

THE CURRENT SITUATION AND CHALLENGES OF THE CONSTRUCTION OF LEGAL DISCIPLINES IN CHINA

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Abstract: Under the background of Xi Jinping's Thought on the rule of law and the deepening of the construction of the rule of law, the construction of law disciplines in China has become more and more remarkable, the system of jurisprudence has become more and more perfect, the quality of education has been continuously improved, and the cultivation of talents for the rule of law have received unprecedented attention, which has resulted in the formation of the construction of legal disciplines centered on the socialism of Chinese characteristics and has pushed forward the development of the socialist rule of law system of Chinese characteristics. However, in the process of building legal disciplines, it still encounters problems and challenges such as the serious homogenization of the discipline and the disconnection of theory and practice. Based on this, the internal system of the discipline of law and the construction of the discipline of law still need to continue to deepen the reform mechanism and system, in order to promote the comprehensive rule of law and build the rule of law in China to contribute to a more significant power.

Keywords: Law discipline; Law discipline building; Building status and challenges

1 INTRODUCTION

The construction of the discipline system of law takes the formation of the knowledge system of law as the premise, the core and the guide [1]. The construction of the legal discipline is the key to cultivating talents of the rule of law and promoting research on the rule of law, which has achieved remarkable results, not only in the system of jurisprudence, the quality of education, the development of disciplines and specialties and scientific research level, but also to better serve the individual, the society and the country, to create a good atmosphere of the rule of law, and to implement the Xi Jinping's Thought on the rule of law in China since the 18th Party Congress. However, in the construction of law disciplines, there are many problems, such as insufficient articulation between the discipline system and the classroom [2], unbalanced allocation of university resources [3], the degree of integration and application of law and science and technology [4], and the pressure on the employment of law graduates [5].

In order to further solve the problems faced in the construction of the discipline of law, it is necessary to improve the articulation between the discipline system and the curriculum, strengthen the sharing of resources between universities, improve the depth of the application of law and science and technology, and broaden the employment channels for students, so as to promote the construction of the legal discipline to a higher level.

In the following, this paper focuses on how to further improve the construction of the discipline of law to build a socialist rule of law system with Chinese characteristics under the environment where the rule of law has been emphasized. Specifically, it mainly analyzes the current situation and challenges of the construction of the discipline of law to improve a reasonable solution path for the development of the legal disciplines' construction.

2 THE CURRENT SITUATION OF THE CONSTRUCTION OF THE LEGAL DISCIPLINES IN CHINA

The development and progress of the discipline of law is the need of the times, the need of the society, the urgent requirement of the national development for the discipline of law, and the foundation for the dignity and reputation of the rule of law itself to be maintained and continued [6]. Chinese insistence on developing the construction of the discipline of law has led to the further improvement of the catalog of disciplines and specialties in law, professional degree education, and modern legal education.

2.1 The History of the Establishment of the Catalog of Disciplines and Specialties in the Field of Law

The catalog of disciplines and specialties issued after the implementation of the degree system in China has gone through four versions in 1983, 1990, 1997 and 2011, and the newly issued catalog is the fifth version [7].

In the 1983 version of the catalog, the legal category mainly includes five first-level disciplines of "law, political science, international politics and international relations, sociology, and ethnology", of which the first-level discipline of law covers 13 second-level disciplines: legal theory, history of legal thought, history of the legal system, constitutional law, administrative law, criminal law, civil law, procedural law, economic law, labor law, environmental protection law, and international law. China initially conducted postgraduate education for master's and doctoral degrees in law on the basis of the second-level disciplines of law.

In the 1990 edition of the catalog, compared with the 1983 version, "International Politics and International Relations" was renamed "International Politics" in the first-level disciplines. In the first-level discipline of Law, the word "Xue"

was added after the names of Constitutional Law, Administrative Law, Criminal Law, Civil Law, Procedural Law, Economic Law, and Labor Law, and the name of “Environmental Protection Law” was changed to “Environmental Law”. Moreover, 16 second-level disciplines were formed, which “Private International Law”, ‘Military Jurisprudence’ and ‘Science and Technology Jurisprudence’ were added.

