



# USAID Land Law Program II

# LAND LAW GLOSSARY

## INTRODUCTION

The Land Law Program, currently being implemented by the Direcção de Terras e Propriedades, the Universidade Nacional de Timor Lorosa'e and the technical team of ARD Inc, seek to facilitate rigorous research on land issues that will be presented to the Ministry of Justice and the government to serve as the basis of future policy options and legislative drafting of land laws.

In doing so, it is necessary to support all participants of the project in the usage of these legal and technical terms. Consequently, we are engaged in developing a working document called the Land Glossary. This document attempts to clarify concepts of legal and technical land terminology in Tetum and its equivalents in Portuguese, English and Indonesian.

This glossary has been developed as part of a capacity-building exercise. Therefore, it will be revised and expanded in the future. We welcome suggestions, comments and corrections.

When translating the terms to Tetum, several issues arose. Timor-Leste has several varieties of Tetum. The approach adopted in the development of the glossary was to choose Tetum Praça because it is considered to be the most widely spoken dialect in the country. Jeffrey Hull states: "In fully creolized form, known as Tetum-Praça or Tetum-Dili, it is the first Language of most of the 110.000 inhabitants of the Capital, Dili, and the common vernacular of the entire indigenous population of the territory, which numbers today some 750.000. For most East Timorese Tetum Praça, the Liturgical medium of the East Timorese Catholic Church is thus a second language, and as such, is constantly expanding its resources".

Note: The definitions quoted in this working document come from various sources. English, Portuguese, Indonesian and Tetum dictionaries, as referenced the bibliography, provided definitions, in some cases, in others, the ARD translations team translated those definitions to the other languages. Finally, the team also developed its own definitions as indicated.

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## A

**Abandon** <Abandonar/ Abandona/ Melantarkan> To give up a right, claim or interest without specifically transferring to someone else.

**Abandoned Property** <Bens imóveis abandonados/ Rikusoim abandonadu/ Harta benda terlantar> Property that the owner voluntarily surrenders, relinquishes or disclaims. (See Decree-Law 19/2004 Art. 20 and Law No.1/2003, Art. 15).

**Adjudication** <Adjudicação/ Ajudikasaun/ Penanganan> The legal process of resolving a dispute; the process of judicially deciding a case. Process of issuing first formal land title.

**Administrative Appeal** <Recurso Administrativo/ Recurso Administrativa/ Banding Administratif> A proceeding for the review of an administrative decision at a higher level within the agency

**Administrative process** <Procedimento administrativo/ Prosedimentu administrativu/ Prosedur administratif> One or more methods or steps for the enforcement or administration of rights, duties, justice or laws.

**Adverse Possession** <Usucapião/ Uzukapiaun/ Pemakaian yang tidak dirugikan> A method of acquiring title to real estate by possession for a statutory period under certain conditions, especially a non permissive use of the land with a claim of right when that use is continuous, exclusive, hostile, open and notorious.

**Agrarian Law** <Lei Agrária/ Lei Agraria/ Hukum Agraria> Law relating to land, land tenure or the division of landed property generally.

**Alien property** <Propriedade de estrangeiro/ Propriedade ema estrangeiru nian/ Harta benda milik asing> Property owned by an alien or a

person who is not a citizen of the country where the property is located.

**Allocation** <Afectação/ Afetasaun/ Alokasi> The act of delivery a property of the government to official entities. Act that must be preceded by an official petition of the interested entity. (Ref. Decree-Law 19/2004, Arts. 4 and 5).

**Alternative dispute resolution** <Resolução alternativa de disputa/ Alternativu resolucaun ba disputa/ Alternatif resolusi segketa> A procedure for settling, voluntarily, a dispute by means other than litigation. Methods include mediation, conciliation arbitration and settlement, among others.

**Appeal** <Recurso judicial Rekursu Judisial/ Naik Banding> A proceeding undertaken to have a decision reconsidered by bringing it to a higher authority; especially, the submission of a lower court's or agency's decision to a higher court for review and possible reversal.

