

LEGAL ANALYSIS OF THE PRESIDENT'S VETO RIGHTS DETERMINATION ON THE DRAFT BUDGET OF STATE REVENUE AND EXPENDITURE BASED ON THE CONSTITUTION OF THE DEMOCRATIC REPUBLIC OF TIMOR-LESTE

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ABSTRACT

The title of the research is an analysis of the law on the determination of the president's veto right against the draft law on state revenue and expenditure based on the 2002 Constitution of the Democratic Republic of Timor-Leste.

The President of the Republic has veto power over any Draft Law, including in this case the State Budget as stated in article 88 paragraph (1) and (2) of the Republic Democratic of Timor-Leste Constitution of 2002, however the enforcement of this veto right raises several problems including: first, juridical issues separately where there is a vacuum of norms because the regulation of norms regarding the period of 30 days is still not explicitly explained in article 88 paragraph (1) of the Republic Democratic of Timor-Leste Constitution, therefore it is necessary to have a special regulation that will regulate the veto of the President of the Republic. Second, sociological issues, the decision to determine veto rights can also lead to disadvantages for the order of life for the community, thus raising questions 1. Is the determination of the President's Veto Rights against the APBN Law a prerogative for the President in the form of a republican government in accordance with the mandate of the Republic Democratic of Timor-Leste constitution 2002? 2. Is the determination of the President's Veto Rights on the State Budget Bill in accordance with Article 88 of the 2002 Republic Democratic of Timor-Leste Constitution?

Furthermore, it will use normative legal research methods, types of normative jurisdical research, types of statutory approaches, conceptual analysis, and historical approaches, used in the collection of legal materials, and in the study using interpretation and legal construction techniques.

Thus, in the first discussion, the determination of the President's Veto Rights on the draft bill of the annual state budget is the President's prerogative that cannot be interfered with by other institutions. Second, the determination of the President's Veto Rights on the APBN Bill is in accordance with article 88 of the 2002 Republic Democratic of Timor-Leste Constitution. Where first, the determination of the President's Veto Rights on the APBN Bill is the President's prerogative to reject and ratify submissions from the National Parliament, because his rights cannot be intervened by other state institutions. , The President can request the court to conduct a review and / or submit it back to the National Parliament for review. Second, the determination of the President's Veto Rights on the APBN Bill was in accordance with Article 88 of the 2002 Republic Democratic of Timor-Leste Constitution, because in determining a veto over the draft bill of annual state budget , the President of Republic Democratic of Timor-Leste did not ask other institutions for consideration.

Keywords: President's Exercise on Veto, Timor-Leste, State of Budget Law

1. INTRODUCTION

As the president of the Republic power distinctly clearly by the constitution compared to the President of the National Parliament, the enact power both on veto against or approval of any proposed draft law submitted to the president is a reminder of the exercise of the president power. Article 69 of the Timor Leste republic constitution¹ clearly differs the competence on power separation between president, parliament government as well as with the court and hence its alignment with the separation of power theory² by Montesquieu (Asshidiqui, 2017, 286). While exercising its power, the President guided by the article of 88 could veto any proposed law submitted by the office of the national parliament.³ As the authorities of veto hold only by the president with certain limitations such as time given, justification for vetoing is still questioned, the competence itself must be considered as the prerogative rights of the president. However, this separation of power needs to combine with check and balance and its interdependencies between different state organs especially with the competence of the government as the executive body and the parliament as the legislative body. The veto power authorities as described by H.D. Willem van and Wiljk Konijnenbelt was an attribution or competencies obtained by the constitution. (H.D van Wijk & Willem Konijnenbelt, 1995, 129) Veto rights were strictly regulated by the Timor-Leste Republican Constitution on article 88 paragraph 1. As argued by Willem van and Wiljk Konijnenbelt above, this article stated the attribution power, which according to them attribution is the ers of the organs of government.

