

## Further Thoughts on *Undang-Undang Laut Melaka*: A Malay Mirror of the Archipelagic Homeland and Maritime Culture

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### Abstract

The Malacca Sultanate and its dependencies, an important maritime kingdom in Southeast Asia's Archipelago (c. 1400-1511), once had maritime law called *Undang-undang Laut Melaka* (The Malacca Maritime Code). This law suggests the authorisation of the Malacca Sultanate to its territorial waters. Through an extrinsic or contextualist historically oriented approach, this article examines the narrative of the Code together with its historical, political, and socio-cultural context, including the religious (Islamic) spirit. This study also traces the influences of the Code on the legal systems of other local maritime kingdoms in the Archipelago and its continued appreciation in the modern era. This paper argues that the primary motivations for creating the Code were the economic opportunities and political interests that arose from international trade flowing through the Strait of Malacca. This trade escalated complex economic and socio-cultural contestation among the local population and foreigners. The findings demonstrated that in tandem with its Land Code (*Undang-undang Darat*), the Malacca Maritime Code regulates not only criminal matters but also moral aspects related to trade and shipping activities in the Kingdom of Melaka. It integrates elements of Islamic law and local customs, serving as a source of inspiration for many other local kingdoms in the Archipelago to arrange their maritime codes. In contrast, the post-colonial era witnessed a decline in the Code's recognition due to colonialism and limited literacy of the Archipelago's people, leading to a degree of neglect of this significant indigenous intellectual heritage.

**Keywords:** *Undang-Undang Laut Melaka*, the Malacca Maritime Code, the Malacca Sultanate, the Malays and Islam

### Introduction

This paper examines the *Undang-undang Laut Melaka*, or the Malacca Maritime Code (hereafter referred to as the *UULM*). The Code, which delineates the laws and customs of the Malays at sea, is one of the legal frameworks that was applied within the territory of the Malacca Sultanate, reflects the historical significance of the Malacca Sultanate in its maritime domain. In the extant manuscripts, this Code is frequently found together with *Undang-undang Darat* (The Littoral Laws of Malacca), also known as *Hukum Kanun Melaka* (The Canon Law of Malacca) and *Risalat Hukum Kanun* (The Digest of the Canon Laws).<sup>1</sup> Both set of laws complement each other; however, this study will focus solely on the *UULM*.

In the 15th century, the Malacca Sultanate emerged as a vital emporium and the largest maritime kingdom in the Archipelago.<sup>2</sup> Strategically located in the Malacca Straits that serves as a corridor— a shortcut connecting the Indian Ocean and the Pacific Ocean—, the Sultanate's capital (now the city of Melaka) became a significant entrepot. It attracted numerous overseas traders from various nations and continents, as well as European colonial powers seeking to conquer and control it.<sup>3</sup> According to F.J. Moorhead, two 'unforeseen factors' contributed to Malacca's rise as the greatest Emporium in South-East Asia: 'the Ming

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<sup>1</sup> Liaw Yock Fang, *Undang-Undang Melaka: The Laws of Melaka* (Martinus Nijhoff, 1976). Or see *Undang-undang Melaka*, (PhD thesis Leiden University), 's-Gravenhage: V/H H.L. Smits, p. 2; T.J. Newbold (1839a), *Political and Statistical Account of the British Settlements in the Straits of Malacca, viz. Pinang, Malacca, and Singapore: with a History of the Malayan States on the Peninsula of Malacca*, Vol. 2, London: Murray, p. 217.

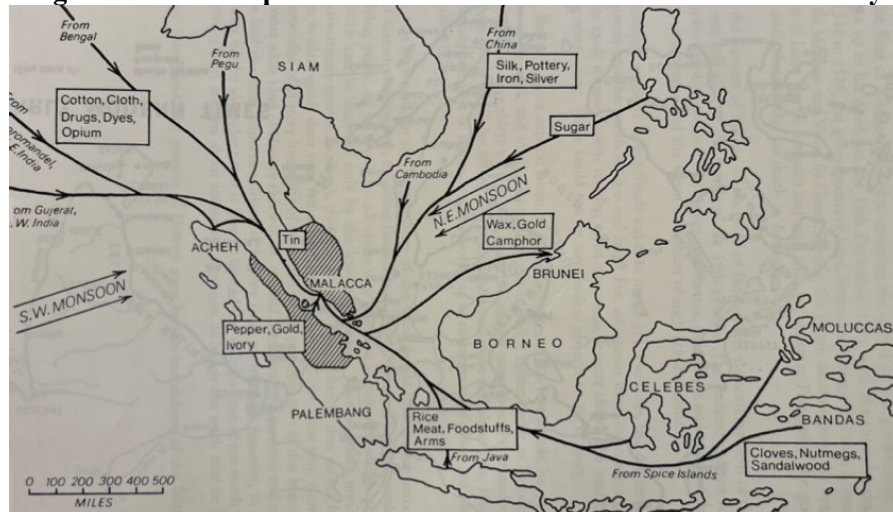
<sup>2</sup> Bondan Kanumayoso, "Malay Maritime World in Southeast Asia," *Journal of Maritime Studies and National Integration* 2, no. 1 (2018): 17–18.

<sup>3</sup> 'The town of Malacca', Newbold writes, 'is situated on the Malay peninsula, at the mouth of a small river flowing into the Straits of Malacca, in long[itude] 102° 12' east, lat[itude] 2° 14' north'; the Sultanate's territory 'attached to it lies between the Malay states of Salangore (*sic*), to the north-west, and that Johore to the south-east. See T.J. Newbold, *Political and Statistical Account of the British Settlements in the Straits of Malacca, Viz. Pinang, Malacca, and Singapore: With a History of the Malayan States on the Peninsula of Malacca* (Murray, 1839), 108.

Expansion and Muslim patronage'.<sup>4</sup> Founded and first ruled by Parameswara, who converted to Islam and adopted the title Sultan Iskandar Shah in 1414, the kingdom implemented a grand strategy, diplomatically and militarily,<sup>5</sup> and experienced triumph for approximately a century before being conquered by the Portuguese in 1511, which led to its eventual downfall.<sup>6</sup>

After enjoying its heyday for over a century, the Sultanate of Malacca prospered from the maritime trade in the Straits' waters. The Sultanate and its port city, Malacca, became a 'magnet' for international trade and shipping (Figure 1). As Nordin Hussin asserts, it is no exaggeration to claim that the great emporium in south-east Asia during the 15th century was centred in Malacca, where traders of diverse nationalities and ethnic backgrounds converged and inter-married with the locals, leading to the formation of new ethnic and cultural groups in the port-city.<sup>7</sup> Malacca's rise to prominence as a crucial procurement, trans-shipment and commercial centre in the maritime trading world of southeast Asia resulted from several synergies or alliances forged by its ruling elite with local tribes and other regional kingdoms, spanning the Bay of Bengal and the western Indian Ocean to the west and China to the east.<sup>8</sup> However, as Andaya notes, the significance of the Straits of Malacca as a trade route, which bolstered the economy of the communities residing on both sides, has persisted for thousands of years, long before Western powers discovered the route, referred to by Arab sources as 'the Sea of Malayu'.<sup>9</sup> He argues that such trading activities in these Straits has also contributed, directly or indirectly, to the formation of the Malay ethnicity or the fragmentation of groups attempting to establish their own identities.<sup>10</sup> 'The overarching unity of the Sea of Malayu', he mentioned, 'incorporated and transcended any localized identity and became the model for the Malayu world' where 'economic interests were a paramount consideration in this unity, and international trade was the glue that bound together the widely-dispersed communities.'<sup>11</sup>

**Figure 1: Malacca port and the Sultanate's trade in the 15th century**



Source: Pintado, 1993, p. xxxiv

<sup>4</sup> Frank Jay Moorhead and M.A. *A History of Malaya and Her Neighbours*, 1st ed. (Longmans (2nd Impression), 1958), 119.

<sup>5</sup> Adam Leong Kok Way and Abdul Latif Harun, "Grand Strategy of Malacca Sultanate 1400-1511," *Comparative Strategy* 37, no. 1 (2018): 49–55. In the pre-steamship shipping era, 'sailing the eight hundred kilometers through the Straits of Melaka took about a month, and fickle wind conditions would often cause delays. But the major deterrent to using this route was not so much the length of the journey as the dangers to seaborne commerce,' especially deals with the Orang Laut or sea people, who 'inhabiting the islands and coasts at the southern entrance to the straits [who] were notorious for preying on passing ships.' Cited from Leonard Y. Andaya, *Leaves of the Same Tree: Trade and Ethnicity in the Straits of Melaka*, (University of Hawai'i Press, 2008), 32.

<sup>6</sup> Manual Joaquim Pintado, *Portuguese Documents on Malacca from 1509 to 1511*, 1st ed. (National Archives of Malaysia, 1993).

<sup>7</sup> Nordin Hussin, *Melaka and Penang 1780-1830: A Study of Two Port Towns in the Straits of Melaka* (de Vrije Universiteit te Amsterdam, 2002), 17.

<sup>8</sup> Kenneth R. Hall, "Introduction: Asian Maritime Networking Centered in Fifteenth Century Melaka," *Journal of the Economic and Social History of the Orient* 65, no. 3 (2022): 325–43; Peter Borschberg, "The Melaka Sultanate, c.1400–1528," *Journal of the Economic and Social History of the Orient* 65, no. 3 (2022): 344–77.

<sup>9</sup> Leonard Andaya, *Leaves of the Same Tree: Trade and Ethnicity in the Straits of Melaka* (Honolulu: University of Hawaii Press, 2008): 22; Andrew Charles Spencer Peacock, "Melaka in the Arabic, Persian and Turkish Sources," *Indonesia and the Malay World* 52, no. 153 (2024): 155–78.

<sup>10</sup> Andaya, *Leaves of the Same Tree: Trade and Ethnicity in the Straits of Melaka*, 238.

<sup>11</sup> Leonard Y. Andaya, "The 'Sea of Malayu': An Ocean Perspective of Malay History," in *Prosiding International Conference on Indonesian Studies: Maritime Culture and Local Wisdom, 6-9 Agustus* (Fakultas Ilmu Budaya, Universitas Indonesia, 2010), 56.

It is perhaps unnecessary to directly quote original texts or first-hand sources, noting the testimonies of 16th and 17th-century European seafarers – Duarte Barbosa, Francois Valentijn and Tome Pires, to name a few – who have been frequently referenced in various studies on the Malacca Sultanate, which indicate that this entrepot was very busy and crowded with regional traders and foreign merchants from various regions of the Indian Ocean littoral and the South China Sea.<sup>12</sup> As Tome Pires observed, a large number of merchants of many nationalities frequented the Port because they could anchor safely in all weather conditions, trade with one another, and receive returns. ‘The king of Malacca dealt kindly and reasonably with them, which is a thing that greatly attracts merchants, especially the foreigners.’<sup>13</sup> Irresistible misfortune, as noted by Tun Sri Lanang in *Sejarah Melayu* (Malay Annals), the once-beautiful Malacca, bustling with international traders, faced turmoil after a *Feringgi* (Portuguese) ship arrived at the prosperous entrepot for the first time in October 1509.<sup>14</sup>

The Sultanate also became the epicentre of Islamic civilisation in southeast Asia, particularly during the reign of its 6th Sultan, Mansur Shah (1456–1477).<sup>15</sup> This did not occur suddenly; archaeological evidence and written sources (mainly Arab and Chinese) indicate that the people of the Malay world had already been in contact with Muslim traders and travellers from the Middle East.<sup>16</sup> According to Philip Bowring, Malacca played a significant role in transitioning the Malay world from Hinduism to Islam.<sup>17</sup> The port-city of Malacca also became a hub for cultural exchanges intersected in the strategic Straits of Malacca.<sup>18</sup>

This paper investigates the Malacca Maritime Code to understand contemporary Malay concepts and perspectives on their homeland, referred to as ‘*tanah air*’ (litt.: land [and] water). The principal question addressed in this article is: what aspects of the socio-cultural, political culture, and nature of the Malacca Sultanate, particularly those related to maritime affairs, can be explored from the narrative of the *UULM*, and what is its cultural impact on the Archipelago’s regions? As revealed in the literature investigation, the historical-geographical ‘dialogue’ with the narrative of this Code from a critical historical perspective, remains rare compared to its philological studies.

## Research Method

This study is *not* a philological study of the text of the *UULM*. Rather, it is a scholarly attempt to elucidate the rules and nature of the Malay maritime world in the 15th and 16th centuries, as well as the Malay knowledge and regulations regarding trade and shipping through the narrative of this Maritime Code. To this end, a thorough reading and interpretation of its texts was conducted by cross-checking with relevant historical first-and second-hand sources. The Code itself can certainly be considered a government document, a compilation, or a primary source, as Louis Gottschalk noted, in the study of history.<sup>19</sup> The considerable previous philological studies of the Code and its English translations (refer to the Literature Review) will serve as a guide in understanding the text of the Code and its cultural, religious, geographical, and historical contexts. Even when discussing its extant manuscripts, it is only to identify the titles and trace aspects related to their storage.

