A Study of Legal Geography Approach: Inheritance Distribution of Tionghoa Ethnic Community in South Kalimantan

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Abstract

The development of legal research demonstrates the importance of an interdisciplinary approach in studying legal issues. In addition, legal issues also need to be studied more critically and not to see them as a product of a vacuum without the influence of non-legal factors. This paper describes the legal subjugation of the Tionghoa Ethnic Community of South Kalimantan in inheritance law which is divided into three areas, that are urban, rural, and coastal. The interdisciplinary approach with various critical theories has been developed in the study of spatial law with a critical legal geographical framework. However, the study of spatial law in Indonesia has not developed much of the discourse in studying legal issues. This paper has shown that the approach of legal geography in legal studies shows the difference in the inheritance law of Tionghoa community in South Kalimantan domiciled in urban, rural, and coastal. The law that lives in society is not only a matter of juridical and planology, but also there are social, cultural, and economic interests that attract each other to influence each other.

1. Introduction

This paper will explore the inheritance distribution of Tionghoa Ethnic Community in South Kalimantan in legal geography discourse as an approach in studying the issue of how Tionghoa Ethnic Communities in South Kalimantan distributing their heritage. At this time, research on law in Indonesia is still unfamiliar with this approach and tends to place government entities as determining variables in the discourse of legal geography. The study of spatial law tends to be dominated by narrow and legalistic perspectives. Spatial is narrowly interpreted and legalistic as a jurisdiction (Blacksell, Watkins, and Economides 1986).

Legal geography is a part of geography that considers the interrelationships between law and legal system and sees them spatially by focusing not only on where the law

occurs but how social and cultural systems affect it.(Faith 2014) Boaventura Santos in his paper 'Law: A Map of Misreading', toward a Postmodern Conception of Law' proposes an unconventional way of understanding spatial in the legal sense. In cross-disciplinary varieties, many disciplines such as sociology and anthropology brought together urban geography and cartography can be used to better understand spatial legal geography. It is essential for the social space, in conjunction with law and legal scholars. The field with the powerful involvement for legal geography is cultural anthropology. Regarding to the themes about boundaries, landscapes, regions, and how they affect culture so that it becomes a legal geography concern.(Santos 1987).

Legal geography is an interesting and growing cross-discipline. This theory explores how people and places shape the world simultaneously. It departs from the premise that law together creates space and social while social and spatial together create laws. In a work commissioned by Geography Compass, both to provide an overview of where legal geography is currently headed and to consider where it is headed, Luke Bennett and Antonia Layard developed the idea of becoming 'spatial detectives'. They suggest that there is much that legal scholars and geographers must learn to find out the existence and absence of spatial in the practice of law, and the traces and effects of law are embedded in some places.(Bennett and Layard 2015).

The way of distributing the heritage of Tionghoa community in South Kalimantan is very interesting to examine through this approach because there are various geographical substances that will affect the variety of legal decisions. There are three groups of Tionghoa who come from mainland China to Indonesia, that are Hokkian-speaking groups, Hakka-speaking groups and Teo-Chiu-speaking groups, of the three groups that come most to South Kalimantan are Hokkian and Hakka. The Tionghoa in South Kalimatan are known as 'Cina Parit' which is officially used as one of the ethnic groups that inhabit South Kalimantan according to the Mangkurat Lambung Museum. Cina Parit is the oldest Tionghoa ethnic community that inhabits the Parit river area in Pelaihari, Tanah Laut, South Kalimantan. Visits from the Chinese Dynasties to the land of Kalimantan have been recorded since 977 AD. The Sultanate of Banjar is also mentioned by the Chinese Chronicle book 323 History of the Ming Dynasty. (1368-1643).(Handy 2015)

The Tionghoa community in South Kalimantan is a complex, plural, and multicultural society, and not homogeneous. They live spread throughout the area of South Kalimantan in urban, rural or 'pahuluan', and also coastal. With a pluralistic society, there are often religious differences in ethnic Tionghoa in South Kalimantan.

