



Verification Report on Grievances raised by Walhi against PT AAL in Central Sulawesi

Bogor 2022

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Foreword

This work was commissioned by the Procter & Gamble Company (P&G) to conduct field verification of the grievances submitted by WALHI/FoE, and subsequently the facts found on the ground were communicated with WALHI Central Sulawesi and PT Astra Agro Lestari so that both parties could have a common understanding of the facts on the ground.

This verification activity was carried out using an "open investigation" approach, where each relevant party was informed in advance about the purpose and the commissioner of this activity. Therefore, a Non-disclosure Agreement between EcoNusantara as the task executor with AAL, which was done along with the field activities. The field verification was carried out during the period of 25 May 2022–12 June 2022, in Jakarta, Bogor and Central Sulawesi. Field observations were made in the areas of three AAL subsidiaries, namely PT Mamuang, PT Lestari Tani Teladan (LTT), and PT Agro Nusa Abadi (ANA).

This document presents the findings during the verification processes, conclusion, and proposed recommendation that could become the references for P&G.

Bogor, August 2022

EcoNusantara



Background

Conflict over land (palm oil) between the palm oil community in Central Sulawesi and PT Astro Agro Lestari (AAL) has been around for more than a decade. Various efforts have been made by the parties to resolve the dispute. Starting from the district, provincial, national, and even international levels, such as the campaign carried out by Walhi and oil palm farmers in October 2019 in Amsterdam.^[1] However, these efforts failed, and not infrequently resulted in violence perpetrated by the security forces against communities in conflict, with various accusations, ranging from FFB theft, vandalism and threats.^[2] On the other hand, the palm oil business chain in Central Sulawesi continues to run as if without any problems.

In an interview with the Indonesian Ombudsman Team for Central Sulawesi Province, the Deputy Head of the Morowali District Police said that one of the factors triggering land disputes was the lack of verification of land ownership evidence by the local government (Ombudsman RI, Representative of Central Sulawesi. 2018). The situation is more complicated when local governments issue location permits for large-scale private oil palm plantations on community lands that already have land certificates and other ownership documents.^[3] This cannot be separated from the support of the local government to provide access to land clearing policies for oil palm plantations.^[4]

On October 15, 2020 Walhi Central Sulawesi supported by Friends of the Earth United States (FoE US) sent a letter to Procter and Gambler (P&G)^[5] and

expressed concern about violations committed by one of Procter & Gambler's suppliers in Indonesia, in particular three subsidiaries of PT Astra Agro Lestari, namely: PT Mamuang, PT Lestari Tani Teladan (LTT), and PT Agro Nusa Abadi (ANA). Walhi Central Sulawesi considers that these companies have failed to comply with the law, and have committed a series of human rights violations. On behalf of the local community, Walhi Central Sulawesi urged P&G to stop buying CPO from PT Astra Agro Lestari and its subsidiaries.

Given that palm oil is the main raw material for a number of goods produced and marketed globally, P&G is committed to sourcing palm oil responsibly and to transparently sharing details about our sourcing, supplier and supply chain policies. P&G is currently paying particular attention to policies related to land rights, including Free, Prior and Informed Consent (FPIC), and environmental, human and labor rights protection, and human rights defenders.

In this regard, P&G requires accurate information from an independent party who can assist in conducting field investigations and verifications to ensure the accuracy of the information and at the same time responding to complaints submitted by Walhi and FoE regarding alleged violations committed by AAL's subsidiaries that failed to properly implement the NDPE policy.

Objectives

1. To verify grievances/complaints made by Walhi for 3 subsidiary companies of PT Astra Agro Lestari in Central Sulawesi.
2. Mutual understanding regarding the conflict between AAL and Walhi.

Methodology

1. Collecting documents from farmers/villagers, Walhi, PT Astra Agro Lestari, Tuk Indonesia, Presidential Staff office (Kantor Staf Presiden), National Land Agency of Central Sulawesi and Donggala District and Plantation Department of Central Sulawesi and North Morowali District.
2. Review documents and analysis.
3. In-depth interviews with various resource persons who knew and were directly involved in the complaint submitted by Walhi conducted in Jakarta, Bogor, Central Sulawesi and in villages – see Table 1 below.

Table 1. Resource Persons

Institutions	Personnels
NGOs	
National Executive of Walhi in Jakarta	Uli Arta (Forest/plantation Campaign Manager)
	Agus Dewi (International Relation Manager)
Tuk Indonesia in Bogor	Edi Sutrisno (Executive Director)
Walhi Central Sulawesi	Sunardi (Executive Director)
	Chairul Saputra (Head of Advocacy)
	Aulia Hakim (Campaigner)
	Chandra Maryadi (Staff)
Company	
PT Astra Agro Lestari	Bandung Sahari (EVP Sustainability)
	Riki (Manager of stakeholder engagement)
	Gilang (Manager of conservation management)
Governments	
National Land Agency of Central Sulawesi	Supardi (Grievance coordinator)
Plantation Department of Central Sulawesi	Rini (Head of Production Division)
Ombudsman of Indonesia Representative of Central Sulawesi	Nasrun (Staff)
National Land Agency of Donggala District of Central Sulawesi	Firman (Head of BPN Donggala)
	Khairul Triutami (Head of Survey Mapping)
Plantation Department of North Morowali of Central Sulawesi	Yohanes (Staff)

Institutions	Personnels
Community Representatives	Representatives of the following villages: Panca Mukti (Hemsi), Tawiora, Bunta, Bungintimbe, Tompira, and Molino.

Data Source

Two types of data are used in this verification, namely:

1. Primary data is data and information from resource persons who know and understand the problem to be verified. So that it can provide the necessary data and can be trusted to exist;
2. Secondary data, obtained from documents or administrative files which include statutory regulations, permits, and other resources concerning the object being verified.

Timeline and Location

The verification process has been carried out during the period of 25 May 2022 – 12 June 2022, in Jakarta, Bogor and Central Sulawesi. Observations were made in the areas of three AAL subsidiaries, of which the location is depicted in the following map ([Figure 1](#)).

