



**EKSEKUTIF NASIONAL  
NATIONAL EXECUTIVE**

**Wahana Lingkungan Hidup Indonesia**  
Friends of the Earth Indonesia

Jl. Tegal Parang Utara No. 14  
Jakarta 12790. INDONESIA  
T. +62-21-791933 63-65 F. +62-21-794 16 73  
informasi@walhi.or.id  
www.walhi.or.id

**Number : 102/DKHL/WALHI/V/2025**  
**Regarding : AMICUS CURIAE (FRIEND OF THE COURT) IN THE LAWSUIT FOR  
UNLAWFUL ACT CASE NUMBER: NO.1186/PDT.G/2024/PN.JKT.SEL**

**Dear:**  
**Panel of Judges Who Examined, Tried and Decided**  
**Case No.: 1186/Pdt.G/2024/PN.JKT.SEL.**  
**At the South Jakarta District Court in-**

**JI Ampera Raya, No. 133, RT 005/RW 010,**  
**Ragunan, Pasar Minggu**  
**South Jakarta**

---

**Yours faithfully,**

**Before we express our opinion as Amici, first allow us to explain our interests in the case *a quo*, our statement of interests is as follows:**

**A. STATEMENT OF INTEREST AS AMICI:**

**Your Honor,**

**Before we express our opinion as Amici, first allow us to explain our interests in the case *a quo*, our statement of interests is as follows:**

- 1. That WALHI is nationally the largest environmental organization in Indonesia, which was founded on October 15, 1980 and is spread across 28 provinces and consists of 487 members from non-governmental organizations, as well as 203 individual members from academics, human rights activists and social movements;**

2. That WALHI submits this written opinion to the South Jakarta District Court to provide support and views to the Honorable Panel of Judges who examined and decided the case. *a quowhich* in our opinion is a serious problem in Central Sulawesi that has occurred for decades, namely regarding the causes, impacts, and the importance of preventing social conflicts with Indigenous/Local Communities; Currently, there is an NGO and three residents who own savings at Bank Mandiri who are demanding justice by taking legal action against Bank Mandiri and PT. Astra and its subsidiary PT ANA at the South Jakarta District Court. They are asking for an apology for the conflict that has occurred for almost 17 years and asking Bank Mandiri not to provide credit to PT Astra Agro Lestari Tbk because its subsidiary PT. Agro Nusa Abadi in Central Sulawesi does not possess a Right to Cultivate (HGU).
3. That therefore the purpose of this written opinion is to assist the Honorable Panel of Judges by providing information and analysis intended to clarify matters related to social conflicts with Indigenous/Local Communities and the costs borne by the Parties to the Palm Oil Plantation Conflict which does not have HGU;
4. That for that reason we as Amici respectfully request that Your Honorable Panel of Judges can examine the case: 1186/Pdt.G/2024/PN.JKT.SEL. give the Transformation Association for Indonesian Justice (TUKi), Ahmad, SH, Herni Ramdlaningrum, M.PP and Harvina Nurul Fatimah the right to file a lawsuit with the South Jakarta District Court, where they did not contribute to the land conflict and social conflict that occurred in Central Sulawesi.
5. That indigenous/local communities in the North Morowali region of Central Sulawesi have suffered greatly. This is very unfair, and Bank Mandiri, PT Astra Agro Lestari Tbk, a subsidiaryPT.is a company that contributes to social conflict and they have profited from it for 17 years.

## B. A GLANCE AT THE AMICUS CURIAE :

6. Origin *amicus curiae* originated from Roman Law. Since the 9th century, this practice has become common in countries with a tradition of legal systems. *common law*, especially in appellate courts or in major and important cases. Later in the 17th and 18th centuries, participation in *amicus curiae* widely recorded in *All England Report*<sup>1</sup>.
7. *amicus curiae* is a legal term, which literally comes from Latin meaning “friend of the court” or friend of the court. The Supreme Court of the United States defines *amicus curiae* as<sup>2</sup>:

