

An Exploration of the Legal Aid System in Colleges and Universities in the New Era from the Perspective of Realist Legal Education

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Abstract: The construction of university legal aid is an important part of China's legal aid system, and also an important reform task in deepening the reform of the judicial system proposed by the 18th National Congress of the Communist Party of China. However, as China's legal education mode is still dominated by traditional theoretical teaching and case teaching methods, teachers' pure compulsory guidance, as the main body of legal aid organizations in colleges and universities, will inevitably increase their research pressure. Students' voluntary participation takes up a lot of time and increases their academic pressure, and the development of legal aid organizations in colleges and universities also falls into a dilemma. From the perspective of realistic legal education, this paper deeply studies the development model of legal aid center, pursues the rationality of the legal aid system in colleges and universities, and proposes to formulate the grading standard of legal aid in colleges and universities from the construction and ontology dimension of legal aid system in colleges and universities. The legal aid system of colleges and universities should be improved from four aspects: party building, social union, student organization, and network operation. This puts forward the university legal aid "1+4" solution measures. Through exploring the common measures of legal aid construction in universities, the legal aid of universities has become an important force in the development of public legal service causes in the country.

Keywords: University legal aid; Realistic jurisprudence; Public law

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1. An overview of the background of the legal aid system in colleges and universities

1.1. Legal aid for colleges and universities

The legal aid system is an important national legal system to safeguard the legitimate rights and interests of people in difficulty and ensure social fairness and justice ^[1]. In contrast, legal aid in colleges and universities is a system different from the official legal aid of the state. It is a public interest legal service organization and

clinic-style legal education practice base integrating various functions such as dispute mediation and civil and commercial litigation agency.

1.2. Realist legal education

The rise of Yale Law School is undoubtedly a classic example of the achievements of realist legal education. Yale Law School adheres to realist legal education, which mainly aims to cultivate professional legal talents, focuses on cultivating students' practical ability, and pursues a realistic view of legal education. In terms of teaching methods, it adopts teaching methods such as legal clinic teaching. In terms of faculty, it presents a diversified faculty structure. In terms of foreign exchanges, it emphasizes cooperation with the government, law firms, and other departments. Yale Law School's realist view of legal education and its realist legal education path have important implications for the development and reform of legal education in China.

1.3. Domestic background

1.3.1. The promulgation of the Legal Aid Regulations

China's legal aid system was launched in 1994 to protect the legitimate rights and interests of people in difficulty and to maintain social harmony and stability. The "Legal Aid Regulations", which came into force on September 1, 2003, marked that China's legal aid has moved from the initial disorderly situation of no law and one doing its own thing to the track of the rule of law.

1.3.2. The promulgation of the Legal Aid Law

On August 20, 2021, the 30th meeting of the Standing Committee of the 13th National People's Congress voted to pass the Legal Aid Law of the People's Republic of China. This is China's first comprehensive and basic law on legal aid, and it is also an important law to strengthen the construction of the public legal service system and promote the equalization of public legal services. As shown in the following Table 1.

Table 1. Research results of scholars' thinking on the construction of legal aid in colleges

Serial number	Researchers	The main content of the research results
1	Wang Guiqi Wang Zixiao Dang Yujie Wang Jiahui	Online assistance, precise service, horizontal and vertical classification of cases; docking with the database of administrative and judicial institutions and sharing resources; Cooperate with the government and law firms; Promote talent training and establish an assessment mechanism ^[2] .
2	Yang Chen Hu Jiadong	Use webcasts to carry out popular legal education activities, conduct netizen consultations and answer questions, and publicize legal aid organizations ^[3] .
3	Jing Peicai	Cultivating "dual skilled" teachers with practical experience in law; According to the objective situation and actual requirements, revise the syllabus and incorporate practical teaching into the undergraduate talent training plan; Improve the evaluation system for practical teaching ^[4] .
4	Liu Yifeng Yan Ruobing	Two ways to solve the problem of students' qualifications to represent court cases are proposed: as a branch of the government legal aid center and as a volunteer for the legal aid center of the regional judicial bureau; It is recommended to settle in the university entrepreneurship center, and the entrepreneurial team will provide legal assistance; Establish a legal service model of "guiding parties to appear in court on their own" ^[5] .
5	Wan Lingjuan	Realize the intellectualization of the teaching and legal aid services of university legal clinics from three aspects: build an intelligent service platform; Promote information sharing services; Strengthen professional follow-up assessments and universities in recent years ^[6] .

