

The Dilemma of Vice Chancellors of Law and Its Improvement—Based on the Analysis of Court Personnel

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Abstract: Nowadays, the state attaches more and more importance to the protection of minors and legal education, and with the implementation of the Measures for the Appointment and Management of Vice Chancellors of Law in Primary and Secondary Schools, the coverage of vice chancellors of law in primary and secondary schools has become more and more extensive. However, in practice, there are a series of problems such as the lack of enthusiasm of court personnel as vice chancellors of law, the lack of full implementation of responsibilities, the unbalanced provision of resources and the too single teaching mode, which make it difficult to guarantee the efficiency and effectiveness of court personnel as vice chancellors of law. Therefore, the functions of judge and vice chancellors of law should be organically combined, and the system of employment, management and assessment of vice chancellors of law, as well as the content and form of innovative legal education should be continuously improved to improve the efficiency of vice chancellors of law, so that "vice chancellors of law" has a "name" and "reality" establishment of legal thinking of minors should be promoted to take care of the healthy growth of minors comprehensively.

1. Introduction

In recent years, the frequent exposure of crimes committed by underage minors and cases against minors has aroused widespread concern in the society, and it is important to carry out sufficient legal education in primary and secondary schools in promoting the legal construction of socialism with Chinese characteristics. In July 1998, Jiangcheng District of Yangjiang City was the first city to employ the construction of vice chancellors of law in primary and secondary schools, so as to improve the level of legal education[1]. In 2003, six ministries and commissions issued the Opinions on Regulating the Duties and Selection and Recruitment Management of Part-time Vice Chancellors of Law, but there were significant problems in the initial work due to uneven resource allocation. In the midst of continuous exploration and progress, with the introduction and popularization of the concept of "law", "vice chancellors of law" were gradually popularized. In 2020, the newly revised "Law of the People's Republic of China on the prevention from juvenile delinquency" made provisions for vice chancellors of law. On May 1, 2022, the "Measures for the

Appointment and Management of Vice Chancellors of Law in Primary and Secondary Schools" (hereinafter referred to as the "Measures") was officially introduced, marking the growing maturity and perfection of the system of vice chancellors of law. With the continuous implementation of the juvenile courts, court personnel acting as vice chancellors of law have their own unique advantages, while a certain depth of exploration was conducted on the protection of minors. However, there are certain problems in the court personnel acting as vice chancellors of law. Starting from the questionnaire survey issued to 18 primary and secondary schools in City C of S Province, and from the relevant information retrieved, this paper aims to find effective ways to solve these problems, enhance the efficiency of court personnel during their service as vice chancellors of law, and promote the construction of the law in China.

2. Advantages of Court Personnel to Promote the Construction of Vice Chancellors of Law

"School bullying" and "school disputes" have always been the key problems that plague the growth of minors, especially the phenomenon of school bullying. According to data published by UNESCO, about one-third of the total student population worldwide is exposed to violence in schools every year. As the judiciary of the state, the courts are responsible for protecting minors. Since the 18th Congress, the people's courts have given full play to their function and severely punished crimes against minors in accordance with the law. In October 1984, China's first collegial court specializing in criminal cases against minors was established in Shanghai Changning District People's Court. After long-term exploration, 2,181 juvenile courts have been set up in various forms in courts nationwide, which shows that juvenile courts have become a unique symbol of the people's courts in dealing with crimes against minors. The people's courts aim to implement the principle of "most favorable to minors". With education as the main focus and punishment as a supplement, the people's courts actively carry out post-sentence visits and other extended trial functions, so as to protect minor defendants and victims in both directions according to the law, and set up a solid protection of minors' rights and interests. This is consistent with the purpose of establishing vice chancellors of law to improve the campus governance system and the protection mechanism for the rights and interests of minors in Article 1 of the Measures, both of which are aimed at protecting the interests of minors, which also allows court personnel to act as vice chancellors of law, constantly improving the quality of work to protect minors, and provide diversified ideas for the work of vice chancellors of law [2].

