

Learning Of The Permissible Perspective In The Bright Of The Structure On Education And Culture Of Timor-Leste (2024).

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ABSTRACT

Introduction: In the constitution article 59.º it is written there that all citizens have the right of access to education, the State must preserve and convert education with dignity, young people do not give importance to school, to the insertion of citizens' participation in education, thus, education is the pillar of the development of society, culture is the identity of one self the country's identity, the number of usages and customs stored by the ancestors in the generation that establish the rules that fit into the values of such a fundamental culture.

Research Objective: It is to combat the existing disputes in Timor-Leste society about Education and Culture itself and reveal the importance of Education in our current Society.

Research Methodology: We used the documentary research method, i.e., the deductive method in which the data were collected through bibliographic references (books, articles publications, research gate site, access to internet line, etc.).

Conclusion: The law on the basis of education represents a decisive step towards the establishment of a legal framework for the organization, regulation and development of the education system arising from the profound changes that the country has undergone since its independence. Consecration in accordance with the constitution of the Republic and the Law. Equality and opportunity and the separations of economic, social and cultural inequalities cited by (Corte Real AG & Babo Soares DC., 2024), official site <https://www.ajmcrr.com>.

Keyword: Education, culture, uncontrolled youth, citizen participation, democratically rule of law.

Introduction

The application of legitimate norms during the construction of the State, verifying a significant process in the Constitution, of a legal system and of a broader State committed to the values of the Composition. However, the process of state-building requires at least two more decades in the implementation of the institutions, norms and values contemplated by the Constitution of Timor-Leste. The creation of a constitution reflects the values and beliefs that can be perceived at various times. For example, when state officials are sworn in, the oath they take as includes a promise to uphold legitimate principles, and when the national parliament considers new laws, they have to assess whether the lawmaking violates the constitution under Article 20, no. ^{CRDTL} 2. Constitutional law is a special branch of domestic public law that presupposes the correct understanding of its specificities, especially as a normative statute of the public. This means that it is not a question of law which seeks to regulate legal relations between individuals and political authorities or between States and entities with legal personality. In other words, this law does not regulate legal relations, but also regulates the functioning and organization of a democratic rule of law in each country.

The principle of the dignity of the human person recognizes the intrinsic worth of each individual and states that all persons should be treated with respect, equality, and freedom. For this reason, there is also talk of the protection of human rights and the search for a just and inclusive society, regardless of personal characteristics. Whereas the principle of the rule of law is a huge achievement. It emerges as one of the main results of constitutionalism and liberalism, the firm expression of the opposition to the previous political system, which

is why the contemporary state was also founded. Doctrinally, the Rule of Law is a legal limitation of public power according to the set of rules that are strictly stipulated to the State itself. In this way, the principle of the Rule of Law will be opened to the State society beyond its obvious application in the domain of the State mode of action in power of: the protection of fundamental rights, as well as the various limitations in the mode of action of power in its relationship with the national and international citizens living in the democratic country.

The principle of equality also essentially requires that individuals meet before the law, that is, the law that arises through the legal order, all are equal in their position with regard to the ownership of rights and duties. These principles are divided into three dimensions, which are: the arbitrary prohibition, the prohibition of discrimination and the obligation to differentiate. In relation to the arbitrary prohibition, it means that the inadmissibility of differentiations of treatment devoid of any reasonable justification, (in agreement objectively and constitutionally), this means that the equal moment for clearly unequal situations. As for the prohibition of discrimination, it talks about the illegitimacy of differentiations between individuals based on merely subjective categories, according to Article 160, n. ^{The} 2. The obligation of differentiation refers to the duties of public authorities that, in the face of the inequality of the existing fact of society (physical, economic and cultural), all of this must respect the rules applied cited by (Corte Real AG & Babo Soares DC., 2024).

Education Concept

The Composition of the Democratic Republic of Timor-Leste, in its article 59.⁰, assigns to the State the creation of a public system of universal basic

education, compulsory and, to the extent possible, free of charge. They must also guarantee to all citizens the right and equal opportunity for education and professional training in scientific research and artistic creation access to the highest levels of education, scientific research and artistic creation, in addition to the right to cultural enjoyment and creation, as well as the duty to preserve, to defend and enhance cultural heritage. Education is an important transformative instrument, since its primary function is to allow the renewal of society, assuming a role of continuous movement of changes in its structure and allowing a reflection on itself and consequent making of important decisions regarding its future.

