



**Australian Government**  
**Refugee Review Tribunal**

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# Country Advice Indonesia

Indonesia – IDN37051 – Women – Single mothers – Children – Female-headed households – Employment  
21 July 2010

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**1. Do unmarried women (single mothers) face discrimination in Indonesian society – for example, in relation to employment, support, accommodation or social services?**

The importance of marriage in Indonesian society has negative consequences for the six million single mothers in Indonesia.<sup>1</sup> Marriage in Indonesia is described as the ‘norm’, while being a divorced woman or a single mother carries a social stigma.<sup>2</sup> The ‘ideal type’ of woman, as encouraged by the Indonesian state, is one who is married, and preferably a housewife. It is argued that this ideal type is used to discriminate against and stigmatise women who fail to meet this criteria, including divorcees, single mothers and unmarried women.<sup>3</sup>

Marriage is considered among many Indonesian people to be “the most desirable state adults can attain”. Single women are often pitied and ridiculed for being either unable to find a husband due to incompetence, unattractiveness, or lacking the desire for a husband due to career ambitions. Many people believe that unmarried women are ‘incomplete’, and that a single woman cannot be happy or satisfied. As such, women are often pressured by their families to marry if they remain single in their late twenties or early thirties. Although the postponement of marriage is becoming increasingly common, and the stigma attached to being a single woman is less negative than in the past, such perceptions remain prevalent in Indonesian society and create difficulties for unmarried women.<sup>4</sup>

The founder of the Indonesian organisation PEKKA (Women Headed Household Empowerment), Nani Zulminarni, similarly argues that community stigma remains a significant difficulty faced by unmarried women and single mothers. In order to meet the criteria of a ‘good woman’, one must get married and obey her husband. The negative treatment of unmarried women and single mothers by their communities includes the suspicion that they “will instantly become someone’s mistress or a home wrecker”, sexual harassment in the workplace and in the neighbourhood, and stigmatisation “as lonely women badly in need of a man”. In addition, divorcees and remarried widows are perceived as having failed as wives, as mothers and as women. Zulminami argues that the negative perception of widows and divorcees is similar to that associated with former prisoners and ex-prostitutes.<sup>5</sup>

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<sup>1</sup> ‘Just me and my baby’ 2009, *The Jakarta Post*, 25 February – Attachment 1

<sup>2</sup> ‘Surviving as a Single Mother’ 2009, *Jakarta Globe*, 20 April – Attachment 2

<sup>3</sup> Dzuhayatin, S. R. (undated), ‘Islam, Patriarchy and the State in Indonesia’, Emory Law School website, sourced from the Center for Women Studies, State Institute for Islamic Studies, Indonesia <http://www.law.emory.edu/IHR/worddocs/ruhaini1.doc> – Accessed 27 June 2005 – Attachment 3

<sup>4</sup> Situmorang, A. 2005, ‘Staying single in a married world: The life of never married women in Yogyakarta and Medan’, ARI Working Paper, Number 38, April, Asia Research Institute website, pp.3-4, 18 [http://www.ari.nus.edu.sg/docs/wps/wps05\\_038.pdf](http://www.ari.nus.edu.sg/docs/wps/wps05_038.pdf) – Accessed 28 June 2005 – Attachment 4

<sup>5</sup> ‘Just me and my baby’ 2009, *The Jakarta Post*, 25 February – Attachment 1; ‘RI women struggle to fight harassment, stigmatization’ 2009, *The Jakarta Post*, 9 February – Attachment 5

