

The Legal Framework of Education in China: A Historical Overview

Abstract

By providing a legal analysis of Education in China, this paper seeks to show historical development of laws, policies and reforms to education in China. Starting with Confucian based imperial education law that merely supported the imperial order and helped to select the bureaucracy, the paper then discusses the education law in the republican period, establishment of the People's Republic of China (PRC) in 1949 and the contemporary education law reforms designed towards the expansion of education, equality and quality. During the PRC, education law was the means of the government to employ social engineering to eliminate illiteracy, increase enrolment of primary schooling and achieve equality. Still, the Education Law of the Federal Congress of 1986 has initiated a step in the direction of the recognition of the education as the right, to obligatory nine years of schooling and placing of education among the state priorities. Subsequent changes in the 1990s and 2000s aimed at reconsidering the legislation to develop the gap between urban and rural education, TVET and higher education, and the fast growing PSE. Also, new laws on the curriculum content, teachers' qualifications, and rights and obligations of institutions providing education were adopted to set a high level of educational activity. The relatively recent policies include the Double Reduction Policy of 2021 that show the government's address to increased academic pressures and socioeconomic concern of private tutoring. There is still much to overcome, such as gaps in education, urban/rural differences and the requirement for laws to be updated in response to China's more international, technologically advanced focus. The paper will conclude with consideration of these challenges and directions for education law in China while stressing the need for a proper balance of regulatory measures that might be conducive for the realization both of the state's goals as well as increasing variation in educational requirements for the population.

Introduction:

Chinese philosophy and culture are old, and history reveals that political and legal factors have formed the basis of education in China. Chinese educational philosophies are traced from the Confucianism of the imperial period to socialist state education of the People's Republic of China (PRC). During these phases, the government remained the centre of educational policy and regulation but the focus and the reasons for regulation have always transformed in accordance with social, economic and political circumstances. This paper aims at providing an exploitative legal analysis of educational legal system in China and assess the changes that has occurred in the educational legal frameworks as a result of laws and policies promulgated at different periods in China(Fairbrother,2013).

1. Early Foundations: Confucian Ideals and the Imperial Examination System

The relatively rich ancestry of the Chinese education system consists of the Confucianism that valued ethics, obedience and cooperation. Getting 라마전 important during the successive imperial dynasties, education primary purpose was to nurture virtues for establishing order. During the Han Dynasty where the Confucianism became the official system of thought, the education was aimed at preparing people for civil service. The school of the imperial examination also known as the civil service examination, which was refined during Sui and Tang and Song dynasties was a legal and an educational system. This examination system identified the civil service recruit and was premised on the Confucian classics; however, the entire selection as well as testing procedures were highly legalistic. It set up a meritocratic system but education and the exam were usually only available for the rich, meaning power remain with the rich making society more rigid instead of equal(Li,2024).

2. The Republican Era (1912— 1949): Western Influence and Legal Reform

By the time the Qing dynasty was overthrown in 1912 and Republican period in china emerged educational reforms began to embrace western thoughts on democracy, scientism and modernization. At this period, the new legal measure for education was launched by the government which was the first attempts at centralizing education with the emphasis on education for everyone in contrast to the privileging of the elite. The first law on National Education was passed in 1912 its main objectives included developing on National Education System from Kindergarten to Secondary Education. In this period there were new innovations like secular curricula and training or preparation of teachers for their job. However, due to the instability in political leaders and their commitment to the enforcement of these laws, there were problems of dynamism and regional differences and difficulties in conducting the laws . Still, these changes stimulated a shift from imperial to modern ways of educational administration and legal regulation(Zarrow,2015).

3. The Founding of the People' s Republic of China (1949): Education as a State Priority

The establishment of the PRC in 1949 brought about sweeping changes in education. The new government viewed education as a vehicle for socialist transformation and development, with a focus on literacy, technical skills, and ideological indoctrination. The early years of the PRC saw the implementation of various education policies aimed at expanding access and improving basic literacy, particularly in rural areas. In 1950, the government enacted the Common Program of the Chinese People' s Political Consultative Conference, which laid the foundation for socialist education. This document underscored the role of the state in providing free and compulsory education, and numerous literacy campaigns followed. During the Cultural Revolution (1966— 1976), however, traditional education was disrupted, as intellectual pursuits were discouraged, and schools were closed. In this period, formal education took a backseat to revolutionary ideology, creating a gap in educational development that would require significant recovery in the following years(Pepper,2000).

4. Reform and Opening-Up (1978 Onward): Establishing the Modern Education Law Framework

Since the end of the Cultural Revolution, China has turned to an economy recovery and development under the leadership of Deng Xiaoping. All these led to a continuous series of legal and education reforms that sought to reconstruct education, raise its quality and improve access. One of the major achievements include was in the year 1986 education law that Compulsory Education Law of the Peoples Republic of china concerning nine years compulsory education for all Chinese children. This law was actually a substantial investment in the process of mass education, seeking to level up the rural-urban gaps and establish future bases for economic development. In the subsequent period, that is through the nineteen nineties and the early part of the two thousands others were enacted to entrench an extension as well as a standardization of this system. In 1995, the Education Law restated the policies on compulsory education and the duties of local governments for funds of school and management. The enacted law is the Teacher's Law 1993 that provided legal framework on matters concerning standards, salaries and professional training for teachers. These laws were changing the scale and the scope of the education laws to encompass a more totalistic and a new dimension of rights for students and teachers (Ma, 2021).

