

A Comparative Study of Local Legislation on Family Education in China

Xiaoman Hu*

School of Political Science and Law, Wuyi University, Jiangmen 529020, Guangdong Province, China

*Corresponding author: Xiaoman Hu, jsheng316@163.com

Copyright: © 2023 Author(s). This is an open-access article distributed under the terms of the Creative Commons Attribution License (CC BY 4.0), permitting distribution and reproduction in any medium, provided the original work is cited.

Abstract: Since 2017, 10 provinces (cities) in China have promulgated local laws and regulations on family education, ushering in ground-breaking improvements in the working mechanism, content, subjects, system, and local characteristics of family education. Based on a comparative study of the local legislation on family education in the 10 provinces, the characteristics and differences are summarized, and recommendations and prospects for local legislation on family education in other provinces are presented in this paper.

Keywords: Family education; Local legislation; Comparative study

Online publication: April 27, 2023

1. Introduction

By January 1, 2022, before China officially passed the Family Education Promotion Law of the People's Republic of China, 10 provinces (cities) in China had taken the lead in formulating and implementing relevant laws and regulations to promote family education. Family education, as an indispensable practical activity in the process of promoting educational modernization, has attracted widespread attention from the state and society in terms of its status and role^[1]. Family education in modern legislation in China mainly refers to one-way education and the influence of parents on children. However, it also involves the distribution of responsibilities among multiple subjects and has made provisions for the content, nature, and subjects of family education, which to some extent carries the characteristics of modern family education legislation^[2].

2. Comparison and dispute on the content of local family education legislation

2.1. Nomenclature and structure of family education legislation

In terms of procedures, local governments should be encouraged to formulate implementation regulations for family education, while the Standing Committee of the National People's Congress should formulate the Family Education Law^[3]. In fact, the local legislation on family education in the 10 provinces (cities) is formulated by local people's congresses and promulgated in the form of local regulations. The name of the regulations virtually uses the Family Education Promotion Regulations; only Guizhou Province specifically refers to minors in the name of the regulations. From the perspective of the textual structure of regulations, most local regulations focus on the four main dimensions (family, government, school, and society), as well as a single chapter on legal responsibility.

2.2. Definition and specific content of family education

Throughout the local legislation on family education in the 10 provinces (cities), a narrow definition is adopted, which refers to the education and influence of elders especially parents or guardians in the family on their children. The concept of family education precisely defined by 10 provinces (cities) in their regulations emphasizes the positive and guiding impact of most provinces, which strengthens the function of education. The legislation on family education of nine provinces (cities) has provisions on the working mechanism of family education, but only the version belonging to Hunan Province is unclear.

2.3. Four main functions and behaviors of family education

Family implementation plays a principal role in education activities. Local legislation carries value and vitality because it embodies local characteristics ^[4]. The legislative provisions in the 10 provinces (cities) precisely define the content of family education and the creation of a family environment (family style). In addition, the contents included in the family implementation section in most provinces and cities are parents' education awareness, such as in Chongqing City, and the cooperation of parents with family education guidelines, such as in Anhui Province. Inappropriate methods such as coddling, threatening, or confinement, should not be adopted. In local legislation, very little attention has been paid to the cooperative behavior of minors and the prevention of juvenile delinquency, and minors have not been included in the legislative scope as a regulatory object of family education ^[5].

Given the official education function, the government can be a dynamic partner in family education. By comparing the specific content of government promotion in the regulations on family education in the 10 provinces (cities), it is clear that the government needs to establish a guidance service system for both urban and rural family education, support social forces by purchasing public services to provide public welfare family education instruction services, and define the support for family education, especially for special families (although the scope of special families varies from place to place). The responsibilities of various government departments in family education should be clarified in the regulations, and funds for family education should be included in the financial budget at an appropriate level. In remote rural areas, family education becomes even more lacking when parents "go out" to work ^[6]. The promotion and leadership of the government in family education in the 10 provinces (cities) are reflected in the establishment of family education service centers and sites as well as family education platforms.

Given the official education function, schools are vital partners in family education. The complementary relationship between family education and school education is conducive to the integration of educational resources ^[7]. From the comparison of local legislation on family education in the ten provinces (cities), it can be seen that various regions are highly consistent in establishing and improving the guidance system for family education, developing family education courses in schools, establishing parent committees, and opening parent schools. Most provinces and municipalities also specify the frequency and timing of family education activities in the regulations. There are considerable differences in legislation among different regions with regard to whether schools offer public welfare family education activities, whether ideological and moral education is included in the "regulations," and whether schools have the obligation to understand the family situation of minors. These have brought about some disputes.

Social organizations can participate in the process of promoting family education. In the legislation of family education in ten provinces (cities), except for individual provinces and regions, the vast majority provide for the publicity and guiding roles of marriage registration authorities and medical and health institutions as social participants in family education. The "regulations" in four provinces (cities), Chongqing, Jiangxi, Hubei, and Hunan, also include the provision of family education guidance services by child welfare institutions for foster families and the provision of family education guidance services by juvenile aid institutions. This suggests that as China reforms its social governance, the position and role of

non-profit organizations in the development of family education will become increasingly prominent. In addition, it is worth noting that in nine regions, except Zhejiang, the establishment, admission, and supervision of home education service institutions have been incorporated into legislation, clearly stipulating that these institutions that provide family education services must be subject to the supervision and regulation of laws and regulations ^[8].