Philosophy Perception

Timor-Leste's ancestors lived in a strong culture, but there are differences in geography and tools for cultural beliefs, through the many cultural identities where in Timor-Leste they show that they have one strong culture and only one identity. Culture is the process that can connect all people in life, a society, but especially the same society and culture. Through the culture, people got to know each other and created good relationships and lived in community and also worked together. Article 590, n.¹ of the CRDTL said that the country should recognize and ensure that all citizens have the right to Education and Culture and, in n.^{Article} 5 also said that everyone has the right to cultural enjoyment and creation, as well as the duty to preserve, defend and enhance cultural heritage. According to Francisco Urbano dos Santos, as a newly independent nation Timor-Leste has numerous properties for the construction of its State and therefore the response to meet the demands of traditional cultural development has been less visible, the traditional preservation such as its dances, music, traditional uses

and customs. The culture model is very important for generations to follow what their ancestors leave us to follow because it is the culture of Timor-Leste at the origin of respecting and cultivating in the constructive value of future generations cited by (Corte Real AG & Babo Soares DC., 2024).

Democratic Rule of Law

The Democratic Rule of Law was defined in Article 10 of the CRDTL, which states, Timor-Leste is a Democratic Rule of Law. A State that claims to be a Rule of Law, precisely in its modern conception, is a Constitutional State, that is, a State that is based on the Structure that regulates all public powers, gives to the State norm and to the acts of the political powers, the legality of administrative activity and the guarantee of the fundamental rights of the individual. There are three elements of the state, namely: *people*, *territory*, and *political power*. The first element of the people is the set of subjects, citizens or nationals of each State, that is, linked to a certain State by a legal bond of nationality, that is, the population of the State considered under the purely juridical aspect, being constituted by a group of persons or entities in their integration into certain States. The second element, which is territory, is defined as an area of space delimited by borders based on a relationship or property, that is, it integrates the land territory, the air territory and the maritime territory. The third element is political power, which is defined as the faculty of a people, that is, the set of organs that are instituted form and manifest a will attributed to the State and its citizen cited by (Corte Real AG & Babo Soares DC., 2024).

Research Objectives: Thus, it is to combat the existing disputes in Timor-Leste society about Education and Philosophy in the preservation itself and to

reveal the importance of instruction in our Timorese society in the usual custom and changing with reality.

THEORETICAL FRAMEWORK

The impact of education in the context of Timor-Leste's Democratic Rule of Law is informal education, education is not limited to the capacity of the human person, to transmit to students, to empower knowledge through formal education. In this way, the public and private educational institution has a great mission in the integral individual form of citizens in the modern era of today. However, in the national territory the great problems that parents and parental powers have encountered about education itself is not to give the importance of education towards children to ensure the future of education. Therefore, education is the key to the human development of each of us, to have a little knowledge when we guarantee access to free education, because education is the basis of the central right of the human person in the modern age of digital technology, cited by (Corte Real AG & Babo Soares DC., 2024).

According to the annotated constitution, the law on the basis of education, the right to education is expressed by a permanent formative action aimed at promoting the development of personality, social progress and the decentralization of society. This means, education requires to do action through training and to make information to citizens how to access education in an appropriate way. In fact, society still lacks training on the importance of education, so they have not supported their children to have access to education for reasons of cultural achievement and the impact of the family economy, so it can minimize social progress in accessing education. The impact of education is extensive, it

is the impact on fighting poverty, reducing violence, guaranteeing access to other rights, strengthening democracy and citizenship, in addition to contributing with information. Most of the children and young people did not have access to education because of financial crisis, so they lost their right to education, even though the law was written that all citizens have the same rights to education training by the public school and freeway, but some citizens who are in rural areas also lost access to school because of the lack of school infrastructure still hampers in the continuing education process at the Administrative Post Maubisse Municipality of Ainaro cited by (Corte Real AG & Babo Soares DC., 2024).

The impact of culture in the context of the Democratic Rule of Law where Timor-Leste adopts culture as a social practice reiterated in coexistence and is mandatory. In accordance with Article 2, paragraph 4, he said that the State recognizes and values the customary norms and usages of Timor-Leste that do not contravene the constitution and legislation that deals especially with customary law. That is, culture is the identity of the Timorese people at the beginning of generations of ancestors until today, that is, it is the traditional custom that always exists in our nation; therefore, the State recognizes and values these norms to regulate citizens within the country. Culture and custom are important in community life in Timor-Leste, in the different ethnic groups that exist in Timor, each language and its customs are used according to the beliefs in animism from the past in the long run, in the time of colonization and in the time of independence culture is the identity and stability of the Timorese people. When talking about the model of education in the Democratic Rule of Law in Timor-Leste, it is based on an inclusive vision for special

education in Timor-Leste. The purpose of inclusive education is the way to include all children with special needs and their families through strategies and actions to achieve outcome and progress for children in special education. research in the field, through the internet that gives the opportunity to access the articles and national and international newspapers on google school, line research door and the ideas, opinions of our jurists.

