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The Adoption of the Semi-Presidential System: Alternatives to the Government System from the Perspective Constitutional Law of Republic Democratic of Timor-Leste – RDTL

Adino Nunes Cabral ¹

Universitas da Faz¹

*Corresponding Author: nunes_luarai@yahoo.com

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ABSTRACT

Semi-presidentialism in Timor-Leste represents a fascinating case of simultaneous transition to independence and democracy, where this system embodies a compromise between political parties and the spread of the Lusophone model. After the August 30, 1999 referendum, Timor-Leste began a process marked by a combination of building the foundations and institutionalizing a modern state with the desire to establish a democratic regime. The debate over presidential power was quite significant, with Fretilin, the historic party that spearheaded the independence struggle, proposing a reduction in presidential powers, while other parties proposed a solution with a strong president. The result of the negotiations dictated a middle-ground solution that, although providing a weaker position for the Head of State in the Lusophone context, still granted the president a significant range of powers. The choice of government system, which was formally decided during the Constituent Assembly process, has its own history. Briefly, this history began at least with the emergence of the Timorese National Resistance Council (Conselho Nacional da Resistência Timorense – CNRT) in 1998 as a collective organization or platform for various forces opposed to Indonesia's dominance over the territory, and grew stronger after the referendum on August 30, 1999. The semi-presidential system is prone to conflicts between the executive and legislative branches, as well as intra-executive conflicts when the parliamentary center is not controlled by the Executive Party. Institutional conflict, as understood, can become a source of ineffective decision-making processes, or even paralyze them, leading to political deadlock and constitutional crises. This situation arises when the ruling party does not have the support of a parliamentary majority, or even when the ruling party does have support, due to internal disputes among the political forces backing the executive.



INTRODUCTION

During the Portuguese colonial period and even after the unilateral declaration of independence in 1975, which Portugal never wished to recognize, Timor-Leste was considered an integral part of the Portuguese overseas territories and was under the Salazar political regime. After the Carnation Revolution and the constitutional changes in Portugal in 1975, Timor-Leste came under the oversight of the Portuguese Government.

With the collapse of the decolonization process and the continuation of the Indonesian invasion, Timor-Leste, under international law, remained a territory under Portuguese administration until 1999. For 24 years, Timor-Leste effectively operated under three different administrations: Portugal, which did not administer the territory but maintained its administrative legitimacy; Indonesia, which governed based on legal norms but illegally; and the RDTL, which governed in the mountains in two separate periods: first, from 1975 to 1978, under the *Base de Apoio*; and second, after the collapse of *Base de Apoio*, as a struggle and resistance administration until 1999.

Timor-Leste did not experience the same process as other former colonies. After the Declaration of Independence on November 28, 1975, Portugal, as the colonial power with various vested interests, chose not to recognize the independence unilaterally proclaimed by FRETILIN. A few days later, Indonesian military forces invaded by land, sea, and air. In 1976, after the establishment of a provisional government, a puppet parliament that was not elected attempted to represent the people of Timor-Leste, most of whom lived in the Base de Apoio controlled by the RDTL administration. This parliament requested the integration of East Timor into the Unitary State of the Republic of Indonesia. Following this request, the Soeharto regime formulated Law No. 7/1976 dated July 17, which, under Article 2, established the incorporation of East Timor as the 27th province.

The national liberation struggle lasted for more than 24 years, and despite many difficult obstacles, with support from various national and international sectors, a political solution was adopted, culminating in the holding of a REFERENDUM. The United Nations, through a resolution, established the formation of the United Nations Transitional Administration (UNTAET) with a mandate to lead the reconstruction of the infrastructure devastated after the announcement of the REFERENDUM results and manage the political transition, thus allowing the people to democratically elect a Constituent Assembly.

As mentioned, after the end of the Indonesian occupation with the establishment of UNTAET following the 1999 referendum, Timor-Leste came under the administration of the United Nations Transitional Administration in East Timor (UNTAET). This not only involved the political and administrative administration of the territory but also the peacekeeping mission of the United Nations stationed in Timor-Leste from 1999 to 2002 to ensure peace and stability. The goal was to provide full and effective civil administration, including the exercise of legislative, executive, and judicial authority. For this purpose, the UN Security Council set the mandate for UNTAET through Resolution No. 1272 on October 25, 1999. The UNTAET mandate started on October 25, 1999, and ended on May 20, 2002.



