

# The Application of the Restraining Order Mechanism to Domestic Violence Crimes\_Aleydha Patriana, Ro.docx *by* Check Turnitin

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# The Application of the Restraining Order Mechanism to Domestic Violence Crimes

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## Abstract

This article aims to analyze the legal protection for victims of domestic violence through the Restraining Order mechanism. In addition, this article also aims to provide recommendations for legal improvements so that the use of the Restraining Order mechanism can be more effective. In Indonesia, the mechanism of Restraining Order has not been regulated in detail in the law. Law No. 23/2004 on the Elimination of Domestic Violence has mentioned the existence of a protection order against victims that can be given by the police or the court, but this protection order is not well implemented. Therefore, the urgency of this article is to provide definitive protection to victims of domestic violence through the mechanism of Detention Orders. This article is a normative legal research. The novelty of this article is about analyzing the use of Restraining Order punishment in Common Law countries, as well as providing suggestions regarding the clarity of Restraining Order Implementation in Indonesia. The results of this study indicate that the Restraining Order mechanism used by Common Law countries is more effective in providing protection to victims of domestic violence because basically the legal protection of victims of domestic violence in Indonesia relies on Law Number 23 Year 2004 which the contents of the Law are still not fully effective in protecting victims of domestic violence.

**Keywords:** Domestic Violence; Restraining Order; Violence

## 1. INTRODUCTION

Domestic violence is a serious problem that has affected the lives of thousands of individuals around the world. Whether physical, psychological, or emotional, the impact of domestic violence is not only felt by the direct victims, but also by society as a whole. The presence of domestic violence demands serious attention from various sectors, including governments, social institutions, and national and international communities. Domestic violence is a form of discrimination as well as a crime against human dignity, therefore the slightest act committed can be carried out as a criminal act that can be processed by the applicable law.<sup>1</sup> As explained in Article 1 of Law No.23 of 2004 on Domestic Violence (hereinafter referred to as PKDRT Law), domestic violence is any act against a person that results in physical, sexual, psychological, and domestic neglect including threats to commit acts, coercion, or unlawful deprivation of independence within the scope of the household.<sup>2</sup>

Currently, PKDRT Law regulates protection orders to provide protection to victims. A protection order is a legal action given to victims of domestic violence to protect them from the danger or threat of violence committed by the abuser. The protection order can be issued by the court after hearing testimony from the victim and based on available evidence. However, effectiveness of these protection orders relies heavily on consistent enforcement, in the absence of adequate enforcement perpetrators may violate the orders without significant consequences. Government Regulation No. 4/2006 on the Implementation and Cooperation in the Recovery

<sup>1</sup>Qhori Annissa and others, 'Analisis Yuridis Terhadap Sanksi Tindak Pidana Perspektif Teori Kemasyarakatan Dan Hukum Islam', 3 (2024), pp. 29–38.

<sup>2</sup> Undang-Undang Republik Indonesia Nomor 23 Tahun 2004 Tentang Penghapusan Kekerasan Dalam Rumah Tangga, 'Presiden Republik Indonesia Peraturan Presiden Republik Indonesia', *Demographic Research*, 2004, pp. 4–7.

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of Victims.<sup>38</sup> Domestic Violence also does not specifically regulate protection orders in the context of the implementation and cooperation in recovery<sup>8</sup> victims of domestic violence.

Regulations on protective orders related to victims of domestic violence do not only exist in Indonesia, but also in other countries, one of which is United States. The use of restraining order mechanisms in the United States has been around for a long time, although the terms and regulations have evolved over time.<sup>3</sup> The more modern development of court-issued restraining orders to protect individuals from threats or violence has generally evolved in line with increased awareness of domestic violence issues and the protection of individual rights.

Anyone can be a victim of Domestic Violence, victims of repeated injury such as domestic violence desperately need protection to be kept away from the perpetrators, one of which is with Restraining Order mechanism.<sup>4</sup> In United States, they have a mechanism to provide the first protection against victims of violence, Restraining Order. The Restraining Order is an order of the perpetrator of violence to distance himself from the victim within a certain distance and time.<sup>5</sup> There are four types of Restraining Orders used in the United States: 1) Emergency Protective Order, 2) Temporary Restraining Order, 3) Permanent Restraining Order, and 4) Criminal Protective Order or Stay-Away.<sup>6</sup>

This research is inseparable from similar studies that have been conducted previously. First, research on Legal Protection of Women Victims of Domestic Violence (Susanti & Yanti, 2023).<sup>7</sup> The research results found in the form of suggestions to reform the PKD law in Indonesia in order to provide counseling services, and guidance for perpetrators and victims of domestic violence as implemented in Malaysia. The research only focused on discussing victim protection related to counseling so as not to traumatize victims and provide guidance to perpetrators and victims related to household guidance.

