



Pink tax: Challenges faced by Indonesian women as consumers of personal care products

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ABSTRACT

The phenomenon of pink tax is a gender inequality issue that discriminates women in the purchase of goods or services by producers. The objective of this research is to identify the pink tax phenomenon in Indonesia, encompassing its existence, influencing factors, and the urgency of the related issue. Additionally, this study aims to analyse the role of the government through policies regarding the emergence of the pink tax phenomenon. Policies closely associated with the pink tax include Law Number 8 of 1999 on Consumer Protection, Law Number 5 of 1999 on the Prohibition of Monopoly Practices and Unfair Business Competition, and Law Number 7 of 2014 on Trade. The research methodology employed in this study is qualitative, involving literature review, documentary analysis, and interviews. The findings of this research indicate that the pink tax exists in Indonesia, yet awareness of this issue is not evenly distributed across all layers of society. While some institutions have acknowledged the existence of this problem, there have been no concrete steps taken to reduce or address this gender-based price discrimination. Furthermore, current policies are deemed inadequate in addressing gender-based price discrimination practices and protect women's consumer. This is attributed to the fact that gender equality elements are not fully encompassed in the existing policies.

Keywords: Pink Tax; Price Discrimination; Consumer Protection.

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ABSTRAK

Fenomena pink tax merupakan isu ketidaksetaraan gender yang mendiskriminasi perempuan dalam pembelian barang atau jasa oleh produsen. Tujuan dari penelitian ini adalah untuk mengidentifikasi fenomena pink tax di Indonesia, yang mencakup eksistensi, faktor-faktor, serta urgensi dari isu terkait. Selain itu, penelitian ini juga bertujuan untuk menganalisis peran pemerintah melalui kebijakan terhadap munculnya fenomena pink tax. Terdapat tiga kebijakan yang cukup bersinggungan dengan pink tax, yang meliputi Undang-Undang Nomor 8 Tahun 1999 tentang Perlindungan Konsumen, Undang-Undang Nomor 5 Tahun 1999 tentang Larangan Praktek Monopoli dan Persaingan Usaha Tidak Sehat, dan Undang-Undang Nomor 7 Tahun 2014 tentang Perdagangan. Metode yang digunakan dalam penelitian ini adalah metode kualitatif, yang melibatkan studi literatur, studi dokumentasi, dan wawancara. Hasil penelitian ini menunjukkan bahwa pink tax hadir di Indonesia, namun kesadaran tentang masalah ini masih belum merata di seluruh lapisan masyarakat. Meskipun beberapa lembaga telah mengakui eksistensi dari permasalahan tersebut, belum ada langkah konkret yang diambil untuk mengurangi atau mengatasi diskriminasi harga berdasarkan gender yang menjadi topik penelitian. Lebih lanjut, kebijakan yang ada saat ini dianggap belum mampu mengatasi praktik diskriminasi harga berbasis gender dan belum mampu melindungi konsumen perempuan. Hal ini disebabkan oleh fakta bahwa elemen kesetaraan gender belum sepenuhnya tercakup dalam kebijakan-kebijakan pemerintah yang berlaku.

Kata Kunci: Pink Tax; Diskriminasi Harga; Perlindungan Konsumen.

1. INTRODUCTION

Personal care products have become a daily necessity and the most popular category sought after by in Indonesian e-commerce. Lazada notes a rapid growth in the Fast Moving Consumer Goods (FMCG) category, applicable to both international and local products. The growth is estimated to increase significantly by 9.9% year over year in 2023 (Henry, 2023). In the economic context, the increased demand for personal care products has been a primary factor for manufacturers to implement product differentiation strategies. The phenomenon of specially designed product innovations reflects manufacturers' efforts to accommodate the increasingly diverse preferences among consumers. However, besides bringing uniqueness and updates to products, these innovations carry the consequence of discrimination in product provision for specific groups within society.

Products targeted at female consumers tend to be more expensive compared to male-targeted products. Pink tax, or the pink pricing phenomenon, is a term used to define the price difference of products or services for women and men. Studies reveal that products designed for female consumers cost about 7.0% to 13.0% more than similar products designed for male consumers. As a result, in America, it was found that women pay an average of USD 1,400 more than men each year for similar products (Duesterhaus, 2011). It was also found that the prices of female versions of products increased by 42%, while the prices of male versions of the same products increased by only 18% (Kricheli-Katz & Regev, 2016).

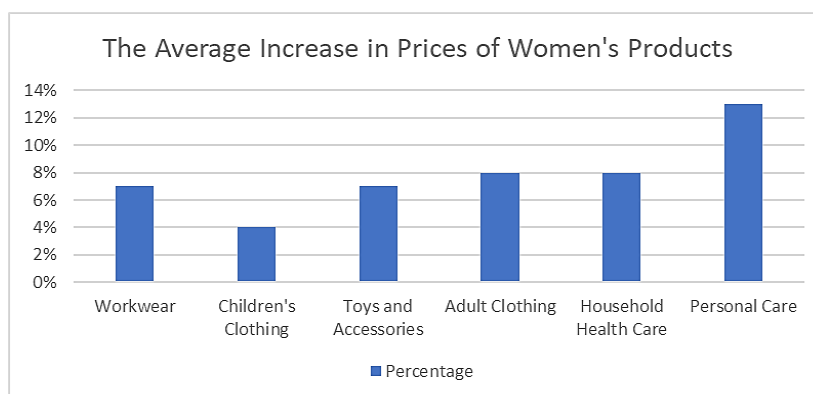


Figure 1. The Average Increase in Prices of Women's Products (Joint Economic Committee & United States Congress, 2016).

