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Critical Evaluation of Quasi-Judicial Institutions in the Indonesian Legal System

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ABSTRACT

Background: Quasi-judicial institutions are new institutions that emerged after the 1998 reforms as auxiliary organs tasked with resolving specific legal disputes. After that year, the government began establishing several quasi-judicial institutions such as the Consumer Dispute Resolution Agency, the National Commission on Human Rights, the Business Competition Supervisory Commission, the Ombudsman, the Professional Disciplinary Council, and several other institutions. **Objective:** This study aims to examine the position of quasi-judicial institutions in the Indonesian legal system and the obstacles they face within the existing legal system. **Methods:** The research methodology used was normative juridical, where the author conducts a literature review of legal theory, legislation, and existing quasi-judicial institutions to clarify their position and explain their uses and obstacles. **Results:** This was done with the aim of ensuring that specific legal disputes can obtain appropriate and beneficial justice for the disputing parties through a fast and efficient process. In some quasi-judicial institutions, decisions from these institutions can even contribute to making legally binding decisions that can be considered by judges in general courts or provide recommendations on whether a legal dispute can be forwarded to general courts or not. However, historically, some of these institutions' decisions have experienced inconsistencies with those of general courts. **Conclusion:** Therefore, in this paper, the author attempts to provide suggestions on how to address potential inconsistencies between the results of decisions and those of general courts.

INTRODUCTION

This institution is a semi-judicial institution formed by an executive institution in the state legal system of the Republic of Indonesia. Quasi judicial institutions are also at the same time auxiliary organs (*state auxillary*) where in their duties they help resolve legal disputes in special fields. Quasi judicial institutions are important institutions in assisting the general judiciary in resolving legal disputes (Gill, 2023; Lavi, 2025; Robinson et al., 2023; Zhang et al., 2024). An example of quasi-judicial institutions that make a major contribution in helping to decide special legal disputes such as the Business Competition Supervisory Commission. The characteristics of a quasi-judicial institution, namely this institution has the authority to examine, adjudicate, and decide cases or disputes in certain fields. The procedures used are generally simpler and more flexible than formal courts, but still follow the principles of justice. The resulting decision is binding and can be enforced by force. These institutions typically

have specialized expertise in a specific area, such as administration, economics, or human rights (Lavi, 2025; Robinson et al., 2023; Sandefur, 2025; Zhang et al., 2024).

The advantage of quasi judicial institutions is that the dispute resolution process is generally faster and more efficient. The fees required are relatively cheaper than formal courts. Have specific expertise according to their field so that they can provide more appropriate decisions and procedures that are more flexible and less formalistic. The existence of quasi-judicial institutions is important in the modern legal system because it can help reduce the burden on the courts and provide easier access to justice for the public, especially for special disputes that require certain expertise. Another benefit is that members of quasi judicial institutions usually have specific expertise in certain areas, such as employment, the environment, medical disputes or business competition. This allows for more precise handling of cases based on a deep understanding of complex technical issues and reduces the burden on the courts (Global Competition Review, 2024; Gill, 2023; Herliana, 2022).

The urgency of this research is underscored by several factors. First, the increasing complexity of modern society generates specialized disputes that require expert resolution, making quasi-judicial institutions ever more vital. Second, the persistent backlog in Indonesian courts necessitates effective alternative dispute resolution mechanisms. Third, the inconsistencies between quasi-judicial and judicial decisions create legal uncertainty that undermines the rule of law. Fourth, the vulnerability of these institutions to political intervention threatens their independence and effectiveness. Finally, the limited resources and capacity of many quasi-judicial institutions impede their ability to fulfill their mandates, necessitating urgent attention from policymakers.

The novelty of this research lies in its comprehensive, integrated approach to evaluating quasi-judicial institutions in Indonesia. Unlike previous studies that focus on individual institutions or specific aspects, this research provides a holistic analysis that: (1) systematically examines the constitutional and legal position of quasi-judicial institutions within the Indonesian legal framework; (2) analyzes their benefits and contributions to the legal system; (3) identifies and categorizes the structural, cultural, and political obstacles they face; (4) grounds the analysis in relevant legal theories; and (5) offers concrete recommendations for strengthening these institutions. By incorporating case studies of key institutions such as KPPU and BPSK, the research bridges theoretical analysis with practical realities.