5. The 21st Century: Addressing Modern Challenges and Internationalization

When China moved into the twenty-first century, learners and teachers found they had to contend with several challenges emanating from increasing economic growth, globalisation, and urbanization. In response to these challenges, the Chinese government implemented educational quality and education equality enhancement policies regarding with rural and less developed areas. HE Law was passed in 1998 in order to control the increasing number of universities, and also grant some ideological freedom. This law also helped the government to support the "Massification" policy and ensure that a large number of people went to the university in order to develop a highly trained human capital. In the recent past the government has therefore strived to adapt laws touching on education to be in tandem with the modern world. For instance, the Double Reduction Policy of 2021 is a policy whose main idea is to lessen the academic burden of learners and attempt to manage the social and economical impacts of the fast-growing market of private tutoring services. This policy specifies allowable hours for extracurricular tutors, and limits fees for charges for private education companies, which indicates the possible endeavor to regulate social education by private capital (Li, 2021).

6. Key Issues and Ongoing Challenges in China's Educational Legal Framework

Despite the success, China has experienced relative revamping of the legal framework governing education with the following emerging concerns. Education plays second part but inequality is one of the challenges facing this country especially, urban — rural disparity. Alas, existing differences in school characteristics and teacher quality and the availability of resources remain. Even though the state strives for that result and has been working to provide more funds per pupil, there remain differences in school quality, teachers' qualification, and resource availability. Methods to enhance legislation that may provide additional support to the rural schools as well as encourage the professionals with high ability to take a job in these areas are still required. Another important issue is the problem of determining essential state intervention on one hand, and educational freedom on the other. The state has continuously focused on achievements of

social order and political loyalty in education at the cost of organizational autonomy. This has resulted in limitations of academic freedom in universities thereby eliciting worrying signs on the competence of institutions of learning in hatching intellectual human capital.

Finally, globalization and internationalization top the list of concerning factors. When the educational system of China started to accept internationalization as the policy goal, there arise an issue of integrating it with the international standards but also with the Chinese culture and ideology. Some of these challenges will call for legal changes to enable China maintain a competitive edge and adapt to globalization in the future(Lin,2019).

Ancient and Imperial Educational Structures

A Confucian worldview and a development of the examination system are considered the principal hallmarks of the education system in ancient China. The educational framework was also established in order that good moral characters may be produced as well as that suitable people for administrative posts in the government may be found. This culture that was built on centuries shaped educational enrollment and instructional content in addition to social structure. This section focuses on the of education based on Confucianism, the restriction on education and the laws and legislations to education in imperial China.1.1 Confucian Influence on Education. The dominant learning culture in precommunist China originated from Confucianism through the philosopher K' ung tzu or Confucius (551– 479 BCE). Confucius also urged society to promote moral knowledge production since it creates virtuous, and effective citizens who helped maintain social order. Confucianism taught values and ethical codes for social relations which included the likes of ren (humanity or benevolence), li (ritualism), and xiao (filiality). Education had the purpose of enshrining these values, thereby guaranteeing full respect for the family, authority, tradition — in general, those principles that would keep society stable. This emphasis of moral and ethical teaching created an early base for a systematic formation of education concentrating equal emphasis on character than knowledge. Education in the Confucian model was main agent of moral transformation and Confucianism became the official ideology of the Han dynasty (206 BCE — 220 CE). Confucianism officially became state ideology with influence to education and governance systems of the government. Nonetheless, in the Confucian phase classical, especially the Analects and the Book of Rites set standard study materials that reinstated ethical behavior and state loyalty. Aspiring officials needed to master these texts and thus the state put Confucian moral philosophy into effect in the education system and developed a standardized curriculum(Ye,2014).

1.2 The Imperial Examination System

In the Sui Dynasty (581– 618 CE) the keju or imperial examination was institutionalized as a system of examination that gave any man a chance to enter the civil services provided he passed the examination satisfactorily on his knowledge of Confucianism, moral character and behavior. Imperial examination was the predominant route and the means via which education was connected with the state and mobility. During the Tang period or Dynasty period (618– 907 CE) the prime examinations system was developing providing more and more importance to the Cult texts and classical literature thus perpetuating the Confucian principles even in the political

domain. Read on to know how the examination system evolved: During Song dynasty (960– 1279 CE), the candidates were examined in the Confucian classical writings, the poems and the legal texts. They stressed the subjects of Confucian values in civil service and intellectual capacity to apply ethical standard in leadership, which strengthened the selection of the right authority with moral and academic values. In order to standardize the process of examination the government formulated clear rules regarding the venue, involvement of the examiners, and anonymity of the answer papers. These measures aimed at preserving the sanctity of the exams and reducing bias aiming at improving the credibility of the meritocracy agenda (Gen, 2008).

In the Ming (1368– 1644 CE) and Qing (1644– 1912 CE) dynasties, the examinations became a really strong institution due to which the elite list of the society was formed according to the academic results. Passing the exams ensured significantly improved social class allowing the individuals to become the power elite and financially secure. Nevertheless, as much as the examination is supposed to be inclusive, it only benefitted the rich because the latter could prepare for the examination holistically. Mean families were able to spend money on tuitions, study materials, and time for study so that in the competition for spots in the examination, they are favored (Luo, 2024).