From the chart above, it can be observed that the percentage increase in prices for personal care products is higher compared to other categories, such as work clothing, children's clothing, toys and accessories, adult clothing, and household health care. It was previously discussed that there is a significant percentage increase in sales for personal care, indicating that consumers tend to prioritize products and services for self-care.

The existence of the pink tax in Indonesia is still a subject of debate, and most of the population perpetuates the myth of this price difference. This happens because society creates distinctions and overly emphasizes those differences (Fadhilah, 2023). Knowledge about the existence of the pink tax is still very limited in Indonesia.

The Indonesian government has made efforts to promote gender equality in development to achieve Gender Equality and Justice (KKG). One of the government's strategies to achieve this is by issuing Gender Mainstreaming through Presidential Instruction (*Inpres*) No. 9 of 2000. Unfortunately, the discriminatory phenomenon of the pink tax against female consumers serves as an example of policy formulation issues that do not consider gender aspects (Hadi, 2023).

The Directorate General of Consumer Protection and Trade Compliance under the Ministry of Trade of the Republic of Indonesia, the National Consumer Protection Agency (BPKN), the Consumer Dispute Settlement Agency (BPSK), and the Business Competition Supervisory Commission (KPPU) play a central role in addressing the issue of pink tax. Although Indonesia still does not have specific policies regulating the pink tax, there are laws related to the practices of pink tax, including Law No. 8 of 1999 concerning Consumer Protection, Law No. 5 of 1999 concerning the Prohibition of Monopoly Practices and Unfair Business Competition, and Law No. 7 of 2014 concerning Trade. This research will focus on the practice of pink tax on personal care products in Indonesia, as well as the role of government policies in addressing the phenomenon of pink tax in Indonesia.

2. LITERATURE REVIEW

The literature review prioritizes studies conducted within the last five years with the keywords pink tax, consumer protection, and pink tax policies. Out of the 21 collected literature pieces identified for relevance to this research, each literature piece demonstrates its connection to the research theme. The search results indicate that research on the pink tax is largely focused on four main aspects. Firstly, studies highlight the existence of the pink tax in specific regions,

particularly those dominated by the United States. Secondly, the literature discusses the factors causing the occurrence of the pink tax. Thirdly, the impact of the pink tax on women's lives is a primary concern in the research. Fourthly, the literature also encompasses potential solutions proposed as recommendations for the government.

In the context of consumer protection, prior research has primarily concentrated on analysing pink tax practices within legal frameworks, aiming to grasp the legal and consumer protection implications tied to discriminatory pink tax practices. This establishes a foundation for understanding key aspects of the pink tax.

Research regarding to personal care products highlights that personal care products contribute to healthier skin, addressing concerns like dryness, acne, and sun damage, while the use of makeup and other beauty products can enhance a woman's presence in professional and social settings. Women use these products strategically, choosing those that complement their natural features and fit into their self-care routines. They make knowledgeable choices by staying informed about ingredients and benefits. This approach not only enhances their physical appearance but also supports their mental well-being and aligns with their values.

There is a research gap concerning the influence of government policies on addressing pink tax practices in Indonesia. Limited studies examining the impact and effectiveness of government policies in tackling the pink tax phenomenon suggest a need for further research at the national level. This study will specifically investigate the presence of the pink tax in Indonesia and the role of government policies in fostering such practices.

Table 1.
Literature Sources.

Journal	Pink Tax	Consumer Protection	Pink Tax Policy	Personal Care
Atkin, N. (2023)	V		V	
Barnes, B. (2023)	V		V	
Burnette et al. (2020)	V			
Burns (2020)	V			
Chua et al. (2022)	V		V	
Crawford (2023)	V		V	
Duesterhaus et al. (2011)	V			V
Febriyanti, Y. (2023)	V			
Guittar et al. (2021)	V			
Neibecker & Imdah (2022)				V
Kardetoft (2022)	V			V
Lafferty (2019)	V		V	V
Moshary et al. (2023)	V		V	
Moshary et al. (2021)	V		V	
Pant (2021)	V		V	
Rakhmawati & Rani (2023)	V			V
Reji et al (2023)	V			V
US Government Accountability Office (2018)	V	V		V
US Joint Economic Committee (2016)	V			
Yazıcıoğlu (2018)	V	V	V	
Yustisha (2023)	V	V		

(Source: researcher's data collection)

Gender-based price discrimination, or pink tax, refers to additional costs imposed on consumers by manufacturers. Pink tax is not literally a tax but rather an extra amount charged on specific goods and services targeted at women. Although the pink tax does not meet all the requirements to be legally categorized as a tax, it satisfies two criteria that result in economic impacts similar to those of a tax, namely mandatory and undesirable. Therefore, clearly, the pink tax is equivalent to a tax based on economic grounds and can even be regarded as behaving like a selective hidden consumption tax. Pink tax is termed as a selective tax because this practice exclusively targets products and services intended for women. A hidden consumption tax, often known as a hidden tax, is a rate that is not known or easily discernible by the general public (Yazıcıoğlu, 2018).

