

LEGAL POLITICS OF THE STATE OF TIMOR-LESTE CONCERNING CIVIL REGISTRATION SERVICES BY GOVERNMENT BUREAUCRACIES IN THE PERSPECTIVE OF A WELFARE LAW STATE**Carolina Da Cruz**

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INFO ARTICLE	ABSTRACT
Accepted Accepted Accepted in the form of revisions Accepted in the form of revisions	The purpose of this study was to examine and analyze the weaknesses of the Timor Lestestate legal political regulation regarding civil registration public services by the government bureaucracy in the perspective of a welfare state in sociological juridical research. The results of the study show that the weaknesses in the Political Law and Political Regulations of the Timor Leste State Concerning Civil Registration Public Services by the Government Bureaucracy in the perspective of a welfare law state are three main elements of a legal system which include Substance, Structure, and Culture). Substantial (legal) factors have notbeen specifically regulated through laws, only government regulations. Structural factors (institutions) for civil registration have not implemented good legal principles, limited human resources are inadequate, both at the sub-district and district levels which have an impact on the process of providing KTP, family cards and birth certificates. The provision of services tothe community by public service organizations can run well if it is supported by human resources who have the ability, intellectual insight, discipline and high skills. The capacity of existing employees in the Department of Population and Civil Registration still needs to be improved, judging from the ability in knowledge and mastery in the field of computers is still limited. Cultural Factors (Culture) services are not yet IT-based, prefer collective rather than independent.
Keywords: Legal Politics, Civil Registration Services, Bureaucratic Politics	

**INTRODUCTION**

Politics is the activity of a nation which aims to make, maintain and amend the general regulations that govern its life, which means it cannot be separated from symptoms of conflict and cooperation. Andrew Heywood Padmo Wahjono was driven by Kotam Y. Stefanus: Legal Politics is the policy of state administrators regarding what is used as a criterion for punishing something(making something a law). This policy

can be related to the formation of law and its application. Satjipto Rahardjo: Legal politics is an activity to determine a choice regarding the goals and methods to be used to achieve legal goals in society. Padmo Wahjono was driven by Kotam Y. Stefanus: Legal Politics is the policy of state administrators regarding what is used as a criterion for judging something (making something a law). This policy can be related to the formation of law and its application. L. J. Van Apeldorn: Legal politics as statutory politics. Legal Politics means setting goals and contents of laws and regulations. (The notion of legal politics is limited to written law only. Purnadi Purbacaraka and Soerjono Soekanto: Legal politics as activities of choosing values and applying values. Moh. Mahfud MD.: Legal politics (associated in Indonesia) are as follows:

1. Whereas the definition or understanding of law also varies, but by believing that there are substantive similarities between the various meanings that exist or are not in accordance with the needs of the creation of the law required.
2. Implementation of existing legal provisions, including Bellefroid's affirmation in his book *Inleiding Tot de Fechten Wetenschap* in the Netherlands. Expressing the political position of law in the tree of legal science as a science.

East Timor's law is based on Indonesian law, namely the Mixed Law System, as determined by the United Nations. While laws were originally issued only in English, the government began enforcing laws entirely in Portuguese in 2002. For this reason, the laws of the *Constituição República Democrática de Timor Leste* (C-RDTL) are now written in English, Portuguese and Indonesian. The laws of East Timor were enacted by the National Parliament which was established in 2002. One of the most important events in the history of East Timorese law was the establishment of the Special Panels of the Dili District Court, which tried to deal with crimes such as murder, rape and torture that occurred in 1999. The Panel it worked from 2000 to 2006.

The history of legal development in Timor Leste is also inseparable from the enforcement of laws from successor countries or colonial countries, where the country of Timor Leste is in a period of transition or transition under the UN UNTAET administrative government, still recognizing all the enforcement of laws inherited from the colonial state as in UNTAET Regulation No. 25/1999 explains that laws that have been in effect are still valid as long as they do not conflict with the constitution and the principles of international law standards, as well as in the *Constituição República Democrática de Timor Leste* (C-RDTL, Article (165) states that "Laws that have been in force in Timor Leste is still in force before there is an amendment and does not conflict with the Constitution of Timor Leste and the basic principles that have been established), is still implemented even though the constitutional law system is different, where the Government of Timor Leste adheres to a Semi Presidential system of government which experiences a middle ground from Parliamentary and Presidential (Koasi) whereas when compared to the Indonesian government which adheres to a Presidential system of government.

