



PRESS CONFERENCE

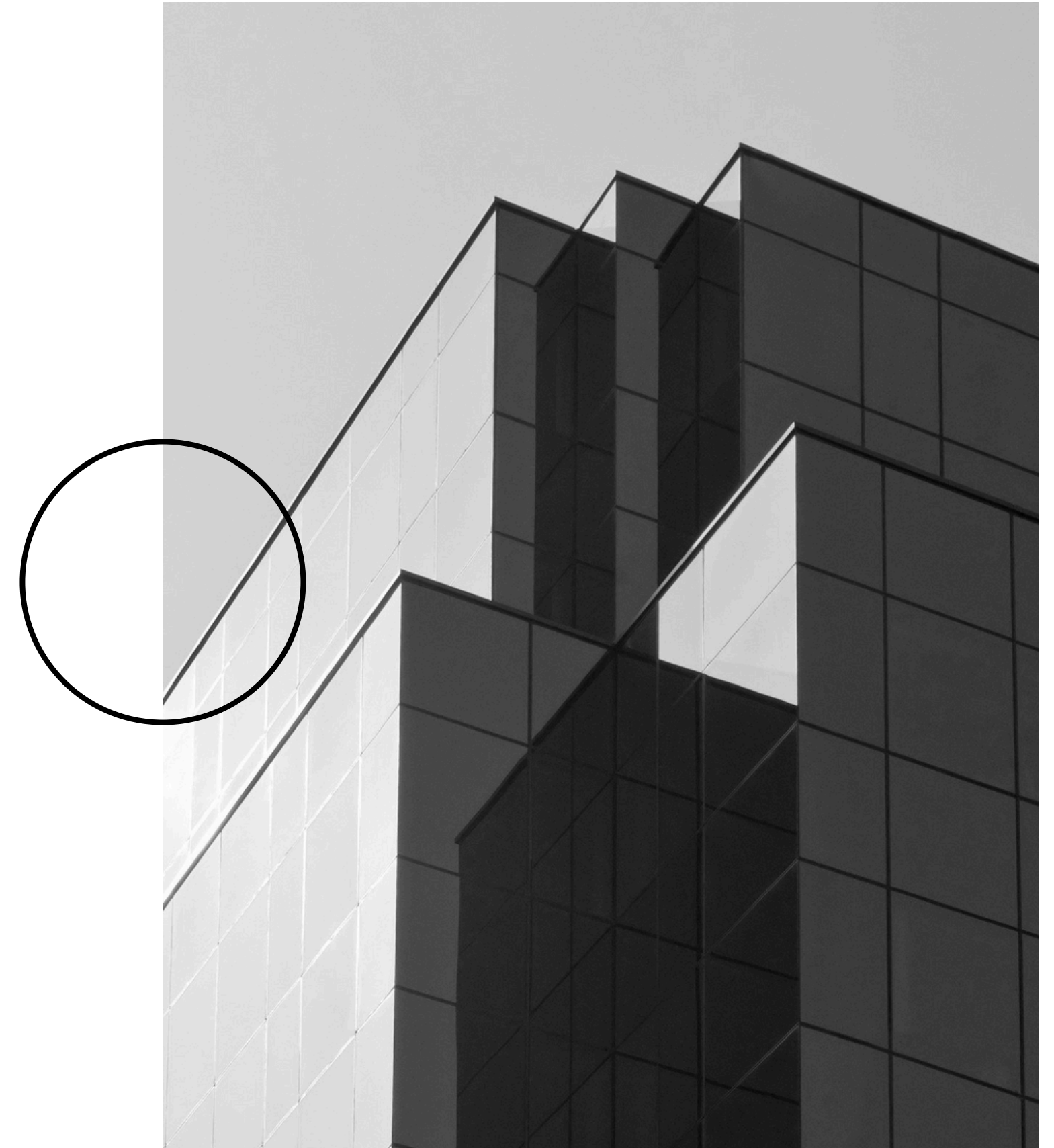
#DesakMandiri Lawsuit Decision
It's Time for Banks to Take Responsibility





RULES OF PRESS CONFERENCE

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2. Participants are expected to use clear and recognizable names.
Example: Name_Institution
3. Participants are required to turn off the microphone (mute) if they are not speaking.
4. Participants who want to ask questions are expected to activate the raise hand feature and speak when invited by the moderator or submit their questions in the chat column.
5. By participating in this press conference, participants are deemed to have agreed and are willing to comply with the applicable rules.

