

# The Evolution of Colonial Legal Regulations in 19th Century Dutch East Indies Classical Literary Texts

Aulia Fitriany<sup>1</sup>, Wahdatur Rike Uyunul Mukarromah<sup>2</sup>, Satrio Wibowo<sup>3</sup>, Wahyu Sudrajad<sup>4</sup>, Tuti Handayani<sup>5</sup>

<sup>1,3</sup> Universitas PGRI Delta Sidoarjo

<sup>2,4,5</sup> Universitas Kristen Cipta Wacana

## Article history

Received: 15 Oct 2024

Revised: 20 Nov 2024

Accepted: 20 Dec 2024

## Keywords

Colonial Law

Social Stratification

19<sup>th</sup> Century Literature

## Abstract

This study explores the representation of colonial law in 19th-century literary texts, examining how these works reflect and critique the colonial legal system. Using a qualitative approach with content analysis, the research focuses on how colonial law influenced various aspects of indigenous life, including social, cultural, and economic spheres. The study identifies key themes such as colonial law as a tool of oppression, resistance against colonial law, social stratification reinforced by colonial law, and law as a symbol of colonial power. Through literary works like "Hikayat Siti Mariah," "Hikayat Abdullah," and "Syair Perang Mengkasar," the study reveals how these texts serve as both a mirror and critique of colonial legal practices. By analyzing these narratives, the research highlights the role of literature as a social and legal archive, offering alternative perspectives to the official colonial narrative. The study also examines how literary texts document resistance and contribute to an ongoing critique of colonial law, remaining relevant for understanding postcolonial legal dynamics.

## 1. Introduction

Literature plays a significant role in recording and reflecting the social, political, and legal dynamics occurring within a society (Syakur et al., 2023). In the 19th century, when Indonesia was under Dutch colonial rule, colonial legal regulations became a primary tool for governing the lives of the indigenous population and maintaining the dominance of colonial power (Meyers, 2022). This colonial legal system brought about significant changes that impacted the social, cultural, and political structures of the indigenous people. In this context, literature emerged not only as a medium that documented these changes but also as a form of critique (Parry, 2023). Literary works from the 19th century, in the form of novels, poetry, and other writings, often voiced critical perspectives regarding the injustices faced by society due to colonial legal policies.

The 19th century marked an important period in Indonesia's legal history (Soenarto & Tjahjani, 2020). During this time, the Dutch East Indies Government implemented a legal system that enforced a separation between the colonial society and the indigenous population (Kolb, 2021). Policies such as the *Reglement op de Rechterlijke Organisatie* (RO) and the *Burgerlijk Wetboek* (BW) were concrete examples of colonial efforts to create a legal framework that favored the colonizers' interests. These regulations not only created a legal stratification but also reinforced social inequalities between different societal groups. In such a situation, literature became a means of expression capable of depicting and challenging this discriminatory legal system.

19<sup>th</sup> century literary texts often dealt with themes of legal conflict, injustice, and the struggle of the indigenous people against colonial domination (Sudrajad, 2024). Through protagonists who experienced legal injustices, authors illustrated the social realities faced by the people of the time. These characters became symbols of resistance against the oppressive colonial legal system. Thus, literature served not only as entertainment or documentation but also as a tool for social and political critique.

In a colonial context, law was often used as a legitimizing tool for maintaining power. The legal regulations implemented in the Dutch East Indies were designed to serve the economic and political interests of the colonizers (Fuad, 2014). However, the application of these laws also

\*Corresponding author, email: [auliafitriany@gmail.com](mailto:auliafitriany@gmail.com)

doi:

© 2024 The Authors

This work is licensed under a [Creative Commons Attribution-ShareAlike 4.0 International License](https://creativecommons.org/licenses/by-sa/4.0/)

triggered resistance from the indigenous population. This resistance was not limited to physical confrontation but also expressed itself through cultural forms such as literature. Many literary works written during this period reflect the discontent of the people with colonial legal policies. These works became a mirror of the dynamic interaction between law, power, and resistance.