**Application** <Requerimento/ Rekerimentu/ Permohonan> A formal request or petition, either oral or written.

**Arbitration** <Arbitragem/ Arbitrajen/ Arbitrasi> A method of dispute resolution involving one or more neutral third parties who are usually agreed to by the disputing parties and whose decision is binding.

**Arbitrator** <Árbitro/ Arbitru/ Penengah> A neutral person who resolves disputes between parties, especially by means of formal arbitration.

**Asset** <Bens/ Riku-soi/ Aset> An item that is owned and has value (e.g. real estate, equipment, cash, etc.).

## B

**Barter** <Permuta/ Barte/ Barter> It's the contract by which parties agree to exchange properties. It

can be the payment of a price difference if the parties agree so.

**Bona-fides** <Boa fé/ Neon di'ak/ Niat baik> Made in good faith; without fraud or deceit. Credentials; documents or other evidence of good faith, trustworthiness, authenticity, or the like.

**Boundary** <Baliza (Vedação)/ Baliza/ Batas> A natural or artificial separation that delineates

the confines of real property. **Artificial landmark** Established signals used for limitation on a land or an area (i.e.: fences, pillars, trolley, roads, etc.).

**Building** <Edifício/ Edifisiu/ Gedung> A structure with a roof and walls.

## C

**Cadastre** <Cadastro predial / Kadastru/ Kadaster> An official register of real property, usually indicating boundaries, ownership and value for tax purposes.

**Citizen** <Cidadão/ Sidadaun/ Warganegara> A person who, by either birth or naturalization, is a member of a political community, owing allegiance to the community and being entitled to enjoy all its civil rights and protections. (Ref: Lei da Nacionalidade No.9/2002. See Decree-Law No.1/2004 Art. 1).

**Citizenship** <Cidadanía/ Sidadania/ Kewarganegaraan> Status of being a member of a state.

**Claim** <Reclamação/ Reklamasau/ Tuntutan> Manifestation of disagreement, rein-vindication of a right that someone believes to have.

**Claimant** <Reclamante/ Reklamante/ Penuntut> One who asserts a right or demand formally.

**Company** <Companhia (Pessoa Colectiva)/ Kompania/ Perusahaan> A corporation or an association, partnership that carries on a commercial or industrial enterprise.

**Compensation** <Compensação/ Kompensasaun/ Ganti rugi> A payment made or the compensation or reimbursement received pursuant to a right of indemnity.

**Compliance** <Cumprimento/ Kumprimentu/ Pematuhan> Conformity in fulfilling official and legal requirements.

**Concession** <Concessão/ Fó direito/ Konesi> Privileges granted by the government to a natural or juridical person for certain uses of State owned property of private domain.

**Conciliation** <Conciliação/ Fo'o dame/ Konsiliasi> A form of alternative dispute resolution in land or property which the parties bring their dispute to a neutral third party, who helps lower tensions, improve communications and explore possible solutions. Conciliation is similar to mediation, but less formal.

**Consensus** <Consenso/ Konsensu (Lian ida deit)/ Konsensus> A general opinion adopted by all persons in a group after discussion and negotiation.

**Constitution** <Constituição/ Lei Inan (Konstituisaun)/ Konstitusi> The fundamental law of a nation or state providing a framework against which the validity of all other laws is measured; the system of fundamental principles according to which a nation or state is governed.

**Contract** <Contrato/ Kontratu/ Kontrak> An agreement among two or more parties whereby at least one of them promises to do or not to do something in exchange for something done or promised by the others.

**Court** <Tribunal/ Tribunál/ Pengadilan> Sovereign bodies which can discuss judge and decide the law cases administratively, exercise the judicature, exercise the administration of law, hold up and defends rights and interests protected by the law.

**Custom** <Costume/ Lisan/ Adat> A practice that by its common adoption and long unvarying habit has come to have the force of law.

