

## CHINA'S FOREIGN-RELATED LEGAL TALENTS TRAINING UNDER THE "BELT AND ROAD INITIATIVE" CONTEXT: PRESENT, PROBLEMS, AND RECOMMENDATIONS

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### Abstract

With the continuous implementation of "the Belt and Road Initiative", all-round co-operations among China and countries along the route have become increasingly closer. Diversified high-end foreign-related legal talents are thus urgently needed to ensure the stable and far-reaching construction of "the Belt and Road". This article purports to evaluate the current situation and reflect the problems of foreign-related legal talents training in China, and to discuss the necessary reforms and improvements. On the basis of examining the historical development and current situation of foreign-related legal talents training in China, this article found that most universities had not made clear the relationship between morality and law so that the notion of "cultivating law students both in morality and in law" has not been thoroughly implemented in training foreign-related legal talents. As a result, the orientation of foreign-related legal talents training is not accurate, the objective is not clear and the mode and mechanism is not perfect. It is suggested that universities in China should thoroughly implement the notion of "cultivating law students both in morality and law", strengthen ideological and political education, and should reshape the concept, clarify the objective, reform the mode, and explore effective mechanism of foreign-related legal talents training. Only by such ways, can we train a batch of high-level foreign-related legal talents with both internationalism vision and patriotism, being familiar with international rules and able to participate in foreign-related legal affairs, having the courage to promote the reform of global governance rules and being devoted to better serve for "the Belt and Road Initiative".

**Keywords:** The Belt and Road Initiative, Foreign-Related Legal Talents Training, Morality and Law, Reform, China

## Introduction

Under the background of profound adjustment and unprecedented changes of international trade and investment in the past decades, China conforms to the trend of the times, upholds the spirit of opening-up and cooperation, and proposes “the Belt and Road initiative”. Its construction needs the guarantee of legal rules and requires high-quality international or foreign-related legal talents. Under this context, it is a research of great practical significance to cultivate compound, applied and innovative foreign-related legal talents being familiar with international businesses, understanding the economy and culture of the countries along the route, having a world vision and patriotism, being proficient in international laws and good at handling international legal affairs (Xu, 2021).

At present, only 1% of Chinese lawyers have expanded their business abroad, and 99% of them can only do domestic business (Liu, 2020). The supply of foreign-related legal talents is obviously insufficient. General Secretary Xi pointed out on the Central Working Conference on Comprehensive Rule of Law held in November 2020, that it is necessary to strengthen the training of foreign-related legal talents so as to ensure the talents supply for the strategic layout of foreign-related legal work and to fill the short-comings of international legal talents shortage and lack of ability. The Opinions on Adhering to Cultivating Law Students both in Morality and in Law and Implementing Excellent Legal Talents Education and Training Plan 2.0

(hereinafter referred to as “Opinions 2.0”) jointly issued by the Ministry of Education and the Committee of Political and Legal Affairs (CPLA) of the Central Committee of Communist Party of China (CCCPC) in 2018 pointed out that it is necessary to build a new pattern of foreign-related legal talents training. Some scholars believe that, the mission of cultivating high-quality legal talents with both ability and merit has not changed, but the layout of (the Belt and Road Initiative) requires new responses from law (Xu, 2019). At present, the training of foreign-related legal talents in China is still in the stage of restart and recovery, and there are many problems to be reformed and solved urgently. This paper purports to investigate the current situation of and analyze the problems in foreign-related legal talents training in China, and then propose the necessary reforms and improvements.

## The Current Situation of Foreign-related Legal Talents Training in China

After the founding of the People’s Republic of China, especially in the past 40 years of reform and opening-up China’s legal education and legal talents training have gone through a process from zero to many and from cancellation to reconstruction. In this process, the legal education has gradually realized regularization and systematization, and transformed from imitating the west to emphasizing Chinese style and characteristics. In the past 40 years, China’s legal education has developed vigorously, with more than 600 universities having under-graduate major

of law and enrolling more than 100,000 undergraduate law students every year. However, China's legal education focuses on the cultivation of domestic legal talents, ignoring the cultivation of foreign-related legal talents. Especially in 1997, when the disciplines and majors were adjusted, the majors of international law at postgraduate level were compressed, the major of international law at undergraduate level was canceled, the courses on international laws were reduced. All these broke away from the practice of international law, ignored the interdisciplinary integration, decreased the quantity and quality of foreign-related legal talents training, and delayed the training process for more than 20 years (Chun, 2019). This directly leads to the shortage of foreign-related legal talents in China. The training and supply of foreign-related legal talents has become a shortcoming for China to promote and participate in the construction of "the Belt and Road Initiative" (Liu, 2020).

