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## Legal Analysis of Legal Protection Against Termination of Employment (PHK) by Companies Towards Breastfeeding Mothers Providing Exclusive Breastfeeding as Regulated by Presidential Regulation No. 2 Of 2022 Concerning Job Creation

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**Abstract:** This research aims to analyze the legal protection against Termination of Employment (PHK) by companies towards breastfeeding mothers providing exclusive breastfeeding, based on Presidential Regulation No. 2 of 2022 Concerning Job Creation. The research employs a normative legal research method, examining legal regulations, doctrines, and principles relevant to the legal protection of breastfeeding mothers providing exclusive breastfeeding. In order to support the implementation of Presidential Regulation No. 2 of 2022 concerning Job Creation, there is a need for collaboration and coordination among the government, businesses, cooperatives, MSMEs, and labor force. The government must ensure that this policy is implemented fairly, taking into account workers' rights and sustainable economic empowerment. Cooperation from all relevant parties is key to achieving the goals of this structural reform in the context of the complex global economic conditions. Although Presidential Regulation No. 2 of 2022 concerning Job Creation does not specifically regulate the rights of breastfeeding workers, women workers breastfeeding at the workplace are still protected by the Labor Law. This includes the right to leave, time and facilities for breastfeeding, as well as a prohibition on termination of employment on the grounds of breastfeeding. Despite the impact of this regulation on the labor sector, it is crucial to monitor and evaluate its implementation periodically to ensure that the goals of worker protection and economic empowerment are achieved as expected.

**Keyword:** Decision, PTUN, Black List.

## INTRODUCTION

Breastfeeding is widely acknowledged as a crucial and beneficial practice for both mothers and infants. Experts emphasize that breastfeeding provides essential nutrients and antibodies present in breast milk, contributing to optimal infant growth, health, and overall well-being (Zikrina et al., 2022). Breastfeeding from an early age has positive impacts on both mothers and infants. For infants, Breast Milk (ASI) plays a crucial role in supporting growth, health, and survival, as it is rich in nutrients and antibodies. Breast milk contains white blood cells, proteins, and immunity-boosting substances suitable for infants. Maternal breastfeeding behavior can reduce morbidity and mortality, as the breastfeeding process stimulates uterine contractions, thus reducing postpartum bleeding (Kemenkes RI, 2019a).

The success indicators of health development can be observed through changes in health status. One such indicator is the Infant Mortality Rate (AKB). The AKB in 2019 was still high at 24 per 1,000 live births (Kemenkes RI, 2019b), while the Sustainable Development Goals (MDGs) target for 2030 is 12 per 1,000 live births (BKKBN, 2019). To reduce child morbidity and mortality, the United Nations Children's Fund (UNICEF) and the World Health Organization (WHO) recommend exclusive breastfeeding for at least six months. The significance of exclusive breastfeeding for the health development of both mothers and infants underscores the right of all mothers and infants to have the opportunity for exclusive breastfeeding (Kemenkes RI, 2012).

A study by the Indonesian Pediatrician Association (IDAI) in 2022 indicates a high rate of breastfeeding in Indonesia, reaching 90%. However, the percentage of infants who receive exclusive breastfeeding for six months is low, standing at 20%. This contradicts the government's target of achieving a minimum of 80% breastfeeding for all infants aged 0-6 months nationwide. The low rate of breastfeeding is attributed to mothers' lack of awareness of the importance of breastfeeding due to limited knowledge, leading to difficulties in filtering various received information. Additionally, several studies report that the primary reasons for premature weaning and non-exclusive breastfeeding are a lack of knowledge and self-confidence. Common reasons include perceptions of insufficient breast milk and employment outside the home (Ummah et al., 2023).

According to Health Law No. 36 of 2009, Article 128, every infant has the right to exclusive breastfeeding from birth for six months, except for medical indications. Article 128(2) states that families, the government, local governments, and society must fully support mothers and infants by providing time and special facilities (Presiden RI, 2009). Government Regulation No. 33 of 2012, Article 1, emphasizes that workplace management and public facilities must support exclusive breastfeeding programs. Workplaces include government-owned and private companies and offices.

