

Reforming Banking Dispute Resolution in Indonesia's Digital Era: A Comparative Legal Policy Analysis of LAPS SJK and the UK Financial Ombudsman Service

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Abstract: Rapid expansion of digital banking has heightened the need for accessible and effective consumer redress, yet existing legal comparisons insufficiently connect institutional design with procedural fairness, enforceability, and regulatory reform. This study examines Indonesia's Financial Services Sector Alternative Dispute Resolution Institution (LAPS SJK) and the United Kingdom's Financial Ombudsman Service (FOS) to formulate context-sensitive reforms for banking dispute resolution in Indonesia. Employing normative legal research, it combines statutory and conceptual approaches with a functional comparative framework assessing legal authority, institutional independence, procedural fairness, the legal effects of dispute outcomes, and digital accessibility. Primary legal materials include OJK Regulation No. 61/POJK.07/2020, Law No. 4 of 2023 on Financial Sector Development and Strengthening, and the Financial Services and Markets Act 2000. The analysis finds that LAPS SJK offers mediation, arbitration, and binding opinions within an OJK-regulated framework, whereas the FOS applies a statutory fair-and-reasonable standard, with final determinations under its compulsory jurisdiction becoming binding upon acceptance by complainants. These differences reveal distinct legal pathways for obtaining and implementing consumer redress rather than establishing the empirical superiority of either system. The study contributes an integrated comparative legal-policy framework prioritizing stronger governance safeguards, clearer compliance and enforcement procedures, and more accessible digital complaint mechanisms within Indonesia's regulatory architecture. Future empirical research should assess compliance with dispute outcomes, consumer experiences, and institutional performance to evaluate these proposals.

Keywords: Alternative Dispute Resolution, Banking Disputes, Consumer Protection Policy, Financial Ombudsman Service, LAPS SJK.

1. Introduction

Banks are among the financial institutions closely intertwined with contemporary social life. Banking institutions act as financial intermediaries, collecting funds from the public through deposit products and redistributing them as credit facilities and other financial instruments. Banking activities that rely on public funds depend heavily on public trust. Therefore, banking management must follow prudential principles to maintain bank stability and soundness while preserving public confidence [1] [2] [3]. However, increasing digitalization and the complexity of banking services have expanded the risks consumers face, making effective legal protection and accessible dispute-resolution mechanisms essential to maintaining public confidence in the financial system [4] [5].

However, despite the complexity and diversity of banking services, disputes between customers and banks cannot be entirely avoided. Such disputes may arise from system errors, unclear information, or dissatisfaction with the services provided. In this context, alternative dispute resolution institutions play an important role. Banking service disputes may generally be resolved through litigation before the courts or through non-litigation mechanisms outside the courts. Litigation tends to take a long time, involve substantial costs, and does not necessarily produce mutually beneficial outcomes for the disputing parties [5]. Accordingly, Alternative Dispute Resolution (ADR) provides an important mechanism for facilitating accessible, efficient, and procedurally fair dispute settlement without necessarily requiring judicial proceedings. Nevertheless, the effectiveness of consumer protection depends not merely on the availability of ADR institutions but also on their institutional independence, procedural safeguards, and the enforceability of dispute resolution outcomes [6].

Alternative Dispute Resolution (ADR), as a non-litigation dispute resolution mechanism, has increasingly become a preferred option for business actors because it is considered more effective, efficient, flexible, and appropriate for resolving disputes [5]. ADR refers to dispute resolution based on methods the parties agree on, including negotiation, mediation, conciliation, and expert appraisal, conducted outside the courts and grounded in the principle of good faith [7]. Under the framework established by the Law on Arbitration and Alternative Dispute Resolution, disputes in the financial services sector arise from disagreements between financial service providers and customers, particularly where internal complaint-handling procedures or settlement mechanisms fail to produce an agreement. The banking sector's alternative dispute resolution regulation was first introduced on 23 January 2014 through OJK Regulation No. 1/POJK.07/2014.07/2014 concerning Alternative Dispute Resolution Institutions in the Financial Services Sector. This framework was subsequently revised, and the institutional arrangements for LAPS SJK are now governed principally by OJK Regulation No. 61/POJK.07/2020 [8]. The regulatory framework has been further strengthened by Law No. 4 of 2023 concerning Financial Sector Development and Strengthening (P2SK Law), as amended by Law No. 4 of 2026, and OJK Regulation No. 22 of 2023 concerning Consumer and Public Protection in the Financial Services Sector. These developments underscore the regulatory importance of consumer protection and institutional accountability while raising questions about the adequacy of existing legal safeguards, procedural fairness, and mechanisms for implementing dispute resolution outcomes.

According to the OJK Board of Commissioners Meeting Press Release for May 2026, OJK recorded 248,389 consumer services between 1 January and 12 May 2026 through the Consumer Protection Portal Application (*Aplikasi Portal Pelindungan Konsumen* or APPK), including 35,906 complaints in the financial services sector. Of these complaints, 11,944 concerned the banking sector, 15,474 the financial technology sector, and 7,248 financing companies [9] [10]. According to OJK data, financial services business actors resolved 83.75% of complaints through internal dispute resolution mechanisms, while the remaining 16.25% were still under review and unresolved. In addition, between 1 January and 20 May 2026, OJK received 17,105 complaints relating to illegal financial entities, the majority of which concerned illegal online lending activities [11]. Meanwhile, data from the United Kingdom's *Financial Ombudsman Service* (FOS) indicate that, during the 2025/2026 financial year, the FOS received 214,600 new complaints about financial products and services, down almost 30% from the 305,700 complaints recorded in the 2024/2025 financial year. On average, the FOS upheld 30% of the complaints it resolved. In the banking category, *current accounts* were among the largest sources of disputes, accounting for about 32,900 complaints, including 18,900 involving fraud and scams [12]. These figures highlight the continuing importance of consumer dispute resolution in both jurisdictions. However, differences in reporting periods, institutional functions, and complaint classifications prevent direct conclusions regarding their comparative effectiveness. These statistics therefore provide a contextual basis for examining

whether the respective legal and institutional frameworks adequately support consumer protection, legal certainty, and access to justice.

The United Kingdom was selected as the comparator because its Financial Ombudsman Service operates within a statutory framework established by the Financial Services and Markets Act 2000, providing a relevant institutional comparison with Indonesia's LAPS SJK [16]. In particular, the UK framework applies the principle of fair and reasonable dispute resolution and sets out the legal conditions under which accepted ombudsman determinations become final and binding. This distinction provides a basis for examining institutional governance, procedural fairness, and the enforceability of dispute resolution outcomes. Accordingly, the comparison does not presume that the UK system is superior; rather, it seeks to identify legal and institutional arrangements that may be appropriately adapted to strengthen banking consumer protection within Indonesia's regulatory framework.