In various studies, the research outcomes reveal that the imposition of the pink tax is not attributed to a lack of self-control among women. Contrary to the notion that women willingly pay additional amounts for specific products or services, the phenomenon is solely a consequence of the gender-based pricing. Occasionally, the materials used for women's products may be slightly more expensive than those used to produce men's products (HRC Vermont, 2016). There is an additional hidden amount charged on women's products without justifiable reasons. As a result, women are exclusively burdened with additional costs to purchase items that are substantially similar and will be used for the same purposes as items purchased by men (José, 2001).

Pink tax is not imposed by the government, is not regulated by tax laws, and, in most cases, by other laws or regulations. However, this lack of regulation adds an additional layer of complexity to the issue. Not only can female consumers not accurately discern the exact amount of pink tax they should pay, but they also cannot rely on efficient legal protection to safeguard their rights. Without rules and regulations limiting the authority of relevant industries over pricing policies, the problems posed by the pink tax largely remain 'allowed' (José, 2001).

3. METHOD

This research adopted a feminist research approach, which is one way of understanding feminist knowledge along with its critiques and alternatives to practices that often overlook women's experiences (Denzin & Lincoln, 1994). The study employed a qualitative methodology, conducted in a natural setting within the community. The data collection in this research encompassed a comprehensive literature review, interviews, and document analysis.

The literature review method involved systematic data collection through reading, note-taking, and the organized management of research material. The selection process for literature studies was conducted based on inclusion-exclusion criteria. Literature search prioritized studies conducted in the last 5 years using keywords such as pink tax, consumer protection, pink tax policies, and personal care products. There was a gap in research concerning the role of government policies in addressing pink tax practices in Indonesia. In this context, studies investigating the impact and effectiveness of government policies in addressing the phenomenon of pink tax were still limited. The limitation of literature on pink tax in Indonesia indicated the need for further research to gain a deeper understanding of this practice at the national level.

In the data collection through interviews, this research utilized snowball sampling, a technique that initially involved 5 informants and then expanded based on recommendations from those informants. For this study, the criteria for informants were individuals with knowledge about pink tax, starting from government institutions, NGOs, and academics. Additionally, documents were gathered to acquire data related to laws and policies. The analysis in this research involved a two-fold approach, employing both thematic analysis and document analysis to gain a nuanced understanding of the phenomenon of pink tax and its interaction with laws and policies in Indonesia.

4. FINDINGS AND DISCUSSION

4.1. Existence of Pink Tax on Personal Care Products

The phenomenon of pink tax in Indonesia is still relatively uncommon, as information related to gender-based price discrimination remains limited. This creates a lack of understanding regarding the reality that women often emerge as less advantaged consumers, frequently paying more than male counterparts for comparable goods and services. In a study on price discrimination against women's products in Indonesia, observations were conducted across various categories on one e-commerce platform to compare the prices of products for women and men. Products included in the comparison were razors, face masks, and sandals. The results revealed price differences based on gender that sellers imposed on consumers for products with similar specifications (Rakhmawati & Rani, 2022).

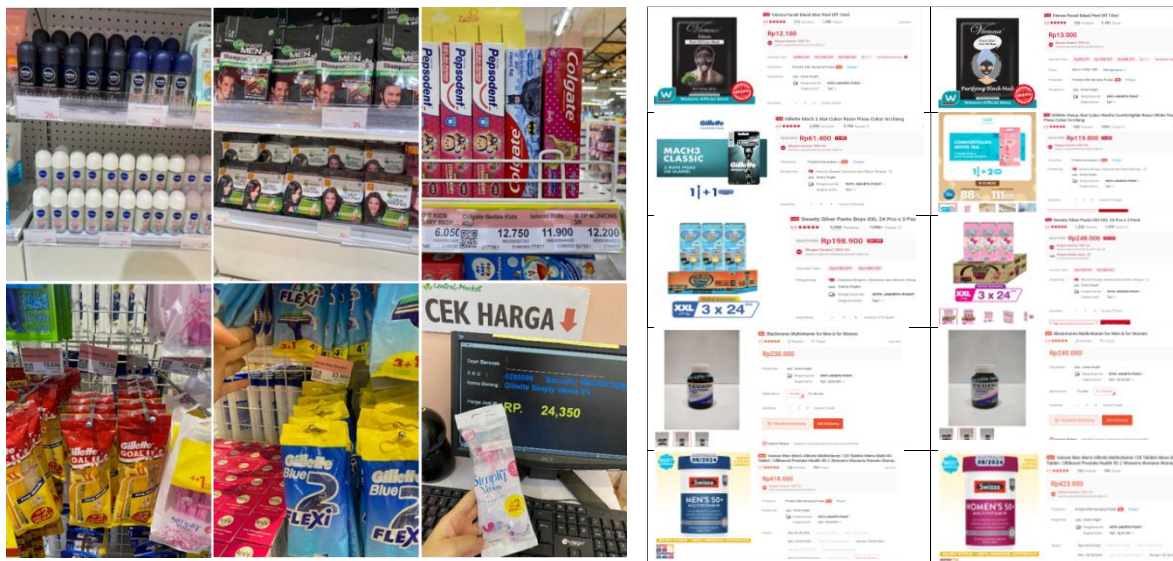


Figure 2. Comparison of Prices for Women's and Men's Product in a Local Drug Store and E-Commerce.

