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Husband's Right to Leave in the Context of Wife's Maternity Leave: Analysis of Regulatory Developments and Practices in Indonesia Post-Law

No. 13 of 2003 concerning Manpower

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Abstract:

Labor law protection in Indonesia, especially regarding the right to leave for husbands when their wives give birth, still shows various weaknesses. This research aims to examine the development of regulations and practices on maternity leave rights for husbands after the enactment of Law no. 13 of 2003 concerning Employment. The methodology used is a normative study with a statutory regulatory approach and analysis of relevant literature. The research results show that although there are provisions regarding maternity leave rights for male workers, implementation is still minimal and uneven between the public and private sectors. This inequality has a negative impact on the welfare of working families. This research recommends policy revisions to increase equality and fairness in maternity leave rights in Indonesia.

Keywords: Husband's and Wife's, Maternity Leave Rights, Regulations

I. Introduction

One of the backgrounds to the birth of Law Number 13 of 2003 concerning Employment is that several laws and regulations in force so far, including some which are colonial products, place workers in a disadvantageous position in labor placement services and the industrial relations system which emphasizes differences. position and interests so that they are no longer deemed appropriate to

current needs and future demands.¹ In this era of globalization, various kinds of jobs are available. There are countless types of workers in Indonesia in one job, the relationship between the entrepreneur and the worker/laborer is based on a work agreement, which has the elements of work, wages and orders, which is the definition and work relationship, which in Article 50 of Law Number 13 of 2003 concerning

¹ Undang-Undang Nomor 13 Tahun 2003 Tentang Ketenagakerjaan, Cetakan II, Yogyakarta: Pustaka Pelajar, 2007.

Employment (hereinafter abbreviated to the Employment Law) states that employment relations occur because of the existence of a work agreement between the entrepreneur and the worker/laborer.² Legal regulations related to the field of employment as regulated in Law Number 13 of 2003 contain the principle of fair protection for workers fairly without any discriminatory actions for female and male workers.³ The principle of fair protection for workers contained in this law is located in article 5 which discusses that workers have equal opportunities. A fair opportunity in choosing or obtaining a position in a company to obtain a better income and Article 6 regulates the right to obtain similar treatment without any differentiation⁴ Meanwhile, the definition of a work agreement contained in the Manpower Law, Article 1 point 14, is an agreement between the worker/laborer and the entrepreneur or employer which contains work conditions, rights and obligations of both parties. Of the many rights and obligations agreed between workers/laborers and entrepreneurs or employers, an example of a right that is very often debated by workers and entrepreneurs or employers is the right to leave.⁵ Where the meaning of leave is a state of not coming to work that is allowed for a certain period of time. Leave rights include employee rights granted by the employer, if the employer has not been able to fulfill them, there will be a dispute

between the parties.⁶ The right to leave can also be interpreted as the right to temporary or certain absences along with information from the party concerned. Granting leave rights to agencies or companies that employ workers is mandatory companies are obliged to provide them to employees without reducing or cutting salaries.⁷ Of the many types of leave that exist, the leave that has many polemics that question the rules regarding the right to leave is the right to leave because a wife gives birth to a working husband. Protection of employment rights is a crucial aspect in ensuring the welfare of workers and their families. One issue that is receiving increasing attention is the right to maternity leave for husbands. In this context, Law no. 13 of 2003 concerning Employment only provides the right 2 (two days)' leave for male workers whose wives give birth. Where at the moment, the role of fathers in childcare has become a topic of increasing attention in research and public discussion. For many years, childcare was often considered the primary responsibility of mothers. However, new perspectives on the role of fathers have emerged as a result of the rapid social and economic changes taking place in modern society. Fathers are no longer seen as merely material providers, but are also seen as figures who provide emotional support to their children, teach them, and build their character.⁸ The same is true for husbands' involvement in accompanying their wives

² Adrian Sutedi, *Hukum Perburuhan*, Sinar Grafika, Jakarta, 2011, hlm. 45.

