



The Lawrence Friedman's Construction of the Legal System Regarding Essential Equality Regulations in Trademark Rights

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Abstract

The legal system plays a fundamental role in ensuring certainty and legal protection for parties, including in the field of intellectual property rights such as trademarks. Trademarks are part of the intellectual property rights protected by law in Indonesia, with the regulation on the essence of equivalence being one of the important issues to consider. This research aims to analyze the construction of Lawrence Friedman's legal system related to the regulation of equivalence in essence in trademarks in Indonesia, as well as the factors influencing the effectiveness of implementing this concept in practice. In this study, a normative legal research method is used with a legislative approach. The research will focus on the examination of law from an internal perspective with its object being legal norms, and will use primary, secondary, and tertiary legal sources. The research findings indicate that the construction of Lawrence Friedman's legal system related to the regulation of equivalence in essence in trademarks in Indonesia faces several challenges in terms of legal structure, legal substance, and legal culture. In terms of legal structure, there are differences in interpretation and inconsistency in the decisions of related institutions, such as the Directorate General of Intellectual Property, Commercial Courts, and the Supreme Court. In terms of legal substance, the regulation regarding equivalence in essence still creates uncertainty, especially in the interpretation of equivalence criteria. Meanwhile, from a legal cultural perspective, the understanding and attitudes of stakeholders and the inconsistent law enforcement practices pose their own challenges. Several factors influence the effectiveness of implementing the concept of equivalence in essence in trademarks in Indonesia, including: (1) Legal structure factors, which include the performance and capacity of related institutions such as the Directorate General of Intellectual Property, Commercial Courts, and the Supreme Court; (2) Legal substance factors, namely the clarity of definitions and criteria for assessing "equivalence in essence" in legislation and its ability to accommodate technological developments; (3) Legal cultural factors, which encompass the understanding and attitudes of parties (trademark holders, trademark applicants, the public) towards the concept of equivalence in essence; and (4) Coordination among related institutions in the implementation of the concept of equivalence in essence.

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INTRODUCTION

The legal system has a fundamental role in ensuring legal certainty and protection for the parties involved, including in the field of intellectual property rights such as brands. According to the legal system theory put forward by Lawrence Friedman, the legal system consists of three main components, namely legal structure, legal substance and legal culture.(Semaun, 2011) These three components interact and influence each other in shaping the effectiveness of a legal system.

Trademark rights are a part of intellectual property rights that are protected by law. In Indonesia, regulations regarding brands are regulated in Law Number 20 of 2016 concerning Trademarks and Geographical Indications (hereinafter referred to as the Trademark Law). In the Trademark Law, there are provisions regarding basic similarities which are one of the requirements for trademark registration.(Asuan, 2022)

In the context of trademark rights, regulation regarding similarities in essence (similar on the essential part) is one of the important issues that needs to be considered. This similarity is essentially related to the prohibition on the use of marks that are substantially similar to registered marks belonging to other parties. This is regulated in Article 21 paragraph (1) of Law Number 20 of 2016 concerning Marks and Geographical Indications, which states that "The application must be rejected if the mark has similarities in essence or in its entirety with: a. A registered mark belonging to another party or being requested by other parties for similar goods and/or services." This provision aims to provide legal protection for owners of registered trademarks or well-known trademarks so that no other party registers a trademark that is substantially similar.(Pahusa, 2015)

Regulations regarding equality are essentially an effort to provide legal protection for registered trademark owners. However, in practice, the application of the concept of equality in essence often gives rise to debate and differences in interpretation, both at the administrative level and at the court level. This can have an impact on legal certainty and the effectiveness of brand rights protection.(Erlina, 2013)

Based on this, this research aims to analyze the construction of Lawrence Friedman's legal system regarding the regulation of equality in essence in brand rights in Indonesia. Analysis will be carried out on the three main components of the legal system, namely legal structure, legal substance and legal culture, as well as how the interaction between these three components influences the application of the concept of equality in practice..(Nursadi, 2012) In terms of legal structure, the research will examine the role and performance of related

institutions, such as the Directorate General of Intellectual Property, the Commercial Court, and the Supreme Court, in handling equality cases in essence. The analysis will focus on aspects such as procedures, speed and consistency in decision making.

