawyer when I have done no wrong!" Only 3 people had ever seen a lawyer (all in Group B). Interestingly, someone from outside the community had advised and referred them to a lawyer. One of them changed lawyer mid-course because of high fee-experience. All the three sought consultation on problems relating to land disputes. It was reported that in these cases amicable methods of effecting a settlement were exhausted and found wanting before resort to a lawyer was made.

The Fishermen's Association

More comprehensive set of answers were elicited from the Group A sample. About 123 in the sample were members of this Association. The rest had heard of it and all were also familiar with its subsidy schemes. A very high number (80 out of the 123) had applied for some form of

subsidy but only 45 were successful. A very high percentage (66%) of the unsuccessful did not know why they had been denied nor did they attempt to find out. Again, the general lethargy in following up denials may be ascribed to the powerful role attributed to the Association and its functionaries as well as the subjects' non-conception of their rights.

Significantly, more knew of the existence of a related body -- Lembaga Kemajuan Ikan.

Loan Sources

The loan sources include the Bank Pertanian, the Credit Guarantee Corporation -- CGC (dispensed through Banks), Badan Tenaga Pertanian (in the Group C sample) and MARA.

All of these loan sources made special arrangements for the provision of loan facilities at low interest rates for the kind of sectors represented by the sample communities.

Beyond the general knowledge that Banks are for money, there was no knowledge of the range of the special loan services designed for them. No one knew of the procedure to follow to obtain a loan. Some felt that since they could furnish no security, they would be clearly ineligible. This indicated complete ignorance of the security-free CGC loans. It appeared that the sample communities steered clear of agencies which typified intricate and dilatory procedures.

Family Planning Clinics

There was a wide divergence in the results of the different poverty communities. In sample A, 90% had heard of its services, in sample B all the women-folk, and in sample C, 77%. There was general male apathy suggesting that it was considered a woman's task to "plan" a family.

In sample A, agency use was amongst a very few. In sample B, a mere 7% of the women-folk had gone to the clinic out of which just over half were practising it. This contrasted strikingly with Sample C where more than 55% were actually practising it. This disparity is explicable by reference to the process by which the communities were initiated and educated into the use of this service. In the Group C sample, there were talks on this subject given as part of the weekly talks by *Gabungan Pergerakan Wanita* of which all women-folk are members. This was coupled with house calls made thrice weekly by experienced social workers who also supervised those practising family planning. In the other 2 groups, there were house calls but little by way of intensive education persuasion and guidance. The reaction to their contact with this agency may indeed be seen by their use of this facility. The vast majority in Group B still distrusted and feared the use of the pill. The overwhelming majority in Group A were indifferent to the service.

Health Centre

The sample communities again had a narrow perception of the role of the Centre; they recognised its use for provision of medical services including maternal and child care. But few were aware of its sanitation services which encompassed an important range of activities – environmental cleanliness, control of food sold in markets, school health services, preventative and curative treatment for diseases such as malaria and cholera.

Labour Office

Few of the interviewees recognised that recourse could be had to the Labour Office for protection against unscrupulous or delinquent employers who failed to comply with the minimum provisions stipulated in the Employment Ordinance 1955.

Conclusion

First, knowledge of existing services was often non-existent in important areas where distributive mechanisms theoretically exist to mitigate some of the harsher consequences of poverty. Where knowledge existed, it was extremely rudimentary and confined to areas of immediate use to the subject.

Secondly, as a consequence, the use of the services was small. Their use was greater in relation to immediate bread and butter questions. Use was also heightened where there was intensive propaganda coupled with constant supervision and careful guidance.

Finally, they acquired knowledge and use of resources primarily through bodies of which they were members and which provided them with a steady flow of information on specific services. Intensive education via voluntary organisations was also useful where it was sustained and carefully followed-up.

Responses Related to Personal Background and Characteristics

It was difficult to establish a correlationship between personal background and characteristics.

The educational attainment ranged from Primary 6 (Malay medium) to nil. Persons having attained the higher educational level were sometimes as inactive as those who had no education. A similar correlationship was discerned between educational attainment and knowledge of community services. Formal education thus did not appear as a factor enhancing legal activism or knowledge of resources, although it is quite probable that the difference in level of educational attainment between members of the sample community was insufficiently marked to help establish a causal relationship.

