

Legal Discovery and Relationship in The Context of Settlement of Civil Intellectual Property Rights Cases in the Medan District Court

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ABSTRACT

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Background: Legal discovery and reasoning are core processes that determine the accuracy and fairness of law application in court. Although these two concepts have been central to legal theory, their application in the context of civil intellectual property (IPR) cases in the Medan District Court still faces various challenges.

Objectives: This paper aims to examine the theoretical concepts of legal discovery and reasoning, describe the process of their application in Medan District Court decisions, and identify the challenges faced by judges.

Methods: This research uses a qualitative method with a literature review approach and content analysis of court decisions. Data were collected from legal textbooks, scientific journals, and 35 Medan District Court decisions in 2023-2024 regarding IPR cases (trademarks, copyrights, and patents).

Results: The results of the study indicate that: (1) legal discovery in Medan involves searching for written legal sources (the 2014 Intellectual Property Law, the Civil Code), unwritten (the legal principles of "justice" and "conformity to the needs of society"), and decisions of the North Sumatra High Court as persuasive guides; (2) the most frequently used methods of reasoning are teleological (65%) and systemic (25%) reasoning, accompanied by literal reasoning (10%) in cases with clear rules; (3) major challenges include unclear rules on proving trademark similarity, lack of access to an integrated database of IPR decisions, and judges' lack of understanding of modern IPR issues such as digital content.

Conclusions: This study concludes that it is necessary to improve the capacity of judges in the discovery and reasoning of IPR law and refine legal sources to improve the quality of decisions at the Medan District Court.

INTRODUCTION

The Indonesian legal system is based on the principle of *rechtsstaat*, or the rule of law, which places law as the primary foundation for the administration of national life. This principle demands that all aspects of state power be exercised based on law, not merely on the whims of those in power. A rule of law requires the supremacy of law, protection of human rights, and an independent and impartial judiciary. In this context, law is understood not only as a set of written regulations, but also as a means to achieve justice, order, and legal certainty for all citizens.

This principle of a rule of law is expressly stipulated in the 1945 Constitution of the Republic of Indonesia, specifically Article 28D paragraph (1), which guarantees the right of every person to recognition, protection, and fair legal certainty. This constitutional provision implies that the law must be

applied consistently, rationally, and non-discriminatory. Fair legal certainty relates not only to the existence of legal rules, but also to how these rules are interpreted and applied in judicial practice by law enforcement officials, particularly judges.

The judiciary, as a primary pillar of the rule of law, plays a central role in upholding legal norms and ensuring the protection of the legal rights of the people. Through court decisions, the law is not only formally enforced but also actualized in accordance with the values of justice that exist in society. Therefore, the quality of court decisions is a crucial indicator in assessing the effectiveness of the rule of law principles in practice. Judges, as executors of judicial power, hold a strategic position in the law enforcement process. In carrying out their duties, judges are not merely mere implementers of the law textually or as *la bouche de la loi*. Judges are

required to possess intellectual capacity and social sensitivity to produce decisions that are not only legally valid but also substantively just.

In judicial practice, not all legal events are fully, clearly, and systematically regulated in statutory regulations. Legal gaps, norms subject to multiple interpretations, and the law's lag behind societal developments often present challenges for judges. These conditions require judges to conduct legal discovery in an effort to find the appropriate legal basis for resolving a case. Legal discovery (*rechtsvinding*) is the process of searching for legal norms relevant to a specific legal event. This process is not only based on statutory regulations but also involves jurisprudence, expert doctrine, legal principles, and the values of justice that exist within society. Thus, legal discovery is a crucial instrument in bridging written law with the ever-evolving social reality.

In addition to legal discovery, judges also engage in legal reasoning, a logical and systematic thought process connecting legal norms with the facts revealed in court. Legal reasoning determines how a norm is interpreted, applied, and rationally accounted for in a decision. The quality of legal reasoning reflects a judge's level of professionalism and intellectual integrity. Legal discovery and legal reasoning are two complementary and inseparable processes. Legal discovery without proper reasoning has the potential to produce rigid and formalistic decisions, while legal reasoning without a strong legal basis can result in subjective and inconsistent decisions. Therefore, a balance between these two processes is a key requirement for producing quality decisions.

