

RESEARCH REPORT

**ACCESS TO JUSTICE: EMPOWERING  
FEMALE HEADS OF HOUSEHOLD IN  
INDONESIA**  
**Case Studies in Nanggroe Aceh  
Darussalam, West Java, West Kalimantan,  
and East Nusa Tenggara**

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Australia Indonesia Partnership

Kemitraan Australia Indonesia



FAMILY COURT OF AUSTRALIA



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LEGAL DEVELOPMENT FACILITY

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## **ABSTRACT**

### **ACCESS TO JUSTICE: EMPOWERING FEMALE HEADS OF HOUSEHOLD IN INDONESIA** **Case Studies in Nanggroe Aceh Darussalam, West Java, West Kalimantan, and East Nusa Tenggara**

This study was conducted as part of a collaborative research project led by the Supreme Court of Indonesia (Mahkamah Agung Republik Indonesia—MA) with the assistance of the Family Court of Australia and the AusAID-funded Indonesia Australia Legal Development Facility (IALDF) from 2007–2009. Four different research components made up the study that examined the level of satisfaction of justice seekers who were able to access the Indonesian courts for their family law matters and whether there were sections of the community who were unable to bring their family law cases to the courts and the reasons why. This report outlines one of the research components that examined the barriers faced by female heads of household in the PEKKA organization, the majority of whom live under the Indonesian poverty line, in bringing their family law cases to the courts as a way of assessing barriers generally faced by women, the poor or those living in remote areas.

This report outlines the available statistics for female-headed households in Indonesia and the PEKKA organization whose members agreed to be surveyed as part of the study. It explores why it is important for Indonesian women and their children to have legal marriage, divorce and birth certificate and why these documents are important for female heads of household and their children in terms of accessing broader public services such as the government's poverty alleviation programs and education.

This report presents the key research findings in relation to PEKKA members':

- a) income levels and ability to access government poverty programs,
- b) ability to obtain legal marriage, divorce and birth certificates for themselves and their children (and considers reasons why access to government agencies and courts may be limited for PEKKA members), and
- c) education levels and that of their dependants (and compares this with national data on educational attainment).

Keywords: female heads of household, marriage, divorce, birth certificate

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## ABBREVIATIONS

DIPA	:	<i>Daftar Isian Pelaksanaan Anggaran</i> /Budget Implementation Content List
BKKBN	:	<i>Badan Koordinasi Keluarga Berencana Nasional</i> /National Family Planning Coordinating Board
BLT	:	<i>Bantuan Langsung Tunai</i> /Unconditional Cash Transfer
BOS	:	<i>Bantuan Operasional Sekolah</i> /School Operational Assistance
BPS	:	<i>Badan Pusat Statistik</i> /Statistics Indonesia
BULOG	:	<i>Badan Urusan Logistik</i> /State Logistics Agency
Jamkesmas	:	<i>Jaminan Asuransi Kesehatan Masyarakat</i> /Community Health Insurance
KTP	:	<i>kartu tanda penduduk</i> /identity card
KK	:	<i>kartu keluarga</i> /family identity card
KUA	:	<i>kantor urusan agama</i> /religious affairs office
LKM	:	<i>lembaga keuangan mikro</i> /microfinancial body
MA	:	<i>Mahkamah Agung Republik Indonesia</i> /Supreme Court of Indonesia
MS	:	<i>mahkamah syariah</i> /syariah court
NAD	:	Nanggroe Aceh Darussalam
OPK	:	<i>Operasi Pasar Khusus</i> /Special Market Operation
PAUD	:	<i>pendidikan anak usia dini</i> /early childhood education
PEKKA	:	<i>Pemberdayaan Perempuan Kepala Keluarga</i> /Women Headed Household Empowerment
PER	:	Primary Economic Responsibility
PPN	:	<i>pegawai pencatat nikah</i> /marriage registry officials
Raskin	:	<i>Beras untuk Rumah Tangga Miskin</i> /Rice for Poor Families
SKTM	:	<i>surat keterangan tidak mampu</i> /poverty notification letter
NTT	:	<i>Nusa Tenggara Timur</i> /East Nusa Tenggara
TNI	:	<i>Tentara Nasional Indonesia</i> /National Army of Indonesia
UP3SK	:	<i>unit pelayanan pendaftaran penduduk dan pencatatan sipil keliling</i> /mobile population and civil registries registration unit
UPTD	:	<i>unit pelaksana teknis daerah</i> /regional technical implementation unit

## KEY FINDINGS

### **I. The reported number of female-headed households in Indonesia is under-estimated.**

In 2010, Statistics Indonesia (BPS) estimated that there were 65 million households, 14% (9 million) of which are headed by women. The BPS definition of the head of a household currently allows for two different people to be considered as the head of a household: (i) the person who is actually responsible for the daily needs of a household or (ii) the person who is considered the head of the household. This definition is confusing, as only one person can be named as the head of household through the BPS national survey process. It is therefore probable that there is an under-estimation of the number of female-headed households in Indonesia. This has implications for policy planning and implementation for Indonesia's pro-poor poverty reduction programs that benefit female heads of household and their families.

### **II. Fifty-five percent of the 601 PEKKA women interviewed live below the Indonesian poverty line.<sup>i</sup>**

Fourteen percent of the Indonesian population lives below the Indonesian poverty line. More than half of the PEKKA members surveyed fall within this group. If an international poverty line of \$2 PPP<sup>ii</sup> were applied to this group of women, 79% of the PEKKA members surveyed would fall under this international poverty line.

### **III. One-third of those female heads of household who live below the Indonesian poverty line are unable to access cash transfer schemes.**

While most PEKKA members living below the Indonesian poverty line were able to access the Rice for Poor Families (Raskin) program, the Unconditional Cash Transfer (Bantuan Langsung Tunai—BLT) funds transferred in 2005 and 2008 were more difficult for PEKKA members to obtain.

### **IV. One-third of female heads of household living below the Indonesian poverty line were unable to access the Community Health Insurance (Jamkesmas) program.**

This percentage increased to 48% in West Kalimantan for those PEKKA members surveyed living under the Indonesian poverty line.

### **V. Three out of every ten PEKKA members surveyed were married under the age of 16, the legal age of marriage.**

On average, 27% of PEKKA members were married under the age of 16, which is below the legal age of marriage in Indonesia. This increased to 49% of PEKKA members surveyed in West Java.

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<sup>i</sup>The poverty line for urban dwellers is Rp222,123 and for those living in villages is Rp179,835. In March 2009, 32.5 million people or 14% of the Indonesian population lived below the Indonesian poverty line.

<sup>ii</sup>The international poverty line of \$2 PPP (purchasing power parity) is Rp404,715 for urban dwellers and Rp286,892 for those living in villages (2009 adjustments to the \$2 PPP were provided by the World Bank Jakarta Office).

**VI. Less than 50% of PEKKA members surveyed have a legal marriage.**

**VII. A central principle of justice is that it should be universally accessible. Unfortunately, the poorest sections of Indonesian society face significant barriers bringing their family law cases to the courts. Nine out of ten PEKKA heads of household surveyed were unable to access the courts for their divorce cases. For the poor, the cost of court fees and transportation to the nearest court is perceived as an overwhelming barrier to accessing the courts. Information and support for disadvantaged groups to navigate their way through court processes are also important, especially when combined with low levels of literacy. However, as demonstrated through the collaboration of PEKKA and the religious courts, the information barrier for disadvantaged groups can be overcome through the work of court information desks and collaboration with NGOs.**

Fourteen percent of Indonesian people live under the Indonesian poverty line.

The average total cost of a religious court case for survey respondents was Rp789,666 (US\$90), almost four times the monthly per capita income of a person living on or below the Indonesian poverty line.

The average total cost of a general court divorce case in 2008 was Rp2,050,000 (US\$230) where the party did not use a lawyer, approximately ten times the monthly per capita income of a person living on or below the Indonesian poverty line.

These costs prevent the poor from being able to bring their family law cases to the courts according to the requirements of Indonesian law.

**VIII. Eighty-eight percent of PEKKA female heads of household would be more motivated to obtain a legal divorce if the court fees were waived.**

The waiver of court fees (*prodeo*) will greatly assist those living under the Indonesian poverty line as well as other poor clients of the Indonesian courts, who often go into debt or use several months of household income to bring a divorce case to the courts.

**IX. High transportation costs are a barrier to accessing the court, especially for the rural poor who live a greater distance from the courts.**

The cost of transportation to a court varies significantly, depending upon where a party lives in relation to the court. The greater the distance to the court, the greater the transportation costs for the party.

The average cost of transport for an urban PEKKA member to attend court was Rp25,000 (US\$2.50) per return trip while a rural PEKKA member faced an average cost of Rp92,000 (US\$9) per return trip to the court, representing almost half the monthly income of a household living under the Indonesian poverty line.

**X. Eighty-nine percent of PEKKA women would be more motivated to obtain a legal divorce if a circuit court was held in a nearby town.**

For the rural poor, the cost of transportation is a significant proportion of the overall cost of bringing a case to court. Transportation costs can represent 70% or more of the total cost of bringing a case to court. Bringing the court to the party would significantly reduce the costs of bringing a case to court and increase access to justice for the poor living in rural and remote areas.

**XI. Overestimation of the down payment made to courts for divorce cases is a disincentive to justice seekers bringing their cases to court, particularly the poor.**

On average, clients in the six religious courts surveyed made a down payment of 24% more than the final cost of the case set out in the court judgment. Clients in the six general courts surveyed made a down payment of 79% more than the final cost of the case set out in the court judgment.

The higher the down payment required, the less likely the poor will be able to bring their family law cases to court.

**XII. Reimbursement of the down payment made to courts is important for all clients, particularly the poor.**

Greater transparency of court fees and the down payments made to courts for divorce cases would assist in building public trust and confidence in the courts.

**XIII. Seventy-nine percent of PEKKA members who were able to access the courts were either satisfied or very satisfied with the service provided by the courts.**

**XIV. In 78% of the 264 divorces, PEKKA members identified domestic violence as a factor.<sup>iii</sup>**

**XV. Divorce through the courts provides legal certainty for women and the poor.**

Without a legal divorce, it is not possible to legally remarry. Children from subsequent marriages where there was no prior legal divorce will be unable to have their father's name on the birth certificate. This is a disincentive for many Indonesian women to obtain birth certificates for their children.

Judges and court staff of the Indonesian courts and PEKKA female heads of household living under the Indonesian poverty line agree that a formal divorce through the Indonesian courts clarifies legal responsibilities for the care and financial support of both former spouses and children of the marriage.

PEKKA women find it difficult to obtain a family card listing them as the head of household without a formal divorce certificate. This document evidencing their role as a female head of household can be important in assisting them to access public services, especially those targeting the poor, such as subsidized rice programs, free healthcare programs, and cash transfers.

**XVI. Nine out of ten court survey respondents did not consider the Indonesian legal requirement to bring divorce cases to court as the primary motivating factor for bringing their case.**

Only 11% of religious and 8% of general court clients surveyed chose to use the courts because it is a requirement of Indonesian law.

Of the 1,655 clients surveyed, 89% of religious and 91% of general court clients registered their cases in court because other noncourt resolution mechanisms, such as family conciliation, had failed or because their partner had chosen to take the case to the courts.

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<sup>iii</sup>PEKKA survey respondents were asked if violence (physical, psychological, economic, or sexual) against themselves and/or their children was a factor in the divorce.

**XVII. Fifty-six percent of children of PEKKA women surveyed did not have a birth certificate. This percentage increased to 87% of PEKKA women surveyed in Aceh.**

A cycle of nonlegal marriage and divorce exists for many PEKKA female heads of household. The failure to obtain legal documentation in relation to marriage and divorce is associated with the low rate of birth certificates for children. If parents are unable to bring their birth certificate cases to the general courts, their child's basic human right to a legal identity as well as access to a range of social services, such as health and education, will be denied or diminished.

The Government of Indonesia has placed a high priority on every Indonesian child's birth being registered by 2011. The requirement of Law No. 23/2006 that parents bring a birth certificate matter to the general court if they do not obtain a birth certificate for their child within one year of its birth is a significant disincentive for the poor and those living far from the population and civil registries agency.

**XVIII. Of the 601 PEKKA members surveyed, 24% never went to school and 34% never completed primary school.**

Forty-two percent of PEKKA members completed primary school (or higher) compared with the national average of 72%. Fourteen percent of PEKKA members completed junior high school (or higher) compared with the national average of 41% (BPS, 2007).

Twenty-seven percent of PEKKA members surveyed were married under the legal age of 16. In most cases, underage marriage prevents girls from completing the national requirement of nine years of education as schools generally do not permit girls to continue their education once they are married.

**XIX. The educational attainment of dependants of PEKKA women fall well below national standards.**

- a) Twenty-eight percent of PEKKA dependants never attend school compared with the national average of 8%,
- b) 63% of PEKKA dependants finished primary school compared with the national average of 72%,
- c) 34% of PEKKA dependants finished junior high school compared with the national average of 41%, and
- d) 13% of PEKKA dependants finished senior high school compared with the national average of 23%.

**XX. Whether a child is able to complete the mandatory nine years of education appears to be strongly linked to whether a child has a birth certificate.**

Of all the dependants aged 10–19 of PEKKA members surveyed in West Java, West Kalimantan, and East Nusa Tenggara, 78% are still at school. Of these dependants who are still at school, 70% of them have birth certificates.

**XXI. The cost of educating one child represents a significant proportion of a PEKKA member's average annual per capita income:**

- a) Educating one primary school child at a state school takes 51% of the PEKKA member's annual per capita income.

- b) Educating one junior high school child at a state school takes 140% of the PEKKA member's annual per capita income.
- c) Educating one senior high school child at a state school takes 178% of a PEKKA member's annual per capita income.

These figures demonstrate that the total cost of educating a child at junior and senior high school exceeds the average per capita income in a PEKKA household that would nationally be allocated to meet the day-to-day needs of that child. For children of female heads of household, the completion of the mandated nine years of education is far from reality.

**XXII. PEKKA members will educate their sons over their daughters by a factor of 3:1 if forced to make a choice because of household income constraints.**

# I. INTRODUCTION

## 1.1 Research Objectives

The first access and equity study in family law and birth certificate cases was undertaken in Indonesia from 2007–2009 and was a collaborative research effort coordinating four separate studies conducted over three years.<sup>1</sup> It had the following aims:

- a) To provide the Supreme Court of Indonesia (Mahkamah Agung Republik Indonesia—MA) with empirical data on the quality of service provided to court users by the general and religious courts in the area of family law;
- b) To ascertain whether there are sections of the community, particularly those living under the Indonesian poverty line, who are unable or unwilling to access the services of the general and religious courts for their divorce and birth certificate cases and, if so, to identify the reasons why;
- c) To consider strategic policy responses (both financial and organizational) that MA should consider in order to provide universal access to the general and religious courts for people living below the poverty line or in remote communities. The study considered these issues with a particular focus on divorce cases (in both the general and religious courts) and the provision of birth certificate statements (Penetapan Akta Kelahiran) by the general courts; and
- d) To identify how the lack of a birth certificate affects an individual's access to broader public services, particularly education.

The survey conducted by The SMERU Research Institute and PEKKA (Pemberdayaan Perempuan Kepala Keluarga, or Women Headed Household Empowerment) outlined in this report was one of four research components<sup>2</sup>.

The Access and Equity study was conducted as a collaborative research project led by MA and the AusAID Indonesia Australia Legal Development Facility. The recent project involved the following partners:

- a) MA (including the general and religious courts and the directorates-general that administratively support these two jurisdictions: Badilag and Badilum);
- b) Indonesia Australia Legal Development Facility staff;
- c) The Family Court of Australia;
- d) The PEKKA NGO for Indonesian female heads of households;
- e) The PPIM (Center for the study of Islam and Society) at the State Islamic University (UIN) Syarif Hidayatullah, Jakarta;
- f) The SMERU Research Institute;
- g) Private and legal aid lawyers working in family law; and
- h) A number of individual researchers and gender specialists who contributed to the design and implementation of the Access and Equity study.

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<sup>1</sup>This activity was supported by AusAID's 5-year Indonesia Australia Legal Development Facility (LDF).

<sup>2</sup>The report on all four elements of the Access and Equity study can be seen in Sumner, 2010a; 2010b.

## 1.2 Research Methodology

This study was conducted using a combination of qualitative and quantitative approaches. The qualitative study involved in-depth interviews using a structured list of questions, with key informants from religious courts, general courts, population and civil registries agencies, education agencies, health agencies, religious affairs offices (KUA), school managements, *puskesmas* (community health center) managements, prominent community figures, prominent traditional figures, prominent religious figures (*kiai*<sup>3</sup>, ministers), *kecamatan* (subdistrict) staff, and heads of villages. The quantitative approach used questionnaires for 600 respondents who are members of the NGO PEKKA.

The selection of PEKKA member respondents was purposive. PEKKA members who were chosen are less than 65 years old and responsible for one or more family members. The research areas was selected based on the number of PEKKA members, included areas within and outside Java, and consisted of areas from western Indonesia, central Indonesia, and eastern Indonesia. In each province, one *kabupaten* (district) was selected and within each *kabupaten*, two *kecamatan* were selected. The following issues were considered: (i) the areas included urban and rural regions; (ii) the number of respondents were proportional to the number of PEKKA members in the *kecamatan*; (iii) the *kabupaten* were selected in such a way that the Muslim and Christian/Catholic communities were proportionate; (iv) villages were selected randomly based on the average number of PEKKA members; and (v) PEKKA respondents were selected randomly according to the names of PEKKA members who were less than 65 years of age and were responsible for one or more family members. Six hundred and one PEKKA members were interviewed in four areas, as shown in Table 1.

**Table 1. Research Areas and Number of Respondents**

No.	Province	<i>Kabupaten</i>	<i>Kecamatan</i>	Number of Respondents (PEKKA Members)
1	Nanggroe Aceh Darussalam (NAD)	Pidie	Mutiara Timur Kembang Tanjong	164
2	West Java	Karawang Cianjur	Telagasari Tempuran	115
3	West Kalimantan	Pontianak Kubu Raya	Siantan Sungai Raya Rasau Jaya	155
4	East Nusa Tenggara (NTT)	Flores Timur	Kelubagolit Ile Boleng	167
Total				601

### 1.2.1 Overview of Study Areas

The four study areas of Kabupaten Pidie in Nanggroe Aceh Darussalam, Kabupaten Karawang and Kabupaten Cianjur in West Java, Kabupaten Pontianak in West Kalimantan, and Kabupaten Flores Timur in East Nusa Tenggara have different socioeconomic characteristics.

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<sup>3</sup>A *kiai* is a teacher of Islam.



**Table 2. Characteristics of the Research Areas**

	NAD	West Java		West Kalimantan	NTT
	Pidie	Karawang	Cianjur	Kubu Raya	Flores Timur
Area size (km <sup>2</sup> )	3,562.14	1,753.27	350,148	6,985.2	1,812.85
Number of <i>kecamatan</i>	22	30	32	9	18
Number of residents	373,234	2,082,143	2,194,654	480,938	229,536
Population density (person/km <sup>2</sup> )	104.77	1,172	548.94	68.85	126.62
Number of households	90,016	509,091	200,255	94,793	55,790

Source: Statistics of *kabupaten* according to each *kabupaten*, Statistics Indonesia (BPS), and the official websites of Kabupaten Karawang, Cianjur, and Kubu Raya.

Table 2 shows that Kabupaten Kubu Raya is the largest research area but has the lowest population density, while Kabupaten Karawang is the smallest area but has the highest population density. The research area in Kabupaten Karawang is an urban area, while the other three are rural. Two *kabupaten* were chosen as the research areas in West Java because there were not enough respondents from PEKKA members in Kabupaten Karawang. Therefore, more respondents are chosen from Kabupaten Cianjur. In this report, only Kabupaten Karawang is mentioned. In West Kalimantan, due to the inadequate number of respondents in Kabupaten Pontianak, more PEKKA respondents were chosen from Kabupaten Kubu Raya. Considering that there were more respondents from the latter area, only Kabupaten Kubu Raya is mentioned in the following analysis.

### 1.2.2 Profile of PEKKA in the Study Areas

Based on Statistics Indonesia (BPS) data, the number of women-headed households is increasing every year. In 1985, 7.54% of households were headed by women, while in 1993 this number rose to 9.5% (Zulminarni, 2009). In 2010, BPS (2009) estimated that there were 65 million households, 14% (9 million) of which are headed by women. PEKKA is an Indonesian NGO established in 2001 that works with over 12,000 female heads of household through a network of 500 PEKKA groups dispersed across the 330 villages in 8 Indonesian provinces, including NAD, West Java, Central Java, West Kalimantan, West Nusa Tenggara, NTT, North Maluku, and Southeast Sulawesi.<sup>4</sup>

PEKKA's vision is to build the capacity of female heads of household by:

- a) improving the welfare of female heads of household,
- b) facilitating improved access to resources by female heads of household,
- c) enabling female heads of household to actively participate in every phase of development in their area,
- d) raising the awareness of female heads of household of their rights as equal members of society, and
- e) empowering female heads of household to have control of their lives and the decision-making process within their families as well as within the society.

<sup>4</sup>More information on PEKKA can be obtained from its bilingual (English and Bahasa Indonesia) website at [www.PEKKA.or.id](http://www.PEKKA.or.id).

Members of PEKKA are female heads of household through being widowed, divorced, abandoned, or single. Women who are married but are responsible for the household because the husband is ill or unable to work, or is incapacitated or working overseas and not supporting the household financially can also be members of PEKKA.

