



PROMOTING GENDER EQUALITY THROUGH PATERNITY LEAVE IN LABOUR LAW: TRANSFORMING THE ROLE OF FATHERS IN CHILDCARE

Desty Puspita Maharani

Program Studi Ilmu Hukum, Universitas Negeri Semarang

E-mail: destymaharaani@students.unnes.ac.id

ABSTRAK

Cuti ayah (*paternity leave*) memainkan peran penting dalam mempromosikan kesetaraan gender dengan mendorong keterlibatan aktif ayah dalam pengasuhan anak. Di Indonesia, kerangka hukum yang ada, sebagaimana diatur dalam Undang-Undang Nomor 13 Tahun 2003 tentang Ketenagakerjaan, hanya memberikan dua hari cuti ayah, yang dirasa tidak cukup untuk keterlibatan ayah yang berarti selama tahap awal pengasuhan anak. Artikel ini membahas implementasi cuti ayah di Indonesia dengan perbandingan terhadap model-model progresif dari negara-negara seperti Swedia, Norwegia, dan Jepang, di mana kebijakan cuti ayah yang lebih panjang dan tidak dapat dipindahtangankan terbukti meningkatkan kesetaraan gender serta meningkatkan kesejahteraan anak dan ibu. Melalui tinjauan studi kasus internasional, artikel ini berpendapat bahwa kebijakan Indonesia saat ini perlu direformasi agar sejalan dengan standar global dan lebih mendukung peran ayah dalam pengasuhan. Rekomendasi yang diajukan antara lain memperpanjang cuti ayah, memberikan insentif finansial bagi pemberi kerja, memperkenalkan sistem cuti bersama yang fleksibel, serta meluncurkan kampanye kesadaran publik untuk menantang norma-norma budaya yang ada. Dengan mengadopsi perubahan ini, Indonesia dapat menciptakan pembagian tanggung jawab pengasuhan yang lebih setara, yang akan menguntungkan keluarga dan masyarakat secara keseluruhan.

Kata kunci: Cuti ayah, Pengasuhan Anak, Kesetaraan Gender, Hukum Ketenagakerjaan

ABSTRACT

Paternity leave plays a critical role in promoting gender equality by encouraging fathers' active involvement in childcare. In Indonesia, the current legal framework, as outlined in Law Number 13 of 2003 Concerning Manpower, provides only two days of paternity leave, which is insufficient for meaningful paternal engagement during the early stages of child-rearing. This article examines the implementation of paternity leave in Indonesia, comparing it to more progressive models from countries such as Sweden, Norway, and Japan, where extended, non-transferable paternity leave policies have been shown to enhance gender equality and improve both child and maternal well-being. Through a review of international case studies, the article argues that the current Indonesian policy needs reform to align with global standards and to better support fathers in their caregiving roles. Recommendations include extending paternity leave, offering financial incentives for employers, introducing flexible parental leave systems, and launching public awareness campaigns to challenge cultural norms. By adopting these changes, Indonesia could foster

a more equitable division of caregiving responsibilities, benefiting both families and society as a whole.

Keywords: *Paternity Leave, Childcare, Gender Equity, Labour Law*

INTRODUCTION

In the context of modern labour law, the concept of paternity leave represents a pivotal step toward achieving gender equality, particularly in how parenting responsibilities are divided. Indonesia's legal framework, as established under Law Number 13 of 2003, includes detailed provisions for maternity leave, granting female employees a clear entitlement to paid time off during pregnancy and after childbirth. This ensures legal certainty for mothers who require sufficient time to recover and care for their newborns. However, this comprehensive approach to maternity leave raises an important question about the role of fathers. While women benefit from structured and guaranteed leave, male employees whose wives are in the late stages of pregnancy or have just given birth are granted far fewer considerations under existing laws. This discrepancy underscores the need for greater recognition of fathers' contributions to family life, not just as providers but as active caregivers and partners in parenting.

