

**Government of the Netherlands East-Indies I,
Dirk Teeuwen Msc
Basis of the government in the N. E. Indies**



P.1 Wilhelmina, Queen of the Netherlands 1924

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Pictures are available on request.

A word after a slash, in the text below, is the same word, title in Dutch.

1. Comments on this article

The government of the N. E. Indies had - in an economic, social and, to in a limited extent in a political way - a progressive character. From 1900 the political aim of the government of the N. E. Indies was to stimulate autonomy gradually from below, from bottom up. This view could be judged as short-sighted. The boundaries of nowadays Indonesia were realized by the conquest of Aceh (armistice 1903) by the Dutch army-general - later a very liberal Governor-General - Van Heutsz. The emancipation of a part of the native population, stimulated by colonial school- and university-education as well as university training of natives by dispatching them to Holland, asked for other and more enactments. In spite of all good, however careful, colonial governmental intensions during the first half of the twentieth century the N. E. Indian government did not succeed in creating constructive ties with the Indonesian independence movements.

In 1936 a majority of the Legislative Assembly of the N. E. Indies supported a moderate petition, known as the "petition Soetardjo Kartohadikoesoemo" (1), containing a request to realize gradually independence within a period of ten years. Even this moderate petition from natives as well as from Europeans in the Assembly was consigned to the wastepaperbasket by the Dutch Crown and by the Dutch Parliament. The resolution reached this basket after a period of two years in 1938. A very humiliating procedure! As it turned out, independence was promised in 1942 by the Dutch government in exile in London. In exile: because of the occupation of Holland by the Germans in 1940.



P.2 Palace of the Governor-General, Bogor / Buitenzorg 1924

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Dutch conservatism caused the collapse of N. E. India as an “overseas-territory”. Acceptance of the Assembly’s petition could have been a prevention with regard to the disasters during 1942-1950. The collapse was not the effect of the Japanese invasion, not the result of the Indonesian struggle for independence, but the consequence of Dutch political arrogance in 1936-1938. It is truly sad to find out that the spectacular economic and social development of the N. E. Indies from 1900 until 1942 did not result in a peaceful cooperation between the Kingdom of the Netherlands and a Confederacy of Indonesian States. Such a development should have been a guarantee on prosperity and well-being of, in particular, the native population, but very of course also the population of mixed blood and, spoken in general, that part of the population of the archipelago that was loyal to the N. E. Indies as such.

The author is completely sympathetic with the good – administrative well-grounded - economic and social intentions of the N. E. Indian Government from 1900 until 1942. But he is also well aware of the fact that these intentions were attempted with too much restraint towards the pursuit of the emancipation of the native population, in particular on Java.

The author is completely sympathetic with the Dutch military intervention in the N. E. Indian archipelago in the period 1945 until 1950. There were many good reasons to take energetic action.

But the author is certainly not blind to the conservative shortcomings of the Dutch colonial policy regarding Indonesian native emancipation before 1942.

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2. Introduction

The N. E. Indies formed politically a part of the Kingdom of the Netherlands. Regulations could be made by the Netherlands legislature, by Royal Decree and by Ordinance of the Governor-General (a) in conformity with the Council of the N. E. Indies / Raad van Indië. The Netherlands legislature was the highest legislative authority. Interference was, practically, restricted to laws of general constitutional importance and laws influencing economic life, such as tariff laws, taxes, loans, mining regulations, important concessions and the annual budget bills.

Autonomy was granted to a certain degree to the N. E. Indies. Laws and by-laws / verordeningen came into force to transfer the legislative powers of the Crown and of the Governor-General and his Counsel / Raad van Indië for the greater part to the N. E. Indian legislature formed by the Governor-General and the representative body. This representative body was known as the Legislative Assembly / Volksraad and its first session was opened 1918 May 18.

The basis was the Constitutional Act (Grondwet) of the Kingdom of the Netherlands as well as the N. E. Indies Government Act (Nederlandsch-Indische Bestuurswet). The first was amended on behalf of colonial affairs in 1922 and the latter has been revisited in 1925. The authority of Dutch legislation underwent changes in accordance of, for those days, modest modern conceptions. The laws were reformed in order to stimulate self-government, from below, in the N. E. Indies.

Nevertheless, like I mentioned before, according to the Constitutional Act / Grondwet the N. E. Indies formed a part of the Kingdom of the Netherlands. The Dutch legislator was the supreme legislator: seated in Holland and composed of the Crown / King and States-General (Koning en Staten-Generaal). This legislator was charged with supervision and had in principle the authority to regulate all subjects. The Crown was empowered to suspend N. E. Indian ordinances / verordeningen (decreten) and to annul Regulations of the Governor-General (see below) if these were contrary to Dutch legislation, treaties and to public policy. (2)

3. The Legislative Assembly / Volksraad (3) (4)

The highest legislative measure in the N. E. Indies was the "Ordinance", passed by the Governor-General with the assent of the Legislative Assembly (Volksraad). The Assembly was established in 1916, having its seat in Jakarta / Batavia, met for the first time in 1918. Originally a pure advisory body, maybe with the exception of the colonial budget. Yearly the budget was fixed provisionally by the Governor-General in accordance with the advice of the Assembly. Nevertheless the Dutch Parliament was charged with the definitive fixing. Concluding: the Assembly's powers were more or less advisory only until 1925.

