

Principles of Interdependency and It Relationships With Authority in Governing by the Government of Timor Lestemb

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Abstract: *The government in Timor-Leste in carrying out its government, has been regulated in its Constitution ,as stipulated in the Article 115 of the Constitution of the Republic (2002) regarding the authority of the government. In Timor-Leste the relationship between Central Government and Local Government is established by the law of competencies delegation only as yet the decentralization of law is still in the debate process by the members of the parliament. As a Republic state with more than 10 administrative regions under municipalities and one region as a Special Economic Zone, the relationship between central and local government is governed by the new born pf delegation of competencies policies and legislation.*

There is a need to further study the Theory of Local Government Authority and how its Interdependencies align between central and local government based on the delegation of competencies. This article provides a brief analysis on how attribution, delegation and mandate will apply to the interdependencies of authority between central government and local government, as well as how these ways of authority cope to maintain the check and balance power between central and local government.

Keywords: *Authority Interdependence between Central and Regional Government.*

I. Introduction

The government is an organization that has the power to make and implement laws and regulations in certain areas and is a tool for the state in administering the interests of the people and realizing the objectives set out in the Constitution.¹ Government comes from the word government, while government comes from the word of command. According to W.J.S Poerwadarminta are as follows: (a) orders are words that intend to order something; (b) government is the power to govern a country (state area) or the highest body that governs a country (such as the cabinet is a government; (c) is an act (manner, thing, affairs, etc.) to govern.²

Government in a broad sense (regering or government) is the tation implementation of the duties of all agencies, institutions and officers entrusted with the authority to achieve state goals. In a narrow sense (bestuur or government) includes organizational functions that carry out government tasks. According to C.F. Strong, in a broad sense, government is any activity of public bodies which consists of executive, legislative, and juridical

¹ Kusnardi M., & Saragih, B. R. (1993). Ilmu Negara. Gaya Media Pratama Jakarta. Hal 112

² Tikok, S. (1988). Hukum Tata Negara. PT Eresco, Bandung. hal. 163-167

activities or activities in an effort to achieve the goals of a country.³ Montesquieu, with his Trias Politica theory, divides state power into three, namely: (i) legislative power as lawmaker; (ii) executive powers that enforce the law; (iii) judicial power as supervisor of the implementation of laws.⁴ Government in the context of Timor-Leste, consists of 4 (four) state sovereign institutions, namely consisting of (i) the President of the Republic, (ii) the National Parliament, (iii) the Government, and (iv) Courts which have functions, duties and powers. which is strictly regulated in the 2002 RDTL Constitution Article 67.⁵ Government in the context of Timor-Leste, consists of 4 (four) state sovereign institutions, namely consisting of (i) the President of the Republic, (ii) the National Parliament, (iii) the Government, and (iv) Courts which have functions, duties and powers. which is strictly regulated in the 2002 RDTL Constitution Article 67.⁶

In every country, there are two types of distribution of power within a country, namely the vertical and horizontal distribution of power. The vertical distribution of power is the distribution of power between the central government and local governments. Meanwhile, the horizontal distribution of power is the division of power that exists at the central level as well as those at the regional level, namely the division in the legislative, executive, and judicial fields or what is called trias politica theory.

The government in the context of the Democratic Republic of Timor-Leste is the body of sovereignty that is responsible for the direction and implementation of the state's general policies, which is the highest general government body regulated in Article 103 of the 2002 Constitution regarding the definition of Government. As a constitutional basis, if one examines the formation of the K-RDTL, it has been stated in the RDTL Constitution on regional government formulated in Article 72 Timor-Leste Constitution of the Republic 2002. Local governments consist of legal entities that have representative institutions, with the aim of regulating participation. citizens of the community in solving problems in their own society and advancing regional development, without prejudice to the participation of the State. The arrangement, authority, work procedures and composition of regional government agencies will be regulated by law.⁷ With its founder Lei no. 11/2009, 7 October concerning the division of regional administration (divizaun administrasaun teritório), by the government together with the national parliament and the presence of Decreto Lei no. 3/2016, 16 March which regulates decentralization.⁸ So it can be concluded that the implementation of regional autonomy (decentralization) has a strong and fundamental legal basis based on Timor Leste Constitution of the Republic and other organic regulations.

The principle of legality is one of the main principles which is used as the basis for every governance and state administration in every constitutional state, especially for legal states in the Continental European System, including the State of Timor-Leste.⁹ The government's authority is in accordance with the legality that the government is regulated by laws and regulations within its authority. The application of this principle supports the enforcement of legal certainty and equality of treatment. This means that the legality principle is intended to guarantee the legal position of citizens against the government.

³ Ibrahim, A. (n.d.). *Pengertian Pemerintahan Menurut Para Ahli*. pengertiandefinisi.com. Retrieved March 17, 2021, from <https://docs.google.com/document/d/1KIquBinwmheDEzjzTtVwGxxl9/edit#>

⁴ Asshidiqie, J. (2019). *Pengantar Ilmu Hukum*. Raja Grafindo Persada, Jakarta, hal. 283

⁵ Timor-Leste, Konstituisaun da Republica 2002, Pasal 69 tentang Asas Pemisahan Kekuasaan http://timor-leste.gov.tl/wp-content/uploads/2010/03/Constituicao_RDTL_TT.pdf

⁶ Timor-Leste, ibid

⁷ Timor-Leste, Konstituisaun da Republica 2002, Pasal 72 tentang Pemerintah Daerah). http://timor-leste.gov.tl/wp-content/uploads/2010/03/Constituicao_RDTL_TT.pdf Konstitusi RDTL 2002

⁸ Joniarta, I. W., Sucitawathi, D., Caetano, I. M. S., & Suderana, W. (2019, April). IMPLEMENTASI KEBIJAKAN DESENTRALISASI ADMINISTRATIF DI MUNICIPIO DILI, TIMOR-LESTE. *POLITIKA*, Jurnal Ilmu Politik, <https://docs.google.com/document/d/1KIquBinwmheDEzjzTtVwGxxl9/edit#>

⁹ HR, R. (2017). *Hukum Administrasi Negara* (Revisi ed.). Jakarta, Rajawali Press hal. 90-91

Based on the background described above, there are 3 (three) problems that will be discussed in the analysis and discussion, namely:

Central government authority

1. The role of local government
2. The working relationship between the central government and local governments.
3. This legal problem is analyzed using normative legal research methods and conceptual and analytical approaches.