Single mothers in Indonesia have reported being rejected by friends and colleagues and having experienced “cruel social judgement” after falling pregnant out of wedlock.<sup>6</sup> For example, a single mother in urban Indonesia who filed for divorce due to marriage difficulties was subsequently accused by her friends as being a disobedient wife. Another single mother states that when she fell pregnant to a man who wanted no involvement with the child, she was forced to fraudulently register as a widow in order to avoid “creating a scandal”.<sup>7</sup> Single mothers are also viewed as a disgrace to their families. Within the wider society, having a baby alone is viewed as sinful and unacceptable. Single mothers in rural parts of Indonesia, including divorced, widowed and unmarried women, have been referred to as “hidden families – excluded from village councils, shunned as immoral and seen as a threat by other women”.<sup>8</sup> Single mothers have also experienced difficulties in finding employment, with some employers simply stating that “they don’t accept single mothers”.<sup>9</sup>

As well as social exclusion, single mothers in Indonesia face discrimination from the authorities.<sup>10</sup> Indonesian single mothers are often neglected by the authorities and, as such, face financial hardships and severe challenges in providing for their children.<sup>11</sup> According to the Living in Indonesia website, young unmarried mothers receive no pensions and limited additional support.<sup>12</sup> As Indonesian law does not recognise women as the heads of households, single mothers face difficulties accessing financial resources such as bank loans and credit. In addition, the Ministry for Women’s Empowerment does not have any specific programs to assist single mothers.<sup>13</sup> Furthermore, divorced women have limited legal rights. Even though both state and Islamic law provide that fathers must pay child support following a divorce, it is argued that “the government...can’t force the men to pay”.<sup>14</sup>

A 2001 paper emphasises the lack of support for single, pregnant women in Indonesia. Premarital pregnancy is highly stigmatised and isolating for single women. Such women face “[f]orced marriage, social ridicule, compromised marriage prospects, abandonment by their partner, single motherhood, a stigmatised child, early cessation of education, and an interrupted income or career”. As a result, many consider abortion to avoid being stigmatised and ruining their futures. The stigma attached to premarital pregnancy and abortion also compromises the quality of health services provided to single mothers and unmarried pregnant women. Single women are denied legal access to contraception from government family planning services, have limited access to reproductive health care, and are criticised by abortion providers. Unmarried pregnant women who are able to access maternal health care experience public condemnation. Abortion, premarital sex and pregnancy, and having children out of wedlock are viewed by society as immoral,

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<sup>6</sup> ‘Just me and my baby’ 2009, *The Jakarta Post*, 25 February – Attachment 1

<sup>7</sup> ‘Surviving as a Single Mother’ 2009, *Jakarta Globe*, 20 April – Attachment 2

<sup>8</sup> Williamson, L. 2006, ‘Caught in isolation and controversy’, *BBC News*, 26 October  
<http://news.bbc.co.uk/2/hi/asia-pacific/6087254.stm> – Accessed 16 July 2010 – Attachment 6

<sup>9</sup> ‘Surviving as a Single Mother’ 2009, *Jakarta Globe*, 20 April – Attachment 2

<sup>10</sup> Williamson, L. 2006, ‘Caught in isolation and controversy’, *BBC News*, 26 October  
<http://news.bbc.co.uk/2/hi/asia-pacific/6087254.stm> – Accessed 16 July 2010 – Attachment 6

<sup>11</sup> Henschke, R. 2009, ‘Pressure on Indonesia to Increase Rights of Single Mothers’, Deutsche Welle website, 20 January <http://www.dw-world.de/dw/article/0,,3951522,00.html> – Accessed 16 July 2010 – Attachment 7

<sup>12</sup> ‘Marriage’ (undated), Living in Indonesia website <http://livinginindonesia.info/index.php/item/marriage/> – Accessed 16 July 2010 – Attachment 8

<sup>13</sup> Williamson, L. 2006, ‘Caught in isolation and controversy’, *BBC News*, 26 October  
<http://news.bbc.co.uk/2/hi/asia-pacific/6087254.stm> – Accessed 16 July 2010 – Attachment 6

<sup>14</sup> ‘Surviving as a Single Mother’ 2009, *Jakarta Globe*, 20 April – Attachment 2

attracting great personal and family shame. Nevertheless, many young women consider abortion to be a lesser sin than having a child out of wedlock.<sup>15</sup>