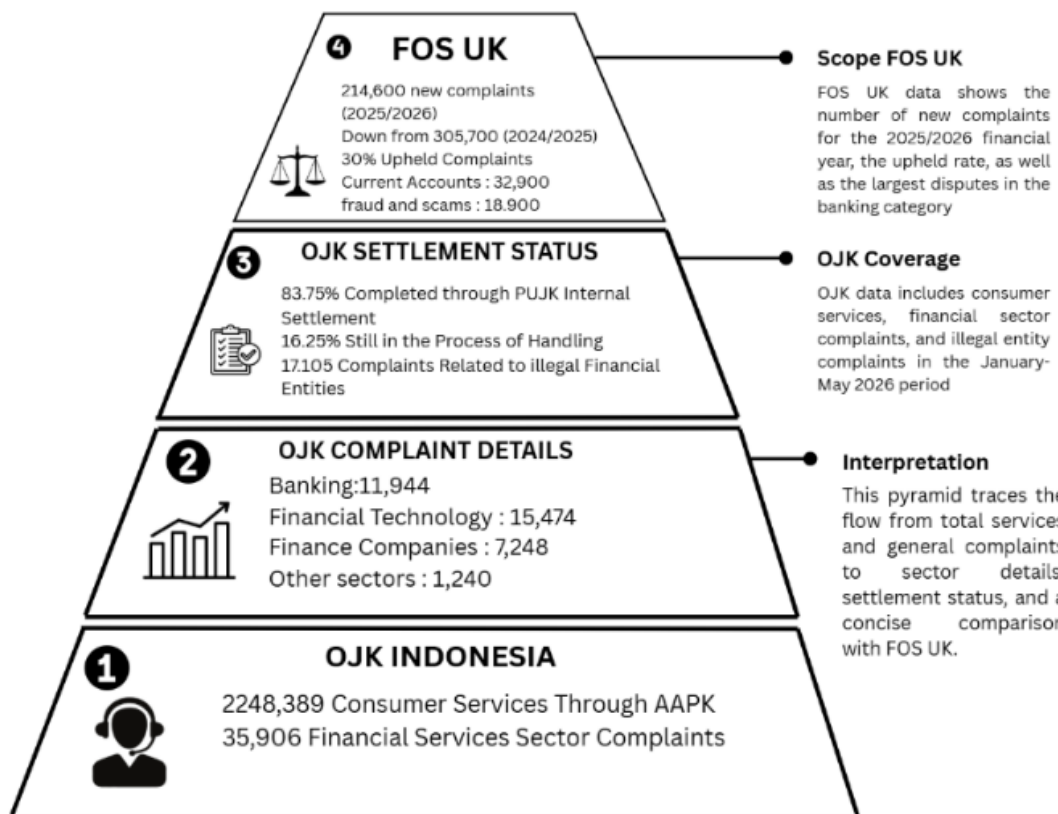


Figure 1. Consumer Complaints Pyramid in the Financial Services Sector

2. Literature Review

This literature review draws on Legal Protection Theory and Procedural Justice Theory, which offer complementary perspectives on substantive consumer protection, institutional accountability, and procedural fairness in banking dispute resolution. These perspectives connect prior studies to a comparative assessment of Indonesia's LAPS SJK and the United Kingdom's Financial Ombudsman Service. Within the banking context of OJK and LAPS SJK, the comparison reveals a gap between *das sein* and *das sollen*. Normatively, OJK Regulation No. 61/POJK.07/2020 concerning the Financial Services Sector Alternative Dispute Resolution Institution establishes the principles of accessibility, independence, fairness, efficiency, and effectiveness in financial dispute resolution. In practice, however, allegations of misuse of internal banking access have raised consumer protection concerns, as illustrated by the reported Bank Sinarmas case involving losses of approximately IDR 8.2 billion. A similar gap exists in the United Kingdom. The *Financial Conduct Authority* regulates responsible lending under *CONC 5 – Responsible Lending*, which requires banks to assess

creditworthiness and consumers' repayment capacity before granting credit. In practice, however, a Financial Ombudsman Service determination found that Sainsbury's Bank acted irresponsibly by increasing a consumer's credit limit in July 2013 without sufficiently assessing affordability. These cases illustrate the importance of ensuring that accessible and effective dispute resolution mechanisms support substantive consumer protection obligations. Nevertheless, individual banking disputes do not, in themselves, establish institutional failures within LAPS SJK or the FOS.

Against this background, the present study offers a distinct contribution that differentiates it from previous research. Stanis, found that Indonesia had not yet established cooperation between LAPS and the National Sharia Arbitration Board–Indonesian Ulema Council, leading parties seeking justice to rely on a particular institution, especially in disputes involving Islamic banking and Islamic business units. Putra, found that LAPS SJK's effectiveness needs improvement, given the large number of complaints that do not meet the requirements to proceed to the dispute resolution stage. Ismail and Suarti, further argued that the government should pay attention to LAPS SJK to ensure its implementation remains consistent with applicable regulations. Kharisma, likewise emphasized the need to optimize LAPS as a consumer protection instrument in the financial sector. By contrast, Erviana, identified the importance of strengthening ADR regulation in settling banking and financial consumer protection disputes. Collectively, these studies highlight regulatory improvement, institutional effectiveness, and consumer protection as central concerns within Indonesia's financial dispute resolution framework. However, these findings have not been sufficiently integrated into a comparative analysis of how institutional independence, procedural fairness, and the enforceability of dispute resolution outcomes relate. International scholarship provides a complementary perspective. Creutzfeldt and Bradford, demonstrated the relevance of procedural justice and decision acceptance among users of ombuds services in the United Kingdom [16]. Furthermore, Amajuoyi and Fejős, examined the relationship between legal rules and the principles of fairness and reasonableness within the UK Financial Ombudsman Service [17]. Together, these studies provide a foundation for examining the legal and institutional dimensions of banking dispute resolution beyond descriptive regulatory comparisons.

From the perspective of Philipus M. Hadjon's theory of legal protection, Indonesia's P2SK Law may be seen as a concrete governmental measure to strengthen both preventive and repressive legal protection for consumers and the public in the financial sector, particularly by reinforcing OJK's functions and authority [13]. The P2SK Law's amendment to Article 5 of the OJK Law reflects this strengthening by assigning OJK functions related to protecting consumers and the public [14]. Supervision of PUJK conduct and compliance with consumer protection regulations is necessary to maintain and strengthen consumer confidence in financial service providers while enabling PUJK to develop their activities fairly, efficiently, and transparently. These measures support sound performance and sustainable business development in the financial services sector [13]. PUJK must also uphold consumer protection principles by providing clear consumer education, disclosing product and service information, treating consumers fairly, safeguarding consumer assets and data privacy, and ensuring effective, efficient complaint handling and dispute resolution. OJK is also authorized to address activities that may harm the public. Such protection may include requiring financial institutions to discontinue activities that harm consumers. OJK may also take legal action in the interests of consumers, including bringing lawsuits before the courts against parties responsible for losses in the financial services sector [13]. To strengthen this theoretical foundation, Tom R. Tyler's Procedural Justice Theory emphasises the importance of neutrality, participation, respectful treatment, and trust in institutional decision-making processes. While Legal Protection Theory provides a basis for evaluating preventive safeguards and remedial mechanisms, Procedural Justice Theory supports assessing fairness, impartiality, and consumer participation in dispute resolution. Integrating these theories allows a comparison between LAPS SJK and the FOS that addresses both the legal protection afforded to consumers and the procedural safeguards governing dispute resolution.

Much of the previous research has therefore focused on the effectiveness of LAPS SJK and the challenges it faces in Indonesia. However, this study finds that the relationship among institutional governance, procedural fairness, and the legal effects of dispute resolution outcomes remains insufficiently examined in the comparative context it addresses. This study therefore contributes to the literature by developing a comparative legal-policy analysis that identifies key regulatory and institutional reform priorities for Indonesia. This study does not analyze empirical field data, such as informant interviews, or examine court decisions. Rather, it is confined to a comparative legal

analysis of banking service dispute resolution in Indonesia and the United Kingdom; its findings are not intended to represent legal systems in other jurisdictions. The study is limited to dispute resolution in the banking sector. It specifically examines dispute settlement through Alternative Dispute Resolution institutions by comparing Indonesia's LAPS SJK framework under OJK supervision and the United Kingdom's *Financial Ombudsman Service*. On this basis, the study addresses two research questions: (1) How is banking service dispute resolution regulated in Indonesia and the United Kingdom? (2) What is the ideal model for banking service dispute resolution through Alternative Dispute Resolution institutions in Indonesia, based on a comparison of LAPS SJK and the UK Financial Ombudsman Service?

3. Methodology

This study employs a normative legal research method, focusing on analyzing legal principles, legal systematics, and the degree of legal synchronization [15]. This study applies several approaches. First, the statutory approach (*statute approach*) is used by examining relevant regulations, including OJK Regulation No. 61/POJK.07/2020 in Indonesia and the *Financial Services and Markets Act 2000* in the United Kingdom. Second, the study employs a conceptual approach to understand the legal concepts and theories underlying alternative dispute resolution (*ADR*). Third, the study uses a comparative approach to compare dispute resolution in the banking sector through Alternative Dispute Resolution institutions in Indonesia and the United Kingdom. The United Kingdom was selected because its Financial Ombudsman Service provides a statutory dispute resolution mechanism that is functionally comparable to Indonesia's LAPS SJK, particularly in providing remedies for financial consumers. This comparison uses a functional comparative legal approach to examine how both institutions perform similar dispute-resolution functions within different regulatory frameworks. In normative legal research, the data used are secondary data consisting of primary, secondary, and tertiary legal materials. Primary legal materials are binding legal sources, such as constitutions, legislation, and other legal regulations [16]. In this study, the primary legal materials include OJK Regulation No. 61/POJK.07/2020, Law No. 21 of 2011 concerning the Financial Services Authority, Law No. 30 of 1999 concerning Arbitration and Alternative Dispute Resolution, and Law No. 4 of 2023 concerning Financial Sector Development and Strengthening, as amended by Law No. 4 of 2026, and the *Financial Services and Markets Act 2000* as the legal basis for the establishment of the *Financial Ombudsman Service* in the United Kingdom. Secondary legal materials explain and analyze primary legal materials and include academic works ranging from descriptive studies to critical commentaries, such as scientific journal articles, legal textbooks, and relevant comparative legal studies. Tertiary legal materials are supporting materials for primary and secondary legal materials [16] [17]. These include legal dictionaries and legal encyclopedias, where relevant, to clarify legal terminology and concepts used in the analysis.

