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The Urgency of Taking a Guilt-Free Little Break During Heavy Flow: A Feminist Legal Perspective

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ABSTRACT

This research aims to examine the urgency of women's right to rest during heavy menstrual flow without guilt from the perspectives of feminist law and psychological health. The method used in this research employs a qualitative approach with a literature review of laws and regulations, academic journals, scientific articles, and conceptual analysis using the framework of feminist legal theory. The research findings indicate that current policies regarding menstrual leave are still optional and often overlooked, highlighting the limitations of legal protection rooted in patriarchal social norms that stigmatize menstruation. Guilt and social stigma reinforce gender inequality and hinder the implementation of women's rights. The advice provided included the need for legal reform and changes in social norms to fairly recognize women's reproductive rights, as well as the need to broaden public understanding of the importance of rest as a basic right that should not be viewed as laziness. The novelty of this research lies in its conceptual approach, which integrates feminist legal and mental health perspectives to support inclusive and humanistic policy efforts in the context of employment and women's rights.

Keywords: *Feminist Law, Gender, Menstruation, Psychological, Right to rest*



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INTRODUCTION

Guilt is an emotional state that arises after known behavior, which is behavior that violates the norms and values held by an individual. Guilt serves as a tool to prevent someone from committing actions that violate the law and morality. Some of the consequences of guilt are feeling inferior, insecure, ashamed, confused, afraid, a sense of failure and sadness over sin, and self-pity. Not only does it affect emotional state, but guilt can also cause stress or tension that triggers physical illnesses such as chest pain, digestive problems, heart disease, stomach ulcers, palpitations, and back pain. The presence of these unpleasant consequences can serve as a reminder to the perpetrator, making it an important and useful tool for self-control. Guilt can drive the perpetrator to take responsibility for self-improvement and minimize the negative effects caused. Guilt produces prosocial behavior (Crutchley, 2010).

Individual guilt is associated with more proactive reactions such as externalizing blame, corrective action, constructive intent, higher levels of empathy, lower anger arousal, and anger control (Tangney, et.al., 1992). Rest is not a form of laziness, but a basic human need. Get used to taking short naps when you're tired, and go for a leisurely walk in the morning or evening. I need to rest without feeling guilty; humans are not robots, recharging is necessary (Magdalene, 2025). Give yourself time to rest; don't feel guilty about taking time off. Sufficient rest can significantly improve productivity and work quality, as well as maintain mental health (ubl.ac.id, 2024).

Stress and the menstrual cycle: It is known that women experiencing stress are 1.7 times more likely to experience menstrual cycle disturbances compared to women who are not stressed. Psychological stress includes stressors in life, psychological stress, or work stress, which result in longer cycles, cycle variability, and menstrual pain; however, women with excessive work pressure have also been shown to have shorter cycles (Ganisia & Pramista, 2025). One mechanism linking stress to menstrual function occurs thru disruption of the hypothalamic-pituitary-adrenal axis function of the body's stress response, leading to



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a reciprocal interaction between glucocorticoids and ovarian hormones that affects a woman's menstrual cycle (Annarahayu, et.al., 2021).

Female infertility is influenced by external factors, including increasing age, stress, nutritional status, daily activities, smoking, irregular menstrual cycles, and the environment (A'yun et al., 2019). Stress is a factor that affects a woman's menstrual cycle, caused by stressors that activate the Hypothalamus Pituitary Adrenal/HPA axis, triggering the hypothalamus to secrete CRH (Corticotropin Releasing Hormone). This hormone negatively affects the inhibition of GnRH secretion (Deviliamawati, 2020; Novelia, et al., 2023).