³ Adityarani, Nadhira Wahyu. *Hak Cuti Melahirkan Bagi Pekerja Perempuan Sebagai Penerapan Hukum Hak Asasi Manusia dan Perlindungan Hukum Bagi perempuan Di Indonesia*. *Jurnal Fundamental Justice* 1, no. 1, 2020, hlm.35

⁴ Djakaria & Mulyani, *Perlindungan Hukum Bagi Pekerja Perempuan Untuk Memperoleh Hak-Hak Pekerja dikaitkan dengan Kesehatan Reproduksi*, *Jurnal Bina Mulia Hukum* 3, no 1, 2018, hlm.18

⁵ Ida Bagus Yoga Raditya, dkk, *Eksistensi Hak Cuti Karena Istri Melahirkan Bagi Pekerja Pria Menurut Undang-Undang No 13 Tahun 2003 Tentang Ketenagakerjaan*, Udayana University, Denpasar, 2018.

⁶ Made Udiana, *Rekonstruksi Pengaturan Penyelesaian Sengketa Penanaman Modal Asing*, Udayana University Press, Denpasar, 2011, hlm. 7

⁷ Ida Bagus Yoga Radita, dkk, *Ibid.* hlm.3

⁸ Wawan Irawan, *Peran Ayah dalam Pengasuhan Anak di Keluarga Urban*, *Jurnal Studi Gender dan Anak*, Vol 9, No. 1, 2024

after giving birth. Studies have shown that mothers who receive support from their husbands during labor have a lower risk of developing postpartum depression. Husbands' support can help mothers feel more secure and valued during pregnancy and labor. Fathers' involvement can also help mothers recover more quickly after giving birth. Fathers who actively help with newborn care can ease the physical and emotional burdens experienced by mothers. For its, this policy is considered inadequate considering the important role of husbands in supporting their wives during labor and post-natal recovery. The literature shows that father involvement in this process has a positive impact on the mother's mental and physical health and child development. However, the current provisions are still far away of expected standards, especially when compared with other countries that are more advanced in this regard.⁹ This study aims to raise awareness about the importance of father involvement in parenting and provide recommendations that can help fathers carry out their role more effectively. Meanwhile, policies that support work-life balance, such as work flexibility and paternity leave, can help fathers become more involved in childcare.¹⁰

II. Legal Materials and Methods

This research uses normative juridical methods with descriptive analysis. The data used comes from statutory regulations, books, journals and related scientific articles. The main documents studied include Law No. 13 of 2003 concerning Employment and BKN Regulation No 24 of 2017. Literature

⁹ James Turner, *Maternity and Paternity Leave, Manager*, 2010 <<https://doi.org/10.4135/9781452206905.n430>>.

¹⁰ *Ibid*, 8.

analysis was carried out to understand the development of regulations and implementation of maternity leave rights for male workers. In addition, this research also considers Islamic legal perspectives and practices in other countries for comparison.

III. Result and Discussion

Leave Rights For Husband In The Context Of Wife Maternity Leave

The application of regulations regarding leave rights for husbands in the context of wives' maternity leave is not effective in reducing cases of postpartum depression in wives. Apart from that, the company's lack of attention to employee welfare is one of the reasons why husbands cannot take maternity leave for their wives. The leave allowance recorded in the Employment Law is not enough to accompany the wife, because the leave time given is too short.¹¹ The general rule stipulated in article 93 paragraph 4 letter e which states that the wife gives birth or has a miscarriage, is paid for 2 (two) days. This is the problem that has become a type of polemic, which means that husbands who work in Indonesia get the right to leave for their wives to give birth only. for 2 (two) days. The 2 (two) day leave entitlement that the working husband gets from the leave entitlement a wife giving birth is an articulation that the role of a man (husband) when his wife gives birth is still underestimated by the government, considering that the birthing process is not only the responsibility of a woman (wife) and the importance of the presence of a husband to accompany and provide support to his wife who is struggling to risk her life. to reduce maternal mortality.¹² In contrast to private employees, ASN greatly benefits from this wife's maternity leave policy. How could it not be, in accordance with Law no. 20/2023 Regarding ASN, the rules regarding

