

RESPONSIBILITY OF PATERNITY FROM THE PERSPECTIVE OF THE TIMORESE LEGAL SYSTEM

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ABSTRACT

Introduction: Often the word responsibility has to do with the act performed by a person who is contrary to the law, that is, the unlawful act; the responsibility we can consider it as an obligation of a person to do or not to do an act. Thessim we can say is the set of facts that give rise to the obligation to compensate the damage suffered by others, so there are five assumptions of liability such as conduct, causal ity, damage and guilt.

Objective: To analyzeand examine paternity responsibility from the perspective of the legal system from the perspective of the Timorese legal system.

Method: We use theinductive method gia is based on the consultation of reference books in the library, and in this elaboration is also used the Internet as an auxiliary means.

Discussion: The action of decopyrighting the child (fact), is the violation of art.2021 and 2023 of the CCT, (unlawfully), this violation takes place by will (guilt), which causes the child to lose his right to succeed (damage) however this conduct of decopyrighting the child through the will caused loss of the right to succeed (causal link).

Conclusion: Cwas convinced that, with the presentation of some essential elements linking the responsibility of paternity in a Timorese legal perspective, based on the analysis of legislation and documentary research, they show that the responsibility of paternity is a lasting responsibility and that responsibility begins at the moment when the child is in the mother's womb until the death of the father cited by (Cruz R & Corte Real AG, 2023).

KEYWORDS: Responsibility, Paternity and Timorese legal system.

INTRODUCTION

Notion of Responsibility

Often the word responsibility has to do with the act performed by a person who is contrary to the law, that is, the unlawful act; responsibility we can regard it as an obligation for a person to do or not to do an act. However, "liability as a means or an obligation for persons who commit the unlawful act"; thus, it is not only the unlawful act that is required for liability, but also the "lawful act"; this, happens when a person has practiced a lawful act but has caused damages; example A was on the balcony of the shop of C with seven floors and sees B (a mentally handicapped) who was inside the store with the glass door that was closed and wants to practice suicide. A broke the door and enters to save B. In this case, he acted it out of a state of need (Art. 330 CCT); but, as there is damage to the C here so it is necessary to repair those damages, even if the action of A is litic. Therefore, we can say that the responsibility is, focusing too much on the action or omission of a person, which in the end produces a fact and legal effect, and that action or omission that produces the fact and legal effect is an unlawful or perhaps lawful action that produces results for damages or injury cited by (Cruz R & Corte Real AG, 2023).

Objective: To analyze and examine paternity responsibility from the perspective of the legal system from the perspective of the Timorese legal system.

THEORETICAL ENQUADRATION

Kind of Responsibility

Usually, the responsibility is Legal or other (moral,

social or political); in legal liability, it can be of two kinds i.e., civil liability and criminal liability, these two responsibilities have to do with the unlawful or lawful act committed by a person.

Civil Liability

Civil liability follows, as seen, the concern to repair property a damage suffered by a person. What we are concerned with is to restore persons harmed to the advantage of their offended interests or equivalent interests, so we can say is the set of facts that give rise to the obligation to compensate for the damage suffered by others, so there are five assumptions of liability such as conduct, causal link, damage and guilt. The conduct of the agent can be one of action or omission, action when he practices rightly, the omission when there is a lack of practice that caused damages (417 CCT). Guilt such as the omission of diligence which would be payable to the agent in accordance with the standard of conduct imposed by the law (421 CCT). The damage is the decrease and destruction of the other's goods. Thus, the damage can be classified into material damage and moral damage, the responsibility for material injury "is the one that affects the assets that are part of the victim's property, that is, the set of their appreciable legal relationships in money" and we call property damage, while the responsibility for moral damage "is the one that reaches the very personal rights of the human person that integrate their personalities, that is, that they achieve value attributes or virtue of the person as a social one." (Art. 430 combines with Art. 67 CCT).

