

THE CHINESE AND CRIME IN THE OMMELANDEN OF BATAVIA 1780-1793

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ABSTRAK

Batavia dan wilayah Ommelanden pada era akhir abad ke-18 berada dalam krisis keamanan di mana angka kriminalitas terus meningkat. Kejahatan dalam berbagai bentuk, mulai dari perampokan, pembunuhan, pencurian, sampai perkelahian antar-etnis menjadi suatu pemandangan yang biasa di wilayah ini. Kondisi VOC yang mulai runtuh saat itu berdampak pada runtuhnya keamanan publik di daerah koloni. Lebih jauh, kondisi ini merefleksikan semakin melemahnya kontrol administrasi pemerintah kolonial terhadap Batavia dan Ommelanden. Meningkatnya angka kriminalitas di wilayah Ommelanden juga memengaruhi masyarakat Cina, baik sebagai pelaku maupun sebagai korban dari kejahatan tersebut. Kedudukan dan status mereka yang cenderung lebih tinggi dalam hal finansial dari masyarakat lokal menjadi sumber pemicu kebencian antaretnis di Ommelanden. Masyarakat Cina menjadi rentan terhadap tindak kejahatan. Paper ini mengeksplorasi berbagai kasus kriminal di Ommelanden Batavia yang terkait masyarakat Cina, baik sebagai korban maupun pelaku, yang terekam dalam arsip *Schepenbank*. Paper ini memberikan sebuah gambaran relasi masyarakat Cina dengan etnis lainnya di Ommelanden Batavia dalam kasus-kasus hukum, sifat dan kekhasan kriminalitas di Ommelanden Batavia, serta sistem yudisial VOC di Ommelanden Batavia.

Kata Kunci: *Batavia, Chinese Community, Schepenbank Archives, Crime, Ommelanden.*

ABSTRACT

Batavia Ommelanden at the end of the 18th century was in a security crisis marked by rising criminal rate. Crime in a variety of forms, ranging from robbery, murder, theft, and the inter-ethnic fights became a common sight in this area. VOC crisis affected public security, which seemed to collapse in the colonies. Furthermore, this condition reflects the weakening of control of the colonial administration and Ommelanden. The increasing criminal rate in the Ommelanden also affected Chinese community, both as perpetrators and as victims of such crimes. Position and status of the Chinese community, who tend to be higher in terms of financial resources compared to the

local community, triggered inter-ethnic hatred in Ommelanden. Chinese community became vulnerable to crime. This article explores a variety of criminal cases in Batavia Ommelanden related to Chinese community, both as victims and perpetrators, which is recorded in the archives Schepenbank. This article gives an overview of relations with other ethnic Chinese community in Batavia Ommelanden in legal cases, the nature and distinctiveness Ommelanden crime in Batavia, as well as the judicial system Ommelanden in Batavia.

Keywords: *Batavia, Chinese Community, Schepenbank Archives, Crime, Ommelanden.*

INTRODUCTION

Batavia and the *Ommelanden* were in the midst of a wave of increasing criminality in the late 18th century. Crime ranging from murder, robbery and theft to internecine fighting among the different ethnicities became a common occurrence in society. This suggests that the colonial public security was falling apart (Raben 2007: 101-107).¹

Established in 1619, Governor General Jan Pieterz Coen, the founder of the town, introduced the Dutch administration and legal system with the intention to maintain discipline and to settle disputes that arose among the Company personnel. Many people from different ethnic backgrounds arrived, either voluntarily or brought in by the Company, settled down in the city and surrounding region of Batavia. In response to this, on the 1st of July 1620 the VOC established the urban civil board called the *College van Schepenen* or College of Aldermen to maintain law and order among its subjects in Batavia. The board exercised not only judicial powers but also powers over the local government and the police in Batavia. In the beginning, the board focused only on civil cases, however, it later expanded to handle every criminal case that occurred in Batavia and the Ommelanden for all citizens, including the free population and slaves, with the exception of the Company servants (Ball 1982: 17-21).

Among the Asian residents, the Chinese population group was very important for the town and therefore the East India Company. Acting as middlemen for most economic activities, the Chinese played an important role in city affairs

¹ *Ommelanden* is the surrounding areas outside the Batavia City walls. The Ommelanden areas also known as the hinterland of Batavia. For further explanations see Remco Raben, "Seputar Batavia: Etnisitas dan Otoritas di Ommelanden, 1650-1800," in Kees Grijns et. Al (ed.) *Jakarta Batavia Esai Sosio-Kultural*, (Jakarta: Banana-KITLV, 2007), pp. 101-117.

and were better positioned than other indigenous ethnicities. Following the development of agricultural enterprise in the Ommelanden, the Chinese influx became even greater during the 18th century to the extent that they could no longer be handled anymore by their own appointed headmen or officers (Ball 1982: 137-138). This resulted in the waning of the Company's enthusiasm in relation to their Chinese subjects, so that strict limitations were imposed on the Chinese immigration. This policy led to an estrangement between the Chinese sojourners in the country side and the Dutch officials in town. Vagrant Chinese illegal immigrant plundered the countryside and in September 1740 even mounted an attack on Batavia. Rumours that the Chinese population in town threatened to join them and revolt from within, created panic among the city population and subsequently resulted in a massacre of the Chinese of Batavia city in the first day of October 1740.²

The increase of criminality in the Ommelanden of Batavia also affected the Chinese as a part of the population, either as perpetrators or as victims. Their superior financial status was source of envy among other ethnicities and thus, they became vulnerable to crime. These criminal activities recorded in the *schepenbank* archives and collected under the administration of the *College van Schepenen*. The larger part of these archives are kept in the National Archives in Jakarta, but the National Archives of Den Haag also houses a limited number of documents from these archives, ranging from records of auctions, criminal procedures, administrative reports, and a report from civil estates from the year 1775 to 1800.

Theoretical Framework

Crime covers a wide range of activities, and is likely to be defined differently by different people at different times. Ronald D Hunter and Mark L. Datzker state that crime is the act determined to be unlawful activities, for which there is a proscribed legal sanction. Additionally, criminality is said to occur when certain behaviors have been transformed by society into crimes and people engaging in those behaviors have been identified as criminals. In other word, when a crime and criminal behavior occur, a state of criminality

² Regarding to this event, some historians have extensively discussed it, such as Blussé in *Strange Company* (1988), J. Th. Vermeulen, "The Chinese in Batavia and the Troubles of 1740" (translated by Tan Yeok Song) in *Journal of the South East Society*, Vol. IX(I), June 1953, 1-68.

exists. However, there are three major categories of views regarding crimes: *consensus*, *interactionist* and *conflict*. In *consensus* perspectives, crimes are viewed as behavior that is harmful to the majority of citizens and it is agreed that these acts should be controlled by the existing criminal law. On the other hand, *interactionist* perspectives believe that the actions or missions constituting crimes are defined by existing criminal law. Hence, *interactionist* views hold that the criminal law was influenced by people who hold social power for the sake of their interest. Differently, the conflict perspective bases its views on the premise that society, as a collection of various groups, is in a constant conflict, where certain powerful groups use the criminal law to advance their interests (Hunter and Datzker 2004).

J.A. Sharpe suggests the following institutional definition for crime: ‘illegal behavior which, if detected and prosecuted, leads to criminal charge through court of law, and carries certain penalties.’ The control of criminality was very much dependent upon private initiative, and the prosecution throughout the court system was the outcome of a series of personal decisions, which derived from civil action that often was preceded by social interaction. Thus, crime in a historical theme rests on the notion that the definition of illegal behavior lies in the eyes of beholder (Sharpe 1984).

Writing about crime closely represents writing history from below. ‘History from below’ looks at common people viewed as active players rather than silent participants or victims in history. This type of history writing finds its roots in the last three decades of 20th century. Its approach is broad in scope; it embraces political, economic, social and cultural aspects and encompasses all segment of society. Radin Fernando clearly explains that focusing on criminal records, historians can study individuals as well as groups of people who had previously been ignored. The interest to examine people in the periphery of society in relation to the elite can only succeed if suitable sources which provide information of people at large are available for historical investigation. Additionally the availability of criminal records produced by European courts has opened up this opportunity to bear fruit (Fernando 2006).

There are several studies have been done on the crime and criminality in the Batavia and the Ommelanden during the seventeenth and eighteenth century. Pamela McVay (1995) in *I am the Devil's Own': Crime, Class, and Identity in the 17th Century Dutch East Indies*, demonstrates that the highly mobile populations like Batavia and its Ommelanden, tended to generate

correspondingly high level of common crime among the lower ranks, which were punished more harshly than high ranking officials (McVay 1995). Meanwhile, Kerry Ward in *Networks of Empire: Forced Migration in the Dutch East India Company*, where in one of the chapter she discusses about crime and punishment in Batavia circa 1730-1750 concludes that the criminal records showed the limitation of Company's sovereignty as people resisted being governed by committing crimes (Ward 2009).

This paper aims to explore criminal cases in Batavia and the Ommelanden as recorded in the *Schepenbank* archives available in The Hague, involving the participation of the Chinese, either as perpetrators or victims. The availability of the schepenbank criminal records in The Hague has limited the period of study from 1780 to 1793. During 1780-1793 there were 146 cases preserved under these archives. The study will attempt to sketch what the local conditions were like in the period 1780-1795. In this way, the study can hopefully provide some insight into Chinese relations with other ethnic groups in Batavia and the Ommelanden on the basis of the law cases and the functioning of the colonial legal system.

