

Train Students' Legal Thinking Ability in Jurisprudence Teaching

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Abstract: The self-sponsored policy of colleges and universities is an important part of exploring higher education development methods, advancing the process of higher education rule of law, and improving the modern university system with Chinese characteristics. The basic goal of legal education is to train high-quality outstanding citizens and high-quality legal persons. The tasks and functions of legal education are shown in two aspects: imparting legal knowledge; To cultivate legal skills and legal thinking ability. Training students' legal thinking ability is an important goal of Jurisprudence Teaching, and the important task of Jurisprudence Teaching is to cultivate students' right thinking and practical thinking ability. Many college students have weak legal awareness, lack of legal literacy, and there are deviations in legal thinking. This paper analyzes the students' institutional thinking from the perspective of the teaching and learning of jurisprudence, so as to make the teaching of jurisprudence become a conscious theoretical activity and teaching practice.

1. Introduction

Against the background of governing the country by law and governing education by law, how can law, as a more standardized and scientific, more efficient and clear social adjustment mechanism, replace the traditional rule of man and power to ensure the orderly and effective administration of colleges and universities? Self-sponsored? There is no doubt that there is law to rely on, and good law to rely on has become an important basic condition [1]. Jurisprudence is positioned as a specialized basic theory course in traditional teaching. Although many attempts have been made and some achievements have been made in the teaching reform of jurisprudence in colleges and universities in recent years, the teaching of jurisprudence is still centered on the teaching of legal knowledge, ignoring the important content of “cultivation of legal thinking mode” of jurisprudence [2].

Jurisprudence, as the basis and general theory of law, faces the legal world which is based on people's life world and transcends it at the same time. It observes and understands the internal elements and external environment of the legal world rationally, so as to pass through the fresh legal subject, legal act, legal relationship and other legal phenomena in the legal world, and gives the laws of universality and commonality Summary, induction and conclusion [3]. No matter the jurisprudence of general legal science or the department law of specific legal science, they all participate in the cultivation and cultivation of the legal thinking mode of law students. If the department law forms the unique thinking mode of the department law in a specific and partial way with the particularity of their own field [4]. The main content and main goal of jurisprudence teaching should be “cultivating professional legal thinking” and “building ideal legal professional personality” [5].

2. Definition of Legal Thinking in University Jurisprudence Teaching

2.1 Legal Thinking is Practical Thinking with Law as the Starting Point

When legal practitioners discuss social issues, the whole thinking process revolves around legality and illegality, whether and how the law stipulates it. This thinking process is closely linked to legal norms. The distinguishing feature of legal thinking from other thinking modes is that legal thinking is legal normative thinking. In jurisprudence, legal relations are divided into subject and object. As the leading factor of legal relations, the necessary condition for the subject of legal

relations to become the subject is to have the legal capacity and behavior capacity at the same time [6]. It can be said that the ability of right and the ability of behavior are the important qualifications of the subject of legal relationship, which to some extent reflect and influence the validity and legitimacy of the relevant legal activities and behaviors of the subject of legal relationship. Jurisprudence is the general theory of jurisprudence. Since it is a general theory, jurisprudence is different from departmental law that studies specific laws. It studies the general and general problems in the overall legal phenomenon including specific laws, which includes all areas of realistic law and its The entire process of operation includes all legal fields in ancient and modern China and foreign countries and the entire process of operation. In this overall and macroscopic grasp, the law is a social system composed of many norms, like party discipline, religious canons, and social ethics. The practicality of law determines that the study of law is a very practical activity, and the legal thinking formed in the process of studying law must also be the practical thinking starting from law. Academic discipline is based on the purpose of urging students to learn, and is a means of discipline for students with poor academic performance or unable to adapt to specific learning environment [7]. Including repeating a grade, forcing a transfer or dropping out of school. According to the nature of the types of punishment for students, the punishment for students can be divided into two types in legislation: punishment that changes the status and punishment that does not change the status. See Table 1 for the classification of disciplinary actions.