¹¹ Faruq Alkafi, dkk, *Relevansi Hak Cuti Suami Dalam UU Ketenagakerjaan Pasal 93 ayat 2 dan 4; Istri Depresi Pasca Persalinan*

¹² Ida Bagus Yoga Radita, dkk, *Op-cit*. hlm.6

wife's maternity leave for ASN husbands are 15 days, 30 days, 40 days, up to 60 days. This maternity leave has a good impact on the ASN family because wives who are experiencing the postpartum phase really need their husband's support to make the family more harmonious.¹³ In comparing the maternity leave rights of wives for ASN husbands with husbands of private employees, this is what makes legal regulations in Indonesia still considered to be on the verge of lacking justice. A study states that the right to leave for husbands needs attention from governments around the world. Proposals regarding policies regarding parental leave rights must be realized immediately. The basic reason is that fathers' care for children is more limited than mothers. These limitations have an impact on policy interventions against gender role disruption. Apart from that, the right to leave for fathers has implications for the mental health of a mother when caring for a child.¹⁴

In fact, caring for children is not only the mother's duty, but also the father's duty. Fathers have an important role in raising children. Father's interactions with newborn children, such as care, stimulation, building bonding, reduce the risk of cognitive delays in newborn children. Father involvement also protects children from risk factors that could harm them, such as problem behavior and postnatal depression in mothers. Apart from that, the husband has the right to leave because giving birth to his wife takes a long time, so the wife needs to prepare herself physically and mentally before giving birth. Apart from that, it is important for wives who experience certain medical conditions to rest for the safety of the mother and child, as well as preparation after giving birth considering that newborn children need intensive care

and love from their parents, including the father.¹⁵

Concept of Companion Leave for Male Workers during their Wife Childbirth

Paternity leave is maternity leave, or more precisely parental leave, which is part of the paternity and maternal leave program. It is a leave given to male workers who are going to become fathers or, in some cases, to adopt a baby¹⁶ Paternity leave is sometimes called parental leave because this leave can be taken by both fathers and mothers at the same time. Paternity leave is part of a parental leave program that allows male workers to concentrate on taking care of their families for a certain duration. The parental leave program itself was introduced in Hungary in 1967 and Sweden in 1974. This marked the official recognition of the role of male workers as parents. Parents, both fathers and mothers, need time with their children, and vice versa¹⁷. This leave allows husbands to support their wives to reduce stress for mothers through emotional support, adapting to family changes, namely the presence of their babies. In addition, it can help mothers with postpartum care and recovery. Paternity leave rights and parental leave rights, or paternity leave, are useful for improving bonding between father and child relationships. and ensuring gender equality in terms of household and work environment. The presence of this Paternity leave is to meet the mother's rest needs, help take care of children and do household chores.¹⁸

Implementation of Husband's Leave Rights After His Wife Gives Birth in Indonesia

Private employees often do not get adequate leave rights, or are not even aware of their rights due to a lack of socialization and enforcement of regulations. Many workers in the private sector are not aware of their wife's maternity leave rights for their husbands, resulting in low utilization of this right. This shows that there is an information gap that must be overcome through more effective socialization. In the private sector, especially in small and medium-sized businesses, there is often no clear and

¹³ Andi Arjuna Shaputra, dkk, Hak Cuti Persalinan Bagi Ayah: Tinjauan Analisis Dalam Persepektif Hak Individu Aparatur Sipil Negara, Jurnal Ilmu Sosial dan Humaniora, 2024

¹⁴ Faruq Alkafi, dkk, *Ibid*, hlm. 8

¹⁵ Ida Bagus Yoga Radita, dkk, *Op-cit*. hlm.7

¹⁶ Dewi Ariyani, Paternity Leave (Cuti Ayah) Apa, Bagaimana dan Untuk Apa? Jurnal Studi Islam Gender Dan Anak, 12(2), 351–366, 2017

¹⁷ *Ibid*, 14.