Despite the clear legal foundations stating that every company must provide time and space for mothers to provide exclusive breastfeeding to their infants without fear of job status, the government has now enacted Government Regulation in Lieu of Law No. 2 of 2022 Concerning Job Creation, which does not explicitly mention guarantees against Termination of Employment (PHK) for employees who are currently in the exclusive breastfeeding period.

The enactment and effective date of Government Regulation in Lieu of Law (PERPU) No. 2 of 2022 concerning Job Creation on December 30, 2022, marked a transition from the previously established Law No. 11 of 2020 concerning Job Creation. Despite the controversy surrounding PERPU No. 2 of 2022, it is essential to note the government's stance, which emphasizes its significance for Indonesia's economic improvement, notwithstanding the conditional unconstitutionality ruling in Constitutional Court Decision 91/PUU-XVIII/2020 (MK-91) (Suhartini, 2023).

The aforementioned legal foundations unequivocally assert that every company is obligated to provide time and space for mothers to exclusively breastfeed their infants

without fear of jeopardizing their employment status. However, the recent issuance of PERPU No. 2 of 2022 by the government has resulted in the absence of provisions regulating breastfeeding rules for working mothers in both government and private enterprises. Prior to PERPU No. 2 of 2022, Indonesia adhered to Law No. 11 of 2020 concerning Job Creation, conceived as an omnibus law. Before the enactment of Law No. 11 of 2020, the regulatory framework in Indonesia was governed by Law No. 13 of 2003 concerning Manpower. A comparative analysis indicates that Law No. 13 of 2003 more comprehensively addresses opportunities for breastfeeding mothers compared to both Law No. 11 of 2020 and PERPU No. 2 of 2022, which have omitted provisions related to breastfeeding regulations. This omission potentially facilitates companies in taking legal actions, such as terminating the employment of individuals who violate regulations by breastfeeding (Presiden RI, 2020).

Despite the numerous legal regulations governing Termination of Employment for breastfeeding workers, many rights of breastfeeding workers are still overlooked. A glaring illustration of this issue is evident in specific cases within Indonesian companies. For instance, Erni Nurlaeli, a pregnant mother and Chairperson of PK. FSB GARTEKS KSBSI PT. Busana Indah Global, was unilaterally terminated from her employment at PT. Busana Indah Global in Sukabumi, West Java, at 7 months of pregnancy, citing the expiration of her contract (KSBSI, 2022). Additionally, it has been observed that many offices or companies neglect the provision of lactation rooms, a requirement stipulated in the Ministry of Health Regulation No. 15 of 2013 (Sadewo, 2019).

In light of these challenges, this research aims to delve deeper into the legal protection afforded to breastfeeding workers in Indonesia. The objective is to evaluate whether the existing regulations are sufficient or necessitate revision to ensure enhanced protection for this specific group of workers. The identified cases underscore the urgency of addressing gaps in legal frameworks and implementing measures to safeguard the rights and well-being of breastfeeding workers in the workplace.

## **METHOD**

This research adopts a normative juridical approach, which involves examining a problem, situation, or event by providing a comprehensive, extensive, and in-depth legal assessment. The data collection methodology utilizes document studies, involving the examination of secondary materials such as legislation, regulations, court decisions on health-related cases, as well as relevant books, papers, and journals. The acquired data is then qualitatively analyzed, employing a method that does not rely on numerical or statistical measures. The results of the literature review are presented in logical sentences to obtain a description of Legal Protection against Termination of Employment (PHK) by companies towards breastfeeding workers providing exclusive breastfeeding, as reviewed based on Presidential Regulation No. 2 of 2022 Concerning Job Creation.

Current field observations reflect variations in the regulation of opportunities for breastfeeding mothers in Indonesia. Law No. 13 of 2003 provides more comprehensive and detailed provisions regarding the rights and opportunities for mothers who wish to breastfeed their children in the workplace. However, recent legal developments, such as Law No. 11 of 2020 and Government Regulation No. 2 of 2022, have eliminated certain clauses regulating the rights of breastfeeding mothers. The impact of these changes is that companies have more leeway in terminating the employment of workers who violate rules due to breastfeeding, as there are no clear provisions protecting the rights of these mothers. Changes in these regulations potentially have negative consequences for the protection of breastfeeding mothers' rights. Mothers who wish to breastfeed their children become more vulnerable to discrimination, making it challenging for them to safeguard their rights in such situations.