The neuroendocrine system plays a crucial role not only in supporting normal physiological functions but also during stress. This system influences the endocrine and reproductive systems to help adapt to increased demands and maintain homeostasis in response to environmental stressors (Singh et al., 2015). However, increased levels of the final product, cortisol, have various side effects including disruption of the normal rhythm of luteinizing hormone (LH), thus affecting the menstrual cycle (Manurung, 2022). Young girls often experience various menstruation-related complaints, including dysmenorrhea, menorrhagia, irregular periods, and mood swings. A common complaint is Premenstrual Syndrome (PMS), which is a group of disruptive symptoms such as back pain, fatigue, and irritability that appear 7-14 days before menstruation begins and subside when menstruation starts.

Irregular menstruation is an important indicator of health problems, so it is necessary to evaluate menstruation to determine appropriate prevention and treatment strategies (Kwak et al., 2019). It's important for women to know their menstrual cycle as a marker for when their first day of menstruation is, the follicular phase, the luteal phase, and the estimated ovulation, especially if they are trying to get pregnant. The menstrual cycle is the interval between the start of the first period and the next cycle. Normally, the menstrual cycle is 21-35 days, with an average of about 28 days (Ernawati, 2023). A woman's fertile period



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is determined by her ovulation cycle, so when the ovulation process is disrupted, it becomes difficult to know her fertile period, which is when the egg is ready to be fertilized to create a pregnancy (Ministry of Health of the Republic of Indonesia, 2021).

Women experiencing stress will experience a disruption in homeostasis. Reproductive status is a reflection of a person's psychological state; when stress exposure increases, reproductive function automatically declines to maintain the body's homeostasis. Based on research, it is known that stress in women has an impact on hormonal stability. This aligns with Mark Saver's statement about Psychomatic Medicine, which explains that women with high levels of stress are less likely to become pregnant compared to women who are not stressed. The cause is an imbalance of hormones in the reproductive system, which affects the ovulation process (Susilawati, 2017). Women with high stress levels are less likely to get pregnant compared to women who are not stressed.

RESEARCH METHOD

This research uses a qualitative approach with a juridical-normative method and conceptual analysis. Data collection techniques were carried out thru a literature review of laws and regulations, academic journals, scientific articles, and national and international policies related to menstrual leave and women's reproductive health rights. Primary data sources include Law Number 13 of 2003 concerning Manpower, government regulations related to reproductive health, and international legal instruments such as the CEDAW Convention (Convention on the Elimination of All Forms of Discrimination Against Women). Secondary data was obtained from research findings, journal articles, and reports from humanitarian organizations that discuss issues of menstruation, stress, and the protection of women's rights in the workplace. Data analysis was conducted descriptively and critically using the framework of feminist legal theory to uncover gender bias in legal systems and policies that disregard women's biological and social experiences. This approach allows for



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an in-depth assessment of the urgency of the right to rest during heavy menstruation from legal, psychological, and reproductive health perspectives.

DISCUSSION

Take a Little Guilt-Free Break During Heavy Flow

Taking a break during heavy menstruation is not laziness, but a legitimate physiological need. Dysmenorrhea is menstrual pain felt in the lower abdomen that occurs before, during, or after menstruation. Dysmenorrhea is the most common menstrual disorder in adult women, affecting daily life and academic performance (Azzulfa, 2019). One of the underlying factors is psychological, in the form of stress. Stress is a physiological, psychological, and behavioral response to adapting to internal or external pressure (Kimata, 2018).

Dysmenorrhea is a common condition experienced by women of reproductive age, with a prevalence reaching 65.4% in Indonesia. There are two types of dysmenorrhea: primary and secondary. Primary dysmenorrhea tends to be treated with nonsteroidal anti-inflammatory drugs (NSAIDs), which are not without side effects with long-term use. Alternative medicines are more recommended for safety, one of which is tamarind (*Tamarindus indica*), known to contain bioactive compounds with anti-inflammatory and analgesic effects (Rohama, et al., 2025). Dysmenorrhea is often caused by an increase in prostaglandins in menstrual fluid, which triggers excessive uterine contractions, reduces uterine blood flow, and leads to local tissue hypoxia, causing pain (Burnett & Proctor, 2017).

