

## APPLICATION OF RESTORATIVE JUSTICE IN DISPUTE RESOLUTION OF TRADEMARK CRIMES IN THE POLICE (STUDY OF THE NORTH SUMATRA REGIONAL POLICE)

Tri Febriana Sinaga<sup>1a\*</sup>, Maswandi<sup>2b</sup>, Azwir Agus<sup>3c</sup>

<sup>123</sup> Magister Ilmu Hukum Pascasarjana, Universitas Medan Area, Medan, Indonesia

<sup>a</sup> [sinagafebri448@gmail.com](mailto:sinagafebri448@gmail.com)

<sup>b</sup> [maswanadi@staff.uma.ac.id](mailto:maswanadi@staff.uma.ac.id)

<sup>c</sup> [azwiragus@staff.uma.ac.id](mailto:azwiragus@staff.uma.ac.id)

(\*) Corresponding Author

[sinagafebri448@gmail.com](mailto:sinagafebri448@gmail.com)

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### ABSTRACT

Restorative justice is an approach in the criminal justice system that focuses on victim recovery, perpetrator rehabilitation, and community recovery that aims to create a more holistic solution by involving all parties affected by the crime in the settlement process. The formulation of the problem in this study is how the regulation of restorative justice in the North Sumatra Regional Police, how the mechanism for resolving brand crimes in the police, and how the application of restorative justice in the North Sumatra Regional Police in brand crimes. The purpose of this study is to review and analyze the regulation of Restorative Justice in the North Sumatra Regional Police, analyze and analyze the mechanism for resolving brand crimes in the Police, and analyze and analyze the application of Restorative Justice in the North Sumatra Regional Police in Brand Crimes. This type of research uses normative juridical research that is descriptive-analytical and qualitative analysis. The results of the study explain the regulation of restorative justice in the North Sumatra Regional Police, there are various regulations such as the old Criminal Code, the Police Law, the Decree of the Chief of Police No. Pol: B / 3022 / XII / 2009 / SDEOPS concerning Handling Cases Through Alternative Dispute Resolution, Perkapolri No. 8 of 2021 concerning Handling Criminal Acts Based on Restorative Justice and Law No. 1 of 2023 concerning the National Criminal Code and Law No. 25 of 2025 concerning the New Criminal Code. Meanwhile, the mechanism for resolving trademark crimes in the police is carried out through mandatory complaints from victims and investigations by the police to resolve trademark crimes in the police. Regarding the application of restorative justice in trademark crime cases by the North Sumatra Regional Police, not a single case can be resolved using a restorative justice approach because there are key factors, namely legal, social, and cultural factors.

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### INTRODUCTIONS

*Restorative Justice* is the resolution of Criminal Acts by involving the perpetrator, victim, family of the perpetrator, family of the victim, community leader, religious leader, traditional leader or stakeholder to jointly find a just solution through peace by emphasizing restoration back to the original situation. Restorative justice is an approach

to resolving criminal cases that prioritizes the restoration of social relations between perpetrators, victims, and the community. Unlike the conventional justice system that focuses on punishment, *restorative justice* focuses more on how perpetrators can be held accountable for their actions directly to the victim and how the victim gets recovery both materially and emotionally. In this context, the law is no longer merely a tool of punishment, but a means of rebuilding social harmony that has been damaged by a criminal act. This approach encourages dialogue, reconciliation, and mutual agreement as the basis for resolving cases. (Razma et al., 2024)

But from this definition. Until now, criminal law enforcement in Indonesia still poses complex problems, especially at the estuary part of the law enforcement process, namely the imposition of imprisonment as part of criminal liability. In other words, the justice that has been going on in the criminal justice system in Indonesia is *retributive justice* or justice that only focuses on retribution.

