

The Role of Anti-Corruption Commission (CAC) in Combating Organized Corruption and Mal Administration in Timor-Leste

Samuel Mendonca^{1*}, Leoneto M. Martins², Vitalis Petu³ Luis Fernandes⁴,
Sortoriu Pereira⁵, Carlos's dos Reis⁶
Universidade da Paz-UNPAZ

Corresponding Author: Samuel Mendonca aryesmartins5@gmail.com

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ABSTRACT

The Anti-Corruption Commission (CAC) of Timor-Leste is an independent institution established to combat organized corruption committed by government members and public officials. This study explores the challenges faced by the CAC in eradicating corruption and maladministration in Timor-Leste, including the influence of local political dynamics and institutional capacity on the effectiveness of anticorruption efforts. Through a descriptive qualitative approach, data were collected from interviews, direct observations, and the analysis of internal documents and official reports of the CAC for the period 2020-2023. The study results indicate that although there is a legal framework supporting the principles of Good Governance, its implementation is often hindered by resource limitations, limited capacity and strong political influence. This research provides insights into strategies that can enhance the effectiveness of the CAC in combating corruption in Timor-Leste and make valuable contributions toward the development of stronger and more locally relevant anticorruption policies

INTRODUCTION

The Anti-Corruption Commission (CAC) is an independent institution tasked with combating organized corruption perpetrated by government members and public officials in Timor-Leste. Corruption is one of the most pressing issues facing many developing countries, including Timor-Leste (Febriani, 2022). Since independence, Timor-Leste has struggled to establish strong and transparent government institutions. However, the challenges of addressing organized corruption and maladministration remain highly significant. Organized corruption in Timor-Leste involves not only individual actors but also a complex network of public officials, government members, and private sector actors. This practice undermines public trust in government institutions and hampers national development (Sahin, 2007).

Mal administration, which is often accompanied by corruption, intensifies the situation. Maladministration forms, such as abuse of power, inefficiency, and lack of accountability in the management of public resources, create fertile ground for corruption proliferation. As a result, public services become ineffective and citizens lose access to basic rights (Dinarjo & Budiningsih, 2020). The Anti-Corruption Commission (CAC) in Timor-Leste was established with the aim of combating corruption and enhancing integrity within the government, as well as overseeing the administrative system to ensure transparency and accountability, thereby reducing opportunities for maladministration that often triggers corruption. Legally, the concept, types, and implications of corruption are regulated under the Anticorruption Commission Act and the Anti-Corruption Crime Act, specifically Law No. 8/2009 (Comissão Anti-Corrupção, 2021). Following a revision, Law No. 7/2020 was enacted although its implementation has not yet fully achieved the objectives set by the Anticorruption Commission.

Various studies have demonstrated that the success of anticorruption institutions depends heavily on strong political support, a clear legal framework, and the ability to act independently and effectively. For example, research conducted by Taufiq Efendi highlights that one of the main factors contributing to Indonesia's unfavorable investment climate is a bureaucracy exposed to corruption, which hinders efficiency and transparency in administrative processes. (Seno, 2020). Furthermore, Dartanto et al. reveals that corruption directly contributes to increasing income inequality in Indonesia by facilitating the unfair flow of resources from the poor to the rich (Seno, 2020). Other studies conducted in Southeast Asia generally mention corruption as a major obstacle to economic growth and social development. (Febriani, 2021)(Seno, 2020).

Although many studies have examined the role of anticorruption institutions in various developing countries, this research is specifically focused on the context of Timor-Leste, a relatively newly independent nation in the process of building its governmental system. This study not only highlights the challenges faced by the Anti-Corruption Commission (CAC) in combating organized corruption and maladministration and explores strategic approaches to enhance the effectiveness of the CAC, taking into account the unique social, political, and legal dynamics in Timor-Leste.

This research fills a gap in the literature by integrating an analysis of the influence of local political dynamics and institutional capacity on the effectiveness of anticorruption efforts, an aspect that has not been extensively discussed in previous studies. Additionally, this study employs an analytical approach that considers newly implemented policies and legal frameworks in Timor-Leste, contributing to a more holistic understanding of the challenges and opportunities faced by the CAC in fulfilling its mandate. This research is expected to provide deep insights into how the CAC can play a more effective role in combating corruption and maladministration in Timor-Leste. The findings of this study are expected to contribute to the development of stronger and more locally relevant anticorruption policies.