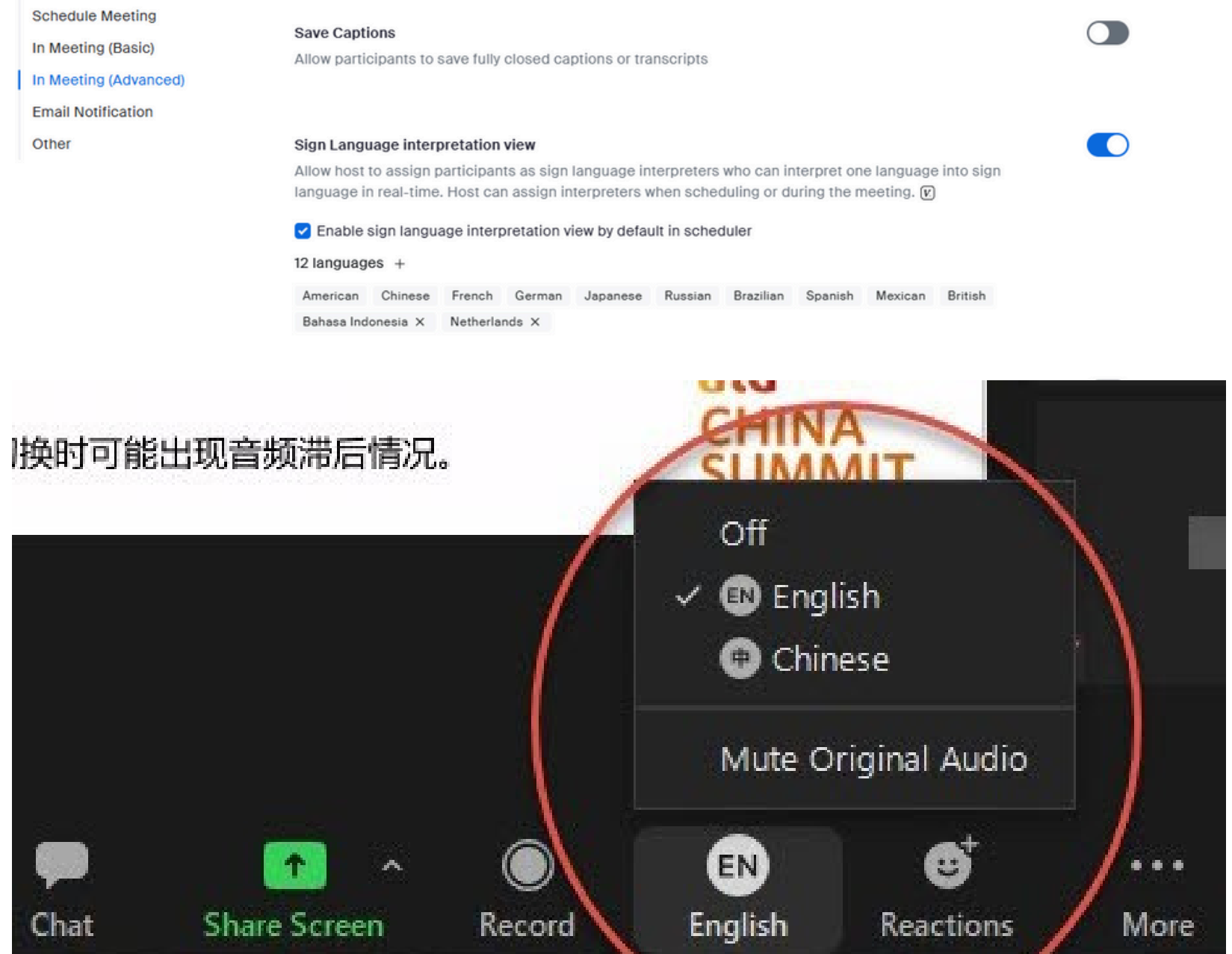




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PRESS CONFERENCE RUNDOWN

1. TuK INDONESIA Statement (**Linda Rosalina**, Executive Director of TuK INDONESIA)
2. Legal Response (**Iki Dulagin**, Legal Representative Bank Mandiri Lawsuit)
3. Multi-Level Advocacy Strategy (**Merel van der Mark**, Coordinator of the Forest and Finance Coalition)
4. **Q&A** Session





Linda Rosalina
TuK INDONESIA

PUTUSAN NO KARENA KURANG PIHAK

Implikasi, Kritik, Langkah Lanjutan TuK INDONESIA



01

- Mengapa gugat Bank Mandiri?
- Inti gugatan
- Putusan PN Jaksel: gugatan dinyatakan NO

