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Legal Pluralism and Jurisdictional Layering in Peripheral VOC Padang, 1666–1781

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Abstract
This article examines how jurisdictional layering, a form of legal pluralism, operated in VOC Padang (1666–1781). We define "operation of legal pluralism" as the structured coexistence of multiple legal authorities (e.g. *adat* councils and colonial courts) governing different case types. By comparing Padang's framework to other VOC settlements (e.g. Batavia, Maluku), we highlight how unique local arrangements emerged under limited colonial coercion. Drawing on VOC correspondence, judicial records, and contemporary accounts, the study reconstructs interactions between the Raad van Justitie, Minangkabau *adat* leaders, and Islamic institutions. It demonstrates that colonial governance in Padang functioned through segmented legal domains: intra-*nagari* disputes were frequently resolved through restitution and consensus-based adjudication, whereas cases involving commercial security or Company interests were brought before formal colonial courts. This arrangement did not constitute a transitional phase toward legal centralisation. Rather, it represented a structurally necessary configuration in a peripheral colonial setting characterised by limited coercive capacity and reliance on indigenous leadership. By situating Padang within broader debates on legal pluralism and imperial sovereignty, the article refines the concept of jurisdictional layering and shows that overlapping legal orders operated as a calibrated distribution of authority, legitimacy, and coercion across multiple legal spheres.

Keywords
Adat Law, *Colonial Governance*, *Jurisdictional Layering*, *Legal Pluralism*, *Minangkabau*

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Introduction

Studies of colonial law in Southeast Asia have largely concentrated on consolidated administrative centres such as Batavia or Malacca, where colonial institutions developed relatively stable bureaucratic forms. Far less attention has been given to peripheral sites, where colonial authority remained contingent and structurally dependent on indigenous institutions. This article argues that Padang constitutes such a peripheral yet analytically revealing case, in which colonial legal authority operated not through juridical monopolisation but through delegated and negotiated jurisdiction. In the late seventeenth to the late eighteenth century, Padang functioned as a major hub of the VOC's commercial and administrative network on Sumatra's west coast. It was simultaneously the principal port and military headquarters of the Dutch East India Company (VOC) and a longstanding Minangkabau settlement (Colombijn, 2006; Kroeskamp, 1931). The city thus embodied a dual structure: the fortified colonial enclave at the mouth of the Arau River and the surrounding *nagari* communities governed by *adat* authorities. This spatial juxtaposition created sustained interaction between European legal-administrative institutions and Minangkabau customary governance.

We note that Padang's legal boundaries were partly spatial: Company jurisdiction effectively began at the fortified city walls, while surrounding *nagari*'s retained local justice (Blussé, 2003). In practice, there were 'grey zones' around the settlement where *adat* and Company norms intersected, although these boundaries were frequently contested and negotiated on a case-by-case basis. These zones often involved overlapping claims of authority, particularly in disputes involving trade, mobility, and inter-community relations. This spatial duality will be illustrated by a case in which *adat* nobility mediated a trade dispute that spilt into the VOC courts (Kempen, 1780).

Long before the VOC consolidated its presence, Padang had formed part of the *Minangkabau* federation known as Padang Nan VIII Suku, led by *penghulu* who exercised customary adjudicative authority. Nineteenth-century colonial officer Netscher (1881) later described Padang as "the general headquarters of the Dutch East India Company on the west coast of Sumatra," underscoring its administrative centrality within the VOC network. Yet this colonial infrastructure developed alongside deeply rooted customary institutions structured around *musyawarah* (deliberation), *mufakat* (consensus), and social balance (Abdullah, 1970; Hadler, 2008; Navis, 1984). The core values encoded in these scholars' works (deliberative consensus, communal balance, and the authority of the *penghulu*) find direct antecedents in VOC-era primary sources. Hofman's (1717) correspondence describes the *barapek* assembly as the authoritative forum for collective decision-making, while the (N.N., 1763) documents the precedence given to communal deliberation in the resolution of disputes. The use of these later scholarly works is therefore calibrated to their value as systematic codifications of practices already attested in eighteenth-century archival records, rather than as projections of modern values onto the past. The expansion of the colonial town to nearby villages such as *Pauh*, *Koto Tangah*, and *Bungus* (Asnan, 2006) intensified these interactions, embedding colonial authority within an already complex normative landscape.

Within this setting, law functioned as both an instrument of control and a medium of negotiated legitimacy (Fasseur, 1991). The written and hierarchical logic of VOC regulation encountered a customary system grounded in moral equilibrium (Ismail et al., 2020). Rather than producing simple displacement, this encounter generated institutional coexistence. As Abrar (2022) notes, *Minangkabau adat* rested upon principles of *budi, rasa,* and consensus, which did not disappear under colonial presence but interacted with commercial and procedural norms derived from European legal traditions. Customary adjudication operated through *rapek* assemblies, where disputes were resolved through deliberation and restitution rather than formal sentencing.