In terms of judicial practice around the city, as of April 2022, the city's courts in Chengdu have 224 judges as vice chancellors of law, actively implementing the "full coverage" of vice chancellors of law in the city [3]. New Town Court in Xi'an City has identified 63 candidates for vice chancellors of law in the whole court as of June 2022, achieving full coverage of vice chancellors of law in primary and secondary schools in its jurisdiction [4]. From the typical cases of "to create a Fengqiao-style people's court to serve social governance of grassroots" released by Supreme Court, it can be seen that many people's courts can combine the actual situation of the local to carry out special activities of vice chancellors of law: for example, the People's Court of Wenshang County, Shandong Province regularly organizes students in the people's court for immersion experience of legal education [5]. The Longquan Court of the Long Hua District People's Court in Haikou City, Hainan Province regularly organizes students in primary and secondary school to visit the anti-drug cultural corridor, and consolidates what they have learned by distributing brochures and educational classes, so as to strengthen their awareness of drug prevention [6]. Court personnel around the country continue to explore and accumulate experience, they rely on their own excellent professional knowledge and rich experience in judicial practice to carry out various activities such as the legal campus speech activities, the organization of students to carry out mock court, holding

the legal knowledge competition to guide minors to know the law and abide by the law, care for the healthy growth of minors.

3. The Dilemma of Court Personnel as Vice Chancellors of Law

Through interviews and questionnaires, I found that the court personnel in the actual implementation of vice chancellors of law were often subject to certain restrictions. As a result, the implementation of vice chancellors of law is often a formality. In summary, it can be roughly divided into the following three points: firstly, the duties of vice chancellors of law are not fully implemented; secondly, some remote and rural areas are not fully covered due to the disparity of resources between different regions; thirdly, the teaching model is single, and the teaching content is repetitive.

3.1. The Duties of Vice Chancellors of Law Are not Fully Implemented

The duties of vice chancellors of law should be based on legal education. But in fact, primary and secondary schools tend to pay more attention to campus security and stability, vice chancellors of law are invited to help the schools to better maintain law and order and resolve school-related disputes. This has weakened the function of legal education, and vice principals often do not develop a complete legal education plan, not to mention the construction of a sound legal education system[7]. With the continuous improvement of the system of vice chancellors of law in China, many courts have conducted special legal education activities. However, from the feedback of author's questionnaire survey to 18 primary and secondary schools in city C of S province, among the students surveyed, 23% of the students clearly indicated that there were vice chancellors of law, 68% said they were not sure, and 9% said there was no vice chancellor of law. This indicates that some vice chancellors of law still have shortcomings in performing their duties.

Moreover, the rule of law publicity and education carried out mainly by the vice principal of the rule of law shows obvious non-standard characteristics, mostly in the first class of the school year, the rule of law class, special holidays, and another rule of law publicity and education. In this way, it is difficult to guarantee the regular mechanism and practical effect of rule of law publicity and education for minors. In addition, compared with rule of law publicity and education, crime prevention, student protection, security management, and legal governance are to a certain extent more important and more closely related to the protection of minors. However, in the current process of rule of law vice principals' work, the above aspects of work are not given due attention.

Furthermore, most of vice chancellors of law are the judicial personnel of the grassroots courts, status quo of many cases with few judicial resources exists, so that the court personnel cannot often actively participate in the process of performing the duties of vice chancellors of law. From the questionnaire, some schools had low frequency in carrying out the activities of vice chancellors of law, 12% of students said that the school only carried out one-time activity related to the legal education in a semester, many court personnel do not have sufficient time to perform the function of vice chancellors of law, resulting in many activities often in form.

In addition, the assessment mechanism for vice chancellors of law still needs to be improved. Currently, the assessment mechanism for vice chancellors of law in the people's courts around the country is not uniform. For example, the majority of areas in S province do not have a corresponding assessment mechanism [8]. City H is the first to implement an assessment mechanism in its province, specifying 20 assessment indicators, determining the grades with the performance of duties as the scoring standard, as well as conducting reward and recognition for the excellent vice chancellors of law [9]. On the other hand, the system of vice chancellors of law has the awkward phenomenon of "unclear authority and responsibility, responsibility without authority",

although a vice chancellor of law is a "principal", but his duties do not include to perform the duties of school administrators, coupled with the absence of relevant reward and punishment mechanisms and supervision and assessment by relevant departments, therefore, the system of vice chancellors of law is often formalistic.

3.2. Difficulty in Balancing Resources in Remote Areas

From the seventh and eighth articles of the Measures, all the primary and secondary schools should be equipped with at least one vice chancellor of law. However, from the research results, the allocation of vice chancellors of law in different provinces and different urban areas is different. On the one hand, there is the phenomenon that some remote and rural schools are not equipped with vice chancellors of law. For example, from the interview reports of students in two rural elementary schools in L city of S province, it is found that both schools are not equipped with vice chancellors of law. On the other hand, there is the phenomenon of unreasonable allocation of vice chancellors of law, and the intermediate people's court in H city requires that the schools should be equipped with vice chancellors of law in the one-to-one manner. But because the situation varies among schools, such schools with a large number of students and teachers should be equipped with more vice chancellors of law. In the process of balancing the resources of vice chancellors of law, the dilemma is mainly highlighted in remote areas where vice chancellors of law are deployed to work at a distance from the school, vice chancellors of law are often unable to take good care of the work of the school because of their own work, resulting in a formality of the work of vice chancellors of law.