02

- Analisa & catatan terhadap putusan
- Implikasi putusan atas akuntabilitas perbankan
- Langkah lanjutan TuK INDONESIA

01

Bank Mandiri membiayai Agro Nusa Abadi (ANA), anak usaha Astra Agro Lestari (AALI) dengan rekam jejak buruk: **beroperasi tanpa HGU dan melanggar konflik sosial di masyarakat**

02

Gugatan diajukan untuk memastikan **penerapan keuangan berkelanjutan**

03

TuK INDONESIA mewakili **kepentingan publik dan masyarakat terdampak**

MENGAPA GUGAT BANK MANDIRI?





01

Bank Mandiri melanggar

- **Peraturan perundangan**
- **Kebijakan, prinsip dan komitmen internal**

02

Bank Mandiri menimbulkan kerugian

- **Membiayai perusahaan yang beroperasi tanpa HGU, turut melanggengkan konflik sosial di masyarakat**

03

Menuntut Bank Mandiri untuk

- **Menghentikan kredit AALI dan ANA**
- **Membentuk mekanisme komplain & pengaduan**
- **Meminta maaf kepada nasabah & masyarakat**

INTI GUGATAN

01

Persidangan:

- 13 Nov 2024 hingga 17 Juli 2025
- 25 kali sidang, 4 sidang diantaranya ditunda

02

Putusan PN Jaksel: tidak dapat diterima (Niet Ontvankelijke Verklaard/NO), alasan: **Penggugat kurang pihak (Plurium Litis Consortium)**

- **Econusantara** → penggunaan laporan
- **KATR/BPN** → mempersoalkan ketiadaan HGU
- **KLH** → mempersoalkan masalah sosial & lingkungan
- **OJK** → petitum soal mekanisme komplain & pengaduan

PUTUSAN NOMOR : "1186/Pdt.G/2024/PN JKT.SEL"

Tanggal Putusan *Kamis, 17 Juli 2025*

Tanggal BHT -

Amar putusan **MENGADILI**

DALAM EKSEPSI:

Mengabulkan Eksepsi Turut Tergugat I dan Turut Tergugat II;

DALAM POKOK PERKARA:

1. Menyatakan Gugatan Para Penggugat tidak dapat diterima
2. Menghukum Para Penggugat untuk membayar biaya perkara

PUTUSAN NOMOR : 1186/Pdt.G/2024/PN JKT.SEL

Salinan Putusan *Salinan Putusan Belum Tersedia*

PUTUSAN PN JAKSEL: GUGATAN DINYATAKAN NO



Hakim salah menarik sudut pandang, gagal mengkonstruksi kasus:

01

Gugatan TuK INDONESIA mempersoalkan pembiayaan Bank Mandiri kepada perusahaan 'ilegal', bukan sengketa hak atas tanah

02

Hakim kurang memahami kasus sehingga salah menerapkan yurisprudensi No.365K/Pdt/1984 tanggal 31 Agustus 1985 (Gugatan harus menggugat semua orang yang terlibat)

ANALISA & CATATAN TERHADAP PUTUSAN PN JAKSEL

01

Praktik pembiayaan
kepada perusahaan
yang berisiko tinggi akan
semakin ugal-ugalan

02

Praktik ilegal
perusahaan akan
langgeng karena terus
mendapatkan
dukungan pembiayaan