The Attribution Power to Enact and Veto Against Draft of Law From the President

President of the republic is the symbol of the state. There are two meanings described by the president by the constitution namedly 1) the Chief of the state (*chefe do estado*), 2) the supreme commander of the armed forces (*comandante supremo das forcas armada*) this definition was well defined as in article 74 of the Constitution of the Republic paragraph 1 and 2.⁴ While the definition roles of the President as the chief of state give him power to enact, promulgate and veto against any proposed law, the president itself has the legislative power to submit the presidential decree to be reviewed by the parliament upon proclaimed. Within these power to enact, promulgate and even veto against the law, the president relay its interdependencies power to balance with the sustainability of the government programme when it comes to the power to veto against the proposed of the state budget law by its parliament. The power to enact, promulgate any drafted legislations were clearly attributed by the constitution under the article 85 alinea a, which stated that "it is the exclusive responsibility of the president of the republic: a) to enact legislative diplomas and have national parliamentary resolutions that approve agreements and ratify international treaties and conventions published." hence the president as again, the chief of the state holds exclusive power to enact any written law both presented by the Parliament and the government. Hence this create a power dynamic over politic on formulating of the state budget law which is as part of the government competence to propose the draft of the law as required by the national parliament, while in the meantime the national parliament hold the debate to approve the passing bill of the state budget which benefit both all the fourth

¹ Timor-Leste's Constitution of 2002 - Constitute Project. Diambil pada Maret 14, 2021, dari https://www.constituteproject.org/constitution/East_Timor_2002.pdf?lang=en

² "Montesquieu's doctrine of Separation of Powers - ScholarshipsAds." Diakses pada Maret 14, 2021. <https://www.scholarshipsads.com/montesquieus-doctrine-of-separation-of-powers/>.

³ "Timor-Leste's Constitution of 2002 - Constitute Project." Diakses pada Maret 14, 2021. https://www.constituteproject.org/constitution/East_Timor_2002.pdf?lang=en.

⁴ "Timor-Leste's Constitution of 2002 - Constitute Project." Diakses pada Maret 14, 2021. https://www.constituteproject.org/constitution/East_Timor_2002.pdf?lang=en.

different state organ include the president, parliament, government and the court. In the case of enact or veto against the proposed state annual budget law, the president will facing a dynamic power on politic of the power of the assembled forming government as executive by the majority parties seat in parliament, in this case of Timor-Leste scenario while the government lead by the prime minister only had power to design, develop and proposed to the parliament for the annual state budget law, while the power of promulgation is held over by the parliament national and the enact power is hold by the chief of the state or the president it self. This dynamic power of interdependencies in proposing, promulgating and enact power involve three different state organs were often criticized as the highest check and balance mechanism over the power to control the state budgets.

The Power Dynamic To Enact And Veto Against The Annual State Budget Law

As the chief of state, the president once again holds the balancing power between enact or veto against the proposed annual state budget by the government. In the case when the government formed by the non majoring parties seats in the parliament, the power dynamic will exaggerate from dismissing the proposed annual state budget by the government at the earlier stage. According to the constitution 88 on Promulgate and veto against the proposed law, the president should be carefully justify if in the end veto against any proposed annual state budget law, as the law for the annual state budget consist of several jurisdiction circumstance that may affect the instability and called upon the dismissal of the national parliament as well as the reshuffle of the cabinet of the government..

Power interdependencies on enacting the annual stated budget as attributed by the constitution of Timor-Leste

Executive but holds the legislative power: Article 96 on Legislatif authorization.

Government although as the executive body of the state had delegation authorities to propose the draft law for an annual state budget by the national parliament as attributed by the constitution itself: the competence to draft the law , adhered to article 96 paragraph 1 alinea g) provide the competence such as : The parliament as attributed by this article delegates the competence on *autorizacao legislativa* to the government to specifically include drafting, designing, proposing the annual state budget. (*O parlamento nacional pode autorizar o governo a legislar sobre as seguintes matérias (g) sistema financeiro e bancário*)⁵

The risk for the imbalance if the legislatif power decreased were the proposed law of the annual state budget were rejected by the parliament, hence the rejected proposed law should not be re submitted at the same legislatif calender of the year. Moreover if this case were the same legislatif calendar debate the same annual state budget. Article 97 paragraph 2 regulate that⁶ “ *não podem ser apresentados projectos ou propostas de lei ou de alteração que envolvam, no ano económico em curso, aumento das despesas ou diminuição das receitas do estado previstas no orçamento ou nos orçamentos rectificativos.*” or projects or proposals for laws or amendments that involve, in the current economic year, an increase in expenses or a decrease in state revenues foreseen in the budget or amending budgets cannot be re-submitted.

