



The Realistic Dilemma and Optimal Path of China's Postgraduate Legal Education System

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Abstract: The plight of law graduate education in China is directly related to its educational goals and educational methods. Based on the teaching methods of civil law system and common law system, this paper finds a feasible and optimized way to train qualified legal talents for the construction of the country under the rule of law.

Keywords: law, postgraduate education, experience reference, cultivation dilemma, feasible paths

1. Introduction

At present, China is fully implementing the major strategy of ruling the country by law and accelerating the construction of a socialist country under the rule of law with Chinese characteristics. Against this background, China's law graduate education has entered a critical period of development, law graduate education has been expanding. The training mode of Chinese law graduate students is generally divided into two categories, one of which is the academic master's degree, which aims at the theoretical research and academic inheritance of law. The other is a professional master's degree aimed at training complex, practical legal professionals.

2. The Present Situation and Dilemma of Postgraduate Legal Education in China

2.1 Current situation and problems of practical ability development

The training of law graduate students in China is traditionally oriented to theoretical research and academic creation. Based on this educational idea, not enough attention is paid to the training of the practical ability of law graduate students. The practical ability of law graduate students mainly includes the ability to apply the knowledge of legal theory, the ability to think logically professionally, the ability to analyze and solve practical problems, and the ability to adapt to the role of the legal profession. At present, however, there is a lack of perfect system and teaching arrangement to train the practical ability of academic master students and professional master students. The goal of practice ability training is not very clear, only practice teaching courses as the only way to practice ability training, lack of diversified social practice activities. Although most law schools will require students to participate in professional internship, but there is no standardized management of the process, the evaluation of professional internship arbitrary, in fact reduced to a form. Neglect of practical skills development will not enable these professionals to meet the requirements of the job market and develop professionally. It is difficult to make the leap from "law in books" to "law in life" without training in systematic and standardized practice during school.

2.2 Current situation and shortcomings in the training of innovation ability

With the rapid expansion of the educational scale of law graduate students, the cultivation of innovation ability has been put on the important agenda of talent training. Because of various subjective and objective reasons, the cultivation of the innovation ability of law graduate students is hindered. The lack of innovation consciousness and low innovation ability of law graduate students are highlighted. This is reflected in passive acceptance of courses arranged by the college, without the space for students to choose for themselves. For the writing of academic papers, the guidance teachers often do not give normative guidance, do not inspire students' innovative thinking. This makes it difficult for many students to start theoretical research and to stimulate their creative initiative and enthusiasm. Secondly, the lack of a set of effective incentive mechanism for law school master's students and insufficient guarantee of education funds make it difficult to carry out legal innovation projects. As a direct training unit of law graduate students, the law school of colleges and universities should obey the request of higher authority in the training of law graduate's innovation ability. Without sufficient decision-making power and autonomy, it is not easy to cultivate the innovation ability of law graduate students.

2.3 The present situation and malpractices of educational means and models

In general, the curriculum of graduate level should pay attention to all-round legal thinking ability training, skillfully apply legal logic to solve theoretical and practical problems. In fact, many colleges and universities in China have massive duplication phenomena in postgraduate and undergraduate courses, which are not very different from undergraduate courses. This irrational curriculum takes up a lot of time and doesn't produce real results. In teaching methods, still follow the traditional teaching methods of law graduate students, academic and professional master's teaching mode has a great similarity, teachers are one-way teaching to infuse knowledge. A rigid, single approach to teaching puts students in a passive subservient position and prevents them from thinking on their own initiative. Secondly, the training orientation of academic master and professional master is vague, the limited legal education resources can't bear the teaching demand, and the teaching staff and teaching style of both have not their own characteristics. Academic master's degree system is three years, but for professional master's most colleges and universities are two years. Academic master's and professional master's graduation appraisal also adopts similar practice, academic defense committee still values the theoretical research level of the thesis, but ignores the professional master's practice appraisal request. This kind of unreasonable appraisal standard and the original cultivation orientation have produced the dislocation.

3. Educational Experience and Inspiration in Countries Developed by Rule of Law

Postgraduate education in law in Australia is characterized by distinct flexibility. Law schools offer courses tailored to the needs of students, which cover a wide range of specialties and are adapted to the needs of students in different specialties. There are both research-oriented degrees, course-oriented degrees, and degrees in between. Degrees are designed to take into account the needs of learners at different levels. Compulsory courses make up a small proportion of the overall teaching schedule. In addition, in order to facilitate working graduate students, the duration of study is very free and credits for postgraduate courses can be transferred between law schools. Postgraduate lecturers are not limited to professors in law schools, but may be selected to offer relevant courses for graduate students as long as they are experts in a particular field.