The causal link is linked to the agent's conduct, practice and the result, that is to say, the agent's

practice or conduct is the result, i.e., the causal link which contains, in itself, the idea of the value, of is a link between the conduct and the fault (498 expropriation of the legal order. Guilt, constitutes a CCT). Therefore, under the heading of civil liability, judgment of the value or censorship that others can it, liability arising from the failure to comply with make about legal-criminal behavior when the agent the obligations arising from the contract, unilateral could and should have acted otherwise. Punitive is business or the law, and the result of violation of an effect of the practice of the crime, that is, it is absolute rights or the practice of certain acts which, the consequence of the act performed by a person, although limits cause harm to others. And on the and this power of punishment belongs to the state. other hand, "Civil liability may be classified as liability by fault, risk or sacrifice, depending on the

title of imputation to which it is used to transfer the damage from the sphere of the injured party to another." So, in cut, in civil liability, there are two types. They are civil liability for unlawful acts, where a person has unlawfully infringed with deceit or mere fault the right of another person or any legal provision designed to protect the interests of others art. 471 CCT and the other is liability for risk, when in the absence of legal precepts to the contrary, the provisions governing liability for unlawful acts art. 433 CCT.

Criminal Liability

Criminal/criminal liability is of a different nature. It supposes the offense of interests that by its importance are considered as its own community. There is a social defense objective there however criminal responsibility is the responsibility that is in the common interest, that is, when it violates, the consequence is responsibility to the State, on the other hand it is the branch of public law. Thus, are assumptions of the "constitutive elements of de facto concepts or the concept of crime as Typical, Illicit, Guilt and punitive". The typical fact is human behavior, which produces a result that violates criminal law. Illegality is a material category,

Notion of Fatherhood

When we hear the word fatherhood, we soon think that the feminised is motherhood, then we can say that fatherhood refers to the father while motherhood refers to the mother. However according to Ana Prata "paternity is a legal link that binds the father to his son" por another considers that "paternity is the concept that comes from the Latin paternites is that it concerns the condition of being a father so if we talk about fatherhood we are talking about the father and his children, but it is not simple to say and recognize that that child is his, that is, and legal the father of that person but fatherhood represents the responsibility of a father before his child, that is, relationship between the father and his child, what are the obligations that parents must have before their children. Scientific and psychologically paternity comprises several aspects, among them; to have authority, to establish limits, to transmit affection, to be a model of masculinity, to be a model of a couple relationship, to show paths to life, to indicate possibilities for growth, to be an agent of differentiation between mother and child, which function as a model for healthy relationships through life. In Synthesis, we can say that fatherhood is a relationship between father and his soon, and the father is like an exem-

plary agent in the education, love and stability of a two people, but also the analysis of the days, family cited is very fundamental role in the family months that the two join with the conception of the tradition and culture cited by (Cruz R & Corte Real, child, while in the biological aspect only have to do 2023). with a test that we usually call the DNA test.

REVISION OF LITERATURE

Since antiquity fatherhood is a very difficult thing modalities of paternity, through their own perspectives in relation to their societies.

test through the pregnancy of the woman. During

Greek times philosophers and physicians such as " **Modalities of paternity in the Timorese Legal System**

duration of pregnancy should be established in six According to Article 1706 of the CCT on the establishment of paternity which provides for paternity full months and that the maximum duration could presumption, and paragraph 1 states that 'it is presumed that the child born or conceived in the pregnancy of the mother's marriage has as the father the be fixed ten months" , so the way of knowing a woman's pregnancy, to establish or recognize that husband of the mother". In this article, the law establishes a person as the father when they marry the child is born, that son is the one of the two, so that ty. There is great controversy between the establishment of paternity compared to the proof of motherhood, because a baby when it is inside the womb of married B in the year 2017 and in 2020 the C is the mother proves that that baby is the son of that born; however, the law assumes that C is the son of mother, no longer need to do any test, such as the A and B, i.e., B is the father of C). The law also establishes paternity by recognition, Art. 1727 CCT, blood test, procedure process and etc. states that "the recognition of a child born or conceived out of wedlock is effected by pertination or

Compared to fatherhood, it is so difficult to prove, in the sense that two married people have a child juducial decision in an investigation action". We sometimes that son is not the biological son of that know that to prove that a person is the father of a father, so there are modalities of establishing paternity for a man. Those modalities can be seen in the child is not only to say that that person is the father of that child, because to be a parent of a person is psychological, sociological and biological aspects. through a process, and those process have already In the sociological aspect, in the presence of people been mentioned or established by law.

