

From Intervention to Integration: Application of Big Data in Legal Practice Education

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Abstract: With the implementation of the ten-year development plan of educational informatization (2011-2020) and the 13th five-year plan of educational informatization, the mode, quality and effect of higher education in China are undergoing profound changes. The deep, multi-dimensional and continuous integration of big data and higher education lead to the dual reform of "teaching" and "learning" in legal practice education.

1. Introduction

Education is the foundation of a country. The advanced level of education directly determines the future advanced level of the country. Under the background of the Coexistence of the Rule of Virtue and the Rule of Law, legal education in colleges and universities has become one of the most important type of education. With the implementation of the Ten-Year Plan for the Development of Education Informationization (2011-2020) and the 13th Five-Year Plan for Education Informatization, the impact of the mode, quality and effect of higher education in China is undergoing profound changes. . The in-depth, multi-dimensional and continuous integration of big data and higher education has triggered the dual reform of "teaching" and "learning". In October 2018, the Ministry of Education and the Central Political and Legal Committee jointly issued the "Opinions on Adhering to the Law on Moral Education and the Implementation of the Education for the Rule of Law 2.0", which further affirmed the great influence of big data on legal education, especially the practice of law for the future. This policy fully realized big data's importance and outlined the basic road map.

2. Overview of Legal Practice Education on the Background of Big Data

2.1. Overview of Legal Practice Education

The legal education in China is constantly developing and perfecting. The scale of legal education is constantly expanding, and the number of professional legal talents is increasing. There are many problems in the current legal education in our country. For example, there is a serious disconnect between legal practice education and social needs. It is mainly reflected in the unclear positioning of legal education, the specific content of legal practice education, and the relationship between legal practice education and legal education management system. Legal professional qualification examinations and legal education are not effectively docked and so on. At present, China has entered a complete period of corresponding development and construction of the rule of law. As a

decisive force to promote the progress of the rule of law, legal education should shift from the original legislator's thinking to the annotated jurisprudence. The development of legal education should pay more attention to vocational education, focusing on practicality and application. Since 2002, the National Judicial Examination has increased the examination of the internal professional qualification examinations of the prosecutor's examination and the judge's examination, collectively referred to as the judicial examination. In 2008, the Ministry of Justice allowed junior candidates to take the exam for the judicial examination. The 2018 judicial examination was officially renamed the legal professional qualification examination. The relationship between legal education and legal professional qualification examinations has always been in a tense form. As a national legal professional admission examination, the legal professional qualification examination plays an important role in selecting outstanding legal professionals. Legal practice education is a direct way for legal professionals to cultivate core competence.

2.2. The Influence of Big Data on Legal Practice Education

According to general theory, the basic characteristics of big data include five aspects. Which vast amounts of data (volume), the scale of dynamic data system (velocity), a variety of data types (variety), variable data structure (variability) and precise data analysis (veracity).[1]

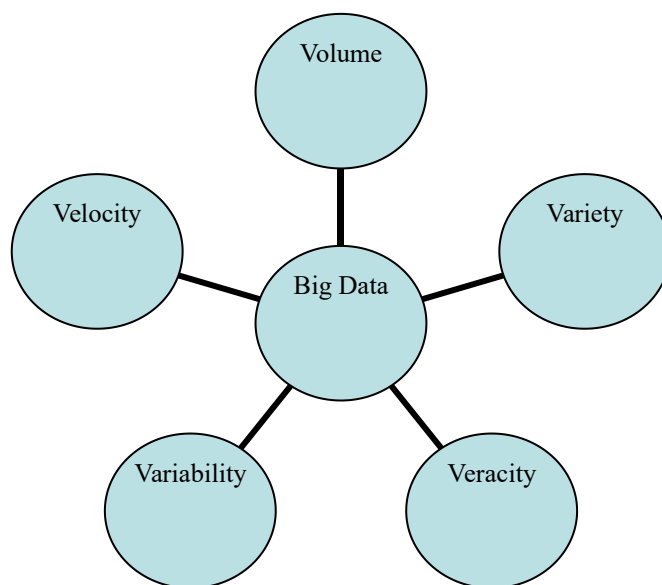


Figure 1: Characteristics of big data.

Since the establishment of the big data strategy in 2015, big data has highlighted the status and role of its basic strategic resources in China's social development, and has had a tremendous impact on various aspects of national security, social governance, and economic development. In the era of big data, the source of legal data is no longer limited to the statistics and collection of government, judicial organs or research institutions under the traditional model, but also breaks through the limitations of the limited sample collection of the original legal empirical research, in a way that is closer to real life. The legal field requires the support of big data to predict social behaviors and preferences in general or specific areas, providing a basis for legislation and legal regulation; big data technology versus traditional structured legal data and newly generated semi-structured data. The collection, cleaning and processing of data often reveals the value of data that has not been

discovered before, and provides explicit judgment standards and selection basis for judicial practice, legal services, and legal education. The innovation and application of big data technology will generate new problems, which will initiate the transformation and development of legal research objects and paradigms. [2]

3. Problems Existing in Legal Practice Education on the Background of Big Data

3.1. The Model is Old and the Method is Single

At present, the traditional mode of legal education is basically carried out around the teaching materials. The strict revision and examination system of law textbooks also causes the textbook content to have the defects of old ideas and aging knowledge. In particular, the content of the textbooks is limited to the academic issues of the disciplines of law, the genre disputes and historical evolution, and the lack of interdisciplinary composite content. . Especially in the legal practice education, there is a lack of tradition to develop uniform textbooks. Legal practice education often becomes a vassal of theoretical teaching content in reality. Taking case teaching as an example, most of the cases used in law teaching generally rely on the lecturer to collect the published cases according to the needs of the teaching knowledge points, and then provide them to students by simplifying the facts or refining specific legal relationships.