THE SOCIAL STRUCTURE OF THE OMMELANDEN BATAVIA

In the beginning, as a trading company, the VOC was not so much interested in territorial domination, but rather in obtaining profits from maritime trade. However, trade contracts with indigenous rulers in order to maintain its monopolistic policy brought the VOC the rights of sovereignty. Once it gained sovereignty, the Company began to deal with the indigenous rulers and gradually became involved with their internal affairs. Ball, therefore, describes that the VOC transformed from 'merchant-adventurers', dependant on trade with local rulers, to a 'merchant-prince' which held the most important political powers in the East Indies (Ball 1982: 4-5).

At first, Coen invited Chinese labours into Batavia to fulfil labours shortages. A year after the establishment of Batavia, the Chinese were also arriving from the neighbouring regions such as Banten, Cirebon, and Jepara. Eventually, they came because of the rapid economic development in the *ommelanden*. These Chinese were traders, carpenters, craftsmen, and brick-makers, coolies for construction and bridges and dock worker. Apart from the Chinese, Coen

also imported as many slaves as possible because Batavia was in acute need of labour. Due to the unpredictable supply of slaves from Coromandel, the Company began to explore slaving stations on the Coast of Arakan in 1625 and later in Madagascar and the African coast in 1666. Considering sheering necessity and shorter distances, the Company decided to buy its slaves from the archipelago, mainly from the islands of Banda, Bali and the Moluccas and from places such as Makassar and its environs, Buton, Sumbawa and Nusatenggara. However, the Company refused to take Javanese as fearing that they would unite and conspire against the Europeans. As a result, slaves of diverse ethnic origin were dispersed all over Batavia city and its environs and stood out as the single largest population group in Batavia and lasted until the second half of the 18th century (Raben 2007: 95-117).

The prohibition of the Javanese who were seen as *een luy, diefachig en moorddadig volck sijnde* (murderous, lazy, and thievish nation)³ living in Batavia city was issued in 1650 due to Javanese attacks, from the Bantenese in 1618-1619 and two sieges by troops of the central Javanese kingdom of Mataram, in 1628-1629.⁴ This caused to the increase of the Javanese migration and settlement in the Ommelanden regions for whatever economic or political reasons. Additionally, the attacks of Banten troops in 1656 in the Ommelanden region forced the Company to concentrate all Javanese into specific regions under four Javanese leaders who were supervised by a European (Raben 1996: 58).

After the 1650s, the Company succeeded in expanding its territories by acquisition of land through an agreement with Mataram in 1652 and with Banten in 1684 (Cribb 2000: 91). These territorial expansions followed by increasing of migration into the Ommelanden and formed communities of slaves and ex-slaves, native military communities, mestizos, and *peranakan* communities. Additionally, this followed by a rising number of conflicts over ownership and land boundaries, led to Company intervention in the region. The Company began to take responsibility for guiding, protecting, and assisting

³ DR. W. PH. Coolhaas (ed.), *Generale Missiven van Gouverneurs-Generaal en Raden Aan Heren XVII*, Deel III: 1655-1674, ('s-Gravenhage, Martinus Nijhoff, 1964), 18 October 1668, p. 637.

⁴ Trunojoyo uprising and its consequences to the relation between Mataram and the Company was discussed by M.C. Ricklefs, *War, Culture and Economy in Java, 1677-1726*, Sydney: Allen & Unwin, 1993.

land clearance in the Ommelanden (Niemeijer 2000: 77). This marked the expansion of the Company's authority in the Ommelanden society.

The Chinese in the Ommelanden Society

The policies established by Coen proved to be effective since many Chinese brought by Junks⁵ began to settle in the town. Coen appointed his Chinese friend, So Bing Kong, to become a leader—so called *kapitain*—for his countrymen in October 1619.⁶ They lived according to the laws and customs of their own country, under direction of a Chinese leader, who managed all their affairs with the company.⁷

The Chinese mostly came from *Hokkien*-speaking area of Fukien, or the region around Amoy. In addition, some Chinese emigrants also came from Canton or so-called *Punti*, who were a minority, lived in Kwitang area of Batavia and were famous as timber men and furniture makers (Lohanda, 2007: 10-11). Valentijn described that in the early years of the 18th century the entire landscape of Batavia was filled by the Chinese who were extraordinarily ingenuous and diligent in handicraft trade, excellent blacksmiths, carpenters, brick makers, and a seat maker. All these Chinese industrial establishments were located on the west side of the town near the shore (Valentijn 1726: 249-250). In agriculture, the Chinese were occupied in the cultivation of rice, corn,

⁵ A Junk is named for a boat that used in China. It usually has two, three or four sails where their masts were made from bamboo. Very large junks are usually use for worldwide trips to trade with other regions and as war ships. Chinese junk had already known for a long time as an important support for the trade among islands in Indonesia such as mentioned by Leonard Blusse, *Strange Company: Chinese settlers, Mestizo Women and the Dutch in VOC Batavia*, Dordrecht: Foris Publications, 1986, p.80.

⁶ So Bing Kong or Bencon or Su Ming Kang was a close friend of Coen. He already made profits in this region before the establishment of the city. Originally he traded at Bantam and could speak sufficient both Malay and Portuguese, thus he could easily trade with the native and Europeans. He had a wide network of partners and family, ranges from Manila, Formosa, Japan, and Siam. He formally received his captaincy in 1625. In line with the growth of the number of the Chinese, the titles of lieutenant and major were added to assist the captain. Together they formed the Chinese officers system; see details in B. Hoetink, "So Bing Kong. Het Eerste Hoofd der Chineezzen te Batavia (1619-1636)," in *Bijdragen tot de Taal-, Land- en Volkenkunde van Nederlandsch-Indië*, Vol.73 (1917), pp. 344-385.

⁷ J.A. Van Der Chijs, *Nederlandsch-Indisch Plakaatboek 1602-1811*, eerste Deel 1602-1642, (Batavia: 's Hage M. Nijhoff, 1885), 599; Johan Nieuhof, *Voyages and Travels to the East Indies 1653-1670*, (Singapore: Oxford Univ. Press, 1988), 275; P. De Roo De La Faille, "De Chineesche Raad te Batavia en Het Door Dit College Beheerde Fonds" in *Bijdragen tot de Taal-, Land- en Volkenkunde van Nederlandsch-Indië*, Vol.80 (1924), pp. 303-324.

coffee, and garden crop. They were mainly involved in the sugar plantation and *arak* industry where mostly carried out by Chinese funded by rich Chinese traders in Batavia (Dobbin 1996: 50-52)

The Dutch applied an existing local tradition by linking the Chinese to the town finances, by applying the ‘monopoly lease-system’ which by the end of the seventeenth century and continued to the beginning of eighteenth century, burdened the Chinese with all kinds of taxes verging from *hoofd-geld* to gambling taxes, incoming duties on rice, outgoing duties on sugar and pepper, farms on the distilling and selling *arak*, market taxes, salt manufacture and sale, road tolls and river crossings. All these taxes were collected by those who won the farm at the auction, in most cases these were the Chinese officers or rich traders. As explained by Dobbin, this condition created the Chinese mercantile elite in Batavia. Their roles as revenue farmers raised their authority both in the Company and in Chinese society (Dobbin 1996: 52-54).

The closure of many sugar mills resulted in many jobless, uncontrolled Chinese in the Ommelanden, and rumour of forced emigration for illegal Chinese to Ceylon in the 1730s led into banditry, vagabonds and other illegal activities. This condition finally mounted into Chinese plunder in the country side and threats to attack Batavia. This resulted into massacre in October 1740 when almost 10.000 Chinese were murdered. The chaotic situation led the government to forbid Chinese to live within the city wall. From then on the Chinese lived in a specific quarter outside the city wall called *Chineze Kamp*.⁸ Further as an act of goodwill after the 1740 incident, the government began to facilitate the administrative functions of the Chinese officers so that they could easily control their own ethnic groups by initiating the *Kong Koan* or the Chinese council in 1747. The duty of the council was to organize funerals, temples, marriage and divorce registrations and disputes amongst the Chinese. This council continued to serve the Chinese until it was disbanded by the Indonesian authorities in 1950s (Blussé 2003: 1-2; 15-16).

⁸ For further explanation, some historians have extensively discussed it, namely Blussé in *Strange Company* (1988), J. Th. Vermeulen, “The Chinese in Batavia and the Troubles of 1740” (translated by Tan Yeok Song) in *Journal of the South East Society, Vol. IX(I)*, June 1953, pp. 1-68.

LAW AND ORDER ESTABLISHMENT IN BATAVIA AND THE OMMELANDEN DURING THE 18TH CENTURY

The Dutch applied *Roomsch-Hollandsch Recht* or Roman Dutch Law as its legal system in the provinces of the Netherlands. Hence in the early days of the VOC, the Company adopted the laws and customs from the home country. However, it was soon discovered that these were insufficient to settle all the disputes that arose in trading centres. In regard to this, clarifications as well as adaptations to the adopted law were urged in order to meet the special conditions existing in the VOC territories.

The *Bataviase Statuten* became a source of written law in Batavia and the Ommelanden. It was published during the office term of Anthony Van Diemen (1635-1645) and drawn up by Joan Maetsuijker. The Statutes did not include all available written law, since it acted merely as a summary of the law which referred to the *Groot Plakaetboek van Holland en Zeeland*, the standard collection of the Laws in Holland and Zeeland (McVay 1995: 27-28). The statutes formally applied in Batavia after its approval by the *Heren XVII* in the 1650 Instructions (Ball 1982: 32). The Statutes of Batavia were meant to function as a handbook of regulations for all the Colonies in the East Indies according to its provisions and conditions.⁹ They dealt with the boundaries of Batavia, urban boards, estates, marriages, and diverse crimes. In 1761 the old statutes were renewed and renamed as the New Statutes of Batavia. Although the New Statutes had been forwarded to the *Heren XVII* in October 1766, for uncertain reasons it was never formally ratified nor proclaimed at Batavia.¹⁰ During the late eighteenth century, the Company's administrative and judicial system remained quite stable and continued using both the Old and the New Statutes as legal sources.