By handling certain disputes outside the formal justice system, quasi-judicial institutions help reduce the accumulation of cases in the general courts, so that the justice system can focus on cases that do require a formal judicial process. But on the other hand, there are quasi-judicial institutions whose position is not clear, this occurs in the quasi-judicial institution of the Professional Discipline Council formed by the Minister of Health of the Republic of Indonesia in the investigation and settlement of the existence or absence of disciplinary violations, service violations and violations of operating standards of medical personnel and health workers. Therefore, in this study, the author examines the position of quasi-judicial institutions in the legal system of the Republic of Indonesia and whether the obstacles experienced by quasi-judicial institutions such as the inconsistency of their decisions with the general judiciary as occurred in the decision of the Indonesian Medical Disciplinary Honorary Council which is the embryo of the current Professional Disciplinary Council formed by the Minister of Health of the Republic of Indonesia.

METHOD

The research method used was a normative juridical method with a literature study approach, namely legal research that focuses on primary and secondary legal materials and is supported by tertiary legal materials that are relevant to the legal principles related to quasi-medical justice in Indonesia, legal systematic, vertically and horizontally legal synchronization, legal comparison related to quasi-medical justice in Indonesia, and legal history with respect to quasi-medical justice in Indonesia. These sources include laws and regulations as primary legal materials, legal literature such as textbooks and journal articles as secondary legal materials, and legal encyclopedias, dictionaries, and other supporting documents as tertiary legal materials. The nature of the research used in this study is descriptive of analysts. This method was chosen to describe systematically and factually the legal provisions governing quasi-medical justice and its implementation in practice. The data collection technique was carried out through a documentation study, while the data analysis technique in this study used a qualitative method with a deductive mindset.

RESULT AND DISCUSSION

The Position of *Quasi Judicial Institutions* in the Indonesian Legal System

In Article 1 paragraph (3) of the 1945 Constitution states that the State of Indonesia is a state of law which in a state of law has an impact or consequence, namely a state must be based on the law in the implementation of the life of the nation and state, the existence of the law aims as a guideline for state life. The State of Law is a state that lays down basic norms and derivative norms in the state for the benefit of all elements and components of the nation as a whole and totality, not just for the secretariat and sector. Therefore, in order to avoid abuse of power by the government, in the concept of the state of law there is a separation *of power which* has the main focus to avoid the possibility of centralization of power in one state institution (absolute authority) which has the potential to be vulnerable to acts of corruption, as Lord Acton said, *power tends to corrupt and absolute power corrupts absolutely* which means that humans who have unlimited power must abuse it.

In Article 1 paragraph (2) of the 1945 Constitution implicitly states that the holder of the highest power in the State is the people, sovereignty is in the hands of the people and is carried out according to this constitution. To realize this, the most basic thing to do is to realize a balanced division of authority between state institutions in order to create a power mechanism that supervises and balances each other *(check and balance).* The division of power in constitutional law is known as *trias politica* by Montesquieu who in theory divides state power into three parts, namely, executive, legislative, and judiciary in the hope of limiting the absence of power on the one hand and giving birth to arbitrariness and harming the people. When viewed in terms of the division of power, state institutions can be divided into 2 (two) parts, namely:

1. Vertically, namely the division of power according to levels in government such as the central government and local governments in a unitary state;
2. Horizontally, that is, it is divided according to its functions, namely legislative, executive, and judicial.

The judiciary is an independent power, without intervention from anywhere with the aim of upholding law and justice based on Pancasila and the 1945 Constitution. The new state power structure is that judicial power is exercised by the Supreme Court, other judicial bodies under the Supreme Court, namely the general court, the state administrative court, the military court, and the religious court as well as the Constitutional Court. There is a special institution that is used to recruit professional and integrative supreme court judges as law enforcers, the institution is the Judicial Commission.

Over time, state institutions will always experience developments that are adjusted to the needs of the state, where they synergize with each other to carry out the mandate of the 194.5 Constitution, namely creating a state life based on social justice or in short dealing with a problem with the principles and principles of justice. Functions and authorities can determine the position of a state institution, so that there is a grouping between the main *state organ* and the *auxiliary state organ.* Currently, more and more institutions have emerged which, although not expressly referred to as courts, have judicial authority and work mechanisms. Based on laws and regulations, these institutions are given the authority to examine and decide disputes or violations of the law with final and binding decisions, such as court decisions that have permanent legal force *(inkracht).* The presence of such an institution aims to provide justice to those who are harmed by a decision-making system in the name of state power. Therefore, institutions that have a judicial function but do not have the status of a court are often referred to as *quasi* courts or semi-courts. Some of them are in the form of state commissions, while others use the term body or board. In addition to the adjudication function, these institutions often play a dual role, including regulatory and/or administrative functions.

