

THE IDEA OF FORMING THE CONSTITUTIONAL COURT

Reinaldo Francisco Luis, Joao Francisco de Fatima

Department of Law, University da Paz,
Republic Democratic of TIMOR LESTE.

uchela123@gmail.com

ABSTRACT

The scheme of judicial review conducted by the constitutional court, as a span or a final bastion of upholding the supremacy of the law of a country, in an attempt to preserve justice for citizens, hence the birth of the constitutional court is the fruition of a modern legal state. Democratic Republic of Timor-Leste is one of the state laws. But organizing state government often experience a variety of issues of state are not resolved according to these principles, especially the violations of the constitutional rights of citizens and the product law are not in line with the constitution, so that the issue of statehood is resolved required test institutes laws (constitutional court), As it follows the test model legislation that had already been adopted by many other countries in the world (Austria, France and the United States). Then to adopt this institution, RDTL need to make revisions in particular article 123 paragraph 2 (a) the constitution of East Timor in 2002, with the mechanism outlined in the Constitution, so that the constitutional court could be established as a new institution be placed in the judiciary RDTL.

Keywords: RDTL, Timor-Leste, constitutional court, judiciary

INTRUDUCTION

Thought fundamental formation of the Constitutional Court is the excess of the development of modern legal thought and the state administration that emerged in the 20th century. In countries undergoing phase change from dictatorship to democracy, the approximation of the formation of the Court becomes an important discussion. Constitutional crisis usually accompanies a change towards a democratic regime, the change process that the Constitutional Court should be constituted to deal with infringements of the constitution, in the perspective of democracy, in addition to creating a valuable semantic constitution. Relating to the constitution of the Democratic Republic of Timor-Leste in 2002 needs to be guarded and maintained, and therefore the formation of a new judicial embodies the rule of law, as well as other countries the world such as Indonesia, Austria France and the United States who has been laying the constitutional court in the system of political subdivisions, in order to establish this institution, Basic Concept of fundamental been stated in paragraph 11 the opening of the constitution of East Timor in 2002, stated that; "RDTL wills establishing civilized state institutions of democracy as a state law are subject to the constitution, laws and state institutions that have been elected by the people "The formulation of the opening of the RDTL Constitution than in 2002, Clearly Provides power to the State establishing new institutions in a way or the mechanisms of democracy, Thus the constitutional court should be formed through democratic mechanisms as principles of the law of East Timor set forth in article 1, paragraph 1 Constitution as the embodiment of the rule of law in Providing government of the Democratic Republic of Timor-Leste roommates has indeed been organized as it should, but the principle of the supremacy of law is a manifestation of a country have not been met, in accordance with article 2 paragraph 2 of the constitution of East Timor in 2002, it is clear the action organizers must comply with the state law Applies, but is not visible in the delivery of state government, where the conduct of government has

led to the issue of state is not to resolved RDTL Appropriate legal corridor. Related to the issue of state are not resolved, the actual state of East Timor has had a Supreme Court that is in authority to resolve disputes of state institutions, the constitutional rights of citizens, elections, and the laws and regulations that are not according to the constitution, but this is not done, when the authority specified in article 126 of the RDTL constitution of 2002. Pleas with the authority of the Supreme Court are so wide that in conducting its duties and functions as mandated not confirmed, therefore RDTL to need a new judicial institution that is the constitutional court. Therefore, it is necessary the government (broad sense) to revise the constitution of East Timor in 2002. And then formed and laying the Constitutional Court as a forum for new judicial system of the state administration in East Timor. When forming and laying the constitutional court in a constitutional system, as an institution equal with other state agencies, the revision of the constitution of East Timor in 2002, is necessary, if so raises several questions:

Whether the constitutional court very urgency once by revising the constitution of East Timor in 2002?

Which institutions are in authority then make revisions?

Does the presence of the constitutional court to resolve the matter state that has been described previously? And then thus raises the questions:

1. Does the thought of fundamental formation of the constitutional court in East Timor?
2. What is the position of the constitutional court in a constitutional system of RDTL, if the national parliament to revise the constitution?