Studying 19<sup>th</sup> century literary texts provides deep insight into how the indigenous population understood and responded to colonial legal policies (Aini, 2016). Through the stories they created, writers of literature offered critiques of the legal system they deemed unjust. For example, in some works, law is portrayed as an instrument of oppression that leaves no room for indigenous people to seek justice (Snelders et al., 2021). On the contrary, the law often served only the economic and political interests of the colonial authorities. Therefore, literature functioned as a historical archive that recorded the perspective of the people on colonial law.

This research focuses on how the evolution of colonial legal regulations is represented in 19<sup>th</sup>-century literary texts. The study aims to uncover the relationship between the colonial legal system and the social dynamics depicted in literature. Several key questions are addressed in this research: How is colonial law depicted in literature? What impact did colonial law have on society as reflected in literary texts? And how is literature used as a tool for critiquing the colonial legal system?

An interdisciplinary approach is used in this study, combining literary analysis with legal studies. Through this approach, the research seeks to reveal how literature can serve as an effective medium for critiquing the colonial legal system. Literature is not only a reflection of social reality but also a medium for expressing the aspirations and resistance of the people. Therefore, this study contributes not only to literary studies but also to the understanding of legal history in Indonesia.

The evolution of colonial legal regulations reflected in literature demonstrates how law developed alongside political and social dynamics. For example, the introduction of new regulations was often accompanied by changes in social structure, such as the emergence of a growing educated indigenous middle class. In some literary works, these changes are clearly depicted through the characterization of individuals who represent specific social groups. In this way, literature offers a rich portrayal of how society responds to legal and social changes.

Additionally, this study highlights how colonial law created social stratification, which is reflected in literature. For example, many literary works portray conflicts between the indigenous population and colonial rulers within the context of law. These conflicts often show how law was used to maintain the status quo while simultaneously creating tension between social groups. In some cases, literature also depicts the efforts of the indigenous people to resist legal injustices, either through direct actions or through symbolism embedded in the narrative.

In certain works, colonial law is depicted as an abstract entity with a significant impact on the lives of individuals. The law is often portrayed as something incomprehensible to the indigenous people, yet it profoundly affects their lives. For example, in some stories, protagonists face difficulties in understanding and complying with colonial law due to cultural and linguistic differences. This lack of understanding often leads to conflicts that highlight the tension between indigenous society and the colonial legal system.

However, not all 19<sup>th</sup>-century literary works view colonial law negatively. In some texts, colonial law is portrayed as a tool for creating order and stability. This perspective often appears in works written by authors affiliated with the colonial regime or those with a Western education background. In these works, colonial law is frequently depicted as a solution to social conflict and a means to create a more organized society. In this way, these texts offer a different perspective on the role of law in colonial society.

This research also examines how the evolution of colonial legal regulations influenced the development of literature itself. Changes in the legal system often gave rise to new themes in literature, such as the struggle for justice, the conflict between tradition and modernity, and resistance to colonial authority. These themes became important elements in the development of Indonesian literature in the 19th century, which then influenced the literary development in subsequent periods.

By examining the representation of colonial law in literature, this study seeks to provide a deeper understanding of the relationship between law, literature, and society. This research is not only relevant to literary and legal history studies but also to understanding how society responds to the dynamics of power and injustice. Literature, as a medium of cultural expression, provides unique insights into how law was understood, interpreted, and critiqued by the people during the colonial period.

In conclusion, this introduction emphasizes the importance of studying the representation of colonial law in literature as an effort to understand the social, political, and legal dynamics of the 19th century. 19th-century literature provides a rich depiction of how the indigenous population responded to colonial legal policies while serving as an effective tool of critique against the injustices caused by the colonial legal system. Through an interdisciplinary approach, this study seeks to uncover the complex relationship between law, literature, and society in the colonial context.

