

THE EXISTENCE OF PNTL IN SUPPORTING THE IMPLEMENTATION OF THE STATE GOVERNMENT BASED ON THE CONSTITUTION OF THE REPUBLIC DEMOCRATIC OF TIMOR-LESTE OF 2002

Domingos Ximenes Da Costa
Email:ximenesd157@gmail.com

Dr Guido Goncalves Moniz, Lic.Dir.,M.Hum
Email:moisguido14696@gmail.com

Dr Reinaldo Francisco Luis, Lic,Dir,M,D
Email:uchela123@gmail.com

Abstract

The position of the National Police of Timor-Leste as an institution supporting the administration of the State government was under the government's purview and it is known that the government was formed from the political party with the most votes in the elections, as a result, the PNTL in discharging their duties and functions as agents of the law is not loyal to the state, but loyal only to the elected government. Thus, in order to position the PNTL as a truly loyal body to the State, the PNTL position must be under the authority of the President of the RDTL so that in the future the PNTL will no longer be under the authority of the government, so that in the exercise of its functions , functions and authorities is taken over by the President of the RDTL, however, to bring the PNTL under the same roof as the F-FDTL (one command), it is necessary to make some changes to the constitution and other laws and to establish new laws and regulations.

Keywords: existence, PNTL, supporters of governance.

INTRODUCTION

The administration of the state government of the Democratic Republic of Timor-Leste (RDTL) is generally carried out by state institutions as stipulated in article 67 of the RDTL 2002 constitution and assisted by auxiliary institutions whose authority is not regulated by the RDTL 2002 constitution. Related to auxiliary institutions to the administration of the State government, one of which is the National Police of Timor-Leste, mandated by article 147 of the RDTL Constitution of 2002, stating that; (1) The police defend democratic legality and guarantee the internal security of all citizens and are non-partisan. (2) Crime prevention must be implemented with respect for human rights. (3) The law stipulates the regime for the police and other security forces. Based on the substance of the previous article, the word "guarantee" (guaranteee) indicates all or all of the meaning, or use of force, the National Police of Timor-Leste (PNTL) is obliged to assist and support the general administration by creating order , security and comfort for the institution - State and community institutions. First, legal issues; Legally, it reflects on article 147 of the 2002 RDTL Constitution, with regard to the substance of the word "police" which contains a general meaning and is not made explicit in relation to the National Police of Timor-Leste, which gives rise to various interpretations, to avoid multiple interpretations the government has established a ministerial defense law and security (MDS) n° 32 of article 43 of 2008 regarding the translation of the word police for the PNTL. However, the real problem lies in the position (existence of the PNTL) in the administrative structure of the RDTL, since as an auxiliary body (supporting the administration of the state government) it does not constitutionally stipulate that its position be subordinate to the executive body, if in substance PNTL is an independent institution as stated in Article 147 of the RDTL Constitution of 2002. Regarding the structural (hierarchical) position of the PNTL or the existence of a normative vacuum, this means that Article 147 of the RDTL Constitution of 2002 does not regulate The institution has control over the PNTL, related to the position of F-FDTL (Falintil-Forca Defesa Timor-Leste), East, hierarchically under the authority of the President of RDTL in paragraph 2 of article 74 of the RDTL Constitution of 2002. Both are sociological issues, as an institution of the PNTL it has the authority to enforce the law and order of the State, but what happens otherwise is that in the fulfillment of its duties and functions it is not in accordance with the mandate of article 147 numbers. 1 of the RDTL Constitution of 2002 and article 1 number 1 of internal regulation number. 9 of 2009 and, consequently, the

position of the PNTL under the (government), although the elected government is of a political party that controls seats in the National Parliament is regulated in articles 103 and 106 of the RDTL 2002 constitution. Third, political issues; from the two questions above, the position The PNTL is a forum to ensure overall government implementation, but government implementation is often interrupted by the change of PNTL commissioners through general elections proposed by political parties controlling seats in the national parliament and governing the government. Related to this is a problem because if a PNTL commissioner is elected it could have implications for law enforcement in general. Fourth, theoretical issues. With regard to law enforcement by the PNTL, I borrow the opinion of Satjipto Raharjo that; the police are an instrument of the State charged with maintaining security and public order, providing shelter and protection to the community. When it comes to the police as an instrument of the state, they must be loyal to the state, not the government. With the following problems: How is the existence of the PNTL in supporting the administration of the state government based on the RDTL constitution of 2002? The type of normative legal research is legal research that is carried out on the basis of norms and rules and laws and regulations, statutory approaches and conceptual approaches. Primary Legal Materials Secondary Legal Materials Tertiary Legal Materials. Collection of necessary written legal materials obtained by conducting a literature study. Descriptive analysis technique.

