

ABSTRACT

East Timor was integrated to the Republic of Indonesia by the Act Number 7 of 1976 and confirmed to be the 27th province under the Decree of People's Consultative Council, Number VI/MPR/1978. However the aforesaid process of integration was not legally admitted by the United Nations Organization.

During the Indonesian government and development, there were thousands of civil servants in East Timor and a part of them have entered into the age of retirement. Meanwhile, the Indonesian government diplomatically always tried to settle the East Timor issue at the international forums.

After the fall of the New Order regime, President Habibie offered the option of granting the Extensive Autonomy to East Timor which was then discussed at the tripartite meeting between Indonesia, Portugal and United Nations Secretary General and it was agreed to have the referendum for the East Timor people to be held on the date of August 30, 1999

Announcement of the result of referendum on September 4, 1999 indicated that the majority of the East Timor people refused the Extensive Autonomy offered by Indonesian Government. Then, by the Decree of People's Consultative Council, Number V/MPR/1999, the Indonesian Government recognized the result of referendum of the East Timor people by revoking the Decree of People's Consultative Council, Number VI/MPR/1978.

The Government Regulation Number 5/2001 on Termination of the Civil Servants and Annulment of Retirement Decree for Civil Servants in the ex-Province of East Timor required that the Retired Civil Servants of ex-East Timor Province with the Indonesian nationality should to domicile at the territory of the Republic of Indonesia as the condition to remain accepting their rights of retirement.

This research and writing are intended to find out whether such obligation is deemed proper by the applied rules of law, either from the view point of employment or that of citizenship. In addition, it is also to find out whether such obligation is against the protection of Human Rights in the view of either national or international regulations. Result of discussion indicates that the Government Regulation Number 5/2001 is contradictory with the Act Number 11/1969 on Civil Servant Retirement and Retirement for Widow/Widower of Civil Servant, and it is also against the provision of Human Rights either national or international regulations.

Key Words : Obligation to domicile at the territory of the Republic of Indonesia for the Retired Civil Servant of ex-Province of East Timor breaches the Human Rights.