



DAYA NEGRI WIJAYA

Justice for People: Thomas Stamford Raffles, Jury System, and Court of Circuit

ABSTRACT: In the early eighteenth century, there were two revolutions changing the socio-cultural pattern of the mankind. Those were the American Revolution in 1776, and the French revolution in 1789. The later revolution had shaped Thomas Stamford Raffles' mind that the emerging of the middle-class forced the aristocrats to agree the limitation of power through constitution. Thomas Stamford Raffles was an actor and a product of the late eighteenth century humanitarian movement. His way of thinking was inspired by the French enlightenment. It is believed that justice is difficult to be raised. However, many thinkers seem to argue that the state would guarantee the appearance of justice, but they are failed to see the practice of justice. One of the influenced actors is Thomas Stamford Raffles. He was led by the humanitarian movement of his age. He pursued the spirit and executed it as the official policies. Those policies were revision of Dutch and King of Nusantara (Indonesian archipelago)'s treaties leading to the direct rule system; the practice of land-rent system; and re-organization of administration. This study used library research. This study had used some steps, mainly in reading critically and making a note. It considered all Thomas Stamford Raffles' primary sources, which were available in online and offline library. In addition, this study analysed and compared the findings with others' findings. This study will focus on the third policy. This tends to elaborate the practice of jury system and the court of circuit.

KEY WORDS: Legal History; Justice; Thomas Stamford Raffles; British Colonization; Humanism.

INTRODUCTION

Thomas Stamford Raffles was one of the humanistic actors. He was called to reform the system of justice in Java. He changed the system, when he took a power from the French-Dutch in 1811. He did not distinguish the punishment, whether the native or the foreign people; for example, Charles Blagrove was fired, because of his corruption. He had ever been believed as Thomas Stamford

Raffles' secretary before his firing in March 1813 (Collis, 2000:66).

The humanitarian feeling led Thomas Stamford Raffles to reform the colony of Java. In other words, Thomas Stamford Raffles managed the colony of Java with humanistic hand. He tended to be a liberator from people's problems. He applied the jury system and the court of circuit in order to spread the justice.

His liberal policy was affected by the spirit

About the Author: Daya Negri Wijaya is a Lecturer at the History Department, Faculty of Literature UM (State University of Malang), Jalan Semarang No.5, Malang City, East Java, Indonesia. For academic purposes, the author can be contacted via his e-mails address at: dayawijaya15@yahoo.com dan daya.negri.fis@um.ac.id

How to cite this article? Wijaya, Daya Negri. (2016). "Justice for People: Thomas Stamford Raffles, Jury System, and Court of Circuit" in *TAWARIKH: International Journal for Historical Studies*, Vol.8(1) October, pp.21-30. Bandung, Indonesia: Minda Masagi Press and UIN SGD Bandung, ISSN 2085-0980.

Chronicle of the article: Accepted (June 25, 2016); Revised (August 19, 2016); and Published (October 28, 2016).

of the age. He lived in the end of eighteenth century and the early period of nineteenth century. To short, he lived at the age of humanism-romanticism, an age where people tended to release the influence of reason in solving any problem of life. This tendency wanted to place human being into his natural right. The humanist-romanticist developed the feeling and the art of interpreting the life of society. There was a general habit when Thomas Stamford Raffles enthusiastically learned the Eastern people, culture, and history. He wrote his experience on his work entitled *The History of Java*, two volumes (Raffles, 1817a, 1817b, and 2014).

There are a lot of historians focusing on British political, economic, and social system in Java. John Bastin (1957) and Syed Hussein Alatas (1971), for example, described the construction of Thomas Stamford Raffles' policies in Java between the humanitarian product and the ideology of imperialism (Bastin, 1957; and Alatas, 1971). John Bastin (1954) and Putri Agus Wijayanti (2001) tended to describe the basis and the work of land-rent system in Java (Bastin, 1954; and Wijayanti, 2001). Syed Hussein Alatas (1988) and Machmoed Effendhie (2000) stated that Thomas Stamford Raffles was not a hero. Thomas Stamford Raffles used the fact of generous and warm-hearted people to take people's attention. He claimed that the Dutch's myth of lazy native was the improper perspective. He needed the people's support to govern the colony. In the end of his government, Thomas Stamford Raffles was related to the corrupted policy and the deficit of the company's cash flow (Alatas, 1988; and Effendhie, 2000).

In addition, some biographers described the interesting life of Thomas Stamford Raffles. Sophia Hull Raffles (1885), for example, started to influence many works on the same field (Raffles, 1885). Demetrius C. Boulger (1897); R. Coupland (1926); Emily Hahn (1946); John Bastin (1954 and 1957); Sjfaii (1976); C.E. Wurtzburg (1986); and Maurice Collis (2000) followed the Sophia Hull Raffles's perspective on Thomas Stamford Raffles (Boulger, 1897; Coupland, 1926; Hahn, 1946; Bastin, 1954 and 1957; Sjfaii, 1976; Wurtzburg, 1986; and Collis, 2000).

