

The exploration of practice teaching reform path in law higher education

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Abstract. For a long time, professional practice teaching of law can't be said often enough. In this paper, through the analysis of the status quo of Chinese professional education of law, the law for the current situation of professional practice teaching were analyzed, and discussed the reform path of China's legal science specialized practice teaching.

Introduction

Legal education is a training system to master knowledge, be familiar with Chinese laws and regulations of law, can be in the state organs and enterprises and institutions engaged in legal work of the senior specialized talents as the goal of education activities [1]. Now, however, the law of education is far deviated from the training target, teaching theory and legal practice of the disconnected, resulting in a large number of graduates of law cannot meet the need of the reality law practice.

Chinese legal science specialized education faced an embarrassing situation in recent years, on the one hand, the demand for legal professionals are on the increase, on the other hand graduates employment law generally is bad, in the face of such problems we have to reflect on China's current legal education. For decades, China's law education has made big progress in quantity, undoubtedly the most different categories and levels of colleges and universities have set up a legal science specialized, in less than a decade, the national law school has more than seven hundred, seventy students in school more than ten thousand people, so the pace of development for China's law education has the certain positive role. But also brought a lot of new problems, such as unreasonable configuration lead to waste of resources, the lack of practical ability training in education quality is not high [1]. So someone summed up the present our legal education, legal culture edification of weak and narrow professional education, the education law is too utilitarian, less education and students' common multiple personality, such legal education to cultivate people difficult to adapt to the actual needs, also not too easy to do one instance and lines.

The plight of the legal education

Theory teaching from the legal practice. Theory comes from practice; from the practice theory is the theory of the hole. As a mature discipline of law, has a relatively complete theoretical system, to establish the system of the theory of natural system based on legislation and judicial practice for a long time, as the United States justice Holmes said "the life of law lies in experience rather than logic" [1]. However, in under the influence of traditional concepts of education, education of law in China has been a focus on imparting the basic theory of jurisprudence, and ignore the cultivation of professional skills, theoretical teaching of law and legal practice. Because most of the students in the whole college never contact with real case, so in the face of a very simple case after graduation I didn't know where to start, let alone use handling skills. Wet behind the shallow at the same time, because of the college students, to adjust by the law of part of the lack of perceptual knowledge, social relations and so on individual department law theory is difficult to understand and grasp. Therefore, the law education should be appropriately increased legal practice.

Lack of students' comprehensive ability to use law to solve the problem. According to the nature of the legal norms to adjust social relations, legal theory of law can be divided into different departments. Teachers taught law respectively according to different department, so each course

taught by just a single department law knowledge [2]. Even need to be quoted cases in the teaching of theory to explain, led by case also is more scholars designed according to some knowledge of small case, such case law knowledge generally do not involve other departments, and even the law does not involve the same department before and after the relevant knowledge. The case in reality, however, may not be in accordance with the different department laws and classify to occur, a case is often provisions relating to different department laws. This requires investigators will achieve mastery through a comprehensive, integrated to different departments of law to apply. And our current "fragmented" mode of law teaching is difficult to adapt to the reality.

Students lack of ability to control the professional language. Any mature discipline will form their own professional language, law is no exception. Skilled and accurately using legal language for business is a legal person shall have the basic skills [2]. Now, however, a lot of legal science specialized students do not have the basic skills. Law of professional teachers, students in the class comment on some legal issues, often use a specification language expression; Born of graduation thesis is more colloquial English.

Caused the main reason for the lack legal science specialized students' language proficiency has two points: first, the enrollment expansion of colleges and universities makes this imbalance is student-faculty ratios to further expand, causing should small-class teaching specialized courses can only large class [2]. Large class must make the student a chance to speak in class greatly reduced, students are lost in the classroom exercises the opportunity of oral expression ability, nature also won't naturally form professional language ability. Secondly, from the teaching practice of law major in colleges and universities, after most of the teachers' teaching is not arrange written work, students during the period of school in addition to writing graduation thesis, basic written expression of exercise opportunity to use professional language.

Most of the graduates of law cannot enter the legal profession. Law graduates in minor authority or law firm is a natural thing, but the reality is that most graduates cannot enter the work unit or organization [3]. This is mainly due to China's regulations, judges, prosecutors, lawyers and notaries professional workers, all need through the national organization of the unified judicial examination, in order to obtain the corresponding professional qualification, and most of the graduates of law is not ability through this kind of judicial examination., according to Chinese law "has more than 10 graduates each year, but only a small proportion of students can enter the judicial organ; the current national judicial examination of social average passing rate is about 22%, and the average passing rate of national colleges and universities of political science and law graduates is only 24%, not much advantage. Visible, law education from" professional "far away".

