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RESEARCH ARTICLE OPEN ACCESS

ANALYSIS OF DISPUTE SETTLEMENT ON THE AUTHORITY OF STATE INSTITUTIONS IN THE DEMOCRATIC REPUBLIC OF TIMOR-LESTE

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ABSTRACT

As Thesis entitled: Analysis of Dispute Resolution on the Authority of State Institutions in the Democratic Republic of Timor-Leste. This study examines the dispute over the authority of state institutions in the application of separation of powers. State institutions have the authority and interdependence of the four state institutions in the constitutional family. The four state institutions have the authority and each state institution has its authority determined by the constitution, the authority of the President of the Republic to appoint and swear the prime minister and members of ministers, the National Parliament makes laws, the government runs the wheels of development, the courts enforce law and justice on behalf of the people. The dispute over the authority of state institutions begins with the President of the Republic intervening in the authority of the Court. First, juridical issues, second, sociological issues, third, political issues, fourth, theoretical issues. To understand which state institutions are constitutionally authorized to resolve disputes over the authority of state institutions. The research in this thesis that is examined are: first, what is the legal basis for regulating disputes over the authority of state institutions? second, what are the functions and responsibilities of the judiciary in resolving disputes over the authority of state institutions? The purpose of this study is to find out and get appropriate from the research carried out both in theory and practice, the research objective is to find out which state institutions are given the authority to resolve disputes over the authority of state institutions. Descriptive analysis techniques, evaluative analysis techniques, comparative analysis techniques, and argumentative analysis techniques. The theoretical foundations are constitutional theory, separation of powers theory, and authority theory. The concept of the rule of law, the concept of dispute, and the concept of the rule of law. The legal basis for resolving disputes over the authority of state institutions is the 2002 RDTL constitution in Articles 118, 123, 124, 125, 126, and 164. Law number 8 of 2002 dated 20 September amended by law number 11 of 2004 dated 29 December carried out by the Court Great but not effective. It is necessary to form a law on the Constitutional Court and procedures for handling disputes over authority also require mechanisms outside the court (non-judicial) by the functioning of state institutions that have at least a conflict of authority with other state institutions. The functions and responsibilities of the judiciary in resolving disputes over the authority of state institutions, relevant to the function of the judiciary in resolving disputes over state institutions, supervisory functions, responsibilities of the Supreme Court in the judiciary, responsibility for determining decisions, responsibility for finalizing decisions, conclusions and suggestions.

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INTRODUCTION

The constitution is a document that contains the rules for running an organization. The organization in question has various forms and the complexity of its structure. The state as a form of organization, in general, always has a text called a constitution. The concept of the constitution also includes the notion of written regulations, customs, and constitutional conventions that determine the composition and position of state sovereign bodies.

Considering that the RDTL State has 4 (four) state institutions as stated in Article 67 of the 2002 RDTL constitution, namely: "President of the Republic, National Parliament, Government, and Courts". With each has its duties, functions, and authorities, the aim is to prevent the accumulation of power in only one state institution and to avoid abuse of power, then the administration of government is generally based on a system of separation of powers as regulated in Article 69 of the RDTL constitution, stating that: "State institutions, in reciprocal relations and the implementation of their functions, are subject to the principle of separation of powers and functional

interdependence under constitutional rules." dependence on each other. Regarding the separation of powers, it is clear, however, that in the administration of government, there is often an overlap of authority between state institutions, even though the authority of state institutions is regulated in the 2002 RDTL constitution which is not used following the constitutional mandate. About the emergence of disputes over the authority of state institutions, there are four issues studied, including; juridical, political, sociological, and theoretical issues.

First, juridical issues, the occurrence of disputes over the authority of state institutions began with the President of the Republic taking over the authority of the Court in Article 118 paragraph (1) of the K-RDTL in 2002 and Article 86 letter (h) of the K-RDTL in 2002 that the President of the Republic is responsible and authorized to appoint, appoint and remove from office Members of the Government, at the proposal of the Prime Minister, according to paragraph 2, Article 106, with the authority of the President of the Republic to inaugurate and dismiss Members of the Minister upon the proposal of the Prime Minister to the President of the Republic. Based on the substance of the article above, the president has the derivative authority to inaugurate the ministers proposed by the Prime Minister, but this is not done by the President of the Republic and makes controversial decisions. Then it is also against the constitutional framework and the political realm. If tracing the decision that has been determined, there are essentially three (3) forms of decisions, namely administrative decisions, constitutional decisions, and criminal decisions. Of these three forms of decision, the fundamental issue is a criminal decision, where the contents of the decision contain legal sanctions for 9 (nine) ministers accused of being involved in corruption cases, this is very contrary to the principle of the presumption of innocence because to give criminal sanctions to the defendant only the court who has the authority to make decisions is not the president of RDTL. Therefore, the author considers that the President of the Republic has indirectly used the court's authority in imposing sanctions for 9 (nine) ministers, but the court has never made a claim on this case and is only passive in the decision of the President of the Republic. Regarding the use of authority by the president, it can be seen that there has been a dispute of authority between the President of the Republic and the Court which has not been resolved to date, the reason is that the regulation regarding the settlement of disputes over the authority of state institutions has not been regulated in laws and regulations, although fundamental norms have regulated the authority to examine laws and regulations. Legislation is the authority of the Supreme Court which is regulated in Article 126 of the 2002 RDTL constitution. However, the Supreme Court has not been established until now, so the authority of the Supreme Court is carried out by the Court of Appeal as regulated in Article 110 *alteração ao estate to dos magistrados judiciaries* of 2004, meaning that the authority possessed by the appeals court is temporary to handle various cases or cases that occur, one of which is the authority to resolve disputes over the authority of state institutions. Based on the explanation above, there are empty norms, meaning that even though there is a dispute over the authority of state institutions, the court cannot hear these cases because the laws and regulations regarding constitutional procedures or the constitutional process have not yet been or have not been thought of by the legislature. Even though this regulation is very and very important for the holding of a constitutional trial.

Second, sociological issues, the absence of legal norms for proceedings in the constitutional court has implications for the constitutional structure of RDTL, because state institutions may use the authority of other institutions as they wish and lead to multiple interpretations of institutional authority as regulated in the 2002 RDTL constitution. The authority of state institutions that are not resolved will have implications in the future and can happen again if no constitutional legislation is established. Furthermore, the decision of the President of the Republic also has implications for 9 (nine) ministers, especially constitutional rights, especially the right to get equal treatment before the law in Article 16 paragraph (1) of the 2002 RDTL Constitution, the right to vote and be elected in Article 47 paragraph (1) The 2002 RDTL Constitution. That is, 9 (nine) ministers constitutionally have the right to be elected and serve in the government or one of the institutions or state agencies.

Third, political issues, regarding the decision of the President of the Republic not to appoint the 9 (nine) ministers proposed by the Prime Minister to be carried out by setting a controversial decision. Then it is also contrary to the constitutional framework and the political realm and not to the laws and regulations that explicitly regulate it so it creates a dispute over authority between state institutions. Because the President of the Republic has intervened in the court's authority and has indirectly indicted 9 (nine) ministers on charges of corruption of state money during the previous administration, the decision of the President of the Republic has violated the fundamental principles of the constitution which has caused constitutional and political anomalies., first, is the constitutional anomaly in which the decision has politically deviated from the constitution. Second, politically it provides an opportunity for other political parties to develop political power to overthrow the existence of the government that is being held. Then it also created a political frenzy which had implications for the decline of the eight constitutional governments.

Fourth, theoretical problem. Based on the theory of authority expressed by FM Stronik, there are three forms of authority, including attribution, delegation, and mandate. Of these three forms, the President of the Republic constitutionally has the same attribution authority as the courts. The authority of these two institutions was indeed born directly by the constitution, but the mistake is that the institutions have violated and used the authority of other institutions as regulated by the 2002 RDTL constitution. So theoretically the President of RDTL has violated the constitution and in practice, the implementation of his duties and authorities is contrary to the theory of authority described. Regarding the authority of the President of the Republic, the intervention of the Court's authority during the period of the first government to date includes provisions on the basic principles of the state, state institutions and relations between state institutions, and provisions on the essential and fundamental powers of state institutions. The substances included in it relate to (i) provisions regarding human rights, rights, and obligations of citizens, as well as the mechanism of their relationship with the state and procedures to defend them if those rights are violated; (ii) the basic principles of democracy and the *rule of law,* as well as the mechanisms for their realization and implementation, such as through elections, and others; and (iii) the format of state institutions and the mechanism for relations between state organs and the accountability system of state institutions. The link with the four state institutions as the basis for establishing the state institutional structure of the Democratic Republic of Timor-Leste (RDTL) has been mandated in the preamble of the RDTL constitution in paragraph VII which states that: "it is necessary to build a democratic culture and appropriate institutions for a rule of law, where respect for the constitution and democratically elected institutions is an unquestionable basis". About the content of the preamble to the RDTL constitution, the researcher assumes that the content of the preamble is a manifestation of the creation of the *ius constituent* in the RDTL state which is listed and regulated in the RDTL constitution as the state's goal in Article 6 letter (a) which explains that to maintain and guarantee the sovereignty of the state.

