



International Perspective Training of Legal Talents Mechanism in China: the Dilemmas and the Countermeasures

Hong Wang

EasyChair preprints are intended for rapid dissemination of research results and are integrated with the rest of EasyChair.

December 3, 2023

International Perspective Training of Legal Talents Mechanism in China: the Dilemmas and the Countermeasures

Abstract:With the continuous development of the Belt and Road policy and the deepening of our country's opening to the outside world, foreign legal affairs are becoming more and more complex and diversified, and the demand for legal talents with internationalization educational background has increased sharply. However, under the background of coordinating the "two overall situations" and the era of domestic and international rule of law, the training of internationalization-oriented legal talents in Chinese universities is faced with the dilemma of insufficient teaching resources, imperfect construction of teachers, unscientific curriculum, unrefined training mechanism and incomplete collaborative training. In the face of this dilemma, it is necessary to set a scientific and reasonable training goal which is student-centered in order to improve the abilities of university-to-work transition. Meanwhile, it is essential to consolidate the foundation and perfect the international perspective training of legal talents mechanism in Chinese universities, so as to meet the social multiple demands for legal talents and to improve the quality and level of legal talents with international perspective and knowledge level in universities.

Key words: Training mechanism, Chinese legal talents, University-to-work transition, Dilemmas and Countermeasures

1. Background of Study

In China, the idea of "World-Class Universities" has become a hot topic of conversation. There is a tenuous connection between this idea and the world university rankings (Deem et al. 2008). High-ranking universities in league rankings are referred to be WCUs, according to Holmes (2006). These rankings are used to evaluate the advantages and disadvantages of businesses as well as individual employees. They act as a basis for allocating funds and setting incentives and sanctions. Leading research institutions in the USA and the UK are regularly mentioned as excellent models of world-class universities that Chinese universities may aspire to and learn from (Shahmandi et al., 2011). Colleges need to be able to consistently produce elite professionals and have outstanding professional specializations in order to be deemed world-class. In order to achieve academic excellence, professional development trends in higher education are increasingly focused on improving quality, guaranteeing quality assurance, and putting best practises for technology delivery into practise. Chinese universities are vital to our country's higher education system because they cultivate people with a wide range of talents and abilities. Nevertheless, China's contacts with the international community are increasing as it enters the critical phase of realising the country's significant revitalization, which has resulted in a notable increase in demand for legal professionals with in-depth knowledge and experience in international affairs. China needs people who are knowledgeable about the rule of law as it relates to international relations, who have a strong sense of national identity, are socially responsible, have an international viewpoint, and are able to connect across cultural boundaries. These people should be exceptionally morally and legally proficient, knowledgeable about international law laws, and skilled in handling legal issues pertaining to global affairs. Currently, a deficient foundational knowledge base and an imperfect training structure impede the training of legal professionals with experience in international affairs in local universities. Effective steps must be taken by local colleges to improve their ability to produce lawyers who are proficient in international law and adhere to international standards. As a result, they will be able to fulfil the demands of the modern world and make a substantial contribution to the advancement of international cooperation and exchanges as well as the rule of law in China.

However, the historical context of legal talent training in China can be divided into two

halves. First, arranging the "Two Overall Situations" in coordination. The so-called "two big picture" encompass the "overall strategy for the great rejuvenation of the Chinese nation" along with "major changes unseen in the world in a century" . In order to better realize and protect China's sovereignty, security, and interests, it is important to scientifically grasp the significant strategic opportunities presented by the country's development, objectively comprehend the new challenges it faces, and systematically plan and coordinate the Party's and the state's internal and external affairs. In this process, we must: on the one hand, steadily advance the modernization of the national governance system and governance capacity; on the other hand, comprehensively improve the level of opening up; encourage the joint construction of the Belt and Road high-quality development; actively participate in global governance; and promote the reform and construction of the global governance system. We also need to accelerate independent innovation in science and technology. All of this is intrinsic to the rule of law and places additional demands on legal talent with an international focus. The development of internationalize legal skills at nearby universities is especially crucial in this regard. Second, harmonize national and international legal regulations. Since the reform and opening up, the development of a socialist nation with Chinese features has been aided by the domestic rule of law, which has created distinct legal conceptions, legal norms, organisational structures, and modes of operation. In terms of international legal services, the rule of law offers a more sufficient assurance for China's opening up and has established a unique discourse mode, workforce, and operational framework. However, there is now an imbalance and lack of coordination in the development of local legal talent and the rule of law with respect to diverse foreign knowledge. So that they can evolve in a coordinated manner, we must thus coordinate the domestic and international rule of law and link the notions, theories, and practises of the former with the concepts, standards, and procedures of the latter. International law and other laws pertaining to internationalization, however, make up a comparatively small percentage of legal research, legal education, and legal practise in local colleges and universities. Additionally, there are significant gaps in theory and practise, making it challenging to meet the demands of China's current legal system construction.