2.4. Differences and disputes in the local legislation of family education

In this comparative study, differences, and even disputes, are observed in the legislation of various districts. (1) Differences in value order of the four subjects of family education; non-uniformity of status and role of family, government, school, and society in family education exists across regions, reflecting the different order of importance among these four subjects. (2) Single or dual subject in family implementation; local legislation emphasizes the fundamental role of parents as the main giver of family education but, in most regions, disregards the recipient of family education – minors. (3) Is family education a duty or a right? As a law, nearly every local family education promotion regulation recognizes the fundamental role of parents in implementing family education and stipulates the parents as the subject of obligations. Jiangxi Province has defined the right of family education in the regulations. This right originates from natural rights arising from kinship and should be protected and respected by legislation. The importance of family education is established through legislation and is also an effective measure of intervention ^[9].

3. Adoption of family education law: Response and unmentioned topics

On October 23, 2021, China passed the Family Education Promotion Law (hereinafter referred to as the Promotion Law), which responded to some of the disputes over the aforementioned local legislation and left room for some of the issues to be addressed by the local legislation ^[10].

3.1. National legislation response to local legislative disputes

As the first piece of legislation to promote family education, it not only transforms family education from a private matter to a public matter, but also elevates “family affairs” to become a national matter. It not only demonstrates the value the country attaches to family education, but also clarifies critical issues in family education legislation. Promotion laws respond to local legislative disputes or issues.

From the legislative text structure, the promotion law first defines the three main bodies of the system, namely family, state, and society. It also clarifies the functional order of the three main bodies through sequencing. Family ranks first, second only to the General Principles, and has become the focus of attention in family education legislation. Moreover, the Promotion Law tends to emphasize the accountability of family, so it is expressed as family responsibility ^[11]. The state follows closely and does not use government-led expression in local legislation, which is state support. This indicates that the state’s legislative attitude toward family education is not domineering, but rather supportive through the integration of public and social resources, which empowers the parent group. Finally, the legislation emphasizes the synergy of social groups and includes the “school subject” as an important means and content of social synergy, clarifying the guiding service functions of schools, kindergartens, and other institutions in family education.

The second chapter of the Promotion Law, Family Responsibility, has clearly stated that the main purpose of the promulgation of this law is to clarify the subjects of family education responsibility. Thus, family and parents are not only agents of enforcement, but also agents of responsibility ^[12]. Family education is a right, but it is even more of an obligation and responsibility in the current social reality that lacks family education. From this perspective, the 10 provisions of Family Responsibility in the national legislation are all based on “parents” as the main body, regulating and guiding their family education

implementation behaviors, without considering minors as regulatory objects.

According to the Promotion Law, the week that International Family Day (May 15) falls on every year is the National Family Education Publicity Week. Organizations and individuals who have made outstanding contributions to family education are rewarded, and tax incentives are provided to those who actively participate in family education donations or voluntary services.

3.2. Unmentioned topics at the national level

The Promotion Law clarifies the functions and orders of the family, state, and society from the state's perspective, as well as establishes a basic framework for the government to promote family education. However, the Promotion Law cannot cover every aspect of family education implementation, support, and coordination, nor can it adapt to the needs and characteristics of family education in different provinces, cities, and regions with a single law. Therefore, there is still room for the local legislation to supplement and improve the Promotion Law.

From the perspective of the local legislation in ten provinces (cities), schools have become an essential subject and a major part of the content of family education legislation; however, the Promotion Law only regards them as part of the social synergy body and only covers the provision of public welfare family education guidance services, family education practice activities, parent schools, as well as the discipline and notification of bad behavior in terms of role expression. To some extent, it weakens the guiding function of schools in family education.

Although Article 6 of the Promotion Law stipulates that the Women's Federation shall be the leading department that undertakes relevant day-to-day work, according to a nationwide survey conducted by China Children's Center, most provincial women's federations do not have specialized departments or institutions responsible for family education and often do not understand the implementation of family education in different departments, indicating the plight of women's federations carrying the responsibility of taking the lead and lacking security. Therefore, even if there are relevant provisions in the Promotion Law, ensuring the implementation of local legislation and effectively promoting the process of family education would require groundbreaking provisions in the local legislation of family education.

Article 47 of the Promotion Law attributes to family education service institutions, but it does not cover the operational qualifications, conditions, registration, and competent authorities of such institutions. It may be understood that this law determines and ameliorates such particular matters under local legislation.

4. Inspiration and prospect of local family education legislation for Guangdong Province

The unmentioned topics in the Promotion Law has triggered the need for Guangdong to formulate and promulgate promotion regulations for family education. The differences and characteristics of family education legislation in various regions have paved the direction and influenced the content of Guangdong's family education promotion regulations. From the existing legal environment and realities of Guangdong, family education legislation in this sector should have three qualities in terms of content and function.

