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AN HISTORICAL PERSPECTIVE OF THE CHANGING  
NATURE OF LOCAL AUTHORITY STRUCTURES:  
A MALAYSIAN CASE STUDY\*

WAN ABDUL RAHMAN

SINOPSIS

*Esei ini cuba menganalisis perubahan peranan yang dialami oleh pemimpin bawahan di Kelantan hasil dari peningkatan pengaruh birokrasi. Dua jenis pemimpin bawahan, Imam dan Penghulu, menjadi tumpuan kajian ini. Esei ini menekankan bahawa disebabkan jawatan Imam adalah di bawah pengawasan dua institusi agama yang agak berlainan, penurunan kuasa dari atas ke bawah adalah bercorak pelbagai hala (multilinear) dan keadaan ini telah memberi kuasa autonomi yang lebih kepada Imam di mana ianya telah digunakan untuk menangkis pengaruh birokrasi yang terus meningkat. Berlainan pula halnya dengan peranan yang dialami oleh Penghulu. Oleh kerana Penghulu hanya di bawah pengawasan satu struktur autoriti sahaja, penurunan kuasa dalam kes Penghulu adalah berbentuk sehala (unilinear) dan oleh kerana kedudukan mereka berada di tengah-tengah arus pentadbiran negeri maka mereka adalah lebih dibebankan dengan peraturan-peraturan dan sebagainya serta pergerakan mereka menjadi lebih terikat.*

SYNOPSIS

*This essay presents an historical account of the changing roles of local-level leaders in the state of Kelantan in the light of increased bureaucratization process. Two types of local-level leaders namely the Imams and the Penghulus were chosen for the study. The essay argues that since the former type of local-level leaders are basically subjected to two different religious institutions, the nature of the transmission of authority from the higher authority structure to the local is multilinear in character and this has afforded them a certain measure of autonomy. The existence of this quasi-autonomous position has prompted them to have a more varied and ambivalent relationships with the immediate bureaucratic institutions binding their roles. In contrast, the Penghulus' position is somewhat different since the Penghulus are only subjected to one authority structure, the state administration. The transmission of authority in their case is formally unilinear and by being placed in the mainstream of the administrative hierarchy of the state, they were more subjected to administrative-bureaucrative pressures, in the forms of enactments and regulations.*

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\*This paper is based on research carried out in the State of Kelantan, in the late 1976 and was originally presented at the Eight Conference International Association of Historians of Asia held in Kuala Lumpur from 25th to 2th August 1980.

## INTRODUCTION

The present essay is an attempt to see in historical perspective the changing position of two local authority structures in the state of Kelantan. The changing position of the two local functionaries situated in these structures is seen as largely a function of an increased bureaucratization process.

One of the prominent features of the traditional (pre-British) Kelantanese polity was the lack of centralized control. This permitted the local religious functionaries (the Imams) to enjoy a rather autonomous position, performing both religious and administrative functions simultaneously. With the introduction of new administrative procedures in the late nineteenth century based on the Thai model, the Imams' formerly autonomous position was somewhat undermined, though not radically. Instances of growing tension between the Imams and the new local civil-administrative functionaries introduced under the Thai model, the *Tok Nebeng* (the proto-type of the present-day Penghulus<sup>1</sup>) were noticeable in the early twentieth century.

The historical circumstances that shaped the dual functions of the Imams, religious and administrative, has manifested itself in the present roles of the Imams in Kelantan whereby they are placed under two different state religious institutions. This has led to their rather ambivalent relationship with the state religious administration, worsened by instances of increased bureaucratization of the administrative structures.

Since the Imams are subjected to two different (though not totally dissimilar) religious institutions, the *Majlis* and the *Mahkamah*, the nature of the transmission of authority from the higher authority structure to the local is multilinear in character. In contrast, since the Penghulus are only subjected to one authority structure, the state administration, the transmission of authority in their case is formally unilinear.

