

Research on the Reform of Criminal Law Course in Undergraduate Legal Education

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Abstract: There are deficiencies in the construction of the Criminal Law course, such as excessive rationality but insufficient practicality, emphasis on knowledge transmission over ability cultivation, and a focus on traditional crimes while neglecting new types of crimes. To overcome the above shortcomings, it is necessary to adhere to the teaching philosophy of integrating theory and practice, with teaching content based on practical experience and higher than practical experience, steadily promote the reform of teaching methods with the flipped classroom as the main body, substantially promote the construction of a dual teacher team, and reconstruct the curriculum assessment method guided by the OBE concept.

Keywords: Curriculum reform; OBE concept; Student-centered approach

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1. Introduction

There is still a considerable gap between the quality and effectiveness of the construction of the Criminal Law course in current undergraduate law education and the requirements for the integration of industry and education. Deepening the reform of the training mode of legal talents, the teaching reform of the Criminal Law course is bound to be put on the agenda.

2. Problems in the construction of the course “criminal law”

2.1. Excessive rationality but insufficient practicality

In the early years, textbooks on criminal law doctrine were either accustomed to macro narratives from abstract levels such as the rule of law, human rights, equality, and criminal law determination, or favored formal interpretations of criminal law norms, and advocated for the transformation of criminal law knowledge ^[1]. In the past decade, objectivism and a criminal law perspective based on substantive interpretation have been

established, and the systematic consciousness of criminal law doctrine has taken shape. During this period, the educational background and knowledge structure of undergraduate criminal law course teams underwent fundamental changes through recruitment or further education, and young and middle-aged teachers made qualitative progress in academic achievement and critical thinking ability. It cannot be ignored that these inexperienced teachers also face the dilemma of lacking practicality in classroom teaching. For example, the classroom teaching of the general theory of criminal law often focuses on analyzing classic cases. The current classic cases are mostly from the period of classical or neoclassical criminal law theory. The focus of controversy in these classic cases often goes unnoticed by judicial practice. Whether the causal relationship belongs to the intentional object of understanding and whether the related causal relationship is obstructed by cognitive errors is an example. Criminal law theory has been debating this issue for many years. However, due to the widespread use of subjective knowledge based on objective facts in judicial practice, the so-called “causal relationship error” has hardly become a problem in judicial practice.

2.2. Emphasis on knowledge transmission rather than ability cultivation

The goals of talent cultivation in universities are generally divided into three dimensions: knowledge, ability, and quality. Law is a highly practical discipline, and legal education should pay special attention to the shaping of practical abilities, especially efficient handling abilities. However, the reality is that knowledge transmission occupies a dominant position in the teaching of Criminal Law courses. Since the imparting of legal knowledge must serve the cultivation of legal practice ability, the construction of the Criminal Law course must also focus on cultivating students’ criminal justice ability, including but not limited to the ability to determine whether an action constitutes a crime based on evidence and what kind of crime it constitutes, the ability to connect administrative law enforcement and criminal justice in both directions, the ability to comprehensively collect evidence that affects conviction and sentencing, and the ability to correctly handle the relationship between judicial interpretation and criminal law theory. The shaping of any of the above types of abilities involves the comprehensive application and repeated training of multiple knowledge points or knowledge systems. For example, to accurately determine whether an act constitutes a crime and what kind of crime it constitutes, it is necessary to comprehensively apply knowledge of the elements of crime, joint crime, and individual crime. However, the practical teaching mode based on theoretical assumptions and case studies dominates, which is different from the requirement of criminal justice to comprehensively apply knowledge in practice to make legal judgments.