The development of ethnic Tionghoa in 13 districts and cities in South Kalimantan province will affect the use of inheritance laws that will be used by this ethnic. Some parties may continue to use customary inheritance law following Confucian (patrilineal) principles, using civil inheritance law according to the law, using Islamic inheritance law if they have converted to Islam, or they establish by deliberation agreement with the family . This could be due to the heterogeneity of religion in the ethnic Chinese in South Kalimantan, tribal and cultural plurality in South Kalimantan province, and ethnic Tionghoa living areas in South Kalimantan.

This paper aims to answer the question of how the distribution of inheritance in Tionghoa ethnic communities in South Kalimantan through the approach of legal geography in 3 (three) parts of the discussion. The first section of this paper reviews the findings of respondents from three geographical areas, that are urban, rural and coastal. The second and third sections of this paper focus on the analysis of two branches within the framework of geography. The first theory is the production of social space (social or human geography)

as a means of analyzing aspects of space that serve as the occurrence of human activities including economic, population, social and cultural and political activities. The second theory is the spatial justice of the distribution of resources (physical geography) which is a natural symptom of the earth's surface where humans live. This theory looks at the equalization of the pattern of public-private spaces taking into account the dialectics of social relations and space. In addition, the second and third parts of the discussion also show the relevance of philosophical approaches in analyzing legal issues taking into account economic factors and spatial factors of a society's residence. The various approaches in legal geography aim to produce a holistic knowledge of the place and function of law in contemporary (and historical) society.(Orzeck and Hae 2020).

2. Method

The type of research that researchers will conduct is empirical juridical research because it looks at the law in terms of its application and the non-legal factors that affect it.(Suteki and Taufani 2018) Empirical juridical emphasis emphasizes research aimed at acquiring empirical knowledge by means of direct observation into the field. (Salim and Nurbani 2014) This research is also a type of qualitative research that produces descriptive data in the form of speech or writing or the behavior of people observed. Through qualitative research, the researchers can recognize subjects and feel what they are experiencing in their daily basis. Qualitative research is expected to produce an in-depth description of speech, writing, and/or observable behaviors of a particular individual, group, society and/or organization in a particular context that is studied from a whole, comprehensive, and holistic point of view.(Broswill and Sukidin 2002).

The approaches that will be used in this study are legal geographical approach, intercultural and inter-faith dialogue. This research will be conducted in the Province of South Kalimantan of the Unitary State of the Republic of Indonesia. As stated by the background and theory that has been explained the location of this study will be divided by the researchers to be 3 parts, which are, 1) urban areas or metropolises, in the cities of Banjarmasin and Banjarbaru, 2) rural areas, in the areas of Hulu Sungai, and 3) coastal areas, which are Tanah Laut and Kotabaru.

The source of data in empirical legal research comes from field data. Field data is the data derived from informants, in which the Tionghoa community in South Kalimantan, aged adults, and have done or witnessed the distribution of heirs using interview techniques. The interview conducted by the researchers is a direct in-depth interview. This interview is designed to promote free questions that can be delivered explicitly. The purpose is to reveal important aspects of a psychological situation that are hardly possible to know to understand the observed behavior as well as the reported opinions and attitudes. (Suteki and Taufani 2018) The researchers also directly went to the residence of the informants in order to feel and see firsthand the geographical aspects that were there.

The data analysis of the study is qualitatively based on data obtained after it has been systematically and qualitatively analyzed to achieve clarity in the problems it will discuss using the intercultural and inter-faith approach to dialogue. The researchers perceive the analysis using this method is appropriate to interpret because the data obtained is the oral result of a particular person and the observed behavior. After the data analysis is complete, the most appropriate for the sociology of law, the researchers will provide the descriptive results by relating and describing it accordingly to the subject.

From these results, the conclusion that can be taken are the answers to the issues develop in the study.(Moleong 1991).

3. Discussion

a. Inheritance Distribution of Tionghoa Ethnic Community in South Kalimantan

Regarding the case of the division of inheritance, ethnic Tionghoa accomplishes it based on patrilineal descent or Adnatic type, the sons are the heir who has full rights to the property left by their parents. Sons are prioritized in the family over daughters. This is considering the enactment of a patrilineal system in the concept of Tionghoa customary law that prioritizes men as heirs, where they serve as the person responsible for the survival of the whole family. As the daughter is married, she becomes part of her husband's family.(Fuad and Ratrie 2007).

