

To:
Chairman of the State Administrative Court of Denpasar
Jalan Kapten Cok Agung Tresna Number 4
Denpasar City,
Bali Province

Subject: State Administrative Lawsuit on Cancellation of Bali Governor's Decree No.660.3 / 3985 / IV-A / DISPMPT About Environmental Permit Development of Steam Power Plant (PLTU) is given to PT. PLTU CELUKAN BAWANG ON THE VILLAGE ON THE SUPPORT OF GEROKGAK DISTRICT, REGENCY OF BULELENG.

With respect,

I, the undersigned below:

1. Name: I Ketut Mangku Wijana

Place, Date of Birth: Pengulon, September 15, 1962

Indonesian citizenship

Occupation: Private sector

Place of residence: Banjar Juntal Service Village Tinga-Tinga, Kec. Gerogak,
Kab. Buleleng, Prov. Bali

Hereinafter shall be referred to asPLAINTIFF I

2. Name: Baidi Sufarlan

Place, Date of Birth: Berombong, December 27, 1972

Indonesian citizenship

Job: Fisherman / Fisherman

Place of Residence: Banjar Department of Susang Bawang Village, Kec. Gerogak,
Kab. Buleleng, Prov. Bali

Hereinafter shall be referred to asPLAINTIFF II

3. Name: I Putu Gede Astawa

Place, Date of Birth: Berombong, 9 November 1975

Indonesian citizenship

Occupation: Private sector

Place of Residence: Banjar Department of Susang Bawang Village, Kec. Gerogak,
Kab. Buleleng, Prov. Bali

The next will be referred to as PLAINTIFF III

4. Name: Indonesian Society of Environmentalists and Entrepreneurs

Peace in English is called Greenpeace Indonesia.

Address: Mega Plaza Building 5th Floor, Jl. Hajjah Rangkyo Rasuna Said Lot. C-3, City Administration South Jakarta.

Civil Legal Entity established under Indonesian law in the form of associations registered under the Decree of the Minister of Justice and Human Rights of the Republic of Indonesia Number: AHU-0000567.AH.01.08.2016 dated November 11, 2016 pursuant to Deed No. 135 dated October 25, 2016 made by Notary H. Rizul Sudarmadi, SH, in this case represented by Head of Office / Country Director on behalf of Leonard Simanjuntak, Indonesian Citizen with address Green Ville Block R Number 57 Rukun neighbor 011, Rukun Warga 009, Kelurahan Duri Kepa, Kebon Sub- Orange, Central Jakarta.

Hereinafter shall be referred to as PLAINTIFF IV

Based on the Power of Attorney dated January 19, 2018, PENGGUGAT authorizes the names mentioned below:

Dewa Putu Adnyana, S.H.
I Nengah Jimat, S.H.
Haerul Umam, S.H.
Ni Putu Candra Dewi, S.H.

All of them are Indonesian citizens who work as Advocates, and Legal Aid Service from Legal Aid Foundation of Indonesia - Legal Aid Institute (YLBHI-LBH) Bali who chose legal domicile at Jalan Plawa Number 57 Denpasar, Zip Code 80233.

Hereby the Plaintiff wants to file a lawsuit through the Denpasar State Administrative Court against:

Governor of Bali Province based in Bali Governor's Office, Jalan Basuki Rachmat Number 1, Denpasar City, Bali Province, Indonesia

Hereinafter shall be referred to as DEFENDANT

A. Object of State Administrative Claim

1. Whereas the Object of State Administrative Lawsuit in this case (hereinafter referred to as the Object of the Claim) is:

Bali Governor's Decree Number: 660.3 / 3985 / IV-A / DISPMPT about ENVIRONMENTAL PERMIT OF DEVELOPMENT OF POWER PLANT POWER PLANT (PLTU) PT. PLTU CELUKAN BAWANG ON THE SUPPLY OF GEROKGAK DISTRICT CITY, REGENCY OF BULELENG, dated April 28, 2017 signed by Ida Bagus Made Parwata, SE, M. Si as Head of Department of Investment and Integrated Service One Door of Bali Province.

B. The Basis of the Lawsuit

B.I. Object of the Claim It is a Concrete, Individual, and Final State Administration Decision

2. Whereas Object of Claim in accordance with the provisions of Article 1 point 9 of Act No. 51 of 2009 on the Second Amendment to Law no. 5 of 1986 on the State Administrative Court as well as the State Administrative Decree which reads:

"The Administrative Decision of the State is a written stipulation issued by a state administrative body or officer which contains state administrative law actions which are in accordance with applicable, concrete, individual and final legal rules, which have a legal effect on a person or a civil legal entity. "

3. That, all the elements stated in Article 1 point 9 of Law NO. 51 of 2009 has been fulfilled by Objects Claim, namely:

a. Object of the Lawsuit constitutes a written stipulation containing the act of State Administrative Law: Bali Governor's Decree Number: 660.3 / 3985 / IV-A / DISPMPT about ENVIRONMENTAL PERMIT OF DEVELOPMENT OF POWER PLANT POWER PLANT (PLTU) PT. PLTU CELUKAN BAWANG ON THE VILLAGE OF GEROKGAK DISTRICT, BULELENG REGENCY, dated April 28, 2017 signed by Ida Bagus Made Parwata, SE, M. Si as the Head of the Investment Service and Integrated Service of Satu Pintu Provinsi Bali (hereinafter referred to as DPMPT of Bali Province).

b. Objects of the Claim are Concrete, Individual and Final. According to Law no. 5 of 1986 on State Administrative Court:

Concrete, meaning the object decided in the Decision of State Administration is not abstract, but tangible, certain or can be determined.

In this case, Object of the Lawsuit is issued by DEFENDANT in the form of Environmental Permit addressed to PT. PLTU Celukan Bawang which stipulates Environmental Permit of Steam Power Plant Construction Activities (PLTU) PT. PLTU Celukan Bawang In Celukan Bawang Village, Gerokgak Subdistrict, Buleleng Regency.

Individual, meaning that the Decision of State Administration is not intended for the public, but certain addressee and destination.

Objects The lawsuit is intended for the legal subject of PT. PLTU Celukan Bawang which is domiciled The East Building 12th Floor Suite 06 Jl. Dr. Ida Anak Agung Gde Agung Kav. E.3.2 No. 1 South Jakarta 12950/021 29527.

Final, is definitive and therefore may result in legal consequences. Decisions that still require the approval of the superior or other agencies are not final and therefore can not result in a right or obligation to the party concerned.

Objects of the Lawsuit are definitive and may result in legal consequences in the form of rights and / or obligations for Beneficiary Objects, namely PT. The Celukan Bawang power plant as mentioned in the fourth, fifth, sixth, seventh, eighth and ninth Dictum in the Object of the Claim. Objects of the Lawsuit does not require the approval of the superior agency or other agencies.

c. Cause legal consequences for a person or a civil legal entity.

Object of the Lawsuit has caused legal consequences for PT. PLTU Celukan Bawang can build and operate the PLTU Celukan Bawang 2 x 330 MW in Celukan Bawang Village, Gerokgak Subdistrict, Buleleng Regency; and are bound by the legal and regulatory obligations set forth in the Object of the Claim.

4. That therefore the Decree of the Governor of Bali Number: 660.3 / 3985 / IV-A / DISPMPT concerning ENVIRONMENTAL PERMIT OF DEVELOPMENT OF STEAM POWER PLANT (PLTU) PT. PLTU CELUKAN BAWANG ON THE SUBMISSION OF GEROKGAK DISTRICT, BULELENG REGENCY, dated April 28, 2017 signed by Ida Bagus Made Parwata, SE, M. Si as the Head of DPMPT Bali Province, is the Object of the Lawsuit which has fulfilled the concrete, individual and final elements as intended in Article 1 point 9 of Law no. 51 of 2009.

B.II. Legal standing and Interests of the PLAINTIFFS

5. Whereas in Article 53 paragraph (1) of Law no. Law No. 9 of 2004 on Amendment of Law no. 5 of 1986 on the State Administrative Court states,

"A civil person or legal entity that feels its interest is impaired by a State Administrative Decree may file a written lawsuit to the competent court containing the requirement that the declared Administrative Decision be declared null and void with the demands of compensation and / or rehabilitation. "

6. Whereas pursuant to Article 53 paragraph (1) of Law no. 9 of 2004, the validity of the legal status to be able to file a lawsuit to the State Administrative Court shall meet the following elements:

- a. Filed by a civil person or legal entity;
- b. Who has legal relationship with the State Administration Decision being sued;
- c. Feeling his or her legal interests are impaired by legal consequences arising from the publication of the State Administration Decision being sued;

7. Whereas pursuant to Article 53 paragraph (1), the limitation of civil persons / legal entities to have legal standing to legally under the law may file a lawsuit to the State Administrative Court in the event of any adverse interest.

8. That the PLAINTIFFS in the a quo case are all Indonesian citizens who file this lawsuit in their capacity as individuals (natuurlijk persoon) capable of acting in law and in the a quo case represented by their proxy. As a citizen, the PLAINTIFFS also has constitutional rights guaranteed by Article 28H of the 1945 Constitution of the Republic of Indonesia and affirmed in Article 65 Paragraph (1) of Law Number 32 Year 2009 on Environmental Protection and Management (hereinafter referred to as PPLH Law) to live physically and psychologically, reside and to get a good and healthy living environment;

9. Whereas the Plan of Development of Steam Power Plant (PLTU) Celukan Bawang 2 x 330 MW in Celukan Bawang Village, Gerogak Subdistrict, Buleleng Regency, Bali Province has the potential to result

in lost or at least the declining quality of life and livelihood of PLAINTIFFS I, II and III ;

10. Whereas PLAINTIFF I, II and III are members of the community that are expected to be affected by the environmental impact of the development of 2 x 330 MW STEAM POWER PLANT (PLTU) which is permitted for construction and operation based on Objects of the Lawsuit:

a. That PLAINTIFF I was born in Pengulon Village and until now live and reside in the construction site of Steam Power Plant (PLTU) Celukan Bawang 2 x330 MW as mentioned in Object of the Lawsuit.

b. PLAINTIFF II was born and residing in Banjar Again, Celukan Bawang Village, which is located about ± 500 meters to the east of the location of Steam Power Plant (PLTU) Celukan Bawang 2 x 330 MW.

c. PLAINTIFF III was born and residing in Banjar Again, Celukan Bawang Village, which is located about ± 1.9 kilometers to the east of the construction site of Steam Power Plant (PLTU) Celukan Bawang 2 x 330 MW.

11. Whereas in addition to residential relationships, PLAINTIFF I, II and III also have a legal relationship in which their livelihood and livelihoods are affected by the decision form in the AMDAL process, as follows:

a. That PLAINTIFF I is a Coconut Farmer since 1979 until now which part of his garden is 3.5 hectares is in the project site of Steam Power Plant (PLTU) Celukan Bawang 2 x 330 MW;

b. Whereas PLAINTIFF II and PLAINTIFF III from young to the present are traditional fishermen (using small boats) and rely their life in the waters around the site of Stealing Power Plant (PLTU) Celukan Bawang 2 x 330 MW;

12. That PLAINTIFF I, II and III are members of the community who live in the affected area and / or are affected by any form of decision in the AMDAL process which is an inseparable part of the Object of the Claim, the PLAINTIFFS I, II and III also have relations law in the form of procedural rights granted by law in the process of issuing the Object of the Claim. As defined in Article 65 paragraph (2) of the PPLH Law, "Everyone shall have the right to receive environmental education, access to information, access to participation and access to justice in fulfilling the right to a good and healthy environment." In addition, paragraph (3), that "Every person shall have the right to make proposals and / or objections to business plans and / or activities that are expected to have an impact on the environment."

13. That the issuance of the Object of the Lawsuit has resulted in the legal interests of PLAINTIFFS I, II and III being harmed, or at least potentially disadvantaged, as follows:

a. PLAINTIFF I feel that his legal interests are disadvantaged as an affected citizen who has absolutely no information or participation opportunities in the rising Object of the Claim. Whereas based on the AMDAL document, the area where PLAINTIFF I resides is inside the Object of Claim object. Plaintiff I has

the potential to experience the impact of air quality degradation, which will also increase the health risks for families living in their homes, including the health of their children. With the issuance of Objects Claim, PLAINTIFF I which is the backbone of the family also lost income because coconut plantation belonging to PLAINTIFF I including the area for the construction of PLTU BELIEF 2 x 300 MW;

b. PLAINTIFF II feels that his legal interests are disadvantaged as an affected citizen who has absolutely no information or opportunity to participate in the issuance of the Object of the Claim. Whereas, based on the AMDAL Document, the area where the PLAINTIFF II residence has the potential to decrease air quality will also increase the health risks for him and his family. In addition, the livelihood of PLAINTIFF II has the potential to be affected by the decrease of seawater quality in the forecast in the AMDAL document

c. PLAINTIFF III feels that his legal interests are disadvantaged as an affected citizen who has absolutely no information or participation opportunities in the rising Object of the Claim. Whereas, based on the AMDAL Document, the area where PLAINTIFF III is still belongs is the Administrative boundary included in the AMDAL scoping. In addition, the livelihood of PLAINTIFF III has the potential to be affected by the decreasing of seawater quality in the forecast in the AMDAL document

14. That PLAINTIFF IV community organization in the form of a civil legal entity established under Indonesian law in the form of Foundation, as authorized by Decree of the Minister of Justice and Human Rights of the Republic of Indonesia Number: AHU-0000567.AH.01.08.2016 dated November 11, 2016 based on Deed number 135 dated October 25, 2016 made by Notary H. Rizul Sudarmadi, SH who in this case is represented by Head of Office / Country Director.

