

PUBLIC PERCEPTION REGARDING PATERNITY LEAVE RIGHTS DURING CHILDBIRTH

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Abstract

Paternity leave is important in realizing gender equality and family well-being. This article aims to analyze the public perception of the paternity leave policy and its implications in supporting the wife's childbirth process. A phenomenological and normative juridical approach was used in the preparation of this article, by selecting 6 (six) male informants living in the city of Surabaya, East Java. The results of the study show that the duration of 2-3 days of leave regulated in the laws and regulations in Indonesia is considered sufficient for accompanying the wife during childbirth and postpartum. Patriarchal cultural norms are considered the main cause of hindering co-parenting. The husband must be able to play an important and active role as part of the responsibility for the welfare and harmony of the family. Paternity leave stipulated by laws and regulations in Indonesia is expected to be able to provide space for fathers to learn and develop skills in parenting, to be able to foster a sense of responsibility. The state seeks to provide a transition impetus from a lack of fatherhood to one based on cultural recognition. Further research is needed to explore the effectiveness of these policies in a variety of social contexts.

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Introduction

Having children is ideal for every couple, women who experience pregnancy and childbirth must be empowered to get sustainable health and social care to affect psychological well-being to raise children. Women's empowerment involves physical, emotional, economic, social, cultural, and legal aspects (Nieuwenhuijze & Leahy-Warren, 2019; Power et al., 2022).

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Woman during the period of labor is expected to get protection and recognition of human rights, support from husband (Sapkota et al., 2012), family, friends, and social environment (Hodnett et al., 2012) is important to pay attention to. The support of husbands who work in government offices, companies, offices, shops, and so on for wives who are entering the labor period is considered important by involving themselves in influencing women's acceptance of services, as well as women's perception of care so that childbirth leave becomes significant (Fernández-Cornejo et al., 2016).

The maternal mortality rate in Indonesia reaches 189 per 100,000 live births (Indonesia, 2020), compared to other ASEAN countries, Indonesia ranks the second highest, while Malaysia, Brunei, Thailand, and Vietnam have maternal mortality rates below 100 per 100,000 live births ("Agar Ibu dan Bayi Selamat," 2024). This is due to hypertension disorders and non-obstetric causes that increase from year to year (Syairaji et al., 2024), healthier-oriented factors are the most common contributor to maternal mortality (Baharuddin et al., 2019).

Traditionally, women in Indonesia have a big role in the family to continue their offspring and raise children (Saptari, 2013). However, currently, women also have equality in obtaining jobs outside the home, so their role as a wife and mother is not too big, only limited to giving birth, so that when they are active outside the home to work, they will find it difficult to breastfeed while working. Article 65 of Law Number 17 of 2023 concerning Health Regulates Efforts To Fulfill Nutrition Carried Out In The Entire Life Cycle From The Womb To The Elderly. Article 4 of Law Number 4 Year 2024 About the Welfare of Mothers and Children in the First Thousand Days of Life Phase regulates women who work to get leave permission from their place of work when they give birth at least the first 3 (three) months; and no later than 3 (three) months if there are special conditions as evidenced by a doctor's certificate.

Article 71 of Law of the Republic of Indonesia Number 36 of 2009 concerning Health also stipulates reproductive rights, especially for women who are pregnant and breastfeeding. In addition, the Law of the Republic of Indonesia Number 13 of 2003 concerning Manpower regulates reproductive rights for female workers, including menstruation, pregnancy, childbirth, and the opportunity to breastfeed, in Articles 81, 82, and 83. When it comes to maternity and maternity leave, every pregnant female worker has an estimated day of birth to know when the baby will be born. In general, the labor process occurs at 38 (thirty) to 41 (forty) weeks of gestation. However, in reality, not all HPLs are appropriate because some pregnant women can give birth early or experience preterm labor.