It was also difficult to determine the effect of employment as well as

family background on activism or knowledge of resources. This was because the sample communities, by and large, supported a single occupation which was passed down from father to son. There was also no reported community activity in which members of the sample group were involved.

Sex too had a minimal impact on both activity and community knowledge except in relation to the Family Planning Clinic resource. This was because the men felt the responsibility for "planning" a family was solely the women's task. This view was further promoted by educational campaigns on family planning being conducted by exclusively women's organisations, as was noted earlier in relation to the Group C sample. Generally, the man as the head of the family had a better rating but this view may be misleading as the questionnaire was dispensed in the first place to the male bread-winner; only when this was not possible was the woman asked the questions.

C. Study of Actual Problems

This part tested the way in which the communities handled actual problems they faced. Their methods, course of action and the success or otherwise of the outcome were compared with their answers to the hypotheticals and their levels of knowledge of available resources. The effect of problems as a learning experience and the factors which enhanced the ability of particular individuals to become more effective problem solvers were analysed.

Injuries suffered in the course of Employment

The number of subjects who reported suffering injuries in the course of employment were: Group A - 12, Group B - 6 and Group C - 38.

Those who suffered relatively minor injuries did nothing about it. The rest approached the employer for financial aid, prompted, not by any conception of their entitlement to compensation, but by the pressing financial difficulties created by their incapacity. In some cases they received no wages during their period of disability. The two fishermen in Group A who approached the employer were both given a small amount to meet medical expenses. The employer was also reportedly willing to advance them a loan. Two of the four in Group B who approached the employer were paid a small compensation. They were satisfied. The other two rejected did not know the reasons. Although they expressed dissatisfaction, they did nothing to pursue their claims, reasoning that would only get them into trouble. Dependent on him for his livelihood, the employee is quite naturally unwilling to tip his rice-bowl by making claims against his employer. The initial reference to him was in the nature of a humanitarian plea.

In sample C 3% of the affected were activists who scored high on the resources questionnaire. A majority of them applied for personal loans even when they suffered minor injuries. They did not however demand compensation as they said they did not know what was involved in making the application. Although they felt that some kind of reimbursement ought to be given, none of them took up the issue with the Authority. They reported unfamiliarity with the procedure as the prime factor discouraging pursuit of their claim.

In none of the cases were the services of a lawyer sought.

Consumer Problems

About 15 (Group A) and 23 (Group C) subjects reported purchasing items on cash payments which were later discovered to be defective. The activists and semi-activists took the items back for repair or exchange. A fraction of them did nothing primarily because of the small value of the item. Those who did nothing scored low on the hypotheticals and knowledge of resources. In the hypotheticals they had suggested self-repairs.

A very high percentage in all three samples reported purchasing items on cash payments which were later discovered to be defective. The activists defective goods. This proved effective insofar as the seller did not take legal action against them but, instead, repaired or exchanged the items.

A high percentage reported experiencing difficulties in making instalment payments. All sought credit extensions from the sellers, which were granted. The reasons for their action in this may be because, first, they were forced to do something or face trouble, secondly, their familiarity with the dealer, a 'local', made it easier for them to approach him with their problem and, thirdly, their knowledge of successful problem experience of other members of the sample community.

No one sought legal aid or advice.

Loan and Credit Problems

A high percentage of the communities, quite unsurprisingly, experienced debt problems. In Group C, they owed money to local moneylenders, in Group A they took loans from close friends and relatives; they also incurred debts for the purchase of sundry goods and food from the village grocer.

Interestingly, in Group C, although all were familiar with the personal loan facilities, a significant number sought loans from unscrupulous moneylenders from the nearby town primarily because they preferred the speedier methods of the moneylenders.

Faced with an over-due debt problem, the subjects asked and almost inevitably succeeded in obtaining credit-extensions. This recourse typified all the subjects, activists, semi-activists and non-activists and suggested that

in situation where it was necessary to take action, the response was identical.

