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PROTO-RIPARIAN GOVERNANCE AND WATER SOVEREIGNTY IN THE *AL-TARIKH SALASILAH NEGERI KEDAH*

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Abstract

This article reinterprets *Al-Tarikh Salasilah Negeri Kedah* as an early record of proto-riparian governance in the Malay world. Moving beyond palace-centred readings that treat the text as a mere genealogy of kingship, the study situates it within the broader history of environmental law and political sovereignty in Southeast Asia. It argues that the *Al-Tarikh Salasilah Negeri Kedah* preserves traces of indigenous water governance in the form of customary norms regulating access, maintenance, and territorial demarcation. Episodes of river excavation, the drawing of boundaries, and the collective management of waterways are interpreted as expressions of early juridical consciousness embedded within the political imagination of the Kedah court. The article identifies three foundational dimensions of this proto-riparian system. First, water functioned as a legal commons that defined social obligation and responsibility within the community. Second, rivers and canals operated as instruments of territorialisation through which rulers inscribed authority upon the landscape. Third, collective labour in water projects served as a mechanism of governance linking royal command with communal stewardship. These dimensions reveal a coherent framework of customary water law that predates colonial codifications and challenges the assumption that the regulation of water in Malaysia began under British administration. By positioning the *Al-Tarikh Salasilah Negeri Kedah* as an indigenous archive of environmental jurisprudence, the article reframes Malay historiography beyond ritual symbolism towards the study of legal and ecological institutions. It argues that water management in early Kedah embodied both sovereignty and moral responsibility, creating a local moral economy of flow that continues to resonate within debates on resource rights, federal–state relations, and environmental justice in contemporary Malaysia.

Keywords: Proto-Riparian, Riparian Right, *Al-Tarikh Salasilah Negeri Kedah,* Kedah, Water Law

Intoduction

Water has long occupied a paradoxical place in the historiography of the Malay world: omnipresent in geography and livelihood, yet curiously absent from serious discussions of governance, law, and statecraft.[1] Despite the Malay Peninsula's identity as a fluvial civilisation whose settlements clustered along rivers and coasts, and whose economy relied on irrigation

and maritime trade, mainstream historiography continues to frame water as mere backdrop rather than as a structuring principle of social order.[2] Early colonial writers such as R. O. Winstedt (1920,[3] 1936,[4] 2024[5]) and R. J. Wilkinson (1923,[6] 1932[7]) viewed the Malay polity through the lens of dynastic succession and cultural expression, rendering water as an environmental constant rather than a historical agent. Later nationalist historiography, though critical of colonial epistemology, inherited the same limitation. The result is an enduring lacuna: while political historians have studied the rulers of Kedah, few have examined the hydrological logic that sustained and legitimised their rule.[8] Recent developments in environmental humanities and legal anthropology invite a reappraisal of such omissions. Scholars such as Tvedt & Coopey (2010),[9] White (2011),[10] and Strang (2023)[11] have argued that water is not merely a natural element but a medium through which power, law, and belief flow. Their works emphasise the hydrosocial nature of governance, where authority is enacted through the regulation of access, maintenance, and distribution. In Southeast Asia, Andaya (2016),[12] Andaya (2018)[13] and Reid (2000)[14] have highlighted how rivers and seas mediated sovereignty and economy. Yet most analyses remain focused on maritime networks, overlooking the juridical and institutional roles of inland waters in structuring early Malay states.

Kedah presents an ideal site to interrogate this blind spot. Situated between the maritime world of the Straits of Malacca and the agrarian plains of the Muda basin, Kedah exemplifies a hybrid ecology where irrigation, agriculture, and trade intersect.[15] Its precolonial rulers exercised authority not only through ritual and kinship but through the regulation of water, constructing canals, commanding labour for river excavation, and demarcating boundaries through hydrological landmarks. These practices, recorded in *Al-Tarikh Salasilah Negeri Kedah* reveal an intricate understanding of water as both resource and right. The text, compiled by Muhammad Arshad, court scribe to Sultan Abdul Hamid Halim Shah, is more than a genealogical chronicle. It is a coded record of environmental governance articulated through the idiom of *adat*, or customary order.[16] Previous scholarship has approached the *Al-Tarikh Salasilah Negeri Kedah* primarily as an artefact of dynastic legitimation. Andaya (1976)[17] and Harun (2019)[18] examine the text within the broader framework of royal narratives and courtly historiography that reinforced Kedah's claims to antiquity and continuity amid Siamese and British influences. While these readings illuminate the political and aesthetic dimensions of the manuscript, they leave unexamined its legal and ecological substratum. The recurring motifs of river excavation, canal construction, and the use of water as a marker of territorial jurisdiction invite a different reading one that views the text as a repository of proto-riparian governance, in which sovereignty was defined through the management and moral regulation of flow.