Although they have their own customary law, based on article 131 Indische Staatsregeling (IS) Tionghoa community is one of the population groups that applies to Indonesian Civil Law. However, in its implementation, is contrary to the customary law that exists in the Tionghoa community. By law, they must be obeyed to the Civil Code, but most of the Indonesian Tionghoa community in terms of the distribution of their heritage still uses Chinese customary law. This is due to the significant differences between the cultural values, beliefs, and patterns of Tionghoa kinship with the Europeans who made the Civil Law Code.(Sulistyorini 2013) The continuation of the inheritance law used by the Tionghoa community in Indonesia, especially in South Kalimantan, is going through various changes. This change in particular is actually slowly shifting the patrilineal kinship system that has been closely followed in Tionghoa culture.

Based on the results of the interviews conducted with the informants, the distribution of the inheritance of the Tionghoa community in South Kalimantan can be seen in the following concise matrix:

Table 1

Matric Interview Results

Urban Areas				
Informant	**Family Heirloom**	**The Distribution**	**Law**	**Dispute**
S >25 years old, Catholic woman Interview May 21, 2021	No more family heirloom. There are only material inheritances.	The family closed deliberation without involving outsiders daughters get inheritance rights, but their share is not as much as the son. An inheritance in the form of business is managed by the son, the profit-sharing is given to all heirs.	customary Law	Non-Litigation Different religions still get inheritance through family deliberation
N >22 years old,	No more family heirloom.	Family closed deliberations	Islamic Law	Non-litigation

islamic man Interview May 21, 2021	There are only material inheritances.	sons get more inheritance than daughters. An inheritance in the form of business was sold because there was no family member wanted to continue the business.	Customary Law	Different religions still get an inheritance.
Y >30 years old, Confucian woman Interview May 21, 2021	No more family heirloom. There are only material inheritances.	Will use the services of a notary Each heir gets the same amount of inheritance An inheritance in the form of business is deliberated to be given to the son who wants to continue.	Western Law Customary Law	Non-litigation Different religions still get an inheritance.
MS >50 years old, Christian man Interview May 27, 2021	No more family heirloom. There are only material inheritances.	Will use the services of a notary Each heir gets the same amount of inheritance Inheritance in the form of a business managed by a daughter, profit-sharing is given to all heirs.	Western Law Customary Law	Non-litigation Different religions still get an inheritance.
H >30thn Buddha man Interview June 3, 2021	There is a prayer equipment of the deceased.	Will use the services of a notary Each heir gets the same amount of inheritance The Heirloom is given in the internal deliberation of the family. Inheritance in the form of businesses managed together, the results are distributed equally to the heirs.	Western Law Customary Law	Litigation Different religions still get an inheritance.
Rural Areas				
Informant	**Family Heirloom**	**The Distribution**	**Law**	**Dispute**
E >40 years old,	No more family heirloom.	The family closed deliberation without involving outsiders	Customary Law	Non-Litigation

Catholic woman **W** >40 years old, Catholic man **E** >50 years old, Man **O** >70 years old, Man Interview June 19, 2021	There are only material inheritances.	daughters get inheritance rights, but their share is not as much as the son. An inheritance in the form of business is managed by the son, the profit-sharing is given to all heirs.		Different religions still get inheritance through family deliberation
Coastal Areas				
Informant	**Family Heirloom**	**The Distribution**	**Law**	**Dispute**
TKS >72 years old, Buddha Man Interview June 12, 2021	There are Cremation ashes, prayer equipment, and the objects of spiritual value.	The family closed deliberation without involving outsiders. daughters get half the inheritance rights of sons. The Heirloom is given in the internal deliberation of the family. Inheritance in the form of businesses managed by the son, the results are distributed to all the heirs.	Customary Law Islamic Law	Non-Litigation Different religions still get inheritance through family deliberation
D >30 years old, Buddha Woman Interview May 28, 2021	There is a big house, Cremation ashes, prayer equipment, and the objects of spiritual value.	The family closed deliberation without involving outsiders Sons and daughters get the same share of inheritance. The Heirloom is given in the internal deliberation of the	Customary Law Western Law	Non-Litigation Different religions still get inheritance through