Paternity leave, which allows fathers to take time off work following the birth of their child, is still a relatively underdeveloped concept in Indonesian labour law. The provisions for male employees are minimal, often limited to a few days off around the time of childbirth. This gap in the legal framework reflects broader societal norms that assign caregiving roles almost exclusively to women. Such norms are deeply entrenched in traditional cultures, where fathers are expected to focus on work while mothers bear the primary responsibility for raising children. Yet, as societal attitudes evolve and families adopt more equitable dynamics, the importance of paternity leave becomes increasingly evident. Recognizing the role of fathers in early childcare is not only a matter of fairness but also a critical step toward improving outcomes for mothers, children, and families as a whole.

Globally, the concept of parental leave is seen as a cornerstone of gender equality in the workplace. International frameworks, such as those established by the International Labour Organization (ILO), emphasize the need for both parents to have access to leave entitlements. While ILO Convention Number 183 on Maternity Protection primarily addresses the needs of mothers, it also underscores the importance of creating family-friendly workplaces where both parents can balance their professional and caregiving responsibilities. In many countries, this has led to the implementation of robust paternity leave policies. For example, Sweden offers fathers a minimum of 90 days of leave, while Japan allows parents to share up to a year of leave, ensuring both mothers and fathers can actively participate in raising their children. Such policies challenge traditional gender roles and highlight the potential for Indonesia to adopt similar reforms to its labour laws.

The benefits of paternity leave extend far beyond the individual family unit. When fathers are granted time to be present during the early stages of a child's life, the impact on maternal health is profound. Mothers who receive adequate support from their partners are less likely to experience postpartum depression and are better able to recover physically and emotionally. Additionally, children benefit from the active involvement of their fathers. Studies have shown that children whose fathers are engaged in early childcare tend to exhibit stronger cognitive and social development, as well as better emotional stability. These advantages demonstrate that paternity leave is not merely a workplace policy but a critical investment in the well-being of families and future generations.

Despite its clear benefits, the implementation of paternity leave in Indonesia faces significant challenges. Cultural norms continue to pose a barrier, as traditional perceptions of gender roles discourage men from taking leave, even when it is offered. Many fathers feel pressured to prioritize work over family due to societal expectations and workplace cultures that undervalue caregiving. Moreover, the economic concerns of employers often hinder progress. Businesses may resist implementing paternity leave policies, citing potential costs and disruptions to operations. These challenges are further compounded by the lack of legal standardization. While maternity leave is well-defined under Indonesian labour law, paternity leave remains largely unregulated, leading to inconsistencies across sectors and industries.

To address these issues, it is essential to advocate for reforms that recognize the evolving needs of modern families. Legal provisions for paternity leave should not only guarantee time off for fathers but also emphasize the quality of that time, ensuring it enables meaningful contributions to family life. This does not necessarily mean equal durations of leave for mothers and fathers, as biological and recovery needs differ. Instead, the focus should be on providing equitable opportunities for both parents to fulfill their roles effectively. A more standardized approach to paternity leave, supported by public awareness campaigns and incentives for employers, could help dismantle the stigma surrounding male caregiving and promote a more balanced division of responsibilities.

As Indonesia continues to modernize its labour laws, the integration of paternity leave represents a crucial opportunity to align with global trends and uphold the principles of gender equality. By acknowledging fathers as active participants in childcare, the nation can foster healthier families, empower women in the workforce, and pave the way for a more inclusive and equitable society. Paternity leave is more than a policy; it is a statement of values that affirms the importance of shared parenting and the role of labour law in supporting families as they navigate the complexities of modern life.