The notion of proto-riparian governance proposed here refers to precolonial and customary forms of water regulation that preceded codified law, in which access, maintenance, and distribution were governed through moral norms, communal consensus, and ritual obligation rather than formal statute. Conceptually, it draws from the global history of water law while grounding itself in local epistemologies. In Western legal thought, rights to flowing water (riparian rights) grew out of doctrines such as the Roman aqua profluens, the idea that flowing water could not be owned but could be lawfully used by those whose lands it traversed, and were later adapted in medieval Europe into systems of communal usage and reciprocal duties.

Meanwhile, scholars of comparative law such as Glenn (2014)[19] and those exploring water governance and legal pluralism by Roth, Boelens & Zwarteveen (2005)[20] point out that many non-Western societies developed parallel systems of water regulation rooted in custom rather than statute. In the Malay world, such norms were transmitted through oral tradition and textualised only incidentally within chronicles, hikayat, and legal digests. *Al-Tarikh Salasilah Negeri Kedah,* therefore, occupies a critical position as an indigenous legal text that prefigures formalised water governance long before colonial codification under the British Water Enactment of 1920.[21]

This perspective resonates with Milner (2016) argument that Malay power was discursive rather than institutional, embedded in symbols, narratives, and practices that bound ruler and ruled. It also extends Milner's framework by proposing that such discursive power operated through material infrastructures such as rivers, canals, and irrigation works that made the abstraction of daulat visible and sustainable.[22] In Kedah, the act of commanding the digging of a river or joining two waterways was simultaneously an act of jurisdiction. It asserted dominion over nature, mobilised labour under royal decree, and delineated the extent of the ruler's benevolence. The river, in this sense, was both physical infrastructure and juridical metaphor, a visible line of obligation connecting sovereignty, labour, and land.[23] Equally relevant are studies of territorialisation by resource (Rasmussen & Lund, 2018), which suggest that control over natural elements often precedes and produces territorial boundaries.[24] The *Al-Tarikh Salasilah Negeri Kedah* references to river projects stretching from Batang Pasir to Kuala Muda and from Gunung Keriang to Anak Bukit reveal an early form of environmental mapping, where water defined the limits of royal power.[25] Unlike colonial cadastral mapping, which sought to measure and commodify, these hydrological boundaries were performative and relational.[26] They existed through ritual command, collective labour, and shared maintenance.[27] Here, water was not a fixed border but a living frontier, constantly flowing yet binding.

The growing body of scholarship on indigenous environmental law provides further impetus for this reading. Smith (2021)[28] calls for the recovery of local epistemologies that colonial categories of law and nature have historically silenced. Similarly, Tvedt (2010)[29] argues in his work on the history of water that modern hydraulic systems reflect a transformation of water from communal trust to a technical commodity under colonial and modern regimes. In Malaysia, it may be argued that postcolonial water policies and legal frameworks have largely inherited this technocratic logic, often relegating *adat*-based practices to the margins.[30] Re-examining Kedah's textual traditions, therefore, offers not only a historical recovery but a decolonial intervention, restoring intellectual agency to a local mode of governance that recognised water as both right and responsibility. This re-reading also responds to the limits of existing Malay historiography, which remains dominated by political biographies and institutional chronologies. Abdullah (2025) has observed that such approaches privilege state narratives while neglecting the ecological and legal textures of everyday governance.[31] In contrast, a focus on water opens up a new archival sensibility. It invites historians to read physical and symbolic infrastructures as texts of law and community. The *Al-Tarikh al-Salasilah Negeri Kedah* thus becomes not only a chronicle of kingship but an environmental constitution, articulating a moral economy of flow that linked sovereignty to stewardship.[32]

Ultimately, this article positions Kedah as a case study in how precolonial Malay states governed through water. It argues that the *Al-Tarikh al-Salasilah Negeri Kedah* records a

coherent, albeit implicit, system of proto-riparian governance comprising three interrelated principles: water as communal law, rivers as instruments of boundary-making, and labour as the means of sustaining legitimacy.[33] These principles challenge the conventional narrative that the Malay world lacked structured legal institutions prior to colonial rule. They reveal instead a sophisticated ecology of power in which the management of water embodied the negotiation between divine mandate, communal welfare, and territorial control. By revisiting the *Al-Tarikh al-Salasilah Negeri Kedah* through this lens, the study contributes to broader debates on indigenous governance, environmental justice, and the decolonisation of legal knowledge in Southeast Asia. It demonstrates that the story of Kedah's rivers is not only a story of engineering and agriculture but a story of law in motion, a history of flow that continues to shape the political and moral landscape of Malaysia today.

