Exploration on the Defects and Countermeasures of Law-related Education in Higher Education

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Abstract: This paper explores the potential existing problems on law-related education in colleges and universities under the background of governing the country according to law and building a prosperous country under the rule of law, including unclear orientation, unsystematic course design, insufficient educational condition and rigid teaching mode. In addition, the paper offers recommendations for suggested ways to achieve the goal of law-related education, namely, making clear the right position and goal of LRE, constructing content of LRE properly, increasing the investment on LRE and innovating teaching model.

Introduction

The 18th National Congress of the Communist Party of China put forward the goal of “comprehensively promoting the rule of law” and “accelerating the construction of a socialist country under the rule of law”, thus bringing our socialist democracy and the rule of law into a new journey and proposing higher requirements, challenges and renewal of law-related education. Decision on Several Important Issues Concerning the Promotion of Ruling by Law proposed by the Fourth Plenary Session of the Eighth Central Committee of the Communist Party of China in April 2014 mentions “carrying out the law-related publicity and education, guiding people to consciously abide by law, finding a solution according to law, solving problems by law”, “putting law-related education into national education system.” In 2016, the Central Committee of the Communist Party of China, the State Council promotes Seventh Five Plan (2016-2020) involved in law-related education, and proposed Rule-Related Education(LRE) should “be categorized into national education system, start from the youth, guide young people to master law-related knowledge, establish legal consciousness, and cultivate law-abiding habit.”

The Status Quo and Challenges of Law-related Education in Higher Education

Colleges and universities should serve as important fronts for LRE in China. Since Legal Basis Course was set up in colleges and universities in 1986, it has been one of important courses in classroom teaching, but also “the second classroom” full of a great variety of activities such as class meeting, the Party and League activities and other forms of flexible team, which enhanced students’ legal literacy in higher education. Despite the achievements in the past years, there are still many deficiencies and problems that we cannot ignore: the orientation of LRE is not clear enough; LRE course design is unsystematic; educational condition of LRE is insufficient; and the teaching mode is rigid, which directly affects teaching outcomes of LRE in colleges and universities.

Unclear Orientation of Law-Related Education

Any kind of LRE leads to the corresponding educational ideas, content, methods and means, which will directly determine teaching outcomes. From the perspective of educational policy, the scope of LRE in higher education is embedded in “ideological education”, “ideological and moral education”, “moral education”, “ideological and political theory education” etc. In 1982, higher institutions
involve freedom and order, ethics and regulations and law-related education into the “ideological quality education”. In 1995, democracy and law-related education was included in the content of moral education according to Outline of Moral Education in Higher Education (Trial). In 1998, the Ministry of Education stipulated that the Legal Basis belong to “Two Courses”.

In addition, with different demands of rule of law in different times, the nature of LRE in China has undergone a series of processes, namely “popularization of legal knowledge”, “improving legal consciousness”, “cultivating legal quality”, and then “enhancing law-related quality”. First Five Year Plan emphasized the core of law-related propaganda and education is to popularize basic universal legal knowledge; Second Five Year Plan stresses that the key is to cultivate the concept of socialist democracy and the rule of law; Third Five Year Plan emphasizes we should “further enhance citizen’s legal consciousness and legal concept”.

However, in the practice of law-related education, some teachers’ thoughts and belief have still remained the same as before. Some teachers thought LRE should simply be education of legal knowledge. They pursue attentively the depth and breadth of imparting legal knowledge in the classroom, to engage in “cramming” to explain legal provisions, strive to maximize the students to meet their needs of practical legal knowledge. As a matter of fact, in the authentic classroom due to the limited time and complicated and comprehensive content, and surging emergence of the new law as well, it is almost impossible to complete and explain all of the legal knowledge to students (Chen Dawen, Kong Penghao, 2013)

Unsystematic LRE Course Design in Higher Education

The reasons why LRE course design in higher education is unsystematic are just as follows:

First, there is no systematic course design on LRE in the national curriculum in China, ranging from primary schools, to secondary schools, to high schools, and even to higher institutions. In addition, LRE is kind of long-life education, involving with students of different ages, and different disciplines. How to assign abstract and complex concept of legal knowledge to the students of different grades, different stages of physical and mental development to meet their own demand of the law is actually a thorny issue. Therefore, there is still a long way to go.

Secondly, there is no effective combining public LRE with professional legal knowledge within the relevant disciplines in higher education. In the curriculum design, there is no consideration of the convergence between the two, causing lack of integration between the public LRE and professional legal knowledge. In fact, the above both belong to the teaching content of the systematic law-related education in higher education just as the legal provision in First Five Year Plan that university students should also learn the basic theory of law and the legal knowledge related to their own profession.

