

COMPARATIVE STUDY OF INHERITANCE SYSTEM IN KOREAN AND
JAVANESE SOCIETIES

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การสืบทอดมรดกในครอบครัวเป็นเรื่องที่เกิดขึ้นปกติทั่วไปในทุกสังคมไม่ว่าผู้ชายหรือ
ผู้หญิงเป็นใหญ่ต่างมีกฎของตนเองในการแบ่งทรัพย์สินของครอบครัว
งานวิจัยนี้ตรวจสอบลักษณะของสังคมที่มีผู้ชายมีอำนาจในเกาหลีและชาวโดยมีวัตถุประสงค์
เพื่อค้นหาความคล้ายคลึงและความแตกต่างระหว่างสองสังคมที่มีภูมิหลังและวัฒนธรรมที่แตก
ต่างกันแต่ที่เชื่อมโยงกันอยู่เป็นสังคมที่ผู้ชายมีอำนาจจากวัตถุประสงค์เพื่อที่จะพบความคล้าย
คลึงและความแตกต่างดังกล่าวงานวิจัยภาคสนามเป็นการเก็บข้อมูลในบางพื้นที่ของเกาหลีและย
อร์คกาตาร์ในประเทศอินโดนีเซียโดยการสัมภาษณ์บุคคลในสองสังคมลัทธิขงจื้อหยั่งรากลิ
กในสังคมเกาหลีโดยเฉพาะอย่างยิ่งในสังคมชนบทที่ลูกชายคนโตได้รับสิทธิพิเศษในการแบ่ง
ทรัพย์สินมรดกยังมีกฎหมายแพ่งที่กำหนดว่าทายาททั้งหมดในครอบครัวได้รับสิทธิเหมือนกัน
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สังคมชาวได้มีการเปลี่ยนแปลงวัฒนธรรมในระยะประวัติศาสตร์อันยาวนานระบบการ
สืบทอดมรดกในชาวมีรูปแบบทั่วไปในการแบ่งทรัพย์สินมรดกในครอบครัว โดยมีพื้นฐานตั้ง
อยู่บนกฎหมายอิสลามซึ่งก็คือแนวคิด“เซอร์ปีกุลเซอร์เคนดงน”แต่ส่วนหนึ่งในพลเมืองอินโด
นีเซียและชาวชวาต้องพิจารณาถึงกฎหมายแพ่งซึ่งเป็นกฎหมายที่ใช้อย่างเป็นทางการในประเท
ศอินโดนีเซียในแง่ของการจัดสรรมรดกดูเหมือนว่าในการแบ่งทรัพย์สินมรดกผู้คนในสังคมจะ
พิจารณารูปแบบที่กล่าวข้างต้นแต่อย่างไรก็ตามทายาทผู้ชายยังคงได้เปรียบกว่าผู้หญิง

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Inheritance in the family is the common process happening in all societies. Patriarchal and matriarchal societies have their own rule in the allotting family properties. This research examined the characteristics of the male-dominated society, in Korean and Javanese societies with purpose to find the similarities and dissimilarities between two societies that have different backgrounds and different culture, but still connected with the same factor, male-dominated societies. With purpose to find it, field research was conducted in some places in Korea and Yogyakarta, Indonesia by interviewing the people in two societies. Confucianism is deeply rooted to the Korean society especially in rural area, the eldest son gets the priority in the allotment of inheritance properties. But, the Korean civil law regulates that all of heirs of the family get the same right in the family. On other side, Javanese society with its long history has been experiencing culture changes. In the inheritance system, Javanese people have common pattern in the allotting inheritance fortunes in the family based on Islamic law, which is the concept of “*sepikul segandongan*”. But as a part of Indonesian citizen, Javanese also must consider Indonesian civil law as official law in Indonesia, in term of inheritance allotment.

It seems that in the allotment of the inheritance fortunes, people in those societies follow the pattern mentioned above. Still, male heirs have more advantages than female heirs. It is understandable that in male-dominated family, male is more superior to female.

Field of Study : Korean Studies..... Student's Signature

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ABBREVIATIONS

1. KUHPer. : Kitab Undang-Undang Hukum Perdata
2. OECD : Organisation for Economic Co-operation and Development
3. NCM : New Community Movement (Saemaul Undong/ 새마을 운동)
4. Fa : Father
5. Mo : Mother
6. El : Elder
7. Yo : Younger
8. Br : Brother
9. Si : Sister
10. Wi : Wife
11. Hu : Husband
12. Da : Daughter
13. So : Son
14. (Hon.) : Honorific
15. (Hum.) : Humble

CHAPTER I

INTRODUCTION

1.1. Introduction

1.1.1. Rationale of the study

People experience three circles of life which are birth, growth and death. In their life, people are experiencing marriage, having child and so on. Process of circle of life happens in social institution called family. These processes create intergenerational relationships in family that is interesting to examine because there are several conditions caused by its relationships, such as the relation of parent and grandparents, parents and children. One of condition caused by intergenerational relationship in the family is to inherit the family properties.

In term of inheritance, we know that there are ways to inherit family fortunes by the heirs or descendants: matriarchy or patriarchy. Matriarchy is social system that emphasizes the family power on female line¹, and patriarchy is social system that emphasizes the family power on male line². Patriarchy is one of social system that is more common in many nations in the world, including Korea and Indonesia (Java) which means the son inherits from their father, grandfather and

¹ Maria-Barbara Watson-Franke, "Matrilineal Puzzle". *Anthropos*, Bd. 87, H. 4./6. (1992). Page 478.

² E.M. Loeb, "Patrilineal and Matrilineal Organization in Sumatra: The Batak and the Minangkabau". *American Anthropologist*, New Series Vol. 35, No. 1 (Jan. - Mar., 1933). Page 20.

further grades in the ascending line.³ As mentioned above, patriarchy is a social system emphasizing on male line. It creates a situation that male is dominant in the social organization and women become subordinate to the male in the family.⁴ A father as family leader has strong power to give family decision. In Korean and Javanese families there exists word to express the synonym of wife. The Korean society has 안엿 사람⁵ (*anaet saram*), Javanese society has *kanca wingking*.⁶ The meaning of two words is inner person. It refers to wife, inner person means that the duty of wife in family is to maintain household and nurturing child, while the father goes outside for family income.

In term of family inheritance, family fortunes are inherited more by male descendant and less by female descendant. From those few reality, we know that inheritance system in the family is very interesting to be examined because we could get new understandings on the characteristics of inheritance system, especially in both societies, how much the allotment for the heirs, the problem that occur when the family passes out their fortunes, and so on.

³ E.M. Loeb, "Patrilineal and Matrilineal Organization in Sumatra: The Batak and the Minangkabau". *American Anthropologist*. New Series Vol. 35, No. 1 (Jan. - Mar., 1933). Page 21.

⁴ Lee Kwang-Kyu, *Korean Family and Kinship*. Korean Studies Series No.3. (Seoul: Jipmoondang Publishing Company, 1997). Page 35.

⁵ The translation of this words from Kamus Korea- Indonesia (Korean-Indonesian Dictionary), Pandora Indonesia written by Moon Byung Sik, p. 574, 안 means *dalam* (eng: in/inner), and 사람 means *orang* (eng: person).

⁶ The translation of this words from Javanese English Doctionary, written by Stuart Robson and Singih Wibisono, *kanca* means friend and *wingking* means back/rear.

1.1.2. Introduction to inheritance system

One of the important event happens in the kinship system is inheritance. Inheritance is a system of receiving something from parents by legal succession or will. There are several kinds of inheritance, e.g. family name, family property and family status. “Inheritance has always held great theoretical importance because it was the primary means of identifying (a) intergenerational transmission and social inequality, especially in the case of horticultural societies where the mode of production is based on land property, (b) lineage-based rules of bequeathal law to leave or give (personal property) by will, and (c) the distinction of unilineal from bilineal kinship systems (patrilineal and matrilineal system)”.⁷ Inheritance system is ruled by a hereditary law. This law executes, and regulates the will for the children in the family in term of property inheritance in the family. Intergenerational transmission can be identified from the inheritance law. So from the research of inheritance, we can find a lot of information about society, especially in term of kinship system.

As mentioned above, inheritance makes distinction of unilineal from bilineal kinship systems. Patrilineal⁸ is a unilineal system in which importance is accorded to father (male)’s line, generally involving inheritance of family’s property,

⁷ Bernhard Nauck, “Intergenerational Relationships and female Expectation: Comparative Result from Eight Societies in Asia, Europe, and North America”, [Online Journal]: 691 <http://jcc.sagepub.com/content/41/5-6/690>

⁸ E.M Loeb. “Patrilineal and Matrilineal Organization in Sumatra: The Batak and the Minangkabau”. American Anthropologist, New Series, Vol. 35, No. 1 (Jan. - Mar., 1933). Page 20

name or title through male line. Matrilineal⁹ is unilineal system which inherits the family fortunes through female line. Every nation in the world has this system in their society but with their own characteristics.

Korean society also has the same kinship system with a clear structure of inheritance only through male line. We can see from simple example that Korean people have family name. They got the family name based on father's family name. Javanese society is patrilineal society, but it is different from the Korean one because it is unable to find the line of their family by looking at family name because most of Javanese people do not have family name.

Inheritance system also shows the system's expectation regarding gender inheritance. Patrilineal system, (matrilineal system also), provides several rules of receiving family fortunes from ancestor. In the case of patrilineal system, male line is very important, and female line is disadvantaged. We can find how come and how far the extent of expectation, both in Korean society and Javanese society, there is on the female line. So it becomes very interesting topic to researching the effect on female inheritance in the patrilineal system, both in Korea and in Java.

1.2. Objectives

As the primary factor in the society, inheritance system has influenced the other system. A clear framework is needed to make a limitation in this research. This

⁹ Maria-Barbara Watson-Franke. "Matrilineal Puzzle". *Anthropos*, Bd. 87, H. 4./6. (1992),

topic will be limited to the inheritance issue in patrilineal system with consideration on effects on female inheritance. The field research will be limited to the Korean and Javanese societies. Based on its limitation, this research has following objectives.

1. To identify characteristics of Korean and Javanese kinship system with emphasis on the inheritance system.
2. To analyze the application of inheritance system in both societies.
3. To analyze the effect on female inheritance in the Korean and Javanese societies.

1.3. Hypotheses

1. Both Javanese and Korean societies emphasize male line. Male descendants of the family will be given family property, such as land and other valuable things. But because of the dissimilarities of the history and culture of the two societies, such kinship system in these two societies have their own characteristics in its implementation, thus different amount of inheritance property to be given to the children and the expectation of the female children in the family.
2. Both Korean and Javanese societies mainly adopt civil law prescription of inheritance but in certain case, the traditional inheritance law is also applied.

1.4. Conceptual framework

This research will be examining the factors related to inheritance system in Korean and Javanese societies and to find special characteristics of inheritance system in each society. Some factors that will be examined such as characteristics of

inheritance, the application of the inheritance system in two societies and gender expectation regarding inheritance process in those societies.

On purpose to find the characteristics of inheritance, firstly we have to know about kinship system of the family in those societies because inheritance process is related to the kinship system of those societies. The family properties usually allotted to the close relatives in family, which means we have to recognize the patterns of kinship system in those societies. The rules that regulate inheritance process have to be examined to find how the properties allotted to the heirs. Those two societies have a similarity, they are male-dominated societies, but there are some differences of the values in those societies, so it affects the rules of inheritance allotments. The next step is to find the characteristics of changing of the inheritance system. Probably, there are some value changes in those societies, so this is an important step to find the characteristics of inheritance in those societies.

The next step of this research is an examination of inheritance application in those societies. Many questions occur dealing with the application of inheritance system in each society. However, this paper will examine the main reference of inheritance system in those societies. Moreover, allotment for each child in term of family inheritance seems to be one of the important factors to be examined. Special case in inheritance process is also one of the interesting topics to be examined to get clear understandings about inheritance system from different viewpoints. Thus, our view in this research is not only from the rule that functions in the society, but also from the actual conditions that happen in those societies.

Since this research is held in the male-dominated societies, gender issue related to the inheritance system is also one of an important topic to be examined. Finally, all of steps are done to find the special characteristics of male-dominated societies, especially in Korean and Javanese societies.

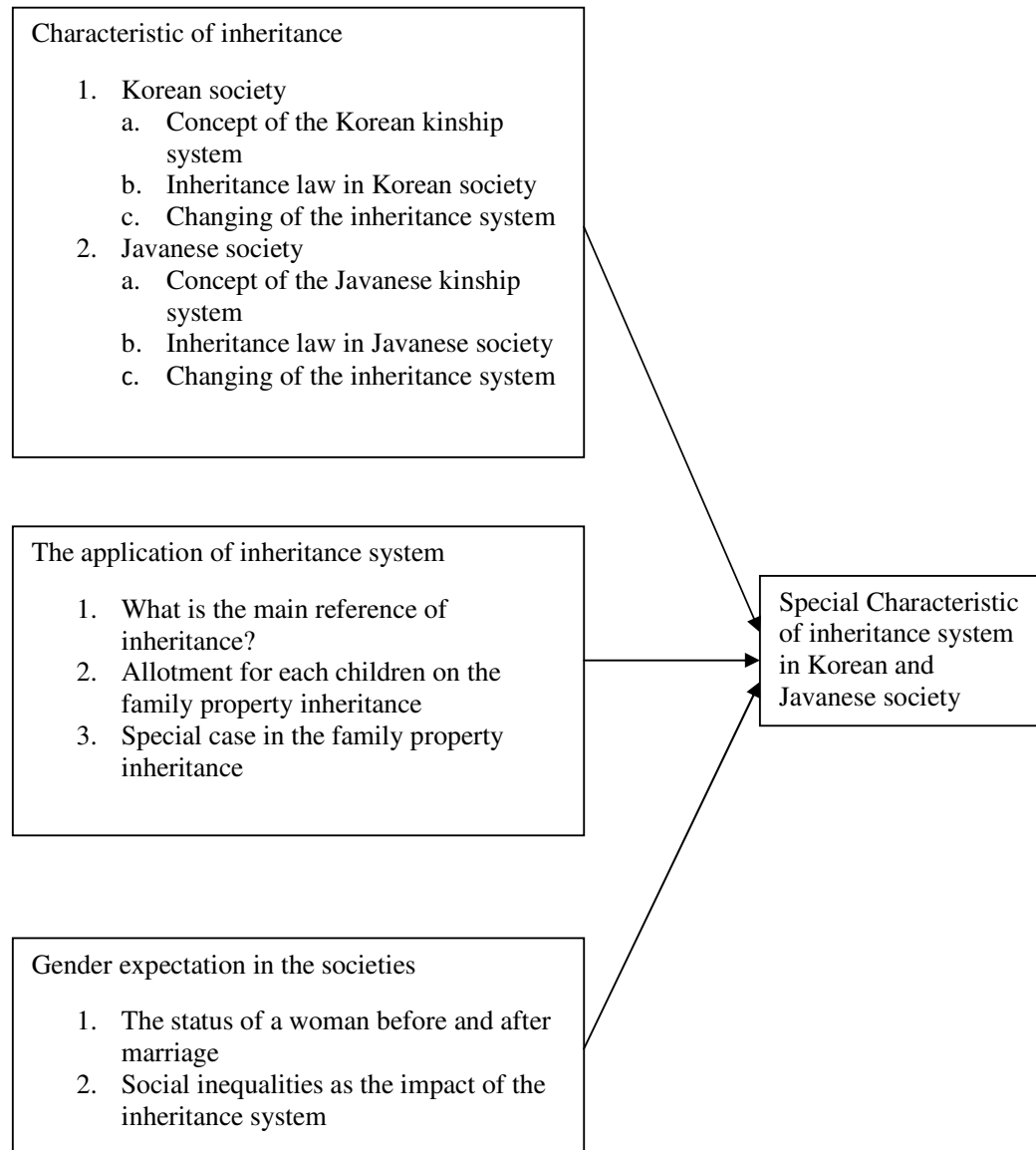


Table 1. Conceptual framework of the comparative study of inheritance system in Korean and Javanese societies.

