

Exploration and Analysis of the Training Path for of "Mass Entrepreneurship and Innovation" Talents in Law

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Abstract. The basic point of the dimension of legal system is the institutional factor that restricts the teaching methods of law, and it is also the institutional basis that determines us to adopt specific teaching methods. The idea of taking knowledge as the clue in traditional law teaching does not help to cultivate law students' ability of "entrepreneurship and innovation" and character building. We should rely on judicial big data and take the "task-driven" teaching mode as the main line to create a "entrepreneurship and innovation" talent training path for law students.

Keywords: Xi Jinping Thought on the Rule of Law · Entrepreneurship · Innovation · Task-driven

1 Question Raised

Xi Jinping Thought on the Rule of Law represents the latest achievement in adapting Marxist theories on the rule of law to the Chinese context. It is the theoretical basis and guiding ideology for overall law-based governance, building China under the rule of law and promoting a strong country under the rule of law. Its core views include the "eleven insistences", in which it is emphasized that "building a rule of law team with both political integrity and ability" is an important guarantee. It reflects that under the background that overall law-based governance has been raised to the height of national strategy, it must be supported by diversified, multi-level legal talents with innovation and entrepreneurship ability and character. China's talent team for the rule of law includes legislative, judicial and law enforcement personnel, legal service personnel, legal experts and overseas-related legal personnel who engaged in law related work and rule of law in various fields. Universities that cultivate law students are the main places for exporting talents

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to the rule of law team. Therefore, in order to respond to the needs of the long-term plan for the training of legal talents and the construction of legal team in the new era so that to innovate the training mechanism of legal talents, we should cultivate their critical and innovative legal thinking after teaching the legal professional knowledge of law students. And to cultivate a reserve of legal talents who are familiar with the system of socialist rule of law with Chinese characteristics and with the ideological character of both morality and law, so asto provide strong talent reserve guarantee for accelerating the construction of a socialist country ruled by law [1].

Innovation and entrepreneurship education has always been a dominant topic in pedagogy, that is, through innovation education and entrepreneurship education, integrate with professional knowledge and practical skills, which is pay more attention to the cultivation of students' innovation consciousness and entrepreneurship concept, so as to stimulate college students' innovation and entrepreneurship education. In the field of legal education, the theoretical competition between legal realism and legal formalism induces legal education to wander between idealism and realism. On the one hand, legal norms have extensive coverage, which requires legal education to take all kinds of legal concepts and legal propositions as the logical premise of legal interpretation, so as to carry out formal logic reasoning to ensure the effectiveness and legitimacy of interpretation [2]. On the other hand, the rule of law is far from a simple "rule of rules", but a complex social system engineering. In view of the fact that social phenomena cannot limit their environment and conditions, the realization of the rule of law is inseparable from value judgment and policy considerations [3]. Like other humanities, law and other humanities cannot effectively verify their conclusions under the same conditions as natural disciplines. Which means that the true meaning of legal education is not only to instill as much legal information and cultivate students' general professional practical ability, but also to cultivate students' critical and innovative legal thinking, which must not be satisfied with the full-trained-skill-only and fixed thinking of professionals, but should be based on broader and solid humanistic theory and science [4].

This paper attempts to take Xi Jinping Thought on the Rule of Law as the theoretical support, relying on judicial big data, to put forward the curriculum concept focusing on improving legal innovation and entrepreneurship skills. By collecting and extracting judicial big data such as China judicial document network, using sand table simulation, promote the "task-driven" teaching mode, to explore the curriculum construction of cultivating law students' "entrepreneurship and innovation" ability and character shaping, and finally to create a "entrepreneurship and innovation" demonstration curriculum for law students in Colleges and universities.

