

Perkara Penting dan Sanksi Administratif

Legal Cases and Administrative Sanctions

Perkara Penting

Perkara penting yang dihadapi Perusahaan sepanjang tahun 2023 akan dijelaskan sebagai berikut:

Legal Cases

Legal cases faced by the Company throughout the year 2023 will be outlined as follows:

| Regional Regional | Uraian Perkara Description | Perkembangan Desember 2023 Process in December 2023 |
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| Regional 1 | Perkara perdata Regional 1 (ex. PTPN II), dengan Penggugat Sdr. Rokani dkk melawan Tergugat PTPN II (No. Perkara 05/Pdt.G/2011/PN-Lp) dengan objek perkara Afdeling Penara Kebun Tanjung Garbus, Deli Serdang seluas 464 ha. Penggugat mengklaim tanah tersebut di atas dengan dasar kepemilikan berupa surat keterangan tanah (SKTPPSL tahun 1953); Nilai aset tanah objek perkara adalah Rp154 miliar (berdasarkan NJOP). | <ul style="list-style-type: none"> a. Proses persidangan Tingkat pertama (PN), Banding, Kasasi dan PK, PTPN II kalah. Selanjutnya PTPN II mengajukan upaya hukum PK ke-2 dengan melampirkan putusan pengadilan sebelumnya yang memenangkan PTPN II atas objek tanah yang sama yang menyatakan tanah milik PTPN II; b. PTPN II melakukan upaya gugatan baru atas objek tanah yang sama dan pada Tingkat pertama (PN) dan Banding PTPN II menang, namun pada Tingkat Kasasi kalah. Selanjutnya PTPN II mengajukan upaya hukum PK (menunggu putusan); c. Adanya upaya melakukan perlawanan (Derden Verzet) dari Holding PTPN III (menunggu putusan Kasasi); d. Upaya lain yang dilakukan PTPN II adalah melaporkan secara pidana Sdr. Rokani dkk atas tindakan pemalsuan dokumen surat. (pada tingkat Kasasi ybs dinyatakan bersalah dan menjalani hukuman). |
| Regional 1 | Civil Case Regional 1 (ex. PTPN II), with Plaintiff Mr. Rokani et al. against Defendant PTPN II (Case No. 05/Pdt.G/2011/PN-Lp) involving the subject matter of the Tanjung Garbus Plantation Section in Penara District, Deli Serdang, covering an area of 464 hectares. The Plaintiff claims ownership of the aforementioned land based on a land certificate (SKTPPSL from 1953); The value of the land asset in question is Rp154 billion (based on NJOP). | <ul style="list-style-type: none"> a. The first-instance trial process (PN), Appeal, Cassation, and Judicial Review, PTPN II lost. Subsequently, PTPN II filed a second judicial review (PK) by attaching the previous court decision that ruled in favor of PTPN II over the same land object, declaring it as PTPN II's property; b. PTPN II initiated a new lawsuit over the same land object, and at the first instance (PN) and Appeal, PTPN II won, but lost at the Cassation level. Subsequently, PTPN II filed a judicial review (waiting for the decision); c. There is an attempt to file a counterclaim (Derden Verzet) by Holding PTPN III (awaiting the Cassation decision); d. Another action taken by PTPN II is to criminally report Mr. Rokani et al. for document forgery. (At the Cassation level, they were found guilty and sentenced). |

