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Courtrooms of conflict. Criminal law, local elites and legal pluralities in colonial Java

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6 — Ambitious Intermediaries: The Jaksas

Deprived of their legal advisory role after 1848 in the pluralistic courts, the jaksas retained their other responsibilities, most importantly that of public prosecutor in the landraad. They were indispensable intermediaries between the priyayi and Dutch officials, from the preliminary investigations of a criminal case to the court session in the courtroom. This chapter analyses the jaksa's shifting official responsibilities within the colonial legal system during the nineteenth century by focussing on family ties, income, career paths, power relations and their influence in resolving legal cases. By investigating who the jaksas were outside and inside the courtroom, I will explain their position and interests in the colonial legal system, their influence on criminal law practices and—despite their continued importance as intermediaries—their eventual faded glory.

6.1 Intermediaries in the Courtroom

At first sight, the most obvious intermediaries in the pluralistic courts were the registrars (*griffiers*), often Indo-Europeans raised in Java who were valued for their knowledge of local languages. In memoirs of landraad judges, the Indo-European registrars, in particular the experienced ones, were lauded for diligently assisting the judges and relentlessly working through thick paper piles and dossiers.¹ Yet, I did not find much on other aspects of their role in or influence on criminal law practice, and it seems that they were preoccupied with shaping the growing bureaucracy. After 1869, the registrars were also often junior judicial officials who had to gain experience before working as landraad judges. Altogether, the registrars constituted an indispensable workforce, but were very much part of the colonial bureaucracy and not essential brokers such as the jaksas were.

Jaksas were formally part of the priyayi class, but in practice they were positioned between the Dutch and Javanese officials, and functioned as intermediaries between the two branches of the dual-rule system. Especially before 1898, when there was no formal police apparatus led by separate European police officials, the priyayi (formally led by the Dutch resident)

¹ See for example: Wormser, *Schetsen uit de Indische rechtszaal*, 2-3.

were responsible for all police activities. The jaksas were the official link between the (police activities exerted by the) priyayi and the resident. During pluralistic court sessions, the jaksas functioned both as public prosecutors and as translators. No other Javanese officials cooperated this closely with Dutch officials.

Intermediaries were essential for a proper functioning of the dual system. They provided European officials within the dual system the necessary information from the priyayi world, and vice versa, while simultaneously protecting their own interests. As the historian Daniel Richter has written on intermediaries of a different period and place: “As simultaneous members of two or more interacting networks (kin groups, political factions, communities, or other formal or informal coalitions), brokers provide nodes of communication ... their intermediate position, one step removed from final responsibility in decision making, occasionally allows brokers to promise more than they can deliver. The resulting manoeuvring room allows skilful mediators to promote the aims of one group while protecting the interests of another—and thus to become nearly indispensable to all sides.”²

Consequently, a general feature of intermediaries is the existence of a thin line between trust and distrust. The jaksa was both trusted and distrusted by the colonial government. Over time, among the Dutch a stereotyped image occurred of the jaksas as being sly and vain, and real career hunters. Yet they were clearly indispensable for a proper execution of colonial criminal law.

The Jaksa in the Courtroom

In the Provisional Regulation of 1819, the chief jaksa had been officially differentiated from other jaksas. Whereas an ordinary jaksa was responsible for one district, the chief jaksa was based at the main offices of the residency and was also responsible for the prison and the interrogation of suspects. The jaksa received via the regent and the resident—who gave the orders to start investigations—the report of the preliminary investigations conducted by the wedonos. The jaksa interrogated the suspect using this report, and conducted extra investigations if needed. Twice a week the chief jaksa met with the resident (or assistant resident), who thereafter decided whether criminal

² Richter, “Cultural brokers and Intercultural Politics,” 41.

cases should be sent to court. In landraad cases, the chief jaksa gathered information from the investigations by the wedono (or, in Batavia, the *demang*), called and interrogated witnesses and produced the indictment (*acte van beschuldiging*). At the end of the nineteenth century, the jaksa increasingly became an official who performed his duties inside an office, whereas the wedono and his police *mandoor*s carried out the police investigations. The increased number of landraad sessions and the bureaucratization of the colonial state were partly due to this. During landraad sessions, however, the duties of the jaksa did not change.

Partly preserved notes of a landraad session held on 27 December 1890 in Tangerang show how the jaksa read aloud the indictment and interrogated several witnesses during the session. If witnesses lived far away, their prepared statements were presented by the jaksa.³ In this theft case, though, the witnesses were present in the courtroom. The witness accounts were compared, and the suspect was asked to respond as well. The first witness was the victim—a full cousin of the accused—who had woken up on a Monday morning noticing that a burglary had been committed through the eastern wall of his house. He reported this to the police *mandoor*, who thereafter visited the house to investigate the evidence. When he and his assistants (*bodes*) started investigating around house, he met someone who had seen the accused sitting at the dike of a canal (*sloot*) carrying three baskets and various cloths, which he had thrown into the water once he noticed someone approaching. The victim and the police *mandoor* both declared in court that they had found these objects in the water. The accused responded by declaring that he knew nothing at all about the case. Subsequently, however, the witnesses started to contradict each other. Some declared having seen the suspect sitting alone by the water, whereas others said that the suspect was accompanied by someone else. Eventually, the jaksa decided to stop the interrogations and he requested an acquittal for the accused. The penghulu also advised to acquit the suspect. The landraad members decided to acquittal.⁴

During the court session, the jaksa served not only as the public prosecutor but also as the translator during interrogations of suspects and witnesses. In the circuit courts, at first, the chief jaksa officially was only an

³ Heicop ten Ham, *Berechting van misdrijven*, 153.; IR 1848, art. 249.

⁴ ANRI, GS Tangerang, no.88/2. Notes of witness interrogations during a Landraad session in Tangerang. December 27, 1890.

advisor, but after some budget cuts in 1826, in practice the chief jaksa also acted as the prosecutor as he did in the landraden.⁵ During the nineteenth century adjunct jaksas and adjunct chief jaksas were installed because of the increasing workload. Thus, in colonial Java the jaksa was a multifunctional official who served as a public prosecutor, prison guard, translator, and, until 1848, advisor.

When appointing a jaksa four criteria were of importance: experience with the police system, knowledge of “country and people,” dedication to the civil service, and family background. There was an official appointment procedure to select the most suitable candidates. The regent recommended potential candidates to the assistant resident and resident. Then, the resident presented the candidates to the governor general in a letter that included candidates’ résumés (*dienststaat*) and a genealogy (*geslachtslijst*). The governor general appointed the new jaksa formally.⁶ The appointment procedure was similar for other civil servant positions, although from 1867 onwards the regent was in charge of positions below the rank of wedono. Interestingly, an exception was made for the adjunct jaksas, who ranked below a wedono, but whose appointment still had to be ratified by the governor general.⁷ In the 1850s, the colonial government emphasized that regents should always be asked for their advice. Not all residents were motivated to do so and preferred to select chief jaksas and jaksas by themselves. In 1880, a report was sent to the residents to urge them also to always ask for advice from the Dutch district administrators (*controleurs*) as well because of the partiality of the regents.⁸

⁵ Driessen, *Schets der werkzaamheden*, 175–177.; S 1826, no.57. The separate combined office of the registrar and prosecutor at the circuit courts was abolished. The registrar of the landraad had to fulfill this position, but Driessen thought that the chief jaksa did this in practice.

⁶ As shown by this sample of jaksa appointment files from the second half of the nineteenth century: ANRI, AS, Bt. February 3, 1851, no. 10. Mas Sosro Redjo, aksa Purwodadi; ANRI, AS, Bt. January 10, 1863, no. 25. Ngabehi Kerto Widjoyo, jaksa Malang.; ANRI, AS, Bt. April 24, 1871 no. 20. Radhen Wangsajoeda, jaksa Cicalengka.; ANRI, AS, Bt. January 11, 1904, no.3. Raden Mas Mangkoesoebroto, adjunct jaksa Banjarnegara.