The figure above illustrates the provision of a product differentiated by gender in a local drugstore and e-commerce. The categorization is based on visual differences in product packaging, where feminine products are often identified with pink colour (pink product), while masculine products tend to use blue or dark colours (blue product) (Duesterhaus, 2011). It is important to note that this gender categorization is general and based on market conventions and does not account for individual preferences based on gender identity, sexual orientation, or metrosexual, androgynous, and other preferences.

The images clearly represent the existence of price disparities in everyday essential products for women and men. It is important to note that these products fall under the category of personal care, which is a daily necessity for society. The implication is that women and men share the same needs for personal care. Personal care products are used to maintain health and hygiene. However, the pricing of these products does not always reflect equality. Women pay 4% more for each item in supermarkets compared to men. Price differences also stem from an average 15% higher unit price paid by women for explicitly gendered products, such as personal care items (Barnes et al., 2023). Furthermore, women contribute to over 85% of consumer transactions and exert influence on more than 95% of the overall goods and services acquired (Catelyn, 2021).

In reality, the economic situation poses a constraint for women in Indonesia. The Female Labor Force Participation Rate (TPAK) percentage was 50.16%, compared to men, which had already reached 82.27% (Badan Pusat Statistik, 2021). The well-being of women is still below average, with a 26% income disparity between women and men. Another report shows that women work more but earn lower wages. The gender wage gap has economic implications for women, with their well-being still below average, showing a 26% income disparity between women and men (International Labour Organization, 2019). This disparity can lead to financial insecurity, lower standards of living, and even poverty.

The government in economic sector has three functions encompassing distribution, allocation, and stabilization (Musgrave, 1959). The government's distribution function plays a crucial role in creating inequality or equality in society, especially in socioeconomic aspects. The phenomenon of the pink tax can be interpreted as a form of distributional inequality between genders within the consumer market. In situations involving the pink tax, female consumers experience distributional inequality due to additional costs for products that are essentially equivalent to those targeted at male consumers. The pink tax phenomenon indicates that wealth distribution and economic burdens are still uneven among genders, and government action is required to address this inequality.

The government still has room to improve the effective implementation of its allocation function. In the context of resource allocation, higher prices on products or services for female consumers can significantly impact how they allocate their resources. However, when women are faced with the reality of having to spend more on products that should have equal pricing with those for men consumers, this becomes an extra burden for women consumers.

Lastly, the government is still confronted with the task of fully meeting its stabilization function. In this context, when female consumers encounter higher prices for everyday products, the impact is an additional financial burden that can create greater economic pressure at the household level. This phenomenon becomes especially relevant when considering that women are the primary consumers in the market (Catelyn, 2021). Higher prices for everyday products for female consumers not only lead to economic inequality but can also adversely affect household financial stability, particularly for those with lower or limited incomes.

Female consumers may experience limitations in consumption choices due to higher prices. They may be forced to choose between higher-priced products, reducing consumption of specific goods and services, leading to instability in daily consumption patterns. The last option is for women to decide to buy male products because they tend to be cheaper. Previous research indicates that 39.8% of female respondents sometimes buy male products because they

are cheaper. 19.5% rarely buy male products, 17.7% never buy male products because they are cheaper, and their purchases are always from the female product section. Additionally, 16.8% of female respondents often buy male products a few times, and 6.2% frequently buy from the male product section (Reji et al., 2023).

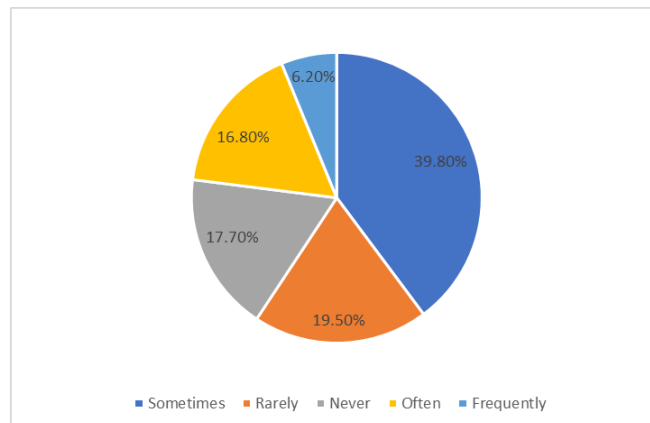


Figure 3. Frequency of Purchasing Men's Products as a More Affordable Alternative (A Study on Perception of Female Consumers Towards Pink Tax with Special Reference to Cochin City, 2023).

Building upon the previous research that indicated some women purchase male products due to their lower cost, 39.8% of female respondents in the same study are highly likely to buy male products if they achieve similar results and satisfaction. A further 20.4% are inclined to do so, while 19.5% consider it as a viable alternative. The remaining 20.3% of respondents would only purchase female products (Reji et al., 2023).

