

## THE JURISDICTION OF THE COURT OF APPEAL (SUPREME COURT OF JUSTICE) IN THE TIMOR-LESTE LEGAL SYSTEM (2023).

Alexandre Gentil Corte-Real de Araújo, Carlos Boavida Tilman, Artur Natalino Corte Real Araújo, Francisco Soares, Vicente Faria, Acácio Guterres Pereira.

\*Correspondence: Alexandre Gentil Corte-Real de Araújo

Received: 10 Nov 2023; Accepted: 15 Nov 2023; Published: 20 Nov 2023

**Citation:** Alexandre Gentil Corte-Real de Araújo. THE JURISDICTION OF THE COURT OF APPEAL (SUPREME COURT OF JUSTICE) IN THE TIMOR-LESTE LEGAL SYSTEM (2023). AJMCRR. 2023; 2(12): 1-11.

### *Abstract*

**Introduction:** Art. 118.<sup>In the</sup> Constitution of the Democratic Republic of Timor-Leste, the Courts are explicitly presented as "*organs of sovereignty*", in article 67.<sup>That</sup> of the CRDTL, the courts should be considered as holders of the power independent of the Government in their own right. The basic function of the courts is to preserve the rule of law. It is the function of the judiciary to apply and interpret laws in order to resolve disputes that may arise under it. Judicial decisions have to be considered as binding and sufficient in their own right in the practice of implementing the court of appeal.

**Objectives:** To introduce citizens that our countries do not yet have the supreme court, but the law is allowing it to exist in the future, in accordance with paragraph 1(a).<sup>Article</sup> 123. the CRDTL and to better introduce under the competence and function of the courts that exist in Timor-Leste, namely the competence of the supreme court of justice that the laws are assigned, and will also help the citizens begin to have knowledge of each organ of sovereignty.

**Methodology:** We use the literature review method or deductive methodology, the reading references of the authors of the books in the library, scientific journals, research in the field, through the internet and the ideas, opinions of our jurist in the implementation.

**Conclusion:** Citizens can better understand the many decisions that are normally given by the appellate court in its capacity as supreme court of justice in its subject matter in the context in which citizens file the appeal to the court of appeal. In Timor-Leste this supreme court of justice does not exist, only the court of appeal is clear cited by (Corte Real AG & Tilman CB., 2023).

**Key words:** Jurisdictional Jurisdiction Request, Supreme Court of Justice and Legal Order.

---

## INTRODUCTION

### The Courts

The courts are only organs of sovereignty with the competence to administer justice on behalf of the people. It is the responsibility of the courts, in which the court is responsible for interpreting, resolving and judging individual cases on the basis of the constitution of a State. Therefore, in the constitution under the terms of art. The RDTL on the judicial function stated that the courts are sovereign bodies with competence to administer justice on behalf of the people, in the exercise of their functions, the courts are assisted by the other authorities. Thus, the decisions of the courts are obligatory and prevail over all decisions of any authorities and **Article 12(2)**.<sup>That</sup> of Law No. 25/2021, 2 December on the **Law on Judicial Organization**. The judicial function is exercised by the judicial order of the country and has the exclusive competence to administer justice, apply the laws in a binding and final manner. From the outset, the courts are bound by fundamental rights and "cannot apply norms contrary to the constitution or the principles enshrined therein" in article 120.<sup>that of the</sup> CRDTL. In addition, the court is the body held by a judge or a college of judges which, at the request of the natural or legal person, by means of an impartial and independent procedure, decides, with binding force on the persons concerned, the facts forming part of their rights and obligations or on which the criminal accusation is based, applying the relevant law to them.

The courts, moreover, have the exclusive competence to administer justice to the law in a binding and final manner, access to the courts to safeguard rights presupposes that the protection obtained through the courts is effective. This organ of sovereignty is independent of the other organs of state