⁷ S 1867, no.168.

⁸ Bijblad no.73, no.1031 and no.3626.

Diensdacht van Raden Soerowodirjo, Adjunct Dyaksa te Koetoarbojo (Bagelen).

Nummer	Plaats	Naam	Verrekening der verschillende dienstbetrekkingen.	Jaar	Maand	Dag
		Raden				
		Sosro.				
		Sedirdjo				
		Bywet. d'gare te Kortarajo (Bogalen)				
		Kortarajo				
		32 jaren				
			By besluit van den Gouverneur by den Landraad te Sourabaya att 15 juli 1881 N. 3 beneemd tot schryver by genoemd Landraad op een maandelijksche bezoldiging van 15 - 3			
			By idem att 12 Mei 1882 N. 69 het tractement gehooft op 15 - 5			
			By idem att 3 Januari 1883 N. 2 20 1 - 5			
			By besluit van den Resident van Bagalen att 30 Januari 1884 N. 51 beneemd tot schryver op het Residentie Kantoor op een maandelijksche bezoldiging van 25 6 - 5			
			By Gemeenteraad besluit att 4 Maart 1890 N. 4 beneemd tot schryver d'gare te Kortarajo, op een maandelijksche bezoldiging van 25 3 - 5			
			1893 - 6 - 5 1881 - 7 - 19 11 - 10 - 16			
			Totaal			

Fig.14 Resume applicant for the position of adjunct chief jaksa of Purworejo. [ANRI AS Bt. June 9, 1893, no. 36].

Geslachtstaat van Raden Soeressedirdjo Adjunat Diakia in het regentschap Kori
residentie Bagelen

[illegible]

Fig.15 Geneology applicant for the position of adjunct chief jaksa of Purworejo. [ANRI AS Bt. June 9, 1893, no. 36].

It is evident that the jaksas were part of the priyayi class, but what their exact place was within the hierarchy of the civil administration only becomes clear after comparing the monthly income of the different ranks in the *pangreh praja* (see appendix 2, table 6). This reveals that the chief jaksa earned the same salary compared as the wedono, whereas a jaksa was at the same income level as the assistant district chief (assistant wedono). However, a comparison of the costumes of the Javanese officials shows that even though their salary was equal, the status of the chief jaksa surpassed that of the wedono, while the costumes of the jaksas were decorated more exuberantly than that of the assistant wedono.⁹ Furthermore, provisions in 1909 allowed high Javanese officials—regents, patih, tax collectors (*ondercollecteurs*), wedonos, and chief jaksas—to wear a white European costume. Interestingly, an exception was made for landraad sessions, when the officials were obliged to wear their “traditional” costumes.¹⁰

The situation was different in Batavia, where a traditional elite was lacking. There, the chief jaksa was the highest non-European official. Regent Achmad Djajadiningrat described in his memoirs how during the 1880s—when he himself was still a child, so the story is based on family stories—the former chief jaksa of Batavia, Mas Pennah, was appointed as the new patih of Banten. The father of Djajadiningrat—a wedono at that time—became acquainted with the new patih, but he was not popular among other priyayi, including the regent, due to his Western ways and rudely direct communication skills:

He was dressed in a short sarong partly covering a European trousers and he was wearing shoes. Also, he was behaving completely like a European. He entered the *pendopo* [porch] without any restraint, handed over his business card to the guard, and requested him to present it to the regent. The guard returned the card to him, declaring that he would only be welcomed by the regent if he wore a full Javanese costume, so in *kaen* [cloth], and in bare feet. However, Pennah immediately responded by saying that he was not

⁹ Bijblad no.2308. “Bepalingen omtrent de kostumes van Inlandsche hoofden en ambtenaren.”

¹⁰ Bijblad no.6973 “Aanvulling der bepalingen omtrent de kostumes van Indische hoofden en amtenaren.”

Javanese but Batavian. Pennah was a man of strong character, who was able to present and defend his ideas well, both orally and in writing. He therefore soon got the reputation among the European chiefs of being a good official. He was living religiously with his family, although he disapproved of the orthodoxy of Islam.¹¹

Also, when jaksas did feel completely Javanese, as was usually the case outside of Batavia, and they originated from Javanese priyayi circles, they were of the utmost importance to the colonial government because it was hard to find out what was really going on in the region without their loyalty. However, for the exact same reason, they were also distrusted, because they could easily choose the “other side” or aim for their own interests.

Distrust

In 1837, in the East Java region of Probolinggo, after years of ongoing turmoil, Chief Jaksa Niti Sastro was unmasked as the mastermind behind the violent *ketjoepartijen* or robberies and burglaries by gangs which up to then had taken place regularly. The people of Probolinggo were on the point to revolt because of the unsafe situation in the region. The mystery was solved only with the help of the outsider chief Widjoyo, *ronggo* (assistant regent) of Kraksaän, and Niti Sastro was sentenced to death. According to the testimony of a spy, Matjan Koenig, Assistant Resident Overhand of Probolinggo had begged “with tears in his eyes” this outsider chief—a priyayi from another region—to help him solve the case.¹² The case of Jaksa

¹¹ Dajadiningrat, *Herinneringen van Pangeran Aria Achmad Djajadiningrat*, 38. “Hij droeg een Europeesche pantalon waarover een korte sarong en hij had schoenen aan. Voorts gedroeg hij zich volkomen als een Europeaan, hij stapte vrijmoedig de pendopo binne, gaf zijn naamkaartje aan den daar wachtdoenden oppasser met het verzoek dat aan den Regent te overhandigen. De oppasser kwam echter met het naamkaartje bij hem terug met de mededeeling, dat hij alleen in compleet Javaansch costuum, dus in kaen en op bloote voeten door den Regent zou worden ontvangen. Doch Pennah zeide onmiddelijk daarop, dat hij geen Javaan was doch Bataviaan. Pennah was een man van karakter, die zijn denkbeelden zowel in woord als in geschrift, goed en gemotiveerd wist voor te brengen en te verdedigen. Vandaar dat hij bij zijn Europeesche chefs spoedig de naam kreeg van een goed ambtenaar. Hij leefde met zijn gezin godsdienstig, doch veroordeelde het vormelijke van den Islam”

¹² NL-HaNA, 2.10.01 MvK 1814-1849, Vb. March 5, 1841, no.2/88. Investigation reports by supreme court member Visscher. Batavia, June 6, 1840 and July 25, 1840.; Fasseur, *Indischgasten*, 60-66.

Niti Sastro shocked and even frightened the Dutch colonial administrators, because they had trusted him for eighteen years and he had been known as a capable and trustworthy Javanese prosecutor.