The Legal Imagination of Water in Malay Historiography

The history of water in the Malay world has long been refracted through the intellectual prisms of empire. Although nationalist historiography after independence sought to overturn colonial interpretations, it inadvertently retained their epistemic foundations. From the 1960s to the 1990s, historical writing in Malaysia largely centred on the rise of nationalism, the formation of the state, and the assertion of cultural identity. Its orientation remained political and anthropocentric: rivers were framed as scenic backdrops to migration and trade rather than as domains of regulation and governance. Even when environmental perspectives began to recognise the ecological foundations of Malay settlements, water continued to be treated primarily as a geographical condition rather than as a juridical or administrative category. The absence of explicit legal terminology in early Malay texts appeared to confirm this bias, sustaining the assumption that law in Malaya began only with the codifications introduced under British colonial rule.[34]

The introduction of the Water Enactment of 1920 in the Federated Malay States marked a decisive moment in this historiographical amnesia. Drafted by British engineers and legal officers, the enactment transformed water from a communal trust into a regulated resource under the colonial state. It classified rivers and canals as "public works," subject to licence, measurement, and taxation. In doing so, it redefined the relationship between people and water from one of stewardship to one of administration. The legal fiction that no systematic regulation had existed before 1920 legitimised the colonial claim to rational governance. Yet scattered archival fragments and indigenous texts tell another story. Long before the British established hydrological departments, Malay rulers and communities already practised forms of water allocation, maintenance, and dispute resolution embedded in *adat*. The enactment's silence on these practices was not a matter of ignorance but a deliberate erasure that consolidated the authority of the colonial bureaucracy.[35]

To recover the precolonial legal imagination of water, it is necessary to read against the grain of this archive. As stated in the introduction, recent scholarship in the environmental humanities challenges the assumption that law must take statutory form to be real. Tvedt's (2010)[36] analysis of hydraulic modernity exposes how colonial regimes universalised the engineering mentality, turning water into a technical problem divorced from moral and customary dimensions. White (2011)[37] and Strang (2023)[38] similarly call for recognising water as a social relation, produced through local knowledge and ritualised labour. These global

perspectives illuminate the need to revisit Southeast Asian sources not as ethnographic curiosities but as repositories of legal thought.

Within this critical framework, the *Al-Tarikh al-Salasilah Negeri Kedah* assumes a new significance. Compiled in 1928, eight years after the Water Enactment 1920, it stands at the threshold between two epistemic worlds: the fading sovereignty of *adat* and the ascendancy of codified law. The text's repeated references to river digging, canal maintenance, and boundary marking can be read as a subtle assertion of an alternative legal order. The very act of narrating the ruler's command to "open a river" or "join two streams" constitutes a record of juridical practice. Authority here operates through the mobilisation of labour and the moral obligation of maintenance, not through permits or fines. The chronicle, therefore preserves an indigenous concept of water governance that the colonial state sought to overwrite.[39] Malay historiography, however, has rarely approached such texts through the lens of law. Early interpretations tended to read historical chronicles as political narratives rather than administrative records. Later literary analyses illuminated their aesthetic form and ideological symbolism but overlooked their juridical dimensions. These readings, though insightful, remain confined within symbolic and cultural frames. They do not ask how water itself functioned as a legal subject. This article argues that the absence of juridical analysis reflects a deeper epistemological constraint inherited from colonial modernity: the tendency to equate law with written statute and to separate material practice from moral order.[40]

The concept of proto-riparian governance proposed here aims to restore that lost connection. The term "riparian" derives from Roman and later British jurisprudence, where the right of a landholder to use flowing water is balanced by the duty not to obstruct the flow to others.[41] Yet in many non-Western societies, similar principles existed within customary law without formal codification.[42] In the Malay context, *adat air* (customary water law) embodied similar principles through the intertwined notions of *hak guna* (right of use) and *tanggungjawab bersama* (shared responsibility).[43] The *Al-Tarikh al-Salasilah Negeri Kedah* provides textual evidence of these ideas in practice, describing communal efforts to excavate rivers, clear silt, and demarcate waterways under royal supervision. By situating these practices within the broader intellectual history of law, the article seeks to reposition Malay historiography within global debates on environmental jurisprudence. In Kedah, the canal or river was not only a metaphor but a mechanism: a line of authority inscribed onto the landscape. The maintenance of flow signified the continuity of justice, and its obstruction symbolised disorder. Thus, the act of regulating water was simultaneously an act of moral governance.

The neglect of such indigenous hydrological systems has broader consequences for understanding Malaysian legal development. The Water Enactment of 1920 became the foundation of subsequent water laws, embedding a technocratic ethos that continues to inform federal-state disputes today.[44] Its genealogy reveals how colonial codification displaced communal governance models and depoliticised environmental stewardship. Contemporary debates on water rights and federalism, particularly in Kedah and Penang, still echo the tensions between central control and local autonomy that originated in 1920.[45] Recovering the *Al-Tarikh al-Salasilah Negeri Kedah* vision of collective maintenance and moral obligation, therefore, offers more than historical curiosity; it reopens the question of what it means to govern water justly in a postcolonial state. To write the history of water law in Malaysia, then, is to write the history of its silences. The legal imagination of water in Malay historiography has been obscured by both colonial erasure and nationalist selectivity. Yet beneath these silences lies a coherent, if unacknowledged, philosophy of flow: one that conceives water as a shared trust

linking the divine, the ruler, and the community. By bringing Al-*Tarikh al-Salasilah Negeri Kedah* into conversation with global theories of riparian rights and colonial legislation, such as the Water Enactment 1920, this study restores visibility to a submerged tradition of legal thought. It demonstrates that before law was codified, it was already flowing within the channels of custom, labour, and memory that defined the moral and political landscape of Kedah.

