

## ABSTRACT

### **The Effectiveness of the Maternal and Child Welfare Bill on Paternity Leave in Private Companies**

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**Abstract.** The Maternal and Child Welfare Bill have introduced significant changes to the granting of paternity leave in Indonesia. The draft law provides a maximum leave of 40 days for male private employees whose wives give birth. Previously, in the Labor Law, husbands only get a maximum of 2 days of paid leave. This ruling is based on the need for the presence of fathers and husbands to support the creation of better welfare for mothers and children. This major change will certainly have an impact on the Indonesian workforce. This study uses a literature review approach. The results show that the Maternal and Child Welfare Bill has emphasized the importance of the father's role in the family and encourages fathers' involvement in child care. Male workers are more likely to use paternity leave if there is a replacement of income and their rights are protected when returning to their original job. So there need to be further arrangements regarding the contribution of paid leave funding for fathers. It is therefore recommended that employers and the state jointly bear the responsibility of paying for paid paternity leave. The employer bears the costs of each male worker who accompanies his wife giving birth in the amount of 100% of his wages in the first 10 days; 75% of his wages on the second 10 days; then on the third and fourth 10 days, incentives are given from the national social security in the amount of 50% and 25% of their wages consecutively. Furthermore, there needs to be a regulation regarding the legal consequences if the employer does not provide paternity leave rights for male workers.

**Keywords:** *employment, paternity leave, Maternal and Child Welfare Bill*

## INTRODUCTION

This study aims to explore the importance of paternity leave for family welfare. The Indonesian Constitution has stated that the purpose of the establishment of the government of the Republic of Indonesia, among others, is to protect the entire Indonesian nation and the entire homeland of Indonesia and to promote the general welfare. In addition, Indonesia is a member of International Labor Organization (ILO). The ILO Declaration on Fundamental Principles and Rights at Work, in which the fundamental rights that must be granted to workers are, among others: the elimination of discrimination in respect of employment and occupation; and a safe and healthy working environment. The Declaration also states that economic growth is essential, but not sufficient to ensure social growth. Therefore, strong social policies, legal institutions, and democracy are needed.

[1]

The implementation of paternity leave is one of the concrete steps that can be implemented to ensure that the above objectives can be achieved. However, this implementation will of course have several impacts, both for workers, their families or the companies where they work. Therefore, it must be ensured that the paternity leave granted has high effectiveness.

Research by Richard J. Petts and Chris Knoester (2018) concludes several things, namely: men who take paternity leave become more involved in their children's lives. Fathers generally have a greater role in children's developmental activities, such as playing and reading to their children. Meanwhile, the role of caretaker is still carried out by the mother. The presence of fathers in the early stages of their children's lives is proven to be able to create a stronger bond between fathers and children. Fathers also feel they have an important role and a greater responsibility in their children's lives [2].

In Indonesia, the Maternal and Child Welfare Law is in the drafting stage. In the draft law, it is regulated that female workers who give birth are entitled to leave for a maximum of 6 (six) months, while male workers whose wives give birth are entitled to leave for a maximum of 40 (forty) days. The draft does not specify whether the two types of leave are paid or not. However, what should be noted here is that there has been a sharp increase in the amount of paternity leave granted.

Previously, the father only got 2 (two) days of paid leave. If it is added to the mandatory leave allowance, which is 12 (twelve) days as mandated by the 2003 Labor Law, the total paid leave that can be taken by the father is 14 (fourteen) days. If the Draft Law on Maternal and Child Welfare is promulgated, the amount of leave given to new fathers will increase dramatically. The total leave that can be taken by the father, if the company permits, becomes 52 (fifty-two) days which is obtained from the total of the mandatory leave allowance for 12 (twelve) days and the additional 40 (forty) days according to the Maternal and Child Welfare Bill.

In this study, three alternative policies are given for the mechanism of wage compensation for male workers who take paternity leave.

## LITERATURE REVIEW

There are various models of paternity leave in developed and developing countries. Worldwide, 90 out of 187 countries offer statutory paternity leave and 4 in 10 companies provide paid leave above the statutory minimum [3]. The following are the differences in terms of leave for male workers during the period of the birth of their child in several European and Southeast Asian countries [4–6]:

**Table 1.** Comparison of paternity leave in several European and Southeast Asian countries

No	Country	Leave Duration	Paid Leave
1.	Estonia	Since June 1, 2020, paternity leave is valid for 4 weeks, and can be taken before or after birth	Paid 100%
2.	France	Since July 1, 2021, paternity leave is valid for 28 days	3 days paid by the employer, 25 days paid by the social security system
3.	Netherlands	Since August 2021, fathers are included for same-sex couples for 6 weeks	1 week (5 working days) paid 100%, additional 5 weeks paid by employee insurance at 70% of income
4.	Austria	From 1 September 2019, all employers must allow paternity leave taken after the birth of a child for 1 month	Not paid
5.	Italy	Since January 1, 2021, the duration of paternity leave is 10 days	Paid 100% by the government