## 2. Methods

This study aims to explore how 19th-century literature represents colonial law and how these literary works offer critical perspectives on the legal structure implemented by the colonial government (Setiadi, 2022). Using content analysis methods, this research not only identifies the representation of law in literary texts but also attempts to uncover the hidden meanings behind narratives that address themes of law, injustice, and the relationship between the indigenous people and the colonial powers. 19th-century literature is viewed as a social mirror reflecting the tensions between the formal law enforced by the colonial government and the legal practices that developed within the local community.

In this study, literary texts such as *Hikayat Siti Mariah* and *Hikayat Abdullah* are used to examine how the indigenous population responded to and interpreted colonial law. These works function not only as historical documentation but also as mediums through which criticism of oppressive legal practices is conveyed. For instance, *Hikayat Siti Mariah* represents legal conflicts that highlight the injustices of the colonial legal system, where indigenous rights are often disregarded, favoring colonial interests. Meanwhile, *Syair Perang Mengkasar* depicts the local community's struggle against oppression by colonial authorities, both in legal and social realms.

Additionally, secondary data sources such as colonial legal literature, including *Reglement op de Rechterlijke Organisatie* (RO) and *Burgerlijk Wetboek* (BW), provide insights into the legal structure of the time and how these laws were selectively applied to reinforce colonial power. Through this interdisciplinary approach, the study aims to connect literary texts and colonial legal literature, offering a deeper understanding of the reciprocal relationship between literature and law in the colonial context.

Moreover, this research also assesses the role of literature as a medium to resist colonial hegemony by giving a voice to the marginalized (Emmer & Gommans, 2020). In many cases, literature served as a means to express dissatisfaction with social and legal injustices that could not be voiced through official or formal channels. Thus, 19th-century literary works not only depict the reality of colonial law but also serve as tools for writers to criticize and question the legitimacy of laws imposed by the colonial government.

Therefore, this study is expected to contribute to the fields of literary and legal studies, particularly in the context of colonial law, while expanding the understanding of the relationship between literature and power, and how literature can serve as a tool for critical reflection on existing legal systems.

### **3. Result and Discussion**

This study reveals that 19<sup>th</sup> century literature plays a significant role in depicting and critiquing colonial law as implemented by the colonizers. As part of social reflection, literature not only records the prevailing social and legal conditions but also offers critical perspectives on the oppressive legal system, voices resistance, and portrays the inequality between indigenous people and colonial authorities. The following are the main points derived from this research:

#### **1. Depiction of Colonial Law as a Tool of Oppression**

19<sup>th</sup>-century literature frequently portrays colonial law as an instrument of oppression used by colonizers to consolidate their power over indigenous populations. In many literary works, colonial law appears as an invincible force, trapping indigenous people in an unjust legal system. The indigenous characters are often depicted as individuals who cannot defend themselves before the colonial legal authorities due to cultural, linguistic, and social inequalities. This situation reflects the powerlessness of the indigenous people in confronting a legal system that wholly serves colonial interests.

#### **2. Resistance to Colonial Law**

Some literary works feature resistance to colonial law as a central theme. This resistance is manifested in various forms, from symbolic criticisms of colonial representatives to tangible actions taken by protagonists. The resistance is not merely a reaction to the injustices faced by the indigenous people but also illustrates their active defiance against legal oppression. Therefore, literature serves as a medium for exposing resistance to colonial dominance, inviting readers to understand that colonial law was not passively accepted by the indigenous population, despite colonial powers striving to reinforce it.

#### **3. Social Stratification Reinforced by Colonial Law**

Colonial law played a pivotal role in shaping the social stratification between colonial and indigenous populations. In many literary works, the legal system that distinguishes between the treatment of indigenous people and colonizers creates social tensions that are explicitly depicted. Indigenous people often occupy subordinate positions, with little or no access to a legal system that serves their interests. Conversely, colonizers benefit from legal privileges that deepen social inequality. Literary works reflect these conflicts by illustrating the indigenous people's struggle to defend their rights and confront injustices.