LITERATURE REVIEW

Corruption is a criminal offense that negatively impacts the economy both directly and indirectly and contradicts the principles of good governance, such as transparency, accountability, and public participation (Moore, 1993). From a legal perspective, such actions violate the principles of social justice (UNDP, 1997). According to Hans Kelsen (Alatas, 2015), legal responsibility involves accountability for illegal actions performed, which can be individual, collective, or based on intentional or unintentional fault. In this context, efforts to combat corruption require not only strict law enforcement against individual perpetrators but also acknowledgment of collective responsibility in addressing deeply rooted corruption. However, the Anti-Corruption Commission (CAC) faces significant challenges in tackling organized corruption and maladministration, which have entrenched itself across various sectors. Despite the legal framework aligning with the principles of Good Governance, its implementation is often hindered by resource limitations, restricted capacity, and strong political influence (Kaufmann et al., 2009).

METHODOLOGY

The research for this article employs a descriptive qualitative approach, which involves data collection in the form of words and images rather than numerical data (Danim, 2002). According to Bogdan and Taylor, qualitative research is a research procedure that generates descriptive data in the form of written or spoken words from individuals and observed behaviors (Moleong, 2007). Descriptive research is a type of research aimed at describing or depicting existing phenomena, whether natural or engineered by humans (Moleong, 2007).

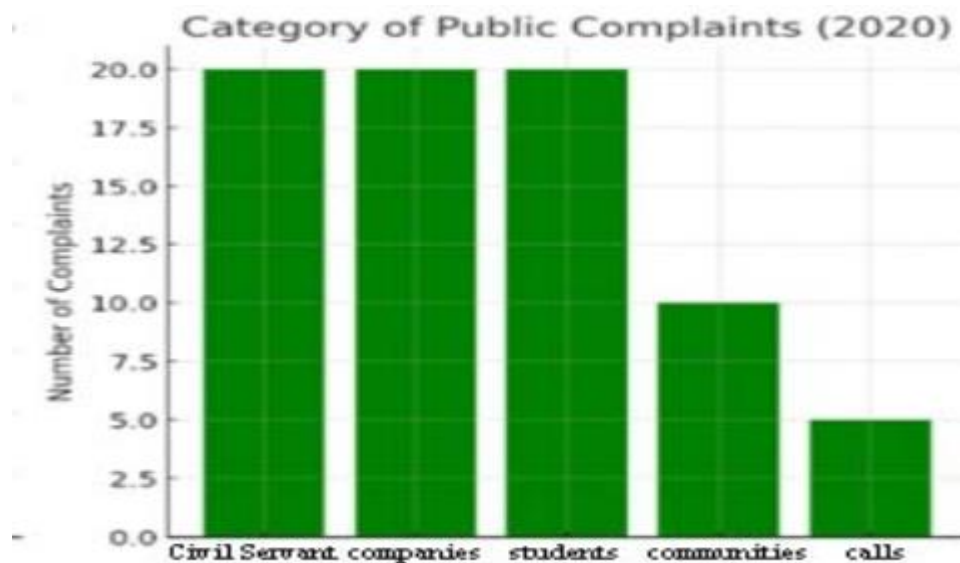
This study was conducted at the Anti-Corruption Commission (CAC) office in August 2024 using data collection techniques that included interviews with CAC officials, direct observation, access to the CAC's official website, and analysis of internal documents and official reports from CAC. The data provided details of the efforts to prevent and combat organized corruption in accordance with Law No. 7 of 2020, covering the period from 2020 to 2023.

RESULTS AND DISCUSSION

CaC Report 2020 (Comissão Anti Corrupção, 2020)

In 2020, CAC, through the directorate, managed to collect 90 pieces of information from bridges such as: (1) the CAC information team itself, amounting to 15 and (2) complaints from the public:

- (a) 20 civil servants
- (b) 20 companies or entrepreneurs
- (c) 20 students
- (d) 10 communities,
- (e) through 5 phone calls.



Source: CaC Report 2020

Figure 1. Categories of Public Complaints in 2020

Case Investigation:

Cases from 2019 pending: 17 cases

New cases from the Public Prosecutor's Office in 2020 (MP): 56 cases

Report to the Public Prosecutor's Office (MP): Report 43

Cases under investigation: 23

Cases received by Public Prosecutor's Office (MP): 7

Defendant and Witness

The number of suspects in these cases totaled 58 individuals, comprising 52 men and 6 women, while the number of witnesses examined reached 558, consisting of 420 men and 138 women. The most common type of corruption crime is abuse of power, followed by embezzlement, economic participation in business, maladministration, and document forgery.