The father of Niti Sastro, Poestro Dyoyo, explained in an emotional letter to the governor general what had led his son to become the leader of a gang of robbers and murderers. Niti Sastro had already been trained to break the law at the beginning of his career by the previous jaksa, and he committed “his first crime in agreement with the jaksa. Seduced by the good result and encouraged by his master, who was most likely in need of a capable accomplice, the unthinking young man continued as he had been taught. And, afraid of being discovered, he committed more serious misdeeds to hide the first crime.”¹³

Despite the his father’s plea to get his son pardoned, Niti Sastro was hanged. As the Supreme Court stated in their advice concerning the pardon request, it was unlikely that Regent Notto Negoro had no knowledge about the case at all. Eventually it turned out that many priyayi in Probolinggo had been part of the conspiracy. The regent was dismissed and banned by political (extra-judicial) means. Niti Sastro’s influence is even more apparent from the fact that even after his death, rivalries among the priyayi continued. On the advice of Resident Overhand, the outsider Chief Widjoyo, who had revealed the conspiracy, was appointed as the new regent and named Kyai Temenggung Wirio Widyoyo, even though he was not from a prominent family. After the arrival of the new resident, D. G. Van Teijlingen, he was accused of extortion (*knevelarij*) by other priyayi. The new resident fell for these accusations, which turned out to be largely false and made up by family members and priyayi allies of the late Niti Sastro.¹⁴

Yet, it was not this widespread conspiracy of the local Javanese elite that would be remembered for long. The betrayal of Jaksa Niti Sastro was the biggest shock to the Dutch. A newspaper article in 1868, three decades later, described how Niti Sastro—“Of anyone, Niti Sastro! Niti Sastro—meaning the ‘wise law scholar,’ or so much as ‘teacher of all virtues’”—had

¹³ ANRI, AS Bt. May 6, 1837, no.47. Letter from Poesjro Dyoyo to the Governor General. Surabaya, February 13, 1837 [translated by Hoogeveen, Surabaya]. “.. en in overeenstemming met den Jaxa, zijn eerste misdaad, door den goeden uitslag verleid en door zijnen meester wien welligt een bekwaam handlanger noodig was, aangeprikkeld, holde de onbedachtzame jongeling, op des weg der onderrigd voort, en, bevreesd voor de ontdekking zijner eerste misdaad, stapelde hij gruwelen of gruwelen, om de eerste te bemantelen.”

¹⁴ Fasseur, *Indischgasten*, 60-66.

been the robber chief who decided whether “the good inhabitants would [keep] the head on their body or the *barangbarang* [possessions] in their own use.” The article concluded with the approving remark that Niti Sastro had been condemned to death and hanged “neatly.”¹⁵ References to the case of Niti Sastro also appeared in a handbook for future judges in the Dutch East Indies, printed a century later, in 1938.¹⁶

The Niti Sastro case was even part of the discussions on how to reform the colonial legal system. In 1845, when the new Court Regulations were discussed, the position of the *jaksa* was part of a debate between Van der Vinne and Scholten van Oud-Haarlem. Although their ideologies and alleged solutions were completely different, as we have seen, they agreed on one point: the power of the *jaksa* should be defined carefully, because the *jaksa* was, as Van der Vinne wrote, “a powerful and influential person ... who greatly surpasses his fellow countrymen in knowledge, talent and slyness.” Scholten van Oud-Haarlem responded that he was well aware of character of the *jaksa*. In his position as a Supreme Court judge he had supervised over three thousand court cases. The “notorious court case” of Niti Sastro especially had made him realize that the position of the *jaksa* should be determined very carefully.¹⁷ Later in this chapter and in chapter 9, we will discuss in greater detail the consequences of this debate for the position of the *jaksa* with regard to the Public Prosecution Service.

The distrust of the *jaksas* in general was of course caused by more than just the sense of betrayal due to Niti Sastro. And although there were many examples of *jaksas* who remained loyal to the Dutch administration for their whole career, negative examples such as that one dominated the thoughts of the Dutch. In part 4, below, we will see how in several instances chief *jaksas* actually warned the Dutch of *priyayi* intrigues in different regions. In both the Djojodingrat affair and the Brotodiningrat conspiracy, cases described in chapter 8, it was a *jaksa* who was the whistle blower and informed the Dutch. Nonetheless, throughout the remainder of the nineteenth and into the early twentieth century, the reputation of the

¹⁵ “Kroniek voor Oost-Java,” *Java-Bode*, January 18, 1868, 6. “...de goede ingezetenen de kop op den romp of de *barangbarang* in eigen gebruik.”

¹⁶ Idema, *Handboek Landraad-straftproces*, 78.

¹⁷ Van der Vinne cited in: Driessen, *Schets der werkzaamheden*, 192. “een magtig en invloedrijk persoon (...) die door kennis, talenten en sluwheid zijne landgenooten verre overtrof.”

jaksa persisted as a smart but vain and sly career hunter who benefited maximally from his rather notable position.

Thus, an important part of the distrust of jaksas was the fear that they would conspire with the administrative priyayi against the resident or judge. Therefore, it was preferable if jaksas originated from different regions or families than those of the regent or other high priyayi. Such involved relationships were also considered a risk inside the pluralistic courtroom. In 1831, the members of the landraad of Grisee were replaced because they were brothers of Chief Jaksa Rekso Dirdjo.¹⁸ The risk was mainly due to the fact that, as translators in the pluralistic courts, jaksas could distort witness accounts during the court session in order to get the suspect convicted. To prevent this, Judge W. Boekhoudt alternately appointed the jaksa, penghulu, or a court member as translator during court sessions, but this was certainly not common practice among all landraad judges.¹⁹ The practice of allowing the jaksas such combined duties was not abolished, although Dutch judges were urged to learn the local languages to make their translation services unnecessary. The Judge Sibenius Trip emphasized the need to learn Javanese. He became a circuit court judge in 1859 and years later he described how one of the Javanese members, a patih, had told him that the jaksa was willing to pay twenty-five guilders to be the translator during a court session. "This shows that if I had used a translator and had not mastered the language myself," wrote Sibenius Trip, "then the jaksa would have had free rein and neither the penghulu nor the members would have informed me if the jaksa had made false translations!"²⁰

Even newspaper articles generally painted a picture of the jaksas as a valuable Javanese official who nonetheless could not completely be trusted because of their sly character combined with an ongoing ambition to be promoted to a high position. Moreover, jaksas were quite often also described as very vain. In 1864, a European official showed his disapproval of the rather arrogant attitude of a chief jaksa in the *Java-Bode* and concluded his critique with the following words: "One of his traits, probably

¹⁸ ANRI, GS Surabaya, no.1446. Decision made by the governor general on October 25, 1831.

¹⁹ Boekhoudt, "Een afscheidsgroet aan mijn jongere collega's," 334.

²⁰ Sibenius Trip, "Herinneringen uit de Inlandsche Rechtspraak," 2. "...hieruit blijkt dat wanneer ik een tolk had gebruikt en zelf de taal niet machtig was geweest, de djaksa vrij spel zoude hebben gehad en noch de penghoeloe noch de leden mij zouden hebben ingelicht, indien de djaksa verkeerd vertaalde!"

the only positive one, is that he is dressed very fine, all provided by the French tailors.”²¹ Many jaksas were relatively well appreciated, but they would always remain non-Europeans, as this citation from another newspaper article shows: “The jaksa, although many of them distinguish themselves due to great diligence and suitability, they all still share in the main flaws of their people: harshness, dishonesty, superficiality, and orthodoxy.”²²

Jaksa Ambitions

It is clear that the jaksas were important for the Dutch branch of the colonial administration, but why would a Javanese priyayi consider becoming a jaksa? The Niti Sastro case shows that in the most negative case this was pursuing one’s own interest at the expense of the people. However, in most cases it was simply seen as a good career step within the priyayi ranks. In contrast to other priyayi positions, the jaksas had better options.

First, the activities exercised by the jaksas were visible to the Dutch resident, because he cooperated with them directly. Loyalty and being successful in solving criminal cases could lead to a considerable increase in status and income. For ambitious priyayi from a lower rank, this path was easier to take than the mainly (unofficial) hereditary positions of the higher administrative ranks within the *pangreh praja*. The characterization of the jaksa as a career hunter is therefore hardly surprising. For an official of the *pangreh praja*, it was an advantage to originate from a noble family, but eventually other factors were also important, such as character, experience, loyalty to the colonial administration, and at the same time the ability to be either part of or oppose to the local priyayi families. Each residency had its own dynamics and Javanese officials were supposed to understand local affairs. Second, working as a jaksa could also be a way to become a beneficiary of the regent and even to marry into his family, for example. It also happened that jaksas from lower-ranked families sought the position of adjunct jaksa as a means of advancement.