It is important to recognize that the right to leave of the husband is not solely a gender issue, but is also a sign of equality, family well-being, and recognition of the vital contribution that the husband makes in the perinatal process. Therefore, taking into account the human rights perspective, we hope that this article will make a valuable contribution to encouraging positive changes in policies and social norms around the right to leave of the husband in the context of birth (Raditya & Priyanto, 2015). The laws and regulations in Indonesia regarding the right to leave of the husband to accompany the wife to give birth have been stipulated, in Article 93 paragraph 4 of Law No. 13 of 2003 concerning Manpower regulates wages that are still paid to workers/laborers who do not come to work because the wife gives birth or miscarriage for 2 (two) days.

Article 6 of Law Number 4 of 2024 concerning the Welfare of Mothers and Children in the First Thousand Days of Life Phase regulates the support of the husband and/or family for the wife who gives birth, the husband is entitled to the right to wife assistance leave on: the period of childbirth, for 2 (two) days and can be given no later than 3 (three) days or following the agreement; or when experiencing a miscarriage, for 2 (two) days. Paragraph (3) regulates that the husband is given sufficient time to accompany his wife and/or children on the following

grounds: wives who experience health problems, health problems, and/or complications after childbirth or miscarriage; Children born with health problems, health problems, and complications or complications; the wife who gave birth died; and/or the child born dies. In paragraph (4) During the exercise of the right to parental assistance leave as intended in paragraph (2), the husband is obliged to: maintain the health of his wife and children; provide adequate and balanced nutrition for wives and children; support the wife in providing exclusive breast milk from the time the child is born until the child is 6 (six) months old; and assist wives and children in obtaining health and nutrition services following standards.

Several previous studies discuss the right to maternity leave, but most of them discuss and focus more on the right to maternity leave for the wife and only a few discuss in detail the right to maternity leave for the husband. For example, Patrisia Amanda Pascarina et al. who researched the perception of husbands who work outside the home who are tied to Patriarchal culture, paternity leave to accompany his wife to give birth does not take long because it is considered to reduce male productivity in the workplace (Pascarina et al., 2024). Faruq Al-Kafi Faruq Al-Kafi and Ita Rodiah investigated the important role of husbands in supporting their wives' mental health after childbirth and the limited leave time that husbands have in assisting their wives based on leave regulations that are indeed limited and ineffective. Ultimately, the extension of paid husband leave can have a significant positive impact (Alkafi & Rodiah, 2024). Nabilah Puspitarini looked at a comparison of husband leave policies in Indonesia, the Philippines, and Singapore. The study investigates the fact that Indonesia still limits vacation periods to two to five days compared to the other two countries, the inherent patriarchal culture, and differences in vacation policies for public and private employees that can hinder the implementation of paternity leave regulations (Nabilah Puspitarini, 2024). Patrisia Amanda Pascarina et al. observed the media in Indonesia through various perspectives on whether or not they support women's reproductive rights, one of which is related to paternity leave during the wife's childbirth (Pascarina et al., 2024). Reza Widiantoro et al. analyzed high husband support, regular visits, high income, and non-working mothers increasing exclusive breastfeeding (Widiantoro et al., 2024).

Research Method

This study focuses on examining the right to maternity leave for husbands in an empirical context. Where the main focus is on the opinions and experiences of the community regarding the right to leave for husbands when their wives give birth. In this paper, the researcher uses an empirical study using a phenomenological approach by collecting data through the interview method with the respondent (Barbaras, 2022). In addition, this study also uses a normative juridical approach (Qamar & Rezah, 2020). Where the author examines the laws and regulations that are the basis related to the problems being studied. The research was conducted in Jambangan District, Surabaya City. What is considered for conducting research in this location is that the area is the place of domicile of the author himself and also in the area it is easy to find informants or sources related to the theme that he wants to research, both from employees/workers and from company owners. The total number of respondents was 6 (six) consisting of 5 (five) workers in Jambangan District, Surabaya City, and 1 (one) company owner

