Investing in Women

Indonesia Country Context Paper

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Introduction

Women in Indonesia have always been relatively economically active. However, while Indonesia is ranked 88 on the Global Gender Index, it falls to 107 on Economic Participation and Opportunity (WEF 2016). There are no serious national legal barriers to women's participation in the formal sector workforce, in entrepreneurship, or in leadership positions in the public and private sectors, nor to their ownership of assets or access to finance and markets. However, cultural and structural factors – most notably the pervasive belief that care of home and family is a woman's responsibility and poor social infrastructure – have led to a situation where women are less likely than men to be in the workforce, to own productive assets or own or manage medium or large companies, or to exercise economic leadership at the community or national level. Moreover, while it is difficult to quantify the social and economic costs to Indonesia of *not* removing barriers to women's economic empowerment, it is clear that both are significant, and should be addressed as a matter of priority.

Indonesia's political economy

Indonesia is the third-largest country in the Asia-Pacific region, with a population of 255.5 million as of 2015 (BPPN, BPS and UNPF 2013). Its economy ranks sixth behind China, Japan, India, Australia and South Korea, and Indonesia has been a member of the G20 since 2008. With the exception of the Asian Financial Crisis of 1997–98, GDP growth has been relatively strong, averaging 6.16% since 1980 (World Bank 2016b). Micro, Small and Medium Enterprises contribute 57% to the country's GDP and employ 89% of Indonesians working in the private sector (IFC 2016). Over 60% of small enterprises and almost a quarter of medium-sized enterprises in urban centres involved in a study of 600 SMEs conducted for the IFC in 2015 were located in the informal sector (IFC 2016).

A vast archipelagic nation, there is enormous variation in the level of development and cultural norms across Indonesia. Traditionally an agrarian society, the percentage share of the population living in urban areas grew from 45.9% in 2005 to 53.7% in 2015 (World Bank 2016b). Indonesia has also seen a considerable formalisation of its workforce. In the decade to 2015, the percentage of workers employed in waged or salaried jobs increased from around a third of the working population to more than half of all workers (World Bank 2016a). During this period, 14.2 million new jobs were created in the services sector, while the number of jobs in agriculture decreased by nearly one million (ADB 2016). However, workers in informal employment – such as own account workers, or unpaid labourers – still comprise over half of all employment (ADB 2016). Women have a strong presence in these roles, accounting for 74% of those employed as unpaid or family workers and 38% of own account workers (Ministry of Manpower 2014a).

There is significant variation in the barriers and facilitators of women's economic empowerment across Indonesia's many hundreds of ethnic groups. These differences are reflected in women's involvement in the paid workforce. As of 2003, female labour force participation varied from 31% in Sulawesi to 57% in the areas of Indonesia beyond Sumatra, Java, Kalimantan and Sulawesi. Importantly, these variations in female labour participation rates reflect local economic circumstances rather than religious lines. During the New Order period (1966–98), patterns of female workforce participation continued to map onto historical levels in the both in poor provinces with a traditionally high level of female labour market participation and wealthier regions with traditionally lower levels of female labour market participation despite uneven patterns of industrialisation. For example, the historically low participation rates of Muslim Sundanese and Betawi women in work outside the home are mirrored in the low contemporary female labour force participation rates of local women in the Greater Jakarta area despite the strong presence of female-dominated export-oriented industries in that region. By contrast, Javanese and Minang women – the majority of whom are also Muslim – have traditionally been, and remain, more active economically (Ford 2010).

Policy priorities at national level

The policy priorities taken to the 2014 election by Joko Widodo (Jokowi) are encapsulated in the 'Nawacita' (nine priorities), namely:

1. Returning the state to its task of protecting all citizens and providing a safe environment through a 'free and active' foreign policy and effective national security.
2. Developing clean, effective, trusted and democratic governance.
3. Developing Indonesia's periphery, strengthening the regions and the villages within the framework of the Unitary Republic of Indonesia.
4. Reforming the legal system and law enforcement agencies.
5. Improving the quality of life through the improvement of education and training.
6. Increasing productivity and competitiveness in the international marketplace to improve Indonesia's standing among Asian nations.
7. Achieving economic independence by mobilising strategic national economic sectors.
8. Overhauling the character of the nation by revising the national curriculum in order to emphasise citizenship education.
9. Strengthening 'unity in diversity' and engaging in social restoration by strengthening education on diversity and creating space for meaningful dialogue between citizens.

As the Nawacita suggests, economic development – including improvements in productivity and a focus on the domestic economy – is a key plank in the government's policy agenda. As part of its economic program, the Jokowi government has built on a financial inclusion strategy developed by the government of his predecessor, who identified financial inclusion as an essential element of the national strategy to reduce growing income disparities between urban and rural areas in 2010 (ADBI 2014). Two years later the government formally announced its National Strategy for Financial Inclusion, which focused on increasing public access to financial services among all socio-economic groups – but in particular for the poor and near-poor – through improved access to savings, credit and insurance; to transfer facilities; through financial education and the provision of a financial identity number; and through improvements to the regulatory environment (National Strategy for Financial Inclusion Working Group 2012). Programs have focused on a savings campaign, the development of digital financial services, better penetration of financial services in rural areas, and financial education in an attempt to improve the access of micro, small and medium-sized enterprises to financial services. The strategy acknowledges women as a cross-cutting category, and initiatives have been taken under its banner to improve the gender gap in financial literacy and to improve women's access to financial services. However, it does not adopt a gender lens or develop specific approaches to women.

The absence of a specific focus on women in the strategy for financial inclusion reflects a broader reluctance on the part of the government to commit fully to the promotion of gender equality. Since his election, Jokowi has had little to say publicly on gender, and when he has spoken on the issue, he has taken a traditional stance reminiscent of gender discourse during the New Order. For example, on his 2016 Mother's Day message focused on the importance of the role women play as mothers and the contribution they make as women, which he said should not be underestimated (*Tempo*, 22 December 2016).