In the 1997 edition of the catalog, the main highlights significantly merged and compressed secondary disciplines. The legal category was divided into four first-level disciplines, excluding “international politics”, and the body of knowledge was summarized in “political science”, and “history of legal thought” and “history of the legal system” were combined with “history of the legal system”; ‘Constitutional Law’ and ‘Administrative Law’ were merged into ‘Constitutional Law’; and ‘International Economic Law’, ‘Private International Law’ and ‘International Law’ were combined into ‘International Law’. “International Law”; ‘Civil Law’ was changed to ‘Civil and Commercial Law’, forming 10 secondary disciplines.

In the 2011 edition of the catalog, only two levels of disciplines and first-level disciplines are listed, in which the legal category disciplines became six first-level disciplines: “Law, Political Science, Sociology, Ethnology, Marxist Theory, Public Security”.

In the 2022 edition of the catalog, the previous version of the catalog is used and does not include secondary disciplines, but the category of “jurisprudence” is listed in the category of first-level disciplines related to academic degrees and various majors in the catalog. In the first-level disciplines, it added “CPC Party History and Party Building, Discipline Inspection and Supervision” and the “03 Law” has been expanded, and the emphasis of “Doctor of Law” and “Doctor of Social Work” have been set up by adjusting the catalog of academic disciplines.

With the release of the 2022 edition of the catalog, the legal education system in China has been further optimized and expanded. The new catalog pays more attention to the cross-fertilization between disciplines, as well as the practical and applied nature of legal education. Especially after the addition of professional degrees such as “Doctor of Laws” and “Doctor of Social Work”, it not only provides a more diversified path for the training of law students, but also reflects the continuous upgrading of the terms of the specifications and level of talent training in China's legal education.

2.2 The Basic Development of Legal Degree Education

The continuous improvement and development of legal professional degree education marks the maturity of China's legal education system. The popularization of undergraduate education in law has provided an extensive platform for the cultivation of basic legal talents, while the deepening of LL.M. and LL.D. education has further upgraded the cultivation level and scientific research level of legal professionals. Professional degree education in law has included a three-level degree education system of undergraduate law, master of law and doctor of law. Among them, undergraduate majors in law have been opened in more than 630 colleges and universities. The LL.M. degree has been expanded to the points of 308 degrees nowadays. Among them, North China (63); Northeast China (24); East China (91); Central and South China (62); Southwest China (38); Northwest China (30). Through the degree authorization audit and independent setup in 2024, there have been 19 law colleges and universities to become the first batch of Chinese doctoral degree of law professional postgraduate education and training units (China University of Political Science and Law, Southwest University for Nationalities, East China University of Political Science and Law, Northwest University of Political Science and Law, Zhongnan University of Economics and Law, University of International Business and Economics, Liaoning University, Guangdong University of Foreign Studies, Renmin University of China, Tsinghua University, Beijing Institute of Technology, Jilin University, Fudan University, Shanghai Jiaotong University, Zhejiang University, Xiamen University, Central South University, Sun Yat-sen University, Sichuan University). Number of degree programs in LLM distribution areas and related provinces can be seen in Table 1.

Table 1 Number of Degree Programs in LLM Distribution Areas and Related Provinces

LLM Distribution Areas	Relevant provinces of distribution
North China (63)	Beijing (34), Tianjin (8), Shanxi (3), Inner Mongolia (6)
North-eastern region (24)	Liaoning (10), Jilin (7), Heilongjiang (7)
East China (91)	Shanghai (13), Jiangsu (19), Zhejiang (13), Shandong (18), Anhui (11), Fujian (8), Jiangxi (9)
South Central Region (62)	Henan (12), Hubei (16), Hunan (12), Guangdong (14), Guangxi (6), Hainan (2)
Southwest (38)	Chongqing (7), Sichuan (17), Guizhou (5), Yunnan (7), Tibet (2)
Northwest Territories (30)	Shaanxi (13), Gansu (6), Ningxia (2), Qinghai (2), Xinjiang (7)

2.3 The Development and Formation of Modern Legal Education in China

General Secretary Xi Jinping has repeatedly emphasized that “to do a good job in legal education, we must adhere to the road of socialist rule of law with Chinese characteristics, and adhere to the guidance of Marxist jurisprudence and socialist theory of rule of law with Chinese characteristics.”[8] Legal education is an important part of a legal system because it is related to the education of the quality of a country's legal system, the shaping of the personality of the legal profession, and even the cultivation of the social ideology of the rule of law [9]. Chinese legal education begun from the end of the 1970s, after more than 30 years of development, has formed a relatively perfect teaching system [10], into the