		family. Inheritance in the form of businesses managed together, the results are distributed equally to the heirs.		family deliberation
Y >30 years old, Buddha Man Interview May 22, 2021	There are Cremation ashes, prayer equipment, and the objects of spiritual value	The family closed deliberation without involving outsiders Sons and daughters get the same share of inheritance, however, couples who live longer get less than children. The Heirloom is given in the internal deliberation of the family. Inheritance in the form of businesses managed together, the results are distributed equally to the heirs	Customary Law Tionghoa Muslim family use the Islamic law.	Non-Litigation Different religions still get inheritance through family deliberation
U >70 years old, Confucian man Interview June 7, 2021	No more family heirloom. There are only material inheritances.	The family closed deliberation without involving outsiders daughters get half the inheritance rights of sons.	Customary Law Islamic Law	Non-Litigation Different religions still get inheritance through family deliberation

It is apparent from the informant who has been interviewed, there are evident similarities and differences between the three areas. Dispute resolution through litigation, although it is found only from one informant in urban areas. Whereas rural and coastal areas do not resolve inheritance disputes through litigation at all, they all stated that all is done by means of internal family closed deliberation. In urban areas 3 out of 5 families use the services of notaries to write wills, as in rural and coastal areas there is none at all. In urban areas, almost no family has heirloom, there is only one informant whose family still has heirlooms. Meanwhile, in rural areas, all of them do not have family heirloom. In contrast to urban areas, the coastal area, there is only one informant who no longer has a family heirloom.

Although they no longer use totok Tionghoa customary law, that does not grant inheritance rights to daughters, but Tionghoa in South Kalimantan also do not distribute as the civil code inheritance law. There are only 3 out of 5 families in urban areas who share equally. Whereas in rural areas, all families distribute inheritance to son more than

daughter. It is different in coastal areas, where half of the families admitted to giving twice as much wealth to sons as to daughters. While the other half give equally.

The entire Tionghoa community in South Kalimantan does not consider religious differences as one of the barriers to inheritance. The same goes for those who are Muslim. They know that in the normative law of Islamic inheritance if there is a difference in religion, they do not inherit each other. Although, they prefer to take the opinion of Islamic scholar who allow it. The Islamic scholar who also allow it to are Ibn Taymiyya and Ibn Qayyim al-Jauzi, yet the contemporary Islamic scholar is Yusuf al-Qaradawi. According to him, interpreting the hadith using takwil, which is meant by kafir in the hadith prohibition of inheritance for infidels is kafir harbi, so that Muslims do not give inheritance to kafir harbit who actually fight Muslims, because of the disconnect between the two. As for kafir zimmmi, it is permissible as said by Mu'az bin Jabal, Muawiyah bin Abi Sofyan and Ibn Taimiyah who argued that Muslims can receive inheritance rights from the kafir, without the opposite.(Rizani and Dakhoir 2020).

b. Social Aspect of Legal Geography Approach

The approach to researching space issues has led to a variety of approaches, with an interdisciplinary method known as legal geography, that view space as a dynamic and ever-changing process. Legal geography then identifies how law and spatial work in a given place and time. Legal geography puts place and time in an equal position so that legal studies no longer get trapped in aspects of jurisdiction but also how they evolve over time.(Bennett and Layard 2015) With this approach, the researchers will take in explaining the choice of how the Tionghoa community in South Kalimantan shares their heritage.

Paul Willis has noted that, as a result of anthropology's focus on information collected in the field, we 'get from anthropologists more agency' than we get 'historically given conditions and unbreakable discursive and symbolic material' and we get 'greater human control and centering over the use of those things', than we understand the connected nature of the conditions that help structure a particular field, and the conditions that decentralize aspects of human agency. Precisely things that can't find directly in the field: history, political economy, and context that determine many of the behavior at a particular site, as well as discursive forms that can explain the laws that live in society.(Orzeck and Hae 2020; 2019).

