

Sustainable Development of Higher Legal Education in China: in the Perspective of Educational Psychology

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Abstract: This paper aims to solve the problem that China's higher law education should change from a teacher-centered teaching mode to a student-centered teaching mode, and take students' psychological identity and behavior integration as the goal to achieve sustainable development. The author puts forward the teaching model of "school teachers + students + practical tutors", that is, the "1+1+1" teaching model of "student-centered, theoretical and practical teachers as teaching service providers". This paper is analyzed by the method of comparative methodology, data study and practice demonstration. Unique advantage of China's Higher Legal Education Institutes (HLEI) is Marxist College of every university. Marxist Colleges ensure the country's unified political direction and political belief within each university.

1. Introduction

China's legal education has not really realized "student-centered". The earliest legal education in China began in 1861. In 1895, China's first modern university, Tian Jin Zhong Xi School (renamed Bei Yang University Hall in 1903) was established. It offered legal courses, marked as the beginning of modern legal education. In 1954, the famous "Five Schools and Four Departments" was found in the field of legal education in China. From 1954 to 1956, it was the foundation stage of legal education in China. China's legal system healthily developed. For more than two decades, i.e. 1957 to 1977, China's law system was severely undermined for the reason of the Great Proletarian Cultural Revolution. From 1978 to 1997, China's legal system was reconstructed accompanied with Deng Xiaoping theory. In 1997, "Rule by Law and Build a Socialist Country under the Rule of Law" was first time put forward by the 15th Chinese National Congress. Since 1997, China entered a new historical period of building a socialist country under the rule of law. Since 2012, China entered a New Era of rule of law round all respects. Law education ushered in its own "spring". The typical history was as follows (Figure 1).

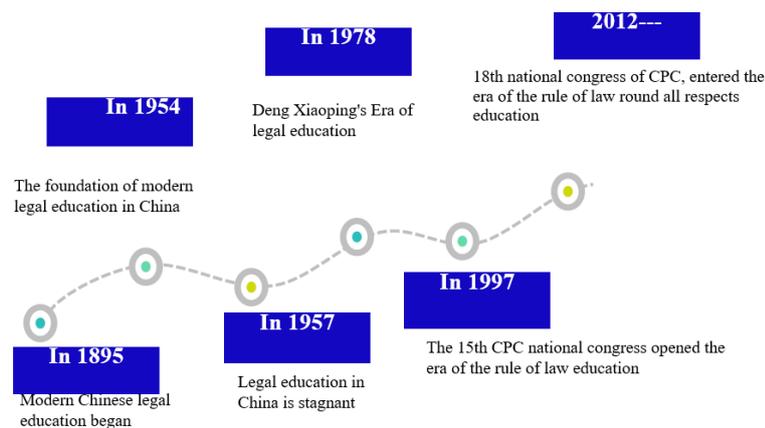


Figure 1: History of Legal Education since Modern China

In China, which has maintained a vision of close educational support for political endeavors [1], However, the law education in colleges and universities still adheres to the “teacher-centered” teaching mode, that is, the classroom is still dominated by teachers, students answer questions passively, and few students take the initiative to answer questions. Of course, this does not hinder teachers’ teaching process and final examination scores. Although in recent years, China has strongly advocated “ideological and political education through courses”, the purpose is to integrate moral education into the teaching process of specialized courses, guide students to study deeply, strengthen the learning effect and enhance their comprehensive quality. However, the actual situation is that most colleges and universities are still in the initial exploration process, and more courses are ideological and political courses or performance courses. There is still a long way to go before teachers and students can truly accept and embody the final teaching effect from their hearts and minds.

At present, universities have realized that “student-centered” teaching is the foundation of professional teaching. However, this change is not a simple concept change, and it can be effective only if all social forces make overall efforts. Otherwise, it can only be a “superficial project”, and the final “psychological expectation” at the national macro level and at the social level cannot be realized.

1.1. Research Purpose

Sustainability was put forward as a national strategy for 23 years in China. During this time, many specific measures and relevant sustainable works was proposed by either HLEI or colleges, universities. There are still too many problems need to overcome ahead. After review the question (Q) and the reasons, this study was to discuss the path and specific measures of developing the sustainability in HLEI. The important questions was as follows:

Q1: What are the goals of Sustainability in HLEI in China?

Q2: How to precise recognize the situation of present sustainability in HLEI in China?

Q3: What are the reasons of HLEI cannot better participate in the national sustainable works in China?

Q4: What problems should legal education focus on, especially the cultivation of legal consciousness and legal psychological counseling education?

Q5: Compared to the other good sustainable practice countries, which works should be done for HLEI in China?

To solve these questions, this study will research through comparative methodology, data study and practice demonstration.