The emergence of the idea of *restorative justice* is nothing but a criticism of the implementation of the criminal justice system with imprisonment which is considered ineffective in resolving social conflicts. The reason is that the parties involved in the conflict are not involved in the resolution of the conflict. The victim is still a victim, the perpetrator who is imprisoned also raises new problems for the victim, the victim's family, the perpetrator and so on. (Juwita, 2021)

In the context of trademark crimes, where the trademark is used as a distinguishing mark between products produced by a person or legal entity and products produced by other parties by registering with the Directorate General of Intellectual Property Rights (Dirjen HKI) which then receives protection from the State since the trademark is registered and the trademark owner owns the right to the trademark to use it himself or give permission to other parties to use it. By way of granting a license, there are still violations that occur committed by other parties who deliberately and without the right to imitate or use the trademark which has similarities in the main or in whole.

This action can clearly reduce income for registered trademark owners because the sales volume decreases or if the sales of the goods produced by the trademark infringer are inadequate, so that in the end the good name of the brand will be negatively tarnished. Likewise, consumers will lose the guarantee (trust or reputation) of the quality of the goods they buy. (Radjak et al., 2024; Widiatoro, 2022)

In the occurrence of trademark crimes, trademark owners can take legal action against any party who deliberately and without the right to use the registered trademark, one of the legal remedies that can be done is to make a complaint to the police where the trademark crime occurred. This is because trademark crime is a complaint offense which means that in a trademark crime case, it is only waiting for a complaint from the aggrieved party or direct victim. In other words, if the victim does not complain, even if there has been trademark infringement, law enforcement officials can process the case of trademark counterfeiting.

Actually, legal sanctions for trademark infringement are the embodiment of law enforcement. Law enforcement is an effort by the apparatus to ensure legal certainty, order and legal protection in the current era of modernization and globalization can be carried out, if the various dimensions of legal life always maintain harmony and harmony between civil moralization based on actual values in civilized society. As a process of activities that includes various parties including the community in the framework of achieving goals, it is imperative to see criminal law enforcement as a criminal justice system that is expected to provide a deterrent effect to the perpetrator as well as the threat of punishment that has been determined in Articles 100 to 102 of Law Number 20 of 2016 concerning Trademarks and Geographical Indications. (Juwita, 2021; Widiatoro, 2022)

However, the problem is that many perpetrators of trademark crimes who are complained to the police end up in court and sentenced to prison while the victim/complainant does not get compensation so they have to sue in court which of course will take a very long time until there is a court decision that has permanent legal force.

The resolution of legal problems is carried out using formal justice methods in the form of repressive actions by the police which is then followed by a legal litigation process (*law enforcement process*), in general will end in a win-lose or lost-lose situation. The end of the litigation process will only result in the perpetrator being punished for his actions, while the restoration of the victim's rights as well as the material and immaterial losses suffered by the victim as a result of the incident cannot be fulfilled. (Muhlizar et al., 2025; Radjak et al., 2024)

Meanwhile, the opportunity to approach restorative justice is actually open, which is an approach that focuses more on the conditions for creating justice and/or balance for victims, perpetrators and society. In the context of trademark crimes, the implementation of *restorative justice* is becoming increasingly important as a step to ensure that the law enforcement process emphasizes not only imprisonment, but also restoration and reconciliation between all parties involved.

Given that the purpose of restorative justice is to encourage the creation of a fair justice and encourage the parties to participate in it. The victim feels that his suffering is taken care of and the compensation agreed upon is balanced with the suffering and loss he suffers. The perpetrator does not have to experience suffering in the form of imprisonment to be able to realize his mistake. It is precisely by agreeing to understand and repair the damage that arises, that awareness can be obtained. Meanwhile, for the community, there is a guarantee of balance in life and aspirations that exist are channeled by the government. The main goal of restorative justice is to empower victims, where perpetrators are encouraged to pay attention to recovery. Restorative justice is concerned with the fulfillment of the material, emotional, and social needs of the victim. The success of restorative justice is measured by how much damage the perpetrator has recovered, not by how severe the punishment imposed by the judge. In essence, as much as possible, the perpetrators should be removed from the criminal process and from prison. (Wilyamson & Benni, 2025)

In addition, using this approach in addition to helping to correct the financial losses experienced by victims or brand owners, can also restore consumer trust and reduce the chances of future brand infringement through approaches and prevention. By integrating elements of restorative justice, law enforcement, government agencies, and non-governmental organizations can work together to create a more equitable, inclusive, and proactive environment in protecting trademark rights and promoting compliance with trademark regulations. Through effective collaboration and the implementation of effective prevention programs and focusing on education, legal awareness, and community development. Through this approach, the public and business actors can better understand the importance of respecting brand rights, maintaining brand integrity, and promoting business practices.