Second, research on Fulfillment of the Rights of Domestic Violence Victims (Sherly & Djilarpoin, 2021).<sup>8</sup> The research resulted in the fulfillment of the rights of the victims of domestic violence can be carried out in accordance with the mandate contained in PKDRT law. Because basically the effectiveness of the implementation of PKDRT Law is very important in being the front guard to protect victims of domestic violence.

<sup>3</sup> Ryan Palupi Ayu Ningtyas, Dhia Al Uyun, and Riana Susmayani, 'Effectiveness of Divorce Mediation in Indonesia: Comparative Legal Study of United States', *IBLAM Law Review*, 3.3 (2023), pp. 40–52, doi:10.52249/ibr.v3i3.141.

<sup>4</sup> Nilina D. Shah and others, 'Factors Influencing the Use of Domestic Violence Restraining Orders in Los Angeles', *Violence Against Women*, 29.9 (2023), pp. 1604–22, doi:10.1177/10778012221120442.

<sup>5</sup> Christopher T. Benitez, Dale E. McNeil, and Renée L. Binder, 'Do Protection Orders Protect?', *Journal of the American Academy of Psychiatry and the Law*, 38.3 (2010), pp. 376–85.

<sup>6</sup> Carolyn N. Ko, 'Civil Restraining Orders for Domestic Violence: The Unresolved Question of "Efficacy"', *Southern California Interdisciplinary Law Journal*, 11.1994 (2002), pp. 361–90.

<sup>7</sup> Evi Yanti, 'Study Komparatif: Perlindungan Hukum Pada Perempuan Korban Kekerasan Dalam Rumah Tangga Di Indonesia Dan Malaysia', *UIRLawReview*, 7.2 (2023), pp. 13–27.

<sup>8</sup> Dominggus Steven Djilarpoin and Sherly Adam, 'Pemenuhan Hak-Hak Korban Kekerasan Dalam Rumah Tangga (Studi Pada Polres Kepulauan Aru)', *Sanisa: Jurnal Kreativitas Mahasiswa Hukum*, 1.1 (2021), pp. 14–23 <[https://fhukum.unpatti.ac.id/jurnal/sanisa/article/view/513%0Ahttp://files/1785/Djilarpoin dan Adam - 2021 - Pemenuhan Hak-Hak Korban Kekerasan Dalam Rumah Tangga Tan.pdf](https://fhukum.unpatti.ac.id/jurnal/sanisa/article/view/513%0Ahttp://files/1785/Djilarpoin%20dan%20Adam%20-%202021%20-%20Pemenuhan%20Hak-Hak%20Korban%20Kekerasan%20Dalam%20Rumah%20Tangga.pdf)>.

Third, research on Domestic Violence against Women (Rizazarli & Mahfud, 2021).<sup>9</sup> Result of the study showed that the perpetrator could not be punished if there were no reports from the victims and the law would be better implemented if there were clear boundaries of issues that fled against victims is not impossible with various forms of violence. Domestic violence that occurs against victims is not impossible to continue to occur with various forms of violence.

The difference between this research and previous research is that this research has an urgency related to the application of Restraining Order mechanism to domestic violence crimes in Indonesia. Specifically, this article explains the mechanism of implementing the Restraining Order in handling domestic violence cases and provides an explanation about the importance of improving the PKDRT Law in Indonesia so that it can use the more effective Restraining Order mechanism.

## 2. METHOD

The technique used in this writing is a normative legal study that use statute approach and comparative approach. This type of normative research aims to analyze and know the mechanism of the Domestic Violence Crime Act in dealing with existing domestic violence cases.<sup>10</sup> This study is based on analysis of legal sources such as laws, government regulations, and other legal documents related to Domestic Violence Crimes. This type of normative research provides legal analysis and understanding of the urgency of the regulation of the Restriction Warrant in domestic violence cases in Indonesia. Through a normative approach, this writing will identify the effectiveness of the Restraining Order mechanism and provide recommendations that can be used to provide protection to victims of domestic violence in Indonesia.