Semi-presidentialism in Timor-Leste presents a very interesting case of simultaneous transition to independence and democracy, where this system represents a compromise between parties and the spread of the Lusophone model. After the August 30, 1999 referendum, Timor-Leste began a process marked by a combination of building the foundations and institutionalizing a modern state with the desire to establish a democratic regime. The debate over presidential powers was significant, with Fretilin, the historic party that initiated the independence struggle, proposing a reduction in presidential powers, while other parties proposed a solution with a strong president. The results of negotiations dictated a middle-ground solution, which, while giving the Head of State a weaker position in the Lusophone context, still granted the president significant powers.

The selection of the government system, which was formally determined during the Constituent Assembly process, has its own history. Briefly, this history began at least with the emergence of the National Council of Timorese Resistance (Conselho Nacional da Resistência Timorese – CNRT) in 1998 as a collective organization or platform for various forces opposed to Indonesia's dominance over the territory, and grew stronger after the referendum on August 30, 1999.

Timor-Leste's experience shows that while power-sharing among competing political elites can be facilitated by a semi-presidential structure, such a structure cannot be conclusively said to play a significant role in reducing conflict. In fact, Timor-Leste's experience shows that a semi-presidential structure can exacerbate social divisions when conflicts arise between state institutions.

The Constitution of the Democratic Republic of Timor-Leste adheres to the principle of the separation of powers among state institutions in performing their duties and functions. Based on Articles 67 and 69 of the Constitution, these institutions include the President of the Republic, the National Parliament, the Government, and the Judiciary. In their reciprocal relationships, these sovereign bodies adhere to the principle of the separation and interdependence of powers as established in the Constitution. This means that each sovereign body has the authority to perform its functions in accordance with the powers defined in the Constitution, while maintaining a reciprocal and interdependent relationship between the bodies in performing state functions.

From 2002 to the present, the people of Timor-Leste have continued to face various challenges that hinder the democratization process, ultimately leading to political and governmental instability. One example is the 2006 political-military crisis, which led to the resignation of the Prime Minister; another crisis was the emergence of a motion of no confidence in the National Parliament against the VII Government in 2017, resulting in the resignation of the VII Constitutional Government, a political deadlock, the dissolution of the National Parliament in January 2018, and the holding of early elections.

In addition to political and governmental instability, various academic opinions have emerged. Some question the application of overly high standards, while others argue that conflict arose after the implementation of the semi-presidential system. Both conclude that the system and norms are misaligned with the development of society



itself and the political party leaders of Timor-Leste, who were unable to adapt to the political system adopted in the Constitution of RDTL.

In general, many people believe that the semi-presidential system has led to political and governmental instability for years after the restoration of independence in 2002. In fact, in less than 23 years, Timor-Leste has been governed by nine different governments and is now entering its sixth legislative term. This proves the existence of political and governmental instability. Thus, a deeper study is required to understand whether the adopted system is too advanced or if the political elites were not ready to ensure stable governance under a semi-presidential system.

The political issues related to the semi-presidential system that have been less addressed in the literature are its inherent potential to cause conflicts between the President and the Government regarding defense policies and other constitutional powers. In a democracy with a semi-presidential regime, the president traditionally holds constitutional authority over the Armed Forces. This constitutional power led Timor-Leste into the 2006 political-military crisis due to differing political views between the President of the Republic and the Prime Minister on how to find a solution.

The semi-presidential system is vulnerable to conflicts between the executive and legislative branches, as well as intra-executive conflicts when the parliamentary center is not controlled by the Executive Party. Institutional conflicts, as understood, can become a source of ineffective decision-making processes or even paralyze them, resulting in political deadlock and constitutional crises. This situation occurs when the ruling party is not supported by the parliamentary majority or even when the ruling party is supported, due to internal disputes among the political forces backing the executive.

