

BUDDHIST INTEGRATION TO ENHANCE THE RECONCILIATION OF DISPUTES IN THE CRIMINAL COURT

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Abstract: The objectives of the paper are about the concepts of conflict theory including the conflict management and to understand the basic knowledge dispute settlement, which is important in managing conflict. This will present the background as well as the theory of conflict theory discussion. It is imperative that the judiciary must make an alternative to investigating and verifying the case to the public from the problem that the criminal justice system cannot control the amount of crime. The cause of the case is increasing. So, the court tried to create a tool and the mechanism came up to be consistent with fair, convenient and fair justice with greater participation by the people in the judicial process. “Question Formats or Question Types” are useful for resolving conflicts in different contexts. The researcher intends to study in order to integrate the principles of Buddhism into the two conflict management approaches described above. The results of the study show that the principles of reconciliation can be terminated, the dispute in the discipline accordance with it will have been mentioned for the modern era. And the proper principles in each dispute to apply in the research topic, which is high-level analysis, critical thinking, and application in compromise are considered to a high-level career, capable of solving complex problems. An introduction of the knowledge about the Buddhist Approach to integrate the compromise in the criminal court is the way to manage the conflict by reconciling the criminal case via by adopting the proper Buddhism in each case. To enhance the compromise in the Criminal Court and to deal with the above-mentioned disputed dispute, the disputing parties should resolve the dispute by mercy with reducing the bias reduction identity.

Keywords: Buddhist, Integration, Reconciliation, Disputes, Criminal Court.

1. INTRODUCTION

His Majesty the King’s speech (2002) on the occasion of the Supreme Court Bring the judge to the court of justice to present the pledge before taking office at the throne. Hall of Fame Wang Klai Kangwon Friday, March 22: His Majesty the King gave a speech that one.

“... being a judge, the name must be judged in order to decide what is going to be a problem. Because people have different opinions when different opinions; there is conflict. When there is a conflict, sometimes it is harmonious or maybe even quarrel. When there is a quarrel, he or she must have to mediate not to be born or not to become lawsuit. Because if he or she let the danger happen; it must be considered an important duty to mediate in an instant and with knowledge ..”

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For the Thai people, all of them are the most graceful. At the Thai nation, we have His Majesty the King. He sacrificed his time and sacrificed his body to strengthen in various fields for the prosperity of the nation and for the well-being of his people. With his granddaughter, HRH Princess Bajrakitiya (2010), she was the president at the seminar on “The Manage of Criminal Conflict” at the Miracle Grand Convention Hotel on July 29. There is one episode:

“...Conflict are happening in every society and every country when a conflict arises, if you cannot find a way to deal with, it will have to rely on the judicial process. To resolve the conflict, the agent must be strictly neutral. It is neutral in the mind, the action and the speech to be accepted by all parties...”.

Therefore, mediation or compromise is a court process. Another fair option that voluntary couples use to settle disputes and get them be fairness as well as legal process (Vannatat Sangkum, 2007). The compromise must be strictly neutral and neutral in the mind. Actions and words to be accepted by all parties, as mentioned above.

For this paper, the researcher’s objective would like to present about the concepts of conflict theory including the conflict management to understand the basic knowledge dispute settlement, which is important in managing conflict. This will present the background as well as the theory of conflict theory discussion.

2. LITERATURE REVIEW

Some scholar says that the judiciary has adopted an alternative dispute resolution system as an alternative to the public. The mediation process which takes only 1-3 months can be negotiated. The case will be released from the system, causing the case to drop. It is a fast, time-and cost-saving operation for the couple to save the state budget in litigation in accordance with the court process. The increased number of lawsuits, resulting in judges and officials not contributing to the growing number of cases led to a number of lawsuits and outstanding court hearings. In addition to do the legal proceedings, there are many legal steps that may take time. The court of justice and the system have been continuously and completely used by the faculty. The court will investigate the case to complete the case. Although, the case will be considered a continuation of the examination.

Moreover, some mentions that the completely faster has been quick than the traditional trial and know the date that the case was completed. But from the beginning of the case to the date of the first hearing, it will be a long tim since you have to wait for the appointment which is on his vacant days of the judges and couples including the availability of witnesses. The period may be up to 6 months, 1 year, and it may take longer than that.