## 3. RESULTS AND DISCUSSION

### 3.1 What about the setting of the Restraining Order in domestic violence crime

The PKDRT Act has stipulated that domestic violence is any action against a person that results in physical, sexual, psychological and or domestic abuse including threats and coercion. The repeal of independence by law within the household sphere also includes forms of violence, especially domestic violence, which are human rights violations and forms of discrimination that must be abolished.<sup>11</sup>

Violence in domestic relations can involve various forms of crime and harmful behaviors such as physical violence, sexual abuse, and domestic neglect.<sup>12</sup> All forms of domestic violence have a serious impact, not only on victims but also on their immediate family or relatives. Anyone who is a victim of domestic violence must receive protection from the state and society to avoid violence or threats of violence, torture, and treatment that demeans human dignity.

<sup>9</sup> Mahfud and Rizazarli Rizazarli, 'Domestic Violence against Women in Indonesia: The Recent Domestic Violence Elimination Law Analysis', *Fiat Justitia: Jurnal Ilmu Hukum*, 15.4 (2021), pp. 385-98, doi:10.25041/fiatjustisia.v15no4.2276.

<sup>10</sup> Peter Mahmud Marzuki, 'Materi Kuliah Tentang Penelitian Hukum', 2016, pp. 1-167.

<sup>11</sup> Rochmat Wahab, 'Kekerasan Dalam Rumah Tangga : Pada Dasarnya Setiap Keluarga Ingin', *Unisia*, 61.3 (2012), pp. 247-56.

<sup>12</sup> Maisah Maisah and Yenti SS, 'Dampak Psikologis Korban Kekerasan Dalam Rumah Tangga Di Kota Jambi', *Esensia: Jurnal Ilmu-Ilmu Ushuhudin*, 17.2 (2016), p. 265, doi:10.14421/esensia.v17i2.1292.

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The Restraining Order mechanism is one of the important steps to become the first step in dealing with violence cases that occur in households.<sup>13</sup>

There is a term that can be a first step in providing protection before further violence occurs, namely the Restraining Order.<sup>14</sup> The Restraining Order itself is an order that prohibits the perpetrator from doing anything for the purpose of protecting the victim of a violation, or anyone else mentioned in the order, from further acts that are harassment or will cause fear and violence. These orders are valid for a certain period of time or until further orders are issued.<sup>14</sup>

Laws with protective orders have allowed courts to instruct suspected violent offenders to keep a certain distance from someone, such as a home, workplace, or school, and not contact anyone.<sup>15</sup> Articles 1 point 5 and 6 of the PKDRT Law state that temporary protection is a protection directly provided by the police and/or social institutions or other parties, before the court's order of protection is issued. The protective order in question is a determination issued by the court to provide protection or a sense of security to the victim.

The standards of proof required to obtain a restraining order may vary, but are generally lower than those required in criminal trials.<sup>15</sup> In countries that adhere to the European Union's Common Law system, one of which is Finland has a mechanism for regulating the Restraining Order. The law on his restraining order regulates most protective orders and the result is not just a criminal order. The order can be obtained through procedures that are not necessarily related to his criminal charges. Victims, police, public prosecutors, and social workers can file orders under the law.<sup>16</sup>

Police are required to conduct a necessary or unnecessary investigation of the order, in case of an emergency police may issue a temporary protective order.<sup>17</sup> And violation of the protective order is a felony. In some European Member State there are many gaps in victim protection laws, such as the absence of protection in both pre-trial and post-trial criminal proceedings or because restriction orders are not available.

Furthermore, Bulgaria also has a legal system that allows courts to impose penalties restricting the free movement of perpetrators, mentioned in article 42a of the Bulgarian Criminal Code there are three acts of prohibition: 1) a ban on attending the area, and a ban is allowed. location or specific place., 2) a ban on leaving one's home for more than 24 hours without the permission of the public prosecutor or probation officer., 3) prohibition against leaving one's home at a certain hour, day or night. However, this prohibition intended as a way to punish the perpetrators, not to be used as a means of protection for victims.<sup>18</sup>

<sup>13</sup> Rosalia Dika Agustanti and Bambang Waluyo, 'Konsep Sistem Peradilan Pidana Khusus Perempuan Korban Kekerasan', *Masalah-Masalah Hukum*, 52.1 (2023), pp. 42–51, doi:10.14710/mmh.52.1.2023.42-51.