However, Tim Hannigan (2012) and Peter

Carey (2014) described the other side of Thomas Stamford Raffles based on Javanese accounts, but there is no person, based on the author's reading, placing Thomas Stamford Raffles in the context of legal history, specifically his attempting to shape the equal justice for everyone (Hannigan, 2012; and Carey, 2014). It is intriguing to elaborate the humanistic mind-set as a foundation of Thomas Stamford Raffles' liberal policy, the jury system, and the court of circuit.

RESEARCH METHOD

This study tended to use library research. This study had used some steps, mainly in reading critically and making a note. It considered all Thomas Stamford Raffles' primary sources, which were available in online and offline library. Those were *Substance of a Minute* (1814); *Review of the Administration, Value, and State of the Colony of Java with its Dependencies* (1816); *History of Java* (1817a, 1817b, and 2014); and *Statement of the Services* (1824).

It also considered his cousin's memoir, Thomas Raffles, *Memoirs of the Life and Ministry of the Rev* (1864); his second wife's memoir, Sophia Hull Raffles, *Memoirs of the Life and Public Services of Sir Thomas Stamford Raffles* (1885); and Thomas Stamford Raffles contemporary's work, William Thorn, *Memoir of the Conquest of Java* (1815 and 2011). In addition, this study analysed and compared the findings with others' findings. Finally, the author would conclude the analysis shortly.

THE LIFE OF THOMAS STAMFORD RAFFLES¹

Thomas Stamford Raffles' second wife, Sophia Hull Raffles (1885), tended to describe the determination of Thomas Stamford Raffles, when he was young. He was motivated to learn the knowledge. Sophia Hull Raffles described on young Thomas Stamford Raffles, as follows:

[...] my leisure hours, however, still continued to be devoted to favourite studies; and with the little aid my allowances afforded, I contrived to make myself

¹This sub-chapter is developed from my presented paper in Second Conference of the IIFAS (International Indonesian Forum for Asian Studies) with the theme "Exploring Inter-Regional and International Cooperation in Indonesia", in Surakarta, Central Java, Indonesia, on 27-28 April 2016.

master of the French language, and to prosecute inquiries into some of the branches of literature and science; this was, however, in stolen moments either before the office hours in the morning or after them in the evening (Raffles, 1885:3).

This directs us how to be a learner and to manage the learning time-table. Thomas Stamford Raffles should divide his time of learning and working as assistant clerk in East India Company, London, at the age of 14 years old. His father death, Benjamin Raffles, affected his education. Thomas Stamford Raffles, then, left his education and became the backbone of his family (Hannigan, 2012:41).

Thomas Stamford Raffles had an emotional approach with the ocean. He was born on the ship of Ann, when approaching the Morant Harbour, one of many islands in Jamaica, in 5 July 1781 (Boulger, 1897:xxxvi). Thomas Stamford Raffles' mother was Anne Lyde Lindeman. She was the clergyman's sister in London, John Lindeman (Raffles, 1885:2-3). According to Emily Hahn (1946), poverty coming to his family was the influence of the economic crisis and English social system, when the unwell-educated person did not gain any good-paying job (Hahn, 1946:3).

In the early eighteenth century, there were two revolutions changing the socio-cultural pattern of the mankind. Those were the American Revolution (1776) and the French revolution (1789). The later revolution had shaped Thomas Stamford Raffles' mind that the emerging of the middle-class forced the aristocrats to agree the limitation of power through constitution (cited in Kuntowijoyo, 2005:65). According to John Bastin (1957), writing on Thomas Stamford Raffles, as following here:

Raffles' policies were not only determined by economic factor, but also prompted by sincere humanitarian motives. However between Java and Sumatra, the administration was different, but the aim was essentially the same – that of improving the condition of the people. Raffles was a product of the late eighteenth century humanitarian movement, which had found its inspiration in the work of Rousseau of the myth of the noble savage (Bastin, 1957:xii).

Thomas Stamford Raffles was an actor and a product of the late eighteenth century

humanitarian movement. His way of thinking was inspired by the French enlightenment and the main classical thinkers of Voltaire, Montesquieu, and J.J. Rousseau (cited in Bastin, 1957).

French revolution was the logical consequence of the corrupted government in managing its citizen. This change was not only forced by people's suffering, but also led by people's importance, the *bourgeoisie*. This middle-class continually criticized the corrupted work of Louis XVI and Maria Antoinette. They spent people's money brutally. Some thinkers motivated the spirit of this struggle like Voltaire's criticism on the standing position of clergyman in the front of the king. Montesquieu argued that the power should be separated by three powers of legislative, executive, and judicative power. They had to give a responsibility to people not to the king. However, Voltaire, Montesquieu, and the other oppositions were forcibly imprisoned by the king. This was compounded by the issuing of taxation system for the peasants. Ironically, the aristocrats and the clergymen were set to free from any form of taxation (cited in Romein, 1956:132-133).