2 Limitations of Existing Legal Education in China

Now the level of legal education in China is complex and diverse, and the starting at a lower level, which is closely related to the historical mission of legal education

in the past [5]. Due to the lack of reasonable theoretical and ideological guidance with Chinese characteristics, legal education tends to be informal, low-end and even utilitarian. For a long time, we have no clear understanding of what kind of legal talents to cultivate, but generally organize teaching resources to cultivate law students based on the cultivation of judicial talents (judges, prosecutors and lawyers) [6]. However, the diversity, multi-level and innovation of legal talents that required by the construction of a country ruled by law are far from enough to rely solely on the construction of the judicial field. The fields of legislation, administrative law enforcement, legal experts and foreign-related legal talents all need the excellent law students cultivated by colleges and universities to join the practice. For the cultivation of diversified and innovative legal talents, the combination of professional education with "entrepreneurship and innovation" education for law students is one of the innovative and feasible teaching methods during undergraduate or graduate education stage.

However, innovation and entrepreneurship education is no longer a new institutional concept in the construction of legal education in China. But the supply of relevant education systems in China still stays at the level of institutional oath, and there is no more substantive breakthrough. Under the existing teaching background, the so-called clinic education, moot court and case teaching have been promoted and adopted, but the atmosphere of traditional conceptualist jurisprudence and doctrinal jurisprudence is still quite strong. The positioning of the existing system is unclear, which makes it difficult to effectively play the due function of innovation and entrepreneurship education. Moreover, the existing innovation and entrepreneurship system is difficult to effectively connect with the existing law student education system and their coordination is poor. In short, there are the following problems in the "entrepreneurship and innovation" education of law students in Colleges and universities in China:

2.1 Non-isotropy: The Existing Curriculum System Is Set at Will

As an ideological system, law is only one of the many possible structures of reality. It is not only about the pure rationality of what is justice, but also about how to realize the practical rationality of justice. The duality of legal education determines that we should not care for this and lose that in teaching. We should not only pay attention to imparting legal knowledge through case study, but also pay attention to examining and refining the logical structure and practical skills of handling cases through clinical legal education. However, in the actual law education, the existing curriculum system arrangement in China, which is only limited to ensuring the integrity of curriculum teaching, does not play its due function, and there are many deficiencies in the realization of other functions. Moreover, the response of the current subject system to the cultivation of law students' problem-solving ability is also relatively negative. Throughout the design of China's law curriculum system, it is obvious that there is a non-isotropic situation of "more norms and less innovation". Firstly, some undergraduate colleges are more inclined to theoretical teaching, so that practical education is slightly

weaker than theoretical teaching. Secondly, even though some colleges and universities have made great efforts to carry out "entrepreneurship and innovation" education, they still mostly integrate technical education into the innovation and entrepreneurship education system, that is, the "entrepreneurship and innovation" education courses and professional courses are placed in one category, resulting in the shrinkage of the scope of teaching content, and the lack of close connection between "entrepreneurship and innovation" courses and relevant professional courses, also the whole curriculum arrangement focusing too much on the cultivation of College Students' entrepreneurial ability and ignoring the cultivation of innovative ability [7]. Thirdly, most colleges and universities fail to incorporate the "entrepreneurship and innovation" curriculum into the discipline content evaluation, scientific development and talent training system of colleges and universities, leading to the arrangement of innovation and entrepreneurship education curriculum is too casual, which can not clarify the teaching purpose and can not respond to the current situation of the development of the times.

2.2 Ability Worries: Lack of Comprehensive Ability of Teaching Teachers

Influenced by the teaching concept of traditional doctrinal jurisprudence, most colleges and universities still carry out training education with reference to the examination oriented standards. Although some practical factors will be added in the usual class, such as discussing practical cases, social hot spots and other issues in a group way to enhance students' perceptual understanding, they fail to reflect the more prominent innovative paradigm and meet the requirements for the training of practical operation ability. On the one hand, the traditional teaching methods lead college students to still insist on taking classroom notes in the learning process, and memorize all the knowledge points in the textbook before the exam, which fail to cultivate the ability of College Students' autonomous learning, and lack the ability of self-analysis of specific problems. On the other hand, teachers themselves are not experts in legal practice. In view of their limited scope and subject in legal practice activities, they can not teach students the knowledge of legal practice activities, and all legal operation skills can only be realized through students' own practical activities. In addition, in China's current education and teaching system, colleges and universities lack due awareness of the importance of innovation and entrepreneurship education, resulting in the failure to implement various policies and training funds related to their professional teachers.

