

JURIDICIAL PROBLEMS RELATED TO THE REGULATION OF THE DURATION OF PATERNITY LEAVE FOR PRIVATE WORKERS WHEN THE WIFE GIVES BIRTH

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Abstract

Paternity leave for private workers in Indonesia is still regulated in a limited manner in the legislation, which is only 2 to 3 days in duration as stipulated in Law Number 13 of 2003 concerning Manpower and Law Number 4 of 2024 concerning Maternal and Child Welfare. This duration is considered inadequate to provide optimal support to wives who give birth and in childcare. This study aims to analyze the urgency of regulating the duration of paternity leave for private workers and to examine the form of paternity leave arrangements for private workers in Indonesia. This research uses normative juridical methods with statutory, conceptual, historical, and comparative approaches and uses prescriptive analysis techniques. The results show that the limitations of paternity leave have an impact on family welfare, father's involvement in parenting, and the balance between work and family life. Compared to other countries, such as Singapore and Malaysia, which have implemented paternity leave policies with longer durations, Indonesia is still lagging behind in providing protection for male workers' rights to accompany their wives in childbirth. Therefore, labor policy reform is needed to extend the duration of paternity leave for private sector workers to create a better balance between workers' rights and family needs. Keywords: Paternity Leave; Private Worker; Labor Law; Family Welfare.

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INTRODUCTION

The family is a social institution that has a fundamental role in shaping individual personality and character, as well as being the main foundation in the process of socializing values, norms, and social roles in society. The family not only plays a biological role through blood relations, but also includes emotional and social relationships that are an important part of the formation of social structures. (Aliffian et al., 2024). One of the main functions of the family is the economic function, which is how the family plays a role in fulfilling basic needs through work activities. In this case, work becomes an important instrument for the family to obtain income that sustains the welfare of life.

Family welfare is an important pillar in a country's social and economic development. (Santoso et al., 2023). In the context of employment in Indonesia, the welfare of workers is strongly influenced by the legal system that regulates employment relationships and the protection of workers, including private workers who dominate the national workforce. Law No. 13/2003 on Manpower (hereinafter referred to as UUK) regulates employment relationships through two forms of agreements, namely the Specified Time Work Agreement

(PKWT) and the Indefinite Time Work Agreement (PKWTT) (Husni, 2020). However, in practice, there are major challenges in realizing fair and equal protection, especially for male workers who also carry out their roles as husbands and fathers.

Changing social dynamics have seen an increase in the role of men in childcare, which was previously dominated by women. There is now a widespread realization that fathers have an important role to play in children's emotional development and in supporting their wives, especially during the pre- and post-natal period. (Shaputra et al., 2024). The active role of fathers, not only as breadwinners, but also as companions to their wives and caregivers to their children, is becoming increasingly crucial in strengthening family cohesion and improving the quality of parenting.

Legal arrangements in Indonesia regarding paternity leave for private sector workers are still very limited. Based on Article 93 paragraph (4) letter e of UUK which states that "Wages paid to workers/laborers who are absent from work as referred to in paragraph (2) letter c as follows:

e. wife gives birth or miscarries, paid for 2 (two) days."

A similar arrangement is also found in Article 6 paragraph (2) of Law Number 4 Year 2024 on Maternal and Child Welfare (MCH Law), which states that

"The husband as referred to in paragraph (1) is entitled to leave to accompany his wife:

- a. labor period, for 2 (two) days and may be given for a maximum of the next 3 (three) days or in accordance with the agreement; or
- b. when having a miscarriage, for 2 (two) days."

Basically, the law only provides paternity leave for 2 (two) to 3 (three) days, so arrangements related to paternity leave are still limited in Indonesia. In fact, the presence of a father during the pre- and post-natal period has a positive impact on the wife and the child who is born. (Shaputra et al., 2024).