Table 1 Types of Disciplinary Behavior in Universities

Disciplinary changes to students	Status penalty	Withdrawal and expulsion from school
Disciplinary failure to change student status	Penalty for conduct	Suspend one's schooling or stay in school for probation
	Declare one's commandments and punishments	Informed criticism, warning, serious warning, demerit, demerit and other forms

2.2 Jurisprudence is the Most Important Theoretical Jurisprudence in the Legal System

The significance of jurisprudence is mainly to open the mind and improve the legal thinking ability of legal professionals; jurisprudence is not only the general theory of jurisprudence, but also the methodology of jurisprudence. The disciplinary characteristics of jurisprudence determine that jurisprudence teaching must clarify its teaching goals, that is, the legal thinking training method of jurisprudence must be compatible with its basic functions [8]. Specifically, an important task of jurisprudence teaching is to cultivate students' rightful thinking and practical thinking. The primary task of law is to solve legal problems and provide answers to legal problems. And legal thinking is thinking for legal issues, such legal issues are ubiquitous, which may be both legislative issues, law enforcement issues, judicial issues, and law-abiding issues; it may be both legal interpretation issues and legal reasoning issues. The logical connection between the internal legal norms and the legal norms makes people's behavior enter into the legal processing mechanism and adjustment process once it is brought into the legal vision. To think about the realistic problems of contemporary China with the right thinking, we should not only think about the rule of law as a whole from the macro aspect, but also think about the specific legal practice contained in its individual from the micro aspect. In the process of jurisprudence teaching, efforts should be made to cultivate students' right thinking [9].

2.3 Jurisprudence is the Methodology of Jurisprudence

Legal thinking has the ability to use certain thinking methods to seek rational proof for legal decisions, including deduction, analogy and induction. Having legal thinking ability shows the rationality of legal thinking and reflects the logical power of legal thinking. The so-called legal methodology is different from the legal methods used to solve specific problems in the process of specific legal practice, such as legal interpretation, legal reasoning, etc., but is a method system formed by the methods used by legal researchers in the process of legal research under the guidance of certain principles. Specifically, it includes class analysis, value analysis, logical and semantic

analysis, and social empirical analysis. These methods observe and analyze law from different perspectives and dimensions, and use different methods to analyze the legal system, so the conclusions they draw are often different. Since any legal method itself is derived from life, jurisprudence as a legal methodology should cultivate students' practical thinking. It is the living real life that has become the fertile ground for legal methods, the place where legal methods can be applied, and the source of constant innovation in legal methods. Therefore, the study of jurisprudence must cultivate practical thinking and adhere to the life position of law and rule of law. In fact, the implementation of law is a process in which legal practitioners understand and use the legal provisions of rationality and experience to solve social conflicts and disputes. This process is neither simple speculation nor simple experience judgment. To cultivate students' practical thinking, it is necessary to help students pay attention to typical events with legal significance and influence, and make theoretical reflection and criticism, so as to truly “reveal legal principles from life and perspective life from legal principles”.

3. The Cultivation of Students' Legal Thinking in the Teaching of Jurisprudence in Colleges and Universities

3.1 Rational Use of Case Teaching Method

In terms of current jurisprudence teaching practice, the comprehensive application of case teaching method and research teaching method is consistent with the characteristics of legal profession and is worth exploring. Case teaching is a heuristic and mutually beneficial teaching process, which focuses on integrating theory with practice. In jurisprudence teaching, case teaching method is an important teaching method, which can effectively make up for the deficiency of lecture teaching and help students better understand and master jurisprudence knowledge and theory. Case teaching method adapts to the needs of training objectives of legal vocational education and plays an important role in training students' right thinking and practical thinking. Law is a professional knowledge system. The language it uses is calm, rigid, concise, and logical. It is an industrial language refined, processed, and created by jurists. The difference. In the teaching of jurisprudence, we adhere to the principle of “sufficient” for professional theoretical knowledge and teach the basic legal theoretical knowledge required for the professional development of legal professions in a targeted manner. On this basis, in addition to the standard legal language teaching in the teaching, teachers also use a variety of teaching methods such as classroom case discussions and in-class practices to enable students to master the standard legal language and learn the skills of using legal language. To enable students to carry out social interaction, legal thinking and legal profession based on the legal language. The advantage of case teaching is reflected in the confrontation of different perspectives between students, which can not only stimulate students' interest in learning, but also improve students' ability to make independent choices and judgments, promote their active learning, and improve their critical thinking ability.

