

Principles of Interdependency and Their Relationship with the Authorities in Government Administration of Timor-Leste

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Abstraction: This research aims to determine the distribution of power of the four organs of government in the distribution of power and in carrying out their respective functions. Based on the *Konstitusaun Republica Democratica Timor-Leste*, Article 67 states that “Orgaun soberanu sira maka Prezidente da Republika, Parlamentu Nasional, Governu no Tribunal sira” and is further regulated in article 69 which reads that “Órgaun soberanu sira, iha sira nia relasaun entre sira no kuandu kaer sira nia funsaun, tenke tuir prinsipiu separasaun no interpendensia iha poder ne’ebe *Konstitusaun* estabelese

Keywords: Distribution of powers according to the *Konstitusi Republica Democrasia Timor-Leste*

I. Introduction

In state practice, there are two (4) systems of government; the first is the autocratic government system, the second is the oligarchic government system, the third is the monarchy and the fourth is the Republican government system. After gaining de facto independence in 2002, as an independent country, Timor-Leste chose the Republican system of government, where the State is run based on the principle of people's sovereignty which is implemented democratically through general elections. In the book *Form of the State and the Government of the Republic of Indonesia* (2010) by Muh.Nur El Ibrahim, if we talk about the form of the state, we are talking about the nature or relationship between central powers when dealing with regions. Such a relationship is also known as a vertical relationship, meaning that the center is assumed to be above the area. When talking about the form of government, then we are talking about power in a horizontal sense, especially around the relationship between the legislature, executive and judiciary¹.

In the practice of governance in Timor-Leste based on the *Konstitusi Republica Democrasia Timor-Leste*, in article 1 paragraph 1 states that “*República Democratika Timor-Leste* Estadu tuir lei no tuir democracia, soberanu, independente no unitáriu ida, ne’ebe hatur iha povu nia vontade no respeito ba ema nia dignidade” (RDTL government is based on the law and is based on democracy, is sovereign, independent and unity, based on the interests of citizens and respects human dignity). And in article 67 it states that “Orgaun soberanu sira, Prezidente da Republika, National Parliament, Governu no Tribunal sira” and is further regulated in article 69 which reads that “Órgaun soberanu sira, iha sira nia relasaun entre sira no kuandu kaer sira nia funsaun, tenke tuir semi-annual principle no interpendensia iha poder ne’ebe *Konstitusaun* estabelese”. This means that the Democratic Republic of Timor-Leste adheres to a political trias, where there is a division of power in carrying out its functions but there is still a correlation between these institutions. When talking about power, it can be divided into two (2) parts, namely; power in the horizontal

¹<https://www.kompas.com/skola/read/2020/04/06/153000769/bentuk-negara-dan-bentuk-pemerintahan--pengertian-dan-macamnya?page=all>

sense and power in the vertical sense. In horizontal power, the four sovereign organs (Presidente RDTL, National Parliament, Tribunal Rekursu and Governu) according to the RDTL Constitution have equal power and are interrelated with each other in carrying out their duties and obligations and there is a check and balance between the four organs. The sovereign. In vertical power, according to the RDTL Constitution, Article 103 states that the government is an executive institution that is responsible for running and implementing State politics and also as the highest institution in State administration. And further in article 104 states that the government consists of the prime minister, minister and secretary of state and the existence of special laws and regulations governing governance.

II. Formulation of the problem

Based on the background above, the formulation of the problem can be drawn as follows:

1. Is the implementation of the principle of intervention and its relationship with the authorities in government administration in accordance with the Constitution of the *Republica Democratica Timor-Leste*?
2. What obstacles did the four (4) *OrgaunSoberanu* face in implementing articles 67 and 69 in the Constitution of *Republica Democratica Timor-Leste*, both internally and externally?
3. How are the efforts made to overcome the obstacles faced by the four *OrgaunSoberanu* in carrying out their duties and authorities?

III. Research methods

A. Type of research

This type of research is normative juridical. The definition of normative juridical research is a legal research method carried out by examining library materials or secondary materials (Soerdjono and Sri, 1994; Roni, 1994; Amirudin and Zainal, 2004; Achmad, 2009). The author also conducts an in-depth study of laws and regulations relating to the principle of intervention and its relationship with authority in government administration.

B. Research location

The research location is located in the entire territory of Timor-Leste.

C. Types and sources of data

This study uses the type and source of data, namely secondary data. Secondary data is data obtained from literature studies, documentation studies relating to the principle of intervention and its relationship with authorities in government administration and laws and regulations relating to the division of authority in the administration of the State.

D. Data analysis techniques

The data analysis technique used in this study is a qualitative data analysis technique, namely data analysis that focuses on non-numeric information with the principle of positivist philosophy, the use of analytical techniques will conceptually discuss a problem and not be disturbed by numerical data.

IV. Discussion

A. General description of the research object

1. Overview of the *Presidente da Republica/ The President Republic of Timor-Leste*

Presidente da Republica Timor-Leste based on article 74 paragraph 1 of the RDTL Constitution that Presidente da Republica maka Estadu nia xefe no reprezenta no garante nasaun nia independensia, Estadu nia unidade no institusaun demokrátika sira nia funsionamentu regular (the President of the RDTL is the head of the state and represents at the same time guarantee the independence of the State, unity within the State and as a guarantee of democracy in the administration). Paragraph 2; Presidente da Republika then Forsa Armada sira nia Komandante Supremu (President of RDTL is the supreme commander of F-FDTL). According to article 76 of the RDTL Constitution, the President is directly elected by the citizens of Timor-Leste through general elections.