RESULT OF DISCUSSION

The importance of education in this context still does not guarantee sustainability in the area of qualified human resources in specific vocational training, because the key to education is to train and qualify resources. On the other hand, the State, through the Ministry of Education, must guide education in the national territory to sensitize the information to parents about the main objective of education for children and students. Nature and culture are two distinct from reality. Nature is the given world, made up of all that exists before man's intervention and that is placed at his disposal as a gift to the divine creation. Principles, on the other hand, is the constructed world, the environment superimposed by Man on Nature, the set of things on which it projects its spirit, places significant intentions and embodies values. The phenomena of nature develop in a non-historical way, subject to natural laws, while the life of culture is inserted in history sensu stricto, that is, in the process of human happening, rooted in the free self-determination decision of the spirit, subject to cultural laws, of an axiological or theological character. This means that nature and culture are distinct from the reality that exists before man, it is a divine creation, that is, the set of things and spirit that by natural and cultural, which still exists in Timor-Leste cited by (Corte Real AG & Babo Soares DC., 2024).

RESEARCH METHODOLOGY

We use the method of literature review or deductive methodology, the references reading of the authors of the books in the library, scientific journals, In Timor-Leste the education in antiquity and modern have great differences like this, education in antiquity most citizens do not have access to education because of war, do not have the clothes to wear to school, lack of school supplies and then lack of classroom, lack of teachers and people still did not know that the model of education is good or bad because they have less knowledge about education,

Modern education everyone knows that the education model is capable of everyone to access because in the urban area there are classrooms there are teachers it has complete facilities even if in the rural area it still does not have the facilities of education, it can be access through electronics for example television, radio, internet etc, despite this people know education is more important of each one, and they have already known that everyone has the right to education, because it is written in our constitution and the State provides some decree laws to ensure education and culture. Thus, the education system is provided for in Article 59 of the Constitution of the RDTL assigns to the State the creation of a public system of universal, compulsory and, as far as possible, free basic education. It also states that the State recognizes and supervises private and cooperative education. The Basic Law guarantees all citizens the right and equal opportunities for education and vocational training, access to the highest levels of education, scientific research and artistic creation, as well as the right to cultural enjoyment and creation, as well as the duty to preserve, defend and enhance the cultural heritage in our country.

The educational system is the set of means by which the Right to education is implemented, which is expressed by the guarantee of a permanent formative action aimed at favouring the overall development of the personality, social progress and democratization of society, that is, The educational system developed through diversified structures and actions, that is, It promotes the development of a democratic and pluralistic spirit, respectful of others, their personalities, ideas and individual life projects, open to the free exchange of opinions and to the realization. In Timorese they are divided into two parts, however they are system of Public

Schools and system of Private Schools, so the Public Schools is for all citizens of free access in the state create the school to ensure quality for National progress, But the private school is obligatorily to pay per month or per semesters, because the schools are made by Catholic institutions or schools, therefore, they are obliged to pay for months and for semester of each school year cited by (Corte Real AG & Babo Soares DC., 2024).

Our vision is that all Timorese children should go to school and receive an education of qualities that give them the knowledge and qualifications that will allow them to lead healthy and productive lives, actively contributing to the development of the nation. Education is the duty of the State and social reality to the control of the law, which enshrines it as a right of all and a duty of the State and the family, as the triple function of ensuring the full realization of the human being, begins in the context of the Democratic Rule of Law and qualifies it for the world of work. At the same time, education presents a mechanism for individual personal development, as well as for the society in which the individual is inserted. The right to education is achieved through effective training throughout life, with a view to consolidating a free, responsible and democratic life, aimed at respecting human dignity, promoting the development of personality and individual enhancement based on merit, equality of opportunity and the separation of economic, social and cultural inequalities.