structured leave policy. This is related to the lack of insight and education from the workers. Often, private companies focus on productivity and profits, thereby ignoring workers' rights regarding maternity leave. The government needs to take steps to ensure that all workers, both in the ASN and private sector, have the same rights regarding maternity leave for their husbands. The lack of awareness and implementation of leave rights in the private sector means that many private companies do not provide sufficient information regarding leave rights to their employees¹⁹ Lack of education about maternity leave rights for husbands causes low participation by husbands work in supporting their wives during labor and recovery. This creates injustice in granting leave rights between workers in the ASN and private sector. The lack of implementation of leave rights in the private sector is also related to the company's lack of concern for the welfare of workers' families. Many companies consider that providing maternity leave for husbands does not have direct benefits for the company, so they are reluctant to implement it. This shows the need for changes in organizational culture that better supports the welfare of working families.²⁰ In addition, small and medium-sized companies often face financial constraints in providing adequate leave rights for male workers. Support from the government in the form of incentives or subsidies can help these companies to provide adequate leave rights for their workers.²¹

Lack of Socialization

The lack of socialization regarding maternity leave rights for male workers means that many workers are not aware of their rights. Governments and companies need to work together to disseminate this information through various media and workplace training programs.²² Ineffective socialization also results in low levels of awareness and knowledge of workers regarding their rights. This highlights the need for better and more far-reaching communications strategies to ensure that all workers know their rights regarding maternity

leave. Labor protection aims to ensure basic rights of workers, as well as provide fair opportunities and treatment without any discrimination. This is important to achieve the welfare of workers and their families, as well as to pay attention to developments and progress in the business world. The importance of this protection includes the fulfillment of rights such as leave and appropriate wages, as well as reasonable working hours and safety in the workplace. Equality in treatment is key to ensuring social justice.

by supporting workers, the benefits are not only felt by them, but also contribute to the progress of the business through increased productivity and worker satisfaction. a positive work environment helps companies retain a quality workforce. Therefore, it is important for the government to supervise public institutions and companies that provide minimal socialization of husband's leave rights.

Weak Enforcement of Regulations

Enforcement of regulations regarding maternity leave rights is still weak, especially in the private sector. Many companies do not provide proper leave rights due to a lack of supervision and strict sanctions from the government²³. Strict law enforcement is essential to ensure all companies comply with existing regulations. The lack of effective monitoring mechanisms is also an obstacle in enforcing regulations. The government needs to establish an independent supervisory body that can monitor the implementation of maternity leave rights in the workplace and take action against companies that violate them. In addition, providing strict sanctions for companies that do not comply with regulations can provide a deterrent effect and encourage better compliance.²⁴ A study conducted by Pew Research found that half of the husbands (fathers) who were respondents to the study felt anxious because they did not have enough time to spend with their children. paternity leave itself is very important to create an official policy on maternity leave. This not

¹⁹ Badan Kepegawain Negara

²⁰ Ega, Hak Cuti Melahirkan Bagi Tenaga Kerja Perempuan Berdasarkan Undang-Undang dan Hukum Islam, Skripsi, 2021

²¹ Syahri Arma Yanthi, Implementasi Pengupahan Cuti Melahirkan Menurut Undang-Undang Nomor 13 Tahun 2003 Tentang Ketenagakerjaan Di Tinjau Dari Fikih Siyasah (Studi Kasus Kecamatan Medan Helvetia), 2021

²² *Ibid*

²³ Jane Redshaw and Maggie Henderson, 'Fathers' Engagement in Pregnancy and Childbirth', *BMC Pregnancy and Childbirth*, 13.70 (2013), 1–15 <<http://www.biomedcentral.com/1471-2393/13/70>>.