<sup>12</sup> Muhammad Yusoff Hashim, *The Malay Sultanate of Malacca* (Dewan Bahasa dan Pustaka, 1992). See also Professor Dato’ Khoo Kay Kim’s foreword for this book, pp. xvii–xix.

<sup>13</sup> Armando Cortesão, *The Suma Oriental of Tomé Pires: An Account of the East, From the Red Sea to Japan, Written in Malacca and India in 1512–1515, and The Book of Francisco Rodrigues, Rutter of a Voyage in the Red Sea, Nautical Rules, Almanack and Maps, Written and Drawn In*, 2nd ed. (Hakluyt Society, 1944), 246.

<sup>14</sup> Pintado, *Portuguese Documents on Malacca from 1509 to 1511*, 26–35; William Girdlestone Shellabear, *Sejarah Melayu or The Malay Annals* (American Mission Press, 1898), 144–46. For the recapitulation of the Malacca history until the Portuguese conquest from their actors/accounters and historians, such as Alfonso de Albuquerque, Diego de Cauto, Diego Lopez de Sequeira, João de Barros, and Manuel de Faria y Sousa, see John Crawford, F.R.S. (1856), *A Dictionary of the Indian Islands & Adjacent Countries*, London: Bradburry & Evans, pp. 238–249. For further on Albuquerque’s attack on Malacca, see T.F. Earle & John Villiers (1990), *Albuquerque: Caesar of the East*, London: Aris & Philips Ltd., pp. 65–92. (The Malay translation of the book was published in 1995 under the title: *Albuquerque: Caesar Timur*, Penerbit Universiti Malaya).

<sup>15</sup> Osman, Aydinli and Ain Balkis Mohd Azam, “Malaka Sultanlığı Döneminde Malaka Şehri ve Malay Yarımadası’nın İslâmlaşmasındaki Rolü,” *Sakarya Üniver-Sitesi İlahiyat Fakültesi Dergisi* 23, no. 43 (2021): 154–55; Maryamah Maryamah, “Sejarah Kerajaan Malaka Dan Keberhasilannya Dalam Menyebarkan Agama Islam,” *Kalpataru: Jurnal Sejarah Dan Pembelajaran Sejarah* 9, no. 2 (2023): 97.

<sup>16</sup> Ahmat Adam, *The Sejarah Melayu Revisited: A Collection of Six Essays* (Strategic Information and Research Development Centre, 2020), 78.

<sup>17</sup> Philip Bowring, *Empire of the Winds: The Global Role of Asia’s Great Archipelago*, London, New York, Oxford, New Delhi, (Bloomsbury Academic, 2016), 136–38.

<sup>18</sup> Hall, “Introduction: Asian Maritime Networking Centered in Fifteenth Century Melaka,” 326.

<sup>19</sup> Louis Gottschalk, *Understanding History: A Premier of Historical Method* (Alfred A. Knoph, 1950), 105–8.

Since this study seeks to analyse the text of the *UULM* and provide an interpretation of its narrative, the most suitable methods are extrinsic or contextualist approaches. Largely historical in orientation, these methods examine the context, the milieu and the background that produced a text. Such approaches assume that there are causal connections between the nature of a text – the *UULM* text in this context – and the historical moment in which it occurred (Malacca as a political entity in the past). One connotation of such methods is that a text is produced within an institutional context, making it productive to examine the social, cultural, economic and political conditions of the region where the text was produced. In this view, a text, both in its production and reception, is inseparable from its interpretation, as both its creator and its recipient are situated within a particular social and historical context. This perspective aligns with interpretivist approaches in history, which state that humanistic explanation (or understanding) for human inquiry is hermeneutical.<sup>20</sup>

## Critical Literature Review

In this critical review, particular attention will only be given to the works of Raffles, Dulaurier, Winstedt & de Jong, Fang, and Halimi.<sup>21</sup> The reason is that these studies provide (critical) text editions or their translations into English and French, carried out using a particular philological approach, while the remaining studies primarily interpret *UULM* contents based on an edited text of the Code taken from one or more of the works mentioned above or make a general review of some of its manuscripts.<sup>22</sup>

Raffles' most frequently republished translation of the Code was prefaced by a lengthy description of 'the Maláyu nation' and the existence, functions, and variation of many *undang-undang* (local legal institutions) in the Archipelago.<sup>23</sup> He mentioned that the translation of the Code was based on several manuscripts, with no explanation as to which ones he was referring to, suggesting that he applies, but not strictly, the philological *Textual Criticism* method to find a critical text edition that he will translate into English. Neither D.F.A.H. who was responsible for the republishing of Raffles' article (1879a-b), provided further clarification on this matter. However, it can be assumed that these manuscripts were partly from Raffles' collection.<sup>24</sup> Raffles collected no less than three *UULM* manuscripts: Raffles Malay MS 33, Raffles Malay

<sup>20</sup> Christopher Lloyd, *The Structures of History* (Blackwell, 1993), 78.

<sup>21</sup> Stamford Raffles, "On the Maláyu Nation, with a Translation of Its Maritime Institutions," 1818; É. Dulaurier, *Droit Maritime de La Mer Des Indes, de La Presqu'île Malaye et de l'archipel d'Asie: 'Code Maritime Du Royaume de Malaca,'* ed. J.M. Pardessus, in Collect (Paris, 1845); Sir Richard Winstedt and P.E. de Josselin de Jong, "The Maritime Laws of Malacca," *Journal of Malayan Branch of Royal Asiatic Society* 29, no. 3 (1956): 22–59; Fang (2003), *Undang-undang Melaka dan Undang-undang Laut*, pp. xxi-61, 67-71, 77-83, 89-106; Ahmad Jelani Halimi, *Undang-Undang Laut Melayu: Undang-Undang Perahu Dan Undang-Undang Belayar* (Dewan Bahasa dan Pustaka, 2023).

<sup>22</sup> Such as Encik Ismail Ibnu Datuk Kerkun, Sir Richard Winstedt & J.P.B. de Josselin de Jong (1829), [*Collective Volume with Texts in Malay: Undang-undang Laut; and Other Texts, Shelfmark Or.1726*], Riau: Encik Ismail Ibnu Datuk Kerkun; Dr. J.J. de Hollander (1848), *Handleiding bij de Beoefening der Maleische Taal en Letterkunde, voor de Kadetten van Alle Wapenen, Bestemd voor de Dienst in Nederlandsche Indie*, Breda: Nys, pp. 253-257. It seems that this book was pretty popular so that it was reprinted not less than five times. (The fifth edition was released in 1882); J.R. Logan, "Translation of the Malayan Laws of the Principality of Johor," *The Journal of the Indian Archipelago and Eastern Asia* 9 (1855): 71–95; Anis Sabirin, "Undang-Undang Laut Melaka," *Dewan Bahasa* 5 (1961): 68–76; Edwar Djamaris, *Naskah Undang-Undang Dalam Sastra Indonesia Lama* (Jakarta: Pusat Pembinaan dan Pengembangan Bahasa, Departemen Pendidikan dan Kebudayaan, 1981); Jelani Harun, *Undang-Undang Kesultanan Melayu Dalam Perbandingan* (Penerbit Universiti Sains Malaysia, 2008); Mardiana Nordin, "Undang-Undang Laut Melaka: A Note on Malay Maritime Law in the 15th Century," in *Memory and Knowledge of the Sea in Southeast Asia* (Institute of Ocean and Earth Sciences (IOES), University of Malaya, 2008).

<sup>23</sup> In 1879, the article was republished under Dudley Francis Amelius Hervey's (D.F.A.H.) editing, with a few necessary corrections, in the *Journal of the Straits Branch of the Royal Asiatic Society*. See Sir [Thomas] Stamford Raffles, "The Maritime Code of the Malays," *Journal of the Straits Branch of the Royal Asiatic Society* 4 (1879): 1–20; Stamford Raffles, "The Maritime Code of the Malays," *Journal of the Straits Branch of the Royal Asiatic Society* 3 (1879): 62–84. Dudley informed that the very first version of the Code was published in the *Malacca Weekly Register* in 1816. See Sir [Thomas] Stamford Raffles (1879a), p. 62. In 1926, again Raffles' work was republished in the Dutch volumes of the Archipelago's customs, without translating it into Dutch. See Commissie voor het Adatrecht, KITLV (1926), "Seri J. HET MALEISCHE GEBIED, No. 33: Raffles en het Maleische Adatrecht (1806-1819): 'The Maritime Institutions of the Malays, translated from the Malay Language'", *Adatrechtbundels*, 26: Maleisch Gebied en Borneo, pp. 78-95.

<sup>24</sup> It has been noted that Raffles was a true 'hunter' of the Archipelago's manuscripts. Commenting on the firing of *Fame* ship and sank in the coast of Bengkulu on 2 February 1824 that was on the way to take Raffles and his wife back to England with their large baggage, his friend the Malay intellectual Abdullah bin Abul Kadir Munsyi recalled that many manuscripts that had collected by Raffles from various regions in the Archipelago were immediately destroyed by fire or swallowed by the sea. ('[A]ku mendapat kabar daripada Tuan Farquhar, katanya bahwa kapal yang Tuan Raffles menumpang hendak pulang ke Eropah sudah berlayar ke Bangkahulu pada petang hari, maka pada malamnya kapal itu sudah terbakar, habislah segala barang2 yang di dalamnya, satupun tiada lepas, melainkan Tuan Raffles lepas dua laki isteri dengan selalai sepinggang sahaja. Maka apabila aku menengar khabar yang demikian itu, terbanglah arwahku sebab terkenangkan sekalian kitab2 bahasa Melayu dan lain2 daripada beberapa zaman punya, dipungutnya daripada segenap negeri, sekaliannya habislah hilang, tiada lagi tinggal benihnya karena sekaliannya itu tulisan tangan.'; our emphasis). See Amin Sweeney, *Karya Lengkap Abdullah Bin Abdul Kadir Munsyi: Hikayat Abdullah* (Kepustakaan Populer

MS 34,<sup>25</sup> and Raffles Malay MS 74.<sup>26</sup> Fang mentioned that the title ‘*Translation*’ given to Raffles’ work is somewhat a misnomer because it is not translated from one manuscript with the *Codex Unicus* method. Instead, he used several manuscripts.<sup>27</sup> If Raffles used more than one manuscript, then his translation should be based on a text edition reconstructed from these manuscripts applying the *Textual Criticism* philological method.

Pardessus’ introductory remarks for Dulaurier’s work mentioned that Dulaurier used five manuscripts marked under the letters A, B, C, D, and E. Manuscript A, from which Dulaurier established the text as the basic reference, is written on Chinese paper and is part of the magnificent collection of Malay and Javanese manuscripts assembled by Raffles from 1809 to 1814. The manuscript does not contain the introduction required supplementation from manuscript D, which is undoubtedly Raffles Malay MS 33. Manuscripts B and C belong to Dulaurier who acquired them during his first trip to London in 1838 with other Malay works from Mr. Huttman, whose brother, the missionary George Henry Huttman, had formed this collection in 1823 in Malacca. The first of these two manuscripts, written on Chinese paper, is less correct than manuscript A, but more complete. The second is written on European paper, with perfect correction and excellent calligraphic execution; but it is a collection of civil laws, among which are some provisions relating to navigation.

