

REPRODUCTIVE HEALTH RIGHTS OF WOMEN WORKERS: CHALLENGES AND SOLUTIONS IN MENSTRUAL LEAVE IMPLEMENTATION IN INDONESIA

DIREITOS DE SAÚDE REPRODUTIVA DAS MULHERES TRABALHADORAS: DESAFIOS E SOLUÇÕES NA IMPLEMENTAÇÃO DA LICENÇA MENSTRUAL NA INDONÉSIA

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Abstract

The implementation of menstrual leave for female workers represents a significant component of the protection of reproductive rights, as outlined in Indonesia's Labour and Health Laws. Law No. 13 of 2003 provides female workers with the entitlement to refrain from work on the first and second days of their menstrual period, ensuring that they continue to receive their wages during this time. Nonetheless, implementing this is frequently obstructed by insufficient understanding among companies and prevailing negative perceptions of women who assert this right. Conversely, Law Number 17 of 2023 regarding Health establishes a legal framework to safeguard women's reproductive health, including the provision of quality health services. For the effective implementation of menstrual leave rights, it is essential to foster collaboration among the government, employers, and relevant agencies. This can be achieved through socialisation and education that promote equality and welfare for female workers in Indonesia.

Resumo

A implementação da licença menstrual para trabalhadoras representa um componente significativo da proteção dos direitos reprodutivos, conforme descrito nas Leis Trabalhistas e de Saúde da Indonésia. A Lei n.º 13 de 2003 concede às trabalhadoras o direito de se ausentar do trabalho no primeiro e no segundo dia do período menstrual, garantindo que continuem a receber seus salários durante esse período. No entanto, a implementação desta medida é frequentemente obstruída pela compreensão insuficiente por parte das empresas e pelas percepções negativas prevalentes em relação às mulheres que reivindicam este direito. Por outro lado, a Lei n.º 17 de 2023 relativa à Saúde estabelece um quadro jurídico para salvaguardar a saúde reprodutiva das mulheres, incluindo a prestação de serviços de saúde de qualidade. Para a implementação eficaz dos direitos à licença menstrual, é essencial promover a colaboração entre o governo, os empregadores e as agências relevantes. Isso pode ser alcançado por meio da socialização e da educação que promovam a



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igualdade e o bem-estar das trabalhadoras na Indonésia.

Palavras-chave: *Direitos à Saúde. Licença Menstrual. Trabalhadoras. Lei do Trabalho. Lei da Saúde.*

1 INTRODUCTION

The Unitary State of the Republic of Indonesia operates under Pancasila as its foundational principle and the 1945 Constitution as its constitutional framework¹⁻³. Consequently, all state policies must align with the state's objectives and ideals, emphasising social justice and prioritising the welfare of the populace, reflecting the aspirations of the founding fathers. Indonesia operates under a framework of legal principles, indicating that the interplay between law and the nation's existence is inherently interconnected^{4,5}.

Workers are individuals employed by companies or agencies who fulfil their daily needs through wages or salaries^{6,7}. Workers may be employed both within the country and internationally. Jobs currently exist within both the formal and informal sectors. Workers can be of different genders and ages and engage in a range of work types. Workers typically have various rights, including the right to a fair wage, reasonable working hours, and social security benefits (including occupational health and safety, retirement, old age, and death benefits)⁸.

Additionally, they are entitled to a safe, healthy, and comfortable working environment, as well as the right to leave for reasons such as illness, work-related accidents, menstruation, pregnancy, and childbirth^{9,10}. Furthermore, workers have the right to protection against discrimination, the ability to assemble and form unions, safeguards against unjust termination, and the freedom to worship, among other rights. The workforce serves as both participants and focal points in the nation's economy and development initiatives¹¹⁻¹³.

Leave entitlement refers to employees' rights to be temporarily absent or to take leave under specific conditions, supported by a statement from the appropriate authority¹⁴. Organisations are required to provide leave entitlements to their workers or employees, ensuring there is no reduction or deduction from their wages. Leave serves not only the specific interests of workers but also offers them the chance to rest, take a

holiday, or step away from work¹⁵. This break allows for mental rejuvenation, alleviating the pressures and burdens associated with their roles. Consequently, this can enhance their mental health and increase their enthusiasm, ultimately influencing their productivity in the workplace.