6.	Portugal	There is no maternity leave or paternity leave, there are provisions for parental leave. The choice is 120 days or 150 days	Paid 100% for 120 days leave and 80% for 150 days leave.
7.	Sweden	Each parent is entitled to 240 days of parental leave, plus leave up to 18 months of age	240 days paid, if added up to a child aged 18 months is not paid
8.	Finland	The duration of paternity leave is 9 weeks consisting of 3 weeks while the mother is pregnant or giving birth and individual paternity leave that can be taken after parental leave ends. Individual leave can be taken until the child is a maximum of 2 years old.	Paid 70% of monthly income
9.	Vietnam	Paternal leave of 5-14 days duration: 5 days for normal delivery, 7 days for operative delivery or preterm birth, 10 days for vaginal birth of twins, and 14 days for the twin birth of 2 or more children through surgery.	Paid in full through national social security for married fathers, working in Vietnam, and paying social security insurance premiums. If the mother gives birth, the father is entitled to maternity leave which is not used for 6 months and is paid 100% until the child is 6 months old.
10.	Philippines	7 days, there is an extension of leave in the Philippines, namely leave for parents who adopt children under the age of 7 years, single parents due to legal separation from their spouse, the death of a spouse, unmarried father or mother, and maternal leave can be transferred to leave father for a maximum of 7 days	Paid 100% until the birth of the fourth child
11.	Myanmar	Father's leave is given for 15 days	Paid 66.67% of the median wage for 12 months by national social security. The condition is that male workers have paid social security contributions for at least 6 months in the 12 months before the birth of the child. If the worker is not covered by national social security, it is the employer who pays for paternity leave.

Addati (2014) explains that the application of paternity leave in various countries is almost similar to maternity leave which requires a minimum period of service for employees in the company [7]. The minimum working period for taking paternity leave is for example in South Africa (4 months), Mauritius (12 months), Colombia (23 months), Australia (12 months), Bulgaria (12 months), Denmark (3 months), New Zealand (6 months), Portuguese (6 months), Spanish (6 months), and Singaporean (3 months). However, from time to time this trend of paternity leave policies is becoming more common in various countries. This shows the importance of the father's role in assisting mothers in childbirth.

In practice, not all new fathers take paternity leave rights. In Japan, in 2018 only 6% of fathers took paternity leave. This is still far from the expectations of the Japanese government which targets 13% of male workers to take paternity leave. The reason many fathers in Japan are afraid to take paternity leave is that they are afraid of damaging their careers even though Japan is a country with a relatively good amount of paid paternity leave. In 2020, Japan's Ministry of Environment set a good example of inspiring fathers by taking 2 weeks of paternity leave in 3 months. A recent survey conducted in Japan showed that employees who qualify for paternity leave expect to be able to take paternity leave in the

future [8].

The challenge of taking paternity leave can come from employers or coworkers. Research by Harvey & Tremblay (2018) shows that there are employers in Quebec, Canada who advise male workers to take less time off than the expected duration of leave because the company will find it difficult to find replacement workers [9]. Companies sometimes also advise workers to divide their weeks of leave or take time off when the workload at the office is not much, In many cases, workers in Quebec, Canada who take paternity leave continue to work from home via email and help resolve office problems via email . There is still a negative stigma from other workers for paternity leave takers. Colleagues were suspicious of friends taking sabbaticals and assumed that employee absence would have a negative impact on the company. When returning to work, the majority of fathers think that they return to work well and smoothly, especially for workers who take paternity leave of a short duration, namely 3-5 weeks.

The importance of dividing the duration of this leave, according to the results of research by Aerola, et al. (2019) in Finland stated that for fathers to play an active role in taking care of their children, there needs to be an extension of individual leave with high compensation for lost income [6]. The provision of leave rights that can be taken flexibly shows the importance of the role of fathers in caring for children from an early age.

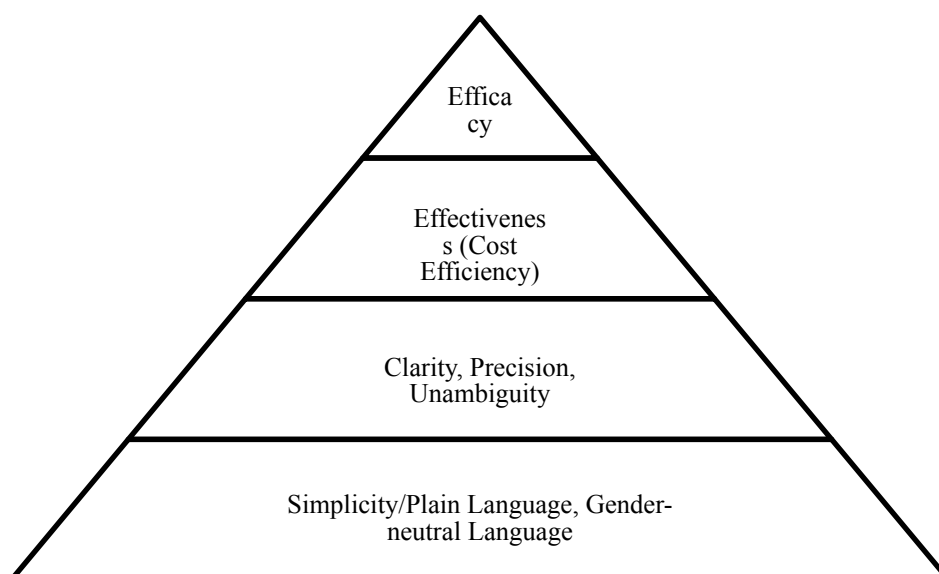
A report from the Sydney Southeast Asia Centre, University of Sydney (2019) concludes that paternity leave has substantial benefits for all male workers who have recently had children, but further attention is needed to examine the impact of paid paternity leave. The report also states that workers are more likely to choose to take paternity leave if they continue to receive appropriate pay, and their job positions are secure after they return from leave.[10]

Helen Xanthaki explained that the achievement of quality legislation can be realized if the legislators adhere to the virtues in drafting laws. These virtues are [11]:

- a. The ability of the law to achieve the desired result (efficacy);
- b. Conformity of behavior with legal norms contained in the law (effectiveness);
- c. Efficiency: covers clarity, precision, and unambiguous;
- d. Simplicity of language and absence of gender bias (plain and gender-neutral language).