The fishing communities (A & B) were plagued with debt problems. To pay for their fishing expenses mainly, they took loans from the towkay. These, though interest-free, were given on one condition that the fish must be sold to him. The prices he then fixed were well below market value. This in turn depressed the fisherman's wages who was forced to borrow again. The same was true of the debt problem he had with the transport companies who helped transport his fish. The community felt that there was no solution to this problem and were unaware of other better-regulated loan-source.

In Group C, two reported being sued in Court for a debt. One was an activist, the other a semi-activist and both scored average on knowledge of resources. None engaged a lawyer. This was understandable insofar as both had defined the lawyer as a defender of offenders.

Housing Problems

Group C

The housing problem which confronted the sample most critically was the lack of water and electricity supplies. Although the scheme was opened in 1973 no ground-work had been laid up to early 1975 for the supply of electricity. The water-supply came sparingly and at irregularly unpredictable intervals. There was a build up of pressure by a large section of the community (80%) in pursuance of their demand for the supply of these facilities. Significantly, the non-activists were the majority "agitators". This may suggest that when a problem is experienced in common with the rest of the community, the inter-action between the activists and non-activists and sense of organisation and group participation which emerges therefrom are likely to improve a subject's sense of awareness and his willingness to assert his rights more vigorously.

Group A

In Group A, more than 50% of subjects renting houses had serious repair problems (leaking roofs and broken walls). The majority conducted their own repairs. The rest informed their landlords.

This coincided with the figure in the hypotheticals who said they would do so. Of this 5% had their requests for repairs rejected by the landlords. Some of them actually stopped payment of their rent. Only one had threatened such an action. The majority of those experiencing repair problems were average in knowledge of resources. Cases of threatened eviction by landlords were real in Group A for some 30 subjects on grounds either of failure to pay rent or refusal to agree to an increased rent. The majority in the former situation had negotiated for an extension of payment; whilst

the majority in the latter case had negotiated a compromise figure. This again suggests that confronted with a problem where action was critical, the community responded positively and pursued a viable non-legal problem solving means.

Domestic Problems

The general approach may best be illustrated by reference to what the Group A members did in pursuit of a remedy where the husband failed to pay maintenance for the family.

13 subjects were affected by this problem; the majority of them were semi-activists. They scored well in the resource questionnaire and suggested recourse to the Kathi. But only 3 actually did so, one of whom felt her visit unsuccessful as her husband failed to pay up. Most were deterred in going to the Kathi because of their knowledge that the role of the Kathi was limited by a lack of effective sanctions against the erring spouse. They were also cognisant of their spouses' low income and felt there was nothing they could really do in the circumstances.

Thus knowledge of the ability to secure a result affected the actual use of the problem-solving mode.

An identical attitude typified the responses of the communities to 'custody' problem cases.

Crime and Criminal Problems

First it may be noted that none for whom this problem was real suggested the use of a lawyer. Indeed they replied in the negative when queried whether they had any problem amenable to lawyers' services. They were, on the other hand, cognisant of a lawyer's role, at least in the criminal arena. In the Group A sample, for example, two reported being charged and convicted in court for an infraction of the conditions attached to their fishing licence. They had defined, in the hypotheticals, the lawyer as a defender of criminals yet they did not seek his services. It is possible they did not classify their offence as criminal. In the child-arrest hypothetical, they had not suggested the use of lawyers' services. Consistent with this response, they both maintained that they did not employ lawyers as they wanted to plead guilty — indicating, at least, the non-role they assigned to lawyers for mitigating purposes.

Neither did they contact anyone else for aid or advice, although they scored average on the knowledge of sources. Prohibitive costs of engaging a lawyer were also preferred as an explanation for eschewing reference to him. Also, the difficulty of getting 'in touch' with a lawyer, a point suggestive not merely of a logistical but, as well, a cultural problem — the cultural alienation of the poor from the professional.

Five of the subjects in Group A reported that their children had problems with the law. Four were convicted, punishments ranging from a fine

to three months' imprisonment term. No one solicited a lawyer's services. Consistent with their response in the hypothetical, all but one interceded with the police on their child's behalf. Although this proved unsuccessful, adjudged by the conviction rate, there was no alternative problem solving style resorted to nor even suggested. Whether their experience with the court process lessened their view of law as a problem solving mode is difficult to establish. What is clear however is that such contact did not increase their legal perception.

