

NEGOTIATION SYSTEM ANALYSIS OF VIETNAMESE JUDICIAL CONVERSATIONS: A CASE STUDY

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Abstract: Interpersonal meaning is one of the three aspects of discourse analysis from the perspective of Systemic Functional Linguistics. This paper examined the Negotiation system, which is an internal part of Interpersonal meaning, which was realized in judicial spoken discourse with mainly quantitative methods. The data used to investigate was a dialogue between the Trial Panel and the defendant in a first-instance criminal court in Vietnam. The results indicated that speech functions were primarily question and answer, and accounted for about 95% of the corpus. Exchange structure was determined with the result of A1/K1 accounting mainly. As can be seen in the result, the dialogue between the Trial Panel and the defendant is one-sided. In which, the Panel questioned and the defendant had an obligation to answer/ follow up. From our point of view, Systemic Functional Linguistics may be an appropriate tool to explore the potential world of languages.

Keywords: SFL; Negotiation system; Judicial conversation; Criminal court of Vietnam.

INTRODUCTION

Conversation study is one of the most concerning issues in recent times. Along with the development of linguistic theories, conversation has also been explored by many linguists in a variety of theoretical trends. In that context, Systemic Functional Linguistics (hereinafter SFL) which was built by Halliday (1994) has become a novelty linguistic theory in language analysis. It has been widely applied in the description of many languages and diverse texts. Specifically, it would be more meaningful to analyze the texts from the functional perspective. From this aspect, all of text genres should be explored in a multidimensional way, mainly focused on three metafunctions: Ideational, Textual, and Interpersonal. The choice of metafunctions will be dependent on the analysts' purposes to seek the operation of certain languages or their units.

Spoken discourse in the tradition of conversation analysis primarily focused on "turn at talk", "pause/overlap", "backchannel signals", "conversational styles", etc. In contrast, SFL deals with some resources of meaning, including Appraisal, Negotiation; Ideation, Conjunction; Periodicity, and Identification. These semantic resources perform the above three metafunctions and are illustrated in Table 1 below. The resources of meaning called Ideation and Conjunction clarify the way that the lexical items create human experience and the logical tools connect these lexical items to realize the Ideational meaning. Appraisal and Negotiation resources enable interaction between speakers and listeners of a certain conversation or between writers and readers in written discourse. The Identification and Periodicity resources create many flows of information; introduce people and things to text, and then construct a discourse in use.

Table 1. Chapters, discourse systems, and metafunctions

Chapters	Discourse systems	Metafunction
Appraisal	'negotiating attitudes'	Interpersonal
Ideation	'representing experiences'	Ideational
Conjunction	'connecting events'	Ideational
Identification	'tracking people and things'	Textual
Periodicity	'information flow'	Textual
Negotiation	'enacting exchanges'	Interpersonal

Source: Martin & Rose, 2007, p.8

Languages have been used in life primarily for communication, that is, to perform the function of interaction between people. Texts have been also used for the same purpose. In written discourses, writers and readers interact with each other in many potential ways such as Modality, Engagement, etc. These interacting tools will be considered from the view of the Appraisal resource of meaning (Martin & Rose, 2007). Similarly, in spoken discourses, besides methods like written discourses, other methods to realize the interaction between speakers and listeners have been also proposed from the SFL's point of view. This paper investigates the Negotiation system of a type of legal conversation in the

criminal court of Vietnam. Based on the exploration of the Negotiation system in the legal conversation, we summarize the characteristics of this spoken discourse in terms of Interpersonal meaning.

The spoken discourse used to examine the Negotiation system within the scope of this article is the conversation between the Trial Panel and the defendants in a criminal court of Vietnam. According to the procedural process at the first-instance trial in Vietnam, the conversation called “Questioning” between the Trial Panel and the defendants is set up to clarify the details of the criminal case for a fair final verdict on the defendant's criminal actions. The proceedings at the criminal court of first instance in Vietnam are illustrated in Figure 1 below.