Adat, Authority, and the Materialisation of Sovereignty

The idea of *adat* has long occupied an ambiguous position in the historiography of Malay political culture. Often translated simply as "custom," it has been understood either as a moral code of civility or as a vestige of pre-Islamic practice that survived under Islamic and colonial rule. Yet to reduce *adat* to etiquette or continuity is to overlook its juridical dimension, a living grammar of authority that governed relations between ruler, subject, and landscape.[46] In Kedah, adat operated not merely as a cultural residue but as a performative mechanism through which sovereignty was enacted and reproduced. The materialisation of rule was inseparable from the management of water, land, and labour, the triad that sustained both the kingdom's economy and its moral order.[47] Historians and anthropologists have long debated whether *adat* constitutes law. For colonial administrators, *adat* was codified and domesticated to serve the purposes of indirect rule, adjusted to fit the bureaucratic rationality of empire. For postcolonial scholars, it has often been romanticised as a repository of indigenous wisdom. Both approaches obscure *adat*'s defining characteristic, its situational and relational nature.[48] As Hooker (1973)[49] and Milner (2016)[50] have suggested, Malay political thought functioned through performative rather than codified authority. The ruler's legitimacy was continuously enacted through acts of giving, protection, and command. In Kedah, these acts extended beyond ceremony into the domain of environmental management. The maintenance of rivers and canals, and the mobilisation of collective labour, represented tangible expressions of moral responsibility and political legitimacy.

Al-Tarikh al-Salasilah Negeri Kedah reveals this juridical imagination of *adat* as the embodiment of sovereignty. When the ruler orders the excavation of a river or the repair of a canal, the act is simultaneously hydraulic and political. It demonstrates the ruler's capacity to align the flow of nature with the flow of justice, turning the landscape into a visible text of governance. The canal becomes a statement of obligation and care, an infrastructure of power legible to both ruler and subject. Authority in this sense is not imposed from a distance but enacted through the physical act of maintaining circulation. Law is embodied in motion rather than frozen in code, made real by the rhythm of labour and flow. This materialisation of sovereignty also carried metaphysical significance.[51] In Malay cosmology, natural balance mirrored political harmony. Water, as the most mutable of elements, symbolised both fertility and fragility. To master its movement was to demonstrate control over disorder, while to neglect it was to allow chaos to encroach upon the realm.[52] Rituals such as *siram tabal* (royal bathing or consecration ritual) at coronations, and the communal irrigation works described in the Kedah chronicle, belonged to the same continuum of performative governance.[53] Each act translated moral order into physical form, affirming that legitimate power must circulate as steadily as water itself. This conception of authority privileges stewardship over domination and places responsibility, rather than control, at the centre of sovereignty.

The colonial reorganisation of governance transformed this ecology of power. British codification extracted *adat* from its fluid social context, redefining it as a static body of rules subject to judicial interpretation. Once classified as "customary law," *adat* lost its performative vitality and became an administrative category.[54] In Kedah, this shift coincided with the subordination of water and irrigation management to the Public Works Department, which reduced water governance to a matter of engineering and productivity. The moral and ritual dimensions that once bound the community to the ruler were replaced by bureaucratic oversight.[55] The canal ceased to embody reciprocity and became a calculable resource, its value measured in cubic metres rather than social obligation. To read *Al-Tarikh al-Salasilah Negeri Kedah* through this lens is to recover the remnants of a precolonial jurisprudence of flow. The text presents *adat* not as resistance to modernity but as an alternative epistemology of governance, one that locates legitimacy in continual, visible action rather than in codified law. In this view, the ruler's authority derived from the sustained maintenance of balance, not from the formal articulation of statutes. Such a perspective challenges linear models of political evolution in Southeast Asia that posit a teleological shift from custom to statute and from ritual to rationality.[56] Instead, it points to a cyclical understanding of power, where moral order is preserved through repetition, care, and repair.