Case teaching method is one of the most important teaching methods in American legal education. It is to master the basic principles of law and legal reasoning by studying judges' decisions. This method of teaching takes the form of classroom questions and discussions (Socratic discussion), in which the professor prepares the student in advance with the relevant material of the classic judgment, familiarizes him with all the details of the case law and the basis of the legal judgment, and in the classroom the professor inspires the student to conduct analysis and commentary. This approach is in keeping with the common law tradition.

Legal education in Germany is unified with legal vocational education, which is combined with various practical activities and requires two practical activities and two national judicial examinations in order to be considered competent in the administration of justice and legal management at all levels.

4. The Optimal Path of Postgraduate Legal Education in China

4.1 Pathways to practice ability cultivation

In recent years, more and more attention has been paid to the cultivation of practical ability. The education sector has put forward many reform opinions on postgraduate education, emphasizing the optimization of knowledge structure, enriching social practice and striving to improve practical ability. Firstly, we should plan the practical teaching of law graduate students, clarify the basic contents of practical teaching, construct the practical teaching system, standardize the management mechanism of practical teaching, and formulate scientific methods of evaluation and management. Secondly, it is possible to combine the courts, procuratorates and law firms with universities to create a professional internship base to compensate for the lack of legal career experience and practical experience of students, so that this cooperative training model can lay a solid foundation for future career choices. At the same time, law schools can let students carry out practical activities such as legal aid, popularization of the law and community legal volunteer service, so as to stimulate the initiative and enthusiasm of law graduate students to participate in practice. In this process, this will further improve their sense of social responsibility, humanism, fairness and justice, and carry out legal values education.

4.2 Measures to enhance innovation capacity

In order to improve the academic innovation ability of law graduate students, it is necessary to strictly implement the system of mentorship responsibility and cultivate innovative consciousness and thinking. Construct innovative incentive mechanism and safeguard measures to stimulate the initiative of law graduate students to take an active part in innovative practice. Institutions should provide the necessary financial guarantee for the training of innovation ability. Finally, push

forward the reform of the management mechanism of postgraduate education, give more and more autonomy to the main body of postgraduate education, and combine the practice of higher education institutions to cultivate the innovation ability of postgraduate students.

4.3 Reform and Breakthrough of legal postgraduate education means and mode

Against the background of the era of comprehensive rule of law, the reform of law graduate education should explore new paths and methods. We should re-examine the disadvantages of the traditional education model, update the teaching idea in a timely manner, enrich the teaching methods, optimize the curriculum and the school system, pay attention to the deep interaction between teachers and students, and overcome the phenomenon of school education being separated from the needs of economic construction and social development. In order to achieve the best teaching effect. First of all, in terms of curriculum development, theoretical courses should reflect more diverse and enlightening content. At the same time, the necessary legal practice courses should be added for the professional master's degree, so that theory and practice can be exchanged. In the classroom teaching aspect, changes the single teacher-led teaching method, enhances the graduate student's participation initiative. Students should be given more opportunities to show their opinions and express their opinions. Additional seminars, case studies, legal clinics and moot courts. The rich and varied teaching methods help to improve the ability of law graduate students to analyze cases, cultivate logical and rigorous legal thinking, and strengthen the consciousness of innovation and practice. To clarify the training orientation of academic and professional masters, academic masters should carry out in-depth theoretical research and lead the development of professional disciplines. Compared with academic master's, the requirement of theoretical knowledge should be relaxed, with mastery of practice as the training goal and practical employment as the guiding principle. We should set up the school system scientifically and rationally and draw lessons from Australia's flexible school system. To train the top legal talents in legal theory, the academic master's degree is the "reserve force" for the later juris doctorate. Professional master's degree is to emphasize professional development, with the purpose of training applied legal talents. Therefore, the evaluation of the academic master should focus on the academic level of the thesis, it must be required to have a high standard of legal theory. However, the criterion of in-depth evaluation of legal theory of professional master's degree can be lower than that of academic master's degree.

5. Conclusion

For a long time, China's law graduate education despises the cultivation of practical ability and innovation ability, teaching methods are monolithic, curriculum is rigid, teaching ideas are stale, and assessment standards are not comprehensive enough. It may lead to a decline in the quality of postgraduate training and fail to meet the needs of the society for the orientation of legal talents. Therefore, the useful experience of Australia, the United States and Germany in law graduate education can be used as a reference. This paper reviews the present situation and predicament of law graduate education, and puts forward practical countermeasures and paths to add vigor and impetus to the development of China's rule of law construction.

Conflicts of Interest

The author declares no conflicts of interest regarding the publication of this paper.

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