So far, the theme of restorative justice is very interesting to research. Like the previous research, Marianus Mendrofa, researched the Settlement of Trademark Crime Cases through Restorative Justice Efforts. The purpose of this research is to be able to provide understanding to the complainant/registered trademark owner and the reported person to take restorative justice efforts if the case has entered the investigation stage, through this effort the complainant and the reported party can reconcile, by reaching an agreement such as the payment of compensation and the termination of all acts of using the complainant's trademark.

Then the next research was carried out by Rocky Fj Pinem and Elfrida Ratnawati who researched Restorative Justice in Trademark Crime (Analysis of Law Enforcement Theory). The purpose of this study is to analyze the application of the concept of Restorative Justice in the context of brand crime and outline how this approach can strengthen the law enforcement framework.

Regarding the previous research, this research is important to be carried out entitled The Application of Restorative Justice in the Settlement of Trademark Crime Disputes in the Police with the aim of studying and analyzing the restorative justice arrangement in the police, especially in the North Sumatra Regional Police, how the mechanism for resolving trademark crimes in the police and what the application of *restorative justice* is like in the North Sumatra Regional Police and the inhibiting factors in the implementation of restorative justice in the North Sumatra Regional Police.

## METHOD

This study uses a normative juridical approach with a descriptive-analytical nature. The normative juridical approach places law as a norm that is studied through laws and regulations, legal principles, principles, doctrines, and legal theories to answer research problems. This study aims to analyze the application of laws and regulations related to restorative justice in resolving trademark crime disputes, especially in the North Sumatra Regional Police located on Jalan Sisimangaraja Km. 10.5 No. 60 Medan. The descriptive-analytical nature is used to systematically describe

the applicable legal provisions and the reality of their application, then analyzed to obtain general conclusions that are relevant to the formulation of the problem. (Sukmawan & Damayanti, 2025)

The data used is secondary data consisting of primary, secondary, and tertiary legal materials. Primary legal materials include relevant laws and regulations, including the Criminal Code, the National Criminal Code, the Law on the National Police of the Republic of Indonesia, the Law on Trademarks and Geographical Indications, and the Police Regulation on the Handling of Crimes Based on Restorative Justice. Secondary legal materials are in the form of law books, scientific journals, doctrines of experts, results of previous research, and the opinions of resource persons who support the analysis of the application of restorative justice. Tertiary legal materials are used to clarify and complement the understanding of primary and secondary legal materials through legal dictionaries, encyclopedias, and other reference sources.

The data collection process is carried out through literature research and field research. Literature research is carried out by examining laws and regulations, court decisions, legal literature, and articles and journals related to the object of research. Field research was conducted through interviews with the authorities in Sub-Directorate I of Industry and Trade (Indag) of the Directorate of Special Criminal Investigation of the North Sumatra Regional Police to complement and strengthen the normative analysis. The collected data is analyzed qualitatively by grouping and interpreting the legal substance based on the subchapter of discussion, then conclusions are drawn inductively to answer research problems comprehensively and systematically.