²⁴ *Ibid*

only fulfills workers' rights, but also improves the quality of future generations.²⁵ The government must ensure that the sanctions imposed are severe enough to encourage companies to comply with regulations. Not only the Employment Law, recently, precisely on July 2, 2024, Law Number 4 of 2024 concerning the Welfare of Mothers and Children in the First Thousand Days Phase was passed. In Article 6 paragraphs 2 and 3 which read: "The husband as referred to in paragraph (1) has the right to receive leave to accompany his wife on: (a) during labor, for 2 (two) days and can be given for a maximum of 3 (three) days or according to agreement; or: (b). when experiencing a miscarriage, for 2 (two) days. Meanwhile, Article 3 states: "In addition to the leave as referred to in paragraph (2), the husband is given sufficient time to accompany his wife and/or children for the following reasons: (a). wife who experiences health problems, health disorders, and/or postpartum complications or miscarriage; (b). Children who are born experiencing health problems, health disorders, and/or complications; (c). The wife who gave birth died; and/or d. The child who was born died.²⁶ his means that the government only provides leave given to husbands to accompany their wives during childbirth for only 3 days. but with a short time, which is 3 days. This 3-day time limit is a short duration, considering that this policy covers situations where the husband wants to accompany his wife during the labor process or provide emotional support, even though the wife's health condition does not show any problems. The author considers that this regulation is still weak because: (1). Limited Duration: 3 days is considered less than optimal to support the wife, especially during postpartum recovery, when the wife needs more help and support. (2). Limitations in Scope: There are no more specific rules regarding non-medical situations or other factors that may influence the need for leave rights. (3). Legal Awareness: There are still challenges in accepting husband's leave in various workplaces, where not all companies are ready to implement this policy properly. Thus, even though there is a policy that grants leave rights to husbands, the challenges

²⁵ Dewi Ariyani, Paternity Leave (Cuti Ayah) Apa, Bagaimana dan Untuk Apa? Jurnal Studi Islam Gender Dan Anak, 12(2), 351–366, 2017

²⁶ Undang-Undang Nomor 4 Tahun 2024 Tentang Kesejahteraan Ibu dan Anak

remain. Overall, the regulation in Article 6 of Law Number 4 of 2024 is a positive step in recognizing leave rights for husbands. However, there needs to be further discussion regarding the duration and scope of leave in order to better meet the needs of the family.

The Impact Of Father Involvement on Mother's Mental and Physical health.

Mothers experience a transition period involving major physical and psychological changes during pregnancy, childbirth, and childcare. During the process of adapting to enter the role of mother, they often experience high levels of emotional sensitivity, stress, and even the risk of self-harm. This phenomenon can naturally have an impact on a mother's mental health. In situations like this, the participation of the father becomes very important to help the mother meet her psychological needs. A mother's mental health will be maintained because the father actively accompanies and is involved in the parenting process, creating an environment where the mother does not feel alone, but is fully supported by her husband. In addition, the mother will also feel well-being because the parenting process is carried out together, which is realized through cooperation, mutual respect, effective communication, and a sense of shared responsibility related to the parenting process. Maintaining mental health in a mother not only has a positive impact on her own personal well-being, but also has a positive impact on how she raises her child. A loving mother can raise her child well and kindly. In addition, the involvement of the father improves the mother's mental health and increases her awareness in parenting.²⁷ Father's involvement during pregnancy and childbirth has a positive impact on the mother's mental and physical health. Emotional and physical support from the husband can reduce stress and anxiety in the mother, as well as promote a more positive birth experience.

In a study conducted by Yim in an area of California where women are a minority, partners were able to protect their partners and prevent postpartum depression symptoms from becoming worse. Additionally, Nast research

²⁷ Yulia Mauluddia, Keterlibatan Ayah dalam Mengasuh terhadap Kesejahteraan Psikologis Ibu dan Anak Ceria (Cerdas Energik Responsif Inovatif Adaptif, 7 (2), 2024, 158

