

Core Orientation and Cultivation of Legal Thinking Ability in Legal Higher Education

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ABSTRACT. Legal practical ability is the organic integration and unity of legal theory accomplishment, legal thinking ability and legal operation skills. The cultivation of legal thinking ability is one of the core objectives of legal education. Governing the country according to law is the basic strategy being implemented in our country. In the implementation of the strategy of governing the country according to law, our country should not only continuously improve the legislative system, but also make the law gain people's recognition, so that people can actively form legal consciousness and legal concept. With the deepening of China's education system reform, the importance of legal education in Ideological and moral education is further highlighted. The current situation of law education in Colleges and universities in China makes it difficult for students to form independent legal thinking ability. We should further improve and perfect the concept, teaching content, teaching methods and means, evaluation standards and other links of the current legal education, so as to improve the teaching quality, so as to cultivate the good legal thinking ability of law majors in Colleges and universities.

KEYWORDS: Legal thinking ability, Legal education, Teaching quality

1. Introduction

Legal thinking is the process by which a legal person uses various legal methods, legal reasoning and argumentation to identify facts, interpret legal principles and apply laws from the legal standpoint [1]. Law students must have a high level of legal thinking ability and must think like a legal person. It is generally believed that legal thinking ability is the ability to observe, compare, analyze, synthesize, abstract, generalize, judge, reason, and use scientific logical methods to express your thought process accurately and in an orderly manner [2]. Governing the country according to law is the basic strategy being implemented in our country. In the implementation of the strategy of governing the country according to law, China must not only continue to improve its legislative system so that it has a legal basis, but also allow the law to gain the approval of the people and allow people to take the initiative to form the law Consciousness, the concept of the rule of law [3]. The undergraduate professional education of law in my country is basically dominated by theoretical teaching, and the curriculum is focused on the transfer of theoretical knowledge and the learning of basic knowledge [4]. In this mode, the knowledge that students passively accept can not be transformed in practice as expected, and their employability, innovation ability and entrepreneurial ability are generally weak.

Legal thinking is a kind of professional thinking. The subject of legal thinking is the person who has been trained by law specialty, and the core of legal thinking is the application of law [5]. The legal thinking ability is the ability of the legal subject to determine the nature of the case, determine the fact of the case, correctly interpret the legal theory and apply the law. The cultivation of College Students' legal consciousness plays an important role in the process of promoting the modernization of national governance system and governance ability, and is also conducive to the implementation of the rule of law and the rule of virtue in our country [6]. With the deepening of China's education system reform, the importance of legal education in Ideological and moral education is further highlighted. Legal education is an important part of university education curriculum, which is directly related to the formation of people's legal consciousness, social harmony and stability, and people's quality [7]. We should further improve and perfect the concept, teaching content, teaching methods and means, evaluation standards and other links of the current legal education, and improve the teaching quality, so as to cultivate the good legal thinking ability of the students majoring in law in Colleges and universities, and train the legal professionals who really meet the needs of the socialist modernization construction.

2. The Necessity of Cultivating the Legal Thinking Ability of Law Majors in Colleges and Universities

Legal thinking is a complex psychological process in which people use legal concepts, legal judgments and legal

reasoning to think about problems and express and explain legal phenomena. The essence of legal education lies not only in imparting knowledge and training skills to students, but also in training students' legal thinking. The biggest difference between legal education and other professional education lies in the cultivation of legal thinking. Any concept is a strict definition of the attributes of things and phenomena, a strict and orderly grasp of their relations, and is expressed in accurate language. Setting up experimental teaching system and establishing students' dominant position and teachers' guiding position can train students how to think like legal professionals, cultivate students' legal thinking ability, and integrate legal practice into theoretical study through the training of practical operation simulation in this course [8]. Legal proposition is the strict definition and reflection of various legal facts, legal relations and their legal consequences, which must be legal and reasonable. Legal logic reveals the logical structure of legal propositions and their internal logical relations by studying the forms of legal propositions. The formation of legal thinking ability means that a law student has a stable knowledge structure different from others, thinking and solving problems.