⁵ "Timor-Leste's Constitution of 2002 - Constitute Project." Diakses pada Maret 14, 2021. https://www.constituteproject.org/constitution/East_Timor_2002.pdf?lang=en.

⁶ "Timor-Leste's Constitution of 2002 - Constitute Project." Diakses pada Maret 14, 2021. https://www.constituteproject.org/constitution/East_Timor_2002.pdf?lang=en.

The Veto power exercise and its complication

Once Article 88 regulates the fully prerogative rights for the president as the chief of state to have power over veto against any proposed law, this veto power creates a different impact when it comes to veto against the proposed annual state budget law.⁷ The president must be aware that a rejected proposed law should be returned to the legislative councils within 30 days upon receiving it and the parliament house will need to review the justification for the legal reasoning for the president to use his veto power towards the annual state budget law. This period of upon received a vetoed law from the president is a key complication into interdependencies between the power of executive and the legislative, as defined by the art 96 paragraph 2,⁸ that any proposals for laws (include the annual state budget law) or amendments that involve (nor been promulgated due to veto), in the current economic year, (still in the period upon receive from president should not be exceed than 90 days in parliament) an increase in expenses or a decrease in state revenues foreseen in the budget or amending budgets cannot be re-submitted. This clause of article were in conflict with the period of the state budget calendar cycle starting from designing, submission for promulgation in the parliament and enacted by the president as according to the 2009 regime for the state budget and its finance management, the cycle for annual state budget calendar were always start in the last quarter of the current year, hence should be submitted to National parliament before 15th of each October in order to provide time for the consultation at the parliament, the new annual state budget maintain its naturalization binding only for 12 month therefore the new annual state budget predicted should be put into final stage to enact by the president almost at the end of the current year.

National Parliament code and internal regulation or *Regimento do Parlamento Nacional de Timor-Leste*⁹ stipulated in article 106 the mechanism of proposing a new law (any law) to the president called upon to enact on it. Only proposed law with $\frac{2}{3}$ out of 65 seats at the parliament national that can only pass the process for promulgation by the president, in the state of executive government formed by the minorities parties members in parliament, the outrages will be obvious that the new state budget law most likely to be rejected. the given time which are 30 days for the president upon receive the proposed law (any law) were not clearly define the consequences of neither the president remain unsign the proposed law within the 30's days, hence only had the clear definition calmingly says the president can util his veto exercise once it consider the law has against any his political will. This ideas align with Reinaldo analisis on mechanism of resubmitted a rejected proposed bill, Reinaldo says Once approved by a $\frac{2}{3}$ majority of members of Parliament, it will be subsequently submitted to the President for endorsement or by refusing to use the veto in accordance with Article 85 letter c and Article 88 paragraph 1 of the Constitution. Compared to his article in The Competence Of National Parlement As Legislation Of The Republic Democratic Of East-timor 2016¹⁰

It's often miss interpret this norms as if the president remain calm and neither do his opposite to the proposed law submitted, would consider still as his political will against the proposed

⁷ "Timor-Leste's Constitution of 2002 - Constitute Project." Diakses pada Maret 14, 2021. https://www.constituteproject.org/constitution/East_Timor_2002.pdf?lang=en.

⁸ "Timor-Leste's Constitution of 2002 - Constitute Project." Diakses pada Maret 14, 2021. https://www.constituteproject.org/constitution/East_Timor_2002.pdf?lang=en.

⁹ "Regimento do Parlamento Nacional de Timor-Leste – Wikipédia, a" Diakses pada Maret 14, 2021. https://pt.wikipedia.org/wiki/Regimento_do_Parlamento_Nacional_de_Timor-Leste.