The study collected legal materials through library research. This method involved examining written legal materials from books, internet sources, and websites [16]. The study selected legal materials based on their relevance to banking dispute resolution, legal authority, and applicability within the respective jurisdictions. The collected legal materials were subsequently analysed using a qualitative-descriptive method. The qualitative-descriptive analysis was employed to systematically describe legal provisions and interpret legal norms based on the principles of justice and legal certainty. Meanwhile, comparative legal analysis was conducted by comparing the regulation and practice of financial services dispute resolution through LAPS SJK under OJK supervision in Indonesia and the *Financial Ombudsman Service* in the United Kingdom. The comparison was operationalised through six qualitative legal indicators: (1) legal authority and institutional structure, (2) institutional independence and governance, including funding arrangements, (3) procedural fairness, (4) the binding effect and enforceability of dispute resolution outcomes, (5) accessibility and digital dispute resolution mechanisms, and (6) regulatory accountability. The analytical process involved identifying relevant legal provisions, interpreting their normative implications, comparing equivalent institutional functions against these indicators, and formulating context-sensitive regulatory recommendations. This analysis aims to identify the similarities and differences between the two legal systems in order to evaluate the normative adequacy of consumer protection and procedural fairness within each dispute resolution mechanism [18]. However, as this study is based on normative legal materials without interviews or direct institutional observation, it does not empirically measure institutional performance, consumer satisfaction, or actual compliance rates.

4. Finding and Discussion

4.1. Regulation of Banking Service Dispute Resolution in Indonesia and the United Kingdom

Banking service dispute resolution in Indonesia and the United Kingdom can be examined through two mechanisms: dispute resolution through the courts and dispute resolution outside the courts. Banking disputes generally arise from breaches of contract, service errors, unauthorized transactions, differences in the interpretation of contractual provisions, or losses suffered by customers arising from the use of banking products and services [19]. Litigation proceeds through formal court proceedings, where the judge has sole authority to decide, and the outcome is generally a *win-lose result* [20]. In contrast, non-litigation mechanisms operate outside the courts and emphasize a more efficient, accessible process aimed at resolving disputes between consumers and financial institutions. The *Financial Ombudsman Service* is a dispute resolution institution distinct from civil courts and an important alternative for consumers in the financial services sector [21]. Therefore, this discussion is necessary to understand how banking disputes are resolved in Indonesia and the United Kingdom to ensure customer protection through both judicial and out-of-court dispute resolution mechanisms.

In general, disputes arising from business activities, including trade, banking, mining, oil and gas, energy, infrastructure, and other commercial sectors, are frequently resolved through litigation. In litigation proceedings, the parties generally occupy opposing positions. Litigation is also commonly regarded as a last resort after alternative dispute resolution mechanisms have failed to achieve a settlement [22]. Although litigation remains widely used, its implementation often requires considerable time and expense and tends to produce rigid decisions that may not adequately accommodate the interests of the parties [23]. In banking disputes, customers are generally in a weaker position than banks because banks possess greater legal resources, broader access to information, and more comprehensive documentation [24]. Resolving disputes between customers and banks solely through court proceedings is therefore not always sufficient, as there is a need for mechanisms that are faster, more efficient, and capable of providing a sense of justice to the parties. Accordingly, litigation continues to play an important role in providing legal certainty, but it is not always the most effective option for every customer [25].

In addition to litigation, Indonesia also provides non-litigation mechanisms through internal complaint procedures submitted to banks and dispute resolution through LAPS SJK. Furthermore, the Indonesian National Arbitration Board (*Badan Arbitrase Nasional Indonesia* or BANI) also provides arbitration services for business and commercial disputes [26]. Alternative dispute resolution refers to institutions or mechanisms for resolving disputes or differences of opinion based on the agreement of the parties. Pursuant to Article 1 point 10 of the Arbitration and Alternative Dispute Resolution Law, there are four types of alternative dispute resolution that may be pursued by the parties, namely consultation, negotiation, mediation, and conciliation [27]. ADR constitutes an approach to dispute settlement conducted outside the formal judicial process. Its principal objective is to provide a solution that is more time-efficient, more affordable, and more adaptable than formal and comprehensive court proceedings [28]. Non-litigation dispute resolution offers several advantages because the process is more flexible and efficient. Compared with court litigation, non-litigation mechanisms can generally be completed within a shorter period, allowing the parties to save both time and costs. In addition, non-litigation mechanisms provide the parties with greater autonomy to determine the course of the process and the form of settlement considered most appropriate. The process is also confidential, thereby protecting the privacy, confidentiality, and reputation of the parties, particularly in sensitive business disputes. Another advantage lies in its more cooperative nature, as the parties are encouraged to reach an amicable agreement without legal pressure or coercion [29].

Out-of-court dispute resolution in the financial services sector may be conducted through LAPS SJK. Therefore, in order to accommodate the interests of consumers in resolving financial services disputes outside the courts, OJK issued OJK Regulation No. 61/2020 [30]. This institution serves as a forum for assisting parties in resolving legal problems without having to proceed through formal court proceedings [19]. The OJK Regulation on LAPS was issued to provide consumers with a mechanism for resolving disputes with financial institutions in a prompt, affordable, efficient, and confidential manner [7]. In addition to these mechanisms, LAPS SJK also provides binding opinion services. A binding opinion constitutes the authority of an arbitral tribunal to provide views or assessments that are binding upon the parties [31]. Mediation through LAPS SJK plays an important role because the process is confidential, may help preserve good relations between banks and customers, and is directed toward achieving a mutually beneficial settlement [32]. Alternative dispute

resolution is essentially voluntary in nature, meaning that its implementation cannot be imposed by one party upon another party to the dispute [33]. Challenges include limited authority to compel the parties, insufficient compliance among financial service institutions, and uneven public awareness of the existence of LAPS SJK [34]. These conditions result in some disputes ultimately proceeding to litigation, meaning that the objective of ADR as a prompt and efficient dispute resolution mechanism has not yet been fully achieved [23].

Banking service disputes in the United Kingdom may be resolved through litigation in the civil courts. Customers may bring claims before the courts when they suffer losses resulting from breaches of contract, bank negligence, service errors, or detrimental financial transactions [35]. Within the civil justice system of England and Wales, disputes involving relatively small amounts may generally be resolved through the *small claims track* in ordinary civil courts, whereas complex financial disputes involving substantial values or requiring specialised expertise in financial markets may be heard by the *High Court*, particularly through the *Financial List* of the *Business and Property Courts* [36]. The *Financial List* within the *Business and Property Courts* specifically deals with financial disputes requiring judicial expertise in financial markets and services. Litigation provides legal certainty because court judgments are binding and enforceable. However, litigation often involves high costs, lengthy proceedings, and formal procedures that may make it less accessible to retail consumers. Therefore, although litigation remains an important mechanism for resolving banking disputes in the United Kingdom, it is more appropriate for complex disputes, high-value claims, or cases requiring a court judgment with full legal force [37].

Non-litigation banking dispute resolution in the United Kingdom is generally initiated through an internal complaint procedure with the bank and may subsequently be referred to the *Financial Ombudsman Service* if no settlement is reached [38]. The FOS operates as an independent institution responsible for handling consumer complaints against financial services institutions, including disputes concerning bank accounts, credit cards, loans, payment transactions, and other banking services [39]. The process is simpler than court proceedings because consumers may submit complaints free of charge and are not required to follow formal judicial procedures [40]. Before a case is considered by the FOS, the bank is generally given an opportunity to respond to and resolve the complaint within a specified period. Where the bank's response is unsatisfactory, or no response is provided within the prescribed time limit, the consumer may refer the dispute to the FOS [41]. The FOS will then assess the evidence, seek information from the parties, provide an initial assessment, and, where objections remain, refer the matter to an ombudsman for a final decision. FOS decisions are based on the principle of *fairness and reasonableness*, meaning that the assessment considers not only formal law but also the facts of the case, regulatory rules, and good industry practice [42]. Accordingly, the United Kingdom's non-litigation mechanism demonstrates a model of banking dispute resolution that is more accessible, flexible, and consumer-oriented.