RESEARCH METHODS

This article adopts a library research approach, gathering data from various legal and non-legal sources relevant to the discussion of paternity leave within labour law and its role in promoting gender equality. By relying on secondary data, the study explores existing theories, regulations, and international perspectives to provide a comprehensive understanding of the issue. Sources include Indonesian legislation, such as Law Number 13 of 2003 Concerning Manpower and the Job Creation Law, as well as academic literature in the form of books, journal articles, and other scholarly writings that address paternity leave, labour law, and gender equality. Additionally, international frameworks like the International Labour Organization (ILO) Conventions, including Convention Number 183 on Maternity Protection, are analysed alongside parental leave policies from other countries to draw comparisons. Case studies and statistical data from countries where paternity leave has been implemented effectively further enrich the discussion, offering insights into its impact on families and workplaces.

The article employs a juridical analysis approach to examine Indonesia's existing legal framework and its adequacy in addressing paternity leave. This analysis interprets the norms embedded in labour laws, considering both the textual content and their practical application. By comparing Indonesia's regulations with international best practices, the study identifies gaps and opportunities for improvement. The article is structured into several sections to present a systematic argument. It begins with an introduction that outlines the legal issues surrounding paternity leave and its importance in achieving gender

equality. A literature review follows, presenting theoretical, legal, and practical perspectives. The analysis section delves into the strengths and weaknesses of current regulations, addressing implementation challenges and proposing potential reforms. Finally, the conclusion summarizes the findings and offers concrete recommendations to improve paternity leave policies in Indonesia, advocating for a more family-friendly and equitable labour law system.

RESULTS AND DISCUSSION

Paternity leave refers to a designated period of leave, either paid or unpaid, granted to fathers around the time of their child's birth or adoption. The primary purpose of this leave is to enable fathers to provide emotional and practical support to their partners and actively participate in the early stages of childcare. Unlike maternity leave, which primarily focuses on physical recovery and immediate postnatal care, paternity leave highlights the evolving role of fathers as caregivers and partners in shared parenting. As gender roles in families continue to shift, paternity leave has become a crucial policy in promoting equality in both the workplace and the home. Its importance lies not only in redefining fatherhood but also in challenging deeply rooted societal perceptions that caregiving is exclusively a woman's responsibility.

The functions of paternity leave are multifaceted and impactful on both family and societal levels. At the family level, it allows fathers to bond with their newborns during the critical early stages of development, which can have lasting positive effects on the child's emotional and cognitive growth. Fathers who take paternity leave tend to be more involved in their child's upbringing over the long term, fostering stronger familial bonds. For mothers, the presence of a supportive partner during the postpartum period can significantly alleviate physical and emotional stress, reducing the risks of postpartum depression. Shared caregiving responsibilities also enable mothers to recover more effectively and, in many cases, return to work sooner if they choose, thus supporting their economic independence and career growth.

On a broader scale, paternity leave promotes workplace equality and societal well-being. When fathers take on more caregiving duties, it helps challenge traditional gender norms that often hinder women's professional advancement. This shift benefits employers as well, as workplaces with family-friendly policies tend to experience higher employee satisfaction, loyalty, and productivity. Research from countries with well-implemented paternity leave policies shows that such measures contribute to healthier work-life balance, reduced gender pay gaps, and a more equitable distribution of domestic responsibilities. These benefits highlight why paternity leave should be viewed not merely as a benefit but as a necessity for fostering gender equality and supporting families.

In Indonesia, the implementation of paternity leave remains in its infancy, limited by insufficient legal provisions and entrenched cultural norms. Law Number 13 of 2003 Concerning Manpower currently grants male employees only two days of paid leave in the event of childbirth. This brief period is insufficient for fathers to provide substantial support to their partners or to bond meaningfully with their newborns. By comparison, female employees are entitled to at least three months of maternity leave, reflecting a traditional view of caregiving as a predominantly maternal responsibility. This disparity undermines efforts to promote gender equality and fails to recognize the critical role fathers play in modern family dynamics. Moreover, the absence of incentives for employers to extend paternity leave beyond the legal minimum perpetuates inequalities across different sectors and companies.