The implications of this conception extend beyond Kedah. It challenges Weberian assumptions that define modern sovereignty through the monopoly of violence and law. In Kedah, sovereignty was embodied in the capacity to sustain life and the environment. The legitimacy of the ruler was measured by the integrity of rivers, the abundance of harvests, and the welfare of the people. Such a framework exposes the environmental blindness of contemporary statecraft, which treats nature as an inert resource and law as detached regulation. By contrast, the *adat* of water conceived law as an ecology of obligation, a system in which power was distributed among rulers, communities, and the living landscape itself.[57] Reclaiming *adat* as a historical mode of governance demands more than nostalgic recovery. It requires recognition that Malay political thought contained a sophisticated theory of relational sovereignty. The ruler's body, the canal, and the community formed a network of circulation through which justice was materialised. When read in this light, *Al-Tarikh al-Salasilah Negeri Kedah* is not a mere record of dynastic events but a theoretical meditation on the ethics of power. It articulates a model of rule founded on balance and care, suggesting that sovereignty should be measured not by dominion or decree but by the capacity to maintain the moral and material equilibrium of water.

Rivers, Canals, and the Making of Boundaries in Kedah

The narrative of *Al-Tarikh al-Salasilah Negeri Kedah* reveals how rivers and canals were central to the formation of Kedah's political and territorial identity. Far from being mere geographical references, waterways structured the state's early conception of authority, economy, and spatial order. The account of Maharaja Kerma or Sultan Ata'Allah Muhammad Shah I (1423-1473 M), command to dig a river from Batang Pasir to the sea, later known as the Kuala Muda River, represents one of the earliest documented attempts to organise a hydraulic system that reflected both governance and cosmological order. The text records that the people obeyed the ruler's command without resistance, a detail that underscores the unity between political power and environmental transformation. The act of digging the river was not simply a technical project, but an articulation of sovereignty in physical form, where water became the medium through which the ruler's will was inscribed upon the landscape. This

hydraulic initiative defined not only the economic viability of Kedah but also its moral geography. The newly created river linked inland settlements such as Batang Pasir and Kota Arung-Arungan to the open sea, effectively integrating disparate communities into a single political domain under royal oversight. By aligning natural flow with human labour, Sultan Ata'Allah Muhammad Shah I transformed the river into both a boundary and a bond, a demarcation of rule and a conduit of exchange. This act reflects the broader Malay worldview, where the authority of the ruler extended through the management of natural elements. The shaping of the river course symbolised the shaping of the realm itself, affirming the ruler's role as mediator between human order and divine balance.[58]

Subsequent rulers continued to develop this hydraulic network, notably Sultan Ata'Allah Muhammad Shah I, who ordered the construction of a series of canals connecting Sungai Jerluh to Alor Janggus, Kubang Rotan, Sungai Mati, and Sungai Besar at Kuala Kedah, as well as a separate canal from Gunung Keriang to Sungai Cegar Anak Bukit. These networks reveal a systematic approach to the use of water as an infrastructure of rule. Each canal not only provided irrigation and improved agricultural output but also redefined territorial space. The connection between these waterways created a physical map of governance, where every tributary was a marker of royal initiative and control. In this sense, the rivers functioned as instruments of territorial consolidation, delineating spheres of influence and economic zones that reinforced Kedah's position as a structured polity. The *Al-Tarikh al-Salasilah Negeri Kedah* also implies a ritualised relationship between ruler, labour, and land. The mobilisation of manpower for canal construction signified more than administrative efficiency; it was a manifestation of collective participation in the maintenance of royal order. The people's labour under royal command reinforced the legitimacy of the ruler's position as the provider of prosperity and security. The obedience and cooperation described in the text suggest a shared understanding that the king's authority was validated through the successful regulation of natural resources. Water, in this narrative, was not a passive element but a political actor. Its flow was determined by royal decree, its abundance interpreted as divine favour, and its scarcity as moral warning.[59]

These rivers also served as symbolic boundaries that distinguished royal centres from surrounding territories. The mention of Gunung Keriang, Gunung Jerai[60] and Sungai Anak Bukit indicates the spatial logic of Kedah's power, in which natural landmarks and constructed waterways formed concentric zones of influence radiating from the palace. The river network therefore, acted as a living map of sovereignty. Every crossing, confluence, or irrigation branch carried political meaning. In times of peace, they connected communities; in times of conflict, they delineated the limits of royal protection. The management of these waterways thus represented the physical enactment of rulership, where territorial boundaries were not drawn on parchment but materialised through water and labour. By embedding these actions within the royal chronicle, Muhammad Arshad (1968) transformed hydraulic works into moral exemplars of governance. The text praises rulers who brought water to the people, portraying them as wise and divinely guided. The river, in turn, becomes a metaphor for justice, continuity, and legitimacy. The act of ordering a canal was tantamount to an act of blessing; it sustained life, ensured stability, and reaffirmed the bond between ruler and subjects. This moral dimension distinguishes Kedah's water history from the later colonial interpretation that reduced irrigation to mere economic calculation. Within the indigenous framework, the flow of water mirrored the flow of virtue and order within society.[61]