A comparison between banking dispute resolution systems in Indonesia and the United Kingdom demonstrates fundamental differences in the institutional designs adopted by each jurisdiction. In Indonesia, LAPS SJK operates within the regulatory and supervisory framework of the Financial Services Authority (OJK), and its model may therefore be categorised as *regulator-driven ADR* [31]. Under this model, the state, through the financial services supervisory authority, takes an active role in establishing and supervising out-of-court dispute resolution mechanisms [43]. By contrast, the *Financial Ombudsman Service* (FOS) in the United Kingdom constitutes a statutory ombudsman scheme established pursuant to legislation and performs its functions independently of the regulatory authority. These differences in institutional design also influence the procedural approaches adopted by the respective institutions. LAPS SJK offers several alternative dispute resolution mechanisms, including mediation, arbitration, and binding opinions, thereby providing the parties with flexibility in selecting the mechanism considered most appropriate [44]. Meanwhile, the FOS applies a more structured approach through a staged complaint-handling process guided by the *fair and reasonable* standard as the primary benchmark for decision-making [45]. In this regard, Creutzfeldt and Bradford emphasise that, in the operation of ombudsman services, the parties' perceptions of procedural fairness play an important role in shaping their trust in and acceptance of the decisions rendered. These institutional differences reflect distinct regulatory approaches rather than merely different organizational structures. Indonesia emphasise sectoral supervision and the availability of multiple consensual or adjudicative ADR mechanisms, whereas the United Kingdom provides a statutory ombudsman determination process within its financial regulatory framework. From the perspective of Legal Protection Theory, the significance of

these differences lies in how each system guarantees accessible remedies and legal certainty for consumers. Procedural Justice Theory further requires an assessment of institutional neutrality, opportunities for participation, and transparency in decision-making. Consequently, the comparative analysis must evaluate whether these arrangements provide adequate safeguards against information and bargaining-power asymmetries between banks and consumers, rather than assuming that either institutional model is inherently more effective.

More specifically, OJK Regulation No. 61/POJK.07/2020 governs the scope of LAPS SJK, including the institution's functions, duties, and authority; legal entity status; membership; management; lists of mediators and arbitrators; dispute resolution principles; reporting mechanisms; criteria for disputes eligible for resolution; and sanctions applicable to LAPS and Financial Services Business Actors (*Pelaku Usaha Jasa Keuangan* or PUJK) that violate applicable provisions [46]. This regulation constitutes an improvement upon OJK Regulation No. 1/POJK.07/2014, which was considered insufficient to establish uniform service standards because six separate ADR institutions previously operated independently for different financial services subsectors [46]. LAPS SJK was established by associations and/or *self-regulatory organizations* within the financial services sector after obtaining approval from OJK, meaning that the institution remains within the supervisory framework of the authority. In addition to the Arbitration and Alternative Dispute Resolution Law and the OJK Regulation on LAPS, the existence of LAPS SJK is inseparable from the OJK Law, which provides the legal basis for OJK's authority to establish dispute resolution institutions in the financial services sector and supervise their implementation [47]. Article 4 of the OJK Law affirms that one of the objectives of establishing OJK is to ensure that all activities within the financial services sector are capable of continuously protecting the interests of consumers and the public [48]. The obligation of PUJK to become members of LAPS SJK is consistent with the principle of consumer protection, which places dispute resolution as an integral component of good governance in financial services institutions. Accordingly, the regulatory framework governing LAPS SJK does not stand independently but is integrated into the broader institutional legal framework of OJK. This multilayered legal framework is intended to provide a strong institutional and procedural foundation for banking dispute resolution in Indonesia.

From the perspective of litigation, banking dispute resolution in Indonesia is essentially governed by the Indonesian Civil Code and the general rules of civil procedure applicable within the district courts. For disputes involving relatively small claim values, consumers may use the *small claims court* mechanism regulated under Supreme Court Regulation No. 4 of 2019, which was designed to provide a shorter and less costly procedure than ordinary civil litigation [49]. Nevertheless, the small claims mechanism still requires formal evidentiary proceedings before a judge, meaning that ordinary customers often encounter difficulties in preparing and submitting sufficient evidence. In addition to proceedings before the general courts, banking legislation also imposes obligations upon banks to maintain the confidentiality and security of customer funds, which may serve as a basis for legal claims where breach of contract or unlawful acts are committed by banks [50]. These provisions demonstrate that litigation in Indonesia provides a sufficient legal framework for protecting customer interests, although its use remains less than optimal because of procedural complexity and lengthy settlement periods. This situation further emphasises the importance of non-litigation mechanisms such as LAPS SJK as a complement and counterbalance to the limitations inherent in formal judicial proceedings [22]. With both mechanisms available in parallel, customers have greater freedom to select the dispute resolution mechanism most appropriate to the nature and value of the losses suffered. The combination of litigation and non-litigation mechanisms ultimately creates a more comprehensive legal protection system for banking customers in Indonesia.

In addition to the *small claims track* and the *Financial List*, banking disputes in the United Kingdom may also be heard by the *County Court* for cases involving intermediate claim values that do not satisfy the criteria for consideration by the *Financial List*. Thus, the structure of civil justice in the United Kingdom is essentially tiered according to the complexity and value of the dispute. In litigation proceedings, judges remain bound by *common law* principles and precedents established through previous judgments, thereby providing greater legal consistency than an ombudsman mechanism that is investigative in nature [51]. The United Kingdom's financial services regulator, the *Financial Conduct Authority* (FCA), also contributes to shaping the compliance framework relevant to litigation, including through the *Consumer Duty*, which requires financial institutions to act in the best interests of consumers throughout the business relationship. Breaches of these

requirements may provide grounds for civil claims before the courts in addition to becoming the subject of administrative supervision by the FCA. The limitation period for bringing claims in the United Kingdom generally follows the *Limitation Act 1980*, which imposes a six-year limitation period from the date on which the cause of action arose for most contractual banking disputes[52]. This limitation period provides legal certainty for both parties while also requiring customers to act promptly when pursuing litigation. The combination of a tiered court structure, legal precedent, and FCA supervision makes litigation in the United Kingdom relatively well developed, although it remains less accessible to individual consumers with limited resources. These characteristics encourage retail consumers in the United Kingdom to prefer non-litigation mechanisms through the *Financial Ombudsman Service* rather than formal court proceedings.

The legal basis for the existence of the *Financial Ombudsman Service* is expressly provided in *Part XVI of the Financial Services and Markets Act 2000*, which establishes an ombudsman scheme for the prompt and informal resolution of disputes between members of the public and financial service providers within its jurisdiction [12]. The scheme is operated by a corporate body known as *Financial Ombudsman Service Limited*, which operates on a non-profit basis and is financed through *industry funding*, including levies and case fees. The FOS exercises two forms of jurisdiction, namely *compulsory jurisdiction* over complaints falling within the applicable statutory and regulatory requirements and *voluntary jurisdiction* over eligible disputes involving participating financial service providers. This division of jurisdiction provides flexibility in the scope of dispute resolution and reinforces the FOS's status as an institution operating independently in its dispute resolution functions, despite its relationship with the financial regulatory framework. Technical provisions governing complaint handling are further regulated in the *FCA Handbook*, specifically the *Dispute Resolution: Complaints (DISP)* section, which regulates complaint procedures, time limits, and eligibility criteria for complainants seeking to refer their disputes to the FOS [42]. This statutory institutional structure provides a distinct legal foundation compared with LAPS SJK in Indonesia, which operates under OJK Regulation No. 61/POJK.07/2020 within the broader framework of national financial legislation. However, differences in regulatory hierarchy do not automatically determine the binding force or effectiveness of dispute resolution outcomes. The authority of the FOS to issue final determinations that become binding on both parties upon acceptance by the complainant within its compulsory jurisdiction derives directly from statutory provisions, particularly Section 228 of the *Financial Services and Markets Act 2000*. The statutory foundation of the FOS therefore offers a relevant reference for Indonesia, particularly regarding the explicit regulation of dispute resolution authority, the legal consequences of final determinations, and institutional accountability. Nevertheless, directly adopting the UK ombudsman model would require careful consideration of Indonesia's existing arbitration framework, administrative regulatory structure, and the respective powers of OJK and LAPS SJK. Accordingly, regulatory reform should prioritize clarifying statutory mandates, harmonizing dispute resolution procedures, and strengthening compliance and enforcement mechanisms within Indonesia's existing P2SK regulatory framework. Such an approach would enable Indonesia to adopt relevant consumer protection safeguards without unnecessarily duplicating institutions or disregarding the legal characteristics of its existing ADR mechanisms, thereby strengthening legal certainty, institutional accountability, and access to justice for banking consumers.