From a theoretical standpoint, human rights must be respected in the context of employment, particularly for female workers who are breastfeeding. Article 83 of the

Employment Law guarantees that female workers who are still breastfeeding should have adequate opportunities to breastfeed during working hours. This aligns with the provisions of Article 49(2) of Law No. 39 of 1999 concerning Human Rights, which asserts that women have the right to legal protection in the context of breastfeeding when they are at the workplace.

Considering justice for breastfeeding workers, companies also bear the responsibility to provide adequate facilities, such as breastfeeding rooms or lactation corners, to support the comfort and needs of breastfeeding mothers. This action is in accordance with the mandate of Law No. 25 of 2009 concerning Public Services, which demands that public services, including in the workplace, must consider the needs and rights of female workers who are breastfeeding. Thus, the aspect of justice should be a primary concern in efforts to support the rights and well-being of breastfeeding female workers in the workplace.

In tackling the challenges identified in the field and implementing theoretical frameworks effectively, the government assumes a pivotal role in incentivizing companies to establish breastfeeding facilities. This involves not only creating awareness but also actively engaging in the process through comprehensive socialization campaigns, offering practical assistance, and implementing sanctions against companies found wanting in fulfilling their obligations.

## RESULTS AND DISCUSSION

### Legal Protection for Working Mothers Providing Exclusive Breastfeeding

The right of every mother to provide exclusive breastfeeding is not a mere certainty in Indonesia, as the government has long been attentive to this matter. Indonesia is a party to the ILO Convention 183 of 2000, which regulates various rights for female workers, including protection for those breastfeeding. Articles 3 and 10 of the ILO Convention 183 of 2000 address the protection of breastfeeding female workers. The Ministry of Health Regulation No. 15 of 2013 also governs aspects related to the provision of special facilities for breastfeeding workers. Through the Labor Law No. 13 of 2013, specifically Article 83 mandates that: *"Female workers whose children are still breastfeeding must be given a reasonable opportunity to breastfeed if it needs to be done during working hours."*

Furthermore, Article 153(1) expressly prohibits employers from terminating the employment of female workers due to breastfeeding (Labor Law No. 13 of 2013). Multiple legal provisions ensure the right to breastfeeding for mothers, such as the Child Protection Law No. 23 of 2002, which, in Article 22, asserts that *"the state and the government are obliged and responsible for providing support facilities and infrastructure in the implementation of child protection."* One of these support facilities is the lactation room. Moreover, the Health Law No. 36 of 2009, in Article 128(2), guarantees that *"during breastfeeding, the family, the government, local governments, and the community must fully support the mother and baby by providing special time and facilities."*

These legal foundations governing the protection of breastfeeding mothers in the workplace include: a) Health Law No. 17 of 2023, b) Government Regulation in Lieu of Law No. 2 of 2022 on Job Creation, enacted as Law No. 6 of 2023, c) Joint Regulation of the Minister of Women's Empowerment, the Minister of Manpower and Transmigration, and the Minister of Health No. 48/Men.PP/XII/2008, PER.27/MEN/XII/2008, 1177/Menkes/PB/XII/2008 dated December 22, 2008, on the Improvement of Exclusive Breastfeeding During Working Hours in the Workplace, and d) Ministerial Regulation of the Republic of Indonesia No. 03 of 2010 on the Implementation of the Ten Steps Toward Successful Breastfeeding.

In the context of the exclusive breastfeeding program, the Health Law stipulates criminal and administrative sanctions for individuals or parties obstructing its implementation. Article 430 of the Health Law states that *"any person who obstructs the*



*exclusive breastfeeding program as referred to in Article 42 shall be punished with imprisonment for a maximum of 1 (one) year or a maximum fine of Rp50 million."*

In addition to criminal sanctions, administrative sanctions can be imposed on healthcare professionals and healthcare facility providers involved in obstructing the program. Not only that, in protecting the rights of mothers and infants aggrieved by actions hindering exclusive breastfeeding, mothers can take legal action. Article 1365 of the Civil Code provides a legal basis for mothers who feel aggrieved to seek compensation through civil lawsuits for unlawful acts. This legal protection ensures that the rights of mothers and infants to receive exclusive breastfeeding are safeguarded, and actions obstructing these rights can be appropriately sanctioned. Thus, Indonesian law underscores the importance of supporting the exclusive breastfeeding program and protecting the rights of mothers and infants in this regard.

