

**NEGOTIATION TECHNIQUES
OF DEFENDANTS IN CRIMINAL CASES:
A TEXTUAL ANALYSIS OF THE RHETORICAL
DISCOURSE IN DEFENDANTS' PETITIONS**

**SUBMITTED TO
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ABSTRACT

Negotiation and persuasion occurs during the communication process when a person needs someone else to change. The change may create something new, or extinguish or modify something that already exists. However, in a criminal case, after offenders plead guilty and do not put up any defense, they usually persuade judges to impose a low penalty or suspend an imprisonment execution by submitting petitions to the court explaining their reasons and necessities to commit crimes. Offenders intentionally persuade judge through written texts. This is an example of the potential power of communication.

This research tries to understand what negotiation approach and strategies as well as persuasion techniques are used to achieve offenders' goals.

The method of qualitative research with the Hermeneutic approach was chosen as a ground theory to answer this textual analysis.

Negotiation approaches of Steele et al (1989) were being used as the framework of the researcher findings. Moreover, negotiation strategies proposed by Pruitt (1981) were also being used to find the negotiation strategies exercising in negotiation between offender and judges.

Additionally, Aristotle's Rhetoric was being used as the key element of the researcher approach and finding relating to persuasion techniques depicted in offenders' petitions. Aristotle's rhetorical proofs: ethos, pathos, and logos were applied in the study in order to explain the persuasive texts that offenders intend to use to change in attitudes, belief, values, and behavior of judges.

The finding of this study purported that negotiation approaches and strategies are used by offenders to negotiate judges to impose a low penalty or suspend an imprisonment execution. Furthermore, after analyzing petitions, the researcher found

that both offenders and judges sometimes have their own interests, especially in cases that offenders committed crimes without viciousness or greed, but they committed the crime because of some hard and forced situations. Therefore, judges and offenders are able to negotiate to reach their mutual interest. Importantly, in some cases, if sentencing high penalty or imprisonment offenders are a danger to society, their mutual interest might meet.

The result also reveals that the persuasion techniques including ethos, pathos, and logos are extensively used by the offenders in accordance with their petitions submitted to the court after they plead guilty. Every statement in their petitions intends to persuade judges to decrease their penalties. However, pathos, creating emotion upon judges, are applied the most. Elaborate discussion as well as the limitation and recommendation for further studies are also included in this paper.

TABLE OF CONTENTS

Acknowledgements.....	I
Abstract.....	II
Chapter One: Introduction.....	1
Purpose of the Study and the Research Questions.....	4
Definition of Key Terms.....	5
Chapter Two: Literature Review..... c2-1.....	17
Negotiation: Definition and Concept.....	17
Negotiation Approaches and Strategies..... c2-2.....	23
Competitive Negotiation..... c2-3.....	34
Collaborative Negotiation..... c2-4.....	44
Negotiation and Subprocess of Communication.... c2-5.....	48
Persuasion: Definition and Concept..... c2-6.....	53
Coercion.....	58
Persuasion versus Coercion.....	60
Rhetorical Persuasion.....	62
Aristotle's Rhetoric.....	66
Ethos.....	69
Logos.....	73
Pathos.....	78
The Three Means of Persuasion.....	79
Persuasive Negotiation..... c2-7.....	81
Cognitive Biases in Negotiation.....	82
Negotiation Leverage.....	85
Power in Negotiation.....	87

Thai Mentality to Negotiation.....	91
Criminal Justice in Thailand.....	92
The Thai Judicial System.....	94
Procedure in Thai Criminal Case.....	95
The Punishment theories.....	98
The Thai Criminal Code.....	101
Chapter Three: Research Methodology.....	105
Methodology.....	105
Qualitative Research Method.....	108
Qualitative Techniques and Data Collection.....	110
Mode of Analysis.....	111
Reliability and Validity.....	113
Confidentiality and Anonymity.....	119
Data Analysis.....	120
Chapter Four: Discussion and Conclusion.....	121
Finding and Discussion.....	121
Conclusion.....	139
Limitation.....	139
Recommendation and Further Research.....	140
Reference.....	141
Appendix.....	150
Appendix A.....ap-1.....	151
Appendix B.....ap-2.....	153