In the past, the rule of law vice-principals sending units or systems for the rule of law vice-principals supporting teaching resources are not perfect, and the personnel who undertake the rule of law vice-principals are very busy with their work, in the case of the rule of law supporting teaching facilities and equipment resources are not perfect, and the backup measures are not in place, it is easy to lead to the work of the rule of law vice-principals enthusiasm is reduced. In addition, because the supporting teaching resources are not sound, the teaching of the deputy principal of the rule of law is mainly theoretical, and the examples given in the teaching are not close to the student's lives, which leads to boring classroom content, and it is difficult for students to understand the moral concepts contained in the text, so it is difficult to form a stable working relationship between the deputy principal of the rule of law and the school, which has a certain impact on the development of school-related work.

At the same time, the rule of law vice principals are sent by different institutions, and the professional background and practical experience of the personnel sent are also different. Although most rules of law vice principals have an educational background or work experience in law, most of them have not specifically studied legal knowledge in the field of minors, nor have they received training in educational teaching methods and skills for primary and secondary school students, which has led to a discount in the effectiveness of rule of law education. Some vice principals of the rule of law have a single way of teaching, mainly through reports and lectures, and lack vivid, graphic, and diversified education methods suitable for the characteristics of minor students.

3.3. The Work Model is Single, the Level of Innovation should be Improved

In the questionnaire survey, 34% of the students said that the system of vice chancellors of law in schools are governed by "lectures on law", which reflects that in practice, the work mode of vice chancellors of law is too simple, in lack of innovation, and it is not very different from other law promotion activities, which cannot reflect the special advantages of vice chancellors of law. Additionally, the dilemma faced by vice chancellors of law in teaching is that their work in courts is

different from the teaching and education work in schools. Although the court staff serving as vice chancellors of law have rich and solid legal knowledge and practical experience, they still lack rich experience in teaching, and the lack of teaching practice may make them not give full play to their professional strengths in the teaching process[10]. For example, if judges do not consider the perspective of students when teaching the Civil Code to primary and secondary schools, it is easy to take education out of practice, so that students who lack social experience will find the content of civil law teaching boring and dull, thus greatly reducing the effect of legal education. On the other hand, from the interviews with students, we know that the content taught by vice chancellors of law mainly tells students how to avoid breaking the law, which shows that the current content taught by vice chancellors of law tends to be at the level of "legal system", which is not effective for the "legal" education of socialism. There is still a shortage of education to implement the characteristic socialist "law" into students' hearts.

4. Perfecting the Path of Court Personnel as Vice Chancellors of Law

In order to address the problem of court personnel as vice chancellors of law, the author believes, firstly, in terms of the functions of court personnel, organic combination of the functions of judges and vice chancellors of law should be combined, so as to actively play its maximum advantage; secondly, in terms of the system level, the employment, management and assessment system of vice chancellors of law should be constantly improved in order to incentivize the work of vice chancellors of law and balance resources, so as to avoid its formality; thirdly, in terms of the education system, content and form of legal education should be innovated to make the legal ideas more deeply into the growth of students.

4.1. Full Utilization of Judges' Functions

4.1.1. Leveraging the Multi-disciplinary Strengths of Court Personnel

At present, most of the court personnel who serve as vice chancellors of law in primary and secondary schools are judges in the specified number of personnel and judge assistants, and they are responsible for a wide range of fields, not limited to criminal and civil fields. Therefore, when carrying out legal education in primary and secondary schools, non-criminal and civil court personnel can conduct legal education in their own areas of expertise. For example, judges from the Environmental Protection Court can teach the concept of green development to elementary and middle school students while popularizing civil and criminal law education during their tenure as vice chancellors of law. Judges from the Intellectual Property Court can popularize the knowledge of intellectual property rights to students, so that the students can develop the awareness of copyright protection from an early age. This kind of diversified teaching can not only broaden students' horizon of the law, but also make the role of vice chancellors of law more rich and three-dimensional.