This does not mean, however, that there has been no progress on gender under the current government. Existing policies on gender mainstreaming and various women-centred initiatives have continued. These include the 'national vision' on women's empowerment, a Master Plan for Women's Empowerment, which includes the flagship 3Ends Program which aims to end violence against women and trafficking of women and girls, but also to economic justice for women through, for example, training entrepreneurs and improving access to business financing and facilities. In addition, gender equality goals have been advanced by new policy initiatives, for example the National Medium Term Development Plan (RPJMN) for the period from 2015 to 2019, which adopts the Sustainable Development Goal targets. In this plan, increasing women's role and representation in politics and development, and improving the institutional capacity to support gender mainstreaming, is included as an aspect of developing clean, effective, trusted and democratic governance. References to gender equality and women's empowerment can also be found in its targets in other priority areas, for example, on improving access to family planning, reducing maternal mortality rates and improving private sector understanding of gender equality. The government is currently working on a national strategy for the acceleration of gender mainstreaming through gender-responsive budgeting, led by the Ministry of National Development Planning, intended to help achieve those targets. However, advancement remains slow, as evidenced by the fact that the draft Law on Gender Equality has been languishing in the House of Representatives since 2012.

Part One: Legal and Regulatory Frameworks and their Implementation

Women's economic empowerment receives little attention in Indonesia's legal and regulatory framework. Most laws are expressed in gender-neutral terms and, almost a decade after democratisation, the Indonesian government had yet to take steps to revise all 21 laws that it had identified as discriminatory towards women (Committee on the Elimination of Discrimination against Women 2007).

Since the introduction of decentralisation, the legal terrain has also been complicated by the capacity of local governments to pass local legislation. Shifts towards decentralisation in the post-authoritarian period may provide women with greater democratic power over their everyday lives (Darmadi 2016), but it has also increased the potential for the passage of discriminatory regulations that have a negative impact on women.

How Indonesia's legal and regulatory frameworks deal with women

Indonesia ratified the UN Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) in 1984. CEDAW positions gender rights as human rights and focuses on eliminating all forms of discrimination against women. In relation to economic rights, it requires equal pay for equal work, the right to social security, paid leave and maternity leave with pay or comparable social benefits and without loss of former employment, seniority or social allowances.

Indonesia has also ratified some of the ILO conventions that deal specifically with women, namely Convention No.45 on Underground Work (Women); Convention No.100 on Equal Remuneration; and Convention No. 111 on Discrimination (Employment and Occupation). It has not, however, ratified Convention No.156 on Workers with Family Responsibilities; Convention No.175 on Part-time Work; Convention No.177 on Home Work Convention; Convention No.183 on Maternity Protection Convention 2000; or Convention No.189 on Decent Work for Domestic Workers.

The Constitution and broad policy instruments

Indonesia's Constitution makes no reference to women in either a positive or negative way. However, Article 27 states that all citizens have equal status, and that each citizen is entitled to work and a reasonable standard of living and Article 28 states the right of every person to be free from discriminatory treatment. As noted above, Indonesia does not yet have a specific law on gender equality, a draft of which was introduced into the House of Representatives in 2012 but has yet to be passed into law (United Nations UPR 2017).

There are some lesser regulations that encourage gender equality, such as Presidential Instruction No.9/2000 on Gender Mainstreaming in National Development stipulates that national development should promote gender equality in the family, society and nation. However, there are also ongoing points of contention, most notably Article 31 of Law No. 1/1974 on Marriage, which stipulates that the husband is the head of the family and the wife is the mother of the household. The CEDAW Committee has recommended the repeal of this article, which has flow-on affects with regard to access to some government programs and family taxation benefits.

Laws and regulation on ownership of assets

Men and women are not treated differentially by Indonesia's legal system in relation to access to assets, except with regard to inheritance, which for Muslims is regulated by Islamic law. In terms of the ownership of land, Law No. 5/1960 on Agrarian Law and Law No. 1/1974 on Marriage recognise women's right to independently or jointly own a land/property. Article 108 of the Civil Code requires a husband's permission for women to enter into a contract, but this article was repealed by Supreme Court Circular Note No. 3/1963.

Business

The rights and position of women in relation to business are not regulated by law. There is no regulation of minimum female representation on company boards. Indonesian laws regarding borrowing do not discriminate against women, and Law No. 40/2007 on Limited Liability Company does not mention women.

Employment-related conditions

The right to work: In addition to being noted in the Constitution, Article 38 of Law No. 39/1999 on Human Rights states that all citizens have the right to work and the right to free choice of employment and just conditions of work. Article 49 of the law further states that women have the right to select, be selected and appointed to an appropriate job, position or a profession and the right to special protection in the undertaking of work or a profession that could put her safety and/or her reproductive health at risk. Local regulations can limit women's capacity to exercise their right to work, by example, introducing a *de facto* curfew on women and thus affecting their ability to work at night.

Equal pay: Article 38 of Law No. 39/1999 on Human Rights guarantees the right to fair and adequate remuneration and equal pay for men and women. Equal pay is not directly guaranteed by Law No.13/2003 on Manpower; however, Government Regulation No.78/2015 on Wages decrees that workers have the right to a similar wage for similar categories of work.

Equal opportunity/freedom from discrimination: Articles 5 and 6 of Law No.13/2003 on Manpower guarantees the right to equal treatment during recruitment and equal treatment from employers. The dismissal of women on the basis of marriage, pregnancy and giving birth was prohibited in Minister for Manpower Regulation No. Per-03/Men/1989, and this provision is restated in Law No.13/2003. The inclusion of discriminatory provisions in employment contracts (e.g. prohibitions on marriage for female workers or the payment of family allowances to men) is prohibited in Minister for Manpower Circular Note No. SE-04/M/BW/1996 on the Prohibition of Discrimination of Women Workers in Company Regulations or Collective Employment Contracts. The government has also sought to encourage women-friendly workplaces through initiatives like its Best Company in Employing Female Workers awards (ILO 2016).