<sup>14</sup> Nora Almosaed, 'Violence against Women: A Cross-cultural Perspective', *Journal of Muslim Minority Affairs*, 24.1 (2004), pp. 67–88, doi:10.1080/1360200042000212124.

<sup>15</sup> Kate Barnes, 'Domestic Violence Protective Orders Effective in Reducing Homicides, Study Finds', *News Article* (10 November 2023) <<https://news.umich.edu/domestic-violence-protective-orders-are-effective-in-reducing-homicides-study-finds/>>.

<sup>16</sup> Renee speyer Cordier Reinic, Donna Chung, Sarah Wilkes, 'The Effectiveness of Protection Orders in Reducing Recidivism in Domestic Violence: A Systematic Review and Meta-Analysis', 22.4 (2019) <<https://jot.sagepub.com/doi/10.1177/1524838019882361>>.

<sup>17</sup> Bambang Waluyo, 'Etimologi Perlindungan Korban Dan Saksi', *Sinar Grafika*, 2011, p. 1.

<sup>18</sup> Suzan Van der Aa, 'Protection Orders in the European Member States: Where Do We Stand and Where Do We Go from Here?', *European Journal on Criminal Policy and Research*, 18.2 (2012), pp. 183–204, doi:10.1007/s10610-011-9167-6.

Domestic violence is still a serious habit that affects many families in people's lives. In the United States, an estimated one million women are physically abused by ex-partners, or unmarried couples but live together each year. Domestic violence results in more than four hundred and fifty hospital visits each year, and nearly half of all patients are killed by their spouses.<sup>19</sup>

The fact that the Restriction Orders serve to provide first protection by instructing the criminal not to do commit further violence. The term "Restriction Order" itself may vary from country to country; the types and procedures used by each country also differ depending on the provisions of the country's own laws. For example, in the State of California, a protective order is issued under Article 136.2(g), generally a protective order only survives until the case is solved and the defendant is no longer under the prohibition of approaching the victim. But the judge has the power to change his order or terminate it at any time.<sup>20</sup>

There are six types of Restraining Orders used in the Common Law, the first being the 1) Emergency Protective Order (EPO). The EPO itself is a type of emergency restraining order proposed by the police if they think that victims of domestic violence are in language and need to receive protection immediately and the EPO can be enforced for up to seven days; 2) Temporary restraining order (TRO), victims may apply for a longer period of protection using TROs that may be valid between 20-15 days; 3) Permanent Restraining Order, This permanent restraining order cannot actually be enforced permanently, usually up to a maximum of five years and after the expiration of the period the victim may apply; 4) Criminal Protective Order or Stay-Away, such protective order may be filed when the victim has reported the case to the police. Then the court can establish a protective order for a period of time from the case to three years after the defendant has been found guilty; 5) No-Contact Order, this type of Restraining Order prohibits the perpetrator from making physical contact or communication with the victim in any form including via social media, text messages, and text messages. or telephone; 6) Residence Exclusion Order, this type of Restraining Order can authorize victims to admit perpetrators from the same residence, usually through assistance from law enforcement authorities.<sup>21</sup>

However, the implementation of Restraining Orders in Indonesia may be faced with some potential obstacles or challenges as Indonesia has a culture and social norms that may not always be in line with Western legal concepts such as Restraining Orders. The judicial system in Indonesia may face challenges in terms of capacity and ability to handle the additional workload that may arise from the filing of restraining orders.<sup>22</sup> Limited human resources, infrastructure and administrative processes may hinder effective implementation. In addition,

<sup>19</sup> Mary Spooner, "Does Eligibility for Protection Orders Prevent Repeat Abuse of Domestic Abuse Victims in Caribbean States?", *Jour. Family Violence*, 24.6 (2009), pp. 377-87, doi: 10.1007/s10896-009-9238-3.

<sup>20</sup> Rosma Alimi and Nunung Nurwati, "Faktor Penyebab Terjadinya Kekerasan Dalam Rumah Tangga Terhadap Perempuan", *Jurnal Penelitian Dan Pengabdian Kepada Masyarakat (JPPM)*, 2.2 (2021), p. 211, doi:10.24127/jppm.v2i2.34543.