IMPLIKASI PUTUSAN TERHADAP AKUNTABILITAS PERBANKAN





01

TuK INDONESIA menyatakan **banding** atas putusan PN Jaksel

02

TuK INDONESIA akan melakukan **eksaminasi** atas putusan PN Jaksel

LANGKAH LANJUTAN



Iki Dulagin
Kuasa Hukum TuK INDONESIA



Merel van der Mark
Coordinator of the Forest
and Finance Coalition

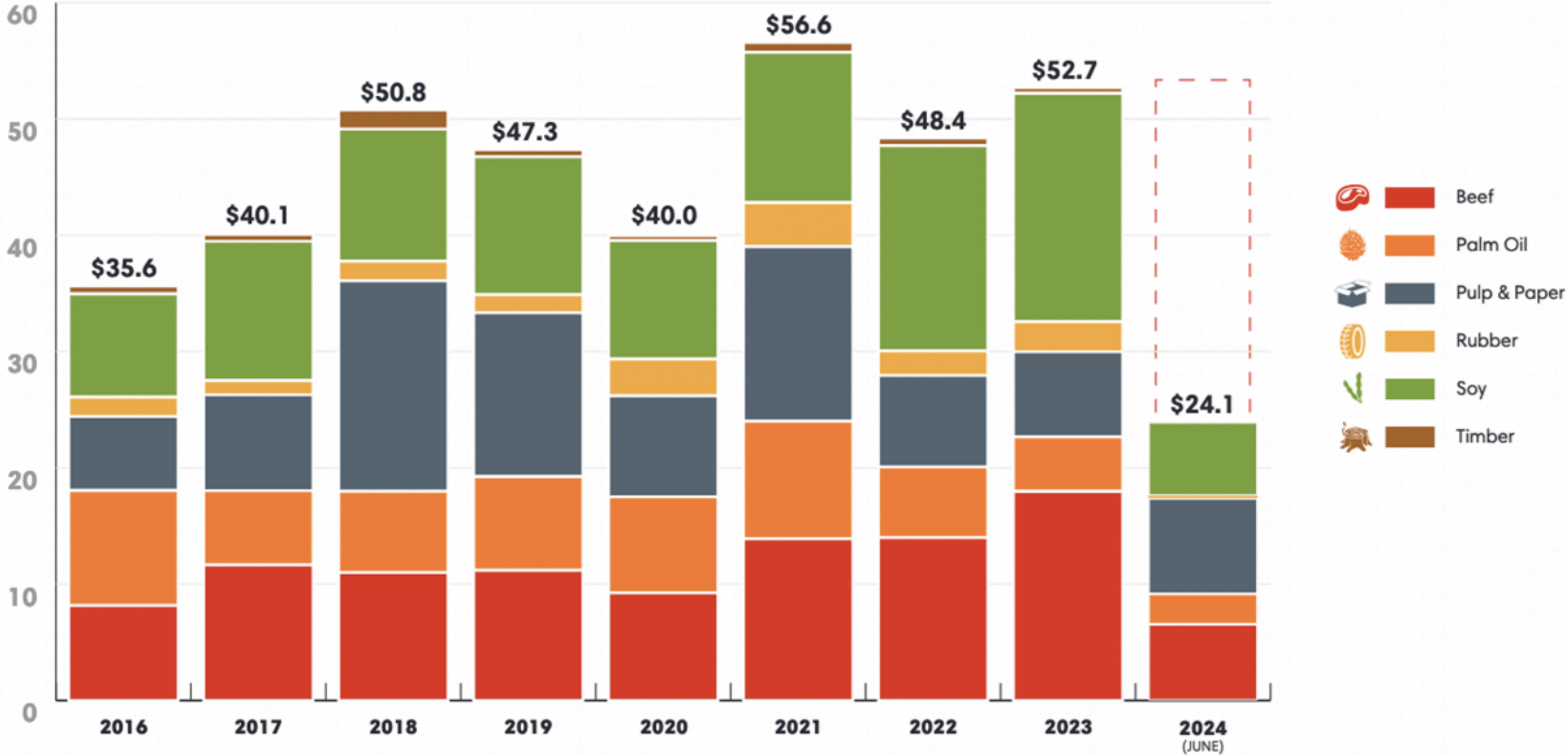
Finance is fueling

BIODIVERSITY COLLAPSE

It's time to hold banks and
investors accountable.