In contrast, numerous countries have implemented comprehensive paternity leave policies, serving as models for Indonesia. In Nordic countries such as Sweden, Norway, and Iceland, fathers are entitled to substantial periods of paid leave, often reserved specifically for their use. For example, Sweden provides parents with a total of 480 days of shared leave, with at least 90 days reserved exclusively for fathers. This approach ensures fathers are actively involved in childcare while preventing the burden of leave from falling disproportionately on mothers. Similarly, Norway allocates a "father's quota," a non-transferable leave period of ten weeks, which has significantly increased paternal involvement in childcare.

Japan offers one of the most generous policies globally, allowing fathers up to one year of paid parental leave. Despite cultural barriers that have limited its uptake, this policy reflects a growing recognition of the importance of paternal involvement. In countries like Canada and Germany, flexible parental leave systems enable both parents to share leave according to their family's specific needs, providing a model of inclusivity and adaptability. The positive outcomes of these policies, including improved child development, greater gender equality in workplaces, and stronger familial bonds, demonstrate the transformative potential of paternity leave when implemented effectively.

For Indonesia, these international examples offer valuable lessons. Expanding paternity leave provisions could address the existing gaps in the country's labour laws while aligning with global standards. A starting point could be to extend the duration of paternity leave to at least two weeks, allowing fathers more time to support their partners and engage with their children. Additionally, the government could introduce financial incentives or tax benefits for employers who implement extended paternity leave policies. Public awareness campaigns are equally important to challenge cultural norms that discourage men from taking leave and to normalize the role of fathers in caregiving.

Implementing comprehensive paternity leave policies in Indonesia would also support the country's commitment to gender equality as outlined in the Sustainable Development Goals (SDGs). Beyond legal reforms, it is essential to foster a cultural shift where shared parenting becomes the norm rather than the exception. Employers, policymakers, and families must work together to create an environment that values and supports the contributions of both parents equally. While paternity leave in Indonesia remains underdeveloped, its potential as a tool for promoting gender equality and strengthening family well-being is undeniable. By learning from countries with more advanced policies, Indonesia can develop a framework that benefits not only individual families but also society at large, paving the way for a more equitable and inclusive future.

Paternity leave in Indonesia is currently governed by Law Number 13 of 2003 Concerning Manpower, a foundational piece of legislation regulating employment rights and responsibilities. Article 93 of the law stipulates various circumstances under which workers are entitled to paid leave. Among these, male employees are granted two days of leave in the event of their spouse giving birth or experiencing a miscarriage. While this provision recognizes the importance of a father's presence during critical family moments, it falls short of offering comprehensive support for fathers to actively participate in early childcare and provide extended assistance to their partners.

This minimal allocation reflects a traditional understanding of caregiving roles within Indonesian society, where women are often seen as the primary caregivers, and fathers' involvement is considered secondary. The law does not make distinctions for the type of work or provide extended periods for fathers who may need to care for their spouses or bond with their newborns. This limitation restricts fathers' ability to support their

families during what is often a challenging and transformative time, leaving the responsibility of caregiving predominantly to mothers.

Furthermore, the regulation provides little flexibility for employers or employees to negotiate additional leave days. While some private sector companies have voluntarily extended paternity leave as part of corporate social responsibility programs or employee benefits packages, these initiatives remain rare and inconsistent across industries. In practice, the two-day allowance under the Labour Law is often insufficient for fathers to balance their professional responsibilities with their family obligations, especially in cases of complicated childbirths or when additional postnatal support is required.

The lack of incentives for companies to adopt more inclusive leave policies exacerbates this issue. Without financial or regulatory encouragement, many employers are hesitant to offer longer paternity leave periods. This contrasts with maternity leave, which is more robustly regulated under the same law, granting women at least three months of leave. The disparity between maternity and paternity leave provisions highlights the need for reforms that promote a more equitable approach to caregiving roles within the family.

Additionally, the Labour Law does not address the possibility of unpaid or shared parental leave, which could allow fathers to take additional time off without burdening employers with additional costs. This omission further underscores the law's limited scope in addressing modern family dynamics and supporting gender equality.