Some have concluded that the application of this system is indeed one of the causes of political and governmental instability. However, this remains a hypothesis. It is enough to note the disputes within or between state institutions, the conflict between the President of the Republic and the Prime Minister, intra-parliamentary conflicts, political and military crises, early elections, political deadlock, and constitutional violations—all of which are constitutional facts recorded throughout the application of the semi-presidential system in Timor-Leste, which warrants further study and analysis.

Research Problem Formulation

Based on the background above, several issues can be formulated for study and analysis, as follows:

- a. How does the semi-presidential system function in Timor-Leste from the perspective of Timorese Constitutional Law?
- b. What are the differences in the implementation of the Semi-Presidential System in Timor-Leste and the Semi-Presidential System in France (Comparative Perspective)?



- c. What is the best alternative in terms of the government system that can be adapted to the socio-political realities of the Democratic Republic of Timor-Leste – RDTL?

METHODOLOGY

The research method used is normative legal research, which is derived from library materials related to the system of government, its comparison, the separation of powers, constitutional conflicts, and cohabitation. The research approach involves the use of primary and secondary legal materials. Primary legal materials are those found in laws and regulations, while secondary legal materials in this text include books on relevant legislation and legal journals. The data and legal materials in this text are gathered through literature study, analysis of legal books, legislation, and legal journals.

RESULT AND DISCUSSION

1. The Semi-Presidential System in Timor-Leste from the Constitutional Law Perspective

The newly established Democratic Republic of Timor-Leste in 2002 marked its second republic, achieving independence and adopting the principles of a Democratic Rule of Law as its core principle. In this process, the country also adopted a semi-presidential system of government.

The return of semi-presidentialism to the world ended in Timor-Leste, a highly interesting case of a simultaneous transition to independence and democracy, where semi-presidentialism represents a compromise between political parties and elites, as well as the spread of the Lusophone model.

In 1978, Duverger updated the definition of semi-presidentialism, which became the standard definition for the semi-presidential system of government. He stated that a political regime could be considered semi-presidential if its constitution sets out three key elements:

1. The President of the Republic is elected by universal suffrage in general elections;
2. The President of the Republic holds significant power;
3. There is a Prime Minister and Ministers who hold executive and government powers, functioning only as long as the parliament does not oppose them.

Referring to Maurice Duverger's theory, it can be said that the semi-presidential system has not been fully implemented in Timor-Leste, as the Constitution of the Republic does not regulate it in detail. In practice, the President of the Republic is directly elected, serving as the head of state, a symbol, and the commander-in-chief of the armed forces. There is a division and separation of powers between the President and the Prime Minister. The Prime Minister and Cabinet depend on political power in Parliament



through the winning party (the party with the most votes) or a parliamentary majority coalition.

Based on Maurice Duverger's theory, an analysis from the perspective of constitutional law can be made using the Constitution of the Republic, with the following provisions:

The President of the Republic is the Head of State, symbolizing and guaranteeing national independence, national unity, the functioning of democratic institutions, and acting as the Commander-in-Chief of the Armed Forces. He is elected through universal, free, direct, secret, and personal suffrage, in accordance with Articles 74 and 76 of the Constitution of the Republic.

Meanwhile, in the executive branch, there is a structure called a "hierarchical diarchy" where power is exercised by two rulers: the President of the Republic and the Prime Minister. The President of the Republic serves as the Head of State, while the Prime Minister is the Head of Government, as regulated by Articles 74, 104, and 105 of the Constitution of the Republic.

The Prime Minister and his government rely on political power in Parliament through the winning party (the party with the most votes) or a coalition of parties with a parliamentary majority. In Timor-Leste's political system, the formation of a government depends on the political strength (majority seats) in the National Parliament. Article 106 of the Constitution of the Republic states that "The Prime Minister is appointed by the party with the most votes or by a coalition of parties with a majority in parliament and appointed by the President of the Republic, after consulting the political parties represented in the National Parliament." Meanwhile, paragraph d) of Article 85 of the Constitution of the Republic states that "The Prime Minister, appointed by the party or coalition of parties with a majority in parliament, will be appointed and inaugurated after consulting the political parties represented in the National Parliament." This means that the government is entirely dependent on the political power with the majority seats in the National Parliament.