The right to have a freedom grew along with the spread of Rousseau's works on the social contract and the people's sovereignty. Rousseau argued that the freedom is the state when the man releases his will to conquer others. They are free from their afraid of the persuasive or the violence invasion. He also argued that the free men are the obedient man on order. However, this order does not make him as the slave; therefore, his owned freedom does not direct him to social anarchy. This free man makes an agreement to shape a collective power. This power is called by people sovereignty. Everyone who gives his right or his freedom does not lose the both. The state has a responsibility to service every citizen; and if the state deviates from the general will, therefore, the state would face a crisis (Suhelmi, 2001:249-252; and Suwirta, 2005:78-79).

The crying of French revolution of life, liberty, and brotherhood led everyone to pursue for their freedom and their justice. The enlightenment world inspired that everyone

should place himself as a centre of the world and not obey the king's order or the church dogma. The state of Europe in the eighteenth century showed the contradictory life. Charles Dickens (1859), in his work of "A Tale of Two Cities", described this condition in following here:

[...] it was the best of times, it was the worst of times, it was the age of wisdom, it was the age of foolishness, it was the epoch of believe, it was epoch of incredulity, it was the season of light, it was the season of darkness, it was the spring of hope, it was the winter of despair [...] in short, the period was so far like the present period (Dickens, 1859).

So, Thomas Stamford Raffles' maturity grew up in this spirit of the age. The young Thomas Stamford Raffles, as described early, spent his life for working in the day and reading many books on France in the evening. William Ramsay, one of his bosses in East India Company in London, saw the peculiarity in Thomas Stamford Raffles' characteristic. He came earlier and back from the office in the midnight. He often took the overtime work and all his salaries were given to his parent. However, Thomas Stamford Raffles was never complained and kept his spirit in developing his French skills. He thought that the French knowledge would lead him to understand European literatures. Thomas Stamford Raffles, however, he had many limitations and few times in practicing French conversation, succeeded to speak French fluently (cited in Raffles, 1885).

Thomas Stamford Raffles' fluency was well-recorded in Sophia Hull Raffles' memoir (1885), as follows:

[...] in the year 1818, during his government in Sumatra, a lady was singing in his house one of Moore's melodies [...] when some French gentlemen present regretted that the beauties which he was so admiring were lost to them; he immediately translated the whole into French verse, much to the surprise of all present (Raffles, 1885:6-7).

William Ramsay realized that Thomas Stamford Raffles' potencies should be developed. Therefore, he proposed Thomas Stamford Raffles to the Board of Directors for

the branch of the company in Penang (*Prince of Wales' Island*) in 1805. Thomas Stamford Raffles, then, became an Assistant of Secretary in Penang, Malaysia (cited in Raffles, 1885:8-9).

In the boring voyage around five months to Penang, Thomas Stamford Raffles spent his time to read all literatures on the Malay world. When he arrived in Penang, around September 1805, he succeeded to master Malay language. In his busy weeks, he spared his time to learn the local language and tradition (cited in Raffles, 1885:10).

Therefore, Thomas Stamford Raffles could easily know the managing skills and the general knowledge related to the ways of Western and local governing. Thomas Stamford Raffles often visited and communicated to all classes. He continued the British tradition, which was smart to take people's heart (Hanggoro, 2015:43-44). He wanted to know the local culture and saw the condition in developing the trade, the population, and the port in Penang (cited in Raffles, 1885:23).

He was astute in diplomating. John Leyden had known his brilliant knowledge. He then recommended Thomas Stamford Raffles to Lord Minto, the General Governor in India, who was afraid on the French-Dutch occupation in Java that was disturbing his trade and political stability in Southeast Asia. John Leyden claimed Thomas Stamford Raffles as a competent person on Malay world. He also knew that Thomas Stamford Raffles had a communication with William Marsden, the Sumatra's expert (cited in Thorn, 1815 and 2011).

Bernard H.M. Vlekke (2008) explained that the British invasion in Java was based on the disposed effort of his enemy in Europe that was France (Vlekke, 2008:286-288). The Director of East India Company in London governed the General Governor in India to dispose the French from their settlement, to destroy all their bastions, and to take all their arsenals and ammunition; for the rehabilitation all settlements to the native. Thomas Stamford Raffles, then, executed the mission by sending a letter and some interesting presents for the kings of Nusantara (Vlekke, 2008:295).