While some strands of historiography emphasise increasing juridical formalisation under the VOC, a growing body of scholarship on legal pluralism, VOC-era legal authority as moving toward centralisation (Fitzpatrick, 2006; Furnivall, 1944; Lev, 2000), but the case of Padang challenges this

view. In Padang's periphery, "jurisdictional layering" led to a dual legal order: intra-*nagari* disputes fell under *adat*-based reconciliation, while Company-related cases went to colonial courts. Unlike in Batavia or Ambon (Benda-Beckmann, F. von, & Benda-Beckmann, 2017; Sutherland, 2003) where European courts dominated urban zones, Padang's arrangement persisted into the late 18th century. This raises a key question: why did Padang, despite VOC presence, sustain hybrid governance? We argue that Padang's combination of Islamic authorities (particularly kadi, *tuanku*, and ulama operating within *nagari* structures) and *adat* leaders made it analytically revealing, countering narratives of monolithic colonial law.

Despite extensive scholarship on the VOC's political and economic activities on Sumatra's west coast, focused studies on the interaction between colonial courts and local judicial institutions in Padang remain limited. Existing works have tended to foreground trade, diplomacy, or military expansion rather than the everyday operation of plural legal authority (Amran, 1981, 1986; Asnan, 2006, 2007; Mansoer, 1970; Safwan et al., 1987; Sudarman & al., 2020; Zed, 2009). This gap raises critical questions: How did the VOC's Raad van Justitie interact with Minangkabau adjudicative structures? To what extent were customary norms preserved, modified, or strategically incorporated into colonial governance? And how did these interactions shape the formation of legal hybridity in Padang between the seventeenth and eighteenth centuries?

The study focuses on 1666–1781 as this period covers Padang's early VOC settlement until just before major reforms under Daendels. We justify this frame by abundant VOC correspondence and *adat* records from these years, whereas sources after 1781 (e.g. Landraad Padang formation) indicate a shift toward formal Dutch code. Thus, our gap analysis emphasizes how Padang's layered system, underexplored in the literature, complicates assumptions of linear legal centralization.

To address these questions, this study draws on the framework of legal pluralism (Griffiths, 1986; Hooker, 1975) and the concept of the colonial legal encounter (Benton, 2002). Legal pluralism highlights the coexistence and interaction of multiple normative orders within a single social field, while the colonial encounter framework emphasizes how imperial authorities adjusted legal practices to local conditions. In Padang, VOC regulations, Islamic jurisprudence, and *Minangkabau adat* operated within overlapping jurisdictions. Rather than imposing uniform sovereignty, the Company frequently relied on selective delegation and accommodation to secure stability in a peripheral setting. Structure on Benton's concept of jurisdictional layering (2002), this article argues that Padang's plural legal order functioned as a segmented configuration of authority shaped by spatial marginality and limited coercive capacity. Operationally, this study identifies jurisdictional layering through case-based indicators such as forum selection, actor involvement, and procedural pathways. Unlike more consolidated centres such as Batavia, Padang required sustained reliance on indigenous leadership and negotiated adjudication. Legal pluralism in this context was not a transitional phase toward centralisation but a durable mode of governance. By examining Padang as a peripheral colonial site, this study refines existing models of colonial legal pluralism and demonstrates how negotiated authority structured imperial rule in early modern Sumatra.

Research Method

These concepts are applied to specific judicial cases in Padang to examine how legal authority was negotiated in practice. This study employs a historical-interpretive approach, selected in preference to legal-dogmatic or strictly comparative legal history frameworks for two reasons. First, the sources available for Padang are predominantly administrative and judicial narratives, correspondence, court records, and ethnographic descriptions, rather than formal legal codes susceptible to doctrinal analysis. Second, a historical-interpretive orientation permits the researcher to treat legal documents not solely as normative prescriptions but as situated practices embedded within specific power relations (Jordanova, 2019). This is particularly appropriate for a peripheral colonial setting where the gap

between "law in books" and "law in action" (Hooker, 1975, 2008) is structurally significant. Following established conventions in colonial legal history (Tosh, 2015), the research focuses not merely on formal regulations but on how law functioned in practice within a plural normative environment. The objective is to analyze legal processes, particularly moments of jurisdictional overlap, rather than to catalogue institutional structures in isolation.