2. Research status at home and abroad

2.1. Current status of domestic research work

2.1.1. The current status of research on the reform of legal aid in colleges and universities

As a vital part of the legal aid system, there are many problems in the operation and development of legal aid in colleges and universities. Based on this, many experts and scholars have put forward their ideas for the model of legal aid institutions in colleges and universities.

2.1.2. Innovative practice of legal aid in colleges and universities

East China University of Political Science and Law, Shandong University of Political Science and Law, Sichuan University, and other colleges and universities are to publicize the legal aid institutions of colleges and universities through Weibo promotion or Douyin short videos and carry out legal popularization activities.

The Legal Aid Institution of East China University of Political Science and Law has divided the business group into six groups, namely the labor dispute group, the property dispute group, the real estate dispute group, the family dispute group, the juvenile rights protection group, and the litigation guidance group.

The legal aid institution of Chinese University cooperates with local courts, regional legal aid centers, judicial bureaus, and consumer associations.

2.2. The current situation of foreign work research

There are three main models of legal aid provision in foreign countries: the full-time lawyer model, the judicial guaranteed lawyer model, and the hybrid model^[7]. The hybrid model is a model in which the full-time lawyer model and the judicial guaranteed model coexist, and most of the models are served by grassroots legal service personnel and volunteers in addition to lawyers. At present, most countries follow a hybrid legal aid delivery model.

3. Research significance

3.1. Theoretical implications

3.1.1. Significance to the theoretical system of socialism with Chinese characteristics

Since Article 34 of the Criminal Procedure Law, which was deliberated and adopted at the Fourth Session of the Eighth National People's Congress on March 7, 1996, the name "legal aid" appeared in China's legislation for the first time, thus opening the prelude to the legalization of legal aid in China. Over the past few decades, China's legal aid system has been continuously innovated and developed from scratch, which is closely linked to China's rule of law construction and has become an important part of China's rule of law system and the socialist system with Chinese characteristics.

3.1.2. Implications for Weber's theory of rationality

Under the guidance of the concept of subjectivity, this study pursues the institutional rationality of legal aid in colleges and universities, discusses it from the ontological dimension and the structural dimension, and seeks to further concretize the legal aid system in colleges and universities into a series of specific institutional designs and arrangements while having the value spirit of fairness and justice. From the ontological dimension, it is required that the characteristics of the legal aid system of colleges and universities can reasonably show the arrangement of the rights and obligations of the members of the legal aid institution. From the structural dimension, it is required that each member of the aid system has different roles, rights, and obligations due

to the difference in specific positions ^[8]. It is embodied in the arrangement and requirements for the specific responsibilities of each department within the legal aid institution of colleges and universities, the specific provisions on the obligations of both parties when cooperating with various organizations outside the university, and the confirmation of the overall management method of the institution, which is the practice of Weber's theory of reasonableness.

3.1.3. Implications for legal clinics and realist theories of legal education

The legal clinic is an important carrier for the realization of realist legal education theory and is an effective channel and method to connect legal education with the legal profession and social reality.

3.2. Practical significance

3.2.1. Significance for college students

Legal aid in colleges and universities can cultivate the quality of law students and improve their enthusiasm and enthusiasm for legal affairs ^[9]. In the context of governing the country according to law, outstanding law students will become an important force in promoting the construction of a rule-of-law society and a socialist rule-of-law system with Chinese characteristics.

3.2.2. Significance to society

Compared with litigation, the lower threshold of legal aid shortens the distance between the public and the law, and the convenient contact information and free and open environment are more rigorous than those of government departments, which can appropriately reduce the psychological pressure on the parties and better communicate with the parties ^[10].