In the legal substance component, the research will examine in depth the statutory provisions governing equality in essence, including Law Number 20 of 2016 concerning Marks and Geographical Indications, as well as Government Regulation Number 2 of 2017 concerning Procedures for Application, Acceptance, and Inspection, Announcement, and Brand Registration. The analysis will focus on clarity, consistency and suitability of these provisions with practice in the field. Meanwhile, in the legal culture component, research will examine the perceptions, understanding and behavior of stakeholders, such as brand owners, legal practitioners and the public, towards the concept of equality in essence. The analysis will be directed at aspects such as knowledge, attitudes, and interaction patterns that are formed in relation to the basic equation settings.

This research is expected to provide theoretical and practical contributions in the development of the legal system related to brand rights in Indonesia. Theoretically, this research will enrich understanding of the construction of Lawrence Friedman's legal system and its application in the field of trademark rights. Practically, the results of this research can be used as input for the government, especially the Directorate General of Intellectual Property, in improving regulations and practices related to equality in essence, so as to increase legal certainty and the effectiveness of brand rights protection.

Based on the description above, this research will examine the construction of Lawrence Friedman's legal system regarding the regulation of equality in essence in brand rights in Indonesia. Research will be carried out by analyzing legal structure, legal substance, and legal culture, as well as the interactions between these three components. It is hoped that the research results can provide theoretical and practical contributions in the development of the legal system related to brand rights in Indonesia. The problem formulation in this research is:

1. What is the construction of Lawrence Friedman's legal system regarding the regulation of equality in essence in trademark rights in Indonesia?
2. What are the factors that influence the effectiveness of applying the concept of equality in principle to trademark rights in Indonesia?

RESEARCH METHODS

In this research, normative legal research methods will be used. Normative legal research methods are research that focuses on studying law from an internal perspective with the object of research being legal norms.(Marzuki, 2021) The approach that will be used is a statutory approach. This approach is carried out by reviewing all laws and regulations related to the legal issue being handled. In this case, the statutory regulations that will be reviewed include Law Number 20 of 2016 concerning Marks and Geographical Indications, Government Regulation Number 23 of 2020 concerning the Implementation of the Law on Marks and Geographical Indications, as well as other related regulations.

The sources of legal materials that will be used in this research consist of primary legal materials, secondary legal materials and tertiary legal materials. Primary legal materials include legislation in the field of brands. Secondary legal materials include literature, scientific journals, books and research results that are relevant to the research topic. Meanwhile, tertiary legal materials will be obtained from legal dictionaries, encyclopedias and other reference materials.(Butarbutar, 2018) The data collection technique that will be used is library research..(J. Moleong, 2017) Researchers will collect and study various legal materials, both primary, secondary and tertiary, relating to the regulation of equality in essence in trademark rights as well as Lawrence Friedman's theory of the legal system.

The data analysis technique that will be applied is descriptive-qualitative analysis.(Sugiyono, 2019) The researcher will analyze and describe systematically and comprehensively the construction of Lawrence Friedman's legal system regarding the regulation of equality in essence in brand rights in Indonesia. The analysis will focus on three components of the legal system, namely legal structure, legal substance, and legal culture, as well as factors that influence the effectiveness of implementing the concept of equality in essence. Through a normative legal research approach with a focus on the analysis of related laws and regulations, and supported by adequate sources of legal materials and systematic data collection and analysis techniques, it is hoped that this research can provide a comprehensive understanding of the construction of Lawrence Friedman's legal system in the regulation of equality in especially in brand rights in Indonesia.

DISCUSSION

The Lawrence Friedman's Construction of the Legal System Regarding Basic Equality Regulations in Trademark Rights in Indonesia

According to the legal system theory put forward by Lawrence Friedman, the success of implementing a legal rule, including the regulation of equality in essence in trademark rights in Indonesia, is determined by three main components that influence each other, namely legal structure, legal substance and legal culture. Legal structure refers to law enforcement institutions, legal substance relates to the material or content of the legal rules themselves, while legal culture includes the values, attitudes and behavior of society towards the law. (Rafif & Adlhiyati, 2023) These three components must work synergistically so that the application of legal rules, including the regulation of equality in essence in trademark rights, can be effective.

