



The History of Parliament in East Timor and Human Rights

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ABSTRACT

The existence of Parliament began a long time ago where in each clan there was a council of elders whose function was to give council and intervene in public affairs. In Greece there was an assembly, in the Roman empire, we know it with the name senate, in Portugal it was the court and then parliament and this name of Parliament has its origin in England and with the Portuguese influence in Timor-Portuguese, and the name Parliament entered the traditional Timorese structure in which it is known as the Parlamentu route or Parliament staff. From the beginning, Parliament has always had the function of controlling the reigning power to prevent the reigning power from falling into arbitrariness and abuse of power. Parliament was born to defend the interests of the people and the nobles against the arbityness of the reigning powers, as one of the examples is what happened to the king of England, John the Landless. Nowadays the role of Parliament is always important to control the executive power and the power of the President of the Republic. Parliament also becomes like the voice of the people and thus represents the people to assert the aspirations of the people before the state power. A state can be considered democratic if it has a strong and active Parliament that performs its function well as a true representative of the people and not a representative of the political parties that have parliamentary seats. Therefore, even if Parliament represents the people, the people must control their representatives. because Parliament today in the system of the Closed-List Proportional System can fall into this situation in which it represents the interest of the party better than the interest of the people

INTRODUCTION

Parliament, if we analyze it at a quick glance, is a sovereign body that collectively exercises the political-legislative function as a representation of the people. We all accept this idea when we look at Parliament, and often in the community we hear that Parliament is the representative of the people. This definition is widely used and true. But it may not be complete. According to Professor Lúcia Amaral, "Parliament is the assembly or union of assemblies, that is, the collegial structure organized according to the egalitarian and non-hierarchical principle, to which Political-Legislative functions are essentially attributed that are supported by the principle of legitimacy expressed through political representation". I would like to add what Professor Lúcia Amaral said when she said that, "Parliament is the assembly or union of assemblies, that is, the collegial structure organized according to the egalitarian and non-hierarchical principle, to which are essentially attributed Political-Legislative functions that are based on the principle of legitimacy expressed through political representation for the defense of Human Rights". Because without the defence of Human Rights, Parliament will lose its essence, its soul, its true image of the history of Parliament, where Parliament has always been the voice of the majority or the voice of the minority, leading against the arbitrariness of rulers against human dignity, leading to the creation of instruments for the protection of Human Rights and limiting the absolute power of rulers that could endanger the violation of Human Rights Human.

Respect for Human Rights officially emerged from the United Nations through the formulation of the text of the Universal Declaration of Human Rights by the United Nations General Assembly, after the Second World War, and this declaration adopted by the United Nations from December 10, 1948, where Human Rights became an important issue even today in the international community and becoming one of the Main International Systems in the protection and defense of Human Rights in any country in the world.

In Timor-Leste, since its independence officially on May 20, 2002, it has been established as a Democratic State of Law where it values the supremacy of positive laws including the Constitution of the Republic of Timor-Leste and in which this Constitution provides for the respect and appreciation of the Universal Declaration of Human Rights in article 23 in which it says that all fundamental rights enshrined in the Constitution must be interpreted in line with the Universal Declaration of Human Rights. Thus making the Universal Declaration of Human Rights an important standard that has the function of guiding any interpretation of Fundamental Rights within the Timorese legal system. This means that any policy (or even normative act) that violates the Universal Declaration of Human Rights has no validity.

In any state of law and democracy, the Constitution gives exclusive competence to Parliament to make laws. That fact is what then gave Parliament the concept of legislative power. Parliament is the one that holds the legislative power and, thus representing the legislative power, which shares this competence with the government, at the moment when the government can create normative order, such as, for example, government decree-laws. We are talking about the theory of separation of powers in which each sovereign body has its own competences while the National Parliament has the competence par excellence to make laws. The National Parliament also has the power to approve the state budget, to supervise the government, to approve the international treaty, to revise the constitution, to authorize the President of the Republic to declare a state of siege, or state of emergency, to declare war or peace and, above all, as a representative of the people.