1.5. Expected outcomes

Since this research deals with male-dominated societies, the expected outcomes of this study are as follows: (1) understanding of some special characteristics of kinship system in male dominated societies, (2) understanding of the inheritance rule in male-dominated society with different value and culture, (3) understanding the changing of society process particularly in the inheritance system.

CHAPTER II

BACKGROUND AND LITERATURE REVIEW

2.1. Background of Korean and Javanese societies

2.1.1. A brief introduction of Korea

South Korea is one of the East Asia countries. South Korea was established on August 15, 1948 and the first president was President Rhee Syngman.¹ The total population of Republic of Korea in 2011 is 48,754,657.² In the several decades, Korea experienced high economic growth. Korea now is a member of the Organization for Economic Co-operation and Development (OECD) and the 15th-largest economy in the world.³

2.1.1.1. History of Korea

The story of Korea began in pre-historic era. Korean people lived dispersedly in Korean peninsula, Gulf of Bohai in East Asia and Manchuria, and the

¹ Michael J. Seth, A Concise History of Modern Korea: From the Late Nineteenth Century to Present. (Maryland: Rowman & Littlefield Publishers, Inc, 2010). Page 95

² The total population in South Korea based on U.S. Department of State's website. Total population of South Korea was updated in July 2011. [Online], 18 August 2011. Source <http://www.state.gov/r/pa/ei/bgn/2800.htm>

³ Korea is one of the largest economies in Asia and 15th largest economy in the world. With the GDP USD 1.459 trillion in 2010, and GDP per capita USD 17,074 in 2009, South Korea becomes one of the OECD members. [Online], 18 August 2011. Source <http://www.state.gov/r/pa/ei/bgn/2800.htm>

basis of Korean nation was believed to have been formed from Neolithic to bronze era.⁴ The relics of that era were dolmen in Kangwha Island, comb-pattern ware founded in Amsa-dong, Seoul.⁵

Based on Korean folk, Korean state began with the myth of Dangun. Dangun was the son of a bear and a celestial deity, and he was considered as the father of Korean peoples. He established the first Korean state named *Go Chosun* (Old *Chosun*) in 2333 B.C.E.⁶

After the mythological story about the establishment of Korean state, as cited in the *samguksagi* (History of Three Kingdoms) and *samgukyusa* (Additional Material of the Three Kingdoms), written by Monk *Iryon*, Korea passed through the Three Kingdoms period and the Three Kingdoms in Korea were *Koguryo* (37 B.C. – 668A.D.), *Paekche* (18 B.C. – 663 A.D.) and *Silla* (58 B.C.- 935 A.D.).⁷

⁴ The people of the Bronze Age lived in hilly areas, engaging chiefly in agriculture and even began rice farming. They began to build dolmens and stone-coffin tombs. At this stage, the power of the patriarchs strengthened, and they made their advent as rulers, thus forming the early tribal states in the patriarchal society. History of Korea [Online], 14 July 2011, Source www.rki.kbs.co.kr

⁵ In the early Bronze Age, the northern Bronze culture introduced a type of bronze sword known as the Pip'a. However, the Pip'a-type bronze sword eventually evolved into a slender type of the bronze sword, and bronze-ware also began to be made in Korea. The developing of it made a unique bronze culture from that era. History of Korea [Online], 14 July 2011, Source www.rki.kbs.co.kr

⁶ Michael J. Seth, *A Concise History of Modern Korea: From the Late Nineteenth Century to Present*. (Maryland: Rowman & Littlefield Publishers, Inc, 2010). Page 1.

⁷ The timeline of the three Kingdoms in ancient Korea was summarized from “Chronology of Korean history” page 10-11 in this book.

Keith Pratt, *Everlasting Flower: A history of Korea*. (London: Reaktion Books. Ltd, 2006). Page 10-11.

The picture of ancient Korea is shown below.



Figure 1. The map of Ancient Korea⁸

In 668 A.D. Silla unified the Three Kingdom and this was known as Unified Silla period.⁹ The Unified Silla ended with the establishment of *Koryeo* Dynasty in 936 A.D. During this period, the government codified the law and

⁸ Keith Pratt. *Everlasting Flower: A history of Korea*. (London: Reaktion Books. Ltd, 2006).

Page 8.

⁹ *Ibid.* Page 59.

introduced civil services.¹⁰ Buddhism flourished and spread throughout the peninsula and the publication of Korean's Tripitaka was around 80,000 wooden blocks. In 1329, General *Yi Seong Gye* established *Choseon* Dynasty and was named King *Taejo*. King *Taejo* adopted Confucianism as the official religion and his government was based on the Confucian policy.¹¹ The famous king of the *Chosun* Dynasty was King *Sejong* (1418-1450). At that time, China was very superior and its culture and written language influenced in Korean society. Since the Korean was not ideally suited to be expressed in Chinese character, King *Sejong* and many scholars created and promulgated the Korean alphabet, known as *Hunmin Chongum*.¹² In the reign of King *Kojong* (1864-1907), Chosun Dynasty faced the serious problem. There was an internal conflict between the regent, *Taewongun* and Queen *Min* to choose either, Chinese or Japanese allies.

Moreover, Korean territory was battlefield of Japan, China and Russia, the battlefield of ideology, economic interest of these countries and fortress from the foreign invasion. Han Dynasty, whose emperor got the mandate from heaven, ruled China during 206 BC- AD 220, and considered Korea as the closest part of *tianxia*, meaning all under Heaven.¹³ It was reasonable that Han dynasty has the special

¹⁰ Keith Pratt, Everlasting Flower: A history of Korea. (London: Reaktion Books. Ltd, 2006). Page 91.

¹¹ *Ibid.* Page 91.

¹² "King *Sejong*" [Online], 7 September 2011, Source <http://www.koreanhero.net/kingsejong/index.html#>

¹³ Keith Pratt, Everlasting Flower: A history of Korea. (London: Reaktion Books. Ltd, 2006). Page 16

relationship with Korea and Korea since the ancient time was considered as strategic place for its neighbouring countries.

Japanese looked at Korea for ideological and economic benefits. Japanese leaders used Korean peninsula as the pathway toward what they hoped would be continental domination, in term of economy, politics and cultures.¹⁴ The colonization of Korea by the Japanese began in 1905 with the Protectorat Treaty and five years later, in 1910, Korea was fully colonized by Japanese.¹⁵

In the 2nd World War, Allied defeated the Japanese in 1945 and the Allied Army, Russia and United States disarmed Japanese army in the Korean peninsula. Russia came to the peninsula from the north side of Korea and United States came from the south side. Unfortunately for Korean peoples, Korea was divided into two countries, North Korea and South Korea in 1948 and Koreans experienced Korean War in 1950-1953. Since 1961 until 1979, South Korea was under President Park Chung Hee, and under his administration, Korea was transformed from the under developed country into industrial country. In 1961, South Korea income per-capita less than \$100 a year, but with the five years economic plan and effective policies during his administration, President Park Chung Hee was recognized as the most effective leader in South Korea.¹⁶

¹⁴ Keith Pratt, Everlasting Flower: A history of Korea. (London: Reaktion Books. Ltd, 2006). Page 17.

¹⁵ *Ibid.* Page 209.

¹⁶ “Park Chung Hee” [Online], 7 September 2011. Source <http://www.time.com/time/world/article/0,8599,2054405,00.html>

Korea rapid development growth relates very close relation with Korean society. Education is the most important agenda in all Korean family. Education is believed to be efficient investment to their children to increasing family status and better children future.¹⁷ Neo-Confucianism, as the social system and social values in Korea, plays important role to the cultivating Korean people's mind. Neo-Confucianism has six ethical principles, cultivating oneself, sincerity and reverence, three cardinal virtues and five moral imperatives, loyalty and filial piety, faithfulness and righteousness.¹⁸ Cultivating oneself was one of supporting factor to the creating well educated person in Korean society.

2.1.1.2. Characteristics of Korean society

Korean society has their own characteristics and the characteristics are influenced by Neo-Confucianism as their social value. The characteristic of Korean society are as follows:¹⁹

1. Hierarchical authoritarianism

Western culture was introduced in Korea to create Korea more liberalized and equaled society, but somehow hierarchical society still prevails. Hierarchical

¹⁷ Kwon Hee-Kyung, et. al. "Marital Relationships Following the Korean Economic Crisis: Applying the Family Stress Model". *Journal of Marriage and Family*, Vol. 65, No. 2 (May, 2003): 318.

¹⁸ Yang Jong-hoe, "Changing values cause ideological confusion", *Social change in Korea*, Kim Kyong-dong and The Korean Herald, editor. (Korea: Jipmoondang, 2008). Page 89.

¹⁹ The three characteristics of Korean society mentioned here, they are hierarchical authoritarianism, collectivism and mobilization society, are quoted from Kim Kyong-dong. "The main driving forces behind social change". *Social change in Korea*, 39-40

authoritarian helps contribute in the modernization of Korean society because Korean society moves forward very effectively.

2. Collectivism

Another nature of Korean society is collectivism. Korean people have to consider the value of family. Individuals have to sacrifice their own interest for the family interest, the group, the organization and the state. No matter how important of self interest, individuals have to sacrifice it for the more important interest of the bigger social organizations.

3. Mobilization society

Korean society can be readily mobilized to join the collective effort. This has been reinforced throughout the history of colonialism, warfare and the national effort to reach high economic growth.

For example, in the President Park era, government made a policy named “*semaeul undong*” (New Community Movement). New community movement (NCM) was a rural development project but which came to impact every aspect of Korean life as a general social mobilization mechanism.²⁰ NCM was not only rural development policy to develop the countryside and increasing agricultural productivity, but also cultivate some ideologies such as self reliance and hard work. Many Korean people support this program, especially people in Gyeongsang province.

²⁰ Han Seung-Mi, “The New Community Movement: Park Chung Hee and the Making of State Populism In Korea”. *Pacific Affairs*, Vol. 77, No. 1 (Spring, 2004). Page 69

2.1.2. A brief introduction of Javanese

Javanese is an ethnic group in Indonesia and they mostly live in Java Island. The provinces in central and eastern part of Java Island are Central Java Province, East Java Province and Yogyakarta Special Region. Some of Javanese also live in Banten Province and Cirebon Regency, West Java. There are many Javanese who live in all of Indonesian territory because of the government policy of transmigration in Indonesia such as in Lampung Province in Sumatra Island. There are also Javanese people in Suriname, South America when the Dutch colonial government in Dutch East Indies (former name of Indonesia) brought many Javanese people as contract labor into several Dutch plantations in Suriname.

Furthermore, total population of the provinces in central and eastern part of Java Island in 2010 are 73,316,905, and the detail of population in those province as follows; the number of population in Central Java Province is 32,382,657, number of population in East Java Province is 37,476,757 and number of population in Yogyakarta Special Region is 3,457,491.²¹ Java island has since long time ago been the political and cultural center in the Indonesian archipelago.²² The evidence was many well-known kingdoms in the ancient Indonesia established in Java Island, such as Kediri Kingdom, Majapahit Kingdom, Mataram Kingdom, and so on.

The map of Java is shown in the picture below.

²¹ Biro Pusat Statistik [Online], 11 August 2011. Source http://www.bps.go.id/tab_sub/view.php?tabel=1&daftar=1&id_subyek=12¬ab=1

²² Frans Magnis Suseno. Javanese Ethics and World-View. Jakarta: PT. Gramedia Pustaka Utama. 1997. p. 23

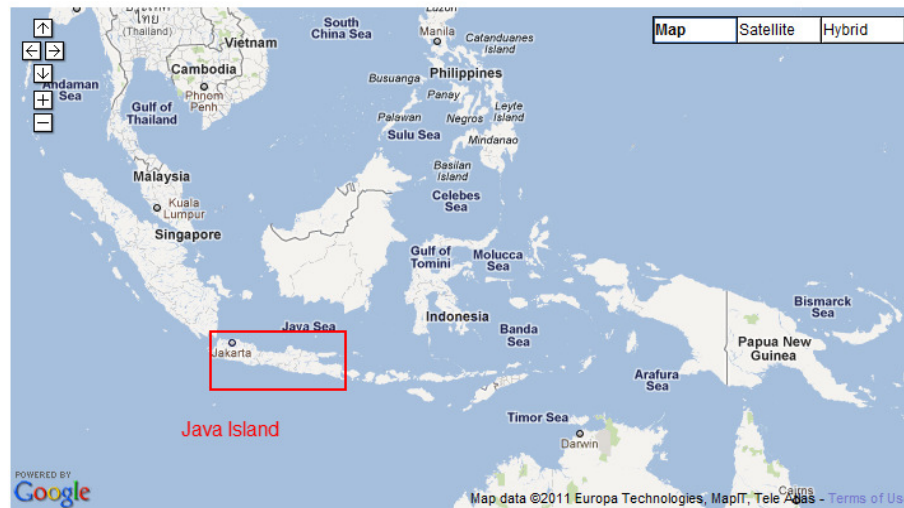


Figure 2. Indonesian map and Java Island.²³

The Javanese have an interesting culture. As an Indonesian ethnic group, they speak Indonesian but they had their own spoken and written language, Javanese language has at least six local dialects, which are Banten, Pesisir lor, Banyumasan, Tengger, Osing, and Solo/Yogyakarta.²⁴ It has hierarchical system in its language. Younger people have to use polite speech to elder people. It is similar to Korean language in term of using polite speech to elder people.