¹⁰ Reinaldo F. Luis. (2016). THE COMPETENCE OF NATIONAL PARLEMENT AS LEGISLATION OF THE REPUBLIC DEMOCRATIC OF EAST-TIMOR DRRF LUIS. *Academic Research International*, 7, 243. [http://www.savap.org.pk/journals/ARInt./Vol.7\(5\)/2016\(7.5-23\).pdf](http://www.savap.org.pk/journals/ARInt./Vol.7(5)/2016(7.5-23).pdf)

law, hence the given 30 days was settle to balance the power of enact or nether veto against in the president power as chief of state in order to maintain the balance of the parliament to take further steps neither to review the law by applying the judicial review questioning the court to review the president veto decree or by applying only the legislatif review within the scope of parliament as the holders of the legislatif makers.

once a president declare veto against the proposed law, the parliament will react within given period of 30 days to review and hence must hold majority votes up to $\frac{2}{3}$ out of 65 seat to submit the proposed law, in the stage of Annual state budget law, this should be taken seriously to prevent two times rejection by the majorities alliance in the parliament. Executive roles by government without majorities support from the parliament will again suffer its consequences as there are clearly clauses lead to the dismissal of the government if the proposed annual state budget were rejected twice by the national parliament members in majorities or at least with 34 votes accepted against 31 seats.

The government will seek all the necessary political strategy to ally with the president if there is a risk of second rejection by the parliament could occur once the president decreed vetoed the proposed law, however, in the situation if the president were allies with the minorities those whom forming the government without support from the majorities alliance in the parliament, the president power on veto against the annual state budget law could call upon the dismissal of the government or may lead to the dismissal of the parliament.

The cycle of interlink of power over promulgation or veto to any proposed law send by the national parliament to the President :

1. If the president is promulgated, then within 8 days should be published by the national legislation gazete namedly Journal da Republica.
2. If the president rejected or vetoed any of its substantive or the whole body of the proposed law, then within 30 day must return back to the parliament, and in 90 days the National parliament must reschedule the debate agenda within the parliament for the second chance. Only if there is majority in $\frac{2}{3}$ out of 65 seats or 42 votes agreed to the justification and revision, hence only be resubmitted for proclamation by the president.
3. The second revised rejected law was sent back to the president, should not be questioned any longer and only had 8 days to be publicly proclaimed by the president.

Regarding the power of the President of RDTL, in fact it has been regulated in the constitution, this arrangement is an effort to avoid the monopoly of power from state institutions, which means that there is a limitation of power. In the context of the Republic Democratic of Timor-Leste state administration, the President of Republic Democratic of Timor-Leste does not have meaningful power, because considering the Parliamentary system of government adopted by the Republic Democratic of Timor-Leste state, as expressed by Reinaldo F. Luis in his dissertation said that Republic Democratic of Timor-Leste countries, among others, adhere to the Parliamentary system of government. So that the President does not have the power as in the presidential system.¹¹

Determination of the President's Veto Rights on the State Budget Bill based on the 2002 Republic Democratic of Timor-Leste Constitution

In connection with the power of the President of Republic Democratic of Timor-Leste which has been limited by the constitution, as the theory of the constitution is explained in Chapter

¹¹ Reinaldo F. Luis. (2020, march 1). Idea the Formaring the Constitutional of RDTL. *Academic Research International*, 1-10. Retrieved march 11, 2021, from savap.organitation.com.id

II, the Constitution actually regulates how government power is structured. With regard to the theory of authority, the authority granted by the constitution to carry out the duties and functions of the President of Republic Democratic of Timor-Leste has been regulated in Article 85 letter (c) of the Republic Democratic of Timor-Leste Constitution of 2002 concerning the power to use veto rights over any law within 30 days, starting from the date of acceptance, and is also regulated in Article 88 of the Republic Democratic of Timor-Leste Constitution of 2002.

First, constitutionally, the rights possessed by the President of Republic Democratic of Timor-Leste are constitutional rights as a state institution, where these rights must be exercised by the President in the form of decrees or vetoed according to the stipulated time limit.

These first competencies align with the Cameroon ideas adopted approaches to modeling the veto. Cameroon says political scientists have developed two approaches to modeling the veto. The first, and most thoroughly studied, portrays the veto as part of a one-shot take-it-or-leave-it (TILI) bargaining game played by Congress and the President. That is, Congress presents the President with a bill; he may “take it” and sign it into law; or, he may “leave it” by using the veto, affording himself (and Congress) the reversion policy or status quo.¹² If the reversion policy is unattractive to the President he is apt to take the bill; but if the reversion policy is more attractive than the bill, he would like to veto the bill added Cameroon.¹³

Second, regarding the 30 day period, it is a limitation or prerequisite that must be met constitutionally by the President of RDTL, however, if this limit is not met then constitutionally the President of the Republic himself has violated the constitution and the stipulated decision is invalid or has no legal legality.