sovereignty, because the decision of the judiciary derives from compliance with laws and constitution and the decisions of judicial functions are of mandatory compliance and prevail over all decisions of any authorities. Thus the independence of the courts, to any decision decided by the judge cannot be subject to the interest of any person, and cannot take place with the instructions of anyone, but everything always in accordance with the laws, so this independence of the courts is provided for in art. 119.<sup>that of the</sup> CRDTL. Therefore, in the administration of justice, it is the responsibility of the courts to ensure the defence of the legally protected rights and interests of citizens, to repress the violation of democratic legality and to settle conflicts of public and private interests, the courts are an organ of sovereignty and from this perspective they must be analysed as power. However, the courts have the function of administering justice and, from this perspective, they carry out a public policy that translates into the administration of justice. The courts are thus their own, independent organs subject only to the law, to which the judicial function is confined in accordance with the law. The purpose of that independence of the courts, and consequently, of the judges, is not to subject the judiciary to any pressure or constraint, since they are not subject to any orders or instructions in their decision-making in relation to the disputes which they hear and decide, and the hearings of the courts are public, unless the court itself decides otherwise, in a reasoned order, in order to safeguard the dignity of persons and public morals or to ensure their normal functioning are closed cited by (Corte Real AG & Tilman CB., 2023).

### The Categories of the Courts

In the Democratic Republic of Timor-Leste there are the following categories of courts:

- 
- a) the Supreme Court of Justice and other judicial courts;
  - b) Superior Administrative, Tax and Audit Court and Administrative and Tax Courts of First Instance;
  - c) Military courts.

The composition of a constitutional court, given its juridical-political functions assigned to it, is always a central problem of the organization of the State, regardless of the dimensions accentuated in the concrete school of judges (technical preparation, functional capacity of the body, function of integration of constitutional jurisprudence, representation of the various) Political Powers Party Requirement of Democratic Legitimacy. For its part, the Constitutional Court is like an areopagus, a

'council of wise men', which will be able to correct the political or legislative policy errors committed, real or supposed, by the entities that have legislative competence among us. In addition, the constitutional court normally deals with the constitutional seats under the application of the laws in force, so our Timor-Leste context law is allowing for the existence of this constitutional court under the terms of article 123<sup>of the</sup> CRDTL. At this time there is still no such constitutional court, the appellate court that takes on the role with should be the constitutional court that dealt with the constitutional issues.

The supreme court of justice is the highest body in the hierarchy of judicial courts and the guarantor of the uniform application of the law, with jurisdiction throughout the national territory. This Court has the dual status of a court of specialised jurisdiction in matters of constitutional justice, given that "the supreme court of justice is also responsible for administering justice in matters of a legal-

constitutional and electoral naturel. The supreme court of justice currently, however, this court does not yet exist. Until it was established and staffed, the Court of Appeal assumed the functions of the highest court. In this section we will address the constitutional provisions that establish and govern the supreme court of justice, but keep in mind that, for now, these provisions refer to the court of appeal. The supreme court of justice will be composed of Timor-Leste's most respected jurists: Career judges, prosecutors and jurists "recognized merit" In addition, at least five of the court's judges must be counselor judges, the highest level of judges in Timor-Leste. And the supreme court of justice is headed by a President chosen from among the judges of the Court by the President of the Republic.

The Supreme Administrative and Tax Court, the appointment, placement, transfer and promotion of judges of the administrative and tax courts, as well as the exercise of disciplinary action, are the responsibility of the respective Superior Council. Thus, in subparagraph b) no. 1 of article 123. that of the CRDTL, says that the supreme administrative, tax and audit court and administrative courts of first instance. The Supreme Administrative Court of Auditors is the supreme body responsible for monitoring the legality of public expenditure and judging the accounts that the law requires to be submitted to it. This Court of Auditors is to oversee the legality, and controls the regularity of public revenues and expenditures of the general budget of the State before and after its execution, and also to assess the proper management of the effectiveness and responsibilities for financial infraction under the terms of the organic law. In this court it can still present its opinion on the general account of the State during the implementation of the Gen-

---

eral Budget. In our reality, these courts of accounts do not yet exist, but the constitution and the laws have already defined together with a single supreme administrative, tax and audit court here in Timor-Leste, in this case it subordinates the court of appeal. The administrative, tax and audit court combines powers in administrative and tax matters, in which it acts as an appellate body, with those of determining the legality of public expenditure and judging the accounts of the State, in which it is the sole instance.

