
The State Structure Of Indigenous Communities In Timor-Leste

(Empirical Legal Study in the Bunak Tribe, Bobonaro Municipality)

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Abstract—The formation of the state structure and government of the indigenous people of Timor-Leste is seen from a historical perspective before colonization, during colonization and after independence. The life of the indigenous people with their social structure is very strong, with two main problems being studied, namely: 1) the constitutional structure of Timor-Leste society based on customary law (2) the form of customary structure and function adopted in the RDTL constitution. This legal research is empirical research with a socio-legal research type focused on examining the application of customary norms, and looking at The State Structure Of Indigenous Communities In Timor-Leste (Empirical Legal Study In The Bunak Tribe, Bobonaro Municipality) law in the real sense and observe and examine how law works in society. In addition, this research uses a legal concept analysis approach (conceptual approach), a historical approach, and a comparative approach. The results of this thesis research indicate that the state structure and the government structure of indigenous peoples are the social structures of the indigenous people of Timor-Leste in the form of unwritten non-scripta both the structure of authority, duties, and functions, as well as customary norms. Seen from the applicable legal norms of *ius constitutum* in the RDTL Constitution, the original state structure of Timor-Leste, along with its duties and functions, is still adopted.

Keywords: indigenous peoples; state structure

Introduction

The life of the Timorese people before the arrival of the Portuguese or the implementation of the Salazar Regime had its own life structure, seen from the structure of the indigenous community according to customary law, unwritten rules and practices that a community treats as binding, which was structured based on the hierarchy of each traditional house. The people at that time did not know writing, even so the life of the community was organized and had strong and firm beliefs, seen from the duties and roles of traditional leaders that could be carried out according to the existing hierarchy, although the duties and roles of traditional leaders were not written systematically, but the community was very obedient to the orders and sanctions demanded, because the indigenous people obeyed customary law and natural law, as it is known that the indigenous people of Timor-Leste have various tribes and ethnicities, from various tribes, ethnicities, arts and cultures that are unique and unique in their history. From the customs or habits that

exist, the indigenous people believe in animism, ancestors (bei-ala) so closely, from these habits certainly have very strong values of community life such as moral values, social values, beliefs and traditional values or habits that grow in real life. Animism belief originates from the Latin word *anima* which means "Spirit" in full Zakiak explains that animism is a belief in spirits and spirits before humans received the influence of teachings that are of the nature of God's Revelation. The characteristics of animism are marked by the belief in the existence of spirits of people who have died, animism believes that relatives and people who have died are still around their relatives. Not only that, the human spirit as written by A.G. Pringgogidgo in the general encyclopedia that animism leads someone to believe that nature including; mountains, forests, caves, and graves have souls and must be respected otherwise, the spirits in these objects will disturb humans. The customs and traditions of the Timor-Leste people can be recognized historically from prehistoric times to the present and are legally recognized for the existence and formation of the structure or structure of society in legal norms and customary law itself which becomes a reference for a legal order that can be implemented by all people in the traditional area. Because customary law is essentially formed through long-standing customs. While customary law is mostly uncodified or unwritten, it can foster harmony and order in much the same way as positive law.

Before the formation of the RDTL State, the state structure (the territorial and institutional arrangement that allocates authority across different levels of governance) and colonial government structure known as the Salezar Regiment, during the colonial period ran according to its own concept of government, although the main purpose of the colonization was to search for spices and gain territorial power, however the government structure of the Timorese people before the post-colonial period was obedient in carrying out their duties in accordance with their government, both from the government structure and the applicable rules. The government system adopted at that time was an absolute monarchy. Timor-Leste before the post-colonial period was obedient in carrying out their duties in accordance with their government, both from the government structure and the applicable rules. The government system adopted at that time was an absolute monarchy. Customary law is recognized as original law or something real, law that lives in the reality of society "*the living law*" The law exists and lives and develops with society, with its historical school, that law is a historical phenomenon, so that the existence of each law is different, depending on the place and application of the law, and the law must be seen as an incarnation of the soul or spirit of a nation (*volkgeist*). The influence of customary law from this school is strengthened by the sociological jurisprudence school which emphasizes the importance of "*the living law*" or law that lives in society.² Seen from the sociological aspect of community life in the Bunak tribe in the Bobonaro Municipality during this period, there was a change in both familiarity and obedience to customary norms, with the changes that the author means that customary values are now starting to decrease and the government is now paying less attention to customary law as a norm in structuring the structure and system of government and the formation of positive law, for example, it can be seen in land law number 13 of 2017 which regulates (*rejime especial ba definisaun titularidade beins imoveis*)³ from the process of forming the law, there is very minimal community participation, as we know that the laws that are formed are purely political products. Therefore, this law can be seen as a conflict with customary law and the values that exist in community life. Customary law and customs that grow in the life of society, the development of customary law with contextualization to the state administration will bring it closer to the concepts of the modern constitution in the life of the Timor-Leste community, especially the customary law community in the Bunak tribe. The Constitution regulates and recognizes the existence of customary law as regulated in Article 2 paragraph 4 of the Constitution of the Democratic Republic of Timor Leste. So the constitution has roots and is truly part of the system of community life, practiced and developed along with the development of society (the living constitution). Based on the description of the background above, the author proposes the following problem formulations to be studied:

1. Is the constitutional structure of Timor-Leste society based on customary law?
2. What is the form of customary structure and function adopted in the RDTL constitution?