Results and Discussions

Public Perception Regarding Paternity Leave Rights During Childbirth

Several laws and regulations in Indonesia show that the state has been present to provide flexibility for fathers or husbands to accompany their wives during the childbirth process. Whether or not the duration of leave for fathers or husbands is adequate or not can give rise to perceptions of fathers or husbands who are workers/laborers/employees. This research describes some of the experiences and knowledge of informants who work in the city of Surabaya. Mr. SL said:

"The husband is only entitled to leave to accompany his wife during childbirth, which is following the applicable laws and regulations, namely for 3 (three) days. The leave time given for 3 (three) days is sufficient and appropriate, the crucial time is when the wife childbirth, there the husband must be and accompany the wife if there is nothing urgent. The rest of the time when the husband's duty to accompany his wife after childbirth can be replaced by someone else such as relatives or hiring a domestic assistant, we are committed to the applicable regulations" (SL, personal communication, November 16, 2023).

Mr. MI said:

"I got 3 (three) days of paternity leave after childbirth, so if there are other workers who are in the position of husband and then ask for leave permission to accompany their wife in childbirth, the husband does not get a wage or salary deduction because the leave permission to accompany his wife in childbirth is included in the leave allowance given to the employee, however, the obligation is only limited to accompanying at the time of childbirth only, For the postpartum phase, the husband can already delegate his obligation to take care of and accompany his wife to another person who can be trusted" (MI, personal communication, November 7, 2023).

Mr. SL reasoned:

"A husband should earn a living for his children and wife. As long as he is still physically and spiritually able to earn a living, he is obliged to earn a living for his children and wife, and it is precisely this obligation that cannot be delegated to others. Meanwhile, the obligation to always accompany his wife during the postpartum period can be transferred to other people who are capable and trustworthy such as relatives (mother, brother, aunt, or household assistant)" (SL, personal communication, November 16, 2023).

Mr. SNA and Mr. TB agree with the perception conveyed by Mr. SL and Mr. MI. With a statement that is approximately like this:

"Three days is enough to accompany the wife during childbirth, then to accompany the wife can be transferred to other people we can trust such as relatives, unless there are other urgent things such as abnormal childbirth of the wife or may have to be operated so that it takes longer in the childbirth process. In conditions like this, employees are allowed to apply for leave for more than three days, but it must be accompanied by valid reasons and evidence, such as a certificate from the hospital" (SNA, personal communication, November 25, 2023; TB, personal communication, November 25, 2023).

Some of the information conveyed by the four informants, this study gets an overview of the owner of the company who has many employees named Mr. FRI. He delivered a statement that was in line with the previous four informants. He said:

"As a director of the company, I consider that male workers or employees are entitled to leave when their wives childbirth. Leave given to employees who accompany their wives to childbirth is sufficient for 3 days following applicable laws and regulations. However, if there are urgent circumstances, employees are allowed to apply for leave for more than three days

accompanied by valid and accountable reasons and evidence. Every employee certainly has duties and obligations that must be fulfilled as a consequence of their work, but when there are important or urgent matters, employees can be given relief to temporarily leave their obligations as employees without any sanctions or wage reductions, for example when accompanying their wives to childbirth. However, it must still follow applicable regulations, for example, the period specified by law in requesting leave to accompany the wife in childbirth is three days, and after the deadline expires, employees must immediately return to work and carry out their obligations following their respective duties. So far, we have always given leave allotment for 3 days to every employee whose wife has childbirth, and we have also not reduced or deducted the salary of the employee who asked for the leave is in, it is following the applicable labor law" (FRI, personal communication, December 16, 2023).

Regulations regarding the right to leave of husband to accompany the wife when childbirth has been stipulated and also designed in the Bill, precisely in Article 27 Paragraph 3 letter c of the Family Resilience Bill which reads: "the provision of leave during pregnancy and maternity leave for working women for at least 6 (six) months, maternity leave for working men for at least 3 (three) days, without losing their right to wages or salaries and their job positions". In addition, in the Manpower Law No. 13 of 2003. According to Article 93 paragraph 4 letter e in the Manpower Law, it is stated that "Wages given to workers or laborers who do not come to work because they accompany their wives to childbirth or have a miscarriage, must be paid for 2 days". If reflecting on these regulations, an agency or company that has workers or employees must also implement these regulations.