Military courts are the courts that have jurisdiction to try crimes of a strictly military nature. And this court is founded on our constitution, military courts, under the terms of subparagraph c) of paragraph 1, in article 123. <sup>that of the</sup> CRDTL, and in 1 of article 130. <sup>The provisions</sup> of the present Constitution state that it is the duty of the military courts to judge crimes of a military nature in the first instance. There are still no such military courts in Timor-Leste, but when these courts are set up, they will have the authority to try cases related to "crime of a military nature". Or look, they are going to try cases with laws and procedures that apply only to elements of the armed forces in Timor-Leste. Members of the armed forces are subject to the laws of Timor-Leste like all other citizens, unless otherwise stated. Violations or crimes against this law are considered crimes of a military nature. The decisions of the military courts may be appealed to the supreme court of justice. Because the supreme court of justice, the highest judicial court in Timor-Leste should be the supreme court of justice currently, at the moment this court does not yet exist.

## Goals

1) To introduce to the citizens that our countries

do not yet exist the supreme court, but the law is allowing to be existing in the future, in (terms paragraph a) of paragraph 1. <sup>Article 123.</sup> <sup>the</sup> CRDTL.

2) To better introduce under the competence and function of the courts that exist in Timor-Leste, namely the competence of the supreme court of justice that the laws are assigned, and will also help the citizens to become aware of each organ of sovereignty.

## THEORETICAL FRAMEWORK

Judges are the sole holders of the sovereign body of courts. Only judges who are investigated under the law can exercise the function of stating the law, that is, by means of a decision, applying the law to the specific case that is brought before the court and that it has raised. Judges play an important role in maintaining order in Timor-Leste, when laws are broken, the people of Timor-Leste must be able to confirm that the courts will hear their complaints and respond accordingly in a fair and equitable manner. That is why the independence of judges is an important constitutional principle. In the exercise of their functions, judges are independent and must obey only the constitution, the law and their conscience, in accordance with Article 121(2). <sup>the</sup> CRDTL. When the judge performs his role as a judge he cannot follow the instruction of any person, for his decision the laws in force may be violated. The judge, in the context of the assessment of specific cases, must decide autonomously in relation to any entity external or internal to the judiciary, which means that he cannot be subject to orders, instructions, suggestions regarding the cases to be decided, rules to be assessed and their interpretation, or on the direction to be followed in the decision. The independence of judges is ensured by the existence of a private body for the management

---

and discipline of the judiciary and by not being subject to any orders or instructions, except for the duty to comply with decisions handed down on appeal by higher courts, as provided for in paragraph 4 of article 4 DL, N.25/2021 December 2 on the **Law on Judicial Organization**.

Independence can be analyzed from two perspectives:

- 1) The external or organic independence that translates into the idea that the other powers of the State cannot intervene in the activity of the courts, in line with the principle of separation of powers.
- 2) The internal or functional independence which translates into the idea that the courts are not subject in decision-making to the review of the other powers of the State, such review will take place, if admissible, on appeal.

Accordingly, the guarantees of judicial independence are as follows:

- a) The Judges Irrevocability
- b) The Impartiality of Judges
- c) The Exclusivity of Judges

Therefore, the guarantees of irremovability, impartiality and exclusivity are relative, as they give way in exceptional situations. Of all the guarantees studied, only impartiality is absolute. In order to guarantee their independence, judges cannot be held responsible for their judgments and decisions, except in the cases provided for by law, under the terms of Article 4 (6) of the DL, No.25/2021 December 2 on the **Law on Judicial Organization**.

Irrevocability is a guarantee of the independence of the judge, but also a guarantee of the natural judge, insofar as it makes it impossible to change and ar-

bitrarily transfer the judge, which, if it were possible, would imply, in practical terms, that the jurisdiction of the judges would be after the commission of the facts, which would violate the principle of the natural judge. The judge can only be impartial if he is independent, which is why it is said that the principle of impartiality is nothing more than the principle of independence considered from a functional perspective and the dependent judge is a judge who is not impartial, the judge is only dependent on the law and it is this dependence on the general will underlying the law, And not to other guidelines that allow us to say that he is impartial and is not subject to any particular will.

The principle of the natural judge is based on the idea that the judge in a given case will be the one who results from the application of the law attributing jurisdiction previously existing to the commission of the unlawful act, prohibiting courts of expectation constituted after the unlawful conduct and, therefore, has the purpose of avoiding an arbitrary appointment of the judge. This principle states that power belongs exclusively to judges. Neither the courts nor the king will be able to exercise in any case. On the other hand, the principle of the natural judge is a fundamental procedural principle in that it derives from the necessary existence of a prior legal process and refers to all judgments. Thus, considering this principle as a main principle of all judges in the exercise of their function, and what the judges will decide something should with what the law says, is not the power of the king cited by (Corte Real AG & Tilman CB., 2023).