LITERATURE REVIEW

We have seen that the power of the National Parliament of Timor-Leste is very strong and makes it a true and main element in the preservation and defense of Human Rights. Therefore, the National Parliament must exercise its competences within the standard of the Universal Declaration of Human Rights (Article 29 of the Timorese Constitution) and the convention, treaties and international agreements received in the Timorese internal legal system. Otherwise, the provisions of laws created by Parliament are invalid according to Article 9(3).

METHODOLOGY

The method of research of this article is based on observation on how Timorese Parliament born to serve well the interest of people and respect Human Rights in the process of state building where Parliament can be a true voice of the people.

RESULTS AND DISCUSSION

We all know that the current parliamentary rotation or regime began in Antiquity, in the Polis, the City-State of Athens. In the City-State of Athens, there is a participatory and direct democracy, as there is a concept that power is in the hands of the people (a concept used today by all democratic states of law), which leads to the creation of something like an assembly (parliament), as citizens over 18 years of age meet to discuss important issues of the state police. Professor Patrícia Jerónimo quoted Finley's statement saying that "The Assembly, which had the final word on war and peace, on treaties, on finance, on legislation, on public works, in short, on all government activities, was an open-air rally, with as many thousands of citizens over the age of 18 as wanted to attend on that particular day". Profesora Patrícia explains that "... The vote in the assembly was usually preceded by informal discussions, which could take place in the town square or in other more restricted places of conviviality and which informed the citizens of the problems to be solved, preparing them for the definitive debate and subsequent vote." element. For this reason, Professor Patrícia Jerónimo also said that, "The government of the polis was henceforth entrusted to all its citizens. The people held power." We can agree that democracy in Athens is a direct democracy that can work well because it is a small polis city-state that is similar to the situation in Timor in the time of our ancestors, where each polis (each Loro) governs its own people as Professor Patricia Jerónimo says,

"Since the polis is a political and social unit that claims to be self-sufficient, much attention is paid concretely to the promotion and maintenance of the ties that solidarize citizens among themselves and mobilize them for the great common project. Three projects contribute, fundamentally, to this cohesion – the sharing of a historical legacy, a collective religious practice and subordination to the same set of norms".

This corresponds more or less to the situation in Timor related to each loro or each house, in collaboration with all the parts belonging to each loro or to each adat. As in Athens and Timor (and in other parts of the world), community life occasionally becomes complex, and with that complexity comes the power delegated from the people to the rulers. The people delegate their power to the rulers.

On the other hand, in Roman times, with the influence of dadatos or patricians in the Roman senate, it was possible to elect and replace the king and establish political and spiritual life in the Roman domain. Although the Roman state was a monarchy (the king ruled), the king rose to power not by inheritance (not by generation), but the dato chose any other dato to rule as king. Thus, power is divided between a dato that becomes king and another dato that is part of the Senate (the Assembly is a Parliament with 300 dato to give an opinion on important matters of the State) and the king must listen to these dato before making any decision. Other dato are also part of something called the Curial Commission – the Assembly or Parliament of the dato that makes laws and chooses who will succeed the king when he dies. Other dato are part of the Centennial Commission - the Assembly or Parliament of the dato asuwa'in who have the competence to make decisions about war and peace. In other kingdoms, sometimes a dato who rose to power as king felt above, above all, began to make

decisions according to his own desires. It happened in Rome in the sixth century B.C. The king did not want to listen to the opinions of the other kings, so the kings revolted in 509, overthrew the king and the kings changed the system from monarchy to Republic. The republican system is the system that the Romans created in the world. However, the people have no place in Parliament. Only dates hold seats in Parliament and make laws with the words that dates speak (not write) to serve only the interests of dates. After many years, the people revolted and finally in 493 B.C. the people obtained the first victory so that they could have representation by bringing a magistrate called the Tribune of the Plebs. From then on, the Court of the Plebs was obliged to make laws that were written, not just put into words, in order to protect the rights of all people.