The primary sources consist of selected records from the archives of the Dutch East India Company (VOC), including the *Generale Missiven*, *Dagh-Register*, *Plakaatboek van Nederlandsch-Indië*, and the *Corpus Diplomaticum*, supplemented by eighteenth-century accounts such as those of (Hofman, 1717), *Beschrijving van Padang* (N.N., 1763), Kempen (1780), and Radermacher (1787). Rather than exhaustively listing archival volumes, the study concentrates on materials directly related to judicial decisions, dispute resolution, and interactions between colonial officials and indigenous authorities. In addition, personal letters written by A. van Hoogstraten, a *fiscaal* of the Dutch East India Company in Padang (Inventaris van Het Archief van de Familie Van Hoogstraten, 1734), will also be used. Particular attention is given to judicial records classified as *Exhibitum in Judicia*, which constitute evidentiary submissions presented before colonial courts. Unlike formal regulations or administrative correspondence, *Exhibitum in Judicia* (16 May 1757, 18 December 1717) capture the voices of litigants and intermediaries, revealing how *adat* norms, Islamic legal reasoning, and VOC procedural frameworks intersected within specific cases.

Source criticism follows standard historical methodology (Gottschalk, 1985; Marwick, 2001), combining external verification of archival authenticity with internal evaluation of authorship, institutional perspective, and political context. Colonial administrative correspondence is read alongside judicial records and ethnographic descriptions in order to distinguish between prescriptive regulation and actual legal practice, or what terms the distinction between "law in books" and "law in action" (Hooker, 2008).

Interpretation proceeds through narrative reconstruction and limited discourse analysis of legal texts. Consistent with approaches in colonial legal scholarship (Benton, 2002; Merry, 2012), legal documents are treated not only as normative instruments but as expressions of power relations embedded in governance. By situating judicial cases within their socio-political context, the study identifies patterns of delegated authority, negotiated jurisdiction, and legal hybridity. This method enables an analysis of Padang's plural legal order as a historically situated configuration of peripheral colonial governance rather than as a linear progression toward centralized sovereignty.

Table 1. Types of Offences and Forms of Punishment: Nagari Customary Law vs. VOC Law

Type of Offence	Nagari (Customary) Law	VOC Law	Colonial Notes
Homicide	Monetary compensation (blood-money) or capital punishment (rare).	Mandatory capital punishment (formal execution).	Hofman (1717). Compensation of 400 *rijksdaalders (rds)* for the killing of a social equal.
Theft	Fine; corporal punishment (amputation in extreme cases); or symbolic sanctions (e.g., public humiliation such as a duck hung around the neck).	Imprisonment; forced labour.	*Beschrijving van Padang* (N.N., 1763: art. 2). Perpetrators placed under supervision of local VOC officials.
Adultery	Stoning (influence of *fiqh* / Islamic law), a form of punishment that in practice was very rarely	Moral sanctions or exile.	*Beschrijving van Padang* (N.N., 1763: art. 2). Illustrates the blending of

	implemented.		customary and Islamic law.
Civil disputes	Council of *penghulu* (*barapek* / customary deliberation).	Arbitration by senior VOC officials.	Area of jurisdictional negotiation (Kempen, 1780).

Results

The VOC Town and the *Nagari* Social Space: The Duality of Padang

During the seventeenth and eighteenth centuries, Padang constituted an intersection of two structurally and culturally distinct orders of power. On the one hand the fortified town of the Dutch East India Company (*Vereenigde Oostindische Compagnie*, VOC), a colonial administrative centre that projected European juridical and economic rationalities. On the other hand, a hinterland of Minangkabau *kampung* (villages) that retained robust customary legal traditions (*adat*) and social autonomy.

E. Netscher, in his *Padang in het laatst der XVIIIe eeuw* (1881), observed that "Padang had long been the principal seat of the Dutch East India Company (VOC) on the West Coast of Sumatra. Through its flourishing commerce, the town contributed significantly to the prosperity of the Company for decades, but in the last quarter of the eighteenth century, it too fell victim to the general decline of society." (Netscher, 1881: 3). Although compact, this sentence captures more than a century of Padang's existence as a colonial entrepôt and node of Dutch economic power on Sumatra's west coast. It also intimates a paradox: a town born of the global trade network yet rooted within a highly local Minangkabau social and cultural landscape.

Prior to its elevation as the VOC's *hoofd-comptoir* (principal office) on the west coast, Padang was an old Minangkabau village on the banks of the Arau River. Migrants from the highlands arrived as early as the fifteenth or sixteenth century. The village conducted trade with its nearest neighbours, *Pauh* and *Koto Tangah*, supplying salt, dried fish, textiles, and currency to the interior while acting as an intermediary for the outward flow of pepper and gold to Indian Ocean trade routes (Dobbin, 2008).

