

Spiritual Liberty in the Light of the Constitution of the Democratic Republic of Timor-Leste (2025)

Alexandre Gentil Corte-Real de Araújo, DD FD UNTL, Ana Cristina de Jesus Silvéria Martins, DB FCE UNTL, Constancia Sofia Cornelio Barros de Jesus, DCS FCS UNTL, Paulo Henriques, CFJ MJ, José Boavida Simões, MESTC, Carlos Boavida Tilman, ESE FMCS UNTL.

**Correspondence:* Alexandre Gentil Corte-Real de Araújo

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Abstract

Introduction: Spiritual liberty consists of freedom to profess their faith, liberty of conscience and worship duration, and is considered a fundamental right of citizens, which is positive in the fundamental law of state law. Spiritual liberty is a fundamental human right enshrined in the United Nations of Human Rights in the implementation of the world (1948; cited by (Corte Real AG., et al, 2025), is positive in Timor-Leste according the fundamental law.

Research Objectives: To study the legal presuppositions of existing spiritual liberty and their legal effects on religious practice and enjoyment of spiritual rights by religious citizens and defense of spiritual admissions in Timor-Leste, to study the fundamental multicultural of fundamental rights on spiritual liberty, identify gaps, challenges and propose legislative-alternative solutions to the protection of the rights of spiritual minorities to liberty as a fundamental right that is exercised through spiritual concessions.

Result Discussion: Spiritual liberty is one of the rights of man and woman, that is, a right inherent to the human person and needs to be positive to be respected. The right of spiritual liberty in Timor-Leste requires a lot of reflection, because every right is related to the juridic order and the social reality of the country.

Conclusion: To influence this goalmouth, it has the finalize to analyze carefully about spiritual self-determination, being a fundamental right inherent to the human person and show the challenges, before a country with so much multi-cultural and holy diversity, maintain the laity, in the implementation practice that has and liberty of application according to (Corte Real AG., et al, 2025).

Keywords: Spiritual liberty, constitution, state, laicity and implementation.

Introduction

The Constitution of the Democratic Republic of Timor-Leste, provides for a list of fundamental human rights, within them, spiritual liberty also gives the impression as a fundamental right¹. In Timor-Leste, culture and religious belief are values enslaved to the long time and have evolved with sociocultural, political and economic worlds. Since Timor-Leste concern about complexity and spiritual discrimination tends to increase, for political reasons, they could lead to negative discrimination in the face of certain sacred communities². Given these situations, the situation of some minorities in other countries that have already suffered spiritual refollow, this can lead to death because of religious faith, prohibition of spiritual rites and activities of worship for judicial reasons, is very hasty and worrying. Therefore, for the prevention of these comparative social acts and singularities and to guarantee spiritual freedom in Timor-Leste, legislators enshrined citizens' liberty over conscience, belief and worship. These liberties can be realized of their belief and respecting everything best cited by (Corte Real AG., et al, 2025) through religious confessions such as Catholicism, Islamic, protectionism, Jehovah, Hinduism, Buddhism among others³.

From the spiritual perspective, Catholicism represents the majority of the population with more devotees among other religions, the main concern is to rule out secularism and absolute separation, but to promote, the relative separation between state and religious confessions⁴. According to Professor Bachler Gouveia, and from the legal perspective of each country in the separation between religious confessions and state, rejects the models of fusion and identification of these, where it intends to prevent the dominance of spiritual power- theocracy,

or the dominance of political power- cesaropapismo⁵. In identification, both can be equal or one may interfere with the other. That is why the state as the basic entity of society in the exercise of its functions must guarantee and implement the essential spiritual rights (rights to continued beliefs, recognition of civil rights and their effects) to sacred citizens to promote a society of solidarity and fraternal it. These proppants issues are recent social phenomena that provoked public discussions, if the Catholic religion has the constitutive legality and recognition of the Holy See and the State of the RDTL, in the implementation practice cited by (Corte Real AG., et, al, 2025). therefore, Catholic marriages are legal and produce civil effects, but other religions in the context of spiritual liberty for similar cases is still questionable, which is discriminatory and requires a law of recognition of the existence of spiritual confessions and thus be able to harmonize with the procedural laws of marriage of each religion⁶.