21st century, which entered the rapid development stage. The scale of education has been expanding, the number of law majors has increased, and the number of enrollments has risen year by year. At the same time, the structure of legal education has become more perfect, forming a multi-level training system for undergraduates, masters and doctors. In terms of teaching content, China's legal education emphasizes the combination of theory and practice, and introduces teaching methods such as case teaching and simulated court, which improves students' practical ability and innovation ability. China's legal education also focuses on serving the national strategy, closely integrates with the needs of the national rule of law, and cultivates a batch of legal talents with a sense of social responsibility and international competitiveness. As can be seen, the development of modern legal education in China has achieved remarkable results, not only in terms of quantitative expansion in scale, but also in terms of qualitative improvement in quality, and has made positive contributions to the development of the rule of law in China.

3 THE MAIN PROBLEMS IN THE CONSTRUCTION OF THE DISCIPLINE OF LAW

Although the construction of law discipline develops vigorously and brightly, there are still some problems. The lack of articulation between the discipline system and the classroom has led to a disconnect between theory and practice in legal education, which in turn affects the efficiency of the allocation of educational resources. The uneven allocation of legal education resources in colleges and universities have gaps in faculty strength and teaching facilities, etc., which further exacerbates the problem of insufficient levels of application of law and science and technology. In this case, law graduates face greater pressure in the job market, as they may lack practical experience and scientific and technological innovation ability, making it difficult for them to meet the demand for legal talents in modern society. Thus, these factors are intertwined and together constitute a major challenge to the construction of the discipline of law.

3.1 Insufficient Articulation between the Subject System and the Classroom

Discipline system is an organic whole composed of many different levels of interrelated disciplines [11]. Curriculum construction is the foundation of professional construction and discipline development, centering on improving the quality of curriculum and teaching quality, with the structural adjustment of the curriculum system as the main line [12]. The setting of the school's curriculum system directly affects the realization of teaching objectives and the effectiveness of talent training, and ultimately affects the development of the construction of related disciplines [13]. However, in reality, most of them are teacher-led classroom teaching mode, which to a certain extent affects the quality of cultivation of legal talents.

On the one hand, in terms of teaching means and methods of law courses, it generally shows a single nature, mainly relying on the traditional lecture mode, while the interaction and practice links are obviously insufficient. Although this teaching mode can convey basic theoretical knowledge, it often neglects the active participation of students and the cultivation of practical operation ability. For example, traditional classroom lectures are difficult to fully simulate real legal practice scenarios, such as court debates or case analysis. In addition, the application of modern educational technology is still insufficient, and advanced tools like online learning platforms and virtual laboratories have not been widely promoted. This single teaching method leads to the fact that students have gained in the accumulation of theoretical knowledge, but are not sufficient in dealing with actual legal problems and the improvement of practical skills.

On the other hand, at present, there are some structural defects in China's law curriculum system, which are mainly reflected in the imbalance between the proportion of core courses and elective courses, as well as the poor articulation between courses. Specifically, in the law curriculum system, courses such as jurisprudence, civil law, criminal law and other core courses occupy a larger proportion, while the types of elective courses appear to be relatively single. This kind of curriculum restricts the independent choice of students' learning, and it is difficult to meet the individualized and diversified learning needs of students. At the same time, the coherence between courses is insufficient, for example, there is a lack of effective transition and articulation between basic courses and advanced courses, which makes it hard for students to build up a complete legal knowledge system. This unreasonable curriculum system not only affects students' learning effectiveness, but also restricts the improvement of their comprehensive legal quality.