## RESULT AND DISCUSSIONS

### Forms of Trademark Crime in Trademark Law

Every individual or corporate organization pays close attention to the importance of names and symbols used in running a business and marketing goods and services. These symbols will help to indicate the origin of goods and/or services, as well as commercial companies engaged in and providing goods and services. In the market, these names and symbols are recognized as trademarks, business names, and company names. The difference between the three can sometimes be confusing, both for the entrepreneur himself and the general public. (Susanti et al., 2023)

A brand is always identified with the identity of a product produced by the manufacturer, which then becomes an asset for the manufacturer. The identity of a product also explains the quality of an item, and indicates that the item has its own characteristics. In daily life, there are a lot of piracy of goods that are carried out with different quality goods, so that it will have an impact on two things, namely: First, disrupting economic stability, and Second, related to the guarantee of consumer protection for these goods.

Some scholars also gave their opinions on the meaning of brands. Purwo Sutjipto said that a brand is a sign, with which a certain object is personalized, so that it can be distinguished from other similar objects. While OK. Saidin, Trademark is a sign to distinguish similar goods or services produced or traded by a person or group of people or legal entities from similar goods or services produced by other people, which have a distinguishing power or as a guarantee of quality and are used in trade or service activities. (Widiantoro, 2022; Wilyamson & Benni, 2025)

According to the Great Dictionary of Indonesian Language (KBBI) states that: "A trademark is a mark worn by entrepreneurs (factories, manufacturers, and so on) on goods produced as an identification mark; stamp (mark) that is an identifier to declare the name and so on".

According to Article 1 number 1 of Law Number 20 of 2016 concerning Trademarks and Geographical Indications, what is meant by a trademark is a sign that can be displayed graphically in the form of images, logos, names, words, letters, numbers, color arrangements, in the form of 2 (two) dimensions and/or 3 (three) dimensions, sound, holograms, or a combination of 2 (two) or more of these elements to distinguish goods and/or services produced by persons or legal entities in goods trading activities and/ or services. (Clara et al., 2025; Muhlizar et al., 2025)

Based on various definitions of trademarks, both according to experts and according to laws and regulations as described above, it can be concluded that a trademark is a mark whose purpose is to distinguish similar goods or services produced or traded by a person or group of persons or legal entities from similar goods or services produced by others, which have a distinguishing power or as a guarantee of quality and are used in trade activities of goods or services.

The use of trademarks is very important in the world of trade because in addition to being a differentiator of goods and/or services from one another. However, in its daily implementation, every individual or company cannot be separated from trademark infringement or trademark criminal acts. Trademark crime is an unlawful act that includes all criminal acts regulated in Law 20 of 2016 concerning Trademarks and Geographical Indications. (Ponto, 2022; Razma et al., 2024)

This type of trademark infringement can occur in many forms, which essentially involve unauthorized use of the trademark or infringing on the exclusive rights of the trademark owner. Here are some common types of trademark crimes:

**Counterfeiting.** The use of a trademark that is identical or substantially similar to a registered trademark for the same or similar goods or services, with the intent to deceive consumers. People are familiar with this trademark infringement as KW goods. Not only does it harm trade owners, brand counterfeiting is also very detrimental to buyers.

**Use of the Same Brand for Different Products (*Diluted*).** The use of the same or very similar brand for different products or services, which may reduce the distinctiveness or reputation of the original brand. For example, the case of the Grand Indonesia logo and Henk Ngantung, the creator of the Welcome Monument. The Grand Indonesia logo has similarities to the image of the Welcome Monument created by Henk Ngantung which makes Grand Indonesia have to pay royalties of 1 billion.

**Unauthorized Use.** Use of a trademark by another party without the permission of the trademark owner, whether in the context of advertising, promotion, or distribution of the product. Examples include the use of fonts on trademark logos without the permission of the font owner, the use of illustrations without the permission of the owner of the work, to taking images for commercial use without the permission of the image owner.

**Trade Dress Infringement.** The next type of trademark infringement is imitating visual elements of a product or packaging that can mislead consumers about the original source of the product. An example of this case is a dispute between Toni as the owner of the intellectual rights to the Bogo helmet design and Gunawan who imitates the shape of the Bogo helmet design to be traded in Bogor. For this case, Toni as the legal owner of the Bogo helmet received a loss of IDR 700 million. Eventually, Gunawan was found guilty by the court and sentenced.

