

Kertha Gosa as Restorative Justice Hall : A Law Enforcement with Social Harmony Maintenance

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ABSTRACT

Legal issues have recently become a public spotlight, especially for victims involved in legal cases. To that end, the Klungkung District Attorney established the Restorative Justice Agency to reduce crime by holding a meeting between the victim and the defendant. Kertha Gosa, a historical landmark located in the middle of the city of Semarapura, has been chosen to be the center of the activity. The Kertha Gosa has served as a venue for trial since the glorious time of the Semarapura Kingdom. After the Dutch invasion of Indonesia in 1908, the place continued to hold the title of hall of justice, including several functions as an educational institution for expatriates. According to its historical facts and values, a decision to make the Kertha Gosa site a restorative justice center for Klungkung regency was an excellent resolve. The Regent of Klungkung, I Nyoman Suwirta, appreciated the given status of the hall as the center to resolve crime acts. Furthermore, the Head of the Bali High Court, Ade T. Sutiawarman, expected the historical site would continue to represent law enforcement but still maintain a good relationship in society.

Keywords: Kertha Gosa, Law, Restorative Justice

Cite This Article: Segara, I.K.B. 2022. Kertha Gosa as Restorative Justice Hall : A Law Enforcement with Social Harmony Maintenance. *Bali Tourism Journal* 6(1): 13-16. DOI: 10.36675/btj.v6i1.72

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Received : 16 March 2022
Accepted : 30 March 2022
Published : 1 April 2022

BACKGROUND

Legal issues have recently become a public spotlight, especially for victims involved in legal cases. To that end, the Klungkung District Attorney established the Restorative Justice Agency to reduce crime by holding a meeting between the victim and the defendant. Kertha Gosa, a historical landmark located in the middle of the city of Semarapura, has been chosen to be the center of the activity. The regent of Klungkung, I Nyoman Suwirta, assessed the selection of *Balai Kambang* in the Kertha Gosa area as the Restorative Justice Hall in Klungkung Regency was appropriate due to the site's historical value. During the Klungkung kingdom, the landmark served as a place for the Supreme King's high court in Klungkung, with his subordinate kings throughout Bali. In some occasions, the Kertha Gosa hall also functioned as a dining hall for *Bhagawanta* (priests) and received foreign guests.¹

Kertha Gosa phrases comes from Sanskrit, consisting of two words, *Kertha* and *Gosita*. *Kertha* means good, noble, safe, peaceful, happy,



Figure 1. the Kertha Gosa main entrance, located in center of Semarapura, the capital city of Klungkung Regency.³

and prosperous. Meanwhile, *Gosita*, shortened into *Gosa*, means summoning, announcing, or broadcasting. Thus, Kertha Gosa means a venue to declare a satisfactory result to achieve peace and prosperity. Some scholars interpreted the phrases as a place for the King to discuss a plan to achieve the kingdom's peace, prosperity, security and justice. Despite being used as venue for trial, the site serves as a recreation site for the royal family.

It represents luxury, and the kingdom's monumental art. As a building that has functioned for court proceedings from the early seventeenth century to the colonial period, the Kertha Gosa showcases the various judicial process in the past. The prevailing information states that the judicial procedures and officials at the Colonial Period's trial continued with the previous customary court procedures.² Therefore, the Kertha Gosa, as a venue for

an open trial, reflects the local wisdom perspective that values a fair and open legal system.

KERTHA GOSA BEFORE AND AFTER COLONIALISM

Based on its periodization, the Kertha Gosa site belongs to the New Bali era period. It classified as the Dutch colonial period⁴ because the venue was an inheritance from the Semarapura kingdom (686-1908), which continued to function during the Dutch colonial period (1908 - 1942). The Kertha Gosa consists of several buildings: The Hall, *Balai Kambang* or Gili Park, *Pemedal Agung*, Semarajaya Museum, and court seats.⁵ The ancient building complex was presumably established during the reign of the first King of Klungkung, Dewa Agung Jambe, in the 17th century. Dewa Agung Jambe, is the 2nd son of Dalem Dimade, the last King of Gelgel, from The Suweca Pura kingdom. During the Balinese Kingdom period, Klungkung was a prominent kingdom and became the capital city. Meanwhile, the estimation time when the site have existed since 1700 AD, was based on the carving of *Candra sangkala*, above the the Kertha Gosa's entrance. *Candra sangkala* is an inscription or image that signifies the year of an event.⁶ Here, the inscriptions were images of *Chakra*, *Yuyu* (Crab), and *Paksi* – *Paksi* (two birds), which signified the year of 1661 Saka. Some argued it was 1622 or around 1700 AD,⁷ The year during the reign of King Dewa Agung Jambe.