*"person or group who is not a party to a lawsuit, but has a strong interest in the matter, will petition the court for permission to submit a brief in the action with the intent of influencing the court's decision."*
8. According to Siti Aminah, the elements of an *amicus curiae* can be described as follows<sup>3</sup>:
  - a. A person, group of people or organization that has no relationship or interest with the parties in a case;
  - b. have an interest and concern in the results of court decisions;
  - c. by giving a piece of opinion/information based on their competence regarding legal matters or legal facts or other matters related to the case to the court;
  - d. to assist the court in examining and deciding cases (becoming a friend);
  - e. voluntarily and on one's own initiative, or because the court requests it,
  - f. in the form of providing a "legal opinion", or providing information in court, or through scientific work;
  - g. intended for cases relating to public interest, and
  - h. the judge has no obligation to take it into account in deciding the case.

---

<sup>1</sup>Siti Aminah, *Becoming a Friend of Justice, Guide to Preparing an Amicus Brief*, ILRC-HIVOS, Jakarta, 2014, p. 11

<sup>2</sup>*ibid.* p. 8

<sup>3</sup>*ibid.* p. 11

9. Although the practice *amicus curiae* commonly used in countries with a legal system *common law* and rarely heard in Indonesian courts<sup>4</sup>, this does not mean that this practice does not exist or is not implemented in Indonesia. If we refer to the spirit *amicus curiae*, namely to help judges to be fair and wise in deciding a case, this has been recognized and practiced in the legal system in Indonesia. *amicus curiae* has been filed in several cases such as:
  - a. *amicus curiae* submitted by a group of press freedom activists to the Supreme Court regarding the review of the Time magazine case against Soeharto in 1999;
  - b. *amicus curiae* submitted by ELSAM, WALHI, KontraS, KPA and TuK Indonesia in the murder case of Indra Pelani at the Jambi District Court, September 2015.
  - c. The Stabat District Court Judge who examined the case of the perpetrator of theft against laborers and members of the farmer group with CASE NUMBER: 417/Pid.B/2022/PN. Stb. CASE NUMBER: 418/Pid.B/2022/PN. Stb. CASE NUMBER: 419/Pid.B/2022/PN. Stb. and explained the views of civil society on the accusations of theft and violence against the defendants, which are in fact based on the control of social forestry over farmer groups and how the constitution regulates protection for the Indonesian people, North Sumatra, August 2022;
  - d. Citizens' Environmental State Administrative Lawsuit Regarding the Issuance of Decree of the Minister of Environment and Forestry of the Republic of Indonesia Number: Sk.854/Menlhk/Setjen/Pla.4/8/2022 Concerning the Environmental Feasibility of Zinc and Lead Mining Activities in Silima Pungga-Pungga District, Dairi Regency, North Sumatra Province by Pt. Dairi Prima Mineral, Dated August 11, 2022;
  - e. *amicus curiae* (Friend of the Court) in the Fatia Maulidiyanti Case in Case Number: 203/Pid.Sus/2023/PN Jkt.Tim at the East Jakarta District Court, September 2023;
10. That the *amicus curiae* concept is also contained in Article 14 of Constitutional Court Regulation Number 06/PMK/2005, that related parties who are indirectly interested are
 

*"a party whose statement needs to be heard due to its position, main duties and functions" or "party whose statement needs to be heard as ad*

<sup>4</sup> Ali/IHW, "Amicus Curiae used help application PK", available on: <https://www.Hukumonline.com/berita/a/iamicus-curiae-i-dipakai-membuat-permohonan-pk--hol19896/>

*informant, that is party Which right and/or his authority is not directly affected by the subject matter of the application but because of his concern for the application in question”.*

11. That the Judge's obligation to explore, follow and understand the legal values and sense of justice that exist in society as regulated in Article 5 paragraph (1) of Law Number 48 of 2009 concerning Judicial Power is to open up information and opinions as widely as possible from various groups, both those who are parties to the case, as well as through input from parties outside the parties to the case, including space for *amicus curiae*.
12. Thus, *amicus curiae* can be used as a consideration by the Panel of Judges in exploring the legal values and sense of justice that exist in society when examining, considering, and deciding cases. Furthermore, the function of *amicus curiae* is to advance legal development, as *amicus curiae* can provide an overview of the law and the case, especially its impact on other parties outside the parties not participating in the case in court, and also assess the law and the case independently.