In order to alleviate the shortage of foreign-related legal talents in China, the Ministry of Education and the CPLA of CCCPC in 2011 jointly proposed that the breakthrough of training practical and compound legal talents should be to train a batch of foreign-related legal talents having international vision, familiar with international rules and international legal affairs and able to safeguard national interests (Ministry of Education, 2011). In 2014, the CCCPC once again clearly put forward to build a team of foreign-related legal talents being familiar with international legal rules and good at handling foreign-

related legal affairs (Fourth Plenary Session of the Eighteenth Central Committee, 2014). In 2017, the Under-graduate Prospectus for Colleges and Universities added the major of International Economic and Trade Rules, and several universities such as Shanghai University of International Business and Economics and Yunnan University of Finance and Economics were approved to set up this major to cultivate international legal talents. In 2021, Notice on Implementing the Postgraduate Training Program of Master of Law (Foreign Lawyers) identified 15 pilot universities for training foreign-related legal talents at master's level. To a certain extent, the top design has broken the systematic and institutional obstacles of training foreign-related legal talents in China. More and more universities have begun to attach importance to the training of foreign-related legal talents and reshape the new training mechanism of foreign-related legal talents.

Some of these universities have determined special objectives for foreign-related legal talents training. Training objective is the realization of education policy and purpose, and it is the specific standard put forward by schools for students' physical and mental development according to educational policy, educational purpose and specific school conditions. Training objective is the general plan of talents training (Jiang & Zhang, 2008). At present, the orientation of foreign-related legal talents training in different universities has its own emphasis, showing the characteristics of diversified goals. For example, China University

of Political Science and Law proposes to cultivate international legal talents with thick foundation, wide caliber, high quality and strong ability, solid legal theoretical foundation and outstanding foreign language ability, familiar with both Chinese laws (especially foreign-related laws) and international legal rules, and having good international communication ability and excellent cultural and psychological quality, so as to become a legal talent with international vision and competitiveness. Northwest University of Political Science and Law proposes to cultivate applied, compound foreign-related legal talents who meet the needs of the construction of “the Belt and Road Initiative” and opening-up, have both legal theoretical foundation and practical ability, both international vision and pioneering spirit, and can provide legal service for enterprises and public institutions. Beijing Foreign Studies University closely relies on its advantage of foreign languages teaching, meets the market demand of legal talents, and aims to train compound and practical inter-national legal talents.

There can not be without practical training mode for talents training, some universities have developed their own mode of foreign-related legal talents training. The training mode is the structure and operation mode formed by various elements in the process of talent training, which follows the law of talent training and legal education, conforms to the social background and devotes itself to realizing the goal of talent training of legal education (Zhang, 2016). Different universities have different training modes for foreign-related legal talents. For example, China University

of Political Science and Law has set up an experimental class for training foreign-related legal talents and an experimental class for training Spanish-speaking legal talents, and carries out a double-degree training mode of “law + English” and a “3 +1” (three years in home country plus one year abroad) Sino-foreign joint training mode. Southwest University of Political Science and Law has set up an “Experimental Class for Foreign-related Legal Talents”, using the China-ASEAN high-end legal talents training base to carry out systematic training on the laws of ASEAN countries and the rules of China-ASEAN Free Trade Area, and offering special foreign-related legal courses. Beijing Foreign Studies University adopts the double-degree training mode of “Law + English”, “Law + Minor Languages” and the joint training mode between China and foreign countries.

Although the training objective and training mode of foreign-related legal talents in different universities are different, they also have some similarities. First, attention is paid to “thick foundation, wide caliber and high quality” in training objective (Ministry of Education, & Central Political and Legal Committee, 2011). Second, attention is paid to the cultivation of foreign language ability of foreign-related legal talents. Third, the training objective of most universities reflects the true requirements of “internationalization” or “foreign affairs”. Fourth, it is emphasized that foreign-related legal talents should be compound talents with knowledge and ability. Most universities have requirements for other abilities that foreign-related legal talents should possess.

## The Problems of Training of Foreign-related Legal Talents in China

Although some universities have begun to explore and train foreign-related legal talents, there are still many problems that need to be reflected and solved urgently.