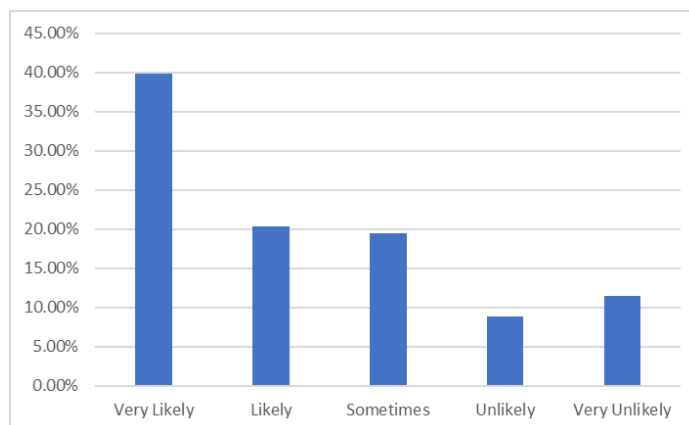


Figure 4. Probability of Purchasing Male Products (A Study on Perception of Female Consumers Towards Pink Tax with Special Reference to Cochin City, 2023).

To enhance the efficiency of wealth distribution, resource allocation, and economic stabilization, the government needs to address the issue of pink tax. Clearer price regulations and active monitoring of gender-based price discrimination can ensure wealth equality. Inclusive policies such as education, financial support for small businesses, especially those owned by women, will enhance resource allocation. To maintain economic stability, measures

such as addressing income inequality, strengthening social protection systems, and gender equality education programs can provide significant support.

As of now, there is no specific legal protection prohibiting pink tax. Legal protection becomes crucial as the government is committed to international conventions that have been ratified, such as CEDAW, BPFA, and MDGs. Indonesia's national legal foundation closely associated with the issue includes the 1945 Constitution on equality, Law No. 7 of 1984 on CEDAW, and Law No. 39 of 1999 on Human Rights (Kementerian Perdagangan Republik Indonesia, 2010).

4.2. Factors of Pink Tax on Personal Care Products in Indonesia

The difference in production costs between products designed for women and men, particularly those of a personal nature, drives the presence of gender-specific specifications in products. Products for women often necessitate higher cost investments to create more appealing appearances, colours, and aromas. This is reinforced by the previous study that emphasize altering specific attributes such as packaging, pricing, or components to differentiate oneself from competitors and meet the preferences of larger customer groups (Darley & Smith, 1995). Different product attributes ease the purchasing process and enhance value for individual consumers. Selecting market segments based on gender is considered substantial and easily identifiable, making the implementation of differentiation strategies advantageous for businesses.

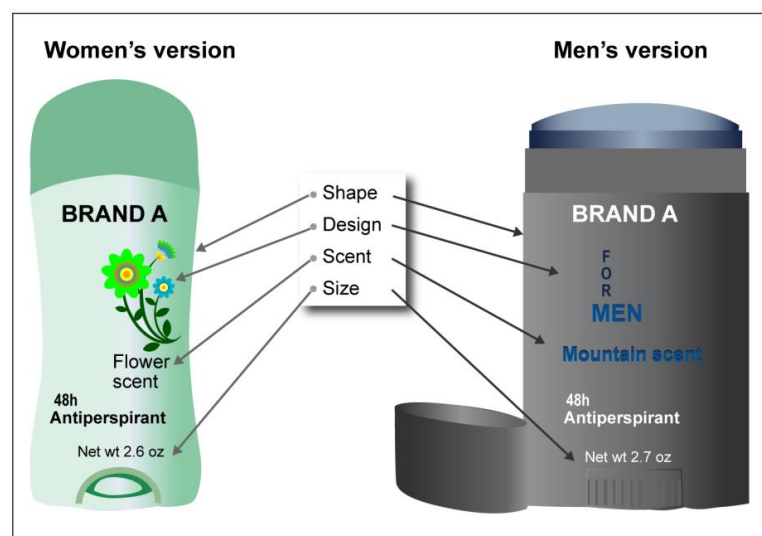


Figure 5. Example of Gender-Based Product Differences (Government Accountability Office, 2018).

Those who perceive the pink tax phenomenon as discrimination contend that women pay higher prices for certain items. However, other research indicates that this cannot be generalized, as there are a number of products where the opposite holds true. This is supported by earlier research findings that women are more price elastic consumers than men. The pink tax is not sustained by higher markups imposed on women but by women sorting into items with higher marginal costs and lower markups (Barnes et al., 2023). Furthermore, the marketing approach for products intended for women and men is deemed different, leading companies to allocate higher costs for marketing products targeting women. Studies reveal that products

designed for female consumers have marketing costs approximately 7.0% to 13.0% higher than similar products designed for male consumers (Duesterhaus, 2011).

Companies may also utilize certain group characteristics, such as age or gender, to set different prices because some groups may have differences in willingness or ability to pay. As an instance, we have found that personal care products targeted to women who wear hijabs have distinct characteristics. This is because women who wear hijabs require additional care for their skin and hair that is covered. For example, hair care products are personalized for hair covered by the hijab, with claims of being anti-flat and anti-hair loss. These special characteristics come with an additional cost burden for consumers (Fadhilah, 2023).