2. General description of National Parliament

Article 92 of the Timor-Leste constitution states that "Parlamentu Nasional Demokratika Timor-Leste nia orgaun soberanu ida ne'ebe reprezenta sidadaun timor hotu-hotu no kaer poder lejislativu no poder ba fiskalizasaun no desizaun politika" which means that the National Parliament of Timor-Leste is a sovereign organ that represents all East Timorese citizens and holds the authority in the legislative field and has the authority to monitor as well as make political decisions.

3. Overview of the Tribunal Rekursu e Tribunal das Kontas

In the Timor-Leste constitution article 118 paragraph (1) states that "*Tribunal siraturhanesanorgaunsoberanune'ebeihacompetensiaaatuadministrajustisa ho povunianaran*" means that the court is a sovereign organ that has the authority to enforce the law on behalf of citizens.

4. General description of Governu / Government

In the Timor-Leste constitution article 103 states that "Governutuurhanesanorgaunsoberanune'ebeiharesponsabilidadeouhalao no ezeikutapaisniapolitikajeral no hanesanAdministraaunPublikaniaorgaun superior" the government or the government is a sovereign organ that is responsible for implementing overall politics and as the highest organ in the Public.

B. Implementation The principle of intervention and its relationship with the authorities in government administration is in accordance with the Constitution of the Republica Democratica Timor-Leste.

In exercising authority horizontally, according to the Democratic Constitution of Timor-Leste, there are four sovereign organs that have equal authority and as sovereign organs, the four sovereign organs are related to one another which has been determined in the Timor-Leste Constitution, however each of these sovereign organs carries out their duties independently without interference, especially in decision making. As for some of the powers of the President relating to the duties and responsibilities of other sovereign organs, as in article 85 paragraph c, d, g, h and i. and further, the President's authority over other sovereign organs is specifically regulated in Article 86.

The National Parliament in the Democratic Constitution of Timor-Leste article 95 paragraph 3, shows that as a sovereign organ that has legislative authority, the Parliament also has exclusive authority in exercising control over the President, Tribunal and Government, so that there is a check and balance in the four organs of the State.

In vertical authority, in article 104 paragraphs 1 of the Democratic Constitution of Timor-Leste, the government consists of the prime minister, ministers and state secretaries and in paragraph 2 states that the government is regulated by statutory regulations to define the authority of ministers and state secretaries. When talking about authority in vertical lines, in Decree Lei No.3 / 2016 concerning the *MUNISIPAIS ESTATUTU, AUTORIDADE MUNISIPAIS E DO GRUPO TECNICO INTERMINISTERIAL PARA A DESENTRALIZAÇÃO ADMINISTRATIVA*. Article 1 state that this law aims to establish the principles and norms of the organization, authority and functions of city administration and city authorities. With the existence of this law, there is a

delegation of authority from the central government to regional governments, so that here, the regional head has the authority to run politics at the regional level. As a form of the central government's seriousness in implementing government decentralization, the National Parliament issued Decree Lei No.2 / 2016 concerning *ESTATUTOS DOS PRESIDENTES DAS AUTORIDADES MUNICIPAIS E DOS ADMINISTRADORES MUNICIPAIS*, where the president authority has executive authority in exercising his authority.

In Decree Lei No.3 / 2016, article 6 states that the Municipal authority or regional head has a mission to ensure the implementation of state administrative functions through the implementation of politics and government programs at the local or regional level. The president authority is elected by the Minister of State Administration / *Ministrado MAE* and *PresidenAutoridade Municipal*/ The president authority municipal are responsible for his duties to the central government, especially the Ministry of State Administration or *MinisteriuAdministrasaunEstatal*.

C. The obstacles faced by the four (4) Orgaun Soberanu in implementing articles 67 and 69 in the Konstitusaun Republica Democratica Timor-Leste, both internally and externally

In carrying out the duties and authorities of each of these sovereign organs, there are several obstacles to be faced, namely;

- There are still interventions in the implementation of duties and authorities by other sovereign organs.
- There are still conflicts of interest in carrying out duties and authorities.
- There is still an "institutional ego" where there is an assumption that the institution is the most powerful.
- There are still multiple interpretations of laws and regulations so that conflicts often occur in decision making.

D. Efforts made to be able to overcome the obstacles faced by the four Orgaun Soberanu in carrying out their duties and authorities

To overcome these obstacles, it is necessary to have;

- Strengthen state institutions in charge of exercising control over these organs.
- Increasing the integrity of government leaders so that in carrying out their duties and authorities, they always prioritize the interests of the community.
- Clear laws and regulations so as not to create multiple interpretations.
- Creating a control system in government that aims to minimize conflicts of interest and misuse of interests.

V. Conclusion

In organizing the government and horizontal authority, it is necessary to align the duties and powers of the four sovereign organs such as the President of the RDTL, the National Parliament, the Courts and the Government based on the Constitution of the Republic of Timor-Leste, to achieve the main objectives of statehood listed in the preamble of the RDTL Constitution. And there needs to be an interpretation that is in harmony with the laws and regulations so as not to cause "institutional ego" in solving problems.

In vertical authority, there is full authority granting by the central government (Ministry of State Administration) to local governments through the laws and regulations of the Decree Lei No.3 / 2016, where the regional government has full authority in carrying out national politics in several fields of work, and there is control from the government central to the implementation of duties and authorities carried out by the Ministry of State Administration.

References

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