On the other hand, the State Civil Apparatus (ASN) in Indonesia has the right to one month of leave to accompany a wife giving birth through an important reason leave mechanism based on BKN Regulation Number 24 of 2017 concerning Procedures for Granting Leave for Civil Servants (Rahadian et al., 2020). This policy imbalance between private workers and ASN shows that there is no equal legal protection in the context of workers' rights as fathers. In fact, adequate paternity leave can have a positive impact on the mental health of postpartum mothers, as well as strengthen the bond between father and child (Alkafi, 2024).

This gap becomes even more pronounced when compared to practices in other countries. Scandinavian countries such as Sweden and Norway have established paternity leave of between 10 to 16 weeks with full pay (CNN Indonesia, 2022). Southeast Asian countries such as Malaysia and Singapore have also reformed their policies by granting paternity leave for seven working days and four weeks respectively (Ciptahutama, 2023). Paternity leave policies for private sector workers in both developing and developed countries have been implemented for the purpose of supporting workers' rights as well as the welfare of workers' families.

Indonesia's limited paternity leave has serious implications for family welfare. Many postpartum mothers have to recover and care for their children alone due to the absence of their husbands due to limited paternity leave (Alkafi, 2024). This not only has the potential to cause physical and mental exhaustion in the mother, but also makes it difficult for the father to fulfill his role as a companion and caregiver, which in turn can cause tension in family relationships.

Based on these conditions, this study aims to further examine juridical problems related to the regulation of the duration of paternity leave for private workers when their wives give

birth. This research will also identify the legal vacuum related to the absence of adequate duration of paternity leave to accompany the wife during and after childbirth and also in caring for the newborn child. In addition, this research aims to provide more comprehensive and equitable policy recommendations to strengthen the labor law system and improve the welfare of working families in Indonesia.

METHODS

This research uses the normative juridical method, which is an approach that focuses on literature studies to examine written legal norms as the main material in answering the legal issues studied (Marzuki, 2013). The main focus of this research is an examination of the laws and regulations governing paternity leave, by exploring relevant legal principles and doctrines in the Indonesian legal system.

This research uses several approaches to analyze the juridical problems of regulating paternity leave for private workers when their wives give birth. This research approach uses several approaches, namely a statutory approach (*statute aPeraturan Pemerintah*), a historical approach (*statute aPeraturan Pemerintah*), a comparative approach (*comparative aPeraturan Pemerintah*), and a conceptual approach (*conceptual aPeraturan Pemerintah*). The sources of legal materials used include primary legal materials (laws and regulations from Indonesia and abroad), secondary legal materials (literature, journals, and previous research results), and tertiary legal materials (legal dictionaries and encyclopedias) (Nugroho, 2020).

The technique of collecting legal materials is carried out through literature studies by examining and classifying relevant legal materials, both from regulations, documents, and scientific literature (Muhaimin, 2020). The materials are then analyzed using prescriptive analysis techniques, namely by formulating legal arguments and providing normative recommendations on the issues raised (Marzuki, 2013).

DISCUSSION

1. Urgency of Establishing Regulation on Duration of Paternity Leave for Private Workers when Wife Gives Birth

Leave is one of the fundamental rights for workers as a form of protection to maintain a balance between work life and personal life (Abdilah et al., 2021). In the Indonesian labor law system, the right to paternity leave has not received adequate attention, especially for private sector workers. *Paternity leave* is part of *parental leave* that aims to provide male workers with the opportunity to focus on assisting their families, especially when their wives give birth. Before being regulated in the UUK, this right was implied in Article 144 paragraph (2) letter b of Law Number 25 of 1997 concerning Manpower, which states that

“The provisions as referred to in paragraph (1) do not apply and employers are obliged to pay wages if:

b. the worker is absent from work due to hindrance”

This provision does not explicitly regulate paternity leave or companionship leave, so the policy can be interpreted as not yet regulating paternity leave for private workers. After the 1997 Law was repealed and replaced by the UUK which came into force on March

25, 2003, the regulation of paternity leave is contained in Article 93 paragraph (4) letter e of the UUK, which states that

“Wages paid to workers/laborers who are absent from work as referred to in paragraph (2) letter c as follows:

e. wife gives birth or miscarries, paid for 2 (two) days.”