⁹ Although in theory everybody was subjected to the Statutes of Batavia and various charters of the VOC, in practice the Cape of Good Hope and Ceylon were ruled by a Decree of Local Council of Policy. Ball, pp. 32-33; McVay, *'I am the Devil's Own'*, 27.

¹⁰ Since never formally ratified by the *Heren XVII*, the New Statutes never came into force yet as a guide into the relevant law. Nevertheless the New Statutes of Batavia indeed having its force of law since they were found to be conformable with orders, publications, and regulations of the *Heren XVII* and the Council of Indies, the most two important council where they were based. Ball, pp. 32-33.

De Schepenen: Judicial Board of Batavia and the Ommelanden

Under the Dutch legal system, Batavia was ruled by two main administration bodies, the central administrative board and the local institutions. The Governor General with the assistance of the Council of Indies was referred to as the *Hoge Regering* or the High Government of Batavia. They were the central administrative boards that dealt with the Company officials from the higher to the lower ranks.

In administering Batavia, Coen initiated the local institutions of Batavia, which were not independent bodies. Although to a certain degree these local boards performed their tasks independently, they fell under the authority of the High Government, where the decisions made were subjected to the approval of the High Government (Niemeijer 2007: 61). On 29 March 1620, Coen appointed a Bailiff (*baljuw*) for the town and land jurisdiction and as city prosecutor in Batavia. Additionally on 1 July 1620 he established the *College van Schepenen* or the College of Aldermen, also known as the Bench of Aldermen or the Magistracy, which was the most important of the urban boards (Chrijs 1885: 59-60).

The College consisted of two Company officials and three free citizens or *burghers*, and initially the Chinese captain was attached as an additional extraordinary member (Niemeijer 2007: 67). When it was first established, the Court's jurisdiction was limited to civil cases, but on 15 August 1620, it was extended to criminal cases. Subsequently in 1625, the High Government instructed the College to deal with all civil and criminal cases affecting the free *burghers* and foreigners. The foreigners mentioned in these 1625 instructions were the Asians living in Batavia.

“voor dit collegie van schepenen sullen verhandelt werden alle civile ende criminele saecken de vrije luijden borgeren deser stede ende vreemdelingen toucheerende, die alle ter eerster instantie voor hun te rechte sullen staen ut in resolute”¹¹

Following the Instructions, the memberships were also reorganized into three VOC servants, two free citizens and two Chinese as extraordinary members, when the Chinese were involved. The inclusion of the Chinese in the Court

¹¹ J.A. Van Der Chrijs, *Plakaatboek, Deel I*, p. 127-132. “(free translation) ...for this College of Alderman should also handle all civil and criminal cases of the free-traders of this city and foreigners, which for them the law should be established..”

became the most important sign of the universality of the VOC justice. The presence of Chinese in this board showed that they gained considerable attention from the High Government, since they played important roles and positions in the development of the city.¹²

The College was mostly chaired by a member of the High Government but the exact composition of the Court varied from time to time. The members of the College of Aldermen were appointed by the High Government for one year terms with the possibility of renewal, and received fixed salaries. The *Schepenen* or the College of Aldermen was responsible for choosing the members of the other urban boards¹³ and had a wide range of legislative and administrative functions. They were responsible for keeping the civil and criminal rolls up to date and administered their own jail. The cases appeared in the civil rolls ranged from marital disputes, adultery, slander, *drossen* (the running away of slaves), to opium abuse, and gambling. Additionally, murder, violence, the absconding of slaves and theft regularly appeared in the criminal rolls. However, for serious criminal felonies, the judgements, including all death sentences had to have the approval from the High Government.

The Bailiff served as the public prosecutor in the Court of Aldermen. He was also responsible for policing and his tasks included arresting people, fine them, issue them with a summons, and taking legal action against them. Moreover his jurisdiction covered both inside and outside the town. “...den bailliu sal jurisdictie hebben in ende buijten de stadt Batavia, alomme door het Coninckrijck van Jaccatra...” He could take people into custody for the disturbance of the peace, brawling, theft, prostitution and adultery, rape,

¹² The first Chinese Captain, Souw Beng Kong, was the first Chinese appointed as a member of the College, and subsequently this position was always given to the next Chinese Captain but this was eventually discontinued after the death of Siqua. The influx of the Chinese had made the government feel unsafe and they began to restrict the number of Chinese in 1666. It was under these circumstances that the makeup of the most important urban board in Batavia was changed, excluding the Chinese membership in order to protect their interests in the city. Le Bree, *Rechtelijke Organisatie*, pp. 110-111.

¹³ There were several other urban boards established by the government in response to the development of problem occurring in Batavia and Ommelanden, namely the Board of the Orphan Chamber or *Weeskamer* established in 1624-1885 in order to settle the estates of deceased Company officials and citizens; *The College van Heemraden* 1664-1809; *College van Huwelijke en Kleine Gerechtszaken* 1656-1812 to act as commissioner in marital affairs; *College van Boedelmeesters* 1640-1885 establish to settle deceased estates among the Chinese; and *Notaries* 1620-1822, see diagram 1.

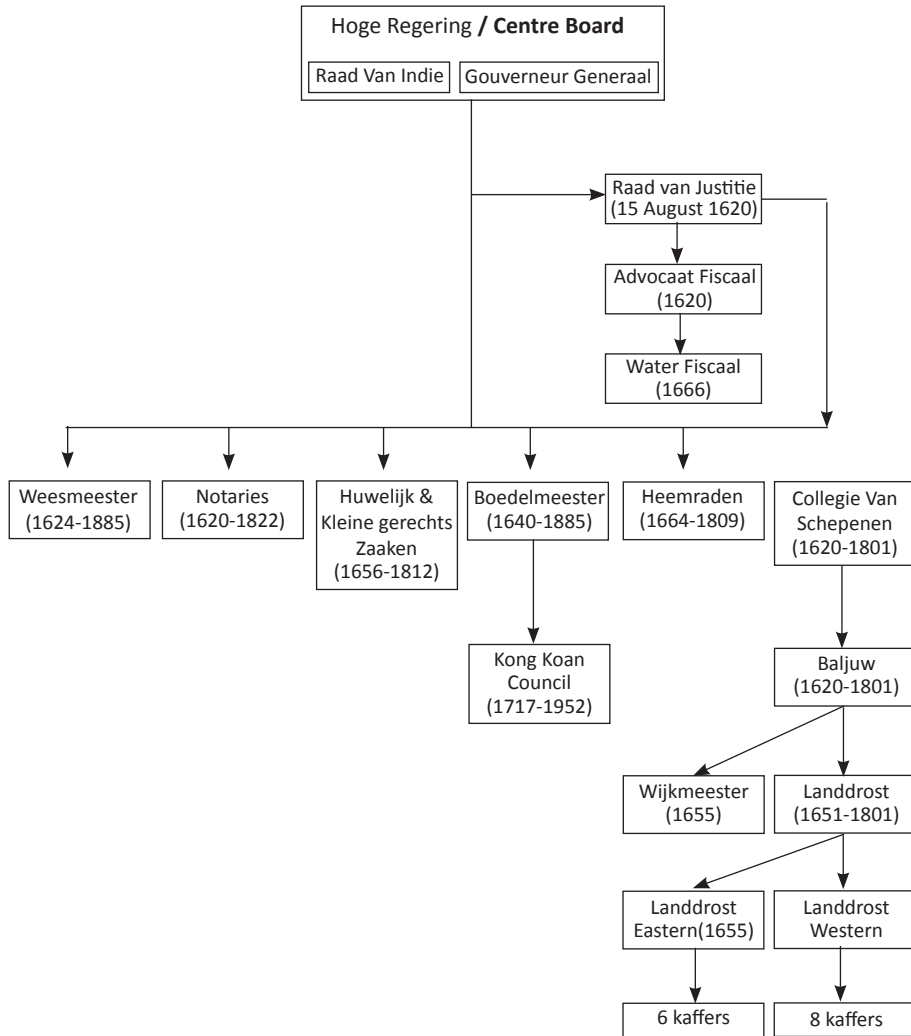
murder and manslaughter. Additionally, he was also in charge of cleaning the streets, collecting the garbage, and public law and order.¹⁴

In 1651, due to the increase in complaints about theft, robberies, and violence from the people living in the district surrounding Batavia, the so-called Ommelanden area, the government decided to appoint a sheriff, a *landdrost*, for the purpose of ensuring peace, order, and safety. Many of his duties and powers were similar to those of the Bailiff. However, the area of town proper, the town moats, and the *zuidervoorstaad* were still restricted to the Bailiff. As the Ommelanden continued to expand, two *landdrosten* were appointed, one for the eastern and one for the western part of the Batavian district. Both the Bailiff and two sheriffs were armed and assisted by *kaffers*—African slaves or former slaves, mostly from Mombasa. The Bailiff and the Western side sheriff each had eight *kaffers*, and six for the eastern side sheriff. The Bailiff and Sheriffs were supported by *wijkmeesters* or the wardens of the city quarters, where they helped in keeping order, fighting fires, and the registration of the citizens in their quarters. Surveys of the number of the inhabitants were submitted to the College of Aldermen each year, since these were used to present a total population for Batavia and the Ommelanden to the High Government (Ball 1982:22-24).

During the late eighteenth century, the Company's administrative and judicial system remained quite stable by continually using both the Old and the New Statutes as legal sources. With war and revolution in Europe and increasing challenges in the colonies, the Company's administrative in Batavia was so weakened so that this could not secure its surrounding Ommelanden. However as a judicial board for non-Company servants in Batavia and the Ommelanden, the Court of Aldermen persisted to enforce the law in order to control this situation, although they had to deal with personnel shortages.

