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Gender Equality in the Indonesian Labor Market: Participation, Wages, and Legal Protection

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Abstract:

Gender equality in the Indonesian labor market still faces challenges in the form of disparities in labor force participation, wage gaps, occupational segregation, and limited protections for female workers. This study aims to analyze the factors causing gender inequality in female labor force participation and wages, as well as to examine the capacity of Indonesia's legal framework to provide protection and ensure equality for female workers. The study employs a descriptive method, utilizing secondary data from a literature review and primary data obtained through Focus Group Discussions (FGDs). The analysis considers the legal framework established under the 1945 Constitution, Law No. 7 of 1984 on the Ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), Law No. 13 of 2003 on Manpower, Government Regulation No. 36 of 2021 on Wages, and Minister of Manpower and Transmigration Decree No. KEP.224/MEN/2003 concerning the obligations of employers employing female workers at night. The results indicate that gender inequality is linked to social constructs, the division of domestic roles, limited education and skills, occupational segregation, and the predominance of women in the informal sector. Although Indonesia has legal instruments that guarantee nondiscrimination, equal treatment, wage protection, and specific protection for female workers, their implementation still faces various obstacles.

Keywords:

Employment; Gender; Inequality; Protection; Wages.

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1. Introduction

Equality between men and women in society is an essential part of the fulfillment of human rights. In the context of employment, the issue of gender equality is not only related to employment opportunities but also concerns access to positions, income levels, working conditions, career development, and legal protection. These inequalities can arise from long-standing social constructs that have shaped the division of roles between men and women. Women are often confined to the domestic sphere, while men are positioned as the primary providers responsible for meeting the family's economic needs. Such constructions ultimately influence women's career choices and their level of participation in the labor market. Khotimah's (2009) study also indicates that gender ideology and patriarchal culture are linked to the emergence of gender inequality in the workplace.

This issue becomes even more complex because women's participation in economic activities does not automatically eliminate discrimination. Women who have entered the labor market may still face restrictions in accessing certain jobs, promotion opportunities, or earning potential. Iftitah et al. (2023) frame gender equality in labor law as an issue related to the rights of female workers and the persistent wage gap between men and women. Thus, the increase in the number of women in the workforce must be accompanied by assurances that these jobs provide equal opportunities and treatment.

Inequality in labor force participation is also closely linked to the division of domestic responsibilities. Women who fulfill the roles of mother, wife, and worker face different demands than men. Domestic burdens can limit women's time, mobility, and opportunities to enter jobs with better working conditions. This issue is further linked to occupational segregation, as women tend to be concentrated in specific fields that offer more limited income levels and career opportunities. Khotimah (2009) explains that subordination, stereotypes, educational attainment, and marginalization are factors that can reinforce discrimination against women in the labor market.

The gap does not stop at the issue of participation. Wages are also a key indicator for assessing whether the principle of equality has truly been implemented. The income gap between male and female workers can be influenced by job type, education and skill levels, employment status, and the concentration of women in the informal sector. Under certain conditions, informal jobs also offer more limited legal protection and social security. These findings demonstrate that gender issues in the labor market are multidimensional and cannot be resolved solely by increasing employment opportunities for women.

From a legal perspective, Indonesia already has a normative foundation that recognizes the principles of equality and nondiscrimination. This protection can be traced to the principle of equal status for citizens in the 1945 Constitution, the ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) through Law No. 7 of 1984, and labor provisions that provide protection for female workers. In the evolving field of labor law studies, gender equality must be understood not merely as a prohibition against discriminating against workers based on sex, but also as an effort to ensure that women receive equal rights and opportunities in employment relationships (Iftitah et al., 2023).

Studies on gender equality also show that legal issues cannot be separated from the underlying social conditions. Judiasih (2022), for example, discusses the implementation of gender equality in various aspects of Indonesian society, while Hamidah (2021) emphasizes the importance of the principle of nondiscrimination in regulations to support the mainstreaming of gender equality. Thus, the existence of

regulations does not in and of itself eliminate inequality if legal norms are not followed by effective enforcement.

Based on these conditions, this study aims to answer two Research Questions (RQs). RQ1: What factors cause gender inequality in female labor force participation and wages in Indonesia? RQ2: To what extent is the legal protection framework in Indonesia capable of ensuring equality and protection for female workers? These two questions serve as the basis for linking the socioeconomic dimensions of women's employment with legal aspects and their protection.

2. Methods

This study employs a descriptive method to provide an overview of the gender inequality experienced by women in the Indonesian labor market. The choice of this method aligns with the study's focus on examining social phenomena such as the level of women's participation in the labor market, income disparities, job characteristics, and the forms of protection available to female workers. Through this approach, the study not only describes the employment conditions of women but also links them to issues of equality and legal protection.