Then the type of normative research, used to address both problems, the kind of approach that is used is a conceptual analysis approach, and a statutory approach, and the source material primary law consists of the Constitution of RDTL 2002 years, while secondary legal materials i.e. materials law in books, then authors use Microsoft technical card system that discuss and analyze in the interpretation of philosophical and systematic way

ANALISES AND DISCUSSION

The rationale for the establishment of the court actually means a requirement of the Constitution as a state of law which has been confirmed in all 11 opening Paragraf RDTL constitution of 2002; "RDTL wills establishing civilized state institutions of democracy as a state law are subject to the constitution, laws and state institutions that have been elected by the people "Judging by the phrase "wills" when interpreted in accordance Dictionary of the Indonesian is; his wish, hope to be; will willed; have the will; wills hard; excited. From this description, which have relevance; "Has the will", so RDTL has the will to form new institutions based on the needs of RDTL, which indeed many of the problems of state contradicts the principle of rule of law set out in article 1 paragraph 1 of the Constitution of East Timor in 2002, stated that;"The Democratic Republic of Timor-Leste is a State law that is democratic, sovereign, independent and united, based on the desire of the people and respect for human dignity". Based on the formulation of this article, the delivery of the State government of East Timor by the organizers of the State is not appropriate, therefore, have put aside the principles of a legal state, borrow Burkens opinion among others;1. The principle of legality, any act of government must be based on law or regulations (*wettelijke gronslag*). With this foundation. Legislation in the formal sense and the Constitution itself is the object of the basic act of government. In this connection the establishment of law is an important part of state law.2. Separation of powers. This requirement implies that the State authorities should not only focus on a hand. 3. The basic rights (*grondrechten*) are subject to

the protection of the government against the people and at the same time limiting the power of the establishment of legislation.⁴ Monitoring people's court for available channels via the free trial to test the validity of the acts of government "*rechtmatigeheidstoetsing*". Based on the views Burkens and yohanes Usfunan, to do with organizing the administration of the State of East Timor; First; governance does not fit the principle of legality. Due to the organizers in holding governments often violate the principle set forth in article 2, paragraph 2 of the Constitution of East Timor in 2002, that; Countries subject to the Constitution and the Law. Disobedience of the organizers is evident from the various actions and by infringing done as an example; dispute over state institutions in 2006; between Timor-Leste President and the Government (prime minister) is not resolved according to the law of East Timor. Whereas the principle of legality as the bedrock of State administrators in running the state government, referring to the opinion that Bagir Manan; The idea of a state of law demands that the implementation of state and government should be based on the law and provide security against the basic rights of the people enshrined in the legislation. There are two elements of this view, (1); providing statehood should be according to the law; (2) respect for human rights. In accordance of these two elements, the actual implementation of governmental tasks RDTL opposite each other, therefore, to complete this issue, the need for a new institution that is the constitutional court, which can handle and deal with what has happened? Second, the terms of power sharing is governed by Article 69 of the RDTL constitution in 2002, but often give rise to various conflicts of authority between state institutions and between ministries, although it has affirmed the authority of each institution in the constitution of East Timor in 2002, but is still having problems. Regarding the institutional relationship and ministry are not in harmony, despite their interdependence govern institutional. Third; tribute for human rights; as previously described by Yohanes Usfunan and Bagir Manan, associated with the delivery of government of the Democratic Republic of Timor-Leste, various violations of the rights of citizens is often the case, an example of a case; adoption of a resolution on the government to ban martial arts organization on the move. Fourth; court supervision; is a separate issue, when viewed experiences that occur during this time, the court did not function as instructed especially the Supreme Court set out in article 126 of the RDTL Constitution of 2002, substation this article very clearly gives authority to the Supreme Court; but the Supreme Court did not carry it out as instructed, for example the issue of the disputed State agency in 2006, the supreme court does not function at all, so that the dispute is not resolved according to the law to date, on the other hand also the establishment of legislation by the legislature (national parliament), there are many conflicts of legal norms, empty and vague norm, the supreme court cannot declare the will on the norm that these norms are not according to the constitution. Based on the above presentation, the establishment of the constitutional court is very necessary by the State of East Timor at this time or perhaps in the future may be considered by the government, because of the opening of the RDTL Constitution of 2002 and article 1, paragraph 1, article 2, paragraph 2 of the Constitution of East Timor in 2002, gave power to the State in terms of administration (three state agencies; the President, Parliament and the government) to consider the establishment of a constitutional court as an embodiment of a state of law in resolving the problems; law (conflict, vague and void norm), disputes the State institutions and the protection of human rights of citizens