1.3 Education for the Elite

Despite the fact that the imperial examination tried to open some opportunities for society's mobility of the lower classes, education in Imperial China was still dominated by the nobility. Confucianism favoured the attitudes in which betters should rule over inferiors, leading to a class system in learning. In both urban and rural areas, the wealthy families hired private tutors and academies for preparing their children for examinations for they expected education as a tool for maintaining the status and for obtaining the government offices. Moreover, many official educational institutions, such as government-sponsored academies, were located in urban centers, making them more accessible to the elite and those in close proximity. Rural inhabitants, who represented the majority of the population, often lacked access to these resources and educational opportunities. Some academies and private schools in rural areas were available, but they lacked the funding and resources of urban institutions. Thus, while the examination system offered some meritocratic elements, it predominantly served the interests of the elite, reinforcing the social divide. The content of the learning also had elitism qualities, which advocated books and Confucianism instead of more utilitarian and vocational concepts. For example, people who sought offices had to read the Five Classics and the Four Books that consisted of Confucian principles but not numeracy, science and technology or civil engineering. As a result, education maintained specific ideology that was based on the Confucian values, bureaucratic competency and literate curriculum that favored social education over technical or scientific one (Chen, 2020).

1.4 Legal and Educational Institutions in Imperial China:

Education in imperial Chinese society was strictly controlled and status regulated with formal prescriptions governing the founding of schools and colleges and the operations of the examination system. Education was mostly regarded as a way of producing loyal and efficient bureaucrats, therefore, centralization prevailed. According to the Tang and Song legal codes,

certain measures were provided to regulate the examinations in the process of which the provisions specifying consequences when cheating and the obligations of teachers and officials to students were formulated. Such laws explained the state's desire for a non-prejudiced procedure claiming the purity of the examination system as the key to rallying capable officials. Compulsory education became a policy of China during the Yuan Dynasty (1271– 1368 CE), but the government enhanced the policies of education to meet its goals. In curriculum content, laws such as school and curriculum guidelines prevailed and the teachers could only see what was allowed by the state and they had no freedom to consider anything beyond Confucianism. The government also conformed with yearly check-ups and appraisals of the local educational institutions. While previously the state sanctioned what and how subjects were taught, the state also had the responsibility of supervising the content of teaching, as well as controlling the expansion of independent thinking contrary to the state ideology, to ensure that education was tightly controlled by the state, and followed the state-imposed teaching agendas. In particular educational oversight evolved and developed even more during the Ming and Qing dynasties as the state worked to reestablish strict control over society. Not only examination regulation but also laws and policies governed the construction and management of academies of the state. The government provided subsidies for state funded schools and demanded that its civil servants managed them. In terms of private academies, they were much more rigorously policed. Sectors like private schools obviously were made to be on the watch list of local authorities as they revised their course offering and other activities in an effort to avoid being associated with anything liberal. In effect, the state established a dual system of education: one that was conformist to government authorities and another that was reportable to private scholars, though the latter was also heavily policed. Even though the described system is very rigid the imperial government understood that education can help maintain stability. The educated officials are looked for as the bearer of tradition chiefly morality that they have to propagate in social society in accordance with Confucian civilization. The integration education with the state's ethical and administrative objectives brought the examination system to be the critical institution in imperial China with profound connection with the imperial governance and legal systems (Lo, 1991).

Education During the Republic of China (1912– 1949)

An important historic event in China's social history was the overthrow of the imperial Qing dynasty in 1911 leading to the creation of the Republic of China (ROC). This period witnesses intense political and social transformation and what could be rightly referred to an effort at modernization of the country. A major aspect of modernization was now education or the drive toward Europeanisation of the education system and the formulation of legal framework for a national system of education. However, goals such as these were difficult to attain due to the political instability, regional disparities which and limited resources hindered equitable provision of education policies (Kang, 2023).

2.1 Early Educational Reforms

The setting up of the ROC saw the introduction of also a new vision of education that was modern, scientific and open to the public. The authorities of the new republic regarded

education as a means for supporting national consciousness and social and economic development. When the examination system was switched from the Confucian tradition and changed to the one based on the western education system this was the only evidence of the transformation in Chinese education. The new pattern sought to replace the old public curriculum with a new secular and scientific one which will equip the citizens to meet the requirement of the modern nation state. The National Education Law of 1912 was the first significant act towards creating a new type of educational system. This law prescribed a structure that primary and secondary education that were aimed at achieving basic education for all. It offered the education which mattered — knowledge, reason, and citizenship as values that were consonant with democracy and modernization. In the National Education Law itself the main provisions of which was enacted in 1982, primary education was supposed to be compulsory and free however these provisions were never fully implement due to problems of funding and administrative capacity. As for these reforms, the ROC government wanted also to limit the influence of Confucianism and its teachings in education that is why a secular approach in curriculum was introduced. The topics comprised this curriculum were mathematics, science, history, physical education and other courses deemed necessary for producing a productive citizenship. They also supported vocational education as a way of preparing the students for market place through acquisition of skills to meet the republic's industrialization objectives.