The regulation also does not explicitly use the term “paternity leave”, but the article implies that private workers, especially men, have the right to be absent from work for 2 (two) days when their wives give birth or experience pregnancy loss (Rahadian et al., 2020).

Paternity leave arrangements are also regulated in Article 6(2) of the MCH Law which states that

“The husband as referred to in paragraph (1) is entitled to leave to accompany his wife:

- a. labor period, for 2 (two) days and may be given for a maximum of the next 3 (three) days or in accordance with the agreement; or
- b. when having a miscarriage, for 2 (two) days.”

The policy also fundamentally fails to address the real needs faced by working families. Moreover, the initial draft of the MCH Law actually proposed up to 40 days of paternity leave, but the final result only stipulated a maximum of 3 days of leave, which means a substantial reduction from the more ideal proposal (KemenPeraturan Pemerintahpa, 2024). Both policies are considered inadequate for private sector workers in accompanying their wives during and after childbirth and in caring for newborn children, so many male workers in the private sector are forced to use annual leave, in order to accompany their wives who give birth. In fact, the ILO defines *paternity leave* as paid or unpaid leave that is the exclusive right of male workers who will become fathers, which is a special leave that cannot be combined with annual leave. Kedua kebijakan tersebut dinilai tidak memadai bagi pekerja swasta dalam mendampingi istri saat dan pasca melahirkan serta dalam mengasuh anak yang baru lahir, sehingga banyak pekerja laki-laki di sektor swasta terpaksa menggunakan jatah cuti tahunan, demi untuk mendampingi istri yang melahirkan (ILO, 2023).

In contrast to the provisions for ASN to get leave for important reasons, which is a maximum of 1 month, one of which is leave for important reasons to accompany his wife during childbirth, as stipulated in chapter III Procedures for Requesting and Granting Leave letter E numbers 3 and 6 of BKN Regulation Number 24 of 2017 concerning Procedures for Granting Civil Servant Leave. The length of leave for important reasons (wife giving birth) for one month is obtained without reducing the right to annual leave for 12 days, the civil servant concerned also continues to receive income as appropriate (Rahadian et al., 2020). The difference in the duration of private workers and ASN creates injustice between private workers and ASN and does not reflect the principle of equality in the protection of workers' rights (Puspitarini, 2024).

When compared to other countries, Indonesia only has a duration of paternity leave for private workers of 2-3 days which is very far behind. Malaysia, through the *Employment (Amendment) Act 2022*, provides 7 days of paid paternity leave for private sector workers who have worked for at least 12 months (Abu Hassan et al., 2023). Meanwhile, Singapore has provided 4 weeks of paternity leave through the *Child Development Co-Savings (Amendment) Act 2024*, plus financial incentives such as the *Baby Bonus Cash Gift* (Ciptahutama, 2023). Both countries show a strong commitment to supporting fathers'

involvement in early childcare. The following table summarizes the comparison of countries with paternity leave:

Table 1.1
Country Comparison of Paternity Leave Policies (*Paternity Leave*)

| ASPECT | MALAYSIA | SINGAPORE | INDONESIA |
|--|---|--|---|
| Country Status | Evolve | Advanced | Evolve |
| GDP (2023) | USD 399,65 billion | USD 501, 43 billion | USD 1.372,17 billion |
| The initial year of the policy <i>Paternity Leave</i> | 2023 (after amendement <i>Employment Act</i> 1955 (that do not regulated at all)) | 2013 (first introduced) | 2003 (policy has not been specifically regulated and the duration of leave is not sufficient) |
| Related legal foundation <i>Paternity Leave</i> | <i>Employment (Amandement) Act</i> 2022 | <i>Child Development CoSavings (Amandement) Act</i> 2024 | Law No. 13 of 2003 on Labor and Law No. 4 of 2024 on Maternal and Child Welfare |
| Duration <i>Paternity Leave</i> | 7 consecutive days | 4 weeks | 2 -3 days |
| Wage Payment during <i>Paternity Leave</i> | Paid in full by the employer | Fully paid by the government | Paid in full by the employer |
| Requirements to Obtain <i>Paternity Leave</i> | 1. Have worked ≥ 12 months for the same employer 2. Notify wife of pregnancy ≥ 30 days before expected delivery or immediately after birth | Complies with eligibility requirements, is not disqualified and follows government | Not yet regulated |
| | | administrative requirements | |