From the selection of dispute resolution through litigation, there is only 1 family in South Kalimantan province and that is a family in an urban area. Those in urban areas also tend to use the services of a notary to write a will. In contrast to rural and coastal areas, that are not at all. This can be seen from the comparison of the Gross Participation Rate (*Angka Partisipasi Kasar* or APK) in 2020 between urban, rural and coastal areas in South Kalimantan, that are 94.41%, 90.78% and 85.18%, respectively.(BPS 2021) The higher the APK, the more school-age children who attend a certain level of education in an area. So, it can be seen that in urban areas people tend to understand the function of law, the legal profession, and the legal system that applies in Indonesia. This is regarding to the reason of the informant when the researchers asked why he chose to use the services of a notary, he answered "if in financial institutions such as banking the management of inheritance rights and so on it is easier if there is already a notary letter, legal certainty is clear and disbursement is easy.

"[1]Hoekveld (Kustiwan, n.d.) a Geographer from the Netherlands explained the definition of a city based on a legal component, according to him, the sense of urban is associated with the rights of people who have laws and are protected by law for all city dwellers. The enactment of a positive law written is characteristic of the urban area. Therefore, it is natural that three out of five informants in urban areas choose to subject themselves to positive laws by wearing a will through a notary and sharing between their sons and girls the same number of heirs.

In contrast to the explanation of informants from coastal areas when the researchers asked the reason why not to use the services of a notary, he answered "I think it is 'intricate' if we have to make a will to the notary."[2] Rural and coastal communities consider dealing with notaries as legal professions to be impractical, as opposed to urban cummunity who actually feel that it is a convenience. This is in accordance with the Human Development Index from urban, rural, and coastal in South Kalimantan Province in 2020, consecutively the value of 79.10, 72.19 and 70.71, where the Minister of Law and Human Rights Amir Syamsudin in 2012 stated that there was a positive relationship between the Human Development Index and legal awareness.("Persandingan Konsep Desa Sadar Hukum Dengan Indeks Pembangunan Manusia" 2012) In line with the opinion of Ratno Lukito who stated that education will introduce and awaken the society to legal needs.(Lukito 2018) In addition, informants in the countryside also revealed that there is an economic motive behind distributing heirs without a will to a notary, he said "yes, the assets we have and want to share are not much, this house and a piece of business does not need to use a will, we only do the family deliberation."[3]

In rural area, ethnic Tionghoa South Kalimantan tend to live in markets. They have a house that is also a place of business. Between one family and another family used to know each other and are intimate. This is coherent with Paul Landis's theory that describes rural communities who have a life association to know each other, and there is a similar connection to the fondness for habits in the lives they live. The lifestyle in the rural area is based on relatively close family ties, compared to life in the urban area. The community is a "gemeinschaft" community that has a strong mutual cooperation, although in some areas it shows symptoms of increasingly softening as a result of the current globalization.(Suparmini and Wijayanti 2015) The size of the rural Tionghoa community is relatively small. The characteristic of work in the rural demands the existence of certain land for per person, the high ratio of land and a person is a reality that makes the size of the community almost impossible. This is what leads to low rural population density.(Suparmini and Wijayanti 2015).

The researchers interviewed the informants while they trade and serve the buyers in the market. From there can be concluded that for those who live in rural areas to take care of wills to notaries means having to be willing to lose income from their place of business for at least one day. Not to mention the relatively large costs that will be incurred by them if undergoing the legal process. They also explained that they did not want to fuss over the inheritance issue let alone get to court. Cost means money incurred to hold (establish, do, and so on) something, costs (administration, costs incurred for mail management and so on), case costs including clerkship costs and costs for summoning, notification to the parties, call of witnesses and stamp. Meanwhile, low costs can be

[1] Interview with Y >30thn Female Konghuchu.
[2] Interview with Y >30thn Male Buddha.
[3] Interview with E >40thn Female Catholic.

interpreted as the lowest possible costs so that they can be shouldered by the people, referring to the many or minimal costs that must be incurred by justice seekers in resolving disputes before the court. So, the low cost here means that no other cost is needed unless it is really needed in real terms for the settlement of the case. Conversely, the high court costs will discourage people from going to court.(Berutu 2020).