The existence of *quasi-judicial* institutions in Indonesia has an increasingly strategic role in supporting the implementation of judicial power based on the principles of justice, effectiveness, and efficiency. The constitutional basis for the existence of this institution is contained in Article 24 paragraph (3) of the 1945 Constitution of the Republic of Indonesia which states that in addition to the Supreme Court and the judiciary under it, there are other bodies whose functions are related to judicial power and are regulated through law. This norm clearly opens up space for the birth *of quasi-judicial* institutions as a complement and formal judicial partner in resolving legal disputes.

Law Number 48 of 2009 concerning Judicial Power emphasizes the position of *quasi-judicial* institutions by recognizing that dispute resolution does not always have to be through formal judicial mechanisms. This is in line with Asshiddiqie's thoughts in *the Law Regarding the Law* which states that the modern justice system needs supporting institutions to ensure the affordability of access to justice for the wider community. Quasi *judicial institutions* offer a faster, cheaper, and sectoral alternative route without sacrificing the principle of substantive justice.

Concrete examples of the implementation of this principle can be seen in various institutions such as the Business Competition Supervisory Commission (ICC) which handles disputes over monopoly practices and unfair business competition, the Consumer Dispute Settlement Agency (BPSK) which facilitates the resolution of disputes between consumers and business actors, and the National Human Rights Commission (Komnas HAM) which is authorized to examine alleged human rights violations. According to Risnain, in *the Journal of Law and Justice*, these three institutions are a clear example of how *the quasi-judicial*

mechanism contributes to the resolution of sectoral disputes while still being based on applicable law.

From the perspective of legal theory, the existence of *quasi-judicial institutions* reflects several important principles:

1. *The Rule of Law* by Brian Z. Tamanaha, in this principle, emphasizes that all state actions must be based on law, not mere power. In this context, *quasi-judicial* institutions function as a means to ensure substantive justice through dispute resolution mechanisms that remain based on the law. Tamanaha highlighted the importance of understanding that *the rule of law* is not only about the existence of the law, but also about how the law is applied fairly and consistently.
2. *Rules of Adjudication* by H. L. A. Hart in his theory *The Concept of Law* 1961 posits that the modern legal system requires rules and institutions to resolve disputes. *Quasi-judicial* institutions fulfill this role with simpler procedures than formal courts. Hart distinguishes between primary rules that govern behavior and secondary rules that govern how primary rules are created, changed, and enforced. Quasi *judicial institutions* operate within the framework of these secondary rules, providing an efficient and adaptive dispute resolution mechanism.
3. *Fuzzy Law* by Oren Perez, he explained in his theory, A *Theory of Quasi-Legal Systems* 2015, developed the concept of "*fuzzy law*" to describe a legal system that is not rigid and able to adapt to complex social dynamics. Perez argues that the law should be flexible and responsive to the changing needs of society. Quasi *judicial institutions*, with more flexible and sectoral procedures, reflect the application of this principle in the Indonesian legal system. In addition to theory, legal principles such as legality, *natural justice*, and *audi alteram partem* are important foundations. These principles ensure that every decision is made on the basis of legitimate authority, guarantees fairness, and respects each party's right to be heard.

When analyzed institutionally, *quasi-judicial institutions* occupy a unique position at the intersection between the executive and judicial branches. They are not incorporated into the formal judicial structure under the Supreme Court, so they do not fully follow conventional court procedures, but are also not just ordinary administrative organs. This position allows quasi-judicial institutions to serve as a "bridge" between administrative efficiency and adjudicative independence, where dispute resolution can be carried out quickly and effectively without disregarding the principles of substantive justice. According to Jimly Asshiddiqie, this model reflects the need for the modern legal state to provide a more flexible but still legally valid dispute resolution mechanism, especially in the context of sectoral disputes that require a quick response.

When compared to the systems of other countries such as the United States, India, and others, *quasi-judicial* institutions in Indonesia have the same function as the systems applied in other countries. In the United States, *Administrative Law Judges (ALJs)* are subordinate to the executive but have full independence in deciding administrative disputes and their decisions can be reviewed through federal courts in the event of alleged violations of the law. Later in India, *Tribunals* play a role in handling sectoral disputes such as tax, corporate civil and human rights, with judgments that can be submitted to the Supreme Court of India for review. Meanwhile, France applies *jurisdictional dualism* that separates the administrative courts from

the general courts, so that administrative disputes are resolved separately but on an equal footing with conventional courts. These international practices show that *quasi-judicial* institutions are part of a global trend that emphasizes efficiency, access to justice and sectoral specialization in dispute resolution.