**C. BASIS FOR GIVING OPINIONS BY THE INDONESIAN ENVIRONMENTAL COMMUNITY (WALHI);**

13. The opinion of the INDONESIAN ENVIRONMENTAL WAHANA is based on the application submitted by Ms. Linda Rosalina, Executive Director, on May 15, 2025 Subject: Application to Submit an *amicus curiae* for Case No: 1186/Pdt.G/ 2024/PN.JKT.SEL;

**CASE SUMMARY.**

14. That the Lawsuit Case 1186/Pdt.G/2024/PN.JKT.SEL was filed by 1. The Transformation Association for Indonesian Justice, 2. Ahmad, SH, 3. Herni Ramdlaningrum, M.PP, 4. Harvina Nurul Fatimah, against three companies PT. Bank Mandiri, PT. Astra Agro Lestari, PT. Agro Nusa Abadi (THE DEFENDANTS);
15. That the DEFENDANT as a bank in its form of business is to collect funds from the public in the form of savings, whether in the form of current accounts, time deposits, certificates of deposit, savings, and/or other forms and the business of distributing/providing credit;

16. That one of the customers (PT. Astra Agro Lestari/Parent Company of PT. Agro Nusa Abadi) received credit or financing from PT. Bank Mandiri/ DEFENDANT.
17. That based on the FINANCIAL REPORT of PT. ASTRA AGRO LESTARI/PARENT COMPANY OF PT. AGRO NUSA ABADI) throughout 2017-2021 PT. ASTRA AGRO LESTARI received credit or financing from the DEFENDANT since 2017 consecutively until 2021 with the following details:  
  
Loan Amount Year  
  

2017.	Rp. 134,773,000,000.00
2018.	Rp 1,269,252,000,000.00
2019.	Rp 163,601,000,000.00
2020.	Rp. 140,790,000,000.00
2021.	Rp. 142,578,000,000.00 <sup>5</sup>
18. That PT. Agro Nusa Abadi is a palm oil plantation company operating in the Central Sulawesi region which was established on September 6, 2006. PT. Agro Nusa Abadi is a subsidiary of Co-Defendant I with 99% share ownership;
19. Based on the Eco Nusantara Report issued in 2023, PT. Agro Nusa Abadi does not yet have a Business Use Rights (HGU). This is because PT. Agro Nusa Abadi's plantation land has not been declared "clear and clean," thus the Business Use Rights cannot be granted.
20. That PT. Agro Nusa Abadi has initially obtained a location permit in 2006, then carried out plantation cultivation, until now, in 2024, it still does not have a Business Use Right (HGU) even though it is already fully operational;
21. That PT. Bank Mandiri as a credit provider in carrying out its activities, especially in the distribution of funds that have high risks, where PT. ASTRA AGRO LESTARI/PARENT COMPANY OF PT. AGRO NUSA ABADI)engaged in the same business in oil palm plantations,and PT. AGRO NUSA ABADI/ CO-DEFENDANT II is located in the North Morowali-Central Sulawesi region where a land dispute has occurred between the community and PT. AGRO NUSA ABADI/CO-DEFENDANT II since 2007;<sup>6</sup>

---

<sup>55</sup>Plaintiff's Lawsuit page 11

<sup>6</sup> <https://www.walhi.or.id/terus-menuai-konflik-agraria-dan-lingkungan-hidup-komitmen-astra-agro-lestaridipertanyakan-eksekutif-nasional-walhi-walhi-sulawesi-tengah-sawit-watch-tuk-indonesia>

22. Based on the main points of the lawsuit, *friends* We believe that the opinions below will support efforts to seek justice. These opinions are expected to provide additional information or differing perspectives that complement the fact-finding and legal reasoning conducted by the Panel of Judges.