| | | | |
|--|---|---|---|
| Policy Objective <i>Paternity Leave</i> | Improving workers' rights, including the introduction of paid paternity leave for the private sector. This was done by the Malaysian Government to give workers who are fathers the positivity to share the responsibility of caring for newborn babies | Provide stronger parenting support for working parents, including increased paid paternity leave and shared parental leave schemes. | - |
|--|---|---|---|

Based on the table above, it can be concluded that both Malaysia and Singapore have adopted paternity leave policies as part of worker protection and efforts to support work-life balance. Malaysia provides seven days of paid paternity leave for private sector workers under certain conditions, while Singapore shows further commitment by increasing the duration of government-funded paternity leave from two weeks to four weeks. These policies reflect both countries' awareness of the importance of fathers' involvement in supporting their wives during childbirth and playing an active role in early childcare and reflect that the governments take the positive impact of paternity leave seriously.

The urgency of adjusting the duration of adequate paternity leave is also supported by postpartum medical conditions. First, physical recovery for mothers generally lasts 2 weeks for normal labor, and up to 1 month for cesarean section (Raditya & Priyanto, 2015). Second, postpartum mental recovery is also considered important, because many postpartum mothers experience 50-75% experience *baby blues* syndrome which occurs in 3 to 14 days (Hidayat, 2011). Assessing this, the physical and mental recovery of postpartum mothers needs family support, especially husbands, so that a paternity leave policy for private workers with adequate duration is needed so that paternity leave does not only become a formality, but really supports the welfare of mothers, children, and families as a whole.

2. Forms of Regulation of Paternity Leave for Private Workers in Indonesian Legislation

In understanding the importance of regulating the duration of paternity leave, it is necessary to examine the philosophical, sociological, and juridical foundations as follows:

a. Philosophical Foundation

The philosophical foundation for the regulation of paternity leave for private workers is based on fundamental values derived from Pancasila and the 1945 Constitution as the highest constitution (Munawaroh, 2024b). The values of humanity, justice and family welfare are an important basis for affirming the right of fathers to be actively involved in accompanying their wives who give birth and build early bonds with their children. The paternity leave policy is not just an aspect of employment, but also reflects the state's recognition of the strategic role of fathers in the family.

In this context, the second principle of Pancasila "Fair and Civilized Humanity" implies the importance of respecting family rights, while the fifth principle "Social Justice for All Indonesian People" emphasizes the need for a balance of rights and obligations between men and women in childcare. Unfortunately, the current

arrangement of paternity leave in Indonesia, especially for private sector workers, is not in line with these values because the duration is still very limited, which is only 23 days. Constitutionally, this arrangement also does not reflect the principle of welfare as stipulated in Article 27 paragraph (2) and Article 28H paragraph (1) of the 1945 Constitution. The right to work and a decent livelihood as well as physical and mental well-being demands a balance between work and family life, including the fulfillment of the right to paternity leave.

- b. This shows injustice and reinforces the burden of care on mothers, and contradicts the principles of justice according to John Rawls' theory, which emphasizes two principles: equal freedom and the principle of difference. The principle of equal freedom guarantees the rights of every individual, including the right of male workers to accompany their wives after childbirth. Meanwhile, the principle of difference demands that inequalities be regulated to benefit disadvantaged groups, in this case low-income private workers who do not have flexible access to leave policies (Munawaroh, 2024a). Therefore, regulating a more adequate duration of paternity leave is important as part of realizing substantive justice and improving the welfare of working families.