The paper analyzes the causes of law education facing difficulties

Focuses on legal education with general education is given priority to, the comments of law education, legal education from the knowledge as the center gradually evolved into professional oriented. The next 30 years the development direction of China's law education is mainly manifested in the following aspects:.

The teaching material content heavy theory, light practice. In the process of teaching, teaching material is an important medium. Professional teaching materials of law as an important carrier of legal professional teaching content, plays an important role in the teaching process, teaching material writing mode and contents of quality directly affects the talent training quality [3]. However, in the "heavy theory, light practice" traditional idea, under the leading of the current mode of legal science specialized textbook determines 90% or more of the teaching material content belong to the legal theory is introduced, the basic no case knowledge and practice. The theory from practical teaching mode in theory of law and legal practice, so that the students are difficult to comprehend the realistic significance of the knowledge of law and the essence of legal theory, the lack of the legal theory combined with a specific case; Moreover, this kind of boring textbook learning, inspire students' interest in learning [3]. Although now a lot of teachers in classroom teaching process, will arrange discussion or moot court trial in some cases, to make up the defects of the teaching material, enhancing students' perceptual knowledge in legal theory. However, classroom teaching, after all, is a

dynamic process from not repetitive; And case discussion or moot court trial as a classroom teaching skills, they are used or not in the teachers, so it is difficult to immobilized, standardization, and the steps.

The practice of the legal science specialized curriculum. Curriculum is the outline of the syllabus, which is the core content of the talent training scheme. Curriculum is scientific or not directly affect the implementation of the training process and the realization of training objectives [4]. General professional courses in major of law consists of the compulsory courses and elective courses required course 14 core courses for the ministry of education regulations, always can find professional courses in major of law, only elective courses in the law clinic practice course, and by the ministry of education of 14 door was not a practice course in the core curriculum. Even set up legal clinic courses, in the form of elective courses is part of the law schools just to try to open in recent years, the effect is not obvious. The lack of practical courses curriculum leads to legal science specialized legal practice ability of college students is low.

Old classroom teaching mode. Classroom teaching is the main form of legal education, about more than three-quarters of the teaching time [4]. Therefore, the choice of the ways of classroom teaching effect of classroom teaching and the cultivation of students' ability is very important. Look from the current practice of teaching, most teachers still use the traditional force-feeding teaching way, to teach legal concept, legal system, theoretical perspectives. This teaching method can quickly and comprehensive knowledge to students, but in the teaching process teachers just a information output machine, students also is just a simple information of the receiver, the lack of interaction between teachers and students, dull classroom teaching atmosphere. This is not conducive to the cultivation of students innovative thinking and practical ability.

The reform path of legal education

Reform in the teaching material of writing mode. Law teaching professional shall follow the principle of paying equal attention to both theory and practice. The author thinks that, representative, inspirational case should be a large number of materials into law, in order to deepen students' understanding of the theory and enhance students' ability to analyze and solve problems, make the teaching more targeted and operability and effectiveness [5]. Especially strong theoretical teaching materials, such as general jurisprudence, civil law and legal thought, more should be combined with a large number of cases to explain to the theory and analysis, makes the student to the abstract theory have a perceptual knowledge. At present, the individual legal textbooks have been trying to put a large number of cases into teaching materials, but mostly in theory content of each chapter, after the case listed in the assignments section for informative, generally do not do the analysis. This although compared with the traditional jurisprudence teaching mode has improved, but the case is not in the content of the theory of thrust, and the lack of proper analysis, so the effect is not ideal.

Promote the professional. Law education in the past we have discussed the following the path of an academic or professional path problem, this problem has plagued us for many years. Trapped the main reason is that almost all of the law school of suffer from for the master to strive for doctoral degree, to the level of discipline focus, to strive for key doctoral level subjects [5]. The academic theses of the command to all the law talents training to innovative academic talents.