The impact of education for culture in Timor-Leste so, education is a pillar to development for social progress, therefore, most of the Timorese peoples have culture because culture is the identity of the country and communal life, that is, culture is the roots of men, when they knew education is more

important then they support their children from access to education to achieve social progress, Most in rural areas the young people drop out of schools because of culture break even though they knew education is more important but it gives priority to culture because their parents only do culture until they forget to give their child school, for the communities in the mountain most of the children do not access education because of less the ease of school, Sometimes the school is far from home, the children have never been to school, quality issues are also a major challenge and student learning outcomes remain a major concern. Education is important for all men on earth and how it socializes culture, knowledge, and values. Culture, morals and ethics must be transmitted from generation to generation and such diffusion of knowledge takes place within the school. The school is a place to teach the fundamental ethnic skills in a globalizing dimension, but this should not be considered the only social institution capable of giving moral lessons and educating citizens, without the contribution of the parents of students who attend school with the established assignment cited by (Corte Real AG & Babo Soares DC., 2024).

The democracy of a country is made effective by popular participation in political, social, and educational issues. Participation can be representative, either right-hand or right-handed. In this perspective, the exercise of citizenship guarantees and legitimizes the democracy of a country, this exercise occurs in the most diverse ways at the most diverse moments, from the election of political representatives to the daily activities and conceptions about the reality that exists. Citizenship is the process of constant reconstruction. To be a citizen is to have the right to life, liberty, property, equality before

the law: civil and political rights do not ensure democracy without social rights, those that guarantee the participation of the individual in the collective wealth: the right to education, work, and health. When to exercise full citizenship is to have civil, political and social rights. It expresses the equality of individuals before the law and has an organized society, it is the quality of the citizen who can exercise the set of political and socio-economic rights and freedoms of his country, being subject to duties imposed on him. From then on, the basic law of the educational of the specific is shown to be one of the pillars of society, given that education is the effective and complete means of building full citizens, in the participation of the national education system cited by (Corte Real AG & Babo Soares DC., 2024), officially channels <https://www.ajmcrr.com>.

CONCLUSION

The Constitution of the Republic of Timor-Leste, in its article 59. °, assigns to the State the creation of a universal public system of basic education, for citizens to have access to free access and all have the right and duty to be equal. In addition, citizens also have the right to cultural enjoyment, as well as the duty to preserve, defend and enhance cultural heritage. Thus, education is an important pillar to contribute to development, and culture is the identity of the country, the use and customs stored by the anticipators in the generation who establish the rules that fit the values of culture. The essential problem is the impact of culture on education, most Timorese youth do not have access to education because of culture, that is, the spouse does not give the importance of education, so they do not support their children for access to education, some have money just to do culture because culture is more essential for them even though it is a straight

practice that is stipulated in our Structure. To build our country and our Nation with quality education and sustainable training at all levels cited by (Corte Real AG & Babo Soares DC., 2024).

REFERENCES:

1. BACELAR, G. (2012). Constitutional Law of Timor-Leste.
2. CHORÃO, M.B (2018). Introduction to Constitutional Law. Coimbra.
3. DUARTE, C (2019). A. Education as a Fundamental Right of Social Nature. Lisbon.
4. GOUVEIA, G.B. (2012). Constitutional Law of Timor-Leste. Lisbon/Dili.
5. MIRANDA, G. (2010). Fundamental Rights. Coimbra
6. SILVA, S. T (2016). Constitutional Law. Coimbra
7. SOUZA, M.R. (2000). Introduction to the Study of Law (5th ed). Lisbon
8. PEREIRA DA SILVA, VASCO, In search of the lost administrative act, Almedina, 1st edition, 2016.
9. TAVARES, JOSÉ – Public Administration and Administrative Law, 6th ed., Coimbra, Almedina, 2017.
10. CF. Oliveira Bárbara Nazareth, By Marcelo Gomes Carla, dos Santos Rita Easter, Fundamental Rights in Timor-Leste: Theory and Practice, 1st edition, March 2015.
11. C.F. Carlos José Battalion, Law, Fundamental Notion in the 3rd edition, December 2018.
12. USAID, The Asia Foundation, Stanford Law School, An Introduction to Constitutional Law in Timor-Leste (2017).
13. Bárbara Nazareth Oliveira, C. d. (2015). Fundamental Rights in Timor-Leste: Theory and Practice. Coimbra, Portugal: Imus Gentium Coimbra (2019).
14. Cunha, P. F. (2017). Applied Constitutional Law: living the constitution, citizenship and human rights. Lisbon: Quid Juris, Sociedade Editora.
15. Gouveia, J.B. (2012). Constitutional Law of Timor-Leste. Lisbon: Portuguese Language Law Institute.
16. Ribeiro Manuel de Almeida (Cord), et, al, home, Encyclopedia of International Law, 2011.
17. Miranda Jorge, Fundamental Rights 2nd Edition 2017.
18. Corte Real AG et, al (2022). The Constitution Guarantees Timor-Leste's Democracy. Research Article, <https://www.ajmcrr.com>