ANALYSIS AND DISCUSSION

THE PNTL POSITION IN THE RDTL STATE STRUCTURE

The PNTL is an institution supporting the administration of the government, where the PNTL has been under the supervision of the Ministry of the Interior for twenty years. However, without a clear legal basis, although article 147 of the RDTL Constitution of 2002 explains to maintain and protect the democratic legality of the RDTL state, the direction and future objectives of the PNTL are still unclear, as in the Law 32. Of 2008 only to state that the concept of the police is the PNTL, thus creating legal uncertainty for the PNTL in the exercise of its authority as regulator of state order and security. The word structure in the Indonesian dictionary is; the way something is structured; from this meaning it can be understood that the structure implies an arrangement when it is associated with an organization or institution that the parts are interconnected with each other fully supporting the organization's objectives. Every state organization or institution has a state administrative structure, both formally and informally. According to Hadjon, the organization is a rational institution with the objective of achieving the established goals, with a rational basis whose existence is to maintain security and order and protect the community, in accordance with the regulated authority in laws and regulations. Based on the Indonesian General Dictionary, what is meant by structure is the way something is structured; Arrangement or Building From the meaning of structure, it can be understood that organizational structure means an arrangement, or building, of an organization made up of parts, where the parts are interrelated and related to fully support the organization's goals. Thus, the organizational structure of the Police can be understood as an arrangement or construction of the police organization to achieve a goal. The arrangement is organized into steps that consist of parts or elements that are interconnected with each other working together to achieve organizational goals. Each organization has a formal and informal structure. -chiefs, field chiefs, subsectors and others). According to Berger, the informal structure of this organization serves to maintain organizational systems, smoothing difficult situations, and filling gaps left by formal procedure. On the other hand, Hughes added that informal organization becomes a pattern, but it is a more individual and individual way of acting. Building on the opinion of Berger and Hughes above, this study of organizational structure emphasizes the formal structure, that is, the organizational framework and the line of authority of the police organization. Dwight Waldo, that the organization is a structure between personal relationships based on formal authority and habits in an administrative system. Thus, the relationship between the central and regional police is a relationship based on formal authority and an administrative system, which means that the inherent authority is based on the provisions of the law to regulate, exercise the functions and authorities of the organization that is organized in a administrative system The basic assumption about this organization put forward by modern structural thinkers such as Tom Bum, Stalker, Peter M. Blau and several other supporters is that the organization is a rational institution with a view to achieving predetermined goals. Rational organizational behavior can best be achieved through a system of clear rules and formal authority. Based on these assumptions, it can be observed that the police organization is a rational institution whose existence is the maintenance of security and public order and has the competence regulated in the legislation. This is to facilitate organizational control, but the risk of this hierarchization of the organizational structure makes the control system of the command type, so

that it can affect the implementation of the attributions and authorities of the Police as a carrier of the profession. Thus, the PNTL is a state organization that was formed to create order, security, comfort, from various disturbances carried out by certain elements. Structurally, the PNTL as a support institution means that the PNTL is obliged to support the government administration in a broad sense, but it creates problems because there is no main institution that has control over the PNTL, when it comes to the position or administrative structure of the F-FDTL. (Falintil-Forsa Defense National Timor-Leste), hierarchically under the tutelage of the President of the Republic, which is regulated in article 74.^º no. 2 of the RDTL Constitution of 2002. Thus, when compared to the PNTL, functionally under the , as an independent forum, it will be lost as it is contradictory to nº 1 of article 147 of the RDTL Constitution of 2002 and the related Law nº 9 of 2009. So that in the future this does not happen and can avoid things that are not in accordance with the RDTL constitution of 2002, the government PNTL needs to consider and think that the PNTL should not be placed as a support institution, but can be aligned with F-FDTL or can become an independent institution through the stipulation of laws and regulations, clear laws, in order to create legal harmony and State institutions. So if you look at Article 147 paragraph 1 of K-RDTL 2002 and Law No. 9 of 2009 on PNTL, it is an independent forum and must be loyal to the state and not the government, this is different from the practice of state administration , where the PNTL only supported elected and loyalty to the governments. Because of the experience that happened in 2006, the PNTL was directly under the Ministry of the Interior, causing a bloody conflict until 2008. With this experience, the PNTL needs to position itself as an institution under the authority of the president or an independent institution that is adapted to the conditions of the future State: First, the PNTL is under the authority of the President of the RDTL, the position of the PNTL is structurally (hierarchical) including supporting institutions, so the government needs to form legislation to position the PNTL with the F-FDTL or be under the authority of the President of the RDTL, so that in the exercise of its functions, function and power its memory is based on laws and regulations and receives direct orders from the President, this is done to avoid things that happened in the first era of government (1) in 2002 to 2007, where the PNTL is an institution that is a daughter of the government (governor).), this triggered a bloody conflict from 2006 to 2008. Regarding the above incident with the PNTL, the government is really reflecting on this experience, to place the PNTL as an independent forum or under the same roof (command) as the President of the RDTL like the F-FDTL, this is done to avoid problems that have occurred now, in the present or in the future. Based on all the problems mentioned above, it becomes an experience or reference for the government to determine the position of PNTL and F-FDTL in a command; this is done so that there is no jealousy between the two institutions because both were born from the constitution of the RDTL 2002. independent bodies in the performance of their functions, duties and authorities are based solely on the constitutional mandate that is expressed through special laws, whereby the government or state institutions can make special laws that can regulate the PNTL as a independent forum that can be autonomous in carrying out its duties and functions and does not favor a political group or party. Thus, the PNTL must be institutionalized as an independent institution, therefore, the PNTL is a State organization that needs to be strictly regulated and positioned in the administrative structure under the purview of the President of RDTL or as an independent institution determined by stipulations of laws and regulations.

PNTL IS A LAW ENFORCEMENT INSTITUTION

Assuming that the PNTL as protector of the community has an obligation to protect people who need protection, protection so that they feel safe and comfortable and free from fear or interference. There are still many PNTL members who still do not understand their duty as protector and protector so that there are still people in Timor-Leste who are afraid of PNTL actions and services on the ground. With a good service to the community, the Timor-Leste National Police in the performance of its functions and duties will easily obtain mutual information from the community, because the people of Timor-Leste consider the PNTL as a partner in the life of society, nation and state, as required by law. - Law nº 9 of 2009 Article 13 which is classified in three namely; maintain public security and order, enforce the law and provide protection, protection and service to the community. Firstly, maintaining public security, here the PNTL has a full obligation to watch over and protect the community from various threats or dangers that disturb the stability of security. 9 of 2009, so that law enforcement can be created in accordance with the principles of the exalted rule of law. Furthermore, in the execution of the main tasks, public services to the community in the field of police, in particular the functions contained in the explanation of article 18, of law n.^º 9 of 2009, that cooperation for all programs and community orientation function and article 19, paragraph b), maintains security and public order, the National Police of Timor-Leste has the function of creating

