

SUBJECT: SMALL CLAIM LAWSUIT — DEMANDS: 1. Material Damages Rp 495,000,000 2. Immaterial Damages Rp 375,000,000,000 3. Cancellation of GMS February 24, 2024 4. Confirmation of Director Position & 20% Shares 5. Order for Periodic SP2HP 6. Payment of Arrears in Salary, THR, Severance Pay, Pension Funds

I file this small claim lawsuit to enforce my rights that have not been fulfilled since February 2024. The General Meeting of Shareholders (GMS) on February 24, 2024, is null and void by law because it does not comply with the Articles of Association of PT Caprefindo — the Commissioner has no right to hold a GMS. I still hold the position of Director and 20% shareholder with full rights to sell/transfer without anyone's approval. Arrears in salary, THR, severance pay, and pension funds are legally demanded. The Court is requested to order the submission of SP2HP every month. All baseless accusations are completely rejected. The material value of Rp 495,000,000 falls under the provisions of a Small Claim Lawsuit, which must be decided within 25 calendar days.

SMALL CLAIM LAWSUIT

To the Honorable,
CHIEF JUDGE OF BEKASI DISTRICT COURT
Jl. Pangeran Jayakarta RT.004/RW.003, Harapan Mulya Sub-district,
Medan Satria District, Bekasi City, West Java — Postal Code 17142

PLAINTIFF: EMIL TOBING, DRS

NIK: 3275041507620012
Address: Perumahan Graha Indah, Blok D No. 16/12, RT 004 RW 010,
Jaka Mulya Sub-district, Bekasi Selatan District, Bekasi City, West Java — Postal Code 17146

DEFENDANT: PT CAPREFINDO

Address: Ruko Kalimas, Blok C No. 1, Jalan Chairil Anwar, Margahayu Sub-district,
Bekasi City, West Java — Postal Code 17113
Represented by: JAMES PHILIP RUSSELL NEWSOME — President Director
Co-Defendant: MARTINEZ — Notary who issued the invalid GMS deed

CHAPTER I — JURISDICTION

1. The Defendant is domiciled in the legal jurisdiction of Bekasi City. All unlawful acts occurred in Bekasi City. In accordance with Article 118 of the Civil Procedure Code, the Bekasi District Court has absolute authority and is indisputable to examine and adjudicate this case — it cannot be transferred to another court.
2. The material claim value of Rp 495,000,000 is below the limit of Rp 500,000,000 → falls under a Small Claim Lawsuit, must be decided within 25 calendar days since registration.

CHAPTER II — CHRONOLOGY & STATEMENT OF FACTS

1. The Plaintiff is the legitimate Director of PT Caprefindo and a 20% shareholder. Has never been legally dismissed in accordance with Law No. 40/2007 or the Articles of Association since February 2024 until now.
2. The GMS on February 24, 2024, was organized by the Commissioner — a party NOT authorized according to the Articles of Association of PT Caprefindo. The Commissioner does not have the authority to lead/organize a GMS → the process is null and void by law from the beginning. Notary Martinez knew the provisions but still issued the deed → bears responsibility.
3. Since February 2024, the Defendant HAS NOT paid: monthly salary, Holiday Allowance (THR), allowances, severance pay, pension funds, and other rights despite no legal termination of employment.
4. The Memorandum of Understanding dated February 14, 2025, confirmed the position & rights of the Plaintiff — remains ignored.
5. Billing has been done in writing → rejected without valid reasons.
6. The allegations of losses thrown by the Defendant ARE NOT supported by valid evidence → completely rejected.
7. The Defendant spread false accusations to third parties → defamation. Reported to the Bekasi City Metro Police — LP/B/1.893/X/2024/SPKT.Sat.Reskrim/Polres Metro Bekasi Kota. The court is requested to order the submission of SP2HP every month.