## THE TWO LOCAL AUTHORITY STRUCTURES IN THE PRE-BRITISH ERA

The political system of Kelantan prior to the coming of the British has been described as lacking centralized control; one could only speak of an intermittent if not elusive centralization.<sup>2</sup> The absence of centralized control

<sup>1</sup>For purposes at hand, it should be made clear at the very outset that the term *Penghulus* as used in Kelantan is equivalent to the term *Ketua Kampung* (village head) used in other states of Peninsular Malaysia. Similarly, the term *Penghulus* as used in other states is equivalent to the position of *Pengawas* in Kelantan. The position immediately above that of both *Penghulus* and *Penggawas* is the District Officer.

<sup>2</sup>Cf. Roff, W.R. "The Origin and Early Years of the Majlis Ugama" in Roff, W.R. (ed) Kelantan: Religion, *Society and Politics in a Malay States*, Oxford University Press, Kuala Lumpur, 1974, p. 104; "Nineteenth century Kelantan was only in a limited sense a centralized polity". See also Beaglehole, J.H. *The District: A Study in decentralization in West Malaysia*, Hull Monographs on Southeast Asia, no. 6, University of Hull, 1976, p. 7. Beaglehole seems to have argued for the relevance of the Weberian concept of patrimonialism in analyzing the traditional Kelantanese polity.

seems to have given the opportunity to the local religious functionaries, the Imams, to play an influential role in the periphery (Roff 1974: 104). Their roles were not limited to performing religious functions but they also carried out functions that were administrative in nature including, among others, "the alienation of land, supervision of produce taxes, and assessment and collection of the triennial *banci* or poll-tax" (Roff 1974: 105). The Imams' relatively autonomous position began to be undermined when a somewhat different form of district administration was introduced in the 1860s or 1870s with the appointment of district or "circle" headmen based on the Thai model. The district headmen were known as *Tok Kweng*. The introduction of this new form of district administration led to the Imam's *mukim* being placed within the Kweng's boundary (Roff 1974: 105). Though the authority of the Imams was now paralleled by that of *Tok Kwengs* it has been argued that the Imams still retained a substantial amount of authority and rarely succumbed to central control (Roff 1974: 105 - 107).

Written materials on nineteenth century Kelantan have paid less attention to the *Tok Nebeng*, the proto-type of the present-day Penghulus, probably due to the fact that their roles were subsumed under the *Tok Kwengs'* authority.<sup>3</sup> The term *Tok Kweng* was Thai in origin but apart from the terminological shift, the civil administrative structure remained essentially Malay in character (Beaglehole 1976: 13).

The introduction of the *Tok Kweng* system of headmen in the 1870s and the reorganization of the system of land tenure and registration in 1881 were the two important administrative changes that seem to have affected the functioning of the Imams and such administrative changes had an important impact in the 1890s (Roff 1974: 107).

The first serious attempt towards centralizing religious authority was made in 1888, arising initially from decisions by the Chief Minister and the *Mufti* (Roff 1974: 107) whereby strict observance of certain Islamic laws was required. This process was further reinforced in the early 1900s (Roff 1974: 108). Of particular interest was the formation of an institution known as *Pemereksa Jumaat* (Friday Inspectors) with the responsibility of ensuring regular performance of the Friday prayers (Roff, 1974: 109). This renewed awareness in matters religious was said to have been due to an increasing penetration of the administrative reforms which were felt even at the remotest village level. These reforms had started in 1892 under the Siamese Commissionership System; and included the introduction of a new Padi Tax (Roff 1974: 109).

The increased intervention by the Siamese in the affairs of Kelantan did not give rise to a radical rupture in the *Tok Kweng*-Imam relationship.

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<sup>3</sup>Cf. Beaglehole, J.H. *ibid*, "The smallest unit of administration was the kampong headed by a Tok Nebeng, in practice an hereditary appointment made by the jajahan chief on the recommendation of the Tok Kueng" (p. 13). On the basis of this statement it can be said that the Tok Kwengs were counterparts of the present-day Penggawas.

For example, beginning in 1899 a land commission was set up to resurvey all land, which involved the cooperation of both the Imams and *Tok Kweng* (Roff 1974: 110). This did not mean, however, that there were no conflicts between the two village leaders. It has been suggested that there was growing tension between them during the administration of Graham (1903 – 1909) in which emphasis was laid on making Kelantan a more secular and centralized state. One result of this was that *Tok Kweng* were favoured vis-a-vis the Imams; thus the civil administrative authority formerly shared by the two local leaders was becoming the sole prerogative of the *Tok Kweng*s (Roff 1974: 111 – 112).