Discussion

Is the constitutional structure of Timor-Leste society based on customary law

Regarding the writing of this thesis, it is certainly inseparable from the legal issues that the author presents in the first problem, for that reason the author should describe it carefully through several topics and subtopics that can be discussed. In this chapter, the author refers to the constitutional structure of indigenous communities, the structure of indigenous legal communities, the governmental structure of indigenous communities, the authority of indigenous community government in the Bunak tribe between the Lourba tribe and the Malilait tribe, the postu administrative Bobonoaro, the municipality of Bobonaro and changes in the governmental structure of indigenous communities from time to time are as follows:

Constitutional Structure of Indigenous Communities

The structure of society determines the legal system (structure) that applies in that society. The structure of society is the same as a life association or legal community (*rechtsgemeinschaften*). A legal association or *rechtsgemeinschaften* is a regular human unit, settled in a certain area, which is established bound in a unified and solid unity as quoted in Sigit Sapto Nugroho's theory. In customary law, society is viewed as a type of communal life where humans view other humans as a common goal. From a regular community unit with full solidarity, a system of communal life is established and togetherness is a basic principle that can give rise to culture because each member of the group feels bound to one another. To explain the structure of customary society, it is necessary to know that society in English is called society. The word society comes from the Latin word *socius* which means (friend), which means community. The term society comes from the Arabic word *syaraka* which means (to participate and take part). Society is a group of humans who socialize with each other, in scientific terms it means interacting with each other. A human unit can have infrastructure through which its citizens can interact with each other.

Society is a unity of human life that interacts according to a certain system of customs that is continuous, and which is bound by a sense of shared identity. a unity of society that has four characteristics, namely:

- 1) Interaction between its citizens;
- 2) Customs;
- 3) Continuity of time Society must be based on fundamental principles, namely social reality and social reality. Social reality is defined as a symptom of social power in society. Society is the most perfect container for living together between humans.

A Strong Sense Of Identity That Binds All Citizens.

All citizens are humans who live together, living together can be interpreted as living in a social order and this condition will be created if humans have relationships. Community life is seen in reality as objectively independent, free from the individuals who are its members. Society as a group of humans in it there are several elements that include;

- 1) Society is humans who live together;
- 2) Mixed for a long time;
- 3) They are aware that they are a unity;
- 4) They are a system of living together.

From the real or actual life of society in a system of living together, independently and freely but society has its customary structure, each customary law society has a structure that is territorial genealogical

in nature (in terms of territorial elements are stronger than genealogical elements) or has a structure that is genealogical in nature (in terms of genealogical elements are stronger than territorial elements). The customary structure is territorial in nature, meaning that the customary law society that is structured based on the regional environment, is a society whose members feel united and together in the unity of the customary law society concerned. Because the society has a bond with each of the lands where they live. The foundation that unites the members of the society whose structure is territorial is the bond between the people who are members of each society with the land they have lived in since their birth, which is experienced by their parents, which is experienced by their grandmothers, which is experienced by their ancestors, from generation to generation the bond with the land becomes the core of the territorial principle.

A customary law community whose structure is genealogical (according to the principle of blood (descent) is a legal community whose members feel bound in an order based on the belief that they all come from the same descendant, meaning, a person becomes a member of the customary law community in question because he becomes or considers himself a descendant of a single father-origin (male ancestor), through the male line or from a single mother-origin (female ancestor) through the female line and thus all members of the community in question become a unit and are subject to the same (customary) legal regulations.

In a customary law community determined by this genealogical factor, we recognize three types of kinship ties, namely:

- 1) Male kinship ties or patrilineal is a marriage system based on the paternal line.
- 2) Female kinship ties or matrilineal is a marriage system based on the maternal line.
- 3) Parental descent is a marriage system based on the paternal line.

The formation of a state structure is based on the theory of social contract as conceptualized by Thomas Hobbes who put forward the "*pactum subjectionis*" that by agreeing to form a State, the people surrender all their natural things (before the existence of the State), to be fully regulated by the State's power. Meanwhile, John Locke put forward the existence of "*pactum unionis and pactum subjectionis*" that the majority (majority) of members of a society form a union first, only then do members of society become subjects of the State. Basically, a nation is established and formed in the life of society naturally in a certain area, in a region there are various tribes, clans "knua" customary law communities have their own structure including forms of society or village customary law associations, village equipment, village customary councils and village assets. For this reason, the customary legal community organized in the local area is a territorial social unit that encompasses several village legal communities, each of which remains an independent unit.