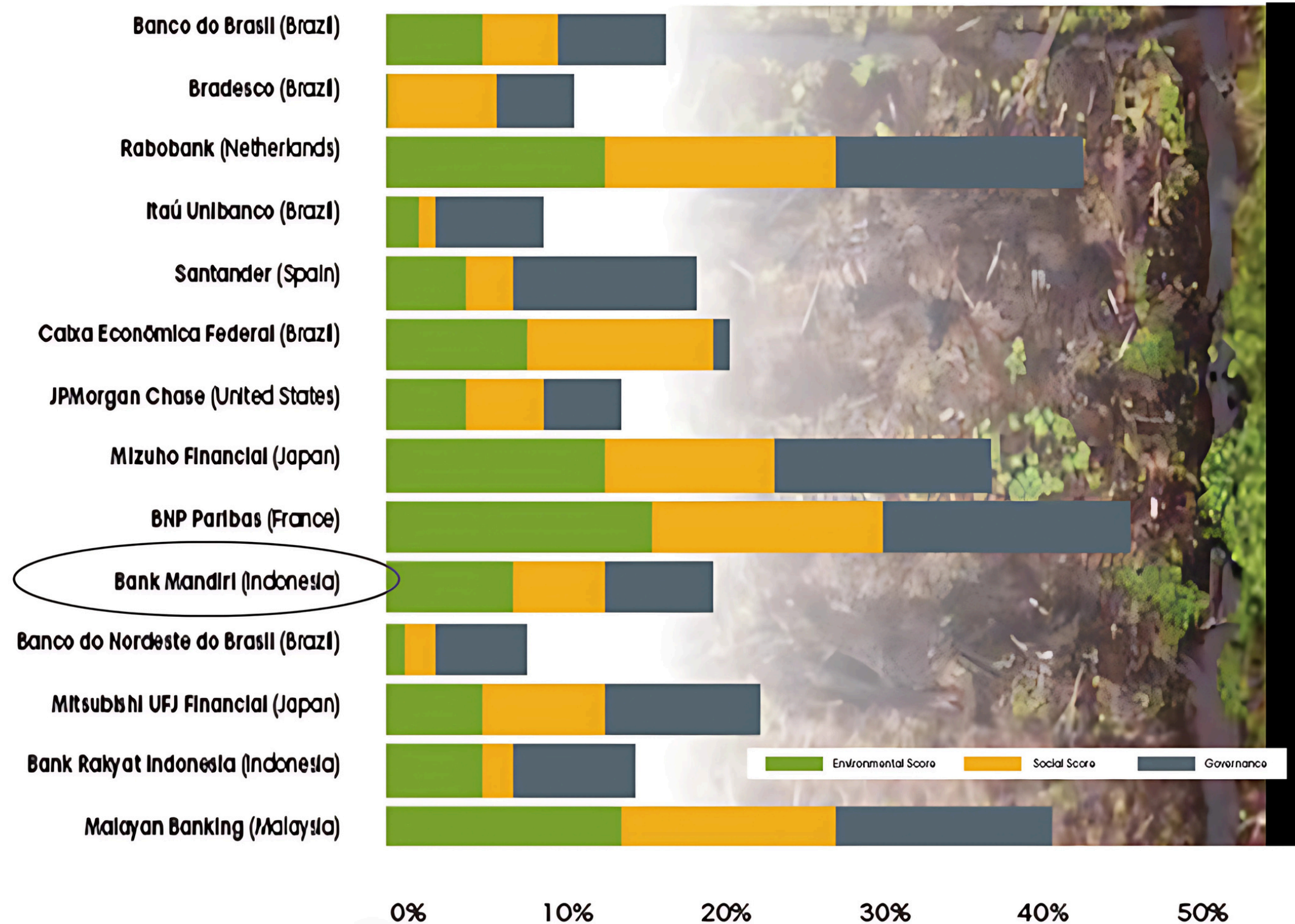


GRAPH 1: Forest-risk credit trends by sector (2016-2024 JUNE, US\$ BILLIONS)