2.2 Legal Framework of the Republican Era.

Education during the ROC changed from rather informal to more formal and also more legalistic during the ROC period. Such arguments comprised the stimulation for the government to notice the need for and the significance of adopting standardized curriculum and regulations in operating a consistent national educational system across China different provinces or regions. Therefore, alongside the National Education Law other regulations were initiated with which a systematic strategy could hence be formulated to standardize the quality and availability of education. Among such measures, there could be noted the establishment of a National Curriculum that operated in schools and universities. This curriculum was intended to rationalize the choice of materials in school, advocating principles of unity of the people, the scientific method and patriotism. For a better correlation of the curriculum with the national goals and demands, the curriculum was updated at regular basis and covers goals and objectives such as economic development and anti-imperialism. In order to consolidate the ROC and eliminate regional disparities in education, the common curriculum had been set at that time. To expand the quality of education, the ROC government introduced teachers' certification regulation. Realizing the need for qualified teachers the government brought in teaching certification programs and set up minimum requirements for teachers. Teachers are actually examined and there were qualifications, which enacted professionalism in the teaching force. These certification requirements tried to raise the status of teachers and guarantee that they are prepared and capable of giving new modern curriculum. To enforce and dispense of these laws the ROC set up educational ministries and local education departments. MOE was entrusted for national education administration where it coordinates and puts into practice policies laying down education standards across the country whereas local education bureaus were held responsible for managing the administration of schools in their regions. The above administrative structure was adopted to ensure proper implementation of education policies all across the country. However, these ministry schools had their effectiveness in different regions with the weakness of decentralizing due to regional differences in strengthening the

administrative capacity of education ministries and resource constraints also hampered capacity to effectively manage schools especially in rural areas. Along with those programs, exclusive schools emerged as private schools during the ROC period; it provided education other than the public one. Private schools were nearly controlled by the government but still possess a considerable amount freedom to control the curriculum and the management. These institutions were useful in satisfaction of education needs especially where the government had not provided enough schools. Some private schools sought after European educational system while others offered traditional Chinese educational system in view of the kind of education to be imparted to the young at this period(Yu,2008).

2.3 Educational Challenges

However these large-scale reforms and legal provisions, the ROC encountered many problems that prevented the education laws from being properly enforced. The country was facing political instabilities, bad economic times and issues of imbalance in the different regions hence the government could not easily implement policies in the education sector(Zhang,2022).

Two of these challenges were; First one was political instability. The period between the ROC period saw changes of power, wars, emergence of warlords and emergence of different political systems such as communism and nationalism. These factors made it difficult to continue the government policies and also scarce resource for funding education. In periods of war, schools have been shut down or converted to other uses: the war proved especially destructive when it came to underground schools: the Sino-Japanese War (1937– 1945) in particular. The instability resulted in provisions of incongruent educational experience to the students, something which influenced the morale of teachers negatively. The other major problem was the fact that education difference was apparent between the urban and rural areas. Whereas democratic education reforms and legal legislation were also more effectively experienced in urban locales, rural settings fell short. Closely, the following challenges existed Schools in the rural areas received inadequate funding, poor infrastructure, and qualified teachers to give quality education. In an effort to implement compulsory primary education, the government encountered this problem owing eradicate the education barrier between the rural and urban areas since many of the rural families relied on the labor produced by their young children in order to fend for themselves. In addition, rural schools selected potential teachers with a lower standard of education compared to the urban schools and hence, worsened the difference in quality learning facilities. Economic restrictions also held unparalleled importance in the inability to strictly implement education laws. The ROC government wrestled with sustained fiscal problems which prevented adequate funding for schools and especially those schools that were situated in hard to reach areas. The goals of free and compulsory primary education were also sucked to achieving its mere rhetoric as most school lacked funds and had to impose fees charges for their all expenses. Because of this, contracts charged fees that locked out the poor and effectively denied education to many children(Ran,2017).

However, regionalism and local autonomy, which were mentioned earlier as factors favoring the African Educational Standardization process, became a thorn in the African Standardization process due to the following; When the central government wanted to introduce a unified education system, local governors, warlords and other leaders frequently influenced the processes in their regions, therefore education was interpreted in rather different ways at

different times. Several areas, for instance, had colleges and universities, while others had no education systems at all. This fragmentation delayed the implementation of a comprehensive structure of education and also restrained the efficient working of the central policies(Sideri,1997).

: The People' s Republic of China and the Rise of Centralized Educational Control (1949—Present)

The PRC, which was established in 1949, has also following a transformation process especially in education whose objective was to centralize the control of education and transform its system in order to meet socialist development objectives. The function of education was shifted to create nationhood, social justice and economic emancipation. This section examines PRC ' s post-revolution educational changes, the effects of the 1986 Education Law, and the policy readjustments and expansions that occurred in the 1990 and the 2000s(Chun,2021).

3.1 Education Reforms After Revolution

The establishment of the People' s Republic of China in 1949 also signals the starting point of change in Chinese education system by introducing state propelled endeavour in increasing literacy rate and access to education, and more significantly, consolidating authority for education management. The first conversions were aimed at raising literate and educated population for the purpose of the socialist transformation of the society. The new government thought, in the same manner, that education played an important role towards fulfilling ideological objectives, on top of rallying the nation. Another activity in the PRC early educational campaign was the fight against illiteracy. In 1950s, the government consciously embarked on concerted literacy campaigns throughout the urban areas as well as the rural areas. Starting with basic education, school going children basic reading and writing skills were taught in schools, community centers and at workplaces especially in rural areas where illiteracy levels were high or extremely high. The PRC strived to achieve mass literacy in order to ensure that its citizens are literate enough to attend to basic necessary life aspects such as work and bear knowledge about the state ideology. In complement with literacy campaigns, the PRC has improve on Education Reforms with an emphasis on Education For All — Primary Education. The government targeted to ensure that every child attained a minimum of primary education and this was pegged on raised investment in schools, development of human resource especially teachers and designers of learning materials. Centralization process of education was established to make sure that there is conformity in the type of education being offered to the people, the curriculum reflected socialist principles of the community, political reliability, and nationalism. These early reforms established the basis of the subsequent formation of a centralized educational system throughout the subsequent decades. During the Cultural Revolution (1966— 1976) education lest through radical changes as the government increased its ideology supervision. Schooled and universities are regarded as institutions of “ bourgeois” and were the hotspots; many of them were shut down or reconstructed according to Maoist ideology and class struggle. Parochial disciplines of academic knowledge were displaced while political education and labor activities assumed the central stage of teaching and learning. While this period affected in negative ways

the progress of education and left long-term problems it also pointed out the leadership's intention to employing education to enforce ideological conformity(Gilgan,2022).