Table 1. Number of Witnesses and Defendants (N=3)

Table of Number of Witnesses and Defendants in 43 Corruption Cases Conducted in the Report.			
Description	Male	Female	Amount
Witness	420	138	558
Defendant	52	6	58
Amount	472	144	616

Source: CAC Report 2020

Table 2. Investigation Progress for Cases Referred by the MP in the Year 2020

Tabela 8: Progresu Investigasaun Kazu sira ne'ebé Delega husi MP iha tinan 2020				
Nu	Peridu	Kazu delega husi MP	Relatoriu konklui	Kazu avoka husi MP
1	Janeiru	6	-	
2	Fevereiru	4	-	
3	Marsu	5	6	1
4	Abril	-	-	
5	Maiu	1	-	
6	Juñu	4	-	
7	Jullu	8	4	
8	Agostu	-	1	
9	Setembru	3	5	1
10	Outubru	10	1	1
11	Novembru	10	7	2
12	Dezemburu	5	5	
	Total	56*	29	6
	* Kazu 27 sei hela prosesu laran			

Source: CAC Report 2020

In 2020, the Public Prosecutor's Office (MP) referred a total of fifty-six (56) corruption cases to the Anti-Corruption Commission (CAC). Of these cases, the CAC completed investigations and submitted reports on (29) cases to the MP, while the remaining twenty-seven (27) cases continued to be under investigation until 2021. Additionally, the MP returned six (6) cases to the CAC in 2020. The progress of these investigations is illustrated in Graph 2, which provides an overview of the total number of cases investigated by the CAC in 2020 through this Unit. During 2020, the Investigation Unit (UIK) conducted investigations on a total of seventy-three (73) cases, consisting of seventeen (17) pending cases from 2019 and fifty-six (56) cases referred by the MP to the CAC in 2020.

Types of Corruption Crimes

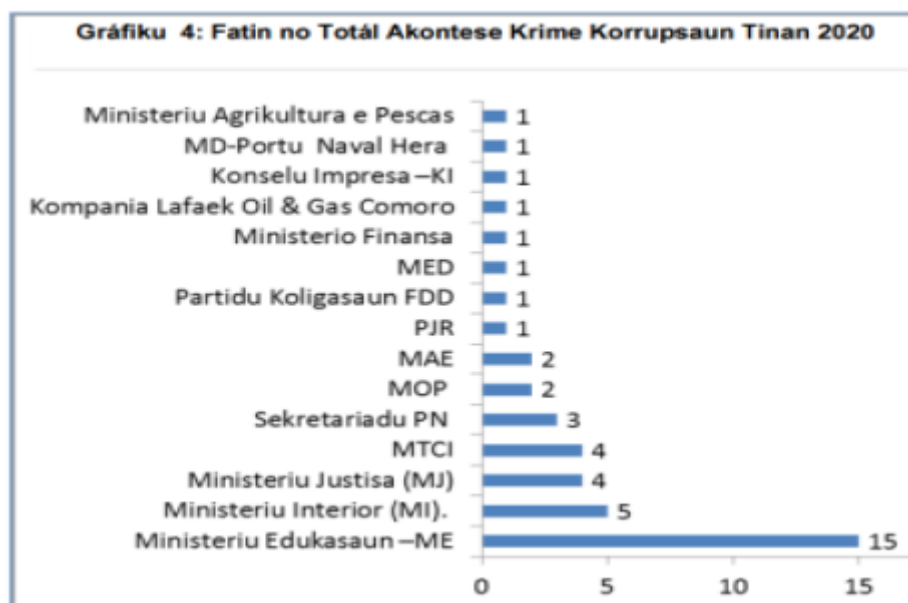
The types of corruption crimes that dominated investigations in 2020 are summarized in Graph 3. This graph outlines the types of crimes from the forty-three (43) cases for which investigations were completed and reports were submitted to the Public Prosecutor’s Office in 2020. As shown in the graph, the most prevalent crime is abuse of power, which holds the primary position with 17 cases. Then, embezzlement ranks second with thirteen cases. Economic participation in business is the third, and maladministration is fourth. Other corruption crimes include passive corruption involving illicit acts, embezzlement, document forgery, and aggravated fraud, with each of these crimes appearing three times. Passive corruption has two instances, and aggravated forgery has one.

Prejudice to the State

Of the thirty-three (43) cases that have completed the investigation and the referral of the final report to the Public Prosecution in 2020 CAC identified the damage to the State with a total of **USD \$ 115,588.58. -58.**

Place of Corruption Crimes

From cases that concluded their report and were sent to MPs, 15. Figure 4 shows the location (Locus delicti) from a previously reported corruption case that happened. Informing these places does not mean that other institutions do not have a risk of corruption. The investigation in 2020 identified cases that occurred in these institutions, drawing attention to superiors at all state institutions and taking the necessary actions related to prevention measures to minimize corruption risks in the future. For example, there is a significant risk of corruption in the Ministry of Education. In the previous year, the Ministry of Education also occupied the first place with 16 cases of corruption.