From the perspective of normative effectiveness, both regulatory frameworks are essentially oriented toward accessibility, speed, and affordability for consumers, as reflected in the considerations underlying OJK Regulation No. 61/POJK.07/2020 and the objectives of the ombudsman scheme established under the *Financial Services and Markets Act 2000* [42] [53] [54]. However, a fundamental difference concerns the legal foundations, institutional authority, and enforceability of dispute resolution outcomes. OJK Regulations constitute regulatory instruments operating within Indonesia's statutory framework, whereas the FOS derives its institutional authority directly from an Act of Parliament. This difference may influence regulatory stability and institutional governance, but it does not automatically determine the binding force of dispute resolution outcomes. In Indonesia, LAPS SJK operates under OJK Regulation No. 61/POJK.07/2020 within the broader framework of the OJK Law, the Arbitration and Alternative Dispute Resolution Law, and the P2SK Law, with financial service providers required to implement applicable dispute resolution agreements and decisions. Meanwhile, the *Financial Services and Markets Act 2000*, particularly Sections 228 and 229, establishes the legal consequences and enforcement arrangements for FOS determinations within its compulsory jurisdiction. In terms of substantive regulation, OJK

Regulation No. 61/2020 emphasise the institutional governance and dispute resolution mechanisms of LAPS SJK, whereas the *FCA Handbook DISP* provides more detailed procedural standards for complaint handling and ombudsman determinations [54]. These approaches demonstrate that institutional governance and procedural safeguards are complementary elements of effective consumer protection. Accordingly, the principal regulatory challenge for Indonesia is not merely the hierarchical position of LAPS SJK's legal foundation, but the need to strengthen institutional accountability, procedural fairness, and the effective enforcement of dispute resolution outcomes. This condition reinforces the importance of regulatory harmonization and clearer enforcement mechanisms within the P2SK Law framework. Such improvements would enhance legal certainty, consumer protection, and access to justice while ensuring that banking dispute resolution in Indonesia develops in accordance with its existing legal and institutional structure.

Based on the discussion above, it can be concluded that the regulatory frameworks for banking service dispute resolution in Indonesia and the United Kingdom both recognise the importance of two dispute resolution mechanisms, namely litigation and non-litigation. Litigation continues to occupy an important position because of its ability to provide legal certainty through court judgments that are binding and enforceable [55]. However, in disputes involving banking consumers, non-litigation mechanisms are often considered more relevant and practical because they offer a more efficient, less complicated, and more accessible settlement process. On the one hand, Indonesia has demonstrated its commitment to developing an alternative dispute resolution mechanism specifically designed for the financial services sector through the establishment of LAPS SJK [33]. Nevertheless, this institution continues to face several challenges that require attention, particularly the strengthening of its regulatory framework, the safeguarding of institutional independence, the improvement of consumer literacy, and the enforcement of compliance among Financial Services Business Actors (PUJK). In comparison, the United Kingdom, through the FOS, provides a more established statutory ombudsman framework that incorporates institutional independence, legally defined enforcement mechanisms, and the *fair and reasonable* principle as a decision-making standard [21]. Accordingly, the comparison between the two systems demonstrates that legal protection for banking customers is determined not merely by the existence of regulatory instruments but also by institutional accountability, procedural fairness, and the legal enforceability of dispute resolution outcomes. The principal lesson from this comparison is that effective banking consumer protection requires coherence between institutional independence, procedural safeguards, and enforceable consumer remedies. These dimensions provide a normative foundation for evaluating regulatory adequacy and identifying context-sensitive legal reforms to strengthen Indonesia's banking ADR framework. By drawing relevant lessons from the UK model, Indonesia may strengthen LAPS SJK through improved institutional governance, clearer compliance mechanisms, and more accessible dispute resolution procedures. However, assessing the actual effectiveness of these reforms requires empirical evidence concerning institutional performance, consumer satisfaction, and compliance with dispute resolution outcomes, which extends beyond the scope of this normative legal study.

4.2. The Ideal Model of Banking Service Dispute Resolution through Alternative Dispute Resolution Institutions in Indonesia Based on a Comparison between OJK (Indonesia) and the Financial Ombudsman Service (UK)

Disputes in banking services may be regarded as part of consumer disputes within the financial services sector because the legal relationship between banks and customers is civil in nature and involves a certain degree of complexity [56]. Such relationships may give rise to various issues, including differences in understanding, breaches of contract, errors in service delivery, and information asymmetry between banks and customers. Dispute resolution between customers and banks is not always adequate when pursued solely through litigation, as consumers often face various obstacles, including limited legal knowledge, high costs, lengthy proceedings, and difficulties in obtaining and presenting evidence [57]. Therefore, the presence of LAPS SJK under the supervision of OJK is important because it provides a practical and effective non-litigation dispute resolution mechanism oriented toward consumer protection in the banking sector [34]. In practice, a substantial number of disputes handled by LAPS SJK continue to originate from the banking and *fintech lending* sectors [58]. This condition demonstrates that the banking sector remains an important area for assessing the effectiveness of ADR mechanisms in resolving financial services disputes in Indonesia. The existence of LAPS SJK has not been entirely free from regulatory issues, particularly legal gaps and the need for regulatory harmonization. Therefore, strengthening its legal basis is necessary to

ensure that financial services dispute resolution operates with greater certainty, legitimacy, and public confidence [59]. In comparison, the United Kingdom's *Financial Ombudsman Service* functions as an independent dispute resolution institution and handles a substantial number of consumer complaints relating to payment services and banking. This institution provides an important alternative, particularly where court proceedings are considered impractical, time-consuming, or difficult for consumers to access [54]. In practice, the *Financial Ombudsman Service* has become one of the principal forums for resolving various banking payment disputes. Such disputes include issues involving customer negligence, unauthorised transactions, and payment fraud [60].

In Indonesia, the mechanism for resolving banking service disputes through LAPS SJK is based on several legal provisions, namely the Law on Arbitration and Alternative Dispute Resolution, the OJK Law, and OJK Regulations specifically governing LAPS SJK [61]. The Law on Arbitration and Alternative Dispute Resolution provides a legal basis for parties to civil disputes to choose out-of-court settlement mechanisms, including mediation, conciliation, and arbitration [62]. In addition, the OJK Law affirms OJK's role in regulating and supervising the financial services sector and protecting consumers, including through mechanisms for handling banking customer complaints. More specifically, the OJK Regulation on LAPS governs the role of LAPS SJK as an institution for resolving disputes between consumers and Financial Services Business Actors, including banks, where internal complaint mechanisms have failed to achieve a settlement [63]. Dispute resolution through arbitration tends to be faster, more experienced, and simpler [64]. Unlike Indonesia, banking dispute resolution in the United Kingdom through the *Financial Ombudsman Service* (FOS) is based on the *Financial Services and Markets Act 2000* and the technical provisions contained in the *FCA Handbook*, particularly the *Dispute Resolution: Complaints* section. The FOS functions as an independent ombudsman institution with authority to handle consumer complaints against financial institutions, including cases related to payment and banking services [65]. The fundamental difference between LAPS SJK and the FOS lies in the nature of their legal foundations. LAPS SJK more closely reflects an ADR institution operating within OJK's regulatory and supervisory system, whereas the FOS is an ombudsman scheme established by statute and resolves disputes on the basis of fairness and reasonableness.

LAPS SJK has the authority to resolve disputes between consumers and Financial Services Business Actors (*Pelaku Usaha Jasa Keuangan* or PUJK), including commercial banks and rural banks, both conventional and Sharia-based, provided that the dispute has first been submitted through the internal complaint mechanism of the relevant PUJK but has not been successfully resolved [66]. Under the OJK Regulation governing the role of LAPS SJK as a dispute resolution institution between consumers and Financial Services Business Actors, the scope of disputes that may be handled by LAPS SJK includes disputes between consumers and PUJK that result in, or potentially result in, direct material losses arising from non-fulfilment of the terms of an agreement or financial transaction document [46]. Thus, the authority of LAPS SJK is sectoral in nature because it only handles disputes falling within the financial services sector. Nevertheless, its scope remains broad because it covers various subsectors, including banking, financing, insurance, capital markets, and fintech [67]. In practice, a considerable number of disputes submitted to LAPS SJK continue to originate from the banking and fintech lending sectors [68]. This condition demonstrates the important role of LAPS SJK's jurisdiction in assessing the effectiveness of dispute resolution mechanisms within Indonesia's financial services sector.

