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# Principles of Independence and Its Relationship with the Authorities in the Administration of the Government

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**Abstract:** Government Organs are organs that carry out Government affairs both at the central and regional levels. According to SjachranBasah, from tracing the various provisions of the implementation Tracing various provisions of government administration can be known Tracing various provisions of government administration, it can be seen that starting from the highest state administration (President) to the lowest state administration (lurah) has the authority to grant permits. This means that there are various kinds of state administrations (including their institutions) issuing permits, which are based on the positions they hold at both the central and regional levels.

Government, Each country has an organization that has the authority to formulate and implement these decisions, among others in the form of laws and other regulations. In this case the government acts on behalf of the state and organizes power from the state. He carries out various kinds of policies towards the achievement of the goals of society while publishing human relations in society. The state includes all residents, while the government includes only a fraction of it. The government changes frequently, while the state continues to survive (unless it is annexed by another country). Power government is usually divided into legislative and judicial powers.

Under the RDTL Constitution Article 67 Sovereign Agencies - State sovereign institutions separately over the President of the Republic, the National Parliament, the Government and the Courts.

Local / regional government as we know it today originated from the development of government practices in Europe in the 11th and 12th centuries. At that time, regional units emerged at the basic level scientifically forming a government institution. Initially the territorial units were self-managed communities of population groups. The territorial units are named municipal (city), country (regency), communal (village). Munikin, this phenomenon is similar to the indigenous community units of Timor-Leste that have 12 districts and Oe-Cusse-Ambenu.

**Keywords:** Government organs that carry out Government affairs both at the central and regional levels.

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## I. PRELIMINARY

### A. East Timor's Political System and Government

As the power of a democratic state, the form of the East Timor state is a republic with a semi-presidential system of government, the head of state is led by a president and the head of government is led by a prime minister. Both the president and prime minister both have five (5) terms of office (Soesmith, 2003: 12).

The President of the Republic is directly appointed by the people through a general voting mechanism that is universal, free, secret and private with a system based on a majority of valid votes without counting empty votes. The elected president will be sworn in and inaugurated by the president of the national parliament. It is hoped that the members of the national parliament will be on the last day of the mass of the demisionaryrapublik president. If the president dies, resigns or has a permanent disability, the function will be carried out temporarily

by the president of the national parliament who will be sworn in by members of the parliament before 90 days of holding the election of a new president of the republic (RDTL articles 76, 77 and 82). briefly the prime minister will be appointed by a minority parliamentary party or a parliamentary majority party qualifier, then appointed and sworn in by the president of the republic, after consulting with political parties that occupy seats in the national parliament (UD Timor Leste 20002 article 106 paragraph 1), (Sahin, 2007: 7).

The president of East Timor has only a ceremonial function, and he also has the right to veto the law and has the power to dissolve the national parliament in the event of an institutional crisis that hinders the formation of government and stops the latest prime minister if there is a rejection of the work program being offered to the national parliament, declaring war and bringing peace to the review of the government and the high council of defense and security, and others (RDTL Constitution articles 85 & 86).

Meanwhile, as head of government, the prime minister heads the council of ministers or the government cabinet. The prime minister will be appointed by the majority winning parties or a coalition of parliamentary majority parties, while the members of the government or ministers and deputy ministers are appointed by the president of the republic upon the recommendation of the prime minister (Article 106 paragraph 1-2).

Timor Leste adopts a unicameral system in the government system, that is, there is only one legislative body which is called the national parliament (Sahin, 2007). The national parliament consists of at least fifty-two (52) and a maximum of sixty-five members (CIA 2017).

#### **B. Government And Organizations**

government organizations are organizations that carry out government affairs both at the central and regional levels. According to Sjachran Basah, from tracing various provisions of government administration, it can be seen that starting from the highest state administration (President) to the lowest state administration (lurah) has the authority to grant permits. This means that there are various kinds of state administration (including institutions) the licensor, based on the position held at the central and regional levels. Irrespective of the variety of organs of government or state administration that issue licenses, what is certain is that permits can only be issued by the governmental state. According to N.M. Spelt, and J.B.J.M. ten Berge, the decision to give permission must be taken by the competent organ, and almost always the organs of government or state administration are concerned.

#### **C. Decentralization & regional autonomy: An action perspective**

Local / regional government as we know it today originated from the development of governance practices in Europe in the 11th and 12th centuries. At that time regional units emerged at the basic level to naturally form a government institution. At first the regional units were a community of community groups of people. The territorial units are named municipalities (cities). Comtry (district), communalgementee (village). Perhaps this phenomenon is similar to the original community units of the East Timorese population which are called 12 districts and oecusse.