We see in the ancient hierarchy in Europe, according to what Professor António José Fernandes wrote (in his book entitled Human Rights and European Citizenship, Almedina, 2004, p. 17-24), in Antena, in Ancient Rome, in feudal times and in the Middle Ages, in some European countries, we can see that social stratification itself has changed. As in Athens, we see that there are only two stratifications of citizens (who have civil and political rights), as the first social class and the lowest social class are people such as foreigners, women, slaves and slaves. Perhaps you can compare the sharing according to the opinion of the Professor of Oriental History (including Timor-Leste) Filipe Thomaz said that in the early days in Timor, the highest social class is the Loro (perhaps there is no date with the king) with civil and religious power. Thus, we can say that the second social class is the other people (perhaps all from the same family) who are part of the Loro house. When in Sparta, differently, their social stratification is divided into three: Omoioi, equal in civil and political rights, and are over 30 years old. This is followed by Perieku with only civil rights and then Ilotas (without civil and political rights). When we look back at the stratification in Ancient Rome, we find that the first stratification was patrician (as in Timor it is dato or rato) in civil, political, judicial and religious rights. The second class is the Customer as the person who cultivates the data. The third class was the Plebs (without rights) and the last was the slave (considered as a commodity that could be sold from one date to another). Social class in Ancient Rome to be similar to the social class that existed in Timor in ancient times as Count Sarzedas or Benedict of France wrote and also told by Don Ximenes Belo is the first social class is Dato, tumugoen, head of the large and small population. The second class is a soldier, the third class is a peasant, and the fourth class below is a slave. During the feudal system in some European countries, the social stratification was for the king to occupy the first social class, followed by the feudal lords and important clerics, then the petty clergy and dates, free peasants and slaves. In feudal times, the king was separated and became a separate social class and the first social class. But then, back in the Middle Ages, stratification changed again. The first social class is the clergy (priests of the Catholic Church), followed by the dato (including the kings who are part of the dato social class, as well as in Timor) and then the people. Because in the Middle Ages the Catholic Church played an important role not only in the spiritual sphere, but also in the political power of the kingdom or state that will have influence until now, even if it is not as certain

as before, but the Catholic Church since the time of Emperor Constantine has always demonstrated spiritual (but moral) strength also as a symbol of power in the political sphere. We cannot see the Catholic Church (Vatican) only from the spiritual sphere. The Catholic Church's role in the political sphere remains strong, even when it falls within the spiritual sphere. The Catholic Church has a great capacity to adapt to the reality it faces. We need to have good collaboration with the Catholic Church and we also hope, as good Christians, to contribute to building good relations with it. The responsible Catholic Church also needs to have the sensitivity to uphold what the Catholic Church teaches without discrimination, according to the standards ordained by Jesus Christ.

From Professor Antonio José Fernandes' description above, we can see how the change of government in Europe that eventually, as a reckoning, led to the emergence of absolute monarchy began in the fifteenth century in Europe (as originated from the Roman Empire and Feudal Monarchy) as in England and France and eventually contributed to the emergence of many mechanisms of leadership, leading to contradictions. The absolute monarchy and the arbitrariness of the absolute King and the rich and other arrogant dates as in England with the Magna Carta (self-proclaimed by King John the Landless in 1215) and also the Petition of Right that the English Parliament approved and submitted to King Charles I in 1628 brought the Magna Carta even more reinforced. The rule of law brings against the arbitrariness of the ruler against human rights, freedoms and also stipulates that the King himself cannot collect taxes from citizens unless the King seeks permission from Parliament. That it must be with the authorization of Parliament that the King can collect taxes. Parliament does not authorise this. In 1689, Parliament imposed on Prince William of Orange the Bill of Rights (because James II was very close to the Catholic Church, so the kings removed him from power as king and he fled to France, so Parliament declared that the throne of England was empty and the kings called the son of Prince James II, Orange, from Holland to rule France again. Prince William of Orange of the Netherlands married King James II's daughter Mary, and Prince William took his wife Mary to the Netherlands and because she married a Dutchman and became a Dutch citizen, we can call her Dutch Mary (Parliament declared that the Throne of England is empty, the dates called back William of Orange to rule England because William of Orange married King James II's daughter, Mary) to destroy the King's divine right and strengthen the King, everyone has natural liberties and rights that must be protected and not subject to arbitrariness. From the Bill of Rights, Parliament was established as a powerful authority, and Prince William of Orange ruled only according to the provisions of Parliament's authorization in any case important to the life of the British state. The king can no longer make decisions alone, but must always consult Parliament, which Parliament authorises.

