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The Income Tax of Breadwinner Wives in Indonesia: Law and Economics Approach

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Abstract

The inequality of employment opportunities between women and men in Indonesia is quite worrying: the low employment of women, the low income of women, the minimum number of women who reach the top of their careers, and the majority of women are positioned as housekeepers. Inequality attracts the issue of income tax of breadwinner wives. The income tax regulations already accommodate equality between men and women, but various groups including the Indonesia Minister of Finance consider this regulation to be insufficient. This article analyzes imposition of income tax on women in relation to the discrepancies of breadwinner roles between women and men. This article applies a law and economics approach, focusing on the importance of efficiency in order to maintain gender-neutral equality. The result, is that the approach in the context of income tax is applicable in Indonesia by introducing the concept of imputed income based on provincial minimum wage, and by applying lower tax income rate for breadwinner wives. The introduction of imputed income based on provincial minimum wage requires regulatory support from the national social security system in order to include non-wage workers. This article concludes that the key to solving inequality problem in income tax regulation is the parity in price or value between husbands and wives, either in the role of homemaker or breadwinner. As suggestion, imputed income must be complemented with the imposition of lower rates on the income of working wives, as the roles of husbands as breadwinner and wives as breadwinner are in close substitution. Consequently, the bargaining power of wives for the role of breadwinners is stronger.

Keywords: Income tax for breadwinner wives; Law and economics; Efficiency.

Introduction

Since ancient times, patriarchal society has been ingrained in Indonesia.¹

¹ Heriyanto Heriyanto, 'Patriarchal Culture, Theology and State Hegemony in Issues of Gender Equality in Indonesian Politics', *Proceedings of the International Conference Social - Humanities in Maritime and Border Area (SHIMBA 2023)* (Atlantis Press SARL 2023) <http://dx.doi.org/10.2991/978-2-38476-150-0_3>.

Patriarchy wants men to be breadwinners, and women to be homemakers.² Because of this culture, when women work, it is presumed that they are only “additional” wage earners.³ As a result, inequality arises between women and men.⁴ It is evident in the low percentage of women in the workforce compared to men, which is 51% for women and 82% for men; lower income of women compared to men, which is as much as 23% lower for the same positions or roles; and also the fact that the responsibilities of a homemaker, especially child care, are mostly entrusted to women, while men are positioned as the breadwinner of the family.⁵ This inequality requires paying attention to the issue on income tax of breadwinner wives.

According to the Republic of Indonesia’s Minister of Finance, men and women are still treated with inequality when it comes to income taxes.⁶ The Finance Minister also clarified that a wife’s circumstances are more sensitive to tax rates than her husband.⁷ There are three issues in the disparity between income taxes paid by men and women: the tendency for gender bias in family-based taxation units, the lack of tax incentives for women breadwinners, and the tax burden of higher rates of goods/services consumed by women.⁸ Due to the fact that breadwinner wives pay more income taxes than their husbands, family unit-based taxation is actually similar to discrimination.⁹

² Widi Tri Pramesti Ningrum and Siti Mas’udah, ‘Family Conflicts and the Violence of Unemployed Husbands against Their Wives Acting as the Main Breadwinner’ (2021) 16 *Jurnal Sosiologi Dialektika* 76 <<https://e-journal.unair.ac.id/DIALEKTIKA/article/view/22071>>.

³ Seema Jayachandran, ‘Social Norms As a Barrier To Women’s Employment’, vol 69 (2021) 27449 <https://www.nber.org/system/files/working_papers/w27449/w27449.pdf>.

⁴ Muflich Nurhadi, ‘Perubahan Peran Ibu Rumah Tangga Pengaruhnya Terhadap Harmonisasi Rumah Tangga’ (2009) 21 *Jurnal Sosiologi Dilema*. [42].

⁵ Statistics Indonesia and the Ministry of Women Empowerment and Child Protection, ‘Profil Perempuan Indonesia 2019’, *Profil Perempuan Indonesia, 2019* <https://www.kemenpppa.go.id/lib/uploads/list/b4bdc-profil-perempuan-indonesial-_2019.pdf>.

⁶ Lynda Hasibuan, ‘Sri Mulyani Bicara Perlakuan Pajak Kepada Perempuan & Lelaki’ (*CNBC Indonesia*, 2021) 2021 <<https://www.cnbcindonesia.com/news/20210421194926-4-239750/sri-mulyani-bicara-perlakuan-pajak-kepada-perempuan-lelaki>>.

⁷ *ibid.*

⁸ Nora Galuh Candra Asmarani, ‘Soal Peran Perempuan Dalam Sistem Pajak Indonesia’ 2024 <https://news.ddtc.co.id/soal-peran-perempuan-dalam-sistem-pajak-indonesia-ini-kata-praktisi-29331?page_y=0%0AJAKARTA>.

⁹ Arie Widodo and Prima Sari Ardana, ‘Women Tax Care: Kebijakan, Penerapan, Potensi, Dan Hambatan’ (2020) 3 *Jurnal Administrasi Bisnis Terapan* <<https://scholarhub.ui.ac.id/cgi/view-content.cgi?article=1009&context=jabt>>.

At first glance, equal treatment of the tax rights and responsibilities of women as breadwinners compared to their male counterparts have been accommodated through Article 8 paragraphs (1) and (2) of Law No. 7/1983 concerning Income Tax as amended by Law No. 7/2021, in conjunction with Article 2 paragraph (1) of Law No. 6/1983 concerning General Provisions and Tax Procedures as amended by Law No. 7/2021. Article 8 paragraph (1) of Law No. 7/1983 concerning Income Tax as amended by Law No. 7/2021 stipulates a system of income tax imposition based on family unit, meaning that the overall income of a family is subject to income tax and that such income tax shall be paid by the family head. Taxation based on individual unit only applies if the wife is also a breadwinner with her income already deducted with income tax, on the condition that her income is given by one employer and is not related to any business or occupation of any other family members. Meanwhile, Article 8 paragraph (2) of Law No. 7/1983 concerning Income Tax as amended by Law No. 7/2021 regulates separate imposition of income tax for husband and wife, if it is desired by the couple on the basis of an agreement of property division, or if such separation is desired by the wife so that she can perform her taxation rights and responsibilities separately.