Structure of the Bunak Tribe's Customary Law Society, Bobonaro Municipality

Moving from the structure of the Bunak Tribe's customary law society in Bobonaro Municipality today, a symptom of diverse cultures, customary law as a reality that cannot be denied. It can be obtained from the division of customary areas into customary law environments that show or indicate diverse customary law. The division of customary areas starts from "Aibubur Naruk" a name for the area since the Portuguese colonial era or called Phie Legul. The Lourba Tribe and the Malilait Tribe as the Bunak Tribe or the Bunak-speaking tribe from several other tribes in Bobonaro Municipality, the community life in these two tribes is formed based on genealogical kinship ties (blood ties) because in the time of the ancestors of the two tribes were one clan and one descendant who had religious customary ties, meaning a bond based on "magical religious" beliefs based on the power and legitimacy of the sacred house "uma lulik." The two tribes were then divided into two tribes. This division occurred during the Portuguese colonial era, so the region was divided based on the territory of each king, "liurai," who was called "chefe do suco" (village head). Therefore, the customary law community structure in these two villages or "tribes" was based on

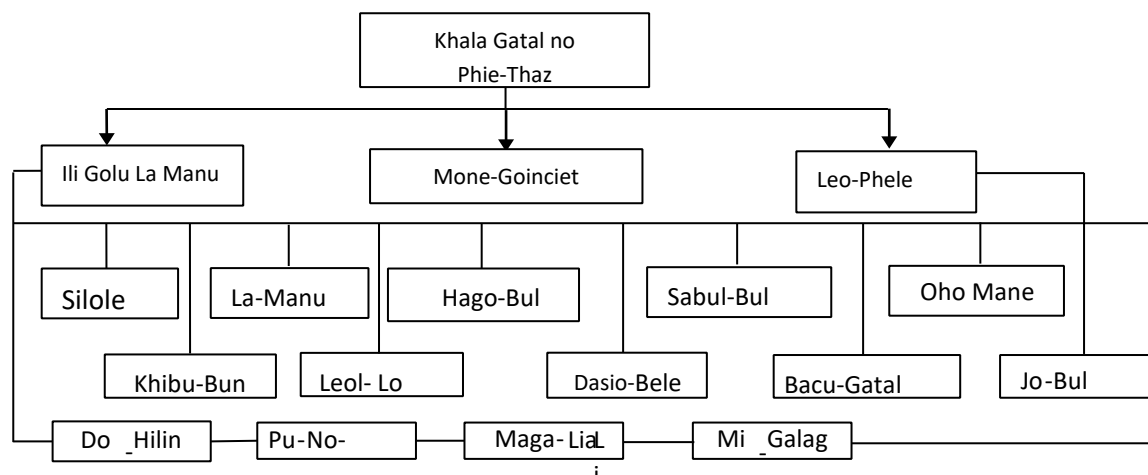
neighborhood ties (territorial). However, the structure and formation of the customary law communities of Lourba and Malilait villages, as explained previously, is based on "geneological" kinship ties and is formed based on the traditional house "uma lisan". In the Bunak tribe (Lourba and Malilait) there are several uma oral traditional houses. In the Malilait tribe there are twenty traditional houses in three aldeia RTs including the following; **1) Phie-Thaz; 2) Khala-Gatal; 3) Mone Goinciet; 4) Leo phele; 5) La-Manu; 6) Phietahs Lokhal kha; 7) Phietahs Dou gol; 8) Sabul-Bul; 9) Leol-Lo; 10) Silobere; 11) Hago-Bul; 12) Dou-Hilin; 13) Mie-Galag; 14) Khibu-Bun; 15) Jo-BBul; 16) Pu-Noet; 17) Oho Mane-Bei Asa Mali; 18) Oho Mane-Lesik Bul; 19) Bacu-Gatal; 20) Dasio-Bele.** Based on several traditional houses mentioned above, the oldest traditional house or house The most highly ranked of the twenty traditional houses of the Malilait tribe are the Phie-Thaz and Khala-Gatal. However, both traditional houses have a natural structure in life. With the increase of descendants and living separately, they build houses and give their homes their identity, ultimately becoming traditional houses.