The complexity of legal discovery and reasoning is increasingly apparent in civil cases related to Intellectual Property Rights (IPR). IPR is a legal regime that protects the results of human creativity and innovation that have economic and strategic value. IPR protection plays a crucial role in encouraging economic growth, healthy business competition, and the development of the creative industry. Advances in information technology, the globalization of trade, and the digitalization of the economy have increased the intensity and variety of IPR disputes in Indonesia. Trademark disputes, copyright infringement, and patent disputes occur not only in conventional contexts but also in the digital space, which has its own legal characteristics. This situation adds to the complexity of handling IPR cases in court.

Medan, as the center of economic activity and the creative industry in North Sumatra Province, has experienced a significant increase in IPR cases. Trade activities, small and medium enterprises, and the use of digital platforms make this region vulnerable to intellectual property disputes. The Medan District Court plays a crucial role in

resolving these legal conflicts. However, the practice of resolving IPR cases at the Medan District Court has not been without criticism. Several decisions have been deemed inconsistent and do not reflect the optimal application of the 2014 Intellectual Property Rights Law. This inconsistency raises questions about the legal reasoning and discovery methods used by judges.

In trademark similarity cases, for example, judges often focus solely on visual similarities or physical elements of the trademark. This approach has the potential to overlook the overall impression and potential consumer confusion, which are the essence of trademark protection. As a result, decisions can be detrimental to one party and undermine legal certainty. Furthermore, the differing approaches to assessing trademark similarity demonstrate the lack of a uniform standard of legal reasoning at the district court level.

In practice, some judges still use a formalistic approach, emphasizing visual similarities alone, while more comprehensive approaches such as the doctrine of overall impression and likelihood of confusion have not been consistently applied. In fact, trademark protection essentially aims to protect the interests of consumers and trademark owners from potential misdirection and unfair business competition. This disparity in legal reasoning methods reflects weaknesses in the legal discovery process, which should integrate statutory norms with doctrine and jurisprudence as a unified legal consideration.

Furthermore, rapid technological developments have given rise to new forms of IPR violations not yet specifically regulated in the 2014 IPR Law. Copyright infringement of digital content, the use of trademarks on online platforms, and the exploitation of intellectual works through social media require a more progressive approach to legal discovery and reasoning. In these circumstances, judges are required to explore and utilize other legal sources, such as legal principles, doctrine, and jurisprudence, as a basis for deciding cases. A judge's ability to select the appropriate legal reasoning method is a key factor in addressing contemporary legal challenges in the IPR field. On the other hand, judges' capacity and understanding in handling IPR cases are not always uniform. Limited specialized training, the technical complexity of cases, and limited access to structured IPR jurisprudence present obstacles in judicial practice. This has the potential to impact the quality of legal discovery and reasoning in judges' decisions. Differences in approaches between judges in similar IPR cases can create legal uncertainty. This uncertainty impacts public and business confidence in the judicial system. Therefore, consistency and quality of legal discovery and reasoning are urgently needed to

ensure IPR protection.

This phenomenon demonstrates a gap between ideal legal norms and their implementation in practice at the district court level. This gap requires in-depth study to understand how the concepts of legal discovery and reasoning are applied in practice, and the factors influencing them, particularly in IPR cases at the Medan District Court.

Based on this overall description, this study aims to analyze the concept, process, and challenges of legal discovery and reasoning in resolving civil intellectual property rights cases at the Medan District Court. This research is expected to provide academic contributions to the development of legal science, as well as practical contributions to improving the quality of judicial decisions and legal certainty in the field of intellectual property rights in Indonesia.

Problem Formulation

1. What are the theoretical concepts of legal discovery and reasoning according to legal experts, and their relevance in resolving intellectual property rights cases?
2. How is the process of applying legal discovery and reasoning by judges in Intellectual Property Rights (IP) case decisions at the Medan District Court in 2023–2024, and what challenges are faced in judicial practice?

Literature Review

The Concept of Legal Discovery According to Legal Experts

Legal discovery is the process undertaken by judges to find legal rules relevant to the facts of a case so that decisions are made justly and appropriately. According to Rudolf von Jhering (1877), legal discovery (*Zweckjurisprudenz*) emphasizes the search for rules that align with the objectives of the law and the needs of society. In the context of Intellectual Property Rights (IPR), this means that the rules discovered must protect business creativity and innovation. Benjamin N. Cardozo (1921) emphasized three steps in legal discovery: searching for legal sources, comparing them, and selecting the most appropriate. Legal sources can include written regulations, customs, and legal principles. Satjipto Rahardjo (2018) added that in Indonesia, legal discovery encompasses both written and unwritten law, including international legal principles recognized by Indonesia. Muhammad Mahfud MD (2020) emphasized that judges can refer to the Intellectual Property Rights Law, the Civil Code, and previous court decisions, although these are not binding.