The paragraph explain the models of tax calculation and reporting as; [1] joint filing for a family unit, where tax calculation and reporting are performed by the family head; [2] income splitting for separated husband and wife as ordered by court decision, in which each party calculates and reports his/her own tax individually; and [3] partial income splitting that applies to a couple who has an agreement of property division, or if the wife prefers to perform her taxation rights and responsibilities separately, where the calculation is made by totaling the amount of income of the married couple and then the income tax will be calculated proportionally. The paragraph serves as the basis for working married women to fight for their income tax rights and responsibilities. It is also in line with Article 2 paragraph (1) of Law No. 6/1983 concerning General Provisions and Tax Procedures as amended by Law No. 7/2021 that provides opportunity for married women to have their own taxpayer identification numbers, separated from those of their husbands.

The question is, then, why does the imposition of income tax for women, which has included individual unit as well as family unit, not necessarily narrow the gap between women and men in the workforce? Is it because the individual unit system with income splitting is not enough to encourage women to be breadwinners? Is the family unit system with joint filling, which puts women as the second breadwinner or the homemaker, actually a better option for the family welfare?.

Numerous scholars have published works emphasizing the value of considering women's situation. For example, Sudiono's article shows the inequality of economic structure and social structure as the cause of the decline in the position of women in facing the impact of Covid-19.¹⁰ In order to solve this problem, the article recommends feminist legal theory to reconstruct and provide legal justice for women.¹¹ Next, Riwanto et al.'s article, which highlights reforms in empowering MSMEs (Micro, Small, and Medium Enterprises),¹² explains that "fair and decent treatment in employment relations" became an argument for submitting a judicial review of the Job Creation Law to the Constitutional Court.¹³ This argument is based on the situation of the struggle of women breadwinners in Indonesia.¹⁴ Lastly, Roy describes how elderly women are made to live and lead their lives under the authority of men while also being the targets of gender discrimination.¹⁵ The essay criticizes the lack of attention that various international mechanisms have given to this situation and expresses optimism that the United Nation will raise public awareness of the need for elderly women to be treated fairly.¹⁶

¹⁰ Linda Sudiono, 'The Vulnerability of Women in Dealing with Covid-19 Pandemic: Feminist Legal Theory Approach' (2021) 7 *Hasanuddin Law Review*. [241]. <<http://pasca.unhas.ac.id/ojs/index.php/halrev/article/view/2350>>.

¹¹ *ibid.*

¹² Agus Riwanto, Sukarni Suryaningsih and Delasari Krisda Putri, 'Reform and Breakthrough in Business Regulations for Empowering MSMEs in Indonesia and the Netherlands' (2023) 3 *Journal of Human Rights, Culture and Legal System*. [513] <<https://jhcls.org/index.php/JHCLS/article/view/109>>.

¹³ *ibid.*

¹⁴ *ibid.*

¹⁵ Subir Kumar Roy, 'Vulnerability of Elderly Women: Victim of Gender Discrimination' (2017) 3 *Hasanuddin Law Review*. [1]. <<http://pasca.unhas.ac.id/ojs/index.php/halrev/article/view/560>>.

¹⁶ *ibid.*

This article uses the same concerns as the three publications mentioned above, but within the scope of income tax for breadwinner wives. This article assumes that when the income tax does not promote equality between husbands and wives, there should be an investigation on the characteristics of the breadwinner market and the homemaker market.¹⁷ Market characteristics should be able to explain the background of putting women as subordinates to men.¹⁸ The explanation serves as the basis for an efficient income taxation for women,¹⁹ which is a budgetary measure using taxation to pay attention to the situation of women.²⁰ The main idea is that income tax should not disincentivize women to earn income.²¹

With those issues in mind, this article attempts to analyze the income taxation on women using a law and economics approach. Law and economics is the branch of law that employ of economic theories to investigate and establish ideal laws.²² Law and economics considers efficiency as the ultimate goal of law, and this is in agreement with the goal of tax regulation according to Article 1 number 1 of Law No. 6/1983 concerning General Provisions and Tax Procedures as amended by Law No. 7/2021.²³ This article uses the approach of law and economics to analyze problems related to regulations of income taxation for breadwinner wives, in terms of the gap between the number of women and men in the workforce.²⁴ After the introduction, this article will discuss the support of tax efficiency for women. The sub-chapters

¹⁷Alexander Klemm and others, 'Gendered Taxes: The Interaction of Tax Policy with Gender Equality' (2022) 2022 IMF Working Papers.[1].

¹⁸Jose Ignacio Gimenez-Nadal and Jose Alberto Molina, 'The Gender Gap in Time Allocation' [2022] IZA World of Labor.[15185].

¹⁹Fatih Guvenen and others, 'Use It or Lose It : Efficiency and Redistributive Effects of Wealth Taxation' (2023) 138 The Quarterly Journal of Economics.[835].

²⁰Enrico Rubolino, 'Taxing the Gender Gap: Labor Market Effects of a Payroll Tax Cut for Women in Italy' (2022) <<https://www.cesifo.org/en/wp>>.

²¹Timm Betz, David Fortunato and Diana Z O'Brien, 'Women's Descriptive Representation and Gendered Import Tax Discrimination' (2021) 115 American Political Science Review.[307].

²²Hans-Bernd Schafer and Claus Ott, *The Economic Analysis of Civil Law (Second Edition)* (Edward Elgar Publishing 2022).

²³Musab Kurnaz, 'Optimal Taxation of Families: Mirrlees Meets Becker' (2021) 131 The Economic Journal.[2984].