The territorial imagination embedded in these hydraulic accounts reveals a sophisticated understanding of boundary-making long before the imposition of Western cartographic sovereignty. The *Al-Tarikh al-Salasilah Negeri Kedah* presents rivers not as static frontiers but as dynamic lines of mediation, zones where trade, diplomacy, and ritual converged. The royal decision to create or redirect a river was therefore both a political and a cosmological statement. It marked the ruler's ability to channel not only natural forces but also social energies into harmony. The kingdom's limits were, quite literally, defined by the reach of its water. In reading these narratives, one perceives that the *Al-Tarikh al-Salasilah Negeri Kedah* records more than the history of a dynasty; it offers an early philosophy of territorial governance rooted in water. Through the construction and control of rivers and canals, the rulers of Kedah shaped both the material and symbolic foundations of their state. Their authority flowed along these waterways, connecting highland and coast, palace and village, human labour and divine sanction. Thus, the making of boundaries in Kedah was as much an act of hydrological imagination as it was of political intent, an enduring testament to how water in the Malay world defined the very essence of sovereignty.[62]

Proto-Riparian Governance: Custom, Labour, and the Moral Economy of Flow

Al-Tarikh al-Salasilah Negeri Kedah offers a rare glimpse into the evolution of early water governance in the Malay Peninsula, long before the codified Water Enactment of 1920.[63] While written as a dynastic chronicle, its depictions of communal water projects, royal decrees, and moral exhortations reveal the existence of a proto-riparian system shaped by custom and social obligation. The text presents water as a legal commons rather than a private resource, rivers as instruments of jurisdiction and spatial order, and collective labour as a moral mechanism of governance. Together, these features demonstrate that the Kedah polity maintained an early and sophisticated system of water regulation grounded in *adat*, reciprocity, and royal stewardship.

The first principle emerging from the text is that water was understood as a legal commons governed by shared rights and moral duties rather than individual ownership. The narrative surrounding Sultan Ata'Allah Muhammad Shah I river works indicates that the ruler's command to dig channels was not an assertion of monopolistic power but an enactment of collective welfare. Once the river was opened, it belonged to all: farmers for irrigation, villagers for domestic use, and traders for navigation. The absence of conflict or resistance in the account suggests that access to water was embedded in the customary understanding of common benefit. The king's role was to initiate and bless the infrastructure, not to restrict it. This reflects a pre-colonial conception of law that emphasised equilibrium over exclusion, revealing an awareness that water's flow was both a physical and moral circulation underpinning the order of society.[64]

The text also portrays the maintenance of waterways as a social responsibility. The duty of cleaning, repairing, and preserving the channels fell not upon a specific guild or class but upon the wider community. This collective stewardship functioned as a form of customary law, where the continuity of flow symbolised the continuity of moral order. A blocked or neglected river was not merely an environmental concern but a breach of social ethics. In this sense, *Al-Tarikh al-Salasilah Negeri Kedah* prefigures a moral economy of flow in which the regulation of water served as a mirror of governance itself. The well-managed river indicated the moral health of the kingdom, and any disruption to its flow implied disorder in human affairs. The second principle discernible from the text situates rivers as instruments of political power and

territorial mapping. In early Kedah, sovereignty was not demarcated through static boundaries but expressed through the extent of effective water control. The construction of rivers and canals under Sultan Ata'Allah Muhammad Shah I and his predecessors marked the kingdom's authority to reorganise the environment according to moral and economic priorities. The river system defined spatial hierarchies: the palace at Anak Bukit represented the centre of authority, while tributaries symbolised the outward reach of governance. Each canal connected distant villages to the royal core, making geography itself an extension of administration. Thus, the river was both a jurisdictional artery and a moral boundary, defining not only where the king's power reached but also where his obligation to ensure prosperity ended.[65]

This spatial logic was reinforced through ritual and custom. The opening of a canal was treated as a public act of justice and piety. The ruler's ability to provide water embodied divine sanction, while failure to maintain the waterways could invite both ecological imbalance and moral reproach. The *Al-Tarikh al-Salasilah Negeri Kedah* implies that good governance was inseparable from the harmonious management of water, which in turn was tied to notions of justice, compassion, and responsibility. Such a framework predates modern legal categories yet anticipates them conceptually. It is a proto-riparian system where environmental stewardship constitutes both legal and moral authority. The third principle embedded in the text concerns labour as a mechanism of collective governance. The digging of rivers and canals required the mobilisation of large numbers of people under royal supervision. While the text does not frame this as coercion, it presents labour as a voluntary expression of loyalty and service. This communal work resembled a customary obligation similar to corvée labour but infused with moral purpose. Through participation in these water projects, subjects reaffirmed their identity as part of a moral polity sustained by mutual obligation. The collective act of digging, carrying, and shaping the river channel was not only economic production but also the performance of social harmony. Labour, in this sense, functioned as the invisible law that held the kingdom together.[66]