Conclusion

Generally, the communities responded feebly when confronted with a problem. Their choice of problem-solving channels was ineffective. They performed particularly well where they had no choice, e.g. overdue payments, in which situations they adopted viable non-legal means of redress. Prior experience with agencies, either direct or indirect, sometimes tended to discourage use where there was a failure to obtain an effective remedy. This also explained, in some cases, the wide divergence between answers in hypotheticals and responses to actual problems. Even where a remedy was pursued, there was no follow up until final resolution. Often a mere denial resulted in an abrupt end to the subject's quest for a remedy.

There was practically no recourse to lawyer's services. Generally there was reflected in the answers, a difficulty in identifying a legal problem in a real life situation. Consequently access to existing legal problem solving styles was hampered. All in all, by way of impressionistic comment, it may be concluded that

- a) The impact of even the skeletal knowledge of the poor about legal resources and problem solving styles upon the use of such resources and styles was practically nil.
- b) The poor's non-use of the legal system suggested that they perceived the legal system as largely expensive and therefore inaccessible.

Part II Community Leadership & Service Agency Interviews

It was seen that the poverty communities under review sought help from varied sources. They had, as it were, their own "network of aid". This part of the study attempts to evaluate the role and efficacy of this "network". Through a series of unstructured interviews, it was attempted to assess the knowledge and problem solving ability of the community service agency personnel and other community leaders, particular attention being given to those whose aid the poor sought. The questions were also aimed at ascertaining the individual's knowledge level concerning existing problems and assistance available from their own and other agencies as well as their ability and willingness to make appropriate referrals. Evaluation of the survey responses centered on

- a) the leaders' perception of various problems;

- b) their attitudes towards the availability and utility of legal assistance;
c) the attitude of service personnel towards their clients and the importance of their work.

The Social Welfare Offices

The responses in all three samples were strikingly identical. The ensuing discussion is based primarily on the Group A study.

The Social Welfare Office consisted of one Social Welfare Officer, an assistant, a voluntary worker and one general clerk. The Social Welfare Officer, a social science graduate, was familiar with the programmes provided by the Department. She reported knowledge of the existence of the Legal Aid Bureau and had made referrals to it in maintenance and divorce cases. The main function of the Department was the provision of public assistance in the form of cash. About 275 families in Mersing were receiving benefits under the various benefit programmes.

Welfare department knowledge concerning programmes of other agencies was low. The officers were not conversant with the programmes of the Fishermen's Association, the Land Office and Health Centre. They had vague knowledge of even the existence of the Credit Guarantee Corporation and the Lembaga Kemajuan Ikan. Similarly they were ignorant of the proposed housing project for fishermen. The degree of inter-agency knowledge and co-operation was low, given that the town was small and the agencies sited close together. Their knowledge of their own operations was good.

The Department elaborated on the main reason which led to a termination of the benefits. This occurred when a member in the family worked, thus raising the family's income well above the minimum income level stipulated in the means test. This was justified by reference to the heavy demands made on their limited budget for public assistance by other members of the community.

The personnel displayed the same limited notion of problems as 'legal' as the sample communities. Only divorce and maintenance cases were considered amenable to the legal process. None regarded consumer and housing problems as capable of a legal solution.

In Group C, the Officer advised a subject consulting him on divorce to reconcile for the sake of his children.

There were, in the Group A sample, referrals to the Legal Aid Bureau, Johore Bahru, on divorce and maintenance cases. No reference was made to lawyers primarily because of the realisation that they could ill afford such services. No attempt was made to ascertain with the subjects whether they consulted the Bureau and whether their problems were satisfactorily resolved.

Fishermen's Association

Established pursuant to the Fishermen's Association Act 1971, its wide ranging objectives include the restructuring of fishermen's community and narrowing the economic gap and imbalance; to create a commercial and industrial fishing community; to have viable industrial activities at fishing centres with the aim of increasing the working opportunities of fishermen; to provide the fishing community with marketing, credit, storage and other fish processing facilities and services; to encourage thrift and co-operation; to have savings and loans schemes among the members; to encourage members to invest their capital in business ventures; to increase the income and catch of fishermen by providing education and training in modern fishing techniques; to encourage the spirit of unity, progressiveness and general well being among members; to act as arbitrators in disputes between members. The only programmes actively undertaken was the provision of subsidies for the purchase of fishing gear. Amongst its forthcoming projects were the training and education of the community in fishing and related fields. A marketing complex was being built designed to market fish as well as sell ice and diesel at subsidised rates to members.