Thus, the principle of the natural judge depends on five prerequisites for its verification:

- a) The possibility of previously determining the competent judge, that is, the possibility of de-

---

termining the legal limits imposed on the exercise of jurisdictional power, what the doctrine calls "measure of jurisdiction", which legitimizes this exercise and guarantees the existence of a natural judge.

- b) The prior establishment of objective and assigned criteria of the courts is measured by several criteria, the territorial, the substantive; The value and some of these criteria can be set aside at the will of the parties, there are limits, which guarantees the safeguarding of the impartiality of the judge, specifically the rules applicable to the distribution of cases that cannot be set aside by the will of the parties.
- c) the existence and length of criteria determining the distribution of cases; The distribution of cases by judges and by courts and judges with the same competence to hear the same cases guarantees not only impartiality, but also the distribution of work among the various judges.
- d) The guarantee of substantive justice resulting from the impartiality resulting from the enshrinement of the principle of the natural judge.
- e) The competent judge must be in the hands of the sovereign power, represented in Parliament, by imposing the inclusion of these matters in the legislative reserve of Parliament's legislative competence.

However, the principle of the natural judge is one of the principles that guarantees the independence of the courts and judges is the fundamental point in justice cited by (Corte Real AG & Tilman CB., 2023).

## METHODOLOGY

We use the literature review method or deductive methodology, the reading references of the authors of the books in the library, scientific jour-

nals, research in the field, through the internet and the ideas, opinions of our national and foreign jurist who are working.

## DISCUSSION

The Supreme Court of Justice (STJ) issues a decision in which it pronounces or does not rule on the unconstitutionality of any provision of the legislative act under consideration. That is, if the court either considers that the norms under consideration are unconstitutional or considers that they are not constitutional or are not based on the constitution, then the court may reject their unconstitutionality to this piece of legislation. As regards the effects of the court's decision, it is important to distinguish between two situations: the pronouncement of unconstitutionality and the non-pronouncement of unconstitutionality. As a result of paragraph 4 of art. 149.that of the CRDTL, in the event that the STJ rules on the unconstitutionality of the rule in question. When the STJ has already pronounced the unconstitutionality of a statute that the PR requests the STJ to verify the unconstitutionality, in the term subparagraph e) of article 85.<sup>the</sup> CRDTL, and paragraph 1 of art. 88.<sup>The</sup> RP may exercise its right of veto, the right of veto itself, considering it as an exclusive competence of the RP, under the terms of article 85.<sup>that of the</sup> CRDTL, and this right of veto always appears in two natures as; legal and political veto.

Therefore, the competences of the supreme court of justice, in particular in the matter of review of constitutionality and legality, it is not without relevance that the constitutional text has opted for an intense constitutionalization of the specific competences of that high court in the most surrounding area of the so-called "constitutional justice" that

---

goes beyond the review of constitutionality. with the following list of them:

- a) The jurisdiction to litigate constitutionalities and legality, in which the review of the constitutionality and legality of public legal acts is carried out, in various modalities; this means that the STJ, as the supreme body, has the competence to verify and confirm the constitutionality of any of the legal acts in question.
- b) The competence of electoral litigation, affirming itself in the verification of the legality of the various electoral acts;
- c) Party competence, intervening both in the registration of parties and in verifying the legality of their internal electoral and disciplinary acts;
- d) The competence of legal litigation, assessing the regularity of the various acts involved in the legal procedure.

There are legal powers that the STJ guarantees are provided for in our CRDTL and established in<sup>para-graph</sup>2 of article 124.<sup>The</sup> CRDTL stated that "the Supreme Court of Justice is also responsible for administering justice in matters of a legal-constitutional and electoral nature", meaning that only the STJ has the competence to pronounce any legal-constitutional or unconstitutional and electoral acts, in this constitutional and electoral competence were provided for in article 126.<sup>and</sup> that of the CRDTL, following. Thus, the STJ performs the constitutional and electoral powers provided for in this article, to a large extent, implementing the provisions of article 120.<sup>that</sup> of the CRDTL, in relation to the assessment of the constitutionality of laws. The regime of the "guarantee of the constitution" is developed under the terms of article 149.<sup>that of the</sup> CRDTL.