Furthermore, Lourba is one of the tribes in Município Bobonaro, this tribe was formed in the time of the ancestors called "Hol-Lekhi Lep-Gen" the name Lourba was given and determined during the Portuguese colonial era, this tribe with the Malilait tribe is historically one clan only, because it has the same basis which means all descendants come from the same traditional house, namely the Phie-Thaz traditional house and the Khala-Gatal traditional house. Although currently the Lourba tribe has various traditional houses, but from one basis, one ancestor and one traditional house, the traditional houses in the Lourba tribe now have thirty-three traditional houses "uma lisan" which are located in four RT aldeia each such as in aldeia gumer there are nine traditional houses, aldeia Zobelis there are ten traditional houses, while in aldeia Lourba-Leten there are seven traditional houses and in aldeia Sordoli there are seven traditional houses as stated in the following table:

Traditional houses found in four aldeia, Lourba tribe				
No.	Aldeia Gumer;	Aldeia Zobelis:	Aldeia Lourba Leten;	Aldeia Sordoli;
1	Silole	Phie Thaz,	Phie Thaz,	Lul-Dare,
2	Oho-Mone,	Hol-sa,	Hol-sa,	Melarus,
3	Hagobul,	Leo-Phele,	Leo-Phele,	Oa-Buci,
4	Mone Goinciet,	Sili-Gatal,	Zo-Bul,	Bere-Ubun,
5	Chulu-oa,	Silole,	Khibu-Bun	Mau-Daban,
6	Leo pele.	Zo-Bul,	Thau-Gen,	Betha-Rapho,
7	Dasi-Ibun	Acu-Aben,	Mone Goinciet.	Lolo-Ubun,
8	kategori rumah adat paling kecil Chili-Gatal	Olo-Gun,		
9	Mone Goinciet	Khibu-Bun dan		
10		Thau-Gen.		
Total	9	10	7	7

Of the various traditional houses, there is a traditional house that is the first and has a high degree. So, the traditional houses in both tribes are almost the same, this is because the traditional house in the Lourba tribe is a traditional house from the Malilait tribe, usually called the "Thaz" knua. However, the first and highest traditional house in the Thaz Malilait tribe is the Phie-Thaz traditional house and the Khala-Gatal traditional house as mentioned above. So the people of both tribes are customary law communities that are geneological in nature, namely customary law communities whose members feel bound by an order based on the belief that they all feel they come from the same descent (blood). From the structure of the

formation of the structure of the customary society based on legitimacy towards community life through traditional houses as illustrated by the author in the following diagram.



From the formation of indigenous communities in both tribes developed according to life naturally starting from the pre-colonial era during the colonial era and the era of independence, from the life of the community before the colonial era was formed and the existence of laws such as the validity of provisions regarding positions, government structures, positions contained therein.

Traditional Indigenous Community Government Structure of the Bunak Tribe in the Bobonaro Municipality

1). Bobonaro Municipality

Bobonaro Municipality is one of 13 administrative districts in Timor-Leste. It is the second westernmost district in the east of the island. Its population is 82,385 people (2004 Census) and its area is 1,368 km². With six Administrative Posts, namely Atabae, Balibó, Bobonaro, Cailaco, Lolotoi and Maliana. The division of the region has been in effect since the Portuguese colonial era, the capital at that time was Vila Armindo Monteiro, which is now called Bobonaro. Most of the population of Bobonaro can speak the Malayo-Polynesian languages, namely Bunak and Kemak, in addition to the national languages of Tetun and Portuguese. The Municipality of Bobonaro is located at 9.00° South Latitude and 125.22° East Longitude, 149 km southeast of the national capital of Dili. The next two largest towns in this district are Aubá, with a population of 6,700 people; and Lolotoi with a population of 3,800 people. The Minicipio Bobonaro area has boundaries that include the northeastern part bordering the Municipality of Ermera, the east bordering the Municipality of Ainaro, the southeast bordering the Municipality of Covalima, to the west bordering Belu Regency, East Nusa Tenggara Province. While the Sawu Sea is located north of the Municipality of Bobonaro. In the Municipality of Bobonaro there are several tribes besides the national languages of Tetun and Portuguese, there are languages such as Bunak, Kemak, Terik and Bekais

2). The Bunak Tribe

The Bunak people (alternative spellings: Bunaq, Buna', Bunake), also known as the Marae, are an ethnic group living in the central highlands of Timor, separated by the political border between West Timor, Indonesia, specifically the Lamaknen District, and Timor-Leste. The term Bunak also refers to the Bunak language, a non-Austronesian language of Timor-Leste, classified as a Trans-New Guinea language. They are surrounded by tribes speaking languages from the Malayo-Polynesian language family, such as Atone and Tetum. The Bunak language is not classified as an Austronesian language but is more closely related to the Papuan language groups of New Guinea. The Bunak language is spoken by the Bunak people who are spread throughout the central part of Timor Island, which is politically separated by the border between Indonesia and Timor-Leste. Other names for this language are: Buna', Bunake, and According to Languages

of the World (Voegelin and Voegelin 1977), there are around 100,000 speakers of this language, separated between the two countries. There are several tribes or regions that speak Bunak in the Bobonaro municipality, the Bobonaro administrative post is as follows; Bobonaro, Malilait, Lour, Lourba, Sibuni, Molop, Mazop, Tapo, Sibuni, Leber, Ai-asa, Tapo, and Oe-Leu tribes, some of these tribes are not included in the Lolotoi and Maliana administrative posts. The Bunak tribal community of the Bobonaro Municipality mostly still has a strong and bound culture, the belief of the Bunak tribal community in Bobonaro towards regional and local culture from generation to generation is still maintained, protected and institutionalized by the community in every place by every regional community group. These cultures include the community's belief in animism such as; spirits of deceased people, belief in ancestors, dowry in marriage traditions, traditional ceremonial traditions, burial of the deceased, having strong family and kinship ties, passed down from generation to generation from several generations are still very close, interdependent and respectful of customs known as caste.