However, it is necessary to realize that building a democratic culture in the RDTL country, it is not easy to achieve within a democratic system adopted by the RDTL country, because it takes time to be able to create a democratic culture for the people whose level of rationality still needs to be addressed. Maturity of democracy, the democratic system based on the provisions of the constitution in Article 63 paragraph (1) is a participatory democratic system, namely direct participation in political life. This is the basis for establishing a direction in the RDTL state which cannot be separated from political and legal intervention in the dynamics of thought of the founders of the RDTL state. The powers are defined by or in the constitution, to the subjects of state institutions as regulated in the 2002 RDTL constitution. and the constitutional powers referred to are very diverse. This means that the notion of state institutions is not only

related to legislative, executive, and judicial functions, as has been understood so far. State institutions are formed by the state, financed by the state, managed by the state, or formed due to the needs of the state as the holder of public authority if it is associated with the notion of state organs or state institutions. State power rests with the people according to the 2002 RDTL constitution. Thus, the RDTL constitution which determines the parts of the people's sovereignty is left to implement by an agency or institution whose existence, authority, duties, and functions are determined by the RDTL constitution and which parts must be carried out by the people. , meaning that it is not submitted to any agency or institution, but is directly implemented by the people themselves through general elections. The authority given to four state institutions as the basis for establishing the state institutional structure of the Democratic Republic of Timor-Leste (RDTL) has been mandated in the preamble to the RDTL constitution in paragraph VII which states that: "it is necessary to build a democratic culture and appropriate institutions for a country. The law, in which respect for the constitution and democratically elected institutions, is an unquestionable basis". About the content of the preamble to the RDTL constitution, the researcher assumes that the content of the preamble is a manifestation of the creation of the *ius constituendum* in the RDTL state which is listed and regulated in the RDTL constitution as the state's goal in Article 6 letter (a) which explains that to maintain and guarantee the sovereignty of the state.

Thus, from the explanation that has been stated previously, the author wishes to conduct research with the title of the thesis, an analysis of dispute resolution on the authority of state institutions in the RDTL country.

Based on the description of the background above, the writer can formulate several problems to be researched as follows;

1) What is the legal basis for regulating disputes over the authority of state institutions?
2) What are the functions and responsibilities of the judiciary in resolving disputes between state institutions?

RESEARCH METHODS

The method is a general way or habit that is formulated by a type of thought used in research and assessment or a technique that is common to science or a certain procedure to carry out a procedure. The research method is a method used by researchers to obtain information and data, according to Soerjono, research is a scientific way to obtain data with certain purposes and uses. From the above understanding it can be concluded that if researchers want to find the truth, they must test through strong analysis and supported by adequate tools and facilities so that in research they can find answers scientifically and systematically, researchers are based on scientific characteristics. that is, normative and systematic.

Approach Type: The type of approach used in this research is the type of legislation, meaning that it examines the 2002 RDTL constitution regarding disputes over the authority of state institutions and the principle of separation of powers of state institutions which has been stipulated by the RDTL constitution. -invitation and can be applied to certain events such as;

a) Legislative Approach (*The Estate Approach).*
b) Case Approach *(The Case Approach).*
c) Conceptual Approach (*Analytical & Conceptual Approach*).

Source of Legal Material

Legal Material Collection Techniques: From the legal issues found in the background of the author's problem, related to the title of the researcher, the technique of collecting legal materials used by the researcher in this writing, the author uses a card system, and in general, the cards used for recording can be divided into three forms, namely:

a) Cards with quotes,
b) A card containing an overview and
c) Cards with reviews.

Of the three forms of the card above which are very relevant to the title of the researcher at this writing is the "quote" card, the researcher is more inclined to this form of the quotation when the author examines authority in resolving authority disputes between state institutions, the author refers to quotes from sources that describe the theory -a theory that justifies the legitimacy of the government structure and the regulation of the authority of state institutions and their values in the state of Timor-Leste which is pragmatically correct.

Legal Material Analysis Techniques: The legal material used in this paper is to re-analyze some existing legal materials as primary legal materials and explain theoretically legal issues that are more inclined to the implementation of constitutional values. With the provisions of Article 69 of the RDTL Constitution, concerning the division of powers and disputes of authority between state institutions. For this reason, at least four types of analytical techniques can be used, namely;

Descriptive analysis technique: This descriptive analysis technique is used to analyze the data by describing or describing the data that has been collected without making generalizations of the research results.

Evaluative analysis techniques: In general, the purpose of evaluative research is to design, refine, and test the implementation of a research program to evaluate is to see and know the occurrence of disputes over the authority of state institutions and the resolution process.

Comparative analysis techniques : The technique of comparative analysis is to obtain an overview of the direction and trends (tendencies) about changes that may occur in each element of state institutions in the future.

Argumentative analysis technique: The argumentative analysis technique is a process or effort to process data into new information so that the characteristics of the data become easier to understand and useful for solving problems, especially those related to research. Data analysis can also be defined as an activity carried out to convert data from research results into information that can be used in making conclusions.

Theoretical Basis, Conceptual Framework, and Framework of Thinking: The theoretical basis is descriptive from the results of a literature study that relates to and supports the main issues to be studied so that the theoretical basis is expected to be the basis or reference as well as guidance in solving problems that arise in this research. This research is a normative research study of literature to find out problems through analysis of dispute resolution on the authority of state institutions, a new phenomenon related to dispute resolution between state institutions, and which state institutions can be given the authority to resolve disputes between state institutions as has occurred in several countries. For example, in Indonesia, authority is given to state institutions with a mechanism for resolving authority disputes between state institutions, namely through the Constitutional Court. The authority granted to the Constitutional Court is a constitutional authority established to enforce legal provisions. In contrast to the RDTL state, the High Court exercised the powers/authorities of the Supreme Court until the formation of the Supreme Court based on Law No. 11 of 2004 dated December 29. Although the authority of the Supreme Court has been regulated in the 2002 RDTL Constitution, however, it has not been implemented constitutionally, causing complications in resolving disputes over the authority of state institutions.

Therefore, it is necessary to have a political policy to make amendments to the 2002 RDTL Constitution, then insert an article concerning the authority of an independent state institution, namely the Constitutional Court. In connection with the title of the problem raised, it is an analytical tool to answer the main issues raised in this thesis. In this thesis research, the theory used is the theory related to the dispute over the authority of state institutions. The theoretical basis as a reference in solving a research problem. Thus, the theories used and adapted from the analysis of decisions are expected to support the logic of the author's thinking and supported by existing facts so that this research can produce a conclusion based on the Constitution and the Law, both in terms of substance and in context. especially the State of Timor-Leste. The theories used are expected to become models of theoretical discourse that can assist in developing legal perspectives in the fields of Politics, State Administration, and Government, especially for scientific interests, which are related to legislative, executive, and judicial institutions. These theories are used, as an analytical knife to the problems raised in the background. The relevance of the theory of separation of powers with the analysis of dispute resolution on the authority of state institutions in the Democratic Republic of Timor-Leste (RDTL) contains sub-sections, including:

Theoretical foundation: In connection with the writing of this thesis, the author uses five (4) legal theories and two (2) legal concepts as the basis or knife of analysis in solving two (2) problems that have been formulated in the formulation of the problem. The theories are formulated as follows:

Constitutional Theory: The term constitution comes from various languages, namely the Dutch constitution (constitutie), Latin (constitutio), English (constitution), French (constituer), and German (verfassung). From the constitution, RDTL means "Constitution", the constitution means the constitution, basic law, or body structure. The formation of the constitution in question is the constitution as the basis for the formation of state institutions as stated in Article 67 of the RDTL constitution. According to KCWheare, the constitution is used to describe a set of fundamental principles of government. Constitution means formation. The word constitution itself comes from the French language, namely *constitution* which means to form. In Latin, the term constitution is a combination of two words, namely *cume and statuere*. The singular form is *contitutio* which means to determine something together and the plural form is *constitutiones* which means everything that has been determined. There are several definitions of the constitution, including the definition given by James Bryce, namely: *the constitution is a collection of principles according to which the powers of the government, the rights of the governed, and the relations between the two are adjusted.*

Herman Heller provides a constitution in the broad sense of the constitution. Heller divides the constitution into three senses.

a) The constitution reflects political life in society as a reality *(Die Politiche Verfassung Als Gessellschaftliche)* and this is not yet a constitution in the legal sense (*ein rechtverfassung)* or is still a sociological/political understanding and is not a legal definition.
b) The legal elements of the constitution that live in society are used as a unitary rule of law (*rechtverfassung*) and the task of finding legal elements from legal science is called "abstraction".
c) Written in a text as the highest law applicable in a country.

The term constitution comes from the French word *constituer,* which means to form. The use of term "constitution" is meant to establish a state or to compose and say one state, from what has been said it can be understood that the constitution is a statement to form and compose a state. The Big Indonesian Dictionary defines formation as the process, method, or act of forming. According to the writer, constitution or formation is a process or method in the act of forming. *A* constitution at least regulates the various institutions of power that exist in the state, the powers possessed by these institutions, and in what way these powers are exercised. Thus, in simple terms, the object of the constitution is a limitation on government actions, this is intended to provide guarantees for the rights of citizens and describe how sovereignty is exercised. Regarding the role of the constitution in the state, CF Strong likens the constitution to the human body and the state and political bodies as organs of the body. The organs of the body will work in harmony when the body is healthy and vice versa. The state or political bodies will work by the functions set out in the constitution. Based on the understanding and role of the constitution in the country, what is meant by the concept of constitutionalism is the concept of constitutional supremacy. Linear with the definition of the constitution above, in terminology the constitution is all provisions and certain rules of state administration (basic laws, and so on); the constitution of a country. The term constitution comes from the French *"constituer"* which means to form. The use term constitution is meant to establish a state or to compose and declare a state. Constitution with other terms *Constitution or Verfasung* is distinguished from the Constitution or *Grundgesetz*. Because of an error in people's views regarding the constitution in modern countries, the definition of the constitution is then equated with the constitution. This mistake was caused by the influence of the codification ideology which requires that all legal regulations be written, to achieve legal unity, legal simplicity, and legal certainty. So great is the influence of codification, that every legal regulation because of its importance must be written, and the constitution that is written in the Basic Law.

