

Decentralization and Policy on the Authority of the State Government in Timor-Leste

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ABSTRACT: *In principle, there are two forms of administrative policies, namely administrative policies based on law and administrative policies that are not based on law (deviation from the law). A policy rule based on law consists of a policy rule based on freiesermessen. This paper aims to reveal about the dynamics of decentralization policy-making in Timor-Leste which includes several aspects, namely: first, the issue of decentralization that is developing in Timor-Leste; second, actors with an interest in responding to decentralization issues; third, the dynamics of decentralization issues become the policy agenda; and fourth, the process of deliberating the decentralization policy agenda into a law. First, decentralization has become a public demand that the government needs to respond to immediately; second, the orientation of the policy institution actors has taken advantage of the issue of decentralization as a political commodity to fight for and or maintain certain powers in the government body; third, socialization, realization of local development programs, and consultations are used as ways to formulate a policy agenda, both a systemic agenda and an institutional agenda; and fourth, intervention from the interests of other official actors, as a result of the distribution of power, led to delays in discussing the decentralization policy agenda in the national parliament.*

Keywords: *Decentralization, Authority, State Government*

I. Introduction

The government as the implementer of statutory regulations has the main task and function of ensuring the creation of public welfare based on predetermined rules and the delegation of tasks or tasks in the form of public services. This public service can be realized through an activity of government administration and carried out using the authority of the authorized government official.

The government demands that freedom of action is given or referred to as discretionary authority in carrying out its duties and powers. Discretionary authority, freiesermessen (Germany) is a consequence of the concept of the welfare state law. Discretion itself means the freedom to make decisions about something in the situation at hand.

Timor-Leste's independence on 20 May 2002, through the process of the United Nations transitional government, better known as the United Nations Transition Administration in East Timor (UNTAET). After the referendum on 30 August 1999, the United Nations mission in Timor-Leste was given the mandate to implement a transitional government towards East Timor's independence.

Since after Timor-Leste's independence in 2002, various development processes have been carried out by the government in a centralized manner. With the process of planning and allocating the development budget carried out centrally, even though the local government is given the authority to plan, all project proposals must be submitted to the central government to conduct analysis and studies, then the budget will be in the form of packages, so often the value does not match the volume of the planned project.

The process and implementation of development has been mostly carried out in Dili, which is the capital of the country, and has also been the center of life activities, including the center of national development in all aspects of life. Such as the construction and repair of roads, clean water supply, health services, education and economic development, always exist and are continuously updated, although slowly but continuously (continuity), when compared to the implementation of development in the Municipio to Aldeia area which is very lacking.

From the explanation above it can be concluded that, when discussing the concept of the welfare state there are at least two important things at the core of this discussion, namely law (legality) and discretionary authority, both in the concept of the welfare state have very important roles. so that it needs to be regulated in a formal juridical manner. The legality principle is regulated in Article 1. (*República*) *República Democrática Timór-Leste katak Estaduida-ne'ebé demokrátiku, soberanu, ukun-an no ida-mesak, harii hospovuniahakarak no iha respeitubadignidade em amorisidaidaknian. Pasal 5. (Desentralizasaun) 1. Estadurespeita, ihania organizaunrai-larannian, kona-ba PRINSÍPIU atufahebbiit Administrasaun Públikianian. 2. Lei-oanmakahatuur no hametinkarakterístika eskalaunoin-oinrai-larannian, no móskompeténsia administrativu órgaunsira-ne'enian. KAPÍTULU III KOMPETÉNSIA Artigu 115 (Governuniakompeténsia Governuniaknaar).*

State Government based on law (rechstaat) ", 20 May 2002 Timor Leste finally received recognition from the international community as a sovereign country. First Constitutional Government (Primeiro Governo Constitucional) Timor Leste with a cabinet of ministers formed in May 2002, based on the constitution. To be precise, in 2003 Timor Leste began to modify the decentralization model by making a concept of a regional government model based on the RDTL constitution articles 5 & 72. Since that year this process has continued to develop until the change of government until now.

Desentralisasi: 1. *Estadurespeitaihania organizaunrailarannian, kona-ba prinsipio atufahebbiit Administrasaun Publikianian* (The state respects the organization in its territory, with the principle of decentralized public administration); 2. *Lei oanmakahatuur no hametinkarakterístika eskalaunoin-oinrai-larannian, no móskompeténsia administrativu órgaunsira-ne'enian* (Organic law which defines and establishes the characteristics of the different territorial levels and the competences of their respective administrative bodies); 3. *Oecussi-Ambenu no Atauro, sirahetantratamentu administrativu no ekonómikuespesial* (Oecussi and Atauro, given special administrative and economics).

II. Discussion

Decentralization has become a public demand that the government needs to respond to immediately; second, the orientation of the policy institution actors has taken advantage of the issue of decentralization as a political commodity to fight for and or maintain certain powers in the government body; third, socialization, realization of local development programs, and consultations are used as ways to formulate a policy agenda, both a systemic agenda and an institutional agenda; and fourth, intervention from the interests of other official actors, as a result of the distribution of power, led to delays in discussing the decentralization policy agenda in the national parliament, based on previous research on regional decentralization policies in Timor-Leste.