This pain usually starts a few hours before or after menstruation begins, with the highest intensity in the first 24-48 hours (Burnett, 2017). Beside lower abdominal pain, dysmenorrhea is often accompanied by other symptoms such as nausea, vomiting, diarrhea, headache, and fatigue. This combination of symptoms can disrupt women's daily activities,



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including work, study, and social relationships (Harlaw, 2004). Studies show that dysmenorrhea is one of the leading causes of school absenteeism and decreased academic performance among adolescent girls (Chen, 2016). More than 30% of adolescents experiencing dysmenorrhea report significant negative impacts on their daily lives, including difficulty concentrating in class and chronic fatigue (Armour, 2019).

Many women experience dysmenorrhea (menstrual pain) that is as intense as the pain from a heart attack, according to research from University College London. In conditions like this, the body needs time to recover. However, social norms and a masculine work culture often stigmatize menstruation as a "weakness," making women feel guilty when they take time off. This feeling of guilt is influenced by the public's lack of understanding of the physical and emotional impact of menstruation, as well as the limited inclusive policy support. Eliminating guilt means acknowledging that menstruation is a legitimate, natural biological experience, not a shame that must be hidden or overcome in silence.

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From a psychological perspective, feelings of guilt during menstruation are closely linked to stress and emotional disturbances. Studies show that women with low emotional regulation are more prone to mood swings during menstruation, such as irritability, sadness, or anxiety. Chronic stress from work pressure or social expectations can worsen PMS symptoms and affect hormonal balance, including increased cortisol which disrupts the menstrual cycle. Getting enough rest not only helps with physical recovery but also plays a crucial role in maintaining mental health. Allowing yourself to rest without guilt can reduce psychological burden, increase long-term productivity, and prevent burnout. Therefore, taking a little break needs to be understood as a constructive form of self-care, not as an escape from responsibility.



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In the context of menstrual leave for heavy flow, the law should recognize women's needs without compromise, strengthen rights protection, and promote changes that eliminate the stigmatization of guilt. The feminist legal perspective emphasizes that law is not neutral, but often reflects patriarchal values that discriminate against women. In the context of menstrual leave, although Article 81 paragraph (1) of the Labor Law grants women the right not to work on the first and second days of their period if they feel unwell, its implementation is still weak and often ignored by companies. In fact, with the enactment of the Job Creation Law, legal certainty regarding this right has become unclear because it is not explicitly regulated. Feminist law demands recognition of women's experiences as the basis for lawmaking. Menstruation is a biological reality unique to women, and ignoring it in workplace policies perpetuates structural inequality. The right to rest during heavy menstruation is part of the right to reproductive health that the state must protect.

Applying feminist legal theory, the law must be reformed to accommodate women's biological needs, rather than forcing them to conform to a system designed for men. Implementing inclusive and stigma free menstrual leave policies is a concrete step toward gender justice in the workplace. Law Number 13 of 2003 concerning Manpower (Manpower Law) specifically addresses the issue of menstruation thru Article 76 paragraph (1), which states that "Female workers who are menstruating are given the opportunity to not work for two days a month." This provision aims to accommodate female workers experiencing physical discomfort due to their menstrual cycle, such as abdominal pain (dysmenorrhea) or fatigue, which can affect productivity and health.

Social reality reveals that this article is facultative or optional, meaning employers are not required to provide such leave, and there are no strict sanctions for violations. From a feminist perspective, this provision reflects an early attempt to acknowledge the biological realities of women in a patriarchal workplace, but it also highlights the structural limitations



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that perpetuate gender inequality. Feminism, as an analytical framework, highlights how such laws often fail to transform social norms that marginalize women, where menstruation is still considered a private matter unworthy of legal protection equal to men's rights.

Liberal feminism views Article 76 as a step toward formal equality or equal opportunity by recognizing women's biological differences without economically punishing them. Liberal feminism emphasizes that laws should ensure fair access to the workplace, where menstrual leave serves as affirmative action to balance women's "double burden" between work and reproductive responsibilities. However, due to its optional nature, this article actually reinforces substantive inequality, where women have to "ask for" their rights, which is often met with stigma or rejection by patriarchal superiors (Betty Friedan, 1963).