The Association's knowledge of the programme of other agencies was poor. Some of their personnel had not heard of the Legal Aid Bureau at all. They knew of the Welfare Department's financial aid programs but only in broad terms. They did not suggest the CGS's programs to the community possibly because of the feeling that no such loans would be made, given the rather low income level of the fishermen. They were however well versed with the programmes of the Lembaga Kemajuan Ikan, a fact strongly related no doubt to the fact that the Association was now directly under the Lembaga. The degree of inter-agency knowledge and co-operation was consequently poor.

The legal perception of the manager was only slightly better than that of the sample group. He did not perceive consumer or housing problems as capable of resolution via the legal media. Consumer debt problems were often cited to him as a reason for loan applications. He appeared to be effective in suggesting non-legal remedies to resolve two of the commonest problems that were referred to him. The first was financial problems. If it related to the subjects' fishing business and came within the ambit of the Association's subsidy/loan scheme, he would help by making available this facility. Otherwise he referred them to the Social Welfare Department. The second related to the conflict between those who fished with drift nets and trawler fishermen. The trawlers contrary to their fishing licence conditions, often encroached into the former's zone and, as they usually fished at night to avoid detection, damaged the drift nets in the process. The Association acts as arbiters in this conflict and usually awards compensation to the aggrieved net drifters.

The attitude of the Association personnel was sympathetic. They recognised that Chinese, especially Singapore Chinese middlemen, exploited the fishermen's weak and dependent position to their advantage. Owner-operators facing marketing and distribution problems were at the mercy of these middlemen who charged exorbitant transport fees. Through advances in payment, they kept the fishermen dependent on them and forced the latter to sell them fish at depressed rates.

Majuikan

This is a statutory body set up pursuant to the Lembaga Kemajuan Ikan Act of 1972. Its main thrust consists of increasing employment opportunities amongst the fishermen as well as of enhancing their income.

The "trawler project" was one of its more important programs designed to create more fishermen to operate it. The profits from the catch were shared 55:45 in favour of the fishermen. Once Majuikan recovered its cost of building boats, the ownership of the boats was transferred to the fishermen. Through the Fisheries Department, the Board had secured technical assistance to build a jetty which would provide landing and marketing services for the fishermen.

It was also proposed to set up a subsidiary company — Syarikat Pemasaran Ikan Malaysia, which would eliminate the vicious hold of the middlemen by purchasing fish from the fishermen at controlled prices more reflective of the market value. Secondly activities like processing of fish products were planned which, by engaging the services of the wives of fishermen, would help improve the economic level of the community.

The Kathi

Kathis are district religious officials and administer the Muslim Law. Their functions include the adjudication of matters relating to Muslim law usually pertaining to marriage, divorce, maintenance and custody cases.

The Kathi, primarily because his functions were widely known to be clearly delineated, was never consulted on non-matrimonial related matters. He displayed knowledge of the Legal Aid Bureau but, in Group C, he deliberately refrained from making referrals thereto on the ground that by advising either party to take the case to the Bureau, he would be accused of being partial. His concern was perhaps justified considering that he had to finally adjudicate the dispute.

His difficulties stemmed from his limited powers which prevented him from enforcing his orders; this coupled with the very low income of husbands (hence they could not keep up maintenance payments) discouraged references to him by the poverty community. The Kathi in Group A had referred 4 cases to the Bureau so far but he felt that distance and the prohibitive cost of travel made the Bureau sometimes an unattractive referral service.

The legal perception of the Kathi was only a little better from the rest. But as he was not approached on non-matrimonial affairs, this was of little consequence.

