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Laws of Evidence In The Resolution of State Administrative Disputes and Criminal Cases

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ABSTRACT
In every dispute/case process that is resolved through the courts, evidence is basically needed, whether it occurs in the process of resolving state administrative disputes, civil cases, and criminal cases. The Law of Evidence in procedural law is very important because the task of evidence determines the truth in a conflict of interest. And on the basis of this evidence, the judge makes a decision to try to find the truth. The law of evidence in state administrative procedural law, criminal law which has a different object of dispute where in the process of resolving disputes/cases there are similarities and there are differences in the principles adopted. One of the similarities in the principles adopted, in the resolution of state administrative disputes/in state administrative court procedural law there is the principle of presumption of rechtmatieg which has the same meaning as the presumption of innocence in criminal procedural law. In making a decision by a judge after examining the evidence, there is a difference between a state administrative court judge in resolving state administrative disputes and a district court judge in resolving criminal cases. In administrative disputes, a judge may make a decision based on a minimum of two pieces of evidence according to the judge's belief and there is no absolute evidence, while in criminal cases, the judge's decision must have sufficient evidence according to the law, there must be witness testimony and the judge's belief.

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INTRODUCTION

Evidence is at the heart of the judicial process. Through the evidentiary mechanism, judges gain confidence in the truth of disputed legal events. In Indonesian law, evidence is regulated differently in civil, state administrative, and criminal cases. In State Administrative (TUN) cases, disputes typically concern the validity of decisions by state administrative officials. Therefore, evidence tends to focus on documents, decrees, and expert testimony.

On the other hand, in criminal cases, the requirement of proof is stricter because it concerns the defendant's basic rights, namely freedom and even life. The Criminal Procedure Code (KUHAP) regulates the types of valid evidence to uphold the principle of nullum delictum nulla poena sine praevia lege poenali. In resolving state administrative disputes/cases, criminal cases, before the judge renders or makes a decision to seek the truth, both material and formal, the judge must first examine the evidence presented by the

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parties. The evidence carried out by the judge in adjudicating the dispute/case is to determine the actual legal relationship between the parties. Not only events or incidents can be proven, but there are also rights that are proven, even in state administrative disputes, what is proven is the validity of the actions of state administrative officials.

In the process of examining state administrative disputes there are similarities and differences with the examination of criminal cases, the difference is that in examining state administrative disputes there is something called a preparatory examination. The preparatory examination process is carried out before the examination in a closed trial (not open to the public) in this examination directly chaired by the Chairman of the State Administrative Court. From the results of this examination the judge will give a decision in accordance with the provisions of the laws and regulations. While in criminal cases there is no known preparatory examination because in criminal cases there is no application submitted by the injured party, the trial process starts from the police report to the prosecutor's office and from the prosecutor's office the process goes to the court, namely the District Court. In examining state administrative disputes before reaching a judge's decision which is final in nature, the judge's decision must be based on the evidence regulated in Article 100 of Law No. 5 of 1986 concerning State Administrative Courts (hereinafter referred to as UUPTUN). In the examination of this evidence, although the examination of state administrative disputes is almost the same as the examination of criminal cases, in the examination of evidence there is a significant difference, because in the examination of evidence there are principles found in state administrative courts and these principles are not found in the resolution of criminal cases. Because this problem of evidence is to be known by the public, the author will explain it simply in accordance with the applicable laws and regulations regarding evidence in the settlement of state administrative disputes and criminal cases.

METHOD

The research method used is normative juridical, with a statutory, conceptual, and case-based approach. Data were obtained from laws, legal literature, and decisions of State Administrative and Criminal Courts.

RESULTS AND DISCUSSION

Proof of Settlement of State Administrative Disputes

In state administrative cases, the object of the dispute is usually a State Administrative Decision (KTUN). Article 107 of Law No. 5 of 1986 in conjunction with Law No. 9 of 2004 in conjunction with Law No. 51 of 2009 stipulates that the evidence that can be used in state administrative disputes includes:

1. Letters or writings
2. Expert testimony
3. Witness testimony
4. Acknowledgement of the parties
5. Judge's knowledge.

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Due to its administrative nature, written documents (decrees, reports, administrative archives) serve as the primary evidence. Judges may use limited discretionary evidence, meaning they are free to assess the strength of the evidence, but only within the established limits.

Evidence in Criminal Cases

According to Satochid Karta Negara in Teguh Samudera, in the field of evidentiary law, four systems or four teachings are known, namely:

a. Negative Wettelijk Bewijsleer, According to this teaching, negative means that with the means of evidence recognized by law alone is not enough but still requires the conviction of the judge. In other words, even though the evidence is sufficient based on the means of evidence recognized by law, if the judge does not reach a conviction, then the defendant must be acquitted.
b. Positive Wettelijk Bewijsleer/Bewijs Theorie, a method of proof based solely on evidence recognized by law. According to this doctrine, only evidence recognized by law is sufficient; this is positive, in other words, no other evidence is needed, in this case the judge's conviction.
c. Conviction In Time (Bloot Gemooedelijkke Overtuiging), A method of proof based solely on the judge's conviction, no other evidence is required. Bloot: solely. Gemoedelijkke; conviction. So, if in court the judge is convinced of the defendant's guilt, a sentence must be imposed.
d. Conviction Raissonnee (BeredenneerdeOvertuiging), with the teaching of proof of the Judge's Conviction; but the Judge's conviction must be given reasons as to why he is convinced (beredeneerde) and the basis of these reasons is not bound to the means of proof recognized by law only but can also be used other means of evidence outside the law.

In criminal cases, Article 184 of the Criminal Procedure Code states five valid pieces of evidence, namely:

1. Witness testimony,
2. Expert testimony,
3. Letter,
4. Instruction,
5. Defendant's statement.

Evidence in criminal cases serves to determine whether a crime has occurred and whether the defendant is involved. Article 183 of the Criminal Procedure Code stipulates that a judge may not impose a sentence unless there are at least two valid pieces of evidence and the judge is convinced that a crime has actually occurred.

Differences in Evidence in Administrative and Criminal Disputes

The main differences between proof in state administrative and criminal disputes can be summarized as follows:

NO	ASPECT	State Revenue Dispute	CRIMINAL CASE
1	Object	State Administrative Court Decision (KTUN)	Criminal acts (delicts)

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2	Proof System	Limited free	Negative according to law
3	Main Evidence	Documents/State Official Decree	Witness statements and material evidence
4	Consequences of the Decision	Cancel/declare the TUN decision as invalid	Imposing a sentence (depriving the defendant of his/her freedom/rights)
5	Principle	Administrative legality & procedural justice	There is no punishment without proof of guilt

CONCLUSION

In the examination of evidence in the State Administrative Court trial is almost the same as the examination of evidence in the General Court trial in resolving criminal cases, only a slight difference where in the examination of evidence in the State Administrative Court that the judge must be active and the judge has the authority to determine who, what and how strong the evidence is, while in the General Court that those who must be active in submitting evidence are the parties. The principle adopted in the proof in the State Administrative Court is free proof, in the sense that the judge is free to determine the types of evidence as regulated in Article 100 paragraph (1) but in making a decision for the validity of the proof is required at least two pieces of evidence based on the judge's belief. As regulated in Article 295 HIR or Article 184 KUHAP in the examination of criminal cases in the General Court that the main evidence that must be submitted is the witness, because the witness's statement can provide information, clues to the place, time, cause of the criminal incident.

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