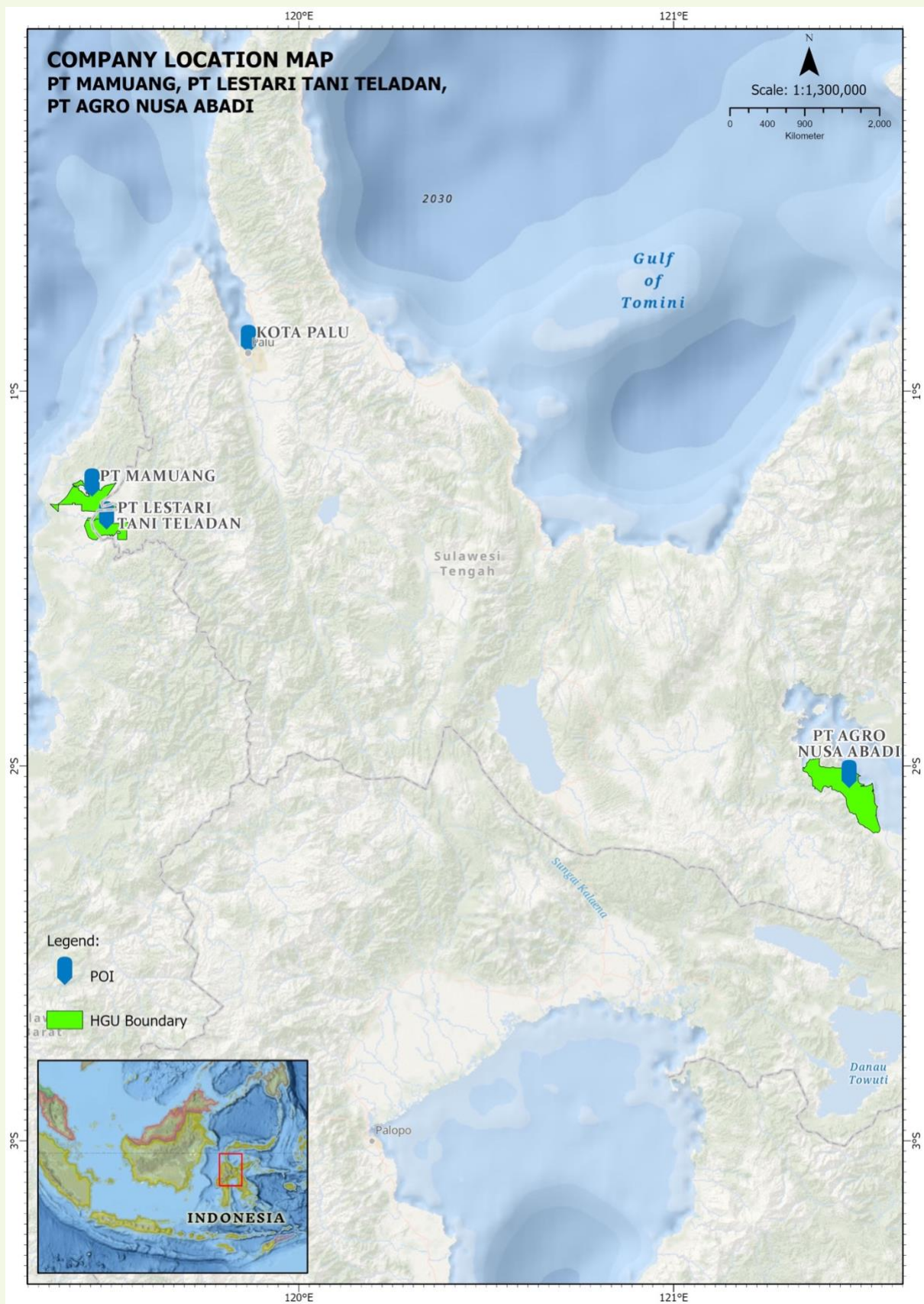


Figure 1. Location of the areas of three AAL subsidiaries

Findings

1. PT Mamuang

Issue #1: Company and Communities, Each Claiming the Same Land Areas of 50 Ha.

There are 2 claims by farmer groups based on community land parcel maps. The first claim is on behalf of the Sinar Rio Jaya Farmer Group covering an area of 172.46 hectares (70 families/house-holds) and the second claim is on behalf of the Panca Mukti Farmer Group covering an area of 45.13 hectares (15 families). The land claimed 50 hectares in the Walhi report, after being verified, is only 45.13 hectares in the name of the Panca Mukti Farmers Group led by Hemsu. Of this area, 15.56 hectares have obtained a Certificate of Ownership (SHM)^[6] in the name of Hemsu and his wife, dated August 26, 2019. The remaining area of around 29.57 hectares is still in the process of obtaining a SHM at BPN.

The team has also directly checked the land ownership process at the BPN Donggala office. The statement from the Head of BPN (Kaban BPN) Donggala ***"SHM can only be issued if the mapping results show that the location is free from overlapping with the allocation of other destinations (clear and clean)"***. It means Hemsu legally own the land based on SHM that he owns.

Table 2. Recapitulation of Ownership of the Panca Mukti Farmer Group

No.	Number of Freehold Title	NIB	Locations				Areas (meter square)	Areas (hectare)
			Villages	Districts	Regencies	Provinces		
1	AAM097624	1901010202040	Bonemarawa	Rio Pakava	Donggala	Sulawesi Tengah	41.850	4,19
2	AAM097638	1901010202029	Bonemarawa	Rio Pakava	Donggala	Sulawesi Tengah	22.270	2,23
3	AAM097621	1901010202011	Bonemarawa	Rio Pakava	Donggala	Sulawesi Tengah	16.520	1,65
4	AAM097639	1901010202043	Bonemarawa	Rio Pakava	Donggala	Sulawesi Tengah	20.710	2,07
5	AAM097625	1901010202110	Bonemarawa	Rio Pakava	Donggala	Sulawesi Tengah	12.580	1,26
6	AAM097623	1901010202032	Bonemarawa	Rio Pakava	Donggala	Sulawesi Tengah	38.790	3,88
7	AAM097618	1901010201549	Bonemarawa	Rio Pakava	Donggala	Sulawesi Tengah	609	0,06
8	AAM097619	1901010201363	Bonemarawa	Rio Pakava	Donggala	Sulawesi Tengah	1.303	0,13
9	AAM097620	1901010201383	Bonemarawa	Rio Pakava	Donggala	Sulawesi Tengah	980	0,10
Total							155.612	15,56

Source: Hemsu, 2022.

The issue of conflict over oil palm land between the Panca Mukti Farmers Group and PT. Mamuang did not immediately end after the issuance of the SHM with a subpoena from Mr. Jumali, Administrator of PT. Mamuang on August 18, 2020 ([Attachment 1](#)) to Mr. Hemsu, which includes the following statement:

"We give a warning/subpoena to you to immediately leave and vacate the occupation area no later than 3 x 24 hours from the issuance of this summons to you and also to dismantle the lodge and restore the condition of Block 26 Afdeling OC in our HGU area to its original state"

The summons then received a response from the Advocacy Team of Mr. Hemsu ([Attachment 2](#)) which explains that:

"Referring to Law No. 40 of 2007 concerning Limited Liability Companies, the Board of Directors acts for and on behalf of PT. Mamuang is not an administrator and based on that reason, we firmly reject all the arguments described in the subpoena because they have no real legal basis and facts. That Mr. Jumali immediately withdrew and stopped the threat about the emptying of Hemsis's land because Mr. Jumali also could not prove the PT. Mamuang to Hemsis"

Issue #2: Company Has Repeatedly Criminalized Farmers

It is true that Hemsis alias Frans (41 years old) a farmer at Bonemarawa has been arrested and detained 3 times due to reports from employees of PT. Mamuang, with details:

- a) Year 2010/2011, reported by Mr. Sugiarno, Security Chief of PT. Mamuang on charges of theft of fruit. Arrested without an arrest warrant, without a trial, immediately thrown into the Pasangkayu Polsek prison for 3 months;
- b) In 2017, Mr. Hermanto Rudi, Assistant for Afdeling Charlie, was reported on charges of threatening and vandalizing. Sentenced for 5 months, 7 days and detained in the Pasangkayu Rutan;
- c) In 2018, reported by Mr. Andi Arifuddin. AR, Head of Security PT. Mamuang on charges of theft of fruit in Block C26. Sentenced for 5 months and detained at the Pasangkayu Prison.