### 1. The problems in the notion of talents training

General Secretary Xi has made many important speeches on the training of legal talents. His core point is that the training of legal talents should adhere to the notion of “cultivating legal students both in morality and in law”. The purpose of legal education is to impart legal knowledge and skills and improve legal thinking. However, legal workers should not only pay attention to legal knowledge but neglect morality, otherwise serious adverse consequences will be caused (Fu, 2017a). The purpose that General Secretary Xi put forward the idea of “cultivating legal students both in morality and in law” is to warn legal workers that the cultivation of morality and the imparting of legal knowledge are like two wheels of a car and two wings of a bird, each one should not be neglected. Combining legal education with moral education, on the one hand, we can cultivate people with good moral character, behavior and habits. On the other hand, we can learn professional knowledge related to the rule of law, increase the reserve of professional knowledge and increase the value (Fu, 2017b). The training of foreign-related legal talents should also emphasize “both morality and law”. However, most universities have not adapted to and practiced this requirement in

their practice of training foreign-related legal talents.

Firstly, the relationship between “morality” and “law” has not been clarified in the training of foreign-related legal talents. Legal education should adhere to the trinity: knowledge imparting, ability training, and value shaping, the combination of the three can cultivate excellent legal talents. In the training of foreign-related legal talents, the training of professional professional knowledge is the foundation, and the shaping of moral education is the “soul”. However, in the current practice of the training of foreign-related legal talents in China, legal education is positioned as a special vocational education, which generally attaches importance to professional education and ignores general knowledge education and accomplishment education. No matter the training objective, training scheme or curriculum design, there is little mention of moral education and value shaping in foreign-related legal talents training. This article found that only three among the ten universities which purport to train foreign-related legal talents have incorporated “cultivating students both in morality and in law” into their training program.

Secondly, there is a lack of moral education mechanism in training foreign-related legal talents. In the Opinions 2.0, it is emphasized that foreign-related legal talents should have an international perspective, be familiar with international rules and international affairs, and be able to safeguard national interests. When it comes to the specific training process and curriculum system, most universities rely

on only ideo-political courses, but do not incorporate ideological education into legal courses and the whole process of talents training as suggested by the national government. The latter is more important and effective to realize the aim of moral education in foreign-related legal talents training.

## 2. The problems in the objective of talents training

The objective of talents training in higher education refers to “the regulation of the expected results of educational activities, that is, the expected state of students’ development, according to certain educational purposes and constraints”. Training objective is the core of educators’ practice and theoretical research on cultivating people with morality, which is related to the choice of training ideas and measures (Meng & Li, 2021). For a long time, there has been a dispute between general education and professional education in the orientation of under-graduate legal education, but the main-stream view holds that the objective of undergraduate legal education is “to cultivate high-quality legal professional talents”.

Many national policy documents have defined the training objectives of undergraduate legal education. However, the establishment of training objective should not be simply guided by national policy documents, the most important thing is that all universities should recognize their own position, combine their location advantages and their own ability to their operation, think about how to combine their characteristics with undergraduate

legal education, how to find the meeting point between the construction of “the Belt and Road Initiative” and their objective situation, and scientifically set the training goal of foreign-related legal talents according to their capabilities. By sorting out the training objective and training mode of foreign-related legal talents in some universities, this article found that, at present, the training of foreign-related legal talents are all aimed at cultivating foreign-related legal talents with “thick foundation and wide caliber”. Most law schools are not clear about how to set the training objective of foreign-related legal talents in accordance with their actual situation and location factors. So the former president of East China University of Political Science and Law clearly pointed out that one of the main cruxes of legal education in China is the vague orientation of the objective of talents training (He, 2015).

## 3. The problems in the mechanism of talents training

At present, there are still many institutional problems in the cultivation of foreign-related legal talents.

First, the courses on foreign-related or international laws are insufficient. The training program is difficult to meet the needs for foreign-related legal talents. For undergraduate legal education, the National Standards for Teaching and Learning Quality of Undergraduate Major of Law stipulates the curriculum system of “1+10+N”. This standard clarifies the scope of compulsory and optional courses for all law majors, but without any guidance or exception

for training foreign-related legal talents, so it is not suitable for training specialized foreign-related legal talents. This is mainly reflected in that foreign-related law courses are not core and compulsory courses, and the curriculum arrangement is scattered. After the adjustment of courses in recent years, only international public law has been retained, and whether the other two courses (i.e. international private law and international economic law) are included in compulsory courses is decided by universities themselves independently, resulting in that students have weak foreign-related legal foundation (Guo, 2020).