First, Legal Structure. In the context of essentially regulating equality in trademark rights, the legal structure involved includes institutions that play a role in registration, examination and enforcement of trademark rights in Indonesia. These main institutions include:

1. Directorate General of Intellectual Property (Ditjen KI), Ministry of Law and Human Rights

The Directorate General of Intellectual Property (Ditjen KI) which is under the Ministry of Law and Human Rights has the duty and authority to receive, examine and decide on applications for trademark registration based on the Trademark and Geographical Indications Law. In examining a trademark registration application, the Directorate General of Intellectual Property Affairs will assess whether the trademark for which registration is requested is substantially similar to a registered trademark belonging to another party. (Murjiyanto, 2016)

2. Commercial Court

The Commercial Court has an important role in handling trademark-related disputes, including disputes regarding similarities in essence. The Commercial Court has the authority to examine and decide cases regarding the cancellation of a trademark registration if it is proven that it is substantially similar to a registered trademark belonging to another party. (Asshagab, 2009)

3. Supreme Court

The Supreme Court acts as the highest judicial institution that can hear cassation cases regarding Commercial Court decisions regarding trademark disputes, including principal equality disputes. If there is a party who is dissatisfied with the Commercial

Court's decision regarding an equality dispute in essence, then that party can submit a cassation request to the Supreme Court to obtain a final decision.(Sihombing & Aminah, 2023)

This legal structure is regulated in several statutory regulations, including:

- a. Law Number 20 of 2016 concerning Marks and Geographical Indications
- b. Government Regulation Number 23 of 2020 concerning Implementation of the Trademark and Geographical Indications Law
- c. Supreme Court Regulation Number 2 of 2015 concerning Procedures for Settlement of Economic Cases

Second, Substansi Hukum. In terms of legal substance, the regulation regarding substantial similarities in trademark rights in Indonesia is contained in Article 21 paragraph (1) of the Trademark and Geographical Indications Law, which states that an application for trademark registration is rejected if the trademark is substantially similar to a registered trademark belonging to another party similar goods and/or services.(Hidayatullah et al., 2023) Furthermore, Article 21 paragraph (2) of the Trademark and Geographical Indications Law explains that a mark is considered to be substantially similar to a registered mark belonging to another party if it is similar in terms of:(Saraswati & R., 2019)

- a. The shape, placement, way of writing or combination of elements, or the sound of the brand's words;
- b. Equality of meaning; and/or
- c. Similarity in pronunciation or sound, even though there are differences in elements that do not differentiate the whole.

This provision is then further explained in Article 6 of Government Regulation Number 23 of 2020, which states the equality criteria in essence, namely:(Pahusa, 2015)

- a. Similarities in terms of shape, placement, way of writing, or combination of elements, or the sound of the brand's speech;
- b. Equality of meaning; and/or
- c. Similarity in pronunciation or sound, even though there are differences in elements that do not differentiate the whole.

Apart from that, Article 21 paragraph (3) of the Trademark and Geographical Indications Law also regulates that an application for trademark registration is rejected if the mark is substantially similar to a well-known mark belonging to another party for goods and/or

services that are not similar. The construction of legal substance related to similarities in brand rights is intended to maintain healthy business competition and protect consumers from confusion due to similarity of brands.(Nusale et al., 2023) However, in practice, the application of the concept of equality still gives rise to debate and legal uncertainty.

Third, Legal Culture. In terms of legal culture, the understanding and attitudes of stakeholders towards the concept of equality in essence in trademark rights also influences the effectiveness of its implementation in Indonesia.(Sumanti et al., 2022) Several aspects of legal culture that play a role in the construction of the legal system regarding the regulation of equality in principle include:

1. Understanding Brand Holders

Registered trademark holders have a major interest in ensuring their trademark is protected from substantial similarity to other trademarks. Therefore, the brand holder's understanding of the basic equality criteria and the legal measures that can be taken are very important to maintain exclusive rights to their brand. A good understanding of brand holders regarding this issue will help them maintain and maintain the rights to their brand.(Sumanti et al., 2022)

2. Trademark Applicant's Attitude

Apart from registered trademark holders, new trademark applicants also need to properly understand the concept of equality in essence. This is important so that applicants can choose and apply for a mark that does not violate the trademark rights of other parties. The careful attitude of trademark applicants in paying attention to potential similarities in substance with registered marks also influences the effectiveness of applying the concept of similarity in essence in trademark registration practices. (Yuliyanto, 2023)

3. Public Perception

Apart from the parties directly involved, the public as consumers also need to have an adequate understanding of the concept of equality in essence. This is important so that people do not get lost in choosing products or services. Public perception of brand similarities can be an important consideration for resolving brand disputes, because the public is the party directly affected.(Sumanti et al., 2022) Therefore, efforts to increase people's understanding of equality in principle is also an aspect that needs attention.