15. Whereas in article 5 of PLAINTIFF IV's article of association, the aims and objectives of the foundation are to be engaged in social, environmental and peace issues. As well as in article 6 of the same Articles of Association, it is affirmed that in order to achieve these objectives PLAINTIFF IV conducted campaign and activity activities as follows:

- a. Promote and promote the elimination of activities that damage the environment.
- b. Promote protection for rare and endangered species.
- c. Promote the preservation of endangered ecosystems.
- d. Campaign for the destruction of toxic materials that are harmful to humans and weapons of mass destruction.
- e. Conducting other activities related to social and humanity.

16. That based on the number of 2 letters (c) The decision of the Governing Body has been mentioned that is entitled to represent the Association within and outside the Court is the Head of the Office / Country Director, then PLAINTIFF IV has good performance in carrying out the purpose and the purpose of the organization such as:

- a. Conduct campaigns, public education, and communications through the press on climate change issues;
- b. Conducting campaigns on the transition to renewable energy, among others, with the program

"Jakarta Solar Challenge";

c. Conducting campaigns, public education and programs on clean air and public health, among others through citizen science air monitoring program through our "Air" application as a public monitoring tool for Jakarta air quality;

d. Conduct campaigns, related to the protection of flora and fauna and their ecosystems, including protection of marine and coastal ecosystems;

e. Publishes reports relating to the causes and impacts of climate change as one of the educational media;

It shows that Plaintiff IV has a qualified capacity and provides real support in the effort of environmental conservation. The explanation has been in line with the purpose and intent of the association of conducting activities on the abolition of environmental destructive activities as mentioned in article 6 of the PLAINTIFF IV's AOA in various regions in Indonesia, one of them is in Bali Province;

17. Whereas Article 92 of the PPLH Law regulates the organizational right to "implement the responsibility for environmental protection and management," whereby "environmental organizations are entitled to file lawsuits for the preservation of environmental functions," insofar as they comply with the following requirements:

a. Form of legal entity or foundation;

b. In the Articles of Association of the Organization concerned explicitly the purpose of establishment of the organization is for the public interest;

c. Has carried out its activities in accordance with its articles of association;

18. That the business and / or development activities of Coal Steam Power Plant is one of the anthropogenic sources of climate change causes; and is a significant source of pollutants, particularly in relation to air quality, public health, marine ecosystem health; as well as flora and fauna. Particularly the Celukan Bawang 2 x 330 MW power plant is a business and / or activity that has an important environmental impact as contained in the AMDAL, which PLACE IV describes in more detail in this lawsuit.

19. That PLAINTIFF IV according to the provisions of Articles 5 and 6 of its Articles of Association has been able and proper to represent the environmental interests that will be affected by the Object of the Lawsuit. Therefore, PLACE IV should be judged appropriate to represent the interests of climate, air, sea, flora and fauna as well as its ecosystem which will experience the impact of derivatives from the impacts of climate change, in the form of decreasing air quality and degradation of seawater quality that is potentially contaminated and / or damaged by construction of Coal Steam Power Plant.

20. Whereas in his capacity as an environmental organization, PLAINTIFF IV also suffers losses on the loss of participation rights of PLACER IV and other environmental organizations in the process of issuing Objects of Claim. This resulted in the aspirations of the PLAINTIFF IV in ensuring quality environmental documents, based on scientific considerations and to prevent environmental impacts from being channeled, which ultimately affected the poor quality of environmental documents in casu and Objects. Hence, PLAINTIFF IV has a legal interest to file a lawsuit against the Object of the Claim;

21. That, therefore, the POLICY is a legal subject whose interests have been impaired or potentially disadvantaged by the issuance of the Object of the Claim, and therefore the POLICY has the legal standing to file the lawsuit.

B.III. The position of the Defendant's Legal Capacity

22. That "DEFENDANT" in the administrative lawsuit as stipulated in Law no. 51 of 2009 is "the State Administration Body or Administrator who issues a decision based on the authority he or she has assigned to him that is sued by a civilian person or legal entity." Under the provision, the State Administrative Officer who became DEFENDANT in the a quo case is the Governor Bali Province;

23. That the Governor of Bali Province is the Administrative Officer of the State as regulated in Law no. 51 of 2009, namely: "Agency or State Administrative Officer is an agency or official performing government affairs under applicable laws and regulations." The Governor of Bali Province is a state official who has the task of carrying out government affairs in the administrative area of Bali Province under Law No . 23 of 2014 on Regional Government (hereinafter referred to as the Law on Regional Government), and thus qualifies TUN officials as described in Law no. 51 of 2009.

24. That the Governor of Bali has issued Object of Lawsuit in the form of ENVIRONMENTAL PERMIT OF DEVELOPMENT of Steam Power Plant (PLTU) PT. PLTU Celukan Bawang in Celukan Bawang Village, Gerokgak District, Buleleng Regency, dated April 28, 2017 signed by Ida Bagus Made Parwata, SE, M.Si as the Head of Investment and Integrated Service of Satu Pintu Provinsi Bali.

25. That the issuance of Object Objects by the Governor of Bali Province based on the authority set forth in Article 36 Paragraph (4) of the PPLH Law. The article states, "Environmental Permit is issued by the Minister, governor, or regent / mayor in accordance with his or her authority."

26. That based on the above explanation, the Governor shall be the party having authority sourced directly from the rules of legislation or attribution. In the Object of the State Administrative Decision Law was signed by the Head of DPMPT of Bali Province by stating the word on behalf of the Governor of Bali Province. Therefore, the authority attached to the Head of DPMPT Bali Province is sourced mandatory. That is the authority given because something that is routine and the authority given by superiors to subordinates.

27. Whereas according to Article 1 number 24 of the Law of the Republic of Indonesia Number 30 Year 2014 concerning Government Administration. that in granting mandatory authority, responsibility and accountability remain with the mandator.

28. That according to Philippus M. Hadjon, the authority to make a decision can only be obtained in two ways, namely attribution or delegation. Because mandate is a delegation of authority to subordinates. This delegation intends to authorize subordinates to make decisions a.n. State Administration Officer

who gave the mandate. The decision was a decision of the State Administration Officer who gave the mandate. Thus, responsibility and accountability remain with the mandator. For the mandate there is no need for the provisions of the underlying legislation because the mandate is routine in the intimate-hierarchical relationship of government organizations.

29. That the Provincial Governor of Bali has fulfilled the elements as the State Administration Officer and has the legal status as DEFENDANT in the issue of the Objection Objection.

B.IV. Lawsuit is Filed In Timely Period

30. Whereas pursuant to Article 55 of Law Number 5 Year 1986 regarding State Administrative Court states:

"The lawsuit may be filed within a period of 90 (ninety) days from the date of receipt or announcement of the Decree of the Board or Administrative Officer of the State";

However, because the perpetrators are not directly addressed in the Decision of the State Administration (Object Case in casu).

31. Whereas article 55 does not regulate in a limited manner the manner in which the counting of a third party / no time grant is directly addressed by a State Administrative Decree;

32. That in order to fill the legal vacuum in respect of such reference references, the Supreme Court has issued guidance in the Circular Letter of the Supreme Court of the Republic of Indonesia Number 2 of 1991 on the Guidelines for the Implementation of several Provisions in Law Number 5 of 1986 concerning the State Administrative Court, point (3); and Circular Letter of the Supreme Court of the Republic of Indonesia Number 3 of 2015 concerning the Enactment of the Result of the Plenary Meeting of the Supreme Court Room of 2015 as the Guideline for the Implementation of Tasks for the Court, letter E on the Law of the State Administration Formulation, in point 1, which, when read together, : "For those who are not addressed by a State Administrative Decree but feel their interest is impaired then the grace period as referred to in Article 55 shall be calculated casuistically" "from the time the first is concerned with the decision of the State administration to harm its interests".

33. That PLAINTIFF I just found out Object of Claim on November 6, 2017

34. That based on the above exposure, the 90-day period must be calculated from November 6, 2017 and ending on February 2, 2018. The lawsuit was filed with the Clerk of the Denpasar State Administrative Court by Plaintiffs on January 24, 2018 meaning 79 (seventy-nine days) so that it is still within the period of 90 days referring to Article 55 of Law Number 5 Year 1986 on State Administrative Court jo Circular Letter of the Supreme Court No. 2 of 1991 chapter V number 3 then registration is still within the grace period less than 90 days.

C. IN THE CONTENT OF THE CASE

C.I. The Claim Object Issued by the Defendant is in Conflict With Applicable Laws and Regulations

C.I.1. Object Objects issued by DEFENDANT IS not based on the Zoning Plan for Coastal Zone and Small Islands (RZWP3K)

35. That based on the Object of the Claim states that the construction of the Celukan Bawang Steam Power Plant ("PLTU") will be built in the village of Celukan Bawang, Gerokgak Sub-District, Buleleng Regency;

36. That the northern boundary of Gerokgak Sub-district is directly adjacent to the Bali sea area, so that the Gerokgak District is located in the transitional area between the terrestrial and marine ecosystems that is affected by land and sea change towards the land covering the administrative area of the kecamatan;

37. That then in the Object of Lawsuit and Analysis of Environmental Impact (Andal) Development Plan of Celukan Bawang Power Plant in Celukan Bawang Village, Gerokgak Subdistrict, Buleleng Regency by PT. Celukan Bawang power plant ("ANDAL") page I-28, Construction of Celukan Bawang power plant will be built dock and TUKS in Celukan Bawang sea area with trestle length (bridge) as dock latch is 340 m, while pier length is 260 m;

38. That with the construction of 260 m and 340 m docks will utilize sea space 0-12 nautical miles of sea then this region is included in the scope in article 2 of Law no. 27 of 2007 on the Management of Coastal Areas and Small Islands.

39. Whereas the Elucidation of Article 2 of Law No. 27 of 2007 explains that Law no. 27 of 2007 applied in the Coastal Areas and Small Islands, thus Gerokgak District becomes a region that is subject to the regulation of Law no. 27 of 2007 so that its planning and management must follow the provisions regulated in Law no. 27 of 2007.

40. Whereas Article 5 of Law no. 27 of 2007 affirms that "the management of coastal areas and small islands comprises activities of planning, utilization, supervision and control of human interaction in utilizing Coastal and Small Islands Resources as well as ongoing natural processes in an effort to improve the welfare of the Community."

41. Whereas subsequently Article 7 paragraph (1) of Law no. 27 Year 2007 describes the forms of coastal area management planning and Small Islands consists of four forms:

- a. Strategic Plan for Coastal Areas and Small Islands (RSWP-3-K);
- b. Coastal Zone and Small Island Zoning Plan (RZWP-3-K);
- c. Management Plan for Coastal Areas and Small Islands (RPWP-3-K); and
- d. Action Plan for the Management of Coastal Areas and Small Islands (RAPWP-3-K)

42. That in connection with the matter mentioned in Article 7 paragraph (3) of Law no. 27 of 2007

concerning RZWPK is mentioned as follows;

"The Regional Government shall prepare all the plans referred to in paragraph (1) in accordance with their respective authorities."

Therefore, DEFENDANT has the obligation to prepare all plans for the management of coastal areas and small islands (RSWP-3-K, RZWP-3-K, RPWP-3- K, RAPWP-3-K);

43. That DEFENDANT as the Governor of Bali Province has not fulfilled the obligations as has been mentioned in the RZWP3K Law, including the determination of RZWP-3-K until this lawsuit is filed;

44. That pursuant to Article 9 of Law no. 27 of 2007, RZWP3-K is the direction of resource utilization in coastal areas and small islands Provincial Government and / or District / Municipal Government.