Source: CAC Report 2020

Figure 2. Locations and Total Occurrences of Corruption Crimes in 2020

CAC Report 2021

The CAC Annual Report 2021 shows that the CAC investigation identified indications of damage to the State in 36 cases, with a total number of dollars of two thousand two hundred and sixty-six five hundred and five eighty-three with twenty cents of resin (**USD \$ 2,256,583.21**). This corruption case happened in 20 state institutions, and the Ministry of Education occupied the first place with 6 cases. The typology of crimes that dominated the investigation in 2021 is almost the same as the types of the previous year: abuse of power occupies the first place, crime peculate occupies second place, economic participation in business occupies third place, and crimes such as mismanagement, passive corruption to illegal, peculate use, and forgery of other documents.

Table 3. Summary of Findings from the CAC Annual Report 2021

Category	Details
Total Number of Cases Identified	36
Total Indicated State Damage	USD \$2,256,583.21
Number of State Institutions Involved	20
Institution with the most cases	Ministry of Education (6 cases)
Crime Typologies (Ranked at Frequency)	Abuse of Power, Peculato, Economic Participation in Business, Mismanagement, Passive Corruption, Illegal Use of Peculate, and Forgery of Documents

Source: CAC Report 2021

CAC Report 2022 (Anti-Corrupção, 2022)

Table 4. CAC Report 2022

Cluster	Details
Police Operations and Investigations	Police operation 3 to arrest suspects and collect evidence for MP
	144 complaints registered, 22 referred to MPs, and 33 continuing cases in 2023
Criminal Investigation	111 corruption cases were investigated
	Sixty-three cases completed, report submitted to MP (29 from 2019 to 2021, 34 from MP 2022)
	880 witnesses and 115 statements
State losses	USD 975,553.33 from 15 cases
Dominant Types of Corruption	Abuse of Power
	Economic Participation in Business and the Abuse of Public Finance
Corruption Prevention	Implementing ENAK and DRBI Implementation
	Monitoring of the Poor House (6 municipalities) and Basic Friday projects
	USD 307,812.18 secured against breach of contract by 14 companies

Source: CAC Report 2022

CAC Report 2023

In 2023, the Timor-Leste Anti-Corruption Commission (CAC) will experience a significant period of insecurity, which will impact its effectiveness and efforts to eradicate corruption in the country. This shortage occurs because of many factors, including leadership vacuums and limited resources, which limit the CAC's ability to perform its primary tasks. According to the Constitution of the Democratic Republic of Timor-Leste, specifically in Chapter II concerning the Prosecutor's Office, Article 132 on Functions and Procedures, the Prosecutor's Office is designated as the owner of cases as stipulated in paragraphs (1) to (5). And chapter IV incidents Article 48. Attribution of the Prosecution as referred to in numbers 1, 2 (a) and no 3). (psalm 48 no. 1, 2 points (a) and no 3):

1. The Public Prosecution Service is the holder of the criminal action, competing to collaborate with the court to discover the truth and achieve the fulfillment of the law, obeying in all intervention procedures the criteria of strict legality and individual object.
2. This shall be specifically for the Public Prosecution Service:
 - a) Receive complaints, and participant orders for criminal proceedings, and fulfill the legitimacy requirements.
3. In the exercise of its duties, the Public Prosecution Service has the right to support other authorities (Timor-Leste, 2023).

In 2023, the vacancy in the Timor-Leste Anti-Corruption Commission (CAC) caused the Public Ministry, as the holder of criminal action, to play an active role in law enforcement and collaborate with the courts to reveal the truth and implement the law in accordance with "strict legality and objectivity criteria" as stipulated in the relevant article. The Public Ministry is also tasked with receiving complaints, reports and orders related to criminal proceedings and has the right to support other authorities in performing their duties. This vacancy forces the Public Ministry to ensure that the handling of corruption cases remains effective and in accordance with law, even though the CAC is not yet fully functional.

CONCLUSIONS AND RECOMMENDTION

This research examines the role and challenges faced by the Anti-Corruption Commission (CAC) of Timor-Leste in addressing organized corruption and maladministration since its inception. Despite having a legal framework that supports the principles of Good Governance, the CAC faces various challenges, such as limited resources, institutional capacity and strong political influence. Annual reports from the CAC from 2020 to 2023 reveal that the dominant types of corruption include abuse of power and embezzlement, which have significant financial impacts on the country. In 2023, the vacancy in the CAC led the Public Prosecution Service to take over crucial law enforcement roles, highlighting the need for structural improvements and increased support to enhance the effectiveness of anticorruption efforts in Timor-Leste.

FURTHER STUDY

This research focuses on the Anti-Corruption-CAC and Mismanagement Commission, which requires continuation of specific research on the role of the Anti-Corruption Commission in the implementation of the system.

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