

The Protection of Consumer Rights in the light of the CRDTL (2025)

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Abstract

Introduction: Consumer rights were a fundamental right that are constitutionally protected under Article 53. that of the CRDTL. And through this article, the National Parliament approved the first legal regime for consumer protection and defense, Law No. 8/2016 of July 8, and this regime already clearly defines consumer rights, the functions and mechanisms of the State and the interventions of the consumer association, to defend the position of consumers in the consumer relationship.

Objectives: To provide knowledge about fundamental rights enshrined in the constitution to consumers and competent entities that fight to protect and defend the rights of consumers in Timor-Leste. And finally, it is a manifestation of the will to defend the rights of consumers before the State.

Methodology: We use the documentary research method, that is, the deductive method in which the data were collected through bibliographic references (books, articles, internet and etc.) and internet and the ideas, opinions of our jurist.

Conclusion: The consumer relations between the consumer and supplier must comply with the constitutional norms and other related legislation to satisfy the needs and interests of consumers or to be a balanced consumer relationship as the guarantees of the right has the protection of the laws that deal with the consumer in which way to preserve these rights in an adequate sense before the consumer protection law is fundamental to know and understand in the implementation cited by (Corte Real AG., et al, 2025).

Keywords: Consumer, consumer rights, Constitutional protection and consumer relations.

Introduction

Protection is an act or effect of protecting something or someone, that is, protection is preventive care in the face of possible risks or problems. According to the dictionary of the Portuguese language, protection is an act or effect of protecting (oneself) from an evil or danger; help, support or assistance that is provided.

ed to someone (usually weaker). Thus, protection refers to the set of measures or strategies adopted to ensure the safety, prevention, or defense of people against harm, threats, or dangers to life. These measures may include in different contexts, protection may involve the implementation of policies, procedures or systems to ensure the integrity and security of people, information, material goods, among others. Therefore, in this case, in consumer protection, it concerns the existing mechanisms to ensure respect for the rights enshrined in the Economic, Social and Cultural Rights and Duties, before buyers or users, that is, consumer rights are important to know cited by (Corte Real AG., et al, 2025).

Consumer protection is a social issue that must be treated as a duty and obligation of the State. That protection must include a primary duty to protect that part of the consumer relationship, in particular the quality and safety of the products which are the subject of those relationships. Thus, protection should be attributed to the weaker party in the legal relationship – the consumer. And consumer protection is a fundamental element for a balanced consumer relationship. Therefore, the obligation of the State to create a real policy to protect or defend consumers against unfair and abusive commercial practices, namely in the quality of products that endanger the life and health of consumers. According to António Carlos do Santos, they have four axes of consumer protection. The first axis is consumer protection against unfair and abusive commercial practices; the second axis is to protect the right to information, training and education of the consumer; The third aspect of consumer protection is grouped around your representation, organisation or association and finally, protecting the consumer against defective and life-threatening products. It is by attributing the obligation to the State to support or protect the rights of consumers. This means, the consumer is entitled to protection against all forms such as traders who sell or supply defective products or throw false information about goods and services that does not correspond to the rights and interests of consumers.

Our consumer protection law, in Article 3(a).^{says} that the "*consumer* is the natural or legal person to whom goods or services are provided for non-professional use, by a person who carries out an economic activity, of a professional nature, with a view to obtaining benefits". And in paragraph b) of the same article, the "supplier is a natural or legal person, national or foreign, public or private, who develops, on a professional basis, the economic activity of production, import, distribution, transport or marketing of goods and provision of services with a view to obtaining benefits". Therefore, the supplier refers to the one who supplies or distributes the goods or provision of services to those he intends to consume, or better to say the supplier is the one who carries out an economic activity with a professional character, that is, he is a seller. However, there is a relationship of consumption between the two subjects (buyer + seller). For someone to sell, you need to have people interested in buying, and to satisfy those who buy a product you need to have someone to align or sell.

Objectives: To provide knowledge about fundamental rights enshrined in the constitution to consumers and competent entities that fight to protect and defend the rights of consumers in Timor-Leste. And finally, it is a manifestation of the will to defend the rights of consumers before the State.