The review itself can be a preventive review of

constitutionality and an abstract review of constitutionality, according to article 149.<sup>The</sup> is 150.<sup>that of the</sup> CRDTL. Within the scope of the electoral competence of the STJ, it is incumbent upon it to verify compliance with the legal requirements required for candidates for President of the Republic, under the terms of article 75.<sup>CRDTL</sup> and Law No. 7/2006 of 28 December 2006 (Electoral Law for the PR). It is also responsible for judging in the last instance the regularity and validity of the acts of the electoral process, under the terms of the respective law, in addition to the Electoral Law for the PR, under the terms of Law No. 6/2006, of 28 December (Electoral **Law of the National Parliament**). This jurisdiction is also stipulated in the Code of Civil Procedure, where provided for in art. 186.<sup>the</sup> CPC, et seq. On when and how the distribution is made in the supreme court of justice, while art. 187.<sup>In</sup> the case of the present code on species in the distribution of the STJ there are the following species:

- a) Appeal against a final decision in civil matters
- b) Aggravations
- c) Appeal in criminal proceedings
- d) Conflicts and review of judgments of foreign courts;
- e) Any other unclassified papers or processes

All this as one of the competences in which the STJ can decide through the matters to which they are submitted by the STJ. The competence in constitutional matters of the STJ is provided for in our constitution from article 126. ° on "constitutional and electoral competence", such as assessing and declaring the unconstitutionality and legality of legislative and normative acts of State organs, and verifying in advance the constitutionality and legality of diplomas and referenda, exercising all other powers conferred on it by constitution or law, and

---

ultimately adjudicating on the regularity and validity of acts of the electoral process, Under the terms of the respective law, the competences that were provided for in this art., there are also some articles that have been cited constitutional matters, such as art.149.<sup>or</sup>

Unlike the political veto (Article 88 (1)), the President is not free to decide whether to veto or not to veto, while Article 150 (1) of the Constitution). o,ss,of the CRDTL on the "abstract review of constitutionality" considering as one of the substantive constitutional powers that the STJ may exercise, for example, The following may request a declaration of unconstitutionality: a) The President of the Republic; b) The President of the National Parliament; c) The Attorney General of the Republic, based on the disapplication by the courts in three specific cases of a rule deemed unconstitutional; d) The Prime Minister; (e) one fifth of the Members; f) The Ombudsman for Human Rights and Justice. All of this will be considered one of the abstract competences that STJ can do. Thus, abstract review allows the STJ to analyze the constitutionality of a legislative act purely based on the text of the law. The importance of abstract review depends not only on the willingness of the state actors provided for in Article 150 of the CRDTL to use it, but also on the willingness of the Supreme Court to declare parliamentary acts unconstitutional.

Jurisdiction in civil matters are matters that have dealt with a case that has become civil in nature, even with a case of violation of the fundamental rights of a citizen. However, the right to access to the courts provided for in article 126 of the CRDTL also includes the right of access to the courts to settle matters of a civil nature, since it

prescribes that everyone is guaranteed "access to the courts for the defence of their legally protected rights and interests. The ordinary legislature has clearly given concrete expression to these guarantees in the Code of Civil Procedure, namely the guarantees of a fair trial, the adversarial principle and the principle of equality of the parties. And civil judges are responsible for the preparation and judgment of cases of a civil nature and those that are not expressly assigned to other courts or courts, under the terms of article 68 DL, N.º25/2021 December 2 on the **Law on Judicial Organization**. The time limit for lodging an appeal to the Supreme Court of Justice on the grounds of criminal matters, on the basis of Art. Article 300 of <sup>the</sup> Code of Criminal Procedure are:

- a) the time limit for lodging an appeal shall be fifteen days from the ratification of the decision or the part of the date on which it is to be deemed to have been deemed to have been served;
- b) the appeal is lodged by application or by a simple statement in the Minutes if it relates to a decision given at the hearing;
- c) the application for leave to appeal must always state the reasons for the appeal, failing which the appeal will be dismissed;
- d) if the appeal is lodged by way of statement for the Minutes, the statement of reasons may be given within fifteen days of the date of lodging.

