

Analysis Of The Influence Of Fake Discount Price Labels For A Product In The Marketplace On The Concept Of Business Competition And Responsibility

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Abstrak: *This study examines the fulfillment of the defendant's human rights during the judicial process in a premeditated murder case, based on Decision No. 319/Pid.B/2023/PN Smr. The case revolves around the defendant, who was accused and found guilty of premeditated murder. The study delves into various aspects of the judicial process, including the arrest, detention, trial proceedings, and the final verdict. It evaluates whether the defendant's rights were upheld in accordance with national and international human rights standards. Key findings highlight areas of compliance and potential violations, providing insights into the judicial system's handling of serious criminal cases. The research aims to contribute to the ongoing discourse on human rights within the Indonesian judicial framework, emphasizing the importance of safeguarding the rights of all individuals involved in criminal proceedings. This comprehensive analysis seeks to shed light on the effectiveness of existing legal protections for defendants, drawing attention to both strengths and weaknesses in the current system. Ultimately, the study underscores the necessity of continuous improvement in ensuring justice and human rights for all parties in criminal cases.*

Keywords : *price tag; fake discount, business competition, loss.*

INTRODUCTION

The criminal justice process is a legal mechanism designed to ensure justice for all parties involved, including defendants facing criminal charges. In the Indonesian legal system, the human rights of the accused must be strictly protected from the arrest stage to the final court decision. This research focuses on fulfilling the human rights of defendants in the judicial process of premeditated murder cases based on Decision Number 319/Pid.B/2023/PN Smr.

Premeditated murder cases are highly problematic, considering the serious nature of the crime and its broad social impact. In this case, the defendant faced serious charges and the threat of a significant sentence. Therefore, it is important to ensure that the rights of the accused are respected and protected



throughout the entire judicial process. This research will explore the extent to which these rights are fulfilled in accordance with national and international standards.

The human rights of defendants include various rights, such as the right to obtain legal assistance, the right to a fair trial, the right not to be tortured, and the right to humane treatment during detention. In the context of premeditated murder cases, fulfilling these rights is crucial because social and media pressure often complicates the situation. This study will highlight how these rights are implemented in practice based on relevant court decisions. Decision Number 319/Pid.B/2023/PN Smr provides a concrete picture regarding the implementation of the defendant's human rights in the judicial process of premeditated murder cases in Indonesia. Through in-depth analysis of these decisions, this research aims to identify areas where the defendant's rights have been fulfilled and where deficiencies remain. Thus, it is hoped that this research can provide recommendations for improving the criminal justice system in the future.

This research is not only important for the development of legal science, but also has practical implications for law enforcement and policy makers. Through a better understanding of the fulfillment of the defendant's human rights, it is hoped that a fairer and more humane justice system can be created. Apart from that, this research can also be a reference for further studies regarding human rights in the context of criminal justice. In the context of international law, fulfilling the human rights of defendants is an integral part of globally recognized human rights principles. The International Convention on Civil and Political Rights (ICCPR), which Indonesia has ratified, emphasizes the importance of protecting these rights. This research will examine the extent to which ICCPR provisions are applied in the court decisions studied.

This research methodology includes normative juridical analysis of Decision Number 319/Pid.B/2023/PN Smr, with a descriptive-analytical approach. The data used is in the form of court decisions, related legal documents, and relevant scientific literature. This approach allows researchers to comprehensively understand and evaluate legal aspects related to the fulfillment of the defendant's human rights.

One of the main focuses of this research is the analysis of the process of arresting and detaining defendants. Arrest and detention are the initial stages in the criminal justice process which determine the subsequent fulfillment of the defendant's rights. This study will assess whether the arrest and detention procedures carried out are in accordance with applicable legal provisions and human rights standards¹. Furthermore, this research will also examine the trial process, including the defendant's access to legal aid, the right to defend himself, and treatment during the trial. A fair trial process is the foundation of an effective and credible justice system. Therefore, it is important to ensure that all of the defendant's rights are fulfilled throughout this process.

Thus, it is hoped that this research can make a significant contribution to the understanding and development of criminal law in Indonesia, especially in the context of fulfilling the human rights of defendants. It is also hoped that the findings from this research can encourage improvements in criminal justice practices so as to create a more just and humane legal system.

¹ Setiawan, B. (2021). Implementasi Perlindungan Hak Terdakwa dalam Sistem Peradilan Pidana di Indonesia. *Jurnal Hukum Indonesia*, 14(2), 189-205.

METHOD

This research uses a qualitative juridical method with a literature review approach. This method was chosen to enable an in-depth analysis of the fulfillment of the defendant's human rights in the judicial process of premeditated murder cases based on Decision Number 319/Pid.B/2023/PN Smr. A qualitative juridical approach allows this research to explore various legal aspects comprehensively and in detail. ApproachThe literature review in this research involves the collection and analysis of secondary data originating from various relevant sources. The main data sources include court decisions, statutory regulations, international conventions, scientific journals, books and other legal documents. This process begins with identifying relevant sources that can provide in-depth insight and information regarding the research topic.