In 1908, Klungkung reached a massive turmoil, resulting in the Puputan Klungkung war. The Kertha Gosa court hall inherited from the Semarapura Kingdom (1686-1908) continued serving as a trial court during the Dutch colonial rule (1908-1942). At least three venues at Semarapura palace, namely the Kertha Gosa hall, Bale Kambang with the Gili Garden pool, and the Semarapura building, became central points for the Dutch government. The Semarapura building was erected in the European architectural style *Balisering*, at the time served as a Dutch school. As part of the indigenous culture and subsequently touched by modern colonial culture, elements of western culture seem to affect the Kertha Gosa Site.⁹ Today, the building has been used as Museum.

The Kertha Gosa and Taman Gili buildings have rectangular bases, made from solid stone and brick. It is equipped with rising stairs, arranged on two floors. With a lower base characteristic that is wider than the second level. Its roof was weaved from palm fiber, with additional decorations of statues and reliefs surrounding the building. The Taman Gili's ceiling is decorated with traditional Kamasan-style paintings, with shadow puppet motifs. These paintings are a fine showcase of the technique known as the Kamasan style, a village in Klungkung renowned for its typical painting style depicting *wayang* or traditional Balinese shadow puppet figures. Its story scenes are generally inspired by episodes from notable Hindu epics such as Ramayana and Mahabharata.¹⁰

The painting on Taman Gili ceiling tells the story of the Sutasoma, Pan Brayut, and *Palalintangan*. Meanwhile, the painting the Kertha Gosa's ceiling portrayed the stories of Ni Dyah Tantri, Bima Swarga, Adi Parwa, and *Palelindon*. The main theme of the stories is Adi parwa, especially in the episode of *Swarga Rohana Parwa*, a story of the Pandavas' journey to heaven. Since the paintings were hundreds of years old, the site has received several restorations and conservations treatment, both from the community and the government. In 1930 the paintings in the Kertha Gosa and Taman Gili ceilings were restored by a painting artist from Kamasan. In this restoration, the decorated paintings on the ceiling, which was originally made of

cloth or *parba* were replaced, but the artist who responsible for the conservation maintained the painting style as the original pictures. The last painting restoration was carried out in 1960, and later the Kertha Gosa building has been declared as a Cultural Heritage.¹¹

In 2015, the Arsari Djojohadikusumo Foundation (YAD) organized conservation efforts to preserve traditional Indonesian



Figure 2. Despite being used as venue for trial, the site serves as a recreation site for the royal family. It represents luxury, and the kingdom's monumental art.⁸

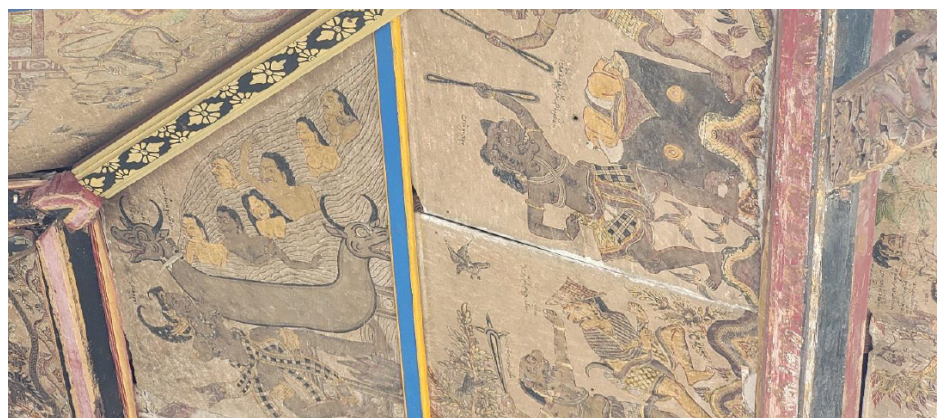


Figure 3. The Taman Gili's ceiling is decorated with traditional Kamasan-style paintings, with shadow puppet motifs. These paintings are a fine showcase of the technique known as the Kamasan style.¹²

paintings in the Kertha Gosa Klungkung, Bali. Previously, the foundation supported conservation efforts by restoring several paintings by Raden Saleh, a figure who opens the curtain of modern Indonesian painting. YAD Chairman Hashim Djojohadikusumo, at the Pamungkas Thanksgiving Exhibition in Jakarta, expressed that Indonesia has long proven itself to be a nation with high artistic ability and cultural values. Preserving its art is a noble act to preserve and restore the nation's dignity. It was said that painting conservation activities are part of preserving the Indonesian nation's cultural heritage. Therefore, YAD is determined and invites all parties to continue to improve conservation activities for paintings. YAD held a Painting Conservation Training on 7-8 February 2015, with Susanne Erhards from Gruppe Koln, Germany as a speaker who presented best practice examples.

