

Problems and Perspective of Legal Education in China: A Qualitative Investigation

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ABSTRACT

Legal education is a fundamental connection in the Chinese general set of laws, especially when China has vowed to administer the country by law and order. Legal education is a vital stage for individuals working within the legal profession, preparing judges, lawyers, and other legal staff. Lawful instruction within the setting of 21st Century China has two fundamental missions: first, working with the nation's science & schooling drive, and second, working with law and order in the country. Without the advancement of legal education, law and order may be something like an unfilled word. The mission of legal training has become more down-to-earth in serving the advancement of the market economy growth. The market-arranged financial advancement has achieved a deep level of interest in modern legal administrations. Legal education has grown broadly over the most recent twenty years. Lawful training and legal practice are still generally independent. A sample of 241 respondents was surveyed to determine the factors determining the Problems and Perspective of Legal Education in China. The study concludes that the Quality of legal education, Education and Demand, Reforms and Perspective, and Practical skill training are the factors that determine the Problems and Perspective of Legal Education in China.

Keywords- Legal education, Chinese legal system, Legal teaching methods, Chinese law schools, education reform, Chinese legal education system.

I. INTRODUCTION

During the past 30 years of recreation & advancement, the set-up of the current higher legal education framework in China has progressively developed. With the social turn of events, modernization of regulations and order, and expanded public consciousness of more successful legal instruction techniques, in any case, numerous issues exist that keep the Chinese lawful training framework from advancing. The objective of legal instruction is to decide the courses that can be educated, the instructing strategies that will be utilized & the abilities that students will create. Higher legal education has zeroed in on the information-focused instruction model instead of the expertise-arranged training model for quite a while. Lawful teaching strategies are firmly connected with the objective of legal training. Legal education requires

teaching students how to learn, utilize law & train them to tackle issues.

China should construct a basic philosophy regarding law and order. Legal education is the best and most productive method for doing this. Since forever ago, China never kept the idea of the guideline of law. This Western-began idea was initially thought of and acknowledged inside China in 1976. In the past thirty years, law and order have progressively flourished in the public eye, and the general population has become aware of it; yet it has far to go. Fundamental objectives of China's higher lawful instruction ought to be to prepare students with autonomous characters who embrace the incomparability of law & primary liberties; who oppose any power and winning difficulties; who have got a solid feeling of reasonableness, equity & social obligation; and who is an earnest obligation to the lawful calling, devotedly maintaining its morals. Without this belief

system, legal education resembles "climbing a tree to get fish"- a fruitful methodology.

II. LEGAL TEACHING METHODS PRACTICED IN CHINA

Teaching strategies in China's graduate schools are firmly connected with the objectives of legal education instruction. Legal education aims not only to decide what law students should know or what law educators will instruct but also to describe the kinds of compelling instructing techniques that should be applied or practiced. China's legal personnel sought the most effective instructional methods throughout their legal education training. In China's graduate institutions, teaching is governed by a blend of theory and practice. Students should be taught "what (the law interprets)" and "why (the law interprets as much)" as well as "how (the law must be implemented correctly)." China, a nation with a standard law system, employs distinctive teaching methodologies compared to most graduate schools in countries with a precedent-based legal system. China puts together its legal instruction concerning educational talks and composed assessments, which are more appropriate for the dominance of confounded composing rules. So, the highlights of lawful teaching strategies in China can be summed up in three focuses: educator-focused rather than student-focused; information situated rather than expertise arranged; addresses on content and coherent thinking rather than critical thinking and innovative reasoning.

Practical legal education instruction underscores the ability to arrange and student-focused lawful teaching technique, which is to prepare students to figure out how to specialize in legal matters: how to track down the law, investigate law, decipher law, and use law during the time spent managing genuine cases.

The introduction of the clinical legal education training program in China was prompted by a strong need for higher legal education reform, notably the investigation of innovative legal teaching approaches. In September 2000, seven U.S. graduate schools established scientific, legal schooling applications with help from the Ford Foundation and a few graduate schools. As a forward-thinking orientation with another legal coaching style providing a significant philosophical and educational change from China's conventional legal education framework, regulation teachers and law students actively encouraged scientific assignments. Consequently, more graduate schools have adopted this path by adopting this program into their academic curriculum or by using this instructional style to prepare law students.