These elements are described as a legislative quality pyramid, as illustrated in the following graph [12]:

**Fig. 1.** Elements of Legislative Quality



In addition, Roman Tomasic (2011) also explains that legislation is increasingly relied upon as a response to social problems, along with society's increasing complexity. However, often efforts to solve social problems create new problems. This happens when laws and regulations are made to solve social problems without handling the potential consequences of the law [13].

Based on the above theory, this article will focus on the effectiveness and success of the Maternal and Child Welfare Bill if it is passed into law and becomes a positive law in Indonesia.

## METHOD, DATA, AND ANALYSIS

### 1. Indonesian Workforce and Economy in Numbers

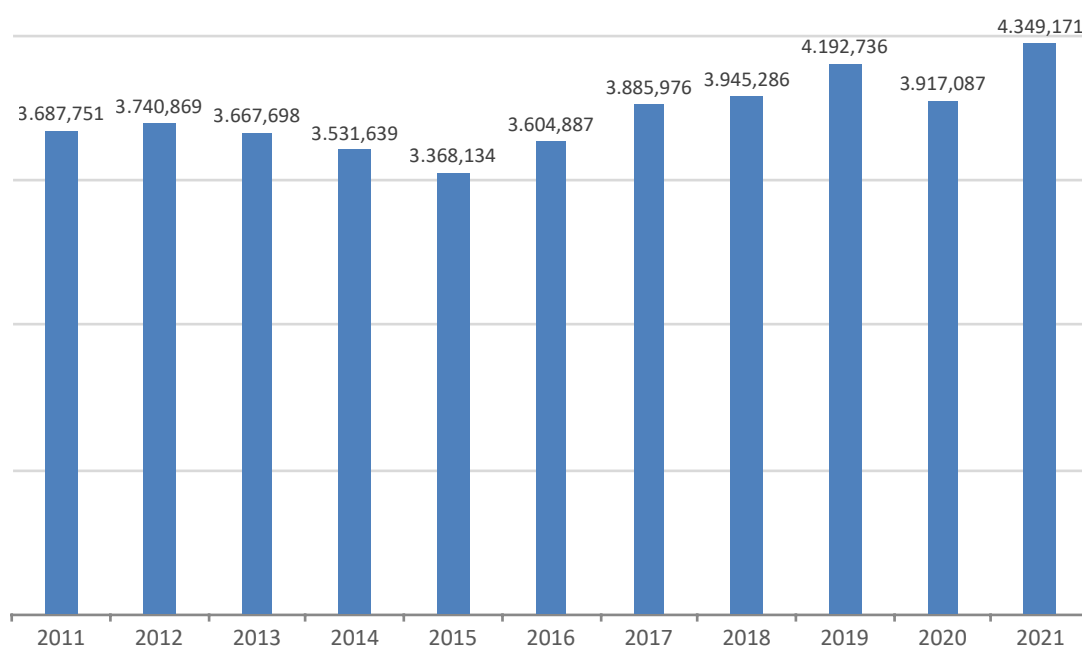
As of February 2022, the Indonesian Central Statistics Agency (BPS) noted that Indonesia has a total of 144.01 million people in the workforce. 135.61 million people have a job, while 8.40 million people have not worked. 36.72% of the workforce work as laborers or employees. 83.65% of men of working age actively participate in work or look for work, while only 54.27% of women play an active role in work or looking for work.[14]

Then, in the formal sector, 66.11% of the workers are men, and the remaining 33.89% are women. The average wage received by male workers is IDR 3.14 million, while the average wage for female workers is IDR 2.43 million.

From these data, it can be seen that the Indonesian workforce is still dominated by men. This is closely related to the traditional role of the Indonesian family which places men as workers and breadwinners in the family, while women take the role of household managers [15]. A large number of male workers in Indonesia will certainly add to the importance of increasing paternity leave in Indonesia.

On the other hand, the Gross Domestic Product in Indonesia has continued to increase rapidly over the last 10 years. Thus, the high production increase should be accompanied by an increase in the welfare of employees. The following are data obtained from CEIC Data [16]:

**Fig. 2.** Indonesian GDP per capita 2011-2021 (in USD)



Looking at the data above, it can be seen that the GDP per capita in Indonesia continues to increase every year. The COVID-19 pandemic in 2020 had indeed made Indonesia's GDP per capita fall.

However, in the following year, Indonesia's GDP per capita shot up to the highest number that had not been achieved in the last 10 years.

Meanwhile, the number of BPJS Ketenagakerjaan (Indonesian Employment Social Security) participants until January 2022 also increased. The number of workers participating in the program is 51.01 million people, an increase of 4.39% compared to the same period in 2021. Following are the details [17]:

**Table 2.** The Social Security for Employees in Indonesia by Province

No.	Province	Active Employees	Inactive Employees
1	Aceh	589,752	114,509
2	Sumatera Utara	1,378,127	853,646
3	Sumatera Barat	501,573	201,918
4	Riau	859,885	828,049
5	Jambi	334,191	354,931
6	Sumatera Selatan	612,050	308,988
7	Bengkulu	113,404	72,062
8	Lampung	427,728	213,833
9	Bangka Belitung	143,215	88,574
10	Kepulauan Riau	500,070	678,775
11	DKI Jakarta	6,021,306	4,967,855
12	Jawa barat	3,850,900	3,301,520
13	Jawa Tengah	3,025,057	1,321,881
14	DI Yogyakarta	406,463	195,216
15	Jawa Timur	3,604,156	1,535,278
16	Banten	1,877,332	1,438,280
17	Bali	529,828	314,391
18	Nusa Tenggara Barat	254,343	64,683
19	Nusa Tenggara Timur	266,209	45,782
20	Kalimantan Barat	502,554	389,937
21	Kalimantan Tengah	485,866	519,912
22	Kalimantan Selatan	383,584	312,181
23	Kalimantan Timur	920,580	880,507
24	Kalimantan Utara	113,901	133,851
25	Sulawesi Utara	593,955	139,837
26	Sulawesi Tengah	306,722	114,602
27	Sulawesi Selatan	851,103	251,995
28	Sulawesi Tenggara	212,336	52,135