¹⁴ Free Translation: “The bailiff have the power and jurisdiction to the people both outside and within the city of Batavia...” further explanation see Van der Chijs, *Plakaatboek, Deel I*, pp. 133-137.

Table 1. The Diagram of VOC Organization¹⁵



¹⁵ The diagram is processes from various sources, namely Ball, 1982; Neimeijer, 2007; Raben, 2009.

THE CHINESE AND THE CASES IN THE COURTS: CRIMES IN THE LATE EIGHTEENTH CENTURY

Slave Cases around The Chinese Sphere

The Court seated Loa Lanko for ill-treatment which led to the death of his slave, Jimbarang. On the 18th September 1789, Jimbarang, a Moor slave, went to the *pasjer* (market) to search for a coolie. He was found lying outside *Nieuw Poort Straat* and badly injured by a person who then immediately reported this to the officers. The *caffer* (the assistant of the sheriff), known as Sabiel, arrived at the location to investigate just before the victim finally died. Before he died, the victim had a chance to say that he was badly beaten by a Chinese person. It was known from the examination of Mr. Lombart, *stads chirurgijn*, the so-called city doctor, that a wound of around 5 to 6 inches to Jimbarang's spleen had caused his death.¹⁶

Jiemerana, who was also a slave, witnessed the beating incident. On further investigation, Jiemerana testified that while he was busy taking care of the coffee *warung* (shop) where he worked, he saw a Chinese, the owner of a shop nearby, beating up a young stranger. He did not know what this young had done to make the Chinese so angry. On the evening of the beating, he heard the unlucky young man shouting *ik heb ze van u jongen gekogt, kee*. He saw Loa Lanko hit the victim in the eyes with a pineapple and later punched him several times on the left side of his body. Jimbarang was the unlucky victim of an angered Chinese. The presence of several witnesses during the abuse aided the landdrost in the arrest and following prosecution.¹⁷

During the interrogation, Loa Lanko confessed that he had no intention to murder this slave, only to give him a lesson since he saw this slave stealing two pineapples from his *warung*. He ignored the explanation of this young slave as he believed that the slave was lying.¹⁸ He kept beating the slave because he could not control his anger, hence causing Jimbarang a lethal wound. The slave

¹⁶ NA, [1.04.18.03] inv number 11973, *Verklaring van de Chirurgijn Lombart rekende de toevallige doodslag slaaf Jimbarang*, p. 94.

¹⁷ Free translation: *I have bought them from your slave, kee* (shorted from *singkee*, a call for the Chinese). NA, [1.04.18.03] inv number 11973, *crimineele eisch en conclusie gedaan maken door Egbert Blomhert contra Loa Lanko over toevallige doodslag*, pp. 70-79.

¹⁸ During these periods, the masters often gave a beating to their slaves as a means of punishment and to discipline them, see detail on Radin Fernando, *Murder Most Foul*, pp. 48-53; 55-62.

might have conducted the crime of stealing pineapples, but the beating and resultant death was unlawful. Although to some extent the death of Jimbarang was an accident, due to his cruel deed, the Court decided to transport Loa Lanko on the first junk departing to China and banned him from all forts, cities, and places under the jurisdiction of the Company, under pain of harsh penalty should he return.¹⁹

Due to their economic position, many Chinese owned a number of slaves as a means of property. Therefore, the Company designed specific laws to ensure that property remained property and belongings of the people were protected (Jones, 2003: 132-133). The slaves would work either inside or outside their house, in the street, or elsewhere to sell the goods of their masters. Once harmonious relations were established, cooperation and partnership between masters and their slaves were achieved. However, many slaves were usually put to hard work, poorly paid and unfairly treated by their masters who could easily evoke the force of law against them. Slaves who found their situation unbearable went out of control, attacked their masters and bystanders, robbed their masters when a convenient opportunity arose, and sometimes killed people in anger as well as inadvertently while engaged in some kind of wrongdoing.

From all recorded cases, there were forty-two cases of slaves as defendants, wherein eleven of the victims were Chinese. The slaves' crimes ranged from murder, running amok, absconding or aiding fugitives, fighting with other slaves, suicide, involvement with vagabonds and burglary. Five cases in which slaves violently attacked their Chinese masters and subsequently robbed them were among these cases. Meanwhile another six cases were recorded of slaves who robbed the house of Chinese and ran amok.²⁰

One morning in August 1791, a *peranakan* boy called Jiemoen reported to the authorities that he had found a dead body of his friend, known as Tompel, a slave woman belonging to Gouw Bianco, who was a wealthy Chinese woman. Along with the dead body, a jewellery box belonging to Gouw Bianco was found with its contents missing. Since Gouw Bianco was a sister of Gouw Tjansie, a Lieutenant of the Chinese nation in Batavia, she had considerable power and the resources to solve the crime with the help of her brother. She

¹⁹ NA, [1.04.18.03], inv number 11973, *Sententie Crimineel Contra Loa Lanko*, 1 February 1790, p. 66-67.

²⁰ NA, [1.04.18.03], *Crimineele Rollen Schepenbank*, inv. Number 11969-11983.

managed to make another of her slaves, Danie van Sumbauwa came forward of her own accord and reveal the events surrounding the death of Tompel.²¹

In the *declaratoir*, Danie explained how her old friends, Amin, and Akier van Balie—a slave belonging to a poor insolvent Njeij—suggested she run away from the torture and scolding at the hands of her mistress. She agreed since Akier offered the use of his *perahu*—a small boat—and encouraged her to steal some of Gouw Bianio’s property. Unable to do it herself, she persuaded her fellow *slavin* Tompel who was Gouw Bianio’s confidante. Tompel was also unhappy of her being beaten by her mistress. They planned that after Tompel stole the valuables, they would go to the canal where Akier and Amien would wait for them. However, on the planned day, the 29 of August 1791, as Danie and Tompel managed to sneak away and headed for the boat, she found Amien was accompanied by Lepo van Boegis, instead of Akier. Suddenly, Danie was called by their mistress. She told Tompel to head to *perahu*, while she returned to their mistress. Hurriedly, she tried to catch the boat, but she missed it.²²

Danie’s confession shed light on the circumstances and allowed the case to be solved. Tompel was obviously murdered by Amin van Boegis and Lepo van Boegis. After close examination, it became clear that they murdered Tompel by strangling her with a noose. Moreover, they insisted that Danie also planned to kill the girl. As for the stolen goods, Amin asked other slave friends, Mingo and his Brother, Laijseeng van Bali, to melt down or radically alter them so that they could not be recognized. However, since spies were sent by the Chinese officers to follow the two slaves, they were arrested as soon as they brought the stolen goods into a Chinese gold smith. The Chinese Lieutenant conducted most of the arrests and initial interrogation before sending over the accused to the *Schepenen*. Finally, with the persistent interrogation from the Aldermen, the circumstance of the crime unravelled. The court punished Amin and Lepo with death sentences, meanwhile Danie and Akier were each

²¹ The murdered case of Tompel have been extensively discusses by Eric Alan Jones from a perspectives of interrelation of female upper-classes and their underlings in Dutch Asia, however, in this study, the case was examined on the perspectives of the roles and position of the Chinese in crimes in Batavia and Ommelanden region. NA, [1.04.18.03], inv number 11977, pp. 188-189; Eric Alan Jones, *Wives, Slaves, and Concubines*, pp. 135-140.

²² NA, [1.04.18.03], inv. Number 11977, Declaratoir Danie, 22 September 1791.

sentenced to a severe lashing and to be branded, chained and fifty years of hard-labour.²³

The cases suggest the slave-masters relations reflected the notion of crime in the Ommelanden of Batavia. Slaves committing crimes and being victims of crimes were a common occurrence in Batavia and the Ommelanden as shown by many cases involving slaves recorded in the *schepenbank* archives. The case of Jimbarang showed the abused of inferiors by their masters. This represented the vulnerable position of the slaves. Both cases showed that the ownership of slaves among the Chinese in Batavia and the Ommelanden was not limited only to the rich, but also among the middle-class and even to the poor Chinese—who used slaves to make money for them. The Batavian and the Ommelanden upper-class Chinese owned many slaves compare to those of middle-class or poorer masters or mistresses, since slave ownership represented status in society. However, no matter what the economic position of the slave-owner was, since slaves remained property, they were vulnerable to ill-treatment which led to acts of crime.

Additionally, Tompel's case also showed a web of interconnection among slaves in committing crimes against their masters or mistresses. However, the power of family-connections among the Chinese officers and their fellow nations proved to be stronger in securing their property and rights. Although the arrest and the interrogation were supposedly under the jurisdiction of the landdrost, but with the help of their networking, the Chinese officers facilitated and assisted the landdrost by effectively conducting most interrogations and arrests. Thus, this case also reveals a notion of cooperation among officers in the Ommelanden.

The Local Cases Involving the Chinese

As would be expected in Batavia and the Ommelanden, theft was a crime of equal opportunity. All categories of different ethnic groups and classes, including both men and women, were caught thieving a range of goods including animals, clothes, money, and others goods which were considered valuable.

²³ NA, [1.04.18.03], inv number 11977, *Sententie Crimineel Contra Amien C S*, 17 December 1791, pp. 179-184.