In order to solve the case, it is imperative that the judiciary must make an alternative to investigating and verifying the case to the public from the problem

that the criminal justice system cannot control the amount of crime. The cause of the case is increasing. So, the court tried to create a tool and the mechanism came up to be consistent with fair, convenient and fair justice with greater participation by the people in the judicial process. In addition, screening for offenses is not pending in the court’s trial process, effectively managing the offense effectively. At the same time, the victims are protected, so the compromise system is used in court which is an alternative to the public coupled with judicial review. The public can settle the dispute manually. This is due to mutual satisfaction and both parties can maintain their relationship. This is one way to help harmonize peace in society. To be consistent with the fair and convenient administration of justice and to reduce the number of cases to be considered by the court of appeals and the supreme court. The mediation or compromise is decided into 2 types (Moore, 1996).

1. Mediation or reconciliation of a criminal dispute in a court case.
2. No conciliation or compromise by volunteer mediation. Community dispute or conciliator at court who conducts mediation or compromise.

so, the court brought another alternative, mediation or reconciliation process to replace the process of examining and judging the case. If agreed, it will make a compromise agreement and judgement mediation. The judgment mediation or compromise causes no party to win or losing, but it creates win and win (Tjosvold, 1991).

TABLE 1: CRIMINAL CASE STATISTIC

| <i>Volume of criminal cases</i> | <i>Number of criminal cases pending</i> | <i>Number of criminal cases new received</i> | <i>Number criminal case finished</i> | <i>number criminal case outstanding</i> |
|---------------------------------|---|--|--------------------------------------|---|
| 2012 | 1726 | 4941 | 4884 | 1778 |
| 2013 | 1778 | 4840 | 4747 | 1871 |

Source: Prasit Duangwong (Ph.D.) 2013.

The above statistics shows the success in mediation negotiation. Criminals is not as great as it should be. Due to the number of outstanding cases in the system increased. The policy of the president of the supreme court to the court of justice throughout the country promotes the development of case management system in the court of first instance by increasing the efficiency of mediation to be acceptable to the people (Thanarat Thun Thong, 2007).

3. METHODOLOGY

“Question Formats or Question Types” are useful for resolving conflicts in different contexts:

1. *Closed Questions*: It can be used when expecting specific answers and provide a little bit of relevant information, but may be important. For example,

“How long have you been working with this organization?”

“How old are you”

“Does the case be true?”

2. *Opened Question:* Open ended questions are given you the opportunity to get more answers and expect to get any explanation or extension back. This technique may get some information that is not expected to be revealed. Sample open end questions like:

“How do you like the job?”

“Today, are you worrying about anything”

“What does the job do you have a lot of experience?”

“Can you describe what you like the most about your job?”

“Can you explain your feelings to me, or do you understand why I am not accepted as a mediator in this process?”

An Open-Ended Question gives the speaker the opportunity to speak or breathe in the mind, or to allow the mediator to get rich.

A. Tell me more about ...

B. How do you feel when you are

C. Do you have anything else that is related to ...

D. You help me understand what (what) (how)

E. What are you worried about most ...

F. Please explain more about

G. What is your perception of (evaluation, thinking, analysis) when you say...

H. What did you miss when you heard that

I. Could you tell us how the jury reacts to the opponent’s words?

J. Why do you disagree with your opponent saying ...

3. *Leading Question:* The question is a guiding question or suggestion to the respondent. In general, use this question to find an agreement on the question.

“In what case did you appear in your office at 9am to 5pm on October 12?”

“Is it true that you enjoyed this trip?”

“Because of your fears, do you not accept me as an intermediary?”

4. *Active Listening Questions:* Repetition of what the negotiating partners have commented on. Examples of questions that reflect such attentive listening.

“I feel confused about the boss’s decision”

“You feel unhappy with the outcome of the meeting, right?”