2.1.2.1. History of Java

The old Javanese existed at least in 9th century with the evidence of the literatures written in those date and showed that the center of political and cultural

²³ Indonesian Map, [Online], 1 October 2011. <http://maps.google.co.id/>

²⁴ The Javanese Dialect Mapping Project, [Online], 29 September 2011. <http://www.eva.mpg.de/lingua/research/javanese.php>

power was located in Central Java.²⁵ Some of the literatures written in this period were *Candakarana*, translation of *Ramayana* and *Mahabharata* epics from Sanskrit in the Old Javanese.²⁶ Hundreds of years after the glorious political power in Central Java, Javanese kingdom moved to East Java and the first king in the eastern Java kingdom was *Mpu Sindok*.²⁷

The widest ambit of Hindu-Buddhist power center was reached in fourteenth century, when the Majapahit Empire from Majapahit capital in Trowulan, East Java crowned Malayan peninsula.²⁸ While Majapahit Empire was enjoying the glory, Portuguese and Moslem traders from Arabian countries came to Majapahit. Melaka as the important port city of Majapahit was conquered by the Portuguese in 1511, and Majapahit Empire started to weaken in controlling their territory.

At that time Islam advanced very fast in Indonesia by the Moslem merchants and travelers. The strongest Islam kingdom in Indonesia was Mataram, which by the early seventeenth century encompassed almost all Java Island than any previous kingdoms in Java.²⁹ In the same period, the Netherlands East India Company came to East Indies as colonizer and subsequently ruled and exploited the

²⁵P.J. Zoetmulder, *Kalangwan: A survey of old Javanese literature*. (The Hague: Martinus Nijhoff, 1974). Page 18.

²⁶ “Tradisi Sejarah Indonesia Pada Zaman Pengaruh Hindu Buddha” [Online], 7 September 2011. Source <http://makalah-pendidikan.com/2011/tradisi-sejarah-indonesia-pada-zaman-pengaruh-hindu-buddha/>

²⁷ P.J. Zoetmulder, *Kalangwan: A survey of old Javanese literature*. (The Hague: Martinus Nijhoff, 1974). Page 19.

²⁸ Theodore Friend, *Indonesian Destinies*, (England: Harvard University Press, 2003). Page 8.

²⁹ *Ibid.* Page 9.

East Indies for three and a half centuries. After the Japanese interregnum, Dutch came back to reclaim East India colony. War of independence lasted from 1945 to 1949 when Republic of Indonesia came into being and accepted by the Dutch. Also in 1949, the King of Yogyakarta, Sri Sultan Hamengkubuwono IX declared that The Kingdom of Ngayogyakarta Hadiningrat (Yogyakarta) integrated to Republic of Indonesia and became a province named Special Region of Yogyakarta.³⁰

Javanese culture has been transformed during two thousand years,³¹ from Hindu-Buddhist culture to Islamic culture. It can be understood that the culture of Javanese people has been mixed between Hindu-Buddhist culture, Islamic culture and western culture. Hindu-Buddhist influence is still seen today when a Javanese military officer requires a prisoner to touch his forehead to the warden's knee and Javanese Islam can be discerned in the acknowledgement of a guru by kissing the hand and pressing it to one's heart or forehead.³²

2.1.2.2. Characteristics of Javanese society

Based on the previous studies in the Javanese society, there are many explanations regarding characteristics of Javanese people. One of the experts in Javanese culture, Frans Magnis Suseno, explained in his book "Javanese ethics and

³⁰ Data was obtained from the field trip to Kraton Yogyakarta (Yogyakarta Palace) when the author conducting field research in Yogyakarta.

³¹ Frans Magnis Suseno. Javanese Ethics and World-View. (Jakarta: PT. Gramedia Pustaka Utama, 1997). Page 23.

³² Theodore Friend, Indonesian Destinies, (England: Harvard University Press, 2003). Page 8.

world view”, there are two basic principles of Javanese social life; the principle of conflict avoidance and principle of respect

The principle of conflict avoidance in Javanese society is well known as *rukun*. The expression of *rukun* could be translated as “calm and peaceful”, “a condition without quarrel or dispute”, “to feel oneself in a state of harmony” and “united in purpose of mutual help”.³³ In the society that reaches *rukun* condition, the people in that society have good relation each other, they know each other. People avoid to quarrel with each other. So the principle of *rukun* implies the continual efforts of all individuals to interact peacefully with each other as well as to remove potentially divisive and dissonant elements.³⁴

Implication of the principle of *rukun*, is that people are will help each other when one of members of society has an activity, such as childbirth ceremony, wedding ceremony, building a house, funeral ceremony and so on. These phenomenon in Javanese society call for *gotong royong*. *Gotong royong* involves two types of works, mutual assistance and cooperative work on behalf of the village.³⁵ The examples of the activities of the Javanese societies mentioned above usually involve mutual assistance. Work on behalf of the village usually involves labor for

³³ Frans Magnis Suseno. *Javanese Ethics and World-View*. (Jakarta: PT. Gramedia Pustaka Utama, 1997). Page 42.

³⁴ *Ibid.* Page 43.

³⁵ *Ibid.* Page 53.

road, bridge or canal improvement, the building of a school, clean-up of the cemetery and night-watchman services.³⁶

The principle of *rukun* underlies the concept of *musyawarah*. *Musyawarah* is held by a member of people to solve the problem that occurs in the society. “Ideally *musyawarah* is a procedure in which all of voices and opinions are heard. All these are considered to be equally true and contribute to the solution sought. *Musyawarah* establishes the *kebulatan kehendak* or *kebulatan pikiran*, that can be translated as the totality or completeness, a guarantee for truth and right decision-making, because the truth is contained in the harmonious unity of the deliberating group. The truth should not be sought outside of it, or with those who hold most power: the right decision is a social fact that reflects the totality of the participants. There is no voting in the *musyawarah*; it is a process of deliberation, of a give-and-take and compromise, in which all opinions should be respected”.³⁷

In the interaction among Javanese, they have to use the proper speech and gesture to show the respect to each other. “Every encounter, between two Javanese especially, involves a mutual recognition in language, gesture, and attitude of their respective place in an elaborately and subtly stratified social order. The proper observance of the niceties of etiquette, with recognition of the precise degrees of deference and condescension, is of utmost importance”.³⁸

³⁶ The statement cited from Kodiran via Frans Magnis Suseno. Javanese Ethics and World-View. (Jakarta: PT. Gramedia Pustaka Utama, 1997). Page 54.

³⁷ The statement cited from Mulder via Frans Magnis Suseno. Javanese Ethics and World-View. (Jakarta: PT. Gramedia Pustaka Utama, 1997). Page 54.

³⁸ The statement cited from Willner via Frans Magnis Suseno. Javanese Ethics and World-View. (Jakarta: PT. Gramedia Pustaka Utama, 1997). Page 62

To express the principle of respect, people have to use the proper language. In the Javanese language, there are two principal levels which are differentiated both by vocabulary and grammar, the polite level (*krama*) and second level (*ngoko*) express familiarity.³⁹ There are two basic styles of the polite level of Javanese language, from 250 to 300 high and low honorific forms (*kromo inggil* and *kromo andhap*), which denote possessions, body parts, and common actions, the use of which may intersect with any of the levels between *ngoko* and *kromo* poles.⁴⁰ *Krama* and *ngoko* form is always used by the Javanese. The use of two forms of language presupposes an awareness of appropriate social rank and the relationship between these ranks.⁴¹

2.2. Theory about family and society

Community and society compose of families. The family is the core agent and the primary interaction institution among peoples. It means that society is an environment of the family and individual family members are component units.⁴² In

³⁹ Frans Magnis Suseno. *Javanese Ethics and World-View*. (Jakarta: PT. Gramedia Pustaka Utama, 1997). Page 65

⁴⁰ Nancy J. Smith- Hefner. "Women and Politeness: The Javanese Example". *Language in Society*, Vol. 17, No. 4 (Dec., 1988): 540

⁴¹ Frans Magnis Suseno. *Javanese Ethics and World-View*. (Jakarta: PT. Gramedia Pustaka Utama, 1997). Page 65

⁴² Nancy V. Werdemeyer and Harold D. Grotevant. "Mapping the family system: A technique for teaching family systems theory concepts". *Family relations*, Vol.31 No.2. Page 185.

the gender view, family is an enclosure in the open battlefield between power and sex among its member.⁴³

As a social network, there are many links in the society. Human activities in the society make a systematic pole that shows the high mobility of the people there. It creates social organization in this network. Many kinds of the social network create the supporting element in this network. Agricultural society is the common network in Asia. There are a lot of social processes taken place, social process here means interaction of individual with each other, such as cultivate the land, harvesting their land, and also bequeath the land to the next generation, so inheritance pattern is a key element in the social organization in agricultural society because specific kinds of inheritance patterns are linked to patterns of community stratification, kin relations, resident patterns, etc.⁴⁴

2.3. Korean family and society

2.3.1. Korean kinship system

In Korean society, there are some categories to address family kinship. “Relatives in Korea are usually grouped into three categories: the paternal, the maternal and the affinal. It means Korean kinship terms of address are classifiable into three corresponding categories: (1) father’s consanguineal relatives and their

⁴³ Goran Theborn. *Between sex and power*. (London: Routledge, 2004). Page 1.

⁴⁴ Susan C. Rogers and Sonya Salamon. “Inheritance and social organization among family farmers”, *American Ethnologist*, Vol. 10, No. 3 (Aug., 1983). Page 529.

spouses, (2) mother's consanguineal relatives and their spouses; (3) spouse's consanguineal relatives and their spouses".⁴⁵

The kin group composed of relatives from father line is called *ch'in-jok* or *pu-dang*, while the kin group composed of maternal relatives is called *oe-jok* or *mo-dang* and the third relatives composed of affinal relatives is called *in-jok* which means kin of mate.⁴⁶ All of three kinds of kin group have their own position in the Korean society. *Ch'in-jok* form is the mainstream to reckoning the kin relation, while the *oe-jok* is the secondary kin group in Korean society.⁴⁷

In the Korean kinship system, kin group relatives are reckoned according to the degree of relatedness, which is calculated on the basis of *ch'on*, literally an abstract concept which measures kinship space between two individuals.⁴⁸ "Ego, as the starting point and self, is zero (0). Ego's father is one degree or *ch'on* removed from him, as is also Ego's mother. Ego's siblings are one degree or *ch'on* removed from Ego's parents, who are one *ch'on* removed from Ego; consequently, his siblings are two *ch'on* removed from Ego. Ego's parents' siblings are two *ch'on* removed from Ego's parents, who are one *ch'on* removed from Ego; hence, Ego's parent's siblings are three *ch'on* removed from Ego. Zero *ch'on*, first *ch'on* and second *ch'on*

⁴⁵ Lee Kwang-Kyu and Youngsook Kim Harvey. "Teknonymy and Geonymy in Korean Kinship Terminology". *Ethnology*, Vol. 12 No.1, 1973. Page 31

⁴⁶ *Ibid.* Page 32.

⁴⁷ *Ibid.* Page 32.

⁴⁸ *Ibid.* Page 32.

are not used in daily life as terms of address but are never forgotten in calculating one's exact degree of relationship with one's kinsmen".⁴⁹

Based on the interview with Professor Yang Seung-Yoon⁵⁰ said that the *ch'on* began with the third degree of *ch'on*. The picture explained the relation in the Korean kinship system and the degree of *ch'on* showed below:

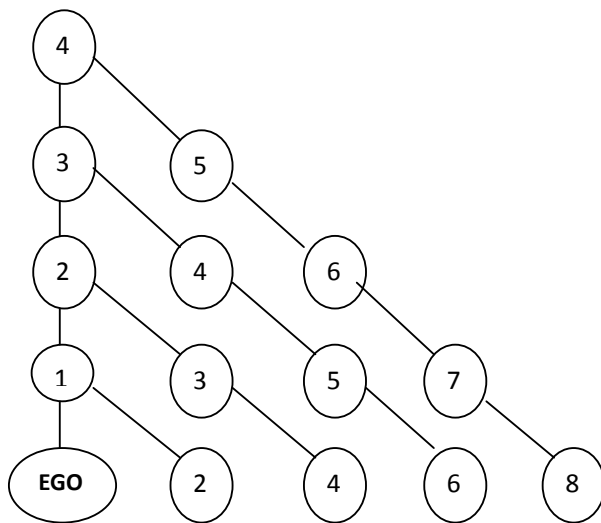


Figure 3: the degree of *ch'on* in Korean kinship system⁵¹

In the nuclear Korean family, there are special names to address the siblings based on the gender of the ego. If the Ego is male, to call the elder brother, he

⁴⁹ Lee Kwang-Kyu and Youngsook Kim Harvey. "Teknonymy and Geononymy in Korean Kinship Terminology". *Ethnology*, Vol. 12 No.1, 1973. Page 32.

⁵⁰ Professor Yang Seung-Yoon is a Professor in the Department of Melayu-Indonesia, Hankuk University of Foreign Studies (HUFS), South Korea. He was the President of Korean Association of South East Asian Studies. He is also an advisor of Asia-Pacific Centre of Education for International Understanding in UNESCO.

⁵¹ The picture was drawn based on the interview with the Professor Yang Seung-Yoon. The picture of the Korean kinship system also can be found in the "*Teknonymy and Geononymy in Korean Kinship Terminology*" written by Kwang-Kyu Lee and Youngsook Kim Harvey page 33.

says *Hyeong*, if the Ego is female, to call the elder brother, she says *Oppa*.⁵² Moreover, if the Ego is male, to call the elder sister, he says *Nuna*, and if the Ego is female, to call the elder sister, she says *Onni*.

The table of Korean kinship term of address is showed below.