The crime story of Wangsa Diprana and Nata Wira in October 1779 provided one of many glimpses into inter-ethnic relations among commoners of the Ommelanden inhabitants, in this case the Javanese with the Chinese. Wangsa Diprana, a *Mandoor* (headman) of *Kampung* Paboaran and Tjiherang, and his nephew, Nata Wira, were brought forward as suspects for the murder and robbery of Tjoe Heeko or Iko, a Chinese *Potia* (sugar mills owner by lease from the Company) who lived in the land belonging to Mr. Pierre Poelman—an *Oud Water Fiscaal* officer. Apart from them, Bappa Rani was also caught since people found him wandered around the area. They were all captured in sugar mills around the Tjitarap region²⁴ by Javanese *Mandoor* Bappa Jamiel, with the help of people in the region.²⁵

From the testimonials given by the wife of the murdered Chinese, the first of the three suspects used to work for her husband and stayed in their house. However, after the incident of a missing horse a year before, he never came to their house again, thus she believed that he was the one who stole it. Nevertheless, he showed up again at her house around a month before for a business conducted with her husband, where he traded Javanese sugar for opium. Accordingly about five in the afternoon on the same day, the accused returned again, this time accompanied by Nata Wira and six others who were unfamiliar to her. They directly entered the house, attacked and murdered her husband—who was sleeping in his chair, and his *boejanger* (male maid), known as Sinko.

She panicked when the armed people rushed into her house. Along with her seven-year old daughter and her baby within her embrace, she hid under the *bale-bale* (a wooden large bench). From there, she witnessed how the suspects murdered her husband and *boejanger*, and subsequently robbed all their belongings in the house. After taking all the goods, the band of robbers immediately disappeared without noticing here. Only after she heard that the *mandoor* had caught Wangsa Diprana and Nata Wira a few days after the incident, she came to the *landdrost* to report and testifies about the murder.²⁶

²⁴ Currently the region called as Citeureup located in the southern part of modern Jakarta, or about 110s km from the old Batavia city.

²⁵ NA, [1.04.18.03], inv number 11969, *Criminelen Eisch en declaratoir gedaen maken door Egbert Bloemhert contra Wangsa Diprana en Nata Wira over suspectie van moord en diefstal*, 17 January 1780, fol.1^r

²⁶ NA, [1.04.18.03], inv number 11969, *Criminelen Eisch ... contra Wangsa Diprana en Nata Wira over suspectie van moord en diefstal*, fol.2^r

Bappa Sura Diraxa, Bappa Diankriet, and Bappa Rokima, explained in their depositions that twenty days before they had heard vociferous exchanges in the house of Iko. They further alarmed the villagers by beating a rice mortar, but in vain, as only a few people answered the call since many villagers had gone to a neighbouring village for a wedding party. Shortly after, they saw the two suspects followed by six others hurriedly leaving Iko's house, each of them loaded with various goods. Furthermore, they ran after the band of robbers to find out which direction they had gone with the goods. It was soon discovered that all the stolen goods had been brought into the house of Wangsa Diprana.²⁷

Under interrogation, both Wangsa Diprana and Nata Wira denied having murdered the *potia* and his *boejanger*, and robbed his house. They devised a story in which they came to Iko's house to settle an unfinished debt between him and Iko. Wangsa Diprana explained that he had sold a horse to Iko, but since the money he had received was not enough, Iko asked Wangsa to wait while he and his *boejanger* returned home for the rest of the money. Unexpectedly and without giving any reason, they were captured by the *mandoor* of the area. Meanwhile, the third suspect was captured while he was doing his job as a *tipar* (a temporal worker in paddy fields) around the area.

Despite their denial, the presence of more than two witnesses and stolen goods as evidence strengthened the accusation that Wangsa Diprana and Nata Wira had committed robbery. Additionally, their bad reputation among the people of Tjiherang and Paboaran, where fourteen months ago Nata Wira was also accused of another robbery, had worsened their position. However, since there was a lack of evidence in the case of murder, except from the wife and seven-year old children—who was considered too young by the court—there was no basis to continue with the charges of murder brought against them.

Accordingly the court agreed with Bloemhert that these two defendants were guilty of robbery, thus sentenced them to twenty-five years banishment and hard labour on the Company's public work after having being whipped across their bare backs, branded and riveted in chains. Meanwhile, since there was no convincing evidence of Bappa Rani's involvement, there was no basis on

²⁷ NA, [1.04.18.03], inv number 11969, *Declaratoir no.4, Bappa Soera Diraxa, Bappa Diankriet, and Bappa Rokima*, 28 October 1779.

which to continue the prosecution against him. In line with this, the prosecutors proposed to the court that he should be released from custody.²⁸

Sometimes followed by murder and violence, burglary was one of the most common crimes during the period under study. There were thirty-two out of 146 cases presented before the court with defendants ranging from slaves to free citizens of various origins, including those who actually held important positions among the villagers such as *mandoor* and *vandrig*. Although not all the victims were Chinese, many of them were targeted. From these cases, seventeen of the victims were Chinese, while nineteen others were ranged from European priest to free burghers, Javanese captains, and other indigenous ethnics. As referred in *Paratitula Juris Novissimi Lib. 4 Cap. 7 & 3* by Simon van Leeuwen, and the Statutes of Batavia, burglary was considered a serious crime that endangered society, thus people who committed burglary should be severely punished by whipping, branding, and banishment to the Company's forced labour camps for ten to twenty-five years.²⁹

Another common crime occurred during this period was *buffel diefstal* or buffalo theft. During the eighteenth century the buffalo was an important animal in the Ommelanden. Besides helping farmers plough the fields, in keeping with the growth of sugar industry, buffalo also used to drag mill-stone to extract the sugarcane in the sugar mills (Chang 1956: 204-213). Because of its important function, it carried a high price and could easily be sold in *Meester Cornelis* market.³⁰ Buffaloes often became an easy target for the criminally minded.

²⁸ NA, [1.04.18.03], inv number 11969, *Crimineele eisch en Conclusie gedaan maken contra Wangsa Diprana en Nata Wira over diefstal*, fol.4^v, 28 February 1780

²⁹ NA, [1.04.18.03], inv number 11969, *Criminelen eisch over Wangsa Diprana en Nata Wira*, fol.4^v, 28 February 1780; Mr. Symon van Leeuwen is a prominent jurist whose exposition of the Roman-Dutch law was extensively consulted by the Company officials dealing with matters of crime and punishment in Asia. Mr. Symon van Leeuwen, *Paratitula juris novissimi, dat is, Een kort begrip van het Rooms-Hollands-recht.: Waer in alle de materien van rechten, met alle de titulen ende wetten van het Roomsche recht voor soo veel die eenighsints tot de dagelijcx onderhouding ende gebruyck kunnen dienen kortelijck ende methodice te samen gestelt, met het huydensdaeghsche recht, bestaende in allerhande ordonnantiën, placcaten, handvesten, privilegien, keuren, observantien costuymen, gewijsde van Hoven van justitie in Hollandtse ende elders, getrouwelijck werden vergeleecen*, den tweeden druck van nieuws oversien, (Tot Leyden: by Pieter Leffen, boeck-verkooper in de Klock-Steegh, in den Phoenix, 1656), pp. 396-397.

³⁰ The market was located on the land belonging to Meester Cornelis van Senen who received right to clear the land nearby the Ciliwung river in 1661, thus it was named after it. In present

On the 13th February 1780, Oeij Fanseeng, who worked for Lim Panko and rented his house, herded eighty buffalos belonging to his master around the Kabaleeng area. Soon he realized that one buffalo was missing. Together with his master, with the additional with the help of Njio Mauwko, *potia* or owner of sugar mill in Kabaleeng, they searched for the buffalo. According to Lim Panko and Kam Hingko who lived around the sugar mill Kabaleeng, on the day that Oeij Fanseeng lost the buffalo, they witnessed two Javanese herding a buffalo. After searching for a while, they met two suspicious Javanese people who were herding a buffalo through the land of Dja Kong, and so arrested them.³¹

According to their alibis, these two Javanese men, who were later known as Kaijeer and Main, were just returning from sugar mills in Mainteng (present day Menteng) when they were caught by three Chinese. Kaijeer testified that he lived in *kampung Blandongan* near Baccasie (present day Bekasi) with his step-father, Bappa Jamintang. Finally he confessed that it was poverty that forced him to commit the crime as he saw no future for himself because of the death of his step-father. He already noticed that there were always a large group of buffalos being herded through Kabaleeng sugar mills. Thus, under these circumstances, on that Tuesday, he decided to steal one of those buffalos and sell it at pasar *Meester Cornelis*.

Meanwhile, Main expressively denied his involvement in the crime. He was not at all familiar with Kaijeer. On that Tuesday, he went from his house in *kampung Calie Abang* to his brother-in-law who lived in *kampung Oedjong Crawang* to buy *rambutan*. On his way, he met the first suspect herding a buffalo and decided to walk along with him. Suddenly, two Chinese were after them and asked how they had gotten the buffalo. After being forced, Keijeer admitted to stealing the buffalo. They were then captured and brought to the landdrost.³²

day Jakarta it is known as Jatinegara market which located in Eastern part of Jakarta. A. Heuken SJ, *Tempat-tempat bersejarah di Jakarta*, (Jakarta: Yayasan Cipta Loka Caraka, 1997), p. 323.

³¹ NA, [1.04.18.03], inv number 11972, *Crimineele Eisch en Conclusie nevens Declaratooir gedaan maken door Egbert Blomhert contra Kaijeer en Main over buffel dieverije*, 16 February 1787.