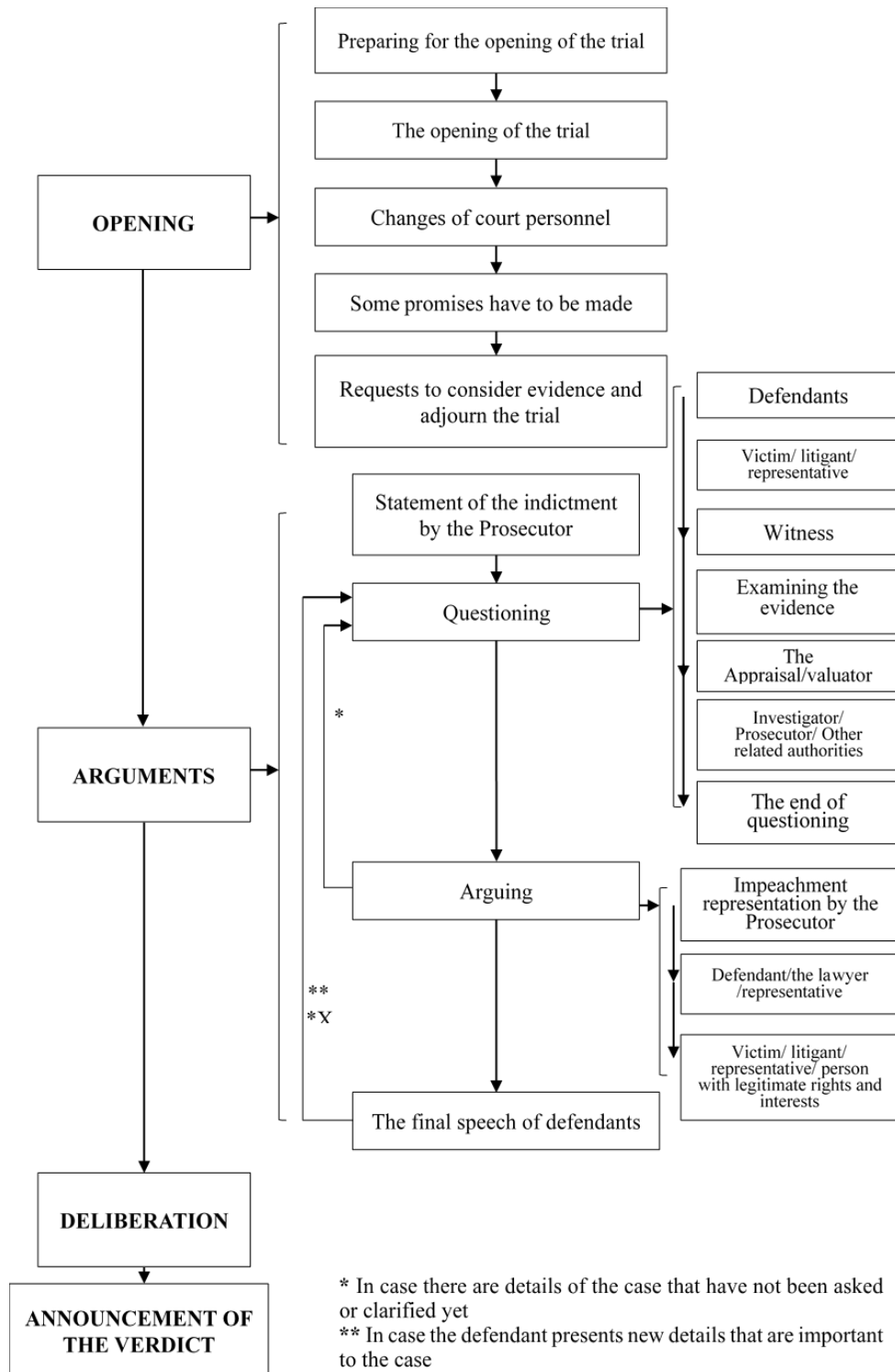


Figure 1. Procedures of the first-instance criminal court in Vietnam

As can be seen in Figure 1, the Trial Panel's questioning dialogue with the defendant is a mandatory process in the criminal court proceedings in Vietnam. Accordingly, Questioning is the central stage of trial activities and the most important procedure as well to determine the truth of the case. Even when the questions and answers at the trial are not different from the same ones of the police investigation, they play an extremely important role for two reasons (1) the questions and answers are public in court; (2) it is also a form of testing the investigation results of the Investigation Agency. In addition to Questioning, the Trial Panel also examines exhibits, crime scenes and other places, published documents, etc. Questioning is considered as an activity demonstrating the openness and transparency of the Court in adjudication activities.

The study of judicial conversation, specifically the dialogue between the Trial Panel and the defendant at the Interpersonal metafunction is a meaningful work in terms of linguistics. The dialogue between the body having trial jurisdiction (the Trial Panel) and the persons being prosecuted (the defendants) is a special type of spoken discourse between a powerful party and a party with no/or little power. The difference in power makes the language used in the conversation at the criminal court have its characteristics. Correspondingly, this paper will answer the following questions:

Firstly, what type of speech function is mostly used to realize the interaction in the dialogue between the Trial Panel and the defendants?

Secondly, how is the exchange structure realized in the dialogue between the Trial Panel and the defendant?