Due to these issues, this legal research intends to elaborate the "Spiritual Liberty in the Light of the Constitution of the Democratic Republic of Timor-Leste",

Research Objectives are:

- To undermine and undermine the legal presuppositions of existing spiritual liberty and its legal effects on religious practice and enjoyment of spiritual rights by sacred citizens and protection of spiritual confessions in Timor-Leste.
- To smooth out the fundamentals of basic rights on spiritual choice, identify gaps, and challenges in a new country of Timor-Leste.
- To recommend legislative-alternative solutions to the protection of the rights of spiritual mi-

norities to sacred freedom as a fundamental right that is exercised through the spiritual confessions of existences.

Theoritic Outline

The historical evolution of Spiritual Liberty in Timor-Leste

We started our approach with the welcome of the Portuguese in Timor-Leste in the years 1515. According to Garrido Rodrigues " Timor since its discovery by Portuguese merchants, around 1514, it has not been a priority for the colonizing country⁷. The Dominican fathers are the first to settle in the territory in the middle of the 16th century. But in the background, it always concerns the dualism of spiritual practice as denote following, " country of Catholic majority, Timor-Leste holds different forms of relationship with blessed around two main references: the religious universe and the world "lulik" specie of sacred powers linked to the ancestors. Such references as there are in the form of destitute regimes of sacredness which, although separated, maintain points of contact. In these two spheres of reality, the spiritual universe sees faith as a transcendental value of believers in relation to God, of every human person in the application practice that exists cited by (Corte Real AG., et al, 2025) but, in the universe of the "lulik" also sees in the same way, but still values his principles of ancestors⁸.

Therefore, spiritual autonomy although it is a right of citizens, they are free to decide to believe and practice their rites, activities and spiritual cults freely and permissively according to the spiritual norms of each religion and laws in force in the State. In Timor-Leste, according to some statistical data, they denoted that in 1970 there were 153,000 people who considered themselves Roman Catho-

lics (28.1%), 2,420 were Protestant (0.4%); other Christian denominations 400 0.07%); 900 Islamic herma (0.15%), and the remaining 457,777 (74.3%) did not indicate any religion. According the data showed that, as for the enjoyment of spiritual freedom at that time that was still insignificant according to the percentage of each spiritual confession in Timor-Leste, it should be noted that the spiritual liberty of Catholics during the Indonesian time was somewhat limited, that is, in some places prohibited Mass , the realization of spiritual rites of Catholic choir, some military forbade believers from going to Mass, but the priests continued to minister usefully in the application on the ground cited by (Corte Real AG., et al, 2025) for Mass⁹.

After the end of the Indonesian occupation there was a drastic change in Timor-Leste, where Muslims represent 10% of the population before independence, because of the policy of transmigration of Indonesians and development activity, nowadays it is with a small fraction of the resident communities¹⁰. Spiritual liberty was seen as a precondition for the unification of the faith for the struggle for the independency of the RDTL, but from the multidimensional point of view of beliefs, religious liberty is a condition of the rights and freedoms guaranteed by the state religious confessions and citizens, to manifest their religious faith freely and peacefully. According to the report of the ACN (Aid to the Church in Need) indicated that in total 1,381,400 of the population of Timor-Leste, the Catholic religion represents 89.6% muslims 3.9% the traditional regions 6.5%, and another 1.0%. This report showed that there was some decline in catholic believers in Timor-Leste, where in the sense of the population in 2019 it represented 97.6%⁹. This does not affect the level of religious participation, because " since the abandonment Ti-

mor Portuguese the Catholic Church has always stood up against the barbaric occupation of Indonesians and its role has always been based on the defense of human rights, for the defense of a people who fought for National Liberation¹¹.

Spiritual liberty during the Indonesian occupation (1975-1999) was difficult, that is, on the one hand, Indonesia is not a secular state, because there were intimidations and wars imposed by the Indonesian troops and regime¹². According to Mattos, on the letter of Dom Martinho da Costa Lopes that so basic in this process cited by (Corte Real AG., et al, 2025), pointed out that, this text was not only a protest against injustices and atrocities, but above all a declaration of solidarity of the clergy with the people humiliated and offended¹³. The church was in solidarity with him and would resist along with him. That is why, part of the historical point of view, spiritual liberty is always considered with a historical imperative, imposes on the state to guarantee these fundamental right religious confessions as entities charged with the exercise of spiritual activities in the promotion of social peace, tranquility, tolerance and religious solidarity in Timor-Leste¹⁴.