and maintaining a condition of security and order in social life. . Referring to Satjipto Rahardjo's opinion that the police are an instrument of the State. The task of maintaining public security and order, providing shelter and protection to the community must be based on the conscience of each PNTL member. As part of the State's tool, the main duty as protector and public servant must be to protect and attend to all problems faced by the community, not to scare the community, on the other hand as protector and protector of the community in carrying out the PNTL's vision and mission. While defending and respecting human rights. If this is done correctly, the public's trust in the PNTL as a protector and public servant will be well established, which will facilitate the PNTL to carry out its functions and functions as an instrument of the State. Related to the PNTL as an instrument of the State which includes the second institution supporting government implementation and the PNTL is also a law enforcement institution in addition to other law enforcement agencies, MP, KAK, PSIC, PDHJ and the courts . As a law enforcement institution, the PNTL may also carry out investigations, investigations and arrests in criminal cases as regulated in article 17(2) of the Timor-Leste penal code, which is then described in article 34. of the PNTL internal regulation no. 9 of 2009, in accordance with these two articles. The PNTL has a law enforcement task and function that is closely related to public safety. To borrow Satjipto Rahardjo's opinion, law enforcement is an effort to make the efforts and concepts a reality. Law enforcement is also a process to achieve compliance with existing legal rules. In the process of law enforcement, it also affects the legal norms that become legislation. Law enforcement itself cannot be separated from community participation as a participant in security and environmental activities. When dealing with security and order issues, the PNTL must be ready to be in the midst of the community. The services provided by the police to the community will not function well without cooperation between the various parties, especially those directly concerned, because without good cooperation, the noble tasks mandated by the RDTL Constitution of 2002 and Law No. Fulfilled as stated in paragraph 1 of article 147 of the RDTL Constitution of 2002, which states that: the police defend democratic legality and guarantee the internal security of all citizens and are non-partisan. Based on the explanation in the article above, there are three important elements with regard to the duties, functions and responsibilities of the National Police of Timor-Leste. First, the PNTL is obliged to uphold democratic legality, which means; support the state government administration process in general and strive to maintain the principles of constitutional democracy adopted by the RDTL state. Second, guarantee security, order and public welfare from various disturbances to security and order carried out by irresponsible parties, in order to create a civil society. Third, in exercising its authority, duties and functions as a legal apparatus, the PNTL cannot or cannot take sides, which means that it has no relationship with certain political parties or groups. The government was elected because the elected government was formed by the majority of political parties that dominate the National Parliament, which is contrary to the principles contained in the RDTL constitution. of fear or freedom from disturbance. As a good protector or protector in law enforcement, sometimes there are still many PNTL members who still do not understand their duties as protectors and protectors, thus making the people of Timor-Leste still ignorant. To be involved with PNTL actions and services on the ground. With a good service to the community, the National Police of Timor-Leste in the performance of its functions and duties will easily obtain mutual information from the community, because the people of Timor-Leste respect the PNTL as a partner in the life of the nation and the State, as determined Law no. 9 of article 13 of 2009, which is classified into three, namely; ensure public security and order, enforce the law and provide protection, protection and service to the community. , in law no. 9 In 2009 that cooperation for all programs and activities is carried out with regard to the function of community guidance and article 19.^o paragraph b) of maintenance of security and public order, the National Police of Timor -East has the creation and maintenance of an orderly and social life. As stated by Seobroto Brotodiredjo, security and order are free from harm. The Timor-Leste National Police (PNTL) as an instrument of the State, whose mission is to maintain security and public order, provide care and protection to the community, must be based on the conscience of each PNTL member. Future. As an instrument of the State in the fulfillment of its main functions of protector and public servant, it must protect and attend to all the problems faced by the community, not frightening the community, on the other hand, as protector and protector of the community in the execution of the vision and mission of the PNTL while defending and respecting human rights. If this is done correctly, the public's trust in the PNTL as a protector and public servant will be well established, which will facilitate the PNTL to carry out its functions and functions as an instrument of the State. Firstly, the PNTL's powers, the main powers of the state police of the Democratic Republic of Timor-Leste, are regulated in article 2 of Law No. 9 of 2009 on the PNTL. The main tasks of the PNTL in Article 13 are referred to classified in three (3), namely: maintaining security and public order, enforcing the law and providing protection, protection and

service to the community Satjipto Rahardjo quoted by Achmad Ali, who “ law enforcement officers perform two tasks, namely; On the one hand, achieving order (order) and on the other hand, implementing the law (law), this can be seen in the police duties, two different things, namely: law and order that are often contradictory, so that police work is more easily criticized by the community'. The two specialists meant three things, among others, law, order and the behavior of police officers in the exercise of their duties. Likewise, in fulfilling the PNTL's task of defending law and order, it is often criticized by the community due to the behavior of individuals who do not understand the meaning of law and order and security. Soebroto Brotodihardjo, that security and order is a state of being free from harm or destruction that threatens the whole or the individual and provides a sense of freedom from fear or worry, so that there is certainty and a sense of certainty in the guarantee of all interests or a condition exempt from violation of legal norms. Thus, the main task of the PNTL in maintaining security and public order is to try to maintain and maintain the condition of the community free from fear or concern, so that there is certainty and PNTL, Literally a function is a position or work performed, whereby the function of the police as a job mandated by law, to be performed, within the limits of their authority with full responsibility, this mandate of law is referred to as authority. Function definition is also interpreted as position, position, use, benefit, even position. Sjacharan Basah interprets the function of the law taking the meaning of function according to Natur-wissenschaft which has four meanings and *Geisteswissenschaft* has 2 meanings, namely:

- a) Function means dependent on (meaning of *Natur-wissenschaft*);
- b) Function means task, *ambt werkkring in het verband met het geheel* (second meaning of *Naturwissenschaft* and first meaning of *Geistes wissenschaft*);
- c) Function means the reciprocal relationship between the part and the whole (third meaning of *Naturwissenschaft* and the meaning of *Geistes wissenschaft*);
- d) Function means working (fourth meaning of *Naturwissenschaft* and third meaning of *Geisteswissenschaft*)

Reflecting on the role of the police in the fabric of community life as protectors of society, law enforcement has a special responsibility for maintaining public order and dealing with crime both in the form of action against crime and in the form of crime prevention. . that community members can live and work in safe and peaceful conditions, that is, police activities are related to a symptom that exists in the social life of a community that is felt as a burden or disturbance that harms community members. as a democratic civil police and ends with conclusions and suggestions that can be used as references or strategies to build the image of the police of Timor-Leste in general. Modern and democratic civil police are police officers who prioritize their knowledge capacities in creating, maintaining and improving social order. The policing standard prioritizes prevention and efforts to provide clarification for community participation. And the measure of police success is not just in reporting cases or crime fighters, but in maintenance orders or restorative orders. In order for policing to work effectively and to be accepted or combined with the community (according to the style of society and culture), a style of community policing is needed and for solving the social problems that occur (resolution policing). Of problems).

NATIONAL POLICE OF TIMOR-LESTE IN THE FUTURE

Reflecting on the various events and experiences that have taken place so far, the PNTL is not a defense institution, but rather an institution that regulates order and internal security, but to prevent and maintain stability in domestic security, the PNTL requires a structure of clear command in the present or future. Regarding the position of the PNTL, the author recommends that state institutions, as provided for in article 67 of the RDTL Constitution of 2002, make a new law specifically to regulate the structure of the PNTL. to regulate the PNTL's position as an institution supporting the administration of the state government are the legislative and executive institutions. the above should be carried out by the relevant institutions because of the constitutional mandate that the PNTL as an institution under the authority of the President Currently the PNTL position is an institution supporting the administration of government and the institutional structure of the PNTL is based in Internal Regulation No. 9 of 2009 concerning the national police of Timor-Leste as a basis for the exercise of its functions and functions. Thus, in order for the PNTL to truly and truly carry out its functions in a professional manner and not take sides with any particular group, now or in the future, it is necessary to place The PNTL under the authority of the President who gives orders directly to the PNTL. if the government want to place the PNTL under the authority of the President, the first changes must be made, namely, first, to make changes to the PNTL internal regulations, according to the requirements of the time, secondly, to establish the PNTL statute, when the substance it's about the PNTL position under the president, but not under the same roof as the F-FDTL. remain independent and cannot be under the

Ministry of the Interior. With regard to the duties, functions and authorities of the PNTL that are still in the Ministry of the Interior, there are issues that need to be considered by the government, the National Parliament, the reasons are simple, first. If the PNTL is under the Ministry of the Interior, where the ministry is led by a political party in power, the loyalty of its members is at stake because they are loyal to the State or the political party in power. This is not in line with the mandate of article 147 of the 2002 RDTL Constitution, because avoiding them requires a significant change to the PNTL. President of the RDTL but not part of the armed forces (F-FDTL) implements special laws and regulations, as happened in the Philippines in the 1980s and 1990s, despite having a different system of government with the RDTL State, it is possible to see what happened, as with neighboring Indonesia, the police that were part of the armed forces, after the reform and amendment of the 1945 Constitution Indonesian police are separate from the armed forces and are under the direct command of the president, the Indonesian police are no longer part of the armed forces, but it is the police in charge of maintaining the security and order of the State. If it is associated with the PNTL to be the police whose mission is to enforce the law and state security, then it needs to be placed in a real forum, which means that there must be improvements in the PNTL through the establishment of special laws and regulations or the PNTL statute, because until now the PNTL has only sailed without a defined captain, so it is easy to be influenced by political parties, therefore with the existence of a statute or regulation that places the PNTL under the president, if we reflect on Soerjono The opinion of Soekanto on the meaning of the police, is: "A social group that is part of society that functions as an enforcer and peacekeeper that is part of the community. Orders function." meaning that the police can act against those who commit violations and crimes and disturb the security and order of the State, in order to create peace in society. and protecting the legality of democracy in Timor-Leste, the PNTL should not be under the supervision of the government or the minister of the interior, although at this time the PNTL has undergone several changes but has not effectively implemented law enforcement. If the PNTL is placed under the command of the President as happened in France. the French police are under the command of the President despite adopting a semi-presidential system of government, because Timor-Leste needs to adopt the French or Philippine police system through changes; Firstly, what the RDTL government must do is establish special laws and regulations or the PNTL statute that is directly under the command of the President and assisted by the minister of defense and security, to solve various problems both internally and externally. Internally, within the PNTL there are several problems that can be solved independently, this is because the PNTL still adheres to past experiences, and the issue of an unclear command hierarchy, where PNTL members intimidate or disrespect each other or their officers or commanders to that the PNTL lose its identity, the real police. For this reason, the PNTL needs to be reformed as soon as possible to avoid the split that occurred in 2006. Externally, it means that the PNTL position is under the command of the President, to avoid the conflict that occurred in 2006, because it remains under the oversight of the government (the ruling party), then the PNTL only follows the government's orders and mandates, so the PNTL's position must be clear as stipulated in the laws and regulations, it is under the power of the president, i.e., separate from the armed forces (F-FDTL). , although elected by the PNTL, interference in the election of the ruling party has implications for the PNTL and the enforcement of the law, for that, if the PNTL is under the power of the President, then, by stipulation of the legislation, the PNTL commissioner can to be appointed directly by the president according to the needs and menu Shows that according to the PNTL hierarchy, it is no longer through the democratic route that has been implemented until now. Furthermore, with regard to the PNTL post, it is also a matter for partly, because although the police academy school was present and performs its functions, the PNTL does not use it to its full potential, because the classifications given to PNTL members are obtained through a unilateral decision of the government without the realization of tests or selection, also only stratum one (1) is used to obtain a classification, whereas if a PNTL member wants to obtain a classification, he must pass an examination at an academic school. Because through education in this academy it can have implications for professional law enforcement as the meaning of the police. Promotion of public safety and crime prevention and detection". Thus, the police must have the human resource capacity to be able to solve various violations and crimes that occur in the community. As far as the PNTL is concerned, it has adequate human resources, but PNTL members need to have police training independently, so that in the exercise of their functions they do not make mistakes or break the law or commit acts against the law, because with the existence of a police education system that supports a police officer's ability to deal with crime, public complaints about legal issues. On the other hand, in another publication (Bryan A Garner) it is stated: "Police is a branch of trans-quality, the promotion of public health, safety and morals and the prevention, detection and punishment of crimes". The significance of the police here is emphasized in the tasks that must be