## Opinion 1: CORPORATE RESPONSIBILITY

- 22.1. That the existence of social conflict and losses due to social conflict from oil palm plantations and Amici will explain the burden of responsibility for development in oil palm plantations and the costs of bearing the large responsibility for social conflict in oil palm plantations without HGU;
- 22.2. That Land Conflicts and Eviction of Communities from their Land in the Palm Oil Industry are often associated with land conflicts and human rights violations against indigenous or local communities. Eviction of communities from their land, economic inequality, and social tensions, such as Case No: 1186/Pdt.G/2024/PN.JKT.SEL from palm oil plantation conflicts and which lead to social conflicts;
- 22.3. That the burden of responsibility for the development of oil palm plantations lies with Central Sulawesi. PT. ASTRA AGRO LESTARI/CO-DEFENDANT I is Engaged in the plantation and agro-industry sectors. A company that specifically operates a palm oil plantation with a subsidiary, PT. AGRO NUSA ABADI/CO-DEFENDANT. And currently they are being called "land grabbers of indigenous and local communities" <sup>7</sup>. According to a study conducted by the Indonesian Business Council for Sustainable Development (IBCSD) in 2016, the costs to companies arising from social conflict reached US\$70,000-US\$2,500,000, or around Rp 32.5 billion (exchange rate of Rp 13,000 per US dollar);
- 22.4. That, in fact, it is the company that is the strongest driving force in resolving land conflicts, among other things to reduce operational costs.<sup>8</sup> These costs represent 51 to 88 percent of the costs.

---

<sup>7</sup><https://walhisulteng.org/direktur-walhi-sulawesi-tengah-astra-agro-lestari-hentikan-perampasan-tanah-rakyat/>  
approved on June 2, 2025

<sup>8</sup><https://mongabay.co.id/2020/08/27/menyoal-keseriusan-penyelesaian-konflik-agraria-di-kebun-sawit/#:~:text=Hal%20lain%2C%20sebut%2C%20dalam%20konflik,88%25%20dari%20biaya%20operation%20erational%20perusahaan>  
downloaded on June 2, 2025

operational costs of oil palm plantations, or 102 to 177 percent of the investment costs per hectare per year.<sup>9</sup>

- 22.5. That the conflict between residents and PT. Agro Nusa Abadi/CO-DEFENDANT II in Central Sulawesi, especially in the North Morowali region, often leads to social conflict due to land claims and business permit disputes. Residents around the oil palm plantation of PT. Agro Nusa Abadi/CO-DEFENDANT II claim that the land that has been included in the Company's concession was previously theirs for generations or has been used for agricultural and livestock activities. And residents who resist or occupy oil palm land are often accused of stealing or committing other crimes by the company, which worsens relations and causes wider social conflict. Conflicts between residents and companies often lead to violence, criminalization, and divisions among local communities;
- 22.6. That PT. Agro Nusa Abadi/CO-DEFENDANT II has been operating for almost 17 years without obtaining a Land Use Right is a crime committed by PT. Agro Nusa Abadi/CO-DEFENDANT II specifically against the people in 3 villages, namely Bunta Village, Bungintimbe Village, and Tompira Village. Claiming community land to plant large-scale oil palm plantations without prior notification, the community has lost their lands as a source of long-term family livelihood.<sup>10</sup>
- 22.7. That PT. Agro Nusa Abadi/CO-DEFENDANT II with Providing basic food aid and waste bank innovations without resolving the conflict is a complex issue. While basic food aid and waste bank innovations can provide temporary relief for communities, they do not address the underlying root causes of the conflict, such as land grabbing, environmental issues, and social injustice.
- 22.8. While basic food aid as a temporary measure can provide some relief to communities affected by conflict, it does not address the root causes. Basic food aid cannot address issues such as land grabbing, which is a primary trigger of conflict. Land grabbing, an issue

---

<sup>9</sup><https://money.kompas.com/read/2017/01/19/081554626/konflik.sosial.rugikan.sektor.kelapa.sawit.hingga.rp>.<sup>32</sup>  
5 billion

<sup>10</sup>Walhi Press Release dated September 8, 2023 "Astra Group's Palm Oil Conflict in Central Sulawesi Never Ends"



environmental (deforestation, habitat loss), and social injustice are often the main triggers of conflict between communities and palm oil companies, such as the lack of community participation in decision-making regarding plantation development.

palm oil owned by PT. Agro Nusa Abadi/ CO-DEFENDANT II Which does not have HGU.