These manuscripts were possibly identified as Mal.-pol. 37 (II) (*Hukum Laut*) and Mal.-pol. 38 (I) (*Undang-undang Melaka: Hukum Laut*) preserved at the Bibliothèque nationale de France, Paris.<sup>28</sup> Manuscript D, the most complete of the five manuscripts, was communicated to Dulaurier by Roorda van Eysinga, former professor of Malay and Javanese languages at the Royal Military Academy of Breda. Written on European paper, its text is quite refined and has many analogies with manuscript B. Clearly, it is manuscript Breda MS. 6619. Manuscript E, which is written in European paper, also comes from the collection of Roorda van Eysinga. In his letter to Dulaurier on September 10, 1842, the Dutch scholar explained that the manuscript had been copied under the eyes of the Sultan of Lingga, which then was given to him by former Riau Resident G.L.C. von Ranzow. Van Eysinga mentioned that it is a precious copy, which he obtained only with great difficulty.<sup>29</sup> Possibly the manuscript had been copied by Dulaurier and now is listed as Bibliothèque nationale de France’s Mal.-pol. 39 (II:i) (*Undang-undang Melaka/Codes de Malaka*).<sup>30</sup> According to Pardessus, “these manuscripts, considered in their material execution, are modern, and this cannot be otherwise, because it is only in our days that Malay literature and legislation have fixed the attention of Europeans”, whereas “the ancient copies are very scarce and preserved with jealous care in the treasury of the local sovereigns, who only allow with great difficulty to take copies of them.”<sup>31</sup>

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Gramedia; École Française d’Extrême-Orient; Perpustakaan Nasional, 2008). Soon after arriving in Melaka, Raffles, who according to Abdullah was smart looking, enthusiastically looked for Malay manuscripts and bought or ordered their copies to be collected. (“Maka pada suatu hari datanglah juru tulis [Raffles] yang bernama Ibrahim ke rumahku, duduk bercakap2 dari hal Tuan Raffles itu hendak mencari juru tulis yang baik bekas tangannya menulis. Dan lagi [Raffles] hendak membeli surat2 Melayu dan hikayat2 dahulu kala. Maka barang siapa ada menaruh, bawalah di kebunnya di Bandar Hilir. Maka adalah seorang bapa saudaraku yang bernama Isma’il Lebai yang terlalu baik bekas tangannya menulis. Dan lagi adiknya seorang bernama Muhammad Latif. Maka kedua mereka itu pun diambilnyalah akan menjadi juru tulis[nya]”; our emphasis). Sweeney (*Ibid.*), p. 291

<sup>25</sup> The title given ‘*Undang-undang Mengkasar dan Bugis*’ to this manuscript, which contains 38 various pieces, may confuse people in identifying the fragment of the Malacca Maritime Code (fragment no. 4) and other pieces deal with the Malay Peninsula contained therein. See Fang’s note (2003, pp. xxii-xxiii) on this inaccuracy in the given title.

<sup>26</sup> All of which are preserved at the Library of Royal Asiatic Society, London. For more on codicological information and the contents of these manuscripts, Merle Calvin Ricklefs and Petrus Voorhoeve, *Indonesian Manuscripts in Great Britain* (Oxford University Press, 1977), 142.

<sup>27</sup> Y F Liaw, *Undang-Undang Melaka Dan Undang-Undang Laut*, Karya Agung (Yayasan Karyawan, 2003), xxii.

<sup>28</sup> Siti Mariani Omar, *Katalog Manuskrip Melayu Di Perancis* (Perpustakaan Negara Malaysia, 1991), 13; Petrus Voorhoeve, “Les Manuscrits Malais de La Bibliothèque Nationale de Paris,” *Archipel* 6 (1973): 47; Annabel Teh Gallop, *Malay Seals from the Islamic World of Southeast Asia* (NUS Press in association with The British Library, 2019), 167.

<sup>29</sup> Edouard Dulaurier, *Droit Maritime de La Mer Des Indes, de La Presqu’île Malaye et de l’archipel d’Asie: ‘Code Maritime Du Royaume de Malaca,’* 376.

<sup>30</sup> Omar, *Katalog Manuskrip Melayu Di Perancis*, 17–18; Liaw, *Undang-Undang Melaka Dan Undang-Undang Laut*, xxii.

<sup>31</sup> Dulaurier (1845), “Droit maritime de la mer des Indes”, p. 377.

Winstedt and de Jong's work is the most frequently quoted by succeeding scholars.<sup>32</sup> Perhaps it is due to the text being published with "an outline translation" model.<sup>33</sup> Winstedt and de Jong published a *UULM* text reconstructed from 13 manuscripts.<sup>34</sup> To some extent, they have applied a true philological method of *Textual Criticism*. However, they did not note all variations in these manuscripts, resulting in a *critical apparatus* that lacks comprehensive detail. Their assertion that the Breda MS. 6619 is "illiterate handwriting" and "often corrupt"<sup>35</sup> may not be true, considering that the writing of this manuscript is quite good and according to Teuku Iskandar, it is even considered relatively easy to read.<sup>36</sup>

The most comprehensive philological study of the *UULM* ever is the aforementioned Liaw Yock Fang's *Undang-undang Melaka dan Undang-undang Laut* (2003). As its title suggested, the book contains two parts: the *Undang-undang Melaka* and the *Undang-undang Laut [Melaka]*. The latter, the article's focus, appears as a critical text edition in the book (pp. 89-106) with a comprehensive description of its reconstruction process applying the rigorous philological *Textual Criticism* method. Fang used the manuscript Biblioteca Apostolica Vaticana's Vat. Ind. IV and manuscript Breda 6619 as basic texts, with three salient counterparts—Leiden Cod. Or. 175 (2) (A), Cod. Or. 1706 (2) (B), and Raf. 33 (C)—as the comparative manuscripts. Fang noted in detail their variations in an *apparatus criticus* (pp. 145-215), highlighting the thoroughness of the author's comparative analysis. The book also contains the author's analysis, summary, and review (*ulasan*) of the given *UULM* edited text (pp. 67-72, 73-83, 217-229), and the description of each manuscript took 52 pages (pp. 1-52). Additionally, the book also provides an appendix to the facsimile of the manuscript Vat. Ind. IV (pp. 1-29 in its original manuscript).

An examination at the colophon of the two basic manuscripts used by Fang—Breda 1699: 1655 A.D.; Vat. Ind. IV: 1656 A.D.—suggests that both copies, which appeared more than 200 years after the *UULM* was codified during the reign of Malacca's 3rd Sultan of Muhammad Syah (1424–1444), may contain additions and potential inaccuracies by the copyists. Thus, for example, Fang's edited text mentioned that the Code was systematised during the reign of the eighth Malacca king, Sultan Mahmud Shah (1481-1511).<sup>37</sup> As Winstedt observed, the researchers of the Malacca Maritime Code have been confused by the two different first names of Malacca's kings – Muhammad... (the third sultan) and Mahmud... (the eighth sultan)—who was claimed as the first ruler of the Sultanate who ordered the drafting the Code as both first names appeared in colophons of more than 40 extant manuscripts of the Code.<sup>38</sup> It is plausible that these errors may have originated from a careless copyist who might read 'Muhammad' in Jawi script as 'Mahmud'. Otherwise, perhaps there was a deliberate claim by the 8th sultan of Malacca by ordering his successor's name to be erased and replaced with his name through the hands of the palace writers/copyists who were asked to write it in the copies of the Code which were carried out during his reign.

Halimi's work (2006) provides the transliteration and facsimiles of the manuscript Leiden Cod. Or. 3292 (*Undang-undang Perahu*) and Cod. Or. 3293 (*Undang-undang Belayar*). He also reviewed the contents of both texts, including regulations regarding the boats (*perahus*), crimes committed on boats, regulations for

<sup>32</sup> Thus, for example, Winstedt & de Jong's critical text edition of the Code and its English translation has been frequently referred to, cited, reviewed, or reproduced by the aforementioned works of Sabirin (1961) and Nordin (2008). Meanwhile, Harun (2008) cited it and reviewed other *UULM* manuscripts without providing a single complete transliteration. See also republication of the article by John Bastin and Robin W. Winks, *Malaysia: Selected Historical Readings [Chapter One: VIII The Maritime Laws of Malacca]* (Oxford University Press, 1966). They mentioned that it has been rendered by Winstedt & de Jong in JMBRAS 1956 (*Ibid.*), p. 26.

<sup>33</sup> Winstedt and de Jong, "The Maritime Laws of Malacca," 22.

<sup>34</sup> They are Raffles Malay MS. 33 (R. 33), Raffles Malay MS. 34 (R. 34), Raffles Malay MS. 74 (R. 74), Maxwell Malay MS. 5 (M. 5), Maxwell Malay MS. 6 (M. 6), Maxwell Malay MS. 11 (M. 11), Maxwell Malay MS. 19 (M. 19), Maxwell Malay MS. 47 (M. 47) – all are held in the Library of Royal Asiatic Society, London. Three other manuscripts are from Leiden University Library: Leiden MS. Orient. 1705 (224) (L. 1705), Leiden MS. Orient. 1726 (346) (L. 1726), and Leiden MS. Orient. 3199 (Malay 700) (L. 3199). The last one is from the Royal Dutch Military Academy at Breda: MS. 6619 (Br.). See Winstedt & de Jong (1956), "The Maritime Laws", pp. 22-24.

<sup>35</sup> Completely they say: "It is in illiterate handwriting, is often corrupt; has sentences from the Malacca Maritime Digest in confused order; and the last 13 of its 35 pages have sections absent from other MSS. and evidently miscellaneous additions to the original digest" (Winstedt & de Jong (1956), "The Maritime Laws", p. 24).

<sup>36</sup> Teuku Iskandar (1999), *Catalogue of Malay, Vol. Two*, p. 918. And as Pardessus commented, the text of this manuscript is 'assez pur', 'quite pure'. Dulaurier (1845), "Droit maritime de la mer des Indes", p. 376.

<sup>37</sup> Fang (2003), *Undang-undang Melaka*, p. 90. But Fang inaccurately mentioned (p. 61) Sultan Mahmud Shah was in the throne from 1888 to 1511.

<sup>38</sup> Richard Winstedt, "The Date of Malacca Legal Code," *The Journal of Royal Asiatic Society of Great Britain and Ireland* 1, no. 2 (1953): 31–33. This confusion also concerns Malacca's Prime Minister (*Mangkubumi*) Datuk Bendahara Paduka Sri Maharaja. In the manuscript Maxwell Malay MS. 47, for example, it is noted that he was in service for Sultan Muhammad Syah, while in Raffles MSS. 33, 34, and 74 it is recorded that he was in service for Sultan Mahmud Syah. (*Ibid.*), p. 31.

passengers and boat renters, rules of trade and sharing of merchandise carried in boats, duties and responsibilities of officers and boat crew, and others. Using the philological *Codex Unicus* method (*Metode Naskah Tunggal*), the transliteration of both Leiden's manuscripts carried out by Halimi is indeed very useful for contemporary researchers and readers in Malaysia and other Malay-speaking countries in South-east Asia who are increasingly unfamiliar with the *Jawi* script.<sup>39</sup>

This extensive critical literature review suggests that for around three centuries of studies on the *UULM*—from the early 19th century to Halimi's in the third decade of the 21st century—the research that has been carried out has mostly been from a philological and historical perspective, and has not involved other disciplines, such as law and politics with more post-colonial approaches.

## Analysis

This section examines the nature of the *UULM* as a component of the *Undang-undang Melaka*. It aims to identify how this text was recorded and noted by early collectors and researchers and how it was catalogued in libraries worldwide. Subsequently, the narrative of the Code itself will be explored. Rather than repeating previous studies on the Code, which mostly presented the transliteration of its *Jawi* copies or its recapitulation, this paper aims to make a 'dialogue' with the text. As outlined in the research questions, the objective is to reflect by analysing and interpreting its narrative to understand the Malay perspectives regarding their archipelagic homeland.

### A Text with Various Names

The copies of its extant manuscripts worldwide show that the *UULM* text is often found alongside its *Undang-undang Darat* counterpart. However, some manuscripts exist independently, sometimes without the word 'Melaka' in their titles, leading them to represent a stand-alone text.<sup>40</sup> Liaw Yock Fang noted that there are more than 40 extant manuscripts entitled '*Undang-undang Laut Melaka*' or '*Undang-undang Laut*' all over the world, most of which are positioned in the second part of the *Undang-undang Melaka*,<sup>41</sup> while Jelani Harun identified 26 extant manuscripts.<sup>42</sup> As its abode (*Undang-undang Melaka*<sup>43</sup>), the manuscripts of the *UULM* have been catalogued under various titles; some of them contain completely different elements but still show the influence of the *UULM*. There has not been a truly comprehensive study comparing all the extant copies, and— to borrow the words of E.U. Kratz— 'very little is known about regional and historical differences in [their] grammar and style.'<sup>44</sup> Here are some of the identified titles:

- *Risalah (Hukum) Kanun dan Undang-undang Laut*<sup>45</sup>
- *Undang-undang Laut*<sup>46</sup> (Figure 2 and Figure 4)

<sup>39</sup> Halimi's work adds to the rare literature on this text that was done by Edwar Djamaris et al. who has transliterated a manuscript of the *Undang-undang Pelayaran*, which refers to one of the shipping law manuscripts from Malacca, preserved in the Indonesian National Library of Jakarta (ML 439). See Edwar Djamaris et al. (1981), *Naskah Undang-undang*, pp. 11-14, 180-234. See also Harun (2008), *Undang-undang Kesultanan Melayu*, pp. 119-120.

<sup>40</sup> Peter Borschberg, "The Melaka Empire, c. 1400-1528," in *Empires of the Sea: Maritime Power Networks in World History*, ed. Rolf Strootman, Floris van den Eijnde, and Roy van Wijk (Brill, 2019), 265.

<sup>41</sup> Fang (2003), *Undang-undang Melaka*, p. xxi.

<sup>42</sup> Jelani Harun (2008), *Undang-Undang Kesultanan Melayu*, p. 126.