being a father is the one who lives with the woman

and then a child is born, while in the psychological Therefore, the law establishes paternity for a person aspect there is not only the analysis of the union of who has not yet constituted marriage, but because

of a woman's pregnancy, the law establishes a means of investigation to find the paternity of that child, or a person who comes to recognize that he is the father of that child. In this sense, the establishment of paternity can occur from recognition, that is recognition can be done by investigation, when the father does not come to say that the son is his. (Example today is born A, and to make the birth certificate of A is also needed the name of the father, but as the mother of A has not yet married and on the other hand no one comes to recognize that he is the father of A, then the Public Ministry has the competence to investigate through the mother's declaration by biological examination or other scientifically proven methods (art. 1681); or recognition by clarification of the father, that a person comes to say that A is his son so you don't have to do more research to know fatherhood. In addition, the law also provides that the paternity of a person may be established by adoption, and this establishment must be done by means of a judicial decision (Art.1467 CCT). However, we conclude that our Timorese Civil Code considers three modalities to be a parent; that is; fatherhood is first established through marriage, and second/ established through recognition, and thirdly is established through adoption process legal system cited by (Cruz R & Corte Real AG, 2023).

However, we can classify the power-duty of fatherhood into two parts that is general power-duty and special power-duty.

Power-General Duty

The general power-duty is in relation to the time of the establishment of paternity, that is to say when the father assumes the function of fatherhood soon, he also assumed that power-duty, and that power-duty is provided for in Art. 1754 of the CCT, which is a power-duty of respect, assistance and assistance. The power-duty of respect " obliges each subject of the relationship of affiliation not to violate the individual rights of the other", The power-duty of assistance is the power-duty " in this arise obligations of aid and protection, relating both to the person and to the patridation". The power-duty of assistance "is a structuring duty of assets, which imposes services capable of financial evaluation. It is the obligation to provide maintenance and to contribute to the burdens of family life"

Special Power-Duty

The special power of duty of paternity, provided for in paragraph 1 of Art. 1758 CCT, states that " it is for parents, in the interests of their children, to ensure for their safety and health, to provide for their livelihood, to direct their education, to represent them, even if they are unborn, and to administer their property, and that power-duty is in relation to the paternal power, as art. 1757 CCT says, "children are subject to paternal power until adulthood, or emancipation" and this power-duty sucks as a means of supplementing the incapacity of the minor. We call it special power because it is special

Power-Duty of Parenthood

When we talk about power-duty we are talking about the obligation and authority of something, and when we talk about father-to-child parenthood, so the power-duty of parenthood is the obligation and authority of the father before the children.

cific to the father who exercises the function of parental power, and these special powers can be classified in power-duty relative to the person and power-duty relating to goods implementations in family.

Power-Duty parenthood relating to the person

A person, when born, still does not know how to walk, communicate and live independently, so he needs help so that he can care for, educate and protect him. So, the parents are the ones who have these powers and duties. Parents have the power-duty to educate their children, to decide where the child should stay. To promote the intellectuality of children, so that children have good communication and good contact with another person in a society, the father has the power to educate his child, prepare his child, direct his education, have the power to correct the child when the child is on the wrong path that can harm his life or society, all this is provided for in the first part 2 of Article 1758 CCT in which it states that: 'children must obey their parents'. However, we can classify the power-duty of fatherhood into power-duty to educate, power-duty to ensure, power-duty in relation to the health of the child, power-duty of sustenance, these powers and duties are under parental authority, when the father exercises the function of supply of the minor, but does not limit that fatherhood performs these functions even if he does not exercise paternal power.

the child with formal education. In this respect, Article 1765 CCT obliges parents to promote the physical, intellectual and moral development of their children with their ability, as the father has an obligation in the education of children, in the sense that parents have the possibility to educate their children in formal education at least until presecondary education and if the parents do not do so, children may require parents to take responsibility for it, and parents have an obligation to do so. Parents this means that children must do all things in accordance with the father, that is, the father has absolute power in the split over the children, but the two should be heard to each other in the sense that parents must also respect the decisions of the children when those decisions are reasonable.