Practical teaching consists mainly of legal clinics, simulation courses, and off-campus internships. However, in reality, due to the quality of the source of the case, the length of the internship , the guidance of the instructor and the effects of these legal practice education often fail to achieve the expected results. In 2012, the Supreme People's Court promulgated the "Guiding Opinions on Establishing a Two-way Communication Mechanism between the People's Court and the Law School", which proposed that the trial personnel of the people's courts participate in the practice of law education in colleges and universities. However, in practice, especially after the implementation of the post system reform, the pressure on the work of the judges has been constantly increasing and the trial of their own business is busy. Consequently, it is difficult to offer accurate, detailed and continuous trial practice exchanges with the university for legal practice education.

3.2. Poor Interaction with Social Practice

On March 1st, 2019, the "Blue Law Book of the Rule of Law and China Court Information Development Report" was released. The report shows that the construction of a smart court characterized by networking, sunshine and intelligence has made significant progress, and the wisdom court has moved from initial formation to comprehensive construction. The "People's Court Big Data Management and Service Platform" covers the four-tier court's : cross-level, cross-regional, cross-system, cross-department, and cross-business. Through the platform, in 2018, 2951 courts carried out electronic delivery, 2942 courts supported refereeing documents with one-click Internet access, 2,703 courts implemented automatic by the national courts on a monthly and yearly basis, and the total number of converged cases and 1,513 courts based on big data to analyze similar cases and provide sentencing.[3]

Table 1: Using of the “people's court big data management and service platform (CBDMSF) in 2018.

Using of CBDMSF	Numbers of Courts
Electronic Delivery	2951
Judgment on the Internet	2942
Legal Provision Automatically Push	2703
Similar Criminal Cases Sentencing Range	1513

Sources: <https://www.chinacourt.org>

In September 2018, the Ministry of Justice issued the "Guiding Opinions on Deepening the Construction of the Public Legal Service Platform", proposing the objectives to be achieved before the end of 2019: the basic integration of public legal service entities, hotlines, and online platforms. Legal matters can be handled through the network platform and aggregated to form public legal service big data.

The "Internet +" public legal service is conducive to a complete change of the judicial administrative public legal services business which is not coordinated, geographical imbalance, inadequate development, inadequate supply and other issues. Through the establishment of a case base and the provision of online consultation services, the whole society can consciously use the rule of law thinking and the rule of law to solve the contradictions and problems encountered in development, and develop a "doing things according to law and solve problems." The concept of the rule of law, the solution of the contradiction depends on the law, and promotes the level of legalization of social governance. In addition, the organic integration of the Internet and public legal services, while better facilitating the people and the people, is also conducive to testing and pushing the level of judicial administration. The country's first Internet public legal service center officially opened its doors to ordinary people in Taicang City, Jiangsu Province in 2018. The center realized the imagination of “unmanned law firm, remote service” through advanced equipment such as smart small robot, self-service integrated machine and unmanned law booth. [4] The current legal practice education in colleges and universities is still mainly positioned as part of the professional study of students. The corresponding curriculum setting and evaluation system adheres to the training plan formulated by the school and does not integrate with the practical practice of big data operation of judicial practice. The big data of legal practice education platform can't resonate with the real legal practice intelligence process.

3.3. The Lack of Standards for the Evaluation and Promotion of Legal Practice Education

The current evaluation criteria and subsequent improvement norms of legal practice education are relatively lacking. Due to the funding and conditions of running schools, neither the construction of practical teaching case base nor the construction of practical teaching platform can fully meet the practical needs of practical teaching. At present, the evaluation of legal practice education is basically consistent with the examination method of ordinary departmental law courses, mainly by means of written internship report, simple speech report, discussion and discussion, etc., which does not reflect the new requirements of law practice education in the context of big data. Legal practice education is a professional education and a basic education. It should focus on strengthening the comprehensive ability of students' logical thinking, organization and coordination, especially the cultivation of lifelong learning, practical orientation and cultivate students' pragmatic thinking and method consciousness. The ability to use big data determines the ability of students to acquire knowledge and further influence the depth and breadth of students' analytical problems. The continuous integration of big data and education provides an opportunity for the reconstruction of

modern legal education model. The standard of law practice education evaluation needs to introduce the application standard and evaluation system of legal big data as the basic goal, and reshape the scientific evaluation mechanism of law practice education.