In addition to the government formation mentioned above, the government is responsible to the President of the Republic and the National Parliament for the implementation of domestic and foreign policies. The government is responsible for developing its programs and submitting them to the National Parliament for consideration and requesting a vote of confidence. Conversely, the National Parliament can submit a motion of censure against the government, either for its implementation of its programs or for matters relating to national interests, as outlined in Articles 107, 108, 109, 110, and 111 of the Constitution of the Republic.

On the other hand, the President of the Republic has the authority to dissolve the National Parliament. The Constitution of the Republic, Article 86, paragraph f), states that "The National Parliament can be dissolved if there is a serious institutional crisis preventing the formation of a government or the approval of the State Budget for more than sixty days, after consulting the political parties that have seats in it and with the Council of State, taking into account the provisions of Article 100." This means that the President of the Republic, when dissolving the National Parliament, must first consult with the political parties that have seats in Parliament and the Council of State.



Moreover, the practical relationship between the President of the Republic and the National Parliament can also be observed within the scope of constitutional law, particularly concerning the promulgation of laws and the right of veto, as regulated in Article 88 of the Constitution of the Republic.

Furthermore, according to the Constitution of the Republic, the National Parliament has the following powers: Based on paragraph 3) sub-paragraph h) of Article 95, the National Parliament is authorized to give approval for the President of the Republic's state visits; whereas under sub-paragraph k) of the same article, the National Parliament can also propose to the President of the Republic to hold a referendum on matters concerning national interests. Therefore, before conducting a state visit, the President of the Republic must first obtain permission or approval from the National Parliament, as stipulated in Article 80 of the Constitution of the Republic. Regarding resignation from office, the President of the Republic can communicate his message to the National Parliament.

In the event of the President of the Republic's death, resignation, or permanent incapacity, the replacement and temporary office will be held by the President of the National Parliament, as set forth in Articles 81, 82, and 84 of the Constitution of the Republic. This shows that whenever a situation arises preventing the President from carrying out his duties, his powers can be replaced and carried out by the legislative body, namely the President of the National Parliament.

Concerning the issue of cohabitation in Timor-Leste's constitutional law system, Rui Graça Feijó argues that the results of the 2002 election show no cohabitation as defined in the semi-presidential concept, as the President of the Republic at that time was not affiliated with any political party, instead being a leader of the independence struggle, while the Prime Minister was appointed by FRETILIN, the party with the most votes (FEIJÓ, 2014, p. 137).

Timor-Leste's case cannot be considered an example of cohabitation, according to the classical definition of the semi-presidential system, because the President of the Republic was not a member of any political party (FEIJÓ, 2014, p. 137). Therefore, there was no partisan cohabitation but rather a competition between political elites. On the other hand, Elgie and Moestrup argue that Xanana Gusmão played an important role in balancing executive power in a one-party government by acting as a mediator (FEIJÓ, 2014, p. 141). This rivalry culminated in the 2006 political crisis, which caused political instability and governance issues, leading to the resignation of Prime Minister Mari Alkatiri, who was replaced by Ramos Horta in June 2007.

In 2017, despite the competition with Mari Alkatiri's FRETILIN, Xanana Gusmão supported the candidacy of Francisco Guterres Lú-Olo in the presidential election. Ultimately, Lú-Olo won the presidential election, and the FRETILIN party won the legislative elections. Xanana Gusmão's CNRT party became the second winner in the general election. Political rivalry and conflicts between the government and opposition caused political instability and governance issues, eventually prompting the President of the Republic to issue Presidential Decree No. 7/2018 on February 7 to dissolve the National Parliament and hold early elections (Official Gazette, 2018).

This episode led to a political deadlock lasting nearly two years. The classic issue of government instability in a semi-presidential system reemerged when the National



Parliament rejected the draft State Budget Law (Orçamento Geral do Estado - OGE) for 2020. The draft was rejected because the largest party in the coalition, CNRT, chose to abstain. As a result, the draft was rejected, with the vote tally being 13 in favor, 15 against, and 25 abstentions, mostly from CNRT as the leading party in the government (Agência Lusa, 2020).