The PEKKA membership provides a specific population to draw conclusions from regarding the barriers faced by Indonesian women who (i) may have experienced divorce, (ii) fall under the Indonesian poverty line, (iii) generally have not accessed the courts to formalize their divorce, and (iv) as women, share the gender of the majority of applicants bringing cases before the courts.

PEKKA members experience significant social and economic disadvantages. By identifying the barriers this group faces in bringing their family law cases to the courts, it was considered that this may also reflect the barriers faced by other disadvantaged groups in Indonesia. Similarly, if the Indonesian courts could increase access for PEKKA members, access to the courts for other socially and economically disadvantaged groups would probably also increase.

In order to empower its members, PEKKA engages its members in various activities in legal matters, education (*keaksaraan fungsional*, PAUD—*pendidikan anak usia dini*/early childhood education), politics, economy (savings and loan), and reproductive health.

Activities in legal matters include (i) raising awareness about domestic violence, human trafficking, and marriage laws; (ii) holding discussions on legal matters in villages and *kecamatan* being under the care of PEKKA; (iii) establishing Multi Stakeholder Forum of law enforcement agencies at the *kabupaten* level; (iv) conducting courses on legal matters that can be accessed by women, including non-PEKKA members; (v) conducting advocacy on the national action plan against human trafficking in collaboration with the *kabupaten* government; (vi) providing counseling to the community; (vii) facilitating PEKKA and non-PEKKA members to legalize their marriage and divorce status through the circuit courts of religious courts; and (viii) facilitating the settlement abuse cases inside or outside the court.

Activities in economic matters include (i) having savings and loan activities in their internal groups and microfinance bodies (LKM); (ii) establishing and running the PEKKA group's common business; (iii) organizing training on entrepreneurship; and (iv) organizing training on bookkeeping and computer skills for the staff members of the microfinance bodies.

#### a) Profile of PEKKA in Kabupaten Pidie

PEKKA's activities in Kabupaten Pidie cannot be separated from PEKKA activities at the national level and at the NAD provincial level. The working visit from the World Bank and Komnas Perempuan (National Commission on Violence Against Women) to document the lives of widows because of conflict in Pidie at the end of 2000 was the pioneering activity from this empowerment program. Thus, PEKKA activities in Aceh generally, and in Pidie more specifically, have been running since PEKKA was established and PEKKA has effectively been carrying out empowerment activities in Aceh since the beginning of 2002. After the formation of PEKKA in Jakarta at the beginning of 2001, at the start of 2002 PEKKA groups were formed in five *kabupaten* in Aceh: Aceh Besar, Pidie, Bireun, Aceh Timur, and Aceh Barat Daya. In 2007, PEKKA was extended to Kabupaten Aceh Jaya and Singkil. By the end of December 2008, the working areas of PEKKA in Aceh consisted of nine *kabupaten*: Aceh Besar, Pidie, Bireun, Aceh Timur, Aceh Jaya, Nagan Raya, Aceh Barat Daya, Aceh Selatan, and Aceh Singkil.

In Aceh, PEKKA eventually became not only a place to develop programs for female heads of households who were victims of conflict, but also developed programs especially to help areas affected by the tsunami at the end of 2004. Due to the complexity of the problem and the consequent need for a specific strategy and management that differed from other areas, the PEKKA National Secretariat decided to open a regional secretariat in Aceh, originally situated in Bireun but then moved to Aceh Besar in 2006, to increase the effectiveness of the development of these programs. This is the only PEKKA secretariat at the regional level.

For the NAD Province, PEKKA activities grew rapidly, if considered from the number of groups and members. In 2002, there were 597 members in 24 groups. By the end of 2008, this had grown to 3,341 members in 120 groups spread over nine *kabupaten*. Meanwhile, in Kabupaten Pidie, according to the latest data in December 2008, there were 16 groups in 15 villages in two *kecamatan*, that is, in Kecamatan Mutiara Timur and Kecamatan Kembang Tanjong with 424 members. Pidie was selected as a PEKKA working area originally because of the large number of female-headed households or widows left by their husbands who died because of the long-term conflict.

#### b) Profile of PEKKA in Kabupaten Karawang

The PEKKA members in Kabupaten Karawang live in two *kecamatan*, namely Kecamatan Telagasari (246 female heads of household) and Kecamatan Tempuran (67 female heads of household). Not every member of PEKKA is a female head of household, for some of the members are married. There are 85 female heads of household in Kecamatan Telagasari and 30 in Kecamatan Tempuran.

The research areas were Kecamatan Telagasari and Kecamatan Tempuran, which consist of 14 villages each. There is a little difference between the number of male and female residents in the two *kecamatan*, with the number of males slightly higher than that of females. The residents' livelihood is based on farming and a large number of them work as farm hands. They also conduct small-scale trade, open food stalls, or hawk vegetables or cakes. Some of the female heads of households work as washing laborers for more well-off families or as small-scale laborers. Some residents (approximately 42%) in Kecamatan Telagasari have moved from the agricultural sector to the informal trade sector. The respondents from Kecamatan Tempuran are more likely to be involved in farming. However, a number of them have left their hometown to work in Saudi Arabia. One informal sector which is sought by women in Karawang is to work as a migrant worker, particularly in Saudi Arabia. With a low level of education and limited skills, they can obtain a reasonably large income if they work in Saudi Arabia as domestic workers.

The development and empowerment from PEKKA in Kabupaten Karawang of widows or divorcees have included a number of villages in the two *kecamatan* of Kecamatan Telagasari and Kecamatan Tempuran. The majority of these women have school-aged children and some still even seek to earn a living for their grandchildren left by their parents who have divorced or moved away to work as migrant workers. Poverty has become a major problem because the majority of women are farm hands or small-scale traders with a low income, under Rp30,000 per day. This is despite the fact that they have to provide for about five family members.

According to an official from the local KUA in Karawang, contract marriages have long been practiced in Bogor, Cianjur, and Sukabumi. This form of marriage contradicts the existing norms and religious values in Indonesia. Based on the Marriage Law, a contract marriage is not legal since it is not registered at the KUA. Contract marriages are often practiced by foreign tourists, especially those from the Middle East who marry a local woman, with the

help of an intermediary, for a certain period of time. When the time is up, as both parties have initially agreed, they will separate. At the beginning of the contract, the “groom-to-be” has to give the contract wife a certain amount of money as a dowry through the intermediary.

A contract marriage involves someone acting as a priest, some witnesses, and a dowry. However, since the marriage is not registered at the KUA, there is no legal protection for the “wife”. The Indonesian Ulemas Council (MUI) has strictly forbidden contract marriages since 1997, but they are still practiced. As can be seen in Chapter III, 49% of PEKKA survey respondents in Cianjur marry under the legal age of marriage which is 16 years of age.

Contract marriages have been commercialized since there is a deal between the intermediary and the “groom-to-be” regarding the amount of the dowry. The contract wife will receive only half of the total amount. The other half is shared by the intermediary and the recruiters of contract wives from Cianjur and Sukabumi. The value of the contract is around US\$200, not including the priest fee. None of the PEKKA survey respondents in Cianjur were parties to a contract marriage.

### c) Profile of PEKKA in Kabupaten Kubu Raya

The formation of PEKKA in West Kalimantan Province came about because of the existence of female-headed households as a result of interethnic conflict in Sampit. The majority of PEKKA members in West Kalimantan (75%) are widowers whose husbands have died. The remainder are divorced women (15%), unmarried women (5%), or women whose husbands are sick, are working in Malaysia, or are unemployed (5%). Most PEKKA members have completed primary school and are farmers.

PEKKA members in West Kalimantan are spread across three *kabupaten/kota* (city): Kota Pontianak, Kabupaten Pontianak, and Kabupaten Kubu Raya. PEKKA in Kabupaten Pontianak is based in Kecamatan Siantan, while PEKKA in Kabupaten Kubu Raya is based in Kecamatan Sungai Raya and Kecamatan Rasau Jaya.

Based on the socioeconomic and geographical conditions of each region, PEKKA activities in West Kalimantan are divided into three themes. The first theme is law and politics. Activities in this area are concentrated in the Kota Pontianak area as well as in Kecamatan Siantan of Kabupaten Pontianak. The second theme is education. The main region for this is Kecamatan Sungai Raya. The third theme is business and economic development whose activities are concentrated in Kecamatan Rasau Jaya and Kecamatan Sungai Raya, particularly Desa (Village) Limbung.

While members of the savings and borrowings group are women from PEKKA, the microfinance division consists of PEKKA groups within a particular area. Each group gives a base contribution of Rp50,000 as well as compulsory contributions, the value of which is determined by the group and ranges between Rp5,000 and Rp10,000. Group members are also able to use savings from the microfinance division by providing savings in advance. The group then forwards this to the microfinance division. The principle of this activity is that if members are unable to pay, other group members pay on their behalf, so it very much depends on the group’s cohesiveness.

At the end of March 2009, PEKKA law facilitators had assisted in eight cases of divorce among PEKKA members. In addition to the law course, PEKKA also runs legal dialogues with law enforcement agencies. The results of the legal dialogues are then socialized to other

villages with the help of the law facilitators. Activities in the legal field are complemented by political education and training for leaders. In addition to this, dialogues were held with *walikota* (heads of *kota*, or mayors) and legislative candidates prior to the 2009 Kabupaten Kubu Raya and national elections.

Based on the surrounding land conditions, the Rasau Jaya and Limbung regions (where the 'Kerukunan' and 'Sekuntum Melati' groups live) are appropriate for agricultural businesses because they were the areas where PEKKA operate, with the theme of economic empowerment in agriculture. In addition to cultivating crops, PEKKA's founding group in this area also runs a credit operation for farming and household equipment. The capital for these operations was obtained through group borrowings or the microfinance division.

The lands owned by the majority of PEKKA members in the Limbung area are peatlands, which are wet and, according to members, only suitable for growing *kangkung*<sup>5</sup>. If they want to grow rice, they must borrow unused lands from others. The produce from rice farming is then sold and the money received halved; one half is used for farming and the other half is for the group because the group's money is used to buy seeds. The obstacle facing the group is very poor road access. The group still uses simple land and crop cultivation methods and the seeds are not high quality, but have been adjusted to the type of land.

Unlike the land in the Limbung area, the land in the Rasau Jaya area is very good for cultivating crops. The PEKKA group in this area, particularly Rasau Jaya 3, has worked with agricultural businesspeople with operations covering various types of crops. PEKKA members harvest watermelon and tomato seeds under the guidance of these businesspeople. The PEKKA women get 30% of the profit obtained from the watermelon and tomato crops. The funds come from the Direct Community Aid program delivered through PEKKA's microfinance division.

Desa Mekarsari, Desa Kuala Dua, Desa Kapur, Desa Sungai Asam, and Desa Sungai Ambangah are the focus of the Education activities theme. The main PEKKA activity in these villages is the establishment of Early Childhood Education.

Associated with the ethnic and tribal diversity in Kabupaten Kubu Raya, generally, there are still strong negative views about the Madurese and discrimination against the ethnic Chinese. The PEKKA National Secretariat has also experienced difficulty in organizing groups in Madurese relocation areas. This is not only because the villages are far away, but also because a large proportion of the Madurese community cannot speak Indonesian and are illiterate. The community itself is also very sensitive to matters relating to aid and conflicts easily arise if some sections of the community receive aid, while others do not. This is the main obstacle to the establishment of PEKKA in the area, given that only female heads of households can become PEKKA members.

#### d) Profile of PEKKA in Kabupaten Flores Timur

Within Kabupaten Flores Timur, Kecamatan Kelubagolit and Kecamatan Ile Boleng were chosen to be the study areas. The two *kecamatan* are around 55 to 60 kilometers away from the capital of the *kabupaten*, or a 3- to 3.5-hour journey by land and sea.

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<sup>5</sup>A kind of leafy green vegetable usually grown in water.

PEKKA in NTT commenced in 2002, from the initial idea of the National Secretariat in Jakarta to work with female heads of household in order to improve their welfare. By joining the PEKKA group, the women can improve their skills. One rationale for establishing the PEKKA group in NTT Province is that traditionally, women have been regarded as second-class citizens. Many of their husbands went to Malaysia to work and then remarried.

In NTT, PEKKA field workers introduced themselves to the residents of Kecamatan Ile Boleng and Kecamatan Kelubagolit by stating the PEKKA vision and mission and programs. At the end of 2008, there were 33 PEKKA field workers and 24 groups with 631 members in Kecamatan Kelubagolit, while in Kecamatan Ile Boleng, there were 25 groups with 517 members.

## II. POVERTY LEVEL AND EDUCATION ATTAINMENT

This chapter discusses the poverty and education levels of PEKKA members and the level of education attained by the family members of a PEKKA member. To analyze the poverty level, the national poverty line according to BPS and the international \$2-a-day poverty line are used.

### 2.1 Poverty Level

Generally, poverty is defined as the limited ability to reasonably fulfill basic living needs. This limited ability can take various forms, including limitations with regard to income, skills, health, share of economic assets, and access to information. Based on this general definition, poverty tends to be measured from a material perspective, using a monetary approach, such as comparing the income level or consumption level of a household with the minimal living needs, both in terms of food- and nonfood-related goods, which are considered essential and necessary for a certain time period in order to live reasonably.

**Table 3. Average Total Income and Expenditure for PEKKA Members (Rp)**

	Average for Four Study Areas	Pidie	Karawang	Kubu Raya	Flores Timur
Average total household income per month	617,190	475,276	838,384	372,929	830,946
Average total income per person per month	206,999	144,201	283,998	142,483	275,525
Average total household expenditure per month	730,044	795,143	841,893	583,463	725,142
Average total expenditure per person per month	239,587	240,742	262,972	220,139	240,401

In the survey, PEKKA respondents were asked questions about both their income and consumption/expenditure. As presented in Table 3, the income data is lower than the expenditure data in most of the study areas. There are two possibilities for why this occurs. First, a household may have a tendency to lower their level of income for reasons of privacy or feeling of insecure towards the enumerator (the person interviewing the survey respondent). Second, their income may indeed be lower than their expenditure, in which case they would have to fulfill their daily needs by borrowing, selling, or pawning their assets. It is difficult to establish which of these reasons is responsible for the differences between the income and expenditure data.

However, in Indonesia, monetary poverty is usually measured by using expenditure data, as an approximation of household income. This expenditure data is compared with the rupiah exchange rate band which is needed to fulfill minimum living needs and is known as the poverty line. People who have expenditure lower than the poverty line are categorized as poor. The poverty line officially used in Indonesia is the poverty line as measured by BPS. Besides the national poverty line, for an international comparison, there is the international poverty lines of US\$1 PPP and US\$2 PPP<sup>6</sup>.

<sup>6</sup>Purchasing power parity (PPP) is the conversion of a currency value—in this case between the US dollar and the rupiah—by calculating the price of goods which can be bought with a certain amount of money, so a certain value of the US dollar and the rupiah can be used to purchase the same amount and composition of goods in each country.

Poverty is multidimensional. Aside from being measured using a monetary approach, poverty can also be measured using other approaches, such as access to education and health services, as well as other basic service facilities and infrastructure; ownership of valuable goods/assets; access to public information; opportunities to participate in social activities; and opportunities to voice opinions on political matters. Since the way poverty is viewed and measured can vary, as can the factors which make up the basis of the measurements, the result of the measurements can be different, although in general, there is a correlation or interdependence between the different measurements.

In the following poverty analysis of PEKKA members across four study areas, it is important to distinguish between the consumption and nonconsumption aspects of poverty. Consumption is measured based on the ability of an individual or household to fulfill basic needs, both in terms of food and other items, as determined by the poverty line, whereas the nonconsumption aspect of poverty can be analyzed according to the access of the poor to basic services and government programs.

In terms of the consumption pattern and economic condition of PEKKA members (based on expenditure data) in the study regions, the poverty lines used in the analysis are the national poverty line for 2009, at Rp200,262 per person per month,<sup>7</sup> and the international poverty line of US\$2, or equivalent to Rp286,892 per person per month for rural areas and Rp404,715 per person per month for urban areas.

**Table 4. Number and Percentage of PEKKA Members Living above or below the 2009 National Poverty Line and US\$2 International Poverty Line**

<i>Kabupaten</i>	Number of PEKKA Members according to 2009 National Poverty Line			Number of PEKKA Members according to US\$2 International Poverty Line		
	Below Poverty Line	Above Poverty Line	Total	Below Poverty Line	Above Poverty Line	Total
Pidie	79 (48 %)	85 (52%)	164 (100%)	117 (71%)	47 (29%)	164 (100%)
Karawang	55 (48%)	60 (52%)	115 (100%)	100 (87%)	15 (13%)	115 (100%)
Kubu Raya	99 (64%)	56 (36%)	155 (100%)	123 (79%)	32 (21%)	155 (100%)
Flores Timur	99 (59%)	68 (41%)	167 (100%)	132 (79%)	35 (21%)	167 (100%)
Total	332 (55%)	269 (45%)	601 (100%)	472 (79%)	129 (21%)	601 (100%)

Note: National poverty line = Rp200,262 per person per month. US\$2 international poverty line = Rp286,892 per person per month (rural area) and Rp404,715 per person per month (urban area) (2009 adjustments to the US\$2 PPP were provided by the World Bank Jakarta Office).

Table 4 shows that more than half (55%) of PEKKA members in the four study regions live below the 2009 national poverty line of Rp200,262 per person per month. This group of PEKKA members represents the poorest 14% of the Indonesian population as determined by BPS. If the international poverty line of US\$2 is used, 79% of PEKKA members live below the poverty line. Due to the low level of income (measured from expenditure) of PEKKA members and the fact that PEKKA members are responsible for living costs, including education and health, for their family members, various measures are needed to empower PEKKA members, in terms of education, health, skills, and access to information and programs.

<sup>7</sup>The poverty line for urban dwellers is Rp222,123 and for those living in villages is Rp179,835. In March 2009, 32.5 million people or 14% of the Indonesian population lived below the Indonesian poverty line (see Appendix Table A1).



Various government programs to deal with poverty, including social safety net and social protection programs, together with development in various sectors to increase economic growth and thus create employment, reduced the poverty rate to 17.75% by 2006. Moreover, by March 2009, the poverty level had declined from 15.42% (2008) to 14.15% (2009) (see Appendix Table A1). In 2009, the percentages of the population living below the poverty line in NAD and NTT were 22% and 23% respectively, significantly higher than the national figure of 14% of the population living below the poverty line in Indonesia. The percentages of the population living below the poverty line in West Java and West Kalimantan were 12% and 9%, slightly below the national figure of 14% of the Indonesian population (Appendix Table A1). Aside from the poor population, there are also people who are considered vulnerable as their level of expenditure is close to the poverty line. This group will easily move out of or fall into poverty if there are fluctuations in prices.

With regards to nonconsumption poverty, this report analyzes the ability of PEKKA members to access three government programs aimed at poverty reduction, i.e., Raskin (Rice for Poor Families), Bantuan Langsung Tunai (BLT—Unconditional Cash Transfer), and Jaminan Kesehatan Masyarakat (Jamkesmas—Community Health Insurance).

**Table 5. Percentage of PEKKA Members Living below the Poverty Line Who Did Not Receive the Government Rice Subsidy**

Rice Subsidy (Raskin)	Pidie	Karawang	Kubu Raya	Flores Timur	Total
Received Raskin	79	53	82	97	311
Did not receive Raskin	0	2	17	2	21
Number of PEKKA members living below the national poverty line	79	55	99	99	332
<b>% of PEKKA members living below the national poverty line <u>who did not</u> receive Raskin</b>	<b>0%</b>	<b>4%</b>	<b>17%</b>	<b>2%</b>	<b>6%</b>

The Raskin program is a national program aimed at helping poor households fulfill their food needs and reduce their financial burden by providing subsidized rice. The program is the continuation of the Operasi Pasar Khusus (OPK—Special Market Operation) program launched in 1998, as part of the Social Safety Net (JPS). In 2002, the central government changed the name of the program from OPK to Raskin in order to reflect the change in the program's nature. The monthly quota of rice per poor household was originally set at 10 kg but in subsequent years varied between 10 kg and 20 kg, and in 2007, once again became 10 kg. In 2007, each targeted household should have received 10 kg of rice each month with the price of Rp1,000 per kg at the distribution point. Badan Urusan Logistik (BULOG—State Logistics Agency) is responsible for distributing the rice to poor households from the distribution points. The method of targeting recipients was also changed in 2006. Targeting had previously relied on data for preprosperous families (*keluarga prasejahtera*, or KPS) and prosperous level 1 (*keluarga sejahtera 1*, or KS-1,) families collected by Badan Koordinasi Keluarga Berencana Nasional (BKKBN—National Family Planning Coordinating Board). Since 2006, BPS data for poor households collected in the 2005 Household Socioeconomic Survey (PSE05) has been used.

Most of the PEKKA members surveyed living below poverty line were Raskin recipients. In the four *kabupaten*, on average, there were only 6% PEKKA members living below poverty line who did not receive the rice subsidy program.