³² NA, [1.04.18.03], inv number 11972, Fol.2^r

After hearing the statements and confessions of both accused men, the prosecutor asked the court to release Main from any accusation since there was not enough evidence of his involvement in the buffalo theft. On the other hand, in Kaijeer's case, despite the fact that he stole a buffalo due to poverty and hunger, it would not save him from a charge of thievery since he was a healthy and strong young man who was just too lazy to work. Thus, on the 31th of December 1787, the court sentenced him to a whipping with tied hands, to be branded and afterward riveted in chains and sentenced to twenty-five years banishment with a hard-labour for the Company's public works.³³

From the analysis of the *schepenbank* court records during the period subject to study, twenty-two cases were charged as animal theft, wherein seventeen cases were buffalo theft. There were eleven cases where the plaintiffs were Chinese and none in which of the defendants were Chinese. In correlation with punishment, according to Simon van Leeuwen '*...de koey, paerdt, ofte schapen-dieven worden met de galge gestraft, ende haer goederen verbeurt verklaert...*' (Leeuwen 1656:400). Thus, whichever animals were stolen by the defendant, the same manner of executions on the gallows was applied.

In contradiction, from the cases examines, none of the defendant of animal theft cases were punished on *de galge*. From the total animal theft cases, which reached to twenty-two cases, most punishment applied were public whipping followed by banishment for five to twenty-five years with a hard-labour in chain for the Company's public works. Additionally, this kind of punishment also benefited the Company in solving its labour shortage. This confirms Foucault's idea that the transformation from bodily punishment into imprisonment was a reflection of the rise of the representative notion of discipline to regimenting people into industrious, conforming, and self-regulating people (Foucault 1977:22-23). However, to explain whether this phenomenon was an impact of increasing criticism on physical punishment in Europe may need further research.

The Criminal Cases Among the Chinese

Crime of every sort and severity could land one of the Ommelanden's lesser individuals in jail and on trial. In Batavia's Court of Aldermen, the Chinese

³³ NA, [1.04.18.03], inv number 11972, *Sententie Crimineel contra Kaijeer over buffel diefte*, 26 March 1787.

stood alongside others from the population also accused of many of the same crimes, ranging from murder to violence and theft. Nevertheless, they were particularly involved in offences correlating to civil and financial crime. The Chinese were prosecuted with some regularity for smuggling, debt collection, fraud, violence, and inheritances disputes.

Small time smugglers in Batavia and the Ommelanden were sometimes brought to *Schepenen* trial, which was the case with the Chinese Burgher Lauw Goatko. On the 31th of August 1792, a commission conducted an inspection of trading licences in a house of Lauw Goatko since they received a tip-off that Lauw Goatko had traded spices—which was prohibited according to the Batavian statutes. The rumour proved to be true as the commission found a quantity of five pounds of nutmeg, fourteen pounds of cloves, one pound of cinnamon, and seven pounds of pepper in his house. For this reason he was taken into custody.³⁴

To his surprise, Lauw Goatko received the unexpected visit of the commission without the opportunity to conceal his illegal goods. On interrogation, Lauw strongly refused to admit the goods were his belongings. He professed that he did not buy any of those goods and had no idea on how the goods came to be in his house. On the contrary, in the *recollement* a week later, he described that he had bought the nutmeg for only two *duiten* (cents) as for the entire supply of his *warung*. However, he insisted that he was not the owner of the rest of the spices, thus he did not know where it was bought and how it arrived in his house.

In contrast, his slave, Tjinon van Mandhar, testified against his master. He described that for the last three years his master continually bought spices from a person he did not know. Furthermore, he remembered about a month ago, late at night several unknown persons came and brought a big quantity of nutmeg and a smaller bag of cloves into the house of his master. Interestingly, under the *declaratoir* he also confessed to looting goods from his master's bedroom soon after his master was taken into prison.³⁵

³⁴ NA, [1.04.18.03], inv number 11981, *crimineelen eijsch en conclusie gedaan maaken contra Lauw Guatko over morshandel en specerijen en Tjinon van Mandhaar over domestique diefste*, 18 March 1793.

³⁵ NA, [1.04.18.03], inv number 11981, *interrogatorien gedaan maken* Tjinon van Mandhar, 14 January 1793, fol. 185r-v, 186 r-v. Although his testimonial helped informing the prosecutor, still because of his misdeed, the court punished him with whipping, branding, and hard-labour in the Company artisan's quarter for six months. Afterward, he would be

It seemed to be frivolous that Lauw Goatko had no knowledge on how such a large quantity of goods could be present in his house; moreover the prosecutor could barely believe that the price of nutmeg could be that cheap. Hence, the conflicting and doubtful statement, additionally his slave's testimonial convinced Carel Saxe, the prosecutor, that Lauw Goatko had conducted an illegal trade of spices. In regard to this, Lauw Goatko was found guilty and expelled from all the lands, cities, and forts under the jurisdictions of the Company. He was repatriated with the first junk departing to China and would undergo pain of harsh penalty if he returned to the Company's jurisdiction.³⁶

Correspondingly in three different trials during the period of November 1790 to February 1791, Dje Kaij, Njio Tionko, as well as Lie Taijko and Tjoa Tjiaw were prosecuted with the illegal trading of nutmeg. The Court considered this to be serious offence as it could endanger the profit of the Company. Thus as a verdict of guilty was delivered the crime was punished by banishment from all the VOC's territories and all of their belongings were confiscated.³⁷

Beside spices, another lucrative commodity under the VOC's monopoly was opium. During the first half of the eighteenth century the opium trade grew rapidly where the Company received an average gross profit of 125%. The VOC would ship the Bengalese opium to Batavia and later sell it to private merchants at public auctions, which were mainly Chinese. Due to its promising profit margin, only a small quantity could fetch a lot of money, and because of its shape which made it easy to carry around, the opium was ideal for smuggling. This smuggling led to the lowering of auction prices, and obviously harmed the VOC sales. In response to this, Governor-General van Imhoff proposed the establishment of *Societijt tot den Handel in den Amphioen* or The Society for the Trade in Opium and was initiated in 1745 (Jacobs 2006:127-130).

brought into the auction by the Company, unless the heir of Lauw Goatko would redeem him.

³⁶ NA,[1.04.18.03], inv number 11981, *sententie crimineel den Heer Carel Saxe contra Lauw Goatko over morshandel en specerijen en Tjinon van Mandhaar over domestique diefstal*, 21 March 1793, fol.148.

³⁷ NA,[1.04.18.03], inv number 11976, *crimineel notul contra Dje Kaij over morshandel*, 17 January 1791; *Sententie Crimineel den Heer Mr. Carel Saxe contra Njio Tionko over vehemente suspectie van gedreve morshandel in nooten muscaten*, 31 January 1791, pp-173-174; *Intendit gedaan maaken door Nicolaas Maas contra Lie Taijko en Tjoa Tjiaw over smokkel handel in noot muscat*, 14 March 1791, pp.289-293.

During 1791, two cases of illegal opium trading were brought before the *schepenen* courts in which the defendants of both cases were Chinese and two free burghers. On the 31st of January 1791, Thomas William together with Jan Smith, Tio Tjoenko alias Bappa Tjoen, and Lim Tingko were arrested by the officers since they were caught smuggling eighty-three balls of opium. Equally, in April 1791 Tjoan and Casjiem who both lived in the Tjilintjing region were also detained because they were caught in possession of a quantity of opium and conducting prohibited trade without a license. The court passed the judgment for both cases on the 28th of March 1791 and the 11th of April 1791 with a sentencing of banishment, withdrawal of their license to trade and confiscation of all their belongings.³⁸

A case of fraud also recorded by the *Schepenen* on the *crimineele rollen* on Thee Imko's case. He was arrested by one of the Company's officers because of his deceitful actions. Thee Imko was appointed as a surety of his father, Thee Soanko. They both released a bankruptcy statement to their creditors, which after further investigation proved to be fraudulent. He worsened his position by avoiding three invitations, respectively on the 8th of November 1790, the 22nd of November 1790, and the 13th of December 1790, for interrogation by the court. Accordingly, based on the *Placard from Caizer Carel in the years 1540 and 55 the date 26th of May that such deceivers with the gallows should be punished*, thus the court found him guilty and sentenced him to banishment from all of the VOC's land and confiscated all of his belongings.³⁹

As mentioned earlier, burglary was a crime of equal opportunity, hence it including the Chinese. Although small in number, cases of burglary committed by Chinese robbers were present in the court records. Lim Tiamko

³⁸ NA, [1.04.18.03], inv number 11976, *Sententie op en de Jegens Thomas William, Jan Smith, Tio Tjoenko, Lim Tingko over gepleegde morshandel in amphioen*, 28 Mach 1791, pp. 363-365; *Sententie Tjoa en Casjiem over aangehaalde bollen amphioen*, 11 April 1791, pp. 993-995.