The rank of spiritual freedom in society.

It is vital to realize that spiritual liberty is a fundamental right of human beings, without its coexistence in society would be chaos, because no one had the freedom to choose their religion and could not profess their faith. In a society where there is no liberty of religious, that some society should live in a situation of intolerance and religious conflicts. According to Aristoteles, man is a social animal, who needs to live in society to develop, and thus acquire capacities, but this coexistence can cause problems, when there are conflicts of antago-

nistic in tresses and the lack of laws that regulate spiritual freedom¹⁵. From the historical point of view, the importance of Catholicism in Timor-Leste, its spiritual liberty is based on the degree of proactive participation in the liberation of the homeland, as it emphasizes," in the international dimension of the church was important for the visibility of the Timorese cause in the practice of implementation is essential (Corte Real AG., et al, 2025). In the creation of a network that, not always in a concentrated strategy, used the Catholic structure to spread what was happening in isolated Timor-Leste and to create pressure groups together with governments, the United Nations and ecclesiastical entities."

There are certain cases where some religious minorities were disturbed by unknown groups during their church activities, by throwing stones at this and which resulted in injury to a believing woman, still other pending cases. This showed that there is religious intolerance and discrimination between citizens belonging to the different religious confessions in Timor-Leste, but in this context, the fundamental issues of spiritual liberties are "discrimination in public services, recognition of the documents of spiritual minorities and allocation of budget to their groups". There are cases where the registry and notary services "reject the birth certificates of the Islamic and Protestant religious organization, these rejections may hinder the use of this document for registration in schools and other official acts, that is, the said services only facilitate civil marriage and birth certificate to religious minorities". Respect the human rights and fundamental rights of the citizen." Therefore, it is very important that the rights of citizens to spiritual liberty be realized through permissive laws of religious practices, such as the recognition of non-Catholic

marriages, recognition of their documents in the practice of the implementation process among the other¹⁶.

Spiritual diversity in the democratic rule of law

Spiritual diversity with regard to the coexistence of various religious confessions in the guarantee of peace and tranquility among the members of each of them brings sociopolitical well-being at community level in Timorese society. Thus, "taking advantage of the prestige that the religious had in Timor-Leste and the relative ease, which had to communicate with each other and to move within the regions, the spiritual were increasingly assuming this role of means of communication and humanitarian aid specifies how, with medicine and food". In our country, we observe the existence of various religious confessions such as Catholicism, Islamic, Buddhism, Hinduism, Jehovah, visionary evangelical church, Protestantism and others, are entities that intend to transmit the word of God to the people and seek transcendental truth and common religious good. Spiritual confessions must create peace, cooperation, collaboration and solidarity, promoting tolerance and non-discrimination. Article 16 of the RDTL Constitution provides for three fundamental principles of spiritual liberty, on the one hand we have the principle of universality- recognizes and freedom to all citizens, the enjoyment of their rights guaranteed by laws, such as the right to religious confessions, the right to enjoyment of freedom of conscience, religion and worship, and etc. (paragraph 1 of the last article). The principle of religious tolerance - in the social aspect in which it prohibits or limits religious discrimination and persecution - before religious minorities or any person in the democratic rule of law¹⁷. These principles aim to lead to mutual understanding, peace and tranquility, promoting non-racial character based on

religions that exist in the country cited by (Corte Real AG., et al, 2025).

The Reconsideration of Literature

The concept of liberty

The look freedom comes from the Latin liberties which means the condition of him who is free, that is, ability to act on one's rights. Human freedom must be consented to by people in such a way that it is significant liberty, both subjectively and objectively¹⁸ This means that liberty reflects that the idea of human conscience is always individual, it is in their aspirations and tendencies the real spring and the decisive fact, ultimately, of all social transformations. In the Democratic Rule of Law, liberty is regarded as one of the fundamental rights guaranteed by the supreme law, note the relevant issues in Timor-Leste, freedom of expression and information, art°40°, liberty of the press and the media, art,°41°, liberty of assembly and manifestation, art.42; liberty of association, Art. 43; liberty of movement and liberty is based on the enjoyment of their rights freely, peacefully and without any forms of discrimination, persecution, oppression and free from violent acts¹⁹ cited by (Corte Real AG., et al, 2025).