## **Opinion 2: INCREASING PALM OIL PRODUCTION DAMAGES SOCIAL CONDITIONS**

**22.9. It's too late: The accusation of palm oil theft against residents is a classic tactic used by companies to imprison people, allowing them to easily seize their lands. This is what we call criminalization. While competing land claims based on the rights of each party should fall within the realm of civil law, companies are instead using criminal laws to ensnare the people.<sup>11</sup> This is not the first time that the criminalization of the people and farmers has occurred. Since 2017, Walhi Central Sulawesi has been providing assistance to the people who are victims of land grabbing and criminalization by PT. ASTRA AGRO LESTARI/CO-DEFENDANT I/PARENT COMPANY OF PT. AGRO NUSA ABADI/CO-DEFENDANT II).<sup>12</sup>**

**22.10. That what the company PT Agro Nusa Abadi/CO-DEFENDANT II did. Reported farmers using criminal articles on theft, even though the farmers were carrying out harvesting activities on their land as evidenced by land ownership rights. In fact, the company was unable to prove ownership of the Land Use Rights and unilaterally claimed the farmers' lands.<sup>13</sup>**

**22.11. That the resistance to the threat of a criminal report from PT. ASTRA AGRO LESTARI/CO-DEFENDANT I/PARENT COMPANY OF PT. AGRO NUSA ABADI/CO-DEFENDANT II against the residents of Bungintimbe Village, North Morwali Regency, so that the residents will carry out an action to block the plantation road, demanding that the company return the people's land that has long been controlled by PT. AGRO NUSA ABADI/CO-DEFENDANT II, and this is a concrete form of poor management of oil palm plantations.**

---

<sup>11</sup><https://walhisulteng.org/direktur-walhi-sulawesi-tengah-astra-agro-lestari-hentikan-perampasan-tanah-rakyat/>

<sup>12</sup>bid

<sup>13</sup> <https://beritasulteng.id/2025/03/21/konflik-agraria-pt-agro-nusa-abadi-ana-dan-masyarakat-warga-tuntut-justice-over-land-rights/>

**PT. AGRO NUSA ABADI/CO-DEFENDANT II does not have a Right to Cultivate;**

**22.12. That the resistance against the threat of criminal action that looms over the existence of the oil palm plantation of PT. AGRO NUSA ABADI/CO-DEFENDANT II. There is a lawsuit calling for justice for the community, and bringing PT. AGRO NUSA ABADI/CO-DEFENDANT II to the Poso District Court.<sup>14</sup>The community around the PT. AGRO NUSA ABADI Plantation/CO-DEFENDANT II is very aware of what awaits them. And they are worried: “their land will be seized, where will we live?” so the PLAINTIFF in the aquo case have decided to take legal action against the company THE DEFENDANTS – PT. ASTRA AGRO LESTARI/CO-DEFENDANT I/ PARENT COMPANY OF PT. AGRO NUSA ABADI/CO-DEFENDANT II) the main palm oil plantation company, which hasmake a significant contribution to social conflict and also the suffering of residents around the oil palm plantation.<sup>15</sup>PT. AGRO NUSA ABADI/CO-DEFENDANT II.**

### **Opinion 3: ECONOMIC LOSS**

**22.13. That conflicts over oil palm plantations can cause significant economic losses, both for communities and the state. These losses include loss of potential income, high social and environmental costs, and disruptions to supply chains and trade. Direct losses include the loss of potential income for farmers and local communities where conflicts can disrupt agricultural activities, harvests, and sales of plantation products, resulting in loss of income for farmers and communities dependent on oil palm plantations. Legal and dispute resolution costs: Infrastructure damage: Disruption to the supply chain: Loss of environmental services: Conversion of forests to oil palm plantations, especially if not carried out sustainably, can cause the loss of forest functions as carbon sinks, clean water providers, and habitats for biodiversity, which have significant economic value.<sup>16</sup>Environmental pollution. Palm oil plantation activities**