In March 21, 2022, Hemsis has submitted a letter requesting a judicial review (*Peninjauan Kembali*) ([Attachment 3](#)) at supreme court of the criminal cases filed against him, on December 12, 2019.

2. PT Lestari Tani Teladan (LTT)

Issue #1: Company Has Seized Approximately 100 Ha of Land from Farmers

There are 2 basic reasons for claiming 100 hectares of land in the LTT concession. First, the land is included in the village administration area which already has a school building (elementary), housing and community land. Second, there is the threat of Lariang river abrasion due to oil palm planting along riparian areas. Based on the multi-temporal analysis of the Lariang river using Landsat Imagery 2013-2022 data, EcoNusantara found that the 147.5 meters riparian areas were eroded ([Figure 2](#)).

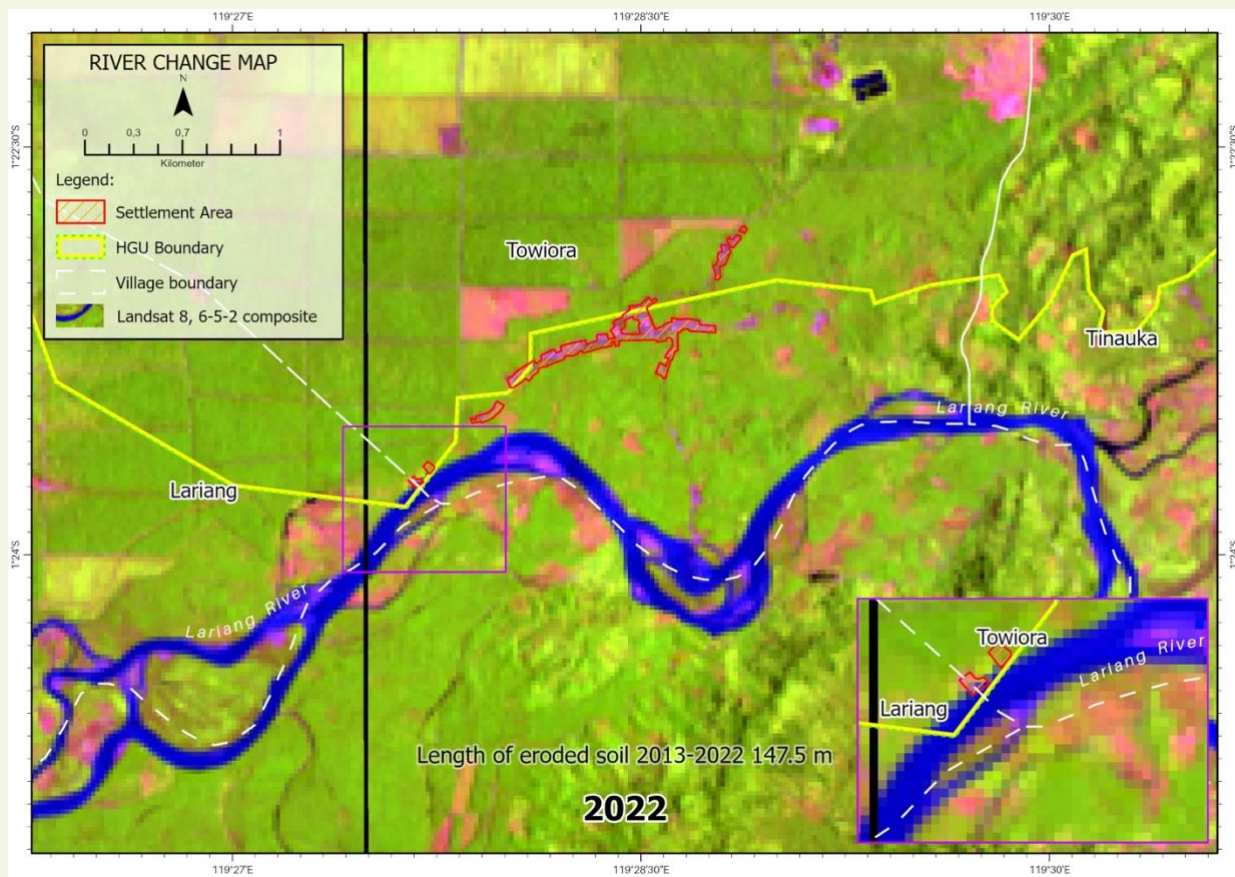


Figure 2. Location of eroded riparian areas along Lariang River

The Tawiora village area is squeezed between the Lariang river and the concession area, and even some of the village area is included in the concession, for example the Rio Pakava 01 Elementary School, and the houses of villagers (80 families). According to the Secretary of the Tawiora Customary Council, the proposed area to be requested is only 60 hectares.

May 11, 2001, the House of Representatives of the Province of Central Sulawesi wrote to the Governor of Central Sulawesi, one of which asked the Governor to review the development permit for PT LTT issued on April 3, 1995 ([Attachment 4](#)), because the location development permit was never socialized (in the 1995's era, there was no provision for FPIC yet).

EcoNusantara suspects that the unclear location boundaries for permits issued by the government and the absence of the FPIC process have triggered the above problems. So it is urgent to find a way out because it involves the existence of the village and its citizens.

Issue #2: The price of fresh fruit bunches produced by farmers is determined by the company it self

LTT has never formed a partnership with farmers, such as Plasma, thus making LTT have no obligation to follow the price benchmark regulated in the PERGUB (Governor Decree). No. 34 of 2020 ([Attachment 5](#)) concerning Technical Instructions for Pricing for Purchasing Palm Oil Fresh Fruit Bunches (Article 9) and the meeting to determine the

price of FFB for Smallholders. Before LTT had a palm oil mill (PKS) in 2012, the community sold FFB to PT Letawa. The community is free to sell FFB to LTT's PKS or PKS Letawa. LTT's PKS has become the first choice because of its close location. The difference between the FFB price from the PKS and the selling price from the farmer/collector group is around Rp. 250,-

There is a price competition for FFB among Delivery Order (DO) owners (Farmer Groups, Cooperatives) in the community. Mr. Bintoro (One of the owners of DO) provides higher FFB prices than other farmer groups, which made the farmer groups short of FFB supply and went bankrupt. Since the policy of restricting CPO exports, smallholder farmers have to queue to sell FFB to PKS. The company implements a limited quota system, but the policy does not seem to apply to Mr. Bintoro^[7].

The price of FFB in the field varies because it is also influenced by the quality of FFB and the age of the oil palm plant. Each owner of DO (direct order) is free to determine the price discount (the difference between the purchase price of mills & the purchase price of DO) including Mr. Bintoro. All DO holders are subject to a FFB quota given the policy of restricting CPO exports. For the daily quota of FFB supply, Mr. Bintoro covers villages in Ring 1 which are the main priorities, especially Tawiora, where this has been agreed upon by the farmers in Tawiora village.^[8]



3. PT. Agro Nusa Abadi (ANA)

Issue #1: The company has confiscated farmers' land in four Villages covering an area of approximately 5000 hectares

After verification, the land claim reported by Walhi was found to be only 1,140 Ha, spread over four villages: Bungintimbe Village (300 Ha), Bunta Village (190 Ha), Tompira Village (400 Ha), and Molino Village (250 Ha). Of the total community claims (1,140 ha), around 895 ha (79%) are controlled by PT ANA with details: Tompira Village (covering an area of 400 Ha), Bunta Village (65 Ha), Bungintimbe Village (180 Ha), and Molino Village (250 Ha). The remaining 21% (245 ha) of land claimed are still controlled by Bungintimbe villagers, namely: Ambo Asse group cover an areas 120 hectares with the letter of land ownership (SKT)^[9], Matirodeceng group led by Gusman from Bunta village cover an areas 65 hectares^[10], and H. Yahya group^[11] from Bunta village cover an areas 60 hectares.

