

THE CONSOLIDATION OF LIMITED POWERS IN THE DEMOCRATIC REPUBLIC OF TIMOR-LESTE (A NEW CLARIFICATION OF THE CONSTITUTION OF RDTL/2002), IN ACTUALIZATION, 2024.

Alexandre Gentil Corte Real, Vicente Soares Faria, Francisco Soares, Augusto Mendonça, Paulo Henriques, Carlos Boavida Tilman.

*Correspondence: Alexandre Gentil Corte Real

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ABSTRACT

Introduction: The present legislator of Timor -Leste has not yet satisfied its obligatory duty to oversee the ordinary laws provided for in the constitutional text, especially those related to the connection and application of the policy of political-administrative decentralization, in line with the national constitution. of Timor-Leste the Central Government still collects all the power. In order to change this situation, it is urgent that the present ordinary legislator create laws on decentralization, so that it can strengthen the existence of local power, and, subsequently, to reach democratization.

Objective: The key or main objectives of the power in implementation of decentralization is a democratization defended of administration power.

Discussion: It is about giving opportunity to the delegation of authority to limited governments and societies, of central very position due to the administrative and political heterogeneity they have. The specific functions will be returned to the Municipalities, complete a process of consultation with the Ministries and then specified in the proposal for an organic Law on Local Government, with flexibility to adjust the subsequent and connected legal instruments. The application of the principle of democratization, can limited citizens have access to the decision-making process and the application of municipal procedures, with the development of the country.

Conclusion: In order to reach this goalmouth, it is urgently essential to realize the reality of application or implementation of this model. The sovereignty body, of any kind the Ordinary Legislator, shall, with the out most urgency as possible, draw up the Local Government Act (Provided for in Article 72/CDRTL-2002), the Law on the Division of the Administrative Organization (provided for in Article 71/CDRTL-2002) and the Law on Territorial Division (Provided for in Article 5/CDRTL-2002) , which always actualization and updated in the context of the Rule of Law of Democratic, Timor-Leste with regarding to all the laws of Nation cited by (Corte Real AG & Faria V.S., 2024).

Keywords: Decentralization; Limited Control; Democratization; in Timor-Leste.

INTRODUCTION

Timor - Leste is an island discovered by Europeans. The first contact of the Europeans was made by the Portuguese, when they arrived in 1512, in the search or search for sandalwood and smelly, noble wood for the production of luxury fixtures and perfumery, which covered practically the entire island where there was plenty of darling. Another goal of the Portuguese, at that time, was, besides the exploration of these honorable woods, to expand Christianity-Catholicism, and to formulate a model of administration within the Timorese people with the memory of event and the modest people in that ancestor during the time or epoch cited by (Corte Real AG & Faria V.S., 2024). With the arrival of the first Governor, coming from Portugal in 1702, practically began the colonial organization of the territory, creating Timor Portuguese¹. For much of this period, Portugal shared the island of Timor-Leste with the Dutch East Indies or West Timor, now Indonesia. Timor-Leste belongs to the Archipelago of Insulinde (which means "Insular India"), also called the Malaya archipelago, in which are present sovereignties of several States, such as the Republic of Indonesia, the Republic of Philipina, the Republic of Singapore, and the British Community of Australia².

Decentralization is a very attractive and significant issue in certain countries that promote the progression of democracy³. This happens in both particular and federal states. In Timor - Leste, decentralization in limited authorities has not yet been implemented by the Timorese State. Although there is a convincing Constitutional command, in line with the Constitution of the Democratic Republic of Timor - Leste/CRDTL-2002 (which is clearly speci-

fied in Articles 5, 71 and 72), the decentralization of power has not yet been the subject of the consideration of the ordinary legislator. One of the main objectives aimed at implementing decentralization is democratization⁴. It is a question of giving opportunity to the delegation of authority to local governments and societies, of fundamental importance due to the administrative and political heterogeneity they have. In addition, the application of delegation should provide local authorities with the benefits of raising own resources. Through decentralization, the Central Government can make certain budget forecasts. If after the decentralization process some of the sites, municipalities and post administrative, especial the administration regions are unable to enjoy political and fiscal independence, i.e., if some places fail to demonstrate conditions for better autonomy after decentralization, these sites can survive through transfers of funds from the Central Government⁵. It is worth importance the role of local authorities in the establishment of social services and in the opening of possibilities, through decentralization, for the participation of local societies in decision-making processes on investments in limited municipal policies. Another aspect is that, in this process of decentralization, the Central Government can maintain a advantaged position as an executing agent of the fiscal control policy, in addition to superintendence the administrative and national regional activities of the context in progress better aid in the future of Timor-Leste cited by (Corte Real AG & Faria V.S., 2024) at the limited level⁶.

