# ABSTRACT

Provisions pertaining to evidence in administrative courts procedure are stipulated in article 100 and article 107 of Law No. 5, 1986. By virtue of these provisions, administrative judges are free to impose burden of proof, but they are tied to the provided types of evidence and requirement of at least two kinds of evidence.

Characteristic of evidence in administrative courts procedure is distinguished from evidence in civil and criminal procedure. The main legal issue in administrative disputes is lawfulness or unlawfulness of the disputed administrative decision. Judgment of lawfulness of the disputed administrative decision needs tool of measurement i.e. grounds for review, instead of evidence. Evidence is applied only in need to disclose facts that are relevant to the review of the disputed administrative decision.

The most suitable principle of evidence for administrative courts procedure, due to its characteristic, is "the principle of free evidence". Actually, it has been stated in General Elucidation of Law No.5, 1986, that this Law leads to free evidence doctrine. Therefore the existing provisions of article 100 and article 107 make the free evidence doctrine lose its meaning.

Hence, in the expected amendment of Law No.5, 1986, these tied provisions of evidence should be dropped due to the principle of free evidence.