The Community Unit is a political entity based on a relationship of mutual acquaintance and mutual assistance in both genealogical and territorial ties. This community unit forms a legal community agreement which is originally communal. According to Stoker, the emergence of modern regional government is related to the industrialization phenomenon that hit England in the mid-18th century. Industrialization led to the movement of people from villages to cities on a large scale. This urbanization has resulted in a change in the pattern of the region. New areas emerged, especially in very dense cities and sub-cities with urban treasury characteristics. This condition raises new problems in the socio-political and legal fields. Therefore, to respond to this, it is necessary to reorganize the new social system.

In relation to the above theory, based on the Constitution of the Republic of Timor Leste article five of decentralization - (1) I respect, in its territorial organization, the principle of decentralization of public administration. (2) The law defines and determines the characteristics of the different territorial categories, as

well as the administrative powers of the respective agencies.(3) Oe-cusseAmbeno and Atauro enjoy special administrative and economic treatment.<sup>1</sup>

#### **D. Formulation of the problem**

In connection with the background described above, the problem formulation is as follows:

What system is in place in Timor-Leste? The State of Timor-Leste establishes a semi-presidential system with 4 organs, namely: the President of the republic, the national parliament, Government and judiciary

## **II. Preliminary**

### **A. Form of state**

The system of government is different from the form of government nor the form of the state. According to Grabbowsky, the form of the state is related to the foundations of the state, the structure and order of a country in relation to the highest person in the country and the position of each organ in the power of the state. Meanwhile, according to BagirManan, the form of the state concerns the outer framework of the state organization, which is distinguished between the form of a unitary state and the form of a federal state. Meanwhile, according to F. Isjwara, a unitary state is a form of state in which the highest legislative authority is concentrated in a central-national legislative body. According to him, a unitary state is the strongest form of statehood when compared to a federation or confederation, because in a unitary state there is a unity (union) and a unitary (unitary).

This sovereignty is related to article 69 of the RDTL constitution, the principle of separation of powers, namely the institutions of state sovereignty, in reciprocal relations and in the implementation of functions, subject to the principle of separation of powers and functional interdependence in accordance with the constitution.

### **B. Constitutional democracy**

The hallmark of constitutional democracy is the idea that a democratic government is a government that has limited powers and is not based on acting arbitrarily towards its citizens. The limitations on government power are contained in the constitution; therefore it is often called a government based on the constitution (constitutional government). Thus, Constitutional Government is the same as limited government or restrained government.

The idea that government power should be limited was formulated by an English historian, Lord Acton, keeping in mind that government was always heard by humans and that in humans without exception lay many weaknesses. His argument which then becomes established reads as follows: humans who have power tend to split the use of that power, but humans who have unlimited power will certainly abuse it. Unlimited as well (Power Tends corrupt, make absolute power corrupt absolute)

At a time when constitutional democracy emerged as a concrete political program and system, namely at the end of the 19th century, it was thought that the limitation of state power should be carried out by means of a written constitution, which firmly guarantees the rights of citizens and citizens. In addition, power is divided in such a way that the opportunity for misuse is minimized, namely by handing it over to several people or bodies and not reducing government power in the hands of one person or body. The juridical formulation of these principles is known as rule of law (Rechtsstaat) and rule of law.

### **C. Government**

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<sup>1</sup>Dr. RidwanHR, *Hukum Administrasi, Negara, Edisi-Revisi*, Divi Buku Perguruan Tinggi PT Raja Grafindo Persada Jakarta Tahun 2010, hlm.204  
Dr. Sirajuddin, S.H. & Dr. Winandi, S.H., M.Hum.  
*Dasar-Dasar Hukum Tata Negara Indonesia*, Setara Press Malang, Tahun 2015, hlm. 331-332  
*Constituição Republica de Timor Leste*, Tahun 2002, hlm.2 dan 22.

Government means that every country has an organization that is authorized to formulate and implement binding decisions for all residents within the territory. These decrees, among others, take the form of laws and other regulations. In this case the government acts on behalf of the state and exercises power from the state. He carried out various kinds of policies towards achieving the goals of society while publishing the relations in society. The state includes all residents, while the government includes only a fraction of it. The government often changes, while the written state survives (unless it is annexed by another country). Government power is usually divided into legislative and judicial powers. With regard to the above government, based on the constitution of the Republic of Democratic Timor-Leste with the basic principles that article 1 of the Republic paragraph 1 states that the democratic republic of Timor-Leste is a democratic, independent, independent and united legal state, based on the wishes of the people and respect for the Republic of Indonesia. Paragraph 2 that 28 November 1975 is the day of the proclamation of independence for the democratic republic of Timor Leste. as the law of Timor Leste.