With the values of various cultures, traditions and beliefs supported by customary law and community traditions, these are supporting factors for harmony and peace among the people in the Bobonaro Municipality. The influence of these still strict and strong cultural values can increase social, economic, political and legal values that guarantee peace and harmony in community life in the dynamics of the Bunak tribal customary government order in the Bobonaro Municipality from time to time.

The regional language culture owned by the people in the Bobonaro Municipality which is a characteristic of each region until now is;

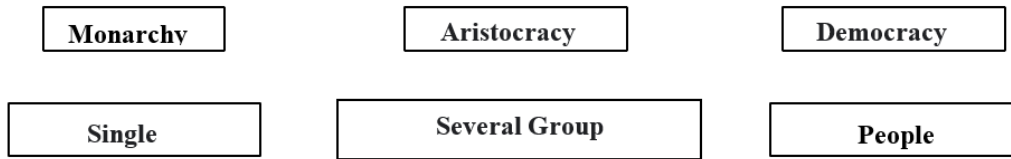
1. Bunak regional language, namely the regional language used by the people in the Bobonaro Administrative post, Lolotoe Administrative Post and Maliana administrative post;

2. Kemak regional language, namely the regional language used by the Ilatlaun, Soulesu, Atuaben, Tebabui, Hauba and Kota-Bo'ot tribes, Bobonaro Administrative Post;

3. Tetun terik regional language, namely the regional language used by the people in the Kowa tribe, Balibo administrative post;

4. Bekais regional language is the regional language used by the people of the Leo hitu tribe, Postu administrative Balibo. In the life of the indigenous people of the Bunak tribe, especially Lourba, postu administrative Bobonaro has its own indigenous community life structure, the structure that applies at the time in this tribe is a community structure that is based on a mixed structure of descent (geneology) and territorial structure. The structure of the indigenous people of the Lourba tribe has a traditional structure and a modern structure as regulated in Law number 3 of 2009, concerning the Strutura Lideransa Komunitaria. 3). Classical-Traditional Structure In the classical-traditional perspective, it can be compared with the classification of the State as described by Plato, Aristotle Polybius and Thomas A. In three forms of State; Monarchy, Aristocracy and Democracy. Polybius's famous thought regarding the state is the Polybius Cycle. At first, the state was a monarchy whose power was exercised by the king from generation to generation. However, later, the king acted arbitrarily and did not think about his people. Thus, the government transformed into a tyranny controlled by a dictator. The tyranny met with opposition from scholars and nobles, who overthrew the dictator, and the government shifted to an aristocratic structure. As the situation developed, some of the aristocrats no longer considered the interests of the people, leading to an oligarchy, leading to the people becoming independent. Due to the people's suffering, civil disobedience ensued, placing the people as the primary decision-makers in state affairs, leading to a democratic government that, among other things, provided freedom of action. As a result of this poorly managed freedom, chaos ensued, and the government transformed into an ochlocracy. In this chaotic situation, a strongman emerged to control the situation and reverted to a monarchy.

The classical-traditional structure can be compared with the classification of countries as described based on the following opinion.

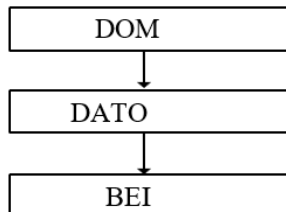


Information:

Comparison of the structure and classification of state forms

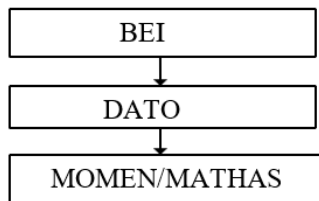
Monarchy	Aristocry	Democracy
Power is exercised by the king from generation to generation. The king acted arbitrarily and did not think about his people.	Scholars and nobles who overthrew dictators	Power is centered in the hands of the people (popular sovereignty). Power is exercised by the people for the benefit of the people themselves. The people are free to act and the people are the main actor in making state decisions and in this case the government.