performed as a government department or part of government, i.e. maintaining security and order, public peace, preventing and acting against criminals. Without interference from political parties when there are violations, crimes or threats to democratic legality, they can act in accordance with constitutional orders. Thus, it is also necessary to review article 147 of the RDTL Constitution of 2002, to place the PNTL under the authority of the President, so that the application of the law is truly in accordance with the expectations of the people contained in article 6. 2002 RDTL. Fourth, direct accountability to the president means that in carrying out his duties, functions and authorities, he is accountable to the government all this time, but if the PNTL is under the authority of the President, the responsibility for carrying out the functions and duties of law enforcement rests with the President. as happened in the F-FDTL. Fifth, law enforcement functions and duties, so far law enforcement has been carried out by the PNTL at the behest of the government or the Ministry of the Interior so that law enforcement is unprofessional. To avoid this sort of thing, the PNTL is obliged to enforce the law in accordance with the mandate of the RDTL constitution of 2002. Indeed, various factors in law enforcement are often problems or challenges in themselves, borrowing Soekanto that the police in law enforcement are hampered by these factors as follows: Legal Factors. What is understood by law is everything that gives rise to rules that have coercive power, that is, if they are violated, they will receive severe and real sanctions. Another source claims that the law is a set of norms or rules that function to regulate human behavior with the aim of maintaining public peace. The law has a universal scope because with the law we can find several different theories of each individual. For example, when several judges hear about a murder case, many judges must have different thoughts (stabbed, burned, thrown into a river, etc.) before seeing the dossier on the murder case. That is, the law has a very broad scope for each person, depending on how the person responds to the law he faces. From some of the above explanations, it can be concluded that the law is a written regulation made by the authorities, of a coercive nature to regulate peaceful life in the community. arrives at the PNTL, it is the most important part of the PNTL because the enforcement of the law has so far been carried out only on the basis of internal PNTL regulations and orders given by the government to the PNTL, so the PNTL does not have a status of a police organization, that the PNTL can be used as a shield for political interests, this happens frequently. Therefore, to avoid this kind of thing in the future, the PNTL should improve, especially in submitting a draft PNTL statute through the government to the National Parliament, then in substance the statute can propose that the PNTL position remain with the government or under the authority of the president. Furthermore, with regard to the legal (law) factor, although the PNTL is a law enforcement institution or agency, there are still PNTL members who do not understand the true meaning of law enforcement, sometimes using repressive measures to act. Against perpetrators of violations or crimes committed by community members. For this reason, it is not only the community that should receive guidance and information about a statutory regulation, but also the PNTL should be guided and clarified according to law enforcement capacity. Community Factors Community factors can be broken down into two different levels of depth. And spontaneous, while the second is an organized and thoughtful society. A spontaneously patterned society is considered more creative in both thought and behavior patterns, while an organized society has a patterned mindset and a lot of deliberate plan Law enforcement comes from the community and aims to achieve peace in society. So, viewed from a certain angle, society can influence law enforcement. of the many meanings given to the law, there is a great tendency in society to interpret the law and even identify it with officials (in this case, law enforcers as individuals). One of the consequences is that the good or bad of the law is always associated with the pattern of behavior of the law enforcer which, in his opinion, is a reflection of the law as structure and process. Society as citizens who need awareness and compliance with laws and regulations. A good law does not guarantee the implementation of the law if citizens' conscience and legal compliance do not support the implementation of the law. The problem of public awareness and legal compliance is not just an object of sociology. The legal conscience of the community is not found only through research in legal sociology that will pay attention only to mere social phenomena. However, the results of this research in the sociology of law have yet to be tested against the political philosophy of the state which is the idea of justice and truth in the legal community in question. Regarding the community factor, one of the supporters of law enforcement in Timor-Leste, it is a separate problem in the implementation of law enforcement in this country, as with limited human resources it becomes a challenge for the PNTL to perform its functions and duties the maximum. The first reason is that the RDTL community is not divided into ethnic/racial levels, but is formed on the basis of ethno linguistics, this is a factor that determines the application of the law. Example; if the PNTL member on duty comes from the Bunak language in a Makasae-speaking area, it will be very difficult to adapt and also to be professional to carry out their duties, their role as police officers. Secondly, because

geography also has implications for the PNTL in law enforcement, as with limited human resources to perform their duties, they are faced with the pattern of people still living in mountainous areas, so violations sometimes occur. Or crimes committed by certain elements that are very difficult to achieve. Cultural Factors. Culture has a very big role for society and for human beings. Society has needs in both material and spiritual fields. To meet their needs, most of them are full of culture that comes from the community itself. But human capacities are very limited, so the capacity of the culture that is the result of its creation is also limited in meeting all needs. Even though people have different cultures from each other, each culture has properties that are generally accepted by all cultures everywhere. The nature of the nature of culture is as follows:

- 1) Culture is realized and channeled through human behavior
- 2) The culture existed before the birth of a certain generation and will not die with the end of the age of the generation in question
- 3) Culture is necessary for humans and their behavior manifests itself

Cultural factors that are actually integrated with community factors are deliberately differentiated, because the discussion will present the problem of the value system that is at the heart of spiritual or non-material culture. As a system, law includes structure, substance, and culture. The structure includes the container or form of the system which includes, for example, the order of formal legal institutions, the relationship between these institutions, rights and obligations, and so on. Substance includes the content of legal rules and their wording, as well as the procedures for applying them, which apply to law enforcement officers and claimants of justice. Legal culture (system) basically includes values that are abstract conceptions of what is considered well (thus adopted) and what is considered bad (thus avoided). Reflecting on the above opinion, if we look at Timor-Leste, the cultural system is still very strong in everyday life, this also has implications for law enforcement, where the PNTL tries to harmonize the values of law enforcement is hampered by its own culture, for example, if there are traffic violations by the family, it is very difficult to be able to reprimand or arrest and punish them according to the duties and functions of the police.

1) Facilities and Facilities Factor. Without certain facilities and facilities, it is impossible for law enforcement to go smoothly. Such facilities include but are not limited to educated and qualified human resources, good organization, adequate equipment, sufficient finances and so on. If these things are not adhered to, it is impossible for law enforcement to achieve their goals. One issue that is closely related to facilities and facilities is the effectiveness of negative sanctions that are threatened by certain criminal events. The purpose of these sanctions is to have a chilling effect on potential offenders and those convicted of violating them. Negative sanctions that are relatively severe or only exacerbated are not an effective means of controlling crime or other wrongdoing. However, the economic means or costs of implementing negative sanctions are taken into account, adhering to a more effective and efficient way so that costs can be reduced in long-term crime eradication programs. As described above, geographic factors also determine the law enforcement of the RDTL State, because Timor-Leste is made up of several mountainous areas that spread widely so as to become a challenge and obstacle, not to mention the minimal facilities and facilities in the PNTL, even though facilities and facilities are the most important things for organizing law enforcement in remote areas (aldea).

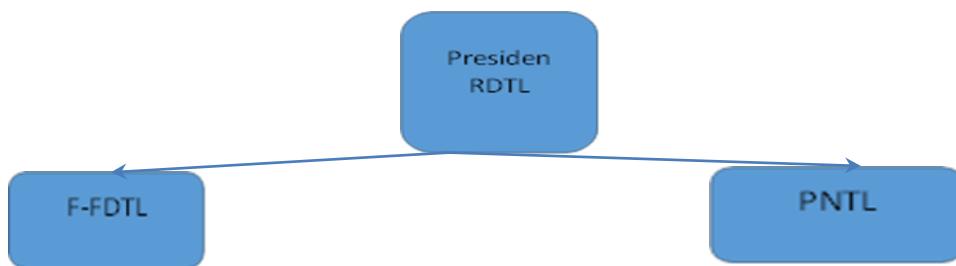
2) Law Enforcement Factors, the PNTL is a law enforcement agent apart from other law enforcement agents, there are various positions to assist and manage the law enforcement factors so that the purpose of a law can work in a smooth and fair way. Among them: the post of PNTL commissioner that was chosen was not in line with the PNTL command hierarchy because until now it was only chosen according to political interests, so to avoid this the PNTL needed to choose a commissioner according to the hierarchy of the PNTL. Then there is also the position of operational command that was not maximized, as was the case of the PNTL commissioner being elected by likes/dislikes. For this to have implications for the PNTL to enforce the law, in addition to the PNTL being under the ministry of the interior, if you look at the experience that has taken place, the PNTL in the future should be placed under the direct command of the President. Thus, in the future, the PNTL must make the changes described above, placing the PNTL under the authority of the President of the RDTL, establishing a statute for the PNTL, selecting the commissioners according to the hierarchy of command so that the PNTL is no longer under the control of the government. Furthermore, it is also very easy for the PNTL to present its own budget of opinion and expenses according to its needs and it only reports directly to the President of RDTL like the current F-FDTL.

PNTL HIERARCHY UNDER A COMMAND

Based on the constitutional experience of the RDTL that occurred or the chaotic situation from 2006 to 2008, the PNTL did not have the ability to defuse the chaotic situation, because it did not have a clear command, when there were demands from the people to dissolve the government in force at the time. The dissolution of the government at that time was caused by F-FDTL members' claims for injustices committed by the government, where the government neglected the F-FDTL and threatened the PNTL, so the PNTL direct involvement in the conflict because at that time the PNTL was directly subordinate to the Ministry of the Interior. This experience needs to be used as a reference for the government (in a broad sense) to consider placing the PNTL as a professional forum that can protect the community. The Role of the Police in the State Government System The existence of a police institution is very necessary for the community. There is no community that does not have a police institution. The police are responsible for maintaining public order and security. In addition, the police also act as police officers. The police are part of the criminal justice system along with other law enforcement officials, namely the public prosecutor and the court. Life in a country cannot go on normally without the presence of the police. The state can function well without the army, but not if the police are not present in the country in question. The countries of Japan and Costa Rica (Latin America) do not have soldiers, but the lives of their people can run with security, peace and tranquility, as in both countries there is a police institution in charge of maintaining that order of population. Given the urgency of the existence of the PNTL under the authority of the President of the RDTL, it is convenient that the police be given independence in the exercise of their functions as guardian of orders and as an agent of the law. Without independence, the police will not be able to properly perform their duties. If the PNTL is under the control of the President of RDTL, then there are some changes that the government needs to make as described above. The author presents several models according to the comparison made in this chapter, with three police systems currently adopted in several countries of the world. Regarding the three police systems described in this chapter, the PNTL adopts a centralized system, because the system is too centralized, so that in the administration of its authority it continues to depend on the central police. To avoid the centralization of authority, the PNTL needs to change this system to an Integrated Policing System, because with this system the PNTL can develop according to the conditions and situations of the time or it can form another system different from the others. countries, which is to summarize these three models in one. Firstly, the model, an integrated police system, where the PNTL, in the exercise of its authority, functions, duties, independently reach the municipality, since in this system the position of the police is still under the purview of the Ministry of the Interior, the author proposes to continue to follow this system, but the position of the PNTL has to be under the power of the President, but does not change the authority, function and task of law enforcement as regulated in PI n° 9 of 2009.