The provision of facilities for breastfeeding mothers, such as lactation corners, in public service institutions reflects the implementation of Law No. 25 of 2009 on Public Services in Indonesia. This law mandates that every citizen has an equal right to quality public services, including nursing mothers. With the existence of lactation corners, both in private and government institutions, working or accessing services becomes more comfortable for mothers, allowing them to fulfill their maternal roles without sacrificing the quality of breastfeeding for their children. This positive step supports gender equality, enhances the quality of life for working mothers, or those utilizing public services, and ensures that children receive the best nutrition needed during their growth.

Furthermore, the central and local governments are responsible for formulating policies and conducting oversight to ensure the right of infants to receive exclusive breastfeeding is protected and respected in line with the principles of human rights recognized in the Human Rights Law. Additionally, Article 52(2) of the Human Rights Law also addresses children's rights as part of human rights: *"The rights of the child are human rights, and for their interest, the rights of the child are recognized and protected by law even from within the womb."*

This illustrates the state's commitment to protecting children's rights, including the right to receive exclusive breastfeeding, which is a crucial aspect of fulfilling human rights, especially for infants. Therefore, the central and local governments must ensure adequate policy implementation and oversight to fulfill this right for the welfare and development of children as beings with inherent human rights that must be respected and protected.

The government has taken significant steps in supporting exclusive breastfeeding through the formulation of Government Regulation (PP) No. 33 of 2012, based on the previous Health Law, namely Law No. 36 of 2009, and remains in effect according to the provisions of Article 453 of the Health Law. PP 33 of 2012 regulates various aspects related to exclusive breastfeeding. Firstly, this regulation addresses breast milk donors, crucial in ensuring the availability of breast milk for infants in need. Moreover, this PP also includes provisions related to the use of baby formula, which must be strictly regulated to promote exclusive breastfeeding. Additionally, the government supports the exclusive breastfeeding program in the workplace, allowing working mothers to continue providing breast milk to their infants. All of these are crucial steps in improving the welfare of infants and mothers, supporting the practice of exclusive breastfeeding, which is essential for the health and development of infants.

Government Regulation in Lieu of Law (PERPU) No. 2 of 2022 on Job Creation does not specifically regulate the rights of breastfeeding working mothers. However, before the enactment of the Employment Law and its amendments, Indonesia became a party to the ILO Convention 183 of 2000, which stipulates various rights for female workers, including the rights of female employees (mothers) who are breastfeeding or expressing breast milk during

working hours at the workplace. The specific articles governing the protection of breastfeeding female workers are Articles 3 and 10 of the ILO Convention 183 of 2000.

In practice, female workers breastfeeding at the workplace have the right to adequate time and facilities for breastfeeding or expressing breast milk during working hours. This is regulated in Chapter II, Section B, No. 5a of the Attachment to Ministerial Regulation No. 3 of 2010. Furthermore, Minister of Health Regulation No. 15 of 2013 also regulates matters related to the provision of special facilities for breastfeeding workers.

Government Regulation in Lieu of Law (PERPU) No. 2 of 2022 on Job Creation has sparked controversy within society. PERPU No. 2 of 2022 on Job Creation does not specifically regulate the rights of breastfeeding working mothers, including maternity leave and menstrual leave. However, female workers breastfeeding at the workplace have the right to adequate time and facilities for breastfeeding or expressing breast milk during working hours at the workplace. Although not specifically regulated in PERPU No. 2 of 2022 on Job Creation, female workers breastfeeding at the workplace are still protected by Law No. 13 of 2003 concerning Manpower, which stipulates that female workers whose children are still breastfeeding must be given a reasonable opportunity to breastfeed their children if it needs to be done during working hours.