The regulation of leave entitlement is outlined in Law of the Republic of Indonesia Number 13 of 2003 concerning Manpower, specifically in Article 79 paragraph (1), which states: “Employers are obliged to provide rest periods and leave to workers/labourers”. Article 79, paragraph (2) provides a detailed explanation regarding the rest periods and leave mentioned in paragraph (1). It specifies that: (a) Employees are entitled to rest periods of at least half an hour after working for four consecutive hours, which are not counted as working hours; (b) Workers should receive a weekly rest of 1 day for six working days in a week, or 2 days for five working days; (c) Annual leave must consist of at least 12 working days after the employee has completed 12 consecutive months of work; and (d) Long leave of at least 2 months is to be taken in the seventh and eighth years, with one month each for those who have worked continuously for 6 years at the same company. It is important to note that these employees will not be entitled to their annual leave for two consecutive years, and this condition applies for every subsequent 6 years of service.

The 1945 Constitution of the Republic of Indonesia establishes the principle of equal opportunities in employment and a decent life for all individuals, regardless of gender. Article 27, paragraph 2, asserts that “every citizen has the right to work and a decent life,” thereby creating a foundation for equal rights, status, roles, and opportunities¹⁶. Consequently, individuals of all genders possess equal rights in the realm of employment and are entitled to a high standard of living. Women possess the same rights as men to engage in work, which is essential for meeting their needs, regardless of their educational status, whether they are still studying, have completed their education, or are married with children. Historically linked to domestic duties, women are progressively joining the workforce due to a range of factors influenced by the demands of modern life. Women often pursue employment as a response to their husbands’ unemployment or when their husbands’ earnings fall short of meeting the family’s collective needs, driving them to work despite the associated risks and challenges. Women undergo biological processes like menstruation, pregnancy, and childbirth, which can influence their involvement in the workforce.

Data from the Central Statistics Agency (BPS) indicates that the Working Age Population (WAP) in Indonesia includes all individuals aged 15 years and older. The WAP has risen in correlation with the expanding population. In August 2025, the WAP stood at 218.17 million, up 2.80 million from August 2024. A significant portion of this population is engaged in the workforce, comprising 154.00 million employed individuals, whereas the remaining 64.17 million are categorised as non-labour force participants. In August 2025, the workforce comprises 146.54 million employed individuals and 7.46 million unemployed individuals. Compared with August 2024, the workforce and the number of employed individuals increased by 1.89 million and 1.90 million, respectively. Conversely, the number of unemployed individuals decreased by approximately 4,000. In August 2025, the Labour Force Participation Rate (LFPR) was recorded at 70.59 per cent, a minor decline of 0.04 percentage points from August 2024. The labour force participation rate (LFPR) represents the proportion of the working-age population that is engaged in the labour force. This measures the percentage of the working-age population engaged in economic activity in a specific country or region¹⁷.

An examination of BPS data indicates that in August 2025, the labour force participation rate for men stood at 84.40 per cent, surpassing the rate for women, which was recorded at 56.63 per cent. Compared with August 2024, the LFPR for men declined by 0.26 percentage points, while the LFPR for women increased by 0.21 percentage points, indicating a gradual improvement in women's economic participation.

Women are entitled to recognition, respect, and protection, encompassing their fundamental human rights related to health and reproduction. Women's rights are established in several international instruments, including the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which addresses discrimination against women across multiple dimensions, and the Universal Declaration of Human Rights (UDHR)¹⁸. Gender equality requires equal treatment and opportunities for both men and women across all facets of life, particularly in employment¹⁹.

The state's role in ensuring workers legal protection is crucial. The measures implemented to protect workers are designed to ensure employees' fundamental rights throughout their employment. Explicitly addressing the needs of female workers during menstruation, Law Number 13 of 2003 regarding Manpower specifies in Article 81, paragraph (1), that female workers who report pain during their menstrual period to their employer are exempt from work on the first and second days of their menstrual cycle²⁰.