2. Literature review

2.1. Previous studies

The study of conversation has made colorful developments in the history of linguistics. Exploring aspects of spoken discourses in judicial bodies is also of interest to linguists. Mac-Gregor, E. F (2017) studied the phenomenon named “judicial dialogue” and explained how, with regard to the defense of human rights, national and international judges shared a common regulatory and functional identity as a result of (a) the judicialization of international justice and (b) the growing incorporation of international human rights law into domestic legal systems. Mac-Gregor, E. F (2017) examined how discourse participants used interrogatives in the legal context to carry out various communication tasks, such as information elicitation and information confirmation, among others. That study also demonstrated how some questions (conducive questions) with distinct elicitative forces lead to particular responses that advance the narrative process. Van der Houwen, F., Licoppe, C., & Opeibi, T (2015) investigated and examined the relevance of the courtroom interactions as reflected in the organization of points and the sequence of turn-taking system. Only one official transcript with audio recordings from RTC Branch 12, Lipa City, Batangas was used as the corpus of that study due to the scarcity of resources or sources. Licoppe, C., & Verdier, M (2013) examined courtroom interpretation with a video link and a defendant appearing from his jail by the comprehensive video recordings and ethnographic observations collected during pre-trial hearings in France. Working from a video-ethnographic and conversation analysis viewpoint, that study concentrated on the development of the prosecuting

attorney's argument, which typically took place in the co-present courtroom in a “monologue-like” manner while dockside simultaneous interpretation is ongoing. Rañosa-Madrurnio, M (2013) used some court transcripts as a corpus to look into the style and structure of the lawyers' questions as well as the turn-taking arrangement between the interrogator and the interrogated, which reveal how power was exercised and justified in the discourse genre of direct and cross-examinations.

Collectively, these articles dealt with different aspects of conversation in court. Up to now, there have been no publications using the theory of SFL in the analysis of judicial conversation. The analysis of the negotiation system in the conversation between the judge and the defendant will build a road to an expectant novelty world. To the best of our knowledge, there has not been a published study on the linguistic interaction between the judge and the defendant in terms of Interpersonal meaning.

2.2. Conceptual framework

2.2.1. Discourse analysis from the perspective of SFL

Discourse is a concept that could not be understood the same in linguistics. However, there are some definitions of discourse built by well-known linguists that are cited much, such as “*the analysis of discourse, necessarily, the analysis of language in use*” and “Perhaps in its most general usage, it can refer to any form of ‘language in use’” (Brown & Yule, 1983, p.1); or another meaning conceives discourse as ‘language above the sentence or above the clause’ (Stubbs, 1983, p.1). In general, from a linguistic point of view, discourse is considered a part of language and is formed from language.

From the SFL's perspective on discourse, Halliday did not introduce any specific concept. However, in “*An introduction to functional grammar*”, there is a passage that reads as follows: “‘*text*’ is a complex notion. In the form in which we typically receive it, as spoken and written discourse, a text is the product of two processes combined: instantiation, and realization. The defining criterion is instantiation: text as instance” (Halliday, 2014, p. 51). As can be inferred from this passage, text is a vast concept and its usual form of existence is spoken and written discourse. In other words, spoken discourse and written discourse are modes of appearance of the text. Therefore, discourse and text may be understood to have the same meaning in terms of substance. The substance mentioned here is language and talk.

Spoken discourse and written discourse are only common forms of text. This implies that there are other forms of the text. In other words, the material of discourse and text is not only language and talk. In his earlier work named “*Language, context, and text: Aspects of language in a social-semiotic perspective*”, Halliday mentioned that “it may be either spoken or written, or indeed in any other medium of expression that we like to think of” (Halliday & Hasan, 1989, p. 10). That point of view was studied in some later works when SFL was “expanded” to take account of other meaning potential objects. It developed into a new research trend called multimodal discourse analysis. This approach has applied SFG to analyze signs, gestures, semiotics, etc., and even images (see Visual Theory, Kress & Leween, 2016).

From the above analysis, it can be understood that, from the perspective of SFL, discourse is a concept used to refer to text expressed in spoken or written form, and even “other modes of

expression”. Of course, these modes of expression must be “meaning potential” or “meaning containing”.

Because of such diversity of contents but length limit, the discourse analysis with the descriptive goal is only introduced from the perspective of SFL. Discourse research on the SFL aspect concerns with meaning in use. Martin and Rose, who have had a research project called “*Working with discourse: Meaning beyond the clause*” (2003), are two of the well-known linguists of the SFL school. They have proposed a successful and comprehensive approach to discourse from the perspective of SFL. Accordingly, the meaning of discourse is formed based on the meaning resources, including the following six ones: Appraisal, Negotiation; Ideation, Conjunction; Periodicity, and Identification. These six meaning resources will together realize the three metafunctions of language in a discourse: Ideational, Interpersonal and Textual. Ideation and Conjunctions perform Ideational metafunction; Appraisal and Negotiation perform Interpersonal metafunction; and Periodicity and Identification

perform Textual metafunction.