The constitution is the basic law that is used as a guide in the administration of a country. The constitution can be in the form of a written basic law which is commonly called a basic law, and it can also be unwritten. Not all countries have a written constitution or constitution. The United Kingdom is a constitutional state but does not have a single constitution as a written constitution. Constitution in the legal sense is often equated with the Basic Law or grommet, but a Dutch scholar, LJ van Apeldoorn has clearly distinguished, namely that the *Gronwet* (Basic Law) is the written part of a constitution, while the constitution (constitution) contains both regulations written or unwritten. So the constitution has many meanings, in political discussions or discourses the word 'constitution' is used with 2 (two) meanings, namely:

First**,** to describe the entire constitutional system of a country, a collection of regulations that underlie and regulate or direct the government. These regulations are partly legal, in the sense that courts of law recognize and apply these regulations, and some are non-legal or extra-legal, in the form of custom, agreement, custom, or convention, something that the court does not recognize as law but is no less effective in regulating government compared to what is standardly called law.

Second**,** to describe not the entire collection of regulations, both legal and non-legal, but the results of the selection of regulations which are usually manifested in one document or several closely related documents or the constitution is the result of the selection of the legal regulations governing the government of the country. and has been embodied in a document. The usefulness of constitutional theory forms researchers to examine the basis for the formation of state institutions in the RDTL State Institutional Structure.

Separation of Power Theory: Immanuel Kant stated that humans are intelligent beings and have free will. The state is in charge of upholding the rights and freedoms of its citizens. The prosperity and happiness of the people is the goal of the state and the law. Therefore, basic human rights should not be violated by the authorities. Even the implementation of these basic rights should not be hindered by the state. For this purpose, there must be a separation of powers over the executive, legislative and judicial branches. Because the protection of people's rights is so important, Kant places legislation and its products as a republican state process. The judiciary is only tasked with carrying out what is formulated in the law. The main principle here is "the law is inviolable", or in Kant's formulation, la bouche de lalois (the judge is the mouth of the law). The task of the judge is only to apply the law made by the legislative body, even the judge must

obey what the law says. Julius Stahl stated the division or separation of powers is one of the important elements of Continental European rule of law theory. The presence of the idea of limiting power is inseparable from the experience of the accumulation of all branches of state power in the hands of one person, giving rise to absolute power. For example, in the historical development of the British constitution, the king was once so powerful because he combined the three branches of state power *(law-gever, the executor of the law, and the judge)* on one hand. Therefore, the history of the division of state power begins with the idea of dividing power into various organs so that it is not concentrated in the hands of a monarch (absolute king). Given the limitation of power, Miriam Budiardjo in the book "Basics of Political Science" divides power vertically and horizontally. Vertically, power is divided based on the level or relationship between levels of government. While horizontally, power according to its function is to distinguish between the functions of government which are legislative, executive, and judicial. Besides these two powers, according to John Locke, in every country there are also powers which include powers regarding war and peace, making unions and alliances, and all actions with all people and agencies abroad.

This third power is called "Federative". John Locke further states that the power of rulers conferred by the social contract, by itself cannot be absolute. If so, the existence of such power is precise to protect these natural rights from dangers that may threaten them, both from within and from outside. John Locke talks more about the " *Separation* of *Powers".* He distinguishes between the separation of powers in a material sense and the separation of powers in a formal sense. What is meant by the separation of powers in a material sense is that the separation and division of power are firmly maintained in state tasks which characteristically show the existence of 3 parts: legislative, executive, and judicial. Meanwhile, what is meant by separation of powers in a formal sense is if the division of power is not firmly maintained. Then, inspired by John Locke's division, Baron de Montesquieu in his work "*L'Esprit des Lois*" wrote Chapter VI on the English Constitution. Among other things he mentioned that in every government there are 3 types of power and he detailed them the legislative, executive, and judicial powers.

These three powers exercise solely and completely the powers assigned to each of them. According to him, a system in which the three types of power must be separated from each other, both regarding the task and regarding the equipment that performs it. The use of the theory of separation of powers of state institutions is to find out and explain the function of state institutions in the distribution of state sovereign power in Article 69 of the RDTL constitution, in Montesquieu's opinion, The separation of powers, including executive, legislative, and judicial, must be implemented because, as said by the first thinker who put forward the theory of separation of powers in the state, John Locke in his book Two Treaties on Civil Government (1690). In chapter XII of the book entitled Legislative, Executive, and Federative Power of the Commonwealth, John Locke separates the power in each country into legislative, executive, and federative powers.

Authority Theory

Authority comes from the root word *"authority"* and is translated from competent (English) or *bevoegdheid* and *gezang* (Dutch). In the Big Indonesian Dictionary, authority is defined as the right and power to act. SF Marbun defines authority *(authority gezag)* as formalized power both against certain groups of people and power over a certain area of government unanimously originating from legislative power and government power, while authority only concerns parts, so that authority is a collection of powers. authority. Authority or authority is a term used in the field of public law but refers to the difference between the two. FAM Stroink and JG Steenbeek have the authority as: "Rights which contain the freedom to do or not to take certain actions or to demand other parties to take certain actions and obligations contain the obligation or not to take certain actions and obligations contain the obligation or not to take action". Meanwhile, according to Philipus M. Hardjon interpreting authority or authority is often equated with the Dutch term *"bevoegdheid".* However, in Indonesian law, authority or authority is used as a public law concept, while *bevoegdheid* is used as a public and private legal concept.

HD Van Wijk and Willem Konijnenbelt classify three ways of obtaining authority, namely:

a) *Attributie,* attribution is the granting of government authority by legislators to government organs, *(toekening van een bestuursbevoe gheid door een wetgever aan een bestuursorgaan).*
b) *Delegatie,* delegation is the delegation of government authority from one government organ to another *(overdracht van een bevoegheid van ene bestuursorgaan).*
c) Mandate, *een bestuursorgaan Laat sijn bevoegheid names hues uitoefenen door een andar,* means that a mandate occurs when a government organ allows its organ of authority to be carried out by another organ on its behalf.

FAM Stroink and JG Steenbeek argue that obtaining authority is based on two ways, namely attribution and delegation. So attribution relates to the submission of a new authority, while delegation concerns the delegation of existing authority *(by an organ that has obtained attributive authority)* to another organ; so delegation is logically always preceded by attribution. He also argues the mandate that according to him the mandate does not result in any change in authority because there are only internal relations, such as the minister and employees making certain decisions on behalf of the minister, while juridically the authority and responsibility remain with the ministry's organs. The employee decides technically, while the minister decides juridically. In addition, according to Philipus M. Hardjon, a mandate is not the same as an acknowledgment of authority or a transfer of authority, in that certain cases, employees obtain authority on behalf of the authorities. The usefulness of the theory of separation or division of power for this research is to prevent the accumulation of power on one hand which will lead to arbitrary government administration.

Conceptual Framework

Rule of Law Concept

The constitutional state of Damascus is a state that upholds the rule of law to uphold truth and justice and no power is not accounted for. What is meant by a state of the law is a state that stands above the law and guarantees justice to its citizens. Justice is a condition for the creation of a happy life for its citizens, and as a basis for justice, it is necessary to teach morals to every human being so that he becomes a good citizen. Likewise, the rule of law reflects justice for the association for life among its citizens. The idea of the rule of law has been put forward by Plato, when he introduced the concept of Nomoi, as the third work written in his old age, while in the first two writings, *Politeia and Politicous*, the term rule of law has not appeared. In *Nomoi*, Plato argues that good state administration is based on good (law) arrangements. In his book *Politicous* which was produced at the end of his life, Plato (429-347 BC) described the possible forms of government. Two kinds of government can be run; a government formed through legal means, and a government formed not through legal means

Plato's idea of a state of the law was even more assertive when it was supported by his student, Aristotle, who wrote it in the book Politics. According to Aristotle, a good state is a state governed by a constitution and the rule of law. According to him, there are three elements of a constitutional government, namely:

a) The government exercised the public interest,
b) Government is carried out according to laws based on general provisions, not laws made arbitrarily that override conventions and constitutions.

c) A constitutional government means a government that is carried out at the will of the people, not in the form of coercion and pressure carried out in a despotic (authoritarian) manner.

Aristotle who rules in the state is not a real human being, but a just mind, while the real ruler is only the holder of law and balance and philosophically it is emphasized that other branches of knowledge, politics must consider not only ideals, but also actual problems, namely which constitution is best practicable in certain circumstances: what are the best means of defending actual constitutions: which is the best average constitution for the majority of cities: what are the different varieties of the main types of constitutions, and in particular democracy and oligarchy.

Politics must also consider not only constitutions, but also laws, and the proper relationship between laws and constitutions. The birth of the rule of law concept proposed by FJ Stahl is the concept of the rule of law in Continental Europe or practiced in Continental European countries (Civil Law). The concept of the rule of law that develops in countries

Anglo-Saxon pioneered by AV Decey (from England) with the principle of the *rule of law*. The concept of the rule of law fulfills 3 (three) main elements:

a) The supremacy of the rule of law (Supremacy of the law), namely the absence of arbitrary power, in the sense that a person may only be punished if he violates the law;
b) *Equality before the law.* This argument applies both to ordinary people and to officials;
c) Guaranteed human rights by law (in other countries with the Constitution) and court decisions.

The conception of the rule of law then underwent improvements, which in general can be seen including:

a) A system of government based on people's sovereignty;
b) That the government in carrying out its duties and obligations must be based on laws or statutory regulations;
c) There is a guarantee of human rights (citizens);
d) There is a division of power within the state;
e) There is supervision from judicial bodies (*Rechterlijke control*) which are free and independent, in the sense that the judiciary is completely impartial and is not under the influence of the executive;
f) There is a real role for community members or citizens to participate in supervising the actions and implementation of policies carried out by the government;
g) The existence of an economic system that can ensure the equitable distribution of resources needed for the prosperity of citizens.

Concept of Dispute and Concept of State Institution: The concept and understanding of the dispute of authority between state institutions are in principle the formation of three bases, namely the dispute of authority, and the word state institution. Therefore, the meaning of the term is necessary to explain the meaning of the three basic words.

Definition of dispute.