Although the increased bureaucratization process was a prominent feature in early twentieth-century Kelantan, The Imams' influence at the village level was still great and even Graham had to acknowledge this fact. In his report on the State of Kelantan of this period he stated that "for the last 30 or 40 years the Tok Kweng and Imam have existed side by side, the former in some places and the latter in others, being the more influential".<sup>4</sup> This, perhaps, testifies to the claim that despite serious attempts by architects of administrative modernization, the traditional Kelantanese religious authority structure survived in much the same form.<sup>5</sup>

#### THE PRESENT CIVIL ADMINISTRATIVE AND RELIGIOUS AUTHORITY STRUCTURES

In its schematic representation, the relationship between the state and the civil administrative and religious authority structures can be ideally shown as in Figure 1. Administratively, the state of Kelantan, like any other state in West Malaysia, is of the constitutional monarchy type with the Sultan formally at the peak of the government hierarchy, but in fact acting more as a symbol for the state as a whole. The actual running of the state machinery is headed by the *Menteri Besar* (Chief Minister) who is assisted by the State Executive and Legislative Councils.

For administrative purposes the state is divided into eight districts, each headed by a District Officer. The districts are further divided into sub-districts (*daerah*) each under the jurisdiction of a *Penggawa* who is answerable to his immediate superior, the District Officer. For the purposes of land registration the *daerah*s are also divided into *mukims* which consist of one or more villages under the charge of a *Penghulu* who is subordinate to the *Penggawa*. Theoretically, there is then a smooth devolution of power from the top of the civil administrative hierarchy down to the village level.

<sup>4</sup>Graham, *Report on the State of Kelantan for the Period 1st August 1904 to 31st May 1905*, Bangkok, Government Printer, 1905. Cf. Roff's Statement (*op. cit.*, p. 118), "He who controlled the Imams, it might have been said, commanded the state".

<sup>5</sup>Roff (*ibid*) saw this enduring process as a kind of "institutional continuity" and in Kelantan, as observed by Roff, it was very much helped by the "self-determination of the Kelantanese traditional values, specifically the religious values" (p. 149).

The nature of the political system as a whole can thus be seen as at once pyramidal (with the masses, *rakyat*, as the base) and hierarchical (with particular levels of civil administrative structure having specific roles).

The religious administrative structure is different. As provided by article 3(2) of the *Constitution of the Federation of Malaysia*, the Sultan is the head of the Muslim religion, and the principal administrative organ is the *Majlis Ugama* (Religious Council) (Henceforth the term *Majlis* will be used throughout the essay). In Kelantan, unlike other states in Peninsular Malaysia, there are two religious institutions. The first is the *Majlis*, a somewhat autonomous religious body with the Sultan *Syariah* (Syariah Court) and *Mahkamah Khadi* (Khadi Court), joined as one (for the purpose of analysis the term *Mahkamah* will be used throughout the essay to refer to the above religious institution). Heading this institution is the *Mufti* who is assisted at the district level by Khadis.<sup>6</sup> The *Mahkamah* is not an autonomous religious body but a part of the state's bureaucracy. At the bottom of the religious administrative hierarchy, representing both *Majlis* and *Mahkamah*, are the Imams who are in charge of the various *mukims*.

Thus we have here a case of two parallel authority structures. One is that of a rather smooth "streamlined" civil administrative authority structure which, at the district level, features District Officers, down to the Penggawas and finally reaches the Penghulus. Here the transmission of authority is direct as there is only a single *source* of authority. The main civil administrative structures of the state, to be sure, are closely modelled on the national structures. The authority of the state is a manifestation of the nations.

The transmission of authority in the case of the Imams is different. The difference is peculiarly Kelantanese. The Imams in Kelantan are incorporated into two "types" of authority structure, formal and informal.