The Health Department

(a) Family Planning Clinic (Group A Study)

This was staffed by a nurse and 3 assistants. It provided the full range of family planning services and was well-known among the community. Because of its clearly defined functions, the clinic reported no consultation on matters outside its purview. There was on the part of the clinic personnel, at any rate, minimal knowledge of other agencies. There was no knowledge of the existence of the Legal Aid Bureau. A few (3-4 mothers) had consulted the nurse on the possibility of obtaining abortions. She had advised that it could not be done. This of course was misleading insofar as there are certain circumstances e.g. mother's health, permitting abortions.

(b) Clinic (Group C)

Staffed by 2 nurses and a part-time doctor this clinic provides medical services. These are limited to treating minor illnesses and immunizations. Major illnesses and emergencies are referred to the hospital at Kota Tinggi. The clinic also provides child care advice, pre-natal care, birth control advice and material and immunization shots.

Agricultural Loans Committee (Group C)

This committee provides loans to settlers. It also provides them with agricultural supplies such as seedlings, insecticides and fertilizers. Settlers are encouraged to initiate agricultural projects on lands given to them and the committee is designed primarily to foster this.

Although all are members and aware of this committee and its functions, only 60 settlers had applied for loans.

A good deal of paper work precedes a request for loan. The criteria is rigid for the settlers - whether the project is worthwhile, how much is applied for and, importantly, ability to repay. Finally the amount given was small. The chairman appreciated factors inhibiting applications but felt obliged to follow the guidelines and reported that he could do nothing to improve the loan facility.

Asked what he would do if, say, settlers grouped together to request for a big loan, he appeared uncertain. He finally suggested referral to the Land Office at Kota Tinggi, but was unable to specify what the latter could do to help. He was unaware that the agricultural office or even the area manager could help them by applying on their behalf for a loan from the Credit Guarantee Corporation. His ignorance may be understandable as the settlers had never asked for a big loan; but his lack of knowledge may in

fact impede them from so doing. As the tasks were specific, the committee was not consulted on areas outside its purview.

The Area Manager (Group C)

The Manager manages the entire scheme and occupies a central position vis-a-vis the settlers. He was a graduate from a local College of Agriculture. He was approached by the settlers on a wide variety of problems.

His knowledge of referral sources was adequate. For loans facilities he suggested referrals to the numerous existing sources although he confessed to his ignorance of the procedure for making the application. He recognised that insofar as the loan facility was available for initiating projects, the referral was meaningless to someone in dire financial straits. The distance to sources also inhibited referrals. His legal perception was limited. He reported that he would not recommend a lawyer unless the settler was "deserving" by which he meant trust-worthy, of good behaviour and a good worker! Additionally his recognition that the settlers could not afford the services of a lawyer rendered a referral futile. Although he knew of the Legal Aid Bureau, he was unaware of its programs. If the services were free, he said he would recommend legal assistance. The Manager reported being consulted by settlers who had taken loans from local moneylenders. His only remedy was to negotiate for credit extension and he often interceded on their behalf.

The Area Manager was sympathetic towards the settlers although he sometimes tended to be over-paternalistic towards them. This was reflected in situations where he quite arbitrarily decided, and based on unrelated criteria, when a settler was entitled to a referral to resolve his problem.

Penghulu (Group B)

The Penghulu is the chief administrative officer for the affairs of his mukim (a sub-division of a district) and constituted an important link between the people and the government, maintaining a link with the District Officer who was the chief administrative officer for the district. His multi-farious duties include, keeping peace in the villages, trying and fining petty offenders, reporting on the general progress of the mukim, enforcing government regulations covering areas as diverse as lands, crops, revenue, health and schooling.

In this study, the Penghulu was consulted in most cases by the members of the sample community. He was generally well versed in agencies such as the Land Office and the Kathi but he had poor knowledge of the kind of services provided by the Legal Aid Bureau. His legal perception and knowledge of referral sources was only slightly better than that of the sample community. He suggested negotiating a settlement in the hypothetical on the defective house appliance, indicating his preparedness to intercede if

necessary. In the "nuisance" hypothetical he suggested that he would advise the party at fault to resolve the problem, failing which he would report to the relevant authorities. He eschewed reference to a lawyer and appeared ignorant that legal services were appropriate to this problem. He had never referred a matter to the Legal Aid Bureau although he felt that fee problems discourage lawyer-use.