III. LITERATURE REVIEW

Baskir, C. E. (2015) figured that Clinical legal education is considered a means of addressing a part of

these challenges, as it provides an excellent opportunity to cultivate logical and perceptive skills, investigate civil rights issues, and join and adapt to other unknown developments. However, it confronts several obstacles. Under existing academic criteria, for instance, most clinical lecturers are overwhelmed and uncompensated. There are no free advancement or evaluation components for Chinese doctors; only some clinical educators in China can instruct thoroughly in clinical projects. Educators must provide a plethora of non-clinical curricula each semester, even though they seldom get credit and recognition for their clinical work. In addition, they are expected to participate in research and grant-making in their non-clinical strengths. These circumstances highlight the necessity to augment the full-time instructors at the institution with other seasoned legal professionals. In addition, Chinese legislation does not provide law school students with the same liberties as law enforcement personnel when handling cases. Before 2012, law school students needed to appear in Chinese courtrooms under the president delegate' method, in which they had limited access to reviews and sometimes to their clients. In 2012, this capacity was further constrained by modifications to China's Civil Procedure Law. In criminal circumstances, this test of limited student rights is very rigorous.

Phan, P. N. (2017) discovered that to educate law students for success in the global market, legal education professionals should examine the innovations at schools like STL and CESL and incorporate some of their teaching strategies and curricular enhancements into other institutions. To achieve a more accessible globalized law education program, graduate schools should consider incorporating similar components and perspectives into traditional Chinese law courses and organizing more English language or bilingual law classes and courses similar to STL's Transnational Legal Practice. Legal students should be required to take a course on near-legal ethics, which would also increase their skill preparedness. Developing more interdisciplinary courses and preparing faculty to use the Socratic method and other non-address-based educational approaches outside of clinical projects would further strengthen students' foundations for global leadership. In addition, the growth of exchange programs for students and faculty will contribute to the establishment of a more cosmopolitan environment in Chinese graduate institutions. Institutions must be flexible in exploring and cultivating new paths for these initiatives to be productive while still adhering to certain expectations and responsibilities.

Erie, M. S. (2009) pinpointed that Chinese legal education experts may consider a duty to a different model of legal education executed through the creation of the JM degree. In this concept, undergraduate education would be modified to emphasize broad knowledge, while those aspiring to become lawyers would be required to complete a few years of specialized

legal study. The eligibility to take the National Judicial Examination will be confined to those who have completed such professional legal training. In addition, to ensure an adequate supply of prepared legal experts in more rural parts of the nation, experts should provide incentives for legal counselors to migrate to these areas, as well as the means to expand quality training opportunities in these regions.

Zhao, J., and Hu, M. (2012) recognized that Chinese legal educators should encourage pupils to be receptive. Modern legal education must confront the challenges of monetary globalization with an open and farsighted perspective, guiding China's transformation toward modernization and development. Law students should study their own and Western legal systems, notably the Western conception of law and order.

Ling, M. (2006) interpreted that as a result of robust public demand for civil rights, clinical legal students make significant contributions by providing legal guidance, especially to the distressed. As a setting for combining classroom instruction with fieldwork, the legal guide-based facility not only provides clinical students with a place to manage real cases and practice legal professional skills & ethics, but it also affords students the chance to gain a better understanding of society & the significance of justice & fairness. This is especially true under present circumstances because the public authority's legal guide assets are insufficient even to consider fulfilling cultural needs.

Haicong, Z. (2009) analyzed that the success of clinical legal education in China has nothing to do with the number of cases or realism. Moreover, law students have built the fundamental idea of law and order, cultivated a strong sense of societal duty to promote rationality and fairness, and developed a genuine commitment to the legal profession. Thus, this is the essence of higher legal education and clinically-based rational legal education.

In the case of China, the gap between legal education and legal practice is substantially wider. Despite the vast expansion of legal education over the last two decades, legal training and practice remain primarily distinct. Legal education has not focused mainly on the needs and demands of the legal profession. The Ministry of Education administers instructional programs.

Because the law is a well-liked vocation in China and the economic well-being of legal experts has been bolstered in recent years, numerous colleges are attempting to build up law resources. However, conditions are not conducive to this endeavor, resulting in a decline in law instruction. When modern legal education was introduced to China in the late 19th and early 20th centuries, its scope was overextended to the point that its quality was severely degraded. The contemporary development of legal education must draw from historical examples. Consequently, supporting a high-quality legal education is an additional factor to consider throughout the time spent changing.