found a significant relationship between postpartum depression and lack of husband support. When the wife is protected by her husband, she feels loved and protected, and it also helps maintain the mental health of the mother who has just given birth. A wife is expected to be able to tell her partner about all her problems, especially concerns and unpleasant psychological feelings after giving birth.²⁸ In addition, mothers who receive assistance during labor have a lower risk of complications, which can reduce the number of medical procedures needed. By having a companion during labor, mothers with husbands' assistance during the labor process can avoid stress and anxiety. Psychologically, the presence of a partner or someone close to the mother will also affect the mother's mental readiness to give birth.²⁹ Although many fathers want to be actively involved in their children's lives, they often struggle to meet the conflicting demands associated with their old and new father roles. Paternity leave can help alleviate some of these conflicting demands, at least temporarily. In addition, paternity leave can help fathers bond with their children and learn how to manage their childcare responsibilities. Having time off after the birth of a child can provide fathers with an opportunity to learn about parenting practices with the mother, allowing fathers to gain control over parenting. As a result, fathers may begin to feel comfortable with these responsibilities, view themselves as experienced caregivers, and become more involved in their children's lives. The more time husbands are able to spend on paternity leave, the more time they will have to bond with their children and learn to parent them. Because fathers' involvement early in a child's life is a major predictor of their involvement later in life, taking paternity leave may lead to greater father involvement in infancy and higher levels of father involvement in adulthood. Thus, the process of developing attachment to a child may have lasting effects. International studies have shown that fathers who take leave are more likely to engage in developmental tasks of caregiving with infants, such as changing diapers, feeding, and waking up at night. In addition, husbands'

leave also increases the likelihood of fathers engaging in developmental tasks, such as reading to their children, and caregiving tasks, such as putting their children to bed. The length of a husband's leave at the time of the wife's birth is also associated with more frequent involvement. It was found that taking paternity leave increased the likelihood that Swedish fathers would spend more time with their children, perform caregiving tasks, and take care of themselves. Similarly, research in the United States showed that fathers who took paternity leave were more likely to change diapers, prepare milk, take their children and wives to the doctor for postpartum check-ups, and were more involved overall with their one- and five-year-old children than fathers who did not take any paternity leave at all. The bulk of the evidence suggests that both the amount of paternity leave taken and the length of the paternity leave are associated with greater husband involvement.³⁰ The role of a father in raising a child actually begins when the child is still in the womb. The role of the father continues when the child is born. The sooner the father builds a bond with the little one, the better the impact. The care and experience of interaction between the child and the father play an important role in the child's development, and its influence will be felt until the child grows up. In addition, aspects of the child's cognitive and social development from the beginning also depend on the attachment, emotional relationships, and support provided by the father. Given the importance of the father's role in the early stages of a child's development, working fathers need to spend more time with their families, especially before and after the birth of the child. Maternity leave for women is now commonplace. However, unlike that, parental leave for husbands whose wives have given birth is still less noticed. In fact, the presence of a father during pregnancy and after birth has a very positive effect on the wife and the child born. Research from Pew Research shows that half of the fathers who were respondents felt anxious because of the lack of time to be with their children. Paternity leave is very important to be formulated and established as an official

²⁸ Tri Wurisastuti, dkk, The Role of Social Support for Mothers with Depression Symptoms in the Postpartum Period, *Buletin Penelitian Sistem Kesehatan* no. 3, 2020: 161–168

²⁹ Ni Made Risna Sumawati, dkk, Upaya Peningkatan Pengetahuan melalui Penyuluhan

Tentang Pentingnya Peran Suami Sebagai Fasilitator Dalam Persiapan Proses Persalinan, *Jurnal Aksiologi*, Vol 5, 2021

³⁰ Richard J. Petts and Chris Knoester, Paternity Leave-Taking and Father Engagement, *J Marriage Fam.* 2018 October ; 80(5): 1144–1162. doi:10.1111/jomf.12494.

regulation. In addition to fulfilling the rights of workers, this also contributes to improving the quality of future generations.³¹

