

Paternity Leave Policy In The Mother and Child Welfare Act

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Abstract

Mothers experience a transition period involving major physical and psychological changes during pregnancy, childbirth, and childcare. During the process of adapting to their new role as mothers, they often experience heightened emotional sensitivity, stress, and even the risk of self-harm. This phenomenon can naturally impact a mother's mental health. In situations like this, the father's participation is very important in helping mothers meet their 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, mothers will also feel a sense of well-being because the parenting process is carried out together, which is manifested through cooperation, mutual respect, effective communication, and a shared sense of responsibility for the parenting process. Father involvement early in a child's life is a major predictor of their involvement later in life; taking paternity leave can lead to greater father involvement during infancy and higher levels of father involvement in adulthood. Thus, the process of developing attachment in children can have long-lasting effects.

Keywords: Paternity Leave, Leave Entitlement, Employment.

A. INTRODUCTION

Labor is a fundamental aspect of national development because it concerns basic human rights namely, the right to employment and a decent standard of

living as mandated by Article 27, paragraph (2) of the 1945 Constitution. Healthy industrial relations require a strong and flexible legal framework. In this regard, labor regulations not only protect workers from exploitation but also provide legal certainty for employers. Labor regulations are crucial for ensuring a balance between the interests of workers and employers. Without clear regulations, workers are vulnerable to exploitation, while employers need legal certainty to run their businesses. However, global economic changes, technological advancements, and the emergence of new types of jobs have posed new challenges to the national labor law system. Therefore, to ensure fairness and well-being in the workplace, continuous evaluation of labor regulations is essential (Sadelanuari and Faslah 2025). Regulations regarding leave in the context of employment relationships are, in essence, a manifestation of the state's responsibility to ensure the protection of workers' rights, particularly those related to family life (Dibah and Thamrin 2024). The family is one of the smallest organizations in society. Human resources are developed largely by the family. In traditional societies, mothers are the primary educators of the family. Fathers are usually responsible for the family finances. A father in the family not only acts as a leader, but is also responsible for nurturing and educating all members of his family, including his wife and children (Ariyani 2017). As workers under Article 79 paragraph (1) of the Indonesian law on labor, in addition to having obligations that must be fulfilled by the company, workers also have rights, one of which is the right to leave. As a husband and head of the family, men are allowed to take two days of leave to accompany their wives during childbirth, while still receiving full compensation/full wages. Similarly, Law No. 4 of 2024 concerning the Welfare

of Mothers and Children, in Article 6 paragraph 2, states that husbands are entitled to two days of leave to accompany their wives during childbirth. furthermore, paragraph 3 states that the husband is given sufficient time to accompany his wife during childbirth and/or the child for the following reasons: (a) the wife experiences health problems, health disorders, and/or postpartum complications or miscarriage; (b) the child born experiences health problems, health disorders, and/or complications; (c) the wife who gave birth has passed away; and/or (d) the child who was born has passed away. Paternity leave is a parental leave policy granted to male employees to fulfill their responsibilities as parents. (Puspitarini 2024) In societies that still have outdated mindsets, fathers are only responsible for providing for the family financially, while mothers are responsible for taking care of the children and the household. In fact, caring for children is the responsibility of both mothers and fathers. Fathers play a very important role in raising children. Fathers' interaction with newborns, such as caring for them, stimulating them, and bonding with them, reduces the risk of cognitive delays. Father involvement can also protect against several risk factors and postpartum depression in mothers. In addition, husbands are entitled to take leave because childbirth requires a long time, so wives must prepare themselves physically and mentally before giving birth. Furthermore, it is important for wives with certain medical conditions to rest for the safety of the mother and child, as well as to prepare for after childbirth because newborns need intensive care and affection from their parents, including their fathers (Adi 2026). In addition to benefiting families, paternity leave can also benefit companies. When husbands take this leave to help mothers care for their children, it gives them more time to recover

and reduces the stress that affects their performance after returning to work. Those who work with high productivity and are highly motivated to do their jobs will have a positive impact on work performance. The provision of paternity leave is an important component that needs to be formulated and officially ratified in policy. In addition to fulfilling the rights of male workers, it also improves the quality of the nation's future generations.

B. RESEARCH METHOD

This research is a legal-normative study, which examines the provisions of laws and regulations that apply as positive law in Indonesia.(Efendi n.d.) Secondary research data was collected through literature studies related to legal issues or problems raised in the research (Waluyo 2018). Secondary data from the research was analyzed qualitatively and systematically to draw conclusions about the issues discussed (Ishaq 2017). Research data is described in clear, effective, organized, coherent, and logical sentences to facilitate analysis and discussion of the issues (Efendi n.d.).