3.2 the Uneven Allocation of Legal Education Resources in Colleges and Universities

Due to the uneven level of economic development of our country's regions, the educational funding and resource construction of universities and colleges are deeply affected by the level of local economic development, resulting in the uneven distribution of educational resources. Especially located in the relatively backward economy, information is closed to the local universities, on account of long-term constraints by a variety of factors, the economic development of these regions is lagging behind, the concept of slow updating, resulting in these local universities can access to education and teaching resources are extremely limited, which to a large extent restricts the healthy development of them. This imbalance in the distribution of educational resources not only affects the quality of universities in various regions, but also exacerbates the lack of educational equity. In terms of faculty strength, teaching facilities and research conditions, the gap between different universities is widening. This unbalanced allocation of resources not only affects the overall quality of legal education, but also exacerbates the pressure of competition between universities, making it difficult to evenly distribute excellent legal talents, and adversely affecting the construction of the rule of law in China. First of all, in terms of faculty strength, the law schools of well-known universities often have many famous professors

and scholars, while some local universities are facing the predicament of shortage of teachers and unreasonable academic structure. This phenomenon leads to the concentration of excellent law teacher resources in a few colleges and universities, which makes it difficult to improve the quality of law education in other colleges and universities. As the saying goes: “Without a high-level faculty, it is impossible to build a high-level discipline” [14]. As a result, students receiving legal education in different universities are provided with a wide gap in faculty strength, thus affecting their professionalism and future development.

Secondly, in terms of teaching facilities, some colleges and universities have well-equipped hardware facilities such as law laboratories, mock courts and libraries, which provide students with a good learning environment. However, many local colleges and universities are seriously backward in teaching facilities due to insufficient investment in funding, or even unable to meet the basic teaching needs. This gap makes students suffer great limitations in the cultivation of legal practice ability.

In addition, in terms of research conditions, the law disciplines of famous universities often have rich research programs and sufficient research funds, which are conducive to the academic research of teachers and students. However, the research conditions of some local universities are poor, and it is difficult for teachers to apply for projects, and students lack the opportunity to participate in research projects. In the long run, it will be difficult to improve the scientific research level of China's law field as a whole.

3.3 Insufficient Application level of Law and Technology

The interaction between law and technology has always been the core content of modern jurisprudence research [15]. Although technologies such as big data, artificial intelligence and blockchain have been widely used in many fields, however, in the field of jurisprudence, the degree of integration and application of these technologies still needs to be improved. The application of science and technology in legal practice mostly stays at the surface level and lacks depth and breadth, resulting in the efficiency and quality of legal services hardly in meeting the needs of social development.

On the one hand, in legal education, the application of science and technology is often limited to simple teaching aids, such as multimedia courseware and online platforms, and there is a lack of teaching content and methods for the in-depth integration of advanced technologies, such as artificial intelligence and big data analysis. This situation leads to difficulties for law students to be exposed to the latest applications of technology in legal practice, limiting their future innovation and development in the field of legal technology. On the other hand, in legal practice, although some law firms and judicial organs have begun to try to use science and technology to improve work efficiency, such as the use of case management systems, electronic document processing, etc., most of these applications remain in the instrumental use, failing to go deeper into the core aspects of legal services. In addition, the exploration of the application of emerging technological fields such as blockchain and cloud computing in law is still very limited. These technologies have great potential to ensure transaction security and improve the credibility of evidence, etc., but the level of application in legal practice is still shallow at present. Moreover, legal research on the application of science and technology also appears to be insufficient, many studies still remain at the level of theoretical exploration, the lack of in-depth analysis of science and technology combined with legal empirical research, which not only affects the development of legal theory, but also restricts the promotion of the application of legal science and technology in practice.

3.4 Employment Pressure of Law Graduates

Since the 1990s, with the deepening of the reform and opening up and “in 1997, the state put forward the ‘rule of law’ strategy, the law major has been the rapid development of one of the hottest professions” [16], and, with the expansion of the scale of legal education, the number of law graduates has been increasing year by year, but the absorptive capacity of the job market has not grown simultaneously, resulting in law graduates facing unprecedented employment pressure. On the one hand, the demand for talents in traditional legal employment fields such as law firms, public prosecutors and law enforcement agencies is gradually saturated, and the competition is becoming more and more intense, which is difficult for many law graduates to find jobs corresponding to their own specialties; on the other hand, with the adjustment of the economic structure and the change of the demand of the social development, the graduates of a single legal specialty background lack of competitiveness in the employment market, and a lot of law graduates are forced to choose to inter-specialty employment or accept lower-paid jobs, which reduces the attractiveness of the law specialty to a certain extent. At the same time, the disconnection between legal education and practical needs has made some graduates lack practical operating ability and professional literacy, although they have certain knowledge of legal theory, possessing certain theoretical knowledge of law, making it hard for them to meet the expectations of employers, which further aggravates the difficulty of employment. In addition, the asymmetry of employment information, the inadequacy of employment guidance services and the graduates' own employment concepts are also important factors contributing to the employment pressure on law graduates.