II. RESULT AND ANALYSIS

1. Central Government Authority

The Government's authority is based on Article 115 of the 2002 RDTL Constitution, namely:

The government is authorized and responsible for:

- a. Establish and implement general state policies, after being endorsed by the National Parliament;
- b. Ensure the exercise of the rights and obligations of citizens of the state;
- c. Guarantee public order and social discipline;
- d. Prepare the State Policy Guidelines and the State Budget and Revenue and implement them, after being ratified by the National Parliament;
 - a. Regulating the activities of the economic and social sectors;
 - b. Prepare and negotiate treaties and agreements and conclude, ratify, participate in and cancel international agreements which are beyond the jurisdiction of the National Parliament or the President of the Republic;
 - c. Establish and implement foreign policies;
 - d. Ensure representation of the Democratic Republic of Timor-Leste in international relations;
 - e. Guiding the country's social and economic sectors;
 - f. Guiding the labor and social security sectors;
 - g. Ensuring the defense and strengthening of the public sector and state ownership;
 - h. Directing and coordinating the activities of the ministries and other agencies responsible for the Council of Ministers;
 - i. Promote the cooperative sector and support for household income;
 - j. Supporting private businesses;
 - k. Take steps and make all arrangements necessary to promote economic and social development, and to meet the needs of the people of Timor-Leste;
2. Carry out other powers as stipulated by the Constitution or other laws.

The government has the authority and responsibility to ensure liaison with other agencies to:

- a. Submitting bills and draft resolutions to the National Parliament;
- b. To propose the announcement of war or the realization of peace to the President of the Republic;
- c. To propose the announcement of a state of war or state of emergency to the President of the Republic;
- d. To propose the implementation of opinions on matters relating to the interests of the state to the President of the Republic;
- e. To propose the appointment of Ambassadors, Permanent Representatives and Special Envoys to the President of the Republic;
3. The government has executive legislative authority over matters relating to its own arrangement and working procedures, as well as over the administration of the State, either directly or indirectly.

2. The Role of Local Government

The role of government in general is to carry out the duty to protect against annexation from outside parties and to provide services to the community. Meanwhile, the role of local government in general is to bring administrative services closer to the community. The local government of Timor-Leste is expected to give a positive response to the aspirations of the people developing in society. The main objective of the formation of Law no. 11 of 2009 are:

(i) promoting strong, legitimate and stable state institutions in the territory of Timor-Leste; (ii) promote opportunities for free, democratic local participation in all societies; (iii) promote more effective and efficient service provision for the social and economic development of the nation.

3. Central government relations with local governments

3.1 Work relations within the Government

As an organization, the government has various official works between one unit and another. Work relationships can be classified into two main types of relationships, namely:

1. A vertical work relationship (hierarchy) which is vertical in nature is a reciprocal working relationship between the central government and regional governments or from the highest level officials down to the lowest level officials. In this type of vertical relationship, there are government relations and responsibilities in accordance with their respective duties.¹⁰
2. Horizontal (functional) relationship, a functional work relationship is basically horizontal and is a cooperative relationship between two or more officials who have positions at the same echelon. In fact, this relationship can also be diagonal, for example the functional relationship between one unit and the unit is not level in the same functional relationship.

P. Nicolai and his friends mentioned several characteristics or characteristics contained in a government position or organ, namely:

1. The government agency exercises authority in its own name and responsibility, which in a modern sense is placed as accountability before a judge.
2. The exercise of authority in the framework of safeguarding and maintaining administrative law norms, government organs can act as defendants in government organs in the judicial process, namely in the case of objections, appeals or resistance
3. Apart from being the defendant, the government organ can also appear to be a disgruntled party, meaning that it is the plaintiff.
4. In general, government organs do not have their own assets. Government organs are part of a private legal entity according to their assets. The positions of Bupati or Walikota are "district" bodies.

Normatively, the principle that every government action must be based on statutory regulations or based on this authority is indeed adhered to in every country of law, however in practice the application of this principle varies from country to country. There are countries that strictly adhere to this principle, but there are also countries that do not apply it so strictly. This means that for things or government actions that are not so fundamental, the application of these principles can be ignored.¹¹

III. CONCLUSION

The principle of interdependence of authority between the Central and Regional Governments in the administration of the Timor-Leste government, is stipulated in Article 115 regarding the government's authority to stipulate that the RDTL Government has the following powers: (a) to define and implement general state

¹⁰Joniarta, I. W, et all , Op-cit, hal 40

¹¹HR,R Op-cit. hal. 93

policies, after obtaining approval from the National Parliament; (b) guarantee the exercise of basic rights and freedoms of citizens; (c) ensuring public order and social discipline; (d) prepare the State Plan and the State Budget and implement them following the approval of the National Parliament. The implementation of Regional Government is stipulated in Article 72 of the Constitution which consists of legal entities having representative institutions, with the aim of regulating the participation of citizens in solving problems in their own society and advancing regional development, without prejudice to the participation of the State. The arrangement, authority, work procedures and composition of regional government agencies will be regulated by law.

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