After analyzing theories from experts and the norms set forth in the Constitution of the Republic, it can be concluded that Timor-Leste, in implementing its system of government, does not fully adhere to a semi-presidential regime. In practice, there is a tendency towards a parliamentary system of government. Simply put, this can be seen as a semi-presidential system with a tendency towards a parliamentary system. In fact, the Constitution of the Republic does not explicitly define the adopted system of government, although it is currently recognized that Timor-Leste practices a semi-presidential system.

According to Jorge Bacelar Gouveia, a Constitutional Law expert from Portugal, Timor-Leste's system of government with its characteristics can be justified as a "semi-presidential system with parliamentary tendencies."

Regarding cohabitation, it can be concluded that, since the restoration of independence, only the Fourth Constitutional Government lasted until the end of its term. All other governments faced instability. The idea of cohabitation became a reality in the early 2018 elections when the Alliance for Change and Progress (*Aliança de Mudança para o Progresso* - AMP), consisting of the CNRT, PLP, and KHUNTO parties, won the legislative elections with an absolute majority. However, political and constitutional conflicts eventually erupted, leading to a political deadlock lasting almost two years.

In short, as outlined in the Constitution of the Republic and based on expert theories and opinions, it can be concluded that Timor-Leste essentially practices the characteristics of a semi-parliamentary system of government. Although the government is responsible to the President of the Republic and the National Parliament, an analysis of the institutional relations of the state and its powers shows that the National Parliament holds significant authority and plays a more dominant role compared to the President of the Republic.

2. Comparison of the Semi-Presidential System Practiced in Timor-Leste and France

The term "comparative government" generally refers to the study of various nation-states in Europe, with a focus on their institutions and functions. This type of study emphasizes the executive, legislative, and judicial branches, as well as other related organizations such as political parties, interest groups, and pressure groups.

According to J. Blondel in his book *Comparative Government: An Introduction*, the field of comparative governance has grown increasingly over time, as more experts who were once not considered part of government have now been integrated into the governance domain. In the 19th century, the study of governance was generally understood to have the same scope as the study of constitutional arrangements.

Through comparative analysis, this research reveals significant differences between presidential, parliamentary, and semi-presidential systems. A presidential system tends



to have a strong and independent executive branch, while a parliamentary system shows closer integration between the executive and legislative branches. On the other hand, a semi-presidential system is a hybrid model that combines elements from both systems.

The semi-presidential system that emerged during the Fifth French Republic is essentially "diarchic" because it has a "dual executive power": the President and the Prime Minister are both important figures. However, this diarchic nature can still be classified as a hierarchical diarchy. The presidency tends to be quite strong at the beginning of the regime, while the prime minister's power periodically takes over.

The French Republic is a unitary semi-presidential republic with a strong democratic tradition. The Constitution of the Fifth Republic was approved through a referendum on September 28, 1958. The French political system consists of three branches of government: executive, legislative, and judicial. The executive branch is led by the President of the Republic and the Government, which is further composed of the Prime Minister and ministers. The Prime Minister is appointed by the President of the Republic and reports to the French Parliament, where he is responsible for forming the government.

The debate surrounding the concept of semi-presidentialism in Timor-Leste has been minimal, although its implementation and practice show a very interesting dialectic. So far, with limited literature to explain this, there is no indication that the powers of the President of Timor-Leste are similar to the powers of the President of France, where the term "semi-presidentialism" was originally used. However, the issue seems to lie in applying the French model description to Timor-Leste and the expectation that such an application would result in compatibility with the constitution of the country.

In short, when referring to Duverger's classical theory and definition, a political regime is considered semi-presidential if its constitution combines three elements:

1. A President of the Republic elected through universal suffrage;
2. He holds significant power;
3. He also has a Prime Minister and ministers who hold executive and governmental powers, and their power is only maintained as long as the Parliament does not oppose them.

Based on these three elements, it can be concluded that there are significant differences between the powers of the President of Timor-Leste and those of France. The President of France has considerably more power than the President of Timor-Leste. In fact, the National Parliament of Timor-Leste holds more power than the President of the Republic. Therefore, it can be concluded that Timor-Leste essentially practices a semi-parliamentary regime rather than a semi-presidential one.