Thus, the parties may submit their appeal to the STJ as long as they are notified within fifteen days of being notified, and this appeal must be filed with a simple statement in the Minutes on the decisions in the court of first instance. While, on the time limit for filing the appeal to the supreme court of justice on the grounds of civil matters pursuant



---

to paragraph 1 of article 436. The deadline for filing appeals is ten days from the date of the appealed decision, which means that within this period the victim and defendant can request an appeal to the STJ. Therefore, considering that this is one of the formal requirements for procedural participants before filing an appeal to the STJ in the event of a disagreement with a decision of the court of first instance, the district courts are allocated.

The procedural procedure of appeals is a procedural step concerning the processing of the types of appeals studied and is divided into four phases, namely:

- The stage at which the appeal is brought; At this stage, procedural appeals are provided for in Article 300 of the Code of Criminal Procedure SS, on the time limit for lodging, this the time limit for lodging the appeal is fifteen days from the notification of the decision or from the date on which it is to be considered served, and the appeal is filed by application or by simple statement in the Minutes if it relates to the decision rendered.
- The admission or rehabilitation phase; If the appeal is admitted by the appealed court, it will be examined by the Judge-Rapporteur of the Constitutional Court, who will admit it, if it meets all the necessary requirements for this purpose.
- The stage of the pleadings; The pleadings consist of "a procedural document in which the applicant sets out the reasons for his challenge, explaining the reasons why he considers that the contested decision is wrong or unfair". The reporting judge of the matter who has the legitimacy to make an allegation within the process. Thus, when the appellant does not satisfy the decision of the challenge decided by the Judge-

Rapporteur, the appellant may file the appeal with the STJ, because they consider that decision to be wrong or unfair. Allegations in criminal proceedings are made within fifteen days from the date of notification of the order admitting the appeal presented by the aggravating factor and the aggravated party may respond within the same period of time from the notification of the submission of the allegation of the aggravating factor in accordance with the article. 477 Code of Criminal Procedure.

- The trial phase; This phase of the trial will begin at the time when the parties notified to the court, in this case when the party has filed an appeal to the STJ, through the Chamber will analyze after notifying the parties to participate in the trial, which will be held by the Plenary upon its summons to present its unsatisfactory opinion on the decisions of the Court of First Instance.

The admission of the appeal is the introduction to a procedural phase of reorganization, admission, rejection and improvement of the application that, once the appeal has been filed, it is submitted to a prior judgment on whether it meets the minimum legal conditions for being admitted to trial, this judgment formalized a preliminary order on the admissibility of the application to the court. With the present phase of reorganization, verifying the application meets the indispensable requirements for the question of normative validity that constitutes its object to judge. Once the appeal is admitted to the STJ (Court of Appeal) appealed, it will be considered by the reporting judge of the appealed court, who will admit the judgment. Dismissal of the appeal happens when there are the following cases;

- a) Grounds for the preliminary dismissal of the

---

appeal; this preliminary rejection is equivalent to a procedural decision in which the court, in its preliminary assessment or, subsequently, the STJ, refuse to take cognizance of the appeal because the minimum conditions for proceeding with the trial are not met.

- b) Preliminary rejection of the appeal by the court and the institute of complaint to the STJ; in the event that the STJ does not admit the request, the corresponding order of non-admission is responsible for a complaint to the STJ, which issues a decision that makes a decision on the issue of admissibility.
- c) Preliminary rejection of the appeal by the reporting judge of the STJ and complaint to the conference; the fact that an appeal has been admitted by the STJ does not bind as to its admissibility, the judge reporting the case before the STJ may issue a summary decision.
- tions of anyone, but everything always in accordance with the laws, so this independence of the courts is provided for in art. 119.<sup>that of the</sup> CRDTL.
- On the other hand, citizens will know the categories of courts that the laws required to exist in order to exist in the Supreme Court of Justice that have been defined under Article 123 (1).<sup>that of the</sup> CRDTL are;
- a) Supreme Court of Justice and other judicial courts,
  - b) Superior Administrative, Tax and Audit Court and Administrative and Tax Courts of First Instance,
  - c) Military tribunals
- In addition, citizens will know the principles and guarantees of the judges in which the laws are assigned and by their decisions in which there are often judges decided on the basis of their conscience and the laws in force. Basically, this idea of guaranteeing the independence of judges is provided for in Article 121<sup>of the Constitution</sup>. CRDTL, one of the fundamental principles of all judges, this we consider with the guarantees of the judges that the laws assigned when acting some cases. In addition, the typologies of the resources that exist. Therefore, in the future Timor-Leste we may have the supreme court of justice to implement what the constitution is based on article 124.<sup>that of the</sup> CRDTL, and the laws are required cited by (Corte Real AG & Tilman CB., 2023).