Authority to Revise the Constitution of 2002

Based on Principle State laws adopted by the State of East Timor have been stipulated in Article 1 paragraph 1 of the Constitution of East Timor in 2002, states that: The Democratic Republic of Timor-Leste is a State law that is democratic, sovereign, independent and united, based on the wishes of the People and the respect for human dignity. The formulation of this

article suggests, that the delivery government States must uphold the supremacy of the law and subject, if the perpetration or violation committed by an officer or citizen should be dealt with according to the law as defined in Article 2 paragraph 2 of the Constitution of East Timor in 2002, states that; Countries subject to the Constitution and the Law. The idea of a state of law demands that the implementation of state and government should be based on the law and provides security against the basic rights of the people enshrined in the legislation. Thereby will support the enactment of legal certainty and the entry into force of the similarity of treatment. State law according Burkens meet the following requirements:1. The principle of legality. Every act of government is based on legislation (*wettelijke gronslag*). On this basis, the law in formal sense and the Constitution itself is the object of the basic act of government. In this connection, the establishment of legislation is an important part of state law.2. Separation of powers. This requirement containing that state power should not be reliant on a single hand.3. The basic rights (*grondrechten*) are subject to the protection of the government against the people and at the same time limiting the power of the establishment of laws.4. Monitoring people's court for available channels via the free trial to test the validity of the acts of government "*rechtmatigheidstoetsing*". Although the principle of legality contains a weakness; he remains a key principle in any state of law. It has been mentioned that the principle of legality is the foundation of any organization of state and government. In other words, every organization of state and government must have legitimacy, which is the authority granted by law. Thus, the substance of the principle of legality is the authority, namely the "*Het vermogen verrichten van het tot bepaalde rechtshandelingen*" ie the ability to perform certain legal actions. Authority to govern should be regulated in legislation, in order to avoid arbitrary actions of officials of the State towards the public. Theoretically authority in the legislation can be obtained through three ways, namely; attribution, delegation and mandate. As stated by H.D. Willem Van Wiljk and Konijnenbelt defined as follows;1. Attribution is the provision of government authority by lawmakers to the governing organs.2. The delegation is the delegation of authority from one organ of government to other government organs. 3. Mandate occurs when the organ of government permitting authority is run by another organ on his behalf. Of the three powers outlined the authority of the national parliament is the authority Attribution means the authority which is born by the constitution, therefore, the national parliament in authority to revise the constitution of East Timor in 2002, stipulated in Article 154 paragraph 1 of the Constitution of East Timor in 2002, stated that; Initiatives revision of the Constitution is the authority of the members and factions of Parliament. In substance there are two authorities to revise the constitution of East Timor in 2002; first; authority members-meaning members of parliament; Constitution has authorized directly to the MPs initiate the revision, but the view on the experience so far, members of the national parliament never mentioned revision of the constitution, but the substance of the constitution of East Timor in 2002 there were various problem's norm. Second; factions of political parties sitting in the seat of the national Parliament, in fact a messenger to convey the aspirations of the community, one of which revised the constitution of East Timor in 2002, because the competencies of fractions is very clearly set, but until now very difficult to do. Further request for revising the constitution can also be convened by the President of East Timor through the election or referendum set Article 66 paragraph 2 of the Constitution of East Timor in 2002, stated that; 2. Referendum organized by President of Republic, upon the proposal of a third member of the National Parliament and approved by 2/3 of its members or at the suggestion of a fundamental of the Government. Referring to this article, the authority to revise the constitution of East Timor in 2002 there are four important things; first; president of the organizing authority referendum, second; referendum obtained done upon the suggestion of 1/3 MPs, third; the implementation of the referendum must be approved by 2/3 of MPs present out of the 65 seats in the national parliament, fourth; on the basic proposal of

the government. Organizing elections or a national referendum in the interests held by the President of East Timor is associated with the formation of the constitutional court of philosophical thought, may be proposed by a third member of the national parliament and government proposals in the national interest now or in the future. Thus, the authority of the national Parliament and the President of East Timor in organizing referendum revise the constitution of East Timor in 2002.