2.Literature Review on the dilemmas in cultivation for Chinese legal talents

2.1 Legal talents teaching and learning resources is insufficient

Universities have trouble training legal talents because they don't have enough teaching materials. The teaching facilities are not perfect and sufficient. The cultivation of internationalization-oriented legal talents needs to be equipped with advanced teaching equipment, software and rich legal literature resources to provide students with opportunities for study and practice. However, the input of universities is difficult to meet the needs of students. In addition, the investment in comprehensive teaching of legal talents training in universities is insufficient. The cultivation of internationalization-oriented legal talents requires integrated teaching of law, foreign language and international trade, etc. However, local colleges and universities have limited subject settings and professional directions, few interdisciplinary professional courses, and insufficient investment in comprehensive teaching, which fails to provide students with interdisciplinary learning opportunities.

2.2 Teaching staff for legal talents cultivation is inadequate

The structure of teaching staff is not perfect. The construction of international rule of law in Chinese universities is relatively backward, lacking first-class discipline resources and construction investment, and the construction of teachers is not perfect. The number of teachers with senior titles are relatively small, and scientific research achievements in the disciplines related to legal talents training mechanism with multifaceted international knowledge reservation are quite few (Xin FU&Qingling MA, 2018).

| Name of the Institution | No. of full-time teaching staff | Degree held by the teaching staff | | | Academic rank of the teaching staff | | | |
|-------------------------|---------------------------------|-----------------------------------|----|----|-------------------------------------|----|------|----|
| | | PhD | MA | BA | Prof | AP | Lect | TA |
| SWUPL | 18 | 8 | 7 | 3 | 9 | 8 | 1 | 0 |
| ZUEL | 27 | 15 | 12 | 0 | 6 | 12 | 9 | 0 |
| CUPL | 16 | 12 | 4 | 0 | 7 | 6 | 2 | 1 |
| ECUPL | 14 | 13 | 0 | 1 | 5 | 6 | 3 | 0 |
| NWUPL | 16 | 3 | 13 | 0 | 5 | 7 | 2 | 2 |

Note: PhD=Ph.D. MA=Master BA=Bachelor Prof=Professor AP=Associate professor Lect=Lecturer TA=Teaching assistant

Table1: Statistics on the Teaching Staff of the Five Universities of Political Science and Law in China

(Source: Comparative Legilinguistics 33/2018)

It is also rare to find classes that cover a lot of ground in both law and a foreign language, as well as a lot of internationalization rule of law practise. However, many colleges are limited by things like money and location, making it hard to hire great teachers with a lot of classroom and real-world experience. This makes the teacher pool very weak for developing international rule of law talents. Chinese universities don't have enough special training plans and resources to help teachers learn about foreign law, especially when it comes to opportunities to gain real-world experience. A lot of the law professors at area colleges and universities go straight to the university to teach after they graduate. They don't have much real-world experience, and it's hard for them to teach and guide students well as they practise internationalization-focused rule of law. During his visit to Renmin University of China on April 25, 2022, Xi Jinping said, "Teachers should first become the kind of people they want to teach their students to be." As a result, we can say that if teachers don't have any real-world experience, then their students definitely won't either.

The China National Committee for MTI Education has established rules for the training course of Master of Translation and Interpreting (MTI). This study examines the recent condition of master's education for legal translators and interpreters between 2014 and 2016, focusing on identifying any modifications and challenges encountered in China's two prominent colleges of political science and law. The two universities are Zhongnan University of Economics and Law and Southwest University of Political Science.

Now, let's examine Southwest University of Political Science. The organisation primarily relied on its teams of legal translation researchers, consisting of 18 full-time MTI academic members. 94.44% of the individuals are either professors or associate professors, while 83.33% possess a master's degree. Additionally, all of them have prior expertise in the field of translation or interpretation. According to the Self-Assessment Report of MTI Education from Southwest University of Political Science and Law (2015) and the Conference Materials of International Academic Forum on MTI Education at Northwest University of Political Science and Law, one full-time faculty member is typically able to teach 1-2 specialized MTI degree courses.