<sup>21</sup> D. Ke Weisberg, *Domestic Violence: Legal and Social Reality* (Wolters Kluwer Law & Business, 2012).

<sup>22</sup> M. A. Gele and D. Sadiawati, "Perlindungan Hukum Oleh Negara Indonesia Terhadap Lingkungan Dan Kesetaraan Gender", *Economic and Distributional Impacts of Free Trade Agreements: The Case of Indonesia*, 7.1 (2024), p. 114.



public awareness of the existence and benefits of restraining orders may be low.<sup>23</sup> Many people may not be aware of their rights in terms of protecting themselves from threats or violence by using restraining orders and therefore further education and socialization campaigns are needed to increase public understanding.

In addition, the Court needs to have an active role in the process of issuing and enforcing restraining orders. The availability of judges and staff who are competent to deal with restraining order applications quickly and appropriately is essential to ensure immediate protection for victims. Integrating restraining orders with Indonesia's civil and criminal law-based legal system can present its own challenges. It is necessary to harmonize and coordinate restraining order procedures with other existing legal procedures.

### 3.2 How do handle domestic violence cases with the Restraining Order mechanism?

The use of Restraining Orders can make a significant contribution in filling the gap in legal protection for victims of domestic violence. A Restraining Order can provide a quick legal mechanism to take action to protect victims from violence or threats that may jeopardize their safety and well-being, which is especially important in domestic violence cases. In addition, a Restraining Order can also prevent the perpetrator from approaching or communicating with the victim, or taking certain actions that could potentially harm the victim. As such, a Restraining Order not only provides physical protection but also reduces the risk of continued lawlessness.

Restraining Orders can also provide a quick way out and emergency protection for victims who are in an urgent situation and require immediate protection, before the matter can be dealt with in greater depth by a longer legal process. By issuing a Restraining Order, the court is providing legal recognition of the seriousness of the threat or act of violence faced by the victim. The implementation of a Restraining Order can therefore strengthen the legal protection system by providing a quick, effective and tailored response to the specific threat or violence faced by an individual. This is an important step to ensure that victims receive appropriate protection and that they can live without fear or constant threat.

In 2023 precisely in Indonesia, there was a domestic violence case that led to a husband killing his wife. Before the victim was killed, the victim had reported her husband on charges of committing domestic violence against the victim, and the victim had also carried out a post-mortem related to the domestic violence report. A few months before the incident, the victim had indeed had an argument with the perpetrator and the victim made a complaint to the police station by attaching the visum evidence. However, the police admitted that they did not know the continuation of the victim's report because when the victim was asked to present the witness, the victim was unable to attend and it was known that the two returned to live together.

On September 7, 2023 at 22.00 WIB, the perpetrator with the initials (N) killed his wife at their rented house in Bekasi Regency. The police said the real motive was based on heartache and economic factors, Head of Criminal Investigation Unit of West Cikarang also said they had been involved in an argument before the murder occurred and the perpetrator had

<sup>23</sup> Helen Intania Surayda, 'Perlindungan Hukum Terhadap Korban Kekerasan Seksual Dalam Kajian Hukum Islam', *Jurnal Ius Constituendum*, 2.1 (2017), p. 24, doi:10.26623/jic.v2i1.543.

surrendered himself to the police several hours after killing his wife. He turned himself in between his parents and for this, the perpetrator was threatened with life imprisonment.<sup>24</sup>

Reflecting on the above case, if the victim has reported to the police and has attached strong evidence, the police should immediately follow up on the case and be able to provide protection directly before the issuance of a protection order from the court before the case goes further. This is why the use of the Restraining Order mechanism is not only limited to providing protection to the victim, but also reducing the risk of further violations of the law.

In the implementation of a protective order or detention mechanism that can be issued by the court, it often involves a two-step process, first one usually involves the victim applying for a temporary restraining order or a Temporary Restraining Order (TRO).