Regarding these two prerequisites, the President of the Republic is required to provide an assessment by means of reviewing (positive veto) a draft law (as well as a drafted bill) An annual state budget submitted by the legislative body and publishing it in a state journal, but if the annual state budget Bill is against the constitution or considered not according to the soul of the people, the President of the Republic can ask the Supreme Court to conduct an abstract review of the content and substance of the draft bill of annual state budget as stipulated in Article 126 paragraph (1) of the 2002 Republic Democratic of Timor-Leste constitution regarding the authority of the high court.

Likewise, the President of Republic Democratic of Timor-Leste can return the draft bill of annual state budget that has been rejected for ratification back to the National Parliament for further study in order to respond to the concerns underlying the President of the Republic over vetoing the draft bill of annual state budget as in accordance with Article 109 paragraph (1) of the Rules of Procedure for the National Parliament Number 4 years 2002, with a working day period as stipulated in Article 88 paragraph (2) of the Republic Democratic of Timor-Leste Constitution of 2002.¹⁴

Associated with Article 88 of the Republic Democratic of Timor-Leste constitution in 2002, the word veto has two values of legal objectives, these two values of legal objectives are in

¹² Charles M. Cameroon. The presidential Veto. *scholar.princeton*, hal 2. https://scholar.princeton.edu/sites/default/files/ccameron/files/the_presidential_veto_v3.pdf

¹³ *ibid*

¹⁴ Reinaldo F. Luis. (2016). THE COMPETENCE OF NATIONAL PARLEMENT AS LEGISLATION OF THE REPUBLIC DEMOCRATIC OF EAST-TIMOR DRRF LUIS. *Academic Research International*, 7, 243. [http://www.savap.org.pk/journals/ARInt./Vol.7\(5\)/2016\(7.5-23\).pdf](http://www.savap.org.pk/journals/ARInt./Vol.7(5)/2016(7.5-23).pdf)

line with Radbruch's¹⁵ view as quoted by Darji Darmodiharjo when he explained the three legal objectives, namely legal certainty, justice and efficiency¹⁶, elaborating on The third objective (effectiveness) is that the law needs to lead to a pricey goal (waardevol), these three elements are interrelated with each other or can be separated from each other and each of them can maintain their respective positions. In my opinion, the word veto means legal certainty and usefulness.

First, veto in the sense of the value of legal certainty that, the President of Republic Democratic of Timor-Leste assesses that the bill formed by the National Parliament has multiple interpretations, so that the President refuses to ratify the draft bill of annual state budget, secondly, the value of legal benefits means that the formation of the draft bill of annual state budget by the National Parliament does not provide benefits to society therefore the President has the right not to pass the APBN Bill.

Thus, the veto is a privilege that is owned by the President of RDTL, because it has been confirmed constitutionally, so that the organs of other countries cannot support this privilege. Although the decision on the draft bill of the annual state budget has received criticism from various parties.

Republic Democratic of Timor-Leste President Veto Rights Assignment Model

First, starting from the day the bill was submitted to the National Parliament is stipulated in Article 145 of the Republic Democratic of Timor-Leste Constitution of 2002 and Article 102 of the Rules of the National Parliament (TTnational parliament), after which the National Parliament conducts discussions on The 5-day bill which is regulated in Article 109 of the 2002 Republic Democratic of Timor-Leste constitution. Regarding the draft bill of annual state budget which was discussed jointly, it was subsequently approved by members of Parliament who attended the plenary session of the State Budget Bill, then the draft bill of annual state budget was signed by the President of the National Parliament and then submitted to the President of Republic Democratic of Timor-Leste in accordance with Article 97 of the 2002 Republic Democratic of Timor-Leste Constitution. The APBN Bill received by the President of Republic Democratic of Timor-Leste has the authority to ratify it or to veto it in accordance with Articles 85 and 88 of the Republic Democratic of Timor-Leste constitution of 2002.

Second, the authority of the President of the Republic Democratic of Timor-Leste which is affirmed in Article 88 of the 2002 Republic Democratic of Timor-Leste constitution is a prerogative right which has two meanings, namely. Can ratify the APBN Bill and reject the APBN Bill. The ratification of the draft bill of annual state budget is referred to as a positive veto, meaning that with a period of 30 days as regulated in Article 88 paragraph (2) C-Republic Democratic of Timor-Leste 2002, it has a period of time to clearly review the draft bill of annual state budget and pass it.