29	Gorontalo	175,895	23,617
30	Sulawesi Barat	139,690	12,904
31	Maluku	159,624	71,950
32	Maluku Utara	114,698	58,049
33	Papua Barat	330,705	113,883
34	Papua	324,393	130,281
<b>Total</b>		<b>30,911,195</b>	<b>20,105,812</b>

Economic growth in Indonesia has increased, as can be seen from the increase in GDP per capita in 2021. The number of labor social security participants in Indonesia is also quite high. These two factors can serve as a solution for the compensation mechanism for workers who take paternity leave.

### 3. Research Methodology

This article was compiled using literature review approach. Meanwhile, the analytical method used is the descriptive qualitative analytical method. The legal sources used in this article use primary legal sources such as the 1945 Constitution of the Republic of Indonesia, Law Number 13 of 2003 concerning Labor Law among other laws, and secondary legal sources, namely the Draft Law on Maternal and Child Welfare Bill.

## RESULT AND DISCUSSION

### ILO Declaration on Fundamental Principles and Rights at Work

The International Labor Organization (ILO) issued the Declaration on Fundamental Principles and Rights at Work for the first time in 1998. Indonesia as a member country of the ILO respect the principles regarding these basic rights.

The declaration states that "economic growth is essential but not sufficient to ensure equity and social progress". The ILO also stated that it would continue to promote "strong social policies, justice and democratic institutions [1]. The basic rights mentioned in the declaration are as follows:

- a. freedom of association and the effective recognition of the right to collective bargaining;
- b. the elimination of all forms of forced or compulsory labour;
- c. the effective abolition of child labour;
- d. the elimination of discrimination in respect of employment and occupation; and
- e. a safe and healthy working environment.

The implementation of effective paternity leave will help to realize points d and e, where the role of men as new parents will be more appreciated. Then, effective paternity leave will also contribute to creating a healthier work environment, because men can rest from work and focus on their families.

Paternity leave has a big role in eliminating gender discrimination. As we know, so far in countries that still adhere to traditional roles in the family (men as breadwinners and women as housekeepers), women are more burdened by unpaid jobs, such as taking care of the house and children. With an increase in the amount of paternity leave, these jobs will be more evenly distributed between mothers and fathers. In addition, a study conducted by the World Bank in 2016 also found that companies that require paternity leave have 6.8% more female workers than offices that do not require it. This is thought to be because women are hired to take over the work of men who will take time off to accompany their wives when giving birth [18].

In addition, in Indonesia, there are 8.4 million people in the labor force who are still unemployed and 10.65 million people who are semi-unemployed (workers who have worked less than 35 hours and are still looking for additional work). With paternity leave, tens of millions of people who do not have permanent jobs can have the opportunity to work as temporary substitutes for workers who take paternity leave.

Paternity leave will also help create a safe and healthy work environment. The Sydney Southeast Asia Center (2019) found that taking paternity leave can reduce levels of parental stress, depression, maternal mortality and domestic violence [18]. Thus, workers who return from leave will be able to continue their work properly.

### **Maternal and Child Welfare Bill**

The Indonesian government recognizes that the welfare of mothers and children in Indonesia still needs to be improved. Welfare must be improved in terms of physical, mental, spiritual and social well-being. This improvement in welfare is intended so that mothers and children can live productively socially and economically. In addition, improving the welfare of mothers and children in Indonesia is also expected to create a new generation of Indonesians with higher quality.[15]

One of the conditions needed to achieve maternal welfare is liberation from dual roles as parties that carry out reproductive functions (being pregnant and raising children) and productive functions (producing goods and/or services). Naturally, the reproductive function of a mother cannot be replaced by another. Thus, protection from all aspects is needed for female workers who are undergoing the process. When a female worker has just given birth, the productive functions she carries out need to be put aside without threatening the sustainability of her career or her income.[15]

Currently, the existing laws and regulations in Indonesia are not sufficient to ensure the welfare of mothers and children, as well as to meet the legal needs of the community regarding this matter in Indonesia. Therefore, the Draft Law on Maternal and Child Welfare has been drafted which contains the rights and obligations of mothers and children, duties and authorities of the central and regional governments, welfare administration, the establishment of an integrated data and information system, funding, community participation, and provisions for transition and cover.[19]

This draft law recognizes that the welfare of mothers and children is closely related. Mothers whose welfare is guaranteed will be able to raise children who grow well. Therefore, this draft law provides several rights to mothers, namely as follows:[19]

- a. Health services before and during pregnancy, during and after delivery;
- b. Health insurance before and during pregnancy, during and after delivery;
- c. Assistance during childbirth or miscarriage from husband and/or family;
- d. Special treatment and facilities on public facilities, facilities, and infrastructure;
- e. Easy access to health care services;
- f. A sense of security and comfort as well as protection from all forms of violence and discrimination;
- g. The opportunity to develop insight, knowledge, and skills;
- h. Psychological assistance and services;
- i. Education on child care, parenting and development; and
- j. Assistance on family economic empowerment.