Therefore, the business and / or development activity of the Celukan Bawang 2 x 330 MW power plant, which includes the utilization of resources in the form of jetty and TUKS jetty development in Gerokgak Subdistrict and 0-12 mil sea spaces should be required to follow the direction of utilization in RZWP3K;

45. That based on the textual interpretation of the above article, DEFENDANT in issuing the Object of the Claim should be based on the RZWP-3-K which up to this lawsuit has been filed is never stipulated by the Provincial Government of Bali;

46. Whereas DEFENDANT ACTION publishes Object Objects without RZWP3K will result in not considering the planning aspects that should be contained in the RZWP3K, as provided for in Article 9 paragraph (3), namely:

a) Harmony, harmony and balance with the carrying capacity of ecosystems, function of utilization and protection function, space and time dimension, technology and socio-cultural dimension, and defense and security function;

b) Integration of the utilization of various types of resources, functions, environmental aesthetics, and quality of coastal land; and

c) Obligation to allocate space and community access in the utilization of coastal areas and small islands with social and economic functions.

47. Whereas with the arguments that have been drawn up by the PLACES, it is clear that the issuance of Object of the Claims is contradictory to Articles 5, 7 and 9 of Law no. 27 Year 2007 on RZWP3K;

C.I.2. Issuance of Objects The lawsuit does not take into consideration the impacts of climate change as defined in Law no. 16 of 2016 on the United Nations Framework on Climate Change

48. That Indonesia is a party to the United Nations Framework Convention on Climate Change Convention, "UNFCCC") and has subjected itself to the rights and duties of States parties by ratifying the convention through Law No. . 6 of 1994 on Ratification of the United Nations Framework Convention on Climate Change;

49. That one of the obligations of States parties under the convention is "take preventive measures to

anticipate, prevent or minimize the causes of climate change and mitigate the adverse effects it produces," as required by Article 3 paragraph (3) of the UNFCCC;

50. That the business and / or activity of coal-fired power plant ("PLTU-B") is a business and / or activity that contributes significantly to the release of greenhouse gas (GHG) emissions by anthropogenic sources. Burning coal is responsible for 46% of CO₂ (carbon dioxide) releases from fuel burning worldwide and 72% of total CO₂ emissions from the electricity sector (International Energy Agency, CO₂ Emissions from Fuel Combustion: Overview, Figure 6, pp. 5 and 7 (2017));

51. That from all the environmental impacts caused by coal-fired power plant from PLTU-B, "there is nothing like the nature of danger, long-term, and irreversible from climate change" (Union of Concerned Scientists, 2017). Scientists and researchers at the global level have come to understand that climate change is fueled by emissions from heat-trapping gases, especially from human activities, which rise into the atmosphere and warm the earth's surface like blankets. In this case, CO₂ is the main trigger of global warming. CO₂ is the main byproduct of coal combustion, nearly 4 grams of CO₂ is released into the atmosphere for every gram of carbon burned. In addition to CO₂, coal mining also produces methane release (CH₄), which is 34 times stronger than CO₂ in trapping heat (per 100 year period) or 86 times stronger over a 20 year period (Union of Concerned Scientist, 2017);

52. That in relation to the Object of Action, one of the prevention efforts that has been provided in anticipating, preventing or minimizing the causes of climate change and mitigating the adverse effects it produces is the prevention instrument in the form of AMDAL and Environmental Permit;

53. Whereas Article 22 paragraph (1) of Law no. 32 of 2009 and Article 3 of Government Regulation no. 27 of 2012 stipulates that "Any business and / or activity with significant environmental impact shall have an AMDAL."

54. That based on Article 22 paragraph (2) of Law no. 32 Year 2009, important impacts are determined based on the criteria:

1. The amount of population that will be affected by the business plan and / or activity;
2. Area of impact spreading;
3. Intensity and duration of impact;
4. The number of other environmental components to be affected;
5. The cumulative nature of the impact;
6. Reverse or non-reverse impact; and / or
7. Other criteria in accordance with the development of science and technology;

55. That as referred to in Article 23 paragraph (1) of Law no. 32 Year 2009, some of the criteria that cause business and / or activity to be supplemented by AMDAL are important impacts of:

1. "Processes and activities that potentially cause pollution and / or environmental damage and waste and decline in natural resources in their utilization" (letter c)
2. "Processes and activities resulting in impacts on the natural environment, the artificial environment,

and the social and cultural environment" (letter d);

3. "Processes and activities whose outcome will affect conservation of natural resource conservation and / or cultural heritage conservation" (letter e);

56. That pursuant to the Ministerial Regulation no. 5 Year 2012 on Types of Business Plans and / or Activities that Must Have an Environmental Impact Analysis, PLTU construction activities > 100 MW is an AMDAL mandatory activity because it has the potential to have an impact on:

1. Physical chemical aspect, especially on air quality (emission, ambient and noise) and water quality (spilled lubricant oil, waste heat) and ground water;
2. Social, economic and cultural aspects, especially on land acquisition and social unrest.

57. Whereas Law no. 32 Year 2009, PP. 27 of 2012 and PermenLH no. 5 Year 2012 does not mention in detail nor limit the important hypothetical impact that must be reviewed in the AMDAL. Article 25 of Law no. 32 mandates "The AMDAL document contains (a) an assessment of the impact of the planned business and/or activity; (d) Forecasts of the magnitude of impacts and the significant nature of the impacts that occur if the business plan and / or activities are implemented; (e) A holistic evaluation of the impacts to determine environmental feasibility or inappropriateness; and (f) Environmental management and monitoring plans. "

58. That in determining the important hypothetical impacts that must be reviewed under Law no. 32 of 2009, it should be understood the role of AMDAL as a prevention instrument in accordance with its location in the "Prevention" section (Chapter V, Part Two, Paragraph 5). Thus, AMDAL is expected to prevent pollution and / or damage to the environment, in this case the significant negative impacts of business and / or activity on the environment;

59. That the systematic interpretation of Article 22 paragraphs (1) and (2), Article 23 paragraph (1) and Article 25 of Law no. 32 of 2009 indicates that in determining the important hypothetical impacts that must be assessed in the AMDAL, the assessment is conducted on the significant hypothetical impacts associated with the characteristics described in Article 22 paragraph (2) and Article 23 paragraph (1) of Law no. Therefore, if a business and / or activity has impacts that meet the qualifications of Article 22 paragraph (2), or if such activities and / or business meet the qualifications of Article 23 paragraph (1); not only those businesses and / or activities shall be AMDAL, but also important hypothetical impacts that meet these criteria should be reviewed and managed based on AMDAL documents.

60. That climate and atmosphere are part of the environment, so that the impact of a business and / or activity on climate is included in the qualification of "significant impacts on the environment" and thus shall be examined in the AMDAL;

61. It is reasonable that DEFENDANT should understand that coal-fired Steam Coal business and / or activities generate significant amounts of Greenhouse Gas (GHG) emissions, and in issuing Object Objects, information on Greenhouse Gas emissions from business and/or activities and their contribution to climate change is the minimum information related to climate change impacts

considered in the issuance of Objects Claim;

62. That based on the AMDAL underlying the Object of the Lawsuit, the 2 x 330 MW Cultivated Power Plants will burn 2,950,635.60 tons of coal per year during its operating period. Even if the Object of the Lawsuit and the AMDAL does not specify how long the Celukan Bawang 2 x 330 MW Steam Power Plant, it can be assumed that at least Celuk Bawang 2 x 330 MW power plant will operate 30 (thirty) years in accordance with the business license and / Law No. 30 of 2009 on Electricity. Assuming an 85% efficiency level as contained in p. I-23 from ANDAL, PLTU-B Gelukan Onion will burn at least 75,241,207.8 tons of coal during its operation;

63. That coal combustion with the amounts mentioned above will result in the release of CO₂ of + 200 million tons during 30 (thirty) years of operation. This release of CO₂ is a significant contributor to climate change and thus at least the Celukan Bawang 2 x 330 MW Power Plant AMDAL contains quantification of Greenhouse Gas emissions in analyzing the impact of the Celukan Bawang 2 x 330 MW PLTU on the environment;

64. That the PLTU Celukan Bawang 2 x 330 MW's EIA does not contain the quantification of greenhouse gas emission projection from coal combustion during the operation of the plant, either for the period of each year or for the total period of its operation; as well as its contribution to global warming;

65. Without forecasting the impacts of climate change, the Government can not evaluate whether the business and / or activities will be aligned with Indonesia's Nationally Determined Contribution (NDC) under the Paris Treaty on Climate Change ratified by Indonesia; as well as the United Nations Framework Convention on Climate Change; both of which have been ratified by Indonesia through Law no. 16 of 2016 and the Law no. 6 of 1994;

66. In addition to the quantification of greenhouse gas emission projection from PLTU-B Celukan Bawang 2 x 330 MW and its contribution to climate change, there are several other aspects of the climate change impact that DEFENDANT should consider in publishing Objects of Claim. Some other aspects of the relationship between a business plan and / or activity with climate change that need to be considered are:

1. Contributions of business plans and / or activities on climate change throughout the life of the plant;
2. The ways in which the impacts of climate change will affect the business and/or activities, such as the impact of sea level rise and storm surge on the physical integrity of the business and / or activity, including the coal loading port and temporary coal ash storage facility;
3. How important negative impacts from businesses and / or activities on the environment and society will be further affected by climate change, eg scenarios where business and / or activity will exacerbate the environmental impacts predicted in AMDAL and where business and / or activity will increase the vulnerability of the island of Bali, or Indonesia, to climate change;

67. It is important for DEFENDANT to pay special attention to point 66.1. above, considering that Bali Island has experienced sea level rise as a result of climate change threatening the structural integrity

and operation of the PLTU-B, as well as the maintenance of temporary ash-burning ash and hazardous waste during operation and post-closing of PLTU-B. The location of the business and / or activity in Celukan Bawang Village is located at varying altitude at 0-12 mdpl (pp. II-26, Cut-Off Power Plant 2 x 330 MW). Height of temporary shelter of coal ash is not specified. Meanwhile, the average sea level has risen as high as 8 inches compared with 1990 (Climate Central, 2017). The Intergovernmental Panel on Climate Change in 2014 projected sea level rise as high as 85 cm by 2100 if nothing was done to limit carbon pollution. If this scenario involves the speed of molten ice in Antarctica, global sea level rise is predicted to be as high as 1.32 meters at 2100, which increases the risk of coastal volcanic flooding, storm surges and rising ground water.

68. Furthermore, related points 66.3. above, DEFENDANT should be aware that the impact of the Claim Objects on the environment and the community as the POLICY will describe in C.1.4, especially to marine and animal ecosystems and the derivative impacts on social and economic conditions of society on the tourism sector, also has special vulnerabilities that compounded by the impacts of climate change;

69. That in relation to animals, PLAINTIFFS have also described various types of animals, especially those with critical, threatened and vulnerable status, in section C.1.4. The habitat of these wildlife in Bali is located in the West Bali National Park (Taman Nasional Bali Barat, TNBB), ironically only 42.25 km (if drawn a straight line) from the operation of the Object of the Claim, where there has been a coal-fired power plant that operate. In relation to the marine ecosystem, the Celukan Bawang 2 x 330 MW power plant is flanked by two important marine tourism areas in the waters of North Bali, namely Pamuteran and Lovina Beach;

70. That land and sea animals around the Celukan Bawang 2 x 330 MW power plant have special vulnerabilities to climate change, which should be assessed in the AMDAL, but with no forecasting of climate change impacts it is not considered at all. Thus, the impacts of climate change that exacerbate the impact of the 2 x 330 MW Cultivated Power Plants on the habitat and population of the starlings should also be considered in the AMDAL;

71. That none of the information on climate change impacts from the Celukan Bawang 2 x 330 MW Steam Power Plant, or how Bali's vulnerability to climate change could exacerbate the environmental impact of the Celukan Bawang 2 x 330 MW power plant has been considered in the AMDAL underlying the Object of the Claim and in the decision on the feasibility or inadequacy of the environment underlying the Object of the Claim;

72. That therefore, it is clear that DEFENDANT in issuing the Object of the Claim has failed to consider the significant impact of the 2 x 330 MW Celukan Bawang power plant on the environment in a comprehensive manner;

C.I.3. Objects The lawsuit was issued without involving the participation of affected communities

73. Whereas Law Number 32 Year 2009 on Environmental Protection and Management (UUPPLH) has regulated and provided wide space for the community to participate in environmental protection and management (PPLH). One principle in UUPPLH is the participative principle in which the objective is to provide opportunities for every member of the community to be actively involved in the decision-making process and the implementation of environmental protection and management either directly or indirectly;

74. Whereas considering the Objective of Lawsuit is issued in 2017, the procedure of community involvement in the environmental permit process shall be conducted based on the PPLH Law, PP. 27 of 2012; and Minister of Environment Regulation no. 17 of 2012 on Guidelines for Community Involvement in the Environmental Impact Assessment and Environmental Permit Process ("PermenLH No. 17 Year 2012");

75. Whereas Article 22 of Law no. 32 of 2009 on PPLH stipulates that "any business and / or activity having a significant impact on the environment shall have an AMDAL" further Article 26 of Law no. 32 of 2009 on Environmental Protection and Management states that in the preparation of AMDAL, affected communities, environmentalists, and those affected by all decisions in the AMDAL process must be involved and provided with transparent information, as follows:

Article 26

(1) The AMDAL document as referred to in Article 22 shall be prepared by the proponent by involving the public.