4.1. Fill the gaps in national legislation

In the legislation on family education in Guangdong, local work mechanisms and government links should be established and improved to promote family education. Specifically, it is necessary to (1) clarify the guiding function of the school and separately list the main position of the school, (2) define dual principal leadership in the process of government promotion, (3) clarify the regulatory body of family education service institutions. Family education service institutions, especially for-profit ones, should have qualified staff and practitioners with appropriate expertise. There is a need to improve the access and exit mechanisms, standardize the eligibility management of family education service institutions, clarify the corresponding

regulatory authorities, and establish an information disclosure system in the local legislation ^[13].

4.2. Demonstrate the advantages and characteristics of local resources

When comparing the local legislation of family education in 10 provinces (cities), we can appreciate that almost every regulation has a system created, which not only determines the local family education days, but also embodies the local characteristics ^[14]. The integration of these local characteristics by Guangdong can be used as a reference. (1) Local characteristic culture: What should family education impart? The three cultural cores of Guangdong Guangfu culture, Chaoshan culture, and Hakka culture can be organically incorporated into the content of local family education, thus demonstrating the characteristics of Guangdong family education, while taking into account the characteristics of Guangdong's regionalization. (2) Strengthen family education cooperation between Hong Kong and Macao: The construction of Dawan District brings complementary economic advantages and cultural integration to Guangdong, Hong Kong, and Macao. We should refer to Fujian Province's practices in Guangdong Province's legislation to establish and improve the cooperation mechanism with Taiwan, Hong Kong, and Macao with regard to family education, strengthen the exchange of family education talents and information, as well as promote the integrated development of family education.

4.3. Consolidate existing achievements in family education

Due to its regional and operational nature, local legislation should also have a promotional function and exemplary effect. In Guangdong's family education legislation, the outstanding achievements of Guangdong's wide family education guidance and service work in recent years should be promoted, and its experiences in effective family education guidance and service work should be shared. Although Guangdong has not introduced relevant legislation on family education in recent years, a substantial amount of experience and practices applicable to Guangdong has been accumulated through the implementation of family education. Government authorities are encouraged to launch exploratory lecturing activities and provide local family education services to the communities ^[15].

5. Conclusion

The national-level legislation comprehensively considers the protection of children's rights and the status of the family as the main body of family education. Through this legislation, local family education legislative resources can be integrated. At the same time, it clarifies the rights and responsibilities of the government, families, schools, and social institutions, providing some guidance to other regions that have yet to implement local law-making. In future legislative activities, the status of family education should be further defined in the national education system. Only by incorporating family education into the national education system and developing feasible assessment indicators can family education activities be effectively promoted.

Disclosure statement

The author declares no conflict of interest.

References

- [1] Qi Z, Wang S, 2021, Family Education Legislation: Logical Starting Point, Basic Purpose and Core Content. *Journal Of Education Studies*, 17(6): 70–78.
- [2] Qi K, 2021, On Family Education in Modern Chinese Legislation and Its Enlightenment. *Qinghai Social Sciences*, 18(6): 142–149.

- [3] Peng H, 2021, On the Purpose and Normative Focus of Family Education Legislation: Based on Foreign Legislation. *Journal of South China Normal University*, 22(03): 45–53.
- [4] Li M, 2021, Practical Exploration and Critical Thinking of Local Family Education Legislation. *Beijing Social Science*, 2021(05): 84–91.
- [5] Wei B, 2020, Research on the Legislation of Family Education in China. *Education Review*, 2020(252): 56–61.
- [6] Murphy R, 2022, Education and Repertoires of Care in Migrant Families in Rural China. *Comparative Education Review*, 66(1): 102–120.
- [7] Marin D-C, Musata B, 2018, The Legislative Framework Concerning Family Involvement in Children’s Education. *Educatia*, 21(16): 93–97.
- [8] Gao L, 2022, The Evolution of Education Legislation in China over the Past Century. *China Social Sciences Digest*, 2022(8): 20–21.
- [9] Lingwood J, Levy R, 2020, Barriers and Solutions to Participation in Family-Based Education Interventions. *International Journal of Social Research Methodology*, 23(2): 185–198.
- [10] National Laws and Regulations Database, n.d., viewed on February 20, 2023, <http://www.npc.gov.cn/>
- [11] Zhao X, Shi Y, 2023, On Family Education Issues from the Perspective of the Family Education Promotion Law. *Journal of Three Gorges University (Humanities and Social Sciences Edition)*, 43(2): 70–76.
- [12] Li Y, 2021, Research on Legal Responsibility in Family Education Legislation. *Chinese Education Law Review*, 2021(11): 82–92.
- [13] Jin F, 2021, Analysis of the Legislative Content of Local Family Education in China. *Chinese Education Law Review*, 2021(11): 82–92.
- [14] Wang B, 2022, Zhang Jian’s Family Education Thought and Practice. *Journal of Beijing Institute of Education*, 36(3): 58–69.
- [15] Wang M, 2021, Why is Family Education Legislation Important. *Fujian Education*, 45(8): 54–59.

Publisher’s note

Bio-Byword Scientific Publishing remains neutral with regard to jurisdictional claims in published maps and institutional affiliations.