2.3 Mechanism Dislocation: Lack of Existing Teaching Quality Evaluation Mechanism

With the rapid development of the Internet, the world has entered the information age. Colleges and universities are also carrying out educational information reform and applying the information management system to the daily teaching management (such as educational administration information system, student evaluation system, etc.). There is no doubt that most colleges and universities have a set of teaching evaluation methods for teachers' teaching. The commonly used method is that students grade teachers, that is, manage teachers' teaching through students' evaluation. The school uses this set of evaluation methods to guide and standardize teachers' teaching, so as to ensure the quality of teaching. However, teaching evaluation is a better method, but it is by no means the best method. In fact, external regulation can not have the best method. For one thing, this evaluation is easy to be manipulated when the number of students is small, resulting in a great reduction in objectivity [8]. For another, most colleges and universities have not even established the evaluation mechanism of the practical teaching quality of "entrepreneurship and innovation" education, nor the mechanism of standardizing the assessment contents and giving professional credits. Some schools indirectly judge students' learning progress and validity through incomplete fragmented data such as class average score and pass rate, which is difficult to achieve real fairness and justice due to limitations and fragmentation of data collection. Thirdly, it is difficult to index and detail the indicators of teaching quality assessment, which leads to a greater subjective arbitrariness of assessment and the evaluation index system needs to be improved.

2.4 Function Overload: The Existing "Mass Entrepreneurship and Innovation" Platform Is Difficult to Effectively Connect with the Existing Education Mode

Any new institutional arrangement requires a corresponding process of group learning and social absorption, the length of which depends on the extent to which the idea of the education system fits into the established legal tradition and the extent to which the new institutional arrangement rubs off on the traditional legal framework. The rejection of "innovation and entrepreneurship" by traditional legal education is not only in the level of education resources supply, but also in the difficulty of coordination between education system and other related education modes. At present, most local universities have built multi-level practice teaching bases and legal clinics, but these platforms are mostly used to cultivate students' cognitive ability and basic operation ability in practice teaching, which is difficult to adapt to the needs of "innovation and entrepreneurship" education [9]. The realization of the goal of innovation and entrepreneurship education in law requires further building a simulation platform, or even a real-world platform, emphasizing the empirical nature of legal application, thus guaranteeing the strength of law students in legal skills development.

2.5 Diminishing Effect: The "Entrepreneurship and Innovation" Education Is Clearly Profit-Oriented

At present, "innovation and entrepreneurship" education is still in its initial stage in China, and the over-optimistic attitude towards this topic directly leads to the reduction of the bidirectional effect on the subject and the target. As for the main body of "innovation and entrepreneurship" education, some colleges

and universities simply define "innovation and entrepreneurship" education as employment guidance for college students, which directly leads to the alienation of "innovation and entrepreneurship" education at the teaching level, not to mention its integration into the cultivation system of legal talents. As far as the target audience of "innovation and entrepreneurship" education is concerned, the existing utilitarian value orientation of law students binds their vision and takes for granted that innovation and entrepreneurship education can create better material wealth, ignoring the role of innovation and entrepreneurship education on the comprehensive quality and character building of individuals [10]. In other words, the idea of education only stays at the business level, and the comprehensive training and improvement cannot be carried out from student themselves, which leads to the diminishing effect of "innovation and entrepreneurship" education.

It can be seen that the established institutional arrangement will form a more closed field, forming a potential exclusion to the new legislation. Because of this, the field will form its own boundary based on its own logic and necessity, and the determination of this boundary comes from the confrontation of forces inside and outside the field, and the interaction of different systems to define the boundaries of the field [11]. Therefore, there is no a priori answer to the boundary of the field, but the final determination of the place where the action of the field stops under the game and confrontation of many parties. Returning to the educational arrangement of "innovation and entrepreneurship", whether it is the regulation of conflict of interest, the cultivation of students' innovation and entrepreneurship ability, or even the vocational training and guarantee of teachers, when these existing relevant provisions are integrated into the existing legal education field, they will form a conflict with other existing institutional arrangements. In the field of education, the exclusion of this field will reduce the demand of the "innovation and entrepreneurship" system. Therefore, with the rapid development of information technology, the idea of law teaching, which is centered on the teaching of law-making, will be fundamentally changed. The design of law courses should be based on the current data-driven trend, update the concept of traditional legal education, make full use of the advantages of the era of big data and the advantages of digital resources in Colleges and universities, change passivity into initiative, teaching into practice, single classroom teaching into multiple superposition, and professional unification into professional diversification.