3. Alternative Government System Models for the Democratic Republic of Timor-Leste

a. Semi-Presidentialism in Timor-Leste



When CNRT was established in 1998 and Xanana Gusmão was elected as the leader, there was already an implicit understanding of the regime model that would guide the political organization of the new country in the future. In an interview conducted by Rui Graça Feijó, several sources suggested considering a "presidential" model, referring to the effective and strong powers of the President.

This topic was revisited after the New York Agreement on May 5, 1999. CNRT leadership held a meeting in Salemba, where Xanana was under house arrest, and released a statement that was believed to broadly refer to a presidential system model. After the release of the historical leader, CNRT met again in Darwin, and it was here that they released the "transition plan," which for the first time referred to a "semi-presidential" regime.

In 1998, even before the new chapter of Timor-Leste's history began, FRETILIN had already drafted its own constitution from its base abroad in Mozambique. This new draft was inspired by Portugal and several experiences in Africa.

The power-sharing among competing political elites could only be facilitated by a semi-presidential regime structure, with the hope of reducing conflict. However, Timor-Leste's experience with the semi-presidential regime structure actually deepened social divisions when institutional conflicts occurred. As observed by Sophia Moestrup, "Instead of fostering cooperation within a divided entity, semi-presidentialism with a dual executive system could institutionalize political divisions, thus polarizing future political conflicts."

As Sartori stated: The characteristic of all semi-presidential regimes must be the dual authority structure, a dual-headed configuration. Therefore, all semi-presidential constitutions must establish, in some way, a diarchy between a President as head of state and a Prime Minister who leads the government.

b. Cohabitation in Timor-Leste

Almost two decades ago, Juan Linz warned about the potential dangers of semi-presidentialism for the stability of new democracies. In a cohabitation scenario, the President and Prime Minister come from opposing political groups, and power-sharing tends to turn into a power struggle, leading to political paralysis and instability in democracy.

Testing Linz's argument, which links the conflict between the President and Prime Minister over defense policy to political instability in Timor-Leste's semi-presidential system, it was ultimately found that during the 2006 political crisis, President Xanana Gusmão and Prime Minister Marí Alkatiri fought over control of defense policy. Democracy instability was confirmed when the President declared a state of emergency and requested foreign military assistance to restore peace and enforce the rule of law. From this, it can be concluded that Linz's warning about the potential dangers of power division in defense matters is justified.

Another fact is the controversy surrounding the dismissal of General Lere Anan Timur, the Chief of Staff of the Armed Forces (*Falintil-Força Defesa de Timor-Leste - F-FDTL*). At that time, President Taur Matan Ruak defended the dismissal of the general, citing the transition to new leadership in the armed forces, expecting that by 2023-2024, all



former commanders would retire. Meanwhile, the government of the VI Constitutional Government rejected it for strategic reasons, as they were still facing maritime boundary issues with Australia. Although General Lere Anan Timur continued his mandate, it was never confirmed by President Taur Matan Ruak until he assumed a new position as Prime Minister in the VIII Constitutional Government.

Critics argue that semi-presidentialism is dangerous because it can trigger institutional conflicts. Institutional conflict, as understood, can be a source of ineffective decision-making or even paralyze the decision-making process, leading to political deadlock and constitutional crises. Cohabitation is a situation where the President and Prime Minister come from different parties, and where the President's party is not represented in the government, while the government is supported by a parliamentary majority. Such institutional conflicts can disrupt democratic decision-making processes, leading to constitutional crises and sometimes the collapse of democracy.

Some experts mention the dangers of "presidentialization," where excessive power in a semi-presidential system occurs when the President and the majority of Parliament come from the same political party. Such a situation can be associated with a consolidated majority government, a united government, or a situation "opposite to cohabitation," with the argument that a "hyper-President" could turn democracy into constitutional dictatorship.

Timor-Leste experienced cohabitation from 2002 to 2006. The 2001 Constituent Assembly elections resulted in a decisive victory for FRETILIN. In early 2002, it was decided that the Constituent Assembly would officially become the first National Parliament. Marí Alkatiri, the leader of FRETILIN, was appointed Prime Minister of the First Constitutional Government on May 20, 2002. In April 2002, José Alexandre Gusmão (better known as Kay Rala Xanana) became President after winning the first presidential election. The political configuration from April 2002 to June 2006, when Alkatiri resigned, was considered a period of cohabitation. However, according to Elgie, cohabitation does not occur in semi-presidential democracies when the President is independent.