(2) Community involvement should be conducted based on the principle of providing information that is transparent and complete and notified before the activities implemented.

(3) The community as referred to in paragraph (1) includes:

a. affected;

b. environmentalists; and / or

c. who are affected by any decision in the AMDAL process "

76. Whereas the process of community involvement in the preparation of EIA documents and the issuance of environmental permits as stipulated in Regulation 27 of 2012 on environmental permits and PermenLH 17 of 2012 consists in several phases which are briefly divided into several activities:

a) Announcement of a business plan and / or activity

b) Public consultation of business plans and / or activities

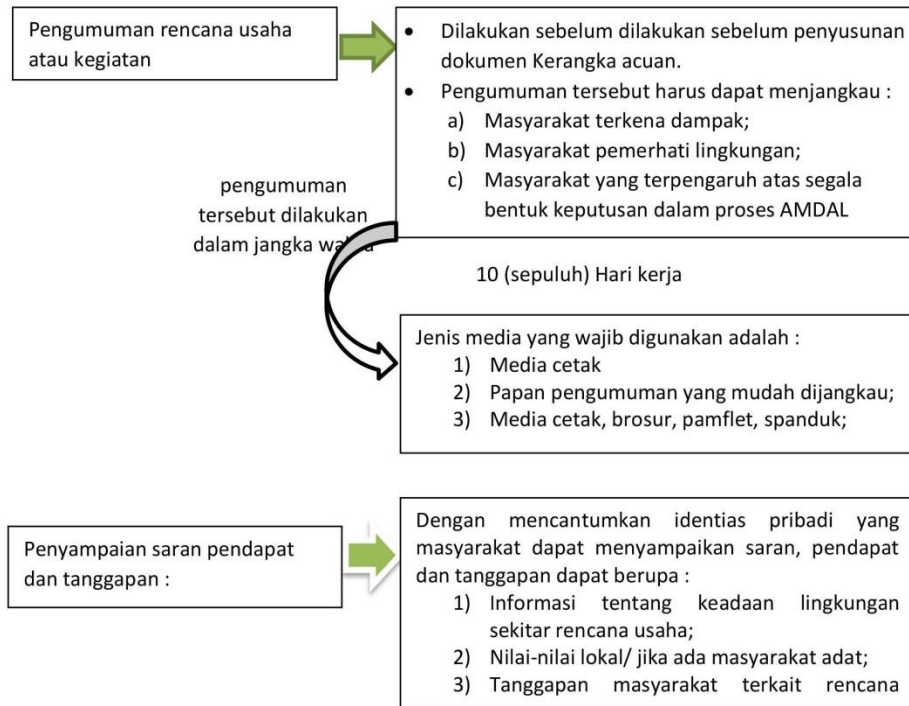
c) Community involvement in the Amdal Appraisal Commission (KPA) with the presence of community representatives in KPA. These community representatives are appointed in the process of public consultation.

d) Announcement of Environmental Permit Application

e) Announcement of Issuance of Environmental Permit.

77. That it is easier for PLAINTIFFS will describe the mechanism of community involvement based on Minister of Environment Regulation No. 17 of 2012 on Community Involvement in the Environmental Impact Analysis and Environmental Permit Process as follows:

Bagan alur mekanisme pelibatan masyarakat adalah sebagai berikut :



78. That to determine whether the process of community involvement in the Penebirtan Object of the Claim is in accordance with the procedures mandated in PP. 27 of 2012 and Minister of Environment Decree No. 17 Year 2012, the Plaintiff shall describe the activities / stages that Defendant should make sure that has been fulfilled, is as follows;

Subject Announcement of activity plan and / or business

79. Whereas Article 9 of PP No 27 of 2012 states that the process of preparing the terms of reference requires the involvement of the community, as follows:

- 1) Initiator, in preparing Amdal documents as referred to in Article 8, involves the community:
 - a. affected;
 - b. environmentalists; and / or
 - b. who are affected by any decision in the Amdal process
- 2) The participation of the community as referred to in paragraph (1) shall be conducted through:
 - a. announcement of Business and / or Activity plan; and
 - b. public consultation.
- 3) The participation of the community as referred to in paragraph (1) shall be made before the preparation of the Terms of Reference document.
- (4) The community as referred to in paragraph (1) shall, within a period of 10 (ten) working days after

the announcement as referred to in paragraph (2) letter a, has the right to propose suggestions, opinions and responses to the Business and / or Activity plan.

5) The suggestions, opinions, and responses referred to in paragraph (4) shall be submitted in writing to the proponent and the minister, governor or regent / mayor.

6) Further provisions on the procedures for the participation of the community in the preparation of Amdal shall be regulated by a Ministerial Regulation.

80. That the announcement is further stipulated in Chapter II of the Annex of Minister of Natural Resources Regulation 17 Year 2012, that the types of media required by the proponent to make announcements are (1) print media in the form of local newspapers and / or national newspapers; (2) papa announcements that are easily accessible to affected communities.

81. That PLAINTIFFS I, II and III never see, hear, find or be notified formally from the proponent of the announcement of an activity / business plan that is the first step of any business development that has an important environmental impact. In the absence of this announcement, Plaintiffs I, II and III did not know information about the planned development of the 2 x 330 MW Celukan Bawang power plant using coal fuel in their area;

Concerning the Public Consultation / Socialization of Celukan Bawang PLTU Development Plan

82. Whereas Plaintiffs I, II and III are communities affected by the consequences of the issuance of the Objective Object as described in the legal portion of the Plaintiffs as such, PLAINTIFF I, II and III have the right to obtain information and be involved in the process of preparing the AMDAL is an integral part of the issuance of the Object of the Claim. The right to information and community involvement in the preparation and decisions in the AMDAL process are obtained through Public Consultation or socialization of the Activity Plan and AMDAL;

83. Whereas Government Regulation No. 27 of 2012, in Article 9 paragraph (2) letter b junto Chapter II Appendix to Ministerial Decree No. 17 of 2012 has obliged the proponent to engage in Public Consultation activities on affected communities, environmental and community observers for all forms of decisions in the AMDAL process;

84. Whereas Pemukakarsa PT.PLTU Celukan Bawang has never conducted Public Consultation activities, whereas in the Public Consultation activities, there is an opportunity for representatives of affected communities, especially PLAINTIFF I, II and III to be involved in the AMDAL Appraisal Commission;

About Community involvement in the Amdal Appraisal Commission (KPA) through the presence of community representatives in KPA

85. That in the provision of CHAPTER II item (2) letter D PermenLH No. 17 of 2012 regulates the procedure of Determination of Representatives of Affected People in Amdal Appraisal Commission as for the details are as follows:

1. Communities are affected by the selection and determination of their representatives sitting as members of the Amdal Appraisal Commission;
2. The selection and determination of the representative of the community shall be conducted simultaneously with the public consultation;
3. The number of elected community representatives affected and appointed to sit as amdal commissioners is proportionally set and represents the aspirations of the communities it represents in environmental issues;
4. The result of the stipulation of community representatives shall be set forth in the form of a letter of consent / power of attorney signed by the community represented in the form of a representative of the community who will sit as a member of the Amdal Appraisal Commission;
5. The proponent shall communicate the result of the determination of the community representative as referred to in number 4 to the secretariat of the Amdal Appraisal Commission in accordance with its authority;
6. Affected community representatives shall:
 - a. conducting regular communications and consultations with the affected communities; and
 - b. convey the aspirations of the affected communities represented in the Amdal Appraisal Committee meeting;

86. Whereas in the process of community involvement in the preparation of AMDAL documents one of which is the presence of community representatives in Amdal Appraisal Commission members, community representatives in AMDAL Appraisal Commission are regulated in Article 30 of the PPLH Law mentioning:

"The membership of the Amdal Appraisal Commission as referred to in Article 29 shall comprise representatives of the elements:

- a. environmental agencies;
- b. related technical agencies;
- c. an expert in the field of knowledge related to the type of business and / or activity under study;
- d. an expert in the field of knowledge related to the impacts arising from a business and / or activity being studied;
- e. representatives of potentially affected communities; and
- f. environmental organizations "

87. That further in the Public Consultation Section Chapter II Annex to the Ministerial Decree No. 17 of 2012 provides that "Public Consultation is also a means of selecting and assigning affected community representatives who will sit as members of the amdal assessment commission"

88. That Subsequently in the Section Determination of Representatives of Affected Communities in the Amdal Appraisal Commission Chapter II Annex to the Ministerial Decree No. 17 of 2012 provides that:

- a) Communities are affected by the selection and self-determination of their representatives sitting as members of the amdal assessment commission;
- b) The selection and determination of the representatives of the community is conducted simultaneously with the implementation of public consultations;

c) the number of representatives of the affected communities who are falsified and determined to sit as members of the AMD assessment committee is set proportionally and represents the aspirations of the communities it represents in environmental issues;

89. That pursuant to Article 30 of Law No.32 of 2009 Article 30 and Chapter II of Attachment of Minister of Environment Decree No. 17 in 2012 as mentioned above it is clear that in the absence of the implementation of public consultation activities, PLAINTIFF I, II and III have no opportunity to participate or convey their aspirations through community representatives in the Amdal Appraisal Commission which becomes the appraiser of the Environmental Eligibility under which the Object of the Claim is based;

90. Whereas in the absence of the Community Representative Affected by Impacts in the Amdal Appraisal Commission, the Amdal Appraisal Commission assessing the AMDAL document does not meet the elemental elements in Article 30 of Law No.32 of 2009;

Subject to the Environmental Permit Application Announcement Process

91. Whereas Article 39 of the PPLH Law also requires that every application and decision of environmental permit should be proactively announced by the Licensor,

1) The minister, governor or regent / mayor in accordance with their authority shall announce every application and decision of environmental permit;

2) The announcement referred to in paragraph (1) shall be done in a manner that is easily known by the public, "

92. That in Article 44 of Government Regulation No. 27 of 2012 on Environmental Permit is mentioned "Upon receipt of an Environmental Permit application as referred to in Article 43, the Minister, governor, or regent / mayor shall announce the application for Environmental Permit."

93. Whereas furthermore Article 45 mentions

1) Announcement as referred to in Article 44 for Business and / or Activity that is required by EIA is performed by the Minister, Governor, or Regent / Mayor.

2) The announcement as referred to in paragraph (1) shall be done through multimedia and bulletin board at the location of Business and / or Activity no later than 5 (five) working days as from the date of documents and RKL-RPL submitted shall be declared complete administratively.

3) The public may provide suggestions, opinions, and responses to the announcement as referred to in paragraph (1) within a maximum period of 10 (ten) working days since it is announced.

4) The suggestions, opinions, and responses referred to in paragraph (3) may be submitted through representatives of affected communities and / or community organizations who are members of the Amdal Appraisal Commission.

94. That this is reaffirmed in Chapter III of Appendix to Ministerial Decree No. 17 of 2012, stating "community participation in environmental permit process is done through:

- a) Announcement of an Environmental Permit application;
- b) Announcement of published Environmental License

95. Whereas from the search of the Plaintiffs, the Defendant has never published the Environmental Permit Application Announcement through multimedia and bulletin board at the location of the Business and / or Activity no later than 5 (five) working days after the original documents and RKL-RPL submitted are declared complete administration, as mandated by Article 45 paragraph (2) of Government Regulation No. 27 of 2012 on environmental permits;

96. That in the absence of the announcement of the application for such environmental permit resulted in the loss of the Plaintiffs' right to provide advice, opinion and response to the announcement of Object of the Claim within a maximum period of 10 (ten) working days since it was announced;

Subject to the Issuance of Environmental Permit Issuance Process

97. That Based on Article 49 of Government Regulation No. 27 of 2012 regarding environmental permit mentioned

(1) Environmental Permit issued by the Minister, governor or regent / mayor shall be announced through mass media and / or multimedia.