Power-Duty of Fatherhood in the Education of Children

The father has parental power but he does not apply that power-duty, does not prepare the child so that he can enter and contact society, does not prepare

Power-duty of paternity in the safety of children

A child needs protection from some people older than him, because those people have experience that those children don't yet have. Therefore, the father has the responsibility for the child, has the responsibility to keep his child so that he does not fall into temptations or learn bad things, that is, to keep the children in a place that can prevent him from danger, so that responsibility relates to the safety of the children, as article 1767 CCT says, "minors cannot leave the father's house or the one that the parents have intended for them, nor be taken from it." Thus, we have the authority of the parents to establish the residence of the children and to oblige the children to remain there. Therefore, the power-duty to ensure the safety of children is an assignment of power to the father, to keep his child in his company, has the right to supervise and control the relationship of children with others, that is,

children have a duty to report to parents about their daily activities when parents need to know. However, we can say that the father has the power-duty and that power-duty is a means of protecting the child from danger.

Power-Duty of Fatherhood in the Sustenance of Children

human beings to live need food, food is important for the life of living beings, in addition to food rational human beings also need clothes and other basic necessities to live in society, so it is up to parents in their responsibilities, the food of children with capacity that they can do, as the paragraph of Art. 1758 says.

Power-Duty of Fatherhood in children's health

Health is very important for the belief of a person, or the preparation of a child so that he can live independently, paragraph 1 of Art. 1758 gives that responsibility, both parents, to compete to ensure the safety and health of their children, so that parents have a responsibility to protect their child so that the child does not suffer physically, that is, to have in question the damage of their life or health, then we talk about the health of the child has the relationship with food and safety that the father should do. Parents have the power to administer their children's property when they are still minors, i.e., they do not yet have legal capacity, and that administration, in some cases, as provided for in Art. 1770 CCT, is also watched by the courts, in addition, Article 1778, requires parents to take care of the children's property as cited by those cited by (Cruz R & Corte Real AG, 2023).

Paternity Liability for Violation of Power-Duty

The violation of the power-duty of fatherhood happens when a father assumed his title of paternity; such violation may occur in violation of the general and special powers-duties, by action or omission.

Paternity Liability for Violation of General Power-Duty

The power-General Duty has the effect at the time of the conception of the child, Art. 1769, at the time when the child is recognized by investigation or pereration, of course, the child and the father, have assumed the reciprocity of the powers-duties of respect, assistance and support the children.

Liability in violation of the Power-Duty of respect and assistance through the absence of paternity

Responsibility for the absence of paternity is a violation of the power-duty of respect and assistance. This happens at the moment when the child is still in the mother's womb, that is, conceived unborn, then " in the strict sense, unborn is one who, having already been conceived, has not yet been born", in this sense, we can link to the Right to acquire legal personality where there are three theories about the beginning of legal personality, that is, Christmas theory, Conception theory and conditional theory. These three theories create controversy about the personality of the conceived unborn, because in the Christmas theory to have legal personality requires the birth of a person; in the theory of conception, they consider that personality acquires itself at the moment of conception; while parole considers that the personality of the unborn is pending until birth, however it is difficult for legislators to use one of

these theories.

In our Timorese legal system, especially in the civil code in general paragraph 1 of Article 63, it adopts the Christmas theory, because this article considers that legal personality can only be acquired at the time of complete birth and with life, but the law also considers some rights of unborn children as the right to life in formation, physical integrity and health or food thereof as provided for in Art 141, 142 of the PC and Art 1764 of the CC. Therefore, we can say that our legal system applies the Natal theory but, in some cases, it also applies the conceptualist and conditioning theory. However, if we return to our issue of responsibility of paternity by absence, this happens when the father and mother do not come together by marriage, then it is necessary to investigate by profiling or by judicial decision (paragraph 1 of Art. 1727 CCT), however this issue is related to our problem which has already been mentioned in the introduction in which there are many babies that have been abandoned in the trash or on the street, in which a psychiatrist also said that, this is caused by the in responsibility of paternity and the pressure of the family. Therefore, we can say that in this case the woman is embarrassed when her child is born without an identified father. This can happen by two hypotheses, one by omission of paternity and the other by willingness to not take responsibility.