Based on the structure and classification of the form of the State as described by Plato, Aristotle Polybius and Thomas A above, compared to the classical-traditional structure in the Bunak tribe, especially in the Lourba tribe and the Malilait tribe of the Bobonaro Municipality, there are two structures, one structure has broad power, meaning its area of power covers all clans or hamlets "knua/thaz" and the other structure has a narrow area of power, meaning it only has power at certain times and in certain aspects contained in their respective traditional houses, the classical-traditional structure found in the Lourba tribe and the Malilait tribe as described in the following diagram



Description;

This traditional classical customary government structure is a structure whose area of power is wider "across all clans or Knua/Thaz:"



Description; The traditional customary government structure has a narrower area of authority, only in the RT or aldeia/long, whose function concerns (ukun no bandu);

DOM	BEI	DATO HOLLEKHI	MOMEN/MATHAS
Someone whose power is extensive, meaning power over a certain area or more.	A person appointed has authority over each clan. This authority is perceived as the President. Every decision made by the Dato must be	Dato has the authority to make customary decisions in general within the clan or tribe (lia metan, lia mutin)	The Momen has the authority to carry out orders over the Dato. Every decision made can be notified to the Dato. The Momen's authority applies narrowly.
	Bei knew that if he was not notified, he would be subject to punishment in the form of a fine.	This authority is conceptualized as a judicial body.	This means it only applies to traditional houses. So the authority of a Momen or Mathas is conceived as a legislative and executive body.

Duties and Functions:

From the government structure above, each has its own duties and functions, Momen/Mathas submits reports to Dato, then Dato submits to Bei, usually called Bei Masac, he is someone who only lives in one place, and only issues orders and receives reports, and vice versa Bei Masac gives orders through Dato, and Dato submits to Momen/Mathas. From the two traditional classical government structures as described above, there are similarities and differences, seen from the similarity side, both have three structures, but from the difference side, it is seen from the scope of their respective powers and the terms "BEI and MOMEN" are formed in three structural chains, each has its own meaning and concept, the meaning and concept are seen from the philosophical aspect which is based on the concept of "Oa no hili o bul no goni o" which means two above three below.

Authority of Indigenous Peoples

Government The indigenous people of Timor-Leste have lived for quite a long time, in the life of society long ago before the Portuguese colonization in 1515, the people of Timor-Leste have lived in their own government based on their respective customs or traditions and customary laws which exist in the hamlets or knua established by the ancestors or forefathers of the people of Timor-Leste. The government of the indigenous people of Timor-Leste left by their ancestors was run by a liurai who was at that time the gentius of each knua and hamlet in their territory. However, Raja or Liurai as quoted by Dom Carlos Filipe Ximenes Belo from Afonso de Castro's opinion that "a palavra Tétum Leoray ou Liurai provem da palavra portuguesa "Rei". *o termo português "Rei, da aqui a chamar-se rei ao chefe do reino."* Translation. The word Leorai comes from Tetum or Liurai (King) in Portuguese. The King "Rei" here is called the King, the head of the community. Free translation by researcher; From the government held by a Liurai, he has the authority as executive power contained in the constitutional legal system of the indigenous people of Timor-Leste. The indigenous legal system of Timor-Leste, which is usually called customary law in Lisan Tetum, another term is commonly used *uju no kustume*. is Liu Rai. At a certain level, Liu Rai is a symbol of power in the form of a monarchy, even if only within the boundaries of the hamlet. Each hamlet in Timor-Leste is led by a Liu Rai. However, in exercising his power, Liu Rai has not yet fully realized the feudal order as exists in societies with established and quite old kingdom systems. Generally, a Liu Rai leads his relatives. Only in subsequent developments did the Liu Rai's territory expand and expand along with local wars of conquest that occurred among the Liu Rai. The socio-political organizational structure of Timor-Leste society received legitimacy and legality from the power of transcendence that manifested in the institutional concept called Uma Lulik. Uma Lulik (Sacred House) is the source of legitimacy of power and legal rules passed down and implemented by an elder called Lia Nain, accepted absolutely. Lia Nain holds the position of holder and implementer

of legal and justice administration. The structure of civil dispute resolution has two channels of resolution, namely through state courts and outside the court (customary courts). The resolution of disputes regarding customary land and communal land is carried out outside the court, namely through customary courts, customary courts including dispute resolution that exists in customary law communities, because the resolution is carried out through deliberation. This out-of-court dispute resolution is generally called alternative dispute resolution (ADR) as written by Rachmadi Usman.

Dispute resolution has existed since the ancestors of the Timorese people. This is evident in the culture of deliberation to reach consensus that is still very visible in rural communities, where when there is a dispute between them, the community tends not to take the problem to court, but rather resolved it amicably. In general, in making decisions that impact the lives of all hamlet residents, Liu Rai always consults with elders through a system and mechanism known as *biti bot*. In the original constitutional law system or Oral *biti boot* is perceived as a legislative body or representative institution that describes the process of deliberation to reach consensus. With the applicable customary village power, three types of customary village power can be distinguished, namely:

a. The power to establish rules to maintain orderly and peaceful organizational life. This power is held together in a village meeting (*paruman/sangkepan desa*).

b. The power to organize the life of the organization that is socio-religious.

c. The power to resolve disputes that indicate a conflict of interest between villagers or in the form of actions that deviate from established rules and can be considered as actions that disrupt community life. *Dato* is a position to see the security situation, narrow and broad situations in the practice of customary law in the Tapo tribe that applies is called *tara bando* / *thues, ukon lai*. *Thues, ukon lai* is a word from the Bunak tribe, namely the Tapo tribe.