Such arrangements demonstrate that Kedah's water governance operated within an indigenous framework of rights and duties rather than formal statutes. The moral vocabulary surrounding these acts, including terms such as titah, berkat, and kebajikan in the original text, suggests that governance was conceptualised through ethics rather than enforcement. The ruler's authority was legitimised by his ability to guarantee the equitable distribution of water and to mobilise people for collective benefit. In return, the people's compliance reinforced the idea of the ruler as the guardian of both natural and moral balance. This reciprocity constitutes the foundation of what may be called a proto-riparian law, where the moral economy of flow preceded written codes. By interpreting *Al-Tarikh al-Salasilah Negeri Kedah* in this light, one observes the emergence of a complex pre-colonial understanding of water rights and responsibilities. Water was not yet a commodity, nor merely a divine gift; it was a social contract linking ruler, people, and landscape. The continual reference to the building and maintenance of rivers implies a sustained legal consciousness of communal entitlement and duty. The Kedah model reveals that before British intervention, Malay governance had already articulated an environmental jurisprudence grounded in *adat* and moral order.[67] This early system of proto-riparian governance therefore represents one of the earliest Malay expressions of legal pluralism, where water law, political authority, and social ethics flowed together in a single current of meaning.

Decolonising Water Law and the Relevance of Kedah's Legacy

The case of Kedah's precolonial water governance, as preserved in *Al-Tarikh al-Salasilah Negeri Kedah*, provides an essential entry point for rethinking the epistemology of law and environment in postcolonial Southeast Asia. Far from being a relic of local tradition, the proto-riparian system embedded within Kedah's historical record constitutes an alternative legal imagination that predates and challenges the foundations of modern hydraulic modernity. This perspective resonates with Smith (2021) argument that decolonisation begins with reclaiming indigenous ways of knowing and governing the natural world, as well as with Tvedt (2010) critique of how modernity has turned water into an object of control and commodification.[68] Through Kedah's legacy, one can trace a precolonial vision of law grounded not in property or productivity, but in relational ethics and collective trust. Colonial law, by contrast, was built on a philosophy of separation. The British legal order introduced to Malaya in the nineteenth and early twentieth centuries divided water from land, subject from sovereign, and resource from ritual. The Water Enactment of 1920, for instance, codified water as a governable commodity under administrative jurisdiction, erasing the customary reciprocity between ruler, people, and landscape that had defined Malay hydrological systems for centuries. Such codification transformed water from a shared trust into a licensable asset, thereby shifting the moral foundation of governance from stewardship to ownership.[69] The colonial project of hydraulic modernity, as Tvedt (2010) has argued, reduced water to a technical and bureaucratic entity, a resource to be measured, regulated, and taxed, rather than a living substance enmeshed within community and cosmology.[70]

In this context, Kedah's proto-riparian system appears not as a primitive stage of governance, but as a sophisticated moral framework that predates Western environmental law. The communal labour described in *Al-Tarikh al-Salasilah Negeri Kedah*, the royal decrees on river maintenance, and the moral sanctions attached to neglecting waterways all reveal a social order sustained through mutual responsibility. The river, in Kedah's worldview, was not a possession to be claimed but a moral current that flowed through the collective conscience of the kingdom. The ruler's authority rested upon the ability to maintain this flow, both literally and symbolically. To disrupt it was to disrupt justice itself.[71] This conception aligns with Smith (2021) call for epistemic recovery, where the act of remembering indigenous governance is itself an act of resistance against colonial narratives of progress.[72] Decolonising water law thus requires more than acknowledging historical continuity; it demands re-engagement with the ethical and epistemological premises that underpinned precolonial systems.[73] Kedah's example reveals a mode of governance that integrated moral accountability, communal participation, and ecological awareness into its fabric. Within this framework, the law was not external to society but internalised through practice. Maintenance of rivers was a legal act because it upheld balance, and balance was the ultimate expression of justice. By restoring attention to such indigenous systems, scholars and policymakers may reimagine water law as an instrument of coexistence rather than control.[74]

This reorientation also bears relevance for Malaysia's present-day challenges in water governance. The persistent tension between federal and state jurisdictions, exemplified by disputes over resource rights and revenue allocation, reflects the lingering colonial legacy of fragmented authority.[75] Kedah's precolonial system offers an alternative paradigm rooted in the principle of public trust. The ruler in *Al-Tarikh al-Salasilah Negeri Kedah* functioned not as an owner of water but as a custodian accountable to the community and to divine order. Translating this ethos into modern governance could mean recognising water as a shared trust under collective stewardship, rather than a resource subject to privatisation or political

negotiation. It also implies that justice in water distribution must account for moral and social dimensions, not only technical or financial criteria.[76]