#### **4. Law as a Symbol of Power**

In some literary works, law is depicted as a symbol of unreachable colonial power. Law often appears as an entity greater than the individual, untouchable and representing colonial authority that oppresses. Characters in these works frequently find themselves caught in conflicts with the law, reflecting their inability to challenge an authority much stronger than themselves. In such narratives, law not only functions as a tool for enforcing regulations but also as a means of maintaining colonial hegemony over the indigenous population.

19<sup>th</sup>-century literature provides a depiction of how colonial law was used to control and subjugate indigenous people. These representations often showcase the tension between colonial powers attempting to perpetuate their dominance and the indigenous population striving to

preserve their identity and values. Although colonial law was used to uphold the interests of the colonizers, literature functions as a medium to expose these injustices. Many literary works invite readers to experience the suffering of indigenous characters trapped in an unfair legal system.

In addition to being an artistic expression, 19th-century literary texts can also be seen as social archives that reflect the dynamics of colonial law (Sierhuis, 2021). Through literature, we can understand how indigenous people responded to the injustices they faced and how colonial law was applied in their daily lives. Literature provides an alternative perspective to the official narratives often produced by the colonial government. For example, the injustices in the judicial system revealed in literary works present a different view from the official colonial legal narratives, which often portrayed colonialism as a form of "civilization" bringing benefits.

Changes in the colonial legal system are also reflected in the transformation of themes and characters in literary works. The influence of new regulations, such as *Reglement op de Rechterlijke Organisatie* (RO), is evident in the depiction of legal conflicts in literary works. Characters in these works no longer represent only the backward indigenous people but also the educated middle class, who are increasingly aware of the colonial legal system. This creates a new dynamic in the literary narrative, where indigenous characters begin to challenge the oppressive legal structure in more clever and strategic ways.

Criticism of colonial law in 19th-century literature is not only found in explicit critiques but also symbolically through metaphors and conflicts between characters. For instance, the tension between local traditions and colonial law is often depicted through the conflict between characters representing these two sides (Doolan, 2021). Therefore, literature becomes an effective tool to demonstrate that colonial law was not only foreign to the indigenous people but often contradictory to the values that had existed within their society.

The representation of colonial law in 19th-century literature remains relevant today, especially in analyzing legal dynamics in postcolonial societies. Literature offers insight into how law can be used as a tool of domination and how society responds to such domination (Iswahyudi, 2023). By studying literary works reflecting colonial law, we can deepen our understanding of the relationship between law, power, and society, as well as gain valuable lessons on confronting legal injustices in broader social and political contexts (Mokodenseho et al., 2024). Literature continues to be an important medium for social reflection and critique of existing legal systems.

The findings of this study indicate that literature can serve as an alternative source for understanding the history of law and social dynamics during the colonial period. The representation of colonial law in literature reveals the complexity of the relationship between power, law, and societal resistance. These findings have significant implications for interdisciplinary studies, particularly in understanding how law and literature influence each other in the colonial context.

Through the analysis of literary texts, it becomes apparent that indigenous people were not merely passive victims but also active agents in reflecting on and resisting colonial legal dominance (Burke, 2022). Literature gives voice to groups often ignored in official narratives, making it a crucial medium for reconstructing legal and social history.

#### **4. Conclusion**

This study demonstrates that 19th-century literary texts play a crucial role in representing and critiquing the colonial legal system. Through works of literature, such as novels, poetry, and hikayats, colonial law is depicted not only as a tool of oppression but also as an unassailable symbol of power over the indigenous population. While the indigenous people are positioned as

subordinate, literature shows that they are not entirely passive; rather, they possess ways of resisting colonial legal dominance, both through symbolic resistance and tangible actions.

These literary works illustrate the social and legal conflicts arising from the stratification created by the colonial legal system, which separates the rights of colonial and indigenous populations. Literature also functions as a social archive, reflecting the dynamics of colonial law and offering an alternative perspective to the official narrative, which often overlooks the injustices that occurred. By portraying the tension between local traditions and colonial law, 19th-century literature provides sharp criticism of the legal system imposed by the colonizers.