Another fact is the written clarification from AAL which states that there is no compensation for community lands that have legitimate ownership certificates (SHM = *surat hak milik*), but the entire area is co-operated (used as plasma) through cooperatives in each village with an area of 2.167 hectares, as detailed in table 3 below.

Table 3. Plasma distribution of PT ANA

No.	Village	Name of cooperative unit	Area (ha)
1	Bunta	Bunga Sawit	298.8
2	Tompira	Tunas Sawit Mandiri	140.9
3	Bungintimbe	Maju Bersama Bungintimbe	477.0
4	Towara	Akar Sawit Sejahtera	209.5
5	Towara Pantai	Putra Tunggal Mandiri	61.4
6	Molino	Mujur Jaya Molino	946.4
7	Peboa	Mitra Sejahtera Peboa	33.1
	Total		2,167.1

Source: PT Astra Agro Lestari (Juli 2022)

Referring to the two facts mentioned above, there is still no clarity about the actual area of land that is the object of dispute, and it seems that further analysis still needs to be carried out to see the overlapping of farmers' claims with the area and location of the company's plasma plantations.^[12]

Meanwhile, for people who have rights in the form of a "land statement" (*surat keterangan tanah* = SKT) and "land registration statement" (*surat keterangan pendaftaran tanah* = SKPT), covering an area of 4,411 ha, the compensation process has been carried out and the remaining 730 ha in 4 villages are still in the process of completing compensation (see table 4). Currently, the company is managing HGU permits on a village basis (per village), for example, for Towara Pantai Village which has completed a HGU field map, while for Towara Village it is in the cadastral process.

Table 4. List of land area (ha) which has been compensated by PT ANA

No	Village	SKT/SKPT	Completed compensation (ha)	On progress (ha)
1	Bunta	892.75	811.75	81
2	Tompira	641.59	432.85	208.74
3	Bungintimbe	1174.65	963.56	211.09
4	Towara	719	719	0
5	Towara Pantai	307.17	307.17	0
6	Molino	585.45	355.50	229.95
7	Peboa	90.39	90.38	0
	Total	4,411.0	3,680.2	730.9

Source: PT Astra Agro Lestari (Juli 2022)

Issue #2: Company Has Been Operating Without HGU

The key stakeholders and the company have acknowledged that PT. Agro Nusa Abadi does not have yet a HGU during its operation. According to plantation department of central Sulawesi, the legal basis used by PT ANA for its only operations are location permit No. 188.45/KEP-B.MU/0096/VIII/2014, date 20 Augustus 2014 and plantation operational permit (IUP-T), No.188.45/KEP-B-MU/0097/VIII/2014, date 20 Augustus 2014. Permit location was renewed as well in 2021 covering an area of 7,036 hectares^[13], with details below (see Attachment 6 for more detailed information).

Table 5. Historical Permits of PT. ANA

Years	Permit Location	IUP (Plantation Permit)	Land Area (Hectare)
2006	188.45/0760/UMUM/2006	N/A	19.675
2007	N/A	IUP-B. No.525.26/0479/Umum/2007	
2011 (revision)	N/A	IUP-T. No.12/DISHUB.BUN/6.3/IX/2011	7.133
2014 (renewed)	188.45/KEP.B.MU/0096/VIII/2014	IUP-T. No.188.45/KEP.B.MU/0097/VIII/2014	7.244,33
2019	NIB. 8120418151945; * location permit from Online Single Submission (OSS), 15 Maret 2019	N/A	7.244,33
2021	1. Bunta: 1.974 ha (503/16/IL/DPN-PTSPD/IX/2021)	N/A	7,036.47
	2. Tompira: 384 ha (503/15/IL/DPN-PTSPD/IX/2021)		
	3. Bungintimbe: 1.696 ha (503/14/IL/DPN-PTSPD/IX/2021)		
	4. Towara: 1.064 ha (503/18/IL/DPN-PTSPD/IX/2021)		

	5. Towara Pantai: 300 ha (503/17/IL/DPN-PTSPD/IX/2021)		
	6. Molino: 1.512 ha (503/6/IL/DPN-PTSPD/IX/2021)		
	7. Peboa: 104 ha (503/7/IL/DPN-PTSPD/IX/2021)		

Source: PT Astra Agro Lestari (Juli 2022)

There are 3 reasons put forward by PT AAL which inhibits PT ANA in obtaining HGU permits, among others:

1. The complexity of the land compensation process by the company includes the emergence of community land claims on the basis of "SKT" with an area of 16,064 ha (in 2009) which exceeded the area of land cleared by the company
2. The process of division of Morowali Regency into Morowali Regency and North Morowali Regency based on Law No. 12 of 2013, has led to the HGU licensing process for PT ANA starts from scratch
3. Until the formation of North Morowali Regency, the validation team formed by the regional government had not succeeded in resolving the overlapping problem.

Referring to the Regulation of the Minister of Agriculture No. 5 of 2019 concerning Procedures for Business Licensing for the Agricultural Sector^[14], HGU permits must have been obtained as a condition for submitting IUP Cultivation and IUP-T. This is also reinforced by the decision of the Constitutional Court of the Republic of Indonesia No. 138 of 2015 (MK Decision 138/2015) in which business actors may only operate after obtaining an IUP and HGU,^[15] so that it becomes a necessity for PT. ANA to complete the permit by following developments and adapting to the applicable laws and regulations.

Reference Materials

1. <https://www.infosawit.com/news/9371/konflik-lahan-sawit-antara-masyarakat-dan-pt-mamuang-anak-usaha-astra-agro-berlanjut>
2. <https://sulawesion.com/morut/petani-sawit-kakak-beradik-asal-morut-divonis-26-tahun-penjara/>
3. Statement from Mr. Arsyad, a resident of Molino village, East Petasia sub-district, North Morowali District, in the Report of the Joint Meeting of the Team for the Acceleration of Agrarian Conflict Resolution (Tim Percepatan Penyelesaian Konflik Agraria = TPPKA) Office of the Presidential Staff of the Republic of Indonesia in North Morowali
4. Ombudsman of the Republic of Indonesia, Representative of Central Sulawesi. 2018. Maladministration of Palm Oil Plantations in the Districts of Buol, Toli-Toli, and North Morowali.
5. https://www.wilmar-international.com/docs/default-source/default-document-library/sustainability/grievance/grievance-case-report/surat-untuk-pg-letter_walhi_public.pdf?sfvrsn=fc262385_2
6. SHM is an abbreviation that means a Certificate of Ownership. SHM is the most powerful type of ownership compared to HGU (Hak Guna Usaha = rights to conduct a business on a land with other purposes status), HGB (Hak Guna Bangunan = rights to develop and use a building on a land with other purposes status), and other utilization rights. The Government of Indonesia categorizes the land with other purposes status (in Indonesia, it is known as Area untuk Penggunaan Lain) as the land without forest (although there could be an intact forest)
7. Interview with H. Bahar, Chairman of Forum Kerukunan Gerakan Tawiora Bersatu
8. Classification and explanation from AAL, dated 28 June 2022. However, Econusantara could not access the related minutes of meeting (agreement).
9. Land Statement (SKT = Surat Keterangan Tanah) or also known as land history statement, is one of the written evidence that shows ownership rights to the land
10. Mr. Gusman has land rights in the form of a Land Registration Certificate (Surat Keterangan Pendaftaran Tanah = SKPT), which is a type of land certificate officially issued by BPN (Badan Pertanahan Nasional – National Land Agency) to explain the historical status of the land appointed for further clarification based on physical and juridical data. Mr. Gusman is still actively paying Land and Building Tax (PBB) for the land he owns