²⁴Sulistyowati Irianto and others, *Seri Unsur-Unsur Penyusun Bangunan Negara Hukum: Kajian Sosio-Legal* (Adriaan W Bedner and others eds, Pustaka Larasan 2012) <<http://ikuswahyono.lecture.ub.ac.id/files/2015/10/bbrl-socio-legal-studies-final.pdf>>.

of this article explain the importance of cross-demand elasticity to support income taxation for women. The cross-demand elasticity reveals the price that, in turn, will lead families to designate wives as breadwinners or homemakers.

Further, this article will apply a price approach by describing input market and output market in households. It will elaborate the inadequacy of individual unit and income splitting in promoting income tax equality. In addition, this article will explain requirements to allow such taxation basis to promote income tax equality between breadwinner and homemaker roles, either taken by a husband or a wife. Finally, this article will discuss matters that may serve as lessons for Indonesia in determining the effective income taxation that empowers women.

Basis of Efficient Taxation for Women

Proper taxation should meet the four principles of [1] equity, in terms of vertical equity focusing on sharing of higher tax burden for wealthier individuals as explained in the benefit principle²⁵ and ability to pay concept,²⁶ and horizontal equity, in terms of equal treatment for all individuals;²⁷ [2] precise tax definition;²⁸ [3] non-coercive tax collection methods²⁹ and [4] low cost,³⁰ in terms of administration fees or the effect on the economy.³¹

²⁵ Hans Gribnau and Jane Frecknall Hughes, 'The Enlightenment and Influence of Social Contract Theory on Taxation' in Robert F van Brederode (ed), *Political Philosophy and Taxation* (2021).

²⁶ Suparna Wijaya and Diva Arumningtias, 'Preventing The Potential Tax Avoidance in Government Regulation Of The Republic Of Indonesia Number 23 Of 2018' (2021) 7 *Multicultural Education*. [28].

²⁷ Víctor Mauricio Castañeda, 'Tax Equity and Its Association with Fiscal Morale' (2021) 24 *International Public Management Journal* 710 <<https://doi.org/10.1080/10967494.2019.1671926>>.

²⁸ Alexander V. Demin, 'Certainty and Uncertainty in Tax Law: Do Opposites Attract?' (2020) 9 *Laws*. [30].

²⁹ Patience Njina Soneka and Jackson Phiri, 'A Model for Improving E-Tax Systems Adoption in Rural Zambia Based on the TAM Model' (2019) 07 *Open Journal of Business and Management*. [908].

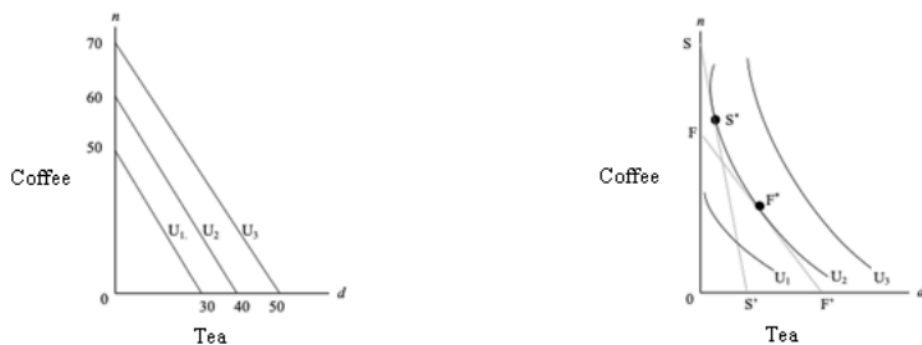
³⁰ Mark Bradshaw, Guanmin Liao and Mark (Shuai) Ma, 'Agency Costs and Tax Planning When the Government Is a Major Shareholder' (2019) 67 *Journal of Accounting and Economics*. [255] <<https://doi.org/10.1016/j.jacceco.2018.10.002>>

³¹ Pasquale Pistone and others, *Fundamentals of Taxation: Introduction to Tax Policy. Tax Law and Tax Administration* (IBFD 2019).

Tax efficiency discusses the trade-off between equity and low cost.³² Equity refers to the inevitability of tax existence, which is a method employed by the state to protect the rights of its citizens by providing public services.³³ Costs refer to the reality that tax causes a deadweight loss as resources are transferred from individuals to the state.³⁴

The trade-off between equity and low cost culminates in changes of individual behavior, pre- and post- tax.³⁵ An efficient taxation does not cause any alteration in both pre- and post-tax behavior.³⁶ The most important requirement to avoid changes in pre- and post-tax behavior is paying attention to cross-demand elasticity.³⁷ Cross-demand elasticity³⁸ is described in the following illustrations. We will take two commodities, namely coffee, which is priced at Rp50,000/kg and tea, priced at Rp40,000/kg. Changes in the prices of the two commodities will guide the consumer behavior.

Figure 1. Substitution³⁹



Panel (a). Perfect substitution

Panel (b). Close substitution

³² Nathaniel Hendren, 'Measuring Economic Efficiency Using Inverse-Optimum Weights' (2020) 187 *Journal of Public Economics* 104198 <<https://doi.org/10.1016/j.jpubeco.2020.104198>>.

³³ Pistone and others (n 31).

³⁴ Ronald C Fisher, *State and Local Public Finance* (Fifth, Routledge 2023).

³⁵ Osama M El-Sayed and Lisa M Powell, 'The Impact of the Oakland Sugar-Sweetened Beverage Tax on Price Promotions of Sugar-Sweetened and Alternative Beverages' (2023) 18 *PLoS ONE* 1 <<http://dx.doi.org/10.1371/journal.pone.0285956>>.

³⁶ Fisher (n 34).

³⁷ Richard Posner, *Economics Analysis of Law* (Ninth, Wolters Kluwer Law & Business 2014).

³⁸ Jutta Roosen, Matthias Staudigel and Sebastian Rahbauer, 'Demand Elasticities for Fresh Meat and Welfare Effects of Meat Taxes in Germany' (2022) 106 *Food Policy* 102194 <<https://doi.org/10.1016/j.foodpol.2021.102194>>.

