



HUMANIORA

JURNAL BUDAYA, SASTRA, DAN BAHASA
FAKULTAS ILMU BUDAYA UNIVERSITAS GADJAH MADA

Volume 22, Nomor 1, Februari 2010

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Metafora dalam Bidang Pertanian Padi
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Kutai Barat Kalimantan Timur (Suatu
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Jerniati I

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HUMANIORA

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EDITORIAL

Seorang guru besar dicopot dari jabatannya karena terbukti melakukan penjiplakan atau plagiarisme. Berita yang marak di media massa akhir-akhir ini memang mengejutkan masyarakat maupun akademisi dengan suasana batinnya masing-masing. Masyarakat terkejut ketika mendapati kenyataan bahwa jabatan guru besar yang selama ini diagungkan ternyata dapat diperoleh melalui cara-cara nista. Di sisi lain, akademisi tersentak karena ternyata jabatan guru besar dapat juga dicopot gara-gara penjiplakan. Keterkejutan para akademisi dapat dimengerti karena selama ini seakan-akan telah terjadi pembiaran plagiarisme. Bagi sementara akademisi, seolah-olah berlaku adagium "boleh menjiplak asal tidak ketahuan". Kalau ketahuan pun, hanya dianggapnya sebagai nasib sial belaka. Kerangka pikir seperti ini berkembang subur karena selama ini hampir tidak ada sanksi yang setimpal bagi mereka yang melakukan penjiplakan.

Sesungguhnya kasus plagiarisme hanyalah puncak gunung es dari persoalan moralitas dan mentalitas bangsa Indonesia yang semakin memprihatinkan. Padahal, sudah sejak lama Prof. Dr. Koentjaraningrat mengingatkan adanya sejumlah mentalitas bangsa kita yang tidak sesuai dengan pembangunan, di antaranya nilai budaya terkait hakikat berkarya. Dengan kerangka orientasi nilai budaya ala Kluckhohn, pakar antropologi ini menunjukkan bahwa bangsa kita melihat hakikat berkarya semata-mata untuk memenuhi nafkah dan memperoleh kedudukan atau kehormatan. Nilai budaya ini lalu memunculkan sikap meremehkan mutu dan suka menerabas. Orang belajar tidak mencari ilmu, tetapi tanda tamat belajar. Jabatan guru besar diraih hanya untuk ukuran status dan bukan ukuran pencapaian (*achievement*), serta demi pendapatan dan bukan bukti kemampuan akademis. Dalam konteks inilah, plagiarisme menjadi jalan pintas untuk mendapatkan status dan pendapatan tinggi.

Sementara itu, sistem pendidikan di Indonesia rupanya belum diarahkan untuk mengikis mentalitas seperti itu, apalagi membentuk mentalitas yang lebih sesuai dengan tuntutan era ini. Akibatnya, keunggulan kompetitif pun tidak dimiliki. Hal itu terbukti dari kegamangan untuk bersaing pada tingkat global. Susahnya, ketiadaan keunggulan kompetitif justru akan semakin mendorong upaya peniruan dan plagiarisme lebih banyak lagi karena hanya itu kemampuan yang dimiliki dan dapat diandalkan.

Jurnal ilmiah ternyata termasuk media yang rawan plagiarisme. Rupanya, kesepakatan untuk menjadikan jurnal sebagai sarana menebarkan gagasan akademis dan hasil kajian yang otentik tidak lagi dipedulikan. Barangkali, hal ini juga dikondisikan oleh kebijakan promosi jabatan akademis yang memberikan nilai tinggi bagi karya ilmiah yang dimuat dalam jurnal ilmiah, apalagi yang sudah terakreditasi. Kebijakan ini memang mendorong minat akademisi untuk mengirimkan karya ilmiah untuk diterbitkan di jurnal. Keadaan ini semestinya dapat meningkatkan kualitas jurnal itu sendiri karena kompetisi yang tinggi. Namun, pada saat yang sama, jurnal ilmiah berpotensi menjadi wahana bagi mereka yang ingin segera mendapat nilai tinggi untuk naik jabatan dengan cara apa pun. Dalam situasi seperti ini, pengelola jurnal harus bekerja keras dan cermat agar mampu menjadi saringan yang efektif bagi penerbitan naskah hasil plagiarisme.