Besides, when analyzing discourse from the perspective of the SFG, it is a mistake to ignore two important contexts: the context of culture and the context of situation. The reason is simply that SFL deals with functional language, that is, language used for communicative purposes in its context of use. The situational context and the cultural context are where language is used. In other words, when analyzing discourse, it is necessary to analyze the cultural context and the situational context in which the language is used. This may be a reason why discourse analysis on the SFL aspect helps linguists get a multidimensional and comprehensive view. Figure 2 provides a brief overview of the hierarchy and metafunctions of language from the SFL perspective developed by Halliday. According to SFL, the analysis of the cultural context is to describe the genre structure of the discourse, while the situational context is to describe the characteristics of the semantics of the discourse.

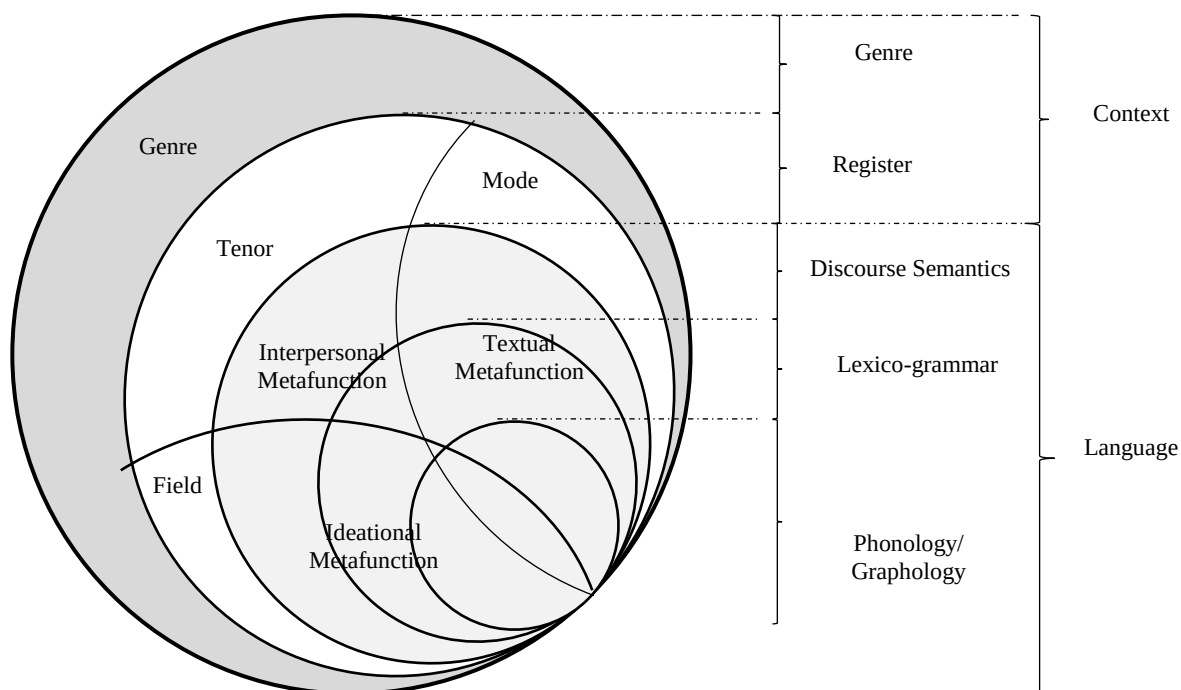


Figure 2. Stratification and metafunctions in a systemic functional linguistic framework (Following Martin & Rose, 2008, p.17)

2.2.2. Negotiation system in Interpersonal metafunction

Negotiation concerns the interaction between the participants of discourse understood as the “exchange” between the communicating participants. It is a system of many resources that enable to-and-fro exchange between discourse participants. Negotiation as a resource of meaning is realized by the means by which a certain discourse participant assumes and assigns the other participant to a certain communicative role in conversation (dialogue but not monologue). Not only that, the pattern of the dialogue moves created in the spoken discourse is also seen by Negotiation. The biggest concern of Negotiation is the switching of roles in the communicating event, such as asking and answering questions or requesting services and responding to requests.

Negotiation analysis deals with the speech function, its realization of the lexicogrammatical strata, Mood, and responses. In addition, Negotiation system describes the moves and exchanges in the process of performing the interaction between the discourse participants. Thus, in terms of the Interpersonal meaning, the analysts need to clarify two sub-systems: the speech function and the exchange system.