**Table 6. Percentage of PEKKA Members Living below the Poverty Line Who Did Not Receive the Cash Transfer Program**

Unconditional Cash Transfer (BLT)	Pidie 2005	Pidie 2008	Karawang 2005	Karawang 2008	Kubu Raya 2005	Kubu Raya 2008	Flores Timur 2005	Flores Timur 2008	Total
Received BLT	76	73	30	31	61	61	55	61	448
Did not receive BLT	3	6	25	24	38	38	44	38	216
Number of PEKKA members living below the national poverty line	79	79	55	55	99	99	99	99	664
<b>% of PEKKA members living below the national poverty line who did not receive BLT</b>	<b>4%</b>	<b>8%</b>	<b>45%</b>	<b>44%</b>	<b>38%</b>	<b>38%</b>	<b>44%</b>	<b>38%</b>	<b>33%</b>

BLT is a government assistance program within the framework of compensation for a reduction in fuel subsidies. In October 2005 and June 2008, the Government of Indonesia increased the price of fuel (through removing the fuel subsidy) which created a burden for people. To ease this burden, the government issued Inpres No. 12 of 2005 and Inpres No. 3 of 2008 on The Implementation of BLT to Poor Households. A poor household was defined as a household that has a per capita monthly income of Rp175,000 or less. They are identified by BPS using the proxy-means testing method. For this purpose, the government set aside compensation funds for approximately 19.1 million poor households (2005) and 19.02 million poor households (2008). Each poor household received Rp100,000 per month provided quarterly in 2005, while in 2008, each poor household received Rp100,000 per month provided for seven months. The disbursement of BLT funds to poor households was undertaken by the National Postal Agency (PT. Pos Indonesia) through their branches across Indonesia. From the table above, 33% of PEKKA members living below the poverty line did not receive BLT.

**Table 7. Percentage of PEKKA Members Living below the Poverty Line Who Did Not Receive the Health Insurance for the Poor**

Community Health Insurance (Jamkesmas)	Pidie	Karawang	Kubu Raya	Flores Timur	Total
Received Community Health Insurance	72	36	51	59	218
Did not receive Community Health Insurance	7	19	48	40	114
Number of PEKKA members living below the national poverty line	79	55	99	99	332
<b>% of PEKKA members living below the national poverty line who did not receive Community Health Insurance</b>	<b>9%</b>	<b>35%</b>	<b>48%</b>	<b>40%</b>	<b>34%</b>

Jamkesmas is a new system of health services for the poor that started in January 2008. It is also the continuation of the Asuransi Kesehatan Masyarakat Miskin (Askeskin—Health Insurance for the Poor) program but uses a different implementation mechanism. This program prioritized poor pregnant mothers in order to reduce mortality rates for mothers and their babies. The target of this national program is 18.9 million households or 76.4 million residents who are very poor, poor, or quite poor. The program provides health services for inpatients/outpatients in *puskesmas*, third-class health services for inpatients, and specialist treatment for outpatients in government hospital.

A similar picture can be seen in the health program for the poor (Jamkesmas), as for the cash transfer program. Thirty-four percent of PEKKA members surveyed living below poverty line did not have access to Jamkesmas. This increased to 48% of PEKKA members surveyed living below poverty line in Kabupaten Kubu Raya.

A detailed discussion on poverty levels in each *kabupaten* in terms of monetary poverty and access to the government programs is carried out in the following subsections.

### **2.1.1 Poverty Level in Kabupaten Pidie**

In Table 4, of the 164 PEKKA member respondents in Kabupaten Pidie, 79 respondents, or 48%, live below the 2009 national poverty line of Rp200,262 per capita per month. The average expenditure per capita per month of PEKKA respondents in Pidie is Rp240,742, slightly more than the 2009 national poverty line. The average income per capita per month for respondents in Pidie is Rp144,201.

The \$2 international poverty line applied in Kabupaten Pidie is based on the calculation of purchasing power parity in rural areas. Since the \$2 international poverty line is higher than the national poverty line, the percentage of poor members increased. Using this international poverty line, 71% of PEKKA members in Pidie live below the poverty line.

In terms of job type, the majority of PEKKA members living below the national poverty line work as farmers (77%), with the remainder working as farm hands (14%), professional workers, informal traders, informal laborers, handicrafts workers, or workers in the services sector. Similarly, for PEKKA members living above the Indonesian poverty line, the majority work as farmers (73%), with the remainder working as farm hands (11%), informal laborers, handicrafts workers, or informal traders.

Farmers in Pidie are farmers who work the land but do not sell their produce and use it for their own needs (subsistence farmers). These farmers only sell their rice if there is an excess after they have filled their stocks for the time until the next harvest. For these farmers, rice is their life. They are not concerned with whether they have money or income. What is important to them is that they have rice available in the kitchen.

The PEKKA members surveyed in Pidie combine a small expenditure or income with a large number of family members. The relationship between poverty and the size of a family is well documented.<sup>8</sup> The more dependants within a family, the larger the burden on the head of the family to support the family. The average number of dependants for PEKKA respondents is 3.74 persons (4 including the respondent). The majority of PEKKA members living below the national poverty line are responsible for five dependants, while PEKKA members living above the Indonesian poverty line are responsible for two dependants.

In Pidie, generally, the poor have reasonably good access to government programs, as can be seen in the three tables in the previous section (Tables 5–7). All respondents living under the Indonesian poverty line (48% of all respondents) stated that they received Raskin. They explained that Raskin was received by almost all village residents. However, when the survey was taking place in March–April 2009, they claimed that they had not received Raskin since the beginning of 2009.

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<sup>8</sup>For example, see Jalan and Ravallion (1998), McKay and Lawson (2002), and Woolard and Klasen (2005).

Access for PEKKA survey respondents to BLT and Jamkesmas differ from that of Raskin because their targeting systems are different. For BLT 2005, 4% of poor respondents did not receive BLT. However in 2008, the percentage of PEKKA respondents living under the Indonesian poverty line who did not receive BLT rose to 8%. One of the causes for this was that the village head (*geuchik*) changed the list of recipients because the quota from the *kabupaten* office of BPS also changed. The *geuchik* and village apparatus visited some respondents for verification; however, their names were not included in the list. While for Jamkesmas, 9% of PEKKA respondents living under the Indonesian poverty line were unable to access free health treatment.

### 2.1.2 Poverty Level in Kabupaten Karawang

Data in Table 4 shows that there are 48% of the respondents in Kabupaten Karawang who live below the national poverty line. The average expenditure for PEKKA respondents in Kabupaten Karawang is Rp262,972 per person per month and the average income is Rp283,998 per person per month.

Based on *kabupaten* characteristics, Kabupaten Karawang is an urban area. Eighty-seven percent of PEKKA members surveyed in Kabupaten Karawang live below the US\$2 PPP international poverty line.

Respondents above the national poverty line are more likely to work in the informal trade sector (58%), while respondents living below the national poverty line generally work as hired laborers in the informal sector (31%) or as farm hands (24%).

One characteristic of industrial regions is the development of the trade sector, especially with the emergence of traders in the informal sector and the services sector, as well as informal laborers. The majority of respondents who live in *kota* have a low education level, are also elderly, and, therefore, have very limited choices in terms of employment. The respondents work as traders, trading food, drinks, or vegetables. They open food stalls (*warung*) or travel around the village selling their goods. Not many PEKKA members work in the agricultural sector. The changes in the orientation of development in Kabupaten Karawang appear to have impacted on the types of residents' livelihoods.

In Karawang, PEKKA members surveyed who live below the Indonesian poverty line have more dependants than those living above the poverty line. The majority of PEKKA members surveyed who live below the Indonesian poverty line are responsible for four dependants in the family, while most of the PEKKA members surveyed living above the Indonesian poverty line have three dependants. PEKKA members' dependants are not only their own children, but also their nieces and nephews, parents, grandchildren, and/or in-laws, with the total number of dependants ranging from one to nine.

To reduce the burden on poor families, the government has created various social protection programs so that these people can survive. The social protection program that has the highest coverage in Kabupaten Karawang is Raskin (Table 5). The number of respondents living below the national poverty line who receive Raskin is 53 PEKKA members (96%).

The percentage of PEKKA members living below the national poverty line who received BLT is even lower as can be seen in Table 6. In 2005, the percentage of PEKKA members surveyed living below the Indonesian poverty line who received BLT was 55%. This number

increased to 56% for the BLT 2008. Sixty-five percent of PEKKA members living below the national poverty line received Jamkesmas.

Besides obtaining assistance from government programs, some respondents receive assistance from private organizations, such as PEKKA, who give assistance in the form of savings and lending activities, training to increase political awareness, and skills training. The lending and savings activities are quite popular with the community in Kecamatan Talagasari which is one of the areas in Karawang where PEKKA operates. With this activity, almost all PEKKA members can develop small businesses to pay for their family's living needs. PEKKA has also developed early childhood education, with a PEKKA member as the tutor. PEKKA also provides skills training, such as training on how to put on make up for weddings and how to make handicrafts. This skills training increases self confidence, so PEKKA members can be optimistic in increasing their standard of living.

### 2.1.3 Poverty Level in Kabupaten Kubu Raya

Table 4 shows that 99 PEKKA member respondents, or 64%, in Kabupaten Kubu Raya are below the 2009 national poverty line. The average expenditure of PEKKA members surveyed in Kabupaten Kubu Raya is Rp220,139 per person per month. This money is used to purchase daily needs and to pay for electricity, transport, and school fees for their children. The average income of PEKKA members in Kabupaten Kubu Raya is Rp142,483 per person per month.

The international US\$2 (PPP) poverty line for rural areas is equivalent to Rp286,892. The data shows that 79% of PEKKA members surveyed in Kabupaten Kubu Raya live below this international poverty line.

The agricultural sector plays a big role in the economic development of Kabupaten Kubu Raya. The majority of PEKKA members living below the national poverty line (59%) work as farmers or farm hands, and 20% work as informal traders, such as *warung* or kiosk owners selling food or other daily necessities. Poor PEKKA members who work as farmers generally store their produce, namely rice, for their own consumption needs. If they have a sudden need, they sell their produce as much as the amount of money they need.

There are a number of plywood manufacturing industries in Kabupaten Kubu Raya, particularly in Kecamatan Sungai Raya. However, only 7% of PEKKA members below the poverty line worked as wage earners/informal workers. The results of the qualitative observation in the field show that some PEKKA members previously worked as laborers in some of the plywood manufacturing factories. However, because of the global financial crisis in November 2008, some of the factories closed or laid off some of their workers, including PEKKA members. The factories able to continue were those that had their own forestry industries. After losing their jobs as factory workers, some of the PEKKA members went back to working in the agricultural sector.

The number of dependants affects PEKKA members' ability to fulfill their daily needs. Poor PEKKA members are more likely to have higher numbers of dependants. The majority of PEKKA members surveyed who live below the Indonesian poverty line are responsible for four dependants in the family, while most of the PEKKA members surveyed who live above the Indonesian poverty line have two dependants.

Table 5 shows the percentage of PEKKA members living below poverty line in Kabupaten Kubu Raya who did not receive Raskin. From 99 PEKKA members who live below the poverty line,

83% receive rice from Raskin. The high proportion of Raskin recipients is caused by the Raskin distribution system whereby the rice is divided evenly to all residents who need it, as explained by one respondent in Desa K, Kecamatan Sungai Raya, a PEKKA member who represented the local community in supervising the distribution of Raskin rice.

Table 6 shows that the number of BLT recipients in Kabupaten Kubu Raya from 2005 to 2008 did not change, which is 61% of the total sample in Kabupaten Kubu Raya.

Some PEKKA members who received Jamkesmas in 2008 did not receive it in 2009, with the reason being given that recipients had to take turns. From Table 7, we can see that only 52% of PEKKA members surveyed who lived below the Indonesian poverty line in Kabupaten Kubu Raya received Jamkesmas.

Some respondents did not receive any assistance as they were thought to be well off. Interviews with these respondents showed that because they live with their relatives and work, unpaid, as nannies for their relatives, the local RT<sup>9</sup> management considers the family is not eligible to receive Raskin or Jamkesmas. However, if the size of payments for dependants and monthly expenditure is taken into account, these respondents would fall into the group of people eligible to receive government assistance programs.

#### **2.1.4 Poverty Level in Kabupaten Flores Timur**

Table 4 shows that of 167 PEKKA members surveyed in Kabupaten Flores Timur, 99 respondents, or 59%, live below the 2009 national poverty line. The average expenditure of PEKKA members surveyed in Kabupaten Flores Timur is Rp240,401 per person per month and the average income is Rp275,525 per person per month.

About 79% of PEKKA members surveyed in Kabupaten Flores Timur live under the US\$2 (PPP) international poverty line. This shows that the expenditure of almost all PEKKA members is less than US\$2 (PPP) per person per day. Low income, discerned from low expenditure, means that PEKKA members seek other sources to fulfill their families' daily living needs. If these other sources are not enough, the respondents who were contacted generally borrowed money from their respective groups. This can be seen from the expenditure data of respondents who make loan repayments to their groups.

In terms of job types, 41% of the poor PEKKA members in this area work in the services sector or as handicraft makers, 14% work as informal traders, and the remainder work as paid or informal laborers, farmers, professional workers, farm hands, or village staff. These types of nonpermanent jobs make their economic livelihoods vulnerable, which is worsened by the large number of dependants. Thus, PEKKA members need to be empowered so that they can increase their living standard. For example, information should be given about family planning, healthy living, the cooperative system, capital loans, training, legal assistance, or assistance in gaining access to programs.

The majority of PEKKA members surveyed who live below the Indonesian poverty line are responsible for four dependants in the family, while most of the PEKKA members surveyed who live above the Indonesian poverty line have three dependants.

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<sup>9</sup>RT, or neighbourhood unit, is the smallest unit of local administration consisting of a number of households.

Table 5 shows that from the 99 PEKKA members surveyed who live below the national poverty line in Kabupaten Flores Timur, the majority (98%) receive Raskin. Table 6 shows that 56% of PEKKA members surveyed living below the poverty line received BLT in 2005. Sixty-two percent of PEKKA members surveyed living below the poverty line received BLT in 2008. Sixty percent of PEKKA members surveyed who live below the national poverty line in Kabupaten Flores Timur receive Jamkesmas (Table 7). This is lower than the percentage for Raskin. Box 1 shows the impact for poor female heads of household of not obtaining Jamkesmas.

### **Box 1** **Anxiously Waiting for Jamkesmas**

Ibu F is a PEKKA leader from Kecamatan Ile Bolong, Kabupaten Flores Timur, NTT Province. For more than six months, Ibu F has been waiting anxiously for her health card, which will be used to obtain medical treatment. In early 2009, Ibu F went for a health check at the local health clinic. The doctor advised her that she had goiter and suggested that she undergo treatment for three months. The doctor further advised her that if there was no change in her condition, she would require an operation. Three months of medical treatment passed and there was no change in her condition.

As there was not a hospital with full treatment facilities in the *kecamatan* or *kabupaten* capitals, Ibu F travelled to the public hospital in Kota Kupang to have the goiter in her neck checked. The journey from her village to Kupang was quite a distance. In order to get there, Ibu F had to cross from Adonara Island to Flores before taking a boat overnight to Kupang. At the public hospital in Kupang, Ibu F had a check in the Laboratorium Prodia and paid more than Rp400,000. Then she had a USG check that cost more than Rp200,000. Added to this were administration fees at each clinic of between Rp12,000–Rp20,000. The costs were significant and Ibu F had to pay all these fees as she did not have a health card.

After the doctor checked the lab and USG results, she advised Ibu F that her goiter needed surgery. The doctor estimated that the operation costs would be more than Rp20 million, which included the operation fee and the fees for the hospital room and the medicine. Added to this was the cost of transportation. This cost is very high for Ibu F, for she is a female head of household responsible for a teenage child that is still at home. It was suggested to Ibu F that she try to obtain a poverty notification letter (SKTM) to obtain medical cost relief from *Walikota* Kupang. Unfortunately, Ibu F was not a resident of Kupang and did not have an identity card from Kupang. Then, the doctor suggested Ibu F to obtain a health card in order to obtain relief from the cost of the operation.

While she was in Kupang, one of her friends, a PEKKA leader, telephoned her to advise her that information in the local health clinic stated that a doctor from Australia would come to the health clinic to assist the community. On hearing this information, Ibu F felt some hope. In order to obtain this service, an individual was required to have a health card and be registered at the health clinic. Ibu F asked her brother-in-law to register her name at the health clinic. The story that follows is about her struggle to obtain a health card.

Upon returning from Kupang, Ibu F went to the village office in order to process a health card. She received clarification that the list of people who would receive a health card had already been sent to the *kecamatan* level. Ibu F then approached the *kecamatan* secretary and obtained clarification that it was already too late to add a new name to this list. He suggested to her that she change her name with a family member or another person who was already on the health card list. Ibu F found someone who was prepared to have their name substituted by Ibu F's on the health card list as they did not need a health card. The requirements to process the health card were completed and the file surrendered. As of August 2009, there was no news concerning the health card that will determine her fate.

Source: Interview, PEKKA member, NTT, April 2009.

## **2.2 Education Level and Education Attainment of PEKKA Members and Their Dependants**

### **2.2.1 Education Level of PEKKA Members**

The education level of PEKKA members in the four study regions is generally very low. Of 601 respondents, 24% have never been to school and 34% did go to school but did not graduate from primary school, while 28% graduated from primary school. Despite these facts,

some PEKKA members have a relatively good education background. Some have graduated from senior high school, or even university. PEKKA members who have a relatively high education can be empowered as group organizers who can share their knowledge and skills with other members of their group.

The level of education of PEKKA members is generally lower than the national education level (see Table 8). The number of PEKKA members who did not receive any education or did not complete primary education is 24 % and 34% respectively, much higher than the national figures of 7.57% and 20.37%. Moreover, looking at higher education establishments, the gap is even wider. Only 28% of PEKKA members completed primary education, while the national figure is 31.19%. The number of PEKKA members who finished junior high school is only 7%, while the national figure is 17.49%. For senior high school graduates or above, the figure is 7% for PEKKA members and 23.37% for national level.

**Table 8. Education Attainment of PEKKA Members in Kabupaten Pidie, Karawang, Kubu Raya, and Flores Timur**

Education Attainment	Pidie		Karawang		Kubu Raya		Flores Timur		Total		National*
	N	%	N	%	N	%	N	%	N	%	%
Never attended school	48	29	15	13	53	34	29	17	145	24	7.57
Did not complete/have not yet completed primary school	35	21	46	40	67	43	56	34	204	34	20.37
Primary school	44	27	39	34	24	15	62	37	169	28	31.19
Junior high school	16	10	9	8	5	3	10	6	40	7	17.49
≥ Senior high school	21	13	6	5	6	4	10	6	43	7	23.37
<b>Total</b>	<b>164</b>	<b>100</b>	<b>115</b>	<b>100</b>	<b>155</b>	<b>100</b>	<b>167</b>	<b>100</b>	<b>601</b>	<b>100</b>	<b>100</b>

Note: \*BPS, 2007.

In Kabupaten Pidie, the percentage of PEKKA members who have never attended school is 29%, while the percentage of those who did not complete primary school is 21%. These percentages show that there are still high numbers of less educated PEKKA members. The percentage of PEKKA members who finished their primary school is 27%, while the percentage of those who finished their junior high school is 10%. The number of PEKKA members who finished their senior high school or higher degree, which is 13%, is higher than the number of those who finished their junior high school.

In Kabupaten Karawang, PEKKA members also have a poor level of education. The table above shows that the percentage for PEKKA members who never graduated from primary school education level is the highest (40%). Thirty-four percent of PEKKA members graduated only from primary school and 13% have never been to school. Eight percent of PEKKA members graduated from junior high school and 5% from senior high school or above. However, we identified that only one respondent in Kabupaten Karawang has an undergraduate degree.

In Kabupaten Kubu Raya, the education level of PEKKA members is also very low, with 34% never having gone to school, 43% not having graduated from primary school, and 15% having graduated from primary school. The percentage of PEKKA members who finished their junior high school is 3% and those who finished their senior high school or above is 4%. Compared to other survey *kabupaten*, the level of educational attainment of PEKKA members in Kabupaten Kubu Raya is low. This could be due to the fact that the average age for PEKKA members in this *kabupaten* is higher than in other *kabupaten*.



In Kabupaten Flores Timur, the percentage of PEKKA members who never attended school is 17%. The highest percentage is for PEKKA members who completed their primary education level, 37%, followed by those who did not finished their primary school, 34%. For PEKKA members who graduated from junior high school and senior high school or above, the percentage is similar, 7%. We identified that there are two respondents in this *kabupaten* that have a diploma degree.

Since education attainment for PEKKA members is relatively low, it affects their opinion about whether their sons or daughters will be educated if their household income is constrained (gender preferment in education), as the table below shows.

**Table 9. Gender Preferment in Education of PEKKA's Member Dependants**

% of PEKKA members who choose:	Pidie	Karawang	Kubu Raya	Flores Timur	Total
Daughters	29	12	25	26	24
Sons	67	79	74	74	73
Did not answer	4	9	1	0	3

If funds for their children's education are limited, parents in Kabupaten Pidie prioritize educating their sons to the highest level possible (67%). Reasons for this include that the sons will become heads of families (65%), their sons will have a better future (13%), and their daughters will become wives and homemakers (10%), and various other reasons. Parents who choose to educate their daughters to the highest level possible if funds for education are limited state that their reasons are that girls are more diligent and smarter (56%) and that girls with an education also have the opportunity to get work (21%).

In Kabupaten Karawang, 79 % of parents prefer to educate their sons to the highest possible level if their funds are limited. Reasons for this were that sons will become heads of families (63%), sons will be responsible for their parents and family (25%), and girls will become wives or homemakers (5%), and various other reasons. Fifty percent of parents who choose to send their daughters to school to the highest level possible if their funds are limited give the reason that girls are more diligent and smarter, while 29% said that girls with a good education had opportunities.