Regarding the regulation of maternity leave as stipulated in Article 82 paragraph (1) of Law No. 13 of 2003 by the Job Creation Law and PERPU No. 2 of 2022 on Job Creation, there have been no changes. Thus, the regulation of maternity leave remains unchanged. Job Creation Law and Job Creation PERPU only modify or eliminate specific articles in the Manpower Law. While the article not mentioned in the PERPU is not deleted, this applies to the regulation regarding maternity leave. Although Article 82 is not mentioned in the Job Creation PERPU, the regulation remains in effect according to the Manpower Law. However, PERPU 2 of 2022 only regulates the allocation of annual leave in general.

In Article 79 paragraph 3, it is explained that workers can obtain at least 12 working days of annual leave after working continuously for 12 months. Article 79 paragraph (5) of the Job Creation PERPU stipulates that, in addition to rest time and leave as explained in paragraph (1), paragraph (2), and paragraph (3), certain companies can provide long breaks as regulated in employment agreements, company regulations, or collective labor agreements. This indicates that companies have the authority to provide extended breaks to employees, which can be regulated in their employment agreements or company rules.

Article 82 of Law No. 13 of 2003 concerning Manpower clearly regulates the rights of maternity or childbirth leave for female workers. This article stipulates that female workers are entitled to leave for 1.5 months before giving birth and 1.5 months after giving birth, calculated according to the recommendations of obstetricians or midwives. Furthermore, Article 82 paragraph 2 of the Manpower Law also stipulates that female workers who experience miscarriages are entitled to leave for 1.5 months or according to the recommendations of obstetricians or midwives. Thus, this law provides clear protection for maternity leave rights for female workers in pregnancy, childbirth, and miscarriage situations, following relevant medical guidelines.

Article 153 in Government Regulation in Lieu of Law of the Republic of Indonesia No. 2 of 2022 on Job Creation prohibits employers from terminating employment relationships with workers or laborers for certain reasons. One of the prohibited reasons for termination is pregnancy, childbirth, miscarriage, or when a mother is breastfeeding her baby. In other words, employers are not allowed to dismiss working mothers who are pregnant, giving birth, experiencing a miscarriage, or breastfeeding their baby based on Article 153 paragraph 1 (e) in this regulation. This prohibition aims to protect the rights and interests of working mothers in carrying out their duties as parents and to prevent discrimination against them in the workplace.

Termination of Employment (PHK) carried out by companies against such workers must comply with applicable regulations and laws. This includes ensuring that breastfeeding female workers do not face discrimination or dismissal that violates their rights in accordance with labor laws. Legal protection may also include the right of breastfeeding female workers to obtain leave or adequate time for breastfeeding, following applicable regulations, and the right not to be arbitrarily dismissed due to their situation as breastfeeding mothers. Overall, this legal protection aims to safeguard the rights of breastfeeding female workers and prevent the misuse of termination (PHK) by companies in such cases.

Legal protection against termination (PHK) during the maternity leave of breastfeeding female workers is an important step in safeguarding the rights of female workers. This policy aims to avoid uncertainty for breastfeeding working mothers in their jobs and provides protection for their well-being and that of their children. Thus, companies are prohibited from conducting termination (PHK) against workers during this breastfeeding leave period, allowing them to focus on providing the best care for their children without worrying about losing their jobs. This is also in line with efforts to promote a balance between work and family life and support the principle of gender equality in the workplace.

This robust legal protection not only ensures breastfeeding female workers access to essential health services without the burden of associated costs but also extends its reach to encompass social security rights. These rights act as a financial safety net, offering crucial support to these workers and their families during periods of vulnerability or need. The comprehensive nature of this legal framework underscores its commitment to not only safeguarding the physical health and well-being of breastfeeding mothers but also to fortifying the economic stability of their households, thereby fostering a more inclusive and supportive work environment.