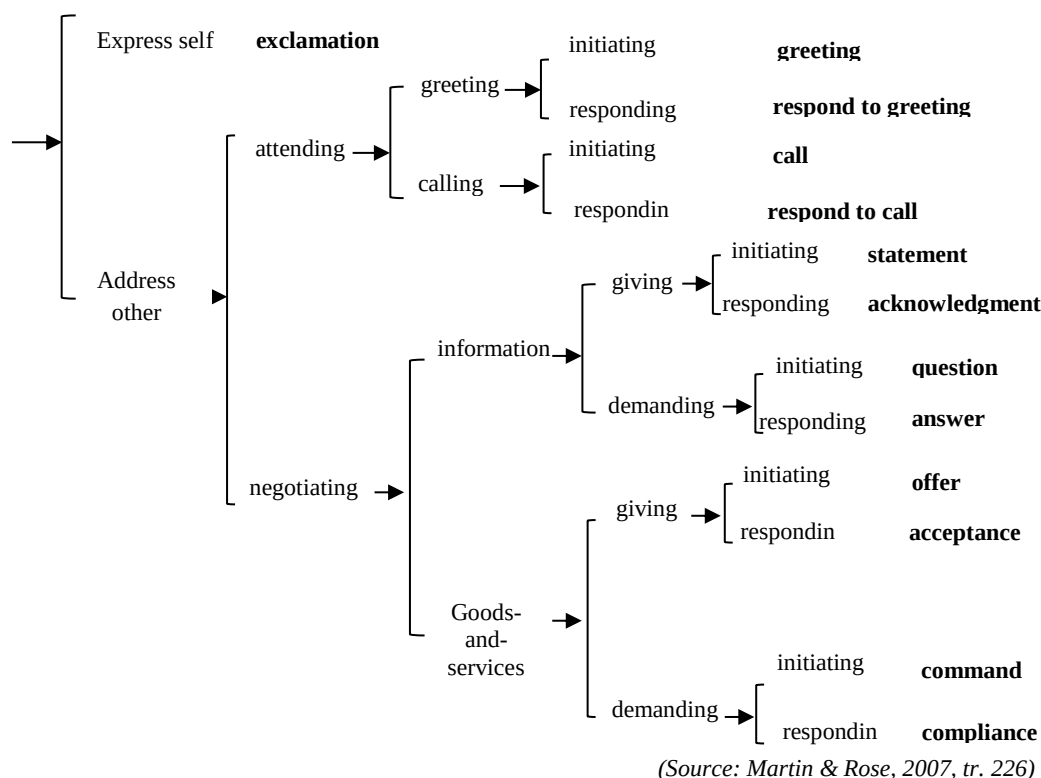


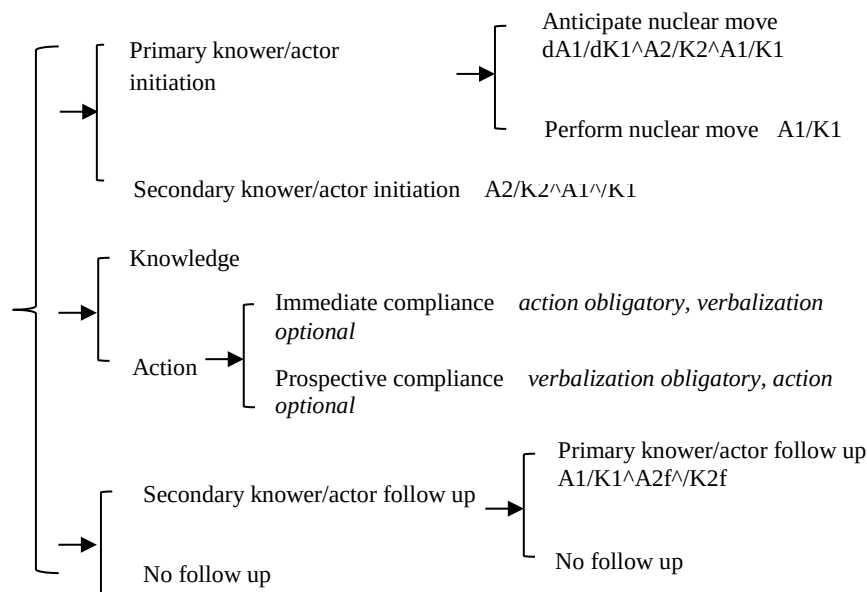
Figure 3. An outline of speech functions

As mentioned, Negotiation emerges only in spoken discourse, where there is the interaction between participants. In other written discourses or monologues, the Negotiation system will not play a pivotal role in establishing Interpersonal meaning. In their argument, Martin & Rose (2007) do not deny the existence of “interaction” between the creator of discourse and other participants such as the readers, and the listeners (p. 220). But clearly, those “interactions” do not promote the “to-and-fro” process in the discourse. Thus, in other written discourses or monologues, the Negotiation system does not really emerge. This means that, when examining monologues or written discourses, the analyst need not take into account the Negotiation system.

Based on the results of their research, Martin & Rose have established 13 speech functions in dialogue discourses, including (1) exclamation; (2) greeting; (3) respond to greeting; (4) call; (5) response to call; (6) statement; (7) acknowledgment; (8) question; (9) answer; (10) offer; (11) acceptance; (12) command; (13) compliance. Corresponding to the speech functions, there will be suitable Responses in spoken discourse. These speech functions are illustrated in Figure 3.