Thues means law, *ukon lai* means sanction. If a mistake occurs from the community, then there is a complaint between the two parties, then the victim must meet the authorities to provide information about the incident between them to the mediator / *gidal hurug*. *Gidal Hurug* is a scientific word from the Bunak tribe. The mediator / *gidal hurug* calls the perpetrator to dig into the problem so that a solution can be found and carry out a mediation. The mediator / *Gidal hurug* after the meeting between them already knows their opponents beforehand. The mediator provides information to the authorities to implement sanctions, because implementing a sanction requires the presence of another official. To issue sanctions, the mediator is the one who has the authority to decide. After obtaining the decision, the other official carries out the duties of the *tara bando*, the one with the authority is the *ukon gomo*. The *ukon gomo* is the accomplice of the *okul gomo*. There are two forms of conflict resolution according to the Bunak community: through traditional institutions and the initiation of rituals. Conflict resolution through traditional institutions usually involves all traditional leaders from various ethnic groups. The reason is that decision-making is a collective decision based on oral traditions passed down from ancestors.

What is the form of customary structure and function adopted in the RDTL constitution

The form and structure of the legal community which is a legal association, its members are bound by territorial and genealogical factors. According to the understanding put forward by legal experts in the Dutch East Indies era, what is meant by a legal community or territorial legal association is a permanent and orderly society, whose members are bound to a certain residential area, both in worldly terms as a place of life and in spiritual terms as a place of worship for ancestral spirits as quoted in Hilman's view. Group life or social procedures in society require rules of the game so that all different or conflicting interests can be overcome.

This concrete need is what drives society to form rules, which at the level of society that does not yet know the alphabet is called customary law, namely law that is unwritten but in the limits of scientific under-

standing can be called a law that establishes (constitution, in a simple sense) the organization of society and regulates life together in order to create order and peace. At this level of reality, if interpreted with the definition of the state which states that 'the state is a political organization of the people' then a community organization based on knua or clan or tribe is an organization that has legal order. The community is regulated by customary law as a law that regulates all aspects of human life in relation to other humans in a particular jurisdiction. In the life of the indigenous people of the Bunak tribe, especially in Lourba, the postu administrativu Bobonaro has its own characteristics and structure of indigenous community life, the structure that applies at the time in this tribe is a community structure that is based on a mixed structure of descent (geneology) and territorial structure. The community structure in the Lourba tribe in question and is currently in effect. In the life of the indigenous people of the Lourba tribe, has its own characteristics and structure of indigenous community life, the structure that applies at the time in this tribe is a community structure that is based on a mixed structure of descent (geneology) and territorial structure. The community structure in the Lourba tribe in question and is currently in effect.

Duties and Functions of the Structure of Customary Communities

The Arrangement of Community Institutions states that customary institutions are Community Institutions, whether intentionally or unintentionally formed or which have naturally grown and developed in the history of society or in a particular customary law society with legal territory and rights to property in the customary law, and have the right and authority to regulate, manage and resolve various life problems related to and referring to the customs and customary law in force. One of the problems that often occur in society is the problem regarding customary land disputes, so that by referring to Law Number 3 of 2009, concerning the Strutura Lideransa Komunitaria, the resolution of customary land disputes is already the authority of Customary Institutions.

Customary Government Structure Adopted in the RDTL

Constitution Based on the previous description, it explains that the customary government structure has the authority to regulate the rights and obligations of the customary community itself in its territory, in the form of a customary government that adheres to monarchical and democratic characteristics. The form and structure of a legal community which is a legal association itself, its members are bound by territorial and genealogical factors. With the existence of a government structure to regulate the authority, obligations and regulate the state organization, the relationship between state equipment in vertical and horizontal lines as well as the position of citizens. In the organization, it is determined how the desired form of state and form of government are as well as the division of state territory according to its level. What is meant by horizontal relations is the relationship between executive, legislative and judicial powers.

The relationship between executive and legislative powers can give birth to a government system. In the context of implementing relations and work procedures between State Institutions in order to achieve the State's goals, generally in the theory of Government law according to Geovani Sartori, Moh Mahfud MD, Jimly Assiddiqie and Sri Soemantri, there have been three models of government systems, namely: First, the Presidential Government System, Second, the Parliamentary Government System and Third, the Mixed Government System or quasi-Presidential and quasi-Parliamentary.