Thirdly, the curriculum content of Ideological and Moral Cultivation and Legal Basis is not systematic and changes frequently and Legal Basis part usually can’t be guaranteed. For example, in 2013 edition textbook, chapter5, chapter6 and part of chapter7 are involved with legal knowledge, which are arranged in the last part of the whole textbook. Usually these parts are ignored even deleted because of limited learning periods. If so, it’s impossible to fulfill LRE in higher education. In the 2015 edition, the Legal Basis section includes abstract legal concepts and principles, which requires abstract thinking ability of students and abstract deductive capabilities of teachers. If not, LRE will undoubtedly become abstract, empty, and difficult to achieve its due value goals.(Xu Rong, 2016) Therefore, many teachers believe that LRE has been weakened to some extent, and there is a danger of being marginalized.

Insufficient Educational Conditions of Lre in Higher Institutions

In the current situation, college students’ vicious crime has been occurring frequently, resulting in worse social impact and higher institutions are also placed in the teeth of the storm. To analyze these phenomena objectively, although college students commit crimes during the period of study in
colleges or universities, even on campus, the reasons for these crimes are not simply the fault of LRE within higher institution itself, but other factors as well.

First of all, LRE is kind of mere formality in most primary and middle schools in China before students are enrolled into the university. College students acquire legal knowledge even from “zero starting point of the status quo.” The students in primary and middle schools are pressed by crucial entrance examination in different periods. At school, most of time has been occupied by “core subject” including Chinese, math and English in primary period and assessed subjects such as Chinese, math, English, physics, chemistry etc. except LRE in middle period. The authorities in schools try to compress non-school entrance examination subjects. Consequently the freshmen in higher institutions just have some simple legal terms in their minds, such as constitution, civil law, criminal law, rights and obligations. They generally know little about the specific content related to law. Let alone legal theories as law consciousness, spirit of law and legal practice. To some extent, it can be said that there seems to be blank as for law for the vast majority of students in primary and secondary periods.

Secondly, the public law propaganda is limited. LRE is a systematic project. As a social person and citizen in the natural society, college students can make any means to receive LRE from anywhere they can, such as family, government, and even other individuals, especially when they are surrounded by legal atmosphere of the whole society. Under the current situations, weak legal consciousness leads to corruption, demolitions, miscarriage of justice and other frequent cases, higher crime rates, administrative power rampant loudly etc. College students are non-immune to negative thing, which shows the urgency of LRE. Without correct and timely guidance, some college students would have psychological conflict and become rebellious against law-related education in higher institutions. If so, corresponding law-related education will be confronted with “the negative starting point” from the perspective of college students’ legal consciousness.

Finally, shortage of law-related education teachers has become a thorny problem presently. After the implementation of the “05 plan”, the basic legal knowledge has been greatly reduced due to class cut in colleges and universities, which forced legal basis lose its independence. More importantly, the prior professional law teachers gradually withdraw from the field of law education while the teachers majoring in “Two courses” are not qualified for LRE due to lack of professional legal knowledge and teaching ability (Qi Zhiyong, 2016). According to the “05 plan” provisions, part-time counselors can teach “Two courses”, however, many assistants who have no corresponding background, have not received systematic legal education. In order to solve the shortage of teachers, in the face of highly concentrated basic legal knowledge, abstract and complex content and limited class, some teachers have been struggling to cope with the present situation, simply expand the ideological and moral cultivation, and simplify the teaching content of legal basis. In this case, the true LRE has become an echo without a soul.

Rigid Teaching Mode of Law-related Education in Higher Education

LRE adopts the traditional classroom teaching mode of indoctrination emphasizes teaching knowledge and neglects the cultivation of emotion and spirit, ignoring students’ practical ability. The role teachers are playing during the process of teaching is still to transfer knowledge, and to explain tedious theory. As so-called netizens, most college students have completely been tired of duck-stuffed teaching mode, which ignores the students’ characteristics of learning and practical outcome of educational process. The direct outcome is that the teaching objectives are difficult to achieve. Let alone the cultivation of legal spirit and legal consciousness.

Countermeasures of Law-Related Education in Higher Education

Making Clear the Position and Goals of LRE in Higher Education

LRE in higher education should be restored and assured its relative independence from the top management in terms of educational system. In danger of being marginalized and even deleted in
classroom teaching, it is essential to restore its significance and independence from the national curriculum system. From the perspective of discipline, LRE in higher institutions belongs to the category of Ideological and Political Education, and it should be designed as an independent course, integrated with Ideological and Moral Education, Marx Principle, Socialism with Chinese Characteristics and Modern Chinese History.