²¹ “Ingezonden stukken”, *Java-Bode*, June 15, 1864, no.48, 6. “Tot zijne eigenschappen, welligt de eenigste deugd, behoort ook: zich fraai kunnen kleeden, daar de Fransch kleermakers hem (...) daarvan goed voorzien.”

²² “Eenige opmerkingen omtrent de Inlandsche regtspleging op Java,” *Oostpost, Soerabayasche Courant*. December 19, 1860. “Die jaksas hoe vele onder hen zich door grooten ijver en geschiktheid onderscheiden, deelen toch allen min of meer in de gebreken hun volk: hardvochtigheid, onopregtheid, oppervlakkigheid en vormelijkheid.”

The chief jaksa was a in particularly influential official at the residency level during the nineteenth century. In 1850, for example, the jurist R. W. J. C. Bake, requested in the name of his client—the Buginese woman Mak Daun—whether a case concerning the inheritance of Achmat Tumbong, could be adjudicated at the religious court of Surabaya instead of the religious court of Gresik. The reason for this was that the chief jaksa of Gresik was one of the heirs and “due to his rank and prominence” could influence the case.²³

It is important to realize the enormous difference between the position of an adjunct jaksa and a chief jaksa. A chief jaksa earned six times the salary of an adjunct. While a regent was probably not at all impressed by an adjunct jaksa, the chief jaksa was someone with considerable power and influence in the region. Besides, whereas regents simply regarded adjunct jaksas as just another lesser official, for the average inhabitant of Batavia even an adjunct jaksa was someone to look up, as demonstrated by the following quote from the feuilleton *Hikajat Raden Adjeng Badaroesmi* (1901–03) written by Johannus Theupeiry, a Moluccan medical doctor from a non-noble family:²⁴ “using a coquettish tone of voice, Mira asked Amin the purpose of his visit. She could not have dreamt of being honored with a visit from an adjunct public prosecutor.”²⁵ Mira earned her living with sewing and Amin an adjunct jaksa investigating a murder case.

Thus, it is important not only to distinguish the different ranks of jaksas, but also to realize the importance of family ties in the jaksas’ and chief jaksas’ influence. In a priyayi conspiracy case known as the Dojodiningrat affair (see part 4, below) a European public prosecutor described the local jaksa in unflattering terms, “crawling for the Regent and his brothers” in his attempt to gain the trust of the higher priyayi. The chief

²³ ANRI, GS Surabaya, no.1487. Turned down request by the governor general, on the advice of the attorney general. Buitenzorg, April 4, 1851. “...daar het hier een onchristen boedel geldt, zulks door den priesterraad te Grisee bewerksteldigd zoude moeten worden, waartegen suppliant echter bezwaren vindt, daar een der benoemde erfgenamen, Rekso Winotto (hoofddjaksa van den Landraad Grisee) door zijn rang en gezag zoodanigen invloed, te dier plaatse uitoefent, dat genoemde Priesterraad in het slaan van zijn vonnis waarschijnlijk denzelven zoude ondervinden.”

²⁴ The feuilleton *Hikajat Raden Adjeng Badaroesmi* was published in the newspaper *Bendera Wolanda* from 1901 until 1903.

²⁵ Theupeiry, Johan. *Hikajat Raden Adjeng Badaroesmi*, 138. “... met een bevallige stem vraagt Mira Amin naar de bedoeling van zijn bezoek. Ze had niet kunnen dromen dat ze vereerd zou worden met een bezoek van een adjunct officier van justitie.”

jaksa, however, refused to sign the false investigation report. Yet, despite his loyalty to the resident, he had troubles convincing the resident because he was not part of the regent's family. The public prosecutor described him as "honest, but not strong enough to oppose the majority of the committee, which had even won over the Resident."²⁶ Scheltema wrote of one of the wedonos that he was a "diligent servant of the Regent (...) aiming to be rewarded with the marriage he has longed for so long, to take the wind out of the sails of the chief jaksa (...) in whose position he wished to be." The position of chief jaksa could be a good career step for a wedono, but because this wedono was not directly related to the regent, his chances for promotion were limited.²⁷

In this case it is clear that formal positions were partly important, but a wedono well acquainted with a strong regent probably had more power than a wedono unrelated to the regent's family. Some chief jaksas were also more powerful than others. The Dutch did take this family prominence into consideration, as Heicop ten Ham's judicial handbook of 1888 shows. He explained that the jaksa was usually present during the landraad deliberations on the verdict, which were held behind closed doors. However, if he was an "influential person" it was tempting to not invite him to take part the discussions among the court members.²⁸

Unfortunately for the jaksas, their monthly income was not sufficient for a life-style appropriate to their rank. Therefore, they received a part of the fines paid by people convicted of minor crimes, even though this practice clearly did not improve their impartiality.²⁹ Jaksas also enlarged their capital through their priyayi network. In 1864, a European official wrote a letter to the colonial newspaper *Java-Bode* to ask how it was possible that the chief jaksa of Buitenzorg, who earned the same monthly salary as he did (150 guilders), was ten times richer than he was. According to the author, the jaksa owned five houses, many rice fields and cattle,

²⁶ NL-HaNA, 2.10.02 MvK 1850-1900, Vb. April 16, 1859, no.52. "*Eerlijk, maar niet sterk genoeg tegenover de groote meerderheid van de commissie welke zelfs den Resident voor zich weten te winnen.*"

²⁷ NL-HaNA, 2.10.02 MvK 1850-1900, Vb. April 16, 1859, no.52. "*Kruipend voor den regent en zijne broeders*" (...) "*Ijverig dienaar van de Regent ... met uitzigt om beloond te worden door het huwelijk waarop hij lang had gehoopt, om den loef af te steken aan den Hoofddjaksa (...) in wiens plaats hij wenschte te zitten.*"

²⁸ Heicop ten Ham, *Berechting van misdrijven*, 159.

²⁹ Mirandolle, "De hervorming der rechtsbedeeling in Indie II. De Landraden," 163–174.

horses, two carriages, a gamelan, and diamonds, gold, and silver—altogether equal to 40.000 guilders. Two of the horses were presents from other Javanese officials. Also, this chief jaksa turned out to be ambitious: “He is sometimes joking that he will be a Regent once, because on all Thursday nights he is sending his fervent prayers, in order to once obtain this desired prominence.”³⁰

Rarely though did a chief jaksa without prominent family ties become regent. For example, in 1900 the sons of the retired regent of Probolinggo were determined to be unsuitable for the position; the first was “an insignificant personality” and the second “sickly.” Therefore, Raden Mas Ario Abdoelmoekni, chief jaksa of Besuki, was appointed as the new regent. However, this probably would have never happened if Abdoelmoekni had not been his predecessor’s nephew.³¹

Although the colonial government was reluctant to appoint too many priyayi from one family in one residency, this often happened. In 1866, for example, the author of a letter in the newspaper *De Locomotief* worried about the succession of a jaksa because he feared that one of the sons or sons-in-law of the regent of Demak would get the job: “Will once again one of the sons or sons-in-law of the pangeran [regent] of Demak be favoured, at the expense of other native officials, who are already waiting for a promotion for many years? Just as happened when Raden Mas Trengono was appointed as assistant tax collector (*ondercollecteur*) of Kudus, and he, a previously unemployed person, was immediately provided with a position of 150 guilders per month.” The writer expressed his hope that the government would not decide to introduce on purpose a “family government,” because almost all local officials were already related to the regent.³²

³⁰ “Ingezonden stukken,” *Java-Bode*, June 15, 1864, no.48, 6. “*Hij zit soms te mallen, dat hij eenmaal regent zal worden, want alle donderdag-nachten malem-djumakat, zendt hij zijne vurige gebeden op, om eenmaal die gewenschte waardigheid te kunnen deelachtig worden.*”

³¹ NL-HaNA, 2.10.02 MvK 1850-1900, MR 1900, no.729. “...een onbeduidende persoonlijkheid (...)ziekelijk.”