#### **D. Power**

power is the ability of a person or group to influence the behavior of a person or other group, according to the wishes of the actors. Scholars who see the core power of politics assume that politics is all activities that involve fighting over and maintaining power. It is usually considered that this power struggle has an objective that concerns the interests of the whole society. Organizations, and the militants. This approach, which is much influenced by sociology, is broader in scope and also includes social phenomena such as trade unions, religious organizations, student organizations, and the militants. This approach is more dynamic than the international approach because it pays attention to the process. The following are some definitions: Harold D. Laswell and A. Kaplan in power and society; "Political science studies the formation and distribution of power." Relating to powers under the RDTL constitution Article 67 Sovereign bodies - institutions of state sovereignty consist of the president of the republic, the National Parliament, the government and the judiciary.

#### **E. Parliamentary system**

parliamentary system is a system of government whose parliament has an important role in government. and in this case the parliament has the authority to appoint the Prime Minister and the parliament can overthrow the government. namely by issuing a kind of disbelieving motion.

Different from the presidential system, the parliamentary system can have a president, the parliamentary system can have a president and a prime minister, who have authority over the running of the government, but in the parliamentary system the president only becomes a symbol of the head of state<sup>2</sup>

#### **F. Executive body**

The executive board is usually held by the executive body. In democratic countries the executive body usually consists of the state, such as the king or president, and their ministers. The executive board in a broad sense also includes civil servants and military officers. In this text the term executive body is used in its narrow sense.

In the presidential system the ministers are the assistant to the president and are directly led by him, while in the parliamentary system the ministers are led by a prime minister. In the parliamentary system also the prime minister and his ministers are called part of the executive body which is responsible, while the king in a constitutional monarchy is called "the part of the executive body that cannot be disrupted (the king can do no wrong).

The task of the executive body, according to the traditional interpretation of the trias politica principle, is only to carry out policies that have been established by the legislative body and to administer the laws made by the legislative body. However, in its implementation, the executive body has very free space to move. Modern times have given rise to the paradox that the more laws accepted by the legislature must be implemented by the executive, the broader the scope of powers of the executive body.

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<sup>2</sup>Pengertian definisi.com

s/id.m.wikipedia.org

Grafik sistem setralisasi dan desentralisasi

Jurnal da Republica Tahun 2018, Seri I. N<sup>o</sup> .14 B.

Besides, it is clear in the development of the modern state that the powers of the executive body today are much broader than just implementing the constitution alone. It is sometimes even said that in modern countries the executive body has replaced the legislature as the main policy maker. This development was driven by many factors, such as technological developments, the long-running modernization process, the growing political and economic relations between countries, economic crises and social revolutions. However, the expansion of the role of the state is mainly due to the fact that implementing the welfare of its people is the main task of every country today, especially if it is a welfare state (Welfare state). The welfare state guarantees its citizens the availability of the minimum aspects of education, health care, housing, employment and so on, and therefore activities affect all aspects of community life.

The definition of government of every dependent person as a country must be familiar to the term government. The term government is often used in various lessons or information related to the interests of the people and the interests of the state.

Jika diartikan singkat, pemerintahan ilmu merupakan ilmu yang difokuskan untuk mempelajari teknis pengelolaan sebuah negara agar dapat berjalan dengan efektif dan efisien sehingga sebuah kepentingan dan kebutuhan rakyat dapat dipenuhi dengan hak. Pemerintahan biasanya tersusun atas empat elemen penting, yaitu: elemen legislatif, tudikatif, dan juga elemen rakyat tanpa empat elemen ini, sebuah pemerintah tidak akan bisa berjalan dengan baik.

### **III. Understanding according to experts.**

According to *H.A. Brasz*, government is a science that studies technicalities or is well implemented internally and towards its citizens. According to *Siafienilnu Kancana*, government is a science that studies how to run the executive board, arrangement of the legislative body, leadership, as well as coordination of both central and regional governments, as well as the people and their governments in every event and symptom of governance. According to *J.S.T. Simorangkir*, government is an instrument of the state that carries out the duties and **functions of the government.**

(1) Based on article 115 of the RDTL constitution, the authority of the government the government has the authority and responsibility to: a) establish and implement general state policies, after obtaining the approval of the national parliament, b) management of the implementation of the rights and human freedoms of citizens, c) guarantee public order and social discipline, d) prepare plans and budgets general state and implement them, after being abandoned by the national parliament, e) controlling economic activities and social sector activities, f) preparing and negotiating related opportunities and organizing, validating, taking part and confirming international opportunities which not the authority of the national parliament or the president of the republic, g) defining and implementing foreign policy h) ensuring the representation of the democratic republic of East Timor in foreign relations, i) controlling the social and economic sectors of the state, j) controlling labor politics and the politics of social protection, k) guarantee protection and consolidation public control over state assets, l) directing and coordinating the activities of ministries and other institutions under the ministerial council, m) developing the cooperative sector and supporting household production, n) supporting the implementation of private economic enterprise initiatives, p) exercising other powers granted by the constitution or by law.