3.2 The Educational Law of 1986

1986 was a key year in China because of the implementation of the Educational Law of 1986, this helped China in changing its policy direction regarding education because it was the first time that China put education under article 38 of the constitution thus becoming a formal constitutional right thus the government had to come up with a legal education that would allow every child of school going age to have access to compulsory education. This law may be said to have deliberated an alteration of gears as the country transitioned from something akin to a command economy to a more liberalized economy. The provision of an inalienable right to education meant the government officially endorsed human capital development as part of China's modernization strategy. Educational Law promulgated in 1986 stipulated nine years of compulsory education, six years of primary and three years junior secondary education. This was a good move since it compelled both the state and families to make sure a child received some levels of education. The law also demanded that local government should offer the necessary funds and facilities for compulsory education particularly in the rural tracts where the proportion of illiteracy was high due to lack of proper school. Apart from the provision, which requested compulsory education starting with the year 1987, there were others that sought to do with the status of teachers including their professional competency. To enhance the quality of education delivered and to ensure that teachers who were in the classroom possessed the right skills to transform schools to meet the national standards, the government had formulated policies on teacher certification and training. These were intended to bring about a raise in status of the teachers and the quality of the teaching in both urban and rural centres. However, the Social Aspect of the Educational Law was also underlined to support the idea of 'equality'. The government knew that distribution of education discrimination between urban and rural regions was still rampant, which it intended to rectify through closing the funding gap for the region. Due to the notion of education for each and every Egyptian, the new law of 1986 paved way for the subsequent policies addressing imbalance of proportions of regional and societal disparity(Law,2002).

3.3 Changes in Policy and Reforms (1990s and 2000s)

In the ongoing twenty-first century, China's advancing economic development and popularity of urban life proved to call for still more expansion and restructuring of the education system. For the remainder of this paper the government recognized the necessity of having a qualified supply of talent for development and therefore it introduced policies to expand the number and quality of universities and erase most of the inequalities in the education sector. One of the main objectives of these reforms was the development of the opportunities of higher learning institutions. At the end of the 1990s the government developed the strategy of expansion of the

university, the diversification of the offered curricula and the raise of the academic level to the international standards. In opening up access to education at a tertiary level, the government sought to produce a workforce that could respond to the challenges of an advanced society that was increasingly becoming an information based economy. Employment in this expansion consisted in the privatization of higher education since private university or technical colleges were prompted to supplement government universities. To address such galloping disagreements, the government of the nation proposed executive instruments of promoting educational facilities in rural zones. As education policies to remove inequity in the education sector, programs like the Two Basics Program in which the goal of nine-year compulsory education for all has been set and the eradication of adult illiteracy was launched. the packages consisting of financial reward to teachers in the rural areas, investing in facility infrastructure, subsidies to parents in the low incomes and the likes. By focusing on education for the rural people the government aimed at closing the gap between the rural and urban people hence unification. Similarly, the earlier part of the present decade saw changes in the Educational Law as it attempted to embrace new challenges and missions of the two decades of the 1990s and 2000s. These changes were made in 1995 to stress such aspects as quality of the educational process, the requirement for innovations in the process of curricula upbringing, and so on. This revision brought the quality education (素质教育) into practice stressing for students both their academic performance and the good moral character, critical thinking, creativity, etc. 'Quality-based education' consequently deviated from mass production, non-critical transmission of information and training of students for examinations. For authorities' decentralization, the government introduced school decentralization policies in the 2000s which decentralized the educational administration by providing more power and autonomy to local governments. Nonetheless, decentralisation enabled the targeting of educational management to contexts and customer requirements; it also presented new problems related to increased homogeneity across regions. As these challenges may have been realized, the government opted for evaluation and inspection to check on the schools' performance in meeting the set national standards. The age of the nineties — two thousands also revealed interest in the process of teacher professionalization. Understanding the relationships between quality teachers and student achievement, the government embarked on teacher professional development, enhanced certification regulations and offered performance incentives to teachers posted to hard-to-staff schools. These were meant to ensure an effective supply and quality of a teaching force that is both competent and motivated to addressing new demands in the system. Conclusion. Thus, the experiences of the Chinese education in the PRC can be recounted as a work of dynamic process influenced by ideological, economical and social factors. New patterns of schooling based upon post-1949 reforms were being laid, which created a centralized system of education where literacy and basic education were considered as basic needs of the human and societal development of a nation. The 1986 Educational Law established the fundamental right to education as a state obligation, proposing nine years obligatory education, and responding to the requisites of teacher training and education equality. The further developments in the 90s and the 2000s endowed the Chinese educational structure with new features, as the country aimed at the development of higher education, equal opportunities for rural population, and implementation of the Quality-Oriented Education to cultivate creativity and reasoning skills. These policy shifts clearly illustrate that the government recognises and is willing to adapt the education system to the emerging post-1997

regional and global economic environment. China has been the world's largest country with centralization in education with specific policies in decreasing inequality and enhancing education quality, therefore brought up remarkable improvement. Nevertheless there are still some difficulties: regional differences, shortage of funds and constant need for changes in social and economic environments. Thus, more changes are still expected to occur in China as it tries to tailor education to its people, the difference between centralization and decentralization of the education system will always determine the future of education in the PRC (Zhao, 2023).