³⁹ NA, [1.04.18.03], inv number 11976, *Intendith gedaan maaken contra Thee Imko gedaagde*, 17 January 1791, p. 141-143, 161. This case has similarity in names and storyline with the case of Thee Soanko and Oeij Tjonio, thus, I assume both cases has a correlation where Thee Imko was a son of Thee Soanko and Oeij Tjonio. Since their parents involved in many debts, he was appointed as surety for his father's debts. In a way to avoid debt payments they cooperated together releasing a fraud bankruptcy statement. However, due to illegible records—since Thee Soanko case was classified as *niet raadpleegbaar* or not consulted yet—this assumption would need further research to throw light on it.

was accused by Elik Anthoni Pakker and Hendrik Rijkman of stealing *lijwaaten* (linen fabric), eleven pieces of *doerias* and a piece of chintz. After lengthy interrogation and investigation, the court charged him guilty of stealing and punished him with hard-labour in chained for ten years in the Company's artisan quarter—which was fifteen years reduced from its original prosecution.⁴⁰

In August 1790, Tjien Keimko together with his fellowmen Tio Tjinko, Nio Koeijko, and Tjam Pengko armed with *clewang* (a traditional single-edged machete-style sword), *poles*, and *snapphaan* (a hand gun) were conducting a burglary at the house of Loa Lanko, a Chinese headman of the timber quarters of sugar mills in Tjikarang. They were captured through the cooperation of the headmen of surrounding villages and brought to the judicial officer. The fate of four Chinese after the prosecutor addressed the court is not known because the records are illegible. It nevertheless reveals the fact of the equal opportunity of the crime of thievery.⁴¹

The court also recorded a case of mixed cooperation among Javanese and Chinese in committing thievery. Coroe, a Javanese, Tan Lianko, Lim Tanko, and Kattong, another Javanese, were brought before the court for plundering. Coroe accompanied by Kattong and Lim Tanko had conducted much plundering where Tan Lianko acted as a middleman who received and resold the stolen goods. Since Coroe continually repeated his crimes, the court considered him to be a dangerous person, thus issued the death sentence. Meanwhile Tan Lianko, Lim Tanko and Kattong received punishments of whipping, branding, and banishment in chains for hard-labour for twenty-five years.⁴²

From the analysis, all these cases uncovered the involvement of Chinese in crime in the Ommelanden area with its distinctiveness and characteristic. Additionally, the cases where the Chinese were seated as defendants bring to light the equal treatment of the Aldermen in prosecuting criminals disregarding

⁴⁰ NA,[1.04.18.03], inv number 11981, *sententie crimineel den Heer Nicolaas Maas contra Lim Tiamko over diefstal*, 4 February 1793, fol. 43 r-v.

⁴¹ NA, [1.04.18.03], inv number 11975, *Criminele Eijsch en Conclusie gedaan maken contra Tjien Keimko, Tio Tjinko, Nio Koeijko, en Tjam Pengko over diefstal en huisbraak*, 16 August 1790.

⁴² NA, [1.04.18.03], inv number 11980, *Sententie Crimineel contra Coroe, Tan Lianko alias Ambiang, Lim Tanko en Kattong over roof plundering*, 17 December 1792, fol.103^{r-v}.

their ethnicity and class. The Dutch authorities built up a mutual understanding with the Chinese in Batavia. Although their collaborations were ruptured in 1740, due to their important position in the economy, the Dutch once again reorganized their co-operation with the Chinese through the relaxed policies, involvement and intermediation of the Chinese officers, who retained their own administrative apparatus. Thus, law and order in maintaining the Chinese were entirely dependent on the close and successful co-operation between the Company and the officers.

The economic condition of the Company became unstable as a result of war and mounting debts, the Ommelanden was also vulnerable to economic instability. The crisis in the sugar industry in the 1730s, along with the unmonitored influx of Chinese labourers by the Chinese captains, and many years later the collapse of military and labour opportunities during the 1790s, lead to disorder in the countryside. Many of the unemployed joined fugitive slaves and fresh deserters' from the army which formed large bands of robbers that operated in the countryside. Although there were independent security systems in each of the *kampung* controlled by headmen, in these two decades this proved to be inadequate in handling social and economic changes throughout the surrounding areas of the Ommelanden. The situation worsened due to the insufficient number of police officers in the Ommelanden. As a result of this, crime became a common occurrence in the Ommelanden.

As the crimes occurred in the Ommelanden region, the officers would immediately conduct an investigation and arrest the suspects. The process was followed by the collection of evidence through interrogation of both the witnesses and the accused, confession of the accused and cross-examination within a week or the so-called *recollement*. As soon as the prosecutor had the confession of the accused or had collected enough evidence to execute the accused, he would draw up *an eisch* (a claim and conclusion) where he would suggest to the Court an appropriate punishment for a guilty verdict and deliver it in front of the court. As the punishments were determined, the *sentensie* would publicly read to the prisoner before he or she was taken to the execution grounds located just outside the Batavian town hall. This process was applied to all criminal cases in the *schepenen* court, disregarding any social classes and ethnicities.

The *schepenbank* archives attest that the Company judicial system during these period helped shaping social class and status. The Company through

its Board of Aldermen preoccupied with controlling everyone in its realm by assigning them to a category that defined her or his legal and social status. This is reveal on the Chinese in Batavia and the Ommelanden who in the terms of legal status were split into two categories; on the one hand, the case of internal and financial affairs judged in front of the Court of Justice, and on the other hand, criminals' cases were relegated to in the Court of Aldermen. Thus this comprised a shadowy and dual relationship between the Company and the Chinese in the Ommelanden.

The availability of the *schepenbank* criminal records in The Hague has limited the period of study to 1793. During 1780-1793 there were 146 cases preserved under *crimineele rollen*. A regularity of the records has shown a pattern of crime occurring this period, which ranged from murder to house robbery, buffalo theft, violence and injuries, vagabond behaviour and street robber, runaway slaves, running amok, smuggling, financial fraud, suicide, and other minor crimes. This confirm Sharpe's idea that the Board of Aldermen, acted as eyes of beholder, defined these activities as illegal behaviour, thus led to criminal charge through court of law and carried certain penalties.

Regarding punishment, each case would be rated accordingly to the level of seriousness of the crime, confession from the defendants, and moreover available and convincing evidence, and would range from the death sentence—mainly for crimes which caused the death of the victim—, whipping, branding, and banishment and hard-labour in chain for five to twenty-five years. Thus, the same kind of crimes in a different case could receive different punishment. These various cases has demonstrated how and why the Chinese in the Ommelanden were places as a middle nation between Europeans and indigenous. In addition, judicial system in the Ommelanden represented by the Court of *Schepenen* in Batavia treated the Chinese and indigenous people as equal subjects when it came to the law. The cases where the Chinese were seated as defendants bring to light the equal treatment of the Aldermen in prosecuting criminals disregarding their ethnicity and class. Therefore, this clearly describes the major preoccupation of the Board of Aldermen of keeping the subalterns under control. The Company enforced the law on all individuals whose behaviour in any way threatened the judicial and social order.

Table 2. Number of Crime based on years (1780-1793)

Year	Number of crime
1780	12 Cases
1781	6 Cases
1782	Data not available*
1783	1 Case
1784	Data not available*
1785	Data not available*
1786	2 Cases
1787	4 Cases
1788	Data not available*
1789	6 Cases
1790	27 Cases
1791	33 Cases
1792	29 Cases
1793	26 Cases
Total	146 cases

*The cases from above mentioned years were not available in the archives under period subject to this study.

Sources: The Schepenbank Archives 1.04.18.03 inv. Number 11969-11983.

CONCLUSION

Entering the last two decades of the eighteenth century, the Dutch East Indies Company was overshadowed by its British competitors that led to its ruination. The Batavia city walls also faced the same fate as the Company: people moved forward outside the walls, leaving behind the glorious memory of *the queen of the east*. The growth of the Ommelanden further inland continued during these periods. As a wilderness region, the Ommelanden offered a space where people could come and settle without the control of the authorities, thus opening up to the possibility of mixed and amalgamation processes among the population, including the Chinese.

In the Ommelanden, murder and theft were crimes of an equal opportunity. All categories of different ethnic groups and classes, including both men and

Table 3. Number and Type of Crimes Based on Inventory Number

Inv. Number	Murder	Burglary	Wounding	Animal theft	Street Robbery	Runaway	Suicide	Amok	Smuggling	Fraud	others	Total
11969	3	4		4								11
11970	1	2	2	1	1							7
11971	1											1
11972	1	1	1	1	1	1						6
11973	3	1									2	6
11974	2	2	1	2	2			1		2	2	14
11975	1	1	2		2		1				1	8
11976		5	4	2		1	2		6	3		23
11977	4	3		3	1	4						15
11978	4	1	4	2								11
11979		3				1						4
11980	4	1			1						1	7
11981	1	4	3	3	1	2		1	1		2	18
11982						1						1
11983		4	3	4	1			2				14
Total	25	32	20	22	10	10	3	4	7	5	8	146
Percentage (%)	17.12	21.91	13.69	15.07	6.85	6.85	2.05	2.74	4.79	3.42	5.47	99.96

Source: Nationaal Archief/The Hague, The *Scheperbank* Archives, Toegangnummer 11969-11983.

women, were caught murdering a soul or thieving, either by house breaking or street robbery, stealing a range of goods including animals, clothes, money, and others things which were considered valuable. Meanwhile only slaves would be charged for cases of running away or amok. In regard to victims and plaintiffs, criminals could attack anyone in the population. The victims of burglary mostly came from people who owned properties or considered wealthy by others. Hence, it attacked not only rich indigenous, but also the Chinese. The Chinese who played important role in economy mostly have better position on the Ommelanden society. Thus, they became a target for thieves and bands of robbers and vulnerable for murder and violence, which usually occurred following the action of robbery.

Conversely, during the period subject to study, the *schepenbank* archives recorded the Chinese as defendants were mainly in cases of injuries, financial fraud, and smuggling. All these cases uncovered the involvement of the Chinese in crime in the Ommelanden area with their distinctiveness and characteristics. This explained the fact that just like in Batavia; the Chinese in the Ommelanden also gained greater access and involvement in trade. Hence they could commit such crimes. Additionally, a period of economic decline and crisis led to many monetary loans vanishing from society or the conduct of financial fraud involving bankruptcies.

Following Radin Fernando who succeed exploring criminal records in Malaka during the same period, this study has reveals that the Chinese in the Ommelanden of Batavia, as the people in the periphery have to deal with its poor infrastructure and further isolated from the coastal town of Batavia resulting in weakened control of the High Government in the crime ridden countryside. Hence these cases provide information the establishment process of structures in the Ommelanden Batavia society, judicial process in the Court of *Schepenen*, and criminal cases occurred in the Ommelanden that constituted the Company's power over its subjects in enforcing its law.