(2) The announcement as referred to in paragraph (1) shall be made within 5 (five) working days after the issuance

This means that the Defendant is obliged to make an announcement of the issuance of environmental permit, which in paragraph (2) stipulates that the announcement of the issuance of environmental permit must be made within 5 (five) working days since it is issued;

98. Whereas the Object of Lawsuit was issued on April 28, 2017, and from the date of issuance until this lawsuit was filed, as long as the Plaintiffs' searches in mass media and / or multimedia, the Defendant never made an announcement of the issuance of Objective Objects in mass media or multimedia as regulated in article 49 of PP No. 27 of 2012 on environmental permits;

99. That it is therefore clear that the Issuance of Objects of Claims is contrary to Government Regulation (PP) No. 27 Year 2012 and Regulation of the Republic of Indonesia Number 17 Year 2012, particularly concerning the process of community involvement in the preparation of Amdal Documents and the issuance of Object Objects has caused the Plaintiffs:

- a) are not informed of any business plans and / or activities that have an important environmental impact. In this case, PLAINTIFF I, II and III never know the important impact of Cultivation of Celukan Bawang 2 x 330 MW to the air, sea, public health, social, economy and culture and other impacts;
- b) The public can not submit suggestions, opinions and / or responses to business plans and / or activities that have significant environmental impacts;
- c) Communities can not be involved in the decision-making process related to feasibility recommendations or ineligibility for business plans and / or activities that have significant environmental impacts;

100. That, therefore, DEFENDANT ACTION in issuing Object of Obstruction does not fulfill the provisions in UUPPLH, PP No.27 Year 2012, and PermenLH No.17 Year 2012; So in the process of decision-making related to the issuance of Objects Claim should be suspected procedural defects;

101. That the absence of the announcement of the business plan and / or activity is in clear violation of the provisions of article 9 of Government Regulation No. 27 of 2012, which is the main requirement of the business development plan and / or activity has also betrayed the participative spirit of the PPLH Law in which the PPLH Law mandates that every members of the community are encouraged to take an active role in the decision-making process and the implementation of environmental protection and management, either directly or indirectly, therefore in the absence of the announcement of such business plan and / or activity is a grave error to the proponent which is the preliminary requirement of the issuance of the object of the lawsuit;

102. Whereas without the involvement of the PLAINERS who are members of the community as defined in the PPLH Law, Environmental Permit and Regulation of the Minister of the Environment Number 17 Year 2012 in the decision-making process related to the issuance of Objects Object, it is reasonably suspect that the object of a procedural procedural suit because they did not participate in the process of requesting and issuing the Object of Lawsuit as stipulated in Government Regulation 27 Year 2012 and Regulation of the Year 17 of 2012

C.I.4. Object of the Lawsuit was published DEFENDANT under an Invalid Amendment and Representative Amdal Document so that the Disability Law and Contradictability

103. Whereas Article 37 Paragraph (2) of the PPLH Law states that: "Environmental Permit as referred to in Article 36 paragraph (4) may be revoked if: (a) The requirements filed in the permit application contains legal defects, errors, misuse, / or falsification of data and / or information. "

104. Whereas the requirements on which the object of caso is based are issued are: 990/03-X / HK / 2017 issued by the Provincial Governor of Bali on March 24, 2017, which the eligibility or non-feasibility decision is based on the AMDAL Document Steam Power Plant (PLTU) Celukan Bawang in Celukan Bawang Village, Gerokgak District, Buleleng Regency by Celukan Bawang Power Plant;

105. That therefore, the assessment of whether the Object of the Claim contains juridical errors is inseparable from the assessment of juridical error contained in the SKKLH and AMDAL underlying the issuance of the Object of the Claim;

106. Whereas Article Regulation of the Minister of Environment No. 8 of 2013 on the Procedures for the Assessment and Inspection of Environmental Documents and the Issuance of Environmental Permits ("hereinafter referred to as PermenLH No. 8 of 2013") states that "Environmental Decentralization Decisions or Environmental Decisions are defined by criteria, among others:

a. Spatial plan in accordance with the provisions of legislation (letter a);

- b. Policies in the field of environmental protection and management as well as natural resources regulated in legislation (letter b);
- c. Precise forecasts of the magnitude and nature of the impacts of the chemical, social, economic, cultural, spatial and public health aspects of biogeophysical aspects at the pre-construction, construction, operation and post-operation stage of business and / or activity (letter d);
- d. The results of a holistic evaluation of all significant impacts as an interrelated and mutually influential entity so as to know the balance of significant positive impacts with a negative nature (letter e);
- e. The capability of the initiator and / or related party responsible for addressing the significant negative impacts that will be generated from the planned business and / or activities with a technological, social and institutional approach (letter f);
- f. The business plan and / or activity will not affect and / or disturb the ecological entity which is:
 - i. Key entities and / or species (key species);
 - ii. Has an ecologically important value (ecological importance);
 - iii. Has an important economic value (economic importance);
 - iv. Has a significant scientific value (letter h);
- g. The business plan and / or activity does not cause any disruption to the business and / or activities that have been located around the business location and / or activity plan (letter i)

107. That in assessing the feasibility or inadequacy of the environment of a business and / or activity based on the results of its environmental assessment, DEFENDANT c.q. The AMDAL Appraisal Commission shall follow the guidelines for the assessment of environmental documents as contained in the Regulatory LH Regulation no. 8 of 2013;

108. That Annex VI, Section "Guidelines for the Assessment of AMDAL" (page 13) states that, "In principle there are two objects of AMDAL assessment, which are AMDAL documents and proposed business plan and / or activity. With this principle, there is a consequence that the AMDAL assessment should result in the conclusion that:

- 1) AMDAL documents that have been assessed are valid and representative based on laws and regulations and scientific rules to be taken into consideration of the decision on the feasibility or ineligibility of the business and / or activity proposed by the AMDAL to be assessed; and
- 2) The proposed business plan and / or activity to be assessed is environmentally feasible or environmentally unfeasible. "

109. That the Ministerial Regulation no. 8 of 2013 provides detailed guidance for DEFENDANT in determining whether the AMDAL document is "valid and representative based on scientific legislation and rules." This guide should be used in determining if there is any "data error" in the AMDAL;

110. That AMDAL should not be declared as environmental worthy because it is based on invalid and representative data, information and methodology. A careful review of the AMDAL documents indicates that the AMDAL Document assessment does not meet the assessment rules as mandated in the Ministerial Decree No. 8 of 2013;

111. That this mistake starts from the very basic, namely the determination of the boundaries of the study area on KA-ANDAL. Based on the Regulation of the Minister of Environment No. 6 of 2013 on Guidelines for the Preparation of Environmental Documents ("Regulation of the Republic of Indonesia No. 6 of 2013"), in particular in Attachment I, Section of Guidelines for the Formulation of the Terms of Reference Document (pp. 8)

"The study area boundary of the AMDAL document is formed from 4 (four) elements relating to the environmental impact of an activity plan, namely:

- 1) Boundary of the project, ie space where all the planned activities will be undertaken, including the components of pre-construction, construction, operation and post-operation activities;
- 2) The ecological boundary, which is the space for the distribution of environmental impacts of a planned business and / or activity to be studied, follows the respective environmental media (such as water and air), where the natural processes taking place in the space are expected to undergo changes fundamental. Ecological boundaries will lead to the determination of initial environmental data collection locations and impact distribution analysis. Ecological boundary determination shall take into consideration any component of the biogeophysical environmental - chemical affected by a list of significant hypothetical impacts;
- 3) Social boundaries, namely space around the business plan and / or activity that is the site of various social interactions containing established norms and certain values (including systems and social structures);
- 4) Administrative boundaries, ie the smallest relevant administrative areas (such as villages, sub-districts, districts, districts, provinces) whose territories are covered by the above 3 (three) limits;

112. That more details, DEFENDANT will describe the failure in the underlying AMDAL Object of the Claim, starting from impact forecasts to environmental management and monitoring in particular as follows:

- a. The AMDAL fails to consider the impact of the Object Lawsuit against valid and representative air quality degradation;
- b. The AMDAL fails to consider the impact of the Object Lawsuit on degradation of seawater quality;
- c. The AMDAL fails to consider the impact of the Object Lawsuit on public health in a valid and representative manner;
- d. The AMDAL does not consider the impact of the Object Lawsuit against protected animals and / or protection of wildlife corridor areas;
- e. The AMDAL fails to consider the social and economic impacts of the Object of the Claim;
- f. AMDAL fails to conduct a holistic evaluation of environmental impacts;

a) Impact of Air Quality Impairment

113. That DEFENDANT has been inaccurate in assessing the validity of the scoping of EIA documents, which determines the ecological limits within a 1.5km radius without predicting how far air pollutants from the 2 x 330 MW Bit Cumulative power plant emission will have an impact, especially when accumulated with emissions PLTU-B that has been operating previously;

114. That the initial environmental hue in KA-ANDAL and ANDAL does not present a detailed and profound description of the initial environmental profile, as follows:

- a. Does not provide information on when and how long the measurement is made, the location of the measurement detail and the coordinate point, so that the validity of the data can not be verified;
- b. Does not present data showing long-term air quality (measurements by parameters per year);
- c. Does not present time series data. ANDAL contains only 2015 air quality data;

115. That the preparation of AMDAL is not conducted using valid data and methodology and in accordance with scientific principles, as follows:

- a. It does not include an analysis of the increase in pollutant concentration per parameter and its impact on ambient air quality degradation. The ANDAL should analyze the increasing concentrations of pollutants that are closely related to the operation of the PLTU-B, ie, SO₂ (sulfur dioxide), NO_x (nitrogen oxide), PM (dust, comprising PM 10 and PM 2.5), mercury and other pollutants;
- b. Not include modeling showing increased pollutant concentrations in the area surrounding the 2X 330 MW PLTU-B Curukan Base source and an increase in the distribution of pollutant substances in average conditions throughout the impact distribution area;

116. That failure in preliminary baseline presentation and impact forecasts results in the resulting Impact Management and Monitoring Plan (RKL-RPL) that is unable to mitigate the impacts, as follows:

- a. The part of the environmental policy statement in the introduction of the RKL-RPL document does not fulfill the minimum commitment of the proponent of the business and / or activity pursuant to Regulation No. 8 of 2013;
- b. The use of the Flue Gas Desulfurization (FGD) air controller is included in the ANDAL, but not in RKL-RPL;
- c. The indicator of the success of the management and monitoring of the impact of air quality degradation does not include the parameter PM 2.5 (fine particle), whereas this parameter is an ambient air quality standard that must be kept in accordance with PP. 41 of 1999 and the Provincial Governor's Regulation No. Bali. 16 of 2016;
- d. The management and monitoring for PM 10 parameters is inconsistent, since they include impacts managed in RKL but not monitored in the RPL;

B) Impact of Sea Water Pollution

117. That the initial hue of the marine environment in KA-ANDAL and ANDAL does not present a detailed and profound description of the initial environmental profile, as follows:

- a. Does not provide information on when and how long the measurement of sea water quality is performed, the location of the measurement detail and the coordinate point, so that the validity of the data can not be verified;
- b. Not using time series data, seawater sampling is done only once without a capture time;

118. That forecasts of hypothetical important impacts in measuring seawater quality do not use methods that are in accordance with scientific principles and legislation, as follows:

- a. Not include methods for estimating the impact of degradation of seawater quality from various sources of impact (a) how the contribution of dock development and Terminal For Self Interest, coalyard operations to water quality degradation) in KA-ANDAL and ANDAL;
- b. There is no impact forecasting method to measure changes in current and wave patterns;
- c. Not include forecasting methods for measuring the impact of business and/or activities on water flora and fauna;
- d. Using laws and regulations concerning the waste water quality standard of coal-fired power plant which is no longer valid, a.l. Ministerial Decree No. 52 of 1995, which has been replaced by Regulation of the Minister of Environment no. 8 Year 2009;
- e. Not include the modeling of the spread of hot water waste against seawater in the forecast of important impacts.

119. That with invalid and unrepresentative preliminary hood and forecasts of the nature and magnitude of impacts, impact management and monitoring on RKL-RPL are not able to mitigate impacts. Among other things, RKL-RPL lists the wastewater quality standard of PLTU-B which is no longer valid.

