Indonesia

Women, Business and the Law 2023 (WBL2023) presents an index covering 190 economies and structured around the life cycle of a working woman. In total, 35 questions are scored across eight indicators. Overall scores are then calculated by taking the average of each indicator, with 100 representing the highest possible score. Data refer to the laws and regulations that are applicable to the main business city (Jakarta). Different rules may apply in other jurisdictions so local legislation should be reviewed. Based on this approach, Indonesia scores 70.6 out of 100. The overall score for Indonesia is lower than the regional average observed across East Asia and the Pacific (72.6). Within the East Asia and the Pacific region, the maximum score observed is 91.9 (Hong Kong SAR, China).

Indonesia - Scores for Women, Business and the Law 2023

<table>
<thead>
<tr>
<th>Mobility</th>
<th>Workplace</th>
<th>Pay</th>
<th>Marriage</th>
<th>Parenthood</th>
<th>Entrepreneurship</th>
<th>Assets</th>
<th>Pension</th>
<th>WBL 2023 Index Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>100</td>
<td>100</td>
<td>75</td>
<td>40</td>
<td>40</td>
<td>75</td>
<td>60</td>
<td>75</td>
<td>70.6</td>
</tr>
</tbody>
</table>

Relative Strengths
When it comes to constraints on freedom of movement, and laws affecting women’s decisions to work, Indonesia gets a perfect score.

Areas for Improvement
However, when it comes to laws affecting women’s pay, constraints related to marriage, laws affecting women's work after having children, constraints on women starting and running a business, gender differences in property and inheritance, and laws affecting the size of a woman's pension, Indonesia could consider reforms to improve legal equality for women.

For example, one of the lowest scores for Indonesia is on the indicator measuring constraints related to marriage (the WBL2023 Marriage indicator). To improve on the Marriage indicator, Indonesia may wish to consider allowing women to be head of household in the same way as men, allowing women to obtain a divorce in the same way as a man, and giving women the same rights to remarry as men.

Recent Reforms
During the past year (October 2nd, 2021 to October 1st, 2022), Indonesia enacted legislation protecting women from sexual harassment in employment, including both criminal penalties and civil remedies for such conduct.