REFERENCES

Manuscript Sources

Nationaal Archief, The Hague, *Schepenbank Archief* toegang nummer 1.04.18.03 inventory nummer 11969 to 11983.

Printed Manuscript

- Chrijs, J.A. Van Der. 1885. *Nederlandsch-Indisch Plakaatboek 1602-1811*, eerste Deel 1602-1642. Batavia: 's Hage M. Nijhoff.
- _____ (ed.). 1872. *Daghregister int Casteel Batavia I*. 9 April 1925. 'S-Gravenhage: Nijhoff.
- Coolhaas, W. PH. 1960. *Generale Missiven van Gouverneurs-Generaal en Raden Aan Heren XVII*. Deel II (1639-1655). 'S Gravenhage: Nijhoff.
- _____. 1964. *Generale Missiven van Gouverneurs-Generaal en Raden Aan Heren XVII*, Deel III: 1655-1674, 's-Gravenhage, Martinus Nijhoff.
- Leeuwen, Mr. Symon van. 1656. *Paratitula juris novissimi, dat is, Een kort begrip van het Rooms-Hollands-recht.: Waer in alle de materien van rechten, met alle de titulen ende wetten van het Roomsche recht voor soo veel die eenighsints tot de dagelijcxe onderhouding ende gebruyck kunnen dienen kortelijck ende methodice te samen gestelt, met het huydensdaeghsche recht, bestaende in allerhande ordonnantien,placcaten, handtvesten, privilegien, keuren, observantien costuymen, gewijsde van Hoven van justitie in Hollandtse ende elders, getrouwelijck werden vergeleecken*, den tweeden druck van nieuws oversien, Tot Leyden: by Pieter Leffen, boeck-verkooper in de Klock-Steegh, in den Phoenix.
- Stavorinus, John Splinter, esq, *Voyages to the East Indies*, translated by Samuel Hull Wilcocke, Volume III 1775-1778. London: 1798.
- Valentyn, Francois, *Beschryving van Groot Djava, ofte Java Major. Vierde Deel, Dordrecht, MDCCXXVI*.
- Worden, Nigel and Groenewald, Gerald (ed.). 2005. *Trials of Slavery. Selected Documents Concerning Slaves from the Criminal Records of the Council of Justice at the Cape of Good Hope, 1705-1975*, Cape Town: Paarl Print.

Secondary Sources

- Abeyasekere, Susan. 1989. *Jakarta: A History*, Singapore: Oxford University press.
- Alphen, Van. 1848. "Over den Oorsprong en de Eerste Uitbreiding der Chineessche Volkplanting te Batavia" in *Tijdschrift Voor Neerland Indië*, Deel I.
- Ball, John. 1982. *Indonesian Legal History 1602-1848*, Sydney: Oughtershaw Press.
- Benton, Lauren. 2002. *Law and Colonial Cultures: Legal Regimes in World History, 1400-1900*, New York: Cambridge University Press.
- Blussé, Leonard. 2008. *Visible Cities*. Massachusetts: Harvard Univ. Press, 2008.
- _____. 1981. "Batavia, 1619-1740: The Rise and Fall of a Chinese Colonial Town." *Journal of Southeast Asian Studies*. Vol.12.

- _____. 1986. *Strange Company: Chinese Settlers, Mestizo Women and the Dutch In VOC Batavia*, Dordrecht.
- _____. 1975. "Western Impact on Chinese Communities in Western Java at the Beginning of the 17th Century" in *Nampo Bunka*, Tenry University, Volume 2, (Tokyo, 1975).
- _____ and Chen Menghong (ed.). 2003. *The Archives of the Kong Koan of Batavia*. Leiden: Brill.
- _____. 2003. "Change of Regime and Colonial State Formation in the Malay Archipelago 1780-1830" in ARI Working Paper No. 41, Asian Research Institute, Singapore, June.
- Brug, Peter H. Van der. 2007. "Batavia yang tidak sehat dan kemerosotan VOC pada abad kedelapan belas" in Kees Grijns et. Al (ed.) *Jakarta Batavia Esai Sosio-Kultural*, Jakarta: Banana-KITLV.
- Chang, Tsuen-Kung. 1956. *Historical Geography of Chinese settlement in the Malay Archipelago*, Doctoral Dissertation, Department of Geography University of Nebraska.
- Cribb, Robert. 2000. *Historical Atlas of Indonesia*, London: Curzon Press.
- De Roo De La Faille, P. 1924. "De Chineesche Raad te Batavia en Het Door Dit College Beheerde Fonds" in *Bijdragen tot de Taal-, Land- en Volkenkunde van Nederlandsch-Indië*, Vol. 80 (1), 303-324.
- Dobbin, Christine. 1996. *Asian Entrepreneurial Minorities. Conjoint Communities in the Making of the World-Economy, 1570-1940*. Richmond: Curzon Press, Ltd.
- Fernando, Radin. 2006. *Murder Most Foul. A Panorama of Social Life in Melaka from the 1780s to the 1820s*, Selangor: Academe Art & Printing Services Sdn Bhd.
- Foucault, Michel. 1977. *Discipline and Punish: The Birth of the Prison*, Trans. By Alan Sheridan, Middlesex.
- Gaastra, Femme S. 2003. *The Dutch East India Company Expansion and Decline*, Leiden: Walburg Press.
- Gooszen, Hans. 2003. *Population Census in Batavia 1673-1792*, Leiden: Intercontinental no.25.
- Hoetink, B. 1917. "So Bing Kong. Het Eerste Hoofd der Chineezzen te Batavia (1619-1636)," in *Bijdragen tot de Taal-, Land- en Volkenkunde van Nederlandsch-Indië*, Vol.73, 344-385.
- Hunter, Ronald D & Datzker, Mark L. 2005. *Crime and Criminality: Causes and Consequences*, New York: Criminal Justice Press.
- Heuken SJ, A. 1997. *Tempat-tempat Bersejarah di Jakarta*, Jakarta: Yayasan Cipta Loka Caraka.
- Jacobs, Els M. 2006. *Merchant in Asia: The Trade of The Dutch East India Company during the Eighteenth Century*, Leiden: CNSW Publication.

- Jones, Eric Alan. 2003. *Wives, Slaves, and Concubines: A History of the Female Underclass in Dutch Asia*, PhD Dissertation, Graduate Division of the University of California Berkeley.
- La Bree, Jacobus. 1951. *De Rechthelike Organisatie en Rechtbedeling te Batavia in de XVIIe Eeuw*, Rotterdam: Nijgh & Van Ditmar.
- Lohanda, Mona. 2007. *Sejarah Para Pembesar Mengatur Batavia*, Jakarta: Masup Press.
- _____. 1994. *The Kapitan Cina of Batavia 1837-1942. A History of Chinese Establishment in Colonial Society*, Jakarta: Djambatan.
- McVay, Pamela. 1995. *'I am the Devil's Own': Crime Class and Identity in the 17th Century Dutch East Indies*, PhD Dissertation, University of Illinois at Urbana Champaign.
- Nieuwhof, Johan. 1988. *Voyages and Travels to the East Indies 1653-1670*. Singapore: Oxford Univ. Press.
- Niemeijer, Hendrik E. 2007. "The Central Administration of the VOC Government and the Local Institutions of Batavia (1619-1811)—an Introduction" in G.L. Balk, et. al. *The Archives of the Dutch East India Company and the Local Institutions in Batavia*, Leiden: Brill.
- _____. 2000. 'The Free Asian Christian Community and Poverty in pre-modern Batavia' in Keen Grijns and Peter J.M. Nas(ed.), *Jakarta Batavia. Socio-Cultural essays*, Leiden: KITLV Press.
- Raben, Remco. 1996. *Batavia and Colombo. The Ethnic and Spatial Order of Two Colonial Cities 1600-1800*. Doctoral Dissertation, Leiden University.
- _____. 2007. "Seputar Batavia: Etnisitas dan Otoritas di Ommelanden, 1650-1800," in Kees Grijns et. Al (ed.) *Jakarta Batavia Esai Sosio-Kultural*, Jakarta: Banana-KITLV.
- Salmon, Claudine dan Lombard, Dennis. 2003. *Klenteng-Klenteng dan Masyarakat Tionghoa di Jakarta*. Jakarta: Yayasan Cipta Loka Caraka.
- Sharpe, J.A. 1984. *Crime in Early Modern England 1550-1750*, London: Longman.
- Till, Margreet van. 2006. *Batavia Bij Nacht*, Amsterdam: Aksant.
- Trisna, Mr. R. 1957. *Peradilan di Indonesia dari Abad ke Abad*, Amsterdam: W. Versluys N.V.
- Vandenbosch, Mary. 1940. "Customary Law in the Dutch East Indies" in *Journal Comparative Legislative and International Law*, vol. 30, 3rd series, 1940, p.41
- Vries, J.J. De. 1988. *Jakarta Tempo Doeloe*, Jakarta: Pustaka Antarkota.
- Wallerstein, Immanuel. 1974. *The Modern World System: Capitalist Agriculture and the Origins of the European World Economy in the Sixteenth Century*, New York: Academic Press.

- Ward, Kerry. 2009. *Networks of Empire: Forced Migration in the Dutch East India Company*, Cambridge: Cambridge University Press.
- Widodo, Johannes. 2004. *The Boat and The City. Chinese Diaspora and the Architecture of Southeast Asian Coastal Cities*. Singapore: Marshall Cavendish Academic.
- Wills, Jr. John E. 1976. "De VOC en de Chinezen in China, Taiwan en Batavia in de 17de en 18de eeuw" in Meilink-Roelofs (ed.), *VOC in Azie*. Belgie: Unieboek.
- Yang, Anand A. (ed.). 1985. *Crime and criminality in British India*, Arizona: the University of Arizona Press.