**Brand Registration with Bad Faith Registration.** Another trademark infringement is the registration of a trademark similar to a well-known brand with the intention of reselling it or preventing the original owner from using his trademark. (Ernanda, 2025; Radjak et al., 2024; Wilyamson & Benni, 2025)

Law Number 20 of 2016 concerning Trademarks and Geographical Indications has formulated criminal sanctions against perpetrators of trademark crimes with criminal threats as in Articles 100 to 102, as follows:

Article 100 paragraph (1):

Every Person who without the right to use the same Trademark in its entirety as the registered Trademark belonging to another party for similar goods and/or services produced and/or traded, shall be sentenced to imprisonment for a maximum of 5 (five) years and/or a maximum fine of Rp2,000,000,000.00 (two billion rupiah).

Article 100 paragraph (2):

Every person who without the right to use a Trademark that has a similarity in essence with a registered Trademark belonging to another party for similar goods and/or services produced and/or traded, shall be sentenced to a maximum of 4 (four) years in prison and/or a maximum fine of Rp2,000,000,000.00 (two billion rupiah).

Article 100 paragraph (3):

Every person who violates the provisions as referred to in paragraph (1) and paragraph (2), whose type of goods cause health problems, environmental disturbances, and/or human death, shall be sentenced to imprisonment for a maximum of 10 (ten) years and/or a maximum fine of Rp5,000,000,000 (five billion rupiah)

Article 101 paragraph (1):

Any person who without the right to use a mark that has an overall similarity with the Geographical Indication belonging to another party for goods and/or products that are the same or similar to the registered goods and/or products, shall be sentenced to a maximum of 4 (four) years in prison and/or a fine of up to Rp2,000,000,000.00 (two billion rupiah).

Article 101 paragraph (2):

Every person who without the right to use a mark that has similarities in principle with the Geographical Indication belonging to another party for goods and/or products that are the same or similar to the registered goods and/or products, shall be sentenced to a maximum of 4 (four) years in prison and/or a maximum fine of Rp2,000,000,000.00 (two billion rupiah).

Article 102:

Every Crang who trades goods and/or services and/or products that are known or reasonably suspected of knowing that the goods and/or services and/or products are the result of a criminal act as referred to in Article 100 and Article 101 shall be punished with imprisonment for a maximum of 1 (one) year or a maximum fine of Rp. 200,000,000.00 (two hundred million rupiah). (Clara et al., 2025; Muhlizar et al., 2025; Sinaga, 2020)

### **The Application of Restorative Justice in the North Sumatra Regional Police in Trademark Crimes**

The police, as a subsystem of the criminal justice system, have the task of enforcing the law optimally. The police is a living law, because in its hands the law can be realized. In it, human involvement as decision-makers is often found. Philosophical things in ordinary law are transformed into things that are physical and human. The police are given authority based on Article 7 Paragraph (1) letter j of Law Number 8 of 1981 concerning the Criminal Procedure Law, Article 16 Paragraph (1) and Article 18 of Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia, which is in the form of, "may take other actions", with "certain conditions" or called "discretion". This authority allows investigators to take discretionary actions in the form of terminating, suspending, or not taking action against a violation that has been determined by law. This means that investigators are required to choose with a policy on how they should act. The authority delegated to him, by official regulations, is used as a justification for taking a thoughtful approach to the reality of his duties, based on a moral, humane and prudent approach to formal provisions. The use of this article opens the door to an alternative criminal settlement process based on the concept of restorative justice. (Rizki et al., 2023; Santyaningtyas et al., 2023)

The issuance of the National Police Chief's Regulation Number 8 of 2021 concerning the Handling of Restorative Justice-Based Criminal Acts states that the implementation of the authority to investigate and/or investigate criminal acts by the National Police Investigators who apply the principle of restorative justice in their investigation methods is based on the provisions of Law Number 8 of 1981 concerning the Criminal Procedure Code and the provisions of Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia. Article 1 number 3 of the National Police Chief's Regulation Number 8 of 2021 states that restorative justice is the settlement of criminal acts by involving the perpetrator, the victim, the victim's family, the victim's family, community leaders, religious leaders, traditional leaders or stakeholders to jointly seek a just settlement through peace by emphasizing the restoration to the original state.