5. Questions to expand more on the need for further information is furthered by the fact that the couple speaks out. Examples of extended questions such as
 “We want to point out the best conditions to be set in an employee retirement plan.”
 “What are the conditions in your mind?”
6. *Clarification Question*: Questions aimed at clarifying the information appear. Examples of questions that require clarity, such as
 “I just wanted to accomplish this project using the same strategy I used to do.”
 “Can you explain to me how we understand the nature of the strategy you would like to use to accomplish this project?”
7. *Confirmation Questions*: Questions that have been finalized and needed confirmation of the information presented. Example questions include confirmation like
 “I’m pleased to teach this quarter and advise the student council.”
 “Do you agree to teach this quarter and advise the Student Council?”
8. *Questions that check the truth (Confrontation Question)*: The question is to make any fact that the negotiating partners have come out clear, not ambiguous or questions to test the perceived truth of the negotiating partner. Sample questions to verify the truth, for example.
 “At the beginning of the conversation. You promise not to interrupt. “
 “Are you still intent on keeping that promise?”

The mediator or facilitator will need to ask clear questions throughout the process of negotiating, a mediation or compromise dispute. In general, the mediator or the conciliation will be required not to ask questions that are conducive to the strengths of the disputants that affect the decision. Be careful or avoid asking questions that have the same effect on the person involved. Several specific questions should be grouped together in a single meeting (Caucus). It should be more useful than the mediator. Should use a similar number of questions with each partner in the event of a meeting. Well, even if the chance of winning the dispute is not the same (Tjosvold, 1993).

During the questioning process, it is good and throughout the process of mediation or compromise disputes. The conciliators should strive to treat all parties equally. Any interactive drug, the conciliator of each negotiator is not required to do the same. The equal opportunity should be given as appropriate.

There are four levels of listening (Van Slyke, 1999). When one speaks, people who are listening often have the following level of hearing:

1. Ignoring what is being heard

2. Pretending
3. Selective listening
4. Active listening

In the same time there is an emotional response might have to be used such as

1. Avoid awareness, attention, speech, emotions
 - Do not listen to emotion.
 - Used to see how both parties and intermediaries can act in conflict.
2. Control emotions
 - Suspension of emotions.
 - Manage emotions to maintain effective discussions.
3. Use emotional expressions as information.
 - An indication of the emotion of the conflict.
 - Use emotion to provide information and knowledge to negotiating partners.
4. Encourage emotional expression.
 - Makes a sense of being concealed if the conceal is making progress without progress.

4. DISCUSSION

The court has already implemented the policy and the outstanding cases have also increased. Assuming that this research succeeds, it is likely that the pending lawsuits will decrease. Since the researcher has been the conciliator or the Criminal Court of the Criminal Court since 2009, there is an interest in integrating “Buddhist Studies” to enhance the effectiveness of the reconciliation of disputes in the criminal court. Through case studies conducted by others, the criminal dispute by the researchers has reviewed.

Issues with conceptual theory of Buddhist Principles and the implementation is so interesting that it is known and accepted. It is an easy way to apply a compromise to settle a dispute. The researcher suggests that it may lead to increased efficiency in the reconciliation process, criminal disputes, and as a result, the negotiation of the dispute has been more successful in the dispute resolution process in criminal cases, there is a principle of conflict management with the help of Buddhism in the negotiation. Compromise disputes increase the success of the compromise in the criminal court. The researcher is of the opinion that it can be used as a compromise tool. In analysis diagnose the design of conflict resolution to settle disputes by compromise, which is a way to settle disputes other than the usual court ruling. How to reconcile disputes more successfully!.

Buddhism is a great benefit for practitioners in conflict management and conflict resolution. The practitioners can be used to better deal with and resolve conflict. Whoever is involved in conflicts, he or she will find it helpful to apply the Buddhist principle to be effective in controlling corruption. Deal with conflicting opinions, resolve conflicts, and change conflicting relationships in a positive way.

Case-specific application:

Based on the information above. Researchers focus on the study to find the cause of the conflict and study how to reconcile the criminal disputes of the Criminal Court including the possibility of adopting the concept of Buddhist principles. To link the way, the compromise negotiation of the conciliators of the Criminal Court, in line with the concept of the work of the thinkers, theorists, religious practitioners apply “How much is the development of how to reconcile the criminal dispute in court?” or “How to reconcile disputes more successfully with integrated Buddhist methods”

Violence begins and restrains the mind. For many times, the Buddha condemned violence by himself. He has the principle that the mind comes first before every action, as it appears in the first 2 spells of the doctrine. The guideline that he emphasized is changing the attitudes. That is, by changing the mind. In this verse is the slogan of UNESCO, which is exactly what he saw as “because of the war in the human mind; therefore, the human mind that must protect the peace must be created”. This is the way the Buddha wants change to take place. Beating the anger with indignation or with love. Win the evil with good, win the sting by giving Win falsehood with truth.