The Imams are formally under the *Majlis*, an autonomous state religious institution. They function under the *Majlis* as "Collectors of *Zakat* and

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<sup>6</sup>The *Mufti* in relation to the *Mahkamah*, was seen by the religious officials of the *Mahkamah* as having only a marginal if not purely symbolic role. As from 1966 (the year when new enactments for the *Majlis* and *Mahkamah* were passed), the *Mahkamah* was no longer under the *Mufti* but directly under the state bureaucracy. Although the *Mufti* has the final say in matters relating to the issuing of *fatwas* (rulings) for both the *Majlis* and *Mahkamah*, most often the *fatwas* were issued together with the *Pegawai Ugama* (Religious Officer) of the *Majlis*. The marginalization of the *Mufti*'s role serves to ensure that the *Mufti*'s powers in matters religious are always below those of the Sultan which are delegated to the *Majlis*. When the *Mufti* expressed administrative as well as judicial authority (as they had enjoyed during the first few years of British administration), the ruling authority had found it difficult to control the *Mufti*. One often cited case was that of *Mufti Haji Wan Musa bin Haji Abdul Samad* who held the post from 1908 to 1916. *Haji Wan Musa* had strongly protested against the ruling authority, particularly in relation to the building of the *Kota Bahru* mosque with the money from the *Zakat* collection. Cf. Roff (*ibid*), pp. 114 - 115; 119; 123 - 124; 131.

*Fitrah*". Simultaneously, but more informally, they are also under the *Mahkamah*, the state religious court. They serve the *Mahkamah* as "Registrars of Muslim Marriages and Divorces". Their relationship with the *Mahkamah* is informal inasmuch as the *Mahkamah*'s decisions are not legally binding on them. The Imams have been asked, on the basis of "goodwill" (*gasa baik*), to be "Registrars of Muslim Marriages and Divorces" in their respective *mukims* on behalf of the *Mahkamah*. The *Pegawai Ugama* (Religious Officer) at the *Majlis* is the person who is in charge of the Imams in Kelantan, not the *Mufti* of the *Mahkamah*.

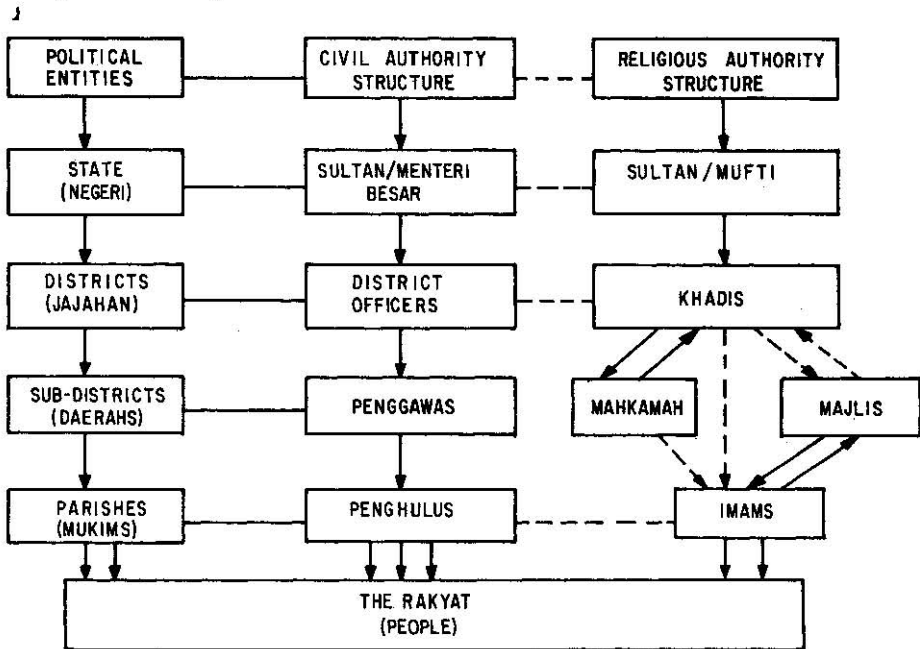


FIGURE 1. Schematic Representation of State's Relationship with the Two Authority Structures

It is also important to note at this stage that religious authority structure does not have its representative at the *daerah* (sub-district) level. So there is no position equivalent to the *Penggawa* in the civil administrative structure.

