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Analysis of the Position of Women in Division of Inheritance in Japanese Families: Onoda Family

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Abstract

This research aims to find out the position of women in equal rights and obligations and how the position of women in the division of inheritance in Japan in the past to the present both in terms of culture and law. The data collected came from interviews with one of the Onoda family members and from literature studies such as books, journals, and articles as supporting data. The research methods used to collect data include qualitative methods, interview methods, and literature study methods. From this research, it is concluded that the equality of rights and obligations of men and women is getting better, including in terms of the distribution of inheritance in legal perspective and society.

Keywords: women; inheritance; inheritance law; family

1. Introduction

Japan is one of the many countries in the world that still emphasizes its traditional culture amidst the onslaught of modernization with all technological advances. Modern Japanese society is close to technological sophistication without abandoning traditional values in daily life. In Japanese society there are still traditional family values inherited from the *Ie* system from ancient times. The *Ie* system adopted by Japanese society is legally extinct and is considered not applicable to social organizations in Japanese society, but in conscience the spirit and essence of the *Ie* concept is still applied in the daily life of Japanese society, both in the family as the smallest social organization and in company management as a collective social organization.

Talking about the position of women in terms of inheritance in traditional Japanese families and modern Japanese families will show two things that have contrasting differences. In the *Ie* system in Japan, there are no regulations stipulating that only males from the father's side of the family can serve as adopted children to prevent outsiders from entering the family line [2]. The way to select a man to become *kachou* or leader of an *Ie*, other than through blood ties (*chounan*), can be done through an adoption procession. The adoption process is divided into three, namely son adoption (*futsu-yoshi*), son-in-law adoption (*mukoyoshi*), and husband adoption (*nyufu*) [3]. The culture in *Ie* absolutely stipulates that inheritance will only be given to men. There are no gaps in any conditions or situations for women to become heirs in the family.

Onoda family which is the source of data in this research is a modern Japanese family which no longer applies the *Ie* system in dividing inheritance in the family. However, there are still *Ie* traditions or values visible in the family. This family has sons and daughters, which is the second reason for using this family as a data source in research which can be used as a comparison material in seeing the differences in the position of men and women in traditional and modern Japanese families.

In connection with what was explained previously, this article will discuss the position of women in the division of inheritance in Japanese families. It will explain the implementation of inheritance distribution, especially the position of women in inheritance distribution and the inheritance distribution system used in Japanese society today.

2. Literature Review

2.1. Theoretical review

Inheritance in Japanese is called *Souzoku* [4]. In Indonesian, inheritance is defined as something that is passed down, such as a good name, wealth, inheritance [5]. In Indonesian it can be interpreted that inheritance is not only in the form of property. Likewise, *Ie* has complex rules regarding the distribution of inheritance, where according to Harumi *Beifu*, *Ie's* inheritance is in the form of *kazan* in the form of concrete objects, *kamei* (family name), *kakaku* (family status), *kafu* (family tradition), and *keifu* (family tree) [6].

Property in the traditional Japanese concept of family inheritance is not to be divided but used for the common good with the *kachou* as the head of the family who is responsible for managing it and passing it on to the next generation. This is different from the modern Japanese concept of family inheritance where detailed regulations regarding the division of inheritance are contained in the Japanese Civil Code [7]. Current Japanese inheritance law treats men and women equally.

2.2. Previous Studies

Research on inheritance in the *Ie* system was carried out by Ni Putu Luhur Wedayanti and Ni Made Andry Anita Dewi in 2021. In their article entitled "*Sistem Ie Terkait Pewaris Pada Keluarga Jepang*", Wedayanti and Dewi describe in detail the concept of inheritance in the *Ie* system and how it is implemented inheritance in traditional Japanese families [3].

In Indonesia, Azhar in his writing in 2005 discussed the position and status of children in inheritance law in modern Japanese society entitled "*Status Anak dan Hukum Waris di Masyarakat Jepang*". In his writing, Azhar highlighted how the inheritance law system in Japan changed after the Second World War, where inheritance no longer fell to sons only but all children would have the same rights [7].

Yuliani Rahmah in her article entitled "*Konsep Ie dalam Organisasi Sosial Masyarakat Jepang*" in 2017, discusses how *Ie* values are no longer legally enforced, but can still be seen in Japanese society in social life in the aspect of the family as the smallest organization up to larger social organizations [1].

3. Research and Method

This research methodology uses qualitative methods. Through this method, answers can be found for each problem formulation and understanding of the social situation being studied and hypotheses which can then develop into theories [8]. This research began by using the literature study method and interview method in searching for data. The data comes from books, journals and articles, apart from that, an interview was also carried out with a member of the Onoda family as a source of data in this research.

4. Result and Discussion

4.1. Equal Rights and Obligations of Women

Changes in the Japanese state system which no longer adheres to the *Ie* system have brought changes in culture and living arrangements in society. The system of absolute inheritance to men was abolished and replaced with rules that pay more attention to women's equal rights.

Based on interviews that have been conducted, it was found that the Onoda family does not implement the *Ie* system. However, there are still *Ie* traditions that they carry out. Like a religious ceremony that is carried out when a family member dies and they have a grave in a Buddhist temple and wear *kaimyo* (the name given after someone dies). Simultaneously, they also live a modern life by following current regulations. The life of women in traditional Japanese families where they are not free to express themselves and make life choices has now been abandoned. The Onoda family, which represents a modern Japanese family, treats boys and girls equally, personal matters such as marriage, determining career choices, and the responsibility of caring for both parents are also carried out fairly and equally. The distribution of inheritance is also carried out in accordance with the legal rules contained in the Civil Law (*Minpo*) in article 900.

4.2. Position Woman in distribution inheritance

When asked about inheritance distribution, Onoda explained in detail the legal inheritance distribution system and how it was applied in his family. The law governing how inheritance will be divided is contained in Civil Law (*Minpo*) article 900, as follows:

1. If the heirs are the wife/husband and their children, then the wife/husband will get half of the inheritance. The child gets half of the inheritance.
2. If the heir is a wife/husband who has no children and the mother and father have died, then both spouses/wives will get two-thirds of the entire inheritance and one-third of the share will belong to the father/mother (grandfather).
3. If the heir is a husband/wife who has no children or parents, then the husband/wife will receive three-quarters of the entire inheritance and one-fourth of the other share for siblings, namely brothers or sisters.
4. If the heirs are only brothers. Where the heir does not have a spouse or children and the parents have died. Inheritance assets will be distributed according to the number of siblings.

Based on the statement regarding the inheritance distribution law described above, it can be seen that sons and daughters will always receive equal shares. Spouses, parents and children will always be part of the heirs.

Based on research data obtained after interviewing sources, it is known that the Onoda family's inheritance was in the form of cash, houses, cars, paddy fields, fields and gardens. However, inheritance is not only in the form of material possessions. However,

the debts owed by the heir will fall into the hands of the heirs. Therefore, prospective heirs are given the opportunity to go to the family court to resign as heirs to be free from debt. The inheritance process will start from the time the heir dies and lasts for the next three months.

5. Conclusion

From the description above, it can be concluded that the position of women in the distribution of inheritance in Japanese families, with the Onoda family being the source of data in the research, represents a modern Japanese family that lives a family life that upholds equality of rights and obligations within the family. Changes in the position of women in the distribution of inheritance in Japanese families, which previously focused on sons, have changed for the better along with the progress of the times where ideas about equal rights and gender have improved. Nowadays Japanese women have a strong position in the family and the right to inherit the same share as men and is guaranteed in valid law contained in the Civil Code (*Minpo*) article 900.

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