While Law Number 13 of 2003 marks an important step in formalizing employment rights, it remains insufficient in addressing the evolving role of fathers in childcare and the broader goals of gender equality. Expanding the provisions for paternity leave to include a longer duration, greater flexibility, or shared leave options would align Indonesia's labour policies with international best practices and contribute to a more inclusive and supportive workplace culture.

Meanwhile, as regulated under Law Number 13 of 2003 Concerning Manpower, represents a minimal acknowledgment of fathers' roles during childbirth. Article 93 of the law grants male employees a mere two days of paid leave to support their spouses during delivery or recovery from a miscarriage. While this provision is an important recognition of fathers' responsibilities, it falls far short of the time needed for meaningful support and involvement in early childcare. The current policy reflects traditional gender norms that perceive caregiving primarily as a maternal duty, sidelining fathers' potential contributions during a critical period of family adjustment.

This limited provision has significant implications for families. Two days of leave is insufficient for fathers to actively participate in early childcare, especially in cases of complications during childbirth, extended hospital stays, or when mothers experience postpartum health issues. Studies have shown that active paternal involvement in early childcare positively impacts child development and maternal well-being. However, Indonesia's restrictive leave policies make it challenging for fathers to fulfil these roles effectively. The rigidity of the law also limits the flexibility for fathers who may wish to take unpaid or additional leave, leaving the burden of caregiving disproportionately on mothers and perpetuating gender inequality both at home and in the workplace.

When compared to countries with more progressive paternity leave policies, the disparity becomes striking. In Sweden, fathers are entitled to 90 non-transferable days of paid parental leave, designed to ensure their active involvement in childcare. This policy is part of a broader parental leave system that offers a total of 480 days, which parents can share as they see fit. The Swedish model has proven highly effective in fostering gender equality, both in the workplace and in domestic roles. Fathers who take paternity leave

report higher levels of engagement with their children, and mothers benefit from reduced stress and greater opportunities to return to their careers.

Similarly, Norway allocates a "father's quota" of at least ten weeks of paid leave, which is non-transferable to mothers. This policy has significantly increased the uptake of paternity leave, normalizing fathers' roles as caregivers. Countries like Japan and South Korea, while culturally more similar to Indonesia, have also implemented generous paternity leave policies. Japanese fathers, for instance, are eligible for up to one year of parental leave, though cultural barriers have limited its use. Efforts in Japan to address these barriers through public awareness campaigns and workplace incentives highlight the importance of pairing legal provisions with cultural shifts.

In Indonesia, the limitations of the current paternity leave framework are compounded by inconsistent implementation across sectors. While some private companies, particularly multinational corporations, have adopted more generous paternity leave policies, these initiatives are not standardized and remain inaccessible to many workers, particularly in informal sectors. For example, a study conducted by the International Labour Organization (ILO) found that Indonesian fathers working for companies with extended leave policies expressed greater satisfaction with their work-life balance and were more actively involved in childcare. However, such cases remain the exception rather than the norm, reflecting a need for broader legal reform.

Expanding paternity leave in Indonesia could have far-reaching benefits. Evidence from countries with robust paternity leave policies demonstrates that fathers who take leave are more likely to remain engaged in their children's lives, contributing to stronger family bonds and better outcomes for children. Longer paternity leave also supports mothers' health by providing them with time to recover and reducing the risk of postpartum depression. Moreover, equalizing caregiving responsibilities can empower women to pursue career opportunities, contributing to reduced gender pay gaps and greater workplace equality.