Gelatt, T. A., and Snyder, F. E. (2013) diagnosed that One of the aims of China's graduate schools is to invigorate legal workplaces in the universities. This highlighted the expansion of China's economic structure and the lack of financial support for higher education. The Wuhan University Law School supervises the LuoJia Law Firm, which, like other law firms, provides legal services to the general public. The firm is formed chiefly of graduate school professors. This kind of legal action superficially resembles an impression of the coordination of legal education and legal practice. However, in essence, it is a commercial activity that disrupts legal education's regular activity and character. There are several methods to rectify this, including detaching such law offices from their graduate schools to let them become regular regulatory offices or transforming them into legal manual groups with the end goal of medical education. The framework/system for law-diploma-permitting at a different place needs urgent modification. In China, legal degrees are now available to students in political theory, policy management, international relations, and human sciences, in addition to law graduates. This education looks visibly rare and off-kilter to outsiders. However, it is a consequence of the prepared financial-device institutional introduction below, which the Ministry of Education is responsible for giving levels.

Depei, H., and Kanter, S. (2011) installed that because the alternative to legal education is essential for the alternative to general education, the last opportunity presupposes an accessible item inside the prior. China is now transitioning to a market-based economic system, but its instructional structure is a product of its former organized economic system. The Ministry of Education limits the responsibilities of creating a university, the number of students enrolled, and the research path. As previously said, Chinese criminal education is very united, as there is a development of course readings administered by the Ministry of Justice and written by regulation educators from large graduate schools. Such a structure is unpredictable in China's market-driven environment. Under the market economic system circumstances, preparing college students at faculties tried to fulfill the inventory and demand need of the market inside the general public, and faculties must have a certain degree of autonomy. Legal education could be more exceptional.

Zhu, S. L. (2015) distinguished issues and viewpoints on lawful abilities preparation in China. As China's economy continues to integrate with the global economy, there will likely be a substantial need for legal administrations. Therefore, China must urgently improve legal skills training. Such financial integration renders urbanization, industrialization, and marketing unavoidable in the public's view, which consequently loses familiarity with them. The expansion and openness of the market for legal administrations are inevitable. Several eminent foreign legal advisors will likely join

the Chinese legal administration market through various routes during the next decade. If Chinese legal professionals continue to disregard legal skills, the most lucrative areas of legal practice will be seized, if not cornered, by foreign law firms and attorneys. If this is true, the growth and evolution of the Chinese legal profession and legal education will be significantly harmed.

Landsberg, B. K. (2009) identified that China goes via a change; the country's population is declining, the country is hastily urbanizing, and the portability of the population is increasing significantly, which all display that China is converting right into an urban, modern, and commercial enterprise society as of not primarily based totally on family members among associates. As conventional relational relations change, specific legal abilities not material to the previous horticultural and associate society will become progressively significant in the new friendly climate. Moreover, a modern and business society expands the expense for interest in relational relations while diminishing its profit, which powers individuals to go to the lawful calling for debate settlement. Thus, interest in lawful abilities will produce a significant benefit as social change proceeds.

Chavkin, D. F. (2018) discovered that one specific test legal training change in China faces is characterizing its objectives/goals when it needs to react to the social changes occurring throughout modernization. The country cannot ignore cultural issues and gatherings far apart from its rapid economic and social progress. China would be able to pay attention to the genuine potential of legal professionals to advance typical residents' access to equality. Changes to Chinese legal education should consider the kind of legal professionals to be produced, guarantee the quality and validity of legal education, and replace the traditional graduate school teaching method with one responsive to societal changes. According to this perspective, the clinical legal education model abroad teaches students professional characteristics and a sense of social responsibility independent of lawyering skills. Therefore, it is essential to consider integrating facilities into the conventional Chinese legal education structure.

Wang, Z. (2012) figured out that China needs to re-characterize lawful instruction. Legal education should not be just a piece of the overall advanced education but a significant part of the legal arrangement of a country. In this manner, law study should be viewed as expert instruction, not the subject of an overall expression. The undertaking of legal instruction is to prepare attorneys, not, for the most part, taught residents. In China, from one viewpoint, the bar and legal executive are available to individuals in any discipline & it is not the syndication of graduate schools to prepare legal counselors. Then again, graduate schools are needed to prepare other faculty, similar to public heads & educated citizens.