Procedures Revision of the Constitution in 2002

Mechanisms associated with the changes to the Constitution, the opinion C.F Strong, said that the procedure changes to the constitutions there are 4 ways of change, namely;1. This constitutional change occurs through three kinds possibility namely: the way to one that is carried out by the holder of legislative power, but require certain restrictions means that the authority legislates session must be attended by at least a certain number of members of the so-called quorum. For example by a minimum of 2/3 of all members of the legislative power holder must be present. The decision to change the constitution is valid, if agreed by example 2/3 of the members present. That is the second way to change the constitution, a representative body people should be dissolved and then held elections. Legislative branches were refurbished is then executing authority to change the constitution. A third way, this way of going on and applicable in the two-room system. To change the constitution, to the two rooms people marriage institutions must hold a joint session.2. Broadly speaking, both these procedures take place if there is the will to change the constitution, the state agency that is authorized for that proposes changes to the people in a referendum or Publicist.3. The third way applies to states within a state shaped union. By country because the constitution in the country that shaped state of the union is considered as an 'agreement states, then changes to them must be with the approval of most of these countries.4. The fourth way can be run either in a state of the union as well as in a unitary state, if the will to change the constitution, then in accordance with applicable regulations, institutions formed a special task and authority to change the constitution. Of the strong opinion, the first element and the second is related to the authority to revise the Constitution of East Timor in 2002, first; authority to make revisions that are in the national parliament stipulated in article 95 paragraph 3 (i) and 154 paragraph 1, Article 155 paragraph 1 of the Constitution of East Timor in 2002, the second; State institutions are authorized to arrange the referendum was President set out in article 66 paragraph 2 of the Constitution of East Timor in 2002. Thus the authority to revise the constitution of East Timor in 2002 is located on national parliaments and on the basis of proposals RDTL President third national parliament and fundamental proposals of the government and ratified by 2/3 of members of the national Parliament. Pleased with RDTL constitution revision procedure in 2002, as described there are two things; first; through national parliaments, second; through organizing a referendum by the President of East Timor. Theoretically about the changes to the constitution, known in English (2) terms, namely; a) Constitutional Amendment, namely; amendment constitution through the addition of chapters, chapter, and verse (addition), repair (revision) as well as the removal or elimination of chapter and verse (repeal) b) Constitutional reform, which is known as a constitutional amendment or a constitutional renew. From the above two terms, the first term of RDTL adheres, namely the revision or improvement. Relation to repair or revision of the constitution, first; constitutional revision procedures through national parliaments provided for in article 154 paragraph 1 of East Timor in 2002 as previously described. Although in paragraph 2, 3 has clearly stipulating the time of repair or revision, but not sharp, because in paragraph 4 does not assert expressly revisions or improvements constitution, seen in paragraph 4, national parliaments can just ignore the requirements of the time limit, if 4 / 5 MPs actively working and agree to repair the constitution of East Timor in 2002. Then, if the

consent of 4/5 parliament members, in paragraph 5 and 6, lawmakers should propose to national parliaments by the deadline not later than 120 days before the debate, and 30 days were pleased with the concept of another revision. Referring to the above description, procedures revision of the constitution of East Timor in 2002, it can be done and is not bound by a deadline, remember their consideration and approval of 4/5 members of the national parliament, further ratified by 2/3 of members of national parliaments present governed by Article 95 paragraph 3 (i) and 155 paragraph 1 of the constitution of East Timor in 2002. After their approval by all members of the national parliament, President shall publish the revised constitution through State newspaper (journal de republic) affirmed in article 155 paragraph 2 and 3 of the Constitution of East Timor in 2002. So basically the President is not entitled to refuse publication of a new constitution and attached to the old constitution. Second; RDTL constitution revision procedure in 2002, can also be organized through a referendum as assigned in article 66 the Constitution of East Timor in 2002 in paragraph 1; organizing the referendum involve the community throughout the community to express their will for the sake of national interest set forth in article 156 paragraph 2 of the Constitution of East Timor in 2002 on how the referendum, is associated with the paragraph 2 of the authority of the president to hold a referendum, on the proposal of 1/3 of members of the national Parliament, it is clear that before there organizing the referendum required prior proposal of 1/3 members of the national parliament, but if not then the referendum will not established because the proposed third national parliament members must be approved by 2/3 of members of the national parliament. Then also the government's involvement in the proposed revision of the constitution is also required by the national parliament to held referendum, this fundamental proposal may be the national interest as set 155 paragraph 2 of the Constitution of East Timor in 2002. Associated with Article 123 paragraph 1 (a), the constitution of East Timor in 2002, which had a vacancy occurs the norm is the authority of the national parliament through members and fractions who initiate the revision, based on Article 154 RDTL constitution. And organizing a referendum can be implemented if there is 2/3 of the national parliament approved a revision of the constitution through a referendum held RDTL President. Thus the constitutional revision procedure RDTL in 2002, following the model revisions or improvements, an improved model can only be carried out of the national parliament, although the president has the authority to hold a referendum on the proposed 1/3 of MPs, but was not approved by two thirds of parliament members who were present, it still cannot organize referendum. So essentially constitutional revision procedure is in the national parliament through several stages; first; at the suggestion of MPs, second; fractions, third; 4/5 approval of MPs and MPs ratification by 2/3 of the members present (65 seats) new judicial institutions outside the Supreme Court.