2. Literature Review

2.1. Sustainability Goals in China

Many measures would be actively taken by each nation for the contribution for the UN's 17 sustainable goals by 2030. It was well known that sustainability needs diverse support from a critical mass of actors as a brittle process [2]. Meanwhile, full participation of the whole society was dispensable to sustainable development. Sustainability is a system engineering. People of most countries were encouraged to voluntarily participate in the sustainable development process.

Science, technology and education was dispensable for the building of a moderately prosperous society in all respects. China, as a socialist country, had contributed a lot to UN's SDGs in policy measures and law terms. In 1997, the strategy of sustainable development was defined as the strategy to be implemented in China's modernization drive. In 2002, China listed "continuous enhancement of sustainable development capacity" as one of the goals of building a well-off society in an all-round way. In 2017, China clearly stated that "To build a strong country in education is the foundation project for the great rejuvenation of the Chinese nation". It is high time to give top priority to education, to deepen educational reform, to accelerate the modernization of education, and provide education to the satisfaction of the people. So, SDGs is Chinese's national strategy. It was hoped to enhance sustainability capacity through education reform to realize the great rejuvenation.

The fundamental reason for the unsatisfactory effect lies in the fact that legal clinic education only stays in formal teaching, that is, teachers shape the teaching environment with virtual cases (or virtual cases adapted from real cases). These cases simplify the process of handling cases and optimize the form of evidence. Students cannot understand the law in the real case-handling environment, so they can't form empathy for the rule of law in their hearts. The sustainable development of law education should be that students, as the subject of education, under the joint guidance of theoretical tutors and practical tutors, keep in touch with legal practice in the process of theoretical study, deepen their knowledge of the law, establish a sense of the rule of law psychologically, and respect, believe and abide by the law themselves, so that they can use legal knowledge to solve social problems, and then influence people around them and promote the progress of the rule of law in society. The success of law education is not how much legal knowledge students have mastered, but whether they psychologically agree with the legal system and legal norms. In this process, the teaching mode is particularly important: the "teacher-centered" teaching mode is embodied in "1+1", that is, "theoretical teachers + students"; The best teaching mode of "student-centered" is "1+1+1", that is, the "1" in the middle is a student, and the "1" on both sides is a theoretical tutor and a practical tutor respectively. This mode is not only better than the traditional "teacher-centered" teaching mode, but also has advantages over the simple "legal clinic" education, because the "practical tutors" here are front-line practitioners of legislation, judicature and law enforcement from legal practice, and their pragmatic thinking helps to cultivate the pluralism of students' legal thinking, thus gradually forming real legal thinking and realizing the practical goal of law. This teaching mode combines the personalized learning resources with deep learning to cultivate law majors (Xuan, Zhu, and Xu 2021). Once such law graduates graduate and take up their jobs, they will quickly adapt to practice. However, this cannot be achieved by the current legal education.

3. Materials and Methods

Law Schools Data Study--- quantity of law schools has been controlled. Compared with Marxism Schools in HEIs, quantities of law schools were differentiated in various stages. Since the Reform and Opening up of China, legal education were divided into six stages:

1978--1983 the first stage was the stage of fully recover. There were more than 90 colleges till

1983.

1984--1988 the second stage was the stage of gradually developed. There were more than 250 colleges. More law schools were set up in comprehensive universities.

1989--1997 the third stage was the relatively standardized development stage. In 1996, the juris master degree students was recruited for the first time in China.

1998--2002 the fourth stage was the stage of scale development. Implementation of “985” university plan was started. The scale of colleges were distinctly expanded as well as the number of college students.

2003--2011 the fifth stage was the stage of further scale development. The absolute number of law schools was steadily increased year by year with its highest number 639.

2012-- The sixth stage was the stage of strict quality control. The number of various types of law schools was controlled to some extent. To June 2019, the number of law schools in China reached 611. 2019 was the year first time annually number of schools fall back. (Figure 2) In particular, the number of on-the-job doctoral students was strictly controlled.

Until 2011, the number of HLEIs was increased to its highest record of 639 (Figure 2). From then on, many policy measures was taken to control the scale of HLEIs and degree authorization centers by Chinese government. Meanwhile, the standards of the graduate was changed as well.

