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An Analysis Of Gender Identity Politics In The Implementation Of Law No. 4 Of 2024 On The Well-Being Of Mothers And Children In The City Of Bandung: A Social Relations Framework Perspective

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Abstract

*The **introduction** discusses the gap between the legal guarantee of maternity leave and its implementation in the workplace, despite the enactment of Law No. 4 of 2024 on the Well-being of Mothers and Children. This study aims to analyze gender identity politics in maternity leave policy in Bandung City using the Social Relations Framework, consisting of Rules, Activities, Resources, People, and Power. The **results and discussion** show that the policy recognizes women's reproductive needs while beginning to involve men in caregiving through spousal accompaniment leave. However, differences in leave duration, access to resources, and workplace practices indicate that reproductive and caregiving responsibilities remain largely associated with women. The **conclusion** indicates that the policy strengthens legal recognition of gender-specific needs, but its implementation still faces challenges related to access, institutional protection, and workplace discrimination.*

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Keywords: Gender Identity Politics; Maternity Leave; Social Relations Framework; Bandung City; UU Nomor 4 Tahun 2024.

INTRODUCTION

Legally, the UUD 1945 serves as the supreme legal basis and serves as a reference for subordinate laws and regulations. Pasal 27(1) and 27(2) of the UUD 1945 address the concept of rights. Rights are something possessed by every individual whether in the workplace, in society, or even as citizens of the Republic of Indonesia (Kemenkeu.go.id, 2022). Therefore, female workers, in their capacity as citizens, have rights and opportunities equal to those of male workers; the law provides female workers with the option to refrain from performing work under certain circumstances, in specific locations, and at particular times, in accordance with their biological conditions.

Philosophically speaking, female workers possess certain distinctive characteristics primarily related to their biological, psychological, moral, and social-ethical aspects. Prior to the implementation of Law No. 4 of 2024, relevant provisions were outlined in Law No. 13 of 2003 on Labor. However, its implementation was voluntary and depended on a company's internal policies (Cristiana, 2025). While these legal provisions were indeed in place in theory, the reality on the ground was different. In the case of Darkisem or a female worker who requested maternity leave she was instead terminated by PT. Sungintex (Kumparan.com, 2017).

Currently, companies prioritize hiring unmarried women because it makes it easier to manage the responsibilities assigned to them (Djakaria, 2018). As a result, many workplaces particularly in the private and informal sectors lack such facilities or even disregard their employees' needs (Eka Putri in Cristiana, 2024). From a sociological perspective, this constitutes a form of discrimination by companies that treat women's reproductive functions as an economic consideration rather than as a right that must be protected. This pattern reflects the existence of structural gender bias in labor relations, where women's identity as prospective mothers actually serves as the basis for unequal treatment in the workplace.

It was found that approximately 52 percent of female workers do not receive menstrual leave, and 22.6 percent do not receive full pay during maternity leave, while others face wage discrimination or even termination for demanding the fulfillment of their basic rights. These findings align with the situation in companies in Bandung that have yet to fulfill the rights to menstrual leave, maternity leave, and equal pay for female workers. This situation was also

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directly highlighted by Matahari in Bandung, who stated that employers often disregard the well-being of their workers and the creation of a safe work environment, resulting in many female workers losing their jobs when they attempt to demand their rights (Bandungbergerak.id, 2025).

The issue of implementing maternity leave policies cannot be understood solely as a technical-administrative matter; rather, it is closely tied to power relations and the construction of gender identities that shape the world of work. Therefore, this study employs the Social Relations Framework as an analytical tool to examine the implementation of the maternity leave policy under Law No. 4 of 2024 in the city of Bandung through five dimensions that seek to describe the politics of gender identity at work within the policy implementation space—a space that, normatively, guarantees the well-being of mothers but, empirically, still leaves structural gaps that require further examination.

SOCIAL RELATIONS FRAMEWORK (SRF)

The Social Relations Framework (SRF) is an analytical framework developed by Naila Kabeer to understand social relations and the dynamics of power shaped by gender, including the division of labor within social relations. This framework emphasizes that gender must be understood as a relationship, not merely as an individual characteristic. The SRF is also used to examine how gender relations are formed within various institutions, such as the family or household, the state, communities, and the market. Thus, policies and practices within one institution can be linked to conditions in other institutions (Kabeer, 1994, in Venganai & Benhura, 2026).