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| <p>Regional 1</p> | <p>Perkara perdata Regional 1 (ex. PTPN II), dengan Penggugat Sdr. Supardi dkk melawan Tergugat PTPN II (No. Perkara 74/Pdt.G/2015/PN-Lbp) dengan objek perkara Desa Penara Kebun Tanjung Garbus, Deli Serdang seluas 41 ha. Penggugat mengklaim tanah tersebut di atas dengan dasar kepemilikan berupa surat keterangan tanah tahun 1996; Nilai aset tanah objek perkara adalah Rp205 miliar (berdasarkan nilai pasar).</p> | <p>a. Proses persidangan di Tingkat pertama (PN), Banding, Kasasi dan PK, PTPN II kalah, putusan menyatakan bahwa Penggugat adalah pemilik sah atas tanah objek perkara; b. Permasalahan lain yang timbul adalah PTPN II telah menerima ganti rugi tanah dari pihak lain yang masuk dalam daftar nominatif yang ditetapkan oleh Gubernur Sumatera Utara.</p> |
| <p>Regional 1</p> | <p>In Civil Case Regional 1 (formerly PTPN II), with Plaintiff Mr. Supardi and others against Defendant PTPN II (Case No. 74/Pdt.G/2015/PN-Lbp) concerning the land area of 41 hectares in Desa Penara Kebun Tanjung Garbus, Deli Serdang. The Plaintiff claims ownership of the said land based on a land certificate from 1996; The assessed value of the land asset in question is Rp205 billion (based on market value).</p> | <p>a. The trial process at the first instance (District Court), Appeal, Cassation, and Judicial Review, resulted in PTPN II losing, with the decision affirming the Plaintiff as the rightful owner of the land in question; b. Another issue arising is that PTPN II has received compensation for the land from another party listed in the nominative list determined by the Governor of North Sumatra.</p> |
| <p>Regional 2</p> | <p>Perkara perdata Regional 2 (ex. PTPN VIII), dengan Penggugat Sdr. Yayasan Al-Latief melawan Tergugat PTPN VIII (No. Perkara 106/Pdt.G/2021/PN.Bgr) dengan objek perkara tanah seluas 20 ha. Penggugat mengklaim tanah tersebut di atas dengan dasar kepemilikan berupa Perjanjian Jual Beli (PJB); Nilai aset tanah objek perkara adalah Rp7,2 miliar (berdasarkan nilai NJOP).</p> | <p>a. Proses persidangan di Tingkat pertama (PN), Banding, Kasasi, PTPN VIII kalah. Putusan menyatakan Perjanjian Jual Beli (PJB) sah dan PTPN VIII dinyatakan wanprestasi serta menghukum PTPN VIII menyerahkan tanah seluas 20 ha kepada Yayasan Al-latief. b. Akan diajukan upaya hukum peninjauan kembali.</p> |
| <p>Regional 2</p> | <p>In Civil Case Regional 2 (formerly PTPN VIII), with Plaintiff AL-Latief Foundation against Defendant PTPN VIII (Case No. 106/Pdt.G/2021/PN.Bgr) concerning a land area of 20 hectares. The Plaintiff claims ownership of the said land based on a Sale and Purchase Agreement (SPA); The assessed value of the land asset in question is Rp7.2 billion (based on the Tax Object Selling Value).</p> | <p>a. The trial process at the first instance (District Court), Appeal, Cassation, resulted in PTPN VIII losing. The decision affirmed the validity of the Sale and Purchase Agreement (SPA) and declared PTPN VIII in breach of contract, ordering PTPN VIII to transfer the land area of 20 hectares to the AL-Latief Foundation. b. An application for a judicial review will be submitted.</p> |
| <p>Regional 4</p> | <p>Perkara perdata Regional 4 (ex. PTPN X), dengan Penggugat Sdr. Sunyoto dan Sdri. Dewi Sinta melawan Tergugat PTPN X dan PTPN III, (No. Perkara 115/Pdt.G/2024/PN.Jmr) dengan objek perkara tanah seluas 0,854 m2. Penggugat mengklaim tanah tersebut di atas berdasarkan Perjanjian Tukar Menukar Tanah 1974 dan PTPN X tidak melakukan kewajibannya untuk melakukan pengalihan tanah dimaksud dan mengurus legalitasnya, sehingga PTPN X dianggap wanprestasi; Nilai aset tanah objek perkara adalah Rp492 juta (berdasarkan nilai NJOP).</p> | <p>a. Proses persidangan di tingkat pertama (PN) dan banding, PTPN X kalah. Putusan menyatakan Penggugat merupakan pemilik yang sah atas tanah objek perkara dan menghukum para Tergugat untuk menyerahkan tanah objek perkara dalam keadaan kosong kepada para Penggugat; b. Tanah objek perkara saat ini dikuasai oleh PTPN X dan dimanfaatkan untuk bangunan Gudang pengeringan tembakau; c. Saat ini sedang menunggu putusan Kasasi.</p> |