Women select personal care products purposefully, choosing for those that enhance their natural attributes and fit it into their self-care practices. This act not only improves their physical appearance but also supports their mental well-being and social presence (Neibecker, & Imdah, 2022). In many situations, women's consumption is often influenced by social needs and norms within their environment. Gender stereotyping play a role in how women act in society. Physical attractiveness is considered a key indicator of overall appeal for both men and women, as beauty and good looks are frequently associated with markers of success in various aspects of life. Historically, women have been defined by their beauty, and in social contexts, physical attractiveness is often the first attribute evaluated. Consequently, women tend to focus more on their appearance than men, driven by the belief that societal perceptions of beauty are linked to success in social interactions (Rahmatillah & Bustaman, 2023).

These expectations become opportunities for women to be willing to pay higher prices for products deemed more 'feminine' due to societal pressures, cultural factors, and a desire to obtain higher-quality products. This is a consequence of women's efforts to maintain their social position in society. Therefore, this injustice is apparent as women are required to pay more to meet their basic physical needs, considering this is a systemic impact of these social factors. Many marketers are aware that consumer purchases are driven by a desire to create a favourable social image, leading consumers to be willing to pay more for products that fit this image.

Personal care products have become a category heavily affected by commercialization. Commercialization involves managing something solely for financial profit. This is how women's products have been treated over the last century (Atkin & Nicole, 2018). Commercialization has permeated every aspect of what society tells women they need to a 'woman'. Frequently, women have no choice but to purchase products intended for men due to limitations formed within society. Women are envisioned to buy feminine products designed with additional features such as scent variations, shapes, product designs, and others. This can make more neutral or straightforward products unavailable in the same version for women.

The United States Government Accountability Office conducted research involving representatives from five consumer groups and industry associations. These groups stated that they received only a few complaints regarding gender-related price differences. However, four consumer groups noted that the low level of concern could be a result of consumers' lack of awareness about gender-related price differences (United States Government Accountability Office, 2018). Gender-related price differences are challenging for consumers to identify when they cannot determine whether they are paying higher prices than another gender group. This is referred to as a hidden tax (Yazıcıoğlu, 2018). In numerous situations, low awareness of the pink tax causes women to unknowingly contribute to legitimizing and perpetuating

discriminatory pricing practices by being willing to pay higher prices for products specifically targeted at their gender.

The lack of information and awareness about this phenomenon has led to the issue of gender-based price discrimination not receiving adequate attention or handling from the government. This information is conveyed by BPKN-RI and KPPU, two institutions that informed researchers that, until now, both institutions have not received reports related to the pink tax in the market (Gunawan, Christine, Rachmadi, & Ode, 2023).

Despite debates about the existence and causes of the pink tax, this indicates that the phenomenon originates from gender-based marketing approaches, either due to consumer demand or discrimination. Moreover, some markets may not act fairly. Competition can make the prices of women's products and services unaffordable. In other words, dominant market players may continue to set high prices for goods and services intended for women. In some cases, sellers who observe buyers paying more for certain gender-targeted products can silently collaborate to keep the prices of products and services for specific groups high by raising their own prices (Joint Economic Committee, 2016). Therefore, government intervention is needed to ensure a fair and competitive market through pricing policies. In related policies, it is explained that the government has a role as a regulator and supervisor of providers of goods and services, namely the private market or sector. If the market is deemed ineffective, such as an imbalance between public demand and supply, the government can intervene in market players, either directly or through established institutions.

4.3. Consumer Protection in State Policies

Politics plays a crucial role in decision-making and formulating public policies, acting as a bridge between politics and gender, where every decision made by the government impacts the personal lives of the community, including the issue of gender-based price discrimination addressed in this research.

The pink tax has not yet become a mainstream gender equality element (Hadi, 2023). This indicates that the lack of awareness about this issue has prevented it from receiving sufficient attention and focus in discussions and actions related to gender equality in Indonesia. In various government sectors, gender issues are still perceived as the responsibility of a specific government sector alone. This is further compounded by the constraint of limited human resources in analysing gender issues (Gender Analysis Pathway), rendering these problems less visible (Muhtadi, 2023).

When all parties can become aware of various gender issues, unresolved gender problems can become a more significant focus for achieving positive changes in gender equality in Indonesia. Education about gender issue analysis becomes crucial and requires attention. The Ministry of Women's Empowerment and Child Protection (KemenPPPA) states that improving awareness and incorporating gender equality elements into every ministry sector remains a significant challenge. However, support from government institutions continues to progress and improve (Muhtadi, 2023).

Although there is no specific government policy regulating the pink tax phenomenon in Indonesia, especially in personal care products, there are several relevant policies. These include Law No. 8 of 1999 concerning Consumer Protection; Law No. 5 of 1999 concerning

the Prohibition of Monopolistic Practices and Unfair Business Competition; and Law No. 7 of 2014 concerning Trade.