In Kabupaten Kubu Raya, if their funds are limited, most parents (74%) prefer their sons to go to school to the highest level possible. The reasons for this, according to respondents, are that sons will become heads of families (51%), daughters will become wives or homemakers (19%), sons will have a better future (13%), and a number of other reasons. Parents who prefer their daughters to go to school to the highest level possible gave reasons that girls are more diligent and smarter (28%), girls can help their parents and younger siblings (15%), girls pay more attention to their families (13%), and various other reasons.

If their funds are limited, 74% of parents in Kabupaten Flores Timur prefer to educate their sons to the highest possible level of schooling. The reasons given for this are that sons will be responsible for their parents and family (21%), sons will take care of their parents when their parents are getting old (21%), sons will become heads of families (20%), daughters will become wives and homemakers (18%), and the rest of the respondents gave various other answers. Some parents (26%) prefer to educate their daughters to the highest possible level if their funds are limited, with the reasons being that girls pay more attention to their families (32%) and girls will help their parents and younger siblings (20%).

## 2.2.2 Education Attainment of the Dependants of the PEKKA Members

There are 1,870 dependants for the 601 PEKKA members (3.1 dependants per PEKKA member). In order to compare the PEKKA data with national data, only the educational attainment of PEKKA dependants who are ten years old and above is taken into consideration. PEKKA dependants generally have a lower level of educational attainment than that experienced nationally.

**Table 10. Education Attainment of Dependants of the PEKKA Members Aged 10 and above in Kabupaten Pidie, Karawang, Kubu Raya, and Flores Timur**

Education Attainment	Pidie		Karawang		Kubu Raya		Flores Timur		Total		National*
	N	%	N	%	N	%	N	%	N	%	%
Never attended school	82	30	45	18	76	27	146	41	349	28	7.57
Did not complete/have not yet completed primary school	23	8	16	6	42	15	42	12	123	10	20.37
Primary school	11	4	89	35	70	25	94	27	367	29	31.19
Junior high school	101	36	69	27	47	17	45	13	262	21	17.49
≥ Senior high school	60	22	38	15	43	15	26	7	167	13	23.37
<b>Total**</b>	<b>277</b>	<b>100</b>	<b>257</b>	<b>100</b>	<b>278</b>	<b>100</b>	<b>353</b>	<b>100</b>	<b>1268</b>	<b>100</b>	<b>100</b>

Note: \*Source of national data: BPS, 2007.

\*\*Total for all dependants (Primary Economic Responsibility—PER) by excluding the 601 PEKKA members and 1 missing value.

In Kabupaten Pidie, the educational attainment of the PEKKA members' dependants is generally low. Thirty percent of these dependants have never gone to school, 8% have not or never completed primary education, 4% finished primary school, and 36% finished junior high school (Table 10). The percentage of those who finished senior high school or above reaches 22%. This figure is slightly below the national figure which shows that 23.37% of people aged ten or above have completed high school or above. Moreover, the number of PEKKA members' dependants who do not have any education is much higher than that of the national scale, 30% compared to 7.57%.

In Kabupaten Karawang, the educational attainment of PEKKA members' dependants varied, starting from those who did not receive any education to those who completed their college degree. However, most of them are not well educated. Table 4 shows that 18% of PEKKA members' dependants never had any education, 6% did not finish or have not finished primary education, 35% finished their primary school, 27% completed junior high school, and 15% finished senior high school or above. The education attainment of the PEKKA members' dependants is slightly better than that at the national level for primary education and junior high school. The urban areas where they reside have made it possible for them to pursue better education. However, for senior high school education or above, the percentage of PEKKA members' dependants is only 15%, much lower than that at the national level, which reaches 23.37%.

In Kabupaten Kubu Raya, the educational attainment of the dependants of PEKKA members is generally low. Twenty-seven percent of them have never been to school, 15% did not finish or have not finished primary school, 25% completed primary education, 17% finished their junior high school, and only 15% finished senior high school or above. The number of those who finished senior high school or above is lower than the national level, which reaches 23.37%.

In Kabupaten Flores Timur, the educational attainment of the dependants of PEKKA members is the lowest compared to the other three research areas. More than half of them did not complete primary education, while 41% of them never attended school. Only 27% finished primary school, 13% finished junior high school, and 7% completed senior high school education or above. The figure for those who did not receive any education is much higher than that at the national level. Educational attainment at primary and high school levels also fall behind national levels. This shows that education in Kabupaten Flores Timur still lags behind at all levels.

In all research areas, the educational attainment of the dependants of PEKKA members, especially at the levels of high school, is still very low. One of the ways to improve this condition is to carry out educational equivalence programmes (*pendidikan kesetaraan Paket A and B*), with the assistance of nongovernment organizations in collaboration with local educational institutions.

### 2.2.3 Educational Costs of the PEKKA Members' Dependants

The education level of PEKKA members is generally very low, while the poverty rate of these people in the four study regions is generally high. Across the four study areas, there are 788 dependants that are still at school on different levels of education: playgroup, kindergarten, primary school, junior high school, and senior high school. There are 719 dependants who are still studying in primary school, junior high school, senior high school. Some of them go to a private school, while others going to a public school. We will focus our analysis of education costs on these three school age groups, the type of school, and the average income per capita of their mother (PEKKA member). The average education cost in a year is derived from nine school costs: school fee (SPP), cost of staying in a boarding school/house (if required; because the school is some distance away from the child's home), stationery, curriculum books, transportation cost, uniform/shoes, compulsory donations to the school, snacks, and extracurricular activities.

**Table 11. Average Annual Total Cost to Educate One Primary School Student (without Boarding House Costs) for PEKKA Members Surveyed (Rp)**

Type of Expense	Pidie		Karawang		Kubu Raya		Flores Timur	
School fees	1,837	0%	4,645	0%	4,680	0%	9,517	0%
Stationery	57,980	3%	43,484	3%	58,737	3%	79,523	2%
Curriculum books	10,122	1%	22,153	1%	20,362	1%	13,753	0%
Transportation	61,510	3%	0	0%	38,645	2%	15,172	0%
Uniform and shoes	129,898	7%	171,355	11%	70,309	4%	244,960	7%
Compulsory donations	10,592	1%	12,581	1%	2,618	0%	5,517	0%
Snacks	1,491,286	84%	1,148,610	74%	423,354	25%	189,023	6%
Extracurricular activities	22,000	1%	145,063	9%	496,833	29%	41,556	1%
<b>Average total cost</b>	<b>1,785,225</b>	<b>100%</b>	<b>1,547,890</b>	<b>100%</b>	<b>1,115,539</b>	<b>100%</b>	<b>599,021</b>	<b>100%</b>
<b>% of PEKKA members' annual per capita income</b>	<b>103%</b>		<b>45%</b>		<b>65%</b>		<b>18%</b>	

In general, every village in Indonesia has at least one primary school. Since the primary school is located within walking distance in all four survey areas, parents do not need to pay for the rent of a boarding house. In Kabupaten Pidie, the cost for snacks is remarkably the largest expense for a PEKKA member with dependants at primary school, for 84% of the total

educational cost is spent on this item annually. The second highest expense is from uniform and shoes. The average annual cost of educating one primary school student in Pidie takes about 103% of the annual per capita income of PEKKA members (see Tables 3 and 11). Primary school dependants in Kabupaten Pidie mostly go to school on foot with an average distance to school of one kilometer.

In Kabupaten Karawang, the highest cost in educating a PEKKA member dependant in primary school is also the daily expense for buying snacks. The second highest cost is for uniform and shoes. The average annual total cost for educating a primary school student in Kabupaten Karawang takes 45% of a PEKKA member's annual per capita income. The average primary school distance in Karawang is 0.6 kilometer and many of the dependants go to school on foot.

In Kabupaten Kubu Raya, the highest education cost when having dependants studying in primary school is, surprisingly, extracurricular activities. This incident occurs, probably, due to a number of dependants of PEKKA members who currently study in the sixth grade. For students in the sixth grade, the school usually gives them additional lessons after school hours and charges parents some fees. Other than additional lessons that the school has given, parents sometimes enrol their sixth grade children in a private course. By doing this, the parents hope that their children would be able to continue their study in a good junior high school. Nonetheless, PEKKA members have to spend 65% of their annual per capita income to educate one of their children in primary school. Most of primary school dependants in Kabupaten Kubu Raya also go to school on foot with an average distance of 0.6 kilometer.

In Kabupaten Flores Timur, the highest cost for educating PEKKA members' dependants in primary school is for uniform and shoes. This would occur since residents in Flores Timur mostly import their needs from Java, so the price of goods such as uniform, shoes, and stationery are relatively high. The second highest cost is the expense for PEKKA members' dependants in primary school to buy daily snacks. However, educating one child in primary school would only take 18% of PEKKA members' annual per capita income. This is the lowest annual cost to educate one primary school student compared to the other study areas. This may be the case as the cost of the children's daily snacks is lower than in other study areas. The average distance to the primary school in Kabupaten Flores Timur is 0.6 kilometer.

**Table 12. Average Annual Total Cost to Educate One Junior High School Student for PEKKA Members Surveyed (Rp)**

Type of Cost	Pidie		Karawang		Kubu Raya		Flores Timur	
School fees	34,567	1%	26,823	1%	12,104	1%	290,618	14%
Boarding house	3,900,000	62%	0	0%	0	0%	600,000	28%
Stationery	80,896	1%	58,324	2%	79,311	5%	102,563	5%
Curriculum books	33,881	1%	121,088	3%	109,973	7%	103,375	5%
Transportation	524,716	8%	1,552,942	40%	211,676	13%	135,000	6%
Uniform and shoes	211,851	3%	230,294	6%	174,108	11%	274,000	13%
Compulsory donations	24,239	0%	38,441	1%	15,162	1%	12,386	1%
Snacks	928,433	15%	1,236,527	32%	633,836	39%	250,250	12%
Extracurricular activities	563,475	9%	592,625	15%	376,026	23%	352,550	17%
<b>Average total cost</b>	<b>6,302,057</b>	<b>100%</b>	<b>3,857,064</b>	<b>100%</b>	<b>1,612,196</b>	<b>100%</b>	<b>2,120,742</b>	<b>100%</b>
<b>% of PEKKA members' annual per capita income</b>	<b>364%</b>		<b>113%</b>		<b>94%</b>		<b>64%</b>	

In Kabupaten Pidie, there is one PEKKA member's dependant who studies in junior high school and lives in a boarding house. The cost for the boarding house is quite high. It contributes more than 50% to the average total cost in education. Expenses to buy daily snacks are also high, followed by the cost of extracurricular activities. In total, PEKKA members in Kabupaten Pidie have to spend 364% of their annual per capita income to educate one child in junior high school. The average distance of junior high school in Kabupaten Pidie is 2.3 kilometers. Most of the dependants go to school on foot, while some ride a bicycle or use public transport, known as *rbt*.

In Kabupaten Karawang, the highest education cost for a PEKKA member who has dependants studying in junior high school is the transportation cost. Most junior high school dependants in Kabupaten Karawang take public transport, while some walk to their school. The second highest cost is for the PEKKA members' dependants to buy snacks. Cost of extracurricular activities is also a significant expense for PEKKA member who enrol their dependants in junior high school. These high expenses in educating one junior high school student could take 113% of PEKKA members' annual per capita income. The average distance of junior high school is 1.7 kilometers.

In Kabupaten Kubu Raya, the highest education cost is for PEKKA members' dependants to buy snacks, followed by the cost of extracurricular activities and the cost of transportation. Regarding those costs, PEKKA members in Kabupaten Kubu Raya have to spend 94% of their annual per capita income to send one child to junior high school. The average distance of junior high school in Kabupaten Kubu Raya is 1.9 kilometers. Most of the dependants ride a bicycle to their school. However, there are some PEKKA members' dependants who have to walk to school and continue their journey with a motorboat. These are children from Desa Mekarsari, the village where Sampit conflict refugees live.

In Kabupaten Flores Timur, the highest education cost is for the boarding house. The second highest cost is extracurricular activities. Other significant costs that contribute to higher education expenses for PEKKA members' dependants are school fees, uniform and shoes, and expenses for their dependants to buy snacks, respectively. The average annual cost of educating one junior high school student in Kabupaten Flores Timur takes 64% of PEKKA members' annual per capita income. Most of the PEKKA members live near a junior high school and their dependants usually walk to school. However, there is one dependant who had to take a public transport, known as *oto*, and continue the journey to school with a public motorboat. The average distance of junior high school in Kabupaten Flores Timur is 1.5 kilometers.

Since the exemption from school fees under the BOS program only applies for students in primary and junior high schools, in general, the costs for sending one child to senior high school are higher.

In Kabupaten Pidie, the highest cost in education for senior high school dependants is for buying snacks, followed by extracurricular activities, and transportation costs respectively (Table 13). The cost of a boarding house also contributes a significant expense for PEKKA members. As the table shows, the uniform and shoes cost is still higher than the school fees for dependants in senior high school. In total, PEKKA members have to spend 322% of their annual per capita income to educate one senior high school child. The average distance of senior high school is 3.3 kilometers. Most dependants go to school by taking public transport (*rbt*).

**Table 13. Average Annual Total Cost to Educate One Senior High School Student for PEKKA Members Surveyed (Rp)**

Type of Cost	Pidie		Karawang		Kubu Raya		Flores Timur	
School fees	57,778	1%	683,000	12%	401,130	11%	768,709	23%
Boarding house	492,000	9%	600,000	10%	0	0%	773,333	23%
Stationery	119,056	2%	86,111	1%	115,957	3%	138,282	4%
Curriculum books	60,407	1%	329,611	6%	213,304	6%	104,659	3%
Transportation	824,185	15%	1,336,500	23%	1,056,478	30%	1,035,500	30%
Uniform and shoes	246,667	4%	254,444	4%	267,174	8%	338,977	10%
Compulsory donations	34,296	1%	114,722	2%	107,826	3%	55,619	2%
Snacks	2,788,500	50%	1,382,324	24%	671,477	19%	181,999	5%
Extracurricular activities	957,647	17%	1,023,000	18%	711,857	20%	0	0%
<b>Average total cost</b>	<b>5,580,536</b>	<b>100%</b>	<b>5,809,713</b>	<b>100%</b>	<b>3,545,203</b>	<b>100%</b>	<b>3,397,078</b>	<b>100%</b>
<b>% of PEKKA members' annual per capita income</b>	<b>322%</b>		<b>153%</b>		<b>207%</b>		<b>103%</b>	

In Kabupaten Karawang, almost 50% of the average total cost in education for senior high school dependants is for the cost of buying daily snacks. The second highest cost is extracurricular activities and then transportation cost. The amount of money spent on school fees is higher than for uniform and shoes. The average annual total cost for educating a senior high school student in Kabupaten Karawang takes 170% of PEKKA members' annual per capita income. The transportation cost also has a significant contribution since most of the dependants go to school by taking a public transport or using a motorcycle. The average distance of senior high school for PEKKA member dependants is 3.7 kilometers.

In Kabupaten Kubu Raya, the highest education cost is the transportation cost. This is due to the average distance to the senior high school of 6.3 kilometers. More than 50% of the dependants go to school by a vehicle, such as public transport, go on their parent's motorcycle, or bring their own motorcycle. The second highest cost is for extracurricular activities. School fees are also higher than the cost of uniform and shoes. The average annual total cost for educating a senior high school student in Kabupaten Kubu Raya takes 207% of PEKKA members' annual per capita income.

In Kabupaten Flores Timur, the transportation cost for dependants in senior high school is considered to be the highest cost. It is followed by the cost for the boarding house, school fees, and the cost of uniform and shoes, respectively. The transportation cost is high due to the mode of transportation that dependants use. Most of them go by public transport, such as *oto* or *ojek* (motorcycle taxi). The high cost of a boarding house occurs due to PEKKA members' enrolling their dependants in a good senior high school located on a different island. Regardless of the total cost in sending one child to senior high school which takes 103% of PEKKA members' annual per capita income, compared to other study areas, this total cost is relatively low.

In summary,

- educating one primary school child at a state school takes 51% of a PEKKA member's annual per capita income,
- educating one junior high school child at a state school takes 140% of a PEKKA member's annual per capita income, and
- educating one senior high school child at a state school takes 178% of a PEKKA member's annual per capita income.

These figures demonstrate that the total cost of educating a child at junior and senior high schools exceeds the average per capita income in a PEKKA household that would notionally be allocated to meet the day-to-day needs of that child. For children of female heads of household, the completion of the compulsory nine years of education is far from reality.

### III. MARRIAGE

The Indonesian marriage law defines marriage as a physical and spiritual bond between a man and a woman as husband and wife with the purpose of forming a happy and eternal family and household based on God.<sup>10</sup> The marriage is valid if it is conducted in accordance with the religious belief or faith of both parties involved. In Law No. 23/2006, it is obligatory to report a marriage which is valid based on provisions outlined by laws and regulations no later than 60 (sixty) days after the date of marriage. It should also be recorded in the marriage certificate registry by an official at the population and civil registries agency. The marriage certificate book is given to the husband and wife. When seeking to register a marriage, Muslim couples register at the KUA at the *kecamatan* level and non-Muslim couples at the population and civil registries agency at the *kabupaten* level.<sup>11</sup> The registration of a marriage also applies to marriages ruled by the court<sup>12</sup> and marriages involving foreigners conducted in Indonesia based on their request. The registration of a marriage is also obligatory for Indonesian citizens who were married outside of Indonesia.

The process of marriage registration at the KUA is as follows: The couple states their desire to marry by coming to the local KUA and submitting the following documents: (i) N1, N2, N3, N4, and N5 forms<sup>13</sup> that have been validated by the village head or *lurah*; (ii) a statement confirming that she or he is Muslim from a head of mosque or head of Majelis Taklim (a group that manages the activities of a mosque); (iii) for a spouse that has converted to Islam, a hand written statement stating the desire to convert to another religion and signed on a Rp6,000 authenticating stamp and acknowledged by the parents and village head; (iv) copies of the identity card (KTP) or a letter stating the temporary substitution of the KTP from the village official; (v) six blue 2 centimeters by 3 photographs; and (vi) the marriage examination list (DPN) signed by the couple and the guardian. If the bride- or groom-to-be is a member of the National Army of Indonesia (TNI), they are also required to have a letter of permission from their superior. The KUA priest will then examine the required documents and register the marriage on the DPN. The DPN has a ten-working-day policy for the whole process until the couple can marry. The KUA provides a lecture and course for the couple on forming a happy family. After ten days, the KUA conducts the marriage ceremony (*akad nikah*) and provides the marriage book. During the marriage ceremony, the KUA can also act as the representative of the guardian (act as the Muslim parents, but delegate the guardian position to the KUA priest) or act as the bride's guardian (for a non-Muslim women who converts).

The process of marriage registration for non-Muslims is as follows: The couple submits a confirmation letter from a religious figure/priest stating that a marriage has taken place or a letter confirming that a marriage based on religion has taken place, signed by a religious figure/priest;

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<sup>10</sup>Law No. 1/1974 on Marriage, Article 1.

<sup>11</sup>The *kecamatan* KUA is a working unit that records marriage, *talak* (the steps Muslim couples go through prior divorce, with the hope to reconcile their troubled marriage), divorce, and reconciliation at the *kecamatan* level for Muslim citizens (President Regulation No. 25/2008).

<sup>12</sup>An interfaith marriage is a marriage ruled by the court (Clarification (a), Article 35, Law No. 23/2006).

<sup>13</sup>Form N1 is a form explaining that a couple will be married, N2 is a form recording the origins of the future bride and groom, N3 is a form stating the couples agreement to be married, N4 is a form recording information on the couple's parents or guardian, and N5 contains the permission to marry from couple's parents or guardian. In addition, N6 is a form stating the death of a previous partner for those who are widows/widowers and N7 is notification from the future bride and groom, the guardian, or the representative of the guardian to the head of the KUA, or the priest or assistant priest, informing that the couple wants to marry.



husband's and wife's KTP; husband's and wife's photographs; and husband's and wife's birth certificates and passports for foreigners. After the requirements are met, the couple fill a form for marriage registration at the implementing office of the UPTD (regional technical implementing unit) by attaching all the requirements mentioned above. Then, the population and civil registries official at the UPTD will record it in the marriage certificate registry and issue a marriage certificate book. This certificate is given to both husband and wife.

There is another type of marriage in the Muslim community, known as *nikah siri*. *Nikah siri* is a marriage between a man and a woman that is conducted based on Islamic law and having the same *ijab kabul* (pronouncement of marriage contract) by a male guardian of the bride in order to give consent to the woman's marriage, led by a Muslim priest (*imam*) or scholar (*kiai*), and attended by close friends and relatives of the bride and groom but not registered at the local KUA. However, *nikah siri* could be legalized through an *isbat nikah* process in the religious court. The religious court can provide Muslim parties with a document evidencing an earlier marriage.<sup>14</sup> In 2009, over 13,000 marriage legalization (*isbat nikah* cases) were received by religious courts. The marriage legalization document obtained from the religious court can then be used at the population and civil registries agency to obtain other documents, including birth certificates.

Law No. 1/1974 on Marriage requires that the minimum age of marriage be 16 years old for women and 19 years old for men. Indonesian government policies aim to ensure that every child has the opportunity to complete nine years of basic education and to reduce women's illiteracy rate (Kementerian Negara Perencanaan Pembangunan Nasional, 2007: 37). These policies support the Millennium Development Goals (MDGs). The minimum age of marriage, which for girls is set at 16, is not considered compatible with these broader government development policies.