<sup>43</sup> Liaw Yock Fang identified more than 50 extant manuscripts of *Undang-undang Melaka*, which have not less than 14 different titles. Its original text, which was a royal regulation issued by the Malacca ruler Sultan Muhammad Syah (1424-1444), was added to regulations made by Sultan Muzaffar Syah (1445-1458). Over time, the text has been taken to other places, even more adapted for the use of local authorities throughout the Malay world, named following the place where its ruler adopted it, such as *Undang-undang Johor*, *Undang-undang Pahang*, *Undang-undang Kedah*, and *Undang-undang Riau*. Such local rulers added or subtracted its contents according to their interests. All of this material was then copied and re-copied to become a larger text. So, depending on the place and time of copying, manuscripts of the Malacca Legal Code vary in its content and length. Yock Fang Liaw, "Naskah Undang-Undang Melaka: Suatu Tinjauan," *SARI: Jurnal Alam Dan Tamadun Melayu* 25 (2007): 85-86.

<sup>44</sup> Edgar Ulrich Kratz, "The Editing of Malay Manuscripts and Textual Criticism," *Bijdragen Tot de Taal-, Land- En Volkenkunde* 37, no. 2/3 (1981): 234.

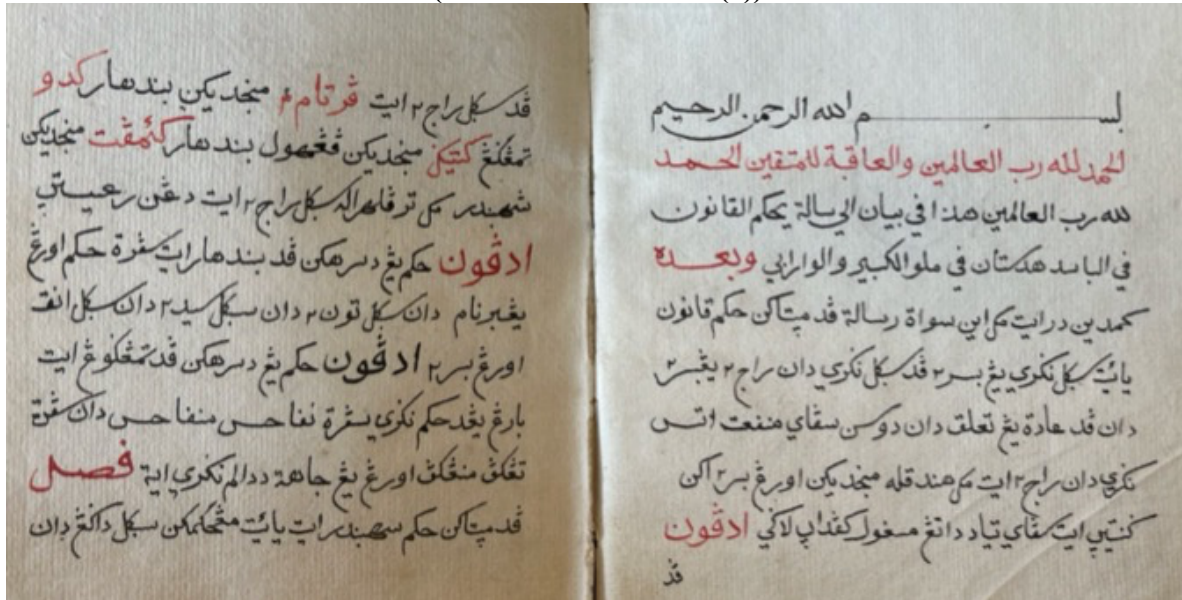
<sup>45</sup> For example, Or. 1364 (Cambridge University Library). See Fang (1976), *Undang-Undang Melaka*, p. 21.

<sup>46</sup> For example, Breda 6619 (The Netherlands Military Academy in Breda), Vat. Ind. IV (Biblioteca Apostolica Vaticana), Cod. Or. 1705 (2) (Figure 2), Cod. Or. 1726 (1, 2), Cod. Or. 1726, Cod. Or. 3199 (2) (Figure 4), Cod. Or. 14.073 (copy of Military Academy Breda's Breda 6619) (Leiden University Library). See Fang (2003), *Undang-undang Melaka*, pp. 1-2; Iskandar (1999), *Catalogue of Malay*, pp. 108-109; Jan Just Witkam, *Inventory of Oriental Manuscripts of the Library of the University of Leiden*, 15th ed. (Ter Lugt Press, 2007), 228; Jan Just Witkam, *Inventory of Oriental Manuscripts of the Library of the University of Leiden*, 4th ed. (Legatum Warnerianum, 2007), 67; Jan Just Witkam, *Inventory of Oriental Manuscripts of the Library of the University of Leiden*, 2nd ed. (Ter Lugt Press, 2007), 43.



- Undang-undang Negeri dan Pelayaran<sup>47</sup>
- Undang-undang Perahu<sup>48</sup>
- Undang-undang Be[r]layar<sup>49</sup>
- Undang-undang Bahtera di Laut<sup>50</sup>
- Undang-undang Pelabuhan<sup>51</sup>

**Figure 2: The first two pages of the manuscript of the *Undang-undang Laut* (Leiden Cod. Or. 1705 (2))**



Source: Courtesy Leiden University Library

The extant manuscripts containing the titles above vary in length and content and are found in regions beyond Malacca. It is assumed that the separation of the text into independent manuscripts signifies an increasing awareness of the importance of maritime territories among the people of the Archipelago. Presumably, this was a direct or indirect reaction to the presence of European powers in the waters of the Archipelago. It is also likely that this resulted from the repeated adoption of this Code in various regions of the Archipelago, as will be further discussed.

### ***Undang-undang Laut Melaka and Undang-undang Darat Melaka: A 'Tandem'***

As mentioned earlier, the *Undang-undang Laut* (The Sea Code) and *Undang-undang Darat* (The Land Code) are two traditional law texts that are often incorporated into a single text of *Undang-undang Melaka* (The Laws of Malacca). Philologist Liaw Yock Fang conjectures that the *UULM* was formed shortly after the codification of the *Undang-undang Melaka*.<sup>52</sup> Such Sea Code consists of 43 chapters (*pasals*), including the introduction, while its land code counterpart comprises 48 chapters apart from the introduction.<sup>53</sup>

<sup>47</sup> For example, Cod. Or. 1706 (1, 2), Cod. Or. 2160, and Cod. Or. 3199 (3) (Leiden University Library). See Fang (2003), *Undang-undang Melaka*, pp. 4, 7, 9; Edwin Wieringa, *Catalogue of Malay and Minangkabau Manuscripts in the Library of Leiden University and Other Collections in the Netherlands*, 1st ed. (Leiden: Legatum Warnerianum in Leiden University Library, 1998), 249.; E.P. Wieringa (2007), *Catalogue of Malay and Minangkabau Manuscripts*, pp. 26-28.

<sup>48</sup> For example, Cod. Or. 3292 and Cod. Or. 12.204 (Leiden University Library). See Fang (2003), *Undang-undang Melaka*, pp. 10, 12; Edwin Wieringa, *Catalogue of Malay and Minangkabau Manuscripts in the Library of Leiden University and Other Collections in the Netherlands* (Leiden University Library, 2007).

<sup>49</sup> For example, Cod. Or. 3293 ((Leiden University Library). See Fang (2003), *Undang-undang Melaka*, p. 10; Wieringa (2007), *Catalogue of Malay and Minangkabau Manuscripts*, pp. 187-189.

<sup>50</sup> For example, Cod. Or. 6136 (2) (Leiden University Library). See Fang (2003), *Undang-undang Melaka*, p. 12; Jan Just Witkam, *Inventory of Oriental Manuscripts of the Library of the University of Leiden*, 7th ed. (Ter Lugt Press, 2007), 57.

<sup>51</sup> Identified as the first part of the Kedah Laws (*Undang-undang Kedah*), dated 1650 AD. Winstedt who examined the manuscript said that it was given to the School for Oriental Studies, Finsbury Circus, London. See R.O. Winstedt (1928), "Kedah Laws", *Journal of the Malayan Branch of the Royal Asiatic Society*, 2(103), p. 1. See also Jelani Harun (2008), *Undang-Undang Kesultanan Melayu*, p. 129.

<sup>52</sup> Fang (1976), *Undang-undang Melaka*, p. 33.

<sup>53</sup> This assertion refers to Fang (2003) which based on the manuscript Biblioteca Apostolica Vaticana's Vat. Ind. IV and the manuscript Breda 6619 preserved at the Dutch's Royal Military Academy in Breda. See Fang (2003), *Undang-undang Melaka*, pp. 73-83.



Nevertheless, in some manuscripts, the former is slightly shorter than the latter. It can be said that both Codes are ‘in tandem’. Since they are often found together in many extant manuscripts, it can be interpreted that for the Malay people, land (*tanah*) and water (*air*) are two equally important spaces in their cognition, as their homeland is archipelagic in nature. Some studies have shown that this awareness, driven by political and economic factors, evolved alongside the ethnicisation of Malay for more than 2,000 years, reached its zenith before the arrival of Europeans in the region, experienced contractions during the colonial era due to the encroachment of Western political powers in the waters of the Archipelago, and has been revived after the colonial era.<sup>54</sup>

In many extant manuscripts, the *UULM* is inserted into the *Undang-undang Melaka* or placed in the second part. However, in the Biblioteca Apostolica Vaticana’s manuscript Vat Ind. IV, the Code is located in the first part. Nevertheless, many exist as stand-alone texts in independent manuscripts. Figure 3 illustrates the position of the Code in extant manuscripts.

**Figure 3: Positions of the Malacca Maritime Code in extant manuscripts all over the world**

<i>Position 1</i>	<i>Position 2</i>	<i>Position 3</i>
<p><b><i>Undang-undang Melaka</i><sup>55</sup></b></p> <p>(i) <i>The Undang-undang Melaka</i> (proper)</p> <p><b>ii) The Maritime Law (partly)</b></p> <p>(iii) Muslim Marriage Law</p> <p>(iv) Muslim Law of Sale and Procedure</p> <p>(v) <i>The Undang-undang Negeri</i></p> <p>(vi) <i>The Undang-undang Johor</i></p>	<p><b><i>Undang-undang Melaka</i><sup>56</sup></b></p> <p><b><i>Undang-undang Laut [Melaka]</i></b></p> <p><b><i>Undang-undang Melaka (Darat)</i></b></p>	<p><b><i>Undang-undang Laut [Melaka]</i><sup>57</sup></b></p> <p>(Independent, apart from <i>Undang-undang Melaka</i>)</p>

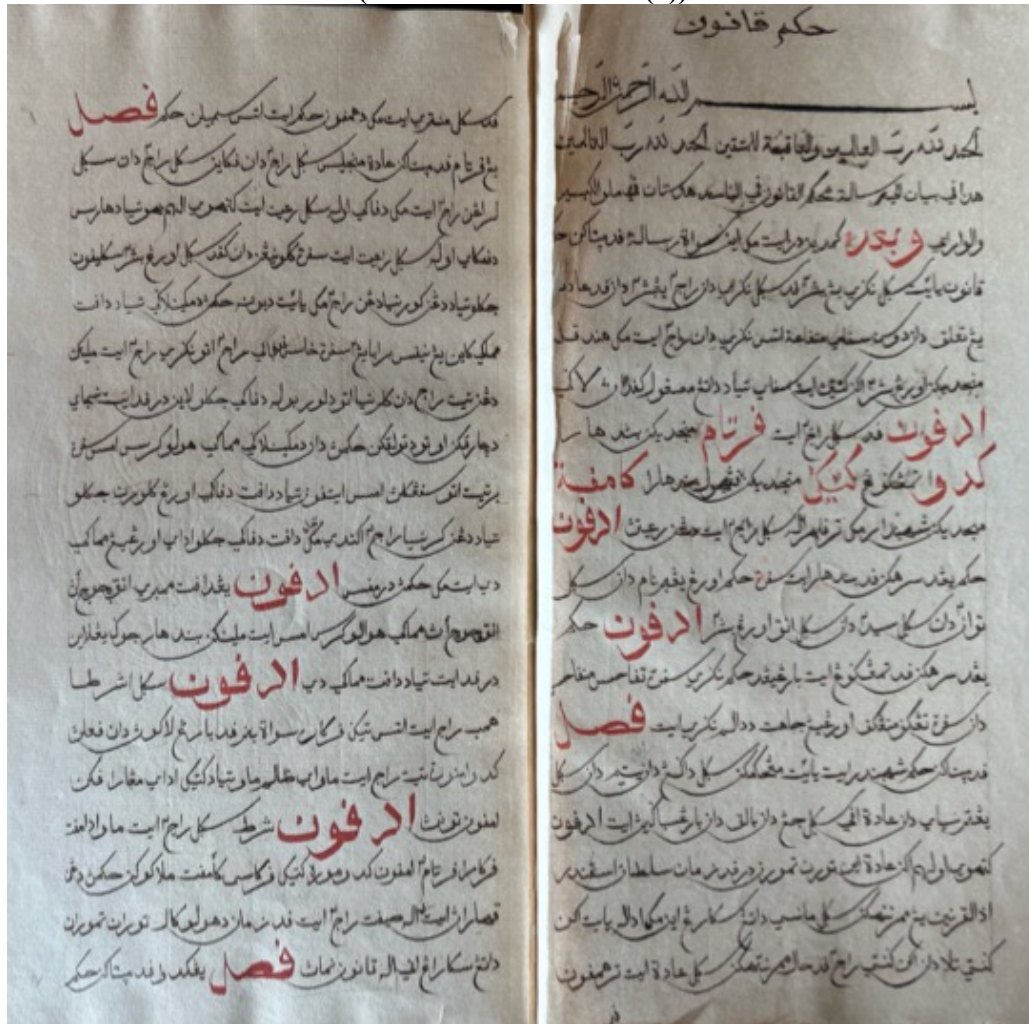
<sup>54</sup> Andaya, *Leaves of the Same Tree: Trade and Ethnicity in the Straits of Melaka*, 236; Ahmad Murad Merican, *Tanah Air: Passing through the Malay Archipelago* (ISTAC-IIUM Publication, 2022), xv–xvii. In 2021, Ahmad Murad Merican, professor of social and intellectual history at the International Institute of Islamic Thought and Civilization, International Islamic University Malaysia (ISTAC-IIUM) convened a series of lectures titled ‘Tanah Air: The Malay Maritime Civilization Project.’ It is a response to discourses deconstructing the Malay as embodying a civilization, and denying the historical and sociological reality of the Malay world. The Project attempts to establish the *Tanah Air* as the cosmological, geographical, historical and spiritual expression of the Archipelago through the lectures (and several subsequent projects). The idea is to conceptualize the interaction of land and water and the systems and societies domiciled as constituting a maritime civilization, as opposed to the continental/land-based definition of civilization. In the Archipelago, ‘*Tanah*’ (Land) and ‘*Air*’ (Water) are not separated but intersect and interact as history and geography. The lectures which began in August 2021 continued through February of 2023 both online, hybrid and physical—totally 16 lectures. The book as the outcome of the lectures is now being published by (ISTAC-IIUM) under the title *Malay Maritime Civilization: Perspectives, Symbolism and Geography*. In addition, two other objectives of the Project are to produce a *Malay Maritime Civilization Encyclopedia* and to advocate for a Maritime Museum in Malaysia.