PATERNAL RELATIVES		TERM OF ADDRESS
NO	RELATIVES	
1.	Fa	<i>Aboji</i> , <i>abó-nim</i> (hon.), <i>appa</i> (chi), <i>abóm</i> (dim.)
2.	Mo	<i>ómóni</i> , <i>ómo-nim</i> (hon.), <i>omma</i> (chi.), <i>omóm</i> (dim.)
3.	FaElBr	<i>K'ún-aboji</i> , <i>k'ún abonim</i> (hon.)
4.	FaElBrWi	<i>K'ún-ómóni</i> , <i>K'ún-ómonim</i> (hon.)
5.	FaYoBr	<i>Chagún-aboji</i> , <i>ajossi</i> , <i>sam-ch'on</i> (fam.)
6.	FaYoBrWi	<i>Chagún-ómóni</i> , <i>chagún omma</i> (fam.), <i>ajumóni</i>
7.	FaSi	<i>Komo</i> , <i>ajumóni</i>
7a.	FaYoSi	<i>Kún-gomo</i>
7b.	FaYoSi	<i>Chagún-gomo</i>

⁵² Lee Kwang-Kyu and Youngsook Kim Harvey. "Teknonymy and Geononymy in Korean Kinship Terminology". *Ethnology*, Vol. 12 No.1, 1973. Page 33

8.	FaSiHu	<i>Komo-bu, ajõssi</i>
8a.	FaElSiHu	<i>K'un-gomo-bu</i>
8b.	FaYoSiHu	<i>Chagun-gomo-bu</i>
9.	FaFa	<i>Harabõji, harabõnim (hon.)</i>
10.	FaMo	<i>halmõni, halmõnim (hon.)</i>
11.	FaFaElBr	<i>Kun-harabõji</i>
12.	FaFaElBrWi	<i>Kun-halmõni</i>
13.	FaFaYoBr	<i>Chagun-harabõji</i>
14.	FaFaYoBrWi	<i>Chagun-halmõni</i>
15.	FaFaSi	<i>Tae-gomo, komo-halmõni</i>
16.	FaFaSiHu	<i>Tae-gomo-bu, komo-harabõji</i>
17.	ElBr (m. sp.)	<i>Hyõng, hyõng-nim (hon.)</i>
17a.	ElBr (f. sp)	<i>Oppa, orabõ-nim (hon.)</i>
18.	ElBrWi (m. sp.)	<i>Ajumõni</i>
18a.	ElBrWi (f. sp.)	<i>õnni, hyõng-nim (hon.)</i>
19.	ElSi (m. sp.)	<i>Nuna, nu-nim (hon.), nui</i>
19a.	ElSi (f. sp.)	<i>õnni</i>
20.	ElSiHu (m.sp.)	<i>Cha-hyõng, maehyõng</i>

20a.	ElSiHu (f. sp.)	<i>Hyông-pu</i>
21.	YoBrWi (m. sp.)	<i>Chesu, shesuk-ssi</i> (hon.), <i>kye-su</i>
21a.	YoBrWi (f. sp.)	<i>Olk'e</i>
22.	YoSiHu (m. sp.)	<i>Mae-bu</i>
22a.	YoSiHu (f. sp.)	X
23.	Ego	<i>Na, nae, che</i> (hum.), <i>chô</i> (hum.)
24.	Wi	<i>Dangsin, yôbo</i> (fam.)
25.	FaBrSo (m. sp.)	(sach'on) <i>hyông, hyôngnim</i> (hon.)
25a.	FaBrSo (f. sp.)	(sach'on) <i>oppa, oppa, orabônim</i> (hon.)
26.	FaBrDa (m. sp.)	(sach'on) <i>nuna</i> (older than ego), <i>nui, nunim</i> (hon.)
26a.	FaBrDa (f. sp.)	(sach'on) <i>ônni</i> (older than Ego)
27.	FaSiSo (m. sp.)	(sach'on) <i>hyông</i> (older than Ego)
27a.	FaSiSo (f. sp.)	(sach'on) <i>oppa</i> (older than Ego)
28.	FaSiDa (m. sp.)	(sach'on) <i>nuna</i> (older than Ego), <i>nui, nunim</i> (hon.)
28a.	FaSiDa (f. sp.)	(sach'on) <i>ônni</i> (older than Ego)
MATERNAL RELATIVES		
29.	MoSi	<i>Imo</i>

29a.	MoElSi	<i>K'ũn-imo</i>
29b.	MoYoSi	<i>Chagũn-imo</i>
30.	MoSiHu	<i>Imo-bu, ajõssi</i>
30a.	MoElSiHu	<i>K'ũn-imo-bu</i>
30b.	MoYoSiHu	<i>Chagũn-imo-bu</i>
31.	MoBr	<i>Oe-samch'on, ajõssi</i>
31a.	MoElBr	<i>K'ũn-oe-samch'on</i>
31b.	MoYoBr	<i>Chagũn-oe-samchon</i>
32.	MoBrWi	<i>Oe-ajumõni, ajumõni</i>
33.	MoFa	<i>Oe-harabõji</i>
34.	MoMo	<i>Oe-halmõni</i>
AFFINAL RELATIVES		
35.	WiFa	<i>Abõ-nim (fam.), changin, changing-õrun (hon.)</i>
36.	WiMo	<i>õmõ-nim (fam.), changmo-nim (hon.)</i>
37.	WiElBr	<i>Ch'õ-hyõng, ch'õ-nam</i>
38.	WiElBrWi	<i>Ch'õ-ajumõni (fam.)</i>
39.	WiYoBr	<i>Ch'õ-nam</i>
40.	WiYoBrWi	<i>Ajumõni</i>

41.	WiElSi	X
42.	WiElSiHu	<i>Hyông-nim</i> (fam.)
43.	WiYoSi	X
44.	WiYoSiHu	X
45.	HuElBr	<i>Ajubóni</i> , <i>ajubo-nim</i> (hon.), <i>siajuboni</i>
46.	HuElBrWi	<i>Hyông-nim</i> , <i>tongsǒ</i>
47.	HuYoBr	<i>Toryông-nim</i> (hon.)
48.	HuYoBrWi	<i>Tong-sǒ</i> , <i>si-au-nim</i> (hon.)
49.	HuElSi	<i>Hyông-nim</i> (hon.)
50.	HuElSiHu	<i>Ajubǒ-nim</i> (hon.)
51.	HuYoSi	<i>Agassi</i> , <i>chagun-assi</i>
52.	HuYoSiHu	X

Table 2. Korean kinship term of address.⁵³

2.3.2. Traditional Korean family

In traditional Korean family, the eldest son becomes the most important person in the family. He is treated as the most important figure at home, being the direct lineal descendant and he is supposed to take care of old parents and also to

⁵³ Lee Kwang-Kyu and Youngsook Kim Harvey. "Teknonymy and Geononymy in Korean Kinship Terminology". *Ethnology*, Vol. 12 No.1, 1973. Page 35-36

perform the ritual services related to the ancestors.⁵⁴ The eldest son stays with parents and younger sons leave parents after his marriage and establish a branch family. The branch family has an independent household. It means the branch family economically and socially different from the main family, but it is connected to the main family through the ritual services to the family's ancestors, which makes for a moral dependency.⁵⁵

Family ritual services held to commemorating the day of death until fourth generation of the ancestors. Ancestors worship in traditional Korean society is not only a religion, but a major social activity.⁵⁶

2.3.3. Modern Korean family

There are many definitions and conditions about category of modern Korea. In this paper, modern Korea will start at a time after the independence of Korea and modern Korean family lives in the city in Korea. Soon after independence of Korea and Korean War, Korean people have experienced industrialization. Industrialization in the city encourages people in rural area move to city to work as labor. Lesser number of young generations stays with their family and cultivates the rice field in rural area. The older people must work harder to cultivating their field.

Most of the urban people migrated from different rural areas, so not only the heterogeneity of the population but also the short history of new urban life makes

⁵⁴ Lee Kwang-Kyu, Korean Family and Kinship. Korean Studies Series No.3. (Seoul: Jipmoondang Publishing Company, 1997). Page 129.

⁵⁵ *Ibid.* Page 37.

⁵⁶ *Ibid.* Page 38.

it hard to form an urban society.⁵⁷ The problem that occurs in urban area is that, people do not know who their neighbor is because they do not have much time to know each other. Urban families move readily from one place to another according to occupational demands, change in the workplace, changing income, status promotions and educational needs for their children.⁵⁸

2.3.4. Korean Confucianism

There are three major aspects in Korean culture, Confucianism, patrilineal society and Shamanism.⁵⁹ All of three majors have very close relationship with each other. Confucianism was adopted in fifth century in the Three Kingdoms era. Each Kingdom established school for Confucianism education. The teachings of Confucius became the main focus of state examinations for government officials.⁶⁰ However, at that time major social patterns and norms were based on Buddhism. Only from the beginning of Chosŏn era, since 1392 until 1910, Confucianism became the major moral value and major state principle.⁶¹

⁵⁷ Lee Kwang-Kyu, Korean Family and Kinship. Korean Studies Series No.3. (Seoul: Jipmoondang Publishing Company, 1997). Page 39.

⁵⁸ *Ibid.* Page 40.

⁵⁹ Ch'oe Kilsong, "Male and Female in Korean Folk Belief", Asian Folklore Studies, Vol. 43. 1984. Page 227.

⁶⁰ Lee Kwang-Kyu, Korean Family and Kinship. Korean Studies Series No.3. (Seoul: Jipmoondang Publishing Company, 1997). Page 34.

⁶¹ *Ibid.* Page 35.

Confucianism considers the five moral imperatives as a guide of interpersonal relationships. These are righteousness between sovereign and subject, proper rapport between father and son, separation of functions between husband and wife, proper recognition of the sequence of birth between elder and younger siblings and faithfulness between friends.⁶²

Based on the previous studies, Confucian view of gender considers that maleness and femaleness are complementary, rather than subordination, that is emphasis on female gender's role and they often refer to two different bases on drawing gender distinction, *yin yang* concept and the *nei wai* (inner and outer) concept.⁶³ Male and female are different, but there is no subordination, close to the meaning of complementary each other. And the female and male have their own duty to maintain their family life, nurturing their child, and to earn family income.

2.3.5. Ancestors and traditional rituals

The other characteristics of Korean society are the ritual services to the ancestor. This kind of rituals can be found in rural area because the rituals for the ancestor are still important part of traditional village life.⁶⁴ Based on the interview with Korean Professor, the ritual services must be performed by direct lineal descendant eight times in a year on the death commemoration of the ancestors from

⁶² Yang Jong-hoe, "Changing values cause ideological confusion", Social change in Korea, Kim Kyong-dong and The Korean Herald, Editor. (Korea: Jimoondang, 2008). Page 89.

⁶³ Chan Sin Yee, "Gender and Relationship Roles in the Analects and the Mencius", Confucian Political Ethics. Daniel A. Bell. 2003. Page 148.

⁶⁴ Lee Kwang-Kyu, "The Concept of Ancestors and Ancestor Worship in Korea". Asian Folklore Studies, Vol. 4 No.2. 1984. Page 199.

fourth generations to his parents. In Korean society, they consider two types of spirits, good or benevolent spirit and the evil spirit or ghost.⁶⁵ Good or benevolent spirit become ancestor spirits which protect their descendants and family, and the bad spirit or evil, they wander around the world and harm people.⁶⁶ There are usually about eight recognized Gods in a household: the Ancestor God, House Master God, Fire God, House Site God, God of Wealth, God of Long Life, God of Toilet, and God of Gate.⁶⁷

The ritual services held in Korean society quoted from the article “Ancestors and ancestor worship in Korea” written by Lee Kwang Kyu, is shown below:⁶⁸

a). Funeral rites

People believe that the date and time of death are important in the afterlife, just as the date and time of birth are important during a person’s lifetime. The most important single rite in the overall funeral ritual is the *sup* (washing of the body of the deceased). One man will bring warm water brewed with juniper, and either two or four helpers will hold down the four corners of a coverlet used to cover the body. The

⁶⁵ See Kendall via Lee Kwang-Kyu, “The Concept of Ancestors and Ancestor Worship in Korea”. Asian Folklore Studies, Vol. 4 No.2. 1984. Page 199

⁶⁶ Lee Kwang-Kyu, “The Concept of Ancestors and Ancestor Worship in Korea”. Asian Folklore Studies, Vol. 4 No.2. 1984. Page 199.

⁶⁷ Lee Kwang-Kyu. Korean Family and Kinship. Korean Studies Series No.3. (Seoul: Jipmoondang Publishing Company, 1997). Page 127.

⁶⁸ Lee Kwang-Kyu, “The Concept of Ancestors and Ancestor Worship in Korea”. Asian Folklore Studies, Vol. 4 No.2. 1984. Page 200-212.
Ritual services in traditional family in Korean society mentioned above based on Lee Kwang-Kyu research and it is available in the article “The Concept of Ancestors and Ancestor Worship in Korea”.

naked body of the deceased will then be washed with a piece of cloth or cotton that has been soaked in the warm water. When the washing is completed, the hair and fingernails of the deceased will be cut. The hair and nails which have been cut off will be placed into four small bags known as *choballang*, which are put into the coffin later.

The first anniversary of the death is called *sosang*, the “small commemoration”. For this ritual, relatives and friends come together to the mourner’s home. The second anniversary of death day is called the *taesang*, or “large commemoration”. The ritual at this time is celebrated on a large scale.

b). Cleansing house ritual

The ritual for cleansing the house is performed mainly where the deceased died. If the death was caused by accident, this rite is performed in the room where the deceased lived. The ritual is generally held in a few days after death, before the coffin leaves the house, on the day of departure of the bier, or on the day of “*samu-je*”, the rite of requiem.

The family members prepare several tables: one for all the gods, one for the deceased spirit and one for the gods of the other world. Rice is placed also on a white paper, decorated as the symbol of the deceased.

The practical purpose of the ritual is to ease the regret of the deceased. Through the back to back rites of calling the spirit, bringing the spirit down and sending back the shaman invites the deceased spirit to her, and the shaman explains the otherworld to the deceased as well as the wishes of the deceased to the living. The dead appears once again through a possessed person to emphasize his or her last wishes to family members.

c). Ritual of requiem

The ritual of requiem by a shaman (*chinogi-kut*) is more popular among Korean people. There are many varieties of rituals depending on the locality and scale of sponsorship but basically they can be classified into two different types, namely the one in which the series of rites of requiem are performed as a part of a longer shamanistic ritual not intended entirely for the dead, and the other in which the series of rites of requiem are performed separately, mixed with the other rites.

d). Ritual of purification (*ssigim-gut*)

One of Shamanism rituals in Korea which has different characteristic based on the region in South Korea. The central part of this ritual of purification is three rites, namely the rite of untying knots, the rite of washing the dead body and the rite of smooth passage. The functions of that rite are the rite for unfastening the seven knots is a symbolic rite to relieve the regret of the deceased. The rite of washing the body is the most essential part of the ritual to purify the deceased body from bad things. The rite of smooth is a symbolic passing of the deceased to the otherworld. In short, the ritual of purification is important mainly for purify the spirits and to pass the spirit to the otherworld.

2.4. The inheritance in Korea

2.4.1. Korean traditional inheritance

Based on the interview with respondents in Seoul and Daegu, South Korea, there was no specific patterns of inheritance system in the past. At that time, when a family had to allot the family fortunes, the father just said all the things regarding

family inheritance.⁶⁹ The father's speech has the same function as testament. Mostly the fathers give the family fortunes to the eldest son. The reason is because the eldest son must perform such services eight times a year on the death commemoration days of all ancestors from the fourth generation beyond his parents, in addition to four other yearly rituals conducted at seasonal holidays and several services conducted at the graveyard.⁷⁰

From the other research, we know that there is a unique pole in the allotment of inheritance properties in Korea. Since the Korean society is a patriarchal society, the inheritance allotment in the Korean traditional family also relates to the patrilineal inheritance system. The inheritance fortunes and family properties are allotted to the sons. It is characterized by non-equal division and superiority of the first son. If there are two sons, the first son receives two thirds of the total property. If there are three sons, the first son takes over one half and the other half is divided equally between the second and third sons.⁷¹

It is common in the Korean families for the parents to give their sons good education as "the inheritance". When a family has enough money to support the education of all off-springs, they are sent to higher educational institutions, but when

⁶⁹ Interview Mr. Yoon, National Tax Service Officer in Daegu, South Korea, 30 March 2011.