According to Mbo'o-Tchouawou et al. (2019, in Venganai & Benhura, 2026), the SRF consists of five dimensions: **Rules**, which encompass the values, norms, customs, laws, and traditions of a society or community whether formal or informal. Rules can either encourage or restrict the actions of specific actors. **Activities** relates to the division of productive, distributive, and regulatory roles. This dimension examines who performs a particular activity, who receives something, and who can claim or obtain rights to that thing. **Resources** encompasses financial, human, natural, and physical resources, as well as social networks and political influence. In this dimension, it is important to examine how mechanisms of access, control, and ownership of resources operate fairly. **People** pertains to the parties that determine who is included and who is excluded from a social process. Thus, this dimension examines the extent of people's involvement or lack thereof in ongoing social processes. **Power** relates to who has the ability to

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make decisions and whose interests are served. Actors who hold power can promote certain practices that maintain their privileged position and can resist changes to those conditions.

RESULT

Policy Overview

Law No. 4 of 2024 on the Well-being of Mothers and Children During the First 1,000 Days of Life (KIA Law) was enacted as an effort to strengthen the well-being of mothers and children, encompassing their rights and obligations, and taking into account the roles of the government and society. The provisions of the KIA Law comprehensively regulate a range of maternal rights, from before pregnancy through the postpartum period. Article 4, paragraph 3, specifically grants working mothers the right to maternity leave of at least three months, with the possibility of an additional three months under special circumstances, rest periods for mothers who have suffered a miscarriage, access to nutritional health services, lactation facilities at work, and affordable childcare. Article 5 also stipulates that mothers exercising these rights cannot be terminated and are entitled to full pay for the first four months and 75% of their salary for the fifth and sixth months. This law further outlines the roles of the government, employers, and the community, ensuring that the Child Protection Act (KIA) not only regulates individual rights but also addresses the involvement of other stakeholders in support and childcare. In the City of Bandung, this has been implemented through Local Regulation No. 7 of 2025 on the Empowerment and Protection of Women, which cites Law No. 4 of 2024 as one of its legal bases. This regulation reaffirms the rights to maternity leave, rest periods for mothers who have suffered a miscarriage, lactation facilities, and spousal leave as stipulated in the Child Protection Act, without devising significantly different provisions.

Analysis of Maternity Leave Policy Based on the “Rules” Dimension

The dimension of rules encompasses the values, norms, customs, laws, and traditions of a society or community, whether formal or informal. In the matter of maternity leave, these rules are established through existing regulations. The constitutional foundation for these laws and regulations is the 1945 Constitution, which holds the highest legal authority in Indonesia. Furthermore, these maternity leave regulations were previously outlined in Law No. 13 of 2003 on Manpower, specifically in Article 82, paragraph (1). However, in practice, many still disregard the maternity leave provisions set forth in that law. Such violations take the form of forcing

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workers to return to work sooner than the end of their leave, deducting wages during leave, and dismissing female workers after or just before their leave period (Istiarti, 2012).

In 2024, this law was strengthened and elaborated upon through Law No. 4 of 2024 on the Welfare of Mothers and Children. In terms of the provisions of the legislation, the Labor Law stipulates three months of maternity leave one and a half months before and one and a half months after childbirth and grants the husband two days of paternity leave. Subsequently, these regulations were revised to extend maternity leave to a minimum of three months, with the option to extend it for up to an additional three months under special circumstances, for a total of up to six months during which employers are obligated to provide full pay for the first four months and 75 percent of pay for the following two months. This demonstrates that the state guarantees women's physical and psychological recovery after childbirth as a right, not merely a voluntary policy on the part of companies.

In practical terms, this regulation must provide clear protections, accompanied by explicit structural safeguards and oversight to ensure the sustainability of this maternity leave. If this legislation serves only as a guideline and is left to the discretion of individual companies, the problems associated with previous regulations will resurface. Female workers need to be protected continuously and equitably, rather than being positioned as a group requiring temporary accommodation during a specific biological period. Rather than deconstructing gender bias in the workplace, this kind of essentialist protection framework has the potential to perpetuate it: the longer the leave guaranteed by the state without accompanying protection against structural discrimination the stronger the perception among companies that employing women of reproductive age is an economic burden that must be minimized.