³⁹ *ibid.*

Figure 1 shows when the changes in price ratio for either tea P_d or coffee P_n is followed by changes in the consumer behavior, where they buy cheaper products, and hence, changing the slope to satisfy their preferences ($U_1 \dots U_2 \dots U_3$), tea and coffee are considered to be in perfect substitution, as depicted in panel (a). Perfect substitution results in high or stiff cross-demand elasticity, where changes in coffee price are directly followed by extreme alteration of the consumer behavior toward tea consumption.

When the changes in price are followed by changes in consumer behavior from SS' to FF' , where they change the consumption ratio from S^* to F^* in order to satisfy their preferences ($U_1 \dots U_2 \dots U_3$), tea and coffee are said to be in close substitution, as depicted in panel (b). Close substitution results in low or flexible cross-demand elasticity, where changes in coffee price are not followed by changes. moderate or otherwise, in consumer behavior toward tea consumption. In this illustration, assume that changes in coffee price are due to tax of for example, 10% per kg, while the tea price is not subject to tax. For the case in panel (a), consumers shift their preference to tea at an extreme level. Meanwhile, for the case in panel (b), consumers do not shift their preference to tea or even if they do, it is only at a moderate level.

Efficient taxation suggests low and even rates for perfect substitutes as for the case in panel (a), and high rates for close substitutes as for the case in panel (b). The argument for such policy is simple; low and even rates in panel (a) will not change consumer behavior, as both coffee and tea are subject to taxation with the same tax rate. Meanwhile, a higher rate in panel (b) imposed on coffee does not change or only slightly changes consumer behavior in relation to tea consumption.

This illustration and description show that the efficient taxation is the result of price⁴⁰ survey because price level is correlated to supply-demand⁴¹ as a natural property of products or commodities. Prices provide a guidance to figure out the

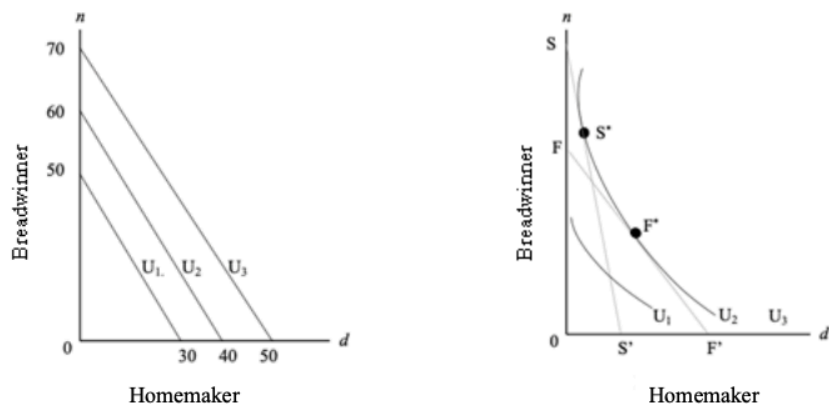
⁴⁰ E Glen Weyl, 'Price Theory' (2019) 57 Journal of Economic Literature 329.

⁴¹ Emmanuel Farhi and Xavier Gabaix, 'Optimal Taxation with Behavioral Agents' (2020) 110 American Economic Review 298.

position of resources that are in high demand, and individuals will be incentivized to follow the guide. On the other side, prices work based on product distribution function. This means that a component of price (production cost) works based on the function of setting standards and production management.

In the meantime, for the case of income tax for women, price survey will reveal the supply-demand position in reference to the production cost of breadwinner and production cost of homemaker.⁴² Both breadwinners and homemakers are basically commodities, as are coffee and tea. This means that imposition of income tax should take cross-demand elasticity into account.

Figure 2. Substitution of breadwinner with homemaker⁴³



Panel (a). Perfect substitution

Panel (b). Close substitution

Figure 2 displays when changes in price ratio for either breadwinners P_d or homemaker P_n are followed by family putting the wife in the cheaper role, or changing the slope to satisfy the family's preference ($U_1 \dots U_2 \dots U_3$), then both types of work are said to be in perfect substitution, as depicted in panel (a). When changes in price are followed by changes in the family behavior from SS' to FF' , in that the family changes role ratio from S^* to F^* in order to satisfy the family's preference ($U_1 \dots U_2 \dots U_3$), then both types of work

⁴² Endri Hartono, 'Partisipasi Ibu-Ibu Rumah Tangga Dalam Meningkatkan Kesejahteraan Keluarga Pada Penambak Garam Dikelurahan Pallengu Kecamatan Bangkala Kabupaten Jeneponto' (2021) 2 ICOR: Journal of Regional Economics 1 <<http://repositori.uin-alauddin.ac.id/19109/>>.

⁴³ Posner (n 37).

are said to be in close substitution, as depicted in panel (b). Again, efficient taxation suggests low and even rates for the case in panel (a), and high rates for the case in panel (b). Such rates will promote equality between husbands and wives, both as breadwinners and homemakers, and such equality will lead to the family's welfare.

Implementation of Efficient Income Tax for Women

Equal income tax for both men and women generally refers to the individual unit that complements the family unit. The existence of the individual unit arises from the need of breadwinner wives to have their own tax bracket, separated from their husbands. Lack of an individual unit is taken as gender bias because the family unit promotes the dominance of husbands over their wives.⁴⁴

In the discourse of feminism,⁴⁵ such equal treatment is known as gender equality.⁴⁶ In terms of taxation, such equality currently stands at equity, and is yet to reach the discussion of the lower cost aspect. It means that, efficiency, as in “equality for both husbands and wives as either breadwinners or homemakers toward family welfare,” is not yet attained.⁴⁷

In order for such efficiency to materialize, **first**, there should be an understanding on the existence of input market and output market in a household.⁴⁸ Economics analyses explain that a household is not only a consumer of products available in the market, such as shoes and clothes, but also a producer of affection and children, as both are outputs expected by individuals in a household.⁴⁹

⁴⁴ Klemm and others (n 17).