The regulation regarding the husband's right to leave to accompany his wife during childbirth has at least been implemented properly. In the world of work, from company employees to workers working in the foundation have received the right to leave. Both companies and foundations have implemented this policy for their workers. Of course, this is also well accepted by workers, especially by male workers, because for male workers the right to leave is claimed to be very important when their wives are in childbirth. With the enactment of the right to leave, male workers feel helped because, with the right to leave, male workers can carry out their role as husbands, namely accompany their wives in the process of childbirth to their babies. Starting from companies to foundations, they apply the same grace period in providing leave rights for their workers, which is 3 (three) days. And that time is also considered sufficient for the workers.

Male workers feel that the right to leave to accompany their wives in childbirth is a very important thing, so it is appropriate to make regulations regarding this. The period given to male workers to accompany their wives in childbirth, which is for 3 (three) days, is considered sufficient for husbands to accompany their wives in the delivery process because, in addition to the obligation to accompany their wives during childbirth, husbands also should provide for their wives and future children, one of which is by working. Then it can be the reason that three days of leave for the husband is enough. Male workers also realize that a greater obligation and cannot be replaced by others compared to accompanying their wives after childbirth is to earn a living for their wives and children, because it is their duty and responsibility as a head of household.

The 5 (five) informants interviewed were all married and had children except Mr. TB who did not have children, they said that when their wives childbirth they also got a leave of absence to accompany their wives in childbirth for 3 (three) days. They stated that this leave provision also applies to other employees, those whose wives give birth also get the same leave rights, namely for 3 (three) days. This shows that in the foundation, the laws and regulations

regarding the husband's right to leave to accompany the wife in childbirth as described above have been well implemented.

There are interesting statements submitted by FRI, namely:

"If an employee requesting a leave permit can carry out his obligations as an employee in the company from home or Work From Home (WFH), then after the 3-day leave time allotment has been completed, the employee is temporarily allowed to work from home if possible. Meanwhile, if there is an emergency that results in the employee being unable to carry out his work, the company also allows the employee to request a longer leave permit on the condition that the employee includes a clear reason and valid evidence and the company will also not deduct the employee's salary, even the company is not reluctant to provide allowances if it is felt that the employee needs and deserves to receive allowances for interests in the process of childbirth to his wife. This is done as a form of the company's appreciation to its employees" (FRI, personal communication, December 16, 2023).

This research confirms FRI's statement to one of the RDI employees, he explained:

"My wife is going to childbirth to her 3rd child, I get the right to leave to accompany my wife in childbirth. At that time, I only asked for leave permission as it should, namely for 3 (three) days because the process of childbirth to my wife went smoothly and quickly, my work was not possible to do from home so I had to go directly into the field. The leave time given for 3 (three) days should also be enough to accompany the wife in the childbirth process" (RDI, personal communication, December 10, 2023).

Some of the information above shows that there is a common perception among the sources, namely that the amount of leave time given to male workers when their wives childbirth, which is for 3 (three) days, is considered sufficient to accompany the wife during the childbirth process. For male workers, the right to leave to accompany their wives in childbirth is quite important, but earning a living for the survival of their wives and children in the future is no less important, therefore the time of leave for three days is appropriate, because for male workers there is no need to linger in asking for permission to accompany their wives in childbirth unless there is an emergency that requires the husband to always accompany his wife during the childbirth process so that they cannot carry out their duties in their work. In this position, male employees are entitled and allowed to request an extension of leave leave to accompany their wives in childbirth.