From a longer-term point of view, the cultivation of legal thinking ability is more meaningful than the mastery of legal knowledge and professional operation skills. Professional ability is an important part of professional quality, any profession has specific requirements of professional ability. The legal professional ability that college students of law major must possess mainly includes legal knowledge ability, legal thinking ability and legal practice ability. Any effective reasoning must abide by the corresponding rules, and the correct reasoning also needs the premise to be true. Legal reasoning is a kind of logical thinking activity, which takes the confirmed facts of a specific case and the legal provisions as the known premise, uses scientific methods and rules to draw legal and legitimate conclusions for the application of law. In the judicial process, only in accordance with the strict legal thinking, can we eliminate personal prejudice and avoid arbitrariness, the unity of the application of law can be realized, and the judicature can be truly a technical process. For a long time, our legal education has paid too much attention to the teaching of legal knowledge to students, but intentionally or unintentionally ignored the cultivation of students' legal thinking ability and professional skills. Legal thinking ability is the core quality of legal professionals, is the decisive factor in the structure of legal professional ability, and is also an indispensable basic skill for a qualified legal professional.

3. Methods of Cultivating Legal Thinking Ability of Law Majors in Colleges and Universities

3.1 Renew the Teaching Idea of Law

At present, the ideas of law education in colleges and universities in my country still largely belong to the traditional exam-oriented education category, focusing on instilling theoretical knowledge of books to students. Legal thinking ability is the most indispensable basic skill of a legal person, but my country's legal education has always lacked the consciousness of cultivating students' legal thinking ability. At present, the teaching of legal practice courses mainly focuses on training students' legal operation skills. The effect is that by participating in the training of legal practice courses, students can understand the procedures of judicial operation and the specific rules of each link, and initially grasp the rules of legal operations, Master the communication skills with the parties and negotiation and debate skills [9]. Legal thinking ability refers to the legal person's ability to discover or recognize the law and determine the facts based on certain values, legal awareness and other preconceived ideas, and apply the law to facts and propose solutions to problems. The lack of legal thinking training has become the most important problem in legal education, and this deficiency is reflected in almost all aspects of legal education.

3.2 Integrating the Teaching Content of Law

In the existing law teaching content of colleges and universities, the standard for evaluating students is often the only one, that is, to evaluate students by their academic achievements, which is also applicable to the evaluation of teachers. With the increasing number of students and the influence of employment pressure, internship system has become a form. Many practical departments are unwilling to accept students' internships because of the pressure of work and the lack of students' legal work ability. Even if they accept them, they will cope with them and neglect their supervision. Legal education should be a kind of quality education, through which legal talents with solid knowledge background, strong practical ability and good legal professional ethics can be trained. China's current legal education model in colleges and universities is basically a traditional legal education model, which is instilled from top to bottom. This mode is mainly based on imparting knowledge, rather than paying equal attention to imparting knowledge and training ability, and is not a combination of theory and occupation.

3.3 Improving the Teaching System

The experimental teaching system of law majors refers to the training of legal thinking as the core, the teaching of

substantive law and procedural law as the basic carrier, and the practical operation as the basic method. It focuses on how to establish a practical training classroom as the main platform, integrating traditional classroom teaching and A programmatic teaching system that integrates extracurricular internships. The final decision of the law is based on the pre-understanding structure, logical way of thinking, and the discovery and understanding of the law and the selection and confirmation of facts [10]. Therefore, legal thinking ability is essentially an organic combination of the aforementioned four levels of ability, which is reflected in a complete process that cannot be artificially divided. Most teachers teach in the classroom how to annotate the existing legal provisions, as well as the system and basic theory of each course, and its purpose is to guide students to master the systematic knowledge system [11]. In order to develop legal education, various universities usually build some practice bases. These practice bases are often courts, procuratorates or law firms near universities. It is a more effective way to organize students to observe the legal practice in the above practice base. The key to the problem is how to prevent such observations from flowing into form. Due to the increasing number of law students and the lack of management systems, internships are becoming more and more formal and become a kind of system decoration, which is not ideal for students' legal thinking ability and professional operation skills.

4. Conclusion

The essence of legal education lies not only in imparting knowledge and training skills to students, but also in training students' legal thinking. The biggest difference between legal education and other professional education lies in the cultivation of legal thinking. The lack of legal thinking ability has become the main problem in legal education, which is reflected in almost all aspects of legal education. From a longer-term perspective, the cultivation of legal thinking ability is more meaningful than mastering legal knowledge and professional operation skills. Examination can only satisfy the understanding of knowledge, and it is difficult to measure students' legal thinking ability. Therefore, it is necessary to increase teachers' investigation of students' usual achievements. Students' concerns should be removed, their psychological tendency to pursue the only correct answer should be broken, and the original memory and directional understanding of assessment knowledge should be changed to focusing on the assessment of legal thinking ability, paying attention to training students' legal thinking ability, and gradually establishing and perfecting coordination with quality education. Legal education should be a kind of quality education, through which legal talents with solid knowledge background, strong practical ability and good legal professional ethics can be trained.

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