The Assembly consisted of 49 members until 1926: the President, appointed by the Crown, twelve natives, twelve Europeans and 12 subjects of foreign origin (foreign orientals / vreemde oosterlingen). The sessions were, as a rule, public; the Dutch and Malay languages were both allowed for the discussions. The views of the government were explained to the Assembly by the Directors of the Departments.

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The Assembly was turned into a legislative body by the Constitutional Act of 1922 and the N. E. Indian Government Act of 1925. The assent of the Assembly for all ordinances was required. From then the Assembly possessed the right to amend bills (b) and to pass on private members' bills, the right to petition the Crown and States-General and to interpellate the Government. It also had the opportunity to advise on bills laid before the States-General.

The President, usually a Dutchman, was nominated by the Crown and the 61 members, including the President, were partially nominated by the Governor-General and partially elected from three groups of Dutch subjects: Dutchmen, natives and subjects of foreign origin. Thirty members were Dutchmen, twenty-five natives and five subjects of foreign origin. In 1929 an amendment was enacted according to which the native members could occupy thirty of the sixty seats.



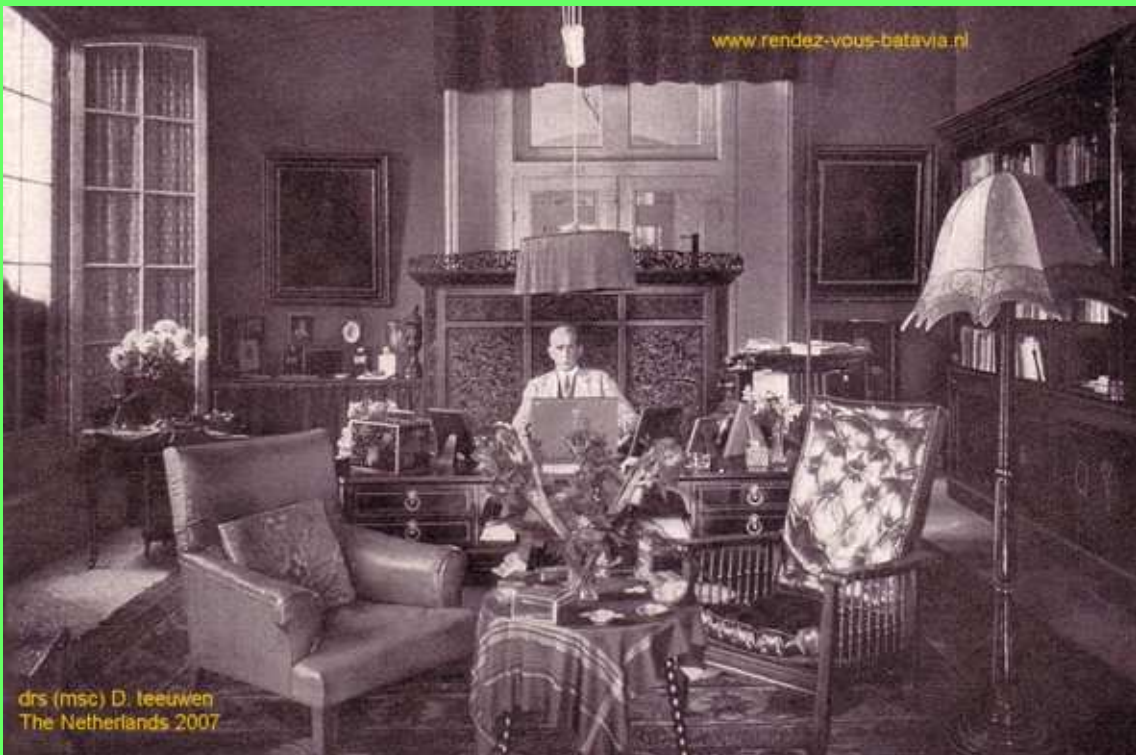
P.3 The transfer of government from the retiring jhr (c) mr B. C. de Jonghe to jhr mr A. W. L. Tjarda van Starckenborch Stachouwer, Jakarta / Batavia 1936

P.4 The transfer in the "Volksraad-building", Jakarta / Batavia 1936

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P.5 Palace of the Governor-General along Medan Merdeka / King's Square North, Jakarta / Batavia 1930



P.6 Governor-General jhr mr A. C. D. de Graeff in the study in his palace along Medan Merdeka / King's Square North,, Jakarta / Batavia 1927

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4. Committee of Delegates

This Committee was elected by the Legislative Assembly from its members according to the principle of proportional representation: twenty-one members including the President of the Committee. The Committee was necessary because of the fact that a continued session of the Legislative Assembly during the whole year was impossible because of the archipelago's territory and the social composition of the N. E. Indies. When there was no session of the Assembly the co-operation required from the Assembly for the passing of ordinances was given to the Committee. Because of the short duration of the sessions of the Assembly, the Committee became the body with whose assent, as a rule, legal ordinances were passed.