---

<sup>14</sup><https://www.infosawit.com/2024/09/17/koperasi-mujur-jaya-molino-gugat-pt-agro-nusa-abadi-ke-pn-poso/>

<sup>15</sup>Emphasis from Amici

<sup>16</sup><https://portals.iucn.org/library/sites/library/files/documents/2018-027-Id.pdf>

can cause water, soil, and air pollution due to the use of fertilizers and pesticides, as well as CPO processing waste, which requires costs for mitigation and recovery. Social conflict and security: Prolonged conflict can disrupt social stability, increase crime rates, and require higher security costs. Negative image of the palm oil industry: Conflict can damage the global image of the palm oil industry, reduce consumer confidence, and hinder access to export markets. Health costs: Environmental pollution and social conflict can have a negative impact on public health, increasing health costs and work productivity.<sup>17</sup> As well as Losses Due to Legal Uncertainty: Declining investment: Conflict and legal uncertainty in the palm oil plantation sector can reduce investor interest in this sector, both domestic and international. Declining productivity: Legal uncertainty and conflict can hinder the development of technology and best practices in plantation management, which can reduce productivity and competitiveness.

22.14. That the greatest cost losses were caused by the loss of plantation operational income and the work time of employees allocated to addressing the social conflict. Research This also shows the loss of “hidden” (intangible) costs reaching US\$ 9 million,<sup>18</sup> in the form of indirect losses due to the risk of recurring or worsening conflict; losses due to worsening business reputation, and the risk of violence against property and people;

22.15. That PT. ASTRA AGRO LESTARI/CO-DEFENDANT I/PARENT COMPANY OF PT. AGRO NUSA ABADI/CO-DEFENDANT II) from the beginning has contributed fully to economic losses due to social conflict as a source of conflict in North Morowali, Central Sulawesi, regarding a Palm Oil Plantation Company that does not have a HGU with Indigenous Peoples and Local Communities;

---

<sup>17</sup>Ibid

<sup>18</sup><https://money.kompas.com/read/2017/01/19/081554626/konflik.sosial.rugikan.sektor.kelapa.sawit.hingga.rp.3>  
2.5 billion

## Opinion 4: POLICY

**22.16. In Constitutional Court Decision Number 138/PUU/XIII/2015, the panel of judges changed the original phrase "and/or" to simply "and." Therefore, plantation companies, both existing and prospective, are required to have land rights and plantation business permits.<sup>19</sup> So far, although PT. AGRO NUSA ABADI/CO-DEFENDANT II) has been processing and trying to obtain the HGU certificate since the beginning, the regulation has not been fulfilled because the land is not yet clear and clean. The HGU cannot be obtained because there is still an overlapping SKT (land certificate) involving around 28 individuals and groups who are fighting for the same land as PT. AGRO NUSA ABADI/CO-DEFENDANT II);**

**22.17. That in 2011, PT. AGRO NUSA ABADI/CO-DEFENDANT II) has obtained a Plantation Business Permit (IUP). ENS investigation results, but PT. AGRO NUSA ABADI/CO-DEFENDANT II) does not yet have a HGU due to an unresolved land dispute.<sup>20</sup> Plantation companies are required to have land rights in the form of a Right to Cultivate (HGU). In addition, information on the HGU area must be provided in accordance with laws and regulations regarding plantation business licensing.**

**22.18. That Article 3 of Law No. 40 of 2007 concerning Limited Liability Companies (UUPT) regulates the responsibilities of shareholders, including parent companies in relation to subsidiaries. If the parent company interferes with operational management, the parent company can be held accountable. A parent-subsidary relationship occurs when one company (the parent) owns a controlling stake in another company (the subsidiary).<sup>21</sup> as an example PT. ASTRA AGRO LESTARI/CO-DEFENDANT I/PARENT COMPANY OF PT. AGRO NUSA ABADI/CO-DEFENDANT II) is the owner of 99% of the shares and has the same business, namely palm oil plantation business;**