Public service is an activity carried out by a person, group or certain institution to

provide services to the community in order to facilitate a process in achieving certain goals, both in terms of social, political and economic. (Mulyadi Deddy, 2015) As time goes by, public service becomes very important to expedite the existing bureaucratic system, given the many different interests in society to achieve certain goals.

The government is a bureaucratic organization in public service, so the government bureaucratic organization is the leading organization related to public service. In terms of providing services, the most important thing is how the process of providing service assistance to the community in solving its problems. As a public servant, it is clear that the main task of the government apparatus is to provide the best quality service for the community.

Public services have become a strategic policy issue, because the implementation of public services so far has not had a broad impact on changing aspects of people's lives. Because before the reform era, the government bureaucracy dominated the administration of government and public services. The government is more dominant in acting as an actor in the delivery of public services, so that the involvement of citizens in government is very limited (Abdul Sabaruddin, 2015).

The current conditions found in the regions show that the implementation of public services is still faced with a government system that is not yet effective and efficient and the quality of the human resources of the apparatus is inadequate. This can be seen from the many complaints and grievances from the public both directly and through the mass media, such as convoluted procedures, uncertainty over the timeframe for completion, costs to be incurred, requirements that are less transparent, the attitude of officers who are less responsive and etc. So that it creates a bad image that is not good for the image of the government in the eyes of its own people, especially in the eyes of ordinary people who do not know anything about public services (Surjadi, 2012).

If traced further, according to Sondang P. Siagian, it stems from five main problems. First, the perception of the managerial style of officials in the bureaucratic environment that deviates from democratic principles. This results in forms of pathology such as: (S. P. Siagian, 1996)

1. Abuse of authority and position, accepting bribes and nepotism.
2. The low knowledge and skills of officers implementing various operational activities, resulting in low productivity and service quality, and employees often make mistakes.
3. Acts of officials who violate the law, by "fattening" financing, receiving bribes, corruption and so on.
4. Manifestations of dysfunctional or negative bureaucratic behavior, such as: being arbitrary, pretending to be busy, and discriminatory.
5. As a result of the internal situation of various government agencies that negatively impact the bureaucracy, such as: inadequate compensation and working conditions, absence of job descriptions and indicators, and a system of favoritism

The lack of drive or encouragement and incentives from regional leaders to behave and act efficiently and responsively is another factor that causes the failure of public service delivery. This cannot be separated from the annual budget system which actually

provides incentives as spending or as expenses, while saving is seen as a negative thing which is an indicator of failure (Agus Dwiyanto et al, 2006).

In modern state life, the bureaucracy is increasingly becoming a central tool to meet the interests of society. In the twenty-first century, the bureaucracy has become so important, and the public will only receive satisfactory public services if it is organized through a modern bureaucracy. Therefore, there are at least three reasons why the presence of bureaucracy is felt to be increasingly necessary, namely: (Wahyudi Kumorotomo, 1992) First, political pluralism. Differentiation of patterns of people's lives resulted in the formation of political pluralism which had never happened before. To respond to the diverse aspirations of the people, the government must carry out a very broad departmentalization, and this can only be implemented through the bureaucracy. Second, the process of concentration. This happened because there were so many financial tasks that had to be carried out by bureaucrats that inevitably they had to be able to maintain the motions of the bureaucracy with a definite accountability system. Third, the complexity of technology. This also requires the creation of rational patterns that have become the hallmark of bureaucracy. In addition, what needs to be considered is that bureaucratic rationality should be responsive to the will of the people, not just prioritizing rigid rationality. In addition, Etzioni said that: (Amitai Etzioni, 1986)

Bureaucracy is considered as the most effective tool in implementing any government policy. In countries that are developing the already important role of the bureaucracy, it is increasingly important that the bureaucracy also carries out other functions outside of policy implementation, such as being an articulator and aggregator of interests, being a source of information about public issues and political events, thereby influencing the drafting process. government policies, carry out political socialization, become a political stabilizer, control development, provide services, and so on.

From the description above it is clear that, bureaucrats as executors of state administrators and public servants must be able to fulfill the desires and needs of the community so that order and justice in society can be achieved. In addition, bureaucrats are also required to be able to create a new climate and work procedure for their officials in order to be able to overcome challenges in the future. The Constitution of the Democratic Republic of Timor-Leste enshrines the principles of administrative deconcentration and administrative decentralization as fundamental factors of the organization of public administration.