In his letter, Thomas Stamford Raffles

showed his sympathy and wanted to help them in order to release from the Dutch colonization. Abdullah bin Abdul Kadir Munsyi, Thomas Stamford Raffles' clerk, as cited in Amin Sweeney ed. (2008), recorded Thomas Stamford Raffles' activity, as follows:

Sebermula maka adalah kira-kira tiga empat bulan lamanya Tuan Raffles itu diam di Melaka, maka ratalah sudah segala raja-raja Melayu sebelah barat dan timur dikirimnya surat serta dengan hadiah-hadiahnya [...]. Maka, pada masa itu, baharulah tentu pikiran orang-orang Melaka bahwa sesungguhnya Inggris telah bermusuhan dengan Belanda. Maka sebab itulah ia hendak berperang dengan Belanda [...].

Maka, tuan Raffles pun menyuruh mengarangkan surat yang akan dikirimkan kepada susunan Bentaram itu dengan bahasa Jawa. Maka oleh Pangeran itu diperbuatnyalah surat itu. Ada kira-kira sampai pukul dua belas malam, maka surat itu pun sudahlah, serta Tuan Raffles membubuh capnya serta dengan hadiahnya berbagai-bagai. Adalah kira-kira harganya dua tiga ratus Ringgit (Sweeney ed., 2008:299-301).

Translation:

[...] between three and four months, Raffles stayed in Melaka, all Malay kings from west to east were sent some letters along with all presents [...]. Therefore, at this time, they thought that British spited the Dutch. They believed that the British would have a war with the Dutch [...].

Therefore, Raffles sent a letter which was wrote in Javanese language by the local prince to the king of Mataram. The prince wrote the letter till 12 PM and Raffles stamped the letter with all presents, approximately 200-300 Ringgit.

Thomas Stamford Raffles, after got an instruction from Lord Minto then joining the British armies around 12,000 armies on 100 ships, succeeded in destroying Janssens' troops in Batavia. Janssens escaped to Semarang before gave up to the Britain. This added his bad record after giving the hope cape to the British. In 18 September 1811, the *Nusantara* (Indonesian archipelago) capitulation to the British was signed (Vlekke, 2008:291).

Lord Minto realized that Java had a strategic area to support the company's trade in Southeast Asia. He believed that Thomas Stamford Raffles could manage Java. However, Thomas Stamford Raffles had a vision not only to support British trade, but also to lead the natives into their freedom. He re-organized

Javanese administration after French-Dutch left Java. He did not realize all problems related to the changing system from indirect rule system to direct rule system. The French faced the change through the revolution and needed some years. Javanese did not face any changing in their history. Thomas Stamford Raffles tended to fasten this process. He was also motivated by his revolutionary spirit (cited in Vlekke, 2008:294-295).

In the end of his government in Java, the spirit of revolution in terms of freedom and justice affected Thomas Stamford Raffles' daily activities, as described in his cousin's letter around March 1815 (Raffles, 1864:132). This state continued till John Fendall replacing his position. Thomas Stamford Raffles with his disappointed feeling left Java in 25 March 1816, and went back to England. He was welcomed by some people, especially some noblemen. Princess Charlotte, one of the royal families, was familiar with Thomas Stamford Raffles, and he gave her a beautiful table from Java. His present was really famous in London, therefore, Princess Charlotte's grandmother, King George III's wife, invited him to the palace (Raffles, 1864).

Thomas Stamford Raffles, then, is well-known in the circle of London intellects after his book entitled *History of Java* was published (1817a and 1817b). Seeing the engagement of Thomas Stamford Raffles and the royal family, the Board of Directors of East India Company opened his complicated case around 3.5 years (a charge of Gillespie and his re-calling to England). They apologized for the past mistreatment. The Directors confirmed the place of Thomas Stamford Raffles in Bengkulu, Sumatera (Collis, 2000:100).

Thomas Stamford Raffles arrived in Bengkulu in 22 March 1818, after facing a voyage around 4 months. He spent his time to read Marsden's work and collected some information in Sumatera. He issued the same policy, when he had a power in Java. The forcing policy and slavery was abolished by giving a freedom certificate. He believed that gambling and cock-fighting contributed to social disharmony. Thomas Stamford Raffles claimed that those activities affected some crimes like killing and robbery (Raffles, 1824:34-35).

Thomas Stamford Raffles believed that it was prominent to keep the safety of Southeast Asian trade. He pointed the Malacca strait as a strategic area. The Prince of Wales' Island was far from Malacca strait and Bengkulu was near from Indian Ocean and Sunda strait. He looked out into Tumasik Island, then called Singapore (Raffles, 1824:36).

Thomas Stamford Raffles, through his diplomatic ability, succeeded to gain a license in building Singapore from Sultanate Johor by paying the land rent. After he had finished a project in building Singapore around July 1823, and India had confirmed John Crawfurd as Singaporean Resident, Thomas Stamford Raffles went back to England in 22 August 1824. He died a year later (Collis, 2000).

