

# # C870032 : MAJOR LAW  
KEY WORD: AUDI ALTERAM PARTEM

CHAIYUTHANA WONGVANICH : AUDI ALTERAM PARTEM IN ENGLISH LAW  
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The audi alteram partem principle is the fundamental right of the party to the case under the principle of natural justice originated and developed in the English common law system.

The principle derived from the judgements of the courts at which the earlier stage applying only to a judicial body but later as a general principle of law to some other institutions of which the decisions affects the rights of the people such as a quasi-judicial body. Under this principle, the decision made without hearing of every party is void which is unremedied or unlawful and it is remedied both by the administrative official and by the court which depend on the seriousness of the infringement.

In Thai law, although the principle of audi alteram partem is recognised by the Constitution and such relevant pieces of legislation as the Administrative Procedure Act 1996 and the law on civil services and other types of officials or the law on professions, it is still unclear about the effects and the remedies in the case where the administrative act is made in contrary to the audi alteram partem principle as the general principle of law. Accordingly, the research on such problems should be carried out to introduce the rules in those regards in which the degree of the seriousness of the infringement must be taken into consideration in order to conform the real philosophy of the principle and to protect the aggrieved party as well.

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