However, some community support is provided to Catholic single and unmarried mothers by Good Shepherd nuns in Jakarta, Bali and Makassar. Programs such as psychological counselling sessions have been operating since September 2008.<sup>16</sup> In addition, Indonesian non-governmental organisation PEKKA provides psychological support, as well as business, financial and literacy training to female heads of households, including single women, divorcees and widows.<sup>17</sup>

## 2. Would a child of an unmarried woman be at risk of harm as a consequence of having been born out of wedlock?

Children of unmarried mothers are labelled as illegitimate and experience social discrimination; however, there is no evidence that they are at risk of physical harm. A number of sources claim that although the legal requirement for women to have a marriage certificate in order to obtain birth certificates for their children is no longer in force, in most cases, 'normal' birth certificates will not be issued in the absence of a marriage certificate.<sup>18</sup> The birth certificates of children born to unmarried mothers state either 'born out of wedlock' or 'illegitimate', both of which have a social stigma attached.<sup>19</sup> Therefore, although the law does not attach any negative consequences to children born out of wedlock, women are reluctant to register their children as such, due to prevailing social norms and ideals.<sup>20</sup>

For example, one single mother who did obtain a birth certificate for her son explains that the certificate states 'born out of wedlock', which she describes as "the biggest burden for a child to carry". She also advises that her son is often referred to as a 'forbidden child'.<sup>21</sup> The children of unmarried couples are issued birth certificates as illegitimate children, meaning that they "have no legal claims against their biological fathers".<sup>22</sup> The children of women from unrecognised religions in Indonesia are denied birth certificates "because the mother isn't considered an individual before the law".<sup>23</sup> A study by Indonesian women's empowerment organisation PEKKA argues that the 60 percent of children in Indonesia who do not have birth certificates are denied the right to a legal identity. This severely

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<sup>15</sup> Bennett, L. R. 2001, 'Single women's experiences of premarital pregnancy and induced abortion in Lombok, Eastern Indonesia', *Reproductive Health Matters*, May, Volume 9, Number 17, pp.37-42 – Attachment 9

<sup>16</sup> Mangu, K. 2010, 'Single Indonesian mums draw on communal strength', *UCA News*, 12 July <http://www.ucanews.com/2010/07/12/single-indonesian-mums-draw-communal-strength/> – Accessed 16 July 2010 – Attachment 10

<sup>17</sup> 'Nani Zulminarni – Indonesia' 2008, World People's Blog, World-Wide Asian-Eurasian Human Rights Forum website, 19 September <http://word.world-citizenship.org/wp-archive/2432> – Accessed 19 July 2010 – Attachment 11

<sup>18</sup> Williamson, L. 2006, 'Caught in isolation and controversy', *BBC News*, 26 October <http://news.bbc.co.uk/2/hi/asia-pacific/6087254.stm> – Accessed 16 July 2010 – Attachment 6; Aini, N. 2008, 'Inter-Religious Marriage from Socio-Historical Islamic Perspectives', *Brigham Young University Law Review*, No.3 <http://lawreview.byu.edu/archives/2008/3/1Aini.FIN.pdf> – Accessed 25 March 2009 – Attachment 12

<sup>19</sup> 'Surviving as a Single Mother' 2009, *Jakarta Globe*, 20 April – Attachment 2

<sup>20</sup> Bedner, A. and van Huis, S. 2010, 'Plurality of Marriage Law and Marriage Registration for Muslims in Indonesia: A Plea for Pragmatism', *Utrecht Law Review*, Vol. 6, No. 2, June, pp.186-187 [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1625684](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1625684) – Accessed 19 July 2010 – Attachment 13

<sup>21</sup> 'Surviving as a Single Mother' 2009, *Jakarta Globe*, 20 April – Attachment 2