11. The land area claimed is 60 Ha (20 KK) with proof of ownership of SKT and SKPT, and has been cultivated since 1995
 12. All parties - the company, Walhi and farmers - have not been able to show the location of the claimed land on the map.
 13. Interview with PT. Astra Agro Lestari
 14. There are three types of Plantation Business Permits (IUP in Indonesia) that can be applied for by plantation companies, namely IUP-B (Cultivation), IUP-P (Processing), and IUP-T (integrated between Cultivation and Processing).
 15. In the decision of the Constitutional Court of the Republic of Indonesia No. 138 of 2015 (MK Decision 138/2015) has changed the phrase (sentence) in Law no. 39/2014 concerning Plantation Article 42, previously noted that the development of oil palm plantations or CPO processing can be carried out if there is already a land right (HGU) and/or a Plantation Business Permit (IUP) or both. Then the word "or" is removed. As a result, the meaning of Law No. 39/2014 article 42 reads, the development of oil palm plantations or CPO processing can be carried out if there is already a land right (HGU) and a Plantation Business Permit (IUP), both and not only one.
 16. Article 58 Paragraph (2) of Law 39/2014
 17. Presidential Staff Office. 2019. Legal Opinion on the Conflict of the North Morowali Community Against PT. Agro Nusa Abadi (ANA)
 18. One of the conditions for the issuance of a HGU that must be met is the existence of a proof of land acquisition/right from the land owner/cultivator or land asset holder (e.g. Decree on the Release of Forest Areas). This is as regulated in the Ministry of Agriculture. No. 5 of 2019 concerning Procedures for Business Licensing in the Agricultural Sector
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Photo Documentation



Photo 1. Land of conflict within ANA concession area : Bungintimbe village

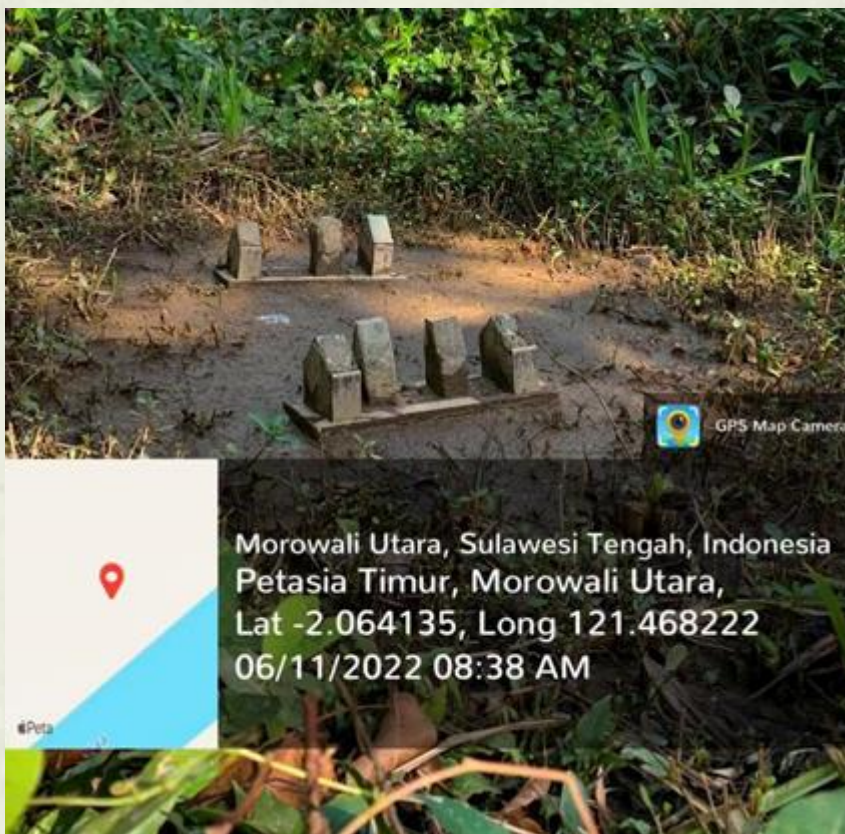


Photo 2. Land of conflict within ANA concession area : cemetery area in : Bungintimbe village



Photo 3. Village within the concession area of LTT



Photo 4. Village within the concession area of LTT: mosque



Photo 5. Village within the concession area of LTT



Photo 6. Zoom meeting with Walhi for further clarification

Attachment 1. A letter of subpoena from Mr. Jumali, Administrator of PT. Mamuang on August 18, 2020 to Mr. Hems. A complete document is available at EcoNusantara

PT MAMUANG

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Phone . (021) 4616555 (Hunting), Fax. (021) 4616655, 4616677

Jakarta, 18 Agustus 2020

No : LECO/155/EXT/MMG/VI/2020
Hal : SOMASI
Perihal : **SOMASI PENGOSONGAN LAHAN**

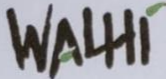
Kepada Yth,
Bpk. HEMSI alias FRANS
di Kabupaten Donggala,
Sulawesi Tengah

Dengan hormat,

Kami, PT Mamuang, pemilik kebun kelapa sawit di Desa Martasari Kecamatan Pedongga Kabupaten Pasangkayu Provinsi Sulawesi Barat berdasarkan Sertifikat Hak Guna Usaha Nomor 1 Tahun 1997 ("HGU"), dengan ini menggunakan haknya untuk menyampaikan hal-hal sebagai berikut:

1. Saudara, sejak tahun 2006 sampai dengan hari ini telah melakukan perbuatan melawan hukum dengan menduduki lahan kebun sawit Kami dan melakukan aktifitas panen tanpa hak dengan luasan 43 Ha di Blok 26 Afdeling OC area HGU kami. Saudara juga bahkan telah mendirikan pondok dengan tanpa izin dari Kami sebagai pemilik lahan ("area okupasi").
2. Bahwa tindakan saudara mengakibatkan kerugian materiil pada kami dikarenakan Kami tidak dapat melaksanakan aktifitas panen di area okupasi. Tindakan Saudara tersebut merupakan tindakan melanggar hukum yang mana telah terbukti berdasarkan Putusan Pengadilan Negeri Pasangkayu Tanggal 25 Maret 2019 No. 6/Pid.R/2019/PN.Pky yang dikuatkan dengan Putusan Pengadilan Tinggi Makassar tanggal 11 Juni 2019 No. 253/PID/2019/PT.MKS, yang intinya memutuskan bahwa **Sdr. Hems alias Frans telah terbukti dan menyakinkan melakukan tindak pidana pencurian dan menjatuhkan Hukuman Pidana 5 (lima) bulan penjara.**
3. Bahwa dengan adanya putusan tersebut, Saudara masih tetap menduduki lahan di area okupasi sehingga kegiatan operasional dan aktifitas panen masih tidak dapat Kami lakukan.