Perception of Belief

The word belief comes from the Latin religion, - ornis, which concerns a set of cultural systems and beliefs practicing by a certain group of people, which establish symbol, which relate humanity to the skewness and its own moral values²⁰. These words are often used as synonyms of faith or belief, but somewhere may refer to a particular entity. Religion can also be regarded as an objective condition of people's liberty, this means that, "free individuals and all equals in that liberty, must be autonomous, free, themselves, and therefore, as great in-

dividuals personified, should not likewise know above them another authority other than promote of the law” but, it must respect what is sacred in a community in the implementation practice cited by (Corte Real AG., et al, 2025).

Research Methodology

This research is a search of bibliographic references. Throughout the research and documentary analysis of knowledge of science, articles, and argumentative both legal and literary mentioned.

Idea of spiritual liberty

If spiritual liberty is realized as long as there is, freedom in the state we belong to, this premise is intended in three interconnected aspects (subjective, objective and valiative reason). It reflects the formal Constitution, “in a way, still enshrined- to a regime of separation, with full constitutional recognition of freedom of science and religion (considered today a material limit of constitutional revision and one of the rights incapables of suspension in a state of siege)". This material limit in the case of Timor-Leste is not expressly provided for, but implicitly as part of the citizens' freedoms and guarantees rights, which the law of constitutional revision must be to comply with (point (b) of paragraph 1 art. °156 of the CRDTL)^{1,7,9}. It is shown that " spiritual liberty is far from guaranteed and persecution scans. However, its recognition, protection always taking into account its historical, social and political aspects of the country, so it needs a law of spiritual liberty, in turn, would affirm the right of religious confessions to equal treatment, despite the differences imposed by its representativeness. However, spiritual liberty is still, " a principle that guarantees the individual or community, in public or private, manifest their belief in teaching, practice, cults or rites. It is therefore a fundamental right that protects people's autonomy of science and logical and rational thinking, allowing them to express themselves about it and act according to what they believe" in the community of Timor-Leste second (Corte Real AG., et al, 2025).

Result Discussion

Constitutional framework (Liberty of spiritual: a essential right)

The Constitution of the Democratic Republic of Timor-Leste henceforth, CRDTL is the fundamental law of Timor-Leste that clearly provides for related rights, such as the right to conscience, culturation and belief. In fact, the exercise of the important daily of citizens¹⁸. For example, the right to spiritual liberty, Art. 45°, has as essential content, liberty of conscience, worship religion and among others. The State recognizes and values the participation of the Catholic Church in the process of national liberation of Timor-Leste (art 11(2) of the CRDTL). Moreover, this constitutive recognition of tensibility of the sacred minorities in Timor-Leste to contribute to peace tranquility and solidarized within Timorese society. It should be noted that one of the other guiding principles of spiritual liberty is the principle of universality and equality, Art. 16 of the CRDTL. These principles are translated into the subjective dimension- citizens must respect each other without describing and presiding each other for spiritual or ethnic reasons, in the objective dimension- provides that, the law must be fair to all citizens when they enjoy their religious freedom rights, because in the value dimension the situations and conditions of citizens belong to religious confessions must be guaranty legal certainty, social peace and the protection of citizens' trust, so they can contribute to the common good and joint and several responsibility¹⁹. This is important for Timor-Leste citizens and citizens of the world cited

by (Corte Real AG., et al, 2025).

Legal Outline

According to the constitution, the laws have been legislated and will be formulated in a given legal order, the state's action always binds its functions of political, social and economic control of which, they bind it to its main objectives, one of them in the alien of (art.6 of the CRDTL) is " to guarantee and promote the fundamental rights and liberty of citizens and respect for the principles of the rule of democratic law"²¹. In this sense, "the interpretation of the fundamental law reveals a model of non-identification between political power and religion, characterized by the relative separation, compatible with the recognition, to some extent, of the social aspect of spiritual liberty". Therefore, and if all that is social is also legal, then the right of the political community cannot be disinterested in religious social phenomena." This principle is the result of a deeper understanding of the liberty of spiritual confessions and the relationship that must exist between them and political power." In the jurisdiction plan, reflecting on the past and previous conflicts in the case of Timor-Leste, in 2005 there was a demonstration for 19 days against the state's decision to abolish the material of religion and morals in the establishments of public and private and public, this episode of " conflict Church- State, then verified, do not annul this matrix of social peace as religion, long before religious self-determination was formalized as a fundamental right of the human person." Therefore, the foundation of religion in this context must respect all the laws in common that contemplate in the Constitution of the Republic cited by (Corte Real AG., et al, 2025).