Of the 601 PEKKA survey respondents, 161 (27%) were once married under the age of 16, which is below the legal age of marriage in Indonesia. The highest number of PEKKA members who did not marry is in Kabupaten Flores Timur (17 respondents). As the marriage process is based on *adat* (local customs) in Kabupaten Flores Timur, and is expensive and complex, it is more likely that marriage at a young age will be rare. Some of the PEKKA survey respondents in Kabupaten Flores Timur are single, with 1–5 dependants, which is the reason they became PEKKA members.

**Table 14. Percentage of PEKKA Members Who Married under the Age of 16**

Age of First Marriage	Pidie	Karawang	Kubu Raya	Flores Timur	Total
<16	47 29%	56 49%	49 32%	9 5%	161 27%
≥16	116 71%	59 51%	106 68%	141 84%	422 70%
Did not answer	1 1%	0 0%	0 0%	17 10%	18 3%
<b>Total</b>	<b>164</b>	<b>115</b>	<b>155</b>	<b>167</b>	<b>601</b>

<sup>14</sup>Islamic Law Compilation Book 1 (concerning marriage), Article 7 and Law No. 23/2006 concerning Population Administration, Article 36.

Most of PEKKA members across four study areas who married under the age of 16 were married at the age of 15. The youngest age of marriage was 9 years old. Since the minimum legal age of marriage for women is 16 years old, PEKKA members who married under the age of 16 usually did not have a marriage certificate.

**Table 15. Age of First Marriage for PEKKA Members Who Were Married under the Age of 16**

Age of First Marriage under 16	Pidie	Karawang	Kubu Raya	Flores Timur	Total
9	-	2	-	-	2
10	1	-	-	-	1
11	1	1	1	-	3
12	-	12	9	-	21
13	2	8	14	-	24
14	5	8	7	2	22
15	38	25	18	7	88
<b>Total</b>	<b>47</b>	<b>56</b>	<b>49</b>	<b>9</b>	<b>161</b>

As shown in the table below, the 601 PEKKA women surveyed had a total of 782 marriages of which only 48% were legal marriages under the Indonesian law. The number of marriages is higher than the number of respondents because there are PEKKA members who were married more than once (Appendix Table A3). The percentage of respondents who were married more than once is 22% (133 respondents).

**Table 16. Proportion of PEKKA Marriages That Are Legal amongst Survey Respondents**

Kabupaten	Total Marriages	Total Legal Marriages	%
Pidie	190	96	51%
Karawang	236	81	34%
Kubu Raya	195	139	71%
Flores Timur	161	59	37%
<b>Total</b>	<b>782</b>	<b>375</b>	<b>48%</b>

The PEKKA members from Kabupaten Kubu Raya had a significantly high legal marriage rate of 71% despite having the highest percentage of its members living under the Indonesian poverty line. Kabupaten Flores Timur and Karawang had the lowest levels of legal marriage, with approximately one third of their members having a legal marriage. This variation in the percentage of PEKKA members with a legal marriage may be due to Kabupaten Kubu Raya's having the lowest average cost for obtaining a marriage certificate of Rp23,000 and Kabupaten Karawang's having the highest average cost for obtaining a marriage certificate of Rp86,000.

On the other hand, the main reasons why PEKKA members across the four study areas do not obtain a legal marriage are that they: (i) are not aware of the importance of a legal marriage; (ii) do not know the procedures for obtaining the marriage certificate; (iii) think that it is the husband's responsibility to obtain the marriage certificate; and (iv) believe that marrying under religious law is already sufficient.

In terms of religion, Kabupaten Pidie, Karawang, and Kubu Raya have a majority of Muslim PEKKA members, while Kabupaten Flores Timur has 46% Muslim and 54% non-Muslim PEKKA members. The religious characteristic affects the marriage process or mechanism in each *kabupaten*. In the case of Kabupaten Flores Timur, the *adat* also has an important role in affecting the marriage process. The next section will explain further the survey data related to the marriage of PEKKA members as well as custom or local factors that affect marriage in each *kabupaten*.

### 3.1 Marriage in Kabupaten Pidie

Twenty-nine percent of PEKKA members married for the first time at an age under 16 (Table 14). There were respondents married for the first time at the ages of 10 and 11; 2 respondents at age of 13; 5 respondents at age of 14; and 38 respondents at age of 15 (Table 15). There were even respondents who were married off before they had reached puberty. Being immature physically and psychologically, it is not surprising that many of these young women did not understand how to fulfill the marriage requirements set by the KUA.

However, different information was obtained from the KUA head of the Kecamatan M who claimed that the average age of the first marriage in this region is 18 years and very few married underage. The authors assume that the different information can be attributed to two things.

- a) The first is time lag. The KUA head was only describing the recent situation, whereas we are aware that the majority of PEKKA respondents married more than ten years ago when *adat* and conventions differ from today.
- b) Secondly, the average marrying age of 18 may be correct for those who married at the KUA. However, in reality, many people, including PEKKA members, did not record their marriage at the KUA, so the real average age of marriage is not known.

During the conflict, marriages in Pidie were conducted without being registered at the KUA and in 2005, the KUA issued a marriage book for those couples. For individuals who have not registered their marriage, they are required to verify their marriage (*isbat nikah*) in the Islamic Court in order to obtain their marriage book. For people who have lost their marriage book during the conflict or tsunami, the KUA will provide them with a duplicate of their marriage book.

Of the 190 marriages, only 51% were registered legally in the KUA (all respondents were Muslim) with the couple having a marriage book as proof of their marriage. However, if respondents were asked about the procedures to obtain the marriage book, in general, they did not know the details. Based on Appendix Table A4, only 29% of respondents who have a marriage certificate knew how much they had to pay to get the book. For those who do not have a marriage certificate, it is because they did not understand the importance of a marriage certificate or because they considered these matters as their husband's or family's responsibility.

In terms of frequency of marriage, there was one PEKKA survey respondent (1%) in Pidie, who did not marry. Eighty-six percent married once; 11% married twice, 2% married three times, and 1% of respondents married four times (see Appendix Table A3).

In the Pidie community, where most of the people are Muslims, marriage is generally conducted in line with Islamic practices or in accordance with state law. The cost for marriage is Rp30,000, plus a contribution for orphans in the amount of Rp20,000. Other expenses that the future bride and groom need to incur include a voluntary contribution to the *imam* for the

marriage ceremony. The cost of getting married varies from Rp160,000 to Rp175,000. Many PEKKA respondents mentioned the high price of getting married at the KUA.

In addition to paying a large cost for getting married at the KUA, there is a tradition in Aceh that obligates the future groom and his family to provide a bride price in the form of genuine gold, called *mayam*. The amount of this bride price is determined by the agreement between the groom and the bride's family. This bride price is usually about 10–20 *mayam*.<sup>15</sup> On the one hand, the provision of this bride price is meant to ensure the woman's (bride's) dignity. However, on the other hand, the requirements of this bride price are sometimes considered too burdensome for the future groom and his family.

### **Box 2** **Verifying Marriage to Obtain Husband's Pension Fund**

Ibu B has married four times. She is the PEKKA respondent in Pidie who has married the most times. The story of her marriages is also interesting. Her first, second, and third husbands left her without saying good bye and then got married in another village. None of her marriages were registered at the KUA. Besides experiencing domestic violence in the form of economic neglect, she also used to experience physical violence from her previous husbands.

Her first husband hardly came home. When he did come home, they would always argue and it would end up in the husband being physically violent until he never came home. Ibu B waited three years for her husband to return until she finally remarried. However, she did not know that her second husband later on had married another woman in Banda Aceh. She came after her husband in Banda Aceh, but they had a fight and her husband slapped her in the face and Ibu B decided to go back home. After five years, she remarried for the third time. Her third husband never provided for Ibu B and treated her very badly. When she was pregnant with her third child and after giving birth, she was often beaten without any reason. Because she could not stand it any longer, she asked an Islamic teacher (*ustaz*) in the village to grant her divorce. After a while Ibu B married again.

Her fourth husband is an army veteran. He died due to an illness after three years of marriage. Not long after her husband passed away, she suffered depression because of one of her children's divorce. When her child wanted to collect the father's pension fund, a problem emerged because Ibu B did not have a marriage book. Therefore, Ibu B is currently applying for a marriage legalization certificate at the Islamic Court. Considering that she would not be able to take care of matters on her own, Ibu B asked the village head to help her and since then they have not experienced any major obstacles. Ibu B is currently waiting for her marriage book and after it is ready, she will be entitled to her husband's army veteran pension fund.

*Source:* Interview, PEKKA member, NAD, April 2009.

## **3.2 Marriage in Kabupaten Karawang**

In contrast to the marriage law which sets the minimum marrying age for women at 16, in Karawang, 49% of the 115 respondents were married under the age of 16 (Table 14). In fact, two respondents were married at the age of 9, one at the age of 11, and twelve at the age of 12.

The high number of underage marriages is due to a dualism in the interpretation of the marriage law in a number of regions in Indonesia, including West Java (Karawang and Cianjur). State law and religious law apply at the same time. According to Islamic law, a guardian of the bride, her parent, or a *kiai* can join a couple in marriage. This has led to many couples marrying without registering at the KUA and thus they do not have a marriage certificate.

<sup>15</sup>One *mayam* is equal to 3.3 grams of gold.

Of the 236 marriages of respondents who are PEKKA members, only 34% have a legal marriage and marriage certificate. In terms of awareness of the cost of marriage certificate, for PEKKA members who have marriage certificate, there are 31% who did not know the cost of their marriage certificate (Appendix Table A4).

Reasons why PEKKA members in Kabupaten Karawang do not obtain a marriage certificate are that (i) they do not understand how to obtain it at the KUA; (ii) they do not see it as being important, so they did not bother to take the time to obtain one at the KUA; (iii) they cannot financially afford to pay for a marriage certificate, and (iv) they consider that marriage is their family's or husband's responsibility.

The rate of marriage in Kabupaten Karawang is high with the majority of the 115 PEKKA respondents having married more than once. Of the 115 PEKKA members of Kabupaten Karawang who were surveyed, 40% married once, 33% married twice, 17% married three times, and 2% married seven times (see Appendix Table A3). In general, the culture of the Karawang people is known to be very open. The high rates of marriage and divorce have existed for a long time and are linked to the community's openness to different cultures outside their region. These factors have led parents to quickly marry off their daughters during harvest, at a time where many fiestas are held by the community. Thus, there are many cases of daughters being married off at a very young age.

Regarding marriage by state law mechanism, the various administrative requirements a couple must fulfill is confusing, especially for villagers. The PPN (marriage registry officials) or the *amil*, who is the *kelurahan* (urban village) or village official appointed by the village head to assist the KUA, is a person who often serves as an intermediary in helping couples complete all the required administrative papers. However, in practice, the cost of getting married is very expensive at between Rp350,000 and Rp500,000. According to the *amil*, that cost does not represent his services alone but includes the fee for a number of village staff and also the KUA official. The *amil* is said to only receive about Rp50,000.

### 3.3 Marriage in Kabupaten Kubu Raya

The percentage of PEKKA members in Kabupaten Kubu Raya married under the age of 16 is 32%. The youngest age of a PEKKA respondents' first marriage is 11 years old and the majority of respondents were married at the age of 15 (Table 14). There are PEKKA members who were married under 16 but were able to obtain a marriage book. This is because their parents falsely reported their daughter's age. Parents usually ask a village office staff to change their daughter's date of birth which was written on the family identity card (KK or *kartu keluarga*). Many such cases were found during interviews with several respondents.

#### Box 3 Underage Marriage

Ibu S from Desa L, Kecamatan Sungai Raya, was married at the age of 13. She was married to a man twice her age. Even though she was very young, she stated that her marriage was registered at the KUA. However, she did not come back to the KUA to pick up her marriage book because she did not think that it was important.

As she was very young at that time, she did not understand that she was married. Her mother took her to her in-laws' house with the excuse that her mother was asked to take some chillies from her in-laws' field. Without her knowing it, her mother left her there. After realizing that her mother had lied to her, she cried while rolling back and forth on the ground. Her in-laws succeeded to calm her down by asking her to play on the rambutan tree. She climbed and swung on the tree until eventually she forgot about her mother.

Source: Interview, PEKKA member, West Kalimantan, April 2010.

PEKKA members can accept cases like the above and they admit that they also marry their daughters off at a relatively young age. According to them, they can not refuse when a family proposes to marry their daughter because it is not polite to turn them down. They also think that it is better for their daughters to marry sooner while there is a man pursuing their daughter, besides marrying them off will also reduce the family's economic burden.

Table 16 shows that of the 155 PEKKA members in Kabupaten Kubu Raya, there were 195 marriages, including both first and subsequent marriages and marriages that were both recorded and that were not. The percentage of respondents who have a legal marriage and a marriage book is 71% of the total sample. In relation with these legal marriages, 61% of PEKKA respondents did not know the cost of obtaining a marriage book (Appendix Table A4).

The marriage book is important for a woman because it can be used as a legal document to claim her rights in the event of a divorce. One respondent who was divorced through the religious court said that she was lucky to have kept her and her husband's marriage book safely. When her husband decided to marry another woman without her consent, she was able to prevent her husband entering a polygamous second marriage because she had the legal documents to prove that she was his lawful wife (see Box 4).

For PEKKA members who do not have a marriage book (29%), the most common reasons are that they do not understand the issues surrounding the marriage book or because they consider obtaining the marriage book as their husband's or family's responsibility.

Interviews with local community leaders revealed that the Madurese community is prepared to hold expensive wedding celebrations. However, they do not legalize the marriages at the KUA and obtain a marriage book. Not only is this because tradition requires them to prioritize the marriage ceremony, but also because the location of the relocated village makes it difficult to obtain legal married status. The village does not yet have a marriage registrar to represent the KUA. For people to officially record their marriage, they would have to travel about 25 km through rocky roads that can only be passed by motorcycles. An alternate route is to take a one and a half hour motorboat trip. Based on interviews with the RT head, there are only two family heads in the RT who have a marriage book, including himself.

In terms of marriage frequency, most of surveyed PEKKA members (79%) are married once, 16% married twice, 4% married three times, and only one respondent (1%) married four times (see Appendix Table A3).

The cost of registering a marriage varies depending on the ability of the family to pay. However, different information was provided by officials of the local PPN. According to the PPN, marriage expenses can be high, especially for weddings conducted at the bride's house. The bride's family has to assume not only transportation costs, but also other fees: (i) document folders; (ii) a magazine on marriage published by the Department of Religious Affairs; (iii) Rp30,000 for the marriage book; (iv) a contribution to the PPN's savings account<sup>16</sup>; and (v) a "special" payment to the KUA. Not one respondent knew the official rate for the marriage book, which is Rp30,000. In general, they were only told that the total cost would be more than Rp100,000. For some, the high cost of obtaining a marriage book is a problem.

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<sup>16</sup>Money is taken from this account each time a document is submitted. However, the *amil* is not paid from this account based on the number of marriages they have taken on. Instead, the money is distributed evenly to all the *amil*. So, it does not matter how many marriages an *amil* have handled. The KUA considers it fair that funds are distributed evenly among the *amil*.

For future brides and grooms who are very poor, they can have these charges waived if they acquire a letter (SKTM) from the village head verifying their economic condition. However, at KUA Sungai Durian, there are no citizens who would want to bring an SKTM when getting married. A resource person affirmed that when he worked at the KUA of Kabupaten Bengkayang, there was a couple who was poor and was able to get married by submitting an SKTM.

For non-Muslim couples, the cost of obtaining a marriage book can even be higher than that for Muslim couples. One informant revealed that she had to pay a fee of Rp400,000 for recording a marriage of a non-Muslim couple at the population and civil registries agency. Many non-Muslim citizens or those of Chinese descent only carry out their wedding in a church or Buddhist monastery, which is popularly known as *nikah tamasya*. The couple is given a marriage book issued by the church or Buddhist monastery, but this book is not recognized by the state and the marriage is considered nonlegal. It is recommended that after a marriage book is obtained from the church or Buddhist monastery, the couples register their marriage at the population and civil registries agency, which will then issue a marriage certificate as proof that the marriage is recognized by the state. However, most PEKKA respondents did not do this because the fee that is charged is high.

### 3.4 Marriage in Kabupaten Flores Timur

The average age of marriage for PEKKA members surveyed in Kabupaten Flores Timur is 20 years old. The age range of when they were first married is quite wide, between 14 and 39 years old. However, the majority (84%) married for the first time at the age of more than 16 years old and only 16% married under the age of 16 (Table 14), which include two respondents married at the age of 14 and seven married at the age of 15.

Table 16 shows that there are 161 marriages of 167 surveyed PEKKA members in which 17 respondents are single or not married. Only 37% of these 161 marriages were legal with the PEKKA members receiving a marriage book. However, 19% of the respondents who were married legally and owned a marriage book were not aware of the cost of the marriage book (see Appendix Table A4).

Of the 161 PEKKA members' marriages, 63% were not legal and therefore they did not receive a marriage book. The reasons for the non-legal marriage include that they were married under *adat* law (50%), did not know the importance of having a marriage certificate (21%), or were not able to fulfill the administrative requirements (15%) (see Appendix Table A5).

The majority of respondents in Kabupaten Flores Timur have only married once (139 respondents or 83%). Only a few respondents married twice (12 respondents or 6%), with seven of them married under religious or *adat* law because they were not the first wife.

Regarding the marriage process, in Kabupaten Flores Timur, there are three types of marriage based on (i) *adat* conventions, (ii) religious law, and (iii) state law. A couple could marry under *adat* law in the first instance and then follow this with a religious law ceremony. Christian/Catholic couples often firstly marry under *adat* law and then follow this with a religious law ceremony, while Muslim couples first marry under religious law and then follow this with an *adat* law ceremony.

A marriage based on *adat* starts with the couple getting to know each other and then agreeing to start a family. If their parents give their blessings, the families will meet at the house of the woman's parents. This meeting involves about 40 people from both sides to discuss the dowry

(*belis*<sup>17</sup>). Only two to three people discuss the *belis*. The *belis* is presented in a form of a tusk and the number of *belis* presented is different for every case. The number of *belis* presented by ordinary people is between one and four and for the wealthy between five and seven. If both parties have reached an agreement about the *belis*, a pig and a goat will be slaughtered. When the blood of the pig and goat pours out, the couple's marriage is official according to *adat* and there is a bond between the man and woman. The next step is to hold a blessing at the church.

A number of interesting cases of marriages based on *adat* have appeared, including where a man can marry as many women as he likes and the marriages are valid as long as he can pay his *belis*. Another case is where a couple holding different faiths can be officially married based on *adat*. In addition, the *adat* also regulates pregnancy out of wedlock and elopement.<sup>18</sup>

In Kabupaten Flores Timur, marriage based on religious law has been practiced for years. For Muslim couples, e.g., in Kecamatan Kelubagolit, marriage by Islamic law took place in the 70's and 80's. The couple was married off by their parents and an *imam* and *kiai* in a neighborhood mosque. However, since the operation of a KUA is at the *kecamatan* level, marriages are carried out by the local PPN at the bride's house and then recorded in the KUA.

The Islamic marriages (*nikah siri*) are usually preceded by an elopement, where, in accordance with *adat*, a man who falls in love with a woman takes her to his family in the village or outside the village. After eloping, a representative of the man's family visits the woman's family one to three days later to deliver the news. After this notice, *adat* affairs will follow. To reconcile both families, the number of *plala*, which is a *belis* in the form of tusks, will be determined. Only if the man is able to present the tusks, the marriage will take place. If the man's family can not come up with the *belis*, they will have to make a statement at the *adat* forum where religious and *adat* figures meet on behalf of their clan. These negotiations can take months or even years. After they have reached an agreement about the time and *adat* provisions, the couple will first be married under Islamic law by an *imam*. If the *imam* understands the importance of the marriage book, he will suggest that the couple obtain it. There is no official cost for getting married by *siri* and it is determined through an agreement between the couple and the *imam*.

For Muslim couples, when they want to register their marriage at the KUA, the couple must pay an amount of Rp30,000 to the government treasury for the marriage fee. In addition, the couple also pays Rp2,500 for administration matters/documents sent to the government treasury. If the couple ask the KUA to deliver the marriage fee to the government treasury, they will be charged Rp50,000 for the transportation fee within the *kecamatan* area.

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<sup>17</sup>*Belis* (dowry) or bride price is a symbol of appreciation of the groom's family to the bride's family for giving away their young daughter in marriage (Aliandu, Augustina, and Patty, n.d.). The *belis* includes the *misak* and *bedoring*. *Misak* is the main tusk or the tusk that must be provided and costs around Rp60 million–Rp70 million, while the *bedoring* is the “follower” which may be in the form of a *nudeke* (second tusk) or *urine* (the shortest tusk), costing not more than Rp50 million. According to *adat*, besides the *belis* presented to the bride's parents, livestock (usually a goat) is presented to the brother of the mother's bride. In exchange to this, the family of the bride presents clothing (in the form of a sarong or shirt, one of which is made of silk). If the provision of clothing is agreed by both sides, this will be symbolized by eating a betel leaf and areca nut together. Traditionally, divorce is difficult because of the *belis*.

<sup>18</sup>For pregnancies out of wedlock, if the suspected male confesses, an *adat* ceremony will be held and when the child is born, she or he will be part of the father's clan. However, if the suspected male does not confess, the child will be part of the pregnant woman's clan and the suspected male will have to pay a fine in a form of which will be agreed to by both parties, for example in the form of one piece of tusk. In the case of elopement, where the couple agree to elope but the parents of both parties are absent, generally the woman is taken to the man's house and his parents or their representative will deliver the news to the woman's parents.