IV. THE OBJECTIVE OF THE STUDY

1. To know the factors determining the Problems and Perspective of Legal Education in China.

V. RESEARCH METHODOLOGY

In order to discover the elements that affect the Problems and Perspectives of Legal Education in China, a survey was conducted with a sample size of 241 respondents. The inquiry is qualitative, and the core data for the study are gathered by using a random sample strategy and making use of a questionnaire that was developed specifically for this study. In order to analyze the data and arrive at the desired conclusions, exploratory factor analysis is used.

Findings

The broad profiles of the responders are shown in Table 1. According to the data in the table, out of 241 respondents, 57.7% are male, and 42.3% are female. 18.7% are between the ages of 21 and 28, 42.7% are between the ages of 28 and 32, and the remaining 38.6% are older than 32 years old. 26.1% of the respondents are legal students, 28.6% are teaching staff members, 29.5% are academics, and the remaining 15.8% are employed in other roles within the education sector.

Table 1: General Profile

Variables	Respondents	% age
Gender		
Males	139	57.7
Females	102	42.3
Total	241	100
Age profile		
21-28 yrs	45	18.7
28-32 years	103	42.7
Above 32 years	93	38.6
Total	241	100
Occupation		
Law students	63	26.1
Faculty members	69	28.6
Academicsians	71	29.5
Others	38	15.8
Total	241	100

Exploratory factor Analysis

Table 2: KMO and Bartlett's Test

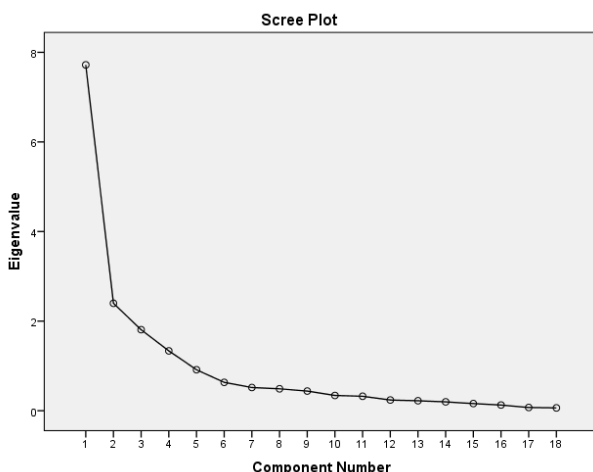
Kaiser-Meyer-Olkin Measure of Sampling Adequacy.		.885
Bartlett's Test of Sphericity	Approx. Chi-Square	3529.105
	df	153
	Sig.	.000

"KMO and Bartlett's Test" was applied in which the KMO value found is .885, which is more than 0.6; hence it confirms the validity of the factor analysis.

Table 3: Total Variance Explained

Component	Initial Eigenvalues			Rotation Sums of Squared Loadings		
	Total	% of variance	Cumulative %	Total	% of variance	Cumulative %
1	7.720	42.888	42.888	4.104	22.798	22.798
2	2.399	13.326	56.214	3.797	21.095	43.893
3	1.808	10.047	66.261	3.162	17.566	61.460
4	1.336	7.423	73.684	2.200	12.224	73.684
5	.914	5.080	78.764			
6	.633	3.518	82.282			
7	.517	2.875	85.157			
8	.490	2.721	87.877			
9	.438	2.436	90.313			
10	.341	1.894	92.207			
11	.323	1.795	94.002			
12	.239	1.327	95.328			
13	.222	1.234	96.563			
14	.198	1.097	97.660			
15	.159	.884	98.544			
16	.127	.708	99.252			
17	.072	.400	99.652			
18	.063	.348	100.000			

According to what is revealed in table 3, the four components are responsible for explaining a total of 73% of the variance. The first component accounts for 22.798% of the variance, followed by the second factor with 21.095% of the variance, the third factor with 17.566%, and the fourth factor with 12.224% of the variance.



VI. FIGURE SCREE PLOT

A graphical representation of the Eigen values that can be found in Table 3 under the heading "Total Variance Explained" can be found in Figure 1. The diagram depicts an elbow with four individual components. As a result, a total of four factors have been isolated.