Maternal, reproductive, and childcare rights: Law No.13/2003 guarantees the right to three months paid maternity leave in the period around childbirth and to six weeks paid leave for women who suffer a miscarriage. The law also grants women the right to take leave during the first two days of menstruation and the right to a flexible breastfeeding schedule during office hours. The latter was strengthened by Joint Regulations issued in 2008 by the Minister for Women Empowerment and Child Protection, the Minister for Manpower and the Minister for Health outlines the responsibilities of the three ministries in relation to the promotion of breastfeeding and encouraging the provision of breastfeeding facilities in the workplace. There are no provisions for carers' leave in Indonesian labour law, though in practice employers may grant workers unpaid leave to take care of sick children or the elderly.

Harassment: Sexual harassment at work is not explicitly covered by Indonesian labour law, although the Government points to the voluntary Equal Employment Opportunity (EEO) Guidelines of 2005, which encourages employers to eliminate sexual harassment in the workplace, and the voluntary Guidelines on Sexual Harassment Prevention at the Workplace, which encourages the adoption of anti-sexual harassment policies and company regulations or to establish internal complaints mechanisms (ILO 2016). As a consequence of the lack of legal protection against sexual harassment, employees who wish to take action on a sexual harassment case must take a case to the criminal courts. The Criminal Code contains general provisions that prohibit and punish obscene acts. Several Indonesian legal scholars have argued that these provisions can be used to prosecute cases of sexual harassment at work.

Taxation: Article 8 of Law No. 7/1983 as modified by Law No. 36/2008 on Income Tax outlines two methods of tax filing for married women, whereby their income can be taxed jointly with their husband as a family unit, or separately as individuals. A wife can file her taxation return individually (i.e. separately from her husband) if (1) she is an employee whose income has already been taxed through her employer, (2) the husband and wife agree in writing to legally separate their property/income, or (3) the wife wishes to meet her own tax obligations individually. However, while these possibilities exist, they potentially increase a household's total tax bill. For example, dual-earner families in which women chose to have their own tax file numbers may end up paying higher income tax relative to dual-earner families with a single family tax file number (being the husband's). The government is currently examining the gender-dimensions of existing income tax regulations and practices for dual-earner and sole-earner families.

Family benefits/insurance: Legally, there is no discrimination on the basis of gender with regard to who should receive the family allowance mandated under Law No. 13/2003 on Manpower. If both spouses are employed in the public service, family allowances are payable to the spouse who earns more. However, data from interviews with manufacturing workers suggests that it remains difficult for women in that sector to obtain benefits for their families, including health insurance coverage, as a consequence of legal recognition of men's position as head of the household in the 1974 Marriage Law.

Institutions responsible for women's economic empowerment

The key state institutions responsible for women's economic empowerment are the Ministry for Women's Empowerment and Child Protection, which falls within the Coordinating Ministry of

Human Development and Culture; the Ministry for National Development Planning; the Ministry of Finance; and the Ministry of Manpower.

The Ministry for Women's Empowerment and Child Protection is the primary body for the advancement of women and the achievement of gender equality through the implementation of gender mainstreaming, and is responsible for gender mainstreaming and women's empowerment in government policy and programs nationally and locally. The ministry works to coordinate and encourage gender-responsive planning and budgeting at the central level by establishing internal gender working groups in different ministries and across regional governments, by engaging with regional development planning agencies and sub-national government agencies. The ministry also represents the government for periodic reporting to UN CEDAW Committee on Indonesia's compliance with CEDAW, which has repeatedly expressed concern that the ministry is under-resourced (CEDAW 2007, 2012).

The Coordinating Ministry of Human Development and Culture is responsible for synchronising policy planning, formulation, and implementation for issues relevant to human development and culture. It brings together the Ministries of Education and Culture; Health; Religious Affairs; Research, Technology and Higher Education; Villages, Development of Rural areas and Transmigration; Women's Empowerment and Child Protection; and Youth and Sports. The Coordinating Ministry brings together representatives of the different ministries to discuss, for example, policies to support women's participation in small and medium enterprises. The focal point within the Coordinating Ministry for women's issues is the Deputy for the Coordination of Women and Child Protection.

The Ministry for National Development Planning (BAPPENAS) is the main driver of gender mainstreaming in Indonesia's policy planning and development. BAPPENAS plays a key role in inserting gender mainstreaming perspectives into Indonesia's development blueprint, such as the five-yearly National Medium Term Development Plan ('RPJMN'). In BAPPENAS' current organisational structure, gender mainstreaming and women's empowerment come under the purview of the Directorate of Family, Women, Children, Youth and Sport, which sits under the Deputy of Human Development, Society, and Culture.

The Ministry of Finance has played a key role in policy areas related to gender-responsive budgeting and taxation, and in gender and financial inclusion. The Directorate General of Budgeting promotes and oversees gender-responsive budgeting across other Ministries/Agencies through the annual state budget process and the Directorate General of Taxation is responsible for formulating and carrying out gender-responsive taxation policies (such as the amendment of Tax Law that allowed married women to have their own tax file number). To support women's financial inclusion, the Ministry of Finance works with other relevant line Ministries/Agencies to allocate state budget into programs that promote women's economic participation.

The Ministry of Manpower is responsible for workforce planning, labour standards and industrial relations, including the formation, implementation and supervision of policies and standards that affect women, including social security, welfare, the protection of reproductive rights and workplace discrimination. The focal point within the Ministry of Manpower for issues relating to women's labour protection is the Directorate of Women and Child Labour Inspection, which sits under the Directorate-General of the Supervision of Labour and Occupational Health and Safety. In addition, the Directorate-General of Labour Force and Job Creation is responsible for creating equal employment opportunities for women.

Institutions responsible for implementation and enforcement

There are a number of institutions responsible for policy oversight on gender mainstreaming, the enforcement of the labour law and the remedy of labour-related grievances.

