

Government Law in Relation to Implementation of Local Government Affairs

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Abstract: Each country has its own principles for the welfare of its nation from all aspects of the life of citizens, and each country also has a philosophy and principle of state and it is the embodiment of the wishes of the people and the nation for a better life. Therefore, any content of the legislation may not be contrary to the basic principles and philosophy of the nation, if there are regulations or laws. If the law contradicts, then the regulation or law must be immediately enforced unplugged. In principle, the objectives of the State have been regulated in the Constitution. Timor-Leste is also clearly regulated in the 2002 RDTL Constitution, specifically regulated in articles 5- 6, article 71 (1) and article 72, and it becomes a reference for government officials in carry out their duties to act in accordance with applicable laws. Which means State apparatus and government are required to maintain the rule of law, and the State apparatus and the government are required to be responsible for the implementation tasks within the limits of delegation of authority which in turn can give birth to a legal relationship between giving and receiving authority. Governmental Law in its study is in the context of government duties relating to the legal consequences it causes, including legal aspects in the life of government organizations such as government organizations state in terms of legal relations between state institutions and various legal competencies kompetensi state government organizations. Local government organizations in relation to the law relates to decentralization or the delegation of authority to the government regions based on the Constitution or the RDTL Constitution; and legal consequences in regional, village and kelurahan government organizations. Also concerning aspects of resolving conflicts of interest between the government and the citizens who are sheltered or settlement of a dispute resulting from a government action.

Keywords: Governance, law, administration of affairs.

I. Introduction

The idea of a rule of law requires that the administration of state affairs and government must be based on law and provide guarantees for the rights of basic rights of society. The principle of legality is the basis for the legitimacy of government actions and guarantees the protection of people's rights. In this context, Sjahran Basah said that the principle of legality means an effort to realize an integral duet harmoniously between understanding the rule of law and understanding the sovereignty of the people based on monodualistik principles as pillars, the nature of which is constitutive.

In Indroharto's view , the application of the principle of legality will support the application of legal certainty and equal treatment. Equality of treatment occurs because any person who is in a situation as specified in the provisions of the law the shrimp has the right and obligation to act as specified in the law. the law. Meanwhile, legal certainty will occur because a regulation can make all actions that will be taken by the government can be predicted or estimated more first, by looking at the applicable regulations, then in principle, see or what is

expected to be done by the government apparatus concerned. In this way, the community members can adapt to the situation.

The principle of legality is closely related to written law. On the one hand, in law written or this law, cannot always follow the dynamics of a developed society. If the application of written law or this law contains weaknesses, automatically this will also have an impact on the principle of legality. Even though it is clearly said that the principle of the legality of its existence guarantees the legal position of citizens against the government. The government can only do legal action if it has legality or is based on a law that is a manifestation of the aspirations of the people

The study of Governance Law covers two aspects, namely the broad and narrow. Both aspects look at the Governance Law from the focus of attention, namely the object his research. Broad Aspects: seeing Governance Law as an object that oriented to the understanding of Governance Law which is identical to the field of duty government while the narrow object is the one that is not identical. The definition of governance law is divided into 2 (two) meanings, namely (1) Heteronomous Governance Law is all the legal rules that govern the state government organization. Governance Law which is part of constitutional law; and (2) Autonomous Governance Laws are legal rules made by government officials that are special in nature, both rules that are unilateral in nature as well as two-party rules. or laws made by government officials or by state administrators.

The Law of Heteronom Governance in his study is in the context of the tasks the government's duty is related to the legal consequences it causes, including including the legal aspects in the life of government organizations such as state government in terms of legal relations with state institutions and various legal competence of state government organizations; government organization region in relation to regional autonomy law; and legal consequences in the organization village and ward government. It also concerns the legal aspects in resolving conflict of interest of the government with the citizens who are sheltered or the settlement of disputes resulting from a government action. While the Governance Law which Autonomy is a law that is made and or created by government officials in the context of carrying out tasks such as; Presidential Regulations, Ministerial Regulations, Regulations Governor, Regulation of the Regent/Mayor/Camat/and by the Village Head or Lurah.

In studying Heteronomous Governance Law, it will be related to legal aspects in the administration of government, while the administration of a country will be determined by country type. In the type of welfare state (welfare state), wider field of government. This is due to the increasing number of mixed demands government hands in people's lives. Duties of government in country type Thus, by Lemaire (1952) referred to as *Bestuur Zorg*. It means that In the implementation of public welfare, government officials have the right to special program called *Freies Ermessen*, which is given to government officials freedom to take actions on their own initiative to complete Urgent problems and regulations for their resolution do not yet exist. With the right Thus, the government apparatus can make the necessary regulations. From here It can be seen that with special circumstances the function of the government apparatus in Welfare This state not only functions as an executive body but also functions as a legislative body.