Zhongnan University of Economics and Law serves as another exemplary illustration. It adheres to the philosophy of employing both full-time and part-time personnel, taking into

account the requirements of the teaching staff, recruiting both domestically and internationally skilled professionals, and facilitating students' education both domestically and internationally. The MTI Education Centre employs a total of 27 teachers that work on a full-time basis. Out of the total of twenty-seven, ten instructors specialize in teaching interpretation, while the remaining seventeen focus on teaching translation. Each teacher has a minimum of a master's degree, with 15 of them holding a doctorate degree. The Centre employs a total of 6 professors and 12 associate professors. 66.7% of the teaching staff consists of them, and 85.2% of them possess prior experience of studying or visiting overseas. Additionally, 37.03% of the staff members had expertise in multiple fields, with a total of 10 individuals. Furthermore, each teacher has the ability to instruct more than two courses that are specific to MTI education, as stated in the Self-Assessment Report of MTI Education by Zhongnan University of Economics and Law (2015) and the Conference Materials of the International Academic Forum on MTI Education by Northwest University of Political Science and Law, Xian, June 2016. Evidently, the data regarding the law schools in China that provide rigorous legal training is of subpar quality. How do law school teams at other universities with lower proficiency levels perform their duties? This is an urgent matter that requires immediate attention.

2.3 Legal talents curriculum design is unscientific

Due to the lack of first-class discipline resources and construction investment in local universities, the construction of internationalization-oriented rule of law in universities is lagging behind, and the curriculum is not scientific.

Firstly, the number of hours of internationalization-oriented rule of law is insufficient. According to the "National Standards for Teaching Quality of Law Majors (2021 edition)" issued by the Ministry of Education, law majors have 11 compulsory courses, which leads to the lack of autonomy in curriculum setting in local colleges and universities. Only international law courses are related to rule of law talents, and sufficient extra-curricular hours of rule of law cannot be set.

Secondly, due to the lack of interdisciplinary curriculum arrangement, the training plan for internationalization-oriented legal talents in universities is still mainly for law majors, and

there are few courses in foreign languages, international politics, international trade, international finance, etc., which is not conducive to the cultivation of students' comprehensive ability.

Thirdly, there is a lack of courses on internationalization-oriented rules of law practice, which puts more emphasis on theory than practice. The cultivation of internationalization-oriented rule of law talents requires a combination of theory and practice, but the cultivation of internationalization-oriented rule of law talents requires a special practice base, such as relevant international organizations or international legal practice departments, but there are almost no international organizations or international legal practice departments in some places. Students' practical ability can hardly be exercised.

2.4 Legal talents training mechanism is suboptimal

Firstly, the training contents for legal talents is not refined and targeted. The traditional training mechanism for international law talents in local universities is relatively extensive, and the professional direction of international law is roughly divided into public international law, international economic law and international private law (the "Law of the three States"). Under this extensive professional direction, the corresponding teaching staff, curriculum system and teaching system are set up. However, this traditional training mechanism can not meet the needs of China to coordinate the "two overall situations" and the rule of law at home and abroad. The Ministry of Education and the Political and Legal Affairs Commission of the CPC Central Committee published Opinions on the Implementation of the Education and Training Plan 2.0 for Outstanding Legal Talents in 2018. The opinions stress the significance of "facilitating glocalization and establishing a novel framework for developing legal professionals with an international focus." They also emphasize the importance of international legal practitioners having "a global perspective and comprehensive knowledge of international regulations." Possess the ability to engage in international legal matters, excel at preserving national interests, and push for the change of global governance norms. This paper proposes new criteria for encouraging the internationalization of legal competence in local institutions and universities. Nonetheless, local schools and universities continue to fall short in this area, as they have not been able to adequately develop law skills with an

international perspective.

Secondly, the collaborative training of internationalization-oriented legal talents has not been fully carried out. At present, local universities are relatively closed in talent training and have little interaction with domestic and foreign first-class universities, research institutions and internationalization-oriented legal practice departments, thus failing to fully carry out collaborative training. Chinese universities closed training still predominates in local colleges and universities, which have not developed or reinforced a cooperative training framework. They fail to fully cooperate with foreign legal practice departments, fail to provide students with sufficient foreign legal practice bases, and fail to provide students with real content of "foreign legal practice". Students mainly use simulated international trials, simulated international arbitration and other methods to carry out internationalization-oriented rule of law practice, so it is difficult for them to have access to the real internationalization-oriented rule of law practice in an effective time, and they cannot really form a sense of the practicability of internationalization-oriented rule of law from their hearts. Their memory of internationalization-oriented rule of law is only at the theoretical level, and they cannot properly combine theory with practice. They cannot effectively solve the practical problems of internationalization-oriented rule of law, resulting in a disconnect between the teaching effect of internationalization rule of law and the actual needs of society.