Viewpoint the Human Rights of Deliverance for Spiritual

The recognition of the spiritual liberty of spiritual and religious confessions is a state obligation to do, because this liberty, before being a fundamental right of citizens recognized by the Constitution, was a right of the man inherent to the human person, because it is recognized internationally. Universal Declaration of Human Rights recognizes, the right of persons to religion, note in Art. 18, " every-one has the right to liberty of thought, knowledge and religion; this right implies the freedom to change religion or belief, alone or in common, both in public and in private, by teaching by practice, by worship and by rites". In their comparativist universality, " human rights are rights valid for all peoples and at all times (Ju naturalist-universalist dimension); important rights are human rights, legally-institutionally guaranteed and limited by temporally." Therefore, their specific application to cases of fundamental rights, these are legally relevant^{5,17}. In particular, Timor-Leste's condition allows it to be applied and respectfully applied in the daily practice cited by (Corte Real AG., et al, 2025).

Catholic Religious Confession: Example of the Enjoyment of Spiritual Liberation

In the historical-constitutional moment, the State evidences the moral and solidary responsibility of Catholics, stifles that, "in its cultural and human aspect, the Church Catholics in Timor-Leste always knew how to assume with dignity the suffering of all the people, placing themselves at their side in defense of their most elementary rights". In 2015, the State of Timor-Leste and the Holy See concluded an agreement which was ratified with the resolution of the National Parliament, No. 18/2015, of November 11, this agreement contains

a legal framework governing the relations of the Holy See and Timor-Leste. Therefore, no doubt has arisen, in the principle of spiritual liberty-states that the State guarantees the freedom to profess and publicly practice the Faith (Art. 1 of the Concordat). Let us note, the State recognizes the legal personality of the Catholic Church and its affiliated organizations in the country, Art. 3 and 5 of the Deal; ensuring the exercise of worship, education, administration and management of property, real state, Art.12; religious assistance, Art.8°; recognition of the validity of the official documents of the Catholic Church, Art.6; consent of religious festivities, Art. 7; rights to the media, (Art.18 of the Agreement), these are some rights relating to the enjoyment of spiritual liberty by the Catholic Church in Timor-Leste. Therefore, the struggles of religious minorities need to conform in if is possible these types of treatment, but first of all, they need to improve their internal challenges of the enjoyment of spiritual freedom¹⁹. This means that the State of Timor-Leste put in its high regard practice the law very important cited by (Corte Real AG., et al, 2025).

Earthly State and its Legal Principles

Article 12, n.1 of the Constitution of the Democratic Republic of Timor-Leste, the principle of religious diversity, where it respects and recognizes the different religious confessions, this shows that the functional posture of the State before religions is grouped, unitary in an era of the divergent community, both in the difference of religious or ideological beliefs. that is, religious confessions in carrying out their activities must obey the mother law and other laws in force. Religious confessions are religious institutions that make up a community or group of individuals who have the same religious conviction, because they have leaders who direct and organize. In this case, the non-officialization of religion, removes the theocrat state, still, the recognition of religions is effective, because it prevents the pretexts that the State is absolutist, therefore, it recognizes itself, religious confessions and the religious subject is isolated from the state, the State becomes secular²¹.

The existence of confessions and their activities cannot be ignored or seconded and nothing prevents even the firming of their cooperation with the State in various domains." However, a minimum of cooperation is necessary to ensure and promote the effective realization of individual and collective spiritual liberty." The principle of laicity-respects religious diversity, religious communities do not intervene in political events, absence of religious symbols in public buildings, respect for religious goods in common places, the non-desecration of statues, objects of worship, rites and among others. This means that, " the separation of religious confessions from the state arises as a guarantee of defense of religious freedom. The right to religious confession stems from the principle of religious freedom, that is, all people are free in their conscience or religious belief, to continue or associate themselves in a religion, to practice worship and to make rites, therefore, it fortifies discrimination and religious persecution, which must respect each other in the implementation practice in Country of Timor-Leste cited by (Corte Real AG., et al, 2025).