⁴⁵ Hazel T Biana, ‘Extending Bell Hooks’ Feminist Theory’ (2020) 21 *Journal of International Women’s Studies* Extending bell hooks’ Feminist Theory 13 <<https://vc.bridgew.edu/jiws/vol21/iss1/3>>.

⁴⁶ Katharine T Bartlett and others, *Gender Law and Policy* (Third, Wolters Kluwer 2021).

⁴⁷ Haradhan Kumar Mohajan, ‘An Overview on the Feminism and Its Categories’, vol 1 (2022).

⁴⁸ William H Miernyk, *The Elements of Input-Output Analysis* (Randall Jackson ed, The Web Book of Regional Science 2020) <<https://researchrepository.wvu.edu/rri-web-book%0AREcommended>>.

⁴⁹ Martin Browning, Pierre-Andre Chiappori and Yoram Weiss, *Economics of the Family* (2014).

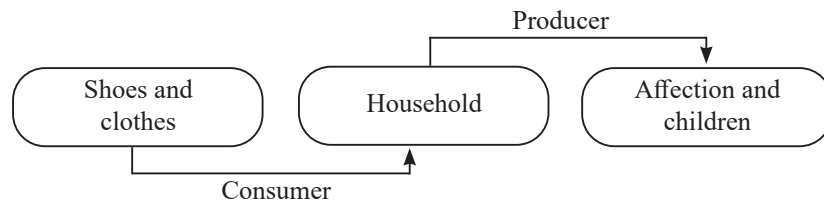
Figure 3. Household as both a consumer and a producer⁵⁰

Figure 3 demonstrates a household as a consumer is in the input market, while a household as a producer is in the output market.⁵¹ The prices formed in each market provide clues for the household in relation to: [1] the number of rewards which will be given to the producer in the input market; and [2] how to set the lowest production cost possible in the output market.⁵²

Once the existence and interrelationships of both markets are known, the next step is to obtain understanding on individual preferences in exchanging income with free time.⁵³ Both income and free time are favorable goods and the exchange for both goods can be described using the following model: $H_L R + I = H_L R^* + I^*$.

On the right side of the equation, non-labor income (I^*) plus time value for labor ($H_L R^*$) should equal income (I) plus time value for free time ($H_L R$) on the left side.⁵⁴ As individuals cannot possibly exchange more than 24 hours of time for either labor or free time, they are always assumed to try to maximize any resources available to gain maximum benefits. An optimum condition for income is obtained when additional income as a result of allocating more time shall equal more income gained from additional free time.

Income tax interferes with the optimum income because the income is actually reduced while the allocated time remains still the same, and this also means that

⁵⁰ Alisdair McKay and Christian K Wolf, 'Monetary Policy and Inequality' (2023) 37 Journal of Economic Perspectives.[121].

⁵¹ Alisdair McKay and Christian K Wolf, 'Monetary Policy and Inequality' (2023) 37 Journal of Economic Perspectives.[121].

⁵² Anelia Radulova, 'Financial Behavior of the Household and the Individual : Some Aspects of Theoretical Analysis' (2022) 5 Scientific Atlas.[70].<https://scientificatlas.com/uploads/news_docs/6-SCIENTIFIC ATLAS-MSWord-Radulova-Itach.pdf>.

⁵³ Morris Altman, 'Behavioural Labour Economics' in Morris Altman (ed), *Handbook of Research Methods in Behavioural Economics* (Edward Elgar Publishing Limited 2023).

⁵⁴ Jack Hirshleifer, Amihai Glazer and David Hirshleifer, *Price Theory and Applications: Decisions, Markets, and Information* (Seventh, Cambridge University Press 2005).

free time is more beneficial than labor time.⁵⁵ These situations result in two attitudes which are completely opposite: [1] encouraging individuals to opt for labor with higher income;⁵⁶ and [2] demotivating individuals, which means they will opt for labor which does not come with higher income tax.⁵⁷

As the demand for breadwinner is inclined toward men as opposed to women, the positioning of husbands as breadwinner and wives as homemaker is more beneficial for families,⁵⁸ compared to the positioning of: [1] both husbands and wives as breadwinners;⁵⁹ and [2] wives as breadwinners and husbands as homemakers.⁶⁰

Table. 1 Labor price formation in the input market and output market⁶¹

Role	Service Price	
	Husband	Wife
Breadwinner in the input market	Low	High
Homemaker in the output market	High	Low

Table 1 indicates the service price for wives as breadwinners in the input market is more expensive, compared to the service price for wives as housekeepers in the output market.⁶² Therefore, as “labor service” of wives in the output market is cheaper compared to that in the input market, a family’s decision to position the wife to be the homemaker is the most beneficial option.⁶³

⁵⁵ George Abuselidze, ‘Optimality of Tax Policy on the Basis of Comparative Analysis of Income Taxation’ (2020) 9 European Journal of Sustainable Development 272.

⁵⁶ Stuart Adam and Helen Miller, ‘The Economic Arguments for and against a Wealth Tax’ (2021) 42 Fiscal Studies.[457].

⁵⁷ Chunzan Wu, ‘More Unequal Income but Less Progressive Taxation’ (2021) 117 Journal of Monetary Economics.[949].

⁵⁸ Barbara Petrongolo and Maddalena Ronchi, ‘Gender Gaps and the Structure of Local Labor Markets’ (2020) 64 Labour Economics 101819 <<https://doi.org/10.1016/j.labeco.2020.101819>>.

⁵⁹ Ariel J Binder and David Lam, ‘Is There a Male-Breadwinner Norm? The Hazards of Inferring Preferences from Marriage Market Outcomes’ (2022) 57 Journal of Human Resources.[1885].