With the Magna Carta, the Petition of Law, the Habeas Corpus, the Bill of Right they made a great change in the life of society in England with their effect on the USA (bringing and burning the spirit of independence to the USA as Ana Maria Magalhães and Isabel Alçada said, "That immense continent, where there are still many people who say they exploit for their personal qualities and not for the social class to which they belonged, it was natural that the desire arose to

free the power of the English King and the English Parliament") and also in France because in the century. the European world at that time was entering a phase called Liberalism. with his book *Two Essays on Government*, Charles Montesquieu with his book *The Spirit of the Laws* (caused a great impact in Europe. In just 18 months, the work received 22 editions), Voltaire with his book *Treatise on Tolerance*, Jean-Jacques Rousseau with his book *The Social Opposite on Freedom*. They all write, in summary, how the construction of a society that respects fundamental human rights leads to any arbitrariness on the part of rulers (such as dates, kings, the rich, and the Catholic Church), leads to the separation of powers in the executive, legislative, judicial (separated in the hands of one person or body), and the separation of secular power from spiritual power.

The French Revolution proper took place during the rule of the Bourbons. Before the revolution, the Estates-General were a Parliament represented by the clergy, the data, and the people. In the Estates-General, the representation of the people had a stronger influence because it was given the same place as the representation of the clergy and the datos and eventually created a third estate to establish the National Assembly, which eventually became the National Constituent Assembly. the French state in 1791. The Declaration of the Rights of Man and of the Citizen itself was an instrument that put an end to absolute monarchy. Beginning with the Declaration of the Rights of Man and of the Citizen, it established that all people were equal before the law, abolished social stratification, abolished feudal rights and privileges, and abolished hereditary public offices. With the revolution in France, the absolute monarchy became a constitutional monarchy, whereby the king governs not only according to his will (the king's will is the law), but also established written laws to define and limit the rule of the king, who can no longer follow his will, but must follow the written law. We can say that, with the revolution, national or popular sovereignty, the supremacy of laws, was established. There may be different ideologies or ideas in pluralist democracy, in popular representation or representative democracy, in the legitimacy of power, in the political control of the powers themselves and in the separation of powers at the executive, legislative and judicial levels. All these things are defined according to the law (the Constitution and all laws).

These things also don't change overnight, but they change over time and are full of intrigue. But we can all agree that, on the basis of the French Revolution (from the Glorious Revolution in England), the way was opened for a state established according to the law. After the second half of the twentieth century, the state of legality was transformed into a constitutional state, in which everything must obey the Constitution as the fundamental law of a State. Before the eighteenth century, there was no written document, with an identified author and date, that established the fundamental order of a state or political community. Thus, a modern state is a state that must obey the Constitution. The Constitution must be the primary and supreme source of a State. Everything (all political decisions and actions) that is not in accordance with the Constitution is wrong and cannot be followed. With this model, its impact has spread to other countries. The written law (the Constitution as a fundamental law and its sublaws) defines everything about the life of the State and, in particular, has a

clear definition of the separation of powers between the organs of sovereignty. These laws (the Constitution and the laws) cannot be violated. But if we want to introduce some idea or some interest, we can call it the creation of a new law or revision of the Constitution. On the other hand, the modern State is also characterized by the important and active role of parliament, as Professor Pedro Bacelar de Vasconcelos said, "Parliament delimits an essential space of the modern State". Because we can think that in Parliament there can be representation of citizens elected by democratic means who, according to elections by universal suffrage, have the right and secrecy to exercise their duties as representatives of the whole people to control the government (the behavior of the ruler in relation to his duties and programs) of the people.

The above stories represent an important milestone for the Western world (and other countries that have received its influence, including Timor-Leste) in the protection of Human Rights established by Parliament.