The principles that are of great benefit to the conciliators and those with conflicting duties can be used to better deal with and resolve conflicts by 5 integrated with other doctrines such as prejudice; faithfulness; applied in specific cases and pointing the way to analysts and conflict strategists as well as refined practitioners. That is, they are able to understand, react and manipulate creatively when they are involved in conflict and can learn to recognize, understand from past analyzes and experiences.

Based on the information above, researcher focuses on the study finding the cause of the conflict and the study on how to reconcile the dispute in the criminal court and the possibility of adopting the Buddhist Doctrines. It is linked to the reconciliation of the conciliator that is consistent with the application of religious concepts to apply. In compromise the dispute, which is the integration between the reconciliation of disputes in the criminal court and the principles of Buddhism to enhance efficiency “How much conciliation in the criminal court does?”

The researcher found that the compromise of one once studied, theoretical and conclusions can be drawn to settle disputes in each case. The theoretical concept embodied in the Vinaya can be used to integrate it into the reconciliation process

in the criminal court by applying the doctrine to the problematic state of the dispute in the criminal court. The researcher intends to study in order to integrate the principles of Buddhism into the two conflict management approaches described above. The results of the study show that the principles of reconciliation can be terminated, the dispute in the discipline accordance with it will have been mentioned for the modern era. And the proper principles in each dispute to apply in the research topic, which is high-level analysis, critical thinking, and application in compromise are considered to a high-level career, capable of solving complex problems. It would be suited on using the theoretical and practical benefit for the conciliator. Furthermore, it also helps the national economy because the disputants do not have to worry about having to come to court from the court of first instance. The Supreme court of appeal is about 8 to 10 years depending on the number of cases at that time. Harmony between disagreements and the disputants including the opportunity returning to occupation saving on the government budget to manage criminal cases in the criminal court which has a great impact on the nation.

5. CONCLUSION AND IMPLICATION

The compromise on communication techniques for enhancing the effectiveness of the conciliation of criminal cases in the Criminal Court using the Communication Theory Concept by Prasit Dongwatwong (2013) (Ph.D.); the process of negotiating, mediating or settling disputes has been a step from the start of the conference to finding the true needs of the parties until the meeting is closed. The judge or the conciliator acting in mediating, the dispute must have knowledge and experience in communication. To build the good relationships and to find a way out for the disagreements, the author has the opportunity to study in the mediation or compromise course which these approaches are related to the Pepperdine University's Straus Institute for Dispute Resolution used of law to convey. The purpose of communication in the mediation or reconciliation process, disputes are for all parties to understand the views of each party. For the reconciliation, understanding the issues and interests are great of parties.

Communication Techniques to disclose Equity and Hidden Significance Reconciliation can be used to communicate and to motivate the stakeholders talking about the issues that the conciliator is interested in. These issues come from what they are saying or expressing themselves. Points of interest are the use of media techniques such as:

- A. Gesture language
- B. Repetition
- C. Conclusion Expansion
- E. Listening intently

An introduce of the knowledge about the Buddhist Approach to integrate the compromise in the criminal court is the way to manage the conflict by reconciling the criminal case via by adopting the proper Buddhism in each case. To enhance the compromise in the Criminal Court and to deal with the above-mentioned disputed dispute, the disputing parties should resolve the dispute by mercy with reducing the bias reduction identity.

Implementing Dhamma Principles to Enhance Criminal Court Arrangement: How successful will the reconciliation of a criminal case in a criminal court be depends on the hostile environment and the knowledge of the reconciliation on how to apply the knowledge of Buddhist principles applied. However, if the conciliator has applied the above knowledge to the appropriate application, wimax, neutrality, and the willingness to help the partner, which can make the counterpart recognition and acceptance of the intermediary in the process. Author sincerely hopes that the conciliator can make a record of success in compromise more than ever.

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