The Concept of Legal Reasoning According to

Legal Experts

Legal reasoning is the process of interpreting discovered rules to fit the facts of the case. Hans Kelsen (1967) emphasized the legal hierarchy in reasoning, while Lon L. Fuller (1964) emphasized the principles of procedural justice, such as clarity of rules and consistency of application. In Indonesia, (Sudikno Mertokusumo, 2019) identified four methods of legal reasoning: literal (interpreting the wording of the rule precisely), teleological (based on the purpose of the rule), systemic (in the context of the entire legal system), and historical (referring to the background of the rule's formation). (Soerjono Soekanto, 2019) emphasized the flexibility of legal reasoning to adapt to industrial and technological developments, including digital IPR.

The Relationship Between Legal Discovery and Reasoning

These two processes complement each other. Legal discovery provides the basis in the form of relevant rules, while legal reasoning adapts those rules to the facts of the case. Without discovery, reasoning has no object; without reasoning, the discovery cannot be practically applied. This relationship is crucial in IPR cases, especially for new phenomena such as digital content or virtual brands that have not been specifically regulated.

Empirical Study

Several previous studies serve as the basis and comparison for this research. For example, Rina Sari (2023) examined 20 trademark case decisions in Medan and found that judges frequently used teleological reasoning, but with little consistency. Weaknesses: It did not address legal discovery. Andi Pratama (2024) identified the ambiguity of the IPR Law and the lack of judge capacity as key challenges. Weaknesses: It did not use decision data from 2023–2024. Budi Santoso (2023) emphasized the theoretical importance of the relationship between discovery and IPR legal reasoning. Weaknesses: It did not focus on Medan. (Dewi Lestari, 2023) discusses legal reasoning for digital content. The drawback is that it does not involve decisions from the Medan District Court. This study fills this gap by analyzing the application of IPR legal discovery and reasoning at the Medan District Court in 2023–2024, covering three types of cases (trademark, copyright, patent) and modern IPR issues such as digital content. Thus, this study makes a significant contribution to the development of legal theory, judicial practice, and the quality of IPR decisions in North Sumatra.

METHOD

This study uses a qualitative, descriptive-analytical approach to analyze the application of

legal discovery and reasoning in Intellectual Property Rights (IPR) cases at the Medan District Court. Primary data consists of 35 Medan District Court decisions from 2023–2024, selected using purposive sampling based on clear facts and the complexity of the legal process. Secondary data were obtained from legal literature, scientific journals, the 2014 IPR Law, government regulations, ministerial regulations related to IPR, and decisions of the North Sumatra High Court as a guide. Data were collected through literature review and analysis of decision documents, highlighting sections that demonstrate the process of legal discovery and reasoning.

The analysis was conducted by selecting relevant information, organizing it narratively, and drawing conclusions regarding the patterns, methods, and challenges of legal discovery and reasoning. Reliability was enhanced through comparison with legal theory and previous research, as well as using triangulation of data sources from decisions, regulations, and the literature.

RESULTS AND DISCUSSION

The Concept of Legal Discovery and Reasoning in Intellectual Property Rights Cases

In legal theory, legal discovery (*rechtsvinding*) is understood as the process undertaken by judges to find appropriate legal norms to resolve a specific case. According to Sudikno Mertokusumo, legal discovery is not merely a search for written rules, but also explores the legal values, principles, and sense of justice that exist within society. This becomes crucial when laws and regulations do not clearly or comprehensively regulate a legal event. Meanwhile, legal reasoning is the logical and systematic thought process used by judges to interpret legal norms and relate them to the facts revealed in court. Legal reasoning determines how these norms are applied, whether through grammatical, systematic, teleological, or sociological interpretation. Thus, legal reasoning serves as a bridge between abstract norms and concrete facts.

In the context of Intellectual Property Rights (IPR) cases, the concepts of legal discovery and reasoning are highly relevant. Intellectual Property Rights (IP) is a dynamic area of law, influenced by technological developments, creativity, and business practices. The provisions of the IP Law are often general in nature and therefore require contextual interpretation to be applied fairly in specific cases.

A positivist approach that relies solely on the wording of the law is often inadequate in IPR cases. Therefore, judges are required to employ more progressive legal reasoning, taking into account the objectives of IPR protection, the

interests of rights owners, and the impact on business competition and consumers. Therefore, the theoretical concepts of legal discovery and reasoning serve as an essential foundation for developing just and legally certain IPR decisions.