Through this law, the Government makes its own laws and is suitable to carry out the duties of the City Authority President and City Administrator, realizing that with appreciation and recognition of the uniqueness of the implementation of their respective functions, it will move more quickly to Local Governments that more qualified, efficient and effective, providing public goods and services capable of driving the process of regional development. Therefore, the author intends to conduct a dissertation research

entitled Political Law of the State of Timor Leste Concerning Civil Registration Services by Government Bureaucrats in the Perspective of a Welfare Law State, what will be discussed in this article are:

1. What are the weaknesses of the Timor Leste state legal political regulations regarding civil registration public services by the government bureaucracy in the perspective of a welfare state law?
2. How is the legal politics of Timor Leste in improving the quality of civil registration services carried out by the government bureaucracy based on the legal principles of good public service in the perspective of a welfare state law?

RESEARCH METHOD

In this study, researchers used the constructivism paradigm in the research paradigm. The constructivism paradigm views the reality of social life not as a natural reality, but as a result of construction. The constructivism paradigm depends on the events or realities that are formed. Based on the reality that exists in society to pay attention not to how someone sends a message, but from both communicators and communicants to form and exchange meaning. So that it is formed into a message which then becomes a cultural meaning. This way is created by the communicator and how the message is actively interpreted by the individual as the recipient. (Eriyanto. 2011)

The approach method chosen in this study is the socio-legal research approach which is part of legal research, although there are also those who say that social research on law is not legal research. This type of research uses qualitative. According to Kirk and Miller define that qualitative research is a particular tradition in social science that fundamentally depends on human observations both in its area and in terms of it (Lexy J. Moeleong, 2008).

Data sources used include primary data and secondary data. Primary data are the words and actions of people who are observed or interviewed (Moeleong, Lexy. 2005) Secondary data consists of 3 (three) legal materials, namely primary legal materials, secondary legal materials, and tertiary legal materials.

RESULT AND DISCUSSION

Weaknesses in the Political and Legal Regulations of the State of Timor Leste Concerning Civil Registration Public Services by Government Bureaucrats in the Perspective of the Welfare Law State

In line with the previous concept of a welfare state, the State Administration is entrusted with the obligation to realize general welfare (*bestuurzorg*). The implementation of the *bestuurzorg* obligation brings consequences for the right to freedom for state administrators (including apparatus and institutions within it) to act on their own initiative (*freies ermesen/discretionary*). This term is then typically used in the field of government, so that *freies ermesen/discretionary* can be said to be a means of providing space for Officials or State Administrative Bodies to take actions without having to be fully bound by the Law. (Ridwan IIR, 2006) In its implementation, *freies*

ermessen/discretionary prioritizes the effectiveness of achieving a goal (doelmatigheid) rather than simply complying fully with legal provisions (rechtmatigheid). (M.Natasaputra, 1988)

The weakness is that even though we already have civil law (codigo civil), until now we do not have a specific law on civil registration itself, which is better known as the kodigo de registerto civil. Because civil registration is mandatory by law, all events must be registered because of that the law is mandatory but because it is not accompanied by every birth it is not recorded, people need to come first, if everyone feels that it is mandatory and every birth is registered, the service runs smoothly every day not seasonal like this. This is seasonal, so it feels long because people who need new people come rushing in and ask for it. In the end, there is no balance between the availability of existing labor and the applicants who come. the importance of the birth certificate he immediately registered himself, meaning that our work routine will run smoothly and people will not explode like this.

At the moment, the impression is slow because we are serving the needs, not serving the needs of the community. Based on research in the country of Timor Leste, that Timor-Leste's policy regarding civil registration services has been running in almost all districts throughout Timor-Leste, therefore there is no longer a long bureaucracy but we must know that public services face various problems, but we must stipulate that this civil registry has been registered with its very complex service to issue documents to all Timorese citizens.

Speaking of weaknesses, Timor Leste is a country that is still very young, and has only been independent for 20 years, so it automatically has weaknesses, but the fault is not the Timor Leste government, but the conscience of the people, which is still lacking. For example: Young people don't have good planning before submitting documents because tomorrow's clients want to take care of something and on that very day they suddenly prepare documents and end up being wrong, so who should blame it on? When a staff member tried to explain to him, he said Timor-Leste is too bureaucratic, so civil registration is ready to provide services if necessary to meet all the requirements set out in the law.