There are several forms of government systems, parliamentary government, presidential, a mixture of the two systems (quasi) and referendum. It can be said that the horizontal relationship is essentially a system of government at the central level. As a democratic country, Timor-Leste's form of government is a Republic with a semi-presidential system of government. The head of state is led by a president and the head of government is led by a Prime Minister. Both the president and the Prime Minister have a 5 (five) year term of office. The President of the Republic is elected directly by the people through a universal, free, secret and personal election mechanism with a system based on a majority of valid votes without counting blank votes. The elected President will be sworn in and inaugurated by the President of the National Parliament before the members of the National Parliament on the last day of the term of office of the outgoing President of

the Republic. If the President dies, resigns or suffers from permanent disability, then his/her functions will be carried out temporarily by the President of the National Parliament who will be sworn in by the members of Parliament before 90 days after the election of the new president of the republic. Meanwhile, the Prime Minister will be appointed by the parliamentary majority party or a coalition of parliamentary majority parties, then appointed and inaugurated by the President of the Republic, after consulting with the political parties holding seats in the National Parliament (2002 Constitution of Timor-Leste article 106 paragraph (1). The President of Timor-Leste has a function that is merely ceremonial, but he also has the right to veto laws and has the authority to dissolve the National Parliament if there is a serious institutional crisis, which prevents the formation of the Government or the ratification of the State Budget, dissolve the Government and dismiss the current Prime Minister if there is two rejections of the work program offered to the National Parliament, declare war and make peace on the proposal of the government and the High Council of Defense and Security, and others. Meanwhile, as head of government, the Prime Minister heads the Council of Ministers or the Government cabinet.

The Prime Minister will be appointed by the parties that win the majority or the coalition of parliamentary majority parties. Meanwhile, members of the government or ministers and deputy ministers are appointed by the President of the Republic on the proposal of the Prime Minister. Timor-Leste adheres to a unicameral system of government, meaning there is only one legislative body called the National Parliament (Parlamento Nasional). The National Parliament consists of at least 52 (fifty-two) and a maximum of 65 (sixty-five) members. Historically, Timor-Leste's first cabinet was formed on November 30, 1975, after Fretilin unilaterally proclaimed Timor-Leste's independence on November 28, 1975, with Nikolao Lobato elected as Prime Minister.⁹³ However, this cabinet only lasted for nine days. This was because on December 7, 1975, Indonesia annexed and took control of Timor-Leste.

Viewed from the perspective of the Timor-Leste region as a country that adheres to democratic principles, power is in the hands of the people and government from the people, by the people and for the people, then it is no longer possible for all government affairs to be carried out by the central government. Therefore, the executive power and legislative power in practice need to carry out a vertical relationship which means a regional government system, or carry out decentralization as regulated in article 5 of the Constitution of the Democratic Republic of Timor-Leste. In the organizational structure, there is a form of cooperation with the aim of achieving a goal, the state goal to be achieved in the country of Timor-Leste as regulated in article 6 of the Constitution of the Democratic Republic of Timor-Leste;

1. The state has basic objectives:
 - a) Protecting and guaranteeing the sovereignty of the State;
 - b) Guaranteeing and developing the rights and fundamental freedoms of every citizen and respect for the principles of a democratic State;
 - c) Protecting and guaranteeing political democracy and the participation of the People in solving national problems;
 - d) Guaranteeing economic development, scientific and technological progress;
 - e) Promote the development of a society based on social justice, creating material and spiritual well-being for every citizen;
 - f) Protect the environment and maintain natural resources;
 - g) Uphold and uphold human dignity and the cultural heritage of the people of Timor-Leste;
 - h) Establish and develop friendly relations and cooperation with all nations and countries;
 - i) Develop harmonious and integrated development between all sectors and regions and the fair and equitable distribution of national wealth; j) Develop effective equality of rights between women and men.

Customary law as a basic source for the formation of positive law in Timor-Leste

The formation of positive law is based on philosophical, juridical, and sociological principles. Customary law is an unwritten law, which is a guideline for the majority of Timor-Leste society and is maintained in daily life both in cities and villages. Customary law always grows from a real life need, a way of life and a view of life which as a whole constitutes the culture of the society where the customary law applies. Customary law is a part of the culture of the Indonesian nation. Therefore, by studying customary law, we have learned a part of our nation's culture. People confuse the concept of custom that contains sanctions, namely customary law, with the concept of custom that does not contain sanctions, namely customs only.

Conclusion

Based on the problems and objectives of the research described in chapters I and II, and connected with the results of the analysis and discussion described in chapters III and IV, the following conclusions are generally drawn; Based on the results of the research and its discussion, it can be concluded that the meaning revealed from this research is the state structure of indigenous peoples, especially in the Bunak tribe between the Lourba tribe and the Malilait tribe, the administrative post of Bobonoaro, the Bobonaro municipality is formed based on genealogical lines and territorial lines, from one clan, place of birth and the relationship of matrilineal kinship lines, the structure of customary law communities and the structure of customary government and the authority of customary government in the tribe has legitimacy from the traditional house "uma lisan" which is categorized as a sacred house "uma lulik" "dou Pho". The sacred house is the basis for descendants and relatives to obey the norms and customary orders, if a violation occurs, it will be dealt with by natural law "lex naturalis" as stated by Thomas Aquinas.

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