Employers (Group A)

A Chinese boatowner was selected for interview. He owned two trawler boats and employed 14 fishermen from the community. The wages he paid were computed by reference to the tonnage and type of fish caught. He provided no insurance coverage against death or injuries sustained in the course of employment.

He reported being most frequently consulted about financial problems by employees requesting loans. As indicated earlier, he reported making small loans, deducting repayments from wages. He was familiar with the subsidy scheme of the Fishermen's Association although he had made no referrals thereto. He reported not ever being consulted on consumer, custody, and child arrest to the court and housing to the landlord. He assumed responsibility if his employees were charged for an infraction of the boat rules and suggested he would engage a lawyer to defend them; no such problem had ever arisen so that it was uncertain whether he would seek reimbursement for his expenditures. He reported no knowledge at all of the Legal Aid Bureau.

His real nexus with this employees appeared to be solely pecuniary — and advantaged in his favour. There was no proper contract of service and he reported the right to fire without compensation. He appeared disturbed when asked whether he would welcome laws regulating fishermen's service contracts and the provision of a compensation scheme for fishermen who sustained injuries at work.

The Clerk of the Magistrate's Court (Group A)

The clerk reported being consulted on varied legal matters including the drafting of deeds and contracts and statement of claims. He denied helping them indicating that it was outside his official duties. He referred all such inquiries to lawyers, although he felt the community handicapped by the absence of resident lawyer.

He was aware of the existence of all the service agencies and displayed knowledge of their main programs. He knew of the housing project for fishermen and was aware of the existence of low-cost government housing. He had an average sense of legal perception. Although no reference on consumer, over due payment or welfare problems had been made to him, he reported knowledge that some of these were amenable to legal redress.

JMCL

Helpless parents often consulted him on the arrest of their children. As indicated, he referred them to lawyers.

While aware of the Legal Aid Bureau, he had limited knowledge of its coverage. He listed maintenance and small estates ordinance cases as the only matters on which the Bureau provided services. He cited distance of the Legal Aid Bureau as a factor which discouraged him from recommending its use. Insofar as he was approached by the community on matters which were within the jurisdictional purview of the Bureau, his ignorance of its total services hampered its greater utilisation.

Conclusion

Some agencies appeared to confine their knowledge to their own operational areas. Ability in recognising and referring legal problems was generally poor. Knowledge of other related agencies was, at best, generalised. Consequently inter-agency co-operation was not completely satisfactory. In situations where the source was a single person e.g. the Area Manager (Group C) and the Penghulu (Group B), his level of legal perception was only slightly better than that of the sample community. Knowledge of source of referrals was poor and actual referrals were far and few in between.

There were in some cases unfamiliarity with either the existence or the nature of services provided by the Legal Aid Bureau. Interestingly the clerk of the Magistrate's Court was consulted on legal advice and asked for help in pursuing claims. This suggests (1) an identification of the Court as a possible source of help and (2) a desire to utilise legal services. This in turn indicates that the rural poor, given their simplicity, tend to make a broad functional identification of an agency (e.g. Muslim matrimonial related problems - Kathi; law - courthouse; money - employers).

It appears that their access to an appropriate problem-solving source is highly dependent on a referral by those whose aid they seek. If the 'aider' is unable to make the appropriate referrals the poor's search for a problem-solving mode ends abruptly.

Consequently the low legal perception and poor knowledge of problem-solving means of the community leadership and some service agencies had a direct causal bearing on the access problems of the rural poor.

CONCLUSION

Some interesting characteristics of the poverty groups supposed to obtain advantages from the legal aid effort emerged.

The service appeared not to be reaching all of the intended recipients. This is because they had minimal, if any, perception of the resource and its value. Legal services appeared hardly relevant to a community unable to recognise a problem as amenable to the legal process.

More seriously this study reveals that the poor were dependent on and therefore made referrals to the very people who were the source of their problems e.g. landlords, employers.

There was also dependence on the bureaucratic personnel who operated the distributional systems. This study reveals that a sympathetic attitude on the part of the bureaucratic personnel may encourage the poor to use this service.