Radical feminism, even more critically, views menstruation not just as a health issue, but as a symbol of patriarchal oppression that sees the female body as "dirty" or "uncontrollable." Article 76, from this perspective, fails to deconstruct this social taboo because it does not mandate gender education in the workplace or provide adequate sanitation facilities, thus perpetuating the cycle where women are forced to hide their menstruation to avoid discrimination (Andrea Dworkin, 1974).

Intersectionality adds the dimension that this protection is not equal; women from lower classes or ethnic minorities (such as migrant workers in the informal sector) are more vulnerable due to lack of access to grievance mechanisms, which exacerbates layers of discrimination based on class and race. Overall, the feminist perspective criticizes Article 76 as a paradoxical form of "protective protection": it symbolically protects women but reinforces gender stereotypes that limit their mobility in the market (Kimberlé Crenshaw, 1989).

Evidence of the gender gap related to Article 76 is clear from empirical data showing disparities between women and men in the workplace (Central Bureau of Statistics, 2023).



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Female labor force participation in Indonesia is only 52%, compared to 82% for men, with one of the main factors being forced absenteeism due to unaccommodated menstrual discomfort (International Labor Organization Survey, 2022). Revealing that only 15% of companies in Indonesia consistently implement menstrual leave, leading to women losing an average of Rp500,000–Rp1,000,000 in wages per month, which contributes to a gender pay gap of 23% (World Bank, 2023). Real cases strengthen this evidence: in a 2023 report by the Ministry of Manpower (Kemnaker), there were 1,200 complaints of menstrual discrimination from female workers in the manufacturing sector, such as in the Bekasi and Tangerang industrial areas, where 40% of cases involved wage cuts or threats of dismissal for those who requested leave. A case study at PT. Garment Prima (Yogyakarta, 2021) showed that 65% of female workers experienced chronic dysmenorrhea due to heavy workload without rest, which increased female turnover rates to 25%, double that of men. Additionally, regional disparities are evident: in Java, menstrual leave implementation reaches 25%, while in Papua and Maluku it is only 5%, where indigenous women face double discrimination due to a lack of sanitation infrastructure (Amnesty International, 2023). This evidence confirms that Article 76 not only failed to reduce disparities but actually widened them, as women from marginalized groups are more often trapped in a cycle of poverty and poor health, while men are free from similar biological burdens without economic consequences.

Women's opportunities in the workforce have indeed improved, but the basic rights of female workers have not been fully accepted. It cannot be denied that women and men have different biological conditions. Women generally experience menstruation every month. Certainly, with uncomfortable symptoms like sore and tender breasts, abdominal cramps, constipation or diarrhea, bloating, headaches, and increased body and mood sensitivity, which can disrupt activities at any time, including in the workplace (hukumonline.com, 2024).



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Feminism emphasizes that women should have full control over their own bodies, including recognizing the need for rest. Women should not ignore their menstrual cycle for the sake of work, household chores, or social responsibilities. Women should prioritize self-care without guilt, including during menstruation. This is relevant because it emphasizes physical needs such as rest, which is part of women's empowerment (Taylor, 2018). In this context, feminist law views this not just as a health issue, but as a matter of structural justice, such as: first, recognizing bodily rights as legal rights or bodily autonomy; second, eliminating the stigma that places women in a position of burden or unproductivity; and third, reforming regulations so that menstrual leave becomes part of equal labor rights.

Feminist law is not only relevant in the workplace, but is also important to apply in the household. Menstruation is a natural part of women's lives that should be recognized and supported within the family environment. Feminism emphasizes the normalization of women taking breaks without guilt, as well as sharing work, particularly in the domestic sphere. Feminism calls for the removal of menstrual stigma, recognizing the importance of protecting women from disadvantaged backgrounds. With the hope of this recognition, gender equality can be realized, not only in the workplace but also in the family environment.

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