Law No. 8 of 1999 regulates consumer protection, including the rights and obligations of consumers, business actors, and the government. Regarding price determination, this law stipulates that business actors are prohibited from setting unreasonable and dishonest prices and from engaging in price discrimination. Price discrimination is regulated in the articles on consumer rights and obligations in Articles 4 and 5. Article 4, letter g, states that consumers have the "right to be treated or served properly, honestly, and non-discriminatively." This article emphasizes that consumers have the right to be treated or served properly, honestly, and non-discriminatively based on race, religion, culture, region, education, wealth, poverty, and other social status.

Article 7, letter c, regarding the obligation of business actors to consumers explains that the obligation of business actors is to "treat or serve consumers properly, honestly, and non-discriminatively." Business actors are prohibited from discriminating against consumers in providing services. This point does not specifically address gender-based price discrimination. The term "discriminative" only refers to discriminatory treatment based on race, religion, culture, region, education, wealth, poverty, and other social status. The statement "other social status" does not encompass gender aspects and is formulated to clarify the specific focus of the discussed discrimination. Gender discrimination is an issue that needs to be fought for separately and requires special attention. This is because gender plays a critical role in shaping the experiences and lives of individuals in society.

Although this policy aims to protect consumers from discriminatory practices, there are no specific provisions addressing gender equality issues in the context of product prices. Supported by previous research findings stating that gender-based price discrimination practices in Indonesia cannot yet be considered violations of Law No. 8 of 1999 concerning Consumer Protection (Yustisha, 2023). The reason is that the law does not address gender-specific issues related to product prices.

In Article 9, paragraph 1, letter a, it is explained that "Business actors are prohibited from offering, promoting, advertising goods and/or services that are not true and/or seem: a. the goods have met and/or have a discount, special prices, specific quality standards, styles or specific modes, specific characteristics, history, or specific use." Followed by Article 17, paragraph 1, letter a, "Advertising business actors are prohibited from producing advertisements that: a. deceive consumers about the quality, quantity, material usefulness, and prices of goods and/or service tariffs as well as the accuracy of the time of receiving goods and/or services."

These articles can be the legal basis for assessing the actions of business actors applying the pink tax. Violations can occur if business actors unfairly set higher prices for products that are essentially similar or the same, only because they are intended for female consumers. Legal enforcement can be carried out if business actors are proven to violate the rules by unfairly setting prices based on specific genders.

BPKN-RI asserts that the existing laws have been in effect for quite a while, necessitating updates to address the developments in current issues and phenomena. While there have been no concrete reports of gender-based price discrimination to date, BPKN-RI strongly rejects all forms of discrimination against consumers. They also acknowledge that the pink tax

phenomenon is an important note to be considered in future policy journeys (Gunawan & Christine, 2023).

Another policy related to the pink tax is Law No. 5 of 1999 concerning the Prohibition of Monopolistic Practices and Unfair Business Competition, which regulates the prohibition of monopolistic practices and unfair business competition, including price setting. Regarding price setting, this law stipulates that business actors are prohibited from setting unreasonable and dishonest prices and from engaging in price discrimination.

Article 6 states, "Business actors are prohibited from making agreements resulting in one buyer having to pay a different price from the price that another buyer has to pay for the same goods and/or services." This article clearly forms a prohibition for business actors to set different prices for the same products or services for different consumer groups. With the prohibition against making agreements resulting in different prices for the same goods and services among buyers, Article 6 serves as the legal basis to protect consumers from discriminatory practices. This prohibition implies the principle of equality in price coordination, where all consumers should be given the same rights in terms of prices for similar products or services. This article does not cover all forms of price inequality, and companies may find legal loopholes to continue discriminatory practices. Furthermore, this article is not followed by clear implementation guidelines or strict sanctions for violations. Without specific guidelines, errors can occur in applying these rules, and supervisory bodies have limitations in enforcement.

Article 19 explains that "Business actors are prohibited from carrying out one or more activities, either alone or together with other business actors, which can result in monopolistic practices and/or unfair business competition in the form of: a. refusing and/or obstructing certain business actors from conducting the same business activities in the relevant market; or b. obstructing consumers or customers of their business competitors from engaging in business relationships with their business competitors; or c. limiting the circulation and/or sale of goods and/or services in the relevant market; or d. practicing a monopoly against certain business actors."

In the regulations of the Business Competition Supervisory Commission (KPPU), there are guidelines on Article 19 letter d, which discusses discriminatory pricing practices. This prohibition includes different pricing set by business actors for the same goods and/or services from a manufacturer based on certain criteria, or charging different prices to different customers based on additional attempts to gain more consumer surplus. In essence, this discriminatory practice refers more to actions carried out by one business actor against another business actor and does not apply within the scope of consumer protection. Another point to note is that this article does not have specific provisions addressing gender-based price discrimination. This indicates that the gender aspect is not explicitly integrated into this legal framework. KPPU works by following up on each complaint case separately (case by case). Furthermore, relevant institution has not received complaints about the pink tax (Rachmadi & Ode, 2023). However, difficulties in accessing data, particularly when managing detailed reports, presenting a limitation.

The last government policy related to the pink tax issue is Law No. 7 of 2014 concerning Trade, which explains that the government has a responsibility to regulate domestic trade activities through policies and regulations covering consumer protection. Stated in Article 5 paragraphs 1 and 2: '(1) The Government regulates domestic trade activities through policies

and controls. (2) Policies and controls of domestic trade as referred to in paragraph (1) are directed at: a. improving the efficiency and effectiveness of distribution; b. improving the business climate and certainty; c. integrating and expanding the domestic market; d. improving market access for domestic products; and e. consumer protection.'