3.2.3. The current situation of the problem

There are still aspects of the legal aid system of colleges and universities in China that need to be improved urgently, and there are external and internal problems in the current legal aid system of colleges and universities, among which internal problems can be divided into vertical problems within universities and horizontal problems between universities ^[11].

4. External issues

4.1. The source of the case is narrow and the number of cases is unstable

At present, most university legal aid institutions are unable to accept a certain number of social cases sustainably and stably, resulting in the fact that university legal aid institutions are sometimes stagnant and sometimes extremely busy.

4.2. Less docking cooperation

4.2.1. Social institutions

In the absence of cooperation and exchanges with social institutions, it is difficult for university legal aid institutions to have access to social sources. In addition, due to the complex legal position of university legal aid institutions and the distrust of social members, it is even more serious that it is difficult for colleges and universities to access social sources. The limited resources of legal aid in colleges and universities and the lack

of sources of cases will inevitably restrict the development of legal aid work in colleges and universities.

4.2.2. Colleges and universities

The survey found that the vast majority of the colleges and universities with law majors have set up legal aid institutions or legal clinic courses. However, many universities' legal aid institutions, including the Legal Aid Center of Zhejiang University of Technology, have not yet communicated with the legal aid institutions of other universities. In the current social context of colleges and universities, this is bound to be a waste of resources.

4.3. Low trust

Based on the statistics of the legal aid organization of Zhejiang University of Technology for one year, the parties do not trust the advice and opinions given very much and will seek help from legal professionals. In addition, most of the questions received are trivial and routine issues, some of which are not related to the law, which shows that the parties do not consult immediately when they encounter professional problems, which will also cause legal aid members to doubt their abilities.

4.4. Internal longitudinal problems

4.4.1. The institutional system is not perfect

From an internal point of view, most university legal aid organizations have the problem of imperfect systems. Legal aid organizations in colleges and universities have not yet established a well-established institutional framework. The non-specialization of case grouping leads to the limited quality of case resolution and the confusion and inefficiency of cases that may be caused by manual handover throughout the whole process.

4.4.2. Legal aid members are not highly motivated

Some members choose to join the legal aid department only for utilitarian purposes such as increasing their credit points, and they lack love and enthusiasm, as from the perspective of senior members, their academic courses are under great pressure, with the pressure of graduation and employment, and it is difficult to find time to face the cases of legal aid institutions under multiple pressures. Most of the instructors are lecturers and professors in the law school of the university, and they are entangled in teaching and scientific research tasks, and it is even more difficult to stimulate enthusiasm for guiding legal aid institutions only as deputy positions.

4.5. Internal horizontal issues

The polarization gap between universities, taking the legal aid of the Chinese University of Political Science and Law, China University of Political Science and Law, and East China University of Political Science and Law as examples, the legal aid of these universities can represent litigation, and as far as the legal aid of Zhejiang University of Technology is concerned, it can only provide basic legal advice and writing documents, and the attention is far less than the former.

5. Problem analysis

5.1. External analysis

5.1.1. Insufficient external publicity

For an official account founded by a university or college with the theme of law or legal aid, the attention

group is concentrated on the student group within the university, and the law students at the university are the mainstay.

5.1.2. Insufficient external communication

At present, there is a lack of mutual communication between universities and social institutions, and the contact between students and social organizations in colleges and universities generally requires the signature of college leaders, and it is difficult to solve the problem of students alone. On the other hand, social institutions do not trust student organizations very much, so it is often difficult for the two to reach cooperation.

5.2. Internal analysis: Longitudinal analysis

5.2.1. Lack of management experience

Taking the Zhejiang University of Technology Legal Aid Volunteer Reception Station as an example, although the volunteer reception station has been established for 20 years, the handover work between the successive generations of leaders has not been in place, and many important documents have been lost, which has a great impact on the long-term development of the legal aid organization of the university. Secondly, the management and organization of the responsible persons are inexperienced, and there is also a lack of uniform training for legal aid members, which leads to errors in the procedures of legal aid cases and reduces efficiency.

5.2.2. Legal aid institution personnel have limited practical experience

As undergraduate students, the members of the institution not only have loopholes in their professional knowledge, but also have limited social experience due to lack of experience, and knowledge that they have never been exposed to will inevitably appear in the process of accepting cases.