Third, the negative veto can be said that the President of RDTL, without reviewing it, was defeated first of the APBN Bill and directly vetoed for reasons that are not clear, then the President of Republic Democratic of Timor-Leste only uses prerogative rights (absolute rights) or uses political power without seeing the importance and implications of this negative veto.

¹⁵ "Gustav Radbruch: An Extraordinary Legal Philosopher." https://openscholarship.wustl.edu/cgi/viewcontent.cgi?article=1516&context=law_journal_law_policy. Diakses pada 14 Mar. 2021.

¹⁶ "Download this PDF file - International Journal of Multicultural and" 5 Jun. 2020, <https://ijmmu.com/index.php/ijmmu/article/download/1670/1341>. Diakses pada 14 Mar. 2021.

Legal Basis for Rejection of the State Budget Law by the President of RDTL

The State Revenue and Expenditure Budget (APBN), as one of the annual financial plans of the state government of Timor Leste which has been approved by the National Parliament, therefore the APBN Law contains a systematic and detailed list containing plans for state revenues and expenditures, amendments to the State Budget Law, and accountability. The APBN Law is stipulated annually on a legal basis including:

1. Republic Democratic of Timor-Leste Constitution (emblematic of Article 6, paragraph (1), and Article 142, Article 74
2. Presidential Decree on the Veto of the State Revenue and Expenditure Budget Law (contained in article 85, letter (b) Article 88, paragraph (1) and paragraph (4)
3. National Parliamentary Resolution for the Draft Law on State Revenue and Expenditure 2019 No 4/5/2018 (as summarized from Article 80 paragraph (3)
4. High court decision letter, 7 Feb 2011 regarding the review of the 2011 State Budget Bill
5. Law number 1/2011 regarding the 2011 State revenue and expenditure budget
6. Law Number 3/2009 concerning State Financial Management

Constitutional Reasons for the Republic Democratic of Timor-Leste President's Refusal

In connection with the state or constitutional framework, institutions have their respective duties, functions and authorities. First, the authority to approve the APBN Bill must go through a process of drafting, discussing and stipulating it in accordance with Article. 151 paragraph (1) and 109 paragraph (1) of the Rules of Procedure for the National Parliament in 2002.

The purpose of the procedure or mechanism for approval of the draft bill of annual state budget by the government until it is approved by the national parliament, so that the state budget used by the government for a year can be used according to national needs and interests.

After the draft bill of the annual state budget was approved by the attending parliamentarians, the president of the National Parliament proposed to the President of the Republic to correct and evaluate it, both formally and materially. In this assessment the President of the Republic has the right to reject the State Budget Bill on the constitutional grounds that:

First, the APBN Bill, it is assessed, that the budget approved by the national Parliament has an enlarged (numerical) value or based, because it does not match the needs of Republic Democratic of Timor-Leste state life, the President cannot pass the draft bill of annual state budget and return it to the National Parliament for further review.

Second, the State Budget Bill in a formal manner, the process of its formation is not in accordance with the technique of drafting a law.

Third, the draft bill of the annual state budget is judged to be the substance of empty, vague norms, conflicts with other laws or with the Republic Democratic of Timor-Leste constitution in 2002, and has no value of legal certainty.

Fourth, the President assessed that if the APBN draft bill is approved, the benefit value of the APBN will not touch people's lives, because the APBN Bill as referred to in Article 142 of the Republic Democratic of Timor-Leste Constitution of 2002

Thus the four (4) constitutional reasons presented above are the basis for the President of Republic Democratic of Timor-Leste to be able to reject the draft bill of annual state budget without having to ask for considerations of opinions from other state institutions.

The conditions for rejecting the draft bill of annual state budget

In connection with the conditions for rejection of the draft bill of annual state budget , as constitutionally regulated in Article 88 of the Republic Democratic of Timor-Leste Constitution of 2002,

First, in paragraph (1) the time limit set by the President is required to comply with ratifying and announcing the diploma proposed by the national parliament, but if it is not corrected and it is immediately published in the state gazette, then constitutionally it is wrong. Then 30 days is actually enough time for the President of the Republic to erect and publish, but if the diplomas from the national parliament and the government experience a buildup, the President of the Republic has difficulty correcting and publishing, because that time is too short for the President of the Republic.