The sociological basis for regulating paternity leave for private sector workers when their wives give birth stems from the real needs in society, especially related to the physical and mental health of postpartum mothers. The process of childbirth, whether normal or caesarean, causes significant physical changes and requires an adequate recovery period. Post-cesarean mothers, for example, are at risk of serious complications such as bleeding and injury, and need up to 42 days of recovery to avoid puerperal complications, which account for 75% of maternal deaths (Puspasari & Istiyati, 2024). Husband support is also important in maintaining the mental health of mothers, as many experience disorders such as *baby blues* syndrome, which is experienced by 70-80% of mothers, with 13% progressing to postpartum depression (Arrouf & Rahayu, 2024). Baby blues, which is a form of postpartum depression, generally occurs around 3 to 14 days (Hidayat, 2011). Therefore, the role of husbands in providing emotional and social support has been shown to accelerate recovery.

Socioculturally, the patriarchal culture in Indonesia still places childcare as the mother's responsibility, prompting many women to sacrifice their careers for the home (Ciptahutama, 2023). Paternity leave is an important policy to change this stigma and create a balance of domestic roles between men and women. Fathers' involvement in early childcare has a positive impact on children's psychological development and family stability (DPR RI, 2022). Thus, the presence of fathers is very important in supporting the mother's recovery and maintaining the mother's emotional stability as well as in childcare. Based on this, there is a need for policy reform in the form of a more comprehensive paternity leave arrangement for private sector workers, in order to fill the legal vacuum, increase the involvement of fathers in postpartum care, and ensure the creation of a work-life balance for private sector workers in Indonesia (Munawaroh, 2024b).

- c. Juridical Foundation

The current arrangements for paternity leave for private sector workers in Indonesia are legally inadequate because the duration is very limited, namely two days under Article 93 paragraph (4) letter e of the Manpower Law (UUK) and three days under Article 6 paragraph (2) of the Maternal and Child Welfare Law (MCH Law).

These two provisions do not explicitly use the term “paternity leave” and do not comprehensively regulate the mechanism, conditions, or benefits of leave. This creates a mismatch between legal arrangements and social realities that demand a greater role from fathers in early childcare (Munawaroh, 2024b).

The need for the duration of paternity leave for private workers when their wives give birth can be analyzed and strengthened by other laws and regulations, one of which is Law Number 17 of 2003 concerning Health, hereinafter referred to as the Health Law. Through Article 40, Article 54, and Article 96 of the Health Law, it can provide a strong juridical basis that adequate paternity leave is needed to support maternal recovery, infant health, and family balance. The presence of fathers plays an important role in assisting mother and child care, maintaining emotional stability, and preventing postpartum stress. Without adequate leave duration, paternal involvement is limited, which can have an impact on the mother’s physical and mental health and family harmony. Therefore, regulating the duration of paternity leave for private sector workers is necessary to ensure the overall well-being of the family.

The Health Law described above explains that the ideal duration of paternity leave for private workers is needed, and can also be analyzed and strengthened by several articles from the MCH Law that can support a more adequate paternity leave policy. Article 6 paragraphs (1), (2), and (3) show that husbands or fathers have an important role in accompanying their wives during and after childbirth and in childcare. Husbands have the responsibility to maintain health, provide nutrition, support breastfeeding and accompany their wives and children to health services. In order for all responsibilities to be carried out properly, paternity leave needs to be regulated more adequately, especially for private workers.

Examining the Health Law and MCH Law shows that positive family interactions play an important role in the physical and mental well-being of postpartum mothers. Therefore, a more comprehensive policy is needed to fill the legal gap regarding the inadequate duration of paternity leave and in supporting maternal and child health and creating a work-life balance for private sector workers.

