Constitutional Law and Human Rights in Malaysia

Topical Issues and Perspectives

Editor
Khairil Azmin Mokhtar

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Rights of the Orang Asli under the Federal Constitution

Hamimah Hamzah and Hunud Abla Kadouf

21.1 INTRODUCTION

Malaysia is a federation of 13 states. It has a total land mass of 329,847 square kilometers separated by the South China Sea into two regions, namely, Peninsular Malaysia and Malaysian Borneo. Malaysia has a diversity of races in a population of about 28.5 million in 2010 of which 22.5 million are in the Peninsular, 2.5 million in Sarawak and 3.2 million in Sabah. In the Peninsular, the population is made up of three main ethnic groups, viz; Malays, Chinese and Indians. On the other hand, the Orang Asli form only 0.6% of the country’s population, which renders them as an ethnic minority. According to the 2006 census, the entire population of Orang Asli was a mere 141,230.

Ramy pointed out that in context of Malaysia, one of the important indicators of ethnic identity lies in the division between those considered indigenous and non-indigenous. This division commonly denoted by the terms bumiputra and non-bumiputra. However, Sharon and Leo argue that this term does not have a legal basis but could be considered

4 Department of Development of Orang Asli at http://www.jakoa.gov.my/web/guest/program/2011 (accessed on July 12, 2011). Unlike in Peninsular, in Malaysian Borneo the majority population communities are the natives that are the Bidan in Sarawak and the Kadazan in Sabah.
6 The word bumiputra literally means “Prince of the soil”. In the Peninsular Malaysia the Malays and the Orang Asli are considered as bumiputeras. Whereas, in Sabah and Sarawak this term is known as pribumi referred to the natives of the states respectively.