4 COUNTERMEASURES TO IMPROVE THE CONSTRUCTION OF LEGAL DISCIPLINES

General Secretary Xi Jinping emphasized, “We should insist on starting from China's national conditions and actualities, correctly interpreting China's realities and answering China's questions, refining the identifying academic concepts, creating an academic discourse system with Chinese characteristics and international perspectives, and establishing

China's system of law disciplines and teaching materials as soon as possible.” [17] The construction of the discipline of law has been vigorously developed, but there are still challenges in the curriculum, educational resources, science and technology and employment pressure. Therefore, the challenges facing the construction of the discipline of law need to be analyzed with respect to the above problems in order to improve the construction of the legal discipline and promote the approach of ruling the country in accordance with the policy of comprehensive rule of law.

4.1 Improving the Degree of Articulation between the Discipline System and Curricula

Curriculum is the key guarantee for the quality of talents and serves the cultivation goals [18]. The discipline system of law emphasizes the combination of theory and practice, and requires students to master the basic principles, basic knowledge and basic skills of law, in order to be able to use the method of law to analyze and solve practical problems. First of all, the innovation of teaching methods and means is of vital significance to improve the quality of legal education. The traditional teaching mode needs to integrate case analysis, discussion and interaction as well as practical operation to enhance the interactivity and practicability of the classroom. For example, by analyzing actual cases, students are motivated to participate in discussions and debates, thus cultivating their legal thinking and problem-solving skills. In the meantime, advanced technological means, such as online moot court and virtual reality technology, should be introduced to enhance the interest of teaching and students' immersive experience. A blended learning model that integrates online learning and traditional classroom teaching can effectively improve the efficiency and flexibility of learning.

Secondly, the system of law disciplines is the standard for judging whether the textbook system is set up scientifically and reasonably [19]. The teaching materials of law are the main carrier of the discipline system, academic system and discourse system of law, and they systematically present and reflect the results of the construction of the discipline system, academic system and discourse system of law, which directly determines the overall structural arrangement and key points of the teaching of law [20]. Therefore, it is crucial to improve the rationality of the structure of the law course system to enhance the quality of the courses. The key lies in balancing the ratio of core courses and elective courses to ensure that students, while systematically mastering the fundamentals of law, are able to select courses related to their specialties according to their personal preferences and career plans. The core courses should cover the basic theories and major subject areas of law, while the elective courses should be extended to a wide range of legal topics and practical applications. In addition, there is a need to strengthen the coherence and integration of courses, establish a clear hierarchy and system of courses, ensure a smooth transition from basic to advanced knowledge, and promote the development of the curriculum system in the direction of greater comprehensiveness and practicality.

4.2 Strengthening the Resource Sharing of the Construction of Law Disciplines in Colleges and Universities

Under the promotion of the strategy of ruling the country according to law, it is an important task for universities to improve the quality of education and teaching in the discipline of law. Colleges and universities should continuously improve the level of legal education, select and cultivate excellent rule of law faculty, and establish a perfect and effective system of cultivating legal talents, so as to cultivate more high-quality legal talents with both morality and law for the country [21]. Firstly, establish a resource sharing platform, utilize modern information technology means to build a network resource sharing system, upload the high quality course resources, library materials and scientific research achievements of law disciplines of universities to the platform to realize the interoperability of resources; secondly, formulate a resource sharing mechanism to clarify the principle, scope, mode and management measures of resource sharing to ensure the orderly implementation of resource sharing; thirdly, promote cooperation and exchanges among universities and teachers through organizing academic conferences, seminars, workshops and other activities, so as to jointly improve the level of teaching and research; lastly, strengthen the sharing of faculty, through mutual recruitment of teachers, short-term lectures, joint training, etc., we should actively introduce high-level teacher talents with rich practical experience and solid academic foundation, and realize the talents through diversified recruitment channels. Through diversified recruitment channels, the introduction and cultivation of talents can realize the sharing of excellent teachers' resources, improve the teaching quality of law disciplines in universities, and enhance the overall quality of the teachers' team. In a word, by improving the quality of teachers and the comprehensive strength of teaching resources, we can provide students with better educational experience and promote the development and optimization of legal education resources.