Data collection was carried out through searching legal documents and scientific literature related to the human rights of defendants and the criminal justice process. The main data source analyzed is Decision Number 319/Pid.B/2023/PN Smr, which is the main focus of this research. Apart from that, this research also examines the applicable laws and regulations in Indonesia, including the Criminal Procedure Code (KUHP) and the International Convention on Civil and Political Rights (ICCPR). Data analysis was carried out using a descriptive-analytical approach. The initial stage of analysis involves description and in-depth understanding of the text of court decisions and other legal documents. Next, the data that has been collected is analyzed to identify fulfillment and violation of the defendant's human rights in the judicial process. This approach allows researchers to clearly describe how the defendant's rights were fulfilled or violated in the cases studied.

To ensure the validity and reliability of the data, this research uses triangulation techniques. Triangulation is carried out by comparing information from various data sources to ensure consistency and accuracy of findings. Apart from that, this research also considers the social, political and cultural context that influences the application of law in Indonesia. It is hoped that this qualitative juridical method with a literature review approach can provide a comprehensive and in-depth picture regarding the fulfillment of the defendant's human rights in the judicial process in premeditated murder cases. With an in-depth analysis of Decision Number 319/Pid.B/2023/PN Smr, this research is expected to make a significant contribution to the development of legal science and criminal justice practice in Indonesia.

RESULTS AND DISCUSSION

The results of this research show that Decision Number 319/Pid.B/2023/PN Smr provides an in-depth picture of the fulfillment of the defendant's human rights in the criminal justice process, especially in cases of premeditated murder. In this case, the defendant is facing serious charges that carry the threat of heavy penalties. Analysis of this court decision reveals various aspects of the fulfillment and violation of the defendant's human rights²

The arrest and detention stage is a very crucial first step in the criminal justice process. Based on document analysis, the defendant was arrested based on sufficient preliminary evidence and in

² Prasetyo, Y. (2019). Peran Pengacara dalam Memenuhi Hak Asasi Terdakwa dalam Proses Pidana. Jurnal Hukum dan Peradilan, 22(1), 95-110.

accordance with applicable legal procedures. However, there are several indications that the defendant's rights during initial detention are not being taken into account, such as limited access to legal aid and information about their rights. This shows the potential for violations of the right to fair treatment from the start of the legal process.

During the trial process, the defendant is given the opportunity to defend himself and present supporting evidence. The court also confirmed that the defendant accompanied by competent legal advisors. However, the analysis shows that there are several obstacles in fulfilling the defendant's rights, such as limited time given to prepare a defense and a lack of transparency in several stages of the trial. These obstacles can affect the quality of the defendant's defense and have the potential to cause injustice in the judicial process³

The right not to be tortured and to receive humane treatment during detention is also the focus of this research. Based on the results of the analysis, no direct evidence of torture or inhumane treatment was found against the defendant during his detention. However, reports of inadequate detention conditions and lack of basic facilities raised concerns about violations of the basic rights of defendants. Poor detention conditions can have a negative impact on a defendant's physical and mental health, as well as reduce his or her ability to participate effectively in the justice process⁴.

The trial process also shows that there are efforts to fulfill the right to a fair trial. The judge in this case attempts to consider all the evidence and arguments presented by both parties objectively. However, analysis of the decisions shows that some decisions were taken without adequate explanation, raising doubts about the transparency and accountability of the courts. Decisions that are not transparent can reduce public confidence in the justice system and create the impression that the justice process is not completely fair⁵.

One important aspect of a defendant's human rights is the right to obtain a fair and proportional decision. In this case, the judge makes a decision based on the available evidence and considers various relevant factors, including the motive, method and consequences of the criminal act committed by the defendant. Even though this decision is legally justifiable, the analysis shows that there were several deficiencies in the judge's consideration, especially related to the factors that mitigated the defendant's sentence. This shows the need for improvements in the standard of legal reasoning to ensure greater justice for the accused.

This research also highlights the importance of protecting the human rights of defendants in the context of existing laws and regulations. The Criminal Procedure Code (KUHAP) provides an adequate legal framework to protect the rights of defendants, but implementation in the field often lacks consistency. Analysis of this case shows that there is a gap between legal rules and practice in the field, which leads to violations of the defendant's rights. This emphasizes the importance of training and stricter supervision of law enforcers to ensure consistent and fair

³ Indrayani, S. (2019). Hak Terdakwa dalam Konteks Hukum Pidana Indonesia. *Jurnal Penelitian Hukum*, 6(2), 67-80.