Irresponsibility by omission happens when the father does not know that he has a child and has not provided him with maintenance or has not fulfilled his obligation as a father (no. 1 arts. 1764 and 1754 CCT). While the irresponsibility of his own will of fatherhood where the father does not want to take

responsibility, in the sense that the father knows that the woman was pregnant, but he does not want to assume the tylof parenthood. The consequences of absence of paternity may cause a breach of general and special power of duty, so Article 1744 CCT is a means of preventing the absence of paternity, and that article provides at the time of birth registration, then that child is reborn, that is to say that during the time of the woman's pregnancy the father did not provide maintenance, then, in accordance with Art. 1764, the mother may seek an action for investigation before birth, in order for the mother to have provisional maintenance rights. In this case there are food losses in relation to the mother who caused by the child during the mother's pregnancy. Because the absence of the father and an omissive conduct (fact), which violated Art. 1754 CCT, (illegality), for not providing food during pregnancy (guilt), which caused the loss of the mother's food because of the presence of the child, and psychological pressure (patrimonial and moral damage), however, this absence caused the loss of food by part and the mother and psychological pressure (sex of causality), of being human must respect each other cited by (Cruz R & Corte Real AG, 2023).

METHODOLOGICAL

We use inductive methodology is based on the consultation of reference books in the library, and in this elaboration the Internet is also used as an auxiliary medium. Throughout the research and documentary analysis of the conhecimento of science and argumentative both legal and literary.

DISCUSSION

According to paragraph 1 of Art 2023, he gave the

children in agreement with the spouse of the two-thirds of the estate tester while in paragraph 2 he gave the children half the inheritance when there is no spouse of the testate and other children, if there is more than one child, that is, if there is competition of the inheritance, then the legacy of which the tester cannot have and two thirds. Imagine that the father infringed that right by having his son decoprighted, the child may seek the challenge to demand his right to succeed through Article 2031 CCT. Because the action of decoprighting the child (fact), is the violation of Art. 2021 and 2023 of the CCT, (unlawfully), that violation takes place by will (guilt), which causes the child to lose his right to succeed (damage) however that conduct of decoprighting the child through the will caused loss of the right to succeed (causal link). It is therefore for Art. 471 CCT to reintegrate the loss of the right which the son lost through that will.

Paternity liability for violation of special power-duty

The special power-duty, can be assumed by the father or by other people, according to the condition of the father, this state we will see it deeply in the part of the responsibility of fatherhood for not assuming parental power, the violation of the special power-duty, that is, fatherhood violated the duties of educating, of guarding/safety, sustaining, of taking care of health and administration of goods.

Responsibility for violation of the power-duty to educate

The responsibility in violation of the duty power to educate comes at a time when the father has not fulfilled his duty to school, his child, as well as the

current problem in which there are " Many children aged between five and seventeen years, who represent 16.1% of the total in Timor-Leste, are economically active" this is all a means that harms children in teaching and learning that " almost 17% of children do not attend the school", therefore, this is one of the examples of the violation of the power-duty to educate (article 1758 CCT(1) and that power-duty to educate instrumentalises the other components given its neuralgic role in the content of parental responsibilities, however, that act of rape committed by the father may lose its title of assuming parental power by claiming of the mother, because that parental power may be assumed by both parents (art.1782 CC(1) CC) or by one of them (art. 1782(3), arts 1783, 1784, 1793 CC). Therefore, in that case, the father's conduct of not educating his child in formal education (fact), violates Art. 1758 CCT, and al. b) of article 155 CPT (unlawfulness), that omission means that the child's education (guilt) does not result in impanation, which may cause the child's intellectual, moral, mental and spiritual non-development (non-patrimonial damage), thus this conduct, of not educating the child, can cause the non-intellectual, moral, spiritual, and mental development of the child (causal link).