Challenges of Spiritual Liberty in Timor-Leste

The realization of rights over spiritual liberty is fundamental to ensure true equality in the fulfillment of the principle of laity, religious tolerance and respect for the dignity of the human person and religious confession. Some challenges show that the Timor-Leste State admits the teaching of reli-

gion in public schools, but teaching centered only on a religion, because it does not yet take into account the religious diversity of the Timor-Leste population, in a way that, the foundation of spiritual liberty and will be in this dissimilarity. In the past, certain people destroyed the religious objects of worship of Catholics on the outskirts of Dili and elsewhere, threw stones at the Churches, offended some religious belongings of religious minorities while they were doing religious activities in their centers. Furthermore, during its term from 2002 to 2025, it identifies certain problems regarding spiritual liberty and its valorizing, such as lack of special law dealing with religious freedom, recognition of religious confessions, lack of procedures for non-Catholic marriages for cases where citizens do not desire civil marriages, religious minorities as Muslims, Protestants, Adventists, Buddhists, Hindus, some of them, their documents (marriage certificates, certificates of no cements and others) have not yet been recognized by the State, that is, it does not yet recognize the validity and validity of the acts performed by them in the religious sphere. The state affirmed its neutrality and not interference in the interfaith field, while at the same time guaranteeing the various religious confessions the same power of self-governing." this is because, currently, the liberty of the religious is in a written posture, which may call into question the laity of the Timor-Leste State, violation of the principal of equal treatment, protection of trust and shakes legal certainty and certainty^{10,12}.

Peristomium Right and Manifestation: Legislative Option of Religious Liberty.

It is defined, the right of demonstration is a special form of meeting in which it aims at the public expression of a message of protest, support or any other purpose, the petition right as a way of defend-

ing the common interests, constitutionality or democratic legality. In this case, minorities affected by the issues at issue may exercise rights such as, the constitutional complaint or the right to peaceful expression and expression, a petition right, (arts. 40,42° and following of the CRDTL). Constitutionally, Art. 48 states that "every citizen has the right to submit petitions, complaints and complaints, individual to them collectively, before the severity bodies or any authorities, for the defense of his rights, the constitution, the laws or the general increase." It is reinforced, Art. 42, that everyone is guaranteed the liberty of peaceful assembly without weapons, without the need for prior authorization, since the right of expression is recognized in accordance with the law. Under the constitutive guarantee of the exercise of petition law and peaceful manifestation, citizens affected by decisions of discrimination, intolerance and persecution of a spiritual nature may ask the state agencies competent to solve the problems according to the competence of each of them. Compete to the competent body adopt a legislative option in the case of recognition of religious confessions, a law of the separation between State and religious confessions, creation of legal proceedings relating to non-Catholic marriage, monogamous ballet marriage, had respect according to the tradition of ancestor's condition cited by (Corte Real AG., et al, 2025).

Conclusion

It is concluded that spiritual liberty in its individual, collective and valuable aspect needs to be realized. In examining the legal assumptions Constitutionals, legal and legal facts I found that there is relative discrimination between matters of religious confessions in teaching and education, then the absence of the Spiritual Liberty Act and The Law of Separation of the State and religious confessions,

lack of state recognition of marriages of religious minorities or non-Catholic marriages for those who would not like to adopt civil marriage, lack of state lye of the legal deeds of marriage and documents of religious minorities, State must analyze in depth and consider the process of equal treatment in the future of the country all religious confessions in its dimension of foregone conclusion (Corte Real AG., et al, 2025).

In these issues, it is evident, religious minorities need to legally constitute their religious confessions, thus acquiring the personality and legal capacity to exercise the religious activities of worship, rites (the validity and effects of non-Catholic religious marriage in Timor-Leste of protestant, Islamic, advents and others are recognized, the religious documents of these and instructional recognition are validated). In this sense, we can say that there is mutual cooperation between state and religions in the realization of spiritual liberty as a fundamental right of citizens and religious confessions. In other conditions, spiritual minorities need to adopt and follow their procedural rules of matrimonial and link their effects between secular state and religious confessions, so as not to doubt the civil effect of matrimonies in Timor-Leste as a violation of the principle of the secular state (equality, cooperation, religious tolerance, neutrality, conformity, constitutionality and legality) , it is important we have to check what best for everyone models applications real cited by (Corte Real AG., et al, 2025).

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