According to the informants, if they dispute or demand inheritance rights in court, they will be considered greedy and do not have affection between families. This will make their family's good name tarnished, and their business will be uneventful. If there is news someone disputes because of inheritance, then their business partner will assume it is one of the values that is not good and can break the relationship of the partner in his business. Tionghoa community in South Kalimatan who live in rural areas, when they have disputes about inheritance generally, they ask for help to elder relatives first. They will ask the oldest person in the family as a social mediator in their dispute.

They also said that if there was a dispute, it would be a pity for those who had died not to rest in peace when they saw their children and grandchildren fighting over wealth. This statement is in accordance with the opinion of Beni and Encup who say that people who are principled in social norms not only believe in realistic and empirical things, but also believe in things that smell like myths, the mysteriousness of reality, even the impossible is seen as impossible to be denied, because this substance is impossible to be the same as something else. Norms that apply like the togetherness of every religious person based on the understanding that togetherness is a human obligation because humans have been destined as social creatures.(Saebani and Supriatna 2012; Saebani 2006).

Of all the informants, there is only one family from urban areas that uses litigation lines for inheritance disputes. Whereas in rural areas there is none at all. This is in line with the opinion of Dwight Sanderson who said that social control in rural communities is still very strong related to institutions in the form of norms and values that apply to the community. The strength of this social control according to Dwight Sanderson is caused by several factors, they are:

a. Stability and solidarity are strong among families, and there is a fact that almost all of their members have the same effort. Rural Tionghoa community in South Kalimantan has a denture, groceries, and electronics business;
b. The magnitude of the kinship group's strength, generally does not move far from where they live, and they are more influenced by the bonds of their villages. Rural Tionghoa house in South Kalimantan is also their place of business;
c. The magnitude of the stability of community relations between them, since they have a more permanent residence. Their houses tend to be very close to each other; and,
d. Get to know each other among the villagers.

In urban areas, almost no family heirlooms are preserved, most of them have sold family heirlooms except for cremation ashes or prayer equipment. Whereas in rural areas there is no inheritance at all. In coastal areas, there are still many who have heirlooms. If considered from the socio-cultural and spiritual side then this is certainly more or less affected by public access to worship. In rural areas such as Tapin, Hulu Sungai, and Tabalong there are no monasteries at all, there are only eight monasteries in Balangan area that is a small district area with a total population of only 131,428 inhabitants. Urban and coastal areas both have a total of nine monasteries, with the ratio of the urban population being much larger than the coastal population.(Selatan 2015) Access to places is one of the things that affects the law. Sometimes, the location and spatial arrangements are indeed important.

Prof. Antonia uses spatial observation and instrumental framing, such as the ability to walk somewhere. For example, prof Antonia Layard exemplifies in the right of access in Scotland, (giving us the right to enter other people's land in a way we cannot in a private home or in an urban location), although perhaps urban roaming rights may also make spatial, social and legal sense.(Bennett and Layard 2015).

No one worships, cares for, and passes on heirlooms is one of the reasons why there are no more family heirlooms. According to research from Randi, Nilda and Adiyalmon who said that heirlooms are sold due to the next generation do not care anything.(Agusman, Elfemi, and Adiyalmon 2018) In addition, in urban areas of South Kalimantan have been very complex and plural beliefs and religions of ethnic Tionghoa communities. From a different religion with ancestors, there are allowed and some are no longer allowed to store, give incense, or worship heirlooms.[4] This is in accordance with the approach of space relations with legal pluralism studied by Schenk regarding legal geography in Indonesia by looking at the relationship between regions that have the influence of Islamic law and Customary law.(Schenk 2018).

Furthermore, there are also economic motives behind the sale of heirlooms. Based on the informant, the relics that their ancestors brought were native to mainland China when sold to collectors of antiquities.[5] Antique jars from China are famously found in the Kalimantan area. In the past, many residents still kept various antique jars that were tens or even hundreds of years old. In the 7th and 8th centuries, Chinese merchants came and brought the wine, traded in jars. They use it as a container, as well as a symbol of social status, dowry, payer of fines, second grave and grave provisions.(Nugrahani 2008).