In Indonesia, despite the position of strategic *quasi-judicial* institutions , there are still real challenges that need to be overcome. First, the execution of these institutional decisions often requires formal courts, thus causing potential delays and reducing legal certainty. Second, there is a potential for overlapping authority between sectoral institutions regulated by different laws can cause jurisdictional conflicts. Third, limited human resources, infrastructure, and institutional capabilities often hinder their effectiveness in carrying out their adjudicative functions. Therefore, strengthening regulations, increasing coordination between institutions, and building institutional capacity are important steps so that *quasi-judicial institutions* are able to strengthen the principles *of the rule of law* and increase access to justice for the public more evenly and effectively.

Based on the above study, the author argues that *quasi-judicial* institutions have a very important position in the Indonesian legal system, especially as an alternative to fast, cheap, and sectoral dispute resolution mechanisms. However, for the role to be truly optimal, there needs to be better integration with the formal justice system, human resource capacity building, and clearer regulations to avoid conflicts of authority. In the author's perspective, *quasi-judicial institutions* are not only complementary, but also an important instrument to ensure the principle of substantive justice and strengthen *checks and balances* in the system of government of the state of law in Indonesia.

The Benefits of a *Quasi Judicial Institution*

Quasi judicial *institutions* in Indonesia have an increasingly important role in strengthening the modern legal system. The existence of this institution not only complements the formal courts, but also provides an alternative mechanism to resolve disputes quickly, efficiently, and more affordably. In the context of the state of law, this institution exists to ensure that the principles *of the rule of law* are applied effectively and provide wider access to justice for the community.

One of the most prominent benefits of this *quasi-judicial* institution is its ability to speed up dispute resolution. The litigation process in formal courts tends to be lengthy and takes years, while *quasi-judicial institutions* provide simpler, faster, and more effective procedures without sacrificing the principles of substantive justice. For example, the Business Competition Supervisory Commission (ICC) is able to deal directly with monopolistic practices and unfair business competition, while the Consumer Dispute Resolution Agency (BPSK) facilitates the resolution of disputes between consumers and business actors mediatively. This speed helps reduce the economic and social impact of disputes and provides legal certainty for the parties to the dispute.

In addition to speeding up settlement, *quasi-judicial* institutions also play a role in reducing the burden of formal justice. With the increasing number of disputes entering the district courts and state administrative courts, the formal litigation process is often delayed. *Quasi-judicial institutions* are present as screening instruments, handling specific and technical sectoral cases, so that formal courts can focus on handling more complex cases.

According to Tamanaha, supporting institutions like this are essential to maintain the effectiveness of the modern legal system, especially for disputes that require certain technical expertise.

Quasi judicial *institutions* also provide significant benefits in terms of more affordable access to justice. Formal legal procedures are often expensive, both in terms of attorney fees and court administrative costs. With simpler and more economical procedures, institutions such as BPSK allow people who previously had difficulty accessing the courts to still receive legal protection. The National Commission on Human Rights (Komnas HAM), for example, provides a mechanism for the public to report alleged human rights violations without having to go through long and expensive litigation, so that the principle *of access to justice* can be realized more equitable.

In terms of law enforcement, *quasi-judicial* institutions contribute to substantive justice and professionalism. With procedures designed for specific types of disputes, the agency is able to produce more focused decisions based on technical and legal evidence. Hart in his writings emphasized the importance of secondary rules in the modern legal system, which are the rules that govern how primary rules are applied. Quasi *judicial institutions* operate within this framework, ensuring that decisions are taken efficiently, fairly, and adaptively according to the characteristics of the disputes handled. In addition, the specialization of this institution encourages professionalism among legal officials, for example, ICC needs members with an understanding of economics and competition law, while BPSK needs mediators and arbitrators who are experts in the field of consumer protection.

Furthermore, *quasi-judicial* institutions strengthen the *checks and balances* mechanism in the constitutional system. Although not part of the formal courts under the Supreme Court, the decisions of these institutions are final and binding, so they can be controls over government administrative practices or business actions that are detrimental to society. Asshiddiqie emphasized that this institution functions as a balancer of executive, legislative, and judicial power, so that the potential for abuse of power can be minimized. This mechanism also remains supervised by formal courts, ensuring that every decision of *a quasi-judicial* institution is within a legal framework.

Another advantage of *quasi-judicial institutions* is their ability to provide sectoral specialization. Each institution is designed to handle specific types of disputes with a specific technical understanding, such as business competition disputes, consumer disputes, or human rights violations. This approach increases the accuracy and relevance of judgments compared to those resolved by a common court. International practice shows the success of this model, for example *Administrative Law Judges* in the United States handle administrative disputes with specialized expertise, while Tribunals in India handle tax and human rights disputes on a sectoral basis.