In summary, with 13 established speech functions, the analyst can “shape” the characteristics of the spoken discourses. Besides, these speech functions also help the analyst to describe the elements of the Generic Structural Potential of spoken discourses.

The second sub-system of Negotiation is the exchange between discourse participants. The exchange between participants is represented by the exchange of moves. After analyzing the corpus, Martin & Rose (2007) have concluded three parts in the exchange structure, including the part that determines how the exchange is conducted; the part that separates the exchange of action and the exchange of knowledge; the part that allows follow-up moves (p. 240). Accordingly, the exchange system helps to identify three issues in spoken discourses: the first is who initiates the conversation; the second is that the content of the exchange is knowledge or action; The third is whether the follow-up takes place or not.



(Source: Martin & Rose, 2007, tr. 240)

Figure 4. System of NEGOTIATION for exchange structure

In communication, two participants are included: the first participant (“primary knower” is the person who provides information or “primary actor” is the person who provides goods and services) and the second participant (“secondary knower” is a person to whom information is provided by the first participant or a “secondary actor” is a person to whom goods and services are provided by the first participant). If the first participant initiates a conversation, there are two possibilities: the first is that they perform the act of providing information or goods - services, called a nuclear move; the second is that they will make a nuclear move prediction, that is, a move used to “anticipate” the next occurrence of performing an action providing information or goods - services.

The exchange in conversation can be information or goods - services. If the exchange is goods and services, there will be immediate or prospective compliance. In short, if the object of exchange between two participants is goods and services, the first participant will take action immediately or in the future to meet the second participant's request.

The follow-up will take place first by the second participant. The second participant may or may not perform the follow-up. In case the second participant follow-up, the first participant can continue to perform a follow-up back to the follow up or not. This is the third subsystem in the process of analyzing the exchange through the move of the communicating parties.

3. Data and research methods

3.1. Data and methods

After more than 8 months of a serious murder case, on the morning of August 23, the People's Court of Binh Duong province brought to trial the case of a defendant named D. The victim in the case is the husband of defendant D - Mr. Tran Thanh T (38 years old, birthplace of Soc Trang). According to the indictment of the People's Procuracy of Binh Duong province, D and T were spouses

but they had not registered their marriage in Vietnamese authority. They had two children sent to the countryside to be raised by grandparents. They went to Binh Duong to rent a house to stay and work as workers. At about 11 pm on December 15, 2017, T went out to drink and returned to his room. After that, they got into an argument. Then the couple rushed to fight, while being angry, T took a knife to threaten D, but D snatched the knife back, and slashed it many times, causing T to die. After her husband died, due to fear of being discovered, D divided T's body into several parts, put them in plastic bags, and brought them to the garbage collection places in Thuan Giao ward. On the evening of December 17, 2017, the police invited D to the office to investigate, and finally, D confessed to his murder.

The first instance criminal trial was recorded and uploaded publicly on a YouTube channel called People's Court of Ba Ria - Vung Tau province on August 22, 2020. This trial lasted for 3 hours 57 minutes and 52 seconds, recording the entire process of the trial from the start to the end. To investigate the characteristics of the negotiation system in courtroom conversations between judges and defendants, the quantitative research approach was mainly used. In addition, discourse analysis was conducted as a qualitative tool to achieve the research purpose.

3.2. Data collection

The trial lasted for a long time, including many different conversations between different participants. This paper only uses a conversation between the Trial Panel and the defendant with a length of about 43 minutes. This conversation was transcribed manually. During the conversation, pauses and overlaps were also noticed so that the full features of negotiation in the trial dialogue in the criminal court could be fully explored. Research ethics were also paid attention to referring to the personal information of the accused and members of the Trial Panel. The content of the conversation was transcribed into 15 A4 pages, with more than

6700 words. The conversation to interrogate the defendant consisted of four small conversations between four members of the Trial Panel and the defendant. In this paper, all conversations between members of the Trial Panel and the defendant are analyzed to determine the characteristics of the negotiation system in terms of SFL. The dialogues are marked with the letter C from 1

to 4. The moves of the dialogue are marked with the letter M from 01 to the end of the dialogue. M + odd number is the voice of the Trial Panel and M + even number is the step of the defendant (named D). In total, there are 326 moves, including 161 moves of the defendant and 165 moves of the Trial Panel. The example below illustrates the notation of moves in the investigated corpus.

Example:

Contents	Conversation	Person in move
C1M47: khi bị cáo và thì người bị hại xảy ra đánh nhau thì xung quanh phòng trọ đó có ai biết không? (When the defendant [you] and the victim got into a fight, did anyone around the house know?)	1	Trial Panel ¹ (47 th move)
C1M48: dạ bị cáo cũng không biết rõ nữa. (The defendant [I] ² does not know.)	1	Defendant (48 th move)

3.2. Data analysis

The negotiation system concerns speech functions and exchange structures. Martin & Rose (2007) argue that the object of negotiation consists of two types, information and goods-and-services. Accordingly, the negotiation here will perform 8 speech functions of the conversation.