## D

**Date** <Data/ Data/ Tanggal> Day, month and year. Time when an event takes place.

**Decree Law** <Decreto Lei/ Dekretu Lei/ Dekrit> Administrative regulations having the effect of law issued by government authority under certain legislative sanctions.

**Deed (Title/ Certificate of Title)** <Título de propriedade (certificado)/ Sertifikadu/ Sertifikat Pemilikan> Document evidencing ownership of property or a possessory interest in property such as Deed. The right to possess or control possession of property.

**District** <Distrito/ Distritu/ Kabupaten> A territorial area into which a country or state is divided for judicial, political, electoral or administrative purposes.

**Domicile** <Domicílio/ Hela fatin/ Domisili> A person's fixed and permanent residence. A place to which, even if one's temporarily absent, one intends to return. Legally, a person can have many residences but only one domicile.

**Donation** <Doação/ Doasaun/ Sumbangan> A method of acquiring a benefice by deed of gift alone, without presentation, institution or induction.

## E

**Easement** <Servidão/ Servidaun/ Easment> An interest in land owned by another person, consisting in the right to use or control the land, or an area above or below it, for a specific limited purpose.

**Eviction** <Despejo/ Duni sai (Despeju)/ Pengusiran> The act or process of legally dispossessing a person of land or rental property. **Administrative eviction** It's the act to expel or exclude a person from state property by legal and administrative proceedings, especially to remove an illegal occupant or a tenant from

leased premises as for non-payment of rent. (See: Law No. 1/2003, Art. 7).

**Evidence** <Prova/ Evidensia/ Bukti> A suitable thing to prove something is true (proof).

**Expropriation** <Expropriação/ Expropriasaun/ Pengambilan alih> Government determination that certain property has to be given up for public utility, with reasonable compensation.

**Extrajudicial** <Extrajudicial/ Extrajudisial/ Extrajudisial> Not part of Court proceedings or not within the authority of a Court.

## F

**Freehold / Possession** <Propriedade perfeita (Dominio)/ Propriedade perfeita// Hak milik mutlak> The complete and absolute ownership of land. The exercise of dominion over property.

## H

**Humanitarian Institution** <Instituições Humanitárias/ Organizasaun fo tulun ema/ Lembaga kemanusiaan> Organism with no economic purpose that looks after humanitarian issues in countries with high levels of violence and such problems.

## I

**Identity** <Identidade/ Identidade/ Identitas> The identity of a person, place or thing is determined by characteristics, features or circumstances.

**Illegal appropriation** <Apropriação ilegal/ Nain ilegal/ Pemilikan ilegal> To obtain benefits or occupy, without consent, State Property, claiming it to be his/hers, and may have obtained the deed as payment for favor or through fraudulent means. (See Law No.1/2003 Art. 5).

**Illegal occupation** <Ocupação ilegal/ Okupasau ilegal/ Penguasaan ilegal> Illegal occupation shall mean the act of someone using someone else's real estate without claiming to be the owner. (See Law No.1/2003, Art. 6).

**Improvement** <Benfeitorias/ Hadia/ Perbaikan> An addition to real property, whether permanent or not; especially one that increases its value or utility or that enhances its appearance.

**Inalienable** <Inalienáveis/ Labele muda na'in/ Tidak dpt dipindahtangankan> Not capable of being sold or given to another; non-transferable: inalienable property; an inalienable interest.

**Interested party** <Interessado/ Interesadu/ Pihak berkepentingan> A party who has a recognizable stake (and therefore standing) in a matter.

**Investment** <Investimento/ Investimentu/ Penanaman Modal> An expenditure to acquire property or assets to produce revenue; a capital outlay.

## J

**Judge** <Juiz/ Juis/ Hakim> A public official whose functions are to hear and decide legal disputes, preside over trials and generally monitor the conduct of cases presented to a Court or administrative body and move the cases toward a final settlement or decision.