This provision allows female workers who are experiencing menstruation-related pain to take leave from work on the first and second days of their menstrual period, contingent upon notifying their employer and the company owner of their situation. This provision is designed to ensure that female workers receive health protection, allowing them to rest and recuperate during their menstrual period while safeguarding their wages and job positions. In practice, the implementation of this right frequently faces numerous challenges that hinder female workers from fully realising its benefits. A significant barrier is companies' insufficient understanding and recognition of the critical nature of menstrual leave²¹.

A significant number of companies have not yet integrated this provision into their regulations, resulting in administrative challenges that hinder the recognition and accessibility of menstrual leave for female employees. The persistent negative stigma in the workplace regarding women who take menstrual leave represents a considerable barrier. Female employees exercising their menstrual leave rights frequently face perceptions of diminished productivity or commitment, leading to hesitation in utilising these rights to preserve their professional image and job security. This situation underscores the necessity for enhanced education, advocacy, and socialisation for both employers and workers to ensure that menstrual leave rights are implemented in a fair, consistent, extensive, and effective manner within the Indonesian workplace.

2 FEMALE WORKERS' MENSTRUAL LEAVE RIGHTS BASED ON LABOUR LAW

The provisions of Law Number 13 of 2003 on Manpower explicitly state that menstrual leave constitutes affirmative protection. This legislation mandates that employers must not restrict female employees from fulfilling their work responsibilities during one to two days of their menstrual cycle. It is crucial to recognise that an employment agreement between an employer and an employee should include provisions on menstrual leave rights for female employees. This aims to guarantee that female employees are afforded legal protection¹⁵.

A company that fails to provide menstrual leave to female employees and does not compensate them during that leave could face penalties. The provisions concerning wages are detailed in Law of the Republic of Indonesia Number 13 of 2003 regarding

Manpower, specifically in Article 93 Paragraph (2)²⁰. This article stipulates that companies must compensate employees who take menstrual leave due to menstrual pain on the first and second days of their menstrual cycle. Should a company breach or fail to comply with this regulation, it could face sanctions. The sanctions outlined in Article 186, Paragraph (1), of the Manpower Law specify that violations of Article 93, particularly the failure to pay wages during menstrual leave, will result in criminal penalties ranging from a minimum of 1 month to a maximum of 4 years. Additionally, fines will range from a minimum of IDR 10,000,000 (ten million rupiah) to a maximum of IDR 400,000,000 (four hundred million rupiah).

One alternative that may be considered in the event of a violation or dispute concerning menstrual leave rights is the facilitation of negotiations (mediation) involving both parties, the employer and the employee, or with representatives from the relevant labour union engaged in the matter. If, within 30 days, one party rejects or disregards the negotiations or declines to settle, it can be concluded that the negotiations have not been successful. If negotiation or mediation fails to resolve the issue, the matter will be escalated to court (litigation) to achieve a clear, direct, and definitive resolution.

The inability to implement menstrual leave rights for female workers can be attributed to various factors, including insufficient awareness among female workers of their entitlements to menstrual leave, a lack of socialisation or education provided by companies or the government, and limited comprehension among employers of the relevant laws and regulations in Indonesia. Consequently, the Ministry of Manpower, the Government, Employers, Companies, Institutions, and various stakeholders in the labour sector need to collaborate to ensure the rights of female workers are collectively upheld. The Indonesian government has the capacity to develop policies that align with the interests of female workers by addressing both preventive and repressive measures. This includes fulfilling essential rights, providing the necessary facilities and support for female workers, fostering career development, and collectively upholding women's human rights.

3 REPRODUCTIVE HEALTH RIGHTS BASED ON THE HEALTH LAW

Menstruation is a physiological process in women, marked by the discharge of blood and mucous membranes from the uterus, which results from fluctuations in the levels of the hormones oestrogen and progesterone^{22,23}. The discharge consists of blood and mucus, expelled from the uterus via the vagina. The detached mucous membrane transforms into mucus as a result of the substances present within it. Furthermore, the blood vessels at the base of the uterus will detach, facilitating blood loss. Menstruation occurs at regular intervals between cycles. The most extended interval between menstrual cycles is observed following menarche, the onset of menstruation, and prior to menopause^{24,25}.