Negotiating information

C2M15 Vậy thì bị cáo có biết là anh T này ảnh quen ai không?
(So, does the defendant [you] know who T is in a relationship with?)
C2M16 Dạ trước kia thì bị cáo có biết anh T anh quen với 2 người phụ nữ khác.
(Yes, in the past, the defendant [I] knew that Mr. T was acquainted with 2 other women)
C2M17 Rồi sau này?
(Then later?)
C2M18 sau này thì có một người phụ nữ ở cùng công ty nhưng bị cáo chưa có biết rõ mặt người đó, trước kia thì bị cáo có biết rõ hai người phụ nữ kia rồi?
(Later, there was a woman in the same company but the defendant [I] did not know her face. In the past, the defendant [I] knew the above two women well before.)

Negotiating goods-and-services

C1M41 Bị cáo đứng sát vô micro nói lớn lên! [*Immediate compliance*] bị cáo trả lời thế nào?
(The defendant [You], stand close to the microphone and said loudly! [*Immediate compliance*] How did the defendant [you] respond?)

Based on examining the object of negotiation in the whole corpus, the speech function feature of judicial conversations will be defined. Specifically, the moves in the corpus will be examined to count the number of moves that perform speech functions.

The second subsystem that needs to be investigated to characterize the negotiation system in judicial spoken discourses is exchange structures. To be able to accurately determine the exchange characteristics between the parties in the conversation, it is important to identify the nuclear move in each pair of dialogues between the Trial Panel and the defendant. Then, whether the follow-up was performed by the defendant. The defendant’s initiations were also investigated to help find out the features of judicial spoken discourses. The example below illustrates nuclear moves, the follow-up and the exchange of knowledge or action between the Trial Panel and the defendant.

¹ In Vietnam, the Trial Panel includes judges and jurors. In general, judges are professionals with legal knowledge and experience. Jurors are persons who do not have in-depth legal knowledge but have relevant practical experience to assess the issues in a case. Jurors are persons who are elected or appointed by the law to perform the task of adjudicating cases falling under the court’s jurisdiction.
² In Vietnamese, the defendant must use the words “the defendant” in conversation to mention “I” instead. In the Trial Panel’s use, “the defendant” means “you”.

Example:

C4M3	rồi chỗ bị hại thì thường là có đi về đánh bị cáo không? (then, did the victim go home and beat the defendant [you] frequently?)	Knowledge	Nuclear move
C4M4	Dạ, có bị hại thường xuyên đi qua đêm. (Yes, the victim often hung out through the night.)		Follow up
C4M5	đánh bị cáo nhiều không? ([did he] beat the defendant [you] a lot?)	Knowledge	Nuclear move
C4M6	Dạ đánh nhiều mà cũng rất nhiều lần nhưng bị cáo không có dám nói với người nào nghe hết tron á. (Yes, [he] beat a lot in many times also, but the defendant [I] did not dare to tell anyone.)		Follow up
C4M7	đánh bị cáo như vậy thì bị cáo khi mà ở trọ, thì ở kế nhà phòng bị cáo thì có những phòng trọ kế bên không? ([Whenever he] beat the defendant like that, are there other houses next to the defendant's house?)	Knowledge	Nuclear move
C4M8	Dạ có. (Yes.)		Follow up
C2M93	bị cáo xưng là bị cáo. (the defendant [you] use 'the defendant' in answer!)	Action	Nuclear move
C2M94	Dạ, xin lỗi hội đồng xét xử. dạ bị cáo thấy vỏ xe của bị cáo cũng mòn rồi bị cáo mới đi thay vỏ xe và thay nhớt luôn. (Yes, sorry Trial Panel. The defendant [I] saw that the defendant's tire was also worn, and then the defendant [I] went to have the tire and the oil changed.)		Follow up

4. Findings and discussions

4.1. Speech function

The results of the 326 moves investigated are presented in Table 2 below.

Table 2. The result of speech function in Vietnamese judicial conversations			
No	Speech function	Number of moves realized in corpus	Percentage
1	exclamation	0	0%
2	greeting	0	0%
3	respond to greeting	0	0%
4	call	0	0%
5	respond to call	0	0%
6	statement	1	0.31%
7	acknowledgment	0	0%
8	question	156	47.85%
9	answer	156	47.85%
10	offer	0	0%
11	acceptance	0	0%
12	command	8	2.45%
13	compliance	5	1.54%
Total		326	100%

The results in Table 2 showed that the speech function in judicial conversation is mainly realized at the lexicogrammar strata, which is question and answer. Other functions such as command, compliance, and statements are still found despite the meager percentage. In which, statement appears once in the survey corpus at C3M67.