4.1.2. Emphasis on the Organic Combination of Juvenile Court Judges and Vice Chancellors of Law

In recent years, the Supreme Court has attached great importance to the implementation of juvenile courts and explicitly requested that the systemic construction of judicial protection for minors should be promoted. With the continuous improvement of the construction of juvenile trial organizations in various regions, the implementation of juvenile courts has achieved certain achievements nationwide. Judges of juvenile courts are more focused on the protection of minors than that of other courts, and juvenile court judges acting as vice chancellors of law can combine

their rich experience in handling cases and introduce the experience they have summed up in cases closely related to young people in practice into the work of vice chancellors of law, so that primary and secondary school students can understand more specifically the legal problems they will face at their age. At the same time, the judges of the juvenile court are closer to the primary and secondary school students and are more familiar with students' psychological conditions, so they can better attract the students' attention when teaching, and implicitly let students build a legal mindset of learning, understanding and abiding by the law.

In the process of school management, juvenile court judges can also better understand the key issues in campus safety and disputes among minors in primary and secondary schools, so as to achieve precise prevention of campus safety problems and timely resolution of disputes among minors in their daily work. Juvenile court judges acting as vice chancellors of law can also play a sufficient role in the correctional work of the juvenile court. Judges can combine their experience as vice chancellors of law for the purpose of precise correctional treatment, so that the delinquent minors can be rehabilitated and can return to society. Therefore, the organic combination of the juvenile court and the work of vice chancellors of law can mutually promote the improvement of both works. The juvenile court judges can better perform the work of vice chancellors of law through the trial experience of the juvenile court, and then further apply the practical experience summarized in the work of vice chancellors of law to the trial and correction work of the juvenile courts. So that the prevention of minors can be more accurate, and ruling-by-law thought can be better popularized among primary and secondary school students.

4.1.3. Actively Take on the Responsibility of "Vice Chancellors"

As mentioned above, the system of vice chancellors of law comes with the phenomenon of "responsibility without authority", and vice chancellors of law often do not actively perform the duties of a "vice chancellors" for school management to promote the legal construction in primary and secondary schools. Firstly, when engaging in vice chancellors of law, Court personnel should and actively participate in the development of school rules and regulations of primary and secondary schools in the review process by using their professional and extensive legal knowledge and experience, so as to lay a solid legal foundation for school operations. When developing and improving school rules, they should build scientific and reasonable mechanisms for disciplinary or correctional education, student education and protection counseling work according to the actual situation of schools and the provisions of the Measures. Secondly, Court personnel should actively participate in the management of schools, cooperate with relevant school departments to solve law-related cases in schools, and popularize the law and relevant solutions to students and related personnel, so as to promote the construction of legal education in schools. What's more, Court personnel should join the complaints committee in primary and secondary schools, actively handle students' and staff's complaints in a scientific and reasonable manner and perform our supervisory function.

4.2. Complementing and Improving System of Vice Chancellors of Law

4.2.1. Refine the Hiring Mechanism of Vice Chancellors of Law

In the process of employing vice chancellors of law, priority can be given to judges of juvenile courts, because they have rich experience in handling cases of minors, better understand the psychology of minors, and carry out the work of protecting minors more precisely. Additionally, based on the responsibility of legal education of vice chancellors of law, priority can be given to judges with psychology, education and other related professional background, so as to promote the

process of legal education more efficiently.

Combined with the status quo of the heavy caseload faced by the courts, a school can hire multiple vice chancellors of law, while multiple vice chancellors of law should also communicate with each other in a timely manner to carry out regular work of vice chancellors of law. In Nantong City, Jiangsu Province, for example, as of December 2022, 555 primary and secondary schools in the city have a judge, a prosecutor, a police officer, and an additional lawyer, forming an efficient configuration pattern [11].

4.2.2. Improve the Work Management Mechanism of Vice Chancellors of Law

At present, there are certain shortcomings in the implementation of vice chancellors of law, one of the reasons is that the work management system of vice chancellors of law is still relatively indistinct, therefore the work management mechanism of vice chancellors of law needs to be improved. Firstly, more specific teaching plan of vice chancellors of law should be developed, the time and frequency of legal education activities should be determined, and then the determined plan should be reported to the Education Bureau for recording. Secondly, the preparation mechanism of legal education should be improved, vice chancellors of law and legal education-related personnel in the school (such as Civics and Political Science teachers, legal advisers, etc.) should cooperate in the preparation of lessons to develop a matching legal curriculum for students combined with the different cognitive situation of students of different ages. Thirdly, solid and adequate pre-service training should be fully conducted, such as law-related professional knowledge, related pedagogical and psychological knowledge, so that vice chancellors of law better understand the characteristics of the age group of minors to increase the vividness of the legal teaching, so as to achieve more precisely legal education. Fourthly, financial security should be increased. From the implementation of vice chancellors of law, there is a phenomenon of uneven distribution of resources due to insufficient funding, the education department should set aside special funds for vice chancellors of law specifically for the development of legal activities. For the implementation of the system of vice-chancellors-of-law in remote rural areas and areas with inconvenient transportation, financial security should be increased to provide complete provisions for accommodation and transportation subsidies, so as to facilitate the work of vice chancellors of law. Fifthly, the supervision mechanism of vice chancellors of law should be improved, parent committee and legal education related personnel except for vice chancellors of law in primary and secondary schools can conduct regular reviews on the work of vice chancellors of law, and put forward objective views, in order to improve the level of the work of vice chancellors of law.