Tentu, tuntutan itu tidak mudah untuk dipenuhi. Bagaimanapun, pengelola jurnal ilmiah memiliki berbagai keterbatasan. Di era keterbukaan informasi yang hampir tak terbatas, seketat apa pun seleksi yang dilakukan, tidak mustahil ada naskah plagiat yang mungkin lolos. Karena itu, plagiarisme tidak akan dapat dikikis hanya dengan seleksi atau pembatasan yang lebih ketat. Sesungguhnya, saringan yang paling efektif justru ada pada upaya penyadaran akan etika dan moralitas para akademisi itu sendiri. Masalahnya, apakah mereka mampu mengentaskan diri dari mentalitas menerabas yang masih laten ada di tengah masyarakat kita? Jawabnya hanya ada pada nurani masing-masing.

Editor

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A STUDY OF 'KENRY' IN JAPANESE AND 'HAK' IN INDONESIAN

*Azhar**

*Matsumura Yoshiyuki***

ABSTRACT

This research basically aims at exploring the word 'kenry' (in Japanese) and 'hak' (in Indonesian). This study also attempts to compare the views of the Japanese towards the word 'kenry' and the Indonesian towards the word 'hak'. The research findings indicate that the understanding of the Japanese towards the concept of 'hak' has some contradictions in connection with the consideration of relation between the people and society. This indicates that right and consideration of the human relation is a very different thing in Japan. In Indonesia, on the other hand, the statement of right, consideration to the weak, and consideration of the human relation is regarded as a factor with is not contradictory to one another.

Key Words: kenry, right, Japanese, Indonesia

ABSTRAK

Penelitian ini pada dasarnya bertujuan untuk mengungkap kata "kenry" (dalam bahasa Jepang dan "hak" (dalam bahasa Indonesia). Studi ini juga mencoba untuk membandingkan bagaimana tanggapan orang Jepang terhadap kata "kenry" dan orang Indonesia terhadap kata "hak". Hasil temuan di lapangan menunjukkan bahwa di Jepang pemahaman terhadap konsep hak bertentangan dengan pertimbangan terhadap hubungan manusia atau masyarakat. Hal ini menunjukkan bahwa hak dan pertimbangan terhadap hubungan manusia merupakan sesuatu yang sangat berbeda di Jepang. Sebaliknya, di Indonesia, pernyataan hak, pertimbangan terhadap yang lemah dan pertimbangan terhadap hubungan manusia dianggap sebagai suatu faktor yang tidak bertentangan dengan satu sama lainnya.

Kata Kunci: kenry, hak, Jepang, Indonesia

INTRODUCTION

Many new legal terms were coined when occidental laws were accepted and many existing terms were given new meanings after the acceptance of the laws. A study of how people have given meanings to such terms and conceptualized them will have some significance.¹

This study is based on a survey done in Japan and Indonesia. In the first survey, we compared Japanese responses to the word "kenri" and Indonesian responses to the word "hak".

The data source was the legal consciousness questionnaire survey carried out among Japanese adults across the nation for the other

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project conducted by Matsumura (the coordinator) (see note 11). The survey was conducted from February to March 2005 using self-administered method. Some questionnaire items were assigned to measure the responses to some sentences including the word "kenri" (the respondents were asked to make a choice from six point-scale regarding how much they agreed to the sentence with the word "kenri") (Matsumura et al., 2007a,b). The questions used in this survey were obtained through the following procedures.

- 1) By asking students in Matsumura's seminar to make short sentences with the word "kenri", or by some other means. 40 to 50 sentences were then collected.
- 2) Survey forms with questions asking how much they agree (six point-scale: from

"Definitely think so" to "Do not think so at all") on the sentences were administered to students (different from those in point 1 above), and collected. These student surveys were repeated sequentially, with questions altered and replaced until the stable factor structure (factor structure in factor analysis. Factor analysis will be detailed later) was extracted.