In addition to the previously mentioned political and military crises, in 2018, after the Seventh Constitutional Government's program was rejected by the National Parliament through a motion of no confidence, the President of the Republic eventually decided to hold early elections. This led to the formation of pre-election alliances among political parties. The most notable was the alliance between CNRT, KHUNTO, and PLP, known as the "Parliamentary Majority Alliance" or "Alliance for Change and Progress" (*Aliança da Maioria Parlamentar* ou *"Aliança para a Mudança e o Progresso"* - AMP). Consequently, through AMP, the Eighth Constitutional Government was formed under the leadership of Prime Minister Taur Matan Ruak. However, this situation did not improve the country's political situation, and Timor-Leste entered into a political deadlock, starting with President Francisco Guterres-Lu Olo's rejection of the appointment of 11 government ministers proposed by Prime Minister Taur Matan Ruak, with allegations of involvement in criminal cases. This led to a lack of political coordination between the President and Prime Minister, and eventually, CNRT chose to leave the AMP coalition and rejected the 2020 State Budget in the National Parliament. Ultimately, FRETILIN supported the existence of the Eighth Constitutional Government until its mandate ended.



The experience of cohabitation in Timor-Leste differs from other countries like France, Portugal, and others that practice a semi-presidential system. As is often the case in countries with a semi-presidential system, cohabitation occurs when the President and Prime Minister come from different political parties, which can lead to tensions and adjustments in the power structure. Unlike in countries with semi-presidential regimes, cohabitation in Timor-Leste refers to the leaders, not the differences between political parties.

In Timor-Leste, the leaders come from different historical, political, educational, ideological backgrounds, and experiences during the national liberation struggle. These leaders use these differences and mix them with national interests. These facts can be observed when the leaders occupy important state positions like the President of the Republic and the Prime Minister, even though they essentially do not come from political party support but represent their own political personalities (political figures), and this becomes the basis for differences when serving as President of the Republic and Prime Minister. Thus, the issue of cohabitation in Timor-Leste, regarding the relationship between the President of the Republic and the Prime Minister, is not based on political party differences but on the differences in character and historical and political personalities of the political elites themselves.

Cohabitation between the President of the Republic and the Prime Minister from the First Constitutional Government to the Eighth Constitutional Government (except for the current Ninth Constitutional Government) has not worked well and there is a tendency for conflict between these two institutions, leading to constitutional violations, political instability, governance issues, and democracy issues until now.

c. Alternative Future Government System

To discuss and find alternatives for an ideal government system that adapts to the socio-political reality in Timor-Leste, the author presents three key hypotheses to facilitate this scientific research. The author asks informants to provide their perspectives on political instability, governance, democracy, institutional conflicts, and constitutional violations that occurred post-independence restoration during the implementation of the semi-presidential regime in Timor-Leste. To answer this question, the author presents at least three hypotheses to informants, as follows:

1. Should the semi-presidential system be replaced with another system, such as a presidential or parliamentary system?;
2. Should the semi-presidential system be maintained, because the issue lies not in the system, but in the "people (human factor)," meaning the political elites themselves who cannot adapt to the system?;
3. Is there a need for improvement or reform in the semi-presidential system to adapt to the socio-political and socio-cultural realities in Timor-Leste?

The issues arising from the current semi-presidential system are not due to inherent weaknesses of the system itself, but stem from inconsistent implementation. In a democratic culture, one must be open to other branches based on their functions. This is a major challenge for us to integrate into those functions. Essentially, the problem is not the system, but the people (the leaders).



The system cannot operate effectively because it is complicated by the political elites themselves, who do not try to adjust to the system but rather exploit it for personal and group interests. When leaders understand the shared vision of the country, it becomes easier for them to coexist (cohabitation). Leaders struggle to understand each other because there is no clear vision of how to move the country forward, and instead, they mix their desires with the country's needs.