3 Optimization and Countermeasures for Cultivating "Innovative and Entrepreneurial" Talents of Law Students Under Xi Jinping's Thought on Rule of Law

The cultivation of legal talents in China's legal education has experienced changes from the science of law, legal system to rule of law, and now the overall trend is towards professional legal education. At first, the concept of "legal talents" was put forward in the Fourth Plenary Session of the 18th CPC Central

Committee, and in the speech of General Secretary Xi Jinping during his inspection at the China University of Political Science and Law in 2017, who mentioned that it should shift from academic legal education to professional legal education required by the rule of law in China. Because the cultivation of talents is closely related to the background and stage of social development, as well as society's demand for talents, Xi Jinping's thought on the rule of law is to put forward and specify the direction and goal of cultivating what kind of rule of law talents China needs nowadays in the context of the times. The ways and methods of law education are extensive and profound, and there is no completely unified and perfect only correct method. Therefore, we should follow the direction indicated by Xi Jinping's thought on rule of law, combine the characteristics of universities and teaching resources to teach law students according to their abilities, and explore and practice various educational innovations [12].

However, how to use big data resources to improve the effectiveness and efficiency of teaching has become the key point of teaching reform. Whether law schools can combine judicial big data and innovation and entrepreneurship projects to cultivate students' big data thinking and the ability to use judicial big data for "entrepreneurship and innovation". This paper intends to design a "threestep" countermeasure for the optimization of "double-creative" teaching for law students with the "task-driven" teaching mode as the main line and judicial big data as the technical support. The so-called "task-driven" teaching refers to the division of course content into several project tasks, which are clearly issued before the lecture, and students are integrated into the corresponding situations by completing the corresponding tasks, in order to enhance students' independent learning ability and desire for knowledge and exploration, as well as the spirit of mutual collaboration [13].

3.1 Step1: The Creation of Contextual Modules

In terms of course design, the first consideration should be to set up a scenario module. The so—called scenario module refers to setting up a virtual simulation case module, choosing current hot issues in law or realistic cases closely related to cutting—edge theories, with problem-oriented focus, and letting students face a realistic situation that needs to be solved. For example, the first trial task of the mock court, the task of the lawyer writing the indictment, etc. The scenario—based modules provide the internal driving force for the "entrepreneurship and innovation" education. There are several basic tasks to be completed during this phase:

1. Firstly, to design teaching programs that focus on the development of knowledge in specialized areas, and to integrate professional knowledge and skills to achieve linkages and integration between them [14]. A professionally strong "entrepreneurship and innovation" curriculum that includes not only general education courses, but also specialized courses [15]. By appropriately increasing the number of online open courses, combining the characteristics and

difficulties of disciplines and specialties, comprehensively sorting out existing educational resources, deeply exploring special educational resources and extraterritorial open class resources, coordinating the allocation of class time between skills training, adjusting curriculum, legal service programs and sand-box simulations.