Countries With More Advanced Paternity Leave Policies

In Indonesia, Paternity leave is still unfamiliar because some companies have only just implemented it, depending on their policies. However, many countries, especially in Europe, have already implemented it. In 2019, Canada's law on paternity leave and new parental leave was updated, providing five weeks of leave to new fathers. In this leave, Canada pays 55% of the employee's average annual salary up to a maximum of \$573 per week. While in other countries only 11% of husbands use their rights. However, in Quebec, a very family-friendly culture, 84% of fathers take leave to take care of their wives and wait for their babies after giving birth.³² Other than Canada, Sweden also in the Swedish Parental Leave Act can share parental leave for 480 days, which can be taken at any time before the child is 8 years old. And most of this leave is fully paid. With this policy, parents can arrange their leave according to their family's needs, which helps them find a balance between work and family life.³³ In addition, Asian countries such as Japan also have policies that regulate maternity leave for husbands. This was originally intended to increase the birth rate in Japan, which at that time had decreased due to changes in the lifestyle of Japanese society towards a modern direction by prioritizing work matters. In Japan, the maternity leave system for husbands is divided into two periods of time: pre-natal leave, which lasts up to six weeks, and maternity leave, which lasts up to six weeks and post-natal leave, or post-natal leave, which lasts up to eight weeks, with the policy that employees will still receive compensation of 67% of the total basic salary. In addition to these 3 countries, South Korea also has a paternity leave policy for fathers. This has been in effect since the 1970s and is part of the reform of family and labor market policies.³⁴ Neighboring countries such as Singapore, which established a paternity leave

policy in 2013. The 2013 paternity leave regulation provides one week of leave and still gets full pay. Husbands who take leave can also share an additional week of their wife's 16-week maternity leave.³⁵

Leave Policy Flexibility

The maternity leave policy for husbands should be made more flexible, so that fathers can take leave according to their family's needs. In this way, fathers can be more active in helping care for their children and supporting their wives during the recovery period.³⁶ Flexible policies can also provide the option to take time off gradually or part-time. This will help workers tailor leave to work and family needs. So, they can still be productive at work while carrying out their responsibilities at home.³⁷ This flexibility in leave policies can also help small and medium companies that find it difficult to provide maternity leave for male workers. By offering more flexible options, companies can more easily organize and plan employee leave without disrupting business operations.

Policy Implications in Indonesia

Indonesia can learn from the best methods implemented by other countries to create better paternity leave policies and support family welfare. With more flexible policies, fathers can play a greater role in the family, which in the end can help create a more prosperous and balanced society. However, when adapting policies from other countries, we need to pay attention to the social and cultural context in Indonesia. Policies that are successful in other countries must be adapted to the norms and values that exist here so that they can be accepted and implemented well. Apart from that, the government also needs to conduct in-depth research to assess policies from other countries that might be applicable in Indonesia. This is important so that the policies made are truly in line with the needs and conditions of the Indonesian people and provide optimal benefits.

³¹ *Ibid*, 14.

³² Achmad Dimas Aliffian, dkk, *Regulasi dan Penerapan Cuti Melahirkan Pada Buruh di Indonesia*, Jurnal Hukum dan Kewarganegaraan Vol 5, No 1, 2024, doi.org/10.3783/causa.v2i9.2461

³³ Anne H. Gauthier, *Public policies affecting fertility and families in Europe*, 2012

³⁴ *Ibid*. 11.

³⁵ Nabilah Puspitarini, *Perbandingan Kebijakan Cuti Paternitas Perwujudan Kesetaraan Dalam Lingkup Ketenagakerjaan Antara Indonesia Dengan Singapura dan Filipina*, Jurnal Media Hukum Indonesia, Vol 2, 2024

³⁶ *Ibid*

³⁷ *Op.Cit*, hal 15.

IV. Conclusion and Suggestion

This study confirms that the regulation on maternity leave rights for male workers for wives giving birth in Indonesia needs to be extended in duration and needs to be revised and evaluated in depth in order to achieve equality and justice. More inclusive and fair policies are expected to improve family welfare and overall worker productivity, as well as encourage gender equality in the workplace. By implementing the suggested policy recommendations, it is hoped that male workers in Indonesia will have a better opportunity to support their families during childbirth and recovery, which will ultimately increase the productivity of family welfare in the workplace. Apart from that, the government should conduct in-depth research to assess policies from other countries that might be applied in Indonesia. This is important so that the policies made are truly in line with the needs and conditions of the Indonesian people and provide optimal benefits.

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