Policy oversight

The National Commission on Violence Against Women (Komnas Perempuan): Established in 1998, Komnas Perempuan has a mandate to enhance public understanding of all forms of violence against women; to develop an environment that supports its elimination and the protection of women's rights; and to enhance efforts to do so. This mandate is carried out through advocacy, policy and legal drafting, and networking. A large part of its work is to monitor the government's performance on gender and act as a conduit between women's rights organisations and the government. Komnas Perempuan has, for example, identified hundreds of local regulations that discriminate against women. Some of these regulations affect women's economic empowerment, as is the case with the aforementioned regulation that affected women's capacity to work at night.

The Ministry of Law and Human Rights Joint Secretariat for the National Action Plan on Human Rights (RANHAM): The National Action Plan for 2015–2019 sets out a number of policy targets or 'actions' on human rights-related issues, including on women's rights, which must be implemented and achieved by relevant government agencies. Each year, the Joint Secretariat evaluates progress towards targets and challenges in achieving them.

Judicial Review Mechanisms: Laws and regulations that are deemed to be discriminatory, including in regard to issues of women's economic empowerment, can be challenged through judicial review mechanisms. National legislation that is believed to be incompatible with the Constitution can be challenged through the Constitutional Court. Regional regulations that are incompatible with national legislation can be challenged through the Supreme Court.

Enforcement/remedy mechanisms for labour-related grievances

The National Level Equal Employment Opportunity (EEO) Task Force: The EEO Task Force has issued a National Strategic Action Plan for 2013–2019, which provides for public awareness raising, capacity-building measures including research and data collection on equality and non-discrimination, training of stakeholders, and the establishment of EEO Task Forces at the provincial and district or city levels.

Inspection: Labour inspectors are responsible for monitoring the implementation of the law. Where a criminal act is suspected, investigations can be undertaken by police officers or public servant investigators.

Industrial Relations Courts: The industrial relations courts are tripartite bodies that consist of a 'career' judge and two *ad hoc* judges, one nominated by the Employers Association and the other by trade unions. The court, which adopts the conventions of civil law proceedings, hears disputes pertaining to the non-fulfilment of rights, work requirements and employment termination as well as disputes between multiple trade unions within a single company.

Administrative Sanctions: Law No.13/2003 provides for administrative sanctions for several infringements, including discriminatory practices. Sanctions include written warnings, revocation of licences and the freezing of business activities.

Criminal Proceedings: Infringement of some aspects of Law No.13/2003 are open to prosecution through criminal proceedings. Types of violations punishable by criminal law include, among others, the worst forms of child labour, non-payment of wages and the illegal employment of foreign workers.

Implementation in practice

Implementation is a problem across Indonesia's legal and regulatory system, which has few effective measures to ensure compliance. Industrial relations courts have been inconsistent in their decisions, and even if verdicts are made in favour of workers, there is no guarantee that they will be implemented and few consequences for employers if they are not (Ford and Sirait 2016). In the absence of effective sanctions, many companies violate the labour law and related regulations, including provisions relating to women. In an example cited by the Fair Wear Foundation (2016), the Korean owner of a factory that produces garments for a major United States brand requires female employees to forgo maternity benefits if they wish to be re-employed after they give birth. In some other cases, it is reportedly common for pregnant women to be sacked. Trade unionists further reported that it was common for companies not to meet the requirement to provide women with transport when working late at night. A survey of office and factory workers, meanwhile, found that just 21.5% had access to legally mandated breastfeeding facilities (Basrowi et al. 2015).

In terms of access to benefits, there is little systematic data available on implementation, or on any differences for men and women. A study by the Asian Development Bank and the Indonesian Bureau of Statistics (2011) does, however, provide some important insights. In these provinces, the study found that wage workers in formal employment are twice as likely to receive some kind of benefit as those working in informal employment. In terms of relative access to benefits to those in formal employment, men were more likely to have access to a pension, to paid leave and sick leave, and to severance pay. Indeed, the only benefit that women were more likely to access was maternity/paternity leave, though in Yogyakarta, men were more likely to have access paternity leave than women were to have access to maternity leave. The situation was reversed, however, for those in informal employment. Although on the whole workers in the informal sector were less likely to have access to work-related benefits, where they were available, women generally have greater access then men. In Yogyakarta, this generalisation held true for pensions, paid and sick leave, maternity/paternity leave and severance pay. In Banten, men were more likely than women to have access to pensions, paid leave and severance pay but less likely to have access to sick leave or maternity/paternity leave (ADB and BPS 2011).

Part Two: Social Norms and Unpaid Care Work

Successive governments have encouraged women to assume both productive and reproductive roles. However, social norms, as reflected in state discourse – which subsequently translates into policy frameworks – continues to demand that women (as wives, mothers and daughters) remain first and foremost committed to caring for their husbands, children and parents. Women's increasing participation in paid work over the last several decades, moreover, has done little to disrupt persistent and discriminatory social norms about the division of labour within the home.

Social norms that constrain women's economic empowerment

Gendered beliefs about the role of men and women in families and in society are the primary social norm constraining women's economic empowerment. The CEDAW Committee (2007, 2012) has expressed concern regarding the persistence of entrenched patriarchal attitudes and stereotypes about the roles and responsibilities of women and men in the family and society. Even where a woman earns the larger share of household income she is likely to see herself – and be seen by others – as a secondary earner (Ford and Nurchayati 2017). A 2004 survey of university students in Jakarta and Makassar revealed that they, too, overwhelmingly expected women to be secondary earners whose primary responsibility was to the household (Utomo 2012). Women tend to choose roles that will allow them to accommodate their family responsibilities, which results in their being shut out of waged employment or leadership positions (Nilan and Utari 2008). This is particularly the case since the requirements of domestic life – especially when young children are involved – mean that working mothers struggle with competing demands on their time (Kercheval et al. 2013; Schaner and Das 2016). Less obvious barriers, such as poor availability of public transport or sexual harassment on public transport, can also make paid work outside the home less attractive.