Second, is in the paragraph (2), the National Parliament has 90 days to request confirmation from the President of the Republic based on the majority vote of members of parliament if the National Parliament, within the time limit of ninety days, has re-approved the bill being reviewed, the national parliament can submit it again to The President and the President of the Republic can publish the diploma or draft bill of annual state budget within eight days. The time limit requirement between these two institutions is actually clear, this requires consistency from the two institutions wishing to carry out the government according to the mandate outlined.

Third, further in paragraph (3) regulates the obligations of the national parliament according to 2/3 of the members who are effectively working, to request confirmation of diplomas as stipulated in Article 95 of the 2002 Republic Democratic of Timor-Leste constitution from the President of the Republic as regulated in paragraph (2). And fourth, paragraph four indicates the absolute right to ratify and not to ratify a statutory regulation from the Government with a time limit of 40 days in written form.

With the provisions of the Republic Democratic of Timor-Leste constitution above, it can be concluded that, in this study, the authority of the President of the Republic in determining veto decisions or rejection of the Draft State Budget Bill is a decision that must be established constitutionally on the relationship between the defined time provisions and comes from the power of the law. and the rule of law which is translated into the absolute right of the President (Veto right). Therefore, the veto power of the president of the republic is the prerogative of the president and cannot be contested by other state institutions.

CONCLUSION

The determination of the Veto of the President of the Republic on the State Budget Bill is the prerogative of the President of the Republic to reject the submission from the National Parliament, because his right cannot be intervened by other state institutions and the President of the Republic can ask the court to conduct a review and / or return it to the National Parliament to be reviewed. In exercising this prerogative, the president has used Veto Power by means of a systematic vetting process, including holding consultations with other important state institutions, including listening to the voices of civil society including the state council. The veto power taken by the president in the step of decreeing a veto against the APBN Law itself is in the form of Absolute Veto or against the package of laws as a whole.

BIBLIOGRAPHY

- [1]. Asshidiq, J. (2017). *Pengantar Ilmu Hukum Tata Negara* (Cetakan ke 9 ed.). Raja Grafindo Persada.
- [2]. Charles M. Cameron. (n.d.). The presidential Veto. *scholar.princeton*, 2. https://scholar.princeton.edu/sites/default/files/ccameron/files/the_presidential_veto_v3.pdf
- [3]. Gustav Radbruch: An Extraordinary Legal Philosopher." https://openscholarship.wustl.edu/cgi/viewcontent.cgi?article=1516&context=law_journal_law_policy. Diakses pada 14 Mar. 2021
- [4]. H.D van Wijk, & Willem Konijnenbelt. (1995). *Hoofdstukken van Administratief Recht*. Vuga,s'Gravenhage.
- [5]. HR, R. (Maret 2017). *Hukum Administrasi Negara* (edisi 13 ed.). Jakarta, Rajawali Pres.
- [6]. Reinaldo F. Luis. (2016). THE COMPETENCE OF NATIONAL PARLIAMENT AS LEGISLATION OF THE REPUBLIC DEMOCRATIC OF EAST-TIMOR DRRF LUIS. *Academic Research International*, 7, 243. [http://www.savap.org.pk/journals/ARInt./Vol.7\(5\)/2016\(7.5-23\).pdf](http://www.savap.org.pk/journals/ARInt./Vol.7(5)/2016(7.5-23).pdf)
- [7]. Reinaldo F. Luis. (2020, march 1). Idea the Formaring the Constitutional of RDTL. *Academic Research International*, 1-10. Retrieved march 11, 2021, from savap.organitation.com.id
- [8]. Regimento do Parlamento Nacional de Timor-Leste – Wikipédia, a" Diakses pada Maret 14, 2021. https://pt.wikipedia.org/wiki/Regimento_do_Parlamento_Nacional_de_Timor-Leste.
- [9]. Timor-Leste's Constitution of 2002 - Constitute Project." Diakses pada Maret 14, 2021. https://www.constituteproject.org/constitution/East_Timor_2002.pdf?lang=en.