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| Regional 4 | <p>In Civil Case Regional 4 (formerly PTPN X), with Plaintiffs Mr. Sunyoto and Mrs. Dewi Sinta against Defendants PTPN X and PTPN III (Case No. 115/Pdt.G/2024/PN.Jmr) concerning a land area of 0.854 m2. The Plaintiffs claim ownership of the said land based on a Land Exchange Agreement from 1974, and PTPN X's failure to fulfill its obligation to transfer the land and manage its legality, thus considered in breach of contract;</p> <p>The assessed value of the land asset in question is Rp492 million (based on the Tax Object Selling Value).</p> | <ol style="list-style-type: none"> The trial process at the first instance (District Court) and on appeal resulted in PTPN X losing. The decision declared the Plaintiffs as the rightful owners of the land in question and ordered the Defendants to transfer the land in question, vacant, to the Plaintiffs; The land in question is currently under the control of PTPN X and utilized for a tobacco drying warehouse; Currently awaiting a decision on Cassation. |
| Regional 7 | <p>Perkara perdata Regional 7 (ex. PTPN VII):</p> <ul style="list-style-type: none"> No. perkara 8/Pdt.G/2014/PN. Bbu PTPN VII menggugat PT BMM, objek perkara tanah seluas 4.650 ha; No. perkara 5/PDT.G/2019/PN. Bbu PTPN VII menggugat PT BMM, objek perkara tanah seluas 4.650 ha; <p>Nilai aset tanah objek perkara adalah Rp95 miliar (berdasarkan nilai NJOP).</p> | <ol style="list-style-type: none"> Terhadap perkara tersebut PTPN VII kalah pada setiap tingkatan peradilan. Selanjutnya PT BMM mengajukan penetapan eksekusi dan pada tahun 2017 dilakukan eksekusi atas objek perkara tanah seluas 320 ha; Kemudian terhadap gugatan tahun 2019, PTPN VII kalah (putusan pengadilan menyatakan gugatan tidak dapat diterima karena <i>nebis in idem</i>), Tahun 2021, Holding PTPN III melakukan upaya perlawanan dan putusan Tingkat pertama sampai kasasi ditolak dan PTPN III mengajukan Upaya hukum PK (menunggu putusan). |
| Regional 7 | <p>In Civil Case Regional 7 (formerly PTPN VII):</p> <ul style="list-style-type: none"> Case No. 8/Pdt.G/2014/PN.Bbu: PTPN VII sued PT BMM concerning a land area of 4,650 hectares; Case No. 5/PDT.G/2019/PN.Bbu: PTPN VII sued PT BMM concerning a land area of 4,650 hectares; <p>The assessed value of the land asset in question is Rp95 billion (based on the Tax Object Selling Value).</p> | <ol style="list-style-type: none"> In regard to these cases, PTPN VII lost at every level of the judiciary. Subsequently, PT BMM applied for execution, and in 2017, execution was carried out on a land area of 320 hectares; Then, in the lawsuit of 2019, PTPN VII lost (the court's decision deemed the lawsuit inadmissible due to <i>nebis in idem</i>), In 2021, PTPN III Holding filed an appeal, and the decisions at the first instance up to cassation were rejected, prompting PTPN III to file a Judicial Review (awaiting the decision). |
| Regional 8 | <p>Perkara perdata Regional 8 (ex. PTPN XIV), dengan Penggugat Andi Harmisah melawan Tergugat PTPN XIV, (No. Perkara 47/Pdt.G/2016/PN.Wtp) dengan objek perkara tanah seluas 17,32 ha. Penggugat mengklaim tanah tersebut di atas merupakan bagian dari objek tanah yang telah dilakukan eksekusi tahun 2009. Nilai aset tanah objek perkara adalah Rp1,8 miliar (berdasarkan nilai NJOP).</p> | <ol style="list-style-type: none"> Proses persidangan Tingkat pertama (PN), Banding, Kasasi dan PK, PTPN XIV kalah; Bahwa sebelumnya PTPN XIV telah melakukan upaya gugatan TUN atas SHM yang terbit pada tanah objek perkara yang telah dieksekusi tahun 2009 (perkara jilid 1), dan PTPN XIV menang sehingga SHM yang terbit dibatalkan (putusan PTUN ini dipakai sebagai alat bukti namun tidak menjadi pertimbangan); Terhadap perkara dimaksud telah ada perintah eksekusi dari pengadilan, namun pelaksanaan eksekusi tidak dapat dilakukan karena adanya penolakan/aksi dari serikat pekerja. |
| Regional 8 | <p>In Civil Case Regional 8 (formerly PTPN XIV), with Plaintiff Andi Harmisah against Defendant PTPN XIV (Case No. 47/Pdt.G/2016/PN.Wtp) concerning a land area of 17.32 hectares. The Plaintiff claims that the said land is part of the land object that was executed in 2009. The assessed value of the land asset in question is Rp1.8 billion (based on the Tax Object Selling Value).</p> | <ol style="list-style-type: none"> The trial process at the first instance (District Court), Appeal, Cassation, and Judicial Review resulted in PTPN XIV losing; Prior to this, PTPN XIV had filed an Administrative Lawsuit (TUN) regarding the Land Certificate issued on the land object that was executed in 2009 (first volume of the case), and PTPN XIV won, leading to the cancellation of the issued Land Certificate (this PTUN decision is used as evidence but not taken into consideration); |