Theoretical Framework

Consumer Law is enshrined in the RDTL Constitution, in Part II, in relation to fundamental rights, in Title III on Economic, Social and Cultural Rights and Duties, under the terms of article 53.^{The} Consumer Rights, then, in this article, attributes a fundamental right to consumers. This means that when there is a constitution, there will be fundamental rights, that is, the constitution is what guarantees or defines the fundamental rights of citizens. Article 53.^{The} CRDTL defines that, "the consumer has the right to the quality of the goods and services consumed, to truthful information and to the protection of health, safety and his economic interests, as well as the repair of damages". Thus, the consumer has the right to be protected against the advertising of products that are harmful to health or life, against misleading information. So, what it demands is, guarantee the satisfactory quality of goods and services, fair prices and true information to guarantee the rights and interests of consumers.

According to our Consumer Protection Law, in article 13.^o is defining the duties of consumers, which consumers have a duty to: a) Respect the commitments made to suppliers of goods and service providers, acting in good faith, with correctness and seriousness; b) To defend its interests with the competent authorities; c) To take into account the consequences of its consumption on other citizens, namely the most vulnerable; d) To take into account the environmental impact of its consumption; e) To report to the competent authorities any violation of their rights. Thus, the consumer has a duty to be attentive and critically aware of the quality and price of the products made available to him by economic agents, and must act in good faith and seriousness. According to this article, the consumer has the power to respect the relevant com-

mitments. When there is a violation of the rights and interests of consumers, the consumer has a duty to report to the competent authorities to defend the rights and interests that are violated by the suppliers of the goods cited by (Corte Real AG., et al., 2025).

The principles of Consumer Law are important rules that guarantee by consumer protection law, such as the defense of consumer law in a relative sense, these rights, such as the idea of protecting the most vulnerable people in relations with suppliers and consumers. The Consumer Rights provided for in the constitutional order considered as Economic, Social and Cultural Rights and Duties prevail in the CRDTL in article 53.^o as a right inherent to the protected principles. In terms of the principle of the dignity of the human person, as stated in Article 1.^{that} of the Constitution, as the fundamental principle that is at the basis of the legal status of individuals that confers unity of meaning to the set of precepts relating to fundamental rights. The principle of the dignity of the human person is at the basis of all constitutionally enshrined rights.

This means, the rights of consumers also the relationship with the principle of the dignity of the human person that concerns life, health and physical safety, because this right is enshrined in our RDTL constitution, under the terms of article 53.^o. Therefore, this principle is very important to guarantee the rights of consumers, because in this law we are talking about the quality of products to meet the needs of consumers, namely products that do not endanger the life or health of consumers. Thus, consumers are people or man, so it is worthy because it considers itself as an inviolable center in its human relations, in this context, in the consumer relationship (consumer + supplier), that is, the rela-

tionship between seller and buyer.

In the principle of Good Faith, they are considered as a general principle of Law, this principle is classified into objective good faith and subjective good faith. In objective good faith means the reasonable and balanced consideration of the interests of others, honesty and loyalty in behavior, both subjective good faith and the erroneous and non-culpable conviction of the existence of a fact or a right or of the validity of a business. Thus, the principle of good faith is a compliance that requires suppliers and consumers in the main to the behaviors or interests between the parties of good and reasonable practice in their existence, that is, it is about acting in measures of the protection of fidelity to words, and translates an essentially honest conduct, meaning that the parties must act in mutual collaboration in the exchange of information on the quality and effective price of the products sold.

This principle, also important in consumer law, where it is regulated on information or advertising must respect the truth, you cannot publish information that denies the existing facts, that is, clear and correct information about the products that are sold. It imposes the duty to respect the truth of the advertising message, inhibiting as such advertising that may be totally or partially false and even that may induce the use likely to mislead the recipient about a product or service. Advertising that encourages behaviour that is harmful to the health and safety of the consumer, i.e. that may cause a risk to the life or physical integrity of consumers, is also prohibited. Consumer Law imposes the important principle as the orientation of supplies, or releases of correct information to the public and private, especially the things sold as products before the truth as guarantees to the health and safety of con-

sumers, that is, so that it does not harm the rights and interests of consumers. This principle is considered to be the fundamental guarantee that corresponds to the protection of consumers in the truth of the information disclosed cited by (Corte Real AG., et al, 2025).