³² “Wie zal de bevoorregte zijn,” *De Locomotief*, May 18, 1866, no.40, 4. “...zal men nu weder een der zonen of schoonzonen van den Pangeran van Demak over het paard tillen, ten koste van andere Inlandsche ambtenaren, die vele jaren op eene verhooging wachten, even als dat gebeurd is door de benoeming van Raden Mas Trengono tot onder-kollekteur van Koedoes, waardoor hij, een ambtloos persoon, dadelijk eene betrekking aanvaardde van 150 gulden ‘s maands.”

The career paths of jaksas confirm that jaksas often originated from noble families, but not from the regent's immediate family. They were, for example, sons of a patih or wedono. There were also jaksas who did not hold the high noble title *raden* but rather the lower priyayi title *mas*. For many a young priyayi, a position as jaksa was a good career step before becoming a wedono, *demang*, or patih. There were also jaksas whose families were not part of the *pangreh praja* at all, but who nonetheless held the position of jaksa. For a son of a "non-government person" (*particulier*) it was possible to become, for example, a coffee assistant (*mantri koffie*) in the district warehouse, one of the lowest ranks within the *pangreh praja*. The position of *mantri* could lead to a position as adjunct jaksa, which might be the highest position they would ever reach. However, for men of lesser birth, being a good jaksa, trusted by either the Javanese regent or the European resident and preferably by both, could lead to the respectable position of chief jaksa. One of these ambitious jaksas was Mas Somodirdjo, who held a position as jaksa of Demak. In 1866, he was appointed chief jaksa of Kediri not because he was of high birth, but because he was well-known for his talent and loyalty.³³

Tjondro Adhi Negoro V described in his travel report how the son of a concubine of a prince in Surakarta had moved to Kediri to become a jaksa there and so increase his career opportunities: "He was consciously striving to move to another area so that he would not become the subject of mockery of his brothers, children of a legal wife who all now held the rank of prince in the Princely Land of Surakarta. If he is lucky, later he could even become a Regent somewhere in the government lands, a position invested with more power and wealth compared to that of most princes."³⁴

Once reached the position of chief jaksa, it was hard for newcomers to establish their power and gain trust of the most influential local priyayi family. Talented officials who were unable to become part of the regent's inner circle were confronted with a glass ceiling and almost never reached the higher ranks of the *pangreh praja*. The Dutch colonial government faced

³³ "Wie zal de bevoorregte zijn," *De Locomotief*, May 18, 1866, no.40, 4.

³⁴ Purwa Lelana [pseud. R.A.A. Tjondronegoro V], *The Travels of Radèn Mas Arjo Poerwolelono*, 195. "*Hij legde het er bewust op aan om naar een ander gebied te vertrekken, zodat het niet zover zou komen dat hij een voorwerp van spot zou worden van zijn broers, kinderen van een wettige vrouw en nu allemaal met de rang van prins in het vorstendom Surakarta. Als hij geluk heeft kan hij later zelfs regent worden in de gouvernementslanden, een functie die meer macht en welstand meebrengt dan die van de meeste prinsen.*"

difficulties with the limited career perspectives of loyal chief jaksas. In 1860, for example, the regent of Kutarjo had been fired because of thoughtless decisions and “favouring hajis and penghulus”. When considering candidates to fill the vacant position of regent, the chief jaksa of Poeworedjo, Radhen Ngabehi Santo di Poero was considered the best candidate available due to his skill and diligence. However, this was “impossible” because Santo di Poero was “not of high birth” and he did not come from the region. Another priyayi was selected to succeed the regent, but the governor general wrote his minister of colonial affairs: “In the meantime, it is difficult for this dedicated native official—who has consistently exercised his hard work in the most scrupulous way—to be overshadowed by younger and less capable priyayi.” Therefore, Chief Jaksa Santo di Poero was granted an extra personal reimbursement of fifty guilders per month.³⁵

6.2 Jaksas under Discussion

Because of the importance of the jaksas for colonial rule, and because of the combination of trust and distrust, they were subject of colonial debate during the entire nineteenth century. We will now discuss the three most important topics around which this debate evolved: the responsibilities of the jaksa during a pluralistic court case, his relation to the Public Prosecution Service, and his education.

Responsibilities during a Court Case

Criticism concerning the diverse job description of the jaksa within the pluralistic courtroom certainly were part of the discussion about the colonial law system, with the dependent position of the jaksa within the colonial civil service coming in for particular criticism. The combination of prosecutor and translator was problematic. This went against the Native Regulations, which stated that someone who was not allowed to be a witness in a court case was not allowed to provide translations during the trial. This excluded the jaksa from being a translator.³⁶ Yet, for the rest of the colonial era, the position of

³⁵ NL-HaNA, 2.10.02 MvK 1850-1900, Vb. September 15, 1860, no.19. “*Intusschen is het hard voor dien Inlandsche dienstelijken ambtenaar die steeds zijne moeilijke betrekking op de meest naauwgezette wijze heeft waargenomen, om zich te zien voorbijstreven door jongere en minder bekwame hoofden.*”

³⁶ Gaijmans, *De Landraden op Java*, 65.

the jaksa would not change radically. In practice, the jaksa continued to fulfil the position of translator until well into the twentieth century.

A suspect or witness would first be interrogated by the jaksa during the investigation and again during the court session. This caused the interrogation in court to become more of a “class room exercise” than an exercise in “finding the truth,” as Heicop ten Ham stated in his handbook on Dutch colonial criminal law in 1888.³⁷ A text in a colonial picture book of 1876, next to a drawing of the landraad of Pati (see Figure 4) even depicted the jaksa as the real actor (*akteur*) of the landraad:

Does one see, standing to the left side of the president, the serious and neat native? Essentially, he is the big actor in this play; he is the translator of the Public Prosecution Service; he is the “Jaksa.” He is the public prosecutor; he brings in the witnesses; he presents the evidence that proves the guilt of the accused. But he does much more. It often happens that the president does not entirely master the language of the witnesses and the suspect. Then, the Jaksa is also the translator. Everyone will understand that this does not provide for a great warrant of justice nor impartiality of the translation.³⁸

The description mentions how court sessions were even rehearsed beforehand.³⁹ In 1869, the private lawyer Charles Jean François Mirandolle

³⁷ Heicop ten Ham, *Berechting van misdrijven*, 157. “overhooren van een les.”

³⁸ Tekst next to drawing of the Landraad of Pati, by Jeronimus. In: Deeleman, *De Indische Archipel*, book has no page numbers. “Ziet gij, aan de linkerzijde van den president dien ernstigen en deftigen inlander staan? Dat is eigenlijk de groote akteur van het drama; dat is de tolk van het openbaar ministerie; dat is de “djaksa.” Hij is de publieke aanklager; hij brengt de getuigen voor; hij voert de bewijzen aan voor de schuld van den beklagde. Maar hij doet veel meer. Dikwijls gebeurt het, dat de voorzitter de taal der getuigen en van den beklagde niet geheel magtig is. Dan is de djaksa tevens de tolk. Dat dit echter voor de juistheid en onpartijdigheid der vertolking geen groote waarborg kan geven, begrijpt iedereen.”