Berdasarkan hal-hal tersebut di atas, Kami memberikan peringatan/somasi kepada Saudara untuk **segera meninggalkan dan mengosongkan area okupasi paling lama 3 x 24 jam sejak diterbitkannya surat somasi ini kepada saudara** dan juga membongkar pondok dan mengembalikan keadaan Blok 26 Afdeling OC di Area HGU kami seperti keadaan semula.



Wahana Ungkungan Hidup Indonesia
Friends of the Earth Indonesia

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info@walhi.or.id
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EKSEKUTIF NASIONAL
NATIONAL EXECUTIVE

Jakarta, 14 Agustus 2020

Perihal : Jawaban atas Teguran (Somasi) terhadap Hemsu dan Somasi/Teguran terhadap Sdr Jumali sebagai Administrasi PT. Mamuang.

Kepada Yth.,
Sdr JUMALI (Administratur PT. MAMUANG)
Jl. Puloayang Raya Blok OR-I, Kawasan Industri Pulogadung,
Jakarta 13930
di-
Tempat

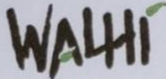
Dengan hormat,

Perkenalkan kami Advokat, Pengacara Publik dan Advokat Magang yang tergabung dalam TIM ADVOKASI UNTUK HEMSU, dalam hal ini memilih domisili hukum di Jalan. Maleo no 34 tjanamodindi Palu Selatan Kota Palu Sulawesi Tengah 94118, bertindak secara bersama-sama maupun sendiri-sendiri, yang dalam hal ini bertindak untuk dan atas nama Bapak Hemsu berdasarkan surat kuasa khusus tertanggal 10 Agustus 2020 (selanjutnya disebut sebagai, "klien").


Bahwa sehubungan surat teguran (somasi) yang ditujukan kepada klien kami melalui surat Perihal: SOMASI PENGOSONGAN LAHAN No. LECO/155/EXT/MMG/VI/2020 tanggal 10 Agustus 2020 ("Somasi"), yang pada pokoknya menyatakan bahwa klien kami masih menempati tanah milik PT. MAMUANG.

Atas Somasi yang Sdr Jumali sebagai Administratur PT. Mamuang tujukan kepada klien kami tersebut, maka perlu kami sampaikan hal-hal sebagai berikut:

1. PT. Mamuang, perseroan terbatas yang didirikan berdasarkan hukum Negara Republik Indonesia, berkedudukan di Jakarta, beralamat di Puloayang Raya Blok OR-I, Kawasan Industri Pulogadung, Jakarta 13930 dalam wewenangnya sesuai dengan Undang-undang Republik Indonesia No. 40 Tahun 2007 Tentang Perseroan Terbatas maka Direksi, bertindak untuk dan atas nama PT. Mamuang bukan seorang Administratur;
2. Bahwa berdasarkan alasan tersebut diatas maka kami menolak dengan tegas seluruh dalil – dalil yang diuraikan dalam Somasi No. LECO/155/EXT/MMG/VI/2020 tanggal 10 Agustus 2020 juga tidak mempunyai dasar dan fakta hukum yang sesungguhnya;



Untuk menjadi Sahabat WALHI, Hubungi: 021-794 1672 atau gabung@walhi.or.id



Attachment 3. Hemsy's letter requesting a judicial review at supreme court of the criminal cases filed against him, on December 12, 2019.

MAHKAMAH AGUNG RI

JL. MEDAN MERDEKA UTARA NO. 9-13
TELP. 3843348, 3843459, 3843541, 3843557, 3844302
3845793, 3451173, 3812347, 3457642, 3457624
TROMOL POS NO. 1020
JAKARTA 10010

Jakarta, 24 Maret 2022

Kepada Yth.
Sdr. Panitera Pengadilan Negeri Pasangkayu
di - Pasangkayu

Nomor : 25/Pan.4/ 25 /III/2022/PK/Pid

Lampiran :

Perihal : Penerimaan berkas perkara
Peninjauan kembali atas nama
Pemohon :
Hemsi alias Hans alias Bapak Fian alias Frans putra dari Herman
Rante Tondok

Sehubungan dengan surat Saudara Panitera Pengadilan
Negeri di Pasangkayu tanggal 17 Februari 2022 Nomor :
W22-U26/222/HK.01/III/2022 perihal permohonan Peninjauan Kembali
dari : Hemsi alias Hans alias Bapak Fian alias Frans putra dari
Herman Rante Tondok, bersama ini diberitahukan bahwa berkas
perkara tersebut telah diterima oleh Mahkamah Agung - RI pada
tanggal 21 Maret 2022 dan dicatat dalam Register nomor :
25 PK/Pid/2022.



PANITERA MUDA PIDANA UMUM

Dr. YANTO, S.H., M.H
NIP : 19600121 199212 1 001

Tembusan Kepada Yth. :