THE HUMANISTIC MIND-SET ²

Mind-set or mentality could be realized as all thinking and contemplating skills in facing the environment and the circumstances. Thomas Stamford Raffles' romantic thinking might be shaped through his understanding on Javanese civilization. This led him to keep the place of human beings as the human beings. Thomas Stamford Raffles' policies were the manifestation of the tendency of the Javanese way of assimilative thinking. Javanese, based on Thomas Stamford Raffles' accounts, was the open minded people and takes the paybacks of foreign culture without ignoring his tradition (Raffles, 1817a).

The first policy was the revision of some treaties arranging the relation of Batavia government and the kings of Java. Thomas Stamford Raffles (1817a) believed that:

[...] the first principles of the feudal system, which form the basis of the whole edifice, are: that the land is the property of the sovereign; that the inhabitants are his slaves, and can therefore possess no property, all that they have and all that they can obtain belonging to the sovereign who allows them to keep it no longer than he chooses; and that the will of the prince is the supreme law (Raffles, 1817a:301).

Thomas Stamford Raffles used the king's right to legitimate the land of Java and its

²This sub-chapter is developed from my presented paper in an International Conference of Contribution of History to Humanities and Social Science, in Malang City, East Java, Indonesia, on 5 September 2015.

dependencies from the Dutch (to the British government). However, the kings looked at the other purpose. They assumed that the British arrival helped them in invading the French-Dutch. The Directors of East India Company in London had an interest to clean up the influence of the French-Dutch in Southeast Asia; however, Lord Minto and Thomas Stamford Raffles saw Java as the land of promises (cited in Hannigan, 2012). They predicted that Java would be the centre of Southeast Asia's trade. They knew that Java had the valuable natural resources and human sources (Hannigan, 2012).

The kings of *Nusantara* (Indonesian archipelago) made a lot of corrupted policies without Thomas Stamford Raffles' consideration, likewise the Sultan of Palembang's policy. In addition, the Sultan of Yogyakarta ignored the sovereignty of British power in Batavia (Vlekke, 2008). According to Abdul Latif (2014), the transfer of powers in South Sulawesi from the Dutch to the British was also illegal and could not be recognized. Therefore, Bone kingdom refused to accept the British authority in South Sulawesi. Thus, British military power invaded them and they followed the British government (Latif, 2014).

The second policy was to reform the tax system. This change wanted to bring people into the better life from the oppression. Thomas Stamford Raffles introduced the land rent system. This was not only to liberate the slave from the feudal system, but also to stimulate the British financial interest (cited in Wijayanti, 2001:121). This perspective was based on the view of "the king was the landlord". The farmers had the right to use the land from the king. They rented the land. This fact seemed to invite the insight that the farmer had an obligation to give a part of his crops. This tendency led Thomas Stamford Raffles to use the same pattern in collecting the farmer's tax (cited in Wijayanti, 2001).

Thomas Stamford Raffles' final policy was to re-organize the administrative institution. He felt that the monopoly system and the *contingenten* system gave the drawbacks for people. He suddenly became a responsible man for the suffering condition. He used the rarely policy that was the direct rule system.

The direct rule system was the mirror of the Javanese cultural power. The power showed the despotic system. The executive and the judicative power were owned by one man (the king). The standard of justice and the government was based on the Holy Qor'an, which was fitted by the customs and the needs. Javanese were the people who just converted into Islam in fifteenth century. Therefore, some Muslims followed the Islamic law, but it could not replace the ancient belief and the local custom (Raffles, 2014:177).

The Resident, in the British government, was not only the longer hand of the central government, but also becoming a *jaxa* or judge of the court (Raffles, 2014:685). Thomas Stamford Raffles (2014) felt that the Javanese was the honest people. The honesty was seemed when they were interviewed, as a prisoner, without pretending or correcting its mistake and did not add the bias phenomenon which was included on the evidences. This tendency led Thomas Stamford Raffles to use jury system in the process of justice (Raffles, 2014:157).

About the Jury System. Residents, in the British government, did not have any absolute power. They were not a bridge between the king and the people. The Resident was chosen from the Western people, who were legitimated by Thomas Stamford Raffles. They were not a small king like the native resident. They were given the hard duties becoming a financial administrator and *jaxa* or the judge of the court. They were helped by the local chief becoming a tax collector from the land rent system. The native chiefs were commonly called *petinggi*, *bekel*, *lurah*, *akuwu*, *mandor*, or based on the local customs. They were chosen by the principle of *primus inter pares* (best performances than others, for example the smartest or the oldest than others). They commonly lived and cultivated the land in the same district, when they got a job to collect the tax (Raffles, 1817b).