C) The Impact of Public Health

120. That the PLTU Celukan Bawang 2 x 330 MW power plant is not based on preliminary air quality data as well as representative air quality related diseases so that forecasts of the magnitude and nature of the public health impacts are incomplete and inaccurate;

121. That forecasts of magnitude and significance of impacts on AMDAL are not conducted using valid and scientifically valid data and methodologies, in particular with regard to AMDAL failure to outline the results of careful forecasts of the magnitude and nature of impacts, as follows:

- a. The impact forecasts do not include data on the type of disease that has been known to be closely related to air quality degradation. The ANDAL only predicts upper respiratory infection, but does not predict an increase in the prevalence of air pollution-related diseases such as asthma, chronic bronchitis, chronic obstructive pulmonary disease (COPD), cardiovascular disease and, most importantly, premature death;
- b. Not counting forecasts of disease increase due to the operation of businesses and / or activities in increasing prevalence rates;
- c. Does not calculate forecasts of early mortality due to the operation of the business and / or activity;

122. Whereas with invalid and unrepresentative preliminary hood and forecasts of the nature and magnitude of impacts, impact management and monitoring on RKL-RPL are not able to mitigate impacts. Among other things, the success indicators in RKL-RPL are very loose, because they fail to include success indicators for chronic diseases (asthma, bronchitis, COPD, cardiovascular) and premature death;

D) Impact of Fauna Flora

126. Whereas Article 23 paragraph (1) letter e Act no. Law No. 32 of 2009 states that "Criteria for

businesses and / or activities with significant impacts that must be supplemented by AMDAL consist of: (e) processes and activities whose outcomes will affect conservation of natural resource conservation and / or protection of cultural heritage."

127. Whereas Article 15 PermenLH No. 8 of 2013 requires an environmental feasibility decision or an environmental inaccuracy decision considering the criteria "(e) the plan of business and/or activity shall not affect and / or disturb the ecological entity which is:

- a. Key entities and / or species (key species);
- b. Has an ecologically important value (ecological importance);
- c. Has an important economic value (economic importance);
- d. Has a significant value scientifically (scientific importance) "

128. That further, other considerations under Article 15 letter (i) of Regulation of the Ministerial Decree No. 8 of 2013 is "Business plan and / or activity does not cause any disturbance to the business and / or activity that has been around the location plan of business and / or activity." Literally, this activity also includes conservation activities of biological natural resources, including flora fauna and its ecosystem;

129. That AMDAL has failed to identify, forecast, evaluate and mitigate the significant negative impacts of business and / or activity on its flora, fauna and ecosystem as required in Article 23 paragraph (1) subparagraph e Law no. 32 Year 2009; Article 15 letter (e) and (i) Regulation of the Ministerial Decree No. 8 of 2013;

130. That failure of forecasting and management of this important impact can not be separated from:

a. Inaccuracy in the initial hue description (KA-ANDAL Section 2.4) and activities that have been located around the planned business location and / or activity (KA-ANDAL Section 2.5). In particular, KA-ANDAL failed to identify the conservation area of West Bali National Park (TNBB) located 50km west of the project site and is the habitat of some rare and protected species. Some aquatic ecosystems that have ecological significance, a.l. Pemuteran, Puri Jati, Kalanganyar and Lovina, as well as the current state of fisheries and marine ecosystems around Celukan Bawang, are also not described in the initial hue. In relation to flora fauna, the failure to identify these areas is the failure to identify habitats. The implications, AMDAL also fails to identify potentially affected species;

b. Inaccuracy in the scoping, especially in determining the ecological boundary of the study area only "specified within a 1.5km + radius, based on natural ecological restrictions in the area surrounding the activity plan." (KA-ANDAL, pp. 154-4). Although KA-ANDAL has identified a tourism area in Lovina (20 km east of the project site) and Batu Ampar (25 km west of the project site) (KA-ANDAL, pp. II-108), there is no consideration of how these findings ignored its significance in determining the ecological limitations of AMDAL;

131. In addition, since the impacts on wildlife are a detrimental effect of the deterioration in the quality of environmental media, particularly with regard to air and water, the failure of forecasts and mitigation

of significant negative impacts is also closely related to the inaccuracy of forecasts of the direct impacts on the decline in air and sea water quality, in Sections CI1 and CI2;

132. That the forecast of impact on flora and fauna is based on the initial hue on the ANDAL Terms of Reference Section 2.4. General Description of the Early Living Environment, especially at 2.4.1. Geo-physical Chemical Components and 2.4.2. Biological Components, and Section 2.5. Activities that Have Been Around the Business Location Plans and / or Activities; and ANDAL Section 2.1, especially in the number 2.1.1. Geo-Physical-Chemical Components and 2.1.2. Biological Components;

133. That in connection with DEFENDANT failure in determining the ecological limits in the AMDAL, the AMDAL underlying the Object of the Lawsuit also:

- a. Failure to identify potential species and populations affected in initial hazards, both in terrestrial and marine ecosystems; and
- b. Failure to forecast impacts on wildlife from planned business and / or activities in the forecast portion of the nature and magnitude of impacts, particularly in terms of emissions, water supply systems, sewerage systems, coal dust control, and coal ash disposal.

AMDAL failure to identify potentially affected species

134. That ANDAL PLTU-B onion 2 x 330 MW fails to identify species of inhabitants of TNBB, including endangered and / or protected species under the International Union of Conservation of Nature ("IUCN") Red List and / or Government Regulation No . 7 of 1999 on the Preservation of Plant and Animal Species ("PP No. 7 Year 1999"). The IUCN red list distinguishes endangered animals into three sub-categories, namely critically endangered, endangered and vulnerable. Meanwhile, PP. 7 of 1999 in Article 4 paragraph (1) distinguishes wildlife from being protected and unprotected, and guarantees special protection for protected animals.

135. That the species referred to above include:

- a. The terrestrial species, including the bull (*Bos javanicus*, threatened status), Javan leopard (*Panthera pardus weld*, critical status), pangolin (*Manis javanica*, critical status), buddhist (*Trachypithecus auratus*, vulnerable status), black flying squirrel (*Aeromys tephromelas*), ape monkey (*Macaca fascicularis*), deer, deer and wild boar, whose natural habitat is in the national park;
- b. Migratory or dispersed terrestrial species, including several species of birds from owls, hawks, birds, birds, water birds, beach birds and bats. Large pockets (*Pteropus vampyrus*) that are also potentially affected, have an important role in pollinating fruit trees. These species are also likely to be affected by loss of habitat, pollution, noise, vibration and increased vessel traffic from the project;
- c. Birds, including Bali starlings (*Leucopsar rothschildi*, critical status), heron stork (*Leptoptilos javanicus*, vulnerable status), stork bluwok (*Mycteria cinerea*, threatened status), large wili-wili (*Esacus magnirostris*, almost threatened status), (*Charadrius javanicus*, near threatened status) and Javanese gelatics (*Lonchura oryzivora*, vulnerable status). Other birds living in the park include Irian's magpie, kepodang, hawk boom, stone magpie, ordinary lights, stone kites, kite kites, sacred checkers, city cabbages, golden pekaka, merbah cerukcuk, bentet gray, cikalang, and goose-brown stones. Major birds

are sensitive to air pollutants from coal-fired power plants, including carbon monoxide (CO), sulfur dioxide (SO₂), ozone (from NO_x and volatile organic compounds), particulates (PM 10, PM 2.5) and heavy metal. Impacts include respiratory diseases and disorders, increased detoxification, increased stress levels, immunosuppression, behavioral changes, impaired reproductive success, and possible decreases in population density, species diversity and species richness.

136. That in addition to terrestrial species inhabiting the TNBB mainland, KA-ANDAL and ANDAL also fail to identify marine species that will be affected by in casu business and / or activities. The marine species around the potentially impacted Celukan Bawang waters include several species of inhabitants as well as passers (migrating) from dolphins, whales, whale sharks, dugongs and turtles. These species are susceptible to deadly car crashes from increased rates of coal vessels and other ships.

a. Cataceae. In particular, the ANDAL has failed to assess any potential impacts on the cataceans found on Lovina Beach near Celukan Bawang, including the long Hawaiian snout dolphins, Southeast Asia long dolphins, dolphins (pan-tropical), risso dolphins, bottlenose dolphins, short-fist pilots and baleen whales. Dolphins have susceptibility to ship traffic, ship collisions, noise from ship engines, abundance and distribution of prey and heavy metal magnification in the aquatic food chain. Dolphins also have particular susceptibility to the toxicological effects of heavy metals, which can cause illness and improve stranded behavior.

b. Turtle. There are at least three species of sea turtle known to use coastal waters as well as nesting in coastal sand around the project site, including hawksbill (*Eretmochelys imbricata*, critical status), green turtles (*Chelonia mydas*, threatened status) and turtles (*Lepidochelys olivacea*, vulnerable status) . Turtle sensitive to ship collisions, loss of nesting habitat from coastal development and rising sea levels, loss of seaweed habitat, coastal oil pollution, and heavy metal exposure from biomagnification.

c. Bentos sea. The black sand-specimen base described in ANDAL is the habitat of dugong, turtle, frog, mandarin (dragonet), lepu (scorpionfish), devilfish, grasshopper, tuna, sea horse, cuttlefish, clownfish, eel sea, squid, crustaceans, sea anemones, young buns, sea slugs (nudibranchia), sea urchins, barracuda, octopus undercover and other octopus rarely found. Significant sea grass habitats are well documented along the coastline near the project site, including at Pemuteran diving point, Puti Jati and Kalang Anyar.

137. Whereas in relation to marine ecosystems, the location of activities and / or businesses is located very close to the territorial waters which have been designated as wildlife corridor areas based on Article 33 paragraph (4) of the Buleleng Regulation. 9 of 2013 on the Buleleng Regional Spatial Plan of 2013-2033. This fact is not considered at all in the AMDAL;

AMDAL failures predict impacts on wildlife from planned business and / or activity facilities in the forecast portion of the nature and magnitude of impacts

138. That the deterioration of the quality of environmental media occurring due to the impact of the main facility or business support and / or coal-fired power plant activities as described above has important significant negative impacts in the forecast of impacts on flora and fauna;

139. That impacts on flora and fauna associated with degradation of environmental media quality

include:

a. Emissions from PLTU-B are likely to affect flora and fauna, including agricultural activities, through the occurrence of acid rain and mercury release into the air or mercury deposition on soil and water.

Acid rain can cause the loss of some fish in lakes and surface water, damage plants and animals in aquatic ecosystems, and weaken the trees' natural defenses, making them more vulnerable to weeds and pests;

The mercury deposition in the soil has the potential to bioaccumulate in paddy and wetland ecosystems; in water will turn into toxic methylmercury and terbioakumulasi to the fish body and dikiomagnifikasi through the food chain. Birds are also at risk of exposure to mercury, including Bali starlings (critical status) and Java gelatik (vulnerable status), which if exposed through food can undergo physiological changes, reproductive behavior and success;

b. The cooling water supply system with once-through water intake can suck and kill billions of phytoplankton, fish eggs, larvae, adult fish, shellfish and crustaceans, turtles, and can adversely affect local ecology. In the Paiton-B power plant, the same system once caused the strand and death of a whale shark;

c. Wastewater discharges, especially water from the PLTU-B, contribute to the expansion of algae, and increase animal metabolism, including corals, and contribute to reproductive failure. All of these effects have an impact on increasing mortality, life span, reproductive success, population, food chain, and biodiversity. Hot water releases from PLTU-B damage mangroves, corals, seaweeds and species dependent on these species, including various species of fish, turtles, and birds of prey. This direct death disturbs the stability of the entire food chain, including birds, turtles and whales, dolphins, sharks and rays.

d. Coal run dust, wastewater control dust discharged into the sea can cause a significant biological impact due to the high part of suspended coal particles. Negative physical impacts can also occur on aquatic organisms, including abrasion, smothering, and reduced availability of the limbs and blockage of respiratory organs and digestive organs. In addition to water and aquatic ecosystems, running dust also impacts the ecosystem through the air. Coal dust reduces carbon dioxide exchanges by foliage, removes soil nutrients, destroys sensitive forests and agricultural crops, affects ecosystem diversity, increases water acidity, and alters nutrient balance. These things have an impact on the ecosystem, but no risk is not assessed at all in the AMDAL.