MODEL I

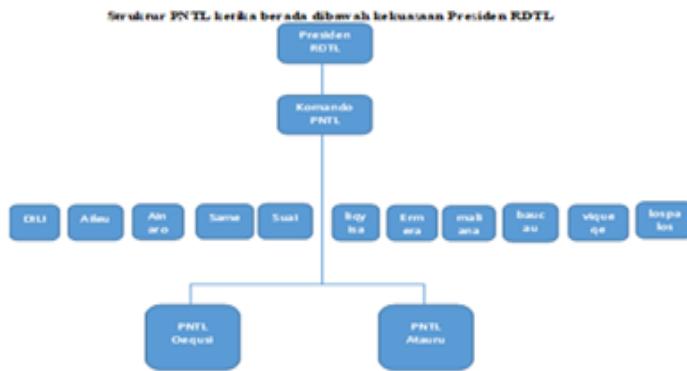
The model of the PNTL position under the power of the President



The model shows that the PNTL is independent or independent in the exercise of its authorities, functions and duties as agents of the law, not being under the tutelage of the government (Ministry of the Interior), as well as with regard to its direct responsibility to the President, even though administratively dealing with the government, this is done so that in the future, the PNTL will truly become a professional police officer in implementing law enforcement.

Model II

The structure of the PNTL when it was under the authority of the President of the RDTL



Based on the aforementioned model, the PNTL is directly accountable to the President of the Republic, with the President assisted by the Ministry of Defense and Security, since in the exercise of his functions and functions the President needs to be assisted by the Ministry of Defense. and security related to government administration, for example what happened to the F-FDTL during this is dealt with administratively by the ministry of defense, because the author includes the PNTL as part of the presidential power and is assisted by the ministry of defense (may be changed to the Ministry of Defense and Security if the PNTL changes in the future. In the future, changes that need to be made within the PNTL include:

- 1) Duties and functions independently and professionally as the F-FDTL until now
- 2) The authority to execute law enforcement without having to intervene by the government (governor)
- 3) Establishment of the PNTL statute
- 4) Review internal regulation Number 9 of 2009
- 5) Addition of PNTL unions in several municipalities
- 6) Addition of PNTL personnel in all municipalities
- 7) Improve the PNTL hierarchy system of command that was not properly implemented
- 8) The command must partially delegate authority to the municipal PNTL even if the decentralization system has not been implemented in accordance with the mandate of the RDTL constitution of 2002

Furthermore, with regard to the delegation of authority to the PNTL municipality as in the above model, it has direct authority to exercise its authority without having to wait for orders from the PNTL central command. This delegation of authority is intended so that in the future the municipal PNTL can independently deal with their problems in the regions. Regarding the municipal PNTL, changes need to be made including; The authority of the municipal PNTL needs to be extended to enforce the law directly, which means that the law enforcement carried out by the municipal PNTL did not meet the expectations contained in PI No. 9 of 2009, because the authority of the municipal PNTL is limited, and it is very difficult to develop their functions, attributions and authorities, for example: when there is a dispute between certain organizational groups, the PNTL municipality often asks the PNTL command for support. Therefore, to ensure the independence of the PNTL in the future, the government needs to consider the position, authority, function, task, command of the PNTL in general for the municipal PNTL. In dealing with the two municipalities, as set out in article 5 of the RDTL constitution of 2002, Oecusi has effectively fulfill its role as a special region, which has led the government without interference from the central government, but with regard to the independence of the PNTL it has yet to it is under the command of the PNTL, in fact there is no need to ask the central PNTL command for support when there is a problem. So as for the Municipality of Atauru, in fact the formation of this municipality was contrary to the constitution of the RDTL of 2002, where in article 5 it states that the municipality of Ataúro is a special economic zone, but in the application of

the public administration it is not in accordance with the so-called constitutional. For this reason, as a law enforcement institution, the PNTL may or may not follow suit and wait until the municipality of Atauro is formed in accordance with the constitution. Regarding Atauro, it is currently designated as a municipality but does not currently have the authority independently like other municipalities, so in the future the government needs to consider the authority of the PNTL Atauro municipality in accordance with the mandate of the RDTL 2002 constitution. Thus, hierarchically, it is under the authority of the President who is assisted by the President by the Ministry of Defense and Security, so that it is no longer under the Ministry of Internal Administration, this is done to avoid problems between the two institutions PNTL and F-FDTL as happened in 2006 to 2008. The PNTL is under the control of the President making various changes as described earlier.