⁷⁰ Lee Kwang-Kyu, "The Concept of Ancestors and Ancestor Worship in Korea", Asian Folklore Studies, Vol. 4 No.2. 1984. Page 199.

⁷¹ Lee Kwang-Kyu. Korean Family and Kinship. Korean Studies Series No.3. (Seoul: Jipmoondang Publishing Company, 1997). Page 97.

the family does not have enough financial power, the eldest son is sent to high school, the other sons to middle school and the daughters to primary school.⁷²

It is become interesting when the traditional inheritance system has a kind of pole to allotting the family fortunes and properties.

2.4.2. Korean civil law

The common definition of inheritance in the family is succession of family property from parents to the children based on child's will. In Korean law, as cited on “상속세, 증여세 실무해설 (Guidelines of inheritance tax and gift tax)⁷³, inheritance is a comprehensive succession when someone dies naturally and “he/she” has one or more successor who have a right to inherit the death right based on law. By the death of a person, his/her rights and obligations are succeeded by his/her relatives qualified by law or if he/she has spoken about a person who will succeed his/her rights and obligation. There are two ways of inheritance in Korea. First, the inheritor writes a testament about the succession and the other is the succession based on the position of the heirs and his/her right based on law.

⁷²Lee Kwang-Kyu. Korean Family and Kinship. Korean Studies Series No.3. (Seoul: Jipmoondang Publishing Company, 1997). Page 101.

⁷³ “상속세, 증여세 실무해설” (Guidelines of inheritance tax and gift tax) is a guidelines created by “국세정” (National Tax Service) as a guidance for the officer to deciding the problem that occurs regarding inheritance tax and gift tax.

There is some Korean civil law⁷⁴ regarding inheritance of family property. This civil law is made to regulate Korean people in the inheritance process. Korean civil law was introduced after the establishment of Republic of Korea and used by the government as the reference, especially in the inheritance system in Korea. As cited in the Korean Civil Law section 2, there are several points that explain about the rule of inheritance system in Korea.

1. Article 1000 (Priority of Inheritance),

The diagram of the categories of the heirs shows below.

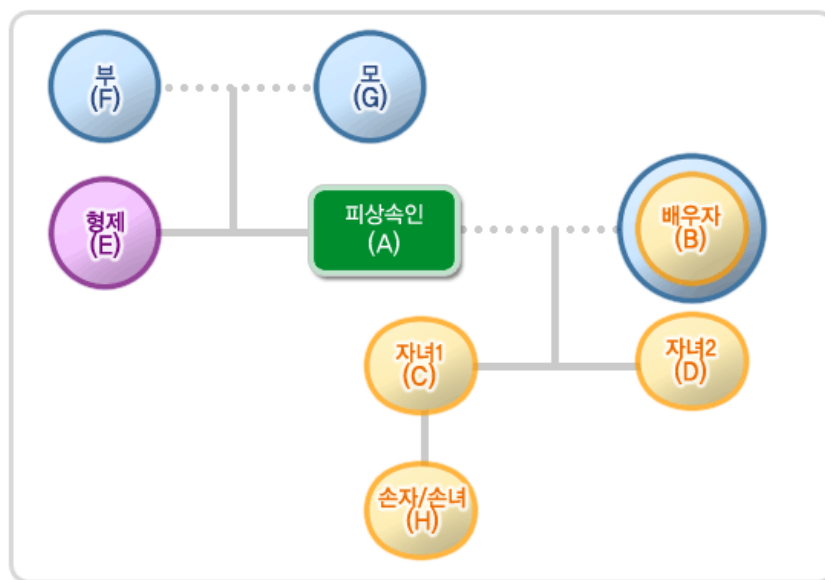


Figure 4: The heirs based on Korean law.⁷⁵

Degree 1 of inheritance is spouse (B) and her/his children (C, D). If there are no people in the degree 1, the rights and obligation will be given to degree 2

⁷⁴ Interview Mr. Kim, Lawyer, 22 March 2011.

⁷⁵ Law Issue [19 September 2011], Source http://lawsee.lawissue.co.kr/lawinfo/lawinfo/sub_3.asp?mcate=C1&scate=124

which are direct lineal ascendant (father and mother) (F, G) and grandchildren in the lineal descendants (H). If there are no people in the degree 2, the rights and obligation will be given to degree 3, his/her siblings (E). If there are no people in degree 3, the rights and obligation will be given to degree 4, collateral blood relatives within the fourth degree of inheritee.⁷⁶

In the case there are two or more inheritors standing in the same order, the closest in degree of relationship shall have the priority of inheritance. If there are two or more inheritors standing in the same degree of relationship, they become coinheritors. Also if there is an unborn child in the same degree of inheritee, the unborn child is regarded as born child and has a right to get inheritance property.

2. Article 1001 (Inheritance by Representation) where a lineal descendant or a brother or sister who would become an inheritor in accordance with the provisions of Article 1000 1 and 3, has died, or has become disqualified before the commencement of succession, his or her lineal descendants, if any exist, shall become inheritors in the order in which the deceased or disqualified person would have become the inheritor.⁷⁷

⁷⁶ Interview Mr. Kim, Lawyer, 21 March 2011.

⁷⁷http://en.wikisource.org/wiki/Civil_Act_of_South_Korea/INHERITANCE#Article_997_.28Causes_for_Commencement_of_Inheritance.29

3. Article 1004 (Cause Whereby Inheritor becomes disqualified) Amended by Act No. 4199, Jan. 13, 1990; Act No. 7427, Mar. 31, 2005.⁷⁸

There are several cases that affecting heirs disqualified from the heir criteria.

1. A person who intentionally kills or attempts to kill a person in lineal ascendant, the heir, his or her spouse, or any person who has priority or is in the same order of inheritance.
2. A person who intentionally assaults a lineal ascendant, the heir or his or her spouse, and causes their death.
3. A person who interferes by fraud or duress with a will or withdrawal of a will on inheritance of the heir.
4. A person who by fraud or duress has the heir makes a will on his or her inheritance.
5. A person who alters destroys or conceals a will on inheritance of the heir.

2.5. Javanese Society

2.5.1. Javanese kinship system

In the Javanese society, kin relation is reckoned from the father's line and mother's line. There is a table shows the term of address of the relatives in Javanese societies.

⁷⁸http://en.wikisource.org/wiki/Civil_Act_of_South_Korea/INHERITANCE#Article_997_.28Causes_for_Commencement_of_Inheritance.29

NO	RELATIVES	TERM OF ADDRESS
1.	Ego	Aku, kula (hum.)
2.	Fa	<i>Bapak, rama, papa</i>
3.	Mo	<i>Simbok, biyung, ibu, mama</i>
4.	ElBr	<i>Kakang mas, kang, mas</i>
5.	ElSi	<i>Mbak-yu, mbak, yu</i>
6.	YoBr	<i>Adhi, dhimas, dik</i>
7.	YoSi	<i>Adhi, dhi-ajeng, nduk, denok</i>
8.	FaElBr	<i>Pak-dhe, siwa, uwa</i>
9.	FaYoBr	<i>Pak-lik, pak cilik, om</i>
10.	FaElSi	<i>Bu-dhe, mbok-dhe, siwa</i>
11.	FaYoSi	<i>Bu-lik, bu-cilik, tante</i>
12.	MoElBr	<i>Pak-dhe, siwa, uwa</i>
13.	MoYoBr	<i>Pak-lik, pak cilik, om</i>
14.	MoElSi	<i>Bu-dhe, mbok-dhe, siwa</i>
15.	MoYoSi	<i>Bu-lik, bu-cilik, tante</i>
16.	FaFa/FaMo	<i>Eyang, mbah, simbah, pak tua</i>
17.	MoFa/ MoMo	<i>Eyang, mbah, simbah</i>
18.	FaFaFa/ MoFaFa	<i>Mbah buyut, simbah buyut, eyang buyut</i>

Table 3. Term of address of the Javanese relatives (Source: primary data from the interview)

2.5.2. Religion and social life in Javanese

Javanese have its own characteristic. Javanese society stresses their people to observe principle of conflicts avoidance and respect for each other.⁷⁹ Conflict avoidance means Javanese people in facing the problem have to suppress their emotion to solve the problem and the family is one of the important elements to solving its problem. In the wider situation, that is the problem in the society, *musyawarah* (discussion) among village members is one of the ways to solve problem. The best result of the *musyawarah* can accommodate all of the village member's opinions. In these activities, the second principle, respect for each other, plays very important role.

In term of religion, most of Javanese people believe in Islam. Islam came to Java in fourteenth century. At that time, Java is situated in the trading lanes of the Gujarat merchants who also conveyed Islam as a new religion in Java.⁸⁰ The first Islam Javanese state was *Kesultanan Demak* (Demak Kingdom) established in 1478. In Javanese society, there exist *Santri* and *Abangan*. The *santris* emphasize the necessity for belief in the absolute truth of Islam and somehow do not practice Javanese beliefs while the *abangans* are indifferent to Islam doctrine and stick to the Javanese ritual details.⁸¹ The unique phenomena of Islam in Java has been because

⁷⁹ Frans Magnis Suseno, Javanese Ethics and World-View. (Jakarta: PT. Gramedia Pustaka Utama, 1997). Page 165.

⁸⁰ Hamam Supriyadi, "The Meanings of Sanskrit loanwords in standard Thai and Javanese from Socio-cultural Perspectives". Ph.D. Dissertation in Linguistics, Faculty of Graduate Studies, Mahidol University. Thailand. 2010. Page 245.

⁸¹ Clifford Geertz. The Religion of Java. (Chicago: The University of Chicago Press, 1960). Page 127.

Java Island was isolated from the center of Islam in Mecca and Arabian countries and also Hindu-Buddhist has been deeply rooted in the Javanese culture for many centuries before Islam came to Java Island.

In Javanese society, family is the first social institution for the people. As the head of the family, father is the powerful protector of his wife and children. He cares for material welfare and everything, although in reality, in many Javanese families, woman is more powerful than man and controls family finance, makes decision on schooling their children, and so on.⁸²

In term of inheritance, Javanese culture shows the assimilation between Hindu-Buddhist and Islamic cultures. Islamic law inheritance is important factor in the Javanese inheritance system although traditional inheritance rule is still used by the Javanese people to allot inheritance property. The explanation about Islamic law and the traditional inheritance is as follows.

2.6. Definition of Inheritance in Indonesia

2.6.1. Islamic inheritance law

Islam is one of the many religions in the world. The center of Islam is in Mecca, Saudi Arabia. Muhammad, Islamic prophet, is the important religious figure. He got message from God to people all around the world to practice Islamic way as people's effort to reach the heaven. The core of Islam rests in the *Quran* and

⁸² Frans Magnis Suseno, Javanese Ethics and World-View. (Jakarta: PT. Gramedia Pustaka Utama, 1997). Page 167.

Hadith.⁸³ The *Quran* is a collection of the words of Allah spoken through Muhammad during 610-622 A.D. and the *Hadith* is collections of short narratives told by people who knew Muhammad personally during his lifetime, describing some act or saying of the Prophet which is to be taken as guide for some problem in the human life.⁸⁴

Moslems must learn Quran and Hadith in order to understanding good and bad thing, something is allowed to do and something is not allowed to do. Well learned people in Islam, called *Ulama*, codified Islamic law based on *Quran* and *Hadith*. Moslems know the Islamic law as *Syariah*, this means the way or the path. There are two traditional perspectives in the Islamic law, *Syiah* and *Sunni*. We can find *Syiah* people mostly in Iran and Iraq, and majority of Moslems in the world are *Sunni*. Most of the Moslems in Indonesia are *Sunni*, and Javanese Muslims mostly belief in that perspective. So the following law description is Islamic Sunni law.

The duties of Muslim descendants when the ancestor passed away are:

1. Paying the funeral expenses.
2. Paying the ancestor's debt.
3. Executing her/his will.
4. Distributing the remaining property among the heirs according to the *Sharia*.

⁸³ "hadith" is the guidance for Moslem spoken by Prophet Muhammad. Many Indonesian people write the "Hadith" as "hadist".

⁸⁴ Clifford Geertz. The Religion of Java. (Chicago: The University of Chicago Press, 1960). Page 122

Based on *Quran*, the Islamic law of inheritance says that distribution of inheritance property must to be given to the children. “Allah commands you regarding your children. The male share is equivalent to that of two females. If there are daughters more than two, then for them two thirds of the inheritance; and if there is only one daughter then it is half, and for his parents for each of them there is one-sixth of the inheritance if he has a child, but if he/she (the passed away) does not have a child and for the mother one-third, if he/she (the passed away) has brothers or sisters then for the mother one-sixth”.⁸⁵

Based on Quran, there is several condition of inheritance allotment. The allotment to the heirs is different, based on the number of children in the family.

1. In the case someone passed away, and he/she has son and daughter, the inheritance fortunes have to be given to male equivalent to two daughters.
2. In the case there are no son and daughters more than two, daughters are allotted two thirds of the inheritance.
3. In the case family has only one daughter, the inheritance property to be given to her is a half of all property.
4. Parents get one sixth of inheritance of number 1, 2, and 3.
5. In the case he/she does not have children and the parents are the heirs, for mother one-third and he/she has brothers and sisters, so the allotment for the mother one-sixth.

⁸⁵ Al-Quran Surah An-nisa' ayat 11

2.6.2. Javanese customary (*adat*) inheritance system

Applying the definition of inheritance by customary law it is the process to continuing and shifting the material and immaterial fortunes from the ancestors to the heirs.⁸⁶ Inheritance law in the Javanese society is very complex. However Javanese people have traditional rule to allot the inheritance fortunes to the heirs. There are two kinds of inheritance law in the Javanese society.

1. *Sepikul segendongan*⁸⁷ (*pikul*= carrying something with two baskets at the same time, *gendong*= carrying something with one basket).

This system regulates that son will be given two third of the inheritance fortunes and the daughter will be given one third of the inheritance fortunes. This system is quite similar to the Islamic law inheritance as cited in *Quran*.⁸⁸

2. Agreement for allotting inheritance property among children.

All of family members gather and discuss (*musyawarah*) about allotment of the inheritance fortunes. The agreement among family member is the result of allotment of family property.

⁸⁶ Bertrand Ter Haar. Asas-Asas dan Susunan Hukum Adat (Translated into Indonesian by K.Ng. Soebakti Poesponoto). (Surabaya: Fadjar, 1953). Page 197.

⁸⁷ Douglas R. White and Thomas Schweizer. "Kinship, Property and Stratification in Rural Java". Kinship, Networks and Exchange. 1993. Page 40

⁸⁸ "*Sepikul segendongan*" is a proverb in Javanese society. The analogy of this proverb is by *pikul* (carrying two baskets) and *gendong* (carrying one basket in the back and tied it with a scarf), *pikul* usually done by Javanese man and *gendong* usually done by Javanese woman.