In the absence of flexible workplace practices in waged employment, professional women tend to move into roles that allow greater flexibility but have fewer leadership opportunities (Schaner and Das 2016). A survey of professional accountants in Java produced similar findings, with women acknowledging that they must ultimately choose between having a family and furthering their career (Lindawati and Smark 2015). Many studies of women's entrepreneurship draw similar conclusions about the relative priority women give to their families and businesses. An Asia Foundation study, for example, concluded that women business owners saw their primary role as that of wife and mother rather than as a business woman (TAF 2013). There is, however, a significant difference in the perceptions of the business men and women surveyed regarding women's role in the family and the economic sphere, with 67% of women but only 47% of men disagreeing that with the statement, 'A man's job is to earn money; a woman's job is to look after the family' (TAF 2013).

At the same time, a World Bank study found that men are far more supportive of women working in their own businesses than in private companies owned by others (World Bank 2016d). This trend holds true also in the digital realm where studies suggest that the flexibility of the online realm has proven attractive to women entrepreneurs (Melissa et al. 2015). As many as 85% of adults own a mobile phone (Nugroho and Hikmat 2017). However, are great disparities in access to digital infrastructure. As many as 34% of Indonesians are active internet users, but 83% of this number located in urban areas. Moreover, even in Indonesia's cities the vast majority of people do not access the internet (Nugroho and Hikmat 2017 Purbo 2017). Despite these limitations, as many as 176,300 women entrepreneurs have a presence on Facebook alone (Facebook 2013 cited in Melissa et al. 2015).

Gender distribution of unpaid care work

As stated in Law No. 23/2002 on Child Protection, in Indonesia, responsibility for the care, maintenance, education and protection of children is deemed to sit with parents. Indonesia has almost no government-funded care infrastructure or financial support to private sector or community-based childcare services. It provides no social security benefits for carers; no services or benefits in kind; and no incentives towards provisions in the market for the employment of service-providers and does not regulate the fees those services charge. As a consequence, access to childcare is patchy, and mostly concentrated in urban areas (PUS 2013). Indonesian children of pre-school age are relatively unlikely to spend time in any kind of institutional childcare. Indeed, if children in the first year of primary school are excluded, the gross enrolment rate of children aged six or under in early childhood educational services in 2014 was just 8%.

Eldercare is also of concern, with Indonesia projected to be among the world's top ten countries in terms of the proportion of population aged 80 years and over by 2050 (United Nations 2013). An increasing number of elderly Indonesians are cared for in institutions, but the majority of eldercare continues to take the form of informal care provided by the household without support or advice from professional care-givers (van Eeuwijk 2006). Different ethnic groups in Indonesia have different expectations about eldercare, but ageing parents are often cared for by a younger daughter in their own home (Kevane and Levine 2000). Elderly people with higher household incomes are less likely to live with their children (Witoelar 2012) since they have the resources to pay carers or support poorer relatives who care for them at home.

The provision of this care is highly gendered (Ford and Nurchayati 2017). According to the World Bank (2011), women spend more than twice as much time on childcare than men. As a consequence, Indonesian women have a high chance of dropping out of the labour force after bearing children compared to other countries in the region (Schaner and Das 2016). An analysis of data from the Indonesian Family Life Survey 1996–2007, which found that work interruption is common among women in Indonesia, most often as a consequence of marriage and motherhood (Setyonaluri 2014). Women who do return to work are likely to enter into the informal sector, or in roles that have low or flexible hours (Setyonaluri 2014).

The impact of gendered care work is class-specific since high levels of economic inequality mean that wealthier Indonesians can afford to engage live-in household help. According to Jala PRT, the leading non-government organisation working in this area, there are some 11 million domestic workers in Indonesia. In addition to housework, cooking and errand-running, domestic workers are generally responsible for the routine care of children and elderly relatives. Domestic workers are not covered by the national Manpower Law, and attempts to establish a national law on domestic work have to date failed. There is significant resistance to extending legal coverage, in part because of cultural attitudes that frame domestic workers as helpers rather than workers (ILO 2006). The absence of legal coverage also reflects a recognition by government of the pivotal role domestic workers play in providing reproductive labour in a context where families receive little state support.

Domestic workers' live-in status means that their mothers or some member of their extended family – or less frequently, their husbands – take responsibility for caring for their children, many of whom are left at home in the village when their parents migrate for work (Ford and Nurchayati 2017). These care chains are also characteristic of the much larger group of internal migrants who work in Indonesia's factories and service sectors, as well as for the significant number of men and women who seek employment overseas. In some cases, migrating men leave their wives at home to care for children and other family members. In others, husbands and wives migrate together, leaving their children in the care of grandparents of other relatives.

Part Three: Access to Assets, Finance and Markets

There are few legal barriers to women's access to assets, finance and markets. However, cultural factors, and associated conscious and unconscious bias, has led to a situation where women are less likely to hold legal title for assets, which in turn may affect their financial decisions and/or apply for financing.

Access to and control over productive assets compared with men

Under Indonesian law, men and women have the legal right to own land and other forms of property (OECD 2012). However, households' productive assets, including land, tend to be registered under the name of the husband (ADB 2006; Mahfiana 2016). In areas where statistics were available in 1998, 65% of land titles were issued only in the names of men (ADB 2006). In a more recent sample taken in Ponorogo, men held 88% of registered land titles (Mahfiana 2016). Asset titling has implications for women's capacity to access other productive assets, since access to finance requires collateral, and land and other major assets tend to be owned by men (Tambunan 2007).