- 3) 13 questions determined through the above procedures were selected for the national legal consciousness survey (see note (11)).
- 4) One of the questionnaire items translated into Indonesian was inappropriate and that item was taken out from our analysis.
- 5) The selected questionnaire items are presented in Table 1.

Table 1. Pattern Matrix

	Component		
	1	2	3
(21) Asserting a right conforms to justice	.625	.085	-.166
(19) The right to vote is one of the most important rights.	.593	-.211	.189
(23) I will participate in a protest act if a government policy is going to discriminate against the freedom of belief.	.564	.003	-.184
(18) I protect my rights by me	.529	.135	.157
(15) To claim a right is not only for oneself but also for those who come later.	.528	.124	.165
(12) I would not hesitate to claim the rights of a consumer when I find out the goods I bought are flawed.	.475	-.021	.007
(20) Those who over-assert their rights are generally considered impudent people.	-.243	.676	-.024
(17) A person of wealth might be more conscious about his/her rights.	.292	.617	-.080
(13) Many more rights should be given to the disadvantaged.	.263	.596	.021
(22) I do not really understand the word "rights".	-.396	.518	.133
(11) We should avoid any awkward relationships caused by over-assertion of our rights.	-.082	-.104	.626
(14) What is important is that we maintain a cordial discussion	.113	.105	.718

Method of factor extraction: Principal component analysis
Method of rotation: Promax solution

In order to comprehend the abstract structures behind the responses to the 12 questionnaire items, factor analysis (the one method of statistical analysis to reduce a large number of correlated variables into a small number) was performed. Judging from the eigenvalues and their scree plots, three factor solution was accepted.¹ The pattern matrix attained after the factor rotation² is presented in Table 2. The figures presented as components in the table show how close they correlate to each of the 3 factors. Since promax rotation is an oblique one, the component correlation matrix is also shown in Table 2.

Table 2. Component Correlation Matrix

Component	1	2	3
1	1.000	-.002	.099
2	-.002	1.000	.232
3	.099	.232	1.000

Method of factor extraction: Principal component analysis

Method of rotation: Promax solution

The explanation for the three factors can be seen in the tables. The factors can be named as follows.(4)

The first factor: The sublime character of rights. The second factor: The self-serving and negative character of rights. (Question 13, "Many more rights should be given to the disadvantaged", is however difficult to explain.) The third factor: The significant concern on human relationship rather than the rights. From the point of view of rights, this is disturbance since this factor leads to the consideration of community relationship and human relationship.(5)

The second survey was conducted in Indonesia. A sample of 50 Indonesians was obtained. The subjects were sampled from college students living in Palembang City for an expedient reason. The family backgrounds of

the subjects varied widely. The same questions as those used in the Japanese survey were translated into Indonesian and administered. However, the back translation procedure needed to guarantee the equivalent stimuli in the cross-cultural study was omitted. Also as already stated, one questionnaire item was taken off from the analysis because the translation was inappropriate. The survey was conducted in September 2006. The procedure of the analysis was as follows:

- 1) The factor analysis of the Indonesian data was performed using the same procedure as that used for the Japanese data.
- 2) Judging from the eigenvalues and their scree plots, 4 factor solutions were accepted.
- 3) Promax rotation was also performed. The eigenvalues, the pattern matrix, and component correlation matrix, which present the correlation among factors, are presented in Table 3 and Table 4.

The four factors were named as follows. The first factor: The sublime character of rights. The second factor: The warmth of rights. The third factor: The positive attitude toward asserting rights. The fourth factor: The negative attitude toward asserting rights.