CHAPTER III — LEGAL BASIS

1. Article 132 Supreme Court Regulation (PERMA) No. 4/2019 → Small Claim Lawsuit, decision within 25 days.
2. Article 1365 of the Civil Code → Unlawful acts require compensation.
3. Law No. 13/2003 & Government Regulation No. 78/2015 → Right to wages, THR, severance pay must be paid.
4. Law No. 40/2007 concerning Limited Liability Companies → Appointment/dismissal of Directors must be in accordance with the Articles of Association.
5. Articles of Association of PT Caprefindo → GMS must be led by an authorized party; The Commissioner has no right.
6. Article 118 of the Civil Procedure Code → Jurisdiction of Bekasi District Court is absolute.

CHAPTER IV — POSITA (LEGAL GROUNDS)

1. The GMS of February 24, 2024, is NULL AND VOID — not in accordance with the Articles of Association, does not bind the Plaintiff.
2. The Plaintiff remains the legitimate Director & 20% shareholder — has the right to sell/transfer without anyone's permission.
3. The Defendant refuses to pay employment rights since February 2024 → unlawful act.
4. Material damages are set at Rp 495,000,000 — final amount to be determined by the Judge based on attached evidence.
5. Immaterial damages are set at Rp 375,000,000,000 — not limited.

CHAPTER V — PETITUM (RELIEF SOUGHT)

1. Accept and grant this lawsuit in its entirety.
2. Declare this case a Small Claim Lawsuit, must be decided in 25 calendar days.
3. Declare the GMS of February 24, 2024, NULL AND VOID — does not bind the Plaintiff.
4. Stipulate the Plaintiff remains the Director of PT Caprefindo since February 2024.
5. Stipulate the Plaintiff is the legitimate 20% shareholder — has the right to transfer without anyone's approval.
6. Punish the Defendant to pay material damages of Rp 495,000,000 — final amount determined by the Judge.
7. Punish the Defendant to pay immaterial damages of Rp 375,000,000,000.
8. Punish the Defendant to pay arrears in salary, THR, severance pay, pension funds from February 2024 until the decision has permanent legal force.
9. Order the Police to submit SP2HP every month to the Plaintiff in accordance with National Police Chief Regulations.
10. Reject all of the Defendant's rebuttals — obscuro libel, ne bis in idem, baseless accusations — all REJECTED.
11. Declare that the decision can be executed first even if there are legal remedies.
12. Punish the Defendant to pay all court costs.

CHAPTER VI — COMPLETE LIST OF EVIDENCE (MUST BE LEGALIZED AT POST OFFICE)

All documents below are brought ORIGINAL + PHOTOCOPY to the Post Office to be legalized & stamped before being attached to the lawsuit:

P-A1: Memorandum of Understanding February 14, 2025

→ Evidence of Plaintiff's position as Director, 20% shareholder, & employment rights. Must be legalized.

P-A2: Articles of Association of PT Caprefindo

→ Evidence that the GMS is not in accordance with authority → NULL AND VOID. Must be legalized.

P-A3: GMS Deed February 24, 2024 — Notary Martinez

→ Evidence of invalid process, not binding. Must be legalized.

P-B1: Billing Letter for Plaintiff's Rights

→ Evidence of having billed in writing. Must be legalized.

P-B2: Proof of Payment Refusal

→ Evidence that Defendant refuses to fulfill obligations. Must be legalized.

P-B3: Police Report LP/B/1.893/X/2024

→ Evidence of defamation, basis for requesting periodic SP2HP. Must be legalized.

P-B4: Evidence of Spreading Accusations to Third Parties

→ Evidence of immaterial losses. Must be legalized.

P-C1: Supreme Court Regulation (PERMA) No. 4 Year 2019

→ Basis for Small Claim Lawsuit — 25-day decision. Must be legalized.

P-C2: Articles 1365 & 1338 of the Civil Code

→ Basis for unlawful acts & strength of agreement. Must be legalized.

P-C3: Government Regulation No. 78 Year 2015

→ Basis for obligation to pay THR. Must be legalized.

Made in: Bekasi, Date: September 26,
2026

Sincerely,

EMIL TOBING, DRS
Plaintiff

#EmilTobing #SmallClaimLawsuit #IndonesianLaw #PTForindoSuksesBersama #PTCaprefindo #Justice #LawEnforcement
#Transparency #CleanBusiness #CitizensRights