In the Law of Heteronomous Governance, it is also studied the things that related to liability, responsibility and accountability. Liability demands responsibility from government officials to the law. This means that in carrying out the duties of the apparatus, the government is required to act in accordance with applicable laws, and is required to maintain the rule of law. Likewise with the responsibility of the Government officials are required to be responsible for carrying out their duties within the limits delegation of authority which in turn can give birth to a legal relationship between giving and receiving authority. Accountability demands state apparatus responsible for all activities and tasks carried out. Within that

framework then the context of the legal relationship is incarnated in the demands and realization of the demands.

These three things are not only a must-have for every apparatus government but instead becomes the basis of the power of the government apparatus in the do and act. When talking about the power of the government apparatus, then the source power comes from the highest source of power that exists in every country.

Such power is defined as the sovereignty that exists in each country. The power that comes from sovereignty is called public power power that cannot be resisted by anyone except through the rule of law special or special. These special rules are what become the contents of the rules of Governance Law both in a heteronomous context konteks as well as in an autonomous context.

II. Results and analysis

Based on the explanation of the abstraction and introduction, the writer sets the problem on the results and analysis of the author, namely Government Law in relation to the administration of regional government affairs based on the law and legality or legal legitimacy ?

It is also necessary to explain the relationship of authority between the central government and the government Local Government, local government is authorized to regulate and manage itself government affairs, that is if the concept of decentralization is realized because in the Constitution RDTL articles 5,6, and 71(1) and 72 stated so. Decentralization itself is the granting of some authority to the government

The target area is directed at accelerating the realization of community welfare through service improvement, empowerment and community participation which means that there are certain decisions that can be taken by regional officials to answer the demands of the local community, is expected to be able to increase competitiveness by

paying attention to the principles of democracy, equity, justice, privileges and regional potential and diversity in the RDTL State system. The relationship of authority between the central government and local governments must always be oriented towards improving the welfare of the community by always paying attention to interests and aspirations that grow in society, which must ensure harmony relations between regions and other regions, meaning that they are able to build inter-regional cooperation regions to improve shared welfare and prevent inequality between regions, The relationship of authority between the central government and local governments must also be able to ensure harmonious relations between regions and the central government.

However, it is also necessary to explain the relevant legal rules and function legally in the administration of the State government, which is seen from the field of Constitutional Law, State Administrative Law (HAN) and Governance Law. It is said that both have different principles. But they also say the same thing. According to Prins there is a common conception of the two rules of law what is meant, namely: Constitutional law studies learns things that are fundamental in nature, namely about the basics of the state and relate directly to every citizen; HAN more focus on technical matters only. There is also a faction that thinks there is a difference in principle is Oppenheim who explained that HTN is a set of legal regulations that form the tools' state equipment and the rules that authorize the tools and the equipment, it means that HTN is questioning the state in a state of silence, while HAN is regarding the state in motion. Van Vollenhoven in his theory that One of the most well-known is the residual theory, which states that the power of government is very broad, not limited to the implementation of legislation. Logemann argues that HTN is a lesson about competency relationships while HAN is about relationships special.

III. Conclusion

Judging from the presentation of the abstraction, introduction and results of the discussion problems and analysis, it is necessary to emphasize that the government and the State must provide The basic authority for the administration of regional government affairs is The RDTL Constitution in particular articles 5.6, articles 71 (1)

and 72, gives authority According to the law for this matter, responsibility for government affairs cannot be centralized in the central government, the reason is that by sharing or giving authority to local government officials, work performance and quality of work

it will be easier, it's easy here in terms of bureaucracy, it's not too long and complicated, because local officials here can directly make decisions regarding the needs and demands of the local community as long as the demands and decisions are still in the corridor law means not violating existing law.

The leadership of the central government, in this case the Prime Minister, can take policies national government by ordering ministers under existing law to follow up on all work programs in local government, here the minister is based on work orientation of the prime minister, the minister can delegate authority certain local government officials to carry out work tasks

daily. The most important thing is that all state policies given by the central government to local governments must be recognized as compatible (harmonious, suitable, harmonious) with implementation of tasks from the central government to local government by not ignoring legal responsibilities and work professionally.

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