Analysis of Maternity Leave Policy Based on the "Activities" Dimension

Based on the "Activities" dimension in the Social Relations Framework, the leave provisions in the Child Protection Law and Bandung City Regulation No. 7 of 2025 govern the division of reproductive, caregiving, and support activities between mothers and fathers. For mothers, activities such as pregnancy, childbirth, recovery, and breastfeeding form the basis for granting longer leave and lactation rights. Amrullah (2025) assesses that this aligns with the protection needs of mothers and children, as the postpartum period requires dedicated time so that mothers can undergo recovery and provide care without losing their employment, as guaranteed in Article 5.

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Childcare is also not viewed solely as the mother's responsibility. Article 6 grants paternity leave to the husband, accompanied by the obligation to support the child's health, nutrition, exclusive breastfeeding, and access to healthcare services, while Article 12 establishes childcare as a shared responsibility between mothers and fathers. However, there is a difference in duration: maternity leave is at least three months with the possibility of extension under certain conditions, while paternity leave is only two days and can be extended for a maximum of three days. This indicates that fathers' involvement in childcare has been recognized, but the time allotted remains more limited.

In the context of Bandung City, this division of activities occurs amid differences in the work activities of men and women. 2023 BPS data show that women are more likely to be unpaid workers or family workers, while men are more likely to be in paid employment. This situation is an important context because caregiving activities are still predominantly associated with women. Thus, the "Activities" dimension indicates that policies are beginning to divide caregiving responsibilities between mothers and fathers while still taking into account the biological needs of mothers. However, fathers' involvement through paternity leave is still limited in duration.

Analysis of Maternity Leave Policy Based on the "Resources" Dimension

Resources in maternity leave and spousal leave policies can be understood as workers' access to resources that enable them to exercise their leave rights while maintaining their well-being and employment continuity. In the Social Relations Framework, resources are not only related to the existence of resources but also to how those resources can be accessed, controlled, and utilized by different groups.

In the context of Bandung City, this issue is relevant because BPS data show that Bandung City's Gender Inequality Index (IKG) in 2025 stands at 0.185, with the Labor Force Participation Rate (TPAK) for men at 84.43% and for women at 51.90%. These data do not directly indicate a cause-and-effect relationship between economic participation disparities and leave policies, but they do reveal gender-based differences in economic participation—a crucial context for examining the distribution of resources related to work and caregiving. Leave policies can thus be viewed as one of the instruments that determine whether workers particularly women after childbirth continue to have access to income, job security, time, and supportive facilities.

Further analysis of resources can focus on four aspects: access to leave entitlements, access to economic resources, access to time and supportive facilities, and access to information

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and protection mechanisms. Law No. 4 of 2024 grants the right to maternity leave with certain income protection, as well as the right to spousal leave for husbands. However, the International Labor Organization (ILO) emphasizes that the effectiveness of leave policies is determined not only by the existence of formal rights but also by the adequacy of benefits, funding, workplace support, and workers' ability to actually exercise those rights. Thus, the "Resources" dimension is designed to assess whether the resources promised by the policy are actually accessible to both women and men, and how these disparities in access affect the division of work and caregiving responsibilities.

Analysis of Maternity Leave Policy Based on the "People" Dimension

The Indonesian system of government, governmental affairs are divided into exclusive affairs, general governmental affairs, and concurrent governmental affairs. Concurrent affairs are further divided into mandatory governmental affairs and optional governmental affairs, with mandatory affairs further distinguished between those related to and those unrelated to basic services. Pursuant to Article 12(2)(b) of the aforementioned Law, women's empowerment and child protection fall under mandatory governmental responsibilities unrelated to basic services—one of which is the provision of maternity leave protections. This regulation involves government actors ranging from the central government as the policy-maker down to the West Java Provincial Government and ultimately the City Government of Bandung. Within this framework, the Bandung City Government should ideally play an active role through open dialogue with business operators to ensure that the provisions of the Child Protection Law are fully implemented. Local government agencies tasked with carrying out these duties—such as the Bandung City Department of Labor and the Department of Women's Empowerment, Child Protection, and Family Planning need to intensify outreach, guidance, and oversight to implement various regulations and policies in the field of labor. If these policies are treated merely as guidelines for business operators, disparities will inevitably arise in practice. Consequently, the established regulations will be rendered ineffective. The government must enforce the law against deviations and violations of the law particularly given the obstacles frequently faced by workers, such as the complexity of formal legal proof procedures and concerns regarding economic and political repercussions.