The word dispute is a noun that has three meanings, namely:

1. Something that causes dissent, quarrel, contention,
2. Disputes, disputes; and
3. case (in court).

Thus there is a stratification of the meaning of the word dispute, namely disputes at a low level and disputes at a high level. The first understanding, namely differences of opinion, quarrels, and disputes are disputes at a low level. Thus, differences of opinion, which are paralleled by bickering and contention, constitute a low-level dispute. In this case, there has not been physical contact, but only differing in point of view on a problem which then gives rise to differences of opinion. While the definition of the concept of an institution is described, it is clear that a state institution is an institution formed based on Article 67 of the RDTL constitution which explains that,

The institutions of state sovereignty consist of the President of the Republic, the National Parliament, the Government, and the Courts. To explain the functions of state institutions. Based on the foregoing, disputes over authority between state institutions and demands from a state institution against other state institutions for their authority have been harmed or disturbed. According to Jimly Asshiddiqie, that disputes over authority between state institutions are differences of opinion accompanied by disputes and claims between one state institution and another state institution regarding the authority possessed by each of these state institutions.

Factors that cause disputes

The theoretical view of the causes of disputes between state institutions of authority first refers to the administration of government can occur due to various possibilities, including the following;

1. The inadequacy of the system that regulates and accommodates relations between existing state institutions, giving rise to different interpretations of a provision that forms the basis for state administration often triggers disputes.
2. In the state administration system adopted by the 2002 RDTL constitution, the mechanism for relations between state institutions is horizontal, no longer vertical; all state institutions are constitutionally domiciled as high institutions.

The 2002 RDTL constitution, although not as expected by Montesquieu's trias politica theory, contains a system of *separation of powers.* Relations between state institutions to control and balance each other *(checks and balances).* The principle of separation of powers is in principle intended to limit power so that there is no domination of the power of one state institution over another state institution. Besides that, it is also to avoid oppression and arbitrary actions of the authorities. These institutional relationships that control and balance each other allow disputes to occur in the exercise of their respective powers, namely if there are differences in interpreting the 2002 RDTL constitution.

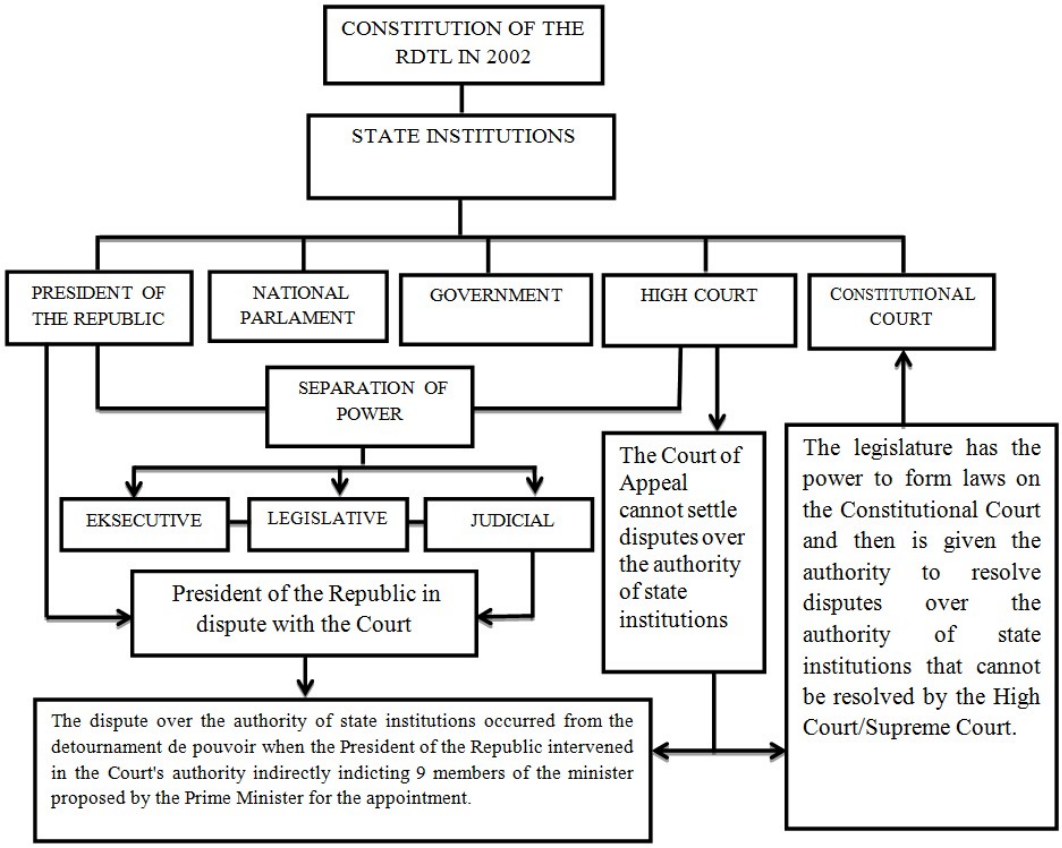
a) The defining norms regarding state institutions regulated in the 2002 RDTL constitution are increasingly widespread. not limited to the powers granted by the constitution so far.
b) The authority to decide disputes on authority between state institutions is needed to prevent the dispute from becoming an adversarial political dispute.

To resolve disputes over the authority of state institutions, basically, through legal channels, the construction of the settlement is adjusted to the will of the parties with the aim that the parties are satisfied with the way the dispute is resolved. Disputes peacefully are based on an agreement that the parties consider to be the best. Considered good means that although the way of agreement to resolve this dispute must be done with a willingness to sacrifice each other, then this sacrifice is considered the most reasonable.

In the author's opinion, the management of disputes is based on the interests or needs of the disputing parties, not looking at the position of each authority of state institutions, but looking at the emergence of disputes over the authority of state institutions. So which state institutions cause disputes over the authority of state institutions? With the issue of disputes over the authority of state institutions that cannot be resolved by the Supreme Court, it is necessary for a legislative body that has the power to form laws, it is time to think ahead by establishing an independent institution such as the court institution, namely the DRTL Constitutional Court.

Thinking Framework

State Institutions in the RDTL Constitution



Legal basis for Dispute Settlement Authority of State Institutions

The Democratic Republic of Timor-Leste is a constitutional state *(rechtsstaat)* that is a democratic country, an independent country by the wishes of the people, and upholds human dignity as affirmed in Article 1 paragraph (1) of the 2002 RDTL Constitution. This means that the state is based on law, not based on power *(machtstaat)*. As one of the judicial institutions, the Supreme Court (MA) has the authority and responsibility given by the 2002 RDTL constitution.), letter (d), and letter (e) of the 2002 RDTL Constitution which reads as follows:

1. Reviewing and issuing statements on contradictions with the Constitution and the invalidity of normative and legislative acts by State agencies;
2. Examine conflicts with the Constitution caused by negligence;
3. To decide, as a court of appeal, on the waiver of norms declared contrary to the Constitution by the high courts.
4. Checking the legality of the formation of political parties and their coalitions and ordering their registration or dissolution, based on the Constitution and the law.

The authority of the Supreme Court (MA) in deciding disputes between state institutions only applies to state institutions whose authority is granted by the 2002 RDTL Constitution. This authority is further regulated in Law Number 11 of 2004 Article 110 paragraph (1) and paragraph (2) that as an appeals court which reads as follows:

1. The Court of Appeal exercises the powers of the Supreme Court until it begins operations;
2. Until the Supreme Court is established and functioning, judges of the Court of Appeal may be appointed by the Superior Council of the Judiciary, from among judges who are less than first-class or apprentice judges, taking into account their rights. evaluation or classification, or a recognized merit attorney with at least 8 years of professional activity in the field of Law.

In resolving disputes over the authority of state institutions, the Supreme Court is not fully authorized by the constitution to decide disputes over the authority of state institutions. On that basis, the President of the Republic has violated the constitutional rules in Article 85 letter (d) of the 2002 K-RDTL, where in 2017 the President of the Republic appointed and took the oath the Prime Minister who had been appointed did not come from a party or coalition of parties with a majority seat in Parliament. Should the President of the Republic consult with the Judicial institution based on Article 85 letter (e) requesting the Supreme Court to carry out a preventive review and an abstract review of the conformity of the rules with the Constitution, as well as justification for the conflict with the Constitution due to negligence?

Settlement of disputes over the authority of state institutions through the Supreme Court is intended to facilitate or guarantee legal certainty for state institutions in carrying out their authority following the constitution that relies on the principle of separation of powers and in administering the authority of each state institution and protecting the normative power of the constitution to maintain the principle *of separação dos poderes.* If traced from the formation of the Constitution of the Democratic Republic of Timor-Leste regarding the granting of the authority of the Supreme Court in Article 124 paragraph (1), it only explains that the Supreme Court is the highest court and guarantor of uniformity in law enforcement, and has jurisdiction over the entire territory of the country, and to ensure legal uniformity. , the Supreme Court is not given full authority by the constitution to decide disputes over the authority of state institutions. The Supreme Court was established to initiate the constitution, meaning that in its authority to decide cases the Supreme Court must be based on the 2002 Constitution. According to this provision, there are several criteria to be able to file disputes over the authority of

state institutions at the Supreme Court, namely disputes over authority and not disputes over authority. Institutions that are the subject of disputes in the Supreme Court must have the basic authority granted by the Constitution of the Democratic Republic of Timor-Leste 2002, *(subjectum litis).* Then the state institution has a direct interest in the disputed authority *(objectum litis*). Regarding the authority dispute, the subject matter of the dispute submitted to the Supreme Court is a dispute on the authority of state institutions and other disputes. The sources of authority in dispute can be obtained from the 2002 Constitution and other laws and regulations. Then the institution concerned is a state institution whose authority is only given by the 2002 Constitution.