The VOC's arrival on the west coast in the mid-seventeenth century marked a decisive reconfiguration of the region's economic and political structures. A modest trading lodge at the mouth of the Arau gradually developed into a defensive fort and thereafter into a planned colonial port town. Although the VOC adopted the local toponym "Padang" (after the adjacent ancient settlement), the new urban form embodied an entirely novel structure of power and law. The town grew from coconut and nipa swamps into a colonial administrative centre linked directly to Batavia through maritime networks and the formal correspondence of the *Generale Missiven* (GM). The VOC fort, initially called Fort Padang and later known as Fort de Buuren, became the nucleus of the colonial city (De Leeuw, 1926; Kathirithamby-Wells, 1969). Within its walls were the offices of the *Raad van Politie* and the *Raad van Justitie*, institutions that manifested the colonial state in its most formal juridical guise. Yet beyond the fortifications, life followed a different tempo. Outside the ramparts, upriver, lay the indigenous market known as Pasar Hilir; further east lay the Minangkabau villages that constituted the older Padang *nagari* (Kielstra, 1887; Snakey, 1883). These communities remained governed by a legal order fundamentally distinct from that operative within the fort.

The VOC's presence, however, began to alter inter-village relations: trade that had hitherto been horizontal and reciprocal became vertically orientated, with the fort as the new gravitational centre. The VOC lodge at the Arau mouth functioned not only as a distribution hub for commodities but also as a centre for social and juridical regulation. The VOC introduced new technologies of power through bureaucracy, record-keeping, and formal adjudication. That power, however, did not simply efface local order; rather, it had to negotiate with the *nagari* structures and their *penghulu* (traditional chiefs) (Leupe, 2013; Snakey, 1884; Zentgraaff & van Goudoever, 1947). This negotiation produced an

early form of legal pluralism in Padang. Within the fort the legal regime was Dutch law administered by the *Raad van Justitie*; outside the fort, particularly in Minangkabau villages, customary law (*adat*) and Islamic law (*syarak*) predominated in social regulation and dispute settlement. The boundary between these jurisdictions was not always distinct: matters involving "Company servants" or VOC townspeople were brought before colonial courts, while intra-village disputes were adjudicated in the *balai adat* (village council hall) through *rapek*, the traditional deliberative forum or hearing (Colombijn, 2006; Safwan et al., 1987) The resulting city exhibited two superimposed layers of juridical authority, one grounded in colonial legality, the other in the legitimacy of local law. The VOC could not abolish customary systems because it depended on traditional leaders to maintain order and to regulate the flow of interior goods to the entrepot; conversely, customary leaders leveraged the VOC's presence to extend their authority and to strengthen villagers' economic positions.

The interaction between colonial and local legal orders produced a particular socio-political dynamic in Padang during the seventeenth and eighteenth centuries. The VOC implanted infrastructures of power, its fortifications, harbour works, and formal courts, while Minangkabau society retained the *balai adat* as the arena of deliberative and transactional justice. The two spheres not only competed over jurisdiction but also negotiated values and legitimacy.

The VOC Judicial System in Padang

As the VOC's *hoofd-comptoir* on the west coast, Padang hosted an official judicial organ, the *Raad van Justitie* (Council of Justice), charged with adjudicating criminal and civil matters within the Company's jurisdiction. Cases involving VOC employees, slaves, and town residents fell under its authority. The system became fully operational after 1680, concurrent with a marked rise in the trade of gold and pepper.

According to the *Plakaatboek van Nederlandsch-Indië* (van der Chijs, 1885), from the 1670s onward each significant VOC post outside Batavia was required to maintain a minimum judicial apparatus consisting of a *commandeur*, a *fiscaal* (prosecutor), and two or three council members acting as judges. In Padang these posts were typically filled by senior VOC officers stationed at the fort: the head of the comptoir (variously titled *opperkoopman*, *koopman*, *commandant*, or *commissionaris*) as president, with members drawn from high officials beneath him (the military commander, titled lieutenant; the chief administrator, titled *koopman*; and his deputy, the *onderkoopman*). They rendered decisions after hearing the prosecutor (*fiscaal*), counsel (*contra*), the testimony of witnesses presented by both parties, and the defendant's own statement (*Exhibitum in Judicia*, 16 May 1757). The *Generale Missiven* stipulated judicial formality: "…judgements must not be pronounced except upon original documents." (GM 31 December 1744 in Oosterling, 1997). Sentences were required to be reported to Batavia for confirmation.

The *fiscaal* (public prosecutor) of the *Raad van Justitie van Sumatra's Westkust* played a pivotal role in safeguarding Company assets and public order (*rust en orde*). The *fiscaal* supervised clerks, police secretaries, constables, and several investigators (GM 11 December 1686 in Coolhaas, 1975), and was charged with adducing evidence and legal argumentation before the judges. In 1757 Hendrik Ouman is recorded as having held this prestigious office (GM 31 December 1757 in s'Jacob, 2007). A. van Hoogstraten, another *fiscaal* at Padang, wrote in his correspondence of the weight of his responsibility, "the lives involved in his hands" (Inventaris van Het Archief van de Familie Van Hoogstraten, 1734). Nevertheless, the *Raad van Justitie*'s authority was not absolute. The *Generale Missiven* (Coolhaas, 1976) emphasised that "cases involving *inlandsche* [indigenous] persons not under a Company contract should be returned to their own *penghulu*, insofar as they do not threaten the fort's security." In other words, customary adjudication was recognized so long as it posed no risk to colonial stability or VOC commercial interests. Although negotiation characterised daily legal practice,

the VOC's coercive capacity remained the ultimate horizon that structured the limits of indigenous legal autonomy.