Liability for breach of The Power-Duty of Guard/Security

The violation of the power of custody, we can say that it is like the abandonment of parental power, that the father does to his child, this abandonment can cause damage, those injury can be moral damage and property injury, in addition, also causes bodily injury. If the father has breached that power of duty to keep and in the end the child has com-

mitted damage, the father is responsible for the depression i.e., the oversight of the father is that put damage under Article 425 CCT " persons who, by the life of the son at risk and in the end caused law or legal business, but are obliged to monitor death. (Causal link). Thus, the father replies civilly others, by virtue of their natural incapacity, are responsible for the damage they cause to the third conjunction with Article 67 CCT. In criminal liability, unless they show that they have fulfilled ity, the father can be sentenced to imprisonment their duty of vigilance or that the damage would from 5 to 15 years, and as the father is ascendant of have been produced even if they had", so if the father lacks vigilance reveals the damage caused by cited by (Cruz R & Corte Real AG, 2023).

children to third parties, who has civil responsibility

to prepare is the father, while in criminal liability when abandonment causes injury, such as putting the child in danger of harming the child's life,

or an offense to the serious physical integrity, or the death of the child because of such abandonment, may be punishable by 1 to 15 years art. 143 CPT.

So, if we go back to our case of the mother who put her son in the garbage man who ultimately caused death, or bodily injury, then the father's liability may be civil and criminal. Because the conduct of the father with the knowledge of not providing respect, help and assistance during pregnancy (fact), violated the arts. 1754 CCT, and 143CPT (unlawfully), as the mission of not fulfilling its obligation, causing depression to the mother (guilt), and the result is death (damage), but this through an investigation (to know whether the father knows that the child is his, that he has not complied with Art. 1754 CCT, or he does not know), if he knows the guilt covers him too, because logically a woman who has a child but has no father can have a lot of pressure because of culture, family and religion, also society causes pressure. So, then the life of the son (conceived unborn child), is in danger. Therefore, the omission of the father is what caused the

Liability for violation of the Power-duty of sustenance

The power of sustenance in the lives of minors is very important, because a person to grow needs food. If the father violates the duty to support the minor child, the consequence is connected to the powers-duties of health and custody, because the violation of this power-duty equal to putting the health of the child at risk that can also cause harm when the child has diseases, caused by food that he has consumed. In addition, it also covers the formal education of the child when he has illness. However, we conclude that the power-duty of sustenance is the basic power-duty of the acquisition of the other powers-duties (education, health and custody), moreover, that power-duty is not only in the special power-duty, but also in the general power-duty, which in paragraph 2 of Art. 1754 CCT states that " the duty of assistance includes the obligation to provide maintenance and to contribute, during family life", so if the father were to violate that power-duty of maintenance, the consequence of civil liability is the payment of the child in the hospital (425 CCT), in addition, the father may lose his special duty (parental power) as he says in the

part of the violation of education, when the mother complained. sustenance and administration of property) by complaint of the mother as that which we saw in explaining the violation of the power-duty to educate.

Responsibility for violation of the Power-Duty to Take Care of Health

The violation of the power duty of caring for health, is equal or has the connection with the violation of the duty of surveillance or custody, that is, the father must keep well the child, take good care of the child sustains him well, in this way he is more registente the diseases, therefore, in summary we can say that this violation of the power-duty of caring for health depends on the violation of the powers-duties of sustenance and custody. If the father does not keep the child well, then there may be damage or bodily injury, if the bodily injury is connected to health, thus the father responds criminally under Art.143 CPT; for payment of hospitals because of this disease. You may still lose parental power because of the inability to keep the child, by the mother's action, so if we go back to our problem of the mother who put her son in the garbage man, but we imagine otherwise. The mother has no possibility to support and care alone, so it can cause malnutrition, that is, the father did not provide food, so in this case the omission of the father not to provide food (fact), violates art.1758 CCT (illegality), by that omission (guilt), caused damage as a disease of malnutrition (causality nexus).