In addition, this bill also provides for at least six months of maternity leave, one and a half months of rest time in case of miscarriage, time and place to do lactation during working hours, and obtain necessary leave for the benefit of the child, for as long as possible following with the provisions of the law.[19]

In taking maternity leave or rest due to miscarriage, a mother cannot be dismissed from her job. As for wages, during the first three months of leave, the mother will get her full rights. Over the next three months, the entitlement received is 75% of the wages.

The husband as the party who is obliged to accompany his wife is also given the right to



accompanying leave for a maximum of 40 days if his wife gives birth, and a maximum of 7 days if his wife miscarries. However, in contrast to maternity leave arrangements for mothers, this draft law does not regulate the rights received by husbands during the accompanying leave. Until June 9, 2022, in the latest revised version of the bill, the regulation regarding the husband's rights in this accompanying leave has not been delegated to other laws and regulations. Assistance from the husband is one of the rights that must be accepted by the mother after giving birth. So it is natural for the law to regulate the rights of husbands who have to leave their jobs temporarily because of the birth of their child.

Factors that influence the taking of paternity leave are, among others, the existence of a scheme to keep getting wages during the leave, as well as the security of their job position during the leave. In addition, a supportive environment and culture are needed for taking paternity leave.

As stated by Helen Xanthaki in the previous section, one of the virtues that must be met by law to achieve effectiveness is efficacy which includes clarity, precision, and unambiguity. Thus, before this draft law is passed, the important aspects that will influence the workers' decision to take paternity leave must be clarified first.

If the unclear regulation of rights regarding paternity leave causes workers to fail to take their rights, then the main objective of the drafting of the Maternal and Child Welfare Law will reduce its effectiveness.

### **Paternity Leave and its Importance**

There are various studies that state that father's support has a positive effect on the mother giving birth, the quality of husband and wife relationships, and child development. There is an influence between the husband's support and the psychological condition of the mother after giving birth. If after giving birth the mother experiences psychological disorders, the husband can provide support by adapting to the mother's psychological condition, listening to her complaints, and contacting health workers [20]. The results of the research by Petts, et al. (2019) showed that paternity leave provides good benefits for the stability and quality of the mother and father relationship [2]. In addition, paternity leave also supports mothers when breastfeeding, caring for newborns, taking care of birth certificates, and various other parental responsibilities [7]. This leave to accompany mothers during childbirth is a long-term investment in human resources. The long-term benefits of this policy will be felt in future generations who are healthier, more productive, and have good mental health because in their growth and development they receive optimal stimulation from parents [21]. Paternity leave can also improve gender equality in child care [18]. Male workers who take paternity leave are expected to take turns taking care of babies so that there is an equal role between mothers and fathers in caring for children. In addition, paternity leave can also provide opportunities for mothers to return to work or study [6].

With the many benefits of taking paternity leave, the regulations governing paternity leave policies should be strengthened. Paternity leave in the Maternal and Child Welfare Bill with a maximum of 40 days is only mentioned to accompany the mother during childbirth. Even though the urgency of paternity leave when was initially implemented in Scandinavian countries, fathers were expected to be able to share their role in child care, not only accompanying mothers during childbirth. Mentoring children, for example during complementary feeding period, can provide support for children's growth and development. Because Indonesia does not recognize parental leave arrangements, it is necessary to consider that the duration of paternity leave that can be taken can be extended, for example, to a maximum total of 40 days, but until the child reaches two years of age. If possible, an extension is needed for paternal and maternal leave by adding parental leave with certain conditions.

### **Paternity Leave as a Constitutional and Human Right in Indonesia**

The Indonesian Constitution, namely the 1945 Constitution of the Republic of Indonesia, has been amended four times. On August 18, 2000, Chapter XA which contains articles on the recognition of human rights was added. This is because before the reformation period in Indonesia, the New Order government which was in power from 1966 to 1998 was considered authoritarian and did not respect the human rights of Indonesian citizens.

One of the articles that are closely related to the family is Article 28B paragraph (1), which states that everyone has the right to form a family and continue their offspring through a legal marriage.

Paragraph (2) also states that every child has the right to survive, grow, develop and is entitled to protection from violence and discrimination. Meanwhile, Article 28H states that everyone has the right to live in physical and spiritual prosperity, to have a place to live, to have a good and healthy living environment, and the right to obtain health services.[22]

The right to form a family and continue the lineage granted by Article 28B paragraph (1) above confirms that paternity leave is one way to give rights to workers, by the article. Meanwhile, Article 28B paragraph (2) also gives children the right to get an ideal growth and development atmosphere. The ideal thing for a child's growth and development is of course the complete presence of both parents. With the presence of both parents, the burden of taking care of children is not only borne by the mother.

In addition, the Human Rights Law also emphasizes the right of children to get protection from all parties, including their parents, family, community and state. Children also have the right to know their parents and are raised and cared for by their parents. The law also stipulates that children have the right to be raised, nurtured, cared for, educated, directed, and guided in their lives by their parents until they become adults.[23]

In addition, Article 28D paragraph (2) of the Indonesian Constitution also gives everyone the right to work and to receive fair and proper remuneration and treatment in an employment relationship. Therefore, the wages received by workers who take parental leave also need to consider the aspect of justice. This is further emphasized by the Human Rights Law which stipulates that everyone, both men and women, in carrying out work commensurate with their human dignity is entitled to fair wages by their achievements and can ensure the survival of their families.

Based on the explanation above, it can be concluded that the implementation of effective paternity leave in Indonesia is one of the constitutional rights and human rights of Indonesian citizens that must be facilitated by the state.