2.3. Focusing on traditional crimes while neglecting new types of crimes

Big data and artificial intelligence have been deeply involved in human life, and the use of the Internet to commit crimes has become an important variable affecting the structure of crime. According to the 2024 Work Report of the Supreme People’s Procuratorate, in 2023, 323000 crimes were committed through the internet, an increase of 36.2% year-on-year^[2]. The new type of crime carried out by the internet has become an object that cannot be underestimated in criminal governance. However, the curriculum of Criminal Law is not in line with the significant changes in criminal structure. Firstly, the research on the general theory of Criminal Law mostly focuses on traditional crimes, which results in the teaching of general knowledge rarely involving new types of crimes related to the internet. Secondly, typical new crimes essentially involve a group of charges, with complex relationships between them. It is necessary to systematically clarify the relationships between charges.

However, some of the above-mentioned crimes have not been included in the curriculum, while others, although included in the curriculum, have not been thoroughly explained due to limitations in the teacher's research field. Thirdly, classroom teaching lacks attention to the essence of new technology products such as ChatGPT and whether artificial intelligence models have reached the level of strong artificial intelligence, which makes it impossible to analyze the basic logic of criminal behavior derived from technology products. Students are at a loss when facing new types of illegal behavior in practice due to a lack of analytical paradigms.

3. The path of reforming the course of criminal law

3.1. Adhere to the teaching philosophy of integrating theory and practice

The teaching philosophy is the concretization of talent cultivation goals, the guidance of teaching reform measures, and the key link connecting talent cultivation goals and teaching reform measures. Currently, there is still a certain gap between the integration of theory and practice in the Criminal Law course. Guided by the integration of theory and practice, the construction of the Criminal Law course requires that the teaching content be derived from criminal justice practice rather than theoretical assumptions; based on discovering problems and refining problem points through in-depth practice, examine the blind spots and misconceptions of legal doctrine theory, improve the knowledge system, and then adjust or reconstruct the curriculum teaching content system. Taking the reform of the curriculum teaching content system as an opportunity, guide students to polish their criminal justice abilities through diversified practical teaching.

3.2. The teaching content originates from actual situations and more than the actual situations

3.2.1. General section

As is well known, the most recent systematic and large-scale innovation in the doctrine of criminal law originated from the purposive rational crime theory system in the 1970s. This is inconsistent with the direction of criminal legislation and justice shifting from retribution to prevention in the context of a risk society and also conflicts with the paradigm shift of crime governance rather than simply striking. In recent years, legislative revisions such as the crime of dangerous driving and the crime of aiding information network criminal activities have all reflected a clear positive criminal law perspective^[3]. At least the theoretical system and knowledge structure of the General Theory of Criminal Law need to be based on the latest criminal legislation, closely linked to criminal justice practice, and adjusted according to the principle of “typification of real cases— theoretical extraction of controversial points—academic sublimation of knowledge.”

3.2.2. Discussion section

In classroom teaching, there must be a trade-off between the more than 400 criminal charges specified in the Criminal Law. In addition to adapting to the diverse types and high incidence of cybercrime and appropriately increasing the teaching intensity of new types of cybercrime, educators should adhere to the paradigm of criminal integration based on the overall legal order, and reform the teaching content with the main line of criminal charges. Firstly, in criminal justice practice, a considerable number of cases face transfer to public security penalties due to insufficient evidence or failure to meet the quantitative standards of crime. Therefore, the teaching of criminal charges in Criminal Law should not be limited to the types of behaviors that are subject to quantitative standards of crime as stipulated in judicial interpretations, but should also pay attention to the

types of behaviors that are punished by both the Security Penalty Law and the Criminal Law that do not have clear provisions for quantitative standards. Secondly, to improve the quality of criminal case handling, the focus of criminal justice practice must constantly shuttle between clues and evidence law, evidence and case facts, and case facts and criminal elements. Based on the paradigm of criminal integration, the commonly offered “Criminal Law Training” courses can be integrated into the “Criminal Law” classroom, using cases derived from practical experience and incorporating theoretical design to comprehensively train students’ criminal handling abilities. Thirdly, to avoid omission of charges, it is necessary to change the curriculum design that only discuss typical charges and connect related charges in a certain way between knowledge.