³⁹ Mirandolle, “De hervorming der rechtsbedeeling in Indie II. De Policie-rol,” 14-24.; Mirandolle, “De hervorming der rechtsbedeeling in Indie II. De Landraden,” 163-174. “Vele Djaksa’s hebben dan ook de gewoonte bij eene eenigszins gewichtige zaak des daags te voren eene generale repetitie met al de getuigen te houden, om verzekerd te zijn dat allen hunne rol

recorded in a colonial journal how “to be certain that all of them [the witnesses] would remember their lines and that the indictment of the court session would be similar to the preliminary instructions. Such an official [the jaksa] could not be completely impartial.” According to Mirandolle, this was not done out of malice; rather “in this he [the jaksa] sees the proof that he has investigated the cases meticulously and precisely, and the opposite could possibly give reasons to doubt his qualities.”⁴⁰

Despite the criticism of the multiple responsibilities of the jaksas in the courtroom, this would not change until the end of the colonial era. Yet, the influence of the jaksa did diminish at the end of the nineteenth century due to Dutch doubts about whether the jaksas were—or should be—part of the colonial Public Prosecution Service.



Fig.16 Jaksa of Bandung with his wife and two [possibly enslaved] servants, 1870-80.

[Collectie Stichting Nationaal Museum van Wereldculturen. Coll.nr. TM-60002263].

goed hebben ingestudeerd en het proces-verbaal der terechtzitting zooveel mogelijk conform zal zijn aan dan van hunne voorloopige instructie.”

⁴⁰ Mirandolle, “De hervorming der rechtsbedeeling in Indie II. De Landraden,” 163-174. “...om verzekerd te zijn dat allen hunne rol goed hebben ingestudeerd en het proces-verbaal der terechtzitting zooveel mogelijk conform zal zijn aan dan van hunne voorloopige instructie. Geheel onpartijdig, kan zulk een man, zonder dat nog aan eenig boos opzet te denken valt, niet zijn.” (...) “..hij ziet daarin het bewijs hoe zorgvuldig en nauwgezet de zaken door hem worden onderzocht, en het tegenovergestelde zoude al licht aan zijne bekwaamheid kunnen doen twijfelen.”

Public Prosecution Service

During the nineteenth century, the Public Prosecution Service in the Netherlands was subject to debate. Even though the idea of the *trias politica*—the separation of legislative, judicial, and executive powers—had become widely accepted in the Netherlands, as we will discuss in part 3, there were still attempts to curtail the influence of the judiciary. Therefore, during the French period in 1811, the French system was introduced in the Netherlands. The president of the Court of Cassation in Paris was simultaneously the minister of justice and in this capacity presided over the Public Prosecution Service, which represented the government in criminal cases.

In 1814, this arrangement remained much the same, except that the president of the Supreme Court became the Minister of Justice. The Public Prosecution Service, however, remained the representative of the government in criminal cases, although it was not finally determined whether it should be part of the executive or the judicial branch. In Belgium, it eventually developed more as part of the judicial power, whereas in the Netherlands it would become part of the executive power, under the ministry of justice. Thus, the year 1811 was a defining moment when the position of the Dutch public prosecutors changed from being subject to judicial authority, to becoming part of the administrative government.⁴¹ In practice, the public prosecutors were led by the attorney general of the high council and the minister could not intervene in their activities directly, but only via the attorney general.⁴²

In the Netherlands Indies, There was no department of justice until 1870,⁴³ and the attorney general was the head of the European public prosecutors, though not the jaksas, who received their orders directly from the resident, in the case of the chief jaksa, or the regent, in the case of the other jaksas. This meant that the resident was not only the landraad judge, but also the head of the police and supervisor of the prosecutor. Also, after

⁴¹ Bosch, “Het Openbaar Ministerie in de periode van 1811–1838,” Ch.1, paragraph 5.4 and 8.

⁴² Pieterman, *Plaats van de rechter*, 114 and 145. After 1860, the main subject of discussions regarding the Public Prosecution Service was the principle of opportunity (*opportuniteitsbeginsel*). See: Pieterman, *Plaats van de rechter*, 179-206.

⁴³ Briët, *Het Hooggerechtshof van Nederland-Indië*, 319. Due to the absence of a department of justice until 1870, the Supreme Court acted as a department of justice “*avant la lettre*”.

the introduction of the judicial landraad presidents—to be discussed in part 3—the resident and regent remained the direct supervisor of the jaksas.

In 1842, Scholten van Oud-Haarlem included a section in the draft legislations of the Court Regulations and Native Regulations that stated that the jaksas had to become part of the Public Prosecution Service. He aimed at equalizing the position of the jaksas with the prosecutors in the Netherlands, by urging (to start with) more communication about the jaksas between the resident and the attorney general. However, J. C. Baud pressed for the maintenance of the status quo, in which criminal cases were processed within the residency as much as possible.⁴⁴ The section was also criticized by Van der Vinne, who feared for the prestige and power of the resident and expected disorder, unrest, and intrigues. He pointed out that the “smart, talented and sly” jaksas should be monitored very carefully. Scholten van Oud-Haarlem responded that he was aware of the “character” of the jaksa, because as Supreme Court member he had reviewed over three thousand court cases. The criminal case of Chief Jaksa Niti Sastro in particular, as described before, had made him realize that the position of the jaksa should be determined very carefully. He argued exactly this to be his reason for making them part of the Public Prosecution Service.⁴⁵

Whichers did not share Scholten van Oud-Haarlem’s view on the matter, though, and the jaksas remained subject to the residents and regents.⁴⁶ However, Whichers did emphasize the importance of good jaksas and he provided them with a higher salary to make them less prone to corruption: “Many jaksas are too meagrely paid, and the consequence of this is not only that it is often hard to find suitable men willing to take on this important position, but also that they, so underpaid, are often not very diligent and are also vulnerable to falling for the seduction of bribery.”⁴⁷

⁴⁴ NL-HaNA, 2.10.47 Wetgeving van Nederlands-Indië, no.71. Remarks by Minister of Colonial Affairs J.C. Baud on the draft (of the Native Regulations) by the committee Scholten-Oud Haarlem. May 28, 1841.; NL-HaNA, 2.10.47 Wetgeving van Nederlands-Indië, no.71. Response by Scholten Oud-Haarlem to the remarks they received (in particular by Baud) on the draft (of the Native Regulations).

⁴⁵ Immink, *De Regterlijke Organisatie van Nederlandsch-Indie*, 131-136.

⁴⁶ Immink, *De Regterlijke Organisatie van Nederlandsch-Indie*, 131-136.

⁴⁷ NL-HaNA, 2.10.02 MvK 1850-1900, Vb. August 12, 1850, no.17. Report written by Whichers. “Rapport van jonkheer Mr. H.L. Whichers omtrent eenige door den Raad van State geopperde bedenkingen enz. opzettelijk de nieuwe wetgeving van Ned. Indie,” January 1, 1850. “*Vele Djaksa’s zijn veel te karig bezoldigd, en dit brengt te weeg, niet slechts dat het dikwijls moeielijk is geschikte personen te vinden die deze gewigtige betrekking op zich willen*

Remarkably, at the end of the nineteenth century, most liberal jurists still preferred the situation in which the jaksa remained under the resident rather than the attorney general. Although as defenders of the *trias politica* they fought fiercely for the introduction of independent landraad judges (to be discussed in part 3), they were not so principled regarding the position of the jaksa. Generally, they agreed on a close supervision of the jaksas by the resident.