The purpose of the law education professional, also lies in cultivating a with common law belief, professional ethics, professional knowledge and practical skills, legal professional community to play its unique functions. Judges, prosecutors and lawyers, is part of the professional community, the judicial safeguard mechanism is of a society depends on them. System of modern civilization well solves the two problems: one is the development of social power; The other one is solved the problems of social security. Security system there are two systems, the government system and the judicial system. The government system is the guarantee of survival rights, judicial system provides is the recovery of social fairness. After the creation of social injustice, want to have a mechanism to correct it, after the rights are violated, also should have a mechanism to correct it, to compensate for it, and this mechanism is the judicial system. The function of the legal professional community is to ensure that the system run healthily.

Diversification. Law of legal professional community education to pursue, but does not prevent the diversified development. A trend of diversity is already formed, now is still in the development process [6]. Diversification trend on the requirements of law education to do a feature. The more the more law education popularization, the scale expansion, the value of the characteristic of running a school the more apparent, this is not only the demands of the development of law education itself is also a unit of each law education to adapt to the challenges of market competition. Diversity is the appearance of the education of law, its connotation is different law school out of their own characteristics, characterization is a diversified trend trend [6]. Every law development in the future, to embody the unique character different from other law school or irreplaceability and unique charm. No characteristic, no diversity. In this sense, there is no characteristic law school there is a lack of value of law school, also is unable to reflect the quality of law. Characteristics can be shown as disciplines in research area has its own advantages, also can show the students lay particular stress on theory and practice on training target, still can show the talent training level.

Education elite. 30 years of reform and opening-up, China has become the world's fast development, the largest law education power [6]. At present, the national start legal professional university already has more than six hundred, carry out various forms of legal education units, a total of more than nine hundred legal professional with more than seventy, ten thousand students. Look from the scale, law education occupies a large proportion in the whole higher education.

Legal education can no longer reputation for quality, employment and turned a deaf ear to the three major crisis, not responsible for students' future development of the education of law, education law, is not good [6]. How to attract the elite in the starting point of the education of law, how to enter the law school students train to become elite, how to make the elite to lead the leader of the social development and progress, is the basic connotation of elite education. Elite education should become a development trend of China's legal education in the future.

Regularization. The task of the trend we are now is not yet complete. China's law education in the back of a large scale is telling us, those who rush in the establishment of the principal or dean of law education awareness of the rule of law and the law of higher education is superficial. I think that China's law education in order to scale for development of era is over. End of this era on the system's performance? Is the formalization [7]. The regularization of the education of law is what? It must be on the premise of non formal education of law. At law schools have received the training of law thinking system, and no differences of people trained in system, first performance in the different attitude to the law. The law belief is formed in the middle of the professional training. But not the formal education of law, educated the start just take the law as a means to a career in the future survival, in the beginning of legal consciousness, is being treated as a tool to the law. Therefore, such legal working talent was not loyal to law, will not have dedication and form of legal faith. So you should as soon as possible end of an era of normalization of law education in China, otherwise, the quality of the education of law cannot be guaranteed. When the fire not, the bad money after bad currency is inevitable.

Internationalization. China's reform and opening up for the education of the law provides development opportunities and also challenges. Open society and health of the market economy development needs the law. The trend in the context of the globalization more prominent. Since joining the WTO, China has felt the international legal negotiations talent and transnational litigation talent shortage [6]. Is a big country, China is the world recognized, we participate in the depth and breadth of the world are increasing, the opportunity to participate in the global rules and space are also increasing, legal education has the responsibility to cultivate international talents. Part of the high level legal institutions already have this kind of consciousness. China university of political science and law, Peking University, tsinghua university, National People's Congress, jida, wu3 da4, shandong university, zhejiang university and other schools, has been on the cultivation of the talents in international law has made the exploration of characteristic each, some younger law schools in the international color are catching up [7]. The internationalization of legal education, of course, is various, not only improve students foreign language ability and optimize the knowledge structure, including training modes, training objectives, and many other aspects of the change.

Summary

Legal education is the precondition of China to achieve ideal country under the rule of law, since don't have to say more, the importance of law education reform development is the inevitable requirement of the rule of law construction in China. For decades, the education of law in China has been looking for our own way, and there is no doubt that in the process, we have made significant progress, but at the same time we must see many problems existing in the current legal education. Only realize the problems of reality, can we effectively, targeted for reflection and to try new things. Through to accurate positioning of the target of China's law education, through the reasonable use of scientific methods, such as case type teaching, and the deepening of legal workers professional quality cultivation and education of law in China will have a bright future.

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