In terms of business, Indonesia has a high overall prevalence of entrepreneurship, and a relatively small gap between the number of male and female entrepreneurs (World Bank 2016d). However, the proportion of firms with a listed female owner decreasing from 44% of micro and small enterprises, to 35% of medium enterprises and just 27% of large enterprises (ADB 2009 cited in World Bank 2016d). The 1,633 female micro and small entrepreneurs who participated in the World Bank study contributed an average of 62% of household earnings, with 44% reporting that they were the main breadwinner (World Bank 2016d). Most of these enterprises generated a surplus each month, though women entrepreneurs find it particularly difficult to save, possibly because they are particularly likely to use profits to cover household expenses or to support family members, rather than reinvesting in the enterprise (World Bank 2016d).

Conscious and unconscious bias in access to financing

As noted in Part One, the National Strategy for Financial Inclusion is seeking to improve access to financial services among the poor and near-poor. The Coordinating Ministry of Economic Affairs is also working with Women's World Banking to launch a secretariat and establish a number of working groups tasked with advancing women's financial inclusion through improved enabling environments, wider digital financial services, and a stronger business case for women as clients and as leaders.

In terms of access to finance, women have had the right to open an individual bank account since 1974 (World Bank 2016c). It is important to note here, though, that 52.4% of Indonesians do not have any savings or savings accounts with a bank or non-bank financial institution (Bank Indonesia cited in ADBI 2014). There is some debate about the existence, and extent, of bias in the financial system. While several studies suggest that women have difficulties accessing credit (e.g. Tambunan 2009), bank officials interviewed for the IFC Pensa study indicated that they believed that unevenness in lending rates were a consequence of the fact that relatively few women apply for credit and more of their proposals not financially feasible (IFC Pensa 2006). A 2010 World Bank study suggested that little difference in men's and women's access to financial services and 2012 study that found that education, rather than gender, was the primary determinant of access to credit (AIPEG 2017).

More recently, the World Bank has reported that loan application data suggest that women comprise a small proportion of applicants, but that their applications are likely to be successful, a trend possibly reflecting women's reluctance to apply unless they are confident that they are eligible for a loan (World Bank 2016d). A possible source of disadvantage is women's lack of access to collateral. Since banks rely predominantly on hard collateral for providing credit (IFC 2016) and women are less likely to legally own major assets, they are more likely than men to have to ask their spouse to co-sign loan agreements or present his salary certificate or financial statements as evidence of their ability to service a loan (IFC 2016).

Women may also be disproportionately affected by the banks' approaches to micro, small and medium enterprises (IFC Pensa 2006). In 2007, the government established the People's Business Credit (Kredit Usaha Rakyat) scheme, which guarantees 70%–80% of loans offered at a concessional interest rate. By December 2014, Rp178.8 trillion in loans had been disbursed to 12.5 million MSMEs (ADB 2015). In an attempt to further improve access to finance, Bank Indonesia issued a regulation requiring banks to achieve a target of 20% of their loan portfolios to MSMEs by 2018 (ADB 2015). This target was all but reached in 2014, when loans to micro, small and medium enterprises accounted for just under 20% of commercial bank loans, 72.5% of which was borrowed for working capital (ADB 2015). However, most banks continue to lack specific strategies to deal with SMEs, and with medium enterprises in particular (IFC 2016).

Part Four: Business Culture and Practices

Women's participation in the labour force is low and, as in many other countries, they are under-represented in the senior echelons of leadership in public and private sector workplaces, and among business leaders. Some of the barriers to greater participation include business culture and practices that limit women's opportunities in the workplace and in the upper echelons of the private sector.

Women at work

Women account for just under 39% of the workforce. At close to 85%, men have a much higher labour force participation rate than women, whose participation rate is a little over 51% – a figure that has remained relatively stable since the mid-1990s, having risen from 37% in 1971 (ILO and ADB 2014). In 2013, the services sector accounted for 51.6% of female employment, compared to 40.8% of that of men, while agriculture accounted for the employment of 35.6% of women and 33.4% of men (World Bank 2016b). Women constitute 53% of those employed in wholesale and retail trade, restaurants and hotels, and 46% of those in community, social and personal services (Ministry of Manpower 2014b). A close study of the nature of employment conducted in 2009 found that formal enterprises accounted for 29.1% of total employment in Banten and 13.2% in Yogyakarta (ADB and BPS 2011). In both cases, the proportion of formal and informal employment was within just a few percentage points for men and women, with men slightly less likely to be engaged in informal employment than women.

Within the formal sector, women are well represented in business or professional positions. More than half of those working in professional or technical roles are women, and women make up 43% of those in clerical or administrative roles (Ministry of Manpower 2014a). However, only 0.53% of working women are in managerial roles, which is well under half the proportion of men (Ministry of Manpower 2014c). Women make up just 6% of board members and 5% of CEO positions in Indonesia, and less than a quarter of surveyed executives list gender diversity as a top priority (Schaner and Das 2016).

At the same time, Indonesia does not fare particularly badly in international comparisons. Using a sample of 92.4% of publicly listed firms as of 2007, Darmadi (2013) found that 11.2% of top executives were female, which at that time was a higher level than found in a number of European countries. As Darmadi observes, however, many listed firms in Indonesia are controlled by the families that founded them, and thus it is possible that women's presence on the board reflects their family ties rather than their professional experience – though, of course, the same could be said for male members.

As noted earlier, there is no legal basis for pay discrimination in Indonesia. As elsewhere, however, a gender wage gap persists, which research suggests is primarily the result of discriminatory practices rather than differences in productive characteristics (Taniguchi and Tuwo 2014 cited in AIPEG 2017). Some sources identify a relatively small gender wage gap, including the OECD, ILO, IMF and World Bank (2014), which cites a figure of 16.6%. However, a study conducted for the Australia-Indonesia Partnership for Economic Governance found that there is a gender wage gap of 34% in the formal sector and 50% in the informal sector, with the greatest gap among those with less than a primary school education and smallest among employees with at least a senior secondary school education (AIPEG 2017).