Female workers, as the primary target group, require a safe space to take their allotted leave without the specter of fear of dismissal, concerns about pay cuts, or anxiety when pressured

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to make decisions. There are also male workers who are the husbands of female workers who should play a supportive role. Under the Child Protection Act (UU KIA), paternity leave remains limited to two days, with an additional option of up to three days depending on an agreement with the employer; thus, a father's total leave is capped at five days a stark contrast to the significant extension granted to mothers.

The key group that needs to be educated is business owners or company management. This is because these regulations have a major impact on how companies treat female employees and on their standard operating procedures (SOPs); consequently, misunderstandings or insufficient understanding on the part of the company have the potential to directly hinder the implementation of these policies in the field. Company management does not understand the importance of maternity leave for both employees and the company itself. There is a reluctance to pay employees' wages during maternity leave, as this is viewed as detrimental to the company. This obligation is often seen solely as a financial burden that harms the company, rather than as part of a legal responsibility and an investment in the sustainability of its workforce.

Analysis of Maternity Leave Policy Based on the "Power" Dimension

In the Social Relations Framework (SRF) developed by Kabeer, power is one of the dimensions used to examine how authority and control function within an institution. To clarify this dimension, March et al. (1999) explain that institutions involve relationships of authority and control that give some actors greater authority than others.

In Bandung City's leave policies, the entities with the authority to determine these policies are the Bandung City Government and the Bandung City Regional People's Representative Council (DPRD), as outlined in Bandung City Regional Regulation No. 7 of 2025 on the Empowerment and Protection of Women. Through this regulation, the right to maternity leave for working mothers and the right to spousal leave for husbands are established (Bandung City Government, 2025). At the national level, the authority to establish regulations regarding spousal leave is also evident in Law No. 4 of 2024, which governs a husband's right to take leave to accompany his wife during childbirth, as well as his responsibility to support the mother and child (Republic of Indonesia, 2024). Thus, the authority to determine and regulate leave entitlements lies with state institutions at the regional and national levels, which then translate these needs into applicable regulations.

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Furthermore, whose interests are served by these decisions? The policy acknowledges the needs of both women and men through different forms of rights. Women are granted leave due to pregnancy and childbirth, while husbands are granted leave to support their wives. Law No. 4 of 2024 also stipulates the husband's responsibilities during the support period, including safeguarding the health of the mother and child, meeting nutritional needs, supporting exclusive breastfeeding, and assisting with access to health services (Republic of Indonesia, 2024). Based on the content of this policy, it can be analyzed that the policy accommodates the needs of women undergoing childbirth as well as the need for support during that process.

Institutional power is also evident in what is determined by the authorities. The state not only determines who is entitled to rights but also defines the form, duration, and conditions under which those rights are granted. The Bandung City Regulation stipulates a minimum maternity leave of the first three months, with an additional three months under special circumstances, as evidenced by a doctor's certificate. Meanwhile, the right to spousal leave for husbands is granted for two days and may be extended for a maximum of three days or as mutually agreed upon (Bandung City Government, 2025).

March et al. (1999) also explain that actors holding authority within an institution may maintain practices that reinforce their positions and tend to resist change. However, this aspect alone is insufficient to conclude that specific interests are being upheld in Bandung City's leave policy, as the policy documents do not directly reveal the negotiation process, the interests of the actors involved, or the forms of resistance during its formulation. Therefore, based on the available data, a power analysis should focus on who holds authority, which interests are recognized, and how that authority shapes the form of rights within the policy.

DISCUSSION

Gender Identity Politics in Leave Policies

Public policy not only regulates rights and obligations but also serves as a space for the representation of gender identity. Novianti et al. (2026) explain that policy is an arena for the production of meaning and power relations that is not entirely gender-neutral. This is evident in Bandung City Regulation No. 7 of 2025, which grants mothers a minimum of three months of maternity leave, plus an additional three months under special circumstances, and grants husbands two days of paternity leave, which may be extended for up to three days or as mutually agreed upon (Bandung City Government, 2025). A similar provision is found in Law No. 4 of 2024,

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which positions the husband as both the wife's companion and the party responsible for the health of the mother and child (Republic of Indonesia, 2024).