In the conservation program for paintings by Raden Saleh in 2013, YAD collaborated with the Goethe Institute and the Secretariat of the President of the Republic of Indonesia. The event was also attended by the Minister of Foreign Affairs, Retno Lestari Priansari Marsudi, Belgian Ambassador Patrick Herman, Austrian Ambassador Andreas Karabaczek, and representatives from the French and Lebanese embassies. Also present were the Regent of Klungkung, I Nyoman Suwirta, and Ida Dalem Klungkung, a royal member of Puri Klungkung.¹³

KERTHAGOSA BECOMES RESTORATIVE JUSTICE CENTER

The restoration approach or restorative justice is an effort to settle criminal acts by involving all parties to find a solution. The restoration approach is an alternative to solving criminal problems, emphasizing to solve problems or conflicts and restoring balance in society. Crime is generally seen as a conflict that occurs in the social relations of society that must be resolved and restored by all parties together. The focus of this approach is to repair the damage or loss caused by the crime; thus, it needs to be supported by the concept of restitution, namely an effort to recover the losses suffered by the victim.¹⁴

According to the restoration approach, crime is not a law violation that the



Figure 4. The Restorative Justice Agency inauguration, at the Kerthagosa Park Klungkung Bali, by the Chairperson of the Bali High Court, Ade T. Sutiawarman, accompanied by the Kajari Klungkung and the Regent of Klungkung.¹⁵

state must punish but an act that must be recovered through compensation or any other things but imprisonment.¹⁶ The restoration approach seeks to solve crimes by rebuilding relationships after a crime has occurred. Meanwhile, in the international scope, the United Nations has issued several policies encouraging a restorative approach to settling criminal acts. This approach has also been applied in various countries, both those that adhere to the civil law and criminal law systems such as France, Germany, and the Netherlands, or those that apply the Common law system such as the United States, Canada, and Australia.¹⁷

The inauguration of the Restorative Justice Agency, at the Kertha Gosa Park Klungkung Bali, by the Chairperson of the Bali High Court, Ade T. Sutiawarman, accompanied by the Kajari Klungkung and the Regent of Klungkung. The inauguration was marked by the beating of the gong, continued to inscription signing, and the ribbon cutting ceremony in front of the the Kertha Gosa, near Balai Kambang Hall. The Head of the Bali High Court, Ade T. Sutiawarman said that Restorative Justice has a legal basis for the Attorney General's Regulation. Restorative justice is expected to resolve criminal issue by consensus. In Klungkung, two cases have been resolved with this method. In addition, in Bali and Indonesia in general,

the process was ongoing, but so far receiving a positive response. Meanwhile, the Regent of Klungkung said, with this restorative justice, it is expected that the community would received justice and convenience in every case, thus many family level cases can be resolved by consensus. Restorative justice is currently being adopted and implemented by law enforcement agencies in Indonesia. Further, to obtain a fair and balanced legal decisions for victims and perpetrators, the main principle in restorative justice is law enforcement, which prioritizes restoration to its original state and restores the pattern of good relations in society.¹⁸ Restorative justice had become one of the alternatives for resolving criminal cases, where the thing that distinguishes the settlement of this case is the restoration of the situation back to the situation before the crime occurred.¹⁹

CONCLUSION

Kertha Gosa has served as a venue for trial since the glorious time of the Semarapura Kingdom. After the dutch invasion of Indonesia in 1908, the place continued to hold the title of hall of justice, including several functions as an educational institution for expatriates. According to its historical facts and values, a decision to make the Kertha Gosa site a

restorative justice center for Klungkung regency was an excellent resolve. The Regent of Klungkung, I Nyoman Suwirta, appreciated the given status of the hall as the center to resolve crime acts. Furthermore, the Head of the Bali High Court, Ade T. Sutiawarman, expected the historical site would continue to represent law enforcement but still maintain a good relationship in society.

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