2.5 Legal talents graduate poor employability situations analysis

The 2019 Chinese university graduate employability report shows that the undergraduate employment rate has declined continuously over the last five years. The employment challenges Chinese students face are the products of two major disconnects: first, between students' focus on degree studies and their personal career preparation; and, second, between students' study at university and what employers value in practice. Taking the top five factors stressed by employers (Table 2), those more highly rated by employers than students are in bold. While discipline knowledge was in top five, the others were all personal "soft" skills.

| Rank | Top employability factors for employers |
|------|--|
| 1 | Generic skills (eg communication skills or teamwork skills) |
| 2 | Learning agility |
| 3 | Discipline specific knowledge or occupational expertise |
| 4 | Proactivity |
| 5 | Social and interpersonal compatibility |

Table 2: Employability factors. Bold text indicates factors rated higher by employers than students
 (Source:<https://www.globalfocusmagazine.com/chinese-graduates-the-employability-disconnect/>)

"Learning agility," or the ability and willingness to take lessons from past experiences and use them to better performance in the future, was highly valued by employers. Employees must be able to keep up with real-world change by learning and getting ready to take on and succeed in unanticipated positions, given the ease with which information can be found online and the rapidity with which specialized knowledge is changing in many industries. Hiring someone based on their prior accomplishments and present expertise does not guarantee success. Rather, what makes graduates unique is their capacity for applying continuous learning, taking initiative, and learning from past experiences. This explains why internship experience is not the top priority list for employers, but being ranked in the top five by students. Employers and students also talked about the initiatives that organisations and businesses may create to increase the employability of recent graduates. Conventional career preparation activities were judged advantageous, including college job fairs and corporate internships. In addition to internships, students expressed a strong interest in employer-driven professional training programmes and non-internship initiatives including company-sponsored dissertations. Most Chinese employers were happy to help students with business visits. This illustrates the necessity of blending the boundaries between professional and academic endeavours. We have been able to help businesses and students by creating a more clear

career framework thanks to these findings.



Table 3: Nottingham University Business School (NUBS) China career framework core components
 (Source: <https://www.globalfocusmagazine.com/chinese-graduates-the-employability-disconnect/>)

3. Suggestions and Countermeasures

3.1 Hardware way: Consolidating the foundation for legal education

First, upgrade the teaching and learning resources. In order to undertake the due obligations and responsibility of cultivating legal talents and to provide students with good learning environment, it is necessary to increase governmental investment, improve teaching facilities, advance teaching equipment, upgrade software, purchase internationalization-oriented database resources, and build virtual simulation laboratories, etc. Chinese universities can carry out comprehensive cooperation with first-class universities and research institutions domestic and abroad to share teaching resources, co-build courses and jointly hold lectures, so as to provide students with better learning resources and expand their international vision.

Second, improve the structure and level of teaching staff. In the process of strengthening the construction of the lecturer team, Chinese universities should pay more

attention to the construction of teachers' ethics and style, and guide teachers to become with "ideals and convictions, moral sentiments, solid knowledge and benevolence". University lecturers with strong international perspective and abundant practical experience, familiar with globalization and internationalization rules, will train legal talents more effectively and efficiently. Meanwhile, it is imperative that Chinese universities establish and improve their performance evaluation system for professors, which predominantly assesses the lecturer's contributions to social service, research, and instruction. Additionally, it is critical to establish a mechanism that is equitable and well-received, allowing university lecturers to progress in their professional careers while maintaining adherence to the standards of rule of law disciplines that emphasize glocalization. Universities possess the capacity to inspire and direct instructors in effectively overseeing the interplay between instruction and research by utilizing these systems for support and direction. In addition, Chinese universities possess the capacity to cultivate partnerships between their faculty members and renowned domestic and international research institutions, strengthen connections with departments dedicated to internationalization-focused legal practise, enable reciprocal exchanges between educators and legal experts, and improve the proficiency of instructors in the realm of international legal practise.