Some studies have suggested that women earn less than men in all sectors and all occupations (Taniguchi and Tuwo 2014, cited in AIPEG 2017). However, the ADB/BPS study on informal employment found that the ratio of men and women's average wages in the formal sector in Yogyakarta and Banten was 0.86 and 0.80 respectively, but 1.11 and 0.61 in the informal sector, meaning that women in informal sector employment in Yogyakarta were likely to earn more than men (ADB and BPS 2011).

Business practices and culture

Gender segregation by occupation and industry is high in Indonesia (Sohn 2015). Of the firms surveyed in the 2013 Asia Foundation Study, women-owned firms had an average of 45% female employees, while those owned by men average 27% female employees (TAF 2013). As the AIPEG (2017) study notes, women are disadvantaged by hiring practices. This discrimination is overt, with advertisements often specifying characteristics such as age and gender alongside qualifications, skills and experience. A study of 301 advertisements for accounting-related positions published in an East Javanese newspaper in 2005 found that 55% specified gender. Of these, less senior positions tended to specify women while more senior positions specified men (Narsa 2006). Trade unionists also point to discrimination against pregnant, married or older women at the time of hiring: in one example, pregnancy tests were compulsory upon hiring (Fair Wear Foundation 2016). While there is no robust data available on career progression, anecdotal evidence suggest that gender-based discrimination is likely to occur there as well. Data on sexual harassment in professional workplaces is also not available, but a 2012 survey of factory workers found that 85.2% had concerns over sexual harassment in the workplace (Better Work Indonesia 2012).

In the world of small and medium business, a qualitative study of 150 entrepreneurs, including 83 women, conducted by the TAF (2013) concluded that the ability of women to start and grow businesses in Indonesia is affected by business management and operational challenges; financial barriers, including access to capital; business networking and participation in business associations; government support, including challenges in business licensing; corruption and demand for informal payments; and social support systems. These barriers are also faced by men, with mixed evidence on differential impact, with the exception of social support systems, which affect women more than they affect men because of different expectations about women's and men's roles in the home. In relation to establishing a business, for example, the government began an initiative to improve conditions on business licensing by simplifying the system and the application process in 2010. Further steps were taken to support micro and small enterprises with the introduction of a new legal entity status with the passing of Presidential Regulation No.98/2014 on Permits for Micro and Small Enterprises, the stated aim of which is to give certainty and protection and support to entrepreneurs, as well as to reduce the administrative and tax burdens and costs of finance (IFC 2016). Despite such efforts, however, many businesspeople – men and women – choose not to register.

There are, however, some important differences. A survey conducted in 2012 of 141 small business owners operating in the informal sector concluded that female entrepreneurs were equally likely to prefer formalisation, once other factors are controlled for, with important differences between urban and rural locations. Urban female entrepreneurs were far less likely to prefer formalisation than urban male entrepreneurs, but rural female entrepreneurs were considerably more likely to prefer formalisation than their male counterparts (Babbitt et al 2015). Other studies have found that urban women entrepreneurs operating in the informal sector were less likely to be concerned about the complexity of the process of registering their business than their men but more sceptical about the benefits of registration (IFC 2016).

Entrepreneurial skills and training

Levels of formal education have risen remarkably in Indonesia. In 1990, more than half of women had not graduated from primary education, and just 11% held a secondary or post-secondary qualification. Two decades later, the proportion of women without a primary school education had dropped to below 25%, and more than 30% of women held a secondary or post-secondary qualification (Schaner and Das 2016). Indeed, in 2014 women outnumbered men in tertiary education at a ratio of 1.11 to 1 (ADB 2016b). Among women entrepreneurs, few have post-secondary education, but 32% have completed high school, and only 86% have at least completed primary school (World Bank 2016d).

Importantly, increased levels of formal education do not necessarily correspond with entrepreneurial skills. A World Bank (2016d) study found that women entrepreneurs had a high level of financial literacy and capacity to understand market forces regardless of their level of formal education, drawing into question assumptions about the impact of women entrepreneurs' lower levels of education on their business knowledge). At the same time, while organisations like the Asia Foundation have provided skills training to members of local women's groups in areas such as business development, bookkeeping, revolving fund mechanisms, and establishing local microfinance institutions (TAF 2013), record-keeping, strategic planning and the separation of household and business finances remain poor. It is not clear, however, whether their practices are any less developed than men's. In terms of use of technology, there is conflicting evidence, with the TAF (2013) study finding that women were more likely to use a computer and to understand the benefits of technology for their business than men and the IFC (2016) study finding the opposite.

Support services are offered by the government and the central bank, and women comprise the majority of participants in government trade fairs and training programs (IFC 2016, TAF 2013). However, programs focus on micro-enterprises rather than small and medium enterprises, and are not targeted specifically to women (IFC 2016). This finding is confirmed by a study of 112 business development service providers, which found that although 70% of the beneficiaries of programs are women, providers did not believe that women entrepreneurs required any gender-specific content or that the challenges associated with running a small or medium enterprise were any different from those associated with running a micro-enterprise (World Bank 2016d). Moreover, while women are more likely to use support services than men, the majority do not have knowledge of, or access to, such services.

Part Five: Women' Visibility, Collective Voice and Representation

Women hold a great deal of economic decision-making power in the private sphere, where they have traditionally taken a lead role in financial management in many regions of Indonesia. In the public sphere, however, women are largely absent from positions of influence with regard to economic decision-making.

Visibility and collective voice in the household

The visibility and collective voice of women in the household varies between the many different cultures found across the archipelago. But in many parts of Indonesia, women are hold primary responsibility for the management of household finances. For example, a study of 146 lower-middle and middle-class women in Jakarta in the 1980s found that the woman was the main financial manager and decision-maker in 70% of households (Papanek and Schwede 1988). The majority of participants in the more recent World Bank (2016d) study on female entrepreneurs also made financial decisions in the household, with only 17% of participants living in households where decisions were made by husbands alone.