3.3. Steadily promote the reform of teaching methods with flipped classrooms as the main body

Traditional classroom teaching is completed by teachers to impart knowledge, and the internalization and degree of knowledge highly depend on students’ self-awareness of learning. In the flipped classroom, knowledge transmission is completed after class with the assistance of information technology, while knowledge internalization is completed in the classroom with the help of teachers and classmates^[4]. The fundamental purpose of the integrated theory and practice talent cultivation model is to cultivate students’ application abilities. It is necessary to use the flipped classroom as the main teaching method, stimulate students’ subjectivity, and effectively form a new type of student-centered teaching relationship. Firstly, knowledge such as an overview of criminal law, basic principles, functions and types of punishment, and criminal responsibility, can continue with traditional teaching models due to their lack of practicality. Secondly, in the teaching activities of knowledge such as criminal constitution, attempted crime, joint crime, number of crimes, and typical criminal charges in criminal law, the following methods can be used to promote flipped classroom reform. First of all, teachers should designate excellent teaching resources for the school or the Internet, and require students to complete knowledge transfer through self-study. Students should submit questions during the learning process. Secondly, teachers form targeted classroom exercises based on teaching priorities and questions submitted by students and provide in-depth explanations through interactive methods. Again, after the questioning point teaching process, students’ ability to analyze and judge real cases is tested through self-exploration, assisted learning, and other methods. Finally, based on improving the standard of case handling ability, comprehensive use of quantitative evaluation and qualitative evaluation, formative evaluation and summative evaluation, individual evaluation and group evaluation, self-evaluation, others’ evaluation, and so on, to provide objective feedback on the process and results of students.

3.4. Effectively promote the construction of a dual-qualified teaching staff team

Educators should promote the construction of a dual-qualified teacher team by combining “going global” with “bringing in.” Firstly, the majority of law teachers come from universities with high theoretical knowledge and literacy in law but lack insight into the mode and key difficulties of criminal justice work. Educators should leverage cooperation platforms such as pairing and co-construction between schools and bureaus, and promote the construction of a dual-skilled teacher team through measures such as regular practical training, theoretical and practical two-way thematic research, and special discussions on difficult cases. Secondly, it is necessary to strengthen the sharing of judicial practice and scientific research experts, maintain a certain number of frontline part-time experts in criminal justice regularly, ensure that teachers always keep a close eye on hot and difficult

topics in criminal justice, and promote the resonance between teaching content and judicial practice. Thirdly, the reform of practical teaching and the participation of teachers in judicial practice should be standardized as important criteria for student evaluation and teacher promotion, to stimulate the main consciousness of building a dual-skilled teacher teaching team.

3.5. Guided by the OBE concept to reconstruct the course assessment method

Based on the goal of cultivating applied talents, the OBE concept can be used as a guide to reconstruct the course assessment method. The OBE education concept, also known as outcome-oriented education, is an educational concept based on learning outcomes or results orientation, which focuses on and organizes every aspect of education, enabling students to achieve expected results in the learning process^[5]. Firstly, teachers design targeted knowledge and ability goals based on the characteristics of each teaching unit. Secondly, integrate knowledge goal assessment into daily classroom exercises and final exams, and use objective quantitative indicators to evaluate students' achievement of knowledge goals. Finally, integrate the assessment of ability goals into the process of team collaboration and judgment of difficult cases in the flipped classroom, and test the achievement of ability goals through classroom reports, group assignments, and other forms.

4. Conclusion

In recent years, the importance of practical teaching in undergraduate law education has been continuously emphasized. Legal education, including Criminal Law, must be based on judicial practice, exploring, excavating, and refining explicit and implicit knowledge of the rule of law, focusing on the goal of cultivating applied talents, constructing a curriculum knowledge content system that combines generality and particularity, adhering to the student-centered concept, continuously stimulating the initiative of learning, effectively improving the quality and efficiency of talent cultivation, and exploring and improving talent cultivation models.

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