In 1885, the jurist Abendanon proved an exception when he suggested during a meeting of the Indies' Jurists Association to subordinate the jaksas to the attorney general and to be supervised by the European public prosecutor of the Council of Justice; the only person to vote for this plan was Abendanon himself. There were somewhat more votes (6 out of 17) for a proposal to subordinate the jaksa to the resident only and not to the regent, but eventually there the only majority vote was for improved career prospects and a corresponding raise in salary within the jaksa ranks. Most jurists expected much from better-educated jaksas.⁴⁸

During the meeting, a few jurists even pleaded for the introduction of "European jaksas," European prosecutors who would replace the Javanese jaksas in the pluralistic courts. This proposal was repudiated though, as an idea from other-worldly colonial jurists. Indirectly affirming the importance of the jaksas, administrative official Van der Kemp commented cynically: "Ah, well, of course! If one would have such attributes [European prosecutors], then, administering justice over the Natives, by scholars unfamiliar with the people, will not be that hard."⁴⁹ Altogether, the position of the jaksas would not change and not become part of the Public Prosecution Service. Eventually, they would even lose the responsibility of drafting indictments because they were thought incapable of doing so due to their lack of education.

nemen, maar ook dat zij, die zoo uitermate slecht betaald worden, niet zelden weinig ijver aan den dag leggen, en aan de verzoeking blootstaan om voor de verleiding der omkoopning te bezwijken."

⁴⁸ Driessen, *Schets der werkzaamheden*, 242-253.

⁴⁹ Van der Kemp, "De rechterlijke macht in haar streven naar onafhankelijkheid," 445-481. "O, zeker! Als men over dergelijke hulpmiddelen beschikt, wordt het rechtspreken over den inlander door met het volk onbekende geleerden nog zoo moeielijk niet."

Education

From 1901 until 1903, the newspaper *Bendera Wolanda* published the feuilleton *Hikajat Raden Adjeng Badaroesmi* by Johannus Theupeiry, a Moluccan from a non-noble family. In the novel, the main character, Chief Jaksa Raden Mas Ario Sosro Deksono, was a real opportunist who used his noble background to gain money and power. His family had lost its peerage several years before, but the man had done everything to regain it: “Wealth, fame, honour. During his entire life, these were the only things that the chief public prosecutor could think of. With iron will, step by step, the man rose up. He held almost all prestigious positions that were possible for people of low rank to reach.”⁵⁰ When he finally reached the high position of chief jaksa, he left his wife for a woman from a better family: “My position forces me to leave you.” However, the novel ends with the beautiful daughter of the chief jaksa falling in love with a *dokter djawa* (Javanese doctor) from a non-noble family, instead of her cousin, Adjunct Jaksa Mas Amin. Formally, *dokters djawas* held a similar rank as *mantris*, despite their education. Author Theupeiry came from the Moluccas and was one of the non-noble men who worked hard for a career as a *dokter djawa* and even went to university in the Netherlands, while seeing high priyayi reaching the highest positions far more easily. The feuilleton is a critique of this and the story is therefore an accusation of priyayi who built their careers on their birthright.⁵¹

The novel depicts the tensions occurring around 1900 between a new educated (non-noble) elite and the traditional priyayi. For most of the nineteenth century, priyayi were trained by the Javanese apprenticeship (*magang*) system. Young priyayi were appointed as unpaid apprentices—*magangs*—and worked for experienced Javanese priyayi, learning everything they were supposed to know for a future career within the *pangreh praja*.⁵² However, over the course of the nineteenth century the colonial legal system became increasingly based on European procedures. In the Colonial Report of 1865, Attorney General T. H. der Kinderen had

⁵⁰ Theupeiry, *Hikajat Raden Adjeng Badaroesmi*, 84. “*Rijkdom, roem, eer, in heel zijn leven spookten alleen die zaken door de gedachten van de hoofdofficier van justitie. Met ijzeren wilskracht kwam de man stapje voor stapje hogerop en bereed zowat alle paradepaarden die mensen van lage rang konden bemachtigen.*”

⁵¹ Theupeiry, *Hikajat Raden Adjeng Badaroesmi*, 81.

⁵² Sutherland, *The Making of a Bureaucratic Elite*, 16-17, 33 and 67.

recommended establishing a school for jaksas: “In Batavia, there is a highly-praised initiative to raise Native doctors (so-called *dokters djawa*). When observing the current malfunctioning preliminary investigations, it is hard to suppress the wish, that there should be established a good school to raise native public prosecutors as well.”⁵³

Until the end of the nineteenth century, however, no effort was made to provide official training for the jaksas. Instead of educating the jaksas in the new standards of the legal system, it was decided not to give them any formal training. The only government-sponsored education to train priyayi for their career in the colonial civil service, with its growing modern bureaucracy, were the priyayi school (*hoofdscholen*) established in 1878 in Magelang, Bandung and Probolinggo.⁵⁴ A special jaksa training, however, was not agreed upon. One explanation for this was that Javanese people were considered incapable of completely understanding European judicial procedures, but the reluctance to training jaksas was also born out of distrust. After all, there was a school for Javanese doctors, so apparently the Dutch already trained Javanese for an academic profession. In fact, a jaksa school was mainly not agreed upon out of fear of creating a class of Javanese who were better educated than the traditional priyayi. The former Inspector for Native Education F. S. A. de Clercq was frightened of producing jaksas with too much confidence. He argued that the jaksas were often inferior to the regents by birth and rank, but would then surpass them in specialized knowledge. Moreover, it would be hard to immediately appoint these jaksas, and they then might be forced or tempted to work as private lawyers (*procureurs*), which the Dutch wanted to prevent at all costs, as we will see in part 3.⁵⁵ Colonial jurist H. L. E. de Waal wrote in 1880 that he also did not believe the Javanese capable of working independently, but he argued that

⁵³ KV 1865, Attachment G “Verslag omtrent de werking der nieuwe wetgeving in Nederlandsch Indie gedurende het jaar 1864”, 56-60. “*Er bestaat op Batavia een hooggeroemde gelegenheid tot het vormen van inlandsche geneeskundigen (zo zogenoemde doctors-djawa); wanneer men de gebrekkige voorloopige onderzoeken ziet, valt het moeilijk den wensch te onderdrukken, dat er ook in Nederlands Indie een goede school mogt bestaan tot het vormen van inlandsche officieren van justitie.*”

⁵⁴ Sutherland, *Pangreh Pradja*, 87. Until that moment, the only government-sponsored educational institutions for the local population (elite) were teacher schools and dokter djawa (medical personnel) schools.

⁵⁵ Driessen, *Schets der werkzaamheden*, 256. “*...een klasse van meer ontwikkelde Inlanders [zou ontstaan] die door geboorte en ambt inferieur aan de hoofden, dezen in speciale kennis zou overtreffen.*”

the jaksas already showed that they were capable of exercising “outstanding services” when being incorporated in “a formal hierarchy with strict control and responsibility.”⁵⁶

Under the influence of ethical thinking, however, this reluctance towards educating Javanese would change. In 1893, two courses in law were introduced at the priyayi school (*hoofdenschool*) of Magelang, “introduction to law” and “constitutional and administrative law of the Netherlands Indies.” The teacher of these two courses, P. L. A. Collard, translated the colonial legal regulations into Malay.⁵⁷ In 1900, the name of all three priyayi schools changed into Opleidingsschool voor Inlandse Ambtenaren (OSVIA, or school for native officials) and in 1911 the *magang* system was abolished.⁵⁸ The arrival of the OSVIA did cause some of the problems De Clercq had warned about, because now there were relatively unexperienced trained graduates competing with officials with many years of practical experience but without any formal training. When in 1910 Mohammed Achmad was appointed as chief jaksa right after passing his upper level exams (*groot ambtenaarsexamen*), criticism was widespread. The *Java-Bode* disapproved of the decision and wrote that normally only commendable jaksas could be promoted to the “important position” of chief jaksa after twenty years of service.⁵⁹

In 1916 graduates from the OSVIAs united themselves in the Oud Osvianen Bond (club for former students of the OSVIA; OOB). Both the president Mohamed Tajib as the vice-president Soetardjo Kartohadikoesoemo, were jaksas. Goal of the OOB was to increase the quality of the Pangreh Praja. It was a protective organization to represent the educated priyayi. According to many civil servants who had only passed their Lower Level Exams (*klein ambtenaarsexamen*) the OOB was an old boys network.⁶⁰

⁵⁶ De Waal, *De invloed der kolonisatie op het inlandsch recht*, 5-6. “...eene ambtelijke hierarchie met strenge wederzijdsche controle en verantwoordelijkheid.”