C3M67 Tôi không hỏi gì thêm nữa.
(I do not ask anymore.)

It is a move of the third member of the Trial Panel to notify the presiding judge of the trial to continue the questioning procedure at the first-instance criminal court. Thus, it could be concluded that question and answer are two forms of fundamental speech function in judicial dialogues in the Vietnamese criminal trial. It does not mean that all of the other judicial dialogues must have this character because of the diversity of other judicial spoken discourses. It depends on the content and participants of the dialogues in each subcategory of legal spoken discourses.

4.2. Exchange structure

The exchanges between the members of the Trial Panel and the defendant in terms of knowledge and action are summarized in the following table.

Table 3. The result of exchange structure in Vietnamese judicial conversations		
Types of exchange	Number of moves realized in corpus	Percentage
Knowledge	313	96.01%
Action	13	3.99%
Total	326	100%

The exchange structure in judicial dialogue is mainly realized in the form A1/K1. In addition, the data showed that there was no exchange forming dA1/dK1^A2/K2^A1/K1. It indicated that the nuclear move was not anticipated by the Trial Panel. The following example illustrates the exchange structure realized in the research corpus:

A1 C2M5 Về nguyên nhân mâu thuẫn là gì?
(What was the cause of the conflict?)

K1 C2M6 Nguyên nhân mâu thuẫn là anh T ảnh có người phụ nữ khác bên ngoài.
(The cause of the conflict was that T he had a sexual relationship with another woman outside.)

A1f C2M7 vậy thì có cái nguyên nhân mâu thuẫn có người phụ nữ khác thì bị cáo và anh T và gia đình hai bên có ý kiến gì trong cái việc mâu thuẫn này không?
(So, related to the cause of conflict, if there had been another woman, did the defendants [you], T, and all of your families have any opinions on that conflict?)

K1f C2M8 dạ bị cáo không có tâm sự với ai hết?
(The defendant [I] did not confide to anyone?)

The exchange structure can be drawn from this example is A1/K1^A1f/K1f.

Similarly, the exchange structure in the form A2/K2^A1/K1 was also not found in the research corpus. It could be inferred that the defendant rarely initiates the dialogues. Of the total 161 moves of the defendant, only 2 moves were initiated by the defendant.

C1M8 dạ bị cáo nghe không rõ (the defendant cannot hear clearly)

C1M54 dạ bị cáo nghe chưa rõ (The defendant did not hear clearly)

This initiation is not to initiate a new exchange. It is merely a follow up of the defendant after the question of the Trial Panel.

The follows-up in these dialogues were all performed right after the Trial Panel questioned. It can be argued that follow-up is the obligation of the defendant in the questioning conversation at the first-instance criminal court in Vietnam. The data showed that there were three times when the defendant had “silent” moves as a means of realizing the defendant's follow-up, specifically at C3M24, C3M44, and C3M46.

4.3. Discussions

The questioning is a mandatory process in criminal proceedings in court of Vietnam. This is to clarify the details of the case so that the Trial Panel can make a final decision on whether the accused has committed a crime and decide on the punishment of the state against the accused. In terms of linguistics, questioning is an integral part of courtroom discourse as a linguistic (Opeibi, T., 2008, p.147). It can be deduced from the research data that the main speech function in the interrogation part of the first-instance criminal court in Vietnam is question and answer. Opeibi, T. (2008) studied the interrogatives in Nigerian courtroom discourse and conducted the conclusion that turn allocation and talk initiation are regulated and controlled (p. 174). Despite research into legal spoken discourse from the perspective of two different theories, the results showed that the defendant was rarely able to initiate a conversation or exchange during a criminal trial. In another study of the conversation between lawyers and judges it was also found that “the court or judge holds the most powerful control and command” (Van der Houwen, F., Licoppe, C., & Opeibi, T., 2016, p.126). It can be understood that the initiation may be hardly a right of the exchange defendant in the legal aspect.

5. Conclusions

Negotiation is one of two meaning resources that create the Interpersonal meaning of discourse. In written discourses, negotiation is not activated between the writer and the reader. In contrast, in spoken discourses, negotiation becomes a useful resource of meaning. It helps the discourse analyzer to see the actual interaction between the speaker and the listener. In this way, linguists can get through the difficulties of accessing spoken language. In the spoken discourse between judges and defendants, the negotiation system includes two subsystems that need to be described: speech functions and exchange structure. The results of the examination indicated that question and answer accounted for a superior rate compared to other types of speech functions in the corpus. The exchange structure that is considered to be dominant is A1/K1. The participant of the initiation of the exchange is always the Trial Panel and the defendant seems to have no right to start an exchange in the negotiation system at court. This paper has just found some featured characters of this genre of conversation. Therefore, it may be more meaningful for the courtroom dialogues to be examined in the light of SFL.

Reference

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