**Judgment (ruling)** <Decisão judicial/ Desizaun judisial/ Peradilan> The decision of a judge or jury resolving a dispute and determining the rights and obligations of the parties.

**Juridical Regimen** <Regime Jurídico/ Rejime Juridiku/ Rezim Yuridis> Body or rules or legal dispositions.

**Juridical security** <Segurança jurídica/ Seguransa juridika/ Keamanan Yuridis> Situation of a social group and its members protected of any legal danger or perturbation.

## L

**Land** <Terra/ Rai/ Tanah> An immovable and indestructible three-dimensional area consisting of a portion of the earth's surface, the space above and below the surface, and everything growing on or permanently affixed to it, distinguishable by boundaries or ownership. An estate or interest in real property.

**Land Registration** <Registo de Terra/ Rejistu Rai/ Pendaftaran tanah> It's the legal process by which the DNTP, legal competent office, acknowledges and documents, public and private, transactions of real estate in national territory.

**Land registry** <Registo de terras/ Rejistu rai/ Pendaftaran tanah> Official land records that

include owner's data, surface measuring, boundaries and mapping.

**Land survey** <Levantamento do terreno/ Sukat rai/ Pegukuran Tanah> An investigation into the options or experiences of a group of people, based on a series of questions to record the features of an area of land in order to produce a map or description.

**Landlord / Lessor** <Arrendador/ Rai Na'in/ Pemilik tanah> One who conveys real or personal property by lease. **Absentee landlord.**- A landlord who is not living on the leased premises.

**Lawyer** <Advogado/ Advogadu/ Pengacara> A person licensed by the state to practice law, advise or act for clients in legal matters.

**Lease** <Arrendamento/ Aluga/ Sewa> The grant of a leasehold interest in real property by a contract which the person receiving possession of the property (tenant) agrees to pay rent to the grantor (landlord). **Commercial lease:** A lease for business purposes.

**Legal** <Legal/ Legal/ Sah> Pertaining to, enforceable under or derived from principles of Law.

**Legitimate** <Legitimo/ Legitimasaun/ Legitimasi> Lawful; in accordance with established customs rules; procedures; legal forms or requirements. Conforming to recognized principles or accepted rules and standards. Genuine.; valid. To give legal status or authorization to.

## M

**Map** <Mapa/ Mapa/ Peta> A representation of the earth's surface. A cadastral map is one showing the land subdivided into units of ownership; a topographic map is one showing the physical and superficial features as they appear on the ground.

**Mediation** <Mediação/ Mediasaun/ Mediasi> A procedure in which a neutral outsider (a mediator) assists the parties to a dispute in reaching a voluntary settlement.

**Mediator** <Mediador/ Mediador/ Mediator> A neutral third-party volunteer who has been trained to mediate. The mediator assists the

parties in reaching a consensus by facilitating their communication, but it is the parties themselves who shape their agreement.

**Mortgage** <Hipoteca/ Peinor/ Gadai> A security interest in real property. A mortgage is usually held for a considerable number of years to secure the repayment, with interest, of a substantial debt of the owner of the property.

**Movable Property** <Propriedades moveís/ Propriedade móveis/ Harta benda bergerak> Property that is not fixed in place or intended to be a permanent part of immovable property.

## N

**National Citizen** <Pessoas Nacionais/ Sidadaun Nasionál/ Warga Negara Nasional (WNA)> A natural person determined by the Republic Constitution, the Nationality Law in the terms of the Land Law 01-2003, which includes Companies (juridical persons) legally constituted in RDTL with their main offices in the country.

**National Parliament** <Parlamento Nacional/ Parlamentu Nasionál/ Parlemen Nasional> Deliberative, representative political assemble of all the citizens consisted of the elect members to in House of Representatives, with essentially legislative abilities and executing the law.

**Natural Person** <Pessoas singulares/ Natural Person/ Orang Biasa (tunggal)> A human being,

as distinguished from an artificial person created by law.