Legal Basis for Settlement of Disputes with the Authority of State Institutions

The composition and powers of the judiciary are regulated in Law Number 11 of 2004 Article 110 paragraph (1) concerning the High Court exercising the powers of the Supreme Court, and the 2002 RDTL Constitution in Article 118 paragraph (1) The Court is a sovereign body with the authority to enforce justice over people's names. Judicial power Law No. 8 of 2002 dated 20 September, Law No. 11 of 2004 dated 29 December. The 2002 RDTL Constitution in Article 124 paragraph (2) of the Supreme Court has the authority and responsibility to uphold justice in legal matters, as well as matters relating to the Constitution and elections. The working procedures and composition of the Supreme Court as described in Article 125 paragraph (1) letters (a) and (b) are;

1. The Supreme Court carries out its duties:
   a) In sections, such as courts of the first instance, as provided for by law;
   b) In a plenary manner, such as a second and single-level court, in circumstances specifically determined by law.

The authority of the Supreme Court relating to the Constitution and elections in Article (1) letter (f) that, the Supreme Court has the authority and responsibility, or legal matters and matters relating to the Constitution to:

Letter (f) To exercise all other powers specified in the Constitution or by law.
Regarding the legal basis for resolving disputes over the authority of state institutions to use the constitution and laws mentioned above as the norms of *Politeia* and *Nomoi* to resolve disputes of authority between the President of the Republic and the Court, for abuse of authority to take over the authority of the Court by indicting 9 (nine) ministers in cases of corruption. , actually, the president's authority is not to judge. According to FAM Stroink and JG Steenbeek, the authority is as follows: "The right which contains the freedom to take or not to take certain actions or to demand other parties to take certain actions and obligations include the obligation or not to take certain actions. certain obligations and obligations contain the obligation or not to take action. For this reason, the President of the Republic may not take arbitrary actions to prosecute or indict other parties with criminal charges that are not within his jurisdiction to try. On the legal basis of dispute resolution, the authority of the state institution of the High Court exercises the powers of the Supreme Court. However, for the case of dispute resolution under the authority of state institutions, it has not yet been regulated in special laws and regulations, considering that in RDTL there is no constitutional procedural law or constitutional proceedings. So far, it has only used the laws and regulations of criminal law, civil law, law number 32 of 2008, law number 8 of 2002 on 20 September, and law number 11 of 2004 on 29 December. This emphasizes the judiciary in resolving disputes over the authority of state institutions because it cannot be sufficient to use the laws and regulations mentioned above, even though this regulation is very and very important for the holding of constitutional trials of the authority of state institutions. John Locke talks more about the " *Separation* of *Powers".* The usefulness of the theory of separation of powers of state institutions is to find out and explain the function of state institutions in the distribution of state sovereign power in Montesquieu's opinion, The separation of powers, including executive, legislative, judicial, must be implemented because, as said by the first thinker who put forward the theory of separation of powers in the state, John Locke in his book *Two Treaties on Civil Government* (1690). In chapter XII of the book entitled *Legislative, Executive, and Federative Power of the Commonwealth,* John Locke separates the power in each country into legislative, executive, and federative powers.

Then, inspired by John Locke's division, Baron de Montesquieu in his work " *L'Esprit des Lois* " wrote Chapter VI on the English Constitution. Among other things he mentioned that in every government there are 3 types of power and he detailed them the legislative, executive, and judicial powers. These three powers exercise solely and completely the powers assigned to them by each state institution and are not allowed to interfere with each other's powers because each has been regulated by the 2002 RDTL constitution. Settlement of disputes over the authority of state institutions at the High Court because it is the High Court that carries out the power of the Supreme Court until it operates. The Supreme Court textually has jurisdiction throughout the territory of RDTL, it has an important and strategic role, but in Law No. 11 of 2004 describing the judicial regulations *"alteração ao estateuto dos magistrados judiciais",* the High Court exercises the powers of the Supreme Court which is an appeals court. does not give legal force to the authority of the Supreme Court to resolve disputes over the authority of state institutions. Furthermore, in the constitutional development of Timor-Leste, all provisions are determined by political decisions because all provisions or policies made by state administrators can be measured in terms of the constitution or not by the Supreme Court, as an institution that has been determined in the constitution of the Supreme Court is also the same as other state institutions given authority and is regulated in the constitution, an exclusive authority and distinguishes the Supreme Court from other institutions. Thus the settlement of disputes over the authority of state institutions is regulated by the RDTL constitution which is temporarily held by the high court or the Recurso Tribunal, then in Article 124 paragraph (2) the Supreme Court is authorized and responsible for upholding justice in legal matters, as well as matters relating to the Constitution and elections. This means that in addition to overcoming other state problems, they also have the authority to uphold justice for the people and take care of general election disputes.

Constitution as a Fundamental Norm for Resolving Disputes on the Authority of State Institutions: The constitution contains the basic rules (fundamental) regarding the first joints to enforce the big building called the state. these joints must be strengthened and strong so that the state building remains upright. When viewed from a legal perspective, the constitution gains legitimacy from the sovereign people so that it is the highest source of law overseeing the state institutions it establishes. Placing the constitution as a unifier of the nation's diversity. The constitution becomes a common reference, not only in the administration of the state but also in fostering the life of the nation as a nation. Every state institution, whatever the difference, must always place the state constitution as a reference for fundamental norms that will work following the functions set out in the constitution. There are two kinds of constitutions in the world, namely *written constitutions* and unwritten *constitutions,* which are defined as written laws that contain laws, and written laws *(geschreven Recht) ven recht* which are based on custom.

Linear with the definition of the constitution above, in terminology the constitution is all provisions and certain rules of state administration (basic laws, and so on); the constitution of a country. The term constitution comes from the French *"constituer"* which means to form. The use term constitution is meant to establish a state or to compose and declare a state. Etymologically between the word "constitution" constitutional, and constitutionalism, the core meaning is the same, but its use or application is different. The constitution is all the provisions and the rules of the constitution, in other words, the actions or behavior of a person or the authorities do not act arbitrarily.

The constitution is a fundamental norm that is the basis for the formation of the 2002 constitution by the legislature, in that year the RDTL constitution was born and has been enforced to this day. The 2002 RDTL constitution regulates state institutions and interdependencies with each other and is not allowed to interfere with other authorities because the 2002 RDTL constitution itself regulates the authority of each state institution. However, there are often disputes over the authority of state institutions because state institutions consider the constitution, not a fundamental norm, regard the constitution as a mere political product, and state institutions that have the power to make decisions sometimes do not look at the constitution as the highest norm in the state. Therefore, the decision is called unconstitutional, giving rise to a dispute of authority between state institutions. disputes over the authority of state institutions that have occurred in state institutions, the President of the Republic took over the authority of the Court indirectly indicting 9 ministers with corruption cases proposed by the Prime Minister.

This happened in the VIII government, but the argument that the appointment of members of the ministers received consideration per Article 86 letter (h) based on paragraph (2) Article 106 of the RDTL Constitution was rejected arbitrarily and sentenced to a criminal case of corruption of state money. The authority disputed by the President of the Republic is the authority of the Prime Minister to propose members of the ministers to be appointed, the appointment of which is questioned by the President of the Republic. However, in this case, it is not possible to prove the arguments to the High Court/Supreme Court because 9 (nine) ministers have not been appointed and do not contain ministerial members. The state institution that currently has the constitutional authority to appoint ministers is the President of the Republic without any consideration. With the abuse of the president's authority over the court's authority to settle disputes over the authority of state institutions, which state institution is given the authority to resolve them, perhaps one of them is the Supreme Court, but constitutionally, the authority of the Supreme Court is limited by the constitution and law number 11 of 2004 on 29 December Article 110 which explains that the High Court which exercises the power of the Supreme Court until it operates, however, does not have absolute authority to resolve disputes over authority and there is no specific statutory regulation to resolve disputes over the authority of state institutions.

Construction of State Institutions Dispute Settlement Law

Construction is an activity that is not simple, multidisciplinary, and influenced by many interests. The results of this thesis research, show that legal construction is a way of thinking of judges in determining or implementing a statutory provision. The great progressive legal thinker Satjipto Rahardjo, progressive law that places the spirit of the law for humans and non-humans for the law, was built to answer human needs for law so that law does not take precedence and then sacrifice humans. Legal construction consists of analogous construction considering evidence and these arguments is a method of legal discovery in which judges seek a more general essence of a legal event or legal act, whether regulated by law or without regulations, for this reason the judge does not may reject the petition filed by the Political Party of the *National Congress of Reconstruo de Timor-Leste (CNRT)* To the High Court for constitutional violations, the petition filed a lawsuit against the Political Parties PLP, KHUNTO, and Fretilin for forcing Arão Noe (from the CNRT Political Party) to step down from the position of President of the National Parliament on the grounds that he had left the ongoing parliamentary session, for that he was replaced with Anaseto Guterres, as the new President of the National Parliament based on the National Parliamentary Rigimen in Article 7 paragraph (1) letter (a) which reads, *La ho justifikasaun la halo asentu iha National Parliament to'o sesaun plenaria ba dala five ka lamosu dala five tuir-tuir malu ba sesaun plenaria nian ka sesaun komisaun nian, no mós bainhira nia falta dala sanulu resin lima, maske latutiuir malu, la ho motivu justifikasaun.* Based on the National Parliament's regimen, it is replaced by another member of the parliament. The rules and decisions are unconstitutional and are only based on the rules of the National Parliament. The legal regulations are a reflection of the situation relating to legal products and the constitution. The law made by the ruling party is a mask of power to protect the political decisions of the ruling power to dominate in the National Parliament. The relationship with power can also be noted from the opinion of Leon Duguit, who argues that: "power is not only caused by physical power factors, but also by economic factors, political influences, wealth influences, and so on". With the lawsuit was rejected by the High Court because the lawsuit is a civil lawsuit, not a lawsuit against a constitutional procedure or a constitutional process, it is directed to the National Parliament to be resolved politically. Related to the legal construction that will be used by the judge when he is faced with a situation of a legal vacuum *(Recht's vacuum)* or a legal vacuum *(wet vacuum),* because in principle the judge may not refuse a case to be resolved on the pretext that the law does not exist or has not regulated it. Based on the principle *of ius curia novit,* or *iura novit curia*, the judge is considered to know what the law is for a concrete event that is being tried.