Law No. 17 of 2023 on Health is a significant regulation that governs women's reproductive rights in Indonesia. This legislation establishes a framework for women to secure high-quality reproductive health services, encompassing access to contraception, prenatal care, and safeguards against detrimental practices like female genital mutilation and early marriage. Nonetheless, even with the established legal framework, the implementation in practice encounters numerous obstacles, including restricted access to health services in remote regions, social stigma, and insufficient public awareness regarding the significance of reproductive rights¹⁸.

Law No. 17 of 2023 on Health, specifically Article 54(1), delineates that reproductive health initiatives focus on the maintenance and enhancement of the reproductive systems, functions, and processes for both men and women. (2) elaborates that reproductive health initiatives mentioned in paragraph (1) encompass: (a) the timeframe prior to pregnancy, during pregnancy, childbirth, and the postpartum phase; (b) pregnancy management, contraceptive services, and sexual health; and (c) health of the reproductive system. Additional regulations about reproductive health encompass Regulation of the Minister of Health of the Republic of Indonesia Number 2 of 2025, which addresses the Implementation of Reproductive Health Efforts.

Women possess a biological role centred around reproduction, and it is essential to safeguard their reproductive rights^{26,27}. The reproductive functions of women encompass menstruation, the phases before and after pregnancy, as well as breastfeeding. The presence of these three functions is fundamental to every woman, making it essential to establish protective measures to ensure women's reproductive rights. Female workers

exhibit distinct characteristics across biological, psychological, moral, and social domains. The principle in occupational health for female workers emphasises the need for tailored protection that addresses their unique characteristics, particularly regarding their biological role in family continuity. Consequently, employers who engage female workers are required to adhere to the provisions of Law of the Republic of Indonesia Number 17 of 2023 concerning Health, ensuring respect for human rights and the inherent reproductive rights of women.

The provision of special treatment and protection for female workers concerning their reproductive rights manifests as restrictions on the employment of women, including age limits and specific conditions that serve as barriers to their employment opportunities. The restrictions in place prohibit the employment of female workers who are under 18 years of age or pregnant, provided there is a doctor's statement indicating that such employment could pose risks to their health and safety, as well as that of their unborn child, during the night hours from 11 p.m. to 7 a.m. When employers engage female workers, specific criteria must be met, including the provision of nutritious food and beverages, assurances regarding the dignity and safety of female employees during working hours, and arrangements for transportation to and from the workplace. A further method of safeguarding involves the provision of specific rights for women, including designated rest periods and the right to breastfeed their children during work hours. Worker protection aims to establish clear guidelines on workers' rights related to work standards, such as working hours and rest periods (leave). Worker protection aims to secure fundamental rights for employees and promote equal opportunities, ensuring non-discriminatory treatment across all dimensions. This approach seeks to enhance the welfare of workers and their families while considering the dynamics of the business environment.

4 CONCLUSION

The implementation of menstrual leave for female workers in Indonesia is crucial as it serves as a protective measure for women's reproductive rights, as outlined in the Manpower Act and the Health Act. Law No. 13 of 2003 regarding Manpower provides that female workers are entitled to take leave on the first and second days of their menstrual period if they experience discomfort, with the assurance that they will receive

their wages during this time. Nonetheless, the execution of this right frequently encounters obstacles due to insufficient comprehension and awareness among employers, coupled with a detrimental stigma that perceives female employees exercising their menstrual leave rights as less efficient. Moreover, the protection of women's reproductive health rights is ensured by Law Number 17 of 2023 on Health, which delineates these rights, including access to quality health services. Effective implementation of menstrual leave rights necessitates collaboration among the government, employers, and relevant agencies. This partnership should focus on raising awareness, providing education, and advocating for safeguarding women's rights in the workplace to achieve equality and well-being in this environment.

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Authors' Contribution

All authors contributed equally to the development of this article.

Data availability

All datasets relevant to this study's findings are fully available within the article.

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