G.S. Nijbar*

*Advocate and Solicitor

Appendix 1

Group 1: FREE LEGAL AID

- A. Possess Property not exceeding \$500/- and
 B. Disposable income not exceeding:

(a) Unmarried (not paying rent)	: \$104.00	per month
(rent paying)	: \$134.00	per month
(b) With one dependent:		
(not paying rent)	: \$117.00	per month
(rent paying)	: \$147.00	per month
(c) With two dependents:		
(not paying rent)	: \$128.00	per month
(rent paying)	: \$159.00	per month
(d) With three dependents:		
(not paying rent)	: \$141.00	per month
(rent paying)	: \$171.00	per month
(e) With four dependents:		
(not paying rent)	: \$154.00	per month
(rent paying)	: \$184.00	per month
(f) With five dependents:		
(not paying rent)	: \$165.00	per month
(rent paying)	: \$197.00	per month
(g) With six dependents:		
(not paying rent)	: \$179.00	per month
(rent paying)	: \$209.00	per month
(h) With seven dependents:		
(not paying rent)	: \$191.00	per month
(rent paying)	: \$221.00	per month

Group 2: LEGAL AID FOR WHICH CONTRIBUTION PAYABLE

- A. Possess Property more than \$500.00 but not exceeding \$3,500/-
 B. Disposable income not exceeding:

(a) Unmarried (not paying rent)	: \$291.00	per month
(rent paying)	: \$321.00	per month

(b)	With one dependent:			
	(not paying rent)	: \$304.00	per month	
	(rent paying)	: \$334.00	per month	
(c)	With two dependents:			
	(not paying rent)	: \$317.00	per month	
	(rent paying)	: \$347.00	per month	
(d)	With three dependents:			
	(not paying rent)	: \$329.00	per month	
	(rent paying)	: \$359.00	per month	
(e)	With four dependents:			
	(not paying rent)	: \$341.00	per month	
	(rent paying)	: \$371.00	per month	
(f)	With five dependents:			
	(not paying rent)	: \$354.00	per month	
	(rent paying)	: \$384.00	per month	
(g)	With six dependents:			
	(not paying rent)	: \$367.00	per month	
	(rent paying)	: \$397.00	per month	
(h)	With seven dependents:			
	(not paying rent)	: \$379.00	per month	
	(rent paying)	: \$409.00	per month	
(i)	With eight dependents:			
	(not paying rent)	: \$391.00	per month	
	(rent paying)	: \$421.00	per month	

LEGAL SOURCE MATERIALS IN THE NATIONAL ARCHIVES OF MALAYSIA¹

The purpose of this paper is to introduce the legal researcher to the National Archives of Malaya and to provide some information on the facilities it provides for reference and research. An attempt is also made to provide a rough guide on the legal source materials in its custody.

THE NATIONAL ARCHIVES OF MALAYSIA

Until 1948, no serious consideration was given by the British administrators of Malaya to establish a government department similar to their Public Record Office to receive and preserve this country's records and archives.² In March 1948 the Secretary of State for the Colonies forwarded to the Malayan Government a questionnaire connected with public records prepared by the British Public Records Office. Although its primary purpose was to assess the effects of the Second World War on Malayan public records, the questionnaire also served as a preliminary survey on the need for proper preservation of government records. The exercise prompted the colonial authorities in Malaya to appoint a Committee on the Preservation and Destruction of Records under the Chairmanship of the Solicitor General of Malaya. This Committee recommended that a suitable government agency should be created to carry out the important task of receiving and preserving the nation's records and archives. In May 1955, Mr. H.N. Blakiston of the Public Records Office, London, arrived in Kuala Lumpur to study the local situation and make more definite recommendations and on 1st December 1957, a new government department named the Public Records Office was established. This department was renamed the National Archives of Malaysia in 1963 and is at present housed in the Government Offices Building in Jalan Sultan, Petaling Jaya.

The National Archives of Malaysia has described its objectives in the following manner:³

¹ The writer wishes to acknowledge his gratitude to the staff of the National Archives of Malaya, particularly its Acting Director-General, Datin Zakiah Hanum Nor, for the valuable assistance received during the preparation of this paper.

² For a full account of its history see *The National Archives, First Ten Years* (The National Archives of Malaysia, 1967).

³ The Expenditure Budget of the Federal Government, (The Government Printer, Kuala Lumpur) p. 617.