The VOC seldom intervened in inter-indigenous disputes unless trade or public order were implicated. The *Dagh-Register* (van der Chijs, 1891) records a case in which the *Orangkaja Boengsoe* from *Kasang* punished two men who had seized two slaves; the local council imposed a fine of 200 *rijksdaalders*, a decision the VOC approved. Conversely, matters concerning Europeans or Company slaves attracted full application of colonial penalties, up to and including capital punishment. Thus, the legal system in Padang was segmented rather than unified: colonial law governed VOC persons and contractual actors; customary law regulated internal village affairs; mixed pathways addressed cross-community disputes.

Customary Adjudication and Restitutive Law

Beyond the VOC ramparts traditional adjudication (*rapek*) persisted in Minangkabau villages. Such hearings were held in the village *balai adat*, typically the council hall of the oldest settlement, where local leaders acted collectively as a bench. Colombijn (2006: 57) notes that it was in the *balai adat* that judicial determinations were made. Proceedings took the form of assemblies in which local leaders adjudicated through a process of bargaining or negotiated settlement, *berapat* or *barapek*. Parties to the dispute attended: representatives of the victim's family or *kaum* (lineage) commonly acted as complainants, while the defendant's *penghulu* represented the defence.

Eighteenth-century ethnographic sources (Arrenberg & Allart, 1787; Radermacher, 1787; Veur, 1976) indicate that controversies, from theft to boundary disputes, were ordinarily resolved through deliberation and the imposition of fines, while corporal punishment was rare. The anonymous *Beschrijving van Padang* (N.N., 1763) records a preference for pecuniary penalties as a means to restore social equilibrium. Physical punishments, such as mutilation or capital sentences, were reserved for especially grave offences and exercised infrequently. In homicide cases, the victim's family could elect between capital retribution and monetary compensation; the latter option was frequently chosen. An eighteenth-century description records the procedural and linguistic context of such assemblies:

> *If matters must be decided that concern communal welfare, whether trade, agriculture, or peace and war with neighbours, then all penghulu gather at a central place in the region where they organise and settle their affairs, at a place set in the middle of these districts, where, under many ceremonies, their matters are regulated and resolved; the language used is Malay … few can read or write, and those who have such skills must come and learn them from the Company. (Beschrijving van Padang, N.N., 1763: article 5*

In 1717 Hofman, the *opperkoopman* of Padang, noted that the right of private vengeance had been proscribed among local communities but that customary punishment persisted in the form of financial compensation. A killer could expiate his offence by paying 400 *reales* for a freeman or 20 *reales* for a slave (Hofman, 1717).

A note on currency is warranted here. VOC sources from Padang employ two monetary units: *reales* (Spanish silver coins widely circulated in Indian Ocean trade) and *rijksdaalders* (Dutch silver thalers used in formal colonial accounting). Hofman's correspondence records compensatory payments in *reales*, reflecting the currency most familiar to Minangkabau traders at that time. Later eighteenth-century sources, particularly the *Generale Missiven*, denominate fines in *rijksdaalders*, a shift consistent with the progressive monetisation and standardisation of transactions under VOC fiscal rationality, as seen in the cases of Raja Alam (event 1730) and Raja Mara (event 1753). One *rijksdaalder* was conventionally equivalent to approximately 2.5 *reales* in the mid-eighteenth century. This terminological shift is itself a marker of the monetisation dynamic discussed in the following sections.

This system evidences an economic rationality within local jurisprudence: crime was resolved not principally through execution but through restitution designed to preserve social harmony. Hofman also observed the dangers of private revenge on the coast: the custom of retaliatory vengeance escalated into cycles of reprisals that could culminate in warfare, as chiefs who were aggrieved either refused to afford proper justice out of avarice or were unable or unwilling to wage direct war on behalf of their subjects (Hofman, 1717: 21).

Colonial Intervention and Legal Transformation

However, VOC intervention progressively altered this character. In 1764, the *Generale Missiven* reported that local chiefs in Padang executed a Malay man who had robbed inland traders. The VOC did not oppose the capital sentence, praising it as "justice valuable for the security of commerce" (GM 31 December 1764 in Jacob, 2017a). This episode marks the beginning of a shift in the local legal paradigm from restorative to more repressive forms, influenced by the colonial imperative of security.