1. Sdr. Kepala Kejaksaan Negeri Pasangkayu

Di Pasangkayu

2. Sdr. Hemsi alias Hans alias Bapak Fian alias Frans putra dari Herman
Rante Tondok

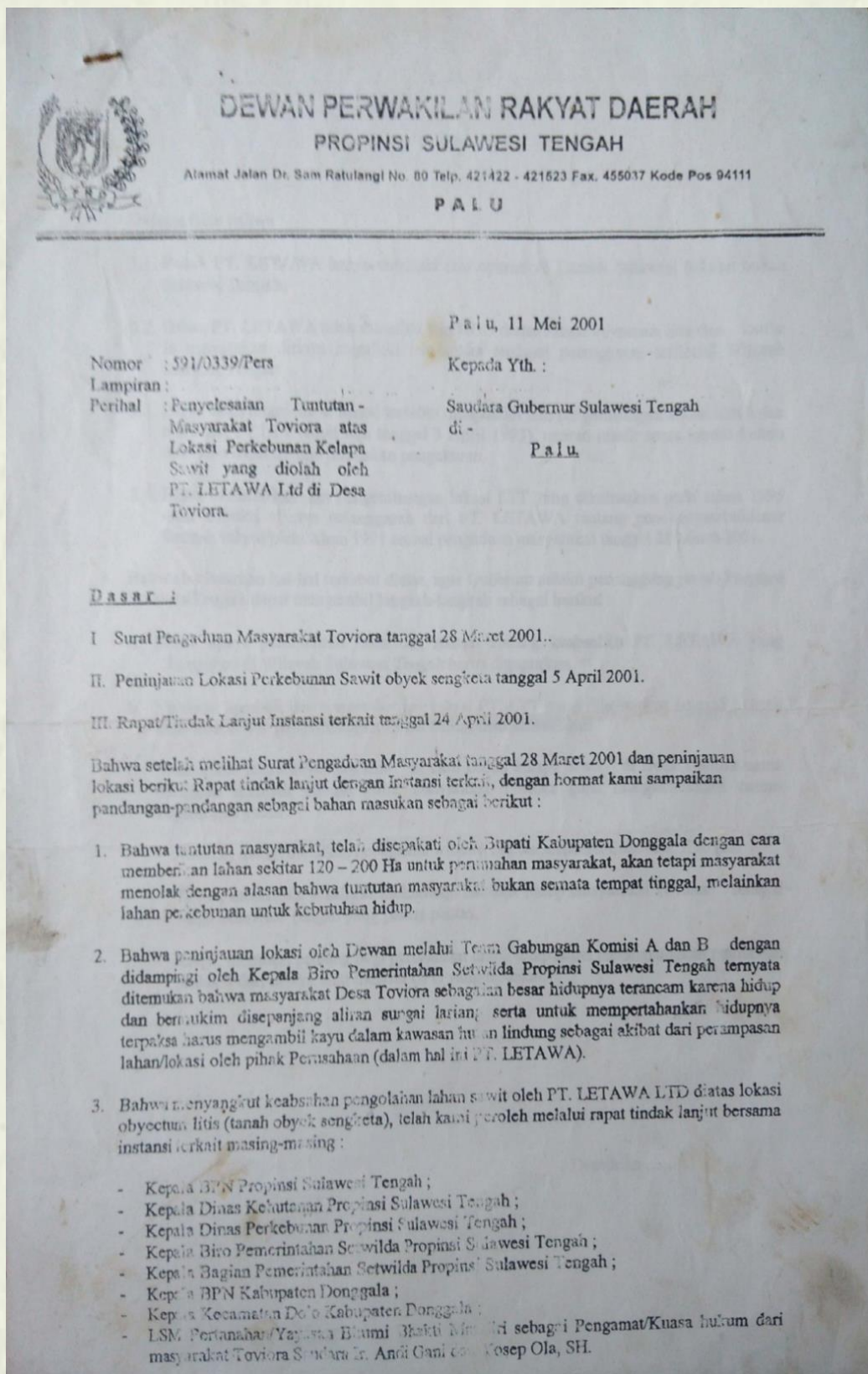
Wahana Lingkungan Hidup Indonesia

Jl. Tegal Parang Utara No.14, Mampang

Jakarta Selatan 12940

3. Arsip

Attachment 4. A letter from the House of Representatives of the Province of Central Sulawesi to the Governor of Central Sulawesi, asking to review the development permit for PT LTT. A complete document is available at EcoNusantara





GUBERNUR SULAWESI TENGAH

PERATURAN GUBERNUR SULAWESI TENGAH

NOMOR 34 TAHUN 2020

TENTANG

**PETUNJUK TEKNIS PENETAPAN HARGA PEMBELIAN TANDAN
BUAH SEGAR KELAPA SAWIT PRODUKSI PEKEBUN**

DENGAN RAHMAT TUHAN YANG MAHA ESA

GUBERNUR SULAWESI TENGAH,

Menimbang : a. bahwa untuk melaksanakan ketentuan dalam Pasal 6 ayat (1) Peraturan Menteri Pertanian Nomor 1 Tahun 2018 tentang Pedoman Penetapan Harga Pembelian Tandan Buah Segar Kelapa Sawit Produksi Pekebun perlu menetapkan Peraturan Gubernur tentang Petunjuk Teknis Penetapan Harga Pembelian Tandan Buah Segar Kelapa Sawit Produksi Pekebun;

Mengingat : 1. Undang-Undang Nomor 13 Tahun 1964 tentang Penetapan Peraturan Pemerintah Pengganti Undang-Undang Nomor 2 Tahun 1964 tentang Pembentukan Daerah Tingkat I Sulawesi Tengah dan Daerah Tingkat I Sulawesi Tenggara dengan mengubah Undang-Undang Nomor 47 Prp Tahun 1960 tentang Pembentukan Daerah Tingkat I Sulawesi Utara-Tengah dan Daerah Tingkat I Sulawesi Selatan-Tenggara (Lembaran Negara Republik Indonesia Tahun 1964 Nomor 7) menjadi Undang-Undang (Lembaran Negara Republik Indonesia Tahun 1964 Nomor 94, Tambahan Lembaran Negara Republik Indonesia Nomor 2687);

2. Undang-Undang Nomor 23 Tahun 2014 tentang Pemerintahan Daerah (Lembaran Negara Republik Indonesia Tahun 2014 Nomor 244, Tambahan Lembaran Negara Republik Indonesia Nomor 5587), sebagaimana telah diubah beberapa kali terakhir dengan Undang-Undang Nomor 9 Tahun 2015 tentang Perubahan Kedua Atas Undang-Undang Nomor 23 Tahun 2014 tentang Pemerintahan Daerah (Lembaran Negara Republik Indonesia Tahun 2015 Nomor 58, Tambahan Lembaran Negara Republik Indonesia Nomor 5679);

3. Undang-Undang . . .

1

Attachment 6. Chronology of PT ANA's HGU Permit Application

No	Year	Legal Documents	Description
1	2006	No.188.45/ 0760/ UMUM/ 2006	Location permit from the Regent of Morowali covering an area of 19,675 ha on 8 December 2006. The location permit decree is valid for 12 months, and after that it needs to be renewed
2	2007	No.525.26/ 0479/ UMUM/ 2007	Plantation Business Permit (IUP-B) from the Regent of Morowali covering an area of 19,675 ha on 27 April 2007
3	2007	No.188.45/ 0908/ UMUM/ 2007	Extension of Location Permit from Regent of Morowali covering an area of 19,675 ha on 7 December 2007
4	2007-2009		PT ANA conducted socialization regarding the plan to develop an oil palm plantation and a partnership pattern involving the Tripika Elements of the East Petasia District (formerly Petasia), the Village Head, Head of the BPD and several community leaders.
			The socialization process was supported by the Regent of Morowali with the issuance of the Decree of the Regent of Morowali (No. 188.45/ SK.0317/ Hutbun/ 2008) regarding the Establishment of a Team for Dissemination of the Partnership Program for Palm Oil Plantation Development in Morowali Regency.
5	2009	BA No.101.1/ BA/ DPB2TR/ V/ 09	Map of PT ANA's Land Area No. 15-19.06.-2008 dated March 14, 2008 DI.302 Number 118/ 2007, the result of the measurement of a plot of land covering an area of 3,874.20 ha in Morowali Regency. Map of plots of land (cadastral) is one of the steps to obtain HGU. In obtaining the cadastral map, the company has received community support and there is no overlap with other permits.
6	2009	BA No. 256/ BA/ DPB2TR/ XI/ 09	Map of PT ANA's land parcel No. 62-19.06-2009 dated November 3, 2009 DI.302 No. 118/ 2007, the result of the measurement of the land area of 7,170.39 ha in Morowali Regency. Revision of PT ANA's Land Map No. 15-19.06.-2008 dated March 14, 2008.
7	2009		Committee B's request to get the minutes of committee B continues the HGU application process. The Committee B process is stagnant due to the local government's preparation process for the division of districts and claims from the community for recognition of land ownership based on SKT (several SKTs were issued above 2008) with an area exceeding the land that the company cleared.
7	2009		Committee B's request to get the minutes of committee B continues the HGU application