## CONCLUSION

We know that the court with one of the organs established sovereignty on the basis of the constitution, under the terms of art. <sup>The</sup> CRDTL under its jurisdictional function stated that the courts are sovereign bodies with competence to administer justice in the name of the people, in the exercise of their functions, the courts have the assistance of the other authorities. Thus, the decisions of the courts are obligatory and prevail over all decisions of any authorities and **Article 12(2).<sup>That of Law No. 25/2021</sup>**, 2 December on the **Law on Judicial Organization**. Therefore, they will speak specifically about the **competences of the Supreme Court of Appeal (supreme court of justice)** that the laws are assigned. In turn, the court with one of the organs of the independence of the courts, to any decision decided by the judge cannot subject the interest of any person, and cannot have with the instruc-

## REFERENCES

1. CF. Gouveia Jorge Bacelar, Constitutional Law of Timor-Leste, Lisbon/Dili, IDILP, pg. 410
2. See Law No. 25/2021 of 2 December on the Law on Judicial Organisation

- 
3. Brief note from the monograph Estefânia Luís Simon da Costa on "The Judiciary in the Light of the Democratic Rule of Law"
  4. CF. Da Cunha Chumbinho João Paulo, The Constitution and the Independence of the Courts, pg. 92
  5. CF. Oliveira Bárbara Nazareth, by Marcelo Gomes Carla, dos Santos Rita Páscoa, Fundamental Rights in Timor-Leste: Theory and Practice, 1st edition, March 2015, pg. 446.
  6. Brief note from the monograph Estefânia Luís Simon da Costa on "The Judiciary in the Light of the Democratic Rule of Law".
  7. C.F. Carlos José Battalion, Law, Fundamental Notion in the 2nd edition, pg. 93
  8. CF. Da Cunha Chumbinho João Paulo, The Constitution and the Independence of the Courts, Pg.96
  9. USAID, The Asia Foundation, Stanford Law School, An Introduction to Constitutional Law in Timor-Leste pg. 111
  10. See the first Annotation of the Annotated Constitution, Article 121. or
  11. CF. Gouveia Jorge Bacelar, Constitutional Law of Timor-Leste, pg. 414 and 415.
  12. USAID, The Asia Foundation, Stanford Law School, An Introduction to Constitutional Law in Timor-Leste pg. 224.
  13. CF. Oliveira Bárbara Nazareth, Gomes Carla de Marcelo, Dos Santos Rita Easter, Fundamental Rights in Timor-Leste: Theory and Practice, 1st edition, March 2015, pg.486.
  14. CF. Blanco De Moraes Carlos, Justiça Constitucional, Volume II, O contencioso Constitucional Portuguese entre o modelo mixto e a atempação do sistema de referração, pg. 754.
  15. Nazareth Oliveira, C. d. (2015). Fundamental Rights in Timor-Leste: Theory and Practice. Coimbra, Portugal: Ius Gentium Conimbri-gae.
  16. Cunha, P. F. (2007). Applied Constitutional Law: living the constitution, citizenship and human rights. Lisbon: Quid Juris, Sociedade Editora.
  17. Dresch R. Luís (2015). Right to health (1st edition) National Council of Health Secretariat-CONASS. Martins M. Rosa (2021) Histories of Global Health: The World Health Organization and Cooperation with Non-State Actors (rev.colomb.cienc.soc. [vol.12].
  18. Gouveia, J.B. (2012). Constitutional Law of Timor-Leste. Lisbon: Portuguese Language Law Institute.
  19. Ribeiro Manuel de Almeida (Cord), et, al, home, Encyclopedia of International Law, 2011.
  20. Miranda Jorge, Fundamental Rights 2nd Edition 2017.
  21. Decree-Law No. 52/2020 of October 21 First amendment to Decree-Law No. 3/2019, of March 5.