In terms of public services and protection (law) to the community, there are two branches of state government power that are directly related to the people, namely the state administrative apparatus (executive) and law enforcement officers (judicative). Because it is very natural, when demands for good governance arise, at first it is primarily aimed at reforming state administration (bureaucratic reform) and reforming law enforcement (law reform). Good Governance In Public Administration Reform, Bureaucratic Reform and Future Leadership by Sedarmayanti (2013: 275), that Good Governance contains two understandings: a. Values that uphold the wishes / wills of society, and values that can enhance people's ability to achieve (national) goals, independence, sustainable development and social justice; b. Functional aspects of government that are effective and efficient in carrying out their duties to achieve these goals, c. Decentralization is attempted to encourage

regional potential to create good governance, with indicators, according to UNDP that governance use or implementation is supported by the use of political, economic and administrative authority, with characteristics: Participation, Rule of Law, Transparency, Responsiveness, Consensus Orientation, Equity, Effectiveness, Efficiency, Accountability and Strategic Vision.

Decentralization can be understood in general as the transfer or subsidiarity of central government power and authority to local governments or central government to subordinates (*Município or Posto Administrativo*) to manage their households independently.

The extent to which the Timor Leste government is preparing to carry out autonomy and decentralization because so far the regional government does not have the authority to control and supervise agencies in their regions. The indicators used in this study refer to the Law of Timor Leste No. 03/2016 concerning administrative deconcentration and municipal formation using measurement parameters with three indicators, namely: administrative requirements; technical requirements; and the physical requirements of the region. The research was conducted using qualitative methods with descriptive qualitative types. The data collection technique involved participatory observation, the Central Government of East Timor and the District Government to implement autonomy and decentralization (administrative deconcentration) and declared that they were ready to upgrade their status from a district to a municipality. This readiness is based on requirements as set out in Timor Leste Law No. 3/2016.

Preparation Phase for Implementation of Decentralization in Timor Leste Administrative and regional government decentralization in Timor Leste in its implementation is based on Article 5 of the Law of Timor Leste concerning decentralization² and Article 72 concerning Regional Government 3. Administrative and governance decentralization policies New Internationalist magazine. 2008. Timor Leste.

- a) In its territorial organization, the State respects the principle of decentralization of general government.
- b) The law defines and defines the characteristics of the various levels of territory, as well as the administrative powers of the bodies concerned.
- c) Oe-Cusse Ambeno and Atauro, administratively and economically, receive special treatment.

Local government is a legal community unit in an area that has representative bodies, with the aim of regulating the participation of citizens in solving problems in their communities and the Evolution of Regional Government Since this decentralization process was rolled out by the government, structural changes in local government administration have also undergone several stages. change as a form of transitional evolution towards administrative decentralization and regional governance, an evolutionary form of regional government administrative structure that has different functions and responsibilities ranging from the form of district government, municipal administration (city), to the administrative structure of regional autonomy decentralization (poder local) However, the evolution of the Municipal Administration structure (city) during its pre-condition period did not function fully because there were several departments / units that had not been prepared and the authority still had center. The following are 13 municipal areas spread across Timor Leste, namely Aileu, Ainaro, Baucau, Bobonaro, Suai-Covalima, Ermera, Liquica, Lospalos, Same-Manufahi, Manatuto, Dili, Viqueque and the Oecusse Economic Special Zone. These 13 municipalities have experienced an evolutionary change in structure as a result of policies in implementing administrative decentralization and regional government, Artigu 5. (Decentraliza saun)

1. Estadurespeita, ihaniaorganiza saunrai-larannian, kona-ba PRINSÍPIU atufahekbiit Administrasaun Públikanian.

2. Lei-oanmakahatuur no hametinkarakterístikaeskalaunoin-oinrai-larannian, no móskompeténsiaadministrativuórğaunsira-ne'enian.
3. Oe-KussiAmbenu no Atauro, sirahetantratamentuadministrativu no ekonómikuespesiál

Artigu 72. (Podérlokál) 1. *Seihariikbiitlokálhoemane'ebékoletivuiharai-laranne'ebéihaórğaunrepresentativu, ho knaaratuorganizapartisipasaunsidadaunida-idakniankonabasolusaunproblemarasikihasira-niakomunidade no atupromovedezenvolvimentulokál, no la afetapartisipasaunEstadunian.* 2. *Organizasaun, kompeténsia, funsionamentu no kompozisaunórğaunkbiitlokálniansei define tuir lei.*

The form of decentralization can be divided into three parts, namely:

1. Political decentralization This decentralization delegates the authority of the central government which includes the right to regulate and manage their own household interests for political bodies in the regions elected by the people in certain regions.
2. 2. Functional decentralization. Functional decentralization is the granting of rights to certain groups to manage the interests of groups in society. Whether tied or not in a certain area, such as taking care of irrigation for farmers.
3. Cultural decentralization Cultural decentralization is the granting of rights to minority groups in society to carry out their own culture, such as education, religion, and others. It can be concluded that decentralization is a process of transferring part of the authority and responsibility of the original functions.

Conclusions

Good governance is the embodiment and implementation of the norms of a modern rule of law, including Timor Leste. The realization of good governance is closely related to various sectors of life in society, the private sector and the government. Good governance is an absolute element in the formation of a clean, authoritative and sovereign government to create the welfare of society as a whole.

The government needs to design a comprehensive and sustainable good governance creation program by actively involving various components of society for the optimal benefit of the program. In addition, the government needs to provide a special budget for good governance implementation activities.

In order to implement good governance, the Government as the main person responsible for implementing good governance, needs to follow up this good governance compedium by following it up to various government sectors and all existing stakeholders.

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