This would be a logical consequence that the division of the regency into some districts and the district was divided into several divisions. The Resident and the native chief would be helped by the Policemen in every post of the divisions. The major duty of the

Police was to keep a peace, to prevent the crime, and to arrest the criminal. They had to go around in the proper arrangement. They got a power to request a help from the people (the men) to do its major duty. They often called the men to solve a crime and imprisoned the criminal (Raffles, 2014:686).

It was different with the Holland's court, which was based on the Hollanders' interest. The British government arranged the equal justice for all classes. British arranged it in the court of justice. The court was divided into two or three members, who were shaped from the metropolitan town like Batavia, Semarang, and Surabaya. The court managed the civil cases and a case should be investigated in the process of justice. The jury, then, evaluated the promoted facts (Thorn, 2011:210).

All people could enter in the every court. However, all cases were not handled mainly the small cases. The government re-acted and shaped the small court to solve cases, like small debt case. The Resident played a crucial role to decide the justice in a society. The way of solving the case and the cost of the court were based the society's experience. The guidance in executing the justice was based on the Holy Qor'an, *Hadits* (words and deeds of Prophet Muhammad), and the ancient tradition in the land of Java (Thorn, 2011:211).

The resident as a *jaxa* or a judge of the court and its assistants in the bureaucracy of justice, before executing the role, would write and read the curse. Thomas Stamford Raffles (1817b) arranged it, in following here:

I, [...], solemnly swear that I will truly and faithfully execute the duties of my office; that I will administer justice to the best of my ability, knowledge, and judgment, without fear, favour, promise, or hope of reward; and that I will not receive, directly or indirectly, any present, either in money or in effects of any kind, from any party in any suit or prosecution, or from any person whosoever, on account of any suit, prosecution, or other legal proceeding to be instituted, or which may be depending, or have been decided, in any court under my jurisdiction; nor will I, directly or indirectly, derive any profits from my station, except such as the orders of government do or may authorize me to receive-so help me God (Raffles, 1817b:lxvi).

The court executed the law based on the curse. They were legitimated by the *penghulu*

or the priest. The statesmen or the ruling class were present at the court. They could argue and gave a recommendation in the process of investigation; however, they did not have any power to execute the final decision. The court was held twice a week. The accused people would pay guaranteed money, if he did the crime in the guaranteed criteria.

However, the Resident would send a help to the Police to arrest the accused people till he was free legally if he did the unforgiving crime. The decision of justice absolutely was decided by the Resident after investigating all facts and all jury's suggestions. If the death penalty was given, it should get an agreement from the Lieutenant-Governor (Thorn, 2011:211-212).

The Resident had a big responsibility to decide the justice. They absolutely needed the helper like *jaxa* and *penghulu*. *Jaxa* and *penghulu* would help them in investigating the fact. He would listen what was said by the *jaxa* and the *penghulu*, before deciding the verdict. Therefore, the *jaxa* or the *penghulu* got a part of the wage. All related people would pay a cost, a Rupee for each man and 10% would be paid by the loser (Raffles, 2014:694).

Jury system was the newly system introduced by Thomas Stamford Raffles. The native did not have any opportunity to be a *jaxa*; however, they could recommend a defence in his own name. It was important to apply the rule in order to present the justice. This system led the judge to accept all aspiration and petition from all people. The Resident governed his workers to place a box in the front of the court. The Resident locked the box and kept the key. The *jaxa* would investigate fairly. The *jaxa* was really careful in handling the case, mainly the case which was related with the statesmen or the civil servants. The criminal (coming from the statesmen) would find the way to stop the voice of people into the judge (Thorn, 2011:213).

It was different compared to the British legal system in India. According to Kalyani Ramnath (2013), the practice of justice was determined by notions of belonging to a different race, religion, and language in colonial India. She explains that as follows:

These were frequently articulated as the story of the unreliable juror or the religious native, who feared eternal damnation. From the jurors who were allegedly intoxicated by the publicity over the infamous *Nanavati* trial to women jurors who claimed to be followed on the way home from court, to the religious *Brahmin* juror who would not swear an oath, the story of the criminal jury is peopled with anxieties over undesirable forms of influence, that impinge on legal impartiality. Using the criminal jury as a lens, I look at the claims of universal legal reform as particularly lending themselves to contestations over sovereignty (Ramnath, 2013).

It might be influenced by the distinction of the authority's rule. The British rule in India tended to consider the indirect rule system. This system was only used when the government faced the mono-cultural society. British not only used this system in India, but also implemented this system in Africa and America. However, British could not apply this system in the coast of Africa. They were multi-cultural society (cited in Soeratman, 2012:216-217).