- 2. Secondly, coordinate various database resources, such as case database and judgment document database, and use Wolters Kluwer, the magic weapon of Peking University, ICOURT and other legal retrieval databases to ensure the authority and professionalism of all cases during the project. As far as the development stage of rule of law is concerned, the use of judicial big data is conducive to the realization of student learning as the center and the strengthening of teacher-student interaction. The introduction of big data and artificial intelligence into the scientific research and professional teaching of universities is inevitable for social development. The practical teaching of law schools should also pay full attention to and make use of judicial big data and artificial intelligence technology, and incorporate judicial big data mining and artificial intelligence application into the personnel training plan to meet the development needs of the times.
- 3. Thirdly, the effectiveness of research in feeding teaching. In order to enrich the teaching connotation, teachers need to be encouraged to introduce scientific research results into teaching and integrate scientific research thinking and spirit into the classroom. It is suggested that courses with close integration of specialties or involving interdisciplinary aspects of law can be used as a base point, and the teaching department is encouraged to work as a team to discuss the curriculum and create a brand of the department's curriculum. The classroom teaching should be based on real cases, adopting the paradigm of questioning, discussion, and simulated feedback, allowing students to gain their own factual and legal understanding and judgment through interactive communication, and changing the traditional teaching method of "chalk-and-talk".
- 4. Fourthly, to build a team of "innovation and entrepreneurship" teachers. We adopt a bidirectional selection method, give full play to the professional refinement of the teachers on campus, explore the externalization of the innovation and entrepreneurship practice ability of the teachers outside the university, establish a collaborative education mechanism between universities and enterprises, research institutes and regions, etc., so as to build a professional team of teachers who understand innovation and entrepreneurship. Through high-quality mentor resources, students can have a deeper understanding of legal practice and practical institutions, guide them to establish the logic of survival and entrepreneurship, and improve the effectiveness and participation of "innovation and entrepreneurship".

3.2 Step 2: Define the Project Tasks

The core of higher education is to cultivate innovative talents. Innovation is contained in personality. At first, it is manifested in strong interest in knowledge,

keen critical consciousness, good at putting forward innovative ideas, and completing entrepreneurial projects with innovative and entrepreneurial practice as the carrier. By identifying specific project tasks, students gradually cultivate their critical and rational thinking skills, emphasize their individual passion for knowledge and place it in a broader perspective, apply the theoretical knowledge they have learned to practice, and form their own knowledge structure, which helps to continuously enhance their innovation ability.

In the second stage of shaping, the change from classroom teaching to multiple forms of overlapping teaching can be realized by means of courtroom practical sandbox simulation. Previous law teaching reforms tried to simulate legal practice work through role-playing and classroom simulation, striving to enable students to experience the atmosphere of legal practice work in the school learning process. The reform should not only take advantage of simulation, but also realize the hands-on nature of school students' experience through cooperation with practice departments or enterprises. Through the parallel training of dual-track system, the simulation based on deep understanding of knowledge points will be changed to a practical sandbox simulation of court trial oriented by market demand, and students will really learn how to be innovative and entrepreneurial in the legal consulting market by keenly grasping the opportunities of legal consulting market.

In addition, traction should be developed for cooperation with enterprises. While focusing on direct teaching of school students by word and example, universities should also collaborate with social resources to provide a good practice environment for college students to realize their innovative and entrepreneurial ideas. Attempts can be made to set up relevant platforms or mechanisms for direct communication between universities and governments and enterprises in order to achieve the sharing and win-win situation of various resources such as educational policies, information from all parties and funds and talents. For example, with the collaborative training between our university and the Internet Court, we make full use of the data platform of the court and the digital resources of the university library and the relevant resources of the university experimental center to analyze and process the judicial big data, forming a dual track of teaching content with the mastery of legal skills as the core and project planning oriented to the legal service market demand outside the classroom. By establishing a collaborative cultivation mechanism, we organically combine law classroom teaching with legal service practice, establish an innovative entrepreneurship course with exemplary on-campus experience, and realize the improvement of law students' innovative and entrepreneurial ability.

3.3 Step 3: Collaborative and Self-directed Learning

In the third stage, we emphasize the construction of "Internet+" and take advantage of the research model of big data. Each technology has a different space, with the market as the training goal and practical skills as the training target, focusing on the development of students' legal skills. The activity design part