<sup>55</sup> Fang (1976), *Undang-undang Melaka*, p. 31.

<sup>56</sup> For example, in manuscript Vat. Ind. IV (Biblioteca Apostolica Vaticana): *Undang-undang Laut* is located in pp. 1-29 and *Undang-undang Melaka* is located in pp. 30-80. See Fang (2003), *Undang-undang Melaka*, pp. 87-143.

<sup>57</sup> It exists independently with diverse names, as explained above. Jelani Harun noted not less than 26 extant manuscripts under this category. See Harun (2008), *Undang-undang Kesultanan Melayu*, p. 126.

Figure 4: The first two pages of the manuscript of the *Undang-undang Laut* (Leiden Cod. Or. 3199 (2))



Source: Courtesy Leiden University Library

Raffles summarised the contents of the Code into four components (which he referred to as ‘chapters’):

1. \*Authority of the Code. \*Description of persons on board of a *perahu* (boat). \*Of the officers and crew. \*Their authority. \*Duties and nature of their engagement. \*Of the *kiwis* (traders/cargo owners).
2. \*Of the division of a *perahu*. \*Regulation for the safety of the *perahu* while at sea. \*Of fire in the *perahu*. \*Of throwing cargo overboard. \*Of *perahus* running afoul of each other. \*Of entering ports and the mode of trading. \*Of detentions. \*Of persons quitting a *perahu*.
3. \*Of persons who may be in distress, or who have been wrecked at sea. \*Of troves. \*Of carrying off slaves from another country.
4. Of crimes and punishment on board of a *perahu*. \*Of disrespectful and contumacious conduct towards the *nakhoda* (ship’s captain). \*Of adultery and criminal connections with women on board a *perahu*. \*Of quarrel and dissensions. \*Of theft.<sup>58</sup>

<sup>58</sup> Raffles (1818), “On the Malaya Nation”, p. 129. For a more detailed description of it, see Mardiana Nordin (2008), “*Undang-Undang Laut Melaka*” p. 16-18, which refers to Winstedt & de Jong (1956), “The Maritime Laws”, pp. 51-57. See also Bastin & Winks (1966), *Malaysia*, pp. 26-31.

***Dive into the Text of the Code: Analysis and Interpretation***

A thorough reading of the contents of the Code suggests several prominent aspects related to activities in the Malay territorial waters in the 15th century.<sup>59</sup>

***The Malay vessels and the hierarchical positions on board***

The *UULM* text provide insights into the design and divisions of the Malay vessel known as *jung* or *Jong* (junk) (Figure 5). Other local sea transport crafts frequently mentioned include *prahu* or *perahu*.<sup>60</sup> However, historically, *jungs* have been associated with Chinese vessels.<sup>61</sup> Possibly, such type of Chinese vessel has long been commonly found in the Archipelago's waters. For a long time, many Chinese people have resided in Malacca, with trading being one of their favourite occupations.<sup>62</sup> Perhaps the Malays may have adopted the technology for constructing such Chinese *jung*, and the Chinese architecture has become a reference to the Malay community for the design of monuments, including Malacca mosques.<sup>63</sup> This is, of course, a result of the long-standing trade contacts between China and Malacca.<sup>64</sup>

There is an impression that the *jungs* were quite large, as the narrative of the Code reveals a complex division of a *jung*'s board.<sup>65</sup> To the extent that can be identified, they include *paterana lawang* (fore hatch), *balai lintang* (transverse cabin), *balai bujur* (lengthwise cabin), *alang muka* (the area before the captain's cabin), *anjung-anjung* (cross-beam), *haluan* (bow), and *buritan* (ship's stern). Each division serves a particular function, and certain areas are prohibited for specific individuals. Violating these prohibitions incurs specific penalties. For example, 'Sailors are not allowed in the "transverse cabin" or the "lengthwise cabin"' because '[t]he first is reserved for the ship's council' and 'the second for the midshipmen [*mudamuda*].'<sup>66</sup> While 'sitting on a cross-beam with dangling legs and facing astern is an insult to the captain and is punished like *lèse-majesté*, with seven lashes and a fine of 1¼ tael of gold.'<sup>67</sup>

<sup>59</sup> Our thorough reading is based on Fang's transliteration to the Code which takes manuscript Bibliotheca Apostolica Vaticana's Vat Ind. IV as the basic text and Breda's Breda 6619 as the comparative manuscript.

<sup>60</sup> According to Ahmad Jelani Halimi (2006) and Muhammad Mohamad Idris (2024), *jong* or *jung* and *perahu* or *prahu* are indeed two types of Malay boats. Others include *sampan*, *ghurab*, *penjajab*, *berik*, *wangkang*, *tongkang*, *rakit*, *jalak*, *sagur*, *payar*, *baluk*, *lancang*, *kakap*, *kapal*, *bahtera*, *kakap*, *balang*, *cialup*, *banting*, and *kelulus*. Some of them were used as warships, such as *kakap*, *lancang*, and *penjajab*. Ahmad Jelani Halimi, *Perdagangan Dan Perkapalan Melayu Di Selat Melaka Abad Ke-15 Hingga Ke-18* (Dewan Bahasa dan Pustaka, 2006), 157–58; Muhammad Mohamad Idris, *Maritim Pahang Dalam Historiografi Melayu*, 9th ed. (Dewan Budaya, 2024), 21; Adrian Horridge, *The Prahu: Traditional Sailing Boat of Indonesia* (Oxford University Press, 1981); Adrian Horridge, "Small Boats of Madura," *Hemisphere* 26, no. 2 (1981): 72–77; Michael Southon, *The Navel of the Perahu: Meaning and Values in the Maritime Trading Economy of a Butonese Village* (Department of Anthropology, Research School of Pacific and Asian Studies, The Australian National University, 1995); Erik Petersen, *Jukung-Boats from the Barito Basin, Borneo* (The Viking Ship Museum, 2000); Abd Rahman Hamid, *Sejarah Dan Budaya Maritim Indonesia* (Penerbit Ombak, 2020).

<sup>61</sup> Possibly from Amoy. See Richard James Wilkinson, *A Malay-English Dictionary, Part I (A-K)* (Salavopoulos and Kinderlis, 1932), 477; George Raleigh Gray Worcester, *The Junks and Sampans of the Yangtze: A Study in Chinese Nautical Research* (Statistical Department of the Inspectorate General of Customs, 1948); Ivon Arthur Donnelly, *Chinese Junks and Other Native Craft* (Kelly and Walsh, 1924).

<sup>62</sup> Just as an illustration, in 1832, of total 12,120 souls Malacca inhabitants, 3,862 were Chinese. The rests were Malays (3,071), Battas (309), Hindoos (886), Chauliahs (1,868), Siamese (14), Christians (1,921), Cafres (43), Arabs (94), Bengalis (43), and Javanese (9). See Newbold (1839a), *Political and Statistical Account*, Vol. 2, p. 137.

<sup>63</sup> Abdullah Yusof and Syaimak Ismail, "Sumbangan Pertukangan Cina Terhadap Rekabentuk Masjid: Kajian Terhadap Komponen Luar Masjid Di Melaka Pada Abad Ke-18," *Journal of Al-Tamaddun* 19, no. 1 (2024): 57–66.

<sup>64</sup> For more on the Chinese's records on Malacca, see Derek Heng, "Melaka' in Chinese Texts: Archivalisation and Macro Patterns Related to Records of Melaka in the Ming and Qing Periods (Fifteenth to Eighteenth Centuries)," *Journal of Economic and Social History of the Orient* 65, no. 3 (2022): 471–96; Wang Gungwu, "The Nanhai Trade: A Study of the Early History of Chinese Trade in the South China Sea," *Journal of the Malayan Branch of the Royal Asiatic Society* 31 (1958): 1–135.

<sup>65</sup> The narrative of the *UULM* does not inform the size of a *jung*, remind us about the polemic among the Malays on the existence and size of Hang Tuah's ship named '*Mendam Berahi*'. All that is clear is that *Mendam Berahi* is far bigger than a *perahu*, because when it sailed carrying Hang Tuah to *Benua Keling* (India), then to China, it was accompanied by 12 *perahus*. See Kassim Ahmad, *Hikayat Hang Tuah* (Kuala Lumpur: Dewan Bahasa dan Pustaka, Kementerian Pendidikan Malaysia, 1993), 413; Ahmat Adam, *Antara Sejarah Dan Mitos: Sejarah Melayu & Hang Tuah Dalam Historiografi Malaysia* (Petaling Jaya: Strategic Information and Research Development Centre, 2016).

<sup>66</sup> Winstedt & de Jong (1956), "The Maritime Laws", p. 54.

<sup>67</sup> Winstedt & de Jong (1956), "The Maritime Laws", p. 58.

**Figure 5: A *jung*, the oriental vessel that is said to have originated from China**



Source: Donnelly, 1924: front matter

The hierarchical structure from the top to the bottom is as follows: *pemilik perahu* → *nakhoda* → *muallim* → *juru* (derived into some functions) → *tukang* (divided into some functions) → *muda-muda* → *awak*. These functions are described in more detail in Figure 6.

**Figure 6: The administrative structure and command hierarchy in 15th-century Malay ships according to the *UULM***

<i>pemilik perahu</i> (the ship owner)	
<i>nakhoda</i> (the captain) <sup>68</sup>	
<i>mualim</i> (navigator/expert esp. of navigating officers <sup>69</sup> )	<i>mualim besar</i> (the chief navigator) <i>mualim angin</i> (the midshipmen appointed as navigators) <i>mualim kecil</i> (the inferior master, whose main duty is to manage the sails according to the wind)
<i>juru</i> <sup>70</sup> (trained seamen/skilled crew)	<i>juru mudi</i> (the steersman/helmsman/ quartermaster) <i>juru batu</i> (the officer in charge of casting anchor and taking soundings): <i>juru batu kanan</i> (the officer of the starboard/right side) and <i>juru batu kiri</i> (the officer of the larboard/left side)
<i>tukang</i> <sup>71</sup> (the petty-officers) and other positions equivalent to it	<i>tukang agung/agong</i> (the chief petty officer/chief craftsman/the officer of the main mast) <i>tukang layar</i> (boat sail controller) <i>tukang haluan</i> (the officer in the bows) <i>tukang petak</i> <sup>72</sup> (the officer of the hold) <i>tukang kanan</i> (the officer of the right side) <i>tukang tengah</i> (the officer amidships) <i>tukang kiri</i> (the officer of the left side) and <i>kepeng/berkepeng</i> <sup>73</sup> (ship's security guard) <i>gantung [layar]</i> (boatswains)
<i>muda-muda</i> (midshipment)	
<i>awak</i> (the crew/common men)	

<sup>68</sup> According to Raffles, a *nakhoda* employs a *juru tulis* or writer, who corresponds in some degree to a purser. See Raffles (1818), "On the Malayu Nation", p. 132.