This consideration was different to the Thomas Stamford Raffles' case. Thomas Stamford Raffles faced the rainbow of society. Java was a land which was placed by many cultures. Those were Sundanese, Javanese, Chinese, Betawi people, *Osing* people, Madurese, Baduwi people, and many others. Therefore, this situation led Thomas Stamford Raffles to use the direct rule system (Raffles, 2014).

About the Court of Circuit. The court of justice was one of Thomas Stamford Raffles' direct rule system representations. The remote government could not execute a punishment and they should wait the central government's policy. In the system of justice mainly the death penalty, the judge could not execute a punishment to the form of crime, like killing someone, property's seizure, and robbery. The criminal had to be imprisoned when waiting the investigation of the circuit court (Raffles, 2014:697). This court of circuit had been arranged in the article number five in the proclamation relating the justice affair in 21 January 1812 (Raffles, 2014:703).

The court of circuit aimed to convince that all people gained the equal justice. Therefore, one member of the highest judges in Batavia, in Semarang, and in Surabaya

visited all districts in their jurisdiction. They visited the district four times a year or in decided period or based on their wants to check the prosecution and the complicated crime (Raffles, 2014:703). Before the judge of circuit checked the facts, he was sworn firstly. The judge should prepare the criminal list to imprison. The judge of circuit should be careful in observing the prosecutions. In addition, the judge should prepare the complicated criminal list which had the controversial evidences (Raffles, 2014:703).

In the process of justice located in *paserban* (the room of the main judge), they would appoint the jury to evaluate the criminal. The judge of circuit executed the justice based on the facts and the view of jury. Thus, they decided the punishment for the prisoners. The judge of circuit in creating a justice should be based on the native law and modified based on the colonial law and the natural justice (Raffles, 2014:704). The justice would be guaranteed, if the law had been fitted by the situation of the society.

Montesquieu (2015) said that the law has to be fitted by the character of society. It is impossible if a law will fit for all society (Montesquieu, 2015:93). The judge, after issuing a decision, had to write a description on: (1) the process of justice; (2) the state of district, administration, and the people's safety or policeman's duty; and (3) a recommendation to enhance an area in order to gain prosperity (cited in Raffles, 2014:705).

It could be compared to the present ECJ (European Court of Justice). Clifford Carruba (2003) points out that governments are constrained to obey ECJ rulings and, thus, that the ECJ is an effective democratic check on the behaviour of member state governments (Carruba, 2003).

The court of justice in the time of Thomas Stamford Raffles and the present ECJ seems to have a similarity. The system is useful to check the flowing regulation in the remote areas. However, the clear distinction is reflected by the applied system between the Thomas Stamford Raffles' direct rule and the ECJ's system. The ECJ could be ignored based on the situation concerning the European countries having the different policies.

CONCLUSION

If Karl Mannheim (1991) looked at the humanitarian liberal as a utopia (Mannheim, 1991:242-243); Thomas Stamford Raffles tried to change a utopia into a reality. His policies directed into humanity. Human beings should be back into their natural state. We could learn from Thomas Stamford Raffles' policies and why he issued a policy. This is a must to cope W.F. Wertheim (2009)'s sociology of ignorant. Politics tends to be a device in gaining prosperity for all.

Thomas Stamford Raffles tends to open people's eyes that what they call as devotion is a ridiculous oppression. This leads him to reform the process of justice. He introduces the jury system and the court of justice to give the equal justice for all people.³

References

- Alatas, Syed Hussein. (1971). *Thomas Stamford Raffles: Schemer or Reformer*. Sydney: Angus & Robertson.
- Alatas, Syed Hussein. (1988). *Mitos Pribumi Malas: Citra Orang Jawa, Melayu, dan Filipina dalam Kapitalisme Kolonial*. Jakarta: LP3ES, Translation.
- Bastin, John. (1954). *The Development of Raffles' Ideas on the Land Rent System in Java and the Work of the Mackenzie Land Tenure Commission*. 's-Gravenhage: De Nederlandsche Boek en Steendrukkerij v.h.H.L.
- Bastin, John. (1957). *The Native Policies of Sir Thomas Stamford Raffles in Java and Sumatra: An Economic Interpretation*. Oxford: The Clarendon Press.
- Boulger, Demetrius C. (1897). *The Life of Sir Thomas Stamford Raffles*. London: Horace Marshall & Son.
- Carey, Peter. (2014). *Takdir: Riwayat Pangeran Diponegoro, 1785-1855*. Jakarta: Kompas, Translation.
- Carruba, Clifford. (2003). "The European Court of Justice, Democracy, and Enlargement" in *European Union Politics*, Vol.4(1), pp.75-100.
- Collis, Maurice. (2000). *Raffles: The Definitive Biography*. Singapore: Graham Brash.
- Coupland, R. (1926). *Raffles, 1781-1826*. Oxford: Oxford University Press.
- Dickens, Charles. (1859). "A Tale of Two Cities" in *A Weekly Journal*, Saturday, on 30 April.
- Effendhie, Machmoed. (2000). "Proses Penjualan Tanah Partikelir P en T Tahun 1813: Kolusi dan Korupsi pada Masa Pemerintahan Raffles". *Unpublished Research Report*. Yogyakarta: UGM [Gadjah Mada University].