Interestingly, it is only the Imams of Kelantan who have the advantage of having to perform two functions simultaneously. Outside Kelantan the registration of Muslim marriages and divorces is a responsibility of the *Majlis* rather than the *Mahkamah* and this is the only function of the local Imams. They do not function as the "Collectors of *Zakat* and *Fitrah*", a function assigned to specially appointed officials mainly from the *Majlis*. In some places, for example in Pahang, we even find cases where *Penghulus* were appointed as "Collectors of *Zakat* and *Fitrah*" in their respective areas.



In contrast to the Penghulus, the Imams' relationship with the authorities that regulate their behaviour in Kelantan, presents a peculiar and complicated pattern. To the former, their relationship with the Administration is linear and their contacts with the Administration rarely cross district boundaries. To reach the State, they have to go through the *daerahs* (Penggawa) and the districts (District Officers). Their jurisdiction, however, is limited to their own mukims. The Imams' relations with the outside authority, however, often cross district boundaries. This is so, because they are formally seen as directly answerable to the *Majlis*, the state religious institution that does not have officers at the district level, while the *Mahkamah* does. Thus the Imams' authority structure is two-fold. The Imams' formal relationship is to the *Majlis* whilst their informal association is with the *Mahkamah*.

#### BUREAUCRATIZATION AND THE TWO LOCAL AUTHORITY STRUCTURES

The accumulative process of bureaucratization has made significant inroads into the autonomy of both local leaders, the Penghulus and the Imams. Similarly, increased bureaucratization and centralization of the state's administrative structures has led to the introduction of new and restrictive enactments for the purpose of formalizing the responsibilities of the two local functionaries.

The autonomous position of the Penghulus was clearly curbed with the introduction of "*Skim Perkhidmatan Penghulu-Penghulu Kampung Kelantan*" (The Service Scheme for the Village Heads of Kelantan) in 1968.<sup>7</sup> Under the "1968 Scheme", formal requirements for the position of the Penghulu were clearly stated. For instance, age limits were clearly set in that only those who are between 25 and 45 years of age are eligible to apply. Having Islamic religious knowledge, ability to read and write the National Language and being renowned for good conduct are some of the other formal requirements put forth in the "1968 Scheme". The formation of the "*Jawatankuasa Penasihat Penghulu-Penghulu Kampung*" (the Consultative Committee for the Village Heads) was an elaboration of the effort to further reduce the autonomy of the Penghulus. The Consultative Committee's principal function in practice was to sieve through the applications to make sure that those appointed to the position of Penghulu were those who could be conveniently labelled as "government men". After making the selection, the Consultative Committee finally submitted the list of the successful applicants

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<sup>7</sup>The most comprehensive "Scheme" devised thus far for the Penghulus in Kelantan. Hence forth the abbreviated form of "1968 Scheme", will be used. For a detailed description of the "1968 Scheme", see, State Secretariat, Kelantan, File No. K. 1242/53/pt. IV/(18).

<sup>8</sup>This special Committee was formed one month after the passing of the "1968 Scheme". See, State Secretariat, Kelantan, K. 1252/53/pt. IV/(19), dated 1/5/1968.

to the *Menteri Besar* (Chief Minister). The Penghulus often mistakenly believe that the Menteri Besar has the final say in the selection of Penghulu but, in actual fact, it is the Consultative Committee which has the real power.

The formation of the Consultative Committee was accompanied by the formation of the *Jawatankuasa Tindakan Disiplin* (Disciplinary Action Committee) to supervise the functioning of the Penghulus. With the formation of the above two Committee, the functioning of the Penghulus was very much "streamlined".

Curtailement of the freedom of expression was most explicit in political matters. The Penghulus, like Government servants, were strongly warned not to meddle in the politics of the day. They were asked "to refrain" (*menahankan diri*) from involvement in politics. They could, like any other citizens, however, vote for any political party of their liking. Those who failed "to refrain" were theoretically obliged to resign their position.<sup>9</sup> From the outset, it can be said that the "1968 Scheme" was essentially concerned with curbing the Penghulus' political participation.