---

<sup>19</sup>Constitutional Court Decision Number 138/PUU/XIII/2015

<sup>20</sup><https://sulteng.antaranews.com/berita/343385/pemprov-sulteng-urair-benang-kusut-klaim-lahan-dan-dorong-proses-hgu-perusahaan-sawit-pt-ana>

<sup>21</sup>Emphasis from the Plaintiff

#### **D. OPINION OF THE INDONESIAN ENVIRONMENTAL FORUM (WALHI):**

**Based on the Social and Environmental Perspective as above, WALHI conveys the following opinion:**

- 1. Palm Oil Plantation Companies are required to have land rights in the form of a Right to Cultivate (HGU) in accordance with Constitutional Court Decision Number 138/PUU/XIII/2015 and provide information on the HGU area in accordance with laws and regulations in the field of plantation business licensing. Where the HGU area of palm oil plantations does not overlap with other permits.**
- 2.If the parent company interferes in operational management, the parent company can be held accountable. A parent-subsidary relationship occurs when one company (the parent) owns a controlling stake in the subsidiary.and have the same business, namely palm oil plantation business;**
- 3. That Bank Mandiri must examine various sources of information to identify potential environmental and social risks, media coverage in 2015<sup>22</sup>in the 2018 Walhi Central Sulawesi Presidential Conference as an NGO finding that was conveyed to the public by Co-Defendant I and Co-Defendant II there has been a conflict with the community<sup>23</sup>and Bank Mandiri has received profits from the business of Co-Defendant I and Co-Defendant II, therefore Bank Mandiri is responsible for the conflict that occurred between Co-Defendant I and Co-Defendant II with the Community in North Morowali;**
- 4. That Walhi as amici views that there are consequences of punishment on BANK MANDIRI and PT. ASTRA AGRO LESTARI/CO-DEFENDANT I/PARENT COMPANY OF PT. AGRO NUSA ABADI/CO-DEFENDANT II) are the owners of 99% of the shares and have the same business, namely the palm oil plantation business, which has consequences for the recovery of social conflict as a source of conflict in North Morowali, Central Sulawesi, over the Palm Oil Plantation Company PT. AGRO NUSA ABADI/CO-DEFENDANT II) which does not have a HGU with the Indigenous Peoples and Local Communities;**
- 5. Request that the Panel of Judges in the a quo case need to consider and grant the PLAINTIFF'S demands;**
- 6. Ultimately, the Honorable Panel of Judges will determine the future of Unlawful Acts against Companies that do not have land rights in the form of Indonesian Land Use Rights (HGU). In this way, it is hoped that the position of PLAINTIFFS in the civil justice system, which has previously only been directed at perpetrators of crimes, will be increasingly recognized.**

---

<sup>22</sup><https://mongabay.co.id/2015/03/30/permasalahan-perkebunan-sawit-di-morowali-tak-kunjung-usai-inipenyebabnya/>

<sup>23</sup><https://walhisulteng.org/astra-dan-sejuta-masalah-di-sulawesi-tengah/>

**Farmers/cultivators/Indigenous/Local Communities, must begin to shift their attention towards the victims (Mandiri Bank Savings Account Owners/Customers) and the Bank, considering that Savings Account Owners have legal interests that must also be fulfilled and accommodated.**

**Thank you for your attention, Your Honor. Jakarta, June 14, 2025**



**Prepared and Compiled by:**

**Zenzi Suhadi**

**National Executive Director  
Indonesian Forum for the Environment (Walhi)**

**Copy:**

- 1. Chief Justice of the Supreme Court of the Republic of Indonesia**
- 2. Chairman of the Board of Commissioners of the Financial Services Authority (OJK)**
- 3. Chairman of the National Executive of the Walhi Foundation**
- 4. Indonesian Transformation for Justice Association (TUK Indonesia)**