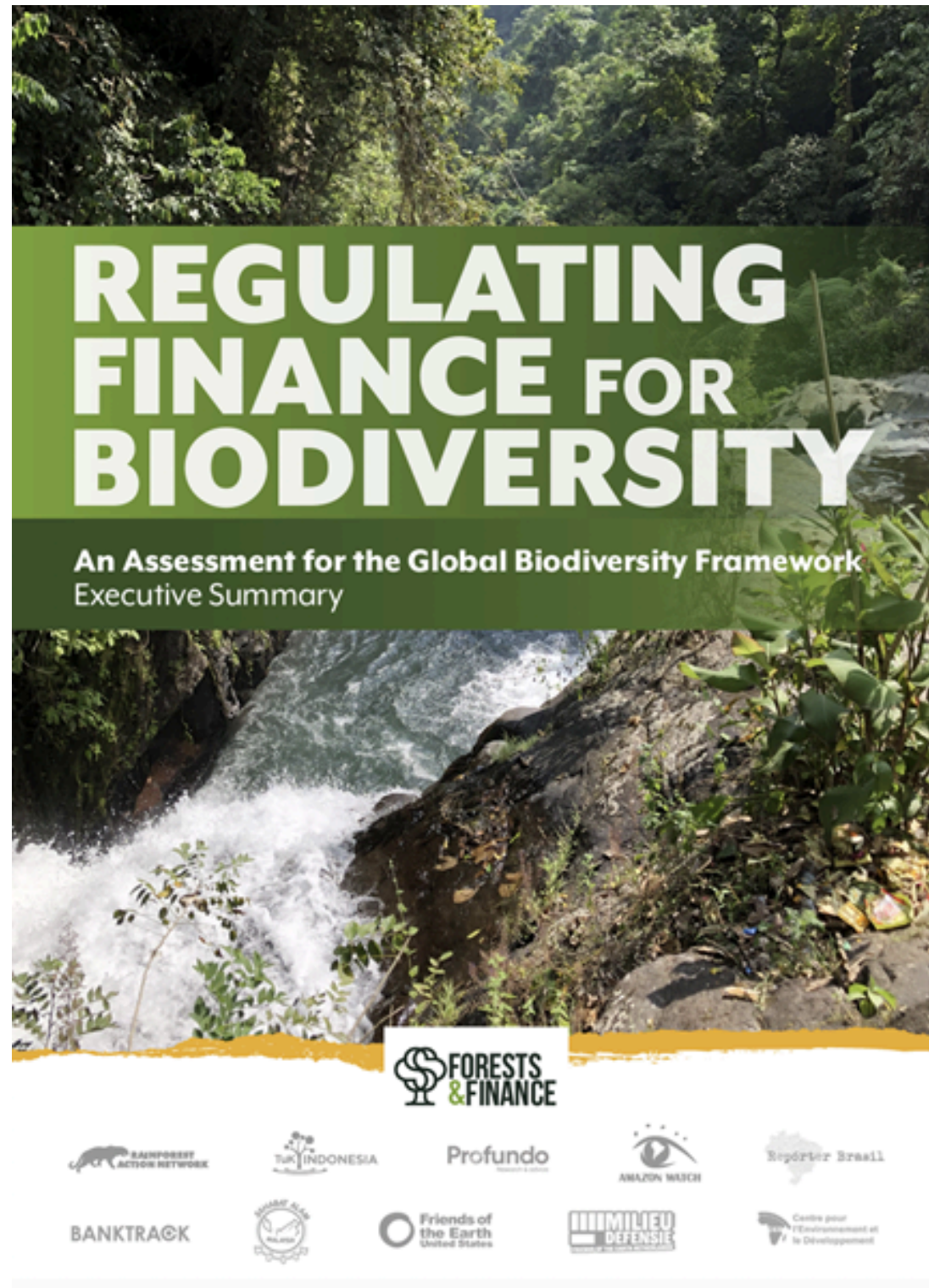


* The figures for 2024 are incomplete and show only the financial flows identifiable up to June on financial databases. It is likely that these will account for less than half the full year figure.

BANK POLICIES



FINANCE REGULATIONS



**The following
types of
regulation
are evaluated:**

- » Risk management and financial stability
- » Financial market functioning
- » Monetary policy
- » Money laundering and financial crime
- » Corporate disclosure
- » Stimulating sustainable activities
- » Protecting human rights and/or the environment

ALIGNMENT OF FINANCIAL FLOWS



United Nations Framework
Convention on Climate Change

Paris Agreement

- Article 2.1(c) – “Making finance flows consistent with a pathway towards low greenhouse gas emissions and climate-resilient development”



Convention on
Biological Diversity

Kunming – Montreal Global Biodiversity Framework

- Target 14 – “... aligning all relevant public and private activities, and fiscal and financial flows, with the goals and targets of this framework.”

HUMAN RIGHTS FRAMEWORKS



United Nations Guiding Principles on Business and Human Rights (“UNGPs”)



**OECD Guidelines
for Multinational Enterprises
on Responsible Business Conduct**

OECD Guidelines for Multinational Enterprises on Responsible Business Conduct (“OECD Guidelines”).

PRECEDENT SETTING COURT CASES



In 2014, communities submitted a complaint to the Australian NCP of the OECD, against ANZ, for its role in financing Phnom Pehn Sugar, a company involved in land grabs, child labour and human rights violations. ANZ paid reparations to the communities.



In 2023, Santander was sentenced to pay 8.5 million USD (IDR 138 billion) for financing the production of corn on 570ha of embargoed land in the Brazilian Amazon

CONCLUSIONS



- Across the tropics, finance to forest risk companies keeps rising, while financial institutions still have very weak ESG policies
- But governments and financial regulators are increasingly stepping up to regulate financial flows
- This is in line with international agreements and commitments, including the Paris Agreement, and the GBF, that stress the need to align financial flows with sustainability goals
- International human rights frameworks also recognize that financial institutions carry responsibility for the impacts caused by the companies they have financed
- Some precedent setting cases have held banks accountable for the impacts they have financed
- Accountability of financial institutions is key to ensure respect for human rights and progress towards meeting sustainability goals



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