Although the Penghulus are not government servants, most of the regulations imposed on them by the Administration are at least as stringent as those rules and regulations imposed on full-fledged government servants. Almost half of the clauses contained in the "1968 Scheme" concern "disciplining" the Penghulus.

In general, the Penghulus were rather unhappy with the increased disciplinary measures binding their roles. They were naturally taken aback by such a move, since formerly such disciplinary measures were usually imposed on government servants only. Perhaps it is because of their relatively informal position within the general administrative structure that the Administration found it necessary to impose more stringent disciplinary measures.

Much of the administrative-bureaucratic weight that has somewhat corroded the Penghulus' autonomy was similarly shared by the Imams, though of a lesser intensity. The evolution of the appointment procedures for the position of the Imams where now the Imams were appointed not purely on having good command of religious knowledge, but also to pass in both oral and written examination, reflected that administrative-bureaucratic values has made inroads into the Imams' formerly autonomous position. The appointment of the Imams were made by the *Majlis*; and it is also

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<sup>9</sup>This stern reminder did not, however, prevent the Penghulus from being actively involved in politics. Among other things that are specifically forbidden for the Penghulus, as far as political participation is concerned, are:

- a/ to give public speeches in support of any one party,
- b/ to write letters or commentaries to newspapers in support of any one party,
- c/ to distribute articles, pamphlets, etc., with a view to supporting any one particular party.
- d/ to be involved in canvassing for votes for any one candidates, and finally,
- e/ to hold position with the political parties' branches (ranting) or associations.

the *Majlis* which has the power to "suspend" or dismiss the Imams. In comparison with the Penghulus, the Imams were not subjected to a "special committee" that surveyed and evaluated their performances as Imams. Nor were the Imams specifically discouraged or prohibited from participation in politics.<sup>10</sup>

If the inroads into the Penghulus' autonomy were first clearly felt with the passage of the "1968 Scheme", it can be similarly argued that the Imams' autonomy was very much curbed with the introduction of the *Majlis Enactment*, 1966.<sup>11</sup> What was singularly significant in the Enactment was the "Assessment List": a more comprehensive and systematic approach in the collection of *Zakat* (tith). The Imams who were hitherto used to a very informal system of collecting *Zakat* found the "Assessment List" most disturbing.<sup>12</sup>

From the early 1960's, the Imams were rather suspicious of the *Majlis*'s role. They saw the *Majlis* as more inclined to shoulder responsibilities from the centre by having closer identification with national values and aspirations. Concomittantly the *Majlis*'s attitudes towards the Imams in general were increasingly bureaucratized. However, in the face of increased bureaucratization, the Imams' position, in contrast to the Penghulus, was advantaged by the fact that they still had at their disposal a certain degree of choice. In order to free themselves from the weight of bureaucratization coming from the *Majlis*, they tried to identify themselves with the *Mahkamah*, although knowing very well that they were legally under the *Majlis*.

In its diagrammatic representation, the Imams' relationship with the *Majlis* on the one hand and the *Mahkamah* on the other, can be shown as in Figure 2. From the schematic representation of the Imams' roles in relation to the *Majlis* and *Mahkamah*, two things need to be clarified.

First, the indirect relationship between the *Majlis* and *Mahkamah*. This relationship is facilitated through the mediation of a body known as *Jumaah Ulama* (the Council of Ulama) which advises the *Majlis* mainly by issuing *fatwas* (rulings). The *Mufti*, as head of the *Mahkamah*, is also the chairman of the *Jumaah Ulama*, assisted by "not less than eight other fit and proper persons". The *Mufti* is also one of the *Majlis*'s Executive Commit-

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<sup>10</sup>This also perhaps explained the reason for the PMIP success in Kelantan since for the majority, the Imams were staunch supporters of the PMIP (Pan Malayan Islamic Party) and no regulation was imposed on them which could hinder them from actively participating in politics.

<sup>11</sup>See, State of Kelantan's *Syariah Courts and Matrimonial Cases Enactment, 1966*; and *Kelantan Council of Religion and Malay Custom Enactment, 1966*.