The research data consists of secondary and primary data. Secondary data was obtained through a literature review by examining various written sources relevant to the research topic. The materials used include journal articles, previous research findings, institutional publications, and laws and regulations related to gender and labor. Some of the literature used includes studies on gender discrimination in the workplace, gender equality in labor law, the implementation of gender equality in society, and the principle of nondiscrimination in regulations.

In addition to secondary data, the study also utilized primary data obtained through Focus Group Discussions (FGDs). FGDs were used as a means of gathering information related to the phenomenon of women's employment and to deepen understanding of the issues at hand. The collected data was then analyzed descriptively to identify patterns of inequality, the factors influencing them, and their relationship to the legal protection framework for female workers.

3. Results and Discussion

3.1 Inequality in Women's Labor Force Participation and Wages in the Indonesian Labor Market

Research findings indicate that gender inequality in Indonesia's labor market remains evident through disparities in women's labor force participation rates and wages. This inequality cannot be explained solely by women's individual choices but is linked to social, cultural, and educational conditions, the division of family responsibilities, and the structure of the labor market that shapes employment opportunities for women. Gender constructs place women in roles more closely associated with domestic activities, while men are more often viewed as primary breadwinners, influencing women's decisions to enter, remain in, or leave the labor market (Khotimah, 2009). The disparity is reflected in the Labor Force Participation Rate (LFPR), where the female LFPR in 2017 was 50.89 percent compared with 82.51 percent for men. The relatively large female working-age population therefore does not automatically translate into equal economic participation.

One important factor is the division of domestic responsibilities. Women are frequently expected to fulfill the roles of mother, wife, and homemaker simultaneously, while participation in public employment is not always regarded as having the same social value as domestic activities. In certain communities, women who concentrate on caring for children and husbands may receive greater social recognition than women pursuing careers outside the home (Azmi et al., 2012). Nevertheless, women are capable of performing family and economic roles

simultaneously. Dwi (2017) demonstrates that women's participation in economic activities can increase alongside household needs and their desire to contribute to family income, although family support, working conditions, supportive facilities, and job flexibility strongly determine whether women can sustain their participation. Limited education and skills further restrict women's access to formal employment and positions offering greater career advancement, making them more likely to enter jobs with relatively low productivity, income, and protection.

The inequality becomes more apparent when wage patterns and occupational structures are considered. Although women's wages have increased, their earnings remain below those of men, and the wage gap during 2015–2017 widened from approximately Rp300,000 in August 2015 to more than Rp600,000 in the subsequent period. This demonstrates that an increase in nominal wages does not necessarily indicate the achievement of gender equality. The wage disparity is closely connected to occupational segregation because women are more concentrated in trade, community services, social services, and personal services, while men have broader access to capital-intensive, professional, technical, and leadership positions.

The jobs more readily available to women tend to provide lower wage rates, producing different income structures between male and female workers (Hakim, 2011). From a gender equality perspective, the issue therefore concerns not only women's access to employment but also whether they have equal freedom and opportunity to choose different occupations and pursue better career paths. When women are systematically concentrated in particular occupations, their opportunities to obtain high-paying positions and advance professionally become more limited. Ainun (2018) emphasizes the importance of gender equality in career development because women entering the labor market continue to experience slower career progression than men. Vulnerability is further intensified by women's concentration in the informal sector, which generally provides more limited social protection and can increase the risk of discrimination, exploitation, violence, and violations of workers' rights.

Household responsibilities, women's subordinate position in gender relations, and patriarchal culture can also prevent women from moving from informal to formal employment (ILO, 2012). In this context, Sari et al. (2021) argue that women's economic empowerment should not be understood merely as increasing the number of women in the workforce but also as strengthening their capacities and status so that they can obtain more equitable economic opportunities. Therefore, reducing wage disparities requires a multidimensional approach involving education and skills development, reduction of social barriers, greater access to formal employment, and fair opportunities for career advancement.

3.2 Legal Protection and the Promotion of Gender Equality for Female Workers

Indonesia has a relatively strong legal foundation for protecting female workers and promoting gender equality, although the main challenge lies in implementation rather than the complete absence of legal norms. The constitutional foundation for equality is reflected in the 1945 Constitution, while Indonesia's commitment to eliminating discrimination against women was strengthened through the ratification of CEDAW under Law No. 7 of 1984. In employment, Law No. 13 of 2003 on Manpower contains provisions concerning nondiscrimination between male and female workers in obtaining employment and positions. These provisions demonstrate that women are legally entitled to equal treatment in employment relationships.