<sup>22</sup> Aini, N. 2008, 'Inter-Religious Marriage from Socio-Historical Islamic Perspectives', *Brigham Young University Law Review*, No.3 <http://lawreview.byu.edu/archives/2008/3/1Aini.FIN.pdf> – Accessed 25 March 2009 – Attachment 12

<sup>23</sup> Desafti Hapsari, A. 2010, 'Blasphemy law violates women's rights: Commission', *The Jakarta Post*, 13 March <http://www.thejakartapost.com/news/2010/03/13/blasphemy-law-violates-women%E2%80%99s-rights-commission.html> – Accessed 19 July 2010 – Attachment 14

limits their access to social services such as health and education. Local governments, for example, require that birth certificates be provided in order to enrol children in school.<sup>24</sup>

Furthermore, a number of reports from 2003 indicate that social stigma and the lack of legal recognition of children born out of wedlock have led to an increase in cases of infanticide. Despite the maximum sentence for infanticide of nine years imprisonment, judges show more leniency towards single mothers given the financial burden and social stigma attached to their status. Such life-long stigmas and burdens for both single mothers and their children are also said to be much harsher than even the maximum jail sentence for infanticide.<sup>25</sup>

### **3. Are female-headed households common in Indonesian society? Is there any discrimination against such households?**

According to the Indonesian Bureau of Statistics (BPS), 9 million households are headed by women. These households make up 14 percent of all households in Indonesia, and include approximately 44 million people. The head of the household is defined by the BPS as “a person who is responsible for the daily needs of a household”, and “can be either a man or a woman with a marital status of single, married, divorced or widowed”. Single mothers who have never been married are included in the definition of a divorced person.<sup>26</sup>

A 2010 AusAID-supported study by Indonesian women’s empowerment organisation PEKKA explains that female heads of households are significantly disadvantaged both socially and economically. In particular, single women who do not have an official divorce certificate face difficulties obtaining a family card which identifies them as the head of the household. The family card significantly assists these women in accessing public services such as free health care, subsidised food programs and financial services.<sup>27</sup> Female-headed households are generally in the poorest social-economic categories in Indonesia. PEKKA reports that 38.8 percent of these women are illiterate while 50 percent have experienced household or community violence.<sup>28</sup> PEKKA coordinator Nani Zulminarni argues that the lack of recognition of female heads of households in Indonesia’s marriage law leaves single women who are family heads legally unprotected.<sup>29</sup>

Harassment and discrimination of female heads of households has discouraged these women from being active in their communities.<sup>30</sup> However, PEKKA has been working to

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<sup>24</sup> PEKKA and AusAID 2010, ‘Access to Justice: Empowering female heads of household in Indonesia’, PEKKA website, pp.3-4 [http://www.pekka.or.id/documents/Access\\_to\\_Justice\(en\).pdf](http://www.pekka.or.id/documents/Access_to_Justice(en).pdf) – Accessed 19 July 2010 – Attachment 15

<sup>25</sup> ‘Mothers not to blame for infanticide’ 2003, *The Jakarta Post*, 13 January – Attachment 16; ‘Indonesia: Increasing Infanticide’ 2003, Asia Child Rights website, 22 January <http://acr.hrschool.org/mainfile.php/0111/56/> – Accessed 15 June 2005 – Attachment 17

<sup>26</sup> PEKKA and AusAID 2010, ‘Access to Justice: Empowering female heads of household in Indonesia’, PEKKA website, pp.1, 3, 8-9 [http://www.pekka.or.id/documents/Access\\_to\\_Justice\(en\).pdf](http://www.pekka.or.id/documents/Access_to_Justice(en).pdf) – Accessed 19 July 2010 – Attachment 15

<sup>27</sup> PEKKA and AusAID 2010, ‘Access to Justice: Empowering female heads of household in Indonesia’, PEKKA website, pp.3, 10 [http://www.pekka.or.id/documents/Access\\_to\\_Justice\(en\).pdf](http://www.pekka.or.id/documents/Access_to_Justice(en).pdf) – Accessed 19 July 2010 – Attachment 15