Table 3. The Eigenvalues

component	Eigenvalues	variance ratio	cumulative ratio
1	2.683	22.359	22.359
2	1.745	14.541	36.900
3	1.577	13.144	50.044
4	1.302	10.854	60.898
5	.976	8.136	69.034
6	.947	7.895	76.929
7	.794	6.616	83.545
8	.611	5.094	88.639
9	.482	4.018	92.657
10	.423	3.523	96.180
11	.281	2.341	98.522
12	.177	1.478	100.000

Method of factor extraction: Principal component analysis

Method of rotation: Promax solution

Table 4. Pattern Matrix^a

	1	Component			
		1	2	3	4
(19) The right to vote is one of the most important rights.		.910	-.042	-.046	.189
(23) I will participate in a protest act if a government policy is going to discriminate against the freedom of belief.		.768	-.226	-.094	.016
(18) I protect my rights by me.		.616	-.126	.363	-.008
(15) To claim a right is not only for oneself but also for those who come later.		.613	.241	.052	.076
(12) I would not hesitate to claim the rights of a consumer when I find out the goods I bought are flawed.		-.134	.759	.102	-.139
(13) Many more rights should be given to the disadvantaged.		-.185	.654	.260	.274
(14) What important is that we maintain a cordial discussion rather than asserting our rights.		.251	.540	-.238	-.335
(22) I do not really understand the word "rights".		.043	.466	-.399	.393
(17) A person of wealth might be more conscious about his/her rights.		-.059	-.004	.802	.110
(21) Asserting a right conforms to justice.		.108	.248	.750	-.120
(11) We should avoid any awkward relationships caused by over assertion of our rights.		.243	.081	.151	.770
(20) Those who over-assert their rights are generally considered impudent people		-.072	-.158	-.115	.753

Method of factor extraction: Principal component analysis

Method of rotation: Promax solution

THE TERM "RIGHT"

In this article, the term "right", which is familiar but somewhat ambiguous to ordinary people, will be discussed as a typical example of the above stated legal terms.

Needless to say, searching into people's responses toward the term "right" and their conceptualization process is not enough as legal consciousness study or right consciousness study. (6) Even when there is not a certain word used in one culture, it should not be considered that the culture does not have the idea which is indicated by the word. Suppose a culture does not use the word "right", there may be something equivalent to "right". This article, however, will deal with the meaning of the term "right" and its conceptualization. Therefore the research into the people's responses toward this term should be indispensable. In addition, understanding how people have conceptualized the term "right" will also be significant as a clue to the naïve theory

of law (The naïve theory purports a systemized but naïve understanding by a layperson.) Discussions of the naïve theory have become active since the 70's, especially in the field of development psychology. When the law in the naïve theory is accepted by many of ordinary social members, it may become an example of living-law).

As premises for the analysis, some sketches of the word "right" in Japan and Europe will follow. (7)

The term "right" (Recht, ius etc.) has been somewhat ambiguous in both Japanese and European languages, tracing its history and seeing academically. The Japanese translation "kenri" is said to have been adopted from the Chinese translation (1864, translated by a missionary priest W. Martin) of "International Public Law" written by Henry Wheaton (Noda, 1979:4). And the first person who used this term in Japan was Shinichirou Tsuda and it is known

that Tsuda applied this word from the Chinese translation (Noda 1979:30).(8) In Japan, kanji character which implies "interest" is generally used for "(ken) ri". However, another kanji character which means "reason" was also used for the same word at the beginning of the Meiji period. This indicates the ambiguity of this word between "interest" and "reason" (Noda 1976:6-10, Hozumi 1947:73-74).(9)(10)

The terms corresponding to right in European languages were also ambiguous. Here we note that "ius" in Latin was used as a word indicating justness or appropriateness through the ancient time and the medieval time, and around the 14th century it acquired subjective implication as it has today. Then in the 19th century, the word such as "right" was understood as a legal capability that enables people to claim their interests.

HAK AND KENRI

In this article, the Indonesian word "hak" (meaning "right" in English) will be discussed along with the Japanese "kenri". The comparison between the conceptions of the Japanese kenri and those of the Indonesian hak is considered meaningful(11) since there was some significant difference observed in understanding of right between Japan and Indonesia. Firstly, the Japanese "kenri" was a coined word with the reception of the occidental law in the Meiji period. The term "kenri" itself was seen from old times in China. And when the "International Public Law" was translated into Chinese, "kenri" was used as the translation of 'right' or 'droit'. In Japan, Shinichiro Tsuda, who introduced western jurisprudence to Japan, applied 'kenri' consulting "International Public Law" (Taiseikoku Horon.1968). On the other hand, the Indonesian "hak" has existed even before the reception of the Dutch law. Secondly, though Japanese law was totally replaced by occidental law in the Meiji period, Indonesian law has had a dual system of its native law and the Dutch law introduced by its colonial power.