5.2.3. Lack of actual incentive mechanism

The composition of legal aid personnel in colleges and universities is mainly composed of students and teachers. These two entities lack the enthusiasm to participate in legal aid in colleges and universities due to performance appraisal and pressure to go on to higher education.

5.3. Internal analysis: Horizontal analysis

According to the results of the fourth round of discipline evaluation by the Ministry of Education, the comprehensive strength of law varies among schools, which inevitably leads to large differences in legal aid organizations among schools.

6. Suggested measures

This study puts forward the “1+4” recommended measures, that is, to formulate the legal aid grading standards of each university in general, and then improve the legal aid system of colleges and universities from the four aspects of party building and leadership, social alliance, student organization and network operation, combined with the concept of realist legal education.

6.1. Formulate grading

There are four levels of legal aid for higher education. From low to high, its main responsibilities are: the lowest level is to only carry out legal popularization activities, followed by an equal emphasis on legal popularization

and legal consultation, and secondly, it can separate legal aid from legal aid activities, and the main function of legal aid is to draft legal documents and legal advice on behalf of others, and finally to provide comprehensive legal aid services, including acting as an agent in civil litigation and criminal litigation.

In the process of research, this study found that as a kind of interactive legal popularization campaign, the demand for law is not so urgent for the population, the professional requirements are low, and the social demand is large, so it is the easiest to achieve in practice. Secondly, although legal consultation requires a certain degree of professionalism and its publicity channels, that is, the source of the case, this form is still relatively common in colleges and universities, which means that many colleges and universities are capable of doing it. As for the final agency service, because of the strong professionalism, the shortage of teachers, and the ability of students in many universities, as well as the feasibility of judicial practice, only a few colleges and universities can do it. It is based on the above considerations that this study has divided university legal aid into four levels and made a functional division.

In the process of classification, this study first learned about the specific work of legal aid in colleges and universities, and then made a general division of legal aid in colleges and universities according to the legal aid work learned. Then, a questionnaire survey was designed according to the rough classification of the level of the targeted questions. According to the answers, each question has a certain weight ratio, to obtain higher and lower scores in each level of the university legal aid, to determine the level of legal aid that can be delineated.

As a first step in solving the problem, the purpose of the classification is to make a functional classification of the original complex university legal aid. This classification can allow the university legal aid to play different roles according to their respective functions, rather than an all-encompassing role, which makes the assumption on paper very different from the actual operational results. After grading, the results are that most of the university legal aid has good content and channels for legal popularization activities, a few university's legal aid has a relatively complete legal consulting service system, and only a very small number of university legal aid can provide agency services. Therefore, when legal aid in colleges and universities serves society, it is necessary to clarify which level of legal aid belongs to each university in terms of law popularization after formulating the classification, and in the subsequent social alliance, whether it is cooperation with the government, the judiciary or the university, they can focus on their priorities, to achieve division of labor and cooperation, and each can display its talents.

6.2. Party building leadership

Due to the voluntary nature of legal aid as an organization, members are required to have a certain level of dedication, and when they encounter difficulties, they need someone to step up and take on heavy responsibilities. Therefore, the leadership of the party building legal aid is the spiritual guarantee for the development of the courts.

6.3. Social union

To let more people in need of legal services know about legal aid in colleges and universities, it is also necessary to pay attention to expanding publicity channels to absorb case sources. It is possible to actively seek cooperation with the Women's Federation, the Disabled Persons' Federation, and the Labor Arbitration Level. It is also possible to work with grassroots governments.

Establish inter-university alliances. There will inevitably be different levels of legal aid between

universities, especially between universities within the province. Therefore, those universities with relatively mature experience can exchange and cooperate with universities that have just been established or are still in the initial stage of legal aid construction.

6.4. Student organizations

6.4.1. Develop long-term incentives

Long-term incentives can mobilize the enthusiasm of case-handling personnel and ensure the long-term and healthy development of legal aid in colleges and universities^[12].