It is concluded that the crises that have occurred since 2002, with various problems affecting the democratization process, have led to political and governmental instability. As we know, during the 2006 political-military crisis, which led to the resignation of the Prime Minister. Other facts include the motion of no confidence by the National Parliament against the VII Government in 2017, leading to the dissolution of the VII Constitutional Government, political deadlock, the dissolution of the National Parliament in January 2018, and the holding of early elections. Other disputes include the disagreement between the President of the Republic and the Prime Minister over the dismissal of General F-FDTL Lere Anan Timur and the President's rejection of the appointment of ministers in the VIII Constitutional Government, as well as conflicts between parliamentary members from the ruling party factions and the opposition over leadership in the National Parliament.

These facts are constitutional facts that occur because the leaders come from different backgrounds of historical personality, political ideology, educational level, political thought, political ego, and different experiences during the national liberation struggle. Therefore, these leaders bring these differences and mix them with the national interests of the people and the state. We can observe these facts when our leaders hold important state positions such as the President of the Republic and the Prime Minister, even though they do not come from political party support, but instead represent their political personalities (political figures), creating differences when serving as President of the Republic and Prime Minister. All of this is not just a matter of political party differences (opposing parties), but differences in character and historical and political personalities. All of this is also the result of the historical competition between principles and political parties, the fragility of coalition systems, institutional tensions, and the increasing "clashes" between generations.

Regarding the hypothesis of replacement, improvement, or reform of the government system as discussed earlier, there is currently no plan to replace the semi-presidential system with another regime. However, in the medium term, there is a need and possibility to improve the existing regime to suit the socio-political reality through the approach of Maurice Duverger's theory on the semi-presidential system, where the President of the Republic holds significant power. In the long term, with the expectation that when the new generation of leaders achieves political maturity based on rational-legal leadership, there may be a significant possibility to adopt a presidential system as an alternative that better suits the socio-political and socio-cultural realities of Timor-Leste. However, to balance and control the power of the President, as seen in the experiences of other countries with presidentialism, the principle of separation of powers and checks and balances should be adopted, and the control by legislative, judicial, media, and civil society institutions should be strengthened.



CONCLUSION

Based on the previous explanation and discussion, several conclusions can be drawn as follows:

From the perspective of Constitutional Law, as outlined in the Constitution of the Republic and based on the theories proposed by experts, it can be concluded that Timor-Leste practices the characteristics of a Semi-Parliamentary Government System.

In short, when referring to the classic theory and definition by Duverger, a political regime is considered semi-presidential if the President of the Republic holds significant power; the fact is that the President of France holds more power compared to the President in Timor-Leste. Another supporting fact is that in Timor-Leste, constitutionally, the National Parliament holds more power than the President of the Republic. Thus, it can be concluded that Timor-Leste practices a semi-parliamentary regime rather than a semi-presidential regime.

The crises that have occurred since 2002 to the present have ultimately affected the democratization process, causing political and governmental instability. This is due to the differences in the political elite's backgrounds, including their historical and political personalities, educational levels, ideologies (thoughts), political egos, and experiences during the national liberation struggle. Currently, there are no plans to replace the semi-presidential system with another regime. However, in the medium term, there is a need and potential to improve the existing regime to align with the socio-political and socio-cultural realities in Timor-Leste. In the long term, when the new generation of leaders reaches political maturity and adopts rational-legal leadership, there is a high possibility that the country may adopt a presidential system as an alternative, which is expected to better suit the socio-political and socio-cultural realities of Timor-Leste.

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INTERVIEW

Uma entrevista pelo pesquisador com o General Reformado Taur Matan Ruak – Ex. Primeiro Ministro VIII Governo Constitucional e Ex. Presidente da República, no dia 02 de Junho de 2025 pelas 16.00 Horas Timor-Leste (HTL) no Gabinete Ex-Titular, Farol, Díli.

Uma entrevista pelo pesquisador com o Dr. Rui Araújo – Ex. Primeiro Ministro VI Governo Constitucional, no dia 05 de Junho de 2025 pelas 09.30 Horas Timor-Leste (HTL) no Gabinete Associação dos Médicos de Timor-Leste – AMTL, Bidau Toko Baru, Díli