The current legal structure and policies towards education have been discussed in this paper.

Chinese education system is still in the process of development to expand the education sectors by implementing new laws and reforms as part of lifting the quality educational services throughout the sectors. Other reforms also show that the government is determined to change something such as academic intensity, inequality and higher education modernization. The following section will discuss the current state of education law in China, the Double Reduction Policy, Latest amendments to the Higher Education Law in China and China's Journey to Promote Education Equality (Liu, 2012).

4.1 The Changed Laws of Education and Reform Laws

Over the past few years, China has shifted its education policy priorities towards the academic burden on students and the rise of large scaled private education services. By far one of the boldest initiatives is the Double Reduction Policy (DOUBLE REDUCTION POLICY) launched in 2021. This policy seeks to address the over academic load that is placed on primary and secondary school students through effective control of homework frequency and intensity as well discouraging the private tutoring business. Double reduction policy indicates there is worry that competition driven by academic pressure, coupled with private tutoring is unhealthy and excessively pressuring for students and families. The Double Reduction Policy restricts after-school tutoring companies from providing core subject teaching and bans for-profit tutoring on weekends, other holidays and during school break. The policy also encourages the improvement of quality of in-school education so that the perceived need for extra classes is done away with. Despite opinions of parents and educators the policy reflects the governmental attempt to regulate educational demands and encouraging students to be balanced and perform well, but not at the expense of their health. Also, the new educational legal changes in China have aimed at enhancing the quality of teaching in public schools. Policies to bring and keep all round high quality teachers into schools, especially to rural areas that are deprived of adequate facilities and technical staff, have been adopted and notions of utilizing technological gadgets in teaching has been encouraged. These changes are also to bring revolution in education sector and to provide equal education standard for all students irrespective to their position in society (Guo, 2023).

4.2 Higher Education Law

The Chinese Higher Education Law offers the legal framework for developing, managing as well as establishing modernity of the higher learning institutions of the country. This law was adopted in 1998 and supplemented in 2018 which provided instructions on the regulation of the universities, rights and freedoms of students and professors, and distribution to fund higher learning institutions. It also concerns questions connected with academic freedom, the status of universities as independent legal entities and their mission in the sphere of research and innovation. Higher Education Law has one of its main goals to enhance role of higher education in nation building. The law provides a measure of protection to freedom of academic freedom according to which universities are in certain measure free to set curricula and pursue researches. However, it also requires university chancellors to ensure that the academic programs offered at these institutions reflect national development priorities with the view to having higher education play a catalytic role in economic development, technology, and social transformation. As part of the Higher Education Law reform, new provisions related to the internationalization of higher education were added in 2018. These provisions compel the Chinese universities to enter into partnership with foreign institutions, exchange students and teach, and engage as well as partner on research projects. Internationalization is a priority area in Chinese government policy because China's universities can aim for global preeminence in their education and research roles, improve international relations and cultural understanding between China and the rest of the world. Also, the Higher Education Law deals with concerns related to the funding and resource provision on university. Most of the public university are greatly funded by government through provision of funds for infrastructural development, research activities as well as studentship especially to needy cases. Further, the law supports establish private investment in higher learning institutions through the operation of private institutions under government set down rules. The mixed funding model holds a goal to increase enrollment and participation in higher learning institutions, as well as give the Chinese learners varied education options (Si, 2024).

4.3 Equality and Diversity

There is a widespread concern with the theme of educational inequality even, if the issue of access to education is one of the most successful in the contemporary China's sociopolitical and socioeconomic development. Specific measures of the latest legislation and regulation include enhancing education quality for students in rural areas and for students belonging to ethnic minorities and persons with disabilities, as well as narrowing the gap between rural and urban schools. Among them it is possible to single out such activity that focuses on combating the issue of inequality — the Targeted Poverty Alleviation in Education Program which intends to increase school attendance rates for children from rural and impoverished districts. This program makes funds available for rural school improvement while providing the teachers in rural areas with better salary and giving scholarships to students from poor households. Through investing in the rural school the government hope to put as much resources as put in other schools thus equalizing opportunities for the rural students. In this case, for the ethnic minorities, bilingual education has been encouraged and cultural diversity in education has also been encouraged by the government. In provinces with concentration of ethnic minorities, schools adopt a model of using both the ethnic language and Mandarin, thus enabling students learn using their own language while at the same time learning Mandarin. Ms also been formed for ethic minorities to

get scholarship and other admissions for the universities in order to increase their enrollments. Performing equal education for children with disabilities is another reform in China's modern legislation. The government has come up with policies that calls for full integration of students with disability in mainstream schools and in the process offering support and services as per the disability. Subsequently, laws require that public buildings, including schools, should be physically barrier-free for persons with disabilities and also requires that the schools give attention to students with disabilities by having teachers undergo through special training, and make available, special instruments that enable the student with disability. The current legal structure of the education system of China shows that the Government has been promoting equity, inclusion as well as modernity. Understanding this, through policy measures such as the Double Reduction Policy, changes to the Higher Education Law, and Rural Compulsory Education and Student Status Policy targeting motivated students, the government see plans to design a society and a world class education system that can address the need: equity and social justice in access, efficiency, cost, and quality. But there are problems and they are the following: regional differences, funding constraints, and the always-recurring question of how to properly address societal and economical changes. When developing new educational policies in China, the emphasis is made on the quality, equity and access to education as the key strategic factors to be considered in the future (Wu, 2022).