Consumer rights based on article 53.^{the} CRDTL, are listed in article 5.^o and following of Law No. 8/2016 of July 8, Consumer Protection Law, as a special regime that ensures and develops to the extent that this Law aims to protect the rights and interests of consumers. The right to protection, health and physical safety stands out in the constitutional order as fundamental rights, protected and constitutionally recognized. According to art. 53. ^{The} (Consumer Rights) in relation to the epigraph of the article, concerns the protection, health and physical safety, in the effective protection of the quality of the goods consumed. In the provision of consumers, in the rights and duties in consumer relations, in the assumptions of article 6. ^{Law} No. 8/2016, of July 8, Consumer Protection Law. The article deals with the protection of life, health and safety, in this sense it states that the goods and services in the market, obliging the suppliers in any case, to give all the necessary and appropriate information for the use to be made safe conditions. Therefore, the article tries to pay attention to suppliers in the prohibition of reducing the risks that can affect people's lives and health by the products they put on the markets.

It is provided for in paragraph 1 of article 6. The Consumer Protection Law states that "goods and services placed on the consumer market must not cause risks to the life, health or safety of consumers, except those considered normal and foreseeable as a result of their nature and enjoyment, in

which case all the necessary and appropriate information is provided for the use to be made in safe conditions". As soon as public entities, in the exercise of their functions, must inspect the products they place on the market, when they have knowledge or identify about the products or services that imply danger to the life or health of consumers, public entities must seize, remove from the market or prevent these goods, under the terms of no. 3 and 4 of article 6.º of the Consumer Protection Law. The right to quality of goods and services is a basic consumer right that presupposes that all products and services available on the market must be of quality, meeting the expectations of consumers (buyers).

Goods and services intended for consumption must be able to satisfy the purposes for which they are intended and produce the effects attributed to them, that is, when a product or service is purchased, the consumer expects it to meet his expectations in terms of quality and utility. The laws establish that these must satisfy the purposes for which they are intended and produce the effects attributed to them, require a guarantee of quality of goods and services, that the supplier of movable and immovable property is to guarantee their good condition and proper functioning, provided that they make normal use of the good or within its expectation, pursuant to article 7.º of the Consumer Protection Law. According to n.º Article 7(2). The Consumer Protection Law stresses that the supplier must guarantee the good condition of the movable property for a period of no less than one year, except when the property is not given a normal or reasonably foreseeable use; on a real estate, the minimum warranty that is given by the builder is five years. All these guarantees of movable property, both immovable, must follow or in accordance with the requirements that are pro-

vided for in no.3 of the same article thus gives a clear idea of the process cited by (Corte Real AG., et al, 2025).

Methodology

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

Discussion

The right to the protection of economic interests as a constitutional requirement the protection of interests is a duty of the State to guarantee, to the greatest extent possible, between the parties. It is provided for in the heading of no.º 1 of article 53. that of the CRDTL, which concerns the protection of consumers' economic interests. The guide to the epigraph of the article concerns the State to give control and to protect as much as possible essential. Regarding the Law, the protection of economic interests was emphasized in the constitutional order as guarantees of the parties between seller and buyer to manifest good practices to economic interests. According to the LPC law, it is up to article 11.º also to give legal protection to consumers' economic interests before the law cited by (Corte Real AG., et al, 2025).

Understand that the right to training in consumer education is a process to facilitate consumer access by providing adequate information about the qualities of the goods and services provided. To guarantee these rights our state through law N.º 8 / 2016, July 8, Consumer Protection Law, based on 2 of art. 8. The Consumer Law on training and education for consumer consumption. We say the right to legal protection is a means of defending consumer rights

in situations that contradict the law, about the right violated at the time the consumer finds the irregularities of the goods and services provided and through the law can be protected to the consumer.

Legal protection refers to the access of natural and legal persons within the scope of judicial access to have the legal support and concerns that they want to consult in them to ensure their rights and interests on the basis of the laws. To promote these consumer rights the initiative by the parties such as the consumer association, public prosecutor's office and public defense to have legal assistance to natural and legal persons on the issues faced.