If the *kecamatan* area is large, it is difficult for the *kecamatan* KUA to reach areas that are far away. PPNs are usually assigned to areas like these. For example, in Kecamatan Kelubagolit, there are three PPNs, each in Sagu, Koli, and Adonara. The PPN's task is the same as the task of a KUA priest. After marrying a couple in the area, the PPN submits the N forms and DPN to the KUA. The fee for marriages conducted by the PPN is Rp100,000, which includes Rp70,000 for the PPN's transportation and Rp30,000 for the marriage fee.

If a poor couple wish to marry, the KUA first clarifies matters with them. They are still charged the marriage fee of Rp30,000. In the N form, it is stated that although the couple have an SKTM from the village official, they are still charged with the same fee. However, they are freed from administration (Rp2,500) and transportation (Rp50,000) fees which become the KUA's responsibility. Up until the study was conducted, no SKTM were submitted to KUA Kelubagolit.

Citizens of Kabupaten Flores Timur who are Christian/Catholic marry based on the Christian/Catholic religion. These marriages are under the authorization of the Bishop of Larantuka. Marriages of Christian/Catholic couples and of interfaith couples (a Catholic and a spouse with a different religion) are carried out in church.

For Catholic couples, the church holds a preparation course for the couple which provides guidance for couples who will start a family, including for Catholic couples, different church marriages (Catholic and Protestant couples), and interfaith couples (a Catholic marrying a Muslim, Hindu, or Buddhist spouse). The guidance period is between four and five days and for five hours each day. Collective guidance is conducted twice a year, with a number of 10 to 27 couples participating in each course. A guidance team from the church (parish) is present at the course. The content of the course includes marriage from the view of *adat*, civil law, and church regulation. The guidance team is made up of five couples. Expenses emerging from the course are paid collectively by the participants.<sup>19</sup>

After the guidance is completed, a canonical investigation is conducted and followed by a wedding ceremony. The canonical investigation of the couple is conducted by a pastor in the presence of their parents or guardian and two witnesses at the pastor's house (free of charge). During this process, a statement is obtained by interviewing the couple about their willingness to marry. Their answers are noted by the pastor in a Canonical Sheet. Then, the pastor asks the couple, parents/guardian, and witnesses if one of the couple or both of them had married before. If the answer is yes, then the marriage is cancelled. If not, the marriage is official according to the church regulations.

After the canonical process is completed, preparations for the wedding ceremony start where the Catholic couple receives a sacrament of repentance. However, for interfaith marriages, during the canonical investigation, the non-Catholic spouse and her or his parents must sign a written agreement that states that the spouse agrees to marry upon her or his free will and without any pressure. She or he has independently decided to marry (in the sense that each spouse is free to hold their own religion). And another agreement is signed that states that the non-Catholic spouse agrees to baptize their children and raise them as a Catholic. However, if she or he decides to convert, a different process will be carried out where she or he will attend the guidance preparation.

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<sup>19</sup>The expenses include administration fee, which is Rp15,000 to collect a baptism certificate, Rp20,000 to collect a special certificate, Rp25,000 to collect the marriage license from the church, Rp200,000 for provision of snacks at the meeting for four days, and Rp400,000 for food during the closing of the course. These expenses are shared by the participants. So, couples who are already living together pay Rp250,000, while those who still lives separately pay Rp200.00. In addition, the participating couple provides Rp50,000 to couples who provided the guidance.

As for non-Muslim (Christian/Catholic) couples who have married under *adat* laws and then wish to be married by religious law, the church currently invites them to participate in the guidance sessions in order to register their marriage. Up until this research was carried out, 60 couples have obtained their marriage book through the church or church community. However, this type of marriage license is not legal according to state law.

If the couples want to obtain a marriage book from the population and civil registries agency, they have to fulfill the following requirements: (i) a marriage license from a religious leader; (ii) two witnesses that fill in the required forms; and (iii) photographs of the bride and groom. The fee charged to produce the marriage certificate at the population and civil registries agency is Rp82,000. However, if the agency is implementing a free program where they tour around the villages, the future bride and groom from the village do not need to pay the fee for their marriage license.

## IV. DIVORCE

Law No. 1/1974 regulates divorce between husband and wife. The law states that a marriage tie can be broken due to three reasons: death, divorce, or court decision. In the event of divorce, Muslim couples are required to bring their lawsuit to the religious court and non-Muslim couples to the general court. Law No. 23/2006 on Population Administration also regulates divorce. If the divorce occurs outside Indonesian territory, it has to be reported at least 30 days after the divorced party returns to Indonesia.

A divorce is legal only if it is decided by an Indonesian court and a divorce certificate is issued. In religious court terminology, if the divorce is initiated by the wife, it is known as *cerai gugat* and if by the husband, it is known as *cerai talak*. In divorce cases, general courts do not differentiate the case based on whether the applicant is the husband or wife. Two-thirds of divorces in both religious and general courts are initiated by the wife.

**Table 17. Total Number of Divorces for PEKKA Members and the Number of Legal Divorces**

Kabupaten	Total Number of Divorces	Total Number of Legal Divorces through a Court	%	Applicant Is:	
				Wife	Husband
Pidie	45	12	27%	9	3
Karawang	152	10	7%	6	4
Kubu Raya	56	15	27%	9	6
Flores Timur	12	1	8%	1	0
<b>Total</b>	<b>265</b>	<b>38</b>	<b>14%</b>	<b>25</b>	<b>13</b>

The number of divorces in the four study areas is shown in Table 17. Of the 601 respondents who are PEKKA members, there are 265 divorce cases and 38 of them (14%) were settled in courts. Twenty-five of the 38 cases (66%) were initiated by the PEKKA member. Of the 38 cases, 15 took place in Kabupaten Kubu Raya, 12 in Kabupaten Pidie, 10 in Kabupaten Karawang, and only 1 case in Kabupaten Flores Timur. This table also shows that in general the PEKKA member respondents of Kabupaten Karawang have the highest divorce rate. In contrast, in Kabupaten Flores Timur, PEKKA member respondents have the lowest divorce rate.

For the poor, the main barriers to accessing the courts are financial and relate to court fees and transportation costs to travel to the nearest court.

These problems are especially significant for the rural poor. Eighty-eight percent PEKKA members would be more motivated to go to court for their divorce cases if the court was able to waive the court fee and 89% PEKKA members would be more motivated to go to court for their divorce cases if the court heard their case in a circuit court.

The cost of transportation to a court varies significantly depending upon whether a party lives in an urban environment close to the court or in a rural environment. Based on Sumner (2010a), 50% of court clients surveyed in 2007 and 2009 live within a radius of 10 km from the general or religious court that heard their divorce case. The 601 PEKKA women interviewed lived in both urban and rural areas. Urban PEKKA members lived on average 13 km from the court at a cost of Rp25,000 for a round trip to the court. However, rural PEKKA members lived on average 80 km from the court, at a typical cost

of Rp92,000 for a round trip to the court (close to half the monthly per capita income of a PEKKA member).<sup>20</sup>

The cost of a divorce case in the religious court (only court fee and the party's transportation costs) can therefore vary significantly, depending upon how far the party lives from the court. Divorce cases in general courts cost more, for there are on average three more court appearances per case. The further the parties to a divorce case live away from the court, the higher the transportation costs. In the Kabupaten Flores Timur case given above, for example, transportation costs contribute to as much as 70% of the cost of the case.

**Table 18. Cost of a Divorce Case in Both the General and Religious Courts for Urban and Rural Court Users**

	Court Fee	Transportation Cost	Divorce Case Cost = Court Fee + Transportation Cost
Urban religious court user	Rp350,000 (or US\$35)	Rp25,000 x 5 trips to the court = Rp125,000 (or US\$12.50)	Rp475,000 (or US\$48)
Urban general court user	Rp350,000 (or US\$35)	Rp25,000 x 8 trips to the court = Rp200,000 (or US\$20)	Rp550,000 (or US\$55)
Rural religious court user (e.g., Kab. Flores Timur)	Rp350,000 (or US\$35)	Rp100,000 x 5 trips to the court = Rp500,000 (or US\$50)	Rp850,000 (or US\$85)
Rural general court user (e.g., Kab. Flores Timur)	Rp350,000 (or US\$35)	Rp100,000 x 8 trips to the court = Rp800,000 (or US\$80)	Rp1,150,000 (or US\$115)

#### 4.1 Divorce Statistics in Kabupaten Pidie

Religious courts in Aceh Province are known as *mahkamah syariah* (MS). In relationships between husbands and wives in Aceh generally and in Kabupaten Pidie specifically, males traditionally say *talak* whenever it suits them. This means that husband/wife relationships can split up very easily, without going to the MS. According to husbands, this type of *adat*, unauthorized divorce, is in line with religious requirements though it is not legal according to state law.

In Kabupaten Pidie, of the 164 PEKKA member respondents, there are 45 divorces. Only 27% of these divorces are legal and the wife initiated the divorce case in 75% of these cases. In terms of frequency, 21% of the 164 respondents have been divorced once and 2% have been divorced twice (see Appendix Table A7). Only one respondent in Kabupaten Pidie had been divorced three times. The small number of divorces in Kabupaten Pidie is related to the community *adat* which means that it is easy for men to renounce their marriage by pronouncing *talak* and that is considered sufficient for a divorce according to religious regulations.

Qualitative finding shows that there is a misunderstanding in relation to what a Muslim couple should do to acquire a divorce. Couples who have a disagreement and want to divorce often go to the KUA because they think the KUA can settle it. A divorce certificate cannot be issued by KUA. However, the KUA can help the couple try to resolve their disagreement

<sup>20</sup>Authors' calculation based on Appendix Table A6. In terms of court distance, Kabupaten Pidie and Karawang were categorized as urban areas. On the other hand, Kabupaten Kubu Raya and Flores Timur were categorized as rural areas.

through KUA's subdivision, known as BP4. If the disagreement cannot be dealt with at the KUA, then the KUA (in this case BP4) will call the *geuchik* to find out the truth of the matter. After this, the married couple is called by the KUA to make peace. If the peace-making process is not successful, the KUA recommends that they deal with their problem and legalize their separation at the MS.

To date, the MS has dealt with more *cerai gugat* cases than *cerai talak* cases. Generally, reasons for *cerai gugat* are that husbands do not take responsibility or wives are neglected, while *cerai talak* are generally caused by a lack of harmony in the husband/wife relationship if they are constantly arguing. If the divorce is dealt with at the MS, it is compulsory for the judge to facilitate a mediation process.

In Pidie, the MS has waived court fees for a long time. However, now there are some improvements with an increase in funds from the Budget Implementation Content List (DIPA) since 2007 (although there have not yet been any funds from DIPA to carry out socialization). Thus, there needs to be cooperation with the *syariah* agency that is the particular agency in NAD because there may be a budget in the *syariah* agency and the agency could request judges from the MS to be involved in socialization. To obtain a waiver of court fees (*prodeo*), the applicant must bring an SKTM from the village head evidencing their poverty.

## 4.2 Divorce Statistics in Kabupaten Karawang

The marriage and divorce statistics in this *kabupaten* are quite high. This study affirms the statistics that among the 115 PEKKA members surveyed, there are 152 divorces (Table 17). The significant number of divorce cases is probably related to the habit of early marriages (under 16 years old) and consumerism. Those who are too young to get married (mostly because their parents forced them) were usually unaware of the essence of marriage. A divorce usually occurs because the parents or the respondents wish to have a rich son-in-law/husband and they hope that the new marriage can improve the economic situation of the family.

However, only 7% of existing divorces (ten cases) are legal with the couple receiving a divorce certificate. The PEKKA members surveyed who experienced a divorce do not feel the need to legalize their divorce as it requires money, time, and courage.

Six of the ten legal divorce cases were initiated by the wife. The cases are mostly because of domestic violence, which is usually set off by the husband's extramarital affair or by the husband's inability to fulfill the family's needs. Divorce cases initiated by husbands were mostly because the wife works as a migrant worker in Saudi Arabia, which is common in Karawang. The women work abroad and trust their children with the grandparents, while the husband remarries.

Divorce frequencies for the 115 respondents comprise 32% having been divorced once, 18% divorced twice, 11% divorced three times, 3% divorced four times, 2% divorced five times, 1% divorced six times, and 1% divorced seven times (see Appendix Table A7). Only one respondent had two divorce certificates.

One PEKKA member had two divorce experiences and stated that it took her more than five months to obtain her marriage certificate. She was not satisfied with the result because the court could not do anything when her ex-husband failed to fulfill his obligations. According to the verdict, her ex-husband was obliged to give Rp600,000 for the needs of her two children. Until now, he has given nothing. She spent Rp700,000 for the court fee and another Rp350,000 for

transport and meals (she was accompanied by someone else during the process of the divorce). An official at the religious court charged her another Rp1,000,000, but she did not have any more money.

It is not easy for the villagers to understand the time and cost required to process a divorce case. However, not all divorce processes are costly. In Cianjur, the religious court collaborates with PEKKA to conduct circuit courts where the court fees are waived for the PEKKA members who can evidence their poverty. A PEKKA member who was a victim of domestic violence finally obtained her divorce certificate through this circuit court. Her case fee was waived by the religious court. It only took her two months to complete the process and Rp20,000 (for transport) to get the certificate. In Cianjur, the regional government (the labor office, police department, and law office) collaborates with the religious court and PEKKA to build people's awareness in civil administration such as getting certificates, reporting any acts of domestic violence, etc.

The *Bupati* (Kabupaten Head) Decree of 2005 in Cianjur regulates the collaboration of the religious court, regional government, and PEKKA in the form of a Multi Stakeholder Forum (MSF). In this forum, the religious court facilitates PEKKA's training program on law. The Cianjur Religious Court also conducts circuit courts to process marriage legalization and divorce cases at the *kecamatan* level. The service is made available due to the large number of domestic violence cases in the community.

### 4.3 Divorce Statistics in Kabupaten Kubu Raya

From the 155 respondents in Kubu Raya, 56 divorce cases are recorded (Table 17), but only 15 cases (27%) were brought before the court. Regarding the frequency of divorce, of the 155 respondents, 22% divorced once, 6% divorced twice, and 1% divorced three times.

Most of the PEKKA members' divorce cases were not filed at the religious court in Mempawah, but in Kabupaten Sambas, Singkawang, and even in Java (because they had migrated from there). Some lodged their cases in Kabupaten Pontianak since they were residing there (Box 3).

Of the 15 PEKKA members who had divorce cases, 9 people were the applicant or the one who initiated the case. Most of the respondents who filed for divorce claimed to know the cost, while the remainder did not know how much they had to pay. The other respondents did not have to pay for the case. A respondent of such a case stated that she was not charged any money because she was a recent convert. Her first husband left her to marry another woman. She then filed for a divorce at the Singkawang Religious Court. The official at the court sympathized because the Chinese woman was a recent convert and released her from any court fee. She remarried after that but had the same experience as her first marriage. Again, she filed for a divorce and this time accepted an amount of money because the religious court officials felt sorry for her. She then moved with her children to another village.

Poor people can file for a divorce for free (*prodeo* case). The nine divorce cases in the previous paragraph (see Table 17) occurred before *prodeo* cases existed, so none of them made use of the facility. According to a Mempawah Religious Court official, to have the court fee waived, the applicant has to submit an SKTM from his or her village head—acknowledged by the *kecamatan* head—along with a Jamkesmas or Raskin card. The bailiff who surveys the home of the plaintiff can also provide information for the judge on whether a person deserves to have the court fee waived.

#### **Box 4**

### **Better Divorce Than Share a Husband**

A PEKKA member (Ibu A) divorced her husband, as he wished to be married again without her agreement. At the time, Ibu A was pregnant with their second child. Ibu A was visited by her husband's family and the new wife who forced Ibu A to sign a letter of authorization for the second marriage of her husband. Ibu A felt pressured and signed this letter but said that she did not agree with the second marriage of her husband.

After discussing the matter with her uncle and receiving advice from the head of the village, Ibu A finally reported to the local KUA that she had been pressured into approving the authorization letter for the second marriage of her husband. According to Ibu A, she was fortunate because she kept the marriage book of her husband and herself and, by withholding it, was able to prevent the KUA from approving her husband's second marriage. Her uncle told her that if a wife agreeing to a polygamous second marriage does not give her authorization in a religious court, then the marriage is not legal and the local KUA officials could be reported to the police.

After her husband left and she joined PEKKA, Ibu A finally decided to divorce her husband through the religious court. The reason for bringing the case to the court was because without a formal divorce certificate, she was often harassed as a single woman, her status being in limbo between marriage and divorce.

The process of bringing the case itself was not complicated. The cost that she paid for the court process from the beginning to the final divorce decision was Rp500,000 (US\$50). This cost did not include her transport costs, but these were not high as her place of residence was quite close to the court. The divorce decision of the Religious Court of Kota Pontianak was delivered after one month, with the process taking three hearings. Her husband did not come to the hearings.

*Source:* Interview, PEKKA member, West Kalimantan, April 2009.

One of the respondents claimed to have difficulties while trying to obtain a *prodeo* case. To file her suit, she had to submit a letter applying for a divorce, in addition to the SKTM. The letter must include background information, such as chronological events that cause the divorce filing. She did not know how to make the letter, so a court official helped her. She was asked to pay Rp20,000 for the typing fee, but since she did not have any money, she begged the official not to charge her.

In addition to the relatively high cost and the long process, the PEKKA members in Kabupaten Kubu Raya who want to file a divorce find it difficult to get to the location of the religious court. This is because Kabupaten Kubu Raya still depends on Kabupaten Pontianak for some public services, such as the religious and general courts, which are located in Kecamatan Mempawah.<sup>21</sup> To facilitate people from other areas, the religious court has a representative office in the central *kecamatan* of Kabupaten Kubu Raya. The office is called Dewan Balai Sidang Pengadilan Agama Mempawah, which serves as a circuit court. The court had scheduled to conduct 30 trials in 2009. There are times when people cannot file for a trial at the representative office, especially if there are not enough officials to handle all the registrations. The distance between the religious court in Kecamatan Mempawah and the representative office in Kubu Raya is about 100 kilometers. People can travel by bus which takes three hours. Based on PEKKA members surveyed, the average distance of the religious court in Kecamatan Mempawah is 110.75 kilometers away and the average time to reach the place is 190 minutes. According to a qualitative interview, although the places are quite far away, respondents prefer to go back and forth instead of spending the night at Mempawah just to file for a divorce (unless they have relatives living there). Besides, most of the respondents claimed that they had never been to Mempawah themselves, especially those who live in Desa Mekarsari and Kecamatan Rasau Jaya, so they just estimated the cost based on other people's experiences. For transport and meals, they usually have to spend about Rp82,809.

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<sup>21</sup>Kecamatan Mempawah is the center of Kabupaten Pontianak government. All government offices are located here, including the *kabupaten* court, which has to be supported by the police institution, attorney office, and a penitentiary.

## 4.4 Divorce Statistics in Kabupaten Flores Timur

The villagers of Kabupaten Flores Timur hold on to their *adat* dearly. A marriage institution brings together not only the husband and wife but also both families—and even the tribes/clans. A woman becomes part of her husband’s family once the *belis* is given. The marital bond cannot be broken by *adat* or religion. Most respondents stated that they do not expect to obtain a divorce. Nevertheless, there are a few divorce cases. The combination of difficulty in divorcing due to *adat* traditions (*belis*) and the high rate of migration, particularly for males, means that there are many female heads of households who become the breadwinner for their families. Some female heads of households still receive money from their husbands, but others receive no economic support.

Of the 167 PEKKA members surveyed, there are only 12 divorce cases (Table 17). The low rate of divorce shows that the people in this *kabupaten* are not in favor of divorcing. Only one of the twelve divorce cases (8%) was filed in a court and it was initiated by the wife. The reason why the other PEKKA members did not legally divorce in a court was because (i) the husband left without any warning, (ii) there was pressure from families or *adat*, (iii) the marriage was not approved by the husband’s first wife, or (iv) the divorce was done under *adat* law. However, if a marriage is hard to continue, people will divorce anyway (see Box 5).

Based on divorce frequency for the 167 respondents, 93% have never been divorced, 6% have been divorced once, and 1% divorced twice (see Appendix Table A7).

### Box 5 How Difficult It Is to Divorce

I am 41 years old and married with children. I attended Islamic elementary school, Islamic junior high school, and a private senior high school in the capital of the province.

**Marriage.** After leaving home for some time, I came back to my village and got married at the *kecamatan* KUA. The administration fee was Rp75,000, paid by my husband. The requirements were to fill out a form and to submit a photo and ID. Our first child was born in 1997. A year later, I asked for a divorce because my husband cheated on me. His family made threatening gestures, like beating and even pointing a knife at me. My husband’s sibling told me to forget about my husband’s affair and not to tell anybody about it. Then, I filed for a divorce at the *kabupaten* court (for domestic violence), but my child was kept by my husband’s family in another village for three days and two nights, when my child was actually still breastfed. His family interferes too much in our marriage. When I filed for a trial at the *kabupaten* court, I had to pay Rp25,000 for the administration fee. I told the official everything, including the physical abuse I received from my husband. The hearings were two weeks after that, but my husband did not attend the first and second hearings. At the trial, my husband’s family brought a group of 30 people, while I was by myself. My brother actually offered to come along, but I told him not too. The court decided that my husband should pay the fine, but I did not know how much. The verdict said that my husband got a 3-month sentence (suspended), but if the physical abuses continued, he would go to jail.