This article is relevant to the pink tax issue for several reasons. First, the government's task involves improving the efficiency and effectiveness of distribution, which can include addressing discriminatory practices like the pink tax that can harm consumers. Secondly, the government is expected to integrate and expand the domestic market and improve market access for domestic products. This could involve efforts to reduce barriers, such as the pink tax, that may limit consumers' access to products and services without discrimination. Lastly, consumer protection is central in this article, directing the government to protect consumers from harmful practices, including discriminatory practices like the pink tax. In this legal framework, the government has the obligation and responsibility to respond to and address the phenomenon of the pink tax to protect consumers and ensure fairness in the context of domestic trade.

Moving on to Article 25, "(1) The Government and Regional Governments control the availability of Basic Necessity Goods and/or Essential Goods throughout the territory of the Unitary State of the Republic of Indonesia in adequate quantity, good quality, and affordable prices. (2) The Government and Regional Governments are obliged to encourage the improvement and protection of domestic production of Basic Necessity Goods and Essential Goods to meet national needs. (3) Basic Necessity Goods and Essential Goods as referred to in paragraph (1) are determined by Presidential Regulation".

This article emphasizes the importance of affordable prices to ensure that all layers of society can access these products without excessive economic difficulties. Basic necessities are further detailed in the eighth section on Controlling Basic Necessities and/or Essential Goods. Basic necessity goods refer to items concerning the essential needs of many people with a high level of fulfilment and are supportive of the welfare of society, such as rice, sugar, cooking oil, butter, beef, chicken, eggs, milk, corn, soybeans, and iodized salt.

Overall, this trade policy covers various aspects of trade from market regulations to consumer protection. However, there are no provisions explicitly addressing gender-based price inequality, and basic needs only refer to rice, sugar, cooking oil, butter, beef, chicken, eggs, milk, corn, soybeans, and iodized salt. Moreover, this law focuses more on general market regulations and does not incorporate gender perspectives specifically.

The evolving standards of living have made tertiary or additional needs a mandatory fulfilment for many people (Widiarta, 2023). Personal care products fall into the category of personal hygiene that supports cleanliness and health maintenance. Maintaining hygiene and health through the use of personal care products has a positive impact on overall well-being and disease prevention. Unfortunately, this category has not yet received recognition as a basic necessity. As a result, the related articles are not fully capable of protecting the purchase of personal care products, especially those with specific gender characteristics.

It is important for the government and relevant institutions to consider elevating the status of these products to basic necessities, at least in the category of essential and daily-use personal care products. This would not only reflect the reality of daily needs for the population but also provide better legal protection for the purchase of personal care products, ultimately enhancing the well-being and fairness for the entire society.

Through the analysis of current government policies represented by existing laws, it becomes evident that the issue of the pink tax or the phenomenon of gender-based price disparity is not explicitly addressed. The absence of explicit recognition within the regulatory framework in Indonesia indicates a lack of dedicated measures to combat the pink tax and promote gender equality. These policies, which do not specifically acknowledge or tackle gender-based pricing discrimination, underscore a gap in the government's approach towards ensuring fair and equal treatment for all citizens.

The disparity in life experiences between women and men, shaped by societal expectations and assigned roles, necessitates policies with a targeted focus on gender issues. Unfortunately, the current regulatory landscape in Indonesia falls short in addressing these concerns. The absence of gender-specific provisions reflects a missed opportunity to comprehensively understand and address the nuanced ways in which social changes and community developments can impact women and men differently. Advocating for and implementing policies that explicitly consider gender-based pricing discrimination is crucial to fostering a more equitable and inclusive society.

5. CONCLUSION

Gender-based pricing arises from several contributing factors. Firstly, products designed for women often involve higher production costs due to the emphasis on creating more visually appealing appearances, using specific colours, and pleasant aromas. The marketing strategies employed for women's products are distinct, leading companies to allocate higher budgets for marketing efforts targeted at women. Additionally, women's consumption behaviours are significantly influenced by social needs and norms within their environment, often shaped by gender stereotyping.

Societal expectations create opportunities for companies to justify higher prices for products deemed more 'feminine', as women may feel compelled to meet these expectations, influenced by cultural factors and a desire for perceived higher-quality products. The personal care product category, in particular, is heavily affected by commercialization. Furthermore, intense competition in the market can contribute to inflated prices for women's products and services, as dominant market players may set and maintain high price points.

The awareness of the pink tax in Indonesia is still limited, and there have been no concrete steps from government agencies or policies to address gender-based pricing discrimination. This lack of action may be attributed to the government and society's limited sensitivity to gender issues, highlighting the need for increased awareness and advocacy to foster a more inclusive and equitable approach to consumer practices. The Ministry of Women's Empowerment and Child Protection has recently introduced gender-related issues at an early stage. Relevant policies, such as consumer protection, business competition, and trade, are not sufficient to handle the pink tax due to a lack of gender understanding and the exclusion of personal care products. Another challenge is the scarcity of human resources capable of conducting gender analysis, thus preventing the proper identification of this issue.

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