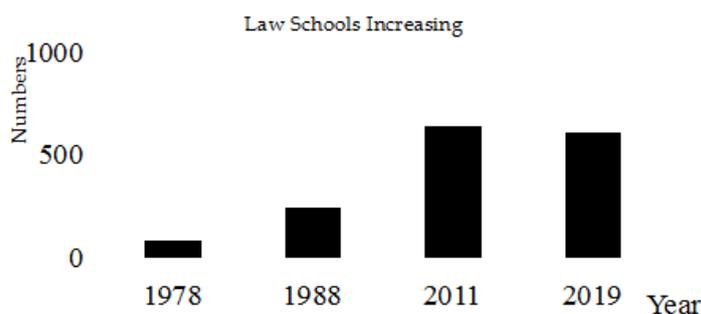


Figure 2: Number of Law Schools in China since 1978

There was twenty eight HLEIs were closed in 2019. Meanwhile, many authorization centers were closed for unqualified law degree as well. On May 24, 2019, the newly list of academic degree authorization centers in 2018 were released by Academic Degrees Committee of the State Council. Such 489 academic degree authorization centers as doctoral degree authorization centers were canceled with 182 institutions in 29 provinces and municipalities directly under Chinese central government. In addition, one doctoral first-level discipline authorization program was added for law. Five juris master authorization centers was added as well as four first-level disciplines master of laws. Four second-level disciplines for master of laws were abolished more than juris master authorization centers. Two first-level disciplines doctor of laws were added with independent examination. The quantities of HLEIs was stively controlled according to Chinese policy. Law degree authorization centers must to be dynamic assessed and controlled to serve for the need of society development. It was essential for China government implementing the UN’s SDGs.

Although the number of universities offering law majors is controlled, seemingly to ensure the quality of graduates, as far as the current situation is concerned, this goal has not been achieved.

3.1. Law Major Enrolment Data Study-- Students’ lack of Psychology of Rule of Law is the Key of “Red Warning List” of Employment

The number of graduates of law major were still in a higher level although the quantities of HLEIs were restrained in 2018-2019. Thus situation was unaffiliated for the sustainable development of

HLEIs. The national sustainability would be disadvantaged in the long run. Differentiated from quality education, graduates education was not consistent with the UN’s SDGs.

4. Results

“Student-centered” “1+1+1” teaching mode should become the regular mode of legal education and training the “Rule of Law Talents”, this mode can cultivate students’ sound legal psychology and legal literacy, and become the internal support for them to correctly handle legal issues in their future work.

4.1. Three Standards of Law Graduates should be adhered to in Law Education

Qualified legal education was component of UN’s SDGs. The goal would be demonstrated by the graduates of HLEIs. It was important that what skill level of students HLEIs trained. In “New Era”, “Rule of Law Talents” became the new standards of law graduates.

On May 3rd, 2017, China's national leaders has a speech during his visit to China University of Political Science and Law. The visit was a landmark event for qualified legal education of China. The proposal of "rule of law talents" can be traced back to 2014.

Education standards for the “Rule of Law Talents” was as following:

First, with regulations for national standard of teaching quality of common college undergraduate, China’s law education reestablished the core courses of legal education in 2018. From the original 10 courses to 16 courses, now it is changed to “10 + N” courses. The training of “legal talents” in colleges and universities should focus on the “10+n” curriculum system, and at the same time, keep pace with the times, closely follow the latest demand of law in society, and incorporate it into curriculum teaching. For example, under the current international situation of global network integration and the domestic situation of China’s “internet plus”, how to solve the legal regulation problems of artificial intelligence, big data, block chain, meta-universe, data security and other network information should become the focus of teaching.

Second, subject education was included in vocational education in aspect of professional education. Legitimacy was one of the key factors for owning a sustainable competitive advantage. Sustainable values were embodied in HLEI’ practice [3]. In China, practice of law examination was found with a deep influence on law education. The bar examination was started by ministry of justice, China in 1988. Then, it was changed into judicial examination in 2002. In 2018, judicial examination was innovated as national unified legal professional qualification examination. Such regular personnel groups as judges, prosecutors, lawyers and notary public were expanded to engaged in the examination with the reform. Administrative punishment decisions, administrative reconsideration and administrative adjudication were effectively verified as well as legal advisers and arbitrators (legal categories) with the reform. This reform was helpful to improve the rule of law of these occupations (Table 1).

Table 1: Development history of Chinese legal professional qualification examination

Time	Name	Training objectives
1988	Bar Examination	Lawyer
2002	Judicial Examination	Judge, Prosecutor, Lawyer , Notary Public
2018	National Unified Legal Professional Qualification Examination	Those engaged in the examination and verification of administrative punishment decisions, administrative reconsideration and administrative adjudication, as well as legal advisers and arbitrators (legal categories)

Third, Sound legal psychology and legal literacy. Studying the core courses of law and passing the

legal professional qualification examination are the external skill standards of legal talents; Sound legal psychology and legal literacy are the inherent professional literacy standards of legal talents. If there is only superb legal skills, but there is a serious lack of psychological and literacy skills, it will lead to the abuse of legal knowledge and legal skills by professionals. The best time to develop a sound legal psychology and legal literacy is not in the practice period, but in the period of higher education. The function of education is to educate people with culture and literature. The purpose of education is to enable students not only to have strong professional skills, but also to have the inner virtue and the most basic professional ethics beyond ordinary people.