- Parliament in Timor Lorosa'e

Timor-Leste itself was influenced by the role of Parliament as a country governed by the European state of Portugal. Thus, in society, we also hear about the Sceptre of Parliament (and also the Parliament Village, as in Lospalos and Parliament Hamlet in Baukau), because Parliament itself comes from Portugal. But Parliament itself began to exist as a meeting where people met to discuss matters that mattered to their lives in the community, as Stefano Sicardi said, "Parliament was born as an intermittent body: initially, the term "parliament" and its synonyms indicated an objective fact (the meeting, if not the place or occasion in which it was debated or discussed) and not an entity – an organized body, a collegial body endowed with stability and institutional identity." It is as if our ancestors came together to share power, talk about the way of life in the village or judge something wrong. Often, these are the only important people who represent them only as legitimate representatives (political and spiritual) of their people, who belong to them to make some decisions relevant to the life of the population. We can say that Timor-Leste has always known representative democracy (because the data make decisions together to elect a king or establish a law or prohibition). But we must also say that the Parliament in Timor-Leste, in the past, cannot be considered representative of everyone, as happened in Europe - including Portugal (because only for dato, there is no representation of entities or other social classes), because in the past dato played a very strong role in Timorese society.

In the history we read from scholars (Dom Ximenes Belo, Enes Pascoal, SJ, Frédéric Durand, Luis Filipe Thomaz, Osório de Castro, John Taylor, Benjamim Cardoso, Count of Sarzedas, Bento de France, Francisco Xavier Menezes and others) it was written that Timor has in its social stratification in which the dato is on top of the pyramid and in which from the social class dato came the King, Parliament and other important rulers for a kingdom. Luis Filipe Thomaz (as well as Frédéric Durand and Dom Ximenes Belo) said that East Timor (separate from Serviaun-Kupang) was ruled by a military aristocracy (dato asuwa'in) that played a very important role in Timorese society when he spoke about how Tetum spread to many places through the power of the dados,

"... With the conquest of the eastern half of the island by a military aristocracy that spoke Tetum, the *datos belos*- having *dato* the meaning of «noble» and beautiful, as we have seen, that of a Tetum-speaking people. The predominance of this nobility was probably the cause - or perhaps consequence - of the hegemony of two kingdoms, in which Tetum was the spoken language, over the entire eastern part of the island (called «Província dos Belos» in Portuguese sources): Luca, near Viqueque (located in the first area mentioned above) and Bé-Háli (located in the second and currently in West Timor, but he is nicknamed "emperor" in Portuguese texts, just like the king of Senobai who also exercised his *sucerania* over the western part of Timor, called "Province of Servião". The division of the island into two confederations and the hegemonies of Béhali and Senobai (and perhaps also the hegemony of Luca over the far eastern region) were already established by the time of the arrival of the Portuguese."

We have also heard that many generations of rulers in Timor originate from Malacca – Malaysia, where the *dato* as the title of the ruler.

While for Filipe Thomaz, the first ruler in Timor was Loro when he said, "The fixation of beautiful *data*, made through a relatively recent conquest, seems to be proved by the fact that there still remain, in some regions, traces of the existence of an earlier aristocracy, the *loros* (name that means «sun» in Tetum), which, unlike the one that succeeded it, he exercised both religious and civil power."

To confirm that this is in line with what Luis Filipe Thomaz said above, I shared with him, as he said, that the title of the first ruler in Timor was Na'i Loro. I think that maybe in the ancient world the role of the sun was very important as a light for people's lives, so in many cultures, the sun is worshipped as God or we often hear people called god (with a lowercase letter) of the sun and some Asian cultures worshipped it, and maybe we Timorese are also influenced by that culture. This is not a new phenomenon. In Asian cultures and other countries, there is indeed a connection with the sun, including the teaching of the Catholic Church that the Lord Jesus Christ is the light of the world where the world is filled with the darkness of sin and that the Lord Jesus Christ came into the world as the sun that gives light to people, bringing them out of the darkness of sin and bringing them into the light of life. We can observe a connection between the Western world and the Asian world, including Timor, and the Catholic faith that gives importance to the Sun. For this reason, I agree that the first ruler of life (temporal and spiritual) in Timor was the Sun. Then, Wehali's *data* traveled all over East Timor and also came as *loros* and also as *data*. The *Loros* who originated and took root throughout Timor-Leste to maintain power as given must be recognized by Loro Wehali. Then another power of Liurai appeared (coming from Lurah in Indonesia) and centuries later another power called parliament (when the Portuguese ruled Timor) and other rulers appeared. Perhaps, as Luís Filipe Thomaz said, the military aristocracy - *Dato* - spread dominance in East Timor. Thus, perhaps *dato* became the most important ruler to unite some of the *Loros*, who became *dato* (because some *loro* did not become *dato* or *liurai*. They were just *loro*) and from *dato* came the *liurai*, parliament and