³**Statement:** I, hereby, declare that this article is my own scholarly work; so, it is not a product of plagiarism, due to all sources that are cited in this article, I have shown in the References. This article is also not submitted, reviewed, or published in other scholarly journals yet.

- Hahn, Emily. (1946). *Raffles of Singapore*. New York: Doubleday.
- Hanggoro, Hendaru Tri. (2015). "Perang Kongsi Dagang" in *Majalah Historia*, 22(2), pp.42-45.
- Hannigan, Tim. (2012). *Raffles and the British Invasion of Java*. Singapore: Moonson Books.
- Kuntowijoyo. (2005). *Peran Borjuasi dalam Transformasi Eropa*. Yogyakarta: Penerbit Ombak.
- Latif, Abdul. (2014). "The Conflict between Bone Kingdom and the British Authority in South Sulawesi, 1812-1816" in *TAWARIKH: International Journal for Historical Studies*, 5(2), pp.145-160.
- Mannheim, Karl. (1991). *Ideologi dan Utopia: Menyingkap Kaitan Pikiran dan Politik*. Yogyakarta: Kanisius, Translation.
- Montesquieu. (2015). *The Spirit of Laws: Dasar-dasar Ilmu Hukum dan Ilmu Politik*. Bandung: Nusamedia, Translation.
- Raffles, Sophia Hull. (1885). *Memoirs of the Life and Public Services of Sir Thomas Stamford Raffles*. London: William Clowes and Sons.
- Raffles, Thomas. (1864). *Memoirs of the Life and Ministry of the Rev. London: Jackson, Walford & Hodder.*
- Raffles, Thomas Stamford. (1814). *Substance of a Minute*. London: John Murray.
- Raffles, Thomas Stamford. (1816). *Review of the Administration, Value, and State of the Colony of Java with its Dependencies*. London: John Murray.
- Raffles, Thomas Stamford. (1817a). *The History of Java, Volume I*. London: John Murray.
- Raffles, Thomas Stamford. (1817b). *The History of Java, Volume II*. London: John Murray.
- Raffles, Thomas Stamford. (1824). *Statement of the Services*. London: Cox & Baylis.
- Raffles, Thomas Stamford. (2014). *The History of Java*. Yogyakarta: Narasi, Translation.
- Ramnath, Kalyani. (2013). "The Colonial Difference between Law and Fact: Notes on the Criminal Jury in India" in *The Indian Economic and Social History Review*, 50(3), pp.341-363.
- Romein, Jan. (1956). *Aera-Eropa: Peradaban sebagai Penyimpangan dari Pola Umum*. Bandung-Jakarta-Amsterdam: PT Ganaco, Translation.
- Sjafii. (1976). *Indonesia pada Masa Pemerintahan Raffles*. Bandung & Jakarta: PT Sanggabuwana.
- Soeratman, Darsiti. (2012). *Sejarah Afrika*. Yogyakarta: Penerbit Ombak.
- Suhelmi, Ahmad. (2001). *Pemikiran Politik Barat: Kajian Sejarah Perkembangan Pemikiran Negara, Masyarakat, dan Kekuasaan*. Jakarta: Gramedia Pustaka Utama.
- Suwirta, Andi. (2005). *Sejarah Intelektual: Percikan Pemikiran dari Dunia Barat dan Islam*. Bandung: Suci Press.
- Sweeney, Amin [ed]. (2008). *Karya Lengkap Abdullah bin Abdul Kadir Munsyi, Jilid 3*. Jakarta: Kepustakaan Populer Gramedia, Translation.
- Thorn, William. (1815). *Memoir of the Conquest of Java*. London: John Murray.
- Thorn, William. (2011). *Memoar tentang Penaklukan Pulau Jawa: Berikut Operasi-operasi Militer Pasukan Inggris Berikutnya di Kepulauan di Asia*. Jakarta: PT Elex Media Komputindo, Translation.
- Vlekke, Bernard H.M. (2008). *Nusantara: Sejarah Indonesia*. Jakarta: Kepustakaan Populer Gramedia, Translation.
- Wertheim, W.F. (2009). *Elite vs Massa*. Yogyakarta: Resist Book, Translation.
- Wijayanti, Putri Agus. (2001). *Tanah dan Sistem Perpajakan Masa Kolonial Inggris*. Yogyakarta: Tarawang Press.
- Wurtzburg, C.E. (1986). *Raffles of the Eastern Isles*. Singapore: Oxford University Press.