Indonesia(12) has a dual legal system. When Indonesia applied the Dutch law from its

colonial power, at the same time, it also preserved its native law (*adat*: that is a kind of customary law which was referred to when dealing with contracts, land ownership, inheritance and the term 'hak' meaning rights also means truth and justness). The Netherlands divided Indonesia into 19 regions and applied *adat* to native Indonesians. Furthermore, according to Shimada (2004:383), the Netherlands divided the colonial population by ethnic groups, and applied different legal system to each group. Therefore, each group was under different legal system as to contracts, land ownership, inheritance, and under different jurisdiction. An example of land ownership is "hak ulayat." "Hak ulayat", a legal term connoting communal rights of an (ethnic) community to land based on that community's *adat* (custom or tradition), is among the most intriguing concept in Indonesian land law (Parlindungan, 2003). Throughout Indonesia, ethnic groups demanded the return of 'their' "ulayat" lands and recognition of their right to that land. In West Sumatera, for example, the homeland of the Minangkabau, District governments energetically commenced to institutionalize customary "hak ulayat" as formal law. Four out of the nine West Sumatra's districts issued regulation organizing *adat* governance at the nagari (village) level. Three of these (Agam, Lima Puluh Koto dan Tanah Datar) include "hak ulayat" among its responsibilities.

The Europeans were subject to the colonial law which was basically pursuant to the Dutch law. On the other hand, the native Indonesians were subject to *adat* (including Islamic law) of each race. When applying *adat*, the Netherlands divided this colony into 19 *adat* regions according to the social survey results conducted there. More specifically, the Netherlands authorized only 19 out of many variations of *adat* which actually varied into countless number by definitions, and ordered them into effect. Since then, the occidental law and *adat* have been coexisting and the personal application has been perpetuated.

As mentioned above, the word meaning right in Indonesian is hak. Referring to some Indonesian dictionaries such as Echols and

Shadily (1963), Taniguchi (1982), Suenaga (1991), Suenaga et al. (1977), we need to note that hak means trueness or justness as well as right. As the dictionaries also say, hak has its origin in Arabic. Further accounts on its origin will be provided below according to Kobayasi (1993). (13) The Islamicization of this area was related to tariqah (Sufi) which traveled with Islamic international commercial network, and it is said to have grown actively since 12th or 13th century (Kobayasi 1993:96-97). As for the inflow of Arabic into this area, besides the route by which Arabic was directly borrowed, there was a possibility of indirect inflow by means of Persian which had already taken in Arabic vocabulary (Kobayashi, 1993:97).

In addition to Indonesian, closely related languages such as Javanese and Malaysian also accepted a lot of Arabic vocabulary. Therefore, loan words from Arabic amount to over 2750, which is over 10 % of the Indonesian vocabulary (Kobayasi, 1993:103). Indonesian (Malay) and Javanese legal terms as well as many academic and religious terms have their origins in Arabic (Kobayashi, 1993: 104 ff) see tables 2, 3, and 4 on page 104 and the following pages). In addition to hak, hukum (law) (14) and adat (customs) (15) also originated from Arabic.

The following are the notable points put forward in this article.

- 1) Most of the borrowed words from Arabic express universal concepts, with the exception of some vocabulary to explain Islam (Kobayashi, 1993:111).
- 2) Such words were completely taken in by Javanese (or Indonesian) society, which is the distinct difference from Japanese kenri that was newly coined after modern age.
- 3) These Arabic words formed the core of the Indonesian vocabulary (Kobayashi, 1993: 111).

DISCUSSION

The Indonesian subjects were college students, and thus simply comparing those data with the Japanese data would be inappropriate.