There are five kinds of value in the traditional/customary inheritance process in Indonesia.⁸⁹

1) Divinity value and self control

Divinity value could be elaborated as the people must consider that all of family fortunes were given by God. All of family member have to do the goodness regarding the family fortunes allotment. The people must control their selves and solve the selfishness in the family fortunes allotment.

2) Equal value and togetherness

All of family members must get the proper piece or percentage based on his/her responsibilities and rights. Equal in this case does not mean all the family members get the same portion of the inheritance fortunes, but equal based on his/ her rights and responsibilities in the law and in his/her family.

3) Harmony value and family-ism

The inheritance allotment process is emphasized on the harmony value. It means all of the family members have to consider harmony of the family rather than selfishness. If there is a problem in this process, the problem has to be solved by family discussion.

⁸⁹ Prof. Dr. Zainuddin Ali, M.A. Pelaksanaan Hukum Waris di Indonesia. (Jakarta: Sinar Grafika, 2008). Page 8-9

4) Discussion value and agreement (consensus)

All of the heirs must consider the discussion and agreement among them in allotting family fortunes. So the result of its process is the best solution for all family members.

5) Justice value

The justice value is emphasized on consideration of the heir's status and position in the family.

2.6.3. Western law inheritance

Inheritance law is a series of provisions relating to the death of a person, and a succession of inheritance to the heirs as regulated by inheritance law.⁹⁰

Indonesia has experienced Dutch colonization and Dutch culture affected the Indonesian culture, also the Javanese culture. Indonesian law, *Kitab Undang-Undang Hukum Perdata* adopted the *Burgerlijk Wetboek* (BW/Civil Code).⁹¹

The BW regulates the pre-condition to the inheritance process.⁹²

1. There are the dead persons.
2. There are the heirs in the family based on law.
3. There are inheritance properties to be allotted to the heirs

⁹⁰ Ali Afandi. Hukum Waris Hukum Keluarga Hukum Pembuktian. (Jakarta: P.T. Bina Aksara, 1986). Page 7.

⁹¹ Prof. Dr. Zainuddin Ali, M.A. Pelaksanaan Hukum Waris di Indonesia. (Jakarta: Sinar Grafika, 2008). Page 82.

⁹² *Ibid.* p.81.

Based on the *Burgerlijk Wetboek* (Indonesian Civil Code) Article 852, the children or their descendants shall inherit from their parents, grandparents, or further blood relatives in the ascending line, without distinction between those of different sex or age, regardless they may have been conceived from several marriages. They shall each inherit equal shares, if they all are from the same level and are summoned on their own behalf, they shall inherit by branches of the main stock, if all or part of them present themselves by substitution.⁹³ Children are the most important heirs based on civil code, so they are classified in the first group of heirs. There are no exceptions in civil code regarding the children, all of deceased's children shall inherit the deceased's properties equally. However, if there is no off-spring or widower in the family, the estate will go to the members of the second group (parent and sisters or brothers of the deceased). Finally, when there are no persons in group two, the estate goes to the third group (grandparents).⁹⁴

⁹³ Article 852, Indonesian Civil Code. [Online], 1 October 2011. Source <http://www.unhcr.org/refworld/pdfid/3ffbd0804.pdf>

⁹⁴ Ratno Lukito. "The enigma of national law in Indonesia: The supreme court's decision on gender-neutral inheritance". *Journal of Legal Pluralism*. 2006. Page 149.

CHAPTER III

RESEARCH METHODOLOGIES

3.1. Limitation of the study

The purpose of this research is to capture the small picture in Korean and Javanese societies to find characteristics of inheritance system in those societies. The area of this research is limited to a region in both societies that represent traditional culture and modern culture, both in Korea and in Java. Hence the result is not inheritance system in both societies generally, but it might be practiced by people in the other regions.

The workplace of this research is where the people live both traditionally and modern. In Korea, Seoul Metropolitan city and Andong area in Gyeongsang Province are the best place to examine modern and traditional Korean culture. In Java Island, Yogyakarta Special Province and several cities near with Yogyakarta are the best capture of the Javanese culture because Yogyakarta is one of the centers of Javanese culture.

3.2. The collection of the data

Collecting data is one of the crucial steps in the research. Since this research relates to the social activity, field research in Korea and Java is very important. Field research in Korea was held during March 6, 2011 until April 6, 2011, and field study in Java, Indonesia was held during April 7, 2011 until May 31, 2011. There are three kinds of method for the research, these are:

1. Documentary research

Documentary research is very important to examine the previous research related to inheritance and patrilineal system. The scholars' opinion is very important to examining the issue in the inheritance and patrilineal system in Korea and Java.

2. Interview

Interview is done with some people in both societies to find out the actual facts regarding inheritance and female expectation in the inheritance system. Interview is conducted in the area where both Korean and Javanese traditional cultures are still practiced by the peoples. The random selection of interviewee in both societies was used as informant regarding inheritance system in the several conditions.

Interview is held with experts also to find the scientific data about these issues. This interview will offer the common information which deals with inheritance system in the society, as cited in the traditional inheritance system and civil law in term of inheritance system.

3. Questionnaire

In this research, questionnaire is used for examining the actual condition in the society regarding inheritance system. Questionnaire is used as comparative instrument between inheritance law and actual condition in the society.

3.3. Stages of data collection

Data was collected in Seoul metropolitan area and Andong (Kyeongsang Province) South Korea, while for research in Java, Wonosari, Sleman, Bantul (Yogyakarta Special Region) and Magelang (Central Java Province) Indonesia were chosen as field research. It was held during March 6, 2011 until June 7, 2011. Documentary research was the most important data to be collected because from this research, I could find the authentic information about inheritance process in both societies. I found several papers and books from central library Seoul National University, central library in Chulalongkorn University, library in Faculty of Cultural Sciences and Faculty of Law, Universitas Gadjah Mada related to inheritance in Korean and Javanese societies. The other method to collecting data was interview. Data was obtained by conducting research in those cities by interviewing 20 people each about their experiences regarding inheritance process in their families, and also interviewing some lawyers in Korea and Indonesia with the purpose to get the information about inheritance system in both societies.

3.3.1 Data collection in Korea

Field research in Korea was done first with the preparation of questions and tried to find interviewees. Before I started the field research, I wrote the list of questions and questionnaire for the interviewees. During my stay in Seoul, I lived in Shillim area, near SNU. From the owner of the apartment, I was recommended to visit a church near apartment, because many people gather together every weekend. And from that church, I found some interviewees. From the first interview, some

interviewees said that high class Korean people know about the inheritance system in Korea. Therefore, I tried to find some owner of Small Medium Enterprises (SME) in Masong, Kimpo and some directors of SME became my interviewees. Many thanks to my fellows who work there, they helped me to arrange an interview with the owner of those SME. I also interviewed a Professor from Hankuk University for Foreign Studies, and got the essential information about Confucianism style of inheritance. Moreover, the information was collected by interviewing a lawyer in Seoul to obtain the information regarding inheritance in Korea based on law. He recommends me to find the inheritance process in internet because there is much information about inheritance process in Korean society.

The last effort of collecting data in Korea was conducting research in traditional area. Hahoe village in Andong, Gyeongsang Province was chosen to be my research place. I was helped by my friends who studied at Kyungpook National University, Daegu because I did not know anything about Andong. Many thanks to them because from their effort, I met an officer of National Tax Service (국세청) in Daegu, Gyeongsang Province, South Korea. The succession of family fortunes in Korea was regulated by Korean Civil Law and National Tax Service is responsible to collecting inheritance tax from the family successions in Korea. The last week I stayed in Daegu was time to conducting research in Hahoe village, Andong. Hahoe village is traditional village in Andong area that provides the common information regarding traditional life of Korean people. Because of Hahoe village is one of the tourism places in Andong, there were no difficulties to reach Hahoe village.

Unfortunately, I was visiting Hahoe village at the wrong time. Many people there just started to cultivate their field. So I just got a few data from them. But it was quite enough to provide the information about traditional inheritance system in Korean society.

3.3.2. Data collection in Java

Field research in Java was conducted in some cities around Yogyakarta. The research was conducted in several areas on my purpose to find several informations regarding inheritance in Javanese society. There are many respondents who consider Islamic law as the pattern to allotting family fortunes. The first interviewee considered Islamic law for the inheritance allotment. Based on that fact, I tried to meet an Islamic spiritual leader (*ulama/kyai*) and interviewing him about Islamic inheritance law and Javanese customary law.

It is very important to declare the result of family succession to the lawyer or notary public, so the result of succession will be legally noted by the Ministry of Law and Justice, and if there is a land allotted, the change of the owner of the land must be officially noted by the *Badan Pertanahan Nasional* (National Land Authority). I interviewed a lawyer in Yogyakarta to get the authentic data regarding Javanese inheritance process.

Research in Wonosari, Yogyakarta, Bantul and Magelang provided a small capture of Javanese inheritance process. There were some families which follow Islamic law for allotting family fortunes, but over all they knew about the concept of *sepikul segendongan*.

CHAPTER IV

GENERAL CONDITION OF INHERITANCE PROCESS

4.1. General condition of inheritance process in the Korean society

Korean society is rapidly changes, not only the lifestyle, but also in term of family activities such as inheritance. We have to consider that Korean society and lifestyle is affected by Confucian value. In term of inheritance, the eldest son has very important position because he will be the successor of family line. The eldest son has many responsibilities to family's ancestor up to four generation of the ancestors. The ancestor worship must be held every year by the main family which means the eldest son of a family, and the other siblings also joining this ritual to show respect to the ancestors.

The eldest son becomes the one who is responsible to maintain family fortunes because he has responsibility with his generation and his upper generation.¹ It means that he has responsibility to take care his brother and sister and he has responsibility with the ancestors, up to four generations. However, some part of those values is change. After the Japanese colonization and the establishment of Republic of Korea, democratization became popular issue in Korean society. All of Korean people have same rights and responsibilities based on law. In term of inheritance, all of Korean people have the same right in the family fortunes allotment. The civil law regulates the percentage of the inheritance by the heirs. The portion of inheritance by the heirs is shown below:

¹ Interview Korean respondents, Seoul, South Korea, 8 March 2011.

For example a family in Korea have family fortunes 10,000,000 won (1000 만원), the portions of each heir of the family are as follows:

상속인 (heirs)	비율(portion)	구체적상속분(detailed portion)	기타 (other)
배우자 (spouse)	1.5=3	10,000x3/9	
자녀 1 (child 1)	1=2	10,000x2/9	
자녀 2 (child 2)	1=2	10,000x2/9	
자녀 3 (child 3)	1=2	10,000x2/9	

Table 4. The portion of each heir based on Korean law

The families who inherit the family fortunes have to pay an inheritance tax to government. The tax of inheritance in Korea is simply shown below:²

² Interview Mr. Yoon, National Tax Service (국세청) Officer in Daegu, South Korea, 21 March 2011

과세표준(level of taxation)	세율(tax rates)
1 억원 이하(Less than 100 million)	과세표준 × 10%
1 억원 초과 5 억원 이하(100million-500million)	과세표준 × 10%
5 억원 초과 10 억원 이하 (500 million-1 billion)	(과세표준 × 30%) – 60,000,000
10 억원 초과 30 억원 이하 (1billion-3 billion)	(과세표준 × 40%) – 160,000,000
30 억원 초과 (more than 3 billion)	(과세표준 × 50%) – 460,000,000

Table 5: taxes in the Korean inheritance law

In the interview with a Professor at Hankuk University of Foreign Studies, he mentioned that Korean society has been facing social conflict because Korean society based on Confucian value was very different with Korean society now. For example, in the Korean traditional value, the eldest son is the one who is responsible to maintain family fortunes, but based on Korean civil law, all of family members, regardless gender and age, they have rights to get the same portion of the family inheritance.

There are several cases of the succession of family properties in Korean society, as follows:

- 1) Mr. Kim who lives in Shillim area got the family fortunes from his father equal with his sister and his brother.

- 2) Mr. Jeong's father in Shillim allotted his fortunes to 2 sons and a daughter equally. His fortunes, a land and a house, and a car, by economic estimation of those properties. And all of his children get the same amount of properties.
- 3) A people who live in Shillim area said that he did not get any inheritance from his parents because his parents did not have anything and he had a restaurant near the church in Shillim area because of his own effort. But he also said that he would give all of his fortunes to his children based on law
- 4) There are three people in Shillim area who said they did not get inheritance allotment from their parents. The reason was same, their parents did not have any properties or fortunes to be given to the children.
- 5) Traditional style of inheritance allotment happened in Seoul. Head of a family got all family fortunes from his father because he was the eldest son of his family. He is responsible to hold the ceremony for the ancestor every year.
- 6) An owner of food packaging industry in Masong, Kimpo got the family fortunes based on his father's testament. And his father said that the family fortunes allotted equally to all of his children, consist of 5 sons and 4 daughters.
- 7) Head of a family decided to split his private fortunes and the family fortunes. His own fortunes will be given to all of his children equally, while the family fortunes will be given to the eldest son as the successor of his family line.
- 8) An owner of the food packaging industries in Masong, Kimpo decided to deposit his money to bank and he will allot his money and his properties to two children and a wife equally based on law.

- 9) Hahoe village which the Ryu family originated and where the family member lived together for 600 years, there is one of them mentioned that he got the family fortunes, consisting of lands and house. He got that kind of fortunes because he was the eldest son on his family. He said that based on tradition, since the founder of this community, the eldest son got most of the family properties.
- 10) The other man from big Ryu family member in Hahoe village, he was not the eldest son in his family, got the land to built a house and for the daily income for the family he works as a souvenir seller there.
- 11) The father of one family in Seoul was passed away 5 month before the interview was held. The father has 2 children with the different mother because the father married twice. They are confused to allotting the family fortunes, so they asked a lawyer and the solution was the family fortunes divided equal to both children.
- 12) All of member the family was passed away in a flight incident, himself, a wife, parents, first born son and his wife, a daughter, a grand-daughter and a grand-son. The inheritor (father/head of the family) did not write a testament regarding his fortunes. So based on Korean law, the family fortunes was given to the closest family member. Since his daughter has a husband, the family fortunes were given to the daughter's husband³.
- 13) There were four people when I interviewed in Kimpo City who said that they did not get any inheritance from his parents. The reason was that their

³ Source 국세정 (National Tax Service). Page 61.

parents were too poor and they did not have anything to share for their children. But when I asked about their opinion regarding the inheritance process in Korea, they said that the government had a law that regulated an inheritance process in the Korean family, so every people in Korea must obey the law.