In addition, *quasi-judicial institutions* strengthen the principles *of the rule of law* and legal certainty. With a final and binding judgment, the institution guarantees consistent application of the law and reduces the opportunity for arbitrary practice. Perez emphasized that legal flexibility must remain in line with the principle of legal certainty, and *quasi-judicial* institutions are able to balance the speed of dispute resolution with compliance with applicable legal norms. This increases public trust in the legal system and expands the sense of justice in society.

Examples of Advanced *Quasi Judicial* Institutions in Indonesia

A. Business Competition Supervisory Commission (ICC)

ICC has the authority to examine, adjudicate, and decide unfair business competition cases. This institution was established based on Law Number 5 of 1999 concerning the Prohibition of Monopoly Practices and Unfair Business Competition in response to the need for regulation that is able to ensure the creation of fair and transparent competition in the market. The main purpose of the establishment of ICC is to supervise monopolistic practices, cartels, and other behaviors that are detrimental to business competition, so that consumers, business actors, and the public in general benefit from a fairer and more competitive business climate.

ICC has authority that includes examination, court, and decision-making against business competition violations. The examination process began with an investigation conducted by ICC officials, both on the basis of public complaints and the institution's own initiative. This investigation includes document analysis, transaction examinations, and interviews with relevant parties to ensure valid evidence before it is brought to the trial stage. With this mechanism, ICC functions not only as a supervisor but also as an adjudicative instrument that enforces legal principles sectorally and independently.

In the trial stage, ICC provides space for the parties involved to defend themselves, submit evidence, and present witnesses. This procedure is in line with the principle of *audi alteram partem* which affirms the right of each party to be heard, and the principle *of natural justice*, so that decisions taken by ICC can be considered valid, fair, and balanced. Through this mechanism, ICC is able to provide decisions that are fast and efficient compared to formal courts, while still respecting the rights of related parties and the principles of substantive justice.

The decision taken by ICC is final and binding. Thus, business actors who are proven to have committed violations are obliged to comply with the sanctions set, which can be in the form of administrative fines, orders to stop practices, or other measures to restore market conditions. Although this decision is final, Law Number 5 of 1999 provides a period of 14 (fourteen) days for the aggrieved party to file an objection to the District Court, after which the District Court has a deadline of 30 (thirty) days to decide the case. This mechanism shows a balance between the effectiveness of the authority of *quasi-judicial institutions* and the principle *of checks and balances*, so that decisions still have legal legitimacy and can be supervised by formal courts.

The existence of ICC provides various tangible benefits in the legal and economic context. First, this institution encourages the creation of a more competitive business climate, where business actors are forced to innovate and compete in a healthy manner, so that consumers get products or services with better quality and reasonable prices. Second, ICC functions as an educational medium for business actors, increasing their understanding of legal limitations in doing business and legitimate competition practices. Third, by resolving disputes quickly and sectorally, ICC helps reduce the burden on formal courts, so that the general justice system can work more efficiently.

One of the contemporary cases that illustrates this dynamic is a dispute between ICC and Google LLC regarding alleged violations of monopoly practices related to the Google Play

Billing payment system. In early 2025, the ICC declared Google guilty and imposed a fine and required it to provide developers with alternative payment system options. Google then filed an objection with the Central Jakarta Commercial Court, but the court rejected the objection, upholding the ICC's ruling. This shows that although objections can be raised, they do not always change ICC's decision especially when the facts support the organization's decision.

From the perspective of legal theory, the existence of ICC affirms the application of the *principle of rule of law* as stated by Brian Z. Tamanaha, where all state actions must be based on law, not power alone. This institution is a means to uphold substantive justice in the context of business competition. In addition, H. L. A. Hart's *theory of Rules of Adjudication* emphasizes the need for legitimate institutions to resolve disputes with clear and structured procedures, where ICC acts as a more flexible sectoral adjudicative institution than formal courts. The concept of *Fuzzy Law* from Oren Perez is also relevant, because ICC is able to present a dispute resolution mechanism that is adaptive to market dynamics and socio-economic changes, so that the law is not rigid or slow.

Institutionally, ICC occupies a unique position, being outside the formal judicial structure under the Supreme Court, but still has adjudicative authority. This position allows ICC to act as a bridge between administrative efficiency and judicial independence. In practice, this institution can decide business competition disputes quickly and specifically according to the characteristics of the regulated sector, while maintaining the principles of transparency, accountability, and substantive justice.