140. That AMDAL failures contain the above points indicate that the Object of the Lawsuit has been issued in error, especially since DEFENDANT has neglected to consider the failure of the initiator and / or activity in identifying, forecasting, evaluating and mitigating the significant negative impacts of the business and / or activities on flora, fauna and ecosystem;

E) Social, economic and cultural impacts

123. Whereas the failure of AMDAL to forecast the magnitude of social and economic impacts in the business and / or activity of the Celukan Bawang 1 x 330 MW Steam Power Plant is not independent of AMDAL failure in identifying, estimating, evaluating and mitigating significant negative impacts of air quality, sea water, public health and flora fauna;

124. That the social, economic and cultural baseline should contain socio-economic-cultural components, such as income levels, demographics, livelihoods, local culture, archaeological sites, cultural sites. KA-ANDAL and ANDAL PLTU Celukan Onion 2 x 330 MW failed to load the initial social culture hue carefully, as follows:

- a. Not include social, economic and cultural data from other affected villages other than Celukan Bawang Village (a.l Tinga-Tinga Village, Pengulon and Tukad Sumaga, including tourism-related data in Lovina, Pemuteran and Kalanganyar in the socio-economic baseline);
- b. Incomplete culture of the local community, a.l. melasti culture, in the initial socio-cultural hue;
- c. Not to describe data on cultural sites that have significance for the public, a.l. Pura Segara, in the initial socio-cultural hue;

125. That KA-ANDAL and ANDAL does not provide information on data collection and analysis methods to be used, as follows:

- a. Does not include socioeconomic data analysis methods;
- b. Does not include sampling methods in data collection, so that conclusions are based on very minimal and unrepresentative samples;
- c. The parameters of socio-economic aspects studied are very narrow;
- d. Not explaining the methodology of sampling aspects of public perception, a.l. background and basic selection of respondents. As a result, the AMDAL concludes prematurely and unrepresentedly that the community accepts the PLTU-B development plan only from a checklist of 20 respondents and FGDs with 10 people working on the Celukan Bawang PLTU-power plant;

126. Whereas the forecast of magnitude and significance of impacts on AMDAL is not conducted using valid and scientifically valid data and methodologies, as follows:

- a. It does not take into account the various data that has been identified in the baseline, such as the impact on the social order of fishermen (some 224 people) and the impact on cultural institutions, including tri hita karana; as well as impacts on religious institutions, including mosques and worship activities in temples;
- b. Not predicting socio-economic-cultural differences with the Celukan Bawang 2 x 330 MW power plant compared with no business and / or activity;
- c. Do not foresee a significant direct impact on the geophysical-chemical-biological component and successive sequence of impacts on the socio-economic-cultural component. For example, ANDAL only considers the direct contribution to PAD or regional GDP. However, socio-economic impacts due to health costs and environmental costs to be spent by regions / countries in the calculation of revenues and costs incurred by PTLU Celukan Bawang 2 x 330 MW are not calculated;

127. Whereas with invalid and unrepresentative preliminary hood and forecasts of the nature and magnitude of impacts, impact management and monitoring on RKL-RPL are unable to manage socio-economic and cultural impacts.

F) The AMDAL fails to undertake a holistic evaluation of environmental impacts;

128. That based on the foregoing description, it is clear that important impact forecasts have not been carefully conducted, especially on the magnitude of the important impacts of biogeophysical-chemical aspects (decreasing air and sea water quality) of public health, flora fauna, and socio-economic-culture, phase of business operation and / or activity (Minister of Environment No. 8 of 2013, number 11, p.51), and thus DEFENDANT decision cq The AMDAL Appraisal Commission that the EIA document is environmentally feasible is premature and violates the applicable AMDAL assessment guideline of PermenLH No. 8 of 2013;

129. That due to the failure to calculate some of the magnitude of the impacts described above, a holistic evaluation of environmental impacts can not be undertaken by considering the interrelationships and interactions of all significant hypothetical impacts in the context of determining the total impact of the business plan and / or activity on the environment PermenLH No. 8 of 2013, number 17, pp. 53-54);

130. That for the above reasons, the holistic evaluation of environmental impacts thus leads to premature conclusions regarding the form of linkages and DPH interactions and their characteristics, such as the frequency of impacts and duration and intensity of impacts. With the forecast of invalid and unrepresentative impacts, the information used in determining the importance and magnitude of impacts that have interacted with the same space and time is not enough. Taking conclusions from these holistic evaluations results in forecasts that have the potential to neglect impacts that have significant magnitudes, are potentially irreversible and / or produce widespread derivative impacts.

131. That the holistic evaluation in AMDAL in casu does not pay attention to areas that need to receive the important concern (area of concerns) and its extent, among others:

- 1) Areas that receive exposure from multiple impacts at once and are inhabited by various community groups;
- 2) The most vulnerable / vulnerable areas of disaster affected by the environment; and / or
- 3) The combination of the areas referred to in numbers (1) and (2) above, or other areas.

132. That the holistic evaluation of AMDAL in casu has not yet reviewed the options for possible environmental impact management options, in particular the review of the availability of best available technology options, the initiator's ability to exercise the best management options and options relevance management available with local conditions;

133. Whereas with the failure of the ANDAL includes careful forecasts of the magnitude and significance of the impacts of the chemical, social, economic, cultural, spatial and public health aspects of biogeophysical, particularly in the operational phases as described above, assessment of the capabilities of the initiator and / or related parties who is responsible for dealing with the significant negative impacts that will be generated from the planned business and / or activity can not be done validly;

134. That therefore, the decision making that AMDAL in casu has environmental feasibility contains a

scientific error that affects the juridical defect AMDAL in casu, and thus mutatis mutandis causes Object Lawsuit juridical defects and must be declared void.

C.II. OBJECT OF CONFLICT OF CONFLICT WITH GENERAL PRINCIPLES OF GOOD GOVERNMENT (AAUPB)

135. That as regulated in Article 53 Paragraph (2) of Law no. Law No. 9 of 2004 on Amendment of Law. 5 of 1986 concerning the State Administrative Court (Law No. 9 of 2004), the reasons for the lawsuit that can be used are if the State Administrative Decision sued is against the prevailing laws and / or against the general principles of good governance (AUPB).

136. Whereas furthermore, Article 8 Paragraph (2) and Article 9 Paragraph (1) of Law no. 30 Year 2014 on Government Administration (Law on Government Administration) also regulates the obligation of government officials based on legislation and AUPB in exercising their authority as well as in any decisions and / or actions.

137. That the subsequent Plaintiffs will postulate the facts indicating that the Object Case in casu is contradictory to the AUPB, in particular the principles of openness, the principles of precision, and the principle of legal certainty.

The issuance of Object Objects in casu contradicts the Principle of Openness

138. That the principle of transparency is a principle in AUPB relating to the involvement of the public in the process of issuing the Object of the Claim.

139. Whereas the Elucidation of Article 10 Paragraph (1) Sub-Paragraph f of the Administrative Government Law explains the purpose of the principle of transparency, namely: "the principle that serves the public to gain access and obtain correct, honest and non-discriminatory information in government administration on private rights, class, and state secrets. "

140. That as the Plaintiffs argued in section C.i.2, the numbers lawsuit, the Defendant did not involve the affected community in the process of publishing the object in casu.

141. Whereas the following is the obligation of public involvement in the issuance of the object object in casu which is not committed by the Defendant:

- 1) Does not ensure that the proponent has made an announcement concerning the business plan and / or activity;
- 2) Does not ensure that the public consultation activities of the COAL ANDAL Power Registry Celukan Bawang 2 x 330 MW;
- 3) Not ensuring the involvement of affected communities in the Amdal Appraisal Commission;
- 4) Not announce the Application of Objects of Claim;
- 5) Not announcing the issuance of Objects Claim.

142. That the failure of the Defendant's obligation to involve the public in the process of issuing the Objective Object as mentioned above shows that the Defendant did not provide true, honest, and non-discriminatory information access to the Plaintiffs in the issuance of Object of Claim. Then it can be concluded that the issuance of Objects of Claims contradicts the principle of openness.

Publishing Object Objects in casu contrary to the Principle of Dilligence

143. Whereas the Elucidation of Article 10 Paragraph (1) Sub-Paragraph d of the Administrative Government Law describes the purpose of the principles of dilligence, namely: "the principle which implies that a Decision and / or Action must be based on complete information and documents to support the legality of the stipulation and / or the implementation of Decisions and / or Measures so that the respective Decisions and / or Actions are prepared carefully before such Decisions and / or Actions are established and / or performed. "

144. That in the research report entitled "Explanation of Good Governance Principles (AUPB) - Law of State Administration" written by Cekli Setya Pratiwi, et. al., page 65, states that "The principle of dilligence actually presupposes an attitude for decision makers to always act cautiously, that is by considering comprehensively the whole aspect of decision material, so as not to cause harm to the citizens . The precision principle requires that government bodies before taking a decision, examining all relevant facts and incorporating all relevant interests into consideration. If the important facts are underestimated, that means not careful. If the government wrongly does not take into account the interests of third parties, it also means not careful. In this context, the principle of rigor may require that the auditor be heard (the hearing obligation), before they are confronted with an adverse decision. "

145. That Subsequently the Plaintiffs shall return briefly the arguments in section C.I.1, C.I.2. and C.I.4. in this lawsuit to see its relation to the principle of precision.

146. That as the Plaintiffs have argued in section C.I.1. This lawsuit, the issuance of Objects Claims is not based on the Plan of Coastal Zoning and Small Islands (RZWP3K). Whereas the Object of the Lawsuit is given to the business and / or activity of Celukan Bawang 2 x 330 MW Steam Power Plant which uses the coastal area up to 330 m from the coastline entering the sea space 0 to 12 miles;

147. That as the Plaintiffs have also argued in section C.I.4. This lawsuit, the issuance of Object Objects is based on the AMDAL documents that are substantive, invalid, and unrepresentative. The AMDAL defects which are the basis for the issuance of casu in casu objects include:

1. Impact of air quality decline;
2. Impacts on degradation of seawater quality;
3. Community health impacts;
4. Impact of flora and fauna;
5. Socio-economic and cultural impacts; and
6. A holistic evaluation of the linkages between impacts.

148. That the Plaintiffs will examine the arguments based on the meaning of the precision principles set forth in Article 10 Paragraph (1) Sub-Paragraph d of the Administrative Government Law;

149. That RZWP3K and substance AMDAL PLTU Celukan Bawang 2 x 330 MW is a form of information and / or document which should be the basis for the issuance of object object in casu. However, the Defendant in issuing the object in casu did not examine the important facts that should have existed in the substance of the Celukan Bawang 2 x 330 MW Power Plant AMDAL. The defendant is also inaccurate by issuing object in casu objects that are not based on RZWP3K;

150. That in addition to the matters which have been postulated above, the Defendant is also not careful in stating the scope of business and / or activity in the Celukan Bawang 2 x 330 MW Power Plant AMDAL in the Object of the Claim, thus resulting in a different scope of business and / or activity in the object object in casu;

151. That the scope of the scope lies in the scope of business and / or activity in the Object of the Lawsuit which includes the construction of transmission lines from the power plant to the PLN substation in Celukan Bawang. On the other hand, the scope of business and / or activity in Celukan Bawang power plant 2 x 330 MW does not include the construction of transmission lines from power plants to PLN substations;

152. The fact that the Defendant did not accurately examine or consider the three information mentioned above also does not take into account the interests of the Plaintiffs. Therefore, the issuance of the object object in casu which does not consider the three information referred to above is the object of casu in casu which is contrary to the principle of accuracy.

The issuance of Object Objects in casu is contrary to the Principle of Legal Certainty

148. Whereas the Elucidation of Article 10 Paragraph (1) Letter a of the Government Administration Law explains the purpose of the principle of legal certainty, namely: "the principle of a state of law that prioritizes the basis of the provisions of legislation, propriety, tariff and justice in every policy of governance. "

149. That the principle of legal certainty is aimed at providing legal protection for the recipient of a valid State Administrative Decree (KTUN), and vice versa for erroneous KTUN. In the case of a mistake in the issuance of a KTUN, whether due to the fault of the administrative administrator or due to improper or incomplete information from the interested parties, the principle of legal certainty requires "the withdrawal of a provision or alteration for the harm concerned" (Philipus M. Hadjon, Introduction to Indonesian Administrative Law, 1994, page 273);

150. That Big Indonesian Dictionary explains that what is meant by: Constancy is fixed, orderly, unchanging;

Suitability is suitability or suitability;

Justice is not one-sided, impartial, equally heavy; side with the right, hold on to the truth; duly or not arbitrarily;

151. Whereas therefore the principle of legal certainty should also be interpreted to prevent the administrators of public administration from issuing an administrative decision that contains juridical error and should therefore be withdrawn or amended for any loss of interest;

152. That in Section C.I.1 of this lawsuit, PLAINTIFFS has argued that the Defendant issued the Object of the Claims without relying on the RZWP3K. The facts show that the Defendant did not prioritize the basis of the provisions of the laws and regulations in the field of spatial planning in the publication of object objects in casu so that it is contrary to the principle of legal certainty.