4.2. Strengthening Professional Ethics Education and Shaping the Psychological Highland of Legal Talents

Chinese employment rate and relevant ranking of law graduates were still not optimistic, although Chinese policy measures updated and standards of law graduates replaced.

Neglect of its social function would be resulted once only the national unified legal vocational qualification examinations were focused by Chinese higher legal education. The purpose of legal education was to train legal talents for the country and society. Neglects legal morality and legal ideal, legal education would send high-level scum to society in the end. After the collapse of the Soviet Union, Chinese higher education experienced from the preliminary reconstruction of law to “westernized trospection development”. The federal state education standards of legal professional were revised one after another. The beneficial reference of contemporary China’s higher education of law were provided by the renovation. More than skill education, Chinese legal education should stick their Marxist based legal education. That is Marxist based legal education was the accuracy of political direction and the high strictness of professional ethics. Lack of specific measures for legal professional ethics training was the critical challenges of Chinese current legal education. Strengthening professional ethics education is the basic requirement of shaping students’ sound legal psychology.

The process of law construction and the prospect of judicial reform in China were determined by the relationship between the construction ruled by law and the moral quality of legal professionals. Largely, whether China’s legal construction and judicial reform would embark on the path of sustainable development would depend on the reform and development of legal education with the mission of cultivating legal profession, and on the professional ethics of legal professionals cultivated through legal education.

5. Discussion

Sustainability is a ‘professional’ more than a ‘personal’ issue [4]. Many definitions of sustainability focused on the environment rather than social and economic problems [5]. Actually, education was a key role in achieving sustainability and China’s two centenary goals [5]. It was time to discuss the specific educational steps for the sustainability challenges and opportunities would bring [6]. However, sustainability of education was at an early stage in many institutions [7]. Few people thought that the major restructuring sustainability in higher education was the university’s contribution in creating sustainable societies. Even most were unaware of the university’s sustainability issue [8]. In China, the problem was ubiquitous.

Quality education was the important goal in the UN’s 17 SDGs. Higher law education was aim to train qualified legal professionals. However, it was difficult for a large number of law talents trained in Chinese universities, and difficult for jobs in time. The imbalance was caused between actual demand for talents and higher legal education in today’s society. To solve the problem of imbalance, legal education governance system was to innovated. To carry on the legal profession integration

construction, judiciary examination system so as to fulfilled the reform of legal education.

According to status of universities in Chinese mainland, funds for law was serious shortage except the Marxism school. The shortage bothering the deans of law schools. The consolidation and was restricted to improve talent training quality Many universities want to saves money through offering a law degree. The motivation lack for legal talents training was reasoned that conflict between the high training costs and the existing economic resources. Then, the improvement of the quality of legal talents was further restricted.

In China, One nationwide unified law education department training plan was to draw up, so as to unify applicable rules of Marxist materials. Problems above would be effectively solved with this measure. Like such developing countries as South Africa, the sustainability of clinical legal education was insufficient for law construction as well [9]. It would continue to exist for a long time in the future. Compared with science and technology majors, law educators and educational authorities should have an accurate understanding of the problem themselves.

Meanwhile, legal education in colleges should be informed with AI in the construction of wisdom courts and wisdom procuratorates. Only in this way can the sustainable development of Chinese legal education be realized with big data networking. For example, the construction of wisdom court will give a new connotation of “approaching justice”. Judges cannot be replaced by AI in deciding cases. Thus, properly handle the conflict between the rationality of AI tools and judicial legitimacy was dispensable to the relationship between AI and judicial rules. The judicial big data of AI was difficult to meet “case justice”. It only provides intelligent auxiliary role for judges to judge cases.

To explore new rules for online trials, with many innovations and highlights, Several Issues Concerning the Handling of Cases by Internet Courts was issued by Chinese Supreme People’s Court On September 7, 2018. Such online rules related internet platform construction of litigation as litigation client authentication, registration, trial, electronic authentication service were highlighted as well as electronic evidence, electronic signature, electronic records and electronic archives.

However, if the “1+1+1” teaching mode is adopted in the process of law teaching in colleges and universities, such practical tutors are introduced into the classroom “student-centered”, so that they can tell about these real case-handling experiences, and lead students to the front line of case-handling in practice teaching to take flexible and diverse forms such as observation, interaction, simulation, practical exercises, etc., so as to help students become familiar with the law psychologically, then accept it, and finally fully integrate it into their own quality, which is the ultimate goal of legal talents training.

6. Conclusion

The research of this paper is of great significance for promoting the healthy development of law education in Chinese universities and realizing the goal of the national strategy of comprehensively governing the country according to law. Of course, due to the different teaching environments, financial support, and different actual situations in other places, it is still difficult to fully implement the “student-centered” “1+1+1” teaching mode in all law majors of colleges and universities. It is necessary to try it out from point to point in teaching practice, and gradually popularize it when conditions are ripe, and improve it while experimenting.

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