In addition, the goal of LRE in colleges and universities is to cultivate legal character and quality of college students, which is one of the core qualities in higher education. From the concept of the rule of law put forward in First Five Year Plan, to legal thinking in the 18th Party Congress, and then to legal quality proposed by Xi Jinping on the Fourth Plenary Session of the Eighth. This process is not only the conversion of concept, but the deepening the understanding of the connotation of the rule of law, which is a high degree of generalization of legal thinking, legal knowledge, legal practice and other qualities of LRE in higher education.

**Constructing the Content of LRE Properly in Colleges and Universities.**

Teaching resource is an important carrier of LRE, which directly affect its teaching outcomes. On the one hand, LRE materials in colleges and universities are bound to maintain their own system, which should meet the physical and mental characteristics and cognitive development of the students. On the other hand, the content of LRE in colleges and universities should also accept the guidance of LRE policies and regulations, and maintain the effective link with LRE materials and professional education.

**Increasing Investment in LRE Resources.**

In the face of “zero starting point”, or even “negative starting point” of the college students’ legal literacy, colleges and universities have become the “last firewall”, the significant safeguard on LRE before entering the society. Therefore, investment of LRE resources is essential and a must to make sure the sound LRE quality and effectiveness.

*Trying a variety of ways to increase funding support.* In addition to regular education funds, LRE fund is essential to support the theory of educational research frontier related to LRE. Special funds should also be set up to encourage LRE education research to exploit modern multimedia technology, advanced digital equipment, micro video, e-books, micro courses, MOOC, APP courses, flips in the classroom. What’s more, LRE development fund can be explored to encourage teachers to improve the law education business and enhance their information literacy ability.

*Implementing flexible mechanism to cultivate pluralistic LRE teachers.* One of the great missions of LRE teachers in colleges and universities is to inherit legal spirit, instruct legal knowledge, and give directions to students’ puzzles on LRE. Due to poorer discipline background and lower teaching ability, funds should be invested to help teachers to improve their teaching capabilities and skills. On the one hand, teachers should be provided with the training exchanges to “go out”, whether domestic or abroad, short or long term to legal department to experience legal affairs, expand their horizons. On the other hand, LRE teachers should participate in study and research on advanced LRE theory to optimize teaching design, improve teaching methods, and constantly enhance the appeal of the legal education curriculum. Social resources should be actively exploited to closely contact legal institutions and staff and invite legal team (lawyers, judges, lawyers, law researchers) to “come in” to serve LRE teaching in colleges and universities.

**Innovating Teaching Model to Gain Students’ Attention in LRE Class.**

Whether teaching outcome of LRE in higher institutions is good or bad depends largely on LRE classroom teaching mode as well as its consistent innovation with times. The traditional university LRE classroom is organized according to the “subject and object model”, in which teacher, teaching subject, is the knowledge authority and advocate while student, teaching object, is the recipient of the knowledge and the respondent. Their status in classroom is completely unequal, forming a one-dimensional indoctrination teaching mode, which typically features “teacher-centered”, “a textbook, blackboard, a chalk, a class”, “focusing on knowledge accumulation, ignorance of ability training” so on and so forth. With the rapid development of information technology, the traditional
teaching model has gradually been subverted. LRE classroom should be gradually converted into “inter-subjectivity model” characterized by equality, sharing and participation in classroom. When faced with the “legal theory, legal provisions, legal phenomenon”, teachers and students are all committed to cooperate together to cultivate their own legal literacy during the process of LRE teaching.

LRE education in higher institutions should adhere to the classification guidance and highlight the key points. First of all, LRE should be categorized into different sub-course according to different grades, disciplines and characteristics. For example, for freshmen, they can choose elective course Education Law, which enables them to understand their rights and obligations in Education Law, Higher Education Law, Regulations on Management of College Students and other laws and regulations. For senior students, they can choose elective courses closely related to graduation and future life, including Labor Contract Law, Marriage Law etc. Secondly, on the ground of national textbook, individual institution can develop their own school-based curriculum and local textbooks with the feature of school characteristics and regional culture, thus realizing the relevance and adaptability of LRE. The third is to actively promote the academic lectures, reports, seminars, Constitution Day and other major legal activities to stimulate the enthusiasm of teachers and students to participate in LRE for the new law, typical cases, legal phenomena and heated problems.

Summary

In the Internet plus era, colleges and universities should make full use of new media technology, publishing teaching plans, individual cases, focuses and difficulties, teaching materials and other teaching-related information online, and through online exchange between teachers and students, students and students, teachers and researcher can grasp the students’ real thoughts and ideas, which effectively combine traditional classroom teaching with online learning, thus achieving the goal of LRE. In addition, colleges and universities can exploit the Internet platform to build the brand of LRE, go out of the campus into the society, and output LRE content to the community, thus making LRE on campus “small classroom”, LRE in the community “big classroom”.

References