Select Issues in Education Law and Policy

China has already developed many aspects of legal quality, equity and accessibility for education laws and policies, but it has several challenges for implementation. This section explores three key issues: education inequity and standards, the privatization of education, and legal rights of teachers. In combination, these areas reveal the challenges of integrating education reforms with multiplicity and conflict of interests of social nature (Postiglione, 2015).

5.1 Educational Inequality

This brings me to one of the most crucial problems of Chinese schooling: the continued dual structure of schooling: that is, urban and rural schools. Despite government efforts at equitable distribution through the provision of subsidies to support virtual adequacy and of monetary incentives for teachers posted in hard-to-staff schools in the states, funding, quality of teachers, and availability of educational resources still differ considerably. Education in urban schools is financed better, the facilities are better, there is a better pool of teachers to recruit from, thus there exists a significant difference with that in rural schools. In an effort to close these gaps the government has included strategies such as the Targeted Poverty Alleviation in Education Program and financial assistance for educationally disadvantaged areas. Nevertheless, the available local funds together with physical infrastructures in the rural areas are still inadequate to support proper implementation. However, this is aggravated by regional differences in economic development, in which regions with high revenues can allocate larger amounts of money to their educational systems than regions with lower revenues. The hukou system to an extent, also explains the restricted mobility of the rural students and dimensionally affects their educations and employment opportunities in cities—inequality in education (Zhang, 2017).

5.2 We Private Education and Public Education

These developments make the ownership of private education, its regulation, accessibility, and equality of opportunity in urban centres puzzle. Private tutoring and elite private schools have received high demand among populace families of the urban community to avail supplementary study aid for their children. This is a disadvantage since private touches on education flexibility, ability to approach the subject in a tailored manner and enhanced teaching methods and instructional methods to the students as opposed to the public education which is a disadvantage since, the rich families can afford extra lessons while the poor are unable to. In this trend, there is inequality where students from different classes sets they are coming from will be further privileged. To this end, the Chinese government has developed the Double Reduction Policy in the academic year 2020-2021 with the goal to regulate the private tutoring sector and the overdependency on private education. It is the existing policy under which students are put to curb the interference of private tutors in their academic life and public schools which are supposed to offer quality education. As it is, the policy has been countered by families who believe it hinders them from completing their children for job placements and by private education stakeholders who have recorded losses. Although the expansion of private education is one of the goals, the government still faces a problem of maintaining justice and equality in the sphere along with trying to eliminate competition in the sphere, which hinders individual freedom. The second issue of private versus public education system is the involvement of private schools, which are for a profit and are relatively new to the city and other affluent places. These institutions remain problematic for the government to oversee, monitor, and ensure that perpetuate educational qualities, and do not contribute more to social injustice. Private schools are more numerous and provide a greater variety of educational services, but at the same time, they bring issues about how equality of opportunity can be preserved and how education's lack of equal opportunities for all children won't be exacerbated by children's wealth (Hannum, 1999).

5.3 Other Legal Rights for Teachers

This paper finds that teacher rights and working conditions are an essential but frequently neglected issue in China's education system. Patterns of the salary system, working hours, employment rights, and training for teachers are problematic in China. Since the government has tried to enhance the teachers' remuneration and offered incentives to pay teachers teaching in rural areas, the remuneration of teachers is still comparatively low comparing with other professions especially in the economically deprived areas. Such pay discriminating causes high turnover, and schools in the rural area have a low capacity to attract and maintain qualified teachers. Teachers are also hardworking and under pressure, especially the teachers in urban schools where most parents and schools authorities pile a lot of pressure on teachers. The Double Reduction Policy complicates teaching work by adding the layer of enhancing the quality of in-school learning alongside workload management. The following has been contentious to harmonize, many a time, teachers are under pressure to deliver results with minimal or no assistance. Also, teachers' freedom of association as well as collective bargaining freedom is restricted making them unable to fight for good conditions of work. The other factor is employment rights and teacher training prospects. In general, teachers in public schools have a

guaranteed employment status but teachers in private schools and those with a contractual basis and little professional development. Further, student teachers are always complaining of inadequate chances for practice occasioned by limited facilities for training especially in remote areas. This lack of support hinders them from equipping themselves for better teaching strategies and content worthy to help address the changing needs of the system. One of the most challenging issues of the current situation in China' s educational system is educational inequality, the existence of the popular private educational institutions and legal defence for teachers. Solving these challenges. involves achieving a positive collective state in which student, teacher, family, school, community, and district interests are effectively balanced in a way that also supports equitable, socially just, and nationally sustainable education. In this way, China will be able to build steps towards establishing the more inclusive, fair, and sustainable educational system that has to respond to the needs of Chinese population and to contribute into the long-term perspectives of the country' s development(Mok,2013).