The notion of the moral economy of flow is particularly instructive here. It suggests that the legitimacy of governance arises from the capacity to maintain circulation of water, welfare, and justice across the body politic. In Kedah, when rivers flowed freely, so too did prosperity and harmony. When they stagnated, the kingdom's moral order was said to falter.[77] This metaphor retains profound relevance for modern Malaysia, where debates over water tariffs, inter-state transfers, and environmental degradation echo the same question of moral responsibility.[78] The Kedah model reminds us that governance is not merely about allocation but about maintaining trust in the flow between people, nature, and authority. Revisiting Kedah's legacy also invites a reassessment of how knowledge itself is categorised within legal discourse. The colonial archive has long privileged codified law over customary systems, casting indigenous governance as informal or pre-legal.[79] Yet *Al-Tarikh al-Salasilah Negeri Kedah* demonstrates that Malay society possessed a highly articulated sense of obligation, entitlement, and moral order surrounding water use.[80] Recognising this system as law, rather than folklore or ritual, constitutes an act of epistemic justice. It affirms that law can exist without statute, that governance can arise from custom, and that environmental ethics can precede environmental policy.

In a broader theoretical sense, the Kedah case contributes to global conversations on decolonial legal pluralism. It exemplifies how indigenous traditions offer viable alternatives to extractive models of resource management. Rather than seeking to modernise these traditions, decolonial scholarship calls for a dialogue that places them on equal epistemological footing with contemporary law. As Smith (2021) argues, reclaiming indigenous knowledge is not about nostalgia but about restoring balance and accountability in a world shaped by asymmetrical power.[81] Kedah's proto-riparian governance, with its emphasis on moral duty and collective stewardship, provides precisely such a model of balance. Ultimately, the enduring relevance of Kedah's water legacy lies in its ability to unsettle the dominant paradigms of control and commodification that continue to define global water governance. By revisiting its principles of legal commons, collective labour, and moral responsibility, we uncover not only a forgotten chapter of Malay legal history but also a potential blueprint for more just and sustainable practices today. The act of decolonising water law, therefore, is not confined to the past. It is an ongoing intellectual and ethical project that begins by letting the moral currents of Kedah's rivers flow once more through the discourse of contemporary governance.

Conclusion

This article has re-centred *Al-Tarikh al-Salasilah Negeri Kedah* as a juridical archive that preserves an indigenous order of water governance. By reading its accounts of river digging, canal linking, boundary marking, and organised labour as records of rule rather than as picturesque detail, the study has reconstructed a coherent proto-riparian framework. Three interlocking principles emerge with clarity. Water is treated as a legal commons that binds rights to duties and access to maintenance. Rivers and canals operate as instruments of territorialisation, through which rulers inscribed jurisdiction on the landscape and rendered sovereignty legible. Collective labour functions as a mechanism of governance that fuses command with stewardship, translating moral obligation into hydraulic upkeep. These findings complicate inherited narratives that locate the origins of Malaysian water law in colonial

codifications. The chronicle demonstrates that long before the Water Enactment of 1920, Kedah's court embedded a practical jurisprudence of flow within customary practice. Authority was exercised through the opening, joining, and caring of waterways, and legitimacy was measured by the capacity to maintain circulation that sustained cultivation, mobility, and peace. The river was at once infrastructure and norm, a channel through which law, labour, and landscape converged. The wider implications are twofold. First, for Malay historiography, the article shifts emphasis from palace-centred symbolism towards institutional and ecological reading. It invites scholars to treat waterways as archives of governance and to pursue a material history of sovereignty that is attentive to works of maintenance as much as acts of conquest. Second, for contemporary policy, the Kedah record offers a vocabulary for reimagining water as a shared trust. Public trust, equitable access, and communal maintenance are not imports from modern environmental law but are recoverable from local precedent. A jurisprudence that privileges stewardship, reciprocity, and distributive fairness can be grounded in this precolonial repertoire without lapsing into romanticism.

The argument also clarifies what decolonisation might mean in legal-environmental terms. Decolonising water law is not a nostalgic return but an analytical recovery of principles eclipsed by the technocratic logic of commodification. By restoring attention to commons, boundary-making through flow, and labour as civic duty, the Kedah case furnishes a normative benchmark against which present debates on federal–state competences, tariff regimes, and inter-basin transfers might be judged. There are limits to what a dynastic chronicle can yield. Its narrative compresses conflict, understates dissent, and privileges royal initiative. Yet even within those constraints, the recurrence of hydraulic episodes, toponyms, and work commands is too consistent to be incidental. The pattern indicates an administrative intelligence that used water to knit space, law, and community. Future research should extend this approach beyond Kedah by triangulating other chronicles, local regulations, and archaeological hydroscapes, and by tracing continuities and fractures into the nineteenth and twentieth centuries. For now, the conclusion is clear. In Kedah, law flowed before it was codified. The management of rivers was the management of justice. To read Al-Tarikh with this in view is to restore to Malay legal history a sophisticated ecology of power, and to contemporary Malaysia a usable past for building fairer and more resilient water governance.

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