The position of the Constitutional Court in the constitutional system of East Timor

The idea of the establishment of the Court is based on a serious effort to protect the constitutional rights of citizens and the spirit of upholding the Constitution as the highest *Grundnorm* or the norm, which means that all laws and regulations that are below must not conflict with what is already stipulated in the constitution. The Constitution is a form of delegated sovereignty of the people (the sovereignty of the people) to the state, through a person's constitution makes the willingness of granting partial statement of their rights to the state. Therefore, the constitution must be escorted and guarded. Therefore, all forms of irregularities, both by the holders of power and the rule of law under the Constitution of the constitution, is a realization of a denial of people's sovereignty. If we analyze further, the formation of tribal constitution driven and influenced by factual conditions that occur at that time. First, as a consequence of the embodiment of a democratic constitutional state and a democratic state based on law. The fact is that a decision is reached by a democrat does not

necessarily correspond to the applicable provisions of the Constitution as the supreme law. Therefore, it needs competent authorities examine the constitutionality of laws. Second, revised constitution is indispensable in shaping the constitutional court. For the amount of state institutions and all the provisions that make a great potential dispute between state agencies. Therefore, we need a separate institution to resolve the dispute.

The position of Constitutional Court after the revision of the Constitution of 2002

Based on the principle of rule of law, one of the elements is the division of powers between branches of power; legislative, executive and judiciary, as adopted by the State of East Timor governed by Article 69 of the RDTL Constitution of 2002. Based on the principle of separation of powers is materially adopted, the country's institutions gained power under the constitution and at the same time is also limited by the constitution. This means that all state institutions domiciled in parallel or equivalent level. In the context of such a system, a state institution distinguished by its function and role as stipulated in the constitution of East Timor in 2002. If a free trial of constitution formed into one new state institutions is constitutionally granted equal footing with other institutions, without due regard to their qualifications and positions of institutional. So the position of the Court in parallel with other institutions. The principle of strict separation of powers material between the branches of the legislative, executive and judicial branches by promoting their checks and balances the relationship between each other. Furthermore, if the revision of the constitution of East Timor in 2002, hours gives authority to the Constitutional Court to be the guardian of the constitution. Guarding the constitution means of enforcing the constitution, this was tantamount to "uphold law and justice". Therefore, the constitution of East Timor in 2002 was the legal basis underlying the legal system in East Timor. In this case the Court has the status, authority and constitutional obligation to maintain or guarantee the implementation of the constitutionality of the law. Thus the constitutional court in the future can be compared with other state institutions, especially the judiciary, which must be done by the first government; laying the constitutional court in the constitutions as one of the institutions of State, second; has the authority to examine the regulatory legislation of the low to the high position.

Authority of Establishment of the Constitutional Court

Based on the principle of division of powers adopted RDTL in article 69 the Constitution of East Timor in 2002, each agency has authority to organize tasks and functions according to the mandate that has been confirmed, state institutions of East Timor are set out in article 67 of the Constitution of East Timor in 2002, including the President of the Republic, The national Parliament, Government and the Courts. Anchored theory triad politics; Montesquieu divides government power into three branches, namely the legislative, executive, and judiciary, so according to Montesquieu three institutions should be separated from one another; but there are differences in the delivery of the State government of East Timor, by the nature of dependence on state institutions. Pleased with the organization of the government of RDTL, not necessarily using the principle of separation of powers are genuine, but to apply the principle of separation of powers is materially or power sharing, borrow is Theory Ivor Jennings it can be seen that the separation of powers in the sense of material within the meaning of division of power was retained by the principal in the function state-function which characteristically showed that three parts. Three parts in question is legislative (national parliament), executive (the President and the Government), the judiciary (courts). Associated with all three branches of power of the State of East Timor are not separate from each other, for their mutual monitoring and cooperation emphasis on function interdependence (article 69 constitution of East Timor in 2002), is pleased with the four