### **Implementation of Government Regulation in Lieu of Law No. 2 of 2022 Concerning Job Creation**

As is known, one of the foundations for issuing Government Regulation in Lieu of Law (PERPU) No. 2 of 2022 Concerning Job Creation is that the Preamble of the 1945 Constitution of the Republic of Indonesia mandates the goal of forming the Republic of Indonesia to realize a prosperous, just, and prosperous society, both materially and spiritually. In line with this goal, Article 27 paragraph (21) of the 1945 Constitution stipulates that: *“Every citizen has the right to work and a decent living for humanity; therefore, the state needs to make various efforts or actions to fulfill the rights of citizens to obtain decent work and a livelihood.”*

The fulfillment of the right to decent work and livelihood is fundamentally one of the crucial aspects in the national development carried out for the complete development of the Indonesian human (Ritonga et al., 2022). However, this step has sparked controversy among workers, primarily because the policy formulation process is deemed less transparent and does not include all elements, especially the labor element. This PERPU is considered to create a situation where companies can easily reject workers or revoke their rights. Additionally, the Job Creation PERPU also eliminates provisions related to minimum wage, outsourcing, severance pay, layoffs, fixed-term employment contracts, foreign labor, leave, working hours, break time, and social security previously regulated in the Job Creation Law. This has caused dissatisfaction among workers and labor organizations. The rapid issuance process of this PERPU is also highlighted, given that the legislative process should take more time to ensure that the legal product becomes a suitable life guide for many people (Kurniawan & Dewanto, 2020).

High uncertainty at the global level, mainly triggered by geopolitical factors, increases the risk to Indonesia's weaker economic growth prospects and higher inflation. In a stagflation situation, policy coordination becomes more complicated, with the government

having to balance between supporting economic growth and controlling inflation. In this context, strengthening the foundation of the domestic economy becomes a top priority, especially in maintaining domestic demand stability such as personal consumption and investment, considering the increasing price pressures and slowing global growth. To achieve this, the implementation of comprehensive structural reforms, as regulated in the Government Regulation in Lieu of Law concerning Job Creation, becomes highly essential and urgent.

To carry out these reforms, policies and strategic measures involving all relevant parties are needed. In this context, the Government Regulation in Lieu of Law concerning Job Creation, which aims to create broader job opportunities for all Indonesian citizens throughout the country, needs to be formulated and implemented. The Government Regulation in Lieu of Law PERPU No. 2 of 2022 concerning Job Creation covers various aspects, including improving the investment environment and business activities, protecting and ensuring the welfare of workers, empowering and protecting cooperatives as well as micro, small, and medium-sized enterprises (MSMEs), and increasing government investment and accelerating national strategic projects.

The formation of the Government Regulation in Lieu of Law PERPU No. 2 of 2022 concerning Job Creation is in accordance with Constitutional Court Decision No. 138/PUU VII/2009, which recognizes the urgent need to resolve legal issues quickly based on the Law. This is also due to the absence of a suitable Law or legal vacuum, making it impossible to create a Law through the usual lengthy procedure to address urgent situations requiring legal certainty. The formation of PERPU No. 2 of 2022 Concerning Job Creation refers to Article 22 paragraph (1) of the 1945 Constitution of the Republic of Indonesia, which states that the President has the authority to stipulate Government Regulations in Lieu of Laws.

PERPU No. 2 of 2022 concerning Job Creation is a Government Regulation in Lieu of Law issued by the Indonesian Government on December 30, 2022. The purpose of implementing PERPU No. 2 of 2022 concerning Job Creation is to create legal certainty and increase investment, as well as provide ease and protection for business actors, cooperatives, MSMEs, and labor. In addition, this PERPU also aims to strengthen the national industry and enhance competitiveness in the international market. PERPU No. 2 of 2022 concerning Job Creation has several principles, namely equality of rights, legal certainty, ease of doing business, togetherness, and self-reliance. This PERPU also emphasizes the importance of utilizing domestic production raw materials and fulfilling business permits. PERPU No. 2 of 2022 concerning Job Creation needs approval from the DPR to be established as law.

The scope of PERPU No. 2 of 2022 concerning Job Creation covers 10 aspects of regulation related to the ease, protection, and empowerment of cooperatives and MSMEs, improvement of the investment ecosystem, and acceleration of national strategic projects, including increased protection and welfare of workers scattered in various sectoral laws currently unable to meet legal needs for job creation acceleration, thus requiring changes.