**Divorce at the religious court and *adat*.** In 1998, after the verdict from the *kabupaten* court, I filed for a divorce at a religious court in W (on the same island). My husband did not come at the first hearing. At the second hearing, he came but did not want to divorce me, while I insisted on a divorce. He did not come for the third hearing. I came to the *kabupaten* religious court and handed the court letter to the village head to be given to my husband. But, up to now [the time of the interview], my husband has not showed up. He has not given me my rights as a wife since 1998. In 2000, accompanied by my father, I asked for a divorce to the *adat* institution. There are four family clans in his village. Only two would come to the meeting because the other two are either my husband’s clan or related to it. The two-clan meeting, attended by 50–60 people and cost me about Rp200,000 for consumption, decided that I and my child should return to my father’s family. This decision was delivered to my husband and his family by two representatives of the meeting. My husband’s family accepted the decision, but demanded that my child be returned to them in the future. The meeting also came to an agreement that if the *belis* was delivered before sunset, I had the right to keep my child. Until today, I do not have a divorce certificate. Hopefully with the help of other PEKKA members, I can settle this problem.

Source: Interview, PEKKA member, NTT, April 2009.



In this *kabupaten*, no divorce case was settled in a *prodeo* or circuit court. Respondents have very limited knowledge (and access) regarding courts—religious or *kabupaten*. Most of them do not know the location of the courts, which are 38 to 65 kilometers away from their home. It takes about 1 hour 40 minutes to 8 hours for them to get to the courts, depending on the means of transportation. The cost of the transportation itself varies between Rp50,000 and Rp190,000.

## V. BIRTH CERTIFICATES

Law No. 23/2006 on Population Administration requires parents to obtain a birth certificate within 60 days of a child's birth. A population and civil registries agency will issue a birth certificate without charge to parents if they register their child's birth within 60 days. If the birth is not registered within one year from the child's date of birth, Law No. 23/2006 requires a birth certificate statement to be obtained from a general court before the population and civil registries agency issues a birth certificate.

Based on the time the birth is reported, there are three types of birth certificates: general birth certificates, special birth certificates, and dispensation birth certificates. General birth certificates are birth certificates generated based on reports of births given no later than 60 working days for Indonesian citizens and 10 working days for foreign citizens after the date of the birth. Special birth certificates are birth certificates generated based on reports of births which have passed the respective time limits for Indonesian citizens and foreigners. Dispensation birth certificates are birth certificates generated based on a government program that makes it easier to obtain a birth certificate for those whose births were reported late.

Transition provisions were put in place by the Ministry of Home Affairs to delay the effect of certain provisions of Law No. 23/2006 as they apply to birth registration until December 2010.<sup>22</sup> In particular, the requirement of a general court decision in order to obtain a birth certificate will not enter into force until 2011. The transition provisions were required in order to provide time to raise awareness of the provisions of the new law. However, it had also become clear that this requirement would be a barrier to achieving the Government of Indonesia's Strategic Plan for Universal Birth Registration in Indonesia which aims for all births in Indonesia to be registered by 2011.<sup>23</sup>

In legal terms, to register a birth, five items are needed: (i) birth document from the doctor/midwife/child-birth assistant; (ii) name and identity of a witness to the birth; (iii) parents' KK; (iv) parents' KTP; and (v) the parents' marriage book/certificate. In reality, the fifth requirement is an obstacle for parents who want to register the birth of their children.

However, the Law No. 23/2006 on Population Administration<sup>24</sup> provides for children to be issued with birth certificates even in cases where their parents do not have a marriage certificate. In these circumstances, only the mother's name is recorded on the birth certificate. Cultural norms in Indonesia, however, act as a strong disincentive to obtaining a birth certificate for a child unless both parents' names appear on the birth certificate.

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<sup>22</sup>Ministry of Home Affairs Letter dated 11 March 2009 on Deadline for the Implementation of Dispensation Program for Birth Certificate Registration Services during the Transition Period of Law No. 23/2006.

<sup>23</sup>Ministry of Home Affairs' Strategic Plan 2011 for All Indonesian Children Being Registered at the Civil Registries Agency, 2008.

<sup>24</sup>Law No. 23/2006 on Population Administration Article 52 (2).

**Table 19. Possession of Birth Certificates for Children of PEKKA Women**

Do You Have a Birth Certificate of Your Children?	Pidie	Karawang	Kubu Raya	Flores Timur	Total
Yes	56	124	152	202	534
No	366	90	124	104	684
<b>Total</b>	<b>422</b>	<b>214</b>	<b>276</b>	<b>306</b>	<b>1218</b>
% of children without birth certificates	87%	42%	45%	34%	56%

Across the four regions, there are 1,218 children of 601 PEKKA members surveyed and 56% of them did not have a birth certificate. The ownership of a marriage book is not the only obstacle for registering the birth of their children. Factors which lead to children not having birth certificates include lack of funds to pay for the arrangement of the certificate, great distance of the place to register births, or lack of understanding about the importance of a birth certificate.

Whether a child is able to complete the compulsory nine years of education appears to be strongly linked to whether a child has a birth certificate.

**Table 20. Correlation between Educational Attainment and Birth Certificates (Dependants Aged 10 to 19 Years Old)**

PEKKA Dependants Aged 10–19 Years Old	Kabupaten Karawang				Kabupaten Kubu Raya				Kabupaten Flores Timur				Total
	Not at School		Still at School		Not at School		Still at School		Not at School		Still at School		
	Birth Certificate		Birth Certificate		Birth Certificate		Birth Certificate		Birth Certificate		Birth Certificate		
	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	
10	-	-	4	3	-	-	10	7	-	-	13	11	48
11	-	-	4	4	-	-	10	4	-	-	13	7	42
12	-	-	7	5	1	-	4	7	-	-	19	9	52
13	-	-	7	1	1	4	14	5	-	1	25	5	63
14	1	-	9	4	-	-	8	2	1	1	14	4	44
15	1	2	11	3	2	3	15	2	1	3	9	3	55
16	5	3	5	1	3	1	5	1	2	4	6	2	38
17	1	4	5	2	3	2	7	1	1	5	12	3	46
18	5	4	3	2	3	4	2	2	1	1	6	2	35
19	3	5	2	-	5	2	4	2	2	6	2	1	34
<b>Total</b>	<b>16</b>	<b>18</b>	<b>57</b>	<b>25</b>	<b>18</b>	<b>16</b>	<b>79</b>	<b>33</b>	<b>8</b>	<b>21</b>	<b>119</b>	<b>47</b>	<b>457</b>
Of those at school, % with/without birth certificate			70%	30%			71%	29%			72%	28%	
Number of dependants not at/at school	34		82		34		112		29		166		457
% of dependants not at/at school	29%		71%		23%		77%		15%		85%		

For the dependants aged 10–19 of PEKKA members surveyed in Kabupaten Karawang, Kubu Raya, and Flores Timur, 78% are still at school. Seventy percent of these dependants who are still at school have birth certificates.<sup>25</sup>

## 5.1 Birth Certificates in Kabupaten Pidie

In Kabupaten Pidie, of the 422 children of PEKKA respondents, 87% do not have birth certificates (Table 19). The most common reason for children not having birth certificates was that respondents did not understand their importance. Other reasons were that they could not afford the fee, the distance to the population and civil registries agency was too far from their home, they did not know the correct process that had to be undertaken, and they did not have a marriage book (see Appendix Table A8).

Documents needed to generate a birth certificate at the Kabupaten Pidie Population and Civil Registries Agency are a birth document, parents' marriage book, parents' KTP, and KK. If the parents do not have a marriage book, they must bring a letter from the head of the village explaining that the child is in fact from these two parents. This is because in Pidie, there are no regional laws or regulations about the implementation of Law No. 23/2006 on Population Administration.

To make services available to the community, the Kabupaten Pidie Population and Civil Registries Agency has two mobile population and civil registries registration unit (UP3SK) cars as facilities to provide key services to the community for getting KTP, KK, and birth certificates. These services are provided free of charge. The Kabupaten Pidie Population and Civil Registries Agency worked together with the *camat*<sup>26</sup> and *geuchik* to announce to the community the schedule for when the UP3SK vehicles would visit the various *kecamatan* and villages. However, the socialization carried out by the *camat* and *geuchik* was not optimal, as indicated by the fact that when the UP3SK vehicle arrived at a village, there were no people there as they were all in the rice field or had other things to do.

## 5.2 Birth Certificates in Kabupaten Karawang

In Kabupaten Karawang, of the 214 children of PEKKA respondents, 42% do not have birth certificates (Table 19). The common reasons for not having a birth certificate are that PEKKA members in Karawang do not have time to follow the process in making a birth certificate, they do not have a marriage certificate, and they do not have enough money (see Appendix Table A8).

In order to implement Law No. 23/2006 on Population Administration, population and civil registries agencies have carried out a number of initiatives to influence community awareness about birth certificates. This has been done by approaching various institutions, such as labor agencies, immigration offices, education agencies, health agencies, and KUA.

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<sup>25</sup>The dependants of PEKKA members surveyed in Aceh have not been included in this analysis as 84% of the dependants aged 11–19 do not have birth certificates.

<sup>26</sup>Head of the *kecamatan*.

A birth certificate is required in the staff recruitment process and the migrant workers (TKI-TKW) process. When the schools began to require birth certificates for the primary school/junior high school level, parents begin to organize birth certificates for their children.

It was stated that the KUA was increasingly active in making Muslim couples aware that a marriage document was one of administrative requirements for obtaining birth certificates for their children. The population and civil registries agency also stated that the number of non-Muslim couples who registered their marriage increased dramatically from only 50 couples in 2007 to approximately 400 couples registered in 2008.

The regional government also made the organization process easier by allowing a marriage acknowledgement document to be used in place of a marriage book, which is one of the requirements for registering a birth certificate. As of August 2009, the regional government in Karawang had determined the marriage verification process at the village level. For marriages that took place before 1974, community members had to complete a Marriage Witness Certificate (SKKP), signed by two witnesses and the head of the village. However, there were some problems with this and so the time frame was extended to those who were married before 1980 so long as the *kecamatan* KUA was aware of the marriage. The SKKP form was available from the population and civil registries agency. So, arranging marriage documents for parents was processed at the village/*kecamatan* level. This mechanism had a significant impact on the increasing number of children with birth certificates. This point was evident in this research as ownership of birth certificates among the families of respondents was quite high.

Since 2007, the population and civil registries agencies in Kabupaten Karawang and also in Cianjur have formed local birth certificate service teams. These teams provide certificate provision services directly to the community at the *kecamatan* level. This should take place every year; but, in fact, it depends on the availability of funds from the regional government. With these services, people who want to get a birth certificate do not need to go to the agency office in the *kabupaten* capital city. As well as providing these services, the team also carries out socialization for the community.

This mobile service takes place after socialization. The community is usually informed a week before the service arrives so that they can prepare their administrative documents, such as KTP, KK, photocopies of marriage documents, or SKKP for those who do not have marriage documents. Community members are very enthusiastic to take advantage of the mobile service, to the point that in one day, there can be 600 (and sometimes up to 1,000) submissions requesting certificates. The government's objective in providing this mobile service is to increase community awareness about population administration and it has been very effective. However, the regional government is often lacking in funds, so it is not yet certain whether the service will continue.

Village midwives or midwives practicing at the village/*kecamatan* level often help in the process of organizing a birth certificate. After assisting with a birth, the midwife will usually assist with organizing the birth certificate as a package for a cost of Rp500,000 to Rp700,000. However, one midwife stated that she only did this for those who had complete documentation, including marriage documents. For those who did not have marriage documents, the midwife would only provide a birth document.

For poorer citizens, the regional government is currently planning regulations so that poor families will not be charged. However, these regulations are still being discussed at the central level, particularly in the Ministry of Finance.

### 5.3 Birth Certificates in Kabupaten Kubu Raya

In Kabupaten Kubu Raya, of the 276 children of PEKKA respondents, 45% do not have birth certificates (Table 19). The common reasons for not having their children's birth certificate are because the surveyed PEKKA members did not know the importance of their children having birth certificates and they do not have money to obtain it (see Appendix Table A8).

Results from the survey indicate that there is an effort from the *kabupaten* government to raise people's awareness on obtaining birth certificate. One example is that now primary schools in Kubu Raya require their students to have a birth certificate. However, schools cannot force this requirement to be fulfilled as they have a quota of students which they must accept. The schools are worried that if they refuse to accept students without birth certificates, they will not have enough students.

According to an information source from a junior high school in Kecamatan Rasau Jaya, birth certificates only have an important role at the primary school level because the name of the students on the birth certificate is the name that will be used on their primary school diplomas. Thus, only when it is time for the national exams do primary school staff request birth certificates from each student. Junior high school diplomas only need a primary school diploma with the National Student Number attached. This name and number are then used for the student's further education diplomas. Some schools also assisted with the process of obtaining birth certificates as their students were taking part in competitions to represent the school.

PEKKA has also made a program to obtain birth certificates for the children of their members. The program took place for the first time in March and April 2008. The cost to organize a birth certificate was Rp21,000 per child. After this program no longer existed in formal terms, some PEKKA members were still asked for help informally to assist PEKKA members and other community members who had not yet organized birth certificates for their children. The cost was different: Rp25,000 for children under 17 years of age and Rp45,000 for children over 17 years of age.

Aside from that, many people in Kubu Raya now try to obtain work opportunities overseas which lead them to obtaining a birth certificate as the immigration office requires birth certificates when issuing passports. These community members were able to get birth certificates commonly through the labor agents. Either they organize the birth certificate at the population and civil registries agency or they will use someone else's birth certificate—so, some migrant workers left the country using another person's name.

Regarding Law No. 23/2006, Kabupaten Kubu Raya issued *Bupati* Regulation No. 21/2008 on Birth Certificate Registration Services Dispensation. This regulation was effective for one year after its issuance, to 31 March 2009. One program related to this regulation is an exemption from fees. This program had been conducted by all *kecamatan* in Kabupaten Kubu Raya since April 2008. However, this exemption from fees program applies only if a person takes his/her family member's birth certificate to the *kecamatan* themselves. Some village officials initiated a collective assistance which requires a service fee.

At the time of research in Kabupaten Kubu Raya, there were no regional regulations concerning population and civil registries administration sector fees; they were still using the regulations from the main *kabupaten*, that is, Kabupaten Pontianak Regional Regulation No. 4/2006 on Changes to Kabupaten Pontianak Regional Regulation No. 3/2001 on Population and Civil Registries for Certificates Administration Sector Fees. This regional regulation

decreed that Indonesian citizens aged 0–18 years could organize a birth certificate free of charge. Indonesian citizens over 18 years of age who were the first or second child had to pay Rp10,000, while if they were the third child onward, they had to pay Rp15,000.

However, in practice, the fee to make a birth certificate for Indonesian citizens over 17 years of age was officially Rp17,000, but those making submissions were asked for Rp25,000. The official payment for Indonesian citizens aged 1–17 was Rp2,500, but they were asked for Rp5,000. For Indonesian citizens less than one year old, there was no fee. Many PEKKA members do not want to organize the birth certificate themselves because they are worried that they will have problems at the population and civil registries agency and will have to go back and forth to the agency many times, meaning an increased amount of money spent on transportation.

Based on conditions in the field, the Kabupaten Kubu Raya community's awareness of owning or arranging letters related to family law and civil status is still very low. This condition is influenced by the access to local government services before the formation of Kabupaten Kubu Raya when the community had to travel approximately 80 kilometers to arrange birth certificates. Conditions one year after the formation of the new *kabupaten* had not changed much, given that socialization about the formation of the new *kabupaten* and the community's access to local government services were not known by the surrounding community. Some respondents did not know that the Kubu Raya Population and Civil Registries Agency was separate from the population and civil registries agency in Mempawah and was located in the Kubu Raya *bupati*'s office in Kecamatan Sungai Raya.

#### 5.4 Birth Certificates in Kabupaten Flores Timur

In Kabupaten Flores Timur, of the 306 children of PEKKA respondents, 34% do not have birth certificates (Table 19). The reasons why children of PEKKA respondents did not have birth certificates included (i) the parents stating that they did not understand why a birth certificate was important for their children; (ii) they not knowing how to arrange a birth certificate; (iii) they not having a marriage book; (iv) they not having the funds to pay to organize the birth certificate; (v) and/or the local population and civil registries agency being far from their place of residence (see Appendix Table A8). As a result of not having a birth certificate, there are difficulties in enrolling these children in school and when they want to enrol their children, parents have to make an explanation document. Another problem is that these children cannot make a passport.

In obtaining a birth certificate of their children, PEKKA respondents generally received assistance from the village apparatus, a family member, a PEKKA member, or the school their children attended. The cost of arranging the birth certificates ranged from Rp1,000 to Rp50,000. Some respondents stated that they did not pay anything when organizing birth certificates for their children.

The type of marriage a couple undertakes, whether according to *adat*, religious, or state law, also has implications for the birth certificate of any children the couple have. Children of parents who had a Catholic marriage receive a baptism document. This document is the right of every child who has been baptized. However, if such a child needs to obtain a birth certificate from the population and civil registries agency in Larantuka, the requirements needed are evidence of the baptism or birth documents and a photocopy of the parents' marriage document from the church (Larantuka Diocese).

Children of parents who married according to state law have their birth certificates organized at the population and civil registries agency. The requirements to do so are a birth document and a marriage document or marriage certificate issued by the population and civil registries agency. If the parents do not have a marriage document, they can use a marriage document from the mosque's imam or a letter of blessing from the church.

If there is no marriage certificate and no marriage document from the imam or letter of blessing from the church, the birth certificate only includes the mother's name, not the father's name. Children born outside of wedlock also have only the mother's name written on the birth certificate.

There is no specific way to organize birth certificates for poor members of society, whether using a letter stating that they are poor (SKTM) or not. However, the population and civil registries agency provides a free service program which is not limited only to poor people but is actually for the whole community in the free service program region.



## VI. KEY FINDINGS AND STRATEGIC RESPONSES

This chapter summarizes the key findings and strategic response of the access and equity study and have been drafted collaboratively by the Poverty and Legal Access Survey research team.

The strategic response section is colour-coded to show those strategic actions that:

- are achievable, have high impact, and can realistically be undertaken in the short-term (in dark grey) and
- will require PEKKA to engage in advocacy with one or more agencies and may take longer to achieve (in light grey).

The strategic responses are based on findings and divided into two categories, short-term and medium-term strategic actions:

No.	Key Findings	Strategic Responses
1.	<p><b>The number of female-headed households in Indonesia is underestimated.</b></p> <p>In 2010, BPS estimated that there were 65 million households, 14%, or 9 million households, of which were headed by women. The BPS definition of the head of a household currently allows for two different people to be considered as the head of a household: (i) the person who is actually responsible for the daily needs of a household or (ii) the person who is considered the head of the household. This definition is confusing, as only one person can be named as the head of household through the BPS national survey process.</p> <p>It is therefore probable that there is an underestimation of the number of female-headed households in Indonesia. This has implications for policy planning and implementation for Indonesia's pro-poor poverty reduction programs that benefit female heads of household and their families.</p>	<p>PEKKA National Secretariat and SMERU are to work with BPS and Bappenas:</p> <ul style="list-style-type: none"> <li>• to change the BPS definition of head of household to be the "actual person who is responsible for the daily needs of a household" and remove reference to the "person who is considered/appointed the head of the household" and</li> <li>• to develop a more accurate estimate of the proportion of de facto female heads of household in Indonesia to ensure effective policy planning, using the new definition of a head of household.</li> </ul> <p>PEKKA is to work with government agencies and the parliament to advocate for:</p> <ul style="list-style-type: none"> <li>• the head of a household to be defined as the person who is responsible for the daily needs of a household and not by reference to cultural norms in relevant legislation (e.g., the Marriage Law) and</li> <li>• gender equality in household roles.</li> </ul>

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- 2. Fifty-five percent of the 601 PEKKA women interviewed live below the Indonesian poverty line.**
- Fourteen percent of the Indonesian population live below the Indonesian poverty line. More than half of the PEKKA members surveyed fall within this group. If an international poverty line of US\$2 PPP was applied to this group of women, 79% of the PEKKA members surveyed would fall under this international poverty line.
- PEKKA is to continue its livelihood programs with some of the poorest members of Indonesian society in order to raise income levels for female heads of household and the families they support.
- PEKKA National Secretariat is to raise the profile of households headed by women in the context of poverty reduction policy formulation through a dialog with relevant government agencies, e.g., Vice President's Office (Committee for Poverty Alleviation), Coordinating Ministry for Community Welfare (KESRA), and Ministry of Social Affairs (KemenSos).
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- 3. One-third of those female heads of household who live below the Indonesian poverty line are unable to access cash transfer schemes.**
- While most PEKKA members living below the Indonesian poverty line were able to access Raskin, the Unconditional Cash Transfer (BLT) funds transferred in 2005 and 2008 were more difficult for PEKKA members to obtain.
- PEKKA groups across the country should attend the *kabupaten*-level Jamkesmas meetings to raise the visibility of PEKKA female heads of household so that these women are considered when scarce resources are allocated. Similar strategies should be adopted for advancing a more gender-equitable allocation of cash transfers to PEKKA female heads of households.
- PEKKA groups across the country will provide information to PEKKA members on how to access BLT and Jamkesmas.
- The PEKKA National Secretariat will work with government agencies responsible for the implementation of poverty reduction programs to ensure that guidelines for the distribution of government cash transfer schemes or Jamkesmas or other poverty reduction programs will (i) require village officials to report on the proportion of poor female-headed households that were recipients of these benefits and (ii) specify that village meetings need to be scheduled at times that allow women to attend and encourage women's participation at these meetings.<sup>27</sup>
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- 4. One-third of female heads of household living below the Indonesian poverty line were unable to access the free medical treatment program (Jamkesmas).**
- This percentage increased to 48% in West Kalimantan for those PEKKA members living under the Indonesian poverty line.
- The strategic response is the same as for key finding no. 3.
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- 5. Three out of every ten PEKKA members surveyed were married under the age of 16, the legal age of marriage.**
- On average, 27% of PEKKA members were married under the age of 16, which is below the legal age of marriage in Indonesia. The number increased to 49% in West Java.
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<sup>27</sup>In Aceh, the majority of village meetings take place after 6 p.m., while village traditions do not allow women to leave home at this time.