Relevance to legal construction in resolving disputes over the authority of state institutions must be based on the 2002 RDTL constitution, which regulates the authority of state institutions. To resolve disputes over the authority of state institutions formally regulated in Article 124 paragraph (1) the Supreme Court is a High Court that has power and jurisdiction throughout the territory of the country and ensures uniformity in law enforcement, has authority**,** and is responsible for upholding justice in legal matters, as well as matters relating to the Constitution and elections are described in the RDTL constitution in paragraph (2) Article 124. Sometimes the Supreme Court's decisions are not based on the law and the 2002 RDTL Constitution and are not transparent in cases of disputes over the authority of state institutions when the President of the Republic takes over the authority of the Court. The court did not act, remained silent, and did nothing, perhaps because of the reason that the Supreme Court was appointed by the President of the Republic as stipulated in the 2002 RDTL Constitution, in Article 86 letter (j) Appointing the Chief Justice of the Supreme Court and swearing the Head of the High Administrative, Taxation, and Audit of Finance is the authority of the President of the Republic. For this reason, the Supreme Court/High Court does not want to act, the reason is that the regulation regarding dispute resolution on the authority of state institutions has not been regulated in laws and regulations even though the fundamental norms have stipulated that the authority to examine legislation is the authority of the Supreme Court. Furthermore, regarding the Supreme Court, it is regulated in Law Number 8 of 2002 dated 20 September. The changes were made because of Law No. 8 of 2002 as amended by Law No. 11 of 2004, concerning the Supreme Court as an appeals court as described in Article 110. This Law was ratified by the President of the Republic on December 29, 2004. Especially about supervision. For this reason, supervision is no longer under the development of the legal needs of society and the state administration as well as the 2002 RDTL Constitution.

Findings and Refinements of Law by Judges to Decide Disputes on the Authority of State Institutions

The discovery and narrowing of the law as a reaction to the problematic situations described in legal events relating to disputes over the authority of state institutions. The main sources of legal discovery made by judges are statutory regulations, customary law, jurisprudence, international treaties, and then doctrine. In the teaching of legal discovery, laws are prioritized over other sources of law. If you are looking for the law, the meaning of a word, then look for it first in the law, because the law is authentic, in written form, and guarantees legal certainty. Legal discovery according to Philipus M. Hadjon, in the process of applying legal principles, technically operational can be approached in 2 (two) ways, namely through induction and deduction law reasoning. Handling a case or an authority dispute in court always begins with the induction step in the form of formulating the facts, looking for causal relationships, and making predictions about the probabilities. Through this step, court

judges at the first and second levels are *judex facti.* After the induction, rare is obtained or the facts have been formulated, it is followed by the application of the law as a deduction step. The step of implementing the law begins with the identification of the rule of law. In the identification of the rule of law, it is often found in the state of the rule of law, namely a legal vacuum, as stated that the statutory regulations are unclear, incomplete, static, and cannot follow the development of society, and this creates a law that must be filled by judges by finding the law is carried out by explaining or completing the statutory regulations. With the discovery of law, according to Immanuel Kant, placing legislation and its products as a republican state process. The judiciary is only tasked with carrying out what is formulated in the law. The task of the judge is only to apply the law because what is made by the legislative body, even judges have to obey what the law says. The main principle here is "the law is inviolable", or in Immanuel Kant's formulation, *la bouche dela loi* (the judge is the mouth of the law). If the definition of law is defined in a limited way as a decision by the authorities, and in a more limited sense, the law is defined as a legal decision (court) which is the subject of the problem, which is the duty and obligation of the judge in finding out what becomes law, the judge is considered as one of the factors forming the law.

To resolve disputes over the authority of state institutions, it cannot be sufficient to resolve them by using the books of criminal law, civil law, or other laws and regulations. Considering that the Democratic Republic of Timor-Leste does not yet have specific regulations to regulate disputes over the authority of state institutions, such as laws and regulations regarding constitutional procedures or the constitutional proceedings to regulate and resolve disputes over the authority of state institutions, until now have not been considered by the legislature. This regulation is very and very important for the implementation of a constitutional trial. Based on this, it is necessary to have a legal mechanism to resolve disputes over the authority of state institutions, one of which is the review of the constitution after 6 (six) years by the legislature in Article 154 paragraph (2) of the RDTL Constitution then amendments to the constitution seen from a majority of two-thirds of the Members of Parliament who is on duty in Article 155 paragraph (1) of the 2002 RDTL constitution. In connection with the settlement of disputes over the authority of state institutions by the High Court/Supreme Court, in connection with the discovery of law by judges the connotation that the law does not yet exist, so the judge is obliged to form the law needed by the community so that there is no legal *vacuum (Recht's vacuum)* or a vacuum of law *(wet vacuum).*

HD Van Wijk and Willem Konijnenbelt classify three ways of obtaining authority, namely:

d) *Attributie,* attribution is the granting of government authority by legislators to government organs, *(toekening van een bestuursbevoe gheid door een wetgever aan een bestuursorgaan).*
e) *Delegatie,* delegation is the delegation of government authority from one government organ to another *(overdracht van een bevoegheid van ene bestuursorgaan).*
f) Mandate, *een bestuursorgaan Laat sijn bevoegheid names hues uitoefenen door een andar,* means that a mandate occurs when a government organ allows its organ of authority to be carried out by another organ on its behalf.

The authority of the court to adjudicate is the power of attribution and distribution of judicial power, the judicial power is the absolute authority and absolute competence is the authority of the judiciary in examining types of cases and the authority to decide on disputes over the authority of state institutions. Related to the discovery of law by judges to resolve an event in dispute with the authority of state institutions. Bearing in mind that in the Democratic Republic of Timor-Leste (RDTL) in Article 97 paragraph (1) letters a, b, and c, the authority to have the power to amend the constitution, and to form laws and regulations is held by:

a). Member of the National Parliament
b). Factions in the National Parliament
c). Government.

Authority is referred to as *"formal power"* meaning the power that comes from the power given by law or legislature from the executive or administrative powers, to issue orders and make regulations. The government establishes laws and regulations with the approval of the National Parliament. The National Parliament on behalf of the people holds the power to form constitutions and laws with the approval of the President of the Republic. The authority to promulgate laws made by Members of the National Parliament, the factions in the National Parliament, and the Government, belongs to the President of the Republic in Article 85 letter (a) To promulgate laws and to order the issuance of resolutions from the National Parliament which ratify treaties and ratify treaties and international treaties. Meanwhile, the Government establishes laws and regulations with the approval of the National Parliament in Article 96 paragraph (1) of the National Parliament may allow the Government to make laws regarding the following matters:

1. The National Parliament may allow the Government to enact laws on the following matters:
   a) Definition of crime, punishments, safeguards, and their respective requirements;
   b) . Definition of civil law and criminal law procedures;
   c) . Judicial arrangement and judicial position;
   d). General rules and regulations for civil service, civil servant positions, and State responsibilities;
   e). General principles for general governance arrangements;
   f). monetary system;
   g). Banking and financial systems;
   h). Definition of basic policies for environmental protection and sustainable development;
   i). General rules and regulations for radio and television broadcasting and other mass media;
   j). Military service or civic duty;
   k) General rules and regulations for official prosecution and confiscation of public interest;
   l) Methods and forms of intervention, confiscation, nationalization, and privatization
   income facilities and land for reasons of public interest, as well as requirements for the determination of compensation for these matters.
2. The Law on Legislative Licensing will determine the subject, meaning, scope, and validity period of the permit, and the permit may be renewed.
3. The Law on Legislative Licensing cannot be used more than once and is no longer valid when the Government is dismissed, with the expiration of the legislative term, or with the dissolution of the National Parliament.

However, these two state institutions make laws that only stipulate general regulations while the considerations of concrete matters are left to the judge. Legislators are always behind with events that arise. This is related to disputes over the authority of state institutions, then there are no special laws and regulations to resolve disputes between the President of the Republic and the Court, then which state institutions are constitutionally authorized to resolve disputes over the authority of state institutions. Perhaps one of them is through the Supreme Court as the final trial. Regarding disputes over the authority of state institutions, judges have the authority to decide cases. Because judges are part of *la bouche dela loi* (the judge is the mouth of the law). The task of judges is only to apply the laws made by the legislative body, even judges have to obey what the 2002 RDTL constitution says, and what law number 11 of 2004 says in Article 110 paragraph (1). Therefore, to fill the legal vacuum in the formal legal system of the legal system so that it applies to fill this legal vacuum by way of legal construction (making or finding law) there are three ways to form legal elements: *analogical interpretation,* interpretation of legal regulation by giving like or the figures of speech in these words are by the legal principle. So that an event that

cannot be included is then considered according to the sound of the act. *The refinement of the judge* is to apply the law in such a way that it seems as if no one is to blame.

If the meaning of the law is defined in a limited way as a decision by the authorities, and in a more limited sense, the law is defined as a legal decision (court), the main issue is the duty and obligation of the judge in finding out what is the law for resolving disputes over the authority of state institutions, judges. can be considered as one of the factors of law formation. Because the law is incomplete or unclear, the judge must seek or find the law *(rechtsvinding)*. Legal discovery, according to Sudikno Mertokusumo, is usually defined as a process of law formation by judges or other legal officers who are given the task of implementing the law or applying general legal regulations to concrete legal events. Furthermore, it can be said that legal discovery is a process of concretization and individualization of general legal regulations (*das sollen)* by remembering concrete events *(das sein* Judges must ensure, adjudicate, and decide on disputes over the authority of state institutions, first of all, they must first use written law, namely statutory regulations, but if the statutory regulations are found to be insufficient or inappropriate with the problem in a case, then they must the judge will search and find other laws such as jurisprudence, doctrine, treaties, customs or unwritten law. Article 4 of Law Number 8 of 2002 of 20 September concerning the independence of the judiciary stipulates that: Judicial judges judge according to the Constitution, the law, and their conscience and are not subject to orders, instructions, or directives, except the duty to respect, by lower courts, a decision given on appeal by a higher court.