The TRO itself is short-term in its restraining order, in his request the victim had to explain the actual condition so that the judge could consider the case well and give a temporary restraining order. The second step is to apply for a permanent detention order or commonly called Permanent Orders. As the name suggests, this permanent detention order has long-term detention and this permanent detention order is issued only after a trial where both the victim and the perpetrator are present to give their testimony. In general, trials can be held between 10 and 21 days after the TRO is issued.<sup>25</sup>

In countries that have a Restraining Order setting they also offer another types of detention orders, such as the Emergency Protection Order or Emergency Protective Order "EPO", the EPO itself can be obtained while the court is not in progress as at night as well as weekends. If the victim suffered serious injuries such as being battered, then the victim could show reasonable evidence to be trusted by the court clerk that he was in a dangerous situation in his household.<sup>26</sup>

These types are widely used in countries that run the Common Law system, which is also important to remember that the terminology and the type of the Restraining Order can vary between legal jurisdiction, and their procedures. The effectiveness of the Restraining Order mechanism varies greatly depending on various factors, including the implementation of the law, the parties involved, and the support of the legal system.<sup>27</sup> In many cases, the Restraining Order can help protect victims from violence or harassment, but there are also situations in which the system is not sufficient to prevent harmful acts occurring. In Indonesia, there is no legal system created specifically as a "Restraining Order" but there are several legal instruments that can be used to protect victims of violence, harassment, or threats.<sup>28</sup>

Law Number 35 of 2006 on the Security of Witnesses and Victims can be one option to provide a form of protection to victims of violence, including a form of prohibition or

<sup>24</sup> Abdurrobby Rahmadi, 'Cinta Nando Kepada Mega Berakhir Di Penjara', 2023 <<https://netitik.com/x/detail/crimestory/20230915/Cinta-Nando-kepada-Mega-Berakhir-di-Penjara/>>.

<sup>25</sup> Henry J. Muller, Sarah L. Desmarais, and John M. Hamel, *Do Judicial Responses to Restraining Order Requests Discriminate against Male Victims of Domestic Violence?*, *Journal of Family Violence*, 2009, XXIV, doi:10.1007/s10896-009-9261-4.

<sup>26</sup> er, Desmarais, and Hamel, XXIV.

<sup>27</sup> Damara Wibowo, 'Perlindungan Hukum Terhadap Korban Kekerasan Dalam Rumah Tangga Menurut Hak Asasi Manusia Selama Proses Penyidikan', *Jurnal Usm Law Review*, 4.2 (2021), p. 818, doi:10.26623/julr.v4i2.4187.

<sup>28</sup> Harkristuti Harkrisnowo, 'Domestic Violence (Kekerasan Dalam Rumah Tangga) Dalam Perspektif Kriminologi Dan Yuridis', *Indonesian Journal of International Law*, 1.4 (2021), doi:10.17304/ijil.vol1.4.563.



prevention of direct or indirect contact with the perpetrator. The Code of Criminal Procedure Law also discusses the suspension or temporary prohibition of perpetrators not to approach victims or witnesses to maintain their security and protection. The absence of the Restrains Order mechanism in Indonesia can be caused by the first few factors, namely the Legal System Differences, the second, the Cultural and Social Context, the third, the Legal Development.

In addition, Article 50 of the PKDRT Law also regulates additional crimes for domestic violence perpetrators, Article 50 states that if in committing domestic violence perpetrator has a marriage relationship or an equivalent relationship with marriage, then the judge may impose an additional penalty in the form of revocation of certain rights. The additional crime aims to provide deterrent effect to domestic violence perpetrators, and can also provide additional protection for victims. Additional protections referred to in this context are legal measures or measures taken from the legal framework to enhance protection against victims of domestic abuse.<sup>29</sup>

In Indonesia, there is no precise term such as Restraining Order as it is known in some other countries such as the United States. However, similar concepts can be found in several existing regulations in Indonesia, although not directly referred to as Restraining Orders.<sup>30</sup> To implement a restraining order system in Indonesia, there are several steps that may need to be considered including the study and evaluation of the existing legal system because it is necessary to conduct an in-depth study of the legal system in Indonesia and how the restraining order system can be integrated properly. This involves understanding how the civil and criminal law in Indonesia currently functions and how a restraining order can fit into the existing legal structure.

In addition, revising the Law and Government Regulation to clearly regulate the Restraining Order can also be the next step to implement the Restraining Order mechanism in Indonesia. The law should include the definition, filing procedure, requirements that must be met, as well as the legal effect of the Restraining Order. The implementation of the Restraining Order requires adequate training and education for law enforcement officials, including the police and courts. They need to understand how to identify cases that require Restraining Order as well as how to issue and enforce Restraining Orders effectively.