Based on the consideration of the philosophical, sociological, and juridical foundations described above, the ideal duration of paternity leave for private workers is between 7 and 14 days. This determination considers legal, social, medical aspects, and comparisons with other countries. In Malaysia, paid paternity leave is given for 7 days, while in Singapore for 14 days and even increased to 4 weeks. Medically, mothers need about two weeks to recover physically and deal with psychological conditions such as *baby blues*. The duration of paternity leave for private sector workers with 7-14 days can provide enough time for fathers to accompany their wives, help care for the baby, and strengthen family bonds. This is also in line with global trends that encourage work and family balance. Jean Yeung’s research in Singapore also shows that the real benefits of paternity leave start to show if the duration is two weeks or more (Yeung & Li, 2023).

The role of fathers in accompanying their wives during childbirth is very important, but paternity leave arrangements for private workers in Indonesia are still minimal. Therefore, alternative policies are needed through various instruments of legislation, including Government Regulations, Presidential Regulations, Ministerial Regulations, and Judicial Reviews.

1. Government Regulation

Government Regulation is an implementing regulation of the law that can be used to further regulate the rights and obligations as referred to in Article 12 of Law No. 12 Year 2011. In this case, a Government Regulation can be used as a more flexible and quicker instrument in regulating the duration of paternity leave, because its formation is under the authority of the President without the involvement of the DPR, as confirmed in Article 5 paragraph (2) of the 1945 Constitution. This allows for a quick response to community needs and technical implementation in the field. However, Government Regulations also have limitations. Hierarchically, Government Regulations are subordinate to laws so they can only regulate matters mandated by law. If the Labor Law (UUK) has not explicitly ordered the regulation of paternity leave, then the Government Regulation becomes juridically weak. In addition, Government Regulations are *administratiefrechtelijk*, which is part of state administrative law (Harruma, 2022). This is because the right to paternity leave stipulated in the Government Regulation does not have the same normative force as basic rights in law such as annual leave or menstrual leave. The Government Regulation also does not provide for sanctions, so its effectiveness depends on the voluntary compliance of companies, in the absence of a strong legal coercion mechanism.

2. Presidential Regulation

A Presidential Regulation can be used as an option to regulate paternity leave policies for private workers, because it is a legal instrument that carries out orders from higher laws and regulations. This is in accordance with Article 13 of Law No. 12/2011 which states that the content material of Presidential Regulations must be ordered by Law, implement Government Regulations, or exercise government power. This means that Presidential Regulations cannot stand alone, but only elaborate norms from higher regulations.

In this context, the President has the authority to issue Presidential Regulations as confirmed in Article 4 paragraph (1) of the 1945 Constitution of the Republic of Indonesia, which states that “The President of the Republic of Indonesia holds the power of government according to the Constitution.”

Presidential Regulations allow for quick and direct policy decisions by the President without a lengthy legislative process, thus ensuring legal certainty and responding to the urgent need for social protection for male workers accompanying their wives in childbirth. However, Presidential Regulations also have weaknesses. Because it is administrative in nature, the Presidential Regulation tends not to contain provisions for sanctions if employers violate the rules, resulting in weak legal protection for workers. In addition, the Presidential Regulation does not have as strong juridical power as the law in resolving industrial relations disputes, so the position of workers’ rights regulated through the Presidential Regulation is less normatively strong.

3. Ministerial Regulation

Ministerial Regulation is a form of delegated legislation (Bilal, 2014). Although Ministerial Regulations are not listed in Article 7 paragraph (1) of Law No. 12/2011, their existence is recognized in Article 8 paragraph (1) as statutory regulations. This means that Ministerial Regulations formed based on orders from higher regulations or based on ministerial authority in certain fields have binding legal force (Bilal, 2014). This is reinforced by Article 8 paragraph (2) of Law No. 12/2011 which states that

“The laws and regulations as referred to in paragraph (1) are recognized and have binding legal force to the extent that they are ordered by higher laws and regulations or formed based on authority.”