4.2.3. Improve the Assessment Mechanism of Vice Chancellors of Law

Because the task of vice chancellors of law often conflicts with the court staff's own work, there is a need for the courts and education authorities to jointly develop a better and more specific assessment and incentive mechanism, so that vice chancellors of law can better be committed to legal education. The education administration regularly inspects the implementation of work of vice chancellors of law and reports the progress of their teaching activities, including the specific number and form of legal education conducted, as well as content of their participation in school management. A regional competition for vice chancellors of law can be conducted to allow vice chancellors of law to share their experiences and learn from each other. Schools should provide regular feedback on the work of vice chancellors of law for the courts, and put forward suggestions on the work of vice chancellors of law during this period of time. The feedback results can be taken as an important basis for the performance evaluation, awards and merits of vice chancellors of law. As for the excellent work of vice chancellors of law, certificates should be issued to inform the

praise.

4.3. Optimize and Innovate the Work System of Vice Chancellors of Law

4.3.1. Enrich the Form of Legal Education

Currently, the form of legal education of vice chancellors of law is governed by lectures. This "output" form of legal education is easy to make the youth with fuzzy "law" concept tedious and even produce the emotion of resistance. Therefore, the work form of vice chancellors of law should adapt to the psychological characteristics of young people, while using the "court advantage" to create a special form of legal education. Firstly, legal education and social practice should be combined with each other. Court personnel have rich trial experience, and they can organize students to carry out "mock court" activities or to observe the trial, so that students experience a complete lawsuit. In addition to the mock court, vice chancellors of law can also conduct practical legal education, including organizing students to perform sitcoms, visit legal corners, etc..Secondly, "cloud platform" of legal education should be established based on information technology, so as to create legal education online classes, legal microfilm, legal serial cartoon animation, online knowledge contest and other ways to integrate "Internet +" model into the legal education, in order to enrich the legal education and to relieve the pressure of the work of court personnel. Thirdly, they can combine their own fields to popularize the knowledge of multiple fields of law, not just in the field of criminal law, and prevent juvenile delinquency while also rooting the awareness of rights and equality in the hearts of students.

4.3.2. Focus on the Extension of the Object of Legal Education

In the legal education, vice chancellors of law should pay attention to the extension of the object of legal education, the object should be extended to students, teachers, families and communities and other dimensions. Firstly, teachers should be included into the object in the popularization of law. Teachers have sufficient time in contacting with students in schools, teachers are trained in legal education so that teachers know the law, then teachers can also implicitly popularize the law to students to promote the development of legal education. Secondly, the development of family education on the law should be emphasized, parents should be organized regularly to sit in the class of legal education. Parents should be guided to pay attention to the legal education of young people. After parents know and understand the law, they can be taught by example, so as to create a good family atmosphere and promote the establishment of the legal ideas of students. Thirdly, legal education should be extended to community to create a safe campus environment, and to care for the safety of students to and from school. The establishment of a legal community can also invariably promote the formation of youth' law ideas.

5. Conclusions

The "vice chancellors of law" is a pivotal point in the development of legal education in primary and secondary schools relying on the unique conditions. In the past, legal education has tended to be a quick fix, and its content has been limited to crime prevention. In fact, crime prevention is only one of the most basic aspects of legal education for youth. The Ministry of Education has formulated and promulgated measures to further expand the responsibilities of the deputy head of the rule of law in maintaining school safety and assisting and disciplining students based on the original rule of law education and emphasizes the coverage of all public primary and secondary schools and multi-departmental cooperation, which to a certain extent makes up for the lack of a single school force and helps to promote the implementation of rule of law education in schools.

When court personnel act as vice chancellors of law to achieve the level of "rule of law", they should overcome the difficulties of their own work, give full play to their functions of judges, continuously improve the system of vice chancellors of law, enrich and optimize the education system, so that students can realize their rights and obligations, cultivate the "civil law awareness", so as to lead to a level of compliance with the law and "not to overstep the bounds of the law".

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