4. The Improvement Path of Big Data Application in Legal Practice Education

4.1. Universities Should Take the Initiative to Establish Teaching Technology and Case Fusion Database Through Big Data

Under the overall connection of big data, the teaching network resource subroutine can be highly integrated, which can eliminate too old knowledge and too messy knowledge fragments. The traditional combination of "traditional foundation" and "modern novelty" to meet the needs of legal talents to cultivate the "width" and "newness" of the knowledge spectrum. [5] At present, massive judgment document can be easily collected online. It not only carries the lawyer's practice information, but also reflects the judgment tendency of each judge. Through the deep excavation of the data of the judgment documents, the content of the judgment documents can be better understood. The relationship between the past case and the current case can be found out. The significant advantages of the big data case library are that it covers a large number of cases, wide geographical area, large time span, which is conducive to teachers and students to compare and summarize the judgment opinions and controversial focus of similar cases.

4.2. Social Law Practice Institutions and Universities Should Establish Interactive Theory and Case Sharing Mechanism

The Opinions on Adhering to the Law on the Implementation of the Education and Training Program for Excellence emphasizes that it is necessary to adapt to the new trend of education informationization and rule of law construction, promoting the deep integration of legal education and modern information technology. The time and space barrier between the practical departments will bring social resources into universities and transform them into quality education and teaching resources. In July 2019, the Higher People's Court of Hunan Province and Xiangtan University jointly established the Big Data and Wisdom Judicial Research Center, and committed to comprehensive cooperation in the construction of smart courts to jointly carry out research and development of key projects of artificial intelligence and wisdom. [6] Wisdom courts, smart procuratorates are in full swing, the scale of judicial big data is emerging, and artificial intelligence technologies such as language recognition, image analysis, and case-like push are applied. Lawyers training institutions have deep cooperation with companies in the fields of big data and artificial intelligence, and have developed software and case libraries for lawyers' vocational skills training, showing the powerful power of modern information technology in lawyers' vocational skills education. Judicial big data construction has achieved initial success. Whether it is structured data such as referee documents or unstructured data such as electronic files and court images, its total quantity and quality are constantly improving. This is to enrich practical teaching resources and strengthen practical teaching. The practicality and diversification of practical teaching methods have provided unprecedented convenience.

4.3. Build A Law Practice Education Inspection Platform with High Degree of Big Data Integration

The effectiveness of legal practice education is also closely related to the construction of the test platform. Artificial intelligence technology based on judicial big data can continuously provide “living water” for practical teaching, which is beneficial for students to apply knowledge to living rule of law and empirical cases, and to cultivate students' legal thinking and vocational skills to solve real and complex problems. . The wisdom and justice and wisdom lawyer system provide support for practical teaching, which is conducive to perfecting the teaching methods and methods of practical teaching, promoting students' inquiry-based learning and individualizing the rule of law, and is conducive to providing the challenge of practical teaching. The practical education testing platform that integrates big data is also conducive to solving the practical problems such as the out-of-control process in the practice education process, the random content of the internship, and the lack of practical guidance. The big data of practical practice teaching platform can track, understand, test and feedback the blind spots and misunderstandings of practical teaching links and theoretical teaching links. At the same time, the platform will provide targeted suggestions for improvement for students and teachers.

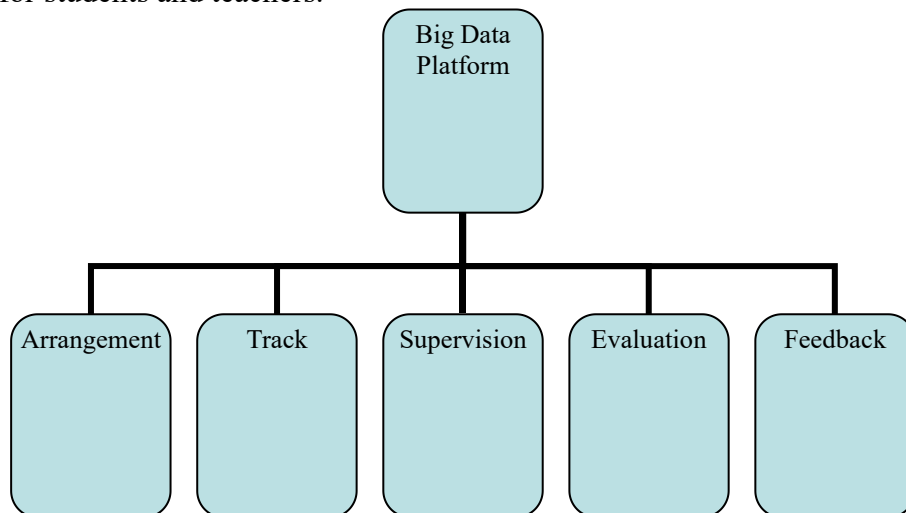


Figure 2: Function of legal practice education platform with integration of big data.

5. Summary

With the arrival of the era of big data, the continuous development of modern science and technology such as cloud computing, block chains and artificial intelligence has led to all-round changes in society. Accordingly, the law of adjusting social relations will inevitably revolutionize accordingly. This change is not only reflected in the resolving of macro-legal issues, but also in the micro-practical education of law, constantly improving the legal professional ability of students.

Acknowledgments

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