3.2 Develop and Train Students' Legal Ability to Analyze and Solve Legal Problems

Legal practitioners must have the ability to analyze and solve legal problems with legal methods. Including the ability to interpret the legal provisions, the ability to understand the “facts of the case”, as well as the ability of legal reasoning and legal argumentation. As students, they should learn to experience the whole process of using legal thinking as judges or lawyers. Learning should enable students to think and explore actively as researchers, provide opportunities for students to use innovation ability, respect and recognize students' innovation value, so as to help students connect theory with practice and cultivate students' legal thinking ability. The introduction of research teaching into jurisprudence course requires teachers to abandon traditional teaching concepts and establish advanced research teaching concepts. Teachers should not only study teaching methods, but also study learning methods. They should also study how to better improve teaching effect and promote the improvement of students' legal thinking ability.

3.3 Train Students' Legal Thinking Ability and Cultivate Social Legal Consciousness

The biggest difference between law education and other professional education lies in the cultivation of students' legal thinking ability. The practical thinking directed by jurisprudence requires that legal research should not pursue the beauty and grandeur of theory, but become a castle in the air which is far away from the real life of people and has nothing to do with life. Legal thinking is a unique thinking activity and process of legal person. It is a process that legal person uses various legal methods, legal reasoning and argumentation to identify facts and explain legal principles and apply laws from the legal standpoint. The cultivation of legal thinking ability plays an indispensable role in deepening students' understanding of legal theory and proper application of legal skills. At the same time, it is conducive to the formation and stability of legal professional community, the unity of law application and the unity of national legal system. Legal education plays an important role in forming and improving students' legal thinking ability. The cultivation of legal thinking ability is comprehensive and multidisciplinary. Situational simulation teaching can be adopted. This teaching mode can include teacher simulation, student simulation, teacher-student simulation, etc. The most common way is to use mock court teaching to enable students to fully participate in the actual combat exercises of court roles. Through mock court practice, students can independently organize, demonstrate, be tutored and commented by teachers. Through mock court training, students can become familiar with legal proceedings and improve their comprehensive abilities such as case analysis, court debate and oral expression, thus forming a point-to-point approach to legal learning. From paying attention to phenomena and thinking about problems to mastering knowledge and improving the ability to apply legal practice, from the basic theory of jurisprudence to the systematic and benign process of integrating multi-disciplinary learning such as law, litigation procedure and legal document making, in order to promote the overall improvement of the actual legal knowledge and procedural practice ability. Only by fully establishing modern legal consciousness such as “democracy”, “rule of law” and “human rights” can we strengthen and improve the legal thinking ability and level of legal practitioners. Legal thinking, as a kind of practice thinking, should show the legal profession's belief in law. Therefore, in the process of teaching jurisprudence in colleges and universities, special attention should be paid to cultivating students' concepts of fairness and justice, advocating law and dedication to the rule of law, integrity and integrity in professional ethics, loyalty to the law, and a sense of mission and responsibility to maintain the law.

4. Conclusion

Fully governing the country according to law is our party's fundamental policy of governing the country. Thinking under the rule of law is an important condition for the practice of the rule of law. College students are a vital force for building a well-off society in an all-round way. Implementation is of great significance. The deviation education of university students' legal thinking is both a top-down requirement and a bottom-up requirement. It is urgent and effective. Teachers and students should jointly establish the principle of learning and deeply integrate the thinking and essence of jurisprudence into the learning process of students.

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