Third, optimize the curriculum design, plus international and modern factors. When training legal talents, universities need to formulate special training programs and personalize customization based on their own conditions and optimize the curriculum. The proportion of domestic law and international law in compulsory courses should be adjusted. International economic law, international private law, international commercial law and international trade law should be included in compulsory courses. Interdisciplinary courses should be added to the elective courses, so as to break the barriers between law and illegal studies and provide abundant teaching resources for the cultivation of internationalization-oriented legal talents. We should improve the international legal practice courses, strengthen the setting of internationalization legal practice teaching links, and provide more practice opportunities for students. In international law practice courses, students should first be truly student-centered, change the traditional legal practice teaching content of observation, simulated trial or social investigation, and set up new practical teaching contents such as summer programs,

participation in practical training, short-term overseas study and training through international institutions, overseas internships and international competitions. It is also possible to introduce internationalization-oriented legal practitioners as practice tutors, and make close use of artificial intelligence (AI) to carry out practical teaching, so as to help students establish real legal practice thinking and effectively solve practical problems.

3.2 Software way:Improving the legal education mechanism

First, the education mechanism needs to be refined. With the rapid development of science and technology, many problems have emerged in new fields, such as artificial intelligence (AI) and big data, etc. It is urgent to build new international rules or governance mechanisms. This not only poses a challenge to the construction of international order, but also provides opportunities and challenges to Chinese legal talents. In order to get a better result in the training legal talents, Chinese universities need to establish a refined training mechanism, which focus on the *core training goal of internationalization-"having an international vision, understanding international rules and being good at handling international affairs"*. On the Chinese universities should carry out system reconstruction in the aspects of curriculum, textbook construction, teacher resources, teaching methods and practical practice. They should pay more attention to export-oriented and composite methods, and integrate internationalization into the whole process of talent training.

Second, different jointly cultivating mode is more feasible and pragmatic. Universities should establish the awareness of collaborative training, fully implement the collaborative training of legal talents, and establish a diversified interaction mechanism with first-class universities, research institutions and internationalization-oriented legal practice departments domestic and abroad.

● ***"Double teacher collaborative teaching and training model"*** can be established. Theoretical teaching can realize the collaborative teaching between the school's teachers and those from first-class universities and research institutions domestic and abroad to improve the teaching quality. Meanwhile practical teaching can realize the collaborative teaching between the school's teachers and experts from internationalization-oriented legal practice

departments to improve the practical teaching level.

● *"Two-way interactive international education model"* can be established. On the basis of traditional international education models such as teacher exchange and student exchange, training programs can be jointly formulated with the goal of improving the quality of internationalization-oriented legal talents construction.

● *"Demand-oriented collaborative training model"* can be established to carry out "customized" training for students on the basis of understanding the needs of internationalization-oriented legal practice departments. Methods such as "general education + characteristic project system" can be adopted to train internationalization-oriented legal talents who can meet the needs of international legal practice departments, so as to avoid the homogenization of legal talents and realize efficient graduation and employment.

4. Conclusions

The most practical and urgent challenge during legal talent training is to find solutions for the problems of insufficient teaching resources, imperfect teacher construction, unscientific curriculum, unrefined training mechanism, and incomplete collaborative training, given the context of coordinating the "two overall situations" and the era of domestic and international rule of law. It is crucial to develop a training aim that is logical and scientific in light of this conundrum. Strengthening the structure and improving the hardware and software of the worldwide perspective training of legal talents mechanism is vital in the interim. In order to meet the many societal demands for legal experts and improve the standard and level of knowledge of legal professionals in Chinese institutions, this is imperative. The research reported in this article greatly advances the goal of the national policy of administering the entire country in accordance with the law and fosters the healthy growth of legal education in Chinese universities. Due to variances in learning settings, financial support, and other contextual considerations, it is still difficult for law graduates at Chinese universities to fully adopt the "student-centered" teaching strategy that addresses real-world international challenges. It is essential to test it in the classroom repeatedly, make it more and more popular over time, and enhance it through experimentation in the end.

Reference

- Qinglin, M. A., & Xin, F. U. (2018). MLTI Education in China: Current Situation, Challenges and Countermeasures. *Comparative Legilinguistics*, 33(1), 7-34.
- Deem, R., Mok, K. H., & Lucas, L. (2008). Transforming higher education in whose image? Exploring the concept of the 'world-class' university in Europe and Asia. *Higher Education Policy*, 21(1), 83–97.
- Holmes, R. (2006). The THES university rankings: Are they really world class? *Asian Journal of University Education*, 2(1), 1–14.
- Shahmandi, E., Silong, A. D., Ismail, I. A., Samah, B. B. A., & Othman, J. (2011). Competencies, roles and effective academic leadership in world class university. *International Journal of Business Administration*, 2(1), 44–53.