<sup>69</sup> Winstedt & de Jong (1956), "The Maritime Laws", p. 53; Wilkinson (1932), *A Malay-English Dictionary, Part II (L-Z)* (Salavopoulos and Kinderlis, 1956), 148.

<sup>70</sup> Literally means: 'Trained worker (at some occupation other than a handicraft)'. Wilkinson, *A Malay-English Dictionary, Part I*, 485.

<sup>71</sup> Literally means: 'a man trained in the use of certain tools'. Wilkinson, *A Malay-English Dictionary, Part II*, p. 609.

<sup>72</sup> Raffles, "On the Malayu Nation," 133. Wilkinson noted *tukang petak* as 'officer of the hold, head of stevedore'. See Wilkinson, *A Malay-English Dictionary, Part II*, 609. Apart from that he also noted *juru petak* (attending to cargo). See Wilkinson, *A Malay-English Dictionary, Part I*, 485.

<sup>73</sup> Wilkinson noted it '*kepeng*' which means 'watch (on a native ship)'. See Wilkinson, *A Malay-English Dictionary, Part I*, 562.

Apart from such administrative and hierarchical positions, there are other figures mentioned in the narrative of the Code. They are *kiwi*<sup>74</sup> (persons who have an interest in the voyage and to whom part of the cargo belongs) and *senawi* (supercargoes or passengers who work his passage<sup>75</sup>). Some figures related to port authorities are also mentioned, such as *syahbandar* (the harbour master) and *[tukang] lintang payar* (the maritime tax collector's vessel).<sup>76</sup>

*'The Sea of Malayu' and various types of unlawful actions in shipping*

The narrative of the *UULM* records various criminal acts or deviant behaviours occurring on Malay boats during voyages in 'the Sea of Malayu' – a term found in an Arabic document dated c. 1000.<sup>77</sup> Such unlawful actions include killing, threatening with bladed weapons (like *keris*), theft, running amok, fighting on board, acts that cause fires, neglecting to carry out one's duties, leaving the ship, entering a particular division on the ship, committing adultery (*berbuat zina*), jesting with one's concubine and keeping stolen goods. Such crimes and prohibited actions must be punished with various penalties: death, amputation of one's hand, shackling, lashes (with whip or *manau*<sup>78</sup>), being fined, being taxed, being jeered at and insulted, his debt doubled, being tied with rope, compensation, redemption, confiscation and division of property or the judge being entrusted with determining the sentences (*dita'zirkan*).<sup>79</sup>

The various crimes mentioned in the Code suggest the complexity and exclusivity of the Malay maritime culture and nature. Such sea trading activities evidently involved local peoples and foreigners as well. As a primary centre of trade and commerce, Malacca port city was cosmopolitan in nature and represented various ethnic groups<sup>80</sup> Malacca's success as an emporium significantly expanded shipping activities, which, in turn, generated various effects, including an increase in crimes, forbidden acts in trading and shipping activities, and piracy in its waters.<sup>81</sup>

The narrative of the Code also reveals the directions of ships' voyages to ports in Sumatra, Java and the islands of the eastern Archipelago, particularly the islands of Sulawesi (Celebes) and Sumbawa. Apart from Java, other ports mentioned include Tanjung Pura, Mengkasar (Makassar) and Bima.<sup>82</sup> These prominent port towns were situated along a main route of insular trading in the Archipelago during the 15th century. What is called "the Java sea zone" was one of the principal trading routes since 250 AD and an integral part of inter-island trade routes in the 15th and 16th centuries which improved relations between the Demak and Melaka Sultanates economically, and also politically to expel the Portuguese colonialists.<sup>83</sup> The narrative of the Code does not specify international traders.<sup>84</sup>

<sup>74</sup> According to Wilkinson, *kiwi* means 'I. Ostentitious ownership; showing off one's possessions; II. Supercargo'. See Wilkinson, *A Malay-English Dictionary, Part I*, 604. The *kiwis* sailing on a ship have a leader who is called the *Penghulu Kiwi* or *Mulkiwi*. See Fang, *Undang-undang Melaka*, p. 94; Winstedt and de Jong, "The Maritime Laws", 39, 54.

<sup>75</sup> See R.J. Wilkinson, *A Malay-English Dictionary, Part II*, 431.

<sup>76</sup> *Lintang payar*: 'to lay a vessel across stream to hold up boats for payment of tolls'. See Wilkinson, *A Malay-English Dictionary, Part II*, 62.

<sup>77</sup> The term referred to the "voyaging corridor" shared by communities in southern India, Sri Lanka, northern Sumatra, the Burmese/Thai isthmus, the northern Malay Peninsula, the lands along the Gulf of Siam, the Lower Mekong, and south and central Vietnam' and beyond. Andaya, *Leaves of the Same Tree*, 22; Andaya, "The 'Sea of Malayu': An Ocean Perspective of Malay History", *Prosiding International Conference on Indonesian Studies: Maritime Culture and Local Wisdom* (Fakultas Ilmu Budaya Universitas Indonesia, 2010), 49.

<sup>78</sup> Big rattan is commonly found at the jungles in the Malay world; '*Calamus manau* or *rotan manau*: a rope-like rattan used for making swing-bridged'. See Wilkinson, *A Malay-English Dictionary, Part II*, 100. In the past, its pieces were usually used by police in to beat demonstrators or people who violated the rules.

<sup>79</sup> We will not repeat the descriptions have made by previous researchers about such *types* of crimes or *unlawful actions* and the *forms* and *grades* of punishment imposed. For details on these, see Fang, *Undang-undang Melaka*, 77-83, 89-106 (transliteration), and for its English translation, see Bastin & Winks, *Malaysia*, 26-32.

<sup>80</sup> Nordin Hussin, "Studies on Dutch Colonial Port-Towns in Southeast Asia: A Case Study on Dutch-Melaka," in *Paper Delivered at An ATMA-KITLV Colloquium Dutch Scholarship and the Malay World* (A Critical Assessment, 2000), 4-5.

<sup>81</sup> As a main water of the maritime kingdom of Malacca, piracy has long become part of the crimes in the Straits of Malacca. This can be suggested from the presence of the word '*perompak*' and '*lanun*' or '*ilanun*' in the Malay lexicon. '*Perompak*' connoted pirates sailing in their own waters or robbery on the waters, and '*lanun*' generally meant pirates sailing the high seas. See Wilkinson, *A Malay-English Dictionary, Part I (A-K)*; Scott. C. Abel, "A Covert War at Sea: Piracy and Political Economy in Malaya, 1824-1874" (PhD diss., Northern Illinois University, 2016).

<sup>82</sup> Fang (2003), *Undang-undang Melaka*, p. 98.

<sup>83</sup> Wildhan Ichzha Maulana et al., "Maritime Activities of the Demak Sultanate: Shipping and Trade Route in the Nusantara Network (1478-1546)," *Journal of Al-Tamaddun* 19, no. 1 (2024): 261; Hussin, *Melaka and Penang 1780-1830: A Study of Two Port Towns in the Straits of Melaka*, 19.

<sup>84</sup> For further on the important role that Malacca has played as the leading inter-Asian-trade trading center and the presence of regional and international traders in this prominent port town, see M.A.P. Meilink-Roelofs, *Asian Trade and European Influence in the Indonesian Archipelago between 1500 and about 1630* (Nijhoff, 1962).

This might indicate that the Code was primarily intended for people and the seamen of Malacca themselves. According to the Code, a navigator (*mualim*) must always pray to Allah and His Prophet (Muhammad),<sup>85</sup> suggesting that it was primarily directed at Malacca's traders and sailors rather than their foreign counterparts.

The *UULM* was formulated by several prominent merchants who collaborated with senior ship captains of the great port town of Malacca under the orders of Sultan Muhammad Syah (1424–1444), supported by his Prime Minister or Grand Vizier, Datuk Bendahara Seri Maharaja.<sup>86</sup> These rules were then adjusted to the customs of the Sultanate and enhanced with Islamic teachings, subsequently adhered to by Sultan Muhammad Syah's successors. The narrative of the Code clearly states that the initial ideas for its formation originated from two leading traders (*saudagar besar*) and two chief captains (*nakhoda*) who were honoured with the title 'Sang Naya Diraja' or 'Setia Bakti'. They are: Patih Harun, Patih Ilyas, Nakhoda Jainal and Nakhoda Sahak Mira.<sup>87</sup> Accordingly, this implies the bottom-up nature of the Code: its seeds originated from traders and the seamen, and were then accommodated and promulgated by the rulers of the Malacca Sultanate.

### *A Code that Exhibits Islamic and Customary Spirits*

The *UULM* is a law evidently influenced by Islam and the Malay customary laws. This is clearly articulated in its text: 'The laws made by the captains who have been established are no longer changed by the kings in the country, because these laws have been conformed to the laws of the country and adjusted to the laws of God and the customs.'<sup>88</sup> Raffles mentioned that 'the *Malacca* code appears to have been compiled during the reign of *Sultan MUHAMMED SHAH*, the first sovereign of *Malacca*, recorded in the *Malāyu* annals to have embraced the *Muhammedan* faith.'<sup>89</sup>

In fact, the Islamic overtones can already be observed in the preamble to this Code. It states:

*In the name of God, the most gracious, the most merciful,  
Praise be to God, Lord of the Worlds, and prayers and peace be upon the honourable ones, those  
who provide for the nights and days. Praise be to Allah, the Lord of the entire world, who bestows  
the light of His grace on all His servants and has mercy on His believing servants in the land of  
eternity and the abode of happiness in the hereafter. From this, he wrote this letter [copy of the  
Malacca Maritime Code] in the Hijra year of the Prophet [Muhammad] Salla'llāhu 'alaihi wa  
sallam dzal at one thousand and sixty-six [1066 H] on four Jamadi'l Awal at the beginning of  
Dhuha, compiling these laws regarding the sailing of junks owned by individuals. Thus, I begin  
these words so that all of Allah's servants may be preserved by Allah, The Sovereign Lord.'*<sup>90</sup>

<sup>85</sup> Winstedt & de Jong (1956), "The Maritime Laws", p. 53.

<sup>86</sup> For further on this brilliant Malacca's Prime Minister, see Richard James Wilkinson, "The Malacca Sultanate," *Journal of the Malayan Branch of Royal Asiatic Society* 362 (1935): 63–67.

<sup>87</sup> 'Jikalau tiada dikatakan perkataan ini, semuanya disebutkan ya'ni dalam kertas ini, nescaya binasalah segala yang dikerjakan oleh nini[k] moyang kita yang tuha-tuha kerana hukum ini tatkala zaman Melaka lagi karar di bawah duli tuan kita Sultan Mahmud (*sic*) Syah yang di atas takhta kerajaan dalam negeri Melaka dan Datuk Bendahara Seri Maharaja jadi mangkubumi di bawah duli tuan kita Sultan Mahmud (*sic*) Syah. Ialah yang memberi titah ya'ni menitahkan hukum ini kepada segala nakhoda yang tuha-tuha pada zaman ini. Maka segala nakhoda yang tuha-tuha itu pun kabullah menurut hukum ini[.] [M]aka datanglah sekarang turun-temurun kepada segala anak cucu nakhoda yang banyak itu pun kabullah menurut hukum ini. [...]

Adapun asal yang empunya undang-undang ini tatkala lagi zaman Melaka lagi baik, maka muafakatlah segala nakhoda yang tuha-tuha dengan segala saudagar karena saudagar itu pun berjong menyawarat, makai a berbuat suatu hukum undang-undang ini. Pertama nama saudagar yang besar itu <Patih> Harun dan Patih Ilyas (Hiliyas) dan Nakhoda Jainal dan Nakhoda Dewi dan Sahak Mira empunya hukum ini. Tuan-tuan itulah yang bergelar Sang Naya Diraja dan bergelar Setia Bakti. Tuan-tuan itulah yang mengatakan yang nakhoda itu upama raja ia di laut.' Fang (2003), *Undang-undang Melaka*, pp. 89-90, 96. As we suggested earlier, the copyists of manuscript Vat. Ind. 4 and Breda 6616 have carelessly identified the name of Malacca's third king Sultan *Muhammad* Syah (1424-1444) as its eighth king, Sultan *Mahmud* Syah, who reigned from 1481 to 1511, or they have done it deliberately under concurrent political pressure. (Our emphasis).

<sup>88</sup> 'Barang sesuatu hukum nakhoda yang telah sudah putus itu tiada lagi dirombak oleh raja-raja di negeri dan karena hukumnya itu pun telah dimuafakatkan dengan hukum undang-undang negeri dan dimuafakatkan dengan *hukum Allah* dan hukum resam.' Fang (2003), *Undang-undang Melaka*, p. 96. (our emphasis).