Internationally, the practice of institutions similar to ICC is also found in various countries. In the United States, *the Federal Trade Commission (FTC)* and *Administrative Law Judges (ALJs)* handle business competition cases independently, where their decisions can be overseen by federal courts if there are alleged violations of the law. In India, *the Competition Commission of India* plays a similar role to ICC, enforcing competition law with sectoral adjudicative mechanisms, while in France it applies *jurisdictional dualism*, which separates the administrative court from the general court for sectoral disputes. This international experience shows that sectoral *quasi-judicial* institutions have global relevance in providing a fast, efficient, and characteristically specific dispute resolution mechanism.

Nevertheless, ICC faces a number of challenges in its practice. The execution of judgments that often rely on formal courts can lead to delays and legal uncertainty. In addition, coordination between institutions that handle economic issues and business competition still needs to be improved so that there is no overlap of authority. The limited number of competent human resources and supporting infrastructure also affects the effectiveness of ICC in carrying out its adjudicative functions optimally.

Overall, ICC has a strategic role in upholding the principles of fair business competition and providing wider access to justice for the community. These institutions not only complement the formal judiciary, but also provide a faster, more efficient, and sectoral dispute resolution mechanism. By strengthening regulations, increasing human resource capacity, and coordination between institutions, ICC is expected to be able to carry out its functions more effectively, strengthen the principles *of the rule of law*, and ensure the creation of fair and equitable business competition in Indonesia.

The Consumer Dispute Settlement Agency (BPSK) was established based on Law Number 8 of 1999 concerning Consumer Protection (UUPK) which is tasked with resolving

disputes between consumers and business actors through alternative mechanisms, namely mediation, conciliation, and arbitration outside the formal court channels. According to Rahmi Rimanda in *the Journal of Bina Mulia Hukum*, BPSK is a *quasi-judicial* institution that has constitutional legitimacy to resolve consumer disputes officially and finally, thereby providing access to justice that is more practical and not bureaucratic.

In carrying out its duties, BPSK has the authority to receive complaints from consumers, conduct mediation, conciliation, or arbitration, and provide final and binding decisions. BPSK's decision can be executed through the district court if one of the parties does not fulfill its obligations. This is in accordance with the provisions of Article 54 paragraph (3) of Law Number 8 of 1999 which states that the decision of BPSK is final and binding for the parties to the dispute. However, BPSK's decision can be objected to the district court if there are valid legal reasons.

The dispute resolution process at BPSK begins with the submission of an application by the consumer or his or her proxies. After the application is received, BPSK will verify and register, then set a trial schedule. In the first hearing, BPSK will try to resolve disputes through mediation or conciliation. If both parties reach an agreement, then BPSK will issue a decision outlined in the form of a peace deed. If mediation or conciliation is unsuccessful, BPSK can continue the process to arbitration and provide a final and binding award.

The existence of BPSK provides significant benefits for consumers and business actors. For consumers, BPSK provides an alternative channel to resolve disputes without having to go through a time-consuming and costly general judicial process. For business actors, BPSK helps resolve disputes quickly and efficiently, so that it can maintain a reputation and good relationship with consumers. In addition, BPSK also plays a role in increasing public legal awareness regarding rights and obligations as consumers and business actors.

However, in its implementation, BPSK faces several challenges. One of the main challenges is the lack of public understanding of the existence and function of BPSK, so many consumer disputes are not reported or resolved through formal channels. In addition, limited human resources and budgets are also obstacles in optimizing BPSK's functions. For this reason, efforts are needed to increase socialization, training, and budget support so that BPSK can function optimally in protecting consumer rights.

Thus, BPSK plays an important role in the consumer protection system in Indonesia. By providing alternative dispute resolution outside of court, BPSK helps create a healthy and fair business climate. For this reason, there needs to be support from the government, business actors, and the community to strengthen the existence and effectiveness of BPSK in upholding consumer rights. Some examples of cases handled by BPSK include:

1. Cases of Contaminated Bottled Milk in the City of Bandung
   This dispute occurred between the consumer, Rini Tresna Sari, and PT Ultrajaya Milk Industry & Trading Company Tbk. The consumer complained about the presence of deposits in the purchased packaged milk, which was allegedly due to contamination during the production process. BPSK Bandung City facilitated the mediation process between the two parties. The result of the mediation agreed to provide compensation in the form of money as compensation for the losses experienced by consumers. The decision was officially announced in an arbitration hearing attended by both parties.