Some of the main benefits of giving leave to husbands to accompany their wives in childbirth (Dobrotić et al., 2022) include the following: support for wives (Barry et al., 2023), with the provision of maternity leave for husbands, provides important support to wives during the childbirth process, this can help reduce stress levels and create a strong emotional bond between couples, good conditions at home can also reduce the potential for problems that can affect employee performance; preventing depression in new mothers, and taking care of a baby, especially for new mothers, can be a stressful experience. Having a husband by his wife's side can help prevent the stress and loneliness that may arise when taking care of the baby (Hidalgo-Padilla et al., 2023), by granting the right to maternity leave for fathers, baby blues syndrome in new mothers can be prevented; building a bond with the child, and allowing fathers to take maternity leave allows them to be directly involved in caring for the child from an early age, research shows that the role of fathers in the early phases of a child's life can increase the emotional intelligence of children; and employee welfare and loyalty to the company, granting paternity leave rights can improve employee welfare and create a sense of appreciation. Employees who feel the company cares about their needs tend to be more loyal and engaged. This can help companies retain their best employees. By taking these aspects into account, giving

employees enough time to be with their children can increase morale and well-being, which ultimately contributes positively to the overall performance of the company (Rommalla, 2021).

Laws and regulations in Indonesia regarding paternity/husband leave are a legal breakthrough that has a direct impact on the role of fathers, fathers who are considered in a patriarchal culture not to carry out housework activities should be the beginning of a dynamic change in housework with the presence of this regulation. Moreover, the increasing number of women who work outside the home is important, so it is important to understand that husbands divide household responsibilities equally with their wives. Other research shows that wives expect their husbands to be involved in household chores and childcare (Carrim, 2017). The state seeks to provide a transition impetus from a lack of fatherhood to one based on cultural recognition. The presence of the father/husband after childbirth provides physical and emotional support to the wife so that the role of the father/husband becomes unlimited and can create family resilience. The state seeks to build a mainstream model of fathers being present in household chores by participating in providing care and welfare for their children, not only helping wives but fathers/husbands shoulder their responsibilities (Eira Nunes et al., 2021).

Pattributely, the working father/husband is responsible for the family economy, however, he is not responsible for household affairs because it is imposed on the wife (Speakman & Marchington, 1999). This legislation negates the involvement of fathers/husbands to actively nurture and have strong physical and mental bonds in the family. The state requires the presence of active fathers in playing childcare and household chores not incidentally after childbirth but lasts for a long time in the family.

Postpartum paternity leave can be a transition of how a man who was initially free from the burden of household chores becomes an active parent who is structurally equivalent to a woman (Jackson, 1992). Sharing these roles will make a man think about what role he should play as a father and mother at the same time (McLean, 2020). This mutual role can be played by men at the end of the week and can help their wives share household chores with their wives. Paternity leave that has been set by the state can be extended in duration to provide space for fathers to learn and develop skills in parenting, to be able to foster a sense of responsibility.

In the end, the man who becomes the father of his children allows him to be an active co-parent, not just helping his wife, so that he can reduce conflicts and decline marital relationships (Lin et al., 2024). This shift in parenting patterns must be carried out frequently by husband and wife so that gender equality will be visible (Eira Nunes et al., 2024). The wife is no longer preoccupied with household chores because the husband actively does the housework like his wife. Shared parenting is an important cultural capital in creating family harmony (Peng, 2024).

Conclusion

Husbands who have the right to paternity leave in their involvement during the period of accompanying their wives during childbirth show the attention and presence of the state in realizing family welfare and gender equality. The public's perception of the duration of paternity leave for 2-3 days is considered quite adequate, however, they want additional flexibility in dealing with emergency conditions. Husbands have an important role in accompanying their wives, both as a form of physical and emotional support, to improve family welfare and care. Although it is undeniable that the patriarchal culture is still strong in influencing the perception of the husband as a breadwinner and not as a housekeeper who is burdened by his wife. The paternity leave policy is expected to be able to encourage cultural change and the dynamics of gender roles in the family.

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