### **Policy Alternatives**

The draft Law on Maternal and Child Welfare does not regulate the time for taking leave and the consequences of replacing male workers' wages during paternity leave. By the theory presented by Helen Xanthaki in the previous section, one of the factors that determine the quality of legislation is efficiency, which includes clarity, thoroughness, and the absence of ambiguity in the formulation of rules. Therefore, the researcher provides several alternative policies to further clarify the arrangements in the Maternal and Child Welfare Bill. This section will also discuss effectiveness, by predicting the conformity of behavior with the norms laid down in the law. The aspect that is focused on is the time of taking leave and the consequences of compensation for wages due to leaving.

In policy analysis, to formulate a new policy recommendation, it is necessary to forecast or predict the policies that will be carried out in the future. According to Dunn (2003), forecasting is a procedure for making factual information about future social situations based on existing information about policy issues [24]. To assess the 3 alternative policy options offered, the indicators of the objectives to be achieved in the Maternal and Child Welfare Bill and the Law on Social Security Administering Bodies are used on a juridical basis. The projection or forecasting of alternative policy options is done by comparing the outputs/outcomes/impacts of the various alternatives developed.

There are 5 criteria set, namely:

1. Equity

Does the recommended alternative result in a more equitable distribution of stakeholders i.e. employers and workers. What needs to be considered is a compensation policy for equitable paternity leave payments, as well as the Employment BJPS Fund that can be allocated for paternity leave.

2. Effectiveness

Does the recommended alternative give results (maximum effect). What needs to be considered in this criterion is the quality of employment services that are getting better and the benefits for the parties that will be generated by paternity leave.

3. Responsiveness

The extent to which the alternative satisfies the needs, preferences, or values of a particular group. What needs to be considered is that workers and employers are heard about paternity leave, and the government has control over paternity leave policies.

4. Economic and Financial Possibility

What are the costs that must be incurred by each policy alternative and whether the results can be called benefits. What needs to be considered is the ability of the employer and the social security for employees to paid paternity leave.

5. Political Viability

Measures whether each policy alternative will have a politically powerful impact on certain groups. What is considered is a policy change that does not cause political noise.

5.1. Policy Options

The following are three policy options to improve the paternity leave policy by considering the principle of respect for the basic rights of citizens, as follows. The detailed explanation of the alternatives are in the next subchapter.

**Table 3.** Policy Alternatives

Alternatives	Bearers of the Wage	Percentage of Wage
1	Day 1-40: Employer	75%
2	Day 1-10: Employer Day 11-20: Employer Day 21-30: Social Security Day 31-40: Social Security	100% 75% 50% 25%
3	Week 1: Employer Week 2: Employer	100% 50%

**5.1.1. Alternative 1: Paternity leave for 40 days, 75% of monthly wages covered by the employer.**

The requirements for taking paternity leave in this alternative need to take into account the employer's financial condition, and the worker must fulfill a minimum period of 12 months. It is also necessary to pay attention to the limitation of granting paid leave, which is until the third child. The birth spacing between children also needs to be regulated, which is at least 2 years.

Policy Forecast:

1. Equity:

a. Current Situation

The results of the Ministry of Labor survey in 2020, 88% of companies are affected by the pandemic and have the potential to lose money. The loss was due to decreased sales and production had to be reduced. This decline generally occurs in MSME companies. Meanwhile, in large companies, based on the results of research by Setyaningrum, et al (2020), the COVID-19 pandemic has not caused all companies to have the potential to go bankrupt, some are still predicated as healthy, gray areas, and have the potential to go bankrupt.

b. Projection

The situation of a company that is currently in a potentially bankrupt condition can get even worse when it has to pay 75% paternity leave while workers are absent from work.

The result: there is an imbalance in this option, the company will spend more money and it is inversely proportional to productivity. The policy will stay away from what is expected by the principle of justice.

2. Effectiveness

a. Current Situation

The Labor Law which regulates paternity leave for 2 days is not optimal for assistance to mothers giving birth and child development.

b. Projection

The husband will take full paternity leave because there is full reimbursement.

3. Responsiveness

Responsiveness to paternity leave needs to be seen from the point of view of employers and workers.

a. Responsiveness of employer or company

Currently, some employers still object to paying in full for 40 days of paternity leave. Projection: The company will be the only party to pay paternity leave. This situation if left unchecked will cause the company to be unresponsive to the implementation of paternity leave. The company considers that the implementation of fully paid paternity leave will harm the company's productivity. In addition, it is possible for workers to discriminate because of the length of time male workers take leave and it is assumed to be a burden on the company.

b. Responsiveness of workers

Meanwhile, from the workers' side, some object to taking full leave to accompany mothers giving birth. However, from the perspective of mothers who give birth, they will benefit from this policy. Projection: Workers will take 40 full days of paternity leave due to full salary reimbursement.

4. Economic and financial possibility

The current problem is the decline in company income due to the COVID-19 pandemic. This situation can cause the company to have a deficit and even go out of business if it has to pay in full 75% of paternity leave.

Projection: The company's ability is limited to fund 40 days of paternity leave and 75% of salary. The company's expenses will increase. Therefore, this one option may fail to increase the pace of economic growth because the company is in a deficit. Option one has unsustainable prospects from the company's financial aspect. When viewed from various examples of the application of examples of paternity leave in developed countries, not all countries provide reimbursement for paternity leave payments of 75%.

5. Political viability

This option will politically have a lot of negative reactions from employers if it is implemented. Politically, employers do not agree with this option because if it coincides with 6 months of maternity leave, it will have an impact on the company, for example on labor costs, management burdens for arranging worker substitution, and shifting tasks from employees who are on leave to employees who have similar functions in the company. Policy options are predicted to cause a long debate. It is hoped that all parties will realize that ethically the policy does not harm any interested parties.