Second, there is a shortage of qualified teachers of international law. On one hand, due to the difficulty in publishing academic research achievements on international law and little contribution in discipline ranking, only a few law teachers are willing to teach courses on international laws and conduct academic researches in this subject. And many international law teachers are not specialized in this field, most of them do not have international education background and even cannot speak or use a foreign language. On the other hand, it is difficult for law schools to coordinate teachers of international relations, international politics, diplomacy and foreign language majors to support the training of foreign-related legal talents.

Third, the professional practice training system for foreign-related legal talents is not perfect enough. In practice, the construction of practice bases relating to foreign-related and international laws and the arrangement of

practice system are not professional enough. Most universities establish practice bases only in judicial institutions and domestic law firms, and there are few special practice bases for foreign-related legal talents training in international or foreign organizations. This leads to the separation of legal theory education and practice teaching in foreign-related legal talents training.

### **The Reform of Training of Foreign-related Legal Talents in China**

To solve the above-mentioned problems in training foreign-related legal talents, efforts must be made in the following aspects.

#### **1. Reshape the notion of training foreign-related legal talents**

With the deepening of “the Belt and Road Initiative”, foreign-related legal talents should have patriotism and international vision. On the premise of cultivating foreign-related legal talents with “Chinese heart” as well as “internationalism spirit”, all universities should put forward their own characteristic training objective according to their own school history, location advantages and teaching conditions. The determination of training notion and training goal should be comprehensively analyzed according to the current domestic and foreign economic development trend, professional dynamic development, talent requirements of different positions, students’ own plans and so on (Peng, 2020). The training of foreign-related legal talents should integrate the Chinese traditional virtues, socialist core values and legal professional ethics into legal education,



include them in the talent training plan. We should promote the practical ability training of compound, applied and innovative legal talents to adapt to the new era, so as to make the latest legal achievements enter the classroom and textbooks (Zhang & Xie, 2021). The training of foreign-related legal talents should highlight the political and moral nature of socialist rule of law with Chinese characteristics, and incorporate ideological and political elements such as socialist core values, personal ideals and social reality needs, traditional Chinese virtues and excellent cultural inheritance into teaching (Liu & Fang, 2021).

In particular, the cultivation of foreign-related legal talents should shape students' internationalist vision and strengthen the concept of building a community with shared future for mankind. General Secretary Xi calls upon all countries to hold dear humanity's shared values of peace, development, fairness, justice, democracy and freedom, to promote mutual understanding, and forge closer bonds with other peoples, and to respect the diversity of civilizations (Xi, 2022). The training of foreign-related legal talents should seek common values at the international level with the international concept of rule of law and seek legal consensus for the construction of "the Belt and Road".

## 2. Clarify the objective of training foreign-related legal talents

At present, the biggest deficiency of training foreign-related legal talents in China is that the training objective is homogeneous and is not determined in accordance with

the actual needs of local economic and social development. Under the background of "the Belt and Road Initiative", the training objective of foreign-related legal talents should first solve the prerequisite problems of the objective of talents training. The setting of training objective should not only consider the characteristics of the industry which the university relates to, but also combine the regional characteristics, which vary from university to university.

First, we should adhere to the elite education model and avoid homogenization of talents training. With the increasing number of people receiving legal education, the base of legal talents reserve has been improved to a certain extent, but the quality of talents training has not been improved simultaneously. At present, there is still a surplus of low-end talents and a shortage of high-level talents, which is difficult to meet the needs of judicial practice. The training mode of legal talents should be based on the specific needs of legal talents in judicial practice, so as to meet the needs of judicial practice. The construction of "the Belt and Road Initiative" puts forward higher requirements for foreign-related legal talents in China, and the training mode of general education can no longer meet the needs of relevant legal services. Therefore, in order to meet the needs of "the Belt and Road Initiative", the training of foreign-related legal talents should adhere to the talent demand orientation, adhere to the elite education mode and improve the quality of talents training.



And the second, different universities should establish differentiated and characteristic training objective. From the perspective of current practice of training foreign-related legal talents in local universities, the mechanical modular training mode still takes the main-stream, lacking indepth grasp of the hierarchical characteristics of universities and the characteristic needs of regional opening-up to the outside world. The goal of talents training depends on the educational purpose and mechanism, and the setting of the goal needs to comprehensively consider many factors such as the nature of the university, its operation conditions, the level of science and education, the regional economic development and the characteristics of opening-up to the outside world. When setting the objective of talents training, it is better not to use such broad terms as “talents of global governance” or “talents of international influence”, which is obviously beyond the ability of most universities. It is better to set reasonable training goals based on the reality of the university and the region where it locates. Under the background of “the Belt and Road Initiative”, the training objective of foreign-related legal talents should be set as follows: all universities should make full use of their comparative advantages in combination with the actual situation of the university and the local characteristics, and cultivate compound, applied and innovative foreign-related legal talents with world vision and patriotism, proficient in international legal rules and good at handling international legal affairs through professional and elite legal education.