Restorative justice is an alternative approach in handling criminal cases. In contrast to the conventional criminal justice system that emphasizes punishment, this approach prioritizes the active involvement of perpetrators, victims, and the community in the criminal case resolution process. This approach model serves as an effort to find innovative solutions so that criminalization and law enforcement do not need to be forced, but so that perpetrators with high awareness are willing to voluntarily solve problems with victims. (Ramadhan et al., 2022; Sinaga et al., 2024)

Formal enforcement of criminal law by law enforcement institutions tends to result in more justice in the procedural aspect, while the restorative justice approach can create substantive justice that is truly agreed upon and desired by all parties, both perpetrators and victims, with or without the involvement of communities or local figures. The restorative justice approach is the current model of criminal case resolution that aims to provide a constructive alternative to the resolution of criminal cases outside the criminal justice system. The settlement of criminal cases through the judicial system is often too rigid and formal, so it is unable to provide substantive justice for perpetrators and victims of criminal acts.

The North Sumatra Regional Police (POLDA SUMUT) as a police institution in the provincial area through Sub-Directorate I of the Indag Ditreskrimsus has received several cases of trademark crimes. Based on data from Sub-Directorate I of the North Sumatra Regional Police Directorate of Criminal Investigations related to the application of

restorative justice in brand-specific crimes in 2024, data on the number of criminal acts (JTP) was obtained in 19 cases and zero 0% which were resolved with a restorative justice approach. In 2025, data on the number of criminal acts (JTP) will be obtained in the amount of 10 cases and zero 0% which will be resolved with a restorative justice approach. Regarding the absence of the application of restorative justice, the suspect and evidence were handed over to the Prosecutor's Office (Phase 2). (Juwita, 2021; Radjak et al., 2024; Susanti et al., 2023)

The implementation of restorative justice in the North Sumatra Regional Police has tried to be carried out as mandated by the National Police Regulation of the Republic of Indonesia Number 8 of 2021 concerning the Handling of Crimes Based on Restorative Justice. The implementation of Restorative Justice in the police is an effective alternative to repair the losses caused by perpetrators of brand crimes, strengthen restorative justice, and prevent future violations.

### **Factors Inhibiting the Implementation of Restorative Justice in Trademark Crime Cases in the North Sumatra Regional Police**

Restorative justice, often referred to as restorative justice, is a new approach to resolving criminal cases. The restorative justice approach emphasizes more on the direct participation of perpetrators, victims, and the community in the process of resolving criminal cases, so it is widely known as non-penal or non-litigation. The presence, development and acceptance of the concept of restorative justice in the criminal justice system in Indonesia provides a new hope for an approach that prioritizes the interests of victims and at the same time also answers the challenges of conditions in correctional institutions that exceed capacity in almost all areas of the Unitary State of the Republic of Indonesia.

In this section, the researcher will explain the factors that hinder the implementation of restorative justice at the investigation stage in the case of trademark crimes in the North Sumatra Regional Police. The inhibiting factors in the implementation of Restorative Justice, faced by investigators, suggest that the main problem of law enforcement actually lies in the factors that can influence it. Soerjono Soekanto stated that the factors that affect law enforcement are the legal factors; law enforcement factors; Resource Factors; social factors, and cultural factors. (Handriyadi et al., 2025; Legowo et al., 2021)

Law enforcement is influenced by five main factors, namely legal factors, law enforcement factors, facilities or facilities factors, community factors, and cultural factors. Legal factors are related to the quality of laws and regulations as the normative basis for law enforcement. Laws as a source of law must meet the principle of validity, have clarity of norms, and be supported by implementing regulations so as not to cause multiple interpretations. From a material law perspective, a law is a written regulation that is generally applicable and made by the competent authority, both at the central and regional levels. Its enforceability must be subject to principles such as non-retrogression, hierarchy of norms, *lex specialis derogat legi generali*, and participatory principles in its formation. Weaknesses in the formulation of norms or overlapping regulations can hinder the effectiveness of law enforcement.