When talking about the constitutional protection of consumer rights fits into the Timorese legal order they are considered as positive guarantees of the State, to realize this right to make positive decisions of the rights of consumers. The constitution of the Democratic Republic of East Timor shall prevail the right of consumers provided for in Article 53.^o as the protection of consumers and their legal precepts of the regulation of the right and duties. According to the consumer protection relationship in Timor-Leste, through the NP, it must create specific legislation to protect the rights and interests of consumers in effective conditions for the quality of the goods and services consumed. The meaning of the constitutional affirmation requires the relevant institutions to make decisions to create the relevant rules regarding the protection of consumer rights in matters of inviolability. The systematic of the existing norms of the relations of the coincidable protection of the law is also framed by Law No. 8/2016 of July 8 "Consumer Protection Law". The law aims to ensure the protection of the consumer's position, and it is also up to the Timorese legal system to allow the establishment of various laws and legal diplomas. Accordingly,

the regulation of each of the positions that requires ensuring and respecting these rights that the constitution and the law protect as essential rights.

The consumer protection law in Timor-Leste, law N.º 8/2016 of July 8 in paragraph (a) to (j) of paragraph 1 of article 5.^{deals} with consumer rights, especially in consumer relations. The objective element of the law guaranteeing the right and duty of consumption of natural and legal persons in the field of accessibility. Our State, through the Sixth Constitutional Government, decrees Decree Law No.²⁶/2016 of 29 June, creates the authority for inspection and supervision of economic, health and food activity (AIFAESA). In the legal provisions of the decree-law, it establishes in article 3.^{on} the AIFAESA Mission to ensure the performance of food quality control activities and its relative competences of art. 6.^{of Decree} Law No.º 26/2016 of 29 June, the attribution of powers to the control of food products that link to the needs of human life of consumption. On the other hand, the rules constituted in the legal provisions cover the following rules that are intended to regularize activities with the non-fulfillment of functions.

The establishments of Decree-Law No.º 43/2023 of May 31, the Third Amendment of Decree Law No.²³/2009 of 5 August, Regime of Administrative Infractions Against the Economy and Food Security. Therefore, the objective of the infraction regime is applied throughout the territory, the main objectives of this decree law, such as quality control and preventing health problems and risks to public health in economic activities in the food and non-food sectors. The purpose of the law is to contribute to sanctioning acts that violate the principle of proportionality. Decree Law No.⁵¹/2011 of 21 December, to establish the General Regime of Adver-

tising Activities. The purpose of the Decree Law was to be adapted in the Timor-Leste legal system, as norms regulating publicity. The nature of the law aims to strengthen the system and practices of advertising activities and only to comply with the general principles and requirements of the law.

In consumer law, civil liability is also shared, as the power of obligation by the parties of any nature of violations of the objects sold by private entities in the case where the law requires obligatory liability.

The concept of civil liability is said that someone incurs civil liability when it is an obligation to compensate others for damages caused to them, that these damages result from the non-performance of an obligation. In the context of violations of consumer rights between sellers and buyers, according to the legal field, the assumptions of the obligation prevail, as well as the execution of the structuring assumptions of the consumer protection law, below. Definitely, the consumer is the one who is supplied with a defective good or service. In violations of consumer rights of products sold in the market and other places, when they identify as violations of the rules by the parties such as the defective of the goods consumed, they are considered as the fault.

The establishment of law N. The 8/2016 of July 8 on the Consumer Protection Law, the law establishes a fundamental guarantee to the consumer in particular of the repair of damages by the producers of any type of products that the law does not recognize, that is, violates the rights of consumers, in the provision of article 15.^o of the Consumer Protection Law. The regime of the law allows the consumer to give positions to respond through an obligatory guarantee of repair, replacement, reduction of the price or the termination of the contract. Therefore,

civil liability is the responsibility of the acts performed with the aim of recovering the violations of the damages caused by the rules as guarantees linked to the law of the consumer's obligations. We speak, the guarantee of the right to the consumer, we know that the conceptualization of the guarantee was resorted to by constitutional norms and reserved by the consumer protection law as means of guarantees affirmed in the right and duties of consumers that the law does not depart from these rights.