other rulers. The land of Timor-Leste itself was also called *Lorosa'e* by the ancestors, which the Portuguese Malay translates as "The Rising Sun". This is because the words "Na'i" and "Loro" already existed before the words "dato" (which comes from Malaysia) and "liurai" (which comes from "lurah" from Indonesia) as the origin of the Malay language. We must not forget that words such as "dato", "lurah" (in Sumatra, not in Java), "raja" and "sultan" have the same meaning.

Afonso de Castro said that, "Kings are elected by the *datos*, *tumungões* and officials, and confirmed by the governor. Afonso de Castro moos dehan liutan katak "when on the death of the king the succession into a woman and the election confirms the heredity, a regent of the kingdom is elected, who can be chosen from among the members of the royal family or from among the *datos*, and it has happened that a *dato* from another kingdom has been elected. Both for kings and regents the confirmation of the governor is necessary, and only after they were confirmed were they given the rank of colonel."

For Afonso de Castro, Armando Correia, Bento de França stated that katak "After the death of the ruler, or when the royal family became extinct; or when a *liurai* was suspended by the colonial authorities, and if there were several suitors, the government of the colony gave its assent to a junta of 5 *datos* or chiefs, called Parliament.

We all know that the word Parliament is a Portuguese word. This means that the Parliament baton in East Timor was introduced by the Portuguese. Perhaps when the Portuguese saw that in Timor-Leste the *liurai* came from the *dato* and the other *dato* controlled the *dato* chosen to be *liurai* (*primus inter pares*) and therefore among the *daacts* that held the power of control over the *liurai*, then the Portuguese authorities handed them over to the baton of Parliament.

The same applies in Portugal. The Portuguese King (*Liurai*) comes from the Count (*dato*) *Portucalense* (Dom Afonso Henriques always considers himself as king of the Portuguese and not king of Portugal. The word Dom itself comes from the Portuguese word Dom and its origin comes from the Latin Dominus (Lord) and other groups gathered at court (or *curia*, although there are different opinions about the *curia*, in some scholars say that the *curia* is only an advisory body to the king with administrative and judicial functions and that there is only nobility and clergy and some say that the *curia* has antecedent right to the court with political and judicial functions. or senate to deal with matters of the kingdom of Portugal.

This model of cut was later extended by Portugal and Spain to the countries they governed, as said by professors Paulo Ferreira da Cunha, Joana Aguiar e Silva and António Lemos Soares (in their book entitled *História de Diário, Almedina, 2005, p. 407*) that "Constitutional archetype present over the centuries in the legal systems of the Portuguese and Castilian-speaking peoples that, in addition to allowing the supervision of the various acts of the rulers, it guaranteed the political participation of the various constituent social classes of the peninsular kingdoms, through the Court. I transport models to the overseas territories of Portugal and Spain and of which, even today, it will be possible to

find reminiscences.". The role of the court was very important as Teixeira de Pascoaes said that,

"We also have the charters and the principles of public law established in the old courts, revealing the spirit of independence that has always animated the popular soul. He intervened in the government of the country, in the succession to the throne, in all the acts of general interest that the King practiced: war and peace, taxation, etc. And he also exercised a clever vigilance over the men of the State, some of whom were accused and condemned!".

In East Timor, the Portuguese did not use the name "corte", but the name "Parliament". The Parliament that functioned in Timor-Leste at the time of the dates dealt with all matters, political, administrative, religious and justice matters.