By the late eighteenth century, VOC interventions intensified. Thomas van Kempen (1780) reported that indigenous adjudication was "increasingly transactional and corrupt", a characterisation that, however, was likely shaped by a European normative bias that failed to apprehend the underlying logic of restitution and compensatory fines within Minangkabau *adat* law, where material settlements functioned as integral mechanisms for restoring social equilibrium rather than as indicators of judicial malpractice. He described how murderers could commute their offences by paying 300 *reales* and 60 *huijser*, because among the judges were close relatives of the accused; minor offenders lacking such networks were met with harsh punishment:

> *Thus, all disputes adjudicated by those judges … and whatever decisions they give, are in accordance with their most detested customs, or their old corrupted usages of justice. The most dreadful murderer, for 300 reales and 60 huijser, may redeem his crime because among the judges there are his nearest relations, and that frequently indicates the contrary, that petty crimes where the perpetrator is unrelated to the judges will be punished in the most cruel and brutal manner (Kempen, 1780).*

This phenomenon signals a fundamental transformation: contact with colonial power eroded local moral structures, as customary justice became subject to transactional logic and patronage. Law lost some of its ethical dimension and shifted toward an instrument of economic and political calculation. Yet colonial interventions were not uniformly destructive. Some VOC measures contributed to the institutionalization of local legal practice. From the 1770s, the Company began to require that decisions of village chiefs be recorded and communicated to the *fiscal*. Although initially motivated by control, this practice reinforced a documentary culture of legal record-keeping in Padang. Over time, such recordation became a foundation for the legal bureaucracy of the nineteenth-century Dutch East Indies (Lev, 2007).

Legal Hybridity and Law as a Site of Negotiation

Legal life in eighteenth-century Padang was emblematic of hybridity: a confluence of colonial law, Islamic jurisprudence, and local customary law. Minangkabau clan leaders increasingly operated alongside religious scholars in legal decision-making. Islamic law in Padang did not operate as a separate institutional court system but functioned as a moral and normative language embedded within *adat* deliberations, mediated by ulama who derived authority from both religious knowledge and social standing. The imposition of penalties was no longer based solely on *adat*; legal judgments were required to incorporate Islamic legal considerations. Authority over adjudication no longer resided exclusively with traditional chiefs, as religious figures (ulama) began to play an essential role in deliberations and moral justification.

Islam provided a theological dimension to the administration of justice in Padang. The most crucial legal transaction, namely the oath of allegiance in VOC contracts, was conducted according to Islamic procedures. An *imam* would open the holy book (the Qur'an), and the parties would place their hands upon it while declaring that any violation of the articles of the agreement would bring divine curse upon themselves and their descendants (*Corpus Diplomaticum* 29 August 1680 in Heeres, 1931).

VOC sources also record the application of strict corporal punishments within society, such as the amputation of the hand for theft of valuable goods and stoning for adultery. "... the hand of a thief who steals something of value is cut off; adulterers are stoned; those who steal clothing are punished either by a monetary fine or by having the stolen duck or chicken, or the like, hung around their neck" (*Beschrijving van Padang,* N.N., 1763: Article 2).

In certain cases, the penghulu would summon religious scholars (ulama) to render judgments in accordance with the provisions of legal texts or the Qur'an. As Van Kempen noted, "[in] the great council they convene … composed of principal penghulu and other penghulu deemed most competent, combined with their clergymen or religious leaders, in accordance with the statutes of their lawbook or the Alcoran" (Kempen, 1780).

Simultaneously, VOC officials in Padang frequently submitted reports concerning "disputes among local tribal leaders" and "criminal cases beyond the city walls" which could not be adjudicated directly by VOC courts without transgressing local customary norms (*Dagh-Register* 1691, 1703 in van der Chijs, 1891, 1902). This tension reinforced the dual character of jurisdiction in the region.

Notably, capital punishment within local jurisdictions often occurred under the impetus of VOC interests. In 1764, Minangkabau clan leaders executed a Malay individual who had robbed and injured inland merchants. This act of justice was perceived as essential to restoring trader confidence. Following the execution, highland merchants reportedly declared that they now "lived more peacefully" (GM 31 December 1764 in s'Jacob, 2017b), indicating a pragmatic convergence between colonial security concerns and local punitive measures.

VOC judicial responses, however, could appear lenient when dealing with powerful indigenous elites. For example, Raja Alam of Toboh and his allies, who had murdered four VOC Bugis soldiers, were merely fined 2,000 *rijksdaalders* (GM 31 January 1730 in Coolhaas, 1988). Similarly, in 1738, Orangkaya Bungsu of Kasang was held responsible for the abduction of two VOC slaves by his men; he was fined only 200 *rijksdaalders* (GM 10 November 1738 in van Goor, 2004). Another case involved Raja Mara of Pariaman, whose followers attacked a ship owned by the Chinese captain Louw Poanko off Batu Island, killing the captain and six enslaved crewmen. Although the perpetrators were brought to Fort Padang to stand trial, the *Raad van Justitie* required only that Raja Mara pay a fine equal to that imposed on Raja Alam. Both men, celebrated by their local communities for these acts, compelled the VOC to exercise judicial leniency in the face of indigenous prestige and political reality (GM 31 December 1753 in Oosterling, 2007).