5. Regulations of the Governor-General

For the practical execution of the acts (d) of Dutch legislation, orders in council and ordinances, the Governor-General laid down general regulations called "Regulations of the Governor-General".

6. Acts of the Crown in the place of N. E. Indian legislation

The Crown was empowered to provide by an Order of Counsel, for cases in which there was no agreement between the Governor-General and the Assembly after repeated presentation of a bill to the Assembly. Such measures by the Crown could be carried out by an ordinance of the Governor-General or simply by a Dutch act.

7. Council of the N. E. Indies / Raad van Indië

A Council of the State / Raad van State: an advisory body of the Governor-General to exercise his legislative power: presentation of bills to the Assembly and regulations. This body of which the Governor-General is President consisted of a Vice-President and four members. An act, 1928, increased this number to one more Vice-President and two more members from native origin. On January 1 1930 two native members were nominated.

The Council had its historical source in the regulations of the Dutch East India Company and in former days was intended as a body to exercise supervision on behalf of the authorities of this Company on the Governor'-General's deeds.

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P.7 The building of the Legislative Assembly / Volksraad along Jl Pejambon / Hertogspark, Batavia 1930



P.8 The building of the Council of the N. E. Indies / Raad van Indië along Jl Pejambon / Hertogspark, Batavia 1930

Until 1925 the assent of the Council was required for the passing of ordinances. In 1925 ordinances became the legislative product of agreement between the Governor-General and the Assembly. The Council was left with only an advisory authority as regards legislation.

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In some cases the agreement with the Counsel was required, such as the right to exile or intern and the granting of dispensation from the Governor-Generals regulations. The intervention of the Crown was always possible. If the Governor-General considered an immediate decision necessary for the public safety and peace then he decided independently.

8. Government, King and Governor-General

N. E. India was an integral part of the Kingdom. The supreme executive power rested naturally with its head the King or Queen. N. E. Indies were governed in the King's or Queen's name by a Governor-General nominated by the Queen. The Crown could give the Governor-General instructions, according to the contents of the N. E. Indian Government Act. In reality the broad lines of the policy were in the hands of the responsible Dutch Minister of the Colonies. This Minister could not run counter to the views held by the Dutch Parliament. So: finally the States-General determined the policy to be followed.

9. Government Departments

The task of Government was divided between seven Civil Departments: Justice; Civil Service; Finance; Education and Worship; Agriculture, Industry and Commerce; Public Works and Government Industries; furthermore two Military Departments (Department of War and Naval Department) at the head of which are the Commander of the Army and the Admiral of the Fleet. The work and authority of the Chiefs of these Departments were regulated by the Governor-General: the Chiefs form a Council of Departmental Chiefs, whose advice in matters of general interest was asked by for by the Governor-General.

10. Secretariat General

To assist the Governor-General in the handling of the Government correspondence and the working out of his decisions, a Cabinet was given to him, called Secretariat General / Secretariaat Generaal.

11. Quotations and sources

Sources

- (1) Jong, Joop de: *De waaier van het fortuin, de Nederlanders in de Indonesisch archipel (1595 -1950)*; The Hague Holland 1998
- (2) Department of Agriculture, Industry an Commerce: *Handbook of the Netherlands East-Indies 1930; Buitenzorg Java 1930*
- (3) Klerck, dr E. S. de: *History of the Netherlands East-Indies*; Rotterdam 1938
- (4) Gonggrijp, dr G. F. E.: *Geïllustreerde Encyclopedie van Nederlands-Indië*; Leiden Holland 1934
- (5) Department of Agriculture, Industry an Commerce: *Handbook of the Netherlands East-Indies 1924; Buitenzorg Java 1924*
- (6) Angoulvant, G.: *Les Indes Neerlandaises, leur role dans l'économie internationale*; Paris 1926

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Quotations

- (1) De Jonge p. 552 - 553
- (2) Handbook 1924, p. 27
- (3) Handbook 1930 p. 88
- (4) Angoulvant p. 112

Notes

- a. An ordinance was originally a N. E. Indian bill (wetsvoorstel) from the Governor-General to his Council (Raad van Indië). Later the ordinance was presented to the Assembly (Volksraad) first.
- b. A bill is a draft of a law presented to a law-making body such as the N. E. Indian Legislative Assembly.
- c. Jonk
- d. An act is a formal record of something done. Here: a bill passed by a legislative body, while a law is a whole body of binding, enforced or approved bills. In general a law is a recognized rule of conduct.

Pictures

Pictures are from the books in the list "Sources" (2) and (5).



P.9 Residence of the Dutch Minister of the Colonies in The Hague, Holland 1924

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