Table 4: Rotated Component Matrix

S. No.	Problems and Perspective of Legal Education	Factor Loading	Factor Reliability
	Quality of legal education		.956
1.	Lack of diversity in law schools	.863	
2.	Having negative thoughts about trends among Chinese academics and creating moral problems	.851	
3.	Inadequate level of "socialist rule-of-law education."	.847	
4.	Problems in legal education administration due to the spread of top-down target management system	.838	
5.	There is a bubble in "state investment-fueled legal education."	.787	
	Education and Demand		.905
1.	Legal education bears no significance to their real work projections	.878	
2.	Legal education is facing global competition pressure	.872	
3.	Lack of employment for law graduates results in less demand	.807	
4.	The bar exam for legal education in China is held by colleges and universities	.754	
5.	Not getting jobs as lawyers due to lack of demand	.706	
	Reforms and Perspective		.823
1.	Ministry of education involves the cultivation of a range of types of legal experts	.850	
2.	Pushing the capabilities of law students required to	.847	

	face legal issues		
3.	Having clear objectives for legal education and improving teaching techniques	.839	
4.	Offering new legal courses in foreign languages	.631	
5.	Advance legal and vocational education through a 3+3 program and practical legal skills	.551	
	Practical skill training		.740
1.	Shifting of practical skill training cost to law schools	.819	
2.	Practical skill training of law students is facing a lack of focus	.799	
3.	There is no connection between the "specific development track" which is pursued by the authorities	.766	

VII. DEVELOPMENT OF THE FACTORS

Quality of legal education is the first factor, which includes variables such as lack of diversity in law schools, having negative thoughts about trends among Chinese academics and creating moral problems, Inadequate level of "socialist rule-of-law education," Problems in legal education administration due to the spread of top-down target management system. There is a bubble in "state investment-fueled legal education." The second factor, Education and Demand, includes variables such as a lack of diversity in law schools, having negative thoughts about trends among Chinese academics Reforms and perspective is the third factor, which includes variables such as the Ministry of education cultivating a variety of types of legal experts, enhancing law students' abilities to deal with legal issues, having clear objectives for legal education and improving teaching methods, offering new legal courses in foreign languages, and advancing legal, vocational education through the 3+3 program and practical legal skills. The fourth and final factor is Practical skill training, which includes variables such as the shifting of the cost of practical skill training to law schools, the lack of focus on practical skill training for law students, and the lack of a connection between the "specific development track" pursued by the authorities.

Construct wise reliability of all the factors

The reliability of different factors is observed as the quality of legal education is 0.956, Education and Demand has 0.905, Reforms and Perspective is 0.823,

and Practical skill training shows factor reliability as 0.740.

Table 5: Reliability Statistics

Cronbach" s Alpha	Items
.905	18

It is found from table 5 that there are total 18 numbers of items that include all the variables related to problems and perspectives of legal education, and the total reliability found is 0.892.

VIII. CONCLUSION

As Chinese legal education organizations and experts advance with implementing the new structure, they will have the opportunity to pursue several significant, linked modifications. Specifically, it is vital to ensure that the support for clinical initiatives translates into more funding and regulation reform to alleviate the burden and increase the recognition of those who teach in the facilities. This change should include efforts to decrease the staff-to-student ratio in courses with experiential learning components, particularly in facilities, expand center students' capacity to act as legal representatives before courts, and incentives for faculty to explore different avenues regarding teaching procedures and develop model teaching materials. Subsidizing experiential learning initiatives should not depend only on international institutions; if anything, domestic financial support for these programs should be provided. In addition, the expansion of global studios, trades, 'train the coaches' projects, and other efforts to coordinate more global staff into Chinese clinical projects will assist in adapting, strengthening, and consolidating abroad-developed experiential learning strategies into the Chinese legal teaching method. In addition, the new system proposes turning law educators into government employment and government authorities into the scholarly world, partially addressing the dearth of practical job experience among existing legal people. This proposal should be implemented to provide a diversity of engagement and teaching strategies to the classroom while also establishing frameworks for measuring and ensuring quality. Legal education in China has dramatically improved from its lowest point during the Cultural Revolution. Over the last 38 years, several institutions of higher legal education have been built or reconstituted, attracting many students and producing vast numbers of law graduates and legal professionals. They have taken baby steps in pursuing unique teaching approaches and investigated many routes involving new educational programs, with usually positive results. Central experts have recognized that it is time for Chinese legal education to enter the next transformation phase. The engrained assumptions and behaviors must be endured,

and financial costs must be suffered to properly implement the suggested changes for a broader scope. Therefore, change will take more work. Despite this, it will be well worth the effort to prepare legal professionals for the challenges of 21st-century work in a world where boundaries are becoming more porous.