⁶⁰ Nidhi Tyagi and others, ‘Women in Dual Role: A Sociological Perspective’ (2021) 20 Ilkogretim Online - Elementary Education Online.[1766].t

⁶¹ Rachel Bernhard, Shauna Shames and Dawn Langan Teele, ‘To Emerge? Breadwinning, Motherhood, and Women’s Decisions to Run for Office’ (2021) 115 American Political Science Review.[379].

⁶² *ibid.*

⁶³ José Alberto Molina, ‘The Work–Family Conflict: Evidence from the Recent Decade and Lines of Future Research’ (2021) 42 Journal of Family and Economic Issues 4 <<https://doi.org/10.1007/s10834-020-09700-0>>.

So far, the system of individual unit only attempts to provide equality for wives as breadwinners in the input market.⁶⁴ This attempt only focuses on income splitting, which usually is exactly half of the amount filed in a joint filing.⁶⁵ The individual unit with income splitting does not only promote equality for wives to take the role of breadwinners,⁶⁶ but may potentially also increase the service price of wives as breadwinners due to the imposition of progressive tax rates.⁶⁷

The question is then whether the family unit with joint filing promotes equality of wives and husbands in the role of breadwinners. The answer is no, as this basis for tax imposition only benefits families with one breadwinner. When the husband and the wife both take the role of breadwinners, the marginal tax bracket (progressive rates) for wives is combined with that of husbands, and hence, is potentially higher compared to income tax imposed on individual units with income splitting.⁶⁸

The system of a family unit with joint filing basically only recognizes one breadwinner.⁶⁹ When a wife becomes the second breadwinner, such family unit with joint filing forms a higher price compared to individual units with income splitting due to income accumulation that is subject to higher progressive rates compared to income separation.⁷⁰

Second, upon knowing that individual units with income splitting provide less deadweight loss for working wives compared to family units with joint filing, the next step is to investigate conditions required to make the system of individual units with income splitting capable of promoting equality for wives and husbands

⁶⁴ Emmanuel Saez and Gabriel Zucman, 'Progressive Wealth Taxation' (2019).

⁶⁵ James M Puckett, 'Facing the Sunset : An Egalitarian Approach Against Taxing Couples as a Unit' (2022) 55 Loyola of Los Angeles Law Review 479 <https://elibrary.law.psu.edu/fac_works/451/>.

⁶⁶ Herman Kruse, 'Joint Retirement in Couples: Evidence of Complementarity in Leisure' (2021) 123 Scandinavian Journal of Economics.[995].

⁶⁷ Pierre Carl Michaud, Arthur Van Soest and Luc Bissonnette, 'Understanding Joint Retirement' (2020) 173 Journal of Economic Behavior and Organization.[386].

⁶⁸ Puckett (n 61).

⁶⁹ Yvette Lind and Åsa Gunnarsson, 'Gender Equality, Taxation, and the COVID-19 Recovery: A Study of Sweden and Denmark', vol 101 (2021) <<https://www.taxnotes.com/special-reports/tax-system-administration/gender-equality-taxation-and-covid-19-recovery-study-sweden-and-denmark/2021/01/29/2l6pd>>.

⁷⁰ George-levi Gayle and Andrew Shephard, 'Optimal Taxation, Marriage, Home Production, and Family Labor Supply' (2023) 87 Econometrica.[291].

in the input market as well as in the output market. Theoretically, equality can be obtained through price parity in both input and output market.⁷¹ Parity in price will lead to equality in positioning wives as both a homemaker and a breadwinner.

This price problem is best illustrated as follows: Mrs. Laila has worked for 10 years as a magazine editor. She took maternity leave to give birth and went back to work after three months. One day, she and her husband calculated their income tax, along with family expenditures, especially for childcare. Their numbers show that Mrs. Laila's income as a magazine editor after income tax deduction is less than what her family had to spend, while the income of her husband after income tax deduction is more than what her family had to spend. This fact may lead the family to take the course of: [1] Allowing Mrs. Laila to quit her job as a magazine editor, and then take the role as the homemaker for her family; or [2] Letting Mrs. Laila to quit her job as a magazine editor, and then start a hairdressing business to help her generate income whilst taking care of her family.

The discrepancy in the value of Mrs. Laila as a breadwinner and as a homemaker causes the family to position her husband as the breadwinner and Mrs. Laila as the homemaker. To put it simply, if Mrs. Laila earns Rp7,000,000 a month, while her husband earns Rp11,000,000 a month, while the family has to spend R7,500,000 a month to meet their needs, the family would decide that Mrs. Laila should take the role of the homemaker, while her husband must take the role of the breadwinner, and this is certainly a reasonable choice.

In order to achieve equality in roles of Mrs. Laila as a breadwinner and as a homemaker, the value of a homemaker must be recognized to be on par to that of a breadwinner. Such recognition via imputed income (weighted income) should also refer to labor performed by housekeepers.⁷² Imputed income should serve as the price in the output market, the value of which is in parity with that of

⁷¹ Miernyk (n 46).

⁷² Edward J McCaffery, *Taxing Women* (The University of Chicago Press 1997).

the breadwinners in the input market.⁷³ Using the above illustration, the imputed income of Mrs. Laila as a homemaker is Rp7,000,000 a month, while the imputed income of her husband as a breadwinner is Rp11,000,000 a month. Such equality in price/value of both housekeepers and breadwinners will help to reach efficiency, as both roles are recognized as equal.

Third, imputed income does not differentiate the role of a homemaker and a breadwinner (whether the wife takes the former role and the husband takes the later role, or vice versa), and this promotes price parity in the input market and the output market for [1] a husband as a breadwinner and a homemaker; and [2] a wife as a breadwinner and a homemaker. The next problem is how can income tax promote price parity between working wives and working husbands? Or, in other words, how does income tax address the wide gap between men and women in the workforce? Still using the above illustration, imputed income only serves to provide price parity for Mrs. Laila's role in the input market and in the output market at a value of Rp7,000,000 to prevent the family from positioning her as a homemaker. Imputed income does not necessarily narrow the price gap in the input market between Mrs. Laila and her husband. This implies that imputed income will not be sufficient to encourage the family to position Mrs. Laila as a breadwinner equal to her husband. The simple explanation for this is that the family receives better compensation by positioning her husband as the breadwinner rather than Mrs. Laila as the breadwinner.