In contrast, the jurisdiction of the FOS in the United Kingdom is regulated under *FCA Handbook DISP 2* through its *Compulsory Jurisdiction* and *Voluntary Jurisdiction* [53]. The FOS handles consumer complaints against financial institutions, including disputes concerning payment services, bank accounts, credit cards, loans, and digital transactions. The high number of disputes involving payments and digital fraud in the banking sector demonstrates the importance of the FOS as a mechanism for consumer redress [69]. The principal difference in terms of jurisdiction lies in the scope of authority exercised by each institution. LAPS SJK is authorized to handle disputes between consumers and PUJK in Indonesia's financial services sector after the internal complaint process has failed, whereas the FOS has a broader jurisdictional scope based on the type of financial institution, the nature of the service activity, and the eligibility of complainants under United Kingdom law.

Procedurally, the resolution of banking disputes through LAPS SJK begins after a customer has submitted a complaint to the bank but has not received a satisfactory resolution [70]. The matter may then be brought before LAPS SJK for resolution through mediation, arbitration, or a binding opinion, depending on the nature of the dispute and the agreement of the parties. Mediation through LAPS

SJK constitutes an important mechanism because it is conducted confidentially, emphasise settlement through deliberation, and is directed toward achieving an agreement that benefits both parties [30] [69]. The effectiveness of LAPS SJK procedures may be assessed based on the types of disputes handled, the duration of the resolution process, and the parties' compliance with the resulting settlement [71]. Meanwhile, in the United Kingdom, the FOS procedure begins after a consumer submits a complaint to a financial institution but fails to obtain a resolution [72]. Once a case is referred to the FOS, the institution reviews the relevant documents, requests information from the parties, provides an initial assessment, and, where objections remain, refers the matter to an ombudsman for a final decision. In banking payment disputes, the increasing risks of fraud and digital transactions require a dispute resolution procedure that is prompt and capable of providing effective redress to consumers [73]. Accordingly, LAPS SJK places greater emphasis on ADR mechanisms such as mediation and arbitration, whereas the FOS prioritizes a staged review process ranging from an initial assessment to a final ombudsman decision.

Banking service dispute resolution through LAPS SJK in Indonesia is based on the principles of accessibility, independence, fairness, efficiency, and effectiveness [74]. The standard of fairness applied within LAPS SJK is reflected in the equal opportunity afforded to customers and banks to present their respective interests, particularly through confidential mediation that prioritizes deliberation and seeks to preserve good relations between the parties [68]. Mediation through LAPS SJK plays an important role because it aims to produce a fair and amicable settlement that provides benefits to both parties to the dispute [30]. The quality of fairness in the implementation of LAPS SJK may be assessed through procedural impartiality, equal opportunities for participation, and transparency, while the duration of dispute resolution and compliance with agreed outcomes serve as additional indicators of institutional effectiveness. By contrast, the United Kingdom's *Financial Ombudsman Service* applies the "*fair and reasonable*" standard, under which disputes are resolved based on considerations of fairness and reasonableness in light of the circumstances of each individual case [75]. Through this standard, the FOS does not rely solely on formal legal rules but also takes into account regulatory requirements, codes of practice, evidence, and accepted good industry practices. Within the ombudsman mechanism, the parties' perceptions of procedural fairness may influence their level of trust and acceptance of the decisions rendered. LAPS SJK places greater emphasis on fairness through balanced, accessible, and efficient ADR governance, whereas the FOS focuses more directly on assessing the substance of each case according to the principles of fairness and reasonableness [76].

This distinction raises a fundamental legal question concerning the relationship between contractual certainty and substantive fairness. Within Indonesia's ADR framework, mediation emphasise party autonomy and consensual settlement, while arbitration derives its authority from the parties' arbitration agreement and the applicable statutory framework, reflecting the significance of the *pacta sunt servanda* principle. In contrast, the FOS applies a statutory *fair and reasonable* standard that enables the ombudsman to consider legal obligations, regulatory requirements, and the specific circumstances of each dispute when determining appropriate remedies. Nevertheless, these approaches are not inherently contradictory, since contractual certainty and substantive fairness constitute complementary dimensions of consumer protection. From the perspective of Legal Protection Theory and Procedural Justice Theory, an effective dispute resolution mechanism must ensure that contractual obligations are respected while safeguarding consumers against procedural disadvantages and unequal bargaining power. Accordingly, this comparison highlights the importance of strengthening procedural safeguards within LAPS SJK to ensure meaningful consumer participation, institutional impartiality, and access to fair and enforceable remedies without undermining the legal certainty inherent in contractual agreements.

In terms of the legal force of outcomes, banking dispute resolution through LAPS SJK produces different binding effects depending on the mechanism selected, such as mediation, arbitration, or a binding opinion [7]. The outcome of mediation depends on the agreement and good faith of the parties, whereas arbitral awards possess a more definitive binding force under the applicable arbitration legislation [77]. Binding opinions, meanwhile, derive their legal effect from the parties' agreement and the applicable contractual arrangements. Under the relevant OJK Regulation, LAPS SJK also plays a role in supervising the implementation of agreements or decisions resulting from the dispute resolution process [78]. Financial Services Business Actors (PUJK) are also legally required to implement applicable agreements and decisions issued through LAPS SJK. The legal force of dispute resolution outcomes constitutes an important aspect of consumer protection in the financial

services sector because it determines whether consumers can obtain legal certainty and effective redress [31]. Accordingly, compliance with dispute resolution outcomes is an important indicator of institutional accountability and the effectiveness of consumer protection mechanisms. In contrast to the Indonesian system, Section 228(5) of the United Kingdom's *Financial Services and Markets Act 2000* provides that a final FOS determination under its compulsory jurisdiction becomes final and binding on both the financial institution and the complainant once accepted by the complainant. The enforcement of monetary awards and directions is further regulated under Section 229 and the relevant provisions of Schedule 17 of the Act [71]. Therefore, the principal distinction between LAPS SJK and the FOS lies not in the absence of binding legal force within the Indonesian system, but in the legal conditions, institutional arrangements, and enforcement mechanisms governing their respective dispute resolution outcomes [60]. Accordingly, regulatory reform in Indonesia should prioritize greater clarity and consistency in monitoring compliance and enforcing mediation agreements, arbitral awards, and binding opinions, while respecting their distinct legal characteristics. Such improvements would strengthen legal certainty, institutional accountability, and effective consumer redress within Indonesia's existing financial regulatory framework.

Table 1. Comparison of Banking Service Dispute Resolution through ADR in Indonesia and the United Kingdom

Comparative Aspect	Indonesia	United Kingdom
Institutional Status	LAPS SJK is an alternative dispute resolution institution in the financial services sector operating within the regulatory and supervisory framework of OJK	The FOS is an independent ombudsman institution established by statute and functions to resolve consumer complaints against financial services institutions.
Legal Basis	Law No. 30 of 1999 concerning Arbitration and Alternative Dispute Resolution, the OJK Law, and the OJK Regulation on LAPS SJK.	The Financial Services and Markets Act 2000 and the technical provisions contained in the FCA Handbook, particularly the Dispute Resolution: Complaints (DISP) section.
Scope of Disputes	Handles disputes between consumers and Financial Services Business Actors (PUJK), including banks, financing companies, insurance companies, capital market institutions, and fintech providers.	Handles consumer complaints against financial services institutions, including disputes involving bank accounts, credit cards, loans, payment services, and digital transactions.
Requirements for Submission	A dispute may be submitted to LAPS SJK after the consumer has first lodged a complaint with the PUJK but has not obtained a satisfactory resolution.	Consumers must first submit a complaint to the relevant financial institution. If no resolution is achieved or the consumer is dissatisfied with the institution's response, the matter may be referred to the FOS.
Jurisdiction	The jurisdiction of LAPS SJK is sectoral in nature, meaning that it only handles disputes falling within the financial services sector in Indonesia.	The jurisdiction of the FOS is governed by <i>FCA Handbook DISP 2</i> and includes <i>compulsory jurisdiction</i> and <i>voluntary jurisdiction</i> .
Dispute Resolution Mechanisms	LAPS SJK provides mediation, arbitration, and binding opinion mechanisms.	The FOS applies a staged complaint assessment process, beginning with document review, requests for information, an initial assessment, and culminating in a final decision by an ombudsman.