<sup>89</sup> Raffles, "On the Malāyu Nation," 130.

<sup>90</sup> Fang, *Undang-undang Melaka*, 89. (Authors' translation). Originally: "*Bismi'llāhi'r-Rahmani'r-Rahīm, Al-hamduli'llahi rabbi'l'ālamīn was-salatu was-salām al-kirām bi maddi'al-layālī wa'l-ayyām*. Segala puji bagi Allah Tuhan Seru 'Alam sekalian, melimpahkan cahaya anugerah-Nya atas segala hamba-Nya dan mengasihani hamba-Nya yang mu'min dalam negeri akhirat baqa dārussalam. Kemudian daripada itu menyurat dia surat ini pada hijrah al-Nabi salla'llāhu 'alaihi wa sallam seribu enam puluh enam tahun pada tahun Dzal pada empat hari bulan Jamadi'l awal



Such Islamic nuances can be perceived in many articles (*pasals*) of the Code. Certain sentences regarding those who break the laws, such as the death penalty, amputation and lashes, indicate the influence of Islamic law. Anthony Reid noted, 'Islam had relatively little long-term influence on Southeast Asian practice.'<sup>91</sup> According to Muhd Norizam Jamian, such punishments align clearly with the Sharia in Islam.<sup>92</sup>

The *nakhoda* of a ship, who is compared to a king, must also adhere to principles based on Islam. Similarly, a *mualim* must follow the principle: 'The navigator should not fail to pray to Allah and his Prophet, for he is as an imam on board a ship.'<sup>93</sup> Regarding the authority of a *nakhoda*, the Code states:

Thus, he was given [by the junk owner] one sword, one rattan, one rope, one chain and one stock in front of all the people in the junk. If the crew of the boat intends to go on a rampage, he must be killed with the sword. If the captain goes down to a country and meets the kings, if he [the crew] doesn't want to follow, they will be whipped with the *rattan*. If the crew of the boat fights the captain, they are tied with the rope. If the crew of the boat wishes to live in another country for no reason, then he will be shackled. This is the law of the captains and those who appoint someone to be a captain by the orders of their master.<sup>94</sup>

The spirit of Islam embedded in the *UULM* appears to symbolise the integration of Muhammad's religion into Malay society. As Raffles stated: 'The origin of the *Malay Code* may therefore be considered as nearly coeval with the first establishment of *Islamism* among the *Malays*.'<sup>95</sup> It echoed far into the subsequent centuries before European colonialism politically penetrated Malay society and began to impose its own laws.

### ***Adopted in Many Places in the Archipelago***

As a centre for trade and the transmission of Islam in 'the lands below the winds', Malacca has inspired the entire southeast Asian Archipelago. Along with the spread of the *Jawi* script since the 15th century, many regional languages other than Malay have adopted it. The script, which is intrinsically linked to Islam, was also used to codify local laws that emulated Malacca's success in creating regulations to regulate trade and shipping. Many local kingdoms in the Archipelago were inspired not only by the Sultanate's success in managing trade and shipping but also by the implementation of its laws. There is considerable evidence suggesting that the Malacca Maritime Code was adopted by other local rulers in the Archipelago. Although older maritime laws existed in the region, a more modern codification of such laws was apparently introduced by the Malacca Sultanate.<sup>96</sup> Aceh, Makassar and Bima were three prominent local kingdoms in the Archipelago that adopted the Malacca Maritime Code.

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pada waktu duha, mengarang hukum undang-undang ini dalam pelayaran dalam jong-jongan segala yang menaruh jong. Maka kumulai perkataan ini supaya segala hamba Allah terpelihara dengan karunia Tuhan Malik al-Jabbar." The date (colophon) '*hijrah al-Nabi salla 'llāhu 'alaihi wa sallam seribu enam puluh enam tahun pada tahun Dzal pada [Sabtu/Saturday] empat hari bulan Jamadi'l awal pada waktu duha*' is equivalent to 29 February 1656. Underlined words and additional comma suggest our correction to Fang's transliteration. As Drewes has also pointed out, Fang's transliteration of *Undang-undang Melaka* in his dissertation (1976) is not completely free from misreading. See G.W.J. Drewes, "On the Recent Edition of the Undang-Undang Melaka," *Journal of Malaysia Branch of the Royal Asiatic Society* 53, no. 1 (1980): 23–49; Liaw Yock Fang, *A History of Classical Malay Literature* (ISEAS & Yayasan Pustaka Obor Indonesia, 2013), 20.

<sup>91</sup> Anthony Reid, *Southeast Asia in the Age of Commerce 1450-1680. Volume One: The Lands below the Winds* (Yale University Press, 1990), 143.

<sup>92</sup> Muhd Norizam Jamian, "Dunia Maritim Melayu Dan Perundangan Melayu Tradisional," in *Prosiding Kolokium Pusat Kelestarian Warisan Dan Kebitaran Melayu* (Pusat Kelestarian Warisan dan Kebitaran Melayu, Fakulti Sains Sosial dan Kemanusiaan, Universiti Kebangsaan Malaysia, 2018), 30.

<sup>93</sup> Winstedt and de Jong, "The Maritime Laws," 53.

<sup>94</sup> Fang, *Undang-undang Melaka*, 105-106. (Authors' translation). Originally: "Maka diberinya [oleh pemilik *jong*] pedang sebilah dan rotan satu dan tali dan rantai satu dan pasungan satu di hadapan sekalian orang dalam jong itu. Adapun kalau awak perahu itu kira-kiranya hendak mengamuk, maka haruslah dibunuh dengan pedang itu. Adapun kalau nakhoda itu turun kepada sebuah negeri dan mengadap raja-raja, jikalau tiada ia mau mengikut, maka dipalu dengan rotan itulah. Adapun kalau awak perahu itu melawan nakhoda, maka diikat dengan tali itulah. Jika awak perahu itu hendak meninggal [tinggal] di negeri orang lain dengan tiada suatu sebab, maka dipasung dengan pasung itulah. Inilah hukum nakhoda dan orang yang menjadikan seseorang nakhoda dengan amar tuannya."

<sup>95</sup> Raffles, "On the Malay Nation," 130. In his introductory words for Dulaurier's work, Pardessus even argues that some of the rules in the *UULM* seem to have been adopted from ancient traditional rules originating from Indian texts and, therefore, he surmised that the writing of the Code must have occurred when Islam had not yet fully developed in the Indonesian Archipelago. Dulaurier, "Droit maritime de la mer des Indes," 389.

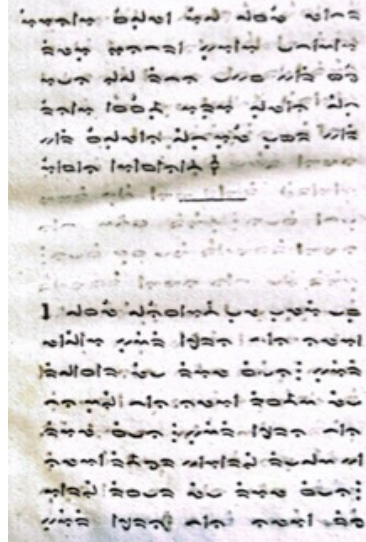
<sup>96</sup> It is said that the oldest maritime regulations in the Nusantara region are from the ancient Balinese Kingdom in the 10th century AD. Evidence of maritime law in the ancient Balinese Kingdom is found in the *Sembiran* inscriptions dated between 922 and 1181. For further on these inscriptions and its historical analysis, see I. Wayan Ardika and Peter Bellwood, "Sembiran: The Beginnings of Indian Contact with Bali," *Antiquity* 65, no. 247 (1991): 221–32, <https://doi.org/10.1017/S0003598X00079679>; Bambang Budi Utomo, *Warisan Bahari Indonesia* (Yayasan Pustaka Obor

In Sumatra, the Aceh Sultanate (1516–1912) was a dominant local kingdom that successfully expanded its political control over the west and east coasts of Sumatra. Aceh's control of Johor during the reign of Sultan Iskandar Muda and Iskandar Tsani led to the adoption of the *Undang-undang Melaka* by Aceh, particularly its Maritime Code. Similarities can be found between the two Codes, such as the existence of specific roles in shipping, including the ship's captain (*nakhoda*), the navigator (*mualim*) and the harbour master (*syahbandar*).<sup>97</sup> While in Kalimantan, the influence of the Malacca's Sea and Land Codes is evident in the Sambas Kingdom. For instance, the *Kitab Konun Sambas* (The Book of Canon Law of Sambas), which adopted these Codes, contains an extensive basic Maritime Code with additional chapters and longer descriptions of maritime laws.<sup>98</sup>

In the eastern part of the Archipelago, the leading local kingdoms of Gowa and Bima on Sumbawa Island also adopted the Malacca Maritime Code. Makassar incorporated this Code to enrich its own maritime law known as *Amanna Gappa* (Figure 7).<sup>99</sup> Apparently geographical, political, social and cultural conditions encouraged the adaptation to this Code in various regions, including Gowa, which was ruled by Bugis and Makassar nobles. Thomas Stamford Raffles mentioned that the Code was adopted, with slight modifications, 'by several of the ancient and powerful states on the island of *Celebes*, and continuing in force among many of the *Bugis* and *Macasar* traders from the island.'<sup>100</sup> Furthermore, he stated:

The *Bugis* and *Macasar* states, which are nations radically distinct from the *Malays*, possess a Maritime Code of still greater antiquity, but in later times they appear to have in many instances adopted the sea-laws of *Malaca* (*sic*), nearly in the same manner as the *Romans* adopted the celebrated *Rhodian* Code.<sup>101</sup>

**Figure 7: The first page of the earliest printed version of the Buginese Maritime Code *Amanna Gappa* by Danish missionary and pioneer of Malay printing Claudius Henry Thomsen**



Source: Thomsen, 1832, p. 1

Indonesia, 2016); Wayan Sumerta, Gendro Keling, and Ati Rati Hidayah, "Potensi Sumber Arkeologi Maritim Di Pesisir Pantai Tejakula Buleleng Bali," *Berkala Arkeologi Sangkhakala* 20, no. 1 (2017): 66–78; Ketut Sedana Arta, "Perdagangan Di Bali Utara Zaman Kerajaan Bali Kuno Perspektif Geografi Kesejarahan," *Jurnal Ilmiah Ilmu Sosial* 5, no. 2 (2019): 112–21.

<sup>97</sup> Hasan Bashori and Ahmad Budi Wahyono, *Transformasi Undang-Undang Malaka Di Kesultanan Aceh Abad XVII* (Perpusnas Press, 2020), 4.

<sup>98</sup> Dana Listiana & Asnaini, *Manuskrip Kitab Konun Sambas: Wawasan Ruang Perairan versus Daratan* (Media Jaya Abadi, 2020), 46.

<sup>99</sup> Claudius Henry Thomsen, *A Code of Bugis Maritime Laws* (Mission Press, 1832); Dulaurier, *Droit Maritime de La Mer Des Indes, de La Presqu'île Malaye et de l'archipel d'Asie: 'Code Maritime Du Royaume de Malaca'*; Leonardus Johannes Jacobus Caron, *Het Handels- En Zeerecht in de Adatrechtsregelen van Den Rechtskring Zuid-Celebes* (Van Dishoeck, 1937); Philip Oder Lumban Tobing, *Hukum Pelayaran Dan Perdagangan Amanna Gappa: Pembahasan Philologis-Kultural* (Jajasan Kebudayaan Sulawesi Selatan dan Tenggara, 1961); Andi Zainal Abidin and A.S. Alam, *Beberapa Catatan Tentang Kitab Hukum Pelayaran Dan Perniagaan "Amanna Gappa"* (Makassar: Badan Pembinaan Hukum Nasional & Penerbit Binacipta, 1976); Abd Rahman Hamid, *Sejarah Maritim Indonesia* (Ombak, 2013); Baharuddin Lopa, "Prospek Asas-Asas Hukum Pelayaran Dan Perniagaan Amanna Gappa Dan Kaitannya Dengan Hukum Pelayaran Malaysia," in *Masalah-Masalah Politik, Hukum, Sosial, Budaya Dan Agama: Sebuah Pemikiran* (Sinar Harapan, 1996), 98–116.

<sup>100</sup> Raffles, "On the Malayu Nation," 129–130.

<sup>101</sup> Raffles, "On the Malayu Nation," 130.