**Non-citizen** <*Estrangeiro/ Sidadaun Estranjeiro/ Warga Negara Asing (WNA)*> A person who is not a citizen of a particular country.

**Notary Public** <*Notário/ Notariu/ Notaris Umum*> A person authorized by the government to administer oaths and affirmations, take

acknowledgements, authenticate signatures and tends to various other formalities related to legal documents and transactions. (See *Decree-Law No. 4/2004 Art. 1*)

**Notification** <*Notificação/ Notifikasaun/ Maklumat*> Official information to inform somebody of a judicial or administrative event or giving knowledge about an act or a fact.

## O

**Obligation** <*Obrigaçãõ/ Obrigasaun/ Kewajiban*> A legal requirement that one performs or refrains from performing some act or the act that one is required to perform.

**Officer** <*Funcionário/ Funcionariu/ Pegawai*> A person appointed or elected to a position of responsibility or authority in government.

**Official petition** <*Petiçãõ official/ Petisaun ofisial/ Petisi resmi*> The name given to the initial pleading in certain kind of Judicial or Administrative proceedings and to certain request for special permission or relief from appellate Courts.

**Option** <*Opçãõ/ Opsaun/ Opsi*> The right or power to choose; something that may be chosen.

## P

**Penalty** <*Penalidade/ Penalidade/ Hukuman*> A sum specified in a contract to be paid beyond or instead of payment of damages in the event of a breach or, agreed to as the price of being excused from an obligation.

**Pre-existent Rights** <*Direitos pre-existentes/ Direitu Uluk Nanis/ Hak Sebelum*> In the East Timorese context, refers to those rights over immovable property established prior to May 20<sup>th</sup>, 2002.

**Premises** <*Premissa/ Prediu/ Bumi dan bangunan*> Any building and land, usually with its grounds and associated outbuildings occupied by someone.

**Promulgation** <*Promulgaçãõ/ Promulgasaun/ Pengesahan*> The act of giving final formal approval to legislation that has been passed by legislature. It is performed by the head of the State, who acts in accordance with constitutional rules.

**Property taxes** <*Taxa de propriedade/ Imposto rikusoin/ Pajak harta benda*> A State or local tax imposed annually on owners of real or personal property within the state or municipality, based upon on the value of the property.

**Proprietary** <*Proprietário/ Proprietariu/ Pemilik*> Owner; describing by something with respect to which a particular person or entity has the right to control use or access.



## R

**Real Estate** <*Bens imóveis/ Propriedade/ Harta benda tetap*> An interest in land and things attached to it, including buildings or other structures and substantial vegetation.

**Real Estate of private domain** <*Bens imóveis de domínio privado/ Propriedade dominiu privadu/ Harta benda milik pribadi*> Rural and/ or urban properties that can be the object of legal business, meaning it can be leased, sold or transferred in any way, the owners of which can be the State, or private national citizens whether individuals or corporate bodies.

**Real Right** <*Direito real/ Direitu Real/ Hak Nyata*> A right that is connected with a thing rather than a person. Real rights include ownership, use, habitation, usufruct, predial servitude, pledge, and real mortgage.

**Register (Registrar)** <*Registador/ Rejistador/ Pendaftar*> A governmental officer who keeps official records.

**Registration Process** <*Processo de Registo/ Prosesu Rejistu/ Proses Pendaftaran*> The process of recording a property's information

**Regularize** <*Regularizar/ Regularija/ Mengatur*> Transform an irregular, temporary situation into legal and official by complying with the law.

**Renew** <*Renovação/ Renovasaun/ Pembaharuan*> The replacement of an old contract with a new contract, as opposed to the mere extension of a previous relationship or contract.

**Rent** <*Renda/ Aluga folin/ Biaya sewa*> Regular payment for the use of a property or land.

**Restitution** <*Restituição/ Restituisaun/ Restitusi*> Return or restoration of some specific thing to its rightful owner or status.