Comparative Aspect	Indonesia	United Kingdom
Dispute Resolution Procedure	The procedure begins after the internal complaint process with a bank or PUJK has failed. The dispute may then be resolved through mediation, arbitration, or a binding opinion depending on the nature of the dispute and the agreement of the parties.	The procedure begins after the consumer fails to obtain a resolution from the financial institution. The FOS then reviews the documents, requests information from the parties, provides an initial assessment, and refers the matter to an ombudsman where objections remain.
Principles	LAPS SJK is based on the principles of accessibility, independence, fairness, efficiency, and effectiveness.	The FOS applies the <i>fair and reasonable</i> principle, under which disputes are resolved on the basis of fairness and reasonableness in each individual case.
Standard of Consideration	Dispute resolution through LAPS SJK, particularly mediation, emphasise deliberation, balance of interests, confidentiality, and the maintenance of good relations between customers and banks.	The FOS considers not only formal legal rules, but also the facts of the case, regulatory requirements, codes of practice, evidence, and good industry practices.
Binding Force of Outcomes	The binding force of the outcome depends on the mechanism selected. Mediation outcomes depend on the agreement and good faith of the parties, whereas arbitral awards have binding legal force.	A final FOS decision becomes binding on the financial services institution if the consumer accepts the decision within the prescribed period.
Effectiveness	LAPS SJK demonstrates efforts to provide repressive legal protection for financial services consumers, but it continues to face challenges relating to low consumer literacy, PUJK compliance, and institutional strengthening.	The FOS is considered more developed because it has a strong legal foundation, institutional independence, clear procedures, and applies the <i>fair and reasonable</i> standard.
Advantages	Provides a dispute resolution alternative that is faster, more efficient, confidential, and capable of preserving the relationship between customers and PUJK.	Provides consumers with a dispute resolution mechanism that is simple, free of charge, independent, and oriented toward substantive fairness.
Weaknesses or Challenges	Challenges remain in terms of public literacy, PUJK compliance, institutional independence, and the effectiveness of implementing dispute resolution outcomes.	The FOS faces challenges relating to the high volume of complaints, the complexity of financial disputes, and the need to maintain consistency in applying the <i>fair and reasonable</i> principle.

Source: Data processed by the authors (2026), based on OJK Regulation No. 61/2020 (Indonesia) and the FCA Handbook DISP 2 (United Kingdom)

From the financing perspective, LAPS SJK in Indonesia is funded through membership contributions paid by Financial Services Business Actors (PUJK) that are members of the institution, as regulated under OJK Regulation No. 61/POJK.07/2020 concerning the institution's annual work plan and budget [79]. This financing scheme places PUJK as the party responsible for covering the operational costs of LAPS SJK, while mediation services are provided free of charge for eligible small-claim and retail disputes, including banking disputes with claim values of up to IDR 500 million, whereas commercial disputes may be subject to applicable fees. A similar model is applied by the *Financial Ombudsman Service* in the United Kingdom, which is financed through a

combination of annual industry levies (*industry funding*) and *case fees* imposed on financial institutions for chargeable cases, subject to the applicable fee arrangements and allowances, as provided under the funding provisions of the *Financial Services and Markets Act 2000*. The *case fee* structure creates particular economic consequences because financial institutions remain liable for applicable case fees even where the complaint brought against them is ultimately not upheld by the ombudsman. This issue has attracted attention in academic studies, as such a fee structure may encourage financial institutions to resolve disputes at an earlier stage to avoid additional costs [39]. Meanwhile, LAPS SJK publishes service-fee arrangements according to dispute categories and claim values, although its funding structure differs from the FOS levy and case-fee model. The availability of free complaint services through the FOS and free mediation for eligible disputes through LAPS SJK reflects their respective commitments to improving access to dispute resolution for consumers who may occupy a weaker bargaining position [80]. Nevertheless, the level of transparency concerning financing remains an important indicator for assessing the institutional accountability of both ADR models. However, industry-based financing does not necessarily compromise institutional independence, since both LAPS SJK and the FOS receive financial support from regulated financial service providers. The relevant legal issue is whether funding arrangements are accompanied by adequate safeguards concerning budgetary transparency, institutional autonomy, conflicts of interest, and accountability. From the perspective of Legal Protection Theory and Procedural Justice Theory, these safeguards are essential to ensuring that financial dependence does not undermine impartial decision-making and consumer confidence. Accordingly, Indonesia may strengthen the independence and accountability of LAPS SJK through transparent financial reporting, effective governance safeguards, and proportional service-fee arrangements without necessarily abandoning its existing industry-funded institutional model.

From the perspective of institutional governance, LAPS SJK in Indonesia is organized as a legal entity established by industry associations or self-regulatory organizations, with its management and supervisory structure subject to OJK approval as provided under OJK Regulation No. 61/POJK.07/2020 [70]. This model places industry actors as the initiators of the institution's establishment while retaining regulatory supervision by the authority. Consequently, the involvement of industry actors in LAPS SJK's institutional structure may raise concerns regarding potential conflicts of interest, emphasizing the need for effective safeguards to ensure institutional independence and impartial decision-making. By contrast, the governance of the *Financial Ombudsman Service* is regulated under Schedule 17 of the *Financial Services and Markets Act 2000*, which provides for the appointment of its chair and board members by the *Financial Conduct Authority*, with Treasury approval required for the chair's appointment and statutory safeguards designed to secure its operational independence from the FCA. This provision is intended to ensure that the FOS remains independent from the direct influence of financial institutions that may become respondents in consumer complaints, even though its financing continues to originate from the same industry. The difference in the appointment mechanism reflects a fundamental distinction in institutional governance between the two systems, with LAPS SJK emphasizing a state-supervised *self-regulatory* model, whereas the FOS operates through a statutory governance model that separates regulatory oversight from independent dispute resolution functions [81]. Nevertheless, differences in appointment and governance arrangements do not automatically establish higher public confidence or superior institutional performance. From the perspective of Procedural Justice Theory, institutional independence should be evaluated through transparent appointment procedures, impartial decision-making, effective safeguards against conflicts of interest, and accountability mechanisms. Accordingly, Indonesia may consider strengthening LAPS SJK's governance by establishing clearer selection criteria, transparent appointment procedures, mandatory conflict-of-interest disclosures, and periodic institutional evaluations. These measures would reinforce institutional independence while preserving OJK's supervisory role and the existing legal structure of LAPS SJK, thereby strengthening procedural fairness, institutional accountability, and consumer confidence in banking dispute resolution [70].

With regard to the supervision of dispute resolution outcomes, LAPS SJK in Indonesia plays a role in monitoring the implementation of agreements or decisions resulting from mediation or arbitration, as mandated by OJK Regulation No. 61/POJK.07/2020. However, where a party fails to comply voluntarily, enforcement may require the applicable judicial mechanisms, particularly in relation to arbitral awards [54]. Although LAPS SJK does not possess direct judicial execution authority, Financial Services Business Actors (PUJK) are subject to regulatory obligations to

implement applicable dispute resolution agreements and decisions. Accordingly, effective enforcement depends on regulatory compliance, institutional monitoring, and the legal mechanisms applicable to each form of dispute resolution. In contrast, an accepted final FOS determination within the compulsory jurisdiction becomes legally binding on both the financial institution and the complainant under Section 228(5) of the *Financial Services and Markets Act 2000*. Where a financial institution fails to comply voluntarily, monetary awards and directions may be enforced through the statutory procedures provided under Section 229 and Schedule 17 of the Act. This binding character provides consumers with greater legal clarity regarding the implementation and enforcement of dispute resolution outcomes. Nevertheless, an FOS decision does not bind the consumer if the consumer declines to accept it, meaning that the consumer retains the right to pursue the dispute through litigation where the ombudsman's decision is considered unsatisfactory [12] [42]. This conditional binding mechanism reflects the consumer-protection orientation of the FOS, as complainants retain the choice to accept or reject the determination, although acceptance makes the decision final and binding on both parties. LAPS SJK does not operate under an identical statutory ombudsman determination mechanism because the binding effects of its outcomes depend on the legal characteristics of mediation agreements, arbitral awards, and binding opinions. Thus, the comparative significance of the FOS framework lies in the explicit statutory regulation of binding effects and enforcement procedures, rather than the complete elimination of judicial involvement. Accordingly, Indonesia should prioritize clearer compliance-monitoring procedures and more consistent enforcement mechanisms for LAPS SJK outcomes to strengthen legal certainty, institutional accountability, and effective consumer protection within its existing regulatory framework.