2. Cases of Expired Wafer Sales in Asian Department Stores Garut
   Another case involved a consumer, Fitri Juliani, who bought expired vegetable cheese wafers at the Garut Asia Department Store. After consuming the product, consumers experienced health problems and filed a claim for compensation to the supermarket. BPSK Garut Regency decided to resolve the dispute through arbitration, even though mediation had previously been unsuccessful. The BPSK panel granted part of the consumer's lawsuit and ordered the Garut Asia Department Store to pay compensation of Rp10,000,000.00. However, the Garut Asian Department Store raised an objection to the decision, which was then taken to the Garut District Court for further processing.
3. Case of Buying an Apartment Not According to the Agreement in Bogor
   In Bogor City, BPSK successfully resolved 17 consumer dispute cases, one of which was related to the purchase of an apartment that was not in accordance with the content of the agreement. Consumers complain about the discrepancy between the specifications promised by the developer and the accepted physical condition of the apartment. Through the mediation process, BPSK facilitates the achievement of an agreement between the two parties, which benefits consumers and fulfills their rights in accordance with applicable laws and regulations.

Through these various cases, BPSK has shown its important role in providing alternative dispute resolution outside of court, which is fast, cheap, and easily accessible to consumers. The mediation and arbitration process carried out by BPSK not only helps resolve disputes, but also provides education to the public about the rights and obligations of consumers and business actors in accordance with Law Number 8 of 1999 concerning Consumer Protection.

Weaknesses and Obstacles of *Quasi Judicial Institutions* in Indonesia

Quasi *judicial* institutions in Indonesia are a form of institutional innovation that is between the executive and judicial realms. Although it is not categorized as a judicial institution in the *classical trias politica* structure , its existence plays an important role in realizing substantive justice, protecting the rights of citizens, and strengthening the principle of a democratic rule of law. The birth of these institutions is often seen as a need for a faster, cheaper, and more effective dispute resolution or state oversight institution than formal litigation channels.

Quasi-juridical institutions are born from the need for a settlement or supervision mechanism that cannot be fulfilled optimally through judicial institutions. The birth of these institutions is a response to various structural challenges in the legal system, such as a slow bureaucracy, inequality of access to justice, and the fragility of the integrity of the judiciary. Quasi *judicial institutions* can be said to be a form of legal effort to stay alive and adaptive in responding to the dynamics of society (*living law*). They expand access to justice and provide a more responsive alternative to the needs of protecting citizens' rights. In Indonesia, some *important quasi-juridical institutions include:*

1. National Human Rights Commission (Komnas HAM)
   Established under Law No. 39 of 1999, Komnas HAM is tasked with investigating alleged human rights violations and providing recommendations to law enforcement officials and the government.
2. Business Competition Supervisory Commission (ICC)

Established through Law No. 5 of 1999, ICC functions as a supervisor of monopoly practices and unfair business competition with the authority to investigate and impose administrative sanctions.

3. Ombudsman of the Republic of Indonesia (ORI)
   Based on Law No. 37 of 2008, ORI handles reports of maladministration by public service providers and provides recommendations for governance improvements.
4. Judicial Commission (KY)
   Formed based on amendments to the 1945 Constitution and Law No. 18 of 2011, the KY has the main task of maintaining the honor and dignity of judges, including receiving complaints and recommending ethical sanctions.
5. Witness and Victim Protection Agency (LPSK)
   Established based on Law No. 13 of 2006 (jo. Law No. 31 of 2014), LPSK provides protection for witnesses and victims of criminal acts, including medical, psychological, and compensation assistance.
6. Consumer Dispute Resolution Agency (BPSK)
   Regulated in Law No. 8 of 1999 concerning Consumer Protection, BPSK resolves disputes between consumers and business actors through mediation, arbitration, or simple adjudication.

Each of these institutions holds *a quasi judicial* function, namely it can receive reports, examine cases, and issue decisions or recommendations even though they are not in a formal judicial structure.

Although *quasi-judicial* institutions in Indonesia were established to expand access to justice and bridge the functional vacuums of formal judicial institutions, in practice they face various weaknesses that hinder their effective implementation. These obstacles are structural, cultural, and political, which, if not taken seriously, will erode the public's legitimacy for these institutions. The weaknesses and obstacles are:

1. Absence of Executory Power
   One of the main weaknesses of *quasi-judicial* institutions is the absence of execution authority or direct coercion of their decisions or recommendations. Most of the legal products of *quasi-judicial institutions* are administrative or recommendational, not in the form of legal decisions that can be directly executed as in the general judicial system. This results in many recommendations being ignored by the reported parties or even by the state institutions themselves. An example is the National Commission on Human Rights (Komnas HAM), which, although it has investigative authority, does not have a mechanism to force law enforcement officials to follow up on its findings. Cases of gross human rights violations in the past such as the Semanggi and Trisakti incidents, although they have been investigated many times by Komnas HAM and produced strong recommendations, have stalled at the Attorney General's Office because there is no legal obligation to follow up (Yusran, 2023). The same thing happens with the Witness and Victim Protection Institution (LPSK), where physical protection and location relocation for key witnesses in cases of corruption or violence are often hampered due to the lack of coordination or refusal of other institutions, such as the police, needed for technical execution in the field (LPSK Annual Report, 2022).