Effectively link participation in legal aid work with the acquisition of credits. Some states in the United States even regard the completion of a certain number of legal practice tasks by law students as a prerequisite for obtaining a graduation certificate, and in light of the actual situation of compulsory courses and elective courses offered by universities in China, legal aid courses in colleges and universities are first included in the elective courses, and then uniformly included in the compulsory courses when the time is ripe.

Second, explore the connection channels between law graduates law firms and civil servants. China's lawyers law stipulates that to obtain a lawyer's practice certificate, in addition to passing the national legal professional qualification examination, it is necessary to intern in a law firm for more than one year, and other conditions. The work performance of law students in university legal aid centers and passing a certain form of assessment can be deducted from the one-year internship period as appropriate so that interns who have already mastered basic legal practice skills through handling legal aid cases can begin their formal legal practice career as soon as possible. In addition, for the two-year grass-roots work experience required for some positions in the recruitment of civil servants in the judicial sector, it is also possible to appropriately deduct the working hours according to the above ideas.

Third, instructors who have performed well in aid work can be given appropriate preference in terms of selection, promotion of professional titles, and evaluation, but attention must be paid to the openness and transparency of the implementation of relevant systems.

6.4.2. Establish a stable and efficient support team

Include legal aid activities in colleges and universities in formal legal education plans, draft methods for academic evaluations such as teaching forms and performance evaluations, and improve corresponding supporting measures.

Establish a fixed expert guidance system. Faculty members in colleges and universities generally have a deep knowledge of legal theories and are well-placed to guide law students in their legal aid work.

Second, establish an exchange and training system to improve the legal practice ability of members. Hire staff from the public security, procuratorate, courts, judiciary, and other systems as special legal advisers for university legal aid centers, and at the same time do a good job of sending college and university teachers to these practical departments for temporary training.

6.5. Network use

6.5.1. Establish an intelligent legal aid service platform

In the process of realizing the intelligent integration of legal aid services in colleges and universities, establish a special leading group for legal aid work led by the local judicial bureau and relevant colleges and

universities, jointly build an intelligent legal aid service platform, disclose to the public the contact information of institutions that can provide legal aid, and simultaneously establish WeChat public accounts and Weibo accounts. Where conditions permit, mobile phone smart terminal apps can also be designed, combined with the grid work mechanism of urban communities and grassroots villages. This can be promoted by teaching people how to use the functions of the legal aid platform to provide corresponding services for people who need legal aid.

6.5.2. Promote information-based legal aid sharing services

After parties enter the platform, they shall have a rapid overall planning interface for diversion, providing accurate case classification standards and selection modules, and at the same time refer to the current operation model of the relatively mature online medical consultation platform to automatically divert cases to university legal aid groups, other legal aid institutions, or legal workers who have already registered on the legal aid platform, to achieve accurate classification of criminal, civil, and administrative cases. Professional people who do what they are good at will do better.

6.5.3. Strengthen follow-up evaluations of specialized legal aid

Through intelligent technology, a system of persons in charge of legal aid cases and a whole-process tracking management system can be established, and information such as preservation, case filing, and court announcements can be queried online and sent to the parties by text message, so that the service attitude, service professionalism, and ability to assist legal aid work can be evaluated. The number and quality of cases undertaken by teachers and students in efficient legal aid can also be included in teachers' performance evaluations and students' practice points.

7. Prospects

The law is a part of social life, it does not exist in a vacuum. Legal education in colleges and universities calls for the practice of law. The improvement of the legal aid system in colleges and universities is inseparable from the cultivation of the concept of realist legal education, which is good medicine that will guide students to connect legal theory with the real life of society and is an important form for law students to carry out public welfare activities to serve the society and legal education, as well as to expand the legal aid team, build a belief in the socialist rule of law, and respond to the requirements of the "14th Five-Year Plan" for the diversification of public legal services. It is believed that by using the "1+4" model and the concept of realist legal education to improve the legal aid system in colleges and universities, legal aid in colleges and universities will surely become an important force in the development of China's public legal service industry, and will be of great significance to alleviate the shortage of legal resources in the future.

Disclosure statement

The authors declare no conflict of interest.

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