Iftitah et al. (2023) emphasize that gender equality constitutes an important element of labor law because female workers have the same rights to employment and fair treatment. Accordingly, labor law should not merely prohibit discrimination formally but should ensure that women can effectively exercise their employment

rights, particularly because discrimination may occur through practices that appear neutral but have disproportionate effects on women. Legal protection also extends to wages. Government Regulation No. 36 of 2021 on Wages reinforces the principle of equal treatment in wage systems without discrimination and recognizes equal pay for work of equal value. Nevertheless, regulations alone have not eliminated income disparities because wage differences may arise from job structures, access to positions, employment status, experience, education, and women's concentration in lower-paid sectors.

Consequently, implementation of equal pay principles must be accompanied by supervision of job structures and career opportunities. If women remain structurally concentrated in occupations with lower economic value, wage disparities can persist even without explicit gender-based wage discrimination. Hamidah (2021) therefore emphasizes that nondiscrimination principles should function as instruments for mainstreaming gender equality and transforming structures of inequality rather than merely providing formal protection after violations occur.

Legal protection also includes specific safeguards concerning women's working conditions and reproductive rights. Regulations provide protection for female workers employed at night, including obligations for employers employing women between 11:00 PM and 7:00 AM, as well as protections for pregnant workers. These measures should be understood as mechanisms to ensure workplace safety and recognition of women's reproductive needs rather than restrictions on women's employment opportunities. Protection also covers rest periods associated with menstruation, pregnancy, childbirth, and opportunities for breastfeeding.

However, implementation must be carefully monitored so that special protections do not become a justification for employers to restrict women's recruitment, promotion, or career development. The situation is particularly challenging for female workers in the informal sector and migrant workers because access to social protection and legal remedies is more limited. The reference indicates that approximately 80 percent of migrant workers are women, with many working in the informal sector as domestic workers. Their relatively low levels of education and skills, combined with economic vulnerability, increase their risk of exploitation and limit access to legal protection.

Therefore, gender-responsive policies need to strengthen monitoring, complaint mechanisms, legal aid, and accessible dispute-resolution procedures for female workers. Audina (2022) views gender equality from a human rights perspective, while Krisnalita (2018) emphasizes women's human rights issues within the Indonesian context, reinforcing the view that workplace gender equality is not merely an economic concern but also a matter of fundamental rights. Judiasih (2022) further emphasizes that gender equality must be implemented across different aspects of social life because law does not operate independently from social conditions. Patriarchal values, gender stereotypes, and traditional divisions of roles can limit the effectiveness of legal norms.

Thus, the principal challenge lies in closing the gap between normative protection and substantive implementation. Strengthening gender equality requires expanding women's access to decent work, enforcing nondiscrimination throughout employment relationships, and strengthening protection for women in informal and migrant employment. Equality should ultimately be realized through equal opportunities to enter the labor market, receive fair wages, develop careers, obtain social protection, and access legal remedies when rights are violated.

4. Conclusion

Gender equality in Indonesia's labor market still faces various challenges related to women's participation, the wage gap, types of work, and access to decent job

opportunities. The study's findings indicate that women's low participation in the labor market is not only due to individual decisions but is also influenced by social constructs regarding the division of roles between men and women. The view that positions men as the primary breadwinners and women as those responsible for domestic work can limit women's ability to participate more broadly in economic activities. Additionally, limited education and skills, as well as the concentration of women in the informal sector, further reinforce these inequalities.

Gaps are also evident in terms of wages and career development opportunities. Women are still more commonly found in jobs with relatively low income levels and limited protections. These conditions indicate that an increase in the number of working women has not automatically led to equality. Equality must be viewed in terms of job quality, equal opportunities to earn income, access to promotions, and opportunities to hold more strategic positions. Therefore, the empowerment of women through education, skills development, strengthening economic activities, and expanding access to formal employment.

From a legal perspective, Indonesia essentially has a sufficient foundation to ensure equality and protection for female workers. The principles of non-discrimination, equal rights, and special protection for women are reflected in various legal instruments and labor policies. However, the existence of these regulations does not yet fully guarantee the realization of substantive equality. Issues can still arise in the recruitment process, wage determination, job assignments, promotion opportunities, and the protection of female workers in the informal sector.

Thus, strengthening gender equality requires integration between regulation and implementation. The law must be supported by effective oversight, easily accessible complaint mechanisms, and policies capable of reaching women across various types of jobs. At the same time, social change is also necessary so that the division of domestic and public roles no longer serves as a barrier for women to obtain equal economic opportunities. Gender equality in the workforce is ultimately not just a matter of protecting women, but also part of the effort to utilize the full potential of human resources fairly and support inclusive economic development.

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The data that support the findings of this study are available from the corresponding author upon reasonable request.