From the perspective of gender identity politics, these regulations indicate that the state recognizes citizens' needs through gender categories and roles. Women are represented through their reproductive experiences, while men are represented through their roles as husbands and partners. This pattern aligns with the findings of Novianti et al. (2026), who demonstrate that gender in policy is often shaped through the frameworks of family, caregiving, and social roles. Thus, leave policies serve as both a form of recognition and a means of shaping gender representations through state regulations. This aligns with the concept of "negotiated inclusion," where gender has gained a place in policy but its recognition remains constrained by the family framework, social norms, and policy interests (Novianti et al., 2026).

Implications for Gender Relations / Roles

Maternity leave policies strengthen women's position as both mothers and workers by protecting their employment status and guaranteeing their right to wages during leave. However, these protections have not yet fully altered the tendency for reproductive and caregiving activities to be primarily attributed to women. On the other hand, paternity leave indicates an expansion of men's roles within the family. Men are no longer positioned solely as breadwinners but also as husbands and fathers who are involved in supporting and caring for their families. However, the scope of this involvement remains limited because the duration of paternity leave is shorter. Thus, this policy reflects an adjustment in gender roles: caregiving is beginning to be viewed as a shared responsibility, but reproductive activities remain predominantly associated with mothers. This situation is also evident in the context of Bandung City. BPS data from 2024 shows that 371,858 women manage household duties, compared to 27,614 men. Conversely, the number of men in the workforce reached 742,536, compared to 459,949 women. While this data does not establish a cause-and-effect relationship with paternity leave policies, it illustrates that the gender-based division of labor between work and household responsibilities remains evident in Bandung. In this context, paternity leave policies provide a normative space for men to become more involved in childcare; however, conclusions regarding changes in the practical division of roles cannot be drawn without data on the utilization of paternity leave and the distribution of childcare responsibilities in Bandung.

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CONCLUSION

Based on an analysis using the Social Relations Framework (SRF), the implementation of maternity leave policies in Bandung City indicates that the existence of regulations does not yet fully guarantee the substantive fulfillment of female workers' rights. The "Rules" dimension shows that Law No. 4 of 2024 has strengthened the rights to maternity leave and paternity leave, but there remains a gap between normative provisions and workplace practices. The "Activities" dimension shows that reproductive and caregiving activities are still predominantly assigned to women, even though policies are beginning to encourage men's involvement. In the Resources dimension, the fulfillment of leave rights is highly dependent on access to wages, job security, facilities, information, and protection mechanisms. The People dimension reveals that the government, employers, female workers, and men all play a role in policy implementation, while the Power dimension shows that the government and employers hold greater authority in determining and enforcing these rights. The interconnection of these five dimensions reveals that gender identity politics in leave policies are shaped not only by regulations but also through the division of labor, the distribution of resources, the involvement of various actors, and the power dynamics at play during implementation.

It is necessary to strengthen the roles of all involved actors; for instance, SPSI/PUK-SPSI must reinforce its independence and representative functions as a forum for voicing workers' aspirations to avoid being co-opted by corporate interests, management, or personal interests. The Bandung City Government needs to optimize outreach, guidance, and oversight regarding the implementation of maternity leave rights and the protection of female workers, with strengthened law enforcement facilitated by easier access, so that neither formal barriers nor economic and political considerations hinder the fulfillment of these rights. Furthermore, sanctions against companies that commit violations must be enforced firmly and proportionally. These steps are crucial to ensure that legal protections for female workers do not remain merely normative in nature but are effectively realized in labor practices.

FUTURE DIRECTIONS

Future research could deepen the analysis of the implementation of maternity and paternity leave policies in Bandung City through an empirical approach involving female workers, male workers, employers, labor unions, and local government. Research could examine workers' experiences in accessing their leave entitlements, including potential administrative barriers,

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discrimination, income losses, and concerns about job security. Additionally, future research could compare leave utilization across the formal, informal, and civil service sectors to identify differences in access to the protections provided by these policies. Data on leave utilization and the division of caregiving responsibilities are also crucial for further examining whether the normative recognition of men's involvement through paternity leave has been accompanied by changes in caregiving practices.

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