The illustration also shows that the demand to position a wife as a breadwinner is more flexible compared to the demand to position a husband as the breadwinner. This demand is also flexible when it comes to positioning a wife as the breadwinner, compared to the demand to position a single male or female as the breadwinner. This implies that changes in the price/value of the role of a husband as the breadwinner is not followed by the family decision to position him as a homemaker. This also implies that the demand for the role of a wife as the

⁷³ Mary Roche Waller, 'Sex Inequality in the United States and French Income Tax Filing Systems' (2019) 73 *The Tax Lawyer*. [207]. <<https://www.jstor.org/stable/27010786>>.

breadwinner is not affected by changes in price/value of the role of a husband, or a single male or female, as a breadwinner.

Such elaboration shows that the role of a husband as the breadwinner and the role of a wife as the breadwinner are services that are in close substitution, as depicted in the aforementioned panel (b). Efficient taxation suggests high rates for services which are in close substitution. This means that income of a husband who is a breadwinner warrants higher income tax compared to income of a wife who is a breadwinner. Imposition of higher rates on the income of a husband will not or will only slightly change the demand in the workforce for husbands as breadwinners. Such income tax imposition promotes equality in the role of breadwinners for both husbands and wives, as families will consider more deadweight loss of positioning husbands as the breadwinners compared to positioning wives as the breadwinners.

What Indonesia Can Learn

The above implementation of income tax efficiency for women shows that imposing tax on women without considering the discrepancy of earnings and participation in the workforce between men and women will result in inequality. Such situation is observable in Indonesia. Article 8 paragraphs (1) and (2) of Law No. 7/1983 concerning Income Tax as amended by Law No. 7/2021, in conjunction with Article 2 paragraph (1) of Law No. 6/1983 concerning General Provisions and Tax Procedures as amended by Law No. 7/2021, strive to promote gender neutrality in income tax. However, negligence of earnings and participation in the workforce will result in outcomes that do not necessarily take the side of women in their efforts to reach equality as both homemakers and breadwinners.

Theoretically, equality in income tax is connected to the economics of collections as one of the requirements maxim for a good taxation system.⁷⁴ Initially, the economics of collections focused on operational costs, which had to be lower than the results of tax collection. Put simply: state revenue requires positive results

⁷⁴ Interview with Anugrah Anditya (lecturer and researcher at Tax Law Department, Faculty of Law UGM) on 15 January 2024.

from tax collection after deducting the operational costs of collection.

In its development, the economics of collection is not attached to the role of the tax authority but is attached to the behavior of taxpayers. A good tax system must minimize changes in pre-tax to post-tax behavior. Based on this, tax policy actually pays attention to the regular-end function, not just the budgetary function.⁷⁵ Within the scope of this article, the regular-end function is in the form of tax policies based on inequality of women's situations.

To address this focus, taxation efficiency offers a system of an individual unit with income splitting, which is complemented with the introduction of imputed income in the output or homemaker market, and imposition of higher income tax rates for working husbands compared to working wives.

First, introduction of imputed income or weighted income in the output market for homemakers. In terms of taxation, introduction of imputed income refers to the Schanz – Haig – Simons (S-H-S) recommendations that emphasize economic capacity based on the market price or value because market price or value is assumed to add to the capability of an individual to obtain goods and services.⁷⁶ This is not recognized in the regulation of income tax in Indonesia, since Article 4 paragraph (1) of Law No. 7/1983 concerning Income Tax as amended by Law No. 7/2021 defines realization of economic capacity as “.... that can be used for consumption or to add to the wealth of Taxpayers concerned ...” Income Tax Law considers that taking market price or value as a reference point of economic capability will cause administrative difficulties.

The administrative difficulties can be solved using two calculation methods: [i] taking the value of housework as equal to paying housekeeping services provided by others; and [ii] taking the value of housework as equal to the minimum wage set by the government.⁷⁷

⁷⁵ *ibid.*

⁷⁶ Prianto Budi Saptono and Ning Rahayu, 'The Recent Development of Tax Accounting in Indonesia' (2020) 10 International Journal of Scientific and Research Publications (IJSRP).[432].

⁷⁷ Nancy C Staudt, 'Taxing Housework' (2009) 84 The Georgetown Law Journal.[162].

In terms of administration, the second method seems to facilitate easier monitoring by the tax authority compared to the first one. However, in the second method, the time required for childcare still needs to be considered. Literature suggests a guideline explaining that the time required by a wife for housework correlates with the number of children in a family and whether the wife works part-time. Such correlation is illustrated in the following table.⁷⁸

Table 2. Correlation of number of children and housework⁷⁹

Status	Time for housework
Married	30 hours per week
Married with 1 child	44 hours per week
Married with 2 children	51 hours per week
Married and working part-time	50 hours per week

Table 2 shows at least two points, namely the number of children affects time required for housework, and working part-time reduces the amount of time available for housework. Referring back to the illustration in the previous sub-chapter, Mrs. Laila decided to quit her work after giving birth to a child. She lives in the Municipality of Yogyakarta which currently has provincial minimum wage of Rp1,765,000 a month or Rp10,203 an hour (Decree of the Governor of Special Region of Yogyakarta Number 319/KEP/2020 of 2020 on Stipulation of Provincial Minimum Wage for 2021). If Mrs. Laila does not take any part-time job, her imputed income will be Rp448,932 a week or Rp1,924,000 a month. If Mrs. Laila does take a part-time job, her imputed income will be Rp510,150 a week or Rp2,187,000 a month.