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PEKKA groups across the country will work with the KUA and population and civil registries agencies to raise awareness in the community of:

- the importance of a legal marriage,
- the fact that it is illegal to marry a girl under the age of 16, and
- the provisions of the Child Protection Law of 2002 protecting girls and boys under the age of 18.

The PEKKA National Secretariat will engage in a dialog with the Ministry of Education to facilitate girls being able to continue their education regardless of their marital status or becoming pregnant.

The PEKKA National Secretariat will conduct an advocacy program:

- to increase the legal age of marriage for girls to 18,
- to raise awareness of the importance of girls receiving a birth certificate as a way of evidencing their age when registering their marriage,
- to raise awareness that the national mandatory requirement of nine years of education will be denied to girls if they marry underage, and
- to raise awareness at the village level of the importance of girls completing their education before marrying, as schools generally do not permit girls to continue their education once they are married.

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**6. Less than 50% of PEKKA members surveyed have a legal marriage.**

PEKKA groups across the country will:

- work with religious leaders and institutions to emphasize to women and men at the time of their marriage that Indonesian law requires a religious marriage to be registered at the KUA or population and civil registries agency within 60 days;
- raise awareness at the community level of the importance of legal marriage as a prerequisite for having both parents' names on the birth certificates of children of the marriage;
- raise awareness of the responsibility of both husbands and wives to obtain the marriage certificate and keep their own copies;
- raise awareness in the community of the court processes for:
  - retrospectively legalizing a marriage (*isbat nikah*),
  - obtaining evidence of marriage when the original documents have been lost, and
  - the ability for the poor to apply to have these court cases heard on a *prodeo* basis; and
- work with the KUA and population and civil registries agencies to publicize to PEKKA members when they will be holding mobile clinics and what services will be provided to the community, which is particularly beneficial for the poor as they can receive information and process marriage and birth certificates without incurring the cost of travelling to the *kabupaten* or *kecamatan* capital.

<p><b>7. A central principle of justice is that it must be universally accessible. Unfortunately, the poorest sections of Indonesian society face significant barriers in bringing their family law cases to the courts. Nine out of ten PEKKA heads of household surveyed were unable to access the courts for their divorce cases. For the poor, court fees and the cost of transportation to the nearest court are perceived as overwhelming barriers to accessing the courts. Information and support for disadvantaged groups to navigate their way through court processes are also important, especially when combined with low levels of literacy. However, as demonstrated through the collaboration of PEKKA and the religious courts, the information barrier for disadvantaged groups can be overcome through the work of court information desks and collaboration with NGOs.</b></p> <p>Fourteen percent of Indonesian people live under the Indonesian poverty line.</p> <p>The average total cost of a religious court case for survey respondents was Rp789,666, almost four times the monthly per capita income of a person living on or below the Indonesian poverty line.</p> <p>The average total cost of a general court divorce case in 2008 was Rp2,050,000 where the party did not use a lawyer, approximately ten times the monthly per capita income of a person living on or below the Indonesian poverty line.</p> <p>These costs prevent the poor from being able to bring their family law cases to the courts according to the requirements of Indonesian law.</p>	<p>PEKKA will work with general and religious courts to:</p> <ul style="list-style-type: none"> <li>• continue to assist PEKKA members and other disadvantaged community members to register their family law cases at a circuit court,</li> <li>• increase awareness in the community of the courts' ability to waive court fees in cases of poverty and to provide circuit courts,</li> <li>• develop "how to" guides on how to register divorce, marriage legalization, and birth certificate cases with the court and apply for a <i>prodeo</i>, and</li> <li>• provide data on the number of PEKKA members seeking to bring family law cases (to the court) across the country and requiring <i>prodeo</i> assistance and/or seeking their case to be heard in a circuit court and to facilitate these cases.</li> </ul> <p>PEKKA recommends that MA consider publishing in its annual report the number of cases in which the court fees are waived and the number of cases heard on a circuit court in order to demonstrate its commitment to access to justice for women, the poor, or those living in remote areas.</p> <p>PEKKA will seek approval from MA for paralegal staff to be allowed to assist justice seekers by providing support in the court room. This is necessary as a lack of education, information, and confidence often deter poor women from bringing divorce cases to court.</p>
<p><b>8. Eighty-eight percent of PEKKA female heads of household living under the Indonesian poverty line would be more motivated to obtain a legal divorce if the court fees were waived.</b></p> <p>The <i>prodeo</i> will greatly assist those living under the Indonesian poverty line, as well as other poor clients of the Indonesian courts, who often go into debt or use several months of household income to bring a divorce case to the courts.</p>	<p>The strategic response is the same as that for key finding no. 7.</p>
<p><b>9. High transportation costs are a barrier to accessing the court, especially for the rural poor who live great distances from the courts.</b></p> <p>The costs of transportation to a court vary significantly depending upon where a party lives in relation to the court. The greater the distance to the court, the greater the transportation costs for the party.</p>	<p>The strategic response is the same as that for key finding no. 7.</p>

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The average cost of transport for an urban member to attend court was Rp25,000 per round trip, while a rural PEKKA member faced an average cost of Rp92,000 per round trip to the court, representing almost half the monthly income of a household living under the Indonesian poverty line.

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**10. Eighty-nine percent of PEKKA women would be more motivated to obtain a legal divorce if a circuit court was held in a nearby town.**

The strategic response is the same as that for key finding no. 7.

For the rural poor, the costs of transportation are a significant proportion of the overall cost of bringing a case to court. Transportation costs represent up to, or more than, 70% of the total cost of bringing a case to court. Bringing the court to the party would significantly reduce the costs of bringing a case to court and increase access to justice for the poor living in rural and remote areas.

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**11. Overestimation of the down payment made to courts for divorce cases is a disincentive to justice seekers bringing their cases to court, particularly the poor.**

On average, those clients in the six religious courts surveyed made a down payment of 24% more than what is required for the final cost of the case. This increased to 79%, on average, for clients in the six general courts surveyed.

The higher the down payment required, the less likely the poor will be able to bring their family law cases to court.

PEKKA groups across the country will work with general and religious courts to ensure that signs are clearly visible in the court's waiting area advising court clients (i) the basis for calculating the court fee down payment, (ii) that they should receive a receipt for the initial down payment of court fees, and (iii) that any balance from the down payment will be returned to them at the end of the case.

If the court has a website, this information should also be made available on the website.

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**12. Reimbursement of the down payment made to courts is important for all clients, particularly the poor.**

Greater transparency of court fees and the down payments made to courts for divorce cases would assist in building public trust and confidence in the courts.

PEKKA groups across the country will educate their members that:

- they should receive a receipt for the initial down payment of court fees and
- any balance from the down payment will be returned to them at the end of the case.

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**13. Seventy-nine percent of PEKKA members who were able to access the courts were either satisfied or very satisfied with the service provided by the courts.**

The PEKKA National Secretariat will discuss with general and religious courts the areas identified by PEKKA members where they are less satisfied with the level of client service in terms of:

- financial transparency,
  - information on *prodeo* for the poor,
  - delays in their case and in receiving the court judgment, and
  - simplifying court forms.
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**14. In 78% of the 264 divorces, PEKKA members identified domestic violence as a factor.<sup>28</sup>**

PEKKA groups across the country will work with local and religious leaders to raise community awareness of:

- the Domestic Violence Law (Law No 23/2004),
- the fact that domestic violence is a criminal offence, and
- the impact of domestic violence on the development of infants and children.

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**15. Divorce through the courts provides legal certainty for women and the poor.**

PEKKA will continue its legal empowerment programs and extend these into other provinces.

Without a legal divorce, it is not possible to legally remarry. Children from subsequent marriages where there was no prior legal divorce will be unable to have their father's name on the birth certificate. This is a disincentive for many Indonesian women to obtain birth certificates for their children.

Judges and court staff of the Indonesian courts and PEKKA female heads of household living under the Indonesian poverty line agree that a formal divorce through the Indonesian courts clarifies legal responsibilities for the care and financial support of both former spouses and children of the marriage.

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**16. Nine out of ten court survey respondents did not consider the Indonesian legal requirement to bring divorce cases to court as the primary motivating factor for their case.**

The PEKKA National Secretariat will urge national government agencies to raise awareness at the village level of the importance of legal marriage and divorce for the husband, the wife, and the children of these marriages.

Only 11% of religious court and 8% of general court clients surveyed chose to use the courts because it is a requirement of the Indonesian law.

The Government of Indonesia's strategic plan to achieve birth registration for all Indonesian children will not meet its goal, unless the government also mounts an information campaign on the state's requirements concerning legal marriage and divorce to facilitate the choice of whether both parents' names are included on a child's birth certificate.

Of the 1,655 clients surveyed, 89% of religious court and 91% of general court clients registered their cases in court because other noncourt resolution mechanisms, such as family conciliation, had failed or because their partner had chosen to take the case to the court.

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**17. Fifty-six percent of the children of PEKKA women surveyed did not have a birth certificate. This percentage increased to 87% in Aceh.**

PEKKA National Secretariat will work with the Ministry of Home Affairs and MA to give effect to the Strategic Plan for the Universal Registration of Birth by 2011, in particular through the *prodeo* for:

- marriage legalization cases in the general and religious courts and
- birth certificate cases (general courts).

A cycle of nonlegal marriage and divorce exists for many PEKKA female heads of household living below the Indonesian poverty line. The failure to obtain legal documentation in relation to marriage and divorce is associated with the low rate of birth certificates for children. If parents are unable to bring their birth certificate cases to the general court, their child's basic human right

PEKKA will work with general and religious courts to:

- continue to assist PEKKA members and other disadvantaged community members to register their family law cases at a circuit court;

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<sup>28</sup>PEKKA women survey respondents were asked if violence (physical, psychological, economic, or sexual) against them and/or their children was a factor in the divorce.

to a legal identity, as well as access to a range of social services such as health and education, will be denied or diminished.

The Government of Indonesia has placed a high priority on every Indonesian child's birth being registered by 2011. The requirement of Law No. 23/2006 that parents bring a birth certificate matter to the general court if they do not obtain a birth certificate for their child within 1 year from its birth is a significant disincentive for the poor and those living far from the population and civil registries agency.

- raise awareness that the Indonesian courts can hear marriage legalization cases to provide a statement of marriage that can be used to obtain birth certificates for children;
- increase awareness in the community of the court's ability to waive court fees in cases of poverty and to provide circuit courts; and
- develop "how to" guides on how to register divorce, marriage legalization, and birth certificate cases with the court and apply for a *prodeo*.

PEKKA will work with the Department of Home Affairs to advocate in favour of a nonjudicial approach to obtaining birth certificates once the stipulated time for birth registration has elapsed following the birth of a child. The existing requirement in Law No. 23/2006 for a birth certificate matter to be brought to the general court should be reconsidered to see if a nonjudicial approach can be found, for this is a significant barrier to the poor and those living far from the population and civil registries agency in obtaining birth certificates for their children.

**18. Of the 601 PEKKA members surveyed, 24% never went to school and 34% did not complete primary school.**

Forty-two percent of PEKKA members completed primary school compared to the national average of 72%. Fourteen percent of PEKKA members completed junior high school compared to the national average of 41% (BPS, 2007).

Twenty-seven percent of PEKKA members surveyed were married under the legal age of 16. Underage marriage, in most cases, prevents girls from completing the compulsory nine years of education as schools generally do not permit girls to continue their education once they are married.

The PEKKA National Secretariat should continue to work with the Indonesian Government to support opportunities for educational equivalency programs (Packet A, B, and C) to be undertaken by PEKKA members for their own benefit and to support their children's educational outcomes. PEKKA will advocate that the costs of undertaking the educational equivalency programs (Packet A, B and C) should be waived for people living under the poverty line.

**19. The educational attainment of dependants of PEKKA women fall well below national standards:**

- 28% of PEKKA dependants never attended school compared with the national average of 8%,
- 63% of PEKKA dependants finished primary school compared with the national average of 72%,
- 34% of PEKKA dependants finished junior high school compared with the national average of 41%, and
- 11% of PEKKA dependants finished senior high school compared with the national average of 23%.

PEKKA groups across the country will:

- approach teachers and school committees to obtain scholarships for the children of the poor;
- approach Education Departments to provide free books in schools (in areas where there is no or poor Internet connection, the Education Department should provide free hard copy books to schools as it is not possible to access the e-books in these regions);
- work with provincial and local government education departments to obtain free transportation<sup>29</sup> (this is especially important for senior high school students, as for the NTT PEKKA members; transportation costs

<p><b>20. Whether a child is able to complete the compulsory nine years of education appears to be strongly linked to whether a child has a birth certificate.</b></p> <p>For the dependants aged 10–19 of PEKKA members surveyed in West Java, West Kalimantan, and East Nusa Tenggara, 78% are still at school. Of these dependants who are still at school, 70% have birth certificates.</p>	<p>account for 40% of the total cost of educating a junior high school student in West Java; and 30% of the annual cost of educating a senior high school student in West Kalimantan);</p> <ul style="list-style-type: none"> <li>• raise awareness that the Indonesian courts can hear marriage legalization cases to provide a statement of marriage that can be used to obtain birth certificates for children;</li> </ul>
	<ul style="list-style-type: none"> <li>• continue to establish community education centers that are able to provide a wide range of books and IT resources to both children and adults in the formal and informal education systems: <ul style="list-style-type: none"> <li>- These centers provide a focal point for learning after school hours and mentoring from community leaders and members with higher levels of education; and</li> <li>- For students whose parents have low educational levels, the community education centers would also provide educational support and a venue for seeking advice on homework, school projects, and examination revision;</li> </ul> </li> <li>• conduct an advocacy campaign with the Ministry of Education to engage with provincial and local government education departments on the cost of multiple school uniforms (3–4 different uniforms required) and the impact of this policy, especially on the poor.</li> </ul>
<p><b>21. The cost of educating one child represents a significant proportion of a PEKKA member's average annual per capita income.</b></p> <ul style="list-style-type: none"> <li>• Educating one primary school child at a state school takes 51% of the PEKKA member's annual per capita income.</li> <li>• Educating one junior high school child at a state school takes 140% of the PEKKA member's annual per capita income.</li> <li>• Educating one senior high school child at a state school takes 178% of a PEKKA member's annual per capita income.</li> </ul> <p>These figures demonstrate that the total costs of educating a child at junior and senior high schools exceed the average per capita income in a PEKKA household that would notionally be allocated to meet the day-to-day needs of that child. For children of female heads of household, the completion of the compulsory nine years of education is far from a reality.</p>	<p>The strategic response is the same as that for key finding numbers 19 and 20.</p>
<p><b>22. PEKKA members will educate their sons over their daughters by a factor of 3:1 if forced to make a choice because of household income constraints.</b></p>	<p>PEKKA groups across the country will work to raise the awareness of PEKKA members of:</p> <ul style="list-style-type: none"> <li>• the importance of education for girls as well as boys, and</li> <li>• the fact that girls of PEKKA members should not marry under the legal age of 16 years so</li> </ul>



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that they may complete the compulsory nine years of education.

The PEKKA National Secretariat will encourage government and international donor programs to support community education centers and multiyear scholarship programs for girls that cover the total cost of educating a student.

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## APPENDICES

**Table A1. BPS Poverty Line, March 2008–March 2009**

Area/Year	Poverty Line (Rp/capita/month)			Numbers of Poor Population (million)	Percentage of Poor Population (%)
	Food	Nonfood	Total		
Urban					
March 2008	143,897	60,999	204,896	12.77	11.65
March 2009	155,909	66,214	222,123	11.91	10.72
Rural					
March 2008	127,207	34,624	161,831	22.19	18.93
March 2009	139,331	40,503	179,835	20.62	17.35
Urban + Rural					
March 2008	135,270	47,366	182,636	34.96	15.42
March 2009	147,339	52,923	200,262	32.53	14.15

**Table A2. Dependants of PEKKA Members**

Number of Dependants	Pidie			Karawang			Kubu Raya			Flores Timur		
	0	1	Total	0	1	Total	0	1	Total	0	1	Total
1	4	0	4	1	0	1	10	2	12	13	1	14
2	29	7	36	18	6	24	20	26	46	17	9	26
3	26	17	43	22	10	32	16	20	36	21	21	42
4	12	17	29	13	13	26	5	28	33	8	27	35
5	10	19	29	4	12	16	2	10	12	7	19	26
6	4	12	16	1	9	10	2	8	10	1	9	10
7	0	4	4	1	3	4	1	4	5	1	8	9
8	0	2	2	0	1	1	0	0	0	0	2	2
9	0	0	0	0	1	1	0	1	1	0	3	3
10	0	1	1	0	0	0	0	0	0	0	0	0
Total	85	79	164	60	55	115	56	99	155	68	99	167

Note: 0 = above poverty line, 1 = below poverty line.

**Table A3. Marriage Frequency of PEKKA Members**

Number of Marriages	Pidie		Karawang		Kubu Raya		Flores Timur		Total	
	N	%	N	%	N	%	N	%	N	%
0	1	1%	-	-	-	-	17	10%	18	3%
1	141	86%	47	41%	123	79%	139	83%	450	75%
2	18	11%	38	33%	25	16%	11	7%	92	15%
3	3	2%	19	17%	6	4%	-	-	28	5%
4	1	1%	4	3%	1	1%	-	-	6	1%
5	-	-	4	3%	-	-	-	-	4	1%
6	-	-	1	1%	-	-	-	-	1	0%
7	-	-	2	2%	-	-	-	-	2	0%
<b>Total</b>	<b>164</b>	<b>100%</b>	<b>115</b>	<b>100%</b>	<b>155</b>	<b>100%</b>	<b>167</b>	<b>100%</b>	<b>601</b>	<b>100%</b>

**Table A4. Couples Having a Marriage Certificate and the Awareness of the Cost of a Marriage Certificate**

	Pidie	Karawang	Kubu Raya	Flores Timur	Total
Couples having a marriage certificate	96	81	139	59	375
Couples unaware of the cost of the marriage certificate service	68	25	85	11	189
	71%	31%	61%	19%	

**Table A5. Reasons for Not Having a Marriage Book**

Reasons	Pidie	Karawang	Kubu Raya	Flores Timur	Total
Not having money	0	33	4	3	40
Not understanding how to obtain a certificate	6	52	20	7	85
Not aware of the importance of a marriage book	55	35	6	21	117
Leaving it to the husband/family	20	27	14	2	63
Not fulfilling administrative requirement	1	1	9	15	26
Unfavorable conditions	2	0	0	0	2
Marriage by <i>adat</i>	1	2	1	50	54
Not responding	2	5	2	3	12
Not knowing	7	0	0	1	8
<b>Total</b>	<b>94</b>	<b>155</b>	<b>56</b>	<b>102</b>	<b>407</b>

**Table A6. Average Distance to Court, Transportation Cost, and Travel Time to Court for PEKKA Members Accessing the General and Religious Courts**

	Average for four studies	Pidie	Karawang	Kubu Raya	Flores Timur
Distance to court (km)	49	15	11	111	52
Transportation cost to court (Rp)	61,306	32,000	17,104	82,810	100,566
Travel time to court (minutes)	129	58	40	190	203

**Table A7. The Number of Divorces Experienced by PEKKA Member Respondents of Kabupaten Pidie, Karawang, Kubu Raya, and Flores Timur, 2009**

Number of Divorces	Pidie		Karawang		Kubu Raya		Flores Timur	
	N	%	N	%	N	%	N	%
0	125	76	36	31	110	71	156	93
1	34	21	37	32	34	22	10	6
2	4	2	21	18	9	6	1	1
3	1	1	13	11	2	1	-	-
4	-	-	4	3	-	-	-	-
5	-	-	2	2	-	-	-	-
6	-	-	1	1	-	-	-	-
7	-	-	1	1	-	-	-	-
Total	164	100	115	100	155	100	167	100

**Table A8. Reasons for Not Having a Birth Certificate**

Reasons	Pidie	Karawang	Kubu Raya	Flores Timur	Total
Not having a marriage book	7	26	7	4	44
Not having money	20	20	44	3	87
Long distance to the population and civil registries agency	10	0	0	3	13
Not knowing the process	9	3	3	17	32
Not knowing the importance	314	4	62	58	438
Complicated process	0	0	3	4	7
Not having the time	1	31	1	14	47
No education	3	0	0	0	3
In the process	0	3	0	0	3
Not having assistance	2	3	4	1	10
Total	366	90	124	104	684

**Table A9. Number of Birth Certificates Issued by the Kabupaten Karawang  
Population and Civil Registries Agency**

Month	2006	2007	2008
January	1,187	2,381	5,400
February	1,307	2,152	5,717
March	1,579	2,865	5,416
April	2,870	3,101	12,183
May	3,971	4,923	13,566
June	4,354	5,198	17,008
July	3,192	5,151	17,757
August	1,897	4,278	6,250
September	1,921	3,175	3,716
October	1,197	1,927	3,811
November	2,085	7,570	4,495
December	1,826	4,722	3,949