4. Law Enforcement Practices

Law enforcement practices carried out by related institutions, such as the Directorate General of IP, the Commercial Court and the Supreme Court, also contribute to the formation of legal culture. Consistency, transparency and fairness in examining and resolving equality disputes will essentially influence the public's perception of the effectiveness of implementing this concept.(Sekjen KY RI, 2017)

The construction of a positive legal culture, characterized by adequate understanding and constructive attitudes from stakeholders, as well as fair and consistent law enforcement practices by relevant institutions such as the Directorate General of IP, the Commercial Court and the Supreme Court, will support the effectiveness of implementing the concept of equality, principally in trademark rights in Indonesia. Consistency, transparency and fairness in examining and resolving equality disputes will essentially influence the public's perception of the effectiveness of implementing this concept.(Makmur, 2015)

Based on an analysis of the legal structure, legal substance and legal culture, it can be concluded that the construction of Lawrence Friedman's legal system regarding the regulation of equality in essence in brand rights in Indonesia still faces several challenges, including:(Fatimah, 2020)

1. The legal structure which is not yet optimal in applying the concept of equality in Indonesia is characterized by differences in interpretation and inconsistencies in the decisions of related institutions such as the Directorate General of Intellectual Property Affairs, the Commercial Court and the Supreme Court. This can influence people's perceptions of the effectiveness of implementing the concept.
2. The legal substance that regulates the concept of principal equality in trademark rights in Indonesia still creates uncertainty, especially in terms of the interpretation of the principal equality criteria. Ambiguity in these arrangements can hinder the creation of adequate understanding among stakeholders.
3. A legal culture that does not fully support the effectiveness of implementing the concept of equality in Indonesia is reflected in the understanding and attitudes of stakeholders as well as inconsistent law enforcement practices by relevant institutions. This condition can influence people's perceptions of the effectiveness of implementing this concept.

To increase the effectiveness of the application of the concept of equality in trademark rights, efforts are needed to improve the three components of the legal system, either through

improving legislative regulations, increasing the capacity of law enforcement agencies, as well as developing legal understanding and awareness of stakeholders.

Factors That Influence The Effectiveness of Implementing The Concept of Fundamental Equality in Trademark Rights in Indonesia

Based on Lawrence Friedman's construction of the legal system, there are several factors that influence the effectiveness of the application of the concept of equality in essence in trademark rights in Indonesia, namely:

First, the legal structure factor determines the effectiveness of applying the concept of equality in principle to trademark rights in Indonesia. The performance and capacity of related institutions, such as the Directorate General of Intellectual Property (Ditjen KI), the Commercial Court, and the Supreme Court, in examining and resolving trademark disputes based on the concept of equality basically still shows differences in interpretation and inconsistencies in their decisions.(Afif & Sugiyono, 2021) This can influence people's perceptions of the effectiveness of implementing the concept.

The Directorate General of IP as the institution tasked with examining and deciding applications for trademark registration has an important role in assessing whether or not there are similarities in essence between the applied trademark and a registered trademark belonging to another party. However, in practice, the Directorate General of Information and Technology is often faced with a high workload and limited competent human resources. This condition can affect the quality of the inspection and the accuracy of the Directorate General of Intellectual Property's assessment of equality in essence, which ultimately has an impact on the effectiveness of implementing the concept.(Masjupri, 2022)

Furthermore, the Commercial Court plays a role in handling trademark disputes, including lawsuits for cancellation of registered trademarks which are deemed to be substantially similar. However, the effectiveness of law enforcement by the Commercial Court also remains a challenge, especially in relation to the consistency of the decisions produced. Differences in judges' interpretations of the concept of equality often create legal uncertainty.(Sudjana, 2020) This can influence the public's perception, especially brand rights holders, regarding the application of the concept of equality in judicial practice.