The research indicates that the Problems and Prospects of Legal Education in China are determined by the Quality of legal education, Education and Demand, Reforms and Perspective, and Practical skill training.

REFERENCES

- [1] Baskar, C. E. (2015). Legal education in China: globalising with Chinese characteristics. *Asian Journal of Legal Education*, 2(2), 143-156.
- [2] Ling, M. (2006). Clinical legal education and the reform of the higher legal education system in China. *Fordham Int'l LJ*, pp. 30, 421.
- [3] Zhao, J., & Hu, M. (2012). A comparative study of the legal education system in the United States and China and the reform of legal education in China. *Suffolk Transnat'l L. Rev.*, pp. 35, 329.
- [4] See Song Fangqing, "A Study on China's Modern Legal Education," *Chinese Legal Science* (in Chinese), 2001, No. 5, at 177.
- [5] See Wang Chenguang, "Puzzling Problems in Legal Education – A Survey from the Comparative Perspective," *Peking University Law Journal* (in Chinese), No. 2, 1993, at 73
- [6] Depei, H., & Kanter, S. (1984). Legal education in China. *The American Journal of Comparative Law*, 543-582.
- [7] Tay, A. E. S., & Kamenka, E. (1986). Law, Legal Theory, and Legal Education in the People's Republic of China. *NYL Sch. J. Int'l & Comp. L.*, 7, 1.
- [8] Gelatt, T. A., & Snyder, F. E. (1980). Legal Education in China: Training for a New Era. *China L. Rep.*, 1, 41.
- [9] Phan, P. N. (2005). Clinical legal education in China: in pursuit of a culture of law and a mission of social justice. *Yale Hum. Rts. & Dev. LJ*, pp. 8, 117.
- [10] He, W. (2005). China's legal profession: the nascence and growing pains of a professionalised legal class. *Colum. J. Asian L.*, 19, 138.
- [11] Erie, M. S. (2009). Legal education reform in China through US-inspired transplants. *J. Legal Educ.*, 59, 60.
- [12] Haicong, Z. (2009). Legal education in China: Present and future. *Okla. City UL Rev.*, pp. 34, 51.
- [13] Zhu, S. L. (2009). An institutional inquiry into legal skills education in China. *Pac. McGeorge Global Bus. & Dev. LJ*, pp. 22, 75.
- [14] Landsberg, B. K. (2009). Strategies to increase the availability of skills education in China. *Pac. McGeorge Global Bus. & Dev. LJ*, 22, 45.
- [15] Chavkin, D. F. (2009). Experimental Learning: A Critical Element of Legal Education in China (and Elsewhere). *Pac. McGeorge Global Bus. & Dev. LJ*, 22, 3.
- [16] Cai, Y. (2011). Global Climate Legal Education and International Partnerships: A Chinese Legal Educator's Perspective. *Md. J. Int'l L.*, 26, 159.
- [17] Wang, Z. (2002). Legal Education in Contemporary China. In *Int'l L.* (Vol. 36, p. 1203).
- [18] Wang Jian, A Chinese J.D. Program? Review on the Legal Professional Master Degree Education in China, in *THE WAY OF LEGAL EDUCATION IN CHINA* (He Weifang ed., 1997), at 83.
- [19] Abramson, K. (2006). Paradigms in the cultivation of China's future legal elite: a case study of legal education in western China. *APLPJ*, pp. 7, 302.
- [20] Weidong, J. (2004). Legal education in China: a great leap forward of professionalism. *Kobe University law review*, pp. 39, 1-21.
- [21] Xinyi, H. (2006). Modern legal education in China. *Okla. City UL Rev.*, pp. 31, 293.
- [22] Kraus, J. (1989). Legal Education in the People's Republic of China. *Suffolk Transnat'l LJ*, pp. 13, 75.
- [23] Minzner, C. F. (2013). The rise and fall of Chinese legal education. *Fordham Int'l LJ*, 36, 334.
- [24] Smits, J. M. (2014). Three models of legal education and a plea for differentiation. *China-EU Law Journal*, 3(1-2), pp. 55-63.
- [25] Wang, Z., Liu, S., & Li, X. (2017). Internationalising Chinese legal education in the early Twenty-First Century. *Journal of Legal Education*, 66(2), 237-266.