Like the Malacca Strait, the Makassar Strait is strategically significant for inter-insular shipping in the Archipelago, positively impacting the port cities along the west coast of the island of Sulawesi.<sup>102</sup> The Strait became a maritime and trade route for intercontinental travel in the past. This factor contributed to the people of Sulawesi developing strong maritime skills. Additionally, the waters to the east of Sulawesi were important routes for searching for spices, connecting to the Java Sea to the south and the Banda Sea to the east.<sup>103</sup> The Bugis people at 'the foot' of Sulawesi Island, under the rule of the powerful Gowa Kingdom, took political and economic advantage of this strategic position before they were conquered by the VOC through the Treaty of Bongaya in 1667. The northern part of the Sulawesi Sea serves as a connecting route between Makassar city port and the South China Sea via Sulu, with maritime routes extending eastward to the Maluku Sea and the Pacific Ocean.<sup>104</sup> Located on a bustling trade route frequently traversed by trading ships, the Makassar rulers required laws to regulate the thriving trade and shipping activities in their waters. For this purpose, they compiled *Amanna Gappa*.<sup>105</sup> In line with Raffles' statement, Ph. O. L. Tobing, referring to previous studies, also noted that *Amanna Gappa* adopted the Malacca Maritime Code due to the intensive interaction between Makassar traders and the Malacca Sultanate.<sup>106</sup> Winstedt and de Jong even speculated that the drafting of the *UULM* may be related to the increasingly intensive presence of Bugis traders and ships at the port of Malacca because some manuscripts of the Code are marked by Bugis maritime terms.<sup>107</sup>

The Bima Kingdom on Sumbawa Island clearly adopted the Malacca Maritime Code. As previously mentioned, the city-port of Bima and the capital of the Bima Sultanate were referenced multiple times in the *UULM*. Politically, this Kingdom was a *vassal* (conquered territory) of the Gowa Kingdom and has been on the Archipelago trade shipping route for a long time.<sup>108</sup> In *Bo' Sangaji Kai – the Bima Kingdom Records*—a copy of the *UULM* was found, consisting of 28 chapters, copied in 1819. Following this text, there is a text of *Undang-undang Bandar Bima* (Bima Port-City Law) copied in 1760.<sup>109</sup>

One of the significant factors that caused the existence of many manuscripts of this Code, with considerable variations in their texts, may be the differing perceptions among the people regarding human and non-human aspects related to trade activities in the vast Archipelago's waters. The archipelagic Nusantara world, which is interspersed and surrounded by the sea, was the driving force: many rulers in this region were interested in adopting it, as well as its intellectual circles.<sup>110</sup>

### ***The UULM and Post-colonial Malay World***

The question may arise, how far the *UULM* and other similar codes of the Archipelago's historical heritage are relevant for the post-colonial countries in Southeast Asia today? Perhaps this is an ironic question because of how Southeast Asia's modern states, such as Malaysia and Indonesia—their governments, intellectuals, law-makers, and even more so the ordinary people who suffer from historical amnesia—are far distanced now from such intellectual heritage of their ancestors. Two factors might play a significant role

<sup>102</sup> See for example Abd Rahman Hamid's study of two port cities on the west coast of Sulawesi: Pambauwang and Majene, which takes advantage of its strategic location on the shores of the Makassar Strait to the majority Mandar and other ethnic groups living in the region: Abd Rahman Hamid, *Jaringan Maritim Mandar: Studi Tentang Pelabuhan "Kembar" Pambauwang Dan Majene Di Selat Makassar 1900-1980* (Ombak, 2021).

<sup>103</sup> Muhlis Hadrawi, *Integrasi Di Sulawesi Selatan: Kajian Berdasarkan Lontara* (Repository UNHAS, 2007), 105.

<sup>104</sup> Hussin, *Melaka and Penang 1780-1830*, 19.

<sup>105</sup> According to Abd Rahman Hamid, this Code was compiled on April 1, 1676, by the *matoas* (village heads) in Ujung Pandang together with other *matoas* from Sumbawa and Paser, initiated by Amanna Gappa, a Buginese *matoa* with a Malay lineage—his full name is La Patello Amanna Gappa. The Code was then given a title after his name: "*Amanna Gappa*". Initially, he was just an ordinary sailor and trader in Ujung Pandang (Now: Makassar). Due to his extensive knowledge and understanding of sea navigation and trade as well as his experience in implementing maritime and trade laws, then he was appointed as the third *matoa* of Wajo. See Abd Rahman Hamid, *Sejarah Maritim Indonesia*, 163-173. See also Tobing, *Hukum Pelajaran*, 18-20.

<sup>106</sup> Tobing, *Hukum Pelajaran*, 33-35.

<sup>107</sup> Winstedt and de Jong, "The Maritime Laws," 27.

<sup>108</sup> Tawalinuddin Haris, "Kerajaan Bima Di Pulau Sumbawa," *Wacana, Journal of the Humanities of Indonesia* 8, no. 1 (2006): 41; Tawalinuddin Haris, Susanto Zuhdi, and Triana Wulandari, *Kerajaan Tradisional Di Indonesia: Bima* (Departemen Pendidikan dan Kebudayaan RI, 1997), 44.

<sup>109</sup> Henri Chambert-Loir, *Bo' Sangaji Kai: Catatan Kerajaan Bima* (Ecole française d'Extrême-Orient & Yayasan Obor Indonesia, 1999), 92-108.

<sup>110</sup> However, it appears that not all areas of the Archipelago were influenced by Malacca's Sea and Land Codes. For instance, local kingdoms on the west coast of Sumatra, such as Kuala Batee, Trumon and Inderapura, seem not to have adopted these laws. Perhaps this was due to their geographical position, which was not located on the main shipping lanes traversing the Malacca Straits, the Java Sea and the Makassar Straits. See Inayatillah et al., "The Strategic Role of Islamic Kingdoms in Aceh in the 18th and 19th Centuries: The Case of Trade in Kuala Batee and Trumon," *Journal of Al-Tamaddun* 19, no. 1 (2024): 311-34; Sudarman, *Perniagaan Dan Islamisasi Di Kerajaan Inderapura, Abad XVII-XVIII M* (Ombak, 2022).

in giving rise to this circumstance. First, the more than four centuries of colonisation of the Archipelago, which has penetrated its people, politically, economically, and culturally, has intentionally or unintentionally distorted the minds of Malays from their original intellectual memory. Second, the high orality of the Malay people and, conversely, their ill literacy, is not enough to support the preservation of the old cultural aspects inherited from their ancestors in the collective memory of the current generation. In line with this, the passion for modernism that has gripped the Malay people is increasingly clouding the younger generation's memories of their country's history.

The laws in Southeast Asia's post-colonial countries, such as Malaysia, remain overshadowed by its former coloniser's laws (British Law), as is the case in Indonesia, whose laws are still influenced by colonial legacy laws created by the Dutch. In the field of shipping litigation in Malaysia's waters and ports, for example, English statutes continue to play a prominent role.<sup>111</sup> The country still uses its Penal Code to prosecute pirates for the crime of maritime piracy, because it does not have a specific law on anti-piracy.<sup>112</sup> Instead of trying to deconstruct the colonisers-made boundaries, maritime issues in the Archipelago are dominated by maritime boundary disputes between neighbouring countries mythologised by colonial maps.<sup>113</sup> Meanwhile, in international conferences on the Law of the Sea hosted by the United Nations, which has been ignoring discussions relating to 'archipelagic states' for quite a long time, Malaysia is required to meet national standards for shipping safety because of its strategic and vital location adjacent to the Straits of Malacca, Singapore, and the South China Sea.<sup>114</sup>

The traditional maritime laws of the Nusantara of shipping and trade like *UULM* and *Amanna Gappa* need to be maintained and referred to in perfecting modern Malaysian and Indonesian shipping laws. According to Baharuddin Lopa and M. Husseyn Umar, *Amanna Gappa* still holds its relevance until today and serves as a guideline by Buginese sailors throughout Indonesian waters, with improvements and adjustments following the changing times; what needs to be removed are the provisions that have a discriminatory tinge from the feudal culture of the past, adjusting them to more democratic principles that are the basis of modern life of both kindred countries.<sup>115</sup> Since gaining their independence, Malaysia and Indonesia have had some maritime laws, shipping regulations, and port ordinances. It is hard to ascertain whether their drafting refers to their early codes, such as *UULM* and *Amanna Gappa*, because the references used are not explained.<sup>116</sup> For this reason, further study regarding this matter is necessary.

## Conclusion

The *UULM* (the Malacca Maritime Code) represents the fusion of customary law and sharia law (*receptio a contrario*). It serves as a primary guideline for policies related to trade and shipping in the Sultanate of Malacca and its dependencies. Although its narrative does not ponder the interests of foreigners, the Code was likely created to accommodate legal aspects concerning trade and shipping activities involving both local merchants and overseas traders who came to trade in Malacca Port and its waters. The Code encompasses trade systems (transactional), shipping, port management (landlord port), including stevedoring and cargo handling, and structural management (port authority), as a consequence and anticipation of the increasing economic and trade activities in Malacca Port and, directly, of course, also in

<sup>111</sup> Jason C. T. Chuah, "Reception on English Commercial Maritime Statutes in Malaysia: A Pseudo 'Internal' Conflicts Perspective," *Journal of International and Comparative Law* 9, no. 2 (2022): 71.

<sup>112</sup> Jagdish Wamanrao Khobragade et al., "The Anti-Maritime Piracy Law in India and Malaysia: An Analytical Study," *Journal of International Maritime Safety, Environmental Affairs, and Shipping* 5, no. 4 (2021): 216.

<sup>113</sup> R. Haller-Trost, "The Brunei-Malaysia Dispute over Territorial and Maritime Claims in International Law," *Maritime Briefing* 1, no. 3 (1994): 1-63; R. Haller-Trost, *The Contested Maritime and Territorial Boundaries of Malaysia* (Kluwer Law International, 1998); Ida B.R. Supancana, "Maritime Boundary Disputes between Indonesia and Malaysia in the Area of Ambalat Block: Some Optional Scenarios for Peaceful Settlement," *Journal of East Asia and International Law* 8, no. 1 (2015): 195-211.

<sup>114</sup> Mary George, "Implementation of the United Nations Law of the Sea Convention in Malaysia," in *Asia-Pacific and the Implementation of the Law of the Sea*, ed. Seokwoo Lee and Warwick Gullet (Brill-Nijhoff, 2016), iii.; UN. Office for Ocean Affairs and the Law of the Sea, *The Law of the Sea: Practice of Archipelagic States* (United Nations, 1992).

<sup>115</sup> Lopa, "Prospek Asas-Asas Hukum Pelayaran Dan Perniagaan Amanna Gappa Dan Kaitannya Dengan Hukum Pelayaran Malaysia"; Tobing, *Hukum Pelayaran Dan Perdagangan Amanna Gappa: Pembahasan Philologis-Kultural*.

<sup>116</sup> See, for example Wirjono Prodjodikoro, *Hukum Laut Bagi Indonesia* (Bandung: Vorkink-Van Hoeve, 1958). Legal Research Board, "No Title," in *The Merchant Shipping Ordinance* (International Law Book Services, 1993); M. Husseyn Umar, SH, *Hukum Maritim dan Masalah-masalah Pelayaran di Indonesia, Buku 1, Buku 2, Buku 3* (Sinar Harapan & Persatuan Pelayaran Niaga Indonesia, 2001). Umar mentioned that most of the maritime regulations enforced in Indonesia originate from the Dutch era (*Buku 1*, 10).

the Strait of Malacca. Initiated by leading captains (*nakhodas*) and merchants (*saudagars*) in the port city of Malacca, and subsequently approved by the ruler of the Kingdom, Sultan Muhammad Syah (1424–1444), the Malacca Maritime Code was legally enforced by the Sultan in his Kingdom and its dependencies.

This Code was firmly upheld and implemented by the successors of Sultan Muhammad Syah. However, over time, this Code appears to have been continually refined or adapted by external parties who adopted it, as reflected not only in its narratives found in various extant manuscripts but also in the differences in the location of its text in such manuscripts—from those still integrated into the *Undang-undang Melaka* to those that are independent stand-alone texts.

The *UULM* has significantly contributed to establishing the Sultanate of Malacca as a major and influential power in maritime affairs in the Archipelago (Nusantara) during the 15th and 16th centuries. The Code has been adopted by many other local kingdoms in the Archipelago, suggesting the widespread influence of Malacca's ideas, not only its Code on shipping and trade but also its Land Code, in regions along the main shipping routes between the Indian Ocean and the South China Sea littorals. Alongside the adoption of the *UULM* by many other kingdoms in the Archipelago, the Islamic spirit embodied therein was also transmitted to the rulers and people of those kingdoms. Thus, through this Code, which adheres to Islamic legal principles, Malacca has contributed to the dissemination of Muhammad's religion throughout the Archipelago. This is indeed a lasting legacy of the Malacca Sultanate to Asia's Great Archipelago, which has shaped it into the largest Islamic society in the world. Although *UULM* had become an archetype for many local authorities throughout the Archipelago in the past, the Malay root-Southeast Asian post-colonial countries seem to have neglected it in the formulation of their maritime laws and shipping ordinances.

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