Several provisions significantly impacting the labor sector in Indonesia based on PERPU No. 2 of 2022 concerning Job Creation, one of the main aspects is the simplification of business and investment permits, expected to encourage increased investment from both domestic and foreign sources and create new job opportunities. Additionally, the adjustment of minimum wages regulated by regional governments based on considerations of local economic and social conditions provides greater flexibility in addressing labor issues.

PERPU No. 2 of 2022 emphasizes the importance of improving the quality of human resources through training and vocational education, which will help create a more competent and competitive workforce. Furthermore, protection for workers, including migrant workers and domestic workers, becomes a stronger focus, improving working conditions and workers' rights. Not only that, PERPU No. 2 of 2022 concerning Job Creation also regulates the flexibility of employment relationships, including employment contracts and the use of outsourced labor, providing more job opportunities and investments in specific sectors. In



order to create and improve employment opportunities, this PERPU provides ease, protection, and empowerment for cooperatives, MSMEs, national industry, and trade.

PERPU No. 2 of 2022 concerning Job Creation in Indonesia is a legislative step expected to have a positive impact on employment, with the primary goal of creating jobs, increasing investment, and promoting economic growth. Nevertheless, it is essential to remember that this policy has also faced criticism and controversy from various parties, including labor unions and advocacy groups. Therefore, periodic monitoring and evaluation of the implementation of this PERPU are crucial. By conducting careful monitoring and evaluation, the government can ensure that this policy not only achieves economic goals but also considers social aspects and workers' rights. In this way, the expected positive impact of the Job Creation PERPU can be effectively and sustainably achieved while maintaining a balance between economic growth and the protection of workers' rights.

Several significant protections for various segments of society based on PERPU No. 2 of 2022 concerning Job Creation. First, there is protection for workers, providing maternity leave for breastfeeding mothers and health and social security benefits according to applicable laws. This protection also includes provisions that prevent the dismissal of breastfeeding workers during maternity leave. Next is the special attention to cooperatives and micro, small, and medium-sized enterprises (MSMEs). In this case, providing easier access to finance, business permits, as well as technical assistance and training to assist in their business development, leading to protection of investments by facilitating obtaining investment permits, environmental permits, and location permits. This opens the door for the growth of the investment sector and enhances attractiveness for investors, ultimately having the potential to create jobs and economic growth.

Additionally, PERPU No. 2 of 2022 concerning Job Creation provides support for national strategic projects, with efforts to accelerate land acquisition, economic zone development, and central government investment. This can have a positive impact on infrastructure development, industry, and strategic regional development for the country. Thus, PERPU No. 2 of 2022 concerning Job Creation plays a crucial role in providing various forms of protection and facilitation for society, especially for workers, cooperatives and MSMEs, investors, as well as national strategic projects.

## CONCLUSION

The research results depict that breastfeeding mothers in Indonesia are protected by various legal regulations aimed at ensuring the safeguarding of their rights. Law No. 13 of 2003 concerning Manpower and Government Regulation No. 35 of 2021 provide a robust legal foundation for the protection of the rights of breastfeeding workers. Firstly, they are entitled to maternity leave and breastfeeding leave under Article 82 paragraph (1) of Law No. 13 of 2003. Prohibitions on the termination of employment for breastfeeding workers are also stipulated in Article 153 paragraph (1) of the same law, as well as in Government Regulation No. 35 of 2021.

The company's obligation to provide breastfeeding leave for 3 months after childbirth is also regulated in the aforementioned laws and regulations. In the event of violations of the rights of breastfeeding workers, administrative sanctions in the form of fines can be imposed on employers in accordance with Article 184 paragraph (1) of Law No. 13 of 2003. For complaints and legal assistance, breastfeeding workers have the option to file complaints with the local Labor Office or the Industrial Relations Court if they experience unlawful termination of employment. They can also seek legal assistance from labor union organizations or labor law consultants. Overall, the existing legal protections provide a robust guarantee of protection for breastfeeding workers in Indonesia, including the right to leave, prohibition of termination of employment, and sanctions for violations. Complaint and legal assistance efforts are also available to help them protect their rights in case of infringements.

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