A comparison between those data revealed the following distinct differences. One of the significant differences can be seen in Question 14 (What is important is that we maintain a cordial discussion rather than asserting our rights) and Q11 (We should avoid any awkward relationships caused by over-assertion of our rights). The Japanese data indicated that these two questions comprise one factor, (10) recognizably different from asserting rights. This factor was interpreted as the consideration for human relationship. On the other hand, the Indonesian data did not comprise such factor, but Q14 was grouped into the second factor along with Q13 (Many more rights should be given to the disadvantaged) and Q12 (I would not hesitate to claim the rights of a consumer when I find out that the goods I bought are flawed). The second factor also included Q22 (I do not really understand the word "rights"). But the factor loading to the second factor was low and also presented some factor loadings to the third factor and the fourth factor. Thus we may count out this question. Analyzing the result, what attracted our attention to the second factor was that asserting rights, consideration to the weak, and consideration to human relationship were extracted as one factor.

Though admitting our data is incomplete, especially Indonesian data have a problem in reliability, the following assumptions will be demonstrated.

In Japan, researchers (as typified by Takeyoshi Kawashima) understand the conception of rights is opposed to the consideration for human relationship or that for community. And our Japanese survey also presented the same tendency. Stated differently, it indicates that rights and consideration for human relationship are something very different in Japan (whether or not they regard asserting rights as positive or as negative). This is probably because the term "kenri" was a newly coined word in the Meiji period and the term has been recognized somewhat far from our daily basis.

On the other hand, in Indonesia, asserting rights, consideration for the weak, and consideration for human relationship are regarded as one factor without conflicts. What caused this difference? What we have been related so far may lead to an interpretation as follows.

Originally the word "hak" was borrowed from Arabic, but it was introduced to Indonesia no later than 12th to 13th century along with Islam. Thus, though initially this word was not used on the daily basis, it later became a daily expression. This word was also used in adat. In our survey, we asked the respondents about a general characteristic of rights, or "hak", and some aspects of rights. The important right in adat was an ownership of land, especially of cropland in a community. In comparison with the modern law, the ownership was not perfect and abstractive, but it was just the right to cultivate and utilize, which did not include right to dispose. Therefore this was the community-based right. Under such a circumstance, protecting the right (to the land) under *adat* meant guaranteeing the cultivating right by means of the restriction on a private trade of land, and this is related to a cooperative aspect in the community. In other words, in Indonesia "hak" is concordant with community, which was brought about by its social structure and its history. If this assumption is admissible, there is no wonder that the word "hak" is associated with "friendly discussion" or "consideration to the weak". Since "hak" has existed in such a human relationship and a community, the implication of "hak" differs from that of Japanese "kenri".(17)

CONCLUSION

In this article, we demonstrated the meaning of Japanese "kenri" and Indonesian "hak". Stated differently, we indicated how an external cognition affects these words.

There, however, remain some issues in need of further research. Since the Indonesian subjects were students, we also performed the analysis on the Japanese data sub-set; the

under 30-year-old sample who graduated from university. In this analysis, slightly different factor structure from the original data set was observed (the detailed result is omitted in this article). This difference might indicate that the Japanese subset data is closer to the Indonesian data. If so, comprehending the whole results, there is a possibility that indicates the "right (claim)" has become an everyday expression for young Japanese who are graduated from university. This, however, cannot be vouched only from our data.

In addition, seen from the viewpoint of comparison, the lack of data from western country is the problem of this discussion. As mentioned above, the word "hak" implies trueness and justness, where it has commonality with European languages. Thus, the collection and analysis of data from western countries will be future issues of our research.