**5.1.2. Alternative 2: Paternity Leave Shared by the Employer and the National Social Security Fund with a Cost-Sharing Scheme.**

Referring to the Labor Law, the payment scheme is carried out with a decreasing percentage. The first 10 days are paid 100% by the employer, the second 10 days are paid 75% by the employer, the third 10 days are paid 50% by the Indonesian social security for employees and the fourth 10 days are paid 25%, also using funds of the social security. This second option does not make the employer the only one paying paternity leave, but also allows others to contribute more broadly. This option encourages the payment of paternity leave through BPJS Ketenagakerjaan (Indonesian Social Security Fund for workers). This option will run if there is a mutual agreement between the government and the company. As happened in several countries, such as Vietnam and Myanmar, paternity leave is paid for by national insurance through BPJS Ketenagakerjaan. If this option is chosen, there needs to be a revision of the Social Security Laws.

The requirements for taking paternity leave in this alternative also need to take into account the company's financial condition, and the worker must fulfill a minimum of 12 months of service. It is also necessary to pay attention to the limitation of granting paid leave, which is until the third child. The birth spacing between children also needs to be regulated, which is at least 2 years. Since this alternative uses funds from the workers social security fund, the worker must already be a member.

Policy forecast:

1. Equity:

a. Current Situation:

There has been no allocation of Indonesia social security funds for paternity leave payments.

b. Projection

APBN funds can be used to fund paternity leave compensation. The implementation of the policy is projected to be able to meet the payment of paternity leave.

c. Consequences/prospects:

Demanding a proportional fee according to the basic rights of citizens. This option is to realize the purpose of the SJSN Law, namely a national social security system based on the principles of humanity, benefits, and social justice for all Indonesian people as well as the principle of the national social security system, namely cooperation and the results of the management of the Social Security Fund are used entirely for program development and the greatest benefit of all participant.

2. Effectiveness

a. Current Situation:

Indonesia social security has not been used to pay for paternity leave to accompany mothers in childbirth.

b. Projection:

The company will reduce the burden on the financial and non-financial sides so that it can support the implementation of the paternity leave policy. This option is predicted to be a solution to overcome the concerns of employers and workers in implementing paternity leave.

c. Consequences:

Workers will be more optimal in taking time off work because the leave payment is not only from the company. Discrimination against workers who take full leave can be reduced.

3. Responsiveness

a. Responsiveness is seen from the government's point of view:

Paternity leave payments which are organized between Indonesia social security and the company can provide certainty for workers to take paternity leave.

b. Responsiveness needs to be seen from the employer's point of view:

Employers will cooperate with the government in paying paternity leave. The company's financial burden will be reduced. Responsiveness needs to be seen from the employee's point of view  
This option will make the paternity leave program successful in responding to the basic rights needs of citizens.

c. Consequences/prospects:

Programs and policies made must be based on needs and decided by normative instruments. If this option is approved, it is necessary to change the regulations of the Labor Law and Workers' National Social Security. This option is projected so as not to place a burden on employers alone. This option is predicted to be able to realize the distribution of justice to stakeholders as a whole.

4. Economic and financial possibility

a. Current situation:

There are several examples of countries using their social security funds for paternity leave.

b. Projection:

Option 2 will provide additional funds for the employment sector through BPJS Ketenagakerjaan. The second option is formulated so that financing from employment insurance can provide space for the government to increase the budget for employment services.

Consequences/prospects:

Increasing the allocation of labor funds from the state budget. In 2002, through the Regulation of Indonesian Ministry of Finance No. 218/PMK.02/2021 concerning the 2022 Employment BPJS Operational Fund. Employment Social Security's operating budget is set at a maximum of 4.52 trillion. If Employment Social Security also pays for paternity leave then there needs to be an additional budget from the state budget.

5. Political Eligibility

Projection: This option is likely to be approved by the company because it can reduce the financial burden. In addition, those who are familiar with government subsidies will also agree to this option.

### 5.1.3. Alternative 3: 2-Week Regressive Wage

In this option, paternity leave is paid only by the company with a 100% scheme by the employer in the first week, then 50% is paid in the second week, and the remaining time is not paid by the employer.

The employer is the only party to pay paternity leave, the same as the first option. The difference is,

that in this option ,paternity leave is not paid in full for 40 days. The company only pays 100% in the first week and 50% in the second week. For the next twenty-six days, if the worker takes leave, it will be the form of unpaid leave.

The requirements for taking paternity leave in this alternative also need to take into account the company's financial condition, and the worker must fulfill a minimum of 12 months of service. It is also necessary to pay attention to the limitation of granting paid leave, which is until the third child. The birth spacing between children also needs to be regulated, which is at least 2 years.

#### Policy Forecast:

##### 1. Equity

###### a. Current Situation:

Based on the Labor Law, the leave for male workers to accompany mothers during childbirth is paid for by the company. However, the leave is only arranged for two days. Not many companies object to paying the leave because the leave time is not long. However, it articulates that the role of the husband when the wife gives birth is still underestimated considering that the process of giving birth and growing children is not only the responsibility of the wife. Unlike private employees, civil servants benefit greatly from the current policy on maternity leave rights. Based on Regulation of National Civil Service Agency No. 24 of 2017, male civil servants have the right to accompany their wives in childbirth for up to one month through important leave without reducing the 12 days of annual leave received by civil servants. In terms of justice, paternity leave rights should be equal for civil servants and private employees [25].

###### b. Projection:

The implementation of a paid paternity leave policy with a payment period of 14 working days is projected to not be too burdensome for the company. Policy implementation may be implemented.