⁵⁷ Driessen, *Schets der werkzaamheden*, 254-262.

⁵⁸ Sutherland, *The Making of a bureaucratic elite*, 16-17, 33 and 67.

⁵⁹ NL-HaNA, 2.10.36.04 MvK 1901-1953, MR 1910, no.825.; Dajadiningrat, *Herinneringen van Pangeran Aria Achmad Djajadiningrat*, 274-275. Raden Mohammed Achmad was of high birth, from an elite priyayi family, and the nephew of Achmad Djajadiningrat and Husein Djajadiningrat, see Epilogue.

⁶⁰ Sutherland, *The Making of a bureaucratic elite*, 54 and 74.

At that time, however, most newly educated priyayi would not prefer a jaksa career anymore. When in 1909 finally a special law school; the *Opleidingsschool voor Inlandsche Rechtskundigen* (OVIR, or school for native jurists) in Batavia was opened, this came too late for the jaksa professions. By that time, they were already deprived of their key responsibility of drafting indictments. They had become less important officials than they had been during the nineteenth century. In chapter 9, we will discuss this process more thoroughly and argue how not only the colonial government, but also Dutch jurists were essential to this process of depriving the jaksas of their main responsibilities in the pluralistic courts.

Instead of training new jaksas, the OVIR merely prepared students for careers as secretaries, and, from the 1920s, Indonesian landraad judges.⁶¹ The OVIR was more expensive than the OSVIA and the education was in Dutch and Western-oriented. According to legal historian A.W.H. Massier, it was “without doubt, the most exclusive elite school for natives at the beginning of the twentieth century”.⁶² Priyayi and some talented non-noble youngsters were sent to the law school. Since the strict admission requirements required ability in the Dutch language, only a privileged group of Javanese could enter, because Dutch pre-education was necessary. Part of the education was dedicated to obtaining ‘proper Dutch manners’.⁶³ Subsequently, a number of OVIR graduates went to the Netherlands to study law.⁶⁴ After graduating, they did not chose to be jaksas, but they preferred the position of landraad judge. Or they chose, quite often against the will of their traditional priyayi parents, for careers as a private lawyer. These were attractive positions never before open to non-Europeans. In 1924, Besar Martokoesoemo was the first Indonesian lawyer to establish a law firm, in Tegal.

⁶¹ Massier, *Van recht naar hukum*, 67-72. The first Indonesian landraad president was appointed in 1925. See Epilogue.

⁶² Massier, *Van recht naar hukum*, 73. “zonder twijfel de meest exclusieve, elitaire opleiding voor inlanders van het begin van de twintigste eeuw.”

⁶³ Massier, *Van recht naar hukum*, 74.

⁶⁴ Massier, *Van recht naar hukum*, 105.



Fig.17 Ex-students of the Law School together in Leiden, 1922. [KITLV no. 4534].

From left to right; seated on the floor: Sartono, Singgih, Boediarto; second row: Zainal Abidin, Isksk Tjokrohadisoerjo, Gondokoesoemo, Had, Achmad, Moekiman; third row: Iwa Koesoema Soematri, Koesnoen, Soedibjo Dwidjosewojo, Notosoebagio, Soewono, Oerip Kartodirdjo, Soebroto, Alimoedin; fourth row: Soejoedi, Soetikno, Soesanto Tirtoprodjo, Gatot, Koesoemah Atmadja, Soedirman, Sastromoeljono.

Naturally, all traditional priyayi of the *pangreh praja* faced the consequences of the rise of this new modern elite. However, for the jaksas these consequences were directly visible in court, where they were no longer the most influential and most educated local actors. The jurist H. A. Idema concluded in 1938, “For the increasingly diminishing part the jaksa takes in the criminal investigations, a legal training is unnecessary. Law is part of the general training of native administrative officials. A specialized jaksa corps has never been accomplished.”⁶⁵

⁶⁵ Idema, *Landraad-straftprocesrecht*, 78. “Door de acte van verwijzing heeft de jurist-Voorzitter afdoende controle op de juridische eischen aan het vooronderzoek te stellen, voor het steeds slinkende deel van den DJaksa aan de criminalistische opsporing is rechtsstudie niet noodig, het recht vindt als onderdeel zijn plaats in de algemeene opleiding der algemeene inlandsche bestuursambtenaren, tot specialisatie van een apart Djaksakorps is het nooit gekomen.”

Educated landraad judges and jurists were the future Indonesian judges who would call the jaksas, justifiably, uneducated. After decolonization, these jurists were seen as modern and educated. The jaksas on the other hand, were seen as a part of the priyayi class who had collaborated with the Dutch during colonial times.⁶⁶ Although Indonesian judges also had been part of the colonial state system, and often also of the priyayi class, they were above all reformers by being the first take up positions previously reserved for the colonizers. Whereas the jaksas went to the OSVIA, the judges were educated in a Western-oriented style that was not necessarily associated with their priyayi background. Moreover, they were better prepared for the modern circumstances of the legal system after decolonization.

6.3 Conclusion: Faded Glory

The jaksas were the ultimate intermediaries of the dual-rule system in nineteenth-century colonial Java. Often, they were not part of the dominant local priyayi family, which enhanced their in-between role. Most Dutch officials agreed on the importance of a skilful and loyal jaksa for the maintenance of colonial rule, but for such crucial men, they were treated quite indifferently. They were not trained for their profession even as the legal system grew increasingly bureaucratized, and there was little conscious communication about whether and how a jaksa had to be rewarded for his role as important intermediary. The jaksas had plenty of practical knowledge relevant to the colonial judicial practices, but there was little interest in this knowledge from the side of the Dutch. Discussions did take place about how to train the jaksas and institutionalize their training, but eventually many Dutch held on to a deep conviction that there was a definite limit to what Javanese people were capable of doing and learning, as well as to their trustworthiness. The jaksas were not only distrusted but also underestimated in their potential talents and capabilities.

All this not only damaged the jaksas' careers, and their profession in general, but it also inhibited change in the colonial legal system. By blaming malfunctioning legal practice and procedures to the incompetence of the Jaksas, the organisation of colonial justice remained unchallenged. Eventually this would prove detrimental to the quality of the legal system. A

⁶⁶ Lev, *Legal evolution and political authority in Indonesia*, 75-76.

professional training for local colonial officials would only take off in the early twentieth century, but the jaksas would never completely lose their reputation of being sly and poorly trained. Most landraad judges, though, knew very well that they would hardly be able to function without the jaksas.

Just like the penghulus, the jaksas were once incorporated in the colonial legal system by the Dutch to legitimize colonial pluralistic law, but due to measures born of distrust and ignorance, their position was in the courtroom was eventually marginalized. Yet, as shown above, the penghulus and the jaksas themselves continuously incorporated the pluralistic courts, to a certain extent, as useful spaces within their own sphere of influence to—as the penghulus—obtain positions outside of the courtroom or—as the jaksas—to use their rank as a stepping stone in climbing the priyayi career ladder.



Fig.18 Landraad session in Meester Cornelis (Tangerang), circa 1910. [KITLV no.114085].