C. RESULT AND DISCUSSION

After giving birth, wives need their husbands' support for physical and emotional recovery and adjustment to their new roles as parents. Husbands' involvement has been shown to improve wives' mental health, parenting quality, and family harmony, both medically and psychologically. Postpartum depression, which affects children's growth and family stability, can increase due to a lack of support from husbands. Therefore, paternity leave policies should be established so that husbands can actively participate Data reported by the WHO shows that

worldwide, 289,000 women died during and after pregnancy and childbirth in 2016, with the percentage of mothers giving birth increasing to 90.88% compared to the previous year. Maternal mortality can be defined as the death of a woman during pregnancy, during childbirth, or within forty days after childbirth, from causes directly or indirectly related to the childbirth process. One important measure of public health is the maternal mortality ratio (MMR). The MMR is the number of women who die for pregnancy-related reasons or due to complications (excluding accidents or incidents) during pregnancy, childbirth, and the postpartum period (42 days after childbirth), without taking into account the duration of pregnancy, per 100,000 live births. In their partner's recovery and childcare Paternity leave is a right granted to married male workers to enable their direct involvement in caring for their children from birth. This participation has positive implications for family welfare and the overall development of children (Ariyani 2017). The main purpose of this leave is to enable fathers to provide emotional support to their partners and actively participate in the early stages of childcare. Unlike maternity leave, which focuses primarily on women's physical recovery and postnatal care, paternity leave highlights the evolving role of fathers as caregivers in shared parenting. Along with shifting gender roles in the family, paternity leave has become an important policy in promoting equality in the workplace and at home. The importance of this leave lies not only in redefining the role of fathers, but also in challenging the deep-rooted perception that childcare is the exclusive responsibility of women (Maharani 2024). In line with the emergence of assumptions among the public, especially pregnant women, regarding paternity leave, on June 4, 2024, the House of Representatives (DPR)

approved the Draft Law on the Welfare of Mothers and Children in the First 1,000 Days of Life, which was then passed into law at the DPR Plenary Session. This law emphasizes the importance of the welfare of mothers and children during the first thousand days of their lives, which is a very important part of a child's growth and development. By enacting this law, it is hoped that various problems faced by mothers and children during this period can be resolved by paying special attention to ensuring the growth and development of children and ensuring that they receive the care and nutrition they need. Under this law, husbands are entitled to two days of leave to accompany their wives during childbirth. and the husband is given sufficient time to accompany his wife during childbirth or to care for the child if the wife experiences health problems, health disorders, and postpartum complications or miscarriage, the child born experiences health problems, health disorders, or complications, the wife who gave birth dies, or the child born dies. sufficient time to accompany the wife during childbirth or the child for reasons such as the wife experiencing health problems, health disorders, and postpartum complications or miscarriage, the child born experiencing health problems, health disorders, or complications, the wife who gave birth passing away, or the child born passing away.(Maratus 2024) The implementation of paternity leave is still very new in Indonesia because there are no specific laws and strong cultural practices. Law Number 4 of 2024 concerning the Welfare of Mothers and Children only provides two days of leave for male workers when accompanying their wives during childbirth. This short period is not enough for fathers to bond with their babies or provide meaningful support to their wife's (Maharani 2024). This means that regulations in this area still do not provide

comprehensive support for the role of fathers. Considering that the process of childbirth is not only the responsibility of women (wives) and the importance of the presence of husbands to accompany and provide support to their wives who are struggling to risk their lives in order to reduce maternal mortality rates after childbirth (Raditya and Priyanto 2015). On the other hand, female employees are entitled to at least three months of maternity leave, reflecting the traditional view that the primary responsibility of mothers is to care for their children. This imbalance hinders efforts to promote gender equality and ignores the important role of fathers in modern family life. The same applies to the involvement of husbands in accompanying their wives after childbirth. Research has shown that mothers who receive support from their husbands during childbirth have a lower risk of postpartum depression. Spousal support can help mothers feel more secure and valued during pregnancy and childbirth. Father involvement can also help mothers recover more quickly after giving birth. Fathers who actively help care for newborns can ease the physical and emotional burden experienced by mothers. Therefore, this policy is considered this is inadequate given the important role of husbands in supporting their wives during childbirth and postpartum recovery. The literature shows that the involvement of fathers in this process has a positive impact on the mental and physical health of mothers and the development of children. However, current regulations are still far from the expected standards, especially when compared to other countries that are much more advanced in this regard.(Turner 2010) This study aims to raise awareness about the importance of fathers' involvement in parenting and provide recommendations that can help fathers perform their roles more effectively. Meanwhile, policies that support

work-life balance, such as flexible working arrangements and paternity leave, can help fathers become more involved in childcare (Irawan 2024). Studies show that fathers' involvement in caring for newborns has been proven to have a positive impact on child development and maternal well-being. However, Indonesia's rigid paternity leave policy makes it difficult for fathers to effectively fulfill this role. This relatively rigid law also limits flexibility for fathers who may want to take additional leave to accompany their wives during childbirth. This can increase the burden of childcare on the mother herself.

D. CONCLUSION

This study confirms that the involvement of fathers in the care of newborn children has been proven to have a positive impact on child development and maternal well-being. However, paternity leave policies are considered inadequate given the important role of husbands in supporting their wives during childbirth and postpartum recovery. The need for more inclusive and fair policies is expected to improve family welfare and overall worker productivity, as well as promote gender equality in the workplace. By implementing the recommended policy recommendations, it is hoped that husbands working in Indonesia will have better opportunities to support their families during their wife postpartum and recovery periods, which will ultimately increase productivity in the workplace.

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