The development of digital technology has also influenced the manner in which both institutions perform their dispute resolution functions. LAPS SJK in Indonesia has begun developing *online dispute resolution* mechanisms, including digital submission of arbitration requests through OJK's Consumer Protection Portal Application (APPK), in response to the increasing number of disputes arising from the *fintech lending* sector, as discussed in studies concerning online arbitration mechanisms for resolving consumer disputes in the financial services sector [44]. Such digitalization is expected to accelerate the complaint submission process and expand access to LAPS SJK services for customers in areas where direct access to service offices is difficult. Meanwhile, the *Financial Ombudsman Service* in the United Kingdom continues to receive substantial numbers of complaints related to digital payment fraud and online transactions, as reflected in the high number of complaints involving fraud and scams within the *current accounts* category reported by the FOS [12]. The growing complexity of technology-based disputes requires both LAPS SJK and the FOS to continuously enhance the expertise of mediators and ombudsmen in understanding the evolving methods used in digital financial crime. Studies on financial fraud risks involving artificial intelligence indicate that financial institutions across jurisdictions need to strengthen their legal protection frameworks in order to respond to increasingly sophisticated forms of crime [72].

Indonesia and the United Kingdom therefore face relatively similar challenges in this area, although their respective institutional capacities and technological resources operate within different regulatory and institutional contexts. In the future, strengthening the digital capacity of LAPS SJK will become increasingly urgent so that the institution is able to handle digital banking disputes responsively, while drawing relevant lessons from the FOS complaint-handling framework. Cross-jurisdictional collaboration in sharing best practices for handling technology-based disputes may also constitute an important strategy for accelerating the digital transformation of LAPS SJK in the future. From a regulatory policy perspective, digital accessibility should be evaluated not merely through the availability of online complaint channels but also through procedural transparency, secure document submission, complaint tracking, accessibility for consumers with limited digital literacy, and personal data protection. Accordingly, strengthening LAPS SJK's digital dispute resolution framework should prioritize further integration between existing OJK consumer complaint services and LAPS SJK's case management system, standardised case-management procedures, and transparent reporting of dispute resolution outcomes. From the perspective of Legal Protection Theory and Procedural Justice Theory, these measures would enhance consumer access to effective remedies, procedural fairness, and institutional accountability. Therefore, Indonesia should develop a context-sensitive digital dispute resolution framework that strengthens legal certainty and consumer protection without necessarily replicating the United Kingdom's technological infrastructure in its entirety.

Overall, the comparison of financing, institutional governance, the binding force of decisions, and digital readiness demonstrates that the *Financial Ombudsman Service* has achieved a higher level of institutional maturity than LAPS SJK, although both institutions emerged from the same need to provide dispute resolution mechanisms that are faster and more affordable than litigation [42] [54]. This higher level of maturity cannot be separated from the longer institutional experience of the FOS, which has operated since 2001 under the *Financial Services and Markets Act 2000*, significantly longer than LAPS SJK, which was established through OJK Regulation No. 61/2020 at the end of 2020. Differences in institutional age also influence the maturity of procedures, the availability of statistical data, and the level of public confidence in each institution. Nevertheless, the relatively younger age of LAPS SJK does not mean that it lacks the potential to develop into an effective dispute resolution institution, particularly because its regulatory framework has normatively accommodated a variety of ADR mechanisms. Lessons drawn from the experience of the FOS may provide a valuable reference for strengthening LAPS SJK, particularly in relation to institutional independence, the binding force of decisions, and financing transparency [58]. In addition, the capacity of human resources, including mediators and arbitrators, needs to be continuously strengthened so that their competence becomes comparable to that of FOS ombudsmen, whose expertise has developed over more than two decades. Synergy between regulatory strengthening, institutional development, and human resource capacity will ultimately determine the extent to which LAPS SJK can provide legal protection comparable to that provided by the FOS for banking customers in Indonesia [70]. Accordingly, this comparison is not intended merely to assess the superiority of one system over another, but rather to identify constructive lessons that may be adapted to Indonesia's legal and social context.

Preventive legal protection is currently strengthened under OJK Regulation No. 22 of 2023 concerning Consumer and Public Protection in the Financial Services Sector, which revoked and replaced OJK Regulation No. 6/POJK.07/2022. Under Article 9(1), Financial Services Business Actors (PUJK) are required to prevent their directors, commissioners, employees, and third parties acting on their behalf from engaging in conduct intended to benefit themselves or others improperly, or from abusing their authority, opportunities, or facilities in ways that cause harm to consumers. Furthermore, the updated regulatory framework reinforces consumer protection obligations relating to fair treatment, information transparency, protection of consumer assets and personal data, and effective complaint handling and dispute resolution. PUJK are also required to safeguard the confidentiality and security of consumer data and information, while disclosure to third parties must comply with the applicable legal requirements and lawful grounds for personal data processing. Nevertheless, the effectiveness of such protection still requires further examination because several obstacles remain in practice. These obstacles include limited public understanding of dispute resolution mechanisms, inadequate compliance among Financial Services Business Actors, and concerns regarding the independence and institutional strengthening of LAPS SJK [59]. From the perspective of Legal Protection Theory, these challenges indicate that the existence of preventive legal safeguards does not automatically guarantee effective consumer protection without adequate institutional oversight, regulatory compliance, and accessible remedial mechanisms. In other words, a potential gap remains between the normative objectives of consumer protection and their practical implementation, highlighting the importance of strengthening institutional accountability and the effectiveness of banking dispute resolution mechanisms [82].

In contrast, the *Financial Ombudsman Service* in the United Kingdom provides a statutory ombudsman framework with more explicitly regulated decision-making and enforcement mechanisms, although these characteristics do not automatically establish superior empirical effectiveness. The application of the *fair and reasonable* principle demonstrates that dispute resolution does not rely solely on formal legal certainty but also takes into account substantive fairness for the parties. This indicates that the effectiveness of legal protection is determined not only by the existence of regulations, but also by the quality of their implementation and the orientation toward fairness applied by the dispute resolution institution. From the perspective of Legal Protection Theory and Procedural Justice Theory, the comparison highlights the importance of strengthening the relationship between institutional governance, procedural safeguards, and the enforceability of dispute resolution outcomes within LAPS SJK's existing legal framework. Therefore, based on the comparative findings, the ideal banking dispute resolution framework for Indonesia should prioritize regulatory coherence, institutional independence, procedural fairness, enforceability, and digital accessibility. First, OJK should strengthen LAPS SJK's institutional governance through transparent

appointment procedures, safeguards against conflicts of interest, and clearer accountability standards. Second, the regulatory framework should establish more explicit procedures for monitoring and reporting compliance with mediation agreements, arbitral awards, and binding opinions while respecting their distinct legal characteristics. Third, procedural safeguards should ensure meaningful consumer participation, transparent case handling, and fair treatment in disputes involving unequal bargaining power. Fourth, digital dispute resolution mechanisms should be strengthened through integrated case management, secure electronic submissions, and accessible consumer information. Finally, any proposal to strengthen the statutory foundation of LAPS SJK should be evaluated within the P2SK Law framework, as amended, to determine whether regulatory harmonization is sufficient or additional legislative authority is necessary. These context-sensitive reforms would strengthen legal certainty, institutional accountability, and consumer protection without directly transplanting the UK ombudsman model into Indonesia's legal system.

5. Conclusion

Based on the findings and discussion, it can be concluded that the regulation of banking service dispute resolution in Indonesia and the United Kingdom recognise two principal mechanisms, namely litigation and non-litigation, although each jurisdiction has different legal characteristics. In Indonesia, LAPS SJK provides mediation, arbitration, and binding opinions within OJK's regulatory framework, whereas the *Financial Ombudsman Service* in the United Kingdom operates under the *Financial Services and Markets Act 2000*, applying the *fair and reasonable* standard, with final determinations under its compulsory jurisdiction becoming binding on both parties upon acceptance by the complainant. These differences demonstrate that effective banking consumer protection depends not merely on regulatory foundations but also on institutional independence, procedural fairness, and the enforceability of dispute resolution outcomes. By integrating Legal Protection Theory and Procedural Justice Theory, this study contributes a comparative legal-policy framework for strengthening Indonesia's banking dispute resolution system through coherent regulatory safeguards and accessible consumer remedies.

From a practical perspective, this study recommends that the government and OJK strengthen LAPS SJK's institutional governance through transparent appointment procedures, conflict-of-interest safeguards, clearer compliance monitoring, and improved enforcement mechanisms appropriate to mediation agreements, arbitral awards, and binding opinions. Digital accessibility should also be enhanced through integrated complaint management, secure electronic submissions, and transparent case tracking, while further statutory strengthening should be evaluated within the P2SK Law framework. This study is limited to normative legal analysis and is not supported by empirical field data. Therefore, future empirical and socio-legal research should assess institutional performance through measurable indicators, including dispute resolution duration, compliance rates, consumer satisfaction, and digital accessibility, while extending comparative analysis to other jurisdictions where relevant. Such research would provide empirical evidence for evaluating the effectiveness of the proposed regulatory reforms without directly transplanting the UK ombudsman model into Indonesia's legal system.

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