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| | | <p>c. There has been a court order for execution in this case, but the execution could not be carried out due to opposition/actions from the labor union.</p> |
| Regional 4 | <p>Regional 4 (ex. PTPN X) Perkara dugaan tindak pidana korupsi pembelian tanah oleh PG Ngadirejo PTPN X seluas 4.385 m2 dengan nilai Rp3,2 miliar; Objek perkara adalah 2 bidang tanah Desa seluas 4.385 m2 yang terindikasi adalah tanah ex Belanda (RVO) milik PTPN X sesuai peta Meifbriek (berdasarkan keterangan Kantor Pertanahan Kediri); Nilai ganti rugi tanah Rp3,2 miliar yang diterima Desa Jambean melalui: (a) transfer ke rekening Kas Desa senilai Rp1 miliar; dan (b) transfer ke rekening pribadi H. Hari/ Kepala Desa senilai Rp2,2 miliar.</p> | <p>a. Proses persidangan sedang berlangsung atas tersangka Sdr. H. Hari/Kepala Desa Jambean; b. Terpisah dengan perkara Sdr, H.Hari/ Kepala Desa Jambean, saat ini sedang dilakukan pemeriksaan saksi dari Direksi/ Mantan Direksi Eks PTPN X dan Karyawan oleh Polda Jawa Timur.</p> |
| Regional 4 | <p>Regional 4 (formerly PTPN X) The case involves alleged corruption in the purchase of land by PG Ngadirejo PTPN X covering an area of 4,385 square meters valued at Rp3.2 billion; The case concerns 2 land parcels in the village totaling 4,385 square meters suspected to be former Dutch (RVO) land owned by PTPN X as per Meifbriek map (based on information from the Kediri Land Office); The compensation value for the land, Rp3.2 billion, was received by Jambean Village through: (a) transfer to the Village's account amounting to Rp1 billion; and (b) transfer to H. Hari's/personal account, the Village Head, amounting to Rp2.2 billion.</p> | <p>a. The trial process is ongoing for the suspect Mr. H. Hari/Village Head of Jambean; b. Separately from Mr. H. Hari/Village Head of Jambean's case, examinations of witnesses from the Board of Directors/Former Board of Directors of Former PTPN X and Employees are currently being conducted by the East Java Regional Police.</p> |
| Regional 4 | <p>Regional 4 (ex. PTPN XI) Perkara dugaan tindak pidana korupsi pembelian lahan HGU PT Kejayan Mas tahun 2016 yang diduga tidak sesuai ketentuan dan tidak melalui kajian bisnis. Objek pembelian lahan seluas 81 ha dengan nilai Rp61 miliar. Perkara diperiksa oleh KPK dengan tersangka Sdr. M. Cholidi (mantan Direktur Utama PTPN XI dan Sdr. M. Khoiri (mantan Kadiv Umum/Hukum PTPN XI).</p> | <p>Saat ini sedang dilakukan pemeriksaan saksi dari Direksi/ Mantan Direksi Eks PTPN XI dan Karyawan oleh KPK.</p> |
| Regional 4 | <p>Regional 4 (formerly PTPN XI) The case involves alleged corruption in the purchase of land HGU by PT Kejayan Mas in 2016, suspected to have not followed regulations and lacked a business study. The land purchased covers an area of 81 hectares valued at Rp61 billion. The case is being investigated by the Corruption Eradication Commission (KPK) with suspects Mr. M. Cholidi (former CEO of PTPN XI) and Mr. M. Khoiri (former General/Legal Division Head of PTPN XI).</p> | <p>Currently, examinations of witnesses from the Board/ Former Board of Directors of Former PTPN XI and Employees are being conducted by the KPK.</p> |

