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What We Do

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Get Involved

Resources/Help

Indonesian High Court: 'Children Have Right to Relationship With Fathers'

February 20th, 2012 by Robert Franklin, Esq.

The highest court of the world's fourth largest nation ruled last week that children born out of wedlock have the right to a relationship with their fathers. The Constitutional Court of Indonesia voided part of the country's 1974 Marriage Act that placed all rights and responsibilities on the mother of a child born out of wedlock. Read about it [here](#) (*Jakarta Post*, 2/18/12) and [here](#) (*Jakarta Globe*, 2/19/12).

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The ruling has the potential to affect large numbers of children. That's because a child born to a couple who are married but who have failed to register their marriage with the Civil Registry Agency is treated the same as one born to an unmarried couple. To date, that's meant the child was considered illegitimate and had no right to a relationship with its father or the father's family. When children of those unregistered marriages are counted as being born out of wedlock, and therefore having no right to a relationship with their fathers, as many as 50% of all Indonesian children have the status as illegitimate.

The ruling means not only that those children have a right to a relationship with their fathers and the fathers' extended families, but that the fathers have obligations to them. Presumably, that will mean supporting them financially which of course sets the stage for the same type of legal battles over support and access that so mar the systems of family law in many western countries.

Whatever comes to pass in Indonesia, it's heartening that the court phrased its ruling in terms of the rights of a child to its father. As a strictly public relations matter, opponents of fathers' rights in the West have often used the concept of fathers' rights to pretend that, in some unspecified way, those who demand the eradication of barriers between fathers and children only care about the fathers and not the children.

That argument would be too silly to mention but for the fact that it's used so often. As vast amounts of social science have shown for decades, keeping fathers connected with their children is in the child's best interests. Overwhelmingly, having a father in a child's life tends to be good for the child physically, emotionally, psychologically and educationally. Keeping children and fathers separate tends to have the opposite effects. Put simply, fathers' rights *are* children's rights.

But that basic concept can get lost in the often nonsensical public discourse on children, fathers and mothers. The more the need for connection between fathers and children is termed as the rights of the child, the better. Doing so shreds essentially all of the anti-father crowd's already threadbare claims.

Needless to say, the domestic violence establishment in Indonesia thinks the Court's new ruling is a bad one. Commendably, they're more frank about their reasons than are their counterparts in the West. The following is from the *Jakarta Globe*.

Masruchah, the deputy chairperson of the National Commission on Violence Against Women (Komnas Perempuan), expressed skepticism over the ruling, saying the it could encourage fathers' families to attempt to take custody children.

"Women should be tougher in defending their rights even when having children outside of marriage, including defending their children from fathers' claims," she said.

As I said, you rarely see such frankness in the West. The DV establishment seldom admits that the effects of the policies it inspired and promotes is the wholesale deprivation of children of their fathers, even when those men have done nothing violent or, if they have, something so minor that it should never intervene between a child and its father.

But when a DV advocate opposes a child's right to its father because, well, that might mean the dad could get custody of the child, the antipathy for fathers and children doesn't get much clearer. Thanks for the refreshing honesty.

This entry was posted on Monday, February 20th, 2012 at 10:48 am and is filed under [Family Law/Divorce/Separation/Child Custody](#), [Marriage](#). You can follow any responses to this entry through the [RSS 2.0](#) feed. Responses are currently closed, but you can [trackback](#) from your own site.

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(11/30/11)

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(11/30/11)

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(11/16/11)

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(11/9/11)

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(10/20/11)

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([Huntington Beach News](#) 10/25/11, [Foothill News](#), 10/23/11)

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F & F's Holstein Criticizes Obama's New DV Proclamation on the Dr. Laura Show ([Audio Available](#))

(10/7/11)

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F & F's Holstein Discusses Family Court Reform on the *Bob Durgin Show* on WHP AM 580 in Harrisburg, PA.

(10/4/11)

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F & F's Hubin Discusses New Ohio Child Support Enforcement Policies on NBC in Columbus, OH

(9/30/11)

[**F & F of Ohio Discusses Family Court Reform Legislation with Senator Frank LaRose**](#)

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(9/14/11)

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(9/13/11)

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Fathers and Families' Robert Franklin, Esq. Discusses Child Support Enforcement Abuses on *The Bill Meyer Show* on KMED AM 1440 in Southern Oregon ([Audio Available](#))

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Fathers and Families' Ned Holstein, MD, MS Criticizes [Massachusetts SJC Ruling in F & F's Child Support Lawsuit](#) on *The Jeff Katz Show* on AM WXKS 1200 in Boston

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[Dads' group seeks child-support reform](#)

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