institutions mentioned State, according to the constitution of East Timor in 2002, Parliament national governments can establish the appropriate authority of the constitutional court outlined, but underlined before the revision of the constitution of East Timor in 2002 to section 123 subsection 1 paragraph (a) the constitution of East Timor in 2002, the substance of this article has been leaving a norm. Therefore, the government is expected to revise its forward this article to suit the needs of the State. Thus the authority of the establishment of the constitutional court are in such a state organ; National parliament, president and government of East Timor, as well as adhering to the principle of power sharing that has been mandated by the constitution of East Timor in 2002. The three institutions have their respective authorities in revising the constitution of East Timor in 2002, will describe in the next sub-topic.

Implications of the Establishment of the Constitutional Court

Amendments or revisions to the constitution of East Timor in 2002, in particular article 123 paragraph 1 (a), to be conducted by the national Parliament and cooperation between the three institutions (Parliament, the President and the government, as has been described in the topic before, because to put the constitutional court as the new judicial containers in the system of state administration of East Timor, the article should be revised or establish rules-law under the constitution. First; the establishment of the court constitution through constitutional revision will have implications for the constitutional system of East Timor; (A) institutional hierarchy of State, when laying the constitutional court in the RDTL constitution, (b) the position of both the judiciary; the constitutional court and the Supreme Court is aligned constitutional structure, (c); Supreme court authority governed by Article 126 of the RDTL Constitution of 2002, partly handed over to the constitutional court. Second; determination legislation to establish a constitutional court may have implications for the position of the Supreme Court as the highest judicial them; (A) authorizes the Supreme Court will unshaken, if the constitutional court is a scope with him, (b). The authority of judicial review before the authority of the Supreme Court can be carried by the constitutional court, but can only these powers remain with the Supreme Court, provided determination law on the establishment of a constitutional court must contain legal certainty, if it does not lead to dispute the authority of both Area in the same scope. Compared with the position of the constitutional court (Indonesia Austria), the Constitutional Council (France) and Supreme Court (United States) in the system of state administration four countries mentioned earlier, put the test institutes laws in the constitution, although of its formation is different, but still do judicial review of the constitution. Seen from the constitutional court in Indonesia and Austria to put the constitutional court as a forum for constitutional court that is parallel to the State agency other, then the constitutional council of France, although not included in the judicial system of France, the council was formed with the aim of limiting the power of Parliament means that these boards is the institutional position parallel to other institutions, with the authority as the test product liability law legislative before publication (preventive review). Unlike the United States, the Supreme Court constitutional structure is in line with other State agencies and authorized as examiner legislation means; in constitutional American system does not recognize the constitutional court because the authority to test the legislation has been attach to the supreme court. Thus the implications of the establishment of a constitutional court in a constitutional system RDTL influenced by two things; the first necessity of revision of Article 123 paragraph 1 (a) the constitution of East Timor in 2002, the second; through determination regulations and laws.

CONCLUSIONS

Based on the descriptions in the chapter discussion, the authors concluded as follows:

1. Based on the fundamental idea establishment of the constitutional court are contained in the opening RDTL. RDTL constitution in 2002, the establishment of a constitutional court in State power, because based on the notion of RDTL, supremacy of law and protection to human rights of citizens is the constitutional guarantee of its citizens, therefore, the State has the power through the institutions of the State to meet the demands and stressed in the preamble of the constitution of East Timor in 2002, namely; demands to form a new judicial body (constitutional court) in order to realize the principle of fairness and certainty law for all citizens.
2. Position the constitutional court in a constitutional system of RDTL, first; the establishment of a constitutional court is the authority of the national parliament by way of constitutional revision to section 123 paragraph 1 letter (a) the constitution of East Timor in 2002, when the revision is done then the constitutional court will be something container new judicial domiciled in parallel with State institutions other and assume authority over this is the supreme court, Second; the establishment of a constitutional court through the formulation of legislation to stand on Article 123 paragraph 1 (a) the constitution of East Timor in 2002, the position of the constitutional court are not aligned with other institutions, but it is under the Supreme Court. So no need to revise the constitution of East Timor in 2002.

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