The respective guarantee of the right safeguarded in the Timorese legal system as the value of respecting and dignifying the lives of citizens in relation to consumer rights. The affirmations strengthened to guarantee the right to life, the right to health and another guarantee of the quality of the goods consumed, therefore these most valuable guarantees of the conditions towards their well-being and harmonious human needs. Thus, the guarantee of the right was provided for in the Rights and Duties in Consumer Relations in the provisions of the Consumer Protection Law, in subparagraphs (a) to (j) of paragraphs 1, 2 and 3 of article 5.^o of the Consumer Protection Law. The grounds of the law are considered to be full guarantees of the rights of consumers which is bound by the most norms of the State of Timor-Leste cited by (Corte Real A., et al, 2025).

The decree Law N.^o 31/2020 of August 26 the control of the quality of water for human consumption. The law constitutes definitions for the control of the quality of drinking water through the competent authority for control, and the objective is to improve the health and guarantees of the quality of life of the population and at the same time increase population economic growth. Constitutional norms,

paragraph 1 of article 53.th CRDTL, protects the consumer's right in any products supplied with the guarantee of the quality of the goods, and another precept also says quality consumer services. As soon as the law regulating water control deals specifically with water quality, but the constitutional norm gives a general meaning of consumption guarantees. The obligations of water management entities have the obligation to control the quality of the water and guarantee other means for human consumption, in accordance with paragraphs a, b, and c of paragraph 2.^{and} Article 4(1) of the EEC Treaty. Of Decree Law No. ° 31/2020 of August 26 so important for the implementation cited by (Corte Real AG., et al 2025).

consumers in consumer relations under the protection of article 5.^o and following of the Consumer Protection Law on consumer rights and this provision is necessary to understand in the context of consumer protection and the State of Timor-Leste also approve decree-law no. ° 26/2016 of 29 June creates the Authority for Inspection and Supervision of Economic, Sanitary and Food Activity objective of the creation of the law establishes the consumer protection policies the elimination, the improvement of the living conditions of the population in relation to consumption and the control of the quality of food to ensure the hygiene conditions of the population cited by (Corte Real AG., et al, 2025).

Conclusion

Constitution of the Republic of Timor-Leste establishes in article 53.^o Consumer Rights, the consecration of the right as the main foundation of natural and legal persons in order to protect and dignify human value in situations of supply of both material and immaterial consumed goods to consumers and the intentions of guaranteeing the well-being of human beings in society. So, the guarantee of the right has the protection of the laws that deal with the consumer in which way to preserve these rights in an appropriate sense before the consumer protection law. It is up to the state to assume a responsibility to make pertinent decisions in a clear manner with its compliance with the laws of the most effective consumer state cited by (Corte Real AG., 2025).

According to the above-mentioned laws, it is demanding that our state has the duty to defend and make policies to eliminate and combat the acts practiced by people who carry out economic activities that violate the right of the vulnerable. Through the Tane Consumer Association, it is also interested in defending the rights and interests of the most vulnerable citizen at the time of their accessibility. These laws are further guarantees of the rights prevailing in the constitution, it is important that the state must control the execution of the laws, according to its own will and in the sense precisely in the consumer law with the main basis. It is recommended that the defense of consumer rights is important that the State must obey the principles mentioned above to ensure fair information of the goods and services consumed such as health, physical safety and protection of its economic interests.

The East Timor State has several significant legislations and guarantees of economic, social and cultural rights and duties in the constitution. Which installs in the consumer law through Law n. ° 8/2016 of July 8, the objective of the law to defend

The obligations and duty of the State and consumer protection associations must seek solutions such as directly monitoring the access of vulnerable people to minimize the risks of violations, it is necessary

to sensitize the rules and information to consumers due to lack of knowledge of the law in relation to access to goods and services with quality to the consumption of life, especially the health and safety of citizens. The fund is, to combat abusive information and defective goods in danger of human health in the development of consumers in Timor-Leste the contributions of the constitutional norms and establishments of consumer protection legislations aims at the main advantages of promoting the right of consumers in the guarantee of quality truthful information and in public health in society Timor-Leste quoted by (Corte Real AG & Tilman CB., 2025). Official channel <https://www.ajmcrr.com>.

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