**Reversion (Revert)** <*Reverter/ Fó Fila/ Pengembalian*> The return of land to the State as provided by law.

**Revocation** <*Revogação/ Revogasaun/ Penarikan Kembali*> To take away a previously granted right or privilege by judicial or administrative action.

**Rural property** <*Propriedade Rural/ Prediu Rural/ Tanah Pedesaan*> Real estate located outside of the legally established urban areas.

## S

**Sale** <*Venda/ Fa'an/ Jual*> The transfer of property or title for a price. The agreement by which such a transfer takes place.

**Sale Agreement** <*Compra e Venda/ Akordu Fa'an-Sosa/ Perjanjian Jual-Beli*> The transfer of property or title for a price. The four elements for such agreement to take place are (1) parties competent to contract, (2) mutual assent, (3) a thing capable of being transferred and (4) a price in money paid or promised.

**Standardization** <*Padronização/ Padronizasaun/ Pembakuan*> To bring into conformity with a standard; (imposition of a standard).

**State land of public domain** <*Bens imóveis do Estado de domínio público/ Rai estadu ba dominu publiku/ Tanah Negara milik umum*> Public immovable properties are those that are outside the domain of commerce and that, because of their nature, can't be privately owned.

**State Patrimony** <*Património do Estado/ Patrimoniu Estadu Nian/ Warisan Negara*> A set of corporeal and incorporeal properties transmitted by ancestors and that constitute State inheritance.

**Sublease** <*Sub arrendamento/ Aluga tutan/ Penyewaan di bawah tangan*> A lease granted

by one who is already a lessee of the property. The grantor of a sublease on a real property is sub landlord and the person to whom it is granted is the subtenant.

**Succession** <Sucessão/ Suksesaun/ Suksesi> The acquisition of rights or property by inheritance under the laws of descent and distribution.

## T

**Tenant** <Locatário/ Lokatariu/ Penyewa> One who has the occupation of lands or tenements of another by means of leasing from a landlord.

**Tender Process** <Processo de licitação/ Prosesu Lisitasaun/ Proses Tender> Procedure for the presentation of bids for the adjudication of a contract.

**Tenure** <Aforamento/ Aforamentu/ Masa Penyewaan> The conditions under which land or buildings are held or occupied.

**Time limit** <Prazo/ Praju/ Batas waktu> Duration or obligation of the time necessary in a period of time previously established within which something must be done or completed.

**Title/ right Restitution** <Restituição de titulos(direitos)/ Restitusaun Direitu/ Restitusi

**Hak** It's the administrative or judicial process, established by law to acknowledge and validate legitimate pre-existing freehold titles in Timor Leste

**Transaction** <Transacção/ Tranzaksaun/ Transaksi> An agreement between two or more persons to resolve their differences by mutual concessions so as to settle or avoid a lawsuit.

**Transfer** <Transferencia/ Transfere/ Pengalihan> Any method of disposing of property. The term embraces every method, direct or indirect, absolute or conditional, voluntary or involuntary of disposing of property including sale agreement, donation, barter, judicial decision, adverse possession, succession and others according to the law.

## U

**Urban property** <Propriedade Urbana/ Propriedade Urbunu/ Tanah Perkotaan> Urban properties are the real estate located within city limits as well as those district urban centers.

**Usufruct** <Usufruto/ Ujufrutu/ Usufructus> The right to use another's property for a time without damaging or diminishing it, which when the usufruct ends is to revert intact to the owner or his heirs.

## V

**Validation** <Validação/ Validasaun/ Pegabsahan> An act, process or instance of confirming.

**Village** <Suco/ Suku/ Desa> A group of some houses situated outside the city as a unity, suburbs, hum lets.

## Z

**Zoning** <Zoneamento/ Zonifikasaun/ Pembagian Wilayah> Zoning is the public regulation of the use of land. It involves the adoption of ordinances that divide a community into various districts or zones. Each district allows certain uses of land within that zone, such as residential, commercial or industrial.

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