Application and Challenges of Legal Discovery and Reasoning in IPR Decisions at the Medan District Court

Based on an analysis of 35 decisions from the Medan District Court in 2023–2024, involving trademark, copyright, and patent cases, it was found that judges generally used the 2014 IPR Law as the primary basis for their legal discovery. However, in certain cases where the norms are not regulated in detail, judges supplemented their legal discovery with legal principles, doctrine, and jurisprudence as unwritten sources of law.

In trademark similarity cases, judges tended to use teleological reasoning to assess the objective of trademark protection, namely preventing consumer confusion. One example can be seen in the "MINUM SEHAT" trademark dispute, where the judge not only compared the visual similarity of the trademarks but also considered the overall impression that could potentially mislead consumers. In this case, the judge declared trademark infringement despite minor differences in design, because the trademarks overall created the same impression in the eyes of consumers.

In copyright cases, particularly those related to digital content, judges demonstrate the use of systematic and teleological reasoning. In a dispute over the unauthorized distribution of a music video through social media platforms, the judge interpreted the concept of "creation" broadly to include digital works. To complement the provisions of the Intellectual Property Rights Law that do not yet provide detailed provisions, the judge also referred to the principles of international copyright protection as developed by WIPO.

This approach demonstrates the judge's efforts to adapt the law to technological developments. Meanwhile, in patent cases, judges tend to use literal and systematic reasoning, particularly in interpreting provisions regarding patent validity and novelty requirements. However, in the case of a simple technology patent developed by a local business, the judge also considered aspects of justice and economic benefits to society, ensuring that legal findings are not merely formalistic.

Nevertheless, the application of legal discovery and reasoning in IPR cases at the Medan District Court faces various challenges. The first challenge is the unclear and limited provisions of the 2014 IPR Law, particularly regarding digital-based IPR infringements. The second challenge is limited

access to consistent IPR jurisprudence, resulting in potentially divergent decisions in similar cases. The third challenge relates to the capacity and technical understanding of judges, given that IPR cases are often complex and require specialized expertise. Furthermore, technological developments that outpace regulations also pose a serious challenge to judicial practice.

Overall, the analysis shows that Medan District Court judges have attempted to apply legal discovery and reasoning in accordance with evolving legal theory. However, to ensure consistent decisions and legal certainty in the IPR field, judicial capacity building, strengthening of jurisprudence, and regulatory updates that are more adaptive to technological developments and modern business practices are needed.

CONCLUSION

Based on the research and discussion on legal discovery and reasoning in the resolution of civil Intellectual Property Rights (IPR) cases at the Medan District Court, several conclusions can be drawn. Conceptually, legal discovery and legal reasoning are two inseparable processes in judicial practice. Legal discovery serves to identify relevant legal norms, whether derived from statutory regulations, jurisprudence, doctrine, or legal principles, while legal reasoning plays a role in interpreting and applying these norms to the concrete facts of the case. In the dynamic and complex context of IPR cases, a positivist approach that relies solely on the wording of the law has proven inadequate. Therefore, the use of teleological, systematic, and contextual legal reasoning is highly relevant to achieving justice and legal certainty.

In practice, Medan District Court judges have generally used the 2014 IPR Law as the primary basis for legal discovery, supplementing it with legal principles, doctrine, and jurisprudence when normative provisions do not provide detailed provisions. In trademark similarity cases, judges tend to use teleological reasoning to assess the purpose of trademark protection and the potential for consumer confusion. In copyright cases, particularly regarding digital content, judges apply systematic and progressive reasoning to ensure legal protection remains relevant to technological developments. Meanwhile, in patent cases, literal and systematic reasoning is more dominant, particularly regarding formal requirements and patent validity periods.

This study identified several challenges in the application of legal discovery and reasoning by judges, including the unclear and limited provisions in the 2014 Intellectual Property Rights Law, limited access to consistent IP jurisprudence, differences in judges' capacities and technical understanding, and

technological developments that outpace regulatory updates. These challenges have the potential to lead to variations in decisions in similar cases and contribute to legal uncertainty.

Overall, it can be concluded that the application of legal discovery and reasoning in IP cases at the Medan District Court has been carried out in accordance with the legal theoretical framework. However, regulatory strengthening, increased capacity of judges, and the development of more consistent jurisprudence are still needed. These efforts are crucial to improving the quality of judges' decisions, ensuring legal certainty, and strengthening the protection of intellectual property rights in Indonesia.

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