2. Non-binding *Recommendations*
   The *non-binding* or non-binding nature of most *quasi-judicial agency decisions* makes their effectiveness highly dependent on the reported party's willingness to comply. For example, the Ombudsman of the Republic of Indonesia issues thousands of recommendations every year against government agencies that commit maladministration. However, in the 2023 Ombudsman Performance Report of the Republic of Indonesia, the level of compliance of ministries and institutions with recommendations only reached 56.7%. In fact, some agencies with serious findings did not respond at all. This is where there are legal loopholes and regulatory weaknesses. There are no concrete legal sanctions for institutions that ignore the Ombudsman's recommendations, except for moral sanctions that are not enough to have a deterrent effect. This condition creates a practice of "recommendation as a formality″ that is contrary to the original purpose for which the institution was formed.
3. Often Sued Back and Weak Position in Court
   Several quasi-juridical institutions such as the Business Competition Supervisory Commission (ICC) are indeed given the authority to impose administrative sanctions. However, almost all of his decisions can be appealed back to the District Court and the Supreme Court. In practice, a large number of ICC decisions are ultimately annulled by the court for procedural or formal reasons, not the substance of the case. According to ICC data in 2023, more than 40% of judgments sued to the court were canceled, mainly because of allegations of violations of examination procedures, not because anti-competitive substances were not proven (ICC, 2023). This gives the impression that the court does not give sufficient weight to the function and independence of this institution as a regulator of the economic sector.
4. Political Intervention and the Fragility of Independence
   Another problem that is no less serious is the political intervention of these institutions, especially in the process of appointing and supervising commissioners. For example, the selection process for Commissioners of the Judicial Commission (KY) and Komnas HAM is not completely free from political tug-of-war in the House of Representatives. As a result, there is a potential for weakening the independence of the institution from within. The case in 2022 in which the KY was not given access by the Supreme Court to investigate alleged ethical violations by several supreme court justices is an illustration of the weak position of the KY in conducting judicial supervision. This is contrary to the constitutional duties of the KY as stipulated in Article 24B of the 1945 Constitution.
5. Lack of Resources and Workload
   Limited human resources, budgets, and infrastructure are real technical obstacles. Many representative offices of *quasi-judicial* institutions in the regions experience a shortage of expert staff, limited investigation budgets, and even lack of adequate supporting facilities. As a result, incoming community reports take a long time to follow up. As an illustration, the Ombudsman only has 34 provincial representative offices to serve all of Indonesia, while public reports reach more than 10,000 cases every year (Ombudsman RI, 2023). The ratio of whistleblowers to inspectors is very uneven, resulting in *backlogs* and delays in response.

6. A Bureaucratic Culture That Resists Supervision
   Indonesia's bureaucratic culture, which is still hierarchical and paternalistic, also makes it difficult to implement the recommendations of quasi-juridical institutions. Many public officials view the recommendations as an interference with their authority. This shows the low awareness of government institutions on the principles *of accountability* and *checks and balances*. In some cases, such as public service disputes in the regions, there are heads of agencies who even refuse to attend to the summons of institutions such as the Ombudsman or Komnas HAM. This suggests that without strong sanctions or political intervention from above, many institutions do not feel obligated to submit to the work of external supervisory agencies.

CONCLUSION

Quasi judicial institutions are products of state administrative law that has developed with the strong influence of the common law tradition. Quasi judicial institutions serve as a "bridge" between administrative efficiency and adjudicative independence, where dispute resolution can be carried out quickly and effectively without disregarding the principles of substantive justice. This model reflects the need for the modern legal state to provide a more flexible but still legally valid dispute resolution mechanism, especially in the context of sectoral disputes that are specific in nature and require a quick response. The weaknesses and obstacles of quasi-judicial institutions can be concluded to include: the absence of executive power, non-binding recommendations, often sued back and weak position in the general judiciary, potential for political intervention, lack of resources and workload, bureaucratic culture that is resistive to supervision.

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