Visibility and collective voice in the community and at the national level

Women's visibility and collective voice is less evident in the community and nationally. Legislators play an important role in economic decision-making at the district and national level, where they have the potential to promote or hinder women's economic empowerment. The percentage of female parliamentarians has increased from 8% in 2000 to a peak of 18.6% in 2012, dropping slightly to 17.1% in 2015 (World Bank 2016b), in large part because of the introduction of a 30%

quota in the lead-up to the 2004 elections. However, once in parliament, women face significant challenges in influencing policy-making because of their often marginal status within the structures of party decision-making but also within the informal networks that determine influence within parliament. A study of local parliamentarians in four regions, for example, revealed women had great difficulty in participating effectively in the policy-making process, and particularly in promoting pro-women policies (Adriana et al 2012). Although women are well-represented in the public sector, the vast majority of decision-making positions are also occupied by men.

Women's participation – but not influence – is more evident in associational life. For example, the IFC (2016) reports that the women they surveyed were as likely as men to be a member of a formal or informal business network or association, and more likely to know about the services offered by an association and to take advantage of them. According to the TAF (2013) study, female respondents were significantly more likely to be members of business associations than men. Women also reported more frequent interactions with business associations irrespective of their membership status. However, women are almost completely absent from the key decision-making bodies within the business community. The oversight and executive bodies of the powerful Chamber of Commerce and Industry (Kamar Dagang dan Industri, KADIN) are dominated by men, as are the leadership bodies of the Association of Indonesian Entrepreneurs (Asosiasi Pengusaha Indonesia, APINDO). There are a number of women's business associations, but these focus predominantly on small-scale female entrepreneurship, providing financial resources, networking opportunities and training programs.

Women do, however, play an important role in civil society. Many NGOs are engaged in promoting women's economic empowerment, with a focus on issues like reproductive health, migrant labour and female-headed households, while some advocate for better working conditions in formal sector workplaces. A limitation of workplace-oriented advocacy is that it tends to focus on factory workers, particularly in labour-intensive industries like garments, textiles and footwear, with little engagement around the problems faced by professional working women.

Part Six: Summary

As noted in the Introduction, barriers to women's participation in the formal sector workforce, in entrepreneurship and in leadership positions in the public and private sectors are primarily socio-cultural and structural rather than legal. Initiatives to increase women's economic empowerment must also thus be focused in these domains.

Gendered assumptions about the role of women

The primary socio-cultural barrier to women's economic empowerment consists of gendered assumptions about the role of men and women in the public and private sphere, which have implications for everyday practices within the household, but also for the practice of governments, businesses, households and individuals. These barriers are sustained and reinforced by the failure of regulatory institutions to implement and enforce legal provisions promoting gender equality in society, the workplace, and in business.

Despite international interventions, government programs and civil society campaigns to promote gender equality, social norms constraining women's economic empowerment not only persist but have been strengthened by decentralisation and the increasing conservatism of Indonesia's Muslim majority. Coalitions of progressive business leaders have a part to play, speaking publicly on the need for gender equality in the workplace and changing expectations within their businesses with regard to the way that men and women work and are treated. However, this approach alone will not be enough to effect change. Shifting these norms even slightly will also require a great deal of activity by secular and progressive Muslim civil society organisations. To date, civil society organisations have paid particular attention to gender roles within the workplace or other aspects of women's working lives, and those that have focus on factory labour. Strategic intervention to encourage women's groups that take a broader policy interest to engage among their membership and in the public sphere on issues of gender and work at *all levels* of the public and private sectors is the most obvious way to encourage debate on this issue in the public sphere.

Regulation, policy and practice

Regulations promoting gender equality are of course important, not least because of the messages they send about how societies and their governments view women. While Indonesia's legislative and regulatory framework is much less discriminatory than that of some non-Western countries (OECD 2010), it is clear that gender equality is not a high priority for Indonesia's leaders and legislators, as evidenced by the failure of legislators to pass the draft Law on Gender Equality. It is difficult to see prospects of a dramatic improvement in the legislative/enforcement environment in the short to medium term.

In addition to passing a law on gender equality, targets could include:

- Addressing legislative, regulatory and other legal instruments that actively or inadvertently encourage discrimination, such as the current taxation regime;
- Introducing of legally enforceable prohibitions against discrimination in recruitment and career advancement on the basis of gender and sexual harassment;
- Recognising the labour rights of domestic workers;
- Better enforcing existing regulations in general, but particularly of those that protect the rights of waged workers.

Policy measures are also necessary to create the enabling environment necessary for progressive businesses to effect change. These could include:

- Ensuring that gender mainstreaming extends beyond recognition of the need to consider the needs of women to concrete and effective strategies for doing so;
- Introducing quotas – which already exist for parliamentarians – for the boards of publicly listed companies;
- Introducing measures to promote flexibility for all employees in formal sector workplaces;
- Encouraging pro-active measures to create pathways for women, particularly in large enterprises;
- Providing quality institutional child and eldercare.

Evidence-based policy-making

Our knowledge of the conditions in which women lead, work and engage in entrepreneurship in Indonesia is patchy at best. The lack of comprehensive and reliable information on the situation of women in the labour market and in business constitutes a serious barrier to evidence-based approaches to policy-making and program design. Some innovative work has been undertaken in this area, like the ADB and BPS (2011) study of work in Banten and Yogyakarta; however, there is a great deal more to be done. In other areas, moreover, access to data has declined. For example, a great deal of gender-disaggregated data that was formerly available on the BPS website is no longer accessible. In addition to addressing such anomalies, greater investment in government and non-government capacity to collect reliable data is desperately needed in Indonesia. Areas that require immediate attention include:

- Public access to quality, gender-disaggregated statistical data on labour force participation, employment and related issues at the national and sub-national levels;
- Longitudinal mixed-method studies of women's experiences of work and career in large formal sector workplaces, with a particular focus on white-collar occupations;
- Longitudinal mixed-method studies of women entrepreneurs' experiences in medium and large businesses, to complement the multitude of snapshots of micro and small-scale women entrepreneurs.

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