###### c. Consequences:

This policy option can result in the mother's obligations as stated in Article 10 paragraph 1 of the Maternal and Children Welfare Bill which cannot be achieved because these obligations should be jointly borne by the mother and father for the benefit of the child. If paid leave is only 14 days, then it is feared that fathers will only take paid leave.

##### 2. Effectiveness

###### a. Current Situation:

The current paternity leave as regulated in the Labor Law is still very little and has not been effective in assisting mothers in childbirth and child development.

###### b. Projection:

This policy option is predicted to be more effective for companies, but not for male workers.

##### 3. Responsiveness

###### a. Company responsiveness

During the COVID-19 pandemic, the company's finances have not all recovered. If there is no synergy between employers, government, and workers, the implementation of the Maternal and Children Welfare Bill will be hampered.

Projection: Through this option, a policy is formulated to give payment responsibility only to the company or employer with payments only for 2 weeks. The purpose is that employers are not to bear the heavy financial and non-financial burdens.

###### b. Responsiveness of Workers

Male workers who are only paid for 2 weeks to accompany their wives may feel that this is discrimination.

Projection: It is projected that there are complaints from male workers who want to take 40 full days of leave. Before and after giving birth, wives need good physical and mental preparation, especially if the wife experiences certain conditions that require the wife to rest for the safety of the mother and child.

##### 4. Economic and financial possibilities

The family finances of the father taking leave can be harmed because paternity leave is not paid in full. Meanwhile, in terms of companies that are in good health, it is predicted that they will still be able to pay paternity leave.

##### 5. Political Eligibility

Projection: The problem that may be encountered in this option is political support and there may be

political upheaval. Paternity leave that is not fully paid for by the company or the government will discourage workers from taking longer paternity leave. This will affect support for mothers who have just given birth and child development.

## CONCLUSION

The Maternal and Child Welfare Bill states that the provision of maternal and child welfare is the responsibility of the central and regional governments. Therefore, the policies set by the government should indeed strengthen support for families and child development. Government policies should not only focus on economic growth by ignoring family welfare. Therefore, policies are needed that provide greater opportunities for families to achieve prosperity.

One way to achieve family welfare is to formulate policies regarding the provision of optimal paternity leave. With paternity leave, every family member gets benefits. Fathers get the opportunity to create a stronger inner relationship with their children, mothers get support from their husbands to take care of their newborn children, and children get maximum protection because from the early days of their birth they have been with their parents.

However, granting paternity leave must also meet various conditions to be beneficial for all parties. If taking leave threatens the career and finances of the father, then of course taking leave is the last option to be taken. Workers who take paternity leave need to get protection in terms of income, career sustainability, and work environment. Without it, the arrangement for granting paternity leave will be in vain because few workers are willing to take it.

Based on the results of the analysis and discussion above, the conclusions of this study are: (1) Paternity leave is both a human right and a constitutional right that must be fulfilled; (2) Paternity leave is not only beneficial for fathers, but will also greatly affect mothers and children for the realization of better family welfare; (3) The Maternal and Child Welfare Bill is oriented towards improving maternal and child health, reducing birth mortality and increasing parental support for child growth and development; (4) Maternal and Child Welfare Bill has not regulated the mechanism for paying paternity leave, conditions for taking paternity leave, as well as supervision and enforcement of sanctions if the rules are not implemented, this is different from the Labor Law which has regulated supervision and sanctions; (5) Implementation of fully paid paternity leave is predicted to be difficult if it is only paid for by the employer. This is because of the large financial and non-financial burdens that will be borne by entrepreneurs.

The recommendations offered are: (1) Choosing an alternative policy in option 2, namely providing paid paternity leave borne by the employer for 20 days with the first 10 days being paid 100% of wages, the second 10 days being paid 75% of wages and the government for 20 days through the employment social security mechanism through Indonesia social security with the third 10 day mechanism being paid 50% of wages and the fourth 10 days 25% of wages; (2) Adding regulations regarding the spacing of pregnancies that will provide economic benefits for entrepreneurs and health for mothers and children; (3) Adding a regulation regarding conditions for taking paternity leave with a more flexible duration of time for taking leave to reduce the burden on employers and workers; (4) Adding regulations regarding supervision of paternity leave by labor inspectors and setting sanctions if there are violations of regulations to protect the implementation of paternity leave. There must be a guarantee that male workers taking paternity leave are not dismissed, demotion or income, or discriminated; (5) Expansion of paternity leave which can not only be taken by biological fathers when accompanying mothers giving birth but also for fathers who adopt children, single fathers whose wives leave because of divorce or death, and the duration of leave can be taken until the child is two years old.

The requirements for taking paternity leave in the alternatives offered also need to take into account the company's financial condition, and the worker must fulfill a minimum period of 12 months. It is also necessary to pay attention to the limitation of granting paid leave, which is until the third child. The birth spacing between children also needs to be regulated, which is at least 2 years.

Arrangements regarding taking parental leave need to be clarified so that they can be taken not all at once. So that the mother benefits because she can be accompanied by her husband during the child's

growth and development, not only during childbirth. Fathers can take time off at important times within 2 years. The company will also benefit more because it is free from the non-financial burden of looking for replacement workers. Where possible, companies can also provide the option of working from home for certain workers without deductions from wages.

## LIMITATION AND SUGGESTIONS

This study is limited to paternity leave for formal workers who receive employment insurance from Indonesia social security . This study does not cover a large number of informal workers in Indonesia. Further research is needed regarding paternity leave for informal workers, as well as alternative sources of funds to provide compensation for workers who take paternity leave.

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