⁴ Ali, M. (2019). Perlindungan Hak Asasi Manusia dalam Proses Peradilan Pidana di Indonesia. *Jurnal Hukum dan Keadilan*, 15(2), 125-136.

⁵ Sari, P. (2021). Analisis Keadilan dalam Proses Peradilan Pidana di Indonesia. *Jurnal Hukum dan Keadilan Sosial*, 18(3), 200-215.

application of the law⁶ The International Convention on Civil and Political Rights (ICCPR), which has been ratified by Indonesia, also provides international standards for the protection of the human rights of defendants. Based on the analysis, although there are efforts to comply with ICCPR provisions, there are still several aspects where international standards have not been fully implemented. For example, the right to a speedy and protracted trial is often ignored, resulting in unnecessary delays in the judicial process. This shows the need for more legal reform in depth to align the Indonesian justice system with international standards⁷. Fulfillment of the defendant's human rights is also greatly influenced by social and cultural factors.

In many cases, pressure from society and the media can influence the judicial process and lead to violations of the rights of the accused. This case shows that although courts strive to be independent, external pressures can influence judges' decisions and the judicial process as a whole. Therefore, it is important to develop better protection mechanisms against external influences that could interfere with a fair judicial process⁸

This study also reveals the need for improvements in the legal aid system for defendants. Access to competent and experienced legal counsel is one of the defendant's fundamental rights that must be protected. In this case, even though the defendant was accompanied by a legal advisor, there were several indications that the quality of the legal assistance provided was still less than optimal. Increasing the capacity and professionalism of legal advisors is very necessary to ensure that defendants receive an effective and fair defense.

The conclusion of this research shows that although there are efforts to fulfill the human rights of defendants in the judicial process, there are still many challenges and shortcomings that need to be overcome. Fulfilling the rights of defendants is not only important to protect individuals from injustice, but also to ensure the integrity and credibility of the justice system as a whole. By identifying and addressing existing deficiencies, it is hoped that the criminal justice system in Indonesia can be more responsive to the needs and rights of defendants.

This research provides recommendations for improving the criminal justice system in Indonesia. First, there is a need for legal reform to ensure consistency between legal rules and practice in the field. Second, increased training and supervision of law enforcers is necessary to ensure fair and consistent application of the law. Third, efforts need to be made to improve the quality of legal assistance provided to defendants, including by increasing the capacity and professionalism of legal advisors.

Apart from that, this research also emphasizes the importance of increasing public awareness and understanding of the human rights of defendants. Education and public awareness

⁶ Bagir, Z. A. (2020). Hak Asasi Terdakwa dalam Proses Peradilan Pidana. *Jurnal Hak Asasi Manusia*, 7(1), 45-58.

⁷ Nugroho, A. (2023). Hak atas Bantuan Hukum bagi Terdakwa dalam Kasus Pidana. *Jurnal Ilmu Hukum dan Peradilan*, 25(1), 88-103

⁸ Yusuf, M. (2020). Hak Terdakwa dan Keadilan Prosedural dalam Peradilan Pidana. *Jurnal Keadilan dan Hukum*, 13(1), 44-59

campaigns can help reduce the stigma and social pressures that often influence the justice process. By increasing public understanding of the rights of defendants, it is hoped that an environment that is more supportive of a fair and humane judicial process can be created. Finally, this research underscores the importance of international cooperation in strengthening the protection of the human rights of defendants. By learning from best practices in other countries and adopting international standards, Indonesia can develop a more effective and fair justice system. Collaboration with international organizations and other countries is possible assist in the legal reform process and increase law enforcement capacity⁹

CONCLUSIONS

This research evaluates the fulfillment of the defendant's human rights in the judicial process of premeditated murder cases based on Decision Number 319/Pid.B/2023/PN Smr. From the results of the analysis, it was found that although there are efforts to fulfill the human rights of defendants, there are still many challenges and shortcomings in practice. First, the arrest and detention stage shows several indications of violations of the defendant's human rights, especially related to access to legal aid and inadequate detention conditions. Second, the trial process shows that even though the defendant is accompanied by legal counsel, there are several obstacles in fulfilling the right to self-defense and transparency in the court process. Third, court decisions that are not fully transparent and the lack of consideration of mitigating factors indicate the need for an increase in the standard of legal reasoning. In addition, this research highlights the importance of consistency between legal rules and practice in the field, as well as the need for deeper legal reform to align Indonesia's justice system with international standards such as those set by the International Convention on Civil and Political Rights (ICCPR). Social and cultural factors, including pressure from society and the media, also influence the judicial process and the fulfillment of the defendant's human rights.

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⁹ Putri, A. (2021). *Prinsip-Prinsip Hak Asasi Manusia dalam Proses Peradilan Pidana*. Jurnal Hukum dan Demokrasi, 7(2), 102-119

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