THEORTICAL FRAMEWORK

United Nations General Assembly Resolution 1514 (XV) of 14 December 1960 recognized the inalien-

able right of all peoples to self-determination, in accordance with the principles of the Charter of the United Nations, providing for the process of independence of countries in a colony situation⁷. Timor-Leste was also qualified, in 1960, by the United Nations General Assembly as an autonomous territory (Resolution 1542 - XV, of December 14, 1960). Of this, it benefited from one by the Charters of the United Nations and several united resolutions developed the legal ones a. The exercise of the right to self-determination comprised a choice between three alternatives, as clarified by Resolution 1541 - XV of 14 December 1960 of the General Assembly, and reaffirming in Resolution 2625 - XXV of 24 October 1970: a) emergency as a self-determining and independent State; (b) free suggestion with an Independent State; or c) incorporation into an Independent State. Timor-Leste shaped regime International, defined the United Nations norm of self-determination⁸. Timor-Leste should stay 1975, that of Lisbon. However, there was among the Timorese would rule the country, resulted in the UN regulation. In this confusing picture of internal war between the Timorese, Indonesia invaded Timor-Leste and then invasion it as if it were its territory in 1976. With the invasion of Indonesia to Timor-Leste independent and call civil war this public estimation in Indonesian army and politician concept. Timor-Leste, in December 1975 the process of decolonization and independence was broken up, which depended then on Portugal⁹. Both Portugal and the United Nations never recognized the incorporation made by Indonesia, and careful that the territory maintained its lawful status as a non-autonomous territory, subsequently predominant the Charter of the United Nations and the Resolution of the United Nations General Assembly on non-autonomous territories (Resolution 1542 - XV, of 14 December 1960). Consequently, Portugal persisted a "*de jure*" force, that is, as an administrator influence of the Territory, since the Timorese prepared non bodybuilding their right and to become a long time to decide our self to the concept of self-determination today clear for Timor-Leste cited by (Corte Real AG & Faria V. S., 2024).¹⁰

Additional important issue is the employment of decentralization with the aim of reaching poverty eradication. This is also, for the Timorese State, one of the planned reasons for the application of the country's national development plan in line with the objectives of the Timorese Constitution. Consequently, the interconnection between these three proportions (1. Limited Control 2. Decentralization and 3. Democratization) implies that it corresponds to that urgency of the Timor-Leste State with respect to the curiosity, on a priority scale, of the immediate application of decentralization in Timor-Leste. Talking about Limited Government means that the State, which the Central Government represents, is aware of and aims to create subnational places or units within the Timor-Leste territory the situation, based on what is specified in Article 72 of the Constitution of the Democratic Republic of Timor-Leste. Decentralization will bring citizens' public services closer together through gradual transfers of a series of tasks and responsibilities of the Central Government to the new municipalities and administrative posts that ensures the machine affirmative operation well in the administration of limited government is now fundamentally cited by (Corte Real AG & Faria V.S., 2024). Phase-by-phase implementation will ensure that there will be sufficient capacity at local level to address these new skills with adequate resource expertise in different level of sciences is relevant to the condition needs and efficiency¹¹.

Municipalities and administrative posts will have more controls to assume the new decentralized functions. The ultimate objective will be for municipalities to deal with all functions related to the delivery of services to citizens (such as: civil registration, primary health, primary education, aquatic source and sanitation, local infrastructures, amongst others), which are earlier to them, to safeguard a strong accountability from the top to the base, local participation and distributive efficiency³. Unfluctuating consequently, decentralization, in general terms, encompasses administrative and political features that will also be clearly determined through a formal legal framework or through the declaration of laws, as to their sphere of decentralization in specific and exact areas. The specific functions will be returned to the Municipalities, Administrative Posts and Regions of Special Administration of the National Territory of Timor-Leste cited by (Corte Real AG & Faria V.S., 2024). Through a consultation process with the relevant Ministries in well-functioning and then required in the proposal for an organic Law on Local Government, with flexibility to regulate the subsequent and connected of implementation and legal instruments to be used cited by (Corte Real AG & Faria V.S., 2024)⁶.

THE RESULT OF RESEARCH.

Decentralization is a situation in which there is the transfer or changes of some certain influences of central supremacies to new entities such as Municipalities, Administrative Posts, Regions Special Administration, as new centers of authority, even though autonomous. In line with Article 1 of the Constitution of the RDTL - Democratic Republic of Timor-Leste, 2002, is a democratic, sovereign, independent and unitary State of Duty Right, founded on popular will and respect for the self-

esteem of the human person⁴. Article 1 of the Constitution of RDTL talks about democracy, participation in popular will and human dignity, and can be considered a cornerstone for public authorities in the State of Timor - Leste, helping as the basis for fundamental principles, directing to develop and understand these concepts in order to realize and implementations their real application. The intention or objective of the Limited Authorities in Timor-Leste is just to exercise some portions of power, that is, to encourage the widest possible opportunity, through the central government, so that local citizens can constitute their own controls, in certain areas of competence, so that they can have access to participation in decisions linking to the substantial issues moving the common interest, mainly related to the position of harmonizing and prioritizing the attention of resident society, that is, to give the opportunity for them to act easily, in accordance with the local circumstances and situations they are facing¹².

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