<sup>12</sup>In the collection of *Zakat* prior to 1966 the *Majlis* simply trusted the Imams. The padi grains collected were usually stored in one corner of the Imams' houses and there was no hurry in selling the padi. After 1966, the Imams were supplied with special forms prepared by the *Majlis* (the "Assessment List") to be filled in by the Imams for those *anak mukims* qualifiable for *Zakat*-collection.

tee Members, an *ex-officio* member. Most of the members of *Jumaah Ulama* are distinguished *Tok Guru* (traditional religious teachers) from well-known *pondoks* (religious schools) in Kelantan.<sup>13</sup> The *Majlis* is usually represented by its *Pegawai Ugama* (Religious Officer).

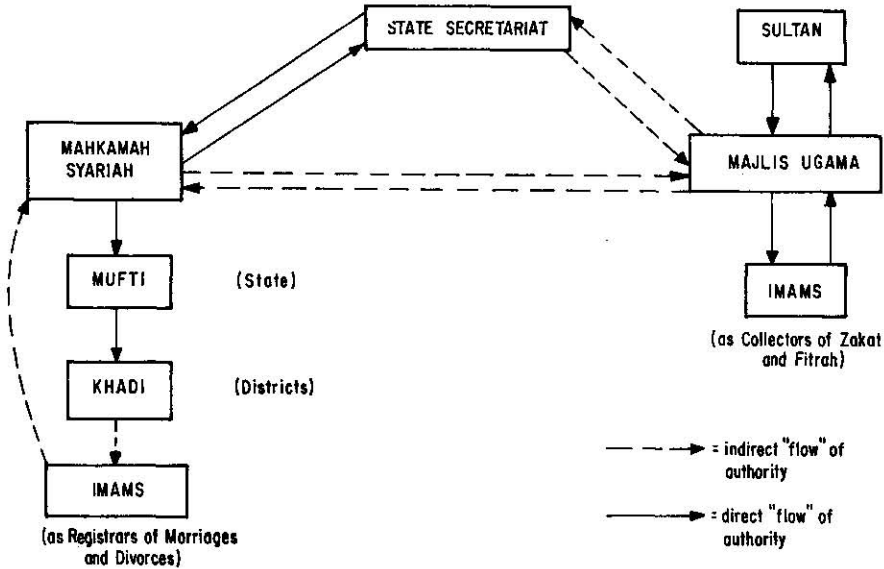


FIGURE 2. Imam’s Relationship with the State’s Religious Institutions

Second, it can be argued that from the Imams’ point-of-view, though they are legally under the *Majlis*, they see themselves as able to move between their roles as “Collectors of *Zakat* and *Fitrah*” or as “Registrars of Muslim Marriages and Divorces” and see these roles as having equal value. They are reluctant to be controlled by either of the two institutions which have direct bearing on their performance as Imams. In fact, this is a very fascinating and fundamental feature of the functioning of the Imams in present-day Kelantan.

### CONCLUSION

This essay has briefly examined, in historical perspective, the changing nature of two local authority structures. The changes were largely in response to the changing administration of the state of Kelantan from the pre-British era to the present.

<sup>13</sup>It can be argued as well that the bringing in of the various well-known *Tok Gurus* from *pondoks* all over Kelantan into the *Jumaah Ulama* is one of the safest ways of ensuring religious allegiance from the periphery to the centre. Among the well-known *Tok Gurus* in the Council are Haji Abdul Ghani bin Haji Awang Kecil from *pondok* Kubang Bemban, Pasir Mas; and Haji Abdul Aziz bin Haji Abu Bakar, *pondok* Terusan, Pasir Tumbuh, Kota Bharu.

Both local leaders, situated in the local authority structures, were somewhat affected by the process of increased bureaucratization. The Penghulus, being placed in the mainstream of the administrative hierarchy of the state, were more subjected to administrative-bureaucratic pressures (in the form of enactments and regulations) compared to their counterparts, the Imams. The latter, despite growing subjection to bureaucratic forces felt that there was still some measure of autonomy afforded them by the fact that they were placed under two state religious institutions.

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