III. Parliament in Independent Timor-Leste

In independent Timor-Leste, the Parliament has a very important role: on the one hand, to draft legislation whose competence is slightly shared with the Government (to issue decree-laws) and, on the other hand, to become a controlling force over other organs of sovereignty, such as the executive (government), where the Parliament has direct control, since it is a consequence of the party formation (party votes) that forms the government. Thus, the government has an obligation to "be accountable" to Parliament, and Parliament itself has an obligation to supervise the government according to the program that the government submits to Parliament and Parliament approves, and also to ensure that the government's program can be carried out correctly (according to the law). In government, everything must be done according to the law. From the Prime Minister to all ordinary officials, as "servants of the people", they must serve the people, without any other duty, and serve well, according to the law.

The Parliament also has duties related to the President of the Republic, but between the Parliament and the President of the Republic, in a semi-presidential system such as that of Timor-Leste, each has its own democratic and legal legitimacy, which the people establish through legislative elections (Parliament) and presidential (Presidential) elections, in accordance with the Constitution and also with the laws that regulate legislative and presidential elections. From this point of view, the President of the Republic cannot "render" to Parliament, but the President of the Republic himself, in some cases, must submit to Parliament, just as the President of the Republic, in order to make a state trip to another country, must ask Parliament for "permission". If Parliament does not give "permission", the President of the Republic must necessarily submit to the decision of Parliament, as this leads to compliance with Article 80 of our Constitution, as mentioned in paragraph one, that "The President of the Republic may not be absent from national territory without the prior consent of the National Parliament or, when the latter is not in session, of his Permanent Committee". If the President of the Republic does not comply, there is a great danger for the President of the Republic, because in paragraph two it says that, "Failure to comply with the provisions of paragraph 1 of this article determines the loss of office, in accordance with the provisions of the previous article". However, if the President of the Republic wants to do private visit to abroad, not

a matter of State, he can do, but not exceeding 15 days, as it is written in number 3, which states that, "Private trips of less than fifteen days do not require the consent of the National Parliament, and the President of the Republic must, in any case, give prior notice of its realization to the National Parliament". But if the President of the Republic wants to make a state trip, then he must obey the decision of the National Parliament.

From the point of view of Parliament, Parliament always has a relationship with the President of the Republic because the function of Parliament par excellence is the legislative function (making laws) and the President of the Republic promulgates these laws.

Parliament also maintains relations with the Court, but these relations are indirect. These relations led to the enactment of laws for the operation of the Court in accordance with the Constitution and the implementation of the budget allocated to the Court through the Ministry of Justice. Parliament (and other organs of sovereignty) cannot intervene in all judicial proceedings conducted before the Court, as the Court itself cannot be subject to any other organ of sovereignty and cannot be subject to any other political, moral, religious or social force. According to our Constitution (in any democratic state), the Court is subject only to the Constitution and the laws.

The relationship between these organs of sovereignty must be conducted in accordance with the principle of separation of powers, as taught by Montesquie, which is clearly stated in our Constitution in Article 69, which establishes "The organs of sovereignty, in their reciprocal relations and in the exercise of their functions, shall observe the principle of separation and interdependence of the powers established in the Constitution."

I hope that the authorities, even if they have different political views, will put the issue of transporting oil from Timor Sea to Timor-Leste land as a common issue, as our joint struggle for the liberation of the people from poverty. Therefore, on this issue, if Parliament cancels the State trip of the President of the Republic, which may send a negative message to abroad of political instability among the organs of sovereignty and may, in all likelihood, negatively affect large foreign investments in Timor-Leste, which may have a negative impact on people's lives. Political leaders are fighting with each other, the impact on people's lives becomes more difficult, small investments (as happened recently with the political impasse, many Timorese have lost their jobs) and large investments will be threatened with closure, and foreigners who invest in Timor-Leste will have to think hard. Parliament must be a place to defend the well-being of all people. Parliament cannot continue to be a place to defend the interests of the groups like what is happening now. A candidate for Parliament, when joining the legislative election campaign, who represents only the party or individual, but who has joined Parliament (i.e., became a deputy), does not only represent his party or individual, he does not only represent the citizen who elected him, but is also a representative of all the people. This is ideal, but perhaps very difficult, because there is always interdependence between deputies and parties. Therefore, the orientation of the party (those who obtain parliamentary seats) must put the interests of the people above all else. For the first time, in Timor Leste Parliament Histoty, we see that all members of parties in Parliament of East

Timor agree to repeal the lifetime monthly pension law for former holders of the sovereign body because of the demonstration of university students. It is a very rare case. But to better serve the people in future, we need to change the legislative system for election from the closed list proportional representation to open list proportional representation in under fully-open list system.