(2) it is still the government's authority over other institutions, a) submitting judicial judgments and resolutions to the national parliament, b) proposing a declaration of war or the realization of peace to the president of the republic, c) proposing a state statement on alert and the state in a state of emergency to the president of the republic, d) proposing the implementation of a referendum on matters relevant to the national interest to the president of the republic, e) proposing the appointment of ambassadors, permanent representatives in special envoys to the president of the republic.

(3) still under the authority of the government executive legislature, the material on the organization and its work procedures, as well as the administration of the government, directly or indirectly.

### **G. Decentralization**

decentralization is the transfer of government power by the central government to autonomous regions based on the principle of autonomy. This definition is in accordance with law number or decree number 9/2018, de 9 de Abrilirstamendment to decree law number 3/2016, a landmark that establishes the state of municipal administration of municipal authorities and the interministerial technical group for administrative decentralization. With decentralization, autonomy for a regional government emerged. decentralization is actually an organizational term that is simply defined as the transfer of authority. In relation to the East Timor government system, recent decentralization is often said to be a government system because with the current decentralization it has caused a paradigm shift in East Timor government. as explained above, that decentralization is related to regional autonomy. because regional autonomy is the authority of a region to organize, regulate and administer its region as without interference with and assistance from the central government.

The government decrees, under the terms of number 3 of article 115, of the republic constitution, to be valid as law, the following

**Article 1 Object** - the present decree law establishes the principles and rules of organization, compensation and functioning of municipal administrations and municipal authorities. article 4, definition - municipal administrations and municipal authorities are the services of the local administration of the state which aim to ensure the realization of the administrative functions of the state at the level of the municipalities and at the level of the administrative posts and which depend hiraquiqa and organically on the member of the government responsible for state administration.

#### **H. Conclusion**

The government, each country has an organization that is authorized to formulate and implement binding decisions for all residents in the territory. These decrees, among others, take the form of laws and other regulations. In this case the government acts on behalf of the state and exercises power from the state. He carries out various kinds of policies towards achieving the goals of society while publishing human relations in society. Nagara covers the entire population, while the government covers only a fraction of it. The government changes frequently, while the state continues to survive (unless it is annexed by another country). government power is usually divided into legislative and judicative powers.

- **Constitutional Democracy**

The hallmark of constitutional democracy is the idea that a democratic government is a government that has limited power and is not based on acting arbitrarily against its citizens. restrictions on government powers are dependent on the constitution; therefore it is often called the government based on the constitution (Constituionalgoverment). So, constitutionality is the same as limited government or restrained government.

According to SjachranBsah, the government organization is an organization that carries out government affairs at the central and regional levels according to SjachranBsah. This means that there are various kinds of state administrations (including their institutions) issuing permits, which are based on the positions they hold at both the central and regional levels. Regardless of the variety of organs of government or state administration that issue permits, what is certain is that permits can only be issued by government organs. According to N.M. Spelt and J.P.J.M. ten Berge, the decision to grant permission must be taken by the competent organs, and almost always the organs of government or state administration are concerned.

If interpreted briefly, governance is a science that is focused on studying the management of a country so that it can run effectively and efficiently so that the interests and needs of the people can be fulfilled with rights. Government is usually composed of four important elements, namely: legislative, judicial, and also elements of the people. Without these four elements, a government will not run well.

- **According To Theory**

According to theory According to H.A. Brasz, government is a technical knowledge or function properly internally and towards its citizens. - According to SiafieInuKensana, Government is a science that studies how to administer the executive board. regulation of the legislative body, leadership, as well as government coordination, both central and regional, as well as leadership, as well as government coordination in every event and phenomenon of government.

- Based on the RDTL Constitution article:115 Government Authority paragraphs (1), (2) and (3).
- Decentralization, Decentralization is the transfer of government power by the central government to autonomous regions based on the principle of autonomy.This definition is in accordance with the lawnumor / decreto no 9/2018 de Abril first change to decret law no 3/2016, a milestone that establishes the state of the Municipal Administrations of Municipal Authorities and the Interministerial technical group for Administrative decentralization
- The government decrees, in the end of no.115 of the continuation of the republic to be enforced as law, the relevant article 1 object - the decree decree establishes the principles and rules of organization, competences and operation of the municipal administration and the municipal authorities. article 4 definition - the municipal administrations and the municipal authorities are the services of the local administration of the state that aim to ensure the realization of the administrative functions of the state at the level of the municipalities and at the level of the administrative posts and that depend hierarchically and ornately on the member of the responsible governmentby the state administration.

#### **I. Closing**

#### **IV. Conclusion**

- There are still many shortcomings in this task, writers need to consult with friends and lecturers who take the course. the author will accept criticism, suggestions from classmates and lecturers who carry the course itself

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