Further data details for Indonesia are available at:
<table>
<thead>
<tr>
<th>QUESTION</th>
<th>ANSWER</th>
<th>LEGAL BASIS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Can a woman choose where to live in the same way as a man?</td>
<td>Yes</td>
<td>Law No. 1 of 1974 on Marriage, Art. 32(2)</td>
</tr>
<tr>
<td>Can a woman travel outside her home in the same way as a man?</td>
<td>Yes</td>
<td>Law No. 1 of 1974 on Marriage, Art. 32(2)</td>
</tr>
<tr>
<td>Can a woman apply for a passport in the same way as a man?</td>
<td>Yes</td>
<td>Indonesian Immigration Law, Arts. 24-33; Passport Application Procedures and Application Form</td>
</tr>
<tr>
<td>Can a woman travel outside the country in the same way as a man?</td>
<td>Yes</td>
<td>No restrictions could be located</td>
</tr>
<tr>
<td>Can a woman get a job in the same way as a man?</td>
<td>Yes</td>
<td>Law No. 1 of 1974 on Marriage, Art. 31(2)</td>
</tr>
<tr>
<td>Does the law prohibit discrimination in employment based on gender?</td>
<td>Yes</td>
<td>Law No. 13/2003, Arts. 5 and 6</td>
</tr>
<tr>
<td>Is there legislation on sexual harassment in employment?</td>
<td>Yes</td>
<td>Law on the Crime of Sexual Violence, Arts. 5, 6(c) and 15(1)(c)(d)</td>
</tr>
<tr>
<td>Are there criminal penalties or civil remedies for sexual harassment in employment?</td>
<td>Yes</td>
<td>Criminal Law on the Crime of Sexual Violence, Arts. 5, 6(c) and 15(1)(c)(d)</td>
</tr>
<tr>
<td>Does the law mandate equal remuneration for work of equal value?</td>
<td>No</td>
<td>No applicable provisions could be located</td>
</tr>
<tr>
<td>Can a woman work at night in the same way as a man?</td>
<td>Yes</td>
<td>No restrictions could be located</td>
</tr>
<tr>
<td>Can a woman work in a job deemed dangerous in the same way as a man?</td>
<td>Yes</td>
<td>No restrictions could be located</td>
</tr>
<tr>
<td>Can a woman work in an industrial job in the same way as a man?</td>
<td>Yes</td>
<td>No restrictions could be located</td>
</tr>
<tr>
<td>Is the law free of legal provisions that require a married woman to obey her husband?</td>
<td>Yes</td>
<td>Law No. 1 of 1974 on Marriage, Arts. 31(1) and 33</td>
</tr>
<tr>
<td>Can a woman be head of household in the same way as a man?</td>
<td>No</td>
<td>Law No. 1 of 1974 on Marriage, Art. 31(3)</td>
</tr>
<tr>
<td>Is there legislation specifically addressing domestic violence?</td>
<td>Yes</td>
<td>Law Regarding Elimination of Violence in Household</td>
</tr>
<tr>
<td>Can a woman obtain a judgment of divorce in the same way as a man?</td>
<td>No</td>
<td>Law No. 1 of 1974 on Marriage, Arts. 2, 39 and 63</td>
</tr>
<tr>
<td>Does a woman have the same rights to remarry as a man?</td>
<td>No</td>
<td>Law No. 1 of 1974 on Marriage, Art. 12</td>
</tr>
<tr>
<td>Is paid leave of at least 14 weeks available to mothers?</td>
<td>No</td>
<td>Law No. 13/2003, Arts. 82 and 84</td>
</tr>
<tr>
<td>Does the government pay 100% of maternity leave benefits?</td>
<td>No</td>
<td>Law No. 13/2003, Arts. 82 and 84</td>
</tr>
<tr>
<td>Is paid leave available to fathers?</td>
<td>Yes</td>
<td>Law No. 13/2003, Art. 93(4)(e)</td>
</tr>
<tr>
<td>Is there paid parental leave?</td>
<td>No</td>
<td>No applicable provisions could be located</td>
</tr>
<tr>
<td>Does the law prohibit discrimination in access to credit based on gender?</td>
<td>No</td>
<td>No applicable provisions could be located</td>
</tr>
<tr>
<td>Can a woman sign a contract in the same way as a man?</td>
<td>Yes</td>
<td>Law No. 1 of 1974 on Marriage, Art. 31(2)</td>
</tr>
<tr>
<td>Can a woman register a business in the same way as a man?</td>
<td>Yes</td>
<td>Law No. 1 of 1974 on Marriage, Art. 31(2)</td>
</tr>
<tr>
<td>Can a woman open a bank account in the same way as man?</td>
<td>Yes</td>
<td>Law No. 1 of 1974 on Marriage, Art. 31(2)</td>
</tr>
<tr>
<td>Do men and women have equal ownership rights to immovable property?</td>
<td>Yes</td>
<td>Law No. 1 of 1974 on Marriage, Art. 36</td>
</tr>
<tr>
<td>Do sons and daughters have equal rights to inherit assets from their parents?</td>
<td>No</td>
<td>Compilation of Islamic Laws of Indonesia, Art. 176</td>
</tr>
<tr>
<td>Do female and male surviving spouses have equal rights to inherit assets?</td>
<td>No</td>
<td>Compilation of Islamic Laws of Indonesia, Arts. 179 and 180</td>
</tr>
<tr>
<td>Does the law grant spouses equal administrative authority over assets during marriage?</td>
<td>Yes</td>
<td>Law No. 1 of 1974 on Marriage, Arts. 35 and 36</td>
</tr>
<tr>
<td>Does the law provide for the valuation of nonmonetary contributions?</td>
<td>Yes</td>
<td>Law No. 1 of 1974 on Marriage, Art. 35</td>
</tr>
<tr>
<td>Is the age at which men and women can retire with full pension benefits the same?</td>
<td>Yes</td>
<td>Regulation of the Minister of Manpower No. 4 of 2022 on Procedures and Requirements for Disbursement of Old Age Benefits (JHT), Art 6</td>
</tr>
<tr>
<td>Is the mandatory retirement age for men and women the same?</td>
<td>Yes</td>
<td>No applicable provisions could be located</td>
</tr>
<tr>
<td>Are periods of absence due to childcare accounted for in pension benefits?</td>
<td>No</td>
<td>No applicable provisions could be located</td>
</tr>
</tbody>
</table>