- 14) Mr. Kim in Kimpo told a story about their experience in the inheritance process in his family. He was the second son of 3 siblings. Before passing away, his father wrote a testament regarding the allotment for the heirs in the family. The heirs of his family were 3 sons and one spouse. The testament explained that the family fortunes were allotted to his wife and his sons equally.
- 15) A family in Seoul allotted the family fortunes by consulting with a lawyer because the parents did not make any testament regarding the family inheritance's succession. The lawyer advised that family to allotting the properties by ratio, 1.5 given to the mother and 1 given to the children. So they did on the lawyer's advice and the family fortunes allotted was based on that ratio.

Korean society, especially in modern society or Koreans who live in urban area, consider that Korean civil law was more important. As regulated in the Korean civil law, Korean families have to allot the family fortunes equally to their heirs. As cited in the article 1000 Korean civil law, people who have rights to be inheritors are lineal descendant of the inheritee, lineal ascendant of the inheritee, the siblings of the inheritee and collateral relatives within the fourth degree from the inheritee. From the

cases found in the field research, it could be explained that the inheritance in the respondent's families allotting the family fortunes based on the priority of the heirs, and the properties were allotted to the children of the deceased. However, in the case 15, the inheritance fortunes allotted not only to the children but also to the deceased spouse.

In the article 1009 (1) if there is exist two or more inheritors in the same degree, the inheritance shared equally. In the case 1, it shows the equal share of the inheritance fortunes to the children in the family succession. Case 2 also shows the equal shares of the inheritance to the children. The same allotment also shows in the case 6, case 8. In the case 11, there is a problem in the inheritance allotment, the deceased married twice and the deceased had children in both marriages. The heirs were confused how to allot the family fortunes, but based on the Korean law, they allot family fortunes equally. In the case 12, article 1000 Korean civil law was implicated to solve the problem caused by the flight accident. All of the lineal descendant died with the deceased in the flight accident and the close relatives of the deceased was the daughter's husband, so the inheritance fortunes was given to the daughter's husband.

The inheritance allotment in the case 15 based on the Korean civil law article 1009 (2) the portion of the deceased's spouse shall be increased fifty percent over the fortunes of his/her lineal descendants who jointly inherits his/her descendants, or fifty percents over the fortunes of his/her lineal ascendants who jointly inherits his/her ascendants. In this case, the spouse shared 1.5 of the inheritance and the children shared 1 of the inheritance.

In the Korean family who still considering traditional value in the inheritance allotment, the first son of the family gets the priority in the inheritance allotment. The first son has to continue the family line and conduct ritual services to the family ancestors. That case was captured in the case 5, the eldest son of the family gets all of the inheritance properties in its purpose to conduct ritual services to the family's ancestors within his upper generation until fourth degree of the ancestors. The interesting cases also captured in the case 7 because there is a combination between the Korean traditional inheritance system and modern inheritance system based on law. The father will inherit the family properties to his eldest son. He argues that this is a regulation in his family since long time ago, but he also has the private fortunes from his occupation. He will allot his private fortunes equal to all of his children. It shows that there is a combination between traditional ways of inheritance, which is the family properties go to the eldest son. On the other hand, modern way of inheritance based on Korean law, is the properties are allotted equally to the heirs in the same degree (See Korean Civil Law Article 1009 (1)).

There is also a unique phenomenon in term of inheritance system in Korea captured in this research. Some of the respondents said that they did not receive the inheritance properties. They mostly said that their parents did not have enough fortunes to be allotted to the children. There is a missing thing in this case about why they said that there was no inheritance in their families. The explanation about this case could be found in the book written by Lee Kwang-Kyu, about the changing aspect of rural family in Korea. I found that the inheritance is not only the material things, but also immaterial of the inheritance. Korean families pay most attention to the children's education. The parents give the best education to the children. The rural

people give education instead of land to their children. When a family has enough money to support the education of all offspring, the children are sent to higher educational institution. However in case that the family does not have enough financial power, the eldest son is sent to high school, the other sons to middle school and daughters to primary school.⁴

4.2. General condition of inheritance process in the Javanese society

As mentioned in literature review, in term of inheritance process in Javanese society, there are three common patterns to allotting family fortunes to the heirs. It seems that they have own position among Javanese. Islamic law and concept of *sepikul segendongan* is the common pattern in the family succession. All of respondent know about the *sepikul segendongan* concept. An officer of notary public office in Yogyakarta said that the important patterns in the succession of Javanese families were *sepikul segendongan* and Islamic law. If they have finished allotting the family fortunes, they made a statutory declaration, mentioning that they have already allotting family fortunes without disagreement and all of the heirs accepted the process result. Then, if special cases happen, they solve the problem by discussing it with all of family members who have right to the inheritance fortunes. If there is no solution, the government court will process it and the result is based on *KUHPer (Kitab Undang-Undang Hukum Perdata/ Burgerlijk Wetboek voor Indonesie)*. There

⁴ Lee Kwang-Kyu, Korean Family and Kinship. Korean Studies Series No.3. (Seoul: Jipmoondang Publishing Company, 1997). Page 101.

are some conditions causing a disagreement of inheritance allotment in the Javanese society:⁵

1. The heirs have disappeared for many years without any information and have no contact with family, but suddenly he/she came back home and he/she claim his/her right in term of inheritance.
2. There is disagreement in the inheritance succession.
3. There is a heir who receives the right improperly and he/she claims for the proper right.

In some place of Yogyakarta Special Region, such as Wonosari, *sepikul segendongan* is common pattern to allotting the family fortunes. It means a son get 2 (two) pieces of inheritance fortunes, while a daughter 1(one) piece of inheritance fortunes. But in the case there is a spouse of the inheritor, he/she is also considered as a heir. Many people in Wonosari region call the piece for the spouse of inheritor as *Kokoh*, the percentage of *kokoh* is based on the agreement of the heirs.⁶ Actually based on Islamic law, the spouse of inheritor has a right of one sixths of the family fortunes.

There is several cases deal with inheritance properties allotment in Javanese society, as follows:

⁵ Interview Mr. Baskara, Notary Public Officer in Bantul, Yogyakarta, 7 June 2011.

⁶ Interview Mr. Subardi, *Kyai* (a person who knows Islam more than others and usually he leads the prayer on the mosque and activities related to Islam) in Semanu, Wonosari, 24 May 2011.

- 1) The inheritance process was captured in Bantul, Yogyakarta. A family head passed away in 2010 and he had 1 wife and 4 sons. The family fortunes that will be allotted to them are a land, approximately 162 m², and a house in that area. Because of the wife (mother of all of sons) do not have occupation and all of sons have their own income to their family, all of the sons agreed not get the shared inheritance fortunes and all of it given to their mother.
- 2) A family in Munggur village, Wonosari has 9 children, 4 sons and 5 daughters. Their father has a land approximately 1500m² and he said that all of the land would be shared by all of children equally. But some pieces of the land were given to village as communal fortunes to build a school (*madrasah*) and a mosque. Moreover, a piece of the land was given to the wife (mother of the children) as a *Kokoh*, so the mother could have money as everyday living expenses.
- 3) Other inheritance process in Munggur village, Wonosari that captured in this research was a family with six heirs, consisting of a spouse, four daughters and one son, allotting the family fortunes by considering concept of *sepikul segendongan*, which means a son get two portion of family fortunes.
- 4) A family in Munggur village, Wonosari, held an inheritance process in its family. The heirs consist of four persons, two sons and two daughters. They agreed to allot the family fortunes equally to all heirs.
- 5) In Sonopakis village, Bantul Region, Yogyakarta, there was a family allotting family fortunes. The heirs of the family were a mother (the inheritor's wife), and 4 sons. Based on law in Javanese, all of the heirs have a right to receive the inheritance. But they all agreed to give the family fortune, which is land, to

the two of 4 sons only. But the beneficiary of this process had to give some amount of money to the others, so all of the heirs get family inheritance equally.

- 6) The other inheritance process was captured in Tamantirto village, Bantul Region, Yogyakarta. A mother passed away in 1999 and she had 2 heirs, a husband and a son. Based on Islamic law, husband/wife is considered as heir. A husband (father of the son) agreed to lose his right as heirs so the son could be the heirs of his mother. The son got all of family fortunes, which were a land and a paddy field.
- 7) The succession of family fortunes was captured in Pakuncen, Yogyakarta. There is a family with fortunes of 2 pieces of land in Ngestiharjo, Bantul. The heirs of the family are wife and a son. But the wife (mother of the son) does not want to receive the portion of family inheritance. She wants all of family fortunes to belong to the son. But the son is just 9 years old, and based on law, he could not be a successor of its inheritance. So the mother takes the responsibility of the son according to law until the son reaches 17 years old.
- 8) The succession of family fortunes took place several months ago in Borobudur village, Magelang. The members of a family were 7 people, consisting of 3 sons and 4 daughters. The concept of *sepikul segendongan* very clearly showed because they split the land, approximately 4500m² into 10 pieces of land. The sons got 2 pieces of land and the daughters have to choose 1 piece of land. The interesting thing happened in this case was the sons get 2 pieces and daughter 1 piece of land, but the daughter have advantage of the accessibility from the road.

- 9) A father in a family in Sleman passed away 5 years ago and he had a hectare of paddy field and a land with house approximately 1000 m². All of those fortunes were allotted equally to three children and a spouse. The spouse (mother) decided to give her portion to the youngest son because she wanted to live together with her youngest son in her old age.
- 10) Inheritance process captured in Kasihan, Bantul. A family has two sons who will inherit the family fortunes which are a land and house. One of the sons declared that he was willing to give his right on the family inheritance to his sibling. It means that he did not get anything from the family fortunes allotment. He made a letter of agreement as the rule based on inheritance law and the letter of this agreement was countersigned by a notary public/ a lawyer for the legalization of its letter.
- 11) A family in Mangkuyudan has allotted the family fortunes which were legalized by a lawyer. The property which is land, allotted to a spouse and five children, consisting of two daughters and three sons. Since one of the son passed away because an accident, the death son's right was taken over by two daughters.
- 12) A mother in Mendut village, Magelang has passed away couple of years ago, and she had two heirs, a son and a daughter. Based on Islamic law, the son got two third of the inheritance and the daughter got one third of the inheritance. So the inheritance properties of the family were allotted two third for the son and one third for the daughter.
- 13) The inheritance allotment was captured in Magelang. A land and a house, two paddy fields in the different location were allotted to three daughters and one

son. The land was allotted equal to all the heirs, but the paddy-field and a house were owned by the son.

- 14) A father has passed away and he left three paddy-fields and a land and a house approximately 1500m². All of the father's fortunes allotted to his childrens, consisting of three daughters equally.
- 15) In Mendut village, Magelang, there was an inheritance process captured. A father has passed away and he has three sons and six daughters. Because of the family fortunes was not so much, just a land and house, all of his children agreed to allotting the family fortunes to the sons only. All of daughters consider that the male-siblings were the head of their families and all of female-siblings married, therefore, income from their husbands are enough for daily family's needs.
- 16) In Bojong village, Magelang, there is a family which allotts the family fortunes by considering Islamic law. The heirs of the family were two sons and one daughter. The allotment of the fortunes was that each two sons got two third of the family fortunes and the daughter got one third.
- 17) An inheritance process was captured in Mendut village, Magelang. A family which has several paddy-fields approximately 6 hectares and some land and house approximately 2000m² are inherited to two sons. Each son gets equal portion of the inheritance from the family fortunes.
- 18) A family in Bojong village, Magelang has 4 heirs. There was a spouse and three children of two daughters and a son. The family properties allotted to them are a land and a house and a restaurant. First they estimated the value of the properties and they allotted it equally. One of two daughters decided to

own the restaurant and she had to pay the difference of the inheritance she got with the estimated value of the restaurant to the other heirs.

19) A family in Magelang has two sons and a daughter. The family fortunes that allotted were a land and two houses. The two houses were given to the two sons and a daughter got nothing. The daughter was willing to lose her right because she stayed far from the parents and her siblings took care of the parents. So she was pleased with this condition although she got nothing from the family inheritance process.

20) A conflict regarding inheritance was captured in Borobudur. The family consists of three heirs, that is two daughters and one son. The family fortunes were already allotted equally to the heirs. But the male sibling was disappointed with this allotment. His argument was based on the concept of *sepikul segendongan* and considering Islamic law, the son got double from the daughter. So he took his claim to the state court in Magelang Regency.

All of Javanese respondents in this research said that they know about the concept of "*sepikul segendongan*". This concept is showed in the case 3, 18 and 19. The male heirs get 2 pieces of inheritance properties and female heirs get 1 piece of inheritance properties.

The inheritance properties allotted equally based on Indonesian Law, which was given to the heirs showed in the case 7, 10, 11, 17 and 20. They were considering the equal value in the family to allot the family properties.

The application of Islamic Law is showed in the case 12 and 16. Actually, to decide the category of Islamic law or the concept of *sepikul segendongan* is very difficult because they are the same in the portion of the heirs, female gets one shares and male gets two shares. To decide it, the respondent's speech during data collection is used. Although people in case 12 and 16 also understand about the concept of *sepikul segendongan*, they prefer to use the concept of Islamic law to allot family properties.

The combination of inheritance rules in Javanese society are shown in some cases. Case 1 represents the application of three patterns of the inheritance rule in Javanese society. There was a consideration about the heirs of that family which consists of a deceased's spouse and his 4 sons. The inheritance properties should be allotted to the heirs, but they consider that their mother as the only inheritee in their family, so they all agreed to give the inheritance properties to their mother. Moreover, the agreement among them was countersigned by a lawyer (public notary). Other combination of the inheritance rules in Javanese society shown in the case 2. The cases is quite similar in the case 1, the heirs of the family was a deceased's spouse and the children. However, the difference is that the deceased gives a part of his land to build a school and a mosque as a communal facility in their village. The same condition happens in case 5. The concept of *sepikul segendongan* is considered as the pattern for allotting the inheritance properties. The value of *musyarawah* as the way to solve the problem is also clearly shown in this case. The two sons got the lands, but other sons got money equal to his right on the inheritance properties. So there is a win-win solution to solve the problems of the inheritance properties allotment so all the sons get the inheritance equally. In case 6, combination of the inheritance rule in

Javanese emphasized on the willingness of one of the heirs to lose his rights as the inheritee. Then, the statement of his willingness is countersigned by the lawyer (public notary).

The interesting case showing the combination of some of the inheritance rules in Javanese society is in the case 8. The inheritance properties allotted to the heirs are based on the concept of *sepikul segendongan*. However, all the heirs agreed to give female heirs the pieces of land near the road as the compensation because they got only one piece whereas the male heirs got 2 pieces of land. In case 9, the combination of the pattern of inheritance allotment is the deceased's spouse decided to give her rights to the youngest son because she wants to live with her son in her old ages. The cases of 13, 14 and 15 have quite same style of inheritance properties allotment. They decided to allot the properties equally to the heirs but some of agreements among them became special cases happened.