The Indonesian government could draw inspiration from these international models while addressing the unique cultural and economic context of the country. Introducing a minimum of two weeks of paternity leave would be a significant first step, allowing fathers more time to support their families during the critical postnatal period. Financial incentives or subsidies for employers who implement extended leave policies could encourage broader adoption across sectors. Public awareness campaigns to normalize fathers' roles in childcare, similar to those implemented in Japan and South Korea, would also be essential in overcoming cultural barriers. While Indonesia's recognition of paternity leave under Law No. 13 of 2003 is a positive step, it is far from adequate. A more comprehensive framework is needed to reflect the evolving roles of fathers and to align the country with international best practices. By expanding paternity leave provisions, Indonesia could foster a more equitable division of caregiving responsibilities, enhance family well-being, and promote gender equality both at home and in the workplace. This shift would not only benefit individual families but also contribute to broader societal progress, paving the way for a more inclusive and supportive future.

CONCLUSIONS AND SUGGESTIONS

In conclusion, paternity leave is an essential policy that can significantly contribute to promoting gender equality, improving family well-being, and enhancing workplace productivity. While Indonesia has made some strides in recognizing the importance of paternity leave through Law Number 13 of 2003 Concerning Manpower, the current

provisions remain insufficient in addressing the evolving roles of fathers in modern family dynamics. The two-day leave granted to fathers is minimal and fails to support their meaningful involvement in childcare, which could have lasting positive effects on child development, maternal health, and overall family dynamics.

When compared to international best practices, such as the comprehensive paternity leave policies in Sweden, Norway, and other progressive nations, it becomes evident that Indonesia's legal framework requires significant reform to align with global standards. Countries that have implemented longer, non-transferable paternity leave have seen not only improved child and maternal health but also greater gender equality in both domestic and workplace environments. These nations have demonstrated that a well-structured paternity leave system fosters a more balanced division of caregiving responsibilities, enabling both parents to contribute equally to the upbringing of their children.

Indonesia stands to benefit from adopting a more inclusive and supportive paternity leave policy. Expanding the current leave provisions to at least two weeks would allow fathers more time to assist their partners and bond with their newborns. Additionally, creating a flexible parental leave system, where both parents can share leave periods, could further support families and promote gender equality in caregiving roles.

REFERENCES

- Adamsons, Karl dan Jonhson, Sara K. "An Update and Expanded Meta-Analysis of Nonresident Fathering and Child Well-Being", *Journal of Family Psychology* Vol 27 No 4, 2013.
- Addati, Laura., Cassirer, Naomi dan Gilchrist, Katherine. 2014. *Maternity and Paternity at Work: Law and Practice Across The World*. Geneva: ILO.
- Cabrera, N.J., Tamis-LeMonda, C.S., Lamb, M.E., dan Boller, K. (1999). Measuring father involvement in the early head start evaluation: a multidimensional conceptualization. Paper National Conference on Health Statistics, Washington, D.C., August, 2-3.
- Dermott, Esther M. "New Fatherhood in Practice? Parental Leave in the UK", *International journal of Sociology and Social Policy*, Vol. 21 Number 4/5/6 2001.
- Doucet, L. McKay dan D.-G Tremblay. 2009. "Parental leave in Canada and Quebec: how to explain the different routes taken?", in Moss, P. and Kamerman, S. (Eds), *The Politics of Parental Leave Policies*. Bristol: Policy Press.
- Sanderson, S. Dan Thompson, V.L.S. "Factor Associated With Perceived Paternal Involvement in Childrearing", *Sex Roles A Journal of Research*, Vol. 46 Issue 3-4 Februari 2002.
- Santrock, John.W. 2002. *Lifespan Development*, Jilid I Edisi kelima. Terj: Damanik., J. & Chusairi., A. Jakarta: Erlangga.
- Tremblay, Diane-Gabrielle. "Parental Leave: From Perception to first-hand experience", *International journal of Sociology and Social Policy*, Vol. 30 Number 9/10 2010.
- Wahyuningrum, Enjang. Peran Ayah (Fathering) Pada Pengasuhan Anak Usia Dini (sebuah kajian teoritis), *Jurnal Psiko Wacana* Vol 10 No. 1 Tahun 2011.
- Undang-Undang No. 13 Tahun 2003 Tentang Ketenagakerjaan.