As imputed income can be introduced based on provincial minimum wage, such introduction may potentially be burdensome for wives as housekeepers or their families. The argument is that housekeeping wives or families with wives as housekeepers may have to bear income tax for incomes that perhaps they cannot even use for consumption or to actually add to their wealth. In theory, this is the problem that informal workers who are not covered by the

⁷⁸ *ibid.*

⁷⁹ *ibid.*

employment social security program face, especially those belonging to non-waged worker category.

Such problem stems from: [1] the inability of workers to pay premium; and [2] regulation of the employment social security system that limits premium payment for employers and/or employees.⁸⁰ In terms of tax for women, the recommendation is to provide regulation that positions housekeepers as non-waged workers, whose premium for employment social security program is paid by the government using premium for low-income families, or is paid independently by families whose income is more than the Non-Taxable Income.⁸¹

Second, imposition of lower income tax rates for working wives. In a normative context, there is no special treatment applied to income tax rates for women, meaning that the rates for women are the same as those for men. Such treatment is in accordance with Article 2 paragraph (1) of Income Tax Law regarding Tax Subjects, Article 6 of Income Tax Law regarding Taxable Income, Article 7 of Income Tax Law regarding Non-taxable Income, Article 8 of Income Tax Law regarding Income Tax Imposition System, and Article 17 paragraph (1) of Law No. 7/1983 concerning Income Tax as amended by Law No. 7/2021 that stipulates brackets of taxable income from 5% to 30%.

The normative regulation seems to imply equality, but does not actually result in such. For instance, the same amount of Non-Taxable Income applies to Yogyakarta Municipality, which has provincial minimum wage of Rp1,765,000 a month, and to the Central Jakarta Municipality, which has provincial minimum income of Rp4,416,000 a month (Governor Regulation of the Special Capital Region of Jakarta Number 103 of 2020 on Provincial Minimum Wage for 2021). Equal Non-Taxable Income for both municipalities does not result in an equal outcome. The argument is simple, living costs in Yogyakarta Municipality are 42%

⁸⁰ 'Pemerintah Bahas Rencana Pekerja Non-Formal Bisa Ikut Jaminan Pensiun BPJS Ketenagakerjaan' (2021) <<https://www.kompas.tv/article/168529/pemerintah-bahas-rencana-pekerja-non-formal-bisa-ikut-jaminan-pensiun-bpjs-ketenagakerjaan?page=all.>>.

⁸¹ J. Edward McCaffery.

lower than the living costs in Central Jakarta Municipality.⁸²

The same logic applies to equality in implementation of income tax rates that does not result in gender equality. When the regulation for income tax equality does not take the discrepancies between men and women (in terms of participation in workforce, level of income, or work opportunities) into account, it will result in gender inequality. In the study of tax for women, such regulation is considered to have an implicit gender bias, meaning that the post-tax situation is different for men and women.⁸³

Imposition of lower rates on the Taxable Income of working wives will result in a bargain in the family that puts husbands and wives in equal position in the post-tax situation. When a family responds to the imposition of lower rates (on Taxable Income of working wives) by repositioning husband and wife in relation to the role of homemaker, then such imposition results in an efficient distribution of homemaker and breadwinner roles. In this case, families will not be easily internalizing the benefit of income tax equality as the impetus is to position wives as homemakers.

Conclusion

The discussion reveals that, in order to obtain taxation equality, tax imposition based on individual unit with income splitting is a better approach compared to family unit with joint filling. Nonetheless, such tax equality does not readily translate to promoting equal opportunities for husbands and wives to assume the roles of breadwinner and homemaker. Families still tend to position husbands as breadwinners and wives as homemakers or the second breadwinners.

This article describes that such position seems to be the most rational for families because: [1] the service price for husbands as breadwinners is cheaper than for wives as breadwinners; and [2] the service price for wives as homemakers is cheaper than for husbands as homemakers. This cannot be resolved solely by using

⁸² Badan Pusat Statistik, 'Survei Biaya Hidup (SBH) 2018 Jakarta' (2020) <<https://www.bps.go.id/publication/2020/12/09/65da5d1528506fd18d6ed835/survei-biaya-hidup--sbh--2018-jakarta.html>>.

⁸³ Caroline Othim and others, 'Framing Feminist Taxation with Examples from Uganda' (2019) <<https://globaltaxjustice.org/wp-content/uploads/2022/08/2021-06-02-Download-the-guide-in-English-EN-PDF.pdf>>.

the system of individual unit with income splitting.

The key to solving this problem is the parity in price or value between husbands and wives, either in the role of homemaker or breadwinner. One way is by introducing the price for housework service using imputed income. Imputed income must be complemented with the imposition of lower rates on the income of working wives, as the roles of husbands as breadwinner and wives as breadwinner are in close substitution. This means that the demand for husbands as breadwinner is higher than the demand for wives as breadwinner. Lower income tax rates for working wives will result in efficiency.

This theory sharpens and explains whether there are changes in pre-tax to post-tax behavior. Implementation of this pricing approach in the context of income tax in Indonesia is possible in two ways. First, by introducing imputed income based on the provincial minimum wage. This method needs to consider the issue of additional income tax for wives as homemaker or families with wives as homemaker since the imputed income cannot be used for consumption or to add to the actual wealth of the families. This method requires support from the national social security system regulation in order to include non-waged workers. It is recommended that the tax for women is in the form of premium independently paid by families whose income is more than the non-taxable income.

Second, by imposing lower income tax rates for working wives. It will result in a bargain in families that put husbands and wives in equal position in the post-tax situation. This is because lower income tax rates for working wives will discourage families to simply position wives as homemaker. Therefore, the bargaining power of wives for the role of breadwinners is stronger.

Lastly, this article has limitations because it depicts women's situations using a normative lens. Further research to test price theory in helping breadwinner wives should be performed through extracting empirical data. Such empirical research can map the situation of women based on their job, such as lawyers and doctors, employees, entrepreneurs, and so on. Each of these jobs has characteristics that are not described in this article.

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