

**ABSTRACT****PRINCIPLE OF *AUDI ET ALTERAM PARTEM*  
ON CIVIL CASES IN GENERAL JUDICIARY**

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The Law of Judicial Power has not regulated the legal principles of Audi et Alteram Partem, while the rules in HIR are still vague or blurred. The dissertation research focused on three issues: The philosophical basic of Audi et alteram partem principle; Characteristics of civil cases and their relation of decisions based on Audi et alteram partem; and Ratio decidendi judge decision on the application of Audi et alteram partem. The research approach is: Statutory Approach; Conceptual Approach; Case Approach; and Comparative Approach. This research concluded that: first, the principle of Audi et alteram Partem means "*hear both side*" or "*hear the other side*", which is "equality of balance" and "equality of opportunity" of parties in the judicial process, reflected "justice" and the background of a decision that waives the principle of law and "equality before the law". The principle of Audi et alteram Partem is different from Equality before the Law. Second, characteristic types of civil litigation lawsuits, general and special nature and processed through contentious judicial. The trial process ended with a decision based on Audi et Alteram Partem, with the characteristic of a legal effort. Third, the basis for deciding the case contained in the legal considerations (Ratio decidendi). Sources of judgment considerations include: material aspects of the case; formal aspects; principles of law and custom in the judiciary. In Ratio decidendi, new rules are developed and established when the formal aspects of the case do not exist and judges are required to seek and extract from the habits in society and apply the principles of law as the basis of the philosophy of the decision based on Audi et Alteram Partem.

Keywords: Audi et alteram partem, civil, general judiciary