

**ANALISIS YURIDIS TERHADAP *RATIO DECIDENDI*
DALAM PUTUSAN MA RI NO. 836/K/Pdt.Sus-HKI/2022
MENGENAI SENGKETA MEREK
TERKENAL STARBUCKS**

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Abstrak

Penelitian ini berjudul "Analisis Yuridis Terhadap *Ratio Decidendi* dalam Putusan MA RI No. 836/K/Pdt.Sus-HKI/2022 Mengenai Sengketa Merek Terkenal Starbucks." Penelitian ini bertujuan untuk menganalisis *ratio decidendi* dari putusan Mahkamah Agung terkait sengketa merek terkenal Starbucks, khususnya dalam kasus Sumatra Tobacco Company yang menggunakan merk "Starbucks" untuk merek rokoknya. Penelitian ini bersifat kualitatif dan menggunakan pendekatan yuridis normatif. Fokus utama adalah untuk mengevaluasi kesesuaian *ratio decidendi* putusan Mahkamah Agung No. 836 K/Pdt.Sus-HKI/2022 dengan Undang-Undang Nomor 20 Tahun 2016 tentang Merek dan Indikasi Geografis. Hasil penelitian menunjukkan bahwa Sumatra Tobacco Company sebelumnya mendaftarkan merek "Starbucks" untuk merek rokoknya dan memenangkan kasus di Pengadilan Negeri. Namun, pada tingkat kasasi, Mahkamah Agung memutuskan untuk mendukung Merek Terkenal Starbucks Corporation, membatalkan merek "Starbucks" Sumatra Tobacco Company. Kesimpulan dari penelitian ini adalah bahwa *ratio decidendi* yang dihasilkan oleh hakim dalam putusan tersebut dianggap tepat dan sesuai dengan ketentuan Undang-Undang Nomor 20 Tahun 2016. Implikasinya, pengakuan Merek Terkenal Starbucks oleh Mahkamah Agung dapat dijadikan preseden penting dalam perlindungan merek terkenal di Indonesia.

Kata Kunci: Merek Terkenal, *Ratio Decidendi*, Starbucks

**JURIDICAL ANALYSIS OF THE RATIO DECIDENCE IN
SUPREME COURT RULING NO. 836 K/Pdt.Sus-HKI/2022
CONCERNING THE FAMOUS BRAND
DISPUTE STARBUCKS**

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Abstract

This research is entitled "Juridical Analysis of the Ratio Decidendi Decision (Supreme Court Decision No. 836 K/Pdt.Sus-HKI/2022) Regarding the Starbucks Famous Trademark Dispute." This research aims to analyse the ratio decidendi of the Supreme Court's decision regarding the Starbucks famous mark dispute, especially in the case of Sumatra Tobacco Company which uses the brand "Starbucks" for its cigarette brand. This research is qualitative in nature and uses a normative juridical approach. The main focus is to evaluate the suitability of the ratio decidendi of Supreme Court Decision No. 836 K/Pdt.Sus-HKI/2022 with Law No. 20/2016 on Trademarks and Geographical Indications. The results showed that Sumatra Tobacco Company previously registered the mark "Starbucks" for its cigarette brand and won the case at the District Court. However, at the cassation level, the Supreme Court ruled in favour of Starbucks Corporation's Famous Mark, cancelling Sumatra Tobacco Company's "Starbucks" mark. The conclusion of this research is that the ratio decidendi produced by the judge in the decision is considered appropriate and in accordance with the provisions of Law Number 20 Year 2016. The implication is that the recognition of the Starbucks Famous Mark by the Supreme Court can be used as an important precedent in the protection of famous marks in Indonesia.

Keywords: Famous Brand, Ratio Decidendi, Starbucks