In the context of paternity leave for private sector workers, the Minister of Manpower is authorized to regulate this policy through Ministerial Regulations in the field of industrial relations and also labor protection. The advantages of Ministerial Regulations lie in their flexibility, responsiveness to social dynamics, and faster drafting than higher regulations. As technical or operational regulations (Arief & Gobel, 2022). Ministerial Regulations can detail procedures, administrative requirements, and protection of workers' rights. Without this technical regulation, the implementation of paternity leave in the private sector, which lacks supervision, risks being uneven. However, the Ministerial Regulation also has weaknesses. As they fall below the law in the legal hierarchy, they are weak in terms of protection. Ministerial Regulations are generally not accompanied by strict sanctions, so violations by companies do not lead to legal consequences. In addition, the sustainability of policies through Ministerial Regulations is not guaranteed because they can be changed at any time by the incumbent minister, so the right to paternity leave is at risk of not being enforced evenly and sustainably.

4. Judicial Review

Judicial review of provisions in the Manpower Law (UUK) can be a strategic option to encourage more adequate regulation of the duration of paternity leave for private workers. Currently, the UUK only includes a limited provision on paternity leave in Article 93 paragraph (4) letter e, while the Maternal and Child Welfare Law (MCH Law), which explicitly regulates paternity leave, does not provide sufficient duration. This condition shows that there is a norm vacuum on the fulfillment of the right of male workers to accompany their wives during and after childbirth. The submission of a judicial review to the Constitutional Court allows the constitutionality of the article to be tested. If granted, the Constitutional Court's decision is binding and can serve as a basis for regulatory changes to strengthen legal protection of paternity leave rights more fairly.

However, there are weaknesses in this mechanism. The judicial review process takes a long time and the outcome is highly dependent on the judgment of the Constitutional Court judges. The Constitutional Court's decision also does not immediately establish a new duration, so it still requires follow-up by lawmakers. This can lead to a legal vacuum or uncertainty if not responded to immediately. In addition, judicial review requires strong juridical arguments in order for the application to be accepted and processed seriously. Therefore, although it has the potential to bring about change, this mechanism does not provide quick and certain results.

CONCLUDING

REMARKS

Based on the discussion that has been analyzed above, it can be concluded as follows:

- a. The duration of paternity leave for private sector workers in Indonesia is based on the medical and psychological recovery needs of postpartum mothers who require the support of their husbands. The very short duration of leave in the current UUK and MCH Law (23 days) is inadequate, especially when compared to more progressive policies such as in ASN, comparisons with Malaysia, and Singapore. Therefore, there is a need to regulate the

ideal duration of paternity leave for private sector workers to support maternal recovery, create work-life balance, and improve family welfare.

- b. Regulating the duration of paternity leave for private workers can be regulated through laws and regulations such as Government Regulations, Presidential Regulations, and Ministerial Regulations or through a *judicial review* mechanism. Through this policy, a more ideal duration of 7 to 14 days can be implemented. The duration is based on philosophical, sociological, and juridical foundations as well as comparisons with Malaysia and Singapore. A more comprehensive regulation is needed to ensure that male workers' rights to accompany their wives during labor, the recovery period, and childcare are optimally fulfilled.

ADVICE

- a. For the government, it is necessary to conduct an in-depth study on the need for the duration of paternity leave for private workers when their wives give birth. This study aims to comprehensively assess the suitability between the need for postnatal wife assistance, family welfare, and the impact on work productivity and the economy. Through this study, the government can formulate policies that result in adequate and relevant paternity leave duration arrangements for private workers in Indonesia.
- b. For companies in the private sector, it is important to understand how paternity leave affects worker performance and well-being. Supporting paternity leave, such as providing additional leave, unpaid leave or adjusting working hours, can improve employee focus, loyalty and productivity. Creating a work environment that supports work-family balance will result in a healthier, more competitive and productive workplace.

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