Discussion

The findings above reveal a legal order in VOC Padang structured around three poles of authority: *penghulu* as guardians of customary law; *ulama* as interpreters of religious norms; and VOC officials as custodians of the colonial legal order. Theoretically significant is not merely the coexistence of these three poles, but the relational logic governing their interaction. As argued by Merry (2012), legal pluralism is best understood as a continuously unfolding field of negotiation, in which actors perpetually influence, adjust to, and contest one another. Padang illustrates this precisely: the three poles operated in a condition of oscillation between deliberate convergence and strategic tension, depending on the nature of the offence and the interests at stake.

This oscillation is analytically intelligible through Benton's concept of jurisdictional layering, the deliberate maintenance of overlapping but functionally differentiated legal domains as a technique

of imperial governance (Benton, 2010). In Padang, such jurisdictional accumulation emerged cumulatively from VOC instructions, customary practice, and local negotiation across more than a century. It is precisely this that distinguishes Padang from comparable colonial settings. In British India, indirect rule operated through clearly delineated treaties and recognised sovereign units (Benton, 2002). In West Africa, the Royal Niger Company and its successors relied on negotiated authority, yet did so through more standardised contractual instruments than those employed by the VOC in Padang (Andaya, 1993). In VOC Ambon and Maluku, available coercive capacity was sufficient to impose more direct juridical control, particularly in inter-ethnic disputes (Benda-Beckmann, F. von, & Benda-Beckmann, 2017; Sutherland, 2003). The arrangement in Padang was far more genuinely hybrid, with jurisdictional boundaries never formally fixed, rendering the system simultaneously more flexible and more indeterminate.

The structural logic of this plural order is best understood through the pattern of segmented jurisdiction documented in the results section. Intra-village conflicts, such as the blood money settlement recorded by Hofman (1717), remained within *nagari* forums oriented toward restitution and social equilibrium. Offences that threatened commercial security triggered a formal VOC prosecution, as reflected in the 1764 execution jointly endorsed by local leaders and colonial administrators. Adultery disputes incorporated Islamic normative reasoning within *adat* forums, while civil matters involving Company personnel were increasingly referred to colonial arbitration. This segmentation was the product of pragmatic delegation, whereby the VOC intervened selectively where its commercial interests were implicated, while leaving the remainder to customary and religious forums. In Hooker's (1975, 2008) terms, this constitutes an institutional configuration through negotiated authority, in which each domain preserved its internal logic while being progressively shaped by the presence of the other.

Critically, this jurisdictional indeterminacy was not neutral in its social effects. For those with limited political standing, non-Company individuals navigating cross-jurisdictional disputes, or enslaved persons caught between colonial and customary claims, the absence of a unified adjudicative authority generated legal uncertainty. The VOC's documented reluctance to intervene beyond the city walls without local consent (van der Chijs, 1891, 1902) meant that outcomes in borderline cases could depend on access to influential penghulu or the disposition of individual VOC officials. Yet this same ambiguity created strategic resources for those with sufficient standing. Local elites engaged in what may be recognised as forum shopping, selectively invoking either *adat* forums or colonial courts depending on which was more likely to yield a favourable outcome. The involvement of *Orangkaya Bungsu* of *Kasang* (event 1738) in the abduction of VOC slaves further illustrates how positions within the colonial structure could be strategically mobilised to manage internal conflict and sustain local authority. VOC legal forums thus functioned as a political resource appropriated by local elites in their own rivalries, rather than operating exclusively as an instrument of unilateral colonial control.

The fines imposed in the cases of *Raja Alam* of Toboh (event 1730) and Raja Mara of Pariaman (event 1753), both denominated in *rijksdaalders* and aligned with VOC fiscal practices, warrant particular attention in this regard. Transactional elements such as fines and compensatory payments were already embedded in local adjudication prior to sustained VOC control, as evidenced by blood money settlements predating direct colonial intervention. What changed under VOC influence was the scale, standardisation, and institutional context of these practices: sanctions became monetised, externally calibrated, and increasingly aligned with colonial fiscal rationalities. This represents what may be described as a moral transformation in the Polanyian sense, a reconfiguration of existing practices under the influence of VOC legal and economic rationalities, rather than a wholesale imposition of alien norms. Traditional restitution, initially anchored in social harmony, was progressively reframed as an economic transaction; communal accountability was refracted through the idiom of documentation and evidentiary standards.