153. That to the Plaintiffs has also explained above that there is a difference in the scope of business and / or activities contained in casu in casu objects compared to the scope of business and / or activities contained in the Celukan Bawang 2 x 330 MW power plant AMDAL. The difference in scope reflects an inconsistency between the Object of the Claim and the condition underlying its publication, and thus is not steady and inappropriate;

154. In addition, the scope of such a business and/or activity may, on the one hand, prejudice the interests of the Plaintiffs while on the other hand it is in the interests of the holders of casual object in casu. That the principle of legal certainty requires the formulation of a clear KTUN, as described below: "While formally, the principle of legal certainty is interpreted that the provision that the content of the material burdensome or beneficial to a particular party, then the formulation of provisions must be prepared in clear words or not be multiple interpretations. Philip willed that the burdensome and related provisions of favorable provisions be made in clear words. The principle of legal certainty entitles the interested parties to know exactly what is wanted from them. According to Prof. Kuntjoro Purbopranoto, this provides a guarantee or right for the interested parties to know exactly what is desired from the issuance of the provision. A jurisprudence in the Netherlands specifies that the decision on spatial planning should clearly contain the limits of the possibility of deviation from its use in the plan itself, so there is certainty for the parties concerned (ABRS, 20 February 2001, JB 2001/89). (Cekli Setya Pratiwi, et al., Elucidation of Good Governance Principles (AUPB) - State Administration Law, 2016, p.55) "

155. Whereas based on the explanation of the scope of business and/or activities in casu in casu object compared to the scope of business and/or activity in the Celukan Bawang 2 x 330 MW power plant AMDAL, the issue of the object of the case is contrary to the principle of legal certainty.

156. That the non-performing stages of community engagement as described previously indicate a formal juridical error in the issuance of the object object in casu. The Defendant did not enforce the provisions of legislation regarding public participation in the issuance of object objects in casu, thus contradicting the principle of legal certainty.

157. That the issue of casu in casu objects based on a substantively defective AMDAL as described previously shows substantive juridical errors in the publication of casu in casu objects. The Defendant did not comply with the provisions of the law regarding the AMDAL content as the basis for the issuance of the object object in casu, thus contradicting the principle of legal certainty;

158. That it is therefore clear that the issuance of the Object of the Claims is contradictory to the Good Governance Principles, namely the principles of openness, the principles of precision, and the principle of legal certainty;

C.III. IN INJUNCTION

159. Whereas pursuant to Article 67 paragraph (2) of Law Number 5 Year 1986 concerning State Administrative Court states:

"Plaintiff may file an application for the implementation of the Decision of State Administration to be suspended during the examination of a State Administration case in progress, until a court decision is obtained with permanent legal force."

160. That, pursuant to Article 67 paragraph (4) of Law Number 5 Year 1986 concerning State Administrative Court states:

"Application for postponement as referred to in paragraph (2):

- a. can be granted only if there is a very urgent circumstance resulting in the interests of the plaintiff to be severely disadvantaged if the said State Administrative Decree is still exercised;
- b. can not be granted if the public interest in the framework of development requires the implementation of the decision. "

The threat of Livelihood Loss experienced by PLAINTIFF I, II and III is a very urgent situation

161. Pursuant to article 67 Related to postponement due to urgent circumstances, R. Wiyono in his book "Procedural Law of State Administrative Court" page 229-230 explains that what is meant by urgent circumstances is if the losses to be suffered by the plaintiff will be very unbalanced compared with the benefits for the interest to be protected by the execution of such TUN Decision;

162. Whereas the Plaintiffs at the beginning have mentioned that the Plaintiffs have never been involved in the AMDAL assessment process which is the basis of the issuance of Objects Objects, the 2X 330 MW Celukan Bawang AMDAL Power Plant document, its feasibility assessment can not be used as a basis for the prevention and control of pollution and environmental damage life;

163. Whereas Plaintiff I owns coconut plantation on the plan of expansion plan of PLTU Celukan Bawang 2 x 330 MW of 3.5 hectare directly adjacent to Celukan Bawang power plant which has been operated. In addition, Plaintiff I also leased a land area of 4 Ha within 100 meters of the Celukan Bawang power plant which is already in operation. To work on his garden Plaintiff I invites 2 tenants with a profit-

sharing system with details of 5 percent per person per harvest;

164. That the Celukan Bawang 2 x 330 MW power plant is expected to have an impact on air quality degradation, potentially causing acid rain to damage the coconut trees directly, damaging the soil quality and hampering the growth of coconut palms owned by Plaintiff I;

165. Whereas Plaintiff I has experienced a decline in the yield of coconut plantations since the operation of the Celukan Bawang power plant. Before the Celukan Bawang power plant operates, the results of Penguggat I plantations reach 10,000 to 12,000 grains every 2 months in total. After the Celukan Bawang power plant operates, the results of the Plaintiff I plantations fall to 4,200 to 5.000 grains per 2 months in total;

166. Whereas Plaintiff I and his two peasants make the proceeds of the plantation as the main income of the family, if the construction of the 2 X 330 MW steam power plant is carried out, it is certain that Plaintiff I will lose all his coconut plantation land and eliminate the livelihoods of the family of PLAINTIFF I and the two tenants;

167. Whereas furthermore, Plaintiffs II and III are fishermen whose fish catch area will be lost due to the construction of a darmaga (Jetty type) and TUKS with a long trestle (bridge) as a 360 m long docker, as contained within the scope of Object object activities;

168. That PLAINTIFF II and III are members of the fisherfolk group from Mekar Sari and Bakti Kosgoro who have tens of years of their lives dependent on the tangkapt which is included in the construction plan of the dormaga (Jetty type) and TUKS with the length of the trestle (bridge) with a length of 360 m;

169. Whereas the Plaintiffs II and III along with their groups are fishermen who have ship sizes below 8 GT so they are included in small fishermen. So if the development plan of the duku and TUKS is implemented it will eliminate the catching areas of Plaintiffs II and III and its groups.

170. Whereas with the loss of the catching areas of Plaintiffs II and III and its groups, the Plaintiffs II and III and their groups will lose their livelihood as fishermen;

171. Whereas based on the description of the threat of loss of the livelihoods of the Plaintiffs I, II and III and not only that the threat is also potentially experienced by the planters and other fishermen, it is clear that there is a very urgent situation that will harm Plaintiffs I, II and III if Objects of the Claim are not postponed.

172. Whereas with the issuance of the Object of the Claim, the environment will also be threatened if the Object of the Claim is not postponed because the Object of the Claim will almost certainly not be able to manage the negative negative effects of the Celuk Bawang 2 x 330 MW Steam Power Plant;

173. That the losses that can be caused by the implementation of Objects of Lawsuit against the interest

of PLAINTIFF IV include:

- a) The threat of climate change;
- b) The threat of polluted air and sea water in the vicinity of the planned development of PLTU Celukan Bawang 2 x 330 MW;
- c) The threat of biodiversity loss as a result of the contamination of the pollution and / or environmental damage above;

174. That the threat of pollution and environmental damage resulting from the implementation of the Object of the Claims in this case mutatis mutandis constitutes an urgent threat of harm to Plaintiff IV in which this case acts to represent the interests of the environment;

The absence of public interest in the framework of development that requires the implementation of Objects Claim

175. That based on Article 67 paragraph (4) of Law no. 5 of 1986, the application for postponement "can not be granted if the public interest in the framework of development requires the implementation of the decision."

176. That in case of casu, there is no public interest in the framework of development which requires the implementation of Objects of the Claim;

177. That the construction of a power plant for the supply of electricity for the public interest should refer to the planning of electricity, as stipulated in Government Regulation no. 14 of 2012 concerning Electricity Supply Business Activities ("PP No. 14 Year 2012") and amendments in Government Regulation no. 23 of 2014 ("PP No. 23 of 2014"). Article 8 paragraph (1) of PP. 23 of 2014 states that, "The business of providing electricity for the public interest is carried out in accordance with the General Plan of Electricity and the Power Supply Business Plan."

178. That the Celukan Bawang 2 x 330 MW power plant is not part of the National Electric Power Supply Plan (RUPTL) 2017-2016 as set forth in the Minister of Energy and Mineral Resources Decree no. 1415 K / 20 / MEM / 2017 dated March 29, 2017; and is not part of a 35,000 MW plant development project.

179. Besides not being part of the National RUPTL, the Province of Bali also has no Regional Electricity General Plan. Thus, the construction of the Celukan Bawang power plant is incompatible with electricity planning and thus has absolutely no urgency to build;

180. Whereas in addition to not being in the planning scheme, the Celukan Bawang 2 x 330 MW power plant is inconsistent with the National RUPTL 2017-2016, which in the power supply scheme for the Java Bali network plans to strengthen the supply to Bali with the development of generating facilities from renewable energy, , and distribution supported by a smart grid called BaliEcoSmart (Appendix B.7, pp. B.117 National RUPTL 2017-2026 on Development Plans of PT PLN (Persero) Electrical System in Bali Province);

181. That the National RUPTL 2017-2026 has clearly stated that "Bali Province as a world tourism destination has abundant renewable energy resources and supported by open community conditions and easy to accept the latest technology will begin the gradual phase of smart grid implementation. It is also supported by the government of Bali Province which has a vision of making Bali as Eco Green Tour which is in line with Smart Grid implementation plan. "

182. That further, the National RUPTL 2017-2026 indicates that the use of coal primary energy for power generation is undesirable, stating explicitly that,

"Bali has a new and renewable energy potential that can be developed for power generation, consisting of geothermal potential that can be developed at 354 Mwe (MW equivalent) in 6 locations:

Banyuwedang Buleleng, Seririt Buleleng, Batukao Tabanan, Penebel Tabanan and Buyan- Bratan Buleleng and Kintamani-Batu. In addition, there is a potential for 30 MW of hydropower, solar power potential that will be conducted PLTS study in Pemaron with capacity of 1 MWp and in other locations 100 MWp, and generator using waste fuel, in line with the vision of Bali Province government, that is clean and green. There is a potential wind energy of 30 MW in Bali Province. "

This is confirmed by the power plant development plan in Bali Province, as shown in Table B7.5. at the National RUPTL 2017-2026 (pp. B-118), all of which contain new and renewable energy sources and do not include the Coal Power Plant;

183. That the Java-Bali power grid is already over-capacity and does not require additional power supply from new power plants. Based on data from the National RUPTL 2017-2026, the peak load of Bali's highest electricity system in 2016 is 860 MW ie in October 2016; while power is supplied from the supply of 400 MW Java-Bali marine cable and 150kV of 99kV power plant. Thus, it is clear that the electricity supply in Bali Province has exceeded its peak load;

184. Whereas from the above data, it is clear that the development of PL -U B Celukan Bawang 2 x 330 MW is inconsistent with the existing electricity planning and is not real needed, so it becomes clear that there is no public interest in the framework of development that requires the implementation of Object Lawsuit. In fact, the public interest necessitates delays in the implementation of the Object of the Claim because it has the potential to cause unnecessary financial wastage of the state and harm the public;

185. Furthermore, in view of the many rules that are violated in the issuance of Objective Objects, the Procrastination Request can be granted if the Objective Objects proceeds to be implemented it will result in greater losses to the development costs incurred for the Celukan Bawang 2 x 330 MW PLTU project, day Object Claim canceled.

Based on the above description, then we appeal to the Chairman of the State Administrative Court Denpasar cq. The Panel of Judges of the State Administrative Court of Denpasar examining and adjudicating this case, decides with the following verdict:

IN INJUNCTION:

1. To grant a request for delay from the PLAIN;
2. Order DEFENDANT to suspend the implementation of the State Administrative Decree, in the form of; Bali Governor's Decree No.660.3 / 3985 / IV-A / DISPMPT About Environmental Permit LIFE DEVELOPMENT PLANT POWER PLANT (PLTU) PT. PLTU CELUKAN BAWANG ON THE VILLAGE ON THE SUPPORT OF GEROKGAK DISTRICT, REGENCY OF BULELENG until there is a Court Decision with a Permanent Law or the issuance of another stipulation which revokes it in the future.

IN THE CASE:

1. To grant the lawsuit of the PLAINTIFFS entirely;
2. Declare null and void:
Bali Governor's Decree No.660.3 / 3985 / IV-A / DISPMPT ABOUT ENVIRONMENTAL PERMIT OF DEVELOPMENT PLANT POWER PLANT (PLTU) PT. PLTU CELUKAN BAWANG ON THE VILLAGE ON THE SUPPORT OF GEROKGAK DISTRICT, REGENCY OF BULELENG
3. Require DEFENDANT to withdraw:
Bali Governor's Decree No.660.3 / 3985 / IV-A / DISPMPT ABOUT ENVIRONMENTAL PERMIT OF DEVELOPMENT PLANT POWER PLANT (PLTU) PT. PLTU CELUKAN BAWANG ON THE VILLAGE ON THE SUPPORT OF GEROKGAK DISTRICT, REGENCY OF BULELENG
4. Punishing the Defendant to pay the court fees incurred in this case

Or if the Panel of Judges of the State Administrative Court of Denpasar argues otherwise, then the POLICY request the verdict as fair as possible (ex a quo et bono).

Denpasar, January 24, 2018

Best regards
LEGAL OFFICE OF THE PLAINTIFFS

Dewa Putu Adnyana, S.H.

I Nengah Jimat, S.H.

Haerul Umam, S.H.

Ni Putu Candra Dewi, S.H.