Conclusion

The changes in Chinese legal system regarding education are illustrate the Chinese addiction to maintain a strong state power with respect to the civil needs. Beginning with the Confucian movement for moral enlightenment and up to the formation of the People' s Republic of China as a nation state, the law on education has evolved to embrace questions of equity — which involves the ability of every learner to access education or not, curriculum questions — which concerns the kind of education that is being offered to learners, or educational questions or rights — which involves the type of education that learners ought to receive. The practical and legal bans conducted by the state of Minnesota have legally framed education starting with the Education Law of 1986 and its amendments — produced formal/ legal supports to education' s interpretation as a fundamental civil right with the state mandated for equitable education for equal education for All Nations education across the education pipeline. Nevertheless, several vital challenges remain. Student achievement, especially disparities for students in rural and urban areas, as well as the role of SES in attainment and quality of education are still a concern to students across the country. Appealing interventions are also development since there is increased privatisation of education especially in urban areas; whereby the provision for fairness is hampered by the ability of families to pay for private education as well as tutors. This commercialization of education has brought new inequalities into education and therefore the legal regulations in the matter become a crucial factor towards ensuring equity. Furthermore, the constant calls for quality enhancements; at the same time constant call for relaxing academic pressure, illustrates the challenges of fashioning an optimal learning system, which serves the present society needs well. In the future, it is expected that educational law and policy in China will continue to respond to these challenges by developing the equity issues, the regulation of private education and, finally, teacher rights and professional development. When China undergoes further changes in the social and economic realm, the government will have to make sure its education reforms are indeed inclusive, quality and flexibility. These historical and reformist developments underpinning of this framework will be indispensable in establishing the requisite education system for a nation guided by the tidal shift of these dynamics within the global environment.

References:

- ✧ Fairbrother, G. P. (2013). The Chinese Paternalistic State and Moral Education 1. In *Citizenship Education in China* (pp. 11-26). Routledge.
- ✧ Li, Y. (2024). *Individualization and Citizenship-Shaping in the Chinese Education System: A Critical Qualitative Study of Chinese Elite University Graduates* (Doctoral dissertation, UCLA).
- ✧ Zarrow, P. (2015). *Educating China: knowledge, society and textbooks in a modernizing world, 1902–1937*. Cambridge University Press.
- ✧ Pepper, S. (2000). *Radicalism and education reform in 20th-century China: The search for an ideal development model*. Cambridge University Press.
- ✧ Ma, X. (2021). *The Economic Impact of Government Policy on China's Private Higher Education Sector*. Springer Nature.
- ✧ Li, Y. (2021). *Property-led education in urbanising China: governance, financing and outcomes of public-private partnership schools* (Doctoral dissertation, UNSW Sydney).
- ✧ Lin, P. L. (2019). Trends of Internationalization in China's higher education: opportunities and challenges. *US-China Education Review*, 9(1), 1-12.
- ✧ Ye, W. (2014). *Power and moral education in China: Three examples of school-based curriculum development*. Lexington Books.
- ✧ Gan, H. (2008). Chinese education tradition-the imperial examination system in feudal china. *Journal of Management and Social Sciences*, 4(2), 115-133.
- ✧ Luo, X. (2024). *Meritocracy or not: state, elite families, and the examination system in the Qing dynasty* (Doctoral dissertation, London School of Economics and Political Science).
- ✧ Chen, Y. (2020). *Changing Concepts of Merit in China's Education System: An Oral Historical Research of Teachers in Key Schools* (Doctoral dissertation, Loyola University Chicago).
- ✧ Kang, W. (2023). *Educating the New China: Writing and Rewriting Qing History in the History Textbooks of the People's Republic of China, 1949-2023* (Doctoral dissertation, Vanderbilt University. Dept. of History).
- ✧ Yu, T. (2008). The revival of Confucianism in Chinese schools: A historical-political review. *Asia Pacific Journal of Education*, 28(2), 113-129.
- ✧ Zhang, S. (2022). *The Crisis of Distribution and the Regulation of Economic Law*. Routledge.
- ✧ Ran, R. (2017). Perverse incentive structure and policy implementation gap in China's local environmental politics. In *Local Environmental Politics in China* (pp. 15-37). Routledge.
- ✧ Sideri, S. (1997). Globalisation and regional integration. *The European Journal of Development Research*, 9(1), 38-82.
- ✧ Chun, L. (2021). *Revolution and Counterrevolution in China*. Verso Books.
- ✧ Gilgan, S. (2022). *Utopia in the revival of Confucian education: An ethnography of the classics-reading movement in contemporary China* (Vol. 46). Brill.
- ✧ Law, W. W. (2002). Legislation, education reform and social transformation: the People's Republic of China's experience. *International Journal of educational development*, 22(6), 579-602.
- ✧ Zhao, H. (2023). Innovative System for Personnel Management in Chinese Vocational Education Institutions.
- ✧ Liu, J. (2012). Examining massification policies and their consequences for equality in Chinese higher education: A cultural perspective. *Higher Education*, 64, 647-660.
- ✧ Si, H. (2024). *Governance of Transnational Higher Education: A Study of Sino-Foreign Joint Institutes* (Doctoral dissertation, The University of Manchester (United Kingdom)).
- ✧ Wu, M. (2022). The impact of measures aimed at achieving equity and quality in Chinese ethnic minority education. In *International handbook on education development in Asia-Pacific* (pp. 1-14). Singapore: Springer Nature Singapore.
- ✧ Postiglione, G. A. (2015). *Education and social change in China: Inequality in a market economy: Inequality in a market economy*. Routledge.

- ✧ Zhang, H. (2017). Opportunity or new poverty trap: Rural-urban education disparity and internal migration in China. *China Economic Review*, 44, 112-124.
- ✧ Hannum, E. (1999). Political change and the urban-rural gap in basic education in China, 1949-1990. *Comparative education review*, 43(2), 193-211.
- ✧ Mok, K. H. (Ed.). (2013). *Centralization and decentralization: Educational reforms and changing governance in Chinese societies* (Vol. 13). Springer Science & Business Media.

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