Generally, education in rural areas is lower than in urban communities. It also causes a difference between the development of rural and urban communities. Communities with more advanced education will encourage faster community development, and vice versa. Economic factors, economic development in rural areas is lower than urban, this can be known for example from the amount of income per capita of rural communities. Therefore, daily needs are simpler due to the ability to buy items of their needs. The purchasing power of rural communities is lower.(Suparmini and Wijayanti 2015).

The poverty rate and the level of inequality in rural and urban areas compared to coastal areas in South Kalimantan are 0.88 - 0.54 - 0.58 and 0.346 - 0.381 - 0.287, respectively.(Selatan 2021) It can be seen that poverty and inequality in rural and urban areas are much higher compared to coastal areas. As stated by Stewart and Burridge's research, which provides a descriptive explanation of the uneven geographical impact of the UK government's application of neoliberal strategies in the housing sector. Policies based on market mechanisms and reductions in state budgets in the housing sector then polarize housing users based on income. The research draws on urban sociological theories and geographic theories about the intrinsic nature of uneven spatial development in shaping social relations due to capitalistic policies.(Stewart and Burridge 1988) This makes society according to the theory of utility law to choose which law is more beneficial to many people. Clearly, continuing Customary law in economic benefits does not result in material benefits. In contrast to research from Randi, Nilda, and Adiyalmon who also stated that economic factors are the cause of the sale of high heirlooms such as debt receivables, marriage, education costs and the manufacture of houses and/or roads.(Agusman, Elfemi, and Adiyalmon 2018).

[4] Interview with D >30thn Female Buddha.
[5] Interview with U >70thn Male Konghuchu.

There is a very interesting thing about the position and number of distributions for daughter and son in coastal areas. Half of the informants answered that according to Islamic law for son and daughter, it was two to one. If we review the socio-cultural and political laws definitely this makes sense. The coastal area was the first area where Tionghoa community came from mainland China. Before Indonesia became independent and had national laws, Banjar Islamic kingdom already existed and imposed Islamic law as the law of its community. This legal melting is possible because there is a harmonious relationship between the Borneans and immigrants from China. Even during Banjar Islamic kingdom one of the daughters of famous Chinese people who titled Captain Kodok, Mr. Go Hwat Nio was married by the great Islamic scholar of Kalimantan, Sheikh Muhammad Arsyad Al-Banjari and has many descendants who are also great Islamic scholar.(Widiastuti and Oktaviana 2015).

Meanwhile, all informants in rural areas distributed more to sons than to daughters (without part 2:1). Considering the existence of the Chinese in Kalimantan has existed long before the existence of the Indonesian state, therefore their habits cannot be denied have become a common habit that can be accepted by the wider communities. Similar to the inheritance laws that apply in Indonesia, that new inheritance will occur if someone passes away. Western civil law has regulated inheritance that applies to the Tionghoa, however, if an inheritance event occurs for the Tionghoa community in South Kalimantan is not necessarily subject to Western civil law. But they are also not obeying to Tionghoa totok customary law that does not give inheritance to daughters. Tionghoa community in rural South Kalimantan gives inheritance to daughters but not more than sons. Three out of five informants in urban areas explained that currently there is an equal share between men and women in terms of inheritance. The influence of Western civil law is greater in urban areas than in other areas. Although Indonesia consists of a variety of customary and cultural laws and is able to be the basis for the application of law in practice, there are various kinds of changes in society. As Nani Soewondo noted, the influence of Dutch colonization influenced this change in local law. Dutch education, that reflected western culture and education in general, instills an attitude of individualism in society, so people tend to want to be free and release the surrounding bonds.(Kharlie 2019).

In the pluralistic Tionghoa community in South Kalimantan, there are many differences in beliefs and religions in one family. This has resulted in the Tionghoa in South Kalimantan tending to distribute inheritance using customary law where they can distribute inheritance to heirs regardless of religious differences. Cultural values held by those who ignore religious differences in inheritance are in the principle also held by customary law, that are the principle of divinity and self-control, in which the awareness for heirs, that sustenance in the form of human assets that can be controlled and owned is a gift and pleasure of God for the existence of wealth. God here means that all of the family members have a religion and believe in God as Indonesian citizens must have religion and belief. Then the principle of equality and togetherness of rights, that is, every heir has the same position as a person who has the right to inherit the inheritance, balanced between the rights and obligations of responsibility for each heir to obtain his inheritance.(Ali 2008).