<sup>28</sup> ‘PEKKA : Pemberdayaan Perempuan Kepala Keluarga (Women Headed Household Empowerment)’ (undated), PEKKA website [http://www.pekka.or.id/8/index.php?option=com\\_content&view=article&id=2%3Apekka&catid=45%3Adata-base&Itemid=112&lang=en](http://www.pekka.or.id/8/index.php?option=com_content&view=article&id=2%3Apekka&catid=45%3Adata-base&Itemid=112&lang=en) – Accessed 19 July 2010 – Attachment 18

<sup>29</sup> ‘Nani Zulminarni – Indonesia’ 2008, World People’s Blog, World-Wide Asian-Eurasian Human Rights Forum website, 19 September <http://word.world-citizenship.org/wp-archive/2432> – Accessed 19 July 2010 – Attachment 11

<sup>30</sup> ‘RI women struggle to fight harassment, stigmatization’ 2009, *The Jakarta Post*, 9 February – Attachment 5

overcome such discrimination against female heads of households in many parts of Indonesia. With a membership of approximately 6000 women in over 200 villages, PEKKA assists women “to organize and govern themselves... learn to network, attend to their economic welfare, and speak out about their situation through campaigns”.<sup>31</sup> In addition, PEKKA has created groups to teach female heads of households literacy and bookkeeping skills. After one year, these women have access to community loans which they can use to start their own business or educate their children. Such programs have been praised for empowering women within their communities.<sup>32</sup>

## Attachments

1. ‘Just me and my baby’ 2009, *The Jakarta Post*, 25 February. (CISNET Indonesia CX221489)
2. ‘Surviving as a Single Mother’ 2009, *Jakarta Globe*, 20 April. (CISNET Indonesia CX224810)
3. Dzuhayatin, S. R. (undated), ‘Islam, Patriarchy and the State in Indonesia’, Emory Law School website, sourced from the Center for Women Studies, State Institute for Islamic Studies, Indonesia <http://www.law.emory.edu/IHR/worddocs/ruhaini1.doc> – Accessed 27 June 2005.
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<sup>31</sup> ‘Nani Zulminarni – Indonesia’ 2008, World People’s Blog, World-Wide Asian-Eurasian Human Rights Forum website, 19 September <http://word.world-citizenship.org/wp-archive/2432> – Accessed 19 July 2010 – Attachment 11

<sup>32</sup> ‘Chasing the Dream’ 2006, PEKKA website, source: World Bank, 6 April [http://www.pekka.or.id/8/index.php?option=com\\_content&view=article&id=110%3AChasing-the-dream&catid=43%3Apekka-in-the-news&Itemid=45&lang=en](http://www.pekka.or.id/8/index.php?option=com_content&view=article&id=110%3AChasing-the-dream&catid=43%3Apekka-in-the-news&Itemid=45&lang=en) – Accessed 19 July 2010 – Attachment 19

11. 'Nani Zulminarni – Indonesia' 2008, World People's Blog, World-Wide Asian-Eurasian Human Rights Forum website, 19 September <http://word.world-citizenship.org/wp-archive/2432> – Accessed 19 July 2010.
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16. 'Mothers not to blame for infanticide' 2003, *The Jakarta Post*, 13 January. (FACTIVA)
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19. 'Chasing the Dream' 2006, PEKKA website, source: World Bank, 6 April [http://www.pekka.or.id/8/index.php?option=com\\_content&view=article&id=110%3Achasing-the-dream&catid=43%3Apekka-in-the-news&Itemid=45&lang=en](http://www.pekka.or.id/8/index.php?option=com_content&view=article&id=110%3Achasing-the-dream&catid=43%3Apekka-in-the-news&Itemid=45&lang=en) – Accessed 19 July 2010.