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| Regional 4 | <p>Regional 4 (ex. PTPN XI) Perkara dugaan tindak pidana korupsi pembelian lahan HGU PT Baluran Indah tahun 2017 yang diduga tidak memenuhi seluruh tahapan mekanisme kerja pengembangan areal pola take over sehingga lahan yang dibeli tidak dapat dimanfaatkan. Objek pembelian lahan seluas 367 ha dengan nilai Rp116 miliar. Perkara diperiksa oleh KPK dengan tersangka Sdr. M. Cholidi (mantan Direktur Utama PTPN XI).</p> | <p>Saat ini sedang dilakukan pemeriksaan saksi dari Direksi/ Mantan Direksi Eks PTPN XI dan Karyawan oleh KPK.</p> |
| Regional 4 | <p>Regional 4 (formerly PTPN XI) The case involves allegations of corruption in the purchase of HGU land by PT Baluran Indah in 2017, suspected of not fulfilling all stages of the development mechanism's working pattern for area takeovers, resulting in the purchased land being unusable. The land purchased covers an area of 367 hectares valued at Rp116 billion. The case is under investigation by the Corruption Eradication Commission (KPK) with Mr. M. Cholidi (former CEO of PTPN XI) as a suspect.</p> | <p>Currently, examinations of witnesses from the Board of Directors/Formal Board of Directors of Former PTPN XI and Employees are being conducted by the KPK.</p> |
| Regional 4 | <p>Regional 4 (ex. PTPN XI) Perkara dugaan tindak pidana korupsi terkait revitalisasi PG Djatiroto dan PG Assembagoes. Perkara dalam proses penyelidikan oleh Bareskrim Polri sejak Juni 2023;</p> | <p>Telah dilakukan pengambilan keterangan kepada mantan Direksi juga karyawan PTPN XI sejak Juni 2023.</p> |
| Regional 4 | <p>Regional 4 (formerly PTPN XI) The case involves allegations of corruption related to the revitalization of PG Djatiroto and PG Assembagoes. The case is under investigation by the Indonesian National Police's Criminal Investigation Unit (Bareskrim Polri) since June 2023.</p> | <p>Statements have been taken from former members of the Board of Directors and employees of PTPN XI since June 2023.</p> |
| Regional 4 | <p>Regional 4 (ex. PTPN XI) Perkara arbitrase antara PTPN XIV dengan KSO-HEU (Hutama Karya-Euroasiatic-Uttam) terkait terminasi perjanjian pekerjaan EPCC PG Djatiroto;</p> | <p>a. Dilakukan permohonan Arbitrase di BANI dalam perkara Nomor : 46051/ X/ARB-BANI/2023; b. Saat ini sedang menunggu pembayaran biaya administrasi, biaya pemeriksaan dan biaya arbiter dari KSO HEU senilai Rp7.022.371.710.</p> |
| Regional 4 | <p>Regional 4 (formerly PTPN XI) An arbitration case between PTPN XIV and the Joint Operation (KSO-HEU - Utama Karya-Euroasiatic-Uttam) regarding the termination of the EPCC contract for PG Djatiroto;</p> | <p>a. An arbitration request has been made to the Indonesian National Arbitration Board (BANI) in case number: 46051/X/ARB-BANI/2023; b. Currently awaiting payment of administrative fees, examination fees, and arbitrator fees from KSO HEU amounting to Rp7,022,371,710.</p> |