No	Year	Legal Documents	Description
			process. The process of preparing for expansion takes a long time (years).
8	2010		Formation of the Morowali Local Government Validation Team. The team of Morowali local government validated community land ownership according to the certificate of ownership and carried out field measurements. The process of field validation and measurement takes a long time because it is also involved the problem of land overlapping with other concession areas. Until the formation of North Morowali Regency, the result of the division of the district, the validation team has not succeeded in solving the overlapping problem.
9	2011	No.12/ DISHUTBUN/ 6.3/ IX/ 2011	Plantation Business Permit (IUP) from the Regent of Morowali covering an area of 7,133 ha on 20 September 2011. Change of IUP-B to IUP.
	2012-2013		Kick off the formation of North Morowali Regency (expansion of Morowali Regency)
10	2014-2018		<p>District Expansion. Morowali became Kab. North Morowali (15 May 2013/ Law No. 12 of 2013) caused PT ANA's HGU process to be started from scratch.</p> <ul style="list-style-type: none"> • Acting Regent of North Morowali issued Decree No. 188.45/ KEP-B.MU/ 0044/ V/ 2014, namely the formation of a Team for Settlement of Plantation Land Disputes with Other Public Interests tasked with resolving all land cases in the territory of North Morowali Regency including land managed by PT ANA located in the East Petasia Sub-district, as well as the process of issuing the Regent's Decree concerning the Determination of Names of Prospective Plasma Farmers (SK CPP = Surat Keputusan Bupati tentang Penetapan Nama Nama Calon Petani Plasma); • The North Morowali (Morut) Regional Government Land Completion Team has verified but the results obtained are not in accordance with the total land area managed by PT ANA, it is agreed that the follow-up to verification is carried out by the Village Team (except Bungintimbe Village, which is still carried out by the Morut Regional Government Land Settlement Team); • Based on the Village Validation Team, PT ANA made progress on land compensation on the agreed land (clean & clear ownership). The

No	Year	Legal Documents	Description
			<p>process of land compensation is still ongoing because until now there is still land that cannot be compensated because "Some SKT owners are not living around the company (the owners are found)" and "Some SKT owners ask for compensation at a price that exceeds the requirements of the validation team".</p> <p>Because the process of resolving overlapping land is very complicated and takes a long time. Here's the process through:</p> <ul style="list-style-type: none"> • 2015 = started of land verification and validation in the area of Bunta Village; • 2016 = land verification and validation began in the Bungintimbe Village area; • Having seen the good progress of the settlement of overlapping land in the two villages, the other villages (Tompira, Towara, Towara Pantai, Molino and Peboa) imitated the pattern of land settlement. • 2017 – 2018 = land verification and validation began in the villages of Tompira, Towara, Towara Pantai, Molino and Peboa; PT ANA carried out the land compensation process in stages in accordance with the results of village validation, until June 2022 the remaining 730.78 ha (82%) is still in the process of completion.
11	2014	No. 188.45/ KEP- B.MU/ 0096/ VIII/ 2014	Renewal of Location Permit for Integrated Oil Palm Plantation Business along with Other Supporting Facilities PT ANA in East Petasia District, North Morowali Regency from the Regent of North Morowali covering an area of 7,244.33 Ha on 20 August 2014
12	2014	No. 188.45/ KEPB.MU/ 0097/ VIII/ 2014	Renewal of Integrated Oil Palm Plantation Business License with Processing Plants into Palm Oil (CPO) and Palm Kernel (Kernel) with a Processing Capacity of 60 Tons/ Hour PT ANA in East Petasia District, North Morowali Regency (IUP) covering an area of 7,244.33 Ha on 20 August 2014
13	2014	NIB 8120418151945	Business License (IUP) from the Online Single Submission Institute (OSS) in East Petasia District, North Morowali Regency on 20 August 2014
14	2019	NIB 8120418151945	Location Permit from the Online Single Submission Institute (OSS) covering an area of 7,244.33 Ha, in East Petasia District, North Morowali Regency on March 15, 2019
15	2021	• SK Bupati Morowali Utara No 503/ 07/ II/ PPM-PTSP/	The seriousness of PT ANA to obtain HGU with a very complicated compensation process, is

No	Year	Legal Documents	Description
		<p>VI/ 2021 Desa Peboa (18 Juni 2021);</p> <ul style="list-style-type: none"> • SK Bupati Morowali Utara No 503/ 06/ IL/ DPM-PTSP/ VI/ 2021 Desa Molino (18 Juni 2021); • SK Bupati Morowali Utara No 503/ 16/ IL/ DPM-PTSPD/ IX/ 2021 Desa Bunta (10 September 2021); • SK Bupati Morowali Utara No 503/ 17/ IL/ DPM-PTSPD/ IX/ 2021 Desa Towara Pantai (10 September 2021); • SK Bupati Morowali Utara No 503/ 18/ IL/ DPM-PTSPD/ IX/ 2021 Desa Towara (10 September 2021); • SK Bupati Morowali Utara No 503/ 14/ IL/ DPM-PTSPD/ IX/ 2021 Desa Bungintimbe (10 September 2021); • SK Bupati Morowali Utara No 503/ 15/ IL/ DPM-PTSPD/ IX/ 2021 Desa Tompira (10 September 2021) 	<p>shown by taking the initiative to split the location permit according to the village area. Renewal of PT ANA's location permit based on villages covering an area of 7,036.47 ha, consisting of land in the villages of:</p> <p>Peboa = 104 ha; Molino = 1,512 ha; Bunta = 1,974.90 ha; Towara Pantai = 300 ha; Towara = 1,064 ha; Bungintimbe = 1,696.87 ha; Tompira = 384.70 ha</p>
16	2022	<ul style="list-style-type: none"> • Land parcel map for Towara Pantai covering an area of 175.6 Ha has been published from Morut Land Agency; • Application for HGU has been submitted by PT ANA, for a parcel of land located in Towara Pantai Village covering an area of 175.6 Ha from Kantah Morut to the Provincial BPN Regional Office on March 28, 2022. 	
17	2022	LECO/ B/ EXT/ ANA/ 2022	<p>PT ANA has established intensive communication with the Provincial Government of Central Sulawesi regarding land issues to get their advice regarding the process of resolving issues and applying for HGU in Towara Pantai Village and Peboa Village on 24 May 2022. The discussion process was quite intense, resulting in the formation of a multi-stakeholder team (July 2022) supported by the issuance of a letter of assignment for the multi-stakeholder team to resolve this issue. The multi-stakeholder</p>

No	Year	Legal Documents	Description
			team involves all elements of the government and a team of experts. Currently, the company's land located in Towara Pantai Village has been in a cadastral process leading to a follow-up to Committee B. The company is still trying to speed up the HGU process in village locations that are clean and clear and administratively completed.

Source: PT ANA/PT AAL 2022.



ECONUSANTARA

Address

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Kecamatan Tanah Sareal, Kota Bogor 16162, Indonesia

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