aims to test the completion of project tasks, through which students consolidate what they have learned and familiarize themselves with the skills they have acquired. The teacher can test whether the students are able to apply what they have learned to their practical work by integrating the roles and performance of the project team members in the project tasks with the corresponding evaluation methods and a comprehensive rating for each project member. Therefore, it is necessary to focus on designing the visualization route of project completion, pay attention to the visualization presentation after the specialized argumentation, convey the principle of law and the wisdom of innovation and entrepreneurship in an intuitive and easy visualization way, and strive to create a new power point of innovation and entrepreneurship for law students. This part can learn from the training model of "IRAAC" in American law, i.e. Issue, Rule, Analysis, Application and Conclusion [16,17], and integrate the training objectives of the existing courses on data retrieval, legal service visualization, writing ability and legal negotiation skills. The program integrates the objectives of the existing courses on data retrieval, legal service visualization, writing skills and legal negotiation skills, and adopts the method of case analysis based on judicial big data to train the innovation and entrepreneurship ability of law students in the information age, so that the education of law theory and practice can be seamlessly connected with the innovation and entrepreneurship of students.

What needs to be warned is that in the field of education which lacks experience, the foreign education system transplanted through compulsory institutional change does not fully take into account the existing educational environment in China, and the system transplanted out of the local context falls into the dilemma of "orange in the south and hedge thorn in the north". Moreover, due to the short-sightedness of the system transplantation, some of the education concepts and strategies cannot be carried through, lacking the momentum of sustainable development, resulting in the phenomenon of "chaos when doing, rigidity when managing" in the process of implementation, making it difficult to respond to the real demand of legal education and realize effective supply. Take civil procedure law as an example, the course can be divided into nine modules based on project tasks, and each module is divided into several project tasks, which can be increased or decreased accordingly by each faculty according to their own course implementation plan. Students are divided into 5-6 project teams and work in groups to complete the project tasks. The following is an example of the avoidance system in Chap. 5 of the basic system of civil procedure law.

Table 1. Project task design for Avoidance System

Module example	e: Avoidance System
Scenario Assignments	Task 1: master the subjects and reasons of avoidance; Task 2: avoidance procedure
Teaching Contents	 The concept and value of avoidance; The applicable subject of avoidance; Reasons and procedures for avoidance
Teaching Requirements	 Be familiar with various laws and regulations on the reasons for avoidance; Understand the relationship between avoidance system and procedural justice
Event Design	Activity 1: simulate the civil trial collegial panel activity; Activity 2: set the reasons for avoidance, and judge whether it should be avoided and how to avoid it
Visualization Display Route	 Software, methods and core vocabulary of legal retrieval; Systematization of appraisal legal evaluation method; Accuracy and artistic of visualization results
Appraisal/ Evaluation Rules	Attendance; Attitude evaluation; Role evaluation; Completion and completeness of legal retrieval; Realization degree of visualization results

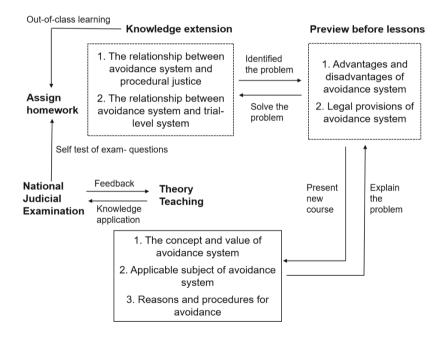


Fig. 1. Instructional program design for avoidance system

4 Conclusion

Based on the scientific nature of law, no matter how much confusion and bewilderment there was and is, we should insist that the highest level of legal excellence cultivation is not simple knowledge impartation, nor utilitarian quality enhancement, but constant character building [18]. As the latest achievement of socialist theory of rule of law with Chinese characteristics, Xi Jinping's thought on rule of law is rich in connotation and complete in system, which provides ideological guidance and theoretical guidance for promoting the reform of legal education and cultivating high quality rule of law talents. Cultivating law students with the ability and character of "dual innovation" is undoubtedly the best response to the urgent need of enriching the outstanding rule of law talents (Fig. 1 and Table 1).

As a long-term strategic plan of the law school, we need to teach not only legal principles and logic, but also cultivate students' ability to analyze cases by applying Xi Jinping's rule of law thinking under the theme of "Xi Jinping's Thought on Rule of Law". We should also build a "project-driven" innovation and entrepreneurship education model with the effect of big data platform to further verify the reliability and operability of theoretical knowledge, cultivate a large number of legal practice talents, and strengthen the understanding of theoretical research and practical supporting experience.

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