CHAPTER V

CONCLUSIONS AND SUGGESTIONS

5.1. Conclusions

The inheritance process captured during field research in Korea and Java shows both traditional and modern style inheritance system. Both of those patterns are still used by the people to allot family fortunes. Furthermore, because of two societies are male-dominated societies, male have more advantages in the family than woman. In Korean society, the family inheritance allotted by traditional pattern means the family fortunes be given to the eldest son. The eldest son has a responsibility to maintain the family name, holds several ritual services for the ancestors. The other sons of the Korean family have to live separately from the parents. Although they live separately from the parents, but they still connected to the main family as the branch family. The connection between main family and branch family is shown, especially, when the main family holds ritual services to the ancestors, both in the main family's house or in the ancestor's graveyards.

Korean civil law regulates the inheritance process in Korean family. The Korean civil law on inheritance system covers comprehensively problem caused in the Korean inheritance process. Based on Korean civil inheritance law, Korean people are guaranteed of equality in family inheritance, both the percentage of allotment and social welfare. According to the law, all of family heirs get the same portion of family inheritance be them male or female.

In the Javanese society, we have to pay attention to the principle of the inheritance. Inheritance in *adat* law is influenced by the belief that children are a

bridge for the family and community to the future.¹ Therefore, the application of the inheritance system in Javanese society is emphasized on the harmony of the family and community. There are some values in the inheritance allotment. The most popular values in Javanese society in term of inheritance allotment is *sepikul segendongan* concept. The concept of *sepikul segendongan* is the non-codified law in Javanese society. It means the concept of *sepikul segendongan* is not written as an official law in term of inheritance in the Javanese family, but all of Javanese in Yogyakarta and some area around Yogyakarta know of the allotting of the family fortunes to the heirs. Islamic law of inheritance is considered by the families who want to allot the family fortunes by the Islamic law because they want to implement the God, *Allah*, and *Prophet Muhammad*'s commands to the Muslims to deal with the inheritance system.

There is a unique characteristic of Javanese captured in the inheritance allotment. All of the respondents consider the concept of *sepikul segendongan* and Islamic law, but they also consider the completeness of opinions and wishes among family members for good decision making with the purpose to create harmony among family members. The inheritance allotment is not to make the distinction among family members, but to maintain the togetherness and strengthen family relationship among the heirs. Therefore, the decisions of the inheritance allotment have to give the benefit to family members.

The *Kitab Undang-Undang Hukum Perdata* adopted from western law is the official civil law to regulate the inheritance process in Indonesia. Children status

¹ Ratno Lukito. "The enigma of national law in Indonesia: The supreme court's decision on gender-neutral inheritance". *Journal of Legal Pluralism*. 2006. Page 148

Source <http://www.jlp.bham.ac.uk/volumes/52/lukito-art.pdf>

as heirs of the first group in the civil tradition can principally override heirs from the next group, but without any distinction made between male and female.² However, respondents of this research adhere to this law to solve the problems that occur in the inheritance process and to legalize the result of the inheritance allotment.

Hereunder is the summary of the inheritance process captured during the field research in Korea and in Javanese societies

NO	Inheritance process style	total
1.	The eldest son gets all of the inheritance fortunes (based on traditional value)	3 cases
2.	The inheritance fortunes allotted to heirs equally (based on civil law)	9 cases
3.	Combination between two style of inheritance allotment	1 case
4.	Not following inheritance process	8 cases

Table 6: The Korean inheritance allotment captured during research

² Ratno Lukito. "The enigma of national law in Indonesia: The supreme court's decision on gender-neutral inheritance". *Journal of Legal Pluralism*. 2006. Page 148

Source <http://www.jlp.bham.ac.uk/volumes/52/lukito-art.pdf>

NO	Inheritance process style	total
1.	“ <i>Sepikul segendongan</i> ” (based on traditional value)	3 cases
2.	The inheritance fortunes allotted to heirs equally (based on civil law)	5 cases
3.	The inheritance fortunes allotted to the heirs by Islamic law	2 cases
4.	Combination between three styles of inheritance allotment	10 cases

Table 7: The Javanese inheritance allotment captured during research

5.2. Discussions

The inheritance process captured in Korean and Javanese societies during this research represents only the small actual events in both societies. The inheritance process in both societies shows us the dominance of the male-dominated society in inheritance system. However, there are some differences in those societies especially in the traditional style of inheritance system. Those differences, for example, in Korean society, they allot the inheritance fortunes by the position of the son. The eldest son has the ultimate rights to get family fortunes because he has responsibility to maintain the family’s existence. The other sons have to move from their parent’s house and live separately as branch family. They gather together when the main family must perform ritual services to the ancestors. Traditional style inheritance system in Korea can be found in this research when a family in Andong Area, Kyeongsang Province, allots the family fortunes by the father’s testament. That testament said that the family fortunes were to be given to the eldest son. The other

traditional style inheritance captured in this research is a Professor in HUFs who got the family fortunes from his father because he was the eldest son of his family.

In “not following inheritance process” case, it is the case fortunes of the family given to the children in order to support their education. Lands and educations are totally different matter, but they are the most valuable things in the Korean societies.³ Korean family emphasizes on the education for their children in their hope for the better future for their children. In the industrialized society, such as Korea, education is very important. It seems that in the Korean society, especially in term of inheritance, changing from their traditional value to the modern one as their adjustment to the changes in the Korean modernization.

The Korean Family Law was enacted in 1960 regulates Korean patrilineal system that emphasized on the importance of the eldest son as head of family and the biggest receiver of the family inheritance.⁴ However in 1989, there were struggle by movements such as The Pan-Women Society, that there were changes in the inheritance succession system and the law also permits a divorcing woman to claim a share of property according to her contribution to gaining the property.⁵ Confucianism in Korea legitimized patrilineal authority in the society that influence women in Korea lived inferior in the family because Confucianism underlies male

³ Lee Kwang-Kyu, Korean Family and Kinship. Korean Studies Series No.3. (Seoul: Jipmoondang Publishing Company, 1997). Page 101.

⁴ Interview Mr. Kim, Lawyer, 21 March 2011

⁵ Kyung Ae Park via Ornsaran Manuamorn, “Export-led Industrialization and Gender Inequality in East Asia”, Journal of Social Science, Faculty of Political Science, Chulalongkorn University Vol. 36 No.2 July-December 2005, page 45.

privileges by emphasizing social order based on gender and age hierarchies.⁶ It can be understood from the pattern of the inheritance system in traditional Korean society that the properties go to the eldest son.

On the other hands, *sepikul segendongan* concept has been used by Javanese people since long time ago. The evidences of this statement are from many literatures regarding the inheritance system in Javanese society. Besides, from the field trip in Yogyakarta and some places around Yogyakarta, all of the respondents know about the concept of *sepikul segendongan*. This concept means the male gets two shares of the inheritance fortunes and the female gets one. It is quite disconcerting when we learn about Islamic law. *Al Quran Surah Annisa'* ayat 11 explains that the male gets two shares of the inheritance fortunes and the female gets one. The answer of both of patterns could possibly be: the concept of *sepikul segendongan* has been adopted from the Islamic law or the Islamic law has been localized as the local concept known as *sepikul segendongan*. The inheritance patterns in Javanese society are not necessarily as a strict pattern in the inheritance allotment. This is based on the interview with a Kyai in Semanu, Wonosari who emphasizes that the Javanese people also consider *musyawarah* (deliberation) for the best decision making in inheritance. The example of the kind of compromise in the inheritance allotment is captured in Borobudur.

The succession of family fortunes took place several months ago in Borobudur village, Magelang. The members of a family are 7 people,

⁶ Ornsaran Manuamorn, "Export-led Industrialization and Gender Inequality in East Asia", *Journal of Social Science*, Faculty of Political Science, Chulalongkorn University Vol. 36 No.2 July-December 2005, page 46.

consisting of 3 sons and 4 daughters. The concept of *sepikul segendongan* very clearly showed because they split the land, approximately 4500m² into 10 pieces of land. The sons got 2 pieces of land and the daughters have to choose 1 piece of land. The interesting thing happened in this case was the sons get 2 pieces and daughter 1 piece of land, but the daughter have advantage of the accessibility from the road.⁷

The heirs of that family agreed to allotting the family fortunes, which is land, to all the heirs by the concept of *sepikul segendongan*, but there was a compromise among the family members to give the daughters pieces of land that have the easy access to the road.

In the inheritance process related to gender in Javanese society, male has many advantages from the inheritance system. Under Javanese-Islamic law, female were allowed to inherit, own and redistribute properties.⁸ We can see from some cases captured in this research that female descents have right to allot the family properties, although the portion is smaller than male descent. Also female heir could own and redistribute the properties such happens in case 7. The mother has right to gets properties, but she decided to redistribute properties to her son.

The rule of civil law, especially in term of inheritance system, especially in Javanese society seems to be different to civil law in Korean society. The civil law in Korea is accepted by most of the respondents to allotting the family fortunes. From

⁷ Interview Respondent, 13 May 2011.

⁸ Sarah Weiss, *Aesthetics, Gender and the Music of Wayang in Central Java: Listening to an Earlier Java* (Leiden: KITLV Press, 2006). Page 61.

interview with the officer of National Tax Services, he said that the civil law in Korea already covered all of the inheritance law in Korea. Furthermore, that law is the official law in South Korea, so all of Koreans have to obey the Korean law.

In the other hand, civil law in Javanese society seems to be used when the family has a problem occurred from the inheritance allotment. The problem happens in these conditions:

1. The heirs have disappeared for many years without any information and have no contact with family, but suddenly he/she comes back home and he/she claims his/her right in term of inheritance.
2. There is disagreement in the inheritance succession.
3. There is a heir who receives the right improperly and he/she claims for the proper right.

Usually they solve the problems by *musyawarah* among family members. If there is no solution, they go to the court to solve the problem. The example of this case captured in this research.

A conflict regarding inheritance was captured in Borobudur. The family consists of three heirs, there are two daughters and one son. The family fortunes were already allotted equally to the heirs. But the male sibling was disappointed with this allotment. His argument was based on the concept of *sepikul segendongan* and Islamic law hereby the son got double from the daughter. So he claimed it to the state court in Magelang Regency.⁹

⁹ Interview Respondent, Borobudur, Magelang, 27 May 2011.

Finally, Korean and Javanese societies as the patriarchal society, the male is more powerful than female, especially in the inheritance system.

5.3. Suggestions

This research is a sociological field because it examines two different male dominated societies, with the different background, different location and different culture. This research also involves two interdisciplinary studies, East Asian Studies and Southeast Asian Studies, so it can enrich the study in the sociological studies. Therefore, there are some suggestions for further study in the inheritance system as follows;

1. The study of society is very important to understand the characteristics of a society, how they think about the world, how their view about the world and the life, and so on.
2. Comparative study of inheritance system in Korean and Javanese societies to understand the characteristics of inheritance system in the male-dominated societies with the different backgrounds, different language and cultures.
3. The research of inheritance system is not only the research about family fortunes allotment, but also research about kin relation among people in those societies, social value in those societies with purpose to understand the link of the inheritance system and many things related to the society.
4. As a sociological research, the in-depth research should be done by the researchers because it is very important to understand the society. For example, in Javanese, there is a proverb, “*bèda dèsa bèda càrà*” (different villages

different customs), so the researcher have to pay the most attention to that kind of social phenomena. The proper date and time to conducting research has to be considered because if the field research is done in the wrong place and time, the data that received from the research is not satisfactory.

5. Since this research does not cover Javanese who are Buddhist, Christian, and/or Hindu, it cannot provide comprehensive information regarding inheritance system in Javanese. Therefore, further research in inheritance system, especially in Javanese society should pay attention to the inheritance allotment in Javanese people who are Buddhist, Christian and/or Hindu.

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APPENDIX

Respondents and informants in Korean inheritance research

1.	Mr. Kim	Shillim, Seoul, South Korea	Respondent
2.	Mr. Jeong Jae Hyuk	Shillim, Seoul, South Korea	Respondent, informant
3.	Mr. Kim Beop-Kyu	Shillim, Seoul, South Korea	Respondent
4.	Mrs. Kang	Guro, Seoul, South Korea	Respondent
5.	Mr. Lee	Shillim, Seoul, South Korea	Respondent
6.	Prof. Yang Seung Yoon	HUFS, Seoul, South Korea	Respondent, informant
7.	Mr. Hong Sun-Byeo	Masong, Kimpo, South Korea	Respondent
8.	Mr. Kim Hyuk Ki	Masong, Kimpo, South Korea	Respondent
9.	Mr. Park Dae Hyun	Kimpo, South Korea	Respondent
10.	Mr. Kim Dong Min	Kimpo, South Korea	Respondent
11.	Mrs. Lee Eun Jung	Kimpo, South Korea	Respondent
12.	Mr. Kim Gi Beom	Kimpo, South Korea	Respondent
13.	Mr. Lee	Kimpo, South Korea	Respondent

14.	Mr. Yoo	Andong, Kyeongsangbuk-Do	Respondent
15.	Mr. Yoon Hyeon Jun	National Tax Service, Daegu, South Korea	Respondent, informant
16.	Mr. Yoo	Hahoe, Andong	Respondent
17.	Mr. Kim Tae Hwan	Seoul, South Korea	Informant

Respondents and informants in Javanese inheritance research

1.	Mr. Baskara	Bantul, Yogyakarta	Respondent, informant
2.	Mr. Armansyah Prasakti, S.H., M.Kn	Bantul, Yogyakarta	Informant
3.	Mr. Subardi	Munggur, Wonosari, Yogyakarta	Respondent, informant
4.	Mr. Ahmad Subagya	Sleman, Yogyakarta	Respondent
5.	Ms. Supinah	Bantul, Yogyakarta	Respondent
6.	Mrs. Mariyem	Bantul, Yogyakarta	Respondent
7.	Mr. Sugiyatno	Munggur, Wonosari, Yogyakarta	Respondent
8.	Mrs. Djumilah Hadisuwarno	Bantul, Yogyakarta	Respondent
9.	Mr. Sukiman	Munggur, Wonosari, Yogyakarta	Respondent
10.	Mrs. Isti Ariyanti	Yogyakarta	Respondent

11.	Mr. Amin Kuwatno	Sleman, Yogyakarta	Respondent
12.	Mrs. Jumanah	Yogyakarta	Respondent
13.	Mr. Suhadi	Mendut, Magelang	Respondent
14.	Mr. Supardi	Bojong, Mendut, Magelang	Respondent
15.	Mrs. Muslimah	Mendut, Magelang	Respondent
16.	Mr. Mahmudin	Mendut, Magelang	Respondent
17.	Ms. Ira Januari	Kota Magelang	Respondent
18.	Mr. Ahmad Suhadi	Mendut, Magelang	Respondent
19.	Mr. Hadi	Bojong, Mendut, Magelang	Respondent
20.	Mr. Samsudin	Mendut, Magelang	Respondent

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