Law enforcement factors concern the quality, integrity, and professionalism of the officers involved in the judicial system, such as police, prosecutors, judges, advocates, and correctional officers. The role of law enforcement is very decisive because no matter how good the rules formed will not be effective if they are not implemented consistently and responsibly. In practice, law enforcement officials often face role conflicts and conflicts of interest that can create a gap between ideal roles and actual roles. The factor of facilities or facilities also plays an important role, including the availability of competent human resources, an organized organization, adequate equipment, and sufficient budget support. Limited facilities can hinder the optimization of the application of the law, including in resolving cases through alternative mechanisms such as restorative justice. (Andaria, 2022; Bagus et al., 2022; Telaumbanua, 2022)

Social and cultural factors also affect the success of law enforcement, especially in the implementation of restorative justice. Normatively, the legal basis for restorative justice has been regulated in the National Police Regulation of the Republic of Indonesia Number 8 of 2021, which was previously supported by various other regulations such as the Criminal Code, the Police Law, and the Police's internal policies. However, the diversity of legal bases in practice causes inconsistency in application. From the community's side, there is still a view that the

settlement of criminal cases must be carried out through the conventional judicial process with criminalization as a form of justice. Ignorance or distrust of the concept of restorative justice often causes the victim or perpetrator to reject peace, so the mediation process does not reach an agreement. Culturally, the retributive penal paradigm is still more dominant than the recovery approach. This condition shows that the success of restorative justice is not only determined by legal norms, but also by the readiness of the apparatus, support of facilities, and changes in the mindset and legal culture of the community through the formation of more integrated regulations and sustainable socialization.

## CONCLUSION

The regulation of restorative justice in the settlement of trademark crime disputes in the North Sumatra Regional Police shows that there is a plurality of regulations that are the normative basis for its application. These provisions are spread across various legal instruments, ranging from the old Criminal Code, Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia, the Letter of the National Police Chief on Alternative Dispute Resolution, the National Police Regulation of the Republic of Indonesia Number 8 of 2021 concerning the Handling of Criminal Acts Based on Restorative Justice, to the provisions in the National Criminal Code and the New Criminal Code which are effective from January 2, 2026. The diversity of this arrangement on the one hand shows the normative recognition of the restorative justice approach, but on the other hand, it actually creates legal uncertainty and potential differences in interpretation in the practice of resolving trademark criminal cases.

The mechanism for resolving trademark crimes in the police basically follows the character of a complaint (klacht delict), so that the legal process can only run if there is a complaint from the victim. After a complaint, the police officers conduct investigation and investigation stages, including the examination of witnesses, experts, and potential suspects, which begins with the title of the case to determine the legal status of the parties involved. The process ended with the filing and transfer of the case along with the suspect and evidence to the public prosecutor. This mechanism shows that procedurally, the system for handling trademark crimes has run in accordance with the provisions of the criminal procedure law, but the space for implementing restorative justice still depends on the willingness of the parties and the policies of the authorities in the investigation stage.

The results of the study show that although the North Sumatra Regional Police has tried to implement the provisions of the National Police Regulation of the Republic of Indonesia Number 8 of 2021 as the basis for the implementation of restorative justice, in practice there has not been a single case of trademark crime that has been successfully resolved through this approach. This failure is influenced by legal factors that have not been integrated in a single way, community factors that are still oriented towards settlement through criminalization, and legal culture factors that have not fully accepted the restoration paradigm as a form of justice. These findings confirm that the success of restorative justice is not only determined by the existence of norms, but also by the consistency of regulations and the readiness of the community's legal culture in accepting restorative settlement models.

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