Based on the theory of the legal system, the Weaknesses of the Political and Legal Regulations of the State of Timor Leste Concerning Civil Registration Public Services by the Government Bureaucracy in the perspective of a welfare law state that there are three main elements of a legal system which include substance, structure, and Culture (Culture). Substantial (legal) factors have not been specifically regulated through laws, only government regulations. Structural factors (institutions) for civil registration have not implemented good legal principles, limited human resources are inadequate, both at the sub-district and district levels which have an impact on the process of providing KTP, family cards and birth certificates. The provision of services to the community by public service organizations can run well if it is supported by human resources who have the ability, intellectual insight, discipline and high skills. The capacity of existing employees in the Department of Population and Civil Registration still needs to be improved, judging

from the ability in knowledge and mastery in the field of computers is still limited. CulturalFactors (Culture) services are not yet IT- based, prefer collective rather than independent.

Obtain equal treatment in service to the same interests, in an orderly manner, and indiscriminately. That is, if it is true that an application is to be queued in an orderly manner, everyone should also be required to queue, and anyone who does not go through the queue will not be served. Honest and frank service. That is, if there are obstacles due to an unavoidable problem, they should be notified, so that people don't wait for something that is uncertain. With notification, people can understand and will adapt sincerely without emotion. Basically, everyone can understand other people's difficulties or problems, if this is stated frankly. If the real problem is often hidden, it will cause disappointment to people who feel they have not been given an honest explanation. The emergence of disappointment is "advertising" which is very detrimental, especially for businesses engaged in the service sector and do not have monopoly rights.

The Legal Politics of Timor Leste in Improving the Quality of Civil Registration Services Carried Out by the Government Bureaucracy Based on the Legal Principles of Good Public Service in the Perspective of a Welfare Law State that if the bureaucracy is structured, the bureaucracy will have various work units. Each unit in the bureaucracy has its own specific goals and tasks. If each unit has its own ego, it is likely that an attitude that is concerned with its own unit will arise. It is feared that this can lead to displacement of goals, and can even result in conflicting goals between the unit and the main institution as a whole. As a result, the essence of the goals of bureaucratic institutions in general are not achieved. In addition, bureaucrats who are trained to work strictly according to existing regulations will experience doubts and awkwardness in behavior when faced with situations that do not exist in these regulations. Therefore, in addition to complying with formal provisions, bureaucrats must also have the authority to take initiatives and innovate when existing regulations fail to deal with the realities that are developing in people's lives.

CONCLUSION

Weaknesses in the Political and Legal Regulations of the State of Timor Leste Concerning Civil Registration Public Services by the Government Bureaucracy in the perspective of a welfare state law are that there are three main elements of a legal system which include substance, structure, and culture. Substantial (legal) factors have not been specifically regulated through laws, only government regulations. Structural factors (institutions) for civil registration have not implemented good legal principles, limited human resources are inadequate, both at the sub-district and district levels which have an impact on the process of providing KTP, family cards and birth certificates. The provision of services to the community by public service organizations can run well if it is supported by human resources who have the ability, intellectual insight, discipline and high skills. The capacity of existing employees in the Department of Population and Civil Registration still needs to be improved, judging from the ability in knowledge and

mastery in the field of computers is still limited. Cultural Factors (Culture) services are not yet IT-based, prefer collective rather than independent.

The Legal Politics of Timor Leste in Improving the Quality of Civil Registration Services Carried Out by the Government Bureaucracy Based on the Legal Principles of Good Public Service in the Perspective of a Welfare Law Country. Decree of Law No. 32/2008 Administrative Procedures Article 5 Principles of fairness and impartiality. In carrying out its activities, Public Administration must act fairly and impartially with all people with whom it has a relationship. Article 6 Principles of Good Faith. In carrying out administrative activities, and in all its forms and stages, Public Administration and individuals must act and relate in accordance with the rules of good faith. In complying with the provisions of the previous number, the legal basis values, which are relevant to the situation under consideration, must be considered and, in particular: Beliefs that arise on the opposing party through the actions concerned; The goal to be achieved with the actions taken.

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