Legal Certainty in Settlement of Disputes with the Authority of State Institutions

Normatively, legal certainty can be interpreted as a statutory regulation that is made and expressed with certainty to guarantee the *sweet potato jus incertum, ibi jus nullum* means, where there is no legal certainty, there is no law, then we live without a law at all, legal certainty must be saved to avoid chaos. This is because legal certainty can regulate clearly and logically so that it will not cause doubts if there are multiple interpretations so that they will not clash and not cause conflicts in existing norms. According to Utrecht, legal certainty contains two meanings, namely first, the existence of regulations that have a general nature to be able to make an individual know what actions can and cannot be done. The second understanding is the legal security of an individual from the arbitrariness of government institutions because, with the existence of regulations of a general nature, individuals can know what the state may do to an individual. Therefore, every state institution, in carrying out state duties, must comply with the constitutional order and adhere to the constitution according to the authority of each state institution with the aim of not abusing its authority by violating the law, to pretend to be its power. As it is known that the objectives of the law are very diverse and different, if it is concluded, it will be able to classify the existence of 3 (three) legal objectives that have been developing, namely as follows:

1. Ethical school assumes that in principle the purpose of the law is solely to achieve justice.
2. Utilitarianism assumes that in principle the purpose of the law is only to create the benefit or happiness of society
3. The juridical normative school assumes that in principle the purpose of the law is to create legal certainty.

To form the Constitutional Court, at least there must be a change in the 2002 RDTL constitution, so that it can make it easier for the legislative body to form it, with the condition that the Chair and Member of the Constitutional Court must at least hold a Masters in Legal Studies, Strata two (S2) Doctor of law, Strata three (S3) with expertise in Constitutional Law, Criminal Law, Civil Law, and State Administrative Law. The purpose of establishing the Constitutional Court as a constitutional accompaniment institution so that state institutions can be controlled acts arbitrarily to take decisions that are outside the constitutional order so that disputes over the authority of state institutions cannot be resolved by the Supreme Court, and matters relating to disputes over the authority of institutions The state should be submitted to the Constitutional Court so that it can be resolved fairly and wisely to satisfy all parties seeking justice.

About dispute resolution on the authority of state institutions through the Supreme Court, it is intended to facilitate or provide guarantees for state institutions in carrying out their respective authorities, as well as to protect the normative power of the constitution to maintain the principle of *Separação dos Poderes* by Article 69 of the RDTL Constitution. If traced from the history of the establishment of the 2002 RDTL Constitution, the authority of the Supreme Court has not been fully granted by the constitution, because in Law Number 11 of 2004 in Article 110 paragraph (1) that, the High Court exercises the powers of the Supreme Court until it starts operating. The Supreme Court has the basic authority given by the constitution and law to resolve disputes over the authority of state institutions, prioritizing other legal sources, if you are looking for the legal meaning of a word, you must first look for it in the RDTL constitution and the law relating to the resolution of inter-institutional authority disputes. state, because the law is authentic, in written form, and guarantees more legal certainty. Therefore, it is not easy to read the law, because it is not just the sound of words, but must read the meaning, meaning, or purpose. Law in its entirety contains hundreds of thousands of sentences, where the mind behind these sentences aims to meet many needs that challenge each other. Therefore, reading the law is not enough just to read the articles, but the explanations and considerations must also be read. If the law is said to be a system, then to understand an article in law, it is often necessary to read other articles in another legislation. Regarding the philosophical aspect, it is an aspect that acts on truth and justice, while the sociological aspect considers the cultural values that live in society. In philosophical and sociological aspects, its application requires extensive experience and knowledge as well as the wisdom that can follow the values of neglected society. Its application is very difficult because it does not follow the principle of legality and is not tied to the system. The inclusion of these three elements is nothing but so that the decision is considered fair and accepted by the community. *Legal justice* can only be obtained from the law, precisely in one condition, it will cause injustice to the community, because the written law that was created has a certain power of conduct which one day the power of conduct will die. After all, when the law was created elements of justice defend the constitution and laws, but after being enacted, often with changes in the values of justice of the people, consequently in the law the elements of justice will be lost. Moral justice *(moral justice)* and social justice *(social justice)* are applied by judges, with the statement that: judges must uphold legal values that exist in disputes over the authority of state institutions as described in Article 123 paragraph (4) of the law will determine the formation, the arrangement and working procedures of the courts as stipulated in the previous paragraphs. Article 123 Paragraph (5) The law may institutionalize the means and procedures for resolving disputes outside the court. in the article as an abstract norm, because there is no clear explanation means that:

1). Laws and court decisions must be publicly accessible
2). Laws and decisions must be clear and unambiguous
3). Court decisions must be considered binding
4). Retroactive laws and decisions must be limited
5). Legitimate interests and expectations must be protected.

Legal certainty is a principle that can be found in the constitutional legal system originating from the thoughts of *legal positivism in the* legal world, who tend to see law only in its form as legal certainty, viewing law as something autonomous. Thus, the purpose of the law is the same as what Gustav Radbruch put forward as the 3 (three) basic values of law, namely justice, expediency, and legal certainty. Furthermore, Radbruch teaches the use of the priority principle of the three principles, where the priority always falls on justice and benefits, and the last is legal certainty.

Functions and Responsibility of the Judicial in Resolving Disputes under the Authority of State Institutions

State institutions have a strategic function to realize the goals of the state. in the context of the Democratic Republic of Timor-Leste. Courts are sovereign bodies with the authority to administer justice on behalf of the people. The Supreme Court carries out its duties in sections, such as the High Court, as stipulated by law number 11 of 2004 dated 29 December or the 2002 RDTL Constitution. The High Court exercises the powers of the Supreme Court until the Supreme Court is established and functioning. The High Court exercises the powers of the Supreme Court with the authority and responsibility to enforce justice in legal matters, as well as matters relating to the Constitution and elections. The functions and responsibilities of the judiciary are related to the settlement of disputes over the authority of state institutions in terms of the 2002 RDTL constitution. According to Hans Kelsen, legal theory is the science of applicable law and not just the law that should be. Relevance of the functions and responsibilities of the judiciary in resolving disputes over the authority of state institutions with the analysis of dispute resolution on the authority of state institutions in the Democratic Republic of Timor-Leste (RDTL) there are sub-sections, including:

1. The function of the judiciary in resolving disputes between state institutions
2. The function of receiving cases of institutional dispute complaints by state institutions.
3. Function to adjudicate disputes on the authority of state institutions
4. Oversight function

Functions of the Judiciary in Resolving State Institutional Disputes

In RDTL there are 3 (three) classes of courts, namely: a) the Supreme Court and other courts; b) High Administrative, Tax, and Audit Courts and other administrative courts of the first instance; c) Military court. In carrying out its functions, the District Court is the first level court authorized to hear all cases, both civil and criminal. The function of the Court of Appeal or the Court of Appeal which is also a Court of Second Level. It is called the second level court because the method of examination is the same as the examination in the first level court. According to Nusrhasan Ismail, of the opinion that the function of the judiciary can guarantee legal certainty that the law has a function as a regulation that must and must be obeyed by state institutions and citizens. Attribution of judicial power is an absolute authority or absolute competence is the authority of court bodies in examining types of disputes over the authority of state institutions and absolutely cannot be examined by other court bodies, for example, first-level courts are generally authorized to examine certain types of cases submitted and not the High Court. Usually, this absolute competence depends on the content of the lawsuit.
The absolute powers of the Court of Appeal include:

a. Re-examination of all civil and criminal cases to the extent possible for appeal.
b. Deciding at the first and final level of disputes over the authority of state institutions The RDTL Constitution in Article 123 paragraph (5) of the Law may institutionalize the means and procedures for resolving disputes outside the court.

far, the court is known as an institution that has the function of resolving disputes or cases by *adjudicating*. This court function can be said to apply in all countries. However, in recent years, many countries have integrated mediation as a way of resolving disputes in court processes, such as the United States, Singapore, and Australia. The use of mediation in the court system in many countries, apart from being based on economic considerations, such as saving time and money, and reducing the burden of cases in court, can also be seen as an effort to achieve justice according to the sense of justice of the parties. The function of the Judiciary in resolving disputes over the authority of state institutions is binding and is above the decisions of any other authorities as stipulated in the 2002 RDTL Constitution in Article 119 that the Court is independent and only subject to the Constitution and the law. Therefore, the court can also be seen as an institution that has a mediating or conciliatory function.

The function of the Court is to Receive Cases of Institutional Dispute Complaints by State Institutions

The main task of the judge in court is to receive, examine, adjudicate and settle every case that is brought to him. This means that the judge is not looking for or pursuing a case, he is passively waiting until the case is submitted to him. Furthermore, the judge examines the case and finally adjudicates which means giving the interested parties their legal rights. Judges in civil cases only, while Timor-Leste has not yet had a procedural constitution or a procedural constitution process, judges must assist justice seekers and try to overcome all obstacles to achieving a simple and fast trial. The court is an independent institution that carries out its function to receive case complaints by interested parties and to implement and enforce law and justice based on the state. The judicial institution functions as a law enforcer whose duty is to examine, hear, and decide on every case that is brought to him to obtain justice. Each case that is entered cannot be rejected by a court judge because he is unable or no law can be used to resolve it. The types of cases that are entered are adjusted to the duties and authorities of each existing judicial institution. So, exercising judicial power in this RDTL country is to uphold law and justice. According to Hans Kelsen, it can be seen that there are only two implementations of power in government, namely forming and implementing laws, the existing power is inseparable but distributed to each branch of power. Each branch of power carries out its respective duties and functions without having to create absolutism in each branch as enacted in the 2002 RDTL Constitution on the principle of *Separação dos Poderes* between state institutions. Courts are given the power to judge on behalf of the people. The judges are tasked with examining and adjudicating cases in court. In addition, there is a Registrar who is in charge of leading the administration or administration section assisted by a deputy clerk, several clerks of Pangani, and other employees. The clerk must carry out case administration and attend all court hearings and meetings by carefully recording all the things discussed in the trial.