From a broader theoretical vantage, this dynamic illuminates what Stoler (2008) has been termed law as an "archive of power", a knowledge apparatus concerned with how power organises difference, frames moral order, and affirms social hierarchies. The registration of cases in the *Dagh-Register* and the *Generale Missiven*, for instance, constituted an epistemic act that rendered the local population legible and governable. Through legal documentation and archival inscription, the VOC constructed a colonial architecture of knowledge that legitimised its interventions under the guise of justice and order, even while substantively accommodating local norms, as in the governor's documented practice of asking the victim's family "in what manner they wished the offence to be punished" (*Beschrijving van Padang*, N.N., 1763: Article 2). The performative synthesis evident in the 1687 oath ceremony, conducted across religious and customary traditions with the *imam* opening the Qur'an before both parties, further illustrates how juridical authority in Padang was constituted through the hybridisation of European and local moral idioms.

Padang thus emerges not merely as a trading port or military post, but as what may be termed a colonial legal laboratory, a site where modalities of political, economic, and moral power were continuously negotiated through the idiom of law. VOC authority was never absolute; it was perpetually constrained by the endurance of local legal orders and embedded social norms. Local law, conversely, was no longer fully autonomous; it operated under the shadow of colonial surveillance and intervention. The resulting legal order constituted a negotiated configuration that evolved in response to shifting social, political, and economic interests. In comparative perspective, this trajectory of imperial legal formation, grounded in pragmatism and relational sovereignty rather than bureaucratic standardisation, distinguishes Padang from other colonial contexts and contributes a distinctive model to the global history of peripheral colonialism.

Conclusion

Between 1666 and 1781, Padang constituted a structurally plural legal space in which colonial, customary, and Islamic norms operated through segmented yet overlapping jurisdictions. Rather than consolidating uniform sovereignty, the VOC governed by calibrating degrees of intervention, delegating adjudicative authority to *penghulu* and religious figures while retaining ultimate jurisdiction over matters affecting security and commerce. The character of this arrangement warrants conceptual precision: it was neither purely deliberate design nor simple administrative failure. Evidence from the *Generale Missiven* indicates that VOC authorities in Batavia consistently recognised customary adjudication as a preferred mechanism for maintaining order beyond the fort walls, a recognition formalised in the 1710 instruction that indigenous cases "should be returned to their own *penghulu*, insofar as they do not threaten the fort's security." This reflects deliberate delegation. At the same time, the leniency extended to powerful actors such as Raja Alam (event 1730) and Raja Mara (event 1753), whose communities celebrated the very acts the VOC was nominally prosecuting, reflects the structural limits of the VOC's coercive capacity. Legal pluralism in Padang thus emerged from the intersection of pragmatic choice and structural necessity: an adaptive configuration of power suited to a peripheral colonial environment where the costs of juridical uniformity exceeded its benefits.

The Padang case refines prevailing models of colonial legality by demonstrating that jurisdictional layering functioned differently across imperial space. In contrast to more centralised colonial centres, peripheral governance relied structurally on negotiated legitimacy and distributed adjudication. Colonial authority operated less through systematic legal homogenization than through selective enforcement, pragmatic accommodation, and the strategic recognition of indigenous forums. Legal hybridity thus emerged not as a cultural by-product, but as an institutional arrangement that stabilised colonial rule under conditions of limited coercive capacity. Seen from this perspective, legal pluralism in early modern Southeast Asia should not be understood as a transitional stage preceding centralised domination. In peripheral settings such as Padang, it constituted a durable mode of

governance that shaped both colonial administration and local normative practice. The endurance of delegated jurisdiction and negotiated authority suggests that imperial sovereignty was produced relationally, through ongoing interaction between European legal rationalities and indigenous moral orders, rather than imposed unilaterally from metropolitan centres.

The dissolution of the VOC in 1799 and the subsequent transition to Batavian Republic, then British, and ultimately Dutch colonial administration did not immediately dismantle Padang's plural legal architecture. The *Landraad* system introduced under the Daendels administration (post-1808) formalised certain aspects of indigenous adjudication within a colonial statutory framework, but *penghulu* councils retained considerable authority in *nagari*-level disputes well into the nineteenth century (Lev, 2007). The documentary culture of legal record-keeping, reinforced by the VOC from the 1770s onward, provided the administrative infrastructure upon which these later institutions were built. The Padri War (1803–1837), which restructured the relationship between adat and Islamic authority in the Minangkabau highlands, ultimately transformed the normative landscape that the VOC had navigated, yet even its aftermath preserved elements of negotiated legal authority at the *nagari* level. The relational sovereignty that characterised VOC Padang was progressively formalised, codified, and eventually absorbed into the *Inlandsch Reglement* framework of the mature Dutch colonial state. Understanding this trajectory is essential for any account of why *adat* law retained legal recognition in the Netherlands East Indies throughout the colonial period, a legacy whose origins lie, in part, in the pragmatic accommodations first developed in peripheral settings such as Padang.

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