4.3 Promoting the Integration of Law and Science and Technology

Science and technology and the rule of law are the two wings of human civilization, and the development of science and technology and the prosperity of the rule of law determine the degree of human civilization [22]. Therefore, it is necessary to strengthen the integration degree of law and science and technology. First, in legal education, the curriculum should be reformed to increase the number of courses related to legal science and technology, such as artificial intelligence and law, the application of big data analysis in law, etc. At the same time, teachers are encouraged to use scientific and technological means of teaching, such as moot court software, virtual reality technology, etc., in order to enhance the practical ability of students to apply science and technology. Secondly, in terms of legal practice, law firms, judicial organs and other legal service institutions should be encouraged to introduce advanced technology, such as using artificial intelligence for automatic generation of legal documents, case prediction and risk assessment,

applying big data analysis to optimize legal retrieval and case management, as well as exploring the application of blockchain technology in contract management and preservation of evidence, so as to improve the efficiency and quality of legal services. Simultaneously, a sound mechanism should be established for the training of legal science and technology talents, to promote exchanges and cooperation between legal professionals and science and technology experts, and to promote the collision and fusion of ideas between the two sides through the organization of cross-border seminars, forums and other activities, to discuss the legal challenges and solutions brought about by scientific and technological development, and to enhance the knowledge and skills of legal practitioners with regard to the application of science and technology. Third, in legal research, we should increase the law and science and technology cross-study efforts, the establishment of a special fund to support the relevant research projects, encourage scholars to use scientific and technological means of legal data collection and analysis, and promote the development of legal science and technology theories, to further step to improve the degree of integration of law and science and technology, and for the rule of law in the construction of society to provide a strong scientific and technological support.

3.4 Broadening Students' Employment Path

The essence of law lies in the application of real life, jurisprudence as a practical discipline, in which its educational process must emphasize the combination of theory and practice. Law education in colleges and universities in the comprehensive rule of law, especially in the cultivation of rule of law talents in the basic, pioneering, source position [23]. Therefore, in the teaching process, colleges and universities should be committed to improving the accuracy of employment services, cultivating students' professional ethics and sense of social responsibility, and promoting the overall improvement of students' comprehensive quality, so as to deliver high-quality new forces to the legal employment market. In addition, colleges and universities need to constantly innovate the employment service modes, closely track the employment policy dynamics of law students, and help students break the isolation of employment information. Meanwhile, colleges and universities should establish stable cooperative relationships with law firms, judicial organs and other institutions, and maintain exchanges with large enterprises to ensure that the employment path of law students is unobstructed, thus helping them to obtain more comprehensive and higher quality employment opportunities. To improve students' comprehensive quality, classroom teaching practice alone is not enough, and its effect may not be significant. In order to comprehensively enhance students' competitiveness in employment, it is necessary to carry out diversified practical education activities. By participating in various forms of social practice activities, students can accumulate rich practical experience, enhance practical ability, shape a good ethical style, in-depth understanding of professional norms. In practice, students can also continuously adjust and optimize their knowledge structure, and eventually develop into the high-quality talents needed by the society.

5 CONCLUSION

After years of development, the construction of law disciplines in China has made remarkable achievements, formed a relatively perfect discipline system, cultivated a large number of legal professionals, and provided strong support for the construction of the rule of law in the country. However, in the face of the development requirements of the new era, the construction of the discipline of law is still facing many challenges, such as the system and curriculum of law to be perfected, the mismatch of resources in legal education, the ability of scientific research and innovation to be improved, and the pressure of employment on the graduation of law students. These challenges require us to deepen the reform of the construction of the discipline of law, optimize the allocation of resources, strengthen the cross-fertilization of disciplines, etc., so as to ensure that the construction of the discipline of law can adapt to the needs of social development, cultivate more legal professionals with the spirit of innovation and the ability to practice, and provide solid intellectual support and talent guarantee for the advancement of the rule of law in our country and the harmony and stability of society.

COMPETING INTERESTS

The authors have no relevant financial or non-financial interests to disclose.

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