3. Improve the training mode of foreign-related legal talents

The first is to improve the curriculum system. Scientific curriculum system is conducive to mastering legal professional knowledge, acquiring legal practical skills and cultivating legal professional ethics. According to the “1+10+X” curriculum required by the National Standards for Teaching and Learning Quality of Undergraduate Major of Law, courses such as legal professional ethics and special legal courses such as those concerning finance, should be added to the compulsory course system, and the proportion of international and comparative laws should be increased. Considering the actual needs of “the Belt and Road Initiative”, elective courses of relevant legal culture and legal system of the countries along the “the Belt and Road Initiative” should be supplemented in the curriculum system to improve students’ cross-cultural communication ability (Zhang & Xie, 2021).

The second is to optimize the quality and ability of teachers of international law courses. Teachers are the premise and foundation of the reform of training foreign-related legal talents. In addition to adhering to the basic requirements of building teachers’ ethics and improving their teaching level, we should also pay attention to cultivating teachers’ practical skills and foreign-related ability. Under the background of “the Belt and Road Initiative”, in order to meet the needs of international development, we should improve the foreign language level of law teachers, encourage them to learn the languages of countries

along the “the Belt and Road Initiative”, familiarize themselves with the legal systems of these countries, and promote international legal exchanges. At the same time, all universities should provide opportunities for law teachers to participate in foreign-related legal affairs, continuously improve the level of foreign-related legal practice, and lay a strong teaching foundation for the training of foreign-related legal talents. In addition to building a high-quality, professional and innovative senior teacher and management team, we can also hire domestic and foreign legal experts and visiting teachers in practical fields to give lectures, learn the teaching mode of other countries and regions, especially those along the “the Belt and Road Initiative”, so that students can deepen their understanding of the application of international laws, form international legal thinking, and freely apply international legal thinking to foreign-related legal practice.

The third is to build a “foreign-related legal talents training community” with universities as the core and legal practice departments and legal service institutions participating together. Foreign-related legal talents should have international vision and cross-cultural communication skills, be familiar with domestic and international legal rules and have higher legal professional ethics. It should be said that the training of qualified foreign-related legal talents is a cause that needs long-term study and practice, which cannot be completed by universities alone. All universities need to integrate resources to the maximum extent, build a “foreign-related legal talents training

community”, and give full play to the advantages of collaborative education. Collaborative education can be divided into three aspects: “intra-school collaboration”, “interschool collaboration” and “university-local collaboration”. “Intra-school collaboration” refers to the cross-integration of different disciplines and majors within the university, the integration of the superior resources of the whole university, and the cultivation of interdisciplinary and compound foreign-related legal talents. “Inter-school collaboration” refers to the cultivation of foreign-related legal talents by carrying out various forms of cooperation with other universities at home and abroad. “University-local cooperation” requires universities to carry out various forms of cooperation with legal practice departments and legal service institutions to build a platform for jointly training foreign-related legal talents. For example, experts from foreign-related legal practice departments are invited to participate in the goal setting, program formulation, process guidance and effect evaluation of foreign-related legal talents training, to cooperate with domestic and foreign arbitration institutions and law firms to establish international training and practice bases for legal talents (Han & Qin, 2019).

## Conclusion

In the context of “the Belt and Road Initiative”, the demand for high-quality foreign-related legal talents increases dramatically. Some universities have realized this demand and begun to train foreign-related talents. But

the notion of “cultivating legal talents both in law and in morality” and the notion of training foreign-related legal talents with both patriotism and international vision are not completely implemented, the orientation and the objective of foreign-related legal talents training are not clear and adaptable, the curriculum system is not reasonable and qualified teachers of international laws are insufficient. So the supply and the quality of foreign-related legal talents cannot satisfy the demand of “the Belt and Road Initiative”. To solve these problems,

systematic reforms must be conducted, such as deepening the notion of “cultivating both in morality and in law”, clarifying the objective of training foreign-related legal talents, optimizing the curriculum system, strengthening the teaching staff, so as to cultivate compound, experienced and innovative foreign-related legal talents with world vision and patriotism, proficient in international legal rules and good at handling international legal affairs to serve for “the Belt and Road Initiative”.

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