CONCLUSION AND RECOMMENDATION

Parliament, because it receives the right votes from the people, as the organ par excellence for making laws, must be sensitive in making laws that regulate the life of the people and the State. Make the law as fair as possible (as fair as possible) so that when the just law comes into force, it has positive implications for the well-being of the people and the state becomes strong.

Finally, to remind Parliament that it must be the voice of the poor (normally representing the aspirations of the young university students), that it must make good laws to defend the poor, because we all know that the history of Parliament is to be a defender of the poor against the arbitrariness of the rulers, to protect the rights of the people, the well-being of all, the common good, that is, the search for the common good, brings respect for Human Rights. Thus, we see that in a State, according to Professor Pedro Bacelar de Vasconcelos,

"The parliament would therefore continue to be a place of 'society', the space where the 'private' have access to the definitions of the 'common good', in an almost analogy with the classical meaning of 'legislation' as the revelation of eighteenth-century reason, in whose name it will precisely make laws, on an exclusive basis, in certain matters, according to the constitutional hierarchy, supervise the government, the administration entrusted to his command, the whole of the state machine."

To conclude, I would like to remind you that Parliament must be the defender of the people and the protection of human rights in a democratic state based on the rule of law, because, in the history of Parliament, Parliament is a state institution, a sovereign body, which was a pioneer in the creation of mechanisms for the protection of human rights. Because when Parliament does not defend Human Rights, then Parliament loses its own soul, root and essence of its existence and this can be a danger to a Democratic State of Law.

FUTHER STUDY

This research still has delays, so it is necessary to conduct further research related to the topic The History of Parliament in East Timor and Human Rights in order to improve this research and add insight for readers.

REFERENCES

- ANDRADE, J. C. Viera de, Os Direitos Fundamentais na Constituição Portuguesa de 1976, ed. 5º, Coimbra, 2012.
- BOTELHO, Catarina Santos, A Tutela Directa Dos Direitos Fundamentais, Coimbra, 2010.
- CANOTILHO, J. J Gomes, e MOREIRA, Vital, Fundamentos da Constituição, Coimbra, 1991.
- CANOTILHO, J. J Gomes, Direito Constitucional e Teoria da Constituição, ed.7ª, Coimbra, 2003.
- CRORIE, Benedita Ferreira da Silva, A Vinculação dos Particulares aos Direitos Fundamentais, Coimbra, 2005.
- GOUVEIA, Jorge Bacelar, Manual de Direito Constitucional, Vol I, ed. 4º, Coimbra, 2011.
- JERÓNIMO, Patrícia, “Os Direitos Fundamentais na Constituição da República Democrática de Timor-Leste e na jurisprudência do Tribunal de Recurso” , texto disponível em <http://repositorium.sdum.uminho.pt/handle/1822/21651>
- LUCIA, Maria, A Forma da República, Coimbra, 2005.
- MIRANDA, Jorge, “Manual de Direito Constitucional, Tomo VI, ed. 4ª, Coimbra, 2013.
- PIRES, Paulo, Timor Labirinto da Descolonização, ed. Colibri, 2013.
- QUEIROZ, Cristina M. M, Direitos Fundamentais; Teoria Geral, Coimbra, 2002.
- VASCONCELOS, Pedro Carlos Bacelar, Teoria Geral do Controlo Jurídico do Poder Público, ed.1º, Lisboa, 1996.
- VASCONCELOS, Pedro Carlos Bacelar, “Constituição Anotada Da República Democrática de Timor-Leste, Braga, 2011.