Notes

- ¹ We would like to express our incere thanks to Prof. Gen Shimada (Professor, Graduate School of International Development, Nagoya University) for the cooperation he offered for this article. On March 26th of 2007, Prof. Shimada published a report entitled "Formation of Adat Recht and the Dutch law in Indonesia" at Hokkaido University. He further provided many insightful comments and suggestions on the original article in Japanese.
- ² As for the linguistic analysis, this article adopted cognitive linguistics, a school of linguistics that understands language as a sign system which assigns meanings to the external world, and as best explained by reference to human cognition in general. Refer to Tsuji (2003:4-14) for a fine and concise explanation of its origin and position in linguistics.
- ³ Factor positions extracted by initial analysis are just the first step of the procedure. The factor rotation is performed in order to make the interpretation of the factors easier. In our analysis, we used promax rotation, which is a standard method of oblique rotation (the technique that allows factors correlated).
- ⁴ The method was principal component analysis. Though there may be a view that principal component analysis and factor analysis are different, mathematically, principal component analysis eventuates in the calculation of eigenvalues and

eigenvectors of correlation matrix, and it agrees with a principal factor method.

- (4) The interpretation of factors depends on researchers, and thus it cannot be completely objective. However, the purpose of our analysis is the comparison with the Indonesian data, thus factors can be determined, as far as this purport is assured.
- (5) The correlation between factor scores (the amount of each element's factors) and gender/age agreed with the interpretation stated above, even though they are omitted from the table.
- (6) The law consciousness in this article is understood as the attitude toward the law and the legal system. Takeyoshi Kawashima also took the same position (Matsumura, 1996:274).
- (7) The following descriptions consulted basically Noda(1979:1-30), and when Noda cited from Nakada(1943) and Hozumi(1941), they were also further referred to (As to Hozumi(1941), this article referred to its second edition in 1947).
- (8) Nakada (1943:1161-1164) was also referred to, where Noda(1979:30) made a mention. The referred chapter was "39. Rights" in "Wandering on the Legal History". What we learned from this reference are as follows.
- (9) Nakada (1943:1161-1164) pointed out that some different kanji characters for 'kenri' were observed in laws and legal books in the beginning of the Meiji period. On this, Nakada is determined to deny the possibility that "kenri" written in two different characters respectively indicates Jhering (He emphasized the aspect of interest) or Kant and Hegel (They stressed the aspect of intention).
- (10) Refer to Noda(1971:21-30) for further implication of the term 'kenri'.
- (11) From the aspect of feasibility of this study, there was Matsumura's previous work, a questionnaire survey with the subjects of ordinary adults. This is a survey of Japanese consciousness toward the word 'right' ("Japanese Attitudes Toward the Law and the Legal System" conducted by A01 group of the research project: "Dispute Resolution and Civil Justice in the Legalizing Society" (Coordinator: Masayuki Murayama, Professor, Faculty of Law, Meiji University), supported by "Grants-in-Aid for Scientific Research in Priority Areas of the Ministry of Education, Culture, Sports, Science and Technology").
- (12) In this article, Republic of Indonesia and the same region before its independence are both called Indonesia for descriptive purposes.
- (13) Indonesian was originally a dialect of the Malay language, which was officially defined as the official language with the declaration of Indonesia's independence. Javanese is the most dominant

language spoken across its many islands, and closely related to the Malay language. In Kobayashi (1993), Indonesian is also mentioned along with Javanese.

- (14) The word, 'hukum' originally means rule, custom, decision, consideration, norm, procedure, and punishment.
- (15) The Dutch reconstructed Indonesian custom to 'adat Recht'. The Indonesian term 'hukum adat' (adat) is a translation from Dutch 'adat Recht'. Concerning Indonesian legal theory, what this article focuses on is that constraint of rights is justified by the integrative theory. According to this view, a nation and an individual are not to be in conflict, but a community and an individual are organically tied. This is used as the principle that constrains the right in legal community. We might expect (just because hak lies in the basis of the community along with adat) that the relationship of hak and community sentiment appears in a different way from that in Japan.
- (16) Though this was extracted as the third factor, the order of the extraction (the amount of eigenvalues) is not significant, since it depends on the number of similar questions.
- (17) There may be another possible explanation for that asserting rights, consideration for the weak, and consideration for the human relationship were extracted as one factor. This may be caused by that the term 'hak' meaning rights also means truth and justness. For further explanation, see 7.

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