CONCLUSION

It was concluded that, with the presentation of some essential elements linking the responsibility of paternity in a Timorese legal perspective, based on the analysis of legislation and documentary research, they show that the responsibility of paternity is a lasting responsibility and that obligation begins at the moment when the child is in the mother's womb until the death of the father. There are two responsibilities of paternity i.e., general and special responsibility, special concern can be assumed by the father or another person and is extinguished in time when the minor acquires legal capacity, while the general cannot be assumed by another person and extinguished by death. Therefore, with documentary research and legislation, linking with the current problem in which 17% of children do not attend school, the mother suffers depression and lays child p in the garbage man, parents who give more priority to some children in sharing the inheritance according to their culture. This research showed that these acts violate the power-duty of fatherhood. The mother can avoid depression by

Obligation not to assume parental power

The exclusion of parental power occurs for two reasons, incapacity of paternity, that is when paternity has been banned or disabled (Art. 130 CCT and Art. 144 CCT), or for a serious breach of the special power-duty (Education, custody, health, fatherhood. The mother can avoid depression by

recognizing paternity by investigation, in relation to education the father may lose his special power-duty in civil liability when he violates the power of schooling the child and respond stumours criminally (art.155 CPT), and in sharing, the child may challenge to demand the inheritance which he belongs to (2031 CCT), all this is provided for in the laws cited by (Cruz R & Corte Real AG, 2023).

REFERENCES

1. ANNOUNCER, Ana Paula de Azevedo Oliveira. The Problem of Adoption in Portuguese: Full Adoption.
2. ASCENSÃO, José de Oliveira. Civil Law and General Theory, Vol. II, Coimbra Editora, Coimbra, 1999.
3. BASTOS, Eliene Pereira, The responsibility for the emptiness of abandonment, Del Rey, 2006.
4. DIAS, Jorge de Figueiredo, Basic Themes of Criminal Law Doctrine, Coimbra Editora, 2001.
5. LEITÃO, Luis Manuel Teles de Menezes, Law of Obligations, 6th edition, Almedina, Coimbra, 2007.
6. MADEIRA, Ana Laura Fernandes, Parental responsibility power of correction in the education of underage children, Coimbra Editora, Coimbra, 2015.
7. OLIVEIRA, Rossier apud Guilherme, Legal criterion of paternity, Almedina, Coimbra, 1998.
8. SILVER, Ana. Legal Dictionary, 4th and 5th Edition, Almedina, Coimbra, 2005 and 2014.
9. TELLES, Inocêncio Galpão, Direito das Obrigações, 7th Editions, Coimbra, 2014.
10. VARELA, Antunes. Of Obligations in General, 4th ed., vol. I, o. 440. Apus Maria Clara.
11. Lopez, Non-Contractual Civil Liability, King of Books, Lisbon, 1997.
12. ZALCMAN Marcia, PAZINATO Patrícia, A study of paternity: aprociation between the existential phenomenological approach and the systemical relational approach, Bulletin of Scientific Initiation in Psychology 2002, p.75 available at http://www.mackenzie.br/fileadmin/Graduação/CCBS/Cursos/Psicologia/boletis/3/5_a_study_of_paternity.pdf
13. Civil Code Timor-Leste, Law No. 10/2011, of 14 September, plural Editora.
14. Timor-Leste Penal Code, Decree-Law 19/2019, of 8 April.
15. Concept of paternity, QUECONCEITO, 2005, p.1 available in <http://queconceito.cpm.br/paternidade>.
16. Constitution of the Democratic Republic of East Timor, 3. th Edition.
17. The effects of the recognition of socio-affective paternity, legal ambito, available [http://ambitojuridico.com.br/edições/revistas-81/os-efeitos-do-reconhecimento-da-paternidade socio-affective](http://ambitojuridico.com.br/edições/revistas-81/os-efeitos-do-reconhecimento-da-paternidade-socio-affective).
18. Presiza analyzes klean kauza inan soe bebe, the-diliweekly, available in <http://www.thediliweekly.com/tl/notisias/16138>
19. Timor-Leste: more than 16% of children are used for child labor, available in <http://www.google.com/amp/s/e-global.pt/noticias/lusofonia/timorleste/timor-leste-mais-de-16-das-criancas-timorenses-sao-usadas-para-trabalho-infantil/amp/>