The relevance of literature in the context of colonial law remains significant in analyzing the relationship between law, power, and society, both in the historical context and in postcolonial societies. Literature not only records social realities but also serves as a medium for reflection and critique of the injustices that occurred, offering insight into how society can respond to the domination of oppressive laws. Therefore, 19th-century literature functions not only as an art form but also as a tool for expressing resistance and advocating for justice in the face of an unjust legal system.

## References

- Aini, L. N. (2016). Linguistic Analysis on Javanese Language Selogudig-an Dialect in Selogudig, Pajarakan, Probolinggo. *Jurnal Ilmiah Bahasa Dan Sastra*, 2(2), 118. <https://doi.org/10.21067/jibs.v2i2.1148>
- Burke, K. (2022). 'I Hope it Tastes Good': Gender, Race and Class in Colonial Kitchens in the Dutch Indian Ocean Empire. *Gender & History*, 34(3), 690–707.
- Doolan, P. M. M. (2021). *Collective memory and the Dutch East Indies: unremembering decolonization*. Amsterdam University Press.
- Emmer, P. C., & Gommans, J. J. L. (2020). *The Dutch Overseas Empire, 1600–1800*. Cambridge University Press.
- Fuad, A. B. B. (2014). Political identity and election in Indonesian democracy: A case study in Karang Pandan Village–Malang, Indonesia. *Procedia Environmental Sciences*, 20, 477–485.
- Iswahyudi, I. (2023). The Existence of Taman Siswa Amidst the Domination of Colonial Education in the Dutch East Indies. *Randwick International of Education and Linguistics Science Journal*, 4(3), 583–596.
- Khezrlou, S. (2013). Psycholinguistic and Sociolinguistic Perspectives on Second Language Learning and Teaching: Studies in Honor of Waldemar Marton. In *System* (Vol. 41, Issue 4). <https://doi.org/10.1016/j.system.2013.10.010>
- Kolb, A. F. R. (2021). Epidemic Empire: colonialism, contagion, and terror, 1817–2020. In *Epidemic Empire*. University of Chicago Press.
- Meyers, J. (2022). *Fiction & the colonial experience*. Routledge.
- Mokodenseho, S., Kurdi, M. S., Idris, M., Rumondor, P., & Solong, N. P. (2024). Elaboration of The History of Islamic Education in the Dutch Colonial Period. *Journal of Islamic Education Policy*, 8(2).
- Parry, B. (2023). Problems in current theories of colonial discourse. In *Postcolonialism* (pp. 714–747). Routledge.
- Setiadi, D. H. (2022). *Building Practice in the Dutch East Indies: Epistemic Imposition at the Beginning of the 20th Century*. Routledge.

- Sierhuis, F. (2021). Republicanism and Slavery in Dutch Intellectual Culture, 1600–1800. In *Discourses of Decline* (pp. 53–69). Brill.
- Snelders, S., van Bergen, L., & Huisman, F. (2021). Leprosy and the colonial gaze: Comparing the Dutch West and East Indies, 1750–1950. *Social History of Medicine*, 34(2), 611–631.
- Soenarto, I., & Tjahjani, J. (2020). Representations of Mother in Indonesian and European literary folktales. *1st International Conference on Folklore, Language, Education and Exhibition (ICOFLEX 2019)*, 71–77.
- Sudrajad, W. (2024). The Influence of Themes on Character Decisions in *Pride and Prejudice* Novel by Jane Austen. *Musamus Journal of Language and Literature*, 7(2), 319–325.
- Syakur, A., Sudrajad, W., & Masruroh, M. (2023). POLITENESS STRATEGIES USED BY MAJOR CHARACTERS IN JANE AUSTEN'S NOVEL, PRIDE AND PREJUDICE. *Language Literacy: Journal of Linguistics, Literature, and Language Teaching*, 7(2), 550–564. <https://doi.org/10.30743/ll.v7i2.8199>