Oversight function

Supervision comes from the word was which means, among other things, guarding. Regarding supervision, what is usually meant is one of the basic functions of management which in English is called *controllin*g. According to Sujamto, the *controlling function* has two equivalents, namely supervision and control. Supervision in the narrow sense of all efforts or activities to find out and assess the actual reality about the implementation of tasks or work, whether it is by what it should be or not. In the perspective of administration or management, supervision is intended to observe and assess whether the implementation of tasks and work in a particular organization has been by the predetermined plan and whether the stated objectives have been achieved or not. Based on the legal perspective, this supervision is carried out to assess whether the implementation of the duties and work has been carried out by the applicable legal norms and whether the achievement of the goals that have been set has been achieved without violating the applicable legal norms. About the supervisory function, the Supreme Court carries out the highest supervision throughout the courts in all court environments with the aim that the trials conducted by the courts are carried out carefully and fairly by referring to the principles of justice. The law on the main provisions of the Supreme Court's judicial powers also supervises:

a). Regarding the work of the courts and the behavior of judges and the actions of court officials in carrying out tasks related to the implementation of the main duties of the judiciary, namely in terms of receiving, examining, adjudicating, and resolving every case submitted to him, and requesting information regarding matters those concerned with judicial technicalities are treated

without prejudice to the independence of judges. Article 4 of Law Number 11 of 2004 dated 29 December.

b). For judicial inspection, it is the obligation to provide knowledge to the Supreme Court of Justice regarding the status, needs, and shortcomings of judicial services, to enable it to take appropriate action Article 23 paragraph (1) of Law Number 11 of 2004 dated December 29.

Responsibilities of the Supreme Court in Judiciary

The Supreme Court is one of the actors of judicial power whose function is to handle certain cases in the field of state administration to maintain the constitution so that it is carried out responsibly. Hans Kelsen, in his theory of legal responsibility, states that: "a person is legally responsible for a certain act or that he bears legal responsibility, the subject means he is responsible for a sanction in the case of an act that is challenging, and not by what was ordered. constitution". The Supreme Court as a state institution responsible for defending the constitution in the constitutional context of the Supreme Court is constructed: First, as a guardian of the constitution that functions to uphold constitutional justice during people's lives. Second, the Supreme Court as one of the state institutions that hold judicial power is respected and implemented by all components of the state consistently and responsibly. Third, amid the weakness of the existing constitutional system, the Supreme Court acts as an interpreter so that the spirit of the constitution always lives and colors the continuity of the state and society.

Responsibility for Making Decisions

The responsibility of the court in decisions *(decision)* is the result of choosing between several alternatives while setting a decision *(decision making)* refers to the process that occurs until the decision is reached. The starting point of this judge's decision is the thought that the process of imposing decisions on disputes over the authority of state institutions must be carried out systematically and carefully, especially with previous decisions to ensure consistency of judge decisions using a scientific approach. Decision-making is the main concept of disputes over the authority of state institutions as an institution that has been determined in the 2002 RDTL Constitution, regarding the authority of the Supreme Court which states: the authority of the Supreme Court in Article 124 paragraph (1) which defines that the Supreme Court is the highest court and guarantor of uniformity law enforcement, and has jurisdiction throughout the territory of the State. The Supreme Court has the authority to adjudicate at the first and final levels in Article 125 letter (a) to carry out the duties of the Supreme Court as a Court of First Instance as stipulated by the Constitution. And letter (b) in a plenary manner, such as a court of a second and single level, in circumstances specifically determined by law number 11 of 2004 dated December 29.

Responsibilities for Completing Final Decisions

Regarding responsibility, the authority to try can be divided into attribution judicial power *(attribute van recthsmacht),* the attribution of judicial power is an absolute authority or absolute competence is the authority of the court body in examining types of disputes over the absolute authority of the state institutions that cannot be examined by other state institutions. . The High Court exercises the power of the Supreme Court to adjudicate cases of disputes over the authority of state institutions, with absolute authority from the High Court including:

a). 2002 RDTL Constitution Articles 123, 124, 125, 126 and 164.
b). Law Number 8 of 2002 dated September 20
c) . Law Number 11 of 2009 dated December 29.

High Court/Supreme Court, authorized: a). Dismiss the appeal. b). Disputes about the jurisdiction to adjudicate. c). Application for judicial review first trial. The final decision is a decision handed down by the judge concerning the subject matter and ends the case at a certain level. Some of these final decisions are punishing *(condemnatoir),* some are creating *(constitutive),* and some are explaining or stating *(declaratory)* and decisions *(contradictory).* Furthermore, the definitions of these decisions are as follows. A *condemnatoir* decision is a judge's decision with the nature of punishing one party.

Regarding the final decision based on the 2002 RDTL Constitution, Article 124 paragraph (2) of the Supreme Court has the authority and responsibility to uphold justice in legal matters, as well as matters relating to the Constitution and elections. Because the constitution regulates state organs and their respective authorities, the criteria that can be put forward are that the state institutions must be constitutional organs, namely those established under the constitution or those whose authority is directly regulated and derived from the constitution. Regarding the responsibility for resolving disputes over the authority of state institutions in the final decision, it weakens the authority of the Supreme Court to decide disputes over the authority of state institutions as stated in the above law, that the Supreme Court has not yet been functionally operational because the High Court has exercised its powers until it is formed. The power of the Supreme Court is rooted in the 2002 RDTL constitution, so it is considered an informal leader who needs to be taken into account in the decision-making process. However, the Provisional Authority of the Supreme Court as explained in Article 164 paragraph (1) of the K-RDTL, After the Supreme Court begins to carry out its functions and before the establishment of courts as stipulated in Article 129, each of its powers will be exercised by the Supreme Court and other courts. In paragraph (2) Until the time when the Supreme Court is established and begins to carry out its functions, all powers of the Supreme Court under the Constitution will be exercised by the highest judiciary from the existing judicial institution in Timor Leste K-RDTL.

As a result of the authority of the Supreme Court to administer justice effectively, the idea emerged that the best way to limit the power of state institutions is with a constitution, so that there is no power in only one state institution, resulting in disputes over the authority of state institutions. Related to the final decision of the High Court which exercises the powers of the Supreme Court until the Supreme Court operates. For this reason, state institutions are given the power to process the constitution to resolve disputes over the authority of state institutions. This weakened Timor-Leste's constitutional law system. For this reason, it is necessary to establish an institution that is higher than the Supreme Court, namely the Constitutional Court and the Judicial Institution. With the presence of the Constitutional Court to examine constitutional feasibility and resolve disputes over the authority of state institutions and disputes over the presidential election, public and parliamentary elections. Supreme Court In the final decision, it cannot resolve disputes over the authority of state institutions where their authority is limited and carried out by the High Court as an appeals court. Meanwhile, Timor-Leste does not yet have a constitutional procedural law and constitutional process. The systematics and content of judges' decisions in cases of disputes over the authority of state institutions, are explicitly and theoretically not found in the 2002 RDTL Constitution, such as in Articles 123, 124, 125, 126, 164, and Law Number 8 of 2002 dated 20 September, Then it was replaced by Law Number 11 of 2004 dated December 29, which only implicitly regulates what must be included in the judge's decision, so that it can be said that the systematic and content of this judge's decision is known to grow and develop in the practice of civil case justice. The judge's responsibility is both morally and legally. Moral accountability to God Almighty, and legally it must pay attention to accountability to the upper limit, namely the 2002 RDTL Constitution. By adopting the concept of responsibility theory for resolving disputes over the authority of state institutions in the final decision as contained in a decision, and being accountable to the constitution, namely the 2002 RDTL Constitution, as the upper limit and human rights values as the lower limit for statutory regulations. Then access to benefits moves between 2 (two) accesses to justice and legal certainty, and this benefit principle looks more at the purpose or usefulness of the law for resolving disputes between state

institutions because the real nature of the law exists to serve humans and not humans for the law. , as stated in the concept of progressive law.

CONCLUSIONS AND RECOMMENDATIONS

Conclusion: In connection with the writing of the thesis on the analysis of the dispute resolution of the authority of state institutions in the Democratic Republic of Timor-Leste, the authors conclude that,

1) Legal Basis for Dispute Regulating the Authority of State Institutions as stipulated in the 2002 RDTL constitution, the authority granted by the constitution to the appellate court as long as the Supreme Court has not been established, the authority possessed by the court is temporary or relatively
2) The functions and responsibilities of the judiciary in resolving disputes between state institutions, the judiciary must be able to guarantee legal certainty that the law has a function as a regulation that must and must be obeyed by state institutions and citizens. The responsibility of the judiciary as the body for exercising judicial power for the people seeking justice is to receive, examine, and decide every case that is brought to them, including the settlement of disputes over the authority of state institutions. The High Court exercises the power of the Supreme Court (MA) which is directly in touch with the settlement of cases at the High Court level.

Suggestion

In connection with the conclusions described above, the authors provide suggestions to relevant state institutions, among others;

1) It is hoped that the National Parliament as a state institution has the power to form laws. Legislative function, so that the National Parliament can review the Constitution after six years and establish an institution higher than the Supreme Court, namely the Constitutional Court and establish a Judicial Institution.
2) It is hoped that the President of the Republic of Timor-Leste as an executive agency to decide matters related to authority must follow the principle of separation of powers and the State is subject to the Constitution and the law so that there are no disputes over authority between state institutions.

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