Socio-cultural values that are no less important are harmony and family, that becomes the heirs of defending to maintain peaceful and peaceful kinship relations. Similarly, the principle of deliberation and consensus, which are heirs divide their inheritance through consensus deliberation led by the heirs deemed to be in charge, and if there is agreement in the division of inheritance, the agreement is sincerely expressed in a kind word that is beyond the conscience of each heir. Then the last is the principle of justice,

which contains meaning in the family can be emphasized on the justice system, this will encourage the creation of harmony from the family which will minimize the chance of damage to the relationship of the family.(Ali 2008).

c. Physical Aspects of Legal Geography Approach

Indonesia consists of various landscapes with different characteristics from each other. Every natural appearance has a different physical condition. The physical condition of a natural appearance can be seen based on geological and geomorphological conditions and processes. The condition of the landscape in an area can affect human life, it is also supported by human activities able to change the existing natural conditions in order to meet the needs. Utilization and management of land by humans will cause spatial and social phenomena in life.(Santoso 2019).

Physically, South Kalimantan province has urban, rural and coastal areas. The definition of city and urban according to the physical aspect is a built-up area that is located close to each other/concentrated, that extends from the center to the periphery, or a geographical area dominated by a man-made structure. In this definition, urban consists of (a) buildings and activities located on the ground level, or close to the ground surface; (b) Sub-ground installations; and (c) Activities in empty spaces in space. On a broader scale, the shape of the city as a whole reflects its geographical position and characteristics.(Kustiwan, n.d.).

Rural typology in South Kalimantan is a village of plains in a flat area, with a low altitude, slope of less than 15% and always associated with the existence of rivers that are the source of life of the population. The potential for water is abundant, so the plains area is widely used as a place of settlement and economic activities such as agriculture. Most of its territory is used as a cultivation area. In villages in the river plains area there are many rice fields both irrigation and rain, so it is an important food producer. Coastal typology is influenced by marine ecology. This type can geographically border the sea, it can also not border the sea, but the environment is influenced by the sea (tidal zones and sea buffers), slope less than 5% so that morphologically a plain. Strategic geographical position as an economic entrance between islands and even countries, including many urban settlements is also widely found in this coastal zone. Coastal economic potential is affected both by the development of the region and the morphology and shape of the coast.(Suparmini and Wijayanti 2015).

According to the location and development, urban areas in South Kalimantan make it possible for its residents to have access to adequate legal services. This can be seen from the results of interviews with informants in urban areas. Three out of five informants said their families used the services of notaries to write wills for the division of inheritance. Rural and coastal areas have considerable access to legal services. As one of the informants said that he had the right to inheritance but the property was so far from where he lived that he gave up only got in accordance with the results of family deliberations without demanding his rights.[6]

A long way from the coast and rural areas to urban areas in South Kalimantan not only takes a long time but also a fairly expensive cost. When researchers went to the coastal area of Kotabaru Regency on Pulau Laut, researchers had to travel overland for approximately eight hours with access to damaged roads and cross using crossing boats. Consideration of geographical conditions is one of the important considerations in decision-making on what laws the community wants to submit to in terms of inheritance distribution.

[6] Interview with E >40thn Female Catholic

In this case, a significant problem is how the development conducted by the Indonesian government affects the community's mental and outlook on life. Development has an influence on economic structure and shifting the makeup of society. With the high development mobility of urban areas, the higher the aspiration to pursue welfare, thus defeating traditional values that bind.(Kharlie 2019).

4. Conclusion

The discussion section in this paper has shown that the legal geography approach in legal studies shows that there are differences in the inheritance law of Tionghoa Community in the South Kalimantan who live in urban, rural and coastal areas. This research also demonstrates that legal issues need to be analyzed with an interdisciplinary method and a critical perspective. Therefore, the law that lives in society is not only a juridical and plan logical issue, but there are also social, cultural, and economic interests that attract and influence to each other.

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