At the cassation level, the Supreme Court is tasked with examining and deciding on cassation requests against Commercial Court decisions. However, in practice, the Supreme Court has not shown sufficient consistency in interpreting and applying the concept of equality

in essence. Supreme Court decisions sometimes still cause differences in interpretation with Commercial Court decisions. This condition also contributes to legal uncertainty in the application of the concept of equality in essence, which in the end can influence public perceptions of the effectiveness of the application of this concept.(Hairi, 2011)

Second, the legal substance factor also determines the effectiveness of applying the concept of equality in essence in trademark rights in Indonesia. Regulations regarding equality in principle in Law Number 20 of 2016 concerning Trademarks and Geographical Indications (UU Trademarks and Geographical Indications) as well as its implementing regulations still have several weaknesses. These weaknesses are related, among other things, to the lack of clarity in the basic equality assessment criteria, giving rise to legal uncertainty and diversity of interpretation among stakeholders.(Anugrah, 2019) This condition can hinder the creation of an adequate understanding of the concept of equality in essence.

Article 21 paragraph (1) of the Trademark and Geographical Indications Law states that an application for trademark registration will be rejected if it is substantially similar to a registered mark belonging to another party for similar goods and/or services. However, the definition and assessment criteria of "equality in essence" in the law are still not clear and detailed enough. This ambiguity then gives rise to differences in interpretation between the parties, both at the administrative level (DG KI) and at the court level.(Nusale et al., 2023) This condition can create legal uncertainty and become a challenge in effectively implementing the concept of equality.

Apart from that, the regulations regarding equality in essence in the Trademark and Geographical Indications Law also do not fully accommodate technological developments and increasingly complex global trade dynamics. For example, there are no specific provisions governing equality in the context of brands in the digital environment, such as domain names, social media and mobile applications.(Rifai, 2017) This condition creates legal loopholes that can be exploited to violate brand rights, thereby hampering the effectiveness of implementing the concept of equality in practice.

Third, legal culture factors also determine the effectiveness of applying the concept of equality in principle to brand rights in Indonesia. The understanding and attitudes of the parties, both brand holders, brand applicants and the public, towards the concept of equality are still not fully supportive. There is still a gap in understanding among stakeholders regarding the criteria and implications of this concept.(Erlina et al., 2022) This condition can affect public

compliance and participation in maintaining and enforcing brand rights based on the principle of equality in essence.

Registered trademark holders tend to try to file cancellation lawsuits against other trademarks that are deemed to be substantially similar, with the aim of maintaining the exclusivity of their trademark. This effort shows the awareness of registered trademark holders regarding the concept of equality in essence. However, on the other hand, new trademark applicants often do not realize that there are substantial similarities with registered trademarks belonging to other parties, either due to limited knowledge or bad faith.(Gultom, 2018) This condition can affect public compliance and participation in maintaining and enforcing brand rights based on the principle of equality in essence.

Registered trademark holders tend to try to file cancellation of lawsuits against other trademarks that are deemed to be substantially similar, with the aim of maintaining the exclusivity of their trademark. This effort shows the awareness of registered trademark holders regarding the concept of equality in essence. However, on the other hand, new trademark applicants often do not realize that there are substantial similarities with registered trademarks belonging to other parties, either due to limited knowledge or bad faith.

Meanwhile, people's attitudes as consumers also influence the effectiveness of implementing the concept of equality in essence. Some consumers still do not understand the importance of brand protection and tend not to care about brand similarities, as long as the product or service offered meets their needs. This condition can encourage violations of brand rights and obscure public understanding of the importance of avoiding similarities in essence.(Sumanti et al., 2022) This also hampers efforts to effectively enforce brand rights based on the principle of equality.

Apart from the three main factors above, there are also other factors that influence the effectiveness of implementing the concept of equality in essence, namely coordination between related institutions. Weak coordination between the Directorate General of IP, the Commercial Court and the Supreme Court can lead to inconsistencies in the application of the concept of equality in essence, both at the administrative and judicial levels. This inconsistency can create legal uncertainty and potentially lead to differences in interpretation and inconsistencies in the examination and resolution of trademark disputes based on the concept of equality in essence.(Mustafa, 2020) Therefore, efforts to increase coordination between related institutions are important to support the effective implementation of this concept.