It is important to note that the introduction of restraining orders in Indonesia will require collaborative efforts from various parties, including the government, legal institutions, and civil society. Broad consultation and a comprehensive approach will ensure that the system is well implemented and can provide effective protection for citizens.

#### 4. CONCLUSION

The Restraining Order mechanism is essential as a first step in providing legal protection for individuals who are victims of violence, harassment, or threats that threaten their safety and well-being. The purpose of using the Restraining Order mechanism is to protect victims,

<sup>29</sup> G P Mandala, 'Perlindungan Hukum Terhadap Korban Kekerasan Dalam Rumah Tangga Sebagai Implikasi Hak-Hak Korban', *Jurnal Analisis Hukum*, 2.23 (2019), pp. 45-54 <<http://journal.undiknas.ac.id/index.php/JAH/article/view/2168>>.

<sup>30</sup> Wahyu Beny Mukti Setyawan and Hadi Mahmud, 'Menggagas Model Restorative Justice Terhadap Tindak Pidana Marital Rape Dalam Membentuk Perlindungan Terhadap Perempuan Yang Sesuai Dengan Norma Hukum Di Indonesia', *Jurnal Jus Constituendum*, 3.1 (2018), p. 68, doi:10.26623/jic.v3i1.864.

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prevent further violence, set clear boundaries, legal support, and recognize victims well-being. Serious effects may have on victims of violence or harassment if there is no Restraining Order mechanism, without Restraining Order victims of violence or harassment may not have sufficient legal protection, they may also have difficulty setting clear boundaries or obtaining protection from existing law enforcement. Without an official ban on approaching the victim, the perpetrator may feel more free to commit further violence or harassment and that would cause greater risk to the victim. The introduction of the Restraining Order mechanism can provide legal support for victims and protect their rights because legal support for victims of violence or harassment is a key element in efforts to provide protection, justice, and recovery for those affected by violence or harassment. Literally, the mechanism of the Restraining Order in Indonesia does not exist and has <sup>52</sup> yet been comprehensively regulated, but various efforts must still be made to strengthen legal protection against victims of domestic violence in Indonesia through revisions to other laws and policies so that in the future the community can be free from violence and safer for all individuals.

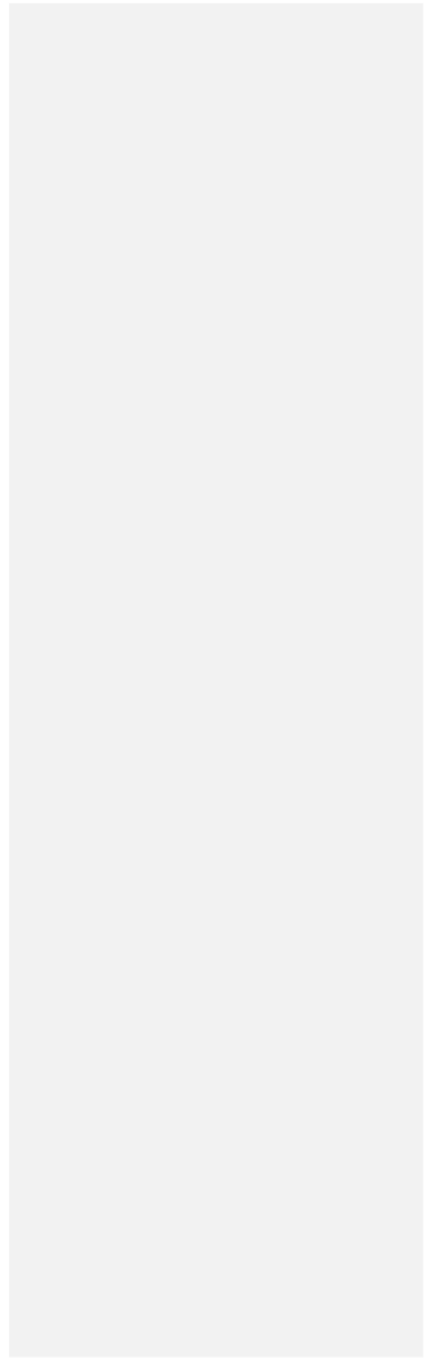
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