CONCLUSION

The existence of the PNTL in supporting the administration of the state government is based on the RDTL constitution of 2002. Until now, the PNTL has supported the administration of the government in general, but the PNTL has faced various internal and external problems. From an internal point of view, the PNTL still does not have a statute like the F-FDTL, the selection of PNTL commissioners is not in accordance with the PNTL command hierarchy only through political decisions, so externally the PNTL is under the tutelage of the interior ministry so that the PNTL in fulfilling its law enforcement duties and functions is not in accordance with the constitutional mandate RDTL 2002. Therefore, to position the PNTL as a professional law enforcement institution, it is necessary to be under the authority of the president as F-FDTL and advised by the Ministry of Defense and Security, this is done to avoid conflicts between the two institutions, as happened in the past.

BIBLIOGRAPHY

- A. Qirom Samsudin M, Sumaryo E. 1985, Child Crime A Review from a Psychological and Legal Perspective, Liberti, Yogyakarta.
- A.M. Muin Fahmal, 2006, The role of general principles of proper governance in achieving clean government, UII Press, Yogyakarta,
- Abintoro Prakoso 2011, Police Authority Discretion in the Investigation Phase, Aswaja Pressindo, Yogyakarta.
- Achamad Ali, Revealing the Veil of the Law, Biblioteca Prima, Jakarta.
- Ahwil Luthan et al, 2000, Comparison of Police Systems).
- Alvin S Johnson. 2004, Sociology of Law.Rineka Cipta. Jakarta.
- Anna Erliyana, State Administrative Law, Publishing Agency, Faculty of Law, University of Indonesia, Jakarta, 2005.
- Azhari, 1995, Indonesian Rule of Law Normative Legal Analysis of Its Elements, UIPress, Jakarta.
- B. Hestu Cipto Handoyo, 2009, Constitutional Law of Indonesia, Atma Jaya University, Yogyakarta,
- Bagir Manan, 2000, Provincial, Regency and Municipal Authorities in the context of Regional Autonomy, Faculty of Law Unpad, Bandung.
- Barda Nawawi Arief, 2002, Anthology of Criminal Law Policies, , PT. Cipta Aditya Bakti, Bandung.
- Bisri inspiration. 2008 , Legal System of Indonesia, Grafindo Persada. Jakarta.
- C.F.G. Sunaryati Hartono. 1976, The Role of Community Legal Awareness in Legal Development. Create Creation. Jakarta.
- C.F. Strong 1960, Modern Political Constitution, Sidgwick and Jackson, London,
- Cressey in Simanjuntak B and Chairil Ali, 1980, New Horizons of Criminology, Trasito, Bandung.,
- F.A.M. Stroink & Abdul Rasyid Thalib, 2006, The Constitutional Court Authority and its Application in the Constitutional System of the Republic of Indonesia, Citra Aditya Bakti, Bandung.
- Jhon Raws, 2015, Theories of justice, Nusamedia, Bandung.
- Litvack&Seddon in Sadu Wasistiono, Kapita Selekta of Regional Government Management, Focusmedia, Cet. Fourth, Bandung, 2003.
- M. Khoidin Sadjijono, 2007, Meeting Our Police Figures, LaksBang, Yogyakarta.

- Maidin Gultom, 2010 Legal Protection of Children in the Child Criminal Justice System in Indonesia. EN Refika Aditama. Bandung.
- Miriam Budiardjo, Fundamentals of Political Science, 1998, Jakarta, Gramedia Pustaka Utama,
- Ni'matul Huda, 2005, Constitutional Law of Indonesia, PT Raja Grafindo Persada, Jakarta.
- Philipus M. Hadjon Sadjijono, 2005, The role of the police in implementing good governance, laksbang, first edition, Yogyakarta.
- _____, Authority, Documents, Airlangga University, Surabaya,
- Prajudi Atmosudirjo, State Administrative Law, Jakarta, Ghalia Indonesia,
- Puji Astuti, 2004, Governance Law, Jakarta Open University Publishing Center,
- Rahardjo, 2000, Police Professionalism, Artha Graha, Jakarta.
- Ramly Hutabarat. 1985. Equality before the law in Indonesia. Indonesian Gaul. Jakarta.
- Ridwan, Publisher, 2006, State Administrative Law, PT. Raja Grafindo Perseda, Jakarta.
- Sadjijono, 2005, Roles of Police in Implementing Good Governance, Laks Bang Yogyakarta.
- _____, 2006, Police Law, Laks Bang PRESSindo, Yogyakarta.
- _____, 2010, Understanding Police Law, LaksBang Persindo, Yogyakarta.
- Sadjijono, 2010, Understanding Police Law, Yogyakarta: Laksbang Persino.
- Samijo, 2011, Police Civil Liability Thesis, Master of Laws Study Program, Graduate Program, University of August 17, 1945 Surabaya.
- Satjipta Rahardjo, 1983. Law Enforcement Issues, A Sociological Review, Jakarta, Rajawali press.
- _____, 2002, Sociology of Law: Developing Methods and Problem Choices, Sinar Graphic, Yogyakarta.
- _____. 1986, Legal Studies. Alumni editor. Bandung.
- Sjachran Basah, 1986, Three Writings on Law, Armico, Bandung,
- Soebroto, 1997, Law enforcement in the field by POLRI, POLRI Legal Service.
- Soedjono D, 1976, Crime Prevention, Alumni, Bandung.
- _____, 1994, Introduction to Legal Studies, PT Raja Grafindo Persada, Jakarta.
- Soerjono Soekanto. 1990, Sociology as Introduction. Persian Rajawali. Jakarta.
- Tatiek Sri Djatmiati, 2020, Administrative Law (Anthology), LaksBang Justitia, Yogyakarta.
- Thomas J. Aaron in M. Faal, 1991, Criminal Case Triage by Police (Police Discretion), PT. Pradnya Paramita, Jakarta,
- W.A. Bonger, 1981, Introduction to Criminology, PT. Development of Ghalia Indonesia, Jakarta.,
- Yulies Tina Masriani. 2004., Introduction to Indonesian Law. Sinar Graphic. Jakarta.