In order to increase the effectiveness of the application of the concept of equality in essence in brand rights in Indonesia, efforts are needed to improve and improve the three components of the Friedman legal system, namely legal structure, legal substance and legal culture. In the legal structure component, there needs to be an increase in the capacity and performance of related institutions, such as the Directorate General of IP, the Commercial Court and the Supreme Court, so that they can carry out the function of examining and resolving trademark disputes consistently. In the legal substance component, regulations regarding equality basically need to be clarified and perfected in order to create legal certainty. Meanwhile, regarding the legal culture component, efforts are needed to increase the understanding and awareness of stakeholders, including brand holders, brand applicants and the public, regarding the concept of equality in essence. Apart from that, increasing coordination between related institutions is also important to support the effectiveness of implementing this concept as a whole.(Pahlevi, 2022)

In terms of legal structure, it is necessary to strengthen the capacity and performance of the institutions involved, such as the Directorate General of IP, the Commercial Court and the Supreme Court, in effectively implementing the concept of equality. This can be done by increasing the number and competency of human resources who handle brand dispute inspection and resolution, improving the management system to increase work efficiency and effectiveness, as well as increasing coordination and synchronization between related institutions so that there is harmony in the application of the concept of equality in essence.(Afif & Sugiyono, 2021)

In terms of legal substance, it is necessary to revise and refine regulations regarding equality in essence in the Trademark and Geographical Indications Law and its implementing regulations. The definition and criteria for evaluating equality must be clarified and harmonized in order to create legal certainty and reduce differences in interpretation between stakeholders. Apart from that, legal substance also needs to accommodate technological developments and global trade dynamics, for example by regulating specific provisions related to brands in the digital environment, such as domain names, social media and mobile applications.(Erlina et al., 2020) It is hoped that efforts to improve the legal substance can support the effectiveness of the application of the concept of equality in essence.

From a legal culture perspective, efforts to increase legal understanding and awareness of parties, including brand holders, brand applicants and the public, need to be carried out through intensive education and outreach programs. This aims to ensure that all stakeholders

have an adequate understanding of the concept of equality in essence, as well as the importance of maintaining and enforcing brand rights based on this principle. Apart from that, strengthening business ethics and integrity of business actors is also needed to encourage healthy business competition practices and avoid brand rights violations due to similarities in essence..(Yolanda, 2019) Efforts to increase a positive legal culture will support the effectiveness of implementing the concept of equality in its entirety.

Overall, the effectiveness of applying the concept of equality in trademark rights in Indonesia is influenced by several main factors, namely legal structure, legal substance, legal culture, and coordination between related institutions. In the legal structure aspect, it is necessary to strengthen the capacity and performance of institutions such as the Directorate General of IP, the Commercial Court and the Supreme Court in carrying out the function of examining and resolving trademark disputes consistently. In terms of legal substance, regulations regarding equality in principle need to be clarified and refined, including accommodating technological developments, in order to create legal certainty. Meanwhile, in terms of legal culture, efforts to increase understanding and awareness of stakeholders, as well as strengthening business ethics, are needed to encourage healthy business competition practices. Apart from that, good coordination between related institutions is also important so that there is harmony in the application of the concept of equality in essence. Comprehensive improvement and improvement efforts in these four aspects are expected to increase the effectiveness of implementing the equality concept in essence and strengthen brand protection in Indonesia.

CONCLUSION

Based on an analysis of the legal structure, legal substance and legal culture, Lawrence Friedman's construction of the legal system regarding the regulation of principal equality in brand rights in Indonesia still faces several challenges. In terms of legal structure, there are differences in interpretation and inconsistencies in the decisions of related institutions, such as the Directorate General of Intellectual Property, the Commercial Court and the Supreme Court. In terms of legal substance, regulations regarding equality still give rise to uncertainty, especially in terms of the interpretation of equality criteria. Meanwhile, in terms of legal culture, understanding and attitudes of stakeholders as well as inconsistent law enforcement practices are challenges in themselves. To increase the effectiveness of the application of the

concept of equality in essence, comprehensive efforts are needed to improve and improve the three components of the legal system.

Based on Lawrence Friedman's analysis of the construction of the legal system, there are several factors that influence the effectiveness of the application of the concept of equality in essence in trademark rights in Indonesia, namely: (1) Legal structure factors, which include the performance and capacity of related institutions such as the Directorate General of IP, the Commercial Court, and the Supreme Court; (2) Legal substance factors, namely the clarity of the definition and assessment criteria of "equality in essence" in statutory regulations and its ability to accommodate technological developments; (3) Legal culture factors, which include the understanding and attitudes of the parties (trademark holders, trademark applicants, the public) towards the concept of equality in essence; and